

DES MOINES CITY COUNCIL MEETING

Excerpts from procedural rules of City Council

November 22, 2010

4:30 PM

PROCLAMATION – 4:15 PM

Small Business Saturday

INVOCATION: Council Member Halley Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 34:

***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:

NEW APPLICATIONS

(A)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(B)	EUROPA GROCERIES	3839 MERLE HAY	C Beer
(C)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(D)	SHOP N SAVE	1829 6TH AVE	E Liquor
(E)	STICKS GALLERY	521 E LOCUST ST	B Native Wine
(F)	UMIYA CLUB	111 ARMY POST RD	C Liquor

RENEWAL APPLICATIONS

(G)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(H)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(I)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(J)	GINOS RESTAURANT	2809 6TH AVE	C Liquor
(K)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(L)	HY VEE GAS #4	4701 FLEUR DR	C Beer
(M)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(N)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(O)	QUIKTRIP #541	2428 HUBBELL AVE	C Beer
(P)	ROYAL MILE	210 4TH ST	C Liquor
(Q)	SKIPS	4000 FLEUR DR	C Liquor

(R)	SLEEPY HOLLOW SPORTS	4051 DEAN AVE	C Liquor
(S)	SUDSUCKERS	1511 E ARMY POST	C Liquor
(T)	VAUDEVILLE MEWS	212 4TH ST	C Liquor
(U)	Z'S BAR	1511 S UNION ST	C Liquor

SPECIAL EVENTS APPLICATIONS

(V) BARATTAS 519 PARK ST Five (5) Day License
 Class C Liquor License for an event on December 4 – 5, 2010. Pending approval of
 Building, Electrical, Fire and Zoning Departments.

- 5. [City](#) Clerk to issue Cigarette Licenses.
- 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. [Approving](#) Professional Services Agreement with George Butler Associates, Inc. for Fire Department Training & Logistics Facility Commissioning, not to exceed \$59,250.

[\(Council Communication No. 10-690\)](#)

8. [Approving](#) Professional Services Agreement with Smith and Boucher, Inc. for Fire Station No. 1 Commissioning, not to exceed \$45,380.

[\(Council Communication No. 10-693\)](#)

9. [Approving](#) Supplemental Agreement No. 2 to Grandview Golf Course Clubhouse Professional Services Agreement with OPN Architects, Inc. to provide additional design services, \$9,650.86.

[\(Council Communication No. 10-692\)](#)

10. Approving completion and acceptance of the following private construction contracts:

- (A) [T K](#) Concrete Inc. and Des Moines Independent Community School District for Student Drop-Off Lane Improvements, 2501 Park Avenue.
- (B) [Concrete](#) Technologies, Inc. and Melbourne Apartments I, LLLP for Pavement Widening Improvements, 5515 SE 14th Street.
- (C) [Kenyon](#) Construction, Inc. and Casey’s Marketing Company for Storm Sewer Improvements, 6120 Douglas Avenue.

11. Accepting completed construction and approving final payment for the following:
 - (A) [2010](#) CDBG – Recovery Program Sidewalk Replacement, Ti-Zack Concrete, Inc.
 - (B) [Grandview](#) Golf Course No. 9 Green Relocation, Leibold Irrigation, Inc.
 - (C) [SE 5th](#) Street Resurfacing – E. County Line Road to E. Army Post Road, Grimes Asphalt & Paving Corp.
 - (D) [SE 25th](#) Court, south of E. Railroad Avenue Emergency Sanitary Sewer Repair, Van Hauen & Associates, Inc.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2010-07.
13. Levying Assessments for costs of Nuisance Abatement – NAC Emergency Orders for the following:
 - (A) [Schedule](#) No. 2010-14 (Public Works).
 - (B) [Schedule](#) No. 2010-15 (Community Development).

SETTING DATE OF HEARINGS

14. [On](#) conveyance of portion of vacated alley, east of 2401 SE 6th Street to Southside Assembly Church of Des Moines, Iowa, Inc. for incorporation into existing property, \$25, (12-6-10).
15. [On](#) conveyance of property in the 1900 block of Scott Avenue to Kemin Holdings, LC for expansion and incorporation into existing site, \$17,085, (12-6-10).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

16. [Approving](#) payment of \$630 to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines.
17. [Approving](#) payment of \$6,758.75 to Frank Viola for property damage and clean-up costs resulting from sewer backups.
18. [Approving](#) payment of \$24,634 to Thai Luong and his attorney, Larry Krpan, for settlement of personal injury accident.

19. [Approving](#) payment of \$30,000 to Gabriel Cullom and his attorney, Trevor Hook, for settlement of personal injury accident.
20. [Approving](#) settlements made by the City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

21. [Regarding](#) request from City of Pleasant Hill to allow a portion of Copper Creek Lake Park, owned by Pleasant Hill and within the boundaries of the City of Des Moines, to be severed from the City of Des Moines and annexed into Pleasant Hill.

[\(Council Communication No. 10-707\)](#)

22. [Submitting](#) travel and training request for Robert Mezera.

[\(Council Communication No. 10-700\)](#)

APPROVING

23. [Fiscal](#) Year 2008 Continuum of Care (COC) Closeout Certification Documents.
24. [First](#) Amendment to Economic Development Loan with Stickel Enterprises, LLC (Jeffrey E. Stickel, Manager) for project at 2925 Ingersoll Avenue increasing the loan amount by \$85,000.

[\(Council Communication No. 10-701\)](#)

25. [Grant](#) Application to Iowa Office of Energy Independence under the Power Fund Community Grant Program for community outreach and education demonstrating energy efficiency and sustainability concepts, \$30,000.

[\(Council Communication No. 10-705\)](#)

26. [Grant](#) Application to ICLEI – Local Governments for Sustainability to become a Beta Community in the STAR Community Index program and receive assistance for creating a standardized process to measure sustainability performance.

[\(Council Communication No. 10-706\)](#)

27. [2010](#) Letter of Agreement for Holiday Food Project with the Catholic Pastoral Center, 601 Grand Avenue.

[\(Council Communication No. 10-695\)](#)

28. [Agreement](#) with Midwest Accessibility Initiative (Kelly Dinges, President) for services to ensure accessibility as related to the City's ongoing implementation of its ADA Transition Plan, not to exceed \$45,000.

[\(Council Communication No. 10-694\)](#)

29. [Tax](#) Increment needs for FY 2011-2012.

[\(Council Communication No. 10-691\)](#)

30. [Civil](#) Service Entrance Lists for Investigative Assistant, Neighborhood Inspector, Sewer Operations Manager, and Fleet Services Serviceperson.

31. Bids from the following:

- (A) [Central](#) States Tactical (Gordon Petrie, Owner/President) for eight (8) target rifles for use by the Police Department, \$30,512.24. (Seven bids mailed, one received).

[\(Council Communication No. 10-703\)](#)

- (B) [Des](#) Moines Asphalt & Paving Co. (Jim Gauger, President) for an annual contract with two (2) additional one-year renewal options to furnish high performance and multi-grade cold mix asphalt for use by the Public Works Department, \$153,480. (Five bids mailed, two received).

- (C) [Hydro](#)-Klean Inc. (Andy Merical, President) for cleaning and televising services for various sanitary sewer lines for use by the Public Works Department, \$80,856.53. (Twelve bids mailed, six received).

- (D) [Roadsafe](#) Traffic Systems (Tom Bugta, Manager) for two (2) solar powered, portable, changeable message boards for use at work sites by the Public Works Department, \$28,560. (Six bids mailed, three received).

- (E) [COBAN](#) Technologies Inc. (Allen Chen, President) manufacturer and sole-area wide distributor for thirty (30) in-car video camera systems for use by the Police Department, \$193,800.

[\(Council Communication No. 10-702\)](#)

32. [Authorizing](#) Finance Director to draw checks on registers for weeks of November 22 and November 29, 2010; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of November 22 and November 29, 2010; and to draw checks for biweekly payroll due December 3, 2010.

ORDINANCES - SECOND CONSIDERATION

- 33. [Amending](#) Chapter 118-275 of the Municipal Code to provide for a stormwater utility fee adjustment.
- 34. [Amending](#) Chapter 42 of the Municipal Code regarding Noise Control Ordinance of Solid Waste Collection and other loading and unloading activities.

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

ORDINANCES - SECOND CONSIDERATION

- 35. [On](#) Zoning Text and Municipal Code amendments regulating pawnbrokers and delayed deposit service businesses.

[\(Council Communication No. 10-709\)](#)

***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 36 THRU 41)

- 36. [On](#) appeal from Usoro Nkanta, 1348 Pelton Place, regarding recommended denial of a Taxicab License.
- 37. [On](#) assessment of \$1,500 penalty and 30-day suspension of liquor license for the Den, 4369 Merle Hay Road, for violation of Iowa Alcoholic Beverage Laws (sale to minor).
- 38. [On](#) assessment of \$500 penalties to 5 liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minors).
 - (A) [Consideration](#) of Class C Liquor License for Estrada’s, 3029 Merle Hay Road.
- 39. [On](#) Proposed Second (2011) Year Action Plan of the 2010—2014 US Department of Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 10-708\)](#)

40. On Amendment of Chapter 26 of the Municipal Code to adopt the 2009 editions of the International Building Code; International Residential Code; International Existing Building Code; International Mechanical Code; International Fuel Gas Code; International Energy Conservation Code and the Uniform Plumbing Code.

(Council Communication No. 10-704)

- (A) First consideration of ordinance above.
- (B) First consideration of ordinance on amendment of Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments and additions.

(Council Communication No. 10-689)

41. On Zoning Text Amendment request to revise the applicability of Conditional Use Permit requirements for businesses selling liquor, wine or beer.

(Council Communication No. 10-699)

- (A) First consideration of ordinance above.
- (B) Communication from Valerie Cramer, 1163 24th Street, #200, to speak regarding new ordinance proposal.

APPROVING

42. Issuance of not to exceed \$53,600,000 Aviation System Revenue Capital Loan Notes, Series 2010A-D.

(Council Communication No. 10-711)

43. Appointment of Allen McKinley as Deputy City Manager.

(Council Communication No. 10-710)

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. [Approving](#) a pilot program to transition homeless individuals from camps to housing and authorize staff to develop a HOME Tenant Based Rental Assistance (TBRA) program. Sponsor: Council Member Coleman

[\(Council Communication No. 10-712\)](#)

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) [3130](#) 6th Avenue, fire-damaged main structure, Titleholder: First National Acceptance Company; Contract Buyers: Bernardo R. Lopez and Armando Perez.
 - (B) [1519](#) E. 12th Street, fire-damaged garage structure, Titleholder: Elizabeth J. Hickey; Mortgage Holders: HSBC Bank USA, NA and Mortgage Electronic Registration Systems, Inc.
 - (C) [826](#) Walker Street, main structure and accessory structure, Titleholder: Kenneth L. Barnett and Shirley J. Barnett (deceased).

MOTION TO ADJOURN.

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