



## MINUTES June 16, 2021

### Kemah City Council Workshop Kemah Public Facilities Corporation

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Mayor Carl Joiner called the Kemah Council Workshop/Kemah Public Facilities Corporation Meeting to order at 6:00 pm in the Council Chambers in Kemah City Hall. Present were City Council Members Robert P. Kelly, Doug Meisinger, Robin Collins, and Isaac Saldaña. Mayor Carl Joiner declared a quorum. Also in attendance were City Attorney Dick Gregg Jr., Police Chief/City Administrator Walter Gant, Building Official/Fire Marshal Brandon Shoaf, Finance Director Kendra Murphy, and City Secretary Melissa Chilcote. *(The time in italics on each item indicates the approximate start time of the section in the associated audio file.)*

#### 1. 00:00:00 **Invitation to Address Council**

*(State law prohibits the Mayor and members of the City Council from commenting on any statement or engaging in dialogue without an appropriate agenda item being posted in accordance with the Texas Open Meetings Law. Comments should be directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers. Your comments are limited to two (2) minutes. Adopted Resolution 2021-03 -HB 2840)*

#### 2. 00:01:00 **Discussion: Food Truck Ordinance**

Ordinance 1177 – Mobile Food Vehicle - Mobile food vehicle means a food service establishment that operates as a restaurant (or food vendor) from a vehicle of any kind (motorized or non-motorized including but not limited to a catering vehicle or a vehicle with attached trailer) that is readily mobile at all times. (a) Location restrictions:

Mobile food vehicles may not locate for the purpose of on-site sales at a particular fixed location (for a day or more) within **50 feet** of a property used for single-family residential purposes, townhomes, or multifamily purposes.

There should be no overnight parking. Right now it says 24 hours.

Mobile food vehicles may locate within 50 feet of a property used for single-family residential purposes provided that signed correspondence from the abutting residential property owners agree to the associated mobile food vehicle use.

Mobile food vehicles may not locate for the purpose of on-site sales at a particular fixed location (for a day or more) within 100 feet of a property used for commercial purposes without express written permission from all businesses within that radius.

Any food truck has to have permission from the business owner to operate on their property.

The one-time fee for the permit or license shall be \$75.00 for any part of a year. The permit expires on December 31 of each year.

Hours of operation:

Mobile food vehicles may not operate between the hours of 2:00 a.m. and 6:00 a.m. within the city limits of the city of Kemah.



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This does not specify that they cannot park there, but may not operate.

Staff recommends adding verbiage to say cannot park there between those hours.

Time/Location

Seabrook and Sugarland ordinances were provided

Currently there are 2 operating Mobile Food Trucks (Shell & 703 Kipp)

1 has a stop work order (6<sup>th</sup> and Kipp)

Staff recommends changing the 50ft to 200ft from a residence.

The owner of the food truck is responsible for reporting the HOT Tax to that City.

Resident – restrict within 200ft

Remove the following -

Mobile food vehicles may be operated or located within 50 feet of a property used for single-family, townhome, or multifamily purposes if a commercial use is already located within 200 feet of the location of the subject mobile food vehicle. For the purposes of this ordinance, food trucks themselves do not constitute a commercial use that can be calculated as a part of this 200-foot distance.

Mobile food vehicles may locate within 50 feet of a property used for single-family residential purposes provided that signed correspondence from the abutting residential property owners agree to the associated mobile food vehicle use.

Mobile food vehicles may not locate for the purpose of on-site sales at a particular fixed location (for a day or more) within 100 feet of a property used for commercial purposes without express written permission from all businesses within that radius. If a mobile food vehicle is engaged by a business to operate on or directly in front of the premises of that business, this requirement must still be fulfilled.

Food Truck Parks – does Council want to have a designated area for a park

Placement of food trucks in City ROW needs to be addressed.

Decks into right of way – intent was never for a kitchen to be in that space.

Kitchen needs to be in the facility

Resident –

We don't need food trucks



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They were for the bars to remain open for COVID  
Should have been temporary  
Residents are being harmed  
The City shouldn't encourage food trucks and the 200ft from a residence is a good idea  
Very established nice restaurants

Resident –

Example in Clear Lake Shores

Joe Lee's/Outriggers

Put a food truck at the edge of Joe Lee's so you parked looking at their food truck

That is not okay – stealing business from established business

Nervous about food trucks

Resident –

In favor of the 200ft from a residence

Food truck on 7<sup>th</sup> Street – no overnight parking

Variance was given

Ordinance vaguely states overnight – if they drive it around the block or taken to commissary – this is being moved

The food truck didn't get a variance on 7<sup>th</sup> Street and had to be relocated. They applied for a new food truck application to move to the new location.

Kemah ordinance does not cover Alcohol sales. Needs to be added.

Resident –

In favor of changing from 50ft to 200ft from a residence

No alcohol should be sold

Resident –

Permit fee is \$75.00 and city has no benefit

In favor of changing from 50ft to 200ft from a residence with no exceptions – from property line to property line or no food trucks at all

Food Truck Owner –

Variance – did not approve

We are 50ft from a residence. We were able to move with the new permit and this is



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why we had to move from other location

Sales Tax – we do pay taxes but have not made payment for Kemah yet – application says taxes should be paid to Kemah

We are looked at like robbers stealing business but we sell hot dogs which no other restaurant in Kemah sells.

The ordinance needs to be clear – different codes for different applications

There is an ignorance about food trucks

We have County and City permits

There are no restaurants here to say we are taking business from them tonight.

We can't get one Ordinance correct so different applications will not work

City is known for:

Known for entertainment/Restaurant

Brick/Mortar – I owe it to them to help

Bars had to build restaurant to survive

I appreciate that you have done everything you can to get this food truck up and going

Other ordinance takeaways –

Require truck on concrete

Access to toilet facilities

Parking ordinance needs to be revised

Permit for food truck – how many spaces

Seabrook Ordinance #11 – use all of that and #23, #20 – No alcohol sales

Food Truck Park – designate area

Extend fences higher

200ft rule

Bubble Jungle –

706 6<sup>th</sup> Street

Be a good neighbor

Business plan before COVID

Rotating food trucks

Different atmosphere

Family friendly/bar scene at night

Gravel

Month out to Build out



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Would like to help address – noise/smell/encroachment  
More diversity

Respect our neighbors

Food Truck Park – came with parking and plans and an area to park several food trucks

Resident –  
Sounds like a problem not a solution  
This is a tourist town  
We should help our established businesses  
Using up parking for these

Amend Ordinance 1177 to things discussed at this meeting  
Use Seabrook Ordinance  
No food trucks within 200ft  
Bring back 2 other options – designated food truck park or 200ft rule  
Get a google map overview of the area

Will food trucks be grandfathered in because they already have a permit? Currently in a gray Area – needs to be addressed

**3. 00:55:50 Adjourn**

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Motion: To Adjourn

Made By: Robin Collins

Seconded By: Isaac Saldaña

Vote: **Motion carried** unanimously by all Council Members present.

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Council was adjourned at 6:56pm.



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**Signature Page:**

APPROVED:   
Mayor Pro Tem

DATE: 7-7-21

ATTEST:   
M. C. Cate