

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

**July 23, 2018**  
**4:30 PM**

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 42:

**\*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)	DUMPLING DARLING	212 E 3RD ST	C Liquor
<del>(B)</del>	<del>EL BUEN SABOR LATINO</del>	<del>1130 E 9TH ST</del>	<del>C Liquor</del>
(C)	PAPA KENOS PIZZERIA	2330 UNIVERSITY	C Liquor
(D)	SUPER QUICK SMOKES	5625 HICKMAN RD	C Beer
(E)	THAI FLAVORS	1254 E 14TH STREET	C Beer/Wine

**RENEWAL APPLICATIONS**

(F)	AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(G)	APPLEBEES NEIGHBORHOOD	3900 MERLE HAY RD	C Liquor
(H)	APPLEBEES NEIGHBORHOOD	6301 SE 14TH ST	C Liquor
(I)	BLACKBIRD HOSPITALITY	713 WALNUT ST	C Liquor
(J)	BOWLERAMA	1313 E DIEHL AVE	C Liquor
(K)	CHRISTIANIS EVENTS	520 ROBERT D RAY	C Liquor
(L)	CONSERVATORY	315 E 5TH ST	C Liquor
(M)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(N)	EASTSIDERS	1833 HUBBELL AVE	C Liquor
(O)	EL PATIO MEXICAN	611 37TH ST	C Liquor

(P)	LA HACIENDA	6050 SE 14TH ST	C Liquor
(Q)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(R)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(S)	ORLONDOS	4337 PARK AVE	C Liquor
(T)	RICHARD O JACOBSON	3000 E GRAND AVE	C Liquor
(U)	RICOCHET	504 E LOCUST ST	C Beer/Wine
(V)	SAKARI SUSHI LOUNGE	2605 INGERSOLL	C Liquor
(W)	SHAGS	216 COURT AVE	C Liquor
(X)	SMOKIN' JOES #4	2800 E UNIVERSITY	E Liquor
(Y)	TEQUILA RESTAURANT	2824 EASTON BLVD	C Liquor
(Z)	VIVIANS	400 WALNUT ST	C Liquor
(AA)	ZOMBIE BURGER	300 E GRAND AVE	C Liquor

**TRANSFER TO NEW LOCATION**

(BB)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
	Temporary to the Animal Learning Center for Fair After Dark on August 10, 2018.		
(CC)	MAINGATE	2956 E GRAND AVE	C Liquor
	Temporary from August 10 – 18, 2018 in conjunction with the Iowa State Fair.		

**SPECIAL EVENTS APPLICATIONS**

(DD)	ABOVE & BEYOND	800 E GRAND AVE	Five (5) Day License Class B Beer License for Wade Franck Memorial Cup – ABC Criterium on August 5, 2018. Pending approval of Building, Electrical, Fire, Police and Zoning Departments.
(EE)	BIRDS NEST	3000 E GRAND AVE	C Beer/Wine Fourteen day license for the Iowa State Fair from August 9 – 19, 2018.
(FF)	BUD TENT	3000 E GRAND AVE	B Beer Fourteen day license for the Iowa State Fair from August 9 – 19, 2018.
(GG)	BUDWEISER STAGE	3000 E GRAND AVE	B Beer Fourteen day license for the Iowa State Fair from August 9 – 19, 2018.
(HH)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License Class C Liquor License for Godsmack/Shinedown concert on July 29, 2018.
(II)	GRANDFATHERS BARN	3000 E GRAND AVE	C Native Wine Fourteen day license for the Iowa State Fair from August 9 – 19, 2018.
(JJ)	GRANDSTAND	3000 E GRAND AVE	B Beer Fourteen day license for the Iowa State Fair from August 9 – 19, 2018.
(KK)	IOWA CRAFT BEER TENT	3000 E GRAND AVE	B Beer Fourteen day license for the Iowa State Fair from August 9 – 19, 2018.
(LL)	KNAPP STAGE	3000 E GRAND AVE	B Beer Fourteen day license for the Iowa State Fair from August 9 – 19, 2018.

(MM) SUMMER IN THE CITY            4500 GRAND AVE            Five (5) Day License  
Class B Beer License for a concert on August 10, 2018.

(NN) TOP OF THE VINE            3000 E GRAND AVE            C Beer/Wine  
Fourteen day license for the Iowa State Fair from August 9 – 19, 2018.

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 following:
  - (A) [2<sup>nd</sup>](#) Avenue and [3<sup>rd</sup>](#) Street at Walnut Street Traffic Signal Replacements: Receiving of bids, (8-7-18), Setting date of hearing, (8-20-18). Engineer's estimate, \$425,000.  

[\(Council Communication No. 18-378\)](#)
  - (B) [6<sup>th</sup>](#) Avenue Streetscape-College Avenue to Hickman Road: Receiving of bids, (8-21-18), Setting date of hearing, (9-10-18). Engineer's estimate, \$2,630,000.  

[\(Council Communication No. 18-383\)](#)
8. [Approving](#) addendum to the Iowa Department of Transportation (IDOT) Agreement for [6<sup>th</sup>](#) Avenue Streetscape Phase 1: College Avenue to Hickman Road.  

[\(Council Communication No. 18-385\)](#)
9. [Authorizing](#) payment to MidAmerican Energy Company to remove existing utility poles and relocate overhead utilities underground for the [42<sup>nd</sup>](#) Street Streetscape from I-235 to Crocker Street, \$337,233.79.  

[\(Council Communication No. 18-381\)](#)
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) [Leetown](#) Creekway Channel Improvements, Elder Corporation.
  - (B) [2018](#) Parking Garage Mechanical/Electrical/Plumbing Repair Program, Air-Con Mechanical Corporation.

## **SPECIAL ASSESSMENTS**

12. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-07.

## **LAND/PROPERTY TRANSACTIONS**

13. [Releasing](#) subdivision bond for Bloomfield Estates, located in the 7400 block of Bloomfield Road.

[\(Council Communication No. 18-375\)](#)

14. [Authorize](#) voluntary acquisition and to approve and accept real estate documents from various property owners for the Easter Lake Watershed Improvement Project.

[\(Council Communication No. 18-377\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. [Approving](#) amendments to the Civil & Human Rights Commission rules and regulations.

[\(Council Communication No. 18-394\)](#)

16. [Recommendation](#) from Council Member Bill Gray to appoint Ann Giudicessi to the Access Advisory Board, Seat 12, for a three-year term commencing June 15, 2018 to June 15, 2021.

17. [Recommendation](#) from Council Member Bill Gray to appoint Heidi Hamand to the Housing Services Board, Seat 4, for a three-year term commencing June 30, 2018 to June 30, 2021.

18. [Approving](#) expansion of Watrous Heights Neighborhood boundaries in accordance with the Neighborhood Recognition Policy.

[\(Council Communication No. 18-373\)](#)

## **SETTING DATE OF HEARINGS**

19. [On](#) proposed Fifth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area, (9-10-18).

[\(Council Communication No. 18-380\)](#)

20. [On](#) proposed Eleventh Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area, (9-10-18).

[\(Council Communication No. 18-380\)](#)

21. [On](#) vacation of a portion of Woodland Avenue right-of-way located north of and adjoining 616 10<sup>th</sup> Street and conveyance of a permanent easement for air space above city-owned property to Principal Life Insurance Company f/k/a/ Principal Mutual Life Insurance Company, \$630. (8-6-18).
22. [On](#) approval of documents for vacation of a portion of alley right-of-way located south of and adjoining 1437 E. 14<sup>th</sup> Street and conveyance to Spotfree Car Wash, LLC, \$1,000. (8-6-18).
23. [On](#) proposed First Amendment to the Urban Renewal Plan for the NE Economic Development District Urban Renewal Area, (9-10-18).

[\(Council Communication No. 18-380\)](#)

- (A) [Resolution](#) to authorize voluntary acquisition for property at 4144 Hubbell Avenue from Dipak S. Patel and Surekhaben D. Patel for the Northeast Fire Station Project, \$795,000.

[\(Council Communication No. 18-388\)](#)

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

24. Approving payment to Belin McCormick Law Firm for the following:
  - (A) [Environmental](#) issues, \$975.
  - (B) [Environmental](#) issues related to landfills, \$1,950.
25. [Approving](#) payment to Project Resources Group, as subrogee of Mediacom, for a property damage claim.
26. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Tyson Teut, \$600.
27. Approving payment to the following for workers' compensation claims:
  - (A) [Mark](#) McCaune.
  - (B) [Roger](#) Gustafson.

28. [Approving](#) retention of Hall & Associates and consent to joint representation with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) regarding implementation of the Long-Term Control Plan, negotiation of a consent decree and the National Pollution Discharge Elimination System (NPDES) Permit with fees allocated as appropriate.

## APPROVING

29. [First](#) Amendment to Development Agreement with RE3, LLC for commercial development at 440 E. Grand Avenue.

[\(Council Communication No. 18-376\)](#)

30. [Home](#) Investment Partnership Program (HOME) Agreement with Home Opportunities Made Easy, Inc. (HOME, INC.) for development of a single-family home at 708 Buchanan Street using Community Housing Development Organizations (CHDOs) set-aside funds.

[\(Council Communication No. 18-374\)](#)

31. [Termination](#) of PeopleSoft, Inc. Software License Agreements and authorizing Chief Information Officer to execute termination of licenses.

[\(Council Communication No. 18-372\)](#)

32. [Support](#) of a Workforce Housing Tax Credit (WHTC) Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by Indigo Dawn, LLC for a scattered site housing rehabilitation project at 1124 34<sup>th</sup> Street, 1311 Laurel Street and 1345 7<sup>th</sup> Street.

[\(Council Communication No. 18-393\)](#)

33. [Agreement](#) with Prairie Meadows to accept a \$5,000 Prairie Meadows Community Betterment Grant and finalize terms of Grant Acceptance Agreement for a Water Quality Demonstration Project on City-owned land.

[\(Council Communication No. 18-382\)](#)

34. [Domino's](#) "Paving for Pizza" Funding and Advertising Agreement and approval of use of City of Des Moines name in advertising.

[\(Council Communication No. 18-391\)](#)

35. [Parking](#) License Agreement at the E. Second Parking Garage with Des Moines Metropolitan Area Solid Waste Agency.

[\(Council Communication No. 18-386\)](#)

36. Abatement of public nuisances at the following addresses:

(A) [3704](#) Kinsey Avenue.

(B) [4601](#) SW 8<sup>th</sup> Street.

(C) [306](#) E. 17<sup>th</sup> Street.

(D) [1053](#) 17<sup>th</sup> Street.

(E) [1231](#) E. 27<sup>th</sup> Court.

37. [Release](#) of fire escrow at 1805 E. 27<sup>th</sup> Street.

38. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2018.

- 38I [Amending](#) Roll Call Number 18-1210.

- 38II [Authorizing](#) and providing for the issuance and securing the payment of \$43,620,000 Stormwater Management Utility Revenue Capital Loan Notes, Series 2018C, of the City of Des Moines, State of Iowa, under the provisions of the City Code of Iowa, and providing for a method of payment of the notes; approval of the Tax Exemption Certificate and continuing Disclosure Certificate.

- 38III [Amending](#) the "Resolution authorizing the issuance of \$47,290,000 General Obligation Bonds, Series 2018B, and levying a tax for the payment thereof", passed and approved on March 8, 2018, by substituting a new resolution therefor, approving and authorizing the issuance of \$45,640,000 General Obligation Bonds, Series 2018B, and levying a tax for the payment thereof and approving the Tax Exemption Certificate and continuing Disclosure Certificate.

39. Purchases from the following:

- (A) [Commonwealth](#) Electric Company (T. Michael Price, President) and ABD Electrical Services (Leroy Clair, President) as primary and secondary suppliers, for an annual contract with two (2) additional one-year renewal options to furnish electrical repair services at various city-wide locations for use by the Facilities Maintenance Division, estimated annual cost \$150,000. (Eight potential bidders, two received).

[\(Council Communication No. 18-392\)](#)

- (B) [Sarah](#) & Andrew Trucking (Rick Clark, President) for revetment and erosion control materials to be used for bank stabilization along Walnut Creek at North Valley Drive for use by the Public Works Department, \$125,833.08. (Five potential bidders, four received).

- (C) [Hewlett](#)-Packard Company (Dion Weisler, President) for replacement employee desktop personal computers for the 2019 fiscal year per State of Iowa Contract for use by the IT Department, \$180,000.

[\(Council Communication No. 18-371\)](#)

40. [Civil](#) Service entrance lists for Fire Equipment Mechanic, Enterprise Applications Analyst and Senior Construction Inspector.

41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 23 and 30, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 23 and 30, 2018; and to draw checks for biweekly payroll due August 3, 2018.

## **ORDINANCES - FINAL CONSIDERATION**

42. [Rezoning](#) of property at 5066 NE 23<sup>rd</sup> Avenue (Easton Blvd), from “A-1” (Agricultural) to “PUD” (Planned Unit Development).

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



## ORDINANCES - FIRST CONSIDERATION

43. [Amending](#) Chapter 42 of the Municipal Code relating to drainage pipe installation in drainageways, grading requirements, public nuisance abatement and assessment administrative process.

[\(Council Communication No. 18-384\)](#)

44. [Amending](#) the action for the removal of existing traffic circles at the intersections of SE 24<sup>th</sup> Street and E. Porter Avenue and SE 24<sup>th</sup> Street and Hart Avenue to install all-way stop control.

[\(Council Communication No. 18-387\)](#)

- (A) [First](#) consideration amending Chapter 114 of the Municipal Code designating four-way stop intersections at Hart Avenue and SE 24<sup>th</sup> Street, and at E. Porter Avenue and SE 24<sup>th</sup> Street.
- (B) ~~[Final](#) consideration of ordinance above (waiver requested by Council Member Gatto), requires six votes.~~

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

[\(Council Communication No. 18-389\)](#)

- (A) Speed limit reduction on SW 9<sup>th</sup> Street from Bancroft Street to Lacona Avenue.
- (B) Removal of pedestrian crossing signal on E. Grand Avenue at former Brooks Elementary.
- (C) Installation of traffic signals – E. 46<sup>th</sup> and Hubbell, SW 63<sup>rd</sup> and Creston, E. 6<sup>th</sup> and Des Moines Street, and MLK and Prospect.
- (D) Final consideration of ordinance above, requires six votes.

46. [Amending](#) Chapter 118 of the Municipal Code regarding the Private Property Protection Program.

[\(Council Communication No. 18-390\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the Public Works Director), requires six votes.

## COMMUNICATIONS/REPORTS

47. Number not used.
48. [From](#) Frank Ingersoll to speak regarding the Polk County Board of Supervisors.
49. ~~[From](#) Robert L. Martin, 2117 36<sup>th</sup> Street, to speak regarding lack of fireworks enforcement.~~
50. [From](#) Brad Podray, 400 Walnut Street, Ste. 705, to speak regarding short-term rentals in downtown Des Moines.
51. [From](#) Mary Spicer, 6001 Creston Avenue, Unit 8, to speak regarding River Oaks Town Homes – sewer billing and other quality of life issues.
52. Number not used.
53. Number not used.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 54 THRU 56)

54. Items regarding property at 2701 and 2703 E. Grand Avenue, (Lee Rose LLC d/b/a Des Moines Comfort, Inc.), **Plan and Zoning Commission recommends DENIAL:**
  - (A) [To](#) amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential to Neighborhood Mixed Use, to allow for rezoning to “C-2” (General Retail and Highway-Oriented Commercial) and expansion of the existing mechanical contractor shop use, (six votes required for approval).
  - (B) [Hearing](#) to rezone the property from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), (six votes required for approval).
  - (C) [First](#) consideration of ordinance above.
  - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

55. On request from Kenneth L. Lawler d/b/a Great Plains Garden Center to rezone 4455 and 4465 Hubbell Avenue from “A-1” (Agricultural) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow the use of the property for a commercial daycare center and a residential dwelling, subject to conditions, **and to continue to August 6, 2018 at 5:00PM**, to allow time for correction and completion of Acceptance of Rezoning document.
56. Items regarding City-owned property at 418 E. Grand Avenue, in the Metro Center Urban Renewal Area, Nelson Development:

(Council Communication No. 18-379)

- (A) On approval of Urban Renewal Development Agreement with Nelson Development 1, LLC, to purchase and develop property, and approving Conceptual Development Plan.
- (B) On approval of a Parking Lease Agreement for use of the parking ramp to be located at 418 E. Grand Avenue.

\*\*END HEARINGS AT \_\_\_\_\_PM\*\*

MOTION TO ADJOURN.

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