



City Business and Quality of Life Committee

April 8, 2015



Agenda

CITY CLERK'S OFFICE

DATE 3/31/15 TIME 9:11am

SERVED BY Fabian Trujillo

RECEIVED BY Alicia Martinez

CITY BUSINESS & QUALITY OF LIFE COMMITTEE

Market Station at the Railyard
500 Market Station, Suite 200

Round House Conference Room
Wednesday, April 8, 2015
11:00 am – 1:00 pm

- I. PROCEDURES
 - A. Roll Call
 - B. Approval of Minutes – March 11, 2015
 - C. Approval of Agenda
 - D. Approval of Consent Agenda
- II. CONSENT AGENDA (None)
- III. PUBLIC HEARING (None)
- IV. INFORMATIONAL ITEMS
 - A. Presentation of Single-Use Bag Ordinance Implementation Report. (Katherine Mortimer).
- V. ACTION ITEMS
 - A. Request for approval of an ordinance relating to the establishment of a vehicle vendor ordinance; Amending Subsection 18-1.2 to amend the definitions of "Itinerant Food Vendor" and "Itinerant Vendor"; Amending the Title of Section 18-8; Repealing Subsection 18-8.9 "Street Vendors; Permit Requirements" and creating a new subsection 18-8.10 to establish special event vendor fees and vehicle vendor fees; amending subsection 23-5.2 related to special event sponsor licenses; and making such other changes that are necessary to carry out the purpose of this ordinance. (Councilor Lindell, Mayor Gonzales, Councilors Ives, Dominguez and Rivera) (Matthew O'Reilly)
 - 1. Request for approval of a resolution authorizing mobile vehicle vendors within the plaza periphery area at specific locations and at limited times, pursuant to the Vehicle Vendor Ordinance, 18-8.9 SFCC 1987. (Councilor Lindell, Mayor Gonzales, Councilors Ives, Dominguez and Rivera) (Matthew O'Reilly)



Agenda

- B. Request for approval of an ordinance relating to the Single-Use Carryout Bag Ordinance, Section 21-8 SFCC 1987; Amending Subsection 21-8.1 to modify the legislative findings related to paper grocery bags; Amending Subsection 21-8.4 to establish the requirement that retail establishments collect an environmental service fee for each paper grocery bag provided to customers; Amending Subsection 21-8.6 to establish a 60 day implementation period; and making such other changes as are necessary to carry out the purpose of this ordinance. (Councilors Ives and Lindell) (John Alejandro)

VI. ITEMS FROM THE PUBLIC

VII. UNFINISHED BUSINESS (None)

VIII. ITEMS FROM THE COMMITTEE

- A. SF Global Trade Initiative Work Group Update (Mayor Pro Tem Ives)
- B. Friends of the Plaza Work Group Update (Buddy Roybal)
- C. Business Regulation Work Group Update (Piper Kapin/Zach Quintero)

IX. ITEMS FROM STAFF

- A. Update on Santa Fe Young Professionals (Zackary Quintero)

X. ITEMS FROM THE CHAIR

XI. NEXT MEETING DATE – **April 8, 2015**

Persons with disabilities in need of accommodation, contact the City Clerk's office at 955-6520, five

Minutes



Agenda

CITY CLERK'S OFFICE

DATE 3/4/15 TIME 2:02pm

SERVED BY Fabian Trujillo

RECEIVED BY Alicia Martinez

CITY BUSINESS & QUALITY OF LIFE COMMITTEE

**Market Station at the Railyard
500 Market Station, Suite 200**

**Round House Conference Room
Wednesday, March 11, 2015
11:00 am – 1:00 pm**

- I. PROCEDURES
 - A. Roll Call
 - B. Approval of Minutes – February 11, 2015
 - C. Approval of Agenda
 - D. Approval of Consent Agenda
- II. CONSENT AGENDA (None)
- III. PUBLIC INPUT SESSION
 - A. Bike and Brew Festival (Kate Noble)
- IV. ACTION ITEMS
 - A. Request for approval of an ordinance amending Subsection 23-6.2 SFCC 1987 to permit the sale and consumption of alcohol at the Railyard Park for the Bike and Brew Event. (Councilor Lindell) (Kate Noble)
 - B. Request for approval of a Resolution Directing Staff to Implement the Next Phase of Developing the Santa Fe "Arts + Creativity Center" which is intended to provide affordable live, work, creation, performance and retail space for artists and creative businesses in Santa Fe. (Councilor Rivera) (Alexandra Ladd)
 - C. Request for approval of an ordinance creating a new Section 10-11 SFCC 1987 to prohibit the sale of single serving containers of alcoholic beverages, in sizes of eight ounces or less, within the municipal boundaries of the City of Santa Fe. (Councilors Lindell, Dimas, Dominguez, Ives and Bushee) (Alfred Walker)
- V. INFORMATIONAL ITEMS (None)
- VI. ITEMS FROM THE PUBLIC



Agenda

- VII. UNFINISHED BUSINESS (None)
- VIII. ITEMS FROM THE COMMITTEE
 - A. SF Global Trade Initiative Work Group Update (Mayor Pro Tem Ives)
 - B. Friends of the Plaza Work Group Update (Buddy Roybal)
 - C. Business Regulation Work Group Update (Piper Kapin/Zach Quintero)
- IX. ITEMS FROM STAFF
- X. ITEMS FROM THE CHAIR
- XI. NEXT MEETING DATE – **April 8, 2015**

Persons with disabilities in need of accommodation, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date

**SUMMARY INDEX OF
CITY OF SANTA FE
BUSINESS & QUALITY OF LIFE COMMITTEE**

Wednesday, March 11, 2015

ITEM	ACTION	PAGE
I. PROCEDURES		
A. Roll Call	Quorum	1
B. Approval of Minutes-February 11, 2015	Approved	2
C. Approval of Agenda	Approved	2
D. Approval of Consent Agenda	None	2
II. CONSENT AGENDA	None	2
III. PUBLIC INPUT SESSION		
A. Bike and Brew Festival (Kate Noble)	Discussed	3-7
IV. ACTION ITEMS		
A. Request: Approval of an Ordinance to permit sale/ consumption of alcohol at the Railyard Park for Bike and Brew	Approved	2-3
B. Request: Approval Directing Staff to Implement Next Phase of Santa Fe "Arts + Creativity Center"	Approved	7-9
C. Request: Approval of new ordinance to prohibit the sale of single serving container alcoholic beverages (8 oz. or less) within municipal boundaries of the City of Santa Fe	Approved	9-10
V. INFORMATIONAL ITEMS	Discussed	10
VI. ITEMS FROM THE PUBLIC	Discussed	10
VII. UNFINISHED BUSINESS	None	10
VIII. ITEMS FROM THE COMMITTEE		
A. SF Global Trade Initiative Work Group Update-	Not Discussed	10
B. Friends of the Plaza: Creation of a Subcommittee	Discussed	10
C. Business Regulation Work Group Update-	Discussed	10
IX. ITEMS FROM THE STAFF	None	11
X. ITEMS FROM THE CHAIR	None	11
XI. NEXT MEETING DATE	April 08, 2015 Adjourned at 12:53 p.m.	11

CITY OF SANTA FE
BUSINESS & QUALITY OF LIFE COMMITTEE

WEDNESDAY, MARCH 11, 2015

I. PROCEDURES

CALL TO ORDER

A regular meeting of the City of Santa Fe Business and Quality of Life Committee was called to order by Councilor Lindell, Chair on the above date at approximately 11:00 a.m. at 500 Market Station, Railyard, Suite 200, Round House Conference Room, City of Santa Fe, New Mexico.

A. Roll Call

Roll call indicated a quorum, but quorum was established later as follows:

Members Present:

Councilor Signe Lindell, chair
Miles Dylan Conway
Brad Furry
Diane Karp
Piper Kapin (arrived later)
Kim Kelly
Tony Ortiz
Buddy Roybal
Bill Sisneros

Members Absent:

Councilor Peter Ives, vice chair (excused)
Damian Taggart (excused)
Dr. Almi Abeyta (excused)

Staff Present

Kate Noble
Fabian Trujillo
Ross Chaney
Zach Quintero

Others Present

Sandra Brice, Director of Events, Santa Fe Railyard Community Corporation (SFRCC)
Mr. Alfred Walker, Assistant City Attorney
Chris Goblet, BTI/Bike and Brew
Simon Brackley, President of Santa Fe Chamber of Commerce
Charmaine Clair, Stenographer

B. Approval of Minutes- February 11, 2015

Mr. Roybal moved to approve the minutes of February 11, 2015 as presented. Mr. Furry seconded the motion which passed unanimously by voice vote.

C. Approval of Agenda

Item IV. Action Items (A) was moved to be heard before Item III. Public Input.

Mr. Furry moved to approve the agenda as amended. Mr. Roybal seconded the motion and the motion passed unanimously by voice vote.

D. Approval of Consent Agenda- None

II. CONSENT AGENDA – None

IV. ACTION ITEMS (Revised Agenda Order)

- A. Request for approval of an ordinance amending Subsection 23-6.2 SFCC 1987 to permit the sale and consumption of alcohol at the Railyard Park for the Bike and Brew Event. (Councilor Lindell) (Kate Noble) (Exhibit 1)

Mr. Goblet passed out a map of the location of events and the vision/strategic growth plan for the Bike and Brew Festival. He explained Festival will be a five day event geared to locals and will begin Wednesday the 13th of May. He provided a summary of the planned events.

A summary of the Festival follows:

- A ride event would be held at the trash pit and dirt jumps will take place at La Tierra. There are efforts being made to have Red Bull to host some large format jump events.
- There will be a dedication of new bike parking in front of the Cowgirl Restaurant with beer, dinners and bike rides. Thursday evening a bike circus is planned with CCA; a kid-friendly event to decorate bikes with LED lights, stickers, helmets, etc. for a Glow Ride on Saturday and a strider race around the CCA parking lot. There will be music, food, films, etc.
- Friday the stage and fencing will be installed at the Railyard Park area. A \$10,000 donation made possible the installation of a pump track for skateboards, razor scooters, rollerbladers and cyclists. Every hour a different activity will be held for a different age group. That area will have vendors for sunglasses, bicycles and bike rack companies and accessories.
- Friday night entertainment is being planned; Saturday and Sunday have been booked. Programs on the main stage will be from 4-9:30 p.m. The last call for beer is 9 p.m. for all events.

Ms. Kapin entered the meeting at this time.

- There will be a 6000 ft.² beer garden for those 21 or over. Cowgirl is the only liquor license, but will bring in all of the out-of-state breweries. Seven or eight food trucks will be at Site Santa Fe from Santa Fe and Albuquerque.
- There is a kids' zone to ensure plenty of family-friendly activities.
- Vendors (non-cycling related) will be to the right of Paseo de Peralta and the Farmers Market building and local stage. A hand built bike and crafted beer show will be inside the Farmers Market building-attended last year by 1700 people; and two food vendors inside the building.
- The local stage will be sponsored by Second Street Brewery and a local bank. Bike to Work Day is from 2- 6 p.m. and two local bands will perform on a small stage after the event.
- Friday night Paseo de Peralta would be closed for pedestrian traffic only.

- Saturday all activities will be in the Railyard Park and Dale Ball, La Tierra, Glorietta, etc. The Expo will continue all day Saturday with live music from 4-9:30 p.m. and only the beer garden will be open.

Mr. Goblet said the Committee is asking approval of the main stage area beer garden. He wants to focus this year on proving this can be done responsibly, and if successful move forward in the future.

Mr. Ortiz asked the parameters of the beer garden. Mr. Goblet replied in most events children six and under is okay in the beer garden, but bringing in a number of children of different ages is not. He said that will be left to the discretion of the Committee or City Council.

Mr. Roybal confirmed wrist bands would be used. He said another concern is involving as many as possible local companies. He said he heard that quite a few food trucks were from Albuquerque.

Mr. Goblet explained the wristbands have four tabs on the band to allow four-16 ounce beers. He clarified that all of the food trucks from Santa Fe are already involved in the festival.

Mr. Roybal asked how the number of police/security presence will be determined.

Mr. Goblet said last year they worked with the Santa Fe Police Department in advance and allocated 6-8 officers, but quickly realized more were needed. He pays for 12 security guards in addition to the police officers. He said with double the attendance this year, he is giving serious thought to additional police and bike police presence; as well as hiring additional security guards.

Mr. Goblet said he has contracted with a national company. He has talked with their regional manager to make sure they have the right team for this event. The number of security and police personnel is mandated and required by the Alcohol and Gaming Commission and the Railyard Community Development Corporation to get the permit.

Chair Lindell opened the floor to public comment at this time.

III. PUBLIC INPUT SESSION

A. Bike and Brew Festival (Kate Noble)

Mr. Rick Martinez confirmed times for the concerts and that food will be allowed in the beer garden. He said last year there was a shortage of bike racks. He asked if there would be extra this year.

Mr. Goblet said last year the racks were in the wrong area. He said a number of bike racks in front of REI were never used and they will move the racks closer to the event inside the Railyard Park. There will be a designated bike parking area and a local bike company doing bike valet.

Mr. Martinez noted that people often leave the beer garden and go to another bar to drink.

Mr. Goblet explained that in addition to wrist bands there will be hand stamps with permanent ink. He said even if someone takes off the wrist band, the bartenders can see the person has been to the beer festival and will hopefully serve that person thoughtfully.

Mr. Martinez asked about admission prices. Mr. Goblet replied that admission is free to the events except the beer garden. Friday night is \$5; Saturday \$15 and includes the Farmer's Market events and beer garden; an idea is also a weekend pass for \$25 for the beer garden each night and the concert.

Mr. Goblet provided the website *outsidesf.com* that lists the events. He said there will be give-aways of a \$7 thousand bike; a three night stay at a five bedroom house in Santa Fe; and three winners for two nights in Hotel Santa Fe with all access to the events.

Ms. Brice, Director of Events at the Railyard clarified that the number of security/police will be determined after the prep' meeting with city staff. She said Lieut. Polk will recommend the number required for police personnel/security. She said as stated, the permit will not be issued until those contracts are in place and she will walk Mr. Goblet through the street closure process and neighborhood notification.

Ms. Kapin asked if the food vendor is open to Santa Fe businesses; or a reason for food trucks only.

Mr. Goblet said the food truck idea was conducive to the parking lot and last year all four food trucks sold out. He said opportunities are available for any business adding to the enjoyment and success of the event.

Mr. Conway asked what the interaction is with Chainbreakers regarding the bike valet. Mr. Goblet replied he will talk to that group first, but has not done yet done the outreach.

Mr. Martinez asked that recycling stations be identified so people know where they are located. Mr. Goblet replied Keep Santa Fe Beautiful has a program that lends recycling containers. Ms. Brice added there are new permanent recycling stations now and the trash and recycling bin will be in place once the new cinema opens in May. She offered to discuss that with Mr. Goblet.

Ms. Kelly asked Mr. Goblet if he talked with Re-unity Resources on composting food waste. She said she was in Brooklyn at a huge event with 100 vendors and all used biodegradable. She thought it amazing that with such a quantity of people and food, the event was green.

Ms. Brice said the plan could be discussed with waste management, but part of the problem is the servicing from the city.

Mr. Ortiz said he did not want the city to repeat the "beer prison" at the baseball park. He thought there would be a problem for a parent with a child to have a beer.

Mr. Goblet said he was willing to make the beer garden three times the size and more than happy to make accommodations to allow everyone in the beer garden with proper ID and wrist banding.

Mr. Furry recommended there be a plan in place before going to City Council. He noted that paperwork on the ordinance states 12 ounce glasses for beer [not sixteen]. Mr. Goblet said that is non standard and he has never worked with a 12-ounce glass.

Mr. Sisneros asked in terms of attracting people from Los Alamos and Albuquerque, if races are planned in the morning or there is some coordination.

Mr. Goblet said advertising will be in four national publications to over a million national subscribers and television advertising from Las Cruces to Durango and regional contracts throughout New Mexico; print ads in the Alibi and the Reporter; and Santa Fe Fat Tire Society, Pedal Queens and a number of other biking organizations are reaching out statewide. The purpose is to get over 16,000 people to participate in Santa Fe over the five days.

He said there is a critical mass ride on Saturday night from the Santa Fe St. Vincent Hospital Foundation to the main stage. A proclamation will be given by the mayor to designate Santa Fe Sentry Day. The hope is for a thousand bikers to show how the two events can be blended.

Mr. Ortiz said he does not want a user-unfriendly space where people are packed like sardines, elbow to elbow spilling beer. He asked what the downside is to a larger beer garden.

Ms. Brice said part of the problem is there is no defined space yet and square footage is a big part. She said his point is good about safety and people on top of one another, but state regulations are specified. She said she and Mr. Goblet need to have a more comprehensive conversation and the Board needs more of the specifics.

The Committee discussed the issue of a larger beer garden.

Mr. Goblet suggested a silo of different beer gardens in different areas. He is working with his team to determine within regulatory compliance, what makes the most sense. He said some of this is for the citizens and residents and business owners to say what is most logical.

Chair Lindell said she has every belief that the Festival will turn into an event much like the Wine and Chili or the International Folk Art Market. She said for BQL to be on the ground floor and for her to have the opportunity to bring this forward to the Governing Body is a tremendous privilege. She thanked Mr. Goblet for the opportunity and all of his work.

Chair Lindell asked the Committee to hold their recommendation until they read the clarification on Section 23-6.3 of the code.

Mr. Walker noted that City Council adopted the code to avoid having to do this every time alcohol was used in a public space and to have best practices in place.

Ms. Kapin asked why the rules would not be the same as the state on the consumption amount per hour or number of ounces. She said two beers are not near the limit of what people can be served.

Mr. Ortiz asked why the Committee would not align the ordinance with four 16 ounce glasses. Mr. Walker pointed out that an amendment to the ordinance will require another publication.

Ms. Nobel noted the ordinance states three alcoholic beverages per person of 12 fluid ounces at 5% alcohol. She said the ordinance is not written for craft beer.

Ms. Brice suggested trying a different format that provides one ounce tastings. She said if there are eight breweries and people can only sample two beers that limit the number of tastings.

Mr. Sisneros thought the Committee should leave the cup size to Bike and Brew to determine.

Chair Lindell said the Committee is trying to move this forward and it is legislatively late and all have acknowledged that timing is tight. She asked Mr. Walker what would happen if they remove the phrase: *including subsection 23.3-6.3 in Section E of the ordinance.*

Mr. Walker said the ordinance still states '*in accordance with all city and state requirements*' and there will still be an issue.

The Committee discussed the issue and possible ways to meet code requirements.

Ms. Nobel consulted with Melissa Byers the legislative liaison. She said Ms. Byers suggested asking Mr. Walker if a subparagraph could be added to the ordinance similar to Ft. Marcy specifying the requirements for Bike and Brew and excepting 6.3 to allow serving standard pint size beers.

Mr. Walker suggested the Committee talk with City Attorney Kelley Brennan.

Mr. Daniel Werwath said as an avid cyclist and also a beer drinker; this is what strangles entrepreneurship. He said there should be a clear per formative standard to serve beer in a public park and the ordinance should be completely amended to provide a standard.

He said the state laws are draconian and with city laws on top of that, nearly impossible. He said his organization does a large event every year and spends hundreds of hours trying to work out issues. He encouraged the Committee to consider how to spearhead rational per formative standards.

Ms. Karp said there are two different issues being discussed. She wants a successful, smooth move through City Council on March 25th and to stay as close as possible to the city ordinance.

Ms. Karp said this can be done, but has to be done thoughtfully and without the pressure of a tight deadline. She said the Committee would say to Mr. Goblet that they want to do what he wants, in the right way. She suggested instead of coming to the Committee two months before the event next year that the Committee would like to engage earlier, because the event is perfect for Santa Fe.

Mr. Goblet said he appreciated their comments. He said he will work within their confines and if they can only do three-12 ounce servings that is fine.

Mr. Ortiz moved that the Committee recommend the approval of an ordinance to the Governing Body amending section 23-6.2 to permit the sale and consumption of alcohol at the Railyard Park for the Bike and Brew event, with the additional recommendations: 1) to consider a larger beer garden for a crowd of 6-7 thousand people; 2) that the beer garden be family friendly; 3) that recycling efforts be incorporated and; 4) that patrons be allowed four-16 ounce beers. Mr. Furry seconded the motion.

Additional requests will be considered at a later time: Mr. Conway suggested striking *Bike and Brew Festival* to cover the Railyard Park. Ms. Noble suggested addressing the 5% alcohol content. She has started language to ask the city attorney about regarding four-16 ounce beers.

The motion to recommend amending Subsection 23-6.2 SFCC 1987 to permit the sale and consumption of alcohol at the Railyard Park for the Bike and Brew Event was passed by unanimous voice vote.

- B. Request for approval of a Resolution Directing Staff to Implement the Next Phase of Developing the Santa Fe "Arts + Creativity Center" which is intended to provide affordable live, work, creation, performance and retail space for artists and creative businesses in Santa Fe. (Councilor Rivera) (Alexandra Ladd) (Exhibit 2)

Ms. Nobel introduced the representative from the Arts + Creativity Center and developer Daniel Werwath, Chief Operating Officer with Interfaith Housing Alliance. She said the Committee has already passed the resolution and the resolution was amended to be less specific to ensure the process is clear. The resolution is substantially unchanged. The language does not specifically call out the Siler Road site and the resolution can be applicable anywhere.

Mr. Werwath passed out the key points of the project. He said the total development is between \$14-17 million and is mostly outside funding. The target is entrepreneurs and self employed and those who need extra space in affordable housing. The site analysis conducted is being reviewed by senior staff.

Mr. Werwath said the Alliance has a preference for land on Siler Road because that aligns with other things in the area and the creative industries. He said the way the tax credits are allocated for municipal contribution projects, the city donation plan is needed to make the project work. He said this is a unique opportunity to combine affordable housing and economic development in the same project in a way that re-invigorates affordable housing in Santa Fe as it was in the nineties.

Mr. Roybal asked if there is a component to keep the contractors within Santa Fe.

Mr. Werwath explained there is a local preference for contractors, but there are restrictions on cost because of public subsidy, etc. He said typically three or four contractors in the state are able to do a project of this scale and working with multiple contractors is difficult because of performance guarantees. He offered to talk with Mr. Roybal about ways to approach the issue differently.

Chair Lindell said she thought the \$14 million total project seemed high at \$233k (thousand) a unit. She asked how that pencils out over time.

Mr. Werwath said cost were about \$200k a unit and consistent with other recent tax credit projects. The project has a high level of energy efficiency and off-street parking and improvements, etc.

He explained that the equity investors are technically the owners and the developer is a partner of the LLC created to own the project. There is a commitment to a certain level of affordability for 45 years in order to get the tax credits. The rent will be tiered for levels of income and target families earning less than half the AMI (area of medium income). The lowest income units are about \$400 a month and will go up to market rate.

Mr. Werwath said part of the reason the units are more expensive is the challenge to make the units bigger than the normal affordable housing. The units accommodate artistic pursuits and home-based businesses, etc. and have a mix of one, two and three bedrooms and serve a range of households.

Ms. Karp commended Mr. Werwath on the difference in this proposal and his initial proposal and in making this available to a broader community. She said there is very little affordable housing and it is important to open up the idea that affordable housing is like living in a closet.

Ms. Karp asked about the system to assess those who become successful and make more money.

Mr. Werwath said the tax credits require an annual recertification of income. The hope is that part of the project can be communitywide resources and include shared studio space and micro retail space. The hope is those more successful will keep a studio space and share resources or move up to a market rate unit. A suite of support services will be provided on site with to be a step to move people up the economic ladder. There will be a big emphasis on economic development and small businesses. One idea is a focus on raising grant funds for artists and on-site social services such as a referral to GED classes or assistance with college applications, etc.

Mr. Roybal asked what this resolution does for Mr. Werwath.

Mr. Werwath said the resolution will direct staff to work with the project on the next phase. He said the Alliance needs to look at how to circumvent the anti-donation clause of a municipality that donates to a private organization. He hopes to create a model document for the donation and is working on a loophole that might allow the city to access the state affordable tax credits that could return \$200-300k back to the city. He said this opportunity has never been done, but the city could build affordable housing every year for the next 10 years and not meet all of the needs.

Mr. Roybal asked if the property will always be a rental property.

Mr. Werwath said it is hard to say what will happen at the end of 45 years, but; the units are rarely sold.

Mr. Trujillo said he did not think that [city access to the state affordable tax credits] can be done under the State Economic Development Act. He said there is a bill to allow that exemption, but the Santa Fe ordinance is modeled directly after the Act.

Mr. Werwath said he has discussed that with Joseph Montoya one of the original architects. Mr. Montoya told him that affordable housing was included originally. Mr. Werwath said a LIDA (Low Income Discount Administration) exemption will be needed at the least, for the shared resources component of the project. He hopes to find a way to use LIDA because that allows the project to give money back to the city. The Affordable Housing Act requires liens on the property and precludes an affordable housing tax credit.

Ms. Kelly asked if there is a plan to integrate the bike trails in the area, since Siler Road will have so much development. Mr. Werwath replied the long-range plan for the city includes continuing the river trail past Siler Road and an acequia trail will go through the Siler neighborhood. Several other major projects are interested in coordinating the transportation planning and he used the access to public transportation, bicycles and trails as an assessment criteria.

Mr. Furry asked if a dollar amount is associated from the city, specific to the resolution.

Mr. Werwath said the city has committed \$40 thousand to the predevelopment work and the site

analysis report. Mr. Werwath explained the contribution can be through cash, land and fee waivers.

Mr. Werwath explained the Alliance is spending about \$25,000 to look at environmental/engineering assessments of the site. He said the resolution is their security to spend the money on the project.

Mr. Roybal moved to approve the resolution directing Staff to implement the next phase of developing the Santa Fe "Arts + Creativity Center". Ms. Kelly seconded the motion, which passed by unanimous voice vote.

- C. Request for approval of an ordinance creating a new Section 10-11 SFCC 1987 to prohibit the sale of single serving containers of alcoholic beverages, in sizes of eight ounces or less, within the municipal boundaries of the City of Santa Fe. (Councilors Lindell, Dimas, Dominguez, Ives and Bushee) (Alfred Walker)

Mr. Walker said this ordinance is based on an ordinance enacted to address a problem of the sale of miniature bottles of alcohol in the Airport Road area. Retailers had no strong objections and compliance was good. The idea behind this ordinance is to reduce the amount of litter on city streets.

Ms. Kapin said she talked with liquor store owners who feel this would be a significant "ding" for them. She thought it a strange solution to litter when there are no trash cans in the area. She said she sees the bottles everywhere, but she also sees Burger King wrappers and bags, etc. She asked if this is really a solution to litter.

Mr. Walker said the city has banned the use of plastic grocery bags and this is an incremental step to address the issue.

Chair Lindell said there were no problems enforcing the ordinance on Airport Road. She said during the Santa Fe River cleanup the river was full of miniature liquor bottles. She said the bottles are made for immediate consumption and disposal and clear that a lot of the bottles are consumed where they are tossed. She said she receives a lot of complaints about the constant mess from people who live near liquor stores.

Mr. Ortiz asked if there is data that passes not just a litter problem, but an alcohol abuse problem.

Mr. Walker said he has seen studies that connect alcohol miniatures to public safety issues, but the state preempts the regulation of alcohol and addressing the issue on that level. He said this is a way to address the litter issue. He said some retailers have hired attorneys, but he thought the city has the right to control trash on their streets. He said the city can ban plastic bags, but not plastic bottles.

Mr. Furry said does that mean that a chronically inebriated person will buy a fifth opposed to a mini, perhaps, but the ordinance will address the availability and multiple factors. He said according to articles published, the business models will change some for some communities, but the implementation has no economic impact. He said some things be affected are ordering a six pack of small Corona bottles or hotel tourism.

Chair Lindell said there is an amendment "for off-site consumption" and would not affect the hotel mini

bar.

Ms. Kapin said she is not opposed to cleaning up trash in the city, but has to wonder where this will stop. She said cleaning up the minis will not fix the pile of Corona bottles in the arroyo next to her house. She said this keeps falling on the business community to stop what they are doing; they are not dumping the bottles. She asked if there is anything around education and enforcement. She said the bigger conversation is about the people drinking outside. She asked what resources the city provides for them. She said her issue is with the solution continuing to fall on the business community.

Chair Lindell said she thought the neighborhoods feel disrespected with the amount of trash generated by the establishments. Ms. Kapin replied the *patrons* of the establishment are a problem, not the businesses.

Mr. Furry moved to approve an ordinance to create a new Section 10-11 SFCC 1987 to prohibit the sale of single serving containers of alcohol in sizes of eight ounces or less within the municipal boundaries of the City of Santa Fe. Mr. Ortiz seconded the motion.

A roll call vote was taken that reflected the following:

FOR: Ms. Karp, Mr. Ortiz and Mr. Furry
AGAINST: Ms. Kapin, Mr. Sisneros and Mr. Roybal

Mr. Conway- passed. Ms. Kelly was not present during the vote.

A tie vote was broken by Chair Lindell who voted in favor of the ordinance and the motion to approve the ordinance passed by majority voice vote.

V. INFORMATIONAL ITEMS – None

VI. ITEMS FROM THE PUBLIC -None

VII. UNFINISHED BUSINESS- None

VIII. ITEMS FROM THE COMMITTEE

A. SF Global Trade Initiative Work Group Update (Mayor Pro Tem Ives)-Not Discussed

B. Friends of the Plaza Work Group Update (Buddy Roybal)

Mr. Roybal said he is the chair of another Plaza clean up on the May 2nd in coordination with Keep Santa Fe Beautiful, the Chamber of Commerce and other organizations.

Chair Lindell asked Mr. Roybal to keep the Committee updated.

C. Business Regulation Work Group Update (Piper Kapin/Zach Quintero)

Ms. Kapin said the group has been in close communication with the players (the Director of IT, Land Use, etc.). The group is finalizing their recommendations, which she will present at the next meeting.

Mr. Furry added that the group decided to put their recommendations into four categories: immediate, short-term, medium and long-term. The group recommendations are identified as things that will enhance the experience of people on both the business and the city side.

Ms. Nobel said once vetted and approved by BQL, the group recommends this document be transmitted and possibly presented, to the full City Council.

IX. ITEMS FROM THE STAFF – None

X. ITEMS FROM THE CHAIR - None

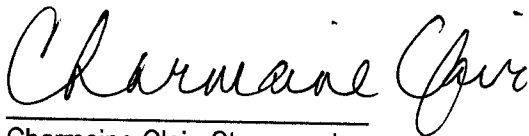
XI. NEXT MEETING DATE– April 08, 2015

Having no further business to discuss the meeting adjourned at 1:00 p.m.

Approved by:

Signe Lindell, Chair

Submitted by:



Charmaine Clair, Stenographer

Outside Bike & Brew Festival Vision & Strategic Growth Plan

Outside Bike & Brew Festival was created as a multifaceted outdoor recreation celebration for the new era of Santa Fe, weaving elements of tourism, economic development and quality of life initiatives together under one umbrella. Our goals are to attract new tourists, engage residents and local businesses, rebrand Santa Fe, recruit new companies and build new infrastructure for all forms of cycling.

From a tourism perspective, Outside Bike & Brew is built to appeal to a younger demographic. The event gives Santa Fe a new opportunity to feature its natural environment and a planned trail system that will circumnavigate the city. Ongoing trail enhancements for road and mountain biking will take the city from a International Mountain Biking Association (IMBA) Silver Level Ride Center to Gold and Santa Fe will become one of the most desirable destinations for cycling in the US. We have augmented the appeal of the event by adding craft beer events that have exploded in popularity across the country.

Tourism Objectives:

- Bike & Brew will to grow into the festival equivalent of Wine & Chile or the International Folk Art Market, drawing repeat travelers in the shoulder season.
- Develop adventure tourism programs to appeal to a younger demographic.
- Tap into the growing popularity of craft beer tourism.
- Drive gross receipts for local businesses, hotels, restaurants and area attractions.
- Leverage our connection with Outside Magazine to brand Santa Fe as a premier cycling and craft beer destination.
- Establish the Railyards as *the* point of departure... “where adventure begins”.

From an economic development standpoint, Outside Bike & Brew harmoniously blends the multi-pronged strategies as outlined by City and County ED plans. Not only does the event provide an immediate economic impact with heads in beds but it also becomes a platform for ongoing business recruitment and retention.

Economic Development Objectives:

- Provide a platform to recruit outdoor recreation and cycling companies
- Incorporate Railyard district businesses like REI, Violet Crown, Second Street Brewery, Jean Cocteau, Hotel Santa Fe, Joseph’s, Whole Foods and many others.
- Drive sales and new business to these anchor Railyard businesses.
- Bike & Brew incorporates a film component with Violet Crown & Jean Cocteau.
- Bike & Brew incorporates the Santa Fe Green Chamber Festival.
- Draw attention to Craft Beer, one of New Mexico ‘s fastest growing industries.

The Santa Fe Railyards have been a point of significant public and private investment over the past decade. While the project is award winning, beautifully designed and beloved by locals, untapped potential remains. Nevertheless, the Railyards have the right mix of use and businesses to augment Santa Fe's historic plaza and arts district in the minds of residents and visitors.

Argument for locating Bike & Brew in the Santa Fe Railyard District:

- It is an important transportation hub of the city, with the RailRunner, cycling amenities, bus connections and ample underground and street parking.
- The Railyards have a hip vibe and provides an exceptional alternative to other festival locations with built in infrastructure and large gathering spaces.
- For 17+ years the Railyards have been home to Outside Magazine, the nation's leading outdoor lifestyle magazine with over 700,000 subscribers.
- Additional infrastructure investment has already been allocated for the Railyard that will enhance safety and accessibility to and from the festival.
- Adjacent businesses fit the theme of Outside Bike & Brew

In conclusion, our vision for the future of this festival and for our community is to grow into the opportunities that are presented to us. We need to inspire our community to think about itself differently and to build towards the reputation we want to own. Imagine if the Railyards could become a point of entry and departure for visitors. Like the spokes of a wheel, what if cycling trails emanated from the Railyards to the foothills and beyond. Visualize the dense urban matrix of businesses and amenities that will appeal to the next generation of residents and visitors.

We have the potential to use this festival to shift perspective: to change our own perspective, the community attitude and the tourist perception of our city. Outside Bike & Brew is a party with a plan. Everyone loves a good party, now we need to engage the plan for achieving our vision and our goals.

SANTA FE ARTS + CREATIVITY CENTER FACT SHEET

Since its inception, the Santa Fe Arts + Creativity Center (A+CC) has been envisioned as a novel approach to addressing the ever-present need for affordable rental housing while also positively impacting economic development in the creative economy sector. The Arts + Creativity Center will be a major resource; reducing significant obstacles of rent for live/work space and affordable shared work and commercial space. It is our goal that the Santa Fe Arts + Creativity Center be so unique and well executed that it garners national, and even global attention, for the community's long-term investment in affordable space, economic development, and the future creative economy.

TARGET BENEFICIARIES: While initially focused on "artists," the scope of the A+CC project has broadened to serve what we are calling "creatives"— meaning people who materially participate in or support the creative economy. These are creative individuals working in the visual arts, music, theater, dance, media arts and other media, designers, entrepreneurs, writers, craftsmen, builders, makers, or people in related industries that support those professions.

This project is unique in that it intends to provide:

- 60 units of affordable live/work rental housing that will benefit individuals and families earning between 30% and 60% of the area median income
- Minimum rents that are affordable to people earning the Santa Fe Living Wage or less
- On-site economic development resources that benefit both the residents and the entire community
- A small number of market-rate units to help create a more broad income mix within the community

Project Composition: Scale, market demand, and funding sources dictate that 60 affordable live/work units is the ideal size for the project. In addition we plan to create shared resources on site that will be an asset to the wider community and support economic development activities. Examples of potential resources provided include physical space such as shared studios with equipment, micro-retail, multi-purpose facilities for workshops, meetings, rehearsals and/or performances. This shared production space will be activated by on-site business development assistance. We are undertaking a comprehensive and community-engaged outreach, planning and design process that will ask our target beneficiaries to define their needs for space design and on-site resources.

Project Cost: Total project cost for the residential component of the project will be between \$13 and \$14 million, with an addition \$1-3m for the shared resource spaces depending on the scale. Total predevelopment costs necessary for a Low Income Housing Tax Credit (LIHTC) application will be approximately \$400,000, which will be provided by Creative Santa Fe and New Mexico Inter-Faith Housing from organizational funds and grants.

A city contribution of cash, land, and/or fee waivers equal to 10% of the total project cost is critical for being awarded LIHTC funding. Construction funding will be sought from LIHTC,

HUD affordable housing subsidy sources, Community Development Block Grant Funds (CDBG), the City Affordable Housing Trust Fund and private financing.

Project Leverage: This project offers extremely high leverage for a city investment with between \$8-10 million in outside subsidy, and an additional \$2-3M in private capital just for the residential component of the project.

Project Phase	Total Cost	City Investment	Leverage
Market Study	\$40,000	\$5,000	8:1
Predevelopment	\$400,000	\$40,000	10:1
Total Residential Project	\$14,000,000	\$1,400,000*	10:1

*any combination of land, fee waiver, CDBG and AHTF, or general funds

Project Timeline:

Sites Analysis	Aug 2014-Dec 2014
Predevelopment Funding Applications	Sep 2014-Ongoing
Review of Sites Assessment Findings	Feb-Mar 2015
Site Due Diligence- Engineering/Environmental	Mar-Apr 2015
Contingent Site Control Agreement w/ City	Mar-Apr 2015
Architect Intern	Mar 2015
Community Outreach, Planning and Design Process	Dec 2014-ongoing
Assessment of 2016 LIHTC Scoring	Aug 2015
Rezoning	Sep 2015
Project Architect RFP	Sep 2015
Conceptual Design- required for LIHTC	Oct 2015-Dec 2015
Submit Application	Jan- 2016
Notice of Award	May 2016
Syndication of Tax Credits, Secure Private Financing	Apr 2016- Apr 2017
Fundraising for Shared Resource Space	Apr 2016-Apr-2017
Construction on Live/Work	Aug 2017
Live/Work Completion/Lease-up	Fall 2017
Shared Resources Construction	Summer 2017-Spring 2018

Informational Items



SINGLE-USE BAG ORDINANCE

IMPLEMENTATION REPORT

December 16, 2014

Report Prepared by the Sustainable Santa Fe Commission

Bianca Sopoci-Belknap, chair

Esha Chiochio, vice chair

Glenn Schiffbauer

Amanda Hatherly

Andrea Romero

Louise Pape

Kim Kelly

ESD Staff

Katherine Mortimer

Lawrence Garcia

Rand Marco



SINGLE-USE BAG ORDINANCE

Implementation Report

BACKGROUND

The City of Santa Fe passed Ordinance 2013-29 eliminating the single-use plastic bags from most retail stores and requiring a ten cent fee for single-use paper bags over a specific size. Subsequently it was discovered that the fee, as written in the ordinance, was beyond the City's authority to require and was eliminated through Ordinance 2014-08, making the implementation of the fee optional at the discretion of each retail store. The rules governing cities' authority differ from state to state. Here in New Mexico, Santa Fe does not have the authority to require a third party (retail stores) to collect a fee for bags. The City Attorney was directed to explore all available options within the authority of Santa Fe as a Home Rule NM City.

The ordinance, as amended, went into effect on February 27, 2014. The Environmental Services Division was charged with collecting data regarding the financial impact to stores and the Sustainable Santa Fe Commission was charged with developing this report on the progress and effectiveness of the ordinance one year from its effective date on February 27, 2015. In order to provide information that would be helpful in resolving the increased use of paper bags due to the elimination of the fee, the following report has been prepared ahead of schedule and includes recommendations to mitigate paper bag use.

GOAL:

Reduce single-use
bag usage in Santa Fe
by eliminating single-
use plastic bags and
encouraging people to
avoid using paper bags

INTENT

Reducing the impacts of solid waste involves reducing the volumes of waste, reusing waste materials several times, and recycling the remainder, in that order. The greatest reduction in impacts comes from the hierarchy of these actions. Reusing shopping bags therefore has a greater reduction in impacts than recycling single-use bags. This ordinance is intended to promote the use of reusable bags as much as possible.

SUMMARY OF FINDINGS

The Ordinance has effectively eliminated the use of single-use plastic bags in Santa Fe's retail stores. Retail stores across the City have complied with the Ordinance by no longer providing single-use plastic bags at the checkout counter. Most stores continue to offer single-use paper bags for free, some stores implemented a small fee for paper bags to encourage reusable bag use and recoup the difference in cost between plastic and paper, and a few stores eliminated the use of all single-use bags and only offer free boxes or reusable bags for sale at the checkout for customers.

The research conducted found that people have largely exchanged using single-use plastic bags for single-use paper bags when they were available for free with little increase in reusable bags. While small retail stores that were surveyed did not experience significant financial burden due to the ordinance, some of the City's larger retail stores indicated that they have been financially impacted. The increased cost for large stores is a result of the high volume of sales at these stores each day and the increased volumes of paper bags used for customer's purchases due to the elimination of single-use plastic bags. The unit cost of a single-use paper bag is higher than that of a single-use plastic bag.

Implementation of the ordinance has not resulted in significant public complaint. The majority of the 60 customers, who were randomly surveyed at four of the largest retail grocers in Santa Fe as part of the research for this report, were either indifferent or supported the implementation of a 10 cent fee on paper bags in order to encourage reusable bag use and dis-incentivize paper bag use so long as the fee was used for an environmental fund. Both customer respondents and store manager respondents articulated the need for more customer education – through signage, advertising, and incentives/disincentives in order to increase the use of reusable bags.

Though the number of people currently bringing reusable bags is a small percentage of overall store customers (11-18% observed and self-reported), the number of people bringing reusable bags appears to be increasing over time. While this does not meet the goal of significantly reducing single-use bag usage, it has reduced the number of plastic bags that can get into the environment which then persist over time. Paper bags are less likely to blow into the environment and when they do, they readily breakdown. Therefore, while the ordinance has not met all the goals it was designed to meet, it has reduced the amount of plastic in the environment.

RECOMMENDATIONS

The Sustainable Santa Fe Commission recommends that the City:

1. Adopt and implement a service fee to discourage the use of paper bags and encourage the use of reusable bags.
2. Use the proceeds from the service fee to fund recycling education programs that encourage the use of reusable bags; provide additional reusable bags to the public at no charge; and fund a program administered by the City that provides an environmental benefit to the general public.
3. Require retail stores to both train their staff about the ordinance and display signage reminding customers to bring their own bags. Retailers should be able to choose whether to print the signage made available through Environmental Services for free or to design their own signage. Parking lot signage should be encouraged as well as signage at the door.

METHODOLOGY

The City did not have baseline data that measured single-use plastic or paper bag use before the Ordinance. Nor was the City able to collect comprehensive quantitative data on single-use paper bag use after the Ordinance was implemented. The reason for this limitation is that information about single-bag use is tied to sale volumes and many of the large retail store establishments in the City made it clear that they would be unable to provide this proprietary information due to the need to protect their “trade secrets”. Therefore, the methodology developed by the City and partners in reviewing the Ordinance’s impact has significant limitations. The City relied upon the observed impacts of the Ordinance as communicated by retail store management and customer surveys. The data collected is not statistically significant and cannot be extrapolated to the City as a whole. However data collected does provide insights into the ways in which some stores view the impact and the behaviors and opinions of some of the customers who have been impacted.

Vendor Data

The Environmental Services Division developed the following methodology for collecting qualitative data from retail stores to assess the impacts of the ordinance. Stores were contacted during two separate interview times, at two and four months after implementation of the ordinance. The City was divided into three geographical areas: downtown and surrounding area, mid-town, and southside. Thirty two stores were selected to be surveyed, ten to eleven in each of the three areas. The first survey was conducted 2 months after implementation and a second was conducted 4 months after implementation.

During the Ordinance's development, some members of the community expressed concern that small businesses would experience financial hardship as a result of the Ordinance. Therefore, the Environmental Services Division wanted to assess the Ordinance's impact on those stores specifically. The first survey focused on medium and small retailers that are locally-owned and typically have only location. Ten retail stores that are large users of single-use bags from across the City were added to the second survey. The survey questions from the first survey focused on the financial impacts and perceptions of the public's feelings towards the ordinance. The same questions were asked a second time during the subsequent survey in order to identify changes. However the second survey also included additional questions to understand how the ordinance was being implemented internally at the business and to get any data available regarding actual reductions in single bag use. Survey respondents were store managers at these establishments. The Environmental Services Department identified managers as a credible source due to their relationship with purchasing single-use paper bags, their role managing staff, and managing communications and messaging throughout the store. A survey of Ordinances throughout the country found that this methodology was used by many cities across the country in order to assess the impact of their Ordinances which can be found at <http://www.surfrider.org/pages/plastic-bag-bans-fees>.

That report found that only 26 percent used reusable bags or no bags which was down from 29 percent prior to the ban. It also reported that in cities with a 25 cent fee for all single-use bags, nearly 90 percent of shoppers use no bags or use reusable bags. [Monterey Herald, 2/28/14]. Other cities with bag ordinances either have a fee on all single-use bags (4%) or have banned all single-use bags (2%).

Customer Data and Vendor Observations

Between 6 and 7 months after implementation of the ordinance, Earth Care Youth Allies program leaders who serve as the Youth Advisory Board to the Sustainable Santa Fe Commission and who participated actively in the development of the Ordinance and its passage conducted surveys at four large chain grocery stores in Santa Fe in order to determine the effectiveness of the plastic bag ban in serving the purpose for which it was created. Surveyors asked questions about customers' knowledge of the plastic bag ban, their opinions on how it could be better implemented, etc. They also tallied the observed prevalence of paper bags and the behaviors of cashiers at the stores. Surveyors visited each establishment on two separate occasions once during the week after work hours and once during the weekend in order to collect data during the busiest store hours. A total of 60 voluntary interviews with customers were conducted – 15 at each store.

The Questions

Store Survey 1:

1. Have you seen a financial impact, either positive or negative, as a result of the ban?
2. Are you providing paper bags? If so, are you charging a fee? If so, how much?
3. About what percentage of your customers are bringing in their own bag?
4. Have you had complaints from your customers about the ban? If so, about what percentage of your customers have voiced complaints?
5. Is there anything else that has resulted from the ban that you would like to tell us?

Additional questions included in Store Survey 2:

6. Did your checkout staff receive training about the ordinance? If so, in what format and by whom?
7. Do your checkout staff ask customers if:
 - a. They'd like a bag before bagging their items with a paper bag?
 - b. They brought their own bag before bagging their items with a paper bag?
 - c. Both
 - d. None of the above – they automatically bag customers merchandise unless the customer asks them not to or offers a reusable bag.
8. Does your store make cardboard boxes available at the checkout? Why or why not?
9. Has your store incorporated signage at the checkout?
10. Has your store incorporated signage in the parking lot?
11. What additional support can the City provide in order to increase usage of re-usable bags from your vantage point?

Customer Survey:

1. Are you aware that the City of Santa Fe passed a reusable bag ordinance, last year? It banned single-use plastic bags, and encouraged community members to use re-usable shopping bags, in order to reduce waste and promote environmental stewardship. a. Yes or b. No
2. Have you seen this logo before? a. Yes or b. No
3. How often do you bring a reusable bag?
 - a. Never
 - b. Occasionally
 - c. Most of the time
 - d. All of the time
4. Does the checkout staff ask you if you would like a bag before they started bagging?
 - a. Never
 - b. Rarely
 - c. Some of the time
 - d. Most of the time
5. What could the store do to help you use fewer paper bags? (For example: parking lot signage, checkout counter signage, more reusable bags for sale, store incentives, offering re-usable boxes in the front of the store.)
6. How would you feel if the city imposed a small fee, like other cities, on paper bags to encourage people to bring their own?
 - a. Bad idea
 - b. Don't care either way
 - c. Good idea
7. Would you prefer if part, or all, of the bag fee went to a community environmental fund?
 - a. No
 - b. Does not matter
 - c. Yes

Results

Limitations of Analysis

This research does not include a statistically significant sample and therefore cannot be extrapolated to retail practices across Santa Fe. However, it does provide qualitative insight into some of the benefits as well as some of the issues and limitations of the current Ordinance. Questions relating to how stores are implementing the ordinance help us understand the context for how effective the ordinance is at meeting its goal of reducing single-use bag usage.

Key Findings

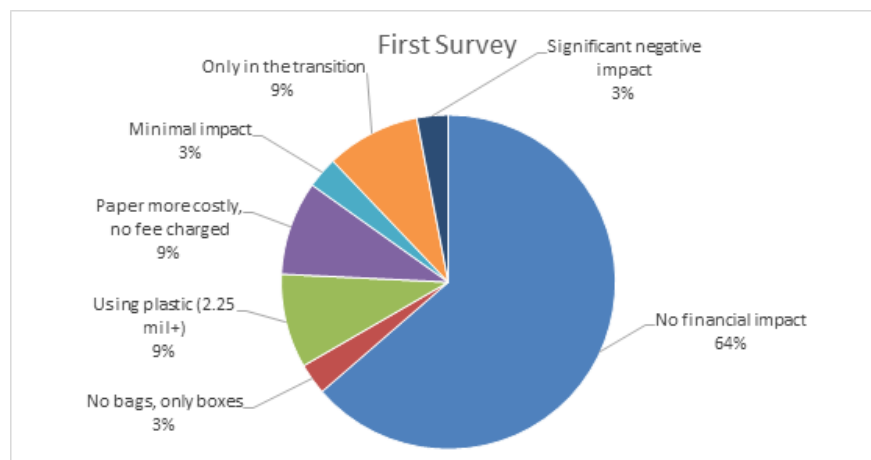
- Stores with the highest percentage of customer's that bring their own bags provided their staff with at least some training.
- Stores with greater training and internal outreach to their customers tended to report fewer complaints.
- Some of the smaller stores reported a significant financial impacts as a result of the ordinance. Most of the stores that are large users of single-use bags reported significant financial impacts due to the increased demand for paper bags which are more costly.
- Between the first and second survey, the percentage of people bringing their own bags increased. This indicates that customers are getting into the habit of remembering to bring their bags.
- Most people are either in favor of a fee on paper bags or are indifferent (62%). Almost all of the people surveyed thought that any fee should be used for a community environmental fund or had no option what the funds should be used for (89%).

DATA AND ANALYSIS

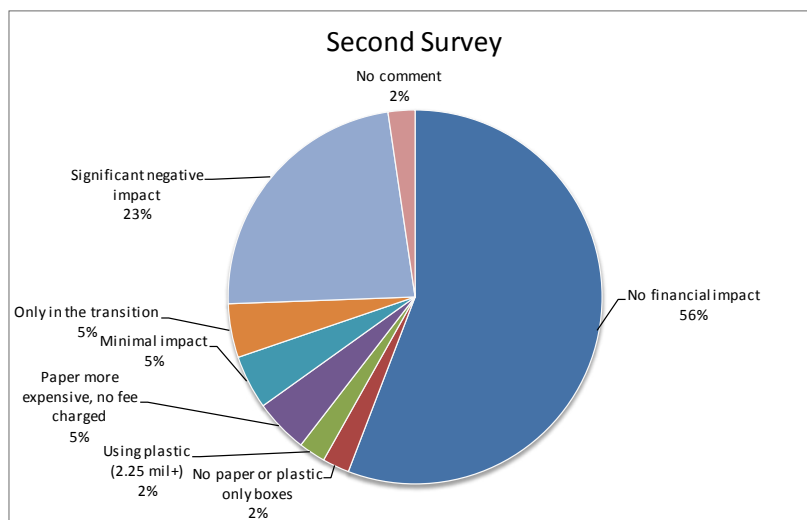
Financial Impact

Stores were asked: Have you seen a financial impact, either positive or negative, as a result of the ban?

SMALL AND MEDIUM RETAIL STORE SAMPLE: The first survey did not include stores that are large users of bags as in large grocery stores and large hardware stores. This data shows no or minor financial impacts from the banning of plastic bags. While 9% of respondents reported minimal impact (3%). Impact during the transition to implement the Ordinance (9%), only 3% of the small and medium retailers surveyed reported “significant negative impact”.



SAMPLE INCLUDING STORES THAT ARE LARGE USERS OF SINGLE-USE BAGS: The data from the second survey, which included the large users, shows a large jump in the “significant negative impact” response. This is a direct result of the feedback from those stores that are now required to use large volumes of paper bags to bag customers’ purchases.



Stores were asked: Did your checkout staff receive training about the ordinance?

Most stores did not provide any formal training to their staff. Those that did ususally included this training in their regular staff meeting. Only six percent of those that provided training posted that information for their employees to refer to later. forty four percent of those that did provide some kind of training did not say how that training was conducted.

38% Stores that provided staff training

62% Stores that did not provide staff training

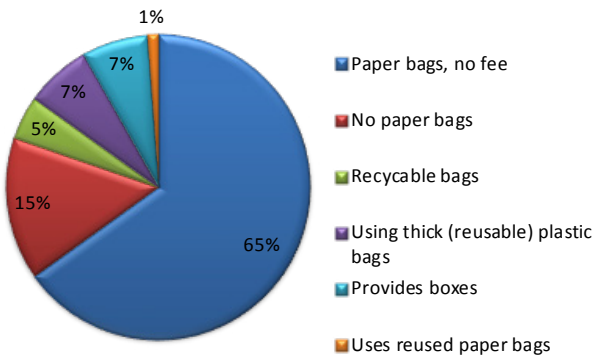
Type of Training Provided:

- 50% Provided training during staff meeting
- 6% Posted information
- 44% Training format not identified

Stores were asked: Are you providing paper bags? If so, are you charging a fee?

None of the stores surveyed charged a fee at the time the interviews were conducted. Some large users had started out charging a ten-cent fee but rescinded the fee after receiving customer complaints. Many of the comments received ask that a fee be required to enable stores to recoup the costs of paper bags and encourage bag use reductions across the board. Most of the stores that don’t provide paper bags instead provide plastic bags that meet the requirements for being reusable.

Total Both Surveys



	Number of Stores					
	Paper bags, No Fee	No paper bags	Recyclable bags	Thick plastic bags	Provides boxes	Reused paper bags
Survey #1	23	7	2	3	4	1
Survey #2	33	6	2	3	2	0

Stores were asked: Does your store make cardboard boxes available at the checkout?

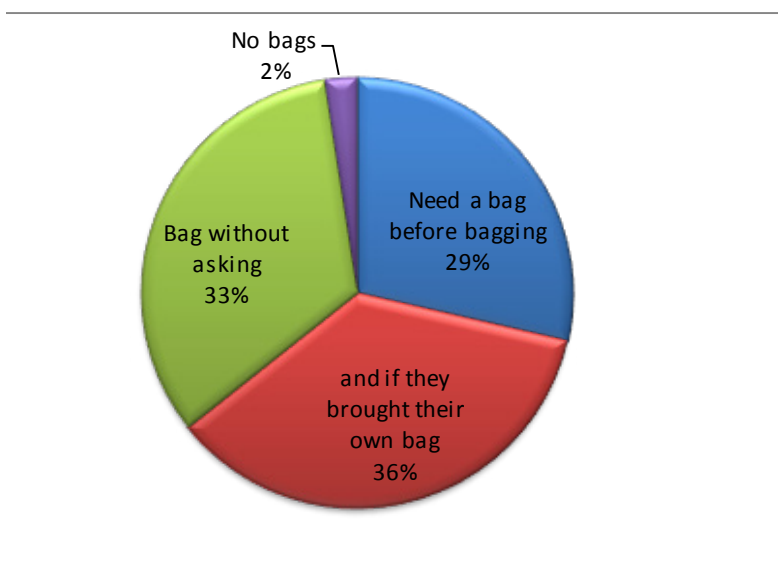
56% YES 44% NO

More than half of stores make cardboard boxes available at the checkout. However, in most cases those were made available upon request only when customers were purchasing multiple bottles of drinks, usually wine. A few stores provide them for any purchase. The stores in the survey that do not provide boxes did not provide information about why they do not make boxes available. Given that all stores receive merchandise in cardboard boxes and most pay for their disposal (either through trash or recycling pickup fees), there appears to be the potential to encourage them to offer boxes for more types of purchases. This may be an effective way to encourage waste reduction through “Re-use”.

Stores were asked: Do your checkout staff ask customers if:

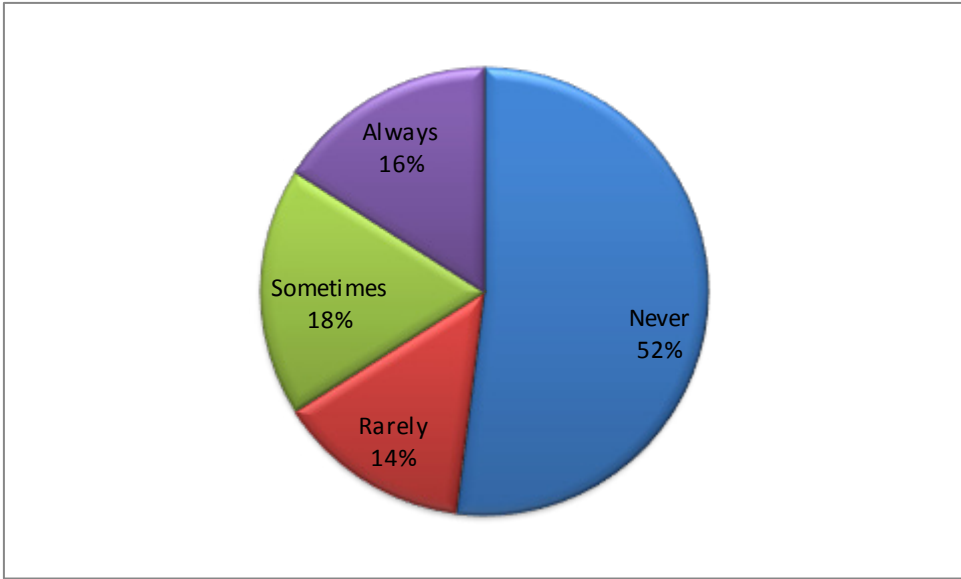
- a. They'd like a bag before bagging their items with a paper bag?
- b. They brought their own bag before bagging their items with a paper bag?
- c. Both
- d. None of the above – they automatically bag customers merchandise unless the customer asks them not to or offers a reusable bag.

Most stores (65%) reported that checkout staff ask customers if they need a bag before bagging their purchases. More than half of those also reported that checkout staff ask if customers brought their own bag. About a third of stores reported that checkout staff bag purchases in paper bags without first asking customers if they need or want that bag. Only 2 percent of stores reported that they provide no bags to customers.



Customers were asked “Did the checkout staff ask you if you would like a bag before they started bagging?”

Most people experience store staff bagging without inquiring if the customer wants a bag or brought a reusable bag or would prefer no bag. Signage at the checkout could remind store staff to ask the customer what their bagging preference is as well as reminding customers to provide their reusable bags to the staff as they start the checkout process.



Observation: Percent of checkout staff asking customers if they would like a bag, if they brought a bag, or if they bagged without asking any questions.

Most store staff asked the customers either if they would like a bag or if the customer brought a reusable bag. Also, most customers did not recall being asked if they wanted a bag or if they had brought one. It seems that reminders about encouraging reusable bag use need to be put in place to raise the consciousness of both store staff and customers.



Customer Ordinance Awareness

Customers were asked: Are you aware that the City of Santa Fe passed a reusable bag ordinance last year?

89% YES 11% NO

Community outreach and news coverage of the ordinance was effective at letting people know the ordinance was coming. There was a six month delay in the effective date of the ordinance to allow the City to conduct outreach which included tabling at stores, reusable bag giveaways, newspaper ads and radio ads.

Customers were shown the “Bag to Differ” logo and asked: Have you seen this logo before?

43% YES 55% NO

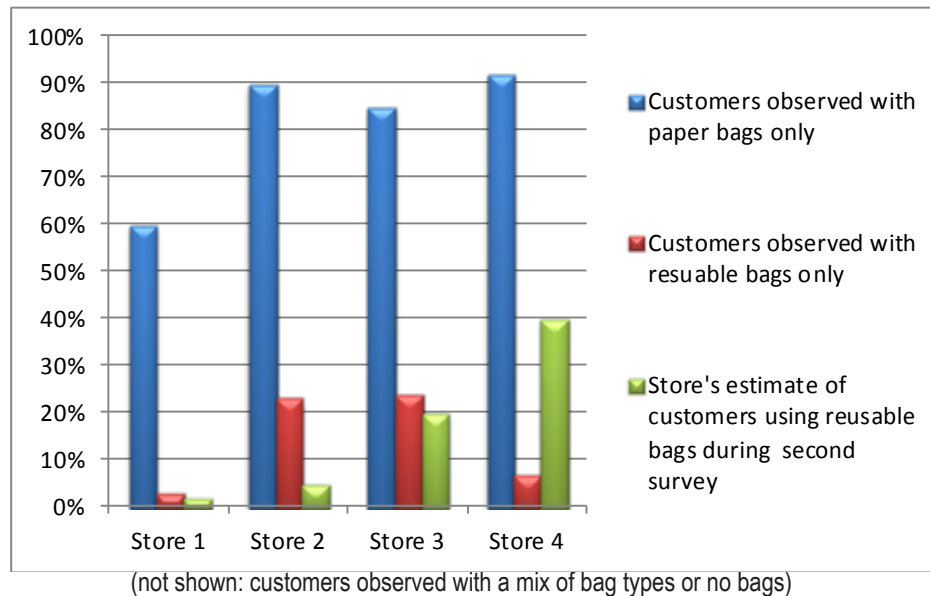


To facilitate the outreach and to help the stores develop signage, the City developed a logo and tag line “Bag to Differ.” The materials include artwork for signs that stores could put in their parking lots, at their entries and at the checkout to remind people, however, those stores that did develop signage used their own artwork almost if not exclusively. The City also made buttons that checkout clerks could wear to remind customers of the ordinance.

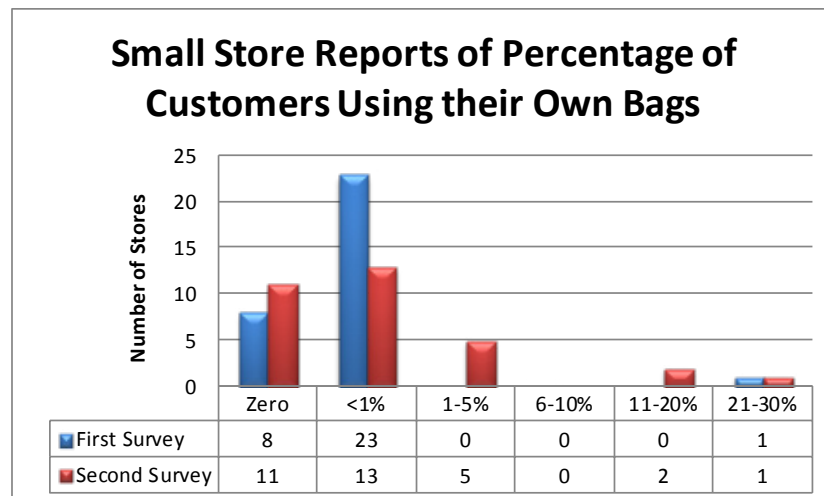
Customer Reusable Bag Use

Stores were asked and observations were made: About what percentage of your customers are bringing in their own bag?

While stores reported very few people bring their own bags, the number they report increased between the first and second surveys and again by the third survey and observation. The four large chain retail grocery outlets surveyed and observed during the third data collection were included in the earlier surveys. At all grocery stores the vast majority of people used only paper bags. The data observed generally tracks with the data supplied by the stores and over time the percentage of people using reusable bags has slowly been increasing. However, without a disincentive to using paper bags, the percentages will likely remain low.

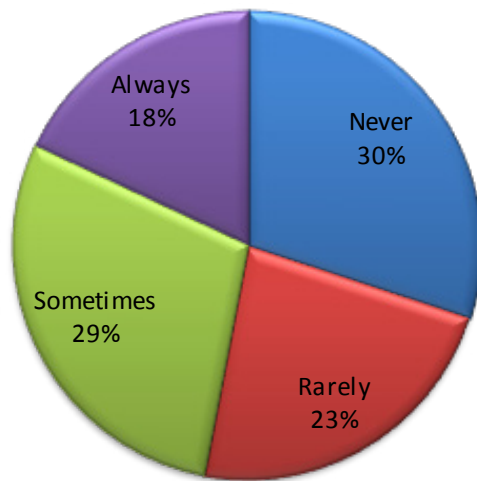


Smaller stores reported generally low numbers of people using their own bags as well, however, the data show the numbers increasing somewhat over time. This may reflect people getting into the habit of bringing their own bags more often. As for grocery stores, without a disincentive to using paper bags, these percentages will also likely remain low.



Customers were asked: How often do you bring a reusable bag?

Customers' data generally tracks with the data that stores provided and that were observed. While 29% of customers reported sometimes bringing their reusable bag, only 18% of customers reported always bringing their re-usable bags. The majority of customers, (53%) reported rarely or never bringing their reusable bag. Also, it appears that the number of people reporting sometimes or always bringing their own bag is higher than was either reported by stores or observed during the surveys. Likely, people report what their goals are regarding reusable bag use. This is consistent with the slow but steady increase in reusable bag use reported and observed over the three data collection times as people begin to remember their bags more often.



How to Encourage Reusable Bag Use

Stores were asked: Has your store incorporated signage at the checkout?

7% YES 93% NO

Very few stores are providing signage at the checkout to inform customers of the ordinance and explain why plastic bags are no longer available. Graphics for signage was made available by the Environmental Services Division that stores can download and use free of charge. While we don't have a mechanism to track if anyone has down-loaded the graphics, none have been seen by staff. The signage that has been placed has been created by the stores and is consistent with the graphics and signs used by those stores for other purposes.

Stores were asked: Has your store incorporated signage in the parking lot?

5% YES 95% NO

Even fewer stores have incorporated signage in the parking lot. Some stores don't have control over the signage in the parking lot where the lot is shared with several stores and the land owner controls that area.

Observation: Signage of reusable bags or of ordinance. Location and content

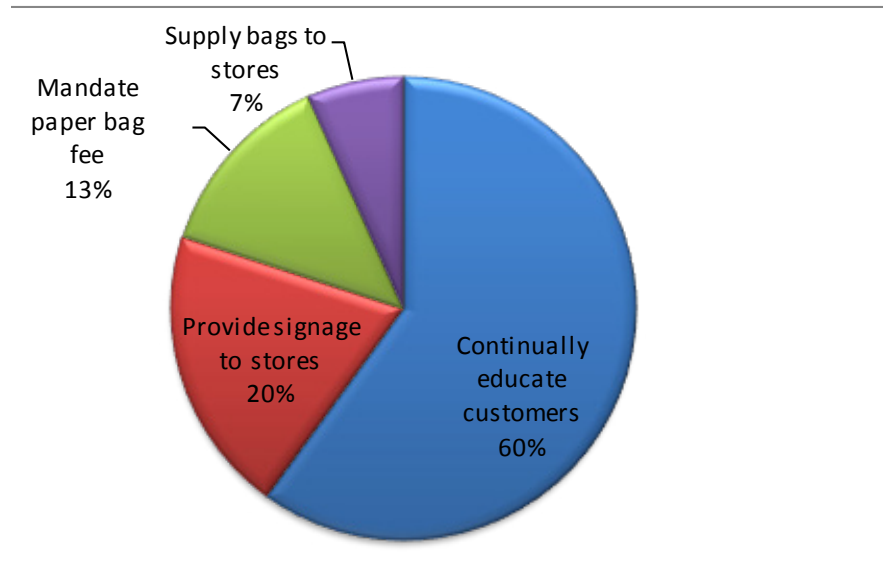
Signage outside of store: NONE

Signage inside store: 25% (1 out of 4)

Very little signage was observed to remind people that the ordinance exists or to remember to bring reusable bags. As noted later, both stores and customers indicate that signage reminders would assist in increasing reusable bag use.

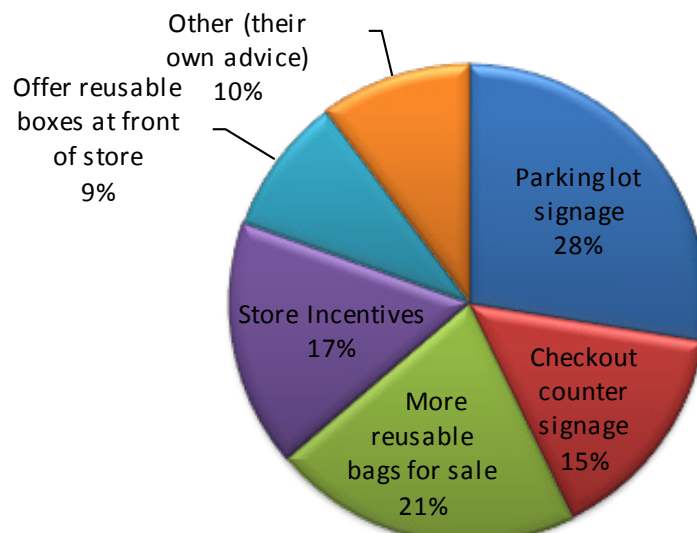
Stores were asked: What additional support can the City provide in order to increase usage of re-usable bags from your vantage point?

Continual education and outreach was the most common form of support stores cited the City could provide to help with the Ordinance implementation. While the City provided graphic materials for stores, it didn't provide actual signage. Few stores have added their own signage in the parking lot which would typically need to be metal to withstand the elements though several have developed their own signage inside the stores. Requiring a mandatory fee for paper bags continues to be a common theme. Some stores requested the City supply them with bags (paper or reusable).



Customers were asked: What could the store do to help you use fewer paper bags?

Reminders and making alternatives easily available at the stores were the greatest incentives identified that stores could do to help reduce paper bag usage.



Feedback on Implementation

Stores were asked: Have you had complaints from your customers about the ban? If so, about what percentage of your customers have voiced complaints?

The percentages of people complaining remained fairly stable between the first and second survey. Since we didn't stipulate during the second survey if they had received additional complaints since the first survey, the second survey answers may have been referring to complaints from the initiation of the ordinance. Since the second survey includes large users and since the percentage of complaints remained about the same, it does not appear that grocery and hardware stores received more complaints than other stores. The second survey includes the data showing stores that tried to implement a fee for paper bags but then stopped due to customer complaints.



Stores were asked: Is there anything else that has resulted from the ban that you would like to tell us?

Comments from the first survey ranged from suggestions for future regulations including allowing a greater amount of time to prepare due to long-lead times for ordering supplies to both disallowing all types of plastic bags to reporting that customers say that they reuse thin plastic bags and would like to still get them. Once the ordinance had been in effect for a while, the second survey found more recommendations for Ordinance updates such as a mandatory paper bag fee as well as reporting the incentives they are using to promote reusable bag use. Stores continue to hear that customers used plastic bags for other uses and miss them.

Comments from First Survey:

Customers want to use plastic bags for other uses (10%)

Using boxes (6%)

Using reusable (thick) plastic bags (6%)

Carryout produce bags with handles working well

Finds plastic bags in the river

Comments from Second Survey:

Need mandatory paper bag fee (10%)

Complaints that plastic bags have other uses (7%)

Has incentive/reward program for bags brought in (5%)

People take merchandise without any container

People are now aware of the requirements

Next Steps

Customers were asked: How would you feel if the City imposed a small fee, like other cities, on paper bags to encourage people to bring their own?

“Good idea” or “Don’t care: 62%

“Bad idea”: 38%

While most people think a fee is either a good idea or don’t care either way, a significant percentage of people believe it would be a bad idea.

Customers were asked: Would you prefer if part or all of the bag fee went to a community environmental fund?

“Yes” or “Doesn’t matter”: 89%

“No”: 11%

If a fee is assessed to paper bag usage, an overwhelming percentage of people surveyed believe it should be used to fund environmental projects within the community.

Conclusions

The Commission found that the Ordinance has effectively eliminated the use of single-use plastic bags in Santa Fe's retail stores. This has resulted in positive waste reduction outcomes. However, without any disincentive to use paper bags, the effectiveness of the Ordinance is clearly compromised as customers replace single-use plastic bags with single-use paper bags which have different but significant negative impacts on the environment and also are more expensive for retail stores to provide free of charge.

The Commission conducted a survey of existing Ordinances banning the use of plastic bags and found that the vast majority are paired with a paper bag fee or charge in order to achieve the desired waste reduction and reuse objectives without increasing the marginal cost to retailers. A review of the cities listed on that website, and checked against updates at the Cities' websites, found that most, 74 percent, ban plastic bags with some exceptions and have a fee on paper bags ranging from 5 to 25 cents. Twenty percent ban plastic and allow paper as Santa Fe's current ordinance does. Of those, we were able to find only one, Carmel, California, that had done an evaluation of single-use bag reduction as a result of the ban which was done by a non-profit organization called Save Our Shores. That study found that slightly fewer people used reusable bags after the Ordinance implementation than before. Its conclusions included a recommendation to implement a fee on paper bags.

The Commission surveyed the all Ordinances found to see what the revenue from the fee is used for and found the following practices by other communities.

- 1) Litter mitigation programs including
 - a. The installation of stormwater filtration infrastructure
 - b. River cleanup crews
 - c. Community cleanup events
 - d. Education about litter mitigation
 - e. A very successful program in Washington D.C. goes towards the Anacostia River Clean Up and Protection Fund which are used to implement watershed education programs, stream restoration projects, and trash collection projects and to purchase and distribute reusable bags.
- 2) Recycling Education Programs
- 3) Website and Educational Communications about Ban and the Impacts of Single-Use bags (and plastic products in general) and the benefits of re-using, reducing, and recycling
- 4) Reusable Bags for Free Distribution
- 5) Fee is retained by store and used to cover costs (in several communities the full fee is retained by the stores, other communities have varying amounts retained by store).
 - a. To cover the cost of reporting for program
 - b. To cover the cost of staff training

- c. To cover the cost of recycling centers at the store
- d. To cover the cost of signage in the parking lot and store entrance reminding customers to bring their bags
- e. To cover the cost of re-usable bags distributed either at cost or for free!

The Sustainable Santa Fe Commission recommends that the City:

1. Adopt and implement a service fee to discourage the use of paper bags and encourage the use of reusable bags.
2. Use the proceeds from the service fee to fund recycling education programs that encourage the use of reusable bags; provide additional reusable bags to the public at no charge; and fund a program administered by the City that provides an environmental benefit to the general public.
3. Require retail stores to both train their staff about the ordinance and display signage reminding customers to bring their own bags. Retailers should be able to choose whether to print the signage made available through the Environmental Services Division for free or to design their own signage. Parking lot signage should be encouraged as well as signage at the door.

APPENDIX A
Stores surveyed

Survey #1:

Downtown Area:

Store Name	Address	Date Surveyed
Alpine Builders Supply	493 W. Water Street	05/27/2014
Camera Shop	109 E. San Francisco St.	05/27/2014
Chile Shop	109 E. Water Street	05/27/2014
Cliff's Packaged Liquor Store	903 Old Pecos Trail	05/27/2014
Cupcake Clothing	322 Montezuma Ave	05/27/2014
Double Take	320 Aztec Street	05/27/2014
Running Hub	527 W. Cordova Rd.	05/27/2014
Kaune Food Town	511 Old Santa Fe Trail	05/22/2014
Payne's Nurseries Inc.	304 Camino Alire	05/27/2014
Wild Birds Unlimited	518 W Cordova Rd. B	05/27/2014

Mid-Town Area:

Store Name	Address	Date Surveyed
Ace Hardhare	2006 Cerrillos Rd 1	05/21/2014
Batteries Plus	1609 Saint Michaels Drive	05/22/2014
All Seasons Gardening	1228 Parkway Dr. E	05/28/2014
Empire Builders Supply Co Inc.	1802 Cerrillos Rd.	05/22/2014
Ary's Fashion	2864 Cerrillos Rd	05/28/2014
Jackalope	2820 Cerrillos Rd.	05/28/2014
FedX Office	730 Saint Michaels Dr.	05/28/2014
The Candyman	851 Saint Michaels Dr 2d	05/28/2014
State Beauty Supply	1522 Cerrillos Rd	05/28/2014
Big Joe Tru Value Hardware	1311 Siler Rd	05/23/2014
Big 5 Sporting Goods	2864 Cerrillos Rd	05/28/2014

Southside Area:

Store Name	Address	Date Surveyed
Allsup's Convenience Store	4200 Airport Road	06/06/2014
Fastenal	1365 Rufina Circle	06/03/2014
CARQUEST Auto Parts	1209 Siler Road	05/23/2014
Contenta Consignment	2907 Agua Fria St	06/03/2014
Mini Super Decicias	4641 Airport Rd 6	06/06/2014
Paisanos Food Store	Cerrillos Road	06/03/2014
Rodeo Plaza Liquors	2801 Rodeo Rd B12	06/06/2014
Ulta Beauty	Zafarano Dr A	05/23/2014
Wet Seal	4250 Cerrillos Rd	05/23/2014
Radio Shack	4250 Cerrillos Rd	05/23/2014
Bootbarn	4250 Cerrillos Rd	05/23/2014

Survey #2:

Downtown Area:

Store Name	Address	Date Surveyed
Alpine Builders Supply	493 W. Water Street	07/10/2014
Camera Shop	109 E. San Francisco St.	07/10/2014
Chile Shop	109 E. Water Street	07/10/2014
Cliff's Packaged Liquor Store	903 Old Pecos Trail	06/30/2014
Cupcake Clothing	322 Montezuma Ave	07/10/2014
Double Take	320 Aztec Street	07/10/2014
Running Hub	527 W. Cordova Rd.	07/10/2014
Kaune Food Town	511 Old Santa Fe Trail	06/30/2014
Payne's Nurseries Inc.	304 Camino Alire	07/14/2014
Wild Birds Unlimited	518 W Cordova Rd. B	07/14/2014

Mid-Town Area:

Store Name	Address	Date Surveyed
Ace Hardhare	2006 Cerrillos Rd 1	07/15/2014
Batteries Plus	1609 Saint Michaels Drive	07/15/2014
All Seasons Gardening	1228 Parkway Dr. E	07/15/2014
Empire Builders Supply Co Inc.	1802 Cerrillos Rd.	07/15/2014
Ary's Fashion	2864 Cerrillos Rd	07/15/2014
Jackalope	2820 Cerrillos Rd.	07/15/2014
FedX Office	730 Saint Michaels Dr.	07/15/2014
The Candyman	851 Saint Michaels Dr 2d	07/15/2014
State Beauty Supply	1522 Cerrillos Rd	07/15/2014
Big Joe Tru Value Hardware	1311 Siler Rd	07/15/2014
Big 5 Sporting Goods	2864 Cerrillos Rd	07/15/2014

Southside Area:

Store Name	Address	Date Surveyed
Allsup's Convenience Store	4200 Airport Road	07/17/2014
Fastenal	1365 Rufina Circle	07/15/2014
CARQUEST Auto Parts	1209 Siler Road	07/17/2014
Contenta Consignment	2907 Agua Fria St	07/17/2014
Mini Super Decicias	4641 Airport Rd 6	07/17/2014
Paisanos Food Store	Cerrillos Road	07/18/2014
Rodeo Plaza Liquors	2801 Rodeo Rd B12	07/18/2014
Ulta Beauty	Zafarano Dr A	07/18/2014
Wet Seal	4250 Cerrillos Rd	07/18/2014
Radio Shack	4250 Cerrillos Rd	07/18/2014
Bootbarn	4250 Cerrillos Rd	07/18/2014

Survey #2 continued:

Large Users:

Store Name	Address	Date Surveyed
K Mart	1712 St. Michaels Dr	07/01/2014
Walmart	3251 Cerrillos Rd	07/01/2014
Albersons	3542 Zafarano Dr	07/01/2014
Smiths	2308 Cerrillos Rd	07/01/2014
Whole Foods	753 Cerrillos Rd	07/07/2014
Trader Joes	530 W. Cordova Rd	07/07/2014
Lowes (food store)	1700 St. Michaels Dr	07/01/2014
Home Depot	952 Richards Ave	07/01/2014
Lowes (hardware store)	3458 Zafarano Dr	07/01/2014
Sprouts	3201 Zafarano Dr	07/01/2014

Observational Data Locations:

Store Name	Address	Date of Observations
Walmart	5701 Herrera Dr	10/07/14 + 10/11/14
Albertsons	3542 Zafarano Dr	10/07/14 + 10/11/14
Smiths	2110 South Pacheco St	10/08/14 + 10/11/18
Sprouts	199 Paseo de Peralta Dr	10/08/14 + 10/11/18

APPENDIX B

Community Outreach Conducted

Environmental Services Division (ESD) staff contracted with an advertising firm to develop a logo and graphics for signage and other reminders of the ordinance prior to its implementation. Below are some of the images developed and made available to store for free for their use in communicating with their customers.



ESD Staff:

Conducted 15 tabling sessions at stores

Handed out 20,000 reusable bags and information about the bag ordinance

Provided bags to the Food Depot for people receiving their services

Reusable bags were also given out at several City office locations and at other community events

ESD staff wore t-shirts with the "bag to differ" logo and answered questions posed by community members

ESD sent bill inserts (the lower 2 images) in all City utility bills during the month prior to the Ordinance implementation start

ESD made buttons (round image with "ASK ME") and wore them before and after implementation

Buttons were also given to stores for their staff and community members

Radio ads and print ads were run before and after implementation start

Action Items

Item A

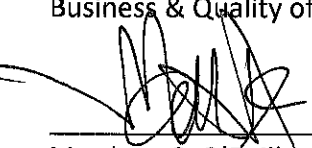
City of Santa Fe, New Mexico

memo

DATE: March 19, 2015

TO: Finance Committee;
Public Works, CIP & Land Use Committee;
Business & Quality of Life Committee;

FROM:



Matthew S. O'Reilly, P.E.
Asset Development Director

Re: AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A VEHICLE VENDOR ORDINANCE; AMENDING SUBSECTION 18-1.2 TO AMEND THE DEFINITIONS OF "ITINERANT FOOD VENDOR" AND "ITINERANT VENDOR"; AMENDING THE TITLE OF SECTION 18-8; REPEALING SUBSECTION 18-8.9 "STREET VENDORS; PERMIT REQUIREMENTS" AND CREATING A NEW SUBSECTION 18-8.9 ENTITLED "VEHICLE VENDORS"; AMENDING SUBSECTION 18-8.10 TO ESTABLISH SPECIAL EVENT VENDOR FEES AND VEHICLE VENDOR FEES; AMENDING SUBSECTION 23-5.2 RELATED TO SPECIAL EVENT SPONSOR LICENSES; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

BACKGROUND

Chapter 18 of the Municipal Code, "Licenses and Taxes", includes Section 18-8 that contains provisions related to so-called "Street Vendors". This subsection (and related subsections) have been updated infrequently and currently contain a number of provisions that have been found to be problematic for general regulation of these types of vendors and more specifically that are in conflict with the intent of Resolution 2014-49 recently adopted by the Governing Body.

The current code contains an unnecessary restriction that currently limits the total number of "street vendor" (now termed vehicle vendor) licenses that can be issued on a yearly basis. Currently, the number of street vendor licenses issued per calendar year to vendors selling food or selling non-food items is limited to ten (10) licenses and five (5) licenses respectively. This restriction serves no known purpose and instead limits opportunities for startup business and consumer choice.

Additionally, the current code lacks a definition of "street vendor", nor does it distinguish between types of vehicles used for vending or where and how they vend. These are important distinctions as they directly affect established businesses, neighborhoods and zoning. The current code also lacks some basic provisions that would be useful to address some of the common complaints/issues related to this type of vending.

As stated above, the Bill, and its accompanying Resolution related to the Plaza Periphery area, also responds to direction given by Resolution 2014-49 adopted in June 2014. In Resolution 2014-49 the Governing Body declared its desire to bring people to the Santa Fe Plaza, to provide increased economic development opportunities, and to provide for creative and evolving usage of the Santa Fe Plaza. The Resolution 2014-49 directed city staff to analyze current city ordinances related to food sales on the Plaza and to recommend ordinance amendments if necessary, and also to bring forward additional recommendations that would enhance the experience of the Plaza for residents and visitors and ultimately bring people to the Plaza.

PROPOSED ORDINANCE

The Bill contains six sections:

Section 1

This section of the Bill modifies the definitions of *"itinerant food vendor"* and *"itinerant vendor"*. Currently, the code defines an *"itinerant food vendor"* as someone who is *"associated with organizations that have been issued a city special use permit"*. This existing language is problematic for the following reasons.

First, *"special use permits"* are properly Land Development Code (Chapter 14) entitlements granted through a quasi-judicial process; they are not the mechanisms through which *"special events"* are approved by the city. Second, special events are approved by the city on both public and private property and these events are not always *"associated with organizations"*. Lastly, including the word *"food"* in the term *"itinerant food vendor"*, implies that other vendors of non-food items or services cannot participate in special events permitted by the city.

Changing the term to *"Special event vendors"* more accurately describes the vendors, and the other changes to the definition make it clear that vendors of all types can participate in permitted special events. Changes to the definition of *"Itinerant vendor"* are intended to match the new *"Special event vendor"* definition and make it clear that *"itinerant vendors"* conduct business only on properly-zoned, private property. This section also clarifies that *"special event vendors"* are not limited to selling food or beverages but can also sell non-food merchandise or services.

Section 2

Section 2 of the Bill eliminates the term *"Street Vendor"*, as used in the title of Subsection 18-8, and replaces it with *"Vehicle Vendor"*. This purpose of this change is create a name that is more representative of the vendor type, to match new text in the other sections of the Bill, and to reflect the fact that, except during special events, vending on streets and in parking lots is properly conducted from vehicles.

Section 3

Section 3 of the Bill repeals Subsection 18-9, *"Street Vendors; Permit Requirements"*, and replaces it with a new subsection called the *"Vehicle Vendor Ordinance"*. The ordinance retains some of the existing provisions related to *"Street vendors"* and combines them with new general requirements that would apply to all Vehicle Vendors. The ordinance also creates two separate categories of

Vehicle Vendors: Mobile Vehicle Vendors and Stationary Vehicle Vendors and creates corresponding definitions and additional requirements for each type of vendor.

A notable new general provision for vehicle vendors would allow peddle-operated vehicles as well as motorized vehicles to be used for vending.

Notable new additional provisions for mobile vehicle vendors would allow: mobile vehicle vendors to park in public and private parking lots as well as on streets¹; mobile vehicle vendors would be allowed to park for up to three (3) hours at a location before having to move to a new location at least three hundred (300) feet away²; and mobile vehicle vendors would be prohibited from parking within one hundred fifty (150) feet of the street-level entrance to any restaurant during the restaurant's hours of operation unless the vendor has the written permission of the restaurant owner or unless the vendor is participating in a special event duly permitted by the city.

Section 4

Section 4 of the Bill is related to the changes proposed in Section 1. Most importantly, this section eliminates the requirement that a special event vendor must obtain a separate license and pay a separate license fee for each event they choose to participate in.

This section also establishes an annual license fee for vehicle vendors of \$100 and specifies that this fee includes the \$25 fire inspection fee when required. The current fee for a street vendor license is \$85 (a \$35 business license fee plus a \$50 administrative fee required by the ordinance).

The accompanying Fiscal Impact Report (FIR) details the fiscal implications of these changes.

Section 5

This section of the Bill creates a definition of "*Special event*". The municipal code currently lacks this definition.

Section 6

Section 6 of the Bill is included to clarify the relationship between the sponsors of special events and the "special event vendors" that participate in their events. The section also eliminates an outdated reference to a so-called "certificate of approved use", and eliminates reference to "artists/artisans" by simply referring to "participants" in special events; this reflects the fact that various types of vendors can and do participate in special events when approved by the event sponsor.

RECOMMENDATION

Staff recommends that the Finance Committee and the Public Works Committee recommend approval of the attached Bill to the Governing Body.

¹ City code currently allows "Street Vendors" only on public streets.

² City code currently prohibits "Street Vendors" from parking in any location for more than two (2) hours.

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-__

3 INTRODUCED BY:

4
5 Councilor Signe Lindell

6 Mayor Javier Gonzales

7 Councilor Peter Ives

8 Councilor Carmichael Dominguez

9 Councilor Chris Rivera

10 AN ORDINANCE

11 RELATING TO THE ESTABLISHMENT OF A VEHICLE VENDOR ORDINANCE;
12 AMENDING SUBSECTION 18-1.2 TO AMEND THE DEFINITIONS OF "ITINERANT
13 FOOD VENDOR" AND "ITINERANT VENDOR"; AMENDING THE TITLE OF SECTION
14 18-8; REPEALING SUBSECTION 18-8.9 "STREET VENDORS; PERMIT
15 REQUIREMENTS" AND CREATING A NEW SUBSECTION 18-8.9 ENTITLED "VEHICLE
16 VENDORS"; AMENDING SUBSECTION 18-8.10 TO ESTABLISH SPECIAL EVENT
17 VENDOR FEES AND VEHICLE VENDOR FEES; AMENDING SUBSECTION 23-5.2
18 RELATED TO SPECIAL EVENT SPONSOR LICENSES; AND MAKING SUCH OTHER
19 CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS
20 ORDINANCE.

21
22 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

23 Section 1. Subsection 18-1.2 SFCC 1987 (being Ord. #1981-64, §2, as amended) is
24 amended to amend the following definitions:

25 [~~Itinerant food~~] Special event vendor means any person [~~associated with organizations that~~

1 ~~have been issued a city special use permit, and]~~ who offers for sale food, beverages, merchandise, or
2 services, at one or more special events in the city with the permission of a special event sponsor
3 ~~[occasionally or temporarily, food products, or samples, in the city].~~

4 *Itinerant vendor* means any person ~~[with no]~~ that does not have an established business
5 location within ~~[the geographical boundaries of]~~ the city who brings into the city ~~[food products,~~
6 ~~stocks or samples of goods, wares and merchandise or goods crafted primarily of manufactured~~
7 ~~materials and processes and/or made by someone other than the vendor and offers the same for sale,~~
8 ~~or who offers services, on private property of another person.]~~ and offers for sale food, beverages,
9 merchandise, or services on the appropriately zoned private property of another person.

10 **Editor's Note: Re-alphabetize definitions.**

11 **Section 2. Section 18-8 SFCC 1987 (being Ord. #2009-49, §2) is amended to read:**

12 **18-8 [PUSHCART] PUSHCARTS ON PRIVATE PROPERTY; [STREET] VEHICLE**
13 **VENDORS.**

14 **Section 3. Subsection 18-8.9 SFCC 1987 (being Ord. No. 1981-39, §8) is repealed**
15 **and a new Subsection 18-8.9 SFCC 1987 is ordained to read:**

16 **18-8.9 [NEW MATERIAL] Vehicle Vendors.**

17 A. *Short Title.* This Subsection 18-8.9 may be cited as the "Vehicle Vendor Ordinance".

18 B. *Definitions.* As used in this Subsection 18-8.9:

19 *Mobile vehicle vendor* means a vehicle vendor that parks at one or more locations
20 within a twenty-four (24) hour period, at each location for a period of three (3) hours or less,
21 or for any period of time during a special event permitted by the city or otherwise authorized
22 by a resolution of the governing body, subject to and in conformance with the provisions of
23 Subsections 18-8.9(C) and (D).

24 *Motorized vehicle* means a licensed and insured motor vehicle as defined by the state
25 of New Mexico motor vehicle division that meets all requirements of the same for operation

1 on public streets and is operated by a licensed driver.

2 *Special event* means an event that is permitted by the city pursuant to Subsection 18-
3 8.9 SFCC 1987, Section 23-4 SFCC 1987, Subsection 23-5.2 SFCC 1987 or by resolution of
4 the governing body.

5 *Stationary vehicle vendor* means a vehicle vendor that parks at a location for a period
6 of more than three (3) hours within a twenty-four (24) hour period subject to and in
7 conformance with the provisions of Subsection 18-8.9(C) and (E).

8 *Travel trailer* means a licensed and insured travel trailer as defined by the state of
9 New Mexico motor vehicle division that meets all requirements of the same for operation on
10 public streets and is operated by a licensed driver.

11 *Utility trailer* means a licensed and insured utility trailer as defined by the state of
12 New Mexico motor vehicle division that meets all requirements of the same for operation on
13 public streets and is operated by a licensed driver.

14 *Vehicle vendor* means a person who offers for sale food, beverages, merchandise, or
15 services from a motorized vehicle, from a utility trailer or travel trailer pulled by a motorized
16 vehicle, or from a peddle-operated vehicle.

17 C. *Vehicle Vendors – General Requirements.*

18 (1) In addition to the vendors permitted by the Plaza Pushcart Ordinance and the
19 Santa Fe Plaza Park Artist/Artisan Program Ordinance, vehicle vendor permits may be
20 approved by the city manager or his designee pursuant to the requirements of Section 23-4
21 SFCC 1987 and this Subsection 18-8.9 SFCC 1987.

22 (2) Vehicle vendors shall license or register their businesses with the city
23 pursuant to the requirements of Section 18-1 SFCC 1987 or 18-2 SFCC 1987, as applicable.

24 (3) Each business license or registration application for a vehicle vendor shall
25 state the make, model and license plate number of each vehicle to be used for vending. Only

1 those vehicles listed on the application shall be used for vending.

2 (4) Each vehicle used for vending shall be individually permitted and shall
3 clearly display the corresponding vehicle vendor permit on the outside of the vehicle at all
4 times.

5 (5) A vehicle vendor intending to sell food or beverages shall furnish the city
6 with a valid food establishment permit issued by the state of New Mexico environment
7 department. The food establishment permit shall be clearly displayed on the outside of the
8 vehicle at all times.

9 (6) An annual vehicle vendor fee shall be paid to the city for each vehicle used
10 for vehicle vending pursuant to Subsection 18-8.10(A) SFCC 1987.

11 (7) Vehicle vendors are not permitted in the Plaza, Plaza Park or the Plaza
12 periphery area as defined by Section 23-5 SFCC 1987 unless authorized by resolution of the
13 governing body.

14 (8) Use of loudspeakers or amplification of sound by vehicle vendors is
15 prohibited.

16 (9) Vehicle vendors shall at all times keep the area immediately surrounding the
17 outside of their vehicle free of litter and refuse that originates from vending operations and
18 shall remove litter and refuse that originates from vending operations for proper disposal
19 offsite of the vending location.

20 (10) If after fifteen (15) days written notice from the city to a vehicle vendor of
21 violations of the Santa Fe Municipal Code or state law and the violations are not corrected,
22 then the related vehicle vendor permit(s) shall be revoked by the city manager and the vehicle
23 vendor shall be subject to penalties pursuant to Section 1-3 SFCC 1987. The vehicle vendor
24 may appeal the decision of the city manager to revoke a vehicle vendor permit to the
25 governing body within fifteen (15) days of the revocation.

1 D. Mobile Vehicle Vendors - Additional Requirements. In addition to the general
2 requirements of this Subsection 18-8.9 SFCC 1987, mobile vehicle vendors are subject to the
3 following requirements:

4 (1) Mobile vehicle vendors are permitted to vend only on public streets or in
5 public parking lots, or on private streets or in private parking lots with the written permission
6 of the property owner;

7 (2) Mobile vehicle vendors shall not vend within or adjacent to the boundaries of
8 city parks during events scheduled by the city unless authorized by the city manager;

9 (3) Mobile vehicle vendors are prohibited from parking for more than three (3)
10 hours per day at any location or within a three hundred (300) foot radius of any location at
11 which they have previously parked during the same day unless the mobile vehicle vendor is
12 participating in a special event permitted by the city and has obtained the written permission
13 of the special event sponsor;

14 (4) Mobile vehicle vendors that sell food or beverages are prohibited from
15 parking within a one hundred fifty (150) foot radius of the street-level entrance of any
16 restaurant during the restaurant's hours of operation unless the mobile vehicle vendor has
17 obtained the written permission of the restaurant owner, or is participating in a special event
18 permitted by the city and has obtained the written permission of the special event sponsor, or
19 is authorized by resolution of the governing body;

20 (5) Use of parking spaces on public streets and public parking lots by mobile
21 vehicle vendors shall be on a first-come-first-served basis. Mobile vehicle vendors shall not
22 reserve parking spaces by the placement of obstructions intended to block parking areas or by
23 engaging other parties to park and hold parking areas for their use;

24 (6) Mobile vehicle vendors parked on public streets or in public parking lots
25 shall park only in legal parking spaces;

1 (7) Mobile vehicle vendors shall pay all parking fees associated with the
2 locations at which they are parked.

3 (8) The city may temporarily or permanently prohibit the use of all or a portion
4 of any public or private parking area by mobile vehicle vendors if the use of the area
5 adversely affects public safety or the operation of the parking area;

6 (9) The customer service window of a mobile vehicle vendor parked on a public
7 or private street shall face the adjacent sidewalk or edge of roadway;

8 (10) All vending from mobile vehicle vendors shall take place from the vehicle
9 itself. Generators, electrical wiring, menu boards, tables, chairs, tents or other furniture or
10 items associated with the mobile vehicle vendor shall not be placed outside of the vehicle.

11 E. Stationary Vehicle Vendors - Additional Requirements. In addition to the general
12 requirements of this Subsection 18-8.9, stationary vehicle vendors are subject to the following
13 requirements:

14 (1) Stationary vehicle vendors shall be located only in zoning districts where the
15 type of vending proposed is a permitted use pursuant to Article 14-6 of the city of Santa Fe
16 Land Development Code;

17 (2) Stationary vehicle vendors shall be located only on private property and only
18 with the written permission of the property owner;

19 (3) A stationary vehicle vendor permit shall allow vending at a single location
20 and for the hours of operation and duration of operation approved by the city.

21 **Section 4. Subsection 18-8.10SFCC 1987 (being Ord. No. 1981-64, §3, as amended)**
22 **is amended to read:**

23 18-8.10 Business License - Fees.

24 A. Pursuant to Section 3-38-1 through 3-38-6 NMSA 1978, it is hereby declared by the
25 governing body of the city of Santa Fe, that in order to protect the public health, general welfare and

1 morals of the citizens of the city of Santa Fe, and for purposes of business regulation in the public
2 interest, a business licensee fee shall be assessed as follows:

3 (1) Adult bookstores, as defined in Section 14-12 SFCC 1987, fifty dollars
4 (\$50.00) per year, for each place of business;

5 (2) Adult motion picture theaters, as defined in Section 14-12 SFCC 1987, fifty
6 dollars (\$50.00) per calendar year, for each place of business;

7 (3) Alarm installation companies and alarm monitoring companies, seventy-five
8 dollars (\$75.00) per calendar year, for each place of business.

9 (4) Antique dealers, ten dollars (\$10.00) per year, for each place of business;

10 (5) Artist/artisan, ten dollars (\$10.00) per calendar year;

11 (6) Auctions, one hundred dollars (\$100.) per day;

12 (7) Carnivals, under the conditions prescribed in Section 18-7 SFCC 1987, one
13 hundred fifty dollars (\$150.) per day;

14 (8) Circuses, under the conditions prescribed in Section 18-7 SFCC 1987, one
15 hundred fifty dollars (\$150.) per day;

16 (9) Core recyclers, as defined in subsection 18-4.1 SFCC 1987, fifty dollars
17 (\$50.00) per calendar year for each place of business.

18 (10) ~~[Itinerant food]~~ Special event vendors, as defined in subsection 18-1.2[G],
19 ten dollars (\$10.00) for each vendor per calendar year. ~~[, per location. Prior to applying for an~~
20 ~~itinerant food]~~ Special event vendors ~~[license, the applicant]~~ intending to sell food or
21 beverages shall meet any applicable federal, state, and city requirements, and shall furnish the
22 city with a copy of a valid food ~~[purveyors certificate issued by the state environmental~~
23 ~~division, and a certificate of occupancy issued by the city code enforcement department]~~
24 establishment permit issued by the state of New Mexico environment department;

25 (11) Itinerant vendors, ten dollars (\$10.00) per calendar year, per location;

1 (12) Jewelry auctions as defined by subsections 18-5.4 through 18-5.23 SFCC
2 1987, one hundred dollars (\$100.) per day. These auctions shall be licensed per the provisions
3 of subsections 18-5.4 through 18-5.23 SFCC 1987 and the provisions of this section shall not
4 apply if they conflict with Section 18-5 SFCC 1987;

5 (13) Junk dealers as defined in subsection 18-4.1 SFCC 1987, fifty dollars
6 (\$50.00) per year, for each place of business;

7 (14) Massage parlors, fifty dollars (\$50.00) per year, for each place of business;

8 (15) Mobile home parks, as defined by Section 14-12 SFCC 1987, two dollars
9 (\$2.00) per space, with a minimum charge of fifty dollars (\$50.00) per park;

10 (16) Pawnbrokers, as defined in subsection 18-4.1 SFCC 1987, under the
11 conditions prescribed by Section 18-4 SFCC 1987, two hundred fifty dollars (\$250.) per year,
12 for each place of business;

13 (17) Precious metal dealers, as defined in subsection 18-4.1 SFCC 1987, fifty
14 dollars (\$50.00) per year, for each place of business;

15 (18) Private day-care nurseries, facilities and kindergartens, under the conditions
16 prescribed in Section 14-6.2(B)(4) SFCC 1987, ten dollars (\$10.00) per year, for each place
17 of business;

18 (19) Private detectives or private detective agencies, as defined in subsection 20-
19 24.1 SFCC 1987, and under the conditions prescribed by Section 20-24 SFCC 1987, fifty
20 dollars (\$50.00) per year, for each place of business;

21 (20) Sales of goods brought into the city temporarily by itinerant vendors, as
22 described in Section 18-3 SFCC 1987, under the conditions prescribed in subsections 18-3.1
23 through 18-3.3 SFCC 1987, two hundred dollars (\$200.) per occurrence;

24 (21) Secondhand dealers, as defined in subsection 18-4.1 SFCC 1987, under the
25 conditions prescribed by Section 18-4 SFCC 1987, fifty dollars (\$50.00) per year, for each

1 place of business;

2 (22) Special policemen or special police agencies as defined in subsection 20-24.1
3 SFCC 1987, under the conditions prescribed in Section 20-24 SFCC 1987, fifty dollars
4 (\$50.00) per year. Those special police exempted under subsection 20-24.4 SFCC 1987 shall
5 not be required to obtain a business license;

6 (23) Septic tank cleaners or septage haulers, under the conditions prescribed in
7 Section 22-2 SFCC 1987, fifty dollars (\$50.00) per year, for each place of business.

8 (24) Street performers, as defined in subsection 23-8.3 SFCC 1987, thirty-five
9 dollars (\$35.00) per year, unless a street performer will perform for no more than one thirty
10 (30) day period per year, ten dollars (\$10.00).

11 (25) Taxicab service, as defined in subsection 18-6.4 SFCC 1987, two hundred
12 fifty dollars (\$250.) per year for each place of business.

13 (26) Transient precious metals dealer, as defined in subsection 18-4.1 SFCC 1987,
14 one hundred dollars (\$100.) per separate event and location as described in the license
15 application.

16 (27) Vehicle vendors, as defined in Subsection 18-8.9 SFCC 1987, one hundred
17 dollars (\$100) per vehicle per calendar year. The annual vehicle vendor fee shall include any
18 applicable annual fire inspection fees required pursuant to Subsection 12-2.2 SFCC 1987.

19 B. Before a license is granted, the following businesses shall execute and deliver a bond
20 to the city clerk to be approved by the clerk and the city attorney with a corporate surety authorized
21 by the laws of the state to write surety bonds and conditioned for the lawful conduct of the businesses
22 and for the true and faithful observance of applicable provisions of the SFCC 1987; such bond shall
23 be for the benefit of the city and every person damaged by breach of any condition thereof;

24 (1) Pawnbrokers, in the amount of five thousand dollars (\$5,000.); and

25 (2) Jewelry auctions, as defined in subsections 18-5.4 through 18-5.23 SFCC

1 1987, in the amount of five thousand dollars (\$5,000.), as set forth in subsection 18-5.15
2 SFCC 1987.

3 C. It is unlawful for any person to engage in the businesses, professions or trades
4 defined in this section as requiring a license, within the corporate limits of the city, without first
5 obtaining a license as prescribed by this section and pursuant to Section 3-38-1 NMSA 1978.

6 D. The license fees established in this subsection are hereby declared to have been
7 reviewed on a case-by-case basis by the governing body of the city of Santa Fe and are hereby found
8 to bear a reasonable relationship to the costs of regulations of each business by the city of Santa Fe.

9 E. Prior to engaging in any business to which this section applies, there shall be paid to
10 the city of Santa Fe the applicable license fee and in the event the fee is paid after the beginning of the
11 calendar year, it shall not be prorated.

12 F. Any person filing an application for issuance or renewal of any business license shall
13 include on the application his current revenue division taxpayer identification number or evidence of
14 application for a current revenue division taxpayer identification number. No license shall be issued
15 unless such number or application has been furnished.

16 **Section 5. Subsection 23-5.1 SFCC 1987 (being Ord. #1981-39, §15, as amended)**
17 **is amended to create the following definition:**

18 II. *Special event means* an event that is permitted by the city pursuant to Subsection
19 18-8.9 SFCC 1987, Section 23-4 SFCC 1987, Subsection 23-5.2 SFCC 1987 or resolution of the
20 governing body.

21 **Section 6. Subsection 23-5.2SFCC 1987 (being Ord. No. 1981-39, §16, as amended)**
22 **is amended to read:**

23 **23-5.2 Plaza Uses; Events; Allowed Uses.**

24 A. No more than eight (8) permits per calendar year shall be issued by the city for major
25 commercial events held in the Plaza. The events permitted are as follows:

- (1) Challenge New Mexico Arts and Crafts Show;
- (2) Fourth of July Pancake Breakfast;
- (3) Spanish Market;
- (4) Contemporary Hispanic Market;
- (5) Santa Fe Girls' Inc. Arts and Crafts Show;
- (6) Indian Market;
- (7) Santa Fe Fiesta Labor Day Arts and Crafts Market; and
- (8) Santa Fe Fiesta.

B. Each of the major commercial events noted in paragraph A. above shall continue their assigned locations, and the Contemporary Hispanic Market shall be allocated the space along Lincoln Avenue between Palace Avenue and Federal Place.

(1) In order to accommodate the Spanish Market's growth requirements, this subsection will allow the Spanish Colonial Arts Society use of East San Francisco Street from Don Gasper to Cathedral Place and Palace Avenue from Grant Avenue to Cathedral Place. The Spanish Market will also extend thirty-three feet, six inches (33' 6") onto the east side of Lincoln Avenue. This will allow the Spanish Colonial Arts Society the similar configuration as the Southwest Indian Arts' annual Indian Market.

(2) This subsection will allow the Contemporary Hispanic Market use of Lincoln Avenue from Palace Avenue intersection starting at thirty-three feet six inches (33' 6") on the east side and twenty feet (20') from the fire hydrant on the west side all the way to Federal Place. This will allow the Contemporary Hispanic Market the ability to provide for their immediate and future growth needs. Depending upon the number of booths, as an alternative to using Lincoln Avenue between Marcy Street and Federal Place, the city may require booths to be located on Marcy Street between Lincoln Avenue and Sheridan Street.

C. Each of the major commercial events noted in paragraph A. above shall submit a

1 preliminary site plan for their event to city staff for their review and approval no less than three (3)
2 months prior to the event. Adequate access for public health, safety and welfare shall be maintained.
3 Access to existing businesses shall be considered. The city may require specific booth layouts. The
4 city shall provide written comments to the event sponsor on the preliminary site plan within thirty
5 (30) days of receipt of the plan. A final site plan shall be submitted to city staff no less than one (1)
6 month prior to the event for their review and approval. City staff shall conduct inspections at the time
7 of event setup.

8 D. Community Days Festival may occur on the Plaza the Friday, Saturday and Sunday
9 preceding the Memorial Day Weekend.

10 E. No other event shall occur on the Plaza unless it qualifies as a noncommercial use.
11 Sponsoring organizations shall comply with the fees as authorized in subsection 23-4.7 SFCC 1987
12 and established by resolution, unless the event is sponsored by the city.

13 F. Except for the authority to issue Plaza Park artist/artisan licenses for sales activity on
14 the Plaza Park pursuant to subsection 23-5.3 SFCC 1987, a permit or authority to use the Plaza Park
15 shall be granted only to a nonprofit organization and not an organization for profit or an individual.

16 G. The governing body shall, by resolution, authorize either a committee or city staff to
17 receive, review and approve or deny requests for any function of a commercial or noncommercial use
18 on the Plaza or Plaza Park.

19 H. Applicants for use of the Plaza or Plaza Park shall follow and be subject to the
20 procedures, requirements and restrictions adopted by the governing body.

21 I. Any decision by the city manager or the city manager's designee may be appealed to
22 the governing body within thirty (30) days of the decision. This provision does not apply to Plaza
23 Park artist/artisan licenses that shall comply with Section 23-5.3 SFCC 1987.

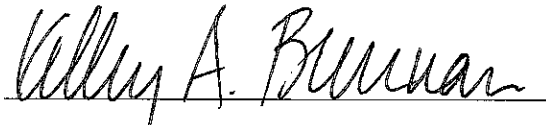
24 J. The city shall appoint a staff liaison for all major commercial events or
25 noncommercial uses on the Plaza to oversee the administration of city regulations as they apply to

1 each event.

2 K. Fees for the major commercial events shall be established by the governing body by
3 adoption of a resolution. Fees shall not be waived.

4 L. Sponsors of special events ~~[shall obtain a special event sponsor license and special~~
5 ~~event sponsor certificate of approved use. Sponsors]~~ shall be responsible for insuring that all
6 ~~[artists/artisan]~~ participants in their event have ~~[individual]~~ special event vendor licenses. ~~[and that all~~
7 ~~food vendors in their event have individual certificates of approved use, and temporary food~~
8 ~~certificates from the state health and environment department.]~~ Special event sponsor license
9 applications and special event ~~[food]~~ vendor license applications shall include a statement signed by
10 the applicant that the applicant agrees to file and pay applicable gross receipts taxes on receipts from
11 the special event. Sponsors shall file with the city the informational material they distribute to the
12 vendors regarding the vendor's responsibility to file and pay gross receipts taxes on their sales at the
13 special event.

14 APPROVED AS TO FORM:

15 
16 _____
17 KELLEY A. BRENNAN, CITY ATTORNEY

18
19
20
21
22
23
24
25 *M/Legislation/Vehicle Vendors_031715*

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed Bill or Resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or Resolutions with no fiscal impact still require a completed FIR. Bills or Resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or Resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the Bill or Resolution is financial in nature.

Section A. **General Information**

(Check) Bill: X Resolution: _____
(A single FIR may be used for related Bills and/or Resolutions)

Short Title(s): An Ordinance Relating to the Establishment of a Vehicle Vendor Ordinance; Amending Subsection 18-1.2 to Amend the Definitions of "Itinerant Food Vendor" and "Itinerant Vendor"; Amending the Title of Section 18-8; Repealing Subsection 18-8.9 "Street Vendors; Permit Requirements" and Creating a New Subsection 18-8.9 Entitled "Vehicle Vendors"; Amending Subsection 18-8.10 to Establish Special Event Vendor Fees and Vehicle Vendor Fees; Amending Subsection 23-5.2 Related to Special Event Sponsor Licenses; and Making Such Other Changes that are Necessary to Carry Out the Purpose of this Ordinance.

Sponsor(s): Councilor Lindell

Reviewing Department(s): Finance (Business License Office); Housing & Community Development; Land Use (Code Enforcement Section); Asset Development Office; City Attorney's Office

Person Completing FIR: M. O'Reilly ^{MSO} Date: 3-19-15 Phone: x 6213

Reviewed by City Attorney: Kelly A. Brennan Date: 3/20/15
(Signature)

Reviewed by Finance Director: [Signature] Date: 3-20-2015
(Signature)

Section B. **Summary**

Briefly explain the purpose and major provisions of the Bill/Resolution.

The Bill eliminates the current code limit on the number of "street vendor" licenses that can be issued each calendar year; modifies definitions of "itinerant food vendor" and "itinerant vendor"; repeals the current code section related to "street vendors" and replaces it with a "Vehicle Vendor Ordinance" that establishes two categories of vehicle vendors: mobile vehicle vendors and stationary vehicle vendors, and contains updated definitions and requirements for the same; modifies the business license fees for vendors; creates the missing definition of "special event"; and clarifies requirements for special event sponsors.

Section C. **Fiscal Impact**

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: “A” if current budget and level of staffing will absorb the costs
“N” if new, additional, or increased budget or staffing will be required
- c. Indicate: “R” – if recurring annual costs
“NR” if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

_____ Check here if no fiscal impact

Column #: 1	2	3	4	5	6	7	8
Expenditure Classification	FY 14/15	“A” Costs Absorbed or “N” New Budget Required	“R” Costs Recurring or “NR” Non-recurring	FY 15/16	“A” Costs Absorbed or “N” New Budget Required	“R” Costs – Recurring or “NR” Non-recurring	Fund Affected

Personnel* \$ _____ R _____ \$ _____ R _____

Fringe** \$ _____ R _____ \$ _____ R _____

Capital Outlay \$ _____ R _____ \$ _____ R _____

Land/
Building \$ _____ R _____ \$ _____ R _____

Professional Services \$ _____ R _____ \$ _____ R _____

All Other Operating Costs \$ _____ R _____ \$ _____ R _____

Total: \$ _____ \$ _____

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #: 1	2	3	4	5	6
Type of Revenue	FY 14/15	“R” Rev.- Recurring or “NR” Non-recurring	FY 15/16	“R” Rev.- Recurring or “NR” Non-recurring	Fund Affected

Business License Fees \$ 300 R \$ 1,295 R

\$ _____ R _____ \$ _____ R _____

\$ _____ R _____ \$ _____ R _____

Total: \$ 300 \$ 1,295

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

The Bill minimally increases recurring revenue in the following ways: (1) the Bill removes the existing code limit on the number of "street vendor" permits that can be issued (currently 10 permits for street vendors selling food; 5 permits for street vendors selling non-food items); (2) the Bill changes the total fees paid for a license from \$85 for a "street vendor" to \$100 for a newly-termed "vehicle vendor" license; and (3) the Bill removes the requirement for "itinerant food vendors" (now newly-termed "special event vendors") to obtain a separate license and pay a separate fee for each event they participate in.

Net new revenue resulting from these changes is estimated below:

FY 2015/2016

Projected "Mobile Vehicle Vendor" Licenses (FY 2015/16):

23 Total (20 Food + 3 Non-Food) X \$100.00 (Fire Inspection Fee Incl.) = \$ 2,300.00 (A)

LESS

"Street Vendor" Licenses (based on 2014 Calendar Year):

11 Total (10 Food + 1 Non-Food) X \$85.00 (\$35 Bus. Lic. + \$50 Admin. Fee) = (\$ 935.00) (B)

LESS

"Itinerant Food Vendor" Licenses (based on 2014 Calendar Year):

Number of Vendor Licenses issued = 40

Number of non-repeat vendors = 33

Number of repeat vendors = 7 X \$10 (Existing Fee) = (\$ 70.00) (C)

NET NEW REVENUE (FY 2015/2016)	= \$ 1,295.00 (A) – (B + C)
---------------------------------------	------------------------------------

FY 2014/2015

Additional "Mobile Vehicle Vendor" Licenses (Balance of FY 2014/15):

3 Additional (3 Food + 0 Non-Food) X \$100.00 (Fire Inspection Fee Incl.) = \$ 300.00

NET NEW REVENUE (FY 2014/2015)	= \$ 300.00
---------------------------------------	--------------------

Section D. **General Narrative**

1. Conflicts: Does this proposed Bill/Resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

This Bill does not duplicate/conflict with any City code, approved ordinance or resolution, or other adopted policies or proposed legislation.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this Bill/Resolution? If so, describe.

The Bill eliminates an unnecessary restriction that currently limits the total number of "street vendor" (now termed vehicle vendor) licenses that can be issued on a yearly basis. This restriction serves no known purpose and instead limits opportunities for startup business and consumer choice. Adoption of this Bill will eliminate this restriction while adopting sensible requirements for vehicle vendors.

In addition, the Governing Body recently adopted Resolution No. 2014-49 to declare its desire to bring people to the Santa Fe Plaza, to provide increased economic development opportunities, and to provide for creative and evolving usage of the Santa Fe Plaza. The Resolution directed city staff to analyze current city ordinances related to food sales on the Plaza and to

recommend ordinance amendments if necessary, and also to bring forward additional recommendations that would enhance the experience of the Plaza for residents and visitors and ultimately bring people to the Plaza.

While setting sensible requirements for vehicle vendors, the Bill also allows a few of these general restrictions, such as prohibiting vehicle vendors from the Plaza Periphery area, to be authorized by Resolution. If this Bill is not adopted, its companion Resolution cannot be adopted, and an identified opportunity to enhance the experience of the Plaza for residents and visitors and ultimately bring people to the Plaza would be missed.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

See Item 2 above.

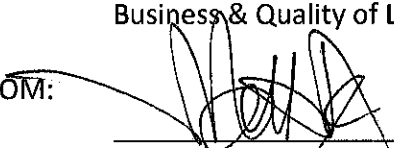
City of Santa Fe, New Mexico

memo

DATE: March 19, 2015

TO: Finance Committee;
Public Works, CIP & Land Use Committee;
Business & Quality of Life Committee;

FROM:



Matthew S. O'Reilly, P.E.
Asset Development Director

Re: A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987.

BACKGROUND

On June 25, 2014, the Governing Body adopted Resolution No. 2014-49 to declare its desire to bring people to the Santa Fe Plaza, to provide increased economic development opportunities, and to provide for creative and evolving usage of the Plaza. The Resolution directed city staff to analyze current city ordinances related to food sales on the Plaza and to recommend ordinance amendments if necessary, and also to bring forward additional recommendations that would enhance the experience of the Plaza for residents and visitors and ultimately bring people to the Plaza.

The proposed Resolution responds to Resolution No. 2014-49 and is companion legislation to the proposed Vehicle Vendor Ordinance currently under consideration. Adoption of the Vehicle Vendor Ordinance is prerequisite for the adoption of the Resolution.

RESOLUTION

The Resolution's companion legislation, the Vehicle Vendor Ordinance, provides that the Governing Body, by adoption of a Resolution, may authorize the following normally prohibited activities:

1. Vehicle vendors within the Plaza Periphery area;¹
2. Mobile vehicle vendors parking for more than three (3) hours at any location;² and
3. Mobile vehicle vendors parking within one hundred fifty (150) feet of the street-level entrance to any restaurant.

¹ City code currently prohibits "Street Vendors" within the Plaza periphery area. As defined by §23-5.1(V) SFCC 1987, "Plaza periphery area means an area outside the Plaza Park, not including the Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the south, Paseo de Peralta on the east and Marcy Street on the north. This area includes both sides of the boundary streets".

² City code currently prohibits "Street Vendors" from parking in any location for more than two (2) hours.

The proposed Resolution provides limited authorization for the above activities as follows:

1. Mobile vehicle vendors would be authorized within the Plaza Periphery area at three (3) on-street parking spaces on the south side of Palace Avenue. The exact parking spaces would be identified on a "PLAZA PERIPHERY AREA – VEHICLE VENDOR MAP" that would be adopted as part of the proposed Resolution (see attached).
2. Mobile vehicle vendors would be authorized at the above locations between the hours of 5:00pm to 1:00am.

The proposed Resolution also provides that City staff install parking signs at the above locations to prohibit parking by vehicles other than mobile vehicle vendors during the times of day identified above, and in addition that mobile vehicle vendors parked at these locations must remain in compliance with all other provisions of the Vehicle Vendor Ordinance at all times. The effective date of the Resolution is proposed to be May 28, 2015 – in time for the 2015 Memorial Day weekend.

RECOMMENDATION

Staff recommends that the proposed Resolution be recommended to the Governing Body for approval.

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
3
9
0
1
2
3
4
5

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
3
9
0
1
2
3
4
5

5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5

5
6
7
8
9
0
1
2
3
4
53
9
0
1
2
3
4
52
3
4
5

45

1 location, and prohibits mobile vehicle vendors from parking within one hundred fifty (150) feet of the
2 street-level entrance to any restaurant, unless such prohibited activities are authorized by a resolution
3 of the Governing Body.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
5 **CITY OF SANTA FE** that pursuant to the provisions of 18-8.9(C)(7), 18-8.9(D)(3), and 18-
6 8.9(D)(4) SFCC 1987, effective May 28, 2015 mobile vehicle vendors are authorized within the Plaza
7 Periphery Area at the following locations and at the following times:

8 Locations: Three (3) on-street parking spaces on the south side of Palace Avenue as
9 identified on the "PLAZA PERIPHERY AREA – VEHICLE VENDOR
10 MAP" below.

11 Times: 5:00pm to 1:00am.

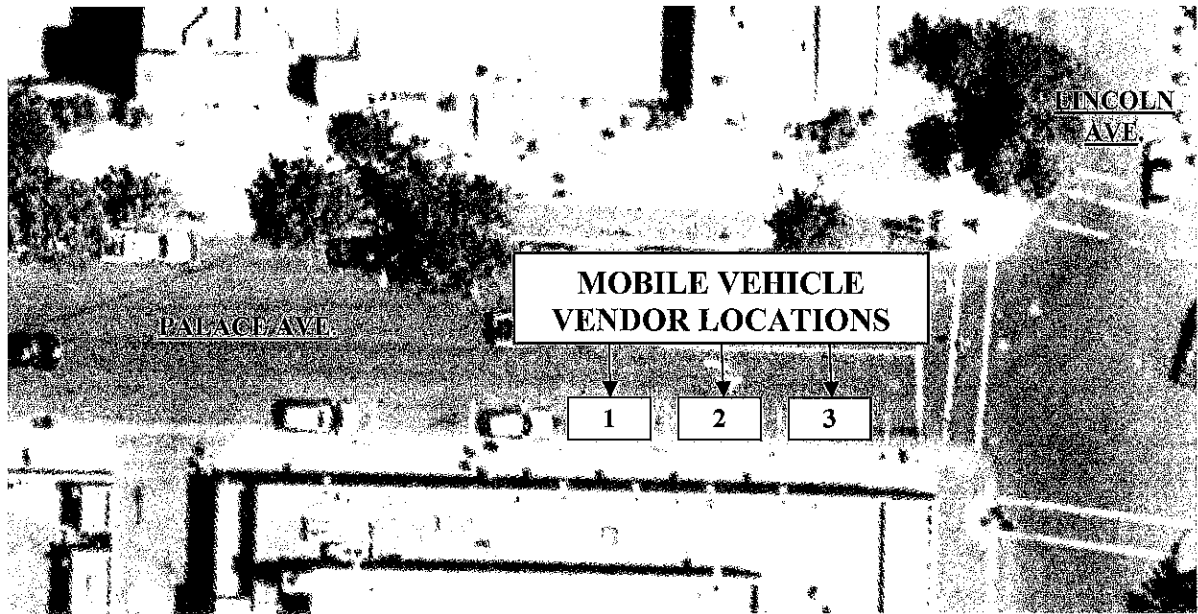
12 **BE IT FURTHER RESOLVED** that:

13 (1) City staff shall install parking signs at the locations identified by this resolution. The
14 signs shall state that parking is prohibited by vehicles, other than mobile vehicle vendors, during the
15 times identified above; and

16 (2) Mobile vehicle vendors parked at these locations shall remain in compliance with the
17 Vehicle Vendor Ordinance at all times.

18
19
20
21 [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
22
23
24
25

PLAZA PERIPHERY AREA – VEHICLE VENDOR MAP



PASSED, APPROVED, and ADOPTED this _____ day of _____, 2015.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

M:Legislation/Resolutions 2015/Vehicle Vendors_Plaza Periphery_3_11_15(clean)

City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed Bill or Resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or Resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or Resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the Bill or Resolution is financial in nature.

Section A. **General Information**

(Check) Bill: _____ Resolution: X
(A single FIR may be used for related Bills and/or Resolutions)

Short Title(s): A Resolution authorizing Mobile Vehicle Vendors within the Plaza Periphery Area at Specific Locations and at Limited Times, Pursuant to the Vehicle Vendor Ordinance, 18-8.9 SFCC 1987

Sponsor(s): Councilor Lindell

Reviewing Department(s): Finance (Business License Office); Housing & Community Development; Land Use (Code Enforcement Section); Asset Development Office; City Attorney's Office

Person Completing FIR: M. O'Reilly MGO Date: 3-19-15 Phone: x 6213

Reviewed by City Attorney: Vallu A. Bluman Date: 3/20/15

Reviewed by Finance Director: [Signature] Date: 3-20-2015
(Signature)

Section B. **Summary**

Briefly explain the purpose and major provisions of the Bill/Resolution.

The Resolution would authorize mobile vehicle vendors within the Plaza Periphery Area at three (3) locations and at specific times.

Section C. **Fiscal Impact**

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
 "N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
 "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

_____ Check here if no fiscal impact

Column #: 1	2	3	4	5	6	7	8
Expenditure Classification	FY 14/15	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 15/16	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel* \$ _____ _____ _____ \$ _____ _____ _____ _____

Fringe** \$ _____ _____ _____ \$ _____ _____ _____ _____

Capital Outlay \$ _____ _____ _____ \$ _____ _____ _____ _____

Land/
Building \$ 300 A NR \$ _____ _____ _____ _____

Professional Services \$ _____ _____ _____ \$ _____ _____ _____ _____

All Other Operating Costs \$ _____ _____ _____ \$ _____ _____ _____ _____

Total: \$ 300 _____ _____ \$ _____ _____ _____ _____

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #: 1	2	3	4	5	6
Type of Revenue	FY 14/15	"R" Costs Recurring or "NR" Non-recurring	FY 15/16	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

_____ \$ _____ _____ \$ _____ _____ _____

_____ \$ _____ _____ \$ _____ _____ _____

_____ \$ _____ _____ \$ _____ _____ _____

Total: \$ _____ _____ \$ _____ _____ _____

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

The Resolution requires that the city install parking signs at the three locations within the Plaza Periphery Area where mobile vehicle vendors will be authorized. This will require an estimated expenditure of \$300 from the Public Works Department budget.

Section D. General Narrative

1. Conflicts: Does this proposed Bill/Resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

This Bill does not duplicate/conflict with any City code, approved ordinance or resolution, or other adopted policies or proposed legislation. The Vehicle Vendor Ordinance allows vehicle vendors within the Plaza Periphery Area if authorized by a Resolution of the Governing Body.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this Bill/Resolution? If so, describe.

On June 25, 2014, the Governing Body adopted Resolution No. 2014-49 to declare its desire to bring people to the Santa Fe Plaza, to provide increased economic development opportunities, and to provide for creative and evolving usage of the Santa Fe Plaza. The Resolution directed city staff to analyze current city ordinances related to food sales on the Plaza and to recommend ordinance amendments if necessary, and also to bring forward additional recommendations that would enhance the experience of the Plaza for residents and visitors and ultimately bring people to the Plaza. If this Resolution is not adopted, an identified opportunity to enhance the experience of the Plaza for residents and visitors and ultimately bring people to the Plaza would be missed.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

This Resolution represents an opportunity to enhance the experience of the Plaza and the Plaza Periphery Area for residents and visitors and ultimately bring people to the Plaza or keep people near the Plaza who might otherwise leave to find food elsewhere.

Item B

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2015-12

Paper Bag Charge

SPONSOR(S): Councilors Ives, Lindell and Rivera

SUMMARY: The proposed bill relates to the single-use carryout bag ordinance, Section 21-8 SFCC 1987; amending Subsection 21-8.1 to modify the legislative findings related to paper grocery bags; amending Subsection 21-8.4 to establish the requirement that retail establishments collect an environmental service fee for each paper grocery bag provided to customers; amending Subsection 21-8.6 to establish a 60 day implementation period; and making such other changes as are necessary to carry out the purpose of this ordinance.

At the March 16, 2015 Finance Committee meeting, the Committee had a lengthy discussion about the proposed ordinance amendments and provided direction staff to address some of their concerns. Ultimately, the bill was approved with an amendment to call the fee an "environmental service fee" in lieu of a "paper grocery bag fee" or "service fee".

PREPARED BY: Melissa Byers, Legislative Liaison

FISCAL IMPACT: Yes

DATE: March 25, 2015

ATTACHMENTS: Substitute Bill
Amended FIR

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2015-____

INTRODUCED BY:

Councilor Peter Ives

Councilor Signe Lindell

Councilor Chris Rivera

AN ORDINANCE

RELATING TO THE SINGLE-USE CARRYOUT BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ESTABLISH THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT AN ENVIRONMENTAL SERVICE FEE FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 60 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE;

Section 1. Section 21-8.1 SFCC 1987 (being Ord. #2013-29, §2) is amended to read:

21-8.1 Legislative Findings.

The governing body of the city of Santa Fe finds that:

A. ~~[Most]~~ The majority of single-use plastic carry[-]out bags used for shopping do not

1 easily biodegrade [~~and instead~~] but rather persist in the environment for hundreds of years, slowly
2 breaking down through abrasion, tearing and photo degradation into toxic plastic bits that then
3 contaminate the soil and water [~~while entering the food web when animals inadvertently ingest these~~
4 ~~materials~~].

5 B. It is the city's desire to [~~conserve resources~~] protect the environment, while [~~reduce~~]
6 reducing waste, litter, and pollution [~~and~~] in order to help improve [~~protect~~] the public's health and
7 welfare.

8 C. The litter problem resulting from single-use plastic carryout bags is becoming
9 increasingly difficult to manage and has costly negative implications for tourism, wildlife and
10 aesthetics.

11 D. [~~Even though~~] [~~s~~]Single-use paper grocery bags require more resources to
12 manufacture, transport, [~~and~~] recycle, or dispose of than single-use plastic carry[-]out bags, [~~they~~] and
13 although many of them are made from renewable resources and are less of a litter problem than
14 single-use plastic carry[-]out bags, and are also recyclable, studies have shown that they have a
15 limited number of times they can be recycled, require more energy to recycle, and take up more space
16 in landfills than plastic bags.

17 E. To encourage the public to use reusable bags, [The] the Single-Use Carryout Bag
18 Ordinance will eliminate the use of single-use plastic carryout bags and require all retail
19 establishments within the jurisdiction of the city of Santa Fe to assess an environmental service fee
20 for each paper grocery bag they provide to customers. [by all retail establishments within the
21 jurisdiction of the city of Santa Fe and encourage the use of reusable bags.]

22 **Section 2. Section 21-8.2 SFCC 1987 (being Ord. #2013-29, §3) is amended to**
23 **read:**

24 **21-8.2 Short Title; Purpose.**

25 A. Section 21-8 SFCC 1987 shall be cited as the "Single-Use Carryout Bag Ordinance."

1 B. The production and disposal of single-use carryout bags causes significant
2 environmental impacts including contamination of the environment, the death of animals through
3 ingestion and entanglement and widespread litter. The purpose of this section is to protect, conserve
4 and enhance the city's unique natural beauty and irreplaceable natural resources through the reduction
5 of single-use carryout bags by encouraging the use of reusable bags.

6 **Section 3. Section 21-8.4 SFCC 1987 (being Ord. No. 2013-29, §5, as amended) is**
7 **amended to read:**

8 **21-8.4 Applicability.**

9 A. A retail establishment shall not provide a single-use plastic carryout bag to any
10 customer.

11 B. For every paper grocery bag provided by a retail establishment, an environmental
12 service fee of ten cents (\$.10) shall be charged to the customer for each paper grocery bag provided,
13 except that retail establishments shall not collect the environmental service fee from any person with
14 a voucher or electronic benefits card issued under Women, Infants and Children Program(WIC), the
15 Emergency Food Assistance Program (TEFAP), Temporary Assistance to Needy Families Program
16 (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic
17 Food Stamps).

18 (1) Retail establishments shall indicate on the customer transaction receipt the
19 number of paper grocery bags provided and the total amount of the environmental service
20 fees charged.

21 (2) Ten percent (10%) of the environmental service fee collected by a retail
22 establishment shall be retained for administrative costs incurred by the collection and
23 reporting of the environmental service fee to the city. The remainder of the environmental
24 service fee collected shall be transmitted to the city of Santa Fe. The city shall dedicate the
25 environmental service fees towards environmental educational programs and services

1 provided to the public, and also towards the purchase of reusable bags to be provided to the
2 public, free of charge.

3 (3) It shall be a violation of this Ordinance for any retail establishment to pay or
4 otherwise reimburse a customer for any portion of the environmental service fee.

5 [B]C. To further promote the use of reusable [shopping] bags and reduce the quantity of
6 single-use carryout bags entering the city's waste stream, retail establishments are encouraged to
7 make reusable [carryout] bags free or for sale at [the] checkout counters and/or provide boxes for use
8 at [the] checkout counters free of charge. The environmental services division is authorized to provide
9 reusable [carryout] bags for the public at low-cost or free[-]of[-]charge, [targeting such programs to
10 reach] with specific emphasis on reaching out to low-income households to the greatest degree
11 possible.

12 **Section 4. Section 21-8.6 SFCC 1987 (being Ord. No. 2013-29 §7, as amended) is**
13 **amended to read:**

14 **21-8.6 Effective Dates.**

15 A. The Single-Use Carryout Bag Ordinance shall become effective on [February 27,
16 2014] April 30, 2015. To facilitate the transition to reusable bags, there shall be a [thirty (30)] sixty
17 day (60) day implementation period from the effective date of this Ordinance. [(February 26, 2014 to
18 March 28, 2014.)] (April 30, 2015 to June 29, 2015.)

19 B. The environmental services division shall conduct an educational campaign in both
20 English and Spanish on this section.

21 [C. — ~~The environmental services divisions shall conduct a sample survey of some retail~~
22 ~~establishments impacted by this section to provide feedback about the financial impact to each~~
23 ~~establishment.~~

24 D. — ~~In a public meeting no later than twelve (12) months after the effective date of this~~
25 ~~Ordinance, the sustainable Santa Fe commission shall review and evaluate the survey results reported~~

1 by the environmental services division to assess the impacts to businesses of the Single Use Bag
2 Ordinance. Additionally, the environmental services division shall provide to the sustainable Santa
3 Fe commission a report that contains the following:

4 ~~_____ (1) An estimation of the financial impact to retail establishments of~~
5 ~~implementing this section; and~~

6 ~~_____ (2) An estimation of the effectiveness of this section compared to other~~
7 ~~jurisdictions' efforts to reduce use of single use carryout bags.~~

8 ~~_____ (3) A comparison of those retail establishments that charge for paper bags and~~
9 ~~reusable bags and those retail establishments that do not charge for paper bags and reusable~~
10 ~~bags.~~

11 ~~E. The evaluation by the sustainable Santa Fe commission shall be presented in a report~~
12 ~~to the city council with recommendations for any changes in the ban, pass through charges, or other~~
13 ~~provisions that are needed to improve effectiveness. The report to the city council shall be submitted~~
14 ~~no later than one year after the approved date of this Ordinance (February 26, 2015).]~~

15 C. The environmental services division shall conduct a sample survey of retail
16 establishments impacted by this section and shall review, evaluate and assess the survey results, to
17 then be compiled into a report that shall also contain the following:

18 _____ (1) An estimation of the financial impact to retail establishments of
19 implementing this section and,

20 _____ (2) An estimation of the financial impact on the public.

21 D. The environmental services shall present the report to the city council with
22 recommendations for any changes in this section, or other provisions that are needed to improve its
23 effectiveness. The report to the city council shall be submitted no later than one year after the
24 approved date of this Ordinance.

25 F. There shall be a sixty (60) day implementation period to facilitate the implementation

1 of a ten cent (\$.10) environmental service fee by retail establishments, pursuant to Subsection 21-
2 8.4(B). Therefore, retail establishments shall begin charging the environmental service fee no later
3 than June 29, 2015.

4 **Section 5. Effective Date.** This Ordinance shall become effective immediately upon
5 adoption.

6 APPROVED AS TO FORM:

7 
8

9 KELLEY A. BRENNAN, CITY ATTORNEY
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution: _____
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO THE SINGLE-USE CARRYOUT BAG ORDINANCE, SECTION 21-8 SFCC 1978; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ESTABLISH THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT AN ENVIRONMENTAL SERVICE FEE FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 60 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

Sponsor(s): Councilors Ives, Lindell and Rivera
Reviewing Department(s): Public Utilities
Persons Completing FIR: John Alejandro Date: 3/18/15 Phone: 955-6236

Reviewed by City Attorney: Kelly A. Barrera Date: 3/19/15
(Signature)

Reviewed by Finance Director: [Signature] Date: 3-19-2015
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

The proposed ordinance amends the existing single-use bag ordinance to establish the requirement that retail establishments collect an environmental service fee of ten cents (\$0.10) for each paper bag provided to customers. Ten percent (10%) of the service fee collected by a retail establishment shall be retained by the retail establishment for administrative costs incurred by the establishment. The remainder of the fee collected shall be transmitted to the city of Santa Fe. The city shall dedicate the fees towards environmental educational programs and services provided to the public, and also towards the purchase of reusable shopping bags to be provided to the public, free of charge.

However, retail establishments shall not collect an environmental service fee from any person with a voucher or electronic benefits card issued under Women, Infants and Children Program(WIC), the Emergency Food Assistance Program (TEFAP), Temporary Assistance to Needy Families Program (TANF), or the federal Supplemental Nutrition Assistance Program (SNAP, also known as Basic Food Stamps).

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)

Finance Director: _____

- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)

- b. Indicate: “A” if current budget and level of staffing will absorb the costs
 “N” if new, additional, or increased budget or staffing will be required

- c. Indicate: “R” – if recurring annual costs
 “NR” if one-time, non-recurring costs, such as start-up, contract or equipment costs

- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns

- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

_____ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 14/15_	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 15/16_	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$13,000	A		\$7,000	A		
Fringe**	\$			\$			
Capital Outlay	\$			\$			
Land/ Building	\$			\$			
Professional Services	\$			\$			
All Other Operating Costs	\$38,000	N		\$			
Total:	\$51,000			\$7,000			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY 15/16_	"R" Costs Recurring or "NR" Non-recurring	FY 16/17_	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

General	\$~336,150	NR	\$ TBD		
	\$		\$		
	\$		\$		
Total:	\$~336,150		\$ TBD		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

EXPENDITURES:

Staff time (FY 14/15):

- Outreach to stores (phone calls, meetings, Q&A): \$2,000
- Materials development to stores (content): \$1,000
- Tabling at community events & stores: \$10,000

Materials (FY 14/15):

- Reusable Bags to give away: \$20,000
- Advertising (print and radio): \$15,000
- Utility bill mailer: \$2,000
- Letters to retail businesses (mailer): \$1,000

Staff time (FY 15/16):

- Enforcement: \$1,000
- Data/survey collection: \$2,500
- Report/survey analysis and draft: \$3,500

REVENUE:

Notes:

- Retail stores in Santa Fe do not provide data related to bags used annually in Santa Fe, or bags used per person.
- Comparative data from Boulder, Colorado used to calculate approximate service fee to be collected in Santa Fe, specifically population size and bags purchased per person, per year (~60).
- As per the draft ordinance, of the \$0.10 cent service fee to be collected, \$0.01 cent will be retained by retailers and \$0.09 cents will remit to the city.

Calculations:

- 83,000 (people in Santa Fe, U.S. Census) - 20,750 (kids under 18 yrs., U.S. Census) = 62,250 people
- 62,250 ppl x 60 bags per person = 3,735,000 bags annually
- 3,735,000 bags x .09 cents service fee per bag = \$336,150 total annual service fee

Section D. General Narrative

1. **Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None that staff is aware of.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

Customers of retail establishments may choose to continue using paper bags and not use reusable bags.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

No

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The proposed ordinance is designed to discourage the use of paper bags, and in doing so, encourage the public to use reusable bags when shopping. The reduction of paper bags in the waste stream may have a positive impact on the environment.

Currently, businesses are providing the public with paper bags due to the ban on plastic bags. Some businesses have reported that the cost associated with paper bags is greater than plastic bags. The proposed ordinance requires retailers to collect a ten cent (\$0.10) environmental service fee for providing a paper bag, of which they may retain one cent (\$0.01) to cover the costs related to the collection and disbursement of the service fee to the city. The ordinance does not enable any portion of the service fee to be retained by retailers to help them offset the costs incurred from providing paper bags.

The impact of the service fee on low-income populations is attempted to be reduced by requiring retailers to not charge the services fee to those using a voucher or benefits card issued by WIC, TEFAP, TANF, SNAP.

The service fee collected may be used to provide free reusable bags to the public and to administer environmental education programs and services to the public, which may help to reduce waste, improve recycling rates, and improve Santa Fe's environment.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08