DES MOINES CITY COUNCIL MEETING
April 23, 2012
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM
Hameytarim Band from Akko, Israel

PROCLAMATIONS – 4:15 PM
Administrative Professionals Day/Week
Arbor Day

INVOCATION: Council Member Skip Moore

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 32:

   *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 Application for the following:

   NEW APPLICATIONS
   (A) GRAYS LAKE TERRACE 2101 FLEUR DR C Beer/Wine
   (B) PROOF RESTAURANT 1301 LOCUST ST C Beer/Wine
   (C) SANDS VOLLEYBALL CLUB 6214 GRAND AVE C Liquor
   (D) VOLCANO NIGHT CLUB 1820 E ARMY POST C Liquor

   RENEWAL APPLICATIONS
   (E) 14TH STREET TAVERN 3418 E 14TH ST C Liquor
   (F) 4TH DOWN SPORTS BAR 215 4TH ST C Liquor
   (G) ALL IN THE FAMILY LOUNGE 4413 FLEUR DR C Liquor
   (H) BARATTAS RESTAURANT 2320 S UNION ST C Liquor
   (I) BEST TRIP INC 1516 SE 1ST ST E Liquor
   (J) BOURBON ST 500 ARMY POST RD C Liquor
   (K) CAFE BARATTA’S 600 E LOCUST ST C Liquor
(L) DES MOINES ART CENTER  4700 GRAND AVE  C Liquor
(M) DES MOINES YACHT CLUB  2617 INGERSOLL  C Liquor
(N) DJANGO RESTAURANT  210 10TH ST  C Liquor
(O) FAMOUS DAVES  4351 MERLE HAY RD  C Liquor
(P) GERRIS  232 E 30TH ST  C Liquor
(Q) GIT N GO STORE #1  3735 HUBBELL AVE  C Beer
(R) H & A MINI MART  5901 FLEUR DR  C Beer
(S) HOME PLATE DINER  304 E 30TH ST  C Beer/Wine
(T) JOHNNS HALL OF FAME  302 COURT AVE  C Liquor
(U) KIRKWOOD LOUNGE  400 WALNUT ST  C Liquor
(V) KRUEGERS AMOCO #2  630 SW 9TH ST  C Beer
(W) KUM & GO #120  101 ARMY POST RD  C Beer
(X) KUM & GO #130  2930 HICKMAN RD  C Beer
(Y) KUM & GO #194  4001 SW 9TH ST  C Beer
(Z) LAST STOP BEVERAGE SHOP  2839 E UNIVERSITY  E Liquor
(AA) RITUAL CAFE  1301 LOCUST ST  C Beer/Wine
(BB) TROPHYS SPORTS BAR  2701 DOUGLAS AVE  C Liquor

OUTDOOR SERVICE APPLICATIONS

(CC) BLAZING SADDLE  416 E 5TH ST  C Liquor
Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012.
Pending approval of Building Department.

(DD) BUDDYS CORRAL  418 E 5TH ST  C Liquor
Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012.
Pending approval of Building Department.

(EE) COURT AVENUE BREWING  309 COURT AVE  C Liquor
Temporary in conjunction with Drake Relays on April 27 – 28, 2012.

(FF) LIME LOUNGE  435 E GRAND AVE  C Liquor
Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012.
Pending approval of Building Department.

(GG) LIME LOUNGE  435 E GRAND AVE  C Liquor
Permenant outdoor service area.

(HH) LOCUST TAP  434 E LOCUST ST  C Liquor
Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012.
Pending approval of Building, Electrical and Fire Departments.

(II) UNDERGROUND  500 E LOCUST ST  C Liquor
Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012.
Pending approval of Building and Electrical Departments.

(JJ) UNIVERSITY LIBRARY  3506 UNIVERSITY  C Liquor
Temporary in conjunction with Drake Relays on April 26 – 28, 2012.
SPECIAL EVENTS APPLICATIONS

(KK) BIG CITY BURGERS 1717 INGERSOLL AVE Five (5) Day License
Class C Liquor License for Des Moines Art Center’s Art and Ends Preview Sale on April 26, 2012. Pending approval of Building Department.

(LL) CADDY SHACK BALL 2801 FLEUR DR Five (5) Day License
Class C Liquor License for a fundraising event for The Lukemia Lymphoma Foundation on April 28, 2012. Pending approval of Building, Electrical and Zoning Departments.

(MM) DOS RIOS 318 COURT AVE Five (5) Day License
Class C Liquor License for Cinco De Mayo celebration on May 5, 2012. Pending approval of Building and Electrical Departments.

(NN) HEV GALA 2012 400 ROBERT D RAY DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for annual fundraiser on April 30, 2012. Pending approval of Zoning Department.

(OO) LA HACIENDA III 3121 INGERSOLL AVE Five (5) Day License
Class C Liquor License for Cinco De Mayo celebration on May 5, 2012. Pending approval of Building Department.

(PP) QUINTONS BAR & GRILL 401 E 5TH ST Five (5) Day License

(QQ) SCORES SPORTS BAR 2335 HICKMAN RD Five (5) Day License
Class C Liquor License for Drake Relays Party on April 27 – 28, 2012

(RR) WOOLYS 401 E 5TH ST Five (5) Day License
Class B Beer License for Cinco De Mayo celebration on May 5, 2012. Pending approval of Building, Electrical and Fire Departments.

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) Columbus Park & McHenry Park Water Features: Receiving of bids, (5-8-12), Setting date of hearing, (5-21-12). (Construction Estimate - $400,000).

(Council Communication No. 12-180)

(B) Woodland Cemetery Entrance Arch: Receiving of bids, (5-8-12), Setting date of hearing, (5-21-12). (Construction Estimate - $69,500).

(Council Communication No. 12-181)
7. Communication from contractors requesting permission to sublet certain items on public improvement projects.

8. Approval of contract and bond and permission to sublet on Hubbell Elementary School Enhanced School Crossings, $228,938.25.

   (Council Communication No. 12-184)

SPECIAL ASSESSMENTS

9. Approving deletion of rental inspection assessment at 2905 High Street.

10. Accepting completed construction and approving final payment for 2009-10 Paving Program, Jasper Construction Services, Inc.

   (A) Items regarding Druid Hill Drive from Bell Avenue to Casady Drive:

      (1) Accepting work and ordering preparation of plat and schedule of assessments.

      (2) Adopting and levying final schedule of assessments and providing for payment.

   (B) Items regarding E. 35th Street and Arthur Avenue from Easton Boulevard to E. 34th Street:

      (1) Accepting work and ordering preparation of plat and schedule of assessments.

      (2) Adopting and levying final schedule of assessments and providing for payment.

LAND/PROPERTY TRANSACTIONS


    (Council Communication No. 12-183)

12. Acceptance of Planned Unit Development (PUD) Restoration Irrevocable Letter of Credit for The Woods of Copper Creek residential subdivision, vicinity of 4700 Block of NE 23rd Avenue (Easton Boulevard).

    (Council Communication No. 12-195)

   *(Council Communication No. 12-190)*

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

14. **Recommendation** from Mayor Frank Cownie to reappoint Dr. David Drake to the Human Rights Commission, Seat 1, for a three-year term commencing April 1, 2012 to expire April 1, 2015.

15. **Recommendation** from Council Member Christine Hensley to appoint Jake Christensen to the Zoning Board of Adjustment, Seat 6, for a five-year term commencing April 1, 2011 to expire April 1, 2016.


   *(Council Communication No. 12-187)*

**SETTING DATE OF HEARINGS**

17. **On** conveyance by installment contract of vacated east/west and north/south alley right-of-ways adjoining 319 SW 5th Street to Create 319, LLP, $8,000, (5-7-12).

18. **On** conveyance of underground gas line easement on City-owned property at the Blank Park Zoo to MidAmerican Energy Company, $1, (5-7-12).


**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**


21. **Approving** payment to Ken Murray for workers’ compensation claim, $28,597.80.
CITY MANAGER COMMUNICATIONS

22. Submitting travel and training request for T. M. Franklin Cownie.

   (Council Communication No. 12-193)

APPROVING


   (Council Communication No. 12-188)

24. Agreement with the National Recreation and Park Association (NRPA) for a $20,000 grant award provided through the Sprite Spark Parks Program to aid in replacing existing basketball courts at Cheatom Park.

   (Council Communication No. 12-194)

25. Applications from the Drake Relays Group for temporary banners as follows:

   (A) Grand Blue Mile on April 24, 2012 across the street on Grand Avenue between 12th and 13th Street for starting and finish lines.

   (B) Drake Relays On-The-Roads on April 28, 2012 across the street as the starting line on Forest between 27th and 29th Street and finish line on 25th Street.


27. Execution and delivery of Supplement No. 2 to the Governmental Lease-Purchase Master Agreement with Wells Fargo Bank, NA, not to exceed $1,147,482, (to amend Roll Call 12-0464 of March 26, 2012).

   (Council Communication No. 12-196)

28. Bids from Bayliff Construction (Walt Bayliff, President) and Lamberti Concrete (Miguel Hadsall, President) for annual contract with two (2) additional one-year renewal options to furnish concrete construction services for repair and maintenance of minor concrete improvements for use by the Building Services Division, annual estimate $69,000. (Fifteen bids mailed, three received).
29. Bids from the following:

(A) **AC** Contractors (Paul Chatham, President) for HVAC replacement at Fire Stations 2, 5, 6 and 7 for use by the Fire Department, $145,160. (Seven bids mailed, two received).

(B) **Bonnie’s** Barricades (Bonnie Ruggless, President) for an annual contract with two (2) additional one-year renewal options to furnish traffic safety devices for use by the Public Works Department, annual estimate $80,000. (Fours bids mailed, three received).

(C) **Quality** Painting (Pat Dawson, President) for annual contract with two (2) additional one-year renewal options to furnish graffiti removal services for used by Park and Recreation Department, annual estimate $125,000. (Three bids mailed, three received).

(D) **Trans Iowa Equipment** (Eric Thorson, Vice President) for non-competitive procurement for chemical root control system to be installed on an existing Vactor sewer cleaning truck for use by the Public Works Department, $36,000.

(E) **Pratt** Audio Visual (Cindy Egger, President) for a sound system at James W. Cownie Soccer Park for use by Park and Recreation Department, $62,648. (Six bids mailed, one received).

(Council Communication No. 12-192)

30. **Civil** Service Entrance Lists for Electronic Flow Meter Technician and Police Budget Specialist.

31. **Authorizing** Finance Director to draw checks on registers for weeks of April 23 and 30, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of April 23 and 30, 2012; and to draw checks for biweekly payroll due May 4, 2012.
ORDINANCES - SECOND CONSIDERATION

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

   (A) Removal of rush-hour restriction – Locust Street from 13th to 15th Streets.

   (B) Traffic Control Signals – 11th Street and Euclid Avenue.

   (C) Designated Handicapped Parking Space – north side of Woodland Avenue, west of 18th Street.

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

COUNCIL REQUESTS

33. From Council Member Christine Hensley to discuss complaints received about peddlers in Des Moines.

34. From Council Member Brian Meyer to discuss Designated Music Venue ordinance.

COMMUNICATIONS/REPORTS

35. Presentation from Big Yellow Bike, LLC regarding multi-passenger bike tours in downtown Des Moines.

*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.*
36. On appeal from Hamad G. Koko Ahmed, 3800 Martin Luther King, Jr. Parkway, regarding recommended denial of a Taxicab License, (continued from 4-9-12).

37. On appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18th Street:
   (A) Affirming decision to conditionally approve.

   OR

   (B) ALTERNATE RESOLUTION: Reversing the decision to conditionally approve.

38. On vacation and conveyance of the north/south alley lying between SW 9th and SW 12th Streets and running from Virginia Avenue to Pleasant View Drive to multiple property owners, $300 total.

   (Council Communication No. 12-185)

   (A) First consideration of ordinance above.

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

39. Items regarding request from HOME Inc. for property at 1303 and 1305 Clark Street and 1512 and 1516 13th Street:

   (A) Amending the Des Moines 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Low/Medium-Density Residential.

   (B) Hearing on rezoning the property from “R1-60” (One-Family Low Density Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow development of two small-lot two-family dwellings, and one small-lot single-family dwelling.

   (C) First consideration or ordinance above.

   (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
40. **On** rezoning of 931 SE 21st Street from “M-1” (Light Industrial) to a Ltd. “M-2” (Heavy Industrial) to correct a publication error.

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

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

41. **On** request from Imperial Properties, Inc. to rezone 4141 E. 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation. (**Roll Call contains alternative motions**)

   (Council Communication No. 12-191)

42. **On** proposed Lease-Purchase Agreement to acquire certain items of equipment consisting of nine dump trucks, an asphalt paver, and a compact motor control, not to exceed $2,000,000.

   (Council Communication No. 12-189)

   (A) **Authorization** for additional action.

43. **On** renewal of Parking Lease Agreement with Nelson Development, LLC for 418 E. Grand Avenue and to continue to May 7, 2012 at 5:00 PM.


   (Council Communication No. 12-179)

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

45. **On** 2012 Sewer Repair – Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designation of lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldman, President), $989,947.56.

   (Council Communication No. 12-182)

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

(Council Communication No. 12-186)

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

** END HEARINGS AT _______ PM **

APPROVING

47. Consideration of Class E Liquor License renewal for Fast Mart, 1401 Buchanan Avenue.

48. Dismissing proceedings on proposed rezoning of 1241 E. 38th Street, (requested by Arnold Dewitt).

EXTRA ITEM

1. Request from Council Member Skip Moore to discuss establishing a City Council policy that all City Boards and Commissions be gender balanced.

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) 1900 Lincoln Avenue, fire-damaged main structure, Titleholders: Ronald L. Vaughn and Carol Guyer.

   (B) 1400 Mondamin Avenue, main structure, Titleholder: Cloteal M. Carr and Larry Carr (deceased); Mortgage Holder: The Bank of New York Mellon Trust Company, N.A. as successor to JP Morgan Chase Bank N.A. as Trustee for RASC2003KS4.

MOTION TO ADJOURN.