

DES MOINES CITY COUNCIL MEETING
****NEW LOCATION****
Municipal Service Center, Council Chambers
1551 E. M. L. King Jr. Pkwy.
Des Moines, Iowa 50317

June 27, 2016
4:30 PM

INVOCATION: Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 52:

***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)	BLAZE PIZZA	300 W MLK JR PKWY	C Beer/Wine
(B)	BROTHER MART	4121 SE 14TH ST	C Beer
(C)	BUBBA SOUTHERN COMFORTS	200 10TH ST	C Liquor
(D)	KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(E)	BUFFALO WILD WINGS	4345 MERLE HAY RD	C Liquor
(F)	CASEYS #2676	2106 ECHO VALLEY	C Beer
(G)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(H)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(I)	DRUGTOWN WINE & SPIRITS	4100 UNIVERSITY	E Liquor
(J)	EL PALOMINO	3116 E 14TH ST	C Beer
(K)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
(L)	H & A MINI MART	145 UNIVERSITY	C Beer
(M)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(N)	HY VEE FOOD STORE #5	1107 E ARMY POST	E Liquor

(O)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(P)	SAVE A LOT	3200 SW 9TH ST	C Beer
(Q)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
(R)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor
(S)	SPLASH SEAFOOD	303 LOCUST ST	C Liquor
(T)	US GAS	3000 SW 9TH ST	E Liquor
(U)	W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine
(V)	WAKONDA CLUB	3915 FLEUR DR	C Liquor

SPECIAL EVENTS APPLICATIONS

- (W) 515 ALIVE MUSIC FESTIVAL 1418 GRAND AVE Five (5) Day License
Class C Liquor License for music festival on July 22 – 23, 2016.
- (X) BUD TENT 3000 E GRAND Ave Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Goodguys event on July 1 – 3, 2016.
- (Y) GARDEN NIGHTCLUB 519 PARK ST Five (5) Day License
Class C Liquor License for a wedding reception on July 2, 2016.
- (Z) GATEWAY MARKET MLK 4700 GRAND AVE Five (5) Day License
Class C Liquor License for a wedding reception on July 9, 2016.
- (AA) DSM MUSIC COALITION 1013 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 music festival on July 8 – 9, 2016.
- (BB) DSM MUSIC COALITION 1418 GRAND AVE Five (5) Day License
Class C Liquor License for 80/35 music festival on July 8 – 9, 2016.
- (CC) DSM MUSIC COALITION 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 music festival on July 8 – 9, 2016.
- (DD) DSM MUSIC COALITION 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 music festival on July 8 – 9, 2016.
- (EE) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on July 15, 2016.
- (FF) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on July 8, 2016.
- (GG) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on July 1, 2016.
- (HH) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 22, 2016.

- (II) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License Class B Beer License for Rendezvous on Riverview event on July 15, 2016.
 - (JJ) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License Class B Beer License for Rendezvous on Riverview event on July 8, 2016.
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) [Municipal](#) Buildings Reroofing – Contract 2: Receiving of bids, (7-12-16), Setting date of hearing, (7-25-16). Construction estimate, \$189,350.
[\(Council Communication No. 16-349\)](#)
 - (B) [Pioneer](#) Park Road Reconstruction: Receiving of bids, (7-12-16), Setting date of hearing, (7-25-16). Construction estimate, \$810,000.
[\(Council Communication No. 16-350\)](#)
 - (C) [Police](#) Station North and South Elevator Replacement: Receiving of bids, (7-12-16), Setting date of hearing, (7-25-16). Construction estimate, \$450,000.
[\(Council Communication No. 16-351\)](#)
 - (D) [Women](#) of Achievement Bridge Deck Surface Replacement: Receiving of bids, (7-12-16), Setting date of hearing, (7-25-16). Construction estimate, \$160,000.
[\(Council Communication No. 16-341\)](#)
 - (E) [2016-2017](#) HMA Pavement Scarification and Resurfacing: Receiving of bids, (7-12-16), Setting date of hearing, (7-25-16). Construction estimate, \$540,000.
[\(Council Communication No. 16-347\)](#)
8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. for additional design phase services and construction phase services for Yeader Creek Grade Control Improvements, Phase 1 Project, for an additional amount not to exceed \$59,150.
[\(Council Communication No. 16-343\)](#)

9. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. for preliminary and final designs and bidding assistance for the Near West Side Sewer Separation Project, for an additional amount not to exceed \$1,456,896.38.

[\(Council Communication No. 16-352\)](#)

10. [Approving](#) Private Construction Contract between Gator Excavating, Inc. and Eagle View Lofts, LLC for sanitary sewer improvements in Eagle View Lofts at 712 SE 6th Street, \$10,337.90.
11. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
12. [Accepting](#) completed construction and approving final payment for 2015-2016 Expanded Street Resurfacing Program – Contract 1 – Grimes Asphalt and Paving Corporation.
13. [Approving](#) and authorizing the execution of agreement for Cooperative Public Service between Polk County, Iowa and the City for the hot mix asphalt repairs to Meredith Drive.

[\(Council Communication No. 16-342\)](#)

14. [Approving](#) Amendment No. 2 to Cooperative Agreement with Iowa Department of Natural Resources (IDNR) to fund Easter Lake Watershed Quality Improvement Project.

[\(Council Communication No. 16-348\)](#)

15. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for E. 30th Street Viaduct over Union Pacific Railroad Rehabilitation.

[\(Council Communication No. 16-355\)](#)

16. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for 42nd Street Streetscape Improvements.

[\(Council Communication No. 16-354\)](#)

17. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for Martin Luther King, Jr. Parkway and Prospect Road Traffic Signal Installation.

[\(Council Communication No. 16-356\)](#)

SPECIAL ASSESSMENTS

18. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2016-06.
19. [Approving](#) deletion of rental inspection assessment at 3031 Grand Avenue, Unit 304.

LAND/PROPERTY TRANSACTIONS

20. [Establishing](#) fair market value of property owned by William E. and Sheryl L. Paterson at 2071 E. University Avenue for the East University Avenue and Hubbell Avenue Intersection Improvement Project.

[\(Council Communication No. 16-357\)](#)

21. [Permanent](#) easement for water main right-of-way granted by the Des Moines Airport Authority for the use and benefit of the Board of Water Works Trustees of the City of Des Moines, Iowa
22. [Approving](#) assignment of lease by lessee for billboard leases located at 63rd Street south of Grand Avenue, and located west of I-235 south of Ovid Avenue.
23. [Approving](#) release of perpetual public ingress and egress easement reservation over a portion of vacated alley right-of-way for the property at 927 8th Street.
24. [Receive](#) and file communication from the Des Moines Airport Authority Board recommending the sale of excess real property located at the southeast corner of Highway 28 and Army Post Road, and authorizing City staff to proceed with the disposition of such property in compliance with State and Federal requirements.

BOARDS/COMMISSIONS/NEIGHBORHOODS

25. Recommendations from Council Member Joe Gatto to reappoint the following:
 - (A) [Bart](#) Caldwell to the Building and Fire Code Board of Appeals, Seat 14, for a three-year term commencing April 1, 2014 to expire April 1, 2017.
 - (B) [Donald](#) Stockton to the Building and Fire Code Board of Appeals, Seat 7, for a three-year term commencing April 1, 2015 to expire April 1, 2018.

(C) [Colleen](#) MacRae to the Urban Design Review Board, Seat 11, for a three-year term commencing June 30, 2016 to expire June 30, 2019.

25-[Communication](#) from Tim Fitzgerald advising of his resignation from the Plan and Zoning Commission, Seat 14, effective July 22, 2016.

26. [Recommendation](#) from Council Member Linda Westergaard to reappoint Michael Young to the Access Advisory Board, Seat 5, for a three-year term commencing June 15, 2016 to expire June 15, 2019.

27. [Communication](#) from Teresa Weidmaier advising of her resignation from the Historic Preservation Commission, Seat 8, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

28. [Regarding](#) City initiated request for vacation of a segment of West Martin Luther King Jr. Parkway right-of-way (ROW) located at the northwest corner of West Martin Luther King Jr., Parkway and 16th Street.

SETTING DATE OF HEARINGS

29. [On](#) conveyance of a portion of vacated north/south alley right-of-way located east of and adjoining 1023 25th Street to Christopher H. Draper for \$25, (7-11-16).

30. [On](#) Amendment to Lease Agreement with Drake University to add a license allowing installation of a water line, (7-11-16).

31. [On](#) request from The Des Moines Community Playhouse for the 1st Amendment to the Des Moines Playhouse PUD Conceptual Plan on property at 831 42nd Street, to allow an elevator corridor addition and new sign allowances, including an additional freestanding monument sign with electronic display. (7-11-16).

32. [On](#) request from Children and Families of Iowa to rezone property at 1011 Park Avenue from “R1-60” (One-Family Low-Density Residential) to Limited “C-1” (Neighborhood Retail Commercial) to allow conversion of the existing supervised group residence to professional offices for agency human services staff. (7-11-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

33. [Approving](#) payment for property claim from DL Peterson Trust, Element Vehicle Management Services, LLC, Subrogee.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) travel and training request for David Ness.

([Council Communication No. 16-359](#))

APPROVING

35. [Donation](#) Agreement with Eagle View Lofts, LLC, regarding grading services for Allen Park, E. 6th and Maury Street.

([Council Communication No. 16-360](#))

36. [Urban](#) Renewal Development Agreement with 317 E. Court, LLC, and 322 E. Court, LLC for the redevelopment, adaptive reuse and restoration of the existing buildings at 317 E. Court Avenue and 322 E. Court Avenue for commercial development and approving Conceptual Development Plan.

([Council Communication No. 16-335](#))

37. [Use](#) of various City facilities as poll sites for the General Election on Tuesday, November 8, 2016.

38. [Home](#) Investment Partnership Program (HOME) Agreements with Home Opportunities Made Easy, Incorporated (HOME, INC.) for development of six single-family homes using Community Housing Development Organization set-aside funds.

([Council Communication No. 16-340](#))

39. [2016](#) Edward Byrne Memorial Justice Assistance Grant (JAG) \$162,844 and Memorandum of Understanding with the City of West Des Moines to be used for purchase of law enforcement equipment.

([Council Communication No. 16-325](#))

40. [Annual](#) Insurance Renewal for July 1, 2016 – Property and Casualty Insurance with Jester Insurance Services, Inc.

([Council Communication No. 16-363](#))

41. [Amendment](#) to the Neighborhood Development Corporation (NDC) Bylaws.

([Council Communication No. 16-338](#))

42. [Urban](#) Renewal Development Agreement with College Hill Associations, L.P., for the renovation of College Hill Apartments and the construction of a new commercial office building at 921 6th Avenue and approving Conceptual Development Plan.

[\(Council Communication No. 16-336\)](#)

43. [Communication](#) of fire escrow being held for 720 Euclid Avenue.
44. [Receive](#) and file petition to establish the Roosevelt Cultural District Self-Supported Municipal Improvement District, (SSMID) and refer it to the Plan and Zoning Commission for report and recommendation.
45. [Application](#) from the Color Run, LLC, requesting approval for banners to be placed at the starting line at 1248 E. Court Avenue, E. Sixth Street, W. Martin Luther King, Jr. Parkway, E. Martin Luther King, Jr. Parkway, SE 6th Street, and E. 13th Street on July 9, 2016.
46. [Proposal](#) of Environmental Systems Research Institute Inc. (ESRI) for consulting services to review, upgrade, and support an Enterprise Geographic Information System (GIS) and approving contract.

[\(Council Communication No. 16-331\)](#)

47. [Termination](#) Agreement to cancel bid acceptance and award to Rosenbauer South Dakota, LLC for Bid #16-021 for Mid-Mount Aerial Ladder Truck.

[\(Council Communication No. 16-329\)](#)

48. Bids from the following:

- (A) [Central](#) Salt LLC (Thomas Peterson) for joint purchase along with the City of West Des Moines, Polk County and 26 other public entities representing the Central Iowa Salt Group (CISG) for rock salt to be used by the Public Works Department, \$594,510. (Eleven potential bidders, four received).

[\(Council Communication No. 16-333\)](#)

- (B) [Jerico](#) Services (John Marshall, General Manager) for calcium chloride and Smith Fertilizer and Grain (Max Smith, President) for Geomelt for joint purchase along with the cities of West Des Moines, Waukee, Johnston and Windsor Heights, as well as Dallas County to provide deicing chemicals to be used by the Public Works Department, \$121,600. (Seventeen potential bidders, six received).

[\(Council Communication No. 16-332\)](#)

- (C) [Baker](#) Group (BJ Baker III, Chairman & CEO) for building automation products and services for security enhancements per State of Iowa Contract to be used by the Park & Recreation Department, \$76,486.

[\(Council Communication No. 16-328\)](#)

- (D) [Menards](#) for blanket purchase orders for miscellaneous building materials and supplies to be purchased during fiscal year 2017 per State of Iowa Contract to be used by the Public Works Department, estimated annual cost \$100,000.

[\(Council Communication No. 16-334\)](#)

- (E) [Menards](#) for blanket purchase orders for miscellaneous building materials and supplies to be purchased during fiscal year 2017 per State of Iowa Contract to be used by the Park & Recreation Department, estimated annual cost \$65,000.

[\(Council Communication No. 16-327\)](#)

- (F) [Graybar](#) Electric (Kathy Mazzarella, President) for blanket purchase orders for miscellaneous electrical products and supplies to be purchased during fiscal year 2017 per US Communities Contract to be used by the Park & Recreation Department, estimated annual cost \$50,000.

[\(Council Communication No. 16-326\)](#)

- (G) [AP/M](#) Permaform (Bill Shook, President), as sole area-wide distributor, for blanket purchase orders for high-strength grout products (for use with previously purchased sewer manhole rehabilitation equipment) to be purchased during fiscal year 2017 for use by the Public Works Department, estimated annual cost \$85,000.

[\(Council Communication No. 16-337\)](#)

- (H) [Hewlett-Packard](#) Co. (Meg Whitman, President) for annual maintenance and support for existing Hewlett Packard Storage Area Network Servers (SANS) mass storage system per State of Iowa Contract to be used by the IT Department, \$78,741.96

[\(Council Communication No. 16-330\)](#)

- (I) [Foster](#) & Freeman (David Tobin, President) and Sirchie Acquisition Company (John Roby, President) for various equipment used for forensics for use by the Police Department, \$46,281.38. (Fifteen potential bidders, two received).

[\(Council Communication No. 16-324\)](#)

- 49. [Civil](#) Service Entrance Lists for Housing Services Administrative Secretary, Assistant Planner, Street Maintenance Worker, Wastewater Facility Maintenance and Reliability Manager, Fire Equipment Mechanic, and Promotion List for Fire Lieutenant.
- 50. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 27, and July 4, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 27 and July 4, 2016; and to draw checks for biweekly payroll due on July 8, 2016.

ORDINANCES - FINAL CONSIDERATION

- 51. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for Two-sided parking restriction – E. 27th Street from Hubbell Avenue to Hull Avenue.

ORDINANCES - SECOND CONSIDERATION

- 52. [On](#) vacation of segments of street right-of-way in the vicinity of 1628 E. 42nd Street.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 16-358\)](#)

- (A) Revisions regarding the opening of Tuttle Street between SW 9th Street and SW 11th Street.
- (B) Revisions regarding the closure of Hull Avenue between Delaware Avenue and Dixon Street.
- (C) Removal of Parking Restriction – north side of Leland Avenue from Airport parking lot driveway to 250 feet east.
- (D) Parking Restriction – south side of E. Maxwelton Drive from 101 E. Maxwelton Drive to 129 E. Maxwelton Drive.

COMMUNICATIONS/REPORTS

54. [From](#) James Piggee, 1602 23rd Street, to speak regarding the abandoned and unsafe houses in his neighborhood.
55. [From](#) Bill Bergell, 5824 Forest Avenue, to speak regarding making a law to keep bicyclists off main streets during morning and afternoon rush hours.
56. [From](#) William Jay, 2522 E. Walnut Street, to speak regarding parking on E. 26th Street from Dean to Easton during the Iowa State Fair.

APPROVING

57. [Agreements](#) to continue the Main Street Program for the 6th Avenue Corridor.

[\(Council Communication No. 16-339\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 58 THRU 65)

58. [On](#) request from Greg Wilson to rezone 801 SE 7th Street from “R1-60” (One-Family Low-Density Residential) to “M-1” (Light Industrial) to allow for continued use of the property for outside storage of a semi-tractor/trailer used for an independent trucking business operation (**Choose one alternative below A or B**).

(A) Deny the rezoning.

OR

(B) Continue to July 11, 2016 at 5:00PM and direct the City Manager and Legal Department to prepare necessary legislation to approve the rezoning, subject to conditions acceptable to the City and owner. (Six votes required to approve the proposed rezoning on July 11th.)

59. [On](#) request from Neighborhood Investment Corporation, Inc. for the First Amendment to the Sherman Hill PUD Conceptual Plan on 1620 Pleasant Street and 701-711 16th Street to allow 20 percent of the gross floor area of the Mickle Center, 1620 Pleasant Street, to be used for a business incubator including a community commercial kitchen.
60. [On](#) conveyance of the vacated north/south alley right-of-way adjoining 1429 Dixon Street to Kelvin Green for \$100 and adjoining 1433 Dixon Street to Daniel Chavez and Marina Goldamed for \$100.

[\(Council Communication No. 16-345\)](#)

61. On conveyance of a portion of vacated north/south alley right-of-way located east of and adjoining 1653 Cleveland Avenue to James and Diedra D. Conley for \$25.

(Council Communication No. 16-346)

62. 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 Economic Development Assistance Contract with Iowa Economic Development Authority.

(Council Communication No. 16-362)

63. On the proposed Seventh Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area.

(Council Communication No. 16-361)

64. On request from Des Moines Cold Storage Company, Inc. for review and approval of a Second Amendment to the Vision Fuels PUD Conceptual Plan on property in the vicinity of 3805 Vandalia Road to allow development of a refrigerated warehousing and distribution facility.

65. On Yeader Creek Grade Control Improvements: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as R.W. Excavating & Dozing, L.C., (Dan E. Wilson, Manager), \$899,393.

(Council Communication No. 16-353)

- (A) Approving contract and bond, and permission to sublet.

END HEARINGS AT _____PM

MOTION TO ADJOURN.

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All-America City