

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

November 7, 2016
4:30 PM

INVOCATION: Council Member Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 37:

***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)	GENES PLACE	2117 E UNIVERSITY	C Liquor
(B)	IOWAS PREMIER FOOD & WINE	730 3RD ST	C Beer
(C)	KATHMANDU RESTAURANT	4121 SE 14TH ST	C Beer/Wine

RENEWAL APPLICATIONS

(D)	ALDI INC #03	3940 E 14TH STREET	C Beer
(E)	ALDI INC #29	5512 SE 14TH ST	C Beer
(F)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(G)	BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(H)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(I)	CATERING DSM	1011 LOCUST ST	C Liquor
(J)	CHICAGO DOG	550 SW 9TH ST	B Beer
(K)	DM IZAAK WALTON LEAGUE	4343 GEORGE FLAGG	C Liquor
(L)	DES MOINES VALERO #204	3733 EASTON BLVD	C Beer
(M)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(N)	FREMONT	1030 E 9TH ST	C Liquor
(O)	GIT N GO STORE #19 *(1)	890 COUNTY LINE	C Beer

(P)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(Q)	HESSEN HAUS	101 4TH STREET	C Liquor
(R)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(S)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(T)	KUM & GO #207	4200 HUBBELL AVE	E Liquor
(U)	KUM & GO #208	3200 SE 14TH ST	E Liquor
(V)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(W)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(X)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(Y)	QUIK TRIP #500	3700 HUBBELL AVE	E Liquor
(Z)	QUIK TRIP #501	2221 E EUCLID AVE	E Liquor
(AA)	QUIK TRIP #523	850 ARMY POST RD	E Liquor
(BB)	QUIK TRIP #534	2945 E UNIVERSITY	E Liquor
(CC)	QUIK TRIP #554	901 SW 63RD	E Liquor
(DD)	QUIK TRIP #559	4024 FLEUR DR	E Liquor
(EE)	SOMETHING ITALIAN	400 WALNUT ST	C Beer/Wine

SPECIAL EVENT APPLICATION

(FF) WAT LAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License
Class B Beer License for Boun Phra Thatluang on November 19, 2016.

- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
- 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

- 7. [Ordering](#) construction of the 5th & Walnut Parking Garage Closure: Receiving of bids, (11-22-16), Setting Date of hearing, (12-5-16). Construction estimate, \$31,000.

[\(Council Communication No. 16-635\)](#)

- 8. [Authorize](#) the City Manager to submit an Iowa Clean Air Attainment Program (ICAAP) Funding Application to the Des Moines Area Metropolitan Planning Organization (MPO) for Iowa Department of Transportation (IDOT) funding of Traffic Signal System Timings Update – Phase 2.

[\(Council Communication No. 16-638\)](#)

9. Approving Change Orders No. 1 and No. 2 for additional work on the City Hall Parking Garage for the following:

[\(Council Communication No. 16-631\)](#)

- (A) [Change](#) Order No. 1, not to exceed \$59,671.
- (B) [Change](#) Order No. 2, not to exceed \$30,674.
10. [Approving](#) completion and acceptance of the Private Construction Contract for storm sewer improvements, 4044 E. 14th Street between Polk County Heating & Cooling, Inc. and Tucker Trucking, LLC.
11. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
12. [Accepting](#) completed construction and approving final payment for 2015 Designated Neighborhood Sidewalk Replacement Program, Ti-Zack Concrete, Inc.
13. [Accepting](#) completed construction and approving final payment for Beaver Avenue Streetscape – Beaver Crest Drive to Fagen Drive, Concrete Technologies, Inc.

LAND/PROPERTY TRANSACTIONS

14. [Establishing](#) revised fair market value of property owned by RSC Partners, LLC at 900 42nd Street for the 42nd Street Streetscape Project.

[\(Council Communication No. 16-641\)](#)

15. [Approving](#) final Subdivision Plat of Skyline Plat 1 located in the 3300 block of McKinley Avenue.

[\(Council Communication No. 16-623\)](#)

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Harbach Lofts, LLC for vacation of right-of-way adjoining 300 SW 5th Street to allow for permanent door swing from the entrance of the building into the right-of-way.

SETTING DATE OF HEARINGS

17. [On](#) request from Galway Homes, Inc. to rezone 335 Forest Avenue and 1427 Arlington Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the viathree35 PUD Conceptual Plan, (11-21-16).
18. [On](#) request from Kenneth Deever to rezone 245 and 247 E. 19th Street from “R1-60” (One-Family Low-Density Residential) to “M-1” (Light Industrial) to allow for development and use for outside contractor storage yard and warehouse, subject to conditions, (11-21-16).
19. [On](#) review of an application for a State Revolving Fund Loan and to review the anticipated environmental impact of the Lower Oak Park and Highland Park Sewer Separation Project, (12-19-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment to Ahlers & Cooney, PC with respect to Series 2016C Stormwater Management Utility Revenue Refunding Bonds, \$18,745.99.
21. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

22. [Submitting](#) travel and training requests for Carrie Kruse, Shane McQuillen, Chad Nicolino, and Brian William.

[\(Council Communication No. 16-644\)](#)

APPROVING

23. [Accepting](#) Development Proposal from Market District One, LLC to develop City-owned property at 401 SE 6th Street and 400 SE 7th Street in the Metro Center Urban Renewal Area and setting date of hearing on competitive bid process, (12-19-16).

[\(Council Communication No. 16-647\)](#)

24. [Memorandum](#) of Understanding with the Institute for Market Transformation and the Natural Resources Defense Council, Inc. for the City Energy Project.

[\(Council Communication No. 16-643\)](#)

25. [Authorizing](#) submittal of a grant request to the Polk County Housing Trust Fund for the City of Des Moines Minor Home Repair Loan Program.

[\(Council Communication No. 16-626\)](#)

26. [Memorandum](#) of Understanding with Polk County Health Services and with Polk County Housing Trust Fund for Continuum of Care Administrative Services.

[\(Council Communication No. 16-630\)](#)

27. [Application](#) for U.S. Department of Homeland Security 2016 Assistance to Firefighters Grant Application.

[\(Council Communication No. 16-624\)](#)

28. [Second](#) Amendment to Skywalk Agreement with Grand 7 Partners, LLC, for the property east of 7th Street between Grand Avenue and High Street.

29. [Reject](#) proposals submitted in response to Request for Proposals for professional services for Court Avenue Bridge over Des Moines River Rehabilitation.

30. [Rescind](#) 1982 policy for retaining consultants to provide architectural/engineering services.

31. [Application](#) from Historic East Village, Inc. for permission to place holiday lights on trees on both sides of E. Locust starting at E. 3rd to E. 7th from November 15, 2016 through January 15, 2017.

32. [Application](#) from Michael Zimmerman requesting approval to temporarily place banners across the street at 4th and Locust Streets and at Court Avenue between Water Street and 2nd Avenue as start and finish lines for the Des Moines Turkey Trot on November 24, 2016.

- 33. [Release](#) of fire escrow at 720 Euclid Avenue.
- 34. [Civil](#) Service Entrance List for Police Officer.
- 35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 7 and 14, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 7 and 14, 2016; and to draw checks for biweekly payroll due on November 11, 2016.

ORDINANCES - FINAL CONSIDERATION

- 36. [Amending](#) Chapter 78 of the Municipal Code expanding the location for operation of mobile vendors in the downtown area.

ORDINANCES - SECOND CONSIDERATION

- 37. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) On-street parking changes on Grand Avenue and 16th Street.
 - (B) Updating the through street designations for streets within the Riverwoods PUD area.
 - (C) Parking Restriction – west side of SW 33rd Street from Park Avenue to a point south of Wolcott Avenue.
 - (D) Changing parking meters on select streets within the East Village from ten-hour meters to four-hour meters.

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

ORDINANCES - FIRST CONSIDERATION

- 38. [Amending](#) Chapter 2 of the Municipal Code regarding procurement by request for proposals.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

39. [Repealing](#) Article V of Chapter 126 of the Municipal Code regarding vehicle transportation services.

[\(Council Communication No. 16-637\)](#)

~~(A) [Final](#) consideration of ordinance above (waiver requested by the Engineering Department), requires six votes.~~

(B) [Approving](#) amendments to the Schedule of Fees.

40. [Amending](#) Chapter 114 of the Municipal Code regarding appointment of members to the Traffic Safety Advisory Committee.

(A) [Final](#) consideration of ordinance above (waiver requested by Council Member Gatto), requires six votes.

(B) [Approving](#) recommendation of Council Member Joe Gatto to appoint Carl Voss to the Traffic Safety Advisory Committee, Seat 7, for the remainder of the term that expires 12-31-2016, and for an additional three-year term expiring 12-31-2019.

41. [Amending](#) Chapter 74 of the Municipal Code regarding consumption of alcohol at Birdland Marina, and fees for use of tennis courts and ball diamonds.

[\(Council Communication No. 16-628\)](#)

COMMUNICATIONS/REPORTS

42. [Request](#) from James Swanstrom, Children and Family Urban Movement (CFUM), to speak regarding the purchase of City-owned property at 915 College Avenue.

APPROVING

43. [City](#) Manager to sign local contribution forms for all projects submitting Low-Income Housing Tax Credit (LIHTC) Project Applications in the 2017 Iowa Finance Authority Round and preliminary commitment of Home Investment Partnership Program (HOME) Funds for certain LIHTC projects. (Melbourne Apartments IV, 5515 SE 14th Street, Bldg. E & F, 72 units, Hubbell Development and HOME, Inc.; Hilltop II, 3720 E. Douglas Avenue, 72 units, Conlin Development; East Town Senior, 2540 Hubbell Avenue, 48 units, Curley Top Development and CommonBond; and Libertad Des Moines, 4415 and 4421 SE 14th Street, 40 units, Vecino Group)

[\(Council Communication No. 16-642\)](#)
[Attachment](#)

44. [Proposal](#) from Carney & Appleby, PLC to provide State Legislative lobbying services and authorizing the City Manager to negotiate and execute contract.

[\(Council Communication No. 16-648\)](#)

45. Items regarding Howe Elementary and Windsor Elementary Pedestrian Crossing Concept Plans: **(Choose A, B or C below)**

[\(Council Communication No. 16-645\)](#)

- (A) [Approving](#) the concept plans presented on October 24, 2016 for Howe Elementary and Windsor Elementary pedestrian bridge crossings and authorizing City staff to proceed with acquisition of necessary right-of-way and easements.

OR

- (B) [Directing](#) further evaluation or revised concept plans for Howe Elementary and Windsor Elementary pedestrian crossings, revising project schedule, authorizing intermediate repairs and rescinding Roll Call 16-1808.

OR

- (C) [Rejecting](#) the concept plans presented on October 24, 2016 for the Howe Elementary and Windsor Elementary pedestrian bridge and rescinding Roll Call 16-1808 and authorizing the City Engineer to proceed with plans, specifications and bidding documents for the maintenance repairs on the three existing bridges.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 46 THRU 55)

46. Items regarding request from 2425 Hubbell Avenue, Inc. regarding property in the vicinity of 2323 Hubbell Avenue:

- (A) [Amending](#) the PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Industrial for property located at 1420, 1424, 1428, 1432 and 1436 E. 25th Street, to allow for warehouse, gymnasium/fitness center, religious assembly and commercial bakery uses in addition to currently permitted office and light industrial uses on the remaining property in the vicinity of 2323 Hubbell Avenue
- (B) [Rezoning](#) of the property from “PUD” (Planned Unit Development) to “R1-60” (One-Family Low-Density Residential) to allow new or continued single-family residential use, and approve the 2nd Amendment to the Townsend Engineering PUD Conceptual Plan.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, requires six votes.

47. [On](#) vacation of air space and subsurface rights in portions of street right-of-way adjoining 220 SE 6th Street and conveyance of a permanent easement for air space within E. Elm Street and SE 6th Street right-of-way, and conveyance of a permanent subsurface easement within E. Elm Street and SE 5th Street right-of-way all adjoining 220 SE 6th Street to 220 SE 6th Street Properties, LLC, \$732.

[\(Council Communication No. 16-625\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
- (C) [Declare](#) intent to withhold approval of the proposed rail port transload facility if it would result in the reactivation of the rail line in E. Elm Street, west of SE 9th Street.

[\(Council Communication No. 16-646\)](#)

48. [On](#) Concession Agreement for the Birdland Marina with Less Than Trinity, LLC d/b/a Captain Roy’s.

[\(Council Communication No. 16-627\)](#)

49. On vacation and conveyance of property adjoining 3317 SE 23rd Street to Glenn T. Norton and Maryann M. Norton, \$7,500.

(Council Communication No. 16-639)

- (A) First consideration of ordinance above.

50. On vacation and conveyance of a portion of SE 19th Street right-of-way and conveyance of property adjoining 1900 Scott Avenue to Kemin Holdings, LC, \$36,375.

(Council Communication No. 16-633)

- (A) First consideration of ordinance above.

51. On vacation of a portion of alley right-of-way adjoining 1605 Woodland Avenue and conveyance of a permanent easement for building encroachment to Oyoram Visual Artist, LLC, \$50.

(Council Communication No. 16-634)

- (A) First consideration of ordinance above.

52. On City-initiated request to rename a segment of Army Post Road from SW 42nd Street to SW 63rd Street from “Army Post Road” to “Willow Creek Avenue”.

- (A) First consideration of ordinance above.

- (B) Final consideration of ordinance above (waiver requested by the Community Development Department), requires six votes.

53. On Women of Achievement Bridge Deck Surface Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Iowa State Contractors, Inc., (Joseph Cichowski, President), \$244,000.

(Council Communication No. 16-640)

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

54. On Glendale Cemetery Abbey HVAC and Electrical Upgrades: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Central Iowa Mechanical Company, (Larry D. Goode, Jr., President), \$189,380.

(Council Communication No. 16-636)

(A) Approval of contract and bond and permission to sublet.

55. On Fairmont Park Water Playground: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Lansink Construction Inc., (Correy Lansink, President), \$625,590.70.

(Council Communication No. 16-632)

(A) Approval of contract and bond and permission to sublet.

*** 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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