

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

**October 9, 2017**  
**4:30 PM**

**I. CLOSED SESSION – Ewing Conference Room 213 – 3:00 PM**

- (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.

\* \* \* \* \*

**PROCLAMATIONS – 4:00 PM**

**National Coming Out Day**

**Compassionate Community**

**Fire Prevention Week**

**CERTIFICATE OF RECOGNITION**

**Mel Pins top user of myDSMmobile**

**INVOCATION:** Council Member Westergaard

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)	EVEREST GROCERY STORE	5000 SW 9TH ST	C Beer
<del>(B)</del>	<del>EVEREST RESTAURANT</del>	<del>6401 SE 14TH ST</del>	<del>C Liquor</del>
<del>(C)</del>	<del>TOBACCO HUT</del>	<del>5714 HICKMAN RD</del>	<del>C Beer</del>
(D)	WALNUT	1417 WALNUT ST	C Liquor

**RENEWAL APPLICATIONS**

(E)	BEST FOOD MART	4028 E 14TH ST	C Beer
(F)	BLAZING SADDLE *(1)	416 E 5TH ST	C Liquor
(G)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(H)	CAMPBELLS CONCESSIONS	3000 E GRAND AVE	B Beer
(I)	DRAKE DINER	1111 25TH ST	C Liquor
(J)	EUREST DINING SERVICES	1331 GRAND AVE	C Liquor
(K)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(L)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(M)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(N)	GOLDFINCH	316 COURT AVE	C Liquor
(O)	GOODSONS *(1)	2815 BEAVER AVE	C Liquor
(P)	OASIS *(1)	630 SW 9TH ST	E Liquor
(Q)	STAYBRIDGE SUITES	201 E LOCUST ST	C Beer
(R)	TONIC ON COURT	210 COURT AVE	C Liquor
(S)	TROPIK RESTAURANT & BAR	3015 MERLE HAY RD	C Liquor
(T)	ZIMMS	3124 INGERSOLL	C Liquor

**SPECIAL EVENT APPLICATIONS**

<del>(U)</del>	<del>CAPTAIN ROYS</del>	<del>1900 SAYLOR RD</del>	<del>B Beer</del> Fourteen day license for events on October 11 – 24, 2017.
(V)	EMBASSY CLUB – WFP	100 LOCUST ST	Five (5) Day License Class C Liquor License for a wedding reception on October 14, 2017.
(W)	ROYAL MILE	214 4TH ST	Five (5) Day License Class B Beer License for IMT Des Moines Marathon on October 14 – 15, 2017. Pending approval of Fire Department.



9. [Approving](#) Supplemental Agreement No.1 to the Agreement for Professional Services with KCL Engineering, LLC for additional design and construction administration services for the Des Moines Skywalk Bridge HVAC Analysis & Design, for an additional amount not to exceed \$34,380.

[\(Council Communication No. 17-719\)](#)

10. [Approving](#) Change Order No. 2 with J&K Contracting, LLC, for additional work on Locust Street Reconstruction from 9<sup>th</sup> Street to 12<sup>th</sup> Street in the amount of \$92,608.99.

[\(Council Communication No. 17-729\)](#)

11. [Approving](#) Change Order No. 2 with E & H Restoration, LLC for additional work on the 2017 Parking Garage Repair Program, \$117,959.75.

[\(Council Communication No. 17-725\)](#)

12. Approving private construction contracts for the following:

- (A) [Storm](#) Sewer Improvements in 1900 E 17<sup>th</sup> Street, The Underground Company, Ltd. and Warehouse – 1900 E. 17<sup>th</sup> St, LLC.
- (B) [Paving](#) Improvements in Carman Estates Plat 7, Manatts, Inc. and Silver Oak, Inc.
- (C) [Storm](#) Sewer Improvements in Carman Estates Plat 7, Gator Excavating, Inc. and Silver Oak, Inc.
- (D) [Sanitary](#) Sewer Improvements in Carman Estates Plat 7, Gator Excavating, Inc. and Silver Oak, Inc.
- (E) [Storm](#) Sewer Improvements in Birdland Vista, McAninch Corporation and Birdland Vista, LLC.
- (F) [Sanitary](#) Sewer Improvements in Birdland Vista, McAninch Corporation and Birdland Vista, LLC.
- (G) [Paving](#) Improvements in the Woods of Copper Creek Plat 4, Concrete Technologies, Inc. and HDR Land Development, LLC.
- (H) [Paving](#) Improvements in the Woods of Copper Creek Plat 3, Concrete Technologies, Inc. and HDR Land Development, LLC.

13. Approving completion of private construction contracts for the following:
  - (A) [Storm](#) Sewer Improvements, 219 E. Grand Avenue, between Elder Corporation and 219 East Grand, LLC.
  - (B) [Storm](#) Sewer Improvements, 2455 M.L. King Jr. Parkway, between Corell Contractor, Inc. and Quad M's Inc.
  - (C) [Signal](#) Improvements, 420 Court Avenue, between Baker Electric, Inc. and Hy-Vee Construction, LC.
  - (D) [Storm](#) Sewer Improvements, 219 8<sup>th</sup> Street, between Elder Corporation and Employers Mutual Casualty Company.
  - (E) [Paving](#) and Storm Improvements, Bici Flats, between Corell Contractor, Inc. and Bici Flats, LLC.
14. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
- 14-I [Accepting](#) completed construction and approving final payment for SW 30<sup>th</sup> Street Curb and Gutter from Park Avenue to Fox Hollow Circle, JDA Construction Company.

## LAND/PROPERTY TRANSACTIONS

15. [Acceptance](#) of real estate documents from Forrest and Associate, Inc. for voluntary acquisition of a portion of 817 SW 9<sup>th</sup> Street for dedication of said property as SW 9<sup>th</sup> Street right-of-way.

[\(Council Communication No. 17-732\)](#)
16. [Resolution](#) to approve and accept a permanent easement for public pedestrian way across property located at 103 SW 3<sup>rd</sup> Street from Confluence on Third LLC.

[\(Council Communication No. 17-718\)](#)
17. [Authorization](#) to proceed with acquisition of the necessary property interests for the 31<sup>st</sup> Street Reconstruction – I-235 to University Avenue Project.

[\(Council Communication No. 17-727\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. [Recommendation](#) from Mayor T. M. Franklin Cownie to appoint Scott Bents to the Transportation Safety Committee, Seat 1, for a 3-year term commencing December 31, 2016 to December 31, 2019.
19. [Recommendation](#) from Council Member Bill Gray to appoint Sherill Whisenand to the Sister Cities Commission, Seat 8, for a 5-year term commencing April 29, 2013 to April 28, 2018.
20. [Communication](#) from Greg Downs advising of his resignation from the Power Engineers Examining Board, Seat 1, effective immediately.

## **SETTING DATE OF HEARINGS**

21. [On](#) vacation of a portion of City-owned street right-of-way located north of Franklin Avenue between 23<sup>rd</sup> Street and 24<sup>th</sup> Street and conveyance to adjoining property owners, \$450, (10-23-17).
22. [On](#) review of the anticipated environmental impact of the River Bend and King Irving Sewer Separation Project, (11-20-17).
23. [On](#) the Third Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, (10-23-17).

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

24. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to Collective Bargaining, \$2,940.
25. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Officer Tyson Teut, \$787.50.
26. [Approving](#) payment to Kevin Strawn for a workers' compensation claim.
27. [Approving](#) payment for the backup sewer claim of Michael and Marlene Emery.
28. [Approving](#) third quarter report from the Legal Department concerning settlements made by the City Attorney, not exceeding \$5,000.

## CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training for Rita Conner, T.M. Franklin Cownie, Ryan Doty, and Laura Graham.

[\(Council Communication No. 17-738\)](#)

## APPROVING

30. [28E](#) Agreement with Neighborhood Development Corporation (NDC) through December 31, 2020 for an annual contribution of \$1,000,000.

[\(Council Communication No. 17-711\)](#)

31. [Preliminary](#) terms of an Urban Renewal Development Agreement with 206 6<sup>th</sup> Avenue, LLC for the Historic redevelopment and conversion of the Midland Building at 206 6<sup>th</sup> Avenue to a 140 Room Hotel.

[\(Council Communication No. 17-714\)](#)

32. Items regarding a housing project by Elliott Coop Housing Association for renovation of 64 housing units at 217 4<sup>th</sup> Street (Elliott Apartments):

- (A) [Support](#) of an Iowa State Historic Tax Credit Application to be submitted to the Iowa Department of Cultural Affairs.

[\(Council Communication No. 17-720\)](#)

- (B) [Support](#) of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA).

[\(Council Communication No. 17-721\)](#)

- 32-I [Amendment](#) to the Parking License Agreement with Wells Fargo Properties, Inc. for parking spaces in the 8<sup>th</sup> and Mulberry Parking Garage.

33. Moved to 52-I.

34. [Conceptual](#) development plan for Phase 1 Improvements (Skywalk Node) for the Miesblock project at 7<sup>th</sup> and Grand by Grand 7 Partners, LLC.

35. [Conceptual](#) design plan for a public plaza space at the northwest corner of SW 9<sup>th</sup> Street and Bell Avenue.

[\(Council Communication No. 17-717\)](#)

36. [Submittal](#) of an Iowa Great Places grant application for placemaking and public art elements on the 6<sup>th</sup> Avenue Corridor.

[\(Council Communication No. 17-709\)](#)

37. [Receipt](#) of communication from the Community Development and Engineering Departments regarding the 6<sup>th</sup> Avenue Streetscape Project.

[\(Council Communication No. 17-710\)](#)

38. [City](#)-initiated request to rezone property located west of the Des Moines International Airport and south of McKinley Avenue.

39. [Submittal](#) of the FY2017 Equitable Sharing Agreement and Certification Report to the U.S. Department of Justice.

[\(Council Communication No. 17-707\)](#)

40. [Application](#) from IMT Des Moines Marathon requesting approval for a banner to be placed at the start and finish lines on Court Avenue between 3rd Street and 2nd Street for the Des Moines Marathon, October 15, 2017.

41. [Amendment](#) to contract with Environmental Systems Research Institute Inc. (ESRI) for consulting services to review, upgrade and support an Enterprise Geographic Information System.

[\(Council Communication No. 17-704\)](#)

42. Approving purchase from the following regarding video, audio and voting systems for the Council Chambers:

[\(Council Communication No. 17-739\)](#)

- (A) [Triad](#) Productions, Inc. (Dick Trump, President) for non-competitive procurement of services to design and install a voting and audio system for the City Hall Council Chambers, \$147,000.
- (B) [Conference](#) Technologies, Inc. (John Laughlin, CEO) for non-competitive procurement of services to upgrade the video broadcast system at the Municipal Service Center and to design and install a video broadcast system at City Hall, \$275,436.73



43. Bids from the following;

- (A) [Communication](#) Technologies (Dana Heldenbrand, President) for an annual contract with two (2) additional one-year renewal options to furnish subsurface utility location services to be used for various capital improvement projects by the Engineering Department, estimated annual cost \$64,120. (Eleven (11) potential bidders, one received).

[\(Council Communication No. 17-731\)](#)

- (B) [OneNeck](#) IT Solutions (Terry Swanson, President) for Veeam backup and replication hardware and software for virtual servers per State of Iowa contract for use by the IT Department, \$131,839.94.

[\(Council Communication No. 17-703\)](#)

- (C) [Stryker](#) (Kevin Kobo, Chairman and CEO) for non-competitive procurement of eight (8) ambulance power lift systems to be compatible with existing equipment for use by the Fire Department, \$252,132.83.

[\(Council Communication No. 17-706\)](#)

44. [Civil](#) Service Entrance Lists for Investigative Assistant, Senior Refuse Collector, Open Records Coordinator, Police Officer and Promotional List for Police Property Manager.

45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 9 and 16, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 9 and 16, 2017; and to draw checks for biweekly payroll due on October 13, 2017.

**ORDINANCES - FINAL CONSIDERATION**

46. [Amending](#) Chapter 114 of the Municipal Code regarding parking rates in municipally-owned parking garages.

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

## ORDINANCES - FIRST CONSIDERATION

47. [Establishing](#) the Sherman Hill Self-Supported Municipal Improvement District (SSMID) pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of a capital improvement and operation fund and the levy of an annual tax.
48. [Amending](#) Chapter 42 of the Municipal Code regarding the prohibition of fireworks.

## COMMUNICATIONS/REPORTS

49. [From](#) Kris Sadoris to speak regarding the statewide effort and local initiatives regarding the Iowa Walking College, an effort by the Iowa Healthiest State Initiative.

## APPROVING

50. Items regarding the property at 402 E. 2<sup>nd</sup> Street:
  - (A) [Approving](#) acceptance of public sanitary and storm sewer improvements related to the City Hall Parking Garage.
  - (B) [Execution](#) of the Commencement Date Agreement for Lease of City Parking Garage located at E. 2<sup>nd</sup> Street in accordance with the Lease Purchase Agreement with 101 East Grand Parking, LLC and West Bank.  

[\(Council Communication No. 17-728\)](#)
  - (C) [Acceptance](#) of Assignment of Intellectual Property Rights to Design Documents and Copyright License to Shop Drawings related to the City Hall Parking Garage in accordance with Lease Purchase Agreement.
  - (D) [Receive](#) and file development proposal from 101 East Grand Parking, LLC for the multi-phased redevelopment of the former City Hall parking lot.  

[\(Council Communication No. 17-736\)](#)

- (E) [Adjustment](#) of parking rates for designated City Council and City employee parking in the E. 2<sup>nd</sup> Parking Garage.

51. Items regarding acquisition of property for the Municipal Services Center – Phase 2 Project:

- (A) [Approving](#) revised site boundary and acceptance of real estate documents for voluntary acquisition of property located at 1700 Maury Street from S & P Properties, LC.

[\(Council Communication No. 17-730\)](#)

- (B) [Authorization](#) to proceed with acquisition of the necessary property interests from Norfolk Southern Railway Company.

[\(Council Communication No. 17-735\)](#)

52. Collective bargaining agreements for the period July 1, 2018 through June 30, 2020 with the following:

[\(Council Communication No. 17-708\)](#)

- (A) [AFSCME](#), Council 61 and its Affiliated Local 3673.
- (B) [Municipal](#) Employees Association (MEA).

52-I [Amendment](#) to the Conceptual Development Plan for the Southridge Mall to amend the design of the proposed Unity Point Medical Clinic at 6520 SE 14<sup>th</sup> Street. (**Choose Alternative A or B below**)

[\(Council Communication No. 17-715\)](#)

- (A) Conditional approval, subject to the Amended Conceptual Development Plan being first amended to address the concerns raised by the Urban Design Review Board, and to the Economic Development Director approving the amended Plan as having adequately addressed the Board’s concerns.

**OR**

- (B) Approve as submitted.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 60)

53. [On](#) request from 4000 Ingersoll Park Houses, LP (developer) represented by Frank Levy (officer) for a 4th Amendment to the Plymouth Congregational Church PUD Conceptual Plan located at 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street.

54. [On](#) the proposed Fourth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area.

[\(Council Communication No. 17-712\)](#)

55. [On](#) proposed Ninth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area.

[\(Council Communication No. 17-716\)](#)

56. [On](#) the proposed 21<sup>st</sup> Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 17-713\)](#)

(A) [Resolution](#) authorizing advancement of costs for an Urban Renewal project in the Metro Center Urban Renewal Area and certification of expenses incurred by the City for payment under Iowa Code Section 403.19.

[\(Council Communication No. 17-737\)](#)

57. [On](#) assessment of \$1,500 penalty and a 30-day suspension of liquor license for Des Moines Yacht Club located at 2617 Ingersoll Avenue for violation of Iowa Alcoholic Beverage Laws, Sales to Minors.

58. [On](#) License Agreement to license a portion of the Combined Sewer Solids Separation Facility –Building 02 located southwest of SE 25<sup>th</sup> Court and C B & Q Street from Des Moines Metropolitan Wastewater Reclamation Authority.

59. [On](#) Martin Luther King Jr. Parkway and Prospect Road Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), \$234,441.35.

[\(Council Communication No. 17-724\)](#)

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

60. On Waveland Golf Course Watershed Improvements and Grading: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$126,725.

(Council Communication No. 17-733)

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

**\*\*END HEARINGS AT \_\_\_\_\_ 5:00 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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