

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

**May 9, 2016
4:30 PM**

I. CLOSED SESSION – 3:45 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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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PROCLAMATIONS – 4:15 PM

National Public Works Week

National Gun Violence Awareness Day

INVOCATION – 4:30 PM: Council Member Bill Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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)	ROYAL FOOD	1443 2ND AVE	C Beer
(B)	STOCKMANS INN	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(C)	AMERICANA	1312 LOCUST ST	C Liquor
(D)	CVS PHARMACY #10329	2303 MERLE HAY RD	E Liquor
(E)	DEPOT	3000 E GRAND AVE	B Beer
(F)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
(G)	GARDEN NIGHTCLUB	112 SE 4TH ST	C Liquor
(H)	LA HACIENDA III	3121 INGERSOLL	C Liquor
(I)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor
(J)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(K)	ROCA & SHORTYS	208 COURT AVE	C Liquor

SPECIAL EVENTS APPLICATIONS

(L)	BLAZING SADDLE	488 E WALNUT	Five (5) Day License Class C Liquor License for Capital City Pride on June 10 – 12, 2016.
(M)	CONFERENCE TECHNOLOGIES	333 SW 9TH ST	Five (5) Day License Class C Liquor License for an event on May 12, 2016.
(N)	COPPER CUP	214 4TH ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for ARL Dog Jog on May 15, 2016.
(O)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	Five (5) Day License Class C Liquor License for Bike Night on May 17, 2016. Pending approval of Building and Zoning Departments.
(P)	IOWA TAPROOM	215 E 3RD ST	Five (5) Day License Class B Beer License for Moonlight Classic on May 21, 2016.
(Q)	NICKS	1106 ARMY POST	Five (5) Day License Class B Beer License for Classic Car Show on May 19, 2016.
(R)	NICKS	1106 ARMY POST	Five (5) Day License Class B Beer License for Classic Car Show on May 26, 2016.
(S)	PARKS AREA FOUNDATION	710 CORNING AVE	Five (5) Day License Class B Beer License for Rendezvous on the Riverview event on June 3, 2016.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Glendale](#) Abbey Restoration Phase 1: Receiving of bids, (5-24-16), Setting date of hearing (6-13-16). Construction estimate, \$55,000.

[\(Council Communication No. 16-245\)](#)

- (B) [2016](#) Sewer Repair-Contract 1: Receiving of bids, (5-24-16), Setting date of hearing (6-13-16). Construction estimate, \$675,000.

[\(Council Communication No. 16-250\)](#)

- (C) [Yeader](#) Creek Grade Control Improvements: Receiving of bids, (5-24-16), Setting date of hearing (6-27-16). Construction estimate, \$1,085,000.

[\(Council Communication No. 16-251\)](#)

7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Engineering and Research International, Inc. for additional roadway testing, traffic control, analysis, and GIS incorporation of data for the Arterial Roadway Pavement Rehabilitation, not to exceed \$70,000.

[\(Council Communication No. 16-254\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Stantec Consulting Services, Inc. for additional geotechnical and geoarchaeological services for SEDM Levee Assessment and Analysis, not to exceed \$92,300.

[\(Council Communication No. 16-249\)](#)

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-04.

LAND/PROPERTY TRANSACTIONS

10. [Acceptance](#) of real estate documents from Dorothy F. Neumann as Trustee of the Dorothy F. Neumann 2003 Trust U/A dated July 15, 2003 for donation of a portion of the property at 4101 John Lynde Road.
11. [Acceptance](#) of real estate documents from the estate of Cedric Eugene Ruby for voluntary acquisition of 1605 34th Street for the Closes Creek Watershed Improvements Project, **continued from April 25, 2016 Council Meeting.**

[\(Council Communication No. 16-252\)](#)

12. [Approving](#) and accepting a partial assignment of an existing sanitary sewer easement across 6222 Grand Avenue from the City of West Des Moines for the West Des Moines' Grand Avenue Siphon Replacement Project.
13. [Approving](#) release of sewer right-of-way and public utility easement interests in portions of 3025 Oxford Street.
14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2015 (4 applications).

[\(Council Communication No. 16-236\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

15. [Regarding](#) approval of a Preliminary Plat/Site Plan "Waveland Park Townhomes Plat 1" located at 4805 Observatory Road to allow the property to be divided into six lots for single-family semi-detached dwellings.
16. [Regarding](#) request from Catholic Health Initiatives – Iowa Corporation for vacation of right-of-way adjoining 921 6th Avenue to allow for site expansion, subject to conditions.
17. [Regarding](#) request from Bruce Davidson for vacation of the south 5 feet of Ankeny Avenue adjoining 2001 Hubbell Avenue, (Plan and Zoning Commission recommends **DENIAL**), **continued from April 25, 2016.**

SETTING DATE OF HEARINGS

18. [On](#) vacation and lease of a portion of the Court Avenue right-of-way for the expansion of the sidewalk café adjacent to the RoCA Restaurant at 208 Court Avenue, (5-23-16).
 19. [On](#) vacation and lease of a portion of the east-west alley right-of-way for a sidewalk café adjacent to the Iowa Taproom at 215 E. 3rd Street, (5-23-16).
 20. [On](#) vacation of air space and subsurface rights in a portion of City right-of-way adjoining 215 E. 3rd Street and conveyance of a permanent easement for air space above City-owned property to 215 East 3rd Street, LLC, \$683, (5-23-16).
 21. [On](#) conveyance of 3946 Clinton Avenue to Shane M. and Eileen Meader, \$75 and to Ron J. and Michelle Ann Heims, \$75, (5-23-16).
 22. [On](#) conveyance of a sanitary sewer easement across City-owned property located at the southeast corner of 63rd Street and Grand Avenue to the City of West Des Moines for the City of West Des Moines' Grand Avenue Siphon Replacement Project, \$1, (5-23-16).
 23. [On](#) request from Neighborhood Development Corporation to rezone property at 2619 SW 9th Street, from "C-1" (Neighborhood Retail Commercial) to Ltd. "NPC" (Neighborhood Pedestrian Commercial) to allow commercial development of the site, subject to conditions, (5-23-16).
 24. [On](#) request from Robert Fessler to rezone 2012 and 2016 E. Ovid Avenue from "FW" (Floodway) to "M-1" (Light Industrial) to allow for development of an industrial building outside the regulatory flood hazard area, (5-23-16).
 25. [On](#) amendment to the renewal of the Concession Agreement for the Brenton Skating Plaza, with Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) a/k/a Operation Downtown and the Riverfront Development Authority, (5-23-16).
- [\(Council Communication No. 16-244\)](#)
26. [On](#) proposed amendments to subdivision ordinance (Chapter 106) relating to subdivision plat approval and appeals, (5-23-16).
 - (A) [On](#) appeal by Nicholas S. Bussanmass, LLC of the denial of a preliminary plat "Winterfell" at 3816 John Lynde Road, (6-13-16).

27. [On](#) assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor, (5-23-16):
 - (A) Drugtown Wine and Spirits, 4100 University Avenue.
 - (B) Walgreens #5852, 3030 University Avenue.
 - (C) University Library Café, 3506 University Avenue.
 - (D) Streetcar 209, 525 E. Grand Avenue.
 - (E) Den, 4369 Merle Hay Road.
 - (F) Barcadium, 102 3rd Street.

28. [On](#) assessment of \$1,500 penalty and a 30-day suspension of liquor license for Beechwood Lounge at 416 E. Walnut Street for violation of Iowa Alcoholic Beverage Laws, sale to minor, (5-23-16).

29. [On](#) appeal from decision of the Historic Preservation Commission for 1805 Oakland Avenue in the River Bend Historic Neighborhood District, (5-23-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. [Approving](#) payment to Ahlers & Cooney, PC Law Firm relating to the Iowa Events Center Hotel Project, \$1,494.50.

31. [Approving](#) Agreement for Joint Representation for purposes of claim recovery and waiver of conflict of interest.

32. [Approving](#) payment to Sabrina Manuel for a personal injury claim.

33. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$570.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) travel and training requests for Jonathan Lund and Kenneth Brown.

[\(Council Communication No. 16-262\)](#)

APPROVING

35. [Document](#) related to a Neighborhood Commercial Revitalization (NCR) Program Pre-Development Grant of \$5,000 to Caselli Holdings, Inc. to assist in determining the feasibility of renovating 1601-1605 6th Avenue.

[\(Council Communication No. 16-237\)](#)

36. [Support](#) of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by HRC 6th Street, LLC for a housing project at 550 Watson Powell Jr. Way.

[\(Council Communication No. 16-239\)](#)

37. [Subordination](#) Agreement with Two Rivers Bank & Trust and Beckley Properties, LLC.

[\(Council Communication No. 16-238\)](#)

38. [Memorandum](#) of Understanding (MOU) with the Metropolitan Planning Organization (MPO) for a \$9,165 Grant for the first phase of the 6th Avenue Trail Connection Project.

[\(Council Communication No. 16-246\)](#)

39. [Amendment](#) to contract with Lyle Sumek Associates, Inc. for strategic planning consulting services to increase payment from the original amount of \$45,000 to \$65,000.

[\(Council Communication No. 16-258\)](#)

- ~~40. Des Moines Fire Department and Mercy College of Health Sciences Agreements for the following:~~

~~[\(Council Communication No. 16-260\)](#)~~

~~(A) Education and Training Agreement.~~

~~(B) Field and Ride-Along Agreement.~~

41. [Application](#) from Beavertdale Farmers Market requesting banners to be placed on various poles at 4100-4200 Urbandale Avenue in recognition of the Beavertdale Farmers Market from May 15 - September 15, 2016.
42. [Communication](#) from Downtown Community Alliance on behalf of the Des Moines Public Library requesting approval of banner designs for banners to be displayed in downtown Des Moines on Locust Street, Grand Avenue, 10th and 12th and in Western Gateway Park from June-August 2016.
43. Bids from the following:
 - (A) [Black](#) Box Network Services (Michael McCloskey, CEO) sole area wide distributor for procurement of Siemen's telephone system upgrade for use by the IT Department, \$60,160.

[\(Council Communication No. 16-261\)](#)
 - (B) [Northrop](#) Grumman – Remotec, Inc. (West Bush, CEO and President) manufacturer and sole area wide distributor for procurement of replacement parts for the eight bomb disarmament robots used by Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams (one of which is retained by the City of Des Moines Bomb Squad) for use by the Police Department, \$98,000.

[\(Council Communication No. 16-235\)](#)
 - (C) [Push](#) Pedal Pull (Martin Bruder, President) for exercise equipment for use at the Pioneer Columbus Community Center per State of Iowa Contract for use by the Parks & Recreation Department, \$38,234.27
 - (D) [Koch](#) Brothers (Dutch Koch, President) for a book scanner to be used to digitize cemetery records for use by the Parks & Recreation Department, \$29,245. (Thirteen potential bidders, six received).

[\(Council Communication No. 16-263\)](#)
44. [Civil](#) Service Entrance Lists for Neighborhood Inspector and Electronic Technician, and Promotional List for Fire Medic.
45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 9 and May 16, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 9 and May 16, 2016; and to draw checks for biweekly payroll due on May 13, 2016.

ORDINANCES - FINAL CONSIDERATION

- 46. [Amending](#) Chapter 1 of the Municipal Code regarding general penalty for misdemeanors.

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

ORDINANCES - SECOND CONSIDERATION

- 47. [Amending](#) Chapter 78 of the Municipal Code regarding transient merchants and mobile food vendors.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Department), requires six votes.
 - (B) [Amendment](#) to the schedule of fees.

COMMUNICATIONS/REPORTS

- 48. [From](#) Jeannine Ray, 202 E. 16th Street, to speak regarding the City replacing Court Avenue and removing the approach to the house from Court Ave.
- 49. [From](#) Jonathan Whitfield, 814 School Street, to speak regarding Corinthian Church follow-up – Long Range Options.

APPROVING

- 50. Agreements with the Greater Des Moines Public Art Foundation for downtown Des Moines art display and signage:
 - ([Council Communication No. 16-257](#))
 - (A) [Funding](#) Agreement for costs of the art wayfinding signs on sidewalks, up to \$65,000.
 - (B) [License](#) Agreement for installation, display and maintenance of crosswalk art at 15 crosswalks downtown.
- 51. [Agreement](#) with Downtown Des Moines Self-Supported Municipal Improvement District (SSMID), for maintenance of Principal Riverwalk, Hansen Triangle, Western Gateway Park and M L King Jr. Parkway and exemption from the procurement ordinance requirements.

[\(Council Communication No. 16-243\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 60)

52. [On](#) vacation and conveyance of a segment of Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue to DJ Ingersoll Properties, LLC for use as an outdoor seating and patio area, \$5,115.

[\(Council Communication No. 16-240\)](#)

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

53. [On](#) vacation and conveyance of the north/south alley right-of-way located north of Crocker Street between 8th Street and 9th Street adjoining 900 and 922 8th Street to HRC 8th Street, LLC, \$31,350.

[\(Council Communication No. 16-241\)](#)

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

- (B) [Final](#) consideration of ordinance above (waiver requested by Hubbell Realty), requires six votes.

54. [On](#) conveyance of a vacated portion of north/south alley right-of-way adjoining 2726 E. 16th Street to Luther Park Apartments Inc., \$600.

[\(Council Communication No. 16-247\)](#)

55. [On](#) request from JJ Equity, LLC to rezone 3300 E. 56th Street from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to allow a single-family lot development and religious assembly site development (**Choose one alternative A or B**).

- (A) Approve request.

- (1) [First](#) consideration of ordinance above.

- (2) [Final](#) consideration of ordinance above (waiver requested by Bob Gibson, Landscape Architect), requires six votes.

OR

- (B) Continue the hearing to May 23, 2016 at 5:00 PM.

56. [On](#) request from QuikTrip Corporation to rezone 4021 Fleur Drive from “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) to allow development of a convenience store.

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

(B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

57. [On](#) 2016 ADA Sidewalk Ramp Program – Contract 2: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Caliber Concrete, LLC, (Jason Martin, Co-Owner), \$611,350.

[\(Council Communication No. 16-248\)](#)

(A) [Approving](#) contract and bond.

58. [On](#) 2016 Sidewalk Replacement Program: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), \$392,855.

[\(Council Communication No. 16-253\)](#)

(A) [Approving](#) contract and bond.

59. [On](#) 56th Street Rehabilitation from Grand Avenue to Ingersoll Avenue: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$223,131.35.

[\(Council Communication No. 16-255\)](#)

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

60. On SE 14th Street Sidewalk from Park Avenue to Army Post Road: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Gruss Construction, LLC, (Derek J. Gruss, President), \$86,351.

[\(Council Communication No. 16-256\)](#)

- (A) Approving contract and bond, and permission to sublet.

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

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 Amendment to Agreement with 101 East Grand Parking, LLC regarding the professional services agreements and design documents for the design and construction of the proposed City Hall Parking Garage, to expand scope to include the construction of the Temporary Parking Lot. Sponsor: Council Member Gatto.

[\(Council Communication No. 16-264\)](#)

MOTION TO ADJOURN.

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