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# SUPPLEMENTAL AGENDA REPORT

TO: DEANNA J. SANTANA  
CITY ADMINISTRATOR

FROM: Arturo M. Sanchez

SUBJECT: Supplemental Report  
Amendments to OMC &  
Master Fee Schedule

DATE March 7, 2012

City Administrator

Date

Approval

3/7/12

COUNCIL DISTRICT: CITY-WIDE

## EXECUTIVE SUMMARY

On Tuesday February 28, 2012, the Public Safety Committee determined to separate the Master Fee Schedule amendment for Mobile Food Vending from the proposed modifications to Chapter 5.46 and the related fee. The Committee approved and forwarded the Mobile Food Vending Master Fee amendment to the Oakland City Council for adoption and to hold the Chapter 5.46 amendments "Establishing New Permitting for Secondhand Jewelry Dealers" in Committee. The attached Ordinance Amending Ordinance No. 13078 C.M.S., the Master Fee Schedule, is being introduced to amend the Master Fee Schedule to establish an interim mobile food vending parking use fee, for permits issued pursuant to chapter 5.51; adoption is necessary for the implementation of chapter 5.51 to move forward.

## PUBLIC OUTREACH/INTEREST

Planning and City Administrator staff has been working to implement the interim Mobile Food Vending program since its adoption. As the implementation has proceeded, Planning staff has met and held several meetings with the Mobile Food Vendors to provide explanation on implementation process, documents, and proposed fees. These discussions have included staff informing the vendors of developing issues around fees and implementation. More recently, Planning and City Administrator staff has met with few concerned members of the Mobile Food Vending community to discuss the proposed amendment to the Master Fee Schedule. Staff continues to send emails to its distribution list of mobile food vendors, event organizers and other interested parties to keep everyone apprised of the proposed amendment to the Master Fee Schedule and any other issues, as they arise.

## ANALYSIS

Staff is proposing to add a fee that was inadvertently left off the Master Fee Schedule when Staff created the interim Mobile Food Vending Program. The proposed fee would apply to Food

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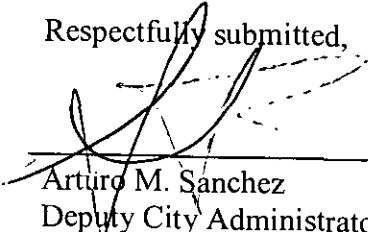
Vending Group Sites that occupy metered parking spaces between 8am and 6pm. The proposed fee is based on the City's existing parking meter fees of \$2 per hour/per metered space/per group site operation date. The maximum time a mobile food vendor can occupy a metered parking space is 5 hours or prorated for a portion of the hour.

An additional fee of \$3.10 per sign (or replacement sign) to recover the cost of the "no parking" signs is also proposed. The proposed fee is consistent with the fee Building Services charges for the "no parking" signs they provide in similar cases and as identified in the Master Fee Schedule.

Payment of the proposed fee as part of an approved Food Vending Group Site permit allows the permit holder to reserve the metered parking spaces for the specified time/date (provided that the Food Vending Group Site permit has posting the "no parking" signs at least 72-hours in advance of the Group Site operation date/time). The proposed fee will allow for the City to recover the parking revenues that would otherwise be lost if a Food Vending Group Site Permit was issued for metered spaces without assessing the proposed fee, as well as to recover materials. The lost parking meter revenue would negatively affect the City General Fund. As a result, Staff has proposed the attached Master Fee Schedule Ordinance Amendments.

For questions regarding this report, please contact Arturo M. Sanchez, Deputy City Administrator, at (510) 238-7542.

Respectfully submitted,

  
Arturo M. Sanchez  
Deputy City Administrator  
Special Business Permit Division  
City Administrator's Office

Prepared by:  
Arturo M. Sanchez  
Deputy City Administrator  
Special Business Permit Division  
City Administrator's Office

Attachments (1):

- Draft An Ordinance Amending Ordinance No. 13078 C.M.S., The Master Fee Schedule, As Amended, To Establish Or Modify Fees Assessed By The Office Of The City Administrator To Establish An Interim Mobile Food Vending Parking Use Fee For Permits Issued Pursuant To Chapter 5.51

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**AN ORDINANCE AMENDING ORDINANCE NO. 13078 C.M.S., THE MASTER FEE SCHEDULE, AS AMENDED, TO ESTABLISH OR MODIFY FEES ASSESSED BY THE OFFICE OF THE CITY ADMINISTRATOR TO ESTABLISH AN INTERIM MOBILE FOOD VENDING PARKING USE FEE FOR PERMITS ISSUED PURSUANT TO CHAPTER 5.51**

NOTICE AND DIGEST

This Ordinance authorizes an amendment to Ordinance Number 13078 C.M.S. (Master Fee Schedule), as amended, to establish, modify and delete fees assessed by the Office of the City Administrator, City Administrator, Office of the City Attorney, Office of the City Clerk, Oakland Public Library, Police Services Agency, Fire Services Agency, Office of Parks and Recreation, Public Works Agency, and Community and Economic Development Agency. These amended fees would become effective March 6, 2012 and would remain in effect until further notice. A public hearing has been scheduled to review the proposed fee changes. The meeting will take place at the time of the first reading of the proposed ordinance by the City Council, on March 6, 2012, at 7:00 pm or as soon as practically possible thereafter.

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\_\_\_\_\_  
City Attorney

**OAKLAND CITY COUNCIL**  
**ORDINANCE No. \_\_\_\_\_ C.M.S.**

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**AN ORDINANCE AMENDING ORDINANCE NO. 13078 C.M.S., THE MASTER FEE SCHEDULE, AS AMENDED, TO ESTABLISH OR MODIFY FEES ASSESSED BY THE OFFICE OF THE CITY ADMINISTRATOR TO ESTABLISH AN INTERIM MOBILE FOOD VENDING PARKING USE FEE FOR PERMITS ISSUED PURSUANT TO CHAPTER 5.51**

**WHEREAS**, the City of Oakland periodically updates its Master Fee Schedule to account for general cost of living increases and program changes and other costs; and

**WHEREAS**, City departments incur costs related to the implementation, regulation, and oversight of city programs and permitting activities; and

**WHEREAS**, the fee modifications and additions proposed herein have been justified by the respective agencies and are identified in an "Agenda Report" dated February 15, 2012 to Deanna J. Santana, City Administrator, entitled Amendments to OMC and Master Fee Schedule;" and

**WHEREAS**, the City Council finds and determines that the herein-referenced modifications and additions are necessary to reimburse the City for the costs of performing the various municipal and regulatory functions; and

**WHEREAS**, when the City of Oakland's existing Vehicular Food Vending program was originally implemented in 2001, Oakland was a leader in recognizing this small business format, and creating a legal mechanism for their participation in the local economy; and

**WHEREAS**, in the past three years, with the changes in the economy and the growing food market, entrepreneurs have taken mobile food vending into a whole new direction; and

**WHEREAS**, there is greater general public acceptance and demand for mobile food vendors, and

**WHEREAS**, Planning Staff are currently working on developing the permitting and operating standards for a new interim citywide mobile food vending program; and

**WHEREAS**, the interim regulations will remain in place and be effective only through January 1, 2013, or until the City Council adopts permanent mobile food vending regulations, whichever comes first; and

**WHEREAS**, the interim regulations limit the length and frequency of mobile food vending “Group Site” or “Food Pod” activities at a single site to no more than two (2) dates per week and up to forty (40) dates in any one 12-month period; and

**WHEREAS**, implementation of the interim regulations would result in a reduction of hourly revenue collected at metered spaces which are used for food vending pod sites; and

**WHEREAS**, for the reasons set forth above, the Council declares that this ordinance is necessary to establish interim hourly parking meter fee for mobile food vending program; and

**WHEREAS**, a Public Hearing was held on March 20, 2012 to review the proposed fee changes; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

Section 1: The Master Fee Schedule as set forth in Ordinance No. 13078, as amended, is hereby amended to modify and establish fees assessed by the Office of the City Administrator and as set forth in Exhibit A, attached hereto and made a part hereof

Section 2: This ordinance shall be effective on March 20, 2012 upon approval by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

**AYES-** BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAFF, and PRESIDENT REID

**NOES-**

**ABSENT-**

**ABSTENTION-**

**ATTEST:** \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California



**City of Oakland**  
**Master Fee Schedule**  
*Effective July 19, 2011*

**CITY ADMINISTRATOR**

| FEE DESCRIPTION  | FEE | UNIT | PROPOSED FEE  | % CHANGE  |
|--|-----|------|---------------|---|
|  |     |      | (FY 2011-12)  |   |
| <b>SPECIAL ACTIVITIES</b>  |     |      |               |   |
| <b>A. APPLICATION FILING FEE FOR A SPECIAL ACTIVITY PERMIT AS REQUIRED BY OAKLAND MUNICIPAL CODE</b> |     |      |               |   |
| 25 Food Vending Group Site Permit  |     |      |               |   |
| a. Application/Processing  |     | NEW  | \$421.66      | per site (non-refundable application fee)                         |
| b. Notification Fee  |     | NEW  | \$200.00      | generate a list of property owners and businesses within 300 feet |
| c. Permit Fee  |     | NEW  | \$100.00      | Per Group Site operation date                                     |
| d. MFV Parking Space Use Fee (before 6pm) Hourly rate for meter                                      |     | NEW  | <u>\$2/hr</u> | Per Metered space/Per Group Site Operation Date for               |
| e. MFV Parking Space Use Sign  |     | NEW  | <u>\$3.10</u> | Per sign or Replacement Sign                                      |