

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

May 10, 2010 4:30 PM

PROCLAMATIONS – 4:00 PM

National Public Works Week

National Police Week/Police Officers Memorial Day

Building Safety Month

Americans with Disabilities Act – 20-year Anniversary

INVOCATION: Council Member Moore

1. ROLL CALL:

I [Guiding](#) principles for negotiation of a long term lease and management agreement for the Botanical Center and grounds.

[\(Council Communication No. 10-259\)](#)

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) COPA CAVANA	3711 INGERSOLL	C Liquor
(B) COURT AVENUE BREWING	309 COURT AVE	Brew Pub High
(C) LA TAPATIA 2	3504 MERLE HAY RD	E Liquor
(D) SLEEPY HOLLOW	4051 DEAN AVE	B Native Wine
(E) THIRSTY SPORTSMAN	4808 SW 9 TH ST	C Liquor

RENEWAL APPLICATIONS

(F)	CONTINENTAL	428 E LOCUST ST	C Liquor
(G)	DEPOT	3000 E GRAND AVE	B Beer
(H)	EAST SIDE GRILL	2905 HUBBELL AVE	C Beer/Wine
(I)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Beer/Wine
(J)	GARDEN	112 SE 4TH ST	C Liquor
(K)	GORDITAS SAN PANCHO	2250 HUBBELL AVE	B Beer
(L)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(M)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(N)	LA HACIENDA III	3121 INGERSOLL	C Liquor
(O)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor
(P)	PEOPLES COURT	216 COURT AVE	C Liquor
(Q)	QUALITY INN & SUITES	929 3RD ST	B Liquor
(R)	SBROCCO	208 COURT AVE	C Liquor
(S)	SINNERS & SAINTS	216 COURT AVE	C Liquor
(T)	STEER AND STEIN	3000 E GRAND AVE	B Beer

TRANSFER TO NEW LOCATION

- (U) TOBACCO OUTLET PLUS #519 3019 SE 14TH ST B Beer
 Permanent transfer from 3144 SE 14th Street effective May 12, 2010.

OUTDOOR SERVICE APPLICATIONS

- (V) ALBA RESTAURANT 519 DES MOINES ST C Liquor
 Adding permanent outdoor service.
- (W) ALL PLAY 615 3RD ST C Liquor
 Temporary outdoor service for bike night on May 11, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (X) ALL PLAY 615 3RD ST C Liquor
 Adding permanent outdoor service.

SPECIAL EVENTS APPLICATIONS

- (Y) ALL PLAY 615 3RD ST Five (5) Day License
 Class C Liquor License for bike night on May 18, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Z) GREEK FOOD FAIR 1110 35TH ST Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for festival on June 5, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

(AA) HEROES 216 COURT AVE Five (5) Day License
Class B Beer License for C.A.M.P. Fest on May 22, 2010. Pending approval of
Building, Electrical, Fire and Zoning Departments.

4-I Consideration of 5-day Class C Liquor License for Johnny's Italian Steakhouse at 5040
SE 14th Street on May 18, 2010 for Taste of Southside event. (Pending approval of
Building, Electrical, Fire and Zoning Departments) Sponsor: Meyer.

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

6. Number Not Used.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

(A) [Easton](#) Boulevard Bridge over Four Mile Creek: Receiving of bids, (5-18-10), and
Setting date of hearing, (6-14-10). (Construction Estimate - \$1,510,784.25).

[\(Council Communication No. 10-255\)](#)

(B) [2010](#) City-Wide PCC Pavement Restoration Program: Receiving of bids, (5-25-10),
and Setting date of hearing, (6-14-10). (Construction Estimate - \$200,000).

[\(Council Communication No. 10-247\)](#)

(C) [2010](#) Tennis Court Resurfacing: Receiving of bids, (5-25-10), and Setting date of
hearing, (6-14-10). (Construction Estimate - \$96,000).

[\(Council Communication No. 10-248\)](#)

8. [Contract](#) and bond, and Permission to Sublet for 2201 Forest Avenue Contaminated Soil
Removal, the estimated cost of which is less than the Iowa Code competitive bid
threshold, Elder Corporation (Jared R. Elder II, President), \$31,450.

[\(Council Communication No. 10-256\)](#)

9. [Contract](#) and bond, and Permission to Sublet for SE 14th Street/Diehl Avenue Traffic
Signal Improvements, the estimated cost of which is less than the Iowa Code competitive
bid threshold, Baker Electric, Inc. (Britt Baker, CEO), \$15,935.

[\(Council Communication No. 10-258\)](#)

(A) [Private](#) Construction Contract between Concrete Technologies, Inc. and Melbourne
Apartments I, LLLP for pavement widening in 5515 SE 14th Street, \$47,962.

(B) [Private](#) Construction Contract between Jordison Construction and Melbourne Apartments I, LLLP for pavement widening in 5515 SE 14th Street, \$67,859.

10. [Contract](#) and bond, and Permission to Sublet for Blank Park Zoo Tiger Pond Improvements, the estimated cost of which is less than the Iowa Code competitive bid threshold, Bergstrom Construction, Inc. (Tom Gorgas, President), \$26,975.

[\(Council Communication No. 10-251\)](#)

11. [Approving](#) and authorizing execution of Iowa Department of Transportation (IDOT) Agreement for Easter Lake Drive Bridge over a branch of Easter Lake Rehabilitation.

[\(Council Communication No. 10-246\)](#)

12. [Approving](#) modification to Southeast Connector Floodwall to accommodate future mural placement as proposed by Bill Sherman on behalf of the Polk County Historical Society, City cost, \$2,626.

[\(Council Communication No. 10-252\)](#)

13. [Approving](#) Supplemental Agreement No. 2 to Professional Services Agreement with Veenstra and Kimm, Inc. for design and construction phase services on the Court Avenue/Water Street Sewer Separation Project, not to exceed \$175,154.

[\(Council Communication No. 10-253\)](#)

14. Accepting completed construction and approving final payment for the following:

(A) [Ingersoll](#) Avenue Streetscape Improvements – 29th to 31st Streets, Jasper Construction Services, Inc.

(B) [Police](#) Academy HVAC Upgrade – Brockway Mechanical & Roofing Company, Inc.

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for costs of nuisance abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-06.

16. [Deletion](#) of NAC-Emergency assessments at various locations.

17. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for April 2010 on the following:

(A) [Fees](#).

(B) [Credits](#).

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Recommendation](#) from Mayor T. M. Franklin Cownie to appoint Matthew W. McIver to the Des Moines Music Commission, Seat 1, for a three-year term commencing July 1, 2008 to expire July 1, 2011.
19. [Recommendation](#) from Mayor T. M. Franklin Cownie to reappoint Jeff Hall to the Civil Service Commission, Seat 4, for a four-year term commencing April 1, 2010 to expire April 1, 2014.
20. [Recommendation](#) from Mayor T. M. Franklin Cownie to reappoint Joseph Quinn to the Civil Service Commission, Seat 5, for a four-year term commencing April 1, 2009 to expire April 1, 2013.
21. [Recommendation](#) from Mayor T. M. Franklin Cownie to reappoint Jenelle Sarcone to the Sister Cities Commission, Seat 1, for a five-year term commencing April 28, 2010 to expire April 28, 2015.
22. [Communication](#) from Alberta E. Finley advising of her resignation from the Housing Appeals Board, Seat 2, effective immediately.
23. [Communication](#) from Robert Saf advising of his resignation from the Traffic Safety Committee, Seat 4, effective immediately.

SETTING DATE OF HEARINGS

24. [On](#) conveyance of 1131 28th Street to Denis Marchand for redevelopment of in-fill housing, \$10,305.36, (5-24-10).
25. [On](#) amendment to existing Electric Line Easement with MidAmerican Energy Company as required for City's levee and trail connection projects, (5-24-10).
26. [On](#) five-year lease with R.K. Corporation (Mr. Filet Steakhouse) for property at 510 7th Street (lower level of 7th and Grand Parking Garage), \$915 per month, (5-24-10).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment of \$3,952.55 (\$1,976.28 City, \$1,976.27 WRA) to Hall and Associates for services related to Combined Sewer System and Combined Sewer Overflows related to the NPDES Permit.

CITY MANAGER COMMUNICATIONS

28. [Approving](#) travel and training requests for T. M. Franklin Cownie and Skip Moore, (amended).

[\(Council Communication No. 10-250\)](#)

APPROVING

29. [Grant](#) Agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's first year (2010) Action Plan of the 2010-2014 HUD Consolidated Plan.

[\(Council Communication No. 10-240\)](#)

30. [Support](#) for an application to the Iowa Finance Authority (IFA) requesting low-income housing tax credits for development of 91 units of affordable housing at 309 SW 8th Street, River Point Lofts, submitted by Hubbell Realty Company.

[\(Council Communication No. 10-242\)](#)

31. [Authorizing](#) administrative exception for rehabilitation of 1315 Burlington Terrace by combining funds from two programs administered by the City of Des Moines Neighborhood Conservation Services Division.

[\(Council Communication No. 10-238\)](#)

32. [Riverpoint](#) 1, LLC Application for Enterprise Zone Benefits on a housing project, 309 SW 8th Street, in the Gateway Enterprise Zone.

[\(Council Communication No. 10-260\)](#)

33. [Acceptance](#) of State of Iowa Office of Energy Independence (OEI) Energy Efficiency and Conservation Block Grant (EECBG) Sub-Recipient Contract for the installation of a Continuous Commissioning System for use by the WRA funding of \$83,225 and authorizing City Manager to negotiate and execute Assignment and Assumption Agreement.

[\(Council Communication No. 10-265\)](#)

34. [Issuance](#) of Request for Proposals for consultant services to develop a needs assessment for, and Request for Proposals for, the procurement of a new City-Wide Business Enterprise Software System.

[\(Council Communication No. 10-241\)](#)

35. [Addendum](#) to Agreement with Employee and Family Resources, Inc. for provision of Employee Assistance Program (EAP) extending for one-year beginning May 10, 2010, \$24,000.

[\(Council Communication No. 10-261\)](#)

36. [Award](#) to History Pays! to provide a Reconnaissance Level Historical and Architectural Survey of the Drake Neighborhood, \$32,000.

[\(Council Communication No. 10-254\)](#)

- 36-I [Receipt](#) of Airport Board Regulation No. 10-61, regarding commercial use fees, to be effective on July 1, 2010.

37. [Communication](#) from Downtown Community Alliance, on behalf of the Italian American Heritage Festival of Iowa, to approve the banner design for 26 banners to be displayed in downtown Des Moines on Locust Street.

38. [Bid](#) from Motorola, Inc. (Greg Brown, CEO), \$315,251.60 and Tait North America (Steve Cragg, President), \$46,798 for narrow band radio equipment to be used by the Police and Fire Departments, total cost \$362,049.60. (Six bids mailed, five received).

[\(Council Communication No. 10-257\)](#)

39. [Sale](#) of estimated 300 truckloads of wood chips to Wright Outdoor Solutions (Byron McGuinness, President), estimated annual revenue \$37,500. (Four bids mailed, three received).

40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 10 and May 17, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of May 10 and May 17, 2010; and to draw checks for biweekly payroll due May 21, 2010.

ORDINANCES - FINAL CONSIDERATION

- 41. [Amending](#) Chapter 74 of the Municipal Code regarding various park and recreation fees.

ORDINANCES - SECOND CONSIDERATION

- 42. [On](#) rezoning of 3401 University Avenue (M Investments, LLC) from “R-3” (Multiple Family Residential), to Ltd. “C-1” (Neighborhood Retail Commercial) to allow adaptive reuse of former gas station as a dry cleaning business, subject to conditions.
- 43. [Amending](#) Chapter 2 of the Municipal Code regarding composition of the Youth Advisory Board.
- 44. [Amending](#) Chapter 2 of the Municipal Code regarding procurement of concessions at the Airport.
- 45. [Amending](#) Chapter 102 of the Municipal Code regarding fees, locations, design and maintenance for bus benches.
- 46. [Amending](#) Chapter 60 of the Municipal Code regarding the Housing Code.

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

ORDINANCES - FIRST CONSIDERATION

- 47. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Request for two-sided parking restriction – 300 block of E. Creston Avenue.
 - (B) Code revision to match posted signs – Holcomb Circle.

[\(Council Communication No. 10-245\)](#)

COMMUNICATIONS/REPORTS

- 48. [From](#) Judith K. Harlan, 3932 University Avenue, #1 to speak regarding illegal search and seizure.

***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 55)

49. [On](#) conveyance of excess City-owned property adjoining 3211 Delaware Avenue to DSDM, LLC, \$14,880, and to continue to 5-24-10.
50. [On](#) request form Grand View University to rezone property in the vicinity of 2901 E. 14th Street, 1410 Morton Avenue and 2613 Idaho Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and 1417 Hull Avenue owned by Virginia Plummer from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development), subject to conditions.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
51. Items regarding Sutton Hill Residential Cooperative, 2080 King Avenue:
- (A) [Amend](#) the Des Moines 2020 Community Character Land Use Plan future land use designation from Medium Density Residential to High Density Residential. (6/7 vote is required for approval)
- (B) [Hearing](#) to rezone the property from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development), subject to conditions.
- [\(Council Communication No. 10-244\)](#)
- (C) [First](#) consideration of ordinance above.
52. [On](#) issuance of not to exceed \$110,000 General Obligation Bonds for General Corporate Purposes. (Bonds will be sold at a Special Council Meeting on June 2nd at 4 PM)
- (A) [Resolution](#) for additional actions.
- [\(Council Communication No. 10-262\)](#)
53. [On](#) scheduled Airline Operating Agreement and Terminal Building Lease with Fly Branson Travel LLC d/b/a Branson Airexpress.
- [\(Council Communication No. 10-243\)](#)

54. [On](#) request from Foods, Inc. (Dahls) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions (continued from 4-26-10). (6/7 vote is required for approval)

[Exhibit 1](#) [Exhibit 2](#)
[Exhibit 3](#) [Exhibit 4](#)

[\(Council Communication No. 10-267\)](#)

(A) [First](#) consideration of ordinance above.

55. [On](#) 2010 CDBG-Recovery Program Sidewalk Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc., (Steve J. Rutt, President), \$277,131.

[\(Council Communication No. 10-249\)](#)

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

*** END HEARINGS AT _____ PM ***

APPROVING

56. [Agreement](#) with Wellmark Blue Cross and Blue Shield of Iowa (John Forsyth, CEO) to provide employee and retiree Health Plans and Flexible Spending Account (FSA) administration for the period July 1, 2010 through June 30 2011.

[\(Council Communication No. 10-263\)](#)

57. [Agreement](#) with Delta Dental of Iowa (Don Hutchins, President) to provide employee and retiree administration of the City’s dental insurance plan, for the period July 1, 2010 through June 30, 2011.

[\(Council Communication No. 10-264\)](#)

58. [Fifth](#) Amended and Substituted 28E Agreement for the Des Moines Area Metropolitan Planning Organization (MPO) to provide membership for Des Moines Regional Transit Authority (DART).

59. [Acceptance](#) of third grant payment of \$275,000 for the incremental cost differential for the purchase of hybrid fleet vehicles and electrical charging stations as part of a Department of Energy (DOE) Energy Efficiency and Conservation Block Grant.

[\(Council Communication No. 10-266\)](#)

60. [Development](#) Agreement with AVIVA Investors North America, Inc. for downtown employment and office expansion at the Davis Brown Tower.

[\(Council Communication No. 10-239\)](#)

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. [Extension](#) of residency requirement for temporary Community Services Non-Civil Service employees for the duration of Community Services Block Grant American Recovery and Reinvestment Act (CSBG ARRA) Grant. Sponsor: Mayor Cownie.

[\(Council Communication No. 10-268\)](#)

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: [Memo](#)
 - (A) [7301](#) Fleur Drive, #42, structure (trailer house), Titleholders: Catherine Carson; Contract Buyers: Jerry R. Saylor, Mary L. Saylor and Frankie L. Argenial.
 - (B) [2234](#) E. Grand Avenue, garage structure, Titleholder: Matthew J. Routh; Mortgage Holders: Mortgage Electronic Registration Systems, Inc. and First Horizon Home Loans.
 - (C) [1312](#) E. Madison Avenue, fire damaged garage structure, Titleholders: LAS 2004 REV Trust and LRR 2004 REV Trust; Contract Buyer: Michelle L. Fetters a/k/a Michelle L. Butler.
 - (D) [729](#) SE 32nd Street, fire damaged main structure, Titleholders: Jose Pina and Maria Pina; Mortgage Holder: Chase Bank USA, N.A.

MOTION TO ADJOURN AT _____ P.M.

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