

Memo



Date: June 14, 2011
File: 2380-20
To: City Manager
From: Manager, Property Management
Re: Relocation of Mobile Vendor

Recommendation:

THAT Council approves the amendment to the Licence of Occupation dated June 2, 2011, between the City of Kelowna and Service Stars F&B Services (Wafelicious) for the relocation of the vendor location at the corner of Pandosy Street and Bernard Avenue to the location on Queensway Avenue, as set out in Appendix "A" attached to the Report of the Manager, Property Management, dated June 14, 2011;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Amendment to the Licence of Occupation after executed by the proponent.

Purpose:

To obtain Council endorsement to relocate a mobile vending location from Bernard Avenue to Queensway Avenue.

Background:

May 30, 2011, Council approved five mobile vending locations including a seasonal location on the corner of Bernard Avenue and Pandosy Street. The successful vendor was Service Stars F&B Services (Wafelicious) (the "Vendor"). The Vendor utilizes a trailer to produce and sell their product.

Initially the trailer was to be put on the curb bulb. Unfortunately because of the size of the trailer it restricted vehicular sight lines coming into the intersection creating a potential conflict for vehicles turning right from Bernard Avenue onto Pandosy Street and pedestrians crossing Pandosy Street.

In order to alleviate the safety concern staff consulted with the property owner and business owner of the building on the corner of Bernard Avenue and Pandosy Street and relocated the trailer into a parking stall on Bernard Avenue. This however resulted in other challenges.

In order to address the concerns of the adjacent business owner, staff reviewed other suitable downtown locations and selected the location shown on the map which is on Queensway Avenue east of the corner of Queensway Avenue and Mill Street. Staff has consulted with the adjacent property owner on Queensway Avenue who supports the relocation of operation

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adjacent to his property. Staff have also consulted with the Vendor who is amenable to moving to this location.

Other Considerations:

Throughout the remainder of 2011, staff will be monitoring the seasonal food concessions, activity concessions and mobile vending operations with the aim to develop an all inclusive policy/program that governs these uses throughout the City. The policy/program will include location analysis, operator selection, monitoring and compliance, form of agreement and any delegated authorities that may be granted by Council to staff in order to administer the program. The goal is to bring this forward to Council prior to the 2012 operating season.

Considerations not applicable to this report:

Internal Circulation:

Financial/Budgetary Considerations:

Internal Circulation:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Personnel Implications:

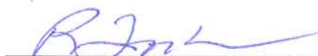
External Agency/Public Comments:

Community & Media Relations Comments:

Alternate Recommendation:

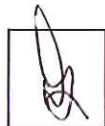
In light of the above, the Property Management branch of the Real Estate & Building Services department request Council's support of this location change.

Submitted by:



Ron Forbes, Manager
Property Management

Approved for inclusion:



D. Gilchrist, Director, Real Estate & Building Services

cc: Director, Financial Services



Appendix 'A'

**LICENSE OF OCCUPATION
AMENDMENT**

Date: June 15, 2011

**Re: Mobile Vendor Temporary Relocation
From Bernard Avenue/Pandosy Street to Queensway Avenue**

Further to the License of Occupation Agreement dated June 2, 2011 made between Service Stars F&B Services, as the Contractor, and the City of Kelowna, and covering the above-mentioned matter, the undersigned hereby agree as follows:

Whereas the City desires to appoint the services of the Contractor to provide Mobile Concession services originally at the Bernard Avenue/Pandosy Street location to the Queensway Avenue location, attached as Schedule 'A' for the term June 20, 2011 to September 15, 2011.

All other terms and conditions contained in the said License of Occupation Agreement remain the same and in full force and effect.

SERVICE STARS F&B SERVICES, by its
authorized signatory:

Roy Grossman

CITY OF KELOWNA, by its authorized
signatories:

Schedule 'A'

