

DES MOINES CITY COUNCIL MEETING

August 24, 2009 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Honor Flight hosted by Des Moines International Airport

PROCLAMATIONS – 4:15 P.M.

AAU Junior Olympics

INVOCATION: Pastor Richard Hutton
Capitol Hill Lutheran Church
E. 5th & Des Moines St.

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

* * * * *

***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 51:

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

- | | | | |
|-----|---------------------|-------------------|----------|
| (A) | RON'S DAWG HOUSE | 2117 E UNIVERSITY | C Liquor |
| (B) | SAKARI SUSHI LOUNGE | 2605 INGERSOLL | C Liquor |
| (C) | SUNRISE TAP | 4155 EASTON BLVD | C Liquor |

RENEWAL APPLICATIONS

(D)	AK OCONNORS	4050 URBAN DALE	C Liquor
(E)	CARLOS O'KELLYS	4371 MERLE HAY RD	C Liquor
(F)	EMBASSY SUITES HOTEL	101 E LOCUST ST	B Liquor
(G)	H & A MINI MART	145 UNIVERSITY	E Liquor
(H)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(I)	INFINITE	2829 EASTON BLVD	C Beer
(J)	J & J PIZZA PUB	1264 E 14TH ST	C Liquor
(K)	LA PIZZA HOUSE	1013 SE 14TH ST	C Liquor
(L)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor
(M)	PARADIES SHOPS	5800 FLEUR DR	B Wine Native
(N)	QUIKTRIP #527	1215 6TH AVE	C Beer
(O)	QUIKTRIP #560	2300 M L KING PKWY	C Beer
(P)	SHORTSTOP #38	3501 E 14TH ST	C Beer
(Q)	SOME PLACE ELSE	1833 HUBBELL AVE	C Liquor
(R)	VICTORY LANE	3801 EASTON BLVD	C Liquor
(S)	WAL MART	5101 SE 14TH ST	E Liquor
(T)	WAVELAND COFFEE SHOP	4704 UNIVERSITY	C Liquor

OUTDOOR SERVICE APPLICATIONS

(U)	STAR BAR	2809 INGERSOLL	C Liquor
	Temporary in conjunction with Ingersoll Live effective August 29 – 30, 2009. Pending approval of Electrical and Zoning Departments.		

SPECIAL EVENTS APPLICATIONS

(V)	CLIVE JAYCEES	7401 SW 9TH ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Latino Heritage Festival on September 19 – 20, 2009.
(W)	DM VOCAL ARTS ENSEMBLE	1200 GRAND AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) for an event on September 26, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.
(X)	FUNKY PICKLE	2801 BEAVER AVE	C Liquor Class C Liquor License for Beaverdale Fall Festival on September 18, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments
(Y)	PALMERS DELI AND MARKET	2843 INGERSOLL	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Ingersoll Live on August 29, 2009.
(Z)	PALMERS DELI AND MARKET	2816 INGERSOLL	Five (5) Day License Class B Beer License for Ingersoll Live on August 29, 2009. Pending approval of Electrical Department.

- (AA) UNDERGROUND 504 E LOCUST ST Five (5) Day License
Class C Liquor License for VIP Celebration on September 10, 2009. Pending
approval of Building, Electrical, Fire and Zoning Departments.

PUBLIC IMPROVEMENTS

5. Approving submittal of Iowa Clean Air Attainment Program (ICAAP) Fund applications to the Iowa Department of Transportation (IDOT) for Citywide Fixed-time Signal Upgrade, \$320,000 and Des Moines River Trail Phase 1, \$500,000.

(Council Communication No. 09-603)

6. NUMBER NOT USED.

7. Approving Change Orders with Cramer and Associates, Inc. for additional work on the following:

(Council Communication No. 09-610)

(A) No. 10 – Center Street Pedestrian (Riverwalk) Bridge, not to exceed \$39,981.

(B) No. 11 – Center Street Pedestrian (Riverwalk) Bridge, not to exceed \$222,710.61.

8. Approving Private Construction Contract for J.P. Cullen & Sons, Inc. and State of Iowa, Department of Administrative Services for Storm Sewer Improvements in 1375 E. Court Avenue.

9. Accepting completed construction and approving final payment for the following:

(A) Sternquist Construction Inc. – High Street Realignment – 10th Street to 14th Street – Phase 1.

(B) Sternquist Construction Inc. – Pennsylvania Avenue Widening – Buchanan Street to Filmore Street.

(C) Sheets Excavating, Ltd. – Blank Park Zoo 2009 Walkway & Storm Sewer Replacement.

10. Accepting completed construction and approving final payment for 2007-08 Paving Program, Concrete Technologies, Inc.
 - (A) Carpenter Avenue reconstruction from 30th to 31st 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.
 - (B) SW 5th Street from Broad Street to Virginia Avenue.
 - (1) Accepting work and ordering preparation of plat and schedule of assessments.
 - (2) Adopting and levying final schedule of assessments and providing for payment.
11. Approving amendment to agreement with Trelen J. Wilson and Linda L. Bender regarding property at 1235 Davis Avenue.

(Council Communication No. 09-601)

SPECIAL ASSESSMENTS

12. Levying assessments for fees, fines, penalties, costs, and interest imposed in the enforcement of the Neighborhood Inspection Rental Code (Schedule No. 2009-02).
13. Approving deletion of NAC-Emergency Assessment at 2050 Capitol Avenue.

LAND/PROPERTY TRANSACTIONS

14. Establishing Fair Market Value of 2625 and 2701 McKinley Avenue for the McKinley Avenue Drainage Improvements Project – SW 26th to SW 31st Street.

(Council Communication No. 09-609)

15. Establishing Fair Market Value of multiple properties for the Merle Hay Road and Urbandale Avenue Intersection Improvements Project.

(Council Communication No. 09-604)

16. Approving Agreement with Merchants Bonding Company and Valley Bank for grading and seeding in Sterling Trace Plats 1 and 2.
17. Authorizing City Manager to determine fair market value and enter into negotiations to acquire the Southern Meadows Apartments at 2800 SE 8th Street.

(Council Communication No. 09-593)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. Recommendation of Council Member Chris Coleman to appoint Michelle A. Sacco to the Access Advisory Board, Seat 11, for a four-year term commencing June 15, 2007 to expire June 15, 2011.

COMMUNICATIONS FROM PLANNING AND ZONING

19. Regarding request from Mid-American Recycling, LLC d/b/a Greenstar for vacation of a dead-end segment of SE 28th Street running north of E. Market Street, subject to conditions.

SETTING DATE OF HEARINGS

20. On conveyance of vacated segment of east/west alley between E. 14th and E. 15th Streets, north of E. Court Avenue and south of Dean Avenue to Leon C. Newquist, \$50, (9-14-09).
21. On conveyance of property located between 1545 and 1601 30th Street to C. Renee Ellingson, \$75 and to Nia Vassilonikolidakis, \$75, (9-14-09).
22. On application of Angel Groff for relief from temporary moratorium on creation or expansion of vehicle display lots at 4109 SE 14th Street, (9-14-09).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. Approving payment of \$437.50 to Hall & Associates for services related to proposed rules by Iowa Department of Natural Resources (IDNR).
24. Approving payment of \$25,376.13 to Ahlers & Cooney, P.C. for services regarding general obligation bonds.

25. Approving payment of \$125.00 per hour for retention of Attorney Hugh Cain of Hopkins and Huebner for services to the Des Moines Civil Service Commission.
26. Approving payment of \$12,229.52 to Shelter Insurance Companies as subrogee of Candelario and Billie Sanchez for damages as a result of a sewer blockage.

CITY MANAGER COMMUNICATIONS

27. Approving travel and training requests for T.M. Franklin Cownie, Jennifer Huisman, Kevin Newman and Don Tripp.

(Council Communication No. 09-592)

APPROVING

28. Grant Agreement with the U.S. Department of Housing and Urban Development (HUD) for funding of the HUD Community Development Block Grant-Recovery Program.

(Council Communication No. 09-586)

29. Sub-recipient contract with Polk County to administer the Housing and Urban Development 2008 Lead-Based Paint Hazard Control Program.

(Council Communication No. 09-598)

30. Execution of Memorandum Of Understanding with the National Community Stabilization Trust (NCST) to implement the Neighborhood Stabilization Program (NSP).

(Council Communication No. 09-600)

31. Agreements and related documents for the Community Development Neighborhood Conservation Services Neighborhood Stabilization Program.

(Council Communication No. 09-599)

32. ~~Documents related to Neighborhood Commercial Revitalization Program, \$15,000 Façade Grant, a \$5,000 Predevelopment Grant and a \$100,000 Economic Development Bridge Loan to the Parks Area Foundation for renovation of property at 3600 6th Avenue.~~

~~(Council Communication No. 09-595)~~

33. Documents related to a Neighborhood Commercial Revitalization Program Loan in the amount of \$100,000 for renovation to 301 E. Walnut Street.

(Council Communication No. 09-585)

34. Iowa Department of Economic Development Community Development Block Grant Business Disaster Recovery Fund Contract for funding of Business Rental Assistance Program.

(Council Communication No. 09-596)

35. Notices to the public for projects to be located in a floodplain and a request for the release of funds from the Iowa Department of Economic Development (IDED) for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009.

(Council Communication No. 09-620)

36. Preliminary terms of agreement with 6000 Aurora, LLC for redevelopment of 6000 Aurora Avenue.

(Council Communication No. 09-584)

37. Application for Enterprise Zone Certification for proposed NE Hubbell/Broadway Enterprise Zone.

(Council Communication No. 09-608)

38. ~~Community Oriented Policing Services (COPS) Hiring Recovery Program grant, \$2,191,806, for nine officers to support our community policing efforts.~~

39. ~~Execution of contract with Granted Pictures, Inc. to film various activities of Des Moines' police officers for a television series "Squad Car Chronicles."~~

40. Submission of grant application to the State of Iowa for grant funds from the Iowa Infrastructure Investment Initiative and approval of City of Des Moines matching fund commitment requirements for the Franklin Library Project.

(Council Communication No. 09-619)

41. ~~Application to Iowa Comprehensive Human Services “Iowa Severe Storm/Tornado/Flood Disaster Project Work Experience Contract” Emergency Public Jobs (EPJ) Program.~~

42. Donation and Construction Agreement between Rebuilding Together Greater Des Moines, Inc., d/b/a Rebuilding Together regarding Ashfield Park Playground.

(Council Communication No. 09-591)

43. Approving the following with MidAmerican Energy Company:

(Council Communication No. 09-588)

(A) Renewal of Value-Added Service Agreement.

(B) Street Lighting Service Contract.

44. Sidewalk Café Lease serving alcohol for Spaghetti Works with I-80 Spaghetti Works Corp. at 310 Court Avenue.

(Council Communication No. 09-617)

45. Submittal to State Historical Society of Iowa, FY 2010 Certified Local Government (CLG) Grant Application for Reconnaissance Level Historical and Architectural Survey of the Drake Neighborhood.

(Council Communication No. 09-605)

45I. Recommendation from Mayor Frank Cownie to appoint Council Member Christine Hensley to the Neighborhood Finance Corporation, Seat 2, effective immediately.

46. Communication from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design for 14 banners to be displayed in Downtown Des Moines on Locust Street in Fall of 2009.

47. Bid from Central Asphalt Paving (Tom Elverum, President/Owner) for asphalt patching services for various cemetery, trail and park locations for use by the Park & Recreation Department, \$38,151.36. (Six bids mailed, four received).

48. Civil Service Entrance List for Family Development Specialist.

49. Authorizing Finance Director to draw checks on registers for the weeks of August 24, August 31 and September 7, 2009; to draw checks for bills of the Des Moines Municipal

Housing Agency for the weeks of August 24, August 31 and September 7, 2009; and to draw checks for bi-weekly payroll due August 28 and September 11, 2009.

ORDINANCES - FINAL CONSIDERATION

50. Amending Chapter 26 Article III of the Municipal Code to reference the 2008 edition of the National Electric Code and General Article I.

(A) Communication from Allen Suby, 422 SW Westview Dr., Ankeny.

51. Amending paragraph (b) of Section 1-15 relating to general penalty for misdemeanors.

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

ORDINANCES - SECOND CONSIDERATION

52. Amending Chapter 114 of the Municipal Code regarding proposal for a three-lane restriping project including bicycle lanes and additional parking on Ingersoll Avenue.

(Council Communication No. 09-594)

COMMUNICATIONS/REPORTS

53. From Geoffrey Ingram, 514 Foster Drive, Joel Romey and Alex Galyon to speak regarding an encroachment side yard setback issue.

54. From Karen Russell, 1216 Garfield Avenue, to speak regarding various issues.

55. Receive and file Urban Design Review Board approval of Riverwalk Court Avenue Kiosk and Riverwalk update.

(Council Communication No. 09-615)

***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 56 THRU 63)

56. On consideration of renaming The Des Moines International Airport.

(Council Communication No. 09-607)

57. On conveyance of city-owned real estate and for the vacation and conveyance of the adjoining alley at the corner of Indianola Road and Edison Avenue to St. Anthony's Church, \$300.

(Council Communication No. 09-606)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by St. Anthony's Church) requires 6 votes.

58. On proposed ordinances to establish a comprehensive system for the consideration of tree removal and planting of replacement trees in the review and approval of applications for grading permits, site plans, subdivision plats and plats of survey.

(Council Communication No. 09-616)

(A) First consideration of ordinance enacting new Article X to Chapter 42, tree removal and mitigation ordinance 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) Final consideration of ordinance above, (waiver requested by Community Development Director) requires 6 votes.

(C) First consideration of ordinance amending the regulations applicable to grading permits, site plans, subdivision plats and plats of survey.

(D) Final consideration of ordinance above, (waiver requested by Community Development Director) requires 6 votes.

(E) Approving list of tree species recommended for planting in the public rights-of-way and as required replacement trees.

(F) Receive and file the Community Development Director's policy regarding tree protection during development activities.

(G) Adopting Tree Preservation Principles for City Property, Public Improvement Projects and Utilities.

59. On assessment of \$1,500 penalty and a 30-day suspension of Liquor License for Southport Center Sports Bar, LLC, 1101 Army Post Road, for violation of Iowa Alcoholic Beverage laws.

60. On assessment of \$500 penalty to The Den, 4369 Merle Hay Road, for violation of Iowa Alcoholic Beverage Laws.

61. REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineer's estimate for Armory Building Reroofing.

(A) Ordering construction of Armory Building Reroofing: Receiving of bids, (9-15-09), and Setting date of hearing, (9-28-09), Engineer's Estimate, (\$158,500).

(Council Communication No. 09-612)

62. On 2009 Expanded Street Resurfacing Program – Contract 3: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$126,198.89

(Council Communication No. 09-614)

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

63. On Riverpoint West Street Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Sternquist Construction Inc., (Britt Sternquist, President), \$2,499,556.60.

(Council Communication No. 09-618)

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

END HEARINGS AT _____ P.M.

APPROVING

64. Application for a Department of Transportation TIGER Grant for the SE Connector project between SE 14th Street and SE 30th Street.

(Council Communication No. 09-602)

65. Rejection of impounded vehicle towing and storage bids and directing Procurement Administrator to reissue invitation to bid with revised bid specifications.

(Council Communication No. 09-613)

MOTION TO ADJOURN AT _____ P.M.

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