

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

November 21, 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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INVOCATION: Council Member Chris Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 43:

***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)	ANGRY GOLDFISH	2301 SW 9TH ST	C Liquor
(B)	ANNIES IRISH PUB	204 3RD ST	C Liquor
(C)	BASH EVENTS & CATERING	1312 LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(D)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(E)	C FRESH MARKET	801 UNIVERSITY AVE	E Liquor
(F)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(G)	EL BUEN SABOR LATINO	1130 E 9TH ST	C Liquor
(H)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(I)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(J)	FLIX BREWHOUSE IOWA	3800 MERLE HAY RD	C Liquor
(K)	HIGH LIFE LOUNGE	200 SW 2ND ST	C 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)	JUNIPER MOON	2005 INGERSOLL AVE	C Liquor
(P)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(Q)	QUIK TRIP #541	2428 HUBBELL AVE	C Beer
(R)	ROYAL MILE *(1)	210 4TH ST	C Liquor
(S)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(T)	SKIPS	4000 FLEUR DR	C Liquor
(U)	SLEEPY HOLLOW SPORTS	4051 DEAN AVE	C Liquor
(V)	SUDSUCKERS	1511 E ARMY POST RD	C Liquor
(W)	TRIANGLE TAP	2506 POST ST	C Liquor
(X)	VAUDEVILLE MEWS	212 4TH ST	C Liquor

SPECIAL EVENT APPLICATIONS

(Y)	DES MOINES EUROPEAN	313 WALNUT ST	Five (5) Day License Special Class C Liquor (Beer/Wine) License for Christkindl Market on December 2-4, 2016.
(Z)	EMBASSY CLUB - WFP	100 LOCUST ST	Five (5) Day License Class C Liquor License for event on December 2, 2016.
(AA)	GATEWAY MARKET MLK	1415 WOODLAND AVE	Five (5) Day License Special Class C Liquor (Beer/Wine) License for Revel Read Gala on December 3, 2016.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

6. [City](#) Clerk to issue Coin Operated Machine Licenses.
7. [Consideration](#) of Special Class C Liquor (Beer/Wine) License for Gateway Market MLK at 1200 Grand Avenue for an event on December 2, 2016.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:
 - (A) [City](#) Hall and Police Station Façade Improvements: Receiving of bids, (12-20-16), Setting date of hearing, (1-9-17). Construction estimate, \$931,469.

([Council Communication No. 16-657](#))
 - (B) [Evergreen](#) Avenue Bridge over Easter Lake Replacement: Receiving of bids, (12-6-16), Setting date of hearing, (12-19-16). Construction estimate, \$1,018,000.

([Council Communication No. 16-658](#))
9. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for the resurfacing of Hickman Road (US6) in the Cities of Clive, Urbandale, Windsor Heights and Des Moines from I-35/80 east to the east junction of Merle Hay Road (IA 28).

([Council Communication No. 16-655](#))
10. [Authorizing](#) submittal of Federal Surface Transportation Block Grant (STBG) Fund FY2021 applications to the Des Moines Area Metropolitan Planning Organization (MPO).

([Council Communication No. 16-662](#))
11. [Approving](#) contract and bond for construction of Skywalk Bridge 7D-8D Repairs with an estimated cost which is less than the Iowa code competitive bid threshold, Jasper Construction Services, Inc. (Cliff Rhoads, President), \$72,600.

([Council Communication No. 16-660](#))
12. ~~Approving agreement with Iowa Interstate Railroad, Ltd. for track protection services and track work necessary for installation of flood gates at the ends of Iowa Interstate Railroad's Des Moines River Bridge as part of the Downtown Closure Improvements Project.~~

13. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
14. Accepting completed construction and approving final payment for the following:
 - (A) [Glendale](#) Cemetery Abbey Restoration Phase 1, Innovative Masonry Restoration, LLC.
 - (B) [56th](#) Street Rehabilitation from Grand Avenue to Ingersoll Avenue, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
 - (C) [SE](#) 14th Street Sidewalk from Park Avenue to Army Post Road, Gruss Construction, LLC.
 - (D) [2013](#) Sewer Lining Program, SAK Construction, LLC.
 - (E) [2015](#) Sewer Repair – Contract 1, Raccoon Valley Contractors, LLC.

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-11.

LAND/PROPERTY TRANSACTIONS

16. [Authorizing](#) and approving release of an easement for sanitary sewer right-of-way in portions of 1424 E. Euclid Avenue.
17. [Release](#) of PUD Restoration Bond for grading work at 2100 Meadow Court.

[\(Council Communication No. 16-652\)](#)

18. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2016 (162 applications).

[\(Council Communication No. 16-653\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Communication](#) from Deirdre Henriquez advising of her resignation from the Housing Services Board, Seat 9, effective immediately.
20. [Approving](#) the boundary change and expansion of the Merle Hay Neighborhood Association.

[\(Council Communication No. 16-666\)](#)

SETTING DATE OF HEARINGS

21. [On](#) vacation of a portion of SW 5th Street right-of-way adjoining 300 SW 5th Street and conveyance of a permanent easement for building encroachment to Harbach Lofts, LLC, \$265, (12-5-16).
22. [On](#) vacation of a portion of Court Avenue right-of-way adjoining 420 Court Avenue and approval of an amendment to the lease agreement with the Des Moines Bicycle Collective for placement of a B-Cycle program kiosk in the vacated right-of-way, \$300, (12-5-16).
23. [On](#) conveyance of City-owned property east of and adjoining 3269 E. Douglas Avenue to Melvin R. Speck II and Vicki R. Speck, \$2,500, (12-5-16).
24. [On](#) conveyance of City-owned property at 1821 SE 36th Street to AA Management LLC, \$12,000, (12-5-16).
25. [On](#) conveyance of an underground electric easement on City-owned property at 7401 SW 9th Street to MidAmerican Energy Company, \$1, (12-5-16).
26. [On](#) request from Northern States Investment, LLC for amendment to the Eastwood Village PUD Conceptual Plan for 3330 E. 33rd Street to allow conversion into an indoor mini-warehouse and proposed retail office area with two additional pad site development areas, (12-5-16).
27. [On](#) adoption by reference of the 2015 Editions of the International Fire Code, Building Code, Existing Building Code, Energy Conservation Code, Residential Code, Mechanical Code, Uniform Plumbing Code and National Fuel Gas Code; and 2014 Editions of National Electrical Code and Liquefied Petroleum Gas Code, (12-5-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Approving](#) payment to Annie Shelton Mitchell for a personal injury claim.
29. [Approving](#) payment to Duncan, Green, Brown & Langeness with respect to matters related to construction disputes.
30. Number not used.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for Andy Juelfs, Brian Mathis, Tim Nemmers and T. M. Franklin Cownie.

[\(Council Communication No. 16-669\)](#)

APPROVING

32. [Submission](#) of the Youth Homelessness Demonstration Program grant application to the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 16-667\)](#)

33. [Consent](#) to collateral assignment of Urban Renewal Development Agreement and Parking License Agreement with 220 SE 6th Street Properties LLC, and West Bank for the construction of a new office building and parking structure at 220 SE 6th Street.

34. [Revised](#) development proposal from Market District One, LLC to develop City-owned property at 401 SE 6th Street and 400 SE 7th Street in the Metro Center Urban Renewal Area and setting date of hearing, (1-9-17).

[\(Council Communication No. 16-668\)](#)

35. [Second](#) Extension of Agreement with Airport Authority.

36. Bids from the following:
- (A) [Streicher's](#) (Jeremy Jenniges, President) per State of Iowa contract for 32 replacement ballistic vests as requested by the Police Department, \$73,600.04.

[\(Council Communication No. 16-649\)](#)
 - (B) [Road Machinery & Supplies](#) (Michael M. Sill II, CEO) for one rubber-tired loader mounted snow blower as requested by the Public Works Department, \$80,600. (12 potential bidders, five received)
37. [Procurement](#) of one replacement brine maker as requested by the Public Works Department from Henderson Products Inc. for good cause shown, \$124,573.50.

[\(Council Communication No. 16-651\)](#)
38. [Civil](#) Service Entrance Lists for Fire Fighter, Accountant and Fleet Services Mechanic.
39. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 21 and 28, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 21 and 28, 2016; and to draw checks for biweekly payroll due on November 25, 2016.

ORDINANCES - FINAL CONSIDERATION

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

ORDINANCES - SECOND CONSIDERATION

- 41. [Rezoning](#) property in the vicinity of 2400, 2404-2408, and 2412-2424 Elizabeth Avenue and 1402, 1404 and 1412 E. 25th Street from “PUD” (Planned Unit Development) to “R1-60” (One-Family Low-Density Residential).
 - (A) [Final](#) consideration of ordinance above (waiver requested by applicant), requires six votes.

- 42. [Repealing](#) Article V of Chapter 126 of the Municipal Code regarding vehicle transportation services.
 - ~~(A) Final consideration of ordinance above (waiver requested by the Engineering Department), requires six votes.~~
 - (B) ~~Approving amendments to the Schedule of Fees.~~

- 43. [Amending](#) Chapter 74 of the Municipal Code regarding consumption of alcohol at Birdland Marina, and fees for use of tennis courts and ball diamonds.
 - (A) [Final](#) consideration of ordinance above (waiver requested by Parks and Recreation Director), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

- 44. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - ([Council Communication No. 16-665](#))
 - (A) Removal of parking restriction – north side of Wall Avenue from SW 9th Street to SW 8th Street.
 - (B) Addition of parking restriction – south side of Wall Avenue from SW 3rd Street to SW 2nd Street.

CITY MANAGER RECOMMENDATIONS

45. [Approving](#) mid-year budget adjustments for FY2017 and authorizing City Manager to implement.

[\(Council Communication No. 16-670\)](#)

COUNCIL REQUESTS

46. ~~From Council Member Skip Moore to discuss the City's Forestry Division Administration.~~

APPROVING

47. Items related to traffic study preparation for new developments:

[\(Council Communication No. 16-663\)](#)

- (A) [Traffic](#) Analysis Policy and Amendment to Site Plan Policies regarding required process for Traffic Studies and receive and file the Plan and Zoning Commission recommendation.
 - (B) [Professional](#) Services Agreement with Shive-Hattery, Inc. for On-Call Traffic Impact Study Services, not to exceed \$150,000.
 - (C) [Professional](#) Services Agreement with HDR Engineering, Inc. for On-Call Traffic Impact Study Services, not to exceed \$150,000.
 - (D) [Professional](#) Services Agreement with Bolton & Menk, Inc. for On-Call Traffic Impact Study Services, not to exceed \$150,000.
48. ~~Approving Professional Services Agreement with Sam Schwartz Consulting, LLC for Transportation Master Plan Services, not to exceed \$333,292.~~

~~(Council Communication No. 16-664)~~

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

[\(Council Communication No. 16-650\)](#)

- (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 2017-2018.
- (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 54)

50. Items regarding 245 and 247 E. 19th Street:

- (A) [Request](#) from Kenneth Deever to amend the PlanDSM Creating Our Tomorrow Plan future land use designation Low-Density Residential to Industrial, to allow for development and use for outside contractor storage yard and warehouse.
- (B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to Limited “M-1” (Light Industrial).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

51. Items regarding 335 Forest Avenue and 1427 Arlington Avenue:

- (A) [Request](#) from Galway Homes Inc. to amend the PlanDSM Creating Our Tomorrow Plan future land use designation Low-Density Residential within a Community Node to Low/Medium-Density Residential within a Community Node, to allow for demolition of an existing one-story 6-unit multiple-family dwelling and redevelopment with up to 24 units within six 3-story row townhomes served by a private drive accessing both Forest Avenue and Orchard Avenue.
- (B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the Viathree35 PUD Conceptual Plan.
- (C) [First](#) consideration of ordinance above.

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

52. [On](#) sale of excess Airport property located north of and adjoining McKinley Avenue at SW 33rd Street and conveyance of such property to Glen Brown and April Barkley Brown, \$120,000 **and to continue to January 9, 2017 at 5:00 PM.**

[\(Council Communication No. 16-654\)](#)

53. [On](#) Pioneer Columbus Community Center Sprinkler System: Resolution approving plans, specifications form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Rochon Corporation of Iowa, Inc. (Ron Rochon, President), \$210,000.

[\(Council Communication No. 16-659\)](#)

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

54. [On](#) 2016 Skywalk HVAC Replacement: Resolution approving plans, specifications form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Stroh Corporation (Bob Blaskovich, Vice President), \$368,209.

[\(Council Communication No. 16-656\)](#)

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

*** 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.

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