

DES MOINES CITY COUNCIL MEETING

May 19, 2014
4:30 PM

PROCLAMATION – 4:00 PM

National Public Works Week

SPECIAL PRESENTATION – 4:00 PM

City Manager Rick Clark

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 27:

***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)	CVS PHARMACY #10329	2303 MERLE HAY RD	E Liquor
(B)	GRAYS LAKE TERRACE	2101 FLEUR DR	C Beer/Wine
(C)	SHORTYS	208 COURT AVE	C Liquor

RENEWAL APPLICATIONS

(D)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(E)	BREW HAUS LOUNGE	830 McKINLEY AVE	C Liquor
(F)	CARLS PLACE	1620 WOODLAND	C Liquor
(G)	CHOCOLATERIE STAM	2814 INGERSOLL	C Native Wine
(H)	CIVIC CENTER	221 WALNUT ST	C Liquor
(I)	CONTINENTAL	428 E LOCUST ST	C Liquor
(J)	DEPOT	3000 E GRAND AVE	B Beer
(K)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(L)	ELWELL FAMILY FOOD CNTR	3000 E GRAND AVE	C Liquor
(M)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(N)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine

(O)	LA HACIENDA III	3121 INGERSOLL	C Liquor
(P)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor
(Q)	LUCCA	420 E LOCUST ST	C Liquor
(R)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(S)	MULLETS	1300 SE 1ST ST	C Liquor
(T)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(U)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(V)	QUALITY INN & SUITES	929 3RD ST	B Liquor
(W)	QUICK STAR *(2)	2701 INGERSOLL	C Beer
(X)	QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(Y)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(Z)	SOUTHSIDE FOOD MART	1101 ARMY POST RD	E Liquor
(AA)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(BB)	STEER AND STEIN	3000 E GRAND AVE	B Beer

OUTDOOR SERVICE APPLICATIONS

(CC)	MAD MEATBALL	401 SE 5TH ST	C Liquor
	Permanent.		
(DD)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
	Temporary in conjunction with Iowa Games Glow Run on May 31, 2014. Pending approval of Building, Fire and Zoning Departments.		

SPECIAL EVENTS APPLICATIONS

(EE)	BLAZING SADDLE	50 GRAND	Five (5) Day License
	Class C Liquor License for Pridefest on June 7 – 8, 2014. Pending approval of Building and Zoning Departments.		
(FF)	DES MOINES SOCIAL CLUB	901 CHERRY ST	Five (5) Day License
	Class C Liquor License for various events on June 11 – 15, 2014.		
(GG)	DRAKE UNIVERSITY	2507 UNIVERSITY	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for IMTA Conference on June 2, 2014. Pending approval of Fire and Zoning Departments.		
(HH)	GARDEN NIGHTCLUB	50 GRAND	Five (5) Day License
	Class C Liquor License for Pridefest on June 7 – 8, 2014. Pending approval of Building and Zoning Departments.		
(II)	GREEK FOOD FAIR	3510 COTTAGE GROVE	Five (5) Day License
	Class C Liquor License for annual event on June 7 – 8, 2014.		
(JJ)	LE BOI	50 GRAND	Five (5) Day License
	Class C Liquor License for Pridefest on June 7 – 8, 2014. Pending approval of Building, Fire and Zoning Departments.		
(KK)	PARKS AREA FOUNDATION	3012 6TH AVE	Five (5) Day License
	Class B Beer License for Rendezvous on Riverview event on June 6, 2014. Pending approval of Zoning Department.		

- (LL) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 13, 2014.
Pending approval of Zoning Department.
- (MM) PROM MANAGEMENT 3915 FLEUR DR Five (5) Day License
Class C Liquor License for the Principal Charity Classic on May 27 – June 1, 2014.
- (NN) UP/DOWN 50 GRAND Five (5) Day License
Class C Liquor License for Pridefest on June 7 – 8, 2014. Pending approval of
Building, Fire and Zoning Departments.
- (OO) WINEFEST DES MOINES 2400 GEORGE FLAGG Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Winefest on June 1, 2014. Pending
approval of Building, Electrical, Fire and Zoning Departments.
- (PP) WINEFEST DES MOINES 600 E LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Winefest on June 6 - 7, 2014.
- (QQ) WINEFEST DES MOINES 2300 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Winefest on June 5, 2014.
- (RR) WINEFEST DES MOINES 1615 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Winefest on May 31, 2014.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (SS) WINEFEST DES MOINES 1716 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Winefest on May 31, 2014.
Pending approval of Building, Electrical, Fire and Zoning Departments.

5. Consideration of Alcoholic Beverage License Applications for the following (**Zoning Department recommends denial**):

RENEWAL APPLICATION

- | | | | |
|-----|-----------------------|------------------|--------|
| (A) | DOLLAR GENERAL #13292 | 3102 MERLE HAY | C Beer |
| (B) | DOLLAR GENERAL #313 | 2570 HUBBELL AVE | C Beer |
| (C) | DOLLAR GENERAL #4554 | 1020 E ARMY POST | C Beer |
| (D) | DOLLAR GENERAL #4991 | 3223 SE 14TH ST | C Beer |
| (E) | DOLLAR GENERAL #6077 | 221 SW 63RD ST | C Beer |
| (F) | DOLLAR GENERAL #6725 | 1428 E OVID AVE | C Beer |
| (G) | DOLLAR GENERAL #6735 | 2650 INGERSOLL | C Beer |
| (H) | DOLLAR GENERAL #8594 | 4213 FLEUR DR | C Beer |

6. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. [Designating](#) lowest responsive, responsible bidder as T K Concrete Inc., (Tony J. Ver Meer, President) and approval of contract and bond for the 2014 ADA Sidewalk Ramp Program – Contract 1, \$453,500.

[\(Council Communication No. 14-223\)](#)

8. [Approving](#) Iowa Department of Transportation Agreements for E. 46th Street and Hubbell Avenue Intersection Improvements.

[\(Council Communication No. 14-220\)](#)

9. Accepting completed construction and approving final payment for the following:
 - (A) [2013](#) Expanded Street Resurfacing Program – Contract 1, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (B) [SE](#) 19th & Harriett Street Pump Station Modifications, Biermann’s University Electric Company, Inc.

SPECIAL ASSESSMENTS

10. [Levy](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2014-04.

BOARDS/COMMISSIONS/NEIGHBORHOODS

11. [Approving](#) amended qualifications for Seats 3 and 5 on the Urban Design Review Board.
- 11-I [Approving](#) recommendation of Council Member Chris Coleman to reappoint Darlene Blake to the Sister Cities Commission, Seat 6, for a five-year term commencing April 28, 2014 to expire April 28, 2019.
12. [Receive](#) and file and express no objection to the proposed amendments to The Bylaws of Neighborhood Development Corporation (NDC).
- 12-I [Approving](#) appointment of Joe Gatto as a Regular Member to the Metropolitan Planning Organization (MPO).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

13. Approving workers' compensation settlements for the following:
 - (A) [James](#) Calkins.
 - (B) [Wesley](#) Eaton.
14. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$60.
15. [Approving](#) Settlement Agreement with David Lingren, 613 Winegardner Road, for a sewer backup claim.

CITY MANAGER COMMUNICATIONS

16. [Submitting](#) travel and training request for John Petersen.

[\(Council Communication No. 14-229\)](#)

APPROVING

17. [Partial](#) release of judgment lien on 1333 Boyd Street, subject to conditions.
18. [Acceptance](#) of Bill of Sale for 10,000 ton capacity Salt Storage Facility building and approval of Ground Lease and Operation and Maintenance Agreement for Metropolitan Salt Storage Facility.

[\(Council Communication No. 14-241\)](#)
19. [Consent](#) to assignment of Economic Development Grant payments for project located at 505 E. Grand Avenue.

[\(Council Communication No. 14-222\)](#)
20. [Receive](#) and file communication from Hansen Real Estate Services, Inc. regarding developer-initiated proposal for excess City and Wastewater Reclamation Authority-owned property located north of the Des Moines River, west of SE 6th Street and south of Shaw Street for development of approximately 90 market-rate dwelling units.
21. [Agreements](#) to continue the Main Street Program for the 6th Avenue Corridor.

[\(Council Communication No. 14-225\)](#)

22. [Application](#) from Iowa Sports Foundation requesting approval for banners to be placed at the start and finish locations on SW 5th Street and Market Street on May 31, 2014 for the Glow Run, pending additional documents.
23. [Application](#) from The Des Moines Arts Festival requesting banners across the streets on the entrances at 12th & Grand, 12th & Locust, 12th & 13th and Walnut, and 16th & Locust for the 2014 Des Moines Arts Festival from June 27-29, 2014.
24. Bids from the following:

- (A) [Hewlett](#) Packard Co. (Mark Hurd, President) for annual maintenance and support for existing Hewlett Packard Storage Area Network Servers (SANS) mass storage system per Western States Contracting Alliance (WSCA) price agreement for use by the IT Department, \$100,678.08.

[\(Council Communication No. 14-226\)](#)

- (B) [Hewlett](#) Packard Co. (Mark Hurd, President) for five replacement servers per Western States Contracting Alliance (WSCA) price agreement for use by the IT Department, \$60,850.37.

[\(Council Communication No. 14-224\)](#)

- (C) [OSDI](#) Spacesaver (Dean Sandstoe, President) for Krueger International (KI) Spacesaver storage units per National Joint Powers Alliance (NJPA) Contract for use by the Engineering Department at the Municipal Service Center, \$128,783.42.

[\(Council Communication No. 14-236\)](#)

- (D) [Triplett](#) Companies (Michael Triplett, President) for Haworth systems office furniture per US Communities Contract for use by the Engineering Department at the Municipal Service Center, \$71,574.88.

[\(Council Communication No. 14-235\)](#)

- (E) [Dewey](#) Ford (Dan Boettcher, General Manager) and Charles Gabus Ford (Jim Bintner) General Manager for various replacement vehicles for City-wide use by Fleet Maintenance, \$519,096.80. (Twelve bids mailed, five received)

- (F) [Star](#) Equipment (Bruce Bowman, President) for two (2) replacement asphalt rollers per State of Iowa Department of Transportation (IDOT) contract and Titan Machinery (Ben Pias, President) for one (1) replacement asphalt roller for use by Fleet Maintenance, \$76,151.05. (Seven bids mailed, four received)

[\(Council Communication No. 14-231\)](#)

25. [Additional](#) payment to TruGreen (Jim Boswell, President) due to extreme weather conditions during the 2013-2014 season for sidewalk snow removal services at various City properties, \$81,481.

[\(Council Communication No. 14-244\)](#)

- 25-I [Additional](#) expense for high-strength grout to be used for manhole rehabilitation during fiscal year (FY) 2014, \$30,000.

[\(Council Communication No. 14-242\)](#)

26. [Civil](#) Service Entrance List for Crime Scene Investigator and Compensation Specialist.

27. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 19 and May 26, and June 2, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 19 and May 26, and June 2, 2014 and to draw checks for biweekly payroll due on May 30, 2014.

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

ORDINANCES - SECOND CONSIDERATION

28. [On](#) request from ST Investments, LLC to rezone property at 200 SE 6th Street from Ltd. "C-3B" (Central Business District Commercial) to Ltd. "C-3" (Central Business Mixed-Use) to allow a rental car display lot use.

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

ORDINANCES - FIRST CONSIDERATION

29. [Amending](#) Chapter 102 of the Municipal Code regarding Street Use Permits.

[\(Council Communication No. 14-228\)](#)

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

([Council Communication No. 14-239](#))

- (A) Increasing parking meter time limit – Grand Avenue between 15th and 16th Street.
 - (B) Revisions to agree with current signing conditions on the east side of 9th Street between University and Indiana Avenue.
 - (C) School passenger loading and unloading, 30-minute limit – west side of E. 39th Court.
31. [Amending](#) Chapter 62 of the Municipal Code regarding the Des Moines Human Rights Commission and duties of the Commission and the Director.

([Council Communication No. 14-245](#))

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

COMMUNICATIONS/REPORTS

32. Number Not Used.
33. [From](#) Larry James and Kathryn Dickel, City Sounds – the Des Moines Public Piano Project, to speak regarding placing a couple pianos on public right-of-way.
34. [From](#) Chris Robinson, 1352 E. 12th Street, to speak regarding the Human Rights Department/Commission.

***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 35 THRU 48)

35. On vacation and lease of public right-of-way for a sidewalk café in the alley, west of and adjoining 210 Court Avenue (Tonic).
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
 - (C) Consideration of permanent outdoor service privilege for Class C Liquor License.
36. On vacation of various street and alley rights-of-way between SE 2nd and SE 6th Streets and between Shaw Street and the Des Moines River for the purpose of dedicating a portion of such right-of-way and other adjoining City-owned property as parkland to replace Allen Park.

(Council Communication No. 14-233)

- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by the Park & Recreation Director), requires six votes.
 - (C) Dedicating City-owned property in the vicinity of Maury Street and SE 6th Street as parkland for the relocation of Allen Park.
37. On conveyance of a portion of the vacated east/west alley right-of-way adjoining 2815 Franklin Avenue to Beverly J. Mugan, \$270.

(Council Communication No. 14-219)

38. On request by Misty Knight for approval of an amendment to the Tobis Park Estates PUD Concept Plan for 5300 SE 28th Street to allow accessory use of the property for a home occupation business as a beauty parlor.

39. [On](#) proposed amendment to the Zoning Ordinance regarding the allowed operation, size and location of electronic signs and multi-vision display signs and use of conversion credits earned by the removal of an off-premises advertising sign.
- (A) [First](#) consideration of ordinance above.
 - (B) ~~[Final](#) consideration of ordinance above (waiver requested by the Legal Department), requires six votes.~~
40. [On](#) proposed amendments to the Zoning Ordinance to establish a City-wide Freestanding Sign Overlay District.
- (A) [First](#) consideration of ordinance above.
41. [On](#) proposed amendments to the Zoning Ordinance to regulate the allowed location and operation of tobacco stores that sell alcoholic beverages for off-premises consumption.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the Legal Department), requires six votes.
42. [On](#) Lease-Purchase Agreement for acquiring certain items or equipment consisting of five tandem-axle dump trucks, one single-axle crew cab dump truck, one GVW truck with aerial platform lift, one tandem-axle semi-tractor and one rubber-tired loader, not to exceed \$1,200,000.

[\(Council Communication No. 14-240\)](#)

- (A) [Authorization](#) for additional action.
43. On issuance of General Obligation Bonds for FY2014-15 Capital Improvement Budget and Tax Increment Projects for the following:

[\(Council Communication No. 14-243\)](#)

- (A) [\\$3,000,000](#) for Urban Renewal Purposes.
 - (1) [Authorization](#) for additional action.
- (B) [\\$50,000](#) for Essential Corporate Purposes.
 - (1) [Authorization](#) for additional action.

44. On intent to acquire 1422 Scott Avenue for the SE Agribusiness Urban Renewal Project.

(Council Communication No. 14-238)

(A) Approving agreement with the Iowa Department of Natural Resources.

(B) Approving agreement with the Des Moines Metro Waste Agency d/b/a Metro Waste Authority regarding disposal of waste.

45. On 2014 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designation of lowest responsible bidder as MPS Engineers, PC, (Umesh G. Shetye, President), \$439,720.

(Council Communication No. 14-227)

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

46. On Fire Department Administration Parking Lot: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designation of lowest responsible bidder as P.G. Construction Inc., (Keith Purdy, President) \$62,608.74, **continued from May 5, 2014.**

(Council Communication No. 14-234)

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

47. On 2014 ADA Facility Modifications: approving plans, specifications, form of contract documents and Engineer's estimate, and receive and file bids.

(Council Communication No. 14-221)

48. On SW 14th Quiet Street: approving plans, specifications, form of contract documents, and Engineer's estimate and receive and file bids.

(Council Communication No. 14-237)

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

APPROVING

49. [Amendment](#) to the Schedule of Fees regarding construction, temporary and annual permits issued by the Fire Department Fire Prevention Bureau.

[\(Council Communication No. 14-230\)](#)

50. ~~[Intergovernmental](#) Chapter 28E Agreement with Polk County for property acquisition, relocation and demolition services for the Polk County Clean Water State Revolving Fund Water Resources Restoration Sponsored Project for the Four Mile Creek Watershed.~~

~~[\(Council Communication No. 14-232\)](#)~~

MOTION TO ADJOURN.

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