



\*\*\* 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**

July 13, 2015  
4:30 PM

I. **CLOSED SESSION – 3:30 PM**

[15-1108](#)

- (A) Roll Call. **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore. Council Member Coleman participated via phone and arrived during item C.**

[15-1109](#)

- (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 to Section 21.5, subsection 1, paragraph i of the Iowa Code to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session. **Moved by Gatto to adopt. Motion Carried upon Roll Call 7-0.**

[15-1110](#)

- (C) Closed Session.

[15-1111](#)

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

[15-1112](#)

(E) Motion to adjourn. **Moved by Mahaffey to adjourn at 4:36 PM. Motion Carried 7-0.**

\* \* \* \* \*

**SPECIAL PRESENTATIONS – 4:00 PM**

Monsanto Fund Site Grant for Des Moines Fire Department

**INVOCATION:** Council Member Mahaffey

[15-1113](#)

1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**

[15-1114](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1115](#)

3. APPROVING CONSENT AGENDA \* – items 3 through 45: **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**

[15-1116](#)

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt all except (O) Family Pantry. Motion Carried 7-0. Moved by Gray to continue (O) Family Pantry to July 27, 2015. Motion Carried 7-0. Council Member Coleman votes “No” on (X) Smokin’ Joes #4.**

**NEW APPLICATIONS**

(A) BLU	215 E WALNUT ST	C Beer/Wine
(B) EXPRESS GROCERY STORE	1016 UNIVERSITY	C Beer
(C) ISLAS DEL PACIFICO	1434 DES MOINES ST	C Liquor
(D) RED BISTRO	2925 INGERSOLL	C Beer/Wine
(E) TURSIS LATIN KING	1000 GRAND AVE	B Wine

**RENEWAL APPLICATIONS**

(F) AIR LANES	4200 FLEUR DR	C Liquor
(G) AIRPORT HOLIDAY INN	6111 FLEUR DR	B Liquor
(H) APPLEBEES	3900 MERLE HAY RD	C Liquor
(I) APPLEBEES	6301 SE 14TH ST	C Liquor
(J) BEAVERDALE VFW CLUB	4029 URBANDALE	A Liquor
(K) BLANK GOLF COURSE	711 COUNTY LINE	C Liquor

(L)	BOWLERAMA	1313 E DIEHL AVE	C Liquor
(M)	COPPER CUP	207 4TH ST	C Liquor
(N)	DES MOINES AMVETS POST #2	2818 5TH AVE	C Liquor
*(O)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(P)	HOLIDAY INN DOWNTOWN	1050 6TH AVE	B Liquor
(Q)	JASPER WINERY	2400 GEORGE FLAGG	C Native Wine
(R)	LA HACIENDA	6250 SE 14TH ST	C Liquor
(S)	LATIN KING RESTAURANT	2200 HUBBELL AVE	C Liquor
(T)	LOCUST TAP	434 E LOCUST ST	C Liquor
(U)	NOODLES & COMPANY	5840 DOUGLAS AVE	C Liquor
(V)	ORLONDOS	4337 PARK AVE	C Liquor
(W)	SAKARI SUSHI LOUNGE	2605 INGERSOLL	C Liquor
*(X)	SMOKIN' JOES #4	2800 E UNIVERSITY	E Liquor
(Y)	TEQUILA RESTAURANT	2824 EASTON BLVD	C Liquor
(Z)	WAVELAND GOLF COURSE	4908 UNIVERSITY	C Liquor

### SPECIAL EVENTS APPLICATIONS

(AA) BEAVERDALE BETTERMENT 3422 BEAVER AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Beaverdale Live on July 25, 2015.

(BB) FIRST FLEET CONCERTS 2201 GEORGE FLAGG Five (5) Day License  
Class C Liquor License for Hinterland Music Festival on July 31 and August 1, 2015.

(CC) ITALIAN AMERICAN FEST 1102 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for festival on July 24 – 25, 2015.

(DD) ITALIAN AMERICAN FEST 1302 LOCUST AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for festival on July 24 – 25, 2015.

(EE) ITALIAN AMERICAN FEST 1203 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for festival on July 24 – 25, 2015.

(FF) JAZZ IN JULY 1701 6<sup>TH</sup> AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for annual event on July 25, 2015. Pending approval of Building Department.

(GG) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on July 24, 2015.

(HH) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License  
Class B Beer License for Rendezvous on Riverview event on July 31, 2015.

[15-1117](#)

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

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [15-1118](#) (A) [Fire](#) Station No. 2 Reroofing: Receiving of bids, (7-28-15), Setting date of hearing, (8-10-15), Construction estimate, \$105,700. ([Council Communication No. 15-384](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1119](#) (B) [2015](#) Designated Neighborhood Sidewalk Replacement Program: Receiving of bids, (7-28-15), Setting date of hearing, (8-10-15), Construction estimate, \$580,000. ([Council Communication No. 15-378](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1120](#) (C) [2015-2016](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (7-28-15), Setting date of hearing, (8-10-15), Construction estimate, \$1,610,000. ([Council Communication No. 15-381](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1121](#) (D) [7<sup>th</sup>](#) and Grand Parking Garage Demolition: Receiving of bids, (8-11-15), Setting date of hearing, (8-24-15), Construction estimate, \$6,100,000. ([Council Communication No. 15-365](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1122](#) 7. [Approving](#) Supplemental Agreement No. 5 to the E. Indianola Avenue Roadway Design, SE 14<sup>th</sup> Street to Army Post Road Professional Services Agreement with Snyder & Associates, Inc. to provide additional design and construction phase services for E. Indianola – Phase 4, not to exceed \$23,821. ([Council Communication No. 15-386](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1123](#) 8. [Approving](#) Professional Services Agreement with Foth Infrastructure and Environment, LLC for the Hubbell Avenue Corridor Safety Improvements, not to exceed \$175,000. ([Council Communication No. 15-392](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1124](#) 9. [Approving](#) Change Order No. 6 with Lindner Painting, Inc. for additional work on the 9<sup>th</sup> & Locust Parking Garage Repairs, not to exceed \$89,100. ([Council Communication No. 15-382](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1125](#) 10. [Approving](#) private construction contract between Gator Excavating, Inc. and Silver Oak, Inc. for storm and sanitary sewer improvements in Carman Estates Plat 9. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1126](#) 11. [Approving](#) completion and acceptance of the Private Construction Contract for paving improvements, 215 E. 3<sup>rd</sup> Street, between Beal Derkenne Construction LLC and 215 East 3<sup>rd</sup> Street, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1127](#) 12. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1128](#) 13. [Accepting](#) completed construction and approving final payment for 33<sup>rd</sup> Street and 24<sup>th</sup> Street Sewer Separation, The Underground Company, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### SPECIAL ASSESSMENTS

[15-1129](#) 14. [Levying](#) assessments for Fees, Fines, Penalties, Costs and Interest Imposed in the Enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2015-04. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

[15-1130](#) 15. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for the E. 46<sup>th</sup> Street and Hubbell Avenue Intersection Improvements. ([Council Communication No. 15-383](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1131](#) 16. [Releasing](#) easement for surface water flowage at 2401 Gannett Avenue and 7000 SW 22<sup>nd</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### BOARDS/COMMISSIONS/NEIGHBORHOODS

[15-1132](#) 17. [Recommendation](#) from Council Member Christine Hensley to appoint John Chiodo to the Zoning Board of Adjustment, Seat 6, for a five-year term commencing April 1, 2011 to expire April 1, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1133](#) 18. [Recommendation](#) from Council Member Skip Moore to appoint Chelsea Lepley to the Parks and Recreation Board, Seat 4, for a four-year term commencing June 30, 2015 to expire June 30, 2019. **Moved by Hensley to adopt. Motion Carried 7-0.**

[15-1134](#) 19. [Recommendation](#) from the Urban Design Review Board to appoint Amanda Nagle to the Skywalk Committee, Seat 2, for a three-year term commencing June 30, 2013 to expire June 30, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

[15-1135](#) 20. [To](#) correct vacation and to vacate and convey the east/west alley adjoining 1500 Woodland Avenue, 615 16<sup>th</sup> Street and 1530 Woodland Avenue, (7-27-15). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1136](#) 21. On vacation and conveyance of the north/south alley between 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Street from Indiana Avenue to Creighton Avenue to Commercial Bag and Textile, Inc., \$7,980, (7-27-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1137](#) 22. On vacation and conveyance of the SW 60<sup>th</sup> Street right-of-way adjoining 6216 SW 60<sup>th</sup> Street and 6001 Army Post Road to Annett Holdings, Inc., \$82,000, (7-27-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1138](#) 23. On vacation of a portion of E. Market Street right-of-way adjoining 111 SE 7<sup>th</sup> Street and for conveyance of a building encroachment easement to Thomas A. Pike, \$1,500, (7-27-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1139](#) (A) Communication from Plan and Zoning Commission. **Moved by Hensley 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.**
- [15-1140](#) 24. On vacation of City-owned right-of-way for the Southeast Connector Project – SE 9<sup>th</sup> Street to SE 15<sup>th</sup> Street, (7-27-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1141](#) (A) Communication from Plan and Zoning Commission. **Moved by Hensley 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.**
- [15-1142](#) 25. On request from Airport Development, LLC for Second Amendment to the Airport Commerce Park South PUD Conceptual Plan at 7201 and 7301 SW 22<sup>nd</sup> Street, (7-27-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
26. On items regarding Electrical Power Products (EP2):
- [15-1143](#) (A) First amendment to the Vision Fuels PUD Conceptual Plan on property in the SE Agribusiness Urban Renewal Area, (7-27-15). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1144](#) (B) Proposed purchase of land in the SE Agrimergent Business Park, (7-27-15). (Council Communication No. 15-394) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1145](#) 27. On lease of 418 E. Grand Avenue to Nelson Development 10, LLC for continued surface parking use, (7-27-15). (Council Communication No. 15-376) **Moved by Hensley to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-1146](#) 28. [Approving](#) payment of billing from Duncan, Green, Brown & Langeness on matters related to construction disputes, \$11,413. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1147](#) 29. [Approving](#) payment to The Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$6,854.07. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1148](#) 30. [Approving](#) payment to Tim Walker for a personal injury claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1149](#) 31. [Approving](#) payment to Lonnie Shannon for a workers' compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1150](#) 32. [Approving](#) payment to Reese Shiner for a liability claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [15-1151](#) 33. [Submitting](#) travel and training requests for Mark Daly and Jonathan Gano. ([Council Communication No. 15-385](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

## APPROVING

- [15-1152](#) 34. [Amendment](#) #15 to the Des Moines Community Development Block Grant – Disaster Recovery (CDBG-DR) Contract with the Iowa Economic Development Authority (IEDA) for the Eagle View Lofts Project. ([Council Communication No. 15-368](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1153](#) 35. [Loan](#) documents and Economic Development Assistance Contract with Pillar Technology Group, LLC and the Iowa Economic Development Authority (IEDA) for development of regional office. ([Council Communication No. 15-373](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1154](#) 36. [Second](#) Amendment to Development Agreement with ST Investments LLC a/k/a ST Development Co. for development in the vicinity of E. 5<sup>th</sup> and Walnut Streets. ([Council Communication No. 15-370](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
37. Number not used.



38. Items regarding the Wilkins Building Redevelopment:

- [15-1155](#) (A) [Termination](#) of CDBG – DR Agreement with Alexander Company, Incorporated. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1156](#) (B) [\\$3,000,000](#) Community Development Block Grant – Disaster Recovery Loan and Contract Documents for development of 60 units of housing at 713 Walnut Street with Wilkins Redevelopment, LLC. ([Council Communication No. 15-371](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
39. Support of Workforce Housing Tax Credit (WHTC) benefit applications to be submitted to the Iowa Economic Development Authority (IEDA) for the following: ([Council Communication No. 15-395](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1157](#) (A) [6<sup>th</sup>](#) Avenue Brickstone LLC (Jack Hatch, Principal, Hatch Development Group) for a \$5,314,728 million project constructing 30 housing units at 6<sup>th</sup> and Forest Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1158](#) (B) [ST](#) Investments, LLC (Steve Howard, ST Investments, LLC) for a \$498,375 project constructing 2 housing units at 309 E. 5<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1159](#) 40. [Submittal](#) of a grant application to Global Green USA on behalf of the Waveland Park Neighborhood Association. ([Council Communication No. 15-369](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1160](#) 41. [Amendment](#) to the Schedule of Fees regarding the administrative penalties for false fire alarms. ([Council Communication No. 15-359](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
42. Bids from the following:
- [15-1161](#) (A) [Bob](#) Brown Chevrolet (Ron Brown, Owner), Charles Gabus Ford (Gene Gabus, President), Stivers Ford (Scott Politte, General Manager) and Stew Hanson Dodge City (Don Boetcher, General Manager) for various replacement vehicles for City-wide use, \$199,027. (Thirteen potential bidders, five received). ([Council Communication No. 15-362](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1162](#) (B) [Keltec](#) Inc. (Kelly Milligan, President) for an annual agreement with two (2) additional one-year renewal options to furnish prisoner transport containment systems and shotgun mounts for use by the Police Department, estimated annual cost \$40,000. (Eight potential bidders, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**



- [15-1163](#) (C) [Neenah](#) Foundry Company (Thomas Riordan, CEO) for ADA sidewalk detectable warning plates for use by Public Works Department, \$35,136. (Seven potential bidders, six received). **Moved by Hensley to adopt. Motion Carried 7-0.**
  
- [15-1164](#) (D) [Liberty](#) Ready Mix (Jeff Tucker, President) for an annual agreement with two (2) additional one-year renewal options to furnish Portland cement dust for use by the Public Works Department, estimated annual cost \$75,000. (Seven potential bidders, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**
  
- [15-1165](#) (E) [Stivers](#) Ford (Scott Politte, General Manager) for two (2) replacement prisoner transport vans per State of Iowa Contract for use by the Police Department, \$51,104. ([Council Communication No. 15-361](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
  
- [15-1166](#) (F) [Hewlett-Packard Co.](#) (Mark Hurd, President) for annual maintenance and support for existing Hewlett Packard Storage Area Network Servers (SANS) mass storage system per Western States Contracting Alliance (WSCA) price agreement for use by the IT Department, \$100,459.08. ([Council Communication No. 15-367](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
  
- [15-1167](#) 43. [Exception](#) to the procurement ordinance competitive process requirements for good cause and approving short-term renewal addendum to contract for the provision of on-site Fleet Services parts procurement and supply services with Genuine Parts Company. ([Council Communication No. 15-360](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
  
- [15-1168](#) 44. [Civil](#) Service Entrance Lists for Fire Fighter and Surveyor and Promotional List for Utility Locator. **Moved by Hensley to receive and file. Motion Carried 7-0.**
  
- [15-1169](#) 45. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of July 13 and July 20, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of July 13 and July 20, 2015; and to draw checks for biweekly payroll due on July 24, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

## ORDINANCES - SECOND CONSIDERATION

- [15-1170](#) 46. **Amending** Chapter 102 of the Municipal Code regarding Right-of-way Management Fees, (continued from June 22, 2015). **Moved by Moore that this ordinance be considered and given second vote for passage, subject to the following: that Engineering and Legal staff (1) retain degradation cost as a recoverable cost under the proposed ordinance, but remove the degradation cost amount from the right-of-way management fee calculation in order to further review the inclusion of said cost in the City's right-of-way permitting fees, rather than management fees, (2) prepare a proposed right-of-way management fee schedule for implementation of a \$0.12 per equivalent lineal foot fee over a six-year period beginning fiscal year 2017-2018, and (3) consult with affected parties regarding the declaratory judgment process. Motion Carried 7-0.**

## ORDINANCES - FIRST CONSIDERATION

- [15-1171](#) 47. **Amending** Section 38-81 regarding the definition of a false fire alarm. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

## COUNCIL REQUESTS

- [15-1172](#) 48. **From** Council Member Bill Gray to discuss indoor shooting ranges. **Moved by Gray to receive and file comments and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:03 PM) (ITEMS 49 THRU 62)

- [15-1173](#) 49. **On** the proposed Sixteenth Amendment to the Metro Center Urban Renewal Plan. ([Council Communication No. 15-375](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-1174](#) 50. **On** the vacation of a portion of Walnut Street abutting Cowles Commons and Fourth Amendment to lease with Des Moines Performing Arts for Cowles Commons Block and Civic Center Block. ([Council Communication No. 15-364](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [15-1175](#) (A) **First** consideration of ordinance vacating right-of-way adjacent to Park Plaza/Cowles Commons Block. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [15-1176](#) (B) **Final** consideration of ordinance above (waiver requested by Parks and Recreation Director), 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, #15,380. Motion Carried 7-0.**

- [15-1177](#) 51. **On** vacation of parkland in Ashworth Park and Addendum and Amendment of Lease to Bergman Academy of Greenwood Building at 100 45<sup>th</sup> Street in Ashworth Park. ([Council Communication No. 15-363](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1178](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1179](#) (B) **Final** consideration of ordinance above (waiver requested by the Parks and Recreation Director), 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, #15,381. Motion Carried 7-0.**
- [15-1180](#) (C) **Dedication** of parkland in Ashworth Park. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1181](#) 52. **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. ([Council Communication No. 15-389](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [15-1182](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [15-1183](#) (B) **Final** consideration of ordinance above (waiver requested by Linden Street Investments, LLC), 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, #15,382. Motion Carried 7-0.**
- [15-1184](#) 53. **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. ([Council Communication No. 15-387](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [15-1185](#) 54. **On** conveyance of previously vacated Carpenter Avenue and vacation and conveyance of segments of 27<sup>th</sup> Street, Carpenter Avenue and the north/south alley right-of-way adjoining 1300 25<sup>th</sup> Street to Drake University, \$116,500. ([Council Communication No. 15-388](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [15-1186](#) (A) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-1187](#)

- (B) [Final](#) consideration of ordinance above (waiver requested by Drake University), 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, [#15,383](#). Motion Carried 7-0.**

55. Items regarding Broadlawns Medical Center, 1801 Hickman Road (continued from June 8, 2015):

[15-1188](#)

- (A) [Amending](#) the 2020 Community Character Plan, future land use designation from Public-Semi-Public and Park/Open Space to Neighborhood Commercial Center. **Moved by Gray to adopt and approve the proposed amendment. Motion Carried 7-0.**

[15-1189](#)

- (B) [Hearing](#) on rezoning of the property from “C-0” (Commercial Residential), “R-2” (Multiple-Family Residential) and “FW” (Floodway) to “PUD” (Planned Unit Development), subject to conditions and approving the PUD Conceptual Plan. **Moved by Gray to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance and to refer to the City Manager for review and recommendation regarding the intersection of Martin Luther King Jr. Parkway and Hickman Road. Motion Carried 7-0.**

[15-1190](#)

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

[15-1191](#)

- (D) [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, [#15,384](#). Motion Carried 7-0.**

56. Items regarding 1240 and 1244 2<sup>nd</sup> Avenue:

WITHDRAWN

[15-1192](#)

- (A) ~~Amend the Des Moines’ 2020 Community Character Plan future land use designation from Low-Density Residential to General Industrial; from Commercial: Pedestrian-Oriented Commercial Corridor to General Industrial; and from General Industrial to Commercial Pedestrian-Oriented Commercial Corridor.~~

[15-1193](#) (B) [Hearing](#) on request from Jerome T. Bassman and Sari D. Bassman Irrevocable Trust to rezone 1240 and 1244 2<sup>nd</sup> 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 2<sup>nd</sup> Avenue, subject to conditions **and to continue to July 27, 2015 at 5:00 PM. Moved by Gray to adopt. Motion Carried 7-0.**

WITHDRAWN

[15-1194](#) (C) ~~First consideration of ordinance above.~~

[15-1195](#) 57. [On](#) extending the Annexation Moratorium Agreement and 28E Agreement with Indianola and Warren County. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

[15-1196](#) 58. [On](#) 2015 ADA Sidewalk Ramp Program – Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Kingston Services, LLC, (Dan Hutton, President), \$429,670. ([Council Communication No. 15-379](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[15-1197](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[15-1198](#) 59. [On](#) 2015 Sewer Repair – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Raccoon Valley Contractors, LLC. (Matthew J. Van Hauen, President), \$507,286. ([Council Communication No. 15-380](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-1199](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-1200](#) 60. [On](#) SE 22<sup>nd</sup> Street from Hartford Avenue to Park Avenue Partial Depth Repair: 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), \$469,490. ([Council Communication No. 15-393](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**

[15-1201](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Moore.**

- [15-1202](#) 61. **On** Indianola Avenue Widening – Phase 4: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President), \$3,874,826.26. ([Council Communication No. 15-390](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1203](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [15-1204](#) 62. **On** John Pat Dorrian Trail Renovation – Center Street Bridge to I-235: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as T K Concrete, Inc. (Tony J. Ver Meer, President), \$ 165,279. ([Council Communication No. 15-391](#)) **Moved by Gatto to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
- [15-1205](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

\*\*\*END HEARINGS AT 5:24 PM\*\*\*

#### CITY MANAGER RECOMMENDATIONS

- [15-1206](#) 63. **Regarding** proposed economic development financial assistance and authorizing the City Manager to negotiate a final development agreement with Marel Meat Processing, Inc. for 401 SW 7<sup>th</sup> Street. ([Council Communication No. 15-374](#)) **Moved by Hensley to receive and file the communication, and to direct the City Manager to negotiate a development agreement with Marel Meat Processing, Inc. based on the preliminary terms of agreement and proposed financial assistance package set forth in the Council Communication No. 15-374. Motion Carried 7-0.**
- [15-1207](#) 64. **Regarding** redevelopment interest for the City-owned 5<sup>th</sup> and Walnut parking structure property. ([Council Communication No. 15-377](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### APPROVING

- [15-1208](#) 65. **Termination** Agreement with Athene USA Corporation (215 10<sup>th</sup> Street) as successor to Aviva Investors North America, Inc. ([Council Communication No. 15-372](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
66. Number not used.
- [15-1209](#) 67. **Appointment** of Luke Desmet as Assistant City Attorney for the Litigation Division of the Legal Department. **Moved by Moore to adopt. Motion Carried 7-0.**

## **BOARD OF HEALTH**

[15-1210](#) MOTION TO CONVENE. **Moved by Moore that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

[15-1211](#) 1. [The](#) Legal Department to proceed with court action seeking authority to abate the public nuisance at 3140 Indianola Avenue, Lot 12, main structure; Titleholder: Mark Ogden. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-1212](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:38 PM. Motion Carried 7-0.**

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