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

January 23, 2012
4:30 PM

INVOCATION: Council Member Hensley

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 31:

   *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) BEAVER TAP 4050 URBANDALE C Liquor
   (B) EL CHILE NIGHT CLUB 215 E 2ND ST C Liquor
   (C) NAT FOOD MART 1443 2ND AVENUE E Liquor
   (D) PATTONS RESTAURANT 1552 E GRAND AVE C Beer/Wine

   RENEWAL APPLICATIONS

   (E) ALBA RESTAURANT 519 DES MOINES ST C Liquor
   (F) BENNIGANS GRILL & TAVERN 1810 ARMY POST B Liquor
   (G) CAFE DI SCALA 644 18TH ST C Liquor
   (H) CASEYS #2244 2150 E ARMY POST C Beer
   (I) CASEYS #2322 4331 PARK AVE C Beer
   (J) CHADS CLUB 2000 422 INDIANOLA AVE C Liquor
   (K) COONEYS TAVERN 3708 BEAVER AVE C Liquor
   (L) DES MOINES ASIAN FOOD 1623 6TH AVE C Beer
   (M) DIAMOND JACKS 3000 E GRAND AVE C Liquor
   (N) FLYING MANGO 4345 HICKMAN RD C Liquor
   (O) GIT N GO STORE #18 6501 SE 14TH ST C Liquor
   (P) GIT N GO STORE #29 4900 URBANDALE C Beer
   (Q) GIT N GO STORE #32 2911 DOUGLAS AVE C Beer
   (R) GUSTO PIZZA CO 1905 INGERSOLL C Beer/Wine
KUM & GO #552 4944 DOUGLAS AVE  C Beer
KWONG TUNG RESTAURANT 2721 INGERSOLL  C Beer/Wine
LA CRUZ #3 3900 E 14TH ST  C Beer
LE BOI 508 INDIANOLA RD  C Liquor
LIFT 222 4TH ST  C Liquor
MACCABEES DELI & JUDAICA 1150 POLK BLVD  B Wine
MARIANAS 1305 UNIVERSITY  B Beer
MICHAELS PIZZA 2629 BEAVER AVE  C Beer/Wine
MICHELLES LOUNGE 3925 E 14TH ST  C Liquor
NAT FOOD MART 1443 2ND AVE  C Beer
PALMERS DELI & MARKET 2843 INGERSOLL  C Liquor
PUEBLO VIEJO 3841 E 14TH ST  C Liquor
QUINTONS BAR & GRILL 506 E GRAND AVE  C Liquor
SAMBETTIS 1430 2ND AVE  C Liquor
SNAKE PIT LOUNGE 3100 McKinley Avenue  A Liquor
SOUTHPORT SPORTS BAR 1101 Army Post  C Liquor
TASTE OF THAI 215 E WALNUT ST  C Beer/Wine
TOBACCO OUTLET PLUS #521 3301 E EUCLID AVE  C Beer

TRANSFER TO NEW LOCATION

DEPOT 3000 E GRAND AVE  B Beer
Temporary transfer to cattle barn from February 13 – 19, 2012 for the Beef Expo.

SPECIAL EVENTS APPLICATIONS

BARKSDALE CONCESSIONS 3000 E GRAND AVE  Five (5) Day License
Class C Liquor License for 2012 Agri Business Showcase & Conference on
February 7 – 8, 2012.

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Communication from Contractors requesting permission to sublet certain items on Public
Improvement projects.

7. Approving completed construction and approving final payment for the following:

A) Riverpoint West Street Improvements, Sternquist Construction Inc.

B) E. McKinley Avenue Widening – South Union Street to SE 5th Street, Reilly
Construction Co., Inc.

C) Waveland Trail Phase 2 – University Avenue to Franklin Avenue, Elder
Corporation.
LAND/PROPERTY TRANSACTIONS

8. Approving 95 tax abatement applications for the additional value added by improvements completed during 2011.

   (Council Communication No. 12-024)


BOARDS/COMMISSIONS/NEIGHBORHOODS

10. Recommendation from Council Member Brian Meyer to appoint Bart Caldwell to the Building and Fire Code Board of Appeals, Seat 14, for three-year term commencing April 1, 2011 to expire April 1, 2014.


11. Receive and file attendance reports for the various City Boards and Commissions for January 1 through December 31, 2011.

SETTING DATE OF HEARINGS


13. On appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18th Street, (2-13-12).

14. On Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Mark Kirchner, NPI Limousine Services, LLC, Urbandale, IA, (2-13-12).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS


17. Approving payment of $34,622 to Clifford Watkins III and his attorney, Christopher Spaulding, for a workers’ compensation claim.
CITY MANAGER COMMUNICATIONS

18. Submitting travel and training requests for Kevin Risk and Douglas Romig.

(Council Communication No. 12-033)

APPROVING

19. City Manager to sign Iowa Finance Authority form "5S Local Contributing Effort" for 12 Low-Income Housing Tax Credit Projects and send letter of support for waiver of maximum per unit development costs for adaptive reuse properties eligible for listing on the National Register of Historic Places.

(Council Communication No. 12-036)

20. Applications to Iowa Economic Development Authority for Enterprise Zone benefits for the following:

(Council Communication No. 12-041)

(A) EMM Associates, LP for rehabilitation of 150 units at 413 5th Avenue in the Gateway Enterprise Zone.

(B) 2714 Ingersoll Associates, LP for rehabilitation of 22 units at 2714 Ingersoll Avenue in the Drake Park/Sherman Hill Enterprise Zone.

21. Waiving any objection to the notice given by Pleasant Hill of its pending annexation of a portion of Copper Creek Lake Park and of other territory on its side of the line established in the Moratorium Agreement.

22. Release of judgment lien against property at 1147 27th Street conveyed by the City to Denis Marchand.

24. **FY2010** Methamphetamine Drug Hot Spots Grant Program Revised Award from the Governor’s Office of Drug Control Policy to include a new performance period through June 30, 2012.

   *(Council Communication No. 12-023)*

25. **Contract** with Tyler Technologies, Inc. (Christopher Hepburn, President) to provide City-wide Enterprise Resource Planning (ERP) Software and related implementation services and authorizing City Manager to approve future annual maintenance services, subject to receipt of certificate of insurance acceptable to the Risk Manager.

   *(Council Communication No. 12-042)*

26. **Authorizing** the Mayor to sign a challenge to the City boundaries as reported by the 2010 U.S. Census.


28. Bids from the following:

   (A) **Blacktop** Repair Service Inc. (Patricia Hicks, President) for tennis and basketball court resurfacing services at Birdland Sports Complex and Edna Griffin and Harmon Parks for use by the Park & Recreation Department, $21,403. (Nine bids mailed, two received).

   *(Council Communication No. 12-030)*

   (B) **Hewlett Packard Co.** (Mark Hurd, President) for replacement employee desktop personal computers per Western States Contracting Alliance for use by the IT Department, $100,000.

29. **Civil** Service Entrance Lists for Plant Field Worker, Public Works Section Chief and Transcriber Typist.

30. **Authorizing** Finance Director to draw checks on registers for weeks of January 23 and 30, and February 6, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of January 23 and 30, and February 6, 2012; and to draw checks for biweekly payroll due January 27 and February 10, 2012.
ORDINANCES - SECOND CONSIDERATION

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

(A) 10-hour parking meters on the south side of Grand, west of 13th Street.

(B) Removal of special school loading and unloading restrictions on 5th Avenue from Grand Avenue to Locust Street.

(C) Parking citations for illegal off-street parking.

(D) Extension of existing Loading Zone – south side of 400 block of Watson Powell Jr. Way.

(E) Parking restriction due to intersection improvements – north side of Hull Avenue, east of E. 14th Street.

(F) Adjustments to the loading and unloading times adjacent to Walnut Street School – west side of 9th Street and east side of 10th Street, north of Walnut to Locust Street.

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

ORDINANCES - FIRST CONSIDERATION

32. **Amending** Section 118-159 of the Municipal Code to remove specific reference to Polk County, and to provide for collection and placement of liens for sewer, solid waste and/or stormwater bills in both Polk and Warren Counties.

   *(Council Communication No. 12-032)*

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

COMMUNICATIONS/REPORTS

33. **From** Louise Jenkins, 1600 Carpenter Avenue, to speak regarding establishing a Citizen Review Committee.

34. **Receive** and file update from City staff regarding the Beaver Avenue Streetscape Project.

   *(Council Communication No. 12-039)*
*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 35 THRU 42)

35. **On** proposed Historic District designation for the River Bend Local Historic District.

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

   (B) **Final** consideration of ordinance above (waiver requested by River Bend Neighborhood Association), requires six votes.

36. **On** sale of 801 University Avenue (former Top Value Grocery Store) to Des Moines Area Community College (DMACC) and CDT Investment, LLC, $1,200,000.

   *(Council Communication No. 12-035)*

37. **On** request from SDG Macerich Properties, LP for an amendment to “C-4” Preliminary Development Plan for Southridge Mall, 1111 E. Army Post Rd., to redevelop a portion of the mall in the vicinity of the food court as a 133,777 square foot area for retail/office/assembly uses accessed from an outdoor plaza on the north side of the mall and a 94,000 square foot area for athletic/fitness/assembly uses on the west side of the mall, subject to conditions.

38. Items regarding Waterfront Lodging Inc. development of the block bounded by Vine, SW Water Street, Market and SW 2nd Street:

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

   (B) **Hearing** on vacation and conveyance of a small segment of remaining public alley right-of-way.

      (1) **First** consideration of vacation ordinance.

      (2) **Final** consideration of vacation ordinance, (waiver requested by the applicant), requires 6 votes.
(C) Hearing on vacation and conveyance of segments of SW Water Street and Market Street right-of-way, in exchange for comparable parcels along Vine Street and SW 2nd Street.

(1) First consideration of vacation ordinance.

(2) Final consideration of vacation ordinance, (waiver requested by the applicant), requires 6 votes.

(D) Approving final terms of a Development Agreement with Waterfront Lodging, Inc. and Conceptual Development Plan for two new hotels and a parking garage in the 100 Block of Water Street.

(Council Communication No. 12-038)

39. On sale of Southern Meadows site at 2800 SE 8th Street and adjoining parcels and on vacation and conveyance of City-owned property and approving proposed development agreement with Hatch Development Group, LLC, $43,400.

(Council Communication No. 12-029)

(A) First consideration of ordinance vacating Broad Street between Indianola Avenue and SE 8th Street.

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

40. On request from K G Store 573, LLC for an amendment to the PUD Conceptual Plan for Kum & Go Store at 5830 SE 14th Street to allow for the sale of alcoholic liquor as a permitted use, subject to conditions.

(A) Consideration of New Class E Liquor License with C Beer and B Wine.

41. On conveyance of 1512 13th Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), $1.

(Council Communication No. 12-028)

(A) Approving Rental Development Agreement in conjunction with Forest Avenue Urban Renewal Project.

(B) Approving assignment and amendment to Special Warranty Deed for 1307 Clark Street for Home Opportunities Made Easy, Inc. (HOME, Inc.).
42. On request from Hubbell Realty Company to amend the Summersfield PUD Conceptual Plan on 4605 Hubbell Avenue to define the layout and design of Tract 3 for 20 row home units. (Requires 6 votes for approval).

*** END HEARINGS AT _______ PM ***

APPROVING

43. Review of Zoning Board of Adjustment decision on approved variance of 150 foot separation from any church, school, public park or licensed child care center for 833 42nd Street for use as a limited retail establishment with sale of alcoholic liquor. (Roll Call contains alternative motions)

(Council Communication No. 12-034)

44. Renewal addendum and amendment of contract with Bojo’s Carpet Care, LLC (John Alessio, Owner) for custodial services for park shelters and restrooms.

(Council Communication No. 12-031)

45. Renewal and second amendment of contract with ABM Janitorial Services, North Central, Inc. d/b/a ABM Janitorial Services (Brad Nelson, Branch Manager) for Municipal Buildings and Community Centers and authorizing City Manager to execute amendment.

(Council Communication No. 12-037)

46. Bid from Lawns Plus (Chad Smith, Owner) and Beautiful Lawn by Long’s LLC (Brandon Long, President) for a 3-year contract with 3 additional one-year renewal options to furnish City-wide mowing and trimming services to be used by the Park and Recreation Department, $526,900 annual estimate. (12 bids mailed, 8 received)

(Council Communication No. 12-040)
BOARD OF HEALTH

MOTION TO CONVENE.

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

(A) 1404 Dixon Street, main structure, Titleholder: Evelyn J. Rankins.

(B) 1702 Forest Avenue, main structure, Titleholder: Maggie Funding, LLC; Contract Buyer: Charles Dock.

(C) 3109 4th Street, main structure, Titleholders: Robert J. Winters (deceased), Billie M. Archer (deceased), H. Darwin Stinson, Life Estate, All Known and Unknown Heirs of Robert J. Winters and Billie M. Archer.

(D) 1327 24th Street, main structure, Titleholder: AJD Properties, LLC; Mortgage Holder: Northwest Bank.

MOTION TO ADJOURN.

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