

DES MOINES CITY COUNCIL MEETING

April 9, 2012
4:30 PM

PROCLAMATIONS – 4:15 PM

Parkinson’s Awareness Month

INVOCATION: Council Member Coleman

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)	AFAL FOOD & LIQUOR	4121 SE 14TH ST	E Liquor
(B)	GATORS	217 E 2ND ST	C Liquor
(C)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(D)	TAQUERIA JOSE	2734 DOUGLAS AVE	C Liquor

RENEWAL APPLICATIONS

(E)	4TH DOWN SPORTS BAR	215 4TH ST	C Liquor
(F)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(G)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(H)	FAST MART	1621 UNIVERSITY	E Liquor
(I)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(J)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(K)	JETHROS	3100 FOREST AVE	C Liquor
(L)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(M)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Beer/Wine
(N)	VICTORY LANE	3801 EASTON BLVD	C Liquor

OUTDOOR SERVICE APPLICATIONS

- (O) PEGGYS INC 3020 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays effective April 24 – 28, 2012.

SPECIAL EVENTS APPLICATIONS

- (P) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for event on April 16, 2012. Pending approval of Building
Department.
- (Q) DRAKE UNIVERSITY 2507 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Sigma Phi Epsilon Alumni
Reunion on April 28, 2012.
- (R) DRAKE UNIV 1327 31ST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Drake Relays at Greek Reunion
Tent effective April 24 – 28, 2012.
- (S) GATEWAY MARKET MLK 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Everybody Wins! Iowa Cocktail
Party on April 21, 2012.

5. [Consideration](#) of Class E Liquor License renewal for Fast Mart, 1401 Buchanan Avenue.
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. [Approving](#) Paved Crossing Agreements with Norfolk Southern Railway Company for
the SE 6th Street Widening Project.

([Council Communication No. 12-176](#))
9. [Approving](#) agreement with Principal Life Insurance Company for the construction and
funding of 2012 Riverwalk Improvements.

([Council Communication No. 12-151](#))
- (A) [Approving](#) Supplemental Agreement No. 1 to the 2012 Riverwalk Improvements
Professional Services Agreement with Stanley Consultants, Inc. to provide
construction phase services, not to exceed \$57,000.

([Council Communication No. 12-161](#))

10. [Adopting](#) the SUDAS (Statewide Urban Design and Specifications) Design Manual, 2012 Edition and the SUDAS Standard Specifications, 2012 Edition, as the official design standards and standard specifications for the City.

[\(Council Communication No. 12-160\)](#)

11. [Approving](#) Change Order No. 3 with Elder Corporation for additional work on the SE Connector Demo & Site Prep, not to exceed \$157,500.

[\(Council Communication No. 12-159\)](#)

12. [Approving](#) Private Construction Contract between Elder Corporation and Hubbell Construction Services for storm sewer improvements in 4605 NE Hubbell Avenue, \$29,712.

13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

14. Accepting completed construction and approving final payment for the following:

(A) [Pleasant](#) Drive Bridge over Cummins Creek, Herberger Construction Co., Inc.

(B) [University](#) Storm Sewer – 42nd Street to 43rd Street, Synergy Contracting LLC.

LAND/PROPERTY TRANSACTIONS

15. [Establishing](#) fair market value of multiple properties for the Gray’s Lake Neighborhood Connecting Trail Project.

[\(Council Communication No. 12-154\)](#)

SETTING DATE OF HEARINGS

16. [On](#) vacation and conveyance of the north/south alley lying between SW 9th Street and SW 12th Street and running from Virginia Avenue to Pleasant View Drive to multiple property owners, \$300 total, (4-23-12).

17. [On](#) rezoning of 931 SE 21st Street from “M-1” (Light Industrial) to a Ltd. “M-2” (Heavy Industrial) to correct a publication error, (4-23-12).

18. [On](#) proposed Lease-Purchase Agreement to acquire certain items of equipment consisting of nine dump trucks, an asphalt paver, and a compact motor control, not to exceed \$2,000,000, (4-23-12).

[\(Council Communication No. 12-177\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. Number not used.
20. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities V. United States Environmental Protection Agency, \$3,796.05.
21. [Approving](#) payment to Ronald Sowden for workers compensation claim, \$9,149.73.
22. [Approving](#) payment of \$15,000 to Thomas and Bridget Grindatti individually and as next friend of Gina Grindatti, a minor, and their attorney, Jeff Carter Law Offices for a lawsuit arising out of a motor vehicle accident.
23. [Approving](#) payment of \$6,500 to Pamela and Michael Hanna for bodily injury arising from a trip and fall in the 400 block of E. Locust Street.
24. [Affirming](#) settlements made by City Attorney, not exceeding \$5,000.

APPROVING

25. [Revised](#) Recapture Agreement for the HOME Assisted Home Buyer Program.
[\(Council Communication No. 12-173\)](#)
26. [Renewal](#) and amendment of contract with Marsden Bldg Maintenance, LLC (Chad Cordaro, General Manager) for custodial services at the Fleet Services Center.
[\(Council Communication No. 12-168\)](#)
27. [Contract](#) with Vocon Auctions, LLC (Jared Modlin, National Sales Manager) for auction services on fleet services surplus vehicles and equipment.
[\(Council Communication No. 12-167\)](#)
28. [Amendment](#) #1 for the FFY 2009 Special Weapons and Tactics (SWAT) Task Force Program Grant extending the performance period to June 30, 2012.
[\(Council Communication No. 12-166\)](#)
29. [Memorandum](#) of Understanding (MOU) with the State of Iowa Public Safety Department as it relates to the High Intensity Drug Trafficking Area (HIDTA) grant.
[\(Council Communication No. 12-171\)](#)

30. [Use](#) of various City Facilities as poll sites for the Primary Election to be held on Tuesday, June 5, 2012.
31. [Exception](#) to the procurement ordinance competitive process requirements for good cause and approval of procurement for title and abstracting services for the 2010 Hazard Mitigation Grant Program (HMGP) Flood Buyout and authorizing City Engineer to negotiate and execute contracts.

[\(Council Communication No. 12-150\)](#)

32. Bids from the following:

- (A) [Jim's](#) Johns (Jim McCaughey, President) for annual contract with two (2) one-year renewal options to furnish portable toilet rental services for use by the Park and Recreation Department, annual estimated amount \$31,000. (Five bids mailed, one received).

[\(Council Communication No. 12-174\)](#)

- (B) [Stetson](#) Building Products (Marte Cook, President) and Acme Tools (Jim Johnson, Branch Manager) for annual contract with two (2) additional one-year renewal options to furnish concrete saw blades for use by the Public Works Department, annual estimated amount \$40,000. (Eleven bids mailed, nine received).
- (C) [Ed](#) Stivers Ford (Don Politte, General Manager) for twenty-three (23) replacement vehicles per State of Iowa Contract for use by the Police Department, \$557,457.

[\(Council Communication No. 12-169\)](#)

33. [Authorizing](#) Finance Director to draw checks on registers for weeks of April 9 and April 16, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of April 9 and April 16, 2012; and to draw checks for biweekly payroll due on April 20, 2012.

ORDINANCES - SECOND CONSIDERATION

34. [On](#) request from Arnold DeWitt to rezone 1241 E. 38th Street from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to allow for expansion of existing mini-warehouse complex, subject to conditions, as amended to exclude the north 110 feet of lots 100, 101, 102 and 103.

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

ORDINANCES - FIRST CONSIDERATION

35. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
- (A) Removal of rush-hour restriction – Locust Street from 13th to 15th Streets.
 - (B) Traffic Control Signals – 11th Street and Euclid Avenue.
 - (C) Designated Handicapped Parking Space – north side of Woodland Avenue, west of 18th Street.

[\(Council Communication No. 12-163\)](#)

COUNCIL REQUESTS

36. [From](#) Council Members Skip Moore and Halley Griess to discuss letter from the Drake-area neighbors, regarding liquor license for University Groceries, 2121 University Avenue.
37. [From](#) Council Member Christine Hensley to discuss affordable housing and the Attorney General's settlement, and if the City has an opportunity to make a proposal on how it will be used.
- 37-I [From](#) Council Member Christine Hensley to discuss the liquor license at the Ingersoll, 3711 Ingersoll Avenue.

***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 38 THRU 53)

38. [On](#) appeal from Hamad G. Koko Ahmed, 3800 Martin Luther King, Jr. Parkway, regarding recommended denial of a Taxicab License, (continued from 3-26-12) **and to continue to April 23, 2012 at the request of Mr. Ahmed to allow him time to obtain the letter from United Cab.**
39. [On](#) 2011 HUD Consolidated Annual Performance and Evaluation Report (CAPER).

40. On vacation and conveyance of a segment of Linden Street, west of 14th Street, to Wellmark Holdings, Inc. in exchange for a permanent easement for street right-of-way connecting the east terminus of the remaining Linden Street to Ingersoll Avenue.

(A) First consideration of ordinance above.

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

41. On appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18th Street:

(A) Affirming decision to conditionally approve.

OR

(B) ALTERNATE RESOLUTION: Reversing the decision to conditionally approve.

OR

(C) ALTERNATE RESOLUTION: Continue the hearing until April 23, 2012 at 5:00 PM.

42. On vacation and conveyance of a portion of SE 21st Court and a portion of Shaw Street right-of-way adjoining 607 SE 21st Court to Available Material Handling LLC for \$3,500.

(Council Communication No. 12-162)

(A) First consideration of ordinance above.

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

43. On vacation and conveyance of a portion of SE 19th Street and Scott Avenue and Market Street to Kemin Holdings, LC, \$35,508 and Waste Management of Iowa, Inc., \$43,845.

(Council Communication No. 12-158)

(A) First consideration of ordinance above.

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

44. [On](#) conveyance of City-owned property, north of 3000 Vandalia Road, to the Des Moines Metropolitan Wastewater Reclamation Authority.
45. [On](#) conveyance of excess City-owned property at 812 Indiana Avenue to Shawn D. Wagner, \$50.

[\(Council Communication No. 12-156\)](#)

46. [On](#) request from F & J Mobile Homes to rezone property at 7657 U.S. Highway 69 from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and “R-5” (Mobile Home Residential) to Ltd. “M-1” (Light Industrial) to allow for outdoor storage of recreational vehicles by the general public. **(Plan and Zoning Commission recommends DENIAL) (Roll Call contains alternative motions).**
47. [On](#) request from Wesley Retirement Services, Inc. for an amendment to Wesley Acres PUD Conceptual Plan for 3520 Grand Avenue to allow beer and wine sales for on-premise consumption as part of the food service for residents as a permitted use, to make revisions to the allowed signage program to accommodate new branding, and to define the permitted exterior design for a 5,470 square foot adult daycare building, subject to conditions.
48. [On](#) request from Hubbell Realty Company to rezone 2210 E. Park Avenue from existing “PUD” (Planned Unit Development) (Riverwoods) to a separate “PUD” (Riverwoods Terrace) with a new Conceptual Plan for use of the property to allow a one-story residential complex with 70 beds for assisted living and memory care.
49. [On](#) request from HOME, Inc. to rezone 1303 and 1305 Clark Street and 1512 and 1516 13th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow development of two small lot two-family dwellings and one small lot single-family dwelling and **to continue to April 23, 2012 at 5:00 PM.**
50. [On](#) 6th Avenue Over Des Moines River Bridge Rehabilitation: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Jensen Construction Company, (Kurt E. Rasmussen, Owner), \$1,787,035.68.

[\(Council Communication No. 12-153\)](#)

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

51. On Grand Avenue Bridge Over Walnut Creek: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Jenco Construction, Inc., (Herluf H.S. Jensen, President), \$3,316,610.69.

[\(Council Communication No. 12-155\)](#)

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

52. On Hubbell Elementary School Enhanced School Crossings: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$228,938.25.

[\(Council Communication No. 12-157\)](#)

53. On Tuttle Street at SW 8th and SW 9th Streets Traffic Signals: Continue the public hearing on plans, specifications, form of contract documents, and engineer's estimate to **April 23, 2012 at 5:00 PM.**

[\(Council Communication No. 12-164\)](#)

*** END OF HEARINGS AT _____ PM ***

APPROVING

54. Severance modification as provided in the City Attorney's contract.
55. Initiating an amendment to the zoning ordinance to further regulate the allowed location of businesses engaged in the sale of alcoholic liquor for off-premises consumption, and imposing a temporary moratorium.
56. Second Amendment to Amended and Restated Agreement for the Des Moines Regional Transit Authority (DART), regarding new district boundaries and selection of Commission representatives.

[\(Council Communication No. 12-175\)](#)

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. [Communication](#) from Deputy City Manager submitting travel and training requests for Richard Clark, Chris Coleman, T.M. Franklin Cownie, Christine Hensley and Skip Moore.

[\(Council Communication No. 12-178\)](#)

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) [3007](#) Cornell Street, main structure, Titleholder: Todd Mulhern; Mortgage Holder: Wells Fargo Bank, NA.
 - (B) [609](#) SE 14th Court, main structure, Titleholder: Sadonna Jewell; Mortgage Holder: The Bank of New York Mellon Corporation, f/k/a The Bank of New York.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010