DESMOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
December 9, 2013
4:30 PM

3:30 PM
Farewell Reception – Council Member Halley Griess Ward I

4:00 PM
Swearing In Ceremony – Ward IV Council Member Appointment

SPECIAL PRESENTATIONS – 4:15 PM
Recognition for Julie Evans

PROCLAMATIONS
Holiday Food Project

INVOCATION: Council Member Hensley

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 39:

*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) BUFFALO WILD WINGS 3311 SE 14TH ST C Liquor
(B) DELTA HOUSE 918 E EUCLID AVE C Liquor
(C) LA PIZZA HOUSE 1013 SE 14TH ST C Liquor
(D) TRIANGLE TAP 2506 POST ST C Liquor

RENEWAL APPLICATIONS
(E) B & B SUPER MARKET 2001 SE 6TH ST C Beer
(F) DAHLS FOODS 1819 BEAVER AVE E Liquor
(G) DAHLS FOODS 1320 E EUCLID AVE E Liquor
(H) DES MOINES CLUB 666 GRAND AVE A Liquor
(I) FELIX & OSCARS 4050 MERLE HAY RD C Liquor
5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Number not used.

7. Approving Change Order No. 1 with Edge Commercial, LLC for additional work on the Police Department Evidence Storage Facility – Phase II, not to exceed $58,254.

   (Council Communication No. 13-592)

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

   (A) 2012 ADA Sidewalk Ramp Program – Contract 1, Navarro Enterprise Construction, Inc.

   (B) 2012 ADA Sidewalk Ramp Program – Contract 2, MPS Engineers, PC.

   (C) 2012 Levee Improvements – Contract 2, J & K Contracting, LLC.

   (D) 2012 Sidewalk Replacement Program, T K Concrete, Inc.

   (E) Fire Station No. 1 Replacement, Oakview DCK, LLC.

   (F) Gray’s Lake Northwest Shoreline Retaining Wall, J & K Contracting, LLC.
SPECIAL ASSESSMENTS

9. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code (Schedule No. 2013-12).

LAND/PROPERTY TRANSACTIONS

10. **Authorize** voluntary acquisition and to approve and accept real estate documents for property at 3015 Seneca Avenue from Ruth H. Porter for the Seneca Avenue Storm Water Improvements Project.

   (Council Communication No. 13-591)

11. **Acceptance** of temporary easement from U.S. Bank National Association for the Beaver Avenue Streetscape Project.

12. **Approving** 166 tax abatement applications for the additional value added by improvements completed during 2013.

   (Council Communication No. 13-577)

13. **Approving** final subdivision entitled “Brownstones on 7th Street Plat 1” in the vicinity of 325 SW 7th Street.

   (Council Communication No. 13-578)

14. **Approving** acquisition of 1712 8th Street through donation from Half Moon Holdings, LC.

   (Council Communication No. 13-583)

BOARDS/COMMISSIONS/NEIGHBORHOODS

14-I **Approving** recommendation from Council Member Chris Coleman for appointment of Timothy Woods to the Sister City Commission, Seat 7, for a 5-year term commencing April 28, 2013 to expire April 28, 2018.

15. **Communication** from Kevin Techau advising of his resignation from the Library Board of Trustees, Seat 4, effective immediately.

16. **Communication** from Doug Romig, Housing Services Director, advising of the resignation of Anwar Elnour from the Housing Services Board, Seat 11, effective immediately.

17. **Communication** from Bill Gray advising of his resignation from the Zoning Board of Adjustment, Seat 3, effective December 31, 2013.
17-I **Accepting** resignation of Carl Voss from the Traffic Safety Committee, Seat 7, effective immediately.

**SETTING DATE OF HEARINGS**

18. **On** conveyance by installment contract of 1704 South Union Street to Neighborhood Development Corporation (NDC) for $145,560, (12-23-13).

19. **On** conveyance of vacated segments of the north/south alley north of Cleveland Avenue and south of Washington Avenue between E. 18th Street and De Wolf Street to Crane Chapel Church of God in Christ, $200 and to Joshua Smith, $75, (12-23-13).

20. **On** correction of vacation and conveyance of a dead end segment of SW 11th Street, south of Kirkwood Avenue to Des Moines Independent Community School District, $1, (12-23-13).

21. **On** vacation and conveyance of a segment of E. 26th Street right-of-way adjoining 2597 Dean Avenue to Johnson Brothers of Iowa, Inc., $625, (12-23-13).

22. **Scheduling** a new hearing on application of Loffredo Gardens, Inc. to rezone 4001 SW 63rd Street from “PBP” (Planned Business Park) to “M-1” (Light Industrial), (12-23-13).

23. **On** License Agreement with AT & T Corporation upon property located in and adjacent to vacated Mulberry Street, between 13th and 16th Street, $5,000, (12-23-13).

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

24. **Approving** payment to Ahlers & Cooney, PC for legal services related to environmental issues, $490.

25. **Approving** payment to Belin McCormick law firm and reimbursement of photocopy costs in conjunction with Kragnes v. City of Des Moines, $4,046.

26. **Approving** payment to Gary Kruse for two (2) workers’ compensation claims.
CITY MANAGER COMMUNICATIONS

27. Submitting travel and training requests for T. M. Franklin Cownie, Jeff Cronin, Scott Dreyer, Tony Sposeto and Paul Stout.

(Council Communication No. 13-596)

APPROVING

28. 2013 Emergency Solutions Grant (ESG) Funding.

(Council Communication No. 13-585)

29. 2013 Letter of Agreement for the Holiday Food Project with the Catholic Pastoral Center.

(Council Communication No. 13-581)

30. Contract with Best Heating, Cooling and Electric Incorporated for the provision of low-income residential furnace and water heater replacement, tune and clean and repair services for an initial term until June 30, 2014 with up to five additional one-year renewal terms.

(Council Communication No. 13-579)

31. Second Amendment to Management Agreement with C Corporation for Bright Grandview and Waveland Golf Courses.

(Council Communication No. 13-584)

32. Amending the Schedule of Fees regarding cemeteries.

(Council Communication No. 13-587)

33. Letter of Support for the YMCA’s U.S. Olympic Training Center within the Wellmark YMCA Project.

34. Exception to the procurement ordinance Request for Proposals requirement for good cause and approving an agreement with Nestingen, Inc. d/b/a RelyDB for database administrative services.

(Council Communication No. 13-599)
35. Bids from the following:

(A) Century Link (Glen F. Post III, President) for a call routing system upgrade for use by the Police Department, $330,746.44. (Three bids mailed, two received).

(Council Communication No. 13-586)

(B) Excel Mechanical (Alisa Smith, Owner) for replacement HVAC equipment at Four Mile Community Center for use by the Park & Recreation Department, $102,507. (Nine bids mailed, four received).

(C) G & S Service (Glen Mikel, President) for an annual contract with two (2) additional one-year renewal options to furnish towing and emergency road services for City-owned vehicles for use by the Equipment Maintenance Center, $35,000. (Eight bids mailed, two received).

(D) Physio-Control (Brian Webster, President) for defibrillators per State of Iowa Contract for use in the ambulance by the Fire Department, $396,491.36

(Council Communication No. 13-598)

(E) The Baker Group (BJ Baker III, Chairman & CEO) per State of Iowa contract for building automation products and services to upgrade the existing system for City Hall, $63,868.

(Council Communication No. 13-588)

36. Procurement of replacement vehicles requested by Fleet Maintenance for various City Departments from the following, total cost $802,561.80:

(Council Communication No. 13-601)

- Charles Gabus Ford (Gene Gabus, General Manager), $227,563.
- Stivers Ford (Scott Politte, President), $186,711.
- Toyota of Des Moines (Steve Luebke, Vice President/General Manager), $46,320.
- Bob Brown Chevrolet (Ron Brown, Owner), $25,666.90.
- Karl Chevrolet (Carl Moyer, Owner), $44,143.90 (Fourteen bids mailed, eight received.)
- Stivers Ford (Scott Politte, President) per State of Iowa Contract, $272,157.

37. Authorizing Finance Director to draw checks on registers for the weeks of December 9 and December 16, 2013; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 9 and December 16, 2013; and to draw checks for biweekly payroll due on December 13, 2013.
ORDINANCES - FINAL CONSIDERATION

38. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes for the Central Business District.

ORDINANCES - SECOND CONSIDERATION

39. 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) Final consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

40. Amending Chapter 42 of the Municipal Code regarding administrative hearing and abatement process for nuisances associated with the use and maintenance of drainage facilities.

   (Council Communication No. 13-600)

41. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

   (Council Communication No. 13-589)

   (A) Ordinance changes in conjunction with the newly-constructed Southwest Connector at Iowa 28.
   (B) Revision to Municipal Code to agree with field conditions near the World Food Prize – north side of Walnut, west of Water Street.
   (C) Accessible parking space – west side of 2nd Avenue near the Polk County Election Office.
   (D) Central Campus Student Parking Lot turn restriction – 2020 and 2140 Grand Avenue.
   (E) Parking Restriction – east side of E. 16th Street, south of Hull Avenue.
42. **Establishing** the Beaverdale Self-Supported Municipal Improvement District (SSMID) and providing for establishment of a combined capital improvement and operation fund and the levy of an annual tax.

   *(Council Communication No. 13-595)*

**COUNCIL REQUESTS**

42-I From Council Member Christine Hensley to speak regarding the 63rd and Grand Avenue Bridge and intersection.

42-II From Council Members Chris Coleman and Christine Hensley to discuss Jackson Street Bridge.

*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 43 THRU 47)**

43. **Hearing** on ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company relating to textual clarifications of franchise fee.

   (A) **First** consideration of ordinance above.

   (B) **Final** consideration of ordinance above (waiver requested by the Legal Department), requires six votes.

44. **Hearing** on ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company relating to temporary increase of franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment.

   (A) **Adoption** of Revenue Purpose Statement regarding use of revenue from electric energy and gas franchise fees.

   (B) **First** consideration of ordinance above.

   (C) **Final** consideration of ordinance above (waiver requested by the Legal Department), requires six votes.

   (D) **Call** of special election to consider approval of ordinance above.

   (E) **Call** of special election to fill the vacant office of Ward IV City Council Member.
45. **On** vacation of 6th Avenue and Grand Avenue right-of-way and of air space over Grand Avenue and 6th Avenue right-of-way adjoining 505 6th Avenue and for conveyance of easements to the Young Men’s Christian Association of Greater Des Moines (YMCA), $1,000.

   (Council Communication No. 13-593)

   (A) **First** consideration of ordinance above.

   (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

46. **On** conveyance of a portion of the vacated north-south alley right-of-way located east of and adjacent to 1423 E. 16th Street to West Bank as Conservator for the Nyalat Dak Conservatorship, The Nyawal Dak Conservatorship, and the Shamkuer Dak Conservatorship, $25.

   (Council Communication No. 13-594)

47. **On** assessment of $500 penalties for violation of Iowa alcoholic beverage laws (sale to minor) by the following (licenses will not be issued for any pending renewal applications until penalty is paid):

   (A) Kum & Go #130, 2930 Hickman Road.

   (B) Kum & Go #207, 4200 Hubbell Avenue.

   (C) Sahota Food Mart, 1805 SE 14th Street.

   *** END OF HEARINGS AT ___________ PM ***

**APPROVING**

48. **Review** of Zoning Board of Adjustment decision granting a use variance to allow property at 301 and 309 SE 8th Street to be used as a beverage container recycling facility for a term of 10 years. (Roll Call contains alternative motions, select A, B or C.)

   (Council Communication No. 13-580)
49. **Review** of Zoning Board of Adjustment decision to grant a variance to a separation distance requirement and a conditional use permit to allow use of property at 727 SE 14th Street (Super Stop) as a gas station/convenience store with alcoholic liquor sales. (Roll Call contains alternative motions, select A, B or C.)

   *(Council Communication No. 13-582)*

50. **Consideration** of Class E Liquor License with C Beer and B Wine for Super Stop, 727 SE 14th Street.

**BOARD OF HEALTH**

**MOTION TO CONVENE.**  **MEMO**

1. **Approving** the Legal Department to proceed with court action seeking authority to abate the public nuisance at 2600 E. Elm Street, main structure and accessory structure, Titleholder: Elaine S. Cunningham; Mortgage Holder: U.S. Bank.

2. **Communication** from Celina Insurance Group, dated 11/21/13 stating their insured, Paul Kemp, 4701 SE 5th Street, sustained a fire loss on November 12, 2013. Celina Insurance Group is holding a fire escrow in the amount of $10,000.

**MOTION TO ADJOURN.**

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All-America City