I. CLOSED SESSION – 3:30 PM

(A) Roll Call.

(B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation.

(C) Closed Session.

(D) Terminate closed session and reconvene in open session.

(E) Motion to adjourn.

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PROCLAMATIONS- 4:15 PM

Small Business Week

INVOCATION: Council Member Coleman

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 41:

*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.
LICENCES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

(A) BRECKS ___________________ 207 4TH ST ___________________ C Liquor
(B) CHOCOLATERIE STAM _______ 2814 INGERSOLL ________ C Native Wine
(C) LEVEE _____________________ 100 COURT AVE ____________ C Liquor
(D) RIVER WALK HUB SPOT _______ 215 WATER ST ____________ C Liquor

RENEWAL APPLICATIONS

(E) CJS II ___________________________ 316 E 30TH ST ________ C Liquor
(F) COURT AVENUE BREWING ________ 309 COURT AVE __________ C Liquor
(G) CREME CUPCAKE + DESSERT _______ 543 28TH ST __________ C Liquor
(H) DEN _______________________________ 4369 MERLE HAY RD ______ C Liquor
(I) GIT N GO STORE #11 ________ 3940 E 29TH ST ___________ C Beer
(J) GIT N GO STORE #31 ________ 2601 SW 9TH ST ____________ C Beer
(K) KELLYS LITTLE NIPPER ______ 1701 E GRAND AVE ___________ C Liquor
(L) LA FAVORITA ___________________ 1700 E GRAND AVE ________ C Beer
(M) NEW CHINA BUFFET & GRILL ______ 1201 E ARMY POST ________ B Beer
(N) OKOBOJI GRILL ___________________ 6050 SE 14TH ST ________ C Liquor
(O) OLD WEST MEXICAN ___________ 4138 FLEUR DR ____________ C Liquor
(P) OPEN SESAME ___________________ 313 E LOCUST ST ________ C Liquor
(Q) QUIK TRIP #516 _________________ 1000 E UNIVERSITY ________ C Beer
(R) QUIK TRIP #535 ___________________ 1501 E GRAND AVE __________ C Beer
(S) TOBACCO OUTLET PLUS #519 ______ 3019 SE 14TH ST ________ B Beer
(T) VOLCANO NIGHT CLUB _________ 1820 E ARMY POST ________ C Liquor

SPECIAL EVENTS APPLICATIONS

(U) BEAVERDALE LIVE ___________ 2638 BEAVER AVE ____________ Five (5) Day License
Special Class C (Beer/Wine) Liquor License for annual event on June 15, 2013.

(V) BIG CITY BURGERS ____________ 520 WALNUT ST ____________ Five (5) Day License
Class C Liquor License for Welcome Back To Walnut on June 21 – 22, 2013.
Pending approval of Building and Electrical Departments.

(W) CAPITAL PUB _________________ 401 SE 5TH ST ____________ Five (5) Day License
Class B Beer License for Market District Tasting on June 14 – 15, 2013. Pending
approval of Electrical and Fire Departments.

(X) CHEFS KITCHEN _______________ 601 LOCUST ST ____________ Five (5) Day License
Class C Liquor License for a wedding reception on June 22, 2013. Pending
approval of Building and Fire Departments.
(Y) DM ARTS FESTIVAL  1203 LOCUST ST  Five (5) Day License Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(Z) DM ARTS FESTIVAL  1418 LOCUST AVE  Five (5) Day License Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.


(CC) DM ARTS FESTIVAL  1310 GRAND AVE  Five (5) Day License Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(DD) DM ARTS FESTIVAL  1443 GRAND AVE  Five (5) Day License Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(EE) DM ARTS FESTIVAL  1198 GRAND AVE  Five (5) Day License Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(FF) EMBASSY CLUB – WFP  100 LOCUST ST  Five (5) Day License Class C Liquor License for Ahlers & Cooney Client event on June 13, 2013. Pending approval of Building Department.

(GG) HEROES  2201 GEORGE FLAGG  Five (5) Day License Special Class C (Beer/Wine) Liquor License for Golden Circle Games on June 14, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.

(HH) OCCASIONS  4025 TONAWANDA  Five (5) Day License Special Class C (Beer/Wine) Liquor License for Shakespeare on the Lawn on June 20 and 23, 2013. Pending approval of Electrical and Zoning Departments.

(II) PARKS AREA  3012 6TH AVE  Five (5) Day License Class B Beer License for Rendezvous on Riverview event on June 21, 2013.

(JJ) PARKS AREA  3012 6TH AVE  Five (5) Day License Class B Beer License for Rendezvous on Riverview event on June 28, 2013.


5. **City** Clerk to issue Cigarette Licenses.

6. **City** Clerk to issue Coin Operated Machine Licenses.
PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

(A) **2013 Sidewalk Replacement Program**: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate, $400,000.

    *(Council Communication No. 13-275)*

(B) **2013 Sewer Repair – Contract 1**: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate, $325,000.

    *(Council Communication No. 13-274)*

(C) **2013 Expanded Street Resurfacing Program – Contract 1**: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate $950,000.

    *(Council Communication No. 13-272)*

(D) **Indianola Avenue Widening – Phase 3**: Receiving of bids, (6-18-13), Setting date of hearing, (7-15-13), Construction estimate $3,899,973.

    *(Council Communication No. 13-279)*

(E) **E. 37th Street Sanitary Sewer – E. Euclid Avenue to Hubbell Avenue**: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate $163,000.

    *(Council Communication No. 13-277)*

8. **Approving** Change Order No. 5 with Jenco Construction, Inc. for additional work on the Grand Avenue Bridge Project, not to exceed $34,656.

    *(Council Communication No. 13-271)*

9. **Private** Construction Contract between McAninch Corporation and Brownstones on 7th, LLC for sanitary sewer improvements in Brownstones on 7th, $22,680.

10. **Communication** from contractors requesting permission to sublet certain items on public improvement projects.
11. Accepting completed construction and approving final payment for the following:

(A) **2011** ADA Sidewalk Ramp Program – Contract 1, T K Concrete Inc.

(B) Public Works Salt Storage Facility, Joiner Construction Co., Inc.

(C) Crawford Creek Watershed Improvements – E. Gray Street to SE 9th Street, Jenco Construction Inc.

SPECIAL ASSESSMENTS

12. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-06.

LAND/PROPERTY TRANSACTIONS

13. **Accepting** permanent easement for public sidewalk at 512 9th Street and 508 10th Street from Principal Life Insurance Company.


(Council Communication No. 13-285)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. **Communication** from Alecia Kates, advising of her resignation from the Neighborhood Revitalization Board, Seat 14, effective immediately.

15-I **Recommendation** from Council Member Bob Mahaffey to appoint Carolyn Rogers to the Park and Recreation Board, Seat 9, for a three-year term commencing June 10, 2010 to expire June 10, 2014.

SETTING DATE OF HEARINGS

16. **On** conveyance of property in the vicinity of US Highway 65 and the Skunk River to Polk County Conservation Board, $75,000, (6-24-13).

17. **On** conveyance of 1220 Creston Avenue to Third LLC, subject to conditions $200, (6-24-13).
18. On vacation and conveyance of a portion of north/south and east/west alley right-of-way adjoining 501 Grand Avenue to Polk County, $1, (6-24-13).

19. On vacation and lease of public right-of-way for a sidewalk café at 400 Walnut Street, (6-24-13).

20. On request from Rich Eychaner to rezone 3629 59th Street from “R-3” (Multiple Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to incorporate off-street parking area developed as part of the commercial center that was approved as an extension into the residentially-zoned property, subject to conditions, (6-24-13).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

21. Approving payment to Ahlers & Cooney, PC for legal services related to environmental issues, $446.50.


23. Approving payments to Iowa District Court, $35,821.55 and Team Two, Inc., $5,621.50 from verdict in Team Two, Inc. v. City of Des Moines.

24. Approving payment to Progressive Insurance, $32 and Angela Reschly, $4,468 for a claim as a result of an auto accident.

25. Approving payment to USAA Insurance, $8,716.92 and Tray and Sheryl King, $1,611 for a claim as a result of a sewer backup.

CITY MANAGER COMMUNICATIONS


(Council Communication No. 13-298)

APPROVING

27. HOME loan for rehabilitation of 1428 Capitol Avenue with Stewart Park Townhomes, LLLLP and execution of documents, $125,000.

(Council Communication No. 13-292)
28. **Assignment** of tax sale certificates to Greater Des Moines Habitat for Humanity, Inc. and NFC Properties LLC for the development of owner-occupied housing.

   *(Council Communication No. 13-297)*

29. **Application** to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority (IEDA) for Enterprise Zone benefits for the Home Opportunities Made Easy (HOME) Inc. for the construction of six housing units, five at 13th Street and Clark and one at 1441 9th Street in the Enterprise Community Enterprise Zone.

   *(Council Communication No. 13-288)*


   *(Council Communication No. 13-295)*

31. **Business** application to Iowa Economic Development Authority (IEDA) for the Helena Industries expansion at 3525 Vandalia Road.

   *(Council Communication No. 13-296)*

   (A) **Setting** date of hearing on request from Helena Industries, Inc. to rezone 3525 Vandalia Road from “PUD” (Planned Unit Development) to “M-2” (Heavy Industrial), (6-24-13).


   *(Council Communication No. 13-293)*

33. **Extension** to agreement for Management Services of the municipal parking facilities with ABM Parking Services for an additional three months.

34. **One** year extension with Hutchinson Salt Co. (Larry Bingham, President) for rock salt for 2013/2014 Snow and Ice Control Operations, $870,450.

   *(Council Communication No. 13-286)*

35. **Exception** to the procurement ordinance competitive RFP process for good cause and accepting proposal of Holland & Knight LLP to provide Federal Legislative Consulting Services and approval of contract.

   *(Council Communication No. 13-299)*
36. **Application** from the Des Moines Arts Festival requesting banners across the streets on the entrances at 12th & Grand, 12th & Locust, 12th & Walnut, and 16th & Locust for the Des Moines Arts Festival from June 28-30, 2013.

37. Civil Service Entrance Lists and Promotional Lists for the following:

   (A) **Civil** Service Commission Meeting (5-21-13) for Entrance lists for Assistant Planner and Information Technology Network Engineer and Promotional list for Civil Engineer III.

   (B) **Civil** Service Commission Meeting (6-4-13) for Promotional lists for Fire Marshall, Sewer Maintenance Worker, Street Maintenance Worker and Police Sergeant.

38. **Authorizing** Finance Director to draw checks on registers for weeks of June 10 and June 17, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 10 and June 17, 2013; and to draw checks for biweekly payroll due June 14, 2013.

**ORDINANCES - FINAL CONSIDERATION**

39. **Amending** Chapter 42 of the Municipal Code regarding nuisances, nuisance abatement, notices and hearings.

**ORDINANCES - SECOND CONSIDERATION**

40. **On** rezoning of 3911 and 3915 SW 9th Street from ”R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions.

   (Council Communication No. 13-287)

   (A) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes.

41. **On** rezoning of 1135 Army Post Road from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway Oriented Commercial).

   (A) Final consideration of ordinance above (waiver requested by Community Development), requires six votes.

* * * * * * * END CONSENT AGENDA * * * * * * *
ORDINANCES - FIRST CONSIDERATION

42. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

   (Council Communication No. 13-291)

   (A) Beaver and Aurora traffic signals.

   (B) 44th Street parking restriction revisions – north of College Avenue.

   (C) SW 5th and Virginia – Reversal of stop signs.

COMMUNICATIONS/REPORTS

43. **From** Rita Moylan, 1310 7th Street, to speak regarding a house for boarding of Des Moines homeless.

*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 54)

44. **On** vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street Crossings.

   (Council Communication No. 13-300)

   (A) **First** consideration of ordinance above.

45. **On** vacation of segments of street right-of-way adjoining SW 17th Street between Amos Avenue and Havens Avenue.

   (A) **First** consideration of ordinance above.

   (B) **Final** consideration of ordinance above (waiver requested by City Engineer), requires six votes.

(Council Communication No. 13-281)

47. On vacation of portions of Walnut, 7th and 8th Streets right-of-way adjoining the Younkers Building at 713 Walnut Street and the conveyance of an easement upon such vacated rights-of-way to legalize existing building encroachments and to continue to June 24, 2013 at 5:00 PM.

(Council Communication No. 13-282)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

(C) Approving First Amendment to the Urban Renewal Development Agreement with The Alexander Company for the $36,000,000 historic renovation of the former Younkers Building.

(Council Communication No. 13-294)

48. On vacation and conveyance of easement for use of air space over a segment of 8th Street between Park Street and Pleasant Street to Principal Life Insurance Company, $6,550.

(Council Communication No. 13-283)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

49. On vacation and conveyance of a portion of Scott Avenue right-of-way to Kemin Holdings, LC, $10,587.

(Council Communication No. 13-289)

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.
50. Items regarding property at 3500 Kingman Blvd., Scott Harstook and Dennis Groenenboom, (purchasers) and Parker Street Foundation and Harold Wells (owners):

   (A) **Amending** the Des Moines 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial, Pedestrian-Oriented, Neighborhood Node.

   (B) **Hearing** to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial).

   (C) **First** consideration or ordinance above.

   (D) **Final** consideration of ordinance above (wavier requested by applicant), requires six votes.

51. **On** Downtown Bicycle Plan Implementation – Phase 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Quality Striping, Inc. d/b/a DPLM, Inc., (Jamie Jirak, President), $279,902.60.

   (Council Communication No. 13-276)

   (A) **Approving** contract and bond, and permission to sublet.


   (Council Communication No. 13-278)

   (A) **Approving** contract and bond, and permission to sublet.


   (Council Communication No. 13-280)

   (A) **Approving** contract and bond, and permission to sublet.

   (B) **Approving** Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. to provide construction phase services for Southeast Connector Paving – SE 15th Street to SE 30th Street, not to exceed $2,574,335.

   (Council Communication No. 13-290)
54. **On** 2013 Park ADA Parking Lot Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), $416,669.

   *(Council Communication No. 13-273)*

   (A) **Approving** contract and bond, and permission to sublet.

   *** END OF HEARINGS AT ________ PM ***

**APPROVING**

55. **Administrative** Services Only Agreement with Delta Dental of Iowa (Jeff Russell, President and CEO) to provide administration of the employee and retiree dental insurance plan for July 1, 2013 through June 30, 2015 with a one-year renewal option, subject to conditions.

   *(Council Communication No. 13-284)*

**BOARD OF HEALTH**

**MOTION TO CONVENE.** [Memo](#)

1. **Authorizing** the Legal Department to proceed with court action seeking authority to abate the public nuisance at 4146 E. 30th Street, fire-damaged main structure and garage structure, Titleholder: Ann Henrichs; Mortgage Holder: Mortgage Electronic Registration Systems, Inc.

**MOTION TO ADJOURN.**