

ORDINANCE NO. 85-054

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

MAY 28 1985

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND COMMUNITY SERVICES TO INSTITUTE A PILOT PROGRAM FOR MOBILE VENDORS OF REFRESHMENTS IN SELECTED PARKS FOR THE PERIOD JUNE 1, 1985 - OCTOBER 31, 1985, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1.

(a) The provisions of Article III of Chapter 12 notwithstanding, the Director of Parks and Community Services is authorized to institute a pilot program for contracting with vendors to sell refreshments from mobile carts or portable stands in selected parks during the period June 1, 1985, through October 31, 1985, in accordance with this ordinance.

(b) The Director shall select individual parks or appropriate groupings of parks to be included in the pilot program and may specify the location or locations within each park where the cart or stand may be located.

(c) The Council shall approve, by resolution, an application package which shall be completed by each prospective vendor. The Council shall approve, by resolution, criteria for preliminary screening of applications. The Director shall screen all applicants according to the established criteria. The successful applicant for each park or park grouping shall be selected by lottery from among those applicants whose applications satisfy the initial screening criteria. The Director shall enter into an agreement with the successful applicant substantially in a form which shall be approved by resolution of the City Council.

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(d) No application fee shall be required. A successful applicant shall pay a \$250 fee for the privilege of operating a park vending concession in each park or park grouping for the period ending October 31, 1985. Each vendor shall also be required to have a valid City of Sacramento Business Operations Tax Certificate.

(e) Each vendor shall also be required to assume the defense of, and indemnify and save harmless, the City, its officers, employees, and agents, and each and every one of them, from and against all action, damages, costs, liability, claims, losses, and expenses of every type and description to which any or all of them may be subjected, by reason of, or resulting from, directly or indirectly, the vendor's activity pursuant to the permit, whether within or without the scope of the permit. Each vendor shall be required to have in effect the following insurance coverage:

An unconditional public general liability insurance policy that includes products and/or completed operations for not less than the following sums:

- (1) For the injury or death of any one person in any one accident..... \$100,000.00;
- (2) For the injury of death to two or more persons in any one accident..... \$300,000.00;
- (3) For the damage or destruction of property in any one accident..... \$ 25,000.00; or, at the option of the permittee,
- (4) \$500,000 single limit for injury, death or property damage.

(f) At the expiration of the pilot program, the Director shall evaluate the pilot program and report thereon to the City Council.

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Section 2.

This ordinance shall be of no force and effect after November 15, 1985.

Section 3.

This ordinance is an emergency ordinance to take effect immediately. The facts constituting the emergency are the need to implement the pilot program as soon as possible in order to have a full season in which to test the program and in order to provide refreshment services to park users in selected parks as soon as possible.

Date Passed for Publication: MAY 21 1985
Date Enacted: MAY 28 1985
Date Effective: MAY 28 1985

Gene Ruden
MAYOR

ATTEST:

Quaine Magora
CITY CLERK

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