

DES MOINES CITY COUNCIL MEETING
City Hall, Council Chambers
400 Robert D. Ray Dr.
Des Moines, Iowa 50309

November 3, 2014 4:30 PM

I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City and Section 21.5, subsection 1, Paragraph i of the Iowa Code, to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual’s reputation and that individual requests a closed session.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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PROCLAMATIONS – 4:00 PM

Lung Cancer Awareness Month

INVOCATION: Council Member Bill Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 36:

***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)	CHICKADEES	2400 DEAN AVE	C Liquor
(B)	QUICK STAR *(2)	2701 INGERSOLL	E Liquor
(C)	SOMETHING ITALIAN	400 WALNUT ST	C Beer/Wine

RENEWAL APPLICATIONS

(D)	ALDI INC #03	3940 E 14TH ST	C Beer
(E)	ALDI INC #29	5512 SE 14TH ST	C Beer
(F)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(G)	APEX OIL	1200 SE 30TH ST	C Beer
(H)	BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(I)	CATERING DSM	1011 LOCUST ST	C Liquor
(J)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(K)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY	C Liquor
(L)	DAHLS FOODS	3400 E 33RD ST	E Liquor
(M)	DUBLIN	2307 UNIVERSITY	C Liquor
(N)	ESTRADAS	3029 MERLE HAY	C Liquor
(O)	FREMONT	1030 E 9TH ST	C Liquor
(P)	GIT N GO STORE #19	890 COUNTY LINE	C Beer
(Q)	GIT N GO STORE #42	806 SE 14TH ST	C Beer
(R)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(S)	HESSEN HAUS	101 4TH STREET	C Liquor
(T)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(U)	JEANNIES BOTTLE	3839 MERLE HAY	C Liquor
(V)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(W)	KAMODO KLUB	214 3RD ST	C Liquor
(X)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(Y)	OFF INNAZONWERLD	333 E GRAND AVE	B Native Wine

SPECIAL EVENTS APPLICATIONS

(Z)	ANKOR WAT	3000 E GRAND AVE	Five (5) Day License Class B Beer License for Thanksgiving Fundraising Party on November 22, 2014.
(AA)	HY VEE ZART	1312 LOCUST ST	Five (5) Day License Class C Liquor License for a wedding reception on November 8, 2014.
(BB)	MAINSTREAM LIVING	1312 LOCUST ST	Five (5) Day License Class B Beer License for a fundraising event on November 13, 2014.
(CC)	WAT LAO	3000 E GRAND AVE	Five (5) Day License Class B Beer License for Boun Phra Thatluang on November 8, 2014.

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

PUBLIC IMPROVEMENTS

6. [Ordering](#) construction of E. Euclid & Dixon Traffic Signal Upgrade: Receiving of bids, (11-18-14), Setting date of hearing, (12-8-14), Construction estimate, \$310,000.

[\(Council Communication No. 14-518\)](#)

7. [Approving](#) Professional Services Agreement with Architecture by G. E. Wattier, Inc. d/b/a Slingshot Architecture for design and construction phase services for the Pioneer Columbus and Four Mile Community Centers remodeling, not to exceed \$45,700.

[\(Council Communication No. 14-521\)](#)

8. Approving Private Construction Contracts as follows:
 - (A) [Beal](#) Derkenne Construction LLC and 215 East 3rd Street, LLC for paving improvements in 215 E. 3rd Street.
 - (B) [Beal](#) Derkenne Construction LLC and 215 East 3rd Street, LLC for sanitary sewer improvements in 215 E. 3rd Street.
 - (C) [Premier](#) Commercial Services, LLC and East Village Tower Partners, LLC for storm sewer improvements in 600 E. 5th Street.
9. [Approving](#) completion and acceptance of the Private Construction Contract for Rotary Park improvements, Lot 5, River Hills Plat 2, between Graham Construction Company and Rotary Club of Des Moines AM Foundation.
10. Accepting completed construction and approving final payment of the following:
 - (A) [2013](#) ADA Sidewalk Ramp Program – Contract 2 – TI-Zack Concrete, Inc.
 - (B) [2014](#) Brick Street Repair Program – T K Concrete, Inc.
 - (C) [McHenry](#) Park Storm Sewer – The Underground Company, Ltd.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-09.
12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-09.

COMMUNICATIONS FROM PLANNING AND ZONING

13. [Regarding](#) request from Des Moines Municipal Housing Agency (owner) for vacation of the south 10 feet of Oak Park Avenue from 8th Street to a point 400 feet to the west, to allow for dedicated parking along the street for senior residents of Oak Park Manor at 3400 8th Street.
14. [Regarding](#) request from 201 East Locust Street, LLC, owner of 210 East Walnut Street, for vacation of a portion of the air rights within the north 9.5 feet of E. Walnut Street and within the east 2 feet of E. 2nd Street adjoining the south and west side of the subject property to allow for roof overhang extensions from the proposed multiple-family residential apartment building.
15. [Regarding](#) request from Siegeworks Lodging, LLC (purchaser) of 201 E. Locust Street for vacation of a portion of the air rights within the south 7 feet of E. Locust Street adjoining the north side of the subject property, to allow for a canopy extension above the first floor of the proposed hotel building.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15-I Items regarding resignations for the following:

- (A) [Communication](#) from Ellen Hubbell advising of her resignation from the Library Board of Trustees, Seat 3, effective immediately.
- (B) [Communication](#) from Christine Pardee advising of her resignation from the Plan and Zoning Commission, Seat 8, effective immediately.

SETTING DATE OF HEARINGS

16. [On](#) vacation and conveyance of a segment of east/west alley right-of-way lying south of and adjoining 215 E. 3rd Street to 215 East 3rd Street, LLC, \$12,675, (11-17-14).
 - (A) [Communication](#) from Plan and Zoning Commission.
17. [On](#) request from Kading Properties, LLC (owner), represented by Karie Ramsey (officer), for review and approval of the 9th Amendment to the Meadowlands PUD Conceptual Plan for property at 2100 Meadow Court to revise the proposed

configuration of residential dwellings from 43 units within row-houses having rear-loaded garages to 34 units within two-unit (duplex) structures having front-loaded garages, subject to conditions, (11-17-14).

(A) ~~Communication from Plan and Zoning Commission.~~

17-I [On](#) appeal by Eychaner Properties, Inc. (owner) represented by Michael Simonson (architect) of the denial of a site plan amendment for a proposed valet drop-off lane at 322 SW 3rd Street, (11-17-14). Sponsor: Council Member Hensley.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

18. [Approving](#) payment to Ahlers & Cooney, PC with respect to General Obligation Refunding Capital Loan Notes, Series 2014E, \$18,846.88.
19. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to collective bargaining, \$1,286.40.
20. [Approving](#) payment to Hall & Associates for representation in the matter of Iowa League of Cities v. United States Environmental Protection Agency, \$218.95

CITY MANAGER COMMUNICATIONS

21. [Submitting](#) travel and training requests for Benjamin Campbell and Alisha Rankin.

[\(Council Communication No. 14-534\)](#)

APPROVING

22. Approving agreements with Home Opportunities Made Easy, Inc.:

[\(Council Communication No. 14-527\)](#)

- (A) [Contract](#) for operating support as a Designated Development Community Housing Development Organization under the Home Investment Partnership Program.
 - (B) [Home](#) Investment Partnership Program Agreement for development of a single-family home at 1445 9th Street using Community Housing Development Organization set-aside funds and retention of proceeds for additional affordable housing activities.
23. [Request](#) by the Des Moines Apartments, LP, for an extension on the time allowed to complete the renovation and rehabilitation of the Des Moines Building at 405 6th Avenue and 513 Locust Street.

[\(Council Communication No. 14-523\)](#)

24. [Amendments](#) to the Neighborhood Recognition Policy, including changes proposed at the October 20, 2014 Council meeting.
25. [Authorizing](#) the purchase of 0.79 acres of wetland mitigation credit from the Dallas County, Iowa, VOAS Wetland Mitigation Bank, \$27,650.

[\(Council Communication No. 14-519\)](#)

26. [Memorandum](#) of Agreement between Des Moines Area Religious Council and Des Moines Community Action Agency for food pantry services.

[\(Council Communication No. 14-526\)](#)

27. [Agreements](#) for the 2014 Holiday Food Project at the Catholic Pastoral Center, 601 Grand Avenue.

[\(Council Communication No. 14-525\)](#)

28. [City](#) Council Meeting Schedule for 2015 (continued from October 20, 2014).
29. [Partial](#) redemption from time to time of the outstanding General Obligation Bonds, Series 2014A, dated January 6, 2014, and directing that notices of redemption be given.
30. [Procurement](#) of sanitary sewer pump station repair and replacement services for two (2) Park and Recreation Department pump station sites from Electric Pump & Tool Services (Richard S. Miller, President and Secretary), \$40,560.

[\(Council Communication No. 14-531\)](#)

- ~~31. [Award](#) of impound towing and storage contract for three years with two additional one-year renewal options to Crow's Auto Services Inc. (Randy Crow, President) annual estimated cost \$50,000. (Nine bids mailed, two received).~~

~~[\(Council Communication No. 14-517\)](#)~~

32. Bids from the following:
 - (A) [Peterbilt](#) of Des Moines (Brad Wilson, President) for five replacement refuse trucks as requested by Fleet Maintenance, \$1,320,585. (Seven bids mailed, eleven proposals received from three bidders).

- (B) [Ultramax](#) Ammunition (Roger Braunstein, President) and Sunset Law Enforcement (Mike Bright, President) for ammunition as requested by the Police Department, \$194,973.07 total. (Ten bids mailed, three received).

[\(Council Communication No. 14-515\)](#)

- (C) [Alexander](#) Open Systems (Gary Alexander, CEO) to provide annual maintenance and support services for CISCO network equipment for one year as requested by the IT Department, \$142,245.06.
- 33. [Civil](#) Service Entrance List for Recreation Program Coordinator, and Promotional List for Sewer Maintenance Worker.
 - 34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 3 and 10, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 3 and 10, 2014 and to draw checks for biweekly payroll due on November 14, 2014.

ORDINANCES - FINAL CONSIDERATION

- 35. [Amending](#) Chapter 2 of the Municipal Code regarding the Community Development Department administration.
- 36. [On](#) proposed amendments to subdivision ordinance (Chapter 106) to authorize Community Development to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 14-522\)](#)

- (A) Revisions to the Municipal Code to agree with current signing conditions.
- (B) Parking restrictions along SW 14th Street and Casady Drive to accommodate new medians installed as part of the SW 14th Quiet Street project.

***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 38 THRU 43)

38. [On](#) proposed 2015-19 Five Year Des Moines Strategic Plan and 2015 Action Plan for the U.S. Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 14-528\)](#)

39. [On](#) request from 304 15th Street LLC (owner), represented by Jake Christensen (Officer), to rezone property at 304 15th Street, to remove the “D-O” (Downtown Overlay) District designation and remove the prohibition of off-premises advertising signs and **to continue to December 8, 2014 at 5:00 PM.**

40. [On](#) application from Jack Porter to designate the “Riverfront YMCA” building at 101 Locust Street as a Local Landmark and **to continue to November 17, 2014 at 5:00 PM at the request of the applicant.**

[\(Council Communication No. 14-533\)](#)

41. [On](#) approval of a proposed Lease Agreement with The Des Moines Bicycle Collective for placement of B-Cycle Program Kiosks on City right-of-way and **to continue to November 17, 2014 at 5:00 PM.**

42. Items regarding the north/south alley adjoining 120 2nd Avenue:

(A) [Recommendation](#) from Plan and Zoning Commission.

(B) [Hearing](#) on vacation and conveyance of a segment of the north/south alley adjoining 120 2nd Avenue, to Polk County, Iowa, \$1.

(C) [First](#) consideration of ordinance above.

43. [On](#) vacation and conveyance of a portion of Maury Street and alley right-of-way adjoining 724 E. 14th to Jordan Flatt, \$8,750.

[\(Council Communication No. 14-520\)](#)

(A) [First](#) consideration of ordinance above.

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

APPROVING

44. Items related to improvements at the James W. Cownie Baseball Park:

- (A) [Acceptance](#) of a \$250,000 Iowa Department of Transportation (IDOT) Revitalize Iowa's Sound Economy (RISE) grant.

[\(Council Communication No. 14-530\)](#)

- (B) [Acceptance](#) of a \$200,000 Polk County Donation.

- (C) [Authorization](#) for City Manager to negotiate and execute an agreement with the Community Foundation of Greater Des Moines for private funding totaling \$550,000.

45. [Accepting](#) proposal of RCC Consultants Inc. to provide a needs assessment study for consolidation of communication centers and future radio needs and to negotiate and execute a contract.

[\(Council Communication No. 14-529\)](#)

46. [Directing](#) staff to include certification on compliance with Wage Payment Laws in written solicitations for City construction projects.

[\(Council Communication No. 14-532\)](#)

- (A) [Communication](#) from Des Moines Civil and Human Rights Commission recommending the City consider a policy requiring contractors to be screened for employment practices and clean record of taxes.

EXTRA ITEMS

1. [To](#) direct the City Manager to negotiate an interim operating agreement—subject to legal department approval as to form— to provide minimum standards with which Uber must comply until the ordinance is ready to be enacted and to seek public input and prepare an ordinance to better govern Transportation Network Companies (TNCs) and to provide general governance requirements for any other livery mode of conveyance of passengers within the City. SPONSOR: Mayor and Council.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [Memo](#)
 - (A) [5800](#) SW 9th Street, commercial building structure, Titleholder: Barnes, Page, IA, LLC.
 - (B) [1418](#) E. 14th Street, main structure, Titleholder: Duane A. Carlson.
 - (C) [323](#) E. Thornton Avenue, fire-damaged main structure, Titleholders: Pamela K. Riatt; Tom Daugherty; George Daugherty; Albert Daugherty; Sharon E. Braack; Life Estate: Mary F. Beerbower; Edgar G. Branchcomb.

MOTION TO ADJOURN.

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