

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Drive

February 24, 2014
4:30 PM

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 44:

***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:

RENEWAL APPLICATIONS

(A)	CENTERPLATE	1 LINE DR	C Liquor
(B)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(C)	DAHLS FUEL	3401 INGERSOLL	C Beer
(D)	GATEWAY MARKET MLK	2002 WOODLAND	C Liquor
(E)	GIT N GO STORE #28 *(1)	3274 E UNIVERSITY	C Beer
(F)	H & A MINI MART *(1)	5901 FLEUR DR	E Liquor
(G)	HAWKEYE PANTRY	501 LOCUST ST	E Liquor
(H)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Liquor
(I)	HY VEE FOOD STORE #1	3330 MLK JR PKWY	C Beer
(J)	INGERSOLL LIQUOR	3500 INGERSOLL	E Liquor
(K)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(L)	LINN SUPER MARKET	3805 6TH AVE	C Beer
(M)	RACCOON RIVER BREWING	200 10TH ST	C Liquor
(N)	SAINTS PUB + PATIO	4041 URBANDALE	C Liquor
(O)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(P)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(Q)	WEST END LOUNGE	2309 FOREST AVE	C Liquor
(R)	WOOLYS	504 E LOCUST ST	C Liquor

SPECIAL EVENTS APPLICATIONS

- (S) ANKOR WAT FRIENDSHIP 3000 E GRAND AVE Five (5) Day License Class B Beer License for Cambodia New Year Celebration on March 29, 2014.

~~(T) HOPSCOTCH 901 CHERRY ST Five (5) Day License Class C Liquor License for St. Paddy Day 5K Bar Run on March 8, 2014. Pending approval of Fire and Zoning Departments.~~

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:
 - (A) Park Avenue Railroad Crossing Improvements at SW 56th Street: Receiving of bids, (3-11-14), Setting date of hearing, (3-24-14), Construction estimate, \$50,000.

([Council Communication No. 14-068](#))
 - (B) South Union Street Bridge over Yeader Creek Rehabilitation: Receiving of bids, (3-11-14), Setting date of hearing, (3-24-14), Construction estimate, \$407,048.

([Council Communication No. 14-070](#))
 - (C) Greenwood Park Shelter Renovation: Receiving of bids, (3-11-14), Setting date of hearing, (3-24-14), Construction estimate, \$240,000.

([Council Communication No. 14-069](#))
6. Authorization to submit a Revitalize Iowa's Sound Economy (RISE) Grant application to the Iowa Department of Transportation (IDOT) for the James W. Cownie Baseball Park improvements.

([Council Communication No. 14-066](#))
7. Approving Iowa Department of Transportation (IDOT) Agreement for Waveland Trail from I-235 to University Avenue.

([Council Communication No. 14-073](#))
8. Approving Professional Services Agreement with CH2MHill, Inc. for environmental and grant work necessary for several downtown bridges known as the Downtown Transportation Restoration Project, not to exceed \$205,000.

([Council Communication No. 14-065](#))
9. Accepting completed construction and approving final payment for Tonawanda Drive Ravine Improvements, Correll Contractor, Inc.

10. [Accepting](#) completed construction and approving final payment for 4500 block of Wakonda Parkway Sanitary Sewer, T K Concrete Inc.
 - (A) [Adopting](#) and levying final schedule of assessments.
 - (B) [Accepting](#) work and ordering preparation of plat and schedule of assessments, Schedule No. 2012-01.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of nuisance abatement NAC Emergency Orders (Community Development) Schedule No. 2014-02.
12. [Approving](#) deletion of rental inspection assessment at 2604 Cornell Street.

LAND/PROPERTY TRANSACTIONS

13. [Acceptance](#) of real estate documents from Polk County for the Army Post Bridge – Great Western Trail project.
14. [Accepting](#) PUD Restoration Bond for grading work at 2601 Forest Avenue, Drake University Basketball Practice Facility.

[\(Council Communication No. 14-061\)](#)

15. [Approving](#) 31 tax abatement applications for the additional value added by improvements completed during 2013.

[\(Council Communication No. 14-063\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Amending](#) the Fairmont Park Neighborhood boundary to include the area formerly known as the Garton West Neighborhood.

[\(Council Communication No. 14-082\)](#)

17. [Approving](#) appointments to the Metropolitan Planning Organization, (MPO).

18. [Recommendation](#) from Mayor Cownie to appoint Marva J. Willis to the Aging Resources of Central Iowa, Seat 2, for a two-year term commencing January 1, 2014 to expire December 31, 2015.
19. [Recommendation](#) from Housing Services Director to appoint John Mitton to the Housing Services Board, Seat 11, for a three-year term commencing October 10, 2011 to expire June 30, 2014.
20. [Recommendation](#) from Council Member Christine Hensley to appoint Kimberly Hansen to the Housing Services Board, Seat 6, for a three-year term commencing June 30, 2011 to expire June 30, 2014.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request from Freedom Financial Bank for vacation of dead-end segment of the east/west alley in the vicinity of 2125 High Street, subject to provision of easements for existing utilities.
 - (A) [Setting](#) date of hearing on request to rezone 2125 High Street from “R-2A” (General Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow expansion of the existing, adjoining financial institution site by modifying the drive-up service area exit driveway on the property and alleyway requested for vacation, (3-10-14).
22. [Regarding](#) request from Neighborhood Development Corporation for vacation of Granger Avenue from Indianola Avenue to South Union Street, and vacation of SW 1st Street from Jackson to Indianola Avenue, subject to conditions.

SETTING DATE OF HEARINGS

23. [On](#) request from Raccoon Street Warehouse to rezone property at 403 SE 8th Street from “R-2A” (General Residential) to Ltd. “C-3B” (Central Business Mixed Use) to allow development of accessory off-street parking, (3-10-14).
24. [On](#) request from Catholic Health Initiative - Iowa Corporation to rezone property in the vicinity of 320 Creighton Avenue from “R1-60” (One-Family Low-Density Residential) to “C-0” (Commercial Residential) to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties, (3-10-14).
25. [On](#) request from Tim Thelen to rezone property at 1159 24th Street from “C-1” (Neighborhood Retail Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow use of the premises as a carpenter shop for guitar making, (3-10-14).

26. [On](#) proposed renaming of a segment of the Southwest Connector, west of Iowa Highway 28, to Veterans Parkway, (3-10-14).
27. [On](#) assessment of \$500 penalties for sale to minor to the following liquor license holders, (3-10-14):
 - (A) Casey's #2322, 4331 Park Avenue.
 - (B) Git-N-Go Store #7, 3000 Merle Hay Road.
 - (C) Super Stop, 727 SE 14th Street.
28. [On](#) assessment of \$1,500 penalty and 30-day suspension of liquor license for Sahota Food Mart, 1805 SE 14th Street, for sale to minor, (3-10-14).
29. [On](#) 2013 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-24-14).
30. [On](#) amendment to the annual budget for the current fiscal year ending June 30, 2014, (3-10-14).
31. [On](#) proposed annual budget for the fiscal year ending June 30, 2015, (3-10-14).
32. [On](#) recommended Capital Improvement Program (CIP) for fiscal years 2014-2015 through 2019-2020, (3-10-14).
33. On items regarding General Obligation Bond Proposals, (3-10-14):

[\(Council Communication No. 14-081\)](#)

 - (A) [Resolution](#) electing classification and procedures for proposed bond projects.
 - (B) [On](#) issuance of not to exceed \$19,655,000 General Obligation Bonds for Essential Corporate Purposes.
 - (C) [On](#) issuance of not to exceed \$720,000 General Obligation Bonds for General Corporate Purposes.
 - (D) [On](#) issuance of not to exceed \$950,000 General Obligation Bonds for General Corporate Purposes.
 - (E) [On](#) issuance of not to exceed \$985,000 General Obligation Bonds for General Corporate Purposes.

- (F) [On](#) issuance of not to exceed \$1,000,000 General Obligation Bonds for General Corporate Purposes.
- (G) [On](#) issuance of not to exceed \$830,000 General Obligation Bonds for General Corporate Purposes.
- (H) [On](#) issuance of not to exceed \$995,000 General Obligation Bonds for General Corporate Purposes.
- (I) [On](#) issuance of not to exceed \$1,000,000 General Obligation Bonds for General Corporate Purposes.
- (J) [On](#) issuance of not to exceed \$870,000 General Obligation Bonds for General Corporate Purposes.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 34. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$1,401.12.
- 35. [Approving](#) payment to Calvin Kelly and Berger Law Firm for a bodily injury claim, \$10,000.
- 36. [Settlement](#) agreement for a 30-day suspension of the liquor license and payment of \$1,500 penalty for a second sale to minor violation within a two-year period at Casey's #2641, 2849 E. Euclid Avenue.
- 37. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, \$365.82.

CITY MANAGER COMMUNICATIONS

- 38. [Submitting](#) travel and training requests for Ted Jefferson, Nanci McMickle and Eric Skinner.

[\(Council Communication No. 14-086\)](#)

APPROVING

39. [One](#)-year Renewal Addendum of Contract with ABM Janitorial Services (Brad Nelson, Branch Manager) for custodial services in municipal buildings and community centers.

[\(Council Communication No. 14-085\)](#)

40. [Competitive](#) grant application by the Fire Department to the Monsanto Fund for funding of two organic compound monitors for use by the Hazardous Materials Team, \$8,000.

[\(Council Communication No. 14-062\)](#)

41. [Grant](#) application for the 2015 Governor's Traffic Safety Bureau (GTSB), \$205,357.

[\(Council Communication No. 14-083\)](#)

42. Bids from the following:

(A) [Power](#) Systems (Mick Swolley, Branch Manager) for an annual contract with two (2) additional one-year renewal options to furnish standby generator maintenance and repair services at various city-wide locations for use by the Park & Recreation Department, annual estimated cost \$35,000. (Four bids mailed, two received).

(B) [Coban](#) Technologies Inc. (Allan Chen, President) for non-competitive procurement of eight (8) in-car video camera systems for use in Traffic and Patrol cars by the Police Department, \$55,560.

[\(Council Communication No. 14-075\)](#)

(C) [Data](#) 911 (Bret Hubbard, President and CEO) for mobile data computers per US General Services Administration Schedule 84 Contract for use in Fire Department medical emergency response vehicles, \$58,714.50.

[\(Council Communication No. 14-078\)](#)

43. [Renewal](#) Agreement for downtown maintenance at Gateway Park, Principal Riverwalk, MLK Jr. Parkway and East Locust Streetscape.

[\(Council Communication No. 14-079\)](#)

44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 24 and March 3, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 24 and March 3, 2014 and to draw checks for biweekly payroll due on March 7, 2014.

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

- 44-I [Report](#) and discussion regarding proposed legislation that would restrict the City’s ability to regulate occupancy of residential rental properties based on familial relationships between occupants, (SSB3068).

ORDINANCES - FIRST CONSIDERATION

45. [Amending](#) Chapter 114 of the Municipal Code for removal of P.M. peak hour restrictions – east side of 9th Street from Crocker to Indiana.

[\(Council Communication No. 14-064\)](#)

COMMUNICATIONS/REPORTS

46. [From](#) Martin Wissenberg, 222 Third Avenue SE, Cedar Rapids, to speak regarding amendment to Section 126-62 to allow Riders Club of America to provide senior transportation in Des Moines.

***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 47 THRU 51)

47. Items regarding 2930, 2934 and 2936 Walker Street, QuikTrip:
- (A) [Amending](#) the Des Moines 2020 Community Character Land Use Plan, to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Community Commercial.
 - (B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

(E) [Resolution](#) scheduling a hearing on appeal by QuikTrip Corporation of a decision by the Building Official to deny reconstruction of a driveway approach in the vicinity of 2945 E. University Avenue, (3-10-14).

48. [On](#) Waiver Request to the Department of Housing and Urban Development (HUD) to incur program year 2014 Pre-Award Costs for Community Development Block Grant funds (CDBG) and Emergency Solutions Grant Funds (ESG).

49. [On](#) E. 30th Street & Dean Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designation of lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President), \$783,830.70.

[\(Council Communication No. 14-071\)](#)

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

50. [On](#) conveyance of a portion of the vacated east/west alley right-of-way adjoining 1701 Francis Avenue to Clint R. and Reyna H. Copic, \$25.

[\(Council Communication No. 14-067\)](#)

51. [On](#) issuance of not to exceed \$18,000,000 Sewer Revenue Capital Loan Notes.

[\(Council Communication No. 14-084\)](#)

(A) [Institute](#) proceeding to take additional action for the authorization of a loan agreement and issuance of notes.

(B) [Directing](#) the advertisement for sale of not to exceed \$18,000,000 Sewer Revenue Capital Loan Notes, Series 2014B, and approving electronic bidding procedures and form of Official Statement. **(Bonds will be sold at 10AM on March 12th and a special Council meeting will be held at 4:30 PM on March 12th)**

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

APPROVING

52. [Selection](#) of Knapp Properties/Hy-Vee as the preferred developer to purchase and redevelop 420 Court Avenue.

[\(Council Communication No. 14-080\)](#)

53. [Selection](#) of the Opus Group as the preferred developer of the 7th Street and Grand Avenue Parking Garage site.

[\(Council Communication No. 14-076\)](#)

54. [Intergovernmental](#) 28E Agreement with Polk County Conservation Board for the construction and maintenance of the Mark C. Ackelson and Easter Lake Spine Multi-use Recreational Trails.

[\(Council Communication No. 14-077\)](#)

55. Items regarding the temporary four-way stop at the intersection of 50th Street and Meredith Drive:

[\(Council Communication No. 14-072\)](#)

- (A) [Approving](#) the Traffic Safety Committee's recommendation to remove the temporary four-way stop and return it to a two-way stop.
- (B) **ALTERNATE RESOLUTUION:** [Denying](#) the Traffic Safety Committee's recommendation and approving the temporary four-way stop be made permanent.
- (1) [First](#) consideration or ordinance changing the intersection of 50th and Meredith Drive to a four-way stop.

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. [Approving](#) recommendation from Council Member Bill Gray to appoint Francis Boggus to the Human Rights Commission, Seat 4, for a three-year term commencing April 4, 2014 to expire April 4, 2017.

MOTION TO ADJOURN.