



AGENDA
WATAUGA CITY COUNCIL
WORKSHOP MEETING
MONDAY, APRIL 26, 2021
CITY HALL COUNCIL CHAMBER, 7105 WHITLEY ROAD
5:30 PM

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **City Council Workshop Meeting** of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

COVID-19 PRECAUTIONS

Although the Statewide mask order will no longer be effective on March 10, 2021, The City of Watauga believes it is important that masks are worn in public spaces until more Texans have access to the COVID-19 vaccine. Therefore, the following social distancing rules apply to the public attending this meeting:

1. Any member of the public attending the meeting shall maintain a six-foot distance from others (except for those you live in the same household). City Staff and City Officials shall practice social distancing to the extent able without interfering in the ability to carry out the essential governmental functions to be conducted at this meeting.
2. To enter City Hall to attend this meeting all persons must wear a face covering (i.e. a cloth mask that effectively covers the mouth and nose with more than one layer of fabric) or equivalent device.
3. Attendance in the Council Chamber will be limited to allow for the public in attendance to practice social distancing. Seating may be assigned.
4. Coughs and sneezes must be covered with a cloth or tissue, which should then be properly disposed of or washed, and shall not be exposed to others.
5. Public courtesies such as handshakes or other greetings shall be respectfully avoided.
6. Any member of the public approaching city representatives, whether they be city staff or elected or appointed officials must maintain six-foot social distancing.

Any person who fails to comply with the COVID-19 Precautions may be removed from the meeting.

CALL TO ORDER (Council Members, City Staff, Members of the Public - when speaking during the meeting please speak directly into the microphones on the dais or podium)

ROLL CALL

ANNOUNCEMENTS

PRESENTATIONS

- 1. Presentation, discussion and direction on existing regulations for Mobile, Pop-Up and Food Truck vendors**

Randy Richards, Building Official

Andrea Gardner, City Manager

ADJOURNMENT

Meeting Notices and Reservation of Rights

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (817) 514-5825, OR FAX (817) 514-3625.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Friday, April 23, 2021 before 5:30 p.m., in accordance with Chapter 551 of the Texas Government Code.



Andrea Gardner, City Secretary





AGENDA MEMORANDUM

DATE: April 19, 2021
TO: Honorable City Council Members
FROM: Randy Richards, Building Official
THROUGH: Andrea Gardner, City Manager
SUBJECT: Presentation, discussion and direction on existing regulations for Mobile, Pop-Up and Food Truck vendors

BACKGROUND/INFORMATION:

Staff will present information on current and proposed ordinances relating to Mobile and Pop-Up Vendors.

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION/ACTION DESIRED:

City staff respectfully recommends the City Council consider the City's existing regulations for mobile, food truck and pop up vendors within the City limits and provide direction for amendments to the existing regulations.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Pop Up Vendors - Council Workshop April 26. 2021

REVIEWED BY:

Paul Hackleman, Director of Public Works
Andrea Gardner, City Manager
Raquel Guajardo, Deputy City Secretary
Approved as to form for inclusion on Agenda

Approved - 4/23/2021
Approved - 4/23/2021
Final Approval - 4/23/2021

City Council Workshop April 26, 2021



Mobile Food Vendors – Pop Up Vendors



Watauga Goals



- The City of Watauga desires to maintain a Business Friendly relationship with all businesses within our corporate limits.



- Improve the economic well being of Watauga through efforts that entail job creation, job retention, tax base enhancements and quality of life.



- Provide equal enforcement of rules and regulations.



Mobile Food Vendor Permit Types and Fees



- Mobile Food Vendor permits are valid for the following periods:

Annual permit – Valid for one year from the date of issuance.

Seasonal permit – Valid for 180 day from the date of issuance.

Temporary permit – Valid for 14 consecutive days, beginning on the date specified in the permit and usually in conjunction with a special event . - Code of Ordinances (COO)



FEES:

Annual Permit- \$300 at initial application with a renewal of \$150 thereafter, if consecutive

Seasonal Permit - \$200 at initial application with a renewal of \$100 thereafter, if consecutive

Temporary Permit - \$75

Current Mobile Food Vendors



- Watauga currently has 5 registered Mobile Food Vendors (2 being renewals, more than one year).

- Staff recently conducted an audit to verify if vendors were remitting sales tax to the comptrollers office. **Results?**
Three of the five vendors were not reporting sales tax to the proper city.

- Something to consider: Does Council desire to approve an ordinance revision to add a penalty fee at renewal time for an error in reporting to the comptrollers office?

La Pasadita



5401 Watauga Rd.

Taqueria Chacko



6709 Rufe Snow Dr.

Especialidades Adome



7060 Denton Hwy.

El Gordito Mexican



6212 Denton Hwy.

Brazilian Tex. Mex



6751 Rufe Snow Dr.

Current Mobil Food Vendor Ordinances

- Current ordinances allow for commercially manufactured vehicles and trailers propelled under their own power or towable.
- Excluded vendor types are Pop up Vendors, pushcarts, corn roasters etc.*
- Provisions of the current ordinance do not apply to charitable solicitations, door-to-door-selling, itinerant vending, or temporary business as defined in Chapter 22, article IV, section 22-110.



* These types may only be allowed during a city sponsored event such as Wataugafest.

Keeping it Healthy

- Mobile food vendor units may not operate in the city without a current and valid health permit issued by the Tarrant County Public Health Department (TCPH)
- Mobile food vendor units that handle potentially hazardous (raw meats, etc.) food products shall report the mobile food vendor unit to its designated commissary for food, supplies, cleaning, and servicing as required by the TCPH.
- A log must be maintained for each mobile food vendor unit that contains the date of servicing and the signature of the commissary operator. Upon request, the log shall be made available to the Director of Public Works or his designee for inspection.
- Each commissary supporting a mobile food vendor unit in the city must maintain a log that contains the date of servicing for each mobile food vendor unit and the signature of the operator of the mobile food vendor unit after each servicing. Upon request, the log shall be made available to the Director of Public Works or his designee for inspection.



General Provisions (*partial*)

Hours of Operation - Mobile food vendor units are permitted to operate at any time between the hours of 7:00 a.m. and 12:00 a.m.

Operational Requirements – Mobile food vendor units may only operate in general business and commercial zoning districts or at city park facilities. The Director of Public Works or his designee may grant an exemption to this subsection for mobile food vendor units that have been issued a temporary permit.

A mobile food vendor unit shall not operate less than 50 feet from a single family or multi-family residential use. For the purposed of this subsection, single family or multi-family uses shall not be excluded if part of a business or mixed use structure.

All mobile food vendor units must be parked on an asphaltic concrete, concrete, or other hard all-weather surface. Mobile food vendor units shall not be parked on grass or dirt areas.

No unauthorized connection of water, sewer or electricity allowed without a permit issued by the City of Watauga.

General Provisions (*partial*)

Fire Code Requirements

- All mobile food vendor units operated within the City of Watauga shall meet the requirements of the 2012 Edition of the International Fire Code Sections 609.1 through 609.3.4 and Sections 904.2.1, 904.4.1, 904.6.2, 904.11, 904.11.1, and 904.11.5.
- All mobile food vendor units operating within the City of Watauga shall be inspected at initial application and every six (6) months by the City of Watauga Fire Marshal or his designee. Ord. No. 1613
- ***Recommended - Code Of Ordinance Revision: Correct ordinance language to indicate “current edition of the International Fire Code (IFC)” instead of a specific year since the City has adopted the 2018 IFC.***

Mobile Food Vendor Courts

Generally. Mobile food vendor courts may be permitted in accordance with the permitted use table in section 115-85 subject to the following:

- *Health and sanitation.* Each individual mobile food vendor court shall comply with all applicable requirements and regulation contained in chapter 16 “Health” of the code of ordinances.
- *Commissary access.* If a commissary is provided on site and the mobile food vendor unit is approved to use the site’s commissary, then the mobile food vendor unit will not have to be removed from the site each day.
- *Hours of Operation.* A mobile food vendor court may only operate between the hours of 8:00 a.m. and 12:00 a.m.
- *Noise level.* Playing, using, operating, or permitting to be played, used or operated any radio receiving set, television, musical instrument, phonograph or other machine or device that produces or reproduces sound in such a manner as to disturb the peace, quiet and comfort of persons of ordinary sensibilities shall be deemed a public nuisance. The playing, using or operating of any radio receiving set, television, musical instrument, phonograph, or other machine or device that produces or reproduces sound between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to disturb the quiet, comfort or repose of persons of ordinary sensibilities at a distance of 50 feet or more from the building, structure or vehicle in which the radio receiving set, television, musical instrument, phonograph or other machine or device that produces or reproduces sound is located shall be prima facie evidence of a public nuisance.

Mobile Food Vendor Courts cont.

- *On site Manager.* Each mobile food vendor court must have a designated manager that is responsible for the orderly organization of mobile food vendor units, the cleanliness of the mobile food vendor court and the mobile food vendor court's compliance with all rules and regulations. The designated manager must be physically present at the mobile food vendor court at all times that the mobile food vendor court is open to the public for business.
- *Restrooms.* Permanent restrooms must be provided within the boundaries of the mobile food vendor court.

Other types of Vendors

Pop-up Vendors – A short-term, temporary retail space where brands- usually ones without a physical presence- can interact in person with current customers and communicate their message to potential new ones. Additionally, the idea of this tactic is to generate interest, create a sense of urgency, and get people to come pay your business a visit for a fun, limited time event.

Farmers Markets - Watauga currently has a Farmers Market being conducted under a Special Event Permit. There are no additional regulations within our ordinances covering what can and cannot happen at that Special Event (Farmer Market) concerning health, safety and types of items presented for sale or type of vendor (food, retail merchant).



Things to consider ...

Comments/Questions?



1. Does Council desire to approve an ordinance revision to add a penalty fee at renewal time for an error in reporting to the comptrollers office?
2. Additionally, adding a claw-back feature to ordinance for the recovery of unpaid sales tax.
3. Ordinance revision to allow pop-up vendors at a shopping center or in connection to a WEDC sponsored event?
4. Ordinance revision to correct ordinance language to indicate “current edition of the International Fire Code (IFC)” instead of a specific year since the City has adopted the 2018 IFC.
5. Does Council desire to add an ordinance covering Farmers Market Permits as opposed to a Special Event Permit?