

## MEMORANDUM

TO: Mayor and Council

FROM: Derek Delacourt, Community Services Area Administrator

DATE: May 7, 2018

SUBJECT: Farmers Market Operating Rules – Proposed Change to Stall Assignment and Move-In Procedure

The current Market Operating Rules were adopted by City Council in July of 2007. Staff periodically review and update the rules, and are proposing modifications that will improve the stall assignment and move-in process. The Public Market Advisory Commission has reviewed the proposed changes at the November 16<sup>th</sup> meeting and passed a resolution of support.

Currently, the stall assignment process as outlined in Section IV.3. Stall Assignment states:

*On days the Market opens at 7 a.m., the Market Manager shall assign stalls according to the following procedure. (This procedure shall be delayed one hour when the Market opens at 8 a.m.):*

**6:00 a.m.** All vendors shall sign in on either the Annual Vendor or Daily Vendor Sign-In Sheets at the Market office. Vendors may sign in person, or by calling the Market office if they are unable to be present by 6:00 a.m. Any vendor failing to call or sign in by 6:00 a.m. shall be placed in the last position on the Daily Vendor Move-Up Sheet for purposes of stall assignment.

**6:00 a.m. to 6:15 a.m.** If there are vacant stalls due to vendors that have not signed in, Annual Vendors who have signed in may elect additional or different stalls in the order provided on the Annual Vendor Move-Up Sheet. If an Annual Vendor who has signed in by phone has not arrived, the Market Manager shall assign them stalls.

**6:15 a.m. to 6:30 a.m.** Daily Vendors who have signed in shall be assigned any remaining stalls in the order provided on the Daily Vendor Move-Up Sheet.

**After 6:30 a.m.** Annual or Daily Vendors who missed the sign-in deadline shall be assigned stalls at this time based on order of arrival. Any remaining available stalls and parking shall be assigned based on seniority starting with Annual Vendors and then Daily Vendors. Producers wishing additional stalls may be assigned one additional stall at a time.

*During stall assignment, Producers may be assigned a maximum of three stalls, Artisans a maximum of two stalls, except for vendors who shall have a greater maximum based on the number of stalls assigned to them prior to the adoption of these Market Rules.*

*Once stall and parking assignments have been made, a vendor shall not move to other stalls or parking spaces without the Market Manager's prior approval in accordance with the move-in procedure.*

*Daily Mobile Food Vendors shall arrive at the time determined by the Market Manager and shall set up only in their designated stall, which shall be assigned by the Market Manager upon their arrival.*

It is common practice for vendors to select an additional stall once all vendors have been assigned their allotted spaces, past the three stall maximum they are assigned permanently. This helps fill in gaps in the market and is good for vendors' businesses. However, we do not have a procedure for adding stalls on a day by day basis above the 3 stall annual limit. Staff is proposing the following changes to add a clear process for selecting these stalls (changes in red)

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***6:00 a.m. to 6:30 a.m. Producers may be assigned a maximum of three stalls, Artisans a maximum of two stalls, except for vendors who shall have a greater maximum based on the number of stalls assigned to them prior to the adoption of these Market Rules.***

***6:15 a.m. to 6:30 a.m. Daily Vendors who have signed in shall be assigned any remaining stalls in the order provided on the Daily Vendor Move-Up Sheet.***

***After 6:30 a.m. Annual or Daily Vendors who missed the sign-in deadline shall be assigned stalls at this time based on order of arrival. Any remaining available stalls and parking shall be assigned based on seniority starting with Annual Vendors and then Daily Vendors, without a maximum stall limit.***

~~*During stall assignment, Producers may be assigned a maximum of three stalls, Artisans a maximum of two stalls, except for vendors who shall have a greater maximum based on the number of stalls assigned to them prior to the adoption of these Market Rules. (move this section up, before 6:15 to 6:30 a.m.)*~~

*Once stall and parking assignments have been made, a vendor shall not move to other stalls or parking spaces without the Market Manager's prior approval in accordance with the move-in procedure.*

*Daily Mobile Food Vendors shall arrive at the time determined by the Market Manager and shall set up only in their designated stall, which shall be assigned by the Market Manager upon their arrival.*

It is also common practice for vendors to move into a neighboring stall if the vendor next to them leaves early, filling in a space that would otherwise be empty for the remainder of the day. Before they are allowed to take over an additional space, however, the following procedure must be followed to give vendors in temporary lettered stalls the chance to move up. A temporary lettered stall is an unofficial stall created to accommodate overflow of vendors.

Currently, the stall assignment process as outlined in Section IV.4. Move-In Procedure states:

*The Market Manager shall create a move-in sheet on each Market day listing those vendors who are in temporary, lettered stalls. If a stall is vacant, or becomes vacant after the Market opens, the following move-in procedures shall determine which vendors may move into vacant stalls:*

*A. The vendor with the highest seniority that is in a temporary, lettered stall shall have the first right of move-in or refusal, then the vendor with the second highest seniority, and so on.*

*B. Each vendor is responsible for inquiring of those higher in seniority of their desire to move to a vacant stall.*

*C. If a vendor refuses the option to move into a certain stall, the vendor may move into another stall later in the day, if a stall becomes available.*

*D. The Market Manager must approve each move-in prior to a vendor changing stalls or parking spaces.*

*E. The Market Manager may assess additional stall or parking fees where required.*

Staff is proposing to add a final element, F., to clarify that a vendor in a permanent stall, rather than a temporary lettered stall, may also access this empty space after others have been given the chance of move up.

***F. If a stall is not assigned to a vendor who is in a temporary, lettered stall, then any other vendor may move into the stall in addition to their currently assigned stalls. The vendor must receive prior approval from the Market Manager. If the vendor moves into an additional stall before 12 pm, then the vendor shall pay the applicable stall fee.***

These proposed rule changes have been shared with and endorsed by the Public Market Advisory Commission.

Per Chapter 31 of the City Code, the Community Services Administrator may promulgate Market operating rules relating to the operation and management of the Market. The operating rules shall take effect 30 days after they are filed with the City Clerk, unless City Council acts by resolution to change the operating rules. The updated rules for the Public Market were filed with the City Clerk on -----, and have been reviewed by the City Attorney's Office.

Prepared by: Stephanie Willette, Farmer's Market Manager  
Reviewed by: Colin Smith, Manager of Parks and Recreation Services  
Derek Delacourt, Community Services Area Administrator  
Approved by: Howard Lazarus, City Administrator