

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

April 23, 2018 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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PROCLAMATIONS – 4:00 PM

**Arbor Day
Small Business Week**

INVOCATION: Council Member Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47:

***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)	GAZALIS	1205 25TH ST	C Beer/Wine
(B)	MAMA MIAS	550 SW 9TH ST	C Beer/Wine
(C)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor
(D)	WICKED RABBIT	1101 ARMY POST RD	C Liquor

RENEWAL APPLICATIONS

(E)	14TH STREET TAVERN	3418 E 14TH ST	C Liquor
(F)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(G)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(H)	DES MOINES VALERO #203	4140 PARK AVE	C Beer
(I)	E 25TH ST PUB & GRUB	509 E 25TH ST	C Liquor
(J)	GERRIS	232 E 30TH ST	C Liquor
(K)	GIT N GO STORE #1	3735 HUBBELL AVE	C Beer
(L)	H & A MINI MART *(1)	5901 FLEUR DR	C Beer
(M)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(N)	KUM & GO #194	4001 SW 9TH ST	C Beer
(O)	PRICE CHOPPER	3425 INGERSOLL	C Liquor
(P)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine

OUTDOOR SERVICE APPLICATIONS

(Q)	LA HACIENDA Permanent.	6050 SE 14TH ST	C Liquor
(R)	UNIVERSITY LIBRARY CAFE Temporary for Bulldog Brewdays on April 26 – 28, 2018.	3506 UNIVERSITY	C Liquor

SPECIAL EVENT APPLICATIONS

(S)	BUZZARD BILLYS	615 3RD ST	Five (5) Day License Class C Liquor License for Jason Aldean concert on May 12, 2018.
(T)	DRAKE UNIVERSITY	2875 UNIVERSITY	Five (5) Day License Special Class C Liquor License (Beer/Wine) for Alumni Reunion on April 27, 2018. Pending approval of Building Department.
(U)	IOWA TAPROOM	215 E 3RD ST	Five (5) Day License Class C Liquor License for Market to Market Relay on May 12, 2018.
(V)	SUMMER IN THE CITY CONCERT	1103 17TH ST	Five (5) Day License Class B Beer License for a concert on May 12, 2018. Pending approval of Building and Electrical Departments.

- (w) TANGERINE FOOD COMPANY 415 15TH ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Polka Dot Party on May 11, 2018.
Pending approval of Fire Department.

5. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- (A) [2018](#) Parking Garage Repair Program: Receiving of bids, (5-8-18), Setting date of hearing, (5-21-18). Engineer's estimate, \$800,000.

[\(Council Communication No. 18-202\)](#)

- (B) [SE](#) 4th and Van Buren Storm Water Pump Station Improvements: Receiving of bids, (5-22-18), Setting date of hearing, (6-11-18). Engineer's estimate, \$7,750,000.

[\(Council Communication No. 18-207\)](#)

- (C) [Tower](#) and Sheridan Park Restrooms: Receiving of bids, (5-8-18) Setting date of hearing, (5-21-18). Engineer's estimate, \$340,000.

[\(Council Communication No. 18-208\)](#)

- (D) [EMC](#) Overlook at MacRae Park: Receiving of bids, (5-8-18), Setting date of hearing, (5-21-18). Engineer's estimate, \$684,000.

[\(Council Communication No. 18-204\)](#)

7. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for Hubbell Avenue and NE Broadway Avenue Intersection Improvements.

[\(Council Communication No. 18-211\)](#)

8. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2018 Edition, and the SUDAS Standard Specifications, 2018 Edition, and the City of Des Moines General Supplemental Specifications to the SUDAS Standard Specifications as the official design standards and standard specifications for the City of Des Moines.

[\(Council Communication No. 18-203\)](#)

9. [Accepting](#) completed construction and approving final payment for Pioneer Columbus Community Center Sprinkler System, Rochon Corporation of Iowa, Inc.

SPECIAL ASSESSMENTS

10. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-04.

LAND/PROPERTY TRANSACTIONS

11. [Authorization](#) to proceed with acquisition of the necessary property interest for the SE 5th Street Reconstruction – E. Park Avenue to E. Broad Street for reconstruction of roadway pavement, water main replacement and storm sewer improvements.

[\(Council Communication No. 18-205\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

12. [Recommendation](#) from the Urban Design Review Board to appoint Stephanie Weisenbach to the Skywalk Committee, Seat 1, for the remainder of the term expiring on June 30, 2018.
13. [Recommendation](#) from the Urban Design Review Board to appoint Breanne Barnum to the Skywalk Committee, Seat 2, for the remainder of the term expiring on June 30, 2019.
14. [Recommendation](#) from Mayor T.M. Franklin Cownie to appoint Marvin Alexander to the Civil Service Commission, Seat 4, for a four-year term commencing April 1, 2018 to April 1, 2022.
- 14-I [Recommendation](#) from Mayor T.M. Franklin Cownie to appoint Nathan Blake to the Zoning Board of Adjustment, Seat 1, for a five-year term commencing April 1, 2016 to expire April 1, 2021.
15. [Recommendation](#) from Council Member Joe Gatto to appoint Jan Goode to the Neighborhood Revitalization Board, Seat 5, for a three-year term commencing June 30, 2017 to June 30, 2020.

COMMUNICATIONS FROM PLANNING AND ZONING

16. [Regarding](#) request from 15th & Grand Properties, LLC for vacation of the east/west and north/south alley segments in the block bounded by Ingersoll Avenue, 15th Street, Grand Avenue and 16th Street to allow assembly of land for redevelopment with 1511 Grand Avenue.
17. [Regarding](#) request from RM Madden Construction, Inc. for vacation of a parcel acquired for purposes of right-of-way located at 1050 16th Street, to allow redevelopment with a single-family dwelling.
 - (A) [Setting](#) date of hearing on vacation and conveyance of City-owned property at the northwest corner of 16th Street and Day Street to Madden Construction, Inc. for construction of a new, affordable single-family home, \$4,000, (5-7-18).
18. [Regarding](#) approval of the minor Preliminary Plat “Grandview Gardens” located at 1650 E. Washington Avenue, to allow the property to be divided into two lots for industrial development.
19. [Regarding](#) approval of a Preliminary Plat “D & M Development” located at 4764 NE 22nd Street, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines and recommendation to the City Council to waive their review of any final subdivision Plat, to allow the property to be divided into five (5) lots for heavy industrial development.

SETTING DATE OF HEARINGS

20. Number not used.
21. [On](#) conveyance of City-owned property at the northwest corner of Vermont Street and Indiana Avenue to KOK Vermont Street, LLC for construction of a new high cube warehouse containing approximately 60,000 square feet, \$210,000, (5-7-18).
22. [On](#) request from 1350 E. Washington, LLC to rezone property located at 1350 E. Washington Avenue from "R1-60" (One-Family Low-Density Residential) to Ltd. "R-3" (Multiple-Family Residential) to allow the existing building to be converted to a multi-family dwelling, subject to conditions, (5-7-18).
23. [On](#) request from Smith Home Restorations, LLC to rezone 1107 24th Street from “R1-60” (One-Family Low-Density Residential) to “R-4” (Multiple-Family Residential) to allow for use of property as a three-unit multiple-family dwelling, (5-7-18).

24. [On](#) request from Kenyon Hill Ridge, LLC to rezone property at 5066 NE 23rd Avenue (Easton Boulevard) from “A-1” (Agricultural) to “PUD” (Planned Unit Development) and approval of the PUD Conceptual Plan “Ruby Rose Ridge” for development of approximately 13.38 acres as 45 single family dwellings, 10.14 acres as 50 single-family semi-detached dwellings, and 5.23 acres as three, three-story multiple-family dwellings with up to 90 units. The south 7.135 acres is pending voluntary annexation into the City of Des Moines, (5-7-18).
25. [On](#) request from FDM Development Partnership, LLLP for review and approval of a 2nd Amendment to the West Point South PUD Conceptual Plan on property located at 6700 Chaffee Road, to allow a revised design for refuse collection container screening enclosures changing the material from masonry to wood, (5-7-18).
26. [On](#) approval of corrected Quit Claim Deed and approval of Supplemental Agreement No. 2 with the United States Army Corps of Engineers for assignment to the Westside Equalization Basin and Pump State Easement at Prospect Park to the Des Moines Metropolitan Wastewater Reclamation Authority (WRA), (5-7-18).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$16,335.25.
28. [Approving](#) payment to Chanin Eastling for a property claim.
29. [Approving](#) payment to Des Moines Marriott Downtown for an auto claim.
30. [Approving](#) payment to Paul Forek for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS

31. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Connie Boesen, Joe Gatto, Darlene Blake, and Roger Nowadzky.

[\(Council Communication No. 18-217\)](#)

APPROVING

32. [Support](#) of a Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IEDA) for a multi-family housing project at 1601 6th Avenue by Indigo Dawn, LLC.

[\(Council Communication No. 18-195\)](#)

33. [Support](#) of a Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IEDA) for an owner-occupied infill townhome project in the 3800 block of 50th Street, by 50th and Douglas, LLC.

[\(Council Communication No. 18-214\)](#)

34. [Preliminary](#) plan for a proposed multi-family housing project, consisting of 77 units, at 215 SW 9th Street by Orton Development Company, LLC.

[\(Council Communication No. 18-215\)](#)

- (A) [Support](#) of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by Orton Development Company, LLC.

- (B) [City](#) Council initiated request for vacation and conveyance of a portion of alley right-of-way adjoining City-owned property at 215 SW 9th Street.

35. [Urban](#) Renewal Development Agreement with RE3, LLC for the historic renovation of 440 E. Grand Avenue into a mixed-use residential and commercial development.

[\(Council Communication No. 18-194\)](#)

- ~~36. [Urban](#) Renewal Development Agreement with Rowat Lofts, LLC for construction of a 162 unit multi family housing project between SE 6th and SE 7th Streets, 110 SE 7th Street.~~

~~[\(Council Communication No. 18-213\)](#)~~

37. [First](#) Amendment to Urban Renewal Agreement for Sale of Land for Private Redevelopment with 101 East Grand Parking, LLC, for the multi-phased redevelopment of the block east of City Hall, and approving a conceptual development plan for the proposed new building at 111 E. Grand Avenue.

[\(Council Communication No. 18-193\)](#)

38. [Second](#) amendment to Professional Services Agreement with czbLLC to provide additional visits and presentations, and extension of term to June 30, 2018.

[\(Council Communication No. 18-192\)](#)

39. [Authorizing](#) partial release of judgment liens for certain properties acquired through the tax sale process.

[\(Council Communication No. 18-191\)](#)

40. [Application](#) for funding from the Local Law Enforcement Crime Gun Intelligence Center Integration Initiative FY 2018 Competitive Grant, to be utilized in support of personnel costs, purchase of law enforcement equipment and training, \$774,809.

[\(Council Communication No. 18-188\)](#)

41. [Loan](#) Agreement Extension with U.S. Navy for public display of USS Des Moines model.

42. [Proposal](#) of Advanced Asset Alliance (AAA) Collections, Inc. for provision of collection services.

[\(Council Communication No. 18-197\)](#)

43. [Revised](#) schematic design for Civic Center Theater Block and Cowles Commons within leasehold.

[\(Council Communication No. 18-216\)](#)

44. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2018.

45. Purchases from the following:

- (A) [Neenah](#) Foundry (Thomas Riordan, CEO) for various manhole castings for use by the Public Works Department, \$77,000. (Five potential bidders, two received).
- (B) [PetroChoice](#) Lubrication Solutions (Shane O'Kelly, CEO) as sole area-wide distributor for non-competitive procurement for eleven (11) automated lubrication systems for refuse trucks for use by the Public Works Department, \$78,430.

[\(Council Communication No. 18-186\)](#)

- (C) [Housby](#) Mack Inc. (Kelly Housby, President) for eleven (11) replacement refuse trucks per Houston-Galveston Area Council (HGAC) Contract for use by the Public Works Department, \$2,847,356.

[\(Council Communication No. 18-187\)](#)

- 46. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 23 and 30, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 23 and 30, 2018; and to draw checks for biweekly payroll due on April 27, 2018.

ORDINANCES - SECOND CONSIDERATION

- 47. [Vacation](#) of portions of Grand Avenue right-of-way adjoining 665 Grand Avenue.

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

ORDINANCES - FIRST CONSIDERATION

- 48. [Amending](#) Chapter 26 of the Municipal Code regarding plumbing fixture counts, (continued from 4-9-18).

[\(Council Communication No. 18-156\)](#)

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

[\(Council Communication No. 18-201\)](#)

- (A) Parking Restriction – within the cul-de-sac at the intersection of E. Luster Lane and E. Havens Avenue.
- (B) Code Correction – correct the termination point of E. Broad Street.
- (C) Parking Restriction Reversal – E. 39th Court and E. Madison Avenue.

50. [Amending](#) Chapter 98 of the Municipal Code regarding solid waste charges for collection services and to clarify language regarding administrative hearings.

[\(Council Communication No. 18-198\)](#)

COMMUNICATIONS/REPORTS

51. [Request](#) from Iowa CCI – Bridget Fagan-Reidburn, 2001 Forest Avenue, to speak regarding issues impacting communities of color.

APPROVING

52. [Naming](#) of skateboard park, for a period of 20-years, as “Lauridsen Skate Park”, located north of the Rotary Riverwalk Park.

53. [Motion](#) to reconsider approving amendments to the Building and Fire Code Board of Appeals Procedural & Administrative Rules, (roll call 18-0567, April 9, 2018).

(A) [Approving](#) amendments to the Building and Fire Code Board of Appeals Procedural & Administrative Rules.

54. [Approving](#) Intergovernmental 28E Agreement with Des Moines Water Works and Des Moines Water Works Foundation for construction and funding of Fleur Drive Underpass Project.

[\(Council Communication No. 18-196\)](#)

55. [Accepting](#) proposal of Revize, LLC for website redevelopment design and implementation services for a five-year period, estimated total cost \$332,500.

[\(Council Communication No. 18-190\)](#)

56. Alternate resolutions regarding appeal of Furry Friends Refuge regarding the RFP evaluation and selection committee recommendation for award of contract for animal control and shelter services to the Animal Rescue League of Iowa, Inc.

[\(Council Communication No. 18-189\)](#)

- (A) [Affirming](#) the Hearing Officer's report and authorizing the City Manager to negotiate and execute a contract.

OR

- (B) [Overruling](#) the Hearing Officer's report and rejecting the committee's recommendation and directing the committee to reconvene to reevaluate the proposals.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 57 THRU 66)

57. [On](#) conveyance of excess City-owned property at 645 SE 26th Court and 801 SE 28th Street to R. M. Madden Construction, Inc., \$4,000.

[\(Council Communication No. 18-212\)](#)

58. [On](#) conveyance of excess City-owned property at 1540 and 1546 Vermont Street to MR2 Properties, LLC, \$18,460.

[\(Council Communication No. 18-210\)](#)

59. [On](#) conveyance of a permanent easement on City-owned property north of and adjoining 440 E. Grand Avenue to RE3, LLC, \$350.

[\(Council Communication No. 18-209\)](#)

60. [On](#) conveyance of a permanent easement for water main across City-owned property located in Gray's Lake Park to Des Moines Water Works, \$1.
61. [On](#) consideration of License Agreement for conservation with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) on City-owned property at 3500 E. Douglas Avenue for the WRA Four Mile Creek Stabilization – North of Euclid Project.
62. [On](#) assessment of \$500 penalties to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minor, first violation).
- (A) DL's Sports Bar, 2718 Douglas Avenue.
 - ~~(B) Git N Go Store #10, 816 E. Euclid Avenue.~~
 - (C) Kum & Go #4110, 2110 Guthrie Avenue.
 - (D) Kum & Go #207, 4200 Hubbell Avenue.
 - (E) Oasis, 1401 Buchanan Street.
 - (F) Triple Double, 910 Hull Avenue.
63. [On](#) assessment of \$1,500 penalties and 30-day suspensions to the following liquor license holders for violation of Iowa Alcoholic Beverage Laws (sale to minor, second violation within two years).
- (A) Casey's #2922, 3501 E. 14th Street.
 - (B) Walgreens #5852, 3030 University Avenue.
64. [On](#) 2018 City-wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as MPS Engineers, PC d/b/a Kingston Services, PC (Umesh G. Shetye, President), \$521,945.
- [\(Council Communication No. 18-199\)](#)
- (A) [Approving](#) contract and bond, and permission to sublet.
65. [On](#) 2018-2019 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating

lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$1,104,949.

(Council Communication No. 18-206)

(A) Approving contract and bond.

66. On 2018 Neighborhood Sidewalk Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$284,290.

(Council Communication No. 18-200)

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

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

MOTION TO ADJOURN.

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