



Agenda

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PUBLIC SAFETY COMMITTEE
Thursday, January 20, 2011, 4:00 PM
City Council Chambers
200 Lincoln Avenue, Santa Fe, NM 87501

1. Roll Call
2. Approval of agenda
3. Approval of Tuesday, December 21, 2010 minutes
4. Old business:
 - A. NONE
5. New business:
 - A. Presentation to Mrs. Stuto- appreciation plaque to former Public Safety Committee Member Frank Stuto.
 - B. Request to use Impact Fees (Fire Chief Salas)
 - C. Proposed resolution amending the impact fee capital improvements plan and land use assumptions, 2007-2012 to include public safety sector naviline system as planned FIRE/EMS and police improvements (Councilor Ronald Trujillo, Fire Chief Salas)
 - D. Proposed resolution urging the New Mexico State Legislature to maintain the existing New Mexico driver's license laws as they relate to the issuance of driver's licenses, irrespective of immigration status. (Councilor Ronald Trujillo, Carla Lopez)
 - E. Proposed ordinance amending section 1-3.2 SFCC 1987 regarding the distribution of municipal court fees. (Councilor Ronald Trujillo, Judge Ann Yalman)
 - F. Proposed ordinance amending sections 24-4.4 and 24-4.5 SFCC 1987 regarding the Santa Fe Traffic Operations Program in order to make all fines one hundred dollars and to make clarifications and corrections. (Police Captain Anthony Robbin, Assistant City Attorney Adrian Terry)
 - G. Proposed resolution urging the New Mexico State Legislature to adopt an act relating to motor vehicles; providing that a motorist must pass a bicyclist with at least a five-foot distance; establishing a penalty assessment misdemeanor. (Councilor Patti Bushee, Bob Sisquerios)
6. Matters from Municipal Court-Informational: December 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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**Index Summary of Minutes
Public Safety Committee
January 20, 2011**

INDEX	ACTION TAKEN	PAGE(S)
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 excused absence.	1
Review and Approval of Agenda	<i>Dr. Mier moved to approve the agenda as presented, second by Mr. Mizrahi, motion carried by unanimous voice vote.</i>	1
Approval of December 20, 2010	<i>Mr. Harris moved to approve the minutes as presented, second by Mr. Mizrahi, motion carried by unanimous voice vote.</i>	2
Old Business	<i>None</i>	2
New Business A-G		2-7
<p>A. Presentation to Mrs. Stuto, appreciation plaque in honor of former Public Safety Committee Member, Frank Stuto.</p> <p>B. Request to use Impact Fees</p> <p>C. Proposed resolution amending the impact fee capital improvements plan and land use assumptions, 2007-2012 to include public safety sector NaviLine system as planned FIRE/EMS and police improvements.</p> <p>D. Proposed resolution urging the New Mexico State Legislature to maintain the existing New Mexico driver's license laws as they relate to the issuance of driver's licenses, irrespective of immigration status.</p> <p>E. Proposed ordinance amending section 1-3.2 SFCC 1987 regarding the distribution of municipal court fees. (Councilor Ronald Trujillo, Judge Ann Yalman)</p> <p>F. Proposed ordinance amending sections 24-4.4 and 24-4.5 SFCC 1987 regarding the Santa Fe Traffic Operations Program in order to make all fines one hundred dollars and to make clarifications and corrections. (Police</p>	<p>A. <i>Thank You from Mrs. Stuto for this honorable mention.</i></p> <p>B. <i>Chief Explained C.</i></p> <p>C. <i>Mr. Rivera moved to approve the use of Impact Fees in the amount of \$200,000 for a Public Sector NaviLine system, second by Mr. Mizrahi, motion carried by unanimous voice vote.</i></p> <p>D. <i>Mr. Rivera moved to approve the resolution urging the New Mexico State Legislature to maintain the existing New Mexico Driver's License Laws as they relate to the issuance of Driver's Licenses, irrespective of immigration status, second by Dr. Owen- Lewis:</i></p> <p><i>This motion failed through roll call vote 4-3.</i></p>	2-7

**Index Summary of Minutes
Public Safety Committee
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<p>Captain Anthony Robbin, Assistant City Attorney Adrian Terry)</p> <p>G. Proposed resolution urging the New Mexico State legislature to adopt an act relating to motor vehicles; providing that a motorist must pass a bicyclist with at least a five-foot distance; establishing a penalty assessment misdemeanor. (Councilor Patti Bushee and Bob Sisquerios)</p>	<p>E. Dr. Mier moved to approve the proposed ordinance amending section 1-3.2 SFCC 1987 regarding the distribution of municipal court fees, second by Dr. Owen-Lewis, motion carried by unanimous voice vote.</p> <p>F. Mr. Nava moved to approve the proposed ordinance amending sections 24-4.4 and 24-4.5 SFCC 1987 regarding the Santa Fe Traffic Operations Program in order to make all fines one hundred dollars and to make clarifications and corrections, second by Mr. Harris, motion carried by unanimous voice vote.</p> <p>G. Dr. Mier moved to approve and asked that the staff liaison take back the PSC concerns to the BTAC, second by Dr. Owen-Lewis, motion carried by unanimous voice vote.</p>	
Matters from Municipal Court – Year End Report	<i>Informational</i>	7
Matters from Police Chief Aric Wheeler	<i>Informational</i>	8
Matters from Fire Chief Barbara Salas	<i>Informational</i>	8
Communications from Committee Members	<i>Staff Request</i>	8
Communications from the Floor	<i>None</i>	9
Adjournment	There being no further business to come before the Public Safety Committee, the meeting adjourned at 5:05 pm	9
Signature Page		9

PUBLIC SAFETY COMMITTEE
Thursday, January 20, 2011
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
Herbert L. Harris, Jr.
Chris Rivera
Nancy Owen Lewis, PhD
Dr. Mike Mier
Doug Nava
Peter D. Mizrahi

Absent:

Mike Bowen, Excused

Others Present:

Judge Ann Yalman
Ken Martinez, Director, Santa Fe Regional Emergency Communications Center
Maria Cristina Lopez, Chair, Immigration Committee
Chester Topple, Member, Immigration Committee

Staff Present:

Chief Aric Wheeler, City Police Department
Chief Barbara Salas, City Fire Department
Captain Anthony Robbin, Santa Fe City Police
Adrian Terry, City Attorney
Robert M. Sisquerios, Projects Administrator, Engineering Division, City of Santa Fe
Carla Lopez, Staff Liaison, Immigration Committee

Sandy Dawson for Fran Lucero, Stenographer

2. Approval of Agenda

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

3. Approval of December 21, 2010 Minutes

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

4. Old Business

None

5. New Business

A. Presentation to Mrs. Frank Stuto – appreciation plaque to former Public Safety Committee Member, Frank Stuto.

The Chair presented a plaque of appreciation in honor of Mr. Frank Stuto for the many years of service to the City of Santa Fe. Mrs. Stuto expressed her appreciation for this wonderful token of appreciation for her husband, Mr. Frank Stuto. Thank you so much.

B. Request to use Impact Fees (Fire Chief Salas) – Guest: Mr. Ken Martinez, Director, Santa Fe Regional Emergency Communications Center, Robert M. Sisquerios, Chief Salas

That Chief stated that a request has been submitted to the CIP Advisory Committee to use \$200,000 funding from the Impact Fee account to help purchase a Public Sector NaviLine system. \$80,000 would come from the Police line item and \$120,000 would come from the Fire line item. This is going to help the Regional Communications Center receive the influx of 911 calls. It now receives all of the 911 calls. This will help to upgrade their current SunGuard HDE system. Right now when Fire gets dispatched to a 911 call the Fire crew uses the Norton map book to find the location. When they get dispatched they have to manually look through the book to find the location of the call. Part of this system is going to bring up a mapping system which is similar to a GPS and would give the location of where they need to be and it would also tell us which the closet unit in the vicinity is. It would increase the response time. The Chief stated that there is another AP they are presently using; when they get a call they are logging in their information. A part of this upgrade is that they presently use a green screen; it is familiar to an old docking system. We want to move to a screen where we can use a mouse, point and click vs. having to give a command and type it in manually. This system will allow real time dispatching and show the exact location of all units at the time and share this mapping information with all units. Presently we do it manually.

The Police Department is also in support of this request and it was approved at the CIP meeting. The Chief requests approval.

Mr. Harris asked if this system is shared by the city police and fire department. Mr. Martinez stated that this system is shared not only by the city and fire law enforcement but also the county fire and sheriff.

The Chair asked how the assignments are made; does the system distinguish between city and county. Mr. Martinez answered yes; this system gives the precise location.

Mr. Mizrahi asked what the total cost of this system is as the memo indicates \$200,000. He also asked if Santa Fe County would be paying a portion for this upgrade. Mr. Martinez explained that the Santa Fe Regional Communications Center was created by a joint powers agreement between the city and the county so any capital purchases made under this agreement are shared by the city and the county. The Town of Edgewood has also been added to the JPA so they also contribute a portion to the cost. The total cost right now to implement is a little over \$400,000 so the \$200,000 that is being contributed by the city will be matched by the county and the town of Edgewood. Mr. Martinez stated that he has approached the County Manager and the Finance Director to identify funding for this purchase. Mr. Martinez said they will not be able to make this purchase unless all three funding sources are successful.

Dr. Mier asked why this system was selected. Mr. Martinez stated that they did extensive comparison to allow them the opportunity to use their existing system and to enhance the features at a cost that was affordable and would give them the services needed. One example of a new system was identified in Denver, Colorado at the cost of \$2 million dollars. There were many costs incurred when they purchased the SunGuard system and a financial decision was made after speaking with them to enhance the present system. In the future there will be a few added costs but the main cost that they look at as recurring is the maintenance cost which they are already paying as a current vendor and provider. They also said that the cost will go down as the new technology takes less service.

Mr. Rivera asked if the mobile data browsers are in all fire and city units. Mr. Martinez said there are a number out there right now. There is a cost within this proposal that will provide 40 GPS locator units as a pilot project, 2 for Edgewood and 10 for each of the agencies, city fire and police and for the county fire and sheriff. More mobile data browsers will be added as they go forward.

The Chair asked Chief Wheeler how many units have them. The Chief said that eventually they would like to see the GPS in all of the units. He understands this initial proposal will provide 10 for the city police and in the future additional units are sold at the price of \$1400 each. He reiterated that the GPS units provide a collaborative amount of information for the officers; where the other units are, when the call was dispatched, the dispatcher can have this information immediately. The Chief said that they took part in a very intense presentation at the RECC Board meeting and they were very impressed. He stated that Mr. Martinez was being very modest in explaining the process that has gotten them to where they are today. The Chief said when he took over as Chief there were many problems with the CAD system and added staff to research if they should purchase a new system or upgrade. Mr. Martinez put together a meeting with all concerned entities who explained what the needs were for each law enforcement and safety agency and SunGuard came back with the recommendation that Mr. Martinez is presenting today.

- C. **Proposed resolution amending the impact fee capital improvement plan and land use assumptions, 2007-2012 to include public safety sector NaviLine system as planned FIRE/EMS and police improvements. (Councilor Ronald Trujillo, Fire Chief Salas)**

Mr. Rivera moved to approve the use of Impact Fees in the amount of \$200,000 for a Public Sector NaviLine system, second by Mr. Mizrahi, motion carried by unanimous voice vote.

- D. **Proposed resolution urging the New Mexico State legislature to maintain the existing New Mexico driver's license laws as they relate to the issuance of driver's licenses, irrespective of immigration status. (Councilor Ronald Trujillo, Carla Lopez)**

Ms. Lopez addressed the Chair and the Committee referring to the support requested by the Immigration Committee at the last Public Safety Committee meeting urging the legislature to keep drivers licenses for immigrants. At that meeting the PSC requested that a resolution be prepared and today she was presenting the resolution for consideration. The Chair, Maria Cristina Lopez and Mr. Chester Topple from the Immigration Committee were in attendance and available to answer any questions. Ms. Lopez also provided a fact sheet to the committee members for their review.

The Chair directed a question to Chief Aric Wheeler: How will this assist the police department. Chief Wheeler stated that the information provided in the fact sheet is all relevant to how it will assist law enforcement. Identifying the individual, repeat DUI offenders, tracking individuals in the community and vehicle crashes. Motor vehicle crashes in the past have a proven history that if they were undocumented and did not have a license they would leave the scene of the accident. Now when issued a drivers license they are required to have insurance under that drivers license. It allows the vehicle to be registered, they have insurance and they have a driver's license so there is good accountability. It is very controversial but we look at how it is going to protect our citizens.

Mr. Harris asked the Chief why only three other states have this. The Chief stated that he could not answer that question.

The Chief stated that their participation in providing information for the fact sheet is based on how this affects law enforcement and safety of our citizens. The Chief said that to date he has not seen any data that says immigrants are the ones that are committing more of the crimes. We also know that the jails have taken a strong stance on ICE detainees on immigration enforcement detainees. They will not house those individuals at this county facility. Anything that is not a criminal matter will not be housed at this county facility.

Mr. Rivera moved to approve the resolution urging the New Mexico State Legislature to maintain the existing New Mexico Driver's License Laws as they relate to the issuance of Driver's Licenses, irrespective of immigration status, second by Dr. Owen-Lewis:

Roll Call Vote:

Yes:

Councilor Trujillo

Mr. Rivera

Dr. Owen-Lewis

No:

Dr. Mier

Mr. Harris

Mr. Nava

Mr. Mizrahi

This motion fails through roll call vote 4-3.

- E. Proposed ordinance amending section 1-3.2 SFCC 1987 regarding the distribution of municipal court fees. (Councilor Ronald Trujillo, Judge Ann Yalman)**

Judge Yalman stated that this is a clarification ordinance. The city earlier passed an ordinance increasing the collection fees from \$20 to \$30 and talked about what happened after July 1st. We are finding and seeing a lot of payments of people who are paying the old fine of \$20 and the new ordinance did not talk about the distribution under the new \$30 fee, 2/3 goes to the police and 1/3 goes to the Municipal Court and we would like to clarify that the money coming in gets distributed in the same manner.

Dr. Mier moved to approve the proposed ordinance amending section 1-3.2 SFCC 1987 regarding the distribution of municipal court fees, second by Dr. Owen-Lewis, motion carried by unanimous voice vote.

- F. Proposed ordinance amending sections 24-4.4 and 24-4.5 SFCC 1987 regarding the Santa Fe Traffic Operations Program in order to make all fines one hundred dollars and to make clarifications and corrections. (Police Captain Anthony Robbin, Assistant City Attorney Adrian Terry)**

Captain Robbin referenced the changes that have been identified:

Page 1: Line 20 – This section does not apply to authorized emergency vehicles responding to an emergency.

Page 6, Line 13-14default to pay the fine and default penalty [~~or request a hearing from the hearing officer~~].

To request a hearing was repetitive, and when it goes in to default they can't request another hearing. This was in the previous ordinance. After notice of default they have 20 days to pay both the fine and the default and cannot request a hearing again.

Page 7, Line 10: within [~~ten (10)~~] twenty (20)

What we are finding out having done the hearings in the last 4 months we have found out that people want to pay the fine if they are found guilty. If there is hardship they may not be able to pay within the 10 day stipulation as stated above.

Page 8, Line 12-22: Fine: We thought that a school zone fine from 5 to 10 miles an hour should be \$86 dollars but the reality is that in school zones fines are more than in other zones. People were getting less than a penalty by speeding in a school zone where kids were than if they were on the highway. We decided make them all one hundred dollars. The reality is that it is probably less than 5% of citations issued are within that 5 to 10 miles

an hour limit. We are the only city that has a tiered fine; all the other cities have a one hundred dollar fine for all citations.

Page 9: Line 10, If you go to a hearing you can request community service. The strike out language is: ~~[If the hearing officer approves the person for relief under this paragraph, the city manager shall enter a settlement agreement whereby the person shall provide services to the city in lieu of payment of a fine.]~~ There is no practicality of the person going to the city manager.

Page 9: Line 15, re: food bank volunteering. The strike out language is: ~~[and may include, without limitation, cleaning up weeds and litter, volunteering at local food banks, cleaning kennels at the Santa Fe Animal Shelter, and assisting with the maintenance of city property.]~~ There are still options to request any of these services, but when they see all of these suggestions in the ordinance they all want to volunteer for the food bank and those organizations can't take them all. We will still have all of these options but again we are going to volunteer them for those who need them at the time. By eliminating the language does not mean the services will be eliminated.

Page 9, line 19 wording was added: The City Manager or designee shall establish procedures for administering this paragraph including, but not limited to, the nature of services performed.

This provides a standardized way to administer the community service program.
No further changes.

The Chair reiterated that all fines will be \$100. Captain Robbin concurred, this is correct. The Speed van is located close to elementary schools where they are needed.

Mr. Nava asked how many times they can do community service.

Captain Robbin said that there is not a limit for repeat offenders. It was clarified that the hearing officer makes the decision.

City Attorney, Adrian Terry stated that community service is discretionary. "We do not have to offer it the first time or anytime. The ordinance does provide for an increase in penalty structure if you will under certain scenarios so if you are a multiple time violator we can seize your vehicle through district court. They way we operate the program now we offer community service for those who have a financial hardship or there are other issues. To be frank, we would prefer that people pay their citations. We haven't had that issue arise and we will deal with it accordingly if it does."

Mr. Nava moved to approve the proposed ordinance amending sections 24-4.4 and 24-4.5 SFCC 1987 regarding the Santa Fe Traffic Operations Program in order to make all fines one hundred dollars and to make clarifications and corrections, second by Mr. Harris, motion carried by unanimous voice vote.

- G. Proposed resolution urging the New Mexico State legislature to adopt an act relating to motor vehicles; providing that a motorist must pass a bicyclist with at least a five-foot distance; establishing a penalty assessment misdemeanor. (Councilor Patti Bushee and Bob Sisquerios)**

Mr. Sisquerios said that this resolution originally originated from the Bicycle and Trail Advisory Committee which is chaired by Councilor Bushee to support the state legislature. The City Albuquerque has this as part of their uniform traffic code and the BTAC would also like to have this become a part of our uniform traffic code. We will bring that request to the Public Safety Committee in the next few months. This Resolution has gone before the Finance Committee and it goes to Public Works next.

Mr. Harris said he is in full support of bicyclist and recently witnessed where a bicyclist almost got hit because one of our city roads did not have 5 ft of space for the bicyclist. He is concerned that we have many of these narrow streets in Santa Fe.

Dr. Mier said that we are all in agreement of supporting the bicyclist and would like to see them use the trails. Dr. Mier said does this pertain to those using the trails? Mr. Sisquerios said no, it is strictly for on road bicyclist.

Councilor Trujillo shared the concern with the committee and the Chief of Police that bicyclist need to follow the same motorist laws. He has witnessed many times when a bicyclist will go through a red light. Chief Wheeler said that they have had many educational sessions to assure that bicyclist know that they need to follow the same motorist laws. Enforcement is difficult but if we can continue on education and reach out to some of these bicycle associations for assistance.

Councilor Trujillo asked the staff liaison to take back some of the concerns that the committee has shared at this meeting. Mr. Sisquerios stated that same concerns are shared at the BTAC meetings.

And additional concern is clarification on where the 5 ft. begins.

Dr. Mier moved to approve and asked that the staff liaison take back the PSC concerns to the BTAC, second by Dr. Owen-Lewis, motion carried by unanimous voice vote.

**6. Municipal Court Report
(End of year report on file)**

Mr. Harris expressed his thank you for the excellent job done. He asked if there is a long time in waiting for hearings. Judge Yalman said presently she is seeing about 25 to 30 people an hour. There are times when things are delayed but in most cases there is a flow of business that continues at the best possible in time.

Dr. Owen-Lewis asked if Judge Yalman has seen any trends in cases. Judge Yalman said that she works closely with the Police Department and the police department had gotten some help with the car forfeiture because the city prosecutors can now put more time into the DWI's and so we have tried to encourage that the first and second DWI's be filed in municipal court and the third which carries more mandatory jail time and increases city expenses, you file more often in magistrate court. We are working more towards that. We do have thirds and sometime we have fourths which we do not have any jurisdiction over. Sometimes it is because there is a

bench warrant out there or sometimes you can't tell what number of DWI it is. We are trying to focus on the first and second. An aggravated third comes with 90 days in jail and that it is very expensive. Traffic went up when there was a traffic unit, there is now a decrease, possibly the officers are working on burglaries. There are shoplifting increased cases during the holidays. We have homeless court, and I think we have impacted some people's lives. We have also been able to work with the jail on some issues and that has been helpful. They have helped us get some people from the jail in to in-patient. These are mostly repeat offenders and we are still working with them. We are trying to get the 24-hours transdermal bracelet and we are working with that.

Chief Wheeler said that they have a great relationship between the police department and the courts. What has been helpful is when the Judge can call us and let us know if there is a trend of cases and we know what to look at.

Thank you.

7. Matters from Chief Aric Wheeler

Extended an invitation to the Public Safety Committee to attend the Graduation Ceremony at the James Little Theater next Wednesday at 10:00 am. There are 10 cadets that will be graduating from the Law Enforcement Academy. This was a special class that consisted of our 10 cadets and six from Rio Rancho Public Safety. Governor Susana Martinez is the guest speaker for this graduation.

8. Matters from Chief Barbara Salas

Announced that she has a Fire Inspector that will be retiring on January 31, 2011. We will be sending him home at 5 pm on that date if anyone would like to be with us when we send him home.

9. Matters from Committee Members

Mr. Nave directed a question to the Chief regarding victims being robbed downtown. He asked if the patrol has been increased. Chief Wheeler said that he has assigned detectives and additional officers downtown. He said they will also increase uniformed officers in the downtown area.

Dr. Mier asked for an update on break-ins. Chief Wheeler said that they have made great strides in identifying suspects and more information will follow.

Dr. Mier also asked about the mobile speed van, it was parked by EJ Martinez. When you leave the van in the school zone, does it know when the 15 mph has been broken? The Chief said yes, it is set off by the flashing lights but it has a computer that is very sensitive and does know when the speed limit has been exceeded.

10. Communications from the Floor.

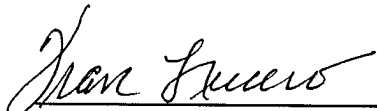
None

11. Adjournment

There being no further business to come before the Public Safety Committee, the meeting was adjourned at 5:05 pm.

Signature:

Chair Ronald Trujillo



Fran Lucero, Stenographer