

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

May 23, 2016
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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PROCLAMATION – 4:15 PM

103rd Sustainment Command (Expeditionary) Week

INVOCATION: Council Member Chris Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 39:

***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)	1810 BAR & GRILL	1810 ARMY POST RD	B Liquor
(B)	CHOCOLATERIE STAM	2814 INGERSOLL	B Beer
(C)	LOCUST TAP	434 E LOCUST ST	C Liquor
(D)	ROYAL FOOD	1443 2ND AVE	C Beer

RENEWAL APPLICATONS

(E)	BIG KMART #4160	2535 HUBBELL AVE	C Beer
(F)	BREW HAUS LOUNGE	830 McKINLEY AVE	C Liquor
(G)	CARLS PLACE	1620 WOODLAND	C Liquor
(H)	CHOCOLATERIE STAM	2814 INGERSOLL	C Native Wine
(I)	CJS II	316 E 30TH ST	C Liquor
(J)	CONTINENTAL	428 E LOCUST ST	C Liquor
(K)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
(L)	CREME CUPCAKE + DESSERT	543 28TH ST	C Liquor
(M)	DES MOINES CIVIC CENTER	221 WALNUT ST	C Liquor
(N)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(O)	FORTE BANQUET	615 3RD ST	C Liquor
(P)	GALAXIES BAR AND GRILL	2718 DOUGLAS AVE	C Liquor
(Q)	GIT N GO STORE #3 *(1)	100 WATROUS AVE	C Beer
(R)	GIT N GO STORE #31 *(2)	2601 SW 9TH ST	C Beer
(S)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(T)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(U)	JOHNNYS BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(V)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(W)	LUCCA	420 E LOCUST ST	C Liquor
(X)	MADHOUSE BREWING CO	501 SCOTT AVE	B Beer
(Y)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(Z)	MULLETS	1300 SE 1ST ST	C Liquor
(AA)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(BB)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(CC)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(DD)	QUALITY INN & SUITES	929 3RD ST	B Liquor
(EE)	QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(FF)	RM FOOD & BEVERAGE	2801 FLEUR DR	C Liquor
(GG)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(HH)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(II)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(JJ)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(KK)	WALLACE CENTERS OF IOWA	756 16TH ST	B Beer

TRANSFER TO NEW LOCATION

- (LL) EXPRESS GROCERY STORE 3428 MLK JR PKWY C Beer
Permanent transfer from 1016 University Avenue.
- (MM) SCORES SPORTS BAR 2718 DOUGLAS AVE C Liquor
Permanent transfer from 2335 Hickman Road.

OUTDOOR SERVICE APPLICATIONS

- (NN) IOWA TAPROOM 215 E 3RD ST C Liquor
Permanent.

SPECIAL EVENT APPLICATIONS

- (OO) BLANK PARK ZOO 7401 SW 9TH ST Five (5) Day License
Class C Liquor License for Zoobilation on June 10, 2016.
- (PP) CELEBRASIAN 2016 1203 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on May 27 – 28, 2016.
- (QQ) CELEBRASIAN 2016 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on May 27 – 28, 2016.
- (RR) CHRISTIANIS 520 ROBERT D RAY Five (5) Day License
Class C Liquor License for a wedding reception on June 11, 2016.
- (SS) GARDEN NIGHTCLUB 112 SE 4TH ST Five (5) Day License
Class C Liquor License for Capital City Pride on June 10 – 12, 2016.
- (TT) GREEK ORTHODOX 1110 35TH ST Five (5) Day License
Class C Liquor License for Greek Food Fair on June 3 – 5, 2016. Pending approval of Zoning Department.
- (UU) HY VEE 100 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for a fundraising event for Boys & Girls Club of Central Iowa on June 11, 2016. Pending approval of Zoning Department.
- (VV) IOWA TAPROOM 215 E 3RD ST Five (5) Day License
Class B Beer License for Iowa Craft Brew Festival on June 18, 2016.
- (WW) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 10, 2016.
- (XX) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 17, 2016.
- (YY) WAT LAO BUDDHAVAS 1804 E PARK AVE Five (5) Day License
Class B Beer License for festival on June 17 – 19, 2016. Pending approval of Electrical and Fire Departments.

- (ZZ) WINEFEST 400 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for events on June 4 and June 10 – 11,
2016. Pending approval of Zoning Department.
- (AAA) WINEFEST 2400 GEORGE FLAGG Five (5) Day License
Special Class C Liquor License (Beer/Wine) for All Iowa Lawn Party on June 5,
2016. Pending approval of Electrical Department.
- (BBB) WINEFEST 2300 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Bubba Dinner on June 8, 2016.
- (CCC) WINEFEST 1716 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Meredith Saturday Sessions on
June 3, 2016. Pending approval of Fire and Zoning Departments.

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 Grand Avenue Bridge over the Des Moines River Replacement: Receiving of bids, (6-21-16), Setting date of hearing (7-11-16). Construction estimate, \$8,372,948.

([Council Communication No. 16-282](#))
8. [Approving](#) Professional Services Agreement with RDG IA, Inc. d/b/a RDG Planning and Design for planning services for the Police Department and Information Technology (IT) Department Facility Planning Study, not to exceed \$298,500.

([Council Communication No. 16-284](#))
9. [Approving](#) Supplemental Agreement No. 3 to the Professional Services Agreement with Stanley Consultants, Inc. for construction phase services for Principal Riverwalk Red Bridge over Des Moines River Rehabilitation, not to exceed \$77,333.

([Council Communication No. 16-285](#))
10. [Approving](#) and authorizing the execution of Iowa Interstate Railroad, Ltd. Grade Crossing Surface Repair Program Agreements for 2nd Avenue and 3rd Street.

([Council Communication No. 16-283](#))

11. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
12. Approving completion and acceptance of the private construction contract for the following:
 - (A) [Sanitary](#) sewer improvements, 215 E. 3rd Street, between Beal Derkenne Construction LLC and 215 E. 3rd Street, LLC.
 - (B) [Sanitary](#) sewer improvements, 4690 E. Broadway Avenue, between Elder Corporation and Kum & Go, L.C.
 - (C) [Storm](#) sewer improvements, Grand Avenue, between 8th Street and 11th Street, between J. E. Dunn Construction Company and Principal Life Insurance Company.

SPECIAL ASSESSMENTS

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-05.
14. [Approving](#) deletion of NAC-Emergency Assessment at 3432 Forest Avenue.

LAND/PROPERTY TRANSACTIONS

15. [Approving](#) lease of a portion of vacated east-west alley right-of-way for a Sidewalk Café adjacent to Big Lar's at 215 E. 2nd Street.

[\(Council Communication No. 16-269\)](#)

16. [Authorization](#) to proceed with acquisition of the necessary property interests for the East University Avenue and Hubbell Avenue Intersection Improvements Project.

[\(Council Communication No. 16-280\)](#)

- 16-I City Council initiated request to vacate a segment of West Martin Luther King, Jr. Parkway in the block bounded by Locust Street, West M. L. King Jr. Parkway, 16th Street and Fleur Drive. Sponsor: Council Member Christine Hensley.

SETTING DATE OF HEARINGS

17. [On](#) vacation of segments of street right-of-way in the vicinity of 1628 E. 42nd Street, (6-13-16).
 - (A) [Communication](#) from Plan and Zoning Commission.

18. [On](#) vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way, all adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corporation, \$99,556, (6-13-16).
19. [On](#) the proposed Seventh Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area, (6-27-16).
20. [On](#) the proposed purchase of City-owned property in the SE Agrimergent Business Park by Crossroads Cold Storage, LLC pursuant to development agreement and approving right-of-entry, (6-27-16).

[\(Council Communication No. 16-275\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Duncan, Green, Brown & Langeness in conjunction with construction disputes, \$5,705.
22. [Approving](#) payment to Hall & Associates for representation in the matter Iowa League of Cities V. United States Environmental Protection Agency, \$229.71.
23. [Approving](#) Expedited Informal Agreement and authorizing payment to the State of Iowa.
24. [Approving](#) ~~Settlement Agreement and Release of recovery of property damage claims.~~

CITY MANAGER COMMUNICATIONS

25. [Submitting](#) travel and training requests for David Blaylock, Bruce Braun, T. M. Franklin Cownie, Jonathan Gano (2), Sara Henry, Terry Mitchell, Mary Neiderbach and Lillie Sams.

[\(Council Communication No. 16-290\)](#)

APPROVING

26. ~~Community Development Block Grant (CDBG) Funding Allocations and authorizing the City Manager to execute an agreement with Impact Community Action Partnership for payment and administration.~~

27. [Authorizing](#) the City Manager to negotiate agreement based on preliminary terms with PDM Precast, Inc. and GPS Impact for commercial development at 220 SE 6th Street.

[\(Council Communication No. 16-288\)](#)

28. [Second](#) Amendment to the Urban Renewal Development Agreement with Raccoon Valley Investment Company, LC to allow an extension of the time allowed for the redevelopment of the commercial area, east of Fleur Drive and north of McKinley Avenue.

[\(Council Communication No. 16-276\)](#)

29. [Second](#) Amendment to the Urban Renewal Development Agreement with Blackbird Investments, LLC as successor to 713 Walnut, LLC for the historic restoration of the Wilkins Building at 713 Walnut Street.

[\(Council Communication No. 16-294\)](#)

30. [Memorandum](#) of Understanding (MOU) with Iowa Department of Transportation (IDOT), Motor Vehicle Division, for receipt of secure file transfer containing vehicle and owner information.

[\(Council Communication No. 16-270\)](#)

31. [Support](#) of a High Quality Jobs Program (HQJP) Business Financial Assistance Application to the Iowa Economic Development Authority (IEDA) on behalf of Scientific Games Corporation.

[\(Council Communication No. 16-274\)](#)

- 31-I [Partnership](#) Funds Cooperative Agreement between the City of Des Moines Civil and Human Rights Commission and the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 16-293\)](#)

32. [Use](#) Agreement with Iowa Workforce Development for parking for Brenton Skating Plaza patrons at 150 Des Moines Street.

- 33. [Intergovernmental](#) 28E Agreement with Polk County allowing for the continuation of certain health related functions and programs by Polk County and its Board of Health within the City corporate limits.
- 34. [Intergovernmental](#) 28E Agreement with the Division of Soil Conservation and Water Quality of the Iowa Department of Agriculture & Land Stewardship for funding of the South Side Sinkhole Subsidence Emergency Project.

[\(Council Communication No. 16-287\)](#)

- 35. [Bid](#) from Heartland Business Systems (Peter Helander, President) for Cisco network equipment as requested by the IT Department, \$475,355.98. (Eight potential bidders, four bids received with four proposals)
- 36. [Civil](#) Service Entrance Lists for Permit and Development Center Supervisor, Civil Engineer I and Wastewater Training Specialist, and Promotional Lists for Street Maintenance Worker and Truck Driver.
- 37. [Exception](#) to procurement ordinance competitive procurement process for good cause and accepting proposal of Olsson Associates, Inc. to provide fiber network data conversion consulting services and fiber management system training, \$151,490.

[\(Council Communication No. 16-272\)](#)

- 38. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 23, 30 and June 6, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 23, 30 and June 6, 2016; and to draw checks for biweekly payroll due on May 27 and June 10, 2016.

ORDINANCES - SECOND CONSIDERATION

- 39. [On](#) vacation and conveyance of a segment of Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue.

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

ORDINANCES - FIRST CONSIDERATION

40. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:
([Council Communication No. 16-289](#))
- (A) Two-sided parking restriction – E. 27th Street from Hubbell Avenue to Hull Avenue.
 - (B) Two-sided parking restriction – Indianola Avenue from SW 1st Street to Thomas Beck Road.
41. [Amending](#) Chapter 114 of the Municipal Code regarding monthly parking rates in City parking garages.
([Council Communication No. 16-277](#))
- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
42. [Amending](#) Chapter 42 of the Municipal Code regarding standards for the type of permit for sound equipment, sound amplifying equipment and construction equipment.
([Council Communication No. 16-291](#))
- (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.

COMMUNICATIONS/REPORTS

43. [From](#) Neighborhood Finance Corporation requesting the shelter at Redhead Park be renamed the Nadine Hogate Shelter.
44. [From](#) Raymond Jackson, 3409 Brook Ridge Ct., to speak requesting reduction in the evening price to rent Pioneer Columbus Community Center.
45. [From](#) Carolyn Jenison and Gregory Barnum to give an update on the move of the church at 811 Crocker to the lot at 9th and University.

APPROVING

46. [Contract](#) with the Animal Rescue League of Iowa, Inc. for lease of Animal Shelter, operation of the Animal Shelter Services and City Animal Control Services through June 30, 2019.

[\(Council Communication No. 16-273\)](#)

- (A) [Amendment](#) to the Schedule of Fees applicable to Animals, Chapter 18 Articles II and III of the Municipal Code, processing fee.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47 THRU 62)

47. [On](#) vacation and lease of a portion of the Court Avenue right-of-way for the expansion of the sidewalk café adjacent to the RoCA Restaurant at 208 Court Avenue.

[\(Council Communication No. 16-268\)](#)

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

48. [On](#) vacation and lease of a portion of the east-west alley right-of-way for a sidewalk café adjacent to the Iowa Taproom at 215 E. 3rd Street.

[\(Council Communication No. 16-267\)](#)

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

49. [On](#) vacation of air space and subsurface rights in a portion of City right-of-way adjoining 215 E. 3rd Street and conveyance of a permanent easement for air space above City-owned property to 215 East 3rd Street, LLC, \$683.

[\(Council Communication No. 16-278\)](#)

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

50. [On](#) conveyance of 3946 Clinton Avenue to Shane M. and Eileen Meader, \$75 and to Ron J. and Michelle Ann Heims, \$75.

[\(Council Communication No. 16-279\)](#)

51. [On](#) conveyance of a sanitary sewer easement across City-owned property located at the southeast corner of 63rd Street and Grand Avenue to the City of West Des Moines for the City of West Des Moines' Grand Avenue Siphon Replacement Project, \$1.

52. [On](#) request from Neighborhood Development Corporation to rezone property at 2619 SW 9th Street from "C-1" (Neighborhood Retail Commercial) to Ltd. "NPC" (Neighborhood Pedestrian Commercial) to allow commercial development of the site, subject to conditions.

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

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

53. [On](#) request from JJ Equity, LLC to rezone 3300 E. 56th Street from "A-1" (Agricultural) to "PUD" (Planned Unit Development) to allow a single-family lot development and religious assembly site development.

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

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

54. [On](#) request from Robert Fessler to rezone 2012 and 2016 E. Ovid Avenue from "FW" (Floodway) to "M-1" (Light Industrial) to allow for development of an industrial building outside the regulatory flood hazard area.

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

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

55. On amendment to the renewal of the Concession Agreement for the Brenton Skating Plaza with Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) a/k/a Operation Downtown and the Riverfront Development Authority.

(Council Communication No. 16-271)

56. On assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws, sale to minor:

- (A) Drugtown Wine and Spirits, 4100 University Avenue.
- (B) Walgreens #5852, 3030 University Avenue.
- (C) ~~University Library Café, 3506 University Avenue.~~
- (D) Streetcar 209, 525 E. Grand Avenue.
- (E) Den, 4369 Merle Hay Road.
- (F) Barcadium, 102 3rd Street.

57. On assessment of \$1,500 penalty and a 30-day suspension of liquor license for Beechwood Lounge at 416 E. Walnut Street for violation of Iowa Alcoholic Beverage Laws, sale to minor.

58. On appeal from decision of the Historic Preservation Commission, for 1805 Oakland Avenue in the River Bend Historic Neighborhood District (**Choose Alternative A or B**):

(Council Communication No. 16-265)

- (A) Affirming the decision.

OR

- (B) Reversing the decision.

59. Continuing date of public hearing to June 13, 2016 at 5:00 PM on the petition to establish the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID).

(Council Communication No. 16-292)

60. On proposed amendments to subdivision ordinance, (Chapter 106) regarding subdivision plat approval and appeals.
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by the City Legal Department), requires six votes.
61. On Riverwalk Red Multi-Use Trail Bridge Rehabilitation: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Cramer and Associates, Inc. (Robert Cramer, President/CAO), \$2,458,787.30.

(Council Communication No. 16-286)

- (A) Approval of contract and bond and permission to sublet.

62. On Four Mile Community Center Parking Lot Improvements: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Paco Construction, LLC (Gustavo Z. Villarreal, Owner), \$159,029.12.

(Council Communication No. 16-281)

- (A) Approval of contract and bond and permission to sublet.

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

MOTION TO ADJOURN.

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