

DES MOINES CITY COUNCIL MEETING
****NEW LOCATION****
Municipal Service Center, Council Chambers
1551 E. M.L. King Jr. Pkwy.
Des Moines, Iowa 50317

September 26, 2016
4:30 PM

PROCLAMATIONS – 4:00 PM

Italian Heritage Month

INVOCATION: Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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)	CHEFS PALETTE	4700 GRAND AVE	C Liquor
(B)	TRELLIS CAFE	909 ROBERT D RAY	C Liquor
(C)	VIENTIANE NIGHT BAR	1517 2ND AVE	C Liquor

RENEWAL APPLICATIONS

(D)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(E)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
(F)	BEER CAN ALLEY/EXCHANGE	216 COURT AVE	C Liquor
(G)	BEST FOOD MART *(1)	4028 E 14TH ST	C Beer
(H)	BISTRO MONTAGE	2724 INGERSOLL	C Liquor
(I)	EAST VILLAGE PANTRY	333 E GRAND AVE	E Liquor
(J)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(K)	MONTANA MIKES	5030 NE 14TH ST	C Liquor

- (L) TONIC ON COURT 210 COURT AVE C Liquor
- (M) WASABI CHI ASIAN DINER 5418 DOUGLAS AVE C Liquor
- (N) WELLMANS PUB 2920 INGERSOLL C Liquor

SPECIAL EVENT APPLICATIONS

- (O) DES MOINES EMBASSY 519 PARK ST Five (5) Day License
Class C Liquor License for Jazz, Jewels and Jeans event on October 7, 2016.
 - (P) DES MOINES EMBASSY 100 E LOCUST ST Five (5) Day License
Class C Liquor License for an event on September 26, 2016.
 - (Q) GATEWAY MARKET MLK 4700 GRAND AVE Five (5) Day License
Class C Liquor License for an event on October 8, 2016. Pending approval of
Electrical and Zoning Departments.
 - (R) IOWA CRAFT BEER TENT 313 WALNUT ST Five (5) Day License
Class B Beer License for an event on October 6, 2016.
 - (S) OVATIONS FOOD SERVICE 233 CENTER ST Five (5) Day License
Class C Liquor License for Iowa Wild Pre-game Tailgate on October 15, 2016.
 - (T) OVERTIME BEERHOUSE 400 15TH ST Five (5) Day License
Class B Beer License for Legion of Food Truck Festival on October 7, 2016.
Pending approval of Electrical Department.
5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
 6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - (A) [Allen](#) Park Community Garden Redevelopment: Receiving of bids, (10-11-16),
Setting date of hearing, (10-24-16). Construction estimate, \$140,000.

([Council Communication No. 16-553](#))
 - (B) [Beaver](#) and Madison Traffic Signal Replacement: Receiving of bids, (10-11-16),
Setting date of hearing, (10-24-16). Construction estimate, \$200,000.

([Council Communication No. 16-543](#))
 - (C) [Pedestrian](#) Crossing Signal Upgrades: Receiving of bids, (10-11-16), Setting date of
hearing, (10-24-16). Construction estimate, \$250,000.

([Council Communication No. 16-549](#))

(D) [Traffic](#) Signal Battery Back-up: Receiving of bids, (10-10-16), Setting date of hearing, (10-24-16). Construction estimate, \$270,000.

[\(Council Communication No. 16-551\)](#)

8. [Approving](#) OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving Change Order No. 1 to 56th Street Rehabilitation from Grand Avenue to Ingersoll Avenue, not to exceed \$95,838.63.

[\(Council Communication No. 16-550\)](#)

9. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional services for the Southeast Connector – SE 30th Street to U.S. 65, not to exceed \$2,029,000.

[\(Council Communication No. 16-561\)](#)

10. [Approving](#) Norfolk Southern Corporation Street Crossing Signal Safety Improvement Agreement for SE 22nd Street and Maury Street.

[\(Council Communication No. 16-560\)](#)

11. Number Not Used.

12. Approving Private Construction Contracts for the following:

(A) [Between](#) Gator Excavating, Inc. and Brook Landing, LLC for sanitary sewer improvements in Brook Landing Plat 1, \$320,384.10.

(B) [Between](#) Gator Excavating, Inc. and Brook Landing, LLC for storm sewer improvements in Brook Landing Plat 1, \$534,688.80.

13. [Approving](#) Private Construction Contract between McAninch Corporation and HRC 8th Street, LLC for storm sewer improvements at 922 8th Street and 915 9th Street.

14. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects.

15. [Accepting](#) completed construction and approving final payment for Emergency Lighting – Center Street Park and Ride, Baker Mechanical, Inc. d/b/a Baker Group.

SPECIAL ASSESSMENTS

16. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-09.

LAND/PROPERTY TRANSACTIONS

17. [Establishing](#) revised fair market value of property owned by RSC Partners, LLC at 900 42nd Street for the 42nd Street Streetscape Project.

[\(Council Communication No. 16-555\)](#)

18. [Dedicating](#) SW 6th Street and SW 7th Street right-of-way between Murphy Street and Mulberry Street, as part of the West Martin Luther King, Jr. Parkway Project.

BOARDS/COMMISSIONS/NEIGHBORHOODS

19. [Approving](#) the River Bend Neighborhood Association boundary change and expansion.

[\(Council Communication No. 16-539\)](#)

20. [Recommendation](#) from Mayor T. M. Franklin Cownie, to appoint Tom Vlassis as the Neighborhood Revitalization Board's representative to the Housing Services Board, Seat 8, for a three-year term commencing June 30, 2016 to expire June 30, 2019.

21. Number not used.

COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) approval of a preliminary plat "Skyline Plat I" in the 3300 block of McKinley Avenue to allow subdivision into five lots for single-family residential development, subject to conditions. **(Continued from the September 12, 2016 Council Meeting)**

SETTING DATE OF HEARINGS

23. [On](#) vacation of a portion of SE 4th Street right-of-way adjoining 118 SE 4th Street and conveyance of a permanent easement for building encroachment to East 4th Street, LLC, \$1,156, (10-10-16).

24. [On](#) conveyance of a permanent easement to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA New Main Outfall, Phase 17, Segments 5 and 6, (10-10-16).
25. [On](#) request from QuikTrip Corporation to rezone 1515 E. Grand Avenue from Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to amended Ltd. "C-2" (General Retail and Highway-Oriented Commercial) and 1522 Capitol Avenue from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to allow for replacement of the existing convenience store with a new QuikTrip, subject to conditions, (10-10-16).
26. Number Not Used.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Duncan, Green, Brown & Langeness for representation on matters related to construction disputes, \$1,406.

CITY MANAGER COMMUNICATIONS

28. [Submitting](#) travel and training requests for Alex Andersen, Lisa Crabbs, Jacob Hedlund, Christopher Mock and Connie Ashby.

[\(Council Communication No. 16-546\)](#)

APPROVING

29. [Neighborhood](#) Commercial Revitalization (NCR) Program Pre-Development Grant, \$5,000 and a Façade Grant Agreement, \$15,000 with CLI Properties, LLC to assist in renovations to 601 Hickman Road.

[\(Council Communication No. 16-547\)](#)

30. [Support](#) of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority by East Village Tower Partners, LLC, for a housing project at 605 E. 5th Street.

[\(Council Communication No. 16-541\)](#)

31. [First](#) Amendment to the Urban Renewal Development Agreement with East Village Tower Partners, LLC for the continuing redevelopment of the Lyon Apartments at 600 E. 5th Street, and approving proposed Amendment to the Conceptual Development Plan.

[\(Council Communication No. 16-540\)](#)

32. [Agreement](#) with the U. S. Geological Survey (USGS) U. S. Department of Interior for the operation and maintenance of five (5) Stream Gaging Stations.

[\(Council Communication No. 16-530\)](#)

33. [2016](#) Edward Byrne Memorial Justice Assistance Grant award to purchase law enforcement equipment, \$149,600.

[\(Council Communication No. 16-531\)](#)

34. [Submittal](#) of FY2016 Equitable Sharing Agreement and Certification Report to the U.S. Department of Justice.

[\(Council Communication No. 16-534\)](#)

35. [Proposal](#) from Plante & Moran, LLC to provide a needs assessment for a permitting, inspection and licensing system, \$150,000.

[\(Council Communication No. 16-528\)](#)

36. [Donation](#) and Construction Agreement with Rebuilding Together Greater Des Moines, Inc. (Rebuilding Together) regarding Redhead Park Playground.

[\(Council Communication No. 16-536\)](#)

37. [Consent](#) to assignment and approval extension to contract with Advanced Data Processing, Inc., a subsidiary of Intermedix Corporation for emergency medical ambulance billing and collection services.

[\(Council Communication No. 16-537\)](#)

38. [Application](#) from the Bubble Run, LLC requesting an inflated arch be placed at the finish line at 1121 E. Court Avenue for the Bubble Run on Saturday, October 8, 2016.

39. [Exception](#) to the procurement ordinance competitive bidding requirements for good cause and approving professional services contract with ETC Institute for the development and implementation of the 2016 Resident and Business Satisfaction Surveys, \$34,250.

[\(Council Communication No. 16-532\)](#)

- 40. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving CDW Government, LLC (Christina Rother, President) for annual maintenance and support services for CISCO fiber optics network hardware and software (Smartnet) for a three-year period, total cost \$480,458.30.

[\(Council Communication No. 16-538\)](#)

- 41. [Abatement](#) of public nuisance at 1941 South Union Street, main structure. **(Continued from the September 12, 2016 Council Meeting)**
- 42. [Bid](#) from TruGreen (Nick May, General Manager) for an annual contract with two (2) additional one-year renewal options to furnish sidewalk snow removal services at various City properties for use by the Public Works Department and Engineering Department, not to exceed \$250,000. (17 potential bidders, three received)
- 43. [Civil](#) Service Entrance List for Permit Technician, and Promotional List for Traffic Device Worker.
- 44. [Authorizing](#) Finance Director to draw checks on registers for the weeks of September 26, and October 3, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 26, and October 3, 2016; and to draw checks for biweekly payroll due on September 30, 2016.

ORDINANCES - SECOND CONSIDERATION

- 45. [On](#) vacation of an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street.
- 46. [Rezone](#) 2301 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development) **requires six votes for approval.**
 - (A) [Final](#) consideration of ordinance above (waiver requested by the applicant), **requires six votes.**

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

ORDINANCES - FIRST CONSIDERATION

47. [Amending](#) Chapter 114 of the Municipal Code updating the through-street designations for Evergreen Avenue and SE 45th Street.

[\(Council Communication No. 16-562\)](#)

48. [Establishing](#) the Roosevelt Cultural District Self-Supported Municipal Improvement District (SSMID), and providing for the establishment of a combined capital improvement and operation fund, and the levy of annual taxes.

(A) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.

49. [Amending](#) Chapter 2 of the Municipal Code regarding deletion of references to the Board of Health.

CITY MANAGER RECOMMENDATIONS

50. [Regarding](#) preliminary terms of agreement with Blackbird Investments, LLC for development of the east side of the former Younkers site at 701 Walnut Street.

[\(Council Communication No. 16-548\)](#)

APPROVING

51. [Proposal](#) for an in-car camera and body camera solution and related software and implementation services from Watchguard Video.

[\(Council Communication No. 16-533\)](#)

(A) [Bid](#) from OneNeck IT Solutions (Phil LaForge, President and CEO) for Hewlett Packard Video Storage Equipment for use with body-worn cameras and in-car video recording system per State of Iowa contract for use by the Police Department, \$499,595.04.

[\(Council Communication No. 16-542\)](#)

- ~~52. Termination of the Des Moines Levees System Feasibility Study and Agreement with the Department of the Army for the Des Moines Levee System.~~

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 70)

53. On vacation of a segment of Boyd Street right-of-way between E. 21st Street and Delaware Avenue and conveyance to Dorothy Rhoades, \$200, to Gerald and Kathleen Overman, \$150, to Delaware Properties, LLC for \$4,825 and to Boysen Properties, LLC, \$4,725.

[\(Council Communication No. 16-556\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Boysen Properties, LLC), requires six votes.
54. On vacation of alley right-of-way and vacation of air space in Grand Avenue and 7th Street adjoining 665 Grand Avenue, and conveyance of such alley right-of-way and an Airspace Easement to Grand 7 Partners, LLC for \$224,525 and authorizing the City Manager to execute a Temporary Access Agreement **and to continue to October 10, 2016 at 5:00 PM.**

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

55. On vacation of air space and subsurface rights in portions of street and alley right-of-way adjoining 717 Grand Avenue and conveyance of a permanent easement for air space within 8th Street and Locust Street right-of-way and conveyance of a permanent subsurface easement within 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 Locust Street to R & T Lofts, LP, \$124,000.

[\(Council Communication No. 16-558\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.
56. On conveyance of an underground electric easement at Prospect Park for the Drake Boathouse to MidAmerican Energy Company, \$1.

57. [On](#) conveyance of rail easement in SE Agrimergent Business Park located at SE 43rd Street and Vandalia Road to Des Moines Cold Storage, Inc.
58. [On](#) request from Central Iowa Fencing, Ltd. to rezone 1820 E. Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow for reuse as a fencing contractor with retail, office and outdoor storage components, subject to conditions.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
59. [On](#) request from QuikTrip Corporation to rezone 6305 SW 9th Street from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for incorporation into the existing convenience store site to the west.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
60. Items regarding request from Cadle’s Wakonda, LLC, for property in the vicinity of 4301 Fleur Drive:
- (A) [Amending](#) the PlanDSM: Creating Our Tomorrow Plan Future Land Use Designation from Medium-Density Residential within a community node to Community Mixed- Use within a community node.
- (B) [Hearing](#) on rezoning the property from “R-3” (Multiple-Family Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow for development with loading area, drainage improvements and off-street parking area as part of a 30,134 square foot general food sales establishment (Fareway).
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

61. Items regarding 2348 and 2354 E. Grand Avenue:
- (A) [Amend](#) the PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Neighborhood Mixed-Use (**six votes are required for approval**).
 - (B) [Hearing](#) on request from Enrique and Oscar Zenteno to rezone 2348 and 2354 E. Grand Avenue from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for the existing legal non-conforming auto repair business to be brought into conformance. (**Plan and Zoning Commission recommends DENIAL**) (**Choose one alternative 1 or 2**)
 - (1) Deny the rezoning.

OR

 - (2) Approve the rezoning (**six votes are required for approval**) subject to conditions and continue to October 10, 2016.
 - (C) ~~First consideration of ordinance above. (**Vote on only if approved without conditions**)~~
62. [On](#) conveyance of a permanent easement for sanitary sewer right-of-way at 7401 SW 9th Street to FDM Development Partnership LLLP in consideration of FDM Development Partnership LLLP’s development of the adjoining property.
63. [On](#) sale of excess Airport property located north of and adjoining McKinley Avenue at SW 33rd Street and conveyance of such property to Glen Brown and April Barkley Brown, \$120,000 **and to continue to October 10, 2016 at 5:00 PM.**
- (A) ~~Approving Second Amendment to Real Estate Lease and Asset Transfer Agreement to exclude excess City-owned property along McKinley Avenue at SW 33rd Street.~~
64. [On](#) request from Mercy Properties, Inc. to rezone 500 Laurel Street, 1040 5th Avenue and 1055 6th Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development), and to amend the Mercy Medical Center PUD Conceptual Plan for demolition of some existing buildings and development of a new parking structure and additional surface parking, 11-story hospital tower with two levels of subsurface parking.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

65. [On](#) proposed Second Amendment to the Urban Renewal Plan for the Accent Neighborhood Urban Renewal Project.

[\(Council Communication No. 16-545\)](#)

66. [On](#) the proposed amendment to the Site Plan Ordinance (Chapter 82) regarding site plan guidelines.

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

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

67. [On](#) City-initiated request to amend the Woods Edge “R-6” Final Development Plan located in the 3500 Block of Southeast 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions.

68. On appeal by James Conlin from decision of the Historic District Preservation Commission granting subject to conditions his application for a Certificate of Appropriateness to install replacement windows at 826 18th Street in the Sherman Hill Historic Neighborhood District. [Appeal Map Minutes](#) Exhibits [A-E](#) [F-V](#) [W-X](#) [Y-FF](#)

[\(Council Communication No. 16-563\)](#)

(A) [Affirm](#) the decision and issue the Certificate of Appropriateness with conditions.

OR

(B) [Reverse](#) the decision and issue the Certificate of Appropriateness with no conditions relating to wood windows.

69. [Reject](#) all bids on Glendale Cemetery Abbey HVAC and Electrical Upgrades and to close the hearing on the plans, specifications, form of contract documents and Engineer’s estimate.

[\(Council Communication No. 16-544\)](#)

70. On Leetown Creekway Channel Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's Estimate and designating lowest responsible bidder as Elder Corporation (Jared R. Elder II, President), \$1,699,000.

(Council Communication No. 16-559)

- (A) Approving contract and bond, and permission to sublet.

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

MOTION TO ADJOURN.

*****Attention DART Riders:**

DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.

Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.

This notice is intended to comply with accessibility requirements of the Americans with Disabilities Act.

View City Council agendas online at www.dmgov.org



All-America City
1949 1976 1981 2003 2010