

## AGENDA



Thursday, January 10, 2008

**Item(s) to Set Public Hearing(s)**  
**RECOMMENDATION FOR COUNCIL ACTION**
**Item No. 55**

**Subject:** Set a public hearing to consider an ordinance amending Section 25-2-812 of the City Code relating to Mobile Food Establishments. (Suggested date and time: January 31, 2008 at 6:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).

**For More Information:** Jorge E. Rousselin, 974-2975; Sylvia Arzola, 974-6448.

**Prior Council Action:** 9/28/06 – The City Council approved an ordinance regulating Mobile Food Establishments.

6/7/07 – Council directed the City Manager to recommend appropriate process changes including the time for Council consideration of an application establishing limitations on mobile food establishments.

On September 28, 2006, the City Council approved an ordinance regulating Mobile Food Establishments. One of the provisions of the Ordinance provided that neighborhood associations could submit an application requesting additional distance requirements between residences and mobile food vendors located within neighborhood association areas. The ordinance required that neighborhoods submit their applications during February of each year, with Council consideration to occur only during the month of April. This requirement presented some challenges in that it did not allow for sufficient review between the application deadline and Council agenda posting deadlines. Also, the ordinance prohibited neighborhood associations within neighborhood planning areas approved after December 31, 2006, to submit applications, and did not permit contact teams (established upon approval of a neighborhood plan) to submit applications. In addition, the Council expressed concern that the ordinance did not require notification to the mobile food vendors of the pending applications, nor did it require notification to the neighborhood associations of the Council's consideration of their applications.

On June 7, 2007, the City Council directed the City Manager to initiate amendments to the Ordinance to provide greater flexibility for submittal and review of these applications by residents, staff and the Council. The Neighborhood Planning and Zoning Department (NPZD) is recommending the following amendments:

- a. Delete the requirement that Council must consider the applications during the month of April;
- b. Authorize planning area contact teams to apply for the additional distance requirements in areas for which a neighborhood plan has been adopted;
- c. Authorize neighborhood associations that are located within an approved neighborhood planning area to submit an application if a contact team has not been established (the application would be restricted to neighborhood association boundaries);
- d. Add an additional provision to notify neighborhood associations and the mobile food vendors of the pending applications before Council;

e. Add a provision that 10 days after Council votes to approve this amendment (the effective date), there will be a one-time 30 day application window to permit contact teams and neighborhood associations an opportunity to submit an application.

This action will set a public hearing to approve the proposed amendments.