

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

**February 9, 2015 4:30 PM**

**INVOCATION:** Council Member Bill Gray

1. ROLL CALL:

I. [Confirmation](#) of the appointment of Dana Wingert as Chief of Police.

[\(Council Communication No. 15-066\)](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA \* – items 3 through 34:

**\*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)	DES MOINES YACHT CLUB	2617 INGERSOLL AVE	C Liquor
(B)	DRAKE BAKERY & CAFE	1409 23RD ST	C Liquor
(C)	EAST 25TH STREET PUB	509 E 25TH ST	C Liquor

**RENEWAL APPLICATIONS**

(D)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(E)	EL AGUILA REAL	3520 BEAVER AVE	C Liquor
(F)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(G)	MEZZODIS	4519 FLEUR DR	C Liquor
(H)	MICHAELS PIZZA	2629 BEAVER AVE	C Beer/Wine
(I)	TOBACCO OUTLET PLUS #503	400 EUCLID AVE	C Beer

**TRANSFER TO NEW LOCATION**

(J)	GENES PLACE	2117 E UNIVERSITY	C Liquor
	Permanent transfer from 509 E. 25 <sup>th</sup> Street, East 25 <sup>th</sup> Street Pub.		

**SPECIAL EVENTS APPLICATIONS**



## **SPECIAL ASSESSMENTS**

10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-01.

## **LAND/PROPERTY TRANSACTIONS**

11. [Releasing](#) PUD Restoration Bond for Kum & Go Store #535 Project at 4960 E. Broadway Avenue.

[\(Council Communication No. 15-060\)](#)

12. [Releasing](#) PUD Restoration Bond for Drake University Basketball Practice Facility Project at 2601 Forest Avenue.

[\(Council Communication No. 15-058\)](#)

13. [Releasing](#) PUD Restoration Bond for CVS Pharmacy Store Project at 2303 Merle Hay Road.

[\(Council Communication No. 15-059\)](#)

14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2014, (139 applications).

[\(Council Communication No. 15-057\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

15. [Recommendation](#) from Council Member Christine Hensley to reappoint Sarah Oltrogge to the Housing Appeals Board, Seat 6, for a three-year term commencing March 16, 2014 to expire March 16, 2017.

16. [Recommendation](#) from Mayor Cownie to appoint T. M. Franklin Cownie, Skip Moore and Scott Sanders as primary representatives and Chris Coleman, Larry Hulse and Phil Delafield as alternate representatives for the Wastewater Reclamation Authority Management Agency for 2015.

17. [Attendance](#) reports for the various City Boards and Commissions for January 1 through December 31, 2014.

## SETTING DATE OF HEARINGS

18. [On](#) vacation of a portion of E. 3<sup>rd</sup> Street right-of-way adjoining 215 E. 3<sup>rd</sup> Street and conveyance of a permanent encroachment easement to 215 East 3<sup>rd</sup> Street, LLC, \$100, (2-23-15).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, \$210.60.
20. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for services in connection with collective bargaining, \$3,622.50.

## APPROVING

21. [Amendment](#) to Des Moines Community Development Block Grant Disaster Recovery (CDBG-DR) Contract for additional funding for the Edge at Gray's Landing Project.

[\(Council Communication No. 15-064\)](#)

22. [Assignment](#) of Economic Development Grant under First Amendment to Urban Renewal Development Agreement (Liberty Building Rehabilitation, 418 6<sup>th</sup> Avenue, and Parking Garage Development, 518 Grand Avenue).

[\(Council Communication No. 15-062\)](#)

23. [Issuance](#) of Certificate of Completion for East Village Growth Partners, LLC mixed-use building at 350 E. Locust Street – Metro Center Urban Renewal Project.

[\(Council Communication No. 15-061\)](#)

24. [Grant](#) application for the 2015 United States Department of Justice, Project Safe Neighborhood Violent Gang and Gun Crime Reduction Program, \$150,000.

[\(Council Communication No. 15-055\)](#)

25. [Grant](#) application from the Governor's Traffic Safety Bureau for FY2016, \$213,509.17.

[\(Council Communication No. 15-056\)](#)

26. [28E](#) Agreement with IDOT for maintenance and repair of primary roads in municipalities and Supplemental Agreement for July 1, 2014 to June 30, 2015.

27. [First](#) Amendment to Service Agreement with the State of Iowa for street maintenance and snow removal on streets within State Capitol grounds.

[\(Council Communication No. 15-053\)](#)

28. [Agreement](#) with Polk Soil and Water Conservation District to administer and provide funding for Easter Lake Watershed Stormwater Best Management Practices Private Property Cost Sharing Program.

[\(Council Communication No. 15-054\)](#)

29. [Inclusion](#) of property, located in Des Moines, in a proposed expansion of the West Des Moines Alluvion Urban Renewal Area.

30. [Communication](#) from Downtown Community Alliance, on behalf of the Grand Blue Mile, requesting approval of banner design for banners to be displayed Downtown in March through May.

31. [Bid](#) from Wastequip Mfg. Co. LLC (Martin Bryant, CEO) for front-end load trash containers for use by the Public Works Department, \$30,385. (Three bids mailed, two received).

32. [Civil](#) Service Entrance List for Police Officer and Promotional List for Fire Medic.

33. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 9 and 16, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 9 and 16, 2015 and to draw checks for biweekly payroll due on February 20, 2015.

**ORDINANCES - SECOND CONSIDERATION**

34. [On](#) proposed amendments to the Zoning Ordinance regarding off-street parking and loading regulations and requirements for paving and paved access drives.

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

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

## ORDINANCES - SECOND CONSIDERATION

35. [On](#) proposed amendments to the Zoning Ordinance regarding remedial measures relating to PUD and PBP Development Plans.

[\(Council Communication No. 15-065\)](#)

- (A) [Approving](#) policy for review of existing plans.

## ORDINANCES - FIRST CONSIDERATION

36. [Amending](#) Chapter 114 of the Municipal Code to remove two parking meters on the east side of 12<sup>th</sup> Street, north of Cherry.

[\(Council Communication No. 15-052\)](#)

37. [Amending](#) Chapter 102 of the Municipal Code regarding appointment of members to the Skywalk Committee.

[\(Council Communication No. 15-045\)](#)

38. [Amending](#) Chapter 18 of the Municipal Code regarding animals.

[\(Council Communication No. 15-063\)](#)

## COMMUNICATIONS/REPORTS

39. [From](#) John Negrete, 6023 NE 14<sup>th</sup> Street, to speak regarding a new phone app available to local law enforcement agencies, utilizing the public's help to keep our communities safe.
40. [From](#) the Highland Park SSMID Board regarding the recommended budget for the Highland Park Self-Supported Municipal Improvement District for the Fiscal Year commencing July 1, 2015.

**\*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 51)**

41. Items regarding the vacation of SW McKinley from SW 46<sup>th</sup> Street to SW 56<sup>th</sup> Street:

[\(Council Communication No. 15-046\)](#)

- (A) [Resolution](#) dismissing the Public Hearing.
  - (B) [Resolution](#) approving limited access to authorized traffic.
  - (C) [First](#) consideration of an ordinance amending Chapter 114 of the Municipal Code to place a 4-way stop at the intersection of SW 56<sup>th</sup> Street and SW McKinley Avenue.
42. [On](#) vacation of City-owned right-of-way on the northeast corner of Fleur Drive and Army Post Road.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by Des Moines International Airport), requires six votes.
43. [On](#) vacation of a portion of Locust Street right-of-way adjoining 400 Locust Street and for approval of a permanent easement with the Des Moines Area Regional Transit Authority (DART) for the placement of a bus shelter.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by DART), requires six votes.
44. [On](#) request from Wesley Community Services, Inc. to rezone 944 18<sup>th</sup> Street from “C-0” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) subject to conditions to allow “C-0” District permitted uses and limousine/taxi dispatch use only.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

45. [On](#) request from Percol Holdings, LLC to rezone 4006 Grand Avenue from “R-3” (Multiple-Family Residential) and “R1-80” (One-Family Residential) to “C-0” (Commercial Residential) subject to conditions, to allow conversion of the existing multiple-family residential dwelling to a professional office use.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
46. [On](#) request from Leonardo Diaz to rezone 1123 Maury Street and 810 SE 12<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for mobile vendor uses.
- (A) [Amend](#) the Des Moines’ 2020 Community Character Plan future land use designation from Low-Medium Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
- (B) [First](#) consideration of ordinance above.
- (C) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
47. [On](#) request from Silver Oak Enterprises, LLC for review and approval of the 5<sup>th</sup> Amendment to the Carman Estates PUD Conceptual Plan, 2320 E. Porter Avenue, to allow development of four 3-story, 24 unit multiple-family dwellings, 96 units total, **and to continue to February 23, 2015 at 5:00 PM.**
48. [On](#) request from Arnold DeWitt to rezone property in the vicinity of 3917 Mahaska Avenue from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial), subject to conditions to allow expansion on the existing mini-warehouse complex, **and to continue to February 23, 2015 at 5:00 PM.**
49. [On](#) E. Payton Avenue Bridge over Stream: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Jensen Construction Company (Kurt E. Rasmussen, Owner), \$743,544.08.

[\(Council Communication No. 15-048\)](#)

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



50. On Application of Public Convenience and Necessity to operate limousine services requested by Cab Trans, LLC, Carlisle, IA.

(Council Communication No. 15-044)

51. On Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Chauffeurs Of Distinction, LLC, Adel, IA.

(Council Communication No. 15-050)

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

## **APPROVING**

52. Moved to item I, after the Roll Call.

## **EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Discussion regarding the process and request of the public to assist with the annual performance appraisal conducted by the City Council Personnel Committee (Council Member Coleman, Chair) of the City Manager, City Attorney and City Clerk. Sponsor: Council Member Coleman.
2. Discussion regarding a proposal by the City Council Personnel Committee (Council Member Coleman, Chair) regarding the compensation of the Mayor and City Council. Sponsor: Council Member Coleman.

MOTION TO ADJOURN.

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