



***** 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

April 6, 2015
4:30 PM

PROCLAMATIONS – 4:00 PM

National Service Recognition Day

INVOCATION: Council Member Mahaffey

- [15-0559](#) 1. ROLL CALL: **Present: Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
Absent: Cownie.
- [15-0560](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 6-1.**
- [15-0561](#) 3. APPROVING CONSENT AGENDA * – items 3 through 36: **Moved by Mahaffey to adopt the balance of the consent agenda. Motion Carried 6-1.**

***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

15-0562

4. Approving Alcoholic Beverage License Application for the following: **Moved by Mahaffey to adopt. Council Member Gray moved items W, X, Y and Z. Motion Carried 6-1. Council Members Coleman and Moore vote “No” on items C and D. Council Member Gatto declares a conflict of interest and abstains from voting on item V.**

NEW APPLICATIONS

(A)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(B)	LEFTYS LIVE MUSIC	2307 UNIVERSITY	C Liquor
*(C)	OASIS	1401 BUCHANAN ST	E Liquor
*(D)	PHILLIP 66 *(1)	1516 SE 1ST ST	E Liquor
(E)	PHO HOUSE	1452 2ND AVE	C Liquor
(F)	SA PRESENTS LLC	75 E LOCUST	C Beer/Wine

RENEWAL APPLICATIONS

(G)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(H)	AMERICAN GRILL	5800 FLEUR DR	C Liquor
(I)	DJANGO RESTAURANT	210 10TH ST	C Liquor
(J)	DRAKE UNIVERSITY	2700 UNIVERSITY	C Beer/Wine
(K)	GERRIS	232 E 30TH ST	C Liquor
(L)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(M)	GRAMERCY TAP	400 WALNUT ST	C Liquor
(N)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(O)	JETHROS	3100 FOREST AVE	C Liquor
(P)	JOHNNYS	6800 FLEUR DR	B Liquor
(Q)	MANNINGS	2102 INDIANOLA	C Liquor
(R)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
(S)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(T)	TRUE BURGER/IA TAP ROOM	5800 FLEUR DR	C Liquor
(U)	VICTORY LANE	3801 EASTON BLVD	C Liquor

OUTDOOR SERVICE APPLICATIONS

- *(V) BARATTAS RESTAURANT 2320 S UNION ST C Liquor
Temporary in conjunction with the Mayor’s Annual Bike Ride on April 18, 2015.
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (W) JETHROS 3100 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 24 – 26, 2015.
- (X) PEGGYS TAVERN 3020 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 22 – 26, 2015.

SPECIAL EVENTS APPLICATIONS

- (Y) DRAKE UNIVERSITY 2847 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Business Relays BBQ on April 25,
2015.
- (Z) DRAKE UNIVERSITY 2875 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for reunion on April 25, 2015.
- (AA) HY VEE WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for Neighborhood Recognition Event on April 16, 2015.
- (BB) WAT LAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License
Class B Beer License for an event on April 11, 2015.

[15-0563](#)

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Mahaffey to adopt. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[15-0564](#)

- (A) [Fire](#) Station No. 7 Reroofing: Receiving of bids, (5-5-15), Setting date of hearing, (5-18-15), Engineer's estimate, \$122,500. ([Council Communication No. 15-169](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0565](#)

- (B) [Greenwood](#) Park Water Playground: Receiving of bids, (4-21-15), Setting date of hearing, (5-4-15), Engineer's estimate, \$350,000. ([Council Communication No. 15-171](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0566](#)

- (C) [2015](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (4-21-15), Setting date of hearing, (5-4-15), Engineer's estimate, \$450,000. ([Council Communication No. 15-168](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0567](#)

7. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Genus Landscape Architects, PC for additional construction and administration and inspection services for Beaver Avenue Streetscape - Beavercrest Drive to Fagen Drive, not to exceed \$89,000. ([Council Communication No. 15-167](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0568](#)

8. [Approving](#) Change Order No. 5 with Concrete Technologies, Inc. for additional contract time and work on the Beaver Avenue Streetscape - Beavercrest Drive to Fagen Drive, not to exceed \$27,225. ([Council Communication No. 15-166](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0569](#)

9. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0570](#) 10. [Approval](#) of Fiscal Year (FY) 2014-2015 Annual Right-of-Way (ROW) Management Fee. ([Council Communication No. 15-174](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0571](#) 11. [Approving](#) and adopting the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2015 edition and the SUDAS Standard Specifications 2015 edition as the official design standards and standard specifications for the City of Des Moines, Iowa. ([Council Communication No. 15-175](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0572](#) 12. [Approving](#) revised design concept for Grand Avenue Bridge over Des Moines River. ([Council Communication No. 15-173](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

LAND/PROPERTY TRANSACTIONS

[15-0573](#) 13. [Release](#) of Subdivision Bond from Merchants Bonding Company in amount of \$2,733 as security for completion of required sidewalk improvements for Summersfield Plat 2, 4605 Hubbell Avenue. ([Council Communication No. 15-160](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0574](#) 14. [Release](#) of PUD Restoration Bond from Merchants Bonding Company in amount of \$14,766 as security for required grading and site restoration for Summersfield Forest and Fields Rowhouse, 4605 Hubbell Avenue. ([Council Communication No. 15-161](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[15-0575](#) 15. [Recommendation](#) to appoint Captain Todd Dykstra and Sandra Morris as representatives to the Polk County Joint E911 Service Board for calendar year 2015. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0576](#) 16. [Approving](#) appointment of Council Member Joe Gatto to the Blank Park Zoo Foundation. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [15-0577](#) 17. [Regarding](#) request to vacate City right-of-way adjoining 604 E. Grand Avenue to allow for encroachment of a building addition overhang and subsurface encroachment. **Moved by Moore to receive and file the communication from the Plan and Zoning Commission. Motion Carried 6-1.**

SETTING DATE OF HEARINGS

- [15-0578](#) 18. [On](#) vacation of Air Space, Surface and Subsurface Rights adjoining 222 5th Avenue and conveyance of easements to Polk County, \$1, (4-20-15). **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [15-0579](#) 19. [On](#) the proposition for a lease agreement to rent five swimming pool liquid chlorine systems for a three-year period, not to exceed \$10,000 annually, (4-20-15). ([Council Communication No. 15-184](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-0580](#) 20. [Approving](#) payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$10,925. **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [15-0581](#) 21. [Approving](#) payment to Ahlers & Cooney, PC with respect to collective bargaining, \$6,384. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

APPROVING

- [15-0582](#) 22. [HOME](#) Investment Partnership Program (HOME) Agreement with Christ the King Housing Services for 5602 SW 9th Street, \$1,650,000. ([Council Communication No. 15-180](#)) **Moved by Gatto to adopt. Motion Carried 6-1.**
- [15-0583](#) 23. [Support](#) of a grant application by the Polk County Housing Trust Fund for funding of a proposed healthy homes repair and education program in the East Bank Neighborhoods. ([Council Communication No. 15-163](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [15-0584](#) 24. [Submittal](#) of FY2016 Historical Resource Development Program (HDRP) Grant application to the State Historical Society of Iowa for a National Register of Historic Places District nomination in the North of Grand Neighborhood. ([Council Communication No. 15-164](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [15-0585](#) 25. [Application](#) for the United States Department of Homeland Security FEMA Assistance to Firefighters Grant 2014 Fire Prevention and Safety Grant Program (FP&S). ([Council Communication No. 15-162](#)) **Moved by Mahaffey to approve. Motion Carried 6-1.**

- [15-0586](#) 26. [Committee](#) Advised Fund Agreement with the Community Foundation of Greater Des Moines to govern the funds associated with the Run with the Police event. ([Council Communication No. 15-179](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [15-0587](#) 27. [Household](#) Hazardous Waste Service Agreement with Metro Waste Authority (MWA) for waste drop-off at MWA Collection Center. ([Council Communication No. 15-185](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [15-0588](#) 28. [Application](#) from Drake Relays Group requesting approval to temporarily place banners across the streets on Grand Avenue between 12th & 13th Street for the Grand Blue Mile start and finish lines on Tuesday, April 21, 2015. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 6-1.**
- [15-0589](#) 29. [Application](#) from Premier Event Management requesting permission to display six inflatable arches for the Drake Relay Hy-Vee Road Race on Sunday, April 26, 2015. **Moved by Mahaffey to receive, file and approve design. Motion Carried 6-1.**
- [15-0590](#) 30. [Communication](#) from the Marketing Manager of the Des Moines Performing Arts requesting approval to place a banner on the north wall of the Civic Center announcing the return of the Lion King from April 20 to May 18, 2015. **Moved by Mahaffey to adopt. Motion Carried 6-1.**
- [15-0591](#) 31. [Application](#) from St. Anthony's Church requesting approval of banners across the streets on SW 1st Street and Indianola Avenue, SW 1st Street and Columbus Avenue, 104 SW 1st Street, 1703 S. Union Street and Granger Avenue and 11 Dunham Avenue in recognition of the Annual Corpus Christi Celebration on May 17, 2015. **Moved by Mahaffey to receive, file and approve banner design. Motion Carried 6-1.**
- [15-0592](#) 32. [Exception](#) to procurement ordinance competitive RFP process for good cause and accepting proposal of Lyle Sumek Associates, Inc. to provide strategic planning consulting services, not to exceed \$45,000. ([Council Communication No. 15-182](#)) **Moved by Mahaffey to approve. Motion Carried 6-1.**

33. Bids from the following:

[15-0593](#)

- (A) [Air](#) Con Mechanical (Jim Shaffer, President) for chiller replacement services at Principal Park as requested by the Engineering Department, \$280,667. (Nine potential bidders, six received). **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0594](#)

- (B) [Jim's](#) Johns (Jim McCaughey, President) for an annual contract with two additional one-year renewal options to furnish portable toilets rental services as requested by the Park & Recreation Department, annual estimate \$31,000. (Seven potential bidders, two received). **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0595](#)

- (C) [Martin](#) Marietta Aggregates (Howard Nye, President), Hallett Materials (Craig Lamberty, President), Schildberg Construction (Mark Schildberg, President), and Lounsbury Sand & Gravel (Ben Lounsbury, President) for an annual contract with two additional one-year renewal options to furnish construction and aggregate materials as requested by the Public Works Department, annual estimate \$400,000. (Five potential bidders, four received). **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0596](#)

- (D) [Norwalk](#) Ready Mix Concrete (Todd Bohlender, President), CTI Ready Mix (Brian Blackford, President) and American Concrete Products (Craig Lamberti, President) for an annual contract with two additional one-year renewal options to furnish portland cement concrete products as requested by the Public Works Department, annual estimate \$400,000. (Four potential bidders, three received). **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0597](#)

- (E) [Construction](#) Materials Inc. (Dick Galligan, President) for an annual contract with two additional one-year renewal options to furnish re-bar materials as requested by the Public Works Department, annual estimate \$30,000. (Four potential bidders, three received). **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0598](#)

- (F) [Des](#) Moines Asphalt & Paving Co. (Craig Lamberty, President) and Grimes Asphalt & Paving Corp. (Kurt Rasmussen, President) for an annual contract with two additional one-year renewal options to furnish hot mix asphalt materials as requested by the Public Works Department, annual estimate \$1,100,000. (Two potential bidders, two received). **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0599](#)

- (G) [Acme](#) Tools (Steve Kuhlman, Owner/President) for an annual contract with two additional one-year renewal options to furnish concrete saw blades as requested by the Public Works Department, annual estimate \$50,000. (Nine potential bidders, eight received). **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0600](#)

- (H) [Ennis](#) Traffic Safety Solutions (Steve Vetter, President) per State of Iowa Department of Transportation (DOT) Contract for traffic paint as requested by the Traffic & Transportation Division of the Engineering Department, \$50,000. ([Council Communication No. 15-172](#)) **Moved by Mahaffey to adopt. Motion Carried 6-1.**

[15-0601](#)

- 34. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of April 6 and 13, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 6 and 13, 2015 and to draw checks for biweekly payroll due on April 17, 2015. **Moved by Mahaffey to adopt. Motion Carried 6-1.**

ORDINANCES - SECOND CONSIDERATION

[15-0602](#)

- 35. [On](#) rezoning of 1300 Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow permitted uses in “C-2” and a contractor’s equipment storage yard use only, with conversion of the existing vacant print shop to a contractor’s business with offices, shop and indoor/outdoor storage of equipment and materials, subject to conditions. **Moved by Mahaffey that this ordinance be considered and given second vote for passage. Motion Carried 6-1.**

[15-0603](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Mahaffey 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, [#15,361](#). Motion Carried 6-1.**

[15-0604](#)

- 36. [Amending](#) Chapter 2 of the Municipal Code regarding salary of Mayor and Council Members. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Pass: Gatto. Absent: Cownie.**

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

ORDINANCES - FINAL CONSIDERATION

[15-0605](#)

- 37. [Amending](#) Chapter 78 of the Municipal Code establishing the Mobile Vender Pilot Program and to regulate the sale of food and beverages by mobile vendors in the downtown area, as amended. **Moved by Mahaffey that this ordinance do now pass, [#15,362](#). Motion Carried 4-1-1. Nays: Coleman. Absent: Cownie. Council Member Gatto declares a conflict of interest and abstains from voting.**

ORDINANCES - FIRST CONSIDERATION

[15-0606](#)

- 38. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 15-176](#)) **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

- (A) Parking restriction modification due to recommendation of properties on E. 3rd Street, south of E. Court Avenue.

- (B) Marked Police Vehicle Parking Only – north side of E. Court Avenue, east of E. 1st Street.
- (C) Revised parking restrictions near previous Douglas Elementary School.
- (D) Revised parking restrictions near previous Wallace Elementary School.
- (E) Speed limit revision to match field conditions – E. Douglas Avenue from E. 42nd Street to E. 43rd Court.
- (F) Revised parking restrictions due to the opening of a new business of E. 5th Street, south of Grand Avenue.
- (G) One-Way, Part-time street designation for 8th Street, south of College Avenue near Moulton Elementary School.
- (H) Final consideration of ordinance above, requires six votes. **Moved by Coleman 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, #15,363. Motion Carried 6-1.**

[15-0607](#)

39. Number not used.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 40 THRU 49)

[15-0608](#)

- 40. On issuance of Vehicle for Hire Company Certificate for Uber (Raisier, LLC). ([Council Communication No. 15-177](#)) **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Mahaffey. Absent: Coleman.**

- 41. Items regarding the property at 3917 Mahaska (Arnold Dewitt, Owner) to allow expansion of the existing mini-warehouse complex:

[15-0609](#)

- (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 continue to April 20, 2015 at 5:00 PM. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**

[15-0610](#)

- (B) Hearing on rezoning the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial). **Moved by Mahaffey to continue to April 20, 2015 at 5:00 PM. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.**

WITHDRAWN
[15-0611](#)

(C) ~~[First](#) consideration of ordinance above.~~

WITHDRAWN
[15-0612](#)

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

42. Items regarding 2052 Ankeny Avenue, R&S Land Holdings, LLC:

[15-0613](#)

(A) [Amendment](#) to the Des Moines 2020 Community Character Plan Future Land Use Designation to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 6-1.**

[15-0614](#)

(B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow expansion of the adjoining commercial animal feed store and garden center, subject to conditions. **Moved by Gatto to adopt. Motion Carried 6-1.**

[15-0615](#)

(C) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

[15-0616](#)

(D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gatto 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, [#15,364](#). Motion Carried 6-1.**

43. Items regarding 4341 and 4345 Grand Avenue, Grand Oaks Condominiums, Plan and Zoning Commission recommends DENIAL:

[15-0617](#)

(A) [Amendment](#) to the Des Moines 2020 Community Character Plan Future Land Use Designation to revise the existing future land use designation from Low-Density Residential to Medium-Density Residential. **Moved by Coleman to adopt and deny the proposed amendment. Motion Carried 6-1.**

[15-0618](#)

- (B) [Hearing](#) on rezoning of the property from “R1-80” (One-Family Residential) to “R-3” (Multiple-Family Residential) to allow the north 100 feet of the property fronting 44th Street to be divided off and developed with multiple-family residential dwellings. **Moved by Coleman 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 vote 9-0 to recommend denial of the requested zoning of the property to “R-3” Multiple-Family Residential District to allow the north 100 feet of the property fronting 44th Street to be divided off and developed with multiple-family residential dwellings. 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 9-0 to approve the staff recommendation that the proposed rezoning not be found in conformance with said Plan. c. The proposed rezoning is not in conformance with the surrounding residential neighborhood and risks increasing traffic congestion and causing traffic safety issues in the area. d. 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 6-1.**

WITHDRAWN

[15-0619](#)

- (C) [First](#) consideration of ordinance above.

44. Items regarding 4538 Lower Beaver Road: Azhar Iqbal and Dominic Mathew (owners), to allow the right to request a Conditional Use Permit to continue selling alcoholic liquor, wine and beer as part of either a limited food/retail sales establishment or as a liquor store:

[15-0620](#)

- (A) [Amendment](#) to the Des Moines 2020 Community Character Plan Future Land Use Designation, to revise the existing future land use designation from Medium-Density Residential, to Commercial: Auto-Oriented, Small-Scale Strip Development. **Moved by Gray to adopt and DENY the proposed amendment. Motion Carried 6-1.**

[15-0621](#)

- (B) [Hearing](#) on rezoning the property from “R-4” (Multiple-Family Residential) to “C-2” (General Retail and Highway-Oriented Commercial). **Moved by Gray to DENY. Motion Carried 6-1.**

WITHDRAWN

[15-0622](#)

- (C) [First](#) consideration of ordinance above.

WITHDRAWN

[15-0623](#)

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

[15-0624](#)

45. [On](#) vacation of parkland in Pioneer Park and dedicating it as Pioneer Road right-of-way, and vacation of Pioneer Road right-of-way within Pioneer Park and dedicating it as parkland. **Moved by Gatto to adopt. Motion Carried 6-1.**

[15-0625](#)

- (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1.**

[15-0626](#)

46. [On](#) request from Stratford Holdings, LLC to rezone 1372 E. 14th Street from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow the right to request a Conditional Use Permit that is necessary to continue selling liquor, wine and beer as either a limited food sales establishment or as a liquor store. (Plan and Zoning Commission recommends DENIAL) **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 vote 9-0 to recommend denial of the requested zoning of the property to “C-2” General Retail and Highway-Oriented Commercial District to allow the right to request a Conditional Use Permit for the existing business to continue to sell alcoholic liquor as either a limited food/retail sales establishment or a liquor store. b. The proposed rezoning is not in conformance with the character of the adjoining residential neighborhood, due to the proximity of single-family residences and safety concerns, and is not supported by the Northeast Neighbors, Inc. consortium of neighborhood associations. c. As currently zoned, the owner may request a Conditional Use Permit to continue sales of wine and beer on the property as a limited food/retail sales establishment. d. 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 6-1.**

WITHDRAWN

[15-0627](#)

- (A) ~~[First](#) consideration of ordinance above.~~

[15-0628](#)

47. [On](#) conveyance of permanent easement for underground telecommunication lines and related utility equipment to CenturyLink for the Grand Avenue over Walnut Creek Bridge Replacement project. **Moved by Gatto to adopt. Motion Carried 6-1.**

[15-0629](#)

48. [On](#) Urban Renewal Agreement for sale of Land for Private Development, with 420 Court Avenue, LLC, for the sale and redevelopment of Disposition Parcel 99C at 420 Court Avenue, in the Metro Center Urban Renewal Area (Hy-Vee project). ([Council Communication No. 15-178](#)) **Moved by Gatto to adopt. Motion Carried 6-1.**

[15-0630](#)

49. [Resolution](#) to REJECT all bids because the two bids received could not be read and to close the hearing on plans, specifications, form of contract and Engineer’s estimate for Fire Stations 2, 5, 7, and 9 Bathroom Remodeling. ([Council Communication No. 15-170](#)) **Moved by Gatto to adopt. Motion Carried 6-1.**

*** END OF HEARINGS AT 6:45 PM ****

APPROVING

50. **Moved to Municipal Housing Agency Governing Board Agenda Item 4.**

[15-0631](#)

51. [Review](#) of Zoning Board of Adjustment decision granting a use variance to allow a restaurant selling alcoholic liquor, wine and beer at 2301 SW 9th Street. ([Council Communication No. 15-183](#)) **Moved by Gatto to receive and file the staff report and comments received, and to adopt alternative C. (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 6-1.**

[15-0632](#)

51-I [Consideration](#) of renewal Class C Liquor License for Rockstar Bar & Grill, 2301 SW 9th Street. **Moved by Gatto to approve. Motion Carried 6-1.**

[15-0633](#)

52. [Appointment](#) of Dan Ritter as Finance Director and confirmation as City Treasurer. ([Council Communication No. 15-181](#)) **Moved by Coleman to adopt. Motion Carried 6-1.**

EXTRA ITEMS

[15-0634](#)

1. [Request](#) from Larry James Jr., City Sounds: The Des Moines Public Piano Project, to speak regarding City support for an ordinance allowing pianos on City right-of-way. Sponsor: Council Member Hensley. **Moved by Mahaffey to refer to the City Manager and City Attorney to develop a pilot program, for presentation at the May 4th Council meeting. Motion Carried 6-1.**

[15-0635](#)

2. [Request](#) from Valerie Cohen to speak regarding a proposed stop light at SW 63rd Street and Creston Avenue, and a potential easement to allow access to Willowmere and/or 61st Street to potentially provide a more immediate alternate outlet for the residents of the Creston cul-de-sac. Sponsor: Council Member Hensley. **Moved by Mahaffey to refer to the City Manager for review and recommendation. Motion Carried 6-1.**

[15-0636](#) MOTION TO ADJOURN. Moved by Gatto to adjourn at 7:18 PM. Motion Carried 6-1.

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