

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

April 3, 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 – 4:00 PM

Rotary Foundation Day

National Service Recognition Day

INVOCATION: Council Member Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 38:

***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)	BAR TAUREAU	208 4TH ST	C Liquor
(B)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(C)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(D)	HARBINGER RESTAURANT	2724 INGERSOLL	C Liquor
(E)	HELLO MARJORIE	717 LOCUST ST	C Liquor
(F)	NOODLE ZOO & THE ZOO BAR	601 E LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(G)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(H)	AMERICAN GRILL	5800 FLEUR DR	C Liquor
(I)	BIG LAR'S	215 E 2ND ST	C Liquor
(J)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(K)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(L)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(M)	JETHROS	3100 FOREST AVE	C Liquor
(N)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(O)	MANNINGS	2102 INDIANOLA	C Liquor
(P)	OASIS	1401 BUCHANAN ST	E Liquor
(Q)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(R)	TRUE BURGER/IOWA TAP	5800 FLEUR DR	C Liquor
(S)	VICTORY LANE	3801 EASTON BLVD	C Liquor

OUTDOOR SERVICE APPLICATION

(T)	PEGGYS TAVERN	3020 FOREST AVE	C Liquor
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Temporary in conjunction with Drake Relays on April 25 – 29, 2017.

SPECIAL EVENT APPLICATIONS

(U)	CAPTAIN ROYS	1900 SAYLOR RD	Five (5) Day License
	Class B Beer License for events on April 19 – 23, 2017.		
(V)	CAPTAIN ROYS	1900 SAYLOR RD	Five (5) Day License
	Class B Beer License for events on April 26 – 30, 2017.		
(W)	DRAKE UNIVERSITY	2875 UNIVERSITY AVE	Five (5) Day License
	Special Class C Liquor License (Beer/Wine) for Alumni Reunion on April 29, 2017.		
(X)	YOUNG ENTREPRENEUR	3000 E GRAND AVE	Five (5) Day License
	Class B Beer License for an event at the Youth Inn on April 21 – 22, 2017.		

5. [Approving](#) Acknowledgment/Settlement Agreement and Order suspending cigarette permit of Beaver Tap, 4050 Urbandale Avenue, for second violation of selling tobacco to a minor.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
 - (A) [Locust](#) Street Reconstruction from 9th Street to 12th Street: Receiving of bids, (4-18-17), Setting date of hearing, (5-8-17). Construction estimate, \$753,000.

[\(Council Communication No. 17-339\)](#)
 - (B) [30th](#) Street Sidewalk from Boston Avenue to Urbandale Avenue: Receiving of bids, (4-18-17). Setting date of hearing, (5-8-17). Construction estimate, \$200,000.

[\(Council Communication No. 17-337\)](#)
7. [Approving](#) adoption of the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2017 Edition, and the SUDAS Standard Specifications, 2017 Edition, as the official design standards and specifications for the City of Des Moines.

[\(Council Communication No. 17-330\)](#)
8. [Approving](#) Private Construction Contract between Estes Company LLC dba Estes Construction and South Union Corner LLC for paving improvements in Jackson Crossing, \$67,000.
9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
10. [Accepting](#) completed construction and approving final payment to Neumann Brothers, Inc. – Skywalk Bridge 6D-7D Repairs.

LAND/PROPERTY TRANSACTIONS

11. [Releasing](#) subdivision bond for Carman Estates Plat 4 in the vicinity of SE 24th Street and E. Porter Avenue.

[\(Council Communication No. 17-321\)](#)
12. [Partially](#) releasing subdivision bond for the Woods of Copper Creek Plat 2 in the vicinity of the 4700 block of NE 23rd Avenue.

[\(Council Communication No. 17-319\)](#)

13. [Releasing](#) PUD restoration bond for the grading work at the Woods of Copper Creek Plat 2 in the vicinity of the 4700 block of NE 23rd Avenue.

[\(Council Communication No. 17-315\)](#)

14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2016 (2 applications).

[\(Council Communication No. 17-314\)](#)

SETTING DATE OF HEARINGS

15. [On](#) conveyance of City-owned property at 832 24th Street to Lighthouse Development, LLC for redevelopment of housing, (4-17-17).

[\(Council Communication No. 17-318\)](#)

16. [On](#) conveyance of City-owned property at 1322 Idaho Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), (4-17-17).

[\(Council Communication No. 17-320\)](#)

17. [On](#) conveyance of City-owned property at 708 Buchanan Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), (4-17-17).

[\(Council Communication No. 17-316\)](#)

18. [On](#) request from Greater Des Moines Habitat for Humanity to rezone multiple properties located in the vicinity of 2426 Saylor Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and approval of the Birdland Vista PUD Conceptual Plan, subject to conditions, (4-17-17).

19. [On](#) request from Extreme Auto Plaza, Inc. to rezone 1453 E. 14th Street from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and “R-2A” (General Residential) to an amended Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow future expansion of the existing vehicle display lot and sales of new vehicles and small trailers, subject to conditions, (4-17-17).

20. [On](#) assessment of \$500 penalty to liquor license holders for violation of Iowa Alcoholic Beverage Laws – (sale to minor), (4-17-17).

(A) Blazing Saddle, 416 E. 5th Street.

(B) Kum & Go #120, 6304 SW 9th Street.

(C) South Town Tap, 3803 SW 9th Street.

CITY MANAGER COMMUNICATIONS

21. [Submitting](#) travel and training requests for Shawn Herman and Jason Noble.

[\(Council Communication No. 17-345\)](#)

APPROVING

22. [Authorization](#) to negotiate an agreement based on preliminary terms with H. Glass Partners LLC, for commercial development at 212 E. 3rd Street.

[\(Council Communication No. 17-329\)](#)

23. [First](#) Amendment to Urban Renewal Development Agreement in the Metro Center Urban Renewal Area with Market District One, LLC for 401 SE 6th Street and 400 SE 7th Street.

[\(Council Communication No. 17-342\)](#)

24. Number not used.

25. [Addendum](#) to Agreement with the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID) and amending the budget for the Ingersoll Grand Self-Supported Municipal Improvement District.

[\(Council Communication No. 17-341\)](#)

26. [Authorizing](#) distribution of Request for Proposal (RFP) for new construction of single-family housing at 911 25th Street.

[\(Council Communication No. 17-317\)](#)

27. [Option](#) to extend Municipal Parking Facilities Management Services Agreement with ABM Parking Services, Inc.

[\(Council Communication No. 17-328\)](#)

28. [First](#) Amendment to Agreement for Professional Services with Duncan Associates, Codametrics, and the Lakota Group to prepare a comprehensive rewrite of the Zoning Ordinance.

[\(Council Communication No. 17-322\)](#)

29. Number not used.
30. [Submittal](#) of an application for the 2017 Edward J. Byrne Memorial Justice Assistance Grant & Residential Substance Abuse Treatment Grant from the Governor's Office of Drug Control Policy, \$16,856.

[\(Council Communication No. 17-323\)](#)

31. [Communication](#) from Downtown Community Alliance, on behalf of the University of Iowa, requesting approval of banner designs for banners to be displayed on Locust Street, E. Locust Street and 5th Street banner poles from May through December 2017.
32. [Release](#) of fire escrow at 3423 Wright Street.
33. [Exception](#) to the procurement ordinance competitive RFP process for good cause and approving an amendment to renew contract with Holland & Knight LLP to provide Federal Legislative Consulting Services, \$102,000.

[\(Council Communication No. 17-343\)](#)

34. [Bid](#) from Utility Equipment Company (Mike Coryn, President), Forterra Pipe & Precast (Mark Carpenter, President) and Contech Engineered Solutions (Mike Rafi, President) for an annual contract with two (2) additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance for use by the Public Works Department, estimated annual cost \$80,000. (Four potential bidders, three received).
35. [Civil](#) Service Promotional Lists for Civil Engineer II and Senior Crime Scene Investigator.
36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 3 and April 10, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 3 and April 10, 2017 and to draw checks for biweekly payroll due on April 14, 2017.

ORDINANCES - SECOND CONSIDERATION

37. On vacation of a portion of Mulberry Street and 12th Street rights-of-way adjoining 121 12th Street.

(A) Final consideration of ordinance above (waiver requested by Hubbell Realty Company), requires six votes.

38. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

(A) Code corrections.

(B) Removal of parking restriction – Thornton Avenue from SW 14th Street to cul-de-sac.

(C) Removal of parking and loading zone – Hull Avenue from Wright Street to E. 12th Street.

(D) Curb bump-out parking prohibition and definition.

(E) Traffic Control Provisions for E. Locust Street, E. 2nd Street, E. 3rd Street, and E. Walnut Street due to completion of the StayBridge Hotel.

(F) Traffic Control Provisions for Walnut Street, 5th Avenue, 6th Avenue, and 7th Street due to the Walnut Streetscape project.

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

ORDINANCES - FIRST CONSIDERATION

39. [Amending](#) Chapter 74 of the Municipal Code regarding Mobile Vendors to allow up to two Mobile Vendor or Transient Merchant vehicles to be located at Birdland Marina pursuant to a Concession Agreement.

([Council Communication No. 17-324](#))

- (A) [Final](#) consideration of ordinance above (waiver requested by the Parks and Recreation Department), requires six votes.

COUNCIL REQUESTS

40. [From](#) Council Members Gatto and Moore regarding support of the City of Des Moines' labor force.

- (A) [Resolution](#) regarding support of the City of Des Moines' labor force.

COMMUNICATION REPORTS

- 40-I [From](#) Richard Homan, 2747 Skeies Drive, to speak regarding the bird ordinance.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 52)

41. [On](#) vacation and conveyance of the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6th Avenue and 7th Street to Catholic Health Initiatives – Iowa Corp. d/b/a Mercy Medical Center – Des Moines, \$40,760.

([Council Communication No. 17-331](#))

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Mercy Medical Center), requires six votes.
42. [On](#) request from Roll-Offs of Des Moines to rezone property in the vicinity of 20 E. 18th Street from Ltd. "M-2" (Heavy Industrial) to an amended Ltd. "M-2" (Heavy Industrial) to allow expansion of the permitted uses from outdoor storage of inoperable machinery to include outdoor storage and sorting of recycled waste materials within roll-off containers and dismantling of vehicles and machinery, subject to conditions.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

43. Items regarding 1210 Army Post Road:

- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Community Mixed-Use and Low-Density Residential within a Community Node to Industrial within a Community Node. (**Plan and Zoning Commission recommends DENIAL**)
- (B) [Hearing](#) on request from Tiger Knight, LLC to rezone 1210 Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow reuse of the building for warehouse and bowling pin refurbishing (**Select 1 or 2 below**).
 - (1) Deny request.

OR

- (2) Continue to April 17, 2017 at 5:00 PM and direct the Legal Department to prepare the necessary legislation to approve. (**requires six votes**)

44. Items regarding 623 E 12th Street:

- (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Public/Semi-Public to Neighborhood Mixed Use.
- (B) [Hearing](#) to rezone from “C-0” (Commercial Residential) to “C-1” (Neighborhood Retail Commercial) to allow conversion of a former medical office building to a drive-up financial institution, subject to conditions.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

45. [On](#) 20th Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 17-325\)](#)

46. [On](#) 8th Amendment to the SE Agribusiness Urban Renewal Plan.

[\(Council Communication No. 17-326\)](#)

47. Items regarding the sale of property at 422 Walnut Street, containing the Fifth and Walnut Parking Garage, for private redevelopment:

[\(Council Communication No. 17-346\)](#)

- (A) [Communication](#) from the City Plan and Zoning Commission, regarding the vacation of the alleys in and adjoining 422 Walnut Street.
- (B) [Closing](#) the hearing on vacation of portions of the east/west alleys lying within 422 Walnut Street and approving same.
- (C) [First](#) consideration of ordinance vacating portions of the east/west alleys lying within 422 Walnut Street.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the Legal Department), six affirmative votes required for passage.
- (D) [Closing](#) the hearing on vacation of the west 6.5 feet of the north/south alley lying east of and adjoining 422 Walnut Street, and approving same.
- (E) [First](#) consideration of ordinance above.
 - (1) [Final](#) consideration of ordinance above (waiver requested by the Legal Department), six affirmative votes required for passage.

Select either Item (F) or Items (G and H) below

- (F) [Resolution](#) closing hearing and approving Urban Renewal Development Agreement for Sale of Land for Private Redevelopment with Blackbird Investments LLC for sale and redevelopment of the Fifth and Walnut parking Garage at 422 Walnut Street.

OR

- (G) [Resolution](#) extending the 3-year deadline under the Skywalk Ordinance for replacement of the Skywalk Corridor in the Fifth and Walnut Parking Garage until August 19, 2028.

AND

- (H) [Resolution](#) closing hearing and approving Urban Renewal Development Agreement for Sale of Land for Private Redevelopment with 5th and Walnut Parking LLC for sale and redevelopment of the Fifth and Walnut Parking Garage at 422 Walnut Street.

48. [On](#) 2017 ADA Sidewalk Ramp Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$595,790.

[\(Council Communication No. 17-333\)](#)

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

49. [On](#) 2017-2018 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc. d\b\a Des Moines Asphalt & Paving, (Jeffrey A. Chapman, General Manager), \$897,881.45.

[\(Council Communication No. 17-336\)](#)

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

50. [On](#) 2017 HMA Residential Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$726,608.40.

[\(Council Communication No. 17-334\)](#)

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

51. [On](#) Birdland Marina Utility Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$132,890.

[\(Council Communication No. 17-338\)](#)

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

52. On Howe and Windsor Elementary School Pedestrian Bridge Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$269,264.

([Council Communication No. 17-335](#))

- (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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