



# Agenda

CITY CLERK'S OFFICE

DATE 9-14-11 TIME 3:11 pm  
SERVED BY Shannon Cantu  
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**PUBLIC SAFETY COMMITTEE**  
**Tuesday, September 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, August 16, 2011 minutes
4. Old business:
  - A. NONE
5. New business:
  - A. Proposed resolution requesting that the State of New Mexico design, fund, and oversee construction of shoulder improvements to the south side of Camino Lejo adjacent to Museum Hill's main parking area to ensure the safety of pedestrians and for unconstrained emergency vehicle access. (Councilor Wurzberger, Jon Bulthuis)
  - B. Proposed resolution directing staff to explore the options and the feasibility for acquiring security at the Santa Fe Railyard. (Councilor Calvert, Bob Siqueiros)
  - C. Fort Marcy ballpark beer garden (beer only) at professional baseball games (Councilor Trujillo, Robert Romero)
    - a. Proposed ordinance amending Article 23-6 SFCC 1987 to permit the limited sale and consumption of alcoholic beverages at Fort Marcy Ball Park for professional baseball games.
    - b. Proposed resolution authorizing the city manager to supervise and direct the placement and operation of a beer garden at Fort Marcy ballpark for service and consumption of beer only at professional baseball games; and to ensure that the city complies with the directives of this resolution and the laws of the City of Santa Fe and the State of New Mexico.
6. Matters from Municipal Court-Informational: August 2011 Monthly Report
7. Matters from Police Chief Raymond Rael -2011 Post Fiesta de Santa Fe Report
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  
September 20, 2011**

<b><u>INDEX</u></b>	<b><u>ACTION TAKEN</u></b>	<b><u>PAGE(S)</u></b>
Cover Page		1
Call to Order	Call to Order by Chair, Councilor Ronald Trujillo at 4:00 pm in the City Council Chambers	2
Roll Call	A quorum was declared by verbal roll call.	2
Review and Approval of Agenda	No changes from Staff.  No changes from the Committee  <i>Mr. Bowen moved to approve the agenda as presented, second by Mr. Mier, motion carried by unanimous voice vote.</i>	2
Approval of August 16, 2011 Minutes	No changes from staff.  No changes from committee.  <i>Mr. Mizrahi moved to approve the minutes of August 16, 2011 as presented, second by Mr. Harris, motion carried by unanimous voice vote.</i>	2
Old Business None		2
4. New Business: a. Proposed resolution requesting that the State of New Mexico design, fund, and oversee construction of shoulder improvements to the south side of Camino Lejo adjacent to Museum Hill's main parking area to ensure the safety of pedestrians and for unconstrained emergency vehicle access. (Councilor Wurzberger, Jon Bulthuis) b. Proposed resolution directing staff to explore the options and the feasibility for acquiring security at the Santa Fe Railyard. (Councilor Calvert, Bob Siqueiros)	<i>Mr. Bowen moved to pass this resolution with support from the city of Santa Fe, second by Mr. Harris, motion carried by unanimous voice vote.</i>  <i>Dr. Mier moved to approve the resolution and study process, second by Mr. Rivera, motion carried by unanimous voice vote.</i>	3-7

**Index Summary of Minutes  
Public Safety Committee  
September 20, 2011**

<p><b>Fort Marcy ballpark beer garden (beer only) at professional baseball games (Councilor Trujillo, Robert Romero)</b></p> <p><b>a. Proposed ordinance amending Article 23-6 SFCC 1987 to permit the limited sale and consumption of alcoholic beverages at Fort Marcy Ball Park for professional baseball games.</b></p> <p><b>b. Proposed resolution authorizing the city manager to supervise and direct the placement and operation of a beer garden at Fort Marcy ballpark for service and consumption of beer only at professional baseball games; and to ensure that the city complies with the directives of this resolution and the laws of the City of Santa Fe and the State of New Mexico.</b></p>	<p>The Chair directed staff to bring back a report from the study before final action is taken.</p> <p><b>a.</b> <i>Mr. Bowen moved to approve the resolution with the stated amendments proposed by Mr. Rivera, second by Mr. Harris, motion carried by roll call vote: 5-3</i></p> <p><i>Chairperson Trujillo – Yes</i></p> <p><i>Dr. Mike Mier – no</i> <i>Vice Chair Harris – Yes</i></p> <p><i>Dr. Owen Lewis – no</i> <i>Mr. Bowen – Yes</i></p> <p><i>Mr. Mizrahi – no</i> <i>Mr. Rivera – Yes</i> <i>Mr. Nava – Yes</i></p> <p>Amendments:</p> <ol style="list-style-type: none"> <li>1. Santa Fe teams take priority over the semi-pro team for use of the park.</li> <li>2. To seek neighborhood feedback on the proposed use of Ft. Marcy Park.</li> </ol> <p><b>b.</b> <i>Mr. Bowen moved to approve the resolution, second by Mr. Harris, motion carried by roll call vote: 5-3.</i></p> <p><i>Chairperson Trujillo – Yes</i> <i>Dr. Mike Mier – no</i> <i>Vice Chair Harris – Yes</i> <i>Dr. Owen Lewis – no</i> <i>Mr. Bowen – Yes</i> <i>Mr. Mizrahi – no</i> <i>Mr. Rivera – Yes</i> <i>Mr. Nava – Yes</i></p>	
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**Index Summary of Minutes  
Public Safety Committee  
September 20, 2011**

<b>Matters from Municipal Court – August, 2011</b>	<i>Report in packet.</i>	7
<b>Matters from Police Chief Ray Rael</b>	<i>Fiesta Report, Informational</i>	7
<b>Matters from Fire Chief Barbara Salas</b>	<i>Informational</i>	7
<b>Communications from Committee Members</b>	<i>Informational Staff follow up: Signage for city parks on dogs needing to be on a leash.  Follow up on PSA for burned out lights and who they report it to.</i>	7
<b>Communications from the Floor</b>	<i>Mr. Price, Newspaper Article Attached (Exhibit A)</i>	7-8
<b>Adjournment</b>	<i>Mr. Bowen moved to adjourn at 5:25 pm, second by Dr. Mier, motion carried by unanimous voice vote.</i>	8
<b>Signature Page</b>		8

**Public Safety Committee  
Minutes  
September 20, 2011**

**1. Roll Call**

In Attendance:

Councilor Ronald Trujillo, Chair  
Mike Bowen  
Doug Nava  
Herbert Harris  
Peter Mizrahi  
Mike Mier  
Nancy Owen Lewis  
Chris Rivera

Staff Present:

Chief Ray Rael, Santa Fe Police Department  
Chief Barbara Salas, Santa Fe Fire Department  
Robert Romero, City Manager  
Geno Zamora, City Attorney  
Bob Siqueiros  
Melissa Byers, Legislative Liaison

Others Present:

Fran Lucero, Stenographer

**2. Approval of Agenda**

No changes from Staff.  
No changes from the Committee

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

**3. Approval of Tuesday, August 16, 2011 minutes**

No changes from staff.  
No changes from committee.

***Mr. Mizrahi moved to approve the minutes of August 16, 2011 as presented, second by Mr. Harris, motion carried by unanimous voice vote.***

**4. Old business:**

NONE

## 5. New Business:

- A. Proposed resolution requesting that the State of New Mexico design, fund, and oversee construction of shoulder improvements to the south side of Camino Lejo adjacent to Museum Hill's main parking area to ensure the safety of pedestrians and for unconstrained emergency vehicle access. (Councilor Wurzberger, Jon Bulthuis)**

Melissa Byers (representing Councilor Wurzberger and Jon Bulthuis)

This resolution is to improve the shoulder in the parking lot at Camino Lejo. The Chair asked if this is a state road and if so we do not have any jurisdiction? Ms. Byers made reference to the ordinance and noted that it is a state road and the resolution is to create awareness with the state in hopes that they will do the work as soon as possible.

*Mr. Bowen moved to pass this resolution with support from the city of Santa Fe, second by Mr. Harris, motion carried by unanimous voice vote.*

- B. Proposed resolution directing staff to explore the options and the feasibility for acquiring security at the Santa Fe Railyard. (Councilor Calvert, Bob Siqueiros)**

**Mr. Siqueiros provided a short description of the content of the resolution and introduced Ms. Bryce and Mr. Czoski who provided a statement for support of the resolution.**

Sandy Bryce – Thank you for addressing the concerns that we have on safety in the Railyard. The concerns have been due to the over use of alcohol and drugs by some citizens and the homeless population. The concern is behavior and we want to assure that the population that visits the Railyard for pleasure is protected. There is frequent indecency and indecent behavior in the restrooms and citizens have fear of going in to these nice bathrooms. Safety is being practiced more now that the trains come through the Railyard; there are those that are jumping off the train or moving in the line of movement of the train. What is important is having police personnel on the grounds to deter what is happening. Ms. Bryce provided examples of bad behavior from a youth fight and how it got out of hand.

Richard Czoski, General Management – from the Railyard. The response from the Police Department has been excellent. He addressed deterring the behavior before an incident happens. The hope is that private security be hired to assist in this growing area of tourism. Mr. Czoski said that he would like to come forward in the future to suggest stronger alcohol rules in support of the Public Intoxication Ordinance. We are a victim of our own success; the project opened about 3 years ago and we have more people coming to the Railyard to enjoy the events and we want them to be safe at all times.

Mr. Bowen asked staff if the timeline of 30 days for the study is sufficient.

Mr. Nava asked how long this misbehavior has been happening and why it took until now for the Railyard Executives to come before the Public Safety Committee.

Ms. Bryce said that this is the first time they have had an opportunity to come before the Public Safety Committee and the vandalism, misbehavior and vagrant population has increased.

Chief Rael confirmed that there has been an increase in calls to the Police Department. The Railyard has escalated in population attending activities and therefore it does provide opportunities for misbehaving.

Mr. Siqueiros said that the Santa Fe Police sub-station has been placed in that area and they will also be placing security cameras for the Railrunner.

Chief Rael said that the bicycle police officers use this location do their reports to create visibility but this location is not staffed full time. There is also additional area police officer service to this area based upon need. The police department has also been proactive and created a plan where they can have additional staff during the peak hours of anticipated problems. Patrols are monitored and adjusted on activities and schedules.

Dr. Mier stated that he has no problem supporting this study and added that there is a strong problem with public intoxication in other Santa Fe public parks.

The Chair asked Chief Salas about the call volume from the Railyard [60-80] calls to the Fire Department. The Chief said that they respond to calls coming from the Railyard and said that there has been an increase.

***Dr. Mier moved to approve the resolution and study process, second by Mr. Rivera, motion carried by unanimous voice vote.***

The Chair directed staff to bring back a report from the study before final action is taken.

**C. Fort Marcy ballpark beer garden (beer only) at professional baseball games (Councilor Trujillo, Robert Romero)**

- a. Proposed ordinance amending Article 23-6 SFCC 1987 to permit the limited sale and consumption of alcoholic beverages at Fort Marcy Ball Park for professional baseball games.**

Resolution in packet, the City Manager stands for questions.

Mr. Romero said that the league is called the Pecos League and the League owns all the clubs. The season will start in May and end in July. Mr. Fabian Chavez from the Parks and Recreation Department has confirmed that the fields are available.

Mr. Rivera asked how many people this team would attract.

Mr. Romero said that this league is not going to attract thousands of people.

The Chair added that that this is a semi-pro team and that in some venues where they do not have beer that it has hurt the attendance. The Chair said that the Parks and Rec. Director and he went to Ft. Marcy to evaluate the space and to see where it would be appropriate to have the beer garden and to assure that no one under 21

would be allowed entrance in to that venue. A set amount of beer would be allowed for sales and there would also be a timeline as to when the sale of beer would be allowed. There are control systems that have been discussed in order to assure that this new option would not be detrimental. This would be strictly for the semi-pro team and only at Ft. Marcy.

Who would have the liquor license?

Mr. Romero said that there are several options; i.e., it could be a contract with someone who already holds a license or the city could hold the license.

Dr. Mier said that this concept of a beer garden can be controlled on sales. Dr. Mier asked the Chief if he has any concerns. The Chief said that this is a policy decision by the city and he asks that they be involved in the process of implementation and they would assure to provide public safety.

The Chair sees this as a good opportunity for our economic development in the city. Our constituents go to Albuquerque for leisure with their families at different sport venues and it is quite costly. It would be in our best interest to provide our citizens with a venue here in Santa Fe to enjoy and not all attendees consume alcohol. The Chair would like to see one of our local kids be a part of this team in the future.

Dr. Lewis asked for clarity, "this team will not consider coming to Santa Fe if there is not a beer garden"? That is correct, responded the Chair

Mr. Nava asked if this could be written with the addendum that it could come back to Public Safety or to City Council if it gets out of hand. Mr. Nava supports wholeheartedly the economic development opportunities at hand.

Geno Zamora, City Attorney

You cannot put those types of contingencies in the ordinance. The appropriate way to go is the legislative process, it would be incumbent on the legislators to note if a change is necessary. The Legal Department as well as the City Manager's Office and the City Clerk's office are working with the State Alcohol and Gaming Department to assure that all regulations are followed. All laws that are mandated will be implemented and they will follow limiting of service to anyone who is intoxicated. There will be buffer zones where you cannot serve or hand anyone beer outside of the beer garden.

Mr. Rivera asked how much liability the city will assume and how much is the team assuming.

Mr. Zamora said the city has responsibility and liability for all sites that the city has ownership to.

Mr. Rivera, Section A-2 – relates to the seating as 25% for the beer garden?

Mr. Zamora said that the intent of that wording was for the supplemental resolution, it is premature to identify where the space for the beer garden would actually be. You would not want to designate 25% of your seating space for alcohol consumption.



Mr. Rivera asked if the beer will be allowed outside of the beer garden.

Mr. Zamora said that a buffer would have to be designated for the beer garden.

Chief Rael said that it is his understanding that there have not been any problems with these events. The Chief has called other cities to ask and receive feedback. Most cities said that it did increase the attendance but there were not any noted problems reports.

Mr. Romero said that the city will work with the State Alcohol and Gaming Department to assure that all standards are followed related to on site security.

Mr. Rivera asked if any neighborhood feedback has been received since this has been widely publicized.

The Chair said that he has received calls from some residents in the neighborhood and they are in support of having this team come to Santa Fe.

Mr. Rivera submitted a friendly amendment to the ordinance; that Santa Fe teams take priority over the semi-pro team for use of the park.

Dr. Mier asked how we would control practice and playing time on the field. Mr. Romero explained that this is a travelling team and their practices are in the morning. Mr. Romero will ask Mr. Chavez from Parks and Recreation to secure a schedule if at all possible.

***Mr. Bowen moved to approve the resolution with the stated amendments proposed by Mr. Rivera, second by Mr. Harris, motion carried by roll call vote: 5-3***

***Chairperson Trujillo – Yes  
Vice Chair Harris – Yes  
Mr. Bowen – Yes  
Mr. Rivera – Yes  
Mr. Nava – Yes***

***Dr. Mike Mier – no  
Dr. Owen Lewis – no  
Mr. Mizrahi – no***

Amendments:

1. Santa Fe teams take priority over the semi-pro team for use of the park.
2. To seek neighborhood feedback on the proposed use of Ft. Marcy Park.

- b. Proposed resolution authorizing the city manager to supervise and direct the placement and operation of a beer garden at Fort Marcy ballpark for service and consumption of beer only at professional baseball games; and to ensure that the city complies with the directives of this resolution and the laws of the City of Santa Fe and the State of New Mexico.**

***Mr. Bowen moved to approve the resolution, second by Mr. Harris, motion carried by roll call vote: 5-3.***

***Chairperson Trujillo – Yes  
Vice Chair Harris – Yes  
Mr. Bowen – Yes***

***Dr. Mike Mier – no  
Dr. Owen Lewis – no  
Mr. Mizrahi – no***

*Mr. Rivera – Yes*

*Mr. Nava – Yes*

**6. Matters from Municipal Court-Informational: August 2011 Monthly Report included.**

**7. Matters from Police Chief Raymond Rael -2011 Post Fiesta de Santa Fe Report**

Reported on Fiesta and said that it was a very successful activity with very little problems. The Public Safety Committee expressed their thanks for the excellent public safety provided by the Police Department.

**8. Matters from Fire Chief Barbara Salas**

None

Mr. Nava expressed his thank you to the Fire Fighters for hosting Public Safety members the night of Zozobra.

The Public Safety Committee expressed their thanks for the excellent public safety provided by the Fire Department.

**9. Matters from Committee Members**

Mr. Nava referred back to action that had been taken on burned out street lights. He has been contacted by a constituent about a street light that doesn't work. His concern is how many lights are not working in the city now that it is getting darker.

Mr. Nava suggested that a PSA be done on the city's cable program to encourage constituents to call the city and report when a light is out. The Chair will follow up with the City Manager to get a PSA done on this topic. Mr. Harris said if you contact PNM directly they are there the next day. Mr. Mizrahi said that this requires public awareness and education to have our constituents know they can call PNM directly.

Dr. Mier asked if there is a leash law for dogs in the park. The Chief encouraged the residents to call in and make report when they witness dogs off their leash. Dr. Mier asked for some type of signage in the parks.

The Chair will discuss with the City Manager the need for signage and animal control in the parks.

**10. Communications from the Floor**

Robert Price, (lives downtown), 211 Water St., Apt. 303, Santa Fe, NM

"Pleased to see that both Chiefs are present tonight."

Friday of Indian Market, there were thousands of visitors downtown. He was walking his wife to work at La Fonda and he was viciously attacked by a skate boarder. Everyday there are skateboarders and he is petrified every time he sees the skateboarders. I have no knowledge and recollection, I have been told that the skateboarder went in between me and my wife and the skateboarder fell and turned and hit Mr. Price on the head with the pointed part of the skateboard. He explained the emotional problems he will now have to live with. He has been to war and this was a vicious attack by a skateboarder. He has

spoken to Sr. Administrators in City Hall and he has been told that the skateboarders are allowed on the sidewalk because they are not allowed on the street. His question is, "why are the skateboarders allowed on the sidewalk?" He does not expect an answer tonight.

Next question addressed to both chiefs, he was lying on the sidewalk and his wife and several other people thought he was dead. EMS was called and they didn't respond as quickly as there was a drunk who had fallen on the ground and they were attending to him. There was at least a 30 minute time span before there was any response. I walk these streets everyday and I would like an answer as to why they did not respond quickly. I did get to the hospital; I had a concussion, bleeding in the brain and they said I had a small stroke. I was fortunate and I was able to get out in a couple of days. I am medicated to calm my anxiety. The fear I have now for skateboarders on the sidewalks is very difficult.

In closing I would like to mention that my wife is on staff at La Fonda and handles questions every day. She has to tell them to take a cab wherever they are going, do not walk the streets in Santa Fe at night because it is not safe. Mr. Price had his dog with him who has helped with this anxiety. His dog will be trained to protect him. Santa Fe is a world class city and the visitors come here to see Santa Fe, they don't come here to trip over homeless people on the sidewalks and all the other things that contribute to the mentality in the city that anything goes.

If a travel writer would come to Santa Fe and knew what happened to me or that it could happen to them, they would turn off the lights to the city by their reporting. LA Times and other major National papers would not want to read about this.

Thank you. Introduction of his service dog, Kimber. Mr. Price provided a newspaper article regarding this unfortunate experience.

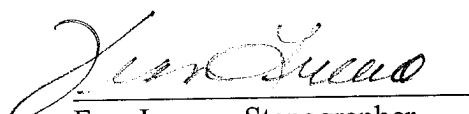
#### 11. Adjournment

***Mr. Bowen moved to adjourn at 5:25 pm, second by Dr. Mier, motion carried by unanimous voice vote.***

Signature Page:

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Ronald Trujillo, Chair



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Fran Lucero, Stenographer