



Legislation Text

File #: 10-0482, **Version:** 1

Recommendation to authorize City Manager to release and reassign security deposit funds in the amount of \$15,000, related to a sidewalk-dining permit at 144 Pine Avenue, originally Mum's Restaurant. (District 2)

In 1999, the operator of Mum's Restaurant at 144 Pine Avenue (which in 2004 was transformed into Smooth's Sports Grille) received permission from the City to reconstruct the public sidewalk area that was occupied under a Public Walkways Occupancy Permit. Because this construction involved custom paving containing a radiant heating system, the City required a security deposit of \$15,000 (in lieu of a performance bond) in order to provide for the replacement of standard sidewalk at such future date that this might be required. As the Pine Avenue sidewalks are in the process of being redesigned and reconstructed, staff recognizes that a full \$15,000 security deposit is no longer necessary and can be reduced to a more standard security deposit of \$1,635.00, as required under the Municipal Code for sidewalk dining permits.

The owner of Smooth's Sports Grille has requested that the remaining amount be reassigned by the City to the restaurant's economic development loan and other outstanding restaurant-related payments.

This matter was reviewed by Deputy City Attorney Linda Trang on May 26, 2010 and by Budget and Performance Management Bureau Manager David Wodynski on May 26, 2010.

City Council action on this matter is not time critical.

The funds will be reassigned to retire outstanding balances with the City. There is no fiscal impact to the General Fund, as these funds have been reserved. There are no local jobs impacted by this action.

Approve recommendation.

MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER