

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	March 23, 2015
	Agenda Item No.	38
	Roll Call No.	<u>15-519</u>
	Communication No.	<u>15-159</u>
	Submitted by:	Scott E. Sanders, City Manager

AGENDA HEADING:

Second reading of ordinance amending Chapter 78 of the City Code to establish the Mobile Vender Pilot Program and regulate the sale of food and beverages by mobile vendors and to amend the Schedule of Fees.

SYNOPSIS:

Recommend approval to amend Chapter 78 of the ordinance to establish the Mobile Vender Pilot Program and regulate the sale of food and beverages by mobile vendors and to amend the Schedule of Fees to establish fees for this pilot program. This program is anticipated to begin April 10th and run through October 31, 2015.

FISCAL IMPACT:

Amount: \$900.00 per vender (\$275.00 – application fee; \$590.00 – meter hood fee; \$35.00 – meter hood deposit)

Funding Source: Fiscal Year (FY) 2015/16 Operating Budget, City Clerk Administration CC001010 455285, Page 26

ADDITIONAL INFORMATION:

At the November 17, 2014 Council meeting, by Roll Call No. 14-1794, Council directed staff to develop a pilot program for mobile vendors in the downtown area with an initial pilot program draft ordinance. Staff from Legal, City Clerk, Community Development, Engineering, Police, and City Manager’s Office have outlined a proposal for the pilot program.

Staff held two (2) public meetings with more than 100 people in attendance. During these meetings staff collected comments from mobile vendors, the Iowa Restaurant Association, and the general public. The comments were overwhelmingly supportive of the pilot program. Those comments were shared with the City Council at the February 23, 2015 Council Workshop.

The pilot program will begin April 10, 2015, if the City Council waives the final reading of the ordinance and will run through October 31, 2015. During this time, staff will hold regular meetings to review the program, identify resolutions to any issues, and evaluate the potential for a permanent program.

Zones:

Based on feedback from the public meetings, staff recommends the implementation of four (4) Mobile Vender Zones for the pilot program. The use of zones will consolidate the areas of downtown where vendors will be set up, making it easier for people to locate vendors and easier for staff to enforce. Mobile vendors will not be allowed within 100 feet of a restaurant or within two (2) blocks of any block containing a street use event.

Zone A Boundaries

Grand Avenue from 13th Street to 15th Street;
 Locust Street from 13th Street to 15th Street;
 Walnut Street from 13th Street to 15th Street;
 13th Street from Grand Avenue to Walnut Street; and
 15th Street from Grand Avenue to Walnut Street.

Zone B Boundaries

Center Street from 5th Avenue to 9th Street;
 Crocker Street from 5th Avenue to 9th Street;
 Park Street from 3rd Street to 7th Street; and
 Watson Powell Jr Way from 3rd Street to 7th Street.

Zone C Boundaries

Cherry Street from 5th Avenue to 9th Street;
 Mulberry Street from 5th Avenue to 7th Street; and
 5th Avenue from Vacated Vine Street to Mulberry Street.

Zone D Boundaries

East Court Avenue from East 2nd Street to East 6th Street;
 East Grand Avenue from Robert D Ray Drive to East 4th Street;
 Locust Street and East Locust Street from the west end of the Locust Street bridge over the Des Moines River to East 4th Street;
 East Walnut Street from East 1st Street to East 7th Street;
 Robert D Ray Drive from East Grand Avenue to East Locust Street;
 East 2nd Street from East Walnut Street to E Court Avenue;
 East 3rd Street from East Walnut Street to E Court Ave;
 East 4th Street from East Walnut Street to East Court Avenue; and
 East 7th Street from East Walnut Street to a point 240 feet south of East Court Avenue.

Fees:

Staff is recommending a \$275.00 mobile vender application fee for this six (6) month pilot program. A current annual transient merchant fee is \$550.00 and since this program is only for six (6) months the \$275.00 is half the cost of the annual fee. Staff also recommends the use of meter hoods to be issued at the time of licensing. Vendors will be charged the following for each meter hood based on the six (6) month pilot program:

- Meter Hood Annual Fee \$590.00
- Meter Hood Deposit and Refund (hood and padlock) \$ 35.00

The meter hood annual fee was based upon a weighted average of the cost of meters in each of the zones. These meter fees ranged from \$4.50 to \$11.00 per day. The average of the daily fee using this weighted average equated to \$6.10/day. Staff made the assumption that these would be used over the month (20 working days), but not used fully all hours every day of the week.

The vender will be refunded the \$35.00 if both the hood and padlock are returned at the end of the pilot program. If a hood should be lost or stolen there will be a meter hood replacement fee of \$25.00 along with the \$35.00 deposit. There is also a \$50.00 transfer fee if the mobile vender needs to transfer his permit from one unit to another.

Insurance:

Each mobile vender shall maintain liability insurance in the amount of \$1,000,000.00 for the operation of the mobile vender or the tow vehicle if the mobile vender is a trailer.

Cash Bond:

Each mobile vender shall provide a \$200.00 cash bond upon issuance of the license. This bond shall be held to indemnify and pay the City any penalties or costs incurred in enforcement of this ordinance.

PREVIOUS COUNCIL ACTION(S):

Date: March 9, 2015

Roll Call Number: [15-0421](#)

Action: [Amending](#) Chapter 78 of the Municipal Code to establish a Mobile Vender Pilot Program and regulate the sale of food and beverages by mobile vendors in the downtown area. ([Council Communication No. 15-123](#)) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Date: November 17, 2014

Roll Call Number: [14-1794](#)

Action: [From](#) Council Member Christine Hensley to speak regarding a pilot program for mobile vendors in the Downtown area. Moved by Hensley to refer to the City Manager and City Attorney for review and recommendation on a pilot program in the Spring for the downtown area. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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