DES MOINES CITY COUNCIL MEETING

May 22, 2006 4:30 PM

PROCLAMATIONS - 4:00 PM

National Public Works Week

SPECIAL PRESENTATIONS- 4:00 PM

Excellence in Historic Preservation Awards

INVOCATION: Pastor Sue Schneider
St. John's Lutheran Church

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

* * * * * * * * * * * * * * * * * * * * *

*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.

3. APPROVING CONSENT AGENDA – items 3 through 40:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) CAFE BARATTA'S 600 E LOCUST ST  C Liquor
(B) COOKRY 2314 UNIVERSITY AVE  B Beer
(C) EASTSIDE GRILL 3301 E EUCLID AVE  C Beer/Wine

RENEWAL APPLICATIONS

(D) BIG KMART #4160 2535 HUBBELL AVE  C Beer
(E) CARLS PLACE 1620 WOODLAND AVE  C Liquor
(F) CIVIC CENTER OF GREATER DSM 221 WALNUT STREET  C Liquor
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<td>CONTINENTAL</td>
<td>428 E LOCUST ST</td>
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<td>ESTRADAS RESTAURANT</td>
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<td>QUIKTRIP #554</td>
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**TRANSFER TO NEW LOCATION**

(BB) DEPOT 3000 E GRAND AVE B Beer
Temporary transfer of license to the Midway Area for the Golden Circle Games on June 21, 2006.

**OUTDOOR SERVICE APPLICATIONS**
(CC) BLAZING SADDLE 416 E 5TH ST C 
Liquor
In conjunction with Historic East Village Blooms & Blues on June 2, 2006. Pending approval of the Building Department.

(DD) BLAZING SADDLE 416 E 5TH ST C 
Liquor
In conjunction with Historic East Village Bike Night on June 10, 2006. Pending approval of the Building Department.

(EE) ROOKIES 6151 THORNTON AVE C 
Liquor
Adding permanent outdoor service area. Pending approval of the Zoning Department.

(FF) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C 
Liquor
Temporary outdoor service area in conjunction with Bike Night on June 1, 2006.

(GG) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C 
Liquor
Temporary outdoor service area in conjunction with Bike Night on June 8, 2006.

(HH) TROPHYS SPORTS BAR & GRILL 2701 DOUGLAS AVE C 
Liquor
Adding permanent outdoor service area for volleyball court area. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(II) CENTRO RESTAURANT 1200 GRAND AVE C 
Liquor
In conjunction with the Des Moines Arts Festival on June 21-25, 2006.

(JJ) CONTINENTAL 428 E LOCUST ST C 
Liquor
Temporary outdoor service area for Blooms & Blues on June 2, 2006. Pending approval of Building and Fire Departments.

(KK) GREEK ORTHODOX CHURCH 1110 35TH ST C 
Beer/Wine
Five-day license in conjunction with the Greek Food Fair on June 3, 2006.

(LL) JUICES FIRST BIRTHDAY 2909 WOODLAND AVE C 
Liquor
Five-day license in conjunction with Juice’s First Birthday Celebration on June 2, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. Consideration of Class C Liquor License for Smokey’s Bar-B-Que, 2301 SW 9th Street. Recommendation from Zoning to deny.
6. **City** Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Ordering Construction of the following:

   (A) **Crivaro** Park Redevelopment – Phase 2 – Receiving of bids, (6-6-06), and Setting date of hearing, (6-19-06). (Construction Estimate - $112,200).

   *(Council Communication No. 06-303)*

   (B) **Warren** County Roadway Improvements – Phase 2 – Receiving of bids, (6-6-06), and Setting date of hearing, (6-19-06). (Construction Estimate - $88,000).

   *(Council Communication No. 06-304)*

   (C) **2006** Sidewalk Replacement Program – Designated Neighborhoods – Receiving of bids, (6-6-06), and Setting date of hearing, (6-19-06). (Construction Estimate - $174,750).

   *(Council Communication No. 06-302)*

8. **Approving** application for traffic control device to the Iowa Department of Transportation for installation of a traffic signal on Merle Hay Road between Douglas Avenue and Madison Avenue.

   *(Council Communication No. 06-301)*

9. **Authorizing** execution of Iowa Department of Transportation Preconstruction Agreement for Keo Way (Birds Run) Phase 2 Storm Sewer Outlet.

   *(Council Communication No. 06-294)*

10. **Authorizing** execution of Iowa Department of Transportation Project Agreement to upgrade four existing pedestrian crossing locations: (1) University Avenue, east of 29th Street, (2) University Avenue at 27th Street, (3) University Avenue at 4th Street, and (4) Grand Avenue at E. 13th Street.

    *(Council Communication No. 06-296)*

11. Number not used.

12. Accepting completed construction and approving final payment for the following:
(A) Peterson Contractors Inc. – Easter Lake Retention Basins – Basin 9.
(B) Sheets Excavating, Ltd. – Zooplex Storm Sewer Improvements.
(C) ABC – Electrical Contractors, LLC – Principal Park Stadium Lighting.
(D) Grimes Asphalt & Paving Corp. – 2004-05 Paving Program.

SPECIAL ASSESSMENTS

13. Approving various items regarding special assessments for street paving associated with the 2004-2005 Paving Program:

(A) College Avenue paving from 56th Street to Merle Hay Road:
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.

(B) Terrace Drive paving from 28th Street to Lincoln Place Drive:
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.

(C) E. 28th Street paving from south of Dean Avenue to the pavement in place at E. Grand Avenue except for the pavement in place at Dean Avenue, Logan Avenue, E. Walnut Street and at Capitol Avenue:
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.

(D) Alley paving between Pennsylvania Avenue and E. 8th Street from Buchanan Street to Fremont Street:
   (1) Accepting work and ordering preparation of plat and schedule of assessments.
   (2) Adopting and levying final schedule of assessments, and providing for payment.
(E) Urbandale Avenue curb and gutter from Merle Hay Road to the west city limits, except where curb and gutter exits:

1. **Accepting** work and ordering preparation of plat and schedule of assessments.
2. **Adopting** and levying final schedule of assessments, and providing for payment.

(F) E. Market Street curb and gutter from S.E. 24th Court to 370 feet west:

1. **Accepting** work and ordering preparation of plat and schedule of assessments.
2. **Adopting** and levying final schedule of assessments, and providing for payment.

14. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2006-02.

15. **Delinquent** Sewer Rental and/or Solid Waste/Stormwater Utility Fees for May 2006.

16. **Delinquent** Sewer Rental and/or Solid Waste/Stormwater Utility Credits for May 2006.

**LAND/PROPERTY TRANSACTIONS**

17. **Establishing** fair market value and authorizing acquisition of property at 2930 E. University Avenue for the E. 30th Street and State Avenue Intersection Realignment Project.  
   (Council Communication No. 06-299)

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. Recommendations of Council Member Tom Vlassis for the following:

   (A) **Appointment** of Curtis White to Seat 4 on the Housing Appeals Board to fill an unexpired term commencing March 16, 2004 to expire March 16, 2007.

   (B) **Reappointment** of Susan Koenig-Vande Haar to Seat 7 on the Park and Recreation Board for a four-year term commencing June 30, 2006 to expire June 30, 2010.

19. **Recommendation** of Mayor Frank Cownie to reappoint himself and Council Member Tom Vlassis to the Civic Center Board of Directors for a one-year term commencing June 1, 2006 to expire May 31, 2007.

**COMMUNICATIONS FROM PLANNING AND ZONING**

20. **Regarding** request from Rene Jones for vacation and conveyance of dead-end segment of Sheridan Street right-of-way extending 140’ east from 38th Street, subject to conditions.


**SETTING DATE OF HEARINGS**

22. **On** request from Broadway Distributing Company regarding voluntary annexation of land south of NE 46th Avenue (Broadway Avenue) and west of NE 14th Street, (7-10-06).

23. **On** request from Hubbell Properties I, L.C. (Series A), and Hubbell Properties II, L.C. (Series C) and GTO Investments, L.L.C. regarding voluntary annexation of land in Broadway Business Park along NE 50th Street, south of NE 46th Avenue (Broadway Avenue), (7-10-06).

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

24. **Agreement** for release and satisfaction of all claims related to increased cost of a nuisance sanitary sewer repair at 1230 6th Avenue to Accurate Mechanical, $20,000.

**CITY MANAGER COMMUNICATIONS**

25. ** Recommending** approval to provide funding of a Conceptual Design Plan for Streetscape and Beautification Improvements in the Drake Area, $10,000.

  (Council Communication No. 06-300)

(Council Communication No. 06-298)

APPROVING

27. Resolution to support Polk County Health Department Application to U.S. Department of Housing and Urban Development (HUD) 2006 Lead-Based Paint Hazard Control Program Grant.

(Council Communication No. 06-295)

28. Approving Continuum of Care Program application to the U.S. Department of Housing and Urban Development (HUD) which will provide services to homeless persons in Des Moines and Polk County, $2,571,481.

(Council Communication No. 06-282)


(Council Communication No. 06-288)

30. Amendment No. 1 to Housing Services Department Office Space Lease Agreement with HPM Investments, Inc. including tenant improvements.

(Council Communication No. 06-308)

31. Amendment No. 1 to the Acquisition Fund Agreement for Supplement B1 to the Master Lease Agreement with Banc of America Leasing & Capital, LLC.

(Council Communication No. 06-284)

32. Assignment and Assumption of Sidewalk Café Lease Agreement with HFL, LLC dba Johnny’s Hall of Fame, 302 Court Avenue.

(Council Communication No. 06-292)
33. **Grant** Application to Fireman’s Fund Insurance Company Heritage Grant Program for funding of hardware/software to upgrade video conferencing system and multimedia equipment used in training and education programs, $16,450.  

   *(Council Communication No. 06-280)*


   *(Council Communication No. 06-285)*

35. **Grant** Application through the U.S. Department of Justice, Bureau of Justice Assistance, 2006 Justice and Mental Health Collaboration Program to request funding for expansion of the Mobile Crisis Response Team to 24 hour service, seven days a week, $245,012.40.  

   *(Council Communication No. 06-312)*

36. **Intergovernmental** 28E Agreement with the Iowa Department of Transportation (IDOT) for maintenance and repair of primary roads for the period July 1, 2006 through June 30, 2007.

37. **Amendment** to Kiwanis Riverview Nature Island 28E Agreement extending the term to June 1, 2009.

38. Bids from the following:

   (A) **Kintla** Corporation, an annual contract with two (2) additional one-year renewal options, for board-up services for vacant and abandoned houses to be used by the Community Development Department, $40,000.  (Eight bids mailed, three received).

   (B) **West** Publishing for magazines, books, periodicals, and similar articles of an educational or instructional nature to be used by the Legal Department, estimated cost of $39,000.

   (C) **Freightliner** of Des Moines for one replacement truck-mounted aerial device bucket truck to be used by the Forestry Division of the Public Works Department, $123,190.  (Seven bids mailed, six received).

   *(Council Communication No. 06-289)*
(D) The City of Onamia for the sale of 100’ aerial ladder truck that was used by the Des Moines Fire Department, $41,492. (Sixty-seven bids received).

39. Civil Service Entrance Lists for Administrative Assistant, Tree Trimmer, Wastewater Maintenance System Specialist and Deputy Senior Park Planner.


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

ORDINANCES - FIRST CONSIDERATION


(Council Communication No. 06-313)

COMMUNICATIONS/REPORTS

42. Request from Nic Mutch and Chuck Pamler of ISED Ventures, 1111 9th Street, Suite 380, to speak regarding Free Income Tax and Earned Income Tax Credit (EITC) campaign.

43. Request from Norman W. Davis IV, 4810 SE Powers Dr., Runnells, to speak regarding a memorial at Fire Station 3.

44. Request from Mike Hintz, 8830 Sunny Hill Drive, Clive, to speak regarding the vacation and sale of East/West right-of-way adjoining 2621 38th Street and permission to grade and asphalt at their own risk for a proposed driveway.

45. From Rick Prettyman, 1508 23rd Street, regarding various topics.

46. From James Quinn, 847 Oak Park Avenue, regarding CIETC.
HEARINGS DISCLAIMER

*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 47 THRU 55)

47. On vacation and lease of a portion of Birdland Park along the Des Moines River, to the Des Moines Power Boat Club.

   (Council Communication No. 06-314)

   (A) First consideration of the ordinance.

48. On partial release of easement on property owned by Union Pacific Railroad Company at SW 1st Street and Granger Avenue, $1.

49. On the following Items:

   (A) City Council initiated proposal to rezone property in vicinity of 1900 SE 6th Street, owned by the South Des Moines Little League, from the “R1-60” (One-Family Low Density Residential) and the “C-1” (Neighborhood Retail Commercial) to a Limited “R-3” (Multiple Family Residential). Plan and Zoning recommends DENIAL.

   (B) Approving an amendment to the Des Moines 2020 Community Character Land Use Plan to change future land use designation for the subject property from Low Density Residential to Low/Medium-Density Residential.

   (C) First consideration of ordinance above.

50. On Fifth Amendment to Land Lease Agreement for Parcel Distribution Facility with United Parcel Service at the Des Moines International Airport.

   (Council Communication No. 06-293)

51. On request from Rueter Corp. regarding voluntary annexation of approximately 36 acres of land in Warren County, located west of County Highway R63 and south of Iowa Highway 5.
52. **On** 2006 Tennis Court Resurfacing Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Blacktop Repair Service, Inc., (Patricia J. Hicks, President), $75,921.50.

(Council Communication No. 06-281)

53. **On** Arlington East Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as the Underground Company, Ltd., (Duane Burkhardt, President), $533,020.

(Council Communication No. 06-305)

(A) **Approving** contract and bond and permission to sublet.

54. **On** Blank Park Zoo Service Building Remodeling: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Brocon Services LLC, (Chris Brault, Managing Partner), $258,680.

(Council Communication No. 06-310)

(A) **Approving** contract and bond and permission to sublet.

55. **On** Riley Park Improvements – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Const. Inc., (Robert L. Johnson, President), $189,616.

(Council Communication No. 06-307)

(A) **Approving** contract and bond and permission to sublet.

END HEARINGS AT __________ P.M.
APPROVING

56. **Intergovernmental** 28E Agreement with Polk County regarding redevelopment of the Shops at Eastgate.
   (Council Communication No. 06-283)

57. **Intergovernmental** 28E Agreement with Greater Des Moines Community Foundation to collect and disperse charitable contributions in the amount of $1,130,000 over a period of three-years toward design and construction of various improvements at the James W. Cownie Baseball and Soccer Parks.
   (Council Communication No. 06-291)

58. **Professional** Services Agreement with RDG IA, Inc. for a programming and feasibility study for a Fire Department Training and Maintenance Campus, not to exceed $69,550.
   (Council Communication No. 06-297)

59. **Execution** of N.E. 56th Street Reconstruction Project from 8th Street, S.W. in Altoona to Highway 163 in Pleasant Hill Chapter 28E Agreement with Polk County, $600,000.
   (Council Communication No. 06-311)

60. **Schedule** of Street Cut Restoration Fees for street restoration work performed by the Public Works Department effective July 1, 2006.
   (Council Communication No. 06-290)

61. **Renewal** of Administrative Services Only (ASO) Agreement with Wellmark Blue Cross Blue Shield of Iowa for administration of dental claims for active and retired City of Des Moines employees.
   (Council Communication No. 06-287)

62. **Agreement** with Wellmark Blue Cross and Blue Shield of Iowa for a fully insured HMO health plan for employees represented by the City’s Police and Fire Union for the period July 1, 2006 through June 30, 2007.
   (Council Communication No. 06-286)
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. Receive and file resolution to encourage Congress to reauthorize the Voting Rights Act provisions. Sponsor: Kiernan

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action for authority to abate the public nuisance at the following locations:

   (A) 2501 High Street, Titleholder: Julie Linderkamp; Contract Buyers: Craig A. Norton and Mary Norton.

   (B) 3011 Wright Street, Titleholder: Green Tree Servicing, LLC.

   (C) 1615 York Street, Titleholder: National City Mortgage Company.

   (D) 1512 23rd Street, Titleholder: Forest Renewal, Inc.

MOTION TO ADJOURN AT ______________________ P.M.