

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

**July 11, 2011**

**SPECIAL PRESENTATION – 4:15 PM**

Government Finance Officers Association - Certificate of Achievement

**INVOCATION:** Council Member Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 40:

**\*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**

<del>(A)</del>	<del>CAPITAL PUB &amp; HOT DOG CO</del>	<del>400 SE 6TH ST</del>	<del>C Liquor</del>
(B)	LATIN KING RESTAURANT	25 E COURT AVE	B Wine
(C)	W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine

**RENEWAL APPLICATIONS**

(D)	AIR LANES	4200 FLEUR DR	C Liquor
(E)	BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(F)	BLANK MUNICIPAL GOLF	711 COUNTY LINE	C Liquor
(G)	CHUCKS RESTAURANT	3608 6TH AVE	C Liquor
(H)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
(I)	EL PALOMINO	3116 E 14TH ST	C Beer
(J)	GORDITAS SAN PANCHO	2250 HUBBELL AVE	B Beer
(K)	H & A MINI MART	145 UNIVERSITY	C Beer
(L)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(M)	HOSHI SUSHI LOUNGE	2314 UNIVERSITY	C Liquor
(N)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(O)	LA HACIENDA	900 E ARMY POST RD	C Liquor
(P)	LOCUST TAP	434 E LOCUST ST	C Liquor
(Q)	ORLONDOS	4337 PARK AVE	C Liquor

(R)	PEGGYS INC	3020 FOREST AVE	C Liquor
(S)	PIRAMIDAS	2718 DOUGLAS AVE	C Liquor
(T)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(U)	QUIK TRIP #530	2300 E 14TH ST	C Beer
(V)	QUIK TRIP #534	2945 E UNIVERSITY	C Beer
(W)	SAVE A LOT	3200 SW 9TH ST	C Beer
(X)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
(Y)	SPLASH SEAFOOD BAR	303 LOCUST ST	C Liquor
(Z)	TEQUILA RESTAURANT	2824 EASTON BLVD	C Liquor
(AA)	WAKONDA CLUB	3915 FLEUR DR	C Liquor
(BB)	WAVELAND MUNICIPAL GOLF	4908 UNIVERSITY	C Liquor

### OUTDOOR SERVICE APPLICATIONS

- (CC) JETHROS 3100 FOREST AVE C Liquor  
Temporary for an event on July 23–24, 2011. Pending approval of Building and Electrical Departments.

### SPECIAL EVENT APPLICATIONS

- (DD) LATIN KING RESTAURANT 25 E COURT AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Viva L'Italia on July 29–30, 2011.  
Pending approval of Building and Electrical Departments.
- (EE) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on July 29, 2011.  
Pending approval of Fire Department.
- (FF) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on July 22, 2011.  
Pending approval of Fire Department.
- (GG) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on July 15, 2011.  
Pending approval of Fire Department.
- (HH) PARKS AREA FOUNDATION 3612 6TH AVE Five (5) Day License  
Class B Beer License for Sweet Corn Feed on July 16, 2011.
- (II) VIVA L'ITALIA 25 E COURT AVE Five (5) Day License  
Class B Beer License for festival on July 29–30, 2011. Pending approval of  
Building and Electrical Departments.
- (JJ) VIVA L'ITALIA 25 E COURT AVE Five (5) Day License  
Class B Beer License for festival on July 29–30, 2011. Pending approval of  
Building and Electrical Departments.

(KK) VIVA L'ITALIA 25 E COURT AVE Five (5) Day License  
Class B Beer License for festival on July 29–30, 2011. Pending approval of  
Building and Electrical Departments.

## **PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

(A) [Demolition](#) at 717 Grand Avenue former YWCA: Receiving of bids, (7-26-11),  
Setting date of hearing, (8-8-11). (Construction Estimate - \$1,445,000).

[\(Council Communication No. 11-443\)](#)

(B) [Locust](#) Street Streetscape Repairs: Receiving of bids, (7-26-11), Setting date of  
hearing, (8-8-11). (Construction Estimate - \$100,475).

[\(Council Communication No. 11-464\)](#)

(C) [2011](#) ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (7-26-11),  
Setting date of hearing, (8-8-11). (Construction Estimate - \$351,900).

[\(Council Communication No. 11-438\)](#)

(D) [2011](#) Park Parking Lot ADA Modifications: Receiving of bids, (7-26-11), Setting  
date of hearing, (8-8-11). (Construction Estimate - \$76,700).

[\(Council Communication No. 11-441\)](#)

6. [Approving](#) Iowa Department of Transportation (IDOT) Agreement No. 2012-TS-007 for  
installation of various traffic signal-related improvements on Martin Luther King Jr.  
Parkway/19<sup>th</sup> Street between Carpenter Avenue and Hickman Road.

[\(Council Communication No. 11-444\)](#)

7. [Approving](#) Iowa Department of Transportation (IDOT) Agreement No. 2012-TS-001 for  
installation of traffic signals at the intersection of 7<sup>th</sup> and Laurel Streets.

[\(Council Communication No. 11-442\)](#)

8. [Approving](#) Professional Services Agreement with Design Alliance, Inc. for design and  
construction phase services for the police evidence storage facility, not to exceed  
\$71,901.

[\(Council Communication No. 11-463\)](#)

9. [Approving](#) Professional Services Agreement with PUSH Branding and Design, Inc. for design of skywalk sign system upgrade including final art work, not to exceed \$240,625.

[\(Council Communication No. 11-445\)](#)

10. [Approving](#) Supplemental Agreement No. 3 to East Indianola Avenue Roadway Design, SE 14<sup>th</sup> Street to Army Post Road Professional Services Agreement with Snyder & Associates, Inc. to provide additional design and construction phase services for East Indianola – Phase 2, not to exceed \$124,891.

[\(Council Communication No. 11-462\)](#)

11. [Approving](#) Private Construction Contract between P.G. Construction Inc. and Des Moines Independent Community School District for paving improvements in 1800 Grand Avenue, \$68,971.
12. Accepting completed construction and approving final payment of the following:
  - (A) [2010](#) Park and Cemetery HMA Improvements, Grimes Asphalt & Paving Corp.
  - (B) [2010](#) Sewer Televising Program, Hydro-Klean, Inc.

## **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2011-05.
14. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2011-08.
15. [Approving](#) deletion of NAC – Emergency Assessment at 1101 Pennsylvania Avenue.
16. [Approving](#) deletion of Rental Inspection Assessment at 2105 52<sup>nd</sup> Street.
17. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for the following in June 2011:
  - (A) [Credits.](#)
  - (B) [Fees.](#)

## SETTING DATE OF HEARINGS

18. On vacation of north/south alley between 6<sup>th</sup> Avenue and 7<sup>th</sup> Street and High Street and Watson Powell Jr. Way to Roman Catholic Diocese of Des Moines, \$1,000, and to Principal Life Insurance Company, \$1,000, (7-25-11).
  - (A) Recommendation from Plan and Zoning Commission.
19. On vacation and conveyance of a portion of Glendale Cemetery to Franklin Field Senior Apartments, LLLP, \$172,500, (7-25-11).
20. On vacation and conveyance of a portion of Waveland Golf Course property to Russell D. Parks, in exchange for a comparable parcel of land adjoining Cummins Woods, (7-25-11).
  - (A) Communication from Chair of Park and Recreation Board.
21. On proposed amendments to Second (2011) Year Action Plan of 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (8-29-11).

(Council Communication No. 11-468)
22. On assessment of \$500 penalty to the following Liquor License Holders for violation of Iowa Alcoholic Beverage Laws, sale to minor, (7-25-11):
  - (A) Licker Room, 2301 SW 9<sup>th</sup> Street.
  - (B) Casey's Store #2676, 2106 Echo Valley Dr.
  - (C) Citgo, 1800 SE 14<sup>th</sup> Street.
  - (D) Jiffy #924, 3718 SW 9<sup>th</sup> Street.
  - (E) Kum & Go #120, 101 Army Post Road.
  - (F) Cigarette Outlet #4, 2800 E. University Avenue.
  - (G) Tequila's Liquor Store, 1434 Des Moines St. Ste. 5.
  - (H) Air Lanes, 4200 Fleur Drive.
  - (I) Shop N Save, 1829 6<sup>th</sup> Avenue.
  - (J) Git-N-Go #27, 1240 Keosauqua Way.
  - (K) Walgreens #5721, 3140 SE 14<sup>th</sup> Street.
  - (L) Walgreens #359, 2545 E. Euclid Avenue, Ste. 130.
  - (M) Walgreens #7968, 6200 SE 14<sup>th</sup> Street.
23. On assessment of \$1,500 penalty and 30-day suspension of Liquor License to Citgo, 1800 SE 14<sup>th</sup> Street for violation of Iowa Alcoholic Beverage Laws, sale to minor, (7-25-11).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment of \$9,513.67 to Ahlers & Cooney, PC to represent the City in general matters.
25. [Approving](#) payment of \$1,046.27 to Peddicord, Wharton, Spencer and Hook, LLP for representation of Officer Mersed Dautovic.
26. [Approving](#) payment of \$12,225.82 to David Kopf as the result of a collapsed City sewer.

## CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Danielle Galien and Lorna Garcia.

[\(Council Communication No. 11-454\)](#)

## APPROVING

28. [Schedule](#) and Notices of Funding Availability (NOFA) for the 2011 and 2012 U.S. Housing and Urban Development (HUD) Emergency Solutions Grant (ESG) Program Funds for the City's 2010-2014 Consolidated Plan.

[\(Council Communication No. 11-452\)](#)

29. [Preliminary](#) Terms of Urban Renewal Development Agreement with ND Fleming, LLC for residential redevelopment of Fleming Building, 604 Walnut Street.

[\(Council Communication No. 11-456\)](#)

30. [Brownstones](#) on Grand, LLC application for Enterprise Zone Benefits for construction of 9 apartments between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Street and Grand Avenue and Watson Powell Jr. Way in the Gateway Enterprise Zone.

[\(Council Communication No. 11-457\)](#)

31. [Cooperative](#) agreement with U. S. Department of Housing and Urban Development (HUD).

[\(Council Communication No. 11-475\)](#)

32. [FY2010](#) Methamphetamine Drug Hot Spots Grant Program Award from the Governor's Office of Drug Control Policy, \$31,576.

[\(Council Communication No. 11-455\)](#)

33. [2011](#) Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation grant application and Memorandum of Understanding with Polk County, \$215,723.

[\(Council Communication No. 11-450\)](#)

34. [Amendments](#) to extend present contracts with the Animal Rescue League of Iowa (Tom Colvin, President) for services at the Des Moines Animal Shelter and for Animal Control Services until June 30, 2012.

[\(Council Communication No. 11-453\)](#)

35. [Request](#) from Greater Des Moines Convention & Visitors Bureau for permission to place a temporary banner on the north side of Veterans Memorial Auditorium welcoming the American Quilter's Society, August 1 through October 3, 2011.

36. Bids from the following:

(A) [The](#) Paper Corporation (Dean Nims, Owner/President) for an annual supply of copy paper for use by various City Departments, \$31,960. (Eight bids mailed, three received).

(B) [Menards](#) (Frank Blake, CEO) for blanket purchase order of miscellaneous building materials and supplies per State of Iowa Contract for use by Park & Recreation Department, estimated annual cost \$65,000.

[\(Council Communication No. 11-470\)](#)

(C) [Great](#) American Outdoor (Don Van Houweling, Owner), the sole area-wide distributor, for a blanket purchase order for John Deere equipment repair parts for use by Park & Recreation Department, estimated annual cost \$40,000.

[\(Council Communication No. 11-472\)](#)

(D) [Pool](#) Tech Midwest (Charlie Rochford, President), as sole area-wide distributor, for a blanket purchase order for pools chlorination chemicals for use by Park & Recreation Department, estimated annual cost \$65,000.

[\(Council Communication No. 11-458\)](#)

(E) [MTI](#) Distributing (Tom Swain, President), as sole area-wide distributor, for a blanket purchase order for Toro heavy-duty commercial equipment repair parts for use by Park and Recreation Department, estimated annual cost \$50,000.

[\(Council Communication No. 11-471\)](#)

37. [Hutchinson](#) Salt Co. (Larry Bingham, President) for one-year contract renewal for rock salt purchases to be used by Public Works for 2011-2012 snow and ice control operations (Cooperative effort with West Des Moines, Polk County and 20 other public entities representing the Central Iowa Salt Group (CISG), \$679,082. (Ten bids mailed, three received).

[\(Council Communication No. 11-460\)](#)

38. [Civil](#) Service Entrance List for Park and Recreation Supervisor and Promotional List for Senior Refuse Collector.

39. [Lease](#)-Purchase Master Agreement with Wells Fargo Bank, N.A.

[\(Council Communication No. 11-474\)](#)

- (A) [Supplement](#) No. 1 to Governmental Lease-Purchase Master Agreement with Wells Fargo Bank, N.A., \$942,038.

[\(Council Communication No. 11-473\)](#)

40. [Authorizing](#) Finance Director to draw checks on registers for weeks of July 11 and July 18, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of July 11 and July 18, 2011; and to draw checks for biweekly payroll due July 29, 2011.

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

## **ORDINANCES - FIRST CONSIDERATION**

41. [Repealing](#) and replacing Ordinance No. 15,016, rezoning property in the vicinity of 1710 High Street from the “C-2” (General Retail and Highway Oriented Commercial) to a Ltd. “NPC” (Neighborhood Pedestrian Commercial).

[\(Council Communication No. 11-476\)](#)

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

## **COUNCIL REQUESTS**

42. [From](#) Council Member Brian Meyer to speak regarding the driveway at 414 McKinley Avenue.
43. [From](#) Council Member Brian Meyer to discuss competitiveness of Des Moines’ Building Codes and regulations, for repurposing of structures.



44. [From](#) Council Member Skip Moore to speak regarding signage at Bright Grandview Clubhouse.

44-I From Council Member Skip Moore to discuss configuration of lanes and sidewalks on Grand Avenue Bridge over Walnut Creek Project.

## COMMUNICATIONS/REPORTS

45. [From](#) Kevin Sakalinh, 1146 E. 8<sup>th</sup> Street, to speak regarding allowing more than one food vendor on one parcel.

46. [From](#) Angela Nemmers, 1512 Park Street, #4, to speak regarding various issues.

47. [Petition](#) requesting sidewalks be placed on E. Park Avenue from SE 14<sup>th</sup> to SE 18<sup>th</sup> Street.

**\*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 48 THRU 56)

48. [On](#) vacation and lease of a portion of the public sidewalk adjoining Mickey's Irish Pub at 206 3<sup>rd</sup> Street for a sidewalk café serving alcohol.

[\(Council Communication No. 11-469\)](#)

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

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

49. [On](#) Zoning Text Amendments to Chapter 134-982 "C3-A" (Central Business Support Commercial) and Chapter 134-1017 "C-3" (Central Business) regulations to prohibit gas stations and fuel retail sales businesses and to continue hearing and extend the moratorium until October 11, 2011 at 5:00 PM.

[\(Council Communication No. 11-449\)](#)

50. On 2011 Critical Sanitary Sewer Lining: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as SAK Construction, LLC, (Boyd Hirtz, Vice-President), \$3,550,605).

(Council Communication No. 11-439)

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

51. On 2011 Expanded Street Resurfacing Program – Contract 2: 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), \$2,571,375.09.

(Council Communication No. 11-440)

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

52. On City-Wide Fixed Time Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal Inc., (Wayne Lesley, President), \$475,108.53.

(Council Communication No. 11-466)

- (A) Approval of contract and bond.

53. On E. Indianola Avenue Widening – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Reilly Construction Co., Inc., (Chris R. Reilly, President), \$3,277,103.90.

(Council Communication No. 11-448)

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

54. On Gray's Lake Shoreline Restoration: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and to receive and file bids.

(Council Communication No. 11-465)

55. On SW 9<sup>th</sup> Street and Dart Way Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (Kurt J. Rasmussen, President), \$757,866.08.

[\(Council Communication No. 11-446\)](#)

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

56. On Tonawanda Drive Ravine Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Corell Contractor, Inc., (Grant S. Corell, President), \$2,341,015.

[\(Council Communication No. 11-461\)](#)

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

- (B) Approving Supplemental Agreement No. 1 to Professional Services Agreement with HDR Engineering, Inc. to perform additional design and construction phase services for Tonawanda Drive Ravine Improvements project, not to exceed \$125,731.

[\(Council Communication No. 11-447\)](#)

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

## **APPROVING**

57. Designation of preferred developer as Nelson Development and Construction and Foutch Brothers, LLC for purchase and redevelopment of Des Moines Building, 405 6<sup>th</sup> Avenue and 513 Locust Street.

[\(Council Communication No. 11-467\)](#)

58. Preliminary approval of Conceptual Development Plan for the redevelopment of 3801 Merle Hay Road by Richard Eychaner.

[\(Council Communication No. 11-459\)](#)

59. Extension of temporary moratorium to prohibit new freestanding liquor stores in "C-3", "C-3A", "C-3B" and "C-3R" zoning districts and temporary moratorium on the commencement of a business selling alcoholic liquors in the "C-1" district and at any location (citywide) which has not received a conditional use approval from the Zoning Board of Adjustment until September 13, 2011.

[\(Council Communication No. 11-451\)](#)

MOTION TO ADJOURN.

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