

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> April 3, 2017
	<b>Agenda Item No.</b> 39 <b>Roll Call No.</b> <u>17-0603</u> <b>Communication No.</b> <u>17-324</u> <b>Submitted by:</b> Benjamin R. Page, Park and Recreation Director

**AGENDA HEADING:**

Recommend approval of proposed amendments to Des Moines Municipal Code Chapter 74 to allow up to two (2) mobile vendors (food trucks) to be located at Birdland Marina concession area.

**SYNOPSIS:**

Recommend approval of proposed change to the Municipal Code Chapter 74, including: Article IV. FACILITIES, Sec. 74-210, Mobile Food Vendors. This amendment would also allow transient merchant licensees to operate in designated parks in the same manner as mobile food vendors.

Request to waive three (3) readings.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

- Staff has reviewed Chapter 74 of the Municipal Code in relation to allowing food trucks at Birdland Marina. This is in connection to the recent change to Municipal Code Section 74-92 to allow alcohol consumption at Birdland Marina concession area which was approved by the Park and Recreation Board in October 2016 as follows:
  - Permit possession or consumption of beer and wine at the Birdland Marina. The Park and Recreation Department has negotiated with a food and beverage vendor for primary access to serve at this location. The vendor will be allowed to serve beer and wine at the Birdland Marina only in the service building and the designated outdoor area immediately surrounding the building (shown on map below).
- In order to allow the concessionaire at Birdland Marina to operate up to two (2) food trucks within the concession area, the Park and Recreation Mobile Food Vendors ordinance also requires an amendment to add the Birdland Marina concession area as a designated park for food truck locations. This next modification adds a new subsection to Municipal Code Section 74-210 and reads as follows:
  - Notwithstanding subsection 74-210(a) up to two (2) mobile vendor vehicles licensed under Article V of Chapter 78 may be located in Birdland Marina within the concession area pursuant to a concession agreement approved by the City Council.

- This amendment would also allow transient merchant licensees to operate in designated parks in the same manner as mobile food vendors.
- The above action supports the efforts of Less Than Trinity LLC (Captain Roy's) under its Concession Agreement with the City to provide food and beverages in the designated area (shown in the map below) of the Birdland Marina facility in the most cost effective and practical manner. Successful operation of this concession will bring in additional revenue and result in capital improvements to the City at a cost exceeding \$180,465 for all improvements provided for under the Concession Agreement.



#### **PREVIOUS COUNCIL ACTION(S):**

Date: November 21, 2016

Roll Call Number: [16-2014](#) and [16-2015](#)

Action: [Amending](#) Chapter 74 of the Municipal Code regarding consumption of alcohol at Birdland Marina, and fees for use of tennis courts and ball diamonds. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

- (A) [Final](#) consideration of ordinance above (waiver requested by Parks and Recreation Director), 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, [#15,536](#). Motion Carried 7-0.

Date: December 23, 2013

Roll Call Number: [13-2000](#)

Action: [Amending](#) Chapter 74 of the Municipal Code regarding Parks and Recreation fees. ([Council Communication No. 13-619](#)) Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S):**

Board: Park and Recreation Board

Date: March 28, 2017

Resolution Number: 17-023

Action: Motion by Facto to approve allowing two mobile food trucks at Birdland Marina concession area. Second by Scavo. Motion carried.

Board: Park and Recreation Board

Date: February 28, 2017

Resolution Number: 17- 017

Action: Motion by Boggus to receive and file Chapter 74 amendment. Second by Facto. Motion carried.

Board: Park and Recreation

Date: October 25, 2016

Resolution Number: 16-079

Action: Approval of recommendation of Chapter 74 fees.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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