

AGENDA



Thursday, September 23, 2010

**Health and Human Services
RECOMMENDATION FOR COUNCIL ACTION**
Item No. 28

Subject: Approve an ordinance amending Chapter 10-3, Article 4 of the City Code relating to mobile food establishments; creating violations and providing penalties.

Amount and Source of Funding: Revenues in the amount of \$289,200 and expenditures in the amount of \$260,253 were included in the Fiscal Year 2010-2011 Approved Budget.

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required.

For More Information: Shannon Jones, Asst. Director, Public Health and Community Services, 972-5408; David B. Lopez, Manager, HHSD Environmental and Consumer Health Unit, 972-5687; Charles Kemp, Agenda Coordinator, 972-5023.

Boards and Commission Action: Recommended by the Public Health and Human Services Committee. Related to Item #29.

Since 2006, the number of mobile food establishments in the City has increased substantially. These operations can involve extensive preparation and processes that include the cooking and advanced preparation of food prior to service.

After more than a year of conducting stakeholder meetings and interdepartmental meetings relating to concerns brought forward to the Public Health and Human Services Committee in June of 2009, the Health and Human Services Department (HHSD) is recommending the City Council amend the provisions of Chapter 10-3 of the City Code and adopt new requirements for mobile food establishments.

At their July 22nd meeting the Public Health and Human Services Committee made a motion to accept HHSD staff recommendations and forward the recommended ordinance changes to the City Council for action.

The changes in the Code will require the following:

1. Documentation of central preparation facility (CPF) (also called commissary use), through a monthly log;
2. Proof of Texas Sales and Use Tax Permit;
3. Itinerary for all mobile food establishment routes;
4. Written permission to use restrooms at work site;
5. A notarized agreement from a central preparation facility (CPF) in compliance with the Texas Food Establishment Rules; and,
6. Fire Department Inspection Report.

Fee impacts to mobile food establishments and additional changes in Chapter 10-3 to clarify existing language and requirements are fully explained in Attachment A.

The Proposed changes to the Mobile Food Vendor Ordinance currently address requirements regulated by HHSD. A growing issue is the formation of mobile food vendor courts on vacant land where no

development approvals are required. These mobile food courts brings issues regarding parking, ingress egress of vehicles, accessory mechanical equipment such as ice machines, and similar issues usually addressed in the development process. It is the recommendation of the Code Compliance Department this type of development be reviewed for recommendations to achieve safe and appropriate land use with this type of use.