

DES MOINES CITY COUNCIL MEETING

June 22, 2009 4:30 PM

SPECIAL PRESENTATIONS – 4:15 PM

Announcing Partnership with Family Violence Center & DMPD

PROCLAMATIONS - 4:15 PM

Baby Boomers Cookie – Official Cookie of the City of Des Moines

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church
E. 25th and Capitol

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 43:

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	EL PALOMINO	3116 E 14TH ST	C Beer
(B)	LA FAVORITA	1700 E GRAND AVE	C Beer
(C)	NEW CHINA BUFFET	1111 E ARMY POST	B Beer

RENEWAL APPLICATIONS

(D)	AIR LANES	4200 FLEUR DR	C Liquor
-----	-----------	---------------	----------

(E)	BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(F)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(G)	DES MOINES COMMUNITY	831 42ND ST	C Liquor
(H)	D'S MAIN GATE	2956 E GRAND AVE	C Liquor
(I)	H & A MINI MART	145 UNIVERSITY	C Beer
(J)	HOUSE OF BRICKS	525 E GRAND AVE	C Liquor
(K)	HUGH'S JUNGLE ROOM	5715 DOUGLAS AVE	C Liquor
(L)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(M)	QUIKTRIP #530	2300 E 14TH ST	C Beer
(N)	QUIKTRIP #534	2945 E UNIVERSITY	C Beer
(O)	SAVE A LOT	3200 SW 9TH ST	C Beer
(P)	SCIENCE CENTER OF IOWA	401 W ML KING JR	C Liquor
(Q)	SPLASH SEAFOOD BAR/GRILL	303 LOCUST ST	C Liquor
(R)	US GAS	3000 SW 9TH ST	C Beer
(S)	WAKONDA CLUB	3915 FLEUR DR	C Liquor

TRANSFER TO NEW LOCATION

(T)	DRAKE UNIVERSITY	1309 26TH ST	C Liquor
	Temporary transfer from 2875 University Avenue for an event on June 27, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(U)	FLYING MANGO	519 PARK ST	C Liquor
	Temporary transfer from 4345 Hickman Rd for Flying Mango Music Show Event on June 29 – July 1, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.		

OUTDOOR SERVICE APPLICATIONS

(V)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with Bike Night Celebration on July 10, 2009. Pending approval of Building, Electrical Fire and Zoning Departments.		
(W)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	Temporary in conjunction with Bike Night Celebration on July 10, 2009. Pending approval of Building, Electrical Fire and Zoning Departments.		
(X)	LOCUST TAP	434 E LOCUST ST	C Liquor
	Temporary in conjunction with Bike Night Celebration on July 10, 2009. Pending approval of Building, Electrical Fire and Zoning Departments.		
(Y)	UNDERGROUND	500 E LOCUST ST	C Liquor
	Temporary in conjunction with Bike Night Celebration on July 10, 2009. Pending approval of Building, Electrical Fire and Zoning Departments.		

SPECIAL EVENTS APPLICATIONS

(Z)	CENTERPLATE	1 LINE DR	Five (5) Day License
	Class B Beer Permit for an event on July 1, 2009.		

- (AA) GREATER DSM MUSIC 1418 GRAND AVE Five (5) Day License
Class C Liquor License for the 80/35 Mustic Festival on July 3 – 4, 2009. Pending approval of Fire and Zoning Departments.
- (BB) GREATER DSM MUSIC 1305 LOCUST ST Five (5) Day License
Class B Beer Permit for the 80/35 Mustic Festival on July 3 – 4, 2009. Pending approval of Fire and Zoning Departments.
- (CC) GREATER DSM MUSIC 1311 LOCUST ST Five (5) Day License
Class B Beer Permit for the 80/35 Mustic Festival on July 3 – 4, 2009. Pending approval of Fire and Zoning Departments.
- (DD) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for the 80/35 Mustic Festival on July 3 – 4, 2009. Pending approval of Fire and Zoning Departments.
- (EE) PARKS AREA FOUNDATION 3612 6TH AVE Five (5) Day License
Class B Beer Permit for Sweet Corn Feed on July 18, 2009.
- (FF) SOCIETY OF ITALIAN 1801 MCKINLEY Five (5) Day License
Class B Beer Permit for the Society of Italian American Festival on July 30 – August 2, 2009.
- (GG) WATERWORKS PARK 2201 GEORGE FLAGG Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Summer Jam Country Bash event, June 28, 2009.

4-I [Consideration](#) of 5-day, Special Class C Liquor License for Kitchen Collage of Des Moines at parking lot adjacent to 309 Court Avenue for an event on July 11, 2009. (Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.) Sponsor: Council Member Meyer.

4-II [Consideration](#) of 5-day, Class B Beer License for Parks Area Foundation at 710 Corning Avenue for an event on July 10, 2009. (Pending approval of Building, Electrical, Fire, and Zoning Departments.) Sponsor: Council Member Mahaffey.

5. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Cownie](#) Soccer Complex Shade Structures: Receiving of bids, (7-14-09), and Setting date of hearing, (7-27-09). (Construction Estimate - \$88,600).

[\(Council Communication No. 09-413\)](#)

- (B) [McKinley](#) Avenue Drainage Improvements – SW 26th/SW 31st Streets: Receiving of bids, (7-14-09), and Setting date of hearing, (7-27-09). (Construction Estimate - \$313,476.50).

[\(Council Communication No. 09-415\)](#)

- (C) [2009](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (7-14-09), and Setting date of hearing, (7-27-09). (Construction Estimate - \$1,122,600).

[\(Council Communication No. 09-417\)](#)

7. [Authorization](#) to submit CDBG Disaster Recovery Infrastructure Applications to Iowa Department of Economic Development on behalf of Des Moines Wastewater Reclamation Authority.

[\(Council Communication No. 09-412\)](#)

8. [Approving](#) and authorizing Amendment No. 1 to the United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program for 1706 Pennsylvania Avenue Slope Stabilization.

[\(Council Communication No. 09-428\)](#)

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

- (A) [2008](#) Park and Cemetery HMA Improvements, Grimes Asphalt & Paving Corp.
(B) [Court](#) Avenue Streetscape Rehabilitation, Baker Electric, Inc.
(C) [Police](#) Station Generator Exhaust Stack, Wolin & Associates, Inc.

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule 2009-12.

LAND/PROPERTY TRANSACTIONS

11. [Establishing](#) Fair Market Value of 621 SE 12th Street for the SE Connector Project – SE 6th Street to SE 14th Street Phase.

[\(Council Communication No. 09-409\)](#)

12. [Accepting](#) proposal from Terrus Real Estate Group for commercial real estate listing services for the lease or sale of property at 3226 University Avenue and authorizing the Park and Recreation Department to negotiate and the City Manager to execute a contract.

[\(Council Communication No. 09-411\)](#)

SETTING DATE OF HEARINGS

13. [On](#) conveyance of property, north of I-235 between 21st and 22nd Streets, to adjoining property owners, Don and Jason Roose, \$200, (7-13-09).
14. [On](#) Terminal Building Lease with United States General Services Administration at the Airport, (7-13-09)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

15. [Approving](#) payment of \$3,198.97 to Hall & Associates for services related to the combined sewer system and combined sewer overflows, NPDES Permit and additional work on proposed rules by IDNR.
16. [Approving](#) payment of \$15,555.54 to David Melling and his attorney for a workers' compensation claim.
17. [Approving](#) payment of \$32,789.80 to John Riccio and his attorney for a workers' compensation claim.
18. [Approving](#) payment of \$12,720 to Dale and Rhonda Methfessel for a property damage claim.

CITY MANAGER COMMUNICATIONS

19. [Submitting](#) training requests for Rex Sparks and Michael Towey.

[\(Council Communication No. 09-435\)](#)

APPROVING

20. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD).

21. [Receipt](#) of communication from Polk County Housing Continuum Board submitting recommendations for the 2009 Supportive Housing Program priorities.

[\(Council Communication No. 09-398\)](#)

22. [Authorizing](#) City Manager to develop and submit an application to HUD with the State of Iowa for Neighborhood Stabilization Program2 Funds.

[\(Council Communication No. 09-423\)](#)

23. [Goals](#) for the 2010-2014 US Housing and Urban Development Consolidated Plan for Federal Entitlement Funds and notices of funding availability for the 2010-2011 program years.

[\(Council Communication No. 09-436\)](#)

24. [Grant](#) Request to the Federal Home Loan Bank of Des Moines Affordable Housing Program by the City of Des Moines/West Bank to provide rehabilitation assistance in low-income owner-occupied housing.

[\(Council Communication No. 09-427\)](#)

25. [Grant](#) Award from the Polk County Housing Trust Fund (PCHTF) to be used as Gap Funding within the Jumpstart Housing Assistance Program.

[\(Council Communication No. 09-429\)](#)

26. [Request](#) for the release of funds from the Iowa Department of Economic Development (IDED) for funds from the Low-Income Housing Tax Credit Fund for the Homes of Oakridge, Phase II Project.

[\(Council Communication No. 09-422\)](#)

27. [The](#) 1512, LLC Application for Enterprise Zone Benefits for a housing project at 1512 6th Avenue.

[\(Council Communication No. 09-425\)](#)

28. [2009 Recovery Act](#): Edward Byrne Memorial Justice Assistance Grant (JAG) Application and Memorandum of Understanding with Polk County and Cities of Urbandale and West Des Moines.

[\(Council Communication No. 09-431\)](#)

29. [Amendment](#) No. 4 to FY2006 Law Enforcement Terrorism Prevention Program Grant.

[\(Council Communication No. 09-430\)](#)

30. [Acceptance](#) of 2009 Recovery Act: Edward Byrne Memorial Justice Assistance Grant Award to be utilized to improve forensic capabilities, upgrade technology, fund equipment that will address officer safety and provide for procedural efficiencies.

[\(Council Communication No. 09-432\)](#)

31. Agreements for the following health services, (July 1, 2009 –June 30, 2012):

(A) [Accelerated](#) Rehabilitation Centers for Physical Therapy Services.

(B) [Des](#) Moines University for Occupational Health Services.

[\(Council Communication No. 09-406\)](#)

32. [Annual](#) Property and Casualty Insurance Renewals effective July 1, 2009.

[\(Council Communication No. 09-405\)](#)

33. [Designation](#) of Multiple Depositories for City funds and the maximum allowable amount.

[\(Council Communication No. 09-399\)](#)

34. [Application](#) from Christ the King Catholic Church requesting approval for a banner across S.W. 9th Street from August 1-30, 2009 to promote the Sweet Corn Festival.

35. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, to approve banner design for 90 banners to be displayed in Downtown Des Moines on E. Locust Street, Locust Street, and Grand Avenue.

36. [Receipt](#) of Airport Board Regulation No. 09-60 regarding commercial use fees as part of rates and charges at the Des Moines International Airport.

37. ~~Exception to the procurement ordinance Request For Proposals requirement for good cause and approving a Consultant Services Contract with Sogeti USA LLC for redesign of the City's website and implementation, \$300,000.~~

~~([Council Communication No. 09-407](#))~~

38. Procurement of electronic legal research services and materials from Thomson Reuters, estimated annual cost \$48,000.

([Council Communication No. 09-424](#))

39. Proposal for on-site fleet services parts procurement and supply services with Genuine Parts Company d/b/a NAPA Auto Parts.

([Council Communication No. 09-401](#))

40. Approving bids for the following:

- (A) 1824 Scott LLC for water service stop box relocation services for use by the Public Works Department, \$49,500. (Twelve bids mailed, three received).
- (B) 1824 Scott LLC for hydro seeding and backfilling services for use by the Public Works Department, \$45,000. (Seven bids mailed, three received).
- (C) Bound Tree Medical for an annual contract with two (2) additional one year renewal options to furnish over 300 medical and pharmaceutical supplies to be used by the Fire Department, \$145,000. (Thirteen bids mailed, three received).
- (D) Tait Radio Communications for radio equipment for use by the Public Works Department, \$51,818. (Four bids mailed, two received).
- (E) Pool Tech Midwest for a blanket purchase order for pools chlorination chemicals during FY2010 to be used by the Park & Recreation Department, \$85,000.

([Council Communication No. 09-416](#))

41. Agreement with the Iowa Department of Natural Resources for an AmeriCorps Member for service to the Information Technology Department.

([Council Communication No. 09-400](#))

42. Civil Service Entrance lists for Park Planner and User Support Technician and Promotional list for Cement Finisher.

43. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 22, June 29, and July 6, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of June 22, June 29, and July 6, 2009; and to draw checks for biweekly payroll due July 2, 2009.

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

ORDINANCES - SECOND CONSIDERATION

44. [On](#) proposed renaming of streets recently annexed or to be annexed in the City of Des Moines, as amended.

[\(Council Communication No. 09-414\)](#)

ORDINANCES - FIRST CONSIDERATION

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

- (A) Designation of one-sided parking restrictions and stop control – Brook Run Village Plats 13, 14 and 15.
- (B) Parking restrictions to facilitate solid waste collection – north side of Maple Street from E. 36th Court to dead end east.

[\(Council Communication No. 09-408\)](#)

46. [Amending](#) Chapter 94 of the Municipal Code regarding emergency repair of public improvements.

47. [Amending](#) Chapter 14 of the Municipal Code regarding public dances in City Park and Recreation Facilities.

[\(Council Communication No. 09-419\)](#)

- (A) [Communication](#) from the Park and Recreation Board regarding the Public Dance Ordinance.
- (B) [Request](#) from Jessica Hernandez, 2654 E. Sheridan, to speak regarding the Public Dance Ordinance.

COMMUNICATIONS/REPORTS

48. [From](#) Bob Wessel, 2719 Leach Avenue, to speak.
49. [From](#) the Warren County Economic Development Corporation (WCEDC) regarding the City of Des Moines' involvement.
50. [Request](#) from International Soccer League of Iowa, Juan Carlos Anaya, 508 Trowbridge Street, to speak regarding the use of City Park and Recreation facilities.
51. [Petitions](#) from property owners requesting paving and sidewalks on Druid Hill Drive, from Casady Drive to Bell Avenue.

***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 52 THRU 61)

52. [On](#) appeal from Andrew Newsom, 1105 Euclid Avenue, of the Administrative Hearing Officer's decision regarding his dog.
53. On Supplements to the Governmental Lease-Purchase Master Agreements with De Lage Landen Public Finance LLC, for the following, and repealing roll calls 09-912 thru 09-914 and 09-916 thru 09-918:
 - (A) [Supplement](#) D-1, \$778,854, to acquire five heavy-duty trucks with plows and ice control equipment.
 - (1) [Authorizing](#) additional action.
 - (2) [Authorizing](#) execution and delivery.

[\(Council Communication No. 09-402\)](#)
 - (B) [Supplement](#) D-2, \$1,116,017, to acquire up to seven street sweepers.
 - (1) [Authorizing](#) additional action.
 - (2) [Authorizing](#) execution and delivery.

[\(Council Communication No. 09-403\)](#)

54. On vacation and conveyance of a small segment of E. 33rd Street, south of E. Thompson Avenue and of Thompson Avenue between E. 33rd and E. 34th Streets to St. Joseph's Church, \$600.

(Council Communication No. 09-410)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, waiver requested by applicant, requires 6 votes.
55. On items regarding property at 1032 and 1036 18th Street:
- (A) Amending the Des Moines 2020 Community Character Plan land use designation from Low-Density Residential to Mixed-Use and Density.
- (B) Hearing on request from Ryan Galloway to rezone property from "R-3" (Multiple-Family Residential) to Ltd. "NPC" (Neighborhood Pedestrian) to allow future pedestrian oriented multiple-family residential development, subject to conditions.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
56. On request from Menard, Inc., to rezone property at 1201 E. Diehl Avenue, from "R1-60" (One-Family Low Density Residential) and "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "C-2", (to correct legal description submitted with Roll Call 09-765).
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
57. On request from Andy Holt for the Baker PUD Conceptual Plan 4th Amendment, 4500 Hubbell Avenue, to reconfigure the layout of an approved Light Industrial Business Park with additional land reserved for future amendment.
- (A) Preliminary terms of agreement with Cold Stream, LLC for development of 50 acre light industrial business park at NE 46th Street and Hubbell Avenue.

(Council Communication No. 09-426)

58. [On](#) renaming of the Archie Brooks Community Center, 2100 SE 5th Street.
59. [On](#) 2009 Designated Neighborhood Sidewalk Replacement 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), \$257,242.50.

[\(Council Communication No. 09-420\)](#)

(A) [Approving](#) contract and bond.

60. [On](#) 2009 HMA Pavement Scarification & Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$450,959.

[\(Council Communication No. 09-421\)](#)

(A) [Approving](#) contract and bond.

61. [On](#) 2009 Parks Playground & Basketball Court Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as T K Concrete Inc., (Tony J. Vermeer, President), \$168,505.

[\(Council Communication No. 09-418\)](#)

(A) [Approving](#) contract and bond.

*** END HEARINGS AT _____ PM ***

APPROVING

62. [Intergovernmental](#) 28E Agreement with the Des Moines Independent Community School District for the School Resource Officer Program, (July 1, 2009 through June 30, 2015)

[\(Council Communication No. 09-433\)](#)

63. [Application](#) for United States Department of Homeland Security 2009 Assistance to Fire Fighters Fire Station Construction Grant.

[\(Council Communication No. 09-404\)](#)

64. [Application](#) for Energy Efficiency and Conservation Block Grant from the Department of Energy, \$1,982,300.

[\(Council Communication No. 09-437\)](#)

65. [Request](#) from Tommy Mauro for a waiver of the requirement to maintain a six-foot wide pedestrian pathway upon the public sidewalk adjoining the Pelican Bar at 208 3rd Street (Continued from the June 8 Council meeting).
 - (A) [Consideration](#) of adding permanent outdoor service area to Class C Liquor license at the Pelican Bar.

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. [Request](#) from Dr. K. L. Hebron, Indianola, IA, to consider renaming the Des Moines International Airport. Sponsor: Council Member Hensley.
2. [Recommendation](#) from Council Member Kiernan to re-appoint Tom Ross to the Airport Board, Seat 2, for a four-year term commencing June 30, 2009 to expire June 30, 2013.
3. [Recommendation](#) from Council Member Meyer to appoint Carl B. Voss to the Traffic Safety Committee, Seat 7, for a three-year term commencing December 31, 2008 to expire December 31, 2011.

BOARD OF HEALTH

MOTION TO CONVENE.

APPROVING:

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [1043](#) Martin Luther King Jr. Parkway, fire-damaged structure, Titleholder: Terry May.
 - (B) [1820](#) E. 24th Street, main structure, Titleholder: Aletha L. Shepherd (Deceased).

2. [The](#) release of the fire escrow account held for the structure located at 1231 East 36th Court, Date of loss: 7/22/08.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003