

# DES MOINES CITY COUNCIL MEETING

October 24, 2011

## I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Iowa Code Subsection 21.5(1)(c) and Subsection 20.17(3).
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

\* \* \* \* \*

**INVOCATION:** Council Member Meyer

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA \* – items 3 through 50:

**\*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) | CHEESE SHOP OF DES MOINES | 833 42ND ST    | C Beer/Wine |
| (B) | GIT N GO STORE #42        | 806 SE 14TH ST | C Beer      |

### RENEWAL APPLICATIONS

- |     |                           |                   |          |
|-----|---------------------------|-------------------|----------|
| (C) | APEX OIL                  | 1200 SE 30TH ST   | C Beer   |
| (D) | BIG CITY BURGERS & GREENS | 400 LOCUST ST     | C Liquor |
| (E) | BORDENAROS PIZZA          | 6108 SW 9TH ST    | C Liquor |
| (F) | CENTRO RESTAURANT         | 1011 LOCUST ST    | C Liquor |
| (G) | DAHLS FOODS               | 4343 MERLE HAY RD | E Liquor |

(H)	DUBLIN	2307 UNIVERSITY	C Liquor
(I)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(J)	GIT N GO STORE #33	865 42ND ST	C Beer
(K)	GRAND VIEW COLLEGE	1500 MORTON AVE	C Beer/Wine
(L)	HESSEN HAUS	101 4TH STREET	C Liquor
(M)	KAMODO KLUB SAKE N SUSHI	214 3RD ST	C Liquor
(N)	SHOP N SAVE	2127 MLK JR PKWY	E Liquor

### SPECIAL EVENTS APPLICATIONS

- (O) GAS LAMP 1501 GRAND AVE Five (5) Day License  
Class C Liquor License for Pumpkin Bash on October 29, 2011. Pending approval of Building Department.
- (P) GLAZA STUDIO 502 E LOCUST ST Five (5) Day License  
Class C Liquor License for Accidental Industry Fashion Show on November 4, 2011.
- (Q) TASTE TO GO 519 PARK ST Five (5) Day License  
Class C Liquor License for fundraiser event for Iowa State University on November 4, 2011.
- (R) WATLAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License  
Class B Beer License for an event on November 12, 2011.

5. [Consideration](#) of new Class C Liquor License for Pelican Club, 208 3<sup>rd</sup> Street.
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

### PUBLIC IMPROVEMENTS

8. [Ordering](#) construction of 2011 Sewer Repair - Contract 1 - Receiving bids, (11-8-11), and Setting date of hearing, (11-21-11). (Construction Estimate - \$935,000).

[\(Council Communication No. 11-649\)](#)

9. [Revise](#) previous authorization for the City Manager to submit Iowa Clean Air Attainment Program (ICAAP) Fund Applications to the Iowa Department of Transportation (IDOT) for (1) Traffic Observation Camera System and Downtown Wayfinding CMS System Upgrade, \$270,000; and (2) Downtown Bicycle Plan Implementation – Phase 1, \$330,000 – to incorporate additional wording regarding maintenance and operation of project improvements.

[\(Council Communication No. 11-652\)](#)

10. [Approving](#) Professional Services Agreement with Geotechnical Services, Inc., for materials testing and special inspection services for the Fire Station No.1 Replacement, not to exceed \$27,500.

[\(Council Communication No. 11-651\)](#)

11. [Communication](#) from Dore & Associates Contracting, Inc. requesting permission to sublet certain items on Demolition at 717 Grand Avenue former YWCA.
12. [Accepting](#) completed construction and approving final payment for Waveland Trail – 40<sup>th</sup> to 42<sup>nd</sup> Street, P.G. Construction Inc.

### **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2011-13.
14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2011-08.
15. [Approving](#) deletion of NAC-Emergency Assessment at various properties.
16. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility credits for October 2011.

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

17. [Recommendation](#) from Council Member Bob Mahaffey to appoint Marjorie Ramsey to the Neighborhood Revitalization Board, Seat 3, for a three-year term commencing June 30, 2009 to expire June 30, 2012.
- 17-I [Recommendation](#) from Council Member Christine Hensley to appoint Matt Grohe to the Citizen Odor Board, Seat 2, for a three-year term commencing April 1, 2010 to expire April 1, 2013.
18. [Communication](#) from Mack Morgan advising of his resignation from the Housing Appeals Board, Seat 7, effective immediately.

## COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Kristin Konchalski, owner 729 Bell Avenue, for vacation of a segment of SW 8<sup>th</sup> Street, east of and adjoining the subject property, and west of the travelled, improved portion of the street, subject to conditions.
20. [Regarding](#) City Council-initiated request to vacate a segment of Broad Street from Indianola Avenue to SE 8<sup>th</sup> Street.

## SETTING DATE OF HEARINGS

21. [On](#) conveyance of City-owned property to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the WRA New Main Outfall Sewer Phase 17, Segments 3 & 4 Project, \$88,700, (11-7-11).
22. [On](#) conveyance of the Des Moines Building at 405 6<sup>th</sup> Avenue and 513 Locust Street to the Des Moines Apartments, LP, \$150,000, (11-7-11).

[\(Council Communication No. 11-658\)](#)

23. [On](#) request from Christopher Seunt Jens to rezone property in the vicinity of 3422 57<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-2” (One and Two-Family Residential) to allow for infill development with two-family dwellings, subject to conditions, (11-7-11).
24. [On](#) request from Jose Villarreal to rezone 2013 Clark Street from “C-0” (Commercial Residential) to “R1-60” (One-Family Low-Density Residential) to allow for financing of existing single-family dwelling, (11-7-11).
25. [On](#) request from Mayorga & Mayorga Partners to rezone 1800 SE 14<sup>th</sup> Street from “C-2” (General Retail and Highway Oriented Commercial) with a VDL (Vehicle Display Lot Overlay) to remove the Overlay and rezone to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow for expansion of the existing vehicle display lot adjoining on the south, subject to conditions, (11-7-11).
26. [On](#) request from Russell Parks to rezone property in the vicinity of 4805 Observatory Road from “R1-80” (One-Family Residential) to Ltd. “R-3” (Multiple Family Residential) to allow for infill development of no more than six units with three single-family semi-detached dwellings, all contained within a commonly owned parcel with access from Observatory Road, subject to conditions, (11-7-11).

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

27. Approving payment to the following for workers' compensation claims:

(A) [Christopher](#) Coco and his attorney David Coco, \$50,000.

(B) [Troy](#) Cavil and his attorney Nicholas Shaull, \$28,678.

**CITY MANAGER COMMUNICATIONS**

28. [Submitting](#) travel and training requests for T.M. Franklin Cownie.

[\(Council Communication No. 11-668\)](#)

**APPROVING**

29. [2011](#) Department of Housing and Urban Development (HUD) Supportive Housing Program (SHP) Continuum of Care Application.

[\(Council Communication No. 11-659\)](#)

30. [Third](#) Year Action Plan (2012) Environmental Review Record, Finding of No Significant Impact on the Environment and Notice of Intent to Request Release of Funds.

[\(Council Communication No. 11-660\)](#)

31. [Contract](#) amendments to the 2008 Community Development Block Grant (CDBG) Disaster Recovery Hazard Mitigation Grant Program property acquisition contracts with Iowa Department of Economic Development.

[\(Council Communication No. 11-650\)](#)

32. [Amending](#) restrictive covenants on property at 3132 Kingman Boulevard to allow demolition of existing building and new construction of residential property.

[\(Council Communication No. 11-665\)](#)

33. [Neighborhood](#) Commercial Revitalization Program Predevelopment Grant for \$5,000 and a Neighborhood Commercial Revitalization Program Façade Grant for \$15,000 for renovations to 210 Court Avenue.

[\(Council Communication No. 11-662\)](#)

34. [Neighborhood](#) Commercial Revitalization Program \$15,000 Façade Grant, a \$5,000 Predevelopment Grant, and a \$135,000 Economic Development Bridge Loan for renovations to 424 E. Locust Street.

[\(Council Communication No. 11-666\)](#)

35. [Agreement](#) for Economic Development Forgivable Loan to Life Care Services, LLC and LCS Real Estate, Inc. to retain and expand its home office in Des Moines, \$196,000.

[\(Council Communication No. 11-667\)](#)

36. [Submittal](#) of an application for free technical assistance from Smart Growth America regarding a sustainable land use code audit.

[\(Council Communication No. 11-657\)](#)

37. [Revisions](#) to proposed Fourth Amendment to the SE Agribusiness Urban Renewal Plan.

[\(Council Communication No. 11-669\)](#)

38. [Second](#) Renewal Agreement and Amendment to Concession Agreement with Des Moines Riverfront Development Authority (RDA) for the Management, Operation and Maintenance of Brenton Skating Plaza.

[\(Council Communication No. 11-663\)](#)

39. [Agreement](#) with the Iowa Insurance Division's Senior Health Insurance Information Program (SHIIP) to identify and assist with applications of individuals who may qualify for the Social Security Administration Low-Income Subsidy (LIS) Prescription Drug Program.

[\(Council Communication No. 11-655\)](#)

40. [Communication](#) from the Civic Center of Greater Des Moines requesting permission to place a temporary banner on the north wall of the Civic Center announcing the return of the Broadway Musical Wicked commencing October 25 through December 5, 2011.

41. Items regarding Airport Business Park:

[\(Council Communication No. 11-656\)](#)

- (A) Approving completion and acceptance of private construction contracts for the following:
  - (1) [Storm](#) sewer improvements, Gannett Drive between Register Drive and SW 37<sup>th</sup> Street, between the Underground Company, Ltd. and Army Post Development, LC.
  - (2) [Storm](#) and sanitary sewer improvements, Airport Business Park Plat 3, between Elder Corporation and ODC Gannett Ave., LLC.
  - (3) [Paving](#) improvements, Gannett Drive between Register Drive and SW 37<sup>th</sup> Street, between Sternquist Construction, Inc. and Army Post Development, LC.
  - (4) [Paving](#) improvements, Airport Business Park Plat 3, between Sternquist Construction, Inc. and ODC Gannett Ave., LLC.
- (B) [Approving](#) issuance of Certificate of Final Completion to ABC Partners, LP.

42. [Civil](#) Service Entrance Lists for Real Estate Records & Property Technician and Senior Refuse Collector and Promotional Lists for Light Equipment Operator.

43. Bids from the following:

- (A) [ABC](#) Electrical Contractors (W. David Ward, President) for streetlight fixture replacement services along Martin Luther King Jr. Pkwy. (Ingersoll Avenue to SW 16<sup>th</sup> Street) for use by the Engineering Department, \$103,357. (Nine bids mailed, four received).
- (B) [The](#) Omega Group (Milan Mueller, President), as sole area-wide distributor, for software upgrade and annual maintenance and support for Crime View, the current software used for crime analysis to develop crime patterns and trends, for use by the Police Department, \$50,948.

[\(Council Communication No. 11-661\)](#)

44. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving Professional Services Contract with ETC Institute (Christopher Tatham, Vice President) for the development and implementation of the 2011 Resident and Business Satisfaction Surveys, \$33,250.

[\(Council Communication No. 11-654\)](#)

- 45. Exception to procurement ordinance competitive bidding requirements for good cause and approving agreement with Iowa Methodist Occupational Medicine (Eric Crowell, President and CEO) for occupation health services for employees for a period up to three years, \$224,572 for remainder of FY2012.

(Council Communication No. 11-653)

- 46. City Council meeting schedule for 2012.
- 47. Receive and file Quarterly Treasurer’s Report as of September 30, 2011.
- 48. Amendments to the City Precinct and Ward Boundaries and approving amended agreements with Polk County for Combined Precincts.

(Council Communication No. 11-671)

- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by City Manager), requires six votes.
- 49. Authorizing Finance Director to draw checks on registers for weeks of October 24 and October 31, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of October 24 and October 31, 2011; and to draw checks for biweekly payroll due November 4, 2011.

**ORDINANCES - SECOND CONSIDERATION**

- 50. On amendment to Zoning ordinance text in Chapter 134 and Site Plan ordinance text in Chapter 82 establishing a Downtown Overlay District which provides site plan guidelines for an area generally bound by Interstate 235 on the north, Raccoon and Des Moines Rivers on the south, E. 14<sup>th</sup> Street on the east and M.L. King Jr. Parkway on the west.

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



## ORDINANCES - FINAL CONSIDERATION

51. [Amending](#) Chapter 114 of the Municipal Code, to add streets in five neighborhoods to the list of Snow Ordinance Street designations.

## COUNCIL REQUESTS

52. [Follow](#)-up discussion from the October 10<sup>th</sup> Council meeting regarding compensation for Mayor and Council Members.

**\*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 53 THRU 58)

53. [On](#) request from McDonald's Corporation to rezone 3002 Forest Avenue from Ltd. "C-1" (Neighborhood Retail Commercial) to a revised Ltd. "C-1" (Neighborhood Retail Commercial) to allow revision of conditions defining the site circulation and parking configuration and exterior design of the building, subject to conditions.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
54. [On](#) intent to vacate and convey property interests in certain sanitary sewer facilities to Des Moines Metropolitan Wastewater Reclamation Authority.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by William Stowe), requires six votes.
55. [On](#) text amendments to Chapter 134 regarding zoning regulations of businesses selling alcoholic liquor, wine and beer in "C-1" (Neighborhood Retail Commercial District).

[\(Council Communication No. 11-664\)](#)

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

56. [On](#) proposed Third (2012) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan **and to continue to November 7, 2011 at 5:00 PM.**
57. [On](#) request from Capstone Ventures, LLC to rezone 315 SW 14<sup>th</sup> Street from “C-3B” (Central Business District Mixed Use) to “PUD” (Planned Unit Development) **and to continue to December 5, 2011 at 5:00 PM.**
58. [On](#) Council-initiated request to rezone the properties surrounding Southern Meadows Apartments, vicinity of SE 8<sup>th</sup> Street and Indianola Avenue, from Ltd. “R-3” (Multiple Family Residential) and “R1-60” (Low-Density Single-Family Residential) To PUD (Planned Unit Development) **and to continue to November 21, 2011 at 5:00 PM.**

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

## APPROVING

59. [Receipt](#) of informal offer to purchase 801 University Avenue (formerly occupied by Top Value Foods) for \$1,200,000.

[\(Council Communication No. 11-670\)](#)

## 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) [1839](#) E. Grand Avenue, main structure and garage structure, Titleholder: Timothy L. Zender (deceased).
  - (B) [2359](#) E. Grand Avenue, main structure (commercial), Titleholder: Stan Gruen.
  - (C) ~~2400 E. Grand Avenue, main structure (commercial), Titleholder: Chris Belcher.~~
  - (D) [1809](#) Larnard Avenue, main structure and garage structure, Titleholder: Charles E. Karns, Mortgage Holder: J. P. Morgan Chase.
  - (E) [1989](#) SW 9<sup>th</sup> Street, collapsed retaining wall, Titleholder: Federal National Mortgage Association.
  - (F) [2821](#) SW 9<sup>th</sup> Street, main structure (commercial), Titleholder: Williams Wilbert Vault Works, Inc.

2. [Communication](#) from State Farm Insurance Companies that the insured's, Linda and Dan Murphy, 1954 E. Bell Avenue, sustained a fire loss on September 25, 2011 and a fire escrow is being held.

MOTION TO ADJOURN.

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