



# Agenda

CITY CLERK'S OFFICE

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**PUBLIC SAFETY COMMITTEE**  
**Tuesday, October 20, 2009 4:00 PM**  
**City Council Chambers**  
**200 Lincoln Avenue, Santa Fe, NM 87501**

1. Roll Call
2. Approval of agenda
3. Approval of July 21, 2009 minutes
4. Old business:
  - A. NONE
5. New business:
  - A. Approval of proposed 2010 Public Safety Committee meeting dates. (Councilor Ronald Trujillo and Public Safety Committee)
  - B. Old Taos Highway Speed Limit (Engineering Division Director Chris Ortega)
  - C. 2009 Post-Fiesta Presentation, (Police Lieutenant Dale Lettenberger)
  - D. Proposed ordinance amending Article 23-6 SFCC 1987 regarding the sale of consumption of alcoholic beverages on City property. (Mayor Coss, Jeanne Price)
  - E. Proposed resolution urging the New Mexico State Legislature to adopt Governor Bill Richardson's proposed DWI legislation (Mayor Coss, Jeanne Price)
  - F. Proposed resolution urging the New Mexico State Legislature to amend the local liquor excise tax act to authorize all New Mexico counties to impose a local liquor tax upon approval of the local voters and to authorize the use of the tax proceeds to fund social service programs serving persons impacted by alcohol and drug abuse. (Mayor Coss, Jeanne Price)
6. Matters from Municipal Court
  - A. Informational- Municipal Court August 2009 & September 2009 Report
7. Matters from Police Chief Aric Wheeler
8. Matters from Fire Chief Barbara Salas
9. Matters from Committee Members
10. Communications from the Floor
11. Adjournment

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**Index Summary of Minutes  
Public Safety Committee  
October 20, 2009**

<b>INDEX</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
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<b>Call to Order</b>	Call to Order by Chair, Councilor Ronald Trujillo	2
<b>Roll Call</b>	A quorum was declared.	2
Review and Approval of the Minutes No corrections to the minutes as presented.	<b><i>Motion made by Mr. Mizrahi to accept the minutes of July 21, 2009 as presented, second by Dr. Lewis, motion carried by unanimous voice vote.</i></b>	2
<b>Approval of the Agenda</b>	<b><i>Motion made by Mr. Mizrahi to accept the agenda as presented, second by Mr. Harris, motion carried by unanimous voice vote.</i></b>	2
<b>Old Business</b>	None	2
<b>New Business</b>	Schedule in minutes	2-3
<b>A.</b> Approval of proposed 2010 Public Safety Committee meeting dates. (Councilor Ronald Trujillo and Public Safety Committee)		
<b>B.</b> Old Taos Highway Speed Limit (Public Hearing) Exhibit A – Upper Taos Highway Area Road Petition	<b><i>Mr. Harris made the motion that they support the Engineer's recommendation, [Engineering Division recommends the posting of a 30 MPH speed limit (which is 5 MPH higher) on Old Taos Hwy between Paseo de Peralta and Murales Rd., and a 40 MPH speed limit north of Murales Road. This recommendation is consistent with MUTCD requirements as well as standard, nationwide traffic engineering practice. The existing speed radar sign displays will remain in place].</i></b> second by Ms. Lewis, motion carried by unanimous voice vote.	3-7
<b>C.</b> 2009 Post-Fiesta Presentation (Police Lt. Dale Lettenberger)	Congratulations to the Chief and the Police Force for the excellent service during Fiesta.	7
<b>D.</b> Proposed ordinance amending Article 23-6-SFCC 1987 regarding the sale of consumption of alcoholic beverages on City	<b><i>Mr. Mizrahi made the motion to adopt the ordinance amending Article</i></b>	7-8

property. (Mayor Coss and Jeanne Price)	<b>23-6 SFCC 1987 regarding the sale or consumption of alcoholic beverages on city property, second by Ms. Lewis, motion carried by unanimous voice vote.</b>	
E. Proposed resolution urging the New Mexico State Legislature to adopt Governor Bill Richardson's proposed DWI legislation (Mayor Coss, Jeanne Price)	<b>Ms. Lewis moved to approve and support the proposed DWI legislation, second by Mr. Harris, motion carried by unanimous voice vote.</b>	8
F. Proposed resolution urging the New Mexico State Legislature to amend the local liquor excise tax act to authorize all New Mexico counties to impose a local liquor tax upon approval of the local voters and to authorize the use of the tax proceeds to fund social service programs serving persons impacted by alcohol and drug abuse. (Mayor Coss, Jeanne Price)	<b>Ms. Harris made a motion to approve the resolution, second by Mr. Mizrahi, motion carried by unanimous voice vote.</b>	8-9
<b>Matters from Municipal Court</b>	Informational	9
<b>Matters from Police Chief Eric Johnson</b>	Informational	9
<b>Matters from Fire Chief Chris Rivera</b>	Informational	9-10
<b>Matters from Committee Members</b>	None	10
<b>Adjournment/Signature Page</b>	<i>There being no further business to come before the Public Safety Committee meeting adjourned at 5:45 pm</i>	10-11

CITY OF SANTA FE

# Public Safety Committee

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Minutes – Draft until Approved

  
Fran Lucero, Stenographer

October 20, 2009

Meeting called to order by Councilor Ronald D. Trujillo at 4:00 p.m. in the Santa Fe City Council Chambers.

I. Roll Call:

In Attendance

Councilor Ronald Trujillo  
Nancy Owen Lewis, PhD  
Peter D. Mizrahi  
Herbert L. Harris, Jr.  
Frank Stuto

Excused:

Dr. Mike Mier  
Henry Valdez  
Mike Bowen

Staff:

Chief of Police, Aric Wheeler  
Chief of Fire, Barbara Salas  
Chris Ortega, Engineering Division Director  
Dale Lettenberger, Police Lieutenant  
Jeanne Price, Public Works  
Shannon Cantu, Santa Fe Police Department

Others Present:

Andrea Sandoval for Fran Lucero

II. Approval of Agenda

***Motion made by Mr. Mizrahi to accept the agenda as presented, second by Mr. Harris, motion carried by unanimous voice vote.***

III. Approval of July 21, 2009 Minutes

***Motion made by Mr. Mizrahi to accept the minutes of July 21, 2009 as presented, second by Dr. Lewis, motion carried by unanimous voice vote.***

IV. Old Business: None at this meeting.

V. New Business:

A. Approval of proposed 2010 Public Safety Committee meeting dates. (Councilor Ronald Trujillo and Public Safety Committee)

Proposed Public Safety Committee Meeting Dates for 2010 – 4:00 pm – City Council Chambers

*January 21, 2010 – proposed January 2010 meeting on Thursday due to the Martin Luther King Holiday	July 20, 2010
February 16, 2010	August 17, 2010
March 16, 2010	September 21, 2010
April 20, 2010	October 19, 2010
May 18, 2010	November 16, 2010
June 15, 2010	December 21, 2010

**B. Old Taos Highway Speed Limit (Engineering Division Director, Chris Ortega)**

A speed study was conducted on 9/14/09. Speed studies are conducted to determine the “85<sup>th</sup> percentile” speed, which is the speed at which 85 percent of free-flowing vehicles are traveling at or below. Use of the 85<sup>th</sup> percentile is based on the theory that the large majority of drivers are reasonable and prudent, do not want to be involved in a crash, and desire to reach their destination in the shortest time possible. Traffic engineers almost universally support using the 85<sup>th</sup> percentile speed to determine the prevailing, and those posted speeds (in fact, 99% of agencies surveyed nationwide use the 85<sup>th</sup> percentile speed to determine posted speed limits). Many studies demonstrate that drivers traveling either slower or faster than the 85<sup>th</sup> percentile speed minimize drivers’ risk of accidents. In 2007 many reports were received about speeding in this area.

Most recently the department received a petition signed by 40 area residents who are asking that the speed limit be increased from 30 mph to 45 mph.

Engineering Division recommends the posting of a 30 MPH speed limit (which is 5 MPH higher) on Old Taos Hwy between Paseo de Peralta and Murales Rd., and a 40 MPH speed limit north of Murales Road. This recommendation is consistent with MUTCD requirements as well as standard, nationwide traffic engineering practice. The existing speed radar sign displays will remain in place.

What time of day was the study done and during what time period of the day? It was done in 3 segments; 1 pm, 3:00 pm and 3:30 pm. and done on a Monday.

**Public Hearing:**

Mark Nadberry – 307 Pistacho Place

There was a re-pavement of the road not too long ago and they reduced the size of the lanes and it reduced the size of the shoulder for people to walk. It will only accommodate one person. It is very dangerous because it made the lane smaller and the walking area smaller. He believes

that if you raise the speed limit they will only drive faster and someone could get hit or side swiped. Bike riders are already at risk. He asked if they are going to increase the speed limit they should increase the size of the shoulder to a width of at least 6', and right now they have to walk almost right on the white line. He will render his support of the shoulders are increased in size or keep the speed limit as it is.

Don Stroud stated that 40 signatures have been collected and presented. (Exhibit A)

This is a highway where people drive the speed that the roadway allows. Bishops Lodge is 45 MPH and has a very narrow shoulder, as Hyde Park Road is 45 MPH. If the west side of Old Taos Hwy could be increased by 2' without increasing the size of the lanes. Safety is an issue and he has seen cars pass over the double line at a high speed to get downtown. We have requested 45 MPH and if the City Engineer is proposing 40 MPH, I would support the 40 MPH.

Ashley – 1012 Calle Pinto

She said that her statement had been prepared before hearing the wonderful presentation by City Staff. The Old Taos Hwy was originally designed, engineered and graded for driving at the speed of 45 MPH. She knew two of the men that helped build that highway originally and stated that there have never been any major accidents on the Old Taos Highway when the speed limit was 45 and 50 MPH. Since it became a dead end you very rarely pass another car. It is unreasonable to expect drivers to drive unusually slow. The Old Las Vegas Hwy is 45 to 50 MPH and is the same type of highway. Automobile passage is the primary and original function of the Old Taos Highway. Pedestrians have the choice of using the jockey track or walking at Ft. Marcy Park. Cars don't have any choice of where to drive; pedestrians do have a choice of where to walk. She doesn't think that the Old Taos Highway is utilized as it was in the old days; therefore, the slow speeds are not working for the residents in that area. They would all be happy with the recommended 40 MPH.

Jim Allery

One of the things that interests him; he has jogged that area for the last 20 years and is a life long resident of New Mexico. He remembers back when there were a lot of people up there and there was more vehicular traffic. That is not the case at this time and he takes his life in his hands every time he is jogging so close to the white line. He is about 1/10<sup>th</sup> of a mile from the speed limit sign. He suspects that the people who signed the petition probably live up hill. He believes that the 25 MPH sign is not functional and the 30 MPH should be changed. He would really like to hear from the Police Department as to their opinion. People normally drive 10 miles over the posted speed limit and that is what is happening up there. He brought up a concern on noise and he sees the people passing each other and at times yelling at him for jogging on the side road.

**Dale Straga – 271 Calle Orco**

The Old Taos Hwy is not a highway anymore. It is strictly a residential street. No one in their right mind would go through there. He feels that the street should be treated as a residential street. He also stated that going downhill at 25 MPH there is no way you can go that speed without being on your brakes. If you lose track of your speed for a moment, you are going 30 MPH. Next time you do a traffic study do one at 8:00 am when they are going to work; that is when they are going 60 MPH not at 3 pm in the afternoon.

**Maureen Reed -305 Los Arboles**

Lives at the corner of Old Taos Highway and Los Arboles. She reiterated that this is no long a highway it is a residential street. This is a great place to walk and ride your bike. Bicyclist didn't get notices or walkers; otherwise they would have been at tonight's meeting. She said there is a lot of traffic all day at the top of the street and construction traffic at the bottom. People speed up the hill, not just down hill; it isn't like travelling a congested city street. People are asked to drive slowly in neighborhoods where people are walking and bicycling all the time.

**James Russell – 703 Paseo de la Loma**

He has lived on the Old Taos Hwy for over 30 years; he is 71 years of age and has lived here all his life. He has experienced the traffic on Old Taos Highway for many years. He lives at the bottom of the hill. He was an advocate to get a name change as it was not a Highway. He asked what is the different from the top of the road going to the bottom where the speed limit is posted. He drove it and he could get all the way down by passing 14 entrances, 7 of those are from Los Arcos Rd. going down. Many of those homes go straight from their driveway onto the road. He would like to see a 3-way stop at Corrales Road and he is very interested of the traffic at the bottom of the road.

**Henry Lewis – 216 Vista Hermosa Street**

He said that he did not come prepared to speak but in listening to the neighbors and their comments he also wanted to talk about the wash board roads. He said based on the Engineer's report, it was not making your trip down within a minute or minute and a half, but his concern was having to travel down the road on his brakes. He said that he feels that there are many places for the people to jog and walk but he also wants to know if he chooses to walk or bicycle he would like to be safe and have enough space to do so.

**Warren Wheaton – 1090 Old Taos Hwy**

His observations are that there are a number of bike riders on weekends. They walk their dogs numerous times a day going over the speed limit numerous times a day. He said that no one had addressed the posted 15 MPH sign at the top which he feels makes it unsafe for those who are travelling on that road.



Maureen Reed

She said that her driveway allows her to back up right in to the Old Taos Highway. There are probably more bikers on the weekend, walkers are out there not only on weekends, but everyday all day. You will see tourist walking to the plaza all the time. There really are a lot of bicyclists and walkers.

Q: She was asked how many houses she has to pass to get to the bottom of Old Taos Highway.

Maureen's Response: She has not counted how many homes as she is also at the bottom, but there is more traffic at the bottom of Old Taos Highway.

Citizen Comment: A strong and conscious concern is what your speed is coming down Old Taos Highway; you definitely need to ride your breaks.

Councilor Calvert: He stated that people are very compassionate on the speed limit matter and feels strongly that the city should adhere to the National Standards as recommended by the Engineering Department. He suggested taking the speed monitoring sign and moving it more down the hill to give more forewarning on when the speed is going to change.

Mr. Mizrahi directed a question to Chris Ortega regarding that the shoulders had been narrowed when they were resurfaced; is that correct?

Mr. Ortega answered that about 4 years ago or so the road was repaved and at that time the driving lanes were 12 feet, they were reduced to about 10 ½ feet, by doing that the shoulder should have been widened and it was not. Normally the shoulder is 6 to 8' wide from the pavement and it is probably now about 2 to 3'. It could be widened at an incurred cost.

Councilor Trujillo asked how many speed signs are on this road?

Mr. Ortega said that he did not know exactly how many speed limit signs were there but he knows that there are two speed limit zones one posted at 25 MPH and one at 30 MPH.

Chief Wheeler commented that the department does receive numerous complaints and this is one of the reasons that police presence is seen at that location.

Lt. MacGregor: He said that the department does received numerous complaints from that area related to speeding and to the noise. He continues to patrol both with motorcycle coverage and to run radar and speed set ups. They issue up to 20 citations in that area. If someone is cited it is going to be over 10 MPH, for those in the 25 MPH you will see over 30 MPH the limit and if it is a posted 30 MPH it is going to be those going over 40 MPH.

**Mr. Harris made the motion that they support the Engineer's recommendation, [Engineering Division recommends the posting of a 30 MPH speed limit (which is 5 MPH higher) on Old Taos Hwy between Paseo de Peralta and Murales Rd., and a 40 MPH speed limit north of Murales Road. This recommendation is consistent with MUTCD requirements as well as standard, nationwide traffic engineering practice. The existing speed radar sign displays will remain in place].**

**second by Ms. Lewis, motion carried by unanimous voice vote.**

C. 2009 Post-Fiesta Presentation (Police Lt. Dale Lettenberger)

The fiesta went well starting with Zozobra on Thursday night; Kiwanis estimated that there were approximately 4,000 people. The Lt. said that he felt that the work together with the fire department was the best that he has seen in past years. They were in control of traffic and detour plans and worked really well to keep the traffic moving. They had good detour plans to keep people out of the Old Taos Highway area. There was a minimum of intoxicated individuals during such a large activity. The exit plan was excellent; they had everyone down and out of the area within 45 minutes.

There were some complaints about the roads that are close for the parades, again it is a necessity to keep the traffic flowing and the participants safe. The safety of the citizens was very important and the department did an excellent job to assure that patrols were done.

There was a question asked regarding a count for those who were picked up on DWI's during Fiesta's. Chief Wheeler will get that information and inform the chair at the next meeting date.

A comment from Councilor Trujillo noted that the Fiesta Council walked to the Rosario Chapel. He saw that traffic was backing up into the National Cemetery and there was also congestion of traffic in that area. He suggested that next year there be closer coordination with the Fiesta Council to assure that the Paseo de Peralta and St. Francis Drive don't get so backed up with trailers.

From the Chair and the commission members, "hats off to a wonderful job". The Police Department did a great job.

D. Proposed ordinance amending Article 23-6-SFCC 1987 regarding the sale of consumption of alcoholic beverages on City property. (Mayor Coss and Jeanne Price)

Ms. Price stated that the next three items on the agenda, D-E-F are joint efforts that the city is undertaking in response to the recent joint city/county effort that created a work group of county and city officials and other parties to try and come up with some concrete efforts to cut the alcohol problems in the community. There are three efforts that address the laws; the first one: (D) – is a city law that right now is in the code book that states that city properties are prohibited to sell alcohol unless the council approves. The city council has received requests over the last many years

allow for sale of alcohol in city parks. The city would like to show their commitment to the full alcohol issue, the Mayor has recommended the changes as stated in the Ordinance.

Chief Wheeler explained that this came from the judicial law enforcement committee, the feeling of the committee is to take the responsibility off of the city council and that it would be clear in the ordinance.

***Mr. Mizrahi made the motion to adopt the ordinance amending Article 23-6 SFCC 1987 regarding the sale or consumption of alcoholic beverages on city property, second by Ms. Lewis, motion carried by unanimous voice vote.***

- E. Proposed resolution urging the New Mexico State Legislature to adopt Governor Bill Richardson's proposed DWI legislation (Mayor Coss, Jeanne Price)

Ms. Price stated that this too is in response to the city/county work group. The Mayor is sponsoring this bill and will take the City's position to the legislature, in particular the Governor's package has disallowed the pleading down of aggravated DWI refusals to non-DWI charges; disallowing the use of electronic monitoring in lieu of mandatory jail time; providing a clear definition of second degree murder, giving prosecutors the ability to charge individuals with second degree murder in cases where DWI was the cause of a fatality; and revising penalties to increase jail time and fines.

Chief Wheeler stated that one of the first points is the actual jail time on the first offense. When he reviewed and looked at the mandatory 3-days for a first DWI offense, his first reaction was the jail cost. That was the intent and looking at the long term benefit that we are not going to tolerate this offense.

***Ms. Lewis moved to approve and support the proposed DWI legislation, second by Mr. Harris, motion carried by unanimous voice vote.***

- F. Proposed resolution urging the New Mexico State Legislature to amend the local liquor excise tax act to authorize all New Mexico counties to impose a local liquor tax upon approval of the local voters and to authorize the use of the tax proceeds to fund social service programs serving persons impacted by alcohol and drug abuse. (Mayor Coss, Jeanne Price)

Ms. Price is in response to the joint city/county work group recommendations. Presently McKinley and San Juan County are the only county that this resolution pertains to. The Local Liquor Excise Tax Act (Sections 7-24-8 through 7-24-16 NMSA 1978) authorizes, upon approval of a majority of the voters at a regular or special election, the imposition of a local liquor excise tax not to exceed five percent on any retailer for alcoholic beverages in Class B counties having a population of more than 56,000 but less than 75,000 and having a net taxable value of more than \$500,000,000 and less than \$700,000,000.

Noted corrections to the resolution:

- a. On page 2, line 1 after the word "and" insert the words "treatment programs".

- b. On page 2, line 9, after the word “County” insert the words “and San Juan County”.

Ms. Harris stated that this item was discussed over 10 weeks ago, she helped organize an underage drinking task force, statewide and there were a series of recommendations; this was the number one recommendation.

***Ms. Harris made a motion to approve the resolution, second by Mr. Mizrahi, motion carried by unanimous voice vote.***

- 6. Matters from Municipal Court
  - A. Informational – Municipal Court August 2009 & September 2009 Report

- 7. Matters from Police Chief Aric Wheeler
 

Distributed the proposal for restructuring. The Chief invited the commission to attend the meeting on October 21, 2009 at 5:00 pm. The Chief stated his consciousness of the economy and yet reaffirmed that the Department has not grown with the growth of the city. He is asking to keep his Deputy Chief and Captain positions, knowing full well that annexation is coming and that the department will have to grow. One of the concerns is with the annexation coming forward; there will be a need for a district split to serve the population. In the last few months we have been very conscious of crime. It will be important to expand the police department to accommodate the annexation.

In addition to this process he wants to insure public education. He would like to identify within the community what our own talents are. He provided an example of the amount of real estate agents in the city and hoping to incorporate them into the plan of protecting the city. The Chief also asked the Fire Chief to become part of the conscious group to take care of the city. Crimes occur during the daylight hours. The way to inform the 800+ eyes and ears of those who are willing to help is through e-mail, or possible a code through their cell phones to assist in protecting our community.

- 8. Matters from Fire Chief Barbara Salas
 

Introduced the Assistant Chiefs:  
 Assistant Chief Eric W. – Chief of Operations  
 Assistant Chief Mark Aragon – Chief of Support Group

  - a. Zozobra – Cabinet Secretary Holman from Homeland Security assisted during both the Zozobra/Fiesta and the Balloon Fiestas. Before Zozobra there were 2 lost kids and parents were located quickly. There were 6 transports and 12 patients with minor treatment needed.
  - b. She will be requesting impact fees for the purchase of life pack, it is a cardiac monitor. Right now they have Philip Cardiac Monitors. They have been approached by St. Vincent Hospital to purchase the more updated cardiac monitors. What it would do is, currently you call 911 and you are a cardiac patient and we would give them the reading from the cardiac unit. With the new unit we would send the reading directly from the cardiac unit to surgery which would save about 30 minutes vs. going to the ER. When

you are talking about saving a heart that is a lot of time. A donor will pay 50% of the cost and they are looking at purchasing about 9 units and the city will have to pay for the balance 50%. St. Vincent Hospital wants to have this in place by December 1<sup>st</sup>. The total cost that the fire department would have to pay for the 9 units is \$100,000 and that includes the trade in.

- c. SPAZZO has been adopted and this is part of the annexation; there are four parts of the annexation. It entails the entire city taking full control of plan review and code enforcement prior to the annexation of phase one, two and three. She said that they adopted this on October 4<sup>th</sup> which means they are doing all plan review and code enforcement free. The fire department is asking for an additional fire inspector; she did ask through the previous finance process, and they did not get the position. During the re-org meeting the Chief will ask for two additional positions. The Fire department did not get an additional position from the short term rentals.

Councilor Trujillo's recollection was that the position was approved. He instructed the Fire Chief to provide him with the minutes prior to the re-org meeting and discuss this item with the city manager.

- d. Breast Cancer Fund Raiser – Fire Department

T-shirts sell for \$10 and will go directly to the UNM Cancer Center. All of the fire fighters are wearing them.

- e. The fire department will be co-sponsoring a function for Big Brothers/Big Sisters. They will have a haunted house on Friday and on Halloween from 1-5 there will be a carnival for little kids, and from 5-7 there will be a haunted house for the younger children and from 7-11 it will be for the older youth. This will be at DeVargas Mall.

9. Matters from Committee Members

It was asked if the Police Department would also be assisting at Santa Fe Place for the Halloween event. Chief Wheeler said, yes, they will support this event.

10. Communications from the Floor

None

11. Adjournment

There being no further business to come before the Public Safety Committee, the meeting adjourned at 5:45 p.m.

Signature Page:

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Councilor Ronald Trujillo



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Fran Lucero, Stenographer