

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

November 4, 2013
4:30 PM

3:30 PM
Farewell Reception – Council Member Brian Meyer Ward IV
City Hall, 2nd Floor

4:00 PM
Special Presentation

INVOCATION: Council Member Halley Griess

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 35:

***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 APPLICATION

(A) TRELLIS 909 ROBERT D RAY C Liquor

RENEWAL APPLICATIONS

(B) ALDI INC #03 3940 E 14TH STREET C Beer
(C) ALDI INC #29 500 E ARMY POST RD C Beer
(D) ALDI INC #38 2543 E UNIVERSITY C Beer
(E) APEX OIL 1200 SE 30TH ST C Beer
(F) BIG CITY BURGERS & GREENS 400 LOCUST ST C Liquor
(G) CATERING DSM 1011 LOCUST ST C Liquor
(H) CENTRO RESTAURANT 1011 LOCUST ST C Liquor
(I) CHIPOTLE MEXICAN GRILL 3737 MERLE HAY RD C Liquor
(J) DAHLS FOODS 3400 E 33RD ST E Liquor

(K)	DUBLIN	2307 UNIVERSITY	C Liquor
(L)	ESTRADAS *(1)	3029 MERLE HAY RD	C Liquor
(M)	FREMONT	1030 E 9TH ST	C Liquor
(N)	GIT N GO STORE #19	890 COUNTY LINE	C Beer
(O)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(P)	HESSEN HAUS	101 4TH STREET	C Liquor
(Q)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(R)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(S)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(T)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(U)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(V)	QUIK TRIP #500	3700 HUBBELL AVE	E Liquor
(W)	QUIK TRIP #501	2221 E EUCLID AVE	E Liquor
(X)	QUIK TRIP #523	850 ARMY POST RD	E Liquor
(Y)	QUIK TRIP #534	2945 E UNIVERSITY	E Liquor
(Z)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(AA)	QUIK TRIP #554	901 SW 63RD	E Liquor
(BB)	QUIK TRIP #559	4024 FLEUR DR	E Liquor

TRANSFER TO NEW LOCATION

(CC)	ELWELL FAMILY	3000 E GRAND AVE	C Liquor
Temporary to the Animal Learning Center for Dee Zee Manufacturing Holiday Party on November 16, 2013.			

SPECIAL EVENTS APPLICATIONS

(DD)	HY VEE ZART EVENT	1312 LOCUST ST	Five (5) Day License
Class C Liquor License for a wedding reception on November 16, 2013. Pending approval of Building and Fire Departments.			
(EE)	LOTUS MOMENTS	2134 E GRAND AVE	Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a concert on November 9, 2013. Pending approval of Fire Department.			
(FF)	WAT LAO BUDDHAVAS	3000 E GRAND AVE	Five (5) Day License
Special Class C Liquor License (Beer/Wine) with B Native Wine for a fundraising event on November 16, 2013.			

5. [City](#) Clerk to issue Cigarette Licenses.

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

PUBLIC IMPROVEMENTS

7. [Approving](#) IDOT Agreement for Maintenance and Repair of Primary Roads in Municipalities and Supplemental Agreement for July 1, 2013 to June 30, 2014.
8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Terracon Consultants, Inc. for the Municipal Services Center Phase 1, not to exceed \$22,000.

[\(Council Communication No. 13-531\)](#)

9. [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for Beaver Avenue Streetscape from Beaver Crest to Fagen Drive.

[\(Council Communication No. 13-530\)](#)

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-11.

LAND/PROPERTY TRANSACTIONS

11. [Acceptance](#) of Real Estate documents from Bryan R. Neff for donation of a vacant lot adjoining 2328 E. 37th Street for the Four Mile Creek Floodplain Area.
12. [Dedicating](#) right-of-way for Fleur Drive widening at Army Post Road.
13. [Dedicating](#) right-of-way for the extension of Martin Luther King Jr. Pkwy. – SW 2nd Street to SE 9th Street Segment.
14. [Approving](#) Landscape Bond Irrevocable Letter of Credit No. 1289 from West Bank in the amount of \$7,700 for housing project by Hilltop I Limited Partnership in the vicinity of 3720 E. Douglas Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Approving](#) recommendation of Council Member Skip Moore to appoint Naura Heiman-Godar to the Urban Design Review Board, Seat 2, for a three-year term commencing June 30, 2013 to expire June 30, 2016.

SETTING DATE OF HEARINGS

16. [On](#) vacation of portions of the Court Avenue and 4th Street rights-of-way adjoining the Randolph Apartments at 202 4th Street and the conveyance of an easement upon such vacated rights-of-way to legalize the existing building encroachments, (11-18-13).
17. [On](#) conveyance of 4315 SE 14th Street to Yeader Village LLLP, \$210,000, (11-18-13).
18. [On](#) request from Loffredo Gardens, Inc. to rezone 4001 SW 63rd Street from “PBP” (Planned Business Park) to “M-1” (Light Industrial) to allow for an approximately 45,000 square foot warehouse building to be developed on property to the south of the existing facility, subject to conditions, (11-18-13).
19. [On](#) request from Diversity Insurance, Inc. to rezone 1533 and 1541 E. Grand Avenue from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow an expansion of the existing building at 1541 E. Grand Avenue for Pedestrian-Oriented Mixed-Neighborhood Level Retail or Office uses, (11-18-13).
20. [On](#) a request from Drake University for approval of an amendment to the Drake University Recreation PUD Conceptual Plan affecting 1420 26th Street to allow a basketball practice facility addition to the east side of the Knapp Center, (11-18-13).
21. [On](#) request from Beaverdale Partners, LLC for an amendment to the Rice Development Partners PUD Conceptual Plan for 3001 Beaver Avenue to revise the name to Beaverdale Cooperative Housing PUD and to allow development of a three-story 54-unit multiple-family dwelling for senior living, (11-18-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

22. [Approving](#) payment of \$9,453.14 to GEICO Insurance Company, as subrogee of E'Shayla Kelson.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training request for Tan Gene Huynh.

[\(Council Communication No. 13-545\)](#)

APPROVING

24. [Community](#) Services Block Grant, (CSBG) Community Action Contract (CSBG-14-07) for the 2014 Program Year, \$574,966.

[\(Council Communication No. 13-536\)](#)

25. [Neighborhood](#) Commercial Revitalization (NCR) Program Loan for \$185,000 and a Façade Grant for \$15,000 to Norris Partners, LLC for renovations and expansion of the commercial building at 210 Court Avenue.

[\(Council Communication No. 13-539\)](#)

26. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Doyle Properties, LLC for the historic redevelopment of 130 E. 3rd Street in the Metro Center Urban Renewal Area.

[\(Council Communication No. 13-547\)](#)

27. [First](#) Amendment to Economic Development Loan Agreement with Eastgate Plaza LLC.

[\(Council Communication No. 13-546\)](#)

28. [Receive](#) and file the U.S. Environmental Protection Agency (EPA) Greening America's Capitals Report on the 6th Avenue Corridor.

[\(Council Communication No. 13-540\)](#)

29. [Conceptual](#) Development Plan submitted by Helena Industries for the construction of an addition to its warehouse at 3525 Vandalia Road in the SE AgriBusiness Park Urban Renewal Area.

[\(Council Communication No. 13-541\)](#)

- (A) [Final](#) consideration of ordinance giving prior approval for a partial exemption from property taxation on the value added by new construction.

30. [City](#) Council Meeting Schedule for 2014.

31. [Receipt](#) of Des Moines Water Works Audit Report for the year ending December 31, 2012 and 2011.

32. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval of banner design for banners to be displayed in the Western Gateway this winter, (December-February).

33. [Purchase](#) of IAPro Police Officer Incident Tracking software program and maintenance agreement from CI Technologies Inc. (Michael Blumberg, President), \$42,300.

[\(Council Communication No. 13-538\)](#)

34. Bids from the following:

- (A) [Vital](#) Support Systems (Jeff Sparling, CEO) for CISCO Systems network equipment to be used to manage wireless access points per State contract as requested by the IT Department, \$118,170.50.

[\(Council Communication No. 13-543\)](#)

- (B) [Vital](#) Support Systems (Jeff Sparling, CEO) for CISCO Systems network equipment for secure access to the upcoming use of self-service for Tyler/Munis Human Resources per State contract as requested by the IT Department, \$80,413.30.

[\(Council Communication No. 13-542\)](#)

- (C) [Communication](#) Technologies (Dana Heldenbrand, President) for secure fiber optic cable installation services for connectivity between the Police Department, Des Moines International Airport and Polk County per State contract as requested by the IT Department, \$38,900.

[\(Council Communication No. 13-544\)](#)

35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 4 and 11, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 4 and 11, 2013; and to draw checks for biweekly payroll due on November 15, 2013.

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

ORDINANCES - FIRST CONSIDERATION

36. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for the Central Business District.

[\(Council Communication No. 13-533\)](#)

COUNCIL REQUESTS

37. [From](#) Mayor Cownie to discuss the Ward IV City Council vacancy.
- (A) [Request](#) of Mayor Cownie to discuss his recent appointment by President Obama to State/Local and Tribal Leaders Task Force on Climate Preparedness and Resilience.
- 37-I [From](#) Council Member Chris Coleman to discuss the need for a Des Moines area plan and guidelines for affordable housing.

COMMUNICATIONS/REPORTS

38. [Letter](#) from Rotary Club of Des Moines A.M. Foundation regarding naming of proposed new playground to be built by the Rotary Club along the Principal Riverwalk to be named “Rotary Riverwalk Park”.
39. [From](#) Max R. Knauer III, representing Watrous South Neighborhood Association, regarding Christ The King Senior Housing II-LLLP at 5602 SW 9th Street.
40. [From](#) Judy Watt, 6980 Cody Drive, #24, West Des Moines, regarding animals at the Des Moines Farmers Market.

***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 41 THRU 49)

41. On petition to establish the Beavertdale Self-Supported Municipal Improvement District, (SSMID).

(Council Communication No. 13-537)

42. Items regarding property at 5035 Hubbell Avenue, Galinsky Family Real Estate LLC:

- (A) To amend the Des Moines 2020 Community Character Plan to revise the existing future land designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park. (subject property is owned by Homemakers Plaza Inc.)
- (B) Hearing on rezoning of the property from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial).
- (C) First consideration of ordinance above.
- (D) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

43. Items regarding property at 301 and 309 SE 8th Street, Raccoon Street Warehouse, LLC, **(Plan and Zoning Commission recommends DENIAL):**

- (A) To amend the Des Moines 2020 Community Character Plan to revise the existing future land designation from Downtown Support Commercial to General Industrial.
- (B) Hearing on rezoning the property from “M-1” (Light Industrial) to M-2” (Heavy Industrial) and to remove the property from the “D-O” (Downtown Overlay) to allow a future request for a Conditional Use to allow a beverage container recycling business, **(Roll Call contains alternative motions).**

44. Items regarding 2679 Maury Street, Pharmco Properties LLC:
- (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the existing future land designation from Low-Density Residential to Commercial: Pedestrian-Oriented Neighborhood Node.
 - (B) [Hearing](#) conditionally approving rezoning the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow reuse of existing commercial building for neighborhood level retail or office uses, subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
45. [Conditionally](#) approving request from Ofir Carmi to rezone 6220 Grand Avenue from “FW” (Floodway) to “U-1” (Floodplain) to allow for consideration of a Conditional Use for an amusement enterprise business to allow reuse of the existing vacant go-kart track and miniature golf amusement complex.
- (A) [First](#) consideration of ordinance above.
46. [On](#) vacation of a segment of SE 4th Street adjoining 626 SE 4th Street to allow for construction of the SE 4th and Shaw Streets Storm Water Pump Station Project.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the City Engineer), requires six votes.
47. [On](#) consideration of License Agreement with Wellmark, Inc. for the use of City-owned property located east of College Avenue and Michigan Street in Central Place for construction and maintenance of fiber optic line and related utility equipment, \$400.
- [\(Council Communication No. 13-534\)](#)
48. [On](#) consideration of License Agreement with Wellmark, Inc. upon City-owned property located north of East Douglas Avenue in Sargent Park for construction and maintenance of fiber optic line and related utility equipment, \$100.

[\(Council Communication No. 13-532\)](#)

49. [On](#) SE 4th & Shaw Streets Storm Water Pump Station: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Story Construction, Co., (Patrick L. Geary, Chief Operating Officer), \$2,112,500.

[\(Council Communication No. 13-535\)](#)

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

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

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations:
 - (A) [802](#) Lyon Street, fire-damaged main structure, Titleholder: SMS Investments III, LLC.
 - (B) [1130](#) – 11th Street, fire-damaged garage structure, Titleholder: Branch Banking & Trust Company.

MOTION TO ADJOURN.

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