

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

February 23, 2015 4:30 PM

I. CLOSED SESSION – 3:30 PM.

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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INVOCATION: Council Member Coleman

1. ROLL CALL – **4:30 PM**

- I Prairie Meadows City/County Partnership Check Presentation.
- II Joint meeting with Polk County Board of Supervisors to discuss the Iowa Events Center Hotel.
 - (A) [Approving](#) preliminary terms of agreement with IEC Hotel Corporation for financial assistance for development of a headquarters hotel connected to the Iowa Events Center and approving the final application to Iowa Economic Development Authority for funding from the Iowa Reinvestment Act for the Iowa Convention & Entertainment Reinvestment District.

[\(Council Communication No. 15-094\)](#)

III Accepting and approving the City Engineer’s recommendation with regarding to the disqualification of Jenco Construction, Inc. from bidding on future public improvement construction or repair contracts as a contractor, and from participating in such as a subcontractor for a period of three years.

(A) Request from Bradley Jenson, Jenco Construction, Inc., to give an explanation of why Jenco Construction, Inc. should not be disqualified.

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 applications for the following:

NEW APPLICATIONS

- (A) ~~ABELARDOS MEXICAN FOOD~~ ~~2510 INGERSOLL AVE~~ ~~B Beer~~
- (B) DELLA VITI 425 E GRAND AVE C Liquor
- (C) MARGARITA MEXICAN REST 400 SE 6TH ST C Liquor
- (D) SHOWROOM 4100 MERLE HAY RD C Liquor

RENEWAL APPLICATIONS

- (E) CENTERPLATE 1 LINE DR C Liquor
- (F) CENTRAL CITY LIQUOR 1460 2ND AVE E Liquor
- (G) DAHLS FUEL 3401 INGERSOLL AVE C Beer
- (H) GATEWAY MARKET MLK 2002 WOODLAND AVE C Liquor
- (I) GIT N GO STORE #28 *(1) 3274 E UNIVERSITY AVE C Beer
- (J) H & A MINI MART *(1) 5901 FLEUR DR E Liquor
- (K) HY VEE FOOD STORE #1 3330 M L KING JR PKWY C Beer
- (L) INGERSOLL LIQUOR 3500 INGERSOLL AVE E Liquor
- (M) IOWA CUB CLUB 1 LINE DR C Liquor
- (N) J BENJAMINS 5800 FRANKLIN AVE C Liquor
- (O) LA PREFERIDA 2300 HICKMAN RD C Beer
- (P) LA TAPATIA III 4007 SE 13TH ST C Beer
- (Q) LINN SUPER MARKET 3805 6TH AVE C Beer
- (R) NAT FOOD MART #1 *(1) 3804 HUBBELL AVE E Liquor
- (S) NAT FOOD MART *(2) 1443 2ND AVENUE C Beer
- (T) NAT FOOD MART *(2) 1443 2ND AVENUE E Liquor
- (U) SAINTS PUB + PATIO 4041 URBAN DALE AVE C Liquor

(V)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(W)	WEST END LOUNGE	2309 FOREST AVE	C Liquor
(X)	WOOLYS	504 E LOCUST ST	C Liquor

SPECIAL EVENT APPLICATION

- (Y) GREAT CATERERS OF IOWA 519 PARK ST Five (5) Day License
Class C Liquor License for Whitetail Unlimited event on March 7, 2015.

PUBLIC IMPROVEMENTS

- 5. Ordering construction of the following:
 - (A) E. Euclid & Dixon Traffic Signal Upgrade: Receiving of bids, (3-10-15), Setting date of hearing, (3-23-15), Construction estimate, \$310,000.
[\(Council Communication No. 15-079\)](#)
 - (B) Hull Avenue Roadway Improvements at UPRR: Receiving of bids, (3-10-15), Setting date of hearing, (3-23-15), Construction estimate, \$615,000.
[\(Council Communication No. 15-084\)](#)
 - (C) Pioneer Columbus & Four Mile Community Center Remodeling: Receiving of bids, (3-10-15), Setting date of hearing, (3-23-15), Construction estimate, \$341,000.
[\(Council Communication No. 15-086\)](#)
 - (D) SE 34th Street/SE 36th Street Roadway Improvements at UPRR: Receiving of bids, (3-10-15), Setting date of hearing, (3-23-15), Construction estimate, \$690,000.
[\(Council Communication No. 15-087\)](#)
- 6. Authorization to proceed with an assessed paving project on E. 32nd Street from Kinsey Avenue to Washington Avenue.
[\(Council Communication No. 15-082\)](#)
- 7. Authorization to proceed with an assessed sidewalk project on Garfield Avenue from E. 32nd Street to E. 33rd Street.
[\(Council Communication No. 15-083\)](#)
- 8. Approving Professional Services Agreement with Snyder & Associates, Inc., for conceptual design services for the Near West Side Sewer Separation Project, not to exceed \$492,900.
[\(Council Communication No. 15-085\)](#)

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-02.

LAND/PROPERTY TRANSACTIONS

10. [Releasing](#) PUD Restoration Surety for the Smokey Row Coffee House Parking Lot at 1918 Crocker Street.

[\(Council Communication No. 15-070\)](#)

11. Number not used.

12. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2014, (65 applications).

[\(Council Communication No. 15-071\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Communication](#) from Paul Morrison, advising of his resignation from the Housing Service Board, Seat 12, effective immediately.
14. [Recommendation](#) from Council Member Bill Gray to appoint Charles J. Gassmann to the Building and Fire Code Board of Appeals, Seat 11, for a three-year term commencing April 1, 2014 to expire April 1, 2017.

SETTING DATE OF HEARINGS

15. [On](#) approval of the 2014 U.S. Department of Housing and Urban Development Consolidated Annual Performance and Evaluation Report (CAPER), (3-23-15).
16. [On](#) competitive bid process for sale and redevelopment of Disposition Parcel No. 99C at 420 Court Avenue in the Metro Center Urban Renewal Project Area and receipt of redevelopment proposal from 420 Court Avenue, LLC (Court Avenue Hy-Vee), (4-6-15).

[\(Council Communication No. 15-075\)](#)

17. On items regarding the budget, (3-9-15):
 - (A) [On](#) consideration of the recommended Capital Improvement Program for fiscal years 2015-2016 through 2020-2021.

[\(Council Communication No. 15-092\)](#)
 - (B) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2015.
 - (C) [On](#) proposed budget for the fiscal year ending June 30, 2016.
18. [On](#) request from Des Moines Pediatric and Adolescent Clinic, PLC, to rezone property at 2301 Beaver Avenue, 2313 Beaver Avenue, and 2300 40th Place, from “C-0” (Commercial-Residential) and “R1-60” (One-Family Low-Density Residential) to “C-1” (Neighborhood Retail Commercial), to allow expansion and reconstruction of the existing medical clinic parking lot and site improvements, (3-9-15).
19. Items regarding proposed General Obligation Bonds for the following: (3-9-15):
 - (A) [Resolution](#) electing classifications and procedures for proposed bond projects.
 - (B) [On](#) issuance of not to exceed \$19,660,000 (for Essential Corporate Purposes).
 - (C) [On](#) issuance of not to exceed \$3,680,000, (for Urban Renewal Purposes).
 - (D) [On](#) issuance of not to exceed \$955,000 (for General Corporate Purposes).
 - (E) [On](#) issuance of not to exceed \$870,000 (for General Corporate Purposes).
 - (F) [On](#) issuance of not to exceed \$570,000, (for General Corporate Purposes).
 - (G) [On](#) issuance of not to exceed \$845,000, (for General Corporate Purposes).
 - (H) [On](#) issuance of not to exceed \$850,000, (for General Corporate Purposes).
 - (I) [On](#) issuance of not to exceed \$955,000, (for General Corporate purposes).
 - (J) [On](#) issuance of not to exceed \$820,000, (for General Corporate Purposes).
 - (K) [On](#) issuance of not to exceed \$870,000, (for General Corporate Purposes).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) employment of Hall & Associates to provide professional consultation and representation services related to the NPDES Permit.

CITY MANAGER COMMUNICATIONS

21. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Bert Drost, Chris Hardy, Debora Hobbs, Ryan Moffatt, Nekesha Palmer, Marci Rafdal, Diane Rauh and Kurt Rueckel.

[\(Council Communication No. 15-091\)](#)

APPROVING

22. [Authorizing](#) Community Development Block Grant (CDBG) funding allocation for Continuum of Care Board (COCB) Executive Director.

[\(Council Communication No. 15-077\)](#)

23. [City](#) Manager to sign Iowa Finance Authority (IFA), Exhibit 5S Local Government Contribution, for 4% bond issue application for R & T Lofts, LP.

[\(Council Communication No. 15-096\)](#)

24. [Support](#) of a Workforce Housing Tax Credit (WHTC) Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by SW 9th, LLC, for a housing project at 2440 SW 9th Street.

[\(Council Communication No. 15-095\)](#)

25. [Consent](#) to assignment of Economic Development Grant payments for a redevelopment project by Market One, LLC, in the vicinity of 130 E. 3rd Street.

26. [Urban](#) Renewal Development Agreement with Fort Des Moines Restoration, LLC for the rehabilitation of existing buildings in Historic Fort Des Moines for residential use, approving proposed Conceptual Development Plan, and authorizing City Manager to sign Iowa Finance Authority “Exhibit 5S Local Government Contribution” for 4% bond issue application for Fort Des Moines Restoration, LLC.

[\(Council Communication No. 15-093\)](#)

27. [Issuance](#) of Certificate of Completion for 425 East Grand, LLC row house relocation at 425 E. Grand Avenue, Disposition Parcel No. 02-2A, Metro Center Urban Renewal Project.

[\(Council Communication No. 15-076\)](#)

28. [Issuance](#) of Certificate of Partial Completion for the Des Moines Building at 406 6th Avenue and 513 Locust Street.

[\(Council Communication No. 15-078\)](#)

29. [Amended](#) and Restated Development Agreement with Randolph Apartments LLP, represented by George Sherman, Officer, for the renovation of the Hotel Randolph and the adjacent buildings at 4th Street and Court Avenue.

[\(Council Communication No. 15-089\)](#)

30. [Grant](#) application to the Monsanto Fund for funding of two multi-gas monitors for use by the hazardous materials teams.

[\(Council Communication No. 15-067\)](#)

31. [Application](#) for U.S. Department of Homeland Security 2014 Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

[\(Council Communication No. 15-073\)](#)

32. Communications from Downtown Community Alliance requesting approval of banner designs on behalf of the following:

(A) [Meredith](#) Corporation – Spring (March-May) and Summer (June-September) for banners to be displayed in the Western Gateway.

(B) [University](#) of Iowa – May through December for banners to be displayed on Locust Street, Fifth Avenue, and E. Locust Street.

33. Bids from the following:
- (A) [AmSan](#) (Michael Mulhern, CEO) for a Tennant scrubber/sweeper for use at the Municipal Service Center as requested by the Park & Recreation Department per U.S. Communities Contract, \$54,082.
 - (B) [Conference](#) Technologies (John Laughlin, President) to supply and install public address systems at five aquatic centers as requested by the Park & Recreation Department, \$48,846.55. (Seven bids mailed, two bids received).
 - (C) [EmbarkIT](#) (Anita Messerschmidt, Owner/President) for Varonis file system auditing and data protection software as requested by the IT Department, \$178,766. (Seven bids mailed, two received).
34. [Civil](#) Service Entrance Lists for Customer Service Representative, Senior Traffic Engineer and Engineering Contracts Administrative Assistant.
35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 23 and March 2, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 23 and March 2, 2015 and to draw checks for biweekly payroll due on March 6, 2015.

ORDINANCES - FINAL CONSIDERATION

36. [On](#) proposed amendments to the Zoning Ordinance regarding remedial measures relating to PUD and PBP Development Plans.

ORDINANCES - SECOND CONSIDERATION

37. [Amending](#) Chapter 114 of the Municipal Code to place a 4-way stop at the intersection of SW 56th Street and SW McKinley Avenue.
38. [Amending](#) Chapter 102 of the Municipal Code regarding appointment of members to the Skywalk Committee.
39. [Amending](#) Chapter 114 of the Municipal Code to remove two parking meters on the east side of 12th Street, north of Cherry.

- 40. Amending Chapter 18 of the Municipal Code regarding animals.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
 - (B) [Amendment](#) to the Schedule of Fees to provide for a habitual violation fee to claim dogs and cats from impound.

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

ORDINANCES - FIRST CONSIDERATION

- 41. [Amending](#) Chapter 26 of the Municipal Code regarding qualifications for appointment to the Building and Fire Code Board of Appeals.

[\(Council Communication No. 15-072\)](#)

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

- 42. [Amending](#) Chapter 78 of the Municipal Code regarding buffer zones for street use permits, to bring the Peddler Ordinance and Transient Merchant Ordinance regulations in line with the Street Use ordinance.

- 43. [Amending](#) Chapter 114 of the Municipal Code regarding hours of restriction change on corner clearance, at SW 9th Street and Kenyon Avenue.

[\(Council Communication No. 15-088\)](#)

- 44. [Amending](#) Chapter 126 of the Municipal Code regarding Vehicle Transportation Services.

[\(Council Communication No. 15-081\)](#)

- (A) [Communication](#) from William Lillis and Chris Pose, representing Trans Iowa and limousine operators, regarding an alternate resolution.

COMMUNICATIONS/REPORTS

- 45. [From](#) Larry James, to present the annual report on the Piano Program.
- 46. [From](#) Lelah Swallow, 2002 Lyon Street, to speak regarding the Eastside, 4th Ward.

***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 47 THRU 48)

47. On vacation of a portion of E. 3rd Street right-of-way adjoining 215 E. 3rd Street and conveyance of a permanent encroachment easement to 215 East 3rd Street, LLC, \$100.

(Council Communication No. 15-080)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
48. On request from Silver Oak Enterprises, LLC for review and approval of the 5th Amendment to the Carman Estates PUD Conceptual Plan, 2320 E. Porter Avenue, to allow development of four 3-story, 24-unit multiple-family dwellings, 96 units total, continued from February 9, 2015. **Roll Call contains alternative motions.**

*** 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) 1401 E. 12th street, commercial building structure and accessory buildings; Titleholder: Olivet University.
- (B) 1908 E. Walnut Street; fire-damaged main structure; Titleholder: DT Real Estate Investments, LLC.

2. [Approving](#) the release of the fire escrow account held for the fire-damaged structure at 811 Bancroft Street.

MOTION TO ADJOURN.

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