

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

February 6, 2017
4:30 PM

I. CLOSED SESSION – 3:30 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

City of Des Moines Goes Red Day

INVOCATION: Council Member Gray

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)	AC HOTEL/REPUBLIC ON GRAND 401 E GRAND AVE	B Liquor
(B)	HY VEE #6 420 COURT AVE	E Liquor
(C)	HY VEE MARKET CAFE #6 420 COURT AVE	C Liquor

RENEWAL APPLICATIONS

(D)	COONEYS TAVERN 3708 BEAVER AVE	C Liquor
(E)	DELLA VITI 425 E GRAND AVE	C Liquor
(F)	DES MOINES YACHT CLUB *(1) 2617 INGERSOLL AVE	C Liquor
(G)	EL AGUILA REAL *(1) 3520 BEAVER AVE	C Liquor
(H)	GIT N GO STORE #27 1240 KEOSAUQUA WAY	C Beer
(I)	HY VEE WINE & SPIRITS 2310 HUBBELL AVE	E Liquor
(J)	LA TAPATIA III 4007 SE 13TH ST	C Beer
(K)	MICHAELS PIZZA 2629 BEAVER AVE	C Beer/Wine
(L)	REEDS HOLLOW 2712 BEAVER AVE	C Liquor
(M)	TOBACCO OUTLET PLUS #503 400 EUCLID AVENUE	C Beer

TRANSFER TO NEW LOCATION

- (N) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor
Temporary to the Cattle Barn for the Iowa Beef Expo on February 12-18, 2017.
- (O) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE C Beer/Wine
Temporary to the Agri Building for Agribusiness Showcase and Conference on February 14-15, 2017.

SPECIAL EVENT APPLICATIONS

- (P) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for Agribusiness Showcase and Conference on February 14-15, 2017.
- (Q) GATEWAY MARKET MLK 2921 INGERSOLL AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for WSC Victory Celebration on February 21, 2017.
- (R) GATEWAY MARKET MLK 601 6TH AVE Five (5) Day License
Class C Liquor License for Downtown Chamber Annual Celebration on March 2, 2017.

5. [Consideration](#) of renewal Class C Liquor License for Scores Sports Bar, 2718 Douglas Avenue. (**Zoning Department recommends denial**).
6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:

- (A) [6th Avenue and Madison Avenue Traffic Signal Replacement](#): Receiving of bids, (2-21-17), and setting date of hearing, (3-6-17). (Construction Estimate - \$185,000).

[\(Council Communication No. 17-058\)](#)

- (B) [2017 Municipal Building Reroofing – Contract 1](#): Receiving of bids, (2-21-17), and setting date of hearing, (3-6-17). (Construction Estimate - \$330,000).

[\(Council Communication No. 17-056\)](#)

- (C) [2017 Municipal Building Reroofing – Contract 2](#): Receiving of bids, (2-21-17), and setting date of hearing, (3-6-17). (Construction Estimate - \$30,000).

[\(Council Communication No. 17-057\)](#)

9. [Approving](#) Change Order No. 9 with Concrete Technologies, Inc. for additional work on Indianola Avenue Widening – Phase 4, not to exceed \$45,774.58.

[\(Council Communication No. 17-060\)](#)

10. [Approving](#) Change Order No. 5 with Henning Paric Commercial, LLC for additional work on City Hall Improvements, not to exceed \$192,115.21.

[\(Council Communication No. 17-059\)](#)

11. [Approving](#) completion and acceptance of private construction contract for signal improvements, City Gateway, between Baker Electric, Inc. and Electro Management Corp.

12. [Communication](#) from contractor requesting permission to sublet certain items on the Evergreen Avenue Bridge over Easter Lake Replacement Project, **continued from the January 23, 2017 meeting.**

13. Accepting completed construction and approving final payment for the following:

- (A) [Paco Construction, LLC](#) — ~~Four Mile Community Center Parking Lot Improvements.~~

- (B) [Brockway Mechanical & Roofing Company, Inc.](#) – Municipal Building Reroofing – Contract 1.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-02.

LAND/PROPERTY TRANSACTIONS

15. [Approving](#) 69 tax abatement applications for the additional value added by improvements completed during 2016.

[\(Council Communication No. 17-046\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 15-I [Approving](#) recommendation from Council Member Joe Gatto to appoint Greg Lewis to the Neighborhood Revitalization Board, Seat 10, for a three-year term commencing June 30, 2015 to expire June 30, 2018.
16. [Approving](#) changes to the Civil & Human Rights Commission rules and regulations and reaffirming approval of the Commission's rules and regulations.

[\(Council Communication No. 17-071\)](#)

- 16-I [Approving](#) recommendation from Mayor Cownie to appoint Jim Cain as the Polk County Housing Continuum member on the Housing Service Board, Seat 9, for the remainder of the 3-year term ending June 30, 2017 and for an additional 3 year-term ending June 30, 2020.
- 16-II [Approving](#) recommendation from Council Member Chris Coleman to appoint Scott Durham to the Housing Appeals Board, Seat 3, for a 3-year term ending March 1, 2018.
- 16-III [Approving](#) recommendation of Mayor Cownie to appoint Robert Mahaffey to the Library Board of Trustees, Seat 5, for a six-year term commencing July 1, 2014 to expire July 1, 2020.

COMMUNICATIONS FROM PLANNING AND ZONING

17. [Regarding](#) Preliminary Plat "McKinley Acres" on property located in the 3401 block of McKinley Avenue to allow re-platting of 2.16 acres into four lots for single-family residential development.

SETTING DATE OF HEARINGS

18. [On](#) vacation and conveyance of a portion of the east/west alley right-of-way lying north of and adjoining 816 Shaw Street to Linda K. Casas, \$75, (2-20-17).
19. [On](#) conveyance of a permanent easement for air space above City-owned property and a permanent easement for encroachment on vacated City alley located north of and adjoining 401 Locust Street to Hotel Des Moines OPCO, LLC, \$14,300, (2-20-17).
20. [On](#) conveyance of a permanent easement for encroachment on City-owned property adjoining 2208 Maish Court to Douglas Rian Roby and Barbara Ann Roby, \$25, and adjoining 2240 Maish Court to Kenneth J. Richards, \$25, (2-20-17).
21. [On](#) request from Commercial Bag & Textile, Inc. to rezone a portion of 1244 2nd Avenue from Ltd. "M-1" (Light Industrial) to amended Ltd. "M-1" to allow the owner to retain buildings constructed on the property inadvertently without masonry block material, (2-20-17).
22. [On](#) request from 4000 Ingersoll Park Houses, LP to amend the Plymouth Congregational Church PUD Conceptual Plan for property located at 4016-4126 Ingersoll Avenue, 526-550 40th Street and 527-535 41st Street to remove the proposed office space on the ground floor and increase the dwelling units from 24-26, subject to conditions, (2-20-17).
23. [On](#) approval of the Second Amendment to Lease Agreement with SRE Bulldog Hotel Owner, LLC f/k/a Des Moines Marriott Downtown, (2-20-17).
24. [On](#) adoption by reference of the International Property Maintenance Code 2015 Edition, (2-20-17).
25. On the adoption of an Urban Renewal Plan for the following:

[\(Council Communication No. 17-069\)](#)

 - (A) [Northeast](#) Gateway 1 Urban Renewal Area, (3-20-17).
 - (B) [Northeast](#) Gateway 2 Urban Renewal Area, (3-20-17).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. [Approving](#) payment of billing to Kenworthy Law, PC on matters related to construction disputes, \$11,438.00.

CITY MANAGER COMMUNICATIONS

27. [Submitting](#) travel and training requests for Justin Armatis, Nathan Carrington, Todd Dykstra, Linda Harris, Amber Lynch, Michael McTaggart, Rebecca Peppmeier, Kirk Robinson, Steve Waymire, Michael West and Dana Wingert.

[\(Council Communication No. 17-070\)](#)

APPROVING

28. [Issuance](#) of Certificate of Completion to Bronson Partners, LLC for the redevelopment, adaptive reuse and restoration of the existing building at 1417 Walnut Street for a mixed-use residential and commercial development.

29. [Amended](#) Memorandum of Understanding (MOU) with the Institute for Market Transformation and the Natural Resources Defense Council, Inc. for City Energy Project (CEP) and approving grant agreement.

[\(Council Communication No. 17-067\)](#)

30. [Application](#) to the Iowa Department of Agriculture and Land Stewardship (IDALS) for a water quality initiative targeted demonstration watershed project grant on City-owned land at E. 35th Street and Hull Avenue.

[\(Council Communication No. 17-065\)](#)

31. [First](#) Amendment to Skywalk Agreement, including limited skywalk easements, between the City, Polk County, IEC Hotel Corporation, Fifth and Park, LLC and DSM Convention Hotel, LLC (Iowa Events Center Hotel).

[\(Council Communication No. 17-068\)](#)

32. [Execution](#) of contract with Federal Engineering Inc. (Ronald Bosco, President) to provide public safety communication consulting in determining future radio needs and options, \$83,025.

[\(Council Communication No. 17-051\)](#)

33. [Appointment](#) of Linda Main as Deputy City Clerk.
34. [Civil](#) Service Promotional Lists for Sewer Televising Technician, Fire Medic and Senior Fire Medic and Entrance Lists for Deputy Controller, Development Zoning Inspector, Emergency Equipment Technician, Park Planner and Recreation Program Coordinator.
35. Bids from the following:
- (A) [ADS](#) Inc. (Jason Wallace, CEO) for portable x-ray scanners per US General Services Administration Contract for use by the eight (8) state-wide Explosive Ordnance Detection (EOD) teams, \$278,067.36.
- [\(Council Communication No. 17-066\)](#)
- (B) [Baker](#) Group (BJ Baker III, Chairman & CEO) for building automation products and services for security enhancements at the Police Station, Police Academy and other ancillary Police buildings per State of Iowa Contract for use by the Police Department, \$354,231.
- [\(Council Communication No. 17-052\)](#)
- (C) [Clarke](#) Mosquito Control Products (J. Lyell Clarke III, President) and Univar Environmental Sciences (Trace McEuen, Vice President) for an annual contract with two (2) additional twelve (12) month renewal options to furnish mosquito control products and application services for use by the Community Development Department, estimated annual cost \$66,700. (Twelve (12) potential bidders, eight received).
- [\(Council Communication No. 17-047\)](#)
- (D) [Safeware](#) (Brian Schutjer, CEO) for pole-camera search systems with hand held monitors, tactical medical kits, breathing apparatus charging cylinders, and chemical protective suits (various equipment) per US Communities Contract for use by the statewide Weapons of Mass Destruction (WMD) SWAT Teams, \$164,784.89.
- [\(Council Communication No. 17-053\)](#)
- (E) [Vulcan](#) Signs (Thomas Lee, President) for an annual contract with two (2) additional twelve (12) month renewal options to furnish sign making services for use by the Engineering Department, estimated annual cost \$75,000. (Thirteen (13) potential bidders, four received).

- (F) [Ennis](#) Traffic Safety Solutions (Steve Vetter, President) for traffic paint per State of Iowa Department of Transportation Contract for use by the Engineering Department, \$55,000.

[\(Council Communication No. 17-064\)](#)

- (G) [Wright](#) Outdoor Solutions for additional tree and stump removal services for use by the Public Works Department, \$320,000. (Nineteen (19) potential bidders, six received on original bid).

[\(Council Communication No. 17-050\)](#)

- 36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of February 6 and 13, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 6 and February 13, 2017 and to draw checks for biweekly payroll due on February 17, 2017.

ORDINANCES - FINAL CONSIDERATION

- 37. [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.
- 38. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) Parking restriction modifications related to the Beaver Avenue Streetscape project.
 - (B) Installation of a traffic signal at Indianola Avenue and Payton Avenue.
 - (C) Parking restriction modifications to match field conditions – Washington Avenue.

ORDINANCES - SECOND CONSIDERATION

- 39. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - (A) One-side parking restriction – Carman Estates Plat 9.
 - (B) Renumbering Municipal Code sections to agree with alphabetical order.
 - (C) Municipal Code updates related to the renaming of Army Post Road to Willow Creek Avenue.
 - (D) Snow route modifications – 55th Street.

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

COMMUNICATIONS/REPORTS

40. [From](#) Justin Gross and Christopher Rottler, Community Lawyers of Iowa, 601 Hickman Road, Colleen Kinney, 632 40th Street and other individuals, to speak about clarifying local law enforcement policies and ordinances regarding immigrants and refugees.
41. [From](#) Teneshia Spears, 1831 Fuller Road, WDM, to speak regarding liquor licenses.

APPROVING

42. [Demolition](#) permit for the implosion of three Mercy Park Apartment Buildings at 1121 3rd Street.

[\(Council Communication No. 17-049\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 49)

43. [On](#) the proposed 2017 Action Plan for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 17-072\)](#)

44. [On](#) the issuance of a Certificate of Appropriateness for proposed exterior alterations to the American Federal Building a/k/a Catholic Pastoral Center, 601 Grand Avenue.

[\(Council Communication No. 17-048\)](#)

45. [On](#) vacation of air space, surface and subsurface rights in portions of City right-of-way adjoining 1400 Walnut Street and conveyance of permanent easements to 14 Walnut LLC for \$5,724 and acceptance of a permanent easement for public pedestrian way from 14 Walnut LLC valued at \$1,400.

[\(Council Communication No. 17-054\)](#)

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

46. On items regarding right-of-way adjoining 921 6th Avenue:

[\(Council Communication No. 17-055\)](#)

- (A) [Acceptance](#) of Corrected Quit Claim Deed from the State of Iowa for right-of-way adjoining 921 6th Avenue.
- (B) [Hearing](#) on vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way both adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corp., \$99,556.
 - (1) [First](#) consideration of ordinance above.
 - (2) [Final](#) consideration of ordinance above (waiver requested by Newbury Development), requires six votes.

47. [On](#) review of the anticipated environmental impact of Near West Side Sewer Separation project.

[\(Council Communication No. 17-062\)](#)

48. [On](#) MacRae Park Shelter Renovation: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Brocon Services LLC (Chris Brault, Managing Partner), \$347,000.

[\(Council Communication No. 17-061\)](#)

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

49. [On](#) Walnut Street Bus Lane from 9th Street to 10th Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Kingston Services, LLC (Dan Hutton, President), \$161,905.

[\(Council Communication No. 17-063\)](#)

(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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