

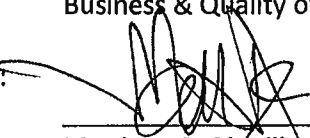
City of Santa Fe, New Mexico

memo

DATE: March 19, 2015

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

FROM:


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

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

BACKGROUND

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

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

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

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

PROPOSED ORDINANCE

The Bill contains six sections:

Section 1

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

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

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

Section 2

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

Section 3

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

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

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

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

Section 4

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

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

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

Section 5

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

Section 6

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

RECOMMENDATION

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

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

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

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-13

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

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

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

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

25 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.

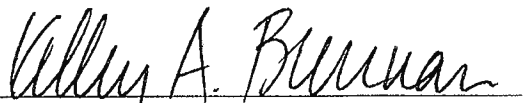
24 J. The city shall appoint a staff liaison for all major commercial events or
25 noncommercial uses on the Plaza to oversee the administration of city regulations as they apply to

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

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M/Legislation/Vehicle Vendors_031715

City of Santa Fe Fiscal Impact Report (FIR)

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

Section A. General Information

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

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

Sponsor(s): Councilor Lindell

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

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

Reviewed by City Attorney: [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:

- 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	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
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

<u>Business License Fees</u>	\$ 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)
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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
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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.

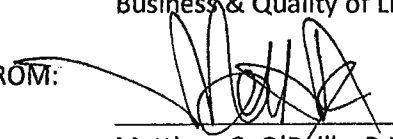
City of Santa Fe, New Mexico

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.

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



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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

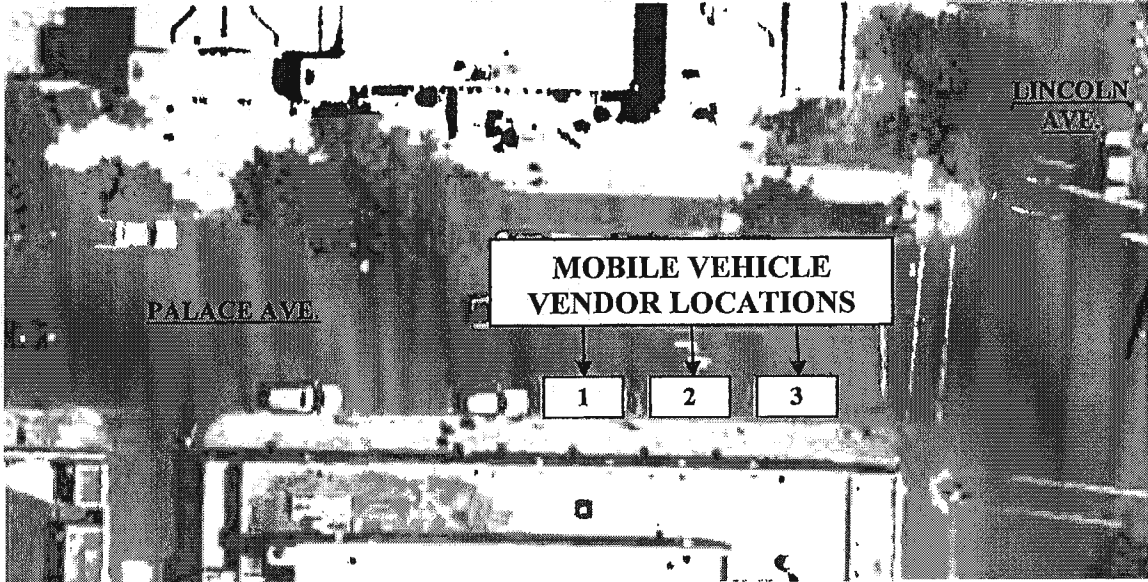
16 (2) Mobile vehicle vendors parked at these locations shall remain in compliance with the
17 Vehicle Vendor Ordinance at all times.

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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: Mr. O'Reilly M90 Date: 3-19-15 Phone: x 6213

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

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

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.

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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 23rd 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.