The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '13-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 22, 2013 4:30 PM

PROCLAMATIONS – 4:00 PM

Money Smart Week/Bank On Central Iowa Day

Administrative Professionals Week/Day

Arbor Day

Castle Club of Des Moines and Ballroom Dancing Month

INVOCATION: Council Member Moore

13-0621 1. ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.

13-0622 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

13-0623 3. APPROVING CONSENT AGENDA * – items 3 through 37: Moved by Hensley to adopt the balance of the Consent agenda. Motion Carried 7-0.
4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0. *Council Member Coleman votes “No” on items 4(G) Best Food Mart and 4(X) Last Stop Beverage Shop.**

### NEW APPLICATIONS

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Address</th>
<th>Alcohol Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A)</td>
<td>GRAYS LAKE TERRACE</td>
<td>2101 FLEUR DR</td>
<td>C Beer/Wine</td>
</tr>
<tr>
<td>(B)</td>
<td>PRIVATE CLIENT CATERING</td>
<td>2801 FLEUR DR</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(C)</td>
<td>SANDS VOLLEYBALL CLUB</td>
<td>6214 GRAND AVE</td>
<td>C Liquor</td>
</tr>
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</table>

### RENEWAL APPLICATIONS

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Address</th>
<th>Alcohol Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>(D)</td>
<td>14TH STREET TAVERN</td>
<td>3418 E 14TH ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(E)</td>
<td>ALL IN THE FAMILY LOUNGE</td>
<td>4249 FLEUR DR</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(F)</td>
<td>BARATTAS RESTAURANT</td>
<td>2320 S UNION ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(G)</td>
<td>BEST FOOD MART</td>
<td>4028 E 14TH ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(H)</td>
<td>BOURBON ST</td>
<td>500 ARMY POST RD</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(I)</td>
<td>CAFE BARATTA’S</td>
<td>600 E LOCUST ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(J)</td>
<td>DES MOINES ART CENTER</td>
<td>4700 GRAND AVE</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(K)</td>
<td>DES MOINES VALERO #203</td>
<td>4140 PARK AVE</td>
<td>C Beer</td>
</tr>
<tr>
<td>(L)</td>
<td>DES MOINES YACHT CLUB</td>
<td>2617 INGERSOLL</td>
<td>C Liquor</td>
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<tr>
<td>(M)</td>
<td>DJANGO RESTAURANT</td>
<td>210 10TH ST</td>
<td>C Liquor</td>
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<tr>
<td>(N)</td>
<td>FAMOUS DAVES</td>
<td>4351 MERLE HAY RD</td>
<td>C Liquor</td>
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<tr>
<td>(O)</td>
<td>GERRIS</td>
<td>232 E 30TH ST</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(P)</td>
<td>GIT N GO STORE #1</td>
<td>3735 HUBBEll AVE</td>
<td>C Beer</td>
</tr>
<tr>
<td>(Q)</td>
<td>H &amp; A MINI MART</td>
<td>5901 FLEUR DR</td>
<td>C Beer</td>
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<tr>
<td>(R)</td>
<td>HOME PLATE DINER</td>
<td>304 E 30TH ST</td>
<td>C Beer/Wine</td>
</tr>
<tr>
<td>(S)</td>
<td>JOHNNYS HALL OF FAME</td>
<td>302 COURT AVE</td>
<td>C Liquor</td>
</tr>
<tr>
<td>(T)</td>
<td>KRUEGERS AMOCO #2</td>
<td>630 SW 9TH ST</td>
<td>C Beer</td>
</tr>
<tr>
<td>(U)</td>
<td>KUM &amp; GO #120</td>
<td>101 ARMY POST</td>
<td>C Beer</td>
</tr>
<tr>
<td>(V)</td>
<td>KUM &amp; GO #130</td>
<td>2930 HICKMAN RD</td>
<td>C Beer</td>
</tr>
<tr>
<td>(W)</td>
<td>KUM &amp; GO #194</td>
<td>4001 SW 9TH ST</td>
<td>C Beer</td>
</tr>
<tr>
<td>(X)</td>
<td>LAST STOP BEVERAGE SHOP</td>
<td>2839 E UNIVERSITY</td>
<td>E Liquor</td>
</tr>
<tr>
<td>(Y)</td>
<td>RITUAL CAFE</td>
<td>1301 LOCUST ST</td>
<td>C Beer/Wine</td>
</tr>
<tr>
<td>(Z)</td>
<td>VOLCANO NIGHT CLUB</td>
<td>1820 E ARMY POST</td>
<td>C Liquor</td>
</tr>
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</table>

### OUTDOOR SERVICE APPLICATIONS

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Address</th>
<th>Alcohol Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>(AA)</td>
<td>14TH STREET TAVERN</td>
<td>3418 E 14TH ST</td>
<td>C Liquor</td>
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</table>

Temporary for an annual customer appreciation event on April 27, 2013.

### SPECIAL EVENT APPLICATIONS

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Address</th>
<th>License Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>(BB)</td>
<td>BUZZARD BILLYS</td>
<td>615 3RD ST</td>
<td>Five (5) Day License</td>
</tr>
</tbody>
</table>

Class C Liquor License for Kenny Chesney Pre-Party on April 27, 2013.

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Address</th>
<th>License Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>(CC)</td>
<td>DOS RIOS</td>
<td>318 COURT AVE</td>
<td>Five (5) Day License</td>
</tr>
</tbody>
</table>

Class C Liquor License for Cinco De Mayo Celebration on May 4, 2013.
PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

13-0625 (A) **E. 14th Street & E. Euclid Avenue Intersection Modification**: Receiving of bids, (5-7-13), Setting date of hearing, (5-20-13), Construction estimate, $186,500. **(Council Communication No. 13-200)** Moved by Hensley to adopt. Motion Carried 7-0.

13-0626 (B) **SE 19th & Harriet Street Pump Station Modifications**: Receiving of bids, (5-7-13), Setting date of hearing, (5-20-13), Construction estimate, $193,500. **(Council Communication No. 13-198)** Moved by Hensley to adopt. Motion Carried 7-0.

13-0627 6. **Approving** Professional Services Agreement with Calhoun-Burns & Associates, Inc. for the City-Wide Bridge Evaluation – 2013, not to exceed $145,000. **(Council Communication No. 13-197)** Moved by Hensley to adopt. Motion Carried 7-0.

13-0628 7. **Approving** Professional Services Agreement with Foth Infrastructure and Environment, LLC for evaluation, design, and construction phase services for the E. Payton Avenue Bridge Replacement over Stream, not to exceed $169,703. **(Council Communication No. 13-193)** Moved by Hensley to adopt. Motion Carried 7-0.

8. Approving Private Construction Contracts for the following:

13-0629 (A) **Detrick Excavating Inc. and Wakonda Living, LLC** for sanitary sewer improvements in Lot 20, Wakonda Plat 1, $20,400. Moved by Hensley to adopt. Motion Carried 7-0.

13-0630 (B) **Jensen Construction Company and Principal Life Insurance Company** for Principal Riverwalk Signage and Skating Canopy Foundation improvements, $253,000. Moved by Hensley to approve the contract; approval of the signage portion of the work is subject to receipt, review and staff approval of the final design. Motion Carried 7-0.

13-0631 9. **Communication** from Herberger Construction Co. requesting permission to sublet certain items on the Easter Lake Drive Bridge over Easter Lake Rehabilitation project. Moved by Hensley to adopt. Motion Carried 7-0.

13-0632 10. **Accepting** completed construction and approving final payment for SE Connector Paving – SE 4th Street to SE 9th Street, Elder Corporation. Moved by Hensley to adopt. Motion Carried 7-0.
SPECIAL ASSESSMENTS

11. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-04. Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

12. Acceptance of Special Warranty Deed for City Parking Garage at 8th and Mulberry Streets. Moved by Hensley to adopt. Motion Carried 7-0.

13. Acceptance of permanent easement for traffic signal systems at 1100 7th Street for the 7th Street and Laurel Street Traffic Signal project. Moved by Hensley to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

14. Approving recommendation of Mayor Cownie for reappointments to the Airport Authority Board of the following:

(A) Edgar Hansell, Seat 3, for a four-year term commencing June 30, 2013 to expire June 30, 2017. Moved by Hensley to approve. Motion Carried 6-1. Nays: Moore.

(B) Elizabeth Ward, Seat 5, for a four-year term commencing June 30, 2013 to expire June 30, 2017. Moved by Hensley to approve. Motion Carried 6-1. Nays: Moore.

15. Appointing the Mayor as the City’s Representative to the Warren County Emergency Management Commission and approving the members of the City Council and the Fire Chief as the City’s alternate representatives. (Council Communication No. 13-203) Moved by Hensley to adopt. Motion Carried 7-0.

16. Approving reappointment of Frank Cownie and Rick Clark to the Des Moines Performing Arts Board of Directors effective immediately. Moved by Hensley to adopt. Motion Carried 7-0.

17. Accepting resignation of Charles Talarico from the Citizen Odor Board, Seat 14, effective immediately. Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.

18. Communication from Richard Bason, Chairman for the Housing Appeals Board, requesting that Seats 3 and 6 be declared vacant. Moved by Hensley to receive and file. Motion Carried 7-0.
19. Communication regarding an update on Commission Activities of the Des Moines Human Rights Commission (DMHRC) and request for a joint meeting with the Mayor and City Council Members. Moved by Moore to schedule a joint meeting after May 9th, and refer to the City Manager to gather input from all Council Members regarding the agenda. Motion Carried 7-0.

SETTING DATE OF HEARINGS

20. On conveyance of a portion of property at the southeast corner of SW 9th Street and Bell Avenue to Git-N-Go Convenience Stores, Inc., $7,500, (5-6-13). Moved by Hensley to adopt. Motion Carried 7-0.

21. On request from Miguel Saucedo to rezone 1161 22nd Street from “R1-60” (One-Family Low-Density Residential) to “R-4” (Multiple-Family Residential) to allow a five-unit multiple-family dwelling, (5-6-13). (Plan and Zoning Commission recommends DENIAL) Moved by Hensley to adopt. Motion Carried 7-0.

22. On request from Kading Properties to amend the Meadowlands PUD Conceptual Plan at 7400 Meadowlands Drive to revise the configuration of 70 residential units permitted from seven two-story multiple-family dwellings to 35 single-story two-family dwellings, subject to conditions, (5-6-13). Moved by Hensley to adopt. Motion Carried 7-0.

23. On request from Hy-Vee, Inc. for an amendment to the Southgate C-4 Development Plan to allow a gas/convenience store use at the northwest corner of 3221 SE 14th Street, (5-6-13). Moved by Hensley to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

24. Approving payment to Belin McCormick Law Firm for consulting and legal services in conjunction with Kragnes v. City of Des Moines, $1,830. Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

25. Submitting travel and training requests for Mikel Johnson, Rodell Nydam, Rudy Simms, Jeremy Walburn and Lucas Wilson. (Council Communication No. 13-204) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

26. Home loan and execution of contracts for $378,000 with Home Opportunities Made Easy, Inc. (HOME) for construction of five (5) rental units at the intersection of 13th and Clark Streets. (Council Communication No. 13-194) Moved by Hensley to adopt. Motion Carried 7-0.
27. **Preliminary** terms of agreement with Ballyard Lofts, LLC for renovation of property at 226 W. Martin Luther King, Jr. Parkway.  (Council Communication No. 13-205) Moved by Hensley to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 13-205, and to direct the City Manager to proceed with negotiation of a formal agreement with Ballyard Lofts, LLC, consistent with the terms set forth in Council Communication No. 13-205. Motion Carried 7-0.

13-0651

(A) **Approving** application of Ballyard Lofts, LLC for Enterprise Zone Benefits for a housing project at 226 W. Martin Luther King, Jr. Parkway in the Gateway Enterprise Zone. Moved by Hensley to adopt. Motion Carried 7-0.

28. **Receive** and file Quarterly Treasurer’s Report as of March 31, 2013. Moved by Hensley to receive and file. Motion Carried 7-0.

29. **Exception** to procurement ordinance competitive bidding requirements for a three-year agreement with Insight Public Sector (Kenneth Lamneck, President/CEO) for Microsoft Software products and services per State of Iowa contract for use by the Information Technology Department, $859,753.92 total for 3 years. (Council Communication No. 13-206) Moved by Hensley to adopt. Motion Carried 7-0.

30. Bids from the following:

13-0654

(A) **Parker** Signs and Graphics (John Parker, President) for recreational trail signage requested by the Park & Recreation Department, $64,531. (Nine bids mailed, two bids received) (Council Communication No. 13-199) Moved by Hensley to adopt. Motion Carried 7-0.

13-0655

(B) **Baker** Group (BJ Baker III, Chairman/CEO) for building automation products and services for security enhancements per State of Iowa contract requested by the Park & Recreation Department, $110,840. (Council Communication No. 13-195) Moved by Hensley to adopt. Motion Carried 7-0.

13-0656

(C) **IPS** Group (Dave King, President) for credit card & smart card enabled single space parking meter units requested by the Engineering Department Traffic & Transportation Division, $115,800. (Four bids mailed, four bids received) Moved by Hensley to adopt. Motion Carried 7-0.

31. **Authorizing** Finance Director to draw checks on registers for weeks of April 22 and April 29, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for week of April 29, 2013; and to draw checks for biweekly payroll due May 3, 2013. Moved by Hensley to adopt. Motion Carried 7-0.
ORDINANCES - FINAL CONSIDERATION

13-0658  32. **Amending** Chapter 114 of the Municipal Code to allow installation of a pedestrian “HAWK” (High-intensity Activated CrossWalk) signal on Grand Avenue, east of 2nd Avenue. **Moved by Hensley that this ordinance do now pass, #15,180.** Motion Carried 7-0.

13-0659  33. **On** City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to the addition of a definition for small engine repair use. **Moved by Hensley that this ordinance do now pass, #15,181.** Motion Carried 7-0.

13-0660  34. **On** City-initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses. **Moved by Hensley that this ordinance do now pass, #15,182.** Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

13-0661  35. **Rezoning** 1734 E. University and 1213 E. 17th Court from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow a custom retail carpentry and millwork shop and office involving outdoor storage of contractor vehicles and job trailers, subject to conditions. **Moved by Hensley that this ordinance be considered and given second vote for passage.** Motion Carried 7-0.

13-0662  36. **Amending** Chapter 114 of the Municipal Code regarding parking revisions on E. 1st Street and additional municipal employee parking spaces at the east end of Court Avenue Bridge due to Principal Riverwalk construction. **Moved by Hensley that this ordinance be considered and given second vote for passage.** Motion Carried 7-0.

13-0663  37. **Rezoning** of 20 E. 18th Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial) to allow use of a portion of the property for outdoor storage of inoperable construction equipment, subject to conditions. **Moved by Hensley that this ordinance be considered and given second vote for passage.** Motion Carried 7-0.

13-0664  (A) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,183.** Motion Carried 7-0.

* * * * * * * END CONSENT AGENDA * * * * * * *
HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 38 THRU 43)

13-0665 38. On adoption of the proposed Resolution of Necessity for Sanitary Sewer Improvements on E. 37th Street – Euclid Avenue to Hubbell Avenue. (ALTERNATE MOTIONS) (Council Communication No. 13-192) Moved by Mahaffey to adopt, without further amendment, and all objections filed or may have been duly considered are overruled. Motion Carried 7-0.

13-0666 (A) Authorization to proceed with acquisition of necessary right-of-way and easements. Moved by Mahaffey to adopt. Motion Carried 7-0.

13-0667 39. On conveyance of a permanent underground electric easement to MidAmerican Energy Company for Municipal Service Center Project, $1. Moved by Meyer to adopt. Motion Carried 7-0.

13-0668 40. On vacation and conveyance of a subsurface easement along Grand Avenue adjoining 430 Grand Avenue to EMM Associates, LP for the Elsie Mason Manor Redevelopment Project, $1,250. (Council Communication No. 13-191) Moved by Hensley to adopt. Motion Carried 7-0.

13-0669 (A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

13-0670 (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,184. Motion Carried 7-0.

13-0671 41. On Concession Agreement with Port of Des Moines, LLC to operate a food and beverage concession at the Hub Spot located at the northeast corner of Court Avenue and Water Street from April 1, 2013 through December 21, 2017. (Council Communication No. 13-196) Moved by Hensley to adopt. Motion Carried 7-0.

13-0672 42. On issuance of a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street. Moved by Meyer to continue the public hearing until May 20, 2013 at 5:00 PM in the Council Chambers at City Hall. Motion Carried 7-0.
43. On proposed Second Amendment to the Southside Economic Development District Urban Renewal Area. (Council Communication No. 13-202) Moved by Meyer to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 5:02 PM ***

CITY MANAGER RECOMMENDATIONS

44. Report regarding off-road vehicles on Four Mile Drive. (Council Communication No. 13-201) Moved by Moore to receive and file the preliminary report; refer to the City Manager to work with the neighborhood association to create a plan, and then present the final plan to the City Council once all costs have been determined. Motion Carried 7-0.

APPROVING

45. Naming of Center Street Pedestrian Bridge as “Iowa Women of Achievement Bridge” and dedication of bridge as part of the Principal Riverwalk Multi-Use Recreational Trail and as Parkland. Moved by Hensley to adopt; refer to the City Manager to make a suggestion that a representative from the City be added to the Selection Committee. Motion Carried 7-0.

MOTION TO ADJOURN. Moved by Moore to adjourn at 5:03 PM. Motion Carried 7-0.