

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	July 27, 2009
	<b>Agenda Item No.</b> <b>39</b> <b>Roll Call No.</b> <b><u>09-</u></b> <b>Communication No.</b> <b><u>09-516</u></b> <b>Submitted by:</b> Larry Hulse, Community Development Director	

**AGENDA HEADING:**

Approval of the lease of a 7 x 22 foot (154 square feet) portion of the Right of Way in front of 208 Court Avenue, Sbrocco’s Restaurant, for use as a sidewalk café serving alcohol.

**SYNOPSIS:**

The applicant, Andrew Massoth, President with Full Court Press, Inc., dba Sbrocco’s Restaurant, located at 208 Court Avenue has requested the lease of a 7 x 22 ft (154 sq ft) portion of the Right of Way for use as a sidewalk café serving alcohol. The area has previously been vacated on June 22, 1998 by Roll Calls 98-2061, 98-2062 and 98-2063, and last leased to the adjacent property by the City Council on May 17, 1999 by Roll Call 99-1484.

**FISCAL IMPACT:**

Amount: \$192.50 per year lease fee for three years paid to the City, or \$577.50 for 3 years.

Funding Source: FY 2010 Operating Budget, GE001, CDD130100, 460145, page 62.

**ADDITIONAL INFORMATION:**

The Design Standards for Sidewalk Cafés were adopted by the City Council on July 10, 2006, by Roll Call No. 06-136. This area was last approved for use as a sidewalk café on May 17, 1999 by Roll Call 99-1484. For a number of years this area has not been used or leased as a sidewalk café. This area meets all current requirements for sidewalk cafés serving alcohol. All required lease fees have been paid.

**PREVIOUS COUNCIL ACTION(S):**

Date: June 30, 2009

Roll Call Number: 09-1167

Action: Re-approval of the lease of a 8.33 foot portion of the Right of Way in front of 319 Court Avenue, the Surf Shack, for use as a sidewalk café serving alcohol. (Council Communication No. 09-439) Moved by Hensley to adopt. Motion Carried 5-2.

Date: May 18, 2009

Roll Call: 09-909, 09-910, 09-911

Action: On application from Tommy Mauro, owner of the Pelican Bar, 208 3<sup>rd</sup> Street, for vacation of a portion of the adjoining sidewalk for a sidewalk café serving alcohol. Moved by Hensley to adopt. Motion Carried 7-0.

(A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. (Council Communication No. 09-322) Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,859. Motion Carried 7-0.

Date: July 14, 2008

Roll Call Number: 08-1219

Action: Sidewalk Café Lease to HFL, LLC dba Johnny's Hall of Fame, 302 Court Avenue. (Council Communication No. 08-411) Moved by Mahaffey to adopt. Motion Carried 7-0.

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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