

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b>	May 4, 2015
	<b>Agenda Item No.</b>	<b>39</b>
	<b>Roll Call No.</b>	<b><u>15-0772</u></b>
	<b>Communication No.</b>	<b><u>15-235</u></b>
	<b>Submitted by:</b>	<b>Scott Sanders, City Manager</b>

**AGENDA HEADING:**

Adoption of a policy to allow pianos as an "encroachment" in the City's Right-of-Way pursuant to Code Section 102-605 and authorize City Engineer to grant licenses for appropriate locations.

**SYNOPSIS:**

Recommend Council adopt the policy that is attached to the roll call to allow pianos as an encroachment in the City's right-of-way pursuant to Code Section 102-605 and to authorize the City Engineer or her designee to grant licenses for appropriate locations. In addition to this policy, the criteria under Section 102-607 would apply (not unreasonably impede pedestrian traffic, street corner vision clearance, etc.). Indemnification and insurance under Sections 102-611 and 612 would also apply.

**FISCAL IMPACT:**

Amount: \$50 per license (revenue)

Funding Source: Non-project related land sale proceeds are used to support general operating budget expenses: Org – EG064090

**ADDITIONAL INFORMATION:**

At the Council meeting April 6, 2015, Larry James, Jr. representing City Sounds: the Des Moines Public Piano Project, addressed the Council regarding City support for an ordinance allowing pianos on City right-of-way. In the summer of 2014, two (2) pianos were placed in the downtown area; one (1) at the Downtown Library and one (1) in the parking lot at the southeast corner of 4<sup>th</sup> and Grand Ave. City Sounds requested that an additional 4-6 pianos be placed around the City and asked if the City's right-of-way could be utilized.

On April 6, 2015, by Roll Call No. 15-0634, Council directed staff to develop a pilot program to allow pianos in the City's Right-of-Way. By adoption of this policy, the City Engineer or her designee can authorize and grant licenses for pianos in the City's right-of-way.

**PREVIOUS COUNCIL ACTION(S):**

Date: April 6, 2015

Roll Call Number: [15-0634](#)

Action: [Request](#) from Larry James Jr., City Sounds: The Des Moines Public Piano Project, to speak regarding City support for an ordinance allowing pianos on City right-of-way. Sponsor: Council Member Hensley. Moved by Mahaffey to refer to the City Manager and City Attorney to develop a pilot program, for presentation at the May 4<sup>th</sup> Council meeting. Motion Carried 6-1.

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

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE**

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