

DES MOINES CITY COUNCIL MEETING

December 8, 2008 4:30 PM

PROCLAMATIONS – 4:15 PM

Employee Learning Week
Holiday Food Program Weeks
International Human Rights Day

INVOCATION: Reverend Tim Diebel
First Christian Church
2500 University Avenue

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

* * * * *

***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.

3. APPROVING CONSENT AGENDA – items 3 through 33:

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) CHIANTI	207 4TH ST	B Beer
(B) FAWNS ASIAN CUISINE	1107 E UNIVERSITY	B Beer
(C) FONGS PIZZA	223 4TH ST	C Liquor
(D) Z'S BAR	1511 S UNION ST	C Liquor

RENEWAL APPLICATIONS

(E) B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(F) CAPITOL ROOM	315 E 5TH ST	C Liquor
(G) DAWG HOUSE	2301 HUBBELL AVE	C Liquor
(H) DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(I) DES MOINES CLUB	666 GRAND AVE	A Liquor

(J)	DES MOINES EMBASSY CLUB	1000 GRAND AVE	C Beer/Wine
(K)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(L)	EMBASSY CLUB	801 GRAND AVE	A Liquor
(M)	EMBASSY CLUB	801 GRAND AVE	B Wine
(N)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(O)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(P)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(Q)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(R)	NADRY INC	2701 INGERSOLL	C Beer
(S)	SMOKE SHOP	1918 SE 14TH STREET	E Liquor
(T)	TEQUILA MEXICAN	2824 EASTON BLVD	C Liquor
(U)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor

TRANSFER TO NEW LOCATION

(V)	EL ANGEL MEXICAN GROCERY	5000 SW 9TH ST	C Beer
	Permanent transfer from 4812 SW 9 th St.		

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. [Approving](#) Professional Services Supplemental Agreement No. 1 with RDG Planning and Design for additional design and construction phase services for the John and Mary Pappajohn Sculpture Park, not to exceed \$14,500.

[\(Council Communication No. 08-722\)](#)

7. [Approving](#) and authorizing execution of Norfolk Southern Corporation Street Crossing Signal Safety Improvement Agreement for Maury Street.

[\(Council Communication No. 08-721\)](#)

8. [Accepting](#) completed construction and approving final payment for 503 SE 8th Street Emergency Storm Sewer Repair, The Underground Company, Ltd.

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for cost of Nuisance Abatement-NAC-Emergency Orders (Community Development) Schedule No. 2008-16.

10. [Approving](#) deletion of NAC-Emergency Assessment at various locations.

LAND/PROPERTY TRANSACTIONS

11. [Approving](#) tax abatement for medical office buildings in Airport Commerce Park South and Airport Business Park.

([Council Communication No. 08-715](#))

12. [Denial](#) of one retroactive Tax Abatement Application for additional value added by improvements made during 2006 for 1414 E. 19th Street.

([Council Communication No. 08-720](#))

13. [Authorization](#) to acquire necessary right-of-way for the Riverpoint West Street Improvement Project.

([Council Communication No. 08-723](#))

SETTING DATE OF HEARINGS

14. [On](#) application from Daniel Owen dba Owen Auto for relief from temporary moratorium on vehicle display lots, (12-22-08).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

15. [Approving](#) payment of \$11,946.72 to Hall & Associates for services related to the Combined Sewer Overflows related to the NPDES Permit and authorizing to do additional work on proposed rules by IDNR.
16. [Approving](#) payment of \$21,089.15 to Wallace Obie for a workers' compensation claim.

APPROVING

17. Closeout Certification Documents for the following:
 - (A) [Fiscal](#) Year 2003 Continuum of Care (COC) for Buchanan Transitional Living Center Project and the Iowa Homeless Management Information Network.
 - (B) [Fiscal](#) Year 2005 Continuum of Care (COC) for the Iowa Homeless Management Information Network.
18. [Collateral](#) Assignment of Development Agreement for the former Stivers Dealership site at 1717 Ingersoll Avenue.

([Council Communication No. 08-733](#))

19. [Issuance](#) of Certificate of Completion for Nationwide Mutual Insurance Company's new office building at 1200 Locust Street.

[\(Council Communication No. 08-727\)](#)

20. [Execution](#) of Cooperative Agreement between The Des Moines Human Rights Commission and The Iowa Civil Rights Commission.

[\(Council Communication No. 08-716\)](#)

21. [Receipt](#) of Roosevelt Cultural District Vision Committee Report & Recommendations as presented to the Roosevelt Cultural District Board.

22. [Support](#) of Low Income Housing Tax Credit application for the rehabilitation of 150 units of low-income family housing at the Homes of Oakridge, Phase 1, and authorization to negotiate a home loan up to \$250,000.

[\(Council Communication No. 08-719\)](#)

23. [Termination](#) of Escrow Agreement with John J. Clarke as Trustee of the Morrie Weiss Non-revocable Trust and Escrow Agent Substitution Agreement with Belin Law Firm.

24. [Extension](#) of the Residency Requirement of Des Moines Municipal Code Section 2-486 for Assistant City Attorney Gary Goudelock to April 30, 2009.

25. [Communication](#) from Downtown Community Alliance on behalf of Nationwide to approve banner design to be displayed on Locust Street in downtown Des Moines from January through June.

26. Bids from the following:

- (A) [Insight](#), for three-year Websense maintenance renewal for existing internet filtering software per State of Iowa Contract CT2979 for use by the Information Technology Department, \$40,878.

[\(Council Communication No. 08-725\)](#)

- (B) [Communication](#) Innovators, for data and telephone technician labor services per ICN State of Iowa Contract for use by the Information Technology Department, estimated annual cost of \$30,000.

[\(Council Communication No. 08-724\)](#)

- (C) [Graybar](#) Electric, Van Meter Industrial, 3-E, and Echo Electric Supply Co. for an annual contract with two additional one-year renewal options to furnish miscellaneous electrical parts and supplies to the City, estimated annual cost of \$130,000. (Seven bids mailed, four received).
- (D) [Hawkeye](#) Truck Equipment, for three (3) new anti-icing trailers for use by the Public Works Department, \$80,835. (Four bids mailed, two received).

[\(Council Communication No. 08-735\)](#)

- 27. [Execution](#) of a Renewal Addendum to Contract with Electric Pump & Tool Services, Inc. for provision of new pump stations, replacement pumps, pump repair parts and management of City's pump repair parts inventory and pump repair services.

[\(Council Communication No. 08-730\)](#)

- 28. [Change](#) Order No. 1 with ABC Electrical Contractors LLC for additional flood related repair services to Birdland Pool, \$3,150.

[\(Council Communication No. 08-718\)](#)

- 29. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 8 and December 15, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 8 and December 15, 2008; and to draw checks for bi-weekly payroll due December 19, 2008.

ORDINANCES - FINAL CONSIDERATION

- 30. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for Parking Restriction on the north side of Morton Avenue between E. 14th and Idaho Street.
- 31. [On](#) vacation of E. Granger Avenue right-of-way between Vandalia Road and the Burlington Northern Sante Fe Railroad from SE 35th to SE 36th Street.

ORDINANCES - SECOND CONSIDERATION

- 32. [On](#) rezoning of property at 1930 Indianola Avenue, from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), subject to conditions.

- 33. [Amending](#) Chapter 90 of the City Code regarding the powers and duties of the Public Housing Board regarding purchasing and procurement powers.

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

COMMUNICATIONS/REPORTS

- 34. [From](#) David Costello, 1105 Orchard Lane, Des Moines, requesting to speak regarding the need to work together to solve the housing crisis.

- 35. [Receipt](#) of Des Moines Water Works’ adopted budget for calendar year ending December 31, 2009.

***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 36 THRU 40)

- 36. [On](#) appeal from Sam Fairfield, 1115 – 8th Avenue, Grinnell, regarding Administrative Hearing Officer’s decision on impounded vehicle.

- 37. [On](#) petition to continue the Downtown Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 08-717\)](#)

- 38. [On](#) conveyance of vacated portion of north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, \$100, and to **continue to December 22, 2008** at 5:00 PM to determine interest in purchasing the two remaining portions of the alley.

39. [On](#) corrected vacation and conveyance of north/south alley between 8th Street and 9th Street from Crocker to Center Street and a portion of 9th Street right-of-way between Crocker and Center Street to Principal Life Insurance Company.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by Engineering Department Real Estate Division), requires 6 votes.
40. [On](#) vacation and conveyance of a dead-end segment of east/west alley adjoining 812 Virginia Avenue between Virginia Avenue and Pleasant View Drive, west of SW 7th Street to Jeff Law, \$50.

[\(Council Communication No. 08-726\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above, (waiver requested by the applicant), requires 6 votes.

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

APPROVING

41. Issuance of Request for Proposal (RFP) for the following:

[\(Council Communication No. 08-731\)](#)

- (A) [Custodial](#) services for Municipal Buildings, Des Moines International Airport Facilities, Des Moines Metropolitan Wastewater Reclamation Authority (WRA) facilities, and Des Moines Municipal Housing Agency (MHA) facilities. [RFP](#)
- (B) [Mowing](#) and trimming maintenance for parks, open spaces and boulevards. [RFP](#)
42. [Authorizing](#) the City Manager to develop and submit a plan to the State of Iowa to spend the allocated \$3,900,000 Neighborhood Stabilization Program funds to provide emergency assistance redeveloping abandoned and foreclosed homes.

[\(Council Communication No. 08-732\)](#)

43. [Community](#) Partnership Memorandum of Understanding between the City of Des Moines and MCC Iowa LLC dba Mediacom, **(continued from 11-24-08)**.

[\(Council Communication No. 08-734\)](#)

44. [Communication](#) from the Office of Economic Development seeking authorization to negotiate with New Market Investors, LLC for possible redevelopment of the former Younkers Building, 713 Walnut Street.

[\(Council Communication No. 08-728\)](#)

45. [Adopting](#) criteria for City Council Review and Support of Low-Income Housing Tax Credit (LIHTC) Applications.

[\(Council Communication No. 08-729\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [1100](#) Buchanan Street, (fire-damaged main structure and garage structure), Titleholders: All Heirs to the Estate of James E. Sloan and Eathel L. Sloan.
 - (B) [3031](#) Dean Avenue, (garage structure), Titleholder: Larry A. Stenslie, Mortgage Holder: Amwest Surety Ins. Comp. a/k/a Amwest Surety Ins. Co.
 - (C) [2110](#) Meek Avenue, (main structure), Titleholder: Michael Jones.
 - (D) [5805](#) New York Avenue, (main structure and garage structure), Titleholder: JP Morgan Chase Bank NA as Trustee for the MLMI Surf Trust Series 2005-BC3.
 - (E) [1535](#) 23rd Street, (garage structure), Titleholder: Ceres haya A. Bradley; Mortgage Holders: Integra Bank Corp f/k/a Firstar Bank, NA and Lederman Bonding Company.
2. [Communication](#) regarding release of demolition cost reserve being held by Shelter Insurance Companies for the fire-damaged structure located at 913 Army Post Road.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003