

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

June 28, 2010 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

All-America City



PROCLAMATIONS

National Garden Month
Care Enough to Wear Pink - (Des Moines Firefighters)

INVOCATION: Council Member Christine Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 35:

***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:

RENEWAL APPLICATIONS

(A)	BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(B)	BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(C)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(D)	DRUGTOWN WINE	4100 UNIVERSITY	E Liquor
(E)	EL PALOMINO	3116 E 14TH ST	C Beer
(F)	H & A MINI MART	145 UNIVERSITY	C Beer

(G)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(H)	HY VEE FOOD STORE #5	1107 E ARMY POST	E Liquor
(I)	MAIN GATE	2956 E GRAND AVE	C Liquor
(J)	PEGGYS INC	3020 FOREST AVE	C Liquor
(K)	PIRAMIDAS	2718 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)	QUIKTRIP #554	901 SW 63RD	C Beer
(P)	SAVE A LOT	3200 SW 9TH ST	C Beer
(Q)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
(R)	SOUTH SIDE LIQUOR	1101 ARMY POST	E Liquor
(S)	SPLASH SEAFOOD	303 LOCUST ST	C Liquor
(T)	TAQUERIA JALISCO	1704 E GRAND AVE	B Beer
(U)	US GAS	3000 SW 9TH ST	C Beer
(V)	WAKONDA CLUB	3915 FLEUR DR	C Liquor

OUTDOOR SERVICE APPLICATIONS

(W) HOUSE OF BRICKS 525 E GRAND AVE C Liquor
 Temporary for Bucks for Bradley Benefit on July 10, 2010. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. [Consideration](#) of a new Class C Liquor License for Black Angus Beef N Brew, 6401 SE 14th Street. Pending approval of Building and Fire Departments.
6. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [2010](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (7-13-10), Setting date of hearing, (7-26-10). (Construction Estimate - \$900,000).

[\(Council Communication No. 10-403\)](#)
 - (B) [Riverpoint](#) Trunk Sewer Separation and Pump Stations: Receiving of bids, (7-13-10), Setting date of hearing, (7-26-10). (Construction Estimate - \$3,330,000).

[\(Council Communication No. 10-402\)](#)
8. [Approving](#) Supplemental Agreements to the Southeast Connector Professional Services Agreement with Kirkham Michael & Associates to provide additional construction phase services for the Southeast Connector projects.

[\(Council Communication No. 10-387\)](#)

9. [Approving](#) Professional Services Agreement with AECOM, Inc. for design and construction phase services for the Mulberry Street Paving – 13th Street to 15th Street, not to exceed \$195,000.

[\(Council Communication No. 10-386\)](#)

10. [Approving](#) Project Partnership Agreement with the Department of the Army for construction of the Des Moines and Raccoon Rivers Project.

[\(Council Communication No. 10-411\)](#)

11. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for E. Indianola Avenue Widening – SE 16th Court to E. McKinley Avenue.

[\(Council Communication No. 10-384\)](#)

12. [Authorization](#) to submit a grant application to I-JOBS, for disaster mitigation and approval of City of Des Moines matching fund commitment requirements.

- (A) [Authorization](#) to develop a study to review current City policy and practices regarding the Smart Planning Principles requirement within the I-JOBS II Competitive Grant Program.

[\(Council Communication No. 10-414\)](#)

13. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Change Order No. 26 to Ingersoll Run Phase 2 Storm Sewer Outlet, not to exceed \$29,767.50.

[\(Council Communication No. 10-383\)](#)

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) final subdivision plat entitled Habitat 20/10, 1005 Maury Street.

[\(Council Communication No. 10-370\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Recommending](#) DENIAL of a request from Wade and Mary Krieg, (owners) 691 Harwood Drive, for vacation of a portion of Interstate 235 right-of-way approximately 15 feet north of and adjoining both 691 Harwood Drive and 680 42nd Street.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

16. [Approving](#) payment to Craig Campbell for a workers' compensation claim, \$6,414.29.
17. [Approving](#) payment to Joey Allen Smith for a traffic stop and arrest, \$30,000.

CITY MANAGER COMMUNICATIONS

18. [Submitting](#) travel and training requests for Judy Bradshaw.

[\(Council Communication No. 10-404\)](#)

APPROVING

19. [First](#) Amendment to the Development Agreement with Indigo Dawn, L.L.C., for the renovation of 800 19th Street, as a Platinum LEED adaptive building reuse.

[\(Council Communication No. 10-385\)](#)

20. [Communication](#) from Office of Economic Development regarding preliminary terms of agreement with Hubbell Realty Company to amend the Urban Development Action Grant: City/Developer Loan Agreement for the Kaleidoscope.

[\(Council Communication No. 10-417\)](#)

21. [Grant](#) Application through (COPS) Secure Our Schools Program for funding to bring state-of-the-art security systems to Des Moines Schools with an estimated cost of \$200,000 with grant funding of 50% and the balance to be paid by the Des Moines School District.

[\(Council Communication No. 10-371\)](#)

22. [Justice](#) Assistance Grant (JAG) application by the Department of Justice, Office of Justice Programs, and Memorandum of Understanding with Polk County, for joint grant to be used for various law enforcement purposes, for October 1, 2009 through Sept 30, 2013, (City's share is \$278,844 and County's share is \$20,013).

[\(Council Communication No. 10-373\)](#)

23. [Tower](#) License Amendment with SAGA Communications for Metro Interoperability Communications System.

[\(Council Communication No. 10-394\)](#)

24. [Agreement](#) for \$20,000 grant assistance to the Des Moines Bicycle Collective, to help establish a B-Cycle Program.

[\(Council Communication No. 10-396\)](#)

25. [Funding](#) request from Polk County for repair of Trestle To Trestle Multi-Use Recreational Trail, \$50,000.

[\(Council Communication No. 10-398\)](#)

26. [Lease](#) Agreements with Polk County for use of Pioneer Columbus, Chesterfield and Scott Four Mile Community Centers for congregate meal sites and Logan Community Center for office space from July 1, 2010 through June 30, 2013, annual rent cost \$109,647.

[\(Council Communication No. 10-393\)](#)

27. [City's](#) principal payment of \$357,500 on the 2008 loan from Metro Waste Authority (MWA) for a salt storage building, and accepting the early repayment of a 2002 mortgage loan from Metro Waste Authority.

[\(Council Communication No. 10-369\)](#)

28. [Annual](#) Insurance Renewal for July 1, 2010 – Property and Casualty Insurance.

[\(Council Communication No. 10-399\)](#)

29. [Communication](#) from Downtown Community Alliance, on behalf of the Civic Center, to approve banner designs to be displayed in downtown Des Moines on Walnut Street in July 2010 to promote The Jersey Boys.

30. [Declaring](#) an official intent under Treasury Regulation 1.150-2 to issue debt to reimburse the City for certain original expenditures paid in conjunction with specified storm water projects.

[\(Council Communication No. 10-374\)](#)

31. Bids from the following:

- (A) [Coban](#) Technologies Inc. (Allen Chen, President) for thirteen (13) In Car Video/Audio Systems to be used by the Police Department, \$95,369.95. (Ten bids mailed, four received).

[\(Council Communication No. 10-412\)](#)

- (B) [Dell](#) Marketing LP (Michael Dell, CEO) for replacement employee desktop personal computers per Western States Contracting Alliance (WSCA) price agreement #B27160 to be used by the IT Department, \$300,000.

[\(Council Communication No. 10-380\)](#)

- (C) [Home](#) Depot (Frank Blake, CEO) for miscellaneous building materials and supplies per State of Iowa Contract #3237-08 to be used by the Park and Recreation Department, estimated annual cost \$65,000.

[\(Council Communication No. 10-392\)](#)

- (D) [MTI](#) Distributing (Tom Swain, President) for non-competitive procurement of Toro heavy duty commercial equipment repair parts to be used by the Park and Recreation Department, estimated annual cost \$80,000.

[\(Council Communication No. 10-389\)](#)

- (E) [Great](#) American Outdoor (Don Van Houweling, Owner) for non-competitive procurement of John Deere equipment repair parts to be used by the Park and Recreation Department, estimated annual cost \$50,000.

[\(Council Communication No. 10-390\)](#)

- (F) [Intergraph](#) Corporation (Halsey Wise, President) for non-competitive procurement of annual software maintenance and support for the city's Computer Aided Dispatch (CAD) and Records Management System (RMS) to be used by the Police Department, \$183,212.

[\(Council Communication No. 10-372\)](#)

- (G) [Logan](#) Contractors Supply (Bruce Logan, President) for non-competitive procurement of Crafcro crack sealant (Roadsaver 221) and detackifier (Detack) pavement maintenance products for use with existing Crafcro pavement preservation equipment to be used by the Public Works Department, estimated annual cost \$55,000.

[\(Council Communication No. 10-376\)](#)

(H) [The](#) Paper Company (Dean Nims, Owner/President) for annual supply of copy paper to be used by various City Departments, \$30,540. (Six bids mailed, three received.

32. [Civil](#) Service Entrance Lists for Survey Helper and Assistant Surveyor and Promotional List for Senior Mechanical Inspector.

33. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 28 and July 5, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks June 28 and July 5, 2010; and to draw checks for biweekly payroll due July 2, 2010.

ORDINANCES - FINAL CONSIDERATION

34. [Amending](#) Chapter 118 of the Municipal Code regarding regulation of fat, oil and grease discharge by food service establishments.

ORDINANCES - SECOND CONSIDERATION

35. [Amending](#) Chapter 118 of the Municipal Code establishing a Stormwater Innovative Practices Rebate Program.

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

ORDINANCES - FIRST CONSIDERATION

36. [Amending](#) Chapter 114 of the Municipal Code regarding safety belts and child restraint devices.

(A) [Final](#) consideration of ordinance above, (waiver requested by Police Department) requires 6 votes.

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

(A) Two-sided parking restriction – 200-400 block of E. Kenyon.

(B) Reverse Parking Restriction – 50th Street between Madison and Aurora.

(C) Request for traffic signals – 7th Street and Laurel Street.

[\(Council Communication No. 10-381\)](#)

COMMUNICATIONS/REPORTS

38. [From](#) Corey Grief, 5620 Harwood Drive, to speak regarding Oak Savannah restoration and tree planting at the trail at I-235 and 56th Street.
39. [From](#) The Rotary Club of Des Moines requesting an honorary street name change of 12th Street between Grand and Locust Street, to “ROTARY WAY” in recognition of their Centennial Celebration.

***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 5:00P.M.) (ITEMS 40 THRU 57)

40. [On](#) lease of storage space at Parks Development Center, 405 SE 20th Street, by Des Moines Municipal Housing Agency, \$7,500 annually for a five-year term beginning July 1, 2010, with up to three five-year renewals with rate adjustments.

[\(Council Communication No. 10-395\)](#)

41. [On](#) corrected lease agreement with R. K. Corporation (Mr. Filet Steakhouse) for property in lower level of 7th and Grand Avenue Parking Garage, 510 7th Street.
42. NUMBER NOT USED.
43. [On](#) conveyance of portion of vacated alley, west of 4136 Amherst Avenue, to Donna J. McConkey, Trustee for Maurine T. Lee Revocable Trust, \$50 to incorporate into residential lot.

[\(Council Communication No. 10-401\)](#)

44. [On](#) conveyance of 405 SE 8th Street to Jesse and Marjorie L. Cortez by land exchange.

[\(Council Communication No. 10-400\)](#)

45. [On](#) conveyance of permanent subsurface water main easement on City-owned airport property on southwest corner of SW 34th Street and relocated Army Post Road to Des Moines Water Works, \$1.

46. [On](#) request from 400 SE 6th Inc. to rezone 400 SE 6th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use), subject to conditions.

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant) requires 6 votes.

47. [On](#) Automobile Rental Concession and Lease Agreement at the Des Moines International Airport for DTG Operations, Inc. (d/b/a Dollar Rent A Car and Thrifty Car Rental).

[\(Council Communication No. 10-375\)](#)

48. NUMBER NOT USED.

49. [On](#) Zoning Ordinance text amendment, Chapter 134, to allow consideration of Wind Energy Conversion Systems (WESC) as a conditional use by Zoning Board of Adjustment.

[\(Council Communication No. 10-388\)](#)

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director) requires 6 votes.

50. Items regarding reprogramming of prior year CDBG funding and additional funds received and Public Hearing on proposed Substantial Amendments to First (2010) Year Action Plan and 2010-2014 US Department of Housing and Urban Development (HUD) Consolidated Plan:

(A) [Communication](#) from Neighborhood Revitalization Board regarding reprogramming for prior years’ CDBG funds and additional funds received for 2010.

(B) [Reprogramming](#) of prior year CDBG funding and additional funds received for 2010 HUD Consolidated Plan Program.

[\(Council Communication No. 10-368\)](#)

(C) [Hearing](#) on proposed substantial amendments to First (2010) Year Action Plan and 2010-2014 US Department of Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 10-367\)](#)

- (D) [Approving](#) a CDBG loan with the Des Moines Independent Community School District for up to \$94,908 for rehabilitation of two houses through the Des Moines Public Schools Home Remodeling Program.

[\(Council Communication No. 10-379\)](#)

- (E) [Approving](#) a CDBG loan with St. Paul A.M.E. Transformation Center for up to \$415,000 for rehabilitation of twenty units of rental housing located at 812 Forest, 1354 8th Street and 1353 9th Street.

[\(Council Communication No. 10-378\)](#)

- 50I. [On](#) proposed lease with Youth and Shelter Services, Inc. for property in lower level of 7th and Grand Avenue Parking Garage, 701 Grand Avenue, \$1,389 per month.

[\(Council Communication No. 10-397\)](#)

- 51. [On](#) request from Sutton Hull Residential Cooperative, to rezone property at 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and approval of the PUD Conceptual Development Plan.

[\(Council Communication No. 10-413\)](#)

- (A) [First](#) consideration of ordinance above.

- 52. [On](#) application from Pawn America Iowa, LLC for relief from the moratorium to allow pawn businesses at 4620 SE 14th Street and 5730 Douglas/3709 Merle Hay Rd: **(This item will be continued to the July 12 Council meeting).**

[\(Council Communication No. 10-415\)](#)

- ~~(A) [Resolution](#) Denying Relief; or~~

- ~~(B) [Alternate](#) Resolution: Granting Relief~~

- (C) [Communication](#) from attorneys for Bankers Trust, 3905 Merle Hay Rd. in objection to request for Hardship Waiver.

- 53. [On](#) 2010 HMA Pavement Scarification & Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$606,958.50.

[\(Council Communication No. 10-408\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

54. On 2010 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), \$176,130.

[\(Council Communication No. 10-407\)](#)

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

55. On 2009-10 Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President), \$733,522.18.

[\(Council Communication No. 10-406\)](#)

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

56. On Pump Station Emergency Power Generation – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and status of funded activities under IDED Contract No. 08-DRI-205: Resolution to receive and file bids designating lowest responsible bidder as C. L. Carroll Co., Inc., (Jon P. Rissman, President, (\$1,380,187.48), and to approve Amendment No. 3 to IDED Contract.

[\(Council Communication No. 10-405\)](#)

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

57. To close the hearing on the plans, specifications, form of contract and Engineer's estimate and cancel the bids on the Jackson Avenue Detention Basin Pump Station.

[\(Council Communication No. 10-409\)](#)

****END HEARINGS AT _____ P.M.****

CITY MANAGER RECOMMENDATIONS

58. Regarding Housing Cooperatives and Property Tax Policy.

[\(Council Communication No. 10-418\)](#)

59. Regarding the closing on the purchase of the YWCA property.

APPROVING

60. [Approving](#) Beaver Avenue Streetscape Concept Plan.

([Council Communication No. 10-382](#))

61. Submittal of Multi-Family New Construction Applications for Community Development Block Grant Disaster Recovery (CDBG-DR) funds to the Iowa Department of Economic Development (IDED) for the following:

([Council Communication No. 10-391](#))

- (A) [Construction](#) of 16 rental units in the 2200 block of Forest Avenue, \$979,200.
- (B) [Redevelopment](#) of 140 rental units at 713 Walnut (Former Younkers Building), \$3,060,000.
62. [Amendment](#) to the scope of the Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG), and approving staff recommendation to utilize aluminum replacement windows in City Hall and the Police Station.

([Council Communication No. 10-410](#))

- (A) [Recommendation](#) from Urban Design Review Board.
63. [Federal](#) Aviation Administration Certification of Title for AIP Grant Agreements for the Airport Runway 13R/31L Project.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
- (A) [1606](#) 21st Street, garage structure, Titleholder: Gloria D. Easley; Mortgage Holder: EdCo Community Credit Union.
- (B) [1161](#) 22nd Street, fire-damaged structure, Titleholder: Critelli Properties, LLC; Mortgage Holder: Community Business Lenders, LLC.
- (C) [109](#) E. 28th Court, main structure, garage structure, accessory structure, Titleholders: Charles L. Parcel and Dorothy L. Parcel; Mortgage Holder: Deutsche Bank National Trust Company.

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 Mayor Cownie and Council Member Brian Meyer to speak regarding flooding on Hartford Avenue.
2. Request from Mayor Cownie to speak regarding mosquitoes.

MOTION TO ADJOURN AT _____ P.M.

View City Council agendas online at www.dmgov.org