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 '14-' 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
City Hall, City Council Chambers
400 Robert D. Ray Drive

February 24, 2014
4:30 PM

INVOCATION: Council Member Coleman

14-0254 1. ROLL CALL: Present: Coleman, Gray, Hensley, Mahaffey and Voss. Absent: Moore. Mayor Cownie participated in the meeting via telephone. Council Member Moore entered the meeting during item 3.

14-0255 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 6-1. Absent: Moore.

14-0256 3. APPROVING CONSENT AGENDA * – items 3 through 44: Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.

*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

14-0257  4. Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Council Member Coleman votes “No” on items (B) and (J). Motion Carried 7-0.

RENEWAL APPLICATIONS

(A) CENTERPLATE  1 LINE DR  C Liquor
(B) CENTRAL CITY LIQUOR  1460 2ND AVE  E Liquor
(C) DAHLS FUEL  3401 INGERSOLL  C Beer
(D) GATEWAY MARKET MLK  2002 WOODLAND  C Liquor
(E) GIT N GO STORE #28 *(1)  3274 E UNIVERSITY  C Beer
(F) H & A MINI MART *(1)  5901 FLEUR DR  E Liquor
(G) HAWKEYE PANTRY  501 LOCUST ST  E Liquor
(H) HOTEL FORT DES MOINES  1000 WALNUT ST  B Liquor
(I) HY VEE FOOD STORE #1  3330 MLK JR PKWY  C Beer
(J) INGERSOLL LIQUOR  3500 INGERSOLL  E Liquor
(K) J BENJAMINS  5800 FRANKLIN AVE  C Liquor
(L) LINN SUPER MARKET  3805 6TH AVE  C Beer
(M) RACCOON RIVER BREWING  200 10TH ST  C Liquor
(N) SAINTS PUB + PATIO  4041 URBANDALE  C Liquor
(O) SCORNOVACCAS PIZZA  3900 E 14TH ST  B Beer
(P) THAI FLAVORS  1254 E 14TH ST  C Beer/Wine
(Q) WEST END LOUNGE  2309 FOREST AVE  C Liquor
(R) WOOLYS  504 E LOCUST ST  C Liquor

SPECIAL EVENTS APPLICATIONS

(S) ANKOR WAT FRIENDSHIP  3000 E GRAND AVE  Five (5) Day License Class B Beer License for Cambodia New Year Celebration on March 29, 2014.


PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

14-0258  (A) Park Avenue Railroad Crossing Improvements at SW 56th Street: Receiving of bids, (3-11-14), Setting date of hearing, (3-24-14), Construction estimate, $50,000. (Council Communication No. 14-068) Moved by Hensley to adopt. Motion Carried 7-0.

14-0259  (B) South Union Street Bridge over Yeader Creek Rehabilitation: Receiving of bids, (3-11-14), Setting date of hearing, (3-24-14), Construction estimate, $407,048. (Council Communication No. 14-070) Moved by Hensley to adopt. Motion Carried 7-0.
14-0260  (C) Greenwood Park Shelter Renovation: Receiving of bids, (3-11-14), Setting date of hearing, (3-24-14), Construction estimate, $240,000. (Council Communication No. 14-069) Moved by Hensley to adopt. Motion Carried 7-0.

14-0261  6. Authorization to submit a Revitalize Iowa’s Sound Economy (RISE) Grant application to the Iowa Department of Transportation (IDOT) for the James W. Cownie Baseball Park improvements. (Council Communication No. 14-066) Moved by Hensley to adopt. Motion Carried 7-0.

14-0262  7. Approving Iowa Department of Transportation (IDOT) Agreement for Waveland Trail from I-235 to University Avenue. (Council Communication No. 14-073) Moved by Voss to adopt. Motion Carried 7-0.

14-0263  8. Approving Professional Services Agreement with CH2MHill, Inc. for environmental and grant work necessary for several downtown bridges known as the Downtown Transportation Restoration Project, not to exceed $205,000. (Council Communication No. 14-065) Moved by Hensley to adopt. Motion Carried 7-0.

14-0264  9. Accepting completed construction and approving final payment for Tonawanda Drive Ravine Improvements, Correll Contractor, Inc. Moved by Hensley to adopt. Motion Carried 7-0.

14-0265  10. Accepting completed construction and approving final payment for 4500 block of Wakonda Parkway Sanitary Sewer, T K Concrete Inc. Moved by Hensley to adopt. Motion Carried 7-0.

14-0266  (A) Adopting and levying final schedule of assessments. Moved by Hensley to adopt. Motion Carried 7-0.

14-0267  (B) Accepting work and ordering preparation of plat and schedule of assessments, Schedule No. 2012-01. Moved by Hensley to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

14-0268  11. Levying assessments for costs of nuisance abatement NAC Emergency Orders (Community Development) Schedule No. 2014-02. Moved by Hensley to adopt. Motion Carried 7-0.

14-0269  12. Approving deletion of rental inspection assessment at 2604 Cornell Street. Moved by Hensley to adopt. Motion Carried 7-0.
LAND/PROPERTY TRANSACTIONS

14-0270  13. **Acceptance** of real estate documents from Polk County for the Army Post Bridge – Great Western Trail project. **Moved by Hensley to adopt.  Motion Carried 7-0.**

14-0271  14. **Accepting** PUD Restoration Bond for grading work at 2601 Forest Avenue, Drake University Basketball Practice Facility. (Council Communication No. 14-061) **Moved by Hensley to adopt.  Motion Carried 7-0.**

14-0272  15. **Approving** 31 tax abatement applications for the additional value added by improvements completed during 2013. (Council Communication No. 14-063) **Moved by Hensley to adopt.  Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

14-0273  16. **Amending** the Fairmont Park Neighborhood boundary to include the area formerly known as the Garton West Neighborhood. (Council Communication No. 14-082) **Moved by Moore to adopt.  Motion Carried 7-0.**

14-0274  17. **Approving** appointments to the Metropolitan Planning Organization, (MPO). **Moved by Hensley to adopt.  Motion Carried 7-0.**

14-0275  18. **Recommendation** from Mayor Cownie to appoint Marva J. Willis to the Aging Resources of Central Iowa, Seat 2, for a two-year term commencing January 1, 2014 to expire December 31, 2015. **Moved by Hensley to adopt.  Motion Carried 7-0.**

14-0276  19. **Recommendation** from Housing Services Director to appoint John Mitton to the Housing Services Board, Seat 11, for a three-year term commencing October 10, 2011 to expire June 30, 2014. **Moved by Hensley to adopt.  Motion Carried 7-0.**

14-0277  20. **Recommendation** from Council Member Christine Hensley to appoint Kimberly Hansen to the Housing Services Board, Seat 6, for a three-year term commencing June 30, 2011 to expire June 30, 2014. **Moved by Hensley to adopt.  Motion Carried 7-0.**
COMMUNICATIONS FROM PLANNING AND ZONING

14-0278 21. Regarding request from Freedom Financial Bank for vacation of dead-end segment of the east/west alley in the vicinity of 2125 High Street, subject to provision of easements for existing utilities. Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

14-0279 (A) Setting date of hearing on request to rezone 2125 High Street from “R-2A” (General Residential) to Ltd. “C-1” (Neighborhood Retail Commercial) to allow expansion of the existing, adjoining financial institution site by modifying the drive-up service area exit driveway on the property and alleyway requested for vacation, (3-10-14). Moved by Hensley to adopt. Motion Carried 7-0.

14-0280 22. Regarding request from Neighborhood Development Corporation for vacation of Granger Avenue from Indianola Avenue to South Union Street, and vacation of SW 1st Street from Jackson to Indianola Avenue, subject to conditions. Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

SETTING DATE OF HEARINGS

14-0281 23. On request from Raccoon Street Warehouse to rezone property at 403 SE 8th Street from “R-2A” (General Residential) to Ltd. “C-3B” (Central Business Mixed Use) to allow development of accessory off-street parking, (3-10-14). Moved by Hensley to adopt. Motion Carried 7-0.

14-0282 24. On request from Catholic Health Initiative - Iowa Corporation to rezone property in the vicinity of 320 Creighton Avenue from “R1-60” (One-Family Low-Density Residential) to “C-0” (Commercial Residential) to allow construction of a maintenance building in support of the Mercy Hospital Complex and surrounding related properties, (3-10-14). Moved by Hensley to adopt. Motion Carried 7-0.

14-0283 25. On request from Tim Thelen to rezone property at 1159 24th Street from “C-1” (Neighborhood Retail Commercial) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow use of the premises as a carpenter shop for guitar making, (3-10-14). Moved by Hensley to adopt. Motion Carried 7-0.

14-0284 26. On proposed renaming of a segment of the Southwest Connector, west of Iowa Highway 28, to Veterans Parkway, (3-10-14). Moved by Hensley to adopt. Motion Carried 7-0.
27. **On** assessment of $500 penalties for sale to minor to the following liquor license holders, (3-10-14):  
**Moved by Hensley to adopt. Motion Carried 7-0.**  

(A) Casey’s #2322, 4331 Park Avenue.  
(B) Git-N-Go Store #7, 3000 Merle Hay Road.  
(C) Super Stop, 727 SE 14th Street.

28. **On** assessment of $1,500 penalty and 30-day suspension of liquor license for Sahota Food Mart, 1805 SE 14th Street, for sale to minor, (3-10-14).  
**Moved by Hensley to adopt. Motion Carried 7-0.**

**Moved by Hensley to adopt. Motion Carried 7-0.**

30. **On** amendment to the annual budget for the current fiscal year ending June 30, 2014, (3-10-14).  
**Moved by Hensley to adopt. Motion Carried 7-0.**

31. **On** proposed annual budget for the fiscal year ending June 30, 2015, (3-10-14).  
**Moved by Coleman to adopt. Motion Carried 7-0.**

32. **On** recommended Capital Improvement Program (CIP) for fiscal years 2014-2015 through 2019-2020, (3-10-14).  
**Moved by Hensley to adopt. Motion Carried 7-0.**

33. **On** items regarding General Obligation Bond Proposals, (3-10-14):  
(Council Communication No. 14-081)  

(A) **Resolution** electing classification and procedures for proposed bond projects.  
**Moved by Hensley to adopt. Motion Carried 7-0.**

(B) **On** issuance of not to exceed $19,655,000 General Obligation Bonds for Essential Corporate Purposes.  
**Moved by Hensley to adopt. Motion Carried 7-0.**

(C) **On** issuance of not to exceed $720,000 General Obligation Bonds for General Corporate Purposes.  
**Moved by Hensley to adopt. Motion Carried 7-0.**

(D) **On** issuance of not to exceed $950,000 General Obligation Bonds for General Corporate Purposes.  
**Moved by Hensley to adopt. Motion Carried 7-0.**

(E) **On** issuance of not to exceed $985,000 General Obligation Bonds for General Corporate Purposes.  
**Moved by Hensley to adopt. Motion Carried 7-0.**

(F) **On** issuance of not to exceed $1,000,000 General Obligation Bonds for General Corporate Purposes.  
**Moved by Hensley to adopt. Motion Carried 7-0.**
On issuance of not to exceed $830,000 General Obligation Bonds for General Corporate Purposes. Moved by Hensley to adopt. Motion Carried 7-0.

On issuance of not to exceed $995,000 General Obligation Bonds for General Corporate Purposes. Moved by Hensley to adopt. Motion Carried 7-0.

On issuance of not to exceed $1,000,000 General Obligation Bonds for General Corporate Purposes. Moved by Hensley to adopt. Motion Carried 7-0.

On issuance of not to exceed $870,000 General Obligation Bonds for General Corporate Purposes. Moved by Hensley to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

Approving payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, $1,401.12. Moved by Hensley to adopt. Motion Carried 7-0.

Approving payment to Calvin Kelly and Berger Law Firm for a bodily injury claim, $10,000. Moved by Hensley to adopt. Motion Carried 7-0.

Settlement agreement for a 30-day suspension of the liquor license and payment of $1,500 penalty for a second sale to minor violation within a two-year period at Casey’s #2641, 2849 E. Euclid Avenue. Moved by Hensley to adopt. Motion Carried 7-0.

Approving payment to Hall & Associates for representation in the matter entitled Iowa League of Cities v. United States Environmental Protection Agency, $365.82. Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

Submitting travel and training requests for Ted Jefferson, Nanci McMickle and Eric Skinner. (Council Communication No. 14-086) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

One-year Renewal Addendum of Contract with ABM Janitorial Services (Brad Nelson, Branch Manager) for custodial services in municipal buildings and community centers. (Council Communication No. 14-085) Moved by Hensley to adopt. Motion Carried 7-0.

Competitive grant application by the Fire Department to the Monsanto Fund for funding of two organic compound monitors for use by the Hazardous Materials Team, $8,000. (Council Communication No. 14-062) Moved by Hensley to adopt. Motion Carried 7-0.
41. **Grant application for the 2015 Governor’s Traffic Safety Bureau (GTSB), $205,357.** *(Council Communication No. 14-083)* *Moved by Hensley to adopt. Motion Carried 7-0.*

42. Bids from the following:

(A) **Power** Systems (Mick Swolley, Branch Manager) for an annual contract with two (2) additional one-year renewal options to furnish standby generator maintenance and repair services at various city-wide locations for use by the Park & Recreation Department, annual estimated cost $35,000. *(Four bids mailed, two received).* *Moved by Hensley to adopt. Motion Carried 7-0.*

(B) **Coban** Technologies Inc. (Allan Chen, President) for non-competitive procurement of eight (8) in-car video camera systems for use in Traffic and Patrol cars by the Police Department, $55,560. *(Council Communication No. 14-075)* *Moved by Hensley to adopt. Motion Carried 7-0.*

(C) **Data** 911 (Bret Hubbard, President and CEO) for mobile data computers per US General Services Administration Schedule 84 Contract for use in Fire Department medical emergency response vehicles, $58,714.50. *(Council Communication No. 14-078)* *Moved by Hensley to adopt. Motion Carried 7-0.*

43. **Renewal** Agreement for downtown maintenance at Gateway Park, Principal Riverwalk, MLK Jr. Parkway and East Locust Streetscape. *(Council Communication No. 14-079)* *Moved by Coleman to adopt, refer to the City Manager to monitor the contract and at the time of renewal to make it a more permanent agreement with a more permanent funding source. Motion Carried 7-0.*

44. **Authorizing** Finance Director to draw checks on registers for the weeks of February 24 and March 3, 2014, and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 24 and March 3, 2014 and to draw checks for biweekly payroll due on March 7, 2014. *Moved by Hensley to adopt. Motion Carried 7-0.*
ORDINANCES - FIRST CONSIDERATION

14-0315  45. **Amending** Chapter 114 of the Municipal Code for removal of P.M. peak hour restrictions – east side of 9th Street from Crocker to Indiana.  *(Council Communication No.  14-064)* Moved by Hensley that this ordinance be considered and given first vote for passage.  Motion Carried 7-0.

COMMUNICATIONS/REPORTS

14-0316  46. **From** Martin Wissenberg, 222 Third Avenue SE, Cedar Rapids, to speak regarding amendment to Section 126-62 to allow Riders Club of America to provide senior transportation in Des Moines.  **Moved by Hensley to receive, file and refer to the City Manager and City Attorney for review and recommendation back to Council in 30 days.**  Motion Carried 7-0.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47 THRU 51)

47. Items regarding 2930, 2934 and 2936 Walker Street, QuikTrip:

14-0317   (A) **Amending** the Des Moines 2020 Community Character Land Use Plan, to revise the existing future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Community Commercial.  **Moved by Voss to adopt and approve the proposed amendment.**  Motion Carried 7-0.

14-0318   (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).  **Moved by Voss to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.**  Motion Carried 7-0.

14-0319   (C) **First** consideration of ordinance above.  **Moved by Voss that this ordinance be considered and given first vote for passage.**  Motion Carried 7-0.

14-0320   (D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes.  **Moved by Voss 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, #15,261.**  Motion Carried 7-0.

14-0321   (E) **Resolution** scheduling a hearing on appeal by QuikTrip Corporation of a decision by the Building Official to deny reconstruction of a driveway approach in the vicinity of 2945 E. University Avenue, (3-10-14).  **Moved by Voss to adopt.**  Motion Carried 7-0.
On Waiver Request to the Department of Housing and Urban Development (HUD) to incur program year 2014 Pre-Award Costs for Community Development Block Grant funds (CDBG) and Emergency Solutions Grant Funds (ESG). Moved by Hensley to adopt. Motion Carried 7-0.

On E. 30th Street & Dean Avenue Intersection Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designation of lowest responsible bidder as Concrete Technologies, Inc. (Brad Baumler, President), $783,830.70. (Council Communication No. 14-071) Moved by Voss to adopt. Motion Carried 7-0.

(A) Approving contract and bond, and permission to sublet. Moved by Voss to adopt. Motion Carried 7-0.

On conveyance of a portion of the vacated east/west alley right-of-way adjoining 1701 Francis Avenue to Clint R. and Reyna H. Copic, $25. (Council Communication No. 14-067) Moved by Gray to adopt. Motion Carried 7-0.

On issuance of not to exceed $18,000,000 Sewer Revenue Capital Loan Notes. (Council Communication No. 14-084) Moved by Hensley to adopt. Motion Carried 7-0.

(A) Institute proceeding to take additional action for the authorization of a loan agreement and issuance of notes. Moved by Hensley to adopt. Motion Carried 7-0.

(B) Directing the advertisement for sale of not to exceed $18,000,000 Sewer Revenue Capital Loan Notes, Series 2014B, and approving electronic bidding procedures and form of Official Statement. (Bonds will be sold at 10AM on March 12th and a special Council meeting will be held at 4:30 PM on March 12th) Moved by Hensley to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 5:16 PM ***

APPROVING

Selection of Knapp Properties/Hy-Vee as the preferred developer to purchase and redevelop 420 Court Avenue. (Council Communication No. 14-080) Moved by Coleman to acknowledge that this is the first step of the process, refer to the City Manager to develop a communication strategy and to submit it to Council for their review that will keep the Mayor and Council apprised of the negotiations and development plan, and to adopt the recommendations contained in Council Communication No. 14-080. Motion Carried 5-1-1. Nays: Moore. Absent: Cownie.

*Mayor Cownie left the meeting during item 52.
53. **Selection** of the Opus Group as the preferred developer of the 7th Street and Grand Avenue Parking Garage site. (Council Communication No. 14-076) Moved by Hensley to adopt and include the following: 1. Evidence of financial support consistent with the Developer’s proposal. 2. Developer will submit a third-party market assessment demonstrating viability of the extended-stay hotel and the market-rate housing. 3. Developer will commission an appraisal for the housing component to determine if the proposed financial structure is achievable. 4. Staff will report back to Council on the status of those items in the next 45 days at a workshop. Motion Carried 6-1. Absent: Cownie.

54. **Intergovernmental** 28E Agreement with Polk County Conservation Board for the construction and maintenance of the Mark C. Ackelson and Easter Lake Spine Multi-use Recreational Trails. (Council Communication No. 14-077) Moved by Voss to approve. Motion Carried 6-1. Absent: Cownie.

55. Items regarding the temporary four-way stop at the intersection of 50th Street and Meredith Drive: (Council Communication No. 14-072)

WITHDRAWN

14-0332 (A) **Approving** the Traffic Safety Committee’s recommendation to remove the temporary four-way stop and return it to a two-way stop.

14-0333 (B) **ALTERNATE RESOLUTION**: **Denying** the Traffic Safety Committee’s recommendation and approving the temporary four-way stop be made permanent. Moved by Gray to adopt. Motion Carried 6-1. Absent: Cownie.

14-0334 (1) **First** consideration or ordinance changing the intersection of 50th and Meredith Drive to a four-way stop. Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Cownie.

14-0335 (2) Final consideration of ordinance above, requires six votes. Moved by Gray 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, #15,262. Motion Carried 6-1. Absent: Cownie.
EXTRA ITEM

14-0336 1. **Approving** recommendation from Council Member Bill Gray to appoint Francis Boggus to the Human Rights Commission, Seat 4, for a three-year term commencing April 4, 2014 to expire April 4, 2017.  **Moved by Gray to adopt.  Motion Carried 6-1. Absent: Cownie.**

14-0337 **MOTION TO ADJOURN.**  **Moved by Gray to adjourn at 7:03 PM. Motion Carried 6-1. Absent: Cownie.**