



***** DES MOINES CITY COUNCIL MEETING REPORT *****

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '09-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

October 12, 2009 4:30 PM

PROCLAMATIONS – 4:15 PM

White Cane Safety Awareness Day

Des Moines Jazz History

National Disability Employment Awareness Month

INVOCATION - Rev. Kevin LaGree
First United Methodist Church
1001 Pleasant Street

- 09-1824 1. **ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer, and Vlassis. Council Member Kiernan participated in the meeting by telephone.**
- 09-1825 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 7-0.**
- 09-1826 3. **APPROVING CONSENT AGENDA – items 3 through 35: Moved by Mahaffey to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

***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

- 09-1827 4. Approving Alcoholic Beverage License applications for the following: **Moved by Mahaffey to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

| | | |
|------------------------------------|-----------------------------|------------------------|
| (A) BABY BOOMERS | 303 E 5TH STREET | C Beer/Wine |
| (B) EASTGATE LAUNDROMAT | 1424 E OVID AVE | B Beer |
| (C) GRAZIANO BROTHERS, INC | 1601 S UNION ST | B Wine |
| (D) LIME LOUNGE | 2706 INGERSOLL AVE | C Liquor |
| (E) TACO LOCO | 99 UNIVERSITY AVE | C Liquor |

RENEWAL APPLICATIONS

| | | |
|------------------------------|-------------------|-------------|
| (F) APEX OIL | 1200 SE 30TH ST | C Beer |
| (G) BLAZING SADDLE | 416 E 5TH ST | C Liquor |
| (H) BLUES ON GRAND | 1501 GRAND AVE | C Liquor |
| (I) BORDENAROS PIZZA | 6108 SW 9TH ST | C Liquor |
| (J) CENTRO RESTAURANT | 1011 LOCUST ST | C Liquor |
| (K) DAHLS FOODS | 3400 E 33RD ST | E Liquor |
| (L) EDGE | 508 INDIANOLA RD | C Liquor |
| (M) FAMILY PANTRY | 4538 LOWER BEAVER | E Liquor |
| (N) FLEUR CINEMA & CAFE | 4545 FLEUR DR | C Beer/Wine |
| (O) GIT N GO STORE #19 | 9536 COUNTY LINE | C Beer |
| (P) GIT N GO STORE #33 | 865 42ND ST | C Beer |
| (Q) GOODSONS | 2815 BEAVER AVE | C Liquor |
| (R) KAMODO KLUB SAKE N SUSHI | 214 3RD ST | C Liquor |
| (S) TOADS TAVERN | 3002 STATE AVE | C Liquor |
| (T) TROPIK RESTAURANT/BAR | 3015 MERLE HAY RD | C Liquor |

SPECIAL EVENT APPLICATIONS

- (U) SURF SHACK 319 COURT AVE Five (5) Day License
Class B Beer License for a Halloween Party on October 31, 2009. Pending approval
of Fire and Zoning Departments.

PUBLIC IMPROVEMENTS

- 09-1828 5. Ordering construction of the following:
- (A) 2009 Sewer Repair Contract 2: Receiving of bids, (10-27-09), and Setting date of hearing, (11-9-09). (Construction Estimate - \$377,000). (Council Communication No. 09-723) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- 09-1829 (B) Livingston Avenue Storm Sewer Televising: Receiving of bids, (10-27-09), and Setting date of hearing, (11-9-09). (Construction Estimate - \$342,250). (Council Communication No. 09-724) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1830 (C) Police Academy HVAC Upgrade: Receiving of bids, (10-27-09), and Setting date of hearing, (11-9-09). (Construction Estimate - \$135,000). (Council Communication No. 09-722) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1831 6. Authorization to proceed on the 2009-10 Paving Program. (Council Communication No. 09-719) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1832 7. Approving Memorandum of Understanding with Federal Highway Administration, Polk County and Iowa Department of Transportation (Iowa DOT) designating roles and responsibilities as Joint Lead Agencies in the Environmental Review Process in the preparation of an Environmental Impact Statement for the North-South Metro Connector (IA415 to I-235) Polk County, IA Project. (Council Communication No. 09-717) **Moved by Vlassis to adopt. City Manager to keep the Citizen Committee informed regarding this project. Motion Carried 7-0.**
8. Items regarding Des Moines and Raccoon Rivers Project: (Council Communication No. 09-720)
- 09-1833 (A) Approving Project Partnership Agreement with Department of the Army for construction. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1834 (B) Authorization to proceed with acquisition of the necessary right-of-way and easements. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1835 9. Approving Professional Services Supplemental Agreement No. 1 with Snyder & Associates, Inc. for additional design services for the 2009 Sewer Repair Contract 1, not to exceed \$26,672. (Council Communication No. 09-718) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1836 10. Approving private construction contract between Baker Mechanical, Inc. d/b/a Baker Group and Bernard J. Baker III for sanitary sewer improvements in 3325 E. Douglas Avenue. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- 09-1837 (A) Sheets Excavating, Ltd. – American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1838 (B) The Underground Company, Ltd. – 2700 Block of Dean Avenue Emergency Sanitary Sewer Repair. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- 09-1839 12. Communication from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 09-1840 13. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2009-17. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1841 14. Approving Deletion of NAC-Emergency Assessment at 6807 SW 16th St. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1842 15. Approving Deletion of NAC-Emergency Assessment at 1436 Arlington Ave. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 09-1843 16. Establishing revised fair market value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project. (Council Communication No. 09-721) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 09-1844 17. On conveyance of an encroachment easement to allow for encroachment of existing building and improvements at 514 Foster Drive to Geoffrey J. Ingram, Trustee of Earl J. Ingram Revocable Management Trust, \$2,060, (10-26-09). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1845 18. On vacation and conveyance of segment of SE 28th Street, north of E. Market Street, to Greenstar Mid-America, LLC for \$900, (10-26-09). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1846 19. On request from George Clayton to rezone 2218 E. 9th Street from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow for use of garage for general motor vehicle repair, (10-26-09). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1847 (A) Communication from Plan and Zoning Commission recommending DENIAL. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- 09-1848 20. On First Amendment to Operating Agreement and Terminal Lease with Delta Airlines, Inc. at the Des Moines International Airport, (10-26-09). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- 09-1849 21. On intent to acquire agricultural property and authorize acquisition of the necessary property interests at the northeast corner of Army Post Road and E. Indianola Avenue from Lemar Koethe for the East Army Post Trunk Sanitary Sewer Project, (11-9-09). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

WITHDRAWN

- 09-1850 22. ~~Submitting travel and training requests for T.M. Franklin Cownie, Mayor. (Council Communication No. 09-731)~~

APPROVING

- 09-1851 23. Shelter Plus Care Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD). (Council Communication No. 09-713) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1852 24. Initial LIHEAP (Low-Income Home Energy Assistance Program) contract with the Iowa Department of Human Rights, Division of Community Action Agencies for energy-related assistance for low-income persons from October 1, 2009 to September 30, 2010. (Council Communication No. 09-702) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
25. Execution of Home Documents for renovation of low income rental housing with the Iowa Department of Economic Development and the following:
- 09-1853 (A) Oakridge Neighborhood Associates, L.P. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1854 (B) Oakridge Neighborhood Associates, Phase II, L.P. (Council Communication No. 09-711) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1855 26. License Agreement with Greenwood Historic Neighborhood Association to construct and maintain Buckeye Fountain Gardens. (Council Communication No. 09-712) **Moved by Hensley to approve. City Manager to develop a process/checklist to be used for future projects. Motion Carried 7-0.**
- 09-1856 27. Extending date for golf course reduction in force to no later than January 13, 2010 to coincide with commencement date of operating agreement for management of the courses. (Council Communication No. 09-716) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- 09-1857 28. Iowa Department of Transportation Air Service Sustainment Grant for Des Moines International Airport, \$20,000. (Council Communication No. 09-730) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1858 29. Melbourne Condominiums Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement. (Council Communication No. 09-707) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
30. Items regarding Downtown Des Moines Self-Supported Municipal Improvement District (SSMID):
- 09-1859 (A) Operating Agreement. (Council Communication No. 09-703) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1860 (B) Parking Garage Service Agreement through June 30, 2014 for parking garage security and cleaning services under the Operation Downtown project clean and safe program. (Council Communication No. 09-729) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
31. Bids from the following:
- 09-1861 (A) Logan Contractors Supply (Bruce Logan, President) for two replacement concrete saws to be used by the Public Works Department, \$26,345. (13 bids mailed, 4 received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1862 (B) Toyne, Inc. (Mike Schabe, President) for one replacement pumper truck to be used by the Fire Department, \$498,930. (14 bids mailed, 3 received). (Council Communication No. 09-704) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1863 (C) Data Power Technology (David Cooper, President), sole area wide distributor, for Liebert cooling equipment for use in the IT Department Server Room, \$68,000. (Council Communication No. 09-715) **Moved by Mahaffey to adopt. Motion Carried 6-1. Nays: Hensley.**
- 09-1864 (D) Pomeroy IT Solutions (Chris Froman, President) for annual maintenance and support services for CISCO network equipment hardware and software to be used by the IT Department, \$145,840.21. (7 bids mailed, 5 received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1865 (E) Walker & Associates (Mark Walker, President) for telecommunications equipment to upgrade the 2-way radio infrastructure, \$32,808.50. (6 bids mailed, 4 received). **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- 09-1866 (F) MacQueen Equipment (Bill Garber, CEO), per State of Minnesota Contract, for replacement brine system to be used by the Street Maintenance Division, \$79,260. (Council Communication No. 09-706) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1867 (G) Logan Contractors Supply (Bruce Logan, President) for additional crack and joint sealant and detackifier products to be used by the Public Works Department, (exempt from competitive bidding requirements for good cause shown) \$55,000. (Council Communication No. 09-705) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1868 32. Civil service entrance list for Departmental Systems Coordinator and promotional list for Assistant Fire Chief. **Moved by Mahaffey to receive and file. Motion Carried 7-0.**
- 09-1869 33. Authorizing Finance Director to draw checks on registers for the weeks of October 12 and October 19, 2009; to draw the checks for bills of the Des Moines Municipal Housing Agency to be presented to the Finance Director for the weeks of October 12 and October 19, 2009; and to draw the checks for biweekly payroll due October 23, 2009. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 09-1870 34. 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). **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 09-1871 (A) Final consideration of ordinance above (waiver requested by Casey's), requires six votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,898. Motion Carried 7-0.**
- 09-1872 35. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- (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.

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

COUNCIL REQUESTS

- 09-1873 36. Request from Council Member Brian Meyer to discuss proposed ordinance regarding hunting and the use of firearms, and bows and arrows on 20-acre parcels assessed as agricultural property and zoned “A-1” (Agricultural) and request that the Legal Department prepare an ordinance for the October 26th meeting. **Moved by Meyer to refer to Legal Department for preparation of an ordinance. The City Manager will provide information regarding the deer population in Des Moines. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

- 09-1874 37. Amending Chapter 74 of the Municipal Code regarding consumption of alcohol/intoxication in park facilities. (Council Communication No. 09-714) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 09-1875 (A) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,899. Motion Carried 7-0.**
- 09-1876 38. Amending Chapter 46 of the Municipal Code regarding permits for open fires or open burns and deletion of sections in the International Fire Code. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 09-1877 (A) Final consideration of ordinance above, (waiver requested by the Fire Department), requires 6 votes. (Council Communication No. 09-708) **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,900. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- 09-1878 39. From Paul Ekanem, 2605 Lincoln Avenue, to speak regarding erosion on his property. **Moved by Vlassis to receive and file comments; refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- 09-1879 40. From Johnny Mascaro, Des Moines, to speak regarding various issues. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:10 P.M.) (ITEMS 41 THRU 46)

- 09-1880 41. On request from State of Iowa to rezone property in the vicinity of 1111 E. Court Avenue from "R-4" (Multiple Family Residential) to "C-3A" (Central Business District Support Commercial). **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Vlassis.**
- 09-1881 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**
- 09-1882 42. On request from Guiseppe Falbo to rezone 1602 M.L. King Jr. Parkway from "R1-60" (One-Family Low-Density Residential) to "R-2" (Two-Family Residential). (Plan and Zoning Commission recommends DENIAL). **Moved by Vlassis to DENY the proposed rezoning. Motion Carried 7-0.**
- 09-1883 43. Resolution to receive and file bids and close the hearing on plans, specifications, form of contract documents and Engineer's estimate for 1706 Pennsylvania Avenue Soil Stabilization. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-1884 44. On 2009 Expanded Street Resurfacing Program-Contract 4: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J.M. Yonker, President), \$562,870. (Council Communication No. 09-727) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 09-1885 (A) Approval of contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 09-1886 45. On Highland Hills Sanitary Sewer Televising: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Mid-America Pipe Services, LLC, (Lynn Norman, Member), \$393,300. (Council Communication No. 09-725) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 09-1887 (A) Approving contract and bond, and permission to sublet. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- 09-1888 46. On 7th & Grand Parking Garage Rehabilitation: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Ram Construction Services of Minnesota, LLC, (Bryan Dziuban, Regional Manager), \$463,000. (Council Communication No. 09-726) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 09-1889 (A) Approving contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 5:14 PM ***

APPROVING

WITHDRAWN

- 09-1890 ~~47. Conceptual uses along West River Drive and referral to the Plan and Zoning Commission regarding closure of West River Drive at University Avenue.~~
- 09-1891 48. Radio consulting services contract with RCC Consultants to complete Phase 2 of Metro Interoperability Communications System, \$85,348. (Council Communication No. 09-709) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 09-1892 (A) Contract with Tait Radio Communications (Steve Cragg, President) for construction of Metro Interoperability Communications System, \$2,542,014. (Council Communication No. 09-710) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 09-1893 49. Receipt of Performance Assessment Review by the US Department of Housing and Urban Development (HUD) for June 1, 2008 through May 30, 2009. (Council Communication No. 09-701) **Moved by Hensley to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- 09-1894 1. Recommendation from Council Member Tom Vlassis to appoint Norman Goldberg to the Sister Cities Commission, Seat 9, for a five-year term commencing April 28, 2007 to expire April 28, 2012. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 09-1895 2. Request from Council Members Coleman and Vlassis to discuss holiday decorations in the Beaverdale area. **Moved by Vlassis to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- 09-1896 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 5:21 PM. Motion Carried 7-0.**

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