

	<h1 style="text-align: center;">Council Communication</h1> <p style="text-align: center;">Office of the City Manager</p>	Date	July 9, 2007
		Agenda Item No. 75 Roll Call No. 07- Communication No. 07-394 Submitted by: Donald M. Tripp, Parks and Recreation Director	

AGENDA HEADING:

Approving bicycle vendors within city parks and authorizing the Park and Recreation Director to establish rules for operation of such vendors.

SYNOPSIS:

Recommend approval to allow food and beverage bicycle vendors to operate within City parks subject to concession agreements or permits executed by the Park and Recreation Director or his designee.

FISCAL IMPACT:

Amount: Approximately \$500 (10% of gross sales)

Funding Source: Revenues will be generated through concession agreements with interested vendors and subject to necessary permits, licenses and fees based on location per City Code.

ADDITIONAL INFORMATION:

At the April 24, 2007, Park and Recreation Board meeting, the Board received a staff presentation from individuals who desire to sell ice cream confections from a bicycle cart in City parks. Areas of interest for this service include Gray’s Lake Park, Western Gateway Park and trails. At the June 26, 2007, Park and Recreation Board meeting the Board approved recommending the issuance of concession agreements to bicycle vendors within the City’s park and trail system. Staff is supportive of this form of concession operation.

Due to the Des Moines City Council ban on ice cream vehicles on City streets, pursuant to Sec. 102-458 of the Municipal Code, the Park and Recreation Board wanted to ask the City Council for support to allow this type of vending within the park system.

These bicycle units will be within areas of the park only occupied by pedestrians or bicyclists. Vending will not be allowed on park roads or parking lots. Restrictions on this type of vending would include no vending on park roads, park entrances or City sidewalks, giving the right-of-way to park trail users, pulling off the side of the trail to make a transaction, cleaning up any debris/garbage created by their service, obtaining all appropriate permits and licenses to provide said service. Vendors will need to secure a food vending permit from Polk County and provide proof of insurance at limits established by the City’s Risk Manager.

The solicitation for vendors will be handled through the City’s Procurement process. Depending on the number of days and length of the service either a temporary concession permit will be issued with the

City receiving a percentage of gross sales or a competitive bid will be issued to select a vendor(s) for this service if multiple vendors are interested in providing this form of concession operation. Multiple vendors could be selected to work at various sites within the City's park system. When a vendor is selected they will be required to attend a training session with Park and Recreation staff. The training will involve receiving a set of rules, which the vendors must sign certifying their understanding of the rules.

The Park and Recreation Department shall create a permit that will be issued to all vendors under this application that shall be visible on their vendor unit during all operating hours within the park system. Park staff will monitor this form of concession operation and report back to the Park and Recreation Board after the initial season of portable vending.

PREVIOUS COUNCIL ACTION(S):

Date: April 10, 2006

Roll Call Number: 06-684

Action: Moved by Vlassis to refer to the City Manager, Legal, Traffic and Police Departments for review and recommendation. Recommendation will include information regarding how other cities regulate ice cream trucks. Motion Carried 6-1.

Date: June 17, 1996

Roll Call Number: 96-2206

Action: Moved by Vlassis that the ordinance be considered and given first vote for passage. Motion failed 3-3-1

Date: May 6, 1996

Roll Call Number: 96-1727

Action: Moved by Vlassis to receive, file and discuss and refer to staff for presentation at a public meeting which would include members of affected businesses. Motion carried 4-2-1

BOARD/COMMISSION ACTION(S):

Date: June 26, 2007

Action: Park and Recreation Board approved recommendation to the Des Moines City Council to allow bicycle vendors within the City's park and trail system.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE