

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	June 30, 2009
	<b>Agenda Item No.</b> 7 <b>Roll Call No.</b> <u>09-</u> <b>Communication No.</b> <u>09-439</u> <b>Submitted by:</b> Larry Hulse, Community Development Director	

**AGENDA HEADING:**

Re-approval of the lease of a 8.33 x 51 foot (424.83 sq ft) portion of the right of way in front of 319 Court Avenue, the Surf Shack, for use as a sidewalk café serving alcohol.

**SYNOPSIS:**

The applicant, Larry Smithson, owner of the Surf Shack located at 319 Court Avenue has requested the renewal of the lease for a 8.33 x 51 foot (424.83 sq ft) portion of the right of way (ROW) for use as a sidewalk café with alcohol service.

The lease of the area must be reapproved by Council to allow for continuation of a sidewalk café at this site. This lease renewal will be for a three year period, beginning in 2009 and ending December 31, 2011.

**FISCAL IMPACT:**

Amount: \$1,584, for the three year lease period, paid to the City.

Funding Source: FY 2010 Operating Budget, GE001, CDD130100, 460145, page 62 - \$100.00 application fee. FY 2010 Operating Budget, SP767, PKS161625, 468440, page 222 - \$1,484.00 lease fee.

**ADDITIONAL INFORMATION:**

The Council originally vacated this portion of the ROW in June 1996 by ordinance 11,346, and the area has been used as a sidewalk café since approval by the City Council. The vacation of this portion of the ROW occurred before the current requirements for sidewalk cafés, but it does meet all of the requirements.

**PREVIOUS COUNCIL ACTION(S):**

Date: May 23, 2005

Roll Call Number: 05-1292

Action: Sidewalk Café Lease Agreement with the following: Papa’s Party to Go, 319 Court Ave. (Council Communication No. 05-293) Moved by Hensley to adopt. Motion Carried 7-0.

Date: June 24, 1996

Roll Call Number: 96-2297

Action: Three-year Lease Agreements for Sidewalk Cafes at the following: (a) 319 Court Avenue, Sheffields Restaurant, annual rental of \$638. Moved by Hensley to adopt. Motion Carried 7-0.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Approval of the sidewalk café lease agreement.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).