

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

March 7, 2016 4:30 PM

SPECIAL PRESENTATIONS – 4:15 PM

Certificate of recognition to Joyce O’Brien for fiber painting “di’ moin”

INVOCATION: Council Member Hensley

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 39:

***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)	BERNARDOS BURRITOS	215 4TH ST	C Liquor
(B)	EAST SIDE LIQUOR	3804 HUBBELL AVE	E Liquor
(C)	TWISTED PIZZARIA	1409 23RD ST	C Liquor

RENEWAL APPLICATIONS

(D)	BUZZARD BILLYS	615 3RD ST	C Liquor
(E)	CASH SAVER	1320 E EUCLID AVE	E Liquor
(F)	CASH SAVER	4121 FLEUR DR	E Liquor
(G)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(H)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(I)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(J)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(K)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(L)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(M)	MALO RESTAURANT	900 MULBERRY ST	C Liquor
(N)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(O)	NOAHS ARK	2400 INGERSOLL AVE	C Liquor

(P)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(Q)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(R)	PRICE CHOPPER	4343 MERLE HAY RD	E Liquor
(S)	PRICE CHOPPER	4341 MERLE HAY RD	C Beer
(T)	PRICE CHOPPER	3401 INGERSOLL AVE	C Beer
(U)	PRICE CHOPPER	3425 INGERSOLL AVE	E Liquor
(V)	PRICE CHOPPER	1819 BEAVER AVE	E Liquor
(W)	QUIK TRIP #527	614 UNIVERSITY AVE	C Beer
(X)	RICCELLIS SUPPER CLUB	3803 INDIANOLA AVE	C Liquor
(Y)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(Z)	VOM FASS	833 42ND ST	E Liquor
(AA)	WAVERLY	2120 INGERSOLL AVE	C Liquor

OUTDOOR SERVICE APPLICATIONS

- (BB) 300 CRAFT & ROOFTOP 300 W MLK JR PKWY C Liquor
Permanent rooftop patio.

SPECIAL EVENTS APPLICATIONS

- (CC) DRAKE UNIVERSITY 2505 CARPENTER AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for TCJO Concert on March 31, 2016.
- (DD) JOHNNYS HALL OF FAME 313 WALNUT ST Five (5) Day License
Class B Beer License for Iowa Curling Cup on March 16 – 19, 2016.
- (EE) WAT LAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License
Class B Beer License for New Year’s Celebration on April 9, 2016.

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [2016](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (3-22-16),
Setting date of hearing, (4-11-16). Construction estimate, \$675,000.

[\(Council Communication No. 16-120\)](#)

- (B) [2016](#) Skywalk Roof Replacement: Receiving of bids, (3-22-16), Setting date of
hearing, (4-11-16). Construction estimate, \$294,131.75.

[\(Council Communication No. 16-122\)](#)

- (C) [2016](#) Parking Garage Repair Program: Receiving of bids, (3-22-16), Setting date of
hearing, (4-11-16). Construction estimate, \$407,000.

[\(Council Communication No. 16-121\)](#)

7. [Approving](#) contract and bond for construction of an improvement with an estimated cost, which is less than the Iowa Code competitive bid threshold, Glendale Cemetery Dirt Barn, McGreger Corporation (Ryan S. McGreger, General Manager), \$43,650.

[\(Council Communication No. 16-124\)](#)

8. [Approving](#) contract and bond for construction of an improvement with an estimated cost, which is less than the Iowa Code competitive bid threshold, Municipal Service Center Overhead Door Replacements, MLB of Iowa, Inc. d/b/a WD Door (Steve Bouchard, President), \$68,275.

[\(Council Communication No. 16-125\)](#)

9. [Approving](#) Professional Services Agreement with Impact7G, Inc. for the 2014 FEMA HMGP Grant 4184 & 4181 – Asbestos Services, not to exceed \$31,500.

[\(Council Communication No. 16-123\)](#)

10. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for the 2016 Parking Garage Repair Design, not to exceed \$75,620.

[\(Council Communication No. 16-126\)](#)

11. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Shuck-Britson, Inc. for additional bridge aesthetic development and final aesthetic design services for Grand Avenue Bridge over Des Moines River, not to exceed \$160,193.

[\(Council Communication No. 16-129\)](#)

12. [Approving](#) First Amendment to the Agreement with Pleasant Hill for the SE Connector and Pleasant Hill Boulevard and Vandalia Road Intersection Projects and authorizing the payment of funds for reimbursement of certain property interests needed for the SE Connector.

[\(Council Communication No. 16-115\)](#)

13. [Accepting](#) completed construction and approving final payment for Army Post Road Bridge over Great Western Trail, C. J. Moyna & Sons, Inc.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-02.

LAND/PROPERTY TRANSACTIONS

15. [Release](#) of PUD Restoration Bond for the Wakonda Townhomes located in the vicinity of 1400 – 1900 blocks of Park Avenue for satisfactory completion of the required grading and site restoration.

[\(Council Communication No. 16-110\)](#)

16. [Release](#) of PUD Restoration Bond for the Kum & Go Store #536 Project located at 1300 Keosauqua Way for satisfactory completion of the required grading, erosion control, and site restoration.

[\(Council Communication No. 16-109\)](#)

17. [Partial](#) Release of Subdivision Improvement Letter of Credit for Brook Run Village Plats 13, 14 and 15 for a portion of the required public sidewalk improvements that have been satisfactorily completed.

[\(Council Communication No. 16-113\)](#)

18. [Reducing](#) Subdivision Improvement Bond for Summersfield Plat 1 for a portion of the required public sidewalk improvements that have been satisfactorily completed.

[\(Council Communication No. 16-112\)](#)

19. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2016 Storm Sewer Repair Project.

[\(Council Communication No. 16-116\)](#)

20. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2015 (27 applications).

[\(Council Communication No. 16-108\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. [Recommendation](#) from Mayor Cownie to appoint Martha Green to the Historic Preservation Commission, Seat 4, for a three-year term commencing October 18, 2015 to expire October 18, 2018.
22. [Recommendation](#) from Council Member Linda Westergaard to appoint Stephanie Weisenbach to the Urban Design Review Board, Seat 9, for a three-year term commencing June 30, 2015 to expire June 30, 2018.
- 22-I [Recommendation](#) from Council Member Bill Gray to appoint Kameron Middlebrooks to the Des Moines Civil and Human Rights Commission, Seat 4, for a three-year term commencing April 1, 2014 to expire April 1, 2017.

COMMUNICATIONS FROM PLANNING AND ZONING

23. [Regarding](#) approval of a Preliminary Plat and PUD Development Plan “Woodlawn” at 4209 Lower Beaver Road to allow 38 single-family semi-detached dwellings on 38 lots accessed by a private drive out lot.

SETTING DATE OF HEARINGS

24. [On](#) vacation of air space and surface rights adjoining 110 6th Avenue and conveyance of a permanent easement for air space within 6th Avenue and conveyance of a permanent easement for building encroachment within 6th Avenue and Cherry Street to Polk County, (3-21-16).
 - (A) [Communication](#) from Plan and Zoning Commission.
25. [On](#) vacation and conveyance of street rights-of-way located at the southwest corner of Indianola Road and Indianola Avenue to QuikTrip Corporation, \$75,536, (3-21-16).
26. [On](#) approval of 2016 U.S. Department of Housing and Urban Development (HUD) Action Plan for the 2015-2019 Consolidated Plan, (4-11-16).
- 26-I [On](#) issuance of General Obligation Bonds for Iowa Events Center (IEC) Hotel Guarantee, not to exceed \$10,000,000, (3-21-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$5,328.69.

28. [Approving](#) payment to Hall & Associates for services related to NPDES Permit for the City, \$118.98.

CITY MANAGER COMMUNICATIONS

29. [Submitting](#) travel and training request for Deborah Hobbs, Terry Lewellin, Darren Long, Makenzie Patterson, Heather Redenius, Hannah Schabilion, Johnny Virden, and Steve Woody.

[\(Council Communication No. 16-132\)](#)

APPROVING

30. [Urban](#) Renewal Development Agreement with Bronson Partners, LLC for the redevelopment, adaptive reuse and restoration of the existing building at 1417 Walnut Street for a mixed-use residential and commercial development and approving conceptual development plan.

[\(Council Communication No. 16-114\)](#)

31. [2015](#) and 2016 Emergency Solutions Grant (ESG) Funding.

[\(Council Communication No. 16-107\)](#)

32. [Issuance](#) of Certificate of Completion to Sherman Gray's Landing Hotel Development, LLC, (Holiday Inn Express Hotel) at 333 SW 11th Street.
33. [Application](#) from Alpha Ventures, LLC (Beer Can Alley) requesting approval of banner design and to temporarily place a banner across the street on Court Avenue between 2nd & 3rd Streets on March 18-19, 2016.
34. [Application](#) from Market To Market – Off The Clock Events, LLC requesting approval of banner design and to temporarily place banners on the Court Avenue Bridge (Water Street) to E. 1st Street and E. 3rd Street (Court Avenue to Walnut Street) on Saturday, May 7, 2016.
35. Communications from Downtown Community Alliance for the following banners:
 - (A) [On](#) behalf of the Des Moines Metro Opera, requesting approval of banner designs to be displayed on Locust Street and Grand Avenue on Western Gateway Park poles in May and June, 2016.
 - (B) [On](#) behalf of the Downtown Farmers' Market, requesting approval of banner design for banners to be displayed in downtown Des Moines on Court Avenue from April through October, 2016.

- 36. [Civil](#) Service Entrance Lists for Senior City Planner and Air-Conditioning Mechanic.
- 37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 7 and 14, 2016; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 7 and 14, 2016; and to draw checks for biweekly payroll due on March 18, 2016.

ORDINANCES - SECOND CONSIDERATION

- 38. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows:
 - (A) Extending no parking area on Pleasant Drive, east of Cummins Parkway.
 - (B) Elimination of three surface parking lots in the East Village from the Municipal Code due to sale of property for development.
- 39. [Amending](#) Chapter 114 of the Municipal Code regarding special parking permit operating procedures.

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

ORDINANCES - FIRST CONSIDERATION

- 40. [Amending](#) Chapter 74 of the Municipal Code regarding mobile food vendors in City Parks.

[\(Council Communication No. 16-105\)](#)

- ~~41. Amending Chapter 118 of the Municipal Code regarding volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties.~~

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

- 42. [Amending](#) Chapter 18 of the Municipal Code regarding illegal and dangerous animals.

[\(Council Communication No. 16-106\)](#)

COMMUNICATIONS/REPORTS

43. Discussion regarding in-home child care in Des Moines:
- (A) [Request](#) to speak from Teree Caldwell Johnson; Child Care Resources & Referral; Iowa Association for the Education of Young Children; Parent utilizing in-home child care; provider of in-home child care; Shane Schulte Community Volunteer with Polk County Early Childhood Iowa; United Way.
 - (B) ~~Request to speak from Rachel Ong, 164 56th Place, West Des Moines.~~
44. [From](#) Arthur Smith, 4609 Hickman Road, to speak regarding revision to Municipal Code Article VI. – Illegal and Dangerous Animals, Section 18-196 definitions.
45. [From](#) Jaxson Hannan, 3300 E. 29th Street, to speak regarding expanding the Four Mile Skate Park.

APPROVING

46. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation distance requirement to allow a gas station/convenience store at 2930 Hickman Road to sell wine and beer. **(Choose one alternative A, B or C)**

[\(Council Communication No. 16-111\)](#)

- (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 March 26, 2016.
 - (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. [Competitive](#) process for sale and redevelopment of the City-owned parking lots, east of City Hall; receiving proposal from 101 East Grand Parking, LLC for redevelopment of such properties; and setting date of hearing on sale of properties, (4-11-16).

[\(Council Communication No. 16-131\)](#)

48. [Application](#) for U.S. Department of Homeland Security 2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

[\(Council Communication No. 16-104\)](#)

49. [Intergovernmental](#) 28E Agreement with government entities represented on the Metropolitan Advisory Council (MAC) for the funding of Homeland Security Services within the metropolitan area.

[\(Council Communication No. 16-102\)](#)

50. [Revised](#) City of Des Moines Taxpayer Quality Assurance Policy.

[\(Council Communication No. 16-127\)](#)

51. [Collective](#) Bargaining Agreement with AFSCME Council 61 and its Affiliated Local 3673 for July 1, 2016 through June 30, 2018.

[\(Council Communication No. 16-103\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 59)

52. [On](#) request from Carlisle Development, LLC to rezone property in the 4601 block of SE 34th Street from “R1-90” (Large Lot One-Family Residential) to “R1-70” (One-Family Low-Density Residential) to allow development of single-family residential dwellings.

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

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

53. [On](#) vacation and conveyance of a segment of W. Martin Luther King Jr. Pkwy. (also known as Elm Street) adjoining 300 W. Martin Luther King Jr. Pkwy. to Green Ltd., LC, \$12,610.

[\(Council Communication No. 16-118\)](#)

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

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

54. [On](#) conveyance of a portion of W. Martin Luther King Jr. Pkwy. (also known as Elm Street) adjoining 300 W. Martin Luther King Jr. Pkwy. and a portion of SW 4th Street lying south of W. Martin Luther King Jr. Pkwy. to Eychaner Holdings, Inc., \$22,500.

[\(Council Communication No. 16-117\)](#)

55. [On](#) conveyance of 226 E. Holcomb Avenue to Greater Des Moines Habitat for Humanity, Inc., \$4,500.

[\(Council Communication No. 16-119\)](#)

56. Items regarding request from QuikTrip Corporation to rezone property in the vicinity of 1930 Indianola Avenue:
- (A) [Amend](#) the Des Moines’ 2020 Community Character Land Use Plan, from Commercial: Pedestrian-Oriented Commercial Corridor to Commercial: Auto-Oriented Small-Scale Strip Development.
 - (B) [Hearing](#) on rezoning the property from “C-1” (Neighborhood Retail Commercial) and Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) and to approve the PUD Conceptual Plan.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
57. On items regarding 5311 SW 9th Street (**Plan and Zoning Commission recommends DENIAL, six votes required for approval**):
- (A) [Amend](#) the Des Moines’ 2020 Community Character Plan future land use Designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
 - (B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for retention and use of an existing accessory structure to be used in common with the commercial use on the western portion of the property.
58. On items regarding 922 8th Street, 811 Crocker Street and 915-9 9th Street:
- (A) [Amend](#) the Des Moines’ 2020 Community Character Plan future land use designation from High-Density Residential to Downtown Support Commercial.
 - (B) [Hearing](#) on rezoning the property from “R-4” (Multiple-Family Residential) to “C-3A” (Central Business District Support Commercial) to allow development of three multi-family residential apartment buildings.
 - (1) [First](#) consideration of ordinance above.

59. [On](#) request from QuikTrip Corporation for an amendment to the Eastgate Plaza PUD Conceptual Plan at 1424 E. Euclid Avenue and 3629 E. 14th Street to allow a new convenience store.

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

MOTION TO ADJOURN.

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