

**DES MOINES CITY COUNCIL MEETING**

**October 10, 2005 4:30 P.M.**

**I. CLOSED SESSION – 3:40 P.M.**

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 20.17(3) of the Code of Iowa to discuss collective bargaining strategy.
- (C) Closed Session
- (D) Terminate closed session and reconvene in open session.
- (E) MOTION TO ADJOURN

\* \* \* \* \*

**PROCLAMATIONS – 4:15 P.M.**

Make a Difference Day

**RECOGNITIONS – 4:15 P.M.**

Recognition of Home Depot

Italian Folk Art Recognition

**INVOCATION:**      Chaplain John Harrell  
                                 Fire Department

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

\* \* \* \* \*

**\*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.**

3. APPROVING CONSENT AGENDA – items 3 through 48:

## LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

### NEW APPLICATIONS

- (A) PICOLLO 3701 INGERSOLL AVE C Liquor

### RENEWAL APPLICATIONS

- (B) BLAZING SADDLE 416 E 5TH ST C Liquor  
(C) BLUES ON GRAND 1501 GRAND AVE C  
Liquor  
(D) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer  
(E) CAMPBELLS CONCESSIONS(TOURISM) 3000 E  
GRAND AVE B Beer  
(F) DRAKE DINER 1111 25TH ST C Liquor  
(G) EL ZACATECAS CLUB 3211 INDIANOLA AVE C  
Liquor  
(H) FAMILY PANTRY 4538 LOWER BEAVER RD E  
Liquor  
(I) FLEUR CINEMA & CAFE 4545 FLEUR DR C  
Beer/Wine  
(J) FLEUR WINE AND ALE 4521 FLEUR DR E Liquor  
(K) G T RACE CAR BAR 3013 INGERSOLL AVE C  
Liquor  
(L) KARTARS MINI MART 3761 E UNIVERSITY AVE C Beer  
(M) ZIMMS 3124 INGERSOLL AVE C Liquor

## PUBLIC IMPROVEMENTS

5. Resolution Ordering Construction of the following:
- (A) Fleur Trail Connector – Receiving of Bids, (10-18-05), and Setting Date of Hearing, (11-07-05). (Construction Estimate - \$867,758.40).
- (B) Combined Walnut Creek Trail-Phases 1A & 1B and American Discovery Trail Segments 1 & 2 – Receiving of Bids, (10-18-05), and Setting Date of Hearing, (11-07-05). (Construction Estimate - \$806,656.55).
6. Approving Professional Services Agreement with HWS Consulting Group for SE 14<sup>th</sup> Street and Fleur Drive Signal Interconnect Design Activity not to exceed \$ 127,600.

[\(Council Communication No. 05-568\)](#)

7. Award Agreement to obtain release of approved grant funds for lining of storm sewers.

[\(Council Communication No. 05-572\)](#)

8. Approving completion and recommending acceptance of the Private Construction Contract for trail enhancements improvements for Meredith Trail.
9. Communication from M.A. Mortenson Company requesting permission to sublet certain items on public improvements project for Skywalks 8C-8D, and 8Da at Wells Fargo Building.

**SPECIAL ASSESSMENTS**

10. Approving levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2005-13.
11. Approving deletion of the following:
  - (A) NAC-Emergency Assessments at 1046 – 19<sup>th</sup> Street.
  - (B) Special Assessments at 3618 Cornell Street.
12. Approving the following:
  - (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for September 2005.
  - (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for September 2005.
13. Authorize construction of Paving or Curb Replacement Program/Request to Repair Driveway Petitions and Waiver forms executed by the owners of two properties.

**LAND/PROPERTY TRANSACTIONS**

14. Authorization to acquire property for the Crawford Creek Watershed Improvement Project-Kirkwood Storm Sewer Phase and SE 6<sup>th</sup> Street to Indianola Avenue Box Culvert Replacement Phase.

## SETTING DATE OF HEARINGS

15. On vacation of a strip of street right-of-way from the north side of Ingersoll Avenue adjoining 2811 Ingersoll, (10-24-05).

16. On conveyance of vacated north/south alley parcel between University Avenue and Enos Avenue, to Des Moines Area Community College, \$800, (10-24-05).

[\(Council Communication No. 05-569\)](#)

17. On vacation and conveyance the north/south alley in the block between SW 1<sup>st</sup> and SW 2nd and between Dunham and Granger along with a portion of Granger Avenue right-of-way lying north of and adjoining alley, to Curley Top LLC, \$99,903, for restricted use as Senior Housing with at least 40 units, subject to conditions, (10-24-05).

[\(Council Communication No. 05-571\)](#)

18. On vacation and conveyance of the north/south alley between SE 4<sup>th</sup> and SE 5<sup>th</sup> Street from Scott to Shaw, to Artistic Iron Properties, LC, \$6,613, and Stevens Drywall, Inc., \$1,653, (10-24-05).

[\(Council Communication No. 05-570\)](#)

19. On Supplement No. B3 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing and Capital, LLC, for acquisition and financing of two front-loading refuse trucks and one automated refuse truck for the Solid Waste Enterprise, not to exceed \$300,000, (10-24-05).

[\(Council Communication No. 05-576\)](#)

20. On proposed Second Year Action Plan (2006) for the 2005-2009 HUD Consolidated Plan (11-21-05).

[\(Council Communication No. 05-560\)](#)

- (A) Communication from the Neighborhood Revitalization Board, transmitting their funding recommendations.

21. On the following Airport Concession Agreements:

- (A) Second Amendment for News and Gift Operations with The Paradies Shops, (10-24-05).

[\(Council Communication No. 05-573\)](#)

- (B) Third Amendment for Food and Beverage Operations with The Compass Group, (10-24-05).

[\(Council Communication No. 05-580\)](#)

#### **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

- 22. Approving payment of \$1,167 to law firm of Myers & Jenkins for outside counsel representing the City in the ATA Holdings Corporation and the UAL Corporation bankruptcies.
- 23. Approving payment of \$430 to the law firm of Nyemaster, Goode, West, Hansell & O'Brien, P.C. for consultation services in conjunction with collective bargaining and related matters.
- 24. Approving payment of \$17,500 to Justin Leader and Alan Olson, his attorney, for a claim from a fall due to the collapse of a sidewalk in the 4400 block of Ingersoll Avenue.
- 25. Approving payment of \$90,000 to Carroll Shipley, a former employee who was injured in course and scope of employment.

#### **CITY MANAGER COMMUNICATIONS**

- 26. Submitting traffic regulation changes as follows:
  - (A) Revisions to parking restrictions in the vicinity of the Science Center of Iowa.
  - (B) Revisions to parking restrictions on SE 2<sup>nd</sup> Street from East Jackson Avenue to East Edison Avenue.
  - (C) Revisions to parking restrictions on Oakridge Drive from Keosauqua Way to 15<sup>th</sup> Street.
  - (D) Clarification of parking restrictions in municipal facilities.

[\(Council Communication No. 05-567\)](#)

- 27. Submitting out-of-state travel for Denise Carrington and Tansy Hayward.

[\(Council Communication No. 05-550\)](#)

**APPROVING**

28. Environmental Certification and Request for Release of Funds from HUD, for the Department of Housing Services' 2005 Capital Fund Program.

[\(Council Communication No. 05-565\)](#)

29. Closeout documents for the Fiscal Year 2001 Supportive Housing Program (SHP) Grant.
30. Conceptual Development Plan for Fleur Drive Commercial Urban Renewal Area, subject to specified revisions.

[\(Council Communication No. 05-563\)](#)

31. Participation in Intergovernmental 28E Joint Service Agreement with Polk County for a Northeast Beltway Feasibility Study, \$15,000.
32. Agreement with Metropolitan Transit Authority (MTA) to provide economic development grants and parking spaces in conjunction with the Airport South Bus Service Agreement.

[\(Council Communication No. 05-551\)](#)

33. Agreement for Assignment of Tax Sale Certificates for the following:
- (A) 1104 26<sup>th</sup> Street to Neighborhood Finance Corporation.
- (B) 606 Watrous Avenue and 202 Williams Street to S & G Real Estate Investments, Inc.

[\(Council Communication No. 05-566\)](#)

34. Professional Services Agreement with Site Design Group, Inc. (Tempe, Arizona) to provide professional preliminary design services for regional skate park and four conceptual neighborhood skate park facilities, \$22,330.

[\(Council Communication No. 05-561\)](#)

35. Designating Fire Chief as authorized representative for purposes of administering Metropolitan Medical Response System Grant.

[\(Council Communication No. 05-577\)](#)

36. Designating Kurt Rueckel, Finance Department, as the City's authorized representative for FEMA reimbursements, Federal Disaster Declaration - Hurricane Katrina.

[\(Council Communication No. 05-574\)](#)

37. Grant application for 2006 Governor's Traffic Safety Bureau for enhancement to Police Traffic Unit by funding officer overtime and training.

[\(Council Communication No. 05-558\)](#)

38. Agreement with Iowa Department of Commerce, Alcohol Beverage Division for participation in Tobacco Retailer Compliance Program for compliance with prohibition on sale of tobacco to minors.

[\(Council Communication No. 05-552\)](#)

39. Police Department's Federal Equitable Sharing Agreement for fiscal year 2005 through 2008.

[\(Council Communication No. 05-564\)](#)

40. Communications from Downtown Community Alliance requesting approval of the following banner designs:

- (A) On behalf of Downtown Events Group for 94 banners on Locust Street during November 2005.
- (B) On behalf of Association of Fundraising Professionals for 50 banners on Grand Avenue during November 2005.
- (C) On behalf of the Ballet Theatre of Des Moines for 18 banners on Locust Street during November 2005.

41. Extension of ICMA VantageCare Retirement Health Savings Plan to American Federation of State, County and Municipal Employees (AFSCME), Council 61.

42. 2006 City Council Meeting Schedule.

43. Use of various City Facilities as poll sites for precincts 31, 36, 56, 60, 82, and 83 for the Regular City Election to be held on Tuesday, November 8, 2005.

44. Authorization to proceed with procuring professional services utilizing Qualifications-Based Selection (QBS) Process for Des Moines Metro ALERT Flood Warning System Master Plan, \$90,000.

[\(Council Communication No. 05-557\)](#)

45. Bids from the following:
  - (A) Pomeroy IT Solutions for CISCO Systems network equipment per ICN State of Iowa Contract CT2708 to be used at the new central library, \$280,618.
  - (B) ACS Firehouse Solutions for non-competitive procurement of software upgrade to the City's Records Management System (RMS) to be used by the Fire Department, \$31,685.
46. Civil Service Entrance Lists for Fire Department Stores and Inventory Clerk, Housing Services Accounting Manager, and Engineering (Contracts) Administrative Assistant.
47. Authorizing Finance Director to draw checks on the registers of October 13, 2005 and October 20, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 10, 2005 and October 17, 2005; and to draw checks for biweekly payroll due October 14, 2005.

**ORDINANCES - FINAL CONSIDERATION**

48. Amending Chapter 2 of the Municipal Code regarding salary of mayor and councilmembers.

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

**ORDINANCES - FIRST CONSIDERATION**

49. Amending Chapter 70 of the Municipal Code, enacting residency restrictions for convicted sex offenders.
50. Amending Chapter 60 of the Municipal Code regarding the Housing Code, to implement new state law permitting late payment penalty and interest and assessment of delinquent costs, update various definitions, and clarify the appeal process.

[\(Council Communication No. 05-553\)](#)



51. Amending Chapter 118 of the Municipal Code establishing late payment charges for delinquent accounts for the City Water Works.

[\(Council Communication No. 05-556\)](#)

## **COUNCIL REQUESTS**

52. Request from Council Member Tom Vlassis, to discuss parking restrictions along Crestmoor Drive, beginning at the intersection of 46<sup>th</sup> Street and Bel Aire Road, north and west along Crestmoor Drive to the intersection of 50th Street and Crestmoor Drive.

## **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 63)**

53. On appeal of Administrative Hearing Officer's decision regarding impounded vehicles:
  - (A) From Mike Pardubsky, 1335 - 41<sup>st</sup> Street.
  - (B) From John Stratton, 1333 – 41<sup>st</sup> Street.
54. On request from Southeast Polk Community Schools to rezone 4401 NE 46<sup>th</sup> Street from "A-1" (Agricultural) to "R1-80" (One-Family Residential) to allow future expansion of Delaware Elementary School.
  - (A) First consideration of ordinance above.
55. Regarding request from Glen Mikel (Developer) to rezone property at 1700 East Aurora Avenue to revise "M-2" (Heavy Industrial) with conditions approved by Ordinance 11,669, removing condition prohibiting conditional use of property for junk/salvage yard, allowing for future consideration for vehicle towing contractor storage yard, subject to conditions.
  - (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
56. Regarding requests from Des Moines Public Schools for property at 1101 E. 6<sup>th</sup> Street:
  - (A) To amend the Des Moines 2020 Community Character Land Use Plan for future land use designation from Low Density Residential to Public/Semi-Public.

- (B) Hearing to rezone from “C-2” (General Retail and Highway Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and conditional approval of PUD Conceptual Plan for Longfellow Wallace Community School, subject to conditions.
  - (C) First consideration of ordinance above.
  - (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
57. On issuance of not to exceed \$32,000,000 General Obligation Refunding Bonds Series 1999A and 2000D, (essential corporate purpose).

[\(Council Communication No. 05-575\)](#)

- (A) Authorization for additional action.
  - (B) Directing advertisement for sale (a special Council meeting will be held on Wednesday, October 26, 4:45 PM to approve the sale).
58. On Voluntary Annexation and rezoning of 248 acres in Warren County, owned by the Spence Family Limited Partnership, south of the North River and immediately east of US Highway 65/69, **and to continue to 11-7-05 at 5:00 P.M.**
59. On the following items:
- (A) Resolution of Necessity for City-Wide Paving Program for the following:
    - (1) E. Elm Street paving from S.E. 27<sup>th</sup> Street to S.E. 28<sup>th</sup> Street.
    - (2) South Union Street paving (select one):
      - (a) Jackson Avenue to Dead End North OR
      - (b) ALTERNATE: Jackson Avenue to Clay Street Only (Recommended by City Engineer).
      - (c) Petitions in opposition.
    - (3) S.W. 7<sup>th</sup> Street paving from Virginia Avenue to Pleasant View Drive.
    - (4) S.W. 60<sup>th</sup> Street paving from Muskogee Avenue to Dead End South.

- (5) 57<sup>th</sup> Place paving from Forest Avenue to Clark Boulevard.
  - (B) Authorization for acquisition of necessary right-of-way and easements.
60. On the following items:
- (A) Resolution of Necessity for sidewalk construction for the following:
    - (1) S.W. 60<sup>th</sup> Street sidewalk from Muskogee Avenue to Dead End South.
    - (2) Shriver Avenue sidewalk in the 5400/5500 block.
    - (3) ML King Jr. Parkway sidewalk in the 3600/3700 block.
  - (B) Authorization for acquisition of necessary right-of-way and easements.
61. On Cownie Soccer Stadium Plaza Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Grimes Asphalt & Paving Corp. (J.M. Yonker, President, Grimes), \$198,097.20.

[\(Council Communication No. 05-562\)](#)

- (A) Approving contract and bond.
62. On Emergency Operations Centers Standby Power: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and receive and file bids.
63. On Zooplex Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Sheets Excavating, Ltd. (Charles Sheets, Owner, Montezuma), \$24,572.
- (A) Approving contract and bond.

\*END HEARINGS AT \_\_\_\_\_ P.M.\*\*

## **APPROVING**

64. A one-year contract with ACME Printing, (Des Moines) for printing services for a City-Wide Newsletter, \$83,460. (Nine bids mailed, Four bids received).

[\(Council Communication No. 05-579\)](#)

65. Hershey Systems application for Enterprise Zone benefits on a project in the Des Moines Gateway Enterprise Zone; Community Economic Betterment Account (CEBA) funds application (\$400,000); and preliminary approval of a local contribution (\$140,000) from the City of Des Moines.

[\(Council Communication No. 05-578\)](#)

66. Approving Permanent Air Rights Easement Agreement with Equitable, L.P. consenting to easement for balconies from Equitable Building extending over portion of air space of Kaleidoscope Building.

[\(Council Communication No. 05-554\)](#)

67. Granting Temporary building setback easement to allow retention of deck at 418 East 5<sup>th</sup> Street.

[\(Council Communication No. 05-555\)](#)

## **BOARD OF HEALTH**

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
  - (A) 2232 Capitol Avenue, Titleholder: First National Acceptance Company.
  - (B) 3612 Cornell Street, Titleholder: First National of North America, LC;  
Contract Buyer: Lorraine A. Walker.
  - (C) 2808 Cottage Grove Avenue, Titleholders: Jack A. Stuart and Mary Stuart.
  - (D) 2660 E. Payton Avenue, Titleholders: Kennis L. Rogness and Dixie L. Rogness.
  - (E) 2824 SW 9<sup>th</sup> Street, Titleholders: Bruce L. Kennedy and Christy L. Kennedy.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.



All-America City

1949 1976 1981 2003