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Title: Provide direction regarding the upcoming Downtown Vending Permit cycle.

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CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Provide direction regarding the upcoming Downtown Vending Permit cycle.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director

BOARD/COMMISSION REVIEW:

Not required.

BACKGROUND:

The current downtown mobile vending program, as adopted per Section 3-7-11 (Downtown Food Vendor Regulations), was administered in FY2012 and 2013. In early 2013, the Downtown Advisory Commission (DAC) discussed the existing vending program based on staff concerns, including low/inconsistent vendor participation, difficult vending locations, and vendor preference towards nighttime vending operations. DAC recommended modifications to the existing program, including the elimination of 2 vending locations and extension of the existing permits for Joey's Red Hots and John's Rib House through the end of 2013. During the extension period, DAC noted the importance of re-establishing expectations with existing vendors regarding participation/consistency, product, and cleanliness.

At the conclusion of the extension period, DAC noted that the program appeared to be working better than it had previously, recommended a permanent reduction in the number of available vending locations from 4 to 2, and agreed that a competitive bid process should continue to be used to select vendors moving forward (RFQ). City Council concurred with DAC's recommendations on December 17, 2013.

For the 2015-2016 downtown vending program, the City received 3 vending applications from John's

Rib House, Little Jimmy's Italian Ice, and Joey's Red Hots. An interview panel comprised of City staff, a Downtown Naperville Alliance representative, and a Downtown Advisory Commission representative recommended issuance of a downtown vending permit to John's Rib House for the Central Parking Facility location and the issuance of permits to both Joey's Red Hots and Jimmy's Italian Ice to share the Main Street vending location. At their January 20, 2015 meeting, the City Council did not concur with the interview panel's recommendation and instead issued a single vending permit to Joey's Red Hots for the Main Street location. The permits issued were valid through December 31, 2016.

Based on the limited success of the program in 2015 and 2016, City Council again discussed this program at their October 4, 2016 meeting. At this meeting, City Council directed staff to forgo the RFQ process and extend the existing downtown permits issued to John's Rib Hots and Joey's Red Hots through December 31, 2018.

DISCUSSION:

The current downtown vending permits are valid through December 31, 2018. It should be noted that while John's Rib House still utilizes their vending permit, the City understands that the owner of Joey's Red Hots has since moved out of state and no longer vends in the downtown. Per Section 3-7-11 of the Naperville Municipal Code, the City is required to seek new applications for the 2019-2020 downtown vending program through issuance of an RFQ. Given the limited applicants received for the program since 2012, as well as the somewhat limited success of the program overall, staff is requesting City Council direction on available options regarding downtown vending prior to moving forward.

Option 1: Direct staff to open an application process to select 2 vendors for the 2019-2020 downtown vending program.

Unlike prior years, an RFQ would not be issued, but instead the City would provide an open application period during which any interested vendors could apply for consideration of a vending permit. Submitted applications would be confirmed for completeness and then two vendors would be chosen through a lottery system. The two chosen applicants would be issued downtown vending permits for the period of January 1, 2019 through December 31, 2020, upon payment of all required fees.

Option 2: Discontinue the downtown vending program and "grandfather" one existing vending permit.

Under this option, there would be no new downtown vending permits issued at any point in the future. However, staff would recommend that John's Rib House be permitted to continue to vend in the downtown until (1) he no longer desires to do so, subject to certain conditions, or (2) the City Council revokes his vending permits. If Option 2 is selected, staff will prepare a text amendment striking Section 3-7-11 from the Naperville Municipal Code for City Council adoption at a future meeting and will additionally provide further specifics regarding the proposed grandfathering method.

FISCAL IMPACT:

None.