

DES MOINES CITY COUNCIL MEETING

June 25, 2012

4:30 PM

PROCLAMATIONS – 4:15 PM

Governing Magazine and AARP – Sustaining Communities for All Ages

INVOCATION: Council Member Bob Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 40:

***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)	LA PARIS CAFE	1517 2ND AVE	C Liquor
(B)	NEW CHINA BUFFET & GRILL	1201 E ARMY POST	B Beer

RENEWAL APPLICATIONS

(C)	BEST TRIP	1516 SE 1ST ST	C Beer
(D)	BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(E)	BUFFALO WILD WINGS	4345 MERLE HAY RD	C Liquor
(F)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(G)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(H)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(I)	DRUGTOWN WINE & SPIRITS	4100 UNIVERSITY	E Liquor
(J)	FORTE BANQUET	615 3RD ST	C Liquor
(K)	H & A MINI MART	145 UNIVERSITY	C Beer
(L)	HOUSE OF BRICKS	525 E GRAND AVE	C Liquor
(M)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(N)	HY VEE FOOD STORE #5	1107 E ARMY POST	E Liquor
(O)	MAIN GATE	2956 E GRAND AVE	C Liquor

(P)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor
(Q)	SOUTHSIDE TOBACCO	2424 SW 9TH ST	E Liquor
(R)	STOCKMANS INN	3000 E GRAND AVE	B Beer
(S)	TAQUERIA JALISCO	1704 E GRAND AVE	B Beer
(T)	US GAS	3000 SW 9TH ST	E Liquor
(U)	VETERANS MEMORIAL	833 5TH AVE	C Liquor

OUTDOOR SERVICE APPLICATIONS

(V)	HOUSE OF BRICKS Permanent outdoor service area.	525 E GRAND AVE	C Liquor
(W)	LOUIES WINE DIVE Permanent outdoor service area.	4040 UNIVERSITY	C Liquor
(X)	GREATER DSM MUSIC Special Class C Liquor License for 80-35 Concert on July 6 – 7, 2012.	1013 LOCUST ST	Five (5) Day License
(Y)	GREATER DSM MUSIC Special Class C Liquor License for 80-35 Concert on July 6 – 7, 2012.	1203 LOCUST	Five (5) Day License
(Z)	GREATER DSM MUSIC Special Class C Liquor License for 80-35 Concert on July 6 – 7, 2012.	1307 LOCUST ST	Five (5) Day License
(AA)	GREATER DSM MUSIC Class C Liquor License for 80-35 Concert on July 6 – 7, 2012.	1418 GRAND AVE	Five (5) Day License
(BB)	HAM INDEPENDENCE Class B Beer License for an event on June 27, 2012.	831 42ND ST	Five (5) Day License
(CC)	PARKS AREA FOUNDATION3 Class B Beer License for Sweet Corn Feed on July 14, 2012.	612 6TH AVE	Five (5) Day License
(DD)	WATLAO BUDDHAVATH Class B Beer License for a festival on June 29 – July 1, 2012.	1804 E PARK AVE	Five (5) Day License

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

PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of 2012 Expanded Street Resurfacing Program: Receiving of bids, (7-10-12), Setting date of hearing, (7-23-12), Construction estimate, \$1,100,000.

[\(Council Communication No. 12-346\)](#)

8. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for the Jackson Street Trail Bridges Phase 1 Bridge Rehabilitation Evaluation, not to exceed \$49,376.

[\(Council Communication No. 12-339\)](#)

9. [Approving](#) supplemental agreements to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide additional design and construction phase services for the Southeast Connector Projects.

[\(Council Communication No. 12-327\)](#)

10. [Authorizing](#) the execution of Amendment No. 1 to the Vision Iowa Agreement for the Principal Riverwalk.

[\(Council Communication No. 12-334\)](#)

11. [Approving](#) private construction contract between Elder Corporation and Kemin Industries for storm sewer improvements in Scott Avenue & SE 20th Street, \$17,500.

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) [Demolition](#) at 717 Grand Avenue former YWCA, Dore & Associates Contracting, Inc.
- (B) [Crocker](#) Street at 5th Avenue, 6th Avenue & 7th Street Traffic Signal Installation, Baker Electric, Inc.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2012-03.
15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2012-01.

LAND/PROPERTY TRANSACTIONS

16. [Accepting](#) check in the amount of \$5,936 as equivalent to PUD Restoration Bond for grading work for the Smokey Row Coffeehouse at 1910 Cottage Grove for a parking lot expansion at 1918 Crocker Street.

[\(Council Communication No. 12-314\)](#)

17. [Approve](#) and accept real estate documents for 1401 Thomas Beck Road from Pomerantz Realty Company for the Gray's Lake Neighborhood Connecting Trail Project.

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. Appointments to the Sister Cities Commission as follows:

- (A) [Council](#) Member Moore to appoint David Bair to Seat 5 for a five-year term commencing April 28, 2011 to expire April 28, 2016.
- (B) [Council](#) Member Griess to appoint Will Rogers to Seat 9 for a five-year term commencing April 28, 2012 to expire April 28, 2017.

19. Reappointments to the Citizen Odor Board as follows:

- (A) [Council](#) Member Griess to reappoint Judi Isaacson to Seat 3 for a three-year term commencing April 1, 2012 to expire April 1, 2015.
- (B) [Council](#) Member Meyer to reappoint Charles Talarico to Seat 14 for a three-year term commencing April 1, 2012 to expire April 1, 2015.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) request by City Engineer to vacate a segment of SE 20th Street from E. Market Street to a dead end point approximately 80 feet north of Raccoon Street, in conjunction with the SE Connector Project.

SETTING DATE OF HEARINGS

21. [On](#) request to vacate sidewalk right-of-way adjacent to 214 3rd Street, Kamodo Club, (7-23-12).
22. [On](#) DENIAL of lease of vacated sidewalk right-of-way in front of 208 3rd Street, The Standard f/k/a Pelican, (7-23-12).

23. [On](#) appeal by Conlin Properties from the decision of the Historic Preservation Commission regarding property at 826-18th Street, (7-9-12).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. Approving workers' compensation payments to the following:

- (A) [Charles](#) Fitch, \$24,019.34.
- (B) [Sheri](#) Neal, \$26,871.20.

- 24-I [Approving](#) payment to MidAmerican Energy Company for claim as the result of a mowing accident, \$10,260.17.

CITY MANAGER COMMUNICATIONS

25. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Tan Gene Huynh and William G. Stowe.

[\(Council Communication No. 12-354\)](#)

APPROVING

26. [Community](#) Services Block Grant (CSBG) Community Action Plan Application for the 2013 CSBG Program Year.

[\(Council Communication No. 12-351\)](#)

27. [The](#) Main Street Iowa Program Agreement and Cooperative Agreement to continue The Main Street Program for the 6th Avenue Corridor.

[\(Council Communication No. 12-349\)](#)

28. [Amendment](#) No. 10 to the Community Development Block (CDBG) Disaster Recovery Contract with Iowa Economic Development Authority (IEDA) to close out completed activities.

[\(Council Communication No. 12-318\)](#)

29. ~~Settlement Agreement between Iowa Economic Development Authority and Wellmark, Inc.~~

30. [Agreement](#) for Façade Improvement Grant to MDI Limited Partnership #86 for renovation of the Crane Building at 1440 Walnut Street.

[\(Council Communication No. 12-317\)](#)

31. [An](#) additional \$12,700 FY10 Methamphetamine Drug Hot Spots Grant Program Award and extending grant period to December 31, 2012.

[\(Council Communication No. 12-315\)](#)

32. [Application](#) for U.S. Department of Homeland Security 2012 Assistance to Firefighters Grant.

[\(Council Communication No. 12-355\)](#)

33. [Annual](#) insurance renewal with Jester Insurance Services, Inc. for July 1, 2012 – Property and Casualty Insurance.

[\(Council Communication No. 12-330\)](#)

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

[\(Council Communication No. 12-348\)](#)

35. Sidewalk café leases with the following:

- (A) [Downtown](#) Preservation Partners, LLC for an area east of Centro Restaurant along the west right-of-way of 10th Street at 1011 Locust Street.

[\(Council Communication No. 12-332\)](#)

- (B) [Surf](#) Shack for an area of right-of-way in front of 319 Court Avenue.

[\(Council Communication No. 12-324\)](#)

- (C) [Sbrocco](#) for an area of right-of-way in front of 208 Court Avenue.

[\(Council Communication No. 12-323\)](#)

- (D) [Court](#) Avenue Restaurant and Brewing Company for an irregular shaped portion of the right-of-way in front of 309 Court Avenue.

[\(Council Communication No. 12-322\)](#)

36. Bids from the following:

- (A) [Logan](#) Contractors Supply (Bruce Logan, President) sole area-wide distributor for Crafco pavement maintenance products to be used by Public Works Department Street Maintenance Division, estimated annual cost \$65,000.

[\(Council Communication No. 12-325\)](#)

- (B) [AP/M](#) Permaform (Bill Shook, President) sole area-wide distributor for high-strength grout products to be used by the Public Works Department Sewers Division, \$55,000.

[\(Council Communication No. 12-340\)](#)

- (C) [Communication](#) Innovators (Stan Galwe, President) per State of Iowa Contract for data and telephone technician labor services to be used by the Information Technology Department, \$55,000.

[\(Council Communication No. 12-350\)](#)

- (D) [Hewlett](#) Packard Co. (Mark Hurd, President) per Western States Contracting Alliance price agreement for replacement employee desktop personal computers to be used by the Information Technology Department, \$100,000.

[\(Council Communication No. 12-353\)](#)

- (E) [Optics](#) Planet Inc. (Mark Lentin, President) for tactical body armor to be used by the Police Department, \$39,670.56. (Nine bids mailed, four received)

- (F) [Vital](#) Support Systems (Jeff Sparling, CEO) for mass storage system and server expansion equipment to be used by the Information Technology Department, \$384,091.20. (Eight bids mailed, two received)

- (G) [Midwest](#) Safety Counselors Inc. (Robert H. Petersen, President) for gas monitors to be used by the Police Department, \$31,815. (Five bids mailed, four received)

- (H) [Hewlett](#) Packard Co. (Mark Hurd, President) per Western States Contracting Alliance price agreement for annual maintenance and support of existing Hewlett Packard Storage Area Network Servers (SANS) mass storage system, \$92,125.88.

[\(Council Communication No. 12-333\)](#)

37. [Agreement](#) with PIPS Technologies, Inc. (Robert D. Welding, CEO) for purchase of two Automatic License Plate Readers.

[\(Council Communication No. 12-316\)](#)

38. [Bid](#) from Crow Tow (Randy Crow, President) for an annual contract with four (4) additional one-year renewal options to furnish junk vehicle towing services for the Neighborhood Inspection Division, annual estimate \$221,600. (Ten bids mailed, three received)

[\(Council Communication No. 12-331\)](#)

39. [Civil](#) Service Entrance Lists for Cemetery Operations Supervisor, Surveyor Supervisor, Assistant to the City Manager, and Information Technology Network Engineer.
40. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 25 and July 2, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 25 and July 2, 2012; and to draw checks for biweekly payroll due June 29, 2012.

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

ORDINANCES - FINAL CONSIDERATION

41. [On](#) request from Arnold Dewitt to rezone property at 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to a Ltd. “C-2” (General Retail and Highway-Oriented Commercial).
- (A) [Dismissing](#) proceedings on proposed rezoning of 1241 E. 38th Street. (Requested by Arnold DeWitt).

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 12-337\)](#)

- (A) Parking Restriction – south side of Des Moines Street both sides of driveway, east of Robert D. Ray Drive.
- (B) Installation of Loading Zone – west side of 5th Avenue, Locust Street to Grand Avenue.
- (C) Passenger Loading and Unloading Zone – east side of 5th Avenue, Center to Crocker Street.

43. [Amending](#) Chapter 26 of the Municipal Code regarding adoption and amendment of the 2011 edition of the National Electrical Code and recognition of licensed residential electrical contractors.

[\(Council Communication No. 12-336\)](#)

44. ~~Amending Chapter 118 of the Municipal Code regarding utility deposits.~~
45. [Amending](#) Chapter 74 of the Municipal Code regarding park facility hours (definition of sunrise and sunset).
46. [Amending](#) Chapter 102 of the Municipal Code regarding driveway approach and curb drop permit fees.

[\(Council Communication No. 12-313\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Community Development Director), requires 6 votes.
- (B) [Amendment](#) to the Schedule of Fees.

COUNCIL REQUESTS

47. [From](#) Council Member Brian Meyer to speak regarding proposed sale of excess City-owned property adjoining 400 SE 6th Street, to Prospero Investments, LLC, Brian and Tanya Tigner.

COMMUNICATIONS/REPORTS

48. [Petition](#) in favor of proposed sanitary sewer on Wakonda Parkway between Elder Lane and SW 16th 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.**

INFORMAL HEARINGS (OPEN AT 5:00 PM)

49. [On](#) construction of sidewalk on E. Park Avenue from SE 14th Street to SE 18th Court.

HEARINGS (OPEN AT 5:00 PM) (ITEMS 50 THRU 62)

50. On issuance of the following General Obligation Bonds:

(A) Not to exceed \$13,500,000 Sanitary Sewer Bonds, (Essential Corporate Purposes).

(Council Communication No. 12-320)

(1) Authorization for additional action.

(B) Not to exceed \$11,000,000 Storm Water Bonds (Essential Corporate Purposes).

(Council Communication No. 12-321)

(1) Authorization for additional action.

(C) Not to exceed \$13,500,000 Parking Taxable Bonds (Urban Renewal Purposes).

(Council Communication No. 12-319)

(1) Authorization for additional action.

51. On proposed First Amendment to Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area.

(Council Communication No. 12-335)

(A) Recommendation from Plan and Zoning Commission.

(B) Amended Resolution of Necessity.

52. On Thirteenth Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan to extend the redevelopment controls and tax increment district until June 30, 2020.

(Council Communication No. 12-328)

(A) Recommendation from Plan and Zoning Commission.

53. [On](#) request to rezone 1540 Scott Avenue from “M-2” (Heavy Industrial) to “PUD” (Planned Unit Development) and approve the “City of Des Moines Municipal Services Center PUD Conceptual Plan” to allow the initial phase of development of a municipal services campus with approximately 85,000-square foot facility for offices, shops, and storage; and a 50,000-square foot outdoor storage yard for combined functions of the Parks and Recreation, Public Works, and Engineering Departments of the City.

[\(Council Communication No. 12-326\)](#)

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

54. [On](#) request from Alawi Habib to rezone 2410 Hickman Road from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to “C-2” to allow for use of the property for a vehicle display lot. **Plan and Zoning Commission recommends DENIAL. (roll call contains alternative motions)**

55. [On](#) request from Lazarus Investments, LLC to rezone property at 1100 Euclid Avenue from “R-2” (Two-Family Residential) to Ltd. C-1 (Neighborhood Retail Commercial) to allow a dental clinic on the property, and **to continue to July 23, 2012 at 5:00 PM at the request of the applicant.**

56. [On](#) conveyance by installment contract of 1740 Garfield Avenue (Logan Community Center) to Joshua Christian Academy, Inc., \$100,000.

[\(Council Communication No. 12-343\)](#)

57. [Dismissing](#) the public hearing on conveyance of 1202, 1204 and 1300 Scott Avenue (Lomar Building) to Midwest Automatic Fire Sprinkler Company, \$605,000.

[\(Council Communication No. 12-345\)](#)

58. [On](#) vacation and conveyance of north/south alley adjoining 815 High Street to the Cathedral Church of St. Paul, \$1,000.

[\(Council Communication No. 12-341\)](#)

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

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

- (C) [Approving](#) and authorizing execution of a letter in support of application for development of north/south alley adjoining 815 High Street as a pedestrian plaza, green space and pedestrian way.

59. On items regarding vacation and conveyance of a portion of the north/south alley right-of-way, north of Euclid Avenue between 2nd Avenue and 3rd Street to Iowa CVS Pharmacy, LLC for \$20,000:

(A) [Plan](#) and Zoning Commission recommendation.

(B) [Hearing](#) on vacation and conveyance of property.

[\(Council Communication No. 12-342\)](#)

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

(D) [Final](#) consideration of ordinance above (waiver requested by Christopher R. Pose, Attorney for CVS Pharmacy, LLC), requires six votes.

60. [On](#) 2012 City-Wide PCC Pavement Restoration Program: 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. VerMeer, President), \$410,287.50.

[\(Council Communication No. 12-347\)](#)

(A) [Approval](#) of contract and bond.

61. [On](#) Glendale Cemetery Columbaria Plaza and Niches: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as The Hansen Company, Inc., (Craig Faber, President), \$368,324.70.

[\(Council Communication No. 12-344\)](#)

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

62. [On](#) Police Station Boiler Replacement: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as The Waldinger Corporation, (Guy M. Gast, President), \$333,195).

[\(Council Communication No. 12-338\)](#)

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

*** END HEARINGS AT _____ PM ***

APPROVING

63. [Selection](#) of preferred redeveloper for the Central Fire Station at 900 Mulberry Street.

[\(Council Communication No. 12-356\)](#)

64. [Extending](#) the current Class E Liquor License moratorium until August 28, 2012.

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) [2703](#) Cottage Grove Avenue, main structure, Titleholder: Eugene Hiskey.
 - (B) [1315](#) Park Avenue, garage structure, Titleholders: Mariangela White and Danny Lee White.
 - (C) [1143](#) 14th Place, fire-damaged main structure, Titleholder: Naylynn Brown; Mortgage Holder: JP Morgan Chase Bank, NA.
 - (D) [1924](#) 35th Street, garage structure, Titleholder: Patricia D. Flynn; Mortgage Holders: Mortgage Electronic Registration Systems, Inc. and Midwest Family Lending Corporation.

MOTION TO ADJOURN.

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