

# DES MOINES CITY COUNCIL MEETING

*Excerpts from procedural rules of City Council*

January 23, 2012

4:30 PM

**INVOCATION:** Council Member Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 31:

**\*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)	BEAVER TAP	4050 URBAN DALE	C Liquor
(B)	EL CHILE NIGHT CLUB	215 E 2ND ST	C Liquor
(C)	NAT FOOD MART	1443 2ND AVENUE	E Liquor
(D)	PATTONS RESTAURANT	1552 E GRAND AVE	C Beer/Wine

### RENEWAL APPLICATIONS

(E)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(F)	BENNIGANS GRILL & TAVERN	1810 ARMY POST	B Liquor
(G)	CAFE DI SCALA	644 18TH ST	C Liquor
(H)	CASEYS #2244	2150 E ARMY POST	C Beer
(I)	CASEYS #2322	4331 PARK AVE	C Beer
(J)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(K)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(L)	DES MOINES ASIAN FOOD	1623 6TH AVE	C Beer
(M)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(N)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(O)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(P)	GIT N GO STORE #29	4900 URBAN DALE	C Beer
(Q)	GIT N GO STORE #32	2911 DOUGLAS AVE	C Beer
(R)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine

(S)	KUM & GO #552	4944 DOUGLAS AVE	C Beer
(T)	KWONG TUNG RESTAURANT	2721 INGERSOLL	C Beer/Wine
(U)	LA CRUZ #3	3900 E 14TH ST	C Beer
(V)	<del>LE BOI</del>	<del>508 INDIANOLA RD</del>	<del>C Liquor</del>
(W)	LIFT	222 4TH ST	C Liquor
(X)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(Y)	MARIANAS	1305 UNIVERSITY	B Beer
(Z)	MICHAELS PIZZA	2629 BEAVER AVE	C Beer/Wine
(AA)	MICHELLES LOUNGE	3925 E 14TH ST	C Liquor
(BB)	NAT FOOD MART	1443 2ND AVE	C Beer
(CC)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(DD)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(EE)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(FF)	SAMBETTIS	1430 2ND AVE	C Liquor
(GG)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	A Liquor
(HH)	SOUTHPORT SPORTS BAR	1101 ARMY POST	C Liquor
(II)	TASTE OF THAI	215 E WALNUT ST	C Beer/Wine
(JJ)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer

**TRANSFER TO NEW LOCATION**

(KK)	DEPOT	3000 E GRAND AVE	B Beer
	Temporary transfer to cattle barn from February 13 – 19, 2012 for the Beef Expo.		

**SPECIAL EVENTS APPLICATIONS**

(LL)	BARKSDALE CONCESSIONS	3000 E GRAND AVE	Five (5) Day License Class C Liquor License for 2012 Agri Business Showcase & Conference on February 7 – 8, 2012.
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5. [City](#) Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

6. [Communication](#) from Contractors requesting permission to sublet certain items on Public Improvement projects.
7. Approving completed construction and approving final payment for the following:
- (A) [Riverpoint](#) West Street Improvements, Sternquist Construction Inc.
  - (B) [E. McKinley Avenue Widening](#) – South Union Street to SE 5<sup>th</sup> Street, Reilly Construction Co., Inc.
  - (C) [Waveland](#) Trail Phase 2 – University Avenue to Franklin Avenue, Elder Corporation.

## LAND/PROPERTY TRANSACTIONS

8. [Approving](#) 95 tax abatement applications for the additional value added by improvements completed during 2011.

([Council Communication No. 12-024](#))

9. Number Not Used.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

10. [Recommendation](#) from Council Member Brian Meyer to appoint Bart Caldwell to the Building and Fire Code Board of Appeals, Seat 14, for three-year term commencing April 1, 2011 to expire April 1, 2014.
- 10-I [Recommendation](#) from Council Member Coleman to appoint James H. Windsor to the Traffic Safety Committee, Seat 3, for a three-year term commencing December 31, 2011 to expire December 31, 2014.
11. [Receive](#) and file attendance reports for the various City Boards and Commissions for January 1 through December 31, 2011.

## SETTING DATE OF HEARINGS

12. [On](#) vacation and conveyance of a portion of E. Hartford Avenue right-of-way adjoining 1938 SE 6<sup>th</sup> Street to Neighborhood Development Corporation (NDC), \$3,100, (2-13-12).
13. [On](#) appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18<sup>th</sup> Street, (2-13-12).
14. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Mark Kirchner, NPI Limousine Services, LLC, Urbandale, IA, (2-13-12).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

15. [Approving](#) payment of \$3,778.81 to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency.
16. [Approving](#) final payment of \$3,789 to David Kopf for property damage loss.
17. [Approving](#) payment of \$34,622 to Clifford Watkins III and his attorney, Christopher Spaulding, for a workers' compensation claim.

## CITY MANAGER COMMUNICATIONS

18. [Submitting](#) travel and training requests for Kevin Risk and Douglas Romig.

([Council Communication No. 12-033](#))

## APPROVING

19. [City](#) Manager to sign Iowa Finance Authority form "5S Local Contributing Effort" for 12 Low-Income Housing Tax Credit Projects and send letter of support for waiver of maximum per unit development costs for adaptive reuse properties eligible for listing on the National Register of Historic Places.

([Council Communication No. 12-036](#))

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

([Council Communication No. 12-041](#))

- (A) [EMM](#) Associates, LP for rehabilitation of 150 units at 413 5th Avenue in the Gateway Enterprise Zone.
  - (B) [2714](#) Ingersoll Associates, LP for rehabilitation of 22 units at 2714 Ingersoll Avenue in the Drake Park/Sherman Hill Enterprise Zone.
21. [Waiving](#) any objection to the notice given by Pleasant Hill of its pending annexation of a portion of Copper Creek Lake Park and of other territory on its side of the line established in the Moratorium Agreement.
  22. [Release](#) of judgment lien against property at 1147 27<sup>th</sup> Street conveyed by the City to Denis Marchand.
  23. [Parking](#) License Agreement with Caidan Management Company, LLC for use of 100 parking spaces in Seventh and Grand Garage.

24. [FY2010](#) Methamphetamine Drug Hot Spots Grant Program Revised Award from the Governor's Office of Drug Control Policy to include a new performance period through June 30, 2012.

[\(Council Communication No. 12-023\)](#)

25. [Contract](#) with Tyler Technologies, Inc. (Christopher Hepburn, President) to provide City-wide Enterprise Resource Planning (ERP) Software and related implementation services and authorizing City Manager to approve future annual maintenance services, subject to receipt of certificate of insurance acceptable to the Risk Manager.

[\(Council Communication No. 12-042\)](#)

26. [Authorizing](#) the Mayor to sign a challenge to the City boundaries as reported by the 2010 U.S. Census.

27. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2011.

28. Bids from the following:

- (A) [Blacktop](#) Repair Service Inc. (Patricia Hicks, President) for tennis and basketball court resurfacing services at Birdland Sports Complex and Edna Griffin and Harmon Parks for use by the Park & Recreation Department, \$21,403. (Nine bids mailed, two received).

[\(Council Communication No. 12-030\)](#)

- (B) ~~Hewlett Packard Co. (Mark Hurd, President) for replacement employee desktop personal computers per Western States Contracting Alliance for use by the IT Department, \$100,000.~~

29. [Civil](#) Service Entrance Lists for Plant Field Worker, Public Works Section Chief and Transcriber Typist.

30. [Authorizing](#) Finance Director to draw checks on registers for weeks of January 23 and 30, and February 6, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of January 23 and 30, and February 6, 2012; and to draw checks for biweekly payroll due January 27 and February 10, 2012.

**ORDINANCES - SECOND CONSIDERATION**

- 31. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
  - (A) 10-hour parking meters on the south side of Grand, west of 13<sup>th</sup> Street.
  - (B) Removal of special school loading and unloading restrictions on 5<sup>th</sup> Avenue from Grand Avenue to Locust Street.
  - (C) Parking citations for illegal off-street parking.
  - (D) Extension of existing Loading Zone – south side of 400 block of Watson Powell Jr. Way.
  - (E) Parking restriction due to intersection improvements – north side of Hull Avenue, east of E. 14<sup>th</sup> Street.
  - (F) Adjustments to the loading and unloading times adjacent to Walnut Street School – west side of 9<sup>th</sup> Street and east side of 10<sup>th</sup> Street, north of Walnut to Locust Street.

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

**ORDINANCES - FIRST CONSIDERATION**

- 32. [Amending](#) Section 118-159 of the Municipal Code to remove specific reference to Polk County, and to provide for collection and placement of liens for sewer, solid waste and/or stormwater bills in both Polk and Warren Counties.

[\(Council Communication No. 12-032\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by City Engineer), requires 6 votes.

**COMMUNICATIONS/REPORTS**

- 33. [From](#) Louise Jenkins, 1600 Carpenter Avenue, to speak regarding establishing a Citizen Review Committee.
- 34. [Receive](#) and file update from City staff regarding the Beaver Avenue Streetscape Project.

[\(Council Communication No. 12-039\)](#)

**\*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 35 THRU 42)**

35. [On](#) proposed Historic District designation for the River Bend Local Historic District.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by River Bend Neighborhood Association), requires six votes.
36. [On](#) sale of 801 University Avenue (former Top Value Grocery Store) to Des Moines Area Community College (DMACC) and CDT Investment, LLC, \$1,200,000.

[\(Council Communication No. 12-035\)](#)

37. [On](#) request from SDG Macerich Properties, LP for an amendment to “C-4” Preliminary Development Plan for Southridge Mall, 1111 E. Army Post Rd., to redevelop a portion of the mall in the vicinity of the food court as a 133,777 square foot area for retail/office/assembly uses accessed from an outdoor plaza on the north side of the mall and a 94,000 square foot area for athletic/fitness/assembly uses on the west side of the mall, subject to conditions.
38. Items regarding Waterfront Lodging Inc. development of the block bounded by Vine, SW Water Street, Market and SW 2<sup>nd</sup> Street:
- (A) [Recommendation](#) from Plan and Zoning Commission.
  - (B) [Hearing](#) on vacation and conveyance of a small segment of remaining public alley right-of-way.
    - (1) [First](#) consideration of vacation ordinance.
    - (2) [Final](#) consideration of vacation ordinance, (waiver requested by the applicant), requires 6 votes.

- (C) [Hearing](#) on vacation and conveyance of segments of SW Water Street and Market Street right-of-way, in exchange for comparable parcels along Vine Street and SW 2<sup>nd</sup> Street.
  - (1) [First](#) consideration of vacation ordinance.
  - (2) [Final](#) consideration of vacation ordinance, (wavier requested by the applicant), requires 6 votes.
- (D) [Approving](#) final terms of a Development Agreement with Waterfront Lodging, Inc. and Conceptual Development Plan for two new hotels and a parking garage in the 100 Block of Water Street.

[\(Council Communication No. 12-038\)](#)

- 39. [On](#) sale of Southern Meadows site at 2800 SE 8<sup>th</sup> Street and adjoining parcels and on vacation and conveyance of City-owned property and approving proposed development agreement with Hatch Development Group, LLC, \$43,400.

[\(Council Communication No. 12-029\)](#)

- (A) [First](#) consideration of ordinance vacating Broad Street between Indianola Avenue and SE 8<sup>th</sup> Street.
  - (B) [Final](#) consideration of ordinance above (requested by applicant), requires 6 votes.
- 40. [On](#) request from K G Store 573, LLC for an amendment to the PUD Conceptual Plan for Kum & Go Store at 5830 SE 14<sup>th</sup> Street to allow for the sale of alcoholic liquor as a permitted use, subject to conditions.

- (A) [Consideration](#) of New Class E Liquor License with C Beer and B Wine.

- 41. [On](#) conveyance of 1512 13<sup>th</sup> Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), \$1.

[\(Council Communication No. 12-028\)](#)

- (A) [Approving](#) Rental Development Agreement in conjunction with Forest Avenue Urban Renewal Project.
- (B) [Approving](#) assignment and amendment to Special Warranty Deed for 1307 Clark Street for Home Opportunities Made Easy, Inc. (HOME, Inc.).



42. [On](#) request from Hubbell Realty Company to amend the Summersfield PUD Conceptual Plan on 4605 Hubbell Avenue to define the layout and design of Tract 3 for 20 row home units. **(Requires 6 votes for approval).**

\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\*

## APPROVING

43. [Review](#) of Zoning Board of Adjustment decision on approved variance of 150 foot separation from any church, school, public park or licensed child care center for 833 42<sup>nd</sup> Street for use as a limited retail establishment with sale of alcoholic liquor. **(Roll Call contains alternative motions)**

[\(Council Communication No. 12-034\)](#)

44. [Renewal](#) addendum and amendment of contract with Bojo's Carpet Care, LLC (John Alessio, Owner) for custodial services for park shelters and restrooms.

[\(Council Communication No. 12-031\)](#)

45. [Renewal](#) and second amendment of contract with ABM Janitorial Services, North Central, Inc. d/b/a ABM Janitorial Services (Brad Nelson, Branch Manager) for Municipal Buildings and Community Centers and authorizing City Manager to execute amendment.

[\(Council Communication No. 12-037\)](#)

46. [Bid](#) from Lawns Plus (Chad Smith, Owner) and Beautiful Lawn by Long's LLC (Brandon Long, President) for a 3-year contract with 3 additional one-year renewal options to furnish City-wide mowing and trimming services to be used by the Park and Recreation Department, \$526,900 annual estimate. (12 bids mailed, 8 received)

[\(Council Communication No. 12-040\)](#)

## BOARD OF HEALTH

### MOTION TO CONVENE.

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [Memo](#)
  - (A) [1404](#) Dixon Street, main structure, Titleholder: Evelyn J. Rankins.
  - (B) [1702](#) Forest Avenue, main structure, Titleholder: Maggie Funding, LLC; Contract Buyer: Charles Dock.
  - (C) [3109](#) 4<sup>th</sup> Street, main structure, Titleholders: Robert J. Winters (deceased), Billie M. Archer (deceased), H. Darwin Stinson, Life Estate, All Known and Unknown Heirs of Robert J. Winters and Billie M. Archer.
  - (D) [1327](#) 24<sup>th</sup> Street, main structure, Titleholder: AJD Properties, LLC; Mortgage Holder: Northwest Bank.

### MOTION TO ADJOURN.

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