

DES MOINES CITY COUNCIL MEETING

November 7, 2011

4:30 PM

INVOCATION: Council Member Bob Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 38:

***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)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	C Liquor
(B)	HY VEE WINE SHOP	730 3RD ST	C Beer
(C)	MEXICAN MARKET	1456 2ND AVE	C Beer
(D)	SUPER STOP	727 SE 14TH ST	C Beer

RENEWAL APPLICATIONS

(E)	ALDI INC #03	3940 E 14TH ST	C Beer
(F)	ALDI INC #29	500 E ARMY POST RD	C Beer
(G)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(H)	AMICI ESPRESSO	206 6TH AVE	C Liquor
(I)	CARLOS O'KELLYS	6250 SE 14TH ST	C Liquor
(J)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(K)	DAHLS FOODS	3400 E 33RD ST	E Liquor
(L)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(M)	FREMONT	1030 E 9TH ST	C Liquor
(N)	GIT N GO STORE #19	890 COUNTY LINE	C Beer
(O)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(P)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(Q)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(R)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(S)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(T)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(U)	MIYABI 9	512 E GRAND AVE	C Beer/Wine

(V)	NAT FOOD MART #1	3804 HUBBELL AVE	E Liquor
(W)	STICKS GALLERY	521 E LOCUST ST	B Native Wine
(X)	TALLYS	2712 BEAVER AVE	C Liquor

SPECIAL EVENTS APPLICATIONS

- (Y) GATEWAY MARKET MLK 1312 LOCUST ST Five (5) Day License Class C Liquor License for a wedding on November 12, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

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

PUBLIC IMPROVEMENTS

- 7. [Ordering](#) construction at Southern Meadows Phase 2 Asbestos Removal: Receiving of bids, (11-22-11), and Setting date of hearing, (12-5-11). (Construction Estimate - \$47,500).

[\(Council Communication No. 11-683\)](#)

- (A) [Communication](#) from the City Manager regarding changes in Iowa Finance Authority’s (IFA) Qualified Allocation Plan (QAP) for 2012 Low-Income Housing Tax Credit round.
- 8. [Approving](#) Professional Services Supplemental Agreement No. 2 with OPN, Inc., a/k/a OPN Architects, Inc. for design and construction phase services on the Fire Department Training and Logistics Facility, not to exceed \$46,000.

[\(Council Communication No. 11-686\)](#)

- 9. [Approving](#) Private Construction Contract between Henning Construction Co., Inc. and Kum & Go, L.C. for paving improvements in 5830 SE 14th Street.
- 10. [Approving](#) completion and acceptance of the private construction contract for sanitary sewer improvements, 3325 E. Douglas Avenue, between Baker Mechanical, Inc. d/b/a Baker Group and Bernard J. Baker III.
- 11. [Approving](#) completion and acceptance of the private construction contract for storm sewer improvements, 2201 Forest Avenue, between Gator Excavating, Inc. and Hubbell Construction Services.
- 12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

13. Accepting completed construction and approving final payment for the following:
 - (A) [E.](#) Army Post Road/Douglas Avenue/41st & 42nd Street Median Replacement, Rocky Hurst Construction, Inc.
 - (B) [Fire](#) Station Emergency Generator, HVAC, and Sprinkler Improvements, Biermann's University Electric Company, Inc.
 - (C) [Pump](#) Station Emergency Power Generation – Phase 1, Biermann's University Electric Company, Inc.
 - (D) [2010](#) City-Wide PCC Pavement Restoration Program, T. K. Concrete, Inc.
 - (E) [2010](#) Sidewalk Replacement Program, T. K. Concrete, Inc.

SPECIAL ASSESSMENTS

14. [Approving](#) deletion of NAC-Emergency Assessment at various properties.
15. [Approving](#) delinquent sewer rental and/or solid waste/stormwater utility credits for November 2011.

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Recommendation](#) from Mayor Frank Cownie to appoint Frank Affannato as the Neighborhood Revitalization Board's representative to the Housing Services Board, Seat 8, for a three-year term commencing November 7, 2011 to expire June 30, 2014.
17. [Recommendation](#) from Mayor Frank Cownie to appoint Deidre Henriquez as the Polk County Housing Continuum's representative to the Housing Services Board, Seat 9, for a three-year term commencing November 7, 2011 to expire June 30, 2014.

SETTING DATE OF HEARINGS

18. [On](#) conveyance of 1323 E. 25th Court to Derrick Huffey, \$6,000, (11-21-11) and acceptance of real estate documents from Des Moines Independent Community School District.

[\(Council Communication No. 11-691\)](#)

19. [On](#) vacation and conveyance of excess right-of-way located at 3136 SW 9th Street to Paul A. & Donna J. Steffensen, \$5,000, (11-21-11).

20. [On](#) request from Franklin Field Senior Apartments, LLLP to rezone 5300 Franklin Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development), (11-21-11).
- 20-I [On](#) 2011-1 Omnibus Amendment to the City-wide Urban Revitalization Plan and all other urban revitalization plans to consolidate the entire City of Des Moines under the City-wide Urban Revitalization Plan, and to amend and extend the duration of that Plan, (12-5-11).
21. [On](#) new Tax Increment Financing (TIF) debt to be included in FY2012-13 budget, \$14,230,000, (11-21-11).

[\(Council Communication No. 11-694\)](#)

LAND/PROPERTY TRANSACTIONS

- 21-I [Establishing](#) fair market value of various properties for the Grand Avenue over Walnut Creek Bridge Replacement Project.

[\(Council Communication No. 11-672\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment to Husch Blackwell LLP for services related to levee system issues, \$507.60 (\$438.08 City portion).
23. [Approving](#) payment to Hansen, McClintock & Riley for representation of Officer John Mailander, \$12,682.28.

CITY MANAGER COMMUNICATIONS

24. [Regarding](#) Professional Services Agreement for design of upgrades to Principal Park Stadium locker rooms.

[\(Council Communication No. 11-682\)](#)

25. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Skip Moore, Chris Hardy and Mathew Harkin.

[\(Council Communication No. 11-690\)](#)

APPROVING

26. [Grant](#) agreement with Polk County Housing Trust Fund for the Minor Home Repair Program operated out of the Neighborhood Conservation Services Division, \$40,000.

[\(Council Communication No. 11-689\)](#)

27. [Economic](#) Development Financial Assistance Contract with StartupCity Des Moines, LLC for the creation of a technology business incubator at 317 6th Avenue, Suite 500.

[\(Council Communication No. 11-692\)](#)

28. [Consortium](#) Membership in Purple Heart Highway Collaborative to conduct safety and operational studies to evaluate redesignation of US 65/Iowa Highway 5 as an Interstate Route, not to exceed \$14,702.

[\(Council Communication No. 11-693\)](#)

29. [Retaining](#) Wall Maintenance Agreement with Kum & Go, LC and KG Store 573, LLC for property in the vicinity of SE 14th Street and E. Diehl Avenue.

30. [Agreement](#) with MidAmerican Energy Company to attach City fiber optic cable to MidAmerican Energy Company Utility Poles.

[\(Council Communication No. 11-673\)](#)

31. [Release](#) of Public Utility Easement at 1264 Cummins Road.

32. [Reimbursement](#) of Center Street Park and Ride account, \$676,621.

33. [Issuance](#) of replacement quit claim deed for vacated alley adjoining 1433 E. 16th Street.

34. [Amendment](#) to Regulatory Agreement with Luther Park Apartments, Inc.

- 34-I [Use](#) of 2009 Homeland Security Grant funding for sixteen Iowa Bomb Squad Task Force members to attend A-T Solutions IED/WMD Electronics Course on January 9-13, 2012.

[\(Council Communication No. 11-676\)](#)

35. Bids from the following:

- (A) [PH](#) & S Products LLC (Ann Hull, Owner/President) for an annual contract with two (2) additional one-year renewal options to furnish nitrile gloves for use by the Fire Department, annual estimated cost \$30,000. (Eleven bids mailed, two received).

[\(Council Communication No. 11-695\)](#)

- (B) ~~[Pomeroy IT Solutions](#) (Chris Froman, President) for annual maintenance and support services for CISCO network equipment hardware and software for a three-year period for use by the IT Department, \$167,460.86 per year. (Ten bids mailed, three received).~~
- (C) [TNT Landscaping](#) (John Church, Owner) for plant materials for installation at various City park locations for use by the Park & Recreation Department, \$58,725. (Thirteen bids mailed, three received).
- (D) [Allen-Vanguard](#) (David Luxton, CEO/President) for vehicle hook and line (HAL) kits per US General Services Administration (GSA) Schedule 84 Contract for use by the Police Department, \$27,688.

[\(Council Communication No. 11-675\)](#)

- (E) [A-T Solutions](#) (Dennis Kelley, CEO/President) for booby trap tool kits per US General Services Administration (GSA) Schedule 84 Contract for use by the Police Department, \$28,000.

[\(Council Communication No. 11-674\)](#)

- (F) [Insight Public Sector](#) (Kenneth Lamneck, President) for a three-year renewal for maintenance and support services for existing internet monitoring and filtering software (Websense) per US Communities Contract for use by the IT Department, \$45,320.

[\(Council Communication No. 11-678\)](#)

- 36. [Civil](#) Service Entrance List for Laboratory Analyst.
- 37. [Authorizing](#) Finance Director to draw checks on registers for weeks of November 7 and November 14, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of November 7 and November 14, 2011; and to draw checks for biweekly payroll due November 18, 2011.

ORDINANCES - FINAL CONSIDERATION

- 38. [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. 14th Street on the east and M.L. King Jr. Parkway on the west.

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

ORDINANCES - FIRST CONSIDERATION

39. [Amending](#) Chapter 118 of the Municipal Code delegating authority to the Treasurer of Des Moines Water Works to correct sewer, solid waste and/or stormwater liens and assessment schedules.

[\(Council Communication No. 11-688\)](#)

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

COUNCIL REQUESTS

40. [From](#) Council Member Brian Meyer to speak regarding traffic at SE 14th Street and Hartford Avenue as a result of tournaments at the Cownie Soccer Complex.

COMMUNICATIONS/REPORTS

41. ~~[Request](#) from Laura L. Mohler, 2810 Easton Blvd, to speak regarding City ordinances regarding vicious dogs and pit bulls.~~
42. [Request](#) from Save the Capital Square Post Office Coalition to speak regarding the closing of the Capital Square Post Office.

***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 43 THRU 53)

43. [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.

[\(Council Communication No. 11-681\)](#)

44. [On](#) conveyance of the Des Moines Building at 405 6th Avenue and 513 Locust Street to the Des Moines Apartments, LP, \$150,000.

[\(Council Communication No. 11-687\)](#)

- (A) [First](#) consideration of ordinance vacating portions of the 6th Avenue right-of-way and east/west alley right-of-way adjoining the Des Moines Building.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
45. Items regarding property at 4805 Observatory Road, (Russell Parks, owner):
- (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the future land use designation from Low-Density Residential and Parks/Open Space to Low/Medium-Density Residential.
- (B) [Hearing](#) on rezoning the property 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.
- (C) [First](#) consideration of ordinance above.
46. Items regarding property at 3422 57th Street, (Christopher Seunt Jens, owner):
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan to revise the future land use designation from Low-Density Residential to Low/Medium-Density Residential.
- (B) [Hearing](#) on rezoning the property 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.
- (C) [First](#) consideration of ordinance above.
47. [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.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

48. On request from Mayorga & Mayorga Partners to rezone 1800 SE 14th 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.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Community Development Director), requires six votes.
49. On request from Arnold DeWitt to rezone property in vicinity of 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and **to continue to November 21, 2011 at 5:00 PM.**
50. On request from Hue Nguyen to rezone 1435 University Avenue from “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow for retail development and **to continue to December 19, 2011 at 5:00 PM.**
51. On proposed Third (2012) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

(Council Communication No. 11-679)

52. On 2011 Sewer Repair - Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as T. K. Concrete Inc. (Tony J. Ver Meer, President), \$157,488.

(Council Communication No. 11-685)

- (A) Approving contract and bond and permission to sublet.

53. On 2012 Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as SAK Construction LLC, (Boyd Hirtz, Vice President), \$2,739,276.50.

(Council Communication No. 11-684)

- (A) Approving contract and bond and permission to sublet.

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

APPROVING

54. Preliminary Terms of Agreement with Waterfront Lodging, Inc. for construction of a 129 room hotel, a 245 space parking structure and a 120 room hotel, all to be located in the 100 block of 2nd and Water Streets.

(Council Communication No. 11-696)

- (A) Setting date of hearing on vacation and conveyance of a small segment of remaining public alley right-of-way located in the block bound by Vine, Water, Market and Southwest 2nd Streets to Waterfront Lodging, Inc., (11-21-11).
55. Negotiated Settlement Agreement between City of Des Moines and Court Side Entertainment, Inc., 1014 E. 14th Street.
- (A) Consideration of Class C Liquor License renewal for Court Side Entertainment, Inc., May 6, 2011 to May 6, 2012 .
56. Submittal of STP and STP-TE Fund FY2016 Applications to the Des Moines Area Metropolitan Planning Organization.

(Council Communication No. 11-680)

~~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 location at 1340 E. 13th Street, main structure, accessory structure, and garage structure, Titleholder: Carl G. Nelson.~~

MOTION TO ADJOURN.

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