

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

**December 19, 2011**  
**4:30 P.M.**

**SPECIAL PRESENTATIONS - 4:00 P.M.**

2011 Excellence in Historic Preservation Awards

**PROCLAMATIONS**

Universal Hour of Peace

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 41:

**\*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)	BIG REDS IRISH PUB & PONG	207 4TH ST	C Liquor
(B)	INGERSOLL	3711 INGERSOLL	C Liquor
(C)	LICKETY LIQUOR	2501 HUBBELL AVE	E Liquor
(D)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
(E)	WEST END WINES	22 9TH ST	C Liquor

**RENEWAL APPLICATIONS**

(F)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(G)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(H)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(I)	CHRISTOPHERS	2816 BEAVER AVE	C Liquor
(J)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(K)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor

(L)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(M)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(N)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(O)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(P)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(Q)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(R)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(S)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(T)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(U)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(V)	LA TAPATIA	1440 DES MOINES ST	C Beer
(W)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(X)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(Y)	NADRY INC	2701 INGERSOLL	C Beer
(Z)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(AA)	TAVERN SOUTH PIZZA	1106 ARMY POST RD	C Beer/Wine
(BB)	Z'S BAR	1511 S UNION ST	C Liquor

### **SPECIAL EVENTS APPLICATIONS**

- (CC) DES MOINES EMBASSY CLUB    100 LOCUST ST    Five (5) Day License  
Special Class C Liquor License for Legislative Reception on January 9, 2012.  
Pending approval of Building and Fire Departments.
- (DD) DES MOINES EMBASSY CLUB    100 LOCUST ST    Five (5) Day License  
Special Class C Liquor License for Raucus for the Caucus on December 31, 2011.  
Pending approval of Electrical, Fire and Zoning Departments.
- (EE) LAO AMERICAN ASSOC OF IA    3000 E GRAND    Five (5) Day License  
Class C Liquor License with Class B Native Wine for private social event on  
December 31, 2011.
- (FF) WE 3 CATERING    1312 LOCUST ST    Five (5) Day License  
Special Class C Liquor License for a wedding reception on December 30, 2011.  
Pending approval of Building and Fire Departments.

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

### **PUBLIC IMPROVEMENTS**

7. [Approving](#) and authorizing the execution of an Iowa Department of Transportation (IDOT) Agreement for sidewalk/trail improvements along the south side of I-235 between 42nd Street and Bradway Place.

[\(Council Communication No. 11-767\)](#)

8. Number Not Used.
9. [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for design services for the 2012 Riverwalk Improvements, not to exceed \$116,215.

[\(Council Communication No. 11-762\)](#)

10. [Approving](#) Change Order No. 6 with Cramer & Associates, Inc. for additional work on the SW 8<sup>th</sup> Street Viaduct over M.L. King Jr. Parkway Rehabilitation, not to exceed \$114,233.90.

[\(Council Communication No. 11-761\)](#)

11. [Approving](#) Change Order No. 7 with Cramer & Associates, Inc. for additional work on the SW 7<sup>th</sup> Street Bridge over Raccoon River and Trail Rehabilitation, not to exceed \$229,993.96.

[\(Council Communication No. 11-760\)](#)

12. [Approving](#) completion and acceptance of private construction contract for paving improvements, The Prairie Hills Plat 1 (vicinity of SE 27<sup>th</sup> Street and E. Payton Avenue), between Concrete Technologies, Inc. and Prairie Hills at Des Moines, LLC.
13. [Approving](#) completion and acceptance of private construction contract for storm sewer improvements, 1800 E. Hull Avenue, between Corell Contractor, Inc. and Electro Management Corporation.
14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
15. Accepting completed construction and approving final payment for the following:
  - (A) [Army](#) Post Road Widening – SW 9<sup>th</sup> Street to SE 5<sup>th</sup> Street, Reilly Construction Co., Inc.
  - (B) [4<sup>th</sup>](#) & Grand Parking Garage Elevator Modification, O’Keefe Elevator Company, Inc.
  - (C) [2011](#) CDBG – Recovery Program Sidewalk Replacement, T.K. Concrete, Inc.

## SPECIAL ASSESSMENTS

16. ~~Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2011-10.~~

## LAND/PROPERTY TRANSACTIONS

17. Correcting and ratifying vacation and conveyance of excess City-owned property at 3136 SW 9<sup>th</sup> Street to Paul A. & Donna J. Steffensen, \$5,000.
  - (A) First consideration of ordinance above.
  - (B) Final consideration of ordinance above (waiver requested by Paul A. & Donna J. Steffensen), requires six votes.
18. Approving Second Amendment to License Agreement with Des Moines Water Works for placement of data collection equipment on various City-owned properties.
19. Approving and authorizing execution of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) Agreements; approving and authorizing HMGP Administrative Plan; and authorizing voluntary acquisition of property for the FEMA 2010 Flood Mitigation Buyout Project.

(Council Communication No. 11-758)

20. Accepting PUD Restoration Bond, IAC 103898 from Merchants Bonding Company \$14,776, provided by Hubbell Construction, LLC as security for restoration of the site located at 4465 E. 46<sup>th</sup> Street, Summersfield Forest and Fields Rowhome Apartment Project.

(Council Communication No. 11-751)

## SETTING DATE OF HEARINGS

21. On conveyance of City-owned property adjoining 700 Locust Street to 0906116 BC Ltd., \$5,000, (1-9-12).
22. On conveyance of permanent water main easement to Des Moines Water Works for the Grand Avenue over Walnut Creek Bridge Replacement Project, (1-9-12).
23. On request from Arnold DeWitt to rezone 1241 E. 38<sup>th</sup> Street from "R1-60" (One-Family Low Density Residential) to Ltd. "C-2" (General Retail and Highway Oriented Commercial) to allow for an expansion of the existing mini warehouse complex to the south, (1-9-12).

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

24. [Approving](#) appointments to Metro Waste Authority (MWA) Board.
25. [Approving](#) appointments to Metropolitan Planning Organization (MPO).

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

26. [Approving](#) payment of \$77,388.03 to Danny Rivas and his attorney, Tom Drew, for a workers' compensation claim.
27. [Approving](#) settlements made by City Attorney, not exceeding \$5,000.

## **CITY MANAGER COMMUNICATIONS**

28. [Submitting](#) travel and training requests for Jeff Dawson, Todd Dykstra, and Lori Kelly.

[\(Council Communication No. 11-755\)](#)

## **APPROVING**

29. [Authorizing](#) execution of Home Investment Partnership (HOME) contract documents with Capitol City Duplexes, LLLP for a \$198,040 loan for acquisition and rehabilitation of 16 units of scattered-site family rental housing.

[\(Council Communication No. 11-748\)](#)

30. [Amendment](#) to the Iowans Helping Iowans Housing Assistance Program Grant Agreement extending the termination date to June 30, 2012.

[\(Council Communication No. 11-756\)](#)

31. Applications to the Iowa Economic Development Authority for Enterprise Zone benefits for the following:

[\(Council Communication No. 11-766\)](#)

- (A) [West](#) End Lofts, LLC, Gateway Enterprise Zone, 37 units.
- (B) [Rocket](#) Transfer I, LLC, Gateway Enterprise Zone, 54 units.
- (C) [Melbourne](#) II, LLC, SE 14th Street Enterprise Zone, 60 units.

32. [Urban](#) Renewal Development Agreement with Westgate Partnership LLC for renovation of building at 1408 Locust Street.

[\(Council Communication No. 11-757\)](#)

33. [2011](#) Grant Agreement with Iowa Homeland Security and Energy Management Division (IHSEMD) and Amendment #1 to 2010 and 2011 Grant Agreements with IHSEMD and Iowa Department of Administrative Services for Cyber Risk Reduction Investment and authorizing the City Manager to execute and IT Director to implement addendums.

[\(Council Communication No. 11-752\)](#)

34. [FFY](#) 2008 Homeland Security Reallocation Grant Agreement for Iowa's Bomb Squad Task Force.

[\(Council Communication No. 11-749\)](#)

35. Number Not Used.

36. Number Not Used.

37. [Banner](#) design submitted by Downtown Community Alliance on behalf of the Iowa Credit Union League to be displayed in downtown Des Moines on E. Locust Street and Court Avenue in January, February, and March.

38. Bids from the following:

- (A) [Ahura](#) Scientific Inc. (John P. Johnson, Director) for non-competitive procurement of eight (8) chemical identification systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one of which will be retained for the City of Des Moines Bomb Squad, for use by the Police Department, \$375,725.

[\(Council Communication No. 11-753\)](#)

- (B) [John](#) Deere Construction Retail Sales (Sandra Bridge-Chase, Government Sales Manager) for one (1) replacement wheel loader per National Joint Powers Alliance (NJPA) Contract for use by Fleet Maintenance, \$81,992.14.

[\(Council Communication No. 11-754\)](#)

39. [Civil](#) Service Entrance Lists for Engineering Technician and Identification Technician.

40. [Authorizing](#) Finance Director to draw checks on registers for weeks of December 19, December 26, 2011 and January 2, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of December 19, December 26, 2011, and January 2, 2012; and to draw checks for biweekly payroll due December 30, 2011.

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

## ORDINANCES - FIRST CONSIDERATION

41. ~~[Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:~~
- ~~(A) Parking restriction on the west side of 3<sup>rd</sup> Street from south of Walnut to Vine Street – 6:00 PM to 6:00 AM, Friday and Saturday.~~
  - ~~(B) 10 hour parking meters on the south side of Grand Avenue, west of 13<sup>th</sup> Street.~~
  - ~~(C) Removal of special school loading and unloading restriction on 5<sup>th</sup> Avenue from Grand Avenue to Locust Street.~~
  - ~~(D) Parking citations for illegal off-street parking.~~

~~[\(Council Communication No. 11-765\)](#)~~

## COUNCIL REQUESTS

42. [From](#) Council Member Brian Meyer to speak regarding changing the signs on the Highway 5 By-pass from “SE 64<sup>th</sup> Street” to “Army Post Road”.

## COMMUNICATIONS/REPORTS

43. [From](#) Robert Conley, 670 Foster Drive, to speak regarding the Hampton Inn project.
44. ~~From Des Moines Public Schools, requesting agreement to use parking spaces in City parking ramps.~~

**\*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 49)**

45. ~~On request from Capstone Ventures, LLC to rezone 315 SW 14<sup>th</sup> Street from “C-3B” (Central Business District Mixed Use) to “PUD” (Planned Unit Development). Applicant has withdrawn the request to rezone the property.~~
46. On request from Hue Nguyen to rezone 1435 University Avenue from “R-3” (Multiple-Family Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow for retail development. **Plan and Zoning Commission recommends DENIAL**, (Roll Call contains alternatives for Denial or Approval). **Request from applicant to continue to January 9, 2012 Council meeting.**
47. On request from Imperial Properties, Inc., to rezone 4141 E. 14<sup>th</sup> Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation. **Plan and Zoning Commission recommends DENIAL**, (Roll Call contains alternatives for Denial or Approval).
48. On Demolition at Southern Meadows Phase 2, 2800 SE 8th Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as DeCarlo Demolition Company, (Dan DeCarlo, President), \$137,900.

[\(Council Communication No. 11-763\)](#)

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

49. On SE Connector Demo & Site Prep - SE 9<sup>th</sup> to SE 15<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$1,059,999.99.

[\(Council Communication No. 11-759\)](#)

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

(B) Approving Professional Services Agreement with Kirkham Michael & Associates, Inc. for construction phase services, not to exceed \$84,000.

[\(Council Communication No. 11-764\)](#)

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



## **CITY MANAGER RECOMMENDATIONS**

50. [Regarding](#) negotiation of preliminary terms of agreement with SDG Macerich Properties, LP for redevelopment of Southridge Mall.

[\(Council Communication No. 11-768\)](#)

## **APPROVING**

51. [Municipal](#) Services Center Master Plan and authorizing the City Manager to proceed with an RFP for design and construction services for Phase 1 of the project and directing staff to prepare the PUD Conceptual Plan and initiate the rezoning.

[\(Council Communication No. 11-770\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.

## **BOARD OF HEALTH**

### **MOTION TO CONVENE.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
  - (A) [2007](#) Des Moines Street, main structure and garage structure, Titleholder: Connie G. Martin (deceased); All Known and Unknown Heirs including: Garviela Simons.
  - (B) [413](#) Shawnee Avenue, main structure and garage structure, Titleholders: William F. Pinegar and Carol I. Pinegar (deceased).
  - (C) [1124](#) 13<sup>th</sup> Street, main structure, Titleholder: Samuel Tiger (deceased), All Known and Unknown Heirs of Samuel Tiger.
  - (D) [275](#) E. 17<sup>th</sup> Street, main structure and accessory structure, Titleholders: Jerry J. Glass (deceased), All Known and Unknown Heirs including: Jerry J. Glass, Jr., William (Bill) Kirkpatrick, and Sharon K. McCuen; Mortgage Holders: IndyMac Bank, FSB and MERS, Inc.

### **MOTION TO ADJOURN.**