

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

**August 26, 2013**  
**4:30 PM**

**INVOCATION:** Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 39:

**\*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**

<del>(A)</del>	<del>EL FLAMINGO RESTAURANT</del>	<del>1850 EASTON BLVD</del>	<del>B Beer</del>
(B)	KA LAS MEXICANAS	4121 SE 14TH ST	C Beer
(C)	MAD MEATBALL	401 SE 5TH ST	C Liquor

**RENEWAL APPLICATIONS**

(D)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(E)	CASEYS #2784 *(1)	4151 MERLE HAY RD	C Beer
(F)	CASEYS #2786	5150 E 14TH ST	C Beer
(G)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(H)	CONFLUENCE BREWING	1235 THOMAS BECK	B Beer
(I)	FRATERNAL ORDER	6567 BLOOMFIELD	A Liquor
(J)	LA MIE BAKERY	841 42ND ST	C Beer/Wine
(K)	OLD CHICAGO	3800 MERLE HAY RD	C Liquor
(L)	PAL JOEYS	6224 GRAND AVE	C Liquor
(M)	PARADIES SHOPS	5800 FLEUR DR	B Native Wine
(N)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer
<del>(O)</del>	<del>UNDERGROUND</del>	<del>500 E LOCUST ST</del>	<del>C Liquor</del>
(P)	VICKIE'S	2801 2ND AVE	C Liquor

**TRANSFER TO NEW LOCATION**

- (Q) CAMPBELLS CONCESSION 3000 E GRAND AVE B Beer  
Temporary to the cattle barn due to Iowa Gold Star Futurity event at the pavillion.

**OUTDOOR SERVICE APPLICATIONS**

- (R) WOOLYS 504 E LOCUST ST C Liquor  
Temporary in conjunction with Trampled by Turtles Bluegrass Concert on September 9, 2013.

**SPECIAL EVENTS APPLICATIONS**

- (S) CATER 2 U 2134 E GRAND AVE Five (5) Day License  
Class C Liquor License for a wedding reception on August 31, 2013.
- (T) HISTORIC COURT AVENUE 318 COURT AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Fridays on Court Avenue on September 6, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (U) HY VEE #2 3000 E GRAND AVE Five (5) Day License  
Class C Liquor License for Iowa Gold Star Futurity event on August 30 – September 2, 2013.
- (V) IOWA LATINO HERITAGE 102 E WALNUT Five (5) Day License  
Class B Beer License for an event on September 7 – 8, 2013.
- (W) TAI VILLAGE 4200 MLK JR PKWY Five (5) Day License  
Class B Beer License for Annual Tai Festival on August 31 – September 1, 2013.
- (X) VARIETY 2201 GEORGE FLAGG Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for an event on September 1, 2013. Pending approval of Building, Electrical and Zoning Departments.

**PUBLIC IMPROVEMENTS**

5. Ordering construction of the following:

- (A) [2013](#) Sewer Lining Program: Receiving of bids, (9-10-13), Setting date of hearing, (9-23-13), Construction estimate, \$2,077,725.

[\(Council Communication No. 13-429\)](#)

- (B) [2013](#)-2014 Sidewalk Program: Receiving of bids, (9-10-13), Setting date of hearing, (9-23-13), Construction estimate, \$65,000.

[\(Council Communication No. 13-428\)](#)

6. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

## **SPECIAL ASSESSMENTS**

7. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-08.

## **LAND/PROPERTY TRANSACTIONS**

8. [Acceptance](#) of real estate documents from the Des Moines Independent Community School District for 1349 Washington Avenue.

[\(Council Communication No. 13-445\)](#)

(A) [Setting](#) date of hearing on conveyance of 1349 Washington Avenue to NFC Properties, LLC, \$18,000, (9-9-13).

9. [Acceptance](#) of Deed Restriction and Covenant on City-owned property located north of Old Army Post Road and East of Iowa Highway 28 for the Army Post Bridge Over Great Western Trail Project.
10. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the Beaver Avenue Streetscape Project.

[\(Council Communication No. 13-431\)](#)

11. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the East 30<sup>th</sup> Street and Dean Avenue Intersection Improvements Project.

[\(Council Communication No. 13-432\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

12. [Recommendation](#) from Council Member Griess to appoint Chad Mason to the Traffic Safety Committee, Seat 4, for a three-year term commencing December 31, 2012 to expire December 31, 2015.
- 12-I [Recommendation](#) from Council Member Hensley to appoint Kelly Kennedy to the Neighborhood Revitalization Board, Seat 4, for a three-year term commencing June 30, 2012 to expire June 30, 2015.
13. [Communication](#) from Soozie McBroom, advising of her resignation from the Sister Cities Commission, Seat 12, effective immediately.

## COMMUNICATIONS FROM PLANNING AND ZONING

14. Regarding request from Kum & Go, LC to vacate segments of Keosauqua Way right-of-way adjoining property at 1300, 1310, and 1330 Keosauqua Way, subject to conditions.
  - (A) Setting date of hearing for vacation and conveyance of segments of Keosauqua Way and Oakridge Drive right-of-way adjoining 1300, 1310, and 1330 Keosauqua Way to Kum & Go, LC, \$13,010, (9-9-13).

## SETTING DATE OF HEARINGS

15. On request from Kum & Go, LC to rezone property at 1300, 1310, and 1330 Keosauqua Way from “C-2” (General Retail and Highway Oriented Commercial District) to “PUD” (Planned Unit Development), subject to conditions (9-9-13).
16. On request from Jake Christensen to rezone property at 600 E. 5th Street from “R-4” (Multiple-Family Residential District) to “C-3B” (Central Business Mixed-Use District) to allow use of the property for 103 multiple-family dwelling units, 19,433 square feet of area for a skilled nursing facility, and 4,392 square feet of area for restaurant use, subject to conditions (9-9-13).
17. On request from Kum & Go, LC to rezone 4965 Hubbell Avenue from “A-1” (Agricultural District) to “PUD” (Planned Unit Development) and approve the proposed Conceptual Plan, subject to modifications, (9-9-13).
18. On request from Quest Development and Construction and Lamont Companies to rezone 205 SW 11th Street from “C-3B” (Central Business Mixed-Use District) to “PUD” (Planned Unit Development) and an amendment to the Riverpoint West PUD Conceptual Plan to add 4.09 acres of land for future development of a four-story hotel with 102 guest rooms at the southwestern portion of the site while designating the southeastern portion of the site for future development, subject to conditions, (9-9-13).
19. On request from Kum & Go, LC for an amendment to the PUD Conceptual Plan “Eastgate Plaza” to create a separate PUD Conceptual Plan “Kum & Go Store #534” on property located at 1424 East Euclid Avenue to allow a 4,992-square foot convenience store with 20 fueling locations, subject to conditions, (9-9-13).
20. On request from Kum & Go, LC for an amendment to the PUD Conceptual Plan “Kum & Go Store #120” at 6304 SW 9th Street to revise the provision limiting the maximum canopy height in order to allow a canopy with a maximum height of 20-feet 10-inches, (9-9-13).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment of \$78 to Peddicord, Wharton, Spencer, Hook, Barron & Wegman for retention of Scott Beattie to represent Police Officer Judy Smith.
22. [Approving](#) payment for an agreement for settlement to Lance Woods for a workers' compensation claim.
23. Approving payment to the following for worker's compensation claims:
  - (A) [Edvonna](#) Pack.
  - (B) [Tim](#) Tyler.
24. [Approving](#) end of appointment of Assistant City Attorney.
25. [Approving](#) payment to John Donahey, Jr. and his attorney, Spellman Law Firm, as the result of a trip and fall accident in the area of E. 2<sup>nd</sup> and Court Avenue, \$10,000.

## CITY MANAGER COMMUNICATIONS

26. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Aaron Greiner, Christine Hensley, Jeff May, Kimberly Piper, Kandi Reindl, Anna Whipple and Steve Woody.

[\(Council Communication No. 13-434\)](#)

## APPROVING

27. [City](#) Manager to submit a letter to the Board of Directors of the Iowa Finance Authority requesting changes to the 2014 Qualified Allocation Plan for the 2014 Low Income Housing Tax Credit (LIHTC) Round.

[\(Council Communication No. 13-440\)](#)

28. [Operating](#) Agreement with Ingersoll Grand Self-Supported Municipal Improvement District (SSMID) for the provision of services and activities within the SSMID District.

[\(Council Communication No. 13-438\)](#)

29. [Proposal](#) for a Street Sign Inventory and Management System and related implementation services from Data Transfer Solutions, LLC.

[\(Council Communication No. 13-426\)](#)

30. [Facility](#) Use Agreement for Gray's Lake Park, Meredith, Kruidenier and Southwest Connector Trails for 2013 Hy-Vee Triathlon.

31. [Donation](#) Agreement with Susan Muelhaupt and Des Moines Park & Recreation Foundation for Greenwood Park Wading Pool Shelter and naming the shelter "Jay Spence Shelter".

[\(Council Communication No. 13-441\)](#)

32. [Letter](#) from City Manager to be sent to local businesses regarding potential advertising on Community Video Program.

[\(Council Communication No. 13-448\)](#)

33. [Selection](#) of ATW Training and Consulting (Todd McDonald, President) to provide development and delivery of a leadership development series and a new supervisor boot camp.

[\(Council Communication No. 13-433\)](#)

34. [Agreement](#) with EMC Risk Services, LLC (Bruce Kelley, CEO) for services related to the administration of workers' compensation claims for the period October 1, 2013 through June 30, 2015 with three one-year options to renew.

[\(Council Communication No. 13-443\)](#)

35. [Use](#) of Pioneer Columbus Community Center (2100 SE 5<sup>th</sup> Street) as poll site for State Representative District 33 Special Election to be held on Tuesday, October 22, 2013.

36. [Application](#) from Downtown Events Group requesting approval for banners across the street on E. Locust from E. 4<sup>th</sup> to E. 6<sup>th</sup> Street for the 2013 World Food Festival from September 18-22, 2013.

37. Bids from the following:

- (A) [Frontline](#) Lawn & Landscapes (Joe Morton, President) for fall tree planting services at various City locations as requested by the Park & Recreation Department, \$116,400. (Eleven bids mailed, three received.)
- (B) [Mulch](#) Mart (Rick Johnson, President) for shoreline improvement boulders at Gray's Lake as requested by the Park & Recreation Department, \$28,572. (Eight bids mailed, three received.)
- (C) [Hewlett](#)-Packard Co. (Mark Hurd, President) per the Western States Contracting Alliance (WSCA) price agreement for annual maintenance and support for existing Hewlett Packard Storage Area Network Servers (SANS) mass storage system as requested by the IT Department, \$101,756.68.

[\(Council Communication No. 13-446\)](#)

38. [Authorizing](#) Finance Director to draw checks on registers for weeks of August 26 and September 2, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of August 26 and September 2, 2013; and to draw checks for biweekly payroll due on September 6, 2013.

**ORDINANCES – FINAL CONSIDERATION**

39. [Amending](#) Chapter 114 of the Municipal Code regarding two-sided parking restriction on Scott Avenue between SE 2<sup>nd</sup> and SE 6<sup>th</sup> Street.

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

**ORDINANCES – SECOND CONSIDERATION**

40. [On](#) vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34<sup>th</sup> Street crossings.

[\(Council Communication No. 13-444\)](#)

## ORDINANCES – FIRST CONSIDERATION

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

[\(Council Communication No. 13-427\)](#)

- (A) Speed Limit Change – Park Avenue from Fleur Drive to SW 14<sup>th</sup> Street.
  - (B) Two-Way Stop Sign Reversal – E. 13<sup>th</sup> Street and Morton Avenue.
  - (C) Installation of Two-Way Stop – SW 1<sup>st</sup> Street and Hillside Avenue.
  - (D) Relocation of Handicapped Parking Meter – East side of 5<sup>th</sup> Avenue between Grand Avenue and Watson Powell Jr. Way.
42. [To](#) continue and adjust the boundaries of the Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) and providing for continuation of an operation fund and the levy of an annual tax.

[\(Council Communication No. 13-425\)](#)

43. [Amending](#) Chapter 74 of the Municipal Code regarding neighborhood recognition signage in City Parks.

[\(Council Communication No. 13-435\)](#)

## COUNCIL REQUESTS

- 43-I [From](#) Council Member Meyer to speak regarding a letter received from Variety – the Children’s Charity of Iowa regarding the naming of a proposed new playground to be built by Variety at Ewing Park.

## COMMUNICATIONS/REPORTS

44. [From](#) Jerry Bradley, 4605 SW 15<sup>th</sup> Street, to speak regarding lease for Aviation Engineering Technology Program with Des Moines Airport Authority.
45. [From](#) Carl G. Nelson, 1340 E. 13<sup>th</sup> Street, to speak regarding behavior of a municipal employee.
46. ~~[From](#) Stewart Barnes/Des Moines Police Bargaining Unit, to speak regarding a request for an independent review/assessment of the Des Moines Police Department.~~
47. [From](#) representatives of St. Augustin Church to speak regarding its properties located in the vicinity of 40<sup>th</sup> Street and Grand Avenue.



**\*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 48 THRU 50)**

48. Items regarding Norden Hall relocation:

[\(Council Communication No. 13-442\)](#)

- (A) [Hearing](#) on Urban Renewal Agreement for Sale of Land for Private Redevelopment to 425 East Grand LLC, to develop Disposition Parcel No. 02-02A (425 E. Grand) in the Metro Center Urban Renewal Project.
- (B) [Approving](#) Conceptual Development Plan and execution of a Special Warranty Deed to 425 East Grand LLC.
- (C) [Issuing](#) a Conditional Certificate of Appropriateness for relocation of Norden Hall from 709 E. Locust Street terminating the designation of 709 E. Locust as a Local Landmark, and designating 425 E. Grand as a Local Landmark upon relocation to that address.

49. [On](#) proposed Amendments to the Fourth Year (2013) Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

- (A) ~~[Environmental](#) Review Record, Finding of No Significant Impact on the Environment and publish Notice of Intent to Request Release of Funds.~~

50. [On](#) 2013 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), \$434,750.

[\(Council Communication No. 13-430\)](#)

- (A) [Approval](#) of contract and bond.

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

**APPROVING**

51. [Urban](#) Renewal Development Agreement with Randolph Apartments Limited Partnership for the redevelopment of the Hotel Randolph, Earl & Le Bosquet and Youngerman Block Buildings located at the northwest corner of 4<sup>th</sup> Street and Court Avenue.

[\(Council Communication No. 13-447\)](#)

MOTION TO ADJOURN.