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OFFICE OF THE CITY CLERK
OAKLAND

SUPPLEMENTAL AGENDA REPORT

CITY OF OAKLAND 2012 MAR -2 AM 9:04

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Arturo M. Sanchez

SUBJECT: Amendments to OMC and
Master Fee Schedule

DATE: February 23, 2012

City Administrator Approval		Date	3/1/12
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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 held the Chapter 5.46 amendments "Establishing New Permitting for Secondhand Jewelry Dealers" in Committee. The Mobile Food Vending Master Fee Schedule Ordinance amendment is now before the Oakland City Council for adoption.

PUBLIC OUTREACH/INTEREST

Planning and City Administrator staff has been working to implement the Mobile Food Vending program since its adoption. As the implementation has proceeded planning, staff has met regularly 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, which includes the proposed amendment to the Master Fee Schedule.

ANALYSIS

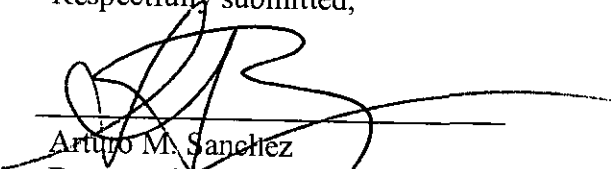
Staff is proposing to add a fee that was inadvertently left off the Master Fee Schedule when staff created the Mobile Food Vending Program. The proposed fee of \$20 per metered space per Group Site operation date would apply to Food Vending Group Sites that occupy metered parking spaces between 8am and 6pm. The proposed fee is based on the City's parking meter fees for up to a 5-hour period (which includes up to a maximum of four hours of operation, plus 1/2-hour of set-up and clean-up time); in addition to the cost of the "no parking" signs and staff time to prepare them.

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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 and Staff time. 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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REVISED
3-1-12

Approved as to Form and Legality

Amador Sotelo
City Attorney

OAKLAND CITY COUNCIL
ORDINANCE No. _____ C.M.S.

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:

- 1) ~~BUSINESSES CONDUCTING SECONDHAND JEWELRY DEALERS, SECONDHAND DEALERS, AND PAWNBROKERS ACTIVITIES PURSUANT TO CHAPTER 5.46; AND~~
- 2) 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 28, 2012 to Deanna J. Santana, City Administrator, entitled "~~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 Businesses Conducting Activities Pursuant To OMC Chapter 5.46~~" "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, ~~the City of Oakland has recognized a potential correlation between the operation of "Secondhand Jewelry Dealers" and the commission of robberies and violent crimes; and~~

WHEREAS, ~~in the past three years, with the changes in the economy and the increase in value of gold the City has seen an influx in the number of permitted and unpermitted "Secondhand Jewelry Dealers"; and~~

~~WHEREAS, Such increase in both regulated and unregulated "Secondhand jewelry Dealers" has led staff to identify significant regulations and controls that are necessary to make sure that "Secondhand Jewelry Dealers" operate lawfully; and~~

~~WHEREAS, Appropriate monitoring and oversight required by the new regulations will significantly increase the amount of staff time and oversight required to adequately monitor "Secondhand Jewelry Dealers"; and~~

~~WHEREAS, such appropriate monitoring will significantly impact city resources and costs to the City to monitor;~~

~~WHEREAS, a Public Hearing was held on March 6, 2012 to review the proposed fee changes; now, therefore~~

~~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 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 6, 2012 to review the proposed fee changes; now, therefore~~

~~WHEREAS, the Office of the City Administrator has analyzed the actual costs that will be incurred by City departments to implement the provisions of Oakland Municipal Code 5.46 and 8.09 dealing with program implementation, permitting and regulation of Secondhand Jewelry Dealer permits and pawnbrokers generally; 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 620,2012 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

**AN ORDINANCE AMENDING ORDINANCE NO. 13078 C.M.S., THE
OFFICE OF THE CITY CLERK
MASTER FEE SCHEDULE, AS AMENDED, TO ESTABLISH OR MODIFY
FEES ASSESSED BY THE OFFICE OF THE CITY ADMINISTRATOR TO:**

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- 1) ~~BUSINESSES CONDUCTING SECONDHAND JEWELRY DEALERS,
SECONDHAND DEALERS, AND PAWNBROKERS ACTIVITIES
PURSUANT TO CHAPTER 5.46; AND~~**

**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.