



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '13-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

City Hall, City Council Chambers  
400 Robert D. Ray Dr.

November 4, 2013  
4:30 PM

3:30 PM  
Farewell Reception – Council Member Brian Meyer Ward IV  
City Hall, 2<sup>nd</sup> Floor

4:00 PM  
Special Presentation

**INVOCATION:** Council Member Halley Griess

- [13-1701](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey and Moore.**
- [13-1702](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-0.**
- [13-1703](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 35: **Moved by Coleman to adopt the balance of the consent agenda. Motion Carried 6-0.**

**\*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**

[13-1704](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Coleman to adopt. Motion Carried 6-0.**

**NEW APPLICATION**

(A) TRELLIS 909 ROBERT D RAY C Liquor

**RENEWAL APPLICATIONS**

(B) ALDI INC #03 3940 E 14TH STREET C Beer  
(C) ALDI INC #29 500 E ARMY POST RD C Beer  
(D) ALDI INC #38 2543 E UNIVERSITY C Beer  
(E) APEX OIL 1200 SE 30TH ST C Beer  
(F) BIG CITY BURGERS & GREENS 400 LOCUST ST C Liquor  
(G) CATERING DSM 1011 LOCUST ST C Liquor  
(H) CENTRO RESTAURANT 1011 LOCUST ST C Liquor  
(I) CHIPOTLE MEXICAN GRILL 3737 MERLE HAY RD C Liquor  
(J) DAHLS FOODS 3400 E 33RD ST E Liquor  
(K) DUBLIN 2307 UNIVERSITY C Liquor  
(L) ESTRADAS \*(1) 3029 MERLE HAY RD C Liquor  
(M) FREMONT 1030 E 9TH ST C Liquor  
(N) GIT N GO STORE #19 890 COUNTY LINE C Beer  
(O) GIT N GO STORE #6 5736 FRANKLIN AVE C Beer  
(P) HESSEN HAUS 101 4TH STREET C Liquor  
(Q) HOQ RESTAURANT 303 E 5TH STREET C Liquor  
(R) HY VEE GAS #5 1113 E ARMY POST C Beer  
(S) J & J PIZZA PUB 2500 MLK JR PKWY C Liquor  
(T) JEANNIES BOTTLE 3839 MERLE HAY RD C Liquor  
(U) JESSES EMBERS 3301 INGERSOLL C Liquor  
(V) QUIK TRIP #500 3700 HUBBELL AVE E Liquor  
(W) QUIK TRIP #501 2221 E EUCLID AVE E Liquor  
(X) QUIK TRIP #523 850 ARMY POST RD E Liquor  
(Y) QUIK TRIP #534 2945 E UNIVERSITY E Liquor  
(Z) QUIK TRIP #541 2428 HUBBELL AVE C Beer  
(AA) QUIK TRIP #554 901 SW 63RD E Liquor  
(BB) QUIK TRIP #559 4024 FLEUR DR E Liquor

**TRANSFER TO NEW LOCATION**

(CC) ELWELL FAMILY 3000 E GRAND AVE C Liquor  
Temporary to the Animal Learning Center for Dee Zee Manufacturing Holiday Party on November 16, 2013.

### SPECIAL EVENTS APPLICATIONS

(DD) HY VEE ZART EVENT      1312 LOCUST ST      Five (5) Day License  
Class C Liquor License for a wedding reception on November 16, 2013. Pending approval of Building and Fire Departments.

(EE) LOTUS MOMENTS      2134 E GRAND AVE      Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for a concert on November 9, 2013. Pending approval of Fire Department.

(FF) WAT LAO BUDDHAVAS      3000 E GRAND AVE      Five (5) Day License  
Special Class C Liquor License (Beer/Wine) with B Native Wine for a fundraising event on November 16, 2013.

[13-1705](#)      5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Coleman to adopt. Motion Carried 4-2. Nays: Cownie and Moore.**

[13-1706](#)      6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Coleman to adopt. Motion Carried 6-0.**

### PUBLIC IMPROVEMENTS

[13-1707](#)      7. [Approving](#) IDOT Agreement for Maintenance and Repair of Primary Roads in Municipalities and Supplemental Agreement for July 1, 2013 to June 30, 2014. **Moved by Coleman to adopt. Motion Carried 6-0.**

[13-1708](#)      8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Terracon Consultants, Inc. for the Municipal Services Center Phase 1, not to exceed \$22,000. ([Council Communication No. 13-531](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

[13-1709](#)      9. [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for Beaver Avenue Streetscape from Beaver Crest to Fagen Drive. ([Council Communication No. 13-530](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

## SPECIAL ASSESSMENTS

- [13-1710](#) 10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-11. **Moved by Coleman to adopt. Motion Carried 6-0.**

## LAND/PROPERTY TRANSACTIONS

- [13-1711](#) 11. [Acceptance](#) of Real Estate documents from Bryan R. Neff for donation of a vacant lot adjoining 2328 E. 37<sup>th</sup> Street for the Four Mile Creek Floodplain Area. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1712](#) 12. [Dedicating](#) right-of-way for Fleur Drive widening at Army Post Road. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1713](#) 13. [Dedicating](#) right-of-way for the extension of Martin Luther King Jr. Pkwy. – SW 2<sup>nd</sup> Street to SE 9<sup>th</sup> Street Segment. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1714](#) 14. [Approving](#) Landscape Bond Irrevocable Letter of Credit No. 1289 from West Bank in the amount of \$7,700 for housing project by Hilltop I Limited Partnership in the vicinity of 3720 E. Douglas Avenue. **Moved by Coleman to adopt. Motion Carried 6-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-1715](#) 15. [Approving](#) recommendation of Council Member Skip Moore to appoint Naura Heiman-Godar to the Urban Design Review Board, Seat 2, for a three-year term commencing June 30, 2013 to expire June 30, 2016. **Moved by Coleman to adopt. Motion Carried 6-0.**

## SETTING DATE OF HEARINGS

- [13-1716](#) 16. [On](#) vacation of portions of the Court Avenue and 4<sup>th</sup> Street rights-of-way adjoining the Randolph Apartments at 202 4<sup>th</sup> Street and the conveyance of an easement upon such vacated rights-of-way to legalize the existing building encroachments, (11-18-13). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1717](#) 17. [On](#) conveyance of 4315 SE 14<sup>th</sup> Street to Yeader Village LLLP, \$210,000, (11-18-13). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1718](#) 18. [On](#) request from Loffredo Gardens, Inc. to rezone 4001 SW 63<sup>rd</sup> Street from “PBP” (Planned Business Park) to “M-1” (Light Industrial) to allow for an approximately 45,000 square foot warehouse building to be developed on property to the south of the existing facility, subject to conditions, (11-18-13). **Moved by Coleman to adopt. Motion Carried 6-0.**

[13-1719](#) 19. [On](#) request from Diversity Insurance, Inc. to rezone 1533 and 1541 E. Grand Avenue from “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow an expansion of the existing building at 1541 E. Grand Avenue for Pedestrian-Oriented Mixed-Neighborhood Level Retail or Office uses, (11-18-13). **Moved by Coleman to adopt. Motion Carried 6-0.**

[13-1720](#) 20. [On](#) a request from Drake University for approval of an amendment to the Drake University Recreation PUD Conceptual Plan affecting 1420 26<sup>th</sup> Street to allow a basketball practice facility addition to the east side of the Knapp Center, (11-18-13). **Moved by Coleman to adopt. Motion Carried 6-0.**

[13-1721](#) 21. [On](#) request from Beaverdale Partners, LLC for an amendment to the Rice Development Partners PUD Conceptual Plan for 3001 Beaver Avenue to revise the name to Beaverdale Cooperative Housing PUD and to allow development of a three-story 54-unit multiple-family dwelling for senior living, (11-18-13). **Moved by Coleman to adopt. Motion Carried 6-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[13-1722](#) 22. [Approving](#) payment of \$9,453.14 to GEICO Insurance Company, as subrogee of E’Shayla Kelson. **Moved by Coleman to adopt. Motion Carried 6-0.**

#### CITY MANAGER COMMUNICATIONS

[13-1723](#) 23. [Submitting](#) travel and training request for Tan Gene Huynh. ([Council Communication No. 13-545](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

#### APPROVING

[13-1724](#) 24. [Community](#) Services Block Grant, (CSBG) Community Action Contract (CSBG-14-07) for the 2014 Program Year, \$574,966. ([Council Communication No. 13-536](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

[13-1725](#) 25. [Neighborhood](#) Commercial Revitalization (NCR) Program Loan for \$185,000 and a Façade Grant for \$15,000 to Norris Partners, LLC for renovations and expansion of the commercial building at 210 Court Avenue. ([Council Communication No. 13-539](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

- [13-1726](#) 26. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Doyle Properties, LLC for the historic redevelopment of 130 E. 3<sup>rd</sup> Street in the Metro Center Urban Renewal Area. ([Council Communication No. 13-547](#)) **Moved by Coleman to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 13-547, and to direct the City Manager to proceed with negotiation of a formal agreement with Doyle Properties, LLC, consistent with the terms set forth in Council Communication No. 13-547. Motion Carried 6-0.**
- [13-1727](#) 27. [First](#) Amendment to Economic Development Loan Agreement with Eastgate Plaza LLC. ([Council Communication No. 13-546](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1728](#) 28. [Receive](#) and file the U.S. Environmental Protection Agency (EPA) Greening America's Capitals Report on the 6<sup>th</sup> Avenue Corridor. ([Council Communication No. 13-540](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1729](#) 29. [Conceptual](#) Development Plan submitted by Helena Industries for the construction of an addition to its warehouse at 3525 Vandalia Road in the SE AgriBusiness Park Urban Renewal Area. ([Council Communication No. 13-541](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1730](#) (A) [Final](#) consideration of ordinance giving prior approval for a partial exemption from property taxation on the value added by new construction. **Moved by Coleman that this ordinance do now pass, [#15,233](#). Motion Carried 6-0.**
- [13-1731](#) 30. [City](#) Council Meeting Schedule for 2014. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1732](#) 31. [Receipt](#) of Des Moines Water Works Audit Report for the year ending December 31, 2012 and 2011. **Moved by Coleman to receive and file. Motion Carried 6-0.**
- [13-1733](#) 32. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval of banner design for banners to be displayed in the Western Gateway this winter, (December-February). **Moved by Coleman to receive, file and approve banner design. Motion Carried 6-0.**
- [13-1734](#) 33. [Purchase](#) of IAPro Police Officer Incident Tracking software program and maintenance agreement from CI Technologies Inc. (Michael Blumberg, President), \$42,300. ([Council Communication No. 13-538](#)) **Moved by Moore to refer to the City Manager and City Attorney for review and recommendation. Motion Carried 6-0.**

34. Bids from the following:

- [13-1735](#) (A) [Vital](#) Support Systems (Jeff Sparling, CEO) for CISCO Systems network equipment to be used to manage wireless access points per State contract as requested by the IT Department, \$118,170.50. ([Council Communication No. 13-543](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1736](#) (B) [Vital](#) Support Systems (Jeff Sparling, CEO) for CISCO Systems network equipment for secure access to the upcoming use of self-service for Tyler/Munis Human Resources per State contract as requested by the IT Department, \$80,413.30. ([Council Communication No. 13-542](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1737](#) (C) [Communication](#) Technologies (Dana Heldenbrand, President) for secure fiber optic cable installation services for connectivity between the Police Department, Des Moines International Airport and Polk County per State contract as requested by the IT Department, \$38,900. ([Council Communication No. 13-544](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1738](#) 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of November 4 and 11, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of November 4 and 11, 2013; and to draw checks for biweekly payroll due on November 15, 2013. **Moved by Coleman to adopt. Motion Carried 6-0.**

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

#### ORDINANCES - FIRST CONSIDERATION

- [13-1739](#) 36. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for the Central Business District. ([Council Communication No. 13-533](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage; refer to the City Manager for review and recommendation and a report on the process used to include all affected parties. Motion Carried 6-0.**

## COUNCIL REQUESTS

- [13-1740](#) 37. **From** Mayor Cownie to discuss the Ward IV City Council vacancy. **Moved by Hensley to refer to the City Attorney and City Manager to report at the November 18<sup>th</sup> Council meeting regarding options and timelines for filling the vacancy and scheduling concurrent elections. Interested Ward IV candidates are encouraged to submit a letter of interest with background information to the Mayor's office. Motion Carried 6-0.**
- [13-1741](#) 37-A **Request** of Mayor Cownie to discuss his recent appointment by President Obama to State/Local and Tribal Leaders Task Force on Climate Preparedness and Resilience. **Moved by Hensley to receive and file comments and refer to the City Manager to provide input and to assist the Mayor as he prepares for the Task Force meetings. Motion Carried 6-0.**
- [13-1742](#) 37-I **From** Council Member Chris Coleman to discuss the need for a Des Moines area plan and guidelines for affordable housing. **Moved by Coleman to refer to the City Manager to begin the process of developing plans and principles for Des Moines and the region, and to come back at the Council workshop on November 18<sup>th</sup> with a list of stakeholders and framework for how we move forward. Motion Carried 6-0.**

## COMMUNICATIONS/REPORTS

- [13-1743](#) 38. **Letter** from Rotary Club of Des Moines A.M. Foundation regarding naming of proposed new playground to be built by the Rotary Club along the Principal Riverwalk to be named "Rotary Riverwalk Park". **Moved by Hensley to receive and file such proposal and refer to the City Manager and Park and Recreation Board for review and recommendation. Motion Carried 6-0.**
- [13-1744](#) 39. **From** Max R. Knauer III, representing Watrous South Neighborhood Association, regarding Christ The King Senior Housing II-LLLP at 5602 SW 9<sup>th</sup> Street. **Moved by Hensley to receive, file and include the letter with their tax credit application. Motion Carried 6-0.**
- [13-1745](#) 40. **From** Judy Watt, 6980 Cody Drive, #24, West Des Moines, regarding animals at the Des Moines Farmers Market. **Moved by Hensley to refer to the City Manager to work with the Downtown Community Alliance for review and recommendation on this and other issues at the Farmers Market. Motion Carried 6-0.**



**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 49)**

[13-1746](#) 41. **On** petition to establish the Beaverdale Self-Supported Municipal Improvement District, (SSMID). ([Council Communication No. 13-537](#)) **Moved by Griess to adopt. Motion Carried 6-0.**

42. Items regarding property at 5035 Hubbell Avenue, Galinsky Family Real Estate LLC:

[13-1747](#) (A) **To** amend the Des Moines 2020 Community Character Plan to revise the existing future land designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park. (Subject property is owned by Homemakers Plaza Inc.) **Moved by Mahaffey to continue to November 18, 2013 Council Meeting. Motion Carried 6-0.**

[13-1748](#) (B) **Hearing** on rezoning of the property from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial). **Moved by Mahaffey to continue to November 18, 2013 Council Meeting. Motion Carried 6-0.**

WITHDRAWN

[13-1749](#) (C) ~~**First** consideration of ordinance above.~~

WITHDRAWN

[13-1750](#) (D) ~~**Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.~~

43. Items regarding property at 301 and 309 SE 8<sup>th</sup> Street, Raccoon Street Warehouse, LLC, (Plan and Zoning Commission recommends DENIAL):

[13-1751](#) (A) **To** amend the Des Moines 2020 Community Character Plan to revise the existing future land designation from Downtown Support Commercial to General Industrial. **Moved by Coleman to adopt and deny the proposed amendment. Motion Carried 6-0.**

[13-1752](#) (B) **Hearing** on rezoning the property from “M-1” (Light Industrial) to M-2” (Heavy Industrial) and to remove the property from the “D-O” (Downtown Overlay) to allow a future request for a Conditional Use to allow a beverage container recycling business, (Roll Call contains alternative motions). **Moved by Coleman to adopt and to deny the proposed rezoning. Motion Carried 6-0.**

44. Items regarding 2679 Maury Street, Pharmco Properties LLC:

[13-1753](#)

- (A) **To** amend the Des Moines 2020 Community Character Plan to revise the existing future land designation from Low-Density Residential to Commercial: Pedestrian-Oriented Neighborhood Node. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 6-0.**

[13-1754](#)

- (B) **Hearing** conditionally approving rezoning the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow reuse of existing commercial building for neighborhood level retail or office uses, subject to conditions. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-0.**

[13-1755](#)

- (C) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

[13-1756](#)

- (D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,234](#). Motion Carried 6-0.**

[13-1757](#)

45. **Conditionally** approving request from Ofir Carmi to rezone 6220 Grand Avenue from “FW” (Floodway) to “U-1” (Floodplain) to allow for consideration of a Conditional Use for an amusement enterprise business to allow reuse of the existing vacant go-kart track and miniature golf amusement complex. **Moved by Hensley to adopt. Motion Carried 6-0.**

[13-1758](#)

- (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

[13-1759](#)

- (B) Final consideration of ordinance above, requires six votes. **Moved by Griess that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,235](#). Motion Carried 6-0.**

- [13-1760](#) 46. **On** vacation of a segment of SE 4<sup>th</sup> Street adjoining 626 SE 4<sup>th</sup> Street to allow for construction of the SE 4<sup>th</sup> and Shaw Streets Storm Water Pump Station Project. **Moved by Moore to adopt. Motion Carried 6-0.**
- [13-1761](#) (A) **First** consideration of ordinance above. **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- [13-1762](#) (B) **Final** consideration of ordinance above (waiver requested by the City Engineer), requires six votes. **Moved by Moore that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,236](#). Motion Carried 6-0.**
- [13-1763](#) 47. **On** consideration of License Agreement with Wellmark, Inc. for the use of City-owned property located east of College Avenue and Michigan Street in Central Place for construction and maintenance of fiber optic line and related utility equipment, \$400. ([Council Communication No. 13-534](#)) **Moved by Mahaffey to adopt. Motion Carried 6-0.**
- [13-1764](#) 48. **On** consideration of License Agreement with Wellmark, Inc. upon City-owned property located north of East Douglas Avenue in Sargent Park for construction and maintenance of fiber optic line and related utility equipment, \$100. ([Council Communication No. 13-532](#)) **Moved by Mahaffey to adopt. Motion Carried 6-0.**
- [13-1765](#) 49. **On** SE 4<sup>th</sup> & Shaw Streets Storm Water Pump Station: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Story Construction, Co., (Patrick L. Geary, Chief Operating Officer), \$2,112,500. ([Council Communication No. 13-535](#)) **Moved by Mahaffey to adopt. Motion Carried 6-0.**
- [13-1766](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 6-0.**

\*\*\* END OF HEARINGS AT 5:53 PM \*\*\*

## BOARD OF HEALTH

[13-1767](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 6-0.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations:

[13-1768](#) (A) [802](#) Lyon Street, fire-damaged main structure, Titleholder: SMS Investments III, LLC. **Moved by Griess to adopt. Motion Carried 6-0.**

[13-1769](#) (B) [1130](#) – 11<sup>th</sup> Street, fire-damaged garage structure, Titleholder: Branch Banking & Trust Company. **Moved by Griess to adopt. Motion Carried 6-0.**

[13-1770](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 6:04 PM. Motion Carried 6-0.**

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