

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

**September 24, 2018  
4:30 PM**

**PROCLAMATIONS – 4:00 PM**

Italian Heritage Month

Manufacturing Day

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
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) DRAKE UNIVERSITY                      2505 CARPENTER ST    C Beer/Wine

**RENEWAL APPLICATIONS**

- (B) ANDYS PLACE                              5114 SW 9TH ST            C Liquor  
(C) BEER CAN ALLEY/EXCHANGE            216 COURT AVE            C Liquor  
(D) CASEYS #44                                4560 E 14TH ST            C Beer  
(E) DES MOINES IZAAK WALTON            4343 GEORGE FLAGG    C Liquor  
(F) DES MOINES MARRIOTT HOTEL        700 GRAND AVE            B Liquor  
(G) DES MOINES MARRIOTT HOTEL        700 GRAND AVE            E Liquor  
(H) EAST VILLAGE PANTRY                    333 E GRAND AVE        E Liquor



- (EE) POLK COUNTY DEMOCRATS 2201 GEORGE FLAGG Five (5) Day License Special Class C Liquor License (Beer/Wine) for Polk County Steak Fry on September 29, 2018.
  - (FF) ST AUGUSTINS CHURCH 545 42ND ST Five (5) Day License Class C Liquor License for KC Smoker Poker Fundraiser on September 29, 2018. Pending approval of Building Department.
  - (GG) YOUR PRIVATE BARTENDER 504 E LOCUST ST Five (5) Day License Class C Liquor License for an event on September 29, 2018. Pending approval of Building and Fire Departments.
  - (HH) YOUR PRIVATE BARTENDER 3000 E GRAND AVE Five (5) Day License Class C Liquor License for a wedding reception on October 6, 2018.
  - (II) ZOMBIE BURGER 97 INDIANA AVE Five (5) Day License Class B Beer License for Death March to the Slaughterhouse on October 6, 2018.
5. Number not used.
  6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

**PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:
  - (A) [Storm](#) Drainage Category D Repair at 38<sup>th</sup> Street and Amick Avenue, 27<sup>th</sup> Street and Meek Avenue: Receiving of bids, (10-9-18), Setting date of hearing, (10-22-18). Engineer’s estimate, \$215,000.  
  
([Council Communication No. 18-485](#))
  - (B) [Storm](#) Drainage Category D Repair Contract 1: Receiving of bids, (10-9-18), Setting date of hearing, (10-22-18). Engineer’s estimate, \$168,000.  
  
([Council Communication No. 18-486](#))
8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) agreement for East Douglas Avenue Widening from E. 42<sup>nd</sup> Street to E. 56<sup>th</sup> Street.  
  
([Council Communication No. 18-477](#))
9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

10. Accepting completed construction and approving final payment for the following:

(A) [2017](#) Parking Garage Repair Program, E & H Restoration, L.L.C.

(B) [2017](#) City-Wide PCC Pavement Restoration Program, TK Concrete Inc.

### **SPECIAL ASSESSMENTS**

11. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-09.

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

12. [Recommendation](#) from Des Moines Area Regional Transit (DART) Authority CEO Elizabeth Presutti to appoint Luis Montoya, Planning and Development Manager, to the Transportation Safety Committee, Seat 10, for a three-year term commencing December 31, 2016 to December 31, 2019.

### **COMMUNICATIONS FROM PLANNING AND ZONING**

13. [Regarding](#) request from Janssen Lodging, Inc. (owner), 1000 Walnut Street, represented by Raj Patel (registered agent), for vacation of the following segments of right-of-way (ROW):

(A) A 9.00-foot by 39.42-foot segment of Walnut Street adjoining the subject property for sidewalk café lease purposes.

(B) A 9.00-foot by 74.24-foot segment of Walnut Street adjoining the subject property for sidewalk café lease purposes.

(C) A 10.00-foot by 16.00-foot segment of adjoining Walnut Street adjoining the subject property for air rights lease for an entrance canopy.

(D) A 10.00-foot by 35.00-foot segment of adjoining 10<sup>th</sup> Street adjoining the subject property for air rights lease for an entrance canopy.

14. Number not used.

## SETTING DATE OF HEARINGS

15. [On](#) vacation of a portion of 12<sup>th</sup> Street right-of-way located west of and adjoining 1157 12<sup>th</sup> Street for assemblage with the adjoining parcels, and conveyance to Lars Vinz, \$150, (10-8-18).
16. [Approving](#) preliminary terms of an Urban Renewal Development Agreement with Bell Avenue Properties, Inc. for the new construction of an office and production building for the Waldinger Corporation.

### [\(Council Communication No. 18-476\)](#)

- (A) [On](#) vacation of roadway easement for Southwest Connector right-of-way located east of SW 63<sup>rd</sup> Street and conveyance to Bell Avenue Properties, Inc, \$170,950, (10-8-18).
- (B) [On](#) adoption of an Urban Renewal Plan for the Southwest Gateway Urban Renewal Area, (10-22-18).
17. [On](#) conveyance of excess City-owned property locally known as 2025 E. Grand Avenue to Cypress Properties, LLC, \$60,000, (10-8-18).
18. [On](#) approval of land exchange agreement with Hubbell Realty Company in conjunction with the Des Moines River Trail – Phase 2 Project, (10-8-18).
19. [On](#) proposed Connection Fee Ordinance for Little Four Mile Trunk Sewer System Benefitted District, (10-22-18).

### [\(Council Communication No. 18-468\)](#)

20. [On](#) the proposed 2019 Action Plan for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-5-18).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm for representation on matters related to the possible acquisition of the DICO property near the intersection of Fleur Drive and Martin Luther King Jr. Parkway, \$3,948.
22. [Approving](#) payment to Belin McCormick for representation on environmental issues related to landfills, \$1,430.

23. [Approving](#) payment to Hall & Associates for services related to the Clean Water Act, \$357.46.
24. [Approving](#) payment to Lonnie Porter for a civil claim.

## **APPROVING**

25. [Issuance](#) of Certificate of Completion to Southridge Senior Lofts, LLC, acknowledging the completion of its senior housing project at 695 E. Army Post Road.
26. [Memorandum](#) of Agreement with Iowa Homeland Security and Emergency Management Department (IHSEMD) for consent to IHSEMD to retain Cybersecurity Risk Reduction Grant funding for use by State Office of Chief Information Officer (OCIO).

[\(Council Communication No. 18-473\)](#)

27. [Amended](#) and restated Parking Lease Agreement with Cognizant Technology Solutions U.S. Corporation.
28. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five (5) stream gaging stations located at 63<sup>rd</sup> Street on Walnut Creek, Easton Boulevard on Four Mile Creek, Fleur Drive on the Raccoon River, 63<sup>rd</sup> Street on the Raccoon River, and 2<sup>nd</sup> Avenue on the Des Moines River.

[\(Council Communication No. 18-469\)](#)

29. Abatement of public nuisances at the following:
  - (A) [920](#) 28<sup>th</sup> Street.
  - (B) [1228](#) E. 36<sup>th</sup> Court.
  - (C) [2101](#) Mondamin Avenue.
  - (D) [2221](#) Stanton Avenue, Building 5.
  - (E) [1724](#) 9<sup>th</sup> Street.
30. [Receipt](#) of communication of fire escrow at 1944 E. Grand Avenue.

31. [Application](#) from Roosevelt Cultural District requesting approval for banners to be displayed on 14 poles on 42nd Street from I-235 to Crocker, September 2018 through August 2019, subject to approval from appropriate City departments.
32. [City](#) Street Financial Report to Iowa Department of Transportation (IDOT) for fiscal year 2018.

[\(Council Communication No. 18-471\)](#)

33. [Civil](#) Service Entrance List for Public Works Customer Service Representative and Promotional List for Fire Lieutenant and Senior Police Officer.
34. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 24 and October 1, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 24 and October 1, 2018; and to draw checks for biweekly payroll due September 28, 2018.

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

#### **ORDINANCES - FIRST CONSIDERATION**

35. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes for Installation of Traffic Signals – E. 42<sup>nd</sup> Street and Hubbell Avenue.

[\(Council Communication No. 18-488\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

36. [Amending](#) Ordinance No. 15,678 to correct a portion of the legal description to vacate a portion of the north-south alley and the east-west alley adjacent to 1417 Walnut Street.

## COMMUNICATIONS/REPORTS

37. [Request](#) from Debra Franklin to speak regarding Organizing for Action support for gun reform measures and increased police protection.
38. [Request](#) from Jon Bushby to speak regarding founding an organization to help individuals stay off the streets by giving away guitars.

## APPROVING

39. [Contract](#) with Motorola Solutions Inc. (Greg Brown, CEO) to provide a replacement public safety radio communications system for the City of Des Moines, \$9,600,000 plus contingency costs.

[\(Council Communication No. 18-470\)](#)

40. A form of loan and disbursement with the Iowa Finance Authority (IFA), and authorizing and providing for the issuance and securing the payment of and providing for a method of payment of said notes, and approving the form of tax exemption certificate for the following:

[\(Council Communication No. 18-472\)](#)

- (A) [\\$6,093,000](#) Sewer Revenue Capital Loan Notes, Series 2018D.
- (B) [\\$9,250,000](#) Sewer Revenue Capital Loan Notes, Series 2018E.
- (C) [\\$6,093,000](#) Stormwater Management Utility Revenue Capital Loan Notes, Series 2018F (Subordinate).
- (D) [\\$9,250,000](#) Stormwater Management Utility Revenue Capital Loan Notes, Series 2018G (Subordinate).



41. Items regarding the MoveDSM Transportation Master Plan: Plans [Connect Downtown MoveDSM](#)

(A) [Receive](#) and file communication from Plan and Zoning Commission regarding Connect Downtown, MoveDSM and Complete Streets Policy.

(B) [Direct](#) the City Manager to work with the Des Moines Metropolitan Planning Organization (MPO) to remove the Southwest Connector from Iowa Highway 28 to Park Avenue as part of the MPO's Long Range Transportation Plan and complete a traffic study to determine remaining future roadway network needs in southwest Des Moines.

[\(Council Communication No. 18-487\)](#)

~~(C) [Adoption](#) of revised Complete Streets Policy effective January 1, 2019 for the City of Des Moines to reflect the MoveDSM Plan.~~

~~[\(Council Communication No. 18-481\)](#)~~

~~(D) [Approval](#) of incorporation of the Connect Downtown Plan as an element of the MoveDSM Transportation Master Plan.~~

~~[\(Council Communication No. 18-479\)](#)~~

~~(E) [Approving](#) the MoveDSM Transportation Master Plan and adopting the plan as an element of an amendment to the PlanDSM Creating Our Tomorrow Comprehensive Plan.~~

~~[\(Council Communication No. 18-480\)](#)~~

42. [Authorizing](#) the redesign of the Neighborhood Revitalization Program, selecting four pilot areas for planning and revitalization work, and approving Professional Services Agreement with czbLLC.

[\(Council Communication No. 18-490\)](#)

43. [Coordination](#) with the Des Moines Area Metropolitan Planning Organization (MPO) to distribute a Request for Proposals (RFP) for the Railport Transloading Facility and directing the City Manager to solicit additional proposals.

[\(Council Communication No. 18-478\)](#)

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 52)**

44. [Rescinding](#) acceptance and approval of proposal from Animal Rescue League of Iowa, Inc. (ARL), rejecting all proposals, and authorizing City Manager to negotiate a contract with ARL for the provision of animal shelter and animal control services.

[\(Council Communication No. 18-475\)](#)

- (A) [Hearing](#) on contract with the Animal Rescue League of Iowa, Inc. for lease of Animal Shelter, Animal Shelter Services and City Animal Control Services.

[\(Council Communication No. 18-474\)](#)

45. [On](#) vacation of a portion of West Martin Luther King, Jr. Parkway right-of-way adjoining Lot 1, Gray's Station Plat 1, and conveyance of a Permanent Easement for Building Encroachment and a Permanent Easement for Air Space above City-owned Property to HRC NFS I, LLC for \$7,500.

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

46. [On](#) approval of documents for conveyance of a Permanent Easement on City-owned property adjoining 3764 Hubbell Avenue to 2KEY, LLC for the Hubbell Avenue Improvements – E. 33<sup>rd</sup> Street to E. 38<sup>th</sup> Street Project.

47. [Dismissing](#) hearing on request from NJC Properties, LLC, (represented by Noel Chladek, Officer), to rezone 2525 McKinley Avenue from “M-3’ (Limited Industrial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow single-family residential development of the property.

48. Items regarding 100 Watrous Avenue:

- (A) [Amending](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Neighborhood Mixed Use.

- (B) [Hearing](#) on request from Git-N-Go Convenience Stores, Inc. to rezone the property from “R1-70” (One-Family Residential) to “Ltd. C-1” (Neighborhood Retail Commercial) to allow redevelopment of the property with a new gas station/convenience store with six fueling locations, subject to conditions.

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

- (D) [Final](#) consideration of ordinance above (waiver requested by Git-N-Go Convenience Stores, Inc.), requires six votes.

49. On request from Indigo Dawn, LLC to rezone property at 1345 7<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to “Ltd. R-2” (Two-Family Residential) to allow conversion of the existing vacant building to a two-family dwelling, subject to conditions.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by Indigo Dawn, LLC), requires six votes.

50. On Tower and Sheridan Park Restrooms: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Trinity Construction Group, LLC (Jackie Goode, Vice President), \$443,084.

(Council Communication No. 18-489)

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

51. On Columbus Park Shelter Renovation: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Edge Commercial, LLC (Jason Ceretti, Partner), \$607,499.

(Council Communication No. 18-483)

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

52. On Fallen Officer Memorial: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as GTG Construction, LLC (Tracy D. Grasso, Managing Partner), \$101,529.15.

(Council Communication No. 18-482)

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

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

MOTION TO ADJOURN.

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All-America City  
1949 1976 1981 2003 2010 2017