

YOLANDA FORD
Mayor

VASHAUNDRA EDWARDS
Councilmember at Large Position No. 1

CHRIS PRESTON
Mayor Pro Tem
Councilmember at Large Position No. 2



REGINALD PEARSON
Councilmember District A
JEFFREY L. BONEY
Councilmember District B
ANTHONY G. MAROULIS
Councilmember District C
FLOYD EMERY
Councilmember District D

CITY COUNCIL SPECIAL MEETING AGENDA

Notice is hereby given of a Special City Council Meeting to be held on **Monday, November 4, 2019, at 5:45 p.m.** at: **City Hall, Council Chamber, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, 77489, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

1. CALL TO ORDER

2. DISCUSSION/POSSIBLE ACTION

- (a) Consider and discuss the City's street naming ordinance.
- (b) Consider and discuss mobile food units/trucks.
- (c) Consider and discuss regulations related to farmers markets.
- (d) Consider and discuss the implementation of the construction manager at risk method of procurement for the expansion of the Mustang Bayou wastewater facility.

3. CLOSED EXECUTIVE SESSION

The City Council may go into Executive Session regarding any item posted on the Agenda as authorized by Title 5, Chapter 551 of the Texas Government Code. Notice is hereby given that the City Council may go into Executive Session in accordance with the following provision of the Government Code:

Texas Government Code, Section 551.074 – Deliberations concerning the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: Presiding Judge.

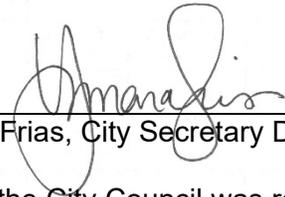
4. RECONVENE into Special Session and consider action, if any, on items discussed in Executive Session.

5. ADJOURN

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Maria Jackson, City Secretary, at 281.403.8686.

CERTIFICATION

I certify that a copy of the November 4, 2019, agenda of items to be considered by the City Council was posted on the City Hall bulletin board on October 31, 2019, at 4:00 p.m.



Yomara Frias, City Secretary Department

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the ____ day of _____, 2019.

Signed: _____

Title: _____



**CITY COUNCIL
SPECIAL MEETING AGENDA ITEM COVER
MEMO**

November 4, 2019

To: Mayor and City Council
Agenda Item: 2(a) Consider and discuss the City's street naming ordinance.
Submitted by: Shashi K. Kumar, P.E., Director of Public Works and City Engineer
Otis Spriggs, AICP, Director of Development Services

SYNOPSIS

This item will allow for a discussion on the current street naming policy and the adopted ordinance pertaining to the naming of city streets.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

At the July 3, 2017 meeting, the City Council adopted Ordinance #O-17-19, establishing rules and guidelines for the naming of city property and city programs. The adopted ordinance provided for the following:

- The creation of a new Chapter 16 of the Code of Ordinances;
- Criteria for the naming or renaming of city property and city programs;
- A procedure for councilmembers to initiate, and other persons to apply for, the naming or renaming of city property or city programs;
- A process for reviewing and approving applications;
- Conditions for the denial, modification or revocation of an application; and
- A process for granting naming rights to eligible city facilities and city parks.

Other provisions codified as part of Chapter 16 included the following language:

- A petition to rename a city street shall bear the signatures of at least 90% of the number of property owners abutting the city street to be renamed; and
- A petition to rename a city facility or to name or rename a city park shall bear at least 10% of the number of qualified voters who voted at the last mayoral city election.

Denial, modification and revocation of any application may result if any of the following conditions are not met:

- (1) The application contains false or misleading information or required information is omitted;
- (2) The proposed name advocates a political party or religion;
- (3) The proposed name when taken in form and context is deemed unsuitable for and contrary to community standards of appropriateness for governmental or family publications;
- (4) The proposed name promotes an illegal activity as defined by federal, state or local law;

ORDINANCE NO. O-17-19

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, ADDING A NEW CHAPTER 16, NAMING OF CITY PROPERTY AND CITY PROGRAMS, OF THE MISSOURI CITY CODE; PROVIDING RULES AND REGULATIONS RELATED TO THE NAMING OF CITY PROPERTY AND CITY PROGRAMS; PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The Missouri City Code is hereby amended by adding a new Chapter 16 thereof to provide as follows:

“CHAPTER 16 – NAMING OF CITY PROPERTY AND CITY PROGRAMS

ARTICLE I. – IN GENERAL

Sec. 16-1. – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City facility means a building, facility, structure, or portion thereof, owned, operated or controlled by the city, including any sub-facility thereon. This term specifically excludes city parks and city streets.

City park means any land, building, facility, or portion thereof, owned, operated or controlled by the city for park or recreational purposes, including any sub-facility or natural feature such as a lake, river, creek or stream, thereon.

City program means a program provided by the city to accomplish a specific purpose.

City property means a city facility, city park or city street.

Donor means a person who provides one or more of the following to the city: (i) a contribution of a minimum of 50 percent of the cost of constructing or improving a city facility, a city park, or a portion thereof, provided that such cost is at least \$100,000; (ii) an endowment for the continued maintenance of a city facility, a city park, or a portion thereof, provided that the cost for such continued maintenance is at least \$50,000; or

(iii) a conveyance, in fee simple, of unencumbered land for use as a city facility or city park. This term specifically excludes a person who provides funds or land pursuant to federal, state, or local law, including, but not limited to, a parkland dedication pursuant to Chapter 82 of this code.

Exceptional contribution means one or more of the following: (i) demonstrated excellence, courage or exceptional service; (ii) death in the line of duty serving the city, the state, or the United States; (iii) attainment of national or international prominence and achievement; or (iv) significant impact on government, education, science or the arts.

Naming rights means the exclusive right to place the name of a third-party on a designated city facility, city park, or a portion thereof.

Naming rights agreement means a mutually beneficial contractual agreement between the city and a sponsor that reflects the business arrangement and obligations for naming rights.

Sponsor means a person who provides cash or in-kind services to the city in exchange for naming rights pursuant to a naming rights agreement. A sponsor does not include: (i) a donor or any other person making a contribution to the city who is not granted naming rights pursuant to a naming rights agreement; or (ii) a governmental entity.

Sub-facility means a city-owned structure of a permanent nature within a city facility or city park, including, but not limited to, a wall, a monument, a plaza, an interior room in a building, a pavilion, or a large water feature. This term specifically excludes park benches, memorial pavers, trees, and other non-permanent structures located within a city facility or city park.

Sec. 16-2. – Applicability.

- (a) Except as provided by subsection (b) of this section, this chapter applies to the naming or renaming of city property and city programs. City property and city programs shall not be named or renamed except in accordance with the requirements set forth in this chapter.
- (b) This chapter does not apply to the naming or renaming of city property or city programs solely in the name of the city.
- (c) Except as otherwise provided in this chapter, the designation of the name of specific city property or a specific city program shall not preclude the renaming of such city property or city program at a later date.

Sec. 16-3. – Naming criteria.

Except as otherwise provided in this chapter, one or more of the following criteria shall be the basis for naming or renaming city property and city programs:

- (1) An individual who is at least 70 years of age and who has made an exceptional contribution to the city;
- (2) An individual who has been deceased for at least five years and who made an exceptional contribution to the city;
- (3) An elected or appointed official who has been out of office for at least one full term and such official has made an exceptional contribution to the city;
- (4) A resident of the city who has made an exceptional contribution to the city;
- (5) A former employee of the city who has made an exceptional contribution to the city;
- (6) A donor;
- (7) A naming rights agreement;
- (8) To commemorate a national, state or local historical or cultural event;
- (9) To commemorate an economic development or redevelopment activity in fulfillment of the city's mission;
- (10) In relation to native wildlife or nature;
- (11) To describe a term such as "friendship" or "independence;"
- (12) In relation to a geographical location, such as a subdivision or a recognizable area; or
- (13) To commemorate a historical landmark, as designated by the Fort Bend County Historical Commission.

Sec. 16-4. - Review and approval of applications.

- (a) Upon receipt of a complete application filed pursuant to articles II or III of this chapter, relating to city facilities and city streets, as applicable, the director of the public works department or his designee will review the application and prepare a recommendation for the city council on whether the application meets the requirements set forth in this chapter and the financial impact, if any, of implementing the proposed name.

- (b) Upon receipt of a complete application filed pursuant to articles IV or V of this chapter, relating to city parks and city programs, as applicable, the director of the parks and recreation department or his designee will review the application and prepare a recommendation for the parks board on whether the application meets the requirements set forth in this chapter, and the financial impact, if any, of implementing the proposed name. The parks board will hold a public hearing on the proposed name before submitting a final recommendation to the city council.
- (c) Upon receipt of a complete application filed pursuant to article V of this chapter, relating to city programs, as applicable, the city manager or his designee will review the application and prepare a recommendation for the city council on whether the application meets the requirements set forth in this chapter, and the financial impact, if any, of implementing the proposed name.
- (d) The city council may approve, after a public hearing, an application to name or rename city property or a city program if the proposed naming or renaming is consistent with the requirements of this chapter.
- (e) Upon the approval of a new city street name, the applicant, other than a councilmember, shall pay the costs associated with installing a new city street sign.

Sec. 16-5. – Denial, modification or revocation of an application.

Except as otherwise provided in subsection 16-114, the city council may deny, modify or revoke an application filed or approved pursuant to this chapter if one or more of the following conditions are met:

- (1) The application contains false or misleading information or required information is omitted;
- (2) The proposed name advocates a political party or religion;
- (3) The proposed name when taken in form and context is deemed to be unsuitable for and contrary to community standards of appropriateness for governmental or family publications;
- (4) The proposed name promotes an illegal activity as defined by federal, state or local law;
- (5) The proposed name promotes, suggests or glorifies violence or acts of a violent nature;
- (6) The proposed name demeans, intimidates or maliciously portrays any gender, racial or ethnic group or other protected class;

- (7) The proposed name duplicates the name of another city property or city program;
- (8) The proposed naming or renaming is prohibited by a legal or contractual mandate;
- (9) The proposed naming or renaming violates federal, state or local law; or
- (10) The proposed naming or renaming will for any reason bring disrepute upon the city.

Sec. 16-6. – Notification.

If an application to name or rename city property is approved by the city council, the director of the public works department or his designee will notify any affected city departments, utilities, and governmental entities of the new name of the city property.

ARTICLE II. – CITY FACILITIES

DIVISION 1. – PROCEDURE FOR NAMING OR RENAMING CITY FACILITIES

Sec. 16-21. Council initiated applications.

- (a) A member of the city council may initiate the naming or renaming of a city facility by submitting, in writing, the following information to the city secretary:
 - (1) The current name, if applicable, or address of the city facility to be named or renamed;
 - (2) The proposed name of the city facility, provided that, if the proposed name of the city facility is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided; and
 - (3) Applicable documentation that demonstrates how the proposed name is consistent with the criteria set forth in section 16-3.
- (b) The city secretary will forward the information received pursuant to subsection (a) of this section to the director of the public works department or his designee who will review the submitted information in accordance with subsection 16-4(a).

Sec. 16-22. – Applications initiated by persons other than councilmembers.

A donor seeking to name or rename a city facility or a person, other than a donor or a councilmember, seeking to rename a city facility shall submit an application to name or rename a city facility, as applicable, to the director of the public works department or

his designee in an application form provided by the director. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant;
- (2) The current name, if applicable, and location of the city facility proposed to be named or renamed;
- (3) The proposed name of the city facility;
- (4) If the proposed name of the city facility is the name of an entity, the applicant shall also provide the following information:
 - (a) If the entity is a corporation, the full name and address of each director, officer, and each shareholder, or, if the corporation has more than five shareholders, the full name and address of at least five major shareholders;
 - (b) If the entity is a partnership, the full name and address of each partner and the type of partnership;
 - (c) If the entity is an unincorporated association, the full name and address of each associate and officer of such association;
 - (d) Proof of entity form and current status, including, but not limited to:
 - i. A current and valid certificate of existence or certificate of authority from the state office of the secretary of state;
 - ii. A current and valid certificate of good standing from the state comptroller of accounts;
 - iii. All assumed names used and copies of all filings related to such names from the county clerk's office;
 - iv. A certificate of incorporation; and
 - v. A nonprofit certificate (IRS determination letter);
 - (e) The entity's federal tax identification number; and
 - (f) Proof that the entity is not delinquent in state, local, and federal taxes;
- (5) Applicable documentation that demonstrates how the proposed name is consistent with the criteria set forth in section 16-3;

- (6) For a person seeking to rename a city facility, other than a donor or a councilmember, a petition that bears the signatures of at least ten percent (10%) of the number of qualified voters who voted at the last mayoral city election; and
- (7) Any other information that may be requested by the city to fully evaluate and review the application.

ARTICLE III. – CITY STREETS

DIVISION 1. – PROCEDURE FOR NAMING CITY STREETS

Sec. 16-41. – Naming city streets.

New city streets shall be named in accordance with the platting regulations set forth or adopted in Chapter 82 and all applicable city ordinances.

DIVISION 2. – PROCEDURE FOR RENAMING CITY STREETS

Sec. 16-51. – Council initiated applications.

- (a) A member of the city council may initiate the renaming of a city street by submitting, in writing, the following information to the city secretary:
 - (1) The current name or location of the city street proposed to be renamed;
 - (2) The proposed name of the city street, provided that, if the name of the city street is the name of an entity, the information set forth in section 16-22(4) shall be provided; and
 - (3) Applicable documentation that demonstrates how the proposed renaming is consistent with the criteria set forth in section 16-3.
- (b) The city secretary will forward the information received pursuant to subsection (a) of this section to the director of the public works department or his designee who will review and evaluate the submitted information in accordance with subsection 16-4(a).

Sec. 16-52. – Applications initiated by persons other than councilmembers.

A person, other than a councilmember, seeking to rename a city street shall file an application to rename a city street with the director of public works or his designee on an application form provided by the director. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant;

- (2) The current name and location of the city street that the applicant seeks to rename;
- (3) The proposed name of the city street, provided that, if the proposed name is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided;
- (4) A petition that bears the signatures of at least 90 percent (90%) of the number of owners of property abutting the city street to be renamed;
- (5) Applicable documentation that demonstrates how the proposed name is consistent with the criteria set forth in section 16-3; and
- (6) Any other information that may be requested by the city to fully evaluate and review the application.

ARTICLE IV. – CITY PARKS

DIVISION 1. - PROCEDURE FOR NAMING OR RENAMING CITY PARKS

Sec. 16-71. – Council initiated applications.

- (a) A member of the city council may initiate the naming or renaming of a city park by submitting, in writing, the following information to the city secretary:
 - (1) The current name, if applicable, or location of the city park proposed to be named or renamed;
 - (2) The proposed name of the city park, provided that, if the proposed name is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided; and
 - (3) Applicable documentation that demonstrates how the proposed naming or renaming is consistent with the criteria set forth in section 16-3.
- (b) The city secretary will forward the information received pursuant to subsection (a) of this section to the director of the parks and recreation department or his designee who will review the submitted information in accordance with subsection 16-4(b).

Sec. 16-72. – Applications initiated by persons other than councilmembers.

A person, other than a councilmember, seeking to name or rename a city park shall submit an application to name or rename, as applicable, such park to the director of the

parcs and recreation department or his designee in an application form provided by the director. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant;
- (2) The current name, if applicable, and location of the city park proposed to be named or renamed;
- (3) The proposed name of the city park, provided that, if the proposed name is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided;
- (4) Applicable documentation that demonstrates how the proposed name meets the criteria set forth in section 16-3;
- (5) For a person seeking to name or rename a city park, other than a donor or a councilmember, a petition that bears the signatures of at least ten percent (10%) of the number of qualified voters who voted at the last mayoral city election; and
- (6) Any other information that may be requested by the city to fully evaluate and review the application.

ARTICLE V. – CITY PROGRAMS

DIVISION 1. – PROCEDURE FOR NAMING OR RENAMING CITY PROGRAMS

Sec. 16-91. – Council initiated application.

- (a) A member of the city council may propose the naming or renaming of a city program by submitting, in writing, the following information to the city secretary:
 - (1) The current name of the city program, if applicable;
 - (2) The proposed name of the city program, provided that, if the proposed name is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided; and
 - (3) Applicable documentation that demonstrates how the proposed naming or renaming is consistent with the criteria set forth in section 16-3.
- (b) The city secretary will forward the information received pursuant to subsection (a) of this section to the city manager or his designee who will review the submitted information in accordance with subsection 16-4(c). If the proposed naming or renaming of a city program relates to a parks and recreation department program, the city secretary will forward the information to the director of the parks and

recreation department who will review the submitted information in accordance with subsection 16-4(b).

Sec. 16-92. - Applications initiated by persons other than councilmembers.

A person, other than a councilmember, seeking to name or rename a city program shall file an application to name or rename the city program, as applicable, with the city manager or his designee on an application form provided by the city manager. If the proposed naming or renaming relates to a parks and recreation department program, an application to name or rename, as applicable, shall be filed with the director of the parks and recreation department or his designee on a form provided by the director of the parks and recreation department. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant;
- (2) The current name of the city program, if applicable;
- (3) The proposed name of the city program, provided that, if the proposed name of the city program is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided;
- (4) Applicable documentation that demonstrates how the proposed naming or renaming is consistent with the criteria set forth in section 16-3; and
- (5) Any other information that may be requested by the city to fully evaluate and review the application.

ARTICLE VI. – NAMING RIGHTS

DIVISION 1. – PROCEDURE FOR GRANTING NAMING RIGHTS

Sec. 16-111. – Applicability.

- (a) This article applies to the granting of naming rights to a designated city facility or city park.
- (b) This article does not apply to an existing naming rights agreement, until the term of said agreement expires.

Sec. 16-112. – Request for proposals for naming rights.

- (a) The city may identify city facilities and city parks that may be eligible for an assignment of naming rights.

- (b) Before the city may enter into a naming rights agreement for an eligible city facility or city park, the city will solicit proposals for naming rights through a request for proposals, which will be publicly noticed for a minimum of ten (10) business days prior to the designated closing date of the submission of proposals. Public notice shall consist, at a minimum, of posting the request for proposals on the city's website. The request for proposals shall contain any information that the city may need to fully review and evaluate whether a submitted proposal provides the best value to the city as provided in subsection 16-113(c).

Sec. 16-113. – Review and approval of proposals.

- (a) The city manager or his designee will review the proposals submitted pursuant to subsection 16-112(b) and provide a recommendation to city council on the proposal that provides the best value to the city in accordance with the criteria provided in subsection (c) of this section.
- (b) If the proposals submitted pursuant to subsection 16-112(b) relate to a city park, the director of the parks and recreation department or his designee will review such proposals and provide a recommendation to the parks board on the proposal that provides the best value to the city in accordance with the criteria provided in subsection (c) of this section. The parks board will hold a public hearing on the submitted proposals before submitting a final recommendation to the city council.
- (c) To determine whether a proposal submitted pursuant to subsection 16-112(b) provides the best value to the city, the city council may consider the following information:
 - (1) The proposed cash or in-kind services to the city;
 - (2) The reputation of the respondent;
 - (3) The respondent's past relationship with the city;
 - (4) The long-term benefit to the city to enter into a naming rights agreement with the respondent;
 - (5) Whether the respondent's mission, products, services, and marketing goals are consistent with the city's vision, mission, strategic goals, policies, and ordinances; and
 - (6) Any criteria specifically listed in the request for proposals.
- (d) The city council may authorize the city manager to negotiate a naming rights agreement with the potential sponsor who provides the best value to the city and

who meets the requirements of this article. All naming rights agreements shall be subject to approval by the city council.

Sec. 16-114. – Denial of proposals.

The city council may deny a proposal submitted pursuant to this article if one or more of the following conditions are met:

- (1) The proposal meets one or more of the conditions provided in section 16-5;
- (2) The proposal does not provide the best value to the city;
- (3) The proposal seeks naming rights for a sexually oriented business, as defined in section 18-701 of this code;
- (4) The proposal seeks naming rights for a person who has entered into a contract with the city to provide services related to the city facility or city park subject to naming rights, or on a closely related public improvement or property, except that this provision shall not apply to:
 - (a) a person who provides such services at no cost to the city; or
 - (b) a person who has completed such services to the satisfaction of the city and a 12-month period has expired from the date of such completion and the date the person submits a proposal seeking naming rights pursuant to subsection 16-112(b);
- (5) The proposal might appear to result in a conflict of interest; provided that the city council may exercise discretion in determining whether the potential conflict is significant enough to warrant denying approval of the proposal; or
- (6) The respondent's public image might detract from the property subject to naming rights.

Sec. 16-115. - Conditions of naming rights agreements.

A naming rights agreement shall be subject to the following conditions:

- (1) A naming rights agreement shall not relinquish to a sponsor any aspect of the city's right to manage or control the city facility or city park;
- (2) A naming rights agreement shall not result in a loss of the city's jurisdiction or authority;
- (3) The term of a naming rights agreement shall be not less than five (5) years and not more than ten (10) years;

- (4) A naming rights agreement shall be reviewed and approved as to form by the city attorney; and
- (5) Any signs, branding, publicity, and advertising provided for by a naming rights agreement shall conform to all applicable city ordinances and policies.”

Section 2. Repeal. Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

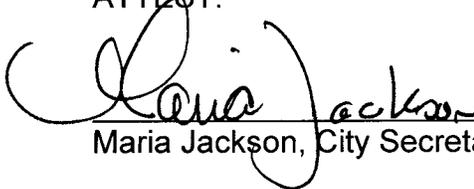
Section 3. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 19th day of June, 2017.

PASSED, APPROVED and ADOPTED on second and final reading this 3rd day of July, 2017.



Allen Owen, Mayor

ATTEST:


Maria Jackson, City Secretary

APPROVED AS TO FORM:


E. Joyce Lyamu, City Attorney





**CITY COUNCIL
SPECIAL MEETING AGENDA ITEM COVER
MEMO**

November 4, 2019

To: Mayor and City Council
Agenda Items: 2(b) Mobile Food Unit/Truck Ordinance Update- Discussion
Submitted by: Otis T. Spriggs, AICP, Director of Development Services

SYNOPSIS

Staff proposes to present a preliminary discussion of basic guidelines for mobile food establishments and receive further direction from City Council on what enhancements should be considered.

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

History: *The Planning & Zoning Commission and City Council last conducted a study on mobile food units in 2016 and adopted a number of text amendments recommendations to Council on 10/16/17.*

In August, 2019, Administration was asked by the Council, to study this item further and provide some process improvements and flexible recommendations for consideration.

Prior Commissioner's Position/Comments:

During the last changes to the Mobile Food Unit ordinance, a number of concerns were voiced by the public and the Planning Commission, including following observations:

- **Timing Flexibility:** There is a breakfast crowd in the Industrial District, and there is evening and weekend demand. Consideration of multiple shifts was recommended by the Commissioners. Limitations recently placed on locations/districts are becoming too restrictive. We need to allow for some freshness and new ideas. What are we trying to prevent or protect?
- **Demand:** The consensus of the Commission is that there is a demand for food trucks. Other cities are competitively allowing them. Seasonal offering for the community.
- **Trial Basis (Pilot Study Approach):** This approach would allow food trucks on a trial basis to test the market in commercial districts within populated areas.
- **Economic and Entertainment Investment Opportunity:** Where we are trying to bring some life back to some of the corridors, this is an opportunity to attract people to those areas with minimal investment. The use is market driven.

At that time, City Council opted to not make any allowances for food trucks to establish location along the Texas Parkway corridor from a semi-permanent perspective.

Definition:

Mobile food unit (MFU) means a vehicle mounted, self or otherwise propelled, self-contained food service operation, designed to be readily moveable, and used to store, prepare, display, serve or sell food. The term does not include a stand or a booth.

In summary, the current mobile food units are allowed within the Zoning Code under the following parameters:

- Where industrial district uses are allowed;
- In all zoning districts, provided that a mobile food unit is located within one hundred (100) feet of a property with an active building permit for the construction of a building on the property or the construction of at least three (3) new dwelling units on the property;
- In all zoning districts, provided that an MFU is located at an event that is subject to a special events permit issued by the city in accordance with section 9.10 (Frequency is limited to two-week intervals);
- Within a park provided that a park use permit has been issued in accordance with article II of chapter 18; and,
- At an event that is sponsored or co-sponsored by the city with the city's written permission.

Next Steps: Continue discussions of Mobile Food Units and allow for Council, Commission, and public input in an upcoming regular session, and prepare for recommendations before the City Council by February, 2020.

- October 30, 2019: Work session at P&Z Commission
- November 4, 2019: City Council special meeting discussion
- November 13, 2019: P&Z Commission discussion item
- December 11, 2019: P&Z Commission public hearing and preliminary report
- January 8, 2020: P&Z Commission public hearing and final report
- February 3, 2020: City Council public hearing and 1st reading of ordinance
- February 17, 2020: City Council 2nd reading of ordinance

BUDGET/FISCAL ANALYSIS

Purchasing Review: N/A
Financial/Budget Review: N/A

Note: Compliance with the conflict of interest questionnaire requirements, if applicable, and the interested party disclosure requirements (HB 1295) has been confirmed/is pending within 30-days of this Council action and prior to execution.

SUPPORTING MATERIALS

1. Current Mobile Food Unit Ordinances

STAFF'S RECOMMENDATION

Hold discussion on regulations for Mobile Food Unit establishments/uses within the City of Missouri City Zoning jurisdiction.

Director Approval: Otis T. Spriggs, AICP, Director of Planning

**Assistant City Manager/
City Manager Approval:** Glen Martel, Assistant City Manager

ORDINANCE NO. O-17-41

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING SECTION 9, SUPPLEMENTARY DISTRICT REGULATIONS, AND SECTION 13, SIGN REGULATIONS, OF APPENDIX A OF THE MISSOURI CITY CODE ENTITLED "THE CITY OF MISSOURI CITY ZONING ORDINANCE;" PROVIDING RULES AND REGULATIONS RELATED TO MOBILE FOOD UNITS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, Goal 2.1 of the 2017 Comprehensive Plan provides that the City of Missouri City will focus on the recruitment of lifestyle amenities desired by residents; and

WHEREAS, the City has received requests for mobile food unit vendors to offer food products to residents of the City; and

WHEREAS, in order to protect the public health, safety, and welfare of its residents and the general public, the City Council of the City of Missouri City (the "City Council") deems it appropriate to provide for the regulation of mobile food units operating within the City; and

WHEREAS, the Planning and Zoning Commission of the City of Missouri City (the "Planning and Zoning Commission") and the City Council have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on the proposed amendments to the City of Missouri City Zoning Ordinance; and

WHEREAS, all persons appearing at such public hearings who desired to speak on such proposed amendments were afforded that opportunity and their comments were duly noted and considered; and

WHEREAS, the Planning and Zoning Commission has issued its final report to the City Council; and

WHEREAS, the City Council now deems it appropriate to approve the proposed amendments and authorize the operation of mobile food units within the City; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. As required by law, the City Council conducted a public hearing on the amendments to the City of Missouri City Zoning Ordinance as set forth herein and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Missouri City Code is hereby amended by adding a new subsection 9.19 of Section 9 of Appendix A to provide as follows:

**“APPENDIX A
ZONING**

.....

SECTION 9. – SUPPLEMENTARY DISTRICT REGULATIONS

.....

Sec. 9.19. – Mobile food unit regulations.

- A. *Use district regulations.* A mobile food unit is allowed in the following use districts, provided that such mobile food unit shall be operated in accordance with the terms and provisions of this section, and further provided that a mobile food unit permit has been issued pursuant to article II of chapter 18 of the Code:
 - 1. Where I industrial district uses are allowed;
 - 2. In BP, I, CF, LC, LC-O, LC-1, LC-2, LC-3, LC-4, and PD districts, provided that the mobile food unit is located within one hundred (100) feet of a property for which an active building permit has been issued;
 - 3. In SD, R, R-1, R-2, R-3, R-4, R-5, R-6, MF-1, MF-2, MH, or PD districts, provided that the mobile food unit is located within one hundred (100) feet of a property for which an active building permit for the construction of at least three (3) dwelling units has been issued;
 - 4. At a special event that has been issued a special events permit by the city in accordance with section 9.10;
 - 5. Within a park, athletic field, or any part thereof, provided that the operation of a mobile food unit within such park or athletic field is authorized by a park use permit issued by the city in accordance with chapter 74 of the Code;
 - 6. At an event that is sponsored or co-sponsored by the city with the written authorization of the city manager or his designee; and
 - 7. At an event sponsored by, or on behalf of, a property owners’ association or homeowners association at such association’s community facility located in a residential subdivision.

- B. *Hours of operation.* The holder of a mobile food unit permit shall operate a mobile food unit at a stationary location in the following use districts during the following hours:
1. In areas where I industrial district uses are allowed, between the hours of 6 a.m. and 9:00 a.m., 11:00 a.m. and 2:00 p.m., and 6:00 p.m. and 10:00 p.m.;
 2. In the areas described in subsections 9.19.A.2 and 9.19.A.3, between the hours of 6 a.m. and 10:00 p.m.; and
 3. In the areas described in subsections 9.19.A.4, 9.19.A.5, and 9.19.A.6, in accordance with the time specified in the applicable special event permit, park use permit or city manager authorization.
- C. *Signage.* Signage on a mobile food unit is limited to signs permanently attached to the exterior of the mobile food unit. Such signage shall:
1. Clearly display the name of the business as set forth in the MFU's sales tax permit on at least two sides of the mobile food unit, in bold letters that are at least six (6) inches in height and one and one-half (1 ½) inches in width; and
 2. Be constructed of durable materials, have a neat appearance, and be maintained in good repair and structural condition, including, but not limited to, by replacing defective parts, painting, repainting, and cleaning the signs.
- D. *Noise.* Use of audio amplification is prohibited. Mobile food units are subject to chapter 30 of the Code.
- E. *Trash disposal.* The holder of a mobile food unit permit shall:
1. Provide trash receptacles for use by customers during the MFU's hours of operation;
 2. Keep all areas within five (5) feet of the mobile food unit clear of litter and debris at all times; and
 3. Dispose of all trash or waste associated with the operation of the mobile food unit in an authorized receptacle, except that city trash receptacles may not be used to dispose of such trash or waste.
- F. *Operational capacity.* The holder of a mobile food unit permit shall not:

1. Attach, set up or use any other device or equipment intended to increase the selling, serving, storage, or display capacity of the mobile food unit,
 2. Allow items such as brooms, mops, hoses, equipment, containers and boxes or cartons to be located adjacent to or beneath the mobile food unit;
 3. Provide or allow signs or banners not attached to and solely supported by the mobile food unit;
 4. Provide or allow canopies, awnings or other coverings that are not attached to and solely supported by the mobile food unit to remain over any part of the mobile food unit or over any area within 100 feet of the mobile food unit, except that any awning or covering provided by others and primarily used for other purposes and only incidentally or coincidentally used by the mobile food unit shall not be considered a violation of this subsection;
 5. Provide or cause any portable toilet facility to be provided; or
 6. Provide or cause any dining area to be provided, including, but, not limited to, tables, chairs, booths, bar stools, benches and standup counters, within 100 feet of the mobile food unit, except that dining or seating areas adjacent to a mobile food unit operating inside an enclosed space such as a lobby of a business establishment where the seating is provided by someone other than the holder of a mobile food unit and only incidentally or coincidentally used by the patrons of the mobile food unit are acceptable.
- G. *Exemptions.* A mobile food unit authorized to be located at an event that is sponsored or co-sponsored by the city is exempt from the provisions of subsections 9.19.B.1 and 9.19.B.2.”

Section 4. The Missouri City Code is hereby amended by adding a new subsection 13.10.H.4.e of Section 13 of Appendix A to provide as follows:

**“APPENDIX A
ZONING**

.....

SECTION 13. SIGN REGULATIONS.

.....

Sec. 13.10. Regulations for conditionally exempt signs.

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H. *Vehicle signs.* A vehicle sign may be located in any zoning district. Such sign shall be located in accordance with the following regulations:

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4. Affirmative defenses.

.....

- e. It is an affirmative defense to prosecution under subsections 13.10.H.1 and 13.10.H.2 that the vehicle or trailer is a mobile food unit that has a valid mobile food unit permit and is authorized to be located in the zoning district in accordance with section 9.19.”

Section 5. Repeal. Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 6. Penalty. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or premises where any violation of this Zoning Ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 7. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 2nd day of October, 2017.

PASSED, APPROVED and ADOPTED on second and final reading this 16th day of October, 2017.



Allen Owen
Allen Owen, Mayor

APPROVED AS TO FORM:

E. Joyce Iyamu
E. Joyce Iyamu, City Attorney

ATTEST:

Maria Jackson
Maria Jackson, City Secretary

ORDINANCE NO. O-17-42

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING CHAPTER 18, BUSINESSES, OF THE MISSOURI CITY CODE; PROVIDING RULES AND REGULATIONS RELATED TO MOBILE FOOD UNITS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, Goal 2.1 of the 2017 Comprehensive Plan provides that the City of Missouri City will focus on the recruitment of lifestyle amenities desired by residents; and

WHEREAS, the City has received requests for mobile food unit vendors to offer food products to residents of the City; and

WHEREAS, in order to protect the public health, safety, and general welfare of its residents and the general public, the City Council of the City of Missouri City (the "City Council") deems it appropriate to provide for the regulation of mobile food units operating within the City; and

WHEREAS, the City Council now deems it appropriate to approve the proposed regulations; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Missouri City Code is hereby amended by adding a new subsection (7) of Section 18-102 of Division 4 of Article II of Chapter 18 to provide as follows:

"CHAPTER 18 – BUSINESSES

....
ARTICLE II. – FOOD SERVICE

....
DIVISION 4. – REGULATIONS.

....
Sec. 18-102. – Amendments to state rules on food service sanitation.

The 2015 Edition of the Texas Food Establishment Rules adopted in section 18-101 is hereby amended in the following respects:

....

- (7) *Subsection 228.2(85)* is hereby amended by deleting *Subsection 228.2(85)*, and substituting therefor, a new *Subsection 228.2(85)* to provide as follows:

§228.2. Definitions. The following definitions apply in the interpretation and application of this Code.

....

- (85) Mobile food unit or MFU means a vehicle mounted, self or otherwise propelled, self-contained food service operation designed to be readily moveable, and used to store, prepare, display, serve or sell food. The term does not include a stand or a booth.”

Section 3. The Missouri City Code is hereby amended by adding a new division 5 of Article II of Chapter 18 to provide as follows:

“CHAPTER 18 - BUSINESSES

....

ARTICLE II. – FOOD SERVICE

....

DIVISION 5. – MOBILE FOOD UNITS.

Sec. 18-131. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director means the director of the city’s development services department or his designee.

Mobile means the state of being in active, but not necessarily continuous, movement.

Mobile food unit permit, MFU permit or permit means a permit issued by the city to operate a mobile food unit in the city in accordance with the provisions of this division.

Operator means an individual who is designated by an applicant for a permit or a permit holder to supervise the operation of a mobile food unit.

Permit holder means a person who has been issued a mobile food unit permit.

Servicing record means a record that is issued to a permit holder by a central preparation facility, other fixed food services establishment or servicing area that serves as the MFU’s base of operation and that documents all of the MFU’s visits to such central preparation facility, other fixed food services establishment or servicing area.

Stationary location means the position of the mobile food unit when not in motion and addressing the public for the purpose of selling or offering food for sale.

Sec. 18-132. – Prohibited conduct.

A person is prohibited from engaging in the following conduct within the city:

- (1) Operating a mobile food unit without a valid and current mobile food unit permit;
- (2) Operating a mobile food unit that does not comply with all applicable laws, including the requirements of this chapter;
- (3) Selling or offering for sale food not described in the mobile food unit permit from a mobile food unit;
- (4) Selling or offering for sale a non-food item from a mobile food unit;
- (5) Storing, preparing, displaying or serving food outside of the mobile food unit itself;
- (6) Selling food from outside of the mobile food unit itself;
- (7) Operating a mobile food unit that is not readily moveable at all times;
- (8) Altering, removing, attaching, adding or changing anything in, under, or upon the mobile food unit that would prevent or otherwise reduce ready mobility;
- (9) Operating a mobile food unit without a valid servicing record;
- (10) Issuing a servicing record for a mobile food unit without first verifying that such mobile food unit has complied with all servicing requirements;
- (11) Presenting or issuing a false, fraudulent, or untruthful servicing record for the purpose of demonstrating compliance with the requirements of this chapter;
- (12) Transferring, assigning or attempting to transfer or assign a permit;
- (13) Parking a mobile food unit on any highway, street, roadway, sidewalk or any area between a street and a sidewalk or other public right-of-way without the express written permission of the person that controls such highway, street, roadway, sidewalk or other public right-of-way; or

- (14) Locating a mobile food unit on a common or shared driveway or parking area if it prevents the use of such driveway or parking area by a person entitled to use the driveway or parking area, provided that it shall be an affirmative defense to prosecution that the individual who is prevented from using such driveway or parking area located or caused to be located such mobile food unit on the premises.

Sec. 18-133. – General requirements.

- (a) A permit holder or operator shall be present at the mobile food unit during all hours of the MFU's operation in the city.
- (b) A permit holder or operator shall store, prepare, display, serve or sell food on or in the MFU itself.
- (c) Except as provided in subsection (d) of this section, a permit holder shall notify the director in writing, during the term of the permit, of any change to the information submitted in the permit holder's application for a permit, including, but not limited to, a change in the name, address or telephone number of the permit holder or operator within ten (10) calendar days of such change.
- (d) A permit holder shall provide written notice to the director at least two business days before beginning operations at or relocating operations to any location not currently included in its application for a permit.
- (e) A mobile food unit permit is not transferable. A change of ownership of a mobile food unit, including a change of the legal form of the entity, shall require submission of a new application for a mobile food unit permit and inspection of the mobile food unit. A mobile food unit permit shall become void upon the closing of the sale of the mobile food unit for which a permit was issued.
- (f) A permit holder shall maintain a mobile food unit for which a permit has been issued in working order for the duration of the permit.

Sec. 18-134. - Applications for mobile food unit permits.

A person seeking to operate a mobile food unit in the city shall submit an application for a mobile food unit permit to the director in an application form provided by the director accompanied by the payment of a fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant, provided that if the applicant is an entity, the following information shall also be provided:

- (a) The legal name of the entity;
 - (b) If the entity is a corporation, the full name and address of each director, officer, and each shareholder, or if the corporation has more than five shareholders, the full name and address of at least five shareholders with the most shares;
 - (c) If the entity is a partnership, the full name and address of each partner and the type of partnership;
 - (d) If the entity is an unincorporated association, the full name and address of each associate and officer of such association;
 - (e) Proof of the entity's form and current status, including, but not limited to:
 - i. A current and valid certificate of existence or certificate of authority from the state office of the secretary of state;
 - ii. A current and valid certificate of good standing from the state comptroller of accounts;
 - iii. All assumed names used and copies of all filings related to such names from the county clerk's office;
 - iv. A certificate of incorporation; and
 - v. If applicable, a determination letter issued by the Internal Revenue Service;
 - (f) The entity's federal tax identification number; and
 - (g) Documentation that the entity is not delinquent in state, local, and federal taxes;
- (2) A copy of the applicant's valid and current driver's license;
- (3) If the applicant will designate an operator to supervise the operation of the MFU, the name, address, telephone number, and email address of the operator, and a copy of the operator's valid and current driver's license;
- (4) The applicant's sales tax number and a copy of the applicant's sales tax permit;
- (5) A certificate of title showing the current true ownership of the mobile food unit, provided that if the applicant is not the owner of the mobile food unit, a copy of a written and notarized statement from the owner authorizing the applicant to operate the mobile food unit;

- (6) The vehicle identification number, license plate number, and proof of vehicle registration;
- (7) A copy of the applicant's liability insurance policy, insurance endorsement or evidence of self-insurance on the MFU;
- (8) A copy of a current and valid food protection manager certification;
- (9) A written standard operation procedure of how the applicant plans to operate the mobile food unit, that includes, but is not limited to, whether food will be prepackaged, hours of operation, methods of serving food to customers, the MFU's waste water disposal site and process, and other servicing operations details;
- (10) Plans drawn to scale that clearly specify and address the proposed layout of the MFU, the identity, number, and capacity of food equipment, the location and sizes of plumbing fixtures and connections, food preparation, storage and service window areas, construction material of the inside of the MFU, and location of the LP-gas appliances, LP-gas container storage, and fire extinguishers;
- (11) A description or menu of the types of food that the applicant proposes to sell or offer for sale from the mobile food unit;
- (12) The location(s) where the mobile food unit will be in operation;
- (13) Proof of ownership of a central preparation facility, other fixed food establishment or service area, as applicable, or if the applicant is not the owner of the central preparation facility, other fixed food establishment or service area, a signed and notarized statement on the letterhead of the central preparation facility, other fixed food establishment or service area, as applicable, authorizing the applicant to use the central preparation facility, other fixed food establishment or service area as its base of operation;
- (14) If the central preparation facility, other fixed food establishment or service area that the applicant proposes to use as its base of operation is located outside the jurisdiction of the city, a copy of the most current health inspection report obtained from the regulatory authority having jurisdiction over such central preparation facility, other fixed food establishment or service area;
- (15) For a mobile food unit that will be operated on private property, proof of ownership of the property or, if the applicant is not the owner of the property, a signed and notarized written statement from the property owner or

the property owner's authorized agent granting the applicant permission to operate a mobile food unit on the property;

- (16) For a mobile food unit that will operate at one location for more than two hours, a signed and notarized statement from the owner or the authorized agent of the owner of a business establishment with a restroom with a flushable toilet, a hand wash sink with hot and cold running water, and soap and hand-drying provisions, located within 300 feet of the location where the mobile food unit will be in operation, granting employees of the mobile food unit permission to use such restroom during the business establishment's hours of operation; except that restrooms in private residences and portable restrooms shall not be used to meet this requirement;
- (17) A description of the signage that will be affixed on the mobile food unit; and
- (18) Any other information that may be requested by the director to fully evaluate and review the application.

Sec. 18-135. - Review and approval of applications.

Upon receipt of a complete application for a permit, the director will review the application and grant a mobile food unit permit unless one or more of the following conditions is met:

- (1) The application contains false or misleading information, or required information is omitted;
- (2) The application or the mobile food unit does not comply with all applicable laws, including the requirements of this chapter; or
- (3) Operation of the mobile food unit constitutes a substantial hazard to public health or public safety.

Sec. 18-136. - Suspension of permits.

- (a) The director may, without warning, notice or hearing, suspend a mobile food unit permit if one or more of the following conditions are met:
 - (1) The permit holder or the mobile food unit does not comply with all applicable laws, including the requirements of this chapter;
 - (2) Operation of the mobile food unit constitutes a substantial hazard to public health or public safety;

- (3) The permit holder violates the terms and conditions of any written statement submitted to the director under subsections 18-134(5) (authorization to operate MFU), (13) (base of operation authorization); (15) (private property authorization); or (16) (restroom authorization); or
 - (4) A food service establishment permit issued, by the city or the applicable regulatory authority, to a central preparation facility, other fixed food establishment or a servicing area that serves as the base of the MFU's operation is suspended or revoked.
- (b) Upon suspension of a mobile food unit permit, the director shall notify the permit holder or the operator, in writing, of the suspension and the reason(s) for such suspension. A permit holder whose permit is suspended shall immediately cease operating the mobile food unit for which a permit has been suspended.
- (c) The director may terminate the suspension at any time if the reasons for suspension no longer exist.

Sec. 18-137. - Revocation of permits.

The director may revoke a mobile food unit permit if one or more of the following conditions are met:

- (1) One or more of the conditions set forth in section 18-136 is met;
- (2) Repeated violations of any applicable laws, including the requirements of this chapter; or
- (3) Interference with the city in the performance of its duties.

Sec. 18-138. - Notice of denial or revocation of applications or permits.

The director shall provide notice, in writing, of the denial or revocation of an application filed or a permit issued pursuant to this division, and shall include the reason(s) for such denial or revocation.

Sec. 18-139. - Appeal of denial, suspension or revocation of permits.

An applicant or a permit holder, as applicable, may appeal to the city council, the director's decision to deny, suspend or revoke an application filed or a permit issued, as applicable, by providing a written notice of appeal to the city secretary within 10 days of the date of notice of such decision. A decision by the city council shall be final.

Sec. 18-140. - Display of permits.

A mobile food unit permit issued under this division shall be displayed, at all times, on each mobile food unit for which a permit is issued in a conspicuous place where the permit can be read by the general public.

Sec. 18-141. - Duration and renewal of permits.

- (a) A mobile food unit permit shall be valid for 12 months from the date the permit is issued.
- (b) A permit holder that desires to renew a valid permit may submit to the director, at least thirty (30) days before the date the permit expires or within thirty (30) days after the date the permit expires, an application for the renewal of a permit containing the information set forth in section 18-134 and a renewal fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees.

Sec. 18-142. - Zoning regulations.

A person who operates a mobile food unit within the city shall comply with the zoning regulations for mobile food units set forth in section 9.19 of the City of Missouri City Zoning Ordinance.

Sec. 18-143. - Inspection of mobile food units.

- (a) An applicant for a mobile food unit permit or renewal of a permit, as applicable, shall deliver or cause to be delivered the mobile food unit for which a permit is sought to a location designated by the director for an inspection and shall pay an inspection fee in the amount specified in a resolution adopted by the city council establishing a schedule of fees.
- (b) Prior to the approval of an application for a permit or an application for the renewal of a permit, the director will inspect the mobile food unit to determine compliance with the requirements of this chapter and applicable city ordinances.
- (c) At the time of the inspection, the mobile food unit shall be completely operable and in full working order.

Sec. 18-144. - Food safety requirements.

Except as otherwise provided in this chapter, a person operating a mobile food unit within the city shall comply with the regulations applicable to mobile food units contained in Chapter 228 of the Texas Food Establishment Rules, 25 TAC §228, as adopted and amended in section 18-101.

Sec. 18-145. - Fire safety requirements.

- (a) A person operating a mobile food unit within the city shall comply with the requirements of this section.
- (b) The provisions applicable to mobile food units contained in the Fire Code of the City of Missouri City, Texas, as adopted and amended in article II of Chapter 38 of the Code shall apply to a mobile food unit operating within the city.
- (c) For a mobile food unit that utilizes liquefied petroleum (LP) gas, the following requirements shall apply:
 - (1) The mobile food unit shall not be located or operated within fifteen (15) feet of another mobile food unit, a vehicle, or a structure;
 - (2) The mobile food unit shall be limited to a maximum of one (1) individual LP-gas container with a maximum capacity of 100 pounds aggregate water capacity;
 - (3) The mobile food unit's LP-gas supply system, including the LP-gas container, shall be installed either on the outside of the MFU or in a storage compartment inside the MFU, provided that such system shall be accessible from and vented to the outside, with the vents located near the top and bottom of the storage compartment and shall be located three (3) feet horizontally, when measured from any opening into the MFU below the vents;
 - (4) The LP-gas container shall be mounted securely on the MFU or within a storage compartment, in an upright position, in a manner as not to fall over, and in a manner that reduces the exposure of the LP-gas container to vehicle impact;
 - (5) LP-gas containers shall not be located on the roof of the MFU, ahead of the front axle, beyond the rear bumper, below the lowest part of the mobile food unit frame, or inside truck beds or passenger compartments of the MFU; and
 - (6) All LP-gas container valves, appurtenances, and connections shall be protected to prevent damage.
- (d) An approved 2A-10BC fire extinguisher, with current inspection and service tags, shall be properly mounted in a readily accessible location within the mobile food unit.
- (e) If cooking with grease within the mobile food unit, an approved Class K fire extinguisher, with current inspection and service tags, shall be properly mounted in a readily accessible location within a mobile food unit.

- (f) A "No Smoking" sign shall be posted next to the order window or area or near any LP-gas container.
- (g) A Type 1 hood and approved fire suppression system shall be installed on a mobile food unit that produces grease laden particles within the mobile food unit.
- (h) Except as provided herein, use of permanent extension cords is prohibited. Use of a permanent extension cord is allowed for a small and relocatable portable appliance such as a fan, power tool or similar appliance, provided that such extension cord shall not be affixed to structures, extended through walls, ceilings or floors or under doors or floor coverings or in areas where such extension cord would be subject to environmental or physical impact that could create an electrical hazard. Appliances such as refrigerators are not considered to be small and relocatable appliances regardless of the size of the appliance.
- (i) Any cooking appliance in the MFU shall be listed and labeled for its intended use and shall be used only in accordance with such intended use.

Sec. 18-146. - Servicing records.

- (a) The owner or operator of a central preparation facility, other fixed food establishment or servicing area from which a mobile food unit operates shall issue and maintain servicing records for each mobile food unit for which a permit is issued in a manner and form prescribed by the director for a period of one year from the date of servicing or until retrieved by the director, whichever comes first.
- (b) A permit holder shall keep and maintain, in the MFU, servicing records for each MFU for which a permit is issued for a period of one year from the date of servicing.
- (c) The director may promulgate rules and procedures regarding maintenance of servicing records by a central preparation facility, other fixed food establishment, servicing area, and permit holder.
- (d) Servicing records maintained under subsections (a) and (b) of this section shall be made available to any peace officer or the director for inspection and copying during the normal business hours of the central preparation facility, other fixed food establishment, servicing area or mobile food unit.

Sec. 18-147. - Utility connections.

Utility connections, if any, shall be limited to quick-connect electrical and telephone services and shall be in full compliance with the Electrical Code of the City of Missouri City, Texas, as adopted and amended in section 14-232 of the Code. Except as otherwise provided in this division, utility connections for water, sewer, and gas are prohibited."

Section 4. Repeal. Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 5. Penalty. Any person who violates, or any person who causes or allows another person to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense. Each day in which any violation of this Ordinance occurs shall constitute a separate offense.

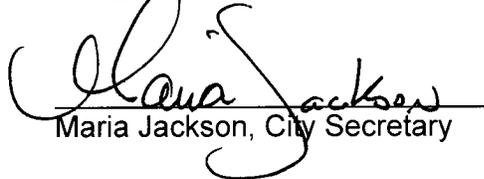
Section 6. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 2nd day of October, 2017.

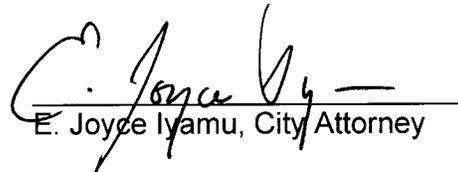
PASSED, APPROVED and ADOPTED on second and final reading this 16th day of October, 2017.


Allen Owen, Mayor

ATTEST


Maria Jackson, City Secretary

APPROVED AS TO FORM:


E. Joyce Lyamu, City Attorney





**CITY COUNCIL
SPECIAL MEETING AGENDA ITEM COVER
MEMO**

November 4, 2019

To: Mayor and City Council
Agenda Item: 2(c) Consider and discuss regulations related to farmer's markets.
Submitted by: Otis Spriggs, AICP, Director of Development Services

SYNOPSIS

The 86th Regular Session of the Texas Legislature provided for S.B. 932 regarding Farmer's Markets. This item will provide City Council with a summary of the new bill, current regulations on said uses, and will allow for discussion on next steps by Administrative Staff on facilitating farmer's market uses and providing for food handling permits.

S.B. 932 (Hughes/Wilson) – Farmers' Markets: provides that **certain food permits** (including temporary food establishment permits issued by a local health department) **issued to a farmer for the sale of food directly to consumers at a farmers' market**, a farm stand, or the farmer's farm, and an individual who prepares food for sale at a farmers' market: (1) **must be valid for a term of not less than one year;** (2) **may impose an annual fee not to exceed \$100;** and (3) **must cover sales at all locations within the jurisdiction of the permitting authority.** (Effective September 1, 2019.)

STRATEGIC PLAN 2019 GOALS ADDRESSED

- Create a great place to live

BACKGROUND

Since 2018, City Council has been asked to grant waivers related to the farmer's market uses, under the provisions set forth by the Zoning Code, Section 9.10 Special Events, which states that City Council approval is required for special events that occur more frequently than every six months.

Due to the ongoing requests for continuance and more permanency of this type of use, Staff is recommending this discussion by the Council to determine if any additional steps or provisions need to be considered, to allow more flexibility for farmer's markets, as well as assuring compliance with the State Law provisions, including the recent adoption of S.B. #932.

SUPPORTING MATERIALS

1. Current Special Event Ordinance, Section 9.10.

STAFF'S RECOMMENDATION

Staff recommends the City Council hold a discussing regarding regulations for Farmer's Markets.

Director Approval: Otis Spriggs, AICP, Director of Development Services
Assistant City Manager Approval: Glen Martel, Assistant City Manager

Sec. 9.10. - Special events.

- A. *General.* Special events which make use of property in a manner that deviates from the normal, routine or lawful use of same and for the purposes outlined below are encouraged.
1. Special events held by, or on behalf of, a charitable, civic or nonprofit organization for the purpose of raising money or providing other benefits to the citizens of Missouri City are allowed in all zoning districts, provided they meet the requirements of this section.
 2. Except as set forth in paragraph 3 below, special events held by a business or profit-making organization, or group of businesses or organizations, to promote that business or organization are allowed on the site of one or more of the participating businesses or organizations.
 3. Special events in a residential subdivision or larger residential development held by the land developer(s) or homebuilder(s) of that subdivision or development to promote home sales or otherwise ensure the success of the development or neighborhood are allowed in all zoning districts.
- B. *Prerequisites.* Such special events are allowed upon application and issuance of a permit and upon city council approval. However city council approval shall not be a prerequisite to the issuing of a permit provided applicant complies with the following:
1. *Frequency.*
 - a. Special events shall occur no more frequently than every six months on subject property.
 - b. Exceptions:
 - (1) Any special event held on the subject property and sponsored by the city shall not affect the frequency with which other special events may be held on the same site.
 - (2) Any special event held by, or on behalf of, a charitable or nonprofit organization, as permitted under subsection 9.10.A.1, above, shall not affect the frequency with which special events may be held on the same site by businesses or profit-making organizations, as permitted under subsections 9.10.A.2 and 9.10.A.3 above.

2. *Duration.* Events shall be conducted for a period not to exceed two weeks per special event, exclusive of advertising.
 3. *Parking and access.* Sponsors of special events shall ensure adequate parking based on the projected number of attendees. Access shall be planned to provide reasonable traffic flow with a minimum amount of congestion.
 4. *Safety.* Sponsors shall provide appropriate security and supervision for the special event. The use of rights-of-way is prohibited unless expressly approved by city council.
 5. *Signs.* See section 13.8 herein.
- C. *Exceptions.* Ticket sales, bake sales, and similar small special events that are of short duration are allowed in all zoning districts and are exempt from getting city approval through the permitting process set forth herein.

(Ord. No. O-95-27, § 4, 7-17-1995; Ord. No. O-96-03, § 3, 2-5-1996)