

DES MOINES CITY COUNCIL MEETING

City Hall, City Council Chambers

December 9, 2013

4:30 PM

3:30 PM

Farewell Reception – Council Member Halley Griess Ward I

4:00 PM

Swearing In Ceremony – Ward IV Council Member Appointment

SPECIAL PRESENTATIONS – 4:15 PM

Recognition for Julie Evans

PROCLAMATIONS

Holiday Food Project

INVOCATION: Council Member Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 39:

***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)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(B)	DELTA HOUSE	918 E EUCLID AVE	C Liquor
(C)	LA PIZZA HOUSE	1013 SE 14TH ST	C Liquor
(D)	TRIANGLE TAP	2506 POST ST	C Liquor

RENEWAL APPLICATIONS

(E)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(F)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(G)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(H)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(I)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor

(J)	FONGS PIZZA	223 4TH ST	C Liquor
(K)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(L)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(M)	HYATT PLACE	418 6TH AVE	B Liquor
(N)	LA TAPATIA	1440 DES MOINES ST	C Beer
(O)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(P)	LICKETY LIQUOR	2501 HUBBELL AVE	E Liquor
(Q)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(R)	LOVELY FOOD MART *(1)	4600 FLEUR DR	C Beer
(S)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(T)	SCORES SPORTS BAR	2335 HICKMAN RD	C Liquor
(U)	SMOKE SHOP	1918 SE 14TH STREET	E Liquor
(V)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(W)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(X)	WEST END WINES	22 9TH ST	C Liquor

SPECIAL EVENTS APPLICATIONS

- (Y) LAO AMERICAN ASSOC 3000 E GRAND AVE Five (5) Day License
Class B Beer License with Class C Native Wine for private social event on
December 31, 2013.

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

PUBLIC IMPROVEMENTS

6. Number not used.
7. [Approving](#) Change Order No. 1 with Edge Commercial, LLC for additional work on the Police Department Evidence Storage Facility – Phase II, not to exceed \$58,254.

[\(Council Communication No. 13-592\)](#)

8. Accepting completed construction and approving final payment for the following:
- (A) [2012](#) ADA Sidewalk Ramp Program – Contract 1, Navarro Enterprise Construction, Inc.
- (B) [2012](#) ADA Sidewalk Ramp Program – Contract 2, MPS Engineers, PC.
- (C) [2012](#) Levee Improvements – Contract 2, J & K Contracting, LLC.
- (D) [2012](#) Sidewalk Replacement Program, T K Concrete, Inc.
- (E) [Fire](#) Station No. 1 Replacement, Oakview DCK, LLC.
- (F) [Gray's](#) Lake Northwest Shoreline Retaining Wall, J & K Contracting, LLC.

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code (Schedule No. 2013-12).

LAND/PROPERTY TRANSACTIONS

10. [Authorize](#) voluntary acquisition and to approve and accept real estate documents for property at 3015 Seneca Avenue from Ruth H. Porter for the Seneca Avenue Storm Water Improvements Project.

[\(Council Communication No. 13-591\)](#)

11. [Acceptance](#) of temporary easement from U.S. Bank National Association for the Beaver Avenue Streetscape Project.

12. [Approving](#) 166 tax abatement applications for the additional value added by improvements completed during 2013.

[\(Council Communication No. 13-577\)](#)

13. [Approving](#) final subdivision entitled “Brownstones on 7th Street Plat 1” in the vicinity of 325 SW 7th Street.

[\(Council Communication No. 13-578\)](#)

14. [Approving](#) acquisition of 1712 8th Street through donation from Half Moon Holdings, LC.

[\(Council Communication No. 13-583\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 14-I [Approving](#) recommendation from Council Member Chris Coleman for appointment of Timothy Woods to the Sister City Commission, Seat 7, for a 5-year term commencing April 28, 2013 to expire April 28, 2018.

15. [Communication](#) from Kevin Techau advising of his resignation from the Library Board of Trustees, Seat 4, effective immediately.

16. [Communication](#) from Doug Romig, Housing Services Director, advising of the resignation of Anwar Elnour from the Housing Services Board, Seat 11, effective immediately.

17. [Communication](#) from Bill Gray advising of his resignation from the Zoning Board of Adjustment, Seat 3, effective December 31, 2013.

17-I [Accepting](#) resignation of Carl Voss from the Traffic Safety Committee, Seat 7, effective immediately.

SETTING DATE OF HEARINGS

18. [On](#) conveyance by installment contract of 1704 South Union Street to Neighborhood Development Corporation (NDC) for \$145,560, (12-23-13).
19. [On](#) conveyance of vacated segments of the north/south alley north of Cleveland Avenue and south of Washington Avenue between E. 18th Street and De Wolf Street to Crane Chapel Church of God in Christ, \$200 and to Joshua Smith, \$75, (12-23-13).
20. [On](#) correction of vacation and conveyance of a dead end segment of SW 11th Street, south of Kirkwood Avenue to Des Moines Independent Community School District, \$1, (12-23-13).
21. [On](#) vacation and conveyance of a segment of E. 26th Street right-of-way adjoining 2597 Dean Avenue to Johnson Brothers of Iowa, Inc., \$625, (12-23-13).
22. [Scheduling](#) a new hearing on application of Loffredo Gardens, Inc. to rezone 4001 SW 63rd Street from “PBP” (Planned Business Park) to “M-1” (Light Industrial), (12-23-13).
23. [On](#) License Agreement with AT & T Corporation upon property located in and adjacent to vacated Mulberry Street, between 13th and 16th Street, \$5,000, (12-23-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Ahlers & Cooney, PC for legal services related to environmental issues, \$490.
25. [Approving](#) payment to Belin McCormick law firm and reimbursement of photocopy costs in conjunction with Kragnes v. City of Des Moines, \$4,046.
26. [Approving](#) payment to Gary Kruse for two (2) workers’ compensation claims.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Jeff Cronin, Scott Dreyer, Tony Sposeto and Paul Stout.

[\(Council Communication No. 13-596\)](#)

APPROVING

28. [2013](#) Emergency Solutions Grant (ESG) Funding.

[\(Council Communication No. 13-585\)](#)

29. [2013](#) Letter of Agreement for the Holiday Food Project with the Catholic Pastoral Center.

[\(Council Communication No. 13-581\)](#)

30. [Contract](#) with Best Heating, Cooling and Electric Incorporated for the provision of low-income residential furnace and water heater replacement, tune and clean and repair services for an initial term until June 30, 2014 with up to five additional one-year renewal terms.

[\(Council Communication No. 13-579\)](#)

31. [Second](#) Amendment to Management Agreement with C Corporation for Bright Grandview and Waveland Golf Courses.

[\(Council Communication No. 13-584\)](#)

32. [Amending](#) the Schedule of Fees regarding cemeteries.

[\(Council Communication No. 13-587\)](#)

33. [Letter](#) of Support for the YMCA's U.S. Olympic Training Center within the Wellmark YMCA Project.

34. [Exception](#) to the procurement ordinance Request for Proposals requirement for good cause and approving an agreement with Nestingen, Inc. d/b/a RelyDB for database administrative services.

[\(Council Communication No. 13-599\)](#)

35. Bids from the following:

- (A) [Century](#) Link (Glen F. Post III, President) for a call routing system upgrade for use by the Police Department, \$330,746.44. (Three bids mailed, two received).

[\(Council Communication No. 13-586\)](#)

- (B) [Excel](#) Mechanical (Alisa Smith, Owner) for replacement HVAC equipment at Four Mile Community Center for use by the Park & Recreation Department, \$102,507. (Nine bids mailed, four received).

- (C) [G & S Service](#) (Glen Mikel, President) for an annual contract with two (2) additional one-year renewal options to furnish towing and emergency road services for City-owned vehicles for use by the Equipment Maintenance Center, \$35,000. (Eight bids mailed, two received).

- (D) [Physio-Control](#) (Brian Webster, President) for defibrillators per State of Iowa Contract for use in the ambulance by the Fire Department, \$396,491.36

[\(Council Communication No. 13-598\)](#)

- (E) [The Baker Group](#) (BJ Baker III, Chairman & CEO) per State of Iowa contract for building automation products and services to upgrade the existing system for City Hall, \$63,868.

[\(Council Communication No. 13-588\)](#)

36. [Procurement](#) of replacement vehicles requested by Fleet Maintenance for various City Departments from the following, total cost \$802,561.80:

[\(Council Communication No. 13-601\)](#)

- Charles Gabus Ford (Gene Gabus, General Manager), \$227,563.
- Stivers Ford (Scott Politte, President), \$186,711.
- Toyota of Des Moines (Steve Luebke, Vice President/General Manager), \$46,320.
- Bob Brown Chevrolet (Ron Brown, Owner), \$25,666.90.
- Karl Chevrolet (Carl Moyer, Owner), \$44,143.90 (Fourteen bids mailed, eight received.)
- Stivers Ford (Scott Politte, President) per State of Iowa Contract, \$272,157.

37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 9 and December 16, 2013; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 9 and December 16, 2013; and to draw checks for biweekly payroll due on December 13, 2013.

ORDINANCES - FINAL CONSIDERATION

- 38. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for the Central Business District.

ORDINANCES - SECOND CONSIDERATION

- 39. [On](#) request from Diversity Insurance, Inc. to rezone 1533 and 1541 E. Grand Avenue from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow an expansion of the existing building at 1541 E. Grand Avenue for Pedestrian-Oriented Mixed-Neighborhood Level Retail or Office uses.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

- 40. [Amending](#) Chapter 42 of the Municipal Code regarding administrative hearing and abatement process for nuisances associated with the use and maintenance of drainage facilities.

[\(Council Communication No. 13-600\)](#)

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

[\(Council Communication No. 13-589\)](#)

- (A) Ordinance changes in conjunction with the newly-constructed Southwest Connector at Iowa 28.
- (B) Revision to Municipal Code to agree with field conditions near the World Food Prize – north side of Walnut, west of Water Street.
- (C) Accessible parking space – west side of 2nd Avenue near the Polk County Election Office.
- (D) Central Campus Student Parking Lot turn restriction – 2020 and 2140 Grand Avenue.
- (E) Parking Restriction – east side of E. 16th Street, south of Hull Avenue.

42. [Establishing](#) the Beaverdale Self-Supported Municipal Improvement District (SSMID) and providing for establishment of a combined capital improvement and operation fund and the levy of an annual tax.

([Council Communication No. 13-595](#))

COUNCIL REQUESTS

- 42-I [From](#) Council Member Christine Hensley to speak regarding the 63rd and Grand Avenue Bridge and intersection.

- 42-II [From](#) Council Members Chris Coleman and Christine Hensley to discuss Jackson Street Bridge.

***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 43 THRU 47)

43. [Hearing](#) on ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company relating to textual clarifications of franchise fee.

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

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

44. [Hearing](#) on ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company relating to temporary increase of franchise fee to be used solely toward payment of the *Kragnes v. City of Des Moines* judgment.

(A) [Adoption](#) of Revenue Purpose Statement regarding use of revenue from electric energy and gas franchise fees.

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

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

(D) [Call](#) of special election to consider approval of ordinance above.

(E) [Call](#) of special election to fill the vacant office of Ward IV City Council Member.

45. On vacation of 6th Avenue and Grand Avenue right-of-way and of air space over Grand Avenue and 6th Avenue right-of-way adjoining 505 6th Avenue and for conveyance of easements to the Young Men's Christian Association of Greater Des Moines (YMCA), \$1,000.

[\(Council Communication No. 13-593\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

46. On conveyance of a portion of the vacated north-south alley right-of-way located east of and adjacent to 1423 E. 16th Street to West Bank as Conservator for the Nyalat Dak Conservatorship, The Nyawal Dak Conservatorship, and the Shamkuer Dak Conservatorship, \$25.

[\(Council Communication No. 13-594\)](#)

47. On assessment of \$500 penalties for violation of Iowa alcoholic beverage laws (sale to minor) by the following (licenses will not be issued for any pending renewal applications until penalty is paid):

- (A) Kum & Go #130, 2930 Hickman Road.
- (B) Kum & Go #207, 4200 Hubbell Avenue.
- (C) Sahota Food Mart, 1805 SE 14th Street.

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

APPROVING

48. Review of Zoning Board of Adjustment decision granting a use variance to allow property at 301 and 309 SE 8th Street to be used as a beverage container recycling facility for a term of 10 years. (Roll Call contains alternative motions, select A, B or C.)

[\(Council Communication No. 13-580\)](#)

49. [Review](#) of Zoning Board of Adjustment decision to grant a variance to a separation distance requirement and a conditional use permit to allow use of property at 727 SE 14th Street (Super Stop) as a gas station/convenience store with alcoholic liquor sales. (Roll Call contains alternative motions, select A, B or C.)

([Council Communication No. 13-582](#))

50. [Consideration](#) of Class E Liquor License with C Beer and B Wine for Super Stop, 727 SE 14th Street.

BOARD OF HEALTH

MOTION TO CONVENE. [MEMO](#)

1. [Approving](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 2600 E. Elm Street, main structure and accessory structure, Titleholder: Elaine S. Cunningham; Mortgage Holder: U.S. Bank.
2. [Communication](#) from Celina Insurance Group, dated 11/21/13 stating their insured, Paul Kemp, 4701 SE 5th Street, sustained a fire loss on November 12, 2013. Celina Insurance Group is holding a fire escrow in the amount of \$10,000.

MOTION TO ADJOURN.

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