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

June 23, 2014
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

Certificate of Appreciation to the City for hosting the National Jr. High Rodeo Association Championship at the Fairgrounds.

INVOCATION: Council Member Moore

14-0924 1. ROLL CALL: Present: Coleman, Gray, Hensley, Mahaffey and Moore. Absent: Cownie and Gatto. Council Member Coleman participated in the meeting by telephone.

14-0925 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 5-2.

14-0926 3. APPROVING CONSENT AGENDA * – items 3 through 50: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 5-2.

*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**

**14-0927**  
4. **Approving** Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 5-2. Council Member Coleman votes “No” on item (AA) Southside Tobacco & Liquor.

**NEW APPLICATIONS**

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<td>(A)</td>
<td>DES MOINES SOCIAL CLUB</td>
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<td>(B)</td>
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**RENEWAL APPLICATIONS**

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<td>CANS</td>
<td>2956 E GRAND AVE</td>
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<td>CASEYS #2676</td>
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<td>CHEFS KITCHEN</td>
<td>1903 BEAVER AVE</td>
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<td>DAHLS FOODS</td>
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<td>(J)</td>
<td>DRUGTOWN WINE &amp; SPIRITS</td>
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<td>FORTE BANQUET</td>
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<td>HOLIDAY INN DOWNTOWN</td>
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<td>HOSHI SUSHI LOUNGE</td>
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<td>HY VEE FOOD STORE #5</td>
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<td>MOMS PLACE</td>
<td>910 HULL AVE</td>
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<td>NEW CHINA BUFFET &amp; GRILL</td>
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<td>PRINCIPAL FINANCIAL</td>
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<td>RED POPPY</td>
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<td>SAVE A LOT</td>
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<td>VETERANS MEMORIAL</td>
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<td><strong>(EE)</strong></td>
<td>W CHINA BUFFET</td>
<td>100 E EUCLID AVE</td>
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<td><strong>(FF)</strong></td>
<td>WAKONDA CLUB</td>
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**OUTDOOR SERVICE APPLICATIONS**

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Temporary in conjunction with Motley Crue concert on July 11, 2014.
SPECIAL EVENTS APPLICATIONS

(I) BUD TENT 3000 E GRAND AVE Five (5) Day License Special Class C Liquor License (Beer/Wine) for Good Guys event on July 5 – 7, 2014.

(JJ) DM PRODUCTIONS LLP 520 ROBERT D RAY Five (5) Day License Special Class C Liquor License (Beer/Wine) for Hats & Shades Fundraiser on July 5, 2014.

(KK) DOWNTOWN EVENTS 520 ROBERT D RAY Five (5) Day License Special Class C Liquor License (Beer/Wine) for concert series July 11 – 13, 2014. Pending approval of Building Department.

(LL) GREATER DM MUSIC 1102 LOCUST ST Five (5) Day License Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 4 – 5, 2014.

(MM) GREATER DSM MUSIC 1013 LOCUST ST Five (5) Day License Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 4 – 5, 2014.

(NN) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 4 – 5, 2014.


(PP) HY VEE WEDDING 1312 LOCUST ST Five (5) Day License Special Class C Liquor License for a reception on July 11, 2014.

QQ) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License Special Class C Liquor License (Beer/Wine) for Redneck Tailgate Party on July 4 – 5, 2014. Pending approval of Electrical Department.

5. Consideration of Class C Liquor License for Peggy’s Inc., 3020 Forest Avenue. (Police Department recommends denial). Moved by Hensley to continue to the July 14th Council meeting; refer to the City Attorney to verify the counts that have been appealed. Motion Carried 5-2.
6. **Consideration** of Class E Liquor License for Fast Mart, 1401 Buchanan Street. (Zoning Moved by Department recommends denial). **Moved by Moore to continue to July 14th Council meeting to allow the applicant time to go before the Zoning Board of Adjustment. Motion Carried 5-2.**

7. **City** Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 4-1-2. Nays: Moore. Absent: Cownie and Gatto.**

**PUBLIC IMPROVEMENTS**

8. Ordering construction of the following:

(A) **Police Station Phase 3 Facility Improvements:** Receiving of bids, (7-15-14), Setting date of hearing, (7-28-14). Construction Estimate, $400,000. (Council Communication No. 14-289) **Moved by Hensley to adopt. Motion Carried 5-2.**

(B) **M. L. King Jr. Parkway HAWK Signals – Carpenter Avenue to Hickman Road:** Receiving of bids, (7-15-14), Setting date of hearing, (7-28-14). Construction Estimate, $264,000. (Council Communication No. 14-288) **Moved by Hensley to adopt. Motion Carried 5-2.**

(C) **2014-2015 Expanded Street Resurfacing Program – Contract 1:** Receiving of bids, (7-15-14), Setting date of hearing, (7-28-14). Construction Estimate, $1,700,000. (Council Communication No. 14-285) **Moved by Hensley to adopt. Motion Carried 5-2.**

9. **Approving** Professional Services Agreement with Shuck-Britson, Inc. for design and construction phase services for The Locust Street Bridge over Des Moines River Replacement, not to exceed $640,740. (Council Communication No. 14-287) **Moved by Hensley to adopt. Motion Carried 5-2.**

10. **Approving** Private Construction Contract between GTG Construction, LLC and Principal Life Insurance Company for Skywalk Improvements in 801 Grand Avenue. **Moved by Hensley to adopt. Motion Carried 5-2.**

11. **Approving** Private Construction Contract between The Weitz Company, LLC and Des Moines Performing Arts for paving and signalization improvements in 313 Walnut Street. **Moved by Hensley to adopt. Motion Carried 5-2.**
12. Accepting completed construction and approving final payment for the following:

14-0937 (A) **E. Park** Avenue Sidewalk from SE 14th Street to SE 18th Court, Joiner Construction Co., Inc.  *Moved by Hensley to adopt. Motion Carried 5-2.*

14-0938 (B) **2011** Sewer Repair – Contract 2, T K Concrete, Inc.  *Moved by Hensley to adopt. Motion Carried 5-2.*

14-0939 13. **Accepting** completed construction and approving final payment for E. 37th Street Sanitary Sewer – E. Euclid Avenue to Hubbell Avenue, T K Concrete, Inc.  *Moved by Hensley to adopt. Motion Carried 5-2.*

14-0940 (A) **Adopting** and levying final schedule of assessments.  *Moved by Hensley to adopt. Motion Carried 5-2.*

14-0941 (B) **Accepting** work and ordering preparation of plat and schedule of assessments, Schedule No. 2013-01.  *Moved by Hensley to adopt. Motion Carried 5-2.*

14-0942 14. **Authorization** to proceed with acquisition of the necessary property interests for the 2014 Storm Sewer Repair Project.  *(Council Communication No. 14-286) Moved by Hensley to adopt. Motion Carried 5-2.*

**SPECIAL ASSESSMENTS**

14-0943 15. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2014-05.  *Moved by Hensley to adopt. Motion Carried 5-2.*

14-0944 16. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2014-04.  *Moved by Hensley to adopt. Motion Carried 5-2.*

**LAND/PROPERTY TRANSACTIONS**

14-0945 17. **Conditionally** approving final Subdivision Plat of Stanton Acres North Plat 1 located in the 3200 block of Stanton Avenue.  *(Council Communication No. 14-311) Moved by Hensley to adopt. Motion Carried 5-2.*

14-0946 18. **Conditionally** approving final Subdivision Plat for The Woods of Copper Creek Plat 2 located in the 4700 block of NE 23rd Avenue.  *(Council Communication No. 14-306) Moved by Hensley to adopt. Motion Carried 5-2.*
BOARDS/COMMISSIONS/NEIGHBORHOODS

14-0947  19. Approving recommendation from Council Member Moore to appoint Craig McCoy to the Historic Preservation Commission, Seat 5, for a three-year term commencing March 28, 2013 to expire March 28, 2016. Moved by Hensley to adopt. Motion Carried 5-2.

14-0948  20. Approving recommendation of Council Member Bill Gray to reappoint Robert Griffin to the Historic Preservation Commission, Seat 7, for a three-year term commencing October 18, 2012 to expire October 18, 2015. Moved by Hensley to approve. Motion Carried 5-2.

14-0949  21. Approving recommendation from the Neighborhood Revitalization Board to amend the boundaries of the Beaverdale Neighborhood Association (BNA). (Council Communication No. 14-296) Moved by Gray to adopt. Motion Carried 5-2.

SETTING DATE OF HEARINGS

14-0950  22. On sale of City-owned property in the vicinity of SE 6th Street and Shaw Street, to Hansen Real Estate Services, Inc., $3.30 per square foot, (7-14-14). Moved by Hensley to adopt. Motion Carried 5-2.

14-0951  23. On vacation of air space over portions of E. 5th Street and E. Grand Avenue adjoining 505 E. Grand Avenue, and for conveyance of an easement to 505 East Grand, LLC, for $3,885, (7-14-14). Moved by Hensley to adopt. Motion Carried 5-2.

14-0952  24. On proposed vacation and lease of a 280 sq. ft. portion of the sidewalk adjoining 2605 Ingersoll Avenue to Sakari Sushi Lounge, LLC, for a sidewalk café, (7-14-14). Moved by Hensley to adopt. Motion Carried 5-2.

14-0953  25. On Application for Certificate of Public Convenience and Necessity to operate taxicab services requested by Magarsa Jana, Crown Cab LLC., (7-14-14) Moved by Gray to refer to the City Manager and City Attorney for review and recommendation regarding ordinance amendments to clarify the following: 1. Definition of 24-hour dispatch. 2. Process for participation at cab stands. 3. Regulations when ownership of company transfers to new owner and to set the date of hearing for July 28, 2014 at 5:00 PM. Motion Carried 5-2.

14-0954  26. On request from Drake University to rezone property at 2700 University Avenue from Limited “NPC” (Neighborhood Pedestrian Commercial) to an amended Limited “NPC” to permit accessory alcoholic beverages sales and service related to private events operated by Drake University, (7-14-14) Moved by Hensley to adopt. Motion Carried 5-2.
27. **Approving** payment to Ron and Linda Beahr for property damage as a result of a broken sewer line. **Moved by Hensley to adopt. Motion Carried 5-2.**

28. **Submitting** travel and training request for T.M. Franklin Cownie, Brian Hamner, Kandi Reindl, Jennifer Rico, and Steve Woody. **(Council Communication No. 14-313) Moved by Hensley to adopt. Motion Carried 5-2.**

29. **Issuance** of Certificate of Completion for Ballyard Lofts, LLC for the redevelopment of the Ballyard Lofts Apartments at 350 SW 2nd Street. **(Council Communication No. 14-305) Moved by Hensley to adopt. Motion Carried 5-2.**

30. **Issuance** of Certificate of Completion to Westgate Partnership, LLC for the renovation of the building at 1408 Locust Street. **(Council Communication No. 14-315) Moved by Hensley to adopt. Motion Carried 5-2.**

31. **The** Des Moines Metropolitan Planning Organization (MPO) Fiscal Year 2015 Unified Planning Work Program and Budget and authorizing payment of Fiscal Year 2015 Assessment of $203,433. **(Council Communication No. 14-294) Moved by Hensley to adopt. Motion Carried 5-2.**

32. **Authorizing** and execution and delivery of a Supplemental No. 4, in the principal amount of $1,200,000 to the Governmental Lease-Purchase Master Agreement with Wells Fargo Bank, N.A. **(Council Communication No. 14-293) Moved by Hensley to adopt. Motion Carried 5-2.**

33. **Application** for a COPS Hiring Program (CHP) grant from the Office of Community Oriented Policing Services (COPS). **(Council Communication No. 14-307) Moved by Hensley to approve. Motion Carried 5-2.**

34. **Authorizing** a contribution of $15,000 to Polk County Conservation (PCC) for use on development of the Jester Park Conservation Center. **(Council Communication No. 14-298) Moved by Hensley to approve. Motion Carried 5-2.**

35. **Annual** insurance renewal for July 1, 2014 – Property and Casualty Insurance. **(Council Communication No. 14-310) Moved by Hensley to adopt. Motion Carried 5-2.**
36. **United** Way of Central Iowa Funding Agreement for the Four Cornerstones Financial Education Program. ([Council Communication No. 14-291](Council_Communication_Note)) **Moved by Hensley to approve. Motion Carried 5-2.**

37. **Assignment** of Development Agreement for the redevelopment of the historic building at 308 Court Avenue to include the Court Avenue Lofts. ([Council Communication No. 14-319](Council_Communication_Note)) **Moved by Hensley to adopt. Motion Carried 5-2.**

38. **Assignment** of Urban Renewal Agreement for the development of the 4th Street Condos and The Market Place Lofts at 119 4th Street. ([Council Communication No. 14-318](Council_Communication_Note)) **Moved by Hensley to adopt. Motion Carried 5-2.**

39. **Amendment** of Development Agreement and related documents to provide for transfer of ownership entity for redevelopment and consent to amendment of condominium documents for 900 Cherry Street, (Des Moines Social Club). ([Council Communication No. 14-317](Council_Communication_Note)) **Moved by Hensley to adopt. Motion Carried 5-2.**

40. **First Amendment** to Grant Agreement with Life Care Companies, LLC and LCS Real Estate, LLC for continued retention of its home office facilities and operations within the City of Des Moines. ([Council Communication No. 14-308](Council_Communication_Note)) **Moved by Hensley to adopt. Motion Carried 5-2.**

41. **Application** from The Color Run, LLC requesting approval for banners to be placed at start and finish lines on Court Avenue and 13th Street on July 12, 2014 for the Color Run. **Moved by Hensley to receive, file and approve banner. Motion Carried 5-2.**

42. **Bids** from the following:

   (A) **Menards** for blanket purchase orders for miscellaneous building materials and supplies per State of Iowa Contract for purchases during fiscal year 2015 for use by the Park & Recreation Department, estimated annual cost $65,000. ([Council Communication No. 14-302](Council_Communication_Note)) **Moved by Hensley to adopt. Motion Carried 5-2.**

   (B) **Graybar** Electric (Kathy Mazzarella, President) for blanket purchase orders for miscellaneous electrical products and supplies per US Communities Contract for purchases during fiscal year 2015 for use by Park & Recreation Department, estimated annual cost $50,000. ([Council Communication No. 14-301](Council_Communication_Note)) **Moved by Hensley to adopt. Motion Carried 5-2.**

   (C) **Jerico** Services (John Marshall, General Manager) and SNI Solutions (Mike Bellovics, President) for twelve (12) month contract renewal for deicing chemicals for fiscal year 2015 for use by the Public Works Department, estimated annual cost $117,400. ([Council Communication No. 14-300](Council_Communication_Note)) **Moved by Hensley to adopt. Motion Carried 5-2.**
(D) Family Tree Care (Rick Hanson, President) and Kinnucan Tree Experts (Robert Kinnucan, President) (primary suppliers) and Wright Outdoor Solutions (Scott Packard, CEO) and TruGreen (Jim Boswell, President) (secondary suppliers) for an annual contract with two (2) additional one-year renewal options to furnish Emerald Ash Borer (EAB) Management Services for use by the Public Works Department, estimated annual cost $880,000. (Nineteen bids mailed, six received). (Council Communication No. 14-304) Moved by Hensley to adopt. Motion Carried 5-2.

43. Renewal of contract with Holland & Knight, LLP (H&K) (Richard Gold, Partner, 800 17th Street NW, Washington DC) to provide government relation services that will facilitate federal funding and regulation interpretation for transportation, economic development, housing, community revitalization, public safety, homeland security and related concerns for the City of Des Moines. (Council Communication No. 14-303) Moved by Hensley to approve. Motion Carried 5-2.

44. Civil Service Entrance Lists for Housing Services Application Specialist, Senior Refuse Collector, and Housing Systems Administrator. Moved by Hensley to receive and file. Motion Carried 5-2.

45. Authorizing Finance Director to draw checks on registers for the weeks of June 23, June 30 and July 7, 2014 and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 23 and June 30 and July 7, 2014 and to draw checks for biweekly payrolls due on June 27 and July 11, 2014. Moved by Hensley to adopt. Motion Carried 5-2.

ORDINANCES - FINAL CONSIDERATION

46. Amending Chapter 102 of the Municipal Code regarding Street Use Permits. Moved by Hensley that this ordinance do now pass, #15.289. Motion Carried 5-2.

47. On proposed amendments to the Zoning Ordinance to establish a City-wide Freestanding Sign Overlay District. Moved by Hensley that this ordinance do now pass, #15.290. Motion Carried 5-2

48. On proposed amendment to the Zoning Ordinance regarding the allowed operation, size and location of electronic signs and multi-vision display signs and use of conversion credits earned by the removal of an off-premises advertising sign (as amended at second consideration). Moved by Hensley that this ordinance do now pass, #15.291. Motion Carried 5-2
ORDINANCES - SECOND CONSIDERATION

49. Items regarding fishing in Des Moines:

14-0980  (A) **Amending** Chapter 74 of the Municipal Code. *Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2.*

**WITHDRAWN**

14-0981  (1) **Final** consideration of ordinance above (waiver requested by the Park & Recreation Department), requires 6 votes.

14-0982  (B) **Amending** Chapter 130 of the Municipal Code: *Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2.*

**WITHDRAWN**

14-0983  (1) **Final** consideration of ordinance above (waiver requested by the Park & Recreation Department), requires 6 votes.

14-0984  50. **Amending** Chapter 114 of the Municipal Code regarding Downtown On-Street Bike Facilities Implementation. *Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 5-2.*

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

ORDINANCES - FIRST CONSIDERATION

14-0985  51. **Amending** Chapter 98 of the Municipal Code regarding Waste Hauler’s Permit requirements and fees. *(Council Communication No. 14-299)* *Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.*

**WITHDRAWN**

14-0986  (A) **Final** consideration of ordinance above (waiver requested by the Public Works Director), requires 6 votes.

14-0987  52. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: *(Council Communication No. 14-290)* *Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.*

(A) Parking meter and parking restriction revisions near the new Residence Inn by Marriott and Hampton Inn on Water Street.

(B) Stop Sign Installation at E. 35th and Hull Avenue.

(C) Speed Limit Change – Keosauqua Way between Lynn Street and 19th Street.
53. **Amending** Chapter 114 of the Municipal Code regarding adjustment of rates in municipally owned parking garages in conjunction with economic development assistance. (Council Communication No. 14-316) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-2.

**WITHDRAWN**

14-0988

(A) **Final** consideration of ordinance above (waiver requested by the City Manager), requires 6 votes.

**COMMUNICATIONS/REPORTS**

14-0990

54. **From** David Costello, 1105 Orchard Lane, to speak regarding homeless evictions and compassion campaign. **Moved by Moore to receive and file comments. Motion Carried 5-2.**

14-0991

55. **From** Steve Purcell, Group VP for Operations at Mediacom, to announce that Des Moines has been selected to receive national television coverage on C-SPAN networks. **Moved by Hensley to receive and file comments. Motion Carried 5-2.**

**HEARINGS (OPEN AT 5:01 P.M.) (ITEMS 56 THRU 57)**

14-0992

56. **On** consideration of an annexation moratorium agreement with the City of Norwalk. (Council Communication No. 14-295) **Moved by Hensley to adopt. Motion Carried 5-2.**

57. Items regarding property at 4044 E. 14th Street:

14-0993

(A) **Amendment** to the Des Moines 2020 Community Character Land Use Plan to revise the future land use designation from Commercial: Auto-Oriented, Small-Scale Strip Development to General Industrial. **Moved by Moore to adopt and approve the proposed amendment. Motion Carried 5-2.**

14-0994

(B) **Hearing** on rezoning the property from “C-2” (General Retail and Highway-Oriented Commercial) and “R1-60” (One-Family Low-Density Residential) to Ltd. “M-1” (Light Industrial) to allow use as a landscaping business and contractor equipment storage yard. **Moved by Moore to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 5-2.**

14-0995

(C) **First** consideration of ordinance above. **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 5-2.**

**WITHDRAWN**

14-0996

(D) **Final** consideration of ordinance above (waiver requested by applicant), requires 6 votes.
**END HEARINGS AT 5:06 PM**

APPROVING

14-0997  58. Letter of Support and Development Agreement with The Young Men’s Christian Association (YMCA) of Greater Des Moines, Iowa for the redevelopment of property at 501 Grand Avenue. (Council Communication No. 14-297) Moved by Hensley to adopt. Motion Carried 5-2.

14-0998  59. Urban Renewal Development Agreement and proposed Conceptual Development Plan with Locust Street Investments, LLC for the redevelopment of property at 1420, 1424 and 1430 Locust St. (Council Communication No. 14-309) Moved by Hensley to adopt. Motion Carried 5-2.

14-0999  60. Contract with Langley Productions, Inc. to film various activities of Des Moines police officers for inclusion in the television series “COPS”. (Council Communication No. 14-312) Moved by Moore to adopt. Motion Carried 5-2.

14-1000  MOTION TO ADJOURN. Moved by Hensley to adjourn at 5:29 PM. Motion Carried 5-2.

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Des Moines
2010

All-America City

06/23/2014