

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

February 13, 2012
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Charter Neighborhood Recognitions

PROCLAMATIONS – 4:10 PM

League of United Latin American Citizens (LULAC) Week

INVOCATION: Council Member Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 44:

***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 Applications for the following:

NEW APPLICATIONS

(A)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(B)	EBENEZER	910 HULL AVE	C Liquor
(C)	LTS BOTTOM UP	607 SE 30TH ST	C Liquor
(D)	LUNAR COFFEE BAR	3701 INGERSOLL	C Beer/Wine
(E)	QUIK TRIP #515	1421 INGERSOLL	E Liquor

RENEWAL APPLICATIONS

(F)	DAHLS FUEL	3401 INGERSOLL	C Beer
(G)	EL AGUILA REAL	3520 BEAVER AVE	C Liquor
(H)	FAT TONY'S SPORTS BAR	1500 SE 1ST ST	C Liquor
(I)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(J)	H & A MINI MART	5901 FLEUR DR	E Liquor
(K)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor

(L)	MARS CAFE	2318 UNIVERSITY	C Beer/Wine
(M)	MEZZODIS	4519 FLEUR DR	C Liquor
(N)	POMODOROS	111 ARMY POST RD	C Liquor
(O)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(P)	TOBACCO OUTLET PLUS #503	400 EUCLID AVE	C Beer
(Q)	WEST END LOUNGE	2309 FOREST AVE	C Liquor

TRANSFER TO NEW LOCATION

- (R) FEDERAL DISTRIBUTORS INC. 3000 E GRAND C Beer/Wine
Temporary transfer to Agri Building from February 17 – 19, 2012 for Blue Ribbon Bacon Festival.

SPECIAL EVENT APPLICATIONS

- (S) BLUE RIBBON BACON FESTIVAL 3000 E GRAND Five (5) Day License
Class C Liquor License for Blue Ribbon Bacon Festival on February 18, 2012.
- (T) DM VOCAL ARTS ENSEMBLE 1200 GRAND Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on February 18, 2012.

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

PUBLIC IMPROVEMENTS

7. [Approving](#) contract and bond for construction on an improvement, the estimated cost of which is less than the Iowa Code competitive bid threshold, Washington Avenue Pump Station Modifications, Baker Electric, Inc., (Britt Baker, CEO), \$63,845.

[\(Council Communication No. 12-071\)](#)

8. ~~Authorization to proceed with design, including issuance of a Request for Proposals (RFP) for professional services for the Walnut Street Streetscape Renovation.~~

~~(Council Communication No. 12-072)~~

9. [Approving](#) and authorizing Iowa Department of Transportation Agreements for SW 9th Street Widening from Titus Avenue to Kenyon Avenue.

[\(Council Communication No. 12-065\)](#)

10. Approving Professional Services Agreements with the following:
 - (A) [AECOM](#) Technical Services, Inc. (Steven J. Eaton, Principal-in-Charge) for design services for the Des Moines River DM-3 Levee Raise, not to exceed \$216,000.

([Council Communication No. 12-070](#))
 - (B) [Stanley](#) Consultants, Inc. (Gayle Roberts, President) for the Des Moines Union Railway Bridge Feasibility, not to exceed \$56,300.

([Council Communication No. 12-067](#))

11. Accepting completed construction and approving final payment for the following:
 - (A) [Insituform](#) Technologies, USA, Inc. – 2009 Sewer Lining Program.
 - (B) [Manatts](#), Inc. – High Street Realignment – 10th Street to 14th Street – Phase 3.
 - (C) [T K](#) Concrete Inc. – Evergreen & Columbus Parks Basketball Court Improvements.
 - (D) [T K](#) Concrete Inc. – 2009 Bridge Embankment Scour Repairs.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for cost of Nuisance Abatement-NAC Emergency Orders (Public Works) Schedule No. 2012-1.
13. [Approving](#) deletion of NAC-Emergency Assessment at 1423 E. 9th St.

LAND/PROPERTY TRANSACTIONS

14. [Subdivision](#) improvement Letter of Credit reduction for Brook Run Village Plats 13, 14 and 15.

([Council Communication No. 12-054](#))
15. [Approving](#) 135 tax abatement applications for improvements to property completed in 2011.

([Council Communication No. 12-052](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Approving](#) recommendation from Mayor Cownie, to appoint the following to the Historic Preservation Commission, River Bend Historic District representatives for 3-year appointments February 3, 2012 through February 3, 2015:
 - (A) David Sweet, 1328 9th Street.
 - (B) Breann Bye, 523 Franklin Avenue.
17. [Approving](#) reappointment of Frank Cownie and appointment of Rick Clark to the Civic Center Board of Directors, July 1, 2012 through June 30, 2013.
- 17-I [Approving](#) recommendation of Mayor Cownie to reappoint Bob Mahaffey to the Aging Resources of Central Iowa Board of Directors for a one-year term, commencing January 1, 2012 through December 31, 2012.
18. [Acceptance](#) of resignation from Michele Garcia and appointment of Anwar Elnour to the Housing Services Board, Seat 11, effective immediately.
19. Communication from Chair of the Access Advisory Board regarding the following resignations effective immediately:
 - (A) [A.](#) Michael Bell, Seat 10.
 - (B) [Michelle](#) Sacco, Seat 11.
 - (C) [T.](#) Anthony Welch, Seat 6.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) request from Wellmark Holdings, Inc. for vacation of a segment of Linden Street, running 223.5 feet west of 14th Street, to allow for redevelopment of the eastern portion of the block for a passive recreation space with a pedestrian path circuit, subject to conditions.

SETTING DATE OF HEARINGS

21. [On](#) vacation and conveyance of a permanent easement within a portion of excess SW 8th Street right-of-way adjoining 729 Bell Avenue to Kristin Konchalski, \$200, (2-27-12).
22. [On](#) conveyance of 1443 12th Street and 1529 13th Street to Greater Des Moines Habitat for Humanity, Inc., \$13,500, (2-27-12).
23. [On](#) request from Anthofer Holdings, LLC to rezone 2814 SE 14th Street to remove the “VDL” (Vehicle Display Lot Overlay District), subject to conditions, (2-27-12).

24. [On](#) request from Grand View University to rezone 2919 E. 14th Street and 1517 Hull Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and approval of an amendment to PUD Concept Plan, subject to conditions, (2-27-12).
25. [On](#) request from ThermoKing Sales and Service, Inc. to rezone 4875 Hubbell Road from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial) to allow sales and service of recreational vehicles and refrigerated semi-tractor trailers and above-ground storage tanks of petroleum, subject to conditions, (2-27-12).
- 25-I [On](#) request from JZJL Holdings, LLC d/b/a QCSA Direct to rezone 1700 E. Aurora Avenue to revise the Ltd. “M-2” (Heavy Industrial) classification, with conditions that prohibits use of the property as a junk or salvage yard, to allow a towing and storage yard for motor vehicles and trailers including wrecked or damaged vehicles provided there is no salvaging, stacking or crushing of vehicles on the property, (2-27-12).
26. [On](#) amendment to the annual budget for current fiscal year ending June 30, 2012, (2-27-12).
 - (A) [On](#) proposed annual budget for fiscal year ending June 30, 2013 and adoption of the Capital Improvement Program (CIP) for 2012-2013/2017-2018, (2-27-12).
27. On items regarding issuance of General Obligation Bonds for FY 2012-13 Capital Improvement Budget, (2-27-12):

[\(Council Communication No. 12-058\)](#)

- (A) [Resolution](#) electing classifications and procedures for proposed bond projects.
- (B) [\\$17,925,000](#) (Essential Corporate Purposes).
- (C) [\\$11,130,000](#) (Urban Renewal Purposes).
- (D) [\\$820,000](#) (General Corporate Purposes – Library Facilities).
- (E) [\\$970,000](#) (General Corporate Purposes – Municipal Buildings).
- (F) [\\$880,000](#) (General Corporate Purposes – Police, Public Works, Municipal Buildings).
- (G) [\\$260,000](#) (General Corporate Purposes – Miscellaneous Improvements).
- (H) [\\$1,000,000](#) (General Corporate Purposes – Police Station Improvements).
- (I) [\\$845,000](#) (General Corporate Purposes).

28. [On](#) amendment to lease and service agreement with Metro Waste Authority for 1601 Harriett Street to add an additional 8.28 acres for operation of program for the collection and processing of yard waste materials, (2-27-12).

[\(Council Communication No. 12-047\)](#)

29. [On](#) application of United Cab Ltd. to increase the number of taxicabs operated under their Certificate of Public Convenience and Necessity to Operate Taxicab Service from Five (5) to Ten (10) taxicabs, (2-27-12).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment to Ahlers & Cooney, PC Law Firm in conjunction with Collective Bargaining, \$8,822.70.
31. Approving workers' compensation claims for James O'Connor and his attorney, Jerry Jackson, for injuries incurred on the following dates:
- (A) [July](#) 11, 2000 - \$18,125.
 - (B) [February](#) 1, 2001 - \$18,125.
 - (C) [January](#) 5, 2005 - \$18,125.
 - (D) [June](#) 15, 2006 - \$18,125.

CITY MANAGER COMMUNICATIONS

32. [Submitting](#) travel and training requests for Brian Bennett, T. M. Franklin Cownie, Mark Durham, Zack Erickson, Debora Hobbs, Kyle Larson, Daren Long, Kenneth Robinson, Mark Schleuger, Michael West, Anna Whipple, Dani Wilson and Frank Dunn-Young.

[\(Council Communication No. 12-057\)](#)

APPROVING

33. [2012](#) Des Moines Community Development Block Grant Disaster Recovery (CDBG-DR) Development Plan to build owner-occupied single-family homes to replace homes destroyed during the flooding of 2008 and authorizing contract extension request through December 31, 2014 (Contract number 08-DHR-209) to provide adequate time to implement the development plan.

[\(Council Communication No. 12-060\)](#)

34. [US](#) Department of Homeland Security and FEMA 2011 Assistance to Firefighter Grant (AFG) program award for the purchase of a new breathing air compressor and fill station, \$38,549.

[\(Council Communication No. 12-050\)](#)

35. [Budget](#) for the Downtown Self-Supported Municipal Improvement District for the Fiscal Year ending June 30, 2013.
36. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, to approve banner design for display in Downtown Des Moines on E. Locust Street, Locust Street, and Grand Avenue from July through August, 2012.
37. [Communication](#) from Downtown Community Alliance, on behalf of Meredith Corporation, to approve banner design for display in Downtown Des Moines on Locust Street during Spring 2012.
38. [Receive](#) and file Comprehensive Annual Financial Report (CAFR) of the City of Des Moines for the fiscal year ending June 30, 2011.

[\(Council Communication No. 12-051\)](#)

39. [City](#) Manager to negotiate and execute a contract, subject to review and approval of the form of the contract by the Legal Department, for the provision of quality assurance and project management assistance services during the implementation of the City's new city-wide Enterprise Resource Planning (ERP) solution with Premis Consulting Group (Joel Buege, Principal), not to exceed \$95,000.

[\(Council Communication No. 12-059\)](#)

40. Bids from the following:

- (A) [East](#) Jordan Iron Works, Inc. (Frederick Malpass, President) and Deeter Foundry (Bob Ostendorf, President) for manhole castings for use by the Public Works Department, \$75,960. (Eight bids mailed, three received).

[\(Council Communication No. 12-046\)](#)

- ~~(B) [Watson](#) Furniture Group Inc. (Lisa Dotterweich, President) for replacement modular furniture for use by the Police Department, \$117,529.20. (Nine bids mailed, four received).~~

- (C) [Vogel](#) Paint & Wax Co., Inc. (Drew Vogel, President) for traffic paint per State of Iowa Department of Transportation (IDOT) Contract for use by the Traffic & Transportation Department, \$45,000.

[\(Council Communication No. 12-064\)](#)

- (D) [Hewlett](#) Packard Co. (Mark Hurd, President) for replacement employee desktop personal computers per Western States Contracting Alliance (WSCA) price agreement for use by the IT Department, \$100,000.

[\(Council Communication No. 12-063\)](#)

- 41. [Approval](#) of a 3.6% fee increase to contract with G & S Service Inc. (Glen Mikel, Owner) for towing and storage services.

[\(Council Communication No. 12-048\)](#)

- 42. [Civil](#) Service Entrance List for Parking Meter Checker.
- 43. [Authorizing](#) Finance Director to draw checks on registers for weeks of February 13 and 20, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of February 13 and 20, 2012; and to draw checks for biweekly payroll due February 24, 2012.

ORDINANCES - FINAL CONSIDERATION

- 44. [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 13th Street.
 - (B) Removal of special school loading and unloading restrictions on 5th 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. 14th Street.
 - (F) Adjustments to the loading and unloading times adjacent to Walnut Street School – west side of 9th Street and east side of 10th Street, north of Walnut to Locust Street.

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

ORDINANCES - FIRST CONSIDERATION

45. [Amending](#) Chapter 114 of the Municipal Code regarding the operation of bicycles.
46. [Amending](#) Chapter 10 of the Municipal Code regarding qualifications to hold an alcoholic beverage license or permit.
47. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

[\(Council Communication No. 12-062\)](#)

- (A) Resident Parking Permit Regulations - 13th Street from Locust to Walnut Street.
- (B) Removal of Handicap Parking Space - south side of Ingersoll Avenue, east of 23rd Street.
- (C) One-Sided Parking Restriction - Kenyon Avenue between South Union and SW 9th Street.
- (D) One-Sided Parking Restriction - Crocker Street between 8th and 9th Street.
- (E) One-Sided Parking Restriction - west Side of 37th Street, South of Grand Avenue.
- (F) Parking Restrictions on the West Side of 3rd Street from south of Walnut Street to Vine Street - 6:00 p.m. to 6:00 a.m., Friday and Saturday.

COMMUNICATIONS/REPORTS

48. [From](#) Ryan Howell, President of the Sherman Hill Neighborhood Association, to speak regarding the Zoning Board of Adjustment's decision regarding sale of liquor at the QuikTrip, 1421 Ingersoll.
49. ~~From Benjamin Clement, 1821 E. 32nd Street, to speak regarding use of Des Moines City streets for art and public beautification.~~
50. [From](#) Anthony Herman, Polk City, to speak regarding a local option sales tax.
51. [From](#) Highland Park SSMID Board regarding the recommended budget for the Highland Park Self-Supported Municipal Improvement District (SSMID) for the Fiscal Year commencing July 1, 2012.
52. [Receipt](#) of communication and petition regarding proposed budget cuts and removal of a Fire Medic Unit from Fire Station #6.

53. [Receipt](#) of 2011 Polk County Assessor Annual Report.
54. [Receipt](#) of Financial Statements of the Des Moines International Airport for the fiscal year ended June 30, 2011 and 2010.

***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 55 THRU 58)

55. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Mark Kirchner, NPI Limousine Services, LLC, Urbandale, IA.

[\(Council Communication No. 12-068\)](#)

56. On appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18th Street:

[\(Council Communication No. 12-055\)](#)

- (A) [Affirming](#) decision to conditionally approve.

OR

- (B) [ALTERNATE RESOLUTION 1](#): Reversing the decision to conditionally approve.

OR

- (C) [ALTERNATE RESOLUTION 2](#): Continue the hearing.

57. [On](#) vacation and conveyance of a portion of E. Hartford Avenue right-of-way adjoining 1938 SE 6th Street to Neighborhood Development Corporation (NDC), \$3,100.

[\(Council Communication No. 12-069\)](#)

- (A) [First](#) consideration of ordinance above.

- (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

58. On Des Moines River Regional Trail – Phase 1: 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), \$1,364,999.99.

(Council Communication No. 12-073)

- (A) Approving contract and bond and permission to sublet.
- (B) Approving Supplemental Agreement No. 2 to the Professional Services Agreement with AECOM Technical Services, Inc. (Steven J. Eaton, Principal-in-Charge) to provide construction phase services, not to exceed \$83,300.

(Council Communication No. 12-066)

***END HEARINGS AT _____ PM ***

APPROVING

59. 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 at 1235 Thomas Beck Road for use as a brewery and outdoor patio area with accessory uses consisting of a tasting/tap room (tavern) and retail sales of package beer. (**Roll Call contains alternative motions.**)

(Council Communication No. 12-053)

60. Collective Bargaining Agreements for July 1, 2012 through June 30, 2015 with the following:

(Council Communication No. 12-061)

- (A) Municipal Employees Association (MEA).
- (B) Central Iowa Public Employees Council (CIPEC).
- (C) Police Bargaining Unit (PBU) Association.
- (D) Gold Braid Organization (GBO).

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: [MEMO](#)
 - (A) [1954](#) E. Bell Avenue, fire-damaged main structure and garage structure, Titleholders: Daniel C. Murphy, Jr. and Linda Channon-Murphy; Mortgage Holder: West Bank.
 - (B) [3934](#) 14th Street, main structure and garage structure, Titleholder: Terry W. McDowell and Vicki McDowell (deceased); Mortgage Holder: Bank of America, National Association.

MOTION TO ADJOURN.

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All-America City
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