



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '11-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

**March 28, 2011 4:30 P.M.**

**PROCLAMATIONS – 4:00 P.M.**

East High Lady Scarlets

**INVOCATION:** Council Member Chris Coleman

- [11-0490](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-0491](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Moore to adopt. Motion Carried 7-0.**
- [11-0492](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 38: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**\*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**

11-0493

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Meyer to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A)	4 <sup>TH</sup> DOWN SPORTS BAR	215 4 <sup>TH</sup> ST	C Liquor
(B)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(C)	KELLYS	1701 E GRAND AVE	C Liquor
(D)	LDS CORNER	344 E JACKSON AVE	C Liquor
(E)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(F)	TRIANGLE PARK	3000 E GRAND AVE	B Beer

**RENEWAL APPLICATIONS**

(G)	REDS IRISH PUB	207 4 <sup>TH</sup> ST	C Liquor
(H)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(I)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(J)	GREAT MIDWESTERN CAFÉ	909 ROBERT D RAY	C Liquor
(K)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(L)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor
<del>(M)</del>	<del>LCS CORNER</del>	<del>344 E JACKSON AVE</del>	<del>C Liquor</del>
(N)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(O)	MANNINGS	2102 INDIANOLA	C Liquor
(P)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(Q)	QUIK TRIP #544	3941 SE 14 <sup>TH</sup> ST	C Beer
(R)	SELECT SERVICE PARTNER	5800 FLEUR DR	C Liquor
(S)	SOUTHRIDGE AMOCO	6300 SE 14 <sup>TH</sup> ST	C Beer
(T)	STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor

**OUTDOOR SERVICE APPLICATIONS**

- (U) TIMOTHYS STEAKHOUSE 5418 DOUGLAS AVE C Liquor  
Temporary for Grand Opening Celebration on April 2, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

**SPECIAL EVENTS APPLICATIONS**

- (V) WATLAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License  
Class B Beer License with Class B Native Wine for an event on April 9, 2011.

11-0494

5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [11-0495](#) (A) [City](#) Hall Great Hall Window Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$485,000). ([Council Communication No. 11-196](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0496](#) (B) [Pioneer](#) Columbus Community Center HVAC Improvements: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$200,500). ([Council Communication No. 11-175](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0497](#) (C) [Police](#) Station Window Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$613,600). ([Council Communication No. 11-193](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0498](#) (D) [4<sup>th</sup>](#) & Grand Parking Garage Elevator Modification: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$150,000). ([Council Communication No. 11-171](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0499](#) (E) [2011](#) CDBG – Recovery Program Sidewalk Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$399,800). ([Council Communication No. 11-170](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0500](#) (F) [Demolition](#) at 717 Grand Avenue former YWCA: Receiving of bids, (4-26-11), Setting date of hearing, (5-9-11). (Construction Estimate - \$1,650,000). ([Council Communication No. 11-195](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

7. Moved to item 51.

- [11-0501](#) 8. [Approving](#) private construction contract between Neumann Brothers, Inc. and Blank Park Zoo Foundation, Inc. for zoo improvements including the Quarantine/Holding Building, Gibbons Holding Building, Sea Lion Pool and the remainder of the Australian Adventure Trail at the Blank Park Zoo, \$3,873,183. ([Council Communication No. 11-187](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0502](#) 9. [Receive](#) and file communication from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

10. Accepting completed construction and approving final payment for the following:

- [11-0503](#) (A) [2009](#) Sewer Repair Contract 2, Reilly Construction Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0504](#) (B) [Ewing](#) Park ADA Improvements, T K Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0505](#) (C) [SW](#) 30<sup>th</sup> Street Trail Connection at Carney Park, Rocky Hurst Construction, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

### SPECIAL ASSESSMENTS

- [11-0506](#) 11. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-04. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0507](#) 12. [Approving](#) deletion of NAC-Emergency Assessment at 1720 Lay Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0508](#) 13. [Approving](#) deletion of rental inspection assessment at 1310 4<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

### LAND/PROPERTY TRANSACTIONS

- [11-0509](#) 14. [Rededicating](#) a 165 ft. segment of vacated SE 21<sup>st</sup> Street, south of Maury Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0510](#) 15. [Establishing](#) fair market value of property owned by Iowa Interstate Railroad for the Southeast Connector – SE 9<sup>th</sup> Street to SE 15<sup>th</sup> Street Project. ([Council Communication No. 11-172](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
16. Items regarding Airport Business Park Plat 3:
- [11-0511](#) (A) [Approving](#) PUD Restoration Bond. ([Council Communication No. 11-200](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0512](#) (B) [Conditional](#) approval of private construction contract between Opus Design Build, LLC and ODC Gannett Ave., LLC for paving, sanitary and storm sewer improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0513](#) (C) [Conditional](#) approval of Final Subdivision Plat. ([Council Communication No. 11-179](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [11-0514](#) 17. [Communication](#) from Michelle Bailey, advising of her resignation from the Human Rights Commission, Seat 7, effective April 1, 2011. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [11-0515](#) 18. [On](#) conveyance of underground electrical line easement at SE 9<sup>th</sup> Street and Jackson Avenue to MidAmerican Energy Company for the Jackson Avenue Detention Basin Pump Station, \$1, (4-11-11). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0516](#) 19. [On](#) request from Baker Real Estate, LP to amend the Baker Creek PUD Conceptual Plan (vicinity of 4500 Hubbell) to identify the easternmost 23 acres for development of 180 multi-family and 30 single-family semi-detached residential units, (4-11-11). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0517](#) 20. [On](#) Twenty-Third Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization Area, (4-25-11). ([Council Communication No. 11-201](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

- [11-0518](#) 21. [Approving](#) payment of \$2,489.25 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Officer Merced Dautovic. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0519](#) 22. [Approving](#) payment of \$31,550.48 to Hansen, McClintock & Riley for representation of Officer John Mailander. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0520](#) 23. [Approving](#) payment of \$1,411.20 to Husch Blackwell LLP for services related to levee system issues. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0521](#) 24. [Approving](#) additional payment of \$144.69 to Holmes Collision Center for the towing of Erin McKinney's van as the result of an auto accident. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0522](#) 25. [Approving](#) settlements made by Acting City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements made by acting City Attorney. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [11-0523](#) 26. [Submitting](#) travel and training requests for Brian Bennett, Richard Clark, Aaron Greiner, Christine Hensley, Tan Huynh, Ted Jefferson, Jack Kamerick, Lillie Miller, Kevin Risk and Gregory Warren. ([Council Communication No. 11-197](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [11-0524](#) 27. [Revised](#) forms of agreement for the HUD, HOME Assisted Home Buyer Program. ([Council Communication No. 11-186](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0525](#) 28. [Environmental](#) Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2011 Capital Fund Program. ([Council Communication No. 11-180](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0526](#) 29. [City](#) of Des Moines Department of Housing and Urban Development (HUD) Section 3 Plan. ([Council Communication No. 11-184](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0527](#) 30. [Major](#) Amendment #6 to Community Development Block Grant Housing Disaster Recovery (CDBG-DR) Fund Contract with Iowa Department of Economic Development – IDIED, (Contract No. 08-DHR-209) adding additional funding for construction of 21 single family homes and conversion of part of 322 SW 3<sup>rd</sup> Street into 25 rental units, \$2,772,727. ([Council Communication No. 11-191](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [11-0528](#) 31. [Issuance](#) of Certificate of Completion for Wellmark's new home office facility. ([Council Communication No. 11-199](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0529](#) 32. [Contract](#) with Cities of Ankeny, Des Moines, Urbandale and West Des Moines for use of Energy Efficiency and Conservation Block Grant (EECBG), Public Education and Outreach Campaign funding made available through The American Recovery and Reinvestment Act. ([Council Communication No. 11-194](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0530](#) 33. [Professional](#) services agreement with Sebesta and Blomberg & Associates, Inc. to conduct an energy use analysis and plan for certain buildings and facilities in the City of Des Moines under the Eco Core Downtown Sustainability Study, not to exceed \$122,500. ([Council Communication No. 11-182](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0531](#) 34. [Proposal](#) from Onix Networking Corporation (Tom Cooper, COO) for Google Implementation Services and authorizing City Manager to negotiate contract, not to exceed \$55,978. ([Council Communication No. 11-185](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0532](#) 35. [Renewal](#) of Agreement with Employee and Family Resources, Inc. for a one-year extension of counseling services beginning May 1, 2011, \$24,000. ([Council Communication No. 11-181](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
36. Bids from the following:
- [11-0533](#) (A) [Clarke](#) Mosquito Control Products (J. Lyell Clarke, President) for joint purchase along with the City of West Des Moines, Polk County and Urbandale for an annual contract with two (2) additional twelve (12) month renewal options to furnish mosquito control products and application services to be used by the Community Development Department, \$34,688.50. (Nine bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0534](#) (B) [Deeter](#) Foundry (Bob Ostendorf, President) for manhole castings for use by the Public Works Department, \$106,300. (Eight bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0535](#) (C) [Eagle](#) Sign Co. (John Nagle, President) for installation of identification sign panels at various park sites to be used by the Park & Recreation Department, \$59,940. (Ten bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0536](#) (D) [Hydro-Klean](#) Inc. (Andy Mercial, CEO) for wet well cleaning services for various storm water pumping stations to be used by the Public Works Department, \$245,000. (Six bids mailed, one received). ([Council Communication No. 11-189](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0537](#) (E) [Reppert](#) Rigging & Hauling (Jeff Dickinson, President) for relocation services to move materials, supplies and equipment from the existing Supply Yard at 2100 Scott Avenue to 903 SE 22<sup>nd</sup> Street for use by the Public Works Department, \$70,520. (Twelve bids mailed, three received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0538](#) 37. [Civil](#) Service Entrance Lists for Housing Case Manager, Sewer Maintenance Worker, Street Maintenance Worker and Tree Trimmer. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [11-0539](#) 38. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of March 28 and April 4, 2011; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of March 28 and April 4, 2011; and to draw checks for biweekly payroll due April 8, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**



**ORDINANCES - FIRST CONSIDERATION**

- [11-0540](#) 39. **Amending** Chapter 118 of the Municipal Code regarding extending completion and submittal dates of qualifying improvements for the Private Property Protection Program. (**Council Communication No. 11-188**) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0541](#) 40. **Amending** Chapter 102 of the Municipal Code regarding the boundaries of the Skywalk District and replacing the Skywalk System Plan Map. (**Council Communication No. 11-190**) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0542](#) (A) **Final** consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,006. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:02 P.M.) (ITEMS 41 THRU 47)**

- [11-0543](#) 41. **On** Application from City Cab LLC, for Certificate of Public Convenience and Necessity to operate a Taxicab Service. (**Council Communication No. 11-174**) **Moved by Hensley to continue to April 11, 2011 Council meeting. Motion Carried 7-0.**
- [11-0544](#) 42. **On** appeal from Adam Hawxby, 2939 E. Douglas, regarding recommended denial of a Taxicab License. **Moved by Hensley to grant license for a six-month probationary period. Motion Carried 7-0.**
- [11-0545](#) 43. **On** vacation of the north/south alley right-of-way south of Mulberry Street and west of vacated 13<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0546](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0547](#) (B) **Final** consideration of ordinance above (waiver requested by City Engineer), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,007. Motion Carried 7-0.**



- [11-0548](#) 44. [On](#) conveyance of four underground electric line easements on various City-owned properties to MidAmerican Energy Company, \$1 each. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0549](#) 45. [On](#) intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests from various property owners for the 63<sup>rd</sup> Street Trail Connector project. ([Council Communication No. 11-173](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0550](#) 46. [On](#) approval of 2010 HUD Consolidated Annual Performance and Evaluation Report (CAPER). **Moved by Griess to adopt. Motion Carried 7-0.**
- [11-0551](#) 47. [On](#) Woodland Avenue Storm Sewer – 12<sup>th</sup> Street to 15<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$530,743.25. ([Council Communication No. 11-183](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0552](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

\*\*END HEARINGS AT 5:10 P.M.\*\*

**APPROVING**

- [11-0553](#) 48. [Increase](#) of total project costs in project partnership agreement with the Department of the Army for construction of the Des Moines and Raccoon Rivers Project for the Birdland Park Levee. ([Council Communication No. 11-176](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-0554](#) 49. [Professional](#) Services Agreement with Stantec Consulting Services, Inc. (Robert J. Campbell, Principal) in connection with the Des Moines River Flow Frequency Analysis, not to exceed \$51,000. ([Council Communication No. 11-177](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [11-0555](#) 50. [Agreements](#) for electrical service with MidAmerican Energy for the Jackson Avenue Detention Basin Pump Stations Project, not to exceed \$48,490.78. ([Council Communication No. 11-178](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0556](#) 51. [Approving](#) Change Order No. 6 with Rice Lake Construction Group for additional work on the Jackson Avenue Detention Basin Pump Station, not to exceed \$123,885. ([Council Communication No. 11-192](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

## EXTRA ITEMS

- [11-0557](#) 1. [From](#) Council Member Meyer to speak regarding allowing pedicabs to operate in Des Moines. **Moved by Meyer to refer to City Manager and Traffic and Transportation Department to grant administrative approval. Motion Carried 7-0.**
- [11-0558](#) 2. [Appointing](#) Larry Hulse as an alternate member to the Des Moines Area Regional Transit (DART) Authority Commission. Sponsor: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0559](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 5:10 PM. Motion Carried 7-0.**

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