

**CITY OF SANTA BARBARA
FIRE & POLICE COMMISSION MINUTES**

Thursday, **May 23, 2013 @ 4:00**
David Gebhard Public Meeting Room
630 Garden St.

REGULAR MEETING

1. CALL TO ORDER/ROLL CALL:

Present: Commissioners: Christensen, Lennon, and Torell (Commissioner Rodriguez and Torres-Santos absent)

Staff Present: Police Chief Cam Sanchez, Fire Chief Pat McElroy, Secretary Barbara Sansone, Police Technician Holly Perea and Deputy City Attorney John Doimas and Councilmember Bendy White

2. APPROVAL OF MINUTES:

MOTION: Lennon to approve minutes of **April 25, 2013**. Torell seconded.

VOTE: Unanimous voice vote.

3. PUBLIC COMMENT:

Any member of the public may address the Fire & Police Commission for up to one minute on any subject within the jurisdiction of the Commission that is not scheduled for a public hearing before the Commission. The total time for this item is 10 minutes. If you wish to address the Commission under this item, please complete and deliver to the Commission Secretary before the meeting is convened, a "Request to Speak" form, including a description of the subject you wish to address.

None.

4. SUBCOMMITTEE REPORTS

Tow regulation Subcommittee – Final Proposed Rules and Regulations have been sent to the City Attorney's for review, and anticipate having comments back by next meeting.

Commissioner Torell inquired about the latest draft of the revised Tow Rules and Regulations.

Deputy City Attorney John Doimas made changes and is waiting for an answer regarding presenting the revised edition to City Council. There is also a question waiting to be answered regarding towing errors and who incurs the cost. He should have an answer by the next meeting.

5. OLD BUSINESS:

6. NEW BUSINESS:

Commissioner Lennon requested for a future meeting to discuss licensed Private Patrols and Detective Agencies.

7. LA PACHANGA – 518 N. Milpas St. – Nightclub Dance Permit

Present: Elias Botello, Owner and his daughter Gaby Botello

RECOMMENDATION:

Based on the quantity and egregious nature of the multiple violations of local and state laws discovered by ABC agents and SBPD officers during the November enforcement action, many of which are directly related to the management and business operations of the premise, it is the recommendation of the Santa Barbara Police Department that the application for a Nightclub Dance Permit for La Pachanga at 518 N Milpas Street be denied in accordance with Santa Barbara Municipal Code §5.20.070(C) **Grounds for Denial of a Nightclub Dance Permit:**

“The Board shall deny an application for a Nightclub Dance Permit only when it has evidence sufficient to make one or more of the following findings for denial:

2. The applicant or any person designated by the applicant to exercise on-site managerial control over the nightclub has been convicted of a crime which is substantially related to the qualifications, functions, or required duties of a permittee within the past five years.”

Gaby Botello passed out a letter to the Commissioners which she had addressed to Police Technician, Holly Perea addressing each of the points listed on Ms. Perea’s Staff Report.

Commissioner Christensen suggested the Commissioners take a moment to read the memo and they did so.

Torell asked if the business was currently opened. Gaby Botello stated that it was closed through June 1. Torell asked what kinds of changes have been made to do things differently. Gaby Botello stated that they would do what was necessary.

Torell asked staff what was behind the recommendation. Sgt. Kushner said that several incidents have occurred over the last year but the most noteworthy is the reference to the owner “not being arrested.” Sgt. Kushner said that on November 16, 2012 the police department and ABC worked a case together involving “Bar Girls or B Girls.” The department and ABC sent in undercover officers and observed this on multiple occasions. Females would arrive and remove their clothing to increase alcohol sales and also increase the price of the alcohol. Sgt. Kushner said the owner was arrested that night and issued a citation by ABC. He was not physically booked into the jail but charges were pressed against him. Botello pled guilty to some of the charges and fined. ABC suspended their liquor license.

Torell inquired if issuing the Dance Permit would have anything to do with this one way or another. Ms. Perea stated that the language in the Municipal Code specified “The Board shall deny if the applicant or any person designated by the applicant to exercise on-site managerial control over the nightclub has been convicted of a crime which is substantially related to the qualifications, functions, or required duties of a permittee within the past five years” therefore the department’s recommendation is to deny the Dance Permit.

ABC had Mr. Botello sign a document which states should there be 1 more incident in the next two years, their liquor license will be revoked. ABC has a progressive penalty and it takes a lot to get to this place and issue this severe a penalty.

John Doimas clarified Torell’s question about whether the Commission had any discretion one way or the other. Doimas said “shall” is mandatory where “may” has more discretion.

Susie Thompson, a resident of the 500 block of State St., stated that for a license to get a 30 day suspension the business had to do a “lot wrong” to get to that point. This is a serious charge and this has never even been done on State St. to any of the businesses.

MOTION: Christensen to approve the recommendation to deny Nightclub Dance Permit based on the MC Section, paragraph 2.

VOTE: Unanimous voice vote, Motion Passed.

Holly Perea explained to Elias and Gaby Botello that they would be receiving a letter stating the denial of their Dance Permit and the Appeal procedures.

8. FIRE CHIEF’S REPORT

From Fire Chief Pat McElroy:

- Provided report handouts on types of incident calls and monthly response times – 837 calls 466 medical emergencies responded to; significant incident fire to “Jill’s Place” on Santa Barbara St. remains under investigation; Springs Fire in Camarillo – 2 Engines and a Battalion sent from the City. Participated in structure protection.
- Anticipating a busy fire season
- Budget presentation given to Council this week. Highlighted to Council a new program called “Firehouse Analytics.” Chief included graphs to hand out to Commissioners; statistics from this program will be included in the Fire Chief’s monthly reports to the Commissioners; This will be similar to CompStat which the police department uses; shows trends on a weekly basis.
- Chief McElroy explained “response times” to the Commissioners
- Chief McElroy invited the Commissioners to make an appointment if they would like a demonstration of the new program
- 8 new firefighters graduating; all lateral firefighters; 3 from Fresno FD, some Forest Service people
- Water rescue training going on, very happy with the progress and thankful to Harbor Patrol.
- Received “Radio Grant” of \$400,000 allowing individual radios to be purchased for everyone

8. POLICE CHIEF’S REPORT

From Police Chief Sanchez:

- Holly Perea stated for the record that she advised Gaby & Elias Botello regarding the letter they would receive which would explain the appeal process.
- Budget presentation given to Council; made a pitch for 2 additional officers which would allow the opportunity for 2 seasoned officers to be assigned to State St. foot beats
- Gang Injunction presentation given to Council; decision hopefully will be given by July; 4 murders since the Chief has been here that were committed by gang members against non-gang members; since the process has started 9 of the 30 names associated with the injunction are in prison; only 13 of the 30 are not in custody
- 7 graduates from Academy starting with their FTO’s this week
- 6 presently in Academy
- Security Gates and relocation of the Dispatch center are on track; Dispatch moving to Granada Garage; Security Gates still at Public Works; the department was given a grant to pay for these

- Response times under 7 minutes; burglaries down because of several arrests and the work of the Criminal Impact Team
- Fourth of July and Fiesta in the planning stages; additional tasks due to the Boston incident
- Video cameras going live next week; did not cost the City money but all Asset Forfeiture money was used to purchase all cameras at one time
- Chief encouraged Commissioners to go on a ride along

Christensen commented positively on CompStat. Chief Sanchez said in the last month there has only been 1 hot prowler.

9. ADJORN: 4:55 PM