

DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Dr.

April 8, 2013
4:30 PM

PROCLAMATIONS – 4:00 PM

[Parkinson](#) Awareness Month

[Mayor's](#) Day of Recognition for National Service – AmeriCorps, Senior Corps and other community volunteers

INVOCATION: Council Member Bob Mahaffey

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 37:

***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)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(B)	FAST TRIP	1516 SE 1ST ST	E Liquor
(C)	FAST TRIP	1516 SE 1ST ST	C Beer
(D)	GRAMERCY TAP	400 WALNUT ST	C Liquor
(E)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine
(F)	TRIANGLE PARK	3000 E GRAND AVE	B Beer

RENEWAL APPLICATIONS

(G)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(H)	AMERICAN GRILL	5800 FLEUR DR	C Liquor
(I)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(J)	CORRAL 55	217 E 2ND ST	C Liquor
(K)	FAST MART	1621 UNIVERSITY	E Liquor
(L)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(M)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(N)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor

- (O) JETHROS 3100 FOREST AVE C Liquor
- (P) JOHNNYS ITALIAN 6800 FLEUR DR B Liquor
- (Q) SAIGON MARKET 2501 EUCLID AVE C Beer
- (R) SCORNOVACCAS RISTORANTE 1930 SE 14TH ST C Beer/Wine
- (S) TRUE BURGER/IOWA TAP 5800 FLEUR DR C Liquor
- (T) VICTORY LANE 3801 EASTON BLVD C Liquor

OUTDOOR SERVICE APPLICATIONS

- (U) COURT AVENUE BREWING 309 COURT AVE C Liquor
Temporary in conjunction with Drake Relays on April 26 – 27, 2013.
- (V) JETHROS 3100 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 24 – 28, 2013.
- (W) PEGGYS INC 3020 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 24 – 28, 2013.
- (X) SCIENCE CENTER OF IOWA 401 W MLK JR PKWY C Liquor
Temporary in conjunction with Glow Run event on April 20, 2013.

SPECIAL EVENTS APPLICATIONS

- (Y) CHRISTIANIS EVENTS 519 PARK ST Five (5) Day License
Class C Liquor License for a Deere and Company event on April 13, 2013.
- (Z) GATEWAY MARKET 4025 TONAWANDA DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Everybody Wins! Iowa Cocktail Party on April 13, 2013.

5. [Consideration](#) of Class C Liquor License for Lot 33 Café Bar & Lounge, 3701 Ingersoll Ave. **Zoning Department recommends DENIAL.**
6. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
8. [Accepting](#) completed construction and approving final payment for Police Department Evidence Storage Facility, Ball Team LLC.
9. [Authorization](#) to notify Iowa Department of Transportation (IDOT) of request for a voluntary termination of the Traffic Safety Program Agreement and withdrawal of the Iowa Clean Air Attainment Program (ICAAP) Application for the construction of the single-lane roundabout at the intersection of Beaver Avenue and Urbandale Avenue.

[\(Council Communication No. 13-167\)](#)

SPECIAL ASSESSMENTS

10. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-04.

LAND/PROPERTY TRANSACTIONS

11. [Authorizing](#) issuance of Corrected Quit Claim Deed for 3017 Mahaska Avenue.
12. [Approving](#) issuance of a Corrected Quit Claim Deed for previously vacated and conveyed right-of-way adjoining 1060 38th Street to N8 Home Solutions, LLC, \$1.
13. [Acceptance](#) of Revised Temporary Easement from Daniel E. and Elizabeth Clark and Michael J. and Mary Sprecher for the Grand Avenue Bridge Replacement Project.

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. [Recommendation](#) from Mayor Frank Cownie to reappoint Victoria Daniels to the Housing Appeals Board, Seat 1, for a three-year term commencing March 16, 2012 to expire March 16, 2015.
15. [Communication](#) from Ernestine Judkins advising of her resignation from the Housing Services Board, Seat 4, effective immediately.
16. Approving recommendation of Mayor Cownie to appoint the following:
 - (A) [Alecia](#) Kates as the Neighborhood Revitalization Board's representative to the Housing Services Board, Seat 8, for a three-year term to expire June 30, 2014.
 - (B) [Joe](#) Henry to the Civil Service Commission, Seat 3, for a four-year term to expire April 1, 2014.
 - (C) [Marc](#) Wallace to the Water Works Board of Trustees, Seat 1, for a six-year term to expire April 1, 2019.
17. [Recommendation](#) from Council Member Skip Moore to appoint Cherie Mortice to the Zoning Board of Adjustment, Seat 2, for a five-year term commencing April 1, 2013 to expire April 1, 2018.

SETTING DATE OF HEARINGS

18. [On](#) conveyance of a permanent underground electric easement to MidAmerican Energy Company for the Municipal Service Center Project, \$1, (4-22-13).
19. [On](#) vacation and conveyance of a subsurface easement along Grand Avenue adjoining 430 Grand Avenue to EMM Associates, LP for the Elsie Mason Manor Redevelopment Project, \$1,250, (4-22-13).
20. [On](#) concession agreement with Port of Des Moines, LLC to operate a food and beverage concession at the Hub Spot located at the northeast corner of Court Avenue and Water Street from April 1, 2013 through December 21, 2017, (4-22-13).

[\(Council Communication No. 13-174\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. [Approving](#) payment to Ahlers & Cooney, PC for consultation services in conjunction with collective bargaining, \$446.50.
22. [Approving](#) payment to Michael Zelinsky and his attorney for workers' compensation claim, \$145,000.
23. [Approving](#) payment to Mike Kentfield, Principal of Paramount Properties, LLC, for a property damage claim, \$12,111.

CITY MANAGER COMMUNICATIONS

24. [Submitting](#) travel and training requests for Kelly Dooley, David Dunn, Mark Durham, Debora Hobbs and Amanda Leo.

[\(Council Communication No. 13-177\)](#)

APPROVING

25. [Neighborhood](#) Commercial Revitalization (NCR) Program Façade Grant in the amount of \$15,000 for renovation to 319 SW 5th Street.

[\(Council Communication No. 13-161\)](#)

26. [Amendment](#) #1 to the FY2010 Explosive Ordnance Disposal Grant between Iowa Homeland Security and Emergency Management Division (IHSEMD) and the City of Des Moines and approval to allow the Chief of Police to sign any further amendments to the 2010 Homeland Security Grant Reallocation of funds.

[\(Council Communication No. 13-166\)](#)

- 26-I [Amended](#) and substituted 28E Agreement with the Board of Water Works Trustees regarding an ongoing cooperative undertaking to acquire, prepare and convey land for redevelopment in the Des Moines Agribusiness Park, subject to approval of the final contract by the City Manager and Legal Department.

[\(Council Communication No. 13-186\)](#)

27. [Agreement](#) with Elavon, Inc. for merchant credit card services for a three-year term commencing May 1, 2013 with an option to renew for an additional two-year term.

28. [FY](#) 2012-2013 Annual Right-of-Way Management Fee.

[\(Council Communication No. 13-176\)](#)

29. Applications from the Drake Relays Group for temporary banners as follows:

- (A) [Glow](#) Run on April 20, 2013 across the street as the start line on SW 5th and finish line on Market Street.
- (B) [Grand](#) Blue Mile on April 23, 2013 across the street on Grand Avenue between 12th and 13th street for start and finish lines.
- (C) [The](#) Drake Relays Hy-Vee Road Races on April 28, 2013 across the street on Forest Avenue for start and finish lines.

30. [Communication](#) from Downtown Community Alliance, on behalf of the Greater Des Moines Convention and Visitors Bureau for banner design for the 2013 USA Outdoor Track & Field Championships to be displayed in downtown Des Moines on Locust Street and Grand Avenue in June.

31. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving procurement of furniture for the Birdland Park Shelter House from LOLL Designs Inc., \$60,112.96.

[\(Council Communication No. 13-158\)](#)

32. Bids from the following:

- (A) ~~[Kaldenburg's](#) PBS Landscaping (Matt Kaldenburg, President) for tree planting and installation services requested by the Public Works Forestry Division, \$125,000. (Ten bids mailed, one received).~~

~~([Council Communication No. 13-175](#))~~

- (B) [Ziegler](#) Inc. (William Hoeft, President) for one replacement motor grader per the National Joint Powers Alliance (NJPA) Contract requested by Fleet Maintenance for use by Public Works Street Maintenance Division, \$136,914.91.

([Council Communication No. 13-179](#))

- (C) [ICOR](#) Technology (Hany Guirguis, President) sole area-wide distributor for bomb disposal robot digital control and associated hardware upgrades requested by the Police Department for use by the Bomb Squad, \$54,738.25.

([Council Communication No. 13-159](#))

- (D) [Simmons](#) Law Enforcement (Jeff Perry, President) for Self Contained Breathing Apparatus (SCBA) equipment requested by the Police Department to be used by the Tactical Task Force Team, \$197,860.80. (Eight bids mailed, three bids received).

- (E) ~~[IPS](#) Group (Dave King, President) for credit card & smart card enabled single space parking units requested by the Engineering Department Traffic & Transportation Division, \$115,800. (Four bids mailed, four bids received).~~

33. [Civil](#) Service Entrance List for Customer Service Representative, Family Self Sufficiency Coordinator, and Promotional List for Senior Housing Case Manager.

34. [Authorizing](#) Finance Director to draw checks on registers for weeks of April 8 and April 15, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 8 and April 15, 2013; and to draw checks for biweekly payroll due April 19, 2013.

ORDINANCES - SECOND CONSIDERATION

- 35. [Amending](#) Chapter 114 of the Municipal Code, to allow installation of a pedestrian “HAWK” (High-intensity Activated CrossWalk) signal on Grand Avenue, east of 2nd Avenue.
- 36. [On](#) City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to the addition of a definition for small engine repair use, as amended.

[\(Council Communication No. 13-184\)](#)

- 37. [On](#) City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses.

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

APPROVING

- 38. [Approving](#) preliminary terms of agreement with Union Pacific Railroad for the vacation of three segments of street right-of-way at the Hull Avenue, Scott Avenue and SE 34th Street crossings.

[\(Council Communication No. 13-165\)](#)

- (A) [Setting](#) date of hearing on vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street crossings, (6-10-13).

ORDINANCES - FIRST CONSIDERATION

- 39. [Amending](#) Chapter 114 of the Municipal Code regarding parking revisions on E. 1st Street and additional municipal employee parking spaces at the east end of Court Avenue Bridge due to Principal Riverwalk construction.

[\(Council Communication No. 13-173\)](#)

- 40. [Amending](#) Chapter 102 of the Municipal Code regarding skywalk lighting to reflect current lighting standards.

[\(Council Communication No. 13-168\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by City Traffic Engineer), requires six votes.

COUNCIL REQUESTS

- 40-I [From](#) Council Member Moore to discuss off-road vehicles on Four Mile Drive.
- 40-II [From](#) Council Member Moore to discuss snow plowing rules and regulations for private snow plowing companies.

COMMUNICATIONS/REPORTS

- 41. [From](#) John W. Dock, Sr., 1727 13th Street, to speak regarding the Jump Start Program.
- 42. [From](#) Loyd Ogle, 301 E. Walnut St. Ste. 2, regarding Conditional Use Permits and the impact on limited food sales establishments.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 54)

- 43. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Scott Sweers, Luxxor Limousines LLC, Wesley, IA.

[\(Council Communication No. 13-170\)](#)

- 44. [On](#) conveyance of a Permanent Underground Gas Easement to MidAmerican Energy Company; conveyance of a Fiber Optics License Agreement to CenturyLink; and acceptance of a Permanent Underground Fiber Optics Easement for the “Metro Net” Shared Communication system; all being relocated in conjunction with the Greater Des Moines Botanical Center Redevelopment Project.

[\(Council Communication No. 13-172\)](#)

- 45. Items regarding 1734 E. University and 1213 E. 17th Court to allow a custom retail carpentry and millwork shop and office involving outdoor storage of contractor vehicles and job trailers, subject to conditions:
 - (A) [Recommendation](#) from Plan and Zoning Commission to approve an amendment to the Des Moines 2020 Community Character Plan future land use from Low-Medium Density Residential to Commercial: Auto-Oriented Small-Scale Strip Commercial.
 - (B) [Hearing](#) on rezoning of the property from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial).
 - (C) [First](#) consideration of ordinance above.

46. Items regarding First Equity Property Holding-Acquisitions Fund II, LLC (purchaser) represented by Ann Alters (officer) for property in the vicinity of 2303 Merle Hay Road for use as a pharmacy store:
- (A) [Recommendation](#) from Plan and Zoning Commission to amend the 2020 Community Character Plan future land use map from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
 - (B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “PUD (Planned Unit Development), subject to conditions.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration or ordinance above (waiver requested by the applicant), requires 6 votes.
47. Items regarding property in the vicinity of 20 E. 18th Street, Anthony Holt, to allow use of a portion of the property for outdoor storage of inoperable construction equipment:
- (A) [Recommendation](#) from Plan and Zoning Commission to amend the 2020 Community Character Plan future land use map from Low-Density Residential to General Industrial.
 - (B) [Hearing](#) on rezoning of the property from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial), subject to conditions.
 - (C) [First](#) consideration of ordinance above.
48. [On](#) assessment of \$500 penalties to the following liquor license holders for sales to minors:
- (A) University Groceries, 2121 University Avenue.
 - (B) Last Stop Beverage Shop, 2839 E. University Avenue.
 - (C) Git-N-Go #28, 3274 E. University Avenue.
 - (D) Kum & Go #2731, 3104 University Avenue.

49. [On](#) assessment of \$1,500 penalty and 30-day suspension to University Groceries, 2121 University Avenue for sale to minor.
50. [On](#) assessment of \$1,500 penalty and 60-day suspension to Kum & Go #2722, 2211 University Avenue for sale to minor.
51. [On](#) issuance of a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street **and to continue to April 22, 2013.**
52. [On](#) Botanical Center Accessible Elevator: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as The Weitz Company, LLC, (Mike Tousley, President), \$331,331.

[\(Council Communication No. 13-171\)](#)

- (A) [Approval](#) of contract and bond, and permission to sublet.
53. [On](#) SE Connector Paving – SE 9th Street to SE 15th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$7,130,000.

[\(Council Communication No. 13-185\)](#)

- (A) [Approval](#) of contract and bond, and permission to sublet.
- (B) [Approving](#) Professional Services Agreement with Kirkham Michael & Associates, Inc. for the SE Connector – SE 9th Street to SE 15th Street, not to exceed \$181,000.

[\(Council Communication No. 13-169\)](#)

54. [On](#) Municipal Service Center - Phase 1: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Neumann Brothers, Inc., (Marshall G. Linn III, President), \$15,005,900.

[\(Council Communication No. 13-182\)](#)

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

*** END OF HEARINGS AT _____ PM ***

APPROVING

55. [Naming](#) of new dog park located at 3520 Hubbell Avenue as “Reno Memorial Dog Park” and dedication of such dog park as park land.

[\(Council Communication No. 13-156\)](#)

56. [Preliminary](#) terms of agreement with Randolph Apartments GP LLC for the redevelopment of the Hotel Randolph and the adjacent Earl & Le Bosquet and Youngerman Block buildings located at the NW corner of 4th Street and Court Avenue, 55 residential units and first floor commercial space.

[\(Council Communication No. 13-157\)](#)

- (A) [Application](#) to the Iowa Economic Development Authority for enterprise zone benefits for the Randolph Apartments GP LLC Housing Project in the Gateway Enterprise Zone.

57. [Amended](#) Schedule of Fees for Cemeteries.

[\(Council Communication No. 13-160\)](#)

EXTRA ITEMS

1. [Approving](#) allocation to the Municipal Housing Agency Section 8 Administrative Account, not to exceed \$250,000. Sponsor: Mayor Cownie.
2. [Approving](#) license to the Greater Des Moines Public Art Foundation for the installation, display and maintenance of glass mural on Court Avenue stormwater station and Associated Intellectual Property Agreements for glass mural and Dango sculptures at the Hub Spot. Sponsor: Council Member Hensley.

BOARD OF HEALTH

MOTION TO CONVENE.

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

- (A) Number not used.

- (B) [1517](#) E. 19th Street, fire-damaged main structure, Titleholders: April L. Harris and Tiffany N. Adams.
- (C) [1542](#) 30th Street, fire-damaged main structure, Titleholders: Merary Suazo; Mortgage Holder: Mortgage Electronic Registers System (MERS).

MOTION TO ADJOURN.

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