



**PARK CITY COUNCIL MEETING MINUTES  
445 MARSAC AVENUE  
PARK CITY, SUMMIT COUNTY, UTAH 84060**

**October 23, 2018**

The Council of Park City, Summit County, Utah, met in open meeting on October 23, 2018, at 4:15 p.m. in the City Council Chambers.

Council Member Ware Peek moved to close the meeting to discuss property and personnel at 4:15 p.m. Council Member Joyce seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**CLOSED SESSION**

Council Member Gerber moved to adjourn from Closed Meeting at 6:00 p.m. Council Member Worel seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**REGULAR MEETING - 6:00 p.m.**

**I) ROLL CALL**

| Attendee Name                                                                                                                                                                                                                                                                        | Status  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Mayor Andy Beerman<br>Council Member Becca Gerber<br>Council Member Tim Henney<br>Council Member Steve Joyce<br>Council Member Lynn Ware Peek<br>Council Member Nann Worel<br>Matt Dias, Assistant City Manager<br>Mark Harrington, City Attorney<br>Michelle Kellogg, City Recorder | Present |
| None                                                                                                                                                                                                                                                                                 | Absent  |

**II) COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**  
**Council Questions and Comments:**

Council Member Worel moderated a panel at the Park City Women's Expo and rode along with a police officer looking for trucks to inspect. She also attended the Mental Health Alliance Executive Committee and indicated the RFP was anticipated to be distributed in January.

Council Member Ware Peek attended the Historic Park City Alliance (HPCA) meeting where parking at Sundance was discussed. She attended Rotary where she heard about a new program that would provide free internet to 100 families in town.

Council Member Gerber noted that people were inquiring about rentals in the City and stressed the difficulty involved in finding housing.

Council Member Joyce indicated Prospector was paved.

Council Member Henney attended the Joint Transportation Advisory Board (JTAB) meeting. He indicated the Ecker Hill access was worked out with regard to transit and bus service to Kamas was increased.

Mayor Beerman stated the community engagement event at the McPolin Barn was successful. He also discussed climate change and noted the United Nation's analysis, and asked Council if the City could move up the goal for renewable energy to which the response was affirmative. Luke Cartin indicated he would speak on this issue with Council at the end of November.

**III) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)**

Mayor Beerman opened the meeting for those who wished to address the Council on items not on the agenda.

Katie Wright, Executive Director of Park City Community Foundation, thanked Council and staff for their work with Social Equity. The contract was now in place and her team was starting to work on the needs of Park City's most vulnerable groups.

Anna Frachou, Park City Community Foundation Board member, thanked the City for selecting them to be the convener for Social Equity.

Diego Zegarra, Park City Community Foundation, also thanked staff for this opportunity.

Mayor Beerman closed the public input portion of the meeting.

**IV) CONSENT AGENDA**

**1. Request to Approve Resolution 26-2018, a Resolution Declaring November 1, 2018 as "Extra Mile Day" in Park City, Utah:**

**2. Request to Authorize the City Manager to Sign a Professional Services Agreement with CivicPlus for Recreation Management Software and Implementation Services that Shall Not Exceed \$52,500.00 in a Form Approved by the City Attorney's Office:**

**3. Request to Approve and Ratify the City Manager's Execution of an Emergency Construction Agreement with Beck Construction & Excavation, Inc. for the Replacement of Two - 8 Inch Water Mains and Associated Pipe Appurtenances, in an Amount Not to Exceed \$215,545.00:**

Council Member Gerber moved to approve the Consent Agenda. Council Member Worel seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**V) NEW BUSINESS**

**1. Consideration to Approve Resolution 27-2018, a Resolution Proclaiming November, 2018, as "Park City Diabetes Awareness Month."**

Mayor Beerman opened the meeting for public input.

Aimee Armer with the Peoples Health Clinic spoke about the dangers of diabetes, the importance of being tested for diabetes, and getting treatment for those diagnosed with diabetes.

Mayor Beerman closed the public input portion of the meeting.

Council Member Worel moved to approve Resolution 27-2018, a resolution proclaiming November, 2018, as "Park City Diabetes Awareness Month." Council Member Ware Peek seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**2. Consideration to Approve Ordinance No. 2018-53, an Ordinance approving the 1406 Park Avenue Plat Amendment, located at 1406 Park Avenue, Park City, Utah:**

Council Member Gerber asked how the average lot size was determined. Anya Grahn explained her estimate.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Worel moved to approve Ordinance No. 2018-53, an ordinance approving the 1406 Park Avenue Plat Amendment, located at 1406 Park Avenue, Park City, Utah. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**3. Consideration to Approve Ordinance No. 2018-54, an Ordinance Approving the Moon Shadow Condominiums Plat, Located on Lot 1 of the Village at Empire Pass North Subdivision, Park City, Utah:**

Kirsten Whetstone presented this item with Rich Wagner and Jeff Butterworth from Storied Development. Whetstone indicated a total of 60 Planned Urban Development (PUD) style units were allowed and these eight units up for approval would complete the total. It was noted there would be open space and trails within the plat.

Council Member Ware Peek stated there was a significant disturbance on Lot 1. Butterworth explained a grading permit was pulled by Reddis before the property was acquired by Storied Development.

Mayor Beerman opened the public hearing. No comments were given. Mayor Beerman closed the public hearing.

Council Member Ware Peek moved to approve Ordinance No. 2018-54, an ordinance approving the Moon Shadow Condominiums Plat, located on Lot 1 of the Village at Empire Pass North Subdivision, Park City, Utah. Council Member Worel seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**4. Request to Authorize the City Manager to Execute a Contract with Proterra, Inc., for a Total Amount of \$5,066,089.00 in a Form Approved by the City Attorney, for the Purchase of Seven (7) 35-Foot Battery-Electric Low Floor Buses, and Seven (7) Power Control System Depot Chargers, Through the Federal Transit Administration (FTA) 5339c "Low-No Emission" Grant Program in Partnership**

**with the Utah Department of Transportation (UDOT) in an Amount Not to Exceed \$1,063,879 of Local Matched Funds:**

Blake Fannesbeck presented this item. He estimated the seven electric buses would arrive in January and February, 2019. This model was a super charge bus and should function without being charged during the day.

Council Member Gerber asked if there would be a new route for these buses or would the new buses be interspersed with the other buses, to which Fannesbeck indicated the new buses were replacing older, diesel buses and would be taking over the current routes. Council Member Joyce asked what was done with the old buses. Fannesbeck stated when buses were 12 years old, they went to auction. Council Member Joyce asked if shuttle size buses had been considered. Fannesbeck indicated the shuttle size electric bus options were increasing and in two to three years the shuttle buses and vans should be on the market.

Council Member Worel asked if the new buses would have enough power to make it up the canyon. Fannesbeck responded that would occur with the next generation of buses. Council Member Ware Peek asked if the noise from diesel buses would be a consideration in the placement of electric buses around town. Fannesbeck stated he would mix in the buses to see how they performed on all routes. Then a decision would be made for permanent placement. Council Member Ware Peek asked if the current electric buses at the City could be upgraded to dual drive buses, to which Fannesbeck stated that the upgrade was not possible.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Gerber moved to authorize the City Manager to execute a contract with Proterra, Inc., for a total amount of \$5,066,089.00 in a form approved by the City Attorney, for the purchase of seven (7) 35-foot battery-electric low floor buses, and seven (7) power control system depot chargers, through the Federal Transit Administration (FTA) 5339c "Low-No Emission" Grant Program in partnership with the Utah Department of Transportation (UDOT) in an amount not to exceed \$1,063,879 of local matched funds. Council Member Joyce seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**5. Consideration to Authorize the City Manager to Execute a Contract with Hidden Peak Electric Company, LLC. a General Contractor, in an Amount Not to Exceed \$260,000 in a Form Approved by the City Attorney, for the Construction Work Associated with a Phase of the Electric Depot Charger Installation Project:**

Fonnesbeck indicated this was a contract to upgrade the electrical in the bus barn in order to accommodate the charging station for the new buses.

Council Member Worel asked if there would be other phases involved in the charging station. Fonnesbeck clarified that with future bus purchases more chargers would be needed, but this contract would be for the seven buses that were currently being purchased.

Mayor Beerman opened the meeting for public input. No comments were given. Mayor Beerman closed the public input portion of the meeting.

Council Member Ware Peek moved to authorize the City Manager to execute a contract with Hidden Peak Electric Company, LLC., a general contractor, in an amount not to exceed \$260,000 in a form approved by the City Attorney, for the construction work associated with a phase of the Electric Depot Charger Installation Project. Council Member Gerber seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**6. Consideration to Approve Triple Crown Sports (TCS) Date Change Request for 2019 and Resolving a Calendar Conflict between Triple Crown and Additional Events for 2020, in a Form Approved by the City Attorney:**

Jenny Diersen asked to continue this item because the parties would be meeting to discuss alternatives to the event conflict.

Mayor Beerman opened the meeting for public input.

Canice Harte introduced himself as the events manager at the Kimball Arts Center and stated he looked forward to working with Council and staff on the Arts Fest.

Mayor Beerman closed the public input portion of the meeting.

Council Member Henney moved to continue to a date uncertain Triple Crown Sports (TCS) date change request for 2019 and resolving a calendar conflict between Triple Crown and additional events for 2020. Council Member Gerber seconded the motion.

**RESULT: CONTINUED TO A DATE UNCERTAIN**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

Mayor Beerman left for another commitment so Council Member Worel became Mayor Pro Tem for the remainder of the meeting.

(Item 7 was discussed after Item 8)

**8. Consideration to Approve Ordinance 2018-55, an Ordinance Regulating Food Truck Locations and Amending the Municipal Code Title 4 Licensing and the Land Management Code of Park City, Utah, Amending 15-2.5-2 Uses in Historic Recreation Commercial (HRC) District; 15-2.6-2 Uses in Historic Commercial Business (HCB) District; 15-2.7-2 Uses in Recreation and Open Space (ROS) District; 15-2.13-2 Uses in Residential Development (RD) District; 15-2.14-2 Uses in Residential Development-Medium Density (RDM) District; 15-2.16-2 Uses in Recreation Commercial (RC) District; 15-2.17-2 Uses in Regional Commercial Overlay (RCO) District; 15-2.18-2 Uses in General Commercial (GC) District; 15-2.19-2 Uses in Light Industrial (LI) District; 15-2.22-2 Uses in Public Use Transition (PUT) District; 15-2.23-2 Uses in Community Transition (CT) District; and 15-15 Defined Terms:**

Jonathan Weidenhamer, Economic Development Manager, and Hannah Tyler, Planner II, presented this item. Tyler reviewed the State code had changed on May 8<sup>th</sup> with regard to food trucks. Before the code amendments, the City didn't allow food trucks. The code change stated food trucks were allowed in any zone that allowed restaurants. Staff was aligning the City Code with the State code.

The LMC would regulate where food trucks could be located, and the food truck itself, but it would not be able to regulate trucks that operated 10 hours or less per week. She reviewed that food trucks on City property and those on private property would be treated similarly.

Council Member Joyce requested language that would explain there were no regulations in place for a food truck on private property serving the public less than 10 hours a week. He asked if a food truck with an alcohol license could serve alcohol, and if that would be allowed on City property. Harrington stated the code intentionally did not address that, and indicated if that was a case, it would probably be a special event and they would have to go through the normal permitting process. Council Member Joyce asked if constraints should be placed on alcohol on City property. Harrington stated it should not be treated any different than other processes.

Council Member Henney asked if the deregulated trucks were a concern to Tyler. Tyler stated not being able to collect sales tax was a concern. She was told by the Food Truck League that it was not feasible for trucks to only come to Park City for two hours per day.

Council Member Ware Peek asked why there were no regulations for food trucks on construction sites. Weidenhamer indicated there were exceptions in the code to allow for food service to construction sites or other private property.

Mayor Pro Tem Worel opened the public hearing. No comments were given. Mayor Pro Tem Worel closed the public hearing.

Council Member Gerber moved to approve Ordinance 2018-55, an ordinance regulating food truck locations and amending the Municipal Code Title 4 Licensing and the Land Management Code of Park City, Utah, amending 15-2.5-2 Uses in Historic Recreation Commercial (HRC) District; 15-2.6-2 Uses in Historic Commercial Business (HCB) District; 15-2.7-2 Uses in Recreation and Open Space (ROS) District; 15-2.13-2 Uses in Residential Development (RD) District; 15-2.14-2 Uses in Residential Development-Medium Density (RDM) District; 15-2.16-2 Uses in Recreation Commercial (RC) District; 15-2.17-2 Uses in Regional Commercial Overlay (RCO) District; 15-2.18-2 Uses in General Commercial (GC) District; 15-2.19-2 Uses in Light Industrial (LI) District; 15-2.22-2 Uses in Public Use Transition (PUT) District; 15-2.23-2 Uses in Community Transition (CT) District; and 15-15 Defined Terms, subject to the amendment of the definition of Food Truck Location in 4-1-1.19 to clarify public versus private sales and also a typo in 4-1-1.27, which should be 28. Council Member Ware Peek seconded the motion.

**RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

**7. Consideration to Issue a Request(s) for Proposals for Food Trucks on the Following Public Property: Adjacent to the Silver King Coffee shop and Bob Wells Plaza; and to Pre-Qualify Vendors for City Facilities Including the City Park, MARC, and Ice Rink:**

Weidenhamer and Tyler continued their presentation and Weidenhamer indicated there was a lot of public outreach on this item. Food trucks brought affordable food, vitality in the Arts and Culture District and amenities at City recreation facilities. He noted he recommended food trucks being allowed at the the rec facilities, the Bob Wells Plaza and Silver King Coffee Shop. He had conversations with downtown restaurants that would be impacted the most, and reported the owners understood the situation and requested a level playing field between the restaurants and food trucks.

Weidenhamer felt the code amendments helped make the competition fair. He asked if Council approved the recommended locations. Council Member Henney asked why Bob Wells Plaza was chosen. Weidenhamer stated this location was chosen because there was no residential area around it, and it was close to the parking garage.

Council Member Ware Peek favored the program coming to town. She asked how the parking would work at Bob Wells Plaza. Weidenhamer stated the parking would have to be reserved part of the day. Council Member Ware Peek indicated young people might like the food trucks since they weren't allowed in the bars at night.

Council Member Joyce asked if outreach was performed with the food trucks. Weidenhamer stated the Food Truck League was organized and trucks were dispatched to different areas. He thought food trucks in Park City might start slow, but they would grow over time. Bruce Erickson stated he had dealt with food trucks for special events and he knew what worked and what didn't work. Council Member Worel asked if food trucks had to idle in order to keep food cold. Erickson stated the trucks had generators to power the refrigeration, etc.

With regard to pre-qualifying vendors for City facilities and allowing the facility manager to use their discretion for terms and conditions, Council agreed that having the managers' input was fair.

Mayor Pro Tem Worel opened the meeting for public input. No comments were given. Mayor Pro Tem Worel closed the public input portion of the meeting.

Bruce Erickson thanked Weidenhamer, Tyler, the Finance and Legal Departments for all their work to get this code amendment passed.

## **VI) ADJOURNMENT**

## **VII) PARK CITY WATER SERVICE DISTRICT MEETING**

### **I) ROLL CALL**

| <b>Attendee Name</b>                                                                                                                                                                                                                                                        | <b>Status</b>  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Chairperson Pro Tem Nann Worel<br>Committee Member Becca Gerber<br>Committee Member Tim Henney<br>Committee Member Steve Joyce<br>Committee Member Lynn Ware Peek<br>Matt Dias, Assistant City Manager<br>Mark Harrington, City Attorney<br>Michelle Kellogg, City Recorder | <b>Present</b> |
| Chair Andy Beerman                                                                                                                                                                                                                                                          | <b>Absent</b>  |

### **II) PUBLIC INPUT (ANY MATTER OF CITY BUSINESS NOT SCHEDULED ON THE AGENDA)**

Chair Pro Tem Worel excused Chair Beerman. Chair Pro Tem Worel opened the meeting for those who wished to address the Committee on items not on the agenda. No comments were given. Chair Pro Tem Worel closed the public input portion of the meeting.

### III) NEW BUSINESS

#### **1. Consideration to Authorize the City Manager to Execute an Amendment Which Would Extend to October 31, 2019 the Terms of the October 8, 1991 Water Supply Agreement between Salt Lake City Corporation and Park City Municipal Corporation as Currently Amended:**

Tom Daley Assistant City Manager, indicated this was the third time this agreement had been amended. The amendment was to expand the lease to year-round. By approving the amendment tonight, Park City would use Salt Lake City's water in the winter and Vail would use it to make snow, and Vail would let Park City use the water for the golf course in the summer.

Chair Pro Tem Worel opened the meeting for public input. No comments were given. Chair Pro Tem Worel closed the public input portion of the meeting.

Council Member Joyce asked if this lease was going to be amended each year. Daley stated they were working on a long term lease. Council Member Joyce stated code changes were being made that would allow water rights to go from City to City.

Council Member Gerber moved to authorize the City Manager to execute an amendment which would extend to October 31, 2019 the terms of the October 8, 1991 Water Supply Agreement between Salt Lake City Corporation and Park City Municipal Corporation as currently amended. Council Member Ware Peek seconded the motion.

#### **RESULT: APPROVED**

**AYES:** Council Members Gerber, Henney, Joyce, Ware Peek, and Worel

### IV) ADJOURNMENT

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder

# FOOD TRUCK LOCATIONS

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Municipal Code and  
Land Management Code  
Amendments

Planning and Economic Development  
City Council  
October 23, 2018

# BACKGROUND

- Recent legislation resulted in State Code changes that went into effect on May 8, 2018.
  - State Code changes now require jurisdictions to allow Food Trucks in all zones where Restaurants are an Allowed or Conditional Use
  - Proposal is to regulate Food Truck Locations on private property (including City-owned property) in the following zones to align with the State Code:
    - Historic Recreation Commercial (HRC)
    - Historic Commercial Business (HCB)
    - Residential Development (RD)
    - Recreation Commercial (RC)
    - Recreation Commercial Overlay (RCO)
    - General Commercial (GC)
    - Light Industrial (LI)
    - Public Use Transition (PUT)
    - Community Transition (CT)
    - Recreation Open Space (ROS)

# THE PROPOSAL

- **LMC: Regulations for the Location of Food Trucks**
  - The LMC will regulate the ***location*** of Food Trucks on Private Property (including City-owned property).
  - This precludes the use of the Right-of-Way.
  - A Private Property owner will have to apply for an Administrative Permit through the Planning Department that will require a Planning Director Determination for compliance with the underlying zoning requirements.
- **Title 4: Requirements for the individual Food Truck**
  - Cannot require an additional Health and Fire Inspection.
  - Will require a reciprocal Business License.
  - Will require a Temporary Tax Account to collect sales tax
  - Title 4 details specific standards for the individual Food Truck.
  - Cannot regulate food trucks that operate for 10 hours or less/week.

# OVERVIEW OF REGULATION BY PROPERTY TYPE / USE

| Food Trucks in ROW | Food Trucks at Special Events               | Food Trucks on Private Property that Do Not Serve the Public                                                                                                                                                                                                                                                                                                                        | Food Trucks on Private Property that Serve the Public + 10 hours/week                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Food Trucks on Public Property that Serve the Public                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prohibited         | Regulated through Special Events permitting | <p>No land use permit required.</p> <p>Must have a business license; health department food truck permit; fire safety inspection certification—but these do not have to be from Park City. Food trucks can serve private guests on private property through their approvals granted by other jurisdictions. The City will not be able to capture tax from these private events.</p> | <p>Property Owner Must Obtain an Allowed Use Administrative Permit for the property.</p> <p>Food trucks will be regulated as an Allowed Use.</p> <p>Through the permitting process, the location and parking requirements, adequate access, and safety concerns regarding the food truck will be addressed.</p> <p>Must have a business license; health department food truck permit; fire safety inspection certification. If the food truck has obtained these from another jurisdiction, they must also obtain one from Park City. This will ensure that they pay Park City taxes for sales that take place in the City.</p> | <p>The City Must Obtain an Allowed Use Administrative Permit for the City property.</p> <p>Food trucks will be regulated as an Allowed Use.</p> <p>Through the permitting process, the location and parking requirements, adequate access, and safety concerns regarding the food truck will be addressed.</p> <p>Must have a business license; health department food truck permit; fire safety inspection certification.</p> <p>Must have a contract with the City and obtain a higher standard of operation that complements local businesses.</p> |

# RECOMMENDATION

The Planning Department requests the City Council open a public hearing, review the proposed Municipal and Land Management Code (LMC) amendments regarding Food Truck Locations and operational standards, and approve the amendments.

#### **4-5-6 Regulation Of Food Truck Location**

A licensed Food Truck must be properly managed in an approved Food Truck Location. The applicant shall ensure that a Food Truck Location is operated in a manner consistent with the following:

1. Location Requirements
  - a. Size and location of the Site shall be located within a zone designated as allowing Food Truck Locations; and
  - b. Food Truck must not be located within ten feet (10') of the extension of any building entranceway, doorway, or emergency egress; and
  - c. Food Truck shall not operate within the right-of-way; and
  - d. On lots less than one-half (1/2) acre, no more than one (1) Food Truck is allowed to operate.
2. Site Requirements
  - a. Food Truck and/or patrons must not impede safe movement of vehicular and pedestrian traffic, snow removal, parking lot circulation or access to any public alley, access easement, or sidewalks and pathways; and
  - b. Food Truck(s) shall be sited on an approved hard-surfaced area; and
  - c. Signs and lighting shall be affixed to the Food Truck. Signs shall comply with Title 12 Sign Code and lighting shall comply with LMC 15-5-5(J) Lighting.
  - d. Food Truck shall not have a drive-through; and
  - e. Shall provide trash and recycling pickup areas and shall identify the location of restroom facilities; and
  - f. Food Truck Locations may not occupy code required parking areas for previously approved Development Activity, except for public parking areas approved by a concession contract by City Council in the Historic Commercial Business District.
3. Operation Requirements
  - a. Food Truck may not park in one location for more than twelve (12) hours during any twenty-four (24) hour period; and
  - b. Food Trucks in Commercial Zoning Districts shall operate no later than 2:00 a.m.
  - c. Food Trucks in Residential Zoning Districts shall operate no later than 10 p.m.
  - d. Amplified music or noise is not permitted; and
  - e. If proposed, there shall be a designated plan for the control of delivery and service vehicles, delivery of supplies, loading and unloading zones; and
  - f. Food Truck shall be occupied by the owner or operator at all times; and
  - g. Food Truck Locations within 500 feet of a Level Four and/or Level Five Special Event area may have Conditions of Approval restricting operation during a Special Event period.

# FOOD TRUCK DEFINITION

## **FOOD TRUCK.**

- (a) “Food Truck” means a fully encased food service establishment:
  - i. on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
  - ii. from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption; and
  - iii. does not include the sale of any products other than food and beverages for human consumption.
- (b) “Food truck” does not include a food cart or an ice cream truck.
- (c) “Food cart” means a cart:
  - i. that is not motorized; and
  - ii. that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
- (d) “Ice cream truck” means a fully encased food service establishment:
  - i. on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
  - ii. from which a vendor, from within the frame of the vehicle, serves ice cream;
  - iii. that attracts patrons by traveling through a residential area and signaling the truck’s presence in the area, including by playing music; and
  - iv. that may stop to serve ice cream at the signal of a patron.

**FOOD TRUCK LOCATION.** The location on either 1) private property; or 2) public property pursuant to a City concession or franchise agreement where one or more Food Trucks may park and sell product for ten (10) hours or more a week. Food Truck Locations may not occupy code required parking area for previously approved Development Activity.



# USE OF PUBLIC PROPERTY FOR FOOD TRUCKS

P.525

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Economic Development  
City Council  
October 23, 2018

# Use of Public Property for Food Trucks

## City Council Policy Discretion

1. Not required by new State legislation.
2. Based on work session discussion on June 7, staff proposes to specify & affirmatively enable limited use of FT at certain public properties.

# QUESTIONS FOR CITY COUNCIL (p.527)

1. Does City Council want to allow additional, limited use of Public Property for food trucks? If so, are Bob Wells Plaza and Silver King area the right locations?
2. Discuss specifically the draft selection criteria (Ex. B) as to how they reflect Council's priorities and effectuate win-win opportunities with the existing business community.
3. Provide specific policy direction on approach to charging for parking downtown.
4. Is Council supportive of the approach to pre-qualify vendors for City facilities, and allowing the facility manager to use their discretion for terms and conditions?

# POTENTIAL SELECTION CRITERIA

1. 20 – Overall approach (look, feel, ambiance, menu) & ability to promote city's vision of diverse cultural and culinary amenities. Context:
2. 20 – Proposed approach to, parking, sanitary, trash, restrooms, tables, chairs etc. etc.
  - a) Willingness to working with PCMC building Dept. to ensure health safety & wellness.
  - b) Ability to comply with all State and local Health Dept. regulations & permitting.
  - c) This criterion includes the vendor's request to use any city resources beyond the land.
3. 10 - Proposed approach to book keeping and submittal of appropriate taxes;
4. 10 - Proposal to minimize competition with existing business;
5. 10 – Proposal to pay for or otherwise mitigate parking loss.
6. 10 - Affiliation with local business
7. 5 - Environmental sustainability efforts;
8. 3 – Proposal for cost sharing/rental/lease payment.



