



Agenda

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PUBLIC SAFETY COMMITTEE
Tuesday, August 17, 2010 4:00 PM
City Council Chambers
200 Lincoln Avenue, Santa Fe, NM 87501

1. Roll Call
2. Approval of agenda
3. Approval of Tuesday, July 20, 2010 minutes
1. Old business:
 - A. An ordinance amending section 23-4.2 SFCC 1987 regarding solicitation on public property; creating a new article 20-2SFCC 1987 regulating panhandling on public property; creating a new article 20-3 SFCC 1987 regulating panhandling on private property; and amending section 18-8.10 SFCC 1987 regarding business license fees. (Councilor Trujillo) (Jeanne Price)
5. New business:
 - A. An ordinance repealing article 18-3 SFCC 1987; and creating a new Article 18-3 SFCC 1987 regarding solicitation on private property within the City of Santa Fe. (Councilor Trujillo) (Jeanne Price)
 - B. A Resolution establishing fees associated with the City's Solicitation Ordinance (Article 18-3 SFCC 1987). (Council Trujillo) (Jeanne Price)
 - C. An ordinance amending section 5-11.1 SFCC 1987 regarding the nonprofit organization animal shelter contract. (Councilor Bushee) (Jeanne Price)
 - D. Resolution amending resolution no. 2004-43 regarding licensing and permit fees, fines and penalties for violations and other Charges relating to animal services. (Councilor Bushee) (Jeanne Price)
 - E. Informational Presentation – City of Santa Fe Wildlife Policy (Emergency Preparedness Coordinator Joyce Purley)
6. Matters from Municipal Court
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
August 17, 2010**

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Cover Page		1
Call to Order	Call to Order by Chair, Councilor Ronald Trujillo at 4:00 pm in the City Council Chambers	1
Roll Call	A quorum was declared by verbal roll call	1
Review and Approval of Minutes July 20, 2010	Dr. Mier moved to approve the minutes of July 20, 2010 as presented, second by Mr. Harris, motion carried by unanimous voice vote.	1
Approval of the Agenda Item E. Tabled	Mr. Mizrahi moved to approve the agenda as amended, second by Dr. Mier, motion carried by unanimous voice vote.	1
Old Business A. An ordinance amending section 23-4.2 SFCC 1987 regarding solicitation on public property; creating a new article 20-2SFCC 1987 regulating panhandling on public property; creating a new article 20-3 SFCC 1987 regulating panhandling on private property; and amending section 18-8.10 SFCC 1987 regarding business license fees. (Councilor Trujillo) (Jeanne Price)	Mr. Bowen moved to change the wording in C. from may to shall, second by Dr. Mier, motion carried by unanimous voice vote. Dr. Mier made the motion to approve the ordinance as amended, second by Mr. Harris, motion carried by unanimous voice vote.	2-3
New Business a. An ordinance repealing article 18-3 SFCC 1987; and creating a new Article 18-3 SFCC 1987 regarding solicitation on private property within the City of Santa Fe. (Councilor Trujillo) (Jeanne Price)	Dr. Mier moved to approve ordinance repealing article 18-3 SFCC 1987; and creating a new Article 18-3 SFCC 1987 regarding solicitation on private property within the City of Santa Fe, second by Mr. Mizrahi, motion carried by	3-8

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	unanimous voice vote.	
b. A resolution establishing fees associated with the City's Solicitation Ordinance (Article 18-3 SFCC 1987). (Councilor Trujillo) (Jeanne Price)	Mr. Bowen moved to approve resolution establishing fees associated with the City's Solicitation Ordinance (Article 18-3 SFCC 1987) as amended [50-50 split between the General Fund of the City and Public Safety Dept.], second by Dr. Mier, motion carried by unanimous voice vote.	
c. An ordinance amending section 5-11.1 SFCC 1987 regarding the nonprofit organization animal shelter contract. (Councilor Bushee) (Jeanne Price)	Dr. Mier moved to table this discussion of ordinance amending section 5-11.1 SFCC 1987 regarding the nonprofit organization animal shelter contract moved to a later date pending additional information for consideration, second by Mr. Harris, motion carried by unanimous voice vote.	
d. Resolution amending resolution No. 2004-43 regarding licensing and permit fees, fines and penalties for violations and other charges relating to animal services. (Councilor Bushee) (Jeanne Price)	d. and e. tabled by the Public Safety Committee	
e. Informational Presentation – City of Santa Fe Wildlife Policy (Emergency Preparedness)		

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Matters from Municipal Court	Report in Packet, Informational	8
Matters from Police Chief Aric Wheeler	Chief Wheeler Excused. Informational	8-9
Matters from Fire Chief Barbara Salas	None	
Matters from Committee Members	Informational	9
Communications from the Floor	None	
Signature Page and Adjournment	There being no further business to come before the Public Safety Committee, Mr. Bowen moved to adjourn at 5:00 pm, second by Dr. Lewis, motion carried by unanimous voice vote.	10

PUBLIC SAFETY COMMITTEE MINUTES

**August 17, 2010
4:00 pm – 5:00 pm**

The August 17, 2010 Meeting of the Public Safety Committee was called to order by the Chair, Ronald Trujillo at 4:00 pm in the City Council Chambers, Santa Fe, New Mexico. The Chair asked for roll call.

1. Roll Call

Councilor Ronald Trujillo, Chair
Nancy Owen Lewis, PhD
Peter D. Mizrahi
Dr. Mike Mier
Herbert L. Harris, Jr.
Mike Bowen
Frank Stuto

Absent – Excused
Benjamin Montano

Staff Present
Fire Chief Barbara Salas
Chief Contreras
Shannon Cantu
Joyce Purley
Jeanne Price
Alfred Walker, Assistant City Attorney

Others Present
Anna Serrano for Fran Lucero, Stenographer

2. Approval of Agenda

Staff Changes: Item E removed from the agenda.

Mr. Mizrahi moved to approve the agenda as amended, second by Dr. Mier, motion carried by unanimous voice vote.

3. Approval of July 20, 2010 Minutes

Dr. Mier moved to approve the minutes of July 20, 2010 as presented, second by Mr. Harris, motion carried by unanimous voice vote.

4. Old Business

- A. An ordinance amending section 23-4.2 SFCC 1987 regarding solicitation on public property; creating a new article 20-2SFCC 1987 regulating panhandling on public property; creating a new article 20-3 SFCC 1987 regulating panhandling on private property; and amending section 18-8.10 SFCC 1987 regarding business license fees. (Councilor Trujillo) (Jeanne Price)**

Ms. Price returned to add clarity regarding panhandling on public property so there would not be confusion on the regulations on private property. Suggestions were also incorporated in to the new proposed ordinance.

Mr. Bowen: Page 5, line 2 – it shall be the responsibility of the police department to enforce. Question: Isn't it the responsibility of the Police Department to enforce all ordinances? Does it need to be spelled out? Ms. Price concurred that it does need to be spelled out. Police Department does not enforce all ordinances. Next question: Violations C and D: Upon the first violations of the provisions of this article, the police may issue a written warning to the person violating this article. As stated in D - Upon second violation by the same person, the police shall issue a citation. Mr. Bowen said he has a concern regarding the discretion that is taken away. Discretion should always be there on the officer's part.

Mr. Bowen moved to change the wording in C. from may to shall, second by Dr. Mier, motion carried by unanimous voice vote.

Discussion:

Mr. Bowen asked a question related to line 15, page 5 – Panhandling Prohibited on Private Property – his recollection from the last meeting was how this would be handled for the school area, i.e. selling candy, etc. Ms. Price explained that this was solicitation on private property where you are asking for money, you aren't looking for orders, or selling fruit or candy. The new item under New Business will differentiate the private property. Mr. Bowen stated that the confusion comes in under the definition of Panhandling on Private Property and the difference between solicitations.

Dr. Mier expressed his thanks for the clarification in relation to the schools. He asked if proof of insurance is necessary for panhandling. Ms. Price responded, no, not for panhandling. What is the liability to private business to allow panhandling on private property?

Alfred Walker, Assistant City Attorney: This is an issue between the private property owner and the person that they allow to panhandle. That is not an issue for the city.

Dr. Mier: Panhandlers have to provide proof of payment should the Police request this verification? Suggestion, wouldn't it be advisable that someone who is panhandling that they could have a lanyard or a card, or a permit, wouldn't that make sense? Ms. Price said if the City Attorney was not opposed to this suggestion, she could make the change. Dr. Lewis asked if the person is not doing anything wrong why would they be asked to provide proof of payment for panhandling or does there have to be a provoking act before you can ask for their license. Chief Contreras responded that if the Police Officer sees someone panhandling they can ask for the license or identification. If at all possible it would be advisable to require, just like they require of a business to display their license. Mr. Harris asked that on page 3 - line 8, adding the wording that the license should be displayed.

Dr. Mier: There are certain roads within our city that are state roads, will it be prohibitive for those panhandling on those roads. The Chief responded that they are responsible for those roads within the city and that it should be enforced as they are within the city. The Chief will look in to this matter.

Dr. Mier made the motion to approve the ordinance as amended, second by Mr. Harris, motion carried by unanimous voice vote.

5. New Business

a. An ordinance repealing article 18-3 SFCC 1987; and creating a new Article 18-3 SFCC 1987 regarding solicitation on private property within the City of Santa Fe. (Councilor Trujillo) (Jeanne Price)

Ms. Price addressed 5a and 5b together. This talks about the person who is going door-to-door on private property, say to sell vacuum cleaners, magazines, etc. They have excluded non-profits like Girl Scouts or Little Leaguers and have concentrated on the commercial aspect of solicitation. It will require a license from the city and a background check from the police department before the license is issued. There is also a fee that is included in the resolution to cover the administrative cost for the processing of this license. They are asking that the application come in 90 days before the date needed in order to do the background check. There are also rules that need to be followed; the bill prohibits abusive solicitation and solicitation 30 minutes after sunset or earlier than 10:00 am, unless such person has been invited. The bill requires the solicitor to maintain insurance and to carry photo identification and present the license upon request.

Dr. Mier suggested that the person show their license. Ms. Price referred to Page 9, line 9 where it clearly states, "Immediately present a solicitation license, identification and authorization to act on behalf of a third party, if applicable, to any person approached for said solicitation and to any law enforcement official, upon request." Dr. Mier: Thank you.

Dr. Mier moved to approve ordinance repealing article 18-3 SFCC 1987; and creating a new Article 18-3 SFCC 1987 regarding solicitation on private property within the City of Santa Fe, second by Mr. Mizrahi, motion carried by unanimous voice vote.

- b. A resolution establishing fees associated with the City's Solicitation Ordinance (Article 18-3 SFCC 1987). (Councilor Trujillo) (Jeanne Price)**

Ms. Price said this is the companion to the previous ordinance. This resolution would allow covering the cost to the city to process the license for solicitation. It is made clear that the cost is \$150, renewal is \$100, finger printing is \$70, but that can be increased if costs are greater than that cost. In the event that someone would be denied license, they can appeal and there would be a charge for this.

Dr. Mier strongly encouraged that all fees that are collected be used for public safety use only. Mr. Harris said that it would be difficult as not all services rendered are being provided strictly from public safety. Dr. Mier said that since the burden lies on public safety that a percentage should be allocated to Public Safety. It was recommended that the fees collected be a 50-50 split between Public Safety as the enforcement agency and the Administrative offices of the City who process the license, after the finger printing.

Mr. Bowen moved to approve resolution establishing fees associated with the City's Solicitation Ordinance (Article 18-3 SFCC 1987) as amended [50-50 split between the General Fund of the City and Public Safety Dept.], second by Dr. Mier, motion carried by unanimous voice vote.

- c. An ordinance amending section 5-11.1 SFCC 1987 regarding the nonprofit organization animal shelter contract. (Councilor Bushee) (Jeanne Price)**

Ms. Price made reference to a letter in the packet which outlines the changes in the code. The city has received a request from the Santa Fe Animal Shelter and Humane Society to amend their contract with the city so that the Shelter would have the authority to issue licenses for dogs and cat's and in turn collect the license fees. The Shelter also would enforce

the city's code provisions requiring the license and then collect the fines for violations of that code provision. The attached bill and resolution are necessary before the contract can be amended. The resolution also increased the license fees for dogs and cats to be more in line with what other cities charge. Dog/Cat Licenses would go from \$5 to \$15. The city has not increased fees since 2004.

By authorizing the Shelter to perform these duties and thus be compensated for the duties by collecting the related fees and fines, the Shelter can be more proactive in getting dogs and cats licensed thus furthering the intent of the city's animal control ordinances.

Currently the animal shelter and the City Animal Services Department issue licenses. The city gives 75% of the licensing fees to cover spay and neutering of animals and the Animal Services Department keeps 25% for training. What they are looking at now, is the Animal Shelter would like to take over 100% of the licensing for city/county and keep better track and increase licensing. The Animal Services Department Manager is in agreement with this proposal. He does not support that the Animal Shelter should issue citations and collecting the fine. The ordinance says that an animal service officer should do that, must wear a badge and a uniform. There is a safety issue and we use the Police department as back up and to have a non-profit agency to do this would not be appropriate. Where would they get the citations?

Mr. Bowen said he did not feel that a non-profit agency should be issuing citations and did not agree with the monies created from fines going to a private entity. They currently get 75% of the fees collected which is contained in the 2004 ordinance.

Mr. Bowen made a motion to strike the words "enforcement of Section 5-56 SFCC 1987" on page 1 – line 25, after the words administration. Died for lack of a second.

Dr. Mier stated that he was not in favor to increase fees nor to have someone issuing citations without enforcement authority. What oversight does the city have with the flow over of these funds to the Animal Shelter from the city. Ms. Price said it is specified in the contract.

Mr. Stuto asked the question about there being no provisions for people renewing animal licenses through mail. The Animal Services Manager said this was not correct. People can come to license their animals at the shelter or sending their current documentation that their animals have been spayed or neutered, and their license is sent to them. It is important to have verification of the animals spay and neutered records. Mr. Stuto said

his concern is related to those seniors who can't get to the locations specified to get their licenses for their pets.

Mary Martin, Director of the Animal Shelter

Background information is that they came to the city asking for more funds this year and they could not continue in this way. The city came back and said that they could not give them more money this year and the Animal Shelter came back with suggestions to increase the licensing fee. She clarified that there is no mail system now that reminds the owner that their license is due. The enforcement is important to them in order to increase the licensing compliance, but it is important that the piece for enforcement is vital to the Animal Shelter. That is how they will create the revenue to generate the cost. It is a training issue, but it is done in many communities. If that is extracted from this contract proposal, they will go back to the table with the original request because they cannot recover their cost unless they can be assured that they can do canvassing to comply. It is important to canvas and let people know that by law they need to license their pets.

The committee collectively all shared their concern for training of those who would canvas and the need to have law enforcement trained officers to meet with the constituents regarding any pet violations.

Ms. Martin stated that she understood and knows that when you hire a new animal control officer they have to be trained and that would be no different from what they would have to do as well to get their people trained. They are talking about incurring a cost to hire a whole new team to do this and this is why we are "demanding" that if they are to take on the full responsibility and cost to do this they have to be able to collect the revenues to do it. If they don't have the ability to enforce licensing currently, it will continue at the same rate. As other non-profits they have been hit with a down slope in private donations. Donors were not aware that we were using donor dollars to cover city required responsibilities. What we were asking for originally was a cost for coverage contract, and since this was not possible, this was another option.

Dr. Lewis, what you are proposing is an increase of fees would provide for the canvassing effort and do an on line renewal system. There is no clarity as to what the increase of fees would be used for. How much do you anticipate getting by raising these license fees, is it sufficient to cover your needs.

Ms. Martin: It is a bit of guess on our part. We need know what disparity is between our contract and what we get from the city. We believe over time, not all in the first year, that we can recover some of our loss. At one time we were contemplating closing one of the facilities because of the

cost of animal control. We have increased the amount of animals but we have not increased the cost in our contracts, we cannot operate at this level. Frankly, we thought we had an agreement, we are surprised by Pat's concern; it was not expressed to us before today.

The committee expressed their concerns over the comment from Ms. Martin that if they could not have the enforcement powers and revenue is generated from it; that they would go back to the table. It was stated that they should go back to the city governing body for that discussion. Enforcement is not intended as a revenue stream; enforcement is intended to make compliant whatever the law or the ordinance is. Ms. Martin had stated having enforcement authority to have revenue stream for the non-profit organization.

Ms. Martin responded; "yes, that is the reality of it. I know by looking at other models in other communities, this is the way they set their budget by what they project the revenue will be for licensing, for fines not associated with licensing, etc. We do not believe that we will be able to cover our cost or the gap without having that piece, I don't know how to better describe this."

Mr. Harris asked if the Animal Shelter was not doing this service, how it would get done.

Ms. Martin stated that it is not being done. The only thing that is being done currently is if you want to have your pet licensed you can come to the shelter or you can mail in your renewals as Pat mentioned earlier.

Mr. Harris restated his question, if the Animal Control Department was not picking up the animals, who would provide this service? Also, there are specified services documented in the contract, are those being done?

Ms. Martin confirmed that the services are being done and the city does provide compensation on an annual basis per the contract agreement.

Mr. Harris said that he felt it important for them to go back to the city and renegotiate the contract. There is an urgent need for the service that is being provided and it is important to have the service continue.

Ms. Martin offered clarification as to the enforcement staff. It would not be "citizens", it would be staff that has been deputized by the Sheriff's Department to write citations for animal violations or lack of licensing compliance. They would be trained to provide this service.

Dr. Mier brought forth the comment of the amount of training needed for this service. He was not sure how increasing the fee from \$5 to \$15 was

going to help when the discussion of hiring additional staff, will there be operational costs, will there be a need for more vehicles, how will the training be conducted. He stated that additional information is needed before a valid decision could be made by the Public Safety Committee.

Dr. Lewis echoed that she would like to have a better understanding of what the shelter needs to go forward. What does the contract not include at this time to make the Animal Shelter for efficient and effective.

Ms. Martin said that what they need is “money.”

Dr. Lewis said, “money for what?”

Dr. Mier moved to table this discussion of ordinance amending section 5-11.1 SFCC 1987 regarding the nonprofit organization animal shelter contract moved to a later date pending additional information for consideration, second by Mr. Harris, motion carried by unanimous voice vote.

Note: Mary Martin – Director of the Animal Shelter in Santa Fe will provide much more information needed at a meeting (date to follow)

- d. Resolution amending resolution No. 2004-43 regarding licensing and permit fees, fines and penalties for violations and other charges relating to animal services. (Councilor Bushee) (Jeanne Price)**

Tabled by the Public Safety Committee.

- e. Informational Presentation – City of Santa Fe Wildlife Policy (Emergency Preparedness)**

Tabled by the Public Safety Committee.

- 6. Matters from Municipal Court
Report in packet.**

- 7. Matters from Police Chief – Chief Wheeler excused.
Chief Contreras gave brief update on school patrol.**

They have gone live on crime reporting, it is a real time report which every officer will have access to. They will have crime trends of the day, crime trends of the hour. It is a pro-active tool vs. a reactive pool. Captain Wiggins activated into comstat today and an evaluation will come back to the committee in a month for review.

Dr. Mier asked Chief Contreras regarding the previous presentation by the Animal Shelter; what his view is regarding the enforcement request.

Chief Contreras said that it is an uncomfortable feeling. The Police Department has had previous conversations with Pat – Supervisor from Animal Control. In fact, there are a number of times that the Police Department is asked to assist, and even though the animal services are in uniform and are displaying the badge of the City, there is rarely compliance with them. It sometimes takes several visits to the citizen to accept the citation.

Dr. Mier asked if it would bring more work back to the Police Department for repeat trips to enforce the citations. The answer was yes.

Pat added information that the Animal Shelter has signed a contract with the Sheriff's Department. The Public Safety Committee would like to see a copy of that contract.

8. Matters from Fire Chief Barbara Salas

None

9. Matters from Committee Members

Mr. Mizrahi: At the last committee meeting he asked Chief Wheeler to look in to the sign removal at the railroad crossing at Siringo Road. They acted quickly, thank you very much.

Dr. Mier: School starts up in a week, there is a lot of speeding off of Galisteo Street close to E.J. Martinez School, good luck.

Captain Wiggins is working in that area.

Dr. Lewis: There is quite a bit of violence on the trails. She wasn't sure how much of this open space is within the city. – Councilor Bushee is addressing this through the Parks Committee. The Police Department responded that the incidents reported are within the city limits. They are using bike control, use of canine officers and also identifying areas of ingress/egress and evaluating those areas.

Dr. Mier asked who enforces the leash law. Animal Services. Pat said they are down one animal control officer, they are trying to re-staff. They are doing the best they can and they do issue citations.

10. Communication from the Floor

11. Adjournment

There being no further business to come before the Public Safety Committee, Mr. Bowen moved to adjourn at 5:00 pm, second by Dr. Lewis, motion carried by unanimous voice vote.

Signature Page:

Councilor Ronald Trujillo, Chair



Fran Lucero, Stenographer