

# DES MOINES CITY COUNCIL MEETING

November 19, 2007 4:30 P.M.

**INVOCATION:** Pastor Candice Brown  
Capitol Hill Christian Church  
3322 E. 25th Street

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)	ELITE FUEL	4140 PARK AVE	C Beer
(B)	ELITE FUEL	806 SE 14TH ST	C Beer
(C)	ELITE FUEL	821 E EUCLID AVE	C Beer
(D)	ELITE FUEL	3733 EASTON BLVD	C Beer
(E)	ELITE FUEL	2825 EASTON BLVD	C Beer
(F)	ELITE FUEL	2919 E 14TH ST	C Beer
(G)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(H)	MARIANAS	1200 13TH ST	B Beer
(I)	MEXICO LINDO	2811 SE 14TH ST	C Liquor
(J)	RICHARDS EXTRA INNINGS	1500 SE 1ST ST	C Liquor
(K)	WESLEY ACRES	3520 GRAND AVE	C Liquor

### RENEWAL APPLICATIONS

(L)	BIANCHIS HILLTOP RESTAURANT	2820 HUBBELL AVE	C Liquor
(M)	CAPITOL ROOM	315 E 5TH ST	C Liquor

(N)	EL CORITA	1541 E GRAND AVE	C Liquor
(O)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(P)	FIESTA CANCUN MEXICAN REST.	5118 SE 14TH ST	C Liquor
(Q)	GINOS RESTAURANT & LOUNGE	2809 6TH AVE	C Liquor
(R)	HAPPY JOES PIZZA & ICE CREAM	4743 SE 14TH ST	B Beer
(S)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(T)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(U)	KUM & GO #2722	2211 UNIVERSITY AVE	C Beer
(V)	LA MIE BAKERY AND REST.	841 42ND ST	C Beer/Wine
(W)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(X)	SHORTSTOP #42	3725 BEAVER AVE	C Beer
(Y)	SILVESTRINIS PIZZA	5418 DOUGLAS AVE	C Beer/Wine
(Z)	SKIPS	4000 FLEUR DR	C Liquor
(AA)	SLEEPY HOLLOW SPORTS PARK	4051 DEAN AVE	C Liquor
(BB)	SMOKE SHOP	1918 SE 14TH STREET	E Liquor
(CC)	SUDSUCKERS	1511 E ARMY POST RD	C Liquor
(DD)	VILLAGE BEAN	400 E LOCUST ST	B Wine

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

7. Approving Professional Services Agreement with Sinclair Architects, L.C. for design and construction phase services for Fire Station No. 4 Renovation, not to exceed \$37,500.

(Council Communication No. 07-681)

8. Approving Change Order No. 5 with Cramer & Associates, Inc. for additional work on University Avenue Bridge over the Des Moines River-Arch Rehabilitation, not to exceed \$55,456.49.

(Council Communication No. 07-682)

9. Approving Private Construction Contract between McAninch Corporation and Deer Ridge V Limited Partnership for Storm Sewer Improvements in Deer Ridge V, \$21,820.

10. Accepting completed construction and approving final payment for the following:
  - (A) Municipal Pipe Tool Co., Inc. – 2006 Sanitary Sewer Televising Program.
  - (B) Johnson Concrete & Petroleum Construction, Inc. – Riley Park Improvements – Phase 2.
  - (C) Sande Construction and Supply Co., Inc. for Crivaro Park Water Playground.
  - (D) Concrete Technologies, Inc. for Court Avenue & Walnut Street Two-Way Traffic Conversion.
  - (E) Concrete Technologies, Inc. for 2007 City-Wide PCC Pavement Restoration Program.

#### **SPECIAL ASSESSMENTS**

11. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2007-17.
12. Approving refund of unused Special Assessment Default Fund.

#### **LAND/PROPERTY TRANSACTIONS**

13. Approving tax abatement applications for additional value added by improvements made during 2007 (96 applications).

(Council Communication No. 07-674)

14. Authorization to proceed with acquisitions of necessary right-of-way and easements for the Scott Avenue Bridge Over Leetown Creekway Replacement Project.

(Council Communication No. 07-685)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. Recommendation from Council Member Christine Hensley to appoint Brian Dennis to the Access Advisory Board, Seat 14, for a four-year term commencing June 15, 2007 to expire June 15, 2011.
  
16. Recommendation from Council Member Brian Meyer to reappoint Michael Young to the Access Advisory Board, Seat 15, for a four-year term commencing June 15, 2007 to expire June 15, 2011.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

17. Regarding request from Neighborhood Revitalization Board to adopt the Waterbury Neighborhood Strategic Plan as an element of and amendment to the Des Moines' 2020 Community Character Plan.

(Council Communication No. 07-698)

## **SETTING DATE OF HEARINGS**

18. On conveyance of previously vacated north/south alley right-of-way between E. 28<sup>th</sup> Court and E. 29<sup>th</sup> Street, south of Dean Avenue, to adjoining property owners, \$200, (12-3-07).
  
19. On conveyance of 1307 Clark Street to Jack Deleon Construction, \$100, (12-3-07).
  
20. On request from Iowa Association of Community College Trustees to rezone property at 800 E. Court Avenue from "R-4" (Multiple-Family Residential) to "C-1" (Neighborhood Retail Commercial) to allow for development of vacant land for administrative office use, subject to conditions, (12-3-07).
  
21. On intent to acquire agricultural property and authorize acquisition of the necessary property interests thereof from Lemar Koethe for property at the northeast corner of Army Post Road and E. Indianola Avenue for the E. Indianola Avenue Widening Project, (12-17-07).

22. On intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests thereof from various property owners for the E. Indianola Avenue Widening Project, (12-17-07).
23. On proposed extension of the “S-O” Study Overlay District for Four Mile Creek floodplain, (12-3-07).

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

24. Approving payment of \$532 to Ahlers & Cooney Law Firm for environmental legal services for the SE Connector Project.
25. Approving payment of \$210 to Ahlers & Cooney P.C. for services related to environmental issues.
26. Approving payment of \$100,000 to Excell Marketing L.C. as a result of storm water drainage problems.
27. Approving increasing authorized amount for employment of Hall & Associates to provide professional consultation and legal representation services related to the combined sewer overflow and NPDES Permit for the Wastewater Reclamation Facility by \$25,000.
28. Approving retention of attorney Chester C. Woodburn III of Hansen, McClintock and Riley.
29. Approving payment of \$2,668.20 to Jennifer and Eduardo Carrillo for property damage as the result of a sewer backup.

#### **CITY MANAGER COMMUNICATIONS**

30. Submitting travel request for Danielle Galien.

(Council Communication No. 07-704)

## APPROVING

31. Comprehensive Strategy Environmental Review Record, Finding of No Significant Impact on the Environment and publishing Notice of Intent to Request Release of Funds.

(Council Communication No. 07-677)

32. Subordination Agreements with Community Business Lenders, LLC, and Community Choice Credit Union for Beckley Properties, LLC and Beckley Imports, Inc. dba Beckley Automotive for property at 901 8<sup>th</sup> Street.

(Council Communication No. 07-699)

33. 2007 Letter of Agreement and Hold Harmless Agreement with the Catholic Pastoral Center for use of the facility during November and December for the City's Holiday Food Project.

(Council Communication No. 07-703)

34. Amendment to FY2005 Homeland Security Grant Programs, supporting Iowa's Statewide Explosive Ordnance Disposal (EOD) and Special Weapons and Tactics (SWAT) to extend the performance period to December 31, 2007.

(Council Communication No. 07-675)

35. Amendment No. 3 to the FY2005 Law Enforcement Terrorism Prevention Program (LETPP) Grant to extend the performance period to January 31, 2008.

(Council Communication No. 07-676)

36. One-year extension to the contract for the USS Des Moines ship model, on public display in the Great Hall of City Hall.

37. Communications from Downtown Community Alliance for approval of banner designs of the following:

- (A) Meredith Corporation to display banners in downtown Des Moines on Locust Street in winter 2007/2008.

- (B) Civic Center of Greater Des Moines to display banners in downtown Des Moines in December.

- (C) The Transportation Management Association to display banners in downtown Des Moines around the Western Gateway in December.

38. Exception to the procurement ordinance competitive bidding requirements for good cause and approving payment to United Truck & Body Company for emergency repair services to Pumper Truck Unit #3044, \$30,277.25.

(Council Communication No. 07-706)

39. Bids from the following:

- (A) Gil Hebard Guns, UltraMax, and Ray O'Herron Company for ammunition (as designated on the bid tabulation) to be used by the Police Department (cooperative effort with the Polk County Sheriff's Office), \$134,731.91. (Nine bids mailed, four received).

(Council Communication No. 07-678)

- (B) Sandry Fire Supply for an annual contract with two (2) additional one year renewal options to furnish fire service bunker coats and pants to be used by the Fire Department, \$57,190. (Ten bids mailed, five received).

(Council Communication No. 07-686)

40. Civil Service Entrance Lists for Airport Center Operations Attendant and Sewer Maintenance Worker.

41. Authorizing Finance Director to draw checks on registers for the weeks of November 19 and November 26, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the week of November 19, 2007; and to draw checks for bi-weekly payroll due November 23, 2007.

## **ORDINANCES - FINAL CONSIDERATION**

42. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Designation of a Three-Way Stop Intersection-Guthrie Avenue and North Union Street.

- (B) Parking Restriction – West side of 27<sup>th</sup> Street, north of Carpenter Avenue.

**ORDINANCES - SECOND CONSIDERATION**

- 43. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Installation of Stop Signs at the Intersection of E. 8<sup>th</sup> Street and Filmore Street.
  - (B) Revision of Parking Meter Time Limits at various locations.

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

**ORDINANCES - FIRST CONSIDERATION**

- 44. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) Handicapped Parking Meter Removal – north side of High Street, east of Martin Luther King Jr. Parkway.
  - (B) Parking Restrictions on east side of 25<sup>th</sup> Street, to increase visibility in the area of the Drake University parking lot.
  - (C) Changes to Downtown Resident parking Program.

(Council Communication No. 07-679)

**COUNCIL REQUESTS**

- 45. Request from Council Member Brian Meyer to speak regarding the Fairground Neighborhood Association.

**COMMUNICATIONS/REPORTS**

- 46. From David Costello, 1105 Orchard Lane, to speak regarding homelessness in Des Moines.
- 47. From Blondell Mitchell, 2400 Hickman Road #113, to speak regarding Iowa Jim Crow Laws.



~~48. From Keith McCaughey and David Cox to speak regarding parking restrictions on Scandia Avenue between 5<sup>th</sup> and 7<sup>th</sup>.~~

**\*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 49 THRU 59)**

49. On Proposed Fourth (2008) Year Action Plan of the 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

(Council Communication No. 07-694)

(A) Communication from Neighborhood Revitalization Board (NRB) regarding the City Manager's funding recommendation for the Fourth (2008) and Fifth (2009) Year Action Plans of the 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

50. Items regarding Beaverdale Commercial Area Urban Renewal Plan and Tax Increment designations and related development projects:

(A) Communication from Plan and Zoning Commission on conformance of the plan with the Des Moines 2020 Community Character Plan.

(B) Resolution of Necessity.

(C) Hearing on the proposed Urban Renewal Plan.

(Council Communication No. 07-673)

(D) First consideration of TIF ordinance

(E) Final consideration of TIF ordinance, (waiver requested by the City Manager), requires 6 votes.

(F) Declaring Joe's Square Development Project at Beaver Avenue and Fagen Drive in furtherance of the Beaverdale Commercial Area Urban Renewal Project.

51. Items regarding property at 4444 Douglas Avenue:
- (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation, from Commercial: Auto-Oriented Small-Scale Strip Development and Low Density Residential, to Commercial: Auto-Oriented Community Commercial.
  - (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) and approve a PUD Conceptual Plan, “Beaverdale Hy-Vee” to allow redevelopment for a supermarket with off-street parking.
  - (C) First consideration of ordinance above.
  - (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
  - (E) Communication from Plan and Zoning Commission urging City Council to direct the City Manager and staff to work with Hy-Vee Food Stores, Inc., Harding Hills representatives and area neighborhood leaders to seek suitable tenants and/or redevelopment of the site at 3330 Martin Luther King Jr. Parkway.
52. On vacation of High Street right-of-way between 10<sup>th</sup> Street and 12<sup>th</sup> Street, and all of the 13<sup>th</sup> Street right-of-way between High Street and Grand Avenue, and all of the alley rights-of-way within the three block area bounded by 11<sup>th</sup> Street on the east, Grand on the south, 14<sup>th</sup> Street on the west and High Street on the north. It is further proposed that all public utilities be required to relocate from the vacated rights-of-way.
- (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above, (waiver requested by the City Manager), requires 6 votes.
53. On conveyance of north ½ of the vacated east/west alley right-of-way adjoining 2800 Kinsey Avenue to Robert and Barbara Henderson, \$25.

(Council Communication No. 07-683)

54. On vacation and conveyance of portions of E. Walnut Street and E. 30<sup>th</sup> Court adjoining the Iowa State Fairgrounds, to the State of Iowa, \$5,000.

(Council Communication No. 07-684)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

55. On request from Sherman Hill Association for a Zoning Ordinance text amendment to allow the Board of Adjustment to grant exception to the residency requirement regarding commercial uses in “R-HD” Residential Historic District.

- (A) First consideration of ordinance above.

56. Regarding request from Vision Fuels Des Moines, LLC to rezone property located in the 3801 block of Vandalia Road from “M-1” (Light Industrial) to “PUD” (Planned Unit Development) and approve revised “Vision Fuels” PUD Conceptual Plan for 165 acres of land to be developed with light industrial and limited heavy industrial uses including development and production of renewable fuels such as dry mill Ethanol.

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

57. On E. 29<sup>th</sup> Street and Hubbell Avenue Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$107,018.

(Council Communication No. 07-697)

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

58. On ADA Phase 1 Exterior 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), \$25,772.

(Council Communication No. 07-688)

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

59. On ADA Phase 1 Interior Remodeling: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Azcon Inc., (Lawrence M. Wolinski, President), \$317,465.

(Council Communication No. 07-687)

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

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

## **APPROVING**

60. Communication from Hansen Commercial Development, Inc. regarding proposed development of an office and retail project on property bounded by Grand Avenue and Locust Avenue between Robert D Ray Drive and E. 2<sup>nd</sup> Street and construction of a City-owned parking garage located at the block bounded by E. Locust, E. Walnut, E. 2<sup>nd</sup> and E. 3<sup>rd</sup> Streets (former location of Bud Mulcahy Jeep).

61. Tax Increment needs for FY 2008/2009.

(Council Communication No. 07-705)

62. 25<sup>th</sup> Annual Equal Opportunity Status Report.

(Council Communication No. 07-702)

63. Transfer of ownership and control of Elm Grove Cemetery from Bloomfield Board of Township Trustees to City of Des Moines and dedication as a cemetery.

(Council Communication No. 07-701)

64. Project Cooperation Agreement with Department of the Army for construction of Phase I of the Principal Riverwalk and approving agreement with Principal Life Insurance Company and The Des Moines River Front Development Authority for responsibility of Non-Federal Sponsor financial obligations and work related to the Principal Riverwalk.

(Council Communication No. 07-680)

## 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) 1418 8<sup>th</sup> Street, Titleholder: U.S. Bank National Association as Trustee for the Structured Asset Securities Corporation Mortgage Pass-Through Certificates 2006-EQI; Mortgage Holder: EquiFirst Corporation.
  - (B) 1649 E. Grand, Titleholder: Heirs of Decedent William E. May.
2. Request by Community Development Department to proceed with attempts to secure funding and a renovation plan to complete rehabilitation of the structure located at 1224 9<sup>th</sup> Street.

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



All-America City  
1949 1976 1981 2003