

★ Roll Call Number

Agenda Item Number

5

Date January 8, 2007

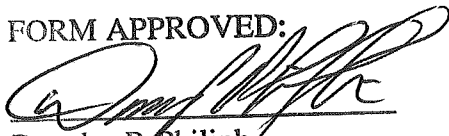
Be it resolved by the City Council of the City of Des Moines, Iowa.

That the following application is hereby submitted for consideration to the Iowa Alcoholic Beverages Division of the Iowa Department of Commerce:

Plaza Pantry, 300 Walnut Street Ste. 150, Class E Liquor License with Class B Wine and Class C Beer privileges. **(Deferred from the December 18, 2006 Council meeting).**

Moved by _____ to _____

FORM APPROVED:


 Douglas P. Philip
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
KIERNAN				
HENSLEY				
MAHAFFEY				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ Mayor

_____ City Clerk

F.U.
1-8-07

★ Roll Call Number
06-2432

Agenda Item Number
5

Date December 18, 2006


Be it resolved by the City Council of the City of Des Moines, Iowa.

That the following application is hereby submitted for consideration to the Iowa Alcoholic Beverages Division of the Iowa Department of Commerce:

Plaza Pantry, 300 Walnut Street Ste. 150, Class E Liquor License with Class B Wine and Class C Beer privileges.

Moved by Hensley to defer to the January 8, 2007 Council meeting, to allow Police Department to review documents submitted.

FORM APPROVED:


Douglas P. Philip
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
KIERNAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
VLASSIS	✓			
TOTAL	6			

MOTION CARRIED APPROVED
T. M. Franklin Cownie Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk

Roll Call Number

★ 06-2277

Agenda Item Number

F. U. 12-18-06
506-2432

Date November 20, 2006

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the following Beer/Liquor applications are hereby submitted for approval to the Alcoholic Beverage Division of the Iowa Department of Commerce:

RENEWAL APPLICATIONS

(A) PLAZA PANTRY

300 WALNUT ST

E Liquor

Moved By Hensley to receive and file documents submitted; continue item to the December 18, 2006 council meeting. Owner is to schedule a meeting with police, residents, and business owners to discuss resolution of issues.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
MAHAFFEY	✓			
KIERNAN	✓			
VLASSIS	✓			
TOTAL	6			

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh
City Clerk



REYNOLDS & REYNOLDS INC.

December 28, 2006

RECEIVED

JAN 03 2007

CITY OF DES MOINES
OFFICE OF THE MAYOR
AND CITY COUNCIL

Mayor Frank Cownie and
City Council Members
Des Moines City Council
400 Robert D. Ray Drive
Des Moines, IA 50309

Reynolds & Reynolds, Inc. is a major tenant of the Plaza, occupying 47% of the total space on the first two floors of the building.

We are very concerned about the Plaza Pantry. The selling of one-half pints of liquor and single cans of beer has attracted a clientele that is not conducive to a business setting. Many of our 57 employees have expressed concerns for their safety. This is especially true at night and on weekends.

I am certainly not interested in putting someone out of business, but the merchandise in the Plaza Pantry is not what we think should be in a commercial and residential building.

Reynolds & Reynolds, Inc. strongly supports the non-renewal of the Plaza Pantry Liquor License.

Sincerely yours,

Stanley J. Reynolds
President

January 4, 2007

Honorable Mayor
and
Members, Des Moines City Council

As you know, there have been continuing complaints from residents about Plaza Pantry, 300 Walnut, and the sale of alcohol to their customers.

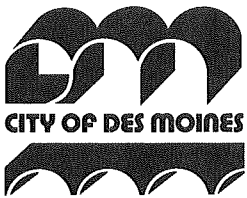
On December 8, 2006 a meeting was held to discuss these ongoing issues. The Police Department was represented by Officer Kelly Evans of the Vice Unit and Officer Phil Cross of Skywalk Patrol. Other attendees included both commercial and residential occupants of the Plaza, along with Snehi Yavanam, owner of Plaza Pantry.

Some of the complaints from both commercial and residential occupants concerned trash that they attribute directly to Plaza Pantry, liquor sales to homeless individuals, and concerns about the safety of the store and bus stops in the area because of the influx of homeless individuals. One of the commercial occupants was concerned about the cleanliness of Plaza Pantry and mentioned that her place of business has become infested with insects due to the Plaza Pantry.

Mr. Yavanam responded by advising the group that he has hired pest control on a monthly basis to deal with the insects. In addition, he reported that he deals directly with problem clients that enter his store and moves them out of the lobby without the assistance of police or security. Mr. Yavanam also advised that he has changed his hours of operation to help reduce the loitering in the lobby. Mr. Yavanam stressed that he is willing to work with the commercial and residential occupants to reduce the issues of concern.

The law enforcement officers present made several suggestions:

1. Hire a permanent guard for the lobby of the Plaza. This would provide visible security, as well as the ability to deal with problems immediately.
2. Lock the doors to the Plaza earlier in the day to prevent late night and early morning entry.



OFFICE OF THE CITY MANAGER
CITY HALL
400 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1891
(515) 283-4141

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3. Change the size of the liquor bottles sold, eliminating the pints. It is assumed that the larger bottles would be harder to conceal and would be undesirable to the problem clientele.
4. Change the by-laws of the Plaza to restrict alcohol sales of all occupants, including Plaza Pantry.

Mr. Yavanam rejected the idea of restricting the size of the bottles of liquor sold and stated he would continue to sell liquor in the same manner he always has.

A budget analyst for the Police Department has reviewed Mr. Yavanham's business receipts, as well as his 2004/2005 tax returns, to discern what portion of his total receipts were attributable to alcohol sales. The receipts spanning January, 2006 to October, 2006 revealed that 18% of the total sales during this time frame were comprised of beer, alcohol, and cigarettes.

The Police Department has strongly suggested to Mr. Yavanham that he conduct his business according to the letter of the law, complying with all provisions listed in his liquor license agreement.

Vice Unit officers will continue to work with Sgt. Mark Schleuger, our downtown NBSD sergeant to monitor the Plaza Pantry and the surrounding area.

Please let me know if you have any further questions.

Sincerely,



Richard A. Clark
City Manager

RAC:kr

5
06-2432

December 15, 2006

Honorable Mayor
and
Members, Des Moines City Council

At the November 20, 2006 Council meeting by Roll Call No. 06-2277, Council requested staff to review and report on ordinance requirements/limitations for Plaza Pantry, specifically as it relates to the distance from the Plaza Pantry to the Downtown School.

Staff has confirmed that the seventy-five foot separation requirement from any church, school, public park, or licensed child care center has been met.

However, another issue was discovered regarding the zoning of the Plaza Pantry. Mr. Snehi Yavanam, the owner of the Plaza Pantry, signed the attached agreement on November 16, 2004 to hold a liquor license with the predominant use as a restaurant, grocery store or pharmacy. Under this agreement at least half of the gross income must be derived from the sale of merchandise other than liquor, wine or beer. If he doesn't meet the terms of this agreement, he doesn't meet the zoning requirements.

The agreement states in pertinent part that the licensee agrees,

...to submit, upon request, to the City of Des Moines, through its Chief of Police or his or her designee, a certified financial statement prepared and verified by an accountant or a Certified Public Accountant including:

1. Financial statements including gross receipts, beer sales receipts, wine and liquor sales receipts, other sales and services receipts, beer, wine and liquor purchases, and any other purchases. The financial statement must be supported by itemized invoices and receipts.
2. Itemized invoices and receipts used to prepare the financial statements.
3. Itemized list of selling prices for all types of items sold during the statement period, as well as an explanation of specialized terms, such as "happy hour."



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...failure to do any of the above may subject the licensee to be reviewed by the Des Moines City Council and to a possible revocation of the liquor license.

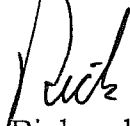
On Thursday, December 14, 2006, Chief McCarthy through his designee, requested the financial statements from Mr. Yavanam for review. Mr. Yavanam stated that he would have these financial statements by Monday, December 18, 2006.

If Mr. Yavanam declines or refuses to produce these statements on Monday, denial of the liquor license based upon a failure to meet zoning requirements would then be an option to consider. If Mr. Yavanam fails to produce the financial statements but has good reason for such failure or to produce all required supporting documents, then granting additional time for him to comply with the agreement would be appropriate.

Also, even if Mr. Yavanam presents the financial statements on Monday, staff may need additional time to review those statements so that a recommendation can be made on whether the requirements of the agreement and therefore zoning have been met.

Please let me know if you have any further questions.

Sincerely,



Richard A. Clark
City Manager

RAC:kr