



APPROVED
BY THE CITY COUNCIL

MAY 7 1998

OFFICE OF THE
CITY CLERK

1.7

DEPARTMENT OF
PUBLIC WORKS

SOLID WASTE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

AG 98-047

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April 17, 1998

City Council
Sacramento, California

Honorable Members in Session

**SUBJECT: ISSUANCE OF A REVOCABLE PERMIT TO CLAYTON MIZE FOR SALE
OF FRUITS AND VEGETABLES ON CITY PROPERTY**

LOCATION AND COUNCIL DISTRICT: 20 28TH Street, Council District 3

RECOMMENDATION:

This report recommends that City Council authorize the City Manager to issue a revocable permit to Clayton Mize for the sale of fruits and vegetables on City property.

CONTACT PERSON: Reina J. Schwartz, Solid Waste Manager, 264-7043

FOR THE COUNCIL MEETING OF: May 7, 1998

SUMMARY:

This report recommends City Council authorize the City Manager to issue a revocable permit to Clayton Mize. The revocable permit would allow the permittee to sell fruits and vegetables in a designated area on City property at 28th and A Streets. This property represents the nearest intersection to the permittee's farming operation on the Lennane property adjacent to the City Landfill/Sutters Landing Park. The term of the revocable permit would be for 120 days.

COMMITTEE/COMMISSION ACTION:

None required.

BACKGROUND INFORMATION:

Clayton Mize began farming under a lease agreement with the City on a portion of the site of the current City Landfill/Sutters Landing Park in 1970. As the City Landfill expanded east of 28th Street, the Mize farming operation was displaced at this location. Farming operations became

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confined to the current location on the Lennane property. Mr. Mize subsequently planted an orchard at this location in 1983.

Mr. Mize has an easement across the City Landfill for ingress and egress to his property. He is a grower certified by the State to sell his fruits and vegetables directly to the public. Mr. Mize seeks to conduct direct sales of his fruits and vegetables at the closest intersection to his property, which is 28th and A Streets, at the site of the City Landfill/Sutters Landing Park. The alternatives of opening up his site to a "self-pick" operation or selling fruits and vegetables at a stand on the Lennane property would require public access across the landfill. The access road is next to the City's flare station and landfill gas recovery facilities. This access road is also open to the rest of the landfill, representing various hazards to the public in terms of access.

Allowing Mr. Mize to sell fruits and vegetables under a revocable permit at 28th and A Streets represents a more compatible land use. For many years, City staff and Mr. Mize have maintained a cooperative working relationship. Approval of the revocable permit would continue this relationship while avoiding any negative impact to Mr. Mize's rights of commerce.

Public Works staff are committed to being a good neighbor in regard to operation of the City Landfill and Compost Facility. This effort includes dialogue with surrounding residents and neighborhood associations. Issuing a revocable permit to Clayton Mize for a term of 120 days simply extends this courtesy to a long-term neighbor and partner of the City Landfill/Sutters Landing Park.

Mr. Mize was issued a revocable permit to operate a fruit stand at the same location for the last three years. No problems have arisen as a result of this activity. Neighbors of the City Landfill have expressed their appreciation to City staff regarding the convenience of purchasing fresh fruits and vegetables directly from Mr. Mize at this location.

FINANCIAL CONSIDERATIONS:

No costs are associated with the staff recommendation. However, permitting the sale of fruits and vegetables in an area next to the City's compost facility may increase the sale of City compost.

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ENVIRONMENTAL CONSIDERATIONS:

The activity being permitted will not have a significant effect on the environment. Therefore, this item is exempt from CEQA guidelines under § 15061(b)(3). Consistent with CEQA guidelines, § 15304(e), this activity is also categorically exempt because it involves the minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

POLICY CONSIDERATIONS:

This item conforms with current City policy which allows for permittees on City sites provided they do not interfere with City operations and the City does not incur non-reimbursable costs. This item is also consistent with Council's priorities regarding public safety and neighborhood revitalization. Allowing a certified grower to sell his or her produce at 28th and A Streets will enhance the neighborhood and protect the public's safety through compatible land use.

MBE/WBE:

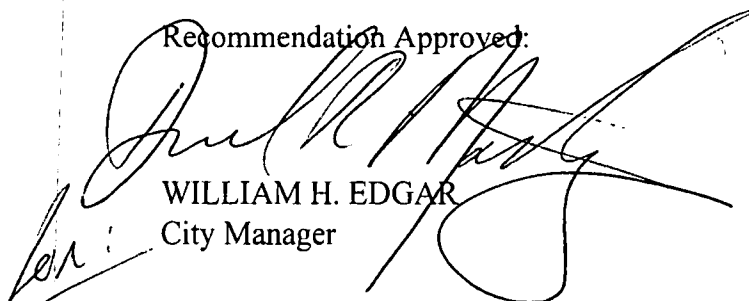
MBE/WBE issues are not applicable since no goods or services are being recommended for procurement.

Respectfully submitted,



Reina J. Schwartz
Manager, Solid Waste


Recommendation Approved:



WILLIAM H. EDGAR
City Manager

Attachment

Approved:



Michael Kashiwagi
Director of Public Works

RESOLUTION NO. 98-160

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL

MAY 7 1998

OFFICE OF THE
CITY CLERK

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR
ISSUANCE OF A REVOCABLE PERMIT WITH CLAYTON MIZE AT THE CITY
LANDFILL/SUTTERS LANDING PARK**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

The City Manager and City Clerk are hereby authorized to execute an Agreement for Issuance of a Revocable Permit with Clayton Mize, Certified Grower, for the sale of produce at the City Landfill/Sutters Landing Park, 28th and A Streets. The term of the agreement will be for 120 days.

MAYOR

ATTEST:

CITY CLERK

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RESOLUTION NO.: _____ 4 _____

DATE ADOPTED: _____