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.

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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

(N) NICKS 1106 ARMY POST RD C Liquor

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.
(T) KEG STAND 1 LINE DR Five (5) Day License Class B Beer License for Brewfest on May 30, 2015.


(W) OVATIONS FOOD SERVICE 833 5TH AVE Five (5) Day License Class C Liquor License for Kenny Chesney Pre-party on May 7, 2015.

(X) THAMMATHAY WEDDING 3000 E GRAND AVE Five (5) Day License Class C Liquor License for a wedding on May 23, 2015.

5. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

   (A) MacRae Park Trail Connection: Receiving of bids, (5-19-15), Setting date of hearing, (6-8-15), Construction Estimate, $200,000.

      (Council Communication No. 15-232)

   (B) 2015 ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (5-19-15), Setting date of hearing, (6-8-15), Construction Estimate, $450,000.

      (Council Communication No. 15-230)

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

LAND/PROPERTY TRANSACTIONS

8. Authorization to proceed with acquisition of the necessary property interests for the 2015 Storm Sewer Repair Project.

    (Council Communication No. 15-226)
BOARDS/COMMISSIONS/NEIGHBORHOODS


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


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.

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


      (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)


      (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