

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

**August 5, 2019
4:30 PM**

I. CLOSED SESSION – 3:30 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.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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PROCLAMATION – 4:00 PM

National Night Out

INVOCATION: Council Member Coleman

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 54:

***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) | ALEGRIAS SEAFOOD | 2809 6TH AVE | C Liquor |
| (B) | HY VEE C STORE | 1113 E ARMY POST | E Liquor |
| (C) | HY VEE FAST & FRESH | 5801 HICKMAN RD | E Liquor |
| (D) | MERHABA SUPERMARKET | 1309 UNIVERSITY | C Beer |
| (E) | NEW DISCOUNT MARKET | 3207 DOUGLAS AVE | C Beer |
| (F) | PHO REAL KITCHEN AND BAR | 200 4TH ST | C Liquor |
| (G) | PROOF | 1301 LOCUST ST | C Liquor |

RENEWAL APPLICATIONS

| | | | |
|----------------|-----------------------------|----------------------------|---------------------|
| (H) | BEECHWOOD LOUNGE | 416 E WALNUT ST | C Liquor |
| (I) | BUDDYS CORRAL | 418 E 5TH ST | C Liquor |
| (J) | DJANGO | 1420 LOCUST ST | C Liquor |
| (K) | DRAKE UNIVERSITY | 2875 UNIVERSITY | C Liquor |
| (L) | EAST SIDE EDDIES | 3517 E 26TH ST | C Liquor |
| (M) | EL PATIO MEXICAN | 611 37TH ST | C Liquor |
| (N) | GIT N GO STORE #26 | 2140 E PARK AVE | C Beer |
| (O) | GIT N GO STORE #7 | 3000 MERLE HAY RD | C Beer |
| (P) | INGERSOLL TAP | 2837 INGERSOLL | C Liquor |
| (Q) | LAPIZZA HOUSE | 1440 MAURY ST | C Liquor |
| (R) | OLD WEST BARBEQUE | 3000 E GRAND AVE | B Beer |
| (S) | STAR BAR | 2811 INGERSOLL | C Liquor |
| (T) | SUPER QUICK | 303 SE 30TH ST | E Liquor |
| (U) | SUPER QUICK SMOKES | 5625 HICKMAN RD | C Beer |
| (V) | THAI FLAVORS | 1254 E 14TH STREET | C Beer/Wine |
| (W) | ZOMBIE BURGER | 300 E GRAND AVE | C Liquor |

OUTDOOR SERVICE APPLICATIONS

| | | | |
|-----|--|------------------|----------|
| (X) | 1717 BREWING COMPANY | 322 E COURT AVE | B Beer |
| | Permanent. | | |
| (Y) | MAINGATE BAR AND GRILL | 2956 E GRAND AVE | C Liquor |
| | Temporary in conjunction with the Iowa State Fair. | | |
| (Z) | ST KILDA CAFE & BAKERY | 1011 LOCUST ST | C Liquor |
| | Permanent. | | |

SPECIAL EVENT APPLICATIONS

| | | | |
|------|--|-------------------|----------------------|
| (AA) | 515 ALIVE | 2201 GEORGE FLAGG | Five (5) Day License |
| | Class C Liquor License for an event on August 16 – 17, 2019. | | |

SPECIAL ASSESSMENTS

9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-08.

LAND/PROPERTY TRANSACTIONS

10. [Acceptance](#) of subdivision improvements bond and conditional approval of final subdivision plat of Southwoods Estates Plat 2, located at 3800 SW 56th Street.

([Council Communication No. 19-342](#))

11. [Approving](#) tax abatement application for the additional value added by improvements to the Soll Apartments at 2301 Ingersoll Avenue completed in 2018.

([Council Communication No. 19-347](#))

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Recommendation](#) from Council Member Mandelbaum to appoint Frank Strong to the Access Advisory Board, Seat 6, for a four-year term commencing June 15, 2018 to June 15, 2022.
- 12-I [Recommendation](#) from Council Member Mandelbaum to appoint Abigail Chungath to the Plan and Zoning Commission, Seat 12, for a five-year term commencing July 5, 2019 to July 5, 2024.
13. [Recommendation](#) from Council Member Mandelbaum to reappoint Ruth Thompson to the Access Advisory Board, Seat 14, for a four-year term commencing June 15, 2019 to expire June 15, 2023.
14. [Recommendation](#) from Council Member Gray to reappoint Dave Ferree to the Transportation Safety Committee, Seat 4, for a three-year term commencing December 31, 2018 to expire December 31, 2021.
15. [Recommendation](#) from Council Member Gray to reappoint Leslie Berckes to the Neighborhood Revitalization Board, Seat 7, for a three-year term commencing June 30, 2019, to expire June 30, 2022.
16. [Recommendation](#) from Council Member Gray to reappoint Tom LaPointe to the Neighborhood Revitalization Board, Seat 2, for a three-year term commencing June 30, 2019, to expire June 30, 2022.

17. [Recommendation](#) from Council Member Gray to reappoint Mike Hildebrand to the Historic Preservation Commission, Seat 7, for a three-year term commencing October 18, 2018, to expire October 18, 2021.
18. [Recommendation](#) from Council Member Gray to reappoint Blake O'Brien to the Building and Fire Code Board of Appeals, Seat 4, for a three-year term commencing April 1, 2019, to expire April 1, 2022.
19. [Recommendation](#) from Council Member Boesen to reappoint Naura Heiman-Godar to the Urban Design Review Board, Seat 2, for a three-year term commencing June 30, 2019, to expire June 30, 2022.
20. [Communication](#) from Pamela Steffen advising of her resignation from the Historic Preservation Commission, Seat 8, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

21. [Regarding](#) request from Des Moines Public Schools for vacation of Fremont Street and E. 15th Street right-of-way in the vicinity of 1450 Fremont Street to allow it to be assembled with adjoining property. Additional adjoining property owned by University Group, LLC (Jeff Spence, Manager).
22. [Regarding](#) request from Des Moines Heritage Trust (Timothy Waddell, Officer) for vacation of a segment of E. 5th Street right-of-way adjoining 120 E. 5th Street to allow for restoration of the existing historic depot building with a porte-cochere addition that would extend approximately 15 feet into the existing right-of-way.
23. [Regarding](#) request from Des Moines Griffin Building, LLC (Tim Rypma, Officer) for vacation of a segment of air rights in the east/west alley right-of-way adjoining 319 7th Street to allow for ventilation ducts attached to the upper portion of the building that would encroach over the alley.
24. [Regarding](#) Preliminary Plat "McKinley Acres" on property in the 3401 block of McKinley Avenue.

SETTING DATE OF HEARINGS

25. [On](#) vacation of a portion of Thomas Beck Road right-of-way located south of and adjoining 1235 Thomas Beck Road and conveyance to First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co. (Robert Pomerantz, President), \$4,040, (8-19-19).

26. [On](#) vacation and conveyance of the north/south alley right-of-way located north of 819 Shaw Street between SE 8th and SE 9th Street to Richard A. Anderson and Linda K. Casas, \$150, (8-19-19).
27. [On](#) conveyance of the south half of vacated east/west alley right-of-way located north of and adjoining 925 SE 9th Street to Teri L. Witt Cosper, (8-19-19).
28. [On](#) conveyance of the east half of vacated alley right-of-way located west of and adjoining 1258 E. 22nd Street to Joshua and Brandy Armstrong, \$25, (8-19-19).
29. [On](#) request from Grasso Properties One, LLC (Steve Grasso, Officer) to rezone 3908 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-2” (Two-Family Residential) to allow for demolition of the existing single-family dwelling on the property and redevelopment with a two-family dwelling, (8-19-19).
30. [On](#) lease purchase agreement in the principal amount not to exceed \$120,000 for the purpose of acquiring four Nissan Leaf hatchback electric vehicles, (8-19-19).

[\(Council Communication No. 19-356\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Tyson Teut, \$2,075, and Police Officer Cody Grimes, \$562.50.
32. [Approving](#) payment to Whitfield and Eddy Law Firm for representation of Police Officer Kyle Thies, \$412.50.
33. [Approving](#) payment to Ahlers & Cooney, PC regarding legal services.
34. [Retention](#) of outside counsel to act as guardian ad litem.

CITY MANAGER COMMUNICATIONS

35. [Submitting](#) travel and training requests for Abby Giampolo.

[\(Council Communication No. 19-346\)](#)

APPROVING

36. [Grant](#) Agreements with the US Department of Housing and Urban Development (HUD) for funding the City's fifth year (2019) action plan of the 2015-2019 HUD Consolidated Plan.

[\(Council Communication No. 19-330\)](#)

37. [Support](#) of a High-Quality Jobs Program business financial assistance application to the Iowa Economic Development Authority (IEDA) on behalf of Helena Industries, LLC (Troy Hugen, Plant Manager), 3525 Vandalia Road.

[\(Council Communication No. 19-353\)](#)

38. [Support](#) of a High-Quality Jobs Program business financial assistance application to the Iowa Economic Development Authority (IEDA) on behalf of NeXT1, Inc. (Dr. Steve Lasky, CEO), 2800 2nd Avenue.

[\(Council Communication No. 19-354\)](#)

39. [Collateral](#) assignment of Urban Renewal Development Agreement with Jarcor, LLC (Joe Cordaro, Principal), 1723 Grand Avenue.

40. [Amendment](#) to Donation Agreement with Des Moines Park & Recreation Foundation regarding playground at Whitmer Park.

[\(Council Communication No. 19-335\)](#)

41. [SW](#) 9th and Bell Avenue Plaza Maintenance and Repair Agreement with Friends of SW 9th.

[\(Council Communication No. 19-343\)](#)

42. [Memorandum](#) of Understanding with 6th Avenue Corridor, Inc. for the implementation of Phase 2 of the 6th Avenue Streetscape Project.

[\(Council Communication No. 19-344\)](#)

43. [Agreement](#) with Polk Soil and Water Conservation District to provide funding for an oxbow restoration project in the Fourmile Creek Watershed.

[\(Council Communication No. 19-334\)](#)

44. [Amending](#) Water Quality Initiative Urban Conservation Demonstration Projects cost-share grant contract with Iowa Department of Agriculture and Land Stewardship (IDALS) for construction of a stormwater wetland in the Fourmile Creek watershed.

[\(Council Communication No. 19-348\)](#)

45. [Cooperative](#) Agreement for fiscal year 2019 with the United States Department of Housing and Urban Development (HUD), \$84,900.

[\(Council Communication No. 19-355\)](#)

46. [Authorizing](#) partial release of judgement lien against 2137 Des Moines Street.

[\(Council Communication No. 19-329\)](#)

47. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval for up to 7 banners to be displayed on 7 poles in downtown Des Moines between 15th and 18th Street beginning in September 2019.

48. Abatement of public nuisances at the following:

- (A) [515](#) 28th Street.
- (B) [124](#) E. Broad Street.
- (C) [106](#) E. Granger Avenue.
- (D) [2021](#) E. 27th Street.

49. [Change](#) order to an existing agreement with CDW Government LLC (Christina Rother, President) for the purchase of Cisco Smartnet Add On maintenance and support services for Cisco network equipment, additional amount \$32,126.40.

[\(Council Communication No. 19-340\)](#)

50. Purchases from the following:

- (A) [IPS](#) Group (Dave King, President) for monthly software support fees and transaction fees for credit card enabled meters to be used during fiscal year 2020 by the Traffic & Transportation Division, estimated cost \$155,000.

[\(Council Communication No. 19-349\)](#)

- (B) [Hewlett-Packard](#) Company (Dion Weisler, President) for replacement employee desktop personal computer equipment for fiscal year 2020, per State of Iowa Contract for use by the IT Department, \$130,000.

[\(Council Communication No. 19-341\)](#)

- (C) [Heartland](#) Business Enterprises (Peter Helander, President) to supply a 3-year Cisco Enterprise Agreement Security Bundle that provides Cisco network security software licenses to be used during fiscal year 2020 through 2022, per State of Iowa Contract for use by the IT Department, total cost \$310,413.89.

[\(Council Communication No. 19-339\)](#)

- (D) [Smith](#) Fertilizer and Grain Co. Inc. (Max Smith, President) for joint purchase along with Cities of West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for supply and delivery of deicing chemicals for the 2019-2020 snow and ice control season for use by the Public Works Department, estimated annual cost \$136,600. (Eighteen (18) potential bidders, seven received).

[\(Council Communication No. 19-332\)](#)

- (E) [Intergraph](#) Corporation (Mattias Stenberg, President) for non-competitive procurement of additional software licenses and annual maintenance to be added to the existing Computer Aided Dispatch (CAD) system to allow for the expansion of three additional workstations in the Police and Fire Emergency Dispatch Center for use by the Police Department, \$74,787.

[\(Council Communication No. 19-337\)](#)

51. [Civil](#) Service Entrance Lists for Building Equipment Operator and Senior Public Safety Dispatcher and Promotional Lists for Accounting Specialist II, Public Works Customer Service Team Leader and Senior Police Officer.
52. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 5 and 12, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 5 and 12, 2019; and to draw checks for biweekly payroll due August 16, 2019.

ORDINANCES - SECOND CONSIDERATION

53. [Amending](#) Chapter 114 of the Municipal Code removing an on-street Americans with Disabilities Act (ADA) parking space on Capitol Avenue near E. 21st Street.

- 54. [Enacting](#) a new Chapter 74 of the Municipal Code regarding Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for the use of parks and recreation facilities; fees for rental and use of parks facilities and programs and mobile food vendors.
 - (A) [Final](#) consideration of ordinance above (waiver requested by the Parks and Recreation Director), requires six votes.

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

ORDINANCES - FIRST CONSIDERATION

- 55. [Amending](#) Chapter 102 of the Municipal Code regarding Street Use Permits.
 - [\(Council Communication No. 19-352\)](#)
- 56. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:
 - [\(Council Communication No. 19-350\)](#)
 - (A) Code modifications related to the vacation of Elm Street between SW 5th and vacated SW 4th Street.
 - (B) Parking restriction – E. Bell Avenue between SE 6th Street and SE 7th Street.
 - (C) Parking restriction – 31st Street, north of College Avenue.
 - (D) Code correction to match field conditions – commercial loading zone on 27th Street, north of Forest Avenue.

COMMUNICATIONS/REPORTS

- 57. [From](#) Joe Grandanette, 6215 Gordon Avenue, to speak regarding budget, Fourmile, meter parking and sewer break.
- 58. [From](#) Sharon Jenkins Wells, 1431 E. 19th Street to speak regarding affordable housing, additional applications fees and restriction on ex-offenders.
- 59. [From](#) Jenni Klise, 2505 47th Street, to speak regarding 47th and Holcomb construction timeline, and requesting a neighborhood meeting to communicate the information.
- 60. [From](#) Cal Sale, 1410 19th Street, to speak regarding various issues.

APPROVING

61. [Appointment](#) of Judy Parks-Kruse as Assistant City Attorney, effective August 12, 2019.
62. ~~[Memorandum](#) of Agreement with United States General Services Administration (GSA) for the conveyance of a storm sewer easement within 101 Locust Street from GSA to the City in consideration of the City's conveyance of City-owned property adjoining 101 Locust Street to GSA.~~

~~[\(Council Communication No. 19-351\)](#)~~

63. [Amending](#) the Intergovernmental 28E Agreement with Des Moines Independent Community School District, for the School Resource Officer (SRO) Program.

[\(Council Communication No. 19-338\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 64 THRU 74)

64. [On](#) vacation of excess City-owned right-of-way at the intersection of South Union Street and Hartford Avenue and conveyance to Maria Gonzalez, \$1,000.
 - (A) [First](#) consideration of ordinance above.
65. [On](#) vacation of a portion of 8th Street right-of-way located east of and adjoining Enos Avenue and conveyance to Des Moines Area Community College, \$11,250.
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by DMAACC), requires six votes.
66. [On](#) conveyance of excess City-owned property located in the Fourmile Creek Floodplain to Polk County Conservation Board for the Fourmile Creek Greenway Project.
67. [On](#) conveyance of an underground electric easement in City property located south of Interstate 235 between 2nd Avenue and the Des Moines River to MidAmerican Energy Company.

68. On conveyance of excess City-owned property at 2301 Sunset Road to Packaging Distribution Services, Inc., \$8,843.
69. Items regarding property in the 3301 block of E. 56th Street, (J. Larson Homes, LLC and QSL Development LLC, represented by John Larson, Officer):
- (A) Amending the PlanDSM: Creating our Tomorrow Plan future land use designation from Low-Density Residential to Medium Density Residential, to allow the property to be rezoned to Ltd. “R-3” (Multiple-Family Residential) for development of 63.087 acres of agricultural land to be developed in phases for a single-family residential subdivision, with future possibility of townhome units and multiple-family residential apartment dwellings, subject to a maximum density of 12 units per acre.
 - (B) Hearing to rezone the property from “A-1” (Agricultural) to Ltd. “R-3” (Multiple-Family Residential).
 - (C) First consideration of ordinance above.
 - (D) Final consideration or ordinance above (waiver requested by the applicant), requires six votes.
70. Regarding request from 50th and Douglas, LLC (Matt Connolly, Officer) to rezone property located in the vicinity of 3905 50th Street from “R1-60” (One-Family Low-Density Residential) to "PUD" (Planned Unit Development) and for approval of a PUD Conceptual Plan “Beaverdale Townhomes” for development of approximately 2.74 acres for 21 rowhouse one-story townhomes on a private drive accessed from 50th Street, subject to conditions and **to continue to December 2, 2019 at 5:00 PM.**
71. On request from Sanco Properties, LLC (Matt Griebrok, Officer) to rezone 5092 E. Broadway Avenue from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial) to allow expansion of the existing sales, service, warehousing and distribution uses in operation at the adjoining business at 4975 Hubbell Avenue, subject to conditions.
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

72. Items regarding property at 1424, 1428, 1432 and 1436 E. 25th Street, and 2323 and 2425 Hubbell Avenue, 2425 Hubbell Avenue, LLC (Todd Mendenhall, Officer):
- (A) [Amending](#) the PlanDSM: Creating our Tomorrow Plan future land use designation from Industrial to Low-Density Residential.
 - (B) [Hearing](#) on rezoning the property from “PUD” (Planned Unit Development), to Ltd. “R1-60” (One-Family Low-Density Residential) and to amend the Townsend Engineering PUD Conceptual Plan, to allow the property to be removed from the existing PUD and be developed for single-family residential dwellings.
 - (C) [First](#) consideration of ordinance above.
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
73. [On](#) proposed 2019 Analysis of Impediments to Fair Housing for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan.

[\(Council Communication No. 19-331\)](#)

74. [On](#) a five-year License Agreement with three five-year extensions, with Electronic Engineering Co., not to exceed \$2,700 per month with 2% annual increases, for property at 4039 Delaware Avenue, for police communication purposes.

[\(Council Communication No. 19-336\)](#)

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

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Tuesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk

1. [Request](#) from Council Member Josh Mandelbaum to speak regarding adding charging stations downtown for wheelchairs and mobility scooters.

MOTION TO ADJOURN.

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