DES MOINES CITY COUNCIL MEETING

May 23, 2011

SPECIAL PRESENTATIONS – 4:00 PM

The Corporation for Economic Development

PROCLAMATIONS – 4:10 PM

EMC’s 100 Year Celebration

INVOCATION: Council Member Mahaffey

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 47:

*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

<table>
<thead>
<tr>
<th>(A)</th>
<th>101 LOUNGE</th>
<th>102 3RD ST</th>
<th>C Liquor</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B)</td>
<td>LUNA</td>
<td>621 DES MOINES ST</td>
<td>C Beer/Wine</td>
</tr>
<tr>
<td>(C)</td>
<td>PROOF</td>
<td>2101 FLEUR DR</td>
<td>C Beer/Wine</td>
</tr>
<tr>
<td>(D)</td>
<td>SHOP N SAVE</td>
<td>2127 MLK JR PKWY</td>
<td>E Liquor</td>
</tr>
<tr>
<td>(E)</td>
<td>SOUTHSIDE FOOD MART</td>
<td>1101 ARMY POST RD</td>
<td>E Liquor</td>
</tr>
</tbody>
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RENEWAL APPLICATIONS

<table>
<thead>
<tr>
<th>(F)</th>
<th>BIG K Mart #4160</th>
<th>2535 HUBBELL AVE</th>
<th>C Beer</th>
</tr>
</thead>
<tbody>
<tr>
<td>(G)</td>
<td>BREW HAUS LOUNGE</td>
<td>830 McKINLEY AVE</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(H)</td>
<td>CARLS PLACE</td>
<td>1620 WOODLAND</td>
<td>C Liquor</td>
</tr>
</tbody>
</table>
CHOCOLATERIE STAM 2814 INGERSOLL  C Beer/Wine
CHOCOLATERIE STAM 2814 INGERSOLL  B Native Wine
CIVIC CENTER 221 WALNUT ST  C Liquor
CONTINENTAL 428 E LOCUST ST  C Liquor
DONNAS LOUNGE 4424 SE 14TH ST  C Liquor
GIT N GO STORE #3 100 WATROUS AVE  C Beer
GIT N GO STORE #31 2601 SW 9TH ST  C Beer
HICKMAN PUB 2335 HICKMAN RD  C Liquor
HOYT SHERMAN PLACE 1501 WOODLAND  C Liquor
JALAPENO PETE’S CANTINA 3000 E GRAND AVE  C Beer/Wine
LA HACIENDA III 3121 INGERSOLL  C Liquor
LUCCA 420 E LOCUST ST  C Liquor
MERCY HOSPITAL MED CNTR 1111 6TH AVE  C Liquor
MING DYNASTY BUFFET 4804 SW 9TH ST  B Beer
MULLETS 1300 SE 1ST ST  C Liquor
OASIS GROCERY & LIQUOR 2917 PAYNE RD  E Liquor
OLD WEST MEXICAN 4138 FLEUR DR  C Liquor
PIZZA HUT #4353 1435 ARMY POST RD  B Beer
PLAZA PUB 6202 DOUGLAS AVE  C Liquor
QUALITY INN & SUITES 929 3RD ST  B Liquor
QUIK TRIP #516 1000 E UNIVERSITY  C Beer
ROYAL Flush 4440 HUBBELL AVE  C Liquor
SAVERY HOTEL AND SPA 401 LOCUST ST  B Wine
SAVERY HOTEL AND SPA 401 LOCUST ST  B Liquor
SBROCCO 208 COURT AVE  C Liquor
SPAGHETTI WORKS 310 COURT AVE  C Liquor
STEER AND STEIN 3000 E GRAND AVE  B Beer
SUITES OF 800 LOCUST 800 LOCUST ST  B Liquor
THAI FLAVORS 1254 E 14TH ST  C Beer/Wine
UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY  C Liquor
WALGREENS #359 2545 E EUCLID AVE  C Beer
WALGREENS #4714 4555 FLEUR DR  C Beer
WALGREENS #5362 1330 E UNIVERSITY  C Beer
WALGREENS #5721 3140 SE 14TH ST  C Beer
WALGREENS #5777 2930 E UNIVERSITY  C Beer
WALGREENS #5852 3030 UNIVERSITY  C Beer
WALGREENS #7452 4415 DOUGLAS AVE  C Beer
WALGREENS #7453 104 E EUCLID AVE  C Beer
WALGREENS #7833 3501 INGERSOLL  C Beer
WALGREENS #7968 6200 SE 14TH ST  C Beer

OUTDOOR SERVICE APPLICATIONS

BLAZING SADDLE 416 E 5TH ST  C Liquor
Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
(XX) BUDDYS CORRAL
418 E 5TH ST
C Liquor
Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(YY) LOCUST TAP
434 E LOCUST ST
C Liquor
Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(ZZ) BEAVERDALE LIVE
2638 BEAVER AVE
Five (5) Day License
Class B Beer License for event on June 11, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(AAA) DM BICYCLE COLLECTIVE
1215 LOCUST AVE
Five (5) Day License
Class B Beer License for Clips of Faith on June 17, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(BBB) GARDEN
419 E 5TH ST
Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(CCC) GREEK FOOD FAIR
1110 35TH ST
Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on June 4 – 5, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(DDD) LE BOI
401 E 5TH ST
Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(EEE) PARKS AREA FOUNDATION
3012 6TH AVE
Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 10, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(FFF) PARKS AREA FOUNDATION
3012 6TH AVE
Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 3, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(GGG) SUBJECTIVE CIRCUS
25 E COURT AVE
Five (5) Day License
Class C Liquor License for a circus event on June 11, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

(HHH) UNDERGROUND
401 E 5TH ST
Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
5. Consideration of Class C Liquor License for Forest Market, 2105 Forest Avenue. Zoning Department recommends **DENIAL** due to failure to comply with Section 134-954 (1) half of the gross revenue from the sale of food or food-related services.

6. **City** Clerk to issue Cigarette Licenses.

7. **City** Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

8. Ordering construction of the following:

   (A) **2011** Designated Neighborhood Sidewalk Replacement Program: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - $348,700).

       *(Council Communication No. 11-299)*

   (B) **2011** Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - $1,089,875).

       *(Council Communication No. 11-300)*

   (C) **2011** City-Wide PCC Pavement Restoration Program: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - $224,500).

       *(Council Communication No. 11-298)*

9. **Approving** FY2013 Traffic Safety Fund Applications to Iowa Department of Transportation:

       *(Council Communication No. 11-307)*

   (A) Beaver and Urbandale Intersection Roundabout.

   (B) E. 4th Street Traffic Signals at Court Avenue/Walnut Street.

   (C) Citywide School Flasher System Upgrade.
10. Approving Iowa Department of Transportation Agreements for the following:

   (A) 6th Avenue over Des Moines River Bridge Rehabilitation.
       (Council Communication No. 11-301)

   (B) Euclid Avenue Intersection Improvements at Cornell and Oxford Streets.
       (Council Communication No. 11-305)

11. Approving the following items regarding A.H. Blank Park Zoo Entrance Improvements:

   (Council Communication No. 11-328)

   (A) Iowa Department of Transportation (IDOT) Revitalize Iowa’s Sound Economy (RISE) Agreement.

   (B) Iowa Department of Correction Grant Contract for development of the Safety Barrier Improvements.

   (C) Agreement with The Blank Park Zoo Foundation, Inc. for construction and funding.

   (D) Ordering Construction and fixing date for Receiving of Bids, (6-14-11) and Hearing (6-27-11), Construction Estimate, $1,850,000.

       (Council Communication No. 11-303)


       (Council Communication No. 11-308)

13. Professional Service Agreements for the following:

   (A) Foth Infrastructure and Environment, LLC in conjunction with design and construction phase services for the 2011 Sewer Repair Contract 1 Project, not to exceed $132,134.

       (Council Communication No. 11-295)

   (B) Snyder and Associates in conjunction with design and construction phase services for the 2011 Sewer Repair Contract 2 Project, not to exceed $329,000.

       (Council Communication No. 11-296)
14. Approving New Pedestrian At-Grade Crossing Agreement with Union Pacific Railroad Company and Iowa Interstate Railroad, Ltd. in conjunction with SW 63rd Street Trail Connector Project.

(Council Communication No. 11-293)

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

(A) Storm Sewer Improvements, Grand Avenue from 11th to 14th Streets between Corell Contractor, Inc. and Wellmark, Inc.

(B) Paving Improvements, Grand Avenue from 11th to 14th Streets between The Weitz Company, LLC and Wellmark, Inc.

SPECIAL ASSESSMENTS

16. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2011-05.

17. Approving deletion of NAC-Emergency Assessments for the following:

(A) 3107 5th Avenue.

(B) 3136 Raccoon Street.

(C) Various locations.

18. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for May 2011:

(A) Credits.

(B) Fees.
LAND/PROPERTY TRANSACTIONS

19. **Establishing** fair market value and authorizing voluntary acquisition of 1603 13th Street for Forest Avenue Urban Renewal Project.

   *(Council Communication No. 11-297)*

20. **Authorization** to proceed with acquisition of necessary right-of-way and easements for Euclid Avenue intersection improvements.

   *(Council Communication No. 11-302)*

BOARDS/COMMISSIONS/NEIGHBORHOODS


   *(Council Communication No. 11-327)*

COMMUNICATIONS FROM PLANNING AND ZONING

22. **Regarding** request from Michael Baldus for vacation of a segment of north/south alley between 9th and 10th Street from Stone Lane, north adjoining 1135 10th Street.

23. **Regarding** request from Westgate Partnership, LLC for vacation of two segments of north/south alley between 14th and 15th Street from Locust Street to east/west alley, subject to conditions.

SETTING DATE OF HEARINGS

24. **On** conveyance of permanent water main easements across various city-owned properties to Des Moines Water Works, $1, (6-13-11).

25. **On** conveyance of overhead and underground electric line easements on various City-owned properties to MidAmerican Energy Company, $1, (6-13-11).
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. **Approving** payment of $6,399 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Police Officer Mersed Dautovic.

CITY MANAGER COMMUNICATIONS

27. **Submitting** travel and training requests for Colin Boone, Garey Bryan, Kenan Miller, Andrew Wierck, and Dana Wingert.

   (Council Communication No. 11-315)

APPROVING

28. **Amending** the contract and amendment procedures for HUD Supportive Housing Program (SHP) and Shelter Plus Care (S+C) Projects.

   (Council Communication No. 11-323)

29. **Ingersoll** Square II, L.P. Application for Enterprise Zone Benefits for a housing project in the Ingersoll Enterprise Zone, 2000 High Street.

   (Council Communication No. 11-319)

30. **Murillo** Flats, L.C.C. Application for Enterprise Zone Benefits for a housing project in the Gateway Enterprise Zone, 611 16th Street.

   (Council Communication No. 11-320)

31. **Loan Agreement** for retention of Simpson, Jensen, Abels, Fischer & Bouslog, PC within the Equitable Office Building, $27,000.

   (Council Communication No. 11-311)

32. **Polk** County Application for a Housing and Urban Development 2011 Lead-Based Paint Hazard Control Program Grant.

   (Council Communication No. 11-318)

33. **Grant** Application to the United States Conference of Mayors and Dupont under the Lead Safe for Kids’ Sake! Grant Program, $75,000.

   (Council Communication No. 11-335)
34. **Memorandum** of Agreement with ICLEI-Local Governments for Sustainability USA, INC. for the STAR Beta Communities Program, $25,000.

   *(Council Communication No. 11-326)*

35. **Federal** Aviation Administration AIP Grant Agreement for Airport Runway 13R-31L Land Acquisition.

   *(Council Communication No. 11-294)*

36. **Receipt** of Airport Board Regulation No. 11-62, regarding commercial use fees, to be effective on July 1, 2011.

37. **Second** Amendment to RCC Consultant Services Agreement for additional services required for extensive testing of the Metro Interoperability Communications System, not to exceed $28,200.

   *(Council Communication No. 11-322)*

38. **Application** to Office of Community Oriented Policing Services (COPS) for a 2011 COPS Secure Our Schools grant to install state-of-the-art security systems in Des Moines schools.

   *(Council Communication No. 11-321)*

39. **Application** to Office of Community Oriented Policing Services (COPS) for a COPS Hiring Program (CHP) grant for six police officers to support community policing efforts, $1,826,370.

   *(Council Communication No. 11-312)*

40. **Prairie** Meadows Community Outreach Program Agreement for Park and Recreation Department booth at 2011 Des Moines Arts Festival.

   *(Council Communication No. 11-313)*

41. **Sustainable** Communities Regional Planning Grant Consortium Agreement relating to HUD Grant to Des Moines Area Metropolitan Planning Organization (MPO).

   *(Council Communication No. 11-339)*

42. Amendment to **Schedule of Fees** applicable to sidewalk café lease and license agreements authorizing refunds for unused portion of terms.
43. Bids from the following:

(A) **Electrical** Engineering & Equipment (Jeff Stroud, President) for nine (9) emergency generators for use by the Engineering Department, $302,055. (Three bids mailed, three received).

(B) **Lounsbury** Sand & Gravel (Ben Lounsbury, President) for an annual contract to furnish topsoil for use by the Public Works Department, annual estimated amount $72,000. (Six bids mailed, one received).

(C) **Vital** Support Systems (Jeff Sparling, CEO) for mass storage system enhancement at the City’s shared storage unit for use by the IT Department, $65,915. (Seven bids mailed, one received).

(Council Communication No. 11-324)

44. **Civil** Service Promotional Lists for Community Action Program Manager, Police Sergeant and Truck Driver.

45. **Authorizing** Finance Director to draw checks on registers for weeks of May 23, May 30, and June 6, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of May 23, May 30, and June 6, 2011; and to draw checks for biweekly payroll due on June 3 and June 17, 2011.

**ORDINANCES - SECOND CONSIDERATION**

46. **To** rezone 1704 High Street from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial).

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

47. **Amending** Chapter 10 of the Municipal Code, regarding Class E Liquor Licenses, (amendment required due to recent State Code changes).

(A) Initiating amendment to Zoning Ordinance to further regulate the allowed location of businesses engaged in the sale of alcoholic liquors for off-premise consumption, and imposing a temporary moratorium on the commencement of any such business in the “C-1” (Neighborhood Retail Commercial) District and at any location which has not received conditional use approval from the Zoning Board of Adjustment.

* * * * * * * END CONSENT AGENDA * * * * * * *
ORDINANCES - FIRST CONSIDERATION


(Council Communication No. 11-338)

(A) Final consideration of ordinance above, (waiver requested by the City Manager), requires 6 votes.

49. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(Council Communication No. 11-310)

(A) Petition to allow parking – SE 5th Street between Jackson and Livingston Avenue.

(B) Removal of School Signal – E. 9th Street and Cleveland Avenue.

(C) Request for two-hour parking limit – 1900 block of Ingersoll Avenue.

50. Amending Chapter 70 of the Municipal Code regarding swimming in a river or other unsupervised place.

(Council Communication No. 11-325)

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

COMMUNICATIONS/REPORTS

51. From Dan Dusenbery, 25 E. First Street, to speak regarding Automated External Defibrillators (AED) in Des Moines police cars.

*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 52 THRU 57)

52. Items regarding the expansion of Kemin Industries, Inc. and the Kemin Corporate Campus:

   (Council Communication No. 11-333)

   (A) Hearing on the proposed Urban Renewal Development Agreement with Kemin Industries, Inc.; proposed vacation of portions of Scott Avenue and SE 20th Street; proposed sale and conveyance of such vacated rights-of-way together with additional City-owned land, north of Scott Avenue between SE 20th and SE 22nd Streets to Kemin Industries, Inc.; and on the proposed rezoning of all such land together with additional land, north of Scott Avenue between SE 19th and SE 20th Streets from "M-1" (Light Industrial) to "M-2" (Heavy Industrial), for an expansion of the Kemin Home Office, Research and Manufacturing Facilities.

   (B) Receive and file recommendations from City Plan and Zoning Commission regarding proposed street vacations and rezoning.

   (C) Receive and file recommendations from Urban Design Review Board regarding the level of financial assistance funded from tax increment revenues.

   (D) First consideration of ordinance vacating portions of Scott Avenue and SE 20th Street.

   (E) Final consideration of ordinance above (waiver requested by Kemin Industries, Inc.), requires six votes.

   (F) First consideration of ordinance rezoning the property described above from the "M-1" (Light Industrial) to "M-2" (Heavy Industrial).

   (G) Final consideration of ordinance above (Waiver requested by Kemin Industries, Inc.), requires six votes.

   (H) Approving Urban Renewal Development Agreement with Kemin Industries, Inc., including the sale to Kemin of the vacated rights-of-way and city property as described above for the expansion of its corporate campus and home office, research and manufacturing facilities.

   (I) Request from Anthony Holt, 607 SE 21st Ct., to speak regarding timing of the vacation of Scott Street.

53. On appeal from Qui Dang, 4313 – 46th Street, regarding recommended denial of a Taxicab License.
54. **On** appeal from Curtis Kallesen, 2108 63rd Street, Windsor Heights, regarding Administrative Hearing Officer’s decision on impounded vehicle.

55. **On** conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, $200 and **to continue to June 13, 2011 at 5:00 PM.**

   (Council Communication No. 11-304)

56. **On** Evergreen & Columbus Parks Basketball Court Improvements: 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), $53,950.

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

   (Council Communication No. 11-306)

57. **On** Tonawanda Drive Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and to receive and file bids.

   (Council Communication No. 11-309)

   ***END HEARINGS AT _________ PM***

**APPROVING**

58. **Exception** to competitive procurement process and approving Administrative Services Only Agreement with Wellmark Blue Cross and Blue Shield of Iowa to provide claims administration for employee and retiree health plans from July 1, 2011 through June 30, 2012.

   (Council Communication No. 11-332)

59. **Exception** to competitive procurement process for Fiscal Years 2012 and 2013, approving renewal of agreement with Delta Dental of Iowa for administrative services related to the City’s self-insured dental plan for employees and certain retirees, and authorizing staff to negotiate rates for Fiscal Years 2012 and 2013 with approval of the City Manager.

   (Council Communication No. 11-331)

60. **Receive** and file Trails and Greenways Advisory Committee recommendation of the Bicycle and Trail Master Plan as an element of the 2020 Community Character Plan.

   (Council Communication No. 11-314)
61. **Diminution** of employees in the Des Moines Housing Services Department.

*(Council Communication No. 11-334)*

**BOARD OF HEALTH**

**MOTION TO CONVENE.**

1. **Approving** the Legal Department to proceed with court action seeking authority to abate the public nuisance at 1933 Capitol Avenue, main structure, Titleholder: Jose A. Estrada.

**MOTION TO ADJOURN.**

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Des Moines
All-America City