

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

March 28, 2011 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

East High Lady Scarlets

INVOCATION: Council Member Chris Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 38:

***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)	4 TH DOWN SPORTS BAR	215 4 TH ST	C Liquor
(B)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(C)	KELLYS	1701 E GRAND AVE	C Liquor
(D)	LDS CORNER	344 E JACKSON AVE	C Liquor
(E)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(F)	TRIANGLE PARK	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(G)	REDS IRISH PUB	207 4 TH ST	C Liquor
(H)	CAPITAL CITY BREW PUB	5800 FLEUR DR	C Liquor
(I)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(J)	GREAT MIDWESTERN CAFÉ	909 ROBERT D RAY	C Liquor
(K)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(L)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor
(M)	LCS CORNER	344 E JACKSON AVE	C Liquor

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|-----|--------------------------|-----------------------------|----------|
| (N) | MACCABEES DELI & JUDAICA | 1150 POLK BLVD | B Wine |
| (O) | MANNINGS | 2102 INDIANOLA | C Liquor |
| (P) | NEW ORIENTAL FOOD STORE | 515 E GRAND AVE | C Beer |
| (Q) | QUIK TRIP #544 | 3941 SE 14 TH ST | C Beer |
| (R) | SELECT SERVICE PARTNER | 5800 FLEUR DR | C Liquor |
| (S) | SOUTHRIDGE AMOCO | 6300 SE 14 TH ST | C Beer |
| (T) | STRANDED BY THE TRACKS | 1922 HUBBELL AVE | C Liquor |

OUTDOOR SERVICE APPLICATIONS

- (U) TIMOTHYS STEAKHOUSE 5418 DOUGLAS AVE C Liquor
 Temporary for Grand Opening Celebration on April 2, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

- (V) WATLAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License
 Class B Beer License with Class B Native Wine for an event on April 9, 2011.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [City](#) Hall Great Hall Window Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$485,000).

[\(Council Communication No. 11-196\)](#)

- (B) [Pioneer](#) Columbus Community Center HVAC Improvements: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$200,500).

[\(Council Communication No. 11-175\)](#)

- (C) [Police](#) Station Window Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$613,600).

[\(Council Communication No. 11-193\)](#)

- (D) [4th](#) & Grand Parking Garage Elevator Modification: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$150,000).

[\(Council Communication No. 11-171\)](#)

- (E) [2011](#) CDBG – Recovery Program Sidewalk Replacement: Receiving of bids, (4-12-11), Setting date of hearing, (4-25-11). (Construction Estimate - \$399,800).

[\(Council Communication No. 11-170\)](#)

- (F) [Demolition](#) at 717 Grand Avenue former YWCA: Receiving of bids, (4-26-11), Setting date of hearing, (5-9-11). (Construction Estimate - \$1,650,000).

[\(Council Communication No. 11-195\)](#)

- 7. Moved to item 51.
- 8. [Approving](#) private construction contract between Neumann Brothers, Inc. and Blank Park Zoo Foundation, Inc. for zoo improvements including the Quarantine/Holding Building, Gibbons Holding Building, Sea Lion Pool and the remainder of the Australian Adventure Trail at the Blank Park Zoo, \$3,873,183.

[\(Council Communication No. 11-187\)](#)

- 9. [Receive](#) and file communication from contractors requesting permission to sublet certain items on public improvement projects.
- 10. Accepting completed construction and approving final payment for the following:
 - (A) [2009](#) Sewer Repair Contract 2, Reilly Construction Co., Inc.
 - (B) [Ewing](#) Park ADA Improvements, T K Concrete, Inc.
 - (C) [SW](#) 30th Street Trail Connection at Carney Park, Rocky Hurst Construction, Inc.

SPECIAL ASSESSMENTS

- 11. [Levy](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2011-04.
- 12. [Approving](#) deletion of NAC-Emergency Assessment at 1720 Lay Street.
- 13. [Approving](#) deletion of rental inspection assessment at 1310 4th Street.

LAND/PROPERTY TRANSACTIONS

14. [Rededicating](#) a 165 ft. segment of vacated SE 21st Street, south of Maury Street.
15. [Establishing](#) fair market value of property owned by Iowa Interstate Railroad for the Southeast Connector – SE 9th Street to SE 15th Street Project.

[\(Council Communication No. 11-172\)](#)

16. Items regarding Airport Business Park Plat 3:

(A) [Approving](#) PUD Restoration Bond.

[\(Council Communication No. 11-200\)](#)

(B) [Conditional](#) approval of private construction contract between Opus Design Build, LLC and ODC Gannett Ave., LLC for paving, sanitary and storm sewer improvements.

(C) [Conditional](#) approval of Final Subdivision Plat.

[\(Council Communication No. 11-179\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Communication](#) from Michelle Bailey, advising of her resignation from the Human Rights Commission, Seat 7, effective April 1, 2011.

SETTING DATE OF HEARINGS

18. [On](#) conveyance of underground electrical line easement at SE 9th Street and Jackson Avenue to MidAmerican Energy Company for the Jackson Avenue Detention Basin Pump Station, \$1, (4-11-11).
19. [On](#) request from Baker Real Estate, LP to amend the Baker Creek PUD Conceptual Plan (vicinity of 4500 Hubbell) to identify the easternmost 23 acres for development of 180 multi-family and 30 single-family semi-detached residential units, (4-11-11).
20. [On](#) Twenty-Third Amendment to the Restated Urban Revitalization Plan for City-Wide Urban Revitalization Area, (4-25-11).

[\(Council Communication No. 11-201\)](#)

LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment of \$2,489.25 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Officer Merced Dautovic.
22. [Approving](#) payment of \$31,550.48 to Hansen, McClintock & Riley for representation of Officer John Mailander.
23. [Approving](#) payment of \$1,411.20 to Husch Blackwell LLP for services related to levee system issues.
24. [Approving](#) additional payment of \$144.69 to Holmes Collision Center for the towing of Erin McKinney's van as the result of an auto accident.
25. [Approving](#) settlements made by Acting City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training requests for Brian Bennett, Richard Clark, Aaron Greiner, Christine Hensley, Tan Huynh, Ted Jefferson, Jack Kamerick, Lillie Miller, Kevin Risk and Gregory Warren.

[\(Council Communication No. 11-197\)](#)

APPROVING

27. [Revised](#) forms of agreement for the HUD, HOME Assisted Home Buyer Program.

[\(Council Communication No. 11-186\)](#)

28. [Environmental](#) Certification and Request for Release of Funds from HUD for the Department of Housing Services' 2011 Capital Fund Program.

[\(Council Communication No. 11-180\)](#)

29. [City](#) of Des Moines Department of Housing and Urban Development (HUD) Section 3 Plan.

[\(Council Communication No. 11-184\)](#)

30. [Major](#) Amendment #6 to Community Development Block Grant Housing Disaster Recovery (CDBG-DR) Fund Contract with Iowa Department of Economic Development – IDED, (Contract No. 08-DHR-209) adding additional funding for construction of 21 single family homes and conversion of part of 322 SW 3rd Street into 25 rental units, \$2,772,727.

[\(Council Communication No. 11-191\)](#)

31. [Issuance](#) of Certificate of Completion for Wellmark’s new home office facility.

[\(Council Communication No. 11-199\)](#)

32. [Contract](#) with Cities of Ankeny, Des Moines, Urbandale and West Des Moines for use of Energy Efficiency and Conservation Block Grant (EECBG), Public Education and Outreach Campaign funding made available through The American Recovery and Reinvestment Act.

[\(Council Communication No. 11-194\)](#)

33. [Professional](#) services agreement with Sebesta and Blomberg & Associates, Inc. to conduct an energy use analysis and plan for certain buildings and facilities in the City of Des Moines under the Eco Core Downtown Sustainability Study, not to exceed \$122,500.

[\(Council Communication No. 11-182\)](#)

34. [Proposal](#) from Onix Networking Corporation (Tom Cooper, COO) for Google Implementation Services and authorizing City Manager to negotiate contract, not to exceed \$55,978.

[\(Council Communication No. 11-185\)](#)

35. [Renewal](#) of Agreement with Employee and Family Resources, Inc. for a one-year extension of counseling services beginning May 1, 2011, \$24,000.

[\(Council Communication No. 11-181\)](#)

36. Bids from the following:

- (A) [Clarke](#) Mosquito Control Products (J. Lyell Clarke, President) for joint purchase along with the City of West Des Moines, Polk County and Urbandale for an annual contract with two (2) additional twelve (12) month renewal options to furnish mosquito control products and application services to be used by the Community Development Department, \$34,688.50. (Nine bids mailed, four received).

- (B) [Deeter](#) Foundry (Bob Ostendorf, President) for manhole castings for use by the Public Works Department, \$106,300. (Eight bids mailed, five received).
- (C) [Eagle](#) Sign Co. (John Nagle, President) for installation of identification sign panels at various park sites to be used by the Park & Recreation Department, \$59,940. (Ten bids mailed, four received).
- (D) [Hydro-Klean](#) Inc. (Andy Merial, CEO) for wet well cleaning services for various storm water pumping stations to be used by the Public Works Department, \$245,000. (Six bids mailed, one received).

[\(Council Communication No. 11-189\)](#)

- (E) [Reppert](#) Rigging & Hauling (Jeff Dickinson, President) for relocation services to move materials, supplies and equipment from the existing Supply Yard at 2100 Scott Avenue to 903 SE 22nd Street for use by the Public Works Department, \$70,520. (Twelve bids mailed, three received).
37. [Civil](#) Service Entrance Lists for Housing Case Manager, Sewer Maintenance Worker, Street Maintenance Worker and Tree Trimmer.
 38. [Authorizing](#) Finance Director to draw checks on registers for weeks of March 28 and April 4, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of March 28 and April 4, 2011; and to draw checks for biweekly payroll due April 8, 2011.

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

ORDINANCES - FIRST CONSIDERATION

39. [Amending](#) Chapter 118 of the Municipal Code regarding extending completion and submittal dates of qualifying improvements for the Private Property Protection Program.

[\(Council Communication No. 11-188\)](#)

40. [Amending](#) Chapter 102 of the Municipal Code regarding the boundaries of the Skywalk District and replacing the Skywalk System Plan Map.

[\(Council Communication No. 11-190\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

***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 41 THRU 41)

41. On Application from City Cab LLC, for Certificate of Public Convenience and Necessity to operate a Taxicab Service.

(Council Communication No. 11-174)

42. On appeal from Adam Hawxby, 2939 E. Douglas, regarding recommended denial of a Taxicab License.

43. On vacation of the north/south alley right-of-way south of Mulberry Street and west of vacated 13th Street.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by City Engineer), requires six votes.

44. On conveyance of four underground electric line easements on various City-owned properties to MidAmerican Energy Company, \$1 each.

45. On intent to acquire property for recreational trail purposes and authorize acquisition of the necessary property interests from various property owners for the 63rd Street Trail Connector project.

(Council Communication No. 11-173)

46. On approval of 2010 HUD Consolidated Annual Performance and Evaluation Report (CAPER).

47. On Woodland Avenue Storm Sewer – 12th Street to 15th Street: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), \$530,743.25.

(Council Communication No. 11-183)

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

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

APPROVING

48. [Increase](#) of total project costs in project partnership agreement with the Department of the Army for construction of the Des Moines and Raccoon Rivers Project for the Birdland Park Levee.

[\(Council Communication No. 11-176\)](#)

49. [Professional](#) Services Agreement with Stantec Consulting Services, Inc. (Robert J. Campbell, Principal) in connection with the Des Moines River Flow Frequency Analysis, not to exceed \$51,000.

[\(Council Communication No. 11-177\)](#)

50. [Agreements](#) for electrical service with MidAmerican Energy for the Jackson Avenue Detention Basin Pump Stations Project, not to exceed \$48,490.78.

[\(Council Communication No. 11-178\)](#)

51. [Approving](#) Change Order No. 6 with Rice Lake Construction Group for additional work on the Jackson Avenue Detention Basin Pump Station, not to exceed \$123,885.

[\(Council Communication No. 11-192\)](#)

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. [From](#) Council Member Meyer to speak regarding allowing pedicabs to operate in Des Moines.
2. [Appointing](#) Larry Hulse as an alternate member to the Des Moines Area Regional Transit (DART) Authority Commission. Sponsor: Council Member Hensley.

MOTION TO ADJOURN.

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