

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

April 6, 2015
4:30 PM

PROCLAMATIONS – 4:00 PM

National Service Recognition Day

INVOCATION: Council Member Mahaffey

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 Application for the following:

NEW APPLICATIONS

(A)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(B)	LEFTYS LIVE MUSIC	2307 UNIVERSITY	C Liquor
(C)	OASIS	1401 BUCHANAN ST	E Liquor
(D)	PHILLIP 66 *(1)	1516 SE 1ST ST	E Liquor
(E)	PHO HOUSE	1452 2ND AVE	C Liquor
(F)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine

RENEWAL APPLICATIONS

(G)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(H)	AMERICAN GRILL	5800 FLEUR DR	C Liquor
(I)	DJANGO RESTAURANT	210 10TH ST	C Liquor
(J)	DRAKE UNIVERSITY	2700 UNIVERSITY	C Beer/Wine
(K)	GERRIS	232 E 30TH ST	C Liquor
(L)	GIT N GO STORE #5	2700 INDIANOLA	C Beer

(M)	GRAMERCY TAP	400 WALNUT ST	C Liquor
(N)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(O)	JETHROS	3100 FOREST AVE	C Liquor
(P)	JOHNNYS	6800 FLEUR DR	B Liquor
(Q)	MANNINGS	2102 INDIANOLA	C Liquor
(R)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(S)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(T)	TRUE BURGER/IA TAP ROOM	5800 FLEUR DR	C Liquor
(U)	VICTORY LANE	3801 EASTON BLVD	C Liquor

OUTDOOR SERVICE APPLICATIONS

- (V) BARATTAS RESTAURANT 2320 S UNION ST C Liquor
Temporary in conjunction with the Mayor’s Annual Bike Ride on April 18, 2015.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (W) JETHROS 3100 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 24 – 26, 2015.
- (X) PEGGYS TAVERN 3020 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 22 – 26, 2015.

SPECIAL EVENTS APPLICATIONS

- (Y) DRAKE UNIVERSITY 2847 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Business Relays BBQ on April 25, 2015.
- (Z) DRAKE UNIVERSITY 2875 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for reunion on April 25, 2015.
- (AA) HY VEE WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for Neighborhood Recognition Event on April 16, 2015.
- (BB) WAT LAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License
Class B Beer License for an event on April 11, 2015.

- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:
 - (A) [Fire](#) Station No. 7 Reroofing: Receiving of bids, (5-5-15), Setting date of hearing, (5-18-15), Engineer’s estimate, \$122,500.

[\(Council Communication No. 15-169\)](#)

- (B) [Greenwood](#) Park Water Playground: Receiving of bids, (4-21-15), Setting date of hearing, (5-4-15), Engineer's estimate, \$350,000.

[\(Council Communication No. 15-171\)](#)

- (C) [2015](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (4-21-15), Setting date of hearing, (5-4-15), Engineer's estimate, \$450,000.

[\(Council Communication No. 15-168\)](#)

- 7. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Genus Landscape Architects, PC for additional construction and administration and inspection services for Beaver Avenue Streetscape - Beavercrest Drive to Fagen Drive, not to exceed \$89,000.

[\(Council Communication No. 15-167\)](#)

- 8. [Approving](#) Change Order No. 5 with Concrete Technologies, Inc. for additional contract time and work on the Beaver Avenue Streetscape - Beavercrest Drive to Fagen Drive, not to exceed \$27,225.

[\(Council Communication No. 15-166\)](#)

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

- 10. [Approval](#) of Fiscal Year (FY) 2014-2015 Annual Right-of-Way (ROW) Management Fee.

[\(Council Communication No. 15-174\)](#)

- 11. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2015 edition and the SUDAS Standard Specifications 2015 edition as the official design standards and standard specifications for the City of Des Moines, Iowa.

[\(Council Communication No. 15-175\)](#)

- 12. [Approving](#) revised design concept for Grand Avenue Bridge over Des Moines River.

[\(Council Communication No. 15-173\)](#)

LAND/PROPERTY TRANSACTIONS

13. [Release](#) of Subdivision Bond from Merchants Bonding Company in amount of \$2,733 as security for completion of required sidewalk improvements for Summersfield Plat 2, 4605 Hubbell Avenue.

[\(Council Communication No. 15-160\)](#)

14. [Release](#) of PUD Restoration Bond from Merchants Bonding Company in amount of \$14,766 as security for required grading and site restoration for Summersfield Forest and Fields Rowhouse, 4605 Hubbell Avenue.

[\(Council Communication No. 15-161\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recommendation](#) to appoint Captain Todd Dykstra and Sandra Morris as representatives to the Polk County Joint E911 Service Board for calendar year 2015.
16. [Approving](#) appointment of Council Member Joe Gatto to the Blank Park Zoo Foundation.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) request to vacate City right-of-way adjoining 604 E. Grand Avenue to allow for encroachment of a building addition overhang and subsurface encroachment.

SETTING DATE OF HEARINGS

18. [On](#) vacation of Air Space, Surface and Subsurface Rights adjoining 222 5th Avenue and conveyance of easements to Polk County, \$1, (4-20-15).
19. [On](#) the proposition for a lease agreement to rent five swimming pool liquid chlorine systems for a three-year period, not to exceed \$10,000 annually, (4-20-15).

[\(Council Communication No. 15-184\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$10,925.
21. [Approving](#) payment to Ahlers & Cooney, PC with respect to collective bargaining, \$6,384.

APPROVING

22. [HOME](#) Investment Partnership Program (HOME) Agreement with Christ the King Housing Services for 5602 SW 9th Street, \$1,650,000.

[\(Council Communication No. 15-180\)](#)

23. [Support](#) of a grant application by the Polk County Housing Trust Fund for funding of a proposed healthy homes repair and education program in the East Bank Neighborhoods.

[\(Council Communication No. 15-163\)](#)

24. [Submittal](#) of FY2016 Historical Resource Development Program (HDRP) Grant application to the State Historical Society of Iowa for a National Register of Historic Places District nomination in the North of Grand Neighborhood.

[\(Council Communication No. 15-164\)](#)

25. [Application](#) for the United States Department of Homeland Security FEMA Assistance to Firefighters Grant 2014 Fire Prevention and Safety Grant Program (FP&S).

[\(Council Communication No. 15-162\)](#)

26. [Committee](#) Advised Fund Agreement with the Community Foundation of Greater Des Moines to govern the funds associated with the Run with the Police event.

[\(Council Communication No. 15-179\)](#)

27. [Household](#) Hazardous Waste Service Agreement with Metro Waste Authority (MWA) for waste drop-off at MWA Collection Center.

[\(Council Communication No. 15-185\)](#)

28. [Application](#) from Drake Relays Group requesting approval to temporarily place banners across the streets on Grand Avenue between 12th & 13th Street for the Grand Blue Mile start and finish lines on Tuesday, April 21, 2015.

29. [Application](#) from Premier Event Management requesting permission to display six inflatable arches for the Drake Relay Hy-Vee Road Race on Sunday, April 26, 2015.
30. [Communication](#) from the Marketing Manager of the Des Moines Performing Arts requesting approval to place a banner on the north wall of the Civic Center announcing the return of the Lion King from April 20 to May 18, 2015.
31. [Application](#) from St. Anthony's Church requesting approval of banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 104 SW 1st Street, 1703 S. Union Street and Granger Avenue and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 17, 2015.
32. [Exception](#) to procurement ordinance competitive RFP process for good cause and accepting proposal of Lyle Sumek Associates, Inc. to provide strategic planning consulting services, not to exceed \$45,000.

[\(Council Communication No. 15-182\)](#)

33. Bids from the following:
 - (A) [Air](#) Con Mechanical (Jim Shaffer, President) for chiller replacement services at Principal Park at requested by the Engineering Department, \$280,667. (Nine potential bidders, six received).
 - (B) [Jim's](#) Johns (Jim McCaughey, President) for an annual contract with two additional one-year renewal options to furnish portable toilets rental services as requested by the Park & Recreation Department, annual estimate \$31,000. (Seven potential bidders, two received).
 - (C) [Martin](#) Marietta Aggregates (Howard Nye, President), Hallett Materials (Craig Lamberty, President), Schildberg Construction (Mark Schildberg, President), and Lounsbury Sand & Gravel (Ben Lounsbury, President) for an annual contract with two additional one-year renewal options to furnish construction and aggregate materials as requested by the Public Works Department, annual estimate \$400,000. (Five potential bidders, four received).
 - (D) [Norwalk](#) Ready Mix Concrete (Todd Bohlender, President), CTI Ready Mix (Brian Blackford, President) and American Concrete Products (Craig Lamberti, President) for an annual contract with two additional one-year renewal options to furnish portland cement concrete products as requested by the Public Works Department, annual estimate \$400,000. (Four potential bidders, three received).

- (E) [Construction](#) Materials Inc. (Dick Galligan, President) for an annual contract with two additional one-year renewal options to furnish re-bar materials as requested by the Public Works Department, annual estimate \$30,000. (Four potential bidders, three received).
- (F) [Des](#) Moines Asphalt & Paving Co. (Craig Lamberty, President) and Grimes Asphalt & Paving Corp. (Kurt Rasmussen, President) for an annual contract with two additional one-year renewal options to furnish hot mix asphalt materials as requested by the Public Works Department, annual estimate \$1,100,000. (Two potential bidders, two received).
- (G) [Acme](#) Tools (Steve Kuhlman, Owner/President) for an annual contract with two additional one-year renewal options to furnish concrete saw blades as requested by the Public Works Department, annual estimate \$50,000. (Nine potential bidders, eight received).
- (H) [Ennis](#) Traffic Safety Solutions (Steve Vetter, President) per State of Iowa Department of Transportation (DOT) Contract for traffic paint as requested by the Traffic & Transportation Division of the Engineering Department, \$50,000.

[\(Council Communication No. 15-172\)](#)

- 34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 6 and 13, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 6 and 13, 2015 and to draw checks for biweekly payroll due on April 17, 2015.

ORDINANCES - SECOND CONSIDERATION

- 35. [On](#) rezoning of 1300 Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow permitted uses in “C-2” and a contractor’s equipment storage yard use only, with conversion of the existing vacant print shop to a contractor’s business with offices, shop and indoor/outdoor storage of equipment and materials, subject to conditions.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
- 36. [Amending](#) Chapter 2 of the Municipal Code regarding salary of Mayor and Council Members.

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

ORDINANCES - FINAL CONSIDERATION

37. [Amending](#) Chapter 78 of the Municipal Code establishing the Mobile Vender Pilot Program and to regulate the sale of food and beverages by mobile vendors in the downtown area, as amended.

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 15-176\)](#)

- (A) Parking restriction modification due to recommendation of properties on E. 3rd Street, south of E. Court Avenue.
 - (B) Marked Police Vehicle Parking Only – north side of E. Court Avenue, east of E. 1st Street.
 - (C) Revised parking restrictions near previous Douglas Elementary School.
 - (D) Revised parking restrictions near previous Wallace Elementary School.
 - (E) Speed limit revision to match field conditions – E. Douglas Avenue from E. 42nd Street to E. 43rd Court.
 - (F) Revised parking restrictions due to the opening of a new business of E. 5th Street, south of Grand Avenue.
 - (G) One-Way, Part-time street designation for 8th Street, south of College Avenue near Moulton Elementary School.
 - (H) Final consideration of ordinance above, requires six votes.
39. Number not used.

***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 40 THRU 49)

40. [On](#) issuance of Vehicle for Hire Company Certificate for Uber (Raisier, LLC).

[\(Council Communication No. 15-177\)](#)

41. Items regarding the property at 3917 Mahaska (Arnold Dewitt, Owner) to allow expansion of the existing mini-warehouse complex:
- (A) [Approving](#) request to amend the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
 - (B) [Hearing](#) on rezoning 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.
42. Items regarding 2052 Ankeny Avenue, R&S Land Holdings, LLC:
- (A) [Amendment](#) to the Des Moines 2020 Community Character Plan Future Land Use Designation to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
 - (B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow expansion of the adjoining commercial animal feed store and garden center, subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
43. Items regarding 4341 and 4345 Grand Avenue, Grand Oaks Condominiums, **Plan and Zoning Commission recommends DENIAL:**
- (A) [Amendment](#) to the Des Moines 2020 Community Character Plan Future Land Use Designation to revise the existing future land use designation from Low-Density Residential to Medium-Density Residential.
 - (B) [Hearing](#) on rezoning of the property from “R1-80” (One-Family Residential) to “R-3” (Multiple-Family Residential) to allow the north 100 feet of the property fronting 44th Street to be divided off and developed with multiple-family residential dwellings.
 - (C) [First](#) consideration of ordinance above.

44. Items regarding 4538 Lower Beaver Road: Azhar Iqbal and Dominic Mathew (owners), to allow the right to request a Conditional Use Permit to continue selling alcoholic liquor, wine and beer as part of either a limited food/retail sales establishment or as a liquor store:
- (A) [Amendment](#) to the Des Moines 2020 Community Character Plan Future Land Use Designation, to revise the existing future land use designation from Medium-Density Residential, to Commercial: Auto-Oriented, Small-Scale Strip Development.
 - (B) [Hearing](#) on rezoning the property from “R-4” (Multiple-Family Residential) to “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.
45. [On](#) vacation of parkland in Pioneer Park and dedicating it as Pioneer Road right-of-way, and vacation of Pioneer Road right-of-way within Pioneer Park and dedicating it as parkland.
- (A) [First](#) consideration of ordinance above.
46. [On](#) request from Stratford Holdings, LLC to rezone 1372 E. 14th Street from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow the right to request a Conditional Use Permit that is necessary to continue selling liquor, wine and beer as either a limited food sales establishment or as a liquor store. **(Plan and Zoning Commission recommends DENIAL)**
- (A) [First](#) consideration of ordinance above.
47. [On](#) conveyance of permanent easement for underground telecommunication lines and related utility equipment to CenturyLink for the Grand Avenue over Walnut Creek Bridge Replacement project.

48. [On](#) Urban Renewal Agreement for sale of Land for Private Development, with 420 Court Avenue, LLC, for the sale and redevelopment of Disposition Parcel 99C at 420 Court Avenue, in the Metro Center Urban Renewal Area (Hy-Vee project).

[\(Council Communication No. 15-178\)](#)

49. [Resolution](#) to REJECT all bids because the two bids received could not be read and to close the hearing on plans, specifications, form of contract and Engineer's estimate for Fire Stations 2, 5, 7, and 9 Bathroom Remodeling.

[\(Council Communication No. 15-170\)](#)

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

APPROVING

50. [Moved to Municipal Housing Agency Governing Board Agenda Item 4.](#)
51. [Review](#) of Zoning Board of Adjustment decision granting a use variance to allow a restaurant selling alcoholic liquor, wine and beer at 2301 SW 9th Street. (**Choose one alternative A, B or C**)

[\(Council Communication No. 15-183\)](#)

- (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 April 30, 2015.
- (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.
- 51-I [Consideration](#) of renewal Class C Liquor License for Rockstar Bar & Grill, 2301 SW 9th Street.

52. [Appointment](#) of Dan Ritter as Finance Director and confirmation as City Treasurer.

([Council Communication No. 15-181](#))

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. [Request](#) from Larry James Jr., City Sounds: The Des Moines Public Piano Project, to speak regarding City support for an ordinance allowing pianos on City right-of-way. Sponsor: Council Member Hensley.
2. [Request](#) from Valerie Cohen to speak regarding a proposed stop light at SW 63rd Street and Creston Avenue, and a potential easement to allow access to Willowmere and/or 61st Street to potentially provide a more immediate alternate outlet for the residents of the Creston cul-de-sac. Sponsor: Council Member Hensley.

MOTION TO ADJOURN.

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