

DES MOINES CITY COUNCIL MEETING

September 9, 2013
4:30 PM

PROCLAMATIONS – 4:15 PM

Filipino American Cultural and Diversity Month

Prince Hall Day

National Discover Your Optimal Health Day

INVOCATION: Council Member Hensley

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) | BARU AT THE ART CENTER | 4700 GRAND AVE | C Liquor |
| (B) | CVS PHARMACY 10162 | 3151 SE 14TH ST | E Liquor |
| (C) | GRAND VIEW UNIVERSITY | 1500 MORTON AVE | C Liquor |
| (D) | SAAM AI NONG | 1517 2ND AVE | C Liquor |
| (E) | UNDERGROUND | 500 E LOCUST ST | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|-----|-----------------------------|-------------------|----------|
| (F) | CARLOS O'KELLYS | 4371 MERLE HAY RD | C Liquor |
| (G) | CASEYS #2314 | 3527 INDIANOLA | C Beer |
| (H) | DES MOINES VALERO #202 *(1) | 821 E EUCLID AVE | C Beer |
| (I) | GATWAS GROCERY STORE | 2901 DOUGLAS AVE | C Beer |

| | | | |
|----------------|------------------------|----------------------------|---------------------|
| (J) | H & A MINI MART | 145 UNIVERSITY | E Liquor |
| (K) | INDIA STAR | 5514 DOUGLAS AVE | C Beer/Wine |
| (L) | LA PREFERIDA | 2300 HICKMAN RD | C Beer |
| (M) | MARS CAFE | 2318 UNIVERSITY | C Beer/Wine |
| (N) | NOODLE ZOO | 601 E LOCUST ST | C Beer/Wine |
| (O) | PLAYERS SPORTS BAR | 1760 BEAVER AVE | C Liquor |
| (P) | PROOF RESTAURANT | 1301 LOCUST ST | C Liquor |
| (Q) | QUIK TRIP #527 | 1215 6TH AVE | C Beer |
| (R) | QUIKTRIP #560 *(1) | 2300 MLK | C Beer |
| (S) | UNDERGROUND | 500 E LOCUST ST | C Liquor |
| (T) | WALGREENS #359 | 2545 E EUCLID AVE | E Liquor |
| (U) | WALGREENS #4714 | 4555 FLEUR DR | E Liquor |
| (V) | WALGREENS #5362 | 1330 E UNIVERSITY | E Liquor |
| (W) | WALGREENS #5721 | 3140 SE 14TH ST | E Liquor |
| (X) | WALGREENS #5777 | 2930 E UNIVERSITY | E Liquor |
| (Y) | WALGREENS #5852 | 3030 UNIVERSITY | E Liquor |
| (Z) | WALGREENS #7452 | 4415 DOUGLAS AVE | E Liquor |
| (AA) | WALGREENS #7453 *(1) | 104 E EUCLID AVE | E Liquor |
| (BB) | WALGREENS #7833 | 3501 INGERSOLL | E Liquor |
| (CC) | WALGREENS #7968 | 6200 SE 14TH ST | E Liquor |
| (DD) | WAVELAND COFFEE SHOP | 4704 UNIVERSITY | C Liquor |

OUTDOOR SERVICE APPLICATIONS

- (EE) BEAVER TAP 4050 URBANDALE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013. Pending approval of Building and Zoning Departments.
- (FF) CHRISTOPHERS 2816 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013. Pending approval of Fire and Zoning Departments.
- (GG) GOODSONS 2815 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013.
- (HH) SAINTS PUB + PATIO 4041 URBANDALE AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013.
- (II) TALLYS 2712 BEAVER AVE C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 13 – 14, 2013.

SPECIAL EVENTS APPLICATIONS

- (JJ) DM OKTOBERFEST 103 4TH ST Five (5) Day License
Class C Liquor License for Des Moines Annual Oktoberfest on September 27 – 28, 2013.

- (KK) DOWNTOWN EVENTS 401 E 5TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for World Food Prize Festival on
September 20 – 22, 2013.
- (LL) DOWNTOWN EVENTS 431 E LOCUST AVE Five (5) Day License
Class C Liquor License for World Food Prize Festival on September 20 – 22, 2013.
- (MM) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for City of Des Moines Service Dinner on September 19,
2013.
- (NN) HISTORIC COURT AVE 318 COURT AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Fridays on Court Avenue on
September 13, 2013.
- (OO) HISTORIC COURT AVE 318 COURT AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Fridays on Court Avenue on
September 20, 2013.
- (PP) KINGS OF BBQ 3800 MERLE HAY RD Five (5) Day License
Class B Beer License for an event on September 20 – 21, 2013. Pending approval
of Building, Electrical, Fire and Zoning Departments.
- (QQ) ST ANTHONY CHURCH 15 INDIANOLA RD Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Fall Festival on September 20 –
22, 2013.
- (RR) TALLYS 1312 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a wedding reception on September
14, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (SS) TASOS STEAKHOUSE 1312 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a wedding reception on September
21, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (TT) TASTE! TO GO 2201 GEORGE FLAGG Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an Open House at Water Works
Park on September 10, 2013. Pending approval of Building and Zoning
Departments.

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

PUBLIC IMPROVEMENTS

7. [Ordering](#) construction of Army Post Road Bridge over Great Western Trail: Receiving of bids (9-24-13), Setting date of hearing (10-7-13), Construction estimate \$1,525,470.50.

[\(Council Communication No. 13-453\)](#)

8. [Authorize](#) the City Manager to submit an Iowa Clean Air Attainment Program (ICAAP) Fund Application to the Iowa Department of Transportation (IDOT) for the following:

(A) The Downtown Bicycle Plan Implementation – Phase 2.

(B) City-wide Fixed-time Signal Upgrade Project – Phase 2.

(C) Northeast Des Moines Bicycle and Pedestrian Corridor Feasibility Study.

[\(Council Communication No. 13-457\)](#)

9. [Approving](#) Professional Services Agreement with Walker Coen Lorentzen Architects, Inc. for programming, design and construction phase services for the Greenwood Park Shelter Renovation, \$33,000.

[\(Council Communication No. 13-452\)](#)

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

11. Approving Private Construction Contracts for the following:

(A) [Edge](#) Commercial, LLC and CF Investors, LLC for paving improvements in 3617 SE 14th Street.

(B) [Koester](#) Construction Co., Inc. and Hatch Development Group, LLC for Sanitary Sewer and Storm Sewer Improvements in 2800 Indianola Avenue.

(C) [Baxter](#) Construction Company, LLC and Waterfront Lodging, Inc. for paving improvements in Market Street between SW 2nd Street and Water Street.

(D) [Kline](#) Electric, Inc. and Edmundson Art Foundation, Inc. d/b/a Des Moines Art Center for adjacent improvements in Locust Street between 13th and 14th Street.

12. Accepting completed construction and approving final payment for the following:
 - (A) [2012](#) Park ADA Access Route Improvements; Joiner Construction Co., Inc.
 - (B) [Southeast](#) Connector – Des Moines River Bridge with Levee, Sanitary Sewer and Water Main Relocation; United Contractors, Inc. and Subsidiaries.
 - (C) [Principal](#) Park Locker Rooms; Ball Team, LLC.

SPECIAL ASSESSMENTS

13. [Approving](#) deletion of Rental Inspection Assessment at 312 Thornton Avenue.
14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-09.
15. Approving deletion of NAC-Emergency Assessments for the following:
 - (A) [1823](#) E. Marion Street.
 - (B) [4123](#) 40th Street.

LAND/PROPERTY TRANSACTIONS

16. [Accepting](#) permanent easement for public sidewalk from Financial Plus Credit Union at 2844-2850 E. Euclid Avenue.
17. [Acceptance](#) of PUD Restoration Bond for Grading of “The Woods of Copper Creek” in the vicinity of the 4700 Block of Easton Avenue (NE 23rd Avenue).

[\(Council Communication No. 13-450\)](#)

18. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the East 4th Street at Walnut Street and Court Avenue Traffic Signal Project.

[\(Council Communication No. 13-458\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Approving](#) recommendation from the City of Windsor Heights to appoint Tracy Levine to the Greater Des Moines Sister Cities Commission, Seat 18.
20. [Approving](#) recommendation from Council Member Chris Coleman to appoint Jeff Clubb to Seat 6 on the Park and Recreation Board for a 4-year term commencing June 30, 2012 to June 30, 2016, effective October 1, 2013.
- 20-I [Approving](#) recommendation of Mayor Cownie to nominate Council Member Bob Mahaffey for reappointment as the Des Moines Regional Transit Authority (DART) Commission Member representing District V of the DART Commission.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment of billing to Ahlers & Cooney, PC for \$5,405.
22. [Approving](#) payment to Robbin and Edward Welch and their Attorney Rob Garver for a claim, \$7,500.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training requests for Alex Anderson, James Entrekin, Amanda Hamm, Douglas Romig and Matthew Towers.

[\(Council Communication No. 13-468\)](#)

APPROVING

24. [Second](#) Amendment to Development Agreement with B.H. Temple, Inc., Downtown Preservation Partners, LLC and The Temple Partners, LP for the Temple for Performing Arts Rehabilitation Project, 1101 Locust Street.

[\(Council Communication No. 13-470\)](#)

25. [Preliminary](#) approval of a \$185,000 Neighborhood Commercial Revitalization Program Loan and \$15,000 Façade Grant to Norris Partners, LLC for renovations to 210 Court Avenue.

[\(Council Communication No. 13-469\)](#)

26. [Roosevelt](#) Cultural District Streetscape Concept Plan.

[\(Council Communication No. 13-467\)](#)

27. [Concession](#) Agreement for the Management, Operation and Maintenance of the Brenton Skating Plaza with Downtown Des Moines Self-Supported Municipal Improvement District a/k/a Operation Downtown and the Riverfront Development Authority.

[\(Council Communication No. 13-456\)](#)

28. [Donation](#) Agreement with Variety – The Children’s Charity of Iowa for a playground at Ewing Park and naming of the playground “Ashley Okland Star Playground”.

[\(Council Communication No. 13-460\)](#)

29. [Agreement](#) with Principal Financial Group (Larry Zimpleman, President and CEO) for the provision of Group and Supplemental Life Insurance and Long Term Disability Benefits for eligible employees from October 1, 2013 through September 30, 2016 with option for two additional one-year renewals.

[\(Council Communication No. 13-459\)](#)

30. [Proposal](#) from Catapult Systems, LLC (Greg Schlather, General Manager) for Microsoft Office 365 implementation services, not to exceed \$100,749.

[\(Council Communication No. 13-462\)](#)

31. [Exception](#) to the procurement ordinance competitive bidding requirements for good cause and Professional Services Contract with ETC Institute for the development and implementation of the 2013 Resident and Business Satisfaction Surveys, \$33,250.

[\(Council Communication No. 13-463\)](#)

32. [Application](#) from Brew Mile for banners to be placed at the east end of the Walnut Street Bridge as the starting line and on the Court Avenue Bridge as the finish line on September 28, 2013.

33. [Communication](#) from Downtown Community Alliance on behalf of Des Moines Performing Arts to approve banner design for **Wicked** to be displayed in downtown Des Moines during mid-October through mid-November.

34. Bids from the following:
- (A) [Management](#) Communication Services Inc. (Eugene Beckman, President) for A10 Network appliances requested by the IT Department, \$40,385.10. (Four bids mailed, three bids received)
 - (B) [Blacktop](#) Repair Service Inc. (Patricia Hicks, President) for tennis and takraw court resurfacing services requested by the Park & Recreation Department, \$179,793.60. (Five bids mailed, one received)
- [\(Council Communication No. 13-465\)](#)
- (C) [Klocke's](#) Emergency Vehicles (Kevin Klocke, President) for three replacement ambulances requested by the Fire Department, \$578,758. (Eight bids mailed, two received)
35. [Civil](#) Service Entrance Lists for Safety Consultant, Family Self-Sufficiency and Home Ownership Supervisor and Fire Equipment Mechanic.
36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 9 and 16, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 9 and 16, 2013; and to draw checks for biweekly payroll due on September 20, 2013.

ORDINANCES - SECOND CONSIDERATION

37. [Amending](#) Chapter 74 of the Municipal Code regarding neighborhood recognition signage in City Parks.
- (A) [Final](#) consideration of ordinance above (waiver requested by the Park and Recreation Director), requires six votes.
38. [To](#) continue and adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) and providing for continuation of an operation fund and the levy of an annual tax.

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

ORDINANCES - FIRST CONSIDERATION

39. [Amending](#) Chapter 74 of the Municipal Code regarding sledding, ice skating and cross-country skiing in city parks and designated areas in municipal golf courses, and winter activities prohibited on Gray's Lake.

[\(Council Communication No. 13-466\)](#)

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

- (A) Parking Restrictions on E. Grand Avenue and on Locust Street in conjunction with new pavement markings.
- (B) Commercial Loading Zone on the east side of 18th Street, north of Grand Avenue.

[\(Council Communication No. 13-451\)](#)

***Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 48)

41. Items regarding property at 1300, 1310 and 1330 Keosauqua Way, Kum & Go LC:

[\(Council Communication No. 13-455\)](#)

- (A) [Hearing](#) on vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way, subject to conditions, \$13,010.
 - (1) [First](#) consideration of ordinance above.
 - (2) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires 6 votes.

(B) Hearing on rezoning of the property from “C-2” (General Retail and Highway Oriented Commercial) to “PUD” (Planned Unit Development) and approval of the PUD Conceptual Plan:

(1) [ALTERNATE A](#) – to prohibit sale of beer and wine.

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

(b) [Final](#) consideration of ordinance above (waiver requested by applicant), requires 6 votes.

OR

(2) [ALTERNATE B](#) – to allow sale of beer and wine, (staff recommends Alternate B).

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

(b) [Final](#) consideration of ordinance above (waiver requested by applicant), requires 6 votes.

42. [On](#) request from Kum & Go, LC for an amendment to the PUD Conceptual Plan “Eastgate Plaza” to create a separate PUD Conceptual Plan “Kum & Go Store #534” on property located at 1424 E. Euclid Avenue to allow a 4,992-square foot convenience store with 20 fueling locations, subject to conditions.

43. [On](#) request from Kum & Go, LC for an amendment to the PUD Conceptual Plan “Kum & Go Store #120” at 6304 SW 9th Street to revise the provision limiting the maximum canopy height in order to allow a canopy with a maximum height of 20-feet 10-inches.

44. [On](#) request from Kum & Go, LC to rezone 4965 Hubbell Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approve the proposed Conceptual Plan, subject to modifications.

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

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

45. [On](#) conveyance of 1349 Washington Avenue to NFC Properties, LLC, \$18,000.

[\(Council Communication No. 13-449\)](#)

46. [On](#) request from Quest Development and Construction and Lamont Companies to rezone 205 SW 11th Street from “C-3B” (Central Business Mixed-Use District) to “PUD” (Planned Unit Development) and an amendment to the Riverpoint West PUD Conceptual Plan to add 4.09 acres of land for future development of a four-story hotel with 102 guest rooms at the southwestern portion of the site while designating the southeastern portion of the site for future development, subject to conditions.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
47. Items regarding request from Jake Christensen for property at 600 E. 5th Street:
- (A) [Hearing](#) on rezoning from “R-4” (Multiple-Family Residential District) to “C-3B” (Central Business Mixed-Use District) to allow use of the property for 103 multiple-family dwelling units, 19,433 square feet of area for a skilled nursing facility, and 4,392 square feet of area for a restaurant use, subject to conditions.
 - (B) [Amendment](#) to the Des Moines 2020 Community Character Plan to revise the future land use designation from High-Density Residential to Downtown Retail/Office Core/Core Fringe.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires 6 votes.
48. [On](#) 2013 American with Disabilities Act (ADA) Sidewalk Ramp Program - Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Ti-Zack Concrete, Inc., (Steve J. Rutt, President), \$417,190.

[\(Council Communication No. 13-454\)](#)

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

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

APPROVING

49. Economic Development Assistance Contract with Iowa Economic Development Authority and Helena Industries, Inc. for State assistance for construction of a new warehouse building at 3525 Vandalia Road.

(Council Communication No. 13-464)

- (A) First consideration of an ordinance giving prior approval for a partial exemption from property taxation on the value added by new construction at 3525 Vandalia Road.

MOTION TO ADJOURN.

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All-America City
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