

DES MOINES CITY COUNCIL MEETING

June 23, 2014
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Certificate of Appreciation to the City for hosting the National Jr. High Rodeo Association Championship at the Fairgrounds.

INVOCATION: Council Member Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 50:

***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)	DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor
(B)	OASIS	630 SW 9TH ST	C Beer

RENEWAL APPLICATIONS

(C)	BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(D)	BUFFALO WILD WINGS	4345 MERLE HAY RD	C Liquor
(E)	CANS	2956 E GRAND AVE	C Liquor
(F)	CASEYS #2676	2106 ECHO VALLEY	C Beer
(G)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(H)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(I)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(J)	DRUGTOWN WINE & SPIRITS	4100 UNIVERSITY	E Liquor
(K)	EL MERENDEROS	900 E ARMY POST	C Liquor
(L)	EXILE BREWING COMPANY	1514 WALNUT ST	C Liquor
(M)	FORTE BANQUET	615 3RD ST	C Liquor

(N)	H & A MINI MART	145 UNIVERSITY	C Beer
(O)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(P)	HOSHI SUSHI LOUNGE	2314 UNIVERSITY	C Beer/Wine
(Q)	HOUSE OF BRICKS	525 E GRAND AVE	C Liquor
(R)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(S)	HY VEE FOOD STORE #5	1107 E ARMY POST	E Liquor
(T)	MOMS PLACE	910 HULL AVE	C Liquor
(U)	NEW CHINA BUFFET & GRILL	1201 E ARMY POST	B Beer
(V)	PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(W)	RED POPPY	2925 INGERSOLL	C Liquor
(X)	SAVE A LOT	3200 SW 9TH ST	C Beer
(Y)	SCIENCE CENTER OF IOWA	401 W MLK JR PKWY	C Liquor
(Z)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor
(AA)	SOUTHSIDE TOBACCO	2424 SW 9TH ST	E Liquor
(BB)	SPLASH SEAFOOD	303 LOCUST ST	C Liquor
(CC)	US GAS	3000 SW 9TH ST	E Liquor
(DD)	VETERANS MEMORIAL	833 5TH AVE	C Liquor
(EE)	W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine
(FF)	WAKONDA CLUB	3915 FLEUR DR	C Liquor

OUTDOOR SERVICE APPLICATIONS

(GG)	BUZZARD BILLYS	615 3RD ST	C Liquor
	Temporary in conjunction with Motley Crue concert on July 11, 2014.		
(HH)	MADHOUSE BREWING CO	501 SCOTT AVE	B Beer
	Permanent.		

SPECIAL EVENTS APPLICATIONS

(II)	BUD TENT	3000 E GRAND AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Good Guys event on July 5 – 7, 2014.
(JJ)	DM PRODUCTIONS LLP	520 ROBERT D RAY	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Hats & Shades Fundraiser on July 5, 2014.
(KK)	DOWNTOWN EVENTS	520 ROBERT D RAY	Five (5) Day License Special Class C Liquor License (Beer/Wine) for concert series July 11 – 13, 2014. Pending approval of Building Department.
(LL)	GREATER DM MUSIC	1102 LOCUST ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 4 – 5, 2014.
(MM)	GREATER DSM MUSIC	1013 LOCUST ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 4 – 5, 2014.

- (NN) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 4 – 5, 2014.
- (OO) GREATER DSM MUSIC 1418 GRAND AVE Five (5) Day License
Class C Liquor License for 80-35 Concert on July 4 – 5, 2014.
- (PP) HY VEE WEDDING 1312 LOCUST ST Five (5) Day License
Class C Liquor License for a reception on July 11, 2014.
- (QQ) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 4, 2014.
- (RR) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 11, 2014.
- (SS) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 18, 2014.
- (TT) PARKS AREA FOUNDATION 3612 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 19, 2014.
- (UU) WHISKEY DIXX 315 COURT AVE Five (5) Day License
Class C Liquor License for Redneck Tailgate Party on July 4 – 5, 2014. Pending approval of Electrical Department.

5. [Consideration](#) of Class C Liquor License for Peggy’s Inc., 3020 Forest Avenue. (**Police Department recommends denial**).
6. [Consideration](#) of Class E Liquor License for Fast Mart, 1401 Buchanan Street. (**Zoning Department recommends denial**).
7. [City](#) Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:

- (A) [Police](#) Station Phase 3 Facility Improvements: Receiving of bids, (7-15-14), Setting date of hearing, (7-28-14). Construction Estimate, \$400,000.

[\(Council Communication No. 14-289\)](#)

- (B) [M. L. King Jr. Parkway](#) HAWK Signals – Carpenter Avenue to Hickman Road: Receiving of bids, (7-15-14), Setting date of hearing, (7-28-14). Construction Estimate, \$264,000.

[\(Council Communication No. 14-288\)](#)

- (C) [2014-2015 Expanded Street Resurfacing Program](#) – Contract 1: Receiving of bids, (7-15-14), Setting date of hearing, (7-28-14). Construction Estimate, \$1,700,000.

[\(Council Communication No. 14-285\)](#)

9. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for design and construction phase services for The Locust Street Bridge over Des Moines River Replacement, not to exceed \$640,740.

[\(Council Communication No. 14-287\)](#)

10. [Approving](#) Private Construction Contract between GTG Construction, LLC and Principal Life Insurance Company for Skywalk Improvements in 801 Grand Avenue.

11. [Approving](#) Private Construction Contract between The Weitz Company, LLC and Des Moines Performing Arts for paving and signalization improvements in 313 Walnut Street.

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

- (A) [E. Park](#) Avenue Sidewalk from SE 14th Street to SE 18th Court, Joiner Construction Co., Inc.

- (B) [2011](#) Sewer Repair – Contract 2, T K Concrete, Inc.

13. [Accepting](#) completed construction and approving final payment for E. 37th Street Sanitary Sewer – E. Euclid Avenue to Hubbell Avenue, T K Concrete, Inc.
 - (A) [Adopting](#) and levying final schedule of assessments.
 - (B) [Accepting](#) work and ordering preparation of plat and schedule of assessments, Schedule No. 2013-01.
14. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2014 Storm Sewer Repair Project.

[\(Council Communication No. 14-286\)](#)

SPECIAL ASSESSMENTS

15. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-05.
16. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-04.

LAND/PROPERTY TRANSACTIONS

17. [Conditionally](#) approving final Subdivision Plat of Stanton Acres North Plat 1 located in the 3200 block of Stanton Avenue.

[\(Council Communication No. 14-311\)](#)

18. [Conditionally](#) approving final Subdivision Plat for The Woods of Copper Creek Plat 2 located in the 4700 block of NE 23rd Avenue.

[\(Council Communication No. 14-306\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Approving](#) recommendation from Council Member Moore to appoint Craig McCoy to the Historic Preservation Commission, Seat 5, for a three-year term commencing March 28, 2013 to expire March 28, 2016.
20. [Approving](#) recommendation of Council Member Bill Gray to reappoint Robert Griffin to the Historic Preservation Commission, Seat 7, for a three-year term commencing October 18, 2012 to expire October 18, 2015.
21. [Approving](#) recommendation from the Neighborhood Revitalization Board to amend the boundaries of the Beverdale Neighborhood Association (BNA).

[\(Council Communication No. 14-296\)](#)

SETTING DATE OF HEARINGS

22. [On](#) sale of City-owned property in the vicinity of SE 6th Street and Shaw Street, to Hansen Real Estate Services, Inc., \$3.30 per square foot, (7-14-14).
23. [On](#) vacation of air space over portions of E. 5th Street and E. Grand Avenue adjoining 505 E. Grand Avenue, and for conveyance of an easement to 505 East Grand, LLC, for \$3,885, (7-14-14).
24. [On](#) proposed vacation and lease of a 280 sq. ft. portion of the sidewalk adjoining 2605 Ingersoll Avenue to Sakari Sushi Lounge, LLC, for a sidewalk café, (7-14-14).
25. [On](#) Application for Certificate of Public Convenience and Necessity to operate taxicab services requested by Magarsa Jana, Crown Cab LLC., (7-14-14)
26. [On](#) request from Drake University to rezone property at 2700 University Avenue from Limited “NPC” (Neighborhood Pedestrian Commercial) to an amended Limited “NPC” to permit accessory alcoholic beverages sales and service related to private events operated by Drake University, (7-14-14)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Ron and Linda Beahr for property damage as a result of a broken sewer line.

CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel and training request for T.M. Franklin Cownie, Brian Hamner, Kandi Reindl, Jennifer Rico, and Steve Woody.

[\(Council Communication No. 14-313\)](#)

APPROVING

29. [Issuance](#) of Certificate of Completion for Ballyard Lofts, LLC for the redevelopment of the Ballyard Lofts Apartments at 350 SW 2nd Street.

[\(Council Communication No. 14-305\)](#)

30. [Issuance](#) of Certificate of Completion to Westgate Partnership, LLC for the renovation of the building at 1408 Locust Street.

[\(Council Communication No. 14-315\)](#)

31. [The](#) Des Moines Metropolitan Planning Organization (MPO) Fiscal Year 2015 Unified Planning Work Program and Budget and authorizing payment of Fiscal Year 2015 Assessment of \$203,433.

[\(Council Communication No. 14-294\)](#)

32. [Authorizing](#) and execution and delivery of a Supplemental No. 4, in the principal amount of \$1,200,000 to the Governmental Lease-Purchase Master Agreement with Wells Fargo Bank, N.A.

[\(Council Communication No. 14-293\)](#)

33. [Application](#) for a COPS Hiring Program (CHP) grant from the Office of Community Oriented Policing Services (COPS).

[\(Council Communication No. 14-307\)](#)

34. [Authorizing](#) a contribution of \$15,000 to Polk County Conservation (PCC) for use on development of the Jester Park Conservation Center.

[\(Council Communication No. 14-298\)](#)

35. [Annual](#) insurance renewal for July 1, 2014 – Property and Casualty Insurance.

[\(Council Communication No. 14-310\)](#)

36. [United](#) Way of Central Iowa Funding Agreement for the Four Cornerstones Financial Education Program.

[\(Council Communication No. 14-291\)](#)

37. [Assignment](#) of Development Agreement for the redevelopment of the historic building at 308 Court Avenue to include the Court Avenue Lofts.

[\(Council Communication No. 14-319\)](#)

38. [Assignment](#) of Urban Renewal Agreement for the development of the 4th Street Condos and The Market Place Lofts at 119 4th Street.

[\(Council Communication No. 14-318\)](#)

39. [Amendment](#) of Development Agreement and related documents to provide for transfer of ownership entity for redevelopment and consent to amendment of condominium documents for 900 Cherry Street, (Des Moines Social Club).

[\(Council Communication No. 14-317\)](#)

40. [First](#) Amendment to Grant Agreement with Life Care Companies, LLC and LCS Real Estate, LLC for continued retention of its home office facilities and operations within the City of Des Moines.

[\(Council Communication No. 14-308\)](#)

41. [Application](#) from The Color Run, LLC requesting approval for banners to be placed at start and finish lines on Court Avenue and 13th Street on July 12, 2014 for the Color Run.

42. Bids from the following:

- (A) [Menards](#) for blanket purchase orders for miscellaneous building materials and supplies per State of Iowa Contract for purchases during fiscal year 2015 for use by the Park & Recreation Department, estimated annual cost \$65,000.

[\(Council Communication No. 14-302\)](#)

- (B) [Graybar](#) Electric (Kathy Mazzarella, President) for blanket purchase orders for miscellaneous electrical products and supplies per US Communities Contract for purchases during fiscal year 2015 for use by Park & Recreation Department, estimated annual cost \$50,000.

[\(Council Communication No. 14-301\)](#)

- (C) [Jerico](#) Services (John Marshall, General Manager) and SNI Solutions (Mike Bellovics, President) for twelve (12) month contract renewal for deicing chemicals for fiscal year 2015 for use by the Public Works Department, estimated annual cost \$117,400.

[\(Council Communication No. 14-300\)](#)

- (D) [Family](#) Tree Care (Rick Hanson, President) and Kinnucan Tree Experts (Robert Kinnucan, President) (primary suppliers) and Wright Outdoor Solutions (Scott Packard, CEO) and TruGreen (Jim Boswell, President) (secondary suppliers) for an annual contract with two (2) additional one-year renewal options to furnish Emerald Ash Borer (EAB) Management Services for use by the Public Works Department, estimated annual cost \$880,000. (Nineteen bids mailed, six received).

[\(Council Communication No. 14-304\)](#)

43. [Renewal](#) of contract with Holland & Knight, LLP (H&K) (Richard Gold, Partner, 800 17th Street NW, Washington DC) to provide government relation services that will facilitate federal funding and regulation interpretation for transportation, economic development, housing, community revitalization, public safety, homeland security and related concerns for the City of Des Moines.

[\(Council Communication No. 14-303\)](#)

44. [Civil](#) Service Entrance Lists for Housing Services Application Specialist, Senior Refuse Collector, and Housing Systems Administrator.

45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 23, June 30 and July 7, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 23 and June 30 and July 7, 2014 and to draw checks for biweekly payrolls due on June 27 and July 11, 2014.

ORDINANCES - FINAL CONSIDERATION

46. [Amending](#) Chapter 102 of the Municipal Code regarding Street Use Permits.
47. [On](#) proposed amendments to the Zoning Ordinance to establish a City-wide Freestanding Sign Overlay District.
48. [On](#) proposed amendment to the Zoning Ordinance regarding the allowed operation, size and location of electronic signs and multi-vision display signs and use of conversion credits earned by the removal of an off-premises advertising sign (as amended at second consideration).

ORDINANCES - SECOND CONSIDERATION

49. Items regarding fishing in Des Moines:
 - (A) [Amending](#) Chapter 74 of the Municipal Code:
 - (1) ~~[Final](#) consideration of ordinance above (waiver requested by the Park & Recreation Department), requires 6 votes.~~
 - (B) [Amending](#) Chapter 130 of the Municipal Code:
 - (1) ~~[Final](#) consideration of ordinance above (waiver requested by the Park & Recreation Department), requires 6 votes.~~
50. [Amending](#) Chapter 114 of the Municipal Code regarding Downtown On-Street Bike Facilities Implementation.

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

ORDINANCES - FIRST CONSIDERATION

51. [Amending](#) Chapter 98 of the Municipal Code regarding Waste Hauler's Permit requirements and fees.

[\(Council Communication No. 14-299\)](#)

- (A) ~~Final~~ consideration of ordinance above (waiver requested by the Public Works Director), requires 6 votes.

52. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

[\(Council Communication No. 14-290\)](#)

- (A) Parking meter and parking restriction revisions near the new Residence Inn by Marriott and Hampton Inn on Water Street.

- (B) Stop Sign Installation at E. 35th and Hull Avenue.

- (C) Speed Limit Change – Keosauqua Way between Lynn Street and 19th Street.

53. [Amending](#) Chapter 114 of the Municipal Code regarding adjustment of rates in municipally owned parking garages in conjunction with economic development assistance.

[\(Council Communication No. 14-316\)](#)

- (A) ~~Final~~ consideration of ordinance above (waiver requested by the City Manager), requires 6 votes.

COMMUNICATIONS/REPORTS

54. [From](#) David Costello, 1105 Orchard Lane, to speak regarding homeless evictions and compassion campaign.

55. [From](#) Steve Purcell, Group VP for Operations at Mediacom, to announce that Des Moines has been selected to receive national television coverage on C-SPAN networks.

***Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 56 THRU 57)

56. [On](#) consideration of an annexation moratorium agreement with the City of Norwalk.

[\(Council Communication No. 14-295\)](#)

57. Items regarding property at 4044 E. 14th Street:

- (A) [Amendment](#) to the Des Moines 2020 Community Character Land Use Plan to revise the future land use designation from Commercial: Auto-Oriented, Small-Scale Strip Development to General Industrial.
- (B) [Hearing](#) on rezoning the property from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow use as a landscaping business and contractor equipment storage yard.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above ~~(waiver requested by applicant), requires 6 votes.~~

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

APPROVING

58. [Letter](#) of Support and Development Agreement with The Young Men’s Christian Association (YMCA) of Greater Des Moines, Iowa for the redevelopment of property at 501 Grand Avenue.

[\(Council Communication No. 14-297\)](#)

59. [Urban](#) Renewal Development Agreement and proposed Conceptual Development Plan with Locust Street Investments, LLC for the redevelopment of property at 1420, 1424 and 1430 Locust St.

[\(Council Communication No. 14-309\)](#)

60. [Contract](#) with Langley Productions, Inc. to film various activities of Des Moines police officers for inclusion in the television series “COPS”.

[\(Council Communication No. 14-312\)](#)

MOTION TO ADJOURN.

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