



***** DES MOINES CITY COUNCIL MEETING REPORT *****

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 Dr.

May 5, 2014
4:30 PM

PROCLAMATIONS – 4:00 PM

Small Business Week

INVOCATION: Council Member Gray

- [14-0667](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**
- [14-0668](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [14-0669](#) 3. APPROVING CONSENT AGENDA * – items 3 through 34: **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

[14-0670](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Council Member Coleman votes “No” on item 4(B) Best Food Mart. Council Member Gray declares a conflict of interest and abstains from voting on item 4(M) 14th Street Tavern.**

RENEWAL APPLICATIONS

(A)	AMERICANA	1312 LOCUST ST	C Liquor
* (B)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(C)	BOURBON ST	500 ARMY POST RD	C Liquor
(D)	GARDEN NIGHTCLUB	112 SE 4TH ST	C Liquor
(E)	LINN SUPER MARKET	3805 6TH AVE	C Beer
(F)	LOUIES WINE DIVE	4040 UNIVERSITY	C Liquor
(G)	MICKEYS IRISH PUB	204 3RD ST	C Liquor
(H)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(I)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(J)	QUIK TRIP #515	1421 INGERSOLL	C Beer
(K)	SAIGON MARKET	2501 EUCLID AVE	C Beer
(L)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

OUTDOOR SERVICE APPLICATIONS

- * (M) 14TH STREET TAVERN 3418 E 14TH ST C Liquor
Temporary for an annual customer appreciation event on May 16 – 19, 2014.
- (N) EATARY/A 2932 INGERSOLL C Liquor
Permanent outdoor service area.

SPECIAL EVENT APPLICATIONS

- (O) DES MOINES SOCIAL CLUB 901 CHERRY ST Five (5) Day License
Class C Liquor License for various events on May 10 – 14, 2014.
- (P) DRAKE UNIVERSITY 2615 CARPENTER AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on May 17, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments.
- (Q) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for wedding reception on May 24, 2014.
- (R) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for an event on May 17, 2014.
- (S) HIGH LIFE LOUNGE 200 SW 2ND ST Five (5) Day License
Class B Beer License for Market to Market Relay on May 10, 2014. Pending approval of Building Department.
- (T) JEWISH FOOD FAIR 5101 GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for food fair on May 18, 2014.

(U) TASTE TO GO 3631 SW 61ST ST Five (5) Day License
Class C Liquor License for wedding reception on May 10, 2014. Pending approval of Building,
Electrical, Fire and Zoning Departments.

- [14-0671](#) 4-I [Consideration](#) of 5-day Class C Liquor License for Ovarions Food Services, 833 5th Street (Parking Lot), for Lazerfest on May 11, 2014. Pending approval of Building, Electrical, Fire and Zoning Departments. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0672](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:
- [14-0673](#) (A) [2014](#) City-wide PCC Pavement Restoration Program: Receiving of bids, (5-20-14), Setting date of hearing, (6-9-14), Construction estimate, \$443,100. ([Council Communication No. 14-192](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0674](#) (B) [9th](#) & Locust Parking Garage Repairs: Receiving of bids, (5-20-14), Setting date of hearing, (6-9-14), Construction estimate, \$2,057,900. ([Council Communication No. 14-193](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0675](#) (C) [2014](#) ADA Sidewalk Ramp Program – Contract 2: Receiving of bids, (5-20-14), Setting date of hearing, (6-9-14), Construction estimate, \$450,000. ([Council Communication No. 14-191](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0676](#) (D) [Waveland](#) Trail – I-235 to University Avenue: Receiving of bids, (5-20-14), Setting date of hearing, (6-9-14), Construction estimate, \$355,000. ([Council Communication No. 14-199](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0677](#) 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for City-wide Traffic Signal Battery Backup Project. ([Council Communication No. 14-202](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0678](#) 8. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Pedestrian Crossing Signal Upgrades. ([Council Communication No. 14-203](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0679](#) 8-I [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Shive Hattery, Inc. for the Police Department Evidence Storage Facility – Phase II, not to exceed \$18,038. ([Council Communication No. 14-195](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0680](#) 9. [Approving](#) Change Order No. 1 with Cramer and Associates, Inc. for additional work on the South Union Street Bridge over Yeader Creek Rehabilitation, not to exceed \$30,068.50. ([Council Communication No. 14-196](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0681](#) 10. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Moore to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[14-0682](#) 11. [Communication](#) from Council Member Gray advising of Tim Hielkema's resignation from the Neighborhood Revitalization Board, Seat 7, effective July 1, 2014. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

[14-0683](#) (A) [Recommendation](#) from Council Member Gray to appoint Tim Hielkema to the Urban Design Review Board, Seat 4, for a three-year term commencing June 30, 2014 to expire June 30, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0684](#) 12. [Recommendation](#) from Council Member Gray to appoint Laura Peters to the Urban Design Review Board, Seat 8, for a three-year term commencing June 30, 2013 to expire June 30, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

[14-0685](#) 12-I [Recommendation](#) from Council Member Gray to appoint Samuel Reno to the Sister Cities Commission, Seat 9, for a five-year term commencing April 28, 2012 to expire April 28, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[14-0686](#) 13. [Regarding](#) request from Randy Weigel for the vacation of E. Granger Avenue extending from SE 15th Street to SE 15th Court, 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

[14-0687](#) 14. [On](#) vacation and lease of public right-of-way for a sidewalk café in the alley, west of and adjoining 210 Court Avenue (Tonic), (5-19-14). ([Council Communication No. 14-209](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [14-0688](#) 15. [On](#) vacation of various street and alley rights-of-way between SE 2nd and SE 6th Streets and between Shaw Street and the Des Moines River for the purpose of dedicating a portion of such right-of-way and other adjoining City-owned property as parkland to replace Allen Park, (5-19-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0689](#) 16. [On](#) conveyance of a portion of the vacated east/west alley right-of-way adjoining 2815 Franklin Avenue to Beverly J. Mugan, \$270, (5-19-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0690](#) 17. [On](#) request by Misty Knight for approval of an amendment to the Tobis Park Estates PUD Concept Plan for 5300 SE 28th Street to allow accessory use of the property for a home occupation business as a beauty parlor, (5-19-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0691](#) 18. [On](#) intent to acquire 1422 Scott Avenue for the SE Agribusiness Urban Renewal Project, (5-19-14). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0692](#) 19. [On](#) proposed amendments to the Zoning Ordinance to regulate the allowed location and operation of tobacco stores that sell alcoholic beverages for off-premises consumption, (5-19-14). ([Council Communication No. 14-210](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0693](#) 20. [On](#) proposed amendments to the Zoning Ordinance to establish a City-wide Freestanding Sign Overlay District, (5-19-14). ([Council Communication No. 14-208](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0694](#) 21. [On](#) Lease-Purchase Agreement for acquiring certain items or equipment consisting of five tandem-axle dump trucks, one single-axle crew cab dump truck, one GVW truck with aerial platform lift, one tandem-axle semi-tractor and one rubber-tired loader, not to exceed \$1,200,000, (5-19-14). ([Council Communication No. 14-218](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0695](#) 22. [On](#) consideration of an annexation moratorium agreement with the City of Norwalk, (6-23-14). ([Council Communication No. 14-214](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
23. On issuance of General Obligation Bonds for FY2014-15 Capital Improvement Budget and Tax Increment Projects for the following, (5-19-14): ([Council Communication No. 14-217](#))
- [14-0696](#) (A) [\\$3,000,000](#) for Urban Renewal Purposes. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0697](#) (B) [\\$50,000](#) for Essential Corporate Purposes. **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [14-0698](#) 24. [Preliminary](#) Terms of Agreement with Heart of America Group for development of a hotel at E. 4th Street and E. Grand Avenue. ([Council Communication No. 14-213](#)) **Moved by Gatto to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 14-213 and to direct the City Manager to proceed with the terms set forth in Council Communication No. 14-213. Motion Carried 7-0.**
- [14-0699](#) 25. [Subordination](#) Agreement with Community Business Lenders, LLC and Cosmopolitan Holdings, LLC to facilitate new renovations to 301 E. Walnut Street. ([Council Communication No. 14-206](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0700](#) 26. [Termination](#) of Parking License Agreement with Terrus Real Estate Group, LLC within the Fifth and Walnut Garage and Third and Court Avenue Garage. ([Council Communication No. 14-197](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0701](#) 27. [Grant](#) application for the 2014 Edward Byrne Memorial Justice Assistance Grant and acceptance of Memorandum of Understanding with Polk County to be used in the purchase of law enforcement and forensic evidence equipment, \$167,323. ([Council Communication No. 14-200](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0702](#) 28. [Three-year](#) lease extension with Drake University for use of the property at 1222-24th Street to be used by the Police Department through January 29, 2017. ([Council Communication No. 14-207](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0703](#) 29. [Amendment](#) to Donation Agreement with Variety – The Children’s Charity of Iowa for donation of park shelter and sidewalks to be added to the Ashley Okland Star Playground at Ewing Park (5300 Indianola Avenue). ([Council Communication No. 14-201](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [14-0704](#) 30. [Donation](#) and Construction Agreement with The Rotary Club of Des Moines A.M. Foundation regarding a new playground planned north of the Iowa Women of Achievement Bridge and designating and naming Rotary Riverwalk Park. ([Council Communication No. 14-211](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0705](#) (A) [Private](#) Construction Contract between Graham Construction Company and Rotary Club of Des Moines A.M. Foundation for Rotary Park improvements in Lot 5, River Hill, Plat 2, \$440,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [14-0706](#) 31. [Reimbursement](#) Agreement with MidAmerican Energy for relocation of an overhead electric distribution line for the Southeast Connector Project, \$64,593.52. ([Council](#)

[Communication No. 14-189](#)) Moved by Hensley to adopt. Motion Carried 7-0.

[14-0707](#)

32. [Application](#) from Carl Voss requesting approval to temporarily place banners across the street on 13th & Grand Avenue for the finish line for Dam to Dam on Saturday, May 31, 2014. Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.

33. Bids from the following:

[14-0708](#)

- (A) [Stetson](#) Building Products (Marte Cook, President) for an annual agreement for bridge deck sealant with two additional one-year renewal options as requested by the Public Works Department, \$35,000 annual estimated cost. (Four bids mailed, three bids received) Moved by Hensley to adopt. Motion Carried 7-0.

[14-0709](#)

- (B) [Kaldenbergs](#) PBS (Matt Kaldenberg, President) for ADA approved engineered wood fiber playground resurfacing services at 18 park sites as requested by the Parks & Recreation Department, \$238,212.50. (Thirteen bids mailed, four bids received) Moved by Hensley to adopt. Motion Carried 7-0.

[14-0710](#)

- (C) [Lozier](#) Heating & Cooling (Tom Gumm, President) for HVAC replacement at Firestations 3, 4, 8 and 10 as requested by Fire Department, \$52,750. (Ten bids mailed, five bids received) Moved by Hensley to adopt. Motion Carried 7-0.

[14-0711](#)

- (D) [Pool](#) Tech Midwest (Charlie Rochford, President) for non-competitive procurement on a blanket purchase order for pool chlorination chemicals to be purchased during FY2015 as requested by the Parks & Recreation Department, \$45,000 annual estimated cost. ([Council Communication No. 14-205](#)) Moved by Hensley to adopt. Motion Carried 7-0.

[14-0712](#)

34. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 5 and 12, 2014, and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of May 5 and 12, 2014 and to draw checks for biweekly payroll due on May 16, 2014. Moved by Hensley to adopt. Motion Carried 7-0.

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

ORDINANCES - FIRST CONSIDERATION

- [14-0713](#) 35. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 14-198](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Installation of parking meters on both sides of Mulberry Street, west of 9th Street.
 - (B) Removal of handicapped parking meter – south side of Grand Avenue between 5th Avenue and 6th Avenue.
 - (C) Additional handicapped parking meter – north side of Locust Street between 10th Street and 11th Street.
 - (D) Boundary Changes to Parking Meter District III.
 - (E) Revisions to the Municipal Code to agree with current signing conditions in the Court Avenue Entertainment District.
- [14-0714](#) (F) Final consideration of ordinance above. **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, #15,278. Motion Carried 7-0.**
- [14-0715](#) 36. **Amending** Chapter 10 of the Municipal Code regarding conditions and regulations for a liquor license or wine or beer permit at City parks and golf courses. ([Council Communication No. 14-216](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [14-0716](#) (A) **Final** consideration of ordinance above (waiver requested by the Park and Recreation Director), 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, #15,279. Motion Carried 7-0.**

COUNCIL REQUESTS

- [14-0717](#) 37. **From** Council Member Skip Moore to speak regarding zoning in the Market District. **Moved by Moore to receive and file comments; refer to the City Manager to prepare an inventory of vacant City property in the C-3B District. Motion Carried 7-0.**
- [14-0718](#) 37-I **From** Council Member Skip Moore to discuss compensation for the automobiles stored at Waveland Golf Course. **Moved by Moore to refer to the City Manager and City Attorney for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [14-0719](#) 38. **From** James Andrew, 1407 Linden Lane, to speak regarding various issues. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

WITHDRAWN

- [14-0720](#) 39. ~~From Esther Mabior, 1409 8th Street, to speak regarding South Sudanese youth in Des Moines, Omaha, Kansas City and Mankato.~~
- [14-0721](#) 40. **From** Lelah Swallow, 2002 Lyon Street, to speak regarding trains in Des Moines. **Moved by Coleman to receive and file comments. The City Engineer will work with Ms. Swallow to identify locations where sidewalk ramps are needed and to possibly include them in an upcoming project. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 46)

- [14-0722](#) 41. **On** request from Denise Cody to rezone property at 912 43rd Street from “R1-60” (One-Family Low-Density Residential) to “R-2” (Two-Family) to allow the property to be occupied as a two-family dwelling. (Plan and Zoning Commission recommends DENIAL) **Moved by Hensley to adopt and DENY the proposed rezoning. Motion Carried 7-0.**
- [14-0723](#) (A) **Denying** request to amend the Des Moines 2020 Community Character Land Use Plan. **Moved by Hensley to adopt and DENY the proposed amendment. Motion Carried 7-0.**
- [14-0724](#) 42. **On** request from ST Investments, LLC to rezone property at 200 SE 6th Street from Ltd.

“C-3B” (Central Business District Commercial) to Ltd. “C-3” (Central Business Mixed-Use) to allow a rental car display lot use. **Moved by Gatto to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[14-0725](#)

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

[14-0726](#)

(B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gatto 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. Motion FAILED 3-4. Nays: Cownie, Gray, Mahaffey and Moore.**

[14-0727](#)

43. **On** request from Jerry Hoots to rezone property at 2428 SW 9th Street from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to provide for application of a conditional use permit and allow the retention of an existing liquor store. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[14-0728](#)

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

[14-0729](#)

(B) **Final** consideration of ordinance above (waiver requested by the 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, [#15,280](#). Motion Carried 7-0.**

[14-0730](#)

44. **On** request from Arik Peterson (owner) d/b/a As a Dad, LLC for an amendment to the Sawyers Landing PUD Conceptual Plan on 4820 Sawyers Drive to allow accessory use of the single-family dwelling property for a home occupation business consisting of bicycle rental. **Moved by Gray to adopt. Motion Carried 7-0.**

[14-0731](#)

45. **On** continuation of public hearing, approving plans, specifications, form of contract documents, and Engineer’s estimate on Fire Department Administration Parking Lot to May 19, 2014 Council Meeting. ([Council Communication No. 14-194](#)) **Moved by Gatto to continue the public hearing on the plans, specifications, form of contract documents, and Engineer’s estimate of construction for said improvement until May 19, 2014 at 5:00 PM in the Council Chambers at City Hall. Motion Carried 7-0.**

[14-0732](#)

46. **On** 2014 ADA Sidewalk Ramp Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and receive and file bids. ([Council Communication No. 14-190](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

*** END OF HEARINGS AT 5:45 PM ***

APPROVING

[14-0733](#)

47. **Review** of Zoning Board of Adjustment decision granting a use variance to allow 1617 Oakland Avenue to be used as a boardinghouse. ([Council Communication No. 14-204](#)) **Moved by Gray to receive and file the staff report and comments received, and to adopt alternative A, below. Motion Carried 7-0.**

(A) **The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board’s decision will be deferred for 30 days from the date of this remand.**

[14-0734](#)

48. **Resolution** of Support endorsing the Capital Crossroads: Capital Core Neighborhood Improvement Implementation Plan. ([Council Communication No. 14-212](#)) **Moved by Hensley to adopt, and request that two Council Members be on the committee. Motion Carried 7-0.**

[14-0735](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:12 PM. Motion Carried 7-0.

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