

DES MOINES CITY COUNCIL MEETING

July 28, 2008 4:30 PM

PROCLAMATIONS – 4:00 P.M.

[Korn](#) Patch Klowns Appreciation Week

[Responsible](#) Gaming Education Week

[National](#) Night Out

INVOCATION: Pastor Gene Kelsey
Wakonda Christian Church
3938 Fleur Drive

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

* * * * *

***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 38:

LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License applications for the following:

NEW APPLICATIONS

| | | | |
|----------------|------------------------------|----------------------------|---------------------|
| (A) | 101 LOUNGE | 102 3RD ST | C Liquor |
| (B) | J & J PIZZA PUB | 1264 E 14TH ST | C Liquor |
| (C) | LOS PINOS MEXICAN RESTAURANT | 3311 SE 14TH ST | C Liquor |
| (D) | UNDERGROUND | 500 E LOCUST ST | C Liquor |

RENEWAL APPLICATIONS

- (E) EL PATIO MEXICAN RESTAURANT 611 37TH ST C Liquor
- ~~(F) KING YING LOW RESTAURANT 223 4TH ST C Beer/Wine~~
- (G) LOS COMPADRES 1440 MAURY ST C Liquor
- (H) PDS PUB 3803 SW 9TH STREET C Liquor
- ~~(I) PEOPLES COURT/CC TAFT & CO/AK 216 COURT AVE C Liquor~~

TRANSFER TO NEW LOCATION

- (J) GRANDSTAND/IOWA STATE FAIR 3000 E GRAND AVE B Beer
Temporary transfer to Cattle Barn Café during the Iowa State Fair, August 5-18, 2008.

OUTDOOR SERVICE APPLICATIONS

- ~~(K) BREW HAUS LOUNGE 830 McKINLEY AVE C Liquor
Adding permanent outdoor service area.~~
- (L) PLAZA PUB 6202 DOUGLAS AVE C Liquor
Temporary outdoor service area on August 8-9, 2008. Pending approval of Electrical, Fire and Zoning Departments.
- (M) SURF SHACK 319 COURT AVE C Liquor
Temporary outdoor service area for Court Avenue Street Dance on August 2, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENT APPLICATIONS

- (N) BIRDS NEST 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair.
- (O) BUD STAGE 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 5-18, 2008.
- (P) Federal Distributors Inc. 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair in Heritage Village from August 5-18, 2008.
- (Q) FIREFEST 25 E COURT AVE Five (5) Day License
Class B Beer License for Firefest on August 23, 2008. Pending approval of Building and Electrical Departments
- (R) GRANDSTAND 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 5-18, 2008.
- (S) WINE GARDEN 3000 E GRAND AVE C Native Wine
Fourteen day license for the Iowa State Fair.

5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of 42nd Street & Kingman Boulevard Widening and Signalization – Receiving of bids, (8-12-08), and Setting date of hearing, (8-25-08). (Construction Estimate - \$329,314).

[\(Council Communication No. 08-449\)](#)

8. [Approving](#) Change Order No's. 1 and 2 with Stroh Corporation for Police Station Emergency Generator, not to exceed \$100,499.

[\(Council Communication No. 08-461\)](#)

9. [Communication](#) from United Contractors, Inc. and Subsidiaries requesting permission to sublet certain items on Southeast Connector-Des Moines River Bridge with Levee, Sanitary Sewer, and Water Main Relocation.
10. [Accepting](#) completed construction and approving final payment for Reilly Construction Company, Inc. for South Union Street and Park Avenue Storm Sewer Improvements.

SPECIAL ASSESSMENTS

11. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders for the following:
 - (A) [Community](#) Development – Schedule No. 2008-12.
 - (B) [Public](#) Works – Schedule No. 2008-11.
12. [Approving](#) deletion of NAC-Emergency Assessment at 1075 33rd Street.

LAND/PROPERTY TRANSACTIONS

13. [Accepting](#) real estate documents for property at 5501 McKinley Avenue from Danny J. and Dianne G. Leonard for the Airport Runway 13R/31L Project.

[\(Council Communication No. 08-438\)](#)

14. Accepting real estate documents for property at 5714 McKinley Avenue from Theodore and Donette Ramsey for the Airport Runway 13R/31L Project.

(Council Communication No. 08-439)

15. Approving final plat for Chandler's Acres located at 4080 NE 47th Street in unincorporated Polk County (within two mile jurisdiction review area).

(Council Communication No. 08-442)

16. Approving dedication of right-of-way for extension of Martin Luther King, Jr. Parkway – east/west and north/south segments.

(Council Communication No. 08-440)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. Recommendation from Mayor Frank Cownie to appoint Linda Carter-Lewis to the Civil Service Commission, Seat 7 for a four-year term commencing April 1, 2008 to expire April 1, 2012.
18. Recommendation from Mayor Frank Cownie to appoint Cyndi Chen to the Park and Recreation Board, Seat 1 for a four-year term commencing June 30, 2008 to expire June 30, 2012.
19. Approving recommendation from Mayor Frank Cownie to reappoint himself and Council Member Tom Vlassis to the Civic Center Board of Directors for a one-year term commencing June 1, 2008 to expire May 31, 2009.

COMMUNICATIONS FROM PLANNING AND ZONING

20. Regarding request from James Ellis (owner) for review and approval of an amendment to the approved preliminary subdivision plat, "Deer Ridge Valley" for property at 3301 Stanton Avenue, allowing the property to be divided into 18 lots for single-family residential development, subject to conditions.

SETTING DATE OF HEARINGS

21. On conveyance of city-owned property at 1347 Forest Avenue to Community Housing Development Corporation (CHDC), \$1, (8-11-08).
22. On conveyance of city-owned property at 2914 E. 14th Street, for E. 14th Street Widening Project to the State of Iowa for benefit and use of Iowa Department of Transportation (IDOT), (8-11-08).
23. On conveyance of excess right-of-way from Leach Avenue to Elder Lane to Chad and Jessica Reyna, \$100, (8-11-08).
24. On vacation and conveyance of segment of the east/west alley between Walnut Street and Mulberry Street from 12th Street to the north/south alley to Nationwide Mutual Insurance Company, \$42,560, (8-11-08).
25. On vacation and conveyance of Hazelwood Drive right-of-way, south of Franklin Avenue, adjoining 1819 43rd Street to Ila M. McFarland Estate, \$200, (8-11-08).
26. On request from Clancy Sullivan and A and C Properties, Inc. and David and Sybil Nelson to rezone property at 4529 and 4539 Douglas Avenue from “C-O” (Commercial-Residential) and “R1-60” (One-Family Low Density Residential) to “PUD” (Planned Unit Development) to allow development of property for PAT Brokerage PUD Conceptual Plan including commercial office and retail uses, subject to conditions, (8-11-08).
27. On 21st Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area, (8-11-08).

(Council Communication No. 08-430)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. Approving payment of \$29,906.60 to Hansen, McClintock & Riley law firm for services related to enforcing a contract for insurance.

CITY MANAGER COMMUNICATIONS

29. Submitting training requests for Michele Bischof, Mike Matthes and Amelia Hamilton Morris.

(Council Communication No. 08-459)

APPROVING

30. Supportive Housing Program (SHP) and Shelter Plus Care (S+C) renewal grant agreements with the United States Department of Housing and Urban Development (HUD).

(Council Communication No. 08-427)

31. Actions relating to conveyance of Pappajohn Higher Education Center to State of Iowa Board of Regents (University of Iowa):

- (A) Issuance of Certificate of Completion for Pappajohn Higher Education Learning Center Development – Disposition Parcel No. 01-4A, Metro Center Urban Renewal Project.
- (B) Second Amendment to Urban Renewal Development Agreement with Board of Regents, State of Iowa, for use and benefit of The University of Iowa (Assignee of John and Mary Pappajohn Higher Education Center Foundation).

(Council Communication No. 08-429)

32. Maintenance Agreement with Intergraph Corporation for Police Computer Aided Dispatch, Records Management System and Mobile Data System software, \$153,038.24.

(Council Communication No. 08-425)

33. Agreement with Center for Transportation Research and Education for Pavement Condition Data Collection, not to exceed \$72,500.

(Council Communication No. 08-426)

34. Receipt of Quarterly Treasurer's Report as of June 30, 2008.

35. Bids for the following:

- (A) Park-O-Meter (POM) Incorporated, sole area-wide distributor, for Smart Cards and Card Vending Units for existing parking meters to be used by the Traffic & Transportation Division, \$72,972.69.

(Council Communication No. 08-433)

- (B) Pool Tech Midwest, sole area-wide distributor, for pools chlorination chemicals during fiscal year 2009 to be used by the Park & Recreation Department, \$52,250.

(Council Communication No. 08-448)

- (C) Schumacher Elevator Company for City Hall elevator improvements/modernization to be used by the Park & Recreation Department, \$83,472. (Three bids mailed, three received.)

~~(D) Repairs at Birdland Pool.~~

- 36. Civil Service Entrance Lists for Assistant Planner and Urban Designer.

- 37. Authorizing Finance Director to draw checks on registers for the weeks of July 29 and August 4, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of July 28 and August 4, 2008; and to draw checks for bi-weekly payroll due August 1, 2008.

ORDINANCES - SECOND CONSIDERATION

- 38. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Code Revisions regarding Resident Permit Parking and Special Parking Permits for Special Events and Emergency Restrictions.
 - (B) Request from Drake Area Businesses for removal of parking restrictions near 23rd Street and University Avenue.

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

COMMUNICATIONS/REPORTS

- 38I From Dr. Gregory Peterson requesting to speak regarding the ADA Fall Fitness Day on October 11, 2008.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 39 THRU 53)

39. On conveyance of city-owned property, 310 E. Fulton, to R.M. Madden Construction Inc. for infill housing, \$14,299.99.

(Council Communication No. 08-435)

40. On conveyance of city-owned property, 1238 E. 16th Street, to Lab Investment Company, Inc. for infill housing, \$7,560.

(Council Communication No. 08-436)

41. On conveyance of overhead electric line easement across city-owned property, 1615 SE 14th Street, to MidAmerican Energy Company, \$1.

42. On conveyance of underground electric line easement across city-owned property west of Robert D Ray Drive to MidAmerican Energy Company, \$1.

43. On vacation and conveyance of excess city-owned right-of-way at E. 19th Street and Hubbell Avenue to Kenoyer and Associates, L.L.C, \$2,425.

(Council Communication No. 08-434)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

44. On vacation and conveyance of east/west alley adjoining 816 Virginia Avenue to Samuel J. Fucaloro, \$75.

(Council Communication No. 08-437)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

45. On request from FHL&R, LLC to rezone property at 1930 SE 6th Street from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial), to allow for expansion of existing legal non-conforming tavern use by providing an outdoor area for consumption of alcoholic beverages. **Plan and Zoning Commission recommends DENIAL.**
46. On items regarding property at 3025 Douglas Avenue, 3025 Douglas Avenue Inc:
- (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Commercial: Auto-Oriented, small scale strip development to General Industrial. **Plan and Zoning Commission recommends DENIAL.**
- (B) Hearing to rezone property from “C-2” (General Retail and Highway Oriented Commercial) to Limited “M-1” (Light Industrial). **Plan and Zoning Commission recommends DENIAL.**
47. On Supplement No. C-2 to the Governmental Lease-Purchase Master Agreement with DeLage Landen Public Finance LLC, to acquire 5 recycling trucks and 40,000 recycling bins, not to exceed \$3,025,000.

(Council Communication No. 08-431)

- (A) Authorizing execution and delivery.
48. On amendments to current agreements, extending the scheduled airline operating agreement and terminal building lease at the Des Moines International Airport, through September 30, 2008, for the following:
- (A) Allegiant Air LLC
(B) American Eagle Airlines, Inc.
(C) Comair, Inc.
(D) ExpressJet Airlines, Inc.
(E) Midwest Airlines, Inc.
(F) Northwest Airlines, Inc.
(G) United Air Lines, Inc.
(H) ABX Air, Inc.
(I) United Parcel Service Co.

(Council Communication No. 08-432)

49. On High Street Realignment-10th Street to 14th Street-Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Sternquist Construction, Inc., (Britt Sternquist, President), \$677,698.70.

(Council Communication No. 08-443)

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

50. On Thomas Beck Road Resurfacing-S.W. 9th Street to Fleur Drive: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$1,091,229.

(Council Communication No. 08-441)

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

51. On 2008 Expanded Street Resurfacing Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$1,500,141.60.

(Council Communication No. 08-445)

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

52. On 2008-09 Sidewalk Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc., (Steve J. Rutt, President), \$65,752.50.

(Council Communication No. 08-446)

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

53. On 2008 Sidewalk Replacement program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc., (Steve J. Rutt, President), \$229,190.00.

(Council Communication No. 08-444)

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

END HEARINGS AT _____ P.M.

APPROVING

54. Conceptual Development Plan, Pro Forma and Supplemental Information for Phase I of the Riverpoint West Redevelopment Project.

(Council Communication No. 08-428)

55. Authorizing the City Manager to work in cooperation with Polk County and Neighborhood Development Corporation to research potential redevelopment of property at 4315 SE 14th Street.

(Council Communication No. 08-460)

(A) Communication from Indianola Hills Neighborhood Association.

(B) Communication from Coalition of South Side Neighborhood Associations.

56. Emergency proceedings at various locations for emergency repairs and approval of emergency purchase orders with lowest responsible bidder.

(Council Communication No. 08-447)

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. Consideration of Birdland Voluntary Acquisition Program for flood damaged properties.
Sponsor: Mahaffey.

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: MEMO

(A) 1710 7th Street (fire-damaged structure), Titleholder: Daniel A. Estevez.

(B) 1008 E 12th Street (structures), Titleholders: Anthony E. Schubert IRA and Guaranty Bank and Trust Company, Trustee.

MOTION TO ADJOURN AT _____ P.M.



All-America City
1949 1976 1981 2003