

DES MOINES CITY COUNCIL MEETING

**December 21, 2009
City Hall, 2nd Floor
400 Robert D. Ray Drive**

**Reception - 3:00 – 4:00 PM
for
Michael Kiernan, Council Member At-Large
Tom Vlassis, Ward I Council Member**

PROCLAMATIONS – 4:00 PM

National Homeless Persons’ Memorial Day

Universal Hour of Peace

SPECIAL PRESENTATIONS

Des Moines Fire Department Certificate of Appreciation Awards –
Police Officers Eric Wilson, Jamie Vanderwert and Vic Gamboa
Melbourne resident Gary Fricke

INVOCATION: Council Member Christine Hensley

1. ROLL CALL: (4:30 PM)
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA – items 3 through 37:

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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.

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A)	LICKER ROOM	2301 SW 9TH ST	C Liquor
(B)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(C)	UNIVERSITY GROCERIES II	1621 UNIVERSITY	E Liquor

RENEWAL APPLICATIONS

(D)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(E)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(F)	ALL PLAY	615 3RD ST	C Liquor
(G)	CHRISTOPHERS	2816 BEAVER AVE	C Liquor
(H)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(I)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(J)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(K)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(L)	DES MOINES EMBASSY CLUB	1000 GRAND AVE	C Beer/Wine
(M)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(N)	EMBASSY CLUB	801 GRAND AVE	A Liquor
(O)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(P)	EMBASSY CLUB	801 GRAND AVE	B Wine
(Q)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(R)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(S)	KUM & GO #208	3200 SE 14TH ST	C Beer
(T)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(U)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(V)	LA TAPATIA	1440 DES MOINES ST	C Beer
(W)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(X)	MEZZODIS	4519 FLEUR DR	C Liquor
(Y)	NADRY INC	2701 INGERSOLL	C Beer
(Z)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(AA)	SUPER SAVINGS	806 SE 14TH ST	C Beer
(BB)	SUPER SAVINGS	3733 EASTON BLVD	C Beer
(CC)	TAVERN SOUTH	1106 ARMY POST RD	C Beer/Wine
(DD)	TEQUILA MEXICAN	2824 EASTON BLVD	C Liquor

SPECIAL EVENTS APPLICATIONS

(EE)	LAO AMERICAN ASSOC	3000 E GRAND AVE	Five-Day License Class B Beer License with on premise wine for an event on December 31, 2009.
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- 4-I Approving temporary transfer of Special Class C Beer\Wine License for Nut Pob Restaurant at 3322 Indianola Avenue to 3000 E. Grand Avenue, Walnut Center, for an event on December 26, 2009. Sponsor: Council Member Meyer.
5. City Clerk to issue Cigarette Licenses.
6. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Accepting completed construction and approving final payment for the following:
 - (A) 21ST Street and Carpenter Avenue Storm Sewer Improvements, Reilly Construction Co., Inc.
 - (B) Hickman Road resurfacing – 30th Street to Merle Hay Rd., Des Moines Asphalt & Paving Co.
 - (C) 15th Street Widening Locust Street to Ingersoll Avenue, The Underground Company, Ltd.
 - (D) Cownie Soccer Fields Improvements – Phase 1, Smith Seeding, Inc.
 - (E) 42nd Street and Kingman Blvd. Widening and Signalization, Grimes Asphalt & Paving Corp.
 - (F) 2008 Sewer Televising Program, American Hydro Services Inc.

SPECIAL ASSESSMENTS

8. Levying assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2009-21.
9. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code – Schedule No. 2009-04.
10. Approving deletion of NAC-Emergency Assessment at 913 Penn Avenue.
11. Approving deletion of rental inspection assessments at various locations.

LAND/PROPERTY TRANSACTIONS

12. Approving Tax Abatement Applications (69) for additional value added by improvements made during 2009.

(Council Communication No. 09-887)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. Approving appointments of regular and alternate members to the Metropolitan Planning Organization (MPO).

SETTING DATE OF HEARINGS

14. On proposed renaming of a segment of US Highway 69, extending north from E. County Line Rd. to where it converges with SE 14th Street, as Southridge Boulevard, (1-11-10).
15. On request from Rich Eychaner to rezone 3814, 3822 & 3826 57th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow redevelopment for a commercial center and associated loading and off-street parking areas, (1-11-10).
16. On issuance of Refunding Capital Loan Notes for the following, (1-11-10):

(Council Communication No. 09-896)

- (A) \$17,500,000 Public Parking System Revenue, Series 2010 D.
- (B) \$26,000,000 General Obligation, Series 2010C.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17. Approving payment of \$16,528.87 to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, Iowa.
18. Approving payment of workers’ compensation claims to the following:
 - (A) Sally Woodard, \$166,788.48.
 - (B) Albert Oswald, \$6,733.29.
 - (C) Sharon Neff, \$10,132.75.
 - (D) Gary Reynolds, \$57,148.70.

19. Approving payment of \$21,000 to Dale Bingaman for a claim as the result of an automobile accident.

CITY MANAGER COMMUNICATIONS

20. Regarding the designation of NE Hubbell Avenue Corridor Area as an Urban Renewal Area and Tax Increment Financing (TIF) district, and the preparation of an Urban Renewal Plan for such area to finance needed public improvements and to facilitate redevelopment of the area.

(Council Communication No. 09-881)

21. Approving travel and training requests for Brent Curtis and Kenneth Robinson.

(Council Communication No. 09-889)

APPROVING

22. Fiscal Year 2007 Continuum Of Care (COC) Closeout Certification Documents for the following:

(A) West Des Moines Transitional Housing Program and YMCA Transitional Housing Program.

(B) Street Outreach Team and Enhancement Projects.

23. New 2008 Supportive Housing Program (SHP) Grant Agreement with the United States Department of Housing and Urban Development (HUD).

(Council Communication No. 09-869)

24. Support and preliminary commitment of Home Funds for Applications to Iowa Finance Authority (IFA) for Low-Income Housing Tax Credits (LIHTC) for new construction from the following:

(Council Communication No. 09-888)

(A) Christ the King, LLC – 28 units of low-income senior housing at 5601 SW 9th Street.

- (B) Akers Holding, L.L.C. – 30 units of low-income senior housing between 5th and 6th on SW Army Post Road.
- (C) Eastern Mounds Housing, LLLP – 38 units of low-income senior housing at E. 40th Street and Dubuque Avenue.
- (D) Curly Top, LLC – 40 units of low-income senior housing at 1900 SE 6th Street.
- (E) Olive Street Brickstone, LLP – 20 units of low-income family housing at 18th Street and Olive Avenue.

25. Christ the King Housing Services Application for Enterprise Zone Benefits for a housing project in the McKinley Avenue - SW 9th- Army Post Road Enterprise Zone.

(Council Communication No. 09-883)

26. Amendment to Neighborhood Stabilization Program (NSP) Plan to provide acquisition and rehabilitation financing for developers who acquire and rehabilitate foreclosed and abandoned properties.

(Council Communication No. 09-876)

27. First Amendment to Supplemental 28E Agreement with Neighborhood Finance Corporation (NFC).

(Council Communication No. 09-871)

28. Form of Agreement with Developers regarding Thrivent Below Market Rate Purchase and Construction Financing Program to allow use of grant funds by housing developers to purchase property for rehabilitation or new construction in the Thrivent Neighborhoods.

(Council Communication No. 09-870)

29. Issuance of Certificate of Completion for the following:

- (A) Doll Distributing LLC for improvements in the Guthrie Avenue Urban Renewal Area.

(Council Communication No. 09-884)

- (B) Central Wire & Iron for a project in the Guthrie Avenue Urban Renewal Area and authorizing payment of economic assistance.

(Council Communication No. 09-882)

(C) 1717 Ingersoll, L.L.C. for improvements in the Metro Center Urban Renewal Area and authorizing payment of economic assistance.

(Council Communication No. 09-886)

30. Parking License Agreement with Wells Fargo Financial, Inc. for parking spaces in the Eighth and Mulberry Parking Garage.

(Council Communication No. 09-877)

31. Amendment No. 1 to grant agreement with Iowa Department of Transportation for Fiscal Year 2010 Commercial Service Vertical Infrastructure Fund reducing the amount by 10 percent.

(Council Communication No. 09-868)

32. Issuance of a Request for Proposals for Emergency Power Generation Equipment and services standardization for the Stormwater, Sanitary and WRA Pump Station Facilities.

(Council Communication No. 09-897)

33. Selection of Holmes Murphy and Associates to conduct a Request for Proposals (RFP) for employee health and dental insurance and flexible spending account administration for FY2011.

(Council Communication No. 09-874)

34. Placement of temporary banner on Veterans' Memorial Auditorium.

(Council Communication No. 09-891)

35. Bids for the following:

(A) Allen Vanguard Technologies Inc. (David Luxton, Founder, CEO, President and Executive Director) for eight (8) Universal Blast and Chemical/Biological/Radiological Containment Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one of which will be retained by the City's Bomb Squad, to be used by the Police Department, \$249,113.44.

(Council Communication No. 09-893)

- (B) CeoTronics, Inc. (Thomas H. Gunther, Chairman and CEO) for eight (8) Digital Wireless Bomb Suit Communications Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one of which will be retained by the City's Bomb Squad, to be used by the Police Department, \$221,112.

(Council Communication No. 09-894)

- (C) GBA (George Butler & Associates) Master Series, Inc. (Don Pinkston Jr., President) for annual software maintenance and support for existing Sewer Infrastructure Management System (SIMS) to be used by the Public Works Department, \$26,640.

(Council Communication No. 09-872)

- (D) iRobot Corporation (Colin Angle, Chairman of the Board, CEO and Co-Founder) for six (6) Tactical Surveillance Robotics Platforms with integrated MultiRae Gas Detection Systems for Iowa's WMD Tactical (SWAT) Task Force Teams, one of which will be retained by the Des Moines Metro STAR Tactical Team, to be used by the Police Department, \$349,985.

(Council Communication No. 09-892)

- 36. Authorizing Finance Director to draw checks on registers for the weeks of December 21, December 29, 2009 and January 4, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of December 21, 2009 and January 4, 2010; and to draw checks for bi-weekly payroll due December 31, 2009.

ORDINANCES - SECOND CONSIDERATION

- 37. Amending Chapter 74 of the Municipal Code regarding fees for use of Western Gateway Park.

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

CITY MANAGER RECOMMENDATIONS

- 38. Approving City Manager recommendation on redevelopment proposal for 801 University Avenue, (former Top Value Foods).

(Council Communication No. 09-890)

COMMUNICATIONS/REPORTS

39. From David Costello, 1105 Orchard Lane, to speak regarding the response from our city's religious congregations regarding helping our homeless citizens.
40. From Karina Foster-Middleton, 2503 Eagle Point Court, to speak regarding light pollution in the city.
41. From Chet Guinn, 1041 8th Street, regarding renovating the Peace Garden portion of Nollen Plaza.

(A) Recommendation from the City Manager.
42. From Gayle King, Bob Berndt and Ryan Conrath to speak regarding storm water charge due to recent annexation.
43. From Mary Yates, 2536 Onawa Street, to speak regarding the addition to Martin Luther King (MLK SE Connector).

***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 44 THRU 49)

- ~~44. On appeal from James Schloemer, 2112 Garfield Avenue, S. #13, Minneapolis, MN, regarding Administrative Hearing Officer's decision on impounded vehicle.~~
45. On request from Andy Lee to rezone property at 614 37th Street from "R1-60" (One-Family Low-Density Residential) to "NPC" (Neighborhood Pedestrian Commercial).
(Plan and Zoning Commission recommends DENIAL)
46. On request from Greater Des Moines Habitat for Humanity for an amendment to the Rose of South Des Moines PUD Conceptual Plan on 1005 Maury Street for revision of site redevelopment to allow a subdivision of 10 platted lots for single-family dwellings.
47. On partial exemption from property taxation for CFI Sales, Inc., 1701 E. Euclid Avenue.

(Council Communication No. 09-885)
48. On items regarding property in the 4000 block of Dubuque Avenue:

(A) Amending the Des Moines 2020 Community Character Land Use Plan, designation from Low-Density Residential to Medium-Density Residential.

- (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “R-2” (Two-Family Residential) to Ltd. “R-3” (Multiple-Family Residential) to allow development of up to 25 bi-attached duplex residential structures with up to 50 residential units for senior living.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
49. On Court Avenue & Water Street Gatewell and River Outlet: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, and receive and file bids.
- (Council Communication No. 09-880)

*** END HEARINGS AT _____ PM ***

APPROVING

50. Grounds and Fleur Drive Medians Maintenance Alliance Agreement with Board of Water Works Trustees and accepting ownership of Fleur Drive median planters.
- (Council Communication No. 09-879)
51. Preliminary Terms of Agreement with Liberty Building Development Group LLC for a \$15 million renovation of 5 floors of the Liberty Building for a 95 room Hyatt Place Hotel.
- (Council Communication No. 09-873)
52. Termination of existing mowing and trimming contract and approving new contract with A+ Lawn and Landscaping for 2 years with 3 one-year renewal options and authorizing City Manager to sign future renewals and to terminate based on failure to meet performance standards.
- (Council Communication No. 09-875)
53. 2011 Program Year Community Development Block Grant (CDBG) allocations.
- (A) Communication from the Neighborhood Revitalization Board (NRB).
 - (B) Communication from the City Manager.
- (Council Communication No. 09-895)

54. Agreement with Wastewater Reclamation Authority (WRA) providing for the acquisition of Design Flow Capacity and Proportionate Reversionary Interest in the Four Mile Interceptor Phase 23, Segments 1-4.

(Council Communication No. 09-878)

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. Request from Council Member Brian Meyer to speak regarding graffiti.

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) 3111 Merle Hay Road, main structure, Titleholder: Imperial Properties, Inc.
 - (B) 1172 14th Street, main structure, Titleholder: Vida Cox.
 - (C) 714 SE 14th Court, main structure and accessory structures, Titleholder: Mable H. McElvogue.

MOTION TO ADJOURN AT _____ P.M.

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