

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	December 19, 2011
	<b>Agenda Item No.</b> <b>Roll Call No.</b> <b>Communication No.</b> <b>Submitted by:</b>	<b>41</b> <b><u>11-2140</u></b> <b><u>Council</u></b> <b><u>Communication: 11-765</u></b> <b>Jeb E. Brewer, P.E.</b> <b>City Engineer</b>

**AGENDA HEADING:**

Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- A. Parking Restrictions on the West Side of 3rd Street from South of Walnut Street to Vine Street—6:00 p.m. to 6:00 a.m., Friday and Saturday.
- B. Ten-hour Parking Meters on the South Side of Grand Avenue West of 13th Street.
- C. Removal of Special School Loading and Unloading Restrictions on 5th Avenue from Grand Avenue to Locust Street.
- D. Parking Citations for Illegal Off-Street Parking.

**SYNOPSIS:**

Recommend approval of the staff recommendations, including first reading of the Ordinance regarding the traffic regulation changes.

**FISCAL IMPACT:**

Amount: Minor costs for signing modifications.

Funding Source: 2011-2012 Operating Budget, Page 98, Engineering Department Traffic & Transportation - Sign Installation and Maintenance, ENG100413.

**ADDITIONAL INFORMATION:**

A. The Traffic and Transportation Division, at the request of the Des Moines Police Department, has been asked to review the parking on the west side of 3<sup>rd</sup> Street from south of Walnut Street to Vine Street. Specifically, the request has been to remove parking for safety reasons from 6:00 p.m. to 6:00 a.m., Friday and Saturday, to assist with removal of parked vehicles that contribute to a significant number of vehicle–pedestrian conflicts related to the crowds in this area on Friday and Saturday evenings. The following ordinance changes are needed to implement the requested parking restrictions.

Sec. 114-2603. Third Street--Vine Street to Court Avenue.

Third Street, on the west side, from Vine Street to a point ~~125~~ 83 feet north thereof, no parking any time.

Third Street, on the west side, from a point ~~150~~ 115 feet north of Vine Street to a point 25 feet north thereof, ~~commercial~~ twenty-four (24) hour loading zone.

Third Street, on the west side, from a point ~~175~~ 108 feet north of Vine Street to a point ~~225~~ 30 feet ~~south of Court Avenue~~ north thereof, no parking any time.

Third Street, on the west side, from Court Avenue to a point 40 feet south thereof, no parking any time.

Third Street, on the west side, from Court Avenue to Vine Street, no parking 6:00 p.m. to 6:00 a.m., Friday and Saturday.

Sec. 114-3866. Third Street--Vine Street to Court Avenue.

Third Street, on the west side, from a point ~~125~~ 83 feet north of Vine Street to a point 25 feet north thereof, is designated as a handicapped parking meter ~~3-104~~ 3-100 and is subject to the same prohibitions as are found in subsection 114-616(a) and in section 114-406 of this chapter.

~~Third Street, on the west side, parking meters 3-100 and 3-102 are designated as handicapped parking meters and are subject to the same prohibitions as are found in subsection 114-616(a) and in section 114-406 of this chapter.~~

Third Street, on the west side, from a point 180 feet north of Vine Street to a point 27 feet north thereof, is designated a handicapped parking meter 3-102 and is subject to the same prohibitions as are found in subsection 114-616(a) and in section 114-406 of this chapter.

Third Street, on the west side, from a point 185 feet south of Court Avenue to a point 27 feet south thereof, is designated as a handicapped parking meter 3-106 and is subject to the same prohibitions as are found in subsection 114-616(a) and in section 114-406 of this chapter.

Third Street, on the east side, from a point 80 feet south of Court Avenue to a point ~~125~~ 326 feet south thereof, two-hour meters, 8:00 a.m. to 6:00 p.m.

Third Street, on the west side, from a point 40 feet south of Court Avenue to a point ~~225~~ 229 feet south thereof, two-hour meters, 8:00 a.m. to 6:00 p.m.

Sec. 114-2604. Third Street--Court Avenue to Walnut Street.

Third Street, on the west side, from a point ~~90~~ 104 feet north of Court Avenue to a point ~~60~~ 50 feet north thereof, commercial loading zone.

Third Street, on the west side, from a point ~~150~~ 154 feet north of Court Avenue to a point ~~20~~ 29 feet north thereof, no parking any time.

Third Street, on the west side, from a point ~~265~~ 207 feet north of Court Avenue to a point ~~25~~ 115 feet north thereof, no parking any time.

Third Street, on the west side, from a point 375 feet north of Court Avenue to Walnut Street to a point 90 feet south thereof, loading zone, 8:00 a.m. to 6:00 p.m., Monday to Saturday.

Third Street, on the west side, from Court Avenue to a point 207 feet north thereof, no parking 6:00 p.m. to 6:00 a.m., Friday and Saturday.

Sec. 114-3865. Third Street--Court Avenue to Walnut Street.

~~Third Street, on the west side, parking meter 3-208, two-hour meter, 8:00 a.m. to 6:00 p.m., is designated a handicapped parking space and is subject to the same prohibition as is found in subsection 114-616(a) of this chapter.~~

Third Street, on the west side, from a point 76 feet north of Court Avenue to a point 90 28 feet north thereof, two-hour meters, 8:00 a.m. to 6:00 p.m.

Third Street, on the west side, from a point 170 183 feet north of Court Avenue to a point 115 24 feet north thereof, two-hour meters, 8:00 a.m. to 6:00 p.m.

Third Street, on the west side, from a point 290 322 feet north of Court Avenue to a point 85 68 feet north thereof, two-hour meters, 8:00 a.m. to 6:00 p.m.

Third Street, on the west side, from a point 90 feet south of Walnut Street to a point 25 feet south thereof, parking meter 3-208, two-hour meter, 8:00 a.m. to 6:00 p.m., is designated a handicapped parking space and is subject to the same prohibition as is found in subsection 114-616(a) of this chapter.

B. Our office was contacted by a Mr. Pardip Singh (515-559-8496) who is in the process of remodeling a building located at 1423 Grand Avenue, to a Subway Sandwich business. He requested a change to the metered parking in front of this business, for Subway customers only. In reviewing the City Code and doing a field review for any necessary changes to accommodate the new Subway business, several changes that were related to the construction of the adjacent Wellmark building, the realignment of adjacent streets, and to accommodate the needs of the Gateway Sculpture Park were noted. The requested changes below will accommodate existing conditions in the field, with no actual changes or installations needed.

Sec. 114-4012. Grand Avenue--Thirteenth Street to Fifteenth Street.

Grand Avenue, on the south side, from a point 96 feet west of Thirteenth Street to a point 33 feet west of Fifteenth Street, four-hour meters, 8:00 a.m. to 6:00 p.m.

Grand Avenue, on the south side, from a point 300 feet west of Thirteenth Street to a point 70 feet west thereof, ten-hour meters, 8:00 a.m. to 6:00 p.m.; meter G-1324 and G-1326 are designated as handicapped parking spaces and are subject to the same prohibitions as are found in subsection 114-616(a) of this chapter.

Grand Avenue, on the south side, from a point 20 feet west of Thirteenth Street to a point 824 ft west thereof, ten-hour meters, 8:00 a.m. to 6:00 p.m.

C. With the departure of the downtown school in the vicinity of 5<sup>th</sup> Avenue and Grand Avenue, there is no longer a need for special school loading and unloading restrictions on 5<sup>th</sup> Avenue from Grand Avenue to Locust Street. These requested ordinance changes will remove the special school loading and unloading restrictions that were in place specifically to meet the needs of the downtown school, and will return the parking restrictions in these areas to ones compatible with the use of that area and adjacent areas.

Sec. 114-3422. Locust Street—Fourth Street to Fifth Avenue.

~~Locust Street, on the south side, from Fourth Street to a point 180 feet west thereof, school passenger loading and unloading, 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday through Friday and 2:00 p.m. to 3:00 p.m., Wednesday, 20 minutes only.~~

Sec. 114-3924. Locust Street—Fourth Street to Fifth Avenue.

~~Locust Street, on the south side, from Fourth Street to a point 180 feet west thereof, two-hour meters, 8:00 9:00 a.m. to 6:00 3:00 p.m., Monday, Tuesday, Thursday and Friday and 9:00 a.m. to 2:00 p.m. on Wednesday.~~

Sec. 114-3248. Grand Avenue—Fifth Avenue to Sixth Avenue.

~~Grand Avenue, on the south side, from Fifth Avenue to Sixth Avenue, school passenger loading and unloading, 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday through Friday and 2:00 p.m. to 3:00 p.m., Wednesday, 20 minutes only.~~

Sec. 114-3914. Grand Avenue—Fifth Avenue to Sixth Avenue.

~~Grand Avenue, on the south side, from Fifth Avenue to Sixth Avenue, two-hour meters, 8:00 9:00 a.m. to 6:00 3:00 p.m., Monday, Tuesday, Thursday and Friday and 9:00 a.m. to 2:00 p.m. on Wednesday.~~

Sec. 114-2630. Fifth Avenue—Walnut Street to Locust Street.

~~Fifth Avenue, on the west side, from Walnut Street to a point 130 feet north thereof, school passenger loading and unloading, 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m., Monday through Friday, and 2:00 p.m. to 3:00 p.m., Wednesday, 20 minutes only.~~

~~Fifth Avenue, on the west side, from a point 105 feet north of Walnut Street to a point 25 feet north thereof, school passenger loading and unloading, 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m., Monday, Tuesday, Thursday and Friday, and 2:00 p.m. to 3:00 p.m., Wednesday, 20 minutes only, no parking at all other times.~~

~~Fifth Avenue, on the west side, from a point 240 feet north of Walnut Street to Locust Street, no parking 7:00 a.m. to 9:00 a.m. school passenger loading and unloading, 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 5:00 p.m., Monday through Friday and 2:00 p.m. to 3:00 p.m., Wednesday, 20 minutes only.~~

Sec. 114-3874. Fifth Avenue—Walnut Street to Locust Street.

Fifth Avenue, on the west side, from Walnut Street to a point 130 feet north thereof, two-hour meters, ~~8:00~~ 9:00 a.m. to 3:00 p.m. and 5:00 p.m. and 6:00 p.m., ~~Monday, Tuesday, Thursday and Friday and 9:00 a.m. to 2:00 p.m. and 5:00 p.m. to 6:00 p.m., on Wednesday.~~

Fifth Avenue, on the west side, from a point 240 feet north of Walnut Street to Locust Street, two-hour meters, ~~8:00~~ 9:00 a.m. to 3:00 p.m. and 5:00 p.m. to 6:00 p.m., ~~Monday, Tuesday, Thursday and Friday and 9:00 a.m. to 2:00 p.m. and 5:00 p.m. to 6:00 p.m. on Wednesday.~~

Sec. 114-2631. Fifth Avenue—Locust Street to Grand Avenue.

Fifth Avenue, on the west side, from Locust Street to Grand Avenue, no parking any time. school passenger loading and unloading, 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m., Monday through Friday and 2:00 p.m. to 3:00 p.m., Wednesday, 20 minutes only; no parking at all other times; loading zone, 9:00 a.m. to 3:00 p.m., Monday through Friday and 9:00 a.m. to 2:00 p.m., Wednesday.

D. A parking citation received in an off-street parking facility for illegal parking was recently appealed because parking enforcement officers are not given a choice of action when dealing with an illegally parked vehicle. The Municipal Code, in 114-316.02 (a) indicates that the only allowable action in an off-street situation is impounding the vehicle. Since the downtown parking enforcement unit normally only impounds a vehicle when they have found one that is owned by a habitual violator, it appears that the wording of the ordinance is not what was intended. Parking enforcement needs the option of writing an illegal parking citation in these situations, much as they are able to do in similar on-street situations. The change to the wording below would correct this obvious omission and allow illegal parking citations to be written in these off-street parking areas.

Sec. 114-361.02. Illegal off-street parking.

- (a) No person shall drive, stop, stand, or park a vehicle onto or upon privately owned property or an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of the privately owned property or facility. If a parking permit is issued by the property owner to the lessee, it must be displayed. A violation of this section shall place such vehicle in the status of an illegally parked vehicle and, upon complaint of the owner, lessee or person in charge of the privately owned property or facility, the vehicle may be dealt with pursuant to section 114-485.01 and/or 114-485.11 of this chapter.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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