

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

October 24, 2016 4:30 PM

I. CLOSED SESSION – 3:30 PM – Ewing Room 213

- (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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PROCLAMATIONS – 4:00 PM

United Nations Day

INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(B)	GOLDFINCH	316 COURT AVE	C Liquor
(C)	SAM & GABES AT THE LYON	600 E 5TH ST	C Liquor
(D)	STAYBRIDGE SUITES	201 E LOCUST ST	C Beer
(E)	STRANDED BY THE TRACKS	1922 HUBBELL AVE	C Liquor
(F)	STRUDL HAUS	1951 INDIANOLA	B Wine

RENEWAL APPLICATIONS

(G)	APEX OIL	1200 SE 30TH ST	C Beer
(H)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(I)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(J)	CHEESE SHOP OF DES MOINES	833 42ND ST	C Beer/Wine
(K)	CHICKADEES	2400 DEAN AVE	C Liquor
(L)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	C Liquor
(M)	CVS PHARMACY #10161	215 EUCLID AVE	E Liquor
(N)	DES LUX HOTEL	800 LOCUST ST	B Liquor
(O)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(P)	EL MERENDEROS EVENT	900 E ARMY POST RD	C Liquor
(Q)	FUZZYS TACO SHOP	300 W MLK JR PKWY	C Liquor
(R)	GIT N GO STORE #33	865 42ND ST	C Beer
(S)	GURU BBQ	300 W MLK JR PKWY	C Liquor
(T)	HEROES *(1)	216 COURT AVE	C Liquor
(U)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(V)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(W)	KUM & GO #535	4960 E BROADWAY	E Liquor
(X)	TRELLIS	909 ROBERT D RAY	C Liquor

SPECIAL EVENT APPLICATIONS

(Y)	HY VEE	100 LOCUST ST	Five (5) Day License Class C Liquor License for a reception on November 5, 2016.
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5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
 - (A) [Pioneer](#) Columbus Community Center Sprinkler System: Receiving of bids, (11-8-16), Setting date of hearing, (11-21-16). Construction estimate, \$240,000.

[\(Council Communication No. 16-614\)](#)
 - (B) [2016](#) Skywalk HVAC Replacement: Receiving of bids, (11-8-16), Setting date of hearing, (11-21-16). Construction estimate, \$266,900.

[\(Council Communication No. 16-608\)](#)
 - (C) [Park](#) Avenue Widening – SW 56th Street to SW 63rd Street: Receiving of bids, (11-15-16), Setting date of hearing, (12-5-16). Construction estimate, \$3,987,513.

[\(Council Communication No. 16-615\)](#)
7. ~~Approving Professional Services Agreement with Shuck Britson, Inc. for the Court Avenue Bridge over Des Moines River Rehabilitation, not to exceed \$325,000.~~
8. [Approving](#) Private Construction Contract between McAninch Corporation and Bridge District Verve, LLC for paving improvements in E. 2nd and E. 4th Streets in the Bridge District Verve, \$27,991.
9. [Approving](#) completion and acceptance of the Private Construction Contract for sanitary sewer improvements, 4975 Hubbell Avenue, between Halbrook Excavating, Inc. and Thermo King Sales & Service, Inc.
10. [Approving](#) completion and acceptance of the Private Construction Contract for paving and signalization improvements, 313 Walnut Street, between the Weitz Company, LLC and Des Moines Performing Arts.
11. [Approving](#) completion and acceptance of the Private Construction Contract for storm sewer improvements, 5824 Douglas Avenue, between Halbrook Excavating, Inc. and Eychaner Properties, Inc.

12. [Approving](#) the Howe Elementary, Park Avenue Elementary, and Windsor Elementary Pedestrian Bridge concept plans and authorizing City staff to proceed with acquisition of necessary right of way and easements.

[\(Council Communication No. 16-619\)](#)

13. [Accepting](#) completed construction and approving final payment for 2015 ADA Sidewalk Ramp Program-Contract 3, Kingston Services, LLC.
14. [Accepting](#) completed construction and approving final payment for SE 34th Street/SE 36th Street Roadway Improvements at UPRR, Grimes Asphalt and Paving Corporation.

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-10.

LAND/PROPERTY TRANSACTIONS

16. [Accepting](#) completed site grading improvements at Allen Park performed in accordance with the Donation Agreement with Eagle View Lofts, LLC.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Approving](#) the boundary change and expansion of the Beaverdale Neighborhood Association.

[\(Council Communication No. 16-606\)](#)

18. [Approving](#) T.M. Franklin Cownie as primary and Naomi Hamlett as alternate appointees to the Warren County Economic Development Corporation (WCEDC) Board of Directors.

[\(Council Communication No. 16-600\)](#)

19. [Recommendation](#) from Council Member Bill Gray to appoint Michael Hildebrand to the Historic Preservation Commission, Seat 7, for a three-year term commencing October 18, 2015 to expire October 18, 2018.

SETTING DATE OF HEARINGS

20. [On](#) vacation of a portion of alley right-of-way adjoining 1605 Woodland Avenue and conveyance of a permanent easement for building encroachment to Oyoram Visual Artist, LLC, \$50, (11-7-16).
21. [On](#) vacation of air space and subsurface rights in portions of street right-of-way adjoining 220 SE 6th Street and conveyance of a permanent easement for air space within E. Elm Street and SE 6th Street right-of-way, and conveyance of a permanent subsurface easement within E. Elm Street and SE 5th Street right-of-way all adjoining 220 SE 6th Street to 220 SE 6th Street Properties, LLC, \$732, (11-7-16).
 - (A) [Communication](#) from Plan and Zoning Commission
22. [On](#) vacation and conveyance of a portion of SE 19th Street right-of-way and conveyance of property adjoining 1900 Scott Avenue to Kemin Holdings, LC, \$36,375, (11-7-16).
23. [On](#) request to rezone property in the vicinity of 2323 Hubbell Avenue from “PUD” (Planned Unit Development) to “R1-60” (One-Family Low-Density Residential) and to amend the Townsend Engineering PUD Conceptual Plan, (11-7-16).
24. [On](#) Concession Agreement for the Birdland Marina with Less Than Trinity, LLC d/b/a Captain Roy’s, (11-7-16).

[\(Council Communication No. 16-599\)](#)

25. [On](#) City-initiated request to rename a segment of Army Post Road from SW 42nd Street to SW 63rd Street from “Army Post Road” to “Willow Creek Avenue”, (11-7-16).
26. Number Not Used.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Duncan, Green, Brown & Langeness for matters related to construction disputes, \$4,655.
28. [Approving](#) payment to Wanda Hemesath for a personal injury claim.
29. [Approving](#) payment to Angellina Chase-Sitzman for a workers’ compensation claim.
- 29-I Authorizing the City Attorney to terminate an agreement related to litigation if he determines it is in the best interest of the City.

CITY MANAGER COMMUNICATIONS

30. [Submitting](#) travel and training requests for David Jahn and Skip Moore.

[\(Council Communication No. 16-616\)](#)

APPROVING

31. [Allocation](#) of Home Investment Partnership Program (HOME) Funds to Home Opportunities Made Easy, Incorporated (HOME, Inc.) for development of affordable housing using Community Housing Development Organization (CHDO) Set-Aside Funds.

[\(Council Communication No. 16-605\)](#)

32. [CDBG](#) Project Agreement with 6th Avenue Corridor, Inc. for redevelopment project in the 6th Avenue Corridor Area.

[\(Council Communication No. 16-604\)](#)

33. [Preliminary](#) Terms of Agreement with Hubbell Realty Company for development of Carbon 550, 550 Watson Powell Jr. Way.

[\(Council Communication No. 16-622\)](#)

34. [Execution](#) of a Cooperative Agreement with the Iowa Civil Rights Commission.

[\(Council Communication No. 16-621\)](#)

35. [Extension](#) of Agreement with Airport Authority through November 30, 2016.

36. [Agreement](#) with Software Made Easy, Inc. d/b/a Project InVision International to satisfy economic development loan.

[\(Council Communication No. 16-601\)](#)

37. [Exception](#) to the procurement ordinance competitive procurement process for good cause and approving Supplemental Agreement No. 1 to agreement for professional services with Olsson Associates, Inc. for additional services on collection of additional data for fiber network equipment structures, \$68,888.17.

[\(Council Communication No. 16-602\)](#)

38. [Amendment](#) to Agreement for Professional Services with Vital Neighborhoods Consulting, LLC for technical assistance on vacant and blighted properties.
39. [Agreement](#) with Nationwide as the City's exclusive deferred compensation provider.

[\(Council Communication No. 16-603\)](#)

40. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2016.
41. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval of banner design for banners to be displayed in downtown Des Moines on 15th and 18th Streets commencing November 11, 2016 for a full calendar year.
42. Bids for the following:
 - (A) [Ultramax](#) Ammunition (Roger Braunstein, Owner), Williams Shooters Supply (Kent Williams, President) and Sunset Law Enforcement (Mike Bright, President) for ammunition as requested by the Police Department, \$207,596.13. (Fifteen potential bidders, six received)
 - (B) [Beautiful](#) Lawns by Longs (Brandon Long, President) for leaf removal services at Woodland/St. Ambrose Cemeteries as requested by the Parks & Recreation Department, \$30,500. (Fifteen potential bidders, one received).

[\(Council Communication No. 16-598\)](#)

43. [Civil](#) Service Entrance List for Parks and Recreation Development and Planning Administrator and ERP System Manager.
44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 24 and 31, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 24 and 31, 2016; and to draw checks for biweekly payroll due on October 28, 2016.

ORDINANCES - FINAL CONSIDERATION

- 45. [Amending](#) Chapter 2 of the Municipal Code regarding deletion of references to the Board of Health.

ORDINANCES - SECOND CONSIDERATION

- 46. [Amending](#) Chapter 78 of the Municipal Code expanding the location for operation of mobile vendors in the downtown area.

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

ORDINANCES - SECOND CONSIDERATION

- 47. [On](#) request from 4000 Ingersoll Park Houses, LP to rezone 550 and 536 40th Street from “R-3” (Multiple-Family Residential) to “PUD” (Planned Unit Development).

Documents submitted by Colleen Kinney: [Letter](#) APPENDIX [A](#), [B](#), [C](#) and [D](#)
ATTACHMENTS [1-2](#), [3](#), [4](#), [5](#), [6](#) and [7](#)

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 16-620\)](#)

- (A) On-street parking changes on Grand Avenue and 16th Street.
- (B) Updating the through street designations for streets within the Riverwoods PUD area.
- (C) Parking Restriction – west side of SW 33rd Street from Park Avenue to a point south of Wolcott Avenue.
- (D) Changing parking meters on select streets within the East Village from ten-hour meters to four-hour meters.

COUNCIL REQUESTS

49. [From](#) Council Member Christine Hensley to speak regarding three city-owned lots near 2504 Sunset Road.

COMMUNICATIONS/REPORTS

50. [From](#) Chris Aldinger, Chair of DSM Open Street Event, thanking the Council for their support of the event.
51. [From](#) the Sherman Hill Association Board, regarding redevelopment of 1901 Cottage Grove.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 61)

52. [On](#) vacation of a segment of E. 18th Street right-of-way at Hubbell Avenue and conveyance of a corrected easement for bus shelter encroachment in the vacated right-of-way to Des Moines Area Regional Transit Authority (DART).
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by DART), requires six votes.
53. [On](#) vacation of segments of Ingersoll Avenue and E. University Avenue right-of-way and conveyance of bus shelter encroachment easements in the vacated right-of-way to Des Moines Area Regional Transit Authority (DART), \$1,200.

[\(Council Communication No. 16-607\)](#)

- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by DART), requires six votes.
54. [On](#) conveyance of 717 SE 27th Street to R. M. Madden Construction, Inc., \$8,250.

[\(Council Communication No. 16-609\)](#)

55. Items regarding 2348 and 2354 E. Grand Avenue:
- (A) [Amend](#) the PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Neighborhood Mixed-Use (**Six votes are required for approval**).
 - (B) [Hearing](#) on request from Enrique and Oscar Zenteno to rezone 2348 and 2354 E. Grand Avenue from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial) to allow for the existing legal non-conforming auto repair business to be brought into conformance. (**Plan and Zoning Commission recommends DENIAL**) (**Six votes are required for approval, continued from September 26, 2016 meeting**)
 - (C) [First](#) consideration of ordinance above. (**Six votes are required for approval**)
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
56. [On](#) City-initiated request to amend the Woods Edge “R-6” Final Development Plan located in the 3500 Block of SE 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions. (**Continued from September 26, 2016**)
- (A) [Setting](#) date of hearing on vacation and conveyance of property adjoining 3317 SE 23rd Street to Glenn T. Norton and Maryann M. Norton, \$7,500, (11-7-16).
57. [On](#) Allen Park Community Garden Redevelopment: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$123,982.

[\(Council Communication No. 16-610\)](#)

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

58. [On](#) continuation of hearing on Fairmont Park Water Playground Project to November 7, 2016 at 5:00 PM.

[\(Council Communication No. 16-613\)](#)

59. On Beaver and Madison Traffic Signal Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Iowa Signal Inc., (Wayne Lesley, President), \$149,635.86.

(Council Communication No. 16-611)

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

60. On Pedestrian Crossing Signal Upgrades: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Iowa Signal Inc. (Wayne Lesley, President), \$148,610.75.

(Council Communication No. 16-617)

- (A) Approving contract and bond.

61. On Traffic Signal Battery Back-up: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Iowa Signal Inc. (Wayne Lesley, President), \$139,927.

(Council Communication No. 16-618)

- (A) Approving contract and bond.

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

MOTION TO ADJOURN.

*****Attention DART Riders:**

DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.

Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.

This notice is intended to comply with accessibility requirements of the Americans with Disabilities Act.

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