

**DES MOINES CITY COUNCIL MEETING**  
**City Hall, Council Chambers**  
**400 Robert D. Ray Dr.**  
**Des Moines, Iowa 50309**

**August 11, 2014 4:30 PM**

**INVOCATION:** Council Member 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) INGERSOLL TAP	2837 INGERSOLL AVE	C Liquor
<del>(B) OPEN SESAME CAFE</del>	<del>313 E LOCUST ST</del>	<del>C Liquor</del>

**RENEWAL APPLICATIONS**

(C) AJS ON EAST COURT	419 E COURT AVE	C Liquor
(D) BARCADIUUM	102 3RD ST	C Liquor
(E) BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(F) BUDDYS CORRAL	418 E 5TH ST	C Liquor
(G) CROATIAN FRATERNAL SLAVIC	6575 INDIANOLA AVE	C Liquor
(H) DAHLS FUEL	4341 MERLE HAY RD	C Beer
(I) DRAGON HOUSE EAST	2470 E EUCLID AVENUE	C Liquor
(J) EL MERENDEROS EVENT CTR	900 E ARMY POST RD	C Liquor
(K) GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(L) JOKERS *(1)	216 COURT AVE	C Liquor
<del>(M) LA FAVORITA</del>	<del>1700 E GRAND AVE</del>	<del>C Beer</del>
<del>(N) LA PIZZA HOUSE</del>	<del>1440 MAURY ST</del>	<del>C Liquor</del>
(O) NEIGHBORHOOD BAR & GRILL	3517 E 26TH ST	C Liquor
(P) OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer

- |                                |                       |          |
|--------------------------------|-----------------------|----------|
| (Q) PINTS PUB N PATIO          | 319 COURT AVE         | C Liquor |
| (R) RONS DAWG HOUSE            | 2117 E UNIVERSITY AVE | C Liquor |
| (S) SUNRISE TAP                | 4155 EASTON BLVD      | C Liquor |
| (T) SUPER QUICK *(1)           | 303 SE 30TH ST        | E Liquor |
| (U) TEQUILAS LIQUOR STORE *(2) | 1434 DES MOINES ST    | E Liquor |
| (V) TOADS TAVERN               | 3002 STATE AVE        | C Liquor |
| (W) YO YOS BAR & GRILL         | 2400 DEAN AVE         | C Liquor |

**TRANSFER TO NEW LOCATION**

- (X) CAMPBELLS CONCESSIONS      3000 E GRAND AVE      B Beer  
 Temporary to Cattle Barn for Iowa Gold Star Futurity event on August 30, 2014 at the Pavilion.

**OUTDOOR SERVICE APPLICATIONS**

- (Y) ~~MADHOUSE BREWING CO~~      ~~501 SCOTT AVE~~      ~~B Beer~~  
 Permanent.
- (Z) SAKARI SUSHI LOUNGE      2605 INGERSOLL AVE C Liquor  
 Permanent.

**SPECIAL EVENT APPLICATIONS**

- (AA)BUZZARD BILLYS      615 3RD ST      Five (5) Day License  
 Class C Liquor License for a Kiss/Def Leppard Pre-Party on August 20, 2014.
- (BB)GATEWAY MARKET MLK      1200 PLEASANT ST      Five (5) Day License  
 Special Class C Liquor (Beer/Wine) License for Unity Point Education Center Event on August 26, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (CC)HY VEE #2      3000 E GRAND AVE      Five (5) Day License  
 Class C Liquor License for Iowa Gold Star Futurity Event on August 30, 2014.
- (DD)SAVING ABEL CONCERT      520 ROBERT D RAY      Five (5) Day License  
 Class C Liquor License for Saving Abel Concert on August 22, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (EE)STAR BAR      2817 INGERSOLL AVE      Five (5) Day License  
 Special Class C Liquor (Beer/Wine) License for Ingersoll Live on August 23, 2014. Pending approval of Fire Department.
- (FF)STAR BAR      2843 INGERSOLL AVE      Five (5) Day License  
 Special Class C Liquor (Beer/Wine) License for Ingersoll Live on August 23, 2014. Pending approval of Fire Department.

5. [Consideration](#) of three 5-day Class B Beer Licenses for Nicks at 1106 Army Post Road on August 15, 22 and 29, 2014 for classic car shows. (**Zoning Department recommends DENIAL, motion is to Deny**)
6. [City](#) Clerk to issue Cigarette Licenses.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

8. Ordering construction of the following:
  - (A) [Traffic](#) Observation Camera and Downtown CMS Upgrades: Receiving of bids, (8-19-14), Setting date of hearing, (9-8-14). (Construction Estimate, \$270,000).  
[\(Council Communication No. 14-392\)](#)
  - (B) [Pioneer](#)-Columbus Community Center Reroofing: Receiving of bids, (8-26-14), Setting date of hearing, (9-8-14). (Construction Estimate, \$161,500).  
[\(Council Communication No. 14-399\)](#)
  - (C) [2014](#) ADA Sidewalk Ramp Program – Contract 3: Receiving of bids, (8-26-14), Setting date of hearing, (9-8-14). (Construction Estimate, \$300,000).  
[\(Council Communication No. 14-393\)](#)
9. [Fiscal](#) Year 2016 Traffic Safety Fund Applications to The Iowa Department Of Transportation:  
[\(Council Communication No. 14-400\)](#)
  - (A) E. 42<sup>nd</sup> and Hubbell Avenue Intersection Widening and Signalization.
  - (B) Martin Luther King Jr. Parkway and Prospect Road Traffic Signal Installation.
  - (C) City-wide Fixed-time Signal Upgrade Project Phase 2.
10. [Authorize](#) the City Manager to submit an Iowa Clean Air Attainment Program (ICAAP) Letter of Intent and subsequent funding application to The Des Moines Area Metropolitan Planning Organization (MPO) for Iowa Department of Transportation (IDOT) funding of SW 63<sup>rd</sup> Street and Park Avenue Intersection Improvements.  
[\(Council Communication No. 14-389\)](#)

11. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for professional services for the Pedestrian Bridge Structural Evaluation, not to exceed \$62,689.

[\(Council Communication No. 14-398\)](#)

12. Accepting completed construction and approving final payment of the following:
  - (A) [Police](#) Department Evidence Storage Facility – Phase II, Edge Commercial, LLC.
  - (B) [2013](#) City-Wide PCC Pavement Restoration Program, Absolute Concrete Construction, Inc.

13. [Approving](#) increase of total project costs for the design and construction of The Des Moines and Raccoon Rivers Project.

[\(Council Communication No. 14-391\)](#)

- (A) [Approving](#) Professional Services Agreement with Howard R. Green Company for engineering evaluation services for the Birdland and Central Place Levee Systems Evaluation Project, not to exceed \$235,000.

[\(Council Communication No. 14-396\)](#)

## **SPECIAL ASSESSMENTS**

14. [Levyng](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-06.

## **LAND/PROPERTY TRANSACTIONS**

15. [Authorization](#) to proceed with acquisition of the necessary property interests for the E. Payton Avenue Bridge Replacement over Stream Project.

[\(Council Communication No. 14-388\)](#)

16. [Authorizing](#) and approving release of mortgage granted by Principiant Hotel Company, LC for Hotel Fort Des Moines property.

[\(Council Communication No. 14-380\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- 16-I [Recommendation](#) from Council Member Bill Gray to appoint Kimberley Boggus to the Park and Recreation Board, Seat 7, for a four-year term commencing June 30, 2014 to expire June 30, 2018, effective September 23, 2014.

## **SETTING DATE OF HEARINGS**

17. [On](#) conveyance of permanent easements to the Des Moines Metropolitan Wastewater Reclamation Authority and Des Moines Water Works for the WRA New Main Outfall, Phase 17, Segments 5 and 6 Project, (8-25-14).
18. [On](#) conveyance of permanent easement to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA New Main Outfall, Phase 17, Segments 3 and 4 Project, (8-25-14).
19. [On](#) Second Amendment to the Second Restated City-Wide Urban Revitalization Plan, to amend the Commercial Construction and Sustainability Design Standards, (8-25-14).

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

20. [Approving](#) payment to Hall & Associates for representation in conjunction with the Iowa League of Cities V. United States Environmental Protection Agency.
21. [Approving](#) worker's compensation settlement for Wallace Obie.
22. [Approving](#) worker's compensation settlement for John Riccio.
23. [Appointment](#) of Assistant City Attorney for Real Estate and other Infrastructure and Services Division responsibilities.

## **CITY MANAGER COMMUNICATIONS**

24. [Submitting](#) travel and training request for Joseph Frentress.

[\(Council Communication No. 14-403\)](#)

## APPROVING

25. Items regarding Martin Luther King Jr. Park Neighborhood Revitalization Plan:

[\(Council Communication No. 14-378\)](#)

- (A) [Receive](#) and file recommendation from the Plan and Zoning Commission.
- (B) [Receive](#) and file recommendation from the Neighborhood Revitalization Board.
- (C) [Resolution](#) adopting the Martin Luther King Jr. Park Neighborhood Revitalization Plan as an element, including the following revisions to the future land use designations:
  - (1) Amend from Low/Medium Density Residential to High Density Residential for property located at 1731 Cleveland Ave (Logan Park Apartments).
  - (2) Amend from Low/Medium Density Residential to Public/Semi-Public for property located at 1740 East 17th Court (Joshua Christian Academy).
  - (3) Amend from Low/Medium Density Residential to Park/Open Space for Crowley Park property fronting Garfield Avenue between East 17th Court and Stewart Street.
  - (4) Amend from Commercial: Auto-Oriented Small-Scale Strip Development to Public/Semi-Public for property located on the south side of Walker Street between East 14th Street and Johnson Court.
  - (5) Amend Public/Semi-Public to Commercial: Auto-Oriented Small-Scale Strip Development for property located on the north and south sides of Buchanan Street from East 14th Street to Johnson Court.
  - (6) Amend future land use designation on the north side of East University Avenue from East 15th Street to Easton Boulevard from Low/Medium Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development to Mixed Use and Density Residential.

26. [Acceptance](#) proposal of Robert E. Blanchard to provide project management and planning related services for completion of Comprehensive Plan and Zoning Code Update and authorizing City Manager to negotiate and execute contract.

[\(Council Communication No. 14-386\)](#)

27. [Authorizing](#) execution of Intergovernmental 28E Agreement with members of the Polk County Emergency Management Commission for funding of emergency management administration for FY15, 16 and 17.

[\(Council Communication No. 14-384\)](#)

28. [Payment](#) to The Greater Des Moines Partnership in the amount of \$100,000 for calendar year 2013 and payments for calendar years 2014 and 2015.

[\(Council Communication No. 14-381\)](#)

29. [Directing](#) the advertisement for sale of \$30,125,000 (dollar amount subject to change), General Obligation Refunding Capital Loan Notes, Series 2014E, and approving electronic bidding procedures and official [statement](#), (**bids will be received on August 20<sup>th</sup> at 10:00 am and a special Council meeting will be held on August 20<sup>th</sup> at 4:30 pm**).

[\(Council Communication No. 14-401\)](#)

30. [Amendment](#) to Subordination Agreement to allow refinancing of the primary loan for the renovation of the Des Moines Building at 405 6<sup>th</sup> Avenue by Des Moines Apartments, LP, represented by Steve Foutch, and subordinating the mortgage securing the City's CDBG-DR Loan to the mortgage for the new primary loan.

[\(Council Communication No. 14-385\)](#)

31. [Receipt](#) of Des Moines Water Works Financial Report for the calendar year ending December 31, 2013 and 2012.

32. [Use](#) of various City Facilities as poll sites for precincts for the General Election to be held on Tuesday, November 4, 2014.

33. [Communication](#) from Downtown Community Alliance, on behalf of the Des Moines Marathon, requesting approval of banner design for banners to be displayed in downtown Des Moines on E. Locust Street in October.

- 33-I [Addendum](#) No. 5 to contract with Rimini Street, Inc. (Seth A. Ravin, CEO) for Peoplesoft Software maintenance and support services.

[\(Council Communication No. 14-377\)](#)

34. [Exception](#) to the procurement ordinance competitive bidding requirements for good cause, authorizing Tree Des Moines to issue a request for proposals for a tree inventory, management plan and management software and approving a commitment of \$100,000 for the procurement of such inventory.

[\(Council Communication No. 14-375\)](#)

35. Bids from the following:

- (A) [Data](#) 911 (Bret Hubbard, President and CEO) per US General Services Administration for replacement mobile data computers for use in Fire Department medical emergency response vehicles as requested by the Fire Department, \$79,997.62.

[\(Council Communication No. 14-374\)](#)

- (B) [Coban](#) Technologies Inc. (Allan Chen, President) sole-area wide distributor for eight in-car video camera systems for use in Traffic and Patrol cars as requested by the Police Department, \$57,050.

[\(Council Communication No. 14-382\)](#)

- (C) [Torgerson](#) Excavating (Todd Torgerson, Owner) for water service stop box relocation services for use by the Street Maintenance Division as requested by the Public Works Department, \$72,100. (Eight bids mailed, three received)

- (D) [Combined](#) Relocation Services (Todd Sharp, President) for moving services from various current locations to the new Municipal Service Center as requested by the Engineering Department, \$54,460. (Nine bids mailed, one received)

[\(Council Communication No. 14-387\)](#)

- (E) [Charles](#) Gabus Ford (Gene Gabus, President), \$26,199 and Stivers Ford (Scott Politte, General Manager), \$39,779 for two replacement vehicles for City-wide use as requested by the Fleet Maintenance Division, \$65,978. (Thirteen bids mailed, three received)

[\(Council Communication No. 14-379\)](#)

36. [Civil](#) Service Entrance Lists for Engineering Technician, WRF Maintenance Crew Chief, Legal Assistant II, and Promotional List for Senior Police Officer.

37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 11 and 18, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 11 and 18, 2014 and to draw checks for biweekly payrolls due on August 22, 2014.

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



## COUNCIL REQUESTS

38. [From](#) Council Member Skip Moore to give an update on the Council policy regarding naming of City facilities.
39. [From](#) Council Member Skip Moore to discuss City support of recognized neighborhood associations.
40. [From](#) the City Council Employee Sub-Committee to discuss the City Manager search process.

## COMMUNICATIONS/REPORTS

41. [Request](#) from Irvin Conkel to speak regarding an Apartment Enforcement Security Ordinance.

**\*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 42 THRU 44)

42. [On](#) Elm Grove Cemetery Roadway Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Grimes Asphalt & Paving Corporation, (Kurt Rasmussen, President), \$168,487.50.

[\(Council Communication No. 14-394\)](#)

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

43. [On](#) 33<sup>rd</sup> Street and 24<sup>th</sup> Street Sewer Separation: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as The Underground Company, LTD (Duane Burkhardt, President), \$236,172.

[\(Council Communication No. 14-395\)](#)

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

44. Items regarding the property at 727 SE 28<sup>th</sup> Street, (Dennis Modde, Owner):
- (A) [Amending](#) the Des Moines 2020 Community Character Land Use Plan to revise the future land use designation from Low-Density Residential to General Industrial.
  - (B) [Hearing](#) to rezone the property from “R1-60” (One-Family, Low-Density Residential) to Ltd. “M-2” (Light Industrial) to allow expansion of the existing tree service contractor equipment storage yard and woodyard outdoor storage.
  - (C) [First](#) consideration or ordinance above.
  - (D) [Final](#) consideration or ordinance above (waiver requested by applicant), requires 6 votes.

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

## APPROVING

45. [Cooperative](#) Agreement with Iowa Department of Natural Resources to fund 50% of Easter Lake Watershed Quality Improvement Project.

[\(Council Communication No. 14-390\)](#)

- (A) [Professional](#) Services Agreement with Snyder & Associates, Inc. for Design Phase Services for the Yeader Creek Grade Control Improvements Phase 1 Project, not to exceed \$226,500.

[\(Council Communication No. 14-397\)](#)

46. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation requirement to allow reconstruction of a gas station/convenience store selling wine and beer on the property at 2428 Hubbell Avenue. **(Roll Call contains alternative motions, choose A, B or C below)**

[\(Council Communication No. 14-383\)](#)

- (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand.
- (B) The City Council takes no action to review the Decision and Order. The decision of the Board will become final on August 29, 2014.
- (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date.

47. [Appointment](#) of Dan Ritter as Interim Finance Director and confirmation as Interim City Treasurer, effective August 18, 2014.

([Council Communication No. 14-402](#))

## **EXTRA ITEM**

1. Recommendation from Council Member Chris Coleman to appoint Carole Jones to the Neighborhood Revitalization Board, Seat 6, for a three-year term commencing June 30, 2012 to expire June 30, 2015.

## **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 location: [MEMO](#)
  - (A) [1211](#) E. 15<sup>th</sup> Street, main structure, Titleholder: Oscar Franco; Contract Buyer: Alma P. Gonzalez.

### **MOTION TO ADJOURN.**

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