

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

May 7, 2012  
4:30 PM

**SPECIAL PRESENTATIONS – 4:00 PM**

John Meeks, Roosevelt High School four-time undefeated State Wrestling Champion

**PROCLAMATIONS – 4:00 PM**

Train Day  
Central Iowa Bike Month

**INVOCATION:** Council Member Christopher Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 46:

**\*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)	DES MOINES VALERO #203	4140 PARK AVE	C Beer
(B)	HOST	1220 LOCUST ST	C Beer/Wine
(C)	LILY RESTAURANT	3422 MLK JR PKWY	B Beer
(D)	VOLCANO NIGHT CLUB	1820 E ARMY POST	C Liquor

**RENEWAL APPLICATIONS**

(E)	AMERICANA	1312 LOCUST ST	C Liquor
(F)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(G)	CITY BAKERY	407 E 5TH ST	C Beer/Wine
(H)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(I)	MICKEYS IRISH PUB	204 3RD ST	C Liquor

(J)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(K)	QUIK TRIP #515	1421 INGERSOLL	C Beer
(L)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

**OUTDOOR SERVICE APPLICATION**

(M)	LIME LOUNGE Permanent outdoor service area.	435 E GRAND AVE	C Liquor
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5. [City](#) Clerk to issue Cigarette Licenses.

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

- (A) [Downtown](#) Dog Park: Receiving of bids, (5-22-12), Setting date of hearing, (6-11-12). (Construction Estimate - \$136,500).

[\(Council Communication No. 12-220\)](#)

- (B) [John](#) Pat Dorrian Trail Renovation: Receiving of bids, (5-22-12), Setting date of hearing, (6-11-12). (Construction Estimate - \$540,000).

[\(Council Communication No. 12-213\)](#)

- (C) [2012](#) Park Parking Lot ADA Improvements: Receiving of bids, (5-22-12), Setting date of hearing, (6-11-12). (Construction Estimate - \$142,000).

[\(Council Communication No. 12-223\)](#)

- (D) [2012](#) Sidewalk Replacement Program: Receiving of bids, (5-22-12), Setting date of hearing, (6-11-12). (Construction Estimate - \$324,920).

[\(Council Communication No. 12-222\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Grand Avenue over Walnut Creek Bridge Replacement.

[\(Council Communication No. 12-215\)](#)

8. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Gray's Lake Neighborhood Connecting Trail and SW 14<sup>th</sup> Quiet Street.

[\(Council Communication No. 12-214\)](#)

9. [Authorizing](#) negotiation and execution of agreement with Rich and Associates for professional services for the Downtown Parking Study, not to exceed \$40,000.

[\(Council Communication No. 12-230\)](#)

10. [Approving](#) Change Order No. 9 with Reilly Construction Company, Inc. and subsidiaries for additional work on the 33<sup>rd</sup> Street Sewer Separation Project, not to exceed \$187,318.87.

[\(Council Communication No. 12-221\)](#)

11. [Approving](#) Private Construction Contract between Alliance Construction Group, LLC and HDR Land Development, LLC for paving improvements in Woods of Copper Creek, Plat 1, \$67,000.
12. Approving Private Construction Contracts between McAninch Corporation and HDR Land Development, LLC for the following improvements in Woods of Copper Creek, Plat 1:
  - (A) [Sanitary](#) Sewer Improvements, \$142,577.
  - (B) [Storm](#) Sewer Improvements, \$57,653.85.
13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

## **LAND/PROPERTY TRANSACTIONS**

14. [Acceptance](#) of permanent easement from Brook Run, LC for public pedestrian way located at 3740 Village Run Drive.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. Recommendation from Mayor Frank Cownie to reappoint to the Civil Service Commission the following:
  - (A) [Mary](#) Campos, Seat 1, for a four-year term commencing April 1, 2012 to expire April 1, 2016.
  - (B) [Linda](#) Carter-Lewis, Seat 7, for a four-year term commencing April 1, 2012 to expire April 1, 2016.

16. [Communication](#) from Robert Modersohn III advising of his resignation from the Park and Recreation Board, Seat 8, effective immediately.
  - (A) [Recommendation](#) from Council Member Halley Griess to appoint Victoria Facto to the Park and Recreation Board, Seat 8, for a four-year term commencing June 30, 2011 to expire June 30, 2015.
17. [Communication](#) from Matthew McIver advising of his resignation from the Des Moines Music Commission, Seat 1, effective immediately.

## SETTING DATE OF HEARINGS

18. [On](#) conveyance of 1202, 1204 and 1300 Scott Avenue (Lomar Building) to Midwest Automatic Fire Sprinkler Company, \$605,000, (5-21-12).
19. [On](#) conveyance of an overhead electric transmission line easement to MidAmerican Energy Company on City-owned property east of SW 59<sup>th</sup> Street between North Valley Drive and Winona Avenue for the WRA SW Area Diversion Facility – Phase 22, Segment 5 Pump Station Project, \$1, (5-21-12).
20. [On](#) conveyance of multiple easements at the Blank Park Zoo to MidAmerican Energy Company, \$1, (5-21-12).
21. [Receive](#) and file recommendation from Plan and Zoning Commission regarding request from MDI Limited Partnership #86 for vacation of the subsurface of a 129 ft. by 12 ft. segment of Walnut Street adjoining 1440 Walnut Street, subject to reservation of easements.
  - (A) [On](#) vacation and conveyance of a portion of 15<sup>th</sup> Street and of a subsurface easement along Walnut Street adjoining 1440 Walnut Street for the Crane Building Redevelopment Project, \$12,600, (5-21-12).
22. [Receive](#) and file recommendation from Plan and Zoning Commission regarding request from Atrium Finance III, LP (owner) represented by Joe Morrissey (officer) for vacation of a 45-foot by 6-foot segment of the subsurface rights within the Walnut Street right-of-way adjoining the property at 101 East Locust Street, to allow for placement of a Fats, Oils, and Grease (FOG) interceptor on the sanitary sewer service for the Embassy Suites Hotel.
  - (A) [On](#) vacation and conveyance of a subsurface easement for fat, oil and grease discharge (FOG) interceptor adjoining 101 E. Locust Street (Embassy Suites) to Atrium Finance III, LP, \$2,700, (5-21-12).

23. [On](#) request from Jose Zambrano and Jose Gonzales to rezone property at 2001 and 2009 Clark Street and 1510 M. L. King Jr. Parkway from Ltd. “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse of the premises for a general motor vehicle repair shop, (5-21-12).
24. [On](#) request from Julie Bassman and Jerome Bassman to rezone 1228 2<sup>nd</sup> Avenue from “M-1” (Light Industrial) and “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of a retail commercial center, subject to conditions, (5-21-12).
25. [On](#) application of NPI Limo Services, LLC to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to Operate Limousine Service from eleven (11) to fifteen (15), (5-21-12).
26. [On](#) appeal for relief from moratorium by Tony Dassan to allow sale of alcoholic liquor for off-premises consumption at the BP Service Station at SE 14<sup>th</sup> and Maury Streets, (5-21-12).

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

27. Approving payment of \$50,000 to Terry Welborn and his Attorney, Robert McKinney for the following workers’ compensation claims:
  - (A) [May](#) 8, 2009.
  - (B) [September](#) 30, 2009.
  - (C) [November](#) 13, 2009.
  - (D) [December](#) 30, 2010.

#### **CITY MANAGER COMMUNICATIONS**

28. [Submitting](#) travel and training requests for T. M. Franklin Cownie.

[\(Council Communication No. 12-217\)](#)

#### **APPROVING**

29. [Execution](#) of HOME contracts for \$150,000 with Des Moines Greystone Homes, LP for construction of 26 single-family homes at scattered sites, approving Thrivent Construction Loan for \$150,000 for 6 units in the 1400 block of Martin Luther King Jr. Parkway and waiving enforcement fees on 1140 Martin Luther King Jr. Parkway.

[\(Council Communication No. 12-229\)](#)

30. [Execution](#) of HOME contracts for \$195,000 with Silver Oaks Associates, LP for construction of 39 units at Silver Oaks Senior Housing Project, 979 Oakridge Drive.

[\(Council Communication No. 12-210\)](#)

31. [Grant](#) application submission by City of Des Moines and West Bank to Federal Home Loan Bank (FHLB) for Affordable Housing Program, Memoranda of Understanding with Neighborhood Finance Corporation and Home Opportunities Made Easy (HOME), Inc. for supportive services and Sub-agreement with West Bank as the partner FHLB Member Bank, \$300,000.

[\(Council Communication No. 12-208\)](#)

32. [One-year](#) renewal of agreement with Holland & Knight, LLP to provide federal government affairs services from May 1, 2012 – April 30, 2013.

[\(Council Communication No. 12-231\)](#)

33. [Assignment](#) of License Agreement for an encroachment by Keck City Center at 500 Grand Avenue onto City property.

34. [Directing](#) advertisement for sale of \$22,660,000 General Obligation Bonds, Series 2012A; \$6,895,000 General Obligation Bonds, Series 2012B (Urban Renewal); and \$4,275,000 General Obligation Bonds, Taxable Series 2012C; approving distribution of a [Preliminary Official Statement](#) and use of electronic bidding procedures, **(bids will be received on May 16<sup>th</sup> at 10:00 AM, and special Council meeting will be held at 4:00 PM, to award the sale of the bonds).**

[\(Council Communication No. 12-198\)](#)

35. [FY2011-2012](#) Annual Right-Of-Way Management Fee.

[\(Council Communication No. 12-212\)](#)

36. [2012](#) Edward Byrne Memorial Justice Assistance Grant (JAG) Application submittal and acceptance of the Memorandum of Understanding with Polk County.

[\(Council Communication No. 12-207\)](#)

37. [River](#) Enhancement Community Attraction and Tourism Grant Agreement with the Vision Iowa Board for funding toward development of the Des Moines River Trail, Phase 1, and authorizing the City Manager to execute Grant Agreement and other documents required by the Vision Iowa Board.

[\(Council Communication No. 12-201\)](#)

38. [Submittal](#) of an application by Blank Park Zoo Foundation to rezone 7401 SW 9<sup>th</sup> Street from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and authorizing City Manager to sign application on behalf of the City of Des Moines.
39. [Enhanced](#) Parking System Customer Services Agreement with Downtown Community Alliance, Inc. for the period of July 1, 2011 to June 30, 2014.

[\(Council Communication No. 12-218\)](#)

40. [Receipt](#) of The Des Moines International Airport Audit Report for period ending October 31, 2011.

[\(Council Communication No. 12-205\)](#)

41. [Procurement](#) of natural gas supplies for City-wide use per State of Iowa Contract and implementing ancillary orders and agreements and up to (2) two one-year renewal terms at the then current State of Iowa Contract administrative rate from Constellation New Energy (Kenneth Cornew, President) for use by the Park and Recreation Department.

[\(Council Communication No. 12-203\)](#)

42. [Purchase](#) of two (2) Automatic License Plate Readers by the Des Moines Police Department and a Memorandum of Understanding (MOU) with Polk County Sheriff's Office on shared equipment, policies, procedures, and responsibilities.

[\(Council Communication No. 12-209\)](#)

43. Bids from the following:

- (A) [Capital](#) City Equipment (Mark Kruse, President) for one replacement compact track loader per State of Iowa Department of Transportation (IDOT) Contract for use by the Public Works Department, \$53,976.16.

[\(Council Communication No. 12-225\)](#)

- (B) [Hewlett](#) Packard Co. (Mark Hurd, President) for a server for the Document Management Project per the Western States Contracting Alliance (WSCA) Price Agreement for use by the Police Department, \$35,243.48

[\(Council Communication No. 12-206\)](#)

- (C) [Henderson](#) Truck Equipment (Marty Ward, President) for replacement snow and ice control equipment and additional wing snow plows and related accessories (truck equipment) to be installed on thirteen (13) replacement heavy-duty trucks for City-wide for use by the Public Works Department, \$610,269. (Four bids mailed, four received).

[\(Council Communication No. 12-216\)](#)

- (D) [John](#) Deere Construction Retail Sales (Sandra Bridge-Chase, Government Sales Manager) for one replacement compact track loader per National Joint Powers Alliance (NJPA) Contract for use by the Park and Recreation Department, \$60,135.35.

[\(Council Communication No. 12-227\)](#)

- (E) [Kimco](#) USA (Max Coffey, President) for joint purchase with other participants in the Metropolitan Salt Storage Facility of a salt conveyor per City of Chicago Contract for use by the Public Works Department, total cost \$99,903.33, with City of Des Moines cost \$44,956.50.

[\(Council Communication No. 12-204\)](#)

- (F) [Murphy](#) Tractor & Equipment Co. (Rick Yeager, President) for one replacement asphalt paver per Nations Joint Powers Alliance (NJPA) Contract for use by the Public Works Department.

[\(Council Communication No. 12-224\)](#)

- (G) [O'Halloran](#) International (Jim O'Halloran, President) for thirteen (13) replacement heavy-duty trucks for use by the Public Works Department, \$1,285,949. (Six bids mailed, five received).

[\(Council Communication No. 12-226\)](#)

- (H) [Skold](#) Door Company (Steve Skold, President) for an annual contract with two (2) additional one-year renewal options to furnish overhead door repair services for use by various operating departments, estimated annual cost \$35,000. (Five bids mailed, two received).

- (I) [Trans](#)-Iowa Equipment (Eric Thorson, Vice President) for non-competitive procurement of a chemical root control system to be installed on an existing Vector sewer cleaning truck for use by the Public Works Department, \$36,000.

[\(Council Communication No. 12-202\)](#)



- 44. [Civil](#) Service Entrance Lists for Fleet Service Master Mechanic-Team Leader, Administrative Analyst, WRF Accounting & Inventory Coordinator, Survey Supervisor, and Neighborhood Inspector,.
- 45. [Authorizing](#) Finance Director to draw checks on registers for weeks of May 7 and 14, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of May 7 and 14, 2012; and to draw checks for biweekly payroll due May 18, 2012.

**ORDINANCES - FINAL CONSIDERATION**

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

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

**ORDINANCES - FIRST CONSIDERATION**

- 47. Ordinances regarding insurance requirements/indemnification:

[\(Council Communication No. 12-200\)](#)

- (A) [Amending](#) Chapter 102 of the Municipal Code regarding farmers’ and public market permits and street use permits.
  - (1) [Final](#) consideration of ordinance above, (waiver requested by the Finance Director), requires 6 votes.
- (B) [Amending](#) Chapter 46 of the Municipal Code regarding display of fireworks and pyrotechnic special effects material.
  - (1) [Final](#) consideration of ordinance above, (waiver requested by the Finance Director and Fire Chief), requires 6 votes.

48. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

[\(Council Communication No. 12-211\)](#)

- (A) Parking Restriction – north side of Hull Avenue between E. 14<sup>th</sup> and E. 15<sup>th</sup> Street.
- (B) Garbage Day Parking Restriction Removal – east side of 31<sup>st</sup> Street from and including the cul-de-sac south of Carpenter, Fridays.
- (C) Requested changes to update the ordinance to match current field conditions.

### **COUNCIL REQUESTS**

- 49. [From](#) Mayor T. M. Franklin Cownie to discuss proposed closure of the Capital Square Post Office.
- 50. [From](#) Council Member Brian Meyer to speak regarding adding additional lighting in the City's gravel parking lot east of Mullets, 1300 SE 1<sup>st</sup> Street.

### **COMMUNICATIONS/REPORTS**

- 51. [From](#) Sarai Schnucker-Rice and Chet Guinn to speak regarding Nollen Plaza Peace Garden.

**\*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 52 THRU 56)**

- 52. [On](#) appeal from Shirley Harper, 1151 Ascension Street, of the Administrative Hearing Officer's decision regarding her dog.
- 53. [On](#) proposed amendment to Second (2011) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.
- 54. [Dismissing](#) public hearing regarding renewal of Parking Lease Agreement with Nelson Development, LLC for 418 E. Grand Avenue.

55. [On](#) conveyance of underground gas line easement on City-owned property at the Blank Park Zoo to MidAmerican Energy Company, \$1.
56. [On](#) conveyance by installment contract of vacated east/west and north/south alley right-of-ways adjoining 319 SW 5<sup>th</sup> Street to Create 319, LLP, \$8,000.

[\(Council Communication No. 12-219\)](#)

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

### **CITY MANAGER RECOMMENDATIONS**

57. [Receipt](#) of proposal from the Joshua Christian Academy to purchase the Logan Community Center, 1740 E. Garfield Avenue.

[\(Council Communication No. 12-232\)](#)

### **APPROVING**

58. [Alternative](#) motions regarding proposed rezoning of 1241 E. 38<sup>th</sup> Street, (requested by Arnold Dewitt).

[\(Council Communication No. 12-228\)](#)

### **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](#) Agreement with Macerich Southridge Mall LLC and Southridge Adjacent LLC for the redevelopment and repurposing of Southridge Mall at SE 14<sup>th</sup> Street and E. Army Post Road.

[\(Council Communication No. 12-233\)](#)

### **BOARD OF HEALTH**

MOTION TO CONVENE. [Memo](#)

2. [Approving](#) the Engineering Department to proceed with administrative removal to abate the public nuisance at 3509 57<sup>th</sup> Street, main structure, Titleholder: Tristan Frank.

MOTION TO ADJOURN.

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All-America City  
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