



Agenda

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PUBLIC SAFETY COMMITTEE
Tuesday, July 20, 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, May 18, 2010 minutes
4. Old business:
 - A. NONE
5. New business:
 - A. Adoption of the Emergency Operations (Emergency Preparedness Coordinator Joyce Purley)
 - B. Recommended non-DOT fixed automated red light and speed enforcement locations (Police Captain Anthony Robbin)
 - C. Proposed ordinance amending section 23-4.2 SFCC 1987 regarding solicitation on public property; creating a new article 23-9 SFCC 1987 regulating panhandling on public property; and amending section 18-8.10 SFCC 1987 regarding business license fee (Councilor Trujillo, Legislative Liaison Jeanne Price)
 - D. Proposed ordinance repealing section 16-7.4 SFCC 1987, indecent exposure; and creating a new section 16-7.4 SFCC 1987 regarding public indecency (Mayor Coss, Marcos Martinez)
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
July 20, 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 New Member: Mr. Benjamin Montano	1
Review and Approval of Minutes May 18, 2010	<i>Mr. Mizrahi moved to approve the minutes of May 18, 2010 as presented, second by Dr. Owen-Lewis, motion carried by unanimous voice vote.</i>	1
Approval of the Agenda Table Item B	<i>Dr. Mier moved to approve the agenda as amended, second by Mr. Harris, motion carried by unanimous voice vote</i>	1
Old Business None		
New Business		2-4
<p>a. Adoption of the Emergency Operations (Emergency Preparedness Coordinator, Joyce Purley)</p> <p>Staff Follow up: Ms. Purley asked if the committee had received the Wellness Abuse Policy. The Chair stated that it was not on the agenda and it would be placed on next months agenda.</p> <p>b. Tabled by Councilor Trujillo until next meeting.</p>	<p>Mr. Harris moved to approve and adopt the Emergency Operations, second by Dr. Mier, motion carried by unanimous voice vote.</p>	

**Index Summary of Minutes
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c. Pan Handling Ordinance	<i>Dr. Mier moved to have the ordinance with noted revisions come before the Public Safety Committee at the next scheduled meeting, second by Mr. Mizrahi, motion carried by unanimous voice vote.</i>	
d. Proposed ordinance repealing section 16-7.4 SFCC 1987, indecent exposure; and creating a new section 16-7.4 SFCC 1987 regarding public indecency (Mayor Coss and Marcos Martinez, Esq.)	Dr. Mier moved to approve ordinance repealing section 16-7.4 SFCC 1987, indecent exposure; and creating a new section 16-7.4 SFCC 1987 regarding public indecency, second by Mr. Mizrahi, motion carried by unanimous voice vote.	
Matters from Municipal Court	Report in Packet, Informational	4
Matters from Police Chief Aric Wheeler	Informational	4-5
Matters from Fire Chief Barbara Salas	Informational	4-5
Matters from Committee Members		
Communications from the Floor	Dave McQuarie	6
Signature Page and Adjournment	<i>There being no further business to come before the Public Safety Committee, Dr. Mier moved to adjourn at 5:00 pm, second by Mr. Bowen, motion carried by unanimous voice vote.</i>	6

PUBLIC SAFETY COMMITTEE

MINUTES

July 20, 2010

4:00 pm – 5:00 pm

The July 20, 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
Benjamin Montano
Frank Stuto

Welcome to New Member: Benjamin Montano

Staff Present

Police Chief Aric Wheeler
Fire Chief Barbara Salas
Michelle Romero-Babcock, Secretary SFPD
Shannon Cantu
Joyce Purley
Jeanne Price

Others Present

Anna Serrano for Fran Lucero, Stenographer

2. Approval of Agenda

No changes from Staff or the Committee.

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

Table Item B

3. Approval of May 18, 2010 Minutes

Mr. Mizrahi moved to approve the minutes of May 18, 2010 as presented, second by Dr. Owen-Lewis, motion carried by unanimous voice vote.

4. Old Business

None

5. New Business

a. Adoption of the Emergency Operations (Emergency Preparedness Coordinator, Joyce Purley)

The Emergency Operations Plan was distributed to the committee members which outlines what would take place during a disaster. It does follow and comply with policy from Homeland Security.

Mr. Harris asked if automatic dialing is in effect for emergencies. Ms. Purley said that it is in effect and it is published in the Warning Numbers, Public Information Index and that is caller respondent one. The most recent use was on April 1st.

Ms. Purley asked if the committee had received the Wellness Abuse Policy. The Chair stated that it was not on the agenda and it would be placed on next month's agenda.

Mr. Harris moved to approve and adopt the Emergency Operations, second by Dr. Mier, motion carried by unanimous voice vote.

b. Tabled by Councilor Trujillo until next meeting.

c. This ordinance was developed by the City Attorney's Office based upon the request of the Santa Fe Police Department, primarily because the police department has as most police departments have; issued citations for panhandling. The city attorney's office tried to develop an ordinance that would be consistent with the citizen's first amendment rights for public speech and it does require a permit to panhandle on public property. That permit fee would be \$10 and it also includes the restrictions for panhandling, what we call time and place and manner issues. Those are included in page 3; it prohibits before sunrise or after sunset, it is prohibited in locations where there is a clear conflict, like a bus stop or transportation facility, in or on a private vehicle, or by a sidewalk café or within 20' of an ATM machine. It is also has a provision regarding panhandling in an aggressive manner. They also limit any signage by the panhandler; they cannot block sidewalk passage for people or entrance to a building. Panhandling on private property is prohibited unless they have permission from the property owner and restricting panhandling at any located to 2 hours at a maximum. It will be considered as a regular violation of the code and those complaints would go to Municipal Court.

Mr. Stuto said that this ordinance doesn't address concerns of panhandling at gas stations. Ms. Price said that this ordinance addresses public property so language would have to be addressed outlining that they could not be within so many feet of the gas station; she will talk to the city attorney about this option.

Dr. Mier asked why schools were not included in the prohibitive zones. Ms. Price said that it had not been considered; she would bring this back to the city attorney.

The Chair asked how does this effect children who are selling school subscriptions, candy, etc? Ms. Price said that there are two different concepts in solicitation in the code; one addresses solicitation by people on private property, i.e., kids going to the door selling candy for their school PTA or the curtain man. They are working on an ordinance related to that and it had been scheduled for review by the Public Safety Committee a while back but questions were raised prior to it being able to bring to the Committee. It is pending completion by the city attorney office and will probably come to the Public Safety Committee by next month.

The Chief said that the one concern and wording he would like to include is that you cannot panhandle on the public right-of-way which includes medians, which is a major concern that the SFPD has. There is an ordinance on the books currently that stipulates that you cannot block the roadway and that is what is used currently to remove panhandlers from the median, especially the center medians. They are allowed to be on the side of the roadway but not in the center median; that is what is used right now. The Chief would like to request that this language be added. He continued to say that there was a panhandler ordinance in the past and there was a new city attorney who was working with the prosecutor from the municipal court, she actually reviewed it and said it was unconstitutional from many perspectives. That is when it was removed from the books and the officers were concerned because it took away an enforcement tool to maintain the law. I feel that the SFPD will use this tool as a very good enforcement rule.

Dr. Mier stated that there was no mention about panhandlers in the parking lot, example: my car has broken and can you give me some money. The Chief said that this would enable the SFPD to go in to private parking lots when called, currently the ordinance stipulates and outlines that the person cannot solicit without permission from the owner. A campaign would commence to work with the owners and explain to them that written permission would be needed for these individuals to be soliciting on their property. Other locations of concern are liquor stores or where alcohol is sold; you see many panhandlers there.

Dr. Lewis said that there is still not a fine definition between private and public locations. It could possibly be the language order in the ordinance but it is not clearly defined.

Questions were presented regarding the actual penalty; do they just lose their license or is there a monetary penalty?

Dr. Mier asked if the revisions requested to this ordinance would be brought back before this committee. Ms. Price said if it is the wishes of the committee, yes.

Dr. Mier moved to have the ordinance with noted revisions come before the Public Safety Committee at the next scheduled meeting, second by Mr. Mizrahi, motion carried by unanimous voice vote.

d. Proposed ordinance repealing section 16-7.4 SFCC 1987, indecent exposure; and creating a new section 16-7.4 SFCC 1987 regarding public indecency (Mayor Coss and Marcos Martinez, Esq.)

Esq. Martinez explained that this is a proposed ordinance revision which attempts to further regulate public indecency. The revision follows the established laws of Albuquerque which are slightly more restrictive than the current ordinance that the city of Santa Fe has in place. The Albuquerque ordinance is similar in content and form to two ordinances that the US Supreme Court has upheld.

Mayor Coss explained that Marcos was the attorney that has worked on this ordinance. The Mayor introduced it with many co-sponsors and the reason for it is that there have been viewings of naked bike riders in the city; in this particular case they were not from Santa Fe. The reason we brought this up again is that our ordinance was not as strict or even compared to Albuquerque's. Councilor Trujillo said he is also a co-sponsor of this ordinance and supports it strongly, he does not want to see our citizens or our children exposed to his exposure.

Dr. Mier moved to approve ordinance repealing section 16-7.4 SFCC 1987, indecent exposure; and creating a new section 16-7.4 SFCC 1987 regarding public indecency, second by Mr. Mizrahi, motion carried by unanimous voice vote.

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

7. Matters from Police Chief Aric Wheeler

Chief Wheeler talked about the Law Enforcement Day held about 2 weeks ago at Santa Fe Place Mall. They worked together as a team with many of the law enforcement partners. The entire community was fed that day.

State Police Car Auction was a great success. All sixteen vehicles were sold and the total amount of revenue will be reported once they are available.

8. Matters from Fire Chief Barbara Salas

Updates on Breast Cancer Campaign – Firefighters are tough enough to wear pink. They are trying to get a city sponsor to wear pink on October 15th. They will start the media campaign on September 15th and start t-shirt sales on September 27th in hopes to be able to complete a city wide pink day. The money that is raised from this goes to UNM research for breast cancer.

Saturday is Fire Fighter graduation and an invitation was extended to all to attend.

Chief Salas reported that “they fed more people, just for the record.”

9. Matters from Committee Members

Mr. Mizrahi: A request was initiated for 2-two sided signs on Siringo Road by the railroad crossing heading east. There is a stop where the red light is flashing and a bicycle sign and they are right in front of the red light so you don't see the flashing red lights until you pass. They either need to be set further to the right. The Chair asked the Chief to follow up on this.

Dr. Mier: What is the non-emergency number for the SFPD? The non-emergency number is 428-3710 and that is to the regional communication center.

Frank Stuto: Can a person who has a handicap placard park in a non-handicap location as long as their placard is up and visible? The Chief said he would ask for clarification from Mr. Holland, the Parking Director. The Chief said he always gives the advice that they can park in a non-handicap space showing their placard.

Mr. Mizrahi commented on the new signage at Cerrillos Rd. / St. Francis and St. Francis / Zia for the railroad crossing are new and improved. The Chief said that there will be a blitz soon in cooperation with DOT to get the message out on this particular signage.

Mr. Harris: Zia Road turns to Albertson's. There is no signage to warn people when they are leaving Office Depot, and they are abusing the one-way. Signage needs to be where the private property is. The Chief will contact the private property owners and recommend signage improvements.

The Chair asked if there is any feedback or update on the noise ordinance related to the loud music coming from vehicles as well as music in public parks from boom boxes. The Chief said, yes they are patrolling. There are concerns that have been discussed on the noise ordinance especially related to those who are in the plaza area and parks in the city when they are using their boom boxes.

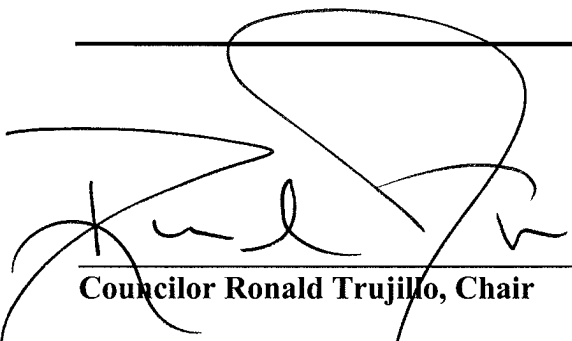
10. Communication from the Floor

Mr. Dave McQuarie – He requested clarification on why people were getting cited when they are in their mobile devices. Most people in their mobile devices have to be on the street as they don't fit on the sidewalks. The Police Force and the Fire Department are required by law to receive ADA or Civil Rights training. I doubt very seriously if that is followed. I suggest that they do follow it and not abuse civil rights.

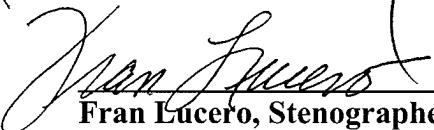
11. Adjournment

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

**Signature Page Public Safety Committee Meeting
July 20, 2010**



Councilor Ronald Trujillo, Chair



Fran Lucero, Stenographer