



**\*\*\* 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 '14-' 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**

***Excerpts from procedural rules of Des Moines City Council***

**March 24, 2014**

**4:30 PM**

**PROCLAMATIONS – 4:00 PM**

National Service Recognition Day

**INVOCATION:** Council Member Gatto

- [14-0461](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey, and Moore.**
- [14-0462](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0463](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 33: **Moved by Hensley 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

[14-0464](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gray to adopt; defer item 4(C) Galaxies Bar and Grill to April 7, 2014 and request that the applicant appear. Motion Carried 7-0.**

### NEW APPLICATIONS

(A)	CAPITAL PUB & HOT DOG CO	400 SE 6 <sup>TH</sup> ST	C Liquor
(B)	DSM SOFTBALL COMPLEX	4980 E 46 <sup>TH</sup> ST	B Beer
* (C)	GALAXIES BAR AND GRILL	2718 DOUGLAS AVE	C Liquor
(D)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(E)	LEVEE	100 COURT AVE	C Liquor
(F)	TRIANGLE PARK	3000 E GRAND AVE	B Beer

### RENEWAL APPLICATIONS

(G)	BIG DOG BILLIARDS	4510 E 14 <sup>TH</sup> ST	C Liquor
(H)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(I)	DAHLS FOODS	3425 INGERSOLL AV	E Liquor
(J)	GAS LAMP *(1)	1501 GRAND AVE	C Liquor
(K)	GINOS	2809 6 <sup>TH</sup> AVE	C Liquor
(L)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(M)	GIT N GO STORE #28 *(1)	3274 E UNIVERSITY	C Beer
(N)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(O)	HIGHLAND PARK	518 EUCLID AVE	C Liquor
(P)	HY VEE FOOD STORE #3	3221 SE 14 <sup>TH</sup> ST	E Liquor
(Q)	KUNG FU TAP & TACO	210 INDIANOLA	C Liquor
(R)	LDS CORNER	344 E JACKSON AVE	C Liquor
(S)	NOAHS ARK	2400 INGERSOLL	C Liquor
(T)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
(U)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(V)	WHISKEY DIXX	215 4 <sup>TH</sup> ST	C Liquor

### SPECIAL EVENTS APPLICATIONS

(W) DRAKE UNIVERSITY 2615 CARPENTER AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for events on April 3 & 4, 2014. Pending approval of Fire and Zoning Departments.

(X) WAT LAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) with B Native Wine for an event on April 12, 2014.

### WITHDRAWN

[14-0465](#)

5. ~~[Consideration](#) of new Class C Liquor License for Lotus Moments Event Center, 2134 E. Grand Avenue. (Zoning Department recommends denial).~~

[14-0466](#)

6. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

- [14-0467](#) 7. [City Clerk](#) to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

## **PUBLIC IMPROVEMENTS**

- [14-0468](#) 8. [Ordering](#) construction of the Fire Department Administration Parking Lot: Receiving of bids, (4-8-14), Setting date of hearing, (4-21-14), Construction Estimate, \$80,000. ([Council Communication No. 14-122](#)) **Moved by Gatto to defer consideration to April 7, 2014 refer to the City Manager to report on the use of State apparatus on the property and the number of departments using the facility. Motion Carried 7-0.**

- [14-0469](#) 9. [Accepting](#) completed construction and approving final payment for Indianola Avenue Widening – Phase 2, Reilly Construction Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0470](#) 10. [Approving](#) Professional Services Agreement with The Louis Berger Group, Inc. for the Downtown Transportation Restoration Section 106 Study, not to exceed \$57,000. ([Council Communication No. 14-124](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0471](#) 11. [Approving](#) Professional Services Agreement with AECOM Technical Services, Inc. for evaluation, design, and construction phase services for the McKinley Avenue Widening – Access Culvert at SE 14<sup>th</sup> Street, not to exceed \$149,900. ([Council Communication No. 14-120](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0472](#) 12. [Approving](#) Professional Services Agreement with Calhoun-Burns and Associates, Inc. for evaluation, design, and construction phase services for the Scott Avenue over Des Moines River Bridge Rehabilitation, not to exceed \$153,500. ([Council Communication No. 14-123](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0473](#) 13. [Professional](#) Services Agreement with Stanley Consultants, Inc. for design services for The Principal Riverwalk Red Bridge over Des Moines River Rehabilitation, not to exceed \$252,000. ([Council Communication No. 14-131](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## **LAND/PROPERTY TRANSACTIONS**

- [14-0474](#) 14. [Release](#) of PUD Restoration Bond No. IAC-112806 in the amount of \$19,296 for the Kum & Go Store, #573 located at 5830 SE 14<sup>th</sup> Street. ([Council Communication No. 14-117](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [14-0475](#) 15. [Approving](#) appointment of Council Member Bill Gray to Director Position 15 on the Neighborhood Development Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [14-0476](#) 16. [On](#) Application for Certificate of Public Convenience and Necessity to operate limousine services requested by Brady Johnson, NPI Limo Service LLC, Urbandale, IA, (4-7-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0477](#) 17. [On](#) vacation and conveyance of Wagner Street and the north/south alley right-of-way adjoining 100 5<sup>th</sup> Avenue, and for conveyance of a portion of vacated SW 6<sup>th</sup> Street, south of Cherry Street, to Polk County, in exchange for Polk County-owned property required for relocated SW 6<sup>th</sup> Street, (4-7-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0478](#) 18. [On](#) vacation and conveyance of the dead-end segment of east/west alley right-of-way in the vicinity of 2125 High Street, to Freedom Financial Bank, \$2,400, (4-7-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0479](#) 19. [On](#) vacation and conveyance of Allen Park, at 504 SE 6<sup>th</sup> Street, to Christopher S. Buchanan, \$270,000, (4-7-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0480](#) 20. [On](#) proposed sale of City-owned property at 505 E. Grand Avenue to 505 East Grand LLC, \$369,600, (4-7-14). ([Council Communication No. 14-129](#)) **Moved by Gatto to adopt; refer to the City Manager to coordinate a meeting with the stakeholders and Neighborhood Association prior to the hearing to discuss the project and the impact on parking. Motion Carried 7-0.**

## LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

- [14-0481](#) 21. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$240.00. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [14-0482](#) 22. [Submitting](#) travel and training requests for Sara Thies and Michael West. ([Council Communication No. 14-133](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [14-0483](#) 23. [Preliminary](#) Terms of Agreement with Hubbell Realty Company for a For-Sale Housing Development at 1623 Grand Avenue. ([Council Communication No. 14-118](#)) **Moved by Hensley to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 14-118, and to direct the City Manager to proceed with negotiation of a formal agreement with Hubbell Realty Company consistent with the terms set forth in Council Communication No. 14-118. Motion Carried 7-0.**

- [14-0484](#) 24. [Documents](#) for a Neighborhood Commercial Revitalization (NCR) Program Façade Grant, for renovations at 2932 Ingersoll Avenue, \$15,000. ([Council Communication No. 14-125](#)) **Moved by Hensley to continue to April 7, 2014; refer to City Manager for review and recommendation regarding the sign. Motion Carried 7-0.**

- [14-0485](#) 25. [Authorizing](#) and providing for issuance and securing payment of \$16,240,000 Sewer Revenue Capital Loan Notes, Series 2014B, of the City of Des Moines, under the provisions of the City Code of Iowa, and providing for a method of payment. **Moved by Moore to adopt. Motion Carried 7-0.**

- [14-0486](#) 26. [Redemption](#) of outstanding Sewer Revenue Bonds, Series 2004G and Sewer Revenue Refunding Bonds, Series 2004H of the City of Des Moines, each dated November 17, 2004, and directing that notices of redemption be given. **Moved by Moore to adopt. Motion Carried 7-0.**

- [14-0487](#) 27. [Proposal](#) for consultant services for Birdland Area Redevelopment Plan from MSA Professional Services, Inc., and approving agreement. ([Council Communication No. 14-119](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

- [14-0488](#) 28. [Use](#) of various City Facilities as poll sites for the Primary Election to be held on Tuesday, June 3, 2014. **Moved by Hensley to approve. City Clerk will notify the Parks Department and the Housing Services Department to arrange access to the buildings. Motion Carried 7-0.**

- [14-0489](#) 29. [Memorandum](#) of Agreement with the Iowa State Historic Preservation Office regarding the proposed demolition of the Asbury Church, 1600 Capitol Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
30. Bids from the following:
- [14-0490](#) (A) [Pomeroy](#) IT Solutions (Chris Froman, President) for CISCO Systems network equipment per State of Iowa Contract for use at the new Municipal Service Center, \$81,702. ([Council Communication No. 14-116](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0491](#) (B) [Physio](#)-Control (Brian Webster, President) for technical support services for existing defibrillators and chest compression systems per State of Iowa Contract for use by the Fire Department, \$107,946.99 for a three year period, payable in annual installments. ([Council Communication No. 14-132](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0492](#) 31. [Civil](#) Service Entrance Lists for Claims Adjuster, Engineering and Laboratory Inspection Technician, and Senior Construction Inspector. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [14-0493](#) 32. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of March 24 and March 31, 2014, and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of March 24 and March 31, 2014 and to draw checks for biweekly payroll due on April 4, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES – FINAL CONSIDERATION**

- [14-0494](#) 33. [Amending](#) Chapter 114 of the Municipal Code for removal of P.M. peak hour restrictions – east side of 9<sup>th</sup> Street from Crocker to Indiana. **Moved by Hensley that this ordinance do now pass, #15,269. Motion Carried 7-0.**

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

## ORDINANCES – FIRST CONSIDERATION

- [14-0495](#) 34. [Rezoning](#) of 320 Creighton Avenue, (Catholic Health Initiative – Iowa) from “R1-60” (One-Family, Low-Density Residential), to “C-0” (Commercial Residential), and to repeal Ordinance 15,266, (to correct an error in the legal description). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-0496](#) (A) [Final](#) consideration of ordinance above, (waiver requested by the Legal Department), requires 6 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, [#15,270](#). Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 35 THRU 39)

- [14-0497](#) 35. [On](#) 2013 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0498](#) 36. [On](#) conveyance of a portion of the vacated east/west alley right-of-way adjoining 1709 Francis Avenue to Olga Marina Ayala, \$25. ([Council Communication No. 14-121](#)) **Moved by Gray to adopt. Motion Carried 6-1. Absent: Coleman.**
- [14-0499](#) 37. [On](#) Greenwood Park Shelter Renovation: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Bryan Crow Construction, Inc., (Jerry Crow, President), \$ 234,150. ([Council Communication No. 14-128](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0500](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0501](#) 38. [On](#) Park Avenue Railroad Crossing Improvements at SW 56<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Grimes Asphalt & Paving Corporation, (Kurt Rasmussen, President), \$48,200. ([Council Communication No. 14-126](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0502](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0503](#) 39. **On** South Union Street Bridge Over Yeader Creek Rehabilitation: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$296,383.40. ([Council Communication No. 14-127](#)) **Moved by Gatto to adopt; refer to the City Manager to review the procedures used to communicate closures to citizens and neighborhood groups. Motion Carried 7-0.**

[14-0504](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

**\*\*END HEARINGS AT 5:20 PM\*\***

**APPROVING**

[14-0505](#) 40. **Submission** of an Iowa Flood Mitigation Program joint application with Des Moines Metropolitan Wastewater Reclamation Authority (WRA) to the Iowa Homeland Security and Emergency Management Agency, approving the Project Plan and approving a 28E Agreement with the Des Moines Metropolitan Wastewater Reclamation Authority for the Joint Application for Administration and Funding of a Project Plan. ([Council Communication No. 14-130](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

[14-0506](#) 41. **The** selection of and agreement with The Mercer Group, Inc. (James L. Mercer, President/CEO) to provide executive search services for the selection of a new City Manager. ([Council Communication No. 14-115](#)) **Moved by Coleman to adopt and keep the Council involved in the selection process at it moves forward. Motion Carried 7-0.**

[14-0507](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:20 PM. Motion Carried 7-0.**

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