DES MOINES CITY COUNCIL MEETING  
Excerpts from procedural rules of City Council  
February 28, 2011

PROCLAMATIONS- 4:15 PM

Women in Construction Week

SPECIAL RECOGNITION

Family of Lieutenant James E. Breining

INVOCATION: Council Member Halley Griess

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 42:

*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) 4TH DOWN SPORTS BAR 215 4TH ST C Liquor
(B) BOSS HAWG BBQ 5959 SE 14TH ST B Beer
(C) GAS LAMP 1501 GRAND AVE C Liquor
(D) LA PIZZA HOUSE 1013 SE 14TH ST C Liquor
(E) SAINTS PUB + PATIO 4041 URBANDALE C Liquor
(F) VOLCANO BAR & GRILL 1820 E ARMY POST C Liquor

RENEWAL APPLICATIONS

(G) BABY BOOMERS 303 E 5TH STREET C Beer/Wine
(H) CENTRAL CITY LIQOUR 1460 2ND AVE E Liquor
(I) GIT N GO STORE #28 3274 E UNIVERSITY C Beer
(J) HAWKEYE PANTRY 501 LOCUST ST E Liquor
(K) HOTEL FORT DES MOINES 1000 WALNUT ST B Liquor
5. **City** Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

6. **Ordering** construction of Woodland Avenue Storm Sewer-12th Street to 15th Street: Receiving of bids, (3-15-11), Setting date of hearing, (3-28-11). (Construction Estimate - $750,000).

   *(Council Communication No. 11-114)*

7. **Approving** the execution of Iowa Department of Transportation Agreement No. 2011-ICAAP-004 for the Citywide Fixed-Time Traffic Signal Upgrading Project.

   *(Council Communication No. 11-106)*

8. **Approving** execution of Chapter 28E Agreement with Windsor Heights for property acquisition, design and construction of safety and capacity improvements for the Hickman Road Corridor at 63rd Street and Westover Drive.

   *(Council Communication No. 11-105)*

9. **Approving** Professional Services Agreement with Foth Infrastructure and Environment, LLC for evaluation, design, and construction phase services for Army Post Road Bridge Replacement over Great Western Trail and Creek, not to exceed $131,195.

   *(Council Communication No. 11-111)*
10. **Approving** Change Order No. 3 with Cramer & Associates, Inc. for additional work on the SW 7th Street Bridge over the Raccoon River Rehabilitation, not to exceed $288,360.32.  

    *(Council Communication No. 11-121)*

11. Approving completion and acceptance of the Private Construction Contracts for the following:

    (A) **Sanitary** Sewer Improvements, Southern Ridge, between McAninch Corporation and West Lakes Properties, LLC.

    (B) **Storm** Sewer Improvements, E. 33rd Street and Dubuque Avenue, between Elder Corporation and Greater Des Moines Habitat For Humanity.

    (C) **Storm** Sewer Improvements, 1680 Guthrie Avenue, between Eco-Tech Construction, LLC and Iowa Des Moines Supply.

    (D) **Storm** Sewer Improvements, 2829 E. Euclid Avenue, between Kenyon Construction and Casey’s Marketing Company.

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

    (A) **Court** Avenue & Water Street Gatewell and River Outlet, Herberger Construction Co., Inc.

    (B) **E.** 33rd Street & Easton Boulevard Intersection Improvements, Elder Corporation.

    (C) **Waveland** Trail Phase 1 from The Walnut Creek Trail to 56th Street, Elder Corporation.

    (D) **SE** 14th Street/Diehl Avenue Traffic Signal Improvements, Baker Electric, Inc.

**SPECIAL ASSESSMENTS**

13. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for February 2011 on the following:

    (A) **Credits**.

    (B) **Fees**.
LAND/PROPERTY TRANSACTIONS

14. Release of Planned Unit Development (PUD) Restoration Bond No. 2099917 in the amount of $22,896 for satisfactory completion of the required grading and site restoration for PAT Brokerage Commercial Development (4529 and 4539 Douglas Avenue).

(Council Communication No. 11-123)

15. Subdivision Improvement Bond No. IAC 73806 bond reduction from $75,913 to $29,765 as security for the satisfactory completion of the remaining public improvements, and release of Planned Unit Development (PUD) Bond No. IAC 62706 in the amount of $130,486 for completion of required grading and site restoration for Summersfield Plat 1 (4400 block of E. 46th Street).

(Council Communication No. 11-122)


(Council Communication No. 11-101)

17. Approving tax abatement application for additional value added to property located at 2101 DeWolf Street completed in 2009.

(Council Communication No. 11-102)

18. Approval of 59 tax abatement applications for the additional value added by improvements completed during 2010.

(Council Communication No. 11-133)

SETTING DATE OF HEARINGS

19. On vacation and conveyance of a dead-end portion of Crocker Street, west of 19th Place and north/south alley, west of 19th Place from ML King Jr. Parkway to Leyner Street, to Bennett Property Management, LLC, $12,200 and Cameron Sadeghpour, $50, (3-14-11).

(A) Recommendation from Plan and Zoning Commission.

(B) Setting date of hearing on rezoning of property in vicinity of 1910 Cottage Grove Avenue from “NPC” (Neighborhood Pedestrian Commercial), “RH-D” (Residential Historic) and “R-3” (Multi-Family) to “PUD” (Planned Unit Development) and to extend prohibition on issuance of demolition permits for 1918 and 1920 Crocker Street until March 14, 2011, (3-14-11).
20. On conveyance of south half of vacated alley between 6th Avenue and 7th Street, south of Cherry Street to Des Moines Regional Transit Authority (DART), $40,240, (3-14-11).

21. Number not Used.

22. On request from Kum & Go, LC to rezone 5830 and 5832 SE 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) for development of convenience store, (3-14-11).

23. On Zoning Text Amendments to Chapter 134-982 “C3-A” (Central Business Support Commercial) and Chapter 134-1017 “C-3” (Central Business) regulations to prohibit gas stations and fuel retail sales businesses, (3-14-11).

24. On proposed 10th Amendment to the Metro Center Urban Renewal Plan, (4-11-11).

   (Council Communication No. 11-127)


LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS


27. Approving payment of $7,500 to James McCuen for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS


   (Council Communication No. 11-115)

APPROVING

29. Form of Agreement with West Bank for the dispersal of Federal Home Loan Bank Affordable Housing Program Grant funds.

   (Council Communication No. 11-129)
30. Number not used, moved to item 66.

31. Number not used, moved to item 67.

32. Preliminary approval of Neighborhood Commercial Revitalization Program Façade Grant to R.F. and J. LLC for renovations to 1501 Grand Avenue, $15,000.

   (Council Communication No. 11-130)

33. Renewal of Operating Agreement with Des Moines Carousel Foundation to operate the Des Moines Heritage Carousel in Union Park.

   (Council Communication No. 11-119)

34. Drake Neighborhood Plan and adopting the plan as an amendment to the Des Moines 2020 Community Character Plan.

   (Council Communication No. 11-100)

35. FY 2010-2011 Annual Right-of-Way Management Fee.

   (Council Communication No. 11-108)

36. Banner design submitted by Downtown Community Alliance, on behalf of the Meredith Corporation to be displayed in downtown Des Moines on Locust Street in Spring 2011.

37. Bids from the following:

   (A) Baycom (Steven Elias, President) for 12 Panasonic laptop computers per State of Iowa Contract for use by the Fire Department, $54,372.78.

   (Council Communication No. 11-117)

   (B) Vogel Paint & Wax Co. (Drew Vogel, President) for traffic paint per State of Iowa Contract for use by the Engineering Department, $45,983.50.

   (Council Communication No. 11-109)


39. Authorizing Finance Director to draw checks on registers for weeks of February 28 and March 7, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of February 28 and March 7, 2011; and to draw checks for biweekly payroll due March 11, 2011.
ORDINANCES - FINAL CONSIDERATION

40. Amending Chapter 74 of the Municipal Code regarding bike and related equipment rental fees.

(Council Communication No. 11-124)


(A) Setting date of hearing on application from City Cab LLC for Certificate of Public Convenience and Necessity to operate a Taxicab Service, (3-14-11).

42. Number not used.

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

ORDINANCES - FIRST CONSIDERATION


(Council Communication No. 11-116)

(A) Final consideration of ordinance above (waiver requested by Fire Chief), requires six votes.

44. Amending Chapters 18, 74 and 102 of the Municipal Code regarding ownership and use of service dogs and service animals.

(Council Communication No. 11-126)

45. Amending Chapters 74 and 102 of the Municipal Code regarding use of mobility devices by persons with disabilities.

(Council Communication No. 11-125)
COMMUNICATIONS/REPORTS

46. From Ralph Conner, 1612 York Street, to speak regarding a proposed business license for tree companies.

47. From Alecia Kates, 6th Avenue Corridor Executive Director, to speak regarding progress of 6th Avenue Corridor, a Main Street Iowa Urban Neighborhood District.

48. Reports from the Acting City Attorney and City Manager regarding City Elections.

*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 49 THRU 60)

49. On application from Joy Ride Transport LLC to increase the size of their para-transit taxicab service fleet from three to six vehicles.

(Council Communication No. 11-107)

50. On lease-purchase agreement for acquisition of six dump trucks, not to exceed $945,000.

(Council Communication No. 11-137)

(A) Authorization for additional action

51. Approving bid from O’Halloran International Inc. for three (3) replacement catch basin cleaner trucks for use by the Public Works Department, $1,147,482. (Six bids mailed, five received).

51-I Communication from Jeff Firestone, President of Mid-Iowa Solid Waste Equipment Co. Inc.

(Council Communication No. 11-118)

(A) Hearing on lease-purchase agreement for acquisition of the catch basin cleaner trucks, not to exceed $1,150,000.

(Council Communication No. 11-138)

(B) Authorization for additional action.
52. On vacation and lease of right-of-way at 302 Court Avenue to HFL, LLC d/b/a Johnny’s Hall of Fame for an expanded sidewalk café serving alcohol.

(Council Communication No. 11-128)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.

53. On items regarding request from Army Post Development LC, to accommodate an expansion of the existing Hewlett-Packard facility at 3600 Army Post Road:

(A) Recommendation from Plan and Zoning Commission.

(B) Approving amendments to the Airport Business Park Phase II PUD Conceptual Plan.

(C) Approving vacation and conveyance of necessary rights-of-way, to Opus Development Corporation, for the relocation of Gannett Avenue.

(Council Communication No. 11-104)

(D) First consideration of vacation ordinance.

(E) Final consideration of vacation ordinance (wavier requested by Opus Development Corporation), requires 6 votes.

54. On proposal from Grand View University and Russell and Betty Walker for property at 1422 and 1431 Morton Avenue of the following:

(A) Amending the Grand View East PUD Conceptual Plan, to provide for expanded off-street parking and landscaping on the southwestern portion of the east campus.

(B) Rezoning of the property from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development).

(C) First consideration of ordinance above.

(D) Final consideration of ordinance above (waiver requested by applicant), requires 6 votes.

(E) Setting date of hearing on vacation and conveyance of segment of Morton Avenue, east of and including a portion of Idaho Street, to Grand View University, $12,150, (3-14-11).
55. On proposal from Git-N-Go Convenience Stores, for property at 9536 County Line Road:

(A) **Amending** the Southern Ridge PUD Conceptual Plan, to allow the existing convenience store site to be redeveloped.

(B) **Rezoning** of the property from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) and additional property owned by West Lakes Properties, LC from “A-1” (Agricultural) to “PUD” (Planned Unit Development).

(C) **First** consideration of ordinance above.

(D) **Final** consideration of ordinance above (waiver requested by applicant), requires 6 votes.

56. Items regarding the 2 Rivers District Land Use and Redevelopment Plan, (area bounded by Raccoon River, SE 1st Street, Indianola Road and SW 7th Street):

(A) **Approving** amendments to the Des Moines’ 2020 Community Character Plan.

(B) **Hearing** on rezoning of various properties.

(Council Communication No. 11-103)

(C) **First** consideration of rezoning ordinance.

(D) Final consideration of ordinance above (waiver requested by Community Development Director), requires six votes.

57. **On** proposed amendment to the Carman Estates PUD Conceptual Plan, for the land platted as Carman Estates Plats 1, 2, 3, and 4 (vicinity of 2421-2458 E. Porter Avenue), to allow removal of a 30-foot wide conservation easement: Denying the proposed amendment; and directing the Community Development Director to seek resolution consistent with the staff recommendation.

(Council Communication No. 11-140)

58. **On** amendment to the annual budget for current fiscal year ending June 30, 2011.

59. **On** Fire Department Training and Logistics Facility: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Dean Snyder Construction Co., (Don Snyder, President), $8,130,000.

   (Council Communication No. 11-112)

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

60. **On** University Avenue Storm Sewer – 42nd Street to 43rd Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Synergy Contracting LLC, (Matt DeMey, V.P./Owner), $76,464.83.

   (Council Communication No. 11-113)

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

   *** END HEARINGS AT ___________ PM ***

CITY MANAGER RECOMMENDATIONS

61. **Regarding** procedures and process to solicit proposals for the private redevelopment of The Des Moines Building at 405 6th Avenue and 513 Locust Street.

   (Council Communication No. 11-110)

APPROVING

62. **Proposal** and negotiation of a contract on consultant services for development of Municipal Services Park Master Plan from Neumann Monson Architects, $149,250 plus reimbursable not to exceed $7,500.

   (Council Communication No. 11-139)

63. **Appointment** of Jeffrey D. Lester as City Attorney, effective April 4, 2011.

   (Council Communication No. 11-136)

   (A) Grandfathering of certain covered Des Moines Police Gold Braid Organization Employees’ matching contributions to a 457(b) Plan.

   (Council Communication No. 11-134)

   (B) First consideration on Amending Chapter 2 of the Municipal Code regarding eligibility in the Money Purchase Plan, to include certain members of the Des Moines Police Gold Braid Organization.

   (Council Communication No. 11-135)

   (C) Final consideration of ordinance above, (waiver requested by the Human Resources Director), requires 6 votes.

65. Items regarding Construction and Bidding:

   (A) Approving the 2011 Revisions to the Des Moines Construction Bidding Policy.

   (Council Communication No. 11-131)


   (Council Communication No. 11-132)

   (C) First consideration of ordinance amending Chapter 2 of the Municipal Code regarding emergency proceedings and bidding requirements.

   (D) Final consideration of ordinance above, (waiver requested by the Engineering Department), requires 6 votes.
66. Support of applications to the Iowa Housing Finance Authority requesting Low-Income Housing Tax Credits as follows:

(Council Communication No. 11-142)

(A) Southbrook Green III LP for rehabilitation of 64 units at 1512 SE Evergreen Avenue.

(B) Douglas Woods II LP for rehabilitation of 56 units at 2800 Douglas Avenue.

(C) Elmcrest Apartments LP for rehabilitation of 78 units at 423 & 433 E. Philip Street and 420 E. McKinley Avenue.

(D) CommonBond Communities for rehabilitation of 40 units at 1440 E. Grand Avenue (Bloomsbury Village Apartments) and 1430-1436 Capitol Avenue (Stewart Park Townhomes).

(E) EMM Associates, LP for rehabilitation of 150 units at 413 5th Avenue (Elsie Mason Manor).

(F) L.T. Associates, L.P. for rehabilitation of 139 units at 555 5th Avenue (Liguitti Tower).

(G) Capitol City Duplexes, LLLP for rehabilitation of 16 units at 343-345 E. Creston Avenue, 924-926 Emma Avenue, 428-430 E. Leach Avenue, 1170-1172 9th Street, 1176-1178 9th Street, 3600-3602 SE 11th Street, 5910-5912 12th Street and 5918-5920 12th Street.

(H) Greystone Homes, L.P. for construction of 26 units at 1120 ML King Jr. Pkwy., 1100/1108 ML King Jr. Pkwy., 1055/1059 ML King Jr. Pkwy., 1037 18th Street, 1038/1050 16th Street, 1900 Leyner Street, 1104 19th Street, 1144 19th Street, 1160 ML King Jr. Pkwy., 1901 and 1903 High Street, 1409 ML King Jr. Pkwy. and 1140 ML King Jr. Pkwy.

(I) Forest and Fields LLLP for construction of 8 units at 2104 Forest Avenue and 20 units at 4565 E. 46th Street.

(J) Oakridge Neighborhood Services for construction of 37 units at 979 Oakridge Drive.
   (1) Deny support.
   (2) Approve support.

(K) Melbourne Apartments II, LLLP for construction of 62 units at 5515 SE 14th Street.

(L) Ninth Street LLC for rehabilitation of 38 units at 756 9th Street.
(M) **MDI** Limited Partnership #86 for development of 34 units at 1440 Walnut Street (The Crane Building).

(N) **Ingersoll** Square II, LP for construction of 65 units at 2000 High Street.

(O) Foutch Brothers LLC for rehabilitation of 16 units at 2411 and 2413 24th Street and construction of 8 units:
   (1) **Deny** support.
   (2) **Approve** support.

(P) Baker Creek Senior Living, LLLP for construction of 60 units:
   (1) **Deny** support.
   (2) **Approve** support.

67. Applications for Enterprise Zone Benefits for Housing Projects in Enterprise Zones as follows:

   (Council Communication No. 11-141)

(A) **Common** Bond Communities for rehabilitation of 40 apartment units at 1440 E. Grand Avenue and 1430-1436 Capitol Avenue in the SE Agribusiness Enterprise Zone.

(B) **Melbourne** Apartments II, LLC for construction of 62 apartment units at 5515 SE 14th Street in the SE 14th Street Enterprise Zone.

(C) **Greystone** Homes, LP for construction of 32 single family townhouse units in the Enterprise Community Enterprise Zone, Drake Park/Sherman Hill Enterprise Zone and High Street Enterprise Zone.

(D) **MDI** Limited Partnership #86 for construction of 34 units of housing at 1440 Walnut Street (Crane Building) in the Gateway Enterprise Zone.

(E) **EMM** Associates, L.P. for rehabilitation of 150 senior housing units at 413 Fifth Avenue (Elsie Mason Manor) in the Gateway Enterprise Zone.

(F) **L.T.** Associates, L.P. for rehabilitation of 139 senior housing units at 555 Fifth Avenue (Liguitti Tower) in the Gateway Enterprise Zone.

(G) **Oakridge** III for construction of 39 or 40 units of senior housing located at 979 Oakridge Drive in the Drake Park/Sherman Hill Enterprise Zone.

(H) **Ninth** Street Loft for rehabilitation of 38 units of housing at 756 9th Street in the Gateway Enterprise Zone.
BOARD OF HEALTH

MOTION TO CONVENE.   MEMO

1. **Approving** the Legal Department to proceed with court action seeking authority to abate the public nuisance at 3918 10th Street, main structure, Titleholder: Verna J. Johnson; Mortgage Holders: Lederman Bonding Company and Atlantic Mortgage & Finance Corporation.

2. **Communication** from State Farm Insurance Companies dated January 20, 2011 stating their insured, Derek Jorgenson, 3203 Mondamin Avenue, has sustained a fire loss on December 19, 2010. State Farm Insurance Companies is holding a fire escrow in the amount of $10,000.

MOTION TO ADJOURN.

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All-America City