



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing for the adoption of a Resolution Establishing a Fee Schedule for the Permit to Operate for Mobile Food Vendors

MEETING DATE: November 21, 2007

PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to consider the adoption of a Resolution establishing a Fee Schedule for the Permit to Operate for Mobile Food Vendors.

BACKGROUND INFORMATION: On July 18, 2007, the City Council adopted an Ordinance establishing a new process for regulating vending activities from the public right-of-way and from private property. One of the key elements of those new regulations is the Permit to Operate.

The Permit to Operate process requires that Vendors submit an application and other required documentation as proof that they are in compliance with the general regulations of the ordinance and to allow Staff to check compliance with any site specific requirements.

During the process of developing these regulations, Staff met with the vendors to receive their input on the various aspects of the proposed regulations. This included discussion of the need for a Fee Schedule to cover the costs related to administering the Permit to Operate process. Through the course of that discussion, the vendors were accepting of the fee concept as long as any fees imposed are reasonable and not cost restrictive. What was discussed and deemed reasonable by the vendors at those meetings is a fee which ranges from \$125 for food carts to \$175 for the lunch trucks, for the County's Environmental Health Permit.

The amount of time necessary to review each application for a Permit to Operate will vary, depending on the nature and location of the vending activity, as well whether it is the initial application or a renewal of an existing Permit to Operate. Accordingly, the Fee Schedule will need to reflect those differences in the time and costs involved in the review.

It is estimated that the review of the initial application for the annual Permit to Operate will require one and one-half hour each from the Community Improvement Manager and a supporting Administrative Clerk. It is estimated that the renewal of a Permit to Operate will require one-half of the time of the initial application review. It is estimated that the review of an application for a one-time, special event or activity will require no more than one-hour each from both the Manager and supporting Clerk.

APPROVED: _____
Blair King, City Manager

The Staff costs associated with the following table are based upon a Staff Time Analysis that was provided by the Finance Department.

Fee Description	Related Staff	Cost	Proposed Fee Amount
Initial Application Fee	Comm. Imp. Manager	\$70/hr x 1.5	\$150.00
	Admin Clerk	\$30/hr x 1.5	
Renewal Application Fee	Comm. Imp. Manager	\$70/hr x .75	\$75.00
	Admin Clerk	\$30/hr x .75	
Special Event/Activity Fee	Comm. Imp. Manager	\$70/hr x 1	\$100.00
	Admin Clerk	\$30/hr x 1	

In preparing the proposed Fee Schedule, Staff has also looked at the following comparable fees within the Community Development Department and the previously stated Environmental Health Department (EHD) Permit Fees and feels that what is being recommended to the City Council for approval is fair and reasonable.

- Administrative Deviation \$350 + hourly
- Appeals \$300
- Home Occupation \$100
- Landscape Review \$175 + hourly
- Prelim. Environmental Assessment \$250 + hourly
- Pre-Development Review \$250
- Annual EHD – Pushcarts \$125
- Annual EHD – Lunch trucks \$175

FISCAL IMPACT: The following revenues are being projected for the 2007/08 Fiscal Year, as well as for 2008/09 and all subsequent years. These fees are projected to cover the costs of review.

	2007/08	2008/09 +
Application Fees for Initial Annual Permit	\$1950	\$300
Application Fees to Renew Annual Permit	0	\$975
Application Fees for Special Event/Activity	\$125	\$125

FUNDING AVAILABLE: N/A

Kirk Evans, Budget Manager

Randy Hatch
Community Development Director

RH/jw

Attachments

cc:

RESOLUTION NO. 2007-_____

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE FEE SCHEDULE FOR THE PERMIT
TO OPERATE FOR MOBILE FOOD VENDORS

WHEREAS, the Lodi Municipal Code requires the City Council, by Resolution, to set fees for various services provided by the City of Lodi to recover those costs associated with providing specific services and programs; and

WHEREAS, on July 18, 2007, the City Council did adopt an Ordinance that established a new process for regulating vending activities from the public right-of-way and from private property; and

WHEREAS, one of the key elements of those new regulations is the Permit to Operate, which is required for all vendors; and

WHEREAS, the Permit to Operate process requires that all Vendors submit and application and other required supporting documentation as proof that they are in compliance with the general regulations of the Ordinance and to allow Staff to check compliance with any site specific requirements; and

WHEREAS, Staff has estimated the amount of time necessary to review the three categories of Permit to Operate, 1) Application for Initial Annual Permit to Operate, 2) Application for Renewal of Annual Permit to Operate, and 3) Application for Special Event/Activity; and

WHEREAS Staff has also factored in the related personnel costs based upon a Staff Time Analysis that was prepared by the Finance Department,

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve staff recommendations to establish a Fee Schedule for the Permit to Operate for mobile food vendors as follows:

Fee Description	Fee Amount
Initial Annual Permit To Operate	\$150
Renewal of Annual Permit to Operate	\$75
Special Event/Activity Permit to Operate	\$100

Dated: November 21, 2007

I hereby certify that Resolution 2007-_____ was passed and adopted by the Lodi City Council in a regular meeting held on November 21, 2007, by the following vote:

- AYES: COUNCIL MEMBERS –
- NOES: COUNCIL MEMBERS –
- ABSENT: COUNCIL MEMBERS –
- ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL
City Clerk



**Please immediately confirm receipt
of this fax by calling 333-6702**

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

**SUBJECT: PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION
ESTABLISHING A FEE SCHEDULE FOR THE PERMIT TO OPERATE
FOR MOBILE FOOD VENDORS**

PUBLISH DATE: SATURDAY, NOVEMBER 10, 2007

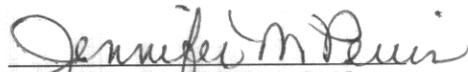
LEGAL AD

TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO: RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, NOVEMBER 8, 2007

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

LNS Faxed to the Sentinel at 369-1084 at 2:30 (time) on 11/8/07 (date) 2 (pages)
Phoned to confirm receipt of all pages at _____ (time) _____ CH _____ CM _____ JMP (initials)



CITY OF LODI

**Carnegie Forum
305 West Pine Street, Lodi**

NOTICE OF PUBLIC HEARING

Date: November 21, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

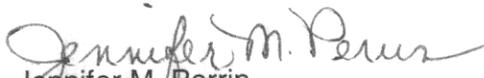
NOTICE IS HEREBY GIVEN that on **Wednesday, November 21, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider approval of the following item:

- a) Adoption of a resolution establishing a fee schedule for the permit to operate for mobile food vendors.**

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:


 Jennifer M. Perrin
 Deputy City Clerk

Dated: November 7, 2007

Approved as to form:



D. Stephen Schwabauer
 City Attorney



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR THE PERMIT TO OPERATE FOR MOBILE FOOD VENDORS

On Friday, November 9, 2007, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider adoption of a resolution establishing a fee schedule for the permit to operate for mobile food vendors (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 9, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR THE PERMIT TO OPERATE FOR MOBILE FOOD VENDORS

On Friday, November 9, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Notice of Public Hearing to consider adoption of a resolution establishing a fee schedule for the permit to operate for mobile food vendors, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto marked Exhibit B.

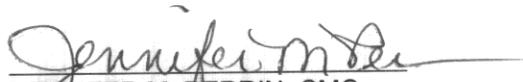
There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 9, 2007, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

CYNTHIA MURPHY
ADMINISTRATIVE CLERK