

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> February 28, 2011
	<b>Agenda Item No.</b> 52 <b>Roll Call No.</b> <u>11-0342</u> <b>Communication No.</b> <u>11-128</u> <b>Submitted by:</b> Phil Delafield, Community Development Director

**AGENDA HEADING:**

Approval for the renewal of lease for a portion of the sidewalk adjacent to 302 Court Avenue that is 282.43 square feet in size located along Court Avenue, and expansion of the lease area along Court Avenue to 447.42 square feet, an increase of 164.99 square feet, by Johnny’s Hall of Fame for use as a sidewalk café serving alcohol.

**SYNOPSIS:**

The applicant, Todd A. Millang, authorized representative, located at 302 Court Avenue, has requested the re-lease of a portion of the right-of-way (282.43 square feet) for use as a sidewalk café serving alcohol. The area was previously vacated on May 24, 1993 by ordinance 11,989 and last leased to the adjacent property by the City Council on July 14, 2008, by Roll Call 08-1219. In addition, the applicant wishes to have the City Council vacate and lease an additional 164.99 square feet of area adjacent to Court Avenue to expand the sidewalk café area. The additional area meets all the requirements listed in the sidewalk café ordinance.

**FISCAL IMPACT:**

Amount: \$1677.83 for a three-year lease.

Funding Source: Fiscal Year 2010-2011 Operating Budget, Permit and Development Center, GE001, CDD130100, page 64.

**ADDITIONAL INFORMATION:**

The design standards for sidewalk cafes 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 July 14, 2008, by Roll Call 08-1219. This area has been used or leased as a sidewalk café continuously since 1993. This area meets all current requirements for sidewalk cafes serving alcohol. All required lease fees have been paid.

**PREVIOUS COUNCIL ACTION(S):**

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**

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).