

DES MOINES CITY COUNCIL MEETING
Excerpts from procedural rules of Des Moines City Council

September 23, 2013
4:30 PM

INVOCATION: Council Member Brian Meyer

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 43:

***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)	DRAKE – CARTWRIGHT HALL	2615 CARPENTER	C Beer/Wine
(B)	DRAKE - LEVITT HALL	2507 UNIVERSITY	C Beer/Wine
(C)	EL FLAMINGO RESTAURANT	1850 EASTON BLVD	B Beer
(D)	GRAZIANO BROTHERS INC	1601 S UNION ST	B Wine
(E)	KATHYS DEPOT	1922 HUBBELL AVE	C Liquor
(F)	LE JARDIN	2815 BEAVER AVE	C Beer/Wine
(G)	ROCKSTAR BAR & GRILL	2301 SW 9TH ST	C Liquor

RENEWAL APPLICATIONS

(H)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(I)	BISTRO MONTAGE	2724 INGERSOLL	C Liquor
(J)	CASEYS #44	4560 E 14TH ST	C Beer
(K)	CHEESE SHOP	833 42ND ST	C Beer/Wine
(L)	IZAAK WALTON LEAGUE	4343 GEORGE FLAGG	C Liquor
(M)	DES MOINES MARRIOTT	700 GRAND AVE	B Liquor
(N)	DES MOINES MARRIOTT	700 GRAND AVE	E Liquor
(O)	DOS RIOS	316 COURT AVE	C Liquor
(P)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(Q)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(R)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(S)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer

(T)	GUCKENHEIMER	1331 GRAND AVE	C Liquor
(U)	HEROES	216 COURT AVE	C Liquor
(V)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(W)	LA BAMBAM MEXICAN	6101 GRAND AVE	C Liquor
(X)	MERLE HAY LANES	3800 MERLE HAY RD	C Liquor
(Y)	MONTANA MIKES	5030 NE 14TH ST	C Liquor
(Z)	SHOP N SAVE #1	2127 M LK JR PKWY	E Liquor
(AA)	SMOKEYS TRIANGLE TAP	2506 POST	C Liquor
(BB)	UNIVERSITY GROCERIES *(2)	2121 UNIVERSITY	E Liquor
(CC)	WAL MART SUPERCENTER	5101 SE 14TH ST	E Liquor
(DD)	WASABI CHI ASIAN DINER	5418 DOUGLAS AVE	C Liquor
(EE)	WELLMANS PUB	2920 INGERSOLL	C Liquor

OUTDOOR SERVICE APPLICATIONS

(FF)	HIGH LIFE	200 SW 2 ND ST	C Liquor
	Temporary for an event on October 5, 2013.		

SPECIAL EVENTS APPLICATIONS

(GG)	HOLY FAMILY SCHOOL	1265 E 9TH ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Barn Bash fundraising on October 11, 2013.
(HH)	HY VEE – WFP	100 LOCUST ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Child Voice International on September 26, 2013.
(II)	HY VEE - WFP	100 LOCUST ST	Five (5) Day License Class C Liquor License for Healthy Birthday Fundraiser on October 3, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.
(JJ)	STANDARD	2201 GEORGE FLAGG	Five (5) Day License Class C Liquor License for Zombie Nation 5K Fun Run on October 12, 2013.
(KK)	ZOMBIE BURGER	506 E 4TH ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Zombie Walk on October 5, 2013. Pending approval of Zoning Departments.

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

PUBLIC IMPROVEMENTS

6. Accepting completed construction and approving final payment for the following:
 - (A) [2012](#) City-wide PCC Pavement Restoration Program, T K Concrete Inc.
 - (B) [2012](#) HMA Pavement Scarification and Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (C) [Court](#) Avenue & Water Street Storm Water Pump Station, Larson & Larson Construction LLC.
 - (D) [Tuttle](#) Street at SW 8th & SW 9th Streets Traffic Signals, Baker Electric, Inc.

SPECIAL ASSESSMENTS

7. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-09.
8. [Approving](#) deletion of NAC-Emergency Assessment at 986 27th Street.
9. Waiver of City's special assessments and inspection fees to allow for rehabilitation of the following:

[\(Council Communication No. 13-483\)](#)

 - (A) [1546](#) 22nd Street by Greater Des Moines Habitat for Humanity.
 - (B) [1819](#) Clark Street by NFC Properties, LLC.

LAND/PROPERTY TRANSACTIONS

10. [Acceptance](#) of real estate documents from Great Western Bank for the E. 14th Street and Euclid Avenue Intersection Modification project.

[\(Council Communication No. 13-480\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

11. [Recommendation](#) from Council Member Christine Hensley to appoint Virginia Renda to the Sister Cities Commission, Seat 12, for a five-year term commencing April 28, 2011 to expire April 28, 2016.
- 11-I [Recommendation](#) from Council Member Mahaffey to appoint Merlin Davis to the Traffic Safety Committee, Seat 5, for a three-year term commencing on December 31, 2012 to expire on December 31, 2015.
12. [Recommendation](#) from the Greater Des Moines Sister Cities Commission to rescind the designation of Naucalpan, Mexico as a Sister City.

COMMUNICATIONS FROM PLANNING AND ZONING

13. [Regarding](#) request from David Wright, 4421 Franklin Avenue, for vacation of a 50-foot by 190-foot segment of adjoining land, subject to conditions.
 - (A) [Setting](#) date of hearing on vacation and conveyance of a segment of 45th Street right-of-way in the vicinity of 4421 Franklin Avenue to David A. Wright Trust and Katherine N. Sircy Trust, \$200 and to Mary Beth Anzivino, \$200, (10-7-13).

SETTING DATE OF HEARINGS

14. [On](#) vacation and conveyance of easements for use of air space over the north four feet of E. Locust Street adjoining 350 E. Locust Street to East Village Growth Partners, LLC, \$1,000, (10-7-13).
 - (A) [Recommendation](#) from City Plan & Zoning Commission.
 - (B) [Approving](#) Conceptual Development Plan, Evidence of Financing and Execution of Special Warranty Deed to East Village Growth Partners, LLC for Disposition Parcel No. 02-1A in the Metro Center Urban Renewal Project.
 - (C) [Approving](#) Community Development Block Grant Disaster Recovery Loan and Contract Documents with East Village Growth Partners, LLC for development of Locust House at 350 East Locust (Tim Rypma, Manager), \$3,000,000.

[\(Council Communication No. 13-489\)](#)

15. [On](#) vacation and lease of public right-of-way for a sidewalk café at 309 Court Avenue, Court Avenue Brewing Co., (10-7-13).

16. [On](#) rezoning of property at 1139 24th Street from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow for commercial reuse of the existing 3,600-square foot building, (10-7-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17. [Approving](#) payment of \$420 to The Belin McCormick Law Firm for services related to Kragnes v. City of Des Moines.
18. [Approving](#) payment of \$850 to Peddicord, Wharton, Spencer, Hook, Barron & Wegman for representation of Police Officer Judy Smith.
19. [Approving](#) payment to Stuart Paul Wohlford Wessels and his attorney for a settlement agreement for a civil rights lawsuit against the City and Senior Police Officer Judy Smith.
20. [Approving](#) payment of \$22,100 to Steven Lussier, PLC for services related to workers’ compensation matters.
21. [Approving](#) payment to Robert Van Cleave and his attorney for a workers’ compensation settlement.
22. [Amendment](#) to Rule 42A of the Procedural Rules of the Des Moines City Council.

APPROVING

23. [Support](#) of Roosevelt Cultural District’s submittal of a letter of intent to the Iowa Great Places Program for grant fundraising for the 42nd Street Streetscape Project.

[\(Council Communication No. 13-473\)](#)

24. [Initial](#) LIHEAP (Low-Income Home Energy Assistance Program) contract with the Iowa Department of Human Rights, Division of Community Actions Agencies for energy-related assistance for low-income persons from October 1, 2013 to September 30, 2014.

[\(Council Communication No. 13-491\)](#)

25. [Donation](#) and Construction Agreement with Rebuilding Together Greater Des Moines, Inc. d/b/a Rebuilding Together regarding Columbus Park Playground.

[\(Council Communication No. 13-478\)](#)

26. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five (5) stream gaging stations, City of Des Moines contribution \$37,340.

[\(Council Communication No. 13-490\)](#)

27. [Grant](#) Agreement with Iowa Homeland Security and Emergency Management Division (IHSEMD) for cyber risk reduction and authorizing IT Director to execute implementing agreements.

[\(Council Communication No. 13-487\)](#)

28. [Submitting](#) grant application to Prairie Meadows Racetrack and Casino for Des Moines Police Mounted Patrol Outdoor Safety Services.

[\(Council Communication No. 13-477\)](#)

29. [Acceptance](#) of 2013 Edward Byrne Memorial Justice Assistance Grant for various law enforcement purposes, Des Moines allocation \$143,494.

[\(Council Communication No. 13-471\)](#)

30. [Proposal](#) for the provision of Municipal Parking Facilities Management Services from ABM Parking Services, Inc. and authorizing execution of agreement for management services with ABM Parking Services, Inc.

[\(Council Communication No. 13-493\)](#)

31. [Agreement](#) with CF Investors, LLC for the provision of public sanitary sewer service to property outside the City of Des Moines at 4224 Merle Hay Road.

[\(Council Communication No. 13-492\)](#)

32. [Cooperative](#) Agreement with the United States Department of Housing and Urban Development (HUD) for Human Rights Department funding, \$49,920.

[\(Council Communication No. 13-479\)](#)

33. [Receipt](#) of petitions to establish Beavertdale Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 13-494\)](#)

34. [Use](#) of various City Facilities as poll sites for the Regular City Election to be held on Tuesday, November 5, 2013.
35. [Application](#) from the Public Works Department requesting approval for a banner across the Court Avenue Bridge to promote the annual Snow Show to be displayed from October 4 - 5, 2013.
36. [Application](#) from Des Moines Oktoberfest, LLC requesting approval for a banner across The Depot Arch on 4th Street to promote the Oktoberfest event on September 27 - 28, 2013.
37. Receipt of communication from Downtown Community Alliance for approval of the design of the following banners:
 - (A) [On](#) behalf of the Meredith Corporation for banners to be displayed in the Western Gateway from October – November in downtown Des Moines.
 - (B) [On](#) behalf of the World Food Prize for banner designs to be displayed on Grand Avenue in October.
38. [Exemption](#) to procurement ordinance competitive bidding requirements for good cause and approving Fire Department contract with Carpenter Uniform Company for uniform services.

[\(Council Communication No. 13-474\)](#)

39. [Bid](#) from Superior Painting (Tony Negrete, Owner) for sandblasting, painting and repair services for Ashworth and Birdland Pools for use by the Park & Recreation Department, \$77,888. (Eight bids mailed, four received).
40. [Civil](#) Service Promotional List for Accounting Specialist II.
41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 23 and 30, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 23 and 30, 2013; and to draw checks for biweekly payroll due on October 4, 2013.
- 41-I [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for Fiscal Year 2013. Sponsor: Council Member Coleman.

[\(Council Communication No. 13-495\)](#)

ORDINANCES - FINAL CONSIDERATION

- 42. [To](#) continue and adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) and providing for continuation of an operation fund and the levy of an annual tax.

ORDINANCES - SECOND CONSIDERATION

- 43. [Giving](#) prior approval for a partial exemption from property taxation on the value added by new construction at 3525 Vandalia Road, Helena Industries.

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

ORDINANCES - FINAL CONSIDERATION

- 44. Items regarding the Union Pacific Crossing Closures Mitigation Project:

[\(Council Communication No. 13-486\)](#)

- (A) [Vacation](#) of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street crossings, and approving agreement with the Union Pacific Railroad Company for the Union Pacific Crossing Closure Mitigation Project and authorization to proceed with acquisition of the necessary right-of-way and easements required for the project by gift, negotiation or eminent domain.
- (B) [Final](#) consideration of ordinance vacating City-owned right-of-way at Hull Avenue between Delaware Avenue and Dixon Street; at Scott Avenue between SE 20th Street and SE 22nd Street; and at SE 34h Street between Scott Avenue and E. Court Avenue.

ORDINANCES - SECOND CONSIDERATION

45. On rezoning of the property at 1300, 1310 and 1330 Keosauqua Way, Kum & Go LC from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) to include sale of beer and wine.
- (A) Final consideration of ordinance above (waiver requested by applicant), requires 6 votes.

ORDINANCES - FIRST CONSIDERATION

46. Amending Chapter 114 of the Municipal Code revising the voting members of the Traffic Safety Committee.
- [\(Council Communication No. 13-484\)](#)
47. Amending Chapter 114 of the Municipal Code regarding boundary description for Zone “B” for odd/even side snow parking zones – generally in the River Bend neighborhood.

[\(Council Communication No. 13-488\)](#)

COUNCIL REQUESTS

48. From Council Member Skip Moore to discuss the flag pole in the G.A.R. section of Glendale Cemetery.
- 48-I From Council Member Chris Coleman to discuss the Council meeting schedule for December and January.

COMMUNICATIONS/REPORTS

49. Submission of 2012-2013 Annual Report of the Greater Des Moines Public Art Foundation.

***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 50 THRU 52)

50. On the Fifth (2014) Year Action Plan for the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

(Council Communication No. 13-485)

51. On 2013-2014 Sidewalk Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$82,833.

(Council Communication No. 13-481)

(A) Approval of contract and bond.

52. On 2013 Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as SAK Construction, LLC, (Boyd Hirtz, Vice-President), \$1,788,180.

(Council Communication No. 13-482)

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

END HEARINGS AT _____PM

MOTION TO ADJOURN.

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