

# DES MOINES CITY COUNCIL MEETING

*Excerpts from procedural rules of City Council*

May 9, 2011

4:30 PM

## PROCLAMATION – 4:15 PM

National Public Works Week

## SPECIAL PRESENTATION

Don Tripp - 2011 Iowa Park & Recreation Association - Slattery/Trueblood Professional Award Recipient

**INVOCATION:** Council Member Brian Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 46:

**\*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)	AMERICANA	1312 LOCUST ST	C Liquor
(B)	BAGNI DI LUCCA	407 E 5TH ST	C Beer/Wine
(C)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(D)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
(E)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
<del>(F)</del>	<del>W CHINA BUFFET</del>	<del>100 E EUCLID AVE</del>	<del>C Beer/Wine</del>

### RENEWAL APPLICATIONS

(G)	BOURBON ST	500 ARMY POST RD	C Liquor
(H)	DEPOT	3000 E GRAND AVE	B Beer
(I)	GARDEN	112 SE 4TH STREET	C Liquor
<del>(J)</del>	<del>GORDITAS SAN PANCHO</del>	<del>2250 HUBBELL AVE</del>	<del>B Beer</del>
(K)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor



8. [Approving](#) IDOT Agreement for Maintenance and Repair of Primary Roads in Municipalities and Supplemental Agreement for July 1, 2010 to June 30, 2011.
9. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for evaluation, design, and construction phase services for 6<sup>th</sup> Avenue over Des Moines River Bridge rehabilitation, not to exceed \$180,431.

[\(Council Communication No. 11-272\)](#)

10. [Approving](#) Change Order No. 3 with McAninch Corporation for additional work on the Mulberry Street Paving – 13<sup>th</sup> Street to 15<sup>th</sup> Street (Central Iowa Services Shelter building site), not to exceed \$85,387.50.

[\(Council Communication No. 11-281\)](#)

11. [Approving](#) Change Order No. 8 with Elder Corporation for additional work on the SE 6<sup>th</sup> Street Widening – E. Court Avenue to the Des Moines River, not to exceed \$47,900.

[\(Council Communication No. 11-270\)](#)

12. Items regarding Airport Business Park Plat 3:

- (A) [Rescind](#) previous private construction contract approval per Roll Call No. 11-0512, dated March 28, 2011.
- (B) [Approving](#) Private Construction Contract between Sternquist Construction Inc. and ODC Gannett Ave., LLC for paving improvements, \$265,672.
- (C) [Approving](#) Private Construction Contract between Elder Corporation and ODC Gannett Ave., LLC for storm and sanitary sewer improvements, \$180,698.

13. [Approving](#) private construction contract between Gator Excavating, Inc. and Hubbell Construction Services for storm sewer improvements in 2201 Forest Avenue, \$15,460.50.

14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

## **SPECIAL ASSESSMENTS**

15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2011-03.
16. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2011-06.
17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for April 2011:
  - (A) [Credits](#).
  - (B) [Fees](#).

## **LAND/PROPERTY TRANSACTIONS**

18. [Severance](#) of the western portion of Copper Creek Lake Park, for annexation into Pleasant Hill.

[\(Council Communication No. 11-285\)](#)
19. [Tax](#) Abatement Application for improvements to property located at 1900 SE 6<sup>th</sup> Street, South View Senior Apartments completed in 2010.

[\(Council Communication No. 11-264\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

20. [Recommendation](#) from Council Member Brian Meyer to appoint Timothy Fitzgerald to the Plan and Zoning Commission, Seat 14, for a five-year term commencing July 1, 2009 to expire July 1, 2014.
21. [Recommendation](#) from Council Member Brian Meyer to reappoint Donald Puck to the Building and Fire Code Board of Appeals, Seat 14, for a three-year term commencing April 1, 2011 to expire April 1, 2014.
22. [Communication](#) from Chair of the Zoning Board of Adjustment advising of the resignation of LeaAnn Flaten from Seat 4, effective immediately.

- 22I. [Recommendation](#) from Council Member Halley Griess to appoint Robert Griffin to the Historic Preservation Commission, Seat 7, for a three-year term commencing October 18, 2009 to expire October 18, 2012.

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

23. Approving workers' compensation claims for the following:
- (A) [Thomas](#) Davis, \$8,440.86.
  - (B) [Terry](#) Dotts, \$6,609.15.
24. [Approving](#) payment of \$12,500 to Roxanne Gillum for a lawsuit alleging failure to be promoted.

#### **CITY MANAGER COMMUNICATIONS**

25. [Submitting](#) travel and training request for T. M. Franklin Cownie.

[\(Council Communication No. 11-276\)](#)

#### **APPROVING**

26. [Fiscal](#) Year 2009 Continuum of Care (COC) Closeout Certification Documents, Iowa Continuum Outcome & Universal Needs Toolkit.
27. [Shelter](#) Plus Care (S+C) Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 11-288\)](#)

28. [Memorandum](#) of Understanding with Des Moines Area Metropolitan Planning Organization for advance of funds in conjunction with HUD Sustainable Communities Regional Planning Grant.

[\(Council Communication No. 11-282\)](#)

29. [Application](#) from ND22 Fleming LLC for Enterprise Zone Benefits on construction of 110 residential units at 604 Walnut Street in the Gateway Enterprise Zone.

[\(Council Communication No. 11-290\)](#)

30. [A](#) \$5,000 Economic Development loan to CFI Sales, Inc. for renovation of 1701 E. Euclid Avenue.

[\(Council Communication No. 11-292\)](#)

31. [Loan](#) Agreement and Promissory Note documents for a Des Moines Action Loan Fund Forgivable Loan to Holm Graphic Services, Inc. at 601 SW 9<sup>th</sup> Street, \$20,000.

[\(Council Communication No. 11-284\)](#)

32. [Financial](#) Assistance Contract with The Iowa Department of Economic Development for state assistance for the expansion of the Hewlett-Packard Facility at 3600 Army Post Road.

[\(Council Communication No. 11-274\)](#)

33. [Amendment](#) No. 1 to FY2008 Special Weapons and Tactics (SWAT) Grant for the Weapons of Mass Destruction (WMD) Tactical Officers Leadership Taskforce extending the performance period to June 30, 2011.

[\(Council Communication No. 11-273\)](#)

34. [Amendment](#) to Parking License Agreement with Wells Fargo Financial, Inc. for parking spaces in the Eighth and Mulberry Parking Garage for a term commencing December 1, 2009 and ending on December 31, 2013.

35. [One](#)-year renewal agreement with Holland & Knight, LLP (Richard Gold, Partner) from May 1, 2011 to April 30, 2012 for professional federal government relations services.

[\(Council Communication No. 11-289\)](#)

36. [Amendment](#) No. 1 to State Energy Program Grant Sub-Recipient Contract changing the scope of work on the HVAC system at the Des Moines International Airport by reducing the cooling phase.

[\(Council Communication No. 11-277\)](#)

37. [First](#) Amendment to Advertising Concession Agreement with In-Ter-Space Services, Inc. d/b/a Clear Channel Airports for Des Moines International Airport.

[\(Council Communication No. 11-275\)](#)

38. [Application](#) from St. Anthony's Church requesting approval for banners across the streets on SW 1<sup>st</sup> Street and Indianola Avenue, SW 1<sup>st</sup> Street and Columbus Avenue, 1804 SW 1<sup>st</sup> Street, 1703 S. Union Street and Granger Avenue, and 11 Dunham Avenue in recognition of Annual Corpus Christi Celebration on May 23, 2011.
39. [Application](#) from 6<sup>th</sup> Avenue Corridor Business District requesting approval for banners to be displayed along 6<sup>th</sup> Avenue from University north to Hickman to distinguish the 6<sup>th</sup> Avenue Business District.
40. Bids from the following:
- (A) [Motorola](#) (John P. Molloy, Vice President) for replacement mobile radio equipment per State of Iowa Contract for use by Public Works Department, \$112,098.
- [\(Council Communication No. 11-263\)](#)
- (B) [Tait](#) North America (Steve Craig, President) for replacement radio equipment per Western States Contracting Alliance (WSCA) price agreement for use by the Police Department, \$44,664.92.
- [\(Council Communication No. 11-278\)](#)
- (C) [Peterbilt](#) (Brian Wilson, President) for purchase of two (2) replacement rear-load refuse trucks for use by Public Works Department, \$394,560.
- [\(Council Communication No. 11-262\)](#)
- (D) [Utility](#) Equipment Company (Mike Coryn, President), Cretex Concrete Products (Rolf Dahl, President), Contech Construction Products (Ron Keating, President) and Midwestern Culvert (Brian Stone, President) for annual contract with two (2) additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance for use by the Public Works Department, annual estimated amount \$80,000. (Six bids mailed, four received).
41. [Exception](#) to procurement ordinance competitive bidding requirement for good cause with 2<sup>nd</sup> Wind Exercise, Inc. for ten (10) cross training machines for use by the Fire Department, \$37,850.
- [\(Council Communication No. 11-261\)](#)
42. [Civil](#) Service Promotional List for Building Inspector.

- 43. Distribution of a Preliminary Official Statement and the use of electronic bidding procedures for sale of \$46,735,000 General Obligation Bonds, Series 2011A for FY2011-12 Capital Improvement Budget (**bonds will be sold on May 25 at 10:00AM and a special Council meeting will be held at 4:30 PM**).

([Council Communication No. 11-286](#))

- 44. Authorizing Finance Director to draw checks on registers for weeks of May 9 and May 16, 2011; to draw checks for bills of the Des Moines Municipal Housing agency for weeks of May 9 and May 16, 2011; and to draw checks for biweekly payroll due May 20, 2011.

**ORDINANCES - FINAL CONSIDERATION**

- 45. To expand the Metro Center Urban Renewal District.

**ORDINANCES - SECOND CONSIDERATION**

- 46. On vacation of A.H. Blank Park at 7011 SW 9<sup>th</sup> Street, and A.H. Blank Park Zoo at 7401 SW 9<sup>th</sup> Street, as parkland.

([Council Communication No. 11-265](#))

- (A) Final consideration of ordinance above (waiver requested by Blank Park Zoo Foundation, Inc.), requires six votes.

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

**ORDINANCES - FIRST CONSIDERATION**

- 47. Amending Chapter 10 of the Municipal Code, regarding Class E Liquor Licenses, (amendment required due to recent State Code changes).

**COUNCIL REQUESTS**

- 48. From Council Member Brian Meyer, to speak regarding the following items:
  - (A) Initiate paving of County Line Road, near SE 14<sup>th</sup> Street.
  - (B) Install sidewalks on E. Park Avenue, from SE 14<sup>th</sup> Street to SE 18<sup>th</sup> Court.
  - (C) Approach IDOT, to rename Highway 65/5 around Des Moines as Interstate 335.



## COMMUNICATIONS/REPORTS

49. [From](#) Restoration Ingersoll, represented by Ted Irvine, requesting the creation of an Urban Renewal Tax Increment Financing (TIF) District for Ingersoll Avenue as an extension of the Metro Center Urban Renewal District.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 57)

50. [On](#) vacation as parkland and right-of-way and Long-term Lease, Operation, Management and Maintenance Agreement of Des Moines Botanical Center and adjacent grounds to Greater Des Moines Botanical Garden.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Greater Des Moines Botanical Garden), requires six votes.
- (C) [Approving](#) Urban Renewal Development Agreement.

[\(Council Communication No. 11-266\)](#)

51. [On](#) request from Paul Koester to rezone 1704 High Street from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial), to develop a 21-unit apartment building.
- (A) [First](#) consideration of ordinance above.
52. [On](#) conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200 and **to continue to May 23, 2011 at 5:00 PM.**
53. [On](#) conveyance of permanent water main easement across 4315 SE 14<sup>th</sup> Street to Des Moines Water Works, \$1.
54. [On](#) vacation and conveyance of an irregular shaped segment of Grand Avenue right-of-way at intersection with Fleur Drive, adjoining 1800 Grand Avenue to Des Moines Independent Community School District, \$1.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

55. [On](#) request from Wesley Retirement Services, Inc. for amendment to Wesley Acres PUD Conceptual Plan at 3520 Grand Avenue to add 66 additional parking spaces on campus and to construct a 4,650 sq. ft. addition on the north side of John Stoddard Health Center, subject to administrative review of final PUD Conceptual Plan.
56. [On](#) application from City Cab LLC, for Certificate of Public Convenience and Necessity to operate a Taxicab Service, **(continued from April 11th)**.

[\(Council Communication No. 11-267\)](#)

(A) [Letter](#) of support for City Cab.

57. [On](#) Demolition at 717 Grand Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and to receive and file bids.

[\(Council Communication No. 11-269\)](#)

(A) [Accepting](#) completed construction and approving final payment for asbestos removal at 717 Grand Avenue, former YWCA, REW Services Corporation.

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

## APPROVING

58. [Designating](#) lowest responsible bidder on Grandview Golf Course Clubhouse as CPMI Construction, L.C., (Richard H. Janssen, President), \$2,191,130 (includes Alternate #1 – lower level golf cart storage).

[\(Council Communication No. 11-287\)](#)

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

59. [Intergovernmental](#) 28E Agreement with BRAVO Greater Des Moines, Inc.

[\(Council Communication No. 11-291\)](#)

60. [Agreements](#) with PNC Bank, N.A., for assignment of its claims and mortgage to the Des Moines Building at 405 6<sup>th</sup> Avenue and 513 Locust Street.

[\(Council Communication No. 11-283\)](#)

## **EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Request from Mayor Cownie to discuss HF691 impact on property taxes and City of Des Moines.

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 3422 57<sup>th</sup> Street, main structure, Titleholder: Aeon Financial, LLC.
2. [Notification](#) from State Farm Insurance Companies dated April 15, 2011 stating their insured, Jerry Boots, 2428 SW 9<sup>th</sup> Street, sustained a fire loss on March 31, 2011. State Farm Insurance Companies is holding a fire escrow equal to 10% of the damages, which are yet to be determined; however the escrow will be greater than \$10,000.

### **MOTION TO ADJOURN.**

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