

# DES MOINES CITY COUNCIL MEETING

Excerpts from procedural rules of City Council

December 5, 2011

4:30 PM

## SPECIAL PRESENTATIONS – 4:00 PM

Nadine Hogate – Neighborhood Revitalization Board

## PROCLAMATIONS – 4:05 PM

Holiday Food Basket

National Human Rights

**INVOCATION:** Council Member Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 34:

**\*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)	GILL TS SPORTS BAR & GRILL	918 E EUCLID AVE	C Liquor
(B)	KUM & GO #573	5830 SE 14TH ST	C Beer
(C)	LIME LOUNGE	435 E GRAND AVE	C Liquor

### RENEWAL APPLICATIONS

(D)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(E)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(F)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(G)	FONGS PIZZA	223 4TH ST	C Liquor
(H)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(I)	HYATT PLACE	418 6TH AVE	B Liquor
(J)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(K)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(L)	SKIPS	4000 FLEUR DR	C Liquor
(M)	SMOKE SHOP	1918 SE 14TH ST	E Liquor

(N) TUMEA AND SONS	1501 SE 1ST ST	C Liquor
<del>(O) Z'S BAR</del>	<del>1511 S UNION ST</del>	<del>C Liquor</del>

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

## **PUBLIC IMPROVEMENTS**

7. [Approving](#) Change Order No. 5 with Larson & Larson Construction, LLC for additional work on the Court Avenue and Water Street Storm Water Pump Station, not to exceed \$311,703.21.

[\(Council Communication No. 11-730\)](#)

8. [Approving](#) Change Order No. 6 with Larson & Larson Construction, LLC for additional work on the Court Avenue and Water Street Storm Water Pump Station, not to exceed \$542,723.

[\(Council Communication No. 11-731\)](#)

9. [Approving](#) completion and acceptance of private construction contract for paving improvements, 1800 Grand Avenue, between P. G. Construction, Inc. and Des Moines Independent Community School District.
10. [Approving](#) completion and acceptance of private construction contract for sanitary sewer improvements, 4200 ML King Jr., Parkway, between Halbrosk Excavating, Inc. and Tai Village, Inc.
11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
12. Accepting completed construction and approving final payment for the following:
  - (A) [Livingston](#) Avenue Storm Sewer Lining, Lametti & Sons, Inc.
  - (B) [Greenwood](#) Terrace Emergency Sanitary Sewer Repair, Van Hauen & Associates, Inc.
  - (C) [Pioneer](#) Columbus Community Center HVAC Improvements, Climate Solutions, Inc.
  - (D) [45<sup>th</sup>](#) Street Resurfacing – South of Grand Avenue, Grimes Asphalt & Paving Corp.
  - (E) [2010](#) ADA Sidewalk Ramp Program, Edge Commercial, LLC.

## **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works), Schedule No. 2011-15.

## **LAND/PROPERTY TRANSACTIONS**

14. [Establishing](#) revised fair market value of property owned by MM & A Des Moines, LLC for the Grand Avenue over Walnut Creek Bridge Replacement project.

[\(Council Communication No. 11-732\)](#)

15. [Authorization](#) to acquire the necessary right-of-way and easements for the Hubbell Elementary School Enhanced School Crossings Project.

[\(Council Communication No. 11-729\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. [Notification](#) from the Neighborhood Finance Corporation recommending appointment of Jennifer Cooper to Seat 15 on Neighborhood Revitalization Board as the NFC Representative for a term commencing January 4, 2012 to expire June 30, 2012.
17. [Communication](#) from Kent Sovern advising of his resignation from the Plan and Zoning Commission, Seat 7, effective December 30, 2011.

## **SETTING DATE OF HEARING**

- 17-I On request from Imperial Properties, Inc. to rezone 4141 E. 14<sup>th</sup> Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation, (12-19-11). Plan and Zoning Commission recommends DENIAL.

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

18. [Approving](#) payment of \$9,024 to Ahlers & Cooney, PC in conjunction with collective bargaining.
19. [Approving](#) payment of \$5,000 to Depositors Insurance Company and \$3,580 to Erick and Deanna Mettler on a claim for property damage as the result of a sewer backup.

20. [Approving](#) payment of \$28,041 to Robert Van Cleave and his attorney for a workers' compensation claim.

## **CITY MANAGER COMMUNICATIONS**

21. [Submitting](#) travel and training request for T.M. Franklin Cownie.

[\(Council Communication No. 11-746\)](#)

## **APPROVING**

22. [Community](#) Services Block Grant (CSBG) Community Action Contract for the 2012 CSBG program year.

[\(Council Communication No. 11-734\)](#)

23. [Authorizing](#) the City Manager to negotiate an agreement with Hatch Development Group to redevelop the Southern Meadows site at 2800 SE 8<sup>th</sup> Street.

[\(Council Communication No. 11-737\)](#)

24. [Issuance](#) of Certificate of Completion to ST Investments, LLC for the East Fifth and Walnut Street Development (E5W) – Metro Center Urban Renewal Project.

[\(Council Communication No. 11-745\)](#)

25. Issuance of the following for Neighborhood Development Corporation (NDC) McDonald's Project (6<sup>th</sup> and University Avenue):

[\(Council Communication No. 11-742\)](#)

(A) [Certificate](#) of Completion.

(B) [Termination](#) Certificate.

26. [Award](#) from the Governor's Office of Drug Control Policy, for the Project Safe Neighborhoods 2011 Anti-Gang Initiative Grant, \$21,134.

[\(Council Communication No. 11-740\)](#)

27. [FFY](#) 2011 Homeland Security Grant Program Agreements for Iowa's Explosive Ordnance Disposal (EOD) and Iowa's Weapons of Mass Destruction Tactical Officer's (SWAT) Task Force Programs.

[\(Council Communication No. 11-738\)](#)

28. [Agreement](#) with the Catholic Diocese of Des Moines to use the Catholic Pastoral Center at 601 Grand Avenue, in conjunction with the City's 2011 Holiday Food Project.

[\(Council Communication No. 11-735\)](#)

29. Bids from the following:

- (A) [Coban](#) Technologies Inc. (Allen Chen, President) for non-competitive procurement of seventeen (17) in-car video camera systems for use by the Police Department, \$113,645.

[\(Council Communication No. 11-739\)](#)

- (B) [Premier](#) Flooring (Eric Baarda, President) for an annual contract with two (2) additional one-year renewal options to furnish carpet and vinyl tile installation services for the Park & Recreation Department, estimated annual amount \$40,000. (Ten bids mailed, four received).

- (C) [Emergency](#) Vehicle Sales & Service (Eugene Draper, President) for two replacement ambulances for use by the Fire Department, \$372,238. (Eleven bids mailed, two received).

[\(Council Communication No. 11-744\)](#)

30. [Procurement](#) of pump repair services for six (6) existing pump stations from Electric Pump & Tool Services Inc. (Richard Miller, President) for use by the Public Works Department, \$60,000.

[\(Council Communication No. 11-736\)](#)

31. [Authorizing](#) Finance Director to draw checks on registers for weeks of December 5 and December 12, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of December 5 and December 12, 2011; and to draw checks for biweekly payroll due December 16, 2011.

**ORDINANCES - SECOND CONSIDERATION**

- 32. On rezoning of property in the vicinity of SE 8<sup>th</sup> Street and Indianola Avenue, Southern Meadows Apartments, from Ltd. “R-2” (Multiple-Family Residential) and “R1-60” (Low-Density Single-Family Residential) to “PUD” (Planned Unit Development).
- 33. On rezoning of 5300 Franklin Avenue, Franklin Field Senior Apartments, LLLP (John Mauro, agent) from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development).
- 34. To amend the TIF in the SE Agribusiness Urban Renewal Area.

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

**COUNCIL REQUESTS**

- 35. From Council Members Coleman and Griess to speak regarding an Honorary Street Name.
- 36. From Council Member Brian Meyer to speak regarding the following:
  - (A) Speeding on E. Army Post Road from SE 36<sup>th</sup> Street to the By-Pass.
  - (B) Signs in the City right-of-way.

**COMMUNICATIONS/REPORTS**

- 37. ~~From Mediacom, requesting the Mayor sign a retransmission petition concerning fees paid to rebroadcast local broadcast station signals, and to forward the communications to other interested parties.~~
- 38. Receipt of Des Moines Water Works adopted budget for calendar year ending December 31, 2012.

**\*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 39 THRU 45)**

39. [On](#) appeal from James Pratt, 10 Maple #240, Nevada, Iowa, of the Administrative Hearing Officer's decision regarding his dog.
40. [On](#) assessment of \$500 penalty for violation of Iowa alcoholic beverage laws (sale to minor) to the following:
- (A) Star Bar, 2811 Ingersoll Avenue.
  - (B) Downtown Pantry, 208 4<sup>th</sup> Street.
  - (C) Nadry, Inc., 2701 Ingersoll Avenue.
  - (D) Johnny's Hall of Fame, 302 Court Avenue.
  - (E) US Gas, 3000 SW 9<sup>th</sup> Street.
41. [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 19, 2011 at 5:00 PM.**
42. [On](#) vacation and conveyance of a small segment of remaining public alley right-of-way located in the block bounded by Vine, SW Water, Market and SW 2<sup>nd</sup> Streets, to Waterfront Lodging, Inc. and to **continue to January 23, 2012 at 5:00 PM.**
- (A) [Setting](#) date of hearing on vacation and conveyance of segments of Southwest Water Street and Market Street right-of-way to Waterfront Lodging, Inc. in exchange for comparable parcels located along Vine Street and SW 2<sup>nd</sup> Street, all located in the block bound by Vine, Southwest Water, Market and SW 2<sup>nd</sup> Streets, (1-23-12).
43. [On](#) voluntary annexation of approximately 0.768 acres in Delaware Township, Polk County, in vicinity of 5055 NE 38<sup>th</sup> Avenue.

[\(Council Communication No. 11-741\)](#)

44. [On](#) the 2011-1 Omnibus Amendment to the City's Urban Revitalization Plans.

[\(Council Communication No. 11-747\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.

45. On Asbestos Removal at Southern Meadows, Phase 2, 2800 SE 8<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as ESA, Inc., (D. Mike Mitchell, President), \$46,800.

(Council Communication No. 11-728)

- (A) Approving contract and bond.

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

### APPROVING

46. Receipt of report from the City Manager regarding Shop-N-Save, 1829 6<sup>th</sup> Avenue.
- (A) Consideration of Class E Liquor License renewal w/ C Beer and B Wine for Shop-N-Save, 1829 6<sup>th</sup> Avenue.

### 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. Request from Council Member Hensley to discuss facades and signage around the Sculpture Park.

MOTION TO ADJOURN.

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