

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

May 5, 2014
4:30 PM

PROCLAMATIONS – 4:00 PM

Small Business Week

INVOCATION: Council Member Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 34:

***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)	AMERICANA	1312 LOCUST ST	C Liquor
(B)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(C)	BOURBON ST	500 ARMY POST RD	C Liquor
(D)	GARDEN NIGHTCLUB	112 SE 4TH ST	C Liquor
(E)	LINN SUPER MARKET	3805 6TH AVE	C Beer
(F)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(G)	MICKEYS IRISH PUB	204 3RD ST	C Liquor
(H)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(I)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(J)	QUIK TRIP #515	1421 INGERSOLL	C Beer
(K)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(L)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

OUTDOOR SERVICE APPLICATIONS

(M)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
	Temporary for an annual customer appreciation event on May 16 – 19, 2014.		

- (N) EATARY/A 2932 INGERSOLL C Liquor
Permanent outdoor service area.

SPECIAL EVENT APPLICATIONS

- (O) DES MOINES SOCIAL CLUB 901 CHERRY ST Five (5) Day License
Class C Liquor License for various events on May 10 – 14, 2014.
- (P) DRAKE UNIVERSITY 2615 CARPENTER AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on May 17, 2014.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Q) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for wedding reception on May 24, 2014.
- (R) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for an event on May 17, 2014.
- (S) HIGH LIFE LOUNGE 200 SW 2ND ST Five (5) Day License
Class B Beer License for Market to Market Relay on May 10, 2014. Pending
approval of Building Department.
- (T) JEWISH FOOD FAIR 5101 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for food fair on May 18, 2014.
- (U) TASTE TO GO 3631 SW 61ST ST Five (5) Day License
Class C Liquor License for wedding reception on May 10, 2014. Pending approval
of Building, Electrical, Fire and Zoning Departments.

4-I [Consideration](#) of 5-day Class C Liquor License for Ovation Food Services, 833 5th Street (Parking Lot), for Lazerfest on May 11, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.

5. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [2014](#) City-wide PCC Pavement Restoration Program: Receiving of bids, (5-20-14), Setting date of hearing, (6-9-14), Construction estimate, \$443,100.

[\(Council Communication No. 14-192\)](#)

- (B) [9th](#) & Locust Parking Garage Repairs: Receiving of bids, (5-20-14), Setting date of hearing, (6-9-14), Construction estimate, \$2,057,900.

[\(Council Communication No. 14-193\)](#)

- (C) [2014](#) ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (5-20-14), Setting date of hearing, (6-9-14), Construction estimate, \$450,000.

[\(Council Communication No. 14-191\)](#)

- (D) [Waveland](#) Trail – I-235 to University Avenue: Receiving of bids, (5-20-14), Setting date of hearing, (6-9-14), Construction estimate, \$355,000.

[\(Council Communication No. 14-199\)](#)

7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for City-wide Traffic Signal Battery Backup Project.

[\(Council Communication No. 14-202\)](#)

8. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Pedestrian Crossing Signal Upgrades.

[\(Council Communication No. 14-203\)](#)

- 8-I [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Shive Hattery, Inc. for the Police Department Evidence Storage Facility – Phase II, not to exceed \$18,038.

[\(Council Communication No. 14-195\)](#)

9. [Approving](#) Change Order No. 1 with Cramer and Associates, Inc. for additional work on the South Union Street Bridge over Yeader Creek Rehabilitation, not to exceed \$30,068.50.

[\(Council Communication No. 14-196\)](#)

10. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.

BOARDS/COMMISSIONS/NEIGHBORHOODS

11. [Communication](#) from Council Member Gray advising of Tim Hielkema's resignation from the Neighborhood Revitalization Board, Seat 7, effective July 1, 2014.
 - (A) [Recommendation](#) from Council Member Gray to appoint Tim Hielkema to the Urban Design Review Board, Seat 4, for a three-year term commencing June 30, 2014 to expire June 30, 2017.
12. [Recommendation](#) from Council Member Gray to appoint Laura Peters to the Urban Design Review Board, Seat 8, for a three-year term commencing June 30, 2013 to expire June 30, 2016.
- 12-I [Recommendation](#) from Council Member Gray to appoint Samuel Reno to the Sister Cities Commission, Seat 9, for a five-year term commencing April 8, 2012 to expire April 8, 2017.

COMMUNICATIONS FROM PLANNING AND ZONING

13. [Regarding](#) request from Randy Weigel for the vacation of E. Granger Avenue extending from SE 15th Street to SE 15th Court, subject to conditions.

SETTING DATE OF HEARINGS

14. [On](#) vacation and lease of public right-of-way for a sidewalk café in the alley, west of and adjoining 210 Court Avenue (Tonic), (5-19-14).

[\(Council Communication No. 14-209\)](#)

15. [On](#) vacation of various street and alley rights-of-way between SE 2nd and SE 6th Streets and between Shaw Street and the Des Moines River for the purpose of dedicating a portion of such right-of-way and other adjoining City-owned property as parkland to replace Allen Park, (5-19-14).
16. [On](#) conveyance of a portion of the vacated east/west alley right-of-way adjoining 2815 Franklin Avenue to Beverly J. Mugan, \$270, (5-19-14).
17. [On](#) request by Misty Knight for approval of an amendment to the Tobis Park Estates PUD Concept Plan for 5300 SE 28th Street to allow accessory use of the property for a home occupation business as a beauty parlor, (5-19-14).
18. [On](#) intent to acquire 1422 Scott Avenue for the SE Agribusiness Urban Renewal Project, (5-19-14).

19. [On](#) proposed amendments to the Zoning Ordinance to regulate the allowed location and operation of tobacco stores that sell alcoholic beverages for off-premises consumption, (5-19-14).

[\(Council Communication No. 14-210\)](#)

20. [On](#) proposed amendments to the Zoning Ordinance to establish a City-wide Freestanding Sign Overlay District, (5-19-14).

[\(Council Communication No. 14-208\)](#)

21. [On](#) Lease-Purchase Agreement for acquiring certain items or equipment consisting of five tandem-axle dump trucks, one single-axle crew cab dump truck, one GVW truck with aerial platform lift, one tandem-axle semi-tractor and one rubber-tired loader, not to exceed \$1,200,000, (5-19-14).

[\(Council Communication No. 14-218\)](#)

22. [On](#) consideration of an annexation moratorium agreement with the City of Norwalk, (6-23-14).

[\(Council Communication No. 14-214\)](#)

23. On issuance of General Obligation Bonds for FY2014-15 Capital Improvement Budget and Tax Increment Projects for the following, (5-19-14):

[\(Council Communication No. 14-217\)](#)

(A) [\\$3,000,000](#) for Urban Renewal Purposes.

(B) [\\$50,000](#) for Essential Corporate Purposes.

APPROVING

24. [Preliminary](#) Terms of Agreement with Heart of America Group for development of a hotel at E. 4th Street and E. Grand Avenue.

[\(Council Communication No. 14-213\)](#)

25. [Subordination](#) Agreement with Community Business Lenders, LLC and Cosmopolitan Holdings, LLC to facilitate new renovations to 301 E. Walnut Street.

[\(Council Communication No. 14-206\)](#)

26. [Termination](#) of Parking License Agreement with Terrus Real Estate Group, LLC within the Fifth and Walnut Garage and Third and Court Avenue Garage.

[\(Council Communication No. 14-197\)](#)

27. [Grant](#) application for the 2014 Edward Byrne Memorial Justice Assistance Grant and acceptance of Memorandum of Understanding with Polk County to be used in the purchase of law enforcement and forensic evidence equipment, \$167,323.

[\(Council Communication No. 14-200\)](#)

28. [Three](#)-year lease extension with Drake University for use of the property at 1222-24th Street to be used by the Police Department through January 29, 2017.

[\(Council Communication No. 14-207\)](#)

29. [Amendment](#) to Donation Agreement with Variety – The Children’s Charity of Iowa for donation of park shelter and sidewalks to be added to the Ashley Okland Star Playground at Ewing Park (5300 Indianola Avenue).

[\(Council Communication No. 14-201\)](#)

30. [Donation](#) and Construction Agreement with The Rotary Club of Des Moines A.M. Foundation regarding a new playground planned north of the Iowa Women of Achievement Bridge and designating and naming Rotary Riverwalk Park.

[\(Council Communication No. 14-211\)](#)

- (A) [Private](#) Construction Contract between Graham Construction Company and Rotary Club of Des Moines A.M. Foundation for Rotary Park improvements in Lot 5, River Hill, Plat 2, \$440,000.

31. [Reimbursement](#) Agreement with MidAmerican Energy for relocation of an overhead electric distribution line for the Southeast Connector Project, \$64,593.52.

[\(Council Communication No. 14-189\)](#)

32. [Application](#) from Carl Voss requesting approval to temporarily place banners across the street on 13th & Grand Avenue for the finish line for Dam to Dam on Saturday, May 31, 2014.
33. Bids from the following:
- (A) [Stetson](#) Building Products (Marte Cook, President) for an annual agreement for bridge deck sealant with two additional one-year renewal options as requested by the Public Works Department, \$35,000 annual estimated cost. (Four bids mailed, three bids received)
 - (B) [Kaldenbergs](#) PBS (Matt Kaldenberg, President) for ADA approved engineered wood fiber playground resurfacing services at 18 park sites as requested by the Parks & Recreation Department, \$238,212.50. (Thirteen bids mailed, four bids received)
 - (C) [Lozier](#) Heating & Cooling (Tom Gumm, President) for HVAC replacement at Firestations 3, 4, 8 and 10 as requested by Fire Department, \$52,750. (Ten bids mailed, five bids received)
 - (D) [Pool](#) Tech Midwest (Charlie Rochford, President) for non-competitive procurement on a blanket purchase order for pool chlorination chemicals to be purchased during FY2015 as requested by the Parks & Recreation Department, \$45,000 annual estimated cost.

[\(Council Communication No. 14-205\)](#)

34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 5 and 12, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 5 and 12, 2014 and to draw checks for biweekly payroll due on May 16, 2014.

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

ORDINANCES - FIRST CONSIDERATION

35. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

[\(Council Communication No. 14-198\)](#)

- (A) Installation of parking meters on both sides of Mulberry Street, west of 9th Street.
 - (B) Removal of handicapped parking meter – south side of Grand Avenue between 5th Avenue and 6th Avenue.
 - (C) Additional handicapped parking meter – north side of Locust Street between 10th Street and 11th Street.
 - (D) Boundary Changes to Parking Meter District III.
 - (E) Revisions to the Municipal Code to agree with current signing conditions in the Court Avenue Entertainment District.
36. [Amending](#) Chapter 10 of the Municipal Code regarding conditions and regulations for a liquor license or wine or beer permit at City parks and golf courses.

[\(Council Communication No. 14-216\)](#)

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

COUNCIL REQUESTS

37. [From](#) Council Member Skip Moore to speak regarding zoning in the Market District.
- 37-I [From](#) Council Member Skip Moore to discuss compensation for the automobiles stored at Waveland Golf Course.

COMMUNICATIONS/REPORTS

38. [From](#) James Andrew, 1407 Linden Lane, to speak regarding various issues.
39. ~~From Esther Mabior, 1409 8th Street, to speak regarding South Sudanese youth in Des Moines, Omaha, Kansas City and Mankato.~~
40. [From](#) Lelah Swallow, 2002 Lyon Street, to speak regarding trains 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 41 THRU 46)

41. On request from Denise Cody to rezone property at 912 43rd Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family) to allow the property to be occupied as a two-family dwelling. (Plan and Zoning Commission recommends **DENIAL**) **Roll Call contains alternative motions.**
 - (A) Denying request to amend the Des Moines 2020 Community Character Land Use Plan.

42. On request from ST Investments, LLC to rezone property at 200 SE 6th Street from Ltd. “C-3B” (Central Business District Commercial) to Ltd. “C-3” (Central Business Mixed-Use) to allow a rental car display lot use.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

43. On request from Jerry Hoots to rezone property at 2428 SW 9th Street from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to provide for application of a conditional use permit and allow the retention of an existing liquor store.
 - (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

44. On request from Arik Peterson (owner) d/b/a As a Dad, LLC for an amendment to the Sawyers Landing PUD Conceptual Plan on 4820 Sawyers Drive to allow accessory use of the single-family dwelling property for a home occupation business consisting of bicycle rental.

45. On continuation of public hearing, approving plans, specifications, form of contract documents, and Engineer’s estimate on Fire Department Administration Parking Lot to May 19, 2014 Council Meeting.

[\(Council Communication No. 14-194\)](#)

46. [On](#) 2014 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and receive and file bids.

[\(Council Communication No. 14-190\)](#)

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

APPROVING

47. [Review](#) of Zoning Board of Adjustment decision granting a use variance to allow 1617 Oakland Avenue to be used as a boardinghouse. (**Choose one alternative A, B or C**)

[\(Council Communication No. 14-204\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand.
 - (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on May 20, 2014.
 - (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.
48. [Resolution](#) of Support endorsing the Capital Crossroads: Capital Core Neighborhood Improvement Implementation Plan.

[\(Council Communication No. 14-212\)](#)

MOTION TO ADJOURN.

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