



*** DES MOINES CITY COUNCIL MEETING REPORT ***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '15-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

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

May 4, 2015
4:30 PM

I. **CLOSED SESSION – 3:30 PM**

- [15-0719](#) (A) Roll Call. **Present: Gatto, Gray, Hensley, Mahaffey and Moore. Mayor Cownie and Council Member Coleman entered the meeting during item C.**
- [15-0720](#) (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 that this meeting will be exempt from the Open Meetings Law pursuant to Iowa Code Section 21.9. **Moved by Moore to adopt. Motion Carried upon roll call 5-2.**
- [15-0721](#) (C) Closed Session.
- [15-0722](#) (D) Terminate closed session and reconvene in open session. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [15-0723](#) (E) Motion to adjourn. **Moved by Hensley to adjourn at 4:20 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:15 PM

Small Business Week

INVOCATION: Council Member Gray

[15-0724](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**

[15-0725](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Coleman to adopt. Motion Carried 7-0.**

[15-0726](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 29: Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 7-0.**

***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

[15-0727](#) 4. **Approving Alcoholic Beverage License Applications from the following: Moved by Gatto to adopt all except items A and B. Motion Carried 7-0. Council Member Coleman votes “No” on Item C. Council Member Moore votes “No” on Item E. Moved by Gray to deny Items A and B. Motion Carried 7-0.**

NEW APPLICATIONS

* (A) PIT STOP	1443 2ND AVE	E Liquor
* (B) PIT STOP	1443 2ND AVE	C Beer
* (C) SOUTH SIDE FOOD MART	1101 ARMY POST RD	E Liquor

RENEWAL APPLICATIONS

(D) AMERICANA	1312 LOCUST ST	C Liquor
* (E) BEST FOOD MART	4028 E 14TH ST	E Liquor
(F) CVS PHARMACY #10329	2303 MERLE HAY RD	E Liquor
(G) EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(H) LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(I) MICKEYS IRISH PUB	204 3RD ST	C Liquor
(J) QUIK TRIP #515	1421 INGERSOLL	C Beer
(K) ROCA & SHORTYS	208 COURT AVE	C Liquor
(L) THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

OUTDOOR SERVICE APPLICATIONS

(M) MARGARITA MEXICAN 400 SE 6TH ST C Liquor
Temporary for Cinco De Mayo on May 5, 2015. Pending approval of Fire and Zoning Departments.

(N) NICKS 1106 ARMY POST RD C Liquor
Temporary for Classic Car Show on May 8, 2015. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(O) CELEBRASIAN 2015 1203 LOCUST ST Five (5) Day License
Special Class C Liquor License for an event on May 22 – 23, 2015.

(P) CELEBRASIAN 2015 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License for an event on May 22 – 23, 2015.

(Q) DRAKE UNIVERSITY 2615 CARPENTER Five (5) Day License
Class C Liquor License for Law School Graduation on May 15, 2015.

(R) HIGH LIFE LOUNGE 200 SW 2ND ST Five (5) Day License
Class B Beer License for Market to Market Relay on May 9, 2015.

(S) JANET BURGETT 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for a wedding reception at the Animal Learning Center on May 30, 2015.

(T) KEG STAND 1 LINE DR Five (5) Day License
Class B Beer License for Brewfest on May 30, 2015.

(U) NICKS 1106 ARMY POST RD Five (5) Day License
Class C Beer License for Classic Car Show on May 22, 2015. Pending approval of Building, Electrical, Fire and Zoning Departments.

(V) NICKS 1106 ARMY POST RD Five (5) Day License
Class C Beer License for Classic Car Show on May 15, 2015. Pending approval of Building, Electrical, Fire and Zoning Departments.

(W) OVATIONS FOOD SERVICE 833 5TH AVE Five (5) Day License
Class C Liquor License for Kenny Chesney Pre-party on May 7, 2015.

(X) THAMMATHAY WEDDING 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for a wedding on May 23, 2015.

[15-0728](#)

- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [15-0729](#) (A) [MacRae](#) Park Trail Connection: Receiving of bids, (5-19-15), Setting date of hearing, (6-8-15), Construction Estimate, \$200,000. ([Council Communication No. 15-232](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0730](#) (B) [2015](#) ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (5-19-15), Setting date of hearing, (6-8-15), Construction Estimate, \$450,000. ([Council Communication No. 15-230](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0731](#) 7. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [15-0732](#) 8. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2015 Storm Sewer Repair Project. ([Council Communication No. 15-226](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-0733](#) 9. [Recommendation](#) from Council Member William Gray to appoint Amanda Nagle to the Urban Design Review Board, Seat 8, for a three-year term commencing June 30, 2013 to expire June 30, 2016. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0734](#) 10. [Appointing](#) Allen McKinley to the Iowa Events Center (IEC) Hotel Board of Directors. **Moved by Gatto to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [15-0735](#) 11. [Regarding](#) approval of a Preliminary Plat Amendment for “Carman Estates” located at 2314 E. Porter Avenue, to allow division of the property into five lots to accommodate a proposed 96-unit multi-family residential development that includes four, 3-story apartment buildings, a clubhouse structure and single-story detached garage structures. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [15-0736](#) 12. [Regarding](#) request to amend the Des Moines’ 2020 Community Character Plan to adopt the River Bend Neighborhood Plan update as an element. ([Council Communication No. 15-222](#)) **Moved by Gatto to approve. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [15-0737](#) 13. [On](#) vacation and lease of a portion of public sidewalk on E. 4th Street adjoining 350 E. Locust Street to Scenic Route Bakery, LLC for a sidewalk café, (5-18-15). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0738](#) 14. [On](#) request from Board of Trustees, Broadlawns Medical Center, to rezone 1801 Hickman Road from “C-0” (Commercial Residential), “R-3” (Multiple-Family Residential) and “FW” (Floodway) to “PUD” (Planned Unit Development), subject to conditions (6-8-15). **Moved by Coleman to adopt and set the hearing for June 8, 2015 at 5:00 PM; refer to the City Manager to set up a joint meeting with the Broadlawns Board of Trustees. Motion Carried 7-0.**
- [15-0739](#) 15. [On](#) request from Macerich Southridge Mall, LLC for the 31st amendment to the “C-4” Development Plan for Southridge Mall on property at 1111 E. Army Post Road to allow a 52-unit four-story senior living apartment dwelling, (5-18-15). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-0740](#) 16. [Approving](#) payment to Duncan, Green, Brown & Langeness for representation of the City on matters related to construction disputes, \$6,175. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0741](#) 17. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Colin Boone, \$387.50. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0742](#) 18. [Approving](#) payment to Ronald Stephens for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [15-0743](#) 19. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Bruce Braun and Jonathan Gano. ([Council Communication No. 15-237](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

- [15-0744](#) 20. [State](#) of Iowa Contract and a related amendment to the Urban Renewal Development Agreement with American Republic Insurance Company for renovation of its corporate headquarters at 601 6th Street. ([Council Communication No. 15-236](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0745](#) 21. [Authorizing](#) Mayor to execute U.S. Forest Service Grant Agreement for reforestation in Des Moines. ([Council Communication No. 15-224](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0746](#) 22. [Request](#) to Polk County Treasurer for assignment of tax sale certificates, approval of City acquisition of properties through tax deed, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments in order to encourage housing redevelopment. ([Council Communication No. 15-221](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0747](#) 23. [Accepting](#) Sub-Grantee Agreements to administer FFY 2013 Homeland Security Grant Program Funds from Iowa's Homeland Security and Emergency Management Division. ([Council Communication No. 15-219](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
24. Bids from the following:
- [15-0748](#) (A) [Bituminous](#) Materials & Supply, (Dan Quigley, Plant Manager), for an annual contract with two additional one-year renewal options, to furnish emulsified asphalt materials to be used by the Street Maintenance Division, \$300,000 estimated annual amount, (Three potential bidders, one received). ([Council Communication No. 15-223](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0749](#) (B) [Safeware](#) Inc., (Edward Simons, President) for Self-Contained Breathing Apparatus (SCBA's) for use by WMD, SWAT and EOD Taskforce Teams, \$357,894.72, (Six potential bidders, one received). ([Council Communication No. 15-217](#)) **Moved by Coleman to adopt; refer to the City Manager to amend the Council Communication format to include additional information when the City receives one bid. Motion Carried 7-0.**
- [15-0750](#) (C) [Federal](#) Resources Supply Company, (Frank Guglielmo, CEO/President) for chemical detection monitors for use by WMD, SWAT and EOD Taskforce Teams, \$107,892.68, (Eight potential bidders, four received). ([Council Communication No. 15-218](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0751](#) (D) [Blacktop](#) Repair Service, Inc. (Patricia Hicks, President) for tennis and pickleball court resurfacing services at Woodlawn and Jordan Parks, \$31,501, (Five potential bidders, one received). ([Council Communication No. 15-228](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [15-0752](#) 25. [Application](#) from the Des Moines Arts Festival requesting approval to temporarily place banners on scaffolding entrances at 12th & Grand, 12th & Locust, 12th & Walnut, 13th & Walnut and 16th & Locust for the 2015 Des Moines Arts Festival from June 26-28, 2015. **Moved by Gatto to receive, file and approve banner design. Motion Carried 7-0.**
- [15-0753](#) 26. [Application](#) from Des Moines Police Department requesting approval to temporarily place a banner across the 100 block of E. Court Avenue for the “Run with the Police 5K” on Saturday, May 16, 2015. **Moved by Gatto to receive, file and approve banner design. Motion Carried 7-0.**
- [15-0754](#) 27. [Civil](#) Service Promotional Lists for Cement Finisher and Senior Fire Medic. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [15-0755](#) 28. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 4 and May 11, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of May 4 and May 11, 2015 and to draw checks for biweekly payroll due on May 15, 2015. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [15-0756](#) 29. [On](#) vacation of Air Space, Surface and Subsurface Rights adjoining 222 5th Avenue and conveyance of easements to Polk County, \$1. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [15-0757](#) 30. [Amending](#) Chapter 114 of the Municipal Code regarding hourly, night and event parking rates in City parking garages. ([Council Communication No. 15-225](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 31. Number not used.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 32 THRU 36)

- 32. Items regarding the property at 3917 Mahaska (Arnold Dewitt, Owner) to allow expansion of the existing mini-warehouse complex:
 - [15-0758](#) (A) [Approving](#) request to amend the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 4-3. Nays: Cownie, Gatto and Moore.**

[15-0759](#) (B) [Hearing](#) on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial). (Six affirmative votes required to approve the rezoning). **Moved by Mahaffey to adopt. Motion Failed 4-3. Nays: Cownie, Gatto and Moore.**

[15-0760](#) (C) [First](#) consideration of ordinance above. (Six affirmative votes required to approve the rezoning). **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Failed 4-3. Nays: Cownie, Gatto and Moore.**

WITHDRAWN

[15-0761](#) (D) ~~[Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.~~

[15-0762](#) 33. [On](#) consideration of license agreement with CenturyLink Corporation on City-owned property north and adjacent to Grand Avenue right-of-way on the east and west banks of the Des Moines River, \$3,800. ([Council Communication No. 15-227](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

34. Items regarding Robert D. Ray Drive:

[15-0763](#) (A) [Hearing](#) on vacation of a portion of Robert D. Ray Drive as a Park Road and Rededication as public street right-of-way. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0764](#) (1) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-0765](#) (B) [Amending](#) Chapter 114 of the Municipal Code regarding rededication of Robert D. Ray Drive as public street right-of-way. ([Council Communication No. 15-233](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-0766](#) 35. [On](#) Greenwood Park Water Playground: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Joiner Construction Co., Inc. (Zeb Joiner, Vice President), \$369,826.25. ([Council Communication No. 15-231](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0767](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0768](#) 36. **On** 2015 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Ti-Zack Concrete, Inc., (Steven J. Rutt, President), \$467,000. ([Council Communication No. 15-229](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**

[15-0769](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**

****END HEARINGS AT 6:06 PM****

CITY MANAGER RECOMMENDATIONS

[15-0770](#) 37. **Regarding** development of the City-owned parking lot, east of City Hall. ([Council Communication No. 15-234](#)) **Moved by Gatto to adopt; refer to the City Manager for additional information regarding how a developer would be selected for this project and bring it back to Council on May 18th. Motion Carried 7-0.**

APPROVING

[15-0771](#) 38. **Distribution** of Request for Qualifications (RFQ) and Request for Proposals (RFP) for the development of a rail port transloading facility in the City of Des Moines. ([Council Communication No. 15-238](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0772](#) 39. **Adoption** of a policy to allow pianos as an “encroachment” in the City’s right-of-way pursuant to Code Section 102-605, and authorize the City Engineer to grant licenses for appropriate locations. ([Council Communication No. 15-235](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

EXTRA ITEM

[15-0773](#) 1. **Approving** appointment of Lisa K. Akre as Assistant City Attorney I for the Infrastructure Division. Sponsor: Mayor Cownie. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0774](#) **MOTION TO ADJOURN. Moved by Mahaffey to adjourn at 6:29 PM. Motion Carried 7-0.**

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