

DES MOINES CITY COUNCIL MEETING

April 23, 2012
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Hameytarim Band from Akko, Israel

PROCLAMATIONS – 4:15 PM

Administrative Professionals Day/Week

Arbor Day

INVOCATION: Council Member Skip Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 32:

***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 Application for the following:

NEW APPLICATIONS

(A)	GRAYS LAKE TERRACE	2101 FLEUR DR	C Beer/Wine
(B)	PROOF RESTAURANT	1301 LOCUST ST	C Beer/Wine
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(D)	VOLCANO NIGHT CLUB	1820 E ARMY POST	C Liquor

RENEWAL APPLICATIONS

(E)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(F)	4TH DOWN SPORTS BAR	215 4TH ST	C Liquor
(G)	ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C Liquor
(H)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(I)	BEST TRIP INC	1516 SE 1ST ST	E Liquor
(J)	BOURBON ST	500 ARMY POST RD	C Liquor
(K)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor

(L)	DES MOINES ART CENTER	4700 GRAND AVE	C Liquor
(M)	DES MOINES YACHT CLUB	2617 INGERSOLL	C Liquor
(N)	DJANGO RESTAURANT	210 10TH ST	C Liquor
(O)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(P)	GERRIS	232 E 30TH ST	C Liquor
(Q)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(R)	H & A MINI MART	5901 FLEUR DR	C Beer
(S)	HOME PLATE DINER	304 E 30TH ST	C Beer/Wine
(T)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(U)	KIRKWOOD LOUNGE	400 WALNUT ST	C Liquor
(V)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(W)	KUM & GO #120	101 ARMY POST RD	C Beer
(X)	KUM & GO #130	2930 HICKMAN RD	C Beer
(Y)	KUM & GO #194	4001 SW 9TH ST	C Beer
(Z)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(AA)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(BB)	TROPHYS SPORTS BAR	2701 DOUGLAS AVE	C Liquor

OUTDOOR SERVICE APPLICATIONS

(CC)	BLAZING SADDLE	416 E 5TH ST	C Liquor
	Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012. Pending approval of Building Department.		
(DD)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
	Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012. Pending approval of Building Department.		
(EE)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
	Temporary in conjunction with Drake Relays on April 27 – 28, 2012.		
(FF)	LIME LOUNGE	435 E GRAND AVE	C Liquor
	Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012. Pending approval of Building Department.		
(GG)	LIME LOUNGE	435 E GRAND AVE	C Liquor
	Permenant outdoor service area.		
(HH)	LOCUST TAP	434 E LOCUST ST	C Liquor
	Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012. Pending approval of Building, Electrical and Fire Departments.		
(II)	UNDERGROUND	500 E LOCUST ST	C Liquor
	Temporary in conjunction with Cinco De Mayo celebration on May 5, 2012. Pending approval of Building and Electrical Departments.		
(JJ)	UNIVERSITY LIBRARY	3506 UNIVERSITY	C Liquor
	Temporary in conjunction with Drake Relays on April 26 – 28, 2012.		

SPECIAL EVENTS APPLICATIONS

- (KK) BIG CITY BURGERS 1717 INGERSOLL AVE Five (5) Day License
Class C Liquor License for Des Moines Art Center's Art and Ends Preview Sale on
April 26, 2012. Pending approval of Building Department.
- (LL) CADDY SHACK BALL 2801 FLEUR DR Five (5) Day License
Class C Liquor License for a fundraising event for The Lukemia Lymphoma
Foundation on April 28, 2012. Pending approval of Building, Electrical and Zoning
Departments.
- (MM) DOS RIOS 318 COURT AVE Five (5) Day License
Class C Liquor License for Cinco De Mayo celebration on May 5, 2012. Pending
approval of Building and Electrical Departments.
- (NN) HEV GALA 2012 400 ROBERT D RAY DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for annual fundraiser on April 30,
2012. Pending approval of Zoning Department.
- (OO) LA HACIENDA III 3121 INGERSOLL AVE Five (5) Day License
Class C Liquor License for Cinco De Mayo celebration on May 5, 2012. Pending
approval of Building Department.
- (PP) QUINTONS BAR & GRILL 401 E 5TH ST Five (5) Day License
Class B Beer License for Cinco De Mayo celebration on May 5, 2012. Pending
approval of Building and Fire Departments.
- (QQ) SCORES SPORTS BAR 2335 HICKMAN RD Five (5) Day License
Class C Liquor License for Drake Relays Party on April 27 – 28, 2012
- (RR) WOOLYS 401 E 5TH ST Five (5) Day License
Class B Beer License for Cinco De Mayo celebration on May 5, 2012. Pending
approval of Building, Electrical and Fire Departments.

5. ~~City Clerk to issue Coin Operated Machine Licenses.~~

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) Columbus Park & McHenry Park Water Features: Receiving of bids, (5-8-12),
Setting date of hearing, (5-21-12). (Construction Estimate - \$400,000).

(Council Communication No. 12-180)

- (B) Woodland Cemetery Entrance Arch: Receiving of bids, (5-8-12), Setting date of
hearing, (5-21-12). (Construction Estimate - \$69,500).

(Council Communication No. 12-181)

7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
8. [Approval](#) of contract and bond and permission to sublet on Hubbell Elementary School Enhanced School Crossings, \$228,938.25.

[\(Council Communication No. 12-184\)](#)

SPECIAL ASSESSMENTS

9. [Approving](#) deletion of rental inspection assessment at 2905 High Street.
10. [Accepting](#) completed construction and approving final payment for 2009-10 Paving Program, Jasper Construction Services, Inc.
 - (A) Items regarding Druid Hill Drive from Bell Avenue to Casady Drive:
 - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
 - (2) [Adopting](#) and levying final schedule of assessments and providing for payment.
 - (B) Items regarding E. 35th Street and Arthur Avenue from Easton Boulevard to E. 34th Street:
 - (1) [Accepting](#) work and ordering preparation of plat and schedule of assessments.
 - (2) [Adopting](#) and levying final schedule of assessments and providing for payment.

LAND/PROPERTY TRANSACTIONS

11. [Authorizing](#) issuance of Replacement Quit Claim Deed for previously vacated property adjoining 523 Waterbury Circle to Shannon M. Musgrave and Kurt P. Musgrave, \$100.

[\(Council Communication No. 12-183\)](#)

12. [Acceptance](#) of Planned Unit Development (PUD) Restoration Irrevocable Letter of Credit for The Woods of Copper Creek residential subdivision, vicinity of 4700 Block of NE 23rd Avenue (Easton Boulevard).

[\(Council Communication No. 12-195\)](#)

13. [Release](#) of \$48,336 PUD Restoration Bond from Merchant's Bonding Company for satisfactory completion of required grading and site restoration at Dahl's Grocery Store, 3425 Ingersoll Avenue.

[\(Council Communication No. 12-190\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recommendation](#) ~~from Mayor Frank Cownie to reappoint Dr. David Drake to the Human Rights Commission, Seat 1, for a three-year term commencing April 1, 2012 to expire April 1, 2015.~~
15. [Recommendation](#) from Council Member Christine Hensley to appoint Jake Christensen to the Zoning Board of Adjustment, Seat 6, for a five-year term commencing April 1, 2011 to expire April 1, 2016.
16. [Appointments](#) of Doug Brooks, Representative of Iowa Workforce Development, Breanne Bolin, Representative of Federal Enterprise Community, Mark Ackelson, Representative of City of Pleasant Hill, and Kaye Lozier as the At Large Representative to the Des Moines Enterprise Zone Commission for a two-year term to expire on January 24, 2014.

[\(Council Communication No. 12-187\)](#)

SETTING DATE OF HEARINGS

17. [On](#) conveyance by installment contract of vacated east/west and north/south alley right-of-ways adjoining 319 SW 5th Street to Create 319, LLP, \$8,000, (5-7-12).
18. [On](#) conveyance of underground gas line easement on City-owned property at the Blank Park Zoo to MidAmerican Energy Company, \$1, (5-7-12).
19. [On](#) proposed amendment to the Third (2012) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (6-11-12).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, Iowa, \$8,662.14.
21. [Approving](#) payment to Ken Murray for workers' compensation claim, \$28,597.80.

CITY MANAGER COMMUNICATIONS

22. [Submitting](#) travel and training request for T. M. Franklin Cownie.

[\(Council Communication No. 12-193\)](#)

APPROVING

23. [First](#) Amendment to the Iowa Economic Development Financial Assistance Contract by Kemin Industries, Inc., City of Des Moines and Iowa Department of Economic Development.

[\(Council Communication No. 12-188\)](#)

24. [Agreement](#) with the National Recreation and Park Association (NRPA) for a \$20,000 grant award provided through the Sprite Spark Parks Program to aid in replacing existing basketball courts at Cheatom Park.

[\(Council Communication No. 12-194\)](#)

25. Applications from the Drake Relays Group for temporary banners as follows:

- (A) [Grand](#) Blue Mile on April 24, 2012 across the street on Grand Avenue between 12th and 13th Street for starting and finish lines.
- (B) [Drake](#) Relays On-The-Roads on April 28, 2012 across the street as the starting line on Forest between 27th and 29th Street and finish line on 25th Street.

26. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2012.

27. [Execution](#) and delivery of Supplement No. 2 to the Governmental Lease-Purchase Master Agreement with Wells Fargo Bank, NA, not to exceed \$1,147,482, (to amend Roll Call 12-0464 of March 26, 2012).

[\(Council Communication No. 12-196\)](#)

28. [Bids](#) from Bayliff Construction (Walt Bayliff, President) and Lamberti Concrete (Miguel Hadsall, President) for annual contract with two (2) additional one-year renewal options to furnish concrete construction services for repair and maintenance of minor concrete improvements for use by the Building Services Division, annual estimate \$69,000. (Fifteen bids mailed, three received).

29. Bids from the following:

- (A) [AC Contractors](#) (Paul Chatham, President) for HVAC replacement at Fire Stations 2, 5, 6 and 7 for use by the Fire Department, \$145,160. (Seven bids mailed, two received).
- (B) [Bonnie's Barricades](#) (Bonnie Ruggless, President) for an annual contract with two (2) additional one-year renewal options to furnish traffic safety devices for use by the Public Works Department, annual estimate \$80,000. (Fours bids mailed, three received).
- (C) [Quality Painting](#) (Pat Dawson, President) for annual contract with two (2) additional one-year renewal options to furnish graffiti removal services for used by Park and Recreation Department, annual estimate \$125,000. (Three bids mailed, three received).
- (D) ~~Trans Iowa Equipment (Eric Thorson, Vice President) for non competitive procurement for chemical root control system to be installed on an existing Vactor sewer cleaning truck for use by the Public Works Department, \$36,000.~~
- (E) [Pratt Audio Visual](#) (Cindy Egger, President) for a sound system at James W. Cownie Soccer Park for use by Park and Recreation Department, \$62,648. (Six bids mailed, one received).

[\(Council Communication No. 12-192\)](#)

- 30. [Civil](#) Service Entrance Lists for Electronic Flow Meter Technician and Police Budget Specialist.
- 31. [Authorizing](#) Finance Director to draw checks on registers for weeks of April 23 and 30, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of April 23 and 30, 2012; and to draw checks for biweekly payroll due May 4, 2012.

ORDINANCES - SECOND CONSIDERATION

- 32. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Removal of rush-hour restriction – Locust Street from 13th to 15th Streets.
 - (B) Traffic Control Signals – 11th Street and Euclid Avenue.
 - (C) Designated Handicapped Parking Space – north side of Woodland Avenue, west of 18th Street.

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

COUNCIL REQUESTS

- 33. [From](#) Council Member Christine Hensley to discuss complaints received about peddlers in Des Moines.
- 34. [From](#) Council Member Brian Meyer to discuss Designated Music Venue ordinance.

COMMUNICATIONS/REPORTS

- 35. [Presentation](#) from Big Yellow Bike, LLC regarding multi-passenger bike tours in downtown Des Moines.

***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 36 THRU 46)

36. On appeal from Hamad G. Koko Ahmed, 3800 Martin Luther King, Jr. Parkway, regarding recommended denial of a Taxicab License, (continued from 4-9-12).
37. On appeal by Conlin Properties of decision by the Historic Preservation Commission regarding replacement of windows at 826 18th Street:
- (A) Affirming decision to conditionally approve.

OR

- (B) ALTERNATE RESOLUTION: Reversing the decision to conditionally approve.
38. On vacation and conveyance of the north/south alley lying between SW 9th and SW 12th Streets and running from Virginia Avenue to Pleasant View Drive to multiple property owners, \$300 total.

(Council Communication No. 12-185)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Jennifer Kerns), requires six votes.
39. Items regarding request from HOME Inc. for property at 1303 and 1305 Clark Street and 1512 and 1516 13th Street:
- (A) Amending the Des Moines 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Low/Medium-Density Residential.
- (B) Hearing on rezoning the property from “R1-60” (One-Family Low Density Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow development of two small-lot two-family dwellings, and one small-lot single-family dwelling.
- (C) First consideration or ordinance above.
- (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

40. On rezoning of 931 SE 21st Street from “M-1” (Light Industrial) to a Ltd. “M-2” (Heavy Industrial) to correct a publication error.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by WRA), requires six votes.

41. On request from Imperial Properties, Inc. to rezone 4141 E. 14th Street from “C-2” (General Retail and Highway Oriented Commercial) to “M-1” (Light Industrial) for a chrome plating operation. (**Roll Call contains alternative motions**)

(Council Communication No. 12-191)

42. On proposed Lease-Purchase Agreement to acquire certain items of equipment consisting of nine dump trucks, an asphalt paver, and a compact motor control, not to exceed \$2,000,000.

(Council Communication No. 12-189)

(A) Authorization for additional action.

43. On renewal of Parking Lease Agreement with Nelson Development, LLC for 418 E. Grand Avenue and **to continue to May 7, 2012 at 5:00 PM.**

44. On 2012 Levee Improvements – Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designation of lowest responsible bidder as Reilly Construction Co., Inc., (Chris R. Reilly, President), \$438,067.

(Council Communication No. 12-179)

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

45. On 2012 Sewer Repair – Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designation of lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldman, President), \$989,947.56.

(Council Communication No. 12-182)

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

46. [On](#) Tuttle Street at SW 8th & SW 9th Streets Traffic Signals: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designation of lowest responsible bidder as Baker Electric, Inc., (Britt Baker, CEO), \$224,840.

[\(Council Communication No. 12-186\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

**** END HEARINGS AT _____ PM ****

APPROVING

47. [Consideration](#) of Class E Liquor License renewal for Fast Mart, 1401 Buchanan Avenue.
48. [Dismissing](#) proceedings on proposed rezoning of 1241 E. 38th Street, (requested by Arnold Dewitt).

EXTRA ITEM

1. [Request](#) from Council Member Skip Moore to discuss establishing a City Council policy that all City Boards and Commissions be gender balanced.

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) [1900](#) Lincoln Avenue, fire-damaged main structure, Titleholders: Ronald L. Vaughn and Carol Guyer.
- (B) [1400](#) Mondamin Avenue, main structure, Titleholder: Cloteal M. Carr and Larry Carr (deceased); Mortgage Holder: The Bank of New York Mellon Trust Company, N.A. as successor to JP Morgan Chase Bank N.A. as Trustee for RASC2003KS4.

MOTION TO ADJOURN.