

DES MOINES CITY COUNCIL MEETING

September 28, 2009 4:30 PM

PROCLAMATIONS – 4:15 PM

Italian Heritage Month

Shondre “Mr. Bangladesh” Crawford Day

INVOCATION: Pastor Gene Kelsey
Wakonda Christian Church
3938 Fleur Drive

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

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***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 44:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	BAR FLYIES	2301 HUBBELL AVE	C Liquor
(B)	COUNTRY KITCHEN	5030 NE 14TH ST	C Beer/Wine
(C)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(D)	FAREWAY STORE #975	3000 SE 22ND ST	E Liquor
(E)	LIME LOUNGE	2708 INGERSOLL	C Liquor
(F)	TACO LOCO	99 UNIVERSITY	C Liquor

RENEWAL APPLICATIONS

(G)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(H)	BEST FOOD MART	4028 E 14TH ST	C Beer
(I)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(J)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(K)	DOS RIOS	316 COURT AVE	C Liquor
(L)	DRAKE DINER	1111 25TH ST	C Liquor
(M)	EDGE	508 INDIANOLA RD	C Liquor
(N)	EL ANGEL MEXICAN GROCERY	5000 SW 9TH ST	C Beer
(O)	FIREHOUSE LOUNGE	1930 SE 6TH ST	C Liquor
(P)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(Q)	GRAND VIEW COLLEGE	1500 MORTON AVE	C Beer/Wine
(R)	KARTARS MINI MART	3761 E UNIVERSITY	C Beer
(S)	PELICAN BAR	208 3RD ST	C Liquor
(T)	QUIKTRIP #500	3700 HUBBELL AVE	C Beer
(U)	ZIMMS	3124 INGERSOLL	C Liquor

TRANSFER TO NEW LOCATIONS

- (V) GRAND VIEW COLLEGE 1500 MORTON AVE C Beer/Wine
Temporary transfer from 1500 Morton Avenue for an outside event on October 3, 2009. Pending approval of Electrical, Fire and Zoning Departments.

OUTDOOR SERVICE APPLICATIONS

- (W) LA HACIENDA III 3121 INGERSOLL C Liquor
Permanent outdoor service. Pending approval of Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

- (X) DOWNTOWN EVENTS GROUP 401 E 5TH ST Five (5) Day License
Special Class C Liquor License for World Food Festival on October 9 – 11, 2009.
Pending approval of Electrical Department.
- (Y) DOWNTOWN EVENTS GROUP 301 E 5TH ST Five (5) Day License
Special Class C Liquor License for World Food Festival on October 9 – 11, 2009.
Pending approval of Electrical Department.
- (Z) TASTE TO GO AND CATERING 400 LOCUST ST Five (5) Day License
Class C Liquor License effective October 15, 2009. Pending approval of Building,
Electrical, Fire and Zoning Departments.

4-I Consideration of Five-day, Class B Beer License for Tai Village, Inc., 4200 M.L. King Jr. Pkwy. for an event on October 3, 2009. Sponsor: Vlassis.

5. On consideration of Class E Liquor License with B Wine and C Beer for University Groceries, 2121 University Avenue. Inspections are complete and Certificate of Occupancy has been issued.

6. City Clerk to issue Cigarette Licenses.
7. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Communication from contractors requesting permission to sublet certain items on 6th Avenue Resurfacing-University Avenue to Des Moines River Bridge public improvement project.
9. Accepting completed construction and approving final payment for the following:
 - (A) 3625 SW 34th Street Emergency Sanitary Sewer Repair, The Underground Company, Ltd.
 - (B) 2008 Designated Neighborhood Sidewalk Replacement Program, T.K. Concrete, Inc.
 - (C) 618 31st Street Emergency Sanitary Sewer Repair, Corell Contractor, Inc.

SPECIAL ASSESSMENTS

10. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2009-16.
11. Approving deletion of NAC-Emergency Assessment at 2311 E. Grand Avenue.
12. Approving deletion of NAC-Emergency Assessment at 1646 Dean Avenue.
13. Approving deletion of Rental Inspection Assessment at 1538 55th Street.

LAND/PROPERTY TRANSACTIONS

14. Establishing Fair Market Value of 5853 SE 14th Street for the E. Diehl Avenue turn lane at SE 14th Street Project.

(Council Communication No. 09-689)
15. Establishing Fair Market Value for property in the vicinity of 2001 Hubbell Avenue from Union Pacific Railroad Company for the I-235 Dean's Lake Outlet Sewer – Phase 2 Project.

(Council Communication No. 09-697)

16. Establishing Fair Market Value and authorizing acquisition of Southern Meadows Apartments at 2800 and 2810 SE 8th Street.

(Council Communication No. 09-691)

17. Authorizing deposit of Compensation Commission Award to General Manufacturing Company and the Wittern Partnership for property located at 5725 SW 56th Street and 5041 Army Post Road for the Airport Runway 13R-31L Project.

(Council Communication No. 09-690)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. Receipt of Des Moines Human Rights Commission Annual Report for 2008-9.

SETTING DATE OF HEARINGS

19. On request from Guisepppe Falbo to rezone 1602 M.L. King Jr. Parkway from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family Residential), (10-12-09).
20. On request from State of Iowa to rezone property in vicinity of 1111 E. Court Avenue from “R-4” (Multiple Family Residential) to “C-3A” (Central Business District Support Commercial), (10-12-09).
21. On proposed First (2010) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-9-09).

(Council Communication No. 09-671)

- (A) Communication from Neighborhood Revitalization Board.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. Approving payment of \$9,225.24 to Hall & Associates for services related to the combined sewer system and combined sewer overflows, NPDES Permit and assistance with environmental clearance as it relates to the National Historic Preservation Act.
23. Approving payment of \$8,646.30 to Hansen, McClintock, and Riley for representation of Police Officer John Mailander.
24. Approving payment of \$5,953.91 to Hopkins Law Office P.L.C. for representation of Officer John LePorte.
25. Approving payment of \$18,425.40 to Jason Rincon for workers’ compensation claim.

26. Approving payment of \$66,846 to Dennis Lorenc and his attorney, Ryan Beattie, for workers' compensation claim.
27. Approving payment of \$607 to Des Moines Ambulance, \$2,018.23 to Mercy Hospital, and \$1,000 to Victor and Frances Soriano (\$3,625.23) for an auto accident.

CITY MANAGER COMMUNICATIONS

28. Submitting travel and training request for Stephen Waymire.

(Council Communication No. 09-698)

APPROVING

29. Release of funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009 for the Business Disaster Recovery Fund.

(Council Communication No. 09-678)

30. Recommendation regarding Airport Crossroads area.

(Council Communication No. 09-699)

(A) Communication from William Lillis and Adam Van Dyke representing Fleur Properties, LLC.

31. Authorizing City Manager to execute an agreement to accept a grant awarded through the National Trust for Historic Preservation to be used as partial funding for a historic preservation plan for Fort Des Moines.

(Council Communication No. 09-679)

32. Documents related to a Neighborhood Commercial Revitalization program façade grant in the amount of \$15,000 for renovation to 422 E. Locust Street.

(Council Communication No. 09-683)

33. City Council Meetings schedule for 2010.

34. Sidewalk Café Lease, serving alcohol, to Star Bar at 2811 Ingersoll Avenue.

(Council Communication No. 09-675)

35. City Manager to submit a “Safe Routes to School” (SRTS) Fund Application to the Iowa Department of Transportation (IDOT).

(Council Communication No. 09-685)

36. Extension of contract for medical emergency ambulance billing and collection services with Team Two, Inc. until December 31, 2009.

(Council Communication No. 09-674)

37. Request from Sons of Union Veterans of the Civil War to name the Euclid Avenue Bridge over the Des Moines River in honor of Brigadier General Marcellus Crocker.

38. Scope of Work agreement with Intergraph Corporation (Ben Eazzette, Chief Operations Officer) for fire deployment system consultation and installation to Computer Aided Dispatch software, \$31,400.

(Council Communication No. 09-672)

39. First Amendment to Parking License Agreement with Wellmark, Inc.

(Council Communication No. 09-686)

40. City Street Financial Report to IDOT for Fiscal Year 2009.

(Council Communication No. 09-673)

41. Use of various City Facilities as poll sites for precincts in the Regular City Election to be held on Tuesday, November 3, 2009.

42. Bids from the following:

- (A) Bentley Systems Inc. (Greg Bentley, CEO) for annual software maintenance, upgrade, and support for the existing Computer-Aided Drafting and Design (CADD) software, existing Geographic Information System (GIS) and Automated Mapping/Facilities Management (AM/FM) system for use by the Engineering Department, \$47,880.

(Council Communication No. 09-684)

- (B) Express Police Supply (Bob Ralph, Owner) and UltraMax Ammunition (Roger Braunstein, Owner) for a joint bid with the Police Department and the Polk County Sheriff's Office for ammunition, \$199,086.18. (Nine bids mailed, two received).

(Council Communication No. 09-670)

- (C) Midwest Trenchless Technologies Inc. (Josh Swedlund, President) for cleaning and televising services for sanitary sewer lines to be used by the Public Works Department, \$133,754.44. (Ten bids mailed, five received).

- 43. Civil Service Entrance List for Senior Public Safety Dispatcher and Promotional List for Truck Driver.
- 44. Authorizing Finance Director to draw checks on registers for weeks of September 28 and October 5, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of September 28 and October 5, 2009; and to draw checks for biweekly payroll due October 9, 2009.

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

ORDINANCES - FINAL CONSIDERATION

- 45. Items regarding the Tree Removal and Mitigation Ordinance:

(Council Communication No. 09-680)

- (A) Enacting a new Article X to Chapter 42 and amending Section 122-58 to adopt a list of approved tree species for planting in the rights-of-way and as required replacement trees.
- (B) Amending the regulations applicable to grading permits, site plans, subdivision plats and plats of survey to reference the requirements in the Tree Removal and Mitigation Ordinance.

ORDINANCES - FIRST CONSIDERATION

- 46. Amending Chapter 114 of the Municipal Code, regarding vehicle and parking restrictions, location, street designations and erection of signs for snow priority streets in the Waterbury Neighborhood.

(Council Communication No. 09-695)

47. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(Council Communication No. 09-682)

- (A) Extend Passenger Loading/Unloading on 5th Avenue adjacent to the Downtown School.
 - (B) Back-In Angle Parking-Both sides of E. 4th Street from E. Grand Avenue to Des Moines Street.
 - (C) Additional Accessible Parking Spaces in the East Village.
 - (D) Loading Zone in front of new Nationwide Insurance Building-South Side of Locust between 12th and 13th Streets.
 - (E) Removal of 7:00 a.m.-9:00 a.m. Parking Restriction-E. Grand Avenue between Robert D. Ray Drive and Pennsylvania Avenue.
 - (F) Request for One-Sided Parking Restriction-27th Street from Carpenter Avenue to Forest Avenue.
48. Amending Chapter 2 of the Municipal Code regarding exceptions to the procurement of goods and services under competitive bidding process for fuel and fuel services.

(Council Communication No. 09-696)

- (A) Final consideration of ordinance above, (waiver requested by City Manager) requires six votes.

COMMUNICATIONS/REPORTS

- 49. From Charles Baumhover, 2820 Druid Hill Drive, to speak regarding DART.
- 50. From Patti Brown, 6055 N. Waterbury Rd., to speak regarding noise in the Waterbury neighborhood.
- 51. From Bruce Gerleman, 303 Locust St. Ste. 150, to speak regarding odor in downtown Des Moines.
- 52. From Phyllis Schnackel, 3851 NE 54th Avenue, to speak regarding the name change of NE 54th Avenue.
- 53. From Dan Stevenson, to speak regarding funding for Music Under the Stars.

***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 54 THRU 61)

54. On approval of Urban Renewal Agreement to accept developer-initiated development proposal from World Food Prize Foundation for long-term lease and to develop Disposition Parcel No. 01-1 in the Metro Center Urban Renewal Project.

(Council Communication No. 09-681)

- (A) Issuing a Landmark Certificate of Appropriateness for proposed alterations to the old Library Building.
- (B) Evidence of Financing and Conceptual Development Plan for The World Food Prize Foundation restoration and renovation of old Library Building under Lease Agreement.

55. On items regarding Rumely Lofts:

- (A) Vacation and conveyance of the north/south alley adjoining 101 SW 5th Street to Rumely Lofts Limited Partnership for \$13,959 and **to continue to October 26, 2009 at 5:00 PM.**

(Council Communication No. 09-687)

- (B) Vacation and conveyance of an encroachment easement to allow for encroachment of the existing building at 104 SW 4th Street to Rumely Lofts Limited Partnership for \$1,746.

(Council Communication No. 09-688)

- (1) First consideration of ordinance above.
- (2) Final consideration of ordinance above, (waiver requested by Rumely, LLC) requires six votes.

56. On vacation and conveyance of an irregular segment of E. 14th Street right-of-way located west of the travelled portion of the street and running approximately 376 feet south of E. Court Avenue, and portions of street and alley rights-of-way in the vicinity of the State Judicial Building, to the State of Iowa for \$1.

(A) First consideration of ordinance above.

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

57. On request from Northern Warren Fire and Emergency Response to rezone 6304 SW 7th Street from Ltd. "C-2" (General Retail and Highway Oriented Commercial) to an amended Ltd. "C-2".

(A) First consideration of ordinance above.

58. On request from Casey's Marketing Company to rezone property in the southern portion of 6120 Douglas Avenue from "R1-60" (One-Family Low Density Residential) to "C-2" (General Retail and Highway Oriented Commercial).

(A) First consideration of ordinance above, requires six votes.

(B) Petition in objection.

59. On items regarding the Vehicle Display Lot Overlay District (VDL):

(Council Communication No. 09-693)

(A) Proposed text amendments to Chapter 134.

(1) First consideration of ordinance above.

(B) Rezoning of properties fronting the E. 14th Street and SE 14th Street Corridor within the corporate limits of the City to add the "VDL" designation.

(1) First consideration of ordinance above.

60. On Memorandum of Agreement (MOA) with the Federal Aviation Administration (FAA) for Airfield Navigational Aid Facilities (NAVAID) at the Des Moines International Airport.

(Council Communication No. 09-676)

61. On Armory Building Reroofing: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Platinum Building Solutions, Inc., (Heath A. Evans, President), \$119,996.

(Council Communication No. 09-692)

- (A) Approval of contract and bond.

*** END HEARINGS AT _____ ***

APPROVING

62. COPS Hiring Recovery Program (CHRP) grant from the Office of Community Oriented Policing Services, \$2,191,806.

(Council Communication No. 09-677)

- ~~63. Proposal from Creative Outdoor Advertising to provide a bus bench/street side amenities program.~~

BOARD OF HEALTH

MOTION TO CONVENE.

1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: MEMO

(A) ~~1603 9th Street~~, main structure, Titleholder: Tiffany A. Hamilton.

(B) 700 Virginia Avenue, main structure and garage structure, Titleholders: Velda L. Morris and Mark A. Morris.

(C) 2112 Williams Street, main structure and garage structure, Titleholder: Jonathan J. Merryfield; Mortgage Holders: Wells Fargo Bank, N.A. and Lederman Bonding Company.

MOTION TO ADJOURN AT _____ P.M.

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All-America City
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