

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

**November 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; and to Section 20.17(3) of the Iowa Code to discuss collective bargaining strategy.
- (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:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 42:

***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)	EXTRA INNINGS	1500 SE 1ST ST	C Liquor
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RENEWAL APPLICATIONS

(B)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(C)	BUFFALO WILD WINGS	3311 SE 14TH ST	C Liquor
(D)	C FRESH MARKET	801 UNIVERSITY	E Liquor
(E)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(F)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(G)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(H)	FLIX BREWHOUSE IOWA	3800 MERLE HAY RD	C Liquor
(I)	FONGS PIZZA	223 4TH ST	C Liquor
(J)	HIGH LIFE LOUNGE	200 SW 2ND ST	C Liquor
(K)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(L)	HY VEE GAS #4	4701 FLEUR DR	C Beer
(M)	JAVA JOES COFFEEHOUSE	620 CHERRY ST	C Beer/Wine
(N)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
(O)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(P)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(Q)	ROYAL MILE	210 4TH ST	C Liquor
(R)	SKIPS	4000 FLEUR DR	C Liquor
(S)	SLEEPY HOLLOW	4051 DEAN AVE	C Liquor
(T)	TRIANGLE TAP	2506 POST ST	C Liquor
(U)	VAUDEVILLE MEWS	212 4TH ST	C Liquor
(V)	Z'S BAR	1511 S UNION ST	C Liquor

- 4-I [Consideration](#) of 5-Day Class C Liquor License Application by Occasions Made Right, 1200 Grand Avenue for an event on December 3, 2015. Sponsor: Council Member Hensley.

5. [DENIAL](#) of new Class E Liquor License with C Beer and B Wine privileges and denial of new Cigarette/Tobacco/Nicotine/Vapor License to AK Holdings, LLC (Agim Kasoski) for East Side Liquor, 3804 Hubbell Avenue, for lack of good moral character.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- (A) [Pioneer](#) Columbus Community Center Remodeling: Receiving of bids, (12-8-15), Setting date of hearing, (12-21-15), Construction estimate, \$420,000.

[\(Council Communication No. 15-625\)](#)

- (B) [SW](#) 5th Street (Jackson Avenue) Bridge Rehabilitation: Receiving of bids, (12-8-15), Setting date of hearing, (12-21-15), Construction estimate, \$2,153,912.50.

[\(Council Communication No. 15-617\)](#)

- (C) [2016](#) River Bank Stabilization – Contract 1: Receiving of bids, (12-8-15), Setting date of hearing, (12-21-15), Construction estimate, \$125,000.

[\(Council Communication No. 15-622\)](#)

8. [Authorizing](#) submittal of Surface Transportation Program (STP) and Transportation Alternatives Program (TAP) Fund FY2020 applications to the Des Moines Area Metropolitan Planning Organization (MPO).

[\(Council Communication No. 15-618\)](#)

- (A) Southeast Connector – SE 30th Street to US 65 Beltway
- (B) Court Avenue Bridge over the Des Moines River
- (C) University Avenue – 48th to 55th Street
- (D) 6th Avenue Streetscape Project, Phase 2
- (E) Des Moines River Trail, Phase 2

9. [Approving](#) private construction contract between Elder Corporation and Neighborhood Development Corporation for storm sewer improvements in Mac Rae Terrace.

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

11. Accepting completed construction and approving final payment for the following:
 - (A) [Emergency](#) Shoring of Skywalk 7C-7D – Younkers Fire, The Hansen Company.
 - (B) [5th](#) & Walnut Parking Garage Repairs, Iowa State Contractors, Inc.
 - (C) [2014](#) Park Playground Improvements, The Hansen Company.
 - (D) [2014](#) ADA Sidewalk Ramp Program – Contract 2, MPS Engineers, P.C.
 - (E) [2014](#) ADA Sidewalk Ramp Program – Contract 3, Ti-Zack Concrete, Inc.
 - (F) [2015](#) ADA Sidewalk Ramp Program – Contract 1, Ti-Zack Concrete, Inc.
 - (G) [2015](#) Sidewalk Replacement Program, Ti-Zack Concrete, Inc.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2015-09.

LAND/PROPERTY TRANSACTIONS

13. [Conditionally](#) approving final subdivision plat of Bloomfield Estates, 7400 block of Bloomfield Road.

[\(Council Communication No. 15-607\)](#)

14. [Authorizing](#) and approving release and abandonment of easement for temporary turn-around in Carman Estates Plat 2 and accepting replacement temporary turn-around easement on the dead-end segment of E. Southlawn Drive.

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recommendation](#) from Council Member Bill Gray to appoint Thomas Vlassis to the Neighborhood Revitalization Board, Seat 2, for a three-year term commencing June 30, 2013 to expire June 30, 2016.

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from Gary Randa, 3029 Wolcott Avenue, for vacation of a segment of the eastern portion of SW 31st Street adjoining the west boundary of the subject property to mitigate an existing fence encroachment.

SETTING DATE OF HEARINGS

17. [On](#) vacation of a portion of E. 5th Street right-of-way adjoining 407 E. 5th Street and conveyance of a permanent easement for building encroachment to Teachout Properties, LLC, \$885, (12-7-15).
 - (A) [Receive](#) and file Communication from the Planning and Zoning Commission.
18. [On](#) request from Imperial Properties, Inc. to rezone 4141 E. 14th Street from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow use of property for light industrial uses and chrome plating, subject to conditions, (12-7-15).
19. [On](#) appeal by Thomas Wong of the conditions for approval of a site plan for an expansion of a vehicle display lot at 852 E. 25th Court, (12-7-15).
- 19-I [On](#) Lease Agreement with Capitol Center, LLC for office space at 400 E. Court Avenue, Suites 114, 116, 118 and 200, (12-7-15).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20. [Approving](#) payment to Belin McCormick Law Firm for consulting services in conjunction with Kragnes v. City of Des Moines, Iowa, \$540.
21. [Approving](#) payment to Duncan, Green, Brown & Langeness for retention of Martin Kenworthy to represent the City on matters related to construction disputes, \$4,332.
22. [Approving](#) payment to Hall & Associates to provide professional evaluation and comments on regulatory proposals by Iowa Department of Natural Resources, \$195.51.
23. [Approving](#) payment to Lonnie Booker for a workers’ compensation claim.
24. [Approving](#) payment to William B. Stevens for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

25. [Submitting](#) travel and training request for T. M. Franklin Cownie.

([Council Communication No. 15-629](#))

APPROVING

26. [First](#) Amendment to Community Development Block Grant-Disaster Recovery Agreement for development of 60 units of housing at the Wilkins Building, 713 Walnut Street, with Wilkins Redevelopment, LLC.

([Council Communication No. 15-613](#))

- ~~27. Economic Development Parking License Agreement with Whitfield & Eddy, PLLC for the 8th & Mulberry Parking Garage.~~

~~(Council Communication No. 15-610)~~

28. [Termination](#) of Parking License Agreement with Caidan Management Company for the 9th & Locust Parking Garage.

([Council Communication No. 15-623](#))

29. [Issuance](#) of Certificate of Completion to Principal Life Insurance Company for the renovation of its corporate offices at 801 Grand Avenue.

30. [Acceptance](#) of parking lot improvements in Ewing Park, constructed by the Bloomfield Methodist Church.

31. Items regarding Annual Urban Renewal Report and Tax Increment Financing (TIF) Certification:

([Council Communication No. 15-616](#))

- (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight and administration, \$750,000.

- (B) [Recommendation](#) from the City Manager regarding TIF needs for FY 2016-2017.

- (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.

32. [Urban](#) Renewal Development Agreement with United Properties Investment Company Inc. and Echo Valley Investment Company, LC for Echo Valley and approving proposed Conceptual Plan.

[\(Council Communication No. 15-609\)](#)

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

[\(Council Communication No. 15-611\)](#)

34. Moved to Item 58.

35. [Exception](#) to the competitive procurement ordinance and approving an amendment for a one-year extension of Agreement with Midwest Accessibility Initiative, LLC for professional services regarding accessibility of City facilities and programs.

[\(Council Communication No. 15-614\)](#)

36. [Communication](#) from Downtown Community Alliance, on behalf of the Greater Des Moines Partnership, requesting approval of banner design for banners to be displayed in downtown Des Moines on Locust and E. Locust Street from December to January for the Iowa Caucus.

37. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, requesting approval of banner designs for banners to be displayed on Locust Street, Grand Avenue, and E. Locust Street in July and August, 2016.

38. [Amendment](#) to the Schedule of Fees regarding moving of houses and heavy equipment.

[\(Council Communication No. 15-626\)](#)

39. [Bid](#) from Schumacher Elevator Company (Marvin Schumacher, President) for elevator repair services at the Fourth & Grand Parking Garage for use by the Engineering Department, \$267,517. (Six potential bidders, three received).

40. [Civil](#) Service Entrance Lists for Crime Scene Investigator, Police Information Typist, Project Manager, Development Zoning Inspector, and Storm Water Environmental Technician.

41. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 23 and 30, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 23 and 30, 2015; and to draw checks for biweekly payroll due on November 27, 2015.

ORDINANCES - SECOND CONSIDERATION

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

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

43. [On](#) rezoning of property at 3422 Beaver Avenue, Edencrest in Beaverdale PUD, from "C-1" (Neighborhood Retail Commercial) and "R1-60" (One-Family Low-Density Residential) to "PUD" (Planned Unit Development).
 - (A) [Final](#) consideration of ordinance above (waiver requested by Council Member Gray), requires six votes.

ORDINANCES - FIRST CONSIDERATION

44. [Amending](#) Chapter 126 of the Municipal Code regarding application fee for a paratransit service license.

[\(Council Communication No. 15-624\)](#)

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

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

[\(Council Communication No. 15-627\)](#)

- (A) Traffic regulation removals – Linden Street from 14th Street to Ingersoll Avenue.
- (B) On-street parking restriction change – E. 2nd Street from E. Grand Avenue to Maple Street.
 - (1) [Final](#) consideration of ordinance above (waiver requested by Aluminum Distributors, Inc.), requires six votes.
- (C) On-street parking restriction change – E. Grand Avenue from E. 5th Street to E. 6th Street.
- (D) On-street parking restriction change – E. 5th Street from E. Locust Street to Des Moines Street.
- (E) On-Street parking restriction change – Willowmere Drive from SW 61st Street to SW 63rd Street.

COUNCIL REQUESTS

46. [From](#) Council Member Christine Hensley to speak regarding the City-owned parcel at 1901 Cottage Grove.

COMMUNICATIONS/REPORTS

47. [From](#) Dave Diers, 4101 106th Street, Urbandale, to speak regarding painting a mural on the retaining wall off Exit 5B, south of Interstate 235.
48. ~~[From](#) Jaysen McCleary, 4807 Kingman Boulevard, DM, to speak regarding the dangerous dog ordinance, the high-risk dog ordinance, and the Animal Rescue League.~~

***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 49 THRU 57)

49. [On](#) the proposed Seventeenth Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 15-615\)](#)

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

50. Items regarding the Ingersoll-Grand Urban Renewal Area:

[\(Council Communication No. 15-628\)](#)

- (A) [Closing](#) the public hearing on the First Amendment to the Urban Renewal Plan.
- (B) [Approving](#) the Ingersoll-Grand Beautification Program Application Guidelines.
- (C) [Approving](#) the advance of funds for implementation of Ingersoll-Grand Beautification Program and a proposed traffic study.

51. [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, \$13,043.

[\(Council Communication No. 15-620\)](#)

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

52. Items regarding right-of-way adjoining 1200-1214 Oak Park Avenue:

[\(Council Communication No. 15-621\)](#)

- (A) [Receive](#) and file Plan and Zoning Recommendation regarding request from Bryan Schnell, 1210 Oak Park Avenue, for vacation of the north 7-foot segment of the unimproved east/west alley (known as Ovid Avenue) adjoining the south of the subject property.
- (B) [Hearing](#) 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 \$40, to Kent and Christine Schnell and Bryan Schnell for \$50 and to Jared Johnson for \$50.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

53. [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 Realty Company, \$5,922.

[\(Council Communication No. 15-619\)](#)

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

54. Items regarding Hubbell Realty Company, “Woodlawn” (a/k/a Lower Beaver Villas), 4209 Lower Beaver Road, for redevelopment of the property with 38 single-family semi-detached dwellings:

- (A) [Request](#) to amend the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to Low/Medium-Density Residential.
- (B) [Hearing](#) to rezone the property from “R1-60” (One Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the “Woodlawn” (a/k/a Lower Beaver Villas) PUD Conceptual Plan.
- (C) [First](#) consideration of ordinance above (requires six votes for approval due to percent of written protest).

55. Items regarding Calvin Community, 4302-4326 Hickman Road and 2121 and 2245 44th Street, for redevelopment of the property with a 5-story building containing first floor office space, and 48 units of senior apartments and 6 units of 2-story senior townhomes:
- (A) [Request](#) to amend the Des Moines' 2020 Community Character Plan future land use designation from Low-Density Residential to Mixed-Use and Density.
 - (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 Calvin Community PUD Conceptual Plan.
 - (C) [First](#) consideration of ordinance above (requires six votes for approval due to percent of written protest).
 - (D) [Final](#) consideration of ordinance above (waiver requested by Calvin Community Board of Directors), requires six votes.
56. [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.

[\(Council Communication No. 15-608\)](#)

- (A) [Approving](#) form and authorizing execution of a lease and related documents.
 - (B) [Approving](#) bid from Murphy Tractor & Equipment (Rick Yeager, Branch Manager) for the rental of four (4) motor graders for snow and ice control operations for use by the Public Works Department, estimated four (4) month rental cost \$158,400. (Five potential bidders, one accepted).
57. [On](#) assessment of a \$500 penalty to Lickety Liquor, 2501 Hubbell Avenue, for violation of Iowa Alcoholic Beverage Laws.

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

APPROVING

58. [Authorizing](#) the City Manager to sign Iowa Finance Authority “Exhibit 5S Local Government Contribution” for the following Low-Income Housing Tax Credit Project applications, and for the Mayor to sign a separate letter updating the Iowa Finance Authority on PlanDSM and its impact on identifying Multi-Family Housing sites.

[\(Council Communication No. 15-612\)](#)

- (A) Melbourne IV Senior (Hubbell Realty), 5515 SE 14th Street Bldg. E and F, 72 units.
 - (B) Hilltop II Family (Conlin Development Group), 3720 E. Douglas Avenue, 72 units.
 - (C) Brickstones at Riverbend Senior (Anawim Housing), 513 Forest Avenue, 30 units.
 - (D) Calvin Manor Senior (Kevin Kukleman), 4210 Hickman Avenue, 48 units.
 - (E) Rehab of Corinthian Gardens Senior (Newbury Living), 1101 University Avenue, 75 units.
 - (F) [Setting](#) date of hearing on the First Amendment to the Third Restated City-Wide Urban Revitalization Plan to temporarily extend Tax Abatement for new and expansion of existing multiple-family dwellings outside the targeted multiple-family residential area and to make other amendments to the plan, (12-7-15). Sponsors: Council Members Gray, Hensley and Mahaffey.
59. Intergovernmental 28E Agreement with various entities for the following Watershed Management Authorities:

(A) ~~Walnut Creek.~~

(B) [Beaver](#) Creek.

[\(Council Communication No. 15-606\)](#)

60. Abatement of public nuisances at the following addresses:

- (A) [1012](#) E. 9th Street, main structure.
- (B) [629](#) SE 30th Street, main structure.
- (C) [2727](#) Linden Street, main structure and garage structure.
- (D) [926](#) Kirkwood Avenue, main structure.

61. [Communication](#) from Neighborhood Inspection Division regarding demolition cost reserve escrowed for main structure at 2634 Capitol Avenue.

MOTION TO ADJOURN.

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