

DES MOINES CITY COUNCIL MEETING

June 27, 2011

4:30 PM

I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

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SPECIAL PRESENTATION – 4:00 PM

Goodguys Heartland Nationals 20th Anniversary

INVOCATION: Council Member Coleman

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 41:

***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) | FORTE BANQUET BY BARATTAS | 615 3RD ST | C Liquor |
| (B) | SUPER STOP | 727 SE 14TH ST | E Liquor |
| (C) | SUPER STOP | 727 SE 14TH ST | C Beer |
| (D) | US GAS | 3000 SW 9TH ST | E Liquor |

RENEWAL APPLICATIONS

(E)	BEST TRIP	1516 SE 1ST ST	C Beer
(F)	BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(G)	BUFFALO WILD WINGS GRILL	4345 MERLE HAY RD	C Liquor
(H)	CASEYS #2676	2106 ECHO VALLEY DR	C Beer
(I)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(J)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(K)	DRUGTOWN WINE AND SPIRITS	4100 UNIVERSITY AVE	E Liquor
(L)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(M)	HY VEE FOOD STORE #5	1107 E ARMY POST RD	E Liquor
(N)	MAIN GATE	2956 E GRAND AVE	C Liquor
(O)	POLK COUNTY CONVENTION CO	501 GRAND AVE	C Liquor
(P)	QUIK TRIP #554	901 SW 63RD	C Beer
(Q)	RED POPPY	2925 INGERSOLL AVE	C Liquor
(R)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor
(S)	SOUTHSIDE TOBACCO & LIQUOR	2424 SW 9TH ST	E Liquor
(T)	TAQUERIA JALISCO	1704 E GRAND AVE	B Beer

OUTDOOR SERVICE APPLICATIONS

(U)	SAMBETTIS	1430 2ND AVE	C Liquor
	Adding permanent outdoor service area.		

SPECIAL EVENT APPLICATIONS

- (V) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview Event on July 8, 2011.
- (W) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview Event on July 1, 2011.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- (A) [2011](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (7-12-11),
Setting date of hearing, (7-25-11). (Construction Estimate - \$351,900).

[\(Council Communication No. 11-419\)](#)

- (B) [63rd](#) Street Trail Connector – Railroad Avenue to Tyler Avenue: Receiving of bids,
(7-12-11), Setting date of hearing, (8-8-11). (Construction Estimate - \$109,767.50).

[\(Council Communication No. 11-415\)](#)

7. [Approving](#) Professional Services Agreement with Howard R. Green Company, in connection with design and construction phase services for the 2011 System Wide Local Flood Protection Project Improvements, not to exceed \$377,000.

[\(Council Communication No. 11-413\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to Des Moines River Regional Trail – Phase 1 Professional Services Agreement with AECOM, Inc. to provide additional design services, not to exceed \$56,100.

[\(Council Communication No. 11-409\)](#)

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

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

- (A) [2010](#) Park Playground Improvements, T K Concrete, Inc.
- (B) [1212](#) E. 35th Court Emergency Sanitary Sewer Repair, Van Hauen & Associates, Inc.
- (C) [3021](#) Deep Woods Court Sanitary Sewer Repair, Drake Construction, LC.
- (D) [SE](#) 8th Street & Granger Avenue Emergency Sanitary Sewer Repair, Corell Contractor, Inc.

SPECIAL ASSESSMENTS

11. [Approving](#) deletion of rental inspection assessment at various locations.

LAND/PROPERTY TRANSACTIONS

12. [Release](#) of Subdivision Improvement Bond in the amount of \$6,477 for satisfactory completion of remaining sidewalk improvements for AIRPORT INDUSTRIAL PARK, PLAT 2.

[\(Council Communication No. 11-394\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Recommendation](#) from the Greater Des Moines Partnership to appoint Russell Cross to the Neighborhood Revitalization Board, Seat 16, for a one-year term commencing June 30, 2011 to expire June 30, 2012.
14. Recommendations from Council Member Chris Coleman to reappoint the following:
 - (A) [Paula](#) Feltner to the Park and Recreation Board, Seat 5, for a four-year term commencing June 30, 2010 to June 30, 2014.
 - (B) [Greg](#) Wattier to the Urban Design Review Board, Seat 3, for a three-year term commencing June 30, 2009 to June 30, 2012.
15. Recommendations from Council Member Halley Griess to reappoint the following:
 - (A) [Charles](#) Gassmann to the Building and Fire Code Board of Appeals, Seat 11, for a three-year term commencing April 1, 2011 to expire April 1, 2014.
 - (B) [Jeffrey](#) Gronstal to the Housing Appeals Board, Seat 4, for a three-year term commencing March 16, 2010 to expire March 16, 2013.
- 15-I [Accepting](#) resignation from Christine Pardee from the Sister Cities Commission, Seat 9, effective July 1, 2011 and recommendation from Council Member Griess to appoint her to Plan and Zoning Commission, Seat 3, effective July 1, 2011.
16. Recommendations from Council Member Chris Hensley to reappoint the following:
 - (A) [Brian](#) Dennis to the Access Advisory Board, Seat 14, for a four-year term commencing June 15, 2011 to expire June 15, 2015.
 - (B) [Sharon](#) Murphy to the Neighborhood Revitalization Board, Seat 9, for a three-year term commencing June 30, 2011 to expire June 30, 2014.
 - (C) [Lynn](#) Huess to the Public Housing Board, Seat 6, for a three-year term commencing June 30, 2011 to expire June 30, 2014.
 - (D) [John](#) Hearn to the Urban Design Review Board, Seat 10, for a three-year term commencing June 30, 2011 to expire June 30, 2014.

17. Recommendations from Council Member Bob Mahaffey to reappoint the following:
 - (A) [Ryan](#) Smith to the Des Moines Music Commission, Seat 5, for a three-year term commencing July 1, 2011 to July 1, 2014.
 - (B) [William](#) Page to the Plan and Zoning Commission, Seat 11, for a five-year term commencing July 1, 2011 to July 1, 2016.
 - (C) [John](#) Morrisey to the Traffic Safety Committee, Seat 5, for a three-year term commencing December 31, 2009 to expire December 31, 2012.

18. Recommendations from Council Member Brian Meyer to reappoint the following:
 - (A) [Jessica](#) Pruitt to the Access Advisory Board, Seat 15, for a four-year term commencing June 15, 2011 to expire June 15, 2015.
 - (B) [Laura](#) Mundy to the Neighborhood Revitalization Board, Seat 5, for a three-year term commencing June 30, 2011 to expire June 30, 2014.
 - (C) [Vincent](#) Scavo to the Park and Recreation Board, Seat 13, for a four-year term commencing June 30, 2011 to expire June 30, 2015.
 - (D) [Tim](#) Rypma to the Urban Design Review Board, Seat 7, for a three-year term commencing June 30, 2011 to June 30, 2014.

19. Recommendations from Council Member Skip Moore to reappoint the following:
 - (A) [Brandon](#) Findlay to the Des Moines Music Commission, Seat 2, for a two-year term commencing July 1, 2010 to expire July 1, 2012.
 - (B) [Richard](#) Thornton to the Park and Recreation Board, Seat 4, for a four-year term commencing June 30, 2011 to expire June 30, 2015.
 - (C) [CJ](#) Stephens to the Plan and Zoning Commission, Seat 5, for a five-year term commencing July 1, 2011 to expire July 1, 2016.
 - (D) [Vidal](#) Spaine to the Sister Cities Commission, Seat 4, for a five-year term commencing April 28, 2011 to expire April 28, 2016.

20. Recommendation from Mayor Frank Cownie to reappoint the following:
 - (A) [Mark](#) Stanley to the Access Advisory Board, Seat 1, for a four-year term commencing June 15, 2010 to expire June 15, 2014.
 - (B) [Pete](#) Rounds to the Civil Service Commission, Seat 6, for a four-year term commencing April 1, 2011 to expire April 1, 2015.

- (C) [Matthew](#) McIver to the Des Moines Music Commission, Seat 1, for a two-year term commencing July 1, 2010 to expire July 1, 2012.

SETTING DATE OF HEARINGS

21. [On](#) vacation and lease of a portion of the public sidewalk adjoining Mickey's Irish Pub at 206 3rd Street for a sidewalk café serving alcohol, (7-11-11).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment to Ahlers & Cooney, PC for consultation services with collective bargaining, \$5,696.45.
23. [Approving](#) payment to Bob Brown Collision Center for property damage as the result of an auto accident, \$8,260.24.
24. [Approving](#) payment to Michael Stroud for workers' compensation, \$9,285.19.

APPROVING

25. [Authorizing](#) City Manager as Certifying Officer for U.S. Department of Housing and Urban Development Environmental Reviews, Certifications and Requests for Release of Funds.

[\(Council Communication No. 11-405\)](#)

26. [Grant](#) application submission by West Bank to Federal Home Loan Bank (FHLB) for Affordable Housing Program, Memoranda of Understanding with Neighborhood Finance Corporation and Home Opportunities Made Easy (HOME), Inc. for supportive services and Sub-agreement with West Bank as the partner FHLB Member Bank, \$300,000.

[\(Council Communication No. 11-427\)](#)

27. [Economic](#) Development Forgivable Loan Agreement for retention of Simpson, Jensen, Abels, Fischer & Bouslog, PC within the Equitable Office Building, \$27,000.

[\(Council Communication No. 11-400\)](#)

28. [Contract](#) for a forgivable loan from Iowa Department of Economic Development (IDED) to Kemin Industries, Inc. to assist in expansion of Kemin's Corporate Headquarters in the Des Moines Agribusiness Enterprise Zone.

[\(Council Communication No. 11-436\)](#)

29. Number Not Used.
30. [Final](#) Terms and Documents for Community Development Block Grant (CDBG) Funds for completion of rehabilitation and site improvements at The Murillo Apartments, 611 16th Street, \$250,000.

[\(Council Communication No. 11-404\)](#)

31. [Second](#) Amendment to Iowans Helping Iowans Housing Assistance Program Grant Agreement reducing the funds by \$150,000.

[\(Council Communication No. 11-407\)](#)

32. [Exile](#), L.L.C. application for Enterprise Zone Benefits for a housing project in the Gateway Enterprise Zone, 1514 Walnut Street, 7 apartment units.

[\(Council Communication No. 11-424\)](#)

33. [Agreement](#) and Covenant regarding the construction of private sewer service in lieu of constructing a public sanitary sewer extension with Terry T. Baal at 2800 Stanton Avenue.

34. [Annual](#) insurance renewal for property and casualty insurance.

[\(Council Communication No. 11-401\)](#)

35. [Use](#) of various City facilities as poll sites for the School Election to be held on Tuesday, September 13, 2011.

36. Bids from the following:

- (A) [POM](#) INC., (Seth Ward II, Owner/President), sole area-wide distributor, to furnish parking meter replacement parts and repair services during fiscal year 2012, to be used by the Traffic and Transportation Division, estimated annual cost \$28,000.

[\(Council Communication No. 11-410\)](#)

- (B) [Logan](#) Contractors Supply, (Bruce Logan, President), sole area-wide distributor, to furnish crack sealant and detackifier products during fiscal year 2012, to be used by Public Works Street Maintenance Division, estimated annual cost \$55,000.

[\(Council Communication No. 11-402\)](#)

- (C) [Menards](#), to furnish miscellaneous building materials and supplies for use during fiscal year 2012, per State of Iowa Contract, to be used by the Public Works Department, estimated annual cost \$85,000.

[\(Council Communication No. 11-403\)](#)

- (D) [TMC](#) Auto Body, (Craig Peters, Owner) and Deery Brothers Chevrolet, (Tony Nordman, General Manager) to furnish auto body repair services to be used during fiscal year 2012, per State of Iowa Contract, to be used by the Fleet Maintenance Center, estimated annual cost \$50,000.

[\(Council Communication No. 11-396\)](#)

- (E) [Wilson](#) Toyota, (Dennis Wilson, Owner/President) for 11 replacement hybrid vehicles exempted from competitive bidding requirements for good cause shown, to be used by the Police Department, \$278,575.

[\(Council Communication No. 11-435\)](#)

- (F) [Alliance](#) Medical d/b/a AllMed, (Larry Dahl, CEO); Bound Tree Medical, (Hank Struik, CEO); Midwest Medical Supply, (Gary Reeve, CEO); and Henry Schein, (Stan Bergman, CEO) for an annual contract with two additional one-year renewal options to furnish medical and pharmaceutical supplies to be used by the Fire Department, \$195,000. (14 bids mailed, 5 received).

[\(Council Communication No. 11-425\)](#)

- (G) [AP/M](#) Permaform, (Bill Shook, President), sole area-wide distributor for a blanket purchase order to furnish high-strength grout during fiscal year 2012 to be used by Public Works Department, \$55,000.

[\(Council Communication No. 11-430\)](#)

- (H) [Dell](#) Marketing LP, (Michael Dell, CEO) for replacement employee desktop personal computers during fiscal year 2012 per Western States Contracting Alliance price agreement to be used by IT Department, \$300,000.

[\(Council Communication No. 11-429\)](#)

37. [Annual](#) software maintenance and support for the City's Computer Aided Dispatch (CAD) and Records Management System (RMS), from Intergraph Corporation, (Halsey Wise, President) manufacturer and sole area-wide distributor, \$190,076.

[\(Council Communication No. 11-428\)](#)

38. ~~Lease Purchase Master Agreement with Wells Fargo Bank, N.A.~~

~~([Council Communication No. 11-423](#))~~

~~(A) [Supplement](#) No. 1 to Governmental Lease Purchase Master Agreement with Wells Fargo Bank, N.A., \$942,038.~~

~~(B) [Supplement](#) No. 2 to Governmental Lease Purchase Master Agreement with Wells Fargo Bank, N.A., \$1,147,482.~~

~~([Council Communication No. 11-426](#))~~

39. [Civil](#) Service Entrance Lists for Fire Fighter and Community Investment Analyst.

40. [Reaffirming](#) the purpose of certain general fund balances in accordance with new General Accounting Practices.

~~([Council Communication No. 11-397](#))~~

41. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 27 and July 4, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 27 and July 4, 2011; and to draw checks for biweekly payroll due July 15, 2011.

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

ORDINANCES - FIRST CONSIDERATION

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

~~([Council Communication No. 11-408](#))~~

(A) Realignment of on-street parking due to renovation work at the Kirkwood Condominiums.

(B) Petition for two-sided parking restriction – 100 block of E. Titus Avenue.

(C) Petition to allow parking – Pond View Circle.

43. [Amending](#) Chapter 30 of the Municipal Code regarding persons under age 21 on premises having an after-hours business license.

(A) Final consideration of ordinance above (requested by Council Member Hensley), requires six votes.

COUNCIL REQUESTS

44. [From](#) Council Member Christine Hensley to speak regarding Post Office locations downtown.
45. [From](#) Council Member Brian Meyer to speak regarding placement of banners in the Fairground Neighborhood on E. Grand Avenue from the railroad tracks to E. 30th 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 46 THRU 54)

46. [On](#) conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200.

[\(Council Communication No. 11-421\)](#)

47. [On](#) vacation and conveyance of remaining public alley right-of-way in the block bound by Vine, Water, Market and SW 2nd Streets to Waterfront Lodging, Inc. for \$39,856, subject to conditions.

[\(Council Communication No. 11-412\)](#)

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

48. [On](#) vacation and lease of alleys adjoining 1312 Locust and 1408 Locust Street to Westgate Partnership, LLC, subject to conditions.

[\(Council Communication No. 11-420\)](#)

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

49. [On](#) request from QuikTrip Corporation to rezone property at 2300 E. 14th Street from Ltd. “C-1” (Neighborhood Retail Commercial) to “C-1” (Neighborhood Retail Commercial).

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

(B) [Final](#) consideration of ordinance above (requested by applicant), requires six votes.

50. [On](#) request from HDR Land Development, LLC to amend The Woods of Copper Creek PUD Conceptual Plan (4600 block of Easton Blvd.) revising the southeastern five acres removing it from Area “C” for multiple-family and adding to Area “A” for single-family development, subject to conditions.

[\(Council Communication No. 11-431\)](#)

51. [On](#) 2011 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$213,870.

(A) [Approving](#) contract and bond.

[\(Council Communication No. 11-418\)](#)

52. [On](#) 2011 Designated Neighborhood Sidewalk Replacement Program: 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), \$340,350.

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

[\(Council Communication No. 11-417\)](#)

53. [On](#) 2011 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc., d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$979,980.55.

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

[\(Council Communication No. 11-416\)](#)

54. [On](#) Blank Park Zoo Entrance Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Larson & Larson Construction, LLC, (Jeffrey C. Larson, President), \$1,889,870.93.

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

[\(Council Communication No. 11-414\)](#)

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

APPROVING

55. [IDOT](#) Agreement for construction of the Des Moines River Regional Trail – Phase 1.

[\(Council Communication No. 11-411\)](#)

56. [Preliminary](#) terms of agreement with StartupCity Des Moines, LLC, for City assistance in the creation of a business incubator in downtown Des Moines.

[\(Council Communication No. 11-433\)](#)

57. [Letter](#) of Interest to the U.S. Environmental Protection Agency (EPA) Greening America's Capitals Program.

[\(Council Communication No. 11-432\)](#)

58. [Intergovernmental](#) 28E Agreement between the City of Des Moines, State of Iowa, and Department of Public Defense for upgrading of the Iowa Air National Guard Airfield Facilities.

[\(Council Communication No. 11-422\)](#)

59. [Contract](#) with Langley Productions, Inc. to film various activities of Des Moines' police officers for inclusion in television series "COPS."

[\(Council Communication No. 11-406\)](#)

60. [Iowa](#) State Fair Authority to construct a bus drop-off lane in the north right-of-way of Dean Avenue.

[\(Council Communication No. 11-434\)](#)

(A) [Request](#) from Iowa State Fair for temporary "No Parking" signs from August 11-21, 2011.

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. [Preliminary](#) Terms of Agreement with Richard Eychaner for City Assistance for the Redevelopment of Property at 3801 Merle Hay Road. Sponsor: Council Member Halley Griess.

[\(Council Communication No. 11-437\)](#)

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) [1837](#) E. Grand Avenue, main structure, Titleholder: Efrain Mayorga.
 - (B) [1418](#) Hutton Street, garage structure, Titleholder: Adair Holdings, LLC.

MOTION TO ADJOURN.