

DES MOINES CITY COUNCIL MEETING

May 23, 2011

SPECIAL PRESENTATIONS – 4:00 PM

The Corporation for Economic Development

PROCLAMATIONS – 4:10 PM

EMC's 100 Year Celebration

INVOCATION: Council Member Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***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)	101 LOUNGE	102 3RD ST	C Liquor
(B)	LUNA	621 DES MOINES ST	C Beer/Wine
(C)	PROOF	2101 FLEUR DR	C Beer/Wine
(D)	SHOP N SAVE	2127 MLK JR PKWY	E Liquor
(E)	SOUTHSIDE FOOD MART	1101 ARMY POST RD	E Liquor

RENEWAL APPLICATIONS

(F)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(G)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(H)	CARLS PLACE	1620 WOODLAND	C Liquor

(I)	CHOCOLATERIE STAM	2814 INGERSOLL	C Beer/Wine
(J)	CHOCOLATERIE STAM	2814 INGERSOLL	B Native Wine
(K)	CIVIC CENTER	221 WALNUT ST	C Liquor
(L)	CONTINENTAL	428 E LOCUST ST	C Liquor
(M)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(N)	GIT N GO STORE #3	100 WATROUS AVE	C Beer
(O)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(P)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(Q)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(R)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(S)	LA HACIENDA III	3121 INGERSOLL	C Liquor
(T)	LUCCA	420 E LOCUST ST	C Liquor
(U)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(V)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(W)	MULLETS	1300 SE 1ST ST	C Liquor
(X)	OASIS GROCERY & LIQUOR	2917 PAYNE RD	E Liquor
(Y)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(Z)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(AA)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(BB)	QUALITY INN & SUITES	929 3RD ST	B Liquor
(CC)	QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(DD)	ROYAL FLUSH	4440 HUBBELL AVE	C Liquor
(EE)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Wine
(FF)	SAVERY HOTEL AND SPA	401 LOCUST ST	B Liquor
(GG)	SBROCCO	208 COURT AVE	C Liquor
(HH)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(II)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(JJ)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(KK)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(LL)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor
(MM)	WALGREENS #359	2545 E EUCLID AVE	C Beer
(NN)	WALGREENS #4714	4555 FLEUR DR	C Beer
(OO)	WALGREENS #5362	1330 E UNIVERSITY	C Beer
(PP)	WALGREENS #5721	3140 SE 14TH ST	C Beer
(QQ)	WALGREENS #5777	2930 E UNIVERSITY	C Beer
(RR)	WALGREENS #5852	3030 UNIVERSITY	C Beer
(SS)	WALGREENS #7452	4415 DOUGLAS AVE	C Beer
(TT)	WALGREENS #7453	104 E EUCLID AVE	C Beer
(UU)	WALGREENS #7833	3501 INGERSOLL	C Beer
(VV)	WALGREENS #7968	6200 SE 14TH ST	C Beer

OUTDOOR SERVICE APPLICATIONS

(ww)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.		

- (XX) BUDDYS CORRAL 418 E 5TH ST C Liquor
Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (YY) LOCUST TAP 434 E LOCUST ST C Liquor
Temporary in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

- (ZZ) BEAVERDALE LIVE 2638 BEAVER AVE Five (5) Day License
Class B Beer License for event on June 11, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (AAA) DM BICYCLE COLLECTIVE 1215 LOCUST AVE Five (5) Day License
Class B Beer License for Clips of Faith on June 17, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (BBB) GARDEN 419 E 5TH ST Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (CCC) GREEK FOOD FAIR 1110 35TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for festival on June 4 – 5, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (DDD) LE BOI 401 E 5TH ST Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (EEE) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 10, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (FFF) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 3, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (GGG) SUBJECTIVE CIRCUS 25 E COURT AVE Five (5) Day License
Class C Liquor License for a circus event on June 11, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (HHH) UNDERGROUND 401 E 5TH ST Five (5) Day License
Class B Beer License in conjunction with Capital City Pride Celebration on June 11 – 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. [Consideration](#) of Class C Liquor License for Forest Market, 2105 Forest Avenue. Zoning Department recommends **DENIAL** due to failure to comply with Section 134-954 (1) half of the gross revenue from the sale of food or food-related services.
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:
 - (A) [2011](#) Designated Neighborhood Sidewalk Replacement Program: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - \$348,700).
[\(Council Communication No. 11-299\)](#)
 - (B) [2011](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - \$1,089,875).
[\(Council Communication No. 11-300\)](#)
 - (C) [2011](#) City-Wide PCC Pavement Restoration Program: Receiving of bids, (6-14-11), Setting date of hearing, (6-27-11). (Construction Estimate - \$224,500).
[\(Council Communication No. 11-298\)](#)
9. [Approving](#) FY2013 Traffic Safety Fund Applications to Iowa Department of Transportation:
[\(Council Communication No. 11-307\)](#)
 - (A) Beaver and Urbandale Intersection Roundabout.
 - (B) E. 4th Street Traffic Signals at Court Avenue/Walnut Street.
 - (C) Citywide School Flasher System Upgrade.

10. Approving Iowa Department of Transportation Agreements for the following:

- (A) [6th](#) Avenue over Des Moines River Bridge Rehabilitation.

[\(Council Communication No. 11-301\)](#)

- (B) [Euclid](#) Avenue Intersection Improvements at Cornell and Oxford Streets.

[\(Council Communication No. 11-305\)](#)

11. Approving the following items regarding A.H. Blank Park Zoo Entrance Improvements:

[\(Council Communication No. 11-328\)](#)

- (A) [Iowa](#) Department of Transportation (IDOT) Revitalize Iowa's Sound Economy (RISE) Agreement.

- (B) [Iowa](#) Department of Correction Grant Contract for development of the Safety Barrier Improvements.

- (C) [Agreement](#) with The Blank Park Zoo Foundation, Inc. for construction and funding.

- (D) [Ordering](#) Construction and fixing date for Receiving of Bids, (6-14-11) and Hearing (6-27-11), Construction Estimate, \$1,850,000.

[\(Council Communication No. 11-303\)](#)

12. [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for Predevelopment Services for Southeast Connector – SE 14th to SE 30th Street, not to exceed \$250,000.

[\(Council Communication No. 11-308\)](#)

13. Professional Service Agreements for the following:

- (A) [Foth](#) Infrastructure and Environment, LLC in conjunction with design and construction phase services for the 2011 Sewer Repair Contract 1 Project, not to exceed \$132,134.

[\(Council Communication No. 11-295\)](#)

- (B) [Snyder](#) and Associates in conjunction with design and construction phase services for the 2011 Sewer Repair Contract 2 Project, not to exceed \$329,000.

[\(Council Communication No. 11-296\)](#)

14. [Approving](#) New Pedestrian At-Grade Crossing Agreement with Union Pacific Railroad Company and Iowa Interstate Railroad, Ltd. in conjunction with SW 63rd Street Trail Connector Project.

[\(Council Communication No. 11-293\)](#)

15. Approving completion and acceptance of Private Construction Contracts for the following:
 - (A) [Storm](#) Sewer Improvements, Grand Avenue from 11th to 14th Streets between Corell Contractor, Inc. and Wellmark, Inc.
 - (B) [Paving](#) Improvements, Grand Avenue from 11th to 14th Streets between The Weitz Company, LLC and Wellmark, Inc.

SPECIAL ASSESSMENTS

16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2011-05.
17. Approving deletion of NAC-Emergency Assessments for the following:
 - (A) [3107](#) 5th Avenue.
 - (B) [3136](#) Raccoon Street.
 - (C) [Various](#) locations.
18. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for May 2011:
 - (A) [Credits](#).
 - (B) [Fees](#).

LAND/PROPERTY TRANSACTIONS

19. [Establishing](#) fair market value and authorizing voluntary acquisition of 1603 13th Street for Forest Avenue Urban Renewal Project.

[\(Council Communication No. 11-297\)](#)

20. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for Euclid Avenue intersection improvements.

[\(Council Communication No. 11-302\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. [Approving](#) Neighborhood Revitalization Board recommendation of Charter Neighborhood status for the Waterbury Neighborhood, effective January 1, 2012.

[\(Council Communication No. 11-327\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) request from Michael Baldus for vacation of a segment of north/south alley between 9th and 10th Street from Stone Lane, north adjoining 1135 10th Street.
23. [Regarding](#) request from Westgate Partnership, LLC for vacation of two segments of north/south alley between 14th and 15th Street from Locust Street to east/west alley, subject to conditions.

SETTING DATE OF HEARINGS

24. [On](#) conveyance of permanent water main easements across various city-owned properties to Des Moines Water Works, \$1, (6-13-11).
25. [On](#) conveyance of overhead and underground electric line easements on various City-owned properties to MidAmerican Energy Company, \$1, (6-13-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of \$6,399 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Police Officer Mersed Dautovic.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training requests for Colin Boone, Garey Bryan, Kenan Miller, Andrew Wierck, and Dana Wingert.

[\(Council Communication No. 11-315\)](#)

APPROVING

28. [Amending](#) the contract and amendment procedures for HUD Supportive Housing Program (SHP) and Shelter Plus Care (S+C) Projects.

[\(Council Communication No. 11-323\)](#)

29. [Ingersoll](#) Square II, L.P. Application for Enterprise Zone Benefits for a housing project in the Ingersoll Enterprise Zone, 2000 High Street.

[\(Council Communication No. 11-319\)](#)

30. [Murillo](#) Flats, L.C.C. Application for Enterprise Zone Benefits for a housing project in the Gateway Enterprise Zone, 611 16th Street.

[\(Council Communication No. 11-320\)](#)

31. ~~Loan Agreement for retention of Simpson, Jensen, Abels, Fischer & Bouslog, PC within the Equitable Office Building, \$27,000.~~

~~(Council Communication No. 11-311)~~

32. [Polk](#) County Application for a Housing and Urban Development 2011 Lead-Based Paint Hazard Control Program Grant.

[\(Council Communication No. 11-318\)](#)

33. [Grant](#) Application to the United States Conference of Mayors and Dupont under the Lead Safe for Kids' Sake! Grant Program, \$75,000.

[\(Council Communication No. 11-335\)](#)

34. [Memorandum](#) of Agreement with ICLEI-Local Governments for Sustainability USA, INC. for the STAR Beta Communities Program, \$25,000.

[\(Council Communication No. 11-326\)](#)

35. [Federal](#) Aviation Administration AIP Grant Agreement for Airport Runway 13R-31L Land Acquisition.

[\(Council Communication No. 11-294\)](#)

36. [Receipt](#) of Airport Board Regulation No. 11-62, regarding commercial use fees, to be effective on July 1, 2011.

37. [Second](#) Amendment to RCC Consultant Services Agreement for additional services required for extensive testing of the Metro Interoperability Communications System, not to exceed \$28,200.

[\(Council Communication No. 11-322\)](#)

38. [Application](#) to Office of Community Oriented Policing Services (COPS) for a 2011 COPS Secure Our Schools grant to install state-of-the-art security systems in Des Moines schools.

[\(Council Communication No. 11-321\)](#)

39. [Application](#) to Office of Community Oriented Policing Services (COPS) for a COPS Hiring Program (CHP) grant for six police officers to support community policing efforts, \$1,826,370.

[\(Council Communication No. 11-312\)](#)

40. [Prairie](#) Meadows Community Outreach Program Agreement for Park and Recreation Department booth at 2011 Des Moines Arts Festival.

[\(Council Communication No. 11-313\)](#)

41. [Sustainable](#) Communities Regional Planning Grant Consortium Agreement relating to HUD Grant to Des Moines Area Metropolitan Planning Organization (MPO).

[\(Council Communication No. 11-339\)](#)

42. ~~Amendment to Schedule of Fees applicable to sidewalk café lease and license agreements authorizing refunds for unused portion of terms.~~

43. Bids from the following:

- (A) [Electrical](#) Engineering & Equipment (Jeff Stroud, President) for nine (9) emergency generators for use by the Engineering Department, \$302,055. (Three bids mailed, three received).
- (B) [Lounsbury](#) Sand & Gravel (Ben Lounsbury, President) for an annual contract to furnish topsoil for use by the Public Works Department, annual estimated amount \$72,000. (Six bids mailed, one received).

[\(Council Communication No. 11-324\)](#)

- (C) [Vital](#) Support Systems (Jeff Sparling, CEO) for mass storage system enhancement at the City's shared storage unit for use by the IT Department, \$65,915. (Seven bids mailed, one received).

[\(Council Communication No. 11-329\)](#)

44. [Civil](#) Service Promotional Lists for Community Action Program Manager, Police Sergeant and Truck Driver.

45. [Authorizing](#) Finance Director to draw checks on registers for weeks of May 23, May 30, and June 6, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of May 23, May 30, and June 6, 2011; and to draw checks for biweekly payroll due on June 3 and June 17, 2011.

ORDINANCES - SECOND CONSIDERATION

46. [To](#) rezone 1704 High Street from "C-2" (General Retail and Highway Oriented Commercial) to "NPC" (Neighborhood Pedestrian Commercial).

- (A) Final consideration of ordinance above (waiver requested by Paul Koester), requires six votes.

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

- (A) Initiating amendment to Zoning Ordinance to further regulate the allowed location of businesses engaged in the sale of alcoholic liquors for off-premise consumption, and imposing a temporary moratorium on the commencement of any such business in the "C-1" (Neighborhood Retail Commercial) District and at any location which has not received conditional use approval from the Zoning Board of Adjustment.

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

ORDINANCES - FIRST CONSIDERATION

48. [Amending](#) Chapter 2 of the Municipal Code, establishing a grievance procedure under the Americans with Disabilities Act.

[\(Council Communication No. 11-338\)](#)

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

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

[\(Council Communication No. 11-310\)](#)

- (A) Petition to allow parking – SE 5th Street between Jackson and Livingston Avenue.
(B) Removal of School Signal – E. 9th Street and Cleveland Avenue.
(C) Request for two-hour parking limit – 1900 block of Ingersoll Avenue.

50. [Amending](#) Chapter 70 of the Municipal Code regarding swimming in a river or other unsupervised place.

[\(Council Communication No. 11-325\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires six votes.

COMMUNICATIONS/REPORTS

51. [From](#) Dan Dusenbery, 25 E. First Street, to speak regarding Automated External Defibrillators (AED) in Des Moines police cars.

***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 52 THRU 57)

52. Items regarding the expansion of Kemin Industries, Inc. and the Kemin Corporate Campus:

[\(Council Communication No. 11-333\)](#)

- (A) [Hearing](#) on the proposed Urban Renewal Development Agreement with Kemin Industries, Inc.; proposed vacation of portions of Scott Avenue and SE 20th Street; proposed sale and conveyance of such vacated rights-of-way together with additional City-owned land, north of Scott Avenue between SE 20th and SE 22nd Streets to Kemin Industries, Inc.; and on the proposed rezoning of all such land together with additional land, north of Scott Avenue between SE 19th and SE 20th Streets from "M-1" (Light Industrial) to "M-2" (Heavy Industrial), for an expansion of the Kemin Home Office, Research and Manufacturing Facilities.
 - (B) [Receive](#) and file recommendations from City Plan and Zoning Commission regarding proposed street vacations and rezoning.
 - (C) [Receive](#) and file recommendations from Urban Design Review Board regarding the level of financial assistance funded from tax increment revenues.
 - (D) [First](#) consideration of ordinance vacating portions of Scott Avenue and SE 20th Street.
 - (E) [Final](#) consideration of ordinance above (waiver requested by Kemin Industries, Inc.), requires six votes.
 - (F) [First](#) consideration of ordinance rezoning the property described above from the "M-1" (Light Industrial) to "M-2" (Heavy Industrial).
 - (G) [Final](#) consideration of ordinance above (Waiver requested by Kemin Industries, Inc.), requires six votes.
 - (H) ~~Approving Urban Renewal Development Agreement with Kemin Industries, Inc., including the sale to Kemin of the vacated rights-of-way and city property as described above for the expansion of its corporate campus and home office, research and manufacturing facilities.~~
 - (I) [Request](#) from Anthony Holt, 607 SE 21st Ct., to speak regarding timing of the vacation of Scott Street.
53. [On](#) appeal from Qui Dang, 4313 – 46th Street, regarding recommended denial of a Taxicab License.

54. [On](#) appeal from Curtis Kallesen, 2108 63rd Street, Windsor Heights, regarding Administrative Hearing Officer's decision on impounded vehicle.
55. [On](#) conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200 and **to continue to June 13, 2011 at 5:00 PM.**

[\(Council Communication No. 11-304\)](#)

56. [On](#) Evergreen & Columbus Parks Basketball Court Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. VerMeer, President), \$53,950.
- (A) [Approving](#) contract, bond and permission to sublet.

[\(Council Communication No. 11-306\)](#)

57. [On](#) Tonawanda Drive Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and to receive and file bids.

[\(Council Communication No. 11-309\)](#)

END HEARINGS AT _____ PM

APPROVING

58. [Exception](#) to competitive procurement process and approving Administrative Services Only Agreement with Wellmark Blue Cross and Blue Shield of Iowa to provide claims administration for employee and retiree health plans from July 1, 2011 through June 30, 2012.

[\(Council Communication No. 11-332\)](#)

59. [Exception](#) to competitive procurement process for Fiscal Years 2012 and 2013, approving renewal of agreement with Delta Dental of Iowa for administrative services related to the City's self-insured dental plan for employees and certain retirees, and authorizing staff to negotiate rates for Fiscal Years 2012 and 2013 with approval of the City Manager.

[\(Council Communication No. 11-331\)](#)

60. [Receive](#) and file Trails and Greenways Advisory Committee recommendation of the Bicycle and Trail Master Plan as an element of the 2020 Community Character Plan.

[\(Council Communication No. 11-314\)](#)

61. [Diminution](#) of employees in the Des Moines Housing Services Department.

[\(Council Communication No. 11-334\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 1933 Capitol Avenue, main structure, Titleholder: Jose A. Estrada.

MOTION TO ADJOURN.

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