

OFFICE OF THE CITY MANAGER

June 3, 1999

To the Honorable City Council
of the City of Pasadena

Mayor and Councilmembers:

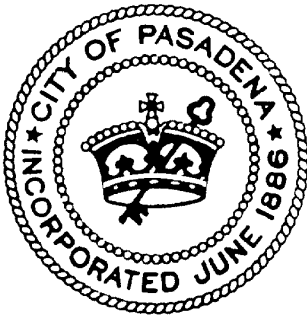
Pushcart Vendors

On June 2, the Business Enterprise Committee deliberated on the recommendations for amending pushcart regulations. The Business Enterprise Committee supported amending Section G which will allow pushcart vending in parks. The Business Enterprise Committee did not support amending Section E which would allow flexibility of time while vending in residential areas.

Respectfully submitted,

CYNTHIA J. KURTZ
City Manager

CJK:PD:es



Agenda Report

Through Business Enterprise Committee

TO: CITY COUNCIL

DATE: JUNE 7, 1999

FROM: CITY MANAGER

SUBJECT: PUSH CART VENDING

RECOMMENDATION:

It is recommended that the City Council direct the City Attorney to draft amendments to Pasadena Municipal Code Section 8.16.020 Subsections E & G ("Pushcarts") to allow pushcart vending in parks and allow vending in one area for more than 5 minutes.

BACKGROUND:

On November 4, 1996, City Council approved amendments to Section 8.16.020, eliminating the prohibition against pushcart vending. In late March of 1999, members of the Pushcart Vending Association requested that the City Council amend the Pushcart Ordinance to allow vending in parks where there is a great demand for their product. They also requested a change in the ordinance to allow vendors to stand for more than 5 minutes while preparing food for customers. The City Council referred the matter to the Business Enterprise Committee.

The Business Enterprise Committee discussed the matter of changing the ordinance with pushcart vendors and a representative of El Centro de Accion. El Centro coordinates the only commissary approved by the Pasadena Public Health Department for pushcart vendors in Pasadena. Staff was directed to look at the pros and cons of making the requested changes and return to the Committee and Council with a recommendation.

Staff from the Police, Public Health, Finance, Human Services, Recreation and Neighborhoods, City Attorney, City Prosecutor and Planning & Permitting Departments met with staff from the City Manager's office to discuss negative and positive outcomes that will result from the proposed changes. The following pros and cons were discussed:

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Pros	Cons
There is considerable demand for food products in parks. Many illegal food vendors are now selling in parks. Pushcart vendors can become the eyes and ears for enforcement officials.	Consumption of food products from pushcarts can cause the proliferation of trash in the park area and possibly residential areas without time limits.
Vendors can obtain significant income from sales without moving carts extensively throughout residential neighborhoods.	Pushcart vendors will compete with concession stand food vendors that are trying to raise funds for organized sports teams.
Allowing pushcart vending in parks rewards entrepreneurs that have invested their time and money to have clean and safe carts that comply with Health and Safety code requirements.	Allowing pushcart vending in parks may cause the proliferation of vendors standing in parks all day rather than moving in and out of parks through residential neighborhoods. This may cause turf conflicts between pushcart vendors.
Legal pushcart vendors ensure safe quality food products are sold to the public.	Allowing pushcart vending may open the door to demands for other types of sales in public parks.

As a result of this meeting, the City Manager's Office is recommending that the City Council direct the City Attorney to draft amendments to Section E:

Pushcart vending shall be permitted on public walkways in residential areas only for no more than 5 minutes in a single location.

and Section G:

It is unlawful to vend from pushcarts in parks or on other public properties without a special event permit. Special permits shall be required for New Year's Day, the Black History festival, Cinco de Mayo and other events as determined by the city.

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It is staff's recommendation that vendors be allowed to vend on public walkways in residential areas for a length of time needed to serve all customers buying food products or 5 minutes, whichever is less. Vendors should then move on and not stand on walkways to wait for sales in residential areas. Pushcarts in parks should be allowed to stand for 90 minutes in one location during a 24 hour day.

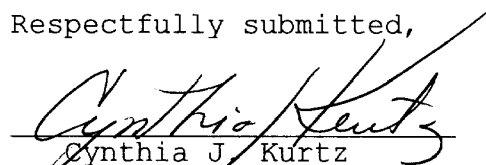
It is also staff's recommendation that special events held in parks continue to mandate all food vendors obtain special event permits. Event sponsors would continue to have the right to determine food vendors for their special event in all parks citywide.

Approval of staff recommendation will suspend enforcement and prosecution of the sections E and G until City Council approves and adopts the proposed amendments.

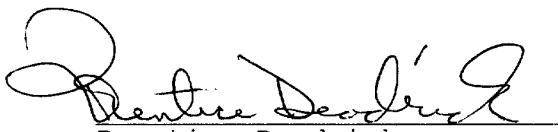
FISCAL IMPACT:

There is no fiscal impact on the general fund associated with the proposed amendments.

Respectfully submitted,


Cynthia J. Kurtz
City Manager

Prepared by:


Prentice Deadrick
Acting Assistant City Manager