



Agenda

CITY CLERK'S OFFICE

DATE 3/18/15 TIME 3:21pm

SERVED BY Zack Quintero

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Nighttime Economy Taskforce

Market Station at the Railyard
500 Market Station, Suite 200

Engine Room

Thursday, March 26th, 2015

1:00 pm-3:00pm

- I. Procedures
 - a. Roll call
 - b. Approval of last meetings notes
 - c. Approval of agenda
- II. Discussion with Councilor Lindell and Matt Orielly Regarding Food Truck Ordinances
- III. Discussion on Assignments Regarding Marketing of Nighttime Economy
 - a. Discussion and review of assignments
 - i. OTAB
 1. Answers from legal-Shannon Murphy
 - ii. Monthly Promo Guides
 1. Update from Kate Kennedy
 - iii. Concierge Day
 - iv. Kiosks
 1. Report from Zack
- IV. Transportation Discussion and Follow Up's
- V. Items From Staff
 - a. None
- VI. Items From the Committee
 - a. Discussion regarding an increase in meetings
- VII. Meeting Schedule
 - a. Next meeting is- April 16th- 1:00pm-3:00pm 500 Market Station
- VIII. Adjourn

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

NIGHTTIME ECONOMY TASK FORCE
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Adjourn	<i>There being no further business to come before the Nighttime Economy Task Force, the meeting adjourned at 3:00 pm</i>	Page 8

NIGHTTIME ECONOMY TASK FORCE

MARKET STATION AT THE RAILYARD

March 26, 2015

1:00 PM – 3:00 PM

MINUTES

I. Procedures

Roll Call

Vince Kadlubek
Kate Kennedy
Jaime Lenfestey
Todd Eric Lovato
Shannon Murphy
Victor Romero

Not Present

Rochelle Esquera, Excused
Sonia Leyba

Staff Present

Ross Chaney
Zach Quintero

Others Present

Councilor Signe Lindell
Matthew O'Reilly, Asset Development Director, City of Santa Fe
Anna Serrano for Fran Lucero, Stenographer

Approval of February 19, 2015 Notes

Mr. Todd Lovato moved to approve the notes of February 19, 2015 as presented, second by Ms. Shannon Murphy, motion carried by unanimous voice vote.

Approval of Agenda

Mr. Todd Lovato moved to approve the agenda as presented, second by Mr. Victor Romero, motion carried by unanimous voice vote.

II. Discussion with Councilor Lindell and Matt O'Reilly Regarding Food Truck Ordinances

Councilor Lindell made reference to Chapter 18 of the Municipal Code, "Licenses and Taxes". Councilor Lindell noted that they went line by line to change code and to make it easier to obtain licenses. The request is to find a way to have food trucks on or near the plaza. Complete and total re-do on the code is needed. Palace Avenue and Lincoln – 3 spaces for food trucks.

Vehicle Vendor Ordinance

Mr. O'Reilly read the proposed 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 18-1; repealing subsection 18-8.9 "street vendors' permit requirements" and creating a new subsection 18-8.9 entitled "vehicle vendors"; amending section 18-8.10 to establish special event vendor fees and vehicle vendor fees; amending sub-section 23-5.2 related to special even sponsor licenses; and making such other changes that are necessary to carry out the purpose of this ordinance.**

City Code talks about street vendors, limits choice of location for vendors. It allows vending on private street, private and public parking lots. The city code has had restrictions, 10 permits per year, and 5 for non-food per year. The city does get complaints on trucks that don't move and take too much space. We need to have different rules for trucks that are stationary and trucks that are moving. Mr. O'Reilly said that no trucks were ever allowed to be on the plaza. Ordinance permits by resolution up to 3 hours compared to 2 hours in the previous ordinance. The City of Albuquerque is tackling the same issue as Santa Fe. They will allow a mobile vehicle 150 ft. away from restaurant or if governing body approves.

Mr. O'Reilly said that the future goal is to seek governing body approval and remove the restrictions. *There are lots of terms that are outdated.* Chapter 18 needs rewriting. State statutes have not been changed in some time. There are no limits in the city on how many vehicle vendors.

Councilor Lindell said that the \$10 for itinerant food vendors for separate events need to pay every time is now gone. "Itinerant" and "mobile" are different. You have to get a permit every time due to zoning. Vehicle vendors can move around the city unless on private property (need permission). Public streets and parking lots – 3-hour limit.

Food trucks with umbrella, table, chairs, etc., need to provide bathrooms with ADA accessibility, not safe in parking lots. Mobile vehicles – must keep their goods in their

trucks/vehicles, self-contained.

Resolution will allow 3 on plaza with signage for their parking.

Mr. Romero expressed his thanks to Mr. O'Reilly for this information.

Q & A

Mr. Quintero verified that it would be 3 parking spaces and the max amount is until 1:00 am?

Mr. O'Reilly confirmed, 5:00 pm – 1:00 am in the three spaces, 365 days a year.

Mr. Romero asked why 1:00 am and not 3:00 am for night clubbers? There are no food trucks during night wave. It would be better to move to 2:00 am and have streets cleared by 2:15 am.

Mr. Lenfestey said maybe only on weekends.

Ms. Kennedy asked if vehicle vendors could hold a parking meter?

Mr. O'Reilly said no.

Ms. Kennedy asked for confirmation if restaurant owners could operate outside restaurant.

Mr. O'Reilly said if restaurant is closed Vendor can be there.

Mr. Lovato asked for example during Indian Market, is there a blocked time?

Mr. O'Reilly said that special events get "special event permits" which give the option to the special event organizer who they can have there.

Ms. Murphy said that any Railyard event requires state health department and city fire department paperwork.

Mr. O'Reilly said that the Railyard is allowed by city permit. Special event vendors have to go through the chain of command, i.e., fire inspection required and there is no charge for this inspection by the Santa Fe Fire Department. The proposed ordinance will eliminate the \$10 fee. Special Event organizers can charge their approved participants themselves.

The Chair asked the question on the 20' rule.

Mr. O'Reilly referred to page 5 of the ordinance, line 24. Legal parking spaces are safe parking places. Page 6, line 3 – *The city may temporarily or permanently prohibit the use of all or a portion of any public or private parking area by mobile vehicle vendors if the use of the area adversely affects public safety of the operation of the parking area.* The city reserves the right to decide safety in conjunction with the Fire Department.

Mr. Romero said that people will be fighting for the three parking spaces on the plaza during the summer.

Mr. Lovato asked when the ordinance is established, how do you communicate with the Fire Department?

Mr. O'Reilly said that Traffic Laws (police) Ordinance requires health department permit now and the Environment Department permit needs to be posted on the truck to show proof of inspection.

Mr. Romero said it is going to be very challenging to monitor the 3-hour parking.

Mr. O'Reilly said that the SFFD, SFPD and Planning Department will work together on this educational and enforcement component.

Ms. Kennedy said that Gallery Owners should also be informed.

Mr. O'Reilly reiterated that mobile vehicles are not allowed on the plaza. No parking in loading zone unless it is after 6:00 pm. Plaza periphery notes are indicated in the resolution. Mr. O'Reilly said that the 3 parking spaces in the plaza cannot be held by someone else, it is on a first come first serve basis.

Councilor Lindell said; "we strive for progress not perfection".

Mr. Romero said that it should be specified that cleanups are Saturday morning to avoid complaints.

Councilor Lindell said that last year in May they scheduled a Plaza Clean-up, 100 people showed up from 8:00 am to Noon, no young people attended.

Ms. Murphy suggested creating a Facebook event. It was noted that 8:00 am on

weekends will not bring in our young people.

The task force members expressed their thanks to Councilor Lindell and Mr. O'Reilly for attending and providing this valuable information.

Mr. O'Reilly said it should be "vehicle vending" rather than "food truck vending".

III. Discussion on Assignments Regarding Marketing of Nighttime Economy

a. Discussion and review of assignments

i. OTAB

1. Answers from legal-Shannon Murphy

The response received from City Attorney's office was not very helpful. Directed to read the state statute. 2 parallel pass for funding use with big name artists. Not a line item. If performance is at a venue the event can be publicized. Ms. Murphy will sit with Mr. Lenfestey to discuss artist contracts.

The Chair said that just in recognizing this is already happening.

ii. Monthly Promo Guides

1. Update from Kate Kennedy

The Chair spoke with Bruce Adams from Santa Fe NOW. An 8-page insert is \$7000 a month. 10,000 – that wks, Santa Fe NOW 5,000 – stand-alone from magazine to concierge at different hotels.

Something outside of this task force with coordination. Just an advertising piece.

iii. Concierge Day – tabled to later date.

iv. Kiosks

1. Report from Zack

Mr. Lovato asked about the restriction of kiosks in public places.

Mr. O'Reilly said that the City is prohibited by state law/private space, no off-site advertising in the city limits. Treat kiosks as public information and city sponsored (community information).

Mr. Lenfestey said no bulletin boards, real community service, becomes dumping ground for garbage.

Ms. Murphy said OTAB could take portion of sale.

Mr. Lenfestey said that the OPERA is one of the top 10 venues in the United States.

Ms. Kennedy said they could track tourists with electronic purchases, follow up with survey.

Ms. Murphy said they could be given the survey at events.
Next step is to come up with a proposal and present to the City Attorney. Ms. Murphy and Mr. Lenfestey will work on this.

IV. Transportation Discussion and Follow Up's

Ms. Kennedy said they need help to provide more overnight parking in the city. She spoke to Albert about overnight parking without getting tickets. They also discussed larger busses have no parking during big events, no way to load or unload.

The Chair said they should invite Albert and Mr. Jon Bulthuis from Transit to the next meeting to discuss public late night transportation.

There are opportunities available in regards to customer service.

The Chair asked how much revenue would be lost on Saturdays.

Mr. Quintero will check with the Parking Division Director.

The Chair would also like to get the Park and Ride schedule and Santa Fe Pick Up.

V. Items From Staff

None

VI. Items From the Committee

- a. Discussion regarding an increase in meetings Mr. Quintero asked if they should increase the amount of meetings as there are only 7 meetings left as initially discussed.

The Chair said possibly every 2 weeks. Mr. Quintero will check on this suggestion.

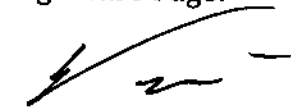
VII. Meeting Schedule

- a. Next meeting is- April 16th- 1:00pm-3:00pm 500 Market Station

Adjourn

There being no further business, the Chair adjourned the Nighttime Economy Task Force Meeting at 3:00 pm.

Signature Page:



Vince Kadlubek, Chair



Fran Lucero, Stenographer

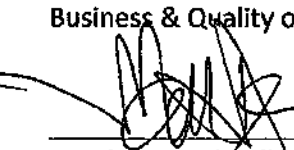
City of Santa Fe, New Mexico

memo

DATE: March 19, 2015

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

FROM:


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

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

BACKGROUND

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

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

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

Exhibit A

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

PROPOSED ORDINANCE

The Bill contains six sections:

Section 1

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

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

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

Section 2

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

Section 3

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

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

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

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

Section 4

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

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

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

Section 5

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

Section 6

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

RECOMMENDATION

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

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

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

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-__

3 INTRODUCED BY:

4
5 Councilor Signe Lindell

6 Mayor Javier Gonzales

7 Councilor Peter Ives

8 Councilor Carmichael Dominguez

9 Councilor Chris Rivera

10 AN ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 C. *Vehicle Vendors – General Requirements.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 18-8.10 Business License - Fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 place of business;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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


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

1 each event.

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

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

14 APPROVED AS TO FORM:

15 
16 _____
17 KELLEY A. BRENNAN, CITY ATTORNEY

City of Santa Fe Fiscal Impact Report (FIR)

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

Section A. General Information

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

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

Sponsor(s): Councilor Lindell

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

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

Reviewed by City Attorney: [Signature] Date: 3/20/15
(Signature)

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

Section B. Summary

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

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

Section C. Fiscal Impact

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

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

1. Projected Expenditures:

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

_____ Check here if no fiscal impact

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

Personnel* \$ _____ R _____ \$ _____

Fringe** \$ _____ R _____ \$ _____

Capital Outlay \$ _____ R _____ \$ _____

Land/
Building \$ _____ R _____ \$ _____

Professional Services \$ _____ R _____ \$ _____

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

Total: \$ _____ \$ _____

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

2. Revenue Sources:

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

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

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

\$ _____ \$ _____

\$ _____ \$ _____

Total: \$ 300 \$ 1,295

3. Expenditure/Revenue Narrative:

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

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

Net new revenue resulting from these changes is estimated below:

FY 2015/2016

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

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

LESS

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

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

LESS

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

Number of Vendor Licenses issued = 40

Number of non-repeat vendors = 33

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

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

FY 2014/2015

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

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

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

Section D. General Narrative

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

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

2. Consequences of Not Enacting This Bill/Resolution:

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

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

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

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

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

3. Technical Issues:

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

None.

4. Community Impact:

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

See Item 2 above.

City of Santa Fe, New Mexico

memo

DATE: March 19, 2015

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

FROM:



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

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

BACKGROUND

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

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

RESOLUTION

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

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

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

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

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

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

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

RECOMMENDATION

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

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2015-__**

3 **INTRODUCED BY:**

4
5 Councilor Signe Lindell

6 Mayor Javier Gonzales

7 Councilor Peter Ives

8 Councilor Carmichael Dominguez

9 Councilor Chris Rivera

10 **A RESOLUTION**

11 **AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY**
12 **AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE**
13 **VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987.**

14
15 **WHEREAS**, on June 25, 2014, the Governing Body adopted Resolution No. 2014-49 to
16 declare its desire to bring people to the Santa Fe Plaza, to provide increased economic development
17 opportunities, and to provide for creative and evolving usage of the Santa Fe Plaza; and

18 **WHEREAS**, Resolution No. 2014-49 directed city staff to analyze current city ordinances
19 related to food sales on the Plaza and to recommend ordinance amendments if necessary, and to bring
20 forward additional recommendations that would enhance the experience of the Plaza for residents and
21 visitors and ultimately bring people to the Plaza; and

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

24 **WHEREAS**, the Vehicle Vendor Ordinance prohibits vehicle vendors within the Plaza
25 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.

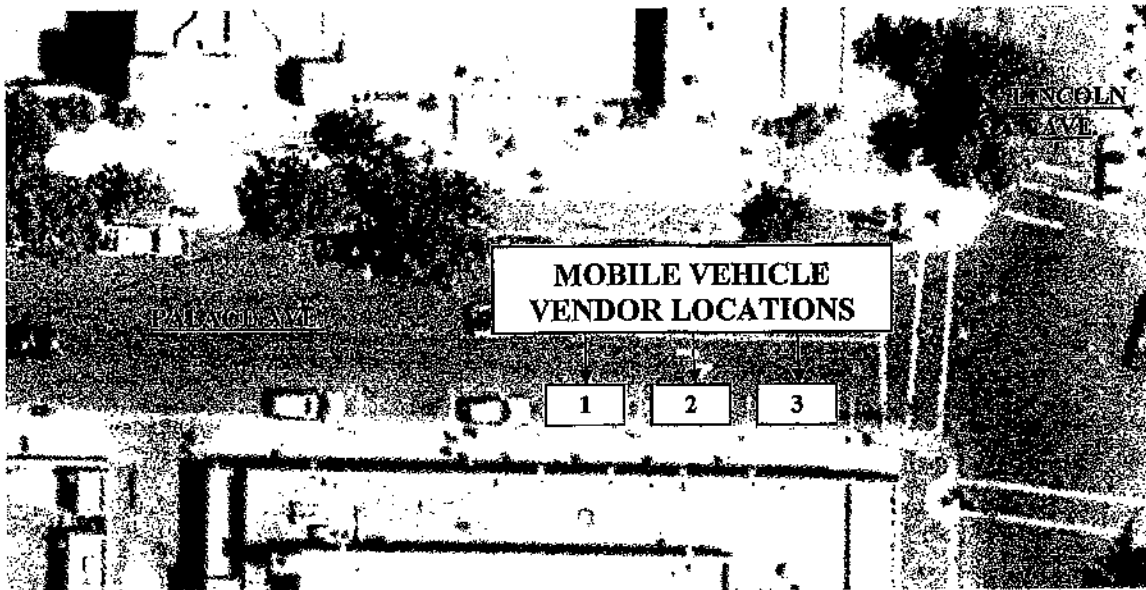
12 **BE IT FURTHER RESOLVED that:**

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.

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

1 PLAZA PERIPHERY AREA – VEHICLE VENDOR MAP



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

13
14 _____
15 JAVIER M. GONZALES, MAYOR

16 ATTEST:

17
18 _____
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21 Kelley A. Brennan
22
23 KELLEY A. BRENNAN, CITY ATTORNEY

24
25 *M:Legislation/Resolutions 2015/Vehicle Vendors_Plaza Periphery_3_11_15(clean)*

City of Santa Fe Fiscal Impact Report (FIR)

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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 ⁴⁹⁰ Date: 3-19-15 Phone: x 6213

Reviewed by City Attorney: Kelly A. Blum 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:

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

Column #: 1	2	3	4	5	6
Type of Revenue	FY 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.