

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

December 19, 2016
4:30 PM

MEETING ON EXTRA ITEM – 3:00 PM - Ewing Conference Room 213

Extra Item 1. Roll Call.

Extra Item 2. [Approving](#) Consent to Assignment by City Center Development Limited Partnership to SRE Bulldog Hotel Owner, LLC of the lease of air rights for the Des Moines Marriott Downtown hotel building encroachments into the adjoining streets.

Extra Item 3. Motion to Adjourn.

I. CLOSED SESSION - 3:15 PM – Ewing Conference 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 – 4:15 PM

National Homeless Persons’ Memorial Day

INVOCATION: Council Member Gatto

- 1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 45:

***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 Application for the following:

NEW APPLICATIONS

(A)	LUGIS ITALIAN RESTAURANT	2811 SE 14 TH ST	C Liquor
(B)	MILINDO MAZATLAN	6059 SE 14 TH ST	C Liquor
(C)	PEACE TREE BREWING CO	317 E COURT AVE	C Liquor

RENEWAL APPLICATIONS

(D)	801 STEAK & CHOP HOUSE	801 GRAND AVE	C Liquor
(E)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(F)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(G)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(H)	EL BUEN SABOR LATINO	1130 E 9 TH ST	C Liquor
(I)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(J)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(K)	GOLDEN LAND FOOD MARKET	2740 DOUGLAS AVE	C Beer
(L)	HY VEE C-STORE #3 *(1)	3215 SE 14 TH ST	C Beer
(M)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(N)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(O)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(P)	LA TAPATIA III	4007 SE 13 TH ST	C Beer
(Q)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(R)	LOTUS MOMENTS EVENT	2134 E GRAND AVE	C Liquor
(S)	NICKS	1106 ARMY POST RD	C Liquor
(T)	NOCE	1326 WALNUT ST	C Liquor
(U)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(V)	QUIK TRIP #544 *(1)	3941 SE 14 TH ST	E Liquor
(W)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(X)	TEMPLE THEATER	1011 LOCUST ST	C Liquor
(Y)	W n/k/a 508	508 INDIANOLA RD	C Liquor

SPECIAL EVENT APPLICATIONS

(Z)	DEBRA J CORE	3000 E GRAND AVE	Five (5) Day License Class C Liquor License for a wedding reception on December 31, 2016.
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5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. [Approving](#) Professional Services Agreement with Sam Schwartz Consulting, LLC for Transportation Master Plan Services, not to exceed \$333,249.

[\(Council Communication No. 16-709\)](#)

7. [Approving](#) Exception to Request for Proposals Process for Good Cause and Approving Professional Services Agreement with HR Green, Inc. for the Court Avenue Bridge over the Des Moines River Rehabilitation, not to exceed \$430,000.

[\(Council Communication No. 16-712\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. for additional professional services for Leetown Creekway-Outlet Storm Sewers Improvements, Dean Avenue to Union Pacific Railroad, not to exceed \$44,500.

[\(Council Communication No. 16-711\)](#)

9. [Directing](#) further evaluation of revised concept plans for Windsor Elementary Pedestrian Crossing, authorizing repairs of Howe and Windsor Elementary pedestrian bridges and authorizing City staff to proceed with acquisitions of necessary right-of-way and easements.

[\(Council Communication No. 16-717\)](#)

10. [Accepting](#) completed construction and approving final payment for Glendale Cemetery Dirt Barn, McGreger Corporation.

11. [Accepting](#) completed construction and approving final payment for Principal Park Cub Club Parking Lot improvements, Ball Team, LLC.

SPECIAL ASSESSMENTS

12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-12.

LAND/PROPERTY TRANSACTIONS

13. [Authorizing](#) and approving release of public utility easement rights within portions of vacated Linden Street and the vacated north/south alley lying within 2301 Ingersoll Avenue.
14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2016 (34 applications).

[\(Council Communication No. 16-697\)](#)

15. [Conditionally](#) approving Final Subdivision Plat of 5Fifty5 Plat 1, located at 555 SW 7th Street.

[\(Council Communication No. 16-698\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

16. [Approving](#) Amendment to the Procedural and Administrative Rules of the Urban Design Review Board.
17. [Communication](#) from Lisa Howard advising of her resignation from the Neighborhood Revitalization Board, Seat 10, effective immediately.

- (A) [Recommendation](#) from Council Member Skip Moore to appoint Lisa Howard to the Plan And Zoning Commission, Seat 5, for a five-year term commencing July 1, 2016 to expire July 1, 2021.

COMMUNICATIONS FROM PLANNING AND ZONING

18. [Regarding](#) request from Market District One, LLC for vacation of right-of-way adjoining 401 SE 6th Street and 400 SE 7th Street to allow the development of a 4-story, 58-unit multiple-family dwelling.

SETTING DATE OF HEARINGS

19. [On](#) conveyance of a permanent easement for building setback on City-owned property, south of 118 6th Avenue to Polk County, Iowa, \$1.00, (1-9-17).
20. [On](#) vacation of a fee interest and subsurface rights in portions of Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way all adjoining 550 Watson Powell Jr. Way and conveyance of a fee interest and an easement for subsurface building encroachment therein to HRC 6th Street LLC, for \$34,308, (1-9-17).
 - (A) [Recommendation](#) from the Plan and Zoning Commission regarding request from HRC 6th Street, LLC for vacation of a portion of Watson Powell Jr. Parkway adjoining 550 Watson Powell Jr. Parkway to allow development of 4-story, 50-unit multiple-family dwelling.
21. [On](#) the Fourteenth Amendment to the Central Place Industrial Park Redevelopment Program Renewal Plan, (1-23-17).
22. [On](#) the proposed Third Amendment to the Urban Renewal Plan for the Accent Neighborhood Urban Renewal Project, (1-23-17).

[\(Council Communication No. 16-715\)](#)

23. [On](#) the proposed Nineteenth Amendment to the Metro Center Urban Renewal Plan, (1-23-17).

[\(Council Communication No. 16-718\)](#)

24. [On](#) the proposed 2017 Action Plan for the U.S. Department of Housing and Urban Development Consolidated Plan, (2-6-17).
25. [On](#) request from Quik Trip Corporation to rezone 3941 SE 14th Street from “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) and to approve the Quik Trip #0544 PUD Conceptual Plan to allow redevelopment of the existing gas station/convenience store with a new one, (1-9-17).
26. [On](#) review of the anticipated environmental impact of Near West Side Sewer Separation project, (2-6-17).

LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment of billings from the Ahlers & Cooney, P.C. Law Firm with respect to general matters, \$1,474.27.
- 27-I [Approving](#) payment of billing from Duncan, Green, Brown, and Langeness, \$11,628.45.
28. [Approving](#) payment to Tim Thompson for a workers' compensation claim.
29. [Approving](#) a release for recovery of a property damage claim.
30. [Approving](#) payment for the property claim of Abbie Bengé and Nedim Cajic.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Jay Mattas, Lillie Sams, Christopher Scott, Jason Sims and Allen Tunks.

[\(Council Communication No. 16-722\)](#)

APPROVING

32. [2017](#) and 2018 Emergency Solutions Grant (ESG) funding.

[\(Council Communication No. 16-708\)](#)

33. Workforce Housing Tax Credit Benefit Applications to be submitted to the Iowa Economic Development Authority (IEDA) by TWG Development, LLC for Housing Projects located at the following locations:

(A) [201](#) SE 6th Street, 211 housing units.

[\(Council Communication No. 16-720\)](#)

(B) [7100](#) Block of SE 5th Street, 288 housing units.

[\(Council Communication No. 16-719\)](#)

34. [Urban](#) Renewal Development Agreement with Hubbell Realty Company for development of a 50-unit multi-family housing project at 550 Watson Powell Jr. Way.

[\(Council Communication No. 16-723\)](#)

35. [28E](#) Agreement for mutual assistance with Polk County Area Fire/Rescue Services.

[\(Council Communication No. 16-695\)](#)

36. [Agreement](#) for EMT Training and Paramedic Training between the Fire Department and Des Moines Area Community College (DMACC).

[\(Council Communication No. 16-696\)](#)

37. [Renewal](#) of the Viva East Bank! – Partners Coalition – Implementation Phase Memorandum of Understanding.

[\(Council Communication No. 16-703\)](#)

38. [Third](#) Extension of Agreement with Airport Authority to January 31, 2017.

39. [Consent](#) to Assignment and Assumption of Contract for Financial Advisory Services – PFM Financial Advisors, LLC.

40. [Administrative](#) removal of public nuisance at 1418 34th Street.

41. Bids for the following:

(A) [From](#) Eagle Sign Co. (Jenny Tayler, Vice President) for sign fabrication and installation services at various park sites, \$88,132, (9 bids mailed – 5 received).

(B) [From](#) Heiman Fire Equipment (Ron Heiman, President) for 15 replacement Bullard Thermal Imaging Cameras, (TICs) and accessories, to be used by the Fire Department (non-competitive procurement), \$77,683.

[\(Council Communication No. 16-704\)](#)

- 42. [Civil](#) Service Entrance Lists for Assistant Surveyor, Public Safety RMS/DMS Specialist and Legal Assistant.
- 43. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 19 and 26, 2016, and January 2, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 19 and 26, 2016, and January 2, 2017 and to draw checks for biweekly payroll due on January 6, 2017.

ORDINANCES – SECOND CONSIDERATION

- 44. [On](#) vacation of a portion of SW 5th Street right-of-way adjoining 300 SW 5th Street.
- 45. 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:

[\(Council Communication No. 16-700\)](#)

- (A) [Second](#) consideration of ordinance repealing Chapter 26 of the Municipal Code and enacting a new Chapter 26 for creation of a Permit and Development Division, a Building and Fire Code Board of Appeals and a Board of Power Engineering Examiners; adoption of building codes; enforcement of penalties for the violation of the building codes, and repealing conflicting ordinances.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the Building Official), requires six votes.
 - (2) [Approving](#) amendment to the Schedule of Fees.
- (B) [Second](#) consideration of ordinance repealing Chapter 46 and enacting a new Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments and additions and repealing conflicting ordinance.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the Fire Marshall), requires six votes.
 - (2) [Approving](#) amendment to the Schedule of Fees.

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

ORDINANCES – FIRST CONSIDERATION

46. [Renaming](#) a portion of Army Post Road extending from SW 42nd Street to SW 63rd Street as Willow Creek Avenue (to correct a scrivener’s error).
- (A) [Final](#) consideration of ordinance above (waiver requested by the Legal Department), requires six votes.
47. [Amending](#) Ordinance No. 15,436, regarding the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID), (to correct an error in the legal description).
- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

COUNCIL REQUESTS

48. [From](#) Council Member Skip Moore, to speak regarding the Citizen Odor Board.

***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.**

APPROVING

49. [Receive](#) and file [report](#) regarding vacant and blighted properties prepared by Vital Neighborhoods Consulting, LLC.
- [\(Council Communication No. 16-702\)](#)
50. [Urban](#) Renewal Development Agreement with 701 Walnut Partnership, LLC for development of the east side of the former Younkers site at 701 Walnut Street and approving Conceptual Development Plan.
- [\(Council Communication No. 16-706\)](#)
51. [Receipt](#) of recommendation to accept and approve the Des Moines [Strategic Plan 2016-2021-2031](#) Final Reports. [Action Agenda 2016-17](#) [Performance Report 2015-6](#)
- [\(Council Communication No. 16-721\)](#)
- 51-I [Agreement](#) with Des Moines Water Works (DMWW) for billing and administrative functions.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 58)

52. On consideration of License Agreement with Iowa Network Services, Inc. d/b/a Aureon Network Services for installation and maintenance of a fiber optic line in Greenwood Park to serve Bergman Academy, \$11,241.

(Council Communication No. 16-710)

53. On review of an application for a State Revolving Fund Loan and to review the anticipated environmental impact of the Lower Oak Park and Highland Park Sewer Separation Project and to make the environmental information document available.

(Council Communication No. 16-707)

54. On conveyance of City-owned property located south of and adjoining 1429 9th Street to Scott A. Slaughter and Todd D. Schroder, \$25.

(Council Communication No. 16-705)

55. On conveyance of 3018 York Street to Greater Des Moines Habitat for Humanity, Inc., \$4,500.

(Council Communication No. 16-699)

56. On conveyance of following City-owned property to Home Opportunities Made Easy, Inc., \$6,000 each:

(Council Communication No. 16-701)

(A) 2620 Cornell Street.

(B) 1334 E. 13th Street.

57. On Evergreen Avenue Bridge over Easter Lake Replacement: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as United Contractors, Inc. (Stephen E. Sandquist, President), \$1,034,338.10.

(Council Communication No. 16-713)

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

58. On 5th & Walnut Parking Garage Closure: approving plans, specifications, for contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$22,500. (Continued from December 5, 2016)

(Council Communication No. 16-714)

- (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.

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