

★ Roll Call Number

13-0163

Agenda Item Number

53

Date January 28, 2013

RESOLUTION APPROVING AMENDMENTS TO
THE DES MOINES SIDEWALK CAFE PROGRAM

WHEREAS, on June 19, 2006, by Roll Call No. 06-1255, the City Council approved the City of Des Moines Sidewalk Cafe Program which established an expedited process for the utilization of public sidewalks for private cafe use, and by Roll Call No. 06-1256, the City Council gave first reading to an Ordinance to implement the Program; and,

WHEREAS, on July 10, 2006, by Roll Call No. 06-1361, the City Council gave final passage to Ordinance No. 14,574 amending the City Code to implement the Sidewalk Cafe Program, and by Roll Call No. 06-1362, approved the *Design Standards for Sidewalk Cafes*; and,

WHEREAS, on August 13, 2012, the City Council requested a review of the Sidewalk Cafe Program in response to the problems that lead to the City Council taking action on that date to deny renewal of a sidewalk cafe lease at 208 3rd Street, and to deny a proposed new sidewalk cafe lease at 214 3rd Street; and,

WHEREAS, the City Staff have reviewed the Sidewalk Cafe Program and recommend amendments to the design standards, to the form of the agreements, and to the administrative procedures which were presented to the City Council at a workshop on December 17, 2012, and are more specifically described in the *Design Standards and Operational Requirements for Sidewalk Cafes*, the *Application for Sidewalk Cafe Lease* and the *Application for Sidewalk Cafe Permit*, which are on file and available for public inspection in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The *Design Standards and Operational Requirements for Sidewalk Cafes* are hereby approved and shall be incorporated into all future sidewalk cafe leases and permits.
2. The proposed forms of the *Application for Sidewalk Cafe Lease*, and the *Application for Sidewalk Cafe Permit*, are hereby approved, subject to such minor changes and additions that may be required by the City Manager and approved by the Legal Department to address new or unique issues relative to each particular site.

(Council Communication No. 13- 037)

(continued)

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MOVED by Hensley to adopt, subject to final passage of the pending ordinance regarding the administration and operation of sidewalk cafes on City property.

FORM APPROVED:

Roger K Brown
Roger K. Brown
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (7 yeas).

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

T. M. Franklin Cooney Mayor

Diane Rauh City Clerk