I. CLOSED SESSION – 3:30 PM, Lower Level 1.

(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.

(C) Closed Session.

(D) Terminate closed session and reconvene in open session.

(E) Motion to adjourn.

PROCLAMATIONS – 4:15 PM

National Public Works Week
National Gun Violence Awareness Day

INVOCATION: Council Member Gray

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 61:

*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.
4. **Approving** Alcoholic Beverage License Applications for the following:

### NEW APPLICATIONS

- **(A)** CHOCOLATERIE STAM 2814 INGERSOLL B Beer
- **(B)** GRUMPY GOAT 1303 WALNUT ST C Liquor
- **(C)** LA TAPATIA 4 1606 6TH AVE C Beer
- **(D)** STOCKMANS INN 3000 E GRAND AVE B Beer

### RENEWAL APPLICATIONS

- **(E)** BIG KMART #4160 2535 HUBBELL AVE C Beer
- **(F)** BREW HAUS LOUNGE 830 McKinley AVE C Liquor
- **(G)** CARLS PLACE 1620 WOODLAND C Liquor
- **(H)** CHOCOLATERIE STAM 2814 INGERSOLL C Native Wine
- **(I)** CONTINENTAL 428 E LOCUST ST C Liquor
- **(J)** CVS PHARMACY #10329 2303 MERLE HAY RD E Liquor
- **(K)** DELMONICO FINE DINING 2801 FLEUR DR C Liquor
- **(L)** DES MOINES CIVIC CENTER 221 WALNUT ST C Liquor
- **(M)** GARDEN NIGHTCLUB 112 SE 4TH ST C Liquor
- **(N)** GIT N GO STORE #3 *(1)* 100 WATROUS AVE C Beer
- **(O)** HOYT SHERMAN PLACE 1501 WOODLAND C Liquor
- **(P)** JALAPENO PETE'S CANTINA 3000 E GRAND AVE C Beer/Wine
- **(Q)** LA TAPATIA 2 3504 MERLE HAY RD C Beer
- **(R)** LUCCA 420 E LOCUST ST C Liquor
- **(S)** MADHOUSE BREWING CO 501 SCOTT AVE B Beer
- **(T)** MERCY HOSPITAL MED CNTR 1111 6TH AVE C Liquor
- **(U)** MULLETS 1300 SE 1ST ST C Liquor
- **(V)** PLAZA PUB 6202 DOUGLAS AVE C Liquor
- **(W)** RAMADA INN 1810 ARMY POST RD B Liquor
- **(X)** SPAGHETTI WORKS 310 COURT AVE C Liquor
- **(Y)** ST KILDA BAKERY AND CAFE 300 SW 5TH ST C Liquor
- **(Z)** STEER AND STEIN 3000 E GRAND AVE B Beer

### SPECIAL EVENT APPLICATIONS

(EE) DM ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License
Class C Liquor License for festival on June 22 – 24, 2018.

(FF) DM ARTS FESTIVAL 1198 GRAND AVE Five (5) Day License
Class C Liquor License for festival on June 22 – 24, 2018.

(GG) DM ARTS FESTIVAL 1000 GRAND AVE Five (5) Day License
Class C Liquor License for festival on June 22 – 24, 2018.

(HH) DM ARTS FESTIVAL 415 15TH ST Five (5) Day License
Class C Liquor License for festival on June 22 – 24, 2018.

(II) LEVY PROM GOLF 3915 FLEUR DR Five (5) Day License
Class C Liquor License for the Principal Charity Classic on June 5 – 10, 2018.
Pending approval of Building Department.

(JJ) MOBERG GALLERY 2921 INGERSOLL Five (5) Day License
Class C Liquor License for an event on May 25, 2018. Pending approval of
Building and Zoning Departments.

(KK) OVATIONS FOOD SERVICES 833 5TH AVE Five (5) Day License
Class C Liquor License for Iowa Barnstormers Party on June 2, 2018.

(LL) ST GEORGE GREEK ORTHODOX 1110 35TH ST Five (5) Day License
Class C Liquor License for Greek Food Festival on June 1 – 3, 2018. Pending
approval of Building Department.

(MM) SUMMER IN THE CITY 1401 E GRAND AVE Five (5) Day License
Class B Beer License for a concert on June 8, 2018. Pending approval of Electrical
Department.

(NN) WINEFEST DES MOINES 400 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Sips and the City and the Grand
Tasting on June 8 – 9, 2018.

(OO) WINEFEST DES MOINES 2400 GEORGE FLAGG Five (5) Day License
Special Class C Liquor License (Beer/Wine) for All Iowa Lawn Party on June 3,
2018.

(PP) WINEFEST DES MOINES 1716 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Meredith Saturday Sessions on
June 2, 2018.

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

6. City Clerk to issue Coin Operated Machine Licenses.
PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

(A) Riverview Park Grading: Receiving of bids, (6-12-18), Setting date of hearing, (6-25-18). Engineer’s estimate, $300,000.

   (Council Communication No. 18-262)

(B) Locust Street Bridge over the Des Moines River: Receiving of bids, (6-19-18), Setting date of hearing, (7-9-18). Engineer’s estimate, $9,330,477.80.

   (Council Communication No. 18-264)

(C) MacRae Park Road Reconstruction Phase 2: Receiving of bids, (6-12-18), Setting date of hearing, (6-25-18). Engineer’s estimate, $550,000.

   (Council Communication No. 18-265)

(D) Gray’s Lake Earthen Berm Stabilization: Receiving of bids, (6-12-18), Setting date of hearing, (6-25-18). Engineer’s estimate, $2,100,000.

   (Council Communication No. 18-261)


   (Council Communication No. 18-267)

9. Approving Change Order No. 2 with D.W. Zinser Company for additional work on the Municipal Services Center Demolition Contract 1, not to exceed $88,134.85.

   (Council Communication No. 18-268)

10. Approving Private Construction Contracts between the following:

    (A) Sanitary Sewer Improvements in Parkside Estates, The Underground Company, Ltd. and Solid Ground, LLC.

    (B) Storm Sewer Improvements in Parkside Estates, The Underground Company, Ltd. and Solid Ground, LLC.
(C) **Paving** Improvements in Parkside Estates, The Underground Company, Ltd. and Solid Ground, LLC.

(D) **Sanitary** Sewer Improvement in Carman Estates Plat 6, Team Excavating, Inc. and Jerry’s Homes, Inc.

11. Approving completion and acceptance of private construction contracts for the following:

(A) **Storm** Sewer Improvements, 201 E. Locust Street, between Halbrook Excavating, Inc. and 201, LLC.

(B) **Skywalk** Bridge Improvements, Skywalk Bridges 4C-4D over Walnut and 4C-5C over 5th, between Weitz Company, LLC and 5th and Walnut Parking, LLC.

12. **Communication** from contractors requesting permission to sublet certain items on public improvement projects.

13. Accepting completed construction and approving final payment for the following:

(A) **100 E. 2nd Street Site Grading and Improvements**, MPS Engineers, PC d/b/a Kingston Services, PC.

(B) **MacRae** Park Road Reconstruction from Davis Avenue 500 feet North, TK Concrete Inc.

**SPECIAL ASSESSMENTS**

14. **Levying** Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-05.

**LAND/PROPERTY TRANSACTIONS**

15. **Partially** releasing subdivision bond for Carman Estates Plat 1, vicinity of Indianola and E. Payton Avenue.

   *(Council Communication No. 18-244)*

16. **Releasing** subdivision bond for Carman Estates Plat 2, vicinity of Indianola and E. Payton Avenue.

   *(Council Communication No. 18-247)*
17. **Conditionally** approving the Woods of Copper Creek Plat 3 final plat, 4700 block of NE 23rd Avenue.

   *(Council Communication No. 18-245)*

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. **Recommendation** from Council Member Gatto to reappoint Laura Gibson to the Access Advisory Board, Seat 7, for a four-year term commencing June 15, 2018 to expire June 15, 2022, and to waive the prohibition on having two employees of the same employer on the Board.

19. **Recommendation** from Council Member Gatto to reappoint Andrea Woodard to the Park and Recreation Board, Seat 14, for a four-year term commencing June 30, 2017 to expire June 30, 2021.

20. Number not used.

21. **Recommendation** from Council Member Gatto to reappoint Donald Stockton to the Building and Fire Code Board of Appeals, Seat 7, for a three-year term commencing April 1, 2018 to expire April 1, 2021.

22. **Recommendation** from Council Member Gatto to reappoint Keith Mehl to the Citizen Odor Board, Seat 14, for a three-year term commencing April 1, 2016 to expire April 1, 2019.

23. **Recommendation** from Council Member Gatto to reappoint Greg Lewis to the Neighborhood Revitalization Board, Seat 10, for a three-year term commencing June 30, 2018 to expire June 30, 2021.


25. **Communication** from Richard Phillips advising of his resignation from the Housing Appeals Board, Seat 2, effective immediately.

26. **Establishing** Housing Appeals Board procedural rules.
COMMUNICATIONS FROM PLANNING AND ZONING

27. Regarding request from 14 Walnut, LLC for vacation of 14th Street from Walnut Street to Falcon Drive adjoining 1400 Walnut Street to accommodate private access and loading for the adjoining mixed-use building.

28. Regarding request from 400 SE 6th Street, LLC for vacation of the north 40 feet of E. Martin Luther King, Jr. Parkway and the north/south alley between Raccoon Street and E. Martin Luther King, Jr. Parkway adjoining 401 SE 5th Street and 410 SE 6th Street to allow development of additional off-street parking for adjoining restaurant uses.

29. Regarding preliminary plat “Replat of Lot 24, Capitol Heights No. 2” at 4010 NE 44th Drive (within the two-mile distance for extraterritorial review) to allow the division of the property into two lots for single-family residential dwellings.

SETTING DATE OF HEARINGS

30. On vacation of a portion of the east-west alley right-of-way lying south of and adjoining 215 SW 9th Street, and conveyance of vacated alley and excess City property at 215 SW 9th Street to Orton Development Company, LLC, $320,312, (6-11-18).

31. On approval of documents for vacation of portions of 5th Avenue and alley right-of-way and conveyance of a permanent easement for subsurface building encroachment on City-owned property and a permanent easement for air space above City-owned property to 5th and Walnut Parking LLC, $38,630, (6-11-18).

32. On approval of documents for vacation of subsurface rights in a portion of E. Grand Avenue right-of-way and a portion of E. 2nd Street right-of-way all adjoining 111 E. Grand Avenue and conveyance of a permanent easement for subsurface building encroachments on City-owned property to 111 East Grand, LLC, $12,345, (6-11-18).

(A) Communication from Plan and Zoning Commission.

33. On request from Summer Yee Song to rezone 4750 SW 31st Street from “M-3” (Limited Industrial) to “R1-80” (One-Family Residential) to allow development of a single-family dwelling, (6-11-18).

34. On intent to acquire property for public improvement purposes and to authorize acquisition of the necessary property interests from various property owners for the Little Four Mile Trunk Sanitary Sewer Project, (6-11-18).

35. On issuance of not to exceed $7,140,000 General Obligation Bonds for Essential Corporate Purposes, (6-11-18).
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

36. Approving payment to Kenworthy Law, PC for matters related to construction disputes, $30,162.98.

37. Approving payment to Belin McCormick Law Firm regarding environmental issues, $455.


39. Approving payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Tyson Teut, $462.50.

40. Approving payment to Todd Lawless for a workers’ compensation claim.

41. Approving payment to Steven Shepherd for a personal injury claim.

CITY MANAGER COMMUNICATIONS

42. Submitting travel and training requests for T.M. Franklin Cownie.

(Council Communication No. 18-275)

APPROVING

43. Home Investment Partnerships Program (HOME) Funding for Birdland Vista, LLC to construct affordable housing in the Birdland Area.

(Council Communication No. 18-246)

44. Urban Renewal Development Agreement with KOK Vermont Street, LLC for redevelopment of 1300-1350 Vermont Street in the Central Place Industrial Park Redevelopment Program Urban Renewal Area.

(Council Communication No. 18-257)

45. Urban Renewal Development Agreement with 207 Crocker, LLC and approval of a conceptual development plan for converting an office building into a new 91-room hotel located at 207 Crocker Street.

(Council Communication No. 18-258)
46. **Authorizing** negotiations with PDM Precast, Inc. on the sale of approximately 38 acres of City-owned property at 3500 Vandalia Road for the expansion of its manufacturing facilities at 3312 E. Granger Avenue and initiating rezoning of the property to “M-2” (Heavy Industrial).

47. Economic Parking License Agreements with the following:

   (Council Communication No. 18-274)

   (A) **Voya** Services Company for the Ninth and Locust parking garage.

   (B) **VIAC** Services Company for the Eighth and Mulberry parking garage.

48. **Release** of restrictive covenants limiting the use of tax abatement in Airport Business Park, Airport Commerce Park South and Airport Crossroads.

   (Council Communication No. 18-256)

49. **Receive** and file petition to continue the existing Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) for an additional 5 years, and to refer it to the Plan and Zoning Commission for report and recommendation.

   (Council Communication No. 18-272)

50. **Support** of the Des Moines Water Works Foundation Enhance Iowa Grant Application and $25,000 City match funding.

51. **Submission** of an application for the Fiscal Year (FY) 2018 Body-Worn Camera Policy and Implementation Program grant.

   (Council Communication No. 18-251)

52. **Amended** agreement for demolition of Skywalk Bridge 6Fa and provision of Landmark Restoration Grant to the Roman Catholic Diocese of Des Moines.

   (Council Communication No. 18-273)
53. **Correcting** parking meter rate and time zone I.

54. **Communication** from Downtown Community Alliance, on behalf of DART, requesting approval for up to 44 banners to be displayed on 22 poles on Locust Street, 10th Street, and 13th Street from June through October 2018.

55. Abatement of public nuisances at the following addresses:
   
   (A) 1726 Oakland Avenue.
   
   (B) 701 Clinton Avenue.
   
   (C) 1322 E. 28th Street.
   
   (D) 1427 10th Street.
   
   (E) 1915 Clark Street.
   
   (F) 1816 Francis Avenue.
   
   (G) 110 E. Rose Avenue.
   
   (H) 1601 E. Grand Avenue.

56. **Recommendation** to amend the contract for mowing and trimming services with Hyde Mowing & Snow Removal (Sharon Hyde, Owner) removing the Northeast region and awarding to J & J Lawn Care and Landscaping (Jarred Boever, Owner) for the Northeast Region.

   *(Council Communication No. 18-249)*
57. Purchases from the following:

(A) All Makes Office Interiors (Jeff Kavich, President) to supply and install replacement workstations and office furniture to be used by the Police Department, $155,801.46. (Three potential bidders, two received).

(Council Communication No. 18-250)

(B) Housby Mack Inc. (Kelly Housby, President) for three (3) replacement truck chassis per Houston-Galveston Area Council (HGAC) Contract for use by the Public Works Department, $289,200.

(Council Communication No. 18-253)

(C) Hutchinson Salt Co. (Larry Bingham, President) for joint purchase along with the City of West Des Moines, Polk County and 25 other public entities representing the Central Iowa Salt Group (CISG) for rock salt to be used by the Public Works Department, $797,580. (Twelve (12) potential bidders, five received).

(Council Communication No. 18-243)

58. Civil Service Entrance list for WRF Plant Mechanic.

59. Authorizing Finance Director to draw checks on registers for the weeks of May 21, May 28 and June 4, 2018; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 21, May 28 and June 4, 2018; and to draw checks for biweekly payroll due on May 25 and June 8, 2018.

ORDINANCES - FINAL CONSIDERATION

60. Amending Chapter 98 of the Municipal Code regarding solid waste charges for collection services and to clarify language regarding administrative hearings.

ORDINANCES - SECOND CONSIDERATION

61. Rezoning of property at 5066 NE 23rd Avenue from “A-1” (Agricultural) to “PUD” (Planned Unit Development), and to continue to the July 9, 2018 Council meeting.
ORDINANCES - FIRST CONSIDERATION

62. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

   (Council Communication No. 18-266)

   (A) Removal of loading zone on east side of E. 7th Street, north of E. Walnut Street.

   (B) Parking restriction on the east side of SW 5th Street from Elm Street to Tuttle Street.

   (C) Removal of Taxi Stand on 3rd Street, south of Court Avenue, and revision to parking restriction, north of Court Avenue, on Friday and Saturday.

   (D) Removal of two-hour parking restrictions and commercial loading zone on Linden Street between 15th Street and 17th Street.

   (E) Stop sign addition at 33rd Street and College Avenue.

   (F) Final consideration of ordinance above, requires six votes.

63. **Amending** Chapter 46 of the Municipal Code regarding permits required for fire prevention and protection.

   (Council Communication No. 18-248)

   (A) **Amendment** to the Schedule of Fees.

   (B) Final consideration of ordinance above, requires six votes.

64. **Amending** Chapter 38 of the Municipal Code regarding ambulance fees.

   (Council Communication No. 18-252)

   (A) **Final** consideration of ordinance above (waiver requested by the Fire Chief), requires six votes.

   (B) **Amendment** to the Schedule of Fees.
COMMUNICATIONS/REPORTS

65. From Lynnea Harris, 331 Thornton Avenue, to speak regarding exception to City Ordinance 18-4, to allow her to keep a pet quail inside her home.

66. From Angela R. Nemmers, 4150 Maple Street, Unit 1, to speak regarding flooding on Hubbell Avenue and DART buses.

APPROVING

67. Appointment of Matt Anderson as Deputy City Manager.

68. Items regarding expansion of Employers Mutual Casualty Company (EMC) corporate headquarters at 701 Walnut Street:

   (Council Communication No.  18-254)

   (A) Approval of Preliminary Development Agreement and Escrow Agreement.

   (B) Authorization for the City Manager to negotiate an Urban Renewal Development Agreement and Escrow Agreement.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 69 THRU 77)

69. On vacation of a portion of E. 5th Street right-of-way located east of and adjoining 440 E. Grand Avenue and conveyance of a permanent easement for building encroachment to RE3, LLC, $3,960.

   (Council Communication No.  18-271)

   (A) First consideration of ordinance above.

   (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

70. On vacation and conveyance of the east-west alley right-of-way located north of and adjoining 304 E. Walnut Street to 201 East Locust, LLC, $21,000.

   (Council Communication No.  18-270)

   (A) First consideration of ordinance above.

   (B) Final consideration of ordinance above, requires six votes.
71. **On** consideration of License Agreement with Des Moines Performing Arts to allow for vehicle impact protection devices within City street right-of-way, $6,000.

   *(Council Communication No. 18-269)*

72. Items regarding request from Lockstep, LLC, for property at 1120 26th Street, to allow use of the property for a three-unit multiple-family dwelling, *(Plan and Zoning Commission recommends DENIAL)*:

   (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density/Medium-Density Residential to High-Density Residential.

     (1) Motion to Approve. *(six affirmative votes are required for approval)*

     **OR**

     (2) Motion to Deny.

   (B) **Hearing** on rezoning of the property from R1-60 (One-Family Low-Density Residential) to “R-4” (Multiple-Family Residential):

     (1) Motion to Deny.

     **OR**

     (2) Motion to continue to June 11, 2018 at 5:00 PM and direct the City manager and Legal Department to prepare necessary legislation to approve the rezoning.

73. **On** appeal by Penta Partners, LLC, of the conditions of a site plan for property located at 2544 Hubbell Avenue.

74. **Dismissing** the hearing on proposal to take action on an amendment to lease with Capitol Center 2, LLC for rental of office space at 400 E. Court Avenue, Suites 114, 116, 118 and 200.
75. **On** 2018 Parking Garage Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Western Waterproofing Company, Inc. d/b/a Western Specialty Contractors (Jeffrey Kelley, President), $597,510.

   *(Council Communication No. 18-259)*

   (A) **Approving** contract and bond and permission to sublet.

76. **On** EMC Overlook at MacRae Park: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), $728,500.

   *(Council Communication No. 18-263)*

   (A) **Approving** contract and bond and permission to sublet.

77. **Reject** all bids on Tower and Sheridan Park Restrooms (31% over project estimate) and close the hearing on the plans, specifications, form of contract documents, and engineer’s estimate.

   *(Council Communication No. 18-260)*

   *** END OF HEARING AT ___________ PM ***

**EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. **Request** by Hubbell Realty Company for City-Council initiated vacation of right-of-way between 4755 and 4805 Hubbell Avenue. **Sponsor:** Council Member Linda Westergaard.

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