

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date</b>	September 28, 2009
	<b>Agenda Item No.</b> 34 <b>Roll Call No.</b> <u>09-</u> <b>Communication No.</b> <u>09-675</u> <b>Submitted by:</b> Larry Hulse, Community Development Director	

**AGENDA HEADING:**

Approval of the lease of an irregular shaped portion of the sidewalk that is 294 square feet in size, located in front of 2811 Ingersoll Avenue, Star Bar, for use as a sidewalk café serving alcohol.

**SYNOPSIS:**

The applicant, Mike Hutchison, owner of Kitchen Restaurants, LLC, dba as Star Bar, located at 2811 Ingersoll Avenue, has requested the re-lease of an irregular shaped portion of the Right of Way (294 sq ft) for use as a sidewalk café serving alcohol. The area had previously been vacated on November 21, 2005 by Roll Call 05-2806 and by ordinance 14,512 and last leased to the adjacent property by the City Council on November 21, 2005 by Roll Call 05-02795.

**FISCAL IMPACT:** Increase in revenue to the City for the lease of the vacated right of way.

Amount: \$474.33 per year lease fee for three years paid to the City, or \$1,423 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 23, 2005 by Roll Call 05-1293. This area has been used or leased as a sidewalk café continuously since 1988. This area meets all current requirements for sidewalk cafés serving alcohol. All required lease fees have been paid.

**PREVIOUS COUNCIL ACTION(S):**

Date: August 24, 2009

Roll Call Number: 09-1568

Action: Sidewalk Café Lease serving alcohol for Spaghetti Works with I-80 Spaghetti Works Corp. at 310 Court Avenue. (Council Communication No. 09-617) Moved by Kiernan to adopt. Motion Carried 7-0.

Date: July 27, 2009

Roll Call Number: 09-1345

Action: Sidewalk Café Lease serving alcohol for Sbrocco Restaurant with Full Court Press, Inc. at 208 Court Avenue. (Council Communication No. 09-516) Moved by Hensley to adopt. Motion Carried 7-0.

Date: July 27, 2009

Roll Call Number: 09-1344

Action: Sidewalk Café Lease serving alcohol for Court Avenue Brewing with Saddlery Restaurants, Inc. at 309 Court Avenue. (Council Communication No. 09-515) Moved by Hensley to adopt. Motion Carried 7-0.

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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).