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

July 11, 2011

SPECIAL PRESENTATION – 4:15 PM

Government Finance Officers Association - Certificate of Achievement

INVOCATION: Council Member Hensley

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 40:

*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) CAPITAL PUB & HOT DOG CO 400 SE 6TH ST C Liquor
(B) LATIN KING RESTAURANT 25 E COURT AVE B Wine
(C) W CHINA BUFFET 100 E EUCLID AVE C Beer/Wine

RENEWAL APPLICATIONS

(D) AIR LANES 4200 FLEUR DR C Liquor
(E) BEAVERDALE VFW CLUB 4029 URBANDALE A Liquor
(F) BLANK MUNICIPAL GOLF 711 COUNTY LINE C Liquor
(G) CHUCKS RESTAURANT 3608 6TH AVE C Liquor
(H) DES MOINES AMVETS POST #2 2818 5TH AVE C Liquor
(I) EL PALOMINO 3116 E 14TH ST C Beer
(J) GORDITAS SAN PANCHO 2250 HUBBELL AVE B Beer
(K) H & A MINI MART 145 UNIVERSITY C Beer
(L) HOLIDAY INN DOWNTOWN 1050 6TH AVE B Liquor
(M) HOSHI SUSHI LOUNGE 2314 UNIVERSITY C Liquor
(N) JASPER WINERY 2400 GEORGE FLAGG C Native Wine
(O) LA HACIENDA 900 E ARMY POST RD C Liquor
(P) LOCUST TAP 434 E LOCUST ST C Liquor
(Q) ORLONDOS 4337 PARK AVE C Liquor
(R) PEGGYS INC 3020 FOREST AVE C Liquor
(S) PIRAMIDAS 2718 DOUGLAS AVE C Liquor
(T) PRINCIPAL FINANCIAL 600 7TH ST C Liquor
(U) QUIK TRIP #530 2300 E 14TH ST C Beer
(V) QUIK TRIP #534 2945 E UNIVERSITY C Beer
(W) SAVE A LOT 3200 SW 9TH ST C Beer
(X) SCIENCE CENTER OF IOWA 401 W MLK JR PKWY C Liquor
(Y) SPLASH SEAFOOD BAR 303 LOCUST ST C Liquor
(Z) TEQUILA RESTAURANT 2824 EASTON BLVD C Liquor
(AA) WAKONDA CLUB 3915 FLEUR DR C Liquor
(BB) WAVELAND MUNICIPAL GOLF 4908 UNIVERSITY C Liquor

OUTDOOR SERVICE APPLICATIONS

(CC) JETHROS 3100 FOREST AVE C Liquor
Temporary for an event on July 23–24, 2011. Pending approval of Building and Electrical Departments.

SPECIAL EVENT APPLICATIONS

(DD) LATIN KING RESTAURANT 25 E COURT AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Viva L’Italia on July 29–30, 2011. Pending approval of Building and Electrical Departments.

(EE) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 29, 2011. Pending approval of Fire Department.

(FF) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 22, 2011. Pending approval of Fire Department.

(GG) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 15, 2011. Pending approval of Fire Department.

(HH) PARKS AREA FOUNDATION 3612 6TH AVE Five (5) Day License
Class B Beer License for Sweet Corn Feed on July 16, 2011.

(II) VIVA L’ITALIA 25 E COURT AVE Five (5) Day License

(JJ) VIVA L’ITALIA 25 E COURT AVE Five (5) Day License
5. Ordering construction of the following:

   (A) Demolition at 717 Grand Avenue former YWCA: Receiving of bids, (7-26-11), Setting date of hearing, (8-8-11). (Construction Estimate - $1,445,000).

      (Council Communication No. 11-443)

   (B) Locust Street Streetscape Repairs: Receiving of bids, (7-26-11), Setting date of hearing, (8-8-11). (Construction Estimate - $100,475).

      (Council Communication No. 11-464)

   (C) 2011 ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (7-26-11), Setting date of hearing, (8-8-11). (Construction Estimate - $351,900).

      (Council Communication No. 11-438)

   (D) 2011 Park Parking Lot ADA Modifications: Receiving of bids, (7-26-11), Setting date of hearing, (8-8-11). (Construction Estimate - $76,700).

      (Council Communication No. 11-441)

6. Approving Iowa Department of Transportation (IDOT) Agreement No. 2012-TS-007 for installation of various traffic signal-related improvements on Martin Luther King Jr. Parkway/19th Street between Carpenter Avenue and Hickman Road.

      (Council Communication No. 11-444)

7. Approving Iowa Department of Transportation (IDOT) Agreement No. 2012-TS-001 for installation of traffic signals at the intersection of 7th and Laurel Streets.

      (Council Communication No. 11-442)

8. Approving Professional Services Agreement with Design Alliance, Inc. for design and construction phase services for the police evidence storage facility, not to exceed $71,901.

      (Council Communication No. 11-463)

   (Council Communication No. 11-445)

10. Approving Supplemental Agreement No. 3 to East Indianola Avenue Roadway Design, SE 14th Street to Army Post Road Professional Services Agreement with Snyder & Associates, Inc. to provide additional design and construction phase services for East Indianola – Phase 2, not to exceed $124,891.

   (Council Communication No. 11-462)


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

   (A) 2010 Park and Cemetery HMA Improvements, Grimes Asphalt & Paving Corp.

   (B) 2010 Sewer Televising Program, Hydro-Klean, Inc.

SPECIAL ASSESSMENTS

13. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2011-05.

14. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2011-08.


16. Approving deletion of Rental Inspection Assessment at 2105 52nd Street.

17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for the following in June 2011:

   (A) Credits.

   (B) Fees.
SETTING DATE OF HEARINGS

18. **On** vacation of north/south alley between 6th Avenue and 7th Street and Watson Powell Jr. Way to Roman Catholic Diocese of Des Moines, $1,000, and to Principal Life Insurance Company, $1,000, (7-25-11).

   (A) **Recommendation** from Plan and Zoning Commission.

19. **On** vacation and conveyance of a portion of Glendale Cemetery to Franklin Field Senior Apartments, LLLP, $172,500, (7-25-11).


   (A) **Communication** from Chair of Park and Recreation Board.


   (Council Communication No. 11-468)

22. **On** assessment of $500 penalty to the following Liquor License Holders for violation of Iowa Alcoholic Beverage Laws, sale to minor, (7-25-11):

   (A) Licker Room, 2301 SW 9th Street.
   (B) Casey’s Store #2676, 2106 Echo Valley Dr.
   (C) Citgo, 1800 SE 14th Street.
   (D) Jiffy #924, 3718 SW 9th Street.
   (E) Kum & Go #120, 101 Army Post Road.
   (F) Cigarette Outlet #4, 2800 E. University Avenue.
   (G) Tequila’s Liquor Store, 1434 Des Moines St. Ste. 5.
   (H) Air Lanes, 4200 Fleur Drive.
   (I) Shop N Save, 1829 6th Avenue.
   (J) Git-N-Go #27, 1240 Keosauqua Way.
   (K) Walgreens #5721, 3140 SE 14th Street.
   (L) Walgreens #359, 2545 E. Euclid Avenue, Ste. 130.
   (M) Walgreens #7968, 6200 SE 14th Street.

23. **On** assessment of $1,500 penalty and 30-day suspension of Liquor License to Citgo, 1800 SE 14th Street for violation of Iowa Alcoholic Beverage Laws, sale to minor, (7-25-11).
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. Approving payment of $9,513.67 to Ahlers & Cooney, PC to represent the City in general matters.

25. Approving payment of $1,046.27 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Officer Mersed Dautovic.

26. Approving payment of $12,225.82 to David Kopf as the result of a collapsed City sewer.

CITY MANAGER COMMUNICATIONS

27. Submitting travel and training requests for T.M. Franklin Cownie, Danielle Galien and Lorna Garcia.

(Council Communication No. 11-454)

APPROVING


(Council Communication No. 11-452)

29. Preliminary Terms of Urban Renewal Development Agreement with ND Fleming, LLC for residential redevelopment of Fleming Building, 604 Walnut Street.

(Council Communication No. 11-456)

30. Brownstones on Grand, LLC application for Enterprise Zone Benefits for construction of 9 apartments between 2nd Avenue and 3rd Street and Grand Avenue and Watson Powell Jr. Way in the Gateway Enterprise Zone.

(Council Communication No. 11-457)


(Council Communication No. 11-475)

32. FY2010 Methamphetamine Drug Hot Spots Grant Program Award from the Governor’s Office of Drug Control Policy, $31,576.

(Council Communication No. 11-455)
33. **2011 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation** grant application and Memorandum of Understanding with Polk County, $215,723.

   *(Council Communication No. 11-450)*

34. **Amendments** to extend present contracts with the Animal Rescue League of Iowa (Tom Colvin, President) for services at the Des Moines Animal Shelter and for Animal Control Services until June 30, 2012.

   *(Council Communication No. 11-453)*

35. **Request** from Greater Des Moines Convention & Visitors Bureau for permission to place a temporary banner on the north side of Veterans Memorial Auditorium welcoming the American Quilter’s Society, August 1 through October 3, 2011.

36. Bids from the following:

   (A) **The Paper Corporation** (Dean Nims, Owner/President) for an annual supply of copy paper for use by various City Departments, $31,960. (Eight bids mailed, three received).

   (B) **Menards** (Frank Blake, CEO) for blanket purchase order of miscellaneous building materials and supplies per State of Iowa Contract for use by Park & Recreation Department, estimated annual cost $65,000.

      *(Council Communication No. 11-470)*

   (C) **Great American Outdoor** (Don Van Houweling, Owner), the sole area-wide distributor, for a blanket purchase order for John Deere equipment repair parts for use by Park & Recreation Department, estimated annual cost $40,000.

      *(Council Communication No. 11-472)*

   (D) **Pool Tech Midwest** (Charlie Rochford, President), as sole area-wide distributor, for a blanket purchase order for pools chlorination chemicals for use by Park & Recreation Department, estimated annual cost $65,000.

      *(Council Communication No. 11-458)*

   (E) **MTI Distributing** (Tom Swain, President), as sole area-wide distributor, for a blanket purchase order for Toro heavy-duty commercial equipment repair parts for use by Park and Recreation Department, estimated annual cost $50,000.

      *(Council Communication No. 11-471)*
37. **Hutchinson** Salt Co. (Larry Bingham, President) for one-year contract renewal for rock salt purchases to be used by Public Works for 2011-2012 snow and ice control operations (Cooperative effort with West Des Moines, Polk County and 20 other public entities representing the Central Iowa Salt Group (CISG), $679,082. (Ten bids mailed, three received).

(Council Communication No. 11-460)

38. **Civil** Service Entrance List for Park and Recreation Supervisor and Promotional List for Senior Refuse Collector.

39. **Lease**-Purchase Master Agreement with Wells Fargo Bank, N.A.

(Council Communication No. 11-474)

(A) **Supplement** No. 1 to Governmental Lease-Purchase Master Agreement with Wells Fargo Bank, N.A., $942,038.

(Council Communication No. 11-473)

40. **Authorizing** Finance Director to draw checks on registers for weeks of July 11 and July 18, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of July 11 and July 18, 2011; and to draw checks for biweekly payroll due July 29, 2011.

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

ORDINANCES - FIRST CONSIDERATION

41. **Repealing** and replacing Ordinance No. 15,016, rezoning property in the vicinity of 1710 High Street from the “C-2” (General Retail and Highway Oriented Commercial) to a Ltd. “NPC” (Neighborhood Pedestrian Commercial).

(Council Communication No. 11-476)

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

COUNCIL REQUESTS

42. **From** Council Member Brian Meyer to speak regarding the driveway at 414 McKinley Avenue.

43. **From** Council Member Brian Meyer to discuss competitiveness of Des Moines’ Building Codes and regulations, for repurposing of structures.
44. From Council Member Skip Moore to speak regarding signage at Bright Grandview Clubhouse.

44-I From Council Member Skip Moore to discuss configuration of lanes and sidewalks on Grand Avenue Bridge over Walnut Creek Project.

COMMUNICATIONS/REPORTS

45. From Kevin Sakalinh, 1146 E. 8th Street, to speak regarding allowing more than one food vendor on one parcel.

46. From Angela Nemmers, 1512 Park Street, #4, to speak regarding various issues.

47. Petition requesting sidewalks be placed on E. Park Avenue from SE 14th to SE 18th Street.

*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 48 THRU 56)

48. On vacation and lease of a portion of the public sidewalk adjoining Mickey’s Irish Pub at 206 3rd Street for a sidewalk café serving alcohol.

   (Council Communication No. 11-469)

   (A) First consideration of ordinance above.

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

49. 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 and to continue hearing and extend the moratorium until October 11, 2011 at 5:00 PM.

   (Council Communication No. 11-449)

   (Council Communication No. 11-439)

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

51. **On** 2011 Expanded Street Resurfacing Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc., d/b/a Des Moines Asphalt & Paving, (James Gauger, President), $2,571,375.09.

   (Council Communication No. 11-440)

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

52. **On** City-Wide Fixed Time Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Iowa Signal Inc., (Wayne Lesley, President), $475,108.53.

   (Council Communication No. 11-466)

   (A) **Approval** of contract and bond.

53. **On** E. Indianola Avenue Widening – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Reilly Construction Co., Inc., (Chris R. Reilly, President), $3,277,103.90.

   (Council Communication No. 11-448)

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

54. **On** Gray’s Lake Shoreline Restoration: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and to receive and file bids.

   (Council Communication No. 11-465)
55. **On** SW 9th Street and Dart Way Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (Kurt J. Rasmussen, President), $757,866.08.

   *(Council Communication No. 11-446)*

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

56. **On** Tonawanda Drive Ravine Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), $2,341,015.

   *(Council Communication No. 11-461)*

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

   (B) **Approving** Supplemental Agreement No. 1 to Professional Services Agreement with HDR Engineering, Inc. to perform additional design and construction phase services for Tonawanda Drive Ravine Improvements project, not to exceed $125,731.

   *(Council Communication No. 11-447)*

   *** END OF HEARINGS AT __________ PM ***

**APPROVING**

57. **Designation** of preferred developer as Nelson Development and Construction and Foutch Brothers, LLC for purchase and redevelopment of Des Moines Building, 405 6th Avenue and 513 Locust Street.

   *(Council Communication No. 11-467)*

58. **Preliminary** approval of Conceptual Development Plan for the redevelopment of 3801 Merle Hay Road by Richard Eychaner.

   *(Council Communication No. 11-459)*

59. **Extension** of temporary moratorium to prohibit new freestanding liquor stores in “C-3”, “C-3A”, “C-3B” and “C-3R” zoning districts and temporary moratorium on the commencement of a business selling alcoholic liquors in the “C-1” district and at any location (citywide) which has not received a conditional use approval from the Zoning Board of Adjustment until September 13, 2011.

   *(Council Communication No. 11-451)*
MOTION TO ADJOURN.

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All-America City