

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

April 17, 2017
4:30 PM

PROCLAMATIONS

Arbor Day

Small Business Week

INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 43:

***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)	SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
(B)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(D)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(E)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(F)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(G)	BOURBON STREET	500 ARMY POST RD	C Liquor
(H)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(I)	DJANGO RESTAURANT	210 10TH ST	C Liquor
(J)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor

- (K) GERRIS 232 E 30TH ST C Liquor
- (L) GIT N GO STORE #1 3735 HUBBELL AVE C Beer
- (M) H & A MINI MART *(1) 5901 FLEUR DR C Beer
- (N) JOHNNYS HALL OF FAME 302 COURT AVE C Liquor
- (O) KUM & GO #194 *(1) 4001 SW 9TH ST C Beer
- (P) QUIK TRIP #515 1421 INGERSOLL C Beer
- (Q) RITUAL CAFE 1301 LOCUST ST C Beer/Wine
- (R) SCORNOVACCAS RISTORANTE 1930 SE 14TH ST C Liquor

TRANSFER TO NEW LOCATION

- (S) ELWELL FAMILY 2201 GEORGE FLAGG PKWY C Liquor
Temporary transfer from 3000 E. Grand Avenue for Global Insurance Symposium on April 27, 2017. Pending approval of Building, Electrical and Zoning Departments.

OUTDOOR SERVICE APPLICATIONS

- (T) MULLETS 1300 SE 1ST ST C Liquor
Temporary for various events on May 13, 2017.
- (U) UNIVERSITY LIBRARY 3506 UNIVERSITY AVE C Liquor
Temporary for Bulldog Brewdays on April 27, 2017. Pending approval of Zoning Department.

SPECIAL EVENT APPLICATIONS

- (V) CAPTAIN ROYS 1900 SAYLOR RD Five (5) Day License
Class B Beer License for event on May 3 – 7, 2017.
- (W) CAPTAIN ROYS 1900 SAYLOR RD Five (5) Day License
Class B Beer License for event on May 10 – 14, 2017.
- (X) CAPTAIN ROYS 1900 SAYLOR RD Five (5) Day License
Class B Beer License for event on May 17 – 21, 2017.
- (Y) DES MOINES SOCIAL 901 CHERRY ST Five (5) Day License
Class B Beer License for Food Truck Throwdown on May 7, 2017. Pending approval of Building, Electrical and Zoning Departments.
- (Z) EMBASSY CLUB 100 LOCUST ST Five (5) Day License
Class C Liquor License for an event on April 25, 2017.
- (AA) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on April 21, 2017.
- (BB) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on April 28, 2017.
- (CC) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on May 5, 2017.

(DD) WOODYS PICKLE SHACK 1500 E ARMY POST RD Five (5) Day License Class B Beer License for Bike Night on May 4, 2017. Pending approval of Building, Electrical and Zoning Departments.

4-I [Consideration](#) of temporary outdoor service area at Jethro's, 3100 Forest Avenue, for the Drake Relays on April 27-30, 2017.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

(A) [Near](#) West Side Sewer Separation Phase 1: Receiving of bids, (5-9-17), Setting date of hearing, (5-22-17). Construction estimate, \$3,305,000.

[\(Council Communication No. 17-371\)](#)

(B) [2017](#) PCC Paving and Sidewalk Program: Receiving of bids, (5-9-17). Setting date of hearing, (5-22-17). Construction estimate, \$267,000.

[\(Council Communication No. 17-350\)](#)

(C) [2017-2018](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (5-9-17). Setting date of hearing, (5-22-17). Construction estimate, \$1,600,000.

[\(Council Communication No. 17-368\)](#)

(D) [2017](#) Traffic Signal Repairs and E. Grand Complete Street Conversion: Receiving of bids, (5-9-17). Setting date of hearing, (5-22-17). Construction estimate, \$380,000.

[\(Council Communication No. 17-367\)](#)

6. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with HR Green, Inc. for E. 1st Street & Market Street Storm Water Pump Station, for an additional amount not to exceed \$374,000.

[\(Council Communication No. 17-372\)](#)

7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with HR Green, Inc. for SE 1st & Van Buren Street/SE 4th Street & Van Buren Street Storm Water Pump Station, for an additional amount not to exceed \$412,000.

[\(Council Communication No. 17-364\)](#)

8. [Approving](#) Professional Services Agreement with Veenstra & Kimm, Inc. for conceptual design services for the Little Four Mile Trunk Sanitary Sewer Project, not to exceed \$26,820.

[\(Council Communication No. 17-374\)](#)

9. [Approving](#) and authorizing the execution of the Programmatic Agreement with the Iowa Department of Natural Resources, Iowa State Historical Preservation Office, and the Iowa Office of the State Archaeologist regarding the Des Moines Sewer Separation Project.

[\(Council Communication No. 17-376\)](#)

10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

11. [Accepting](#) completed construction and approving final payment for Four Mile Community Center Parking Lot Improvements, Paco Construction, LLC.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2017-04.

LAND/PROPERTY TRANSACTIONS

13. [Establishing](#) fair market value of multiple properties for the East 42nd Street and Hubbell Avenue Intersection Improvements Project.

[\(Council Communication No. 17-373\)](#)

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Agrimergent Storm Sewer Project.

[\(Council Communication No. 17-379\)](#)

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the Municipal Service Center – Phase 2 Project.

[\(Council Communication No. 17-363\)](#)

16. [Authorizing](#) acquisition by tax sale deed of 911 25th Street.

[\(Council Communication No. 17-365\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Approving](#) recommendation from Council Member Joe Gatto to appoint Laura Gibson to the Access Advisory Board, Seat 7, for a four-year term commencing on June 15, 2014, and ending on June 15, 2018, effective May 1, 2017.
18. [Approving](#) recommendation from Mayor Cownie to appoint Blake Hanson to the Traffic Safety Committee, Seat 8, for a three-year term commencing on December 31, 2016 and ending on December 31, 2019.
19. [Approving](#) recommendation from Council Member Bill Gray to reappoint Chuck Gassmann to the Building and Fire Code Board of Appeals, Seat 11, for a 3-year term commencing April 1, 2017 and ending on April 1, 2020.
20. [Approving](#) recommendation from Council Member Bill Gray to reappoint Kameron Middlebrooks to the Des Moines Civil and Human Rights Commission, Seat 4, for a three-year term commencing April 1, 2017 and ending on April 1, 2020.
21. [Communication](#) from Craig McCoy advising of his resignation from the Historic Preservation Commission, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) request from Elizabeth Carter for vacation of Ingersoll Avenue right-of-way adjoining 539 Polk Boulevard to allow for construction of a 4-foot tall, 75% open fence at the perimeter of the side yard to within one foot of the public sidewalk in Ingersoll Avenue.

SETTING DATE OF HEARINGS

23. [On](#) conveyance of portions of the vacated north/south alley right-of-way between E. 23rd Street and E. 24th Street, north of Guthrie Avenue, to adjoining property owners, \$175, (5-8-17).
24. [On](#) conveyance of City-owned property at 2019 30th Street to Home Revivals, LLC, (5-8-17).

[\(Council Communication No. 17-357\)](#)

25. [On](#) conveyance of City-owned property at 3011 5th Avenue to Greater Des Moines Habitat for Humanity, Inc., (5-8-17).

[\(Council Communication No. 17-356\)](#)

26. [On](#) conveyance of City-owned property at 1074 26th Street to DSMBLC Holdings, Inc., (5-8-17).

[\(Council Communication No. 17-355\)](#)

27. [On](#) request from TWG Development, LLC to rezone property in the vicinity of 201 SE 6th Street from “M-2” (Heavy Industrial) to Ltd. “C-3B” (Central Business Mixed-Use) to allow redevelopment with a four-story mixed use project with an estimated 211 dwelling units, estimated 2,200 square feet of ground floor commercial space, and an estimated 205 parking spaces in an underground garage, (5-8-17).
28. [On](#) request from NB Golf, LLC to rezone 4905 Hubbell Avenue from Ltd. “M-1” (Light Industrial) to an amended Ltd. “M-1” to remove the zoning condition that prohibits a “vehicle display lot” use and allow use of the premises for the sale of golf carts, (5-8-17).
29. [On](#) the proposed First Amendment to the Urban Renewal Plan for the Northeast Gateway 1 Urban Renewal Area, (5-22-17).

[\(Council Communication No. 17-349\)](#)

30. [On](#) the designation of the Stockdale Double House, including the existing garage, at 4018-20 Ingersoll Avenue as a local landmark, (5-8-17).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) payment to Kenworthy Law, PC on matters related to construction disputes, \$12,344.70.
32. [Approving](#) payment to Ahlers & Cooney PC Law Firm for 2017 Bond related matters, \$909.20.
33. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) travel and training requests for Mandy Aschoff, Bruce Braun, Jonathan Gano, Abby Giampolo, Steve Johnson, Jeffrey D. Lester, Carol Moser, Lillie M. Sams, John Saunders, Kathy Vanderpool, Matt Anderson, T.M. Franklin Cownie, Joe Gatto, Christine Hensley, Erin Olson-Douglas, Scott Sanders, and Jen Schulte.

[\(Council Communication No. 17-359\)](#)

APPROVING

35. Support of an “Iowa State Historic Tax Credit Application” to be submitted to the Iowa Department of Cultural Affairs for the following:

- (A) [Revive](#) Community Development for a housing rehabilitation project at 319 7th Street.

[\(Council Communication No. 17-348\)](#)

- (B) [H. Glass Partners, LLC](#) for a historic building rehabilitation project at 212 E. 3rd Street.

[\(Council Communication No. 17-381\)](#)

- (C) [Bryn Mawr Associates, LP](#) for a housing rehabilitation project at 511 29th Street.

[\(Council Communication No. 17-360\)](#)

36. [Urban](#) Renewal Development Agreement and an Economic Development Parking License Agreement with Federal Home Loan Bank of Des Moines for the Bank’s purchase and redevelopment of 909 and 912 Locust Street for relocation and expansion of its headquarters.

[\(Council Communication No. 17-380\)](#)

37. Approving banner applications from the following:

- (A) [American](#) Heart Association to be placed at the start line at 17th Street and Locust Street for the Heart Walk on April 22, 2017.

- (B) [Drake](#) Relays to be placed at the finish location Grand Avenue, east of 13th Street, for the Drake Relays Grand Blue Mile on April 25, 2017.

- (C) [Drake](#) Relays to be placed at the start and finish location on Forest Avenue in front of Drake Stadium and 25th Street in front of Fine Arts Center for the Drake Relays Road Races on April 29, 2017.

- (D) [St. Anthony’s](#) Catholic Church to be placed at multiple locations on poles owned by MidAmerican Energy along the Corpus Christi Procession route on June 18, 2017.

- (E) [KC](#) Running Company to be placed at the start and finish locations at E. 5th Street between E. Locust Street and E. Walnut Street on July 15, 2017.

38. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving Design Within Reach (John Edelman, President) as sole area-wide distributor to provide furniture for the MacRae Park Shelter House, \$52,661.84.

[\(Council Communication No. 17-351\)](#)

39. Bids from the following:

- (A) [POM](#) Inc. (Seth Ward II, Owner/President) as sole area-wide distributor of repair parts and IPS Group (Dave King, President) as sole area-wide distributor of repair parts for credit card and smart card enabled parking meter units for use by the Engineering Department, \$238,634.31.

[\(Council Communication No. 17-375\)](#)

- (B) [Hewlett](#)-Packard Company (Meg Whitman, President) for replacement employee desktop personal computers for the 2017 fiscal year per State of Iowa Contract for use by IT Department, \$25,000.

[\(Council Communication No. 17-347\)](#)

40. Abatement of public nuisances at:

- (A) [600](#) E. Watrous Avenue.
(B) [1601](#) E. 29th Street.
(C) [1303](#) Oak Park Avenue.
(D) [1530](#) 4th Street.

41. [Civil](#) Service Entrance List for Fleet Services Serviceperson, Surveyor and Painter.

42. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 17 and 24, and May 1, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 17 and 24, and May 1, 2017; and to draw checks for biweekly payroll due on April 28, 2017 and May 12, 2017.

ORDINANCES - FINAL CONSIDERATION

- 43. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
 - (A) Code corrections.
 - (B) Removal of parking restriction – Thornton Avenue from SW 14th Street to cul-de-sac.
 - (C) Removal of parking and loading zone – Hull Avenue from Wright Street to E. 12th Street.
 - (D) Curb bump-out parking prohibition and definition.
 - (E) Traffic Control Provisions for E. Locust Street, E. 2nd Street, E. 3rd Street, and E. Walnut Street due to completion of the StayBridge Hotel.
 - (F) Traffic Control provisions for Walnut Street, 5th Avenue, 6th Avenue, and 7th Street due to the Walnut Streetscape project.

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

ORDINANCES - FIRST CONSIDERATION

- 44. [Amending](#) Chapter 78 of the Municipal Code regarding peddlers.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Clerk), requires six votes.

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

[\(Council Communication No. 17-378\)](#)

- (A) Code corrections – Ingersoll Bus Lane.
- (B) Parking Restriction Modifications – Ingersoll Avenue, east of Martin Luther King Jr. Parkway.
- (C) Code modifications related to Easter Lake Estates Plat 6 and 7 and Prairie Hills Des Moines Plat 1.
- (D) Code changes to allow for electric vehicle charging stations in City parking ramps.
- (E) Addition of a bus loading area and removal of peak hour parking restrictions, south side of Cherry Street, west of 7th Street.
- (F) Code corrections around Moulton Learning Center on 7th and 8th Streets, south of College Avenue.

COMMUNICATIONS/REPORTS

46. [From](#) Robert Martin, 2117 36th Street, to speak regarding the fireworks law.

APPROVING

47. [Review](#) of final landscape plan and building elevations for Roers Investments, LLC development at 2301 Ingersoll Avenue.

[\(Council Communication No. 17-358\)](#)

48. [Requesting](#) Des Moines Area Metropolitan Planning Organization (MPO) transfer Surface Transportation Block Grant (STBG) funds allocated to the Southeast Connector Project to the Pleasant Hill Boulevard and Vandalia Road Intersection Project.

[\(Council Communication No. 17-377\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 58)

49. [Continuing](#) hearing to **May 8, 2017 at 5:00 PM** on request from Extreme Auto Plaza, Inc. to rezone 1453 E. 14th Street from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and “R-2A” (General Residential) to an amended Ltd. “C-2” (General Retail and Highway-Oriented Commercial).
50. [On](#) conveyance of City-owned property at 832 24th Street to Lighthouse Development, LLC for redevelopment of housing.

[\(Council Communication No. 17-354\)](#)

51. [On](#) conveyance of City-owned property at 1322 Idaho Street to Home Opportunities Made Easy, Inc. (HOME, Inc.).

[\(Council Communication No. 17-352\)](#)

52. [On](#) conveyance of City-owned property at 708 Buchanan Street to Home Opportunities Made Easy, Inc. (HOME, Inc.).

[\(Council Communication No. 17-353\)](#)

53. [On](#) request from Greater Des Moines Habitat for Humanity to rezone multiple properties located in the vicinity of 2426 Saylor Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and approval of the Birdland Vista PUD Conceptual Plan, subject to conditions.

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

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

54. [On](#) assessment of \$500 penalties to liquor license holder for violation of Iowa Alcoholic Beverage Laws – sale to minors.

(A) Blazing Saddle, 416 E. 5th Street.

(B) Kum & Go #120, 6304 SW 9th Street.

(C) South Town Tap, 3803 SW 9th Street.

55. On 2017 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as TK Concrete Inc., (Tony J. Ver Meer, President), \$535,225.

(Council Communication No. 17-362)

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

56. On 2017 Designated Neighborhood Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Cerebral Group, LLC (Kalyan Venkatraman, President), \$310,450.

(Council Communication No. 17-366)

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

57. On Agrimergent Storm Sewer Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$1,059,070.31.

(Council Communication No. 17-369)

58. On Glendale Cemetery Road Reconstruction: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as OMG Midwest, Inc. d\b\ a Des Moines Asphalt & Paving (Jeffrey A. Chapman, General Manager), \$315,450.

(Council Communication No. 17-370)

- (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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