



*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '11-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 28, 2011

PROCLAMATIONS- 4:15 PM

[Women](#) in Construction Week

SPECIAL RECOGNITION

[Family](#) of Lieutenant James E. Breining

INVOCATION: Council Member Halley Griess

- [11-0278](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [11-0279](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0280](#) 3. APPROVING CONSENT AGENDA * – items 3 through 42: **Moved by Coleman to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

***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

11-0281

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Coleman to adopt; continue item "O" for 30 days. Motion Carried 7-0.**

NEW APPLICATIONS

| | | | |
|----------------|--------------------------------|----------------------------|---------------------|
| (A) | 4TH DOWN SPORTS BAR | 215 4TH ST | C Liquor |
| (B) | BOSS HAWG BBQ | 5959 SE 14TH ST | B Beer |
| (C) | GAS LAMP | 1501 GRAND AVE | C Liquor |
| (D) | LA PIZZA HOUSE | 1013 SE 14TH ST | C Liquor |
| (E) | SAINTS PUB + PATIO | 4041 URBANDALE | C Liquor |
| (F) | VOLCANO BAR & GRILL | 1820 E ARMY POST | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|------------------|---|----------------------------|------------------------|
| (G) | BABY BOOMERS | 303 E 5TH STREET | C Beer/Wine |
| (H) | CENTRAL CITY LIQUOR | 1460 2ND AVE | E Liquor |
| (I) | GIT N GO STORE #28 | 3274 E UNIVERSITY | C Beer |
| (J) | HAWKEYE PANTRY | 501 LOCUST ST | E Liquor |
| (K) | HOTEL FORT DES MOINES | 1000 WALNUT ST | B Liquor |
| (L) | HY VEE FOOD STORE #1 | 3330 MLK JR PKWY | C Beer |
| (M) | J BENJAMINS | 5800 FRANKLIN AVE | C Liquor |
| (N) | LINN SUPER MARKET | 3805 6TH AVE | C Beer |
| * (O) | MACCABEES DELI & JUDAICA | 1150 POLK BLVD | B Wine |
| (P) | MCCUENS PUB | 2565 WEDGEWOOD | C Liquor |
| (Q) | NAT FOOD MART | 1443 2ND AVENUE | C Beer |
| (R) | RACCOON RIVER BREWING | 200 10TH ST | C Liquor |
| (S) | RICCELLIS SUPPER CLUB | 3803 INDIANOLA | C Liquor |
| (T) | SCORNOVACCAS PIZZA | 3900 E 14TH ST | B Beer |
| (U) | SUPER QUICK | 303 SE 30TH ST | E Liquor |
| (V) | THAI FLAVORS | 1254 E 14TH ST | C Beer/Wine |
| (W) | TROPHYS SPORTS BAR | 2701 DOUGLAS AVE | C Liquor |

OUTDOOR SERVICE APPLICATIONS

| | | | |
|-----|---------------|----------------|----------|
| (X) | TIM FLANAGANS | 2120 INGERSOLL | C Liquor |
|-----|---------------|----------------|----------|

Temporary in conjunction with St. Patrick's Day celebration on March 17, 2011. Pending approval of Building, Electrical, Fire and Zoning Departments.

11-0282

5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Coleman to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [11-0283](#) 6. **Ordering** construction of Woodland Avenue Storm Sewer-12th Street to 15th Street: Receiving of bids, (3-15-11), Setting date of hearing, (3-28-11). (Construction Estimate - \$750,000). ([Council Communication No. 11-114](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0284](#) 7. **Approving** the execution of Iowa Department of Transportation Agreement No. 2011-ICAAP-004 for the Citywide Fixed-Time Traffic Signal Upgrading Project. ([Council Communication No. 11-106](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0285](#) 8. **Approving** execution of Chapter 28E Agreement with Windsor Heights for property acquisition, design and construction of safety and capacity improvements for the Hickman Road Corridor at 63rd Street and Westover Drive. ([Council Communication No. 11-105](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0286](#) 9. **Approving** Professional Services Agreement with Foth Infrastructure and Environment, LLC for evaluation, design, and construction phase services for Army Post Road Bridge Replacement over Great Western Trail and Creek, not to exceed \$131,195. ([Council Communication No. 11-111](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0287](#) 10. **Approving** Change Order No. 3 with Cramer & Associates, Inc. for additional work on the SW 7th Street Bridge over the Raccoon River Rehabilitation, not to exceed \$288,360.32. ([Council Communication No. 11-121](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
11. Approving completion and acceptance of the Private Construction Contracts for the following:
- [11-0288](#) (A) **Sanitary** Sewer Improvements, Southern Ridge, between McAninch Corporation and West Lakes Properties, LLC. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0289](#) (B) **Storm** Sewer Improvements, E. 33rd Street and Dubuque Avenue, between Elder Corporation and Greater Des Moines Habitat For Humanity. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0290](#) (C) **Storm** Sewer Improvements, 1680 Guthrie Avenue, between Eco-Tech Construction, LLC and Iowa Des Moines Supply. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0291](#) (D) **Storm** Sewer Improvements, 2829 E. Euclid Avenue, between Kenyon Construction and Casey's Marketing Company. **Moved by Coleman to adopt. Motion Carried 7-0.**

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

- [11-0292](#) (A) [Court](#) Avenue & Water Street Gatewell and River Outlet, Herberger Construction Co., Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0293](#) (B) [E.](#) 33rd Street & Easton Boulevard Intersection Improvements, Elder Corporation. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0294](#) (C) [Waveland](#) Trail Phase 1 from The Walnut Creek Trail to 56th Street, Elder Corporation. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0295](#) (D) [SE](#) 14th Street/Diehl Avenue Traffic Signal Improvements, Baker Electric, Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

13. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility for February 2011 on the following:

- [11-0296](#) (A) [Credits](#). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0297](#) (B) [Fees](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [11-0298](#) 14. [Release](#) of Planned Unit Development (PUD) Restoration Bond No. 2099917 in the amount of \$22,896 for satisfactory completion of the required grading and site restoration for PAT Brokerage Commercial Development (4529 and 4539 Douglas Avenue). ([Council Communication No. 11-123](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0299](#) 15. [Subdivision](#) Improvement Bond No. IAC 73806 bond reduction from \$75,913 to \$29,765 as security for the satisfactory completion of the remaining public improvements, and release of Planned Unit Development (PUD) Bond No. IAC 62706 in the amount of \$130,486 for completion of required grading and site restoration for Summersfield Plat 1 (4400 block of E. 46th Street). ([Council Communication No. 11-122](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0300](#) 16. [Approving](#) tax abatement application for improvements to property located at 682 27th Street completed in 2003. ([Council Communication No. 11-101](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0301](#) 17. [Approving](#) tax abatement application for additional value added to property located at 2101 DeWolf Street completed in 2009. ([Council Communication No. 11-102](#)) **Moved by Coleman to adopt, and to request that the Polk County Assessor apply the tax abatement to the value existing on January 1, 2010, as contemplated in the Urban Renewal Development Agreement between the City and the property owner. Motion Carried 7-0.**

[11-0302](#) 18. [Approval](#) of 59 tax abatement applications for the additional value added by improvements completed during 2010. ([Council Communication No. 11-133](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[11-0303](#) 19. [On](#) vacation and conveyance of a dead-end portion of Crocker Street, west of 19th Place and north/south alley, west of 19th Place from ML King Jr. Parkway to Leyner Street, to Bennett Property Management, LLC, \$12,200 and Cameron Sadeghpour, \$50, (3-14-11). **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0304](#) (A) [Recommendation](#) from Plan and Zoning Commission. **Moved by Coleman to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

[11-0305](#) (B) [Setting](#) date of hearing on rezoning of property in vicinity of 1910 Cottage Grove Avenue from “NPC” (Neighborhood Pedestrian Commercial), “RH-D” (Residential Historic) and “R-3” (Multi-Family) to “PUD” (Planned Unit Development) and to extend prohibition on issuance of demolition permits for 1918 and 1920 Crocker Street until March 14, 2011, (3-14-11). **Moved by Coleman to adopt, and to extend the prohibition on the issuance of demolition permits for 1918 and 1920 Crocker until after the hearing on March 14th. Motion Carried 7-0.**

[11-0306](#) 20. [On](#) conveyance of south half of vacated alley between 6th Avenue and 7th Street, south of Cherry Street to Des Moines Regional Transit Authority (DART), \$40,240, (3-14-11). **Moved by Coleman to adopt. Motion Carried 7-0.**

21. Number not Used.

[11-0307](#) 22. [On](#) request from Kum & Go, LC to rezone 5830 and 5832 SE 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) for development of convenience store, (3-14-11). **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0308](#) 23. [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, (3-14-11). **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0309](#) 24. **On** proposed 10th Amendment to the Metro Center Urban Renewal Plan, (4-11-11). ([Council Communication No. 11-127](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0310](#) 25. **On** approval of 2010 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-28-11). **Moved by Coleman to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[11-0311](#) 26. **Approving** payment of \$13,730.35 to Peddicord, Wharton, Spencer and Hook, L.L.P. for representation of Police Officer Mersed Dautovic. **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0312](#) 27. **Approving** payment of \$7,500 to James McCuen for a workers' compensation claim. **Moved by Coleman to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[11-0313](#) 28. **Submitting** travel and training requests for Steve Brown, Bert Drost, Joe Giudicessi, Sadie Hildebrand, Kyle Larson, Amanda Leo, Amber Lynch, Amy Montgomery, Diane Rauh, and Kenneth Robinson. ([Council Communication No. 11-115](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

[11-0314](#) 29. **Form** of Agreement with West Bank for the dispersal of Federal Home Loan Bank Affordable Housing Program Grant funds. ([Council Communication No. 11-129](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

30. Number not used, moved to item 66.

31. Number not used, moved to item 67.

[11-0315](#) 32. **Preliminary** approval of Neighborhood Commercial Revitalization Program Façade Grant to R.F. and J. LLC for renovations to 1501 Grand Avenue, \$15,000. ([Council Communication No. 11-130](#)) **Moved by Coleman to approve. Motion Carried 7-0.**

[11-0316](#) 33. **Renewal** of Operating Agreement with Des Moines Carousel Foundation to operate the Des Moines Heritage Carousel in Union Park. ([Council Communication No. 11-119](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [11-0317](#) 34. [Drake](#) Neighborhood Plan and adopting the plan as an amendment to the Des Moines 2020 Community Character Plan. ([Council Communication No. 11-100](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0318](#) 35. [FY](#) 2010-2011 Annual Right-of-Way Management Fee. ([Council Communication No. 11-108](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0319](#) 36. [Banner](#) design submitted by Downtown Community Alliance, on behalf of the Meredith Corporation to be displayed in downtown Des Moines on Locust Street in Spring 2011. **Moved by Coleman to approve banner design. Motion Carried 7-0.**
37. Bids from the following:
- [11-0320](#) (A) [Baycom](#) (Steven Elias, President) for 12 Panasonic laptop computers per State of Iowa Contract for use by the Fire Department, \$54,372.78. ([Council Communication No. 11-117](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0321](#) (B) [Vogel](#) Paint & Wax Co. (Drew Vogel, President) for traffic paint per State of Iowa Contract for use by the Engineering Department, \$45,983.50. ([Council Communication No. 11-109](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0322](#) 38. [Civil](#) Service Entrance Lists for Public Works Customer Service Representative and Wastewater Operator Specialist. **Moved by Coleman to receive and file. Motion Carried 7-0.**
- [11-0323](#) 39. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of February 28 and March 7, 2011; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of February 28 and March 7, 2011; and to draw checks for biweekly payroll due March 11, 2011. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [11-0324](#) 40. [Amending](#) Chapter 74 of the Municipal Code regarding bike and related equipment rental fees. ([Council Communication No. 11-124](#)) **Moved by Coleman that this ordinance do now pass, #14,991. Motion Carried 7-0.**
- [11-0325](#) 41. [Amending](#) Chapter 126 of the Municipal Code adding a new section regarding issuance of a probationary Certificate of Public Convenience and Necessity for Vehicles for Hire. **Moved by Moore that this ordinance do now pass. MOTION FAILED 3-4. Nays: Coleman, Griess, Hensley and Meyer.**
- [11-0326](#) (A) [Setting](#) date of hearing on application from City Cab LLC for Certificate of Public Convenience and Necessity to operate a Taxicab Service, (3-28-11). **Moved by Moore to adopt and set the hearing for March 28, 2011. Motion Carried 5-2. Nays: Hensley and Meyer.**

42. Number not used.

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

ORDINANCES - FIRST CONSIDERATION

- [11-0327](#) 43. Amending Chapter 46 of the Municipal Code regarding amendments and additions to the International Fire Code regarding tents. (Council Communication No. 11-116) **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Moore**
- [11-0328](#) (A) Final consideration of ordinance above (waiver requested by Fire Chief), requires six votes. **Moved by Griess that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,992. Motion Carried 6-1. Absent: Moore**
- [11-0329](#) 44. Amending Chapters 18, 74 and 102 of the Municipal Code regarding ownership and use of service dogs and service animals. (Council Communication No. 11-126) **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0330](#) 45. Amending Chapters 74 and 102 of the Municipal Code regarding use of mobility devices by persons with disabilities. (Council Communication No. 11-125) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [11-0331](#) 46. From Ralph Conner, 1612 York Street, to speak regarding a proposed business license for tree companies. **Moved by Moore to refer to the City Manager to work with the new Municipal Arborist for review and recommendation, and to have this topic on an upcoming Council workshop. Motion Carried 7-0.**
- [11-0332](#) 46-I Comments from Ralph Conner regarding the condition of trees at Nollen Plaza. **Moved by Hensley to refer to City Manager for review and recommendation. Motion Carried 7-0.**
- [11-0333](#) 47. From Alecia Kates, 6th Avenue Corridor Executive Director, to speak regarding progress of 6th Avenue Corridor, a Main Street Iowa Urban Neighborhood District. **Moved by Griess to receive and file comments. Motion Carried 6-1. Absent: Coleman.**

[11-0334](#) 48. [Reports](#) from the Acting City Attorney and City Manager regarding City Elections. **Moved by Hensley to receive and file. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 60)

[11-0335](#) 49. [On](#) application from Joy Ride Transport LLC to increase the size of their para-transit taxicab service fleet from three to six vehicles. ([Council Communication No. 11-107](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-0336](#) 50. [On](#) lease-purchase agreement for acquisition of six dump trucks, not to exceed \$945,000. ([Council Communication No. 11-137](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0337](#) (A) Authorization for additional action. **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0338](#) 51. [Approving](#) bid from O'Halloran International Inc. for three (3) replacement catch basin cleaner trucks for use by the Public Works Department, \$1,147,482. (Six bids mailed, five received). ([Council Communication No. 11-118](#)) **Moved by Coleman to adopt; refer to the City Manager to review the bidding process. Motion Carried 7-0.**

[11-0339](#) 51-I [Communication](#) from Jeff Firestone, President of Mid-Iowa Solid Waste Equipment Co. Inc. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

[11-0340](#) (A) [Hearing](#) on lease-purchase agreement for acquisition of the catch basin cleaner trucks, not to exceed \$1,150,000. ([Council Communication No. 11-138](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0341](#) (B) Authorization for additional action. **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-0342](#) 52. [On](#) vacation and lease of right-of-way at 302 Court Avenue to HFL, LLC d/b/a Johnny's Hall of Fame for an expanded sidewalk café serving alcohol. ([Council Communication No. 11-128](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-0343](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[11-0344](#) (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,993. Motion Carried 7-0.**

53. On items regarding request from Army Post Development LC, to accommodate an expansion of the existing Hewlett-Packard facility at 3600 Army Post Road:

- [11-0345](#) (A) [Recommendation](#) from Plan and Zoning Commission. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [11-0346](#) (B) [Approving](#) amendments to the Airport Business Park Phase II PUD Conceptual Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0347](#) (C) [Approving](#) vacation and conveyance of necessary rights-of-way, to Opus Development Corporation, for the relocation of Gannett Avenue. ([Council Communication No. 11-104](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0348](#) (D) [First](#) consideration of vacation ordinance. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0349](#) (E) [Final](#) consideration of vacation ordinance (wavier requested by Opus Development Corporation), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,994. Motion Carried 7-0.**

54. On proposal from Grand View University and Russell and Betty Walker for property at 1422 and 1431 Morton Avenue of the following:

- [11-0350](#) (A) [Amending](#) the Grand View East PUD Conceptual Plan, to provide for expanded off-street parking and landscaping on the southwestern portion of the east campus. **Moved by Moore to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [11-0351](#) (B) [Rezoning](#) of the property from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development). **Moved by Moore to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [11-0352](#) (C) [First](#) consideration of ordinance above. **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

- [11-0353](#) (D) **Final** consideration of ordinance above (waiver requested by applicant), requires 6 votes. **Moved by Moore that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,995](#). Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [11-0354](#) (E) **Setting** date of hearing on vacation and conveyance of segment of Morton Avenue, east of and including a portion of Idaho Street, to Grand View University, \$12,150, (3-14-11). **Moved by Moore to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
55. On proposal from Git-N-Go Convenience Stores, for property at 9536 County Line Road:
- [11-0355](#) (A) **Amending** the Southern Ridge PUD Conceptual Plan, to allow the existing convenience store site to be redeveloped. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0356](#) (B) **Rezoning** of the property from Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to "PUD" (Planned Unit Development) and additional property owned by West Lakes Properties, LC from "A-1" (Agricultural) to "PUD" (Planned Unit Development). **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0357](#) (C) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0358](#) (D) **Final** consideration of ordinance above (waiver requested by applicant), requires 6 votes. **Moved by Meyer that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,996](#). Motion Carried 7-0.**
56. Items regarding the 2 Rivers District Land Use and Redevelopment Plan, (area bounded by Raccoon River, SE 1st Street, Indianola Road and SW 7th Street):
- [11-0359](#) (A) **Approving** amendments to the Des Moines' 2020 Community Character Plan. **Moved by Meyer to adopt, and approve the proposed amendment. Motion Carried 7-0.**
- [11-0360](#) (B) **Hearing** on rezoning of various properties. ([Council Communication No. 11-103](#)) **Moved by Meyer to adopt and approve, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [11-0361](#) (C) **First** consideration of rezoning ordinance. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [11-0362](#) (D) Final consideration of ordinance above (waiver requested by Community Development Director), requires six votes. **Moved by Meyer that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,997. Motion Carried 7-0.**
- [11-0363](#) 57. On proposed amendment to the Carman Estates PUD Conceptual Plan, for the land platted as Carman Estates Plats 1, 2, 3, and 4 (vicinity of 2421-2458 E. Porter Avenue), to allow removal of a 30-foot wide conservation easement: Denying the proposed amendment; and directing the Community Development Director to seek resolution consistent with the staff recommendation. ([Council Communication No. 11-140](#)) **Moved by Meyer to continue the public hearing until March 14, 2011 at 5:00 PM. Motion Carried 7-0.**
- [11-0364](#) 58. On amendment to the annual budget for current fiscal year ending June 30, 2011. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [11-0365](#) (A) On proposed annual budget for fiscal year ending June 30, 2012 and adoption of the Capital Improvement Program (CIP) for 2011-2012/2016-2017. **Moved by Coleman to adopt. If additional funding becomes available in the CIP, the Council will revisit funding for the Public Art Foundation. Motion Carried 7-0.**
- [11-0366](#) 59. On Fire Department Training and Logistics Facility: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Dean Snyder Construction Co., (Don Snyder, President), \$8,130,000. ([Council Communication No. 11-112](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0367](#) (A) Approving contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-0368](#) 60. On University Avenue Storm Sewer – 42nd Street to 43rd Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Synergy Contracting LLC, (Matt DeMey, V.P./Owner), \$76,464.83. ([Council Communication No. 11-113](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0369](#) (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 6:38 PM ***

CITY MANAGER RECOMMENDATIONS

- [11-0370](#) 61. [Regarding](#) procedures and process to solicit proposals for the private redevelopment of The Des Moines Building at 405 6th Avenue and 513 Locust Street. ([Council Communication No. 11-110](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [11-0371](#) 62. [Proposal](#) and negotiation of a contract with Neumann Monson Architects for development of Municipal Services Park Master Plan, \$149,250 plus reimbursable expenses not to exceed \$7,500. ([Council Communication No. 11-139](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0372](#) 63. [Appointment](#) of Jeffrey D. Lester as City Attorney, effective April 4, 2011. **Moved by Coleman to adopt. Motion Carried 7-0.**

- [11-0373](#) 64. [Agreement](#) with the Des Moines Police Gold Braid Organization for July 1, 2011 through June 30, 2012. ([Council Communication No. 11-136](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [11-0374](#) (A) [Grandfathering](#) of certain covered Des Moines Police Gold Braid Organization Employees' matching contributions to a 457(b) Plan. ([Council Communication No. 11-134](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [11-0375](#) (B) [First](#) consideration on Amending Chapter 2 of the Municipal Code regarding eligibility in the Money Purchase Plan, to include certain members of the Des Moines Police Gold Braid Organization. ([Council Communication No. 11-135](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [11-0376](#) (C) [Final](#) consideration of ordinance above, (waiver requested by the Human Resources Director), requires 6 votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,998. Motion Carried 7-0.**

65. Items regarding Construction and Bidding:

- [11-0377](#) (A) Approving the 2011 Revisions to the Des Moines Construction Bidding Policy. ([Council Communication No. 11-131](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0378](#) (B) Adopting the SUDAS Urban Design Standards, 2011 Edition, and SUDAS Standard Specifications, 2011 Edition, as the official design standards and standard specifications. ([Council Communication No. 11-132](#)) **Moved by Hensley to adopt; refer to the City Manager to work with the new Municipal Arborist regarding recommendations for any changes. Motion Carried 7-0.**
- [11-0379](#) (C) First consideration of ordinance amending Chapter 2 of the Municipal Code regarding emergency proceedings and bidding requirements. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-0380](#) (D) Final consideration of ordinance above, (waiver requested by the Engineering Department), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,999. Motion Carried 7-0.**

66. Support of applications to the Iowa Housing Finance Authority requesting Low-Income Housing Tax Credits as follows: ([Council Communication No. 11-142](#))

- [11-0381](#) (A) Southbrook Green III LP for rehabilitation of 64 units at 1512 SE Evergreen Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0382](#) (B) Douglas Woods II LP for rehabilitation of 56 units at 2800 Douglas Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0383](#) (C) Elmcrest Apartments LP for rehabilitation of 78 units at 423 & 433 E. Philip Street and 420 E. McKinley Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0384](#) (D) CommonBond Communities for rehabilitation of 40 units at 1440 E. Grand Avenue (Bloomsbury Village Apartments) and 1430-1436 Capitol Avenue (Stewart Park Townhomes). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0385](#) (E) EMM Associates, LP for rehabilitation of 150 units at 413 5th Avenue (Elsie Mason Manor). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0386](#) (F) L.T. Associates, L.P. for rehabilitation of 139 units at 555 5th Avenue (Liguitti Tower). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-0387](#) (G) [Capitol](#) City Duplexes, LLLP for rehabilitation of 16 units at 343-345 E. Creston Avenue, 924-926 Emma Avenue, 428-430 E. Leach Avenue, 1170-1172 9th Street, 1176-1178 9th Street, 3600-3602 SE 11th Street, 5910-5912 12th Street and 5918-5920 12th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0388](#) (H) [Greystone](#) Homes, L.P. for construction of 26 units at 1120 ML King Jr. Pkwy., 1100/1108 ML King Jr. Pkwy., 1055/1059 ML King Jr. Pkwy., 1037 18th Street, 1038/1050 16th Street, 1900 Leyner Street, 1104 19th Street, 1144 19th Street, 1160 ML King Jr. Pkwy., 1901 and 1903 High Street, 1409 ML King Jr. Pkwy. and 1140 ML King Jr. Pkwy. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0389](#) (I) [Forest](#) and Fields LLLP for construction of 8 units at 2104 Forest Avenue and 20 units at 4565 E. 46th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN
[11-0390](#)
[11-0391](#) (J) Oakridge Neighborhood Services for construction of 37 units at 979 Oakridge Drive.
(1) [Deny](#) support.
(2) [Approve](#) support. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0392](#) (K) [Melbourne](#) Apartments II, LLLP for construction of 62 units at 5515 SE 14th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0393](#) (L) [Ninth](#) Street LLC for rehabilitation of 38 units at 756 9th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0394](#) (M) [MDI](#) Limited Partnership #86 for development of 34 units at 1440 Walnut Street (The Crane Building). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0395](#) (N) [Ingersoll](#) Square II, LP for construction of 65 units at 2000 High Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN
[11-0396](#)
[11-0397](#) (O) Fouch Brothers LLC for rehabilitation of 16 units at 2411 and 2413 24th Street and construction of 8 units:
(1) [Deny](#) support.
(2) [Approve](#) support. **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN
[11-0398](#)
[11-0399](#) (P) Baker Creek Senior Living, LLLP for construction of 60 units:
(1) [Deny](#) support.
(2) [Approve](#) support. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0400](#) (Q) Recommendation from the City Manager. **Moved by Hensley to adopt the recommendations of the City Manager, with such recommendations to be further considered at a future Council study session. Motion Carried 7-0.**

67. Applications for Enterprise Zone Benefits for Housing Projects in Enterprise Zones as follows: ([Council Communication No. 11-141](#))

- [11-0401](#) (A) [Common](#) Bond Communities for rehabilitation of 40 apartment units at 1440 E. Grand Avenue and 1430-1436 Capitol Avenue in the SE Agribusiness Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0402](#) (B) [Melbourne](#) Apartments II, LLC for construction of 62 apartment units at 5515 SE 14th Street in the SE 14th Street Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0403](#) (C) [Greystone](#) Homes, LP for construction of 32 single family townhouse units in the Enterprise Community Enterprise Zone, Drake Park/Sherman Hill Enterprise Zone and High Street Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0404](#) (D) [MDI](#) Limited Partnership #86 for construction of 34 units of housing at 1440 Walnut Street (Crane Building) in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0405](#) (E) [EMM](#) Associates, L.P. for rehabilitation of 150 senior housing units at 413 Fifth Avenue (Elsie Mason Manor) in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0406](#) (F) [L.T.](#) Associates, L.P. for rehabilitation of 139 senior housing units at 555 Fifth Avenue (Liguitti Tower) in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0407](#) (G) [Oakridge](#) III for construction of 39 or 40 units of senior housing located at 979 Oakridge Drive in the Drake Park/Sherman Hill Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-0408](#) (H) [Ninth](#) Street Loft for rehabilitation of 38 units of housing at 756 9th Street in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- [11-0409](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
- [11-0410](#) 1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 3918 10th Street, main structure, Titleholder: Verna J. Johnson; Mortgage Holders: Lederman Bonding Company and Atlantic Mortgage & Finance Corporation. **Moved by Griess to adopt. Motion Carried 7-0.**

[11-0411](#)

2. [Communication](#) from State Farm Insurance Companies dated January 20, 2011 stating their insured, Derek Jorgenson, 3203 Mondamin Avenue, has sustained a fire loss on December 19, 2010. State Farm Insurance Companies is holding a fire escrow in the amount of \$10,000. **Moved by Meyer to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days (180 days) of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

[11-0412](#)

MOTION TO ADJOURN. **Moved by Hensley to adjourn at 8:25 PM. Motion Carried 7-0.**

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