

DES MOINES CITY COUNCIL MEETING
Excerpts from procedural rules of City Council

September 26, 2011
4:30 PM

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 42:

***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) | DES MOINES VALERO #202 | 821 E EUCLID AVE | C Beer |
| (B) | WASABI CHI ASIAN DINER | 5418 DOUGLAS AVE | C Liquor |

RENEWAL APPLICATIONS

- | | | | |
|----------------|-------------------------|-----------------------------|---------------------|
| (C) | ANDYS PLACE | 5114 SW 9 TH ST | C Liquor |
| (D) | BISTRO MONTAGE | 2724 INGERSOLL | C Liquor |
| (E) | DES MOINES IZAAK WALTON | 4343 GEORGE FLAGG | C Liquor |
| (F) | DES MOINES MARRIOTT | 700 GRAND AVE | B Liquor |
| (G) | DES MOINES MARRIOTT | 700 GRAND AVE | E Liquor |
| (H) | DOS RIOS | 316 COURT AVE | C Liquor |
| (I) | FIREHOUSE LOUNGE | 1930 SE 6 TH ST | C Liquor |
| (J) | GODFATHERS PIZZA | 4119 UNIVERSITY | B Beer |
| (K) | GUCKENHEIMER | 1331 GRAND AVE | C Liquor |
| (L) | HEROES | 216 COURT AVE | C Liquor |
| (M) | LA BAMBA MEXICAN | 6101 GRAND AVE | C Liquor |
| (N) | MONTANA MIKES | 5030 NE 14 TH ST | C Liquor |
| (O) | PELICAN BAR | 208 3 RD ST | C Liquor |
| (P) | SHOP N SAVE | 2127 MLK JR PKWY | E Liquor |
| (Q) | SMOKEYS TRIANGLE TAP | 2506 POST | C Liquor |
| (R) | UNIVERSITY GROCERIES | 2121 UNIVERSITY | E Liquor |
| (S) | VICKIE'S | 2801 2 ND AVE | C Liquor |
| (T) | WELLMANS PUB | 2920 INGERSOLL | C Liquor |

TRANSFER TO NEW LOCATION

- (U) GRAND VIEW COLLEGE 2800 E 14TH ST C Beer/Wine
Temporary transfer from 1500 Morton Avenue. Pending approval of Building,
Electrical, Fire and Zoning Departments.

OUTDOOR SERVICE APPLICATIONS

- (V) BOURBON ST 500 ARMY POST RD C Liquor
Temporary for Abate Toy Run on October 9, 2011. Pending approval of Building,
Electrical and Zoning Departments.

SPECIAL EVENT APPLICATIONS

- (W) CATER 2 U 3631 SW 61ST ST Five (5) Day License
Class C Liquor License for wedding reception on October 1, 2011.
- (X) DES MOINES SOCIAL CLUB 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Out Your Artist event on October
11, 2011. Pending approval of Building, Fire and Zoning Departments.
- (Y) DOWNTOWN EVENTS 401 E 5TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for World Food Festival on October 7
– 9, 2011.
- (Z) GLAZA STUDIO 502 E LOCUST ST Five (5) Day License
Class C Liquor License for Drag King event on October 1, 2011.
- (AA) MICKEYS IRISH PUB 311 COURT AVE Five (5) Day License
Class C Liquor License for Gel-Abraction event on October 1, 2011. Pending
approval of Electrical and Fire Departments.

5. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. [Authorize](#) the City Manager to submit a “Safe Routes to School” (SRTS) FY2013 Fund Application to the Iowa Department of Transportation (IDOT).

[\(Council Communication No. 11-606\)](#)

7. [Approving](#) and authorizing the application for a Department of Transportation TIGER discretionary grant for the Southeast Connector Project between SE 14th and SE 30th Streets.

[\(Council Communication No. 11-605\)](#)

8. [Approving](#) Supplemental Agreements to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide additional construction phase services for the Southeast Connector projects.

[\(Council Communication No. 11-609\)](#)

9. [Approving](#) Change Order No. 4 with Dean Snyder Construction Company for additional work on the Fire Department Training and Logistics Facility, not to exceed \$160,372.11.

[\(Council Communication No. 11-608\)](#)

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

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2011-11.

12. [Approving](#) waiver of public nuisance assessment of \$11,690.57 plus interest on 1160 Martin Luther King Jr. Parkway to allow construction of a low-income housing tax credit project by Des Moines Greystone Homes, L.P.

[\(Council Communication No. 11-600\)](#)

LAND/PROPERTY TRANSACTIONS

13. [Accept](#) real estate documents for 1339 12th Street from Andrea Segovia in conjunction with the Forest Avenue Urban Renewal Project – King Irving Neighborhood.

[\(Council Communication No. 11-611\)](#)

14. [Accept](#) real estate documents for property easement at the corner of 2nd Avenue and Center Street from Polk County for traffic signal systems in conjunction with Principal Riverwalk Project.

15. [Approving](#) Final Subdivision Plat of Woodside Estates West Plat 7, 5564 NW 3rd Ct., in unincorporated Polk County.

[\(Council Communication No. 11-603\)](#)

16. [Conditionally](#) granting prior approval of Tax Abatement for a new residence at 4790 E. Spring Street.

[\(Council Communication No. 11-599\)](#)

17. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2011 and 2012 Sewer Repair Project.

[\(Council Communication No. 11-612\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. ~~Recommendation from Housing Services Director to appoint the following to the Housing Services Board: Claudia Addy, Seat 10, Michelle Garcia, Seat 11, and John Warrington, Seat 12, for three-year terms commencing September 26, 2011 and expiring June 30, 2014.~~

~~(Council Communication No. 11-615)~~

19. [Communication](#) from Andrew Tice advising of his resignation from the Human Rights Commission, Seat 3, effective immediately.

SETTING DATE OF HEARINGS

20. [On](#) request from Arnold DeWitt to rezone property in vicinity of 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), (10-10-11).
21. [On](#) amendment of Zoning ordinance text in Chapter 134 and Site Plan ordinance text in Chapter 82 establishing a Downtown Overlay District which provides site plan guidelines for an area generally bound by Interstate 235 on the north, Raccoon and Des Moines Rivers on the south, E. 14th Street on the east and M.L. King Jr. Parkway on the west, (10-10-11).

LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment of \$201.50 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Police Officer Mersed Dautovic.
23. Approving payment of workers’ compensation claims for the following:
 - (A) [Angellina](#) Chase-Sitzman, \$19,923.96.
 - (B) [Gerald](#) Marchant, \$12,180.60.
 - (C) [James](#) Hightshoe and his attorney, Christopher Spaulding, \$28,618.50.
 - (D) [Albert](#) Salazar, \$15,340.20.
24. [Approving](#) payment of \$100,000 to Janeen Woodson and her attorney, Jim Lawler, for a claim arising out of a motor vehicle accident.

APPROVING

25. [Initial](#) LIHEAP (Low-Income Home Energy Assistance Program) Contract with the Iowa Department of Human Rights, Division of Community Action Agencies for energy-related assistance for low-income persons from October 1, 2011 to September 30, 2012.

[\(Council Communication No. 11-626\)](#)

26. [Preliminary](#) terms of agreement with Westend Lofts, LLC for renovation of 1440 Locust Street.

[\(Council Communication No. 11-624\)](#)

27. [Loan](#) agreement with Alliance Technologies, Inc. to retain its home office and employment opportunities in Des Moines at 420 Watson Powell Jr. Way.

[\(Council Communication No. 11-625\)](#)

28. [Des](#) Moines Apartments, L.P. Application for Enterprise Zone benefits for construction of 146 residential units at 6th and Locust in the Gateway Enterprise Zone.

[\(Council Communication No. 11-622\)](#)

29. [Neighborhood](#) Commercial Revitalization (NCR) Program Predevelopment grant of \$5,000 and a Façade grant of \$15,000 for renovations to 210 Court Avenue.

[\(Council Communication No. 11-616\)](#)

30. [Urban](#) Renewal Development Agreement and Conceptual Development Plan with N.D. 22 Fleming, LLC for the historic adaptive reuse of the Fleming Building, 604 Walnut Street.

[\(Council Communication No. 11-621\)](#)

31. [Issuance](#) of Certificate of Completion to Joe's Square LLC for development at Beaver Avenue and Fagen Drive.

[\(Council Communication No. 11-617\)](#)

32. [City](#) Manager to sign future amendments to Attachment A of the Neighborhood Stabilization Program contract with Iowa Department of Economic Development (IDED).

[\(Council Communication No. 11-620\)](#)

33. [Acceptance](#) of 2011 Edward Byrne Memorial Justice Assistance Grant (JAG), \$215,723 City's portion.

[\(Council Communication No. 11-598\)](#)

34. [Fiscal](#) Year 2011 Official Financial Report for City Streets to Iowa Department of Transportation (IDOT).

[\(Council Communication No. 11-602\)](#)

35. [Payment](#) of \$500,000 to Octavius Bonds and Erin Evans, one-half payable on or before October 7th, 2011 and the other half payable between July 1 and July 15, 2012 for settlement of a lawsuit brought against two former police officers.

36. [Communication](#) from Downtown Community Alliance, on behalf of the Civic Center, to approve banner design for LaCage Aux Folles to be displayed in downtown Des Moines on Grand Avenue in October 2011.

37. [Application](#) from Des Moines Marathon requesting approval for banners across the streets on Locust for the starting line between 3rd and 4th and finish line on 3rd between Locust and Walnut on Sunday, October 16, 2011.

- (A) [Application](#) from Des Moines Oktoberfest, LLC requesting approval for a banner across The Depot Arch on 4th Street to promote Oktoberfest event.

38. [Use](#) of various City Facilities as poll sites for the Regular City Election to be held on Tuesday, November 8, 2011.

39. Bids from the following:

- (A) [Blacktop](#) Repair Service Inc. (Patricia Hicks, President) for tennis and basketball court resurfacing services at Birdland Sports Complex, Edna Griffin Park and Harmon Park for use by the Park & Recreation Department, \$88,865. (Nine bids mailed, two received).

- (B) [Gee](#) Asphalt Systems (Dan Gee, President) for bituminous fog seal application services for use on newly resurfaced streets to extend the service life of the pavement and reduce maintenance costs for use by the Public Works Department, \$44,250. (Three bids mailed, one received).

[\(Council Communication No. 11-618\)](#)

- (C) [Leisure](#) Time Golf Cars (Nick Noehl, Sales Manager) for three (3) ADA compliant golf carts for each municipal golf course for use by the Park & Recreation Department, \$27,300. (Eight bids mailed, five received).

[\(Council Communication No. 11-613\)](#)

- 40. [Authorizing](#) Finance Director to draw checks on registers for weeks of September 26 and October 3, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of September 26 and October 3, 2011; and to draw checks for biweekly payroll due October 7, 2011.

ORDINANCES – FINAL CONSIDERATION

- 41. [Amending](#) Chapter 114 of the Municipal Code regarding Saturday rates and temporary adjustment of rates in the Municipally-owned parking garages.
- 42. [Repealing](#) Chapter 60 of the Municipal Code and enacting a new Chapter 60, regarding neighborhood inspection rental code, real estate installment contract sales inspection and residential public nuisance code.
 - (A) [Approving](#) amendment to the Schedule of Fees to provide for collection of a research fee associated with enforcement of the code.

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

ORDINANCES – FIRST CONSIDERATION

- 43. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Prohibited right-turn on red – intersection of 42nd Street and Center Street.
 - (B) Parking Restriction – west side of SE 5th Street, south of Livingston Avenue.

[\(Council Communication No. 11-604\)](#)

- 44. [Amending](#) Chapter 114 of the Municipal Code, to add streets in five neighborhoods to the list of Snow Ordinance Street designations.

[\(Council Communication No. 11-601\)](#)

COMMUNICATIONS/REPORTS

45. Number not used.
46. [Request](#) from Carl G. Nelson, 1340 E. 13th Street, to speak regarding special assessments charged against his property.
47. [Receipt](#) of 2010-11 Annual Report of the Greater Des Moines Public Art Foundation.
48. [From](#) Attorneys for Waterfront Lodging and Riverfront Associates, L.P. to give a short presentation regarding the development proposed for property in the vicinity of SW Water Street, Vine Street, SW 2nd Street and Market Street.

***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.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 53)

49. [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 **and to continue to October 10, 2011 at 5:00 PM** at applicants request. **Plan and Zoning Commission recommends DENIAL.**
50. [On](#) request from Exodus Groups Investments, LLC to rezone 1825 E. Army Post Road from “C-2” (General Retail and Highway Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow expansion of existing retail/wholesale Farm & City Supply.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
51. [On](#) request from McDonald’s Corporation to rezone 3002 Forest Avenue from Ltd. “C-1” (Neighborhood Retail Commercial) to a revised Ltd. “C-1” (Neighborhood Retail Commercial) to allow revision of conditions defining the site circulation and parking configuration and exterior design of the building, subject to conditions, **and to continue to October 10, 2011 at 5:00 PM.**
52. [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) **and to continue to October 24, 2011 at 5:00 PM.**

53. On Fire Station No. 1 Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Oakview dck, LLC, (Doug White, President, Structural Division), \$5,518,750.

(Council Communication No. 11-610)

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

*** END OF HEARINGS AT _____ PM ***

APPROVING

54. Amendments to City precinct and ward boundaries and approving agreements with Polk and Warren Counties for combined precincts.

(Council Communication No. 11-619)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by City Manager), requires six votes.

55. Tax Abatement Action Plan to amend the City-wide Tax Abatement program extending the duration of tax abatement and to redefine the classes of commercial and industrial improvements eligible for abatement.

(Council Communication No. 11-623)

56. Approving an additional Category of non-assessed sidewalk in the Policy for New Sidewalk Assessment.

(Council Communication No. 11-607)

- (A) Authorization to proceed with a discretionary connection sidewalk on the following:
- (1) E. Sheridan Avenue from 2658 E. Sheridan to Hubbell Avenue.
 - (2) E. Gray Street from 345 E. Gray Street to Indianola Avenue.
 - (3) Hubbell Avenue from Tiffin to 500 feet east.

57. [Report](#) from City Council Personnel Committee regarding 2011 compensation for City Manager, City Clerk, City Attorney and Human Right Director.

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. Approving grant requests to Polk County Housing Trust Fund for the following:
Sponsor: Council Member Hensley

[\(Council Communication No. 11-614\)](#)

- (A) [Minor](#) Home Repair Loan Program (Drake Neighborhood), \$50,000.
- (B) [Minor](#) Home Repair Loan Program, \$175,000.
- (C) [Lead](#) Hazard Control Program, total \$525,000 (\$175,000 over 3 years).

MOTION TO ADJOURN.

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