

DES MOINES CITY COUNCIL MEETING

October 12, 2009 4:30 PM

PROCLAMATIONS – 4:15 PM

White Cane Safety Day

DSM Jazz History

National Employment Disability Awareness Month

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

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA – items 3 through 35:

***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 applications for the following:

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

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)

- (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)

- (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)

6. Authorization to proceed on the 2009-10 Paving Program.

(Council Communication No. 09-719)

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)

8. Items regarding Des Moines and Raccoon Rivers Project:

(Council Communication No. 09-720)

- (A) Approving Project Partnership Agreement with Department of the Army for construction.
 - (B) Authorization to proceed with acquisition of the necessary right-of-way and easements.
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)

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.
11. Accepting completed construction and approving final payment for the following:
 - (A) Sheets Excavating, Ltd. – American Discovery Trail Segment 3 from North Valley Drive to Bill Riley Trail along Walnut Creek.
 - (B) The Underground Company, Ltd. – 2700 Block of Dean Avenue Emergency Sanitary Sewer Repair.
12. Communication from contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

13. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2009-17.
14. Approving Deletion of NAC-Emergency Assessment at 6807 SW 16th St.
15. Approving Deletion of NAC-Emergency Assessment at 1436 Arlington Ave.

LAND/PROPERTY TRANSACTIONS

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)

SETTING DATE OF HEARINGS

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).
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).
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).

(A) Communication from Plan and Zoning Commission recommending **DENIAL**.
20. On First Amendment to Operating Agreement and Terminal Lease with Delta Airlines, Inc. at the Des Moines International Airport, (10-26-09).
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).

CITY MANAGER COMMUNICATIONS

- ~~22. Submitting travel and training requests for T.M. Franklin Cownie, Mayor.~~

(Council Communication No. 09-731)

APPROVING

23. Shelter Plus Care Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD).

(Council Communication No. 09-713)

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)

25. Execution of Home Documents for renovation of low income rental housing with the Iowa Department of Economic Development and the following:

(A) Oakridge Neighborhood Associates, L.P.

(B) Oakridge Neighborhood Associates, Phase II, L.P.

(Council Communication No. 09-711)

26. License Agreement with Greenwood Historic Neighborhood Association to construct and maintain Buckeye Fountain Gardens.

(Council Communication No. 09-712)

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)

28. Iowa Department of Transportation Air Service Sustainment Grant for Des Moines International Airport, \$20,000.

(Council Communication No. 09-730)

29. Melbourne Condominiums Stormwater Management Facilities Maintenance Covenant and Permanent Easement Agreement.

(Council Communication No. 09-707)

30. Items regarding Downtown Des Moines Self-Supported Municipal Improvement District (“SSMID District”):

(A) Operating Agreement.

(Council Communication No. 09-703)

(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)

31. Bids from the following:

(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).

(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)

(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)

(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).

(E) Walker & Associates (Mark Walker, President) for telecommunications equipment to upgrade the 2-way radio infrastructure, \$32,808.50. (6 bids mailed, 4 received).

(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)

(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)

- 32. Civil service entrance list for Departmental Systems Coordinator and promotional list for Assistant Fire Chief.

- 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.

ORDINANCES - SECOND CONSIDERATION

- 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).
 - (A) Final consideration of ordinance above (waiver requested by Casey’s), requires six votes.

- 35. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (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

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.

ORDINANCES - FIRST CONSIDERATION

37. Amending Chapter 74 of the Municipal Code regarding consumption of alcohol/intoxication in park facilities.

(Council Communication No. 09-714)

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.

- (A) Final consideration of ordinance above, (waiver requested by the Fire Department), requires 6 votes.

(Council Communication No. 09-708)

COMMUNICATIONS/REPORTS

39. From Paul Ekanem, 2605 Lincoln Avenue, to speak regarding erosion on his property.
40. From Johnny Mascaro, Des Moines, to speak regarding various issues.

***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 41 THRU 46)

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).

- (A) First consideration of ordinance above.

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**).

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.

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)

(A) Approval of contract and bond, and permission to sublet.

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)

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

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)

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

*** END HEARINGS AT _____ PM ***

APPROVING

~~47. Conceptual uses along West River Drive and referral to the Plan and Zoning Commission regarding closure of West River Drive at University Avenue.~~

48. Radio consulting services contract with RCC Consultants to complete Phase 2 of Metro Interoperability Communications System, \$85,348.

(Council Communication No. 09-709)

- (A) Contract with Tait Radio Communications (Steve Cragg, President) for construction of Metro Interoperability Communications System, \$2,542,014.

(Council Communication No. 09-710)

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)

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

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.
2. Request from Council Members Coleman and Vlassis to discuss holiday decorations in the Beaverdale area.

MOTION TO ADJOURN AT _____ P.M.

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