



***** 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

**November 7, 2011
4:30 PM**

INVOCATION: Council Member Bob Mahaffey

- [11-1841](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-1842](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1843](#) 3. APPROVING CONSENT AGENDA * – items 3 through 38: **Moved by Mahaffey 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

- [11-1844](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Mahaffey to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | | |
|-----|------------------------|-------------------|----------|
| (A) | CHIPOTLE MEXICAN GRILL | 3737 MERLE HAY RD | C Liquor |
| (B) | HY VEE WINE SHOP | 730 3RD ST | C Beer |
| (C) | MEXICAN MARKET | 1456 2ND AVE | C Beer |
| (D) | SUPER STOP | 727 SE 14TH ST | C Beer |

RENEWAL APPLICATIONS

(E)	ALDI INC #03	3940 E 14TH ST	C Beer
(F)	ALDI INC #29	500 E ARMY POST RD	C Beer
(G)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(H)	AMICI ESPRESSO	206 6TH AVE	C Liquor
(I)	CARLOS O'KELLYS	6250 SE 14TH ST	C Liquor
(J)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(K)	DAHLS FOODS	3400 E 33RD ST	E Liquor
(L)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(M)	FREMONT	1030 E 9TH ST	C Liquor
(N)	GIT N GO STORE #19	890 COUNTY LINE	C Beer
(O)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(P)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(Q)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(R)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(S)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(T)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(U)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(V)	NAT FOOD MART #1	3804 HUBBELL AVE	E Liquor
(W)	STICKS GALLERY	521 E LOCUST ST	B Native Wine
(X)	TALLYS	2712 BEAVER AVE	C Liquor

SPECIAL EVENTS APPLICATIONS

- (Y) GATEWAY MARKET MLK 1312 LOCUST ST Five (5) Day License
 Class C Liquor License for a wedding on November 12, 2011. Pending approval of
 Building, Electrical, Fire and Zoning Departments.

[11-1845](#)

5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Mahaffey to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[11-1846](#)

6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [11-1847](#) 7. [Ordering](#) construction at Southern Meadows Phase 2 Asbestos Removal: Receiving of bids, (11-22-11), and Setting date of hearing, (12-5-11). (Construction Estimate - \$47,500). ([Council Communication No. 11-683](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1848](#) (A) [Communication](#) from the City Manager regarding changes in Iowa Finance Authority's (IFA) Qualified Allocation Plan (QAP) for 2012 Low-Income Housing Tax Credit round. **Moved by Hensley to receive and file, and authorize the Mayor to send a letter on behalf of the City Council to IFA outlining the City's concern that the changes will adversely affect development in Des Moines; refer to the City Manager to communicate with IFA the City's desire to have a mechanism for the City to have input. Motion Carried 7-0.**
- [11-1849](#) 8. [Approving](#) Professional Services Supplemental Agreement No. 2 with OPN, Inc., a/k/a OPN Architects, Inc. for design and construction phase services on the Fire Department Training and Logistics Facility, not to exceed \$46,000. ([Council Communication No. 11-686](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1850](#) 9. [Approving](#) Private Construction Contract between Henning Construction Co., Inc. and Kum & Go, L.C. for paving improvements in 5830 SE 14th Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1851](#) 10. [Approving](#) completion and acceptance of the private construction contract for sanitary sewer improvements, 3325 E. Douglas Avenue, between Baker Mechanical, Inc. d/b/a Baker Group and Bernard J. Baker III. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1852](#) 11. [Approving](#) completion and acceptance of the private construction contract for storm sewer improvements, 2201 Forest Avenue, between Gator Excavating, Inc. and Hubbell Construction Services. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1853](#) 12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
13. Accepting completed construction and approving final payment for the following:
- [11-1854](#) (A) [E. Army Post Road/Douglas Avenue/41st & 42nd Street Median Replacement](#), Rocky Hurst Construction, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1855](#) (B) [Fire Station Emergency Generator, HVAC, and Sprinkler Improvements](#), Biermann's University Electric Company, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [11-1856](#) (C) [Pump](#) Station Emergency Power Generation – Phase 1, Biermann’s University Electric Company, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1857](#) (D) [2010](#) City-Wide PCC Pavement Restoration Program, T. K. Concrete, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1858](#) (E) [2010](#) Sidewalk Replacement Program, T. K. Concrete, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [11-1859](#) 14. [Approving](#) deletion of NAC-Emergency Assessment at various properties. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1860](#) 15. [Approving](#) delinquent sewer rental and/or solid waste/stormwater utility credits for November 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [11-1861](#) 16. [Recommendation](#) from Mayor Frank Cownie to appoint Frank Affannato as the Neighborhood Revitalization Board’s representative to the Housing Services Board, Seat 8, for a three-year term commencing November 7, 2011 to expire June 30, 2014. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1862](#) 17. [Recommendation](#) from Mayor Frank Cownie to appoint Deidre Henriquez as the Polk County Housing Continuum’s representative to the Housing Services Board, Seat 9, for a three-year term commencing November 7, 2011 to expire June 30, 2014. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [11-1863](#) 18. [On](#) conveyance of 1323 E. 25th Court to Derrick Huffey, \$6,000, (11-21-11) and acceptance of real estate documents from Des Moines Independent Community School District. ([Council Communication No. 11-691](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1864](#) 19. [On](#) vacation and conveyance of excess right-of-way located at 3136 SW 9th Street to Paul A. & Donna J. Steffensen, \$5,000, (11-21-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1865](#) 20. [On](#) request from Franklin Field Senior Apartments, LLLP to rezone 5300 Franklin Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development), (11-21-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1866](#) 20-I [On](#) 2011-1 Omnibus Amendment to the City-wide Urban Revitalization Plan and all other urban revitalization plans to consolidate the entire City of Des Moines under the City-wide Urban Revitalization Plan, and to amend and extend the duration of that Plan, (12-5-11). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1867](#) 21. [On](#) new Tax Increment Financing (TIF) debt to be included in FY2012-13 budget, \$14,230,000, (11-21-11). ([Council Communication No. 11-694](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[11-1868](#) 21-I [Establishing](#) fair market value of various properties for the Grand Avenue over Walnut Creek Bridge Replacement Project. ([Council Communication No. 11-672](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[11-1869](#) 22. [Approving](#) payment to Husch Blackwell LLP for services related to levee system issues, \$507.60 (\$438.08 City portion). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[11-1870](#) 23. [Approving](#) payment to Hansen, McClintock & Riley for representation of Officer John Mailander, \$12,682.28. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[11-1871](#) 24. [Regarding](#) Professional Services Agreement for design of upgrades to Principal Park Stadium locker rooms. ([Council Communication No. 11-682](#)) **Moved by Mahaffey to receive and file. Motion Carried 7-0.**

[11-1872](#) 25. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Skip Moore, Chris Hardy and Mathew Harkin. ([Council Communication No. 11-690](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

APPROVING

[11-1873](#) 26. [Grant](#) agreement with Polk County Housing Trust Fund for the Minor Home Repair Program operated out of the Neighborhood Conservation Services Division, \$40,000. ([Council Communication No. 11-689](#)) **Moved by Mahaffey to adopt and approve. Motion Carried 7-0.**

- [11-1874](#) 27. [Economic](#) Development Financial Assistance Contract with StartupCity Des Moines, LLC for the creation of a technology business incubator at 317 6th Avenue, Suite 500. ([Council Communication No. 11-692](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1875](#) 28. [Consortium](#) Membership in Purple Heart Highway Collaborative to conduct safety and operational studies to evaluate redesignation of US 65/Iowa Highway 5 as an Interstate Route, not to exceed \$14,702. ([Council Communication No. 11-693](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1876](#) 29. [Retaining](#) Wall Maintenance Agreement with Kum & Go, LC and KG Store 573, LLC for property in the vicinity of SE 14th Street and E. Diehl Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1877](#) 30. [Agreement](#) with MidAmerican Energy Company to attach City fiber optic cable to MidAmerican Energy Company Utility Poles. ([Council Communication No. 11-673](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1878](#) 31. [Release](#) of Public Utility Easement at 1264 Cummins Road. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1879](#) 32. [Reimbursement](#) of Center Street Park and Ride account in conjunction with Fire Station #1 project, \$676,621. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1880](#) 33. [Issuance](#) of replacement quit claim deed for vacated alley adjoining 1433 E. 16th Street. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1881](#) 34. [Amendment](#) to Regulatory Agreement with Luther Park Apartments, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1882](#) 34-I [Use](#) of 2009 Homeland Security Grant funding for sixteen Iowa Bomb Squad Task Force members to attend A-T Solutions IED/WMD Electronics Course on January 9-13, 2012. ([Council Communication No. 11-676](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
35. Bids from the following:
- [11-1883](#) (A) [PH](#) & S Products LLC (Ann Hull, Owner/President) for an annual contract with two (2) additional one-year renewal options to furnish nitrile gloves for use by the Fire Department, annual estimated cost \$30,000. (Eleven bids mailed, two received). ([Council Communication No. 11-695](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

WITHDRAWN

- [11-1884](#) (B) ~~[Pomeroy](#) IT Solutions (Chris Froman, President) for annual maintenance and support services for CISCO network equipment hardware and software for a three year period for use by the IT Department, \$167,460.86 per year. (Ten bids mailed, three received).~~

- [11-1885](#) (C) [TNT](#) Landscaping (John Church, Owner) for plant materials for installation at various City park locations for use by the Park & Recreation Department, \$58,725. (Thirteen bids mailed, three received). **Moved by Moore to defer action for 2 weeks, and refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [11-1886](#) (D) [Allen-Vanguard](#) (David Luxton, CEO/President) for vehicle hook and line (HAL) kits per US General Services Administration (GSA) Schedule 84 Contract for use by the Police Department, \$27,688. ([Council Communication No. 11-675](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1887](#) (E) [A-T](#) Solutions (Dennis Kelley, CEO/President) for booby trap tool kits per US General Services Administration (GSA) Schedule 84 Contract for use by the Police Department, \$28,000. ([Council Communication No. 11-674](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1888](#) (F) [Insight](#) Public Sector (Kenneth Lamneck, President) for a three-year renewal for maintenance and support services for existing internet monitoring and filtering software (Websense) per US Communities Contract for use by the IT Department, \$45,320. ([Council Communication No. 11-678](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [11-1889](#) 36. [Civil](#) Service Entrance List for Laboratory Analyst. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- [11-1890](#) 37. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of November 7 and November 14, 2011; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of November 7 and November 14, 2011; and to draw checks for biweekly payroll due November 18, 2011. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [11-1891](#) 38. [On](#) amendment to Zoning ordinance text in Chapter 134 and Site Plan ordinance text in Chapter 82 establishing a Downtown Overlay District which provides site plan guidelines for an area generally bound by Interstate 235 on the north, Raccoon and Des Moines Rivers on the south, E. 14th Street on the east and M.L. King Jr. Parkway on the west. **Moved by Mahaffey that this ordinance do now pass, [#15,060](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [11-1892](#) 39. Amending Chapter 118 of the Municipal Code delegating authority to the Treasurer of Des Moines Water Works to correct sewer, solid waste and/or stormwater liens and assessment schedules. ([Council Communication No. 11-688](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1893](#) (A) Final consideration of ordinance above (waiver requested by the Engineering Department), 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, #15,061. Motion Carried 7-0.**

COUNCIL REQUESTS

- [11-1894](#) 40. From Council Member Brian Meyer to speak regarding traffic at SE 14th Street and Hartford Avenue as a result of tournaments at the Cownie Soccer Complex. **Moved by Meyer to refer to the City Manager for review and recommendation in 2 weeks regarding ways to better manage the traffic. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

WITHDRAWN

- [11-1895](#) 41. Request from ~~Laura L. Mohler, 2810 Easton Blvd, to speak regarding City ordinances regarding vicious dogs and pit bulls.~~
- [11-1896](#) 42. Request from Save the Capital Square Post Office Coalition to speak regarding the closing of the Capital Square Post Office. **Moved by Hensley to receive and file comments and refer to the City Manager to send a follow-up letter and to provide assistance to the Coalition as they continue to pursue keeping the Capital Square and Park Fair Post Offices open. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:15 P.M.) (ITEMS 43 THRU 53)

- [11-1897](#) 43. On conveyance of City-owned property to Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for the WRA New Main Outfall Sewer Phase 17, Segments 3 & 4 Project, \$88,700. ([Council Communication No. 11-681](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [11-1898](#) 44. On conveyance of the Des Moines Building at 405 6th Avenue and 513 Locust Street to the Des Moines Apartments, LP, \$150,000. ([Council Communication No. 11-687](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1899](#) (A) [First](#) consideration of ordinance vacating portions of the 6th Avenue right-of-way and east/west alley right-of-way adjoining the Des Moines Building. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-1900](#) (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), 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, [#15,062](#). Motion Carried 7-0.**

45. Items regarding property at 4805 Observatory Road, (Russell Parks, owner):

[11-1901](#) (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the future land use designation from Low-Density Residential and Parks/Open Space to Low/Medium-Density Residential. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**

[11-1902](#) (B) [Hearing](#) on rezoning the property from “R1-80” (One-Family Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow for infill development of no more than six units with three single-family semi-detached dwellings, all contained within a commonly-owned parcel with access from Observatory Road, subject to conditions. **Moved by Hensley to adopt and approve the rezoning subject to the following: 1. The applicant shall work with City staff to develop a construction staging plan prior to final reading of the ordinance. 2. Parks staff shall continue to evaluate and propose options to provide public access to the Bird Sanctuary. 3. City staff and P & Z will ensure that quality building materials and design are incorporated for all structures at the time of Site Plan review. Motion Carried 7-0.**

[11-1903](#) (C) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

46. Items regarding property at 3422 57th Street, (Christopher Seunt Jens, owner):

[11-1904](#) (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan to revise the future land use designation from Low-Density Residential to Low/Medium-Density Residential. **Moved by Griess to adopt and approve the proposed amendment. Motion Carried 7-0.**

[11-1905](#) (B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-2” (One- and Two-Family Residential) to allow for infill development with two-family dwellings, subject to conditions. **Moved by Griess to adopt and approve the rezoning. Motion Carried 7-0.**

- [11-1906](#) (C) [First](#) consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1907](#) 47. [On](#) request from Jose Villarreal to rezone 2013 Clark Street from “C-0” (Commercial Residential) to “R1-60” (One-Family Low-Density Residential) to allow for financing of existing single-family dwelling. **Moved by Griess to adopt and approve the rezoning. Motion Carried 7-0.**
- [11-1908](#) (A) [First](#) consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1909](#) (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Griess 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, [#15,063](#). Motion Carried 7-0.**
- [11-1910](#) 48. [On](#) request from Mayorga & Mayorga Partners to rezone 1800 SE 14th Street from “C-2” (General Retail and Highway Oriented Commercial) with a VDL (Vehicle Display Lot Overlay) to remove the Overlay and rezone to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for expansion of the existing vehicle display lot adjoining on the south, subject to conditions. **Moved by Meyer to adopt and approve the rezoning. Motion Carried 7-0.**
- [11-1911](#) (A) [First](#) consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1912](#) (B) [Final](#) consideration of ordinance above (waiver requested by Community Development Director), requires six votes. **Moved by Meyer 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, [#15,064](#). Motion Carried 7-0.**
- [11-1913](#) 49. [On](#) request from Arnold DeWitt to rezone property in vicinity of 1241 E. 38th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial). **Moved by Mahaffey to adopt and to continue the public hearing until November 21, 2011 at 5:00 PM. Motion Carried 7-0.**
- [11-1914](#) 50. [On](#) request from Hue Nguyen to rezone 1435 University Avenue from “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow for retail development. **Moved by Griess to continue to December 19, 2011 at 5:00 PM. Motion Carried 7-0.**

- [11-1915](#) 51. [On](#) proposed Third (2012) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 11-679](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1916](#) 52. [On](#) 2011 Sewer Repair - Contract 2: 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. Ver Meer, President), \$157,488. ([Council Communication No. 11-685](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1917](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1918](#) 53. [On](#) 2012 Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as SAK Construction LLC, (Boyd Hirtz, Vice President), \$2,739,276.50. ([Council Communication No. 11-684](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1919](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:15 PM ***

APPROVING

- [11-1920](#) 54. [Preliminary](#) Terms of Agreement with Waterfront Lodging, Inc. for construction of a 129 room hotel, a 245 space parking structure and a 120 room hotel, all to be located in the 100 block of 2nd and Water Streets. ([Council Communication No. 11-696](#)) **Moved by Hensley to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 11-696, and to direct the City Manager to proceed with negotiation of formal agreements with Waterfront Lodging, Inc., consistent with the terms set forth in Council Communication No. 11-696. Motion Carried 6-1. Nays: Meyer.**
- [11-1921](#) (A) [Setting](#) date of hearing on vacation and conveyance of a small segment of remaining public alley right-of-way located in the block bound by Vine, Water, Market and Southwest 2nd Streets to Waterfront Lodging, Inc., (11-21-11). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.**

[11-1922](#) 55. [Negotiated](#) Settlement Agreement between City of Des Moines and Court Side Entertainment, Inc., 1014 E. 14th Street. **Moved by Griess to adopt. Motion Carried 4-3. Nays: Cownie, Mahaffey and Meyer.**

[11-1923](#) (A) [Consideration](#) of Class C Liquor License renewal for Court Side Entertainment, Inc., May 6, 2011 to May 6, 2012 . **Moved by Griess to approve. Motion Carried 4-3. Nays: Cownie, Mahaffey and Meyer.**

[11-1924](#) 56. [Submittal](#) of STP and STP-TE Fund FY2016 Applications to the Des Moines Area Metropolitan Planning Organization. ([Council Communication No. 11-680](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

~~MOTION TO CONVENE.~~

WITHDRAWN

[11-1925](#) 1. ~~Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following location at 1340 E. 13th Street, main structure, accessory structure, and garage structure, Titleholder: Carl G. Nelson.~~

[11-1926](#) MOTION TO ADJOURN. **Moved by Hensley to adjourn at 6:14 PM. Motion Carried 7-0.**

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