

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

March 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 Gatto

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 37:

***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)	CARBON C	216 COURT AVE	C Liquor
(B)	CASH SAVER	1320 E EUCLID AVE	E Liquor
(C)	CASH SAVER	4121 FLEUR DR	E Liquor
(D)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(E)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(F)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(G)	PRICE CHOPPER	4343 MERLE HAY RD	E Liquor
(H)	PRICE CHOPPER	3425 INGERSOLL	E Liquor
(I)	PRICE CHOPPER	1819 BEAVER AVE	E Liquor
(J)	PRICE CHOPPER	3401 INGERSOLL	C Beer
(K)	PRICE CHOPPER	4341 MERLE HAY RD	C Beer
(L)	TRIANGLE PARK	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(M)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(N)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(O)	DAHLS FOODS	3425 INGERSOLL	E Liquor
(P)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(Q)	EATARY/A	2932 INGERSOLL	C Liquor
(R)	EL MALECON EVENT CENTER	6550 BLOOMFIELD	C Liquor
(S)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(T)	GALAXIES BAR AND GRILL	2718 DOUGLAS AVE	C Liquor
(U)	GAS LAMP *(1)	1501 GRAND AVE	C Liquor
(V)	GINOS	2809 6TH AVE	C Liquor
(W)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(X)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(Y)	HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor
(Z)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(AA)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(BB)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor
(CC)	LDS CORNER	344 E JACKSON AVE	C Liquor
(DD)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(EE)	NOAHS ARK	2400 INGERSOLL	C Liquor
(FF)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(GG)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(HH)	QUIK TRIP #527	614 UNIVERSITY	C Beer
(II)	REWIND *(1)	217 E 2 ND ST	C Liquor
(JJ)	WHISKEY DIXX	215 4TH ST	C Liquor

SPECIAL EVENTS APPLICATIONS

(KK)	ANDREW ZELLMER	3000 E GRAND AVE	Five (5) Day License Class C Liquor License for a wedding reception on April 11, 2015.
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5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [Ewing](#) Park Parking Lot Water Quality Improvements: Receiving of bids, (4-7-15), Setting date of hearing, (4-20-15), Construction estimate, \$104,000.

([Council Communication No. 15-151](#))
 - (B) [Four](#) Mile Community Center Reroofing: Receiving of bids, (4-7-15), Setting date of hearing, (4-20-15), Construction estimate, \$106,450.

([Council Communication No. 15-152](#))
 - (C) [Birdland](#) Pump Station Repairs: Receiving of bids, (4-7-15), Setting date of hearing, (4-20-15), Construction estimate, \$930,000.

([Council Communication No. 15-149](#))
 - (D) [Pioneer](#)-Columbus Community Center Reroofing: Receiving of bids, (4-7-15), Setting date of hearing, (4-20-15), Construction estimate, \$163,750.

([Council Communication No. 15-155](#))
8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with AECOM Technical Services, Inc. for additional hydraulic, mapping, and final roadway design services for McKinley Avenue Widening – Access Culvert at SE 14th Street, not to exceed \$85,000.

([Council Communication No. 15-144](#))
9. [Approving](#) Professional Services Agreement with Substance Architecture LLC, for the 7th and Grand Parking Ramp, not to exceed \$1,971,000.

([Council Communication No. 15-138](#))

10. [Approving](#) Private Construction Contract between Downing Construction, Inc. and Beaverdale Partners, LLC for storm sewer improvements in the Vintage Park Cooperative at Beaverdale, \$134,133.
11. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

SPECIAL ASSESSMENTS

12. [Levyng](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-02.
13. [Levyng](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-03.

COMMUNICATIONS FROM PLANNING AND ZONING

14. [Regarding](#) request to vacate 27th Street from Forest Avenue to Carpenter Avenue and alley in the vicinity to allow Drake University to assemble land required to renovate existing facilities, add two new facilities and expand existing parking lot, subject to conditions.

SETTING DATE OF HEARINGS

15. [On](#) vacation of parkland in Pioneer Park and dedicating it as Pioneer Road right-of-way and vacation of Pioneer Road right-of-way within Pioneer Park and dedicating it as parkland, (4-6-15).
16. [On](#) conveyance of permanent easement for underground telecommunication lines and related utility equipment to CenturyLink for the Grand Avenue over Walnut Creek Bridge Replacement Project, (4-6-15).
17. [On](#) request from Grand Oaks Condominiums to rezone 4341 and 4345 Grand Avenue from “R1-80” (One-Family Residential) to “R-3” (Multiple-Family Residential) to allow division of the property for multiple-family residential development, (4-6-15).

18. [On](#) request from Stratford Holdings, LLC to rezone 1372 E. 14th Street from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow the right to request a Conditional Use Permit that is necessary to continue selling liquor, wine and beer as either a limited food sales establishment or as a liquor store, (4-6-15).
19. [On](#) request from R&S Land Holdings, LLC to rezone 2052 Ankeny Avenue from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow future expansion of the existing feed and garden store, (4-6-15).
20. [On](#) issuance of Vehicle for Hire Company Certificate for Uber, (4-6-15).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for representation regarding environmental law, \$1,782.95.
22. [Approving](#) negotiated settlement with Rachelle Suedmeier.

CITY MANAGER COMMUNICATIONS

23. [Submitting](#) travel and training requests for Matt Anderson, Brady Carney, Bryan Flanigan, Eric Hartman, Erin Olson-Douglas, Scott Sanders, Steve Woody, Linda Harris, Christine Hensley, Skip Moore, Joe Gatto, and T.M. Franklin Cownie.

[\(Council Communication No. 15-158\)](#)

APPROVING

24. [Amendment](#) to Community Development Block Grant Disaster Recovery (CDBG-DR) Contract for additional stormwater funding for the Edge at Gray’s Landing Project and to update the Wilkins Building (713 Walnut) project requirements.

[\(Council Communication No. 15-131\)](#)

25. [Support](#) for a Workforce Housing Tax Credit Benefit Application to Iowa Economic Development Authority by Neighborhood Development Corporation for the MacRae Terrace Project at 2249 SW 9th Street.

[\(Council Communication No. 15-143\)](#)

26. [Collateral](#) assignment of Development Agreement by Liberty Building Historic Rehab, LLC to Bankers Trust Company as security for refinancing the parking garage at 518 Grand Avenue.

[\(Council Communication No. 15-140\)](#)

27. [Collateral](#) assignment of Urban Renewal Development Agreement with Locust Street Investments, LLC to Freedom Financial Bank as security for project financing.

28. [Collateral](#) assignment of Enterprise Zone Program Agreement with Randolph Apartments GP, LLC to Great Southern Bank as security for project financing.

[\(Council Communication No. 15-141\)](#)

29. [Authorizing](#) support of application for the Bloomberg Philanthropies Public Art Challenge in collaboration with the Greater Des Moines Public Art Foundation.

[\(Council Communication No. 15-157\)](#)

30. [Donation](#) Agreement with the Mary K. and Daniel M. Kelly Foundation for funding a sprayground at Greenwood Park.

[\(Council Communication No. 15-134\)](#)

31. [Exception](#) to competitive procurement process and approving wellness services amendment to occupational health services agreement with UnityPoint Health.

[\(Council Communication No. 15-137\)](#)

32. [Bid](#) for custodial services for Police buildings from Marsden Building Maintenance LLC and rescinding award of bid to ABM Onsite Services.

[\(Council Communication No. 15-136\)](#)

33. Bids from the following:

- (A) [Black](#) Box Network Services (Michael McCloskey, CEO) to furnish annual telephone maintenance and support services for Siemen’s telephone equipment for the Citywide telephone system, (sole area-wide distributor), \$75,088.37

[\(Council Communication No. 15-128\)](#)

- (B) [Insight](#) Public Sector (Kenneth Lamneck, President) for software upgrades and implementation services for Websense, used to monitor and filter the network for improved security, (U.S. Communities contract purchase), \$230,386.34.

[\(Council Communication No. 15-127\)](#)

- (C) [Baker](#) Electric of Iowa (Don Stockton, Executive Vice President) to upgrade four pedestrian bridges with LED lighting technology, \$122,135. (Ten bids mailed, three received).

[\(Council Communication No. 15-133\)](#)

34. [Civil](#) Service Entrance Lists for Electrician and CAD Graphic Technician.

35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 23 and 30, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 23 and 30, 2015 and to draw checks for biweekly payroll due on April 3, 2015.

ORDINANCES - FINAL CONSIDERATION

36. [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.

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

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

ORDINANCES - SECOND CONSIDERATION

38. [Amending](#) Chapter 78 of the Municipal Code establishing the Mobile Vender Pilot Program and to regulate the sale of food and beverages by mobile vendors in the downtown area, as amended.

([Council Communication No. 15-159](#))

- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
- (B) [Amendment](#) to the Schedule of Fees regarding the Mobile Vender Pilot Program.

ORDINANCES - FIRST CONSIDERATION

39. [Amending](#) Chapter 2 of the Municipal Code regarding salary of Mayor and Council Members.

COMMUNICATIONS/REPORTS

40. [From](#) Warren County Board of Supervisors requesting the City enter into negotiations regarding a new annexation moratorium agreement with Warren 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 41 THRU 54)

41. [On](#) approval of the 2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).
42. [On](#) request to amend the Des Moines 2020 Community Character Plan to adopt the Southwest 9th Street Corridor Plan as an element.

([Council Communication No. 15-130](#))

43. [On](#) lease agreement with Bloomfield United Methodist Church for the use of 1.32 Acres in Ewing Park.

[\(Council Communication No. 15-135\)](#)

44. Items regarding the property at 3917 Mahaska (Arnold Dewitt, Owner) to allow expansion of the existing mini-warehouse complex **and to continue to April 6, 2015 at 5PM at the request of the applicant:**

- (A) [Approving](#) request to amend the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
- (B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

45. [On](#) request from Pyramid Investments, LLC to rezone 1300 Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial).

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

46. [On](#) request from Abay Mengistu (owner, 3016 E. Kenyon Avenue) for a 3rd Amendment to the Easter Lake Estates PUD Conceptual Plan to allow retention of a 6-foot tall solid vinyl material fence in lieu of the permitted 6-foot tall solid wood material fence within 5-feet of the right-of-way line along Easter Lake Drive.

47. [On](#) vacation of air space and subsurface rights within E. Grand Avenue and subsurface rights within E. 4th Street adjoining 401 E. Grand Avenue and conveyance of easements to Iowa Machine Shed Co., \$6,093.

[\(Council Communication No. 15-146\)](#)

- (A) [First](#) consideration of ordinance above.

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

48. [On](#) vacation and conveyance of east/west alley right-of-way in the block bounded by Forest Avenue, Indiana Avenue, 3rd Street and 4th Street to Forest Avenue Outreach, \$150.

[\(Council Communication No. 15-145\)](#)

(A) [First](#) consideration of ordinance above.

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

49. [On](#) conveyance of 1712 8th Street to Caselli Holdings, Inc., \$4,500.

[\(Council Communication No. 15-156\)](#)

50. Dismiss the hearing [on](#) conveyance of 3015 Seneca Avenue to Thoughtful Housing Solutions, LLC, \$67,900.

[\(Council Communication No. 15-147\)](#)

51. [On](#) E. Euclid & Dixon Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), \$375,902.50.

[\(Council Communication No. 15-150\)](#)

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

52. [On](#) Hull Avenue Roadway Improvements at UPRR: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$642,315.10.

[\(Council Communication No. 15-153\)](#)

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

53. [On](#) SE 34th Street/SE 36th Street Roadway Improvements at UPRR: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Grimes Asphalt and Paving Corporation, (Kurt Rasmussen, President), \$636,695.25.

([Council Communication No. 15-148](#))

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

54. [Reject](#) all bids on Pioneer Columbus & Four Mile Community Center remodeling and to close the hearing on the plans, specifications, form of contract documents, and Engineer's estimate (bids exceeded project budget).

([Council Communication No. 15-154](#))

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

APPROVING

55. [CDBG](#) Project Agreement with Anawim for a redevelopment project in the 6th Avenue Corridor area.

([Council Communication No. 15-132](#))

56. Items regarding Vehicle Transportation Services:

(A) [Amendment](#) to the Schedule of Fees.

(B) [Effective](#) date and grandfather rights.

MOTION TO ADJOURN.

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