



**Roll Call Number**

**Agenda Item Number**

36

**Date** November 7, 2016

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 78-201, relating to location of operation of mobile vendors",

which was considered and voted upon for the first time under Roll Call No. 16- 1747 of October 10, 2016, and considered and voted upon for the second time under Roll Call No. 16- 1844 of October 24, 2016, again presented.

Moved by \_\_\_\_\_ that this ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor


**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

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36 H/O

 <b>Council Communication</b> Office of the City Manager	<b>Date:</b> October 10, 2016
	<b>Agenda Item No.</b> 50 <b>Roll Call No.</b> [ 16-1747 ] <b>Communication No.</b> 16-576 <b>Submitted by:</b> 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 by expanding the on-street mobile vendor Zone A.

**SYNOPSIS:**

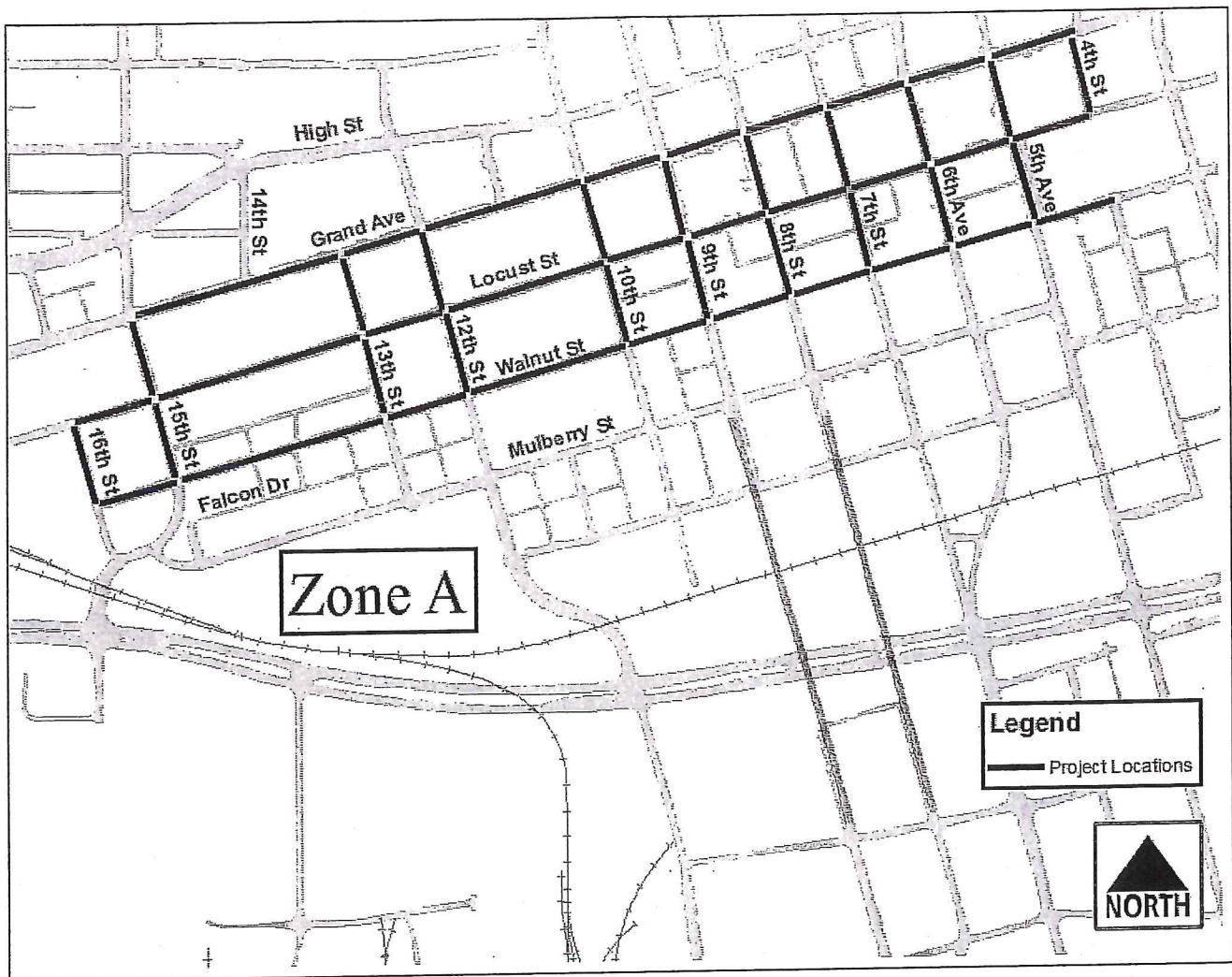
Recommend first consideration of ordinance amending Chapter 78 of the Municipal Code to regulate the sale of food and beverages by mobile vendors by expanding Zone A to include the following streets as identified on the map:

- Grand Avenue from 4<sup>th</sup> Street to 15<sup>th</sup> Street
- Locust Street from 4<sup>th</sup> Street to 16<sup>th</sup> Street
- Walnut Street from 4<sup>th</sup> Street to 16<sup>th</sup> Street
- 4<sup>th</sup> Street from Grand Avenue to Locust Street
- 5<sup>th</sup> Street from Grand Avenue to Walnut Street
- 6<sup>th</sup> Street from Grand Avenue to Walnut Street
- 7<sup>th</sup> Street from Grand Avenue to Walnut Street
- 8<sup>th</sup> Street from Grand Avenue to Walnut Street
- 9<sup>th</sup> Street from Grand Avenue to Walnut Street
- 10<sup>th</sup> Street from Grand Avenue to Walnut Street
- 12<sup>th</sup> Street from Grand Avenue to Walnut Street
- 16<sup>th</sup> Street from Locust Street to Walnut Street

Since these streets are contiguous to the existing Zone A, staff is recommending that Zone A be expanded rather than a new zone be identified. Zones B, C and D will remain the same.

As presently stated in Chapter 78, mobile vendors are not allowed within 100 feet of a restaurant or within (2) blocks of any block containing a street use event, must be parked at a meter with a special mobile vendor hood, provide insurance, a cash bond, and have an annual fire inspection.

The City of Des Moines issued 17 on-site mobile permits in 2015 and 13 in 2016.



**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

At the September 12, 2016 Council meeting, by Roll Call No. 16-1558, Nick Kuhn, representing the Legion of Food requested consideration of additional downtown mobile vender zones. The request was for the expansion of the on street mobile vender areas to include the streets identified above. Mr. Kuhn's justification for the expansion included the following:

1. Metro-wide rise in popularity of the food truck industry has created significant demand for the trucks. In particular, from office parks in the suburbs. This has been drawing many of the trucks away from the downtown area.
2. West Des Moines has developed a new transient merchant permit which allows up to four (4) food trucks on a single commercial property. This is also attracting the trucks since a group of trucks can attract bigger crowds for lunch service.
3. Current Zones B, C & D have not proven to be productive due to the lack of consistent customer foot traffic.
4. Zone A has proven to be difficult to serve due to conflicts with school buses and a shortage of Sculpture Park curbside vending areas due to one-way streets.

5. The food truck industry has evolved into a fast lunch alternative for employees in the downtown area and business parks in the suburbs. Zone A is also too far away from many of the employers in downtown.
6. Other metropolitan areas (Minneapolis as an example) establish truck zones near skywalk entrances for ease of access to the trucks for downtown customers. This also creates the opportunity for trucks to operate in the winter months.
7. Building owners and managers are now looking to food trucks for additional lunch service options as the speed and efficiency of the trucks can reduce the amount of time an employee requires for lunch.
8. The notion of food trucks out in front of office buildings in downtown was well received by Building Owners and Managers Association (BOMA). Many of the requests came from this group.
9. The requested additions by-and-large are food deserts with few street-side restaurants available. The 100 feet rule would apply for the relatively few restaurants in these corridors.
10. By providing more areas for trucks to operate, this will reduce the competition between trucks, buses, and the general public in regards to valuable parking spots downtown.
11. By encouraging office employees to leave their buildings during lunch and breaks, the food trucks enhance the walkability of the downtown sector.
12. Additional lunch-time zones would reduce the desire and the need for late night food service by the trucks.
13. Since the growth of the industry is outpacing the available space, additional zones will be necessary to maintain the fun and collaborative culture of the food trucks. There are currently 42 food trucks in the Legion of Food. At the end of 2015 there were 24 trucks in the association.

The City Manager sponsors the ordinance amending Chapter 78 and recommends approval of expanding Zone A. Final consideration of the ordinance is requested by the City Manager and requires six votes.

#### **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.

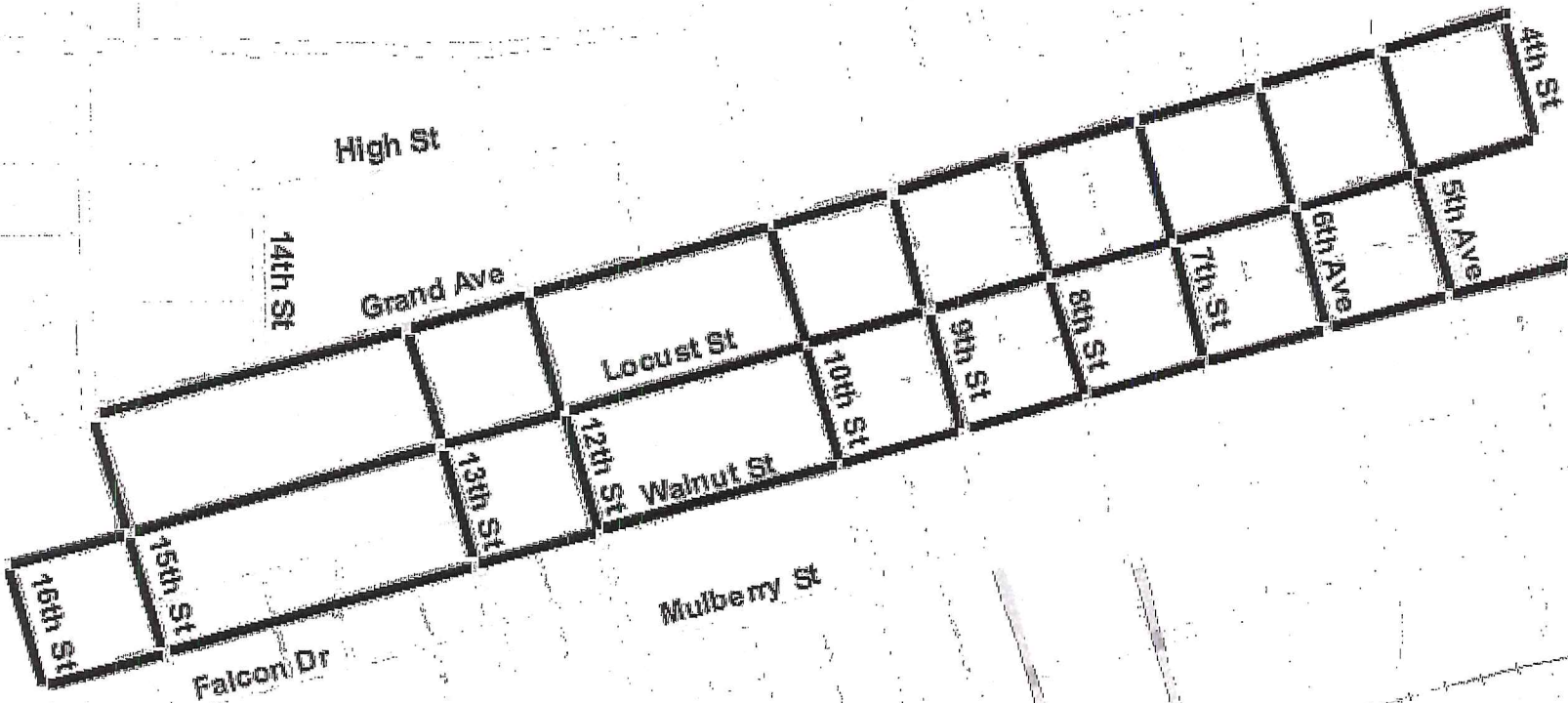
- (D) Amending the Schedule of Fees regarding the proposed three-month extension. Moved by Hensley to adopt. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

2<sup>nd</sup> and 3<sup>rd</sup> readings of the ordinance amendment.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Administration Building, 400 E. Court Avenue Ste.116. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).



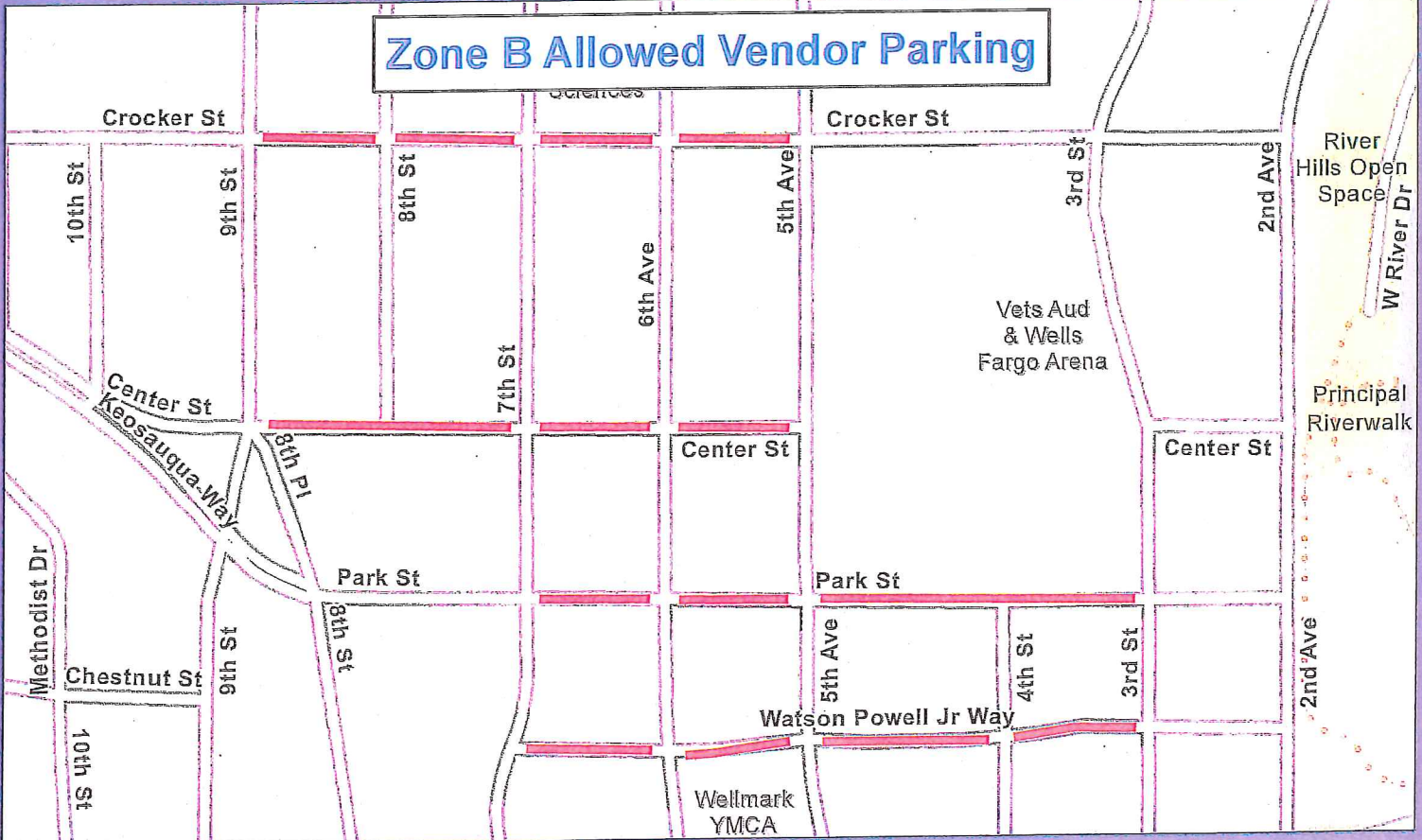
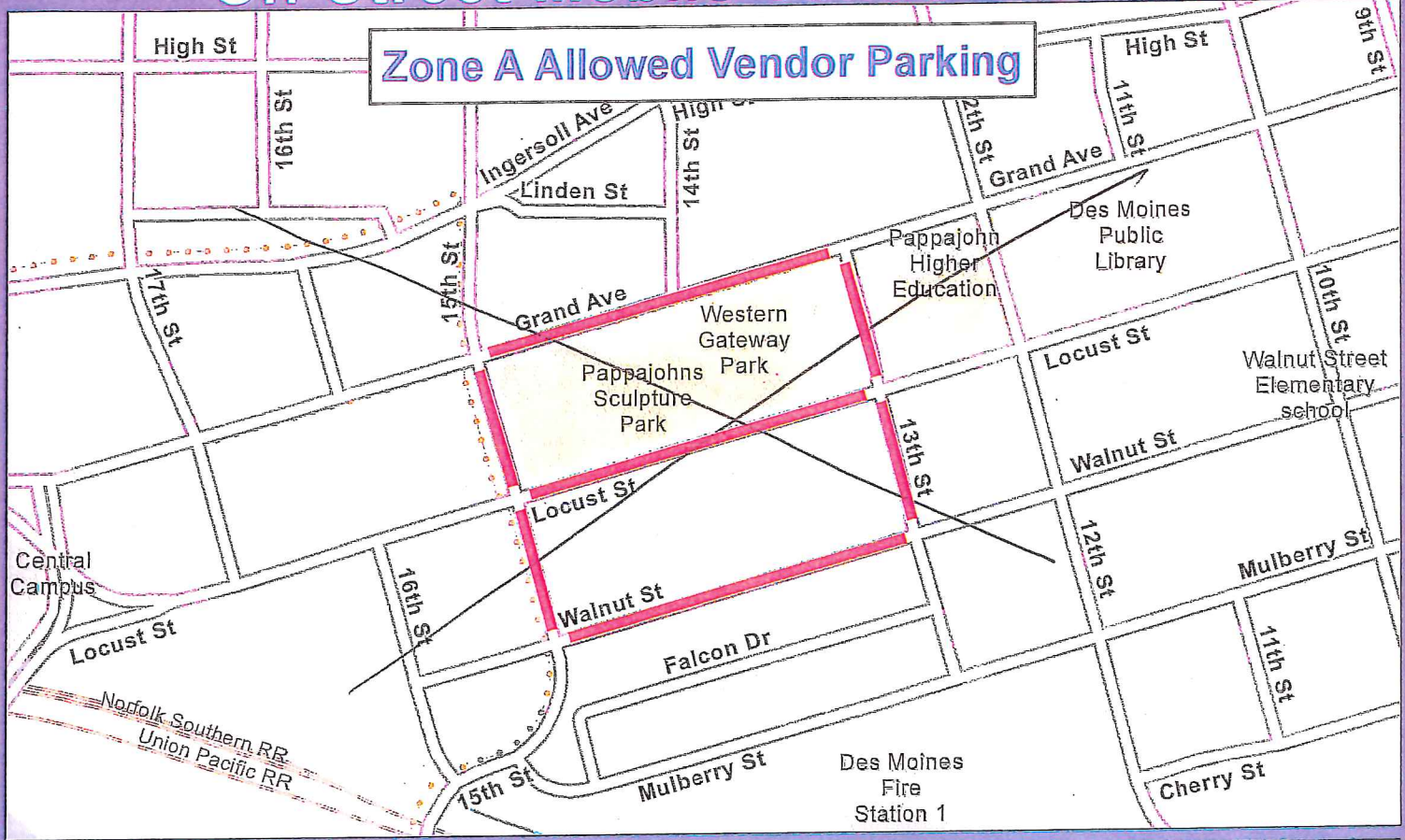
**Zone A**

**Legend**  
— Project Locations



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# On-Street Mobile Vendor Zones

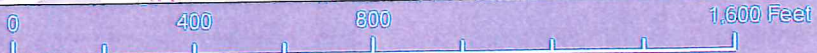
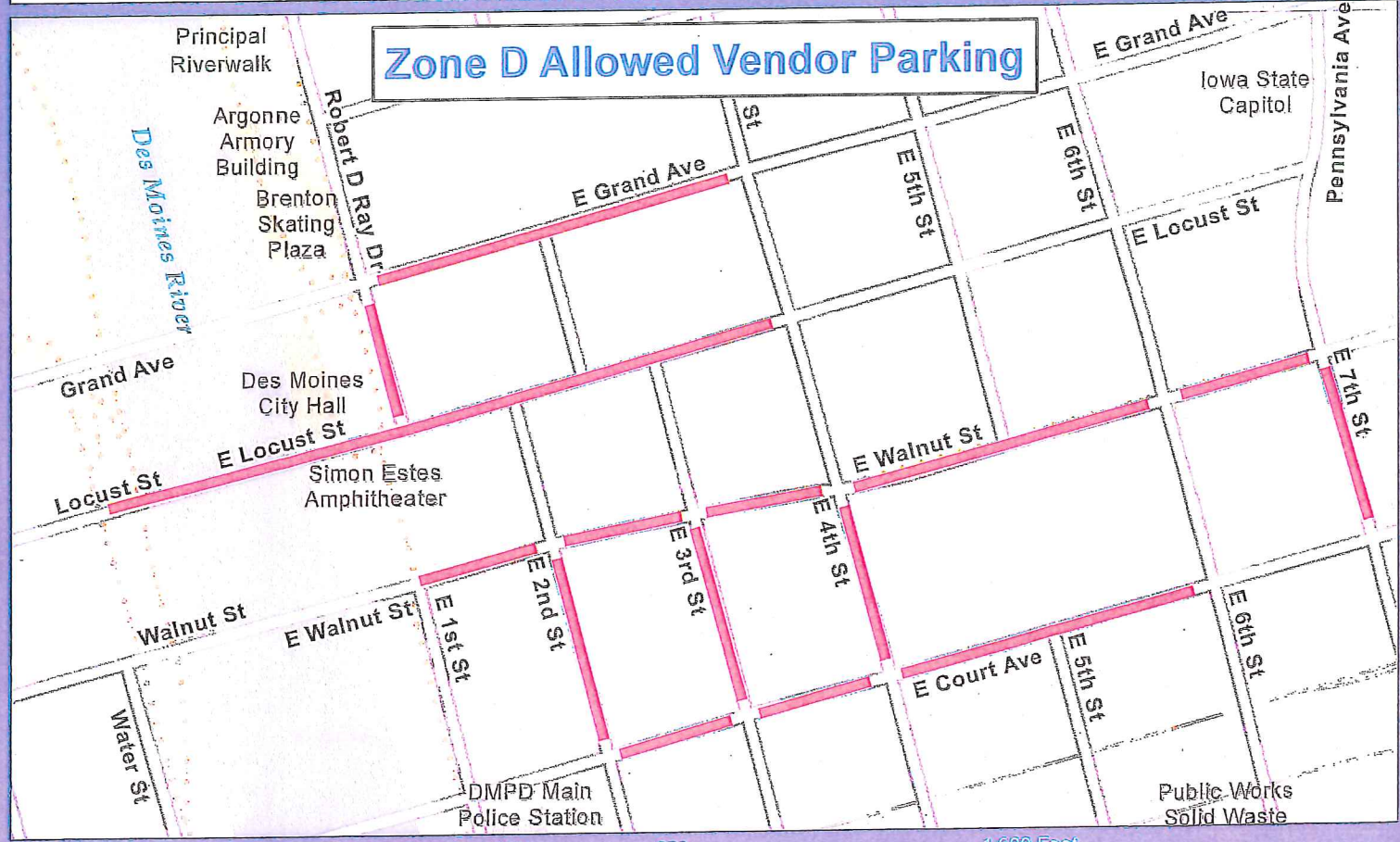
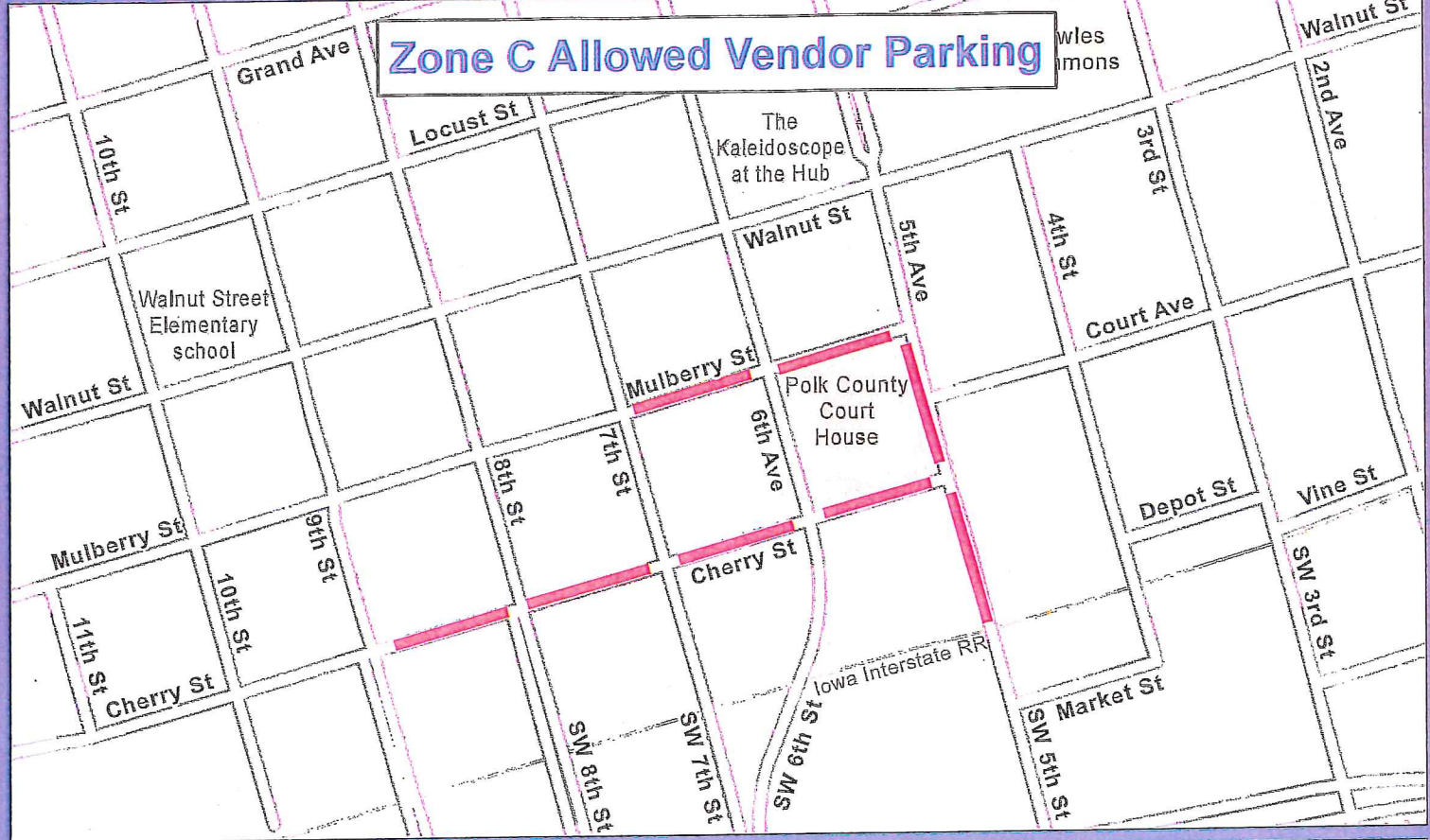


Disclaimer: This map is approximate and may not be complete. City assumes no liability for accuracy. Consult sources listed to verify information. Sources: City of Des Moines Community Development, Engineering, Parks and IT.



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# On-Street Mobile Vendor Zones 36 46



Disclaimer: This map is approximate and may not be complete. City assumes no liability for accuracy. Consult sources listed to verify information. Sources: City of Des Moines Community Development, Engineering, Parks and Recreation, Planning and Information Technology Department, GIS Division.





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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 78-201, relating to location of operation of mobile vendors.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 78-201, relating to location of operation of mobile vendors, as follows:

**Sec. 78-201. Location of operation.**

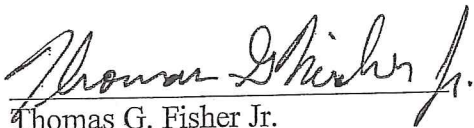
- (a) Subject to the requirements of this article, a mobile vendor license is only valid for the sale of food or beverages for immediate consumption from a mobile vendor vehicle lawfully parked within one of the following zones:
  - (1) The downtown mobile vendor zones identified in subsection (b), below.
  - (2) The neighborhood mobile vendor zones identified in subsection (c), below.
- (b) The downtown mobile vendor zones consist of and are limited to the following street segments:
  - (1) Downtown mobile vendor zone A:
    - Grand Avenue from ~~13th~~ 4th Street to 15th Street,
    - Locust Street from ~~13th~~ 4th Street to ~~15th~~ 16th Street,
    - Walnut Street from ~~13th~~ 4th Street to ~~15th~~ 16th Street,
    - 4th Street from Grand Avenue to Locust Street,
    - 5th Street from Grand Avenue to Walnut Street,
    - 6th Street from Grand Avenue to Walnut Street,
    - 7th Street from Grand Avenue to Walnut Street,
    - 8th Street from Grand Avenue to Walnut Street,
    - 9th Street from Grand Avenue to Walnut Street,
    - 10th Street from Grand Avenue to Walnut Street,
    - 12th Street from Grand Avenue to Walnut Street,
    - 13th Street from Grand Avenue to Walnut Street, ~~and~~
    - 15th Street from Grand Avenue to Walnut Street, ~~and~~
    - 16th Street from Locust Street to Walnut Street.
  - (2) Downtown mobile vendor zone B:
    - 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.
  - (3) Downtown mobile vendor zone C:
    - Cherry Street from 5th Avenue to 9th Street,

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- Mulberry Street from 5th Avenue to 7th Street, and  
5th Avenue from Vacated Vine Street to Mulberry Street.
- (4) Downtown mobile vender zone D:  
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.
- (c) The neighborhood mobile vender zones consist of and are limited to the following street  
segments during the days of the week and the hours of the day identified for each such zone  
below:
- (1) Neighborhood mobile vender zone 1: *Reserved*  
Location:  
Days and hours of operation:
- (d) Subject to the requirements of this article, a mobile food vendor license is valid for the sale  
of food or beverages for immediate consumption from a mobile food vender vehicle on  
premises for which a transient merchant premises permit has been issued. In addition to  
being subject to the requirements of this article, a mobile vender operating on private  
property is deemed a transient merchant for purposes of Article III during those operations  
and is subject to all requirements contained in Article III except for the requirement that it  
obtain a transient merchant license.

Section 2. This ordinance shall be in full force and effect from and after its passage and  
publication as provided by law.

FORM APPROVED:

  
Thomas G. Fisher Jr.  
Assistant City Attorney