

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

October 26, 2015 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 pursuant to 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. The City Attorney has opined that the closed session is appropriate under Iowa Law.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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INVOCATION: Council Member Moore

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 41:

***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)	CHICAGO DOG	550 SW 9TH ST	B Beer
(B)	FUZZYS TACO SHOP	300 W MLK JR PKWY	C Liquor
(C)	GURU BBQ	300 W MLK JR PKWY	C Liquor

RENEWAL APPLICATIONS

(D)	APEX OIL	1200 SE 30TH ST	C Beer
(E)	BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(F)	CATERING DSM	1011 LOCUST ST	C Liquor
(G)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(H)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(I)	CHICKADEES	2400 DEAN AVE	C Liquor
(J)	CVS PHARMACY #10161	215 EUCLID AVE	E Liquor
(K)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(L)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(M)	GIT N GO STORE #33	865 42ND ST	C Beer
(N)	GIT N GO STORE #42 *(1)	806 SE 14TH ST	C Beer
(O)	HEROES	216 COURT AVE	C Liquor
(P)	HESSEN HAUS	101 4TH STREET	C Liquor
(Q)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(R)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(S)	OFF INNAZONWERLD	333 E GRAND AVE	B Native Wine
(T)	SOMETHING ITALIAN	400 WALNUT ST	C Beer/Wine

SPECIAL EVENTS APPLICATIONS

- | | | | |
|-----|---------------|------------------|--|
| (U) | LOTUS MOMENTS | 2134 E GRAND AVE | Five (5) Day License
Class C Liquor License for Veterans Chili Cookoff on November 15, 2015. Pending approval of Zoning Department. |
| (V) | WAT LAO | 3000 E GRAND AVE | Five (5) Day License
Class B Beer License for Boun Phra Thatluang on November 7, 2015. |

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

PUBLIC IMPROVEMENTS

6. [Approving](#) the execution of Iowa Department of Transportation Agreement for resurfacing E. Euclid Avenue (US 6) from York Street to Hubbell Avenue and E. 14th Street (US 69) from E. Ovid Avenue to E. Fleming Avenue.

[\(Council Communication No. 15-564\)](#)

7. [Approving](#) amendment to Cooperative Agreement with Iowa Department of Natural Resources to increase funding from Iowa Department of Natural Resources (IDNR) for the Easter Lake Watershed Quality Improvement Project.

[\(Council Communication No. 15-567\)](#)

8. [Approving](#) Professional Services Agreement with Stanley Consultants, Inc. for the Iowa Interstate Railroad Bridge Flood Gates, not to exceed \$89,421.

[\(Council Communication No. 15-565\)](#)

9. [Approving](#) Supplemental Agreement No. 4 to the 2011 System Wide Local Flood Protection Project Improvements Professional Services Agreement with HR Green, Inc. for design services, not to exceed \$32,300.

[\(Council Communication No. 15-569\)](#)

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

11. [Accepting](#) completed construction and approving final payment for Waveland Trail – I-235 to University Avenue, T.K. Concrete, Inc.

(A) [Naming](#) of the “Waveland Multi-Use Recreational Trail” and map named and known as Waveland Multi-Use Recreational Trail.

12. [Accepting](#) completed construction and approving final payment for Police Station Phase 3 facility improvements, Ball Team, LLC.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-08.

LAND/PROPERTY TRANSACTIONS

14. [Approving](#) release of reserved utility easements at 1300 Keosauqua Way.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Communication](#) from Dan Passick, advising of his resignation from the Park and Recreation Board, Seat 10, effective immediately.
 - (A) [Recommendation](#) from Council Member Bob Mahaffey to appoint Connie Boesen to the Park and Recreation Board, Seat 10, for a four-year term commencing June 30, 2013 to expire June 30, 2017.

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Hubbell Tower II, LLC for vacation of air rights adjoining 915 Mulberry Street.
17. [Regarding](#) request from Confluence on Third, LLC for vacation of three feet of the north side of Market Street adjoining property in the vicinity of 123 SW 3rd Street.
18. [Regarding](#) City–initiated request for vacation of subsurface rights within 7th Street and High Street and air rights within Grand Avenue and High Street, adjoining 717 Grand Avenue.
19. [Regarding](#) approval of a Preliminary Subdivision Plat “EFCO Industrial Park Plat 2” located at 1611 NE 46th Avenue, within the two mile distance for extraterritorial review.

SETTING DATE OF HEARINGS

20. [On](#) request from Hubbell Realty Company to rezone 3422 Beaver Avenue and approve the “Edencrest in Beaverville” PUD Conceptual Plan, (11-9-15).

21. [On](#) the proposed Seventeenth Amendment to the Metro Center Urban Renewal Plan, (11-23-15).

[\(Council Communication No. 15-581\)](#)

22. [On](#) appeal by Miller Valentine Group of the denial of an amended site plan “Southridge Senior Lofts” at 695 E. Army Post Road, (11-9-15).

23. [On](#) proposed First Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (11-23-15).

[\(Council Communication No. 15-573\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Hall & Associates to provide professional evaluation and comments on regulatory proposals by Iowa Department of Natural Resources, \$4,804.48.
25. [Approving](#) payment to Duncan, Green, Brown & Langeness for representation on matters related to construction disputes, \$10,922.80.
26. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Colin Boone, \$428.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training requests for T. M. Franklin Cownie, David Jahn, Skip Moore, Dan Ritter and Jeremy Sprague.

[\(Council Communication No. 15-578\)](#)

APPROVING

28. [Agreement](#) with the U.S. Geological Survey, U.S. Department of Interior for the operation and maintenance of five (5) stream gaging stations, and authorization for City Manager to negotiate a Joint Funding Agreement with West Des Moines and Water Works to share the cost of the gaging stations.

29. [Consideration](#) of the designation of the Historic Route of the Jefferson Highway through the City of Des Moines as a State Heritage Byway.

[\(Council Communication No. 15-571\)](#)

30. [Memorandum](#) of Understanding with the Iowa Department of Administrative Services, State Accounting Enterprise for participation in the Income Offset Program.
31. [Request](#) from Iowa State Historic Preservation Office – Department of Cultural Affairs seeking a letter of support and partnership in submitting a bid to host the 2018 National Alliance of Preservation Commission’s FORUM Conference.
32. [Application](#) from Historic East Village, Inc. for permission to place holiday lights on trees on both sides of E. Locust starting at E. 3rd and running east to SE 7th Street at the Capitol from November 15, 2015 through February 1, 2016.
33. [Communication](#) from Downtown Community Alliance on behalf of the Turkey Trot, requesting approval of banner design for banners to be placed in downtown Des Moines on Court Avenue during November 2015.
34. [Receive](#) and file Quarterly Treasurer’s Report as of September 30, 2015.
35. [Exception](#) to the Procurement Ordinance Competitive RFP Process for good cause and accepting proposal of Plante & Moran PLLC to provide Information Technology Strategic Plan Consulting Services and authorizing City Manager to negotiate contract, \$91,650.

[\(Council Communication No. 15-574\)](#)

36. [Exception](#) to the procurement ordinance competitive process requirements for good cause and approving second renewal addendum to contract for the provision of on-site fleet services parts procurement and supply services with Genuine Parts Company d/b/a NAPA Auto Parts.

[\(Council Communication No. 15-558\)](#)

37. [Bid](#) from Toyne Inc. (Mike Schwabe, President) for one replacement pumper truck, including trade in allowance for one existing pumper truck for use by the Fire Department, \$473,636.11. (20 potential bidders, five responses received from four vendors).

38. [Rosenbauer](#) South Dakota (Harold Boer, President) for one replacement 75-foot mid-mount aerial ladder truck for use by the Fire Department, \$833,069. (Nine potential bidders, one bid received)

[\(Council Communication No. 15-580\)](#)

39. [Civil](#) Service Entrance Lists for Park Maintenance Worker, Public Works Operations Manager, Mobile Data Technician and Legal Assistant, and Promotional Lists for Senior Police Officer and Fire Engineer.

40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 26 and November 2, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 26 and November 2, 2015; and to draw checks for biweekly payroll due on October 30, 2015.

ORDINANCES - FINAL CONSIDERATION

41. [On](#) vacation of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18th Street, adjoining 1619 Franklin Avenue.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 15-572\)](#)

- (A) On-street parking restriction change – SE 3rd Street from E. Army Post Road to E. Bundy Avenue.
- (B) Accessible parking space – Forest Avenue from 27th Street to 30th Street.
- (C) On-Street parking restriction change – E. Walnut Street from E. 2nd Street to E. 3rd Street.
- (D) On-Street parking restriction change – Cherry Street from 9th Street to 10th Street.
- (E) Code revisions to match field conditions – Meter District Boundaries.
- (F) Code revisions to match field conditions – Park Street from 7th Street to 8th Street.

COMMUNICATIONS/REPORTS

43. [From](#) Kurt Bowermaster, 1529 41st Street, to speak regarding “Operation Stoplight” – the funding of a stoplight at the intersection of Martin Luther King and Prospect Road.
44. [From](#) David Costello, 1105 Orchard Lane, to speak about resolution regarding water presented at the October 12th City Council Meeting, and bed bugs at Central Iowa Shelter.
45. ~~From Raymond Garneau, 1315 Johnson Street, regarding property at 2324 SW 9th Street and Kirkwood Avenue.~~
46. ~~From Jon Thompson, 1719 Grand Avenue, Apt. 330, to speak regarding the Urban Assault Ride, death of Wade Franck.~~

***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 56)

47. [On](#) vacation and lease of approximately .75 acres in Prospect Park to Drake University.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Drake University), requires six votes.
48. [On](#) conveyance of multiple City-owned properties in the Birdland Area to Greater Des Moines Habitat for Humanity, \$56,000.

[\(Council Communication No. 15-559\)](#)
49. [On](#) conveyance of multiple City-owned properties in the Birdland Project Area to Home Opportunities Made Easy, Inc. (HOME, Inc.), \$34,000 and approving acquisition agreement.

[\(Council Communication No. 15-560\)](#)

50. On vacation and conveyance of a portion of SE 20th Street between Scott Avenue and the SE Connector and conveyance of other adjoining excess City-owned property to Kemin Holdings, LC, \$6,142.

[\(Council Communication No. 15-570\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Kemin Industries), requires six votes.

51. On proposed purchase of City-owned property at 849 Army Post Road by Hurd Quality, LLC pursuant to Development Agreement for commercial redevelopment, \$260,000, which includes a \$40,000 economic development grant.

[\(Council Communication No. 15-557\)](#)

52. On adoption of the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area (Tax Abatement Program amendments).

[\(Council Communication No. 15-579\)](#)

- (A) Approving amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, regarding the phase-out of the Second Restated Urban Revitalization Plan.
- (B) Approving amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, regarding the schedules allowed for improvements to single and two-family dwellings.

53. On the acquisition of a tax sale deed and conveyance for redevelopment of housing for the following:

[\(Council Communication No. 15-561\)](#)

- (A) 1355 Pennsylvania Avenue to Home Opportunities Made Easy, Inc. (HOME, Inc.).
- (B) 2727 Linden Street to Stephen P. Logsdon.
- (C) 1710 7th Street to Hildebrand Properties, LLC.

54. Items regarding Northeast Gateway Revitalization Urban Renewal Area:

- (A) [Communication](#) from the Plan and Zoning Commission recommending that the Urban Renewal Plan is in conformance with the Des Moines 2020 Community Character Plan.
- (B) [Resolution](#) of Necessity.
- (C) [Hearing](#) on the proposed Urban Renewal Plan.

[\(Council Communication No. 15-577\)](#)

- (D) [First](#) consideration of the ordinance authorizing the use of tax increment financing within the Northeast Gateway Revitalization Urban Renewal Area.

55. [On](#) 2015 Sewer Lining Program: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as SAK Construction, LLC (Boyd Hirtz, Vice President), \$3,546,470.

[\(Council Communication No. 15-566\)](#)

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

56. [On](#) Hubbell Avenue & Easton Boulevard Traffic Signal Upgrade: approving plans, specifications, form of contract documents, Engineer's Estimate, receive and file bids and designating lowest responsible bidder as Baker Electric, Inc. (Britt Baker, CEO), \$223,551.50.

[\(Council Communication No. 15-568\)](#)

- (A) [Approval](#) of contract and bond and permission to sublet.

*** END OF HEARINGS AT ____ PM ***

APPROVING

57. Items regarding the Mobile Food Vending Pilot Program:

[\(Council Communication No. 15-576\)](#)

(A) [Resolution](#) terminating the program.

OR

(B) [Resolution](#) to renew and extend the program.

(C) [First](#) consideration of ordinance amending Chapter 78 of the Municipal Code extending the Program for an additional three months.

(1) [Final](#) consideration of ordinance above (waiver requested by the Community Development Department), requires six votes

(D) [Amending](#) the Schedule of Fees regarding the proposed three-month extension.

58. [Recommendation](#) to accept and approve Des Moines [Governance Guide](#) and Des Moines [Strategic Plan 2015-2020-2030](#) Final Reports. [Strategic Plan Overview](#)
[Strategic Plan Executive Summary](#) [Action Agenda](#)

[\(Council Communication No. 15-575\)](#)

59. Abatement of public nuisances at the following addresses:

(A) [1608](#) York Street, garage structure.

(B) [2328](#) SE 14th Street, garage structure.

MOTION TO ADJOURN.