

# DES MOINES CITY COUNCIL MEETING

September 22, 2008 4:30 P.M.

## SPECIAL PRESENTATIONS – 4:00 P.M.

American Lung Association

## PROCLAMATIONS – 4:00 P.M.

Sparky the Clown – 10<sup>th</sup> Anniversary  
Domestic Violence Awareness Month  
Italian Heritage Month  
Alpha Delta Kappa Month

**INVOCATION:** Father Basil Hickman  
Greek Orthodox Church of St. George  
35th Street and Cottage Grove

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 40:

## LICENSES AND PERMITS

4. Approving Alcoholic Beverage License applications for the following:

### NEW APPLICATIONS

(A) 1301 LOCUST LLC	1301 LOCUST ST	C Beer/Wine
(B) ANDYS PLACE	5114 SW 9TH ST	C Liquor
(C) EDGE	508 INDIANOLA RD	C Liquor

(D)	H & A MINI MART	145 UNIVERSITY AVE	E Liquor
(E)	MEXICO VIEJO RESTAURANT	1760 BEAVER AVE	C Liquor
(F)	NOODLE ZOO	601 E LOCUST ST	C Beer/Wine
(G)	PELICAN BAR	208 3RD ST	C Liquor
(H)	SEKHON BROTHERS LLC	2829 EASTON BLVD	C Beer
(I)	SUPER QUICK	303 SE 30TH ST	B Wine
(J)	THIRSTY DOG	2222 FOREST AVE	C Liquor

### RENEWAL APPLICATIONS

(K)	BEST FOOD MART	4028 E 14TH ST	C Beer
(L)	BISTRO MONTAGE	2724 INGERSOLL AVE	C Liquor
(M)	CHERYLS	509 E 25TH ST	C Liquor
(N)	CITGO	1800 SE 14TH ST	C Beer
(O)	DES MOINES IZAAK WALTON	4343 GEORGE FLAGG	C Liquor
(P)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	B Liquor
(Q)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	E Liquor
(R)	DOS RIOS	316 COURT AVE	C Liquor
(S)	EL ANGEL MEXICAN GROCERY	4812 SW 9TH ST	C Beer
(T)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(U)	FIREHOUSE LOUNGE	1930 SE 6TH ST	C Liquor
(V)	G T RACE CAR BAR	3013 INGERSOLL AVE	C Liquor
(W)	GODFATHERS PIZZA	4119 UNIVERSITY AVE	B Beer
(X)	HULL TAVERN TAP	834 E HULL AVE	C Liquor
(Y)	LABAMBA MEXICAN AMERICAN	6101 GRAND AVE	C Liquor
(Z)	QUIKTRIP #500	3700 HUBBELL AVE	C Beer
(AA)	SHOP N SAVE	2127 M L K JR PKWY	E Liquor
(BB)	WELLMANS PUB	2920 INGERSOLL AVE	C Liquor

### TRANSFER TO NEW LOCATIONS

(CC)	ROCKS	206 3RD ST	C Liquor
	Permanent transfer of license from 204-208 3 <sup>rd</sup> Street to 206 3 <sup>rd</sup> Street.		

### OUTDOOR SERVICE APPLICATIONS

(DD)	101 LOUNGE	102 3RD ST	C Liquor
	Temporary outdoor service area for event on September 26-28, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(EE)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on October 4-5, 2008.		
(FF)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	Temporary in conjunction with Capital City Pride Celebration on October 4-5, 2008.		

(GG) BUDDYS CORRAL 418 E 5TH ST C Liquor  
Temporary in conjunction with East Village Bike Night on September 26, 2008.  
Pending approval of Building, Electrical, Fire and Zoning Departments.

(HH) UNDERGROUND 500 E LOCUST ST C Liquor  
Temporary in conjunction with East Village Bike Night on September 26, 2008.  
Pending approval of Building, Electrical, Fire and Zoning Departments.

### SPECIAL EVENT APPLICATIONS

(II) BLANK PARK ZOO 7401 SW 9TH STREET Five (5) Day License  
Class B Beer License for Event on September 27, 2008. Pending approval of  
Building, Electrical, Fire and Zoning Departments.

(JJ) DOWNTOWN EVENTS GROUP 431 E LOCUST AVE Five (5) Day License  
Special Class C Beer/Wine License for World Food Festival on October 10-12-  
2008.

(KK) PORKYS DINER 4444 DOUGLAS AVE Five (5) Day License  
Class C Liquor License for Outdoor event on September 24-28, 2008. Pending  
approval of Building, Electrical, Fire and Zoning Departments.

5. City Clerk to issue Cigarette Licenses.

6. City Clerk to issue Coin Operated Machine Licenses.

### PUBLIC IMPROVEMENTS

7. Approving Iowa Department of Transportation Agreement for E. Indianola Avenue  
Widening – S.E. 14<sup>th</sup> Street to S.E. 16<sup>th</sup> Court.

(Council Communication No. 08-569)

8. Approving Professional Services Agreement with RDG Planning and Design for  
Construction Phase Services for John and Mary Pappajohn Sculpture Park, not to exceed  
\$177,750.

(Council Communication No. 08-570)

9. Agreement with U.S. Department of Interior Geological Survey for operation and  
maintenance of six (6) river and stream gauging stations.

(Council Communication No. 08-571)

## **SPECIAL ASSESSMENTS**

10. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2008-13.
11. Approving the following for August 2008:
  - (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits.
  - (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees.

## **LAND/PROPERTY TRANSACTIONS**

12. Approving final subdivision plat entitled Wakonda Plat 1, 1900 Park Avenue.

(Council Communication No. 08-580)

  - (A) Accepting PUD restoration bond.

(Council Communication No. 08-581)
13. Authorization to proceed with acquisition of property at 2715 Dean Avenue for the Fire Department Logistics and Training Facility Project.

(Council Communication No. 08-575)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

14. Recommendation from Council Member Robert Mahaffey to appoint Teresa Weidmaier to the Historic Preservation Commission, Seat 8, for a three-year term commencing October 18, 2007 to expire October 18, 2010.
15. Recommendation from Council Member Tom Vlassis to reappoint Martha Nelson to the Sister Cities Commission, Seat 8, for a five-year term commencing April 28, 2008 to expire April 28, 2013.

## **SETTING DATE OF HEARINGS**

16. On Proposed Fifth (2009) Year Action Plan of 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-10-08).

(Council Communication No. 08-558)

(A) Communication from Neighborhood Revitalization Board.

17. On Proposed Third Amendment to SE Agribusiness Urban Renewal Plan, (10-27-08).

(Council Communication No. 08-565)

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

18. Approving payment of \$6,969.95 to Robert Burgett for a workers' compensation claim.
19. Approving payment of \$28,152 to James Milligan for a workers' compensation claim.
20. Approving payment of \$29,087.16 to Craig Shepherd for a workers' compensation claim.
21. Approving payment of \$23,330.03 to Lance Woods for a workers' compensation claim.

## **CITY MANAGER COMMUNICATIONS**

22. Approving training requests for Connie Ashby, Tim Briggs, Christine Chandavong, Teva Dawson, Donald L. Hansen, Debora Hobbs (2), Ben Page, Tarry Pote, Doug Romig, Scott Rounds, Donald Tripp, Matt Wakeman and Jasmin Zulic and travel request for T.M. Franklin Cownie.

(Council Communication No. 08-584)

**APPROVING**

23. Continuum of Care Program Application to be submitted to the U.S. Department of Housing and Urban Development (HUD).

(Council Communication No. 08-587)

24. Urban Renewal Development Agreement with R.E. Properties, L.L.C., for redevelopment of 506-524 E. Grand Avenue.

(Council Communication No. 08-557)

25. Authorization to submit grant application to U.S. Department of Agriculture Emergency Watershed Protection Program for soil erosion prevention and repair projects related to 2008 heavy rains and flooding.

(Council Communication No. 08-577)

26. Submission of STP and STP-TE Fund FY2013 Applications to Des Moines Area Metropolitan Planning Organization, (MPO).

(Council Communication No. 08-573)

27. Authorization to submit “Safe Routes to School” (SRTS) Fund Applications to Iowa Department of Transportation (IDOT).

(Council Communication No. 08-572)

28. Acceptance of proposal from Public Financial Management, Inc. for financial advisory services for debt management and technical services, and approval of contract.

(Council Communication No. 08-588)

29. Bids from the following:

- (A) Accela, Inc. for annual software maintenance and support for Tidemark to be used by the Information Technology Department, \$31,532.66.

(Council Communication No. 08-586)

- (B) FrontRange Solutions for annual software maintenance and support for HEAT to be used by the Information Technology Department, \$58,177.32.

(Council Communication No. 08-578)

- (C) Express Police Supply and UltraMax for joint purchase with Polk County Sheriff's Office for ammunition to be used by the Police Department, \$173,502.25. (Thirteen bids mailed, three received).

(Council Communication No. 08-566)

- (D) The Underground Company for sandbag clean-up and levee restoration to be used by the Public Works Department, \$110,000. (Five bids mailed, two received).

30. FY2008 Annual Certification Report to be submitted to U.S. Department of Justice regarding federally forfeited property.

(Council Communication No. 08-567)

31. 2008 Edward Byrne Memorial Justice Assistance Grant application by Department of Justice to be used for various law enforcement purposes, \$79,719.

(Council Communication No. 08-560)

32. Proposed Lease Agreement with Neighborhood Development Corporation for building located at 1600-1618 6<sup>th</sup> Avenue, for relocation of the Forest Avenue site office.

(Council Communication No. 08-585)

33. Receipt of Des Moines Water Works 2007 Financial Report and Statements of Receipts and Disbursements for Sewer, Solid Waste and Stormwater.

34. Receipt of Fiscal Year 2008 Official Financial Report for City Streets.

(Council Communication No. 08-562)

35. Application from Downtown Events Group for permission to temporarily place banners across the street on E. 5<sup>th</sup> Street from E. Grand Avenue to E. Locust Street, October 8-13, 2008 for the World Food Festival.

36. Communication from Downtown Community Alliance on behalf of the Festival of Trees and Lights to approve banner design in downtown Des Moines to be displayed on Grand and Locust Street in November, 2008.

37. Application from Beaverville Main Street Initiative for permission to place banners on Beaver Avenue from Beavercrest Drive to Adams Avenue, which will change throughout the year to promote beautification and community improvement in Beaverville's core commercial district.

38. Civil Service Promotional List for Senior Police Officer.

39. Authorizing Finance Director to draw checks on registers for the weeks of September 22, September 29, and October 6, 2008; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of September 22, September 29, and October 6, 2008; and to draw checks for biweekly payroll due September 26 and October 10, 2008.

**ORDINANCES - SECOND CONSIDERATION**

40. Amending Chapter 102 of the Municipal Code regarding civil infraction penalties for sidewalk maintenance.

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



## ORDINANCES - FIRST CONSIDERATION

41. Amending Chapter 30 of the Municipal Code regarding painting house numbers on curbing.

(Council Communication No. 08-568)

## COMMUNICATIONS/REPORTS

42. NUMBER NOT USED.

43. From Jennifer Norum, 3945 Lincoln Place Drive, and others, to speak regarding property at 3943 Lincoln Place Drive.

44. Request from Operation Downtown, 700 Locust Street, Suite 100, to paint on the sidewalks at 21 locations downtown.

**\*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 45 THRU 51)

45. On appeal from Efrain Mayorga d/b/a Aztec Motors for relief from temporary moratorium on creation or expansion of vehicle display lots.

(A) Resolution to **GRANT** relief.

(B) Alternate resolution to **DENY** relief.

(Council Communication No. 08-576)

46. On property in the vicinity of 1045 19<sup>th</sup> Street:

- (A) To amend the Des Moines 2020 Community Character land use plan future land use designation from Low Density Residential to Mixed-Use and Density Residential.
- (B) Hearing on request from Ryan Galloway to rezone property from “R-3” (Multiple-Family Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of property with new multiple-family residential, subject to conditions.
- (C) First consideration of ordinance above.

47. On property in the vicinity of 2501 24<sup>th</sup> Street:

- (A) To amend the Des Moines 2020 Community Character Land Use plan future land use designation from Low Density Residential to Mixed-Use and Density Residential.
- (B) Hearing on request from Quincy Place, LLC to rezone property from “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Limited “R-3” (Multiple-Family Residential) to allow redevelopment of property for new multiple-family residential use, subject to conditions.
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

48. On Council-initiated request to rezone portions of Riverbend Neighborhood Area from “R-3” (Multiple Family Residential) and “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential).

- (A) First consideration of ordinance above.

(Council Communication No. 08-579)

49. On amendment to current agreement with Mesa Airlines, Inc., extending the scheduled Airline Operating Agreement and Terminal Building Lease at the Des Moines International Airport through September 30, 2008.

(Council Communication No. 08-559)

50. On designation of Western Gateway Cultural and Entertainment District.

(Council Communication No. 08-564)

51. On John & Mary Pappajohn Sculpture Park: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Pinnacle Construction Group, LLC, (Shane E. Madison, President), \$2,014,500.

(Council Communication No. 08-574)

(A) Approval of contract and bond and permission to sublet.

(B) License Agreement with Edmundson Art Foundation, Inc., d/b/a The Des Moines Art Center for installation and maintenance of a sculpture at "Western Gateway Park."

(Council Communication No. 08-563)

**\*\*END HEARINGS AT \_\_\_\_\_ P.M.\*\***

## **APPROVING**

52. 2009 City Council Meeting Schedule.

53. Adoption of "Complete Streets" policy regarding review, consideration and addition of bicycle and pedestrian facilities on street projects.

(Council Communication No. 08-561)

## **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) 4200 SW 10<sup>th</sup> Street, (fire-damaged) Titleholder: Roth Properties LC.
  - (B) 3221 SW 14<sup>th</sup> Street, Titleholder: David Schmitz.
  - (C) 1241 E. 38<sup>th</sup> Street, (fire-damaged) emergency removal, Titleholders: Heirs of the Elnora B. Fields Estate.

COMMUNICATION:

2. Regarding demolition cost reserve being held by Shelter Insurance Companies for the fire-damaged structure located at 1429 University.



All-America City  
1949 1976 1981 2003