



Agenda

DATE 1/9/12 TIME 11:25a

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PUBLIC SAFETY COMMITTEE
Tuesday, January 15, 2013 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 18, 2012 minutes
4. Old business:
 - A. NONE
5. New business:
 - A. Proposed ordinance related to the City of Santa Fe Uniform Traffic ordinance; amending schedule A, Section 2, penalty assessment misdemeanor schedule to delete "jaywalking" from such schedule and amending Section 3, mandatory court appearance schedule, to include jaywalking (Councilor Trujillo, Alfred Walker)
6. Matters from Municipal Court
7. Matters from Police Chief Raymond Rael
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 15, 2013**

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
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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.	2
Review and Approval of Agenda	No changes from Staff. <i>Mr. Harris moved to approve the agenda as presented, second by Councilor Rivera, motion carried by unanimous voice vote.</i>	2
Approval of December 18, 2012 Minutes	<i>Mr. Mizrahi moved to approve the minutes of December 18, 2012 as presented, second by Councilor Rivera, motion carried by unanimous voice vote.</i>	2
Old Business	None	2
New Business A. Proposed ordinance related to the City of Santa Fe Uniform Traffic ordinance amending schedule A, Section 2, penalty assessment misdemeanor to schedule to delete “jaywalking” from such schedule and amending Section 3, mandatory court appearance schedule, to include jaywalking (Councilor Trujillo, Alfred Walker)	<i>Councilor Rivera moved to return to the committee process with the recommended amendment; 1) Reduce from \$300 up to \$150.00 2) provide a public awareness campaign to educate on jaywalking and 3) Public Works Department do an inspection to check major intersections in the city to assure that there is adequate time for pedestrians to cross the street and 4) SFPD do a blitz for a while to assure that the emphasis is placed on jaywalking if we are</i>	2-5

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	<i>going to enforce second by Mr. Harris, motion carried by unanimous voice vote. One in the negative vote.</i>	
Matters from Municipal Court	Report included in packet - Informational	5
Matters from Police Chief Ray Rael	Informational	5-6
Matters from Fire Chief Salas	None	6
Communications from Committee Members	Informational	6
Communications from the Floor	Exhibit A, Mr. Dressman re: Amplification on the Plaza	6
Adjournment/Signature page	Meeting adjournment at 5:00 pm	7

PUBLIC SAFETY COMMITTEE MINUTES

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1. **Roll Call – Chair Trujillo called the meeting to order at 4:00 pm. Roll call reflected a quorum. The meeting was held in the City Council Chambers, Santa Fe, New Mexico.**

Present:

Chairperson Trujillo
Dr. Nancy Owen Lewis
Mr. Peter Mizrahi
Councilor Chris Rivera
Mr. Douglas Nava
Mr. Herbert Harris

Not Present:

Mr. Mike Bowen
Dr. Mike Mier

Staff in Attendance:

Chief Ray Rael, Santa Fe City Police
Chief Barbara Salas, Santa Fe Fire
Department
Alfred Walker, Assistant City Attorney

Others Present:

Judge Ann Yalman
Fran Lucero, Stenographer

2. **Approval of Agenda**
No staff or committee changes.

Mr. Harris moved to approve the agenda as presented, second by Councilor Rivera, motion carried by unanimous voice vote.

3. **Approval of December 18, 2012 Minutes**

Mr. Mizrahi moved to approve the minutes of December 18, 2012 as presented, second by Councilor Rivera, motion carried by unanimous voice vote.

4. **Old Business - None**

5. **New Business**

- A. Proposed ordinance related to the City of Santa Fe Uniform Traffic ordinance amending schedule A, Section 2, penalty assessment misdemeanor to schedule to delete “jaywalking” from such schedule and amending Section 3, mandatory court appearance schedule, to include jaywalking (Councilor Trujillo, Alfred Walker)

Mr. Walker stated that this matter was brought back from the Finance Committee for further clarification. There was concern that the Finance Committee expressed on the amount of the fine but the primary concern was the issue of traffic signals for pedestrians and not enough time being allotted for people to cross.

The Chair asked if anyone from Public Works was present to answer questions regarding the time allotment for signal crossing. No one present from Public works. The request was for more signalization and the question is if we can do this at intersections without putting in more street lights.

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Mr. Walker stated that he did not have the engineering background to provide an answer to this question and preferred that Public Works be sent this question. As a legal matter the governing body or the city can place lights and signals wherever appropriate.

Mr. Nava asked how many citations are given out yearly at \$25. The Police Chief did not have those statistics available at this point. Mr. Mizrahi said that from past minutes it was 37 violations in 3 years which is about one a month.

Judge Yalman said the number came from her originally. The issue came up because police advised her that there were pedestrian injuries and deaths and they were concerned that jaywalking was not being taken seriously enough. There were complaints from the community that there were not enough crosswalks and that is why people were crossing in the middle of the street and that the lights are not long enough for the large streets like Cerrillos, St. Michael's or St. Francis.

Councilor Rivera said the fine of \$300 has created a scare in the community and if it was recommended to lower that, what amount would be satisfactory.

Judge Yalman said the \$300 came because her jurisdiction for traffic is 90 days and \$300. \$300 is the maximum the Judge can do in a traffic case. The best thing to compare it to is the disabled parking which that fine is set by the state which is \$250 - \$500. Most people who park in a disabled space without a placard never do it again. It has a very strong impact on people. That is where the number came from, not from any other place.

Councilor Rivera asked how do you work with those non residents who can't come back to appear before court.

Judge Yalman stated that presently we get non-residents (tourists) who park in the handicap area. Councilor Rivera asked if Judge Yalman would entertain a lower amount.

Chair Trujillo asked the Chief if we pass this ordinance, are we going to cite.

Chief Rael said that the citations are the emphasis of what the city wants emphasized. If we feel that there is a problem there and it needs to be addressed, we can put as much emphasis on that issue as we can for the time allotted just like with any other situation such as burglaries. If we are looking at a lot of pedestrian deaths and we need to focus on it we would be citing until such time that our resources are needed and would depend on the grievance of the violation and the officer would use discretion.

Chair Trujillo recalled that we had the blitz last year at St. Michael's and St. Francis. The chief reiterated that it did generate a lot of citations and people were not happy

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being cited. We had a couple of near fatal at that location. The law is to yield to pedestrian walkers.

The Chair asked Judge Yalman if she would support a lower cost.

Dr. Lewis said that our current ordinance is not enforced. Possibly if we ramped up the publicity to inform the public that we are going to enforce jaywalking.

Chief Rael stated that to enforce the officer would need to be there at the time and witness the jaywalking.

Dr. Lewis said she would like to know how the \$300 fee and the 90 days of incarceration are going to improve pedestrian safety or solve part of this problem. It doesn't address the total issue. We don't know how many deaths are caused by jaywalking but we do know that alcohol plays a big role in pedestrian deaths in this state up to 50% of them. I need some more verification why we think this would work as opposed to simply enforcing the law that we have and I do believe that enforcement is perhaps a key to deter the problem.

Chief Rael understands that when the officers asked Judge Yalman to move this forward was that having a court appearance would be more educational as opposed to an assessment fee that you submit and stop from taking it seriously. I understand that was the intent and to know if is effective or not effective I think the officers attempt to educate the public and also to insure that jaywalking is taken seriously.

Dr. Lewis stated that in order for this to be a deterrent there would need to be major publicity campaign in Santa Fe so people are aware of that.

Chief Rael agreed that if this ordinance passes there would have to be publicity on it, we would also be sure that it is listed on the website as well as through public safety announcements.

Mr. Walker stated that originally there was a proposal for the 90 day maximum in jail which has been taken out by amendment and is no longer under consideration.

Councilor Rivera offered amendment wording to the ordinance; 1) Reduce from \$300 up to \$150.00 2) provide a public awareness campaign to educate on jaywalking and 3) Public Works Department do an inspection to check major intersections in the city to assure that there is adequate time for pedestrians to cross the street.

The judge said that the mandatory court appearance would not apply if you are going to assess a \$150.

Chair Trujillo asked if the police officers would enforce in the downtown area.

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Mr. Mizrahi: I would like to add, that if it does pass, SFPD do a blitz for a while to assure that the emphasis is placed on jaywalking if we are going to enforce.

Mr. Nava: I do not agree that the plaza should be excluded. It should be fair all around.

Councilor Rivera moved to return to the committee process with the recommended amendment; 1) Reduce from \$300 up to \$150.00 2) provide a public awareness campaign to educate on jaywalking and 3) Public Works Department do an inspection to check major intersections in the city to assure that there is adequate time for pedestrians to cross the street and 4) SFPD do a blitz for a while to assure that the emphasis is placed on jaywalking if we are going to enforce second by Mr. Harris, motion carried by unanimous voice vote. One in the negative vote.

6. Matters from Municipal Court (Report included in packet)

Judge Yalman, nothing further to report.

7. Matters from Police Chief Ray Rael

There has been an additional decrease in residential burglaries; a slight increase in commercial burglaries, auto burglaries also increased which is not uncommon due to the time of the season. Unfortunately, people were still leaving valuable and presents in their cars during the shopping season. We had a total of 1,931 property crimes as opposed to 1,967 the year before and 2,402 in 2010 and 2,205 in 2009. We continue to trend downward and operation forward press is still going forward, we made some minor modifications but it seems to be successful.

The other is our weapon buyback program which kicked off this past Saturday. It was exceedingly successful, brought in 194 total weapons, 6 of those were reclassified as assault type weapons, semi automatic, high capacity weapons and something close to 100 hand guns, the remaining were shot guns and rifles. We will continue that program, the next one will be on February 9, 2013 and we are hoping for the same type of response.

Mr. Nava asked if the weapons would be destroyed. Most of the weapons will be destroyed. The museum will look at the weapons and if a weapon is identified as being used in a crime will be retained all others will be destroyed by state statute.

Councilor Rivera said that there was a vendor asking to purchase weapons for a higher amount than the city was offering. Chief Rael said that this did happen and legally they were on public property and it could not be enforced. Under legal rights we cannot prohibit anyone from purchasing a weapon. Councilor Rivera asked if we could look in to a way to defray this company from coming back. Chief Rael asked legal counsel to provide direction. Mr. Walker said that it would seem possible if we leased private property to hold this event. Councilor Rivera asked if in the future possibly asking Wells Fargo as a partner in this endeavor to see if they had private space to do this. Chief Rael will ask Wells Fargo. Chief Rael said that it was not a company it was private citizens

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from Albuquerque. It was recommended by Mr. Nava that we have legal look in to the fact if they are private citizens buying do they need a business license.

8. Matters from Fire Chief Barbara Salas

Nothing to report.

9. Matters from Committee Members

Mr. Nava commended Chief Rael for a recent memo sent out in response to an article came out in the paper. No one from the SFPD has come out to be a part of this committee. A liaison is needed. Chief Rael is speaking with the Assessment Committee; Mr. Luttjohann from the Convention Center is taking the lead on that. During a conversation with Councilor Bushee and others it was decided until we get some specific information on what the tasks of the Liaison would be, we will hold off and make a decision.

10. Communications from the floor.

John Dressman, I have a store downtown. This is a way of backing in to the shooting incident that happened on San Francisco Street. I don't want to speak directly to it but I want to back in to it about talking about a very simple ordinance that isn't being enforced that has the potential to cause violence. (Mr. Dressman provided a memorandum addressed from the City Attorney's office for the committees review - (Exhibit A) – Topic: Amplification on the Plaza).

Mr. Dressman spoke about a scenario with individuals playing on the plaza with amplification and some controversy between the musicians. Here is a simple ordinance; you can't amplify more than 25 feet away. It doesn't require a complaint from someone like me, it doesn't require a complaint from someone who is playing music, and it doesn't require any special permit. But it is not being enforced. All it requires is to stand 25 feet away and listen to the amplification. Mr. Dressman asked an officer why this ordinance wasn't being enforced and the answer was that the Chief had not given his approval for this ordinance to be enforced. I didn't know that it took the Chief to approve to enforce the law.

Thank you very much.

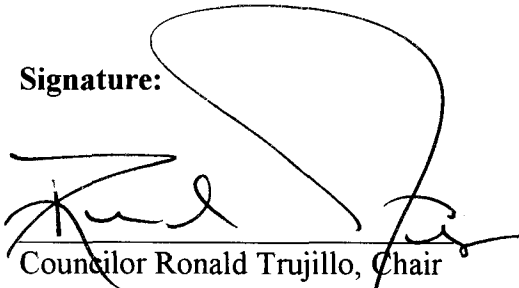
11. Adjournment

There being no further business to come before the Public Safety Committee, the meeting was adjourned at 5:00 pm.

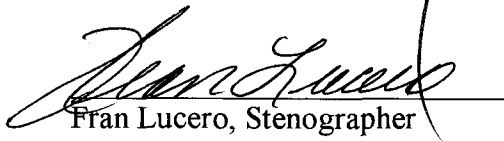
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Signature:



Councilor Ronald Trujillo, Chair



Fran Lucero, Stenographer

Exhibit A.

CITY ATTORNEY'S OFFICE MEMO

TO: GOVERNING BODY
VIA: GENO ZAMORA, CITY ATTORNEY
FROM: JAMISON BARKLEY, ASSISTANT CITY ATTORNEY
SUBJECT: AMPLIFICATION ON THE PLAZA
DATE: JUNE 1, 2012



QUESTION

- Whether amplification of sound is permitted on the plaza?

ANSWER

- City Code does not prohibit amplification on the plaza. This is a common misunderstanding in the community.
- No special busker's licenses have been issued for amplification, since amplification is already permitted.
- Though amplification is permitted, it is regulated in the following manner:
 - Buskers may not be so loud as to disrupt other performers. § 23-8.5(G).
 - Music or amplified sounds cannot be audible from 25 feet away. § 10-2.4(B)(15).
 - Performers cannot cause a *noise disturbance*, defined by the Code as any noise that annoys or disturbs reasonable people with normal sensitivities. §§ 10-2.4(B)(3)(a); 10-2.3.
 - Performers cannot be so noisy as to exceed 60 dBA from 7:00am-9:00pm and 55 dBA from 9:00pm-7:00am. § 10-2.5(A).