



*** 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

June 22, 2015 4:30 PM

I. **CLOSED SESSION – 3:30 PM.**

[15-0987](#)

(A) Roll Call. **Present: Cownie, Gatto, Gray, Hensley, Mahaffey and Moore. Absent: Coleman. Council Member Coleman entered the meeting during item C.**

[15-0988](#)

(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. **Moved by Moore to adopt. Motion Carried 6-1. Absent: Coleman.**

[15-0989](#)

(C) Closed Session.

[15-0990](#)

(D) Terminate closed session and reconvene in open session. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0991](#)

(E) Motion to adjourn. **Moved by Gatto to adjourn at 4:25 PM. Motion Carried 7-0.**

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INVOCATION: Council Member Gatto

- [15-0992](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [15-0993](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-0994](#) 3. APPROVING CONSENT AGENDA * – items 3 through 46: **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

- [15-0995](#) 4. Approving Alcoholic Beverage Applications for the following: **Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman voted “No” on items (I) H & A Mini Mart and (V) US Gas.**

NEW APPLICATIONS

- (A) STOCKMANS INN 3000 E GRAND AVE B Beer

RENEWAL APPLICATIONS

- (B) BUFFALO WILD WINGS 4345 MERLE HAY RD C Liquor
- (C) CASEYS #2676 2106 ECHO VALLEY C Beer
- (D) CHEFS KITCHEN 1903 BEAVER AVE C Liquor
- (E) DRUGTOWN WINE & SPIRITS 4100 UNIVERSITY E Liquor
- (F) EL MERENDEROS 900 E ARMY POST C Liquor
- (G) EL PALOMINO 3116 E 14TH ST C Beer
- (H) EXILE BREWING COMPANY 1514 WALNUT ST C Liquor
- * (I) H & A MINI MART 145 UNIVERSITY C Beer
- (J) HOSHI SUSHI LOUNGE 2314 UNIVERSITY C Beer/Wine
- (K) HY VEE FOOD STORE #4 4605 FLEUR DR E Liquor
- (L) HY VEE FOOD STORE #5 1107 E ARMY POST E Liquor
- (M) MASTER JACKS 3000 E GRAND AVE C Liquor
- (N) PRINCIPAL FINANCIAL 600 7TH ST C Liquor
- (O) QUIK TRIP #530 2300 E 14TH ST C Beer
- (P) SAVE A LOT 3200 SW 9TH ST C Beer
- (Q) SCIENCE CENTER OF IOWA 401 W MLK JR PKWY C Liquor
- (R) SOUTH TOWN TAP 3803 SW 9TH ST C Liquor
- (S) SOUTHSIDE TOBACCO 2424 SW 9TH ST E Liquor
- (T) SPLASH SEAFOOD 303 LOCUST ST C Liquor
- (U) STREETCAR 209/THE ROOFTOP 525 E GRAND AVE C Liquor

(V)	US GAS	3000 SW 9TH ST	E Liquor
(W)	VETERANS MEMORIAL	833 5TH AVENUE	C Liquor
(X)	W CHINA BUFFET	100 E EUCLID AVE	C Beer/Wine
(Y)	WAKONDA CLUB	3915 FLEUR DR	C Liquor

SPECIAL EVENTS APPLICATIONS

- (Z) BUD TENT 3000 E GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Goodguys event on July 3 – 5, 2015.
- (AA) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for Dave Matthews Band Pre-party on June 30, 2015.
- (BB) BUZZARD BILLYS 615 3RD ST Five (5) Day License
Class C Liquor License for Nickelback Pre-party on July 14, 2015.
- (CC) CHEESE SHOP 4151 ROLLINS AVE Five (5) Day License
Class B Beer License for Ham Independence on July 3, 2015.
- (DD) GREATER DM MUSIC 1102 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 10 – 11, 2015.
- (EE) GREATER DSM MUSIC 1013 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 10 – 11, 2015.
- (FF) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80/35 Music Festival on July 10 – 11, 2015.
- (GG) GREATER DSM MUSIC 1203 LOCUST Five (5) Day License
Class C Liquor License for 80/35 Music Festival on July 10 – 11, 2015.
- (HH) OVATIONS 833 5TH AVE Five (5) Day License
Class C Liquor License for Dave Matthews Band Pre-party on June 30, 2015. Pending approval of Electrical, Fire and Zoning Departments.
- (II) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 3, 2015.
- (JJ) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 10, 2015.
- (KK) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on July 17, 2015.
- (LL) PARKS AREA FOUNDATION 3612 6TH AVE Five (5) Day License
Class B Beer License for Sweet Corn Feed event on July 18, 2015.

[15-0996](#)

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:

- [15-0997](#) (A) [2015](#) Diamond Grinding Program: Receiving of bids, (7-14-15), Setting date of hearing, (7-27-15), Construction estimate, \$550,000. ([Council Communication No. 15-339](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0998](#) (B) [Emergency](#) Lighting – Center Street Park and Ride: Receiving of bids, (7-14-15), Setting date of hearing, (7-27-15), Construction estimate, \$265,000. ([Council Communication No. 15-328](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-0999](#) (C) [2015-2016](#) HMA Pavement Scarification and Resurfacing: Receiving of bids, (7-14-15), Setting date of hearing, (7-27-15), Construction estimate, \$536,500. ([Council Communication No. 15-340](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1000](#) (D) [2015](#) City-wide PCC Pavement Restoration Program, (7-14-15), Setting date of hearing, (7-27-15), Construction estimate, \$257,175. ([Council Communication No. 15-335](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1001](#) (E) [Guthrie](#) Avenue Viaduct over UPRR Expansion Joint Replacement: Receiving of bids, (7-14-15), Setting date of hearing, (7-27-15), Construction estimate, \$393,000. ([Council Communication No. 15-333](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

7. Approving private construction contracts for the following:

- [15-1002](#) (A) [Halbrook](#) Excavating, Inc. and 201, LLC for storm sewer improvements in 201 E. Locust Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1003](#) (B) [Sandstone](#) Management, LTD. And Yes Companies EXP, LLC for sanitary sewer improvements in Southridge Estates. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1004](#) (C) [Elder](#) Corporation and Iowa Machine Shed Co. for storm sewer improvements in 409 E. Grand Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-1005](#) 8. [Approving](#) removal of the Drake Park and Ewing Woods-Evergreen Neighborhood Associations from the list of recognized neighborhoods and amending the map to show the Drake Park area as part of the Drake Neighborhood. ([Council Communication No. 15-345](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1006](#) 9. [Recommendation](#) from Council Member Bill Gray to appoint Brian Millard to the Plan and Zoning Commission, Seat 8, for a five-year term commencing July 6, 2015 and to expire July 6, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1007](#) 9-I [Approving](#) recommendation from Council Member Bob Mahaffey, to reappoint Marjorie Ramsey to the Neighborhood Revitalization Board, Seat 3, for a three-year term, June 30, 2015 through June 30, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**
10. Recommendations from Council Member Chris Coleman to reappoint the following:
- [15-1008](#) (A) [Carole](#) Jones to the Neighborhood Revitalization Board, Seat 6, for a three-year term commencing June 30, 2015 to expire June 30, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1009](#) (B) [Greg](#) Wattier to the Plan and Zoning Commission, Seat 6, for a five-year term commencing July 1, 2015 to expire July 1, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1010](#) (C) [James](#) Windsor to the Traffic Safety Committee, Seat 3, for a three-year term commencing December 31, 2014 to expire December 31, 2017. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1011](#) 11. [Approving](#) appointments to the Airport Authority Board. **Moved by Moore to approve. Motion Carried 7-0.**
- [15-1012](#) (A) [Jacob](#) Christensen advising of his resignation from the Zoning Board of Adjustment, Seat 6, effective June 30, 2015. **Moved by Moore to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [15-1013](#) 12. **Regarding** request to vacate segment of east/west alley between Woodland Avenue and High Street adjoining 615 16th Street. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
13. Number not used.

SETTING DATE OF HEARINGS

- [15-1014](#) 14. **On** vacation of parkland in Ashworth Park and Addendum and Amendment of Lease to Bergman Academy of Greenwood Building at 100 45th Street in Ashworth Park, (7-13-15). ([Council Communication No. 15-351](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1015](#) 15. **On** conveyance of City-owned property adjoining 3601 Forest Avenue to William and Marcy Essy, \$50 and City-owned property adjoining 1424 Beaver Avenue to Frank, Mary and Ann Demarco, \$50, (7-13-15). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1016](#) 16. **On** conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27th Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25th Street to Drake University, \$116,500, (7-13-15). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1017](#) 17. **On** vacation and conveyance of a segment of Linden Street and the north/south alley adjoining 1430 Linden Street to Linden Street Investments, LLC, \$1,240,000, (7-13-15). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1018](#) 18. **On** request from Jerome T. Bassman and Sari D. Bassman Irrevocable Trust to rezone 1240 and 1244 2nd Avenue from “R1-60” (One-Family Low-Density Residential), “NPC” (Neighborhood Pedestrian Commercial) and “M-1” (Light Industrial) to Ltd. “M-1” (Light Industrial) for expansion of the existing Commercial Bag & Supply and from “M-1”, “R1-60” and Ltd. “NPC” to Ltd. “NPC” to allow for development of a restaurant with pedestrian-oriented placement toward 2nd Avenue, subject to conditions, (7-13-15). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1019](#) (A) **Receive** and file communication from Plan and Zoning Commission regarding request to vacate the north/south segment of alley between 2nd Avenue and 3rd Street from Indiana Avenue to Creighton Avenue. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [15-1020](#) 19. **On** adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Eastgate Urban Renewal Area, (7-27-15). ([Council Communication No. 15-326](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-1021](#) 20. [On](#) adoption of an Urban Renewal/Tax Increment Finance (TIF) Plan for the Echo Valley Urban Renewal Area, (7-27-15). ([Council Communication No. 15-327](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-1022](#) 21. [Approving](#) payment to Ahlers & Cooney, PC Law Firm with respect to general matters, \$3,243.06. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1023](#) 22. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer, \$1,800. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1024](#) 23. [Approving](#) retention of outside counsel, Attorney Mark Godwin. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1025](#) 24. [Approving](#) employment of Hall & Associates to provide professional evaluation and comments on regulatory proposals by Iowa Department of Natural Resources. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1026](#) 25. [Authorization](#) to reserve funds for potential claims resulting from litigation. **Moved by Gatto to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [15-1027](#) 26. [Submitting](#) travel and training requests for Richard Brown, Ryan Doty, Laura Graham, Nekesha Palmer and Kandi Reindl. ([Council Communication No. 15-352](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

27. Support for Workforce Housing Tax Credit Benefit Applications to be submitted to the Iowa Economic Development Authority (IEDA) for the following: ([Council Communication No. 15-356](#))
- [15-1028](#) (A) [200](#) 10th Street LLC (Ryan Doyle, Officer, Blackbird Investments) for a \$13 million project constructing 44 housing units at 200 10th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1029](#) (B) [400](#) SE 6th Street LLC (Jake Christensen, Officer, Christensen Development) for a \$6 million project constructing 45 housing units at 400 SE 6th Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-1030](#) (C) [Dunham](#) Square, LLC (Abbey Gilroy, Director of Real Estate, Neighborhood Development Corporation) for a \$25 million project constructing 150 housing units at 15 Granger Avenue, 23 Jackson Avenue, 1714 South Union Street and 8 Dunham Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1031](#) (D) [Roers](#) Investments, Inc. (Jeff Koch, Partner) for a \$40 million project constructing 211 housing units at 103 SW 3rd Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1032](#) (E) [1621](#) 6th Ave (Russ Frazier, Executive Director, Anawim Housing Inc.) for a \$10 million project constructing 64 housing units at 1621 6th Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1033](#) (F) [1521](#) 6th Avenue (Russ Frazier, Executive Director, Anawim Housing Inc.) for an \$891,600 project constructing 6 housing units at 1521 6th Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1034](#) 28. [Sponsorship](#) of an application for financial assistance to the Iowa Economic Development Authority (IEDA) under the High Quality Jobs (HQP) Program and preliminary approval of a City Economic Development Loan up to \$21,600 for Flying Hippo, Inc. ([Council Communication No. 15-353](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1035](#) 29. [Amended](#) and Restated Urban Renewal Agreement with Macerich Southridge Mall LLC and Southridge Adjacent LLC for the redevelopment and repurposing of Southridge Mall at SE 14th Street and E. Army Post Road and approving amended Conceptual Plan. ([Council Communication No. 15-349](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1036](#) 30. [Issuance](#) of Certificate of Completion to Principal Life Insurance Company for the renovation of its corporate offices at 750 Park Street. ([Council Communication No. 15-350](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
31. Items regarding the Des Moines Performing Arts Cowles Commons and Civic Center block improvement project:
- [15-1037](#) (A) [Acceptance](#) of a permanent public pedestrian-way easement. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1038](#) (B) [Setting](#) date of hearing on the vacation of a portion of Walnut Street abutting Cowles Commons and Fourth Amendment to lease with Des Moines Performing Arts, (7-13-15). ([Council Communication No. 15-342](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-1039](#) 32. [Amendment](#) No. 4 to Operating Contract with the Des Moines Metropolitan Wastewater Reclamation Authority (WRA). ([Council Communication No. 15-355](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1040](#) 33. [Agreement](#) with Des Moines Water Works, Metro Waste Authority (MWA) and Des Moines Metropolitan Wastewater Reclamation Authority (WRA) to terminate Urban Environmental Partnership 28E Agreement. ([Council Communication No. 15-317](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1041](#) 34. [Submitting](#) an application to The Center for Community Progress Technical Assistance Scholarship Program. ([Council Communication No. 15-344](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1042](#) 35. [Submittal](#) of Center Street Park and Ride Facility Annual Budget to Des Moines Area Regional Transit Authority (DART) and authorization of budget expenditures. **Moved by Coleman to adopt; refer to the City Manager to provide a report detailing past and future budgets and levy amounts. Motion Carried 7-0.**
- [15-1043](#) 36. [Des](#) Moines Area Metropolitan Planning Organization amended and substituted assessment for fiscal year 2015/16. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1044](#) 37. [Receive](#) and file communication from Greater Des Moines Sister Cities Commission and refer to the City Manager to work with the Community Foundation to establish a funding agreement for account management in conjunction with the summer visit of delegates from our Sister City, Shijiazhuang, China. **Moved by Coleman to approve. Motion Carried 7-0.**
- [15-1045](#) 38. [Third](#) Addendum to Boundary Streets and Roads Maintenance Agreement with Warren County. ([Council Communication No. 15-324](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1046](#) 39. [Application](#) from The Color Run LLC requesting approval for banners to be placed at the start line at 1248 E. Court Avenue, E. 6th Street, W. Martin Luther King Jr. Parkway, E. Martin Luther King Jr. Parkway, SE 6th, and E. 13th Street on July 11, 2015 for The Color Run. **Moved by Gatto to receive, file and approve banner. Motion Carried 7-0.**
- [15-1047](#) 40. [Exception](#) to the procurement ordinance competitive process requirements for good cause and approving the second amendment for extension of contract for financial advisory services with Public Financial Management, Inc. until August 31, 2015. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1048](#) 41. [Annual](#) insurance renewal for property and casualty insurance. ([Council Communication No. 15-337](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-1049](#) 42. [Selection](#) of McGladrey & Pullen, LLP as the City's independent auditor and directing the negotiation of a contract. ([Council Communication No. 15-336](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
43. Bids from the following:
- [15-1050](#) (A) [Spaulding](#) Mfg., Inc. (Edward Brettrager, President) for one asphalt recycler/heater as requested by the Public Works Department, \$41,305. (Two potential bids, two received). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1051](#) (B) [Graybar](#) Electrical (Kathy Mazzarella, President) per Western States Contracting Alliance for a blanket purchase order for miscellaneous electrical products and supplies to be purchased during fiscal year 2016 as requested by the Parks and Recreation Department, \$50,000 annual estimate. ([Council Communication No. 15-321](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1052](#) (C) [Chestnut](#) Sign (Don Chestnut, President) for sign fabrication and installation services at various park sites as requested by the Parks and Recreation Department, \$18,449. (Eleven potential bids, three received). ([Council Communication No. 15-320](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1053](#) (D) [Menards](#), per State of Iowa Contract, for a blanket purchase order for miscellaneous building materials and supplies to be purchased during fiscal year 2016 as requested by the Parks and Recreation Department, \$65,000 annual estimate. ([Council Communication No. 15-319](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1054](#) (E) [Hewlett](#) Packard Co., (Mark Hurd, President) for replacement employee desktop personal computers per Western States Contracting Alliance as requested by the IT Department, \$75,000. ([Council Communication No. 15-322](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1055](#) 44. [Civil](#) Service Entrance Lists for Assistant Surveyor, Electrician – Instrument Technician, and User Support Technician, and Promotional List for Police Sergeant. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [15-1056](#) 45. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of June 22, June 29 and July 6, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of June 22, June 29 and July 6, 2015; and to draw checks for biweekly payroll due on June 26 and July 10, 2015. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [15-1057](#) 46. Amending Chapter 102 of the Municipal Code regarding Right-of-way Management Fees. **Moved by Hensley to continue to July 13, 2015 Council meeting; refer to the City Manager and City Attorney to meet with CenturyLink and Windstream regarding their concerns. Motion Carried 7-0.**

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

COUNCIL REQUESTS

- 47. Number not used.

COMMUNICATIONS/REPORTS

- [15-1058](#) 48. From Colleen Kinney, on behalf of the North of Grand Neighborhood Association, to speak regarding zoning conditions at 3625 Ingersoll Avenue. **Moved by Hensley to receive and file comments; refer to the City Manager and City Attorney to work with the three Ingersoll Associations and the North of Grand Neighborhood Association to review legal options and provide a timeline and schedule back to the City Council at the July 27th Council meeting. Motion Carried 6-1. Absent: Gatto.**
- [15-1059](#) 49. From Richard Anhalt, 5087 Broadway, to speak regarding equipment bid for new loader backhoes. **Moved by Coleman to refer to the City Manager for review and to report back to Council and to Mr. Anhalt. Motion Carried 7-0.**
- [15-1060](#) 50. From Tina Muhammed and Lynx Tyus, 2740 Cottage Grove, to speak regarding funding for 515 Ebony and Ivory Love Movement. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 51 THRU 62)

- [15-1061](#) 51. On vacation of surface and subsurface rights in portions of 4th Street, Court Avenue and 5th Avenue adjoining Court Avenue and conveyance of surface and subsurface easements to 420 Court Avenue, LLC, \$15,280. (Council Communication No. 15-330) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1062](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [15-1063](#) (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,376](#). Motion Carried 7-0.**
- [15-1064](#) 52. [On](#) vacation and conveyance of a portion of the north/south alley between 15th and 16th Street, south of Crocker Street, 831 and 849 16th Street to Edward Brafford and Kristin Brafford , \$50 and to Ryan P. Howell, \$150. ([Council Communication No. 15-331](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1065](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1066](#) (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,377](#). Motion Carried 7-0.**
- [15-1067](#) 53. [On](#) vacation and conveyance of a segment of Martin Luther King Jr. Pkwy (formerly Elm Street) adjoining 300 West Martin Luther King Jr. Pkwy to Green Ltd., LC, \$9,090. ([Council Communication No. 15-332](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1068](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1069](#) (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,378](#). Motion Carried 7-0.**
- [15-1070](#) 54. [On](#) conveyance of 3015 Seneca Avenue to Cuai Sang and Eidid Sang, \$76,000. ([Council Communication No. 15-329](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [15-1071](#) 55. [On](#) request from First Federated Church (owner) to rezone property located at 4801 Franklin Avenue from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial) to allow reuse of a portion of the previous parochial school building for a private daycare center and pre-school. **Moved by Gray to adopt. Motion Carried 7-0.**

[15-1072](#) (A) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-1073](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gray that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,379. Motion Carried 7-0.**

56. Items regarding 3826 Easton Blvd. (3826 Easton Blvd LLC) to allow development of a 4-unit multiple-family dwelling (Plan and Zoning Commission recommends DENIAL): A, B & C require 6/7 votes for approval.

[15-1074](#) (A) **Amending** the Des Moines 2020 Community Character Plan existing land use designation from Low-Density Residential to Medium-Density Residential. **Moved by Mahaffey to adopt and DENY the proposed amendment. Motion Carried 7-0.**

[15-1075](#) (B) **On** rezoning the property from “R1-60” (One-Family Low-Density Residential) to “R-3” (Multiple-Family Residential). **Moved by Mahaffey to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning; a. The City Plan and Zoning Commission voted 11-0 to recommend denial of the requested rezoning of the Property to “R-3” Multiple-Family Residential District to allow development of a 4-unit multiple family dwelling. b. The proposed rezoning is not in conformance with the existing Des Moines’ 2020 Community Character Plan future land use map, and the City Plan and Zoning Commission voted 11-0 to approve the staff recommendation that the proposed rezoning not be found in conformance with said Plan, and further voted 11-0 to deny the owner’s request to amend the existing future land use designation for the Property from Low-Density Residential to Medium-Density Residential. c. The Sheridan Gardens Neighborhood Association and adjoining neighbors have objected to the proposed rezoning. d. The proposed rezoning is not in conformance with the surrounding residential neighborhood or neighborhood plan, including owner-occupied single-family dwellings. e. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.**

WITHDRAWN

[15-1076](#) (C) **Approving** ~~first consideration of ordinance above (if necessary).~~

[15-1077](#) 57. **On** request from Riverpoint West, LLC for a Second Amendment to the Riverpoint Flex Office Park West PUD Conceptual Plan on property at 209 SW 9th Street to allow development of a 3-story office building with subsurface parking and additional surface off-street parking and changing the name of the PUD to Gray’s Landing Office I. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1078](#) 58. [On](#) issuance of not to exceed \$36,550,000 General Obligation Bonds, for essential corporate purpose. ([Council Communication No. 15-347](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1079](#) (A) [Authorization](#) for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1080](#) (B) [Directing](#) advertisement for sale of \$43,035,000 General Obligation Bonds, Series 2015A, \$21,580,000 General Obligation Refunding Bonds, Series 2015B, \$1,920,000 Taxable General Obligation Refunding Bonds, Series 2015C, and approving the distribution of a Preliminary Official [Statement](#) and the use of electronic bidding procedures in conjunction with the sale of the bonds. (**Bonds will be sold on July 8th, and a special Council meeting will be held at 3:00 p.m.**) ([Council Communication No. 15-346](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1081](#) 59. [On](#) issuance of Vehicle for Hire Company Certificate for NPI Limo Service, LLC, (Brady C. Johnson). ([Council Communication No. 15-343](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1082](#) 60. [On](#) 2015 Median Island Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$426,260. ([Council Communication No. 15-338](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**
- [15-1083](#) (A) [Approving](#) contract and bond. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**
- [15-1084](#) 61. [On](#) 2015 Brick Street Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Iowa State Contractors, Inc., (Joseph Cichowski, President), \$110,444. ([Council Communication No. 15-334](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1085](#) (A) [Approving](#) contract and bond. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1086](#) 62. [On](#) 5th & Walnut Parking Garage Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Iowa State Contractors, Inc., (Joseph Cichowski, President), \$77,085.30. ([Council Communication No. 15-341](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1087](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:18 PM ***

CITY MANAGER RECOMMENDATIONS

- [15-1088](#) 63. [Regarding](#) development of the City-owned parking lot, east of City Hall. ([Council Communication No. 15-318](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1089](#) 64. [Regarding](#) proposed redevelopment of alley right-of-way and adjoining properties located at 103 and 123 SW 3rd Street and 106 and 112 SW 2nd Street by Roers Investment for proposed multi-family residential housing project. ([Council Communication No. 15-325](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [15-1090](#) 65. [Community](#) Development Department request to increase fees collected for services provided pursuant to Chapter 26, Buildings and Building Regulations, and Chapter 60, Housing Code. ([Council Communication No. 15-323](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
66. Items regarding the proposed sale of City-owned property in the vicinity of SE 43rd Street and Vandalia Road in the SE Agrimergent Business Park:
- [15-1091](#) (A) [Receive](#) and file proposal for redevelopment and direct the City Manager to negotiate preliminary terms of agreement with Des Moines Cold Storage. ([Council Communication No. 15-348](#)) **Moved by Gatto to receive and file the communication, and to direct the City Manager to negotiate preliminary terms of a development agreement with Des Moines Cold Storage. Motion Carried 7-0.**
- [15-1092](#) (B) [Communication](#) from City Manager regarding Electrical Power Products (EP2). ([Council Communication No. 15-354](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

EXTRA ITEMS

1. Items regarding the Flood Mitigation Application: ([Council Communication No. 15-357](#))
- [15-1093](#) (A) [Approving](#) agreement with the Flood Mitigation Board and the Des Moines Metropolitan Wastewater Reclamation Authority. Sponsor: Mayor Cownie. **Moved by Moore to adopt. Motion Carried 7-0.**
- [15-1094](#) (B) [Authorizing](#) the use of sales tax increment revenue to fund the costs of the Des Moines-WRA Flood Mitigation Project. Sponsor: Mayor Cownie. **Moved by Moore to adopt. Motion Carried 7-0.**
- [15-1095](#) MOTION TO ADJOURN. **Moved by Hensley to adjourn at 6:13 PM. Motion Carried 7-0.**

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