

DES MOINES CITY COUNCIL MEETING

December 3, 2012

4:30 PM

I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Iowa Code Section 21.5(c) to discuss pending litigation and Section 20.17(3) to discuss collective bargaining strategy.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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PROCLAMATIONS – 4:15 PM

[Your](#) Mom, Men’s Roller Derby Day

[2012](#) Holiday Food Basket Weeks

INVOCATION: Council Member Chris Hensley

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 Application for the following:

NEW APPLICATIONS

- | | | |
|--------------------|----------------|----------|
| (A) C FRESH MARKET | 801 UNIVERSITY | E Liquor |
| (B) HARTMANS | 102 3RD ST | C Liquor |

RENEWAL APPLICATIONS

(C)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(D)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(E)	FELIX & OSCARS	4050 MERLE HAY	C Liquor
(F)	FONGS PIZZA	223 4TH ST	C Liquor
(G)	GILL TS SPORTS BAR & GRILL	918 E EUCLID AVE	C Liquor
(H)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(I)	HYATT PLACE	418 6TH AVE	B Liquor
(J)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(K)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(L)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(M)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(N)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(O)	VAUDEVILLE MEWS	212 4TH ST	C Liquor
(P)	Z'S BAR	1511 S UNION ST	C Liquor

5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. [Authorizing](#) submittal of STP Fund FY 2017 Applications to the Des Moines Area Metropolitan Planning Organization.

[\(Council Communication No. 12-594\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Foth Infrastructure and Environment, LLC for additional environmental, final design and construction administration services for Army Post Road Bridge Replacement over Great Western Trail and Creek, not to exceed \$42,989.

[\(Council Communication No. 12-592\)](#)

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2012-05.
10. [Approving](#) deletion of Rental Inspection Assessment at 1138 23rd Street.
11. [Approving](#) deletion of NAC-Emergency Assessment at 3132 Kingman Boulevard.

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Communication](#) from George Krumrey advising of his resignation from the Park and Recreation Board, Seat 10, effective immediately.
 - (A) [Recommendation](#) from Council Member Bob Mahaffey to appoint Dan Passick to the Park and Recreation Board, Seat 10, for a four-year term commencing June 30, 2009 to expire June 30, 2013

COMMUNICATIONS FROM PLANNING AND ZONING

13. [Regarding](#) request from St. Joseph's Catholic Church for vacation of the east 12 feet of E. 33rd Street from vacated Thompson Avenue to a point 282 feet to the north, subject to conditions.
14. Number Not Used.

SETTING DATE OF HEARINGS

15. [On](#) application of Majestic Limousine & Coach to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to operate a Limousine Service from 12 to 22 limousines, (12-17-12).
16. [On](#) amendment to vacation Ordinance No. 15,014 regarding reservation of utility easements on vacated Botanical Center and adjacent grounds and for amendment of lease of such vacated property to Greater Des Moines Botanical Garden Corporation, (12-17-12).

[\(Council Communication No. 12-605\)](#)

17. [On](#) request from Available Materials Handling, LLC to rezone 607 SE 21st Street from "M-1" (Light Industrial) to Ltd. "M-2" (Heavy Industrial), subject to conditions, (12-17-12).
18. [On](#) request from Wakonda Living, LLC to amend the Wakonda Living PUD Conceptual Plan in the vicinity of 1430 Park Avenue, subject to conditions, (12-17-12).
19. [On](#) proposed Urban Renewal Agreement with Helena Industries, Inc. for the sale and redevelopment of 30 acres, south of the 3600 block of Vandalia Road, (12-17-12).

[\(Council Communication No. 12-599\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment to John Dingman for a workers' compensation claim and a civil service appeal, \$222,500.
21. Approving payment to the following for worker's compensation claims:
 - (A) [Anthony](#) Russo, \$10,522.05.
 - (B) [Douglas](#) Triplett, \$7,454.18.

CITY MANAGER COMMUNICATIONS

22. [Submitting](#) travel and training requests for Michael Berry and Scott Neely.

[\(Council Communication No. 12-601\)](#)

APPROVING

23. [City](#) Manager to sign Iowa Finance Authority Form "5S Local Contributing Effort" for 12 Low-Income Housing Tax Credit Project Applications to be submitted for funding in the 2013 round.

[\(Council Communication No. 12-595\)](#)

24. Applications to the Iowa Economic Development Authority to certify proposed Enterprise Zones:

[\(Council Communication No. 12-602\)](#)

- (A) [Yeader](#) Village, 4315 SE 14th Street, (2.633 acres).
- (B) ~~Hubbell/Douglas, 3710 Hubbell Avenue (14.623 acres), proposed construction of 168 affordable housing units by Conlin Properties, Inc.~~
- (C) ~~SW 9th, 5602 SW 9th Street (0.624 acres), proposed construction of 25 affordable housing units by Christ the King Housing Services.~~

25. Applications for Enterprise Zone Benefits for housing projects to be referred to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority:

[\(Council Communication No. 12-598\)](#)

- (A) [Anawim](#) Housing Inc., Legacy Park (Russ Frazier, President) \$4.6 million dollar project rehabilitating 33 housing units and constructing 4 housing units at 8th, 9th, and 13th & Forest Avenue in the Enterprise Community Enterprise Zone.
- (B) [Bailey](#) Court Apartments Development, LLC (Jack Hatch, Hatch Development Group) \$9.2 million dollar project rehabilitating 51 housing units at 603 Allison in the Enterprise Community Enterprise Zone.
- (C) [Ligutti](#) Tower Renovation, LT Associates, LP (Frank Levy, Newbury Management Company) \$18.8 million dollar project rehabilitating a total of 139 housing units at 555 5th Avenue in the Gateway Enterprise Zone.
- (D) ~~Christ the King Senior Housing II, LP (Chris Aldinger, Executive Director, Christ the King Housing Services) \$4 million dollar project constructing 25 housing units at 5602 SW 9th in the proposed SW 9th Enterprise Zone.~~
- (E) ~~Conlin Properties, Inc., Hilltop Senior Housing (Jim Conlin, CEO, Conlin Properties) \$7.3 million dollar project constructing 60 housing units at 3710 Hubbell Avenue, in the proposed Hubbell/ Douglas Enterprise Zone.~~
- (F) ~~Conlin Properties, Inc., Hilltop I (Jim Conlin, CEO, Conlin Properties) \$5.2 million dollar project constructing 36 housing units at 3710 Hubbell Avenue in the proposed Hubbell/Douglas Enterprise Zone.~~
- (G) ~~Conlin Properties, Inc., Hilltop II (Jim Conlin, CEO, Conlin Properties) \$8.5 million dollar project constructing 72 housing units at 3710 Hubbell Avenue in the proposed Hubbell/Douglas Enterprise Zone.~~
- (H) [Melbourne](#) III, LLC (Dan Cornelison, General Counsel and Managing Member, Hubbell Realty Company) \$9.3 million dollar project constructing 72 housing units at 5515 SE 14th Street in the SE 14th Street Enterprise Zone.
- (I) Number not used (moved to 46C).
- (J) [Gray's](#) Landing I G.P., LLC (Chris Sherman, Vice President, Sherman & Associates) \$12.6 million dollar project constructing 90 housing units at 406 SW 9th Street in the Gateway Enterprise Zone.

26. [Authorizing](#) the refunding of taxes improperly collected for the Highland Park Self-Supported Municipal Improvement District (SSMID).

[\(Council Communication No. 12-597\)](#)

27. [Determination](#) of site plan compliance with terms and conditions of right-of-way vacation pursuant to Roll Call No 12-1045 and 12-1048 regarding proposed CVS Pharmacy at 2nd and Euclid Avenue.

[\(Council Communication No. 12-590\)](#)

28. [Installment](#) agreement with Hubbell Realty Company and Hubbell Terminal Corporation for repayment of costs to construct SW 11th and Murphy Streets in the Riverpoint West Area.

[\(Council Communication No. 12-604\)](#)

29. [Loan](#) Agreement with U.S. Navy for public display of USS Des Moines Ship Model for a one-year period from January 25, 2013 until January 25, 2014.

30. [2012](#) Letter of Agreement for the Holiday Food Project with the Catholic Pastoral Center.

[\(Council Communication No. 12-603\)](#)

31. [Corrected](#) City Council Meeting Schedule for 2013.

32. [Civil](#) Service Entrance List for Tree Trimmer and Promotional List for Senior Police Officer.

33. [Authorizing](#) Finance Director to draw checks on registers for weeks of December 3 and December 10, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of December 3 and December 10, 2012; and to draw checks for biweekly payroll due December 14, 2012.

ORDINANCES - SECOND CONSIDERATION

- 34. On request from Luther Park Health Center, Inc. for a 6th Amendment to the Luther Park PUD Conceptual Plan in the vicinity of 2906 E. 16th Street to allow construction of a one-story addition for 10 memory care residential units to the west side of The Gardens assisted living facility along Hull Avenue, subject to conditions.
 - (A) Final consideration of ordinance above (waiver requested by Community Development Director), requires 6 votes.

- 35. On rezoning of 2419 SE 14th Street to remove the VDL (Vehicle Display Lot Overlay), to allow expansion of the RV sales lot, subject to conditions.

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

ORDINANCES - FINAL CONSIDERATION

- 36. On rezoning of 4312, 4282, 4250 and 4216 E. 50th Street from Ltd “M-1” (Light Industrial) to “R-3” (Multiple-Family Residential) to allow development of up to 200 residential apartments. (**Requires 6 votes for approval**).

(Council Communication No. 12-606)

- (A) Authorizing City Manager to sign Iowa Finance Authority Form “5S Local Contributing Effort” for a Low-Income Housing Tax Credit Project Application for Broadway Heights, 4282 E. 50th Street, to be submitted for funding in the 2013 round.

- (B) Approving Enterprise Zone Benefits application to be referred to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority for Broadway Heights, LLC Phase I (Dan Cornelison, General Counsel and Managing Member, Hubbell Realty Company) \$6.5 million dollar project constructing 65 housing units at 4282 East 50th Street in the NE Hubbell/Broadway Enterprise Zone.

- (C) Approving Enterprise Zone Benefits application to be referred to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority for Broadway Heights, LLC Phase II (Dan Cornelison, General Counsel and Managing Member, Hubbell Realty Company) \$8.3 million dollar project constructing 90 housing units at 4216 East 50th Street in the NE Hubbell/Broadway Enterprise Zone.

37. [On](#) rezoning of 3201, 3211, 3221 Forest Avenue, and 1414 32nd Street from “C-1” (Neighborhood Retail Commercial), “R1-60” (One-Family, Low-Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of the property for pedestrian-oriented multiple-family residential apartments, subject to conditions.
- (A) [Authorizing](#) City Manager to sign Iowa Finance Authority Form “5S Local Contributing Effort” for a Low-Income Housing Tax Credit Project Application for 3201 Forest Avenue to be submitted for funding in the 2013 round.
- (B) [Approving](#) Enterprise Zone Benefits application to be referred to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority for Forest Housing I, LP (Mike Nelson, Nelson Development) \$7 million dollar project constructing up to 48 housing units at 3201 Forest Avenue in the proposed Forest Avenue Corridor II Enterprise Zone.
- (C) [Approving](#) application to the Iowa Economic Development Authority to certify proposed Enterprise Zone of Forest Avenue Corridor II, 3201 Forest Avenue (0.109 acres), proposed construction of up to 48 affordable and market rate housing units by Nelson Development.

ORDINANCES - FIRST CONSIDERATION

38. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
- [\(Council Communication No. 12-591\)](#)
- (A) Parking Restriction Changes on Grand Avenue from Des Moines River Bridge to E. 4th Street.
- (B) Parking and Loading Zone Changes on 5th Avenue between Locust and Walnut Streets.

COMMUNICATIONS/REPORTS

39. [From](#) Jeffrey Weiss and Chet Guinn to discuss a resolution that the Mayor and Council ask politicians in Washington DC to fund our Cities instead of the war in Afghanistan.

***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 40 THRU 45)

40. On Application of Certificate of Public Convenience and Necessity by Crown Cab Co., Magarsa Jana, to operate a taxicab service with five vehicles.

([Council Communication No. 12-593](#))

41. On vacation of alley right-of-way, Central Fire Station No. 1 at 900 Mulberry Street.
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by Legal Department), requires six votes.
42. Items regarding the rezoning of 900 Mulberry Street (existing Central Fire Station):
- (A) Amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Downtown: Support Commercial to Downtown: Retail/Office Core/Core Fringe.
 - (B) Hearing on rezoning of the property from “C3-A” (Central Business District Support Commercial) to “C-3” (Central Business District Commercial) to allow use as the Des Moines Social Club with theater, restaurant and nightclub assembly venues.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above, (waiver requested by the City Manager), requires 6 votes.
43. On request from Raymond Garneau to rezone 2324 SW 9th Street from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial) to allow conversion to a plumbing and heating shop (**Plan and Zoning Commission recommends DENIAL, roll call contains alternative motions**).
44. On First Amendment to the Second Restated City-wide Urban Revitalization Plan to allow qualified improvements to commercial property in the Riverpoint West Area to receive tax abatement.
- (A) Communication from Plan and Zoning Commission.

45. On proposed Resolution of Necessity for sanitary sewer improvements--4503 to 4506 Wakonda Parkway, (**roll call contains alternative motions**).

(Council Communication No. 12-596)

***** END OF HEARINGS AT _____ PM *****

APPROVING

46. Items regarding historic renovation of former Younkers building at 713 Walnut Street:

(Council Communication No. 12-600)

- (A) Approving \$3,000,000 in Community Development Block Grant Disaster Recovery (CDBG-DR) funds and \$250,000 HOME Investment Partnerships Funding (HOME) loan with 713 Walnut, LLC for the development of 120 housing units as part of the Younkers Building Project.
- (B) Approving Urban Renewal Development Agreement with the Alexander Company, Inc. and Conceptual Development Plan.
- (C) Approving application for Enterprise Zone Benefits to be referred to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority for Younkers Building, LLC (Joe Alexander, President, Alexander Company) \$35 million dollar project constructing of 120 housing units at 713 Walnut Street in the Gateway Enterprise Zone.

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 Chris Coleman to appoint the following to the Plan and Zoning Commission:
 - (A) [Dory](#) Briles, Seat 7, for a five-year term commencing July 1, 2009 to expire July 1, 2014.
 - (B) [Accepting](#) resignation from Gregory Wattier for the Urban Design Review Board, Seat 3, and appointment to Seat 6, for a five-year term commencing July 1, 2010 to expire July 1, 2015. (both effective January 14, 2013)

MOTION TO ADJOURN.

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