



Agenda

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PUBLIC SAFETY COMMITTEE
Tuesday, December 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, November 15, 2011 minutes
4. Old business:
 - A. NONE
5. New business:
 - A. Proposed ordinance amending article 24-9 SFCC regarding the City's vehicle forfeiture Ordinance. (Councilor Bushee, Alfred Walker)
 - B. Proposed ordinance amending section 4-2.2 SFCC 1987 to prohibit open containers in unlicensed public places. (Councilor Bushee, Alfred Walker)
 - C. Proposed resolution directing staff to review the possibility of entering into a public-private partnership with New Energy Economy to fund and construct a photovoltaic system at Fire Station 3 (Councilors Calvert and Wurzbarger, Nick Schiavo)
6. Matters from Municipal Court
 - A. Informational-November 2011 Monthly report
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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PUBLIC SAFETY COMMITTEE
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Tuesday, December 20, 2011 4:00 PM
City Council Chambers
200 Lincoln Avenue, Santa Fe, NM 87501

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<u>Roll Call</u>	A quorum was declared by roll call. 2 absences	Page 2
<u>Approval of Agenda</u>	Motion and second to approve agenda as presented, motion carried by unanimous voice vote.	Page 2
<u>Approval of Tuesday, November 15, 2011 minutes</u>		Page 2
	<i>Motion and second to approve minutes of November 15, 2011 as presented, motion carried by unanimous voice vote.</i>	
Old Business	None	Page 3
New Business		Page 3-5
A.	Proposed ordinance amending article 24-9 SFCC regarding the City's vehicle forfeiture Ordinance. (Councilor Bushee, Alfred Walker) <i>Mr. Rivera moved to approve proposed ordinance amending article 24-9 SFCC regarding the City's vehicle forfeiture Ordinance, second by Mr. Harris, motion carried by unanimous voice vote.</i>	
B.	Proposed ordinance amending section 4-2.2 SFCC 1987 to prohibit open containers in unlicensed public places. (Councilor Bushee, Alfred Walker) <i>Dr. Lewis moved to approve proposed ordinance amending section 4-2.2 SFCC 1987 to prohibit open containers in unlicensed public places, second by Mr. Rivera, motion carried by unanimous voice vote.</i>	
C.	Proposed resolution directing staff to review the possibility of entering into a public-private partnership with New Energy Economy to fund and construct a photovoltaic system at Fire Station 3 (Councilors Calvert and Wurzbarger, Nick Schiavo) <i>Dr. Mier moved to approve proposed resolution directing staff to review the possibility of entering into a public-private partnership with New Energy Economy to fund and construct a photovoltaic system at Fire Station 3 second by Mr. Rivera, motion carried by unanimous voice vote.</i>	
Matters from Municipal Court		Page 5
A.	Informational-November 2011 Monthly report	

**Matters from Police Chief Raymond Rael
Informational**

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**Matters from Fire Chief Barbara Salas
Informational**

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**Matters from Committee Members
None**

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**Communications from the Floor
None**

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Adjournment and Signature Page

Page 6

The Chair expressed his thanks to the Committee Members to both Chief's and the staff for their hard work. Happy New Year.

Dr. Mier moved to adjourn at 5:15 pm, second by Mr. Harris, motion carried by unanimous voice vote.

**PUBLIC SAFETY COMMITTEE
MINUTES**

Wednesday, December 20, 2011

4:00 pm – 5:15 pm

- I. Roll Call** - The meeting was called to order by the Chair, Ronald Trujillo at 4:00 pm at City Councilor's Conference Room, City Hall, Santa Fe, New Mexico

Roll Call constituted a quorum.

Present:

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

Excused:

Douglas Nava
Mike Bowen

Others Present:

Chief of Police, Ray Rael
Fire Chief, Barbara Salas
Alfred Walker, Assistant City Attorney
Deputy Police Chief Gillian Alessio
Fran Lucero, Stenographer

II. Agenda

No changes from staff or the committee.

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

III. Approval of Minutes – November 15, 2011

No changes from staff or the committee.

Mr. Harris moved for approval of the November 15, 2011 minutes as presented, second by Mr. Mizrahi, motion carried by unanimous voice vote.

IV. Old Business

None

V. New Business

a. Proposed ordinance amending article 24-9 SFCC regarding the City's vehicle forfeiture Ordinance. (Councilor Bushee, Alfred Walker)

(Note: Additional resolution did not make the packet.)

Alfred Walker: Discussion on amendments to the Vehicle Forfeiture Ordinance, Article 24-9 SFCC 1987 and Adoption of Administrative Procedures for the Vehicle Forfeiture Ordinance. [Exhibit A]

Councilor Bushee – This is an update of what has been a very successful program for the city. The hardship has been the due process and questions on jurisdiction issues. A committee was formed with expert participation from the courts and other attorney's participation. Suggestions from the Santa Fe Police Department were taken in to consideration. Administrative Procedures have been created, [not in packet] and will provide more structure to this process. Councilor Trujillo has agreed to co-sponsor these changes.

No. 5: Change to the amendment is to allow 5 vehicles at a time.

Detailed explanation by Mr. Walker was presented to the committee and followed with hard copy in packet of information.

Mr. Rivera moved to approve proposed ordinance amending article 24-9 SFCC regarding the City's vehicle forfeiture Ordinance, second by Mr. Harris, motion carried by unanimous voice vote.

b. Proposed ordinance amending section 4-2.2 SFCC 1987 to prohibit open containers in unlicensed public places. (Councilor Bushee, Alfred Walker)

Councilor Bushee made reference to the ordinance and her work to remedy this matter. The first step is to allow the police officers to arrest someone if they are caught with the open container. There is also a task force working on this and another option is how to deal with some of the miniatures that would be dealt with from a nuisance position. This is a simple change that will give our police officers a good tool and support. This matter came forth from the concerns at the Rail yard.

Mr. Walker said that this ordinance is used frequently. This is one of the most prosecuted violations. The question asked always is, did the officer actually see the person drinking. If the officer couldn't say that he had seen it go to his lips it was a difficult matter to enforce.

This ordinance will improve the process of prosecution.

Dr. Lewis moved to approve proposed ordinance amending section 4-2.2 SFCC 1987 to prohibit open containers in unlicensed public places, second by Mr. Rivera, motion carried by unanimous voice vote.

Councilor Trujillo wants to be assured that this will not affect the ball park situation. Mr. Walker said that it would not as reference is being made to a location that is not licensed.

Councilor Bushee confirmed that this specifically relates to open containers in public places that are not licensed.

- c. Proposed resolution directing staff to review the possibility of entering into a public-private partnership with New Energy Economy to fund and construct a photovoltaic system at Fire Station 3 (Councilors Calvert and Wurzbarger, Nick Schiavo).**

Ms. Byers presented as staff was directed from city council to come back to Public Safety Committee (reference page 3). The proposed resolution is presented as it refers to a public safety facility.

Fire Chief Salas said that she has met with representatives from New Energy Economy; we have gone there with a fire engine to make sure that there is enough space for the engine to make its turns.

Councilor Trujillo asked if there would be an ENN to discuss the solar panels placement. Answer was not available at this time.

Dr. Lewis asked if there was more information regarding this company. Ms. Byers said that they are a 501C3 and they will raise the money. The Chair asked that staff person, Nick Schiavo meet with Dr. Lewis to provide additional information.

Mr. Harris asked who will maintain the equipment once it is installed. Ms. Byers said that her understanding is that city will maintain.

Mr. Rivera asked if these are in addition to the panels that are presently at Station 3. Chief Salas said that the additional panels would eliminate cost for electricity so there would be zero cost to the city after they are installed.

Dr. Mier moved to approve proposed resolution directing staff to review the possibility of entering into a public-private partnership with New Energy Economy to fund and construct a photovoltaic system at Fire Station 3 second by Mr. Rivera, motion carried by unanimous voice vote.

Mr. Rivera asked Ms. Byers and Chief Salas to provide the Public Safety Committee with updates as this project moves forward.

VI. Matters from Municipal Court – Judge Yalman
A. Informational – November 2011 Monthly Report

Judge Yalman attended the meeting to respond to questions regarding the October DWI report. Information was not available at this meeting on the disposition of the cases. Judge Yalman said that it takes several months to get this information.

Dr. Lewis appreciates the report but feels that in order for the committee to assess what is going on in DWI they need regular updates on sentencing practices.

Judge Yalman provided a report that is generated electronically from the courts and said that names were removed for privacy reasons. Judge Yalman reiterated that even though this information is public record she did not feel comfortable circulating a report with names and other personal information. Report presented to the Committee. One is a disposition report and the other is a report that doesn't show the convictions. Judge Yalman proceeded to explain the report content and disposition of the cases. *{Reports were returned to Judge Yalman}*

Dr. Lewis asked for time to review the documents and would like to discuss with the committee if there is a format that might be clearer for review purposes. Judge Yalman said that the reports are computer generated and she is open to suggestion from the committee on format. A follow up appointment will be set up off before March, 2012 between Judge Yalman and Dr. Lewis for more detailed discussion.

Chair Trujillo also concurred that names; demographics, etc., the committee does not want to see anything other than possibly case number or disposition of case.

VII. Matters from Police Chief Raymond Rael

Update on Burglaries: After the holidays an annual report will be provided. There is a possible 6 to 8 retirements in the next year.

- We currently have 13 vacancies, after retirement it might be 18 to 20.
- The Chief stated that they have possibly 5 that would be lateral moves and the remaining would be applicants outside of the system.

Dr. Mier asked about the criteria for replacement of the PSA vehicles. Chief Rael said that the approval to purchase the vehicles was before his time but affirmed that the vehicles were in desperate need of replacement. All of our PSA vehicles

were well over 130,000 miles. The repair cost was extensive. Dr. Mier asked if some of the officers could benefit by a 4x4. It was concurred that they could but the PSA officers were priority so they could help during situations of inclement weather. The vehicles are distinctive from police cars as PSA's are not trained police officers. There is a plan in place to assure that the police officers have access and use of a 4x4.

Deputy Police Chief Gillian Alessio provided a very thorough explanation on the replacement of vehicles, current and future status of the replacement plan and how both the police units in the field and the PSA's would benefit.

Chief Rael said that PSA's are not law enforcement officers and are prohibited from performing any law enforcement duties.

Property and crime protection has been raised during the holiday season. Happy Holidays to the Committee on behalf of the Chief and the Police Department staff.

VIII. Matters from Fire Chief Barbara Salas

In the process of filling 9 vacancies, paperwork is in HR. Vacancies are coming forth due to retirement.

IX. Matters from Committee Members **None**

X. Communications from the Floor **None**

XI. Adjournment

The Chair expressed his thanks to the Committee Members to both Chief's and the staff for their hard work. Happy New Year.

Dr. Mier moved to adjourn at 5:15 pm, second by Mr. Harris, motion carried by unanimous voice vote.

Signature Page:

Ronald Trujillo, Chair



Fran Lucero, Stenographer