

VIGIL, YOLANDA Y.

From: Shannon Murphy <shannonmurphy80@gmail.com>
Sent: Thursday, May 21, 2015 4:09 PM
To: VIGIL, YOLANDA Y.; VIGIL, YOLANDA Y.
Cc: QUINTERO, ZACKARY A.; Vince Kadlubek
Subject: Nighttime Economy Task Force statement for Wed 5/27 City Council meeting

Honorable Governing Body of Santa Fe,

As it is our mission to improve the vibrancy and health of the nightlife in Santa Fe, the Nighttime Economy Taskforce recommends the Governing Body approve the resolution regarding authorizing mobile vehicle vendors within the plaza periphery. We believe that mobile vehicle vendors in this location will improve both the quality of the nightlife experience and support economic growth for the City of Santa Fe.

Additionally, we recommend that in the future the governing body consider increasing available spaces for mobile vehicle vendors within the plaza periphery and allowing the hours of operation to run from 9:00pm to 2:30am, so that these vendors would be allowed to park in designated areas where nighttime activities are taking place.

Respectfully,

Nighttime Economy Taskforce

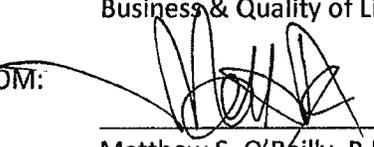
City of Santa Fe, New Mexico

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.

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2015-__
(Mobile Vehicle Vendors within the Plaza Periphery Area)

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2015-__:

1. On page 2, line 11, after "Times:" *delete* "5:00pm to 1:00 am" and *insert* "6:00 p.m. to 2:30 a.m." in lieu thereof.

2. On page 2, after line 11, *insert*

 "Exceptions: Mobile vehicle vendors are not authorized at the above locations during the permit period, or twenty-four (24) hours prior to the commencement of the permit period, of any major commercial event permitted by the city pursuant to §23-5.2 SFCC 1987 or any other special event permitted by the city within the Plaza Periphery area that requires the use of the above locations by the special event sponsor."

3. On page 2, line 18, *insert*

 "(3) The city manager is authorized to adopt administrative procedures for the management and enforcement of the use of the above locations should the need arise".

4. On page 3, lines 2 through 11, *delete* the map and *insert* the map on the following page in lieu thereof.

Respectfully submitted,

Signe I. Lindell, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk



CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2015-__
Mobile Vehicle Vendors within the Plaza Periphery Area

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2015-__ :

1. On page 3, line 12 *insert*:

“BE IT FURTHER RESOLVED that the Governing Body shall review this resolution in October 2015, after the Albuquerque International Balloon Fiesta (October 12, 2015).”

Respectfully submitted,

Signe I. Lindell, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2015-__
(Mobile Vehicle Vendors within the Plaza Periphery Area)

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2015-__ :

1. On page 2, line 6, *delete* "effective May 28, 2015".
2. On page 2, line 8, *delete* "on the south side of Palace Avenue".
3. On page 2, after line 10, *insert*
"Dates: June 8, 2015 through October 12, 2015."
4. On page 2, line 11, after "Times:" *delete* "5:00pm to 1:00 am" and *insert* "6:00 p.m. to 1:00 a.m." in lieu thereof.
5. On page 2, after line 11, *insert*
"Exceptions: Mobile vehicle vendors are not authorized at the above locations during the permit period, or twenty-four (24) hours prior to the commencement of the permit period, of any major commercial event permitted by the city pursuant to §23-5.2 SFCC 1987 or any other special event permitted by the city within the Plaza Periphery area that requires the use of the above locations by the special event sponsor."
6. On page 2, line 18, *insert*
"(3) Licensed Mobile Vehicle Vendors shall pay a "Supplemental Plaza Periphery Fee" of \$150.00 to vend at the above locations."
7. On page 2, line 20, *insert*
"(4) The city manager is authorized to adopt administrative procedures for the management and enforcement of the use of the above locations should the need arise."
8. On page 3, lines 2 through 11, *delete* the map and *insert* the map on the following page in lieu thereof.

Respectfully submitted,

Joseph M. Maestas, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2015-__

INTRODUCED BY:

- Councilor Signe Lindell
- Mayor Javier Gonzales
- Councilor Peter Ives
- Councilor Carmichael Dominguez
- Councilor Chris Rivera

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.

WHEREAS, 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; and

WHEREAS, Resolution No. 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 to bring forward additional recommendations that would enhance the experience of the Plaza for residents and visitors and ultimately bring people to the Plaza; and

WHEREAS, on _____, 2015, the Governing Body adopted Ordinance No. 2015-__ which established the Vehicle Vendor Ordinance, 18-8.9 SFCC 1987; and

WHEREAS, the Vehicle Vendor Ordinance prohibits vehicle vendors within the Plaza Periphery Area, prohibits mobile vehicle vendors from parking for more than three (3) hours at any

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

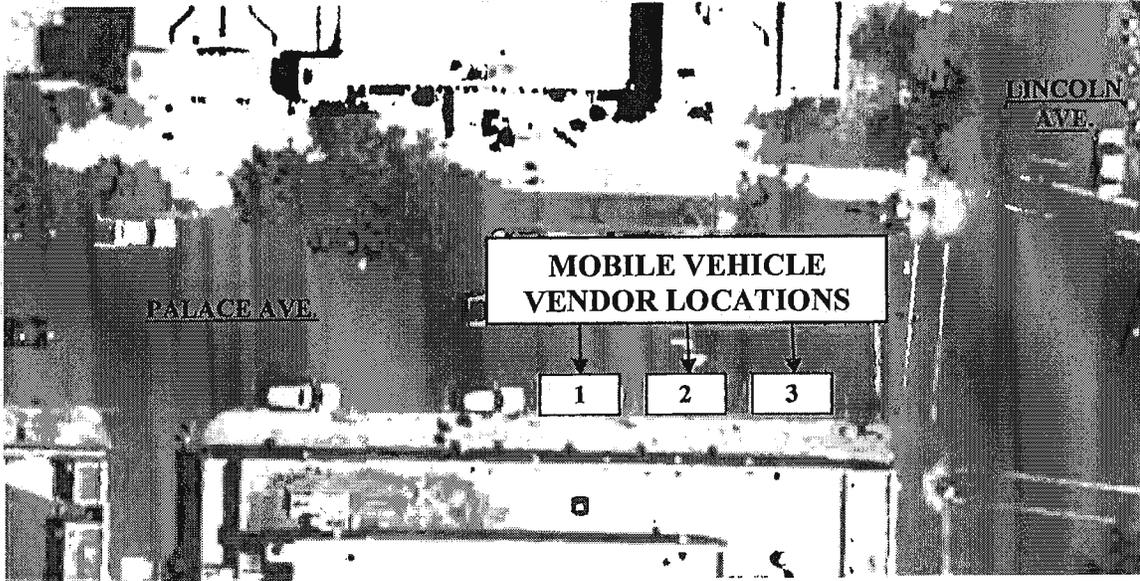
16 (2) Mobile vehicle vendors parked at these locations shall remain in compliance with the
17 Vehicle Vendor Ordinance at all times.

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[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

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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 MSO Date: 3-19-15 Phone: x 6213

Reviewed by City Attorney: Kelly A. Brennan 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.

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 04/08/15
ITEM FROM FINANCE COMMITTEE MEETING OF 03/30/15

ISSUE:

16. 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 18-8.9 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. (Councilor Lindell, Mayor Gonzales, Councilors Ives, Dominguez and Rivera) (Matthew O'Reilly)

A. 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)

Committee Review:

Public Works Committee (scheduled)	04/06/15
City Business Quality of Life Committee (scheduled)	04/08/15
City Council (request to publish)	04/29/15
City Council (public hearing)	05/27/15

Fiscal Impact – Yes (**Expenditure:** \$300 FY 14/15 Nonrecurring; **Revenue:** \$1,295 Recurring Beginning FY 15/16)

FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM

Approved Ordinance and Resolution in the amount of Expenditure: \$300 FY 2014/15 nonrecurring and Revenue: \$1,295 recurring beginning FY 2015/16.

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO	Excused		
COUNCILOR RIVERA	X		
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	X		
CHAIRPERSON DOMINGUEZ			

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, APRIL 6, 2015**

ITEM 9

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 18-8.9 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 (**COUNCILOR LINDELL, MAYOR GONZALES, COUNCILORS IVES, DOMINGUEZ AND RIVERA**) (**MATTHEW O'REILLY**)

- a. 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**)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	1 X		a X
COUNCILOR DIMAS	1 & a X		
COUNCILOR DOMINGUEZ	1 & a X		
COUNCILOR RIVERA	1 & a X		

~~Councilor Bushee supported extended hours and a follow-up meeting. She felt that some critical issues have been addressed.~~

~~Councilor Bushee moved to approve the MOA services to Interfaith. Councilor Dimas seconded the motion and it passed by unanimous voice vote.~~

~~Councilor Bushee moved to approve funding at \$2,990. Councilor Dominguez seconded the motion and it passed by unanimous voice vote.~~

~~Chair Trujillo mentioned that the tent cities in Albuquerque are being closed up. He asked if Santa Fe has had any of them coming here from there.~~

~~Ms. Rodriguez said they did at the first closing. A grapevine of homeless is effective and they felt they could be served at Interfaith Shelter. They have good food. But she didn't see there had been any problems with that.~~

- 9. 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 18-8.9 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 (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILORS IVES, DOMINGUEZ AND RIVERA) (MATTHEW O'REILLY)**
- a) 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)**

Committee Review:

Nighttime Economy Task Force (Discussion)	03/26/15
Finance Committee (Approved)	03/30/15
City Business Quality of Life Committee (Scheduled)	04/08/15
Council (Request to publish)	04/08/15
Council (Public hearing)	05/27/15

Mr. O'Reilly presented.

Councilor Bushee knew there was no definition of some of these in the Code but she saw something in the paper about the Street Food Institute Street Van. A complaint from their head chef said the City didn't accommodate them. She asked why we need to do this and how it fits in with the Plaza.

Mr. O'Reilly had no idea how it ties in with the Street Food Institute. In the past, he had discussions

with them and what they wanted to do was more restricted by the fire code like propane burners inside buildings.

This ordinance has an accompanying resolution. He hoped the ordinance was detailed enough in the report. Santa Fé has a street vendor section in Chapter 18 and it limits the number of street vendors to 10 - five for food and five for things other than food.

He could find no reason for that restriction in the code. So this ordinance eliminates the maximum number. For vehicle vendors the number is unlimited.

Councilor Bushee asked if that was on any streets of the city.

Mr. O'Reilly said the current city code only allows street vendors on streets and the ordinance frees that up. They could be on private property or in parking lots. And it opens them up for things besides food for other kinds of vendors.

Councilor Bushee said the streets now are closed to moving traffic and asked if they would be accessible.

Mr. O'Reilly said no. The ordinance prohibits that in the periphery of the Plaza - the area outside the Plaza Park, bounded by Grant, Alameda, Paseo and Marcy and includes both sides of the streets. The restriction still exists for new ordinance. But it allows an exception if approved by resolution of the Governing Body. The resolution allows only three locations and specific times. They are three spaces on the south side of Palace Avenue. The last page has a map showing them. Directly adjacent to the bank at the corner of Palace and Lincoln.

Councilor Bushee asked if that was to minimize loss of parking.

Mr. O'Reilly said the sponsor felt it was best to use these three in a trial run. They are close to the Plaza and two are large parking spaces and they are adjacent to the bank which is closed during the times the vendors are allowed to be there.

Councilor Bushee asked if it is first come, first served.

Mr. O'Reilly agreed and to be a vehicle vendor requires a license.

Councilor Bushee assumed it would be a free-for-all among vendors.

Mr. O'Reilly said staff spent a lot of time on this. There are provisions to prevent people from reserving a space.

Councilor Bushee wondered if people are going to resent this. She recalled the Santa Fé Food Institute going to Albuquerque to establish themselves before coming back. She asked if it would open up street vendors in the Railyard.

Mr. O'Reilly agreed and added that the Railyard Board does not regulate this on public streets. Parking on a leased parcel or a Railyard lot is controlled by the Railyard Corporation. But the streets are under the City. The ordinance makes it clear that special events permit sponsors to have control over vehicle

vendors. And those vendors are not subject to the other rules of this ordinance because they are part of the special event.

Councilor Bushee thought non-profits should have the first shot at those 3 spaces. Vending on the Plaza has never been easy. She asked about Bang Bite and others like that.

Mr. O'Reilly clarified there is a distinction between those that move around and those that don't. Those that stay stationary have to comply with zoning such as providing restrooms nearby, etc. This ordinance makes that clear for the first time. It is not proposing a lot of rules for those stationary vendors.

When the City got complaints about food trucks, it was usually about a truck parked somewhere for a long time. So in the coming months, we will get into rules for those vendors.

Councilor Bushee asked if the genesis was vendors approaching near the plaza.

Mr. O'Reilly said in terms of the ordinance, someone probably approached the sponsor and when Councilor Lindell came to him, he told her the maximum of ten didn't make any sense. It limits those who want to start up a business by starting in that way.

Regarding the resolution allowing mobile vendors near the plaza, it came out of the Governing Body's concern to bring more people to the plaza. They felt starting with three spaces would be a good test and they might need to increase the number.

Councilor Bushee asked why there would be no quality control over them.

Mr. O'Reilly said the City doesn't do quality control now. Only vehicles can park on the streets. The vehicle would have to be licensed by MVD. They couldn't drag their popcorn cart over and park it on the street.

Councilor Bushee said she would pursue with Councilor Lindell to accommodate the Santa Fé Food Institute.

Councilor Dominguez moved to approve the request.

He believed this would be good for the Santa Fé Food Institute so they would have access and it is clear what they can and cannot do. Like anything else, it will be a work in progress and will need resolution amendments. Even with the way this is written now, there might be wordsmithing to do. But overall, just to have clear definitions is huge. He had been working on a food plan for a while and his will help us have some healthy options for the public. It covers what he wanted to see.

Councilor Rivera seconded the motion.

He said he has been approached by at least three people on the south side specifically asking the Council to ease up on the vendors. They have to travel to Rio Rancho to sell their goods because they couldn't get a license here.

The motion passed by unanimous voice vote.

Councilor Dominguez moved to approve the resolution. Councilor Rivera seconded the motion and it passed by all Councilors except Councilor Bushee who abstained.

13. MATTERS FROM STAFF

Mr. Pino said Councilor Dominguez sent an email last week asking if there was any action from the presentation last month on life cycle costs.

Councilor Maestas is helping with a resolution on a prototype. So there is follow up.

Councilor Dominguez said this is something the Council needs to do as a pilot project. The cost alone could bankrupt the City. He presumed the cost is absorbed by Public Works budget but asked if it needed some new funding.

Mr. Pino said the cost is about \$26,000 and it will have a statewide price agreement soon. He believed they could find residual balances from other CIP projects.

Councilor Dominguez asked if it is facilities in general. The GCCC could probably use it all up with that one alone.

Councilor Bushee left the meeting at 5:54 p.m.

Mr. Pino offered to show Councilor Rivera the estimate on the Harrison Road sidewalk.

He noted to Chair Trujillo that there was lots of work done at Yucca and Zia and he would do whatever follow up work he wanted.

14. MATTERS FROM THE COMMITTEE

Councilor Dimas said he and Chair Trujillo have received a bunch of emails about that intersection so he would like to be included in that too, whenever it happens.

Councilor Dominguez asked Public Works staff to look at South Meadows and Airport Road with regard to the conflict with those turning onto South Meadows. He asked if those U-turns were still appropriate.

Mr. Pino said he would check with Traffic to see if it has been completed.

Councilor Dominguez recalled there was once an independent forensic audit (engineering) at GCCC not just from a facility perspective but it talked about the various climates that exist there. He wondered if the City still has that information.

Mr. Pino said this was the first time he had heard of that.

Councilor Dominguez pointed out that as they go into the asset evaluation process, that information could be valuable. And if Mr. Pino finds it he would like to see it.

~~The motion to support the bag ordinance amendment and move it forward with recommendations was passed by a majority voice vote. Mr. Roybal and Mr. Taggart voted against.~~

- A. 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)

Mr. O'Reilly, Asset Development Director for the City said the Staff Report and Fiscal Report are in the Committee packet.

He said the ordinance tackles the Chapter 18 section of the City Municipal Code that has been neglected and deals with business licenses and business regulations, etc. This section of the Code specifically deals with street vendors and currently limits the City to issuing 10 licenses annually to sell food and beverages and five licenses to sell other things. In addition the ordinance cleans up confusing language in the Code; creates and opens the definition of a street vendor, currently called a *vehicle* vendor; allows vendors to vend in other places than a public street, such as parking lots and on private streets; and greatly expands where the vendors can operate and the number of vendors.

The Code clearly defines 2 different types of vehicle vendors: the first is a *stationary* vehicle vendor where a food truck parks in one spot and stays there. The City ensures compliance with the zoning and parking for the employees and visitors and employee access to bathrooms. These food trucks tend to generate more trash and people complain about their business being blocked by them, etc., but this ordinance does not get into that at this time.

The second vendor created is a category of *mobile vehicle vendors*, which move around; an ice cream truck or food, beverages, merchandise, etc. or there could be mobile services like a manicure truck.

One of the new regulations added is that the mobile vehicle vendor can only be in one spot for a maximum of 3 hours and then has to move at least 300 feet. This also creates a separation between where a mobile vehicle vendor can park and the street level entrance to any restaurant. Part of the ordinance comes out of a similar ordinance in Albuquerque that has a restriction that a vehicle vendor cannot be closer than 100 feet from the entrance to the property on which a restaurant sits. In Santa Fe it is 150 feet and only applies during the restaurant's operating hours. The ordinance also allows them to be in front of a restaurant if they are part of a City sponsored special event where a special permit is issued or if the restaurant owner gives written permission.

Mr. O'Reilly said a resolution accompanies the ordinance. The existing Code and proposed ordinance maintains the restriction to prohibit vehicle vendors to be in the Plaza periphery area (surrounding the Plaza extending on the west to Grant Avenue and Sandoval and to the south down to Alameda and to the east to Paseo de Peralta and to the north of Paseo de Peralta). The ordinance continues that restriction, but allows the Council to waive the restriction if they adopt a resolution. The resolution would allow mobile vehicle vendors to be inside the Plaza periphery area at three locations from 5 p.m. to 1 a.m. and the spaces will be reserved for them for that time.

Councilor Lindell thanked Mr. O'Reilly for leading her through the process and taking the lead. She said Mr. O'Reilly's position with the City changed since starting this and he stayed with this project that no one else wanted to work on. She thanked him for his work.

Ms. Karp thanked Mr. O'Reilly. She said this is long overdue, clear and well organized and she assumes this includes health inspections and facilities removal of trash in a timely fashion, etc.

Mr. O'Reilly said yes and no. The current ordinance requires a vehicle vendor who sells food/beverages, to get approval from the Environment Department. He said the food purveyors' permit is required from the Environment Department. He explained that a mobile vendor who is licensed separately by the State will also have to obtain the special licenses that are needed to operate their business out of their vehicle.

He said previously a food truck who wanted to participate in a special event, had to get a second license. Now they will get an annual license that includes all fees and pay all of the fees at once. Then the vendor can attend any special event they want as long as the special event sponsor wants them to participate.

Ms. Kapin said, "A huge thank you. This is well written and will make a huge impact on the entrepreneurs and our night life." She is excited to see this. She asked if the 3 spots would be first come, first serve.

Mr. O'Reilly said for now it is first come first serve because that is how the other vehicle vending locations are throughout the City. However, concerns have been raised about the popularity of these spaces. He said some of the restrictions are waived to allow the vehicles to be there, however the other requirements of the ordinance are not waived; like having to pack out your trash and spaces cannot be reserved by sending someone to park there and pay the meter until your truck gets there.

He said enforcement will be on a trial run. He said they will look for more spaces if 20 mobile vehicles show up to get into these spaces. He said it was suggested that an amendment be added that will allow the City Manager to create administrative rules for those who park in these locations. He said staff will have the ability to assign those spaces, if necessary, if this turns out to be a problem.

Ms. Kapin asked if the ordinance includes anything to provide data for the City on the ordinance.

Councilor Lindell said they will know how many licenses are issued and on an ongoing basis and if people renew their licenses that will tell them that this is working.

Mr. Quintero said it was great work by Councilor Lindell and Mr. O'Reilly on the ordinance. He said this will be awesome for a lot of young people out at night. He added that some cities have a lottery system and draw for the space.

Mr. O'Reilly said he thought an amendment would be added to the resolution to allow the City Manager or staff to develop a system.

Mr. Ortiz asked how the 3 hours will be monitored and measured.

Mr. O'Reilly said in the same way we enforce most of the City's ordinances- on a complaint basis. He said the City does not have mobile police to check on the vendors. He said citations will be issued on a complaint basis.

The Committee discussed the details of the ordinance and enforcement.

Ms. Kelly asked if trucks will now be allowed to park at the Railyard.

Mr. O'Reilly said a mobile vendor can park in any legal public parking space for three hours when there is no event. He said they can park during an event by the Railyard Community Corporation if it is in a legal parking space, but the Corporation can chose to allow food trucks or not, for their events.

Ms. Kelly asked about consideration of recycling on the Plaza. Mr. O'Reilly replied there is no recycling at this time, but recycling might be considered in the future.

Ms. Karp moved that the Committee accept the Ordinance and move it forward. Mr. Taggart seconded the motion which passed by unanimous voice vote.

Ms. Karp moved that the Committee accept the Resolution and move it forward with a recommendation that the City Manager have the prerogative to address solutions to oversee issues raised in terms of the number of spaces on the Plaza. Mr. Roybal seconded the motion.

Mr. Conway suggested a Friendly Amendment to add a recommendation of the Night Time Economy Task Force to extend the hours to 2:30 a.m. for the Plaza trucks.

The friendly amendment was accepted and the motion passed with recommendations, by unanimous voice vote.

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 the date was moved to May 29th and he will have an email sent out. He said the work has expanded down Alameda and Water Streets. The rails along the river are in terrible shape and will be done, the Plaza will be touched up and the bandstand would be taken care of, which has never been done. He said volunteers would be needed.

Councilor Lindell asked Ms. Noble or Mr. Quintero to be sure Matt Ross gets the information.

Mr. Roybal said he would like to encourage getting City employees involved in this, but wasn't sure how to do that.

3) **CONSIDERATION OF BILL NO. 2015-13: ADOPTION OF ORDINANCE NO. 2015-13 (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). 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. (MATTHEW O'REILLY)**

a) **CONSIDERATION OF RESOLUTION NO. 2015-____ (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). 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.**

A proposed amendment to Bill No. 2015-13, proposed by Councilor Lindell, is incorporated herewith to these minutes as Exhibit "4."

Matthew O'Reilly said there is an amendment to the Resolution in the packet, and an amendment proposed to the Ordinance has been handed out [Exhibit "4"].

The Governing Body commented and asked questions as follows:

-- Councilor Maestas said he was asked a question from Roque Garcia a Plaza Vendor who couldn't be here this evening. He said there is some confusion, noting we made changes recently to the Plaza Vendors Ordinance. He said Mr. Garcia is concerned about the high prices of the Plaza vendor permits relative to the low price of these vehicle vendor permits, and asked if there is a large inequity in permit prices.

Mr. O'Reilly said it's really apples and oranges. The Plaza Pushcart Ordinance which came through the Council recently allows exclusive use of the Plaza itself by up to 6 vendors who can be there all day and at all times of the year. The current Street Vendor Ordinance proposed this evening currently allows a vehicle to use a City parking space for up to two hours. They are not given a specific location and can be anywhere, but are not allowed within the Plaza, the Plaza periphery or on the Plaza Park.

- Councilor Maestas asked Mr. O'Reilly to define the Plaza periphery.

Mr. O'Reilly read the definition into the record as follows: "An area outside the Plaza Park, not including the Plaza Park, bounded by Sandoval and Grant Streets to 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." He said it is a much bigger geographical area than the Plaza and the Plaza Park.

- Councilor Maestas said then these itinerant vendors would be forbidden from selling within the designated Plaza area.

Mr. O'Reilly said the current Ordinance prohibits street vendors within the Plaza periphery, the area he just read into the record. The Ordinance before the Council maintains that prohibition and does not allow vehicle vendors to be within that area. The Resolution that accompanies the Ordinance allows 3 vehicle mobile vendors to be within the Plaza periphery area. The Ordinance maintains the prohibition, and the Resolution allows 3 locations within the Plaza periphery.

- Councilor Maestas asked why we didn't require the mobile vendors to have a CRS location for the purposes of taxation within the City limits. He said some local governments do require that. He asked for clarification and the reason we wouldn't require that their CRS location be at a location within the City limits for the purposes of realizing the benefits from the taxes.

Mr. O'Reilly said he understands it is the policy of the Business License Office of the City to require that anyone issued a business license of any type, including this one, will be required to show proof that they have a CRS ID number. They are still required to pay New Mexico gross receipts tax and any State and federal income tax on proceeds generated from the operation of the business. He said he imagines they would put their home address because they won't be receiving mail on the City street or in a parking lot.

- Councilor Maestas asked if we could require as a condition of the business license a location for taxation within the City limits. He wants to be sure the City benefits from the tax revenues by expanding this program.

Mr. Martinez said, "I think, I confess I'm going to have to research the answer to that question, because I can't answer it off the top of my head. I can see them using a home address and considering it a home business. But, I would have to get back to you at a later date to answer that question, whether we could legally require them to put an address within the City limits. I do think the way the Gross Receipts and Compensation Tax Act works is such if they are performing services that are taxable within the City limits, they would be subject to the local option gross receipts tax that the City has imposed, and they would be responsible for that."

Mr. Martinez continued, "The other possibility is the City has the ability to request audits from individuals that it knows operate within the City limits for the amounts of taxes that are reported to Taxation and Revenue, so we could do a random sampling of entities that way, too. And Tax and Revenue can provide that information to the City. I know that authorization was recently granted, I think, in 2012 by the Legislature to municipalities."

Responding to Councilor Bushee, Mr. O'Reilly said on page 5 of the Ordinance, page 8 of the packet, starting on line 14, Item #4 talks about mobile vehicle vendors that sell food and beverages. He said, "It was necessary to insert the additional provision, and if you look at the Amendment Sheet, it's saying that on line 14 on that page 5, we're going to insert this language, and then right below, the editor's notes said the sections will be renumbered accordingly."

- Councilor Bushee said then it's a whole new Section, and asked what it is trying to achieve.

Mr. O'Reilly said this is a complicated Ordinance in the sense that it touches many departments of the City and one of the areas it touches is the City's rules on parking. Currently, the City has different zones for parking – parking allowed up to one hour, two hours or four hours. Those zones are established by the City. He said because the Ordinance allows a mobile vehicle vendor to stay in one parking space for up to 3 hours, it's possible that they could park for up to 3 hours in an existing parking zone that only allows parking for 2 hours. He said the new Parking Division Director suggested this language as a way of addressing that issue.

- Councilor Bushee asked if we also are addressing the Resolution, or if you are waiting on that, and Mr. O'Reilly indicated, non-verbally, that the Resolution is being addressed.
- Councilor Bushee said she thinks we should have a system similar to the Plaza vendors if there is going to be competition around the corner on the Plaza. She would like to see something addressed in the Ordinance. She asked if changes were made to the Resolution, commenting she has no idea of how people might be interested in this, but it could be a free for all. She is looking for changes to the Resolution.
- Responding to Councilor Lindell, Mr. O'Reilly said on packet page 23 there is a proposed amendment to the Resolution.
- Councilor Bushee asked if this came through the Committee process and Councilor Lindell said yes.

Mr. O'Reilly said the proposed amendment to the Resolution is on packet page 23, and Item #3 of the proposed amendment states, "The city manager is authorized to adopt administrative procedures for the management and enforcement of the use of the above locations should the need arise." Mr. O'Reilly said these are the 3 locations within the Plaza periphery.

- Councilor Bushee said then you didn't get specific about that in your Committee. *[note: there was no audible response]*
- Councilor Bushee said the Ordinance is strict about who can serve from a cart on the Plaza, and asked the reason we wouldn't have similar criteria for a new vehicle within the Plaza periphery.
- Councilor Lindell said, "I'm not sure what your question is, Councilor."
- Councilor Bushee said, "I think it's exactly where Councilor Maestas is trying to go in terms of, you're essentially just crossing the street, and you've got 3 spaces. And we charge now and it's going up to \$3,000 and some dollars to have a food cart. On top of that, we have a selection committee, we have jurors, we have the whole thing. What I'm asking is why we didn't take some kind of approach that at least gave us.... because the whole justification for raising the rates for the food vendors is that this is prime real estate downtown and we should really be having an equitable system, and so I'm asking, why did we choose to go this route."
- Councilor Lindell said, "I think that as Mr. O'Reilly said, I think you're comparing apples to oranges. People who are Plaza pushcart vendors essentially are renting the exact same space every day all year round. They have access to one space, it's their space and they can use it every day. These are 3 spaces where any licensed food truck can come and vend in one of those 3 spaces, so it's a very very different thing. We are not renting that space to one vendor."
- Councilor Bushee said, "But, by default, say there's only 3 food trucks that want to fill those spaces. By default, every day, they arrive, plug in somewhere some kind of generator, something, well that's what we get when we have trucks during Fiestas. I see Bang Bite and all of them they're plugged in. Well, in any case, we have again, prime real estate owned by the City, you just cross the street. Let's just say there's only 3 food trucks. We don't have to worry about a lottery and if they show up every day, this is their spot. This is kind of how it went with the tour guide folks. We almost had rumbles over the years about who would get the first spot, so visitors would go right there. I'm just saying that I feel like this, not that I'm one for over-regulation, I just feel like this completely missed that, and I don't understand why. Again, I'll wait for the public hearing, I'm just asking the thinking."
- Councilor Maestas said he spoke with some of the vendors during Community Day, and others are concerned about this and the perceived inequity and the higher pushcart vendor permit prices and then the much much lower proposed permits for the truck vendors that are going to be in the periphery of the Plaza. He said the Murphys that sell popcorn decided not to apply for another pushcart vendor permit, and are very dismayed to the point where they don't want to participate any more as a Plaza vendor. He said he has heard the number of applicants went way down and there were only 7 applications for pushcart vendor permits, although doesn't know if that is true. He has spoken with two, long standing, well liked Plaza vendors and they are completely dismayed based on the direction we're going and the whole fee structure, and it started with the higher fees.

- Councilor Maestas continued, saying he thinks there needs to be some consideration in the allowance of the additional vendors in the periphery and perhaps to consider a different rate structure for those vendors. He said, "I see it as kind of an infringement on the established market, the exclusive market that we claimed to offer the Plaza Pushcart vendors. He said Roque Garcia called Councilor Dimas as well. He said the Murpheys said they don't want to play any more and said, 'Good luck.' He said this is troubling to me, and so I really think we need to really consider where we're going."
- Councilor Dominguez said, "I'm not quite sure when we started to get too concerned about competition. I thought that competition was good, and I see this as a way to really just start the process in getting some of these things defined. I think these things can be amended at any time when they need to be, but I'm not necessarily in decided whether or not right now, anyway, without having some information or process that's taking place about whether we should do one amount versus another amount without some practice in place to measure that."
- Councilor Dominguez said, "To your question, Councilor Bushee, I agree. If there's only 3 vendors and we kind of corner that market, that is true, but what if there are 15. We don't know that. We don't know how many there are. And I think what this does is it potentially opens it for other people who are thinking about getting into that market, to be able to get into that market, because they have an affordable opportunity to kind of get it started. And so I'm not asking you any questions Councilor Bushee, I'm just making rhetorical comment as is everyone else."
- Councilor Bushee reiterated that she will make her comments after the public hearing."

Public Hearing

Mayor Pro-Tem Ives gave everyone 3 minutes to speak to the issue

Jennifer Lind, Executive Vice-President, First National Bank, Santa Fe. Ms. Lind said she has been with First National for 30 years. Her biggest concern first, is having food trucks parked right outside the bank. She said Mr. O'Reilly explained that has been changed to across the street and off Lincoln and she thanks the City for that. However, she has concerns in going past midnight with the food trucks out there. She thinks security is a big issue for the bank, and it certainly is in their parking lot. She gets to work every morning and they are pulling beer bottles out of the parking lot. She said trash is a constant issue downtown, and they have a hard time with the trash that they have right now. She is concerned with what it will be when trucks are out there until 1:00 to 2:00 a.m. She hasn't heard anything about police enforcement, trash pick-up, etc.

John Dressman, Santa Fe Downtown Merchants Association, said it is news to him that they have moved it from the location next to the bank, and asked if that is what is happening, and where it was moved.

Mayor Pro-Tem Ives said in the packet it is indicated there will be 2 spots across the street from the Bank and one up Lincoln Avenue, all on the street adjacent to the museum.

Mr. Dressman said the thing that brought his letter to the Governing Body a while ago, is that when Mr. O'Reilly sent out the original packet, the cost was listed as only \$300 for three signs on parking meters. Mr. Dressman said, "And my question was what about the Police. What about Parks and what about sanitation. Don't those things cost something. There will be hamburgers that fall off onto the sidewalk, and there's going to be grease spots. There's going to be paper plates floating around. Who is going to pick those up. Now I know for instance, at some of the events that happen on the Plaza, my store which is on Lincoln, there is a vendor across the way for some of the events that sells corn-on-the-cob, and every year, people get out of the heat of the day and come over under the shade of the portal and drop their corn-on-the-cob in front of my store. And I clean that up, not the City, even though the City is charging those vendors for that service. That's the kind of thing that the thought process isn't reflecting in the legislation as I read it. Again, I wasn't aware that it was moving. Quite frankly, I think from my point of view and from our Association's point of view, this thing really isn't ready to go. It really needs to be fine tuned."

Mr. Dressman continued, "The point I was going to make is what is the definition of the Plaza and the Plaza periphery. If that first parking spot on Palace Avenue, right at Lincoln, next to the bank, if you imagine the portal of the First National Bank and the street, if the nose of that truck is one foot in front of that, it is one foot into the Plaza, because the Plaza is defined as the façade of the First National Bank. So you have a lot of these strange little issues, and quite frankly, I don't think that it's fair to the 22 restaurants that are within one block of the Plaza to do this in the evenings. Thank you."

Nick Marial, owner of Tia Sophia's Restaurant downtown, said, "I feel a little bit like the Lorax. I'm speaking for the trees that didn't show up tonight. I feel kind of odd that I'm the person here, because it probably affects me the least, because I'm not open for dinner. But I have a number of concerns about this. You walk downtown in the dead of summer and the trash cans are all overflowing as it is. Are you going to clean up the trash some more if we do this. Are you going to provide facilities, because there are people who need to wash their hands or use the john. During events we have porta potties out there. Are we going to have porta potties. I have a lot of the same concerns as these folks. Who is going to clean up the mess. Where are these people going to use facilities. Somebody was talking about comparing apples and oranges."

Mr. Marial continued, "I've got some concerns about the inequities of this from a restaurant point of view, from a restaurant that has a permanent presence downtown. This is apples and oranges, but it's still all food. These people are going in for 3 hours and they're going to come in for the 3 best hours. You're going to see more competition during the dead of summer than there are people downtown. And I don't know what the permit is, but I can guarantee it doesn't make up for all the costs that we restaurant owners have to deal with every day of the year. We've got downtown rents to contend with. We have a heavy water fee tacked onto our sewerage by the City that these people won't have to pay. How are food inspections going to work on food trucks. I don't know how that works. Are they going to get inspected."

Liability insurance, I pay for liability insurance on my restaurant if someone trips. I don't think these people have to pay the same sort of liability insurance. I have a full staff, I have 20 jobs I supply and that incurs and unemployment tax, which went up by a lot. I'm not here to complain about that, but that's a cost that I have to pay. I don't think a food truck with maybe 1 or 2 employees has to deal with. There's a lot of cost and we're there every day of the year, keeping the occupancy of downtown Santa Fe up, keeping Santa Fe looking good. Even on the off seasons when there's nobody there. I guess this got me in a bit of a tizzy because it just seems really unfair. It doesn't seem like a very even playing field. They're coming in the best hours, take the skim off the top as somebody put it. I just don't see making up for that."

Mary Chavez, First National Bank, said her concern are lack of facilities. She said most restaurants close at midnight, and asked where these vendors are going to be able to utilize the restrooms. She said we all know that's a concern downtown. She can see people going to La Fonda to use the restroom. She said people urinate and defecate in the bank parking lot because there's no other place to use the restroom. She is also concerned about the time frame as well.

Mark Lovato, First National Bank, and retired procurement officer. He said the comments on competitiveness stirred up past experiences and he wants to comment on that. He said in looking at the Street Cart Vendor requirements in the Ordinance there is a large disparity between what those individuals have to adhere to versus the vehicle vendor. The Street Cart vendors have to have a certain quality of food and a requirement for specific insurance, which is lacking in the Mobile Vendor Ordinance. He said you can't have true competition unless you are on equal terms.

The Public Hearing was closed

The Governing Body commented and asked questions as follows:

- Councilor Bushee understands wanting to open it up throughout the City, and thinks most of the Ordinance is passable this evening. She thinks the Resolution could use some more work and more input from the downtown merchants to the Plaza vendors to try to put this on equal footing. She doesn't want somebody investing in a truck and then we do what we did with the Plaza vendors and jack the rates up by 300%. She would like to deal with this now in the Resolution. She said the main contention are the new Plaza peripheral spaces. She said there are people that are interested in the Ordinance and opening it up City wide. She has had concerns from the start. She said now you've moved it across the street right in front of the museum shop which is open in the summer to attract customers. They will have new smells, new noises and all kinds of things.
- Councilor Bushee continued saying we have needed a bathroom downtown on the Plaza forever. She has made that as a directive as we pursue family or gender neutral restrooms. She has asked we pursue a restroom somewhere in the vicinity of the Plaza that is a public restroom, but she hasn't had progress report, but will get to that later this evening. She said, even with that, these

folks that have come tonight have every right to express how hard it is to keep the doors open with the expensive rents we have downtown. She applauds accessibility which is where the Plaza Cart Vendor ordinance came from, and we maybe have over-regulated and overpriced that now. She wants to take more time with issues around the Plaza, these new trucks and that Resolution. She has no problem opening the Ordinance City-wide to provide accessible food and make it follow regulations so it is in the proper parking spaces and such, but she has bigger concerns with the Resolution.

- Councilor Dominguez said, "I appreciate your comments about making sure we have food access throughout the City, because quite frankly, we have food vendors on the south side, and I'm not quite sure what folks are too concerned about. Many times these are opportunities for people to get a foot in the door and start businesses and maybe open a restaurant. At that point, it becomes a level playing field. And I think that's something I support, is how do we set that groundwork to allow and give small business owners the opportunity to get their foot in the door. It's no secret that mobile food vending is becoming very popular throughout the Country and is popular on the south side. There are concerns people have such as trash, which is some of the things he has experienced with some of the vendors on the south side. But if we can handle it on the south side, we should be able to handle those impacts, grease on the floor, trash, the regulations, the enforcement of it all. We should be able to do that on the Plaza as well."
- Councilor Dominguez continued, "When I look at the competition piece, I'm not looking at it so much as competing interests between mobile food vendors and restaurants and the Plaza vendors there now. I'm talking about the competition that could potentially exist with the opening of small businesses." He said they will need loans from banks and to understand the regulations. He thinks this kind of program helps small business owners get their feet wet and get their foot in the door. He said in talking about fairness, it depends on what position you're taking. He said what is fair is making sure we give people an opportunity to succeed in the small business environment.
- Councilor Trujillo said he has the same thoughts as Councilor Dominguez and wants to see competition and for new businesses to have the opportunity. He said the Plaza belongs to the entire community not just to certain people. His concern is dealing with the fairness of the situation, commenting that Roque Garcia called him as well. He said we make the Plaza vendors technically jump through hoops, but we're not requiring the same from the new vehicle food vendors. He said that isn't fair. He said the biggest issue he has in supporting this is the issue of fairness. He thinks we should charge the vehicle food vendors the same and require them to jump through the same hoops to make it fair.
- Councilor Dimas asked what time the established Plaza vendors have to close.

Mr. O'Reilly said he is unsure, noting there is a section in Chapter 16 which has curfews for City Parks at 10:00 p.m., which also applies to the Plaza. He said by the time the mobile vendors are allowed to be downtown it's 6:00 p.m., and the Plaza vendors have gone home. He doesn't have the full answer to that question.

- Councilor Dimas asked the rationale for allowing the new street vendors to stay until 2:00 a.m.

Mr. O'Reilly said, "To be clear. The Plaza Pushcart vendors are allowed exclusive usage of the Plaza and the Plaza Park unlike any other business in the City. The mobile vendors can sell things other than food, and are not given exclusive rights to any place and could vend after 6:00 p.m., per the Resolution. It's completely different from what the Pushcart Vendors get and the rights they have under the Ordinance to be on the most expensive real estate in the southwest I would say. The mobile vehicle vendors don't have those rights. They're not given the same rights. They show up if those 3 spaces are taken, it's too bad for them that night. They're going to have to drive to another location outside the Plaza periphery."

Mr. O'Reilly continued, "And I will say, we know Councilors and Councilor Dimas, that every year, at least that I've been working for the City, the City issues all of its street vendor permits right away at the beginning of the year. Why. Because we only issue 10. The City currently restricts what we're calling vehicle vendors to 10. So there aren't going to be just one or two or 3 or 10, we think there will be more. We hear anecdotally that people want there to be more. So I don't think we'll see a situation where there are only 3 vehicle vendors only and they sort of camp on those spots inside the Plaza periphery. That's not going to happen. There will be different people there at different times. And the Ordinance prohibits anyone from holding or reserving those spaces in any way."

- Councilor Dimas said people are going to compete for spaces, and there will be trash and everything else they're referring to. He said the restroom issue has been there for many years, and hopefully that will be resolved in the near future. He also is concerned about the costs to the Plaza vendors who are there now, and he sees an inequity there. And it may be apples and oranges, but if they have to pay more, to make it fair for everyone, the costs have to be equitable along the same lines. He said, "I'm not real sure where this going to go, but I can see a problem. I always look at the negative part of this thing, and the thing I see is we're going to start getting mobiles starting to fight over those spaces. And one is going to try to overpower the other. I can see this happening in the future with people competing in these spaces, and it could get very fierce. We don't need any more public safety issues on the Plaza. I am playing the Devil's Advocate on that part of it. Personally, I think we need a little more work on this. I'm not ready to support this at this point. That's all I have."

- Councilor Lindell said she spoke with Parks about increased trash and has them on some ready alert and they're aware of it. She said it's not like other businesses and pushcart vendors downtown don't generate trash. She said this is economic development, and we're had a call from people wanting to do this. The Community College has a food truck program that they're

promoting. It seems like something reasonable for us to try. If it isn't successful, it's something we can look at in a few months to see if we need to do something different. She said we've heard from people that they want this downtown. She said part of the Ordinance provides they have to keep their area clean and they have regulations like any other business for getting a license for the truck, having insurance. She thinks we're getting a little in the weeds on this that these are 3 spaces for food trucks to go into. She said La Fonda has borne the brunt of public restrooms downtown for a long time. She thinks this is something we've heard from a lot of people they would like to have. They have tried to put safeguards into this for existing restaurants, making sure that all over the entire City that these vehicle vendors can't be within 150 feet of an existing restaurant entry.

MOTION: Councilor Lindell moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2015-13, including the proposed amendment.

MOTION: Councilor Lindell moved, seconded by Councilor Bushee, to postpone the Resolution at this point in time.

DISCUSSION ON BOTH MOTIONS: Councilor Lindell said this has been through numerous committees and all of a sudden it's problematic. It's a little discouraging.

CLARIFICATION ON MOTION TO ADOPT THE ORDINANCE: Mr. O'Reilly asked if the motion to adopt the Ordinance includes the proposed amendment and Councilor Lindell said yes.

Councilor Bushee said she isn't on the Committees which this has been through. She said, "My point originally on the fee structure that it is \$100 a year, and if it encourages the Street Food Institute, an arm of the Community college, then she has no problem with a non-profit having a different kind of rate. However, that's not built into the legislation. She is grateful we will have more time for discussion with business owners downtown and Plaza vendors and everybody, but it's different when you're talking about the Plaza. It is different. The concentration of activity on the Plaza is unlike anywhere else in the City. She would like to encourage that a slot be designated for the Street Food Institute and have a non-profit rate structure.

Councilor Bushee continued saying Councilor Dominguez knows as well as anyone we don't change a blade of grass on the Plaza without a lot of input. This is, by extension, a part of the Plaza. And it's important. She isn't saying we shouldn't have a lively downtown after-hours. We need to be clear up front with people who are going to invest in a truck as to the costs in the long run, rather than saying down the road we have to charge more. She applauds all of those who brought this forward, and appreciates Councilor Lindell's work on this. She thinks the Ordinance is good to go.

Councilor Bushee continued, "I am concerned though that the fee structure is set in there and if we pass the Ordinance and we want to change the Resolution and set up a separate fee structure for how we want to do this, if we can do that without amending the Ordinance."

Mr. O'Reilly said yes.

Councilor Bushee asked for a lawyer's opinion on that.

Mr. Martinez said, "Councilor Bushee, I believe that the fees in the bill are only for the business license fees. So on page 8 of the bill, page 11 of the packet. I'm sorry, it's on page 7 of the bill, 10 of the packet, paragraph 10. Also on page 12 of the packet, paragraph 27 does define the fees for business licenses."

Councilor Bushee said she was talking about the language on page 9, line 16, Item 27 which provides: "Vehicle vendors as defined, \$100 per vehicle. The annual vehicle vendor fee shall include any applicable annual fire inspection fees....." which we added on top of the Plaza vendors.

Mr. Martinez said, "Those also relate to the Business License Fees Councilor Bushee."

Councilor Bushee said it's specific to vehicle vendors, but "whatever you all say. I want some flexibility if we're discussing that, to create maybe a category for non-profits.... I don't think by extension you want to open the Plaza Vendor Ordinance either. So that's my only question, my only hesitation. I don't want to not move on this Ordinance, I just don't want to tie us up later."

Councilor Trujillo said then it's first come, first served.

Mayor Pro-Tem Ives said, "On that point, I believe it was indicated earlier that initially that is not regulated, but the power is given to the City Manager to adopt appropriate regulations, correct me if I'm wrong in that."

Councilor Trujillo said, "I want to see more trucks, but I don't know how to put it in place. This doesn't pertain to those vehicles parked around the Plaza. Is there going to be some mechanism in place Matt. My discussion we had was about the cost, how we make the Plaza Vendors pay all this money because that's prime real estate as it's been stated."

Councilor Dominguez said, "Point of Order Mayor Pro-tem. I think the Resolution is being postponed." And Councilor Dimas said we haven't voted on that yet.

Councilor Bushee said, "It's just a question about whether or not we could then change, by Resolution, the fee structure for those 3 spaces. But this Ordinance does dictate the \$100 fee. Could we supplementally deal by resolution for any additional other fees. And I got yes from the Land Use Director, but I'm asking the lawyer if that causes a problem, that's all."

Councilor Trujillo said, "My question is if we are going to have an inspector going out there and would he assess the fees, if we do decide on extra fees just for those people that are here. Is that how we're going to do it, I don't know. I'm not trying to make this difficult. I'm just saying you have those vendors that will be parked around the corner, and you're just saying \$100, yet we make the Plaza vendors jump through hoops. You know we do, and how much it costs them. This is where for me, it's not fair."

Councilor Dominguez said he hears what Councilor Trujillo is saying, but "the point is that the main sponsor of the bill has recognized that and that's why she has moved to postpone so those questions can be explored and answered."

Councilor Rivera said, "I want to applaud Councilor Lindell for bringing this forward, and I continue to support this and think it's a good Resolution and a good Ordinance as well. I think at some point when the Plaza vendors started working their way on the Plaza, obviously fees weren't that high because we just raised them. This is a new program, something that's just starting up. Let's give it an opportunity to see what it's going to do and then make adjustments as we go. I think that is the beauty of what Councilor Lindell put together. It gave us some flexibility moving forward. We can look at making those changes, so I continue to support that."

Councilor Rivera continued, "And again, I have a little bit of a hard time with some of the people that came out, because they had to get their foot in the door at some point. And now that they're there, they want exclusivity, they just want the Plaza for themselves. And anything that can be done to eliminate competition just seems wrong. So again, everybody wants in until they're there, then nobody else can come aboard. And again, the Plaza is for everybody and I think it's something that will benefit economic development and really benefit the people of this community. So I applaud you for that. I continue to support it."

Mayor Pro-Tem Ives said he does not find the differential in what's being charged between the Plaza vendors, versus what is proposed for the vehicle vendors, to be out of order at all. The points have been made that those who are permitted on the Plaza have secure locations for a period of a year and he understands there is very little limitation on the timeframes they are allowed to occupy the space, and they may be able to do that 24/7 which doesn't make sense from a presence perspective. If you look at the timeframe that's built into this Ordinance which is 6:00 p.m. to 2:30 a.m., you're talking about 8½ hours, and 2-4 hours of which will not see a great deal of business. Anybody who drives around the Plaza past 10:00 p.m., probably can count the people there on one hand. He said 1/3 of the time – take the \$3,000, knock it down to \$1,000, take the \$1,000 cut it in half again for the timeframes they are allowed to be there, and that takes you down to \$500. And then you remove the exclusivity and put it on whatever type of lottery system or showing up first system it's going to be based on. And quite frankly, the \$100 does not seem out of the realm of anything unusual to him in terms of what is being offered. It is off the Plaza, it is between hours that are not necessarily the most productive for purposes of operating a business, but are designed to try and bring people downtown and enliven the Plaza area in the evenings which he thinks is a large part of the primary thrust here. He thinks this is something we need to get on with. It's something he supports doing, notwithstanding the 1 or 2 arguments about unfairness he's heard, that that really makes total sense to him. He stands in favor of this as proposed initially, and hopes we pass both of these tonight.

Councilor Maestas commended the sponsors. He said this is a measure to stimulate and encourage entrepreneurs, get businesses started and offer some variety in some of the food and add to the vibrancy of Santa Fe. He supports the Ordinance and its intent and sees nothing but good things coming from it. His focus has been on the Plaza periphery and the only basis for his concern is from direct feedback from the vendors. He said the Murpheys told him of their plight and how they had to wait 5 years for a permit, and

then within a matter of months, we had, what he considers to be a diminishment of the exclusivity of holding a pushcart vendor permit on the Plaza, by adding more permits, reducing the permit period and adding to the permit cost. He said the Murpheys reminded him that their season, realistically is only 6-7 months, given the winter time. It certainly isn't a year round presence, even if it is a year round permit.

Councilor Maestas said he would remind everyone about the discussions we had about light pollution and the use of generators by buskers. Generators are prohibited to be used on the Plaza by any busker, and he doubts the pushcart vendors can use generators or supplemental lighting. But with these vendors, he would gather they are going to use generators and have significant lighting to attract customers. We need to be mindful of the impacts to the Plaza periphery – in general, to the existing vendors. He agrees we should try this, but he disagrees with the philosophy in looking at the amendments to the Resolution, by changing the time from 1:00 a.m. to 2:30 a.m., commenting that it is a late significant change, changing the spaces. He said this has caused some shock treatment to some of the businesses on the Plaza. He commends Councilor Lindell for taking a go-slow approach, commenting he doesn't believe the Resolution is ready, but he is in full support of the Ordinance and commends the sponsors for bringing it forward.

Councilor Maestas said, "Point of order. We have two motions on the floor."

Mayor Pro-Tem Ives said we have one motion to pass the Ordinance and another one to postpone the Resolution. He asked when the Resolution will come back to the Governing Body, and said he hopes we're not going to send this on another endless round of committees where people do not speak up, but rather bring it directly back here.

Councilor Bushee said, "We didn't let the attorney answer the question that started this whole Round-Robbin as to whether or not we could set the fee structure for those 3 spots by Resolution."

Mr. Martinez said, "Councilor Bushee, I've been talking to Melissa Byers here, and we reviewed how the pushcart vendors annual license fees were established, and they were established by resolution."

Councilor Dominguez would like to be date specific on the postponement.

Mayor Pro-Tem Ives said we should take it as two different motions and we can deal with that very specifically.

FRIENDLY AMENDMENT: Mayor Pro-Tem Ives would like to postpone the Resolution to the next meeting of the City Council. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Mayor Pro-Tem Ives said the motion currently before us is to approve the Ordinance with the amendments.

VOTE ON THE ORDINANCE: The motion was approved on the following Roll Call vote:

For: Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Mayor Pro-Tem Ives said this brings us to a vote on the Motion to postpone the Resolution to the next Council meeting.

FRIENDLY AMENDMENT: Mayor Pro-Tem Ives would like to amend the motion to bring this matter back directly to the Council two weeks hence.

DISCUSSION ON THE FRIENDLY AMENDMENT: Councilor Bushee said this was a public hearing and would suggest you need a meeting with some of the folks that were here and/or the Plaza vendors – that's her idea of what will transpire between now and then and asked if this is possible.

Mayor Pro-Tem Ives asked if Resolution requires a public hearing.

Mr. Martinez said, "A Resolution does not require a public hearing."

Councilor Bushee said, "I know, but you managed to put it on tonight. I thought the idea of postponement was for more public input. Am I wrong."

Councilor Lindell said, "That's not how I made the motion. If you want to withdraw your second that would be fine."

Councilor Bushee said, "You didn't postpone to a date specific and so we're having that debate now and I understood you to be postponing it to deal with some of the issues that were raised tonight of potential inequities and/or a non-profit rate and/or all of the above. So I didn't hear any direction and I would like to see some direction that says we're going to discuss some of those topics with those concerned."

Councilor Dominguez said, "I wouldn't agree with that. The people who were here that were concerned left, and I think that the concern that we have as individual Councilors, we can pursue those questions and comments or whatever we're looking for without having that public hearing."

Councilor Bushee said, "I seconded it because the Sponsor seemed to be responsive to the concern. And just bringing it back here in two weeks without any process..... I don't feel like withdrawing my second either, so you're going to have to make some motions. It's not friendly."

THE AMENDMENT WAS NOT FRIENDLY TO THE SECOND.

MOTION: Councilor Dominguez moved, seconded by Councilor Lindell, to postpone the Resolution to the next meeting of the City Council on May 27, 2015.

CLARIFICATION: Ms. Vigil asked, "If I may, will your motion include closing the public hearing, or that will be on later. It won't. Okay."

Mayor Pro-Tem said, "We have a superceding motion to postpone until the next City Council on May 27, 2015, which has been seconded. Any further discussion on the motion that is currently before us."

DISCUSSION: Councilor Maestas said, "Can't there be any kind of... Matt do you recommend like a bare bones committee referral on the Resolution with proposed amendments. It seems futile for us to just bring it back in two weeks without any kind of effort to consider amendments. I suppose the Council can make amendments, but is there any appropriate Committee maybe that we could at least notify some of the folks to attend a committee meeting. I think at a minimum, we should at least make a concerted effort to invite them to an appropriate committee meeting and consider some amendments from Councilors. What committee do you suggest. Business & Quality of Life."

Mr. O'Reilly said, "I can tell you that the Nighttime Economy Task Force, the Business & Quality of Life Committee, and the other committees this went before, everything was approved unanimously. I hesitate to recommend to the Council what committees they think this should go to."

Councilor Maestas said, "I don't advocate having a formal public hearing for the Resolution, but I would like maybe to give that latitude to the appropriate committee chairs and give us time as Councilors to submit amendments to the fee structure or whatever."

Mr. O'Reilly said, "Based on what I've heard in the last 20 minutes from the Governing Body, I was envisioning probably getting a call from Councilor Lindell at 8:01 a.m. in the morning, telling me to clear my calendar and start working on these issues that came up tonight. And then her reaching out to those among the Governing Body that she thought she needed to and asking me to touch base with other people. And if the Governing Body wants to hear this back in two weeks, we'll have to hustle to get some meaningful ideas going here based on what I've heard tonight. So don't know if this process is served well by going to additional committees, but rather by working directly with the Councilors that have concerns and reaching out to others in the community that have expressed concerns and doing that as fast as possible."

Councilor Maestas said, "I do think it's important for us, I think out of respect for the folks that waited a very long time, some of the bank employees, to conduct direct outreach and solicitation of recommendations. I know what they told us, but it would be good to come back and say, hey we heard you, these are some of the amendments that we proposed, are you okay with it. I just want to make sure that we're sensitive to them coming in and waiting and providing their feedback. Is there any way we can maybe extend that."

FRIENDLY AMENDMENT: Councilor Maestas asked, "Would you as a friendly amendment just consider maybe at least to add another week to allow not just for the amendment process, but to allow staff time to at least get back to the folks that were here, particularly those that represented interests around the areas where the trucks would be. I just think that would be a good gesture. Again, we can be as quick as possible, but if you consider, what is our advertisement for the captions, it's 72 hours. Right."

DISCUSSION ON THE FRIENDLY AMENDMENT: Ms. Vigil said, "We would get it to the New Mexican next Friday for publication on Tuesday, and we would post on Friday as well."

Councilor Maestas said, "Realistically, the caption wouldn't change right, but perhaps the content would. I'm just trying to get an idea of how much time we have, which is less than two weeks which is not a lot of time."

Ms. Vigil said, "If you would like the items, any proposed amendments to be in the packet, they would have to be in by the Friday prior to the meeting which would be May 22, 2015, and we're at May 13th today."

Councilor Dominguez said, "As the maker of the motion, I would say Councilor Maestas, I certainly appreciate that. I think that any chance we get to try to be as inclusive and as transparent as we can, we always strive for that. But I will say that what I hear is that the debate is not necessarily with the public. I think the debate is with us here. I think maybe you have one or two Councilors that want to hear from the public that maybe wasn't a part of the Committee process before. But I certainly have heard from the public. I certainly have met with them and I certainly have tossed it around and thought about it. I guess just in the name of less bureaucracy in trying to get happen, it's not something I would support now, but I certainly appreciate what you're saying."

THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER.

Councilor Trujillo said it can go to Public Works for a public hearing the following Monday before Council, although he will be out of town and won't be there to vote on it.

Councilor Bushee said, "I really misunderstood then the postponement. I understood the postponement to acknowledge that there were some things to iron out, so I don't understand the urgency and the unwillingness to spend the time to do that ironing out. There are concerns up here that stem from calls from people. You met with the public, but I don't think you went downtown and went to the Plaza merchants and to the Plaza vendors."

Councilor Dominguez said, "You don't think so."

Councilor Bushee said, "I don't know, but I certainly have been hearing.."

Councilor Dominguez said, "I live right across the street from one of those Plaza vendors, so believe me, I have heard."

Councilor Bushee said, "All I'm saying is. We were going to make a motion up here to postpone and have a process, so when the Sponsor made the motion herself, I seconded it and took that as a good faith effort to go out and try and work out the issues that were raised tonight, so I do not understand the rush to judgment here and say that, well, between all of us up here, we'll figure it out in two weeks. I think it should have a public hearing at Public Works. I think we should get more information from Street Food Institute about if there is real interest there. It's gone to Committees that don't have Councilors on them, a lot of the committees. In any case, what's the urgency of why couldn't it have a public hearing at Public Works when the Chair is there and have people come. I don't understand. You're laughing, but I'm not understanding."

Councilor Dominguez said, "I think the motion has been made. I think that certainly we could try to hammer out those details tonight and see where the votes would have gone. I think the main sponsor of the motion has taken these things into consideration, and I don't want to speak for her, the fact that it has been to more than one committee, the fact that we had a public hearing tonight, the fact that we all have different ideas of what a good piece of legislation might look like. And I think it's really up to the Governing Body to decide whether or not they want to come up with those good pieces of legislation or not. My sense of urgency is not that there's a sense of urgency, it's the sense that we need to move things on and this isn't helping."

Mayor Pro-Tem Ives said, "On that point we are close upon the Summer season and I think to have this in place and up and operating in June, it's very important that we take action on this in May. I would also point out that the Mayor is not present, and presumably would be at our meeting on the 27th, and that alone is a factor to be considered in the length of time that we postpone this. So I think it's reasonable to postpone it to the next Council meeting. It gives any Councilor who desires to do so, an opportunity to submit amendments that can be considered when the matter comes back again to Council. I would only point out, too, that this matter has been moving through the process for an extended period of time. It was approved by Public Works on April 6th, it was approved by Finance on March 30th, I believe. So it's not that it hasn't been a lot of time through the process, subject to great scrutiny over that course of time. We've had much time to consider it. So."

Councilor Dimas said, "I have the utmost confidence in Councilor Lindell to get this thing resolved one way or the other, and I'm sure you're right when you say she'll be on the telephone with Matt at 8:01 in the morning and try to get this thing resolved. So my confidence is in you, Councilor Lindell to get this worked out, and then I'm sure it will work out for everyone on the Council. And that's the final word I have for it."

Councilor Rivera said, "I agree. I think it's a little unfair to be putting all of this on Councilor Lindell, though. She put out a Resolution that's been vetted through the process, committee process, whether they have Councilors or not. Some of those committees do have Councilors. She's not recommending changes to her own Resolution, it's other Councilors that are making it, so they should be the ones to be calling Matt and saying, hey how can we get these changes to come forth. It's not Councilor Lindell's job I think to put the changes forth."

VOTE ON THE MOTION TO POSTPONE THE RESOLUTION: The motion to postpone the Resolution to the next meeting of the City Council on May 27, 2015, was approved on the following Roll Call vote:

For: Mayor Pro-Tem Ives, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Bushee.

- 5) **CONSIDERATION OF BILL NO. 2015-14: ADOPTION OF ORDINANCE NO. 2015-___ (COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO CHANGE THE LEVEL OF SECURITY REQUIRED FOR PROFESSIONAL BASEBALL GAMES AT FORT MARCY BALL PARK. (KELLEY BRENNAN). (Withdrawn)**

The Governing Body then resumed consideration of Afternoon Agenda Items #14 through #19

14. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of May 13, 2015, is incorporated herewith to these minutes as Exhibit "5."

Councilor Dimas

Councilor Dimas said he had his speech class in high school in this room, and it brings back memories when he hears all these speeches from all these Councilors every Council meeting, and "I feel like I'm back in speech class again. Thanks for the memories."

Responding to the Mayor Pro-Tem, Councilor Dimas said, "I absolutely did pass that course."