

feet, so there are still crowd control issues in the event of an emergency. He would like to consider two bridges of equal width in the center and the eastern bridge. Councilor Ives said it is perfectly okay with him as a friendly amendment to the Amended Motion, if we can direct to determine which of the options works best from the safety and other perspectives **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

EXPLANATION OF THE MOTION AS AMENDED: Mayor Gonzales said then the motion is allocating the funding with the options for you guys to work something out.

Councilor Villarreal said that helps, because she isn't in favor of a 90 foot bridge, commenting "we have talked about this issue *ad nauseam*". I appreciate the Kiwanis putting together the structural performance evaluation, because we've been asking staff to do that, so I'm in favor of two [bridges], I don't want a 90-foot bridge, and I don't want trees removed until they look at it more closely. I am really just trying to beat the gun so we don't lose the funding, so I'm okay with that. Thank you.

Councilor Dominguez said, "The same thing. I think, if I understand it correctly, we are allocating the money and giving staff direction to figure it out with the Kiwanis."

VOTE: The motion, as amended, was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.

7) **CONSIDERATION OF BILL NO. 2016-22: ADOPTION OF ORDINANCE NO. 2016-___ (COUNCILOR MAESTAS AND COUNCILOR IVES): AN ORDINANCE RELATING TO SECTION 23-5, REGULATIONS FOR THE USE OF THE PLAZA AND PLAZA PARK AND TO SECTION 18-8.9 VEHICLE VENDORS; AMENDING SUBSECTION 23-5.1 TO AMEND THE DEFINITION OF "PLAZA PERIPHERY AREA" AS IT RELATES TO THE VEHICLE VENDOR ORDINANCE TO INCLUDE PORTIONS OF THE CANYON ROAD AREA; AMENDING SUBSECTION 18-8.9 TO CLARIFY THE DEFINITION OF VEHICLE VENDORS TO EXCLUDE TRANSPORTATION SERVICES; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARY OUT THE PURPOSE OF THIS ORDINANCE (MATTHEW O'REILLY)**

a) **CONSIDERATION OF RESOLUTION NO. 2016-___ (COUNCILOR MAESTAS AND COUNCILOR IVES). REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREAS AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8-9 SFCC 1987. (MATTHEW O'REILLY.**

A copy of two color photographs of the Axle Contemporary van parked on Canyon Road, submitted for the record by Bonnie French, President, Canyon Road Merchants Association, are incorporated herewith collectively to these minutes as Exhibit "10."

Matthew O'Reilly, Asset Development Director, presented information from his Memorandum of April 15, 2016, with attachments, which is in the Council Packet. Please see this Memorandum for specifics of this presentation.

Mr. O'Reilly noted that if the Governing Body adopts the Ordinance and Resolution they also should adopt the amendments which are in the Council packet.

Public Hearing

Mayor Gonzales gave each person 2 minutes to speak to this request

Mayor Gonzales asked those speaking, if someone has stated a point previously that you want to state, to please reference it quickly and move on

Matthew Chase-Daniel, Axle Contemporary, said he runs Axle Contemporary which operates under the Mobile Vendor Ordinance. Axle Contemporary is a small non-profit art gallery and have been operating for 5 ½ years in Santa Fe, and locates on Canyon Road once a week, usually on Sundays, for about 5 hours. He just learned of this Ordinance today, and apologizes for his late commentary. He appreciates the space that is being allocated for mobile vendors. However, the way his gallery operates, they depend on pedestrian traffic, so the space that has been allocated is at the bottom of the dirt City Parking lot. He said where they usually operate is directly across from El Zaguán, where there is a high stone wall, and there are no galleries nearby. He said 1-2 people come to their gallery at a time, and they aren't creating a traffic issue on the street, nor blocking the sidewalk. He said Axle has brought a lot of attention to Santa Fe as the oldest mobile gallery in the country, which is a growing movement that has grown out of the food truck movement. He said a lot of the visitors to Santa Fe are pedestrians in the Plaza area and Canyon Road area, so his presence there expands Santa Fe's reputation as a dynamic arts destination. They have shown hundreds of New Mexico artists over the year. He said, "I would appreciate you either postponing consideration of this item until staff can look for other locations for the exemption and to expand the hours.

Jerry Wellman, Axle Contemporary. He said as Mr. Chase-Daniel just said, they show contemporary art work on Canyon Road for 4-5 hours once a week. He said they have gained great press attention all over the United States, and "we are a great asset to the Canyon Road community and the Santa Fe community, not just because we show up on Canyon Road, but also because we take our van to schools and do presentations throughout the City. We are non-profit." He said they do very little sales out of the van, and mostly it's a way to exhibit what art is in the contemporary sense here to visitors and locals of Santa Fe." He said, We have been supported by the New Mexico Arts, City Arts Commission and the McCune foundation, New Mexico Humanities Council, and many local donors. So we are very highly appreciated in this town. To take away the Canyon Road locations would be, well I'll use a word that

probably is not a little heavy, but it would be devastating, I think, to the contemporary art experience that exists in Santa Fe. And as you know, many people come to Santa Fe for that experience. We also take that experience to the young people in Santa Fe. So, begin on Canyon Road, we do well books that we've published and tee shirts. It's not really big sales, but it does help us so we can take our van to the schools and to other people throughout town. If safety is an issue, which I understand it might be, I'm sure we can accommodate whatever safety issues need to be accommodated, so we can remain open the public, and that we continue to benefit both Canyon Road and Santa Fe. One last thing I want to say, it was a gallery director from Canyon Road who alerted us to this. So although there may be some on Canyon Road that don't like our presence, there are many that do. Thank you."

Zane Teschlir, said he has 4 quick points. "One is, that in this case, less regulation equals more vitality. Number two in this case, less regulation equals more vitality. Number three, although the property owners and established businesses on Canyon Road who deserve our respect will soon adapt to living with the vendors, the City's character, vitality and economic potential will not adapt to losing that opportunity. Number four, at the risk of being repetitive, less regulation in this case equals more vitality. Thank you."

Irene Hoffman, Director and Chief Curator, Site Santa Fe, said she would like to register her support for Axle Contemporary, and say we welcome them in the front of our building every week. They are very conscientious in the way they operate at Site and around the City, and they are fiercely dedicated to local artists. "I ask you to consider an amendment to this Ordinance that would allow them to stay on Canyon Road. Thank you."

Nina Mastrangelo said she only found out today about this bill and she spoke with Councilor Ives who told her that Councilor Maestas had created this bill for safety. She said it makes sense to limit person to enter doors or windows, but it does not make sense to limit artists that add to the cultural experience of our City. She said Axle Contemporary van would be affected by this bill, a small mobile art space that has been featured in national publications and supports artists in the City.

Cherle Ives, said she is an artist in the community, and she is here to support Axle and she hopes you'll find a way to make an amendment to the Ordinance, to help Axle to be able to continue the work they're doing, including on Canyon Road. She said she thinks they are a tremendous asset, have been publicized in the New York Times and Sunset Magazine. She thinks they fall under a somewhat different category. She understands the Intent of the bill, and she is sympathetic with that intent, but she thinks an exception would be appropriate here.

Cary Clueff said he is a citizen and artist, emerging, in Santa Fe, and Axle has been a great opportunity for him. He has attended many of its openings on Canyon Road across from El Zaguán, as well as by Chiaroscuro in conjunction with them, and he saw no problems. He asked where are the studies if there is a safety issue. This is the question he is asking.

Bonnie French, President, Canyon Road Merchants Association, said there are 120 businesses on Canyon Road, and 75-80 are part of the Merchants Association. She said there are 5 members of the Association here tonight to support her, and they have given their time to her: John Shafer, Sherry Ikeda, Mary Wilkinson and Brad Smith, as well as her time. She said they saw how well the City and the City Council protected the downtown, and they started noticing that there were a lot of vendor vehicles on the road about a year ago. They went to their Councilor, Councilor Maestas, and he talked with Councilor Ives, and they walked Canyon Road, measured, and figured out what the safety issues are. She noted last year, they gave up 4 parking places because the road was so narrow that two-way traffic couldn't get by. Ms. French provided photos of the Axle Contemporary van parked on Canyon Road [Exhibit "10"].

Ms. French continued, saying in looking at the parking situation on Canyon Road, they noticed several things:

- the heavy foot traffic;
- the heavy vehicle traffic;
- in looking at parking, on the side where there is parking, only 25% have sidewalks for pedestrian, there is no place to walk.
- food vendors on the road and people had to stand in a very narrow road to buy food. Some are quite long and take up two parking places.
- the roads are narrower and have less sidewalks with a lot of foot traffic.

She said they found all of these things that made it a safety issue in the downtown area, and they have that problem on Canyon Road.

Ms. French continued, saying, they knew there are designated places for food vendors, noting there are 3 designated spots downtown. She said, "We thought if you took the same amount of distance in the road and the streets that one would be a good spot. And that area up at the public parking lot is also where all of the restaurants are. At noon and in the afternoon and evening, there is a lot of traffic there, and you will see, if you ever walk during that time, that a lot of the galleries stay open because there is so much foot traffic around all those restaurants which is where the parking lot is. So we feel like this helps, and allows a place for the vendor van, plus makes it a lot safer on Canyon Road. So we really feel that this is a public safety issue."

Sondra Goodwin, 1615 Cerro Gordo Road, said you talk about this being an emergency vehicle issue. With regard to the Axle gallery, there is always somebody there and can move at a moment's notice. However, the FedEx and UPS drivers are not in their trucks which are bigger and will block more traffic. If an emergency vehicle needs to get by, how can they other than the driver trying to find the driver delivering packages. She noted on the Plaza several years ago pedestrian tourists were killed by vehicles, so you made the part next to the Palace of the Governors a pedestrian area. She would like to something similar on Canyon Road. She said they should ban parking on Canyon Road, and only delivery vehicles and mobile galleries can park there. This solves the problem in a different way, instead of banning art trucks. She said, "When I first saw, it was the coolest thing that was happening in Santa Fe, and it is still the coolest thing happening in Santa Fe. Because all of the galleries on Canyon Road, with the exception of a very few, are schlock, kitsch, coyote art. I'm sorry but they are crap. And I know, because I am artist, and I know when I see good art, and I don't see it a lot, but I see it in the Axle Contemporary gallery. So, who are we catering to here. That's the other question. So the Councilors that brought this issue forward, why do these Councilors all of sudden take Axle Contemporary truck... there's somebody behind this, so you follow the trail and who is behind this. I don't know, I have no idea, so I'm making assumptions. I am assuming that there are galleries on Canyon Road that are behind this. Who are we going to vote for."

Max Beck Keller, 532 Onate, employed by Meow Wolf, said he is here to reiterate what Irene Hoffman said.

Christy Hengst, 507 Kathryn Street, said she would also say that the Axle Contemporary art truck is one of the more exciting things that has been part of the Santa Fe art scene in recent years. She super appreciates what they are doing. They thrive on pedestrian traffic, and obviously Canyon Road is one of those places that is best for that. She said, "I'm just going to say that the entrance to the gallery is not toward the street, and also is the truck isn't that long. It's about 18 feet long. So I think that you can always find problems if you're looking for them, but basically, the importance and vitality that this truck brings wherever it goes, definitely outweighs our finicky little rules and regulations questions."

Helmut [Inaudible], said he is an artist/blacksmith, and moved here from Germany more than 20 years ago. He said in recent years when the Axle truck showed up he appreciates its contribution to the art culture. He said moving here was part of appreciating the City and its spirit for artists and artisans. He thinks Axle is right in line with that, and are an invaluable contribution to the life of the City. He can understand the concerns about vendors, big trucks, UPS trucks and such. He said he would like you to find a way to make an exception for Axle Art, and make it possible for it to continue.

Anne Russell said she is a working artist in Santa Fe, and she is here to support Axle as well. She has benefitted from what they do which is build community. They do a lot of group shows, collaborative work in and out of the schools, as well the shows they do on Canyon Road. She would like to note that everyone who has come to speak has asked for an exception for Axle, and doesn't think anybody is here fighting for food trucks on Canyon Road, but she would feel comfortable with that happening. She said, "I would say keep Axle on Canyon Road if you can. Keep them where you can."

Sandra Brice, Director for Events & Marketing, Santa Fe Railyard Community Corporation, said she seconds everything everyone has said about the vitality of Axle. She said there are a lot of unique public spaces in Santa Fe, noting the Railyard has a lot of restrictions as well. She has worked with Matthew and Jerry and Axle Art since their very first opening, and it has been a pleasure to work out the logistics with them of how their van can be a part of the community at the Railyard, and work with their many restrictions when events are happening. They have worked out a wonderful system of community. She would recommend thinking about similar communications with the Railyard. She said she has had the same experience with food trucks and they community. She what happens is a great diversity of uses. She said Axle Art coexists beautifully with the full range of our beautiful art galleries in the Railyard, so there is something for everyone, and perhaps Canyon Road can enjoy the same success.

Stephanie Beninato, P.O. Box 1601, said she also feels Axle is a very creative art space, and brings art to areas of town that perhaps don't usually experience that. However, it also risks a lot and the street is very narrow and parking is extremely limited. It sounds as if Axle is there only on Sundays, so we're talking about only one day. She thoughts the Ordinance has only one space on Canyon Road for food trucks in the parking area. She thinks that's smart, given all the traffic and the restrictions applying to buses, for example, of a certain size. She is said she is more concerned about this thing on the South side of Alameda, and she didn't quite understand that. She asked if food trucks will be allowed to use Alameda parking, because it gets congested especially where the curve is as you approach Palace. She said she thinks you can't do it just for Axle Art, and if you are going to do it, you need to do in a categorical sense of giving exception to park on Canyon Road for any mobile gallery. She said if we want to be creative and supportive, there may be other such trucks, and it would be unfair to favor only one particular business.

Julie Chase-Daniel said she is here on behalf of Axle Contemporary as well as arts diversity throughout Santa Fe and New Mexico. She emphasized the issue of the hours of the restrictions for mobile vendors on Canyon Road. Axle and any other organization committed to serving Santa Fe would be better served by expanded hours at the very least.

The Public Hearing was closed

Councilor Maestas said it was never his intent to specifically ban a particular vehicle vendor, and this is strictly a public safety issue. He said we all know about the uniqueness of Canyon Road and it doesn't lend itself to public safety when you have narrow streets without sidewalks. He said many of us who have been to Canyon Road encounter pedestrians walking on the road. He said this is what makes Canyon Road so unique. He said in deliberating a similar action for the Plaza periphery, he didn't hear from anyone, the Governing Body didn't hear from anyone regarding limitations on vehicle vending. He said we did designate spot, and got no reaction. He said they felt the template and the process used for the Plaza periphery would be successful and logical to apply on Canyon Road. He understands the role and impact of Axle Contemporary in this matter. He believes we can amend the hours for vehicle vending in the designated spot. His intent with the Ordinance is to improve safety on Canyon Road, but not to institute an all-out ban on vehicle vending, and the reason they created the designated spot in the public lot across from El Farol, just off Canyon Road.

Councilor Maestas continued, saying we can entertain the possibility and thinks it is very possible to expand the hours and maybe even select a space within the designated lot that would be of adequate size for viewing instead of vending. He reiterated he doesn't mean for this to be overly restrictive. However we all have to acknowledge that public safety issues already exist on Canyon Road. If you add oversize vehicle parking, it adds to the hazards.

Councilor Maestas continued, saying this has been through the Public Works and Finance Committees and this was approved without any reaction. He said he is a little taken aback by all the feedback.

Mayor Gonzales said he certainly sympathizes from that point of view, because this has been in the public domain for a period of time. He asked Councilor Maestas if he feels it would be okay to postpone this and allow for some work to be done, commenting that clearly the public safety issue does need to be addressed. Or does he want the Council to go ahead and delve into this right now and figure out how to finish it.

Councilor Maestas said he is open to postponement, but wants clear direction to staff in terms of what we want to accomplish.

Mayor Gonzales said Councilor Maestas has said the focus is on safety, more so than the delivery of the actual art, so that might be the component somehow.

Councilor Ives said as explained in a phone call earlier today, Councilor Maestas introduced this measure. He said as a frequent traveler on Canyon Road, his experience is that one rarely drives on Canyon road at more than 5 mph or has to stop suddenly for pedestrians. He said this is a reflection how Santa Fe over the century has grown, noting this was not a street initially designed for vehicles of any type, creating a greater opportunity for conflict between people and automobiles. He said from his perspective this proposal is about public safety.

Councilor Ives said when he has been to Axle it was for an exhibition or a show as opposed to selling art, so he is unclear that there is a prohibition on Axle *per se*. He said vehicle vendor is defined, *'A person who offers for sale food, beverages, merchandise, or services, except for transportation services, from a motorized vehicle from a utility trailer or a travel trailer pulled by a motorized vehicle or from a pedal operated vehicle.'* He said you enter Axle from the rear and disembark from the rear of the vehicle. He has learned tonight that Axle is a vehicle vendor and actively selling art through its vehicle. He has no problem with expanding hours to address that aspect of what is being sought here.

Councilor Ives continued, saying we can certainly look at allocating a space within the parking lot higher on Canyon Road that is proximate to the roadway, noting a little engineering would be required to make it more friendly for a vehicle vendor. He said if we postpone this, he would direct staff to look at the possibility of identifying an additional spot along Canyon Road that could accommodate one additional vehicle vendor, preferable where Canyon Road is a little wider. The objective here is not to penalize but to enhance the safety of everyone on Canyon Road and to avoid dangerous conflicts.

Mayor Gonzales said if Councilor Maestas is agreeable, he thinks it would be good to postpone, given that we've piqued the interest of all involved. He said the ability to get everyone to the table to fully understand the goals might be a little easier.

Councilor Maestas said he is prepared to make such a motion. He said many requests were made by the public to require an exception, noting he isn't too keen on that. He asked Ms. Brennan if the legal complications might come from providing specific exceptions for specific vendors.

Ms. Brennan said, "I would recommend against it, Councilor. And I think that's something we can discuss, what kinds of categories. Or maybe you want to expand the categories, or further describe some, so I think that's part of the discussion we can have.

MOTION: Councilor Maestas moved, seconded by Councilor Ives, to postpone this item for 60 days, to the Council meeting of July 27, 2016, with direction to staff to explore additional hours of designated parking spots, and also to take this time to explore the identification of additional parking spots, possibly along Canyon Road, if its safe, but he would also add exploration of cross-streets as well, if it is okay with Councilor Ives, some safe additional spots either along Canyon Road where it's safe, or along appropriate cross streets.

DISCUSSION: Councilor Maestas asked if the 60 days is sufficient to do this.

Mr. O'Reilly said he thinks that is more than enough time.

Mayor Gonzales asked if there could be public hearing prior to bring this back, so people can see the conclusions coming forward.

Councilor Ives said he can certainly do that at the Public Works Committee.

Councilor Trujillo said his experience in driving on Canyon Road is that the UPS and FedEx trucks stop in the middle of the road, and be gone for 15 minutes. He asked if we are looking at this as well. He said perhaps there could be designated parking for delivery vehicles.

Councilor Maestas said perhaps we can have this go before the Public Works Committee for a public hearing prior to it going back to the City Council on the date specific.

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

For: Mayor Gonzales, Councilor Dominguez, Councilor Harris, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera, Councilor Trujillo and Councilor Villarreal.

Against: None.



