



**Minutes (approved 8/31/10)
Public Safety Committee Meeting
Monday, August 2, 2010
5:30 PM
City Council Chambers
Española, New Mexico**

CALL TO ORDER –Meeting called to order at 5:33

Present at meeting were:

Councilor Cecilia Lujan

Councilor Greg Ortega

Lt. Christian Lopez

Jail Director Jose T. Garcia

Joe Duran

Minutes taken by Executive Secretary Melissa Griego.

Councilor Dennis T. Salazar

Councilor Cory Lewis

Fire Chief John Kitchen

City Manager James Lujan

Bill Rogers Rio Grande Sun

APPROVAL OF AGENDA-Chairwoman Lujan requested to add Neighborhood Watch as #6 under Old Business, Councilor Salazar requested to add as a discussion item #3 Take Home Vehicles under New Business, and Chairwoman Lujan requested to add under #7 Curfew Ordinance to old business.

Motion to approve agenda made by Councilor Salazar, seconded by Councilor Lewis.

PUBLIC COMMENTS-None

COUNCILOR COMMENTS-Councilor Ortega said the fiestas were a great success; they turned out good without incidents but people made comments about the lack of Fire Department presence and asked why they were not there.

Fire Chief Kitchen said his people roamed the ground all weekend and the Medic Unit was set up by the command post.

Councilor Salazar commended the police department on their presence and the streets crew and everyone involved helped to keep the area clean after the fiestas.

Lt. Lopez said there was only one foot pursuit but was caught by Officer Danny Pacheco.

APPROVAL OF MEETING MINUTES-Motion to approve minutes made by Councilor Salazar and seconded by Councilor Lewis.

NEW BUSINESS

1. Loitering Ordinance

Lt. Lopez said he drafted a Loitering Ordinance which was kind of vague but covers what is needed. He read the ordinance and explained to the committee that it gives officers the opportunity to ask what they are doing in the area and also gives the individual an opportunity to explain themselves as well. This ordinance can be introduced to the business so they are familiar with it. He said the only thing he had not added was the fee schedule which would be something the committee or the council would have to come up with

Councilor Lujan said she has gotten a lot of complaints about the skate park.

Lt. Lopez said since it is owned by the city they can enforce the ordinance if signs are up.

2. Take Home Vehicles

Councilor Salazar suggested the take home policy for vehicles be changed from 50 miles radius to 10 or 15 radius maximum. This is to save wear and tear on vehicles and to save gas as well. This would be not only for police vehicles but for all city vehicles.

Lt. Lopez said the reason a 50 mile radius was set was for recruiting purposes, to possibly entice people from Santa Fe and Taos to come work in Española. The take home emergency vehicle is also a way for an officer to respond quickly in the event there is a major emergency in the city. The police vehicles if at the police department would get vandalized. He suggested for the take home policy not be taken away completely but to possibly cut it down to a 25 mile radius.

Councilor Lewis said that all municipalities are cutting down on the take home vehicles and is in favor of limiting the miles.

Councilor Ortega asked the fire department has to respond to every accident in the city?

Fire Chief Kitchen said yes because the engine serves as a barrier from traffic to responders. There have been many responders across the world that have gotten killed because of careless drivers.

OLD BUSINESS

3. Public Safety Awareness

Fire Chief Kitchen said the letters to Lowe's for the parking for the public safety display would be going out tomorrow. He will be meeting with the Chief on contacting the law enforcement agencies and he will be contacting all the fire departments to come for a show and tell. Also the banners to hang at the schools are ready.

Chairwoman Lujan emphasized that there needs to be a lot more police presence at the schools during that week.

4. Red Flex Contract

Lt. Lopez said that attached to the packet was a letter from the city attorney with his concerns on the contract. Also attached is the rebuttal from Red Flex. Lt Lopez' argument was that it will be used for speeding but serves as a deterrent in itself. It will be set at the school zones. Then went on to say that the city attorney had sent an updated letter stating that he would draft the ordinance if we wanted it.

Ortega asked if other cities have adopted an ordinance and did they review the harmless indemnity cause.

Lt. Lopez said yes that is why they were able to do it.

Chairwoman Lujan said it cannot be placed on state roads.

City Manager Lujan explained that Coppler's concern was if they were the only ones who sold this or could it be considered as a sole source. He requested the ordinance from Santa Fe be sent to him so he can work with Coppler on an Ordinance.

5. Pan Handling Ordinance

Lt. Lopez said this ordinance was sent to the Municipal League for their review. The attorneys have told us that the City of Santa Fe is currently in the same process but have had some issues arise in that they are being challenged by people saying their constitutional rights were being violated.

6. Neighborhood Watch

Lt. Lopez said Detective Miguel Maez will be taking over the program and has ordered 1 big sign for McCurdy School and 1 big sign for the high school which would be coming in tomorrow. The business watch signs and the neighborhood watch signs were already in. Detective Maez has set up a meeting for August 16 at the Stoke Center. The purpose is to have a general meeting then separate them in to different areas. The first sign will be given to them and they will have to purchase the rest if they want more. Same with the Business Committee but would get streets to post signs in certain areas of the city.

7. Curfew Ordinance

Lt. Lopez said the ordinance was challenged in other cities. Albuquerque has been questioned about the legalities. Officers cannot force anyone to go home and that includes minors if they are not making trouble. The other issue is when dealing with juveniles, JPO has to be called out and they do not enforce laws under the municipal ordinance they enforce under state statute which does not have a statute for curfew. The loitering ordinance covers most of what is needed.

POLICE DEPARTMENT

8. Hiring Status

Two certified police officers (Greg Esparza and Raymond Romero) were hired and will begin with the department on August 16th.

Lt. Lopez said the officers will be going back to 12 hour shifts on August 7th because in September 3 officers will be attending the academy and will be out until February. The 12 hour shifts will be re-evaluated at mid year depending on manpower.

9. Training-Report from packet

June: 2 in-house assessments for officers going to academy
2 DWI refresher courses
Police officer testing with 2 passing
Firearm qualifications
SFST Instructor refresher
Sexual assault class
2 background checks
July: Forensic Science training

10. Miscellaneous Statistic Report

501 citations issued in June an increase of 220 from the month of May
416 citations issued so far in July still an increase from previous months
24 DWI's in the month of June and 22 so far for the month of July which is also an increase
3 Narcotic arrests
7 arrested for possession of drug paraphernalia

4 new fully equipped police cars were received in late June.

Lt. Lopez said the windows will not be getting tinted on the police cars anymore because at they are not able to see out clearly especially at night. The only vehicles getting tinted would be the under cover and criminal investigations vehicles.

The position for a DWI officer will be advertised in the next fourteen days. Two officers have expressed interest.

Councilor Ortega asked if when the DWI officers are hired if they are required to take special certification classes.

Lt. Lopez said the DWI position will be in house and the stats, the training, and experience in DWIs would be looked at. Two officers have expressed interest but they do not want to monitor grants.

Chairwoman Lujan asked if the DWI position was in addition to what was already in place or another.

Lt. Lopez said it was the one already in place.

Jack Casias will be scheduled to begin August 7th as a School Resource Officer at the schools. The MOU still has to be signed by the schools, Mr. Lujan and the Chief.

Chairwoman Lujan asked who would be funding the position.

Lt. Lopez said the schools be funding him including overtime. The city will bill the schools at the end of the month for reimbursement.

Councilor Ortega requested follow up on the graffiti issue which had been discussed a few months ago. It had been discussed that the graffiti officer be moved from the authority of the courts to the authority of the police department.

Lt. Lopez said that when the question was brought to then Acting City Manager Joe Duran he said that the issue would be something that should be done administratively and not by the council or the committee.

Councilor Ortega said the discussion was that the communities would be better served with the graffiti officer serving under the Chief rather than the Judge. It used to be that way but then the position, the truck and the equipment were then transferred to the judge. The municipal court is not responsible for enforcement.

Councilor Lewis brought up the issue that officers are issuing citations and are not following up with court, especially DWIs and asked what kind of measures are being taken.

Lt Lopez said that one of the problems is that the judge issues a Notice of Trials and under the rules of the courts that are not an official document and a subpoena is legally binding. Under the department policy the officer has to follow up to a certain point but there is nothing saying he has to prosecute the case. If he is issued subpoenas it is ordered by the court to appear and do their job. A notice of trial is just a notice and has been argued that there is no jurisdiction covered governing an officer by not showing up. It has been discussed with the judge to issue subpoenas and if the officer does not show up to court then they are in violation of the law and in complete violation of the department policies and at that point they can be disciplined as needed thru the policy.

Councilor Salazar suggested Judge Salazar be invited to attend the next meeting.

11. Break Ins/Status with Business Owners

17 commercial burglaries in June

6 commercial burglaries in July

The stats have gone down because the officers have been stopping people that are suspicious and don't look like they belong in certain places. Also one of the main burglars has been picked up and is in custody and put out of business.

DETENTION

12. Staffing

The department is fully staffed at this time.

13. Training

Detention Officer Shawn Madrid successfully completed a four (4) hour recertification "Intoxilyzer 8000 Operator Course" on July 13, 2010. The course was hosted by Scientific Laboratory Division, New Mexico Department of Health in Albuquerque, NM. The training was provided at no cost to the City of Española.

Detention Officer Jennie Martinez successfully completed an eighty (80) hour "Detention Officer Certification Course" on July 23, 2010. The training was hosted by Rio Arriba County Detention Center at no cost to the City of Española.

14. Policy and Procedure Manual

Jail Director Garcia said an updated version of the departmental policy and procedure manual has been completed and is waiting for approval from the city attorney. He asked if the committee wanted to review the book.

City Manager Lujan recommended it go through resolution which can always be amended.

Councilor Ortega asked how the new contract with jail was going.

Jail Director Garcia said he got the contract from Estancia and reviewed it but there was few issues and will be sending it back to be changed.

Chairwoman Lujan asked for the difference in cost per day from the jails.

Jail Director Garcia said for females it was \$58.00 and males \$56.00 and McKinley County was \$60.00 per day.

Councilor Ortega said it was also a shorter distance to Estancia.

FIRE DEPARTMENT

15. Man power

Fire Chief John Kitchen said they were still manning Station #1 with 3 fire fighters and Station #2 with 3 fire fighters.

A problem they are running into in La Joya is the humidity. The brand new floor is warping but will settle back down once the humidity goes away. They currently have a swamp cooler but are working with general services to get a cost for an air conditioning and heating system for the bedroom, bath and kitchen area.

Fire Chief Kitchen is also getting prices for backup generator for both buildings. If there is a power outage the doors will not open. There is currently a chain system which takes 7 minutes to open the garage doors.

Councilor Lewis asked if that was faster than a generator to start it up and also less cost.

Fire Chief Kitchen said no it was not faster & did not care of the cost. The funds would be coming out of the State Fire funds and would be no cost to the city.

Councilor Lewis asked if the generators were going to get the garage doors open.

Fire Chief Kitchen said the generators were going to be for the entire building.

City Manager Lujan said it was a backup generator that would kick in once the power was off.

16. Vehicles

The department got Engine 1 back last Friday, the injector pump gave out and it cost close to \$5,000.00 to fix. The paperwork is getting finalized with Pearce to replace Engine 1. We will be receiving the engine late September or early October which will cost the department \$440,000.00. We will be working on a Resolution to excess surplus Brush 3 Engine 7 to present to the next council meeting. The vehicles are not being used and are maintenance intensive. We will be getting 2 rescue vehicles at no cost to the anyone, one from Taos and one from RA County. The current rescue vehicles will serve as a backup.

17. Training

The department came in 9th out of 14 teams during the Hazmat Challenge.

18. Department Budget

The department is on budget and will be receiving an additional \$162,710.00 carry over from 2005. An additional \$267,000.00 will also be received.

Councilor Lewis asked if aide was offered to Ohkay Owingeh and Santa Clara.

Fire Chief Kitchen said yes as manpower dictates. There is an automatic mutual aide agreement with Santa Clara. The issue with Ohkay Owingeh was that there only 3 fire fighters on shift and did not have any backup.

Councilor Lewis asked if the city had a call during the fire at Ohkay Owingeh.

Fire Chief Kitchen said no and it was not a fire it was a smoke check. Had it been a big incident they would have gone. They called for help even before they had gotten to the scene

Councilor Lewis said a good relationship needs to be kept with them even if it means helping them out with the littlest thing.

Fire Chief Kitchen said he will be speaking to City Manager Lujan on this matter.

Lt. Lopez asked if there could be some kind of communication with Santa Clara. Our police officers get the first call to the casino and sometimes their officers do not respond. There are several issues on our officers handling calls at the casino. We have tried in the past to get an MOU with Santa Clara but have not gone through.

Councilor Salazar suggested that Chief and the Lt need to get together with administration to discuss an MOU.

City Manager Lujan said they have been planning a meeting with the Pueblos and will put Public Safety issues on the agenda.

NEXT MEETING-Scheduled for Thursday September 9, 2010 at 5:30 pm.

ADJOURNMENT-Motion to adjourn meeting made by Councilor Ortega and seconded by Councilor Salazar.