

DES MOINES CITY COUNCIL MEETING
City Hall, Council Chambers
400 Robert D. Ray Dr.
Des Moines, Iowa 50309

May 4, 2015
4:30 PM

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 that this meeting will be exempt from the Open Meetings Law pursuant to Iowa Code Section 21.9.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

* * * * *

PROCLAMATIONS – 4:15 PM

Small Business Week

INVOCATION: Council Member Gray

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 29:

***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 from the following:

NEW APPLICATIONS

- | | | | |
|-----|----------------------|-------------------|----------|
| (A) | PIT STOP | 1443 2ND AVE | E Liquor |
| (B) | PIT STOP | 1443 2ND AVE | C Beer |
| (C) | SOUTH SIDE FOOD MART | 1101 ARMY POST RD | E Liquor |

RENEWAL APPLICATIONS

- | | | | |
|-----|---------------------|-------------------|----------|
| (D) | AMERICANA | 1312 LOCUST ST | C Liquor |
| (E) | BEST FOOD MART | 4028 E 14TH ST | E Liquor |
| (F) | CVS PHARMACY #10329 | 2303 MERLE HAY RD | E Liquor |
| (G) | EUROPA GROCERIES | 3839 MERLE HAY RD | C Beer |
| (H) | LOUIES WINE DIVE | 4040 UNIVERSITY | C Liquor |
| (I) | MICKEYS IRISH PUB | 204 3RD ST | C Liquor |
| (J) | QUIK TRIP #515 | 1421 INGERSOLL | C Beer |
| (K) | ROCA & SHORTYS | 208 COURT AVE | C Liquor |
| (L) | THIRSTY SPORTSMAN | 4808 SW 9TH ST | C Liquor |

OUTDOOR SERVICE APPLICATIONS

- (M) MARGARITA MEXICAN 400 SE 6TH ST C Liquor
Temporary for Cinco De Mayo on May 5, 2015. Pending approval of Fire and Zoning Departments.
- (N) NICKS 1106 ARMY POST RD C Liquor
Temporary for Classic Car Show on May 8, 2015. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

- (O) CELEBRASIAN 2015 1203 LOCUST ST Five (5) Day License
Special Class C Liquor License for an event on May 22 – 23, 2015.
- (P) CELEBRASIAN 2015 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License for an event on May 22 – 23, 2015.
- (Q) DRAKE UNIVERSITY 2615 CARPENTER Five (5) Day License
Class C Liquor License for Law School Graduation on May 15, 2015.
- (R) HIGH LIFE LOUNGE 200 SW 2ND ST Five (5) Day License
Class B Beer License for Market to Market Relay on May 9, 2015.
- (S) JANET BURGETT 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for a wedding reception at the Animal Learning Center on May 30, 2015.

BOARDS/COMMISSIONS/NEIGHBORHOODS

9. [Recommendation](#) from Council Member William Gray to appoint Amanda Nagle to the Urban Design Review Board, Seat 8, for a three-year term commencing June 30, 2013 to expire June 30, 2016.
10. [Appointing](#) Allen McKinley to the Iowa Events Center (IEC) Hotel Board of Directors.

COMMUNICATIONS FROM PLANNING AND ZONING

11. [Regarding](#) approval of a Preliminary Plat Amendment for “Carman Estates” located at 2314 E. Porter Avenue, to allow division of the property into five lots to accommodate a proposed 96-unit multi-family residential development that includes four, 3-story apartment buildings, a clubhouse structure and single-story detached garage structures.
12. [Regarding](#) request to amend the Des Moines’ 2020 Community Character Plan to adopt the River Bend Neighborhood Plan update as an element.

[\(Council Communication No. 15-222\)](#)

SETTING DATE OF HEARINGS

13. [On](#) vacation and lease of a portion of public sidewalk on E. 4th Street adjoining 350 E. Locust Street to Scenic Route Bakery, LLC for a sidewalk café, (5-18-15).
14. [On](#) request from Board of Trustees, Broadlawns Medical Center, to rezone 1801 Hickman Road from “C-0” (Commercial Residential), “R-3” (Multiple-Family Residential) and “FW” (Floodway) to “PUD” (Planned Unit Development), subject to conditions (5-18-15).
15. [On](#) request from Macerich Southridge Mall, LLC for the 31st amendment to the “C-4” Development Plan for Southridge Mall on property at 1111 E. Army Post Road to allow a 52-unit four-story senior living apartment dwelling, (5-18-15).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

16. [Approving](#) payment to Duncan, Green, Brown & Langeness for representation of the City on matters related to construction disputes, \$6,175.
17. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Colin Boone, \$387.50.

18. [Approving](#) payment to Ronald Stephens for a workers' compensation claim.

CITY MANAGER COMMUNICATIONS

19. [Submitting](#) travel and training requests for T.M. Franklin Cownie, Bruce Braun and Jonathan Gano.

[\(Council Communication No. 15-237\)](#)

APPROVING

20. [State](#) of Iowa Contract and a related amendment to the Urban Renewal Development Agreement with American Republic Insurance Company for renovation of its corporate headquarters at 601 6th Street.

[\(Council Communication No. 15-236\)](#)

21. [Authorizing](#) Mayor to execute U.S. Forest Service Grant Agreement for reforestation in Des Moines.

[\(Council Communication No. 15-224\)](#)

22. [Request](#) to Polk County Treasurer for assignment of tax sale certificates, approval of City acquisition of properties through tax deed, authorization to request release of property taxes and special assessments, and release of all City liens and special assessments in order to encourage housing redevelopment.

[\(Council Communication No. 15-221\)](#)

23. [Accepting](#) Sub-Grantee Agreements to administer FFY 2013 Homeland Security Grant Program Funds from Iowa's Homeland Security and Emergency Management Division.

[\(Council Communication No. 15-219\)](#)

24. Bids from the following:

- (A) [Bituminous](#) Materials & Supply, (Dan Quigley, Plant Manager), for an annual contract with two additional one-year renewal options, to furnish emulsified asphalt materials to be used by the Street Maintenance Division, \$300,000 estimated annual amount, (Three potential bidders, one received).

[\(Council Communication No. 15-223\)](#)

- (B) [Safeware](#) Inc., (Edward Simons, President) for Self-Contained Breathing Apparatus (SCBA's) for use by WMD SWAT and EOD Taskforce Teams, \$357,894.72, (Six potential bidders, one received).

[\(Council Communication No. 15-217\)](#)

- (C) [Federal](#) Resources Supply Company, (Frank Guglielmo, CEO/President) for chemical detection monitors for use by WMD SWAT and EOD Taskforce Teams, \$107,892.68, (Eight potential bidders, four received).

[\(Council Communication No. 15-218\)](#)

- (D) [Blacktop](#) Repair Service, Inc. (Patricia Hicks, President) for tennis and pickleball court resurfacing services at Woodlawn and Jordan Parks, \$31,501, (Five potential bidders, one received).

[\(Council Communication No. 15-228\)](#)

- 25. [Application](#) from the Des Moines Arts Festival requesting approval to temporarily place banners on scaffolding entrances at 12th & Grand, 12th & Locust, 12th & Walnut, 13th & Walnut and 16th & Locust for the 2015 Des Moines Arts Festival from June 26-28, 2015.
- 26. [Application](#) from Des Moines Police Department requesting approval to temporarily place a banner across the 100 block of E. Court Avenue for the "Run with the Police 5K" on Saturday, May 16, 2015.
- 27. [Civil](#) Service Promotional Lists for Cement Finisher and Senior Fire Medic.
- 28. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 4 and May 11, 2015; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 4 and May 11, 2015 and to draw checks for biweekly payroll due on May 15, 2015.

ORDINANCES - SECOND CONSIDERATION

- 29. [On](#) vacation of Air Space, Surface and Subsurface Rights adjoining 222 5th Avenue and conveyance of easements to Polk County, \$1.

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

ORDINANCES - FIRST CONSIDERATION

- 30. [Amending](#) Chapter 114 of the Municipal Code regarding hourly, night and event parking rates in City parking garages.

[\(Council Communication No. 15-225\)](#)

31. Number not used.

***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 32 THRU 36)

32. Items regarding the property at 3917 Mahaska (Arnold Dewitt, Owner) to allow expansion of the existing mini-warehouse complex:
- (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.
 - (B) [Hearing](#) on rezoning of the property from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-2" (General Retail and Highway-Oriented Commercial). (Six affirmative votes required to approve the rezoning).
 - (C) [First](#) consideration of ordinance above. (Six affirmative votes required to approve the rezoning).
 - (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.
33. [On](#) consideration of license agreement with CenturyLink Corporation on City-owned property north and adjacent to Grand Avenue right-of-way on the east and west banks of the Des Moines River, \$3,800.

[\(Council Communication No. 15-227\)](#)

34. Items regarding Robert D. Ray Drive:

- (A) [Hearing](#) on vacation of a portion of Robert D. Ray Drive as a Park Road and Rededication as public street right-of-way.
 - (1) [First](#) consideration of ordinance above.
- (B) [Amending](#) Chapter 114 of the Municipal Code regarding rededication of Robert D. Ray Drive as public street right-of-way.

[\(Council Communication No. 15-233\)](#)

35. [On](#) Greenwood Park Water Playground: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Joiner Construction Co., Inc. (Zeb Joiner, Vice President), \$369,826.25.

[\(Council Communication No. 15-231\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

36. [On](#) 2015 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designation of lowest responsible bidder as Ti-Zack Concrete, Inc., (Steven J. Rutt, President), \$467,000.

[\(Council Communication No. 15-229\)](#)

- (A) [Approving](#) contract and bond, and permission to sublet.

END HEARINGS AT _____PM

CITY MANAGER RECOMMENDATIONS

37. [Regarding](#) development of the City-owned parking lot, east of City Hall.

[\(Council Communication No. 15-234\)](#)

APPROVING

38. [Distribution](#) of Request for Qualifications (RFQ) and Request for Proposals (RFP) for the development of a rail port transloading facility in the City of Des Moines.

[\(Council Communication No. 15-238\)](#)

39. [Adoption](#) of a policy to allow pianos as an “encroachment” in the City's right-of-way pursuant to Code Section 102-605, and authorize the City Engineer to grant licenses for appropriate locations.

[\(Council Communication No. 15-235\)](#)

EXTRA ITEM

1. [Approving](#) appointment of Lisa K. Akre as Assistant City Attorney I for the Infrastructure Division. Sponsor: Mayor Cownie.

MOTION TO ADJOURN.

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All-America City
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