

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

**April 22, 2019  
4:30 PM**

**I. CLOSED SESSION – 3:00 PM, Lower Level, Conference Room 1**

- (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 and paragraph J, to discuss the purchase of particular real estate only where premature disclosure could be reasonably expected to increase the price the City would have to pay for the property.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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**PROCLAMATIONS – 4:15 PM**

**Arbor Day**

**Grand View Christian Class 1A Boys Basketball State Champions**

**INVOCATION:** Council Member Westergaard

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 41:

**\*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

<del>(A) BELLHOP NEIGHBORHOOD</del>	<del>440 E GRAND AVE</del>	<del>C Liquor</del>
(B) COWNIE SOCCER COMPLEX	2600 HARTFORD AVE	B Beer
(C) SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
(D) SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(E) SAVAGE SOFTBALL COMPLEX	2601 HUBBELL AVE	B Beer
<del>(F) SCOTTYS SLICES &amp; SHOTS</del>	<del>405 COURT AVE</del>	<del>C Liquor</del>

### RENEWAL APPLICATIONS

(G) 14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(H) BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(I) CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(J) DLS SPORTS BAR & GRILL *(1)	2718 DOUGLAS AVE	C Liquor
(K) E 25TH ST PUB & GRUB	509 E 25TH ST	C Liquor
(L) EAST END LIQUOR & TOBACCO	3804 HUBBELL AVE	E Liquor
(M) GERRIS	232 E 30TH ST	C Liquor
(N) GIT N GO STORE #5	2700 INDIANOLA	C Beer
(O) GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(P) H & A MINI MART	5901 FLEUR DR	C Beer
(Q) JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(R) KUM & GO #194	4001 SW 9TH ST	C Beer
(S) RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(T) UNIVERSITY LIBRARY *(1)	3506 UNIVERSITY	C Liquor
(U) WICKED RABBIT	1101 ARMY POST RD	C Liquor

### OUTDOOR SERVICE APPLICATIONS

(V) DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor
Temporary in conjunction with Food Truck Throwdown on May 4, 2019.		

### SPECIAL EVENT APPLICATIONS

(W) DRAKE UNIVERSITY	2505 CARPENTER ST	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on May 9, 2019.
(X) DRAKE UNIVERSITY	2682 FOREST AVE	Five (5) Day License Special Class C Liquor License (Beer/Wine) for alumni test in conjunction with Drake Relays on April 26, 2019.

5. [Consideration](#) of Class C Liquor License for Lime Lounge, 435 E. Grand Avenue. (Recommendation is to **DENY**).

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

## **PUBLIC IMPROVEMENTS**

7. Ordering construction of the following:
  - (A) [Skywalk](#) HVAC Replacement Phase 3: Receiving of bids, (5-7-19), Setting date of hearing, (6-3-19). Engineer's estimate, \$350,000.  
  
([Council Communication No. 19-184](#))
  - (B) [Hubbell](#) Avenue and East Broadway Avenue Intersection Improvements: Receiving of bids, (5-7-19), Setting date of hearing, (6-3-19). Engineer's estimate, \$600,000.  
  
([Council Communication No. 19-183](#))
  - (C) ~~[Witmer](#) Park and Reno Dog Park Improvements: Receiving of bids, (5-7-19), Setting date of hearing, (6-3-19). Engineer's estimate, \$1,300,000.~~  
  
(~~[Council Communication No. 19-181](#)~~)
8. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2019 Edition, and the SUDAS Standard Specifications, 2019 Edition, and the City of Des Moines General Supplemental Specifications to the SUDAS Standard Specifications as the official design standards and standard specifications.  
  
([Council Communication No. 19-175](#))
9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

## **SPECIAL ASSESSMENTS**

10. [Levying](#) assessments against 6110 SW 12<sup>th</sup> Street for costs of Public Works Sewer Repair Schedule No. 2019-01.
11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-04.

## BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Approving](#) appointment of Heidi Hendrickson as the Primary Representative and Tom Becker as the Alternate Representative to the Greater Des Moines Sister Cities Commission for the City of Cumming, effective immediately.

## COMMUNICATIONS FROM PLANNING AND ZONING

13. [Regarding](#) request from First Midwest of Iowa Corporation, 1235 Thomas Beck Road, (Robert Pomerantz, President) for vacation of an irregular segment of the north edge of Thomas Beck Road adjoining the subject property to mitigate off-street parking encroachments.
14. [Regarding](#) request from MRI 1222, LLC (Rich Eychaner, Officer) for vacation of Elm Street from vacated SW 4<sup>th</sup> Street to SW 5<sup>th</sup> Street to allow for immediate use as a surface parking lot and long-term use for assemblage and redevelopment with the adjoining property at 313 SW 5<sup>th</sup> Street.
  - (A) [Setting](#) date of hearing for approval of documents for vacation of W. Martin Luther King Jr. Parkway from vacated SW 4<sup>th</sup> Street to SW 5<sup>th</sup> Street and lease to Midwest Radio, Inc. (Rich Eychaner, President), \$500, (5-6-19).
15. [Regarding](#) request from River Point West, LLC (Carol Mette, Officer) for a Preliminary Plat “Gray’s Landing Plat 1” for property located in the 400 block of SW 11th Street to allow property to be combined into a 4.1-acre development lot with two U-shaped buildings containing a total of 250 dwelling units and basement level parking. Additional subject property is owned by HRC NFS I, LLC.
16. [Regarding](#) Preliminary Plat “Airport Industrial Park Plat 3” at 6230 Scout Trail.
  - (A) [Setting](#) date of hearing on appeal by Bell Avenue Properties, Inc. (Guy Gast, Officer) of the conditions to site plan located at 6230 Scout Trail, (5-6-19).

## SETTING DATE OF HEARINGS

17. [On](#) approval of documents for conveyance of vacated alley right-of-way located east of and adjoining 901 SE 7<sup>th</sup> Street to Anchor Investment Group, LLC (Ross Crump, Head of Acquisitions), \$75, (5-6-19).
18. [On](#) request from Des Moines Heritage Trust (Timothy Waddell, Officer) to rezone 120 E. 5<sup>th</sup> Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use) to allow renovation of the existing former railroad depot and warehouse building for a museum and redevelopment of the property for an event space building, (5-6-19).

19. [On](#) request from We Can Build It, LC (Jeff Young, Officer) to rezone 4801 Franklin Avenue from Ltd. “C-1” (Neighborhood Commercial) to “PUD” (Planned Unit Development) and approval of the “Franklin Jr. High School PUD Conceptual Plan” to allow for a mixed-use renovation of the existing 213,269-square foot school and church, (5-20-19).
20. [On](#) request from Hubbell Realty Company (Joe Pietruszynski, Senior Vice President) as managing member of Bridge District II, LLC and Bridge District Townhomes, LLC, to appeal the Plan and Zoning Commission’s denial of a request to modify the exterior building materials on the proposed buildings at 720 and 730 E. 2<sup>nd</sup> Street shown on the site plan which was approved by the Plan and Zoning Commission on March 7, 2019, (5-6-19).

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

21. [Approving](#) payment to Hansen, McClintock & Riley Law Firm for representation of Police Officer Joshua Judge, \$1,325.
22. [Approving](#) payment to Shuttleworth & Ingersoll Law Firm.
23. [Approving](#) payment to John Stewart for a workers’ compensation claim.

#### **CITY MANAGER COMMUNICATIONS**

24. [Submitting](#) travel and training requests for Benjamin Campbell, Alyssa Powell, T.M. Franklin Cownie, Joe Gatto and Josh Mandelbaum.

[\(Council Communication No. 19-187\)](#)

#### **APPROVING**

25. [Submission](#) of grant application for the Youth Homelessness Demonstration Program to the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 19-171\)](#)

26. [Preliminary](#) terms of an urban renewal development agreement with Jarcor, LLC (Joe Cordaro, Principal) for the historic renovation of the Argonne Apartments Building at 1723 Grand Avenue for a mixed-use residential and commercial development.

[\(Council Communication No. 19-173\)](#)

27. [Terminating](#) both the 28E Agreement and the Agreement for Professional Services with the Corporation for Economic Development in Des Moines.

[\(Council Communication No. 19-172\)](#)

- (A) [Approval](#) of 28E Agreement with the Corporation for Economic Development in Des Moines to provide assistance and to act as agent for the City with economic development financing assistance programs.

28. [Second](#) Amendment to Payment In Lieu Of Taxes (PILOT) Agreement to waive PILOT payment for two years for the Des Moines Social Club.

[\(Council Communication No. 19-170\)](#)

29. [Revisions](#) to the Traffic Analysis Policy and amendment to site plan policies regarding required process for traffic studies.

[\(Council Communication No. 19-180\)](#)

30. [Letter](#) in support of The Avenues – Ingersoll & Grand Restoration Board’s Application to the Iowa Cultural & Entertainment District Selection Committee.

31. [Amendment](#) to Agreement for Cooperative Public Service between Polk County and City of Des Moines regarding “WOW” feature to Lauridsen Skateboard Park.

[\(Council Communication No. 19-168\)](#)

32. [Administrative](#) Services Only Agreement with Wellmark Blue Cross and Blue Shield of Iowa for employee and retiree health plans for the period July 1, 2020 through June 30, 2026 and approving amendment to agreement through June 30, 2020 to reflect lower administrative fees.

[\(Council Communication No. 19-167\)](#)

33. [Adopting](#) the Polk County Multi-Jurisdictional Local Hazard Mitigation Plan.

[\(Council Communication No. 19-174\)](#)

34. [Donation](#), Construction and Maintenance Agreement with Central Iowa Trail Association, Inc. regarding Advanced Loop Mountain Bike Trail in Ewing Park.

[\(Council Communication No. 19-169\)](#)

- 35. [Communication](#) from Downtown Community Alliance, on behalf of the University of Iowa, requesting approval for up to 60 banners to be displayed on 30 poles in Western Gateway Park between 13th and 15th Streets, as well as on 12th Street between Locust Street and Grand Avenue.
- 36. [Receive](#) and file Quarterly Treasurer’s Report as of March 31, 2019.
- 37. [Bid](#) from Waste Management of Iowa (David Steiner, President) for an annual contract with two (2) additional one-year renewal options to furnish trash removal services for the SCRUB programs for use by the Public Works Department, estimated annual cost \$95,000. (Four potential bidders, one received).

[\(Council Communication No. 19-186\)](#)

- 38. Abatement of public nuisances at the following:
  - (A) [3217](#) 3<sup>rd</sup> Street.
  - (B) [2110](#) E. Walnut Street.
  - (C) [3921](#) 52<sup>nd</sup> Street.
- 39. [Civil](#) Service Entrance List for Communications Manager.
- 40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 22 and April 29, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 22 and April 29, 2019; and to draw checks for biweekly payroll due April 26, 2019.

**ORDINANCES - SECOND CONSIDERATION**

- 41. [Amending](#) Chapter 30 of the Municipal Code regarding applications for painting house numbers on curbs and pawnbrokers in conjunction with the new EnerGov Permitting and Licensing System.
  - (A) [Final](#) consideration of ordinance above (waiver requested by the City Clerk), requires six votes.

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

## ORDINANCES - FIRST CONSIDERATION

42. [Amending](#) Chapter 102 of the Municipal Code regarding administrative penalties and maintenance of border areas.

[\(Council Communication No. 19-179\)](#)

43. [Amending](#) Chapter 114 of the Municipal Code regarding parking rates for City parking garages and to allow nighttime rooftop parking at the E. 2<sup>nd</sup> Parking Garage.

[\(Council Communication No. 19-176\)](#)

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

44. [Amending](#) Chapter 114 of the Municipal Code regarding issuance of special parking permits.

[\(Council Communication No. 19-178\)](#)

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

- (B) [Approving](#) Street Use Event On-Street Parking Rate Policy.

45. [Amending](#) Chapter 114 of the Municipal Code regarding pedestrian safety and use of medians.

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

46. [Amending](#) Chapter 26 of the Municipal Code regarding energy and water use benchmarking for certain properties in the City.

[\(Council Communication No. 19-185\)](#)

## COMMUNICATIONS/REPORTS

47. [Requests](#) to consider installation of a crosswalk/traffic signal at the intersection of SW 9<sup>th</sup> Street and Davis Avenue.

48. [From](#) Wesley Hayworth, 2305 E. 9<sup>th</sup> Street, to speak regarding denial of a claim.

49. [From](#) Jenni Klise, 2505 47<sup>th</sup> Street, to speak regarding Citizen's Advisory Board status.



**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 52)**

50. [Dismissing](#) the hearing on request from Des Moines University to rezone a portion of their property at 3200 Grand Avenue.
51. [On](#) 2019 Arterial & Collector Route ADA Sidewalk Ramp Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$925,350.

[\(Council Communication No. 19-177\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

52. [On](#) 2019 City-wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as TK Concrete, Inc. (Tony J. Ver Meer, President), \$194,875.

[\(Council Communication No. 19-182\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

\*\*\*END HEARINGS AT \_\_\_\_\_PM\*\*\*

MOTION TO ADJOURN.

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