

TO: James L. App, City Manager
FROM: Jim Throop, Director of Administrative Service
SUBJECT: Ice Cream Vendor Permit
DATE: October 21, 2008

NEEDS:

For the City Council to consider approval or denial for T&C Aloha Ice Cream to conduct business within the City of Paso Robles and to direct city staff to begin an amendment and update to the municipal codes that pertains to Vendors/Peddlers.

FACTS:

1. The City municipal codes, written in 1956 (Ord. 197 N.S. Sec. 130) and 1959 (Ord. 223 N.S. Sec. 39), does not allow for vendors/peddlers within the city boundaries, *except by permit of the City Council.*
2. Per municipal code, in order for the vendor to conduct business within the City, the vendor/peddler must appear before the City Council.
3. The vendor T&C Ice Cream has formally requested a hearing before City Council.
4. The current municipal codes do not require a background check for any vendors/peddlers who may have the opportunity to interact with minors.
5. The current City municipal codes, as it relates to vendors/peddlers, needs to be immediately amended so that denial or approval of such requests is directed to a City department rather than the City Council.
6. The current City municipal codes, as they relate to vendors/peddlers, require updating to current City zoning and business standards.

ANALYSIS &
CONCLUSION:

The City municipal codes, as it pertains to vendors/peddlers, were written in 1956 and 1959. At that time permits and licenses were not allowed for vendors/peddlers, *except by permit of the City Council.*

The City has received requests from a number of vendors/peddlers for permission to conduct business within the City. The vendor T&C Aloha Ice Cream has formally requested a hearing before the City Council and has met the requests for information pertaining to his business.

It is for the City Council to decide whether to permit such a business within the city. Should the vendor be given approval it is suggested that a background check be performed by the City of Paso Robles' Police Department and that the vendor pay all applicable fees and permits.

The City Council, at its discretion, may also direct staff to create an amendment to the City's municipal code that places the approval or denial with the Administrative Services Department.

The City Council, at its discretion, may also direct city staff to begin the process of updating both sections of code that pertain to the vendors/peddlers so that they are in compliance with current City zoning and business standards.

FISCAL
IMPACT:

Potential minor increase to revenues due to business licensing and permits.

OPTIONS:

- a. Adopt Resolution No. 08-XXX:
 - i. Which allows for the vendor, T&C Aloha Ice Cream, to conduct business from a mobile ice cream unit only after successful completion of a background check by the City of Paso Robles Police Department and all obtaining all necessary permits and licenses;
 - ii. Direct city staff to coordinate an amendment to the city code that directs approval of these requests to the Administrative Services department;
 - iii. Direct city staff to begin updating the City code related to vendors/peddlers and any codes that may cause a conflict with the vendor/peddler code
- b. Amend, modify or reject above option.

T & C's Aloha Ice Cream

OH, HOW SWEET IT IS.

Look and Listen for the T & C Aloha Ice Cream truck throughout the San Luis Obispo County area. We are a family owned and operated business. We strive to be the best with friendly service, a clean truck and fresh products at all times.

The T & C Ice Cream truck is mobile. We go where the customers are and our repeat business is fantastic. Keep us in mind for your next Birthday Party, Family Reunion, Picnic, BBQ, Grand Opening, Fundraiser, Company Function, Daycare, Car Show, School Sport Event, Fair, or other special occasions. Also visit us at the pools and parks in and around San Luis Obispo County.

If you would like to schedule an event or check and see when the T & C Aloha Ice Cream truck will travel through your neighborhood call (805) 227-4205 or (530) 368-0377.

Our days and hours of operation are 9am to 9pm daily.

Our truck meets all local Health Department requirements.

- > Packaged Ice Cream
- > Cold Drinks
- > Candy
- > Chips
- > Hawaiian Shaved Ice
- > Popcorn
- > Popsicles
- > Scooped Ice Cream



T & C Aloha Ice Cream

- ▶ 9AM—9PM
- ▶ DAILY



T & C Aloha Ice Cream

2232 B Oak Street
Paso Robles, CA 93446

Phone: 805-227-4205
Or 530-368-0377





CITY OF ATASCADERO
 6907 El Camino Real, Atascadero, CA 93422
 805-461-5000

102020

8/27/08

RECEIVED OF

T and C's Aloha Ice Cream
(Timothy Buchanan)

DOLLARS \$ 70.00

Out-of-town vendor Business License

DETAIL	ACCOUNT	NOTE	HOW PAID
AMOUNT DUE	70.00		CASH <input checked="" type="checkbox"/>
AMOUNT PAID	70.00		CHECK <input type="checkbox"/>
BALANCE DUE	0.00		DRAFT <input type="checkbox"/>
			MONEY ORDER <input type="checkbox"/>

By *[Signature]* \$70.00

Thank You

September 29, 2008

To whom it may concern:

I would like to take this opportunity to recommend Tim Buchanan and Aloha Ice Cream for consideration as a food vendor in the City of Paso Robles.

Tim has participated as a vendor in many large scale Town of Yucca Valley events over the past few years. I have found Tim to be highly professional & respectful and consistent in offering excellent service to both the public and Town staff. I have received many compliments during events about Tim's merchandise, his prices, and the visual appeal of his vehicle. We have never had an issue with Tim and I believe you will have the same experience.

If you have any questions regarding Tim and Aloha Ice cream, please feel free to call me at (760) 369-7211.

Sincerely,



Frank Sheckler
Recreation Supervisor
Town of Yucca Valley



The Town of
Yucca Valley

57090 Twentynine Palms Highway • Yucca Valley, California 92284
760/369-7207 • FAX 760/369-0626

RESOLUTION NO. 08-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
PERMITTING T&C ALOHA ICE CREAM TO COMMENCE BUSINESS
WITHIN THE CITY AND ADVISING CITY STAFF TO CREATE AND/OR
AMEND CITY CODE PERTAINING TO FUTURE VENDOR PERMITS

WHEREAS, City municipal codes, written in 1956 and 1959, do not allow for vendors/peddlers within city boundaries, except by permit of the City Council; and

WHEREAS, for any vendor/peddler wanting to do business within the City must appear before the City Council for permit; and

WHEREAS, the vendor T&C Aloha Ice Cream has formally requested a hearing and has supplied all requested information; and

WHEREAS, the current City municipal code does not require vendors/peddler to submit to a background check with the City of Paso Robles Police Department;

WHEREAS, current City municipal code pertaining to vendors/peddlers requires updating to current City zoning and business standards;

THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles that permission to operate T&C Aloha Ice Cream for the time remaining in Fiscal Year 2009 be granted only after the applicant successfully passes a background check with the City of Paso Robles Police Department and remits all associated fees related to doing business within the City of Paso Robles;

FURTHERMORE, BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles, that city staff is directed to make an immediate amendment to the municipal code, related to vendors/peddlers, to place approval or denial of such vendor/peddler requests within the Administrative Services Department;

FUTHERMORE, BE IT HEREBY RESOLVED by the City Council of the City of El Paso de Robles, that city staff shall begin the process to update all codes related to the vendors/peddlers, following all necessary legal notifications and hearings, and to correct any possible conflicts with other existing municipal codes related to vendors/peddlers.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 21st day of October 2008 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah Robinson, Deputy City Clerk