

COMMUNICATION FROM CHAIR AND MEMBER, PUBLIC WORKS AND GANG REDUCTION COMMITTEE relative to the establishment of permit fees for the Sidewalk and Park Vending Program.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. REQUEST the City Attorney to prepare and present the necessary ordinances to effectuate the following annual fee for the Sidewalk and Park Vending Program operating permit:

Sidewalk and Park Vending Operating Permit: \$541

2. RESOLVE that the employment authority in the Bureau of Street Services (BSS) for one Senior Administrative Clerk (Class Code 1368) and for one Administrative Clerk (Class Code 1358) is APPROVED and CONFIRMED for the period January 1, 2020 through June 30, 2020, subject to review and approval by the Personnel Department as to Civil Service classification, and allocation by the Civil Service Commission.
3. AUTHORIZE the interim General Manager, Economic and Workforce Development Department (EWDD), or designee, to:
 - a. Negotiate and execute amendments to current contracts with four BusinessSource Center service providers to expand the scope of work to include the provision of services as one-stop resources for the Sidewalk and Park Vending permits and provide \$386,531 in cumulative additional funding, subject to City Attorney review and approval as to form and legality and in compliance with City contracting requirements. The service providers and their individual allocations are included on page five of the City Administrative Officer (CAO) report dated September 16, 2019, attached to the Council file.
 - b. Make technical corrections as necessary to transactions included in said CAO report to implement Mayor and Council intentions, subject to the approval of the CAO.
4. AUTHORIZE the Controller to process a Reserve Fund loan in the amount of \$386,531 for the EWDD to support the City's Sidewalk and Park Vending Program, which will be reimbursed through permit revenue; and, transfer a like amount from the Reserve Fund to the Unappropriated Balance and appropriate therefrom to the EWDD Fund No. 100/22, Account No. 003040, Contractual Services.
5. INSTRUCT the BSS to reimburse the Reserve Fund Loan upon receipt of quarterly invoices from the EWDD.
6. INSTRUCT the CAO to conduct a review and reconciliation of actual costs of the Sidewalk and Park Vending Operating Permit fee in six months following the implementation of the Sidewalk and Park Vending Program to ensure the fee is in compliance with Proposition 26.

7. INSTRUCT the BSS, with the assistance of the Department of Recreation and Parks and EWDD, to report to Council in six months relative to implementation of the Sidewalk and Park Vending Program, including the total number of permits issued, staffing needs, enforcement challenges, and the overall success of the Program, and to consider Program changes including whether the program should include a location-based permit.
8. APPROVE and AUTHORIZE the BSS, Investigation and Enforcement Division, to implement a sidewalk vending permit process for the issuance of a mobile vending permit to persons who wish to sell food or merchandise from a pushcart, stand, display, or from one person upon a sidewalk or park to make certain street vendors are abiding by the laws intended to relieve the concern of public health and safety hazards.

Fiscal Impact Statement: The CAO reports that the recommendations in said CAO report are in compliance with the City's Financial Policies as the proposed fees are estimated to fully recover the \$8.65 million in costs required to provide the associated services, which includes the repayment of a Reserve Fund loan in the amount of \$386,531. Therefore, there will be no impact to the General Fund.

Community Impact Statement: Yes.
For: Glassell Park Neighborhood Council

SUMMARY

At the meeting held on October 2, 2019, the Chair and member of the Public Works and Gang Reduction Committee considered CAO and BSS reports relative to the establishment of permit fees for the Sidewalk and Park Vending Program. The CAO reports that on November 3, 2017, the CLA released the proposed City Sidewalk Vending Program framework. The framework addressed Council requests, program design, regulations, and enforcement for the program. On April 17, 2018, Council approved the proposed program design and elements of the proposed sidewalk vending regulations for the Sidewalk Vending Program.

The Council requested the City Attorney to prepare a draft ordinance and instructed City staff to report with additional information related to a scope of work, an appeals process, and the creation of sidewalk vending districts. The City Attorney transmitted a draft sidewalk vending ordinance on June 2, 2018. On December 4, 2018 the Council adopted the Sidewalk Vending Ordinance and instructed the BSS and Department of Recreation and Parks, with the assistance of the CAO and any other necessary departments, to report with a proposed staffing plan and permit structure, including types of permits, fees, and rules and regulations, based upon the April 17, 2018 Council action. After an opportunity for public comment was held, the Committee Chair and member moved to approve the recommendations stated in the reports as amended, as detailed above.

This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

PUBLIC WORKS AND GANG REDUCTION COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
BLUMENFIELD:	YES
RYU:	ABSENT
BUSCAINO:	ABSENT
O'FARRELL	YES
MARTINEZ:	ABSENT

ME 10/2/19

-NOT OFFICIAL UNTIL COUNCIL ACTS-