

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

**April 25, 2016
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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SPECIAL PRESENTATIONS – 4:00 PM

Certificate of Appreciation to Senior Police Officer Michael DeMoss from the Fire Department

PROCLAMATIONS – 4:05 PM

Arbor Day

INVOCATION: Council Member Skip Moore

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 48:

***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 Application for the following:

NEW APPLICATIONS

- (A) EMBASSY SUITES HOTEL 101 E LOCUST ST B Liquor

RENEWAL APPLICATIONS

- (B) 14TH STREET TAVERN 3418 E 14TH ST C Liquor
(C) ALL IN THE FAMILY LOUNGE 4249 FLEUR DRIVE C Liquor
(D) BEST FOOD MART 4028 E 14TH ST E Liquor
(E) BOURBON STREET 500 ARMY POST RD C Liquor
(F) CARBON C 216 COURT AVE C Liquor
(G) DES MOINES VALERO #203 4140 PARK AVE C Beer
(H) DJANGO RESTAURANT 210 10TH ST C Liquor
(I) GIT N GO STORE #1 3735 HUBBELL AVE C Beer
(J) H & A MINI MART *(1) 5901 FLEUR DR C Beer
(K) JOHNNYS HALL OF FAME 302 COURT AVE C Liquor
(L) KUM & GO #120 101 ARMY POST RD C Beer
(M) ~~LAST STOP BEVERAGE SHOP~~ ~~2839 E UNIVERSITY~~ ~~E Liquor~~
(N) MICKEYS IRISH PUB 204 3RD ST C Liquor
(O) QUIK TRIP #515 1421 INGERSOLL C Beer
(P) THIRSTY SPORTSMAN 4808 SW 9TH ST C Liquor

OUTDOOR SERVICE APPLICATIONS

- (Q) PROOF RESTAURANT 1301 LOCUST ST C Liquor
Permanent. Pending approval of Zoning Department.
(R) UNIVERSITY LIBRARY CAFE 3506 UNIVERSITY C Liquor
Temporary for Bulldog Brewdays on April 28 – 30, 2016. Pending approval of Electrical Department.

SPECIAL EVENT APPLICATIONS

- (S) DES MOINES SOCIAL 901 CHERRY ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Food Truck Throwdown on May 7, 2016. Pending approval of Electrical Department.
(T) IOWA TAPROOM 215 E 3RD ST Five (5) Day License
Class B Beer License for Market to Market Relay on May 7, 2016. Pending approval of Building and Zoning Departments.
(U) LEVY PROM GOLF 3915 FLEUR DR Five (5) Day License
Class C Liquor License for Principal Charity Classic on May 30 – June 5, 2016.
(V) NICKS 1106 ARMY POST RD Five (5) Day License
Class B Beer License for Classic Car Show on April 29, 2016.

10. [Approving](#) Professional Services Agreement with Walker Coen Lorentzen Architects, Inc. for programming, design, and construction phase services for the MacRae Park Shelter Renovation, not to exceed \$50,800.

[\(Council Communication No. 16-226\)](#)

11. [Approving](#) Professional Services Agreement with Cambridge Systematics, Inc. for professional services for the Downtown Walkability Study Traffic Modeling Project, not to exceed \$356,981.

[\(Council Communication No. 16-221\)](#)

12. [Approving](#) Change Order No. 2 with D.W. Zinser Company, Inc. for additional contract time and work on the 7th & Grand Parking Garage Demolition Project, not to exceed \$480,500.

[\(Council Communication No. 16-222\)](#)

13. [Approving](#) Private Construction Contract between Miner Hardscape, LLC and Des Moines Independent Community School District for Storm Sewer Improvements in 5001 SW 14th Street, Wright Elementary School, \$15,752.

SPECIAL ASSESSMENTS

14. [Levying](#) assessments for fees, costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-04.

LAND/PROPERTY TRANSACTIONS

15. [Acceptance](#) of real estate documents from Archer-Daniels-Midland Company for voluntary acquisition of property located at the southwest Corner of E. Euclid Avenue and Delaware Avenue for Storm Water Improvements.

[\(Council Communication No. 16-228\)](#)

16. [Acceptance](#) of real estate documents from the Estate of Cedric E. Ruby for voluntary acquisition of property at 1605 34th Street for the Closes Creek Watershed Improvements Project.

[\(Council Communication No. 16-219\)](#)

17. [Authorization](#) to proceed with acquisition of the necessary property interests for the Vine Street Improvements-Southwest 2nd Street to Southwest 3rd Street Project.

[\(Council Communication No. 16-211\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

18. [Recommendation](#) from Council Member Linda Westergaard to appoint Steve Wallace to the Plan and Zoning Commission, Seat 10, for a five-year term commencing July 5, 2014 to expire July 5, 2019.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) request from Bruce Davidson for vacation of the south 5 feet of Ankeny Avenue adjoining 2001 Hubbell Avenue to allow right-of-way to be incorporated for provision of the minimum five feet of setback required for paved vehicle display lots.
20. [Regarding](#) request from 215 East 3rd Street, LLC for vacation of a segment of E. 3rd Street to allow for encroachment of an entrance canopy feature with support beams and grain silo element, subject to conditions.
21. [Regarding](#) approval of a Preliminary Plat “Lake View Ridge” located in the 4601 block of SE 34th Street to allow for development of 54 single-family dwelling lots.
22. [Regarding](#) DENIAL of a Preliminary Plat “Winterfell” on property at 3816 John Lynde Road.

SETTING DATE OF HEARINGS

23. [On](#) petition to establish the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID), (5-23-16).

[\(Council Communication No. 16-215\)](#)

- (A) [Communication](#) from Plan and Zoning Commission.
24. [On](#) conveyance of a vacated portion of the north/south alley right-of-way adjoining 2726 E. 16th Street to Luther Park Apartments Inc., \$600, (5-9-16).
25. [On](#) vacation and conveyance of a segment of Martin Luther King, Jr. Parkway adjoining 2120 Ingersoll Avenue to DJ Ingersoll Properties, LLC for use as an outdoor seating and patio area, \$5,115, (5-9-16).
- (A) [Communication](#) from Plan and Zoning Commission.

26. [On](#) vacation and conveyance of the north/south alley right-of-way located north of Crocker Street between 8th Street and 9th Street to HRC 8th Street, LLC, \$31,350, (5-9-16).

(A) [Communication](#) from Plan and Zoning Commission.
27. [On](#) request from JJ Equity, LLC to rezone 3300 E. 56th Street from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to allow development of a single-family lot development and religious assembly site development, (5-9-16).
28. [On](#) request from QuikTrip Corporation to rezone 4021 Fleur Drive from “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) to allow development of a convenience store, (5-9-16).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Receive](#), file and affirm settlements made by City Attorney, not exceeding \$5,000.
30. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Colin Boone, \$1,600.
31. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, Iowa, \$420.
32. [Approving](#) payment to Duncan, Green, Brown & Langeness for representation on matters related to construction disputes, \$3,306.
33. [Approving](#) payment to Orville Paul Hill for a personal injury lawsuit.

CITY MANAGER COMMUNICATIONS

34. [Submitting](#) travel and training requests for Kirk Robinson and Jeremy Sprague.

[\(Council Communication No. 16-232\)](#)

APPROVING

35. [Settlement](#) Agreement between the Iowa Economic Development Authority (IEDA) and Hewlett Packard Enterprise Company.

[\(Council Communication No. 16-231\)](#)

36. [Contract](#) with Home Opportunities Made Easy, Inc. for operating support as a designated Community Housing Development Organization (CHDO) under the HOME Investment Partnership Program.

[\(Council Communication No. 16-212\)](#)

37. [Preliminary](#) terms of agreement of an urban renewal agreement with Mandelbaum Properties LLC for the sale and redevelopment of City-owned property at 5th and Walnut.

[\(Council Communication No. 16-220\)](#)

38. [Preliminary](#) terms of agreement with Janssen Lodging, Inc. for the renovation of the Hotel Fort Des Moines at 1000 Walnut Street.

[\(Council Communication No. 16-229\)](#)

39. [Extension](#) of contract with Intermedix Corporation for emergency medical ambulance billing and collection services through September 30, 2016.

40. [Agreement](#) with the Beaverdale Betterment Coalition regarding the operation of the Beaverdale SSMID.

[\(Council Communication No. 16-210\)](#)

41. [Submittal](#) of an application for FY 2016 Body-Worn Camera Policy and Implementation Program Grant.

[\(Council Communication No. 16-205\)](#)

42. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2016.

43. Abatement of public nuisances at the following addresses:
- (A) [2523](#) Shaw Street, fire damaged main structure.
 - (B) [3235](#) State Avenue, fire damaged main structure.
 - (C) [3820](#) 3rd Street, fire damaged main structure.
 - (D) [1526](#) 28th Street, main structure.
 - (E) [3611](#) E. 43rd Court, fire damaged main structure.
 - (F) [2552](#) Onawa Street, main structure and accessory structure.
44. [Communication](#) of fire escrow being held for 1544 17th Street, main structure.
45. Bids from the following:
- (A) [Communications](#) Engineering Company (Matt Dlougy, DEO) for an audio visual system in the training rooms at the Des Moines Regional Police Academy for use by the Police Department, \$79,705.88. (Ten potential bidders, three received).

[\(Council Communication No. 16-204\)](#)
 - (B) [En](#) Pointe Technologies (Michael Rapp, President) for Microsoft Enterprise Agreement software support services for a three-year period for use by the IT Department, \$1,387,083.34. (Four potential bidders, three received).

[\(Council Communication No. 16-214\)](#)
 - (C) [Golden](#) Valley Hardscapes (Chuck Dornfeld, President) for an annual agreement with two (2) additional one-year renewal options to furnish engineered wood fiber playground mulch for use by the Park & Recreation Department, estimated annual cost \$40,000. (Five potential bidders, two received).
 - (D) [Triad](#) Productions Inc. (Dick Trump, President) for procurement of services to relocate the City Clerk's Office voting system and audio system from City Hall Council Chambers to the Municipal Service Center, \$45,000.

[\(Council Communication No. 16-224\)](#)
46. [Civil](#) Service Entrance Lists for Human Rights Specialist, Traffic Signal Technician, and Promotional List for Light Equipment Operator.

47. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 25 and May 2, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 25 and May 2, 2016; and to draw checks for biweekly payroll due on April 29, 2016.

ORDINANCES - SECOND CONSIDERATION

48. [Amending](#) Chapter 1 of the Municipal Code regarding general penalty for misdemeanors.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 16-227\)](#)

- (A) Opening of E. Martin Luther King Jr. Parkway between SE 15th Street and SE 30th Street.
- (B) Closure of Scott Avenue between SE 15th Court and SE 18th Street.
- (C) Addition of streets in the Woods of Copper Creek Development.
- (D) Extension of No Parking Restriction on 31st Street, south of Ingersoll Avenue.
- (E) Yield control for southbound Bradway Place at Harwood Drive.
- (F) Final consideration of ordinance above, requires six votes.

50. [Amending](#) Chapter 78 of the Municipal Code regarding transient merchants and mobile food vendors.

[\(Council Communication No. 16-230\)](#)

COUNCIL REQUESTS

51. [Request](#) from Council Member Skip Moore to discuss flag etiquette.

COMMUNICATIONS/REPORTS

52. [From](#) Robert Martin, 2117 36th Street, to speak regarding City Government, ADA, and Animal Control.
53. ~~From Neighborhood Finance Corporation, requesting that the shelter at Redhead Park be renamed the Nadine Hogate Shelter.~~
54. [From](#) Rosemary Kirlin, 3031 Grand Ave, Apt. 112, to speak regarding parking on 31st Street between Ingersoll and Grand Avenue.
55. [From](#) iMatter, a youth environmental organization, and others to speak regarding environmental issues and climate goals in Des Moines.

APPROVING

56. [Memorandum](#) of Understanding (MOU) with the United States General Services Administration (GSA) for action related to the development of a new Federal Courthouse in Des Moines.

[\(Council Communication No. 16-206\)](#)

- 56-I [Dedicating](#) previously vacated east and west 25.25 feet of E. 2nd Street between E. Grand Avenue and E. Locust Street.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 57 THRU 60)

57. [On](#) City-initiated request to consider adoption of “PlanDSM: Creating Our Tomorrow” as an amendment to the City’s Comprehensive Plan.
58. [On](#) vacation and lease of a portion of 14th Street right-of-way adjoining 1459 Grand Avenue to Linden Street Investments, LLC in exchange for a permanent easement for a public pedestrian way across adjoining property owned by Linden Street Investments, LLC.

[\(Council Communication No. 16-209\)](#)

- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by Kum & Go), requires six votes.

59. On vacation and lease of a portion of 13th Street right-of-way for a sidewalk café lease adjoining Proof Restaurant at 1301 Locust Street.

(Council Communication No. 16-207)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
60. On vacation and conveyance of an easement to 7&Grand Ramp Developer, LLC, for subsurface building encroachment under a portion of the south side of the 700 block of High Street.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.

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

MOTION TO ADJOURN.

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