

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

**January 26, 2015 4:30 PM**

**I. CLOSED SESSION – 3:30 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.

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**INVOCATION:** Council Member Moore

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA \* – items 3 through 43:

**\*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)	DC MISFITS	607 SE 30TH ST	C Liquor
(B)	FAST MART	1621 UNIVERSITY	E Liquor
<del>(C)</del>	<del>UNIVERSITY GROCERY</del>	<del>2121 UNIVERSITY</del>	<del>C Beer</del>

### RENEWAL APPLICATIONS

(D)	ALBA RESTAURANT	519 DES MOINES ST	C Liquor
(E)	CAFE DI SCALA	644 18TH ST	C Liquor
(F)	CASEYS #2244	2150 E ARMY POST	C Beer
(G)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(H)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(I)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(J)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(K)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(L)	GOLDEN TRIANGLE	1130 E 9TH ST	C Beer/Wine
(M)	LIFT	222 4TH STREET	C Liquor
(N)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(O)	MAD MEATBALL	401 SE 5TH ST	C Liquor
(P)	MARIANAS	1305 UNIVERSITY	B Beer
(Q)	MICHELLES LOUNGE *(1)	3925 E 14TH ST	C Liquor
(R)	MISFITS	607 SE 30TH ST	C Liquor
(S)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(T)	PATTONS RESTAURANT	1552 E GRAND AVE	C Beer/Wine
(U)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(V)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(W)	SAMBETTIS *(1)	1430 2ND AVE	C Liquor
(X)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	A Liquor
(Y)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer
(Z)	TROPHYS SPORTS BAR	2701 DOUGLAS AVE	C Liquor

### TRANSFER TO NEW LOCATION

(AA)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor	Temporary to the Cattle Barn for the Iowa Beef Expo on February 9 – 15, 2015.
(BB)	CAMPBELLS CONCESSION	3000 E GRAND AVE	B Beer	Temporary to the Cattle Barn for the Iowa Beef Expo on February 7 – 8, 2015.

5. [Consideration](#) of new Class E Liquor License with C Beer and B Wine for Quick Star, 2701 Ingersoll Avenue. (**Zoning Department recommends denial**).
6. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
7. [City](#) Clerk to issue Coin Operated Machine Licenses.

## **PUBLIC IMPROVEMENTS**

8. [Approving](#) Change Order No. 6 with C.J. Moyna & Sons, Inc. for additional work on the SE Connector Paving-SE 15<sup>th</sup> Street to SE 30<sup>th</sup> Street Project, not to exceed \$1,732,300.

[\(Council Communication No. 15-029\)](#)

9. [Approving](#) Private Construction Contract between Elder Corporation and Employers Mutual Casualty Company for storm sewer improvements in 219 8<sup>th</sup> Street.
10. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.
11. [Acceptance](#) of proposal from MidAmerican Energy Company for relocation of an overhead electric distribution line for the Southeast Connector Project, \$39,859.14.

[\(Council Communication No. 15-028\)](#)

12. [Authorizing](#) issuance of Request for Proposals for professional services for the 7<sup>th</sup> & Grand Avenue Parking Garage.

[\(Council Communication No. 15-026\)](#)

## **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-01.

## **LAND/PROPERTY TRANSACTIONS**

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Park Avenue Widening – SW 56<sup>th</sup> Street to SW 63<sup>rd</sup> Street.

[\(Council Communication No. 15-034\)](#)

15. [Establishing](#) Fair Market Value of property owned by Lemar Koethe at the northeast corner of Indianola Avenue and E. Army Post Road for the Indianola Avenue Widening Project – Phase IV.

[\(Council Communication No. 15-031\)](#)

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

16. [Approving](#) appointment of regular and alternate members to the Metropolitan Planning Organization, (MPO) and to the Transportation Technical Committee (TTC).
17. [Recommendation](#) from Council Member Christine Hensley to appoint Ethan Standard to the Neighborhood Revitalization Board, Seat 9, for a three-year term commencing August 30, 2014 to expire August 30, 2017.
18. Recommendation from Council Member Christine Hensley to reappoint the following:
  - (A) [Kimberly](#) Hansen to the Housing Services Board, Seat 6, for a three-year term commencing June 30, 2014 to expire June 30, 2017.
  - (B) [George](#) Davis to the Park and Recreation Board, Seat 12, for a four-year term commencing June 30, 2014 to expire June 30, 2018.

## **COMMUNICATIONS FROM PLANNING AND ZONING**

19. [Regarding](#) City-initiated request to vacate east/west segment of alley in the block bounded by Forest Avenue, Indiana Avenue, 3<sup>rd</sup> Street and 4<sup>th</sup> Street, in the vicinity of 334 Forest Avenue.

## **SETTING DATE OF HEARINGS**

20. [On](#) vacation of City-owned right-of-way on the northeast corner of Fleur Drive and Army Post Road, (2-9-15).
21. [On](#) vacation of a portion of Locust Street right-of-way adjoining 400 Locust Street and approval of a permanent easement with the Des Moines Area Regional Transit Authority (DART) for the placement of a bus shelter, (2-9-15).
22. On items regarding vacation of SW McKinley Avenue from SW 46<sup>th</sup> Street to SW 56<sup>th</sup> Street:
  - (A) [Receive](#) and file Plan and Zoning Commission recommendation.
  - (B) [Setting](#) date of hearing, (2-9-15).
23. [On](#) request from Wesley Community Services, Inc. to rezone 944 18<sup>th</sup> Street from “C-0” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) subject to conditions to allow “C-0” District permitted uses and limousine/taxi dispatch use only, (2-9-15).

24. [On](#) request from Arnold DeWitt to rezone property in the vicinity of 3917 Mahaska Avenue from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial), subject to conditions to allow expansion on the existing mini-warehouse complex, (2-9-15).
25. [On](#) request from Percol Holdings, LLC to rezone 4006 Grand Avenue from “R-3” (Multiple-Family Residential) and “R1-80” (One-Family Residential) to “C-0” (Commercial Residential) subject to conditions, to allow conversion of the existing multiple-family residential dwelling to a professional office use, (2-9-15).
26. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Cab Trans, LLC, Carlisle, IA, (2-9-15).
27. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Chauffeurs of Distinction, LLC, Adel, IA, (2-9-15).

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

28. [Approving](#) payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$9,519.
29. [Receive](#), file and affirm settlements made by City Attorney, not exceeding, \$5,000.
30. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to general matters, \$8,545.32.
31. [Release](#) of lien for 2440 and 2446 SW 9<sup>th</sup> Street.

#### **CITY MANAGER COMMUNICATIONS**

32. [Submitting](#) travel and training requests for Tonia Fairbanks, Aaron Greiner, Carrie Kruse, David Ness, Moussa Pepouna and Sara Thies.

[\(Council Communication No. 15-037\)](#)

## APPROVING

33. [Revised](#) CDBG Project Agreement with Neighborhood Development Corporation (NDC) for redevelopment project at 2440 and 2446 SW 9<sup>th</sup> Street.

[\(Council Communication No. 15-025\)](#)

34. [Adopting](#) the National Interoperability Channels (Metro Interoperability Communication System) as an official method of communication during a multi-agency response.

[\(Council Communication No. 15-038\)](#)

35. [Amendment](#) to the Development and Completion Agreement with Des Moines Bicycle Collective related to the expansion of the Des Moines B-Cycle Program.

[\(Council Communication No. 15-030\)](#)

36. [Agreement](#) with Iowa Department of Natural Resources for the installation of dam warning and water trail bridge signs.

[\(Council Communication No. 15-022\)](#)

37. [Procurement](#) of up to a 24-month supply of fuel for City vehicles and equipment, not to exceed \$3,400,000 per fiscal year.

[\(Council Communication No. 15-036\)](#)

38. Bids from the following:

- (A) [Capital](#) City Equipment Company (Mark Kruse, President) for one mini excavator for use by the Public Works Department, \$73,461.02. (Eleven bids mailed, four received).

[\(Council Communication No. 15-035\)](#)

- (B) [Foster](#) Coach Sales Inc. (Steve Foster, President) for two (2) replacement Type 1 ambulances for use by the Fire Department, \$460,338 including \$12,500 trade allowance for one existing unit. (Ten bids mailed, one received).

[\(Council Communication No. 15-020\)](#)

- (C) [Wood](#) Roofing and Sheet Metal (Kevin Alderman, President) for skywalk roof repair services at various sites for use by the Engineering Department, \$160,102.95. (Eleven bids mailed, two received).

[\(Council Communication No. 15-032\)](#)

- (D) [Performance](#) Safety Group (Chris Sanders, Owner/President) for an annual contract with two (2) additional one-year renewal options to furnish nitrile gloves for use by the Fire Department, estimated annual cost \$30,000. (Nine bids mailed, five received).

[\(Council Communication No. 15-021\)](#)

- 39. [Receive](#) and file the Comprehensive Annual Financial Report (CAFR) for the City of Des Moines for fiscal year ending June 30, 2014.

[\(Council Communication No. 15-024\)](#)

- 40. [Receive](#) and file Quarterly Treasurer’s Report as of December 31, 2014.
- 41. [Civil](#) Service Entrance Lists for Street Maintenance Worker and Assistant Planner and Promotional List for Park Planner III.
- 42. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 26 and February 2, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 26 and February 2, 2015 and to draw checks for biweekly payroll due on February 6, 2015.

**ORDINANCES - FINAL CONSIDERATION**

- 43. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes regarding All-way stop installation at the intersection of E. 5<sup>th</sup> Street and E. Locust Street.

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

## ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 15-033\)](#)

- (A) Revised parking restrictions and installation of traffic signals at Indianola and E. McKinley Avenue, and at Indianola and Easter Lake Drive.
- (B) Installation of pedestrian signals on Martin Luther King Jr. Parkway near Jefferson and Allison Avenue.

**\*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 45 THRU 50)

45. [On](#) proposed amendments to the Zoning Ordinance regarding off-street parking and loading regulations and requirements for paving and paved access drives.

(A) [First](#) consideration of ordinance above.

46. [On](#) proposed amendments to the Zoning Ordinance regarding remedial measures relating to PUD and PBP development plans (**continued from January 12, 2015**).

[\(Council Communication No. 15-039\)](#)

(A) [First](#) consideration of ordinance above.

47. [On](#) request from Leonardo Diaz to rezone 1123 Maury Street and 810 SE 12<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for mobile vendor uses.

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.



48. [On](#) proposed Third Amendment to the Second Restated City-wide Urban Revitalization Plan to address the reclassification of Multi-Family Commercial Property as Multi-Residential Property for tax purposes.
49. [Dismissing](#) proceeding on request from 304 15<sup>th</sup> Street, LLC, (Owner), represented by Jake Christensen (Officer), to rezone property located at 304 15<sup>th</sup> Street.
50. ~~[On](#) assessment of \$500 penalty to QuikTrip, 2945 E. University Avenue, for first violation of selling alcohol to a person under legal age.~~

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

### **CITY MANAGER RECOMMENDATIONS**

51. [Regarding](#) the creation of an Urban Renewal Area utilizing Tax Increment Financing (TIF) for the Eastgate development area at NE 14<sup>th</sup> Street and E. Euclid Avenue.

[\(Council Communication No. 15-027\)](#)

### **APPROVING**

52. [Approving](#) agreement with the Des Moines Police Gold Braid Organization.

[\(Council Communication No. 15-023\)](#)

53. [Support](#) for Workforce Housing Tax Credit benefit application to be submitted to the Iowa Economic Development Authority by R & T Lofts, LP for the R & T Lofts at 717 Locust Street and 421 8<sup>th</sup> Street (formerly the Des Moines Register and Tribune Building).

[\(Council Communication No. 15-042\)](#)

54. [Authorizing](#) the City Manager and Legal Department to negotiate agreement with the Red Rock Area Community Action Program, Inc. in anticipation of Red Rock assuming Community Action Agency programs and services in Des Moines.

[\(Council Communication No. 15-040\)](#)

55. [Authorizing](#) the City Manager to explore opportunities and constraints for alternative forms of housing agency governance.

[\(Council Communication No. 15-041\)](#)

## BOARD OF HEALTH

### MOTION TO CONVENE.

1. Approving the legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations:
  - (A) [3732](#) Easton Blvd., commercial building structure; Titleholder: Tax Partnership 26.
  - (B) [2240](#) E. Grand Avenue, main structure; Titleholder: Daniel J. Gilchrist.
  - (C) [2260](#) E. Grand Avenue, commercial building structure; Titleholder: Ben Mortensen d/b/a One Oak, LLC.
  - (D) [1311](#) E. Sheridan Avenue, garage structure; Titleholder: Marin Flores and Maria Ramos; Mortgage Holder: Wells Fargo Bank, NA.
  - (E) [5538](#) SW 15<sup>th</sup> Street, main structure; Titleholder: Matilde Guerrer; Mortgage Holder: Wells Fargo Bank, NA.

### MOTION TO ADJOURN.

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