

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

**July 27, 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 i of the Iowa Code to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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PROCLAMATIONS – 4:15 PM

National Night Out

INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 37:

***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) BUD TENT 3000 E GRAND AVE C Beer/Wine
- (B) COWNIE SOCCER COMPLEX 2600 HARTFORD B Beer
- (C) EXTRA INNINGS 1500 SE 1ST ST C Liquor

RENEWAL APPLICATIONS

- (D) BARCADIUM 102 3RD ST C Liquor
- (E) DERRYS LOUNGE 4845 MERLE HAY C Liquor
- (F) DRAKE - RATHSKELLER 2875 UNIVERSITY C Liquor
- (G) FAMILY PANTRY 4538 LOWER BEAVER E Liquor
- (H) GIT N GO STORE #26 2140 E PARK AVE C Beer
- (I) GIT N GO STORE #7 3000 MERLE HAY C Beer
- (J) JOKERS 216 COURT AVE C Liquor
- (K) LA PIZZA HOUSE 1440 MAURY ST C Liquor
- (L) MISS VS HONKY TONK 1833 HUBBELL AVE C Liquor
- (M) OLD WEST BARBEQUE 3000 E GRAND AVE B Beer
- (N) RICHARD O JACOBSON 3000 E GRAND AVE C Liquor
- (O) STAR BAR 2811 INGERSOLL AVE C Liquor
- (P) ZOMBIE BURGER 300 E GRAND AVE C Liquor

TRANSFER TO NEW LOCATION

- (Q) GRANDSTAND & PITS 3000 E GRAND AVE B Beer
Temporary transfer to the Cattle Barn from August 10 – 16, 2015 for the Iowa State Fair.
- (R) GRANDSTAND & PITS 3000 E GRAND AVE B Beer
Temporary transfer to the Cattle Barn from August 17 – 23, 2015 for the Iowa State Fair.

OUTDOOR SERVICE APPLICATIONS

- (S) MAINGATE 2956 E GRAND AVE C Liquor
Temporary in conjunction with the Iowa State Fair. Pending approval of Building and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

- (T) 515 ALIVE 1418 GRAND AVE Five (5) Day License
Class C Liquor License for Music Festival on August 7 – 8, 2015.

- (U) BIRDS NEST 3000 E GRAND AV C Beer/Wine
Fourteen day license for the Iowa State Fair from August 13 – 23, 2015.
- (V) BUDWEISER STAGE 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 13 – 23, 2015.
- (W) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for Shania Twain Pre-party on August 6, 2015.
- (X) GRANDSTAND 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 13 – 23, 2015.
- (Y) HY VEE WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for a conference on August 14 – 15, 2015.
- (Z) IOWA CRAFT BEER TENT 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 13 – 23, 2015.
- (AA) IOWA STATE FAIR 3000 E GRAND AVE C Native Wine
Fourteen day license at the Grandfather’s Barn for the Iowa State Fair from August 13 – 23, 2015.
- (BB) KNAPP STAGE 3000 E GRAND AVE B Beer
Fourteen day license for the Iowa State Fair from August 13 – 23, 2015.
- (CC) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on August 7, 2015. Pending approval of Building and Zoning Departments.
- (DD) RUN FOR MELANOMA 2201 GEORGE FLAGG C Beer/Wine
Special Class C Liquor License (Beer/Wine) for Hats & Shades event on August 9, 2015.
- (EE) TOP OF THE VINE 3000 E GRAND AVE C Beer/Wine
Fourteen day license for the Iowa State Fair from August 13 – 23, 2015.

~~5. Consideration of renewal Class E Liquor License with C Beer and B Wine privilege for Nat Food Mart #1, 3804 Hubbell Avenue.~~

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Police](#) Station Reroofing: Receiving of bids, (8-11-15), Setting date of hearing (8-24-15), Construction estimate, \$210,000.

[\(Council Communication No. 15-425\)](#)

- (B) [2014-2015](#) Sidewalk Program: Receiving of bids, (8-11-15), Setting date of hearing (8-24-15), Construction estimate, \$70,000.

[\(Council Communication No. 15-412\)](#)

- (C) [12th](#) Street Two Way Conversion: Receiving of bids, (8-11-15), Setting date of hearing, (8-24-15), Construction estimate, \$57,225.

[\(Council Communication No. 15-411\)](#)

7. [Approving](#) Fiscal Year 2017 Traffic Safety Fund Applications to The Iowa Department of Transportation.

[\(Council Communication No. 15-428\)](#)

8. [Approving](#) the execution of Iowa Department of Transportation Agreement for the Citywide Fixed Time Signal Upgrade Phase 2.

[\(Council Communication No. 15-423\)](#)

9. [Approving](#) Supplemental Agreement No. 5 to the Professional Services Agreement with Brown Engineering Company for the Des Moines Skywalk Bridge Roof Analysis & Design, not to exceed \$16,950.

[\(Council Communication No. 15-427\)](#)

10. [Approving](#) completion and acceptance of Private Construction Contract for skywalk improvements, 801 Grand Avenue between CTG Construction, LLC and Principal Life Insurance Company.

SPECIAL ASSESSMENTS

11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-05.

LAND/PROPERTY TRANSACTIONS

12. [Authorizing](#) acquisition of necessary right-of-way and easements for the South Union Street Bridge over Middle South Creek Replacement Project by gift, negotiation or eminent domain.

[\(Council Communication No. 15-416\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Attendance](#) Reports of the various City Boards and Commissions through June 30, 2015.

COMMUNICATIONS FROM PLANNING AND ZONING

14. [Regarding](#) request from Green Ltd., LLC, (Owner) represented by Richard Eychanger (Officer) for vacation of a 46-foot by 112.5-foot segment of SW 4th Street.
 - (A) [City](#) Council initiated request for vacation of SW 4th Street lying south of West Martin Luther King, Jr. Parkway and a portion of West Martin Luther King Jr. Parkway (also known as Elm Street) between SW 3rd Street and SW 4th Street, all adjoining 300 West Martin Luther King Jr. Parkway. Sponsor: Council Member Hensley.

SETTING DATE OF HEARINGS

15. [On](#) vacation of a portion of E. 18th Street right-of-way west of Hubbell Avenue, and approval of a permanent easement with the Des Moines Area Regional Transit (DART) Authority for the placement of a bus shelter on the vacated City right-of way, \$200, (8-10-15).
- ~~16. On conveyance of alley rights of way adjoining 103 and 123 SW 3rd Street and 106 and 112 SW 2nd Street to Roers Investments, LLC for multi-family residential housing project, \$280,000, (8-10-15).~~

17. [On](#) vacation and conveyance of a portion of the east/west alley between Olinda Avenue and Fulton Drive, east of Highland Street, to Daniel Leaming and Andrea Leaming, \$50 and to Douglas McGillivray, \$100, (8-10-15).
18. [On](#) request from Luther Care Services, (owner) represented by Nick Miller, to rezone property at 1546 Hull Avenue, from “R-2” (Multiple-Family Residential) to “PUD” (Planned Unit Development), to allow for consideration of an amendment to the Luther Park PUD Conceptual Plan to expand the area to include the property and allow conversion of the former Polk County Youth Shelter Facility to an adult daycare center, and to amend the PUD Conceptual Plan (8-10-15)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) payment to Belin McCormick Law Firm for services in conjunction with Kragnes v. City of Des Moines, \$4,072.15.
20. [Approving](#) payment to Hall & Associates for services related to NPDES Permit, \$1,854.13.
21. [Approving](#) payment for liability claims of Karen Hutton, Kayla Hutton, and Tiffany Justus.
22. [Affirming](#) settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training request for Christine Hensley, Jonathan Lund, and Scott Sanders.

[\(Council Communication No. 15-430\)](#)

APPROVING

24. [Renewal](#) of contract with Holland & Knight LLP to provide Federal Legislative Consulting Services.
25. [Authorization](#) to submit a Flood Mitigation Assistance (FMA) Application and request to the Federal Emergency Management Agency (FEMA) for proposed voluntary hazard mitigation buyout and demolition projects.

[\(Council Communication No. 15-426\)](#)

26. [Community](#) Impact Investment Agreement between United Way of Central Iowa, Des Moines Community Action Agency and Red Rock Area Community Action Program (Four Cornerstones Financial Education Program).

[\(Council Communication No. 15-402\)](#)

~~27. Facility Use Agreement with Premier Event Management, LLC for Gray's Lake Park and Meredith, Kruidenier and Southwest Connector Trails for the Des Moines Triathlon.~~

28. [Repayment](#) Agreements with U.S. Department of Housing and Urban Development (HUD) and YMCA of Greater Des Moines for Supportive Housing Program Funding.

29. [Issuance](#) of Certificate of Completion to 215 East 3rd Street, LLC for conversion of the former Dilley Manufacturing Building at 215 E. 3rd Street for office, restaurant and commercial uses.

30. [Issuance](#) of Certificate of Completion to 505 East Grand, LLC for construction of a new 2-story building for mixed-use retail and commercial uses at 505 E. Grand Avenue.

31. Items regarding General Obligation Bonds:

- (A) [Amending](#) the Resolution Authorizing the Issuance of \$30,075,000 General Obligation Bonds, and levying a tax for the payment, by substituting a new resolution authorizing and approving the issuance of \$40,225,000 Bonds, Series 2015A

- (B) [Resolution](#) authorizing and providing for the issuance of \$19,655,000 General Obligation Refunding Bonds, Series 2015B, and levying a tax to pay.

- (1) [Authorizing](#) the redemption of outstanding General Obligation Bonds, Series 2008 and Series 2008E (Urban Renewal) dated June 23, 2008, and directing that notices of redemption be given.

- (C) [Authorizing](#) and providing for issuance of \$1,890,000 Taxable General Obligation Refunding Bonds, Series 2015C and levying a tax to pay.

32. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2015.

33. [Request](#) for Proposal (RFP) to promote housing rehabilitation in the East Bank Neighborhoods.

[\(Council Communication No. 15-404\)](#)

34. Bids from the following:

- (A) [B & G](#) Construction (Gary Bowen, Owner) for an annual contract with two (2) additional one-year renewal options to furnish board-up services for vacant and abandoned houses for use by the Community Development Department, estimated annual cost \$50,000. (Five potential bidders, one received).

[\(Council Communication No. 15-403\)](#)

- (B) [Central](#) Iowa Mechanical (Larry Goode, Jr, President) for an annual contract with two (2) additional one-year renewal options to furnish plumbing repair services for hook-ups of private lines to the City-owned sanitary sewer mains related to the City's construction and maintenance work on such City sewer mains, estimated annual cost \$128,000. (Ten potential bidders, one received).

[\(Council Communication No. 15-400\)](#)

- ~~(C) [Harrison Truck Centers](#) (Brian Harrison, President) for three (3) replacement catch basin cleaner combination sewer equipment trucks for use by the Public Works Department, \$962,979. (Six potential bidders, five responding with thirteen (13) proposals).~~

- (D) [Star](#) Equipment (Bruce Bowman, President) for one replacement asphalt melter/applicator for use by the Public Works Department, \$37,255. (Three potential bidders, two received).

- (E) [Smith](#) Fertilizer (Max Smith, President) for joint purchase along with the cities of West Des Moines, Waukee, Johnston and Windsor Heights, and Dallas County for an annual agreement with two (2) additional one-year renewal options to furnish deicing chemicals for use by the Public Works Department, estimated annual amount \$121,200. (Seventeen (17) potential bidders, five received).

[\(Council Communication No. 15-398\)](#)

35. [Civil](#) Service Promotional List for Senior Police Officer.

36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 27 and August 3, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 27 and August 3, 2015; and to draw checks for biweekly payroll due on August 7, 2015.

ORDINANCES - SECOND CONSIDERATION

- 37. [Amending](#) Section 38-81 regarding the definition of a false fire alarm.
 - (A) [Final](#) consideration of ordinance above, (waiver request by the Fire Department), requires six votes.

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

FINAL CONSIDERATION

- 38. [Amending](#) Chapter 102 of the Municipal Code regarding Right-of-way Management Fees.
 - (A) [Approving](#) amendment to the Schedule of Fees regarding Right-of-Way Management Program.

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 15-410\)](#)

- (A) Revisions to the Municipal Code regarding the opening of E. Martin Luther King Jr. Parkway between SE 9th Street and SE 15th Street.
- (B) Parking Meter District boundary changes.
- (C) Parking Restriction – north side of Hull Avenue from 1546 Hull Avenue to E. 16th Street.
- (D) Parking Restriction – Laurel Hill Road.
- (E) Removal of restrictions – South Side of Center Street between 28th Street and 31st Street.
- (F) Final consideration or ordinance above, (waiver requested by the City Traffic Engineer), requires 6 votes.

40. [Amending](#) Chapter 114 of the Municipal Code regarding snow routes.

[\(Council Communication No. 15-399\)](#)

COUNCIL REQUESTS

41. [From](#) Council Member Bob Mahaffey, to discuss the naming of the new shelter at Sheridan Park, being built in cooperation with Polk County, in honor of Lewis E. Rhodes, Jr.

COMMUNICATIONS/REPORTS

42. [From](#) Colleen Kinney, 632-40th Street, to speak on behalf of the North of Grand Neighborhood Association, regarding 3625 Ingersoll Avenue.
- ~~43. From Jason Kurth and Norm Bormann, to speak regarding a development agreement with the Diocese of Des Moines, 601 Grand Avenue.~~
44. [From](#) Robert L. Martin, 2117 36th Street, to speak regarding fireworks and Animal Control.
45. [From](#) Sherrie Taha, Polk County Soil & Water Conservation District, to give recognition to the City of Des Moines as “Partner of the Year” for the City's ongoing participation in the development and implementation of the Easter Lake Water Quality Plan.

***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 PM) (ITEMS 46 THRU 60)

46. [On](#) adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Echo Valley Urban Renewal Area, **and to continue to August 24, 2015 at 5:00 PM.**

[\(Council Communication No. 15-406\)](#)

47. [On](#) adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Eastgate Urban Renewal Area, **and to continue to August 24, 2015 at 5:00 PM.**

[\(Council Communication No. 15-407\)](#)

48. On lease of 418 E. Grand Avenue to Nelson Development 10, LLC for continued surface parking use.

[\(Council Communication No. 15-409\)](#)

49. On request from Airport Development, LLC for Second Amendment to the Airport Commerce Park South PUD Conceptual Plan at 7201 and 7301 SW 22nd Street.

50. On items regarding Electrical Power Products, Inc., (EP2):

- (A) Request for first amendment to the Vision Fuels PUD Conceptual Plan on property in the SE Agribusiness Urban Renewal Area.
- (B) On the proposed purchase of land in the SE Agrimergent Business Park.

[\(Council Communication No. 15-429\)](#)

51. To correct vacation and to vacate and convey the east/west alley adjoining 1500 Woodland Avenue, 615 16th Street and 1530 Woodland Avenue.

[\(Council Communication No. 15-420\)](#)

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

52. On vacation of a portion of E. Market Street right-of-way adjoining 111 SE 7th Street and for conveyance of a building encroachment easement to Thomas A. Pike, \$1,500.

[\(Council Communication No. 15-422\)](#)

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

53. On vacation and conveyance of the SW 60th Street right-of-way adjoining 6216 SW 60th Street and 6001 Army Post Road to Annett Holdings, Inc., \$82,000.

[\(Council Communication No. 15-419\)](#)

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

54. [On](#) vacation of City-owned right-of-way for the Southeast Connector Project – SE 9th Street to SE 15th Street.

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

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

55. Items regarding 1240 and 1244 2nd Avenue, **continued from July 13, 2015:**

[\(Council Communication No. 15-421\)](#)

(A) [Amend](#) the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to General Industrial; from Commercial: Pedestrian-Oriented Commercial Corridor to General Industrial; and from General Industrial to Commercial Pedestrian-Oriented Commercial Corridor.

(B) [Hearing](#) on request from Jerome T. Bassman and Sari D. Bassman Irrevocable Trust to rezone 1240 and 1244 2nd Avenue from “R1-60” (One-Family Low-Density Residential), “NPC” (Neighborhood Pedestrian Commercial) and “M-1” (Light Industrial) to Ltd. “M-1” (Light Industrial) for expansion of the existing Commercial Bag & Supply and from “M-1”, “R1-60” and Ltd. “NPC” to Ltd. “NPC” to allow for development of a restaurant with pedestrian-oriented placement toward 2nd Avenue, subject to conditions.

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

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

(E) [Hearing](#) on vacation and conveyance of the north/south alley between 2nd Avenue and 3rd Street from Indiana Avenue to Creighton Avenue to Commercial Bag and Textile, Inc., \$7,980.

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

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

56. [On](#) 2015-2016 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specification, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation, (Kurt Rasmussen, President), \$509,817.

[\(Council Communication No. 15-415\)](#)

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

57. [On](#) Emergency Lighting – Center Street Park and Ride: Resolution approving plans, specification, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Baker Mechanical, Inc. DBA Baker Group, (Bernard J. Baker III, Chairman), \$228,240.

[\(Council Communication No. 15-417\)](#)

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

58. [On](#) the Diamond Grinding Program: Resolution approving plans, specification, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Diamond Surface, Inc., (Terrence L. Kraemer, President), \$692,447.25

[\(Council Communication No. 15-414\)](#)

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

59. [On](#) the Guthrie Avenue Viaduct over UPRR Expansion Joint Replacement: Resolution approving plans, specification, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jensen Construction Company, (Kurt E. Rasmussen, Owner) \$630,199.12.

[\(Council Communication No. 15-418\)](#)

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

60. [On](#) 2015 City-wide PCC Pavement Restoration Program: Resolution approving plans, specification, form of contract documents, Engineer's estimate and designating lowest responsible bidder as T K Concrete Inc., (Tony J VerMeer, President) \$250,825.

[\(Council Communication No. 15-413\)](#)

(A) [Approving](#) contract and bond.

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

APPROVING

61. [Authorization](#) to proceed with a partial City tree inventory with a revised funding amount.

([Council Communication No. 15-401](#))

62. [Iowa](#) Department of Transportation Agreement for the Downtown Bicycle Plan Phase 2.

([Council Communication No. 15-424](#))

- ~~63. Amended and Restated Agreement with Macerich Southridge Mall LLC and Southridge Adjacent LLC for the redevelopment and repurposing of Southridge Mall at SE 14th Street and E. Army Post Road.~~

- ~~(A) Approving Assignment and Assumption of Urban Renewal Agreement with Macerich Southridge Mall LLC and Southridge Senior Lofts, LLC to permit the sale of a portion of the Southridge Mall for a senior housing project.~~

MOTION TO ADJOURN.

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