

DES MOINES CITY COUNCIL MEETING
Excerpts from procedural rules of City Council

April 26, 2010 4:30 PM

JOINT MEETING WITH POLK COUNTY – 3:00 PM

SPECIAL PRESENTATIONS – 4:00 PM

Historic East Village Inc. Neighborhood Recognition

PROCLAMATIONS

Arbor Day
Fair Housing Month

INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	BASIL PROSPERI	407 E 5TH ST	B Wine
(B)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

RENEWAL APPLICATIONS

(C)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(D)	ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C Liquor
(E)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(F)	BOURBON ST	500 ARMY POST RD	C Liquor
(G)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(H)	COURT SIDE ENTERTAINMENT	1014 E 14TH ST	C Liquor

(D) [2010](#) ADA Sidewalk Ramp Program: Receiving of bids, (5-11-10), and Setting date of hearing, (5-24-10). (Construction Estimate - \$199,275).

[\(Council Communication No. 10-225\)](#)

7. [Approving](#) and authorizing execution of Iowa Department of Transportation (IDOT) Agreement for Waveland Trail – Phase 2.

[\(Council Communication No. 10-218\)](#)

8. Approving items regarding Deans Lake Phase 2 Project:

(A) [Iowa](#) Department of Transportation (IDOT) preconstruction agreement for Deans Lake Outfall along Union Pacific Railroad.

[\(Council Communication No. 10-217\)](#)

(B) [Supplemental](#) Agreement No. 2 to I-235 Deans Lake Outlet Sewer Professional Services Agreement with Veenstra & Kimm, Inc. to perform construction phase services, not to exceed \$261,098.05.

[\(Council Communication No. 10-216\)](#)

9. [Approving](#) Private Construction Contract between Kenyon Construction, Inc. and Casey's Marketing Company for storm sewer improvements in 6120 Douglas Avenue, \$91,680.

10. Accepting completed construction and approving final payment for the following:

(A) [MPS](#) Engineers, P.C. – 2009 Designated Neighborhood Sidewalk Replacement Program.

(B) [Van](#) Hauen & Associates, Inc. – Ingersoll Run Storm Sewer – 34th Street to 35th Street.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-05.

LAND/PROPERTY TRANSACTIONS

12. [Approving](#) first modification of offer to purchase real estate between Sutton Hill Residential Cooperative and the City for excess City-owned property adjoining 2080 King Avenue.
13. [Release](#) of PUD Restoration Bond in the amount of \$108,915 from Conlin Equities, LLC, Traveler's Casualty and Surety Company of America for Deer Ridge V River Oaks Centre development in the vicinity of 6000 Creston Avenue.

[\(Council Communication No. 10-206\)](#)

14. [Ratifying](#) Community Development Block Grant (CDBG) Hazard Mitigation Grant Program match for property acquisition contracts with Iowa Department of Economic Development and approving and authorizing contract amendments.

[\(Council Communication No. 10-219\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recognition](#) of Historic East Village, Inc. as a recognized neighborhood association.

[\(Council Communication No. 10-210\)](#)

16. [Recommendation](#) from Council Member Brian Meyer to reappoint Mack Morgan to the Housing Appeals Board, Seat 7, for a three-year term commencing March 26, 2010 to expire March 16, 2013.

17. Recommendations from the following for reappointments to the Citizen Odor Board:

- (A) [Council](#) Member Halley Griess – Judi Isaacson, Seat 3, for a three-year term commencing April 1, 2009 to expire April 1, 2012.
- (B) [Council](#) Member Bob Mahaffey – Carolyn Mehl, Seat 5, for a three-year term commencing April 1, 2010 to expire April 1, 2013.
- (C) [Council](#) Member Brian Meyer – Keith Mehl, Seat 6, for a three-year term commencing April 1, 2010 to expire April 1, 2013.

(D) [Mayor](#) T.M. Franklin Cownie – Ida Miles, Seat 1, for a three-year term commencing April 1, 2009 to expire April 1, 2012.

~~18. [Appointments to Wastewater Reclamation Authority \(WRA\).](#)~~

19. [Reappointments](#) to Des Moines Area Regional Transit Authority (DART).

20. [Communication](#) from Council Member Christine Hensley advising of her resignation from the Metropolitan Planning Organization (MPO), effective immediately.

(A) [Reappointment](#) of Merrill Stanley to the Metropolitan Planning Organization (MPO), changing Alternate Member, Seat 18 to Regular Member, Seat 2, effective immediately.

21. [Communication](#) from Emily Naylor advising of her resignation from the Urban Design Review Board, Seat 8, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) request to vacate Boyd Street from E. 14th Street to a dead end point 328 feet to the East, subject to conditions.

SETTING DATE OF HEARINGS

23. [On](#) conveyance of excess City-owned property adjoining 3211 Delaware Avenue to DDSM, LLC, \$14,880, (5-10-10).

24. [On](#) request from Sutton Hill Residential Cooperative to rezone 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions, (5-10-10).

25. [On](#) request from Grand View University to rezone property in the vicinity of 2901 E. 14th Street, 1410 Morton and 2613 Idaho Street from R1-60 (One-Family Low-Density Residential) to PUD (Planned Unit Development) and 1417 Hull Avenue owned by Virginia Plummer from C-2 (General Retail and Highway Oriented Commercial) to PUD (Planned Unit Development), subject to conditions, (5-10-10).

26. [On](#) Scheduled Airline Operating Agreement and Terminal Building Lease with Fly Branson Travel LLC d/b/a Branson Airexpress, (5-10-10).

27. [On](#) proposed Urban Renewal/Tax Increment Finance (TIF) Plan for NE Economic Development District Urban Renewal Area, (6-14-10).

[\(Council Communication No. 10-233\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. Approving payment of workers' compensation claims for the following:

(A) [Donald](#) Sloss, \$40,677.10.

(B) [Wayne](#) Frederes, \$23,973.99.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training request for Angela Dierenfeld and Garey Bryan.

[\(Council Communication No. 10-232\)](#)

APPROVING

30. [Supportive](#) Housing Program (SHP) New Grant Agreement with United States Department of Housing and Urban Development (HUD) for a grant award of \$250,787 2008 SHP funding for YMCA Permanent Housing Program.

[\(Council Communication No. 10-205\)](#)

31. [Community](#) Development Block Grant (CDBG) Budget Adjustment for Community Development Department, Neighborhood Conservation Services Division in order to provide rehabilitation funding for viable rental projects and extend commitments to homebuyer and homeowner rehabilitation programs until 12-31-2011.

[\(Council Communication No. 10-207\)](#)

32. [State](#) of Iowa Office of Energy Independence (OEI) Energy Efficiency and Conservation Block Grant (EECBG) funding of \$185,000 for retrofitting 87 light fixtures along M. L. King Jr. Pkwy. from Ingersoll to SW 16th Street and upgrading and expanding current Global Control Module.

[\(Council Communication No. 10-235\)](#)

(A) [Setting](#) date of hearing on issuance of not to exceed \$110,000 General Obligation Bonds (for a General Corporate Purpose), (5-10-10).

[\(Council Communication No. 10-237\)](#)

33. [Amendments](#) correcting Urban Renewal Development Agreement with ND 25 SW 5th LLC for renovation of 328 SW 5th Street.

[\(Council Communication No. 10-211\)](#)

34. [Lease](#) with Mark Bernard and Kimberly Irene Smith for Pioneer Park residence at 1602 Pioneer Park Road, \$650 monthly.

[\(Council Communication No. 10-213\)](#)

35. [One](#)-year renewal agreement extending contract until April 30, 2011 with Holland & Knight, LLP to provide federal government affairs services, \$90,000 plus travel expenses.

[\(Council Communication No. 10-236\)](#)

36. [Acceptance](#) of proposal from Cummins Central Power, LLC (Ellis Smith, Vice President) for emergency power generation equipment and services standardization for stormwater and sanitary pump station facilities and authorizing City Manager to negotiate and execute a contract.

[\(Council Communication No. 10-214\)](#)

37. [First](#) Option to the South Air Cargo Building Lease with UPS Cartage Services, Inc. for property at the Des Moines International Airport.

[\(Council Communication No. 10-202\)](#)

38. [Application](#) from St. Anthony's Church for banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 1804 SW 1st Street, 1703 S. Union Street and Granger Avenue, S. Union Street and Jackson Avenue and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 23, 2010.

39. [Iowa](#) State Fair request for temporary head-in parking along north side of Dean Avenue from E. 31st to E. 34th Street; temporary fencing to the sidewalk along north side of Dean Avenue from E. 31st to E. 30th Street; and "No Parking" signs in the area east of E. 34th Street (Gate 7) and Grand Avenue both north of University Avenue and south to Walnut Street during the fair, August 9-22, 2010.

40. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2010.

41. [Exception](#) to procurement ordinance competitive bidding requirements and approve State of Iowa Contract procurement of Microsoft Software Products and Services from Insight Public Sector (Kenneth Lamneck, President and CEO), \$557,815.26.

[\(Council Communication No. 10-208\)](#)

- 42. Non-competitive procurement of five (5) additional covert outdoor surveillance systems from Crime Point Company (Dan McLeod, President) to be used by the Police Department, \$31,933.50.

(Council Communication No. 10-231)

- 43. Civil Service Entrance Lists for Aviation Systems Technician, Identification Technician, and Human Relations Specialist, and Promotional List for Solid Waste Section Chief.
- 44. Authorizing Finance Director to draw checks on registers for the weeks of April 26 and May 3, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of April 26 and May 3, 2010; and to draw checks for biweekly payroll due May 7, 2010.

ORDINANCES - SECOND CONSIDERATION

- 45. Amending Chapter 74 of the Municipal Code regarding various park and recreation fees.

* * * * * END CONSENT AGENDA * * * * *

ORDINANCES - FIRST CONSIDERATION

- 46. Amending Chapter 2 of the Municipal Code regarding composition of the Youth Advisory Board.

(Council Communication No. 10-203)

- 47. Amending Chapter 2 of the Municipal Code, regarding procurement of concessions at the Airport.

(Council Communication No. 10-228)

- 48. Amending Chapter 102 of the Municipal Code regarding fees, location, design and maintenance for bus benches.

(Council Communication No. 10-215)

- 49. Amending Chapter 60 of the Municipal Code regarding the Housing Code.

(Council Communication No. 10-204)

50. [Amending](#) Chapter 26 of the Municipal Code regarding building code requirements applicable to the conversion of existing buildings to a horizontal property regime or multiple housing cooperative.

[\(Council Communication No. 10-209\)](#)

- (A) [Final](#) consideration of ordinance above, (waiver requested by the Community Development Director), requires 6 votes.
- (B) [Amendment](#) to the Schedule of Fees.

***Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 63)

51. [On](#) appeal from Jeffrey A. Tedder, regarding Administrative Hearing Officer's decision on impounded vehicle.
52. [On](#) appeal from Order to Evacuate Central Place Levee Area.
53. [On](#) conveyance of permanent landscape buffer easements to various property owners that adjoin 3901 SW 42nd Street, \$6,246.

[\(Council Communication No. 10-221\)](#)

54. [On](#) conveyance of vacated east/west alley right-of-way lying north of 2 - 9th Street to Polk County for the purpose of providing transitional housing, \$1.

[\(Council Communication No. 10-220\)](#)

55. [On](#) vacation and conveyance of a small segment of street right-of-way, south of Buchanan Street and west of Pennsylvania Avenue, to Divine Temple Church of God in Christ for an off-street parking lot and incorporation into existing site, \$500.

[\(Council Communication No. 10-222\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

56. [On](#) vacation and conveyance of a portion of east/west alley between Walker and Maple Street from E. 14th Street to Johnson Court, to Des Moines Independent School District for expansion of and incorporation into existing site, \$1.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
57. [On](#) request from Foods, Inc. (Dahls) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions. **(6/7th vote is required to approve the rezoning)** [Consent Map](#)
- (A) [First](#) consideration of ordinance above.
58. Items regarding property in the vicinity of 4448 and 4518 E. 50th Street (Broadway Storage, LC), to allow expansion of the existing mini-warehouse site onto property to the south:
- (A) [Amend](#) the Des Moines’ 2020 Community Character Plan from Low-Density Residential and Commercial: Auto-Oriented, Small-Scale Strip Development, to Planned Business Park.
 - (B) [Hearing](#) on rezoning the property from “A-1” (Agricultural) to Ltd “M-1” (Light Industrial), subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
59. On items regarding 3401 University Avenue (M Investments, LLC) to allow adaptive reuse of former gas station as a dry cleaning business:
- (A) [Amend](#) Des Moines’ 2020 Community Character Plan from Low/Medium Density Residential Development to Commercial: Pedestrian-Oriented Neighborhood Node.
 - (B) [Hearing](#) on rezoning from “R-3” (Multiple Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions.
 - (C) [First](#) consideration of ordinance above.

60. On issuance of General Obligation Bonds for 2010-11 Capital Improvement Budget for the following (bonds will be sold at a special Council meeting on June 2nd at 4 PM):

(Council Communication No. 10-234)

(A) \$16,365,000 (Essential Corporate Purposes).

(1) Authorization for additional action.

(B) \$6,050,000 (Urban Renewal Purposes).

(1) Authorization for additional action.

(C) \$925,000 (General Corporate Purposes).

(1) Authorization for additional action.

(D) \$995,000 (General Corporate Purposes).

(1) Authorization for additional action.

(E) \$535,000 (General Corporate Purposes).

(1) Authorization for additional action.

(F) \$905,000 (General Corporate Purposes).

(1) Authorization for additional action.

(G) \$520,000 General Corporate Purposes).

(1) Authorization for additional action.

(H) \$330,000 (General Corporate Purposes).

(1) Authorization for additional action.

(I) \$1,000,000 (General Corporate Purposes).

(1) Authorization for additional action.

61. On 2009 Bridge Embankment Scour Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), \$40,915.

(A) Approving contract and bond.

(Council Communication No. 10-227)

62. On Highland Hills Sanitary Sewer Lining, and on the status of funded activities for the lining of the sanitary sewers in the eastern portion of the Highland Hills Sanitary Sewer Subsystem: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Insituform Technologies USA, Inc., (J. Joseph Burgess, President & CEO), \$783,910.

(A) Approval of contract and bond, and permission to sublet.

(Council Communication No. 10-229)

63. Resolution to REJECT all bids and to close the hearing on plans, specifications, form of contract and Engineer's estimate for the 2010 Tennis Court Resurfacing.

(Council Communication No. 10-230)

***END HEARINGS AT _____ PM ***

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Recommendation from Mayor T. M. Franklin Cownie for the following reappointments to the Civil Service Commission:

(A) John Brooks, Seat 3, for a four-year term commencing April 1, 2010 to expire April 1, 2014.

(B) Mary Campos, Seat 1, for a four-year term commencing April 1, 2008 to expire April 1, 2012.

MOTION TO ADJOURN AT _____ P.M.

