

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	February 8, 2016
	Agenda Item No.	33
	Roll Call No.	<u>16-0226</u>
	Communication No.	<u>16-066</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: \$2,085.00 per vendor (\$570.00 – application fee; \$1180.00 – meter hood fee; \$200.00 one – time 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 commenced April 10, 2015, and ended 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.

At the October 26, 2015 Council meeting Council approved extending the pilot program for an additional three (3) months, and requested staff to meet with interested parties and to bring back any possible changes to the ordinance at the January 11, 2016 Council meeting.

Zones

Based on feedback from the public meetings, staff recommended the implementation of four (4) Mobile Vender 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 (4) 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 Avenue;
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 Sculpture Park. At any given day during the week, there were approximately five (5) to six (6) food trucks parked in Zone A.

The Legion of Food requested additional zones downtown and staff is requesting that they identify one (1) additional zone and bring forth the request to City Council. Staff also recommended that if neighborhood associations would like mobile food vendors to be in their neighborhoods that they come before Council with their request. Mobile Food Vendors who would like to be in parks will need to obtain permission from the Parks and Recreation Department and the Parks and Recreation Board.

Staff is recommending the following for a permanent mobile food vender 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; and
- 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. The theory is 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 million 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 vehicle.

In addition, staff is recommending the following Operational Requirement Amendments to the ordinance:

- Allow the mobile food vender's tow vehicle to be disconnected from the mobile food vender trailer, but remain adjacent to the trailer.
- Increase the maximum length and height of a mobile vender vehicle; vehicles cannot occupy more than two (2) parking spaces and cannot be more than two (2) levels.

PREVIOUS COUNCIL ACTION(S):

Date: October 26, 2015

Roll Call Number: [15-1831](#), [15-1832](#), [15-1833](#), and [15-1834](#)

Action: Items regarding the Mobile Food Vending Pilot Program: ([Council Communication No. 15-576](#))

- (B) [Resolution](#) to renew and extend the program. Moved by Hensley to adopt; refer to the City Manager to meet with interested parties and place an item on the January 11, 2016 Council agenda regarding possible changes to the program. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.
- (C) [First](#) consideration of ordinance amending Chapter 78 of the Municipal Code extending the Program for an additional three months. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.
1. [Final](#) consideration of ordinance above (waiver requested by the Community Development Department), requires six votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,418](#). Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.
- (D) [Amending](#) the Schedule of Fees regarding the proposed three-month extension. Moved by Hensley to adopt. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

2nd and 3rd readings of the ordinance amendment.

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