

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

May 18, 2015
4:30 PM

I. CLOSED SESSION – 3:30 PM.

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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PROCLAMATIONS – 4:00 PM

National Public Works Week

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 54:

***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) GUCKENHEIMER 1331 GRAND AVE C Liquor

RENEWAL APPLICATIONS

(B) BIG KMART #4160 2535 HUBBELL AVE C Beer
(C) BREW HAUS LOUNGE 830 MCKINLEY AVE C Liquor
(D) CARLS PLACE 1620 WOODLAND C Liquor
(E) CONTINENTAL 428 E LOCUST ST C Liquor
(F) DEPOT 3000 E GRAND AVE B Beer
(G) DES MOINES CIVIC CENTER 221 WALNUT ST C Liquor
(H) DONNAS LOUNGE 4424 SE 14TH ST C Liquor
(I) ELWELL FAMILY FOOD 3000 E GRAND AVE C Liquor
(J) GARDEN NIGHTCLUB 112 SE 4TH ST C Liquor
(K) GIT N GO STORE #3 100 WATROUS AVE C Beer
(L) GIT N GO STORE #31 *(1) 2601 SW 9TH ST C Beer
(M) HOYT SHERMAN PLACE 1501 WOODLAND C Liquor
(N) JALAPENO PETE'S CANTINA 3000 E GRAND AVE C Beer/Wine
(O) LA HACIENDA III 3121 INGERSOLL C Liquor
(P) LA TAPATIA 2 3504 MERLE HAY RD C Beer
(Q) LEGENDS AMERICAN GRILL 216 COURT AVE C Liquor
(R) LUCCA 420 E LOCUST ST C Liquor
(S) MADHOUSE BREWING CO 501 SCOTT AVE B Beer
(T) MERCY HOSPITAL MED CNTR 1111 6TH AVE C Liquor
(U) MULLETS 1300 SE 1ST ST C Liquor
(V) PIZZA HUT #4353 1435 ARMY POST RD B Beer
(W) PLAZA PUB 6202 DOUGLAS AVE C Liquor
(X) QUALITY INN & SUITES 929 3RD ST B Liquor
(Y) QUICK STAR *(2) 2701 INGERSOLL C Beer
(Z) RM FOOD & BEVERAGE 2801 FLEUR DR C Liquor
(AA) ROYAL FLUSH RESTAURANT 4440 HUBBELL AVE C Liquor
(BB) SPAGHETTI WORKS 310 COURT AVE C Liquor
(CC) STEER AND STEIN 3000 E GRAND AVE B Beer

SPECIAL EVENTS APPLICATIONS

(DD) CATERING DSM 2692 MCKINLEY AVE Five (5) Day License
Class C Liquor License for Dupont Pioneer Aviation event on June 6, 2015.
Pending approval of Electrical and Fire Departments.

(EE) DES MOINES SOCIAL 902 MULBERRY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Food Truck Throwdown on May
30, 2015. Pending approval of Building Department.

- (FF) GATEWAY MARKET 1200 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for University of Iowa Reception on
May 28, 2015. Pending approval of Building, Electrical, Fire and Zoning
Departments.
- (GG) GREEK FOOD FAIR 3510 COTTAGE GROVE AVE Five (5) Day License
Class C Liquor License for annual event on June 6–7, 2015.
- (HH) HIGH LIFE LOUNGE 200 SW 2ND ST Five (5) Day License
Class B Beer License for Moonlight Classic on May 30, 2015.
- (II) HY VEE WFP 100 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a reception on May 22, 2015.
- (JJ) HY VEE WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on June 6, 2015.
- (KK) IOWA CRAFT BEER 2201 GEORGE FLAGG PKWY Five (5) Day License
Class B Beer License for Launch on May 30, 2015.
- (LL) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on June 12, 2015.
- (MM)NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on June 5, 2015.
- (NN) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on May 29, 2015.
- (OO) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 5, 2015.
- (PP) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 12, 2015.
- (QQ) PROM MANAGEMENT 3915 FLEUR DR Five (5) Day License
Class C Liquor License for the Principal Charity Classic on June 1–7, 2015.
- (RR) TASTE! TO GO 520 ROBERT D RAY DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a wedding reception on June 5,
2015.
- (SS) WINEFEST 2400 GEORGE FLAGG PKWY Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Iowa Lawn Party on May 31,
2015. Pending approval of Building Department.

(TT) WINEFEST 400 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Sips & The City on June 5, 2015.
Pending approval of Electrical Department.

(UU) WINEFEST 520 ROBERT D RAY DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Winefest Saturday on May 30,
2015.

(VV) WINEFEST 1716 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Meredith Saturday Sessions on
May 30, 2015. Pending approval of Building Department.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

(A) 5th & Walnut Parking Garage Repairs: Receiving of bids, (6-9-15), Setting date of hearing, (6-22-15), Construction estimate, \$90,000.

[\(Council Communication No. 15-259\)](#)

(B) 2015 Median Island Replacement: Receiving of bids, (6-9-15), Setting date of hearing, (6-22-15), Construction estimate, \$450,000.

[\(Council Communication No. 15-257\)](#)

6. Approving application for a Department of Transportation (DOT) TIGER Discretionary Grant for the Bridges to Opportunity: Des Moines' Community Connection Project.

[\(Council Communication No. 15-263\)](#)

7. Approving Professional Services Agreement with Calhoun-Burns & Associates, Inc. for the City-Wide Bridge Evaluation – 2015, not to exceed \$132,250.

[\(Council Communication No. 15-253\)](#)

8. Approving Change Order No. 8 with Concrete Technologies, Inc. for additional contract time and work on the SW 9th Street Widening-Titus Avenue to Kenyon Avenue Project, not to exceed \$89,976.62.

[\(Council Communication No. 15-254\)](#)

9. [Approving](#) Private Construction Contract between Halbrook Excavating, Inc. and Thermo King Sales & Service, Inc. for sanitary sewer improvements in 4975 Hubbell Avenue, \$48,646.
10. [Approving](#) Private Construction Contract between Knutson Construction Services Midwest, Inc. and Riverpoint West, LLC for paving and associated sanitary and storm sewer improvements in Tuttle Street, \$737,145.
11. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-03.
13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-04.

LAND/PROPERTY TRANSACTIONS

14. [Authorization](#) to negotiate severance of Oakwood Drive and the adjoining properties from the City of Des Moines for annexation into Pleasant Hill.

[\(Council Communication No. 15-260\)](#)

15. [Accepting](#) PUD Restoration Subdivision Bond from Jerry's Homes for grading work at 2314 E. Porter Avenue, \$51,304.

[\(Council Communication No. 15-249\)](#)

16. [Accepting](#) PUD Restoration Subdivision Bond from Jerry's Homes for grading work in the vicinity of the 2400 block of Easter Lake Drive, \$30,210.

[\(Council Communication No. 15-248\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Communication](#) from Jeff Gronstal advising of his resignation from the Housing Appeals Board, Seat 4, effective immediately.
 - (A) [Recommendation](#) from Council Member Bill Gray to appoint Bob Raker to the Housing Appeals Board, Seat 4, for a three-year term commencing March 16, 2013 to expire March 16, 2016.

17-1 [Appointing](#) Grant Friesth to the Iowa Events Center (IEC) Hotel Board of Directors.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) request from Edward Brafford, Kristen Thede and Ryan Howell to vacate a segment of north/south alley adjoining 831 and 849 16th Street, subject to conditions.
19. [Regarding](#) request from Hy-Vee Inc. and Knapp Properties, Inc. to vacate portions of 4th Street, Court Avenue and 5th Avenue right-of-way adjoining 420 Court Avenue, subject to reservation of easements.
20. [Regarding](#) request from Green LTD., LLC to vacate a segment of West Martin Luther King, Jr. Parkway (formerly Elm Street), adjoining 300 West Martin Luther King Jr. Parkway, subject to conditions.
21. [Regarding](#) request from Drake University to vacate Carpenter Avenue from 25th Street to 27th Street, subject to conditions.
22. [Regarding](#) approval of Preliminary Plat for “Bloomfield Acres” on property at 1916 Bloomfield Road, subject to conditions.
23. [Regarding](#) approval of a Preliminary Plat for “5FIFTY5”, on property at 555 SW 7th Street, Hubbell Properties, I, LC, to allow the subdivision of 47 rowhouse lots within a common lot to be maintained by a homeowner’s association.

SETTING DATE OF HEARINGS

24. [On](#) vacation of subsurface rights within Walnut Street and 8th Street right-of-way and conveyance of a permanent subsurface easement to Employers Mutual Casualty Company, \$1,090, (6-8-15).
25. [On](#) conveyance of property adjacent to 5908 Chamberlain Drive to Andrew and Claudia Lorentzen for incorporation into residential property, \$200, (6-8-15).
26. [On](#) request from DesMoinesArts, Inc. to rezone property at 900 and 1000 Keosauqua Way from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “C-3” (Central Business District Commercial) to allow conversion of existing five-story office building to artist studio space and assembly/exhibit space, subject to conditions, (6-8-15).
27. [On](#) request from Ft. Des Moines Renovation, LLC for an amendment to the West Point South PUD Conceptual Plan for redevelopment at 6700 Chaffee Road to allow for an increase in the maximum density from 116 dwelling units to 163 units within the historic Fort Des Moines barracks and stables, (6-8-15).

28. [On](#) extending the Annexation Moratorium Agreement and 28E Agreement with Indianola and Warren County, (7-13-15).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) Conflict and Waiver Form regarding Ahlers and Cooney, PC law firm's representation of the City of Des Moines and Drake University.
30. [Approval](#) of claim settlement for personal injury vehicular accident.
31. [Approval](#) of claim settlement for personal injury and property damage vehicular accident.

CITY MANAGER COMMUNICATIONS

32. [Submitting](#) travel and training requests for Francis Boggus, Kenneth Brown, T. M. Franklin Cownie, Tony Knox, Jeffrey Lester, Michael Moody, Lillie Sams, Kathleen Vanderpool and Jennifer Westlake.

[\(Council Communication No. 15-272\)](#)

APPROVING

33. [2015](#) Final Budget Allocations for Community Development Block Grant (CDBG) Program, Home Investment Partnership (HOME) Program, and Emergency Solutions Grant (ESG) Program Funding from the U.S. Department of Housing and Urban Development (HUD).
34. [Iowa](#) Great Places Small Grants Application for the Sixth Avenue Bridge Art Installation Project as part of the Sixth Avenue Corridor Revitalization Effort.

[\(Council Communication No. 15-247\)](#)

35. [Conceptual](#) plan for the redevelopment of property at 219 8th Street by Employers Mutual Casualty Company (EMC).

36. Items regarding the Gray's Landing Development Area:

[\(Council Communication No. 15-252\)](#)

- (A) [Second](#) Amendment to the Amended and Restated Urban Renewal Development Agreement with Riverpoint West, LLC.
- (B) [Parcel](#) Development Agreement with the Edge at Gray's Landing, LLC and Redevelopment Plan for the construction of a 90 unit apartment building.
- (C) [Parcel](#) Development Agreement with the Nexus at Gray's Landing, LLC and Redevelopment Plan for the construction of a 142 unit apartment building.
- (D) [Amended](#) and Restated Parcel Development Agreement with Sherman Gray's Landing Office Development, LLC and Redevelopment Plan for the 72,000 square-foot Gray's Lake Office Building.

37. [Master](#) Subordination Agreement and Estoppel Certificate for refinancing of the East Village Square Apartments at 333 E. Grand Avenue.

[\(Council Communication No. 15-251\)](#)

38. [Letter](#) of Support for updated application to Iowa Economic Development Authority (IEDA) by Blackbird Investments, LLC for rehabilitation of 713 Walnut Street (Wilkins Building).

[\(Council Communication No. 15-268\)](#)

39. [Assignment](#) of contract for single-stream recyclables processing services with GreenStar Mid-America Recycling, LLC to Mid America Recycling, LLC and authorizing City Manager to negotiate and execute assignment agreement and amendment to contract.

[\(Council Communication No. 15-270\)](#)

40. Issuance of Revenue Bonds for the Wellmark YMCA Project by the following:

- (A) [City](#) of Carlisle.
- (B) [City](#) of Pleasant Hill.

41. [Donation](#) and Installation Agreement with Jonathan Latch for funding and installation of a disc golf course at Prospect Park and naming of disc golf course the Becky Zallek Disc Golf Course.

[\(Council Communication No. 15-243\)](#)

42. [Application](#) for funding from the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) and acceptance of Memorandum of Understanding between the City of Des Moines, City of West Des Moines and Polk County to purchase law enforcement equipment, \$133,585 Des Moines' share, \$12,577 West Des Moines' share.

[\(Council Communication No. 15-266\)](#)

43. [Administrative](#) Services Only and Stop Loss Insurance Agreement with Wellmark Blue Cross and Blue Shield of Iowa for employee and retiree health plans for the period July 1, 2015 through June 30, 2020.

[\(Council Communication No. 15-240\)](#)

44. [Agreement](#) with Kabel Business Services to provide claims administration for employees and Airport Authority employees, Flexible Spending Accounts and Health Reimbursement Accounts for the period July 1, 2015 through June 30, 2018.

[\(Council Communication No. 15-241\)](#)

45. [Agreement](#) with Delta Dental of Iowa for administrative services related to the City's Self-Insured Dental Plan for employees and certain retirees.

[\(Council Communication No. 15-242\)](#)

46. [Agreement](#) with U.S. Bank to provide automated payment processing services.

[\(Council Communication No. 15-271\)](#)

47. [Exception](#) to the Procurement Ordinance Competitive RFP Process for good cause, and approving renewal amendment to Insurance Agent/Broker Services Contract with Jester Insurance Services, Inc.

[\(Council Communication No. 15-265\)](#)

48. [Use](#) of various City Facilities as poll sites for the School Election to be held on Tuesday, September 8, 2015.

49. Bids from the following:

- (A) [Concrete](#) Repair for Structures (Greg Meinders, President) for an annual contract with two (2) additional one-year renewal options to furnish concrete construction services for repair and maintenance of minor concrete improvement for use by the Park and Recreation Department, estimated annual amount \$75,000. (Thirteen potential bidders, two received).
- (B) [Power](#) Curbers Inc. (Dyke Messinger, President) for one track type slip form curb and gutter paver for use by the Public Works Department, \$199,000. (Two potential bidders, two received).
- (C) [MED](#)-ENG (Scott O'Brien, President), sole area-wide distributor, for replacement bomb suits to be compatible with existing communication system equipment for use by the Police Department Homeland Security Bureau, \$193,104.

[\(Council Communication No. 15-244\)](#)

- (D) [Hewlett](#) Packard Co. (Meg Whitman, President) for replacement mass storage equipment per Western States Contracting Alliance price agreement for use by the IT Department, \$399,268.40.

[\(Council Communication No. 15-239\)](#)

- (E) [Hewlett](#) Packard Co. (Meg Whitman, President) for replacement workstations per Western States Contracting Alliance price agreement for use by the Police Department, \$49,871.85.

[\(Council Communication No. 15-245\)](#)

- (F) [Stroh](#) Corporation (Pat Miller, President) for rooftop HVAC replacement services for the 5th & Keo Skywalk for use by the Engineering Department, \$67,667. (Ten potential bidders, two received).
- (G) [Rubber](#) Roofing Systems Inc. (Dave Casey, President) for skywalk roof repair services at the Saddlery Building for use by the Engineering Department, \$25,280. (Eleven potential bidders, two received).

50. [Civil](#) Service Entrance Lists for Accounting Specialist I, Sewer Maintenance Worker, and Promotional List for Police Captain.

51. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 18, May 25, and June 1, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 18, May 25, and June 1, 2015 and to draw checks for biweekly payroll due on May 29, 2015.

ORDINANCES - FINAL CONSIDERATION

- 52. [On](#) vacation of Air Space, Surface and Subsurface Rights adjoining 222 5th Avenue.

ORDINANCES - SECOND CONSIDERATION

- 53. [Amending](#) Chapter 114 of the Municipal Code regarding hourly, night and event parking rates in City parking garages.
- 54. Items regarding Robert D. Ray Drive:
 - (A) [On](#) vacation of a portion of Robert D. Ray Drive, north of Des Moines Street, as a Park Road and Rededication as public street right-of-way.
 - (B) [Amending](#) Chapter 114 of the Municipal Code regarding rededication of Robert D. Ray Drive as public street right-of-way.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 15-264\)](#)

- (A) Removal of parking meter – east side of 17th Street, south of Grand Avenue.
- (B) Parking restriction revisions due to new construction – E. 4th Street from E. Locust Street to E. Grand Avenue.
- (C) Two-sided parking restriction – E. Porter Avenue from Indianola Avenue to SE 24th Street.
- (D) Parking Restriction relocation – E. 38th Street from University Avenue to Mahaska Avenue.
- (E) Handicapped parking space – south side of Walnut Street in the 1500 block.

COMMUNICATIONS/REPORTS

56. [From](#) Bernard Gaumer, 2323 E. Porter Avenue, Unit 39, to speak regarding improving the stretch of Indianola Avenue between SE 14th and downtown to include bike lanes.
57. [From](#) Linda Mathews, 3808 Kingman Blvd., to speak regarding planting oak trees in the parking.
58. [From](#) Grant Montour, 1305 S. 4th Street, Carlisle, to speak requesting that the current closing time for transient merchants be changed from 1:30 am to 2:30 am.
- 58-I ~~From Tom Akers to speak regarding sidewalk ADA ramps. Sponsor: Council Member Moore.~~

***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 59 THRU 64)

59. [On](#) request from Macerich Southridge Mall, LLC for approval of the 31st Amendment to the “C-4” Development Plan for Southridge Mall on property at 1111 E. Army Post Road to allow a 52-unit four-story senior living apartment dwelling.
60. [On](#) vacation and lease of a portion of public sidewalk on E. 4th Street adjoining 350 E. Locust Street to Scenic Route Bakery LLC for a sidewalk café.

[\(Council Communication No. 15-246\)](#)

- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.
61. [On](#) Fire Stations Number 2, 5, 7 and 9 Bathroom Remodeling: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Bryan Crow Construction, Inc. (Jerry Crow, President), \$285,217.

[\(Council Communication No. 15-262\)](#)

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

62. On Fire Station No. 7 Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Academy Roofing & Sheet Metal of the Midwest, Inc. d/b/a Academy Roofing & Sheet Metal Co. (Brian Krumm, President), \$88,400.

(Council Communication No. 15-261)

- (A) Approving contract and bond.

63. On 2015 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as TI-Zack Concrete, Inc. (Steve J. Rutt, President), \$422,130.

(Council Communication No. 15-258)

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

64. Resolution to REJECT all bids and to close the hearing on plans, specifications, form of contract and Engineer's estimate for the 2015 Brick Street Repair Program.

(Council Communication No. 15-256)

- (A) Ordering construction of 2015 Brick Street Repair Program: Receiving of bids, (6-9-15), Setting date of hearing, (6-22-15). Construction Estimate, \$130,000.

(Council Communication No. 15-255)

END HEARINGS AT _____PM

CITY MANAGER RECOMMENDATIONS

65. Regarding development of the City-owned parking lot, east of City Hall (continued from May 4th).

(Council Communication No. 15-250)

APPROVING

66. [Assumption](#) Agreement with Red Rock Area Community Action Program, Inc. for conveyance of Des Moines Community Action Agency programs and service area.

([Council Communication No. 15-269](#))

(A) [Diminution](#) of employees.

67. [Continuing](#) approval of updates to the Sample By-laws for Recognized Neighborhood Associations (continued from April 20, 2015).

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
 - (A) [3217](#) Amherst Street, main structure; Titleholder: Gary Oeth.
 - (B) [3108](#) E. 8th Street, fire-damaged main structure; Titleholder: Gary Oeth.
 - (C) [2400](#) E. 11th Street, fire-damaged main structure; Titleholder: Gary Oeth; Mortgage Holder: Metabank.
2. [Notification](#) from State Farm Insurance stating their insured, Paula Rochon, 1405 Idaho Street, sustained a fire loss and a fire escrow/demolition reserve is being held.

MOTION TO ADJOURN.

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