RESOLUTION NO. 11-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCCALL, IDAHO RELATING TO GUIDELINES FOR COMMERCIAL ACTIVITY AND CONCESSION SALES WITHIN MCCALL CITY PARKS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the permitting of concession privileges in parks is to provide the public with access to products and services while generating revenue to support ongoing park and recreation programs; and

WHEREAS, these guidelines will be used to determine the specific parks where concessions will be permitted and the types of concessions allowed; and

WHEREAS, concession privileges will be granted only when the McCall City Council has determined that the products or services offered will provide an enhancement to the park and the community of McCall; and

WHEREAS, at the October 19, 2011, McCall Parks and Recreation Advisory Board reviewed the first draft of Guidelines for Commercial Activity and Concession Sales within McCall City Parks; and

WHEREAS, City staff held a public workshop on November 2, 2011 with stakeholders including current concessionaires, business owners, interest groups, and individuals that was noticed in the Star-News for citizen participation in the development of the Guidelines for Commercial Activity and Concession Sales Within McCall City Parks; and

WHEREAS, at the November 16, 2011 McCall Parks and Recreation Advisory Board reviewed the second draft of Guidelines for Commercial Activity and Concession Sales within McCall City Parks; and

WHEREAS, at the December 1, 2011, City Council Meeting, the McCall City Council reviewed the draft Guidelines for Commercial Activity and Concession Sales within McCall City Parks.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MCCALL, Valley County, Idaho that:

Section 1: The McCall City Council hereby adopts The City of McCall's Guidelines for Commercial Activity and Concession Sales within McCall City Parks Policy, a copy of which is attached as Attachment A, and incorporated herein by this reference.

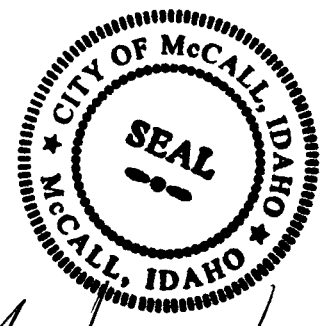
Section 2: This resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED BY THE COUNCIL AND MAYOR OF THE CITY OF MCCALL THIS 15 DAY OF DECEMBER, 2011.

CITY OF MCCALL
Valley County, Idaho

Donald C. Bailey, Mayor

ATTEST:



BessieJo Wagner, City Clerk

ATTACHMENT A

Guidelines for Commercial Activity Concession Sales within McCall City Parks

Guidelines for Commercial Activity and Concession Sales within McCall City Parks

Notice: Beginning January 1, 2012, Concessionaries will be required to adhere to these guidelines and time table.

Objective

The purpose of permitting concession privileges in parks is to provide the public with access to products and services while generating revenue to support ongoing park and recreation programs. These guidelines will be used to determine the specific parks where concessions will be permitted and the types of concessions allowed. Concession privileges will be granted only when the McCall City Council has determined that the products or services offered will provide an enhancement to the park and the community of McCall.

Description

Concessions are considered to be the privilege permitted to an individual or organization maintaining an ongoing business within park premises for the exchange of revenue or services. Concessions can be of any length in duration.

Scope

These specifications are intended for application to those concessions permitted and controlled by McCall Parks.

Applicable City Codes

8-14-4: PROHIBITED USES:

(F) Commercial Uses:

1. No person shall engage in any commercial activity in whole or in part within city parks or facilities except as authorized by a concession agreement or special use permit issued by the McCall city council, and also except as specifically authorized by this subsection.

2. No commercial aircraft, amphibious craft, or watercraft may under any circumstances be moored unattended at a city dock, except where a concession agreement with the owner of the same is in force and provides for such moorage.

3. Commercial aircraft, amphibious craft, or watercraft operators may pick up or drop off passengers at the southerly face of the southernmost dock at the municipal boat launching ramp near the west end of Fir Street, for that purpose remaining moored for not exceeding twenty (20) minutes at a time, but only under an agreement with the city providing among other things a hold harmless agreement and insurance in favor of the city.

4. Persons renting or selling watercraft who are making delivery of the same to a customer may do so at such municipal boat launching ramp.

5. When an aircraft, amphibious craft, or watercraft is found in violation of these provisions, the same may be impounded by the police and held as evidence until disposition in court, and the owner cited.

6. "Commercial" as used in this chapter when used with use or activity means of or connected with commerce or trade, and includes, without limitation, an exchange of goods or services for money, or the solicitation of such an exchange, whether the exchange is to occur presently or in the future, and whether the exchange is permanent or only for a period of time. Without limiting the generality of the foregoing, commercial use includes:

(a) Aircraft, amphibious craft, or watercraft, for hire, picking up or dropping off passengers.

(b) Purchase or sale or rental of goods, or delivery of purchased, sold or rented goods.

(c) Soliciting the purchase, sale or rental of goods or services, whether verbally or by means of signs or banners, or other advertising device.

7. "Park" as used in this chapter means any place so designated by the city. Where such park is adjacent to waters, the term includes any dock or other structure or natural feature extending above the water, between the water's edge and the furthest extremity of the water safety zone established in title 5, chapter 6 of this code.

8. "Goods" as used in this chapter has the same meaning as that term in the uniform commercial code as adopted in Idaho, broadened to include identification to a contract for rental and to a contract for purchase. (Ord. 703, 10-24-1996)

(I) Other Prohibited Activities In Parks And Park Facilities:

1. Begging or soliciting for any purpose.

2. Gambling or operating games of chance or gaming devices.

3. Abandoning property.

4. Posting handbills, circulars, posters, or signs advertising any thing or event.

5. Promoting any thing or event by carrying a sign, distributing brochures, leaflets, pamphlets and the like.

6. Using a skateboard within Legacy Park, Art Roberts Park, or Mill Park; or within any other city park where posted with signs advising of this regulation.

7. Behaving in a loud and boisterous manner. In the event that a police officer determines that a person or group of persons in a park is behaving in a loud and boisterous manner which would be annoying to other persons or deter other persons from entering or remaining in the park, the officer may request such person or group of persons to leave the park and not return; a failure of such person or persons to honor that request and to leave the park shall constitute disorderly conduct under subsection 5-5-030(A) of this code. No person who has been so convicted of disorderly conduct may within one year thereafter apply for a park reservation under subsection 8-14-7(B) of this chapter.

8. Smoking is prohibited in all city parks within the city of McCall except in areas and under conditions specifically designated in writing by the parks and recreation director, marked by signs to that effect, and only in areas equipped with the appropriate dispensers and receptacles for the sanitary disposal of cigarettes. (Ord. 889, 6-9-2011)

Concession Calendars

Unless specified otherwise, the permit period is from first date of permit through December 31st and is limited to the season and hours of operation specified. Large concessions are those requiring a significant investment by the concessionaire requiring a longer time frame to secure equipment.

Small Concession Application Calendar

December 1 –The City of McCall Parks and Recreation Department will advertise that it is accepting proposals for commercial activity in City parks.

January 1 through February 28 - Concession applications will be received by the City of McCall Parks and Recreation Director. All required documents must be submitted during this time in order for a concession application to be considered.

Third Wednesday in March - The Parks and Recreation staff will review the submitted applications and forward to the Parks and Recreation Advisory Board for consideration at its regularly scheduled March meeting.

April – The McCall City Council will hear concession applications

First week in May – All approved contracts will be signed by the Mayor of McCall following review of all legal requirements. The timeline may be extended if additional information is needed.

Large Concession Application Calendar

Unless specified otherwise, the permit period is from first date of permit through December 31st and is limited to the season and hours of operation specified.

September 1 –The City of McCall Parks and Recreation Department will advertise that it is accepting proposals for commercial activity in City parks.

October 1 through November 15 - Concession applications will be received by the City of McCall Parks and Recreation Director. All required documents must be submitted during this time in order for a concession application to be considered.

December - The Parks and Recreation staff will review the submitted applications and forward to the Parks and Recreation Advisory Board for consideration at its regularly scheduled December meeting.

January – The McCall City Council will hear concession applications

First week in February – All approved contracts will be signed by the Mayor of McCall following review of all legal requirements. The timeline may be extended if additional information is needed.

Single Event Concessions

Concessions associated with a single event and do not exceed two weekends in a row and which are limited to community, non-profit and /or youth oriented events may be granted by the Parks and Recreation Director one month prior to the event if all conditions for a short term concession are met.

Approved Concession Products and Services

The Director of Parks and Recreation shall maintain a list of generally approved types of concessions permitted within McCall City Parks. All such concessions are subject to requirements of City code and Park policies and are subject to control and conditions of operation as set forth by the City Council or Director or their designee. Concession products and services pre-approved for consideration include:

- Food and non alcoholic beverages for immediate consumption
- Fitness & training
- Music - performance & sales
- Sports concessions
- Education & instruction

Requests to have a different item or service considered for approval shall be submitted, in writing, to the Parks and Recreation Director who shall determine whether the item or service conforms to the criteria listed in the following paragraph.

When choosing which item or service to sell, keep in mind that consideration for approval will be based on the following criteria. All items or services to be sold shall:

- Not lead to or cause congestion or blocking of pedestrian traffic
- Adhere to all city codes particularly **8-14-4: PROHIBITED USES, 8-14-5: NOISE and 8-14-7: PARK OPERATING HOURS**
- Generally not compete with a like product or service sold within close proximity to the park.
- Not harm or encumber park structures, vegetation or other permitted programs, activities or events.

If the item or service does not conform, it shall be listed as prohibited for sale in parks. The decision of the Parks and Recreation Director may be appealed to the City Council.

Park Commercial Areas (PCA)

Appendix A. Approved Vending Locations

The Director of McCall Parks and Recreation, with the approval of the City Council, shall maintain a list of approved parks and/or areas (PCA) for product sales. Such concessions are subject to requirements of the City of McCall and the Department of Parks and Recreation and are subject to control and conditions of operation as set forth by City Code and the Director or their designee. Each park and/or PCA has been designated as one of the following categories;

PCA 1: Parks/areas that have significant facilities for motorized access and use. This area may include water features and large hard surface area, high visibility and/ or proximity to a large customer base. This area will also have public restroom facilities, adequate public parking and additional amenities such as electricity, performance area and harden pathways.

PCA 2: Parks/areas that have significant features and or high visibility and proximity to customers. This area may or may not have electricity or permanent public restroom.

PCA 3: Parks/areas not open to concessions. PCA 3 concession requests will not be considered for approval.

Each park may have multiple areas within the park. Each concession site within each park may have specific limitations unique to its location.

Concession Vending Apparatus and Facilities:

Applicant must submit color perspective drawings of the planned cart, trailer, canopy tent or mobile vending unit. Two perspective styles, 5" x 7" color photographs showing all four sides of existing carts will be accepted in lieu of perspective drawings. Also, submit dimensions, samples of materials, and logos or signs you plan to use in construction of your cart.

The Parks and Recreation Advisory Board and Community Development Department shall review the vending cart application and approve or disapprove the design based upon the following guidelines.

DESIGN AND COLOR

l. The design should enhance the attractiveness of the pedestrian environment in the park and should have tasteful composition, materials and colors.

2. Design materials and color are to be considerate of the immediate surroundings of the proposed location.

SHAPE AND SIZE

1. The vending unit must be designed to minimize interfering with pedestrian traffic, public use and other permitted activity.
2. Must adhere to design requirements for approved apparatus.

The following are concession apparatus that may be approved within McCall City Parks.

Type A: Push Carts. A wheeled cart is capable of being moved by one or two operators by hand.

- Limited in size to no more than 6 feet in length, 4 feet in width, and 5 feet in height including canopy or umbrella.
- Free standing canopies/tents/umbrellas or any similar device is not permitted.
- Carts larger than 24 square feet must be approved by the park supervisor and are charged $10 for each additional square foot.

Type B: Trailers, Canopies, And Tents: A non-motorized vehicle licensed for towing on streets and highways being no greater than 36 square feet in size and no greater than 10 feet tall including canopy or umbrella. Canopies and Tents are portable structures made of canvas or nylon or similar material.

- The Canopy/Tent is limited to 60 square feet with a minimum clearance above sidewalk or pathway of 7 feet and a maximum height of 11 feet.
- Placement of Trailers may be limited in some parks due to the lack of vehicle access or prohibition of vehicles in the park.
- Trailers, Canopies, and Tents: If approved they may be required to be placed without the use of a vehicle.

Type C: Motorized mobile vending: A motorized vehicle such as a truck, van, or mobile home licensed for use on streets and highways that is equipped for preparing and vending foods, or for vending approved items or services.

- Concession is limited in size to a length no greater than 20 feet and to a height no greater than 12 feet.
- Canopy is limited to 60 square feet with a minimum clearance above sidewalk or pathway of 7'
- Concession must be removed daily. Concessions must use designated parking or secure approval of Parks and Recreation Director for alternate location.

Type D: Equipment Rental

- Concession is limited to specific areas determined by McCall City Council through the concession permitting process.
- Concession must be removed daily. Concessions must use designated parking or secure approval of Parks and Recreation Director for alternate location.
- Concessions must limit the use of public parking spaces for storage of rental equipment, trailers or vehicles to 15 minutes and not use more of those spaces or areas agreed upon during the permitting process.
- Concession may be limited to one location.

Type E: Docking: The City of McCall has several locations available for docking commercial vessels.

- Commercial use of any McCall Parks & Recreation dock requires a permit.
- Commercial docking includes anything other than the docking of private vessels for recreational use.
- Commercial use of docks is limited to docks not purchased with Waterways Improvement Fund (WIF) grant monies unless approved by the granting agency.
- Loading and unloading of customers on public docks may be limited in duration to be determined during the application process.

Type F: Education, Fitness & Tours: Provides the Concessionaire the ability to provide education and training classes and or instruction within parks. The services may include programs and services such as educational instruction, fitness training, tours, daycare, tai chi, etc.

- The Concessionaire is charged a fee determined by the average number of students or participants. A limit on size may be required at the time of permitting.
- These concessions need not book specific resolvable locations within a park such as shelters and fields to operate.
- However, the concession is required to vacate any location previously permitted to someone else.

Type G: Music: Provides the concessionaire the ability to play and sell their music on Park property.

- Music concessions are subject to all noise variance and compliance regulations.
- Personal application devices are limited to no greater than 50db at 100' from the source and require pre-approval of the Park Maintenance Supervisor.
- No Music concession will be permitted for more than 4 hours in duration per day.

Type H: Short Term: Associated with a single event not to exceed two weekends in a row.

- Short Term Concessions are limited to community, non-profit and /or youth oriented events
- Associated with existing permitted event.
- It is recommended that the applicant inform adjacent business prior to applying for a permit if the product or service being offered is the same or similar to like product or service being offered by the established adjacent business.

Appendix A

Concession Types, Locations and Notes

PARK	LOCATION	PCA Type	Concession Type	NOTES
Legacy	North end of Legacy Park, boat ramp, parking lot, docks. Not to extend South of pump station	1	D,E, F, H	
	Water pump station South to park boundary	2	F, G, H	
	Sidewalk and promenade	1	F, G, H	
Rotary		2	F, H, G	Very Limited Space
Brown	Not open to long term concessions	3	H, F	Open to concessions on a limited basis
Art Roberts	Street level	3	G	Not open to concessions
	Shoreline	2	E, F, H, G	Dock area only must conform to grant restrictions
Harshman		2	D, F, H	Limited Parking
Fairway		2	A, B, C, D, F, G, H	Restricted to area between fields
Riverfront	Not open to long term concessions	3	H	No facilities, limited parking
Davis Beach	Not open to long term concessions	3	H	No facilities, limited parking

General Concession Requirements

Selection Criteria for McCall City Park Concession

1. Non-profit organizations or businesses, particularly those serving youth, providing recreational opportunities or seen as locally benefitting the community of McCall as a public service will receive preferential consideration.

2. The concession permit fee proposed by the applicant is in lieu of a city "Hawkers" License. The fee will be a minimum amount or a percentage of the gross or a combination of both. Revenue returned to the city will be a factor in the decision to award a concession permit but not the primary reason to do so. All flat concession fees must be paid in full prior to beginning operation.

3. Granting of the concession permit will be based upon the information submitted in the "Request for Proposal", Advisory Board recommendations and City Council Approval. **The "Request For Proposal" for a concession permit will include the following information:**

    a. Designate if the concession is "For-Profit" or "Non-Profit". If non-profit please include name of organization, purpose of organization and contact person, and evidence of eligibility for "non-profit" status. (Same as for the LOT awards)

    b. Permittee Operating Plan – A plan is required that describes in detail the public services to be provided, how they will be provided and where and when they will be provided.
        i. Hours of operation
        ii. Fees to be charged.
        iii. Description of facility/equipment to be used.
        iv. Location of desired site
        v. Trash cleanup plan, including recyclable materials
        vi. Utility needs
        vii. Parking and storage requirements
        viii. Proof of Insurance (if required)

    c. All State and City codes must be adhered to. Food concessions must be approved by Central District Health.

4. Applicant will propose a fee with the application that guarantees the City of McCall a minimum amount or a percentage of the gross or a combination of both.

The above items will be reviewed by the Parks and Recreation staff upon receiving. All proposals will be submitted with a recommendation to the Parks and Recreation Advisory Board. The Parks and Recreation Advisory Board meets the third Wednesday of each month. All items to be considered by either the Council or the Advisory Board must be submitted one week prior to the scheduled meeting in order to conform to the State of Idaho Open Meeting Law. Applicants should keep this in mind when submitting an application.

Upon Receipt of Application

5. Applicant will present the plan to the Parks/Recreation Advisory Committee at the regularly scheduled meeting for review and recommendation to the City Council.

   Include the following:

   a. Description of proposed concession
   b. Operating plan
   c. Description of proposed fee

6. Parks and Recreation Director will create an agenda item for the McCall City Council for consideration. (McCall City Code (8-14-4). Included in the agenda item will be:
   a. Advisory Board recommendation
   b. Operating plan
   c. Map of concession location in relation to existing park facilities
   d. Proposed fee agreement
   d. Concession agreement draft

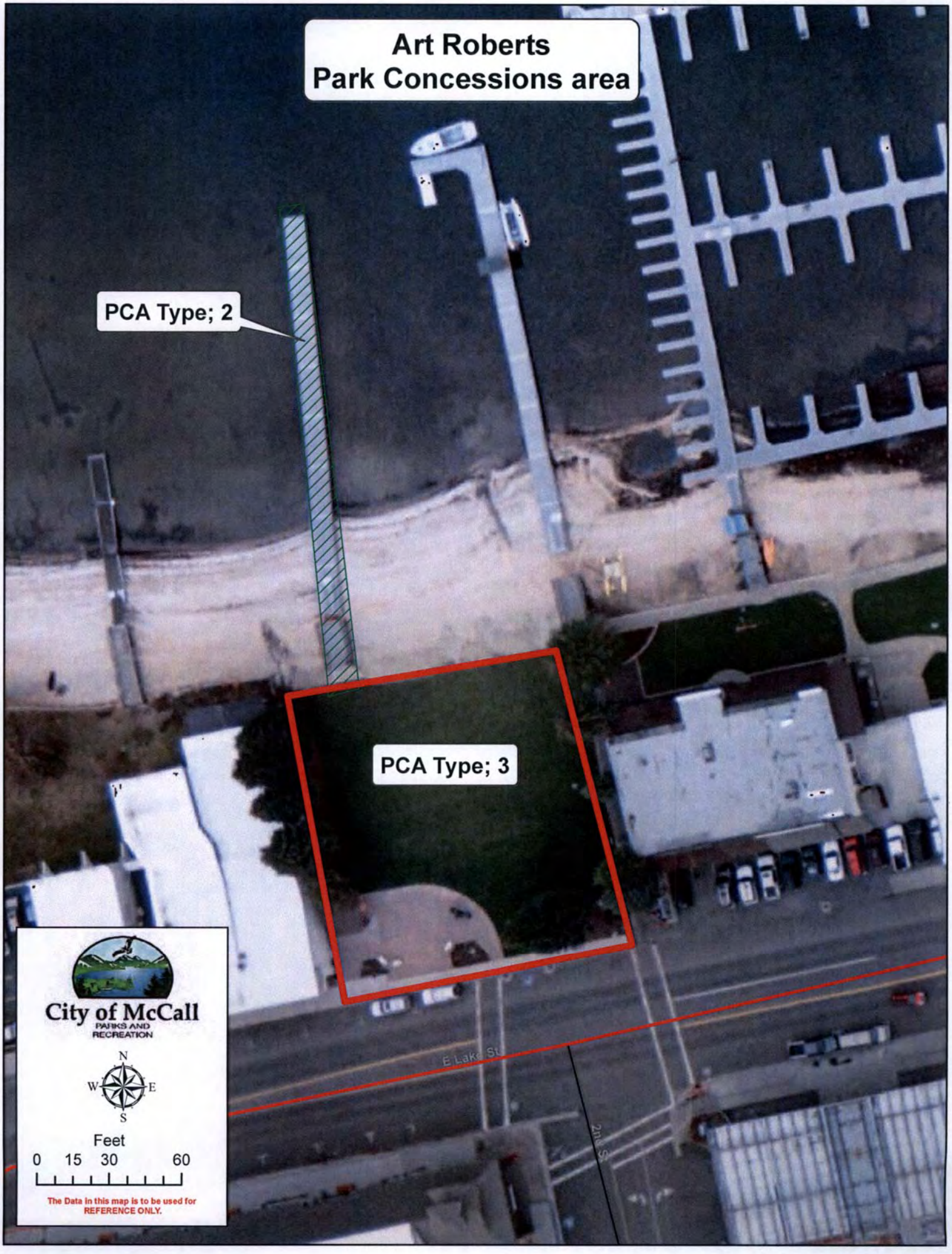
Depending on the size and scope of the proposed application other city departments and committees may be asked to review the application.

If approved, the City of McCall will grant the applicant a Concession Agreement. Copies will be submitted to the Police Department, Parks and Recreation Department, Concessionaire and one copy will be filed in the vault.

Notes:

- Concession agreements can include more than one park.
- Fee is in lieu of the Hawker's License fee.
- If a flat fee is charged the fee is paid prior to beginning operation.
- It is suggested that prior to submitting a proposal the applicant meet with the Parks and Recreation Director.

The City of McCall's Parks and Recreation Advisory Committee meetings are held open to the public. If you need help in attending a meeting, please contact City Hall, 634-7142.


Art Roberts
Park Concessions area
PCA Type; 2
PCA Type; 3
E Lake St
2nd St
City of McCall
PARKS AND
RECREATION
N
W
E
S
Feet
0 15 30 60
The Data in this map is to be used for
REFERENCE ONLY.

Brown Park
Concessions area
PCA Type; 3
City of McCall
PARKS AND
RECREATION
N
W
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Feet
0 25 50 100
The Data in this map is to be used for
REFERENCE ONLY.
Hemlock St
Mill Rd

Davis Beach
Concessions area
PCA Type; 3
Agate St
Diamond St
Lick Creek Rd
Ruby St
McCall Ave
City of McCall
PARKS AND
RECREATION
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0 25 50 100
The Data in this map is to be used for
REFERENCE ONLY.

Harshman Skate Park
Concessions area
PCA Type; 2
Kasper St
Idaho St
Hwy
City of McCall
PARKS AND
RECREATION
N
W
E
S
Feet
0 20 40 80
The Data in this map is to be used for
REFERENCE ONLY.

Riverfront Park
Concessions area
PCA Type; 3
City of McCall
PARKS AND
RECREATION
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Feet
0 120 240 480
The Data in this map is to be used for
REFERENCE ONLY.
River Ranch Rd

Rotary Park
Concessions area
PCA Type; 2
W Lake St
City of McCall
PARKS AND
RECREATION
N
W
E
S
Feet
0 25 50 100
The Data in this map is to be used for
REFERENCE ONLY.

Fairway Park
Concessions area
PCA Type; 2
Fairway Dr
Suitor Ln
City of McCall
PARKS AND
RECREATION
N
W
E
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Feet
0 45 90 180
The Data in this map is to be used for
REFERENCE ONLY.