

DES MOINES CITY COUNCIL MEETING

January 9, 2006

3:00 – 3:45 P.M.	Reception
3:45 P.M.	Municipal Housing Governing Board Meeting
4:00 P.M.	Swearing-in Ceremony
4:15 P.M.	Special Presentation
4:30 P.M.	Council Meeting

SPECIAL PRESENTATION

Presentation of gift from Prince Evans – **4:15 P.M.**

INVOCATION: Tony Thurston
College Avenue Christian Church

1. ROLL CALL:
 - I. Approving reappointment of the following:
 - (A) Acting City Manager/Deputy City Manager, and approving recommendation from the City Council Employee Evaluation Sub-Committee.
 - (B) City Attorney, and approving recommendation from the City Council Employee Evaluation Sub-Committee.
 - (C) City Clerk, and approving recommendation from the City Council Employee Evaluation Sub-Committee.
 - (D) Chief Deputy City Clerk.
 - (E) Deputy City Attorneys and Assistant City Attorneys.
 - II. Approving recommendation from Mayor Cownie for appointment of the 2006 Mayor Pro Tem.
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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***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.**

3. APPROVING CONSENT AGENDA – items 3 through 41:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

- (A) PHO HA DAO 1521 2ND AVE C
Beer/Wine
- (B) TARGET T2041 5901 DOUGLAS AVE E
Liquor

RENEWAL APPLICATIONS

- (C) BIG DOG BILLIARDS 2200 E EUCLID AVE C
Liquor
- (D) CASEYS GENERAL STORE #2244 2150 E ARMY POST ROAD C
Beer
- (E) CASEYS GENERAL STORE #2322 4331 PARK AVE C
Beer
- (F) CONEY ISLAND #2 3700 SW 9TH ST B Beer
- (G) DES MOINES AIR NATIONAL 3100 MCKINLEY AV A
Liquor
- (H) DES MOINES ASIAN FOOD 1623 6TH AVE C Beer
- (I) DIAMOND JACKS 3000 E GRAND AVE C
Liquor
- (J) DOLLAR MART 2300 HICKMAN RD C Beer
- (K) GIT N GO STORE #18 6501 SE 14TH ST C Beer
- (L) GIT N GO STORE #27 1240 KEOSAUQUA WAY C Beer
- (M) GIT N GO STORE #32 2911 DOUGLAS AVE C Beer
- (N) HAPPY JOES PIZZA 4743 SE 14TH ST B Beer
- (O) JOESEPPES 1500 SE 1ST ST C
Liquor
- (P) KUM & GO #552 4944 DOUGLAS AVE C Beer
- (Q) LOS SAUCEZ 1704 E GRAND AVE B Beer

(R)	MEXICAN CHINESE REST.	3161 SE 22ND ST	B Beer
(S)	MEXICAN MARKET Beer	1456 2ND AVE	C
(T)	PAPILON Beer/Wine	2718 DOUGLAS AVENUE	C
(U)	PHILLIP 66	1501 2ND AVE	C Beer
(V)	ROOKIES Liquor	6151 THORNTON AVE	C
(W)	SHOP N SAVE #2 Liquor	1372 E 14TH ST	E
(X)	TOBACCO OUTLET PLUS #521 Beer	2601 E EUCLID AVE	C

SPECIAL EVENTS APPLICATIONS

(Y)	SENIOM SED In conjunction with Skywalk Golf Open, February 4, 2006 at the Kaleidoscope at the Hub.	555 WALNUT ST	B Beer
(Z)	WINSTONS PUB & GRILLE Beer/Wine In conjunction with Dig Downtown on January 12, 2006.	800 WALNUT ST	C

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Resolution Ordering Construction of the following:
 - (A) Great Western Trail Extension – Receiving of Bids, (1-24-06), and Setting Date of Hearing, (2-6-06). (Construction Estimate - \$34,000).
 - (B) 2nd Avenue Traffic Signal Improvements at Douglas & Madison Avenues – Receiving of Bids, (1-24-06), and Setting Date of Hearing, (2-6-06). (Construction Estimate - \$152,209).
7. Approving permission to sublet for Larson & Larson Construction LLC for Principal Park Seating Expansion and Outfield Improvements.
8. Accepting completed construction and approving final payment for the following:

- (A) M.L. King Jr. Parkway Storm Sewer Outlet Extension – 1500 Block, Van Hauen & Associates, Inc.
- (B) Leetown Creekway – Easton Boulevard Detention Basin, McAninch Corporation.
- (C) Union Park Water Playground, North American Specialty Insurance Company.

SPECIAL ASSESSMENTS

- 9. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2005-18.
- 10. Approving deletion of NAC-Emergency Assessments at 1304 Clinton Avenue.

LAND/PROPERTY TRANSACTIONS

- 11. Reapproval of final plat for Carman Estates Plat 4 located east of SE 24th Street and on either side of E. Porter Avenue.

[\(Council Communication No. 06-012\)](#)

- 12. Reapproval of final plat for Woods on the River Plat 9 located north of King Avenue, east of Whispering Ridge Drive and west of River Ridge Road.

[\(Council Communication No. 06-013\)](#)

- 13. Approving one tax abatement application for additional value added by improvements made during 2003 at 2612 Bent Ridge Court.

[\(Council Communication No. 06-011\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 14. Approving appointments to the E911 Service Board for calendar year 2006.
- 15. Recommendation from Mayor Frank Cownie to appoint representatives and alternate representatives to the Wastewater Reclamation Authority Management Agency commencing January 1, 2006 to expire on December 31, 2006.

16. Recommendation from Council Member Archie Brooks to appoint David Cupp to Seat 14 on the Plan and Zoning Commission to complete a five-year term commencing July 1, 2004 to expire July 1, 2009.
17. Recommendations from Mayor Frank Cownie for the Licensing and Appeals Board:
 - (A) Reappointment of Melvin Shivvers to Seat 1 commencing April 1, 2004 to expire April 1, 2007.
 - (B) Reappointment of Gregory Wattier to Seat 15 commencing April 1, 2005 to expire April 1, 2008.
- 17I. Recommendation from Mayor Frank Cownie to reappoint Scott Allen to Seat 1 on the Urban Design Review Board for a three-year term commencing June 30, 2005 to expire June 30, 2008.
18. Communication from Jill Avery advising of her resignation from the Access Advisory Board effective immediately.
19. Approving recommendation from the Licensing and Appeals Board to declare Seat 14 vacant, effective immediately.
20. Establishing Steering and Technical Committees for the Highway 5 and North River Master Plan.

SETTING DATE OF HEARINGS

21. On request from Vasquez Group, LLC to rezone property at 2019 Highview Drive from "R1-70" (One-Family Low Density Residential) to "C-2" (General Retail and Highway Oriented Commercial), to allow expansion of off-street parking area, (1-23-06).
22. On Twelfth Amendment to Central Place Industrial Park Urban Renewal Plan to extend the redevelopment controls and tax increment district until June 30, 2012, (2-6-06).

[\(Council Communication No. 06-016\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. Approving payment of \$5,995.34 to law firm of Myers & Jenkins for representation in the UAL Corporation, ATA Holdings Corporation, Delta Air

Lines, Inc., et. al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. bankruptcies, and payment of \$229.50 to Barnes & Thornburg, LLP for representation in the ATA Holdings Corporation bankruptcy.

24. Approving payment of \$1,250 to Nyemaster, Goode, West, Hansell & O'Brien, P.C. for consultation services in conjunction with collective bargaining and related matters.
25. Approving payment of \$50,000 to Prakash, Minakshi and Nikash Pradhan for a property damage and personal injury claim as the result of an auto accident.
26. Approving payment of \$9,325 to Carla and Jeff Forcier and Bank of the West for property damage claim as the result of an auto accident.
27. Approving payment of \$93,500 to Ronald Walker and his attorney for a workers' compensation claim.
28. Approving payment of \$36,952 to Robert Cramer and his attorney for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

29. Submitting traffic regulation changes as follows:
 - (A) Four-Way Stop-East Sheridan Avenue and East 25th Street.
 - (B) One to Two-Way Street Operation-13th Street from Mulberry Street to Locust Street.
30. Submitting out-of-state travel requests for Lillie Miller-Sistrunk, Tom Vlassis, Michael Ludwig, Wendy Hemphill and Martha Nelson.

[\(Council Communication No. 06-010\)](#)

[\(Council Communication No. 06-001\)](#)

APPROVING

31. CSBG Contract No. 06-07-CJ with the Iowa Department of Human Rights/Division of Community Action Agencies for community services to low-income persons from October 1, 2005 to September 30, 2006.

[\(Council Communication No. 06-006\)](#)

32. Amendment One to HOME Agreement for Rose of Des Moines Development Project.

[\(Council Communication No. 06-014\)](#)

33. Closeout documents for the Fiscal Year 2000 Supportive Housing Program (SHP) Grant.
34. Release of utility easement within the site of the Gateway Lofts Development, north of Grand between 17th and 18th Streets.
35. Amendment to the Software License and Services Agreement with Oracle USA, Inc. for financial/accounting and payroll/human resources software acquisition and support.

[\(Council Communication No. 06-017\)](#)

36. Extension of residency compliance time to May 1, 2006 for Assistant City Attorney Vicky Long Hill.
37. Payment of tuition for emergency medical technician-paramedic education and training at Mercy School of Emergency Medical Services for members of the 2005 Fire recruit academy.

[\(Council Communication No. 06-020\)](#)

38. Bids from the following:
 - (A) Meggitt Defense Systems Caswell for firing range bullet trap and ballistic sidewalls including installation, to be used at the Des Moines Police Academy, \$75,592. (Six bids mailed, three received.)

[\(Council Communication No. 06-015\)](#)

- (B) Pro-Tech Sales for night vision goggles and helmet mounts for use by the Metro Star Unit of the Police Department, \$29,380. (Nine bids mailed, six received.)

[\(Council Communication No. 06-005\)](#)

39. Civil Service Entrance List for Park and Recreation Customer Service Representative.
40. Authorizing Finance Director to draw checks on the registers for the weeks of January 9, and January 17, 2006 and to draw checks for the bills of the Des

Moines Municipal Housing Agency for the weeks of January 9 and January 17, 2006; and to draw checks for biweekly payroll due January 20, 2006.

ORDINANCES - FINAL CONSIDERATION

- 41. On vacation of the following:
 - (A) East/west alley between Ingersoll Avenue and Grand Avenue from 17th to 18th Street.
 - (B) A portion of Ingersoll Avenue right-of-way between 17th and 18th Streets.

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

ORDINANCES - SECOND CONSIDERATION

- 42. On request from High Street Development, LLC to rezone 1901 and 1903 High Street from “C-2” (General Retail and Highway-Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of four rowhouse dwelling units.

ORDINANCES - FIRST CONSIDERATION

- 43. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Parking Restriction-South side of Twana Drive from 48th Street to 51st Street.
 - (B) Parking Restriction–East side of Illinois Street, South of University Avenue.
 - (C) Loading Zone-West side of 17th Street, South of Olive Avenue.
 - (D) Special Parking Permits-Hooded Parking Meter Charges.
 - (E) Re-installation of Parking Meters-Areas between Grand Avenue and Locust Street and from 10th Street to 13th Street.

COMMUNICATIONS/REPORTS

44. From Janice M. Cochran, 1171 13th Street, New Vision United Organizations Inc., requesting to speak regarding becoming a Recognized Neighborhood Association.
45. From Highland Park SSMID Board regarding the recommended budget and levy for the fiscal year commencing July 1, 2006.
46. Request from Bloomfield United Methodist Church, 5930 Indianola Avenue, to acquire ¼ acre of property from Ewing Park, to expand their building and parking area.
47. Receipt of Des Moines Water Works' adopted budget for calendar year ending December 31, 2006, (**continued from 12-19-05**).

***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 54)

48. On items regarding application of Tai Village, Inc., (Leunh Baccam, President) and Savannah Homes, Inc. (Ted Grob, President) for annexation and rezoning of land located east of Lower Beaver Road at eastern end of Bel Aire Road and Twana and Valdez Drives (**continued from November 21, 2005**):

[\(Council Communication No. 06-021\)](#)

- (A) Amendment to Des Moines 2020 Community Character Land Use Plan to designate land as Low Density Residential.
- (B) Resolution closing hearing and approving rezoning of land from "A-1" (Agricultural) to "PUD" (Planned Unit Development) and approving "PUD"

Conceptual Plan for single-family residential development, (Sawyer's Landing).

- (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above, (waiver requested by developer), requires 5/6 votes.
 - (E) Resolution closing hearing and approving proposed annexation.
49. On items regarding annexation and rezoning of 66' wide parcel north of E. Aurora Avenue at 4215 NE 46th Street owned by Norman Havel and the Patricia Havel Family Trust:
- (A) Rezoning of property from "A-1" (Agricultural) to "PUD" (Planned Unit Development) to permit property to be incorporated into adjoining Summerfield Development by Hubbell Properties.
 - (B) First consideration of ordinance above.
 - (C) Final consideration of ordinance above, (waiver requested by developer), requires 6 votes.
 - (D) Resolution approving annexation.
50. On electric line easement across City-owned property in the east/west alley south of 302-310 Court Avenue between 3rd and 4th Streets.
51. On application from Lyman Enterprises LC, to rezone 2 Hartford Avenue, from Ltd "C-1" (Neighborhood Retail Commercial) to an amended Ltd "C-1", to expand the permitted uses to include Dance Studio, (subject to conditions).
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by property owner), requires 6 votes.
52. On Supplement No. B4 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, to acquire replacement patrol cars and other vehicles for the Police Department, \$692,978.41.

[\(Council Communication No. 06-002\)](#)

- (A) Authorization for additional action.
- (B) Authorization for execution and delivery.
- (C) Approving the following as low dollar compliant bidders: Dewey Ford, \$506,136; Charles Gabus Ford, \$124,842.45; Karl Chevrolet, \$22,741.96; and Pat Clemons Chevrolet per State of Iowa Contract, \$39,258 for various replacement vehicles to be used by the Police Department, **\$692,978.41 total cost.** (Eleven bids mailed, eight received.)

[\(Council Communication No. 06-018\)](#)

53. On 2006 Sanitary Sewer Televising Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Municipal Pipe Tool Co., Inc., (Steve V. Gearhart, President, Hudson, IA), \$316,970.

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

54. On Watson Powell Jr. Way Modifications – 2nd Avenue to 7th Street: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Jasper Construction Services, Inc., (Steven J. Rhoads, President, Newton, IA), \$193,768.

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

CITY MANAGER RECOMMENDATIONS

55. Regarding City-owned site between 4th and 5th Street on south side of Court Avenue and direct negotiations of Preliminary Terms of Agreement for redevelopment.

[\(Council Communication No. 06-019\)](#)

APPROVING

56. The following items with Intergraph Corporation:

- (A) New annual Software Maintenance Agreement for Police and Fire departments Computer Aided Dispatch System and Records Management System in their Communications Center.

[\(Council Communication No. 06-003\)](#)

- (B) Statement of Work not to exceed \$93,700 for connecting Fire Department to a new system, which requires new software licenses, reconfiguration of existing I/Mobile software, training and annual extended maintenance agreement.

[\(Council Communication No. 06-004\)](#)

57. Execution of Federal Documents for EPA Grant promoting implementation of Best Practices for auto salvage yards.

[\(Council Communication No. 06-009\)](#)

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
 - (A) 1509 Des Moines Street (garage); Titleholder: Wayne L. Schreck.
 - (B) 1140 E. 8th Street; Titleholder: Victor Machir; Mortgage Holders: Dale H. and Susan I. Cowden and Mortgage Electronic Systems, Inc.
 - (C) 1206 E. 28th Street; Titleholder: Kurtis Scott Kurschinski, Lorraine Kurschinski and Janet K. Kurschinski.
2. The Engineering Department to cause the removal of the structures located at the following addresses:

- (A) ~~2750 Kinsey Avenue (garage); Titleholder: M.G. Davis, Trustee of the N. G. Daviston Trust.~~
- (B) 1427 22nd Street; Titleholder: William Nenuz.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003