

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

January 11, 2016 4:30 PM

**Reception 3:30-4:00 PM
Great Hall, 2nd Floor**

**T.M. Franklin Cownie, Mayor
Linda Westergaard, Council Member Ward II
Joe Gatto, Council Member Ward IV
Chris Coleman, Council Member At-Large**

Swearing in Ceremony 4:00-4:15 PM

INVOCATION: Council Member Linda Westergaard

1. ROLL CALL:

I. Approving reappointment of the following:

- (A) City Manager.
- (B) City Attorney.
- (C) City Clerk.
- (D) Chief Deputy City Clerk.
- (E) Chief Deputy City Attorney, Deputy City Attorneys and Assistant City Attorneys.

(1) Appointments of Michelle Mackel-Wiederanders as an Assistant City Attorney/Senior Litigator and Jessica D. Spoden as an Assistant City Attorney to fill vacancies within the Litigation Division of the Legal Department.

II. Approving recommendation of Mayor Cownie for appointment of Mayor Pro Tem for Calendar Year 2016.

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)	300 CRAFT & ROOFTOP	300 W MLK JR PKWY	C Liquor
(B)	CANDELA	2925 INGERSOLL	C Liquor
(C)	CHICAGO STYLE BAR & GRILL	910 HULL AVE	C Liquor

RENEWAL APPLICATIONS

(D)	1810 BAR & GRILL	1810 ARMY POST RD	B Liquor
(E)	BEAVER TAP	4050 URBAN DALE	C Liquor
(F)	CASEYS #2244	2150 E ARMY POST	C Beer
(G)	CASEYS #2322 *(1)	4331 PARK AVE	C Beer
(H)	CONEY ISLAND #2	3700 SW 9TH ST	B Beer
(I)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(J)	FAST MART	1621 UNIVERSITY	E Liquor
(K)	FEDERAL DISTRIBUTORS INC	3000 E GRAND AVE	C Beer/Wine
(L)	GIT N GO STORE #29	4900 URBAN DALE	C Beer
(M)	GUSTO PIZZA CO	1905 INGERSOLL	C Beer/Wine
(N)	HAIKU SUSHI	1315 31ST ST	C Liquor
(O)	HY VEE WINE & SPIRITS	3424 MLK PKWY	E Liquor
(P)	JIFFY #924	3718 SW 9TH ST	C Beer
(Q)	KUM & GO #573 *(1)	5830 SE 14TH ST	E Liquor
(R)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(S)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(T)	RESIDENCE INN DES MOINES	100 SW WATER ST	B Liquor
(U)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	A Liquor
(V)	SUPER STOP *(2)	727 SE 14TH ST	E Liquor
(W)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer
(X)	TROPHYS SPORTS BAR	2701 DOUGLAS AVE	C Liquor
(Y)	WASABI TAO	400 WALNUT ST	C Liquor

SPECIAL EVENTS APPLICATIONS

(Z)	HY VEE HOLIDAY PARTY	100 LOCUST ST	Five (5) Day License Class C Liquor License for a party on January 23, 2016.
-----	----------------------	---------------	---

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [Birdland](#) Park Trail Connection: Receiving of bids, (1-26-16), Setting date of hearing, (2-8-16). Construction estimate, \$150,000.

[\(Council Communication No. 16-010\)](#)

- (B) [Neal](#) Smith Trail Rehabilitation – Riverview Park to Euclid Avenue: Receiving of bids, (1-20-16), Setting date of hearing, (2-8-16). Construction estimate, \$430,000.

[\(Council Communication No. 16-011\)](#)

- (C) [2014-2015](#) Sidewalk Program: Receiving of bids, (1-26-16), Setting date of hearing, (2-8-16). Construction estimate, \$80,000.

[\(Council Communication No. 16-009\)](#)

7. [Approval](#) of contract and bond, and permission to sublet on Walnut Street Streetscape – Phase 1, \$4,147,718.75.

8. [Approving](#) Supplemental Agreement No. 1 to the agreement for professional services with Modus Engineering, Ltd. for design and construction services for audio/visual and broadcasting equipment relocation for interim City Council Chambers as part of the City Hall building systems design for an additional amount not to exceed \$16,500.

[\(Council Communication No. 16-015\)](#)

9. [Approving](#) Supplemental Agreement No. 1 to the agreement for professional services with HDR Engineering, Inc. for preliminary and final designs and bidding assistance for the Lower Oak Park and Highland Park Sewer Separation Project, for an additional amount not to exceed, \$927,025.

[\(Council Communication No. 16-012\)](#)

10. Approving Private Construction Contracts between McAninch Corporation and Bridge District Verve, LLC for the following in Bridge District Verve, 700 E. 2nd Street:

- (A) [Storm](#) sewer improvements.

- (B) [Sanitary](#) sewer improvements.

11. Approving completion and acceptance of the private construction contracts for the following:
 - (A) [Alley](#) paving improvements, west of E. 16th Street from Des Moines Street to E. Grand Avenue, between Jordison Construction, Inc. and Neighborhood Development Corporation.
 - (B) [Paving](#) improvements, 2428 Hubbell Avenue, between The Hansen Company, Inc. and QuikTrip Corporation.
 - (C) [Paving](#) improvements, 430 Grand Avenue, between 4Sight Group, LLC, d/b/a 4Sight Construction and EMM Associates, LP.
 - (D) [Paving](#) improvements, E. 33rd Street and E. 34th Street, between McAninch Corporation and St. Joseph Parish.
 - (E) [Paving](#) improvements, Market Street, between SW 2nd Street and Water Street, between Baxter Construction Company, LLC and Waterfront Lodging, Inc.
 - (F) [Sanitary](#) sewer improvements, Ingersoll Avenue and 15th Street, between Baker Group and Krause Holdings, Inc.

12. Accepting completed construction and approving final payment for the following:
 - (A) [12th](#) Street Two Way Conversion, Baker Electric, Inc.
 - (B) [Williams](#) Street Culvert Replacement, south of Timber Lane, J & K Contracting, LLC.
 - (C) [E.](#) Euclid & Dixon Traffic Signal Upgrade, T K Concrete Inc.
 - (D) [Guthrie](#) Avenue Viaduct over UPRR Expansion Joint Replacement, Jensen Construction Company.
 - (E) [Elm](#) Grove Cemetery Roadway Improvements, Grimes Asphalt & Paving Corp.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-01.

LAND/PROPERTY TRANSACTIONS

14. [Conditionally](#) approving Final Subdivision Plat of Carman Estates Plat 8 located in the 2300 block of E. Porter Avenue.

[\(Council Communication No. 16-006\)](#)

15. [Conditionally](#) approving Final Subdivision Plat of Grandview Meadows located in the 4200 block of Grandview Avenue.

[\(Council Communication No. 16-007\)](#)

16. [Approving](#) final Subdivision Plat of Bridge District Plat 1 located in the vicinity of 711 E. 2nd Street.

[\(Council Communication No. 16-005\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Communication](#) from Neal Westergaard advising of his resignation from the Neighborhood Revitalization Board, Seat 8, effective immediately.

(A) [Recommendation](#) from Council Member Linda Westergaard to appoint Alex Piedras to the Neighborhood Revitalization Board, Seat 8, for the remainder of a three-year term to expire June 30, 2016 and an additional three-year term expiring June 30, 2019.

18. [Recommendation](#) from Mayor T. M. Franklin Cownie to appoint Council Member Linda Westergaard to serve as the City's representative on the Greater Des Moines Botanical Garden Board of Directors, effective immediately.

19. [Appointment](#) of Police Chief Dana Wingert as primary member and Sandra Morris as the alternate to the Polk County Joint E911 Service Board.

SETTING DATE OF HEARINGS

20. [On](#) vacation of a portion of E. Martin Luther King, Jr. Parkway right-of-way adjoining 504 SE 6th Street and conveyance of a permanent easement for building encroachment to Buchanan Holdings, LLC, \$2,438, (1-25-16).

21. [On](#) request from Dale Jones to rezone 712 and 718 SE Astor Street from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow for a junk/salvage yard to expand the existing operations, (1-25-16).

22. On items regarding issuance of bonds, (1-25-16):

[\(Council Communication No. 16-025\)](#)

(A) [Not](#) to exceed \$21,500,000 General Obligation Bonds for Essential Corporate Urban Renewal Purposes.

(B) [Not](#) to exceed \$5,000,000 Urban Renewal Revenue Bonds.

23. [On](#) issuance of Vehicle for Hire Company Certificate for Crown Cab LLC, (1-25-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to general matters, \$1,690.50.

25. [Approving](#) payment to Ahlers & Cooney, PC Law Firm relating to the Iowa Events Center Hotel Project, \$3,430.

26. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to Collective Bargaining, \$6,272.75.

27. [Approving](#) payment to Eugene Aswegan for a workers’ compensation claim.

28. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training request for Matt Anderson, Darren Cornwell and Todd Wilshusen.

[\(Council Communication No. 16-024\)](#)

APPROVING

30. [Third](#) Amendment to the Urban Renewal Development Agreement with Indigo Dawn, LLC for the redevelopment of 800 19th Street and Subrogation Agreement for additional financing by Lincoln Savings Bank.

[\(Council Communication No. 16-008\)](#)

31. [Continuing](#) Disclosure Policy and approving revisions to the Debt Management Program Policy of the City of Des Moines.

[\(Council Communication No. 16-026\)](#)

32. [An](#) application for the United States Department of Homeland Security FEMA FY2015 Assistance to Firefighters Grant (AFG).

[\(Council Communication No. 16-002\)](#)

33. [Exception](#) to competitive procurement process and approving License Agreement with CYCOM Data Systems, Inc. to provide software for a Litigation Management System tailored to the needs of a Municipal Legal Department.

34. [Receipt](#) of communication from Downtown Community Alliance, on behalf of Iowa State University, requesting approval of banner designs for banners to be displayed on Locust Street and 5th Street, February through September 2016.

35. Bids from the following:

(A) [TNT](#) Landscaping (Mike Tucker, President) for 619 trees to be planted at various City park locations for use by the Public Works Department, \$195,365. (Ten (10) potential bidders, five received).

(B) [Hewlett](#) Packard Co. (Meg Whitman, President) for a server per Western States Contracting Alliance price agreement for use by the IT Department, \$26,932.30.

[\(Council Communication No. 16-004\)](#)

~~(C) Stew Hansen Dodge City (Dan Boettcher, General Manager), Charles Gabus Ford (Gene Gabus, President) and Stivers Ford (Scott Politte, General Manager) for various replacement vehicles for City wide use, total cost \$948,889.30. (Nineteen (19) potential bidders, four received).~~

36. [Civil](#) Service Entrance Lists for Family Self Sufficiency and Homeownership Supervisor, and Wastewater Facilities Engineer.
37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 11 and 18, 2016; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 11 and 18, 2016; and to draw checks for biweekly payroll due on January 22, 2016.

ORDINANCES - SECOND CONSIDERATION

38. [On](#) vacation of a portion of SW 31st Street right-of-way and a portion of Wolcott Avenue right-of-way adjoining 3029 Wolcott Avenue.

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

***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 39 THRU 44)

39. [On](#) appeal by QuikTrip Corporation seeking approval of a site plan for a convenience store at 1200 Keosauqua Way and 1201 Center Street **and to continue to January 25, 2016.**

~~(A) Denying request.~~

OR

~~(B) Conditionally approving request.~~

40. On vacation of air space and subsurface rights in a portion of City street right-of-way adjoining 219 E. Grand Avenue and conveyance of an air rights easement within E. Grand Avenue and E. 2nd Street and conveyance of a subsurface easement within E. Grand Avenue to 219 Grand, LLC for \$6,307.

[\(Council Communication No. 16-018\)](#)

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

41. On conveyance of a vacated portion of the 18th Street right-of-way located north of Olive Avenue and adjoining 944 18th Street to Wesley Community Services, Inc., \$5,192.

[\(Council Communication No. 16-016\)](#)

42. On vacation and conveyance of a portion of the east/west alley between Franklin Avenue and Allison Avenue, east of 18th Street to Beverly L. Wallace, \$100.

[\(Council Communication No. 16-019\)](#)

- (A) First consideration of ordinance above.

43. On lease agreement with American Towers LLC on City-owned property at 4800 Douglas Avenue.

[\(Council Communication No. 16-014\)](#)

44. On SW 5th Street (Jackson Avenue) Bridge Rehabilitation: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Cramer and Associates, Inc. (Robert Cramer, President/CAO), \$2,245,020.

(Council Communication No. 16-017)

- (A) Approving contract and bond, and permission to sublet.
- (B) Confirmation and designation of "Fifth Street Bridge" as name of bridge as part of Meredith Multi-Use Recreational Trail.
- (C) Approving Professional Services Agreement with Genesis Structures, Inc. for SW 5th Street (Jackson Avenue) Pedestrian Bridge Rehabilitation, not to exceed \$103,000.

(Council Communication No. 16-013)

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

APPROVING

45. Preliminary terms of agreement with Principal Financial Group and Nelson Development for a joint development proposal for the former YWCA and 7th & Grand Parking Garage sites.

(Council Communication No. 16-021)

46. Items regarding award of contract for the provision of Professional Municipal Advisor for Financial Services: **(Choose A or B)**

(Council Communication No. 16-023)

- (A) Affirming the City Manager's report overruling appeal of Piper Jaffray RFP Evaluation and Selection Committee Recommendation for award of contract for the provision of professional municipal advisor for financial services to Public Financial Management, Inc. (PFM), accepting PFM proposal and approving award of contract to PFM and authorizing the City Manager to negotiate and execute a contract.

OR

- (B) Overruling the City Manager's report which overruled appeal of Piper Jaffray RFP Evaluation and Selection Committee Recommendation for award of contract for the provision of professional municipal advisor for financial services to Public

Financial Management, Inc. (PFM), rejecting the Committee's recommendation, and directing the Committee to reconvene to reevaluate proposals.

47. [Consideration](#) of request from Burns United Methodist Church, 1909 Martin Luther King, Jr. Pkwy., represented by Joyce Wilks, to demolish the building located at 811 Crocker Street pursuant to Section 58-70 of the Historic Preservation Ordinance **(continued from December 21, 2015) (Choose A or B)**.

[\(Council Communication No. 16-020\)](#)

- (A) Determine that the application for demolition of the building **shall** be referred to the Landmark Review Board.

OR

- (B) Determine that the application for demolition of the building **shall not** be referred to the Landmark Review Board

48. Number Not Used.

49. Abatement of public nuisances at the following addresses:

- (A) [420](#) Orchard Avenue, main structure and accessory structure.
- (B) [610](#) Hickory Hill Lane, main structure.
- (C) [1429](#) University Avenue, main structure.
- (D) [3800](#) Martin Luther King Boulevard, Building 3, main structure.

50. **CLOSED SESSION**

- (A) 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 and Section 20.17(3) of the Code of Iowa to discuss collective bargaining strategy.
- (B) Closed Session.
- (C) Terminate closed session and reconvene in open session.

MOTION TO ADJOURN.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010