Memo

Date: March 23, 2011

File: 2390-01-000

To: City Manager

From: Manager, Property Management

Subject: **Traffic Bylaw 8120 - Fees (Amendment)**

Report Prepared by: T. Abrahamson, Property Officer

City of Kelowna

Recommendation:

THAT Council receives for information, the Report from the Manager, Property Management, dated March 23, 2011, outlining suggested changes to the Traffic Bylaw pertaining to sidewalk/roadway occupancy permit fees;

AND THAT Bylaw No. 10501, being Amendment No. 17 to the City of Kelowna Traffic Bylaw No. 8120, be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to issue an Expression of Interest for all five (5) downtown locations.

Purpose:

The City wishes to remove the set fee structure and perceived grandfathering rights contained in Part 7 of Traffic Bylaw No. 8120 to better evaluate vending applications.

Background:

The Property Management branch of Real Estate & Building Services department oversees the five (5) vending operations in Kelowna's downtown core as shown on the attached map. Historically these vending operations have been grandfathered to existing operators. In order to allow greater access to vending opportunities, the five (5) locations will be offered to the public under an Expression of Interest for an initial three-year term.

The primary criteria used to determine the best candidate for this opportunity is financial consideration. Under the existing Traffic Bylaw, vending carts are charged a flat rate of $100.00 per month per location. This removes the financial consideration component when evaluating the applications leaving the balance of criteria highly subjective.

To avoid this situation and in an effort to remain transparent and fair, two amendments of the Traffic Bylaw removing the vending cart fee and perceived grandfathering rights is recommended:

a) Under the current section of Traffic Bylaw No. 8120, **SCHEDULE "A", FEES, <u>PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS</u>**, <u>Subsection 7.1.6 Permit Fees</u>, **Sidewalk/Roadway Occupancy Permit Fee:**

"**Sidewalk/Roadway Occupancy Permit Fee** (to be prorated for the month in which the **permit** is granted and for the month in which the **permit** is cancelled or expires, where applicable):

Portable Food Service Vending Cart or **vehicle**: $100.00 per location per month"

This entire section should be parentally deleted from the Traffic Bylaw; and

b) Under the current section of Traffic Bylaw No. 8120, **PART 7 – SIDEWALK/ROADWAY OCCUPANCY PERMITS,** Subsection 7.1.6 **Permit** Expiration:

"....An existing **permit** holder will be given first consideration for a **permit** renewal for the same **permit** area and on the same terms and conditions, provided the existing **permit** is in good standing and payment for the **permit** has been renewed by the December 31st of the previous year."

This portion of Subsection 7.1.6 should be parentally deleted from the Traffic Bylaw.

Internal Circulation:

City Clerk

Alternate Recommendation:

THAT Council receives, for information, the Report from the Manager, Property Management, dated March 23, 2011, outlining suggested changes to the Traffic Bylaw pertaining to sidewalk/roadway occupancy permit fees;

AND THAT Bylaw No. 10501, being Amendment No. 17 to the City of Kelowna Traffic Bylaw No. 8120, be forwarded for reading consideration;

AND FURTHER THAT Council directs staff to issue an Expression of Interest for one (1) downtown location and to renew existing vendors for a one-year transitional period.

Considerations not applicable to this report:
Existing Policy:
Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
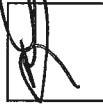Community & Media Relations Considerations:

In light of the above, the Real Estate & Building Services department request Council's support of this bylaw amendment.

Submitted by:

Ron Forbes
Manager, Property Management

Approved for inclusion: D. Gilchrist, Director, Real Estate & Building Services

cc: C.Boback, Legislative Coordinator