



City Council AGENDA REPORT

DATE: 4/11/2024

AGENDA OF: 4/30/2024

DEPARTMENT: Planning and Community Development

SUBJECT: Award Agreement for Code Enforcement Support for Sidewalk Vending Program. Environmental Determination: Exempt 15321 (PL)

RECOMMENDATION: Motion to:

- 1) Award agreement for Willdan Engineering in the amount of \$120,000; and
- 2) Recognize the environmental determination and authorize the City Manager to execute the agreement and any amendments within the approved operating budget and authorized amendments budget, in a form approved by the City Attorney.

BACKGROUND: The City of Santa Cruz has piloted various sidewalk vending programs since Senate Bill (SB) 946 “Safe Sidewalk Vending Act” became effective January 1, 2019. SB 946 limited the City’s ability to regulate sidewalk vending and prohibited criminal punishment for sidewalk vending-related violations. The pilot programs allowed staff to have a better understanding of the impact of the implementation of SB 946, especially in the popular vending areas of Beach Street.

Public health and safety concerns observed by staff and the public over the course of the pilot programs and during the subsequent enforcement of SCMC 5.82 include, but are not limited to:

- Complaints involving foodborne illness and pathogens;
- Hampered public accessibility to the beach, sidewalk, benches, trash/recycling cans, and bike racks;
- Concerns for emergency access by fire and police;
- Congested points that caused pedestrians to move onto the street or into bike lanes;
- Aggressive/violent behavior related to vending “turf wars;”
- Congestion in parking areas and near parking meters;
- Excess trash and litter; and
- Other environmental concerns (e.g. storm water management, illegal discharge into storm drains that lead to the Monterey Bay National Marine Sanctuary).

Partially in response to the above issues, the City Council adopted the Sidewalk Vending Ordinance Santa Cruz Municipal Code (SCMC) Chapter 5.82 on April 12, 2022 and approved the fees associated with the administration and enforcement on May 10, 2022. On February 14, 2023, City Council adopted additional amendments to SCMC Chapter 5.82.

To ensure a successful season, monitoring of sidewalk vending has been a coordinated effort between several City departments and contract staffing on the weekends. For the last two peak seasons, the City contracted with *CSG Consultants* for sidewalk vending enforcement. That contract has now concluded.

DISCUSSION: On February 1, 2024, staff issued a Sidewalk Vending Code Enforcement request for proposals (RFP), which can be found at:

<http://procurement.opengov.com/portal/santacruzca/projects/76427>. The RFP was posted on the City's website to ensure that the RFP was conducted in an open and competitive manner. Notice of the RFP posting was also emailed to firms who specialize in that work. Proposals were due on March 7, 2024, at 2:00 PM PST, and the City received proposals from two firms: *4LEAF Consulting* and *Willdan Engineering*.

After responses were checked for completeness, the firms were evaluated by a committee comprised of staff from the departments of Planning and Community Development and Finance. Evaluation was conducted in two phases. Phase 1 was the evaluation of the written proposal. Firms with proposals that were scored the highest were invited to Phase 2 of the evaluation (Oral Interviews), where firms gave a presentation and answered questions from the evaluation committee. As both written proposals met the requirements of the RFP, the City conducted interviews and oral presentations with both firms.

Willdan Engineering was ranked the highest with a score of 92.33 points out of 100 total possible points and was determined to be the successful proposer. The evaluation committee determined that the successful proposer has the expertise, experience, and personnel necessary to provide the services. *Willdan Engineering* has delivered code enforcement services since 1964, with nearly 60 years of experience providing code compliance solutions with unique expertise, as well as having direct experience in unpermitted vending enforcement. City staff has observed that the highest concentration of vending occurs between April 1 - October 31 and requires regular enforcement every weekend during this time frame. Weekend coverage will be Friday – Sunday. Hours of coverage are 12:00 PM – 9:00 PM on Fridays, and 8:00 AM – 5:00 PM and 12:00 PM – 9:00 PM Saturdays and Sundays. *Willdan Engineering* services will also be providing coverage for the following holidays: Memorial Day, Juneteenth, Independence Day, Labor Day, October 31, the day after Thanksgiving and following weekend, the weekend before Christmas, and the weekend before New Years. The contract will expire on May 1, 2025 with the option to renew annually.

California Environmental Quality Act (CEQA): This contract and the associated work is exempt from CEQA under the CEQA Guidelines Section 15321 – Enforcement Actions by Regulatory Agencies – in that it involves actions by the City to enforce laws and standards adopted by the City.

HEALTH IN ALL POLICIES (HIAP): In 2019, the City adopted a Health in All Policies (HiAP) strategy to eliminate inequities in health and well-being and attain equity for all residents. The proposed contract is consistent with HiAP in many respects. For example, while executing this contract, *Willdan Engineering* and City staff will ensure that accessibility requirements are maintained for all City residents and visitors, that vendors are environmentally compliant, and that educational materials such as maps, informational flyers, permit conditions, and the Sidewalk Vending ordinance are available in both English and Spanish. Additionally, *Willdan Engineering*

personnel have bilingual employees who will be able to assist with in the field communication with Spanish speaking vendors.

FISCAL IMPACT: The code enforcement support for the Sidewalk Vending Program is not to exceed \$120,000. A General Fund budget appropriation of \$120,000 was already allocated for this professional and technical services support in FY 2024, and the same amount has been submitted as part of the regular budget process for Council's consideration in FY 2025.

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ATTACHMENTS:

1. RFP SUMMARY SCORE SHEET.PDF
2. PROFESSIONAL SERVICES AGREEMENT.PDF