

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

**March 21, 2016
4:30 PM**

SPECIAL PRESENTATIONS – 4:00 PM

Grand View Wrestling 2016 NAIA National Championship

Certificate of Recognition for Recycling Excellence from MidAmerica Recycling

PROCLAMATIONS

Veteran Homelessness Awareness Week

INVOCATION: Council Member Gatto

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)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(B)	EL RINCON CATRACHO	3310 E 14TH ST	B Beer
(C)	HAMPTON INN DM AIRPORT	5001 FLEUR DR	C Beer
(D)	PHILLIPS 66	1516 SE 1ST ST	E Liquor
(E)	SA PRESENTS LLC	75 E LOCUST ST	C Beer/Wine

RENEWAL APPLICATIONS

(F)	AMERICAN GRILL	5800 FLEUR DR	C Liquor
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(G)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(H)	CARBON C	216 COURT AVE	C Liquor
(I)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(J)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(K)	EATARY/A	2932 INGERSOLL	C Liquor
(L)	EL MALECON EVENT CENTER	6550 BLOOMFIELD	C Liquor
(M)	EVEREST GROCERY STORE	5000 SW 9TH ST	C Beer
(N)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(O)	GALAXIES BAR AND GRILL	2718 DOUGLAS AVE	C Liquor
(P)	GAS LAMP	1501 GRAND AVE	C Liquor
(Q)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(R)	HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor
(S)	J & J PIZZA PUB	2500 MLK JR PKWY	C Liquor
(T)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(U)	KUNG FU TAP & TACO	210 INDIANOLA AVE	C Liquor
(V)	LDS CORNER	344 E JACKSON AVE	C Liquor
(W)	LEFTYS LIVE MUSIC	2307 UNIVERSITY	C Liquor
(X)	MANNINGS	2102 INDIANOLA	C Liquor
(Y)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(Z)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(AA)	OASIS	1401 BUCHANAN ST	E Liquor
(BB)	REWIND *(1)	215 E 2ND ST	C Liquor
(CC)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(DD)	TRUE BURGER/IOWA TAP	5800 FLEUR DR	C Liquor

SPECIAL EVENTS APPLICATIONS

- (EE) DRAKE UNIVERSITY 2615 CARPENTER AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Ag Law Dinner on March 31, 2016.
- (FF) GATEWAY MARKET 1200 PLEASANT ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Unity Point Health Education and Research Center Fundraiser on April 1, 2016.

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

PUBLIC IMPROVEMENTS

6. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Calhoun-Burns and Associates, Inc. for additional professional services for Evergreen Avenue over Easter Lake Bridge replacement, not to exceed \$36,000.

[\(Council Communication No. 16-151\)](#)

7. [Approving](#) the execution of Iowa Department of Transportation (IDOT) Agreement for Citywide Fixed-Time Traffic Signal Upgrade Project – Phase 2.

[\(Council Communication No. 16-154\)](#)

SPECIAL ASSESSMENTS

8. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2016-03.
9. [Approving](#) deletion of NAC-Emergency Assessment at 2727 Linden Avenue.

LAND/PROPERTY TRANSACTIONS

10. [Authorization](#) to proceed with acquisition of the necessary property interests for the 42nd Street Streetscape Project.

[\(Council Communication No. 16-150\)](#)

11. [Approving](#) final subdivision plat entitled Saydel Commercial, Plat 1 (located at 5554 NE 14th Street in unincorporated Polk County) within the 2-mile review area.

[\(Council Communication No. 16-144\)](#)

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

[\(Council Communication No. 16-145\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Communication](#) from Patricia Civitate advising of her resignation from the Sister Cities Commission, Seat 14, effective immediately.
 - (A) [Recommendation](#) from Council Member Joe Gatto to appoint Amy Campos to the Sister Cities Commission, Seat 14, for a five-year term commencing April 28, 2015 to expire April 28, 2020.
14. Recommendations from Council Member Christine Hensley to reappoint the following:
 - (A) [John](#) Ten Pas to the Access Advisory Board, Seat 6, for a three-year term commencing June 15, 2015 to expire June 15, 2018.

- (B) [Marilyn](#) Fisher to the Citizen Odor Board, Seat 12, for a three-year term commencing April 1, 2015 to expire April 1, 2018.
- (C) [Matt](#) Grohe to the Citizen Odor Board, Seat 2, for a three-year term commencing April 1, 2016 to expire April 1, 2019.
- (D) [Kelly](#) Kennedy to the Neighborhood Revitalization Board, Seat 4, for a three-year term commencing June 30, 2015 to expire June 30, 2018.
- (E) [John](#) Hilmes to the Plan and Zoning Commission, Seat 13, for a five-year term commencing July 1, 2015 to expire July 1, 2020.
- (F) [Doug](#) Lewis to the Sister Cities Commission, Seat 13, for a five-year term commencing April 28, 2016 to expire April 28, 2021.
- (G) [Virginia](#) Renda to the Sister Cities Commission, Seat 12, for a five-year term commencing April 28, 2016 to expire April 28, 2021.
- (H) [John](#) Chiodo to the Zoning Board of Adjustment, Seat 6, for a five-year term commencing April 1, 2016 to expire April 1, 2021.

COMMUNICATIONS FROM PLANNING AND ZONING

- 15. [Regarding](#) request from Linden Street Investments, LLC for vacation of the surface rights on the west 13.5 feet of 14th Street to allow use of the area for private visitor and vendor parking.

SETTING DATE OF HEARINGS

- 16. [On](#) vacation and conveyance of a portion of Carlisle Road right-of-way to Polk County Conservation Board, (4-11-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 17. [Authorizing](#) the Mayor to execute conflict waiver and consent form and authorizing retention of Ahlers & Cooney, PC Law Firm to provide legal representation in conjunction with the lease purchase of City Hall Parking Garage.
- 18. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Colin Boone, \$612.50.
- 19. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for services in conjunction with collective bargaining, \$3,379.

CITY MANAGER COMMUNICATIONS

20. [Submitting](#) travel and training request for Aaron Cawthorn, Naomi Hamlett, Eric Hartman, Amanda Leo, Jeffrey Lester, Lawrence McDowell and Gregory Morse.

[\(Council Communication No. 16-160\)](#)

APPROVING

21. [Community](#) Development Block Grant (CDBG) Contract with Iowa Homeless Youth Centers for 2016 operational costs, \$50,000.

[\(Council Communication No. 16-143\)](#)

22. [Community](#) Development Block Grant (CDBG) Contract with Community Housing Initiatives, Inc. for neighborhood outreach for Viva East Bank.

[\(Council Communication No. 16-141\)](#)

23. [Preliminary](#) Terms of Agreement for development of the buildings located at 317 E. Court Avenue and 322 E. Court Avenue.

[\(Council Communication No. 16-148\)](#)

24. [Workforce](#) Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority for a housing project at 3201 Forest Avenue.

[\(Council Communication No. 16-146\)](#)

25. [Acquisition](#) of property through tax sale process, release of special assessments and request for release of other liens, 1720 7th Street.

[\(Council Communication No. 16-140\)](#)

26. [Subordination](#) of CDBG-DR Agreement and restated restrictive covenants to refinance 2000 High Street, Ingersoll Square Partners LLC.

[\(Council Communication No. 16-157\)](#)

27. [Water](#) Quality Initiative Urban Conservation Demonstration Projects Cost-Share Grant Contract with Iowa Department of Agriculture and Land Stewardship to fund 50% of Waveland Park Neighborhood Water Quality Improvement Projects.

[\(Council Communication No. 16-139\)](#)

28. Communication of Fire Escrows being held for the following:

(A) [2500](#) 59th Street.

(B) [3803](#) Cambridge Street.

29. [Application](#) from St. Anthony's Church requesting approval of banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 104 SW 1st Street, 1703 S. Union Street and Granger Avenue and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 29, 2016.

30. [Proposal](#) of Duncan Associates/CodaMetrics/The Lakota Group to prepare a comprehensive rewrite of the zoning ordinance.

[\(Council Communication No. 16-142\)](#)

31. [Exception](#) to the procurement ordinance competitive bidding requirements for good cause and approving renewal amendment to Insurance Agent/Broker Services Contract with Jester Insurance Services, Inc.

[\(Council Communication No. 16-135\)](#)

32. Bids from the following:

(A) [American](#) Fence Company of Iowa (Todd Lavigne, President) to fabricate and install twenty-five (25) trail closure gates at various trail locations for use by the Park & Recreation Department, \$44,000. (Eleven potential bidders, seven received).

(B) [Foster](#) Coach Sales, Inc. (Steve Foster, President) for one replacement Type 1 ambulance for use by the Fire Department, \$237,391. (Nine potential bidders, four received).

[\(Council Communication No. 16-133\)](#)

(C) [Ennis](#) Traffic Safety Solutions (Steve Vetter, President) for traffic paint per State of Iowa Contract for use by the Traffic & Transportation Division, \$50,000.

[\(Council Communication No. 16-155\)](#)

(D) [Enghouse](#) Networks Limited (Stephen Sadler, CEO) for fiber optic network management for use by the IT Department, \$31,200.

[\(Council Communication No. 16-137\)](#)

33. [Use](#) of various City Facilities as poll sites for the Primary Election on Tuesday, June 7, 2016.
34. [Civil](#) Service Entrance Lists for Public Works Customer Service Representative, Cemetery Operations Supervisor, Recreation Specialist I, Family Self-Sufficiency Coordinator, Acquisition and Relocation Specialist and Promotional List for Civil Engineer II.
35. [Authorizing](#) Finance Director to draw checks on registers for the weeks of March 21, 28 and April 4, 2016; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 21, 28 and April 4, 2016; and to draw checks for biweekly payroll due on April 1, 2016.

ORDINANCES - FINAL CONSIDERATION

36. [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.
37. [Amending](#) Chapter 114 of the Municipal Code regarding special parking permit operating procedures.
 - (A) [Amendment](#) to the schedule of fees.

ORDINANCES - SECOND CONSIDERATION

38. [Rezoning](#) of 922 8th Street, 811 Crocker Street and 915-9 9th Street from “R-4” (Multiple-Family Residential) to “C-3A” (Central Business District Support Commercial) to allow development of three multi-family residential apartment buildings.
39. [Amending](#) Chapter 74 of the Municipal Code regarding mobile food vendors in City Parks.

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

ORDINANCES - FIRST CONSIDERATION

40. [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.

([Council Communication No. 16-134](#))

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

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

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

([Council Communication No. 16-156](#))

- (A) Speed limit revisions to match existing conditions – Grand Avenue, west of 19th Street.
- (B) Parking restriction revisions to match existing conditions – SW 33rd Street, north and south of Stanton Avenue.
- (C) Speed limit revisions to match existing conditions – Hubbell Avenue, northeast of E. 42nd Street.
- (D) Parking restriction – Vine Street from SW 2nd Street to SW 12th Street.
- (E) Parking restriction – SE 17th Street between King Avenue and E. Glenwood Drive.
- (F) Final consideration of ordinance above, requires six votes.

COMMUNICATIONS/REPORTS

43. [From](#) LaMisha Merrett, 1320 10th Street, to speak regarding parking, towing and signage at 508 Indianola Avenue.

44. [From](#) David Canada, 735 28th Street, to speak regarding a shelter at Good Park.

APPROVING

45. [Collective](#) Bargaining Agreement with Des Moines Association of Professional Fire Fighters, Local No. 4 for a period of July 1, 2016 through June 30, 2019.

[\(Council Communication No. 16-138\)](#)

46. Items regarding sale and redevelopment of portions of the block, east of City Hall:

[\(Council Communication No. 16-161\)](#)

- (A) [Approving](#) addendum to Lease Agreement with Atrium Finance III, LP, and Atrium TRS III, LP, for relocation of the Embassy Suites Hotel parking lot, and temporarily closing the parking lanes on portions of the Walnut and Locust Street bridges and on portion of E. Walnut and E. Locust Streets.
- (B) [Setting](#) date of hearing on authorization of a Municipal Parking System Revenue Lease Purchase Agreement, not to exceed \$25,700,000 for the lease purchase acquisition of the Des Moines City Hall Parking Garage, (4-11-16).
- (C) [Setting](#) date of hearing on the proposed plans, specifications, form of contract documents, and estimated cost of the lease purchase of the City Hall Parking Garage, pursuant to a proposed lease purchase agreement between the City of Des Moines, 101 East Grand Parking, LLC and West Bank, (4-11-16).
- (D) [Consenting](#) to Plat of Survey, and approving Declaration of Covenants and Easements, and Construction and Access Easement Agreement.

47. Items regarding the City Hall move:

- (A) [Approving](#) payment of \$553,509 to ICON Construction, LLC for tenant improvements at Capitol Center III Building at 400 E. Court Avenue.

[\(Council Communication No. 16-162\)](#)

- (B) [Exception](#) to procurement ordinance competitive bidding requirements for good cause and authorizing procurement of move management services from Management Professional, Inc., not to exceed \$50,000.

[\(Council Communication No. 16-159\)](#)

48. [Review](#) of City Hall Improvements Project in accordance with the Taxpayer Quality Assurance (TQA) Policy, (roll call contains alternative motions).

[\(Council Communication No. 16-152\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 49 THRU 53)

- 49. On approval of 2015 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER).
- 50. On First Amendment to the Urban Renewal Plan for the Echo Valley Urban Renewal Area.

(Council Communication No. 16-149)

- 51. 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.

(Council Communication No. 16-153)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

- 52. Items regarding the Iowa Events Center (IEC) Hotel:

- (A) Hearing on the 18th Amendment to the Metro Center Urban Renewal Plan.

(Council Communication No. 16-147)

- (1) First consideration of ordinance above.
- (2) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.
- (B) Hearing on issuance of not to exceed \$10,000,000 General Obligation Bonds.
 - (1) Authorization for additional actions.
- (C) Approving the Amended and Restated Development Agreement.

(Council Communication No. 16-158)

- (D) Approving Consents to Collateral Assignments of the Amended and Restated Development Agreement.
- (E) Approving Amended Joint Agreement with Polk County for the Iowa Events Center Urban Renewal Area.

53. 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.

(A) First consideration of ordinance above.

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

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

MOTION TO ADJOURN.

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All-America City
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