

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

October 20, 2014
4:30 PM

PROCLAMATIONS – 4:00 PM

Alpha Delta Kappa Month

Des Moines' Jazz History Day

INVOCATION: Council Member Skip Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 43:

***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 - COURT SIDE | 2601 FOREST AVE | C Liquor |
| (B) | HY VEE WINE EXPO | 730 3RD ST | C Beer |
| (C) | KUM & GO #535 | 4960 E BROADWAY | E Liquor |
| (D) | OASIS | 630 SW 9TH ST | E Liquor |

RENEWAL APPLICATIONS

| | | | |
|-----|-----------------------|------------------|----------|
| (E) | AIRPORT HOLIDAY INN | 6111 FLEUR DR | B Liquor |
| (F) | BLAZING SADDLE | 416 E 5TH ST | C Liquor |
| (G) | BORDENAROS PIZZA | 6108 SW 9TH ST | C Liquor |
| (H) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | B Beer |
| (I) | CAMPBELLS CONCESSIONS | 3000 E GRAND AVE | B Beer |
| (J) | CENTRAL CITY 2 | 1501 MICHIGAN ST | E Liquor |

| | | | |
|----------------|-----------------------------------|-----------------------------|-------------------|
| (K) | CHEESE SHOP OF DES MOINES | 833 42ND ST | C Beer/Wine |
| (L) | CVS PHARMACY #10161 | 215 EUCLID AVE | E Liquor |
| (M) | DAHLS FOODS | 4343 MERLE HAY RD | E Liquor |
| (N) | DES LUX HOTEL | 800 LOCUST ST | B Liquor |
| (O) | DUDS N SUDS | 2629 BEAVER AVE | B Beer |
| (P) | EL FLAMINGO RESTAURANT | 1850 EASTON BLVD | B Beer |
| (Q) | FIGHTING BURRITO | 309 13TH ST | B Beer |
| (R) | FLEUR CINEMA & CAFE | 4545 FLEUR DR | C Beer/Wine |
| (S) | GIT N GO STORE #33 | 865 42ND ST | C Beer |
| (T) | HEROES | 216 COURT AVE | C Liquor |
| (U) | HY VEE GAS #5 | 1113 E ARMY POST | C Beer |
| (V) | LA TAPATIA 2 | 3504 MERLE HAY RD | C Beer |
| (W) | NICKS | 1106 ARMY POST RD | B Beer |
| (X) | NOODLES & COMPANY | 2105 INGERSOLL | C Beer/Wine |
| (Y) | STUFF OLIVES | 208 3RD ST | C Liquor |
| (Z) | TRELLIS | 909 ROBERT DRAY | C Liquor |
| (AA) | TROPIK RESTAURANT & BAR | 3015 MERLE HAY RD | C Liquor |

SPECIAL EVENTS APPLICATIONS

- (BB) BACK COUNTRY 2702 BEAVER AVE Five (5) Day License
Class B Beer License for special event on October 25, 2014. Pending approval of Police, Building, Fire and Zoning Departments
- (CC) CATERING DSM 4025 TONAWANDA DR Five (5) Day License
Class C Liquor License for an event on October 25, 2014 Pending approval of Fire and Zoning Departments.
- (DD) DRAKE - TURNER JAZZ 2505 CARPENTER Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on October 23, 2014. Pending approval of Fire Department.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

6. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for Indianola Avenue widening from E. Porter Avenue to E. Army Post Road.

[\(Council Communication No. 14-495\)](#)

7. [Approving](#) and authorizing the execution of Agreement for Cooperative Public Service with Polk County for the resurfacing of Aurora Avenue from Dixon Street to Morningstar Drive.

[\(Council Communication No. 14-501\)](#)

8. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.

9. Accepting completed construction and final payment for the following:

- (A) [2013](#) Expanded Street Resurfacing Program – Contract 2 – Grimes Asphalt & Paving Corporation.
- (B) [2013](#) HMA Pavement Scarification and Resurfacing – Grimes Asphalt & Paving Corporation.
- (C) [2013](#) Sidewalk Replacement Program – Lamberti Concrete of Iowa, Inc.

LAND/PROPERTY TRANSACTIONS

10. [Acceptance](#) of real estate documents from QuikTrip Corporation for voluntary acquisition of a portion of properties at 2401 Easton Boulevard and 2426 Hubbell Avenue for E. 24th Street widening and sidewalk improvements.

[\(Council Communication No. 14-500\)](#)

11. [Release](#) of Subdivision Improvement Bond from Echo-Tech Construction, LLC, and Merchants Bonding Company in the amount of \$12,290 as security for completion of required grading, site restoration, and public sidewalk improvements for Sawyer's Landing Plat 2 in the vicinity of Twana Drive and 29th Street.

[\(Council Communication No. 14-494\)](#)

12. [Approving](#) 113 Tax Abatement applications for additional value added by improvements completed in 2014.

[\(Council Communication No. 14-493\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Recommendation](#) from Council Member Bob Mahaffey to appoint Carey Nagle to the Urban Design Review Board, Seat 5, for a three-year term commencing June 30, 2013 to expire June 30, 2016.
14. [Recommendation](#) from Council Member Skip Moore to reappoint Troy Green to the Access Advisory Board, Seat 9, for a four-year term commencing June 15, 2014 to expire June 15, 2018.
15. [Recommendation](#) from Council Member Bill Gray to reappoint Karin Ford to the Access Advisory Board, Seat 12, for a four-year term commencing June 15, 2014 to expire June 15, 2018.
16. [Communication](#) from Lynn Simmons advising of her resignation from the Housing Services Board, Seat 7, effective immediately.

SETTING DATE OF HEARINGS

17. [On](#) vacation and conveyance of a portion of Maury Street and alley right-of-way adjoining 724 E. 14th Street to Jordan Flatt, \$8,750, (11-3-14).
18. Items regarding the north/south alley adjoining 120 2nd Avenue:
 - (A) [Recommendation](#) from Plan and Zoning Commission regarding City-initiated request to vacate a segment of the north/south alley lying between 2nd Avenue and 3rd Street adjoining the west property line of 120 2nd Avenue, owned by Polk County, extending from the east/west alley lying between Court Avenue and Vine Street to a point 66' to the south. **Plan and Zoning Commission recommends DENIAL.**
 - (B) [Setting](#) Date of Hearing on vacation and conveyance of a segment of the north/south alley adjoining 120 2nd Avenue, to Polk County, Iowa, \$1, (11-3-14).
19. [On](#) request from 304 15th Street LLC (owner), represented by Jake Christensen (Officer), to rezone property at 304 15th Street to remove the “D-O” (Downtown Overlay) District designation and remove the prohibition of off-premises advertising signs, (11-3-14).
- 19-I [On](#) request from Curly Top, LLC to rezone 2455 M. L. King Jr. Pkwy from “C-2” (General Retail and Highway-Oriented Commercial) and “M-3” (Limited Industrial) to “R-4” (High Density Residential), (11-17-14). Sponsor: Council Member Bill Gray.
20. On application from Jack Porter to designate the “Riverfront YMCA” building at 101 Locust Street as a Local Landmark, (11-3-14). [Attachment 1](#) [Attachment 2](#) [Attachment 3](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Belin McCormick Law Firm for consulting services in conjunction with Kragnes v. City of Des Moines, \$270.
22. [Approving](#) payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency and increasing authorization, not to exceed \$2,500.
23. [Approving](#) payment to Jeff Shepherd for settlement of a workers' compensation claim.
24. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

CITY MANAGER COMMUNICATIONS

25. [Submitting](#) travel and training requests for Skip Moore and Jason Van Essen.

[\(Council Communication No. 14-514\)](#)

APPROVING

26. [Grant](#) agreements with the U.S. Department of Housing and Urban Development (HUD) for funding of the City's Fifth Year (2014) Action Plan of the 2010-2014 HUD Consolidated Plan.

[\(Council Communication No. 14-505\)](#)

27. [2014](#) U.S. Department of Housing and Urban Development (HUD) Continuum of Care Program application.

[\(Council Communication No. 14-508\)](#)

28. [Community](#) Services Block Grant (CSBG) Contract for the 2015 CSBG Program year with the Iowa Department of Human Rights, Division of Community Action Agencies.

[\(Council Communication No. 14-490\)](#)

29. [Preliminary](#) Terms of Agreement with TWG Development, LLC represented by Joseph Whitsett, CEO, for redevelopment of the R & T Lofts, the former Des Moines Register buildings, at 717 Locust Street and 421 8th Street.

[\(Council Communication No. 14-507\)](#)

30. [Preliminary](#) Terms of Agreement with 215 East 3rd Street, LLC for redevelopment of the former Dilley Manufacturing building and adjacent property at 215-221 E. 3rd Street.

[\(Council Communication No. 14-513\)](#)

31. [Submittal](#) of an Iowa Great Places Program Grant application for improving Des Moines' commercial corridors with streetscape enhancements along 6th Avenue and 42nd Street.

[\(Council Communication No. 14-510\)](#)

32. [Approving](#) the Viva East Bank! Coalition Memorandum of Understanding for Partners Coalition – Implementation Phase and Steering Committee.

[\(Council Communication No. 14-509\)](#)

33. [Operational](#) Agreement with Childtime Childcare, Inc. to operate and manage a childcare center in the Intermodal Transportation Facility at 6th Avenue and Center Street.

[\(Council Communication No. 14-498\)](#)

34. [Agreement](#) with Iowa Methodist Occupational Medicine d/b/a UnityPoint Health for occupational health services.

[\(Council Communication No. 14-492\)](#)

35. [Authorizing](#) partial release of judgment liens at 1942 Arlington Avenue.

[\(Council Communication No. 14-504\)](#)

36. [City](#) Council Meeting Schedule for 2015.

37. [Application](#) from Historic East Village, Inc. for permission to place holiday lights on trees on both sides of E. Locust starting at E. 4th up to the Capitol grounds from November 15, 2014 through January 15, 2015.

38. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2014.

39. Bids from the following:

- (A) [Bryan](#) Crow Construction (Jerry Crow, President) for skateboard deterrence services along the Principal Riverwalk as requested by the Engineering Department, \$32,110. (Twelve bids mailed, three received).
- (B) [Central](#) Iowa Mechanical (Larry Goode, President) for rooftop HVAC replacement services for the Kaleidoscope Skywalk as requested by the Engineering Department, \$33,260. (Ten bids mailed, one received).

[\(Council Communication No. 14-502\)](#)

- (C) [Precision](#) Midwest (Rich Fisher, Owner/President) sole area-wide distributor for Trimble GPS Survey equipment to be used with existing software as requested by the Engineering Department, \$39,049.

[\(Council Communication No. 14-497\)](#)

40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 20 and October 27, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 20 and October 27, 2014 and to draw checks for biweekly payroll due on October 31, 2014.

ORDINANCES - FINAL CONSIDERATION

41. [Amending](#) Chapter 2 of the Municipal Code regarding releasing paid-off loans and security interests.

ORDINANCES - SECOND CONSIDERATION

42. [On](#) proposed amendments to subdivision ordinance (Chapter 106) to authorize Community Development to provide notification to adjoining owners and collection of a notification cost from applicants of preliminary subdivision plats.

43. [Amending](#) Chapter 2 of the Municipal Code regarding the Community Development Department administration.

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

COUNCIL REQUESTS

44. From Council Member Joe Gatto to discuss immediately reinstating the pilot program for Medic 6, prioritizing the upcoming budget process, and to seek Council support to request a report from the City Manager establishing priority for staffing levels for the Fire Department and reallocating medics throughout the City to provide better service for our residents.

COMMUNICATIONS/REPORTS

45. From George Wood, 4710 Mills Civic Parkway, West Des Moines, to speak regarding Broadlawns Medical Center 90 years of service to Polk County.

***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 46 THRU 49)

46. On conveyance of 1161 22nd Street to Home Opportunities Made Easy, Inc. (HOME, Inc.).

(Council Communication No. 14-496)

47. On approval of a proposed lease of property near 6th Avenue and Mulberry Street to Polk County, Iowa.

48. On approval of a proposed lease agreement with The Des Moines Bicycle Collective for placement of B-Cycle Program Kiosks on City right-of-way and **to continue to November 3, 2014 at 5:00 PM.**

(Council Communication No. 14-499)

49. To close the hearing on appeal by Majestic Consultants, LLC of the conditional approval of a site plan for 3512 Ingersoll Avenue.

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

APPROVING

50. Agreements regarding the expansion of the Des Moines Bicycle (B-Cycle) Program:

[\(Council Communication No. 14-503\)](#)

- (A) [Iowa](#) Department of Transportation (IDOT) Iowa Clean Air Attainment Program (ICAAP) Funding Agreement.
- (B) [Development](#) and Completion Agreement.
- (C) [Economic](#) Development Grant Agreement.

51. [Amendments](#) to the Neighborhood Recognition Policy.

[\(Council Communication No. 14-506\)](#)

52. Items regarding the Des Moines Rail Transload Feasibility Study:

- (A) [Receive](#) and file the study.
- (B) [Approving](#) agreement for professional services with McClure Engineering Company for development of Request for Proposals for Rail Transload Facility and approving Letter of Support to IDOT Railroad Revolving Loan and Grant Agreement.

[\(Council Communication No. 14-512\)](#)

53. [Resolution](#) granting limited exemption from the noise control ordinance for the operation of the Aviation Technology Program at the McCombs School Campus.

[\(Council Communication No. 14-511\)](#)

BOARD OF HEALTH

MOTION TO CONVENE. [Memo](#)

1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 3117 SE 8th Street, garage structure; Titleholder: James E. Piper, Mortgage Holder: Federal National Mortgage Association.
2. [Notification](#) from Cunningham & Lindsey dated September 25, 2014 stating their insured, Pamela Stanley, 4475 SE 17th Street, sustained a fire loss and a fire escrow/demolition reserve is being held in the amount of \$10,000.

MOTION TO ADJOURN.

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