



*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '10-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 11, 2010
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Recognition of Des Moines Arts Festival “2010 Gold Grand Pinnacle Award” from the International Festivals & Events Association

Recognition of Anastasiya Koval, Russian Exchange Student, guest of Council Member Brian Meyer

PROCLAMATIONS – 4:15 PM

Lights on Afterschool Day

National Disability Employment Month

Domestic Violence Awareness Month

Des Moines Jazz History Day

INVOCATION: Council Member Christine Hensley

- [10-1629](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [10-1630](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1631](#)

3. APPROVING CONSENT AGENDA * – items 3 through 32: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

***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

[10-1632](#)

4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A) CASEYS #2892	6120 DOUGLAS AVE	B Beer
(B) DOWNTOWN PANTRY	208 4TH ST	C Beer
(C) KC BBQ	5405 DOUGLAS AVE	B Beer

RENEWAL APPLICATIONS

(D) BLAZING SADDLE	416 E 5TH ST	C Liquor
(E) BLUES ON GRAND	1501 GRAND AVE	C Liquor
(F) CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(G) CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(H) DRAKE DINER	1111 25TH ST	C Liquor
(I) FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(J) FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(K) G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(L) GIT N GO STORE #33	865 42ND ST	C Beer
(M) GOODSONS	2815 BEAVER AVE	C Liquor
(N) GRAND VIEW COLLEGE	1500 MORTON AVE	C Beer/Wine
(O) HULL TAVERN TAP	834 E HULL AVE	C Liquor
(P) KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(Q) LIME LOUNGE	2706 INGERSOLL	C Liquor
(R) QUIKTRIP #500	3700 HUBBELL AVE	C Beer
(S) SHOP N SAVE	2127 M LK JR PKWY	E Liquor
(T) TROPIK RESTAURANT & BAR	3015 MERLE HAY RD	C Liquor
(U) ZIMMS	3124 INGERSOLL	C Liquor

TRANSFER TO NEW LOCATION

- | | | |
|----------------------|--------------|----------|
| (V) DRAKE UNIVERSITY | 1309 26TH ST | C Liquor |
|----------------------|--------------|----------|
- Temporary transfer from 2875 University Avenue for an event on October 22 – 23, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

OUTDOOR SERVICE APPLICATIONS

(W) BLUES ON GRAND 1501 GRAND AVE C Liquor
Temporary for Blues On Grand Last Bash on October 23, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(X) CATER 2 U 1312 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on October 16, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

(Y) DM VOCAL ARTS ENSEMBLE 1200 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on October 16, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

(Z) SIDESHOW LOUNGE 301 13TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Auto-Matic: Car Culture Extravaganza on October 16, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

- [10-1633](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

- [10-1634](#) 6. [Ordering](#) Asbestos Removal at 717 Grand Avenue (former YWCA): Receiving of bids, (10-26-10), Setting date of hearing, (11-8-10). (Construction Estimate - \$250,000). ([Council Communication No. 10-611](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1635](#) 7. [Communication](#) from Ti-Zack Concrete, Inc. requesting permission to sublet certain items on the 2010 CDBG-Recovery Program Sidewalk Replacement Public Improvement Project. **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-1636](#) 8. [Accepting](#) completed construction and approving final payment to Baker Electric Inc., - Neola Pump Station Emergency Generator Relocation. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

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

[10-1637](#) (A) [1312](#) Fremont Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1638](#) (B) [1615](#) Dean Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**

10. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for September 2010 on the following:

[10-1639](#) (A) [Fees](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1640](#) (B) [Credits](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[10-1641](#) 11. [Establishing](#) fair market value of 111 E. Gray Street for Crawford Creek Watershed Improvements – SE 6th Street/Indianola Avenue Box Culvert Replacement Project. ([Council Communication No. 10-604](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[10-1642](#) 12. [On](#) conveyance of remaining alley right-of-way adjoining 1051 19th Street to Ryan Galloway, \$100, (10-25-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1643](#) 13. [On](#) vacation and conveyance of north/south alley, west of and adjoining 2201 Forest Avenue, to Anawim Housing for Forest Avenue Urban Renewal Project, \$1, (10-25-10). **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division and to adopt. Motion Carried 7-0.**

[10-1644](#) (A) [Communication](#) from Plan and Zoning Commission. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[10-1645](#) 14. [On](#) vacation and lease of public right-of-way for a sidewalk café to Saints Pub & Patio at 4041 Urbandale Avenue, (10-25-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1646](#) 15. [On](#) Proposed Second (2011) Year Action Plan of the 2010—2014 US Department of Housing and Urban Development (HUD) Consolidated Plan, (11-22-10). ([Council Communication No. 10-616](#)) **Moved by Hensley to adopt; refer to the City Manager to schedule a workshop on October 25th, to discuss the recommendations. Motion Carried 7-0.**

[10-1647](#) (A) [Communication](#) from the Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-1648](#) 16. [Approving](#) payment of \$3,576.50 to Peddicord, Wharton, Spencer and Hook, L.L.P. for representation of Officer Mersed Dautovic. **Moved by Hensley to adopt. Motion Carried 7-0.**
17. Approving payment of workers' compensation claims for the following:
- [10-1649](#) (A) [Danny](#) Rivas, \$8,430.72. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1650](#) (B) [Jarvey](#) Sorensen, \$7,972.91. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [10-1651](#) 18. [Submitting](#) travel and training request for T. M. Franklin Cownie. ([Council Communication No. 10-607](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [10-1652](#) 19. [Initial](#) LIHEAP (Low-Income Home Energy Assistance Program) Contract with Iowa Department of Human Rights for energy-related assistance for low-income individuals from October 1, 2010 to September 30, 2011. ([Council Communication No. 10-603](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1653](#) 20. [FY](#) 2010-11 Community Impact Investment Agreement with United Way of Central Iowa. **Moved by Hensley to approve. Motion Carried 7-0.**
- [10-1654](#) 21. [Amended](#) Conceptual Development Plan and First Amendment to Urban Renewal Development Agreement with Brownstones on Grand, LLC for the Brownstones at 201 Grand Avenue. ([Council Communication No. 10-609](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1655](#) 22. [Iowa](#) Department of Transportation Air Service Sustainment Grant for Des Moines International Airport, \$20,000. ([Council Communication No. 10-608](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1656](#) 23. [FY2009](#) Methamphetamine Drug Hot Spots Grant Program from the Governor's Office of Drug Control Policy for September 1, 2010 through June 11, 2011, \$18,830. ([Council Communication No. 10-612](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [10-1657](#) 24. [Agreement](#) with Wellmark, Inc. to provide administrative services for the Early Retiree Reinsurance Program through the U.S. Department of Health and Human Services. ([Council Communication No. 10-621](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-1658](#) 25. [City](#) Council Meeting Schedule for 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
26. Issuance of the following:
- [10-1659](#) (A) [\\$19,300,000](#) Stormwater Management Utility Revenue Capital Loan Notes, Series 2010F. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1660](#) (B) [\\$5,100,000](#) Stormwater Management Utility Revenue Refunding Capital Loan Notes, Series 2010G. **Moved by Hensley to adopt. Motion Carried 7-0.**
27. Bids from the following:
- [10-1661](#) (A) [ColorFX](#) (Jon Troen, President) for printing and mailing services to distribute recycling educational materials to be used by the Public Works Department, \$47,364. (Thirteen bids mailed, four received). **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-1662](#) (B) [Truck](#) Equipment, Inc. (Leo Wiesler, President) and Eddy Walker Equipment Company (Don Eddy, President) for various material spreaders and snow plows to be installed on existing trucks to be used by Fleet Maintenance, \$72,108. (Four bids mailed, three received). ([Council Communication No. 10-602](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1663](#) (C) [Northrop](#) Grumman – Remotec, Inc. (Wes Bush, Chief Executive Officer and President) for non-competitive procurement of upgrades to the Remotec F6A bomb robotics platforms to the F6B standards for Iowa’s Explosive Ordnance Disposal (EOD) Task Force Teams to be used by the Police Department, \$419,496. ([Council Communication No. 10-613](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1664](#) (D) [Forsythe](#) Technology Consulting (Dan Walsh, Account Manager) for non-competitive procurement for Q1 Labs Qradar Network Security Solution to provide security, intrusion detection and troubleshooting for the City’s Data Network to be used by the IT Department, \$72,607. ([Council Communication No. 10-615](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
28. Civil Service Entrance lists for the following:
- [10-1665](#) (A) [Civil](#) Engineer I and Budget Analyst. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [10-1666](#) (B) [Deputy](#) Building Official and Fleet Services Master Mechanic I. **Moved by Hensley to receive and file. Motion Carried 7-0.**

- [10-1667](#) 29. **Authorizing** Finance Director to draw checks on [registers](#) for weeks of October 11 and October 18, 2010; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for weeks of October 11 and October 18, 2010; and to draw checks for biweekly payroll due October 22, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [10-1668](#) 30. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- (A) Petition to allow parking – E. Maple Street, east of E. 18th Street.
- (B) Request from Madison Elementary School for traffic modifications.
- (C) Request for revised speed limit – SW 9th Street, south of Iowa Highway 5.
- (D) Request from Cattell Elementary School for traffic modifications.

- [10-1669](#) 31. **Designating** NE Economic Development District Urban Renewal Area as an urban renewal tax increment financing (TIF) district. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [10-1670](#) (A) **Final** consideration of ordinance above (waiver requested by Council Member Mahaffey), requires six votes. **Moved by Hensley that this ordinance do now pass, [#14,962](#). Motion Carried 7-0.**

- [10-1671](#) 32. **Amending** Chapter 114 of the Municipal Code regarding vehicle and parking restrictions, the erection of signs for snow ordinance streets and snow ordinance street designations. **Moved by Moore that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [10-1672](#) (A) Final consideration of ordinance above, requires six votes. **Moved by Moore that this ordinance do now pass, [#14,963](#). Motion Carried 7-0.**

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

COMMUNICATIONS/REPORTS

- [10-1673](#) 33. **From** Kathy Buckley, 4211 Amick Avenue, and Jerry Skeers to speak regarding land use of Rice Field at 3001 Beaver Avenue. **Moved by Griess to refer to the City Manager to provide a report on actions to this point. Motion Carried 7-0.**
- [10-1674](#) 34. **From** David Costello, 1105 Orchard Lane, to speak regarding helping the homeless this winter. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**
- [10-1675](#) 35. **From** Loren Esse, 1348 42nd Street, to speak regarding objection of traffic island/curb adjustment construction on 42nd Street between University and Forest Avenue. **Moved by Griess to receive and file comments. Motion Carried 6-1. Absent: Meyer.**
- [10-1676](#) 36. **From** Miguel Murillo, 5925 Muskogee Avenue, to speak regarding assessments and a lien on 1318 7th Street by Des Moines Water Works. **Moved by Coleman to refer to the City Manager for review and recommendation. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 37 THRU 45)

37. On applications for Certificate of Public Convenience and Necessity to operate a taxicab service for the following:
- [10-1677](#) (A) **City** Cab LLC for Shani Amin and Mohamed Ahmed. ([Council Communication No. 10-618](#)) **Moved by Meyer to continue the hearing to October 25, 2010, at 5:00 PM; refer to the City Manager to report on the current ordinance provisions regarding probationary periods, revocation process and any other options allowed by the ordinance. The City Manager will also provide information regarding the current level of cab service and any need for additional cab service. The Council encourages that only new information be submitted at the October 25th hearing and requests that information be submitted to the City Clerk's Office. Motion Carried 7-0.**
- [10-1678](#) (1) **Communication** from Sam Kreamer, attorney for City Cab. **Moved by Meyer to receive and file. Motion Carried 7-0.**
- [10-1679](#) (B) **United** Cab, Ltd. for Mohamed Habib. ([Council Communication No. 10-617](#)) **Moved by Meyer to continue the hearing to October 25, 2010, at 5:00 PM; refer to the City Manager to report on the current ordinance provisions regarding probationary periods, revocation process and any other options allowed by the ordinance. The City Manager will also provide information regarding the current level of cab service and any need for additional cab service. The Council encourages that only new information be submitted at the October 25th hearing and requests that information be submitted to the City Clerk's Office. Motion Carried 7-0.**

WITHDRAWN

- [10-1680](#) 38. ~~On appeal from Wendy Stout, 612 E. Diehl, regarding recommended denial of a Taxicab License.~~
- [10-1681](#) 39. On proposed authorization of one or more loan agreements and the issuance of not to exceed \$90,000,000 General Obligation Refunding Capital Loan Notes. (Special Council meeting to sell Notes will be on October 27, 2010 at 4:00 PM). ([Council Communication No. 10-610](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1682](#) (A) [Authorization](#) for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1683](#) 40. On fourth amendment to Concession Agreement for Food and Beverage Operations with SSP America, Inc. at the Des Moines International Airport. ([Council Communication No. 10-614](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1684](#) 41. On vacation of dead-end segment of Merced Drive and a dead-end segment of 30th Street, south of Merced Drive. **Moved by Griess to adopt. Motion Carried 7-0.**
- [10-1685](#) (A) [First](#) consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-1686](#) (B) [Final](#) consideration of ordinance above (waiver requested by City Engineer), requires six votes. **Moved by Griess that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,964. Motion Carried 7-0.**
- [10-1687](#) (C) [Releasing](#) Subdivision Improvement Bond for Sawyer's Landing Plat 2. ([Council Communication No. 10-601](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [10-1688](#) 42. On request from Kathy Harrison to rezone 2713 Martin Luther King Jr. Parkway from "M-3" (Limited Industrial) to Ltd. "C-2" (General Retail and Highway Oriented Commercial) to allow vehicle repair and vehicle sales and display businesses. **Moved by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [10-1689](#) (A) [First](#) consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-1690](#) 43. On continuance of hearing for denial of ownership change and revocation of liquor license for Sun Mart located at 300 Walnut Street to October 25, 2010 at 5:00 PM. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1691](#)

44. [On](#) Grand Avenue – 19th Street to Polk Boulevard Older Driver-Pedestrian Traffic Control: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal Inc., (Wayne Lesley, President), \$147,408.01. ([Council Communication No. 10-605](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1692](#)

- (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[10-1693](#)

45. [Resolution](#) to **REJECT** all bids and close the hearing on plans, specifications, form of contract documents, and Engineer's estimate for 2010 Golf Course Sewer Repairs, (2 bids received). ([Council Communication No. 10-606](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 7:29 PM ***

CITY MANAGER RECOMMENDATIONS

[10-1694](#)

46. [Regarding](#) proposed SE Economic Development District Urban Renewal Area and preparation of an urban renewal plan and creation of tax increment financing (TIF) district. ([Council Communication No. 10-619](#)) **Moved by Meyer to receive and file, and to authorize the City Manager to prepare an urban renewal plan and related information and documents in general accordance with the Council Communication. Motion Carried 7-0.**

EXTRA ITEMS

[10-1695](#)

1. [Communication](#) from Planning and Zoning Commission regarding proposed text amendment revising the applicability of Conditional Use Permit requirements for businesses selling liquor, wine and beer. Sponsor: Council Member Hensley. **Moved by Hensley to receive, file and adopt. Motion Carried 7-0.**

[10-1696](#)

MOTION TO ADJOURN. **Moved by Griess to adjourn at 8:06 PM. Motion Carried 7-0.**

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