

APPROVED
BY THE CITY COUNCIL

JAN 27 1998

OFFICE OF THE
CITY CLERK



3.2

THOMAS V. LEE
DEPUTY CITY MANAGER
DOWNTOWN DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1030 15TH STREET
SUITE 250
SACRAMENTO, CA
95814-4009

PH 916-264-8109
FAX 916-264-7279

January 7, 1998

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AN ORDINANCE AMENDING SECTION 7.05.057 OF THE SACRAMENTO CITY CODE AND ADDING SECTION 7.05.058 TO THE SACRAMENTO CITY CODE, TO AUTHORIZE THE SALE OF FOOD AND BEVERAGES ON THE SIDEWALKS AND BOARDWALKS OF OLD SACRAMENTO

LOCATION AND COUNCIL DISTRICT: 1 (Old Sacramento)

RECOMMENDATION:

It is recommended that Council approve, by Resolution, the proposed amendment to an existing ordinance regulating sidewalk vending in Old Sacramento.

CONTACT PERSON: Ed Astone, Old Sacramento Town Manager, 264-7031

FOR COUNCIL MEETING OF: January 27, 1998

SUMMARY:

This report provides information on the present ordinance pertaining to street and sidewalk vending in Old Sacramento and describes the proposed changes, which would permit vendors with a fixed business location to vend food and beverages year-round on Old Sacramento sidewalks for a one-time permitting fee of \$250.

City Council

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COMMITTEE/COMMISSION ACTION:

At its regularly scheduled meeting on January 6, 1998, the Law and Legislation Committee reviewed and recommended for Council approval, the proposed ordinance and fee changes.

BACKGROUND INFORMATION:

Under current City regulations, street or sidewalk vending in Old Sacramento is prohibited except during certain special events such as the Jazz Jubilee, the Children's Festival, the Railroad Festival and others as determined by the Director of the Downtown Department. During these specified events, vendors with a fixed business location in Old Sacramento may vend goods from the sidewalk immediately adjacent to the fixed business location. Over the past several years, Old Sacramento Management and merchants have contended that the economic prosperity of the merchants and the attractiveness and ambiance of Old Sacramento would be enhanced by extending the special events policy to permit year-round sidewalk sales of food and beverages outside their fixed business locations.

Following meetings with Old Sacramento merchants, stakeholders, and Police Department alcoholic beverage licensing staff, City staff agrees. It is recommended that the proposed ordinance changes be adopted to permit year-round sidewalk food and beverage sales on submission and City acceptance of a permit application and the vendor's one-time payment of a new fee of \$250 for the application. The permit is revocable at will by the Director of the Downtown Department. The consumption of alcoholic beverages on Old Sacramento streets and sidewalks would continue to be prohibited. The proposed ordinance requires that any tables, chairs, and/or vending carts must: (1) be positioned to leave a minimum of six feet clear on every sidewalk or boardwalk and (2) be removed each evening. The proposed ordinance also requires that all tables, chairs, vending carts and new signage meet Old Sacramento standards and receive the approval of the Old Sacramento Town Manager to ensure that they are in keeping with the historic theme of Old Sacramento.

The proposed fee has been submitted for public notice in accordance with City policies.



PASSED FOR
PUBLICATION
& CONTINUED
TO 1-27-98

1.5
3.2

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LOCATION AND COUNCIL DISTRICT: 1 (Old Sacramento)

RECOMMENDATION:

It is recommended that the item be passed for publication of title and continued to January 27, 1998.

CONTACT PERSON: Ed Astone, Old Sacramento Town Manager, 264-7031

FOR COMMITTEE MEETING OF: January 20, 1998

SUMMARY:

The item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

City Council

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BACKGROUND INFORMATION:

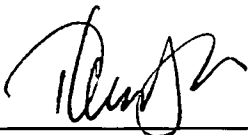
Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,



Thomas V. Lee, Deputy City Manager

RECOMMENDATION APPROVED:



William H. Edgar, City Manager

c:\osacfood-pfp

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 7.05.057 OF THE SACRAMENTO CITY CODE, AND ADDING SECTION 7.05.058 TO THE SACRAMENTO CITY CODE, TO AUTHORIZE THE SALE OF FOOD AND BEVERAGES ON THE SIDEWALKS AND BOARDWALKS OF OLD SACRAMENTO

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 7.05.057 of the Sacramento City Code is hereby amended to read as follows:

7.05.057 Vendors of merchandise with fixed business locations permitted to vend from sidewalk during specified special events

Section 7.05.055 notwithstanding, a vendor who has a fixed business location within Old Sacramento from which the vendor regularly sells goods, wares, or merchandise other than food or beverages may vend these goods, wares, or merchandise from the sidewalk or boardwalk immediately adjacent to the fixed business location during the following special events: Jazz Jubilee, Children's Festival, Railroad Festival, Thursday Night Afterglow, and any other Old Sacramento special event for which the director of the Downtown Department determines that sidewalk vending is appropriate. All tables and vending carts used for this purpose shall be approved in advance by the director of the Downtown Department, or the director's designee, and shall be positioned so as to leave a minimum of six (6) feet clear on every sidewalk or boardwalk for pedestrians.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

SECTION 2.

Section 7.05.058 is hereby added to the Sacramento City Code to read as follows:

7.05.058 Food and beverage vendors with fixed business locations permitted to vend from sidewalks year-round.

- (a) Section 7.05.055 notwithstanding, a vendor who has a fixed business location within Old Sacramento from which the vendor regularly sells food or beverages may apply for a permit, revocable at will by the Director, to vend food or beverages from the sidewalk or boardwalk immediately adjacent to the fixed business location at any time. No alcoholic beverages shall be sold or consumed on the sidewalk or boardwalk. All tables, chairs, and vending carts used for this purpose shall be approved in advance by the director of the Downtown Department, or the Director's designee, and shall be positioned so as to leave a minimum of six (6) feet clear on every sidewalk or boardwalk for pedestrians.
- (b) The provisions of Title 12 of this code and the Zoning Ordinance relating to outdoor sidewalk cafes notwithstanding, an application for a revocable permit under this section shall be submitted to the Old Sacramento Management office, and shall be accompanied by a non-refundable application fee set by resolution of the City Council. At the Director's discretion, the permit may be renewed annually upon payment of a renewal fee set by resolution of the City Council.
- (c) Prior to selling food or beverages from the sidewalk or boardwalk, each vendor shall:
 - (1) Through Old Sacramento Management, obtain written approvals from the Fire Department and the Police Department for the furnishings to be used and their placement on the sidewalk or boardwalk.
 - (2) Provide and thereafter maintain comprehensive general liability insurance in an amount not less than one million dollars, naming the City of Sacramento, and its officers, employees, agents and volunteers as additional insureds. The form and substance of the insurance required shall be approved by the City Risk Manager.
- (d) The Director may establish reasonable rules and regulations concerning the sale of food and beverages from the sidewalk or boardwalk.

FOR CITY CLERK USE ONLY

ORDINANCE NO. _____

DATE ADOPTED: _____

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

ATTEST:

CITY CLERK

MAYOR

FOR CITY CLERK USE ONLY

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- (b) The provisions of Title 12 of this code and the Zoning Ordinance relating to outdoor sidewalk cafes notwithstanding, an application for a revocable permit under this section shall be submitted to the Old Sacramento Management office, and shall be accompanied by a non-refundable application fee set by resolution of the City Council. At the Director's discretion, the permit may be renewed annually upon payment of a renewal fee set by resolution of the City Council.
- (c) Prior to selling food or beverages from the sidewalk or boardwalk, each vendor shall:
 - (1) Through Old Sacramento Management, obtain written approvals from the Fire Department and the Police Department for the furnishings to be used and their placement on the sidewalk or boardwalk.
 - (2) Provide and thereafter maintain comprehensive general liability insurance in an amount not less than one million dollars, naming the City of Sacramento, and its officers, employees, agents and volunteers as additional insureds. The form and substance of the insurance required shall be approved by the City Risk Manager.
- (d) The Director may establish reasonable rules and regulations concerning the sale of food and beverages from the sidewalk or boardwalk.

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City Council

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FINANCIAL CONSIDERATIONS:

No significant financial consequences are anticipated as a result of the proposed ordinance change. It is anticipated that the application fee of \$250 will generate approximately \$1,000 annually in new application fees.

ENVIRONMENTAL CONSIDERATIONS:

The Planning Services Division, Environmental Section has reviewed the project and has determined that it has no potential for causing a significant impact on the environment and is therefore exempt from the California Environmental Quality Act (CEQA) under Section 15061 (b)(3) of the CEQA Guidelines.

POLICY CONSIDERATIONS:

The proposed ordinance change is consistent with City policy to attempt create an environment conducive to providing opportunities for economic success while enhancing the attractiveness of Sacramento attractions in a cost-effective manner. The adoption of the proposed ordinance changes at this time will permit participating merchants to have any necessary tables, chairs and vending carts approved and in place for the beginning of the upcoming California Sesquicentennial celebrations.

MBE/WBE:

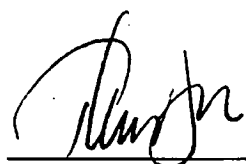
None. No goods or services are to be purchased.

Respectfully submitted,



Thomas V. Lee, Deputy City Manager

RECOMMENDATION APPROVED:



William H. Edgar, City Manager

APPROVED
BY THE CITY COUNCIL

JAN 27 1998

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 98-006

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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