

COMMITTEE ON BILLS ON SECOND READING

February 2, 2010

6:30 PM

Chairman DeVries called the meeting to order.

The Clerk called the roll.

Present: Aldermen DeVries, Lopez, Arnold, Corriveau, Shaw

Messr: T. Arnold

Chairman DeVries addressed item 3 of the agenda:

3. Ordinance Amendment:

“Amending Section 70.78 to increase the penalty for parking within 15 feet of a fire hydrant.”

Chairman DeVries stated for the Committee, I would note that this has once again been referred back to the Committee on Public Safety and Transportation for corrections, so I would entertain at this time a motion to receive and file and we shall see this again in the future.

On motion of Alderman Corriveau, duly seconded by Alderman Shaw, it was voted to receive and file this item.

Chairman DeVries addressed item 4 of the agenda:

4. Ordinance Amendments:

“Amending Section 71.08 (B) eliminating the pre-determined side of the street when initiating a special parking prohibition.”

“Amending Section 71.13 (A) revising the odd/even parking dates from November 15th to December 1st and from May 15th to April 15th.”

On motion of Alderman Lopez, duly seconded by Alderman Shaw, it was voted that the Ordinance Amendments ought to pass.

TABLED ITEMS

5. Ordinance Amendment:

“Amending Section 33.60 Standby Duty by adding a new section (D).”

(Note: Tabled 11/24/09; Department Head to review Ordinance.)

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to remove this item from the table.

Alderman Lopez asked is there anyone here who can talk about this? Stand by duties at Youth Services? Matt, do you know anything about this?

City Clerk Matt Normand replied I do not. I don't recall the reason why this was tabled initially, other than what the note says about the department head providing information to the Committee.

Chairman DeVries stated for lack of information I would ask if you would retable the item and we will research that prior to our next meeting.

On motion of Alderman Lopez, duly seconded by Alderman Arnold, it was voted to return this item to the table.

6. A report of the Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the proposed amendments to the Peddler's Ordinance be forwarded to the Committee on Bills on Second Reading.

(Unanimous vote)

(Note: Tabled 11/24/09; City Solicitor to review Ordinance.)

On motion of Alderman Arnold, duly seconded by Alderman Lopez, it was voted to remove this item from the table.

City Clerk Normand stated I believe the Solicitor was going to weigh in on the Ordinance Amendments on this. I'm not sure if he is ready for tonight.

Mr. Tom Arnold, Deputy City Solicitor, stated I'm not, unfortunately. Alderman Arnold stated I was wondering if your office is still reviewing it.

Mr. Arnold replied I would presume so.

Chairman DeVries stated I would assume that in this Committee this has already passed the threshold of the policy committee and there was something that you were checking for. Were you checking this against state statutes and waiting for an opinion? Or conflict with other statutes?

Mr. Arnold replied as I recall, this particular amendment was basically a policy decision. There was some discussion of how to structure the amendment so that it would achieve the objectives that were intended. In this particular case, I believe the objective was that you didn't want someone obtaining a license for the area and then not using it. In other words, denying other vendors the chance to come in. There was some discussion over the time periods that would be necessary to achieve that directive in terms of not using the license and how often during the term of the license, that type of thing. It was basically an effort to try to craft some language that would achieve the objective more directly, so to speak, without catching anybody that it shouldn't.

Chairman DeVries stated I'm wondering if a copy of the minutes, since this is a new Committee dealing with bills on second reading, even if it were an abbreviated outline, of the November 24th meeting when this was tabled. It might assist us. Also, looking for a recommendation as to whether this belongs back in a policy committee as opposed to Bills on Second Reading.

Alderman Lopez stated I'm very familiar with this now. Thank you for bringing it off the table. Basically, I agree with Attorney Arnold. What happens is the vendors buy a permit to do something and then they don't do it. An example is outside of City Hall where we used to have a hotdog machine. The business across the street bought the license and never had a hot dog machine so that prevented the City Clerk from issuing another license. That happened here and it happened down in the Millyard. They issue a license and you have a certain amount of time to put the thing out there, such as a hotdog machine, and if you don't do it then the license is voided and if someone else wants to set something up we can issue another license. It is not intended. What they have been doing is protecting territory and

that is not what it is intended to be. Matt, I remember this now because we talked about it. I guess the question for Mr. Arnold, even though you are saying that being a policy that we have here, and I agree with the Chairman, it should go back to Administration, that we can adapt policy of doing something. You can say, Mike, you have a permit to set up a hotdog machine and if you don't put something up in 30 days you lose your right to that place and we can give the license to someone else. Are you saying that it is against the law to do that? Mr. Arnold replied no, I'm not. I'm saying that we wanted to be careful in crafting the language so that it would achieve that purpose without, I don't want to say penalizing, but affecting a licensee that should not be effected. For instance, we discuss time periods. What if someone is sick or goes on vacation and isn't there for two weeks? Should we make it that you don't have to be there for three weeks? Balancing that against not making it too long because then you won't have the services during that time period. It is that kind of balancing between wording and policy.

Chairman DeVries stated thank you. I can see that we also have some of that timeframe laid out on the form that the Clerk would administer to.

City Clerk Normand stated if you look at page six of the agenda, item seven is proposed language. It got a little wordy and our recommendation...we were trying to come up with a solution to this. Certainly the Committee on Administration approved of the overall concept and I think that when it got to this Committee there were some questions about specifically that first sentence where if a licensee does not vend for five consecutive days, twice in a three month period in that location, they are subject to lose their license. It got a little wordy and my recollection of the discussion in Committee was that we were going to work with the Solicitor's Office and they were going to come back with a recommendation to simplify that. If the Committee would like, we can certainly do that and see if we can clarify this for the next Committee meeting and get this resolved finally.

Chairman DeVries stated thank you for that update.

Alderman Arnold stated it sounds like the City Clerk's office and the City Solicitor's office could use some more time. I would recommend that there is no reason to change the recommendation of the Administration Committee. I suggest we give the City Clerk's office and the City Solicitor's office more time.

Alderman Arnold moved to return this item to the table.

Alderman Corriveau asked could you give us a very brief explanation of how these vendors go about obtaining a license? I understand the problem, but if someone wants to apply for one of these licenses, I would like a quick rundown.

Mr. Arnold replied I would suggest that Matt is probably a better person to answer that since they issue the licenses.

City Clerk Normand stated currently what happens is the applicant will come to the office. They apply through a somewhat lengthy application process, submit copies of inspections from the Health Department, insurance and the like. This was born out of a situation as Alderman Lopez alluded to. The location at City Hall and another location in the Millyard became a hotly contested spot where many of the vendors were competing and vying for that spot. We went to a bid process several years ago. The bids got quite high, to the benefit of the City, but then we noticed that the vendor who would win the bid was simply doing so just to prevent other vendors from doing it. That certainly went against what we were trying to promote in the downtown area with an atmosphere with people occupying the sidewalks and doing different things than traditionally walking into restaurants.

Alderman Corriveau asked is there any discretion about the bid we have to accept? Do we have to accept the highest bid from one of these potential vendors or is there any discretion in the bid that we accept?

City Clerk Normand replied the discretion comes in if they are unable to provide the products that they have bid for. In other words, if someone comes in when we are bidding out the City Hall spot for food and this vendor can only produce balloons and glow necklaces, then that obviously doesn't comply with the bid. Unfortunately, we did not have in the prior bid documents the ability to address someone who was the highest bidder but maybe was doing something nefarious, like blocking other vendors.

Alderman Corriveau seconded the motion to return this item to the table.

Chairman DeVries called for a vote on the motion. There being none opposed, the motion passed.

There being no further business, on motion of Alderman Arnold, duly seconded by Alderman Shaw, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee