



# Agenda

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## **SPECIAL CITY COUNCIL MEETING**

**October 21, 2009**

**5:00 P.M.**

## **CITY COUNCIL CHAMBERS**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. Request for Approval of Fire Department's Recommendations Regarding Restructuring. (Chief Barbara Salas)
8. Request for Approval of Police Department's Recommendations Regarding Restructuring. (Chief Aric Wheeler)
9. ADJOURN

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SPECIAL MEETING OF THE  
GOVERNING BODY  
October 21, 2009**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE</u></b>
<b>CALL TO ORDER AND ROLL CALL</b>	<b>Quorum</b>	<b>1</b>
<b>APPROVAL OF AGENDA</b>	<b>Approved [amended]</b>	<b>1-2</b>
<b>REQUEST FOR APPROVAL OF FIRE DEPARTMENT'S RECOMMENDATIONS REGARDING RESTRUCTURING</b>	<b>Approved w/conditions</b>	<b>2-11</b>
<b>REQUEST FOR APPROVAL OF POLICE DEPARTMENT'S RECOMMENDATIONS REGARDING RESTRUCTURING</b>	<b>Approved w/conditions</b>	<b>11-19</b>
<b>COMMUNICATIONS FROM THE GOVERNING BODY</b>	<b>Information/discussion</b>	<b>19-20</b>
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**MINUTES OF THE  
SPECIAL MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
October 21, 2009**

**1. CALL TO ORDER AND ROLL CALL**

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on October 21, 2009, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico Flag and Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Mayor David Coss  
Councilor Christopher Calvert  
Councilor Miguel Chavez,  
Councilor Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Ronald S. Trujillo

**Members Excused**

Councilor Patti J. Bushee  
Councilor Carmichael A. Dominguez  
Councilor Rebecca Wurzbarger, Mayor Pro-Tem

**Others Attending**

Galen Buller, City Manager  
Frank Katz, City Attorney  
Yolanda Y. Vigil, City Clerk  
Barbara Salas, Chief, Santa Fe Fire Department  
Aric Wheeler, Chief, Santa Fe Police Department  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

Mr. Buller asked to add a Communications item to the Agenda, because Councilor Calvert has a resolution to introduce this evening.

**MOTION:** Councilor Calvert moved, seconded by Councilor Trujillo, to approve the Agenda as amended.

**VOTE:** The motion was approved on a voice vote with Councilors Calvert, Ortiz, Romero and Trujillo voting for the motion, none against and Councilor Chavez absent for the vote.

**7. REQUEST FOR APPROVAL OF FIRE DEPARTMENT'S RECOMMENDATIONS REGARDING RESTRUCTURING. (CHIEF BARBARA SALAS)**

A copy of "City of Santa Fe Fire Department 2009 Re-Organization," is incorporated herewith to these minutes as Exhibit "1."

A copy of a map of Santa Fe Fire Stations & Districts with attachment, is incorporated herewith to these minutes as Exhibit "2."

*Councilor Chavez arrived at the meeting shortly after this presentation began*

Chief Salas said representatives of labor and management are in attendance this evening in agreement with the proposed reorganization.

Chief Barbara Salas presented information via power point. Please see Exhibits "1" and "2" for specifics of this presentation.

The Councilors commented, asked questions and made suggestions as follows:

- Councilor Chavez asked if Phase 2 includes the Agua Fria traditional Village. Chief Salas said no, and the Village is exempt from the annexation and the City won't be annexing that portion, and currently is not providing services. She said the community has asked that the County continue to provide services in that area, and she believes the County currently has a contract with the Village to do this, noting they pay for those services.
- Councilor Chavez said then the Agua Fria portion of Phase 2 would be everything in the Agua Fria corridor and everything in that general area, except for the traditional Village. Chief Salas said this is correct.
- Councilor Chavez said the City has been providing emergency medical service and other services in this area. Chief Salas said currently when someone calls 911, the dispatcher determines what area it is in, whether County or City, and will send a proper response. Currently, the area is in the County, so the dispatcher would send the County first, and the City second if additional help is needed. The City currently responds because the County does need additional help, because it does not have full time fire engines and personnel, and has only full time ambulance coverage, noting that the fire engines are manned by volunteers. Councilor Chavez said then this arrangement will phase out in time. Chief Salas said this is correct. Mayor Coss said the phase-out of services will take some time.

- Councilor Chavez asked Chief Salas if a cost comparison was made between a closed loop hydrant system versus tankers. Chief Salas said the City water company has said it will not install hydrants. Currently, a new developer is required to install hydrants at plan review if there are none in the area. However, the areas of Agua Fria and Airport Road already are developed. She said if someone wants to build the City would require hydrants. She said most of the area has been passed from generation to generation and people do not have the funding to put in hydrants which is extremely expensive, noting one hydrant could cost as much as \$60,000. She said we are talking about people "trying to put a trailer on property given to them by grandma, which is unrealistic."

Chief Salas said the County currently is meeting the needs with tanker trucks, noting it is estimated that 7 tanker trucks are need to fight one residential structure fire. She said the City will rely greatly on the County to assist the City. The plan currently is to purchase only two tanker trucks to "buy us time," so the County can come and help the City.

- Councilor Chavez said it always was his understanding that the County was responsible for providing this closed loop system as part of the annexation, but that hasn't happened. Chief Salas said she has been working closely with Bryan Snyder who has been very helpful, but who has been very direct that the City would not be installing hydrants.
- Councilor Chavez said there is a list of items which are requested by the Fire Department, but there are no associated costs listed. Chief Salas said the list is on the second to last page of the handout. She said she does have the costs, but it was her understanding that she would take those figures to the Finance Committee and not to the Council at this time.
- Councilor Chavez asked, regarding the Airport Fire Station, if there is funding through the Airport and through grants to staff and maintain that Fire Station. Chief Salas said the Airport currently is funding the positions, and funded the new Fire Station which will be open in November 2009. She does not believe it is a long rang plan for the Airport to pay for these positions in perpetuity. Councilor Chavez said then that crew will be dedicated exclusively to respond to incidents within he Airport boundaries, and Chief Salas said this is correct.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Romero, to accept the Santa Fe Fire Department's Restructuring and Reorganization as presented by Chief Salas.

**DISCUSSION:** Councilor Trujillo said during the budget hearings it was stated that one of the Fire Inspectors was to be paid from revenue generated by short term rentals, plus another position, but he is hearing that position was double filled and the funds went to pay a double fill.

Mr. Buller said funds from short term rentals was dedicated for one Fire Inspector, so that was done and he believes that continues to be done.

Councilor Trujillo said it wasn't done.

Mr. Buller asked Mr. Millican to speak to the \$75,000 and if that was tied to the Fire Inspector.

Councilor Trujillo said that money was tied to another position within the Fire Department .

David Millican said the \$75,000 was for use for a firefighter position wherever the Department would want to assign it.

Councilor Trujillo reiterated he understood the Chief to say those funds were used for a double fill.

Ivy Vigil, Finance Department, said that position was for a double-fill, noting there were 8 double-fills in the Fire Department at the time, so the \$75,000 was used to pay for one of those double-filled positions.

Councilor Trujillo said then all we lack are the funds from Short Term Rentals to hire a Fire Inspector. Ms. Vigil said this correct, although she is unsure if there are sufficient funds in Short Term Rentals to hire an inspector.

Chief Salas said there are not funds in Short Term Rentals to pay for that position, noting the Short Term Rental fees were reduced recently by the Council. She said last year they hired two temporary employees for 3 months to try to fill the need to manage short term rentals. This year they tried to do the same, but there were no funds to do, and they also didn't have the extra position to cover the need.

Councilor Calvert said the City did its analysis of reduced fees going forward, and the calculation of what was going to be needed on a routine basis, and asked if the Fire Inspector position was included in that calculation going forward.

Frank Katz, City Attorney, said \$34,000 was calculated for this purpose, which was the cost of the two temporary positions last year, for a total of 20 weeks. He said this is an annual ongoing expense which was figured in.

Councilor Calvert asked if those funds were allocated to the Fire Department to cover its costs for inspections, and Mr. Katz said he doesn't know.

Councilor Calvert said we need to ensure this was done, and when we set the fees that they cover not only temporary personnel, but include a full time person going forward. He doesn't believe we can continue to staff function this with temporaries.

Mr. Katz said the amount of work was sufficient to keep two people busy for 10 weeks each, noting this is not a full time position.

Councilor Calvert asked if the need is throughout the year, or only during a certain period of time.

Chief Salas said it can be done both ways. However, the bigger concern is that they need the positions for things other than short term rentals, and understand the Short Term Rental funding is specific to that amount. She said they are requesting two additional Fire Inspectors to help with SPPAZO needs as well.

She understands these are two completely different things, but the end picture is that they still need two additional Inspectors.

Councilor Calvert said he is addressing the funding of part of one of those positions. He said if it could be done in a compact period of time, perhaps we can use the same arrangement. However, if it is spread throughout the year, it is more likely we will need another person.

Mr. Katz said it probably is financially smart to use the Short Term Rental funding to provide part of the funding for a full time Inspector, and Councilor Calvert said this is what he is suggesting.

Councilor Romero noted that the Land Use Subcommittee reviewed the issue carefully, and it was clear that it isn't a full time position, but funds were allocated. She said the Subcommittee was careful that all of the funds charged for Short Term Rentals were allocated appropriately to the program including staffing which includes enforcement and fire services. She said they looked at this and it was not a full time position. She said we need to look at what funds can be allocated appropriately to the Fire Department from Short Term Rentals.

Councilor Trujillo said he wants to be sure funds are allocated to the Fire Department to fund at least a portion of the cost for a full time Fire Inspector, and he will work with the Chief for another funding source for a full time employee.

Councilor Calvert asked how many tanker trucks the County has.

Chief Salas said the County has a lot of different districts and she doesn't know the total number, but the County does respond with 7 tankers to one residential structure fire. She assumes they have more than 7, noting there aren't any hydrants in the County. She said it is a volunteer service and people have to go to the stations to get the trucks before they can respond. She said the City is in a different situation and she is hopeful we won't have this problem, and could respond with the 2 tankers and provide an adequate shuttle until the County could come and assist.

Councilor Calvert asked if the County will have an excess of tanker trucks since the City is taking over some of the territory.

Chief Salas said no, but the City is talking with them to see if they have any tanker trucks to sell.

Councilor Calvert asked if there is a phasing plan for staffing.

Chief Salas said today, she is requesting 20 firefighters, to fill the vacant positions and upcoming retirees. She said the rest of it will phase with annexation, reiterating that Phase 1 isn't her biggest concern. She said the Department needs to start preparing for Phase 2 one year from today, because trained personnel will be needed once those areas are annexed.

Councilor Calvert said the Phase 2 annexation will be filed at the end of 2011, so that is at the end of 2012, so she has two years.

Chief Salas said she would like to be one year ahead of that two year mark.

Councilor Calvert asked Chief Salas to talk about the plans for phasing the different phases of annexation.

Chief Salas said previously, as Fire Marshal, she gave each member of the Governing Body a packet of information expressing her concerns, and that packet has a breakdown by phases. She said in Phase 2, she is looking at building the fire station on the southside off Agua Fria at the current Station 5, on Siler/Agua Fria where they have the training station. She said with the new bridge to Alameda, that would provide immediate access to West Alameda, both ways on Agua Fria as well as Siler Road and Cerrillos Road. It is a perfect location to be able to stay in the area. She said the tanker will be placed there because that's where it will have the greatest need.

Chief Salas said Phase 3 would be the Northwest Quadrant and Hyde Park Estates areas, and when the Department would be asking for the additional station off Camino de los Montoyas or next to the Thornburg properties. She said in this phase she is requesting 42 positions – 21 positions to fill each station and 1 engine, 1 ambulance and 1 tanker.

Councilor Calvert asked if the phasing is listed as a one-page summary in that report, and asked if she can provide the Council with that summary as this moves forward, and Chief Salas said yes.

Councilor Calvert said he has a question regarding both Police and Fire related to the annexation of I-25, noting he has discussed this with the City Attorney. He said the City Attorney believes we need to annex I-25 because of the previous situation when we tried to annex Las Soleras, and the decision against the City because we didn't own Richards Avenue and another street, which were in the County. He said I-25 isn't a county road, and he believes we are assuming more than we need to do in having to respond to both police and fire calls on I-25, although we already do some of that to a certain extent. He is concerned that it is becoming a primary responsibility and believes that should be split with the Sheriff's Office and the State Police on the police side, as well as with the County regarding fire response.

Councilor Romero said, in terms of wildlands, most of the monies for these kinds of wildland urban interfaces come from dollars from the healthy forest initiatives, grants from the Forest Service and other CFRP, to address healthy forests.

Chief Salas asked Assistant Chief of Operations Erik Litzenberg to answer this question.

Assistant Chief Litzenberg said the Department is exploring a lot of different funding alternatives, including those about which Councilor Romero spoke, along with many others. He said the great thing about the proposed program for wildland fires, is that they want to qualify a Type 1 Team, which means they follow a national standard and it makes the team eligible to respond nationwide, which actually can generate funds so the program can be self supporting. He said more importantly, it brings unique skill sets back to the Department which can be used in the community and to help homeowners to prepare themselves well and to urban interface.



Councilor Romero said once the teams are certified, they can go to fires in, for example, Idaho and generate funds. She asked about the Anti-Donation Clause of the Constitution, and asked what services and/or activities they would be looking to change.

Assistant Chief Litzenberg said this model has been very successful in two communities in Arizona. He said these teams can go one step beyond what we can do now. He said these Type 1 teams can bring their skills back and actually help the homeowners to do the modifications, but the services can't be donated. He said if we could change the Anti-Donation Clause of the Constitution clause, they could provide this service without charge, noting this has been successful in other states..

Councilor Chavez believes homeowners should bear some of the responsibility for private property, and this should be somewhere in the middle.

Responding to Councilor Chavez, Chief Salas said unfortunately, she doesn't have a clear picture of annexation, in terms of time. She said she feels we are moving very quickly, noting we are moving with SPPAZO in October, and to Phase 1 in November. She said the previous Land Use Director was moving very quickly to make it happen quickly, and she understood in one year we would adopt the next phase. However, she now understands it will be two years. She believes we need to start moving in that direction right now so the Department will be prepared. She believes she has demonstrated the need for those positions, even in these economic times.

Responding to Councilor Chavez, Chief Salas said she believes we are looking at a one year window, because we need to be one year ahead of the next phase.

Councilor Chavez asked the dollar amount for Phase 1 and how long it will be until the Airport Fire Station can sustain the staffing for that station.

Chief Salas said she doesn't have the dollars in terms of phasing. She said the positions requested are: 1 heavy equipment mechanic at \$92,111, the Wildland Crew estimated at \$1,042,667, 1 IT Technician shared with the PD at \$98,110, 2 new Fire stations with personnel and equipment at \$5,430,949, and 2 training captains \$247,398.

Councilor Chavez would like that information to be in the packet for the Finance Committee.

Mayor Coss said that information will come forward through the Finance Committee, in mid-year adjustments and then into next year's budget proposal.

Councilor Trujillo said then right now there is only one heavy equipment mechanic to take care of everything.

Chief Salas said there is one Fleet Administrator and one Heavy Equipment Mechanic, so there are two in that division. The Fleet Administrator is the Certified Emergency Vehicle Technician and the other is the Heavy Equipment Mechanic and they are responsible for the 50 pieces of apparatus, including the engines, the ambulance, hazardous materials trucks, etc.

Councilor Trujillo said then there is only one heavy equipment mechanic for the Fire Department, noting these are specialized vehicles and special training is needed, and asked if the \$92,111 is for the salary of the additional heavy equipment mechanic.

Chief Salas said it includes the salary, uniforms, desk, computer and miscellaneous equipment for one classified Heavy Equipment Mechanic position.

Councilor Calvert asked, in terms of future stations and coverage, what happens to area 18 which falls outside of any of the proposed or existing stations.

Chief Salas said that area is not yet developed, and currently the Department is responding to the Hyde Park area from Station 1, and would continue to do so.

Councilor Calvert asked, now that the Airport has commercial service and starting to produce revenue, if that might be one of the revenue sources to cover the services at the Airport.

Mr. Buller said it can begin to do that, but it will be a while before that kind of revenue is available.

Mr. Millican said currently the Airport Fire Station it is covered by a transfer from the CIP/GRT fund, which is supposed to be repaid, but that will be a policy decision of the Council. The anticipation is, with successful service being established, within two years it will move to the position where it pays for the operation at the Airport and for the required firefighting coverage.

Responding to Councilor Calvert, Mr. Millican said they will end the subsidy and at some point repay those funds, unless the money is used for something else.

Councilor Calvert asked if staff has taken a first shot at how this request will be financed over time, and assumes the CIP budget would be part of this.

Mr. Millican said staff will be developing the biennial CIP bond budget and this request probably will have to be funded over more than one cycle. He said they will have to talk with the Chief and look more closely at annexation to see when this will ramp up. He said the fire station step up will be big steps, noting the \$2.5 million cost of the station is small in terms of the payroll to keep the station open. This will have to be built into the long range plan for annexation.

Responding to Councilor Calvert, Mr. Millican said we were unable to do the previously approved Police expansion because of the lack of funds. He said we might not get back to 2008 revenue levels until 2013, so it will take it some time. He said it will be very difficult and staff is working on it.

**CLARIFICATION OF THE MOTION:** Councilor Ortiz wants to ensure that the motion to approve the restructuring is contingent on the financing plan, the documentation which will come forward on the restructuring, and if the approval also requires the Council to approve the Chief's proposal for new fire stations, or if this is subject to further discussion. Mayor Coss said he doesn't believe this approval

approves the new positions or the new stations, "it is to the restructuring of the organizational structure proposed.

**DISCUSSION ON THE CLARIFICATION OF THE MOTION:** Councilor Ortiz said then when the financial information comes forward, we would have a chance to express the prioritizes of where the proposed restructured department needs to grow and how to grow it. So, options such as improvement districts or relocations of stations are still on the table.

Mayor Coss and Councilor Chavez said this is correct.

Councilor Ortiz asked Chief Salas if this is correct, and Chief Salas said, "Yes sir."

Councilor Ortiz asked Chief Salas if she thinks by approving this plan that we are approving the locations of the new fire stations she has indicated.

Chief Salas said she doesn't believe she indicated the new stations on the map.

Councilor Ortiz said there are 3 green stations, one is the existing on West Alameda, one at the corner of Siler Road and one at the corner of Rodeo and Airport Road.

Chief Salas said those are reserve City stations which have been taken over by the Police Department – old stations which no longer meet the Fire Department's needs within the City. She said they moved out of those stations, but they still are receiving fire funding because there is a reserve unit that stays in the garage.

Councilor Ortiz said when Chief Salas was discussing the two new stations to be built, she specifically mentioned putting a fire station on the corner of Siler Road and Agua Fria which has a benefit in terms of responding to Area 1, and will be first responders to the traditional Historic Village of Agua Fria which won't be annexed. He said Chief Salas also mentioned a station in the Northwest Quadrant.

Chief Salas said there is a fire station at Siler and Agua Fria, but it is not manned, it is strictly the training station, and she hopes to add a fire station on the same corner, fully staffed.

Councilor Ortiz said then in approving the restructuring, so long as it is contingent on the funding, we have the ability to decide that's not where the needs are for the annexation, and the needs could shift south and west, and the Council could do that.

Chief Salas said yes, noting she has worked closely with Edward Vigil and Robert Romero in discussions about moving it to a different location. She said we own the property at Station 5 and it would be a cost savings to the City to not be required to purchase additional property. She said they felt Siler was a great location because of the new bridge to West Alameda.

Councilor Ortiz said the City owns property in other places, and we have annexations coming for development approval and we can ask for dedication of land for fire stations on the south side of Santa Fe.

Chief Salas said she would be happy to look at those locations to ensure they meet the City's needs.

Councilor Ortiz said, in terms of the urban interface and potential costs, residents in these areas need to do certain things to prevent their properties from burning, and it is a place where improvement districts would really "come in handy," given the high costs of the urban interface numbers. He said there will be a lot more work to do on this when we get the numbers.

Councilor Ortiz said the summary of the costs of annexation will give us a very good first start. He thanked Chief Salas for her work.

Mayor Coss thanked Chief Salas for the presentation.

**FURTHER CLARIFICATION OF MOTION:** Mayor Coss said approving this organizational structure is not approving the 42 new positions or the fire stations, or anything which requires General Fund allocations right now. He said he likes the Chief's presentation that the Department can show where federal and state grants can help to fund some of these needs. He agrees with Councilor Ortiz about improvement districts helping to fund some of these needs, perhaps in the future. He wants to be clear that all of this will be worked out through the budget process. He said the County agreed to maintain some responsibilities with this annexation agreement. He said the agreement with the County is that it would continue to provide services, even after annexation occurs and believes we really need to push the County on this. He said the County made a commitment on the 1/4% GRT in the annexation discussions, and believes that fits with the phasing of the annexation, with who is responsible for I-25, and why we need tanker trucks because nobody put in fire hydrants in the County. Currently, these are County responsibilities which the County has said it will continue to live up to as annexation goes forward. He said we need to push on this as we go forward with annexation. He likes the idea of the wildland teams and that it could generate revenues, as well as being something we need. He commended Chief Salas on the Family Fund Festival and it is becoming a valued tradition for families. He said we need to work with the County to find as much non-General Fund money as possible to meet these needs.

Mayor Coss wants to be sure that the EMS employees are in line for the H1N1 vaccinations because they are in a high risk group.

David Jenkins, President of the International Association of Firefighters, said he really has nothing to add. He said, "I think these guys all hit it, except to say that we all feel that what is being asked for in this reorganization is critical. It is critical to our mission as a Fire Department. I just want to kind of note, or underline, here we are in a meeting about reorganization and we spent probably at least half of it talking about annexation, and I think it probably is the biggest issue that is facing this Department as a whole. And, we've been spending a lot of time thinking about it, and even talking with management a lot about it, and, personally, my fear is that there hasn't been a real substantive review of what is really the impact is going to be on the Fire Department. And I'm sure it's going to have a substantial impact on other departments as well. You mentioned, just as an example, the County, whatever they've promised, there is one ambulance that they have staffed in that area, and when that ambulance is busy it is going to be us coming into take care of it, and it already has been for a long time."

Mr. Jenkins continued, "And you mentioned that EMS tax, I think it was 2006 when we had that issue, and they have not made good on a lot of the promises that they made in that agreement. And, they were supposed to add 45 people, they've added about 30, and no one knows where this money is going, and it's going to get lost on that. But, it is a big issue, and I hope we do have a lengthy discussion about how that annexation is going to impact us. I always make it a point, whenever I am talking to you guys, to say again, we need a stable alternative funding source other than the General Fund. We've been beaten for years, and it's got to happen at some point. We'll work with you guys, however you want to do it, but we can't continue to pin the safety of the City on tourism, especially in an economy like we're facing now."

Councilor Chavez said the Regional Planning Authority has a nine-year history, and he's been a big part of that, noting he is a strong proponent of annexation. He said we need to magnify the Mayor's comments about holding the County responsible for its obligations. We are in a very critical situation, and we have to ask for that help. He doesn't believe this is a disrespect to the County or not appreciating what the County has done. Councilor Chavez said he is committed to assist in doing this. He understands that we are looking at a funding request which will give the Department what it needs for the next FY, and we will need to identify funding sources for that. He said an assessment district or improvement district is a great idea which provides cost sharing between private property owners and the Fire Department/City. He hopes we can work our way through the annexation, because if that unravels we unravel a lot of options and potential, as well as work done in the past, and it would be unfortunate.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Calvert, Councilor Chavez, Councilor Ortiz, Councilor Romero and Councilor Trujillo.

**Against:** None.

Mayor Coss thanked Chief Salas and the Fire Department.

**8. REQUEST FOR APPROVAL OF POLICE DEPARTMENT'S RECOMMENDATIONS REGARDING RESTRUCTURING. (CHIEF ARIC WHEELER)**

A copy of "City of Santa Fe Police Department 2009 Re-Organization," is incorporated herewith to these minutes as Exhibit "3."

Chief Wheeler presented information via power point. Please see Exhibit "3" for specifics of this presentation. Chief Wheeler noted they sat as a group, including line personnel, union membership and the upper command staff, to develop the restructuring in accordance with direction from the Council meeting where they discussed budget issues and with the coming annexation.

Chief Wheeler said they realized there wasn't much point in going forward to create an organizational structure for the "right here and now," knowing that annexation Phase 1 is coming in November and the additional phases to follow shortly thereafter. He said they analyzed the information

and decided it would be better to bring a proposal with the information which would be relevant to the future and what they saw as a mission and a vision for the Santa Fe Police Department.

Chief Wheeler noted that the areas in town haven't been evaluated for 15-20 years, and no assessment has been made as to how the areas should be broken out and how to allocate resources accordingly.

Councilor Trujillo said the bicycles are good for interaction with the community. He said he wished Santa Fe had police walking the beat. He likes the Chief's idea about Nixel, and asked if thought has been given to expanding Nixel to ordinary citizens, which would be more eyes and ears in the neighborhood. He asked him his thoughts on Segue.

Chief Wheeler said two weeks ago he attended the Police Chief's conference, and he met with the representatives from Segue and T-3, and asked them to have their sales representatives to contact him. He would like to schedule a time at the Public Safety Committee where they can give a presentation and talk about the costs and potentials for these programs. He said T-3 is more cost effective. He said cost is always going to be a factor.

Chief Wheeler said anybody can sign up for Nixel. He has tasked the current Police Community Relations Division to disseminate this information to each group with which it is interacting and giving presentations. He said he has been providing Nixel literature to groups, and he can provide the link to all of the Council. He said it is good tool, for example, in disseminating safety tips for Halloween, and is zero cost to the Department.

Councilor Ortiz said some of his questions will "come out in the wash," when he does the financial backup to the proposed plan, and some of it will sound repetitive.

Councilor Ortiz said he has discussed, with previous chiefs, the need to have a district set-up for a City the size of Santa Fe. He believes there are standards for police departments throughout the nation with respect to response time and/or distance to justify or speak against the need for districting. He said that information has been promised by prior chiefs, but never produced. He hopes Chief Wheeler can produce that information.

Councilor Ortiz said there is an underlying sense that the way we have staffed the Police Department for decades, the staffing plan, could be tightened and streamlined to work toward the reduction of overtime we see coming from the Police Department, noting that Department overtime averages \$1 million to \$1.4 million annually. He said a lot of that has to do with the way we stagger staffing and the staffing levels that we require. He said when the Chief talks about the districts on the maps, some of that discussion has to be supported with statistics and justification for districts. He said some of the districts, as configured, are designed to protect property on the north and south sides of town. He said he has seen, when he was on patrol, that people on the south side go to the north side and vice versa. He said districts, in some way, are an arbitrary construct. He hopes the Chief can demonstrate why it makes financial sense to continue to have these kinds of districts, when he comes forward with the

financials. He said when you see the charts, it is clear that a lot of the restructuring is predicated on keeping these districts to continue to keep the administrative structure for the shifts.

Councilor Ortiz asked why there is no recognition in the organization in the work chart on the problem we are seeing with gangs, and asked where that is located, and asked if this part of Juvenile Services, Street Crimes or what. He said it encompasses a number of different things which are under Investigations, but it's not specifically identified.

Chief Wheeler said the Gang Unit currently falls under the Street Crimes Unit. He said Councilor Ortiz is correct that it needs to be reestablished, and they need to identify the need and allocation of resources to those needs. He said the information on the organization is based on requests for service and in looking at the data which has been received from the County Sheriff and State Police. He said for the 17 years he's been with the Department, the areas have remained consistent. He said the Department needs to evaluate the size of the area based on the calls for services and the man hours tied to a call in order to change those boundaries. He said, for example, you will no longer see the Peralta Loop as being one area, which was established because it was the center of town, with a heavy population and a high volume of calls in that area, which remains consistent. He said the reality is that the south side of town has more calls, or are similar, and Area 4 probably needs to be broken into two separate areas. He said he will have to research that information and to present it to justify the district split, to ensure that officers are responding within a reasonable time period in those locations.

Councilor Ortiz said, with regard to the red light camera and forfeiture programs, he thought it was a requirement when these programs were created that these programs should pay for the costs of the programs, including the personnel costs. He asked if this is factored into the restructuring program.

Chief Wheeler said he is unaware of that language, but he can check that, noting that was done under Chief Johnson. He said at this point he is looking at those programs to see if they are self funding so there is no need for additional funding. He said the reality is that they are dealing with the fact that Captain Robbins had to assume administration of these programs full time.

Councilor Ortiz asked the number of personnel which are overseen by each Deputy Chief.

Chief Wheeler said he doesn't know that "off the top of his head," but it is in the document previously submitted in June on the justification for the Deputy Chiefs.

Councilor Ortiz said in the restructuring for the additional positions requested, he wants to see how that would break out in the division of labor the Chief has identified.

Councilor Ortiz said currently property crimes are listed under Investigations. He asked, to echo Councilor Trujillo in terms of property crimes, where are the Department's initiatives to increasing and preventing the kinds of burglaries that tend to occur.

Chief Wheeler said that ties back to the educational piece which he is working on and plans on moving forward to make a more concerted effort. He said, in some of the meetings he has been attending

regularly, people have indicated they do not feel enough information was disseminated in a timely fashion. He said, as a Police agency, they often want to hold information very close and not disseminate it, for fear of jeopardizing cases as well as the Police don't want to say much about our agencies. He said we need to change this mentality and be more transparent on the information which is disseminated. He said we need to educate our public, let them know what is happening in the community, and what measures can be taken to prevent these kinds of crimes from occurring. He said we also need to make information available to the public when these crimes are occurring on a more responsive basis.

Councilor Ortiz agreed, but said in the organizational structure the Crime Prevention, Public Outreach and Public Education are in one part of the department, while Property Crimes are in Investigations which typically is "held closest to your vest," because of ongoing investigations, evidence protection issues and such. He asked Chief Wheeler how he Chief justifies that Property Crimes are separate from another part of the Department.

Chief Wheeler said he already has started to address this. He has spoken with the Crime Prevention Unit and told them that the communication needs to be current and constant so we are disseminating some of that information. He said he has directed the Crime Prevention Unit to be sure they are updating the Neighborhood Watch Block Captains regularly. He said some of that went "to the wayside," for whatever reason and there was no open communication and weekly updates to advise them what was happening in their community as well as City-wide. He said just because they're placed in different locations on the organization chart doesn't mean there necessarily is a communication breakdown. It is a matter of giving direction. He said the intention of having the Crime Prevention Unit answering directly to the Deputy Chief is to ensure that responsibility is taking place on a regular basis. He said, because it ties so closely to the impact on the community and education, he wants to be sure it is being handled appropriately on a regular basis.

Councilor Ortiz said the new position in Anti-Graffiti is tucked into Investigations and not in the Crime Prevention aspect of the Department, and asked the rationale.

Chief Wheeler said at this time, he is unsure where that particular position will fit within the Department. He said, for now, he is looking at whether it ties directly to investigations because it is mostly gang related and the gang activity piece is tied to it, so there is direct correspondence between them, the Gang Unit and the Streets Crime Unit. Or, whether it will go back to be expanded within the Crime Prevention Unit.

Councilor Ortiz asked if other communities found success under the "broken window" initiative where the Police Department is pro-active in trying to solve all of the blight that happens within neighborhoods or on property with the goal of preventing the crime.

Chief Wheeler said the "broken window" theory is prominent in the law enforcement community. However, since we don't currently have the position, and he hasn't decided what to do with the position, it is difficult to say exactly where it will fit best.



Councilor Ortiz said then it is tucked in here because there is no other place to put it now.

Chief Wheeler said no. He looked to see where it probably will fit best at this point because it is tied to the gang problem and the Gang Unit was the appropriate place to put it at this time.

Responding to Councilor Ortiz, Chief Wheeler said a person is assigned as D.A.'s liaison and this position has always been filled. He said the responsibility of the D.A. Liaison is to deal with reports on a daily basis which are reviewed by the District Attorney's Office. Any felony report has to be submitted to the District Attorney's Office by the following work day, reviewed by the D.A.'s Office, and any amendments or changes made so we can assure they are submitted timely at the first hearing or the arraignment, and to make any modifications to the probable cause statement or criminal complaints or the report to ensure the case isn't jeopardized.

Councilor Ortiz asked if this should be a function of the Unit commander.

Chief Wheeler said no, because a graveyard commander works only until 6:00 a.m., and would be expected to stay for the entire day for the entire process to meet Court imposed deadlines. He said the D.A.'s Liaison has the responsibility for entering every warrant from Magistrate Court, District Court and Municipal Court in a timely fashion, and it jeopardizes officers' lives if the information isn't timely entered.

Councilor Ortiz asked if this is a ministerial/administrative function and if it has to be performed by a law enforcement officer.

Chief Wheeler said at one point in time, a civilian position was assigned to enter the Municipal Court warrants, but that position is no longer available. He is unsure, in terms of the guidelines, as to whether a law enforcement officer has to enter those. However, only a commissioned officer has access to NCIC.

Responding to Councilor Ortiz, Chief Wheeler said "EOD," is Explosive Ordinance Disposal – the Bomb Squad.

Councilor Ortiz said all three of these units are composed of people already in the organization.

Chief Wheeler said this is correct. These are auxiliary functions which respond as needed, and some are on an on-call status, such as the SWAT Team, EOD and the Honor Guard. These individuals are regular officers who provide the additional service as needed.

Councilor Ortiz said when the financial information goes to Finance, he will be looking for some justification as to why the listed support operations are considered separate and apart from the regular patrols. He asked why the Traffic, Bicycle and PSA people are considered separate from the two district "operations that you've identified."

Chief Wheeler said they are separate because their job function is job specific. The Traffic Unit primarily handles traffic crashes, and the Public Safety Aides, which are civilian positions, direct traffic for them and their responsibilities differ from those of a regular patrol officer.

Councilor Ortiz said the K-9 personnel are officers, and have specific tasks assigned because of the specialty, but they can perform any officer duties, but they are separated and have a different command to which to report.

Chief Wheeler said this is correct, and it is all based on job functionality. He said, for example, the main expertise of the Violent Crime Detectives is their expertise in the field of violent crimes – they understand violent crimes and go to school to study violent crimes, they study patterns, blood spatters, etc. He said we invest a lot of money to train traffic patrol officers to respond to traffic fatalities and deal with traffic accidents in a much more efficient way than just sending a regular patrol officer. He said K-9 Officers do respond to calls for service and are a supplemental force which goes out to work during peak hours and responds to calls, but are available to be utilized when the K-9 dogs are needed.

Councilor Ortiz said he believes it would be good to have PSAs, for example, to have official presence in going throughout the neighborhoods and being responsive to the shift commander, in terms of “whatever areas have a particular interest to the department, to be able to assign those PSAs to go through and to have increased presence within neighborhoods just to show that there's some official vehicle moving through.”

Chief Wheeler said that is something he can consider, but right now, they are assigned to the Traffic Division because their primary function is assisting in traffic crashes. He said it is more cost effective to use the PSA to direct traffic and allow the Traffic Officer to conduct the investigation without tying up two patrol officers for that function.

Councilor Ortiz said he looks forward to getting more of these details as the finances come forward.

**MOTION:** Councilor Chavez moved, seconded by Councilor Romero, to approve the Police Department's proposed reorganization, with the recommendation for the patrol district split and a spreadsheet of the positions with the dollar amounts attached to it – the full time positions being sought – the officers, PSA's and positions in animal control.

**DISCUSSION:** Responding to Councilor Calvert, Councilor Chavez said the money and positions can be phased in, depending on what funding sources are identified..

Councilor Calvert said currently the day shift, swing shift and graveyard shift operate out of the one headquarters, and Chief Wheeler said this is correct.

Councilor Calvert said, “As opposed to the nine districts you are talking about to break it up for patrolling, these two districts are more basic than that. This is conceivably where people would report to start their shifts and then in all likelihood, if you're following this concept, you want them to not all report to the same

central building because part of the time savings, I guess, would be you won't have to drive all the way down there and drive all the way across town to start your shift. Is this correct."

Chief Wheeler said this is correct, and previously with the two district splits, we used the Alameda Substation, noting the Crime Prevention Unit is working out of that building at this particular point in time. The ultimate goal would be, as Councilor Ortiz said to Chief Salas, that once the annexation phases move forward, to identify property and locations which would be key for expansion to an additional station. He said the data will be most interesting – source of the calls for service, where we will need those kinds of stations, and where we would be most effective – which will be used to determine sites for future stations for the Police Department as well.

Councilor Calvert said it obviously will be a function of where you define the split between district one and two, and it will fall in a certain place which will be determined somewhat by the analysis of where the activity is and where it is projected to be. He understands the concept of the two districts and the advantages, but he also knows it will cost more money, because the Alameda Substation won't function as another district headquarters without considerable expansion and change.

Councilor Calvert said the City just spent a lot of money renovating the existing headquarters and asked if some of that will wind up as excess space and capacity if we go to this arrangement.

Chief Wheeler said he can assure him, based on the current department size, if they were to add an additional 45 officers, as proposed under the three-year plan, they would be "busting at the seams," even if they split it directly down the middle with 100 at one station and 100 at another. He said the Department has far outgrown the current building, and the expansions made in Phases 1 and 2 are making it more comfortable. However, it is unknown whether there will be funding to move forward with Phase 3 of the renovation/expansion. And, even if they did have the funds, the building still would be inadequate for all of the officers. He said there are 25 individuals who are staying within the "space of the size of these three desks right here that they work out of, so I don't see that that would be any type of issue where we would be expanding too much."

Councilor Calvert asked if the district concept removes flexibility to move officers across district boundaries to accommodate big problems or special needs as they arise.

Chief Wheeler said that should not be a problem, but it was an issue in the past. He believes this is more a management issue and direction to the field commanders to assure there are no issues. He said in previous district situations, major incidents take precedent and you pull resources from wherever necessary to respond.

Councilor Calvert said, with regard to the organizational chart, he hopes that the boxes aren't silos and that there is a lot of interaction, noting there is a lot of connection between things, especially Drugs, Street Crimes, Property Crimes and Graffiti which are very inter-related. He hopes the organization is flexible, and perhaps the Chief might want to reorganize around things which are related in terms of the root cause and how people investigate based upon that. He realizes the Chief needs a way to define the organization. He said the City also is looking at restructuring and Chief Wheeler should be participating in

how to organize most effectively to accomplish what you're trying to do and there may be dividends in terms of increased productivity along those lines. He said there is a lot of relationship between Property Crimes and between gangs and drugs, and he would hope that the organization reflects how those are interrelated and how you approach solving and preventing these kinds of crimes.

Councilor Romero clarified that the proposed districts aren't the Council Districts. She suggested there is a short term analysis to see where the resources are going on the police districts, and in the long term annexation will be causing a blurring or reconfiguration of the district lines. She would like to see the short term analysis if possible.

Councilor Romero said with Nixel going out to all the neighborhood associations, people are looking at that it's up to the neighborhood to get the Nixel information to their associations so they can see where the crime is happening. She said the Police can do only so much. She said they are putting murals in the high graffiti area in District 2, and that coordination effort is to be commended. She said there is a proposal for more Animal Control Officers in the annexation phases. She said a lot of education will be needed in the newly annexed areas so the people in the area can understand, for example, what it means to own a pet.

Councilor Chavez thanked Chief Wheeler, Officer Neal, Officer Paulk and other Police personnel for attending the Neighborhood Watch meetings, saying people are interested and want to help. He said it was very informative and that interface and interaction between the Police Department and the public is critical because it puts a "face on a name," and you interact that way. He said in time it will morph into a COPs program.

Sgt. Allen Lopez, Vice-President, Police Officers Association, said he is a first line supervisor on the day shift and he sees and deals with the things the Chief is discussing. He said in the past three weeks, the day shift crew has caught three burglars in two different incidents, and he caught one as well. He said he has been with the Police Department for almost 21 years. He said when he came on the Police Department, the minimum staffing was 8 officers and now there are only 9 officers, 21 years later. He said he assigns officers and he chooses areas that are being hit a little harder. He said in terms of officer safety, we are barely making the minimum staffing, and if he goes below 9 officers he calls for overtime. He said this Department is reactive, not proactive. He said hopefully it will be proactive in doing this reorganization. He would love to see the Bicycle Officers patrolling the neighborhood, because they will see more than someone in a patrol car.

Sgt. Lopez said if the reorganization is done correctly, there will be proactive patrolling and a lot of this crime is going to go down, especially in areas of graffiti and gangs. He said the union does back the proposed reorganization, and he hopes that "none of you guys cut any of these positions, even with the top command, because it vital." He said the Department is increasing and when you cut away it gets harder and harder to function, and hopes "you guys see all of this." He said peak times during the day are 11:00 a.m. to 3:00 p.m.. He said if there are 4 officers on the north side and 4 on the south side and they are tied up on calls, and a major call comes it, it is his responsibility as the Commander to decide it is a priority and to start pulling officers off their calls. He said the criminals will do crime during the peak hours because we can't respond. He said they were able to catch the burglars recently because it wasn't during peak hours.

Sgt. Lopez said it is vital to beef up the patrols. He said he does hear the concerns from the officers and he also is on the street going on these calls, as well as assigning officers. He knows money is an issue, but things will change only when we look at everything in terms of safety.

Mayor Coss said he really likes the Bicycle Patrols, noting he went on a ride-along with them, and people do like them, but criminals don't like them at all. He said Councilors Calvert and Ortiz had good points about not letting boxes become silos. He thanked Chief Wheeler for expressing his vision. He said the Chief is getting 12 positions in these hard times, which is more than other departments are getting. He said there is a new way to report graffiti, and Councilor Dominguez's Resolution elevated this to a police matter. He said the Police Department has good partners in terms of domestic and sexual violence crimes. He said, "Don't stop recruiting, because Sgt. Armijo [Lopez] is right, we need to bring these numbers up and it is taking longer than anybody would like. Mayor Coss said however the reorganization ends up, it is the vision and the communication with the community about what we are doing with issues of concern that is important.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Calvert, Councilor Chavez, Councilor Romero and Councilor Trujillo.

**Against:** None.

**Abstain:** Councilor Ortiz said he is unconvinced that we need two districts, nor that the current staffing is the right approach, and until he gets that financial information and sees the justification for how some of the boxes were included in the chart, he will abstain.

## **9. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "City Council meeting of October 21, 2009 – Bills and Resolutions Scheduled for Introduction by members of the Governing Body," is incorporated herewith to these minutes as Exhibit "4."

### **Councilor Trujillo**

Councilor Trujillo acknowledged and introduced Peter Mizrahi and Frank Stuto, members of the Public Safety Committee who are in attendance this evening.

### **Councilor Calvert**

Councilor Calvert introduced a Resolution which endorses a transitional transportation voucher program for Santa Fe Ride Program Participation. A copy of the proposed Resolution is incorporated herewith to these minutes as Exhibit "5."

Responding to Councilor Chavez, Councilor Calvert said this is the paratransit program.

**Councilor Chavez**

Councilor Chavez said he is hearing from members of the community that they really need paratransit, and he would like to cosponsor bill.

Councilor Chavez said on Wednesday, he will be introducing an amendment to the Truck Ban Ordinance which will add a portion of Cordova Road to the list of streets to which the Truck Ban applies, and would like that routed through the system, noting Ms. Price has the draft language.

**10. ADJOURN**

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 7:50 p.m.

**Approved by:**

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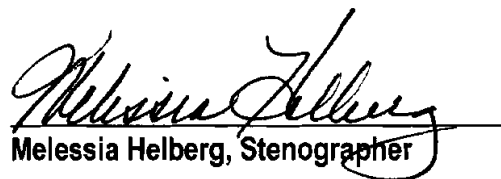
**Mayor David Coss**

**ATTESTED TO:**

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**Yolanda Y. Vigil, City Clerk**

**Respectfully submitted:**

  
**Melessia Helberg, Stenographer**