

CALL TO ORDER

Councilmembers DeLaney and Kennedy called the meeting to order at 2:00 p.m. and explained the purpose for the meeting.

Present: Lara DeLaney, Janet Kennedy; Councilmembers

Staff Present: Philip Vince, City Manager; Dave Scola, Public Works Director; Tim Tucker, City Engineer; Don Salts, Deputy Public Works Director; Corey Simon, Senior Planner.

OUTDOOR DINING IN DOWNTOWN

- Funding Options

Mr. Scola reviewed the issues raised at the last meeting and the proposals recommended by staff, beginning with a discussion of the funding options. Staff also responded to questions/comments from the Subcommittee regarding the number of food establishments that could be eligible for the platforms, how the cost estimates were calculated, the funding sources from the City budget, and the total potential costs to the City. Mr. Scola clarified that staff's recommendation is for Option D, which would include an application fee of \$2500, and an annual cost of \$864 per space.

PUBLIC COMMENTS

- Discussion and Feedback

Staff and the Subcommittee responded to questions/comments from the public, as follows:

An unidentified speaker expressed concern about the proposed amount for the application fee, particularly if a business wanted more than one space.

Mr. Vince asked whether the City would offer a financing plan for the application fee to be paid over time. Mr. Scola said he thought that would be possible. The Subcommittee agreed that the application fee represents a business owner's commitment to the program, and they were supportive of allowing it to be paid over time.

Pat English was concerned whether the proposed platforms would be as appealing to diners as the current setup, because if it doesn't appeal then the business owner will have made a considerable investment that might not pay off in the long run. She asked if there were design options for the railing that the owner could select. She also asked if it would be possible to have tables next to the building.

Mike McGowan asked if, the installation costs would only apply for the first year if the platforms remain up year-round.

Cathy, last name not stated, questioned whether the owners would be responsible for the removal and re-installation of the platforms if they are removed for sidewalk or street repairs.

Roxanne, Roxx on Main, expressed concern about storage of equipment during the times the platforms are down, especially if there are walls attached to the platforms or railings. She was more supportive of the year-round option.

An unidentified speaker asked whether a second \$2500 would be charged if a business moved to a different location.

Donna Allen asked how traffic circulation would be affected. She said she thought the City should decide whether angle parking was going to be restored before deciding about the platforms.

Ernie Guerrero, La Tapatia Restaurant, asked if the supplier had offered to put together a prototype, so the business owners would have a better idea of what a platform might look like. He also asked if the structure could float away if there is flooding.

Another person asked if the railings are included in the cost of the platform and whether the platform could be moved to another location if a business relocates.

Mr. Vince observed there seems to be a difference between the main concerns of the business and property owners (aesthetics) and those of City staff (engineering, construction). He agreed with Mr. Scola, however, that taking the time to make a prototype could delay the program another year.

There was general discussion between the Subcommittee, staff, and the public about the different design and material options available, including what will be standard and what can be personalized, the selection process, and production time once the basic design and materials have been chosen.

Mike Alford asked if the street would be one or two-way and whose idea it was to offer this. He also suggested that awnings could be added to reduce exposure to the sun.

An unidentified speaker asked about other cities where similar dining areas are allowed.

Another speaker discussed San Francisco's program and materials, which she said were very portable and varied.

Dick Duncan summarized the flexible aspects of the proposal, and he acknowledged that not every restaurant would have the same needs and some might not even want to participate. He suggested that the City offer the modular support base in 4-foot increments and let the business or property owner decide what they want the platform or decking to have. He noted that the main goal for the downtown right now is revitalization, not just dining.

Ken, last name not stated, asked if it would be possible to get sample materials sent to the City right away so the business/property owners could see them. He also asked if the park lifts company in San Francisco had been contacted to see if they would be interested.

Richard, last name not stated, asked when will the decision be made as to what will be presented to the Council, and who will make that decision.

Gay Gerlack commented on the importance of the downtown's appearance. She acknowledged the 500 block had many restaurants, but she wasn't sure how many other restaurants would want to participate. She asked the City to consider filling in blank spaces with planters, platforms or benches.

Ms. English expressed concern about the increased cost for the restaurant owner when there is no guarantee of increased income, especially considering that other types of businesses will benefit as well.

- Policy

Mr. Simon reviewed the proposed policy elements.

An unidentified speaker commented on the fact that the parking spaces by his restaurant don't line up evenly with the business, which could create a problem if one was turned into an outdoor dining space and the neighbor objected to the lost parking.

Another speaker noted that the property owner is responsible for maintenance of the sidewalk fronting their property, and he commented on issues with water and sewer line maintenance also.

There was discussion between staff and the public about liability issues, easements, and rights-of-way, for the property owner or tenant and for the City, including the requirement for specific insurance coverage when a platform is installed. The requirement for landlord approval prior to addition of a platform was discussed at length as well.

Councilmember DeLaney suggested contacting other cities to see how they handle the same situations. She thought it important to have the flexibility to allow a tenant to go forward with an application without landlord approval. Mr. Simon also agreed to discuss the matter further with the City Attorney. Mr. Vince cautioned against involving the City too deeply into landlord-tenant issues.

Mr. Vince acknowledged there were risks with the proposal, but he thought that the benefit toward revitalization of the downtown made it worth proceeding. He indicated that a business could always have the platform removed if their revenue does not increase as a result. He briefly discussed the next steps in the process, indicating he thought staff had enough input now to make a recommendation to the full Council for action. He cautioned, however, that it might take more than one City Council hearing before a decision is made.

Councilmember Kennedy said she would be okay if it goes to Council on May 2nd, but she would not object to another Subcommittee meeting if necessary. After further discussion, Mr. Vince recommended that a Council hearing date of May 16th would be better to allow for additional research by staff.

In response to a question from the audience, the Subcommittee indicated they would recommend that the platforms remain year-round as long as there are no maintenance issues or flooding. They also expressed support for allowing the application fee to be financed over time.

Cathy, last name not stated, asked if additional parking would be created to compensate for the lost spaces. Mr. Vince responded that there were some lots being considered for parking.

Mr. McGowan asked if the application fee will be reduced if the platforms are planned for year-round. The Subcommittee indicated there will probably be a range of options presented to the Council, and the application fee could be lower or higher depending on the additional research. They confirmed, however, that the goal is to allow maximum participation and maximum flexibility.

ADJOURNMENT

The meeting adjourned at 4:05 p.m.