

**COUNCIL ACTION FORM**

**SUBJECT: REQUEST FROM MOTHER'S PUB (2900 WEST STREET) TO ALLOW ALCOHOL SERVICE AT A SIDEWALK CAFÉ**

**BACKGROUND:**

Last year, the City Council adopted new regulations regarding Sidewalk Cafés. These regulations allow for alcohol service in certain circumstances. Establishments that, under Section 17.16 of *Municipal Code*, may allow minors on the premises are permitted to serve alcohol at their sidewalk cafés without prior special approval. These applications are approved by staff. Establishments that are not allowed to have minors on the premises under Section 17.16 of *Municipal Code* must request approval from the City Council to serve alcohol at their sidewalk cafés.

Mother's Pub (2900 West Street) has submitted a request to implement a sidewalk café and serve alcohol at it. Mother's Pub has a Class C Liquor License and, because a majority of its sales come from selling alcoholic beverages during portions of the day, may not have minors on the premises after 4:00 p.m., according to Section 17.16 of *Municipal Code*. Therefore, approval from the City Council is required to allow alcohol service at its proposed sidewalk café. Additionally, approval of an Outdoor Service Privilege is necessary to allow alcohol service in the proposed café.

The sidewalk café regulations call for the City Council to consider requests from establishments in Mother's Pub's situation on a case-by-case basis. The Code specifies that the City Council shall consider the following factors when presented with a request:

1. **Site Conditions** – Mother's Pub's proposed site is open and unobstructed by existing street furniture, utility accesses, or other equipment. This is a particularly wide area of sidewalk, and the only potential obstruction is a single parking meter stand. The proposed sidewalk café will utilize five tables and will take up five feet of the 13-foot sidewalk. There are several large windows in the front of the establishment that will allow staff to monitor the entire sidewalk café from inside the building. Management at the establishment indicate that there will always be at least two staff members present who can check the café regularly and monitor it for issues.
2. **Compliance History/Staff Training** – A review of Police records indicates very few calls for service at Mother's Pub in recent history. In 2017, one person was arrested for public intoxication and one call for service was received for disorderly conduct. The establishment passed the most recent alcohol service compliance check conducted by the Police Department. The Police Department noted that the establishment has not had representation from its staff at either

the ID-card trainings or quarterly bar meetings. The applicant indicates that several staff members will participate in Training for Intervention Procedures (TIPS) training, which is a nationally recognized alcohol educational program. The Police Department has noted that although this training likely has some value, it would not cover local trends in fake IDs or hands-on training for ID review. **The Police Department recommendation would be for the bar staff to attend the monthly ID card training.**

3. **Other Factors the Council Deems Relevant** – This is only the second request the City has received to serve alcohol at a non-restaurant sidewalk café. In the first such approval process, the City Council did not indicate any additional factors that should be taken into consideration by staff when evaluating these requests. However, should the City Council have specific concerns now, staff could request additional information from the applicant before the Council moves forward with approving or denying the request.

In addition to the above three specific issues the Council must take into consideration with this request, the *Municipal Code* requires that any sidewalk café at which alcohol is served must operate with additional restrictions compared to those where alcohol is not served. The additional, required restrictions that would apply to Mother's Pub are:

- Patron ingress and egress shall be controlled and continually monitored by staff
- No alcoholic beverages may be sold or served later than 10 p.m.
- Patrons may not consume outside beverages on the premises

Finally, the *Municipal Code* empowers the City Council to impose special conditions on any sidewalk café granted an exception to dispense alcohol if it feels such restrictions are appropriate.

City staff met with the applicant to review these and other sidewalk café regulations. Upon review of the application materials, the application appears complete and in order. The Council has received a request from only one other establishment through this exception process, Della Viti, located at 323 Main Street. Della Viti was recently approved by the City Council for a second year of sidewalk café operation.

It should be noted that in the first approval for an exception of this type (Della Viti), the Council's approval was only valid for the current sidewalk café season. Della Viti was required to obtain approval for the exception from the City Council for subsequent years, thereby allowing staff to report regarding the safety and success of the alcohol service. Staff anticipates taking a year-by-year approach to Mother's Pub as well.

Staff should note that alcohol service at sidewalk cafes and the other reforms implemented by the City Council last year have generally been safe and successful. An increasing number of restaurants are taking advantage of the opportunity to host sidewalk cafes. City staff has identified a handful of establishments that have struggled

to meet all of the sidewalk café requirements when setting up for their second season, and has had constructive conversations to inform them of the requirements.

**ALTERNATIVES:**

1. Approve the requests from Mother's Pub for an Outdoor Service Privilege and a waiver to allow alcohol service at its sidewalk café during the 2018 sidewalk café season, contingent on establishment staff attending Police Department sponsored ID card training.
2. Approve the requests as stated in Alternative 1 above, but do not require the applicant to participate in ID card training.
3. Refer the request to staff for additional information.
4. Deny the request.

**MANAGER'S RECOMMENDED ACTION:**

The service of alcohol at sidewalk cafés is a new experience for the City. City staff has on occasion had issues with compliance at bars hosting events where alcohol is being served outside. Due to both these factors, City staff believes requests to serve alcohol outside on an ongoing basis at establishments where little to no food service will occur should be closely scrutinized.

In this instance, the establishment has good compliance record, and the site conditions and other factors lend to a more easily controlled environment where alcohol would be served. The applicant has responded cooperatively to requests for additional information and appears to have a good understanding of the requirements in place for compliant service.

**Staff should note that the alternatives presented indicate approval is for only the 2018 sidewalk café season (April through October, according to *Municipal Code*). Sidewalk café applications must be completed anew each season; they do not carry over from year-to-year. The experience from this season can be evaluated if Mother's Pub requests to be able to host a sidewalk café again in the future.**

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests from Mother's Pub for an Outdoor Service Privilege and a waiver to allow alcohol service at its sidewalk café during the 2018 sidewalk café season, contingent on establishment staff attending Police Department sponsored ID card training.

**Applicant License Application ( LC0036175 )**

<b>Name of Applicant:</b> <u>VSS Corporation</u>		
<b>Name of Business (DBA):</b> <u>Mother's Pub</u>		
<b>Address of Premises:</b> <u>2900 West St</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50010</u>
<b>Business</b>	<u>(515) 292-2301</u>	
<b>Mailing</b>	<u>2900 West St</u>	
<b>City</b> <u>Ames</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>50010</u>

**Contact Person**

<b>Name</b> <u>David Blakeley</u>	
<b>Phone:</b> <u>(515) 290-7719</u>	<b>Email</b> <u>blakeleydavid@aol.com</u>

**Classification** Class C Liquor License (LC) (Commercial)

**Term:**12 months

**Effective Date:** 05/28/2018

**Expiration Date:** 05/27/2019

**Privileges:**

Class C Liquor License (LC) (Commercial)

Outdoor Service

**Status of Business**

<b>BusinessType:</b> <u>Privately Held Corporation</u>	
<b>Corporate ID Number:</b> <u>XXXXXXXXXX</u>	<b>Federal Employer ID</b> <u>XXXXXXXXXX</u>

**Ownership**

**David Blakeley**

**First Name:** David                      **Last Name:** Blakeley  
**City:** Ames                              **State:** Iowa                      **Zip:** 50010  
**Position:** President  
**% of Ownership:** 50.00%                      **U.S. Citizen:** Yes

**Joel Paulson**

**First Name:** Joel                      **Last Name:** Paulson  
**City:** Ames                              **State:** Iowa                      **Zip:** 50014  
**Position:** Sect/Treasurer  
**% of Ownership:** 50.00%                      **U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>Founders Insurance Company</u>
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**Policy Effective Date:** 05/28/2018

**Policy Expiration** 05/28/2019

**Bond Effective**

**Dram Cancel Date:**

**Outdoor Service Effective** 05/28/2018

**Outdoor Service Expiration** 05/27/2019

**Temp Transfer Effective**

**Temp Transfer Expiration Date:**