



Agenda

DATE 12/13/13 TIME 3:11p
STEWARDED BY Shannon Cantu
RECEIVED BY [Signature]

PUBLIC SAFETY COMMITTEE

Tuesday, December 17, 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, November 19, 2013 minutes
4. Old business:
 - A. NONE
5. New business:
 - A. Proposed ordinance amending various provisions of the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987 (Councilor Bushee, Animal Services Supervisor Johnny Martinez)
 - B. Proposed ordinance relating to the prohibition of procurement of tobacco by minors; amending subsection 16-15.4 SFCC 1987 to amend the definition of "Tobacco Product" and create a new definition for "electronic smoking device" (Councilor Trujillo, Alfred Walker)
 - C. Proposed ordinance relating to Santa Fe Smoke Free ordinance relating to electronic smoking devices and amending subsection 10-6.3 to include definitions for "electronic smoking device" and "tobacco product" (Councilor Trujillo, Alfred Walker)
6. Matters from Municipal Court
7. Matters from Police Chief Raymond Rael
8. Matters from Fire Chief Erik Litzenberg
9. Matters from Committee Members
10. Communications from the Floor
11. Adjournment

For information regarding the agenda, you can call Shannon Cantu at 955-5074. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

**Index Summary of Minutes
Public Safety Committee
December 17, 2013**

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Cover Page		1
Call to Order	Call to Order by Acting Chair, Councilor Chris Rivera at 4:05 pm in the City Council Chambers. The Chair arrived at 4:10 pm	2
Roll Call	A quorum was declared by verbal roll.	2
Review and Approval of Agenda	No changes from Staff. <i>Mr. Mizrahi moved to approve the agenda as presented, second by Dr. Lewis, motion carried by unanimous voice vote.</i>	2
Approval of November 19, 2013 Minutes	<i>Dr. Mier moved to approve the minutes of November 19, 2013 as presented, second by Mr. Mizrahi, motion carried by unanimous voice vote.</i>	2
Old Business	None	2
New Business:		3-4
Proposed ordinance amending various provisions of the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987 (Councilor Bushee, Animal Services Supervisor Johnny Martinez)	Dr. Mier moved to approve the proposed ordinance amending various provisions of the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987, second by Mr. Mizrahi, motion carried by unanimous voice vote.	
Proposed ordinance relating to the prohibition of procurement of tobacco by minors; amending subsection 16-15.4 SFCC 1987 to amend the definition of "Tobacco Product" and create a new definition for "electronic smoking device" (Councilor Trujillo, Alfred Walker)	Mr. Mizrahi made a motion to strike the language as described above in the two places of the ordinance, A1 and A3, second by Dr. Lewis, motion carried by unanimous voice vote. Dr. Mier moved to approve the proposed ordinance relating to Santa Fe Smoke Free ordinance relating to electronic smoking devices	
Proposed ordinance relating to Santa Fe Smoke Free ordinance relating to		

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electronic smoking devices and amending subsection 10-6.3 to include definitions for “electronic smoking device” and “tobacco product” (Councilor Trujillo, Alfred Walker)	and amending subsection 10-6.3 to include definitions for “electronic smoking device” and “tobacco product” with the provision of striking the language in Item B, Page 7, Line 3 and Page 4 #4, second by Councilor Rivera, motion carried by unanimous voice vote.	
Matters from Municipal Court	Informational	4
Matters from Police Chief	Informational	4
Matters from Fire Chief Snyder	Informational	4
Communications from Committee Members	Informational	5
Communications from the Floor	None	5
Adjournment/Signature page	Meeting adjournment at 4:30 pm	5

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PUBLIC SAFETY COMMITTEE

Tuesday, December 17, 2013

4:00 pm – 4:30 pm

City Council Chambers

200 Lincoln Avenue, Santa Fe, NM 87501

1. Call to Order

The meeting was called to order by Councilor Chris Rivera at 4:05 pm. Roll call declares a quorum. The Chair arrived at 4:10 pm and resumed the Chair duties of the meeting.

2. Roll Call

Present:

Councilor Ron Trujillo, Chair

Dr. Nancy Owen Lewis

Mr. Peter Mizrahi

Dr. Mike Mier

Councilor Chris Rivera

Mr. Herbert Harris

Not Present:

Mr. Mike Bowen

Staff in Attendance:

Chief Ray Rael, Santa Fe City Police

Assistant Chief Jan Snyder, Santa Fe Fire Department

Alfred Walker, City Attorney

Johnny Martinez, Animal Services Supervisor

Others Present:

Fran Lucero, Stenographer

3. Approval of Agenda

No changes from staff or the PSC members.

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

4. Approval of Tuesday, November 19, 2013 minutes

No changes from staff or the PSC members

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

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5. Old Business:

NONE

6. New Business:

A. Proposed ordinance amending various provisions of the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987 (Councilor Bushee, Animal Services Supervisor Johnny Martinez)

Mr. Martinez stated that the bill proposes to amend various provisions of the City of Santa Fe Services Ordinance, Chapter 5 SFCC 1987. These changes are documented in the proposed bill included in the PSC packet. One of the main changes is adapting to the trolley system and animal provisions to be in compliance with ADA. The trolley system gives more room for the animal to move around. The Santa Fe Human Society will work with residents in acquiring a trolley if they cannot afford one by turning in their old spikes and they will be provided a new trolley system.

Dr. Mier asked for more explanation referencing Page 24 – line 17: It is almost difficult to clean up the urination of an animal.

Mr. Martinez said that the intent was not to clean it up but to make the owner aware of the responsibility for clean up. Mr. Martinez said it is almost impossible to enforce.

Dr. Mier referenced – Page 23-L: What happens on the weekend when an animal has to be held or detained? Mr. Martinez said that it is sometimes difficult to get a hold of the Judge over the weekend; and informed Dr. Mier that there are multiple people on his staff who can enforce this action.

Dr. Mier moved to approve the proposed ordinance amending various provisions of the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987, second by Mr. Mizrahi, motion carried by unanimous voice vote.

B. Proposed ordinance relating to the prohibition of procurement of tobacco by minors; amending subsection 16-15.4 SFCC 1987 to amend the definition of “Tobacco Product” and create a new definition for “electronic smoking device” (Councilor Trujillo, Alfred Walker)

Mr. Walker stated that at the November 19, 2013 Public Safety Committee meeting, the PSC approved a proposed bill that would have created a new section in the City’s criminal code that would have prohibited the procurement of electronic nicotine devices by minors. Thereafter, the City Attorney’s Office found that the bill did not conform to the standards of the American Cancer Society so the sponsor withdrew that version of the bill and now proposes the attached bill which will conform to the standards of the American Cancer Society. The proposed bill will prohibit the procurement of electronic nicotine devices by minors in the same manner as the current Ordinance prohibits the procurement of tobacco by minors. Additionally, the bill amends the definition of “tobacco product” and creates a new definition for “electronic smoking device”.

Page 1, Line 21 – Electronic smoking device means any product containing or delivering nicotine or any substance intended for human consumption that can be used by a person to

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simulate smoking through inhalation of vapor or aerosol from the product. "Electronic smoking device" includes any component part of such product whether or not sold separately. "Electronic smoking device" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose. (Language suggested by the American Cancer Society).

Dr. Mier asked if this would be contradictory to the ordinance. Mr. Walker said that he does not know of any electronic device that is a smoking sensation device; this is meant to assure that the device is safe for everybody. Dr. Mier said that this language is not clear for the public. The Chair asked Mr. Walker what could be done to make these statements more clear and Mr. Walker said the committee has the ability to request the language be stricken. Dr. Mier concurred that he would like for the language to be stricken.

Mr. Mizrahi made a motion to strike the language as described above in the two places of the ordinance, A1 and A3, second by Dr. Lewis, motion carried by unanimous voice vote.

- C. Proposed ordinance relating to Santa Fe Smoke Free ordinance relating to electronic smoking devices and amending subsection 10-6.3 to include definitions for "electronic smoking device" and "tobacco product" (Councilor Trujillo, Alfred Walker)**

Page 4, #4 – (Language as listed above in Item B). Page 7, Line 3

Dr. Mier moved to approve the proposed ordinance relating to Santa Fe Smoke Free ordinance relating to electronic smoking devices and amending subsection 10-6.3 to include definitions for "electronic smoking device" and "tobacco product" with the provision of striking the language in Item B, Page 7, Line 3 and Page 4 #4, second by Councilor Rivera, motion carried by unanimous voice vote.

- 7. Matters from Municipal Court**
Written report included in the packet.

- 8. Matters from Police Chief Raymond Rael**
Burglary report included in packet. The removal of those individuals has decreased the burglary. The Chief reported they are fully staffed at this time and recently received approval from the City Council for the 10 additional positions.

- 9. Matters from Fire Chief Snyder**
Fire Academy is going as planned, started with 18 and are now down to 15. PSC members will receive invitations for the graduation in February, 2014.

Councilor Rivera asked about the recent article in the New Mexican about flying farolitos. Chief Schneider said that the Department position has not changed since 2009 – Department stand has not changed, the newspaper chose to run a story on flying farolitos and they have not been allowed since 2009.

Dr. Lewis asked about the progress made on the investigation of the Hinojosa house. Chief Schneider will follow up with Dr. Lewis once he obtains information that can be released.

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10. Matters from Committee Members

Dr. Mier inquired about the construction work at St. Francis Drive, Alta Vista to Cerrillos Road; where they are down to two lanes for a long period of time. The concern is that the two lanes are closed and most of the time no work is being done.

The Chair said they are putting a new water line in. The Chair will talk to Mr. Ike Pino to find out why they are taking so long and what the times that the crew is working are. Barriers are up at some times and no one is working.

Chair Trujillo expressed his sincerest of thanks to the committee members for the 2013 year of service, to the staff and stenographer. Happy Holidays.

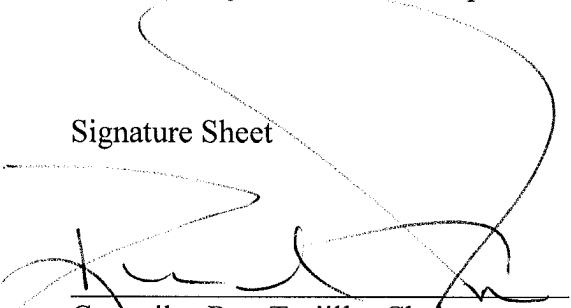
11. Communications from the Floor

None

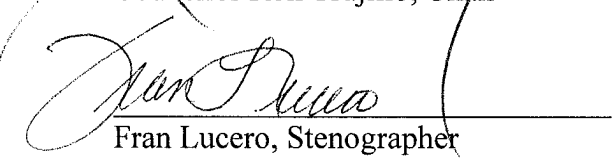
12. Adjournment

There being no further business to come before the Public Safety Committee, the chair called for adjournment at 4:30 pm on December 18, 2013.

Signature Sheet



Councilor Ron Trujillo, Chair



Fran Lucero, Stenographer