

# DES MOINES CITY COUNCIL MEETING

November 18, 2013 4:30 PM

## PROCLAMATIONS – 4:15 PM

[Virtual](#) Library Week

~~[Small](#) Business Saturday~~

## SPECIAL RECOGNITION

[Primary](#) Health Care – for their assistance in the relocation of residents of the Randolph Hotel.

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 47:

**\*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)	JAVA JOES COFFEEHOUSE	620 CHERRY ST	C Beer/Wine
<del>(B)</del>	<del>LA PIZZA HOUSE</del>	<del>1013 SE 14TH ST</del>	<del>C Liquor</del>
(C)	RENAISSANCE DES MOINES	401 LOCUST ST	B Liquor

### RENEWAL APPLICATIONS

(D)	AMICI ESPRESSO	206 6TH AVE	C Liquor
(E)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(F)	C FRESH MARKET	801 UNIVERSITY	E Liquor
(G)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(H)	DES MOINES VALERO #204 *(1)	3733 EASTON BLVD	C Beer

(I)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(J)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(K)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(L)	HIGH LIFE LOUNGE *(1)	200 SW 2ND ST	C Liquor
(M)	HY VEE GAS #4	4701 FLEUR DR	C Beer
(N)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(O)	KUM & GO #207	4200 HUBBELL AVE	E Liquor
(P)	KUM & GO #208 *(1)	3200 SE 14TH ST	E Liquor
(Q)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(R)	LA HACIENDA	111 ARMY POST RD	C Liquor
(S)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(T)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(U)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(V)	ROYAL MILE	210 4TH ST	C Liquor
(W)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(X)	SKIPS	4000 FLEUR DR	C Liquor
(Y)	SLEEPY HOLLOW	4051 DEAN AVE	C Liquor
(Z)	SUDSUCKERS *(1)	1511 E ARMY POST	C Liquor
(AA)	VAUDEVILLE MEWS *(1)	212 4TH ST	C Liquor
(BB)	Z'S BAR	1511 S UNION ST	C Liquor

**TRANSFER TO NEW LOCATION**

(CC)	ALDI INC #29	5512 SE 14TH ST	C Beer
	Permanent transfer from 500 E. Army Post Road.		

**SPECIAL EVENTS APPLICATIONS**

(DD)	CATERING CONNECTION	1312 LOCUST ST	Five (5) Day License Class C Liquor License for a wedding reception on December 7, 2013. Pending approval of Building Department.
(EE)	CATERING DSM	519 PARK ST	Five (5) Day License Class C Liquor License for a fundraising event on December 7, 2013.
(FF)	CENTERPLATE	1 LINE DR	Five (5) Day License Class B Beer License for Ugly Sweater Run on November 23, 2013. Pending approval of Fire Department.
(GG)	HY VEE WFP	100 LOCUST ST	Five (5) Day License Class C Liquor License for Iowa Farm Bureau event on December 3, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.
(HH)	VOM FASS	1716 LOCUST ST	C Liquor Fourteen-day Class C Liquor License for spirit sampling for client holiday events on December 12, 16 and 17, 2013. Pending approval of Building and Fire Departments.

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

## **PUBLIC IMPROVEMENTS**

6. [Authorizing](#) submittal of STP and TAP Fund FY 2018 Applications to the Des Moines Area Metropolitan Planning Organization.

[\(Council Communication No. 13-554\)](#)

7. [Approving](#) Walnut Street Streetscape Renovation Concept Plan.

[\(Council Communication No. 13-553\)](#)

8. [Approving](#) Professional Services Agreement with Brian Clark and Associates, Inc. d/b/a Confluence, for design and construction phase services for the Walnut Street Streetscape Renovation Phase 1, not to exceed \$517,000.

[\(Council Communication No. 13-552\)](#)

9. [Approving](#) Change Order No. 12 with Elder Corporation for additional work on the Des Moines River Regional Trail – Phase 1, not to exceed \$60,424.

[\(Council Communication No. 13-555\)](#)

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

- (A) [Municipal](#) Service Center preliminary site grading, Corell Contractor, Inc.

- (B) [SE](#) 20<sup>th</sup> Street Storm Sewer – Scott Avenue to 500 feet North, Sandstone Management, Ltd.

## **SPECIAL ASSESSMENTS**

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-11.

## **LAND/PROPERTY TRANSACTIONS**

12. [Approving](#) execution and recording of Verified Claim for Covenant Not to Reoccupy, Rebuild or Redevelop 1529 Maine Street.
13. [Approving](#) execution and recording of Verified Claim for Covenant Not to Reoccupy, Rebuild or Redevelop 1624 Ohio Street.
14. ~~[Acceptance](#) of temporary easement from U.S. Bank National Association for the Beaver Avenue Streetscape Project.~~
15. ~~[Acceptance](#) of temporary easement from Eight Ways, LLC for the Beaver Avenue Streetscape Project.~~
16. [Accepting](#) PUD Restoration Bond B1206051 from GLR, Inc. in the amount of \$18,815 for grading work for the CVS Pharmacy Store at 2303 Merle Hay Road.

[\(Council Communication No. 13-549\)](#)

17. [Release](#) of PUD Restoration Irrevocable Letter of Credit, VB 120413 in the amount of \$87,132 for The Woods of Copper Creek, Plat 1, located in the vicinity of 4700 block of Easton Boulevard (NE 23<sup>rd</sup> Avenue) for satisfactory completion of grading and site restoration.

[\(Council Communication No. 13-569\)](#)

18. [Release](#) of PUD Restoration Bond Nos. 09102492 and T237625 in the amount of \$31,085 for the future Beaverdale Hy-Vee, located in the vicinity of 4444 Douglas Avenue for satisfactory completion of grading and site restoration.

[\(Council Communication No. 13-562\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Approving](#) recommendation from Council Member Bob Mahaffey to appoint Heather Carman to the Sister Cities Commission, Seat 10, for a five-year term commencing April 28, 2011 to expire April 28, 2016.

## SETTING DATE OF HEARINGS

20. [On](#) vacation of 6<sup>th</sup> Avenue and Grand Avenue right-of-way and of air space over Grand Avenue, and 6<sup>th</sup> Avenue right-of-way adjoining 505 6<sup>th</sup> Avenue and for conveyance of easements to the Young Men's Christian Association (YMCA) of Greater Des Moines, \$1,000, (12-9-13).
  - (A) [Recommendation](#) from Plan and Zoning Commission.
21. [On](#) conveyance of a portion of the vacated north-south alley right-of-way located east of and adjacent to 1423 E. 16<sup>th</sup> Street to West Bank as Conservator for the Nyalat Dak Conservatorship, The Nyawal Dak Conservatorship, and the Shamkuer Dak Conservatorship, \$25, (12-9-13).
22. On assessment of penalties for violation of Iowa alcoholic beverage laws (sale to minor) by the following, (12-9-13).
  - (A) [\\$500](#) penalty to the following:
    - (1) Git-N-Go #36, 4164 Easton Blvd.
    - (2) Kum & Go #130, 2930 Hickman Road.
    - (3) Kum & Go #207, 4200 Hubbell Avenue.
    - (4) Sahota Food Mart, 1805 SE 14<sup>th</sup> Street.
  - (B) [Des](#) Moines Valero #204, 3733 Easton Boulevard, \$1,500 penalty and 30-day suspension.
  - (C) [Fast](#) Trip, 1516 SE 1<sup>st</sup> Street, \$1,500 penalty and 30-day suspension.
  - (D) [Kum](#) & Go #2731, 3104 University Avenue, \$1,500 penalty and 30-day suspension.
  - (E) [Kum](#) & Go #2722, 2211 University Avenue, \$1,500 penalty and 60-day suspension.
23. [On](#) ordinance amending electric energy and gas franchises granted to MidAmerican Energy Company relating to temporary increase of franchise fee to pay the Kragnes v. City of Des Moines judgment, (12-9-13).

24. [On](#) ordinance amending electric energy and gas franchises granted to MidAmerican Energy Company relating to textual clarifications of franchise fee, (12-9-13).

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

25. [Approving](#) payment to Hall & Associates for representation in Iowa League of Cities v. United States Environmental Protection Agency, \$487.70.
26. [Approving](#) payment to Ahlers & Cooney, PC with respect to General Obligation Bonds, Series 2013A and General Obligation Refunding Bonds, Series 2013B, \$38,022.91.
27. [Approving](#) payment to Steven Lussier, PLC as outside counsel to conduct workers' compensation matters, \$13,400.
28. Approving workers' compensation claims for the following:
  - (A) [Clifford](#) Watkins III.
  - (B) [Randy](#) Davis Jr.
29. [Approving](#) payment to Jones Lang LaSalle, management company for Principal Insurance, for a property damage claim for excavation of a sinkhole and partial repair of the City's sewer, \$8,801.84.

## **CITY MANAGER COMMUNICATIONS**

- 29-I [Submitting](#) travel and training request for T. M. Franklin Cownie.

[\(Council Communication No. 13-575\)](#)

## **APPROVING**

30. [Collateral](#) Assignment of Development Agreement for the redevelopment of the Randolph Hotel, Earl & Le Bosquet and Youngerman Block buildings with Randolph Apartments Limited Partnership, represented by George Sherman, President, to Cedar Rapids Bank and Trust Company as security for project financing.
31. [Urban](#) Renewal Development Agreement with Ingersoll Square Phase III Associates LP for a mixed-use development at the northeast corner of Martin Luther King, Jr. Parkway and Ingersoll Avenue and approving Proposed Conceptual Development Plan and Approving HOME Documents for a \$350,000 below market interest rate loan.

[\(Council Communication No. 13-573\)](#)

32. Number not used. Now item 43B.
33. Number not used. Now item 43C.
34. [City](#) Manager to sign Iowa Finance Authority form "5S Local Government Contribution" for ten Low-Income Housing Tax Credit (LIHTC) Project applications to be submitted for funding in the 2014 round which includes preliminary commitment of \$200,000 of City HOME funds for 6<sup>th</sup> Avenue Flats and \$200,000 of City HOME funds for Christ the King Senior Housing II and a request for State HOME funds for Yeader Village.

[\(Council Communication No. 13-570\)](#)

35. Applications to Iowa Economic Development Authority for Enterprise Zone Benefits for the following:

[\(Council Communication No. 13-571\)](#)

- (A) [Yeader](#) Village, LLLP for construction of 24 housing units in the Yeader Village Enterprise Zone.
  - (B) [Oaks](#) on First, LLLP for construction of 56 housing units in the River South Enterprise Zone.
  - (C) [Forest](#) Avenue Apartments, LLC for construction of 48 housing units in the Forest Avenue Corridor II Enterprise Zone.
  - (D) [6<sup>th</sup>](#) Avenue Flats, LP for construction of 44 housing units in the Enterprise Community Enterprise Zone.
36. [Agreement](#) between Des Moines Self-Supported Municipal Improvement District – Operation Downtown and Rink Management Services Corporation for operation of Brenton Skating Plaza through April 30, 2014 with automatic renewals unless notice of not to renew for every year for up to two years.

[\(Council Communication No. 13-561\)](#)

37. [Donation](#) Agreement with Greater Des Moines Baseball Co. (Iowa Cubs) for donation of irrigation system at Greater Des Moines Softball Park.

[\(Council Communication No. 13-560\)](#)

38. [Authorizing](#) the City Manager to reduce the requested authorized positions of the Police Department by two Investigative Assistant positions.

[\(Council Communication No. 13-564\)](#)

39. [Grant](#) application for the FY2013 COPS (Community Oriented Policing Services) Hiring Program, \$1,125,000.

[\(Council Communication No. 13-574\)](#)

40. [Purchase](#) of IAPro Police Officer Incident Tracking software program and maintenance agreement from CI Technologies Inc. (Michael Blumberg, President), \$42,300.

[\(Council Communication No. 13-566\)](#)

41. [Directing](#) advertisement for sale of \$40,950,000 General Obligation Bonds, Series 2014A, and approving distribution of a Preliminary Official [Statement](#) and use of electronic bidding procedures. (Bonds will be sold on December 4th at 10:00 AM and a special Council meeting will be held at 4:30 PM)

[\(Council Communication No. 13-548\)](#)

- (A) [Revisions](#) to the Debt Management Program Policy of the City of Des Moines.

[\(Council Communication No. 13-550\)](#)

42. Bids from the following:

- (A) [Titan](#) Machinery (Ladd Blakely, President) for rental of four (4) motor graders for use in snow and ice control operations for use by the Public Works Department, \$88,000. (Six bids mailed, three received).

[\(Council Communication No. 13-568\)](#)

- (B) [TruGreen](#) (Jim Boswell, President) for an annual contract with two (2) additional one-year renewal options to furnish sidewalk snow removal services at various City properties for use by the Public Works Department, estimated annual cost \$267,341. (Sixteen bids mailed, four received).

- (C) [Wynn](#) O. Jones & Associates (Wynn O. Jones II, President) for laboratory casework design and installation services for use in evidence processing areas per State of Iowa Contract for use by the Police Department, \$85,257.

[\(Council Communication No. 13-558\)](#)

- (D) [Triplett](#) Companies (Michael Triplett, President) for Haworth systems furniture workstations and office furniture per US Communities Contract for use by the City Manager's Office, \$103,426.62.

[\(Council Communication No. 13-563\)](#)



43. Items regarding Annual Urban Renewal Report and Tax Increment Financing (TIF) Certification:

- (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight and administration.
- (B) [Recommendation](#) from the City Manager regarding TIF (Tax Increment Financing) needs for FY 2014-2015.

[\(Council Communication No. 13-572\)](#)

(C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.

44. [Exception](#) to competitive procurement process and approving administrative services only agreement with Wellmark Blue Cross and Blue Shield of Iowa (John Forsyth, CEO) to provide claims administration for employee flexible spending accounts from January 1, 2014 through June 30, 2015.

[\(Council Communication No. 13-559\)](#)

45. [Civil](#) Service Entrance List for Flood Systems Engineer and Promotional Lists for Fire Engineer and Utility Locator.

46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 18, November 25, and December 2, 2013; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 18, November 25, and December 2, 2013; and to draw checks for biweekly payroll due on November 29, 2013.

**ORDINANCES - SECOND CONSIDERATION**

47. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for the Central Business District.

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

## ORDINANCES - FIRST CONSIDERATION

48. [Amending](#) Chapter 42 of the Municipal Code relating to sound permits for Brenton Skating Plaza.

([Council Communication No. 13-557](#))

- (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.

**\*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 48-I THRU 55)

- 48-I Items regarding property at 5035 Hubbell Avenue, Galinsky Family Real Estate LLC:  
(continued from November 4<sup>th</sup> Council Meeting)

- (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the existing future land designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park. (Property is owned by Homemakers Plaza Inc.)
- (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

- 48-II [On](#) vacation of portions of the Court Avenue and 4<sup>th</sup> Street rights-of-way adjoining the Randolph Apartments at 202 4<sup>th</sup> Street and the conveyance of an easement upon such vacated rights-of-way to legalize the existing building encroachments.

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

49. [On](#) request from Beaverdale Partners, LLC for an amendment to the Rice Development Partners PUD Conceptual Plan for 3001 Beaver Avenue to revise the name to Beaverdale Cooperative Housing PUD and to allow development of a three-story 54-unit multiple-family dwelling for senior living.
  
50. [On](#) a request from Drake University for approval of an amendment to the Drake University Recreation PUD Conceptual Plan affecting 1420 26<sup>th</sup> Street to allow a basketball practice facility addition to the east side of the Knapp Center.
  
51. [On](#) request from Diversity Insurance, Inc. to rezone 1533 and 1541 E. Grand Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow an expansion of the existing building at 1541 E. Grand Avenue for Pedestrian-Oriented Mixed-Neighborhood Level Retail or Office uses.  
  
(A) [First](#) consideration of ordinance above.
  
52. [On](#) request from Loffredo Gardens, Inc. to rezone 4001 SW 63<sup>rd</sup> Street from “PBP” (Planned Business Park) to “M-1” (Light Industrial) to allow for an approximately 45,000 square foot warehouse building to be developed on property to the south of the existing facility, subject to conditions.  
  
(A) [First](#) consideration of ordinance above.
  
53. Number not used. Now item 48-I.
  
54. Number not used. Now item 48-II.
  
55. [On](#) conveyance of 4315 SE 14<sup>th</sup> Street to Yeader Village LLLP, \$210,000.

[\(Council Communication No. 13-551\)](#)

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

## APPROVING

56. [Notice](#) of intent to fill vacancy for Ward IV Council Member by appointment.

57. [Authorizing](#) the City Manager to negotiate preliminary terms of developer initiated proposals for the purchase and redevelopment of two separate City-owned parcels for two projects in the East Village Area (E. 4<sup>th</sup> Street and Grand Avenue) and initiating a parking study of the affected area.

[\(Council Communication No. 13-567\)](#)

58. [Review](#) of Zoning Board of Adjustment decision granting a variance to the required 75 foot separation from any church, school, public park or licensed child care center to allow the use of 1000 Thomas Beck Road as a restaurant with liquor, wine and beer sales **(Roll Call contains alternative motions)**.

[\(Council Communication No. 13-556\)](#)

59. [Review](#) of Zoning Board of Adjustment decision granting a variance to the required 150 foot separation from any church, school, public park or licensed child care center to allow the use of 501 Scott Avenue as a brewery with retail and tap room components **(Roll Call contains alternative motions)**.

[\(Council Communication No. 13-565\)](#)

MOTION TO ADJOURN.

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