

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA MAKING CERTAIN FINDINGS RELATED TO ITS DENIAL OF AN APPEAL FROM A DECISION OF THE FIRE AND POLICE COMMISSION CONCERNING WHISKEY RICHARDS DANCE PERMIT PURSUANT TO SANTA BARBARA MUNICIPAL CODE CHAPTER 5.20.

Whereas, on May 14, 2013, a hearing was held before the City Council on the appeal of the Santa Barbara Fire and Police Commission's decision to suspend the Dance Permit of the establishment known as "Whiskey Richards" for a period of 60 days and permanent revocation of the Dance Permit should a citation be issued for a violation of Santa Barbara Municipal Code Section 5.20.150(E) within the 12-month period following the suspension. The appeal was brought forth by Whiskey Richards owner Bill Clayton. The Council received testimony from the Appellant, Santa Barbara Police Department staff and other members of the public. Following due deliberation, the City Council voted to deny the appeal but to reduce the suspension of the Whiskey Richards nightclub dance permit from the period of 60 days to 30 days (of which 16 days of suspension remain). In addition, the City Council overturned the Fire and Police Commission's subsequent recommendation that the permit be permanently revoked if a citation is issued to Whiskey Richards for a violation of their dance permit conditions or the City dance ordinance or State law, within the next twelve (12) month period.

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

1. The City Council hereby finds as follows, in accordance with Chapter 5.20 of the Santa Barbara Municipal Code, based on substantial evidence appearing in the record before the City Council. That the Appellant has conducted his business in a negligent manner and has allowed state law alcohol control violations to occur at Whiskey Richards on several recent occasions.
2. The Council finds that the Appellant has failed to take reasonable and appropriate measures to control the security of his establishment and to train his security personnel and these failures have allowed violations of state statutes and regulations related to the safe distribution of alcohol, particularly with respect to the sale of alcohol to persons under twenty-one (21) years of age, to occur.
3. The City Council hereby finds and declares that the facts stated in the Recitals and in the Staff Reports to the City Council are true and correct, and supported by substantial evidence of documentary nature and in the form of public testimony at the appeal hearing before Council.
4. The City Council therefore denies Appellants appeal at the March 28, 2013 Fire and Police Commission's decision but it reduces the suspension of the Whiskey Richard's Dance Permit from sixty (60) days to thirty (30) days with the remaining suspension [sixteen (16) days] to begin upon the date of the adoption of this resolution.