

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

**September 27, 2010**  
**4:30 PM**

**SPECIAL PRESENTATIONS – 4:00 PM**

Rollin’ Relics Car Club to present a check to Des Moines Carousel Foundation

Gold Wing Plaque

**PROCLAMATIONS – 4:10 PM**

Des Moines Women’s Club 125<sup>th</sup> Anniversary

Italian Heritage Month

**INVOCATION:** Council Member Brian Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 40:

**\*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**

<del>(A) CASEYS #2892</del>	<del>6120 DOUGLAS AVE</del>	<del>B Beer</del>
(B) COPA CAVANA	3711 INGERSOLL	C Liquor
(C) EL BLUE BURRITO INC	1434 DES MOINES ST	B Beer
<del>(D) KC BBQ</del>	<del>5405 DOUGLAS AVE</del>	<del>B Beer</del>
(E) NAT FOOD MART #1	3804 HUBBELL AVE	E Liquor
(F) TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	B Native Wine
(G) TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	B Native Wine
(H) WELLMANS PUB	2920 INGERSOLL	C Liquor

## RENEWAL APPLICATIONS

(I)	BEST FOOD MART	4028 E 14TH ST	C Beer
(J)	BISTRO MONTAGE	2724 INGERSOLL	C Liquor
(K)	CITGO	1800 SE 14TH ST	C Beer
(L)	DOS RIOS	316 COURT AVE	C Liquor
(M)	EL ANGEL MEXICAN GROCERY	5000 SW 9TH ST	C Beer
(N)	FIREHOUSE LOUNGE	1930 SE 6TH ST	C Liquor
(O)	GRAZIANO BROTHERS, INC	1601 S UNION ST	B Wine
(P)	PELICAN BAR	208 3RD ST	C Liquor
(Q)	TACO LOCO	99 UNIVERSITY AVE	C Liquor

## TRANSFER TO NEW LOCATION

(R)	J & J PIZZA PUB	2500 ML KING JR	C Liquor
	Permanent transfer from 1246 E. 14 <sup>th</sup> Street.		

- 4-I [Consideration](#) of temporary outdoor service area for Bourbon Street, 500 Army Post Rd., for a special event on October 10, 2010. (Pending approval of Building, Electrical, Fire and Zoning Departments) Sponsor: Council Member Brian Meyer.
5. [City](#) Clerk to issue Cigarette Licenses.

## PUBLIC IMPROVEMENTS

6. [Authorize](#) the City Manager to submit a “Safe Routes to School” (SRTS) FY 2012 Fund Application to the Iowa Department of Transportation (IDOT).
- [\(Council Communication No. 10-572\)](#)
7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
8. Accepting completed construction and approving final payment to the following:
- (A) [Absolute](#) Concrete Construction, Inc. – 2009 Sidewalk Replacement Program.
  - (B) [Grimes](#) Asphalt & Paving Corporation – 2009 Expanded Street Resurfacing Program – Contract 4.
  - (C) [The](#) Underground Company, Ltd. – McKinley Avenue Drainage Improvements – SW 26<sup>th</sup>/SW 31st Streets.
  - (D) [Van](#) Hauen & Associates, Inc. – 13<sup>th</sup> Street & Jefferson Avenue Overflow Elimination.

## **SPECIAL ASSESSMENTS**

9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2010-11.
10. [Levying](#) assessments for costs of Nuisance Abatement-NAC Skywalk Bridge Window Repair, (Schedule No. 2010-01).
11. [Approving](#) deletion of NAC-Emergency Assessment at 2615 Lyon Street.
12. Approving deletion of rental inspection assessments at the following:
  - (A) [Various](#) locations.
  - (B) [2414](#) Drake Park Avenue.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

13. [Regarding](#) request from Boy Scouts of America Mid-Iowa Council to permanently change the name of a portion of Stanton Avenue, east of Highway 28 as “Scout Trail”.

## **SETTING DATE OF HEARINGS**

14. [On](#) vacation of dead-end segment of Merced Drive and a dead-end segment of 30<sup>th</sup> Street running south of Merced Drive, (10-11-10).
15. [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, (10-11-10).
16. [On](#) authorization of loan agreement and issuance of not to exceed \$1,600,000 Aviation System Revenue Capital Loan Notes, (10-25-10).

[\(Council Communication No. 10-581\)](#)

17. [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, (10-11-10).

[\(Council Communication No. 10-591\)](#)

18. [On](#) fourth amendment to concession agreement for food and beverage operations with SSP America, Inc. at the Des Moines International Airport, (10-11-10).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment of \$423 to Ahlers & Cooney, P.C. for services regarding proposed Aviation Revenue Bond refunding.
20. [Approving](#) payment of \$70,000 to John Sposeto and his attorney, Robert E. McKinney for a workers' compensation claim.
21. [Approving](#) payment of \$6,300 to Cipriano and Wilma Vizcaino for property damage as a result of an auto accident.
22. [Approving](#) payment of \$5,940.73 to ServPro of Des Moines and Ames for property damage at 1213 Porter Avenue (Frank Viola) as the result of blockage in the sewer and pipe failure.

## CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training requests for Michele Bischof and Derek Brent.

[\(Council Communication No. 10-582\)](#)

## APPROVING

24. [Closeout](#) Certification Documents for Fiscal Year 2008 Continuum of Care (COC).
25. ~~[Estoppel](#) Certificate for Liberty Building Development Group, LLC f/k/a K.C. Holdings VI, LLC affirming compliance with terms of First Amendment to Development Agreement which includes a requirement for notice of default to the financing entities.~~
26. [Designating](#) Kurt A. Rueckel as City's authorized representative for Disaster FEMA-1930-DR-IA.

[\(Council Communication No. 10-565\)](#)

27. [City](#) Street Financial Report to IDOT for Fiscal Year 2010.

[\(Council Communication No. 10-566\)](#)

28. [Termination](#) of 2009 Contract with Glaser Lawn Care, Inc. for the provision of mowing and trimming maintenance services for Municipal Housing Agency vacant lots and entering into a new contract with the addition of five manors in accordance with the original bid.

[\(Council Communication No. 10-588\)](#)

29. [Grant](#) Agreement 2009-SS-G9-0034-11 with Iowa Homeland Security Emergency Management Division (HLSEMD) for administration of funds for Law Enforcement Intelligence Network (LEIN) Region 5 through the State Homeland Security Program (SHSP) National Infrastructure Protection Plan (NIPP), \$68,127.

[\(Council Communication No. 10-597\)](#)

30. [Grant](#) Agreement 2009-SS-G9-0034-11a with Iowa Homeland Security Emergency Management Division (HLSEMD) for administration of funds for Law Enforcement Intelligence Network (LEIN) Region 5 through the State Homeland Security Program (SHSP) Intelligence and Information Sharing Initiative, \$203,755.

[\(Council Communication No. 10-595\)](#)

31. [Amendment](#) No. 1 to FFY2009 2009-SS-T9-0034-11 State Homeland Security Program (SHSP) Intelligence and Information Sharing Initiative to include a change in the performance date to January 1, 2010 through March 31, 2012.

[\(Council Communication No. 10-598\)](#)

32. [Amendment](#) No. 1 to FFY2009 2009-SS-T9-0034-11a State Homeland Security Program (SHSP) Intelligence and Information Sharing Initiative to include a change in the performance date to January 1, 2010 through March 31, 2012.

[\(Council Communication No. 10-596\)](#)

33. [Agreement](#) with Bill Sherman and Creative Edge for installation and donation of mural on Martin Luther King Jr. Parkway floodwall.

[\(Council Communication No. 10-590\)](#)

34. [Justice](#) Assistance Grant Award to be utilized for various law enforcement purpose areas from October 1, 2009 through September 30, 2013, \$278,844.

[\(Council Communication No. 10-594\)](#)

35. [Release](#) of Public Utility Easement at 1900 SE 6<sup>th</sup> Street.

36. [Payment](#) to H & H Plumbing (Christopher N. Hansen, President) for emergency sewer repairs at 5300 Douglas Avenue, \$29,557.

[\(Council Communication No. 10-600\)](#)

37. [Exception](#) to procurement ordinance competitive bidding requirement for good cause with Heiman Fire Equipment (Ron Heiman, Owner) for nine (9) Thermal Imaging Cameras to be used by the Fire Department, \$75,186.

[\(Council Communication No. 10-568\)](#)

38. Bids from the following:

- (A) [Electric](#) Pump & Tool Services, Inc. (Richard Miller, President) for replacement pump and related equipment for the SE Airport Sanitary Lift Station, \$37,300.20.
- (B) [TNT](#) Landscaping (John Church, Owner) for plant materials for installation at various park locations to be used by the Park & Recreation Department, \$77,118. (Thirteen bids mailed, six received).

[\(Council Communication No. 10-589\)](#)

- (C) [John's](#) Tree Service (Dennis Modde, President) for levee clearing and grubbing services along various sites of the Raccoon and Des Moines Rivers and Walnut Creek to be used by the Public Works Department, \$119,819.25. (Seven bids mailed, two received).
- (D) [Iowa](#) Roofing Company (David Guy, President) for re-roofing of the Public Works Administration Building, the Sidewalk Shed and the Lab at 216 SE 5th Street to be used by the Park & Recreation Department, \$40,230. (Nine bids mailed, four received).
- (E) [MPH](#) Industries, Inc. (Kevin Willis, President) for fourteen (14) radar detectors to be used by the Police Department, \$26,474. (Six bids mailed, three received).

[\(Council Communication No. 10-583\)](#)

- (F) [Bay](#) Communications Inc. (Steve Elias, President), CDW Government (John Edwardson, President) and Embark, IT (Anita Messerschmidt, President) for twenty-five (25) replacement Panasonic ToughBook Computers and associated hardware to be used by the Police Department, \$117,768.25. (Five bids mailed, four received).

[\(Council Communication No. 10-584\)](#)

39. [Authorizing](#) Finance Director to draw checks on registers for weeks of September 27 and October 4, 2010; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of September 27 and October 4, 2010; and to draw checks for biweekly payroll due October 8, 2010.

**ORDINANCES - FINAL CONSIDERATION**

40. Rezoning of the following properties, in the Historic East Village area:
- (A) [Vicinity](#) of 201 E. Locust Street and 306 E. 3<sup>rd</sup> Street, from “C-3” (Central Business District Commercial) to Ltd. “C-3”.
  - (B) [Vicinity](#) of 211 and 215 E. Walnut Street, from “C-3” (Central Business District Commercial) to Ltd. “C-3”.
  - (C) [Vicinity](#) of 201 and 205 E. Walnut Street, from “C-3” (Central Business District Commercial) to Ltd. “C-3”.
  - (D) [The](#) area recognized as Historic East Village, from “C-3” (Central Business District Commercial) and “M-1” (Light Industrial) to “C-3B” (Central Business District Mixed Use) and Ltd “C-3”.

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

**ORDINANCES - FIRST CONSIDERATION**

41. [Amending](#) Chapter 114 of the Municipal Code regarding vehicle and parking restrictions, the erection of signs for snow priority streets and snow priority street designations.

[\(Council Communication No. 10-580\)](#)

42. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 10-573\)](#)

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

## COUNCIL REQUESTS

43. [From](#) Council Member Brian Meyer to speak regarding traffic concerns raised by the Coalition of South Side Neighborhood Associations.

## COMMUNICATIONS/REPORTS

44. [From](#) David Costello, Hope Builders, 1105 Orchard Lane, to speak regarding homelessness in the City.
45. [From](#) Veola Perry, (Member of Friends of Forest Avenue Library), 3132 Glenarm Court, to speak regarding lost hours at the Forest Avenue Library and submitting a petition from concerned citizens.
46. [From](#) Abdur-Rahim Kashif, 1155 18<sup>th</sup> Street, to speak regarding banning smoking products.

**\*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 47 THRU 57)

47. On applications for Limousine and various Taxicab Licenses for the following, (9-27-10):
  - (A) [Luxxor](#) Limousines LLC for Scott Sweers, (Limousine).  
([Council Communication No. 10-577](#))
  - (B) [Joy](#) Ride Transport LLC for Bethany Cochran, (Paratransit and Taxicab).  
([Council Communication No. 10-576](#))
  - (C) [City](#) Cab LLC for Shani Amin and Mohamed Ahmed, (Taxicab).  
([Council Communication No. 10-575](#))
  - (D) [United](#) Cab, Ltd. for Mohamed Habib, (Taxicab).  
([Council Communication No. 10-574](#))



48. On proposed loan agreement and issuance of Stormwater Management Utility Revenue Capital Loan Notes, not to exceed the following amounts, **(A special Council meeting will be held on September 29<sup>th</sup> at 4:30 PM to approve sale of the bonds):**

(Council Communication No. 10-567)

(A) \$15,000,000.

(1) Authorization for additional action.

(B) \$6,600,000.

(1) Authorization for additional action.

(C) \$5,700,000.

(1) Authorization for additional action.

(D) Approving distribution of a Preliminary Official Statement and use of electronic bidding procedures for sale of \$19,425,000 Stormwater Management Utility Revenue Capital Loan Notes, Series 2010F, and \$5,345,000 Stormwater Management Utility Revenue Refunding Capital Loan Notes, Series 2010G.

49. On items regarding proposed NE Economic Development District Urban Renewal Area:

(Council Communication No. 10-599)

(A) Amendment to Des Moines 2020 Community Character Land Use Plan.

(B) Resolution of Necessity designating the area as an Economic Development Area appropriate for commercial and industrial uses.

(C) Closing hearing on proposed Urban Renewal Plan for the Area and approving the Plan.

(D) First consideration of ordinance designating the Area as an Urban Renewal Tax Increment Financing (TIF) district.

50. On voluntary annexation of a parcel in the 4900 block of Easton Boulevard, in unincorporated Polk County.

(Council Communication No. 10-592)

51. On conveyance of property located at 2201 and 2217 Forest Avenue and 1405 23<sup>rd</sup> Street and Residential Development Agreement with Anawim Housing for \$1 for the Forest Avenue Urban Renewal Project.

(Council Communication No. 10-593)

52. On conveyance of underground electric line easement on city-owned property at 5000 Franklin Avenue to MidAmerican Energy Company, \$1.
53. On conveyance of electric line easement on city-owned property at 200 Guthrie Avenue to MidAmerican Energy Company.
54. On request from KLM International to rezone property at 901 19<sup>th</sup> and 930 18<sup>th</sup> Street from “R-3” (Multi-Family Residential) and “R-HD” (Residential Historic) to “NPC” (Neighborhood Pedestrian Commercial) to allow property to be used as a teen center.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant) requires six votes.
55. On request from Sandra Matchinsky to rezone property at 1401 E. 12<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow the former Wallace Elementary School to be used as an auction business. **(Plan and Zoning Commission recommends DENIAL)**
56. On Asbestos Removal at Southern Meadows Apartments, 2800 SE 8<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Rew Services Corporation, (Pete Walter, President), \$32,035.

(Council Communication No. 10-578)

- (A) Approving contract and bond.
57. On Demolition at Southern Meadows Apartments, 2800 SE 8<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Robinson Brothers Environmental, Inc., (Michael T. Robinson, President), \$96,915.

(Council Communication No. 10-579)

- (A) Approval of contract and bond, and permission to sublet.

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

## **CITY MANAGER RECOMMENDATIONS**

58. [Regarding](#) a proposal to transfer responsibility to the Greater Des Moines Partnership for administering the Sister Cities program and hosting the Greater Des Moines Sister Cities Commission.

[\(Council Communication No. 10-585\)](#)

## **APPROVING**

59. [License](#) Agreement to allow multiple communities to use Central Iowa Trails Logo and authorizing City Manager to execute.

[\(Council Communication No. 10-586\)](#)

60. [Receive](#) and file of Historic Preservation Plan for Fort Des Moines National Historic Landmark and refer to City Manager for review and recommendation to update Superblock Master Plan.

[\(Council Communication No. 10-587\)](#)

## **EXTRA ITEMS**

1. [Recommendation](#) from Council Member Halley Griess to appoint Gabriel (Gabe) Carnes to the Traffic Safety Committee, Seat 4, for a three-year term commencing December 31, 2009 to expire December 31, 2012.

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
  - (A) [2013](#) SW 9<sup>th</sup> Street, main structure, Titleholder: James A. Zielstorf; Mortgage Holder: Liberty Bank, FSB.
  - (B) [1339](#) 12<sup>th</sup> Street, garage structure, Titleholders: Andrea Segovia and Antonio M. Segovia.
  - (C) [2811](#) Maple Street, garage structure, Titleholder: Denise A. Hafenbrack.
  - (D) [2120](#) Washington Avenue, Titleholder: 610 40<sup>th</sup>, LLC; Contract Buyers: Lester Small and Portia Small.

MOTION TO ADJOURN.