

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	October 26, 2015
	Agenda Item No.	57
	Roll Call No.	<u>15-1829</u>
	Communication No.	<u>15-576</u>
	Submitted by:	Scott E. Sanders, City Manager

AGENDA HEADING:

Amending Chapter 78 of the City Code to 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 Food Vendor Program and regulate the sale of food and beverages by mobile vendors and to amend the Schedule of Fees to establish fees for mobile food vendors.

FISCAL IMPACT:

Amount: \$2085.00 per vendor (\$570.00 – application fee; \$1180.00 – meter hood fee; \$200.00 cash bond; \$100.00 fire inspection fee; \$35.00 – one-time 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 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 began on April 10, 2015, and will commence on October 31, 2015. During this time, staff held regular meetings to review the program, identified resolutions to any issues, and evaluated the potential for a permanent program.

Zones

Based on feedback from the public meetings, staff recommended the implementation of four (4) Mobile Vendor Zones for the pilot program. The use of zones consolidated the areas of downtown where vendors set up, making it easier for people to locate vendors and easier for staff to enforce.

Mobile vendors were not allowed within 100 feet of a restaurant or within two (2) blocks of any block containing a street use event. Staff is recommending maintaining the following four zones:

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.

Zone A surrounding the Sculpture Park seemed to be the most popular zone attracting workers from the many companies around the Park. At any given day during the week, there were approximately 5-6 food trucks parked in Zone A.

The Legion of Food requested additional zones downtown and staff is looking to add one (1) additional designated food zone in the downtown area, with the location to be determined by January 31, 2016.

Staff will also be working with the neighborhood associations to see if there is an interest in designating food zones within the neighborhoods and also in parks with Park Board approval. Food vendors in parks would also need to obtain a \$25 peddler's permit.

Staff is recommending the following for a permanent mobile food vendor ordinance:

Fees:

After tabulating the cost of service for the pilot program, staff is recommending a \$570.00 mobile vender application fee. Venders will also be charged the following for meters:

- Meter Hood Annual Fee \$1180.00
- One time Meter Hood Deposit and Refund (hood and padlock) \$ 35.00

As with the pilot program, the meter hood annual fee will be 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 per 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. 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 (1) 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.

Fire Inspection Fee

A fire inspection fee of \$100 will be required for the inspection of the interior cooking spaces of the unit.

PREVIOUS COUNCIL ACTION(S):

Date: April 6, 2015

Roll Call Number: [15-0605](#)

Action: [Amending](#) Chapter 78 of the Municipal Code establishing the Mobile Vender Pilot Program and to regulate the sale of food and beverages by mobile venders in the downtown area, as amended. Moved by Mahaffey that this ordinance do now pass, [#15,362](#). Motion Carried 4-1-1. Nays: Coleman. Absent: Cownie. Council Member Gatto declares a conflict of interest and abstains from voting.

Date: March 23, 2015

Roll Call Number: [15-0519](#)

Action: [Amending](#) Chapter 78 of the Municipal Code establishing the Mobile Vender Pilot Program and to regulate the sale of food and beverages by mobile venders in the downtown area, as amended. ([Council Communication No. 15-159](#)) Moved by Moore that this ordinance be considered and given

second vote for passage; if the ordinance receives final approval at the April 6th Council meeting, the City Manager will give a report 90 days after implementation, to outline any changes to the pilot program or to the fees. Motion Carried 5-1. Nays: Coleman. Council Member Gatto declares a conflict of interest and abstains from voting.

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:

2nd and 3rd readings of the ordinance amendment.

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