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.

(C) Closed Session.

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

(E) Motion to adjourn.

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PROCLAMATIONS – 4:15 PM

Certified Government Financial Manager Month

INVOCATION: Council Member Hensley

1. ROLL CALL:

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

3. APPROVING CONSENT AGENDA * – items 3 through 57:

*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) J & J PIZZA PUB 2500 MLK JR PKWY C Liquor
(B) LEFTYS LIVE MUSIC 2307 UNIVERSITY C Liquor
(C) VIEW NIGHTCLUB 508 INDIANOLA RD C Liquor

RENEWAL APPLICATIONS

(D) B & B SUPER MARKET 2001 SE 6TH ST C Beer
(E) BUZZARD BILLYS 615 3RD ST C Liquor
(F) CHUCKS 3608 6TH AVE C Liquor
(G) DES MOINES VALERO #205 2829 EASTON BLVD C Beer
(H) DOLLAR GENERAL #13292 3102 MERLE HAY RD C Beer
(I) DOLLAR GENERAL #313 2570 HUBBELL AVE C Beer
(J) DOLLAR GENERAL #4554 1020 E ARMY POST C Beer
(K) DOLLAR GENERAL #4991 3223 SE 14TH ST C Beer
(L) DOLLAR GENERAL #6077 221 SW 63RD ST C Beer
(M) DOLLAR GENERAL #6725 1428 E OVID AVE C Beer
(N) DOLLAR GENERAL #6735 2650 INGERSOLL C Beer
(O) DOLLAR GENERAL #8594 4213 FLEUR DR C Beer
(P) EVEREST GROCERY STORE 5000 SW 9TH ST C Beer
(Q) FRANCIES 2100 WAKONDA VIEW C Liquor
(R) GRANDVIEW GOLF COURSE 2401 E 29TH ST C Liquor
(S) HAWKEYE PANTRY 501 LOCUST ST C Liquor
(T) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE C Liquor
(U) JOHNNYS BLANK PARK ZOO 7401 SW 9TH ST C Liquor
(V) LA CRUZ #3 3900 E 14TH ST C Beer
(W) MACCABEES DELI & JUDAICA 1150 POLK BLVD B Wine
(X) MALO RESTAURANT 900 MULBERRY ST C Liquor
(Y) MCCUENS PUB 2565 WEDGEWOOD C Liquor
(Z) PAESANOS PIZZERIA 2804 SW 9TH ST C Beer/Wine
(AA) RICCELLIS SUPPER CLUB 3803 INDIANOLA C Liquor
(BB) SCORNOVACCAS PIZZA 3900 E 14TH ST B Beer
(CC) VOM FAESS 833 42ND ST E Liquor

OUTDOOR SERVICE APPLICATIONS

(DD) HIGH LIFE LOUNGE *(1) 200 SW 2ND ST C Liquor
Temporary for Leprechaun Chase on March 14, 2015.

(EE) MICKEYS IRISH PUB 204 3RD ST C Liquor
SPECIAL EVENTS APPLICATIONS

DRAKE – CARTWRIGHT
2615 CARPENTER

Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 150th Anniversary of the Law School on March 26 – 28, 2015.

5. **Consideration** of new Class C Beer Permit with B Wine Permit for University Grocery, 2121 University Avenue. *(Zoning Department recommends denial).*

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

PUBLIC IMPROVEMENTS

7. **Ordering** construction of Fire Stations Number 2, 5, 7, and 9 Bathroom Remodeling: Receiving of bids, (3-24-15), Setting date of hearing, (4-6-15). Construction estimate, $265,000.

   *(Council Communication No. 15-104)*

8. **Approving** Professional Services Agreement with Engineering and Research International, Inc. for professional services for the Arterial Roadway Pavement Rehabilitation Evaluation, not to exceed $229,900.

   *(Council Communication No. 15-107)*

9. **Approving** amendment to agreement with Des Moines Metropolitan Wastewater Reclamation Authority (WRA) for Construction Services to Abandon the Grit Chamber as Part of the WRA New Main Outfall, Phase 17, Segment 8 Project.

   *(Council Communication No. 15-097)*


    *(Council Communication No. 15-110)*

11. **Approving** Change Order No. 8 with Elder Corporation for additional work on the SE Connector Paving – SE 9th to SE 15th Street Project, not to exceed $64,097.28.

    *(Council Communication No. 15-109)*

13. **Approving** Private Construction Contract between Polk County Heating & Cooling, Inc. and Tucker Trucking, LLC for storm sewer improvements in 4044 E. 14th Street, $28,500.

14. **Approval** of contract and bond and permission to sublet for construction of an improvement with an estimated cost which is less than the Iowa Code competitive bid threshold, Sanitary Sewer Gatewell 280 Repair Near SW 7th Street, J & K Contracting, LLC, (Jeremy Feldmann, President), $90,000.

   (Council Communication No. 15-106)

15. **Accepting** completed construction and approving final payment for E. 14th Street & E. Euclid Avenue Intersection Modifications, T K Concrete, Inc.

**LAND/PROPERTY TRANSACTIONS**

16. **Approving** tax abatement applications for the additional value added by improvements completed during 2014, (22 applications).

   (Council Communication No. 15-101)

17. **Conditional** approval of the final Subdivision Plat of Artisan Row, Plat 1 located at 1623 Grand Avenue.

   (Council Communication No. 15-102)

18. **Authorization** to proceed with acquisition of the necessary temporary access easements for survey, geotechnical and environmental audits for the SE Connector – SE 30th Street to U.S. Highway 65 project.

   (Council Communication No. 15-108)
BOARDS/COMMISSIONS/NEIGHBORHOODS

19. **Recommendation** from Council Member Bill Gray to appoint Sasha Kamper to the Plan and Zoning Commission, Seat 9, for a five-year term commencing July 1, 2011 to expire July 1, 2016.

20. **Recommendation** from Mayor T. M. Franklin Cownie to reappoint Graham Gillette to the Des Moines Water Works Board of Trustees, Seat 4, for a six-year term commencing April 1, 2015 to expire April 1, 2021.

21. **Recommendation** from Council Member Christine Hensley to reappoint Martie Mendenhall to the Building and Fire Code Board of Appeals, Seat 6, for a three-year term commencing April 1, 2015 to expire April 1, 2018.

22. **Communication** from Gary Edgington advising of his resignation from the Building and Fire Code Board of Appeals, Seat 8, effective immediately.

23. **Communication** from Laura Peters advising of her resignation from the Urban Design Review Board, Seat 8, effective immediately.

24. **Designating** Scott Sanders as the alternate representative on the Metropolitan Coalition Board of Directors.

SETTING DATE OF HEARINGS


26. **On** conveyance of 3015 Seneca Avenue to Thoughtful Housing Solutions, LLC, $67,900, (3-23-15).

27. **On** vacation and conveyance of east/west alley right-of-way in the block bounded by Forest Avenue, Indiana Avenue, 3rd Street and 4th Street to Forest Avenue Outreach, $150, (3-23-15).

28. **On** request from Pyramid Investments, LLC to rezone 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), (3-23-15).
29. **On** request from Abay Mengistu (owner) 3016 E. Kenyon Avenue for a 3rd Amendment to the Easter Lake Estates PUD Conceptual Plan to allow retention of a 6-foot tall solid vinyl material fence in lieu of the permitted 6-foot tall solid wood material fence within 5-feet of the right-of-way line along Easter Lake Drive, (3-23-15).

30. **On** request to rezone 4538 Lower Beaver Road from “R-4” (Multiple-Family Residential) to “C-2” (General Retail and Highway-Oriented Commercial) 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, (4-6-15).

31. **On** lease agreement with Bloomfield United Methodist Church for the use of 1.32 Acres in Ewing Park, (3-23-15).

(Council Communication No. 15-116)

32. **On** request to amend the Des Moines 2020 Community Character Plan to adopt the Southwest 9th Street Corridor Plan as an element, (3-23-15).

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

33. **Approving** retention of Peddicord, Wharton, Spencer, Hook, Barron & Wegman as outside counsel to represent former Police Officer Colin Boone.

34. **Approving** payment of billing from the Ahlers & Cooney, PC law firm with respect to collective bargaining, $1,396.50.

35. **Approving** payment to Duncan, Green, Brown & Langeness with respect to construction disputes, $16,988.51.

36. **Approving** payment to Ahlers & Cooney, PC law firm relating to proposed 7th and Grand lease purchase agreement, $1,176.

37. **Approving** payment to Kevin Buttrey for settlement of a workers’ compensation claim.
CITY MANAGER COMMUNICATIONS

38. Submitting travel and training requests for T.M. Franklin Cownie, Sone Cam, Jeff Cronin, Tim Fricke, Kyle Larson, Dani Lisk, Amber Lynch, Scott Rounds, and Jason Underwood.

(Council Communication No. 15-124)

APPROVING

39. CDBG Project Agreement with 6th Avenue Corridor, Inc. for a redevelopment project in the 6th Avenue Corridor area.

40. Support of a grant application by Community Housing Initiatives for funding of a proposed housing rehabilitation initiative in the East Bank neighborhoods.

(Council Communication No. 15-115)

41. First Amendment to Urban Renewal Development Agreement with 201, LLC regarding the required size of the Staybridge Suites Hotel component of the City Square Development at 201 E. Locust Street.

(Council Communication No. 15-125)

42. Collateral Assignment of Development Agreement with Randolph Apartments LLC (George Sherman, President) to Great Southern Bank as security for project financing.

43. Sponsorship of an application for financial assistance to the Iowa Economic Development Authority under the High Quality Jobs Program and preliminary approval of a City Economic Development Loan of up to $40,000 for Pillar Technology, LLC.

(Council Communication No. 15-120)

44. Budget for the Downtown Self-Supported Municipal Improvement District (SSMID) for the fiscal year ending June 30, 2016.
45. **Iowa** Great Places Program Grant Agreement for Sixth Avenue Corridor Streetscape Project.

   **(Council Communication No. 15-114)**

46. Submission of Smart Policing Initiative Competitive Grant program, $542,039.20.

   **(Council Communication No. 15-098)**

47. License Agreement with Principal Life Insurance Company for the installation and operation of a fiber optic communication system in City-owned Skywalk Bridges and Corridors.

48. Communication from Downtown Community Alliance, on behalf of the Downtown Farmers’ Market, requesting approval of banner design for banners to be displayed in downtown Des Moines on Court Avenue from April through October 2015.

49. Keltek Inc. (Kelly Milligan, Owner/President) for mobile access routers for use in law enforcement vehicles as requested by the Police Department, $451,262.50. (Ten bids mailed, seven received)

50. Bids from the following:

   (A) **ABM** Onsite Services (Brad Nelson, Regional Director of Operations) and Reliable Maintenance (Keith McKay, Vice President) for two (2) year contract with three (3) additional one-year renewal options to furnish city-wide custodial services for use by the Parks & Recreation Department, estimated annual cost $280,000. (Eleven bids mailed, six received).

      **(Council Communication No. 15-117)**

   (B) **Excel** Mechanical (Alisa Smith, President) for rooftop HVAC replacement services for the Saddlery Building Skywalk for use by the Engineering Department, $111,760. (Ten bids mailed, three received).

   (C) **Hubb** Systems LLC d/b/a Data 911 (Bret Hubbard, President and CEO) for mobile data computers for use in Fire Department medical emergency response vehicles per US General Services Administration (GSA) Contract for use by the Police Department, $70,287.14.

      **(Council Communication No. 15-100)**
51. Civil Service Promotional Lists for Senior Plant Operator, Solid Waste Section Chief, Pumping Station Technician, Mobile Data Technician, and Sewer Maintenance Worker.

52. Authorizing Finance Director to draw checks on registers for the weeks of March 9 and 16, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of March 9 and 16, 2015 and to draw checks for biweekly payroll due on March 20, 2015.

ORDINANCES - FINAL CONSIDERATION

53. Amending Chapter 114 of the Municipal Code to place a 4-way stop at the intersection of SW 56th Street and SW McKinley Avenue.

54. Amending Chapter 102 of the Municipal Code regarding appointment of members to the Skywalk Committee.

55. Amending Chapter 114 of the Municipal Code to remove two parking meters on the east side of 12th Street, north of Cherry.

ORDINANCES - SECOND CONSIDERATION

56. Amending Chapter 114 of the Municipal Code regarding hours of restriction change on corner clearance at SW 9th Street and Kenyon Avenue.

57. Amending Chapter 78 of the Municipal Code regarding buffer zones for street use permits, to bring the Peddler Ordinance and Transient Merchant Ordinance regulations in line with the Street Use ordinance.

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

ORDINANCES - SECOND CONSIDERATION


(Council Communication No. 15-112)

(A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.
ORDINANCES - FIRST CONSIDERATION

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

   (Council Communication No. 15-111)

   (A) Code revisions as a result of renaming that segment of the Southwest Connector extending west from Iowa Highway 28 to the west City boundary as “Veterans Parkway.”

   (B) Code revisions necessary to reflect changes due to construction project on Evergreen.

   (C) Code revisions necessary to reflect changes due to construction project on Southwest Water Street.

60. **Amending** Chapter 78 of the Municipal Code to establish a Mobile Vender Pilot Program and regulate the sale of food and beverages by mobile vendors in the downtown area.

   (Council Communication No. 15-123)

COMMUNICATION/REPORTS

60-I **Request** from Nan Stillians, 1604 24th Place, to speak regarding an article entitled “In Their Shoes” and the State of Iowa Boards and Commissions. Sponsor: Mayor Cownie.

*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 61 THRU 69)

61. **On** Urban Renewal Agreement for sale of land for private redevelopment with Iowa Machine Shed Co., for the sale and redevelopment of Disposition Parcel 13-1 at 401 E. Grand Avenue in the Metro Center Urban Renewal Project.

   (Council Communication No. 15-118)

   (A) **Setting** date of hearing on vacation of air space and subsurface rights within E. Grand Avenue and subsurface rights within E. 4th Street adjoining 401 E. Grand Avenue and for conveyance of easements to Iowa Machine Shed Co., $6,093, (3-23-15).
62. Items regarding request from Des Moines Pediatric and Adolescent Clinic, PLC for property at 2301 Beaver Avenue, 2313 Beaver Avenue and 2300 40th Place:

(A) **To** Amend the Des Moines 2020 Community Character Plan Future Land Use Designation from Low-Density Residential District to Commercial: Pedestrian-Oriented, Neighborhood Node.

(B) **Hearing** on rezoning of the property from “C-0” (Commercial-Residential) and “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial). (Six affirmative votes required for approval).

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

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

63. **On** adoption of the recommended Capital Improvement Program for fiscal years 2015-2016 through 2020-2021.

    *(Council Communication No. 15-121)*

64. Items regarding proposed General Obligation Bonds for the following:

    *(Council Communication No. 15-122)*

(A) **On** issuance of not to exceed $19,660,000 (for Essential Corporate Purposes).
    (1) **Authorization** for additional action.

(B) **On** issuance of not to exceed $3,680,000, (for Urban Renewal Purposes).
    (1) **Authorization** for additional action.

(C) **On** issuance of not to exceed $955,000 (for General Corporate Purposes).
    (1) **Authorization** for additional action.

(D) **On** issuance of not to exceed $870,000 (for General Corporate Purposes).
    (1) **Authorization** for additional action.

(E) **On** issuance of not to exceed $570,000, (for General Corporate Purposes).
    (1) **Authorization** for additional action.

(F) **On** issuance of not to exceed $845,000, (for General Corporate Purposes).
    (1) **Authorization** for additional action.
(G) **On** issuance of not to exceed $850,000, (for General Corporate Purposes).
    (1) **Authorization** for additional action.

(H) **On** issuance of not to exceed $955,000, (for General Corporate purposes).
    (1) **Authorization** for additional action.

(I) **On** issuance of not to exceed $820,000, (for General Corporate Purposes).
    (1) **Authorization** for additional action.

(J) **On** issuance of not to exceed $870,000, (for General Corporate Purposes).
    (1) **Authorization** for additional action.

(K) **Authorizing** issuance of not to exceed $30,075,000 General Obligation Bonds and levying a tax for payment.

65. **On** Amendment to the annual budget for current fiscal year ending June 30, 2015.
    (Council Communication No. 15-121)

66. **On** proposed budget for the fiscal year ending June 30, 2016.
    (Council Communication No. 15-121)

67. **On** Cowrie Baseball Facility Parking Lot: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Grimes Asphalt and Paving Corporation, (Kurt Rasmussen, President), $779,232.25.
    (Council Communication No. 15-103)
    (A) **Approving** contract and bond, and permission to sublet.

68. **On** Greenwood Park Pond Dredging: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as Corell Contractor, Inc., (Grant Corell, President), $381,172.50.
    (Council Communication No. 15-105)
    (A) **Approving** contract and bond, and permission to sublet.
69. **On Williams Street Culvert Replacement South of Timber Lane:** Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldmann, President), $197,961.

   *(Council Communication No. 15-113)*

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

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

**APPROVING**

70. **Supporting** the positions that corporations should not receive the same constitutional rights as natural persons and that money is not speech.

**EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. **Approval** of collective bargaining agreement with Central Iowa Public Employees Council (CIPEC) for the period July 1, 2015 through June 30, 2018. Sponsor: Mayor Cownie.

   *(Council Communication No. 15-126)*

**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: **MEMO**

   (A) **1312 Boyd Street**, garage structure; Titleholder: Linda J. White; Mortgage Holder: Bank of the West f/k/a Commercial Federal Bank; Tax Lien Holder: Iowa Department of Revenue.
(B) 1637 Huntland Drive, main structure; Titleholder: David R. Nichols; Mortgage Holder: Bank of America, NA.

(C) 1509 Maury Street, commercial building structure and accessory building; Titleholders: Bud J. Sonderleiter and Leola M. Sonderleiter.

(D) 2111 Mondamin Avenue, main structure; Titleholder: Paul D. Johnson; Contract Buyer: Sandy Olechnovics.

(E) 822 Olinda Avenue, garage structure; Titleholder: T.J. Elings a/k/a Terry Lee Elings, Jr.; Mortgage Holder: Wells Fargo Bank, NA.

(F) 4707 SE 5th Street, main structure; Titleholder: Raymond E. Johnson.

MOTION TO ADJOURN.

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All-America City