



***** 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 '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

**December 19, 2011
4:30 P.M.**

SPECIAL PRESENTATIONS - 4:00 P.M.

2011 Excellence in Historic Preservation Awards

PROCLAMATIONS

Universal Hour of Peace

INVOCATION: Council Member Coleman

- [11-2096](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-2097](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2098](#) 3. APPROVING CONSENT AGENDA * – items 3 through 40: **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

11-2099

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt, and to closely monitor food and alcohol sales at the Ingersoll, (Item B). Motion Carried 7-0.**

NEW APPLICATIONS

(A)	BIG REDS IRISH PUB & PONG	207 4TH ST	C Liquor
* (B)	INGERSOLL	3711 INGERSOLL	C Liquor
(C)	LICKETY LIQUOR	2501 HUBBELL AVE	E Liquor
(D)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
(E)	WEST END WINES	22 9TH ST	C Liquor

RENEWAL APPLICATIONS

(F)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(G)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(H)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(I)	CHRISTOPHERS	2816 BEAVER AVE	C Liquor
(J)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(K)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(L)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(M)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(N)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(O)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(P)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(Q)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(R)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(S)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(T)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(U)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(V)	LA TAPATIA	1440 DES MOINES ST	C Beer
(W)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(X)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(Y)	NADRY INC	2701 INGERSOLL	C Beer
(Z)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(AA)	TAVERN SOUTH PIZZA	1106 ARMY POST RD	C Beer/Wine
(BB)	Z'S BAR	1511 S UNION ST	C Liquor

SPECIAL EVENTS APPLICATIONS

(CC) DES MOINES EMBASSY CLUB 100 LOCUST ST Five (5) Day License
Special Class C Liquor License for Legislative Reception on January 9, 2012. Pending approval of Building and Fire Departments.

(DD) DES MOINES EMBASSY CLUB 100 LOCUST ST Five (5) Day License
Special Class C Liquor License for Raucus for the Caucus on December 31, 2011. Pending approval of Electrical, Fire and Zoning Departments.

(EE) LAO AMERICAN ASSOC OF IA 3000 E GRAND Five (5) Day License
Class C Liquor License with Class B Native Wine for private social event on December 31, 2011.

(FF) WE 3 CATERING 1312 LOCUST ST Five (5) Day License
Special Class C Liquor License for a wedding reception on December 30, 2011. Pending approval
of Building and Fire Departments.

[11-2100](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[11-2101](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

[11-2102](#) 7. [Approving](#) and authorizing the execution of an Iowa Department of Transportation (IDOT) Agreement for sidewalk/trail improvements along the south side of I-235 between 42nd Street and Bradway Place. ([Council Communication No. 11-767](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

8. Number Not Used.

[11-2103](#) 9. [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for design services for the 2012 Riverwalk Improvements, not to exceed \$116,215. ([Council Communication No. 11-762](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-2104](#) 10. [Approving](#) Change Order No. 6 with Cramer & Associates, Inc. for additional work on the SW 8th Street Viaduct over M.L. King Jr. Parkway Rehabilitation, not to exceed \$114,233.90. ([Council Communication No. 11-761](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-2105](#) 11. [Approving](#) Change Order No. 7 with Cramer & Associates, Inc. for additional work on the SW 7th Street Bridge over Raccoon River and Trail Rehabilitation, not to exceed \$229,993.96. ([Council Communication No. 11-760](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-2106](#) 12. [Approving](#) completion and acceptance of private construction contract for paving improvements, The Prairie Hills Plat 1 (vicinity of SE 27th Street and E. Payton Avenue), between Concrete Technologies, Inc. and Prairie Hills at Des Moines, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-2107](#) 13. [Approving](#) completion and acceptance of private construction contract for storm sewer improvements, 1800 E. Hull Avenue, between Corell Contractor, Inc. and Electro Management Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-2108](#) 14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
15. Accepting completed construction and approving final payment for the following:
- [11-2109](#) (A) [Army](#) Post Road Widening – SW 9th Street to SE 5th Street, Reilly Construction Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2110](#) (B) [4th](#) & Grand Parking Garage Elevator Modification, O’Keefe Elevator Company, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2111](#) (C) [2011](#) CDBG – Recovery Program Sidewalk Replacement, T.K. Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

WITHDRAWN

- [11-2112](#) 16. ~~[Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2011-10.~~

LAND/PROPERTY TRANSACTIONS

- [11-2113](#) 17. [Correcting](#) and ratifying vacation and conveyance of excess City-owned property at 3136 SW 9th Street to Paul A. & Donna J. Steffensen, \$5,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2114](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-2115](#) (B) [Final](#) consideration of ordinance above (waiver requested by Paul A. & Donna J. Steffensen), 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, [#15,073](#). Motion Carried 7-0.**
- [11-2116](#) 18. [Approving](#) Second Amendment to License Agreement with Des Moines Water Works for placement of data collection equipment on various City-owned properties. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2117](#) 19. [Approving](#) and authorizing execution of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) Agreements; approving and authorizing HMGP Administrative Plan; and authorizing voluntary acquisition of property for the FEMA 2010 Flood Mitigation Buyout Project. ([Council Communication No. 11-758](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-2118](#) 20. [Accepting](#) PUD Restoration Bond, IAC 103898 from Merchants Bonding Company \$14,776, provided by Hubbell Construction, LLC as security for restoration of the site located at 4465 E. 46th Street, Summersfield Forest and Fields Rowhome Apartment Project. ([Council Communication No. 11-751](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [11-2119](#) 21. [On](#) conveyance of City-owned property adjoining 700 Locust Street to 0906116 BC Ltd., \$5,000, (1-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-2120](#) 22. [On](#) conveyance of permanent water main easement to Des Moines Water Works for the Grand Avenue over Walnut Creek Bridge Replacement Project, (1-9-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

- [11-2121](#) 23. ~~[On](#) request from Arnold DeWitt to rezone 1241 E. 38th Street from “R1-60” (One Family Low Density Residential) to Ltd. “C 2” (General Retail and Highway Oriented Commercial) to allow for an expansion of the existing mini-warehouse complex to the south, (1-9-12).~~

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [11-2122](#) 24. [Approving](#) appointments to Metro Waste Authority (MWA) Board. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-2123](#) 25. [Approving](#) appointments to Metropolitan Planning Organization (MPO). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-2124](#) 26. [Approving](#) payment of \$77,388.03 to Danny Rivas and his attorney, Tom Drew, for a workers’ compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-2125](#) 27. [Approving](#) settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [11-2126](#) 28. [Submitting](#) travel and training requests for Jeff Dawson, Todd Dykstra, and Lori Kelly. ([Council Communication No. 11-755](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [11-2127](#) 29. [Authorizing](#) execution of Home Investment Partnership (HOME) contract documents with Capitol City Duplexes, LLLP for a \$198,040 loan for acquisition and rehabilitation of 16 units of scattered-site family rental housing. ([Council Communication No. 11-748](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2128](#) 30. [Amendment](#) to the Iowans Helping Iowans Housing Assistance Program Grant Agreement extending the termination date to June 30, 2012. ([Council Communication No. 11-756](#)) **Moved by Hensley to adopt and to approve the amendment. Motion Carried 7-0.**
31. Applications to the Iowa Economic Development Authority for Enterprise Zone benefits for the following: ([Council Communication No. 11-766](#))
- [11-2129](#) (A) [West](#) End Lofts, LLC, Gateway Enterprise Zone, 37 units. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2130](#) (B) [Rocket](#) Transfer I, LLC, Gateway Enterprise Zone, 54 units. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2131](#) (C) [Melbourne](#) II, LLC, SE 14th Street Enterprise Zone, 60 units. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2132](#) 32. [Urban](#) Renewal Development Agreement with Westgate Partnership LLC for renovation of building at 1408 Locust Street. ([Council Communication No. 11-757](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2133](#) 33. [2011](#) Grant Agreement with Iowa Homeland Security and Energy Management Division (IHSEMD) and Amendment #1 to 2010 and 2011 Grant Agreements with IHSEMD and Iowa Department of Administrative Services for Cyber Risk Reduction Investment and authorizing the City Manager to execute and IT Director to implement addendums. ([Council Communication No. 11-752](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [11-2134](#) 34. [FFY](#) 2008 Homeland Security Reallocation Grant Agreement for Iowa's Bomb Squad Task Force. ([Council Communication No. 11-749](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
35. Number Not Used.
36. Number Not Used.
- [11-2135](#) 37. [Banner](#) design submitted by Downtown Community Alliance on behalf of the Iowa Credit Union League to be displayed in downtown Des Moines on E. Locust Street and Court Avenue in January, February, and March. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

38. Bids from the following:

- [11-2136](#) (A) [Ahura](#) Scientific Inc. (John P. Johnson, Director) for non-competitive procurement of eight (8) chemical identification systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one of which will be retained for the City of Des Moines Bomb Squad, for use by the Police Department, \$375,725. ([Council Communication No. 11-753](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2137](#) (B) [John](#) Deere Construction Retail Sales (Sandra Bridge-Chase, Government Sales Manager) for one (1) replacement wheel loader per National Joint Powers Alliance (NJPA) Contract for use by Fleet Maintenance, \$81,992.14. ([Council Communication No. 11-754](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-2138](#) 39. [Civil](#) Service Entrance Lists for Engineering Technician and Identification Technician. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [11-2139](#) 40. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of December 19, December 26, 2011 and January 2, 2012; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of December 19, December 26, 2011, and January 2, 2012; and to draw checks for biweekly payroll due December 30, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

WITHDRAWN

- [11-2140](#) 41. ~~[Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:~~
- ~~(A) Parking restriction on the west side of 3rd Street from south of Walnut to Vine Street—6:00 PM to 6:00 AM, Friday and Saturday.~~
- ~~(B) 10-hour parking meters on the south side of Grand Avenue, west of 13th Street.~~
- ~~(C) Removal of special school loading and unloading restriction on 5th Avenue from Grand Avenue to Locust Street.~~
- ~~(D) Parking citations for illegal off-street parking.~~

COUNCIL REQUESTS

- [11-2141](#) 42. From Council Member Brian Meyer to speak regarding changing the signs on the Highway 5 By-pass from “SE 64th Street” to “Army Post Road”. **Moved by Meyer to refer to the City Manager to work with IDOT on changing the signs. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [11-2142](#) 43. From Robert Conley, 670 Foster Drive, to speak regarding the Hampton Inn project. **Moved by Hensley to receive and file. Mr. Conley did not appear. Motion Carried 7-0.**

WITHDRAWN

- [11-2143](#) 44. ~~From Des Moines Public Schools, requesting agreement to use parking spaces in City parking ramps.~~

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 45 THRU 49)

WITHDRAWN

- [11-2144](#) 45. ~~On request from Capstone Ventures, LLC to rezone 315 SW 14th Street from “C-3B” (Central Business District Mixed Use) to “PUD” (Planned Unit Development). Applicant has withdrawn the request to rezone the property.~~

- [11-2145](#) 46. 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. Plan and Zoning Commission recommends DENIAL, (Roll Call contains alternatives for Denial or Approval). **Moved by Griess to continue the public hearing to January 9, 2012 at 5:00 PM. Motion Carried 6-1. Absent: Coleman.**

- [11-2146](#) 47. 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. Plan and Zoning Commission recommends DENIAL, (Roll Call contains alternatives for Denial or Approval). **Moved by Mahaffey to continue the public hearing to January 9, 2012 at 5:00 PM. Staff to work with business owners to identify needs and possible solutions. Motion Carried 7-0.**

- [11-2147](#) 48. **On** Demolition at Southern Meadows Phase 2, 2800 SE 8th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as DeCarlo Demolition Company, (Dan DeCarlo, President), \$137,900. ([Council Communication No. 11-763](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-2148](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-2149](#) 49. **On** SE Connector Demo & Site Prep - SE 9th to SE 15th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$1,059,999.99. ([Council Communication No. 11-759](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-2150](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-2151](#) (B) **Approving** Professional Services Agreement with Kirkham Michael & Associates, Inc. for construction phase services, not to exceed \$84,000. ([Council Communication No. 11-764](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

END HEARINGS AT 5:43 P.M.

CITY MANAGER RECOMMENDATIONS

- [11-2152](#) 50. **Regarding** negotiation of preliminary terms of agreement with SDG Macerich Properties, LP for redevelopment of Southridge Mall. ([Council Communication No. 11-768](#)) **Moved by Meyer to authorize and direct the City Manager to negotiate preliminary terms of agreement with SDG Macerich Properties, LP for economic development financial assistance for the redevelopment of the Southridge Mall consistent with Council Communication No. 11-768 for consideration by the City Council at the earliest opportunity. Motion Carried 7-0.**

APPROVING

- [11-2153](#) 51. **Municipal** Services Center Master Plan and authorizing the City Manager to proceed with an RFP for design and construction services for Phase 1 of the project and directing staff to prepare the PUD Conceptual Plan and initiate the rezoning. ([Council Communication No. 11-770](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-2154](#) (A) **Recommendation** from Plan and Zoning Commission. **Moved by Meyer to receive and file. Motion Carried 7-0.**

BOARD OF HEALTH

[11-2155](#) MOTION TO CONVENE. **Moved by Hensley that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

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

[11-2156](#) (A) [2007](#) Des Moines Street, main structure and garage structure, Titleholder: Connie G. Martin (deceased); All Known and Unknown Heirs including: Garviela Simons. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-2157](#) (B) [413](#) Shawnee Avenue, main structure and garage structure, Titleholders: William F. Pinegar and Carol I. Pinegar (deceased). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-2158](#) (C) [1124](#) 13th Street, main structure, Titleholder: Samuel Tiger (deceased), All Known and Unknown Heirs of Samuel Tiger. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-2159](#) (D) [275](#) E. 17th Street, main structure and accessory structure, Titleholders: Jerry J. Glass (deceased), All Known and Unknown Heirs including: Jerry J. Glass, Jr., William (Bill) Kirkpatrick, and Sharon K. McCuen; Mortgage Holders: IndyMac Bank, FSB and MERS, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-2160](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:43 PM. Motion Carried 7-0.**