

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

November 9, 2015
4:30 PM

PROCLAMATIONS – 4:15PM

100th Anniversary of Des Moines Branch NAACP

INVOCATION: Council Member Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 41:

***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 Application for the following:

NEW APPLICATIONS

(A)	JUNIPER MOON	2005 INGERSOLL	C Liquor
(B)	LA COSTENITA	1704 E GRAND AVE	B Beer
(C)	QUIJANOS	1930 SE 6TH ST	C Liquor

RENEWAL APPLICATIONS

(D)	ALDI INC #03	3940 E 14TH ST	C Beer
(E)	ALDI INC #29	5512 SE 14TH ST	C Beer
(F)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(G)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
(H)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	C Liquor
(I)	DES MOINES VALERO #204 *(2)	3733 EASTON BLVD	C Beer
(J)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(K)	FREMONT	1030 E 9TH ST	C Liquor

(L)	GIT N GO STORE #19 *(1)	890 COUNTY LINE	C Beer
(M)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
(N)	HY VEE GAS #5	1113 E ARMY POST	C Beer
(O)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(P)	KUM & GO #207 *(1)	4200 HUBBELL AVE	E Liquor
(Q)	KUM & GO #208 *(1)	3200 SE 14TH ST	E Liquor
(R)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(S)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(T)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(U)	QUIK TRIP #500	3700 HUBBELL AVE	E Liquor
(V)	QUIK TRIP #501	2221 E EUCLID AVE	E Liquor
(W)	QUIK TRIP #523	850 ARMY POST RD	E Liquor
(X)	QUIK TRIP #534	2945 E UNIVERSITY	E Liquor
(Y)	QUIK TRIP #554	901 SW 63RD	E Liquor
(Z)	QUIK TRIP #559	4024 FLEUR DR	E Liquor
(AA)	SAHOTA FOOD MART *(2)	1805 SE 14TH ST	E Liquor
(BB)	SUDSUCKERS	1511 E ARMY POST	C Liquor

SPECIAL EVENTS APPLICATIONS

- (CC) DES MOINES EMBASSY 100 E LOCUST ST Five (5) Day License
Class C Liquor License for University of Iowa Foundation Reception on November 10, 2015.
- (DD) HY VEE #3 2134 E GRAND AVE Five (5) Day License
Class C Liquor License for party on November 28, 2015. Pending approval of Fire Department.

- [DENIAL](#) of Class C Liquor License renewal for El Patio Mexican Restaurant at 611 37th Street for failure to comply with City of Des Moines Municipal Code Sections 26-135, 134-1353(a)-(d) and 134-1276(t)(3).
- [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

- [Ordering](#) construction of Walnut Street Streetscape – Phase 1: Receiving of bids, (11-24-15), Setting date of hearing, (12-21-15), Construction estimate, \$4,500,000.

([Council Communication No. 15-587](#))
- [Approving](#) Iowa Department of Transportation (IDOT) Agreement for maintenance and repair of primary roads in municipalities and Supplemental Agreement for July 1, 2015 to June 30, 2016.

9. [Endorsing](#) application to the Iowa Department of Transportation (IDOT) for the designation of the Jefferson Highway as a State Heritage Byway.

[\(Council Communication No. 15-593\)](#)

10. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement with Genus Landscape Architects, PC for extended administrative and construction phase services for Beaver Avenue Streetscape - Beavercrest Drive to Fagen Drive, not to exceed \$24,800.

[\(Council Communication No. 15-585\)](#)

11. [Approving](#) Professional Services Agreement with SystemWorks, LLC for City Hall Building Systems Commissioning, not to exceed \$120,000.

[\(Council Communication No. 15-586\)](#)

12. [Approving](#) Change Order No. 1 with D.W. Zinser Company, Inc. for additional contract time and work on the 7th & Grand Parking Garage Demolition Project, not to exceed \$981,549.

[\(Council Communication No. 15-598\)](#)

13. [Approving](#) private construction contract between J & K Contracting, LLC and Des Moines Independent Community School District for storm sewer improvements in 3025 Oxford Street, \$56,500.

14. Accepting completed construction and approving final payment for the following:

(A) [2015](#) Brick Street Repair Program, Iowa State Contractors, Inc.

(B) [SW](#) 14th Quiet Street, Iowa State Contractors, Inc.

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-08.

LAND/PROPERTY TRANSACTIONS

16. [Approving](#) 128 Tax Abatement Applications for the additional value added by improvements completed during 2015.

([Council Communication No. 15-582](#))

17. [Conditionally](#) granting prior approval of tax abatement for a new residence at 3833 E. Broadway Avenue not connected to the public sewer system.

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Communication](#) from Jean Minahan advising of her resignation from the Neighborhood Revitalization Board, Seat 2, effective immediately.

(A) [Recommendation](#) from Council Member Bill Gray to appoint Jean Minahan to the IMPACT Community Action Partnership (Des Moines Advisory Committee), formerly the Red Rock Community Action Program, Inc.

19. [Recommendation](#) from the Board of Directors of the Des Moines Public Schools to appoint Heather Anderson to the Park and Recreation Board, Seat 15, for the remainder of the four-year term expiring on June 30, 2017.

SETTING DATE OF HEARINGS

20. [On](#) vacation of a portion of Market Street right-of-way adjoining 123 SW 3rd Street and conveyance of a permanent easement for building encroachment to Confluence on Third, LLC, \$2,525, (11-23-15).
21. [On](#) vacation of a portion of the east/west alley right-of-way located south of and adjoining 1200-1214 Oak Park Avenue and conveyance to Donna Peterson and Pamela Hayes for \$50, to Kent and Christine Schnell and Bryan Schnell for \$50 and to Jared Johnson for \$50, (11-23-15).
22. [On](#) vacation of City street and alley rights-of-way adjoining 915 Mulberry Street and conveyance of an air rights easement within Mulberry Street, 9th Street and the east/west alley rights-of-way all adjoining 915 Mulberry Street to Hubbell Towers II, LLC, \$5,922, (11-23-15).

23. [On](#) request from Calvin Community to rezone 4302-4326 Hickman Road and 2121 and 2245 44th Street from “C-1” (Neighborhood Retail Commercial) and “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the “Calvin Community” PUD Conceptual Plan for redevelopment of 2.58 acres of land with a 5-story building having 13,800 square feet of first floor office space and 48 units of senior apartments along with 8 units of 2-story senior row-houses, (11-23-15).
24. [On](#) request from Hubbell Realty Company to rezone 4209 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the “Lower Beaver Villas” Conceptual Plan for redevelopment of 5.73 acres of land with 38 single-family semi-detached dwellings accessed from a private drive to Lower Beaver Road, (11-23-15).
25. Number Not Used.
26. [On](#) Lease Agreement with Murphy Tractor and Equipment Company for the rental of up to four motor graders for an eight-month period to be used by the Public Works Department, (11-23-15).
27. [On](#) the adoption of an Urban Renewal Plan for the SW 42nd and Army Post Urban Renewal Area, (12-7-15).

[\(Council Communication No. 15-601\)](#)

28. [On](#) assessment of a \$500 penalty to Lickety Liquor, 2501 Hubbell Avenue, for violation of Iowa Alcoholic Beverage Laws, (11-23-15).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for retention of Scott Beattie to represent former Police Officer Colin Boone, \$695.
30. [Approving](#) payment to Charles Balius for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Michael West and Anna Whipple.

[\(Council Communication No. 15-605\)](#)

APPROVING

32. [Submittal](#) of a grant request to the Polk County Housing Trust Fund for the City of Des Moines Minor Home Repair Program and authorizing execution and administration of the grant agreement.

[\(Council Communication No. 15-591\)](#)

33. Support of Workforce Housing Tax Credit (WHTC) Benefit applications to be submitted to the Iowa Economic Development Authority (IDEA) by the following:

[\(Council Communication No. 15-603\)](#)

(A) [Bridge](#) District, LLC for a housing project at 200 Des Moines Street.

(B) [HRC](#) 8th Street, LLC, for a housing project at 922 8th Street.

34. [Memorandum](#) of Understanding with 6th Avenue Corridor, Inc. for the implementation of Phase 1 of the 6th Avenue Streetscape Project.

[\(Council Communication No. 15-590\)](#)

35. [Partial](#) release of real estate mortgage to facilitate the sale of 3815 E. 14th Street.

[\(Council Communication No. 15-597\)](#)

36. [Request](#) for Proposal (RFP) to identify and select a qualified consultant to complete a needs assessment, determine requirements, and assist in the creation of an RFP for the acquisition of a replacement for the City's permitting, inspection, and licensing software.

[\(Council Communication No. 15-604\)](#)

37. [Agreements](#) with Des Moines Area Community College for Fire Department EMS Training and Paramedic Training.

[\(Council Communication No. 15-584\)](#)

38. Bids from the following:

- (A) [Ed](#) Roehr Safety Products Co. (Duane Wall, President) sole area-wide provider to update existing and order replacement electronic control devices (Tasers) and accessories compatible with existing equipment as requested by the Police Department, \$82,042.50.

[\(Council Communication No. 15-583\)](#)

- (B) [Alexander](#) Open Systems (Gary Alexander, President) for CISCO network equipment as requested by the IT Department, \$36,931.45. (Nine potential bidders, five received)

- (C) [Pomeroy](#) IT Solutions (Chris Froman, President) for uninterruptable power supply equipment for installation at the Municipal Service Center as requested by the IT Department, \$30,432. (Eleven potential bidders, four received)

39. [Civil](#) Service Entrance Lists for Economic Development Coordinator, Radio Technician, Transcriber Typist, and Promotional List for Cemetery Equipment Operator.

40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 9 and 16, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 9 and 16, 2015; and to draw checks for biweekly payroll due on November 13, 2015.

ORDINANCES - SECOND CONSIDERATION

41. [Authorizing](#) the use of tax increment financing within the Northeast Gateway Revitalization Urban Renewal Area.

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

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

ORDINANCES - FIRST CONSIDERATION

42. [Amending](#) Chapter 74 of the Municipal Code regarding golf course fees.

[\(Council Communication No. 15-592\)](#)

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

[\(Council Communication No. 15-594\)](#)

- (A) On-street parking restriction change – Grand Avenue from 5th Avenue to 6th Avenue.
 - (B) On-street parking restriction change – Walnut Street from 13th Street to 15th Street.
 - (C) Code changes related to the construction of Bill Reichardt Way – SE 22nd to the dead end west, new parking lot at the Cownie Baseball Complex.
44. Items amending Municipal Code Section 102-766 and 102-766.01:
- (A) [Amend](#) the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 102-766 and adding and enacting new Section 102-766.01, relating to access to equipment trenches and ducts in City right-of-way.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the City Engineer), requires six votes.
 - (B) [Amend](#) the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 15,386, passed July 27, 2015, by amending Section 102-766 and adding and enacting new Section 102-766.01, relating to access to equipment trenches and ducts in City right-of-way.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the City Engineer), requires six votes.

COMMUNICATIONS/REPORTS

45. [From](#) the Youth Advisory Board to speak regarding their role in advising the City Council on youth issues.

46. [Requests](#) from the following, to speak regarding the dangerous dog ordinance enforcement:

- (A) Kurt Fahrny, 4807 Kingman Blvd.
- (B) Heather Hildreth, 1601 Army Post Road, Trlr 15.
- (C) Jaysen McCleary, 4807 Kingman Blvd.
- (D) Heather Parrish, 2990 Easter Lake Dr.
- (E) Mackenzie Rumsey, 1143 Ascension St.
- (F) Katherine Sargent, 509 Franklin Ave.

***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 50)

47. [On](#) adoption of the proposed Resolution of Necessity for sidewalk improvements:

[\(Council Communication No. 15-596\)](#)

- (A) SE 14th Street, at various locations, from Indianola Avenue to Army Post Road.
 - (1) [Petition](#) in objection.
- (B) Garfield Avenue sidewalk construction from E. 32nd Street to E. 33rd Street.
 - (1) [Petition](#) in favor.
 - (2) [Petition](#) in objection.
- (C) [Authorization](#) of necessary right-of-way and easements.

48. On proposed Resolution of Necessity for street improvements:

(Council Communication No. 15-595)

(A) E. 32nd Street from Kinsey Avenue to E. Washington Avenue.

(1) Petition in favor.

(2) Petition in objection.

(B) Shawnee Avenue from 15th Street to 14th Street.

(1) Petition in favor.

(2) Petition in objection.

(C) Authorization for acquisition of necessary right-of-way and easements.

49. Items regarding Edencrest in Beaverdale PUD Conceptual Plan, 3422 Beaver Avenue:

(A) Request from Hubbell Realty Company 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, to allow for redevelopment of 3.67 acres of land for a two-story, assisted living facility with up to 80 beds and a memory care unit.

(B) Hearing to rezone the property from "C-1" (Neighborhood Retail Commercial) and "R1-60" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and to approve the PUD Conceptual Plan.

(C) First consideration of ordinance above.

50. On appeal by Miller Valentine Group of the denial of an amended site plan "Southridge Senior Lofts" at 695 E. Army Post Road.

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

APPROVING

51. [Submission](#) of the 2015 U.S. Department of Housing and Urban Development (HUD) Continuum of Care Application.

[\(Council Communication No. 15-589\)](#)

- 51I. [Receipt](#) of recommendation to accept and approve [Des Moines Governance Guide](#) and Des Moines [Strategic Plan 2015-2020-2030](#) Final Reports. [Strategic Plan Overview](#) [Strategic Plan Executive Summary](#) [Action Agenda](#)

52. [Review](#) of Zoning Board of Adjustment decision granting a use variance to allow retention of a salad dressing manufacturing use located at 3601 6th Avenue. (**Choose one alternative A, B or C**)

[\(Council Communication No. 15-599\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on December 4, 2015.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

53. [Review](#) of Zoning Board of Adjustment decision granting a use variance to allow expansion of an existing auto body repair shop use in the vicinity of 1157 15th Street. (**Choose one alternative A, B or C**)

[\(Council Communication No. 15-600\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on December 4, 2015.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

54. Items regarding the Full-Service Convention Center Hotel connected to the Iowa Events Center:

[\(Council Communication No. 15-602\)](#)

- (A) [Approving](#) Development Agreement with Polk County, Iowa and IEC Hotel Corporation.
- (B) [Approval](#) of Amended Joint Agreement authorizing Polk County to proceed with the Iowa Events Center Urban Renewal Area.
- (C) [Approving](#) Reinvestment District Contract with the Iowa Economic Development Authority for the Iowa Convention and Entertainment Reinvestment District.
- (D) [First](#) consideration of ordinance establishing the Iowa Convention and Entertainment Reinvestment District pursuant to Iowa Code Chapter 15J.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
- (E) [Acknowledgement](#) of Convention Center Hotel Construction Loan Commitment Letter.
- (F) [Agreement](#) with DSM Convention Hotel, LLC and Polk County for demolition of Skywalk Bridge 4J-4K in preparation for the construction of the Iowa Events Center Hotel.

55. Abatement of public nuisances at the following addresses:

- (A) [124](#) E. Broad Street, garage structure.
- (B) [600](#) E. Watrous Avenue, main structure and garage structure.
- (C) [909](#) E. 27th Court, main structure.
- (D) [1325](#) Washington Avenue, main structure.
- (E) [1432](#) E. 36th Street, main structure.
- (F) [1542](#) 21st Street, main structure.
- (G) [3007](#) Cornell Street, main structure.

MOTION TO ADJOURN.

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