

CITY OF SANTA BARBARA
FIRE & POLICE COMMISSION MINUTES

Thursday, **April 24, 2014** @ 4:00
Police Department Murphy's Room
215 E. Figueroa St.

REGULAR MEETING

1. CALL TO ORDER/ROLL CALL:

Present: Commissioners: Christensen, Laponis, and Melekian (Torell excused absence)

Staff Present: Police Captain David Whitham, Fire Chief Pat McElroy, Police Sergeant Kushner, Councilmember Gregg Hart, Assistant City Attorney John Doimas, and Acting Secretary Carol Lupo

2. APPROVAL OF MINUTES:

MOTION: Melekian to approve minutes of **February 27, 2014**. Laponis seconded.

VOTE: Unanimous voice vote. Motion passed.

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

None

5. OLD BUSINESS

Melekian inquired whether Laponis and Melekian should have voted as new Commissioners at the February 27 vote taken regarding 805 Roadside Towing.

Attorney Doimas responded that there was no issue with them voting. They could make a decision based on the facts presented.

Melekian clarified and wanted to state for the record that his vote was based on the Police Department's recommendation and the applicant's ability to have the required 20,000 sq. ft. of storage space, and was not based on the time requirement.

Christensen asked Doimas to let Commissioner Torell know that there were no issues regarding the vote at the next meeting he is present.

6. NEW BUSINESS

Laponis made a request of Fire and Police Commission staff that major items pertaining to the Fire and Police Departments be brought to the commission so they can provide recommendations to City Council. One major item he referenced in hindsight was the gang injunction. He would like any item that would be of interest to community be brought to the commission so they can advise City Council.

Both Melekian and Laponis would like information on the scope and duties of the commission.

Doimas responded that the City Charter is on the City website, but that it can also be discussed at next meeting, if he is available. Christensen also requested any archived Commission records pertaining to the roles and duties of the commission be collected from the City Clerk's office.

Christensen stated that after meeting with the City Administrator recently, that it was suggested that the Commission adopt the same policy as City Council, requiring that at least 2 commissioners support an item to put it on the agenda.

MOTION: Christensen to implement a policy requiring that at least 2 commissioners support a matter in order to agendize an item. Laponis seconded.

VOTE: Unanimous voice vote. Motion Passed.

Christensen requested that in order to avoid any Brown Act issues and to assist in agenda management, that staff just circulate the draft agenda to the Chair and Vice Chair for review.

Christensen also requested that the commission receive Brown Act training. Doimas was aware of this request and will schedule some training in about 2 months.

7. WHISKEY RICHARDS – 435 STATE ST. – REVIEW OF NIGHTCLUB DANCE PERMIT DUE TO CHANGE OF OWNERSHIP:

8.

Present: Phillip Wright and Courtney Wright, and Matt Olufs.

Sgt. Kushner read the Police Department staff report and recommendation.

Laponis asked if the requirement of stationing an attendant near the restroom implies that one security employee be a female. Sgt. Kushner replied no, that the security personnel are just there to deter illegal activity.

Douglas, an employee from the Holiday Inn Express commented they are concerned about live music and hope the new owners will continue to work and communicate with the hotel to assure compliance.

Laponis asked if there are decibel level issues. Sgt. Kushner answered no. There is a 50 ft. rule, and that the PD would respond to any complaints made.

The new owners Phillip and Courtney were introduced by Matt Olufs.

Neal Ablitt, a nearby neighbor, commented on concerns he has regarding the use of the public alley and that the new owners continue to keep their portion secure and maintained.

MOTION: Laponis to accept staff's recommendation and issue a dance permit with noted conditions to Whiskey Richards. Melekian seconded.
VOTE: Unanimous voice vote. Motion Passed

9. ANNUAL MEETING FOR TOW OPERATORS TO DISCUSS ANY ISSUES CONCERNING THE TOW ROTATION:

Christensen stated that there was a request from the tow operators to review the rate schedule, which was last updated in 2008, but unsure of how the process should take place. Both Captain Whitham and Attorney Doimas are unaware of how the last rate increase was figured, but offered to research the process for the next meeting. Captain Whitham suggested hearing comments from the tow operators on the need to change current rates.

Chuck Love, of Loves Towing, suggested the easiest method would be for the tow operators to tell the commission what they want. Christensen clarified that the rates they come up with will apply to all the operators on the list. Love explained that most of the operators are involved with 2-3 law enforcement agencies and are aware of what their costs are. He explained that there is a higher cost of storage and there are a lot of abandoned vehicles in Santa Barbara.

Christensen asked if the rate schedules from Sheriff and CHP are in line with each other. The operators said their rates are very close, and SBPD rates are lower. Christensen asked if the Sheriff and CHP have an established process to make rate changes. Joel Butera, Smitty's Towing answered yes. Christensen asked if those agencies have a process which is automatic, like an annual Cost of Living Allowance. The operators answered no.

Doimas suggested operators present a schedule and basis to make the changes.

Christensen asked if the PD could contact the Sheriffs and CHP. Whitham stated they can get procedures, rates and historical rates and present to the Commission. Christensen agreed.

Melekian asked to hear from the operators about the disparity in the Sheriff and CHP rates and how they are determined. Butera answered that the CHP has an open enrollment every June and invites all operators to apply. If the operator passes the rules and inspections, they are asked to submit rates for all services, storage, and vehicles to CHP. The operators' rates must be within 15% of every other operator's rate. Each operator has a different rate; there is not a menu of rates like SBPD. Christensen asked if additional cost data has to be submitted to the CHP to support their rates. Butera answered no. Butera explained that the last time the SBPD rates were increased in 2008 they went up by a percentage. Now the process has been added to the rules to occur in January.

Laponis asked if there had been a request to raise the rates since 2008. Butera answered no.

Christensen asked what the process was for the Sheriff's office. Butera answered it is the same as CHP. Love clarified it is the same for Lompoc PD, Santa Maria PD, and most surrounding agencies.

Laponis clarified that the operators are setting the rates, not the agencies. The operators agreed.

One operator explained that in some other counties, the rate structure at other PD's is based on, and the same as, the CHP rates. He explained that storage is the highest cost in Santa Barbara.

Laponis asked if there are any categories of fees that are not included in the SBPD rates. The operators answered yes.

Love again stated that the operators in Santa Barbara deal with a lot of "junk" cars that need to be stored, which they don't need to do as often with the Sheriffs or CHP.

Greg Voight from Smitty's described how costs are much less, from storage to labor in other communities. Christensen asked if adopting CHP rates, as other communities do, would be a solution. Voight said yes, to some degree, but warned it would be a substantial increase from where SBPD rates are now, since rates have not been increased in 5 years.

Butera suggested that the PD continue with the rate structure that the commission has now, and not change to a structure like the CHP because of all the different rates.

Laponis asked if the commission could ask staff to research the rates. Christensen agreed. Capt. Whitham stated there does seem to be a need to look at increasing the rates. Christensen asked that staff research the different rates and provide the commission with a recommendation from the department on adopting different procedures or just update current rates.

Christensen asked the tow operators to look over their rates and bring them to the next meeting, so that they can be prepared in advance of the annual January meeting.

Laponis asked if there are any other matters that the operators would like to discuss. No other issues were provided.

The Commission agreed to "Discuss and set rates" at the next meeting.

Whitham asked if the operators all get together to make sure they are within 15% of each other, if there is some form of collusion, for the CHP rates. The operators said no, they just submit their rates and if they are not in line, they are asked to resubmit. Aaron Boucher from 805 Roadside explained that the operator rates basically range from \$220-\$240 for towing, and \$60-\$80 for storage. Captain Whitham asked that the operators send in their current rates, and he will prepare a report and recommendation to the Commission.

Item continued to set rates at the next meeting.

10. APPOINTING FIRE DEPARTMENT AND POLICE DEPARTMENT SUBCOMMITTEES:

Melekian stated he is interested in representing the Police Department.

MOTION: Christensen to appoint Melekian as the Police Department liaison, Laponis seconded.

VOTE: Unanimous voice vote. Motion passed.

MOTION: Christensen to appoint Laponis as Fire Department liaison, Melekian seconded.

VOTE: Unanimous voice vote. Motion passed.

11. FIRE CHIEF'S REPORT

From Fire Chief Pat McElroy:

McElroy provided statistical reports on responses from March. Response time instances of 34 minutes could be from anomalies but still overall average is 3:30 minutes.

Significant number of fires, and events:

- Circle Drive wires down ended up as a structure fire
- 3 fatality traffic accident on Hwy 101. Crews on scene several hours.
- Large wave from storm, trees down.
- Drowning at SBHS.

Department is completing the budget process, and presenting to Council on May 12, targeting a new project at the training tower consisting of a modular system for live burn training. This is a capital improvement budget item.

Cruise Ship procedures – Met with Harbor personnel to discuss medical emergency responses to cruise ships. One of the problems is that the requests are coming from different points of contact: on the ship via cell (which may go to CHP); from Sea Landing (Engine 1 response district); or from the Harbor (Engine 6 response district) - Chief McElroy will be to contacting other fire agencies to ask about their policies.

Engineer Kevin Corbett – also former PD officer, is battling cancer and department recently had a fundraiser, head shaving event, and blood drive to support our brother.

Fire Season Media Day is scheduled for May 8, 11 a.m. in Fleischman Auditorium at the Natural History Museum. The presentation will follow an incident briefing format, similar to what is done during fire assignments.

Laponis asked if the department would respond for fires aboard a cruise ship. McElroy responded no, that the department is not equipped to fight ship fires. The Coast Guard and/or Navy would be responsible, and staff aboard the ship are also trained.

Christensen inquired about the fees that the cruise ships pay to anchor here. McElroy stated that all the fees go to the Waterfront Department, and that the City hopes that travelers come back on their own and generate additional revenues for the City in the form of occupancy taxes, etc. Christensen inquired that maybe we should charge an additional Fire/Emergency response fee. McElroy stated it is far too early to consider charging a fee, and the push/pull from doing so may significantly increase the requests for assistance.

Christensen inquired about the current study of the ARFF unit and the possibility of a joint meeting with the Airport Commission to go over that study. McElroy answered it would be appropriate once the final report is done.

12. POLICE CHIEF'S REPORT

From Captain David Whitham:

Staffing levels – Currently over hired by 1 position. Recently graduated 3, who are now in POST academy, which includes 40 hours of traffic collision training.

Records and all other divisions are fully staffed, except Dispatch, which is down 8 positions. They will be hiring 2 dispatchers in the next few weeks. Retention is the issue. Dispatch's move to the Granada garage occurs by July. EMD – full time employees are all trained.

Recent personnel moves – Lt. Molina has moved back to Patrol; Lt. Pfleging to Communications Center.

Downtown travelers issue – Recent effort to curb the travelers hanging around downtown by putting a 24/7 'spotlight' on them. Business owners relate that things are much better. The PD uses the Sheriff Work Alternative Program workers for transient camp clean ups, and have recently assumed the works comp issues from the County when using that program.

Tour of California bicycle race, to take place on May 15. A lot of PD resources are needed, but paid for by the event.

3 Fatality traffic accident – PD assisted during the 12 hour investigation.

Compstat report – No meeting occurred this month due to an electrical fire in the building that day, but stats are available.

Priority 1 calls – 7 min. average. Priority 2 Calls – 15 min. average. - are well within 5 year average

Aggravated assaults – PD seeing an increase in the Waterfront area, perhaps due to the change in rules at Casa Esperanza and the transients moving out onto the streets. There is also an increase in the downtown bar area.

Drinking Driving Team officer- Is back on, so should be seeing an increase in DUI arrests.

Christensen noted that it appears commercial burglary has gone up. Captain Whitham answered that most of the burglaries are shoplifting cases.

Laponis asked if there has been an increase in shoplifting. Whitham answered that no, that the biggest impact has been AB 109.

Laponis congratulated the department on the new Franklin neighborhood center, providing an officer presence in the area.

13. ADJORN: 5:45 PM