

DES MOINES CITY COUNCIL MEETING
****NEW LOCATION****
Municipal Service Center, Council Chambers
1551 E. M. L. King Jr. Pkwy.
Des Moines, Iowa 50317

August 8, 2016
4:30 PM

I. CLOSED SESSION – 3:30 PM Municipal Service Center, Ewing Room

- (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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INVOCATION: Council Member Bill Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 38:

***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)	CHRISTIANIS EVENTS	520 ROBERT D RAY	C Liquor
(B)	MARGARITA MEXICAN	400 SE 6TH ST	C Liquor
(C)	OKOBOJI BAR & GRILL	6050 SE 14TH ST	C Liquor
(D)	PHAT DADDYZ BBQ	3811 DOUGLAS AVE	C Liquor
(E)	ROYAL FOOD	1443 2ND AVE	E Liquor

RENEWAL APPLICATIONS

(F)	AJS ON EAST COURT	419 E COURT AVE	C Liquor
(G)	BEECHWOOD LOUNGE *(2)	416 E WALNUT ST	C Liquor
(H)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(I)	CROATIAN FRATERNAL	6575 INDIANOLA	C Liquor
(J)	EAST SIDE EDDIES	3517 E 26TH ST	C Liquor
(K)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(L)	HY VEE MARKET CAFE #4	4605 FLEUR DR	C Liquor
(M)	INGERSOLL TAP	2837 INGERSOLL	C Liquor
(N)	LA HACIENDA MEXICAN	6250 SE 14TH ST	C Liquor
(O)	LA PIZZA HOUSE	1440 MAURY ST	C Liquor
(P)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(Q)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(R)	PINTS PUB N PATIO	319 COURT AVE	C Liquor
(S)	SIDEBAR	400 LOCUST ST	C Liquor
(T)	STAR BAR	2811 INGERSOLL	C Liquor
(U)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(V)	SUPER QUICK	303 SE 30TH ST	E Liquor
(W)	TOADS TAVERN	3002 STATE AVE	C Liquor

TRANSFER TO NEW LOCATON

(X)	SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
	Permanent transfer. Pending approval of Zoning Department.		

OUTDOOR SERVICE APPLICATIONS

(Y)	BAILEYS PUB N GRUB	918 E EUCLID AVE	C Liquor
	Temporary for 515 Benefit on August 13, 2016. Pending approval of Zoning Department.		
(Z)	BIG LAR'S *(1)	215 E 2ND ST	C Liquor
	Permanent. Pending approval of Building, Electrical, Fire and Zoning Departments.		
(AA)	CEVICHE	223 E WALNUT ST	C Liquor
	Permanent. Pending approval of Zoning Department.		

- (BB) MAINGATE 2956 E GRAND AVE C Liquor
Temporary in conjunction with the Iowa State Fair.
- (CC) MARLENES 1938 SE 6TH ST C Liquor
Permanent.
- (DD) MULLETS 1300 SE 1ST ST C Liquor
Temporary for a one-day event on August 14, 2016.

SPECIAL EVENTS APPLICICTIONS

- (EE) COURT AVE BREWING 315 COURT AVE Five (5) Day License
Class B Beer License for 20-year Anniversary Party on September 3, 2016.
- (FF) GATEWAY MARKET 4025 TONAWANDA DR Five (5) Day License
Class C Liquor License for Gatsby Gala on August 20, 2016.
- (GG) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on August 19, 2016.
- (HH) TAI VILLAGE 4200 MLK JR PKWY Five (5) Day License
Class B Beer License for annual Tai Festival on September 2–4, 2016.
- (II) TASTE! TO GO 4700 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on August 11, 2016.

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

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:
 - (A) [Principal](#) Park Cub Club Parking Lot Improvements: Receiving of bids, (8-23-16), Setting date of hearing, (9-12-16). Construction estimate, \$100,000.

([Council Communication No. 16-445](#))
 - (B) [5th](#) & Keo Parking Garage Stair Replacement: Receiving of bids, (8-23-16), Setting date of hearing, (9-12-16). Construction estimate, \$415,000.

([Council Communication No. 16-442](#))
- 7. [Professional](#) Services Agreement with Walter P. Moore and Associates, Inc. for Parking Structure Assessment and Parking Consulting Services for the Parking Garages Facility Condition Study, not to exceed \$175,000.

([Council Communication No. 16-444](#))

8. [Approving](#) Change Order No. 3 with Western Waterproofing Co., Inc. d/b/a Western Specialty Contractors, for additional work on the 2016 Parking Garage Repair Program, not to exceed \$125,000.

[\(Council Communication No. 16-441\)](#)

9. Approving Private Construction Contracts for the following:
 - (A) [Baker](#) Electric, Inc. and Electro Management Corporation, for signal improvements in City Gateway, \$4,500.
 - (B) [Frana](#) Companies, Inc. and Confluence on Third, LLC, for paving improvements in Vine Street between SW 2nd Street and SW 3rd Street, \$97,713.
 - (C) [The](#) Underground Company, Ltd. and Easter Lake Land Company, LLC, for sanitary sewer improvements in Lake View Ridge, Plat 1, \$163,615.
 - (D) [The](#) Underground Company, Ltd. and Easter Lake Land Company, LLC, for storm sewer improvements in Lake View Ridge, Plat 1, \$259,243.
10. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
11. Accepting completed construction and approving final payment for the following:
 - (A) [2015](#) Diamond Grinding Program, Diamond Surface, Inc.
 - (B) [2015](#) City-Wide PCC Pavement Restoration Program, T. K. Concrete, Inc.
 - (C) [2015](#) ADA Sidewalk Ramp Program – Contract 2, Kingston Services, LLC.
 - (D) [Euclid](#) Avenue Intersection Improvements at Cornell and Oxford Street, Synergy Contracting, LLC.
12. [Approving](#) completion and acceptance of the Private Construction Contract for paving and associated sanitary and storm sewer improvements in Tuttle Street, between Knutson Construction Services Midwest, Inc. and Riverpoint West LLC.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-07.

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recommendation](#) from Council Member Joe Gatto to appoint Rocky Sposato to the Plan and Zoning Commission, Seat 14, for a five-year term commencing July 1, 2014 to expire July 1, 2019.
15. [Communication](#) from Carole Jones advising of her resignation from the Neighborhood Revitalization Board, Seat 6, effective immediately.
 - (A) [Recommendation](#) from Council Member Joe Gatto to appoint Carole Jones to the Housing Appeals Board, Seat 7, for a three-year term commencing March 16, 2016 to expire March 16, 2019.
16. [Confirming](#) reappointment of Council Member Christine Hensley to the DART Commission District III.
17. [Attendance](#) reports of the various City Boards and Commissions through June 30, 2016.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) request from Boysen Properties, LLC for vacation of a segment of undeveloped Boyd Street between Delaware Avenue and E. 21st Street to allow for future site expansion.

SETTING DATE OF HEARINGS

19. [On](#) conveyance of a permanent easement for public pedestrian way at 7401 SW 9th Street, (8-22-16).
20. [On](#) assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws, sales to minors, (8-22-16):
 - (A) Walgreens #5362, 1330 E. University Avenue.
 - (B) Twisted Pizzeria, 1409 23rd Street.
 - (C) Goodsons, 2815 Beaver Avenue, Ste. 102.
 - (D) Chicago Style Bar & Grill, 910 Hull Avenue.
 - (E) Des Moines Yacht Club, 2617 Ingersoll Avenue.
 - (F) Royal Mile, 210 4th Street.
 - (G) Casey's #2922, 3501 E. 14th Street.
 - (H) Waverly, 2120 Ingersoll Avenue.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Ahlers & Cooney, PC law firm with respect to collective bargaining.
22. [Approving](#) settlement and payment to Tararez Harper to resolve an employment claim.
23. [Approving](#) payment to Duncan, Green, Brown & Langeness for representation in matters related to construction disputes, \$19,399.

CITY MANAGER COMMUNICATIONS

24. [Submitting](#) travel and training requests for Darrell Caldwell, Jason Dix, Su Ann Donovan, and Douglas Philip.

[\(Council Communication No. 16-450\)](#)

APPROVING

25. Support of Workforce Housing Tax Credit (WHTC) benefit applications to be submitted to the Iowa Economic Development Authority (IEDA) for the following:

[\(Council Communication No. 16-432\)](#)

(A) Item moved to 47E.

(B) [M](#) & R Holdings, LLC for a 38-unit bi-attached townhome development at 4209 Lower Beaver Road, Beaver Cove.

26. [Fiscal](#) Year 2018 Traffic Safety Fund Application to the Iowa Department of Transportation (IDOT).

[\(Council Communication No. 16-447\)](#)

27. Number not used.

28. Abatement of public nuisances at the following addresses:
- (A) [1700](#) 56th Street, main structure.
 - (B) [2424](#) Martin Luther King Jr. Parkway, commercial structure.
 - (C) [2201](#) E. 12th Street, main structure and garage structure.
 - (D) [1339](#) 12th Street, main structure.
 - (E) [814](#) E. 24th Street, main structure.
 - (F) [1424](#) E. 12th Street, garage structure.
 - (G) [4115](#) 8th Place, main structure.
 - (H) [420](#) E. 24th Street, main structure.
 - (I) [600](#) E. Watrous Avenue, main structure.
29. [Application](#) from Capital Striders Running Club requesting a banner be placed in the left lane across the Finish Line at the 1200 block of Locust Street on Sunday, September 18, 2016.
30. [Application](#) from Downtown Events Group requesting temporary approval for banners to be displayed on the Court Avenue Bridge from E. 1st to Water Street, and on E. 1st from Walnut to Court and on Water Street from Court to Walnut for the World Food & Music Festival, September 15-18, 2016.
31. [Application](#) from Drake West Village requesting a banner be placed at 1315 31st Street, effective immediately through December 2017 advertising student community.
32. [Communication](#) from Downtown Community Alliance, on behalf of the Des Moines Marathon, requesting approval of banner design for banners to be displayed in downtown Des Moines in the Western Gateway Park in September and October 2016.

33. Bids from the following:
- (A) [Qwest](#) Corporation d/b/a CenturyLink QC (Glen Post, CEO) as sole area-wide distributor for basic telephone services for a three (3) year period for use by the IT Department, annual cost \$190,000.

([Council Communication No. 16-448](#))
 - (B) [Communication](#) Innovators (Josh Knight, President) to provide fiber optic cable installation services for connecting Housing Services to their new location at River Place for use by the IT Department, \$79,859.
34. [Civil](#) Service Entrance Lists for Housing Case Manager, Human Resources Analyst, Human Resources Generalist, Workplace Environment and Employee Development Administrator, and Promotional List for Civil Engineer III.
35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 8 and 15, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 8 and 15, 2016; and to draw checks for biweekly payroll due on August 19, 2016.

ORDINANCES - SECOND CONSIDERATION

36. [Amending](#) Chapter 70 of the Municipal Code regarding specified crime property.
37. [Amending](#) Chapter 60 of the Municipal Code, Neighborhood Inspection Rental Code, regarding residential property maintenance code, public nuisance code and real estate contract sales inspection.
- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
38. [Establishing](#) the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID), **(requires six votes for approval)**.
- (A) [Final](#) consideration of ordinance above (waiver request by Council Members Hensley and Gatto), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

39. [Granting](#) right-of-way to Des Moines and Knoxville Railroad Company on Elm Street, and granting to the grantees, successors and assigns the rights vested in it by the ordinance as amended.

COMMUNICATIONS/REPORTS

40. [From](#) Ross Trowbridge, 4133 14th Street, to speak regarding Homelessness Advocacy.

APPROVING

41. [Directing](#) the City Manager to evaluate all job descriptions and work functions contained therein to strive for the City of Des Moines to pay a livable wage to its permanent, full-time workplace.
42. [Joint](#) response to the Federal Government General Services Administration request for expression of interest for a new Federal Courthouse site.

[\(Council Communication No. 16-449\)](#)

43. [Urban](#) Renewal Development Agreement with Janssen Lodging, Inc. for renovation of the Hotel Fort Des Moines at 1000 Walnut Street and approving Conceptual Development Plan.

[\(Council Communication No. 16-434\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 55)

44. [On](#) request from Grand View University to rezone property in the vicinity of 2811 E. 14th Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the 9th Amendment to the Grand View East PUD Conceptual Plan to expand the campus and allow additional campus signage.

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

45. On items regarding request from Grand View University for property in the vicinity of 2800 E. 14th Street, to expand the campus and allow additional campus signage:
- (A) [Amend](#) the PlanDSM: Creating Our Tomorrow Plan Future Land Use Designation from Low-Density Residential and Neighborhood Mixed-Use to Public/Semi Public.
 - (B) [Hearing](#) on rezoning the property from "C-2" (General Retail and Highway-Oriented Commercial), "C-1" (Neighborhood Retail Commercial), "R-3" (Multiple-Family Residential) and "R1-60" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and to amend the Grand View University West Campus PUD Conceptual Plan.
 - (C) [First](#) consideration of ordinance above.
46. On items regarding request from Core Corp. for property in the vicinity of 120-133 Hughes Avenue, to allow assemblage of parcels containing six existing two-family dwellings and an off-street parking lot:
- (A) [Amend](#) the PlanDSM: Creating Our Tomorrow Plan Future Land Use Designation from Low-Density Residential to Low/Medium Density Residential.
 - (B) [Hearing](#) on rezoning the property from "R-2" (One and Two-Family Residential) to Ltd. "R-3" (Multiple-Family Residential).
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
47. On items regarding request from Neighborhood Development Corporation for property in the vicinity of 3201, 3211 and 3221 Forest Avenue, and 1414 and 1420 32nd Street, to allow development with 50 units of 2-story multi-family dwellings:
- (A) [Amend](#) the PlanDSM: Creating Our Tomorrow Plan Future Land Use Designation from Low-Density Residential to Community Mixed-Use.
 - (B) [Hearing](#) on rezoning the property from Ltd. "NPC" (Neighborhood Pedestrian Commercial) and "R1-60" (One-Family Low-Density Residential) to amended Ltd. "NPC".
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
 - (E) [Support](#) of a Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IEDA) for Forest Avenue Village.

[\(Council Communication No. 16-432\)](#)

48. [On](#) License Agreement with Youth and Shelter Services, Inc. on a portion of alley right-of-way, south of and adjoining 612 Locust Street to mitigate the existing encroachment, \$3,220.

[\(Council Communication No. 16-439\)](#)

49. [On](#) License Agreement with Iowa Communication Network on City property leased by the Blank Park Zoo Foundation at 7401 SW 9th Street.

50. [On](#) conveyance of excess City-owned property currently leased to the Des Moines Airport Authority and located at the southeast corner of Highway 28 and Army Post Road adjoining 4240 Army Post Road to Electro Management Corp., \$512,000.

[\(Council Communication No. 16-438\)](#)

- (A) [Approving](#) amendment to Real Estate Asset Transfer Agreement to exclude excess City-owned property at the southeast corner of Highway 28 and Army Post Road adjoining 4240 Army Post Road.
- (B) [Approving](#) Consent to Collateral Assignment of Urban Renewal Development Agreement and Estoppel Agreement for financing of Electrical Power Products headquarters.

[\(Council Communication No. 16-436\)](#)

51. [On](#) the proposed First Amendment to the Urban Renewal Plan for Fleur Drive Commercial Urban Renewal Area.

[\(Council Communication No. 16-435\)](#)

52. [On](#) request from J.J. Equity, LLC to rezone properties in the vicinity of 3300 E. 56th Street and 3734, 3735 and 3768 E. 55th Street and to amend the “Brook Landing” PUD Conceptual Plan for single-family residential development.

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

53. [On](#) Municipal Buildings Reroofing – Contract 1: Approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Brockway Mechanical & Roofing Company, Inc. (Ryan M. Brockway, Vice-President), \$252,200.

[\(Council Communication No. 16-443\)](#)

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

54. On SW 30th Street Curb and Gutter from Park Avenue to Fox Hollow Circle: Approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as JDA Construction Company (Joel Gomes, President), \$192,258.

(Council Communication No. 16-446)

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

55. On 2016 City-Wide PCC Pavement Restoration Program: Approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating the lowest responsible bidder as T K Concrete, Inc. (Tony J. Ver Meer, President), \$427,675.

(Council Communication No. 16-440)

- (A) Approval of contract and bond.

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

MOTION TO ADJOURN.

*****Attention DART Riders:**

DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.

Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.

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