

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

May 20, 2019
4:30 PM

SPECIAL PRESENTATION – 4:00 PM

Energize Des Moines

PROCLAMATIONS – 4:15 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 40:

***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 Application for the following:

NEW APPLICATIONS

(A)	CHOCOLATERIE STAM	2814 INGERSOLL	B Beer
(B)	GOPUFF	1510 OHIO ST	C Beer
(C)	MOTLEY SCHOOL TAVERN	1903 BEAVER AVE	C Liquor
(D)	STATION ON INGERSOLL	3124 INGERSOLL	C Liquor
(E)	STOCKMANS INN	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(F)	ALEGRIAS SEAFOOD	2809 6TH AVE	C Liquor
(G)	BREW HAUS LOUNGE	830 McKINLEY AVE	C Liquor
(H)	CONTINENTAL	428 E LOCUST ST	C Liquor
(I)	CVS PHARMACY #10329	2303 MERLE HAY RD	E Liquor
(J)	DEPOT	3000 E GRAND AVE	B Beer

(K)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
(L)	GENOS PIZZA HIGH DIVE BAR	508 INDIANOLA RD	C Liquor
(M)	GIT N GO STORE #3 *(1)	100 WATROUS AVE	C Beer
(N)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(O)	HY VEE MARKET GRILL #5	1107 E ARMY POST	C Liquor
(P)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(Q)	LA TAPATIA 4	1606 6TH AVE	C Beer
(R)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(S)	MADHOUSE BREWING CO	501 SCOTT AVE	B Beer
(T)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(U)	QUICK STAR	2701 INGERSOLL	C Beer
(V)	RAMADA INN	1810 ARMY POST RD	B Liquor
(W)	ROYAL FOOD *(1)	1443 2ND AVE	C Beer
(X)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(Y)	ST KILDA BAKERY AND CAFE	300 SW 5TH ST	C Liquor

TRANSFER TO NEW LOCATION

(Z)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
	Temporary transfer to the Oman Family Youth Inn for an event on June 4 – 9, 2019.		

OUTDOOR SERVICE APPLICATIONS

(AA)	PEACE TREE BREWING CO	317 E COURT AVE	C Liquor
	Temporary for events on May 25 – 26, 2019.		

SPECIAL EVENT APPLICATIONS

(BB)	CAPITAL CITY PRIDE	417 E 5TH ST	Five (5) Day License
	Class B Beer License for festival on June 7 – 9, 2019. Pending approval of Fire Department.		
(CC)	DRAKE UNIVERSITY	2719 FOREST AVE	C Beer/Wine
	Fourteen day Special Class C Liquor License (Beer/Wine) for Menace Soccer Games on May 24 – June 6, 2019.		
(DD)	EXILE BREWING CO	313 WALNUT ST	Five (5) Day License
	Class B Beer License for Dam to DSM on May 30 – June 1, 2019.		
(EE)	GATEWAY MARKET MLK	4025 TONAWANDA DR	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for Murder Mystery Dinner on May 24, 2019.		
(FF)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	Five (5) Day License
	Class C Liquor License for Bike Night on May 28, 2019. Pending approval of Fire, Police and Zoning Departments.		
(GG)	MAIN STREET CAFE	801 GRAND AVE	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for a wedding rehearsal on May 25, 2019.		

- (HH) OVATIONS FOOD SERVICES 833 5TH AVE Five (5) Day License
Class C Liquor License for Iowa Wild Playoff Games on May 23 – 25, 2019.
- (II) ST GEORGE CHURCH 1110 35TH ST Five (5) Day License
Class C Liquor License for Greek Food Festival on May 31 – June 2, 2019.
- (JJ) SUMMER IN THE CITY 4500 GRAND AVE Five (5) Day License
Class B Beer License for a concert on May 25, 2019.
- (KK) WINEFEST DES MOINES 1716 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Meredith Saturday Sessions on June
1, 2019.
- (LL) WINEFEST DES MOINES 2400 GEORGE FLAGG Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Iowa Pork Lawn Party on June 2,
2019. Pending approval Fire and Zoning Departments
- (MM) YOUR PRIVATE BARTENDER 520 ROBERT D RAY Five (5) Day License
Class C Liquor License for We Will Brunch You on May 25, 2019. Pending approval
of Electrical and Fire Departments.

- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
- 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

- 7. Ordering construction of the following:
 - (A) [47th](#) and Holcomb Storm Sewer Improvements: Receiving of bids, (6-11-19), Setting date of hearing, (6-24-19). Engineer’s estimate, \$5,900,000.

([Council Communication No. 19-223](#))
 - (B) [2019](#) Neighborhood Sidewalk Program: Receiving of bids, (6-4-19), Setting date of hearing, (6-24-19). Engineer’s estimate, \$650,000.

([Council Communication No. 19-221](#))
 - (C) [Yeader](#) Creek Stream Stabilization Improvements, Phase 2: Receiving of bids, (6-4-19), Setting date of hearing, (7-15-19). Engineer’s estimate, \$3,111,000.

([Council Communication No. 19-234](#))
 - (D) [2019](#) PCC Pavement Patching Program: Receiving of bids, (6-4-19), Setting date of hearing, (6-24-19). Engineer’s estimate, \$2,160,000.

([Council Communication No. 19-222](#))

8. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Addendum for University Avenue Resurfacing, 48th Street to 56th Street.

[\(Council Communication No. 19-229\)](#)

9. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreements for the Traffic Signal System Timings Update – Phase II and Phase III.

[\(Council Communication No. 19-226\)](#)

10. [Approving](#) exception to Request for Proposals process for good cause and approving Professional Services Agreement with HR Green, Inc. for Intelligent Transportation Systems (ITS) Master Plan Integration services, not to exceed \$296,300.

[\(Council Communication No. 19-213\)](#)

11. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Stanley Consultants, Inc. for design and construction administration services for 2nd Avenue Bridges Rehabilitation, not to exceed \$367,100.

[\(Council Communication No. 19-224\)](#)

12. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Savage-Ver Ploeg & Associates, Inc. d/b/a SVPA Architects, Inc. for design and construction administration services for Fire Station No. 11, not to exceed \$25,395.

[\(Council Communication No. 19-228\)](#)

13. [Approving](#) Change Order No. 1 with Hawkeye Paving Corporation for additional work on the 6th Avenue Streetscape – College Avenue to Hickman Road, \$69,712.91.

[\(Council Communication No. 19-219\)](#)

14. [Approving](#) Change Order No. 9 with Visu-Sewer, Inc. to increase the quantity of sewer liner on the 2018 Sewer Lining Program, in the amount of \$148,886.60.

[\(Council Communication No. 19-220\)](#)

15. [Approving](#) private construction between Elder Corporation and Rowat Lofts, LLC for storm and sanitary sewer improvements in 110 SE 7th Street.

16. Accepting completed construction and approving final payment for the following:
 - (A) [43rd](#) Street and Crocker Street Sewer Separation, J & K Contracting, LLC.
 - (B) [42nd](#) Street Streetscape from I-235 to Crocker Street, Jasper Construction Services, Inc.

SPECIAL ASSESSMENTS

17. [Levy](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-05.

LAND/PROPERTY TRANSACTIONS

18. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2019 City-wide Sewer and Surface Water Flowage Repair project.

[\(Council Communication No. 19-227\)](#)
19. [Authorize](#) deposit of condemnation award for the acquisition of property interests located at 3121 Dean Avenue for the Leetown Creekway Channel Improvement Project.

COMMUNICATIONS FROM PLANNING AND ZONING

20. [Regarding](#) City-initiated request for vacation of the north-south alley right-of-way between SE 10th Street and SE 11th Street from Scott Avenue to Shaw Street. **(Plan and Zoning Commission recommends DENIAL)**
 - (A) [Setting](#) date of hearing on approval of documents for vacation of a portion of north-south alley right-of-way located west of and adjoining 1013 Scott Avenue and conveyance to Thikra Noori Al Mahdawi and Salah Abdulrazzak Abdulwahab for \$150, (6-3-19).

SETTING DATE OF HEARINGS

21. [On](#) approval of documents for conveyance of an easement and setback for Building and Fire Code purposes and a permanent easement for building encroachment over and within a portion of excess City-owned property located west of and adjoining 1011 Locust Street to The Temple Partners, LP (Harry Bookey, Manager) for \$8,400, (6-3-19).
22. [On](#) approval of documents for vacation of portion of Maine Street right-of-way located east of and adjoining 100 Indiana Avenue and conveyance of a permanent easement for building encroachment – door swing to Emogine, Inc. (Stuart Alexander Napier, Officer) for \$50, (6-3-19).

23. [On](#) approval of documents for conveyance of a portion of excess City-owned property located south of and adjoining 998 25th Street to Elizabeth Glick for \$150, (6-3-19).
24. [On](#) appeal from decision of the Historic Preservation Commission by Jonathan Fudge from the conditional grant of an application for a Certificate of Appropriateness, including conditions requiring removal of fascia boards installed prior to the issuance of the Certificate of Appropriateness and requiring the use of half-round gutters and round downspouts at 821 16th Street in the Sherman Hill Historic Neighborhood District, (6-3-19).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

25. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm.
26. [Approving](#) payment to Ahlers & Cooney, PC Law Firm regarding legal services.
27. [Approving](#) payment to Community Lawyers of Iowa, PLC for services related to acting as Guardian Ad Litem.
28. [Approving](#) settlement of the claim of Montray Little and Jared Clinton.
29. [Approving](#) settlement of the claim of Douglas Triplett.
30. [Approving](#) payment for the property claim of Matthew and Annie Brandt.

APPROVING

31. [Urban](#) Renewal Development Agreement with Jarcor, LLC (Joe Cordaro, Principal) for the historic renovation of the Argonne Apartments Building at 1723 Grand Avenue for a mixed-use residential and commercial development.

[\(Council Communication No. 19-216\)](#)

32. [Issuance](#) of Certificate of Completion to Grand 7 Partners, LLC (Michael K. Nelson, Managing Member) for the Phase 2 improvements consisting of the commercial building at 665 Grand Avenue.
33. [Issuance](#) of Certificate of Completion to College Hill Associates, LP (Frank Levy, President) for the renovation of the former College Hill Apartments and the construction of a new office building at 921 6th Avenue.

34. Directing advertisement for sale and approving electronic bidding procedures and official statement for the following bonds: **(bonds will be sold at 10:00 AM on June 5th and a Special Council meeting will be held at 4:30 PM):**
 - (A) [\\$88,365,000](#) General Obligation Bonds, Series 2019A.
 - (B) [\\$2,550,000](#) Taxable General Obligation Bonds, Series 2019B.
35. [Waiver](#) and consent to conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Airport Authority in zoning and land use matters.
36. [Submitting](#) an application for the prosecuting of cold cases using DNA and other forensic technologies grant with the US Department of Justice (DOJ).

[\(Council Communication No. 19-215\)](#)

37. Abatement of public nuisances at the following:
 - (A) [2301](#) E. 25th Street.
 - (B) [1916](#) Washington Avenue.
38. Bids from the following:
 - (A) [Insight](#) Public Sector, Inc. (Ken Lamneck, President) for Microsoft Enterprise Agreement software support services for a three-year period for use by the IT Department, \$1,721,964.78. (Five potential bidders, two received).

[\(Council Communication No. 19-211\)](#)

- (B) [Heartland](#) Business Systems, LLC (Peter Helander, CEO) for F5 load balancers to replace existing A10 load balancers per State of Iowa Contract for use by the IT Department, \$156,130.19.

[\(Council Communication No. 19-212\)](#)

39. [Civil](#) Service Entrance List for Recreation Program Coordinator.
40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 20 and 27, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 20 and 27, 2019; and to draw checks for biweekly payroll due May 24, 2019.

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

ORDINANCES - FINAL CONSIDERATION

41. [Amending](#) Chapter 102 of the Municipal Code regarding administrative penalties and maintenance of border areas, as amended.
 - (A) [Amendment](#) to the Schedule of Penalties.

ORDINANCES - SECOND CONSIDERATION

42. [Amending](#) Chapter 114 of the Municipal Code regarding issuance of special parking permits.

[\(Council Communication No. 19-218\)](#)

43. [Amending](#) Chapter 26 of the Municipal Code regarding energy and water use benchmarking for certain properties in the City.

[\(Council Communication No. 19-237\)](#)

ORDINANCES - FIRST CONSIDERATION

44. Number Not Used.

45. [Amending](#) Chapters 14, 30 and 78 of the Municipal Code regarding license applications for theaters, game rooms, bowling alleys and amusement devices, peddlers and after-hours businesses in conjunction with the new EnerGov Permitting and Licensing System.

[\(Council Communication No. 19-236\)](#)

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

[\(Council Communication No. 19-235\)](#)

- (A) Parking Restriction – 7th Street between Cherry Street and Mulberry Street.
- (B) Parking Restriction – 4th Street between Grand Avenue and Watson Powell Jr. Parkway.
- (C) Code correction to match field conditions – Woodland Avenue, 22nd Street to 27th Street.
- (D) Code modification related to the Polk County Criminal Courts and Courthouse redevelopment.
- (E) Parking Restriction on E. Marion Street, east of Indianola Avenue.
- (F) Parking Restriction removal – Ingersoll Avenue between 31st Street and Crescent Drive.
- (G) Code modifications related to Boys and Girls Club on 25th Street, south of Forest Avenue.

COMMUNICATIONS/REPORTS

- ~~47. From Joe Grandanette, 6215 Gordon Avenue, to speak regarding various topics.~~
48. [From](#) Ross Grooters, 2010 Copper Wynd Ct., Pleasant Hill, to speak regarding potential closure of Short Line rail yard between Market and Dean, west of E. 36th Street.
49. [From](#) citizens to speak regarding a ban on racial profiling.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 59)

50. [On](#) approval of documents for vacation of portions of Walnut Street right-of-way and 10th Street right-of-way all adjoining 1000 Walnut Street and conveyance of a permanent easement for air space above City-owned property therein to Janssen Lodging, Inc., \$8,300.
- (A) [First](#) consideration of ordinance above.

51. [On](#) approval of documents for vacation of a portion of the east-west alley right-of-way located south of and adjoining 319 7th Street and conveyance of a permanent easement for building encroachment door swing to Des Moines Griffin Building, LLC, \$500.

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

52. [On](#) proposed sale of City-owned Eighth and Mulberry Parking Garage Property at 750 Mulberry Street to Employers Mutual Casualty Company, \$14,900,000.

[\(Council Communication No. 19-214\)](#)

53. [On](#) issuance of not to exceed \$6,965,000 General Obligation Bonds, (for Essential Corporate Purposes).

(A) [Authorization](#) for additional action.

54. Items regarding request from We Can Build It, LC (Jeff Young, Officer) regarding renovation of the existing Franklin Jr. High School, at 4801 Franklin Avenue:

(A) [Amend](#) the existing PlanDSM Creating Our Tomorrow Plan future land use designation from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node.

(B) [Hearing](#) to rezone the property from Ltd. “C-1” (Neighborhood Retail Commercial) to “PUD” (Planned Unit Development) (**6 affirmative votes required for approval**).

(C) [First](#) consideration of rezoning ordinance above, (**6 affirmative votes required for approval**).

(D) [Final](#) consideration of rezoning ordinance above (waiver requested by the applicant), (**6 affirmative votes required for approval**).

55. [On](#) Riverview Park Canopy and Truss: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Henkel Construction Company (Gary J. Schmit, President), \$1,051,000.

[\(Council Communication No. 19-232\)](#)

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

56. On Maquoketa Drive Storm Sewer Box Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as S.M. Hentges & Sons, Inc. (Steven M. Hentges, President), \$6,639,796.65.

(Council Communication No. 19-225)

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

57. On 2019 HMA Residential Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$1,089,369.25.

(Council Communication No. 19-217)

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

58. On Merle Hay Road and Hickman Road Intersection Improvements: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$742,822.50.

(Council Communication No. 19-230)

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

59. On Near West Side Sewer Separation Phase 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Raccoon Valley Contractors, LLC (Matthew J. Van Hauen, Manager), \$7,445,568.30.

(Council Communication No. 19-231)

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

END HEARINGS AT _____PM

MOTION TO ADJOURN.

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