



# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

**File Number: 61272**

**File ID:** 61272

**File Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**Controlling Body:** Attorney's Office

**File Created Date :** 07/07/2020

**File Name:** Eliminate 2020 Fall Food Cart Review

**Final Action:** 08/04/2020

**Title:** A Resolution amending the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to eliminate the 2020 Fall Food Cart Review and create alternative procedures for Food Vending site assignments on the Mall/Concourse for the 2021-22 vending season, due to COVID-19.

### Notes:

**CC Agenda Date:** 08/04/2020

**Sponsors:** Michael E. Verveer

**Effective Date:** 08/07/2020

### Attachments:

**Enactment Number:** RES-20-00585

**Author:** Lara Mainella

**Hearing Date:**

**Entered by:** jphelps@cityofmadison.com

**Published Date:**

### Approval History

| Version | Date | Approver        | Action   |
|---------|------|-----------------|----------|
| 1       |      | Ryan Pennington | Delegate |
| 1       |      | Brent Sloat     | Approve  |

### History of Legislative File

| Ver-<br>sion: | Acting Body:        | Date:   | Action:                                       | Sent To:          | Due Date: | Return<br>Date: | Result: |
|---------------|---------------------|---|---|-------------------|-----------|-----------------|---------|
| 1             | Attorney's Office   | 07/07/2020  | Referred for<br>Introduction                  |                   |           |                 |         |
|               | <b>Action Text:</b> |   | This Resolution was Referred for Introduction |                   |           |                 |         |
|               | <b>Notes:</b>       | Common Council (8/4/20)   |   |                   |           |                 |         |
| 1             | COMMON COUNCIL      | 07/14/2020  | Refer to a future<br>Meeting to Adopt         | COMMON<br>COUNCIL |           | 08/04/2020      | Pass    |
|               | <b>Action Text:</b> | A motion was made by Carter, seconded by Abbas, to Refer to a future Meeting to Adopt to the COMMON COUNCIL. The motion passed by voice vote/other. |   |                   |           |                 |         |
|               | <b>Notes:</b>       | Adopt 8/4/20  |   |                   |           |                 |         |
| 1             | COMMON COUNCIL      | 08/04/2020  | Adopt   |                   |           |                 | Pass    |
|               | <b>Action Text:</b> | A motion was made by Carter, seconded by Abbas, to Adopt. The motion passed by voice vote/other.  |   |                   |           |                 |         |

**Text of Legislative File 61272**

**Fiscal Note**

The proposed resolution affects the review process for State Street Mall/Capitol Concourse vending and does not affect the fee structure. No City appropriation is required.

**Title**

A Resolution amending the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to eliminate the 2020 Fall Food Cart Review and create alternative procedures for Food Vending site assignments on the Mall/Concourse for the 2021-22 vending season, due to COVID-19.

**Body**

WHEREAS, under sec. 9.13(6)(c) of the Madison General Ordinances, the Vending Oversight Committee (VOC) is empowered to promulgate regulations not inconsistent with Sec. 9.13, governing the sale of goods and personally prepared food on the State Street Mall and Capitol Concourse; and

WHEREAS, pursuant to Sec. 9.13(6)(c) the Common Council must approve the regulations; and

WHEREAS, the regulations are published in a document entitled "Regulations Governing Vending on the State Street Mall/Capitol Concourse;" and

WHEREAS, these regulations create a process known as the Fall Food Cart Review during which new and returning food vendors must compete in an elaborate review process where a group of volunteers sample the food, in public, ranking the food and cart appearance, and these rankings determine their vending site assignments for the next year; and

WHEREAS, due to the COVID-19 pandemic and public health orders expected to remain in place through the summer and fall of 2020, as well as financial strain on vendors suffering from reduced sales, staff are recommending that the Fall Food Cart Review, scheduled for September of 2020, not be held this year; and

WHEREAS, normally the VOC would recommend changes to the Regulations, including changes to the Fall Food Cart review, but due to the COVID-19 pandemic and MGO 33.10(1)(c), the VOC has not been meeting and will not realistically be able to meet before August 1, the application deadline that kicks off the 2020 Fall Food Cart Vending review; and

WHEREAS, the Street Vending Coordinator in the Office of Business Resources is seeking feedback from all currently licensed Mall/Concourse Food Vendors about the changes proposed in this Resolution and notified them of the Common Council meeting where this Resolution would be considered for adoption and the process for registering in support or against or to speak; and

WHEREAS, the VOC Chair supports the need to make these changes without convening a meeting of the Vending Oversight Committee;

NOW, THEREFORE, BE IT RESOLVED that the Common Council approves amendments to the Regulations Governing Street Vending on the State Street Mall/Capitol Concourse, to accomplish the following changes:

- There will be no Fall Food Cart Review for the 2021-2022 vending season (the review

- scheduled for September of 2020 will not be held.)
- Each currently licensed Mall/Concourse Food Vendor will be offered their site assignment from 2020-2021 for the 2021-2022 season.
    - If any vendor does not choose to vend in the upcoming season as evidenced by not applying by Feb. 1 or notifying the Street Vending Coordinator, the process for filing a vacant site in Sec. V.E. shall be used, except without reference to the November 1 deadlines, and except that the alternative waiting list procedures in this resolution will be used instead of those in section V.E., and section III.D. will not apply unless vacant sites remain after being offered to all existing food vendors and those on the alternative waiting list, below.
    - 2021-2022 Site assignments will be confirmed for each vendor at time of license issuance.
  - Vendors must still apply by February 1, 2021 and pay for all applicable vending licenses by April 1, 2021 and obtain all necessary health licenses to vend food on the State Street Mall/Capitol Concourse for the 2021-2022 season.
  - Grant one (1) year of seniority to each Mall/Concourse Food Vendor that was issued a Mall Food License for the 2020-21 vending season, even they did not use their site during this season.
  - Grant one (1) year of seniority to each Southeast Campus and Late Night Vendor that was issued such a vending license for the 2020-2021 vending season, even they did not use their site during this season, to be used for purposes of the alternative waiting list below.
  - Alternative Waiting List procedure / Changes to Waiting List eligibility:
    - Step 1: If there are open food vending sites after all existing Mall/Concourse Food Vendors from the current season have accepted their site, vacant sites will be offered to vendors with a Southeast Campus or Late Night Vending license for the 2020-2021 season in order of their seniority, subject to those vendors having equipment that meets all requirements for the Mall/Concourse, including food cart size restrictions.
    - Step 2: If open sites remain after Step 1, vacant sites will be offered to vendors who sell food with a Basic or Umbrella Street Vending License in the 2020-2021 vending season, on a first-come, first-served basis and the site assignment shall be documented in writing such as email.
    - Step 3: If open sites remain after Step 2, new vendors who have not previously been licensed as a Mall/Concourse Food Vendor but who can demonstrate compliance with all applicable regulations and obtain all required licenses, will be eligible to apply for such open sites open on a first come, first-served basis and the site assignment shall be documented in writing such as email.
    - Any vendor offered a vacant site under this procedure must comply with all regulations for food vending on the Mall/Concourse not modified by this Resolution, including serving only personally-prepared food and conforming to all equipment requirements.

BE IT FURTHER RESOLVED such changes shall apply only for the 2020 Fall Food Cart Review and the 2021-2022 Vending Season (April 15, 2021-April 14, 2022) and shall sunset on April 14, 2022 unless extended as described below; and

BE IT FINALLY RESOLVED that such changes may be extended to the 2021 Fall Food Cart Review process and the 2022-2023 vending season, if a public health emergency exists at that time such that the Food Cart Review cannot be safely held in 2021, upon the

recommendation of the Street Vending Coordinator, in consultation with Public Health Madison & Dane County and with the approval of the Vending Oversight Committee.