

DES MOINES CITY COUNCIL MEETING

March 26, 2012

4:30 PM

INVOCATION: Council Member Halley 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)	BEST FOOD MART	4028 E 14TH ST	C Native Wine
(B)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(C)	DAVIS CONCESSIONS	2601 HUBBELL	B Beer
(D)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(E)	FLANAGANS	2120 INGERSOLL	C Liquor
(F)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(G)	STRANDED AT JJ	1922 HUBBELL	C Liquor
(H)	TRIANGLE PARK	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(I)	4TH DOWN SPORTS BAR	215 4TH ST	C Liquor
(J)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(K)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(L)	DAHLS FOODS	3425 INGERSOLL	E Liquor
(M)	FAST MART	1401 BUCHANAN ST	E Liquor
(N)	GAS LAMP	1501 GRAND AVE	C Liquor
(O)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(P)	GREAT MIDWESTERN CAFE	909 ROBERT D RAY	C Liquor
(Q)	HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor
(R)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(S)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(T)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor

(U)	LDS CORNER	344 E JACKSON AVE	C Liquor
(V)	MANNINGS	2102 INDIANOLA	C Liquor
(W)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(X)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(Y)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(Z)	SELECT SERVICE PARTNER	5800 FLEUR DR	C Liquor
(AA)	SOUTHRIDGE AMOCO	6300 SE 14TH ST	C Beer

SPECIAL EVENT APPLICATION

(BB) WATLAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License
 Class B Beer License for an event on April 7, 2012.

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

PUBLIC IMPROVEMENTS

- 7. Ordering construction of the following:
 - (A) [2012](#) Levee Improvements – Contract 1: Receiving of bids, (4-10-12), Setting date of hearing, (4-23-12). (Construction Estimate - \$531,000).
 ([Council Communication No. 12-128](#))
 - (B) [2012](#) Sewer Repair – Contract 1: Receiving of bids, (4-10-12), Setting date of hearing, (4-23-12). (Construction Estimate - \$1,200,000).
 ([Council Communication No. 12-129](#))
- 8. [Approving](#) Iowa Department of Transportation (IDOT) Agreement for resurfacing Merle Hay Road (IA 28) from Madison Avenue to south of I-35/80.
 ([Council Communication No. 12-130](#))
- 9. [Approving](#) Professional Services Agreement with RDG Planning and Design for design and construction phase services for the Principal Park Locker Rooms, not to exceed \$161,000.
 ([Council Communication No. 12-133](#))
- 10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

11. Accepting completed construction and approving final payment for the following:
 - (A) [ESA](#), Inc. – Asbestos Removal at Southern Meadows, 2800 SE 8th – Phase 2.
 - (B) [Herberger](#) Construction, Co., Inc. – Fleur Drive Viaduct over American Discovery Trail Rehabilitation.
 - (C) [Jasper](#) Construction Services, Inc. – Locust Street Streetscape Repairs.
 - (D) [The](#) Underground Company, Ltd. – Birdland Shelter Sanitary Sewer Service Relocation.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2012-02.

LAND/PROPERTY TRANSACTIONS

13. [Rededicating](#) City-owned right-of-ways located north of I-235 along Martin Luther King Jr. Parkway.
14. [Approving](#) partial release of real estate mortgage for property in the vicinity of 1530 E. Euclid Avenue to LADCO Properties IV, LLC.

[\(Council Communication No. 12-148\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Communication](#) from Joel D. Huston advising of his resignation from the Plan and Zoning Commission, Seat 8, effective immediately.
 - (A) [Recommendation](#) from Council Member Halley Griess to appoint Vicki Stogdill to the Plan and Zoning Commission, Seat 8, for a five-year term commencing July 1, 2010 to expire July 1, 2015.
- 15-I [Recommendation](#) from Mayor Cownie to appoint Jennifer Fiihr to the Library Board of Trustees, Seat 2, for a six-year term commencing July 1, 2011 to expire July 1, 2017.

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from MDI Limited Partnership #86 for vacation and conveyance of an irregular segment of 15th Street right-of-way adjoining 1440 Walnut Street for incorporation into the Crane Artist Lofts, subject to conditions.

SETTING DATE OF HEARINGS

17. [On](#) conveyance of excess City-owned property at 812 Indiana Avenue to Shawn D. Wagner, \$50, (4-9-12).
18. [On](#) conveyance of City-owned property adjoining 3000 Vandalia Road to the Des Moines Metropolitan Wastewater Reclamation Authority, (4-9-12).
19. [On](#) vacation and conveyance of a portion of SE 21st Court and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court to Available Material Handling LLC for \$3,500, (4-9-12).
20. [On](#) vacation and conveyance of a portion of SE 19th Street and Scott Avenue and Market Street to Kemin Holdings, LC, \$35,508 and Waste Management of Iowa, Inc., \$43,845 (4-9-12).
21. [On](#) request from HOME, Inc. to rezone 1303 and 1305 Clark Street and 1512 and 1516 13th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow development of two small-lot two-family dwellings and one small-lot single-family dwelling, (4-9-12).
22. [On](#) request from Hubbell Realty Company to rezone 2210 E. Park Avenue from existing “PUD” (Planned Unit Development) (Riverwoods) to a separate “PUD” (Riverwoods Terrace) with a new Conceptual Plan for use of the property, (4-9-12).
23. [On](#) request from Wesley Retirement Services, Inc. for an amendment to Wesley Acres PUD Conceptual Plan for 3520 Grand Avenue to allow beer and wine sales for on-premise consumption as part of the food service for residents as a permitted use, to make revisions to the allowed signage program to accommodate new branding, and to define the permitted exterior design for a 5,470 square foot adult daycare building, subject to conditions, (4-9-12).
24. [On](#) proposed amendment to Second (2011) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (5-7-12).

[\(Council Communication No. 12-149\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Hall & Associates for representation in the Iowa League of Cities V. United States Environmental Protection Agency, \$1,393.70.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training requests for David McDermott and Diane Rauh.

[\(Council Communication No. 12-143\)](#)

APPROVING

27. [Des](#) Moines Community Action Agency's (DMCAA) Emergency Services Grant (ESG) Contract with the Iowa Finance Authority.

[\(Council Communication No. 12-135\)](#)

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

[\(Council Communication No. 12-142\)](#)

29. [Fifth](#) and Walnut, and Third and Court Parking Garage License Agreement with Terrus Real Estate, LLC.

[\(Council Communication No. 12-147\)](#)

30. [Agreement](#) with The Omega Group for the provision of Crime View Software, Professional Services, Hosting Services, Technical Support and Maintenance to execute, not to exceed \$50,948.

[\(Council Communication No. 12-140\)](#)

31. Bids from the following:

- (A) [Norwalk](#) Ready Mixed Concrete (Jack Bohlender, President), CTI Ready Mix (Brian Blackford, President) and American Concrete Products (Craig Lamberti, President) for an annual agreement with two (2) additional one-year renewal options to furnish Portland cement concrete products to be used by the Public Works Department, annual estimated cost \$575,000. (Six bids mailed, three received).

- (B) [Weidner](#) Construction Inc. (Robin Weidner, President) for gatewell repair services at various storm sewer sites crossing the levee system for use by the Public Works Department, \$28,500. (Seven bids mailed, four received).
- (C) [Martin](#) Marietta Aggregates (Howard Nye, President), Hallett Materials (Craig Lamberty, President), Sarah & Andrew Trucking (Rick Clark, President) and Lounsbury Sand & Gravel (Ben Lounsbury, President) for an annual contract with two (2) additional one-year renewal options to furnish construction and aggregate materials for use by the Public Works Department, annual estimated cost \$400,000. (Five bids mailed, four received).
- (D) [Intergraph](#) Corporation for non-competitive procurement of annual software maintenance and support for the City's Computer Aided Dispatch (CAD) and Records Management System (RMS) for use by the Police Department, \$198,476.

[\(Council Communication No. 12-136\)](#)

- 32. [Civil](#) Service Entrance List for WRF Systems & Network Administrator and Promotional List for Engine Generator Technician.
- 33. [Authorizing](#) Finance Director to draw checks on registers for weeks of March 26 and April 2, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of March 26 and April 2, 2012; and to draw checks for biweekly payroll due on April 6, 2012.

ORDINANCES - SECOND CONSIDERATION

- 34. [Amending](#) Chapter 118 of the Municipal Code regarding volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties (sanitary sewer and storm sewer rate increases).

[\(Council Communication No. 12-141\)](#)

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

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

ORDINANCES - FIRST CONSIDERATION

35. [Amending](#) Chapter 34 of the Municipal Code regarding reduction of the allocation deposited into the Cemetery Perpetual Maintenance Fund from 30% to 20%.

([Council Communication No. 12-137](#))

- (A) [Final](#) consideration of ordinance above, (waiver requested by Park & Recreation Department) requires 6 votes.
- (B) [Amendment](#) to the Schedule of Fees.

COUNCIL REQUESTS

- 35-I [Request](#) from Mayor Cownie and Council Member Hensley for continued discussion regarding options for Class E Liquor Licenses.

COMMUNICATIONS/REPORTS

36. [From](#) Claudia Addy and Dr. Sue Savage Rumbaugh, to speak regarding the Bonobo Hope Sanctuary/Great Ape Trust.
37. ~~From Jodi Shaughnessy, 2200 Indianola Avenue, to speak regarding various issues with the properties at 2200 and 2206 Indianola Avenue.~~

***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 38 THRU 46)

38. [On](#) appeal from Cornelius Qualley, 2820 School Street, of the Administrative Hearing Officer's decision on impounded vehicle.
39. [On](#) appeal from Hamad G. Koko Ahmed, 3800 Martin Luther King Jr. Parkway, regarding recommended denial of a Taxicab License.
40. On assessment of penalties for violation of Iowa Alcoholic Beverage laws to the following:
- (A) [Azea](#) Inc. d/b/a Des Moines Food and Liquor, 5000 SW 9th Street, \$500 penalty.
- (B) [The](#) Danlee Corporation, d/b/a Phillips 66 (Jiffy), 3718 SW 9th Street, \$1,500 penalty and 30-day suspension.

41. On request from Arnold DeWitt to rezone 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for expansion of existing mini-warehouse complex, subject to conditions.

(A) First consideration of ordinance above.
42. On request from Baker Real Estate, LP to amend the Baker PUD on 4500 Hubbell Avenue to revise development on Parcels B and C to increase the number of permitted multiple-family residential units from 180 to 210, and to remove the required brick exterior materials replacing them with cement board materials.
43. On vacation and conveyance of a segment of Linden Street, west of 14th Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue **and to continue to April 9, 2012 at 5:00 PM.**
44. On conveyance of a portion of vacated north/south alley right-of-way, north of Scott Avenue, between SE 6th and SE 7th Streets adjoining 506 SE 7th Street to Jeanne M. Ware and Bes M. Sandberg in exchange for an access rights deed required for the Southeast Connector Project.
45. On conveyance of various rights-of-way and easements to the State of Iowa and City of Norwalk for portions of HWY 5, HWY 28 and a segment of Echo Valley Drive located near the Des Moines International Airport.
46. On granting of a license to Greater Des Moines Public Art Foundation for the installation, display and maintenance of five sculptures at the Hub Spot.

(Council Communication No. 12-132)

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

APPROVING

47. Intergovernmental 28E Agreement with Polk County for assistance in the collection of delinquent City of Des Moines parking citations.

(Council Communication No. 12-138)
48. Extension of 28E Agreement with Neighborhood Finance Corporation (NFC) for the period June 30, 2012 to June 30, 2017, \$1,000,000 annually for five years.

(Council Communication No. 12-145)

49. Five-year renewal of 28E Agreement with Neighborhood Development Corporation for use in a variety of redevelopment programs within low and moderate-income neighborhoods, \$1,000,000 annually for five years.

(Council Communication No. 12-146)

50. Authorization to make funds available in the amount of \$1,000,000 from the Park and Ride Account for DART's Bus Rapid Transit (BRT) Project.

(Council Communication No. 12-144)

51. Approving Memorandum of Understanding with Iowa Department of Transportation (IDOT) for functional replacement of Parks Service Center and Public Works Yard.

(Council Communication No. 12-131)

- (A) Approving Professional Services Agreement with Neumann Monson Architects for design and construction phase services for the Municipal Services Center – Phase 1, not to exceed \$1,098,000.

(Council Communication No. 12-134)

MOTION TO ADJOURN.

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