I. CLOSED SESSION – 3:30 PM

(A) Roll Call.

(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 20.17(3) of the Iowa Code to discuss collective bargaining strategy.

(C) Closed Session.

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

(E) Motion to adjourn.

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PROCLAMATIONS – 4:15 PM

Holiday Food Project Weeks

National Homeless Persons’ Memorial Day

Human Rights Month

INVOCATION: Council Member Christine Hensley

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 53:

*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

4. **Approving** Alcoholic Beverage License Applications for the following:

**NEW APPLICATIONS**

(A) DES MOINES SOCIAL CLUB 901 CHERRY ST  C Liquor
(B) KICKSTAND BAR & GRILL 400 SE 6TH ST  C Liquor
(C) OASIS GROCERY & LIQUOR 2917 PAYNE RD  C Beer
(D) STRUDL HAUS 1951 INDIANOLA  C Beer/Wine
(E) WALLACE CENTERS OF IOWA 756 16TH ST  B Beer

**RENEWAL APPLICATIONS**

(F) B & B SUPER MARKET 2001 SE 6TH ST  C Beer
(G) EASTGATE LAUNDROMAT 1424 E OVID AVE  B Beer
(H) FELIX & OSCARS 4050 MERLE HAY  C Liquor
(I) FONGS PIZZA 223 4TH ST  C Liquor
(J) HY VEE FOOD STORE #2 2540 E EUCLID AVE  E Liquor
(K) HYATT PLACE 418 6TH AVE  B Liquor
(L) LA TAPATIA 1440 DES MOINES ST  C Beer
(M) LA TAPATIA III 4007 SE 13TH ST  C Beer
(N) LICKEY LIQUOR 2501 HUBBELL AVE  E Liquor
(O) LOS LAURELES 1518 E GRAND AVE  C Liquor
(P) LOVELY FOOD MART *(1) 4600 FLEUR DR  C Beer
(Q) SCORES SPORTS BAR 2335 HICKMAN RD  C Liquor
(R) SMOKES SHOP *(1) 1918 SE 14TH ST  E Liquor
(S) SUPER QUICK 2 1824 HUBBELL AVE  E Liquor
(T) TRIANGLE TAP 2506 POST ST  C Liquor
(U) TUMEA AND SONS 1501 SE 1ST ST  C Liquor
(V) WAVERLY 2120 INGERSOLL  C Liquor
(W) WEST END WINES 22 9TH ST  C Liquor

**OUTDOOR SERVICE APPLICATION**

(X) BLAZING SADDLE 416 E 5TH ST  C Liquor

Permanent.

**SPECIAL EVENTS APPLICATIONS**

(Y) LAO AMERICAN ASSOC 3000 E GRAND AVE  Five (5) Day License
Class B Beer License with Class B Native Wine for private social event on
December 31, 2014.

5. **Consideration** of Class C Beer Permit renewal for La Preferida, 2300 Hickman Road.
*(Zoning Department recommends denial, motion is to DENY)*.

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

7. **Approving** Professional Services Agreement with HDR Engineering, Inc. for conceptual design services for Lower Oak Park and Highland Park Sewer Separation Project, not to exceed $462,330.

   (Council Communication No. 14-573)

8. **Approving** Private Construction Contract between Vanderpool Construction, Inc. and Islamic and Educational Center “EZAN” of Greater Des Moines for storm sewer improvements in 6206 Douglas Avenue, $42,271.95.

9. Approving completion and acceptance of the Private Construction Contract for Stanton Acres North between Priority Excavating LLC and Kruse Construction, LLC for the following:

   (A) **Sanitary** Sewer Improvements.

   (B) **Storm** Sewer Improvements.

10. **Approving** completion and acceptance of the Private Construction Contract for Paving Improvements for Stanton Acres North between Concrete Technologies, Inc. and Kruse Construction, LLC.

11. Approving completion and acceptance of the Private Construction Contract for Zoo improvements between Neumann Brothers, Inc. and Blank Park Zoo Foundation for the following:

    (A) **Australian** Trail Adventure.

    (B) **Quarantine/Holding Building, Gibbons Holding Building, Sea Lion Pool and remainder of the Australian Trail Adventure.**

12. **Approving** completion and acceptance of the Private Construction Contract for Paving Improvements for The Woods of Copper Creek Plat 2 between Alliance Construction Group, LLC and HDR Land Development, LLC.

13. **Approving** completion and acceptance of the Private Construction Contract for Adjacent Improvements, Locust Street between Kline Electric, Inc. and Edmundson Art Foundation, Inc. d/b/a Des Moines Art Center.

14. **Approving** completion and acceptance of the Private Construction Contract for Sculpture Lighting System Improvements, for John and Mary Pappajohn Sculpture Park, 15th Street & Grand Avenue between Kline Electric, Inc. and Des Moines Art Center.
15. **Approving** completion and acceptance of the Private Construction Contract for Principal Riverwalk Signage and Skating Canopy Improvements between Jensen Construction Company and Principal Life Insurance Company.

16. **Approving** completion and acceptance of the Private Construction Contract for Storm and Sanitary Sewer Improvements for the Woods of Copper Creek Plat 2, NE 47th and 48th Street and Wisconsin, between Vanderpool Construction, Inc. and HDR Land Development, LLC.

17. **Communication** from contractors requesting permission to sublet certain items on Public Improvement Projects.

18. Accepting completed construction and approving final payment for the following:

   (A) **Fire** Station No. 10 Reroofing – Pella Roofing & Insulation, Inc.

   (B) **2013** Designated Neighborhood Sidewalk Replacement Program – T.K. Concrete.

**SPECIAL ASSESSMENTS**

19. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-10.

20. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-10.

**LAND/PROPERTY TRANSACTIONS**

21. **Establishing** fair market value of property owned by Principal Mutual Life Insurance Company at 300 Maple Street for the Des Moines and Raccoon Rivers – Levee Closures Project.

   (Council Communication No. 14-570)
BOARDS/COMMISSIONS/NEIGHBORHOODS

22. **Recommendation** from Mayor Frank Cownie to reappoint Bob Mahaffey to the Aging Resources of Central Iowa Board of Directors, for a one-year term commencing January 1, 2015 through December 31, 2015.

23. **Recommendation** from Mayor Frank Cownie to appoint Jonathan Rosenbloom to the Plan and Zoning Commission, Seat 2, for a five-year term commencing July 1, 2012 to expire July 1, 2017.


25. **Communication** from Mary McGee, advising of her resignation from the Access Advisory Board, Seat 3, effective immediately.

COMMUNICATIONS FROM PLANNING AND ZONING

26. **Regarding** request from Linden Street Investments, LLC, 1430 Linden Street, for vacation of the following segments of right-of-way:

   (A) Linden Street from 14th Street to Ingersoll Avenue.

   (B) North/south alley between 14th and 15th Street from Grand Avenue to a point approximately 121 feet to the north.

SETTING DATE OF HEARINGS

27. **On** vacation of air space over portions of E. Walnut Street and E. 2nd Street adjoining 210 E. Walnut Street and for conveyance of an easement to 201, LLC for $866, (12-22-14).

28. **On** request from Wayne Russell, LLC to rezone 2301 SW 9th Street from “C-0” (Commercial-Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow conversion of the existing restaurant use to a tavern use, (12-22-14).

29. **On** request from Casey’s Marketing Company (owner) represented by Melani Samora (agent) to rezone property at 4560 and 4570 East 14th Street from “C-2” (General Retail and Highway-Oriented Commercial) and Ltd. “C-2” to “PUD” (Planned Unit Development), to allow redevelopment of the existing gas station/convenience store property with a new 4,606-square foot gas station/convenience store with canopy islands for 10 standard fueling locations and four (4) tractor-trailer Diesel fueling locations. Additional subject property is owned by V&C Real Estate, LLC, (12-22-14).
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

30. Approving payment to Ahlers & Cooney, PC for consultation services in conjunction with collective bargaining, $4,192.50.


32. Approving retention of Martin Kenworthy and Duncan, Green, Brown & Langeness to represent the City on matters related to construction disputes.


34. Approving a settlement agreement for workers’ compensation claim for Richard Benning.

35. Approving payment to Nick Cardamon for settlement agreement for claim for property damage.

CITY MANAGER COMMUNICATIONS

36. Submitting travel and training requests for T. M. Franklin Cownie, John Herzog, Amanda Leo, Robert Mezera, Nekesha Palmer and Josh Rhamy.

(Council Communication No. 14-582)

APPROVING

37. City Manager and his designees to enter into negotiations to consolidate the program services and service area of the Des Moines Community Action Agency with Red Rock Area Community Action Program, Inc.

(Council Communication No. 14-562)

   *(Council Communication No. 14-563)*

39. **Assignment** of tax sale certificate to NFC Properties, LLC for rehabilitation of housing at 671 37th Street.

   *(Council Communication No. 14-574)*

40. **Partial** release of judgment liens for 1802 Jefferson Avenue.

   *(Council Communication No. 14-572)*

41. **Preliminary** terms of agreement with Employers Mutual Casualty Company (EMC) for proposed new construction at 8th Street and Walnut Street and authorizing execution of business financial assistance application as the project sponsor.

   *(Council Communication No. 14-566)*

42. **Appointment** of Doug Harvey as Primary Representative, and Sandra Morris as Secondary Representative to the Polk County E911 Service Board, one-year terms commencing January 1, 2015.

43. Agreement with Des Moines Water Works to provide employee health benefits to Des Moines Water Works employees.

   *(Council Communication No. 14-579)*

44. **Mayor** to execute conflict and waiver form and authorizing the retention of Ahlers & Cooney, PC to provide limited legal representation in discussions with Des Moines Water Works.

45. **Non**-acceptance of 2014 COPS Hiring Grant award.

   *(Council Communication No. 14-564)*

47. Authorizing the Mayor’s approval of City of Norwalk Revenue Bonds, (Wellmark YMCA Project).

48. Bids from the following:

   (A) Capital City Equipment (Mark Kruse, President) for three replacement utility equipment trailers as requested by Fleet Maintenance, $29,370. (Ten bids mailed, three proposals received).

      (Council Communication No. 14-578)

   (B) Genrich Sales (Brian Genrich, President) for three replacement slope mowers as requested by Fleet Maintenance, $225,000. (Three bids mailed, two proposals received).

   (C) O’Halloran International Inc. (Jim O’Halloran, President) for one replacement tandem axle truck tractor as requested by Fleet Maintenance, $94,259. (Six bids mailed, four proposals received).

   (D) Midwest Underground Supply (Dan Folkman, Owner) for one forestry mulcher as requested by Fleet Maintenance, $153,179. (Four bids mailed, three proposals received).

   (E) Ronald C. Peak Corporation (Ron Peak, Owner) and Auction Outlet (Sandy Matchinsky, Owner) for an annual contract with up to four additional one year renewal options to furnish auctioneering services as requested by the Police Department, annual estimated cost $50,000. (Nine bids mailed, two proposals received).

   (F) Rosenbauer South Dakota LLC (Harold Boer, President) for one replacement ladder truck as requested by the Fire Department, $838,210. (Four bids mailed, two proposals received).

      (Council Communication No. 14-580)

   (G) Carahsoft Technology Corporation (Godfrey R. Sullivan, President and CEO) per US General Services Administration contract for a Splunk Enterprise System used to monitor and analyze massive amounts of data for troubleshooting problems and investigating security incidents that are internet related as requested by the IT Department, $75,891.13.

      (Council Communication No. 14-567)
(H) **Insight** Public Sector (Kenneth Lamneck, President) for Websense maintenance and support services for three years per the U.S. Communities contract as requested by the IT Department, $64,287.

(Council Communication No. 14-565)

49. **Civil** Service Promotional List for Building Inspector.

50. **Authorizing** Finance Director to draw checks on registers for the weeks of December 8 and 15, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 8 and 15, 2014 and to draw checks for biweekly payroll due on December 12, 2014.

**ORDINANCES - FINAL CONSIDERATION**

51. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

   (A) Revisions to the Municipal Code to agree with current signing conditions.

   (B) Parking restrictions along SW 14th Street and Casady Drive to accommodate new medians installed as part of the SW 14th Quiet Street project.

52. **On** vacation of a segment of the north/south alley adjoining 120 2nd Avenue.

**ORDINANCES - SECOND CONSIDERATION**

53. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

   (A) Revised parking meter spaces in front of 201 E. Walnut Street.

   (B) Installation of a traffic signal at E. Euclid Avenue and Oxford Avenue.

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

54. Amending Chapter 26 of the Municipal Code to update the International Energy Conservation Code (IECC) and National Electrical Code (NEC):

(Council Communication No. 14-568)

(A) First consideration of ordinance adopting the 2012 edition of the IECC and deleting and amending portions thereof.

(B) First consideration of ordinance adopting the 2014 edition of the NEC, and deleting and amending portions thereof.

55. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:

(Council Communication No. 14-571)

(A) Speed Limit Revision – 56th Street from University Avenue to Franklin Avenue.

(B) Speed Limit Revision – Army Post Road from SW 42nd Street to Iowa 28.

(C) Parking Restriction Removal – Holcomb Avenue, west of 24th Street.

(D) All-way Stop – E. 13th Street and Morton Avenue.

COUNCIL REQUESTS

56. From Council Member Joe Gatto to discuss naming of a new street to access the new Cownie Softball Complex near SE 22nd Street and Hartford Avenue.

57. From Council Member Bill Gray regarding City-initiated request to vacate the east/west segment of alley in the block bounded by Forest Avenue, Indiana Avenue, 3rd Street and 4th Street in the vicinity of 334 Forest Avenue.

(Council Communication No. 14-576)

58. From Council Member Bill Gray to speak regarding the naming of a proposed new disc golf course at Prospect Park, 1225 Prospect Road, in honor of Becky Zallek.

59. From Council Member Skip Moore to discuss street light outages.

59-I Request from Council Member Skip Moore to speak regarding the Locust Tap, 434 E. Locust Street.
COMMUNICATIONS/REPORTS

60. Receipt of petition in favor of paving E. 32nd Street from Kinsey Avenue to Washington Avenue.


*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 62 THRU 68)

62. On Lease Agreement with Scranton Manufacturing Co. Inc. for the rental of one refuse truck up to an eight-month period at $7,800 per month rental payments plus fees and other charges.

(Council Communication No. 14-584)

(A) Authorizing execution of the Master Lease Agreement and related documents.

63. On vacation of the south 10 feet of Oak Park Avenue from 8th Street to a point 400 feet to the west to allow for dedicated parking for senior residents of Oak Park Manor.

(A) First consideration of ordinance above.

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

64. On conveyance of City-owned property adjacent to 1070 39th Street to James and Cara Sink, $50.

(Council Communication No. 14-569)
65. **On** request from 304 15th Street LLC (owner), represented by Jake Christensen (Officer), to rezone property at 304 15th Street, to remove the “D-O” (Downtown Overlay) District designation and remove the prohibition of off-premises advertising signs and to continue to the January 26, 2015 Council Meeting:

   *(Council Communication No. 14-577)*

   (A) **Alternate A** – Deny the proposed rezoning.

   **OR**

   (B) **Alternate B** – continue to December 22, 2014 at 5:00 PM and direct the City Manager and Legal Department to prepare necessary legislation to approve rezoning subject to conditions acceptable to the City and the Owner.

66. **On** status and effectiveness of projects funded with Neighborhood Stabilization Program 3 (NSP3) Funds.

   *(Council Communication No. 14-581)*

67. **Dismissing** proceedings on request from Khanna Family Investments, Inc. to rezone 2917 Payne Road.

68. **Reject** bid received on E. Euclid & Dixon Traffic Signal Upgrade, 15.1% over project estimate, and to close the hearing on the plans, specifications, form of contract documents, and Engineer’s estimate.

   *(Council Communication No. 14-575)*

   *** END HEARINGS AT __________ PM ***

**APPROVING**

69. **Urban** Renewal Development Agreement with Wilkins Building, LLC for an $18.7 million historic restoration of 713 Walnut and approving Conceptual Development Plan.

   *(Council Communication No. 14-583)*
EXTRA ITEMS

1. Rescission of the Resolution of Necessity on 10th Street Streetscape from Walnut Street to Mulberry Street. Sponsor: Mayor Cownie.

BOARD OF HEALTH

MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisances at the following locations:

   (A) 1018 E. 12th Street, commercial building structure; Titleholder: Sergio Colin.

   (B) 3309 Sims Drive, garage structure and accessory building; Titleholder: Craig Hall.

2. Notification from West Bend dated October 27, 2014 stating their insured, Select Holdings One, LC, 1530 E. 16th Street, sustained a fire loss and a fire escrow/demolition reserve is being held.

MOTION TO ADJOURN.

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