PROCLAMATIONS – 4:15 PM

National Disability Employment Awareness Month

INVOCATION: Council Member Hensley

4:30 PM - City Manager to comment on upcoming Town Hall Meetings

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 28:

   *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) ARAMARK @ NATIONWIDE 1100 LOCUST ST C Liquor
   (B) GIT N GO STORE #42 806 SE 14TH ST C Beer
   (C) PELICAN CLUB 208 3RD ST C Liquor

   RENEWAL APPLICATIONS
   (D) BEST FOOD MART 4028 E 14TH ST C Beer
   (E) BLAZING SADDLE 416 E 5TH ST C Liquor
   (F) CAMPBELL'S CONCESSIONS 3000 E GRAND AVE B Beer
   (G) CAMPBELL'S CONCESSIONS 3000 E GRAND AVE B Beer
   (H) CASEYS #2921 3725 BEAVER AVE C Beer
   (I) CASEYS #2922 3501 E 14TH ST B Beer
   (J) DRAKE DINER 1111 25TH ST C Liquor
   (K) FAMILY PANTRY 4538 LOWER BEAVER E Liquor
   (L) FLEUR CINEMA & CAFE 4545 FLEUR DR C Beer/Wine
   (M) G T RACE CAR BAR 3013 INGERSOLL C Liquor
   (N) GOODSONS 2815 BEAVER AVE C Liquor
| (O)  | GRAZIANO BROTHERS, INC | 1601 S UNION ST | B Wine         |
| (P)  | KARTARS MINI MART      | 3761 E UNIVERSITY | C Beer        |
| (Q)  | NAT FOOD MART #1       | 3804 HUBBELL AVE | E Liquor      |
| (R)  | PLAYERS SPORTS BAR     | 1760 BEAVER AVE  | C Liquor      |
| (S)  | QUIK TRIP #500         | 3700 HUBBELL AVE | C Beer        |
| (T)  | TACO LOCO              | 99 UNIVERSITY    | C Liquor      |
| (U)  | TROPIK RESTAURANT      | 3015 MERLE HAY RD | C Liquor     |
| (V)  | ZIMMS                  | 3124 INGERSOLL   | C Liquor      |

**OUTDOOR SERVICE APPLICATIONS**

| (W)  | UNIVERSITY LIBRARY    | 3506 UNIVERSITY | C Liquor     |

Temporary for a Going Away Party on October 19, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

**SPECIAL EVENTS APPLICATIONS**

| (X)  | HY VEE ZART            | 1312 LOCUST ST  | Five (5) Day License |

Special Class C Liquor License for wedding reception on October 15, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

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

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

**PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:

   (A) **Police** Department Evidence Storage Facility: Receiving of bids, (11-8-11), Setting date of hearing, (11-21-11), Construction estimate, $458,200.

   *(Council Communication No. 11-645)*

   (B) **2011** Sewer Repair-Contract 2: Receiving of bids, (10-25-11), Setting date of hearing, (11-7-11), Construction estimate, $166,000.

   *(Council Communication No. 11-641)*

   (C) **2012** Sewer Lining Program: Receiving of bids, (10-25-11), Setting date of hearing, (11-7-11), Construction estimate, $2,600,460.

   *(Council Communication No. 11-642)*

8. **Approving** request from Van Hauen & Associates, Inc. for an extension of time on Lower Union Park Sewer Separation Project.

   *(Council Communication No. 11-644)*
SPECIAL ASSESSMENTS

9. **Levying** assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-12.

10. **Approving** deletion of NAC-Emergency Assessment at 1443 13th Street.

11. **Approving** deletion of NAC-Emergency Assessment at 1340 E. 13th Street.

12. **Approving** Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for September 2011.

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. **Recommendation** from Housing Services Director to appoint Don Vines, Michelle Garcia and John Warrington to the Housing Services Board for three-year terms commencing October 10, 2011 expiring June 30, 2014.

   (Council Communication No. 11-632)

14. **Appointment** of Jennifer Bohac to replace Gary Fox as a Regular Member to the Metropolitan Planning Organization (MPO) Transportation Technical Committee, effectively immediately.

15. **Communication** from Mary Conlow, advising of her resignation from the Traffic Safety Committee, Seat 11, effective immediately.

SETTING DATE OF HEARINGS

16. **On** intent to vacate and convey property interests in certain sanitary sewer facilities to Des Moines Metropolitan Wastewater Reclamation Authority, (10-24-11).

17. **On** text amendments to Chapter 134 regarding zoning regulations of businesses selling alcoholic liquor, wine and beer in “C-1” (Neighborhood Retail Commercial), (10-24-11).

   (Council Communication No. 11-629)


   (Council Communication No. 11-639)

19. **On** voluntary annexation of 5055 NE 38th Avenue and approving agreement for immediate connection to the City sewer system, (12-5-11).
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. Approving payment to Husch Blackwell LLP for services related to levee system issues, total $11,340.60 ($3,053.47 City’s portion).

APPROVING


(Council Communication No. 11-628)


(Council Communication No. 11-630)

23. Purchase of one acre of wetland mitigation credit from Dallas County, Iowa Voas Mitigation Bank, $25,000.

(Council Communication No. 11-636)

24. Termination Agreement for leases with United Parcel Service, Inc. at the Des Moines International Airport.

(Council Communication No. 11-640)

25. Acceptance of Iowa Department of Transportation Air Service Sustainment Grant for Des Moines International Airport, $20,000.

(Council Communication No. 11-633)

26. Consent to storage of electronically formatted legal department work product, communications and other documentation by Google Apps for Government.


28. Authorizing Finance Director to draw checks on registers for weeks of October 10 and October 17, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of October 10 and October 17, 2011; and to draw checks for biweekly payroll due October 21, 2011.

* * * * * * * END CONSENT AGENDA * * * * * * *
ORDINANCES - SECOND CONSIDERATION

29. **Amending** Chapter 114 of the Municipal Code, to add streets in five neighborhoods to the list of Snow Ordinance Street designations.

   *(Council Communication No. 11-601)*

ORDINANCES - FIRST CONSIDERATION

30. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

   *(Council Communication No. 11-647)*

   (A) Installation of additional handicap parking space – south side of University Avenue, west of Polk Boulevard.

   (B) Designation of “Free” 15-minute meter and code modifications – Grand Avenue between 14<sup>th</sup> and 15<sup>th</sup> Street.

   (C) Final consideration of ordinance above, requires six votes.

31. **Amending** Chapter 2, Section 2-4 of the Municipal Code to repeal and replace the description of Precinct 7A in Section 1.7A of Appendix B, Election Precincts and Wards.

   (A) **Final** consideration of ordinance above (waiver requested by the Legal Department), requires six votes.

COUNCIL REQUESTS

32. **Follow** up discussion from September 26, 2011 Council Meeting regarding compensation for Mayor and Council Members.

COMMUNICATIONS/REPORTS

33. **From** Chair of Greater Des Moines Sister City Commission requesting the adoption of Gaziantep, Turkey; Kapsurbet, Kenya and Akko, Israel as new Sister Cities.

34. **From** Gerald LaBlanc, on behalf of the Citizens of Guthrie Avenue, to speak regarding signal lights/stop signs at E. 25<sup>th</sup> Street & Guthrie Avenue.
35. From Lillis, O’Malley, Olson, Manning, Pose and Van Dike LLP, 317 6th Avenue, Ste. 300, regarding Waterfront Lodging, Inc. proposal.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 42)

36. On request from Arnold DeWitt to rezone property in vicinity of 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and to continue to November 7, 2011 at 5:00 PM.

37. On request from Hue Nguyen to rezone 1435 University Avenue from “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow for retail development and to continue to November 7, 2011 at 5:00 PM.

(Council Communication No. 11-627)

38. On request from McDonald’s Corporation to rezone 3002 Forest Avenue from Ltd. “C-1” (Neighborhood Retail Commercial) to a revised Ltd. “C-1” (Neighborhood Retail Commercial) to allow revision of conditions defining the site circulation and parking configuration and exterior design of the building, subject to conditions.

(A) First consideration of ordinance above.

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

39. On items regarding the Des Moines Airport Authority:

(A) Hearing on proposal to enter into Real Estate Lease and Asset Transfer Agreement.

(Council Communication No. 11-638)

(1) First consideration of ordinance regarding lease and conveyance of aviation facilities to the Airport Authority.

(2) Final consideration of ordinance above (waiver requested by Aviation Director), requires six votes.

(B) Agreement between the City of Des Moines and the Des Moines Airport Authority for the provision of City services.

(C) Assignment and Assumption Agreement regarding grant agreements.

(D) Des Moines Aviation Department reduction in staff.

(Council Communication No. 11-648)
40. **On** Council-initiated request to vacate Broad Street between Indianola Avenue and SE 8th Street and rezone the properties surrounding Southern Meadows Apartments from Ltd. “R-3” (Multiple Family Residential) and “R1-60” (Low-Density Single-Family Residential) to PUD (Planned Unit Development) and **to continue to October 24, 2011 at 5:00 PM**.

41. **On** amendment of Zoning ordinance text in Chapter 134 and Site Plan ordinance text in Chapter 82 establishing a Downtown Overlay District which provides site plan guidelines for an area generally bound by Interstate 235 on the north, Raccoon and Des Moines Rivers on the south, E. 14th Street on the east and M.L. King Jr. Parkway on the west.

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

42. **On** Public Works Supply Yard Storage Building: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Jensen Builders Ltd., (Dale H. Jensen, President), $596,600.

   *(Council Communication No. 11-646)*

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

   *** END HEARINGS AT __________ PM ***

**APPROVING**

43. **Contract** and Bond with Oakview dck, LLC (Doug White, President) and Permission to Sublet on Fire Station No. 1 Replacement, $5,518,750.

   *(Council Communication No. 11-643)*
BOARD OF HEALTH

MOTION TO CONVENE.

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

   (A) 1619 Franklin Avenue, fire-damaged main structure, Titleholders: Jennifer J. Scott and Thomas E. Scott; Mortgage Holders: Mortgage Electronic Registration Systems, Inc. and Midwest Heritage Bank.

   (B) 1827 Franklin Avenue main structure, Titleholders: Josephine Schmitt and Jerome J. Schmitt; Contract Buyer: Sarah E. Toliver.

   (C) 4026 Glover Avenue, main structure and accessory structure, Titleholder: US Bank, NA.

   (D) 2727 Linden Street, main structure and garage structure, Titleholder: Charlotte Fay (deceased); Contract Buyer: Earlene Maness (deceased); Patricia Motley, Heir to Earlene Maness.

   (E) 1825 9th Street, main structure, Titleholder: David Hatfield (deceased); Eric Hatfield, Heir to David Hatfield.

   (F) 739 25th Street, main structure, Titleholders: Delores J. Minahan and Maurice Harris; Mortgage Holder: Wells Fargo Bank, NA.

MOTION TO ADJOURN.

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