



# Agenda

CITY CLERK'S OFFICE

DATE 11-10-10 TIME 10:10 am

PREPARED BY Shannon Cantu

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**PUBLIC SAFETY COMMITTEE**  
**Tuesday, November 16, 2010, 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, September 21, 2010 minutes
4. Old business:
  - A. NONE
5. New business:
  - A. Welcome and introduction of Chris Rivera to Public Safety Committee
  - B. Approval of the 2011 Public Safety Committee Meeting Dates
  - C. Fire Department annexation needs (Fire Chief Barbara Salas)
  - D. Upcoming Citizen Awards (Fire Chief Barbara Salas)
  - E. \$150,000.00 Youth Conservation Grant awarded to the City of Santa Fe Fire Department's Wildland Division (Porfirio Chavarria)
  - F. Proposed resolution supporting the State's Drug Court Program and requesting that funding for the Drug Court Program be a state priority (Councilor Rebecca Wurzbarger, Legislative Liaison Jeanne Price)
  - G. Proposed ordinance amending Article 10-9 SFCC 1987, The City of Santa Fe's nuisance abatement ordinance, to include loud or unruly gatherings as a public nuisance; and to authorize the city to collect for the costs of responding to a public nuisance; and to make such other changes as are necessary (Councilor Carmichael Dominguez, Alfred Walker)
6. Matters from Municipal Court-Informational: September 2010 Monthly Report
7. Matters from Police Chief Aric Wheeler
8. Matters from Fire Chief Barbara Salas
9. Matters from Committee Members
10. Communications from the Floor
11. Adjournment

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<b><u>INDEX</u></b>	<b><u>ACTION TAKEN</u></b>	<b><u>PAGE(S)</u></b>
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Call to Order	Call to Order by Chair, Councilor Ronald Trujillo at 4:00 pm in the City Council Chambers	1
Roll Call 2 New Members were introduced: Chris River and Doug Nava	A quorum was declared by verbal roll call, 2 excused absences.	1
Review and Approval of Agenda	<i>Dr. Mier moved to approve the agenda as presented, second by Mr. Harris, motion carried by unanimous voice vote.</i>	1
Approval of September 21, 2010 Minutes	<i>Mr. Bowen moved to approve the minutes as presented, second by Mr. Harris, motion carried by unanimous voice vote.</i>	1
Old Business	<i>A moment of silence in memory of Mr. Frank Stuto who was a Public Safety Committee member.</i>	2
New Business A. Welcome and introduction of Chris Rivera and Doug Rivera to the PUS. B. Approval of the 2011 Public Safety Committee Meeting Dates. C. Upcoming Citizen Awards (Fire Chief Barbara Salas) D. \$150,000 Youth Conservation Grant Awarded to the City of Santa Fe Fire Department's Wildland Division E. Proposed resolution supporting the State's Drug Court Program and requesting that funding for the Drug Court Program be a state priority. F. Proposed ordinance amending Article 10-9 SFCC 1987, the City of Santa Fe's Nuisance Abatement Ordinance, to include loud or unruly gatherings as a public nuisance; and to authorize the city to collect for the costs of responding to a public nuisance; and to make such other	<i>A-D – Informational</i>  <i>Mr. Bowen moved to approve the proposed resolution supporting the State's Drug Court Program and requesting that funding for the Drug Court Program be a state priority, second by Mr. Harris, motion carried by unanimous voice vote.</i>  <i>Dr. Mier moved to approve the proposed ordinance amending Article 10-9 SFCC 1987, the City of Santa Fe's nuisance abatement ordinance, to include loud or unruly gatherings as a public nuisance; and to authorize the city to collect for the</i>	2-6

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changes as are necessary.	<i>costs of responding to a public nuisance; and to make such other changes as are necessary, and that line 14, page 3 be removed from the ordinance which states, "domestic violence", second by Mr. Harris, motion carried by unanimous voice vote.</i>	
<b>Matters from Municipal Court – September 2010 Report</b>	<i>Informational</i>	7
<b>Matters from Police Chief Aric Wheeler</b>	<i>Informational Note: Mr. Ken Martinez, Director for the Santa Fe Regional Communications Center (911) provided information to the PSC. No action taken.</i>	7-8
<b>Matters from Fire Chief Barbara Salas</b>	<i>No report.</i>	8
<b>Communications from Committee Members</b>	<i>None</i>	8
<b>Communications from the Floor</b>	<i>None</i>	8
<b>Adjournment</b>	<i>Mr. Bowen moved to adjourn at 5:00 pm, second by Mr. Nava, motion carried by unanimous voice vote.</i>	8
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**PUBLIC SAFETY COMMITTEE  
TUESDAY, November 16, 2010  
4:00 – 5:00 pm**

**MINUTES**

The meeting of the Public Safety Committee was called to order by the Chair, Councilor Ronald Trujillo at 4:00 pm in the City Council Chambers, Santa Fe, New Mexico. A quorum was declared by roll call.

**1. Roll Call**

**In Attendance:**

Councilor Ronald Trujillo, Chair

Dr. Mike Mier

Herbert L. Harris, Jr.

Doug Nava

Chris Rivera

Mike Bowen

**Excused:**

Nancy Owen Lewis, PhD

Peter D. Mizrahi

**Staff Present:**

Chief Aric Wheeler, City Police Department

Chief Barbara Salas, City Fire Department

Jeanne Price, Legislative Liaison

Councilor Carmichael Dominguez

Alfred Walker, Assistant City Attorney

Porfirio Chavarria

**Others Present:**

Shelly Manlave, Chair of the Santa Fe Underage Drinking Prevention Alliance

Anna Serrano for Fran Lucero, Stenographer

**2. Approval of Agenda**

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

**3. Approval of September 21, 2010 Minutes**

*Mr. Bowen moved to approve the minutes as presented, second by Mr. Harris, motion carried by unanimous voice vote.*

**4. Old Business**

The Chair asked for a moment of silence in memory of the late Frank Stuto who passed away in the recent weeks. Mr. Stuto was a long time member of the Public Safety Committee and a well respected citizen of the City of Santa Fe who will be missed.

**5. New Business**

**A. Welcome and introduction of Chris Rivera to Public Safety Committee.**

Mr. Rivera is the former Fire Chief and the committee is pleased to have him as member of the Public Safety Committee.

Mr. Doug Nava is employed by the New Mexico Taxation and Revenue Department as a Tax Examiner. As a Citizen he was involved in the city elections and he comes from a long line of city police family. Welcome to the Public Safety Committee.

**B. Approval of the 2011 Public Safety Committee Meeting Dates**

January 20, 2011	July 19, 2011
February 15, 2011	August 16, 2011
March 15, 2011	September 20, 2011
April 19, 2011	October 18, 2011
May 17, 2011	November 15, 2011
June 21, 2011	December 20, 2011

*Mr. Bowen moved to approved the 2011 Public Safety Committee meeting dates, second by Dr. Mier, motion carried by unanimous voice vote.*

**C. Upcoming Citizen Awards (Fire Chief Barbara Salas)**

The Chief informed the committee that every year they do nominations within the Fire Department for an award ceremony that is held in January. This year the award ceremony was in October for the Halloween event but did not do the citizen award presentation at that time. Plans are to do the citizen award on December 8<sup>th</sup> at the City Council meeting and the Chief extended an invitation to everyone to attend. The criteria and name of the award is called the Wheeler Civilian Recognition medal. This award will be given by the City of Santa Fe Fire Department to Civilian who performs an act of life saving, bravery or community services. The award will be presented to a 13 year old girl who made a call to 911 and saved her mother.

**D. \$150,000 Youth Conservation Grant Awarded to the City of Santa Fe Fire Department's Wildland division (Porfirio Chavarria)**

Mr. Chavarria informed the committee that the Fire Department received the above mentioned award from the Youth Conservation Corp to hire a 10 person wildland handcrew for 6 months of next year. The department applied for the grant award last year and

received it and it was very successful. The 10 person wildland handcrew provides a well trained firefighting resource during the height of wildland fire season. Wildland firefighting, CPR/first aid, defensive driving, and chainsaw operations training is given to YCC members. During the past year the YCC City Wildland Handcrew assisted with five prescribed fires including one in the Santa Fe Watershed. The handcrew also responded to three small brush fires within the city and two larger wildfires in the State. This year's project is in coordination with the Santa Fe Watershed Association is to improve restoration along Aztec Springs damage. The treatments will include construction of erosion-control structures and/or vegetative barriers, removal of exotic species and reuse of plant material for soil retention, hand thinning or "lop and scatter" techniques to reduce the fire hazard and simultaneously provide soil cover, and planting of native species.

Mr. Rivera asked if there is any way that this crew could help the elderly clean up the dead piñon trees in their yards or is this out of the realm of the grant?

Mr. Chavarria said that it might be out of the realm of the grant as the anti-donation clause does not allow services for private citizens. Mr. Chavarria will inquire from legal to see if this is allowable to reduce fire risks in the community.

Mr. Rivera asked if there are any matching grants from the city for this project.

Mr. Chavarria said they are matching about \$80,000 through in-kind services from the city and the Forest Service. The grant does not require any monetary match at this time.

**E. Proposed resolution supporting the State's Drug Court Program and requesting that funding for the Drug Court Program be a state priority (Councilor Rebecca Wurzburger, Legislative Liaison Jeanne Price).**

Ms. Price provided some background information on this request. Recently the neighborhood associations spoke with Chief Wheeler, District Attorney Spence Pacheco, Sheriff Greg Solano and the Chair. Some of the discussions from those neighborhood meetings were that part of the residential burglary problems are related to drug users who do that to keep up their habits. One of the things that the neighborhood associations thought would be good is to notify the state administration to support local governments to urge continued support of the drug court program.

Chief Wheeler added that he had attended a neighborhood network quorum and they received many ideas where Judge Michael Vigil was present and he also gave some feedback in regards to this program that is facing cuts at the state level. He provided good data and statistics as to how effective this program is. It came forward from the consensus of the group both verbally and by a signed petition that they wanted an official governmental document that would support their request to continue the drug court program. Also, Deputy Chief Anaya sits on the panel that reviews the cases.

Mr. Harris asked for an explanation on how this court program works.

Deputy Chief Anaya stated that they take people who have been found guilty and have a drug, alcohol or psychological problem and they put them through a multi-step program that gives them a path to sobriety. It starts with simple things like monitoring with a counselor, group therapy, in some cases chemical therapy and at the end of the multi-step program they are clean and sober as opposed to sitting in the jail. This is a very good alternative sentencing. Unfortunately their problems with funding have caused them to reach out to the state. Deputy Chief Anaya said that this is a good program that he supports and hopes that can obtain funding. This program is run through the District Court.

Mr. Bowen echoed that this is a great program. He stated that there is normally a legislative bill that comes out during the session for funding. This is going to be a tough year to get funding for programs of this nature; however by requesting discretionary funds is a good thing. When Governor-Elect Martinez was with the District Attorney's Association, he could remember her testifying in favor of drug court. If she has any available funding there is hope she will help.

Mr. Rivera asked if this was strictly a drug related program or is there talk about expanding it to cover burglaries. Deputy Chief Anaya said that it is strictly a drug program and they are looking for a path to being clean and sober.

Mr. Rivera asked how much funding is needed for this program. Deputy Chief Anaya did not have this figure available.

***Mr. Bowen moved to approve the proposed resolution supporting the State's Drug Court Program and requesting that funding for the Drug Court Program be a state priority, second by Mr. Harris, motion carried by unanimous voice vote.***

- F. Proposed ordinance amending Article 10-9 SFCC 1987, the City of Santa Fe's nuisance abatement ordinance, to include loud or unruly gatherings as a public nuisance; and to authorize the city to collect for the costs of responding to a public nuisance; and to make such other changes as are necessary (Councilor Carmichael Dominguez, Alfred Walker)**

Councilor Dominguez stated that basically we all want a healthy, sustainable and safe community and specifically we want safe neighborhoods. This ordinance gives the Police Department the tools to get the policy for neighborhood relationships with the police department to make our neighborhoods safer and to reduce crime in neighborhoods. Specifically what it does is addresses the cost of public safety or emergency response to some of these nuisances specifically related to fire, police and whatever other emergency services are needed.

Alfred Walker, Assistant City Attorney – Mr. Walker said that there is a law enforcement component in responding to these types of situations, loud party's or for crimes that occur. However, the law enforcement component is simply going out usually to deal with the situation. The City does have a nuisance abatement ordinance and Mr. Walker has dealt with this ordinance in trying to take some of these situations and declare them nuisances and essentially shut a party down. Unfortunately, the way the current ordinance is written

it makes it difficult to gather enough information or defense to go forward with that type of thing. Currently we do have a process in place that has some flaws in that process. Mr. Walker has been successful sometimes in writing letters to landlords in shutting things down and other times it takes months and it doesn't get solved. One of the amendments in the current ordinance is to include after a first warning if there is another requirement that police or any emergency service respond, that there would be a response cost on whatever the pro-rated cost of the emergency employee responding. In addition to what is already in the ordinance law suits through the District Court to abate the nuisance is in place.

Dr. Mier asked who is responsible for the cost; the person who owns the property or the person who resides in the property?

Mr. Walker said that it could be both. The genesis of this happened in June when there was a party at a home in Monte Verde. The lady that rented the house went around to the neighbors and said that her son was having a party on Friday and told them not to hesitate to go over and tone them down if necessary as she would not be there. As it turned out there were about 80 teenagers and young adults who showed up for this party, there was alcohol and under aged drinking. During this party someone was stabbed, someone started shooting with a 9mm weapon and there were 6 officers that responded to that. The neighbors held a meeting, invited the police officers and Mr. Walker and they discussed this with Councilor Dominguez and this brought up the conversation on this ordinance. The neighbors comments were related to the person renting the house, the mother was the responsible person. The idea behind the ordinance is that a letter would be sent to the mother, to the son if he the age of 18 and to the landlord and presumably one of those people would take responsibility and prevent it from happening again. The response costs could be the responsibility of the tenant and the landlord at the same time.

Mr. Nava asked if there is a city noise ordinance with time limitations.

Mr. Walker answered yes, the city does have an ordinance that addresses the decibel of the noise but it does not have a time requirement.

Chief Wheeler stated that most of the times they are able to deal with the party's with loud music. One of the things that are not addressed is when you have multiple juveniles at a party, the Police are responsible for those juveniles and it does tie up resources until there is an adult responsible for each of those juveniles at any function. The Chief said that another piece they would like to tie in with this is meeting with the landlord's of some of these large apartment complex's and explain to them what this new language and new law will be so they can take a stronger stance.

Mr. Harris owns a small 4-plex and recently witnessed where an ENT had to take someone from their unit. Mr. Harris would like to know from the police or fire person on duty what the cause was and he is concerned over the liability.



Mr. Walker said that there is a specific provision in the amendment to the ordinance that requires notification from the police or fire department the day of the incident that spells out the potential ramifications.

Councilor Dominguez asked the committee to allow Shelly Manlave to speak on how this affects under-age drinking.

Shelly Manlave, Chair of the Santa Fe Underage Drinking Prevention Alliance. She spoke about the affects of underage drinking and how it impacts our youth and our community. She expressed her thanks to Councilor Dominguez, Asst. Attorney Walker, Chief Wheeler and Deputy Chief Anaya to working on this ordinance. Something similar to what is being done in this ordinance is being done throughout our country. Many states have similar kinds of laws and communities are taking a look on how to help adults understand the seriousness of underage drinking. By and large, when party's such as the one addressed earlier that get out of hand normally are going to have alcohol and underage drinking. A lot of times it leads to violence, homicide, suicide, assault and of course DWI. There are many other harm's related to alcohol. Ms. Manlave said she will be working with the Police Department on an educational campaign. In 2008 – 52% of high school students said they currently use alcohol – in 2009 – 46%, which is a big drop. Ms. Manlave said should this committee, the Mayor and Council support this ordinance they will follow with a very strong educational campaign and outreach messages. Thank you for considering this ordinance.

Ms. Price asked that line 14, page 3 be removed from the ordinance which states, “domestic violence.” Ms. Price said that they do not want the message to be out there that should someone have to call a second time on domestic violence that they would be charged.

Councilor Dominguez expressed his thanks to Chief Wheeler and Deputy Chief Anaya for working closely with the Underage Drinking Prevention Alliance. Councilor Dominguez advised the committee that there is also a very intense effort to do public outreach so that neighborhoods are education and the public is aware that the City of Santa Fe will not tolerate that type of behavior. He said that the second thing has to do with training; the Police Department has to be trained on this as often as possible. The Chief's will do an excellent job in providing orientation to their staff on what the ordinance does but training is extremely important to get this implemented.

Mr. Bowen asked that when information goes out to the public that they be reminded that they can be charged with a felony when providing alcohol to an underage person.

***Dr. Mier moved to approve the proposed ordinance amending Article 10-9 SFCC 1987, the City of Santa Fe's nuisance abatement ordinance, to include loud or unruly gatherings as a public nuisance; and to authorize the city to collect for the costs of responding to a public nuisance; and to make such other changes as are necessary, and that line 14, page 3 be removed from the ordinance which states, “domestic violence”, second by Mr. Harris, motion carried by unanimous voice vote.***

**6. Municipal Court Report**

Judge Ann Yalman asked for feedback from the committee. The report is informational for September, 2010. Judge Yalman also reaffirmed that if the committee ever deemed it necessary for her to be at a meeting to please not hesitate to let her know.

Mr. Bowen expressed his thanks for this report at all meetings.

**7. Matters from Chief Aric Wheeler**

Chief Wheeler introduced Mr. Ken Martinez who spoke in reference to the 911 resolution that will go before the Council on December 8<sup>th</sup>.

Mr. Ken Martinez, Director for the Santa Fe Regional Communications Center (911) and serves as the vice-chair of the New Mexico 911 Director's Affiliate for the New Mexico Association of Counties. He asked for the committee's consideration for opposing the transfers of the E911 programs from DFA to another department or division. He said that what is behind this is that over a couple of the last legislation sessions there have been numerous attempts to take the 911 fund. This 911 fund is collected from a 51 cent surcharge paid by every user of cellular and land line telephones in New Mexico. That is money that the 911 centers throughout New Mexico use to purchase equipment, training and network for providing 911 services to the public. What is happening is that the Department of Finance and Administration historically has been assigned to administering this fund and because it was set up as a pass through function under DFA to go to local governments who actually maintain this fund they had no competing programmatic interest to compete for this money. What has happened in the past is to move this program to another department or division and what would then happen is to move the 911 program under Homeland Security management or Public Safety. Mr. Martinez said that they are making it known that if this funding is lost, that people who end up responsible for the cost are local governments, city and county. Most local governments cannot afford to keep up with the technology and cost of equipment to provide the service that is due to the public. With the new technology like Phase II that allows us to know the location of the cell phone, that equipment costs are very high.

Mr. Martinez stated that on this date, the RECC Board of Director's had met to move and adopt a resolution which will go before the city council on December 8<sup>th</sup> and before the Santa Fe County Commission on November 8<sup>th</sup>. It has also been sent out to all regions and those representatives have been asked to go to their local governments in support of the resolution to safeguard the operation.

The Chair stated that this item would be viewed as informational and no action would be taken by the Public Safety Committee as it was not published as an agenda item.

Chief Wheeler clarified that due to time constraints this item was brought forward in hopes to answer questions and to get endorsement from the individual committee members.

Mr. Bowen said that as an information point there are concerns on DFA administering this program.

Mr. Bowen and Dr. Mier both indicated that they would have to recuse themselves from this item had it come before them for a vote.

Chief Wheeler distributed the Red Light Camera study done by the University of New Mexico. (Appendix A)

The Chief said that with the holidays before us, there will be high law enforcement presence and public information.

**8. Matters from Chief Barbara Salas**  
**None**

**9. Matters from Committee Members**

Dr. Mier asked what specifically addresses abandonment of a bicycle on a street corner. He has seen a bicycle locked in at a street post for about a week. The Chief will look in to this matter.

**10. Communications from the Floor.**

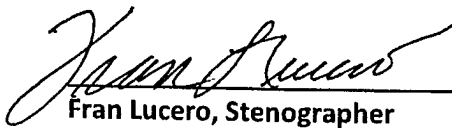
**11. Adjournment**

*Mr. Bowen moved to adjourn at 5:00 pm, second by Mr. Nava, motion carried by unanimous voice vote.*

Signature:

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Chair Ronald Trujillo



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Fran Lucero, Stenographer