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 '11-' 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

March 28, 2011 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

East High Lady Scarlets

INVOCATION: Council Member Chris Coleman

11-0490 1. ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.

11-0491 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Moore to adopt. Motion Carried 7-0.

11-0492 3. APPROVING CONSENT AGENDA * – items 3 through 38: 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.
4. **Approving** Alcoholic Beverage License Applications for the following: Moved by Meyer to adopt. Motion Carried 7-0.

**NEW APPLICATIONS**

(A) 4TH DOWN SPORTS BAR 215 4TH ST  C Liquor
(B) GRANDSTAND & PITS 3000 E GRAND AVE  B Beer
(C) KELLYS 1701 E GRAND AVE  C Liquor
(D) LDS CORNER 344 E JACKSON AVE  C Liquor
(E) SA PRESENTS LLC 75 E LOCUST  C Beer/Wine
(F) TRIANGLE PARK 3000 E GRAND AVE  B Beer

**RENEWAL APPLICATIONS**

(G) REDS IRISH PUB 207 4TH ST  C Liquor
(H) CAPITAL CITY BREW PUB 5800 FLEUR DR  C Liquor
(I) CHICAGO SPEAKEASY 1520 EUCLID AVE  C Liquor
(J) GREAT MIDWESTERN CAFÉ 909 ROBERT D RAY  C Liquor
(K) JOHNNYS ITALIAN 6800 FLEUR DR  B Liquor
(L) KUNG FU TAP & TACO 210 INDIANOLA  C Liquor
(M) LCS CORNER 344 E JACKSON AVE  C Liquor
(N) MACCABEES DELI & JUDAICA 1150 POLK BLVD  B Wine
(O) MANNINGS 2102 INDIANOLA  C Liquor
(P) NEW ORIENTAL FOOD STORE 515 E GRAND AVE  C Beer
(Q) QUIK TRIP #544 3941 SE 14TH ST  C Beer
(R) SELECT SERVICE PARTNER 5800 FLEUR DR  C Liquor
(S) SOUTHRIDGE AMOCO 6300 SE 14TH ST  C Beer
(T) STRANDED BY THE TRACKS 1922 HUBBELL AVE  C Liquor

**OUTDOOR SERVICE APPLICATIONS**

(U) TIMOTHYS STEAKHOUSE 5418 DOUGLAS AVE  C Liquor

Temporary for Grand Opening Celebration on April 2, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

**SPECIAL EVENTS APPLICATIONS**

(V) WATLAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License Class B Beer License with Class B Native Wine for an event on April 9, 2011.

5. **City** Clerk to issue Coin Operated Machine Licenses. Moved by Hensley to adopt. Motion Carried 7-0.
PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

11-0495  (A) **City** Hall Great Hall Window Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - $485,000). *(Council Communication No. 11-196)* Moved by Hensley to adopt. Motion Carried 7-0.

11-0496  (B) **Pioneer** Columbus Community Center HVAC Improvements: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - $200,500). *(Council Communication No. 11-175)* Moved by Hensley to adopt. Motion Carried 7-0.

11-0497  (C) **Police** Station Window Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - $613,600). *(Council Communication No. 11-193)* Moved by Hensley to adopt. Motion Carried 7-0.

11-0498  (D) 4th & Grand Parking Garage Elevator Modification: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - $150,000). *(Council Communication No. 11-171)* Moved by Hensley to adopt. Motion Carried 7-0.

11-0499  (E) **2011 CDBG** – Recovery Program Sidewalk Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - $399,800). *(Council Communication No. 11-170)* Moved by Hensley to adopt. Motion Carried 7-0.

11-0500  (F) **Demolition** at 717 Grand Avenue former YWCA: Receiving of bids, (4-26-11), Setting date of hearing, (5-9-11). (Construction Estimate - $1,650,000). *(Council Communication No. 11-195)* Moved by Hensley to adopt. Motion Carried 7-0.

7. Moved to item 51.

11-0501  8. **Approving** private construction contract between Neumann Brothers, Inc. and Blank Park Zoo Foundation, Inc. for zoo improvements including the Quarantine/Holding Building, Gibbons Holding Building, Sea Lion Pool and the remainder of the Australian Adventure Trail at the Blank Park Zoo, $3,873,183. *(Council Communication No. 11-187)* Moved by Hensley to adopt. Motion Carried 7-0.

11-0502  9. **Receive** and file communication from contractors requesting permission to sublet certain items on public improvement projects. Moved by Hensley to adopt. Motion Carried 7-0.
10. Accepting completed construction and approving final payment for the following:

11-0503  (A) 2009 Sewer Repair Contract 2, Reilly Construction Co., Inc. Moved by Hensley to adopt. Motion Carried 7-0.

11-0504  (B) Ewing Park ADA Improvements, T K Concrete, Inc. Moved by Hensley to adopt. Motion Carried 7-0.

11-0505  (C) SW 30th Street Trail Connection at Carney Park, Rocky Hurst Construction, Inc. Moved by Hensley to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

11-0506  11. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-04. Moved by Hensley to adopt. Motion Carried 7-0.

11-0507  12. Approving deletion of NAC-Emergency Assessment at 1720 Lay Street. Moved by Hensley to adopt. Motion Carried 7-0.

11-0508  13. Approving deletion of rental inspection assessment at 1310 4th Street. Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

11-0509  14. Rededicating a 165 ft. segment of vacated SE 21st Street, south of Maury Street. Moved by Hensley to adopt. Motion Carried 7-0.

11-0510  15. Establishing fair market value of property owned by Iowa Interstate Railroad for the Southeast Connector – SE 9th Street to SE 15th Street Project. (Council Communication No. 11-172) Moved by Hensley to adopt. Motion Carried 7-0.

16. Items regarding Airport Business Park Plat 3:

11-0511  (A) Approving PUD Restoration Bond. (Council Communication No. 11-200) Moved by Hensley to adopt. Motion Carried 7-0.

11-0512  (B) Conditional approval of private construction contract between Opus Design Build, LLC and ODC Gannett Ave., LLC for paving, sanitary and storm sewer improvements. Moved by Hensley to adopt. Motion Carried 7-0.

11-0513  (C) Conditional approval of Final Subdivision Plat. (Council Communication No. 11-179) Moved by Hensley to adopt. Motion Carried 7-0.
BOARDS/COMMISSIONS/NEIGHBORHOODS

11-0514  17. **Communication** from Michelle Bailey, advising of her resignation from the Human Rights Commission, Seat 7, effective April 1, 2011. Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.

SETTING DATE OF HEARINGS

11-0515  18. **On** conveyance of underground electrical line easement at SE 9th Street and Jackson Avenue to MidAmerican Energy Company for the Jackson Avenue Detention Basin Pump Station, $1, (4-11-11). Moved by Hensley to adopt. Motion Carried 7-0.

11-0516  19. **On** request from Baker Real Estate, LP to amend the Baker Creek PUD Conceptual Plan (vicinity of 4500 Hubbell) to identify the easternmost 23 acres for development of 180 multi-family and 30 single-family semi-detached residential units, (4-11-11). Moved by Hensley to adopt. Motion Carried 7-0.

11-0517  20. **On** Twenty-Third Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization Area, (4-25-11). (Council Communication No. 11-201) Moved by Hensley to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

11-0518  21. **Approving** payment of $2,489.25 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Officer Merced Dautovic. Moved by Hensley to adopt. Motion Carried 7-0.

11-0519  22. **Approving** payment of $31,550.48 to Hansen, McClintock & Riley for representation of Officer John Mailander. Moved by Hensley to adopt. Motion Carried 7-0.

11-0520  23. **Approving** payment of $1,411.20 to Husch Blackwell LLP for services related to levee system issues. Moved by Hensley to adopt. Motion Carried 7-0.

11-0521  24. **Approving** additional payment of $144.69 to Holmes Collision Center for the towing of Erin McKinney’s van as the result of an auto accident. Moved by Hensley to adopt. Motion Carried 7-0.

11-0522  25. **Approving** settlements made by Acting City Attorney, not exceeding $5,000. Moved by Hensley to receive, file and affirm settlements made by acting City Attorney. Motion Carried 7-0.
CITY MANAGER COMMUNICATIONS

11-0523  26. Submitting travel and training requests for Brian Bennett, Richard Clark, Aaron Greiner, Christine Hensley, Tan Huynh, Ted Jefferson, Jack Kamerick, Lillie Miller, Kevin Risk and Gregory Warren. (Council Communication No. 11-197) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

11-0524  27. Revised forms of agreement for the HUD, HOME Assisted Home Buyer Program. (Council Communication No. 11-186) Moved by Hensley to adopt. Motion Carried 7-0.

11-0525  28. Environmental Certification and Request for Release of Funds from HUD for the Department of Housing Services’ 2011 Capital Fund Program. (Council Communication No. 11-180) Moved by Hensley to adopt. Motion Carried 7-0.

11-0526  29. City of Des Moines Department of Housing and Urban Development (HUD) Section 3 Plan. (Council Communication No. 11-184) Moved by Hensley to adopt. Motion Carried 7-0.

11-0527  30. Major Amendment #6 to Community Development Block Grant Housing Disaster Recovery (CDBG-DR) Fund Contract with Iowa Department of Economic Development – IDED, (Contract No. 08-DHR-209) adding additional funding for construction of 21 single family homes and conversion of part of 322 SW 3rd Street into 25 rental units, $2,772,727. (Council Communication No. 11-191) Moved by Hensley to approve. Motion Carried 7-0.

11-0528  31. Issuance of Certificate of Completion for Wellmark’s new home office facility. (Council Communication No. 11-199) Moved by Hensley to adopt. Motion Carried 7-0.

11-0529  32. Contract with Cities of Ankeny, Des Moines, Urbandale and West Des Moines for use of Energy Efficiency and Conservation Block Grant (EECBG), Public Education and Outreach Campaign funding made available through The American Recovery and Reinvestment Act. (Council Communication No. 11-194) Moved by Hensley to adopt. Motion Carried 7-0.

11-0530  33. Professional services agreement with Sebesta and Blomberg & Associates, Inc. to conduct an energy use analysis and plan for certain buildings and facilities in the City of Des Moines under the Eco Core Downtown Sustainability Study, not to exceed $122,500. (Council Communication No. 11-182) Moved by Hensley to adopt. Motion Carried 7-0.
34. **Proposal** from Onix Networking Corporation (Tom Cooper, COO) for Google Implementation Services and authorizing City Manager to negotiate contract, not to exceed $55,978. (Council Communication No. 11-185) Moved by Hensley to adopt. Motion Carried 7-0.

35. **Renewal** of Agreement with Employee and Family Resources, Inc. for a one-year extension of counseling services beginning May 1, 2011, $24,000. (Council Communication No. 11-181) Moved by Hensley to adopt. Motion Carried 7-0.

36. Bids from the following:

37. **Clarke** Mosquito Control Products (J. Lyell Clarke, President) for joint purchase along with the City of West Des Moines, Polk County and Urbandale for an annual contract with two (2) additional twelve (12) month renewal options to furnish mosquito control products and application services to be used by the Community Development Department, $34,688.50. (Nine bids mailed, four received). Moved by Hensley to adopt. Motion Carried 7-0.

38. **Deeter** Foundry (Bob Ostendorf, President) for manhole castings for use by the Public Works Department, $106,300. (Eight bids mailed, five received). Moved by Hensley to adopt. Motion Carried 7-0.

39. **Eagle** Sign Co. (John Nagle, President) for installation of identification sign panels at various park sites to be used by the Park & Recreation Department, $59,940. (Ten bids mailed, four received). Moved by Hensley to adopt. Motion Carried 7-0.

40. **Hydro-Klean Inc.** (Andy Merical, CEO) for wet well cleaning services for various storm water pumping stations to be used by the Public Works Department, $245,000. (Six bids mailed, one received). Moved by Hensley to adopt. Motion Carried 7-0. (Council Communication No. 11-189)

41. **Reppert** Rigging & Hauling (Jeff Dickinson, President) for relocation services to move materials, supplies and equipment from the existing Supply Yard at 2100 Scott Avenue to 903 SE 22nd Street for use by the Public Works Department, $70,520. (Twelve bids mailed, three received). Moved by Hensley to adopt. Motion Carried 7-0.

42. **Civil** Service Entrance Lists for Housing Case Manager, Sewer Maintenance Worker, Street Maintenance Worker and Tree Trimmer. Moved by Hensley to receive and file. Motion Carried 7-0.

43. **Authorizing** Finance Director to draw checks on registers for weeks of March 28 and April 4, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of March 28 and April 4, 2011; and to draw checks for biweekly payroll due April 8, 2011. Moved by Hensley to adopt. Motion Carried 7-0.
ORDINANCES - FIRST CONSIDERATION

11-0540 39. **Amending** Chapter 118 of the Municipal Code regarding extending completion and submittal dates of qualifying improvements for the Private Property Protection Program. *(Council Communication No. 11-188)* Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

11-0541 40. **Amending** Chapter 102 of the Municipal Code regarding the boundaries of the Skywalk District and replacing the Skywalk System Plan Map. *(Council Communication No. 11-190)* Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

11-0542 (A) **Final** consideration of ordinance above (waiver requested by the City Manager), requires six votes. Moved by Hensley 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, #15,006. Motion Carried 7-0.

HEARINGS (OPEN AT 5:02 P.M.) (ITEMS 41 THRU 47)

11-0543 41. **On** Application from City Cab LLC, for Certificate of Public Convenience and Necessity to operate a Taxicab Service. *(Council Communication No. 11-174)* Moved by Hensley to continue to April 11, 2011 Council meeting. Motion Carried 7-0.

11-0544 42. **On** appeal from Adam Hawxby, 2939 E. Douglas, regarding recommended denial of a Taxicab License. Moved by Hensley to grant license for a six-month probationary period. Motion Carried 7-0.

11-0545 43. **On** vacation of the north/south alley right-of-way south of Mulberry Street and west of vacated 13th Street. Moved by Hensley to adopt. Motion Carried 7-0.

11-0546 (A) **First** consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

11-0547 (B) **Final** consideration of ordinance above (waiver requested by City Engineer), requires six votes. Moved by Hensley 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, #15,007. Motion Carried 7-0.
44. On conveyance of four underground electric line easements on various City-owned properties to MidAmerican Energy Company, $1 each. Moved by Meyer to adopt. Motion Carried 7-0.

45. On intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests from various property owners for the 63rd Street Trail Connector project. (Council Communication No. 11-173) Moved by Hensley to adopt. Motion Carried 7-0.

46. On approval of 2010 HUD Consolidated Annual Performance and Evaluation Report (CAPER). Moved by Griess to adopt. Motion Carried 7-0.

47. On Woodland Avenue Storm Sewer – 12th Street to 15th Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhartd, President), $530,743.25. (Council Communication No. 11-183) Moved by Hensley to adopt. Motion Carried 7-0.

48. Increase of total project costs in project partnership agreement with the Department of the Army for construction of the Des Moines and Raccoon Rivers Project for the Birdland Park Levee. (Council Communication No. 11-176) Moved by Mahaffey to adopt. Motion Carried 7-0.

49. Professional Services Agreement with Stantec Consulting Services, Inc. (Robert J. Campbell, Principal) in connection with the Des Moines River Flow Frequency Analysis, not to exceed $51,000. (Council Communication No. 11-177) Moved by Moore to adopt. Motion Carried 7-0.

50. Agreements for electrical service with MidAmerican Energy for the Jackson Avenue Detention Basin Pump Stations Project, not to exceed $48,490.78. (Council Communication No. 11-178) Moved by Meyer to adopt. Motion Carried 7-0.

51. Approving Change Order No. 6 with Rice Lake Construction Group for additional work on the Jackson Avenue Detention Basin Pump Station, not to exceed $123,885. (Council Communication No. 11-192) Moved by Meyer to adopt. Motion Carried 7-0.
EXTRA ITEMS

11-0557 1. From Council Member Meyer to speak regarding allowing pedicabs to operate in Des Moines. Moved by Meyer to refer to City Manager and Traffic and Transportation Department to grant administrative approval. Motion Carried 7-0.

11-0558 2. Appointing Larry Hulse as an alternate member to the Des Moines Area Regional Transit (DART) Authority Commission. Sponsor: Council Member Hensley. Moved by Hensley to adopt. Motion Carried 7-0.

11-0559 MOTION TO ADJOURN. Moved by Griess to adjourn at 5:10 PM. Motion Carried 7-0.

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