



*** 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 '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
City Hall, City Council Chambers
400 Robert D. Ray Dr.

June 10, 2013
4:30 PM

I. CLOSED SESSION – 3:30 PM

- [13-0865](#) (A) Roll Call. **Present: Cownie, Hensley, Mahaffey and Moore. Absent: Coleman, Griess and Meyer. Council Members Coleman and Meyer entered the meeting during Item B. Council Member Griess entered the meeting during Item C.**
- [13-0866](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Griess.**
- [13-0867](#) (C) Closed Session.
- [13-0868](#) (D) Terminate closed session and reconvene in open session. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0869](#) (E) Motion to adjourn. **Moved by Hensley to adjourn at 4:10 PM. Motion Carried 7-0.**

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PROCLAMATIONS- 4:15 PM

Small Business Week

INVOCATION: Council Member Coleman

- [13-0870](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [13-0871](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0872](#) 3. APPROVING CONSENT AGENDA * – items 3 through 41: **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

- [13-0873](#) 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A) BRECKS	207 4TH ST	C Liquor
(B) CHOCOLATERIE STAM	2814 INGERSOLL	C Native Wine
(C) LEVEE	100 COURT AVE	C Liquor
(D) RIVER WALK HUB SPOT	215 WATER ST	C Liquor

RENEWAL APPLICATIONS

(E) CJS II	316 E 30TH ST	C Liquor
(F) COURT AVENUE BREWING	309 COURT AVE	C Liquor
(G) CREME CUPCAKE + DESSERT	543 28TH ST	C Liquor
(H) DEN	4369 MERLE HAY RD	C Liquor
(I) GIT N GO STORE #11	3940 E 29TH ST	C Beer
(J) GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(K) KELLYS LITTLE NIPPER	1701 E GRAND AVE	C Liquor
(L) LA FAVORITA	1700 E GRAND AVE	C Beer
(M) NEW CHINA BUFFET & GRILL	1201 E ARMY POST	B Beer
(N) OKOBOJI GRILL	6050 SE 14TH ST	C Liquor
(O) OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(P) OPEN SESAME	313 E LOCUST ST	C Liquor

(Q) QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(R) QUIK TRIP #535	1501 E GRAND AVE	C Beer
(S) TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	B Beer
(T) VOLCANO NIGHT CLUB	1820 E ARMY POST	C Liquor

SPECIAL EVENTS APPLICATIONS

(U) BEAVERDALE LIVE 2638 BEAVER AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for annual event on June 15, 2013.

(V) BIG CITY BURGERS 520 WALNUT ST Five (5) Day License
Class C Liquor License for Welcome Back To Walnut on June 21 – 22, 2013. Pending approval of Building and Electrical Departments.

(W) CAPITAL PUB 401 SE 5TH ST Five (5) Day License
Class B Beer License for Market District Tasting on June 14 – 15, 2013. Pending approval of Electrical and Fire Departments.

(X) CHEFS KITCHEN 601 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on June 22, 2013. Pending approval of Building and Fire Departments.

(Y) DM ARTS FESTIVAL 1203 LOCUST ST Five (5) Day License
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(Z) DM ARTS FESTIVAL 1418 LOCUST AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(AA)DM ARTS FESTIVAL 1501 LOCUST AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(BB) DM ARTS FESTIVAL 1426 GRAND AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(CC) DM ARTS FESTIVAL 1310 GRAND AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(DD)DM ARTS FESTIVAL 1443 GRAND AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(EE) DM ARTS FESTIVAL 1198 GRAND AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for event on June 28 – 30, 2013.

(FF) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for Ahlers & Cooney Client event on June 13, 2013. Pending approval of Building Department.

(GG)HEROES 2201 GEORGE FLAGG Five (5) Day License
Special Class C (Beer/Wine) Liquor License for Golden Circle Games on June 14, 2013. Pending approval of Building, Electrical, Fire and Zoning Departments.

(HH)OCCASIONS 4025 TONAWANDA Five (5) Day License
Special Class C (Beer/Wine) Liquor Licnese for Shakespeare on the Lawn on June 20 and 23, 2013. Pending approval of Electrical and Zoning Departments.

(II) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 21, 2013.

(JJ) PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview event on June 28, 2013.

(KK)WAT LAO BUDDHAVAS 1804 E PARK AVE Five (5) Day License
Special Class C (Beer/Wine) Liquor License for festival on June 28 – 30, 2013.

(LL) ZOMBIE BURGER 25 E LOCUST ST Five (5) Day License
Class B Beer License for Iowa Craft Brew Festival on June 22, 2013.

[13-0874](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[13-0875](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[13-0876](#) (A) [2013](#) Sidewalk Replacement Program: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate, \$400,000. ([Council Communication No. 13-275](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0877](#) (B) [2013](#) Sewer Repair – Contract 1: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate, \$325,000. ([Council Communication No. 13-274](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0878](#) (C) [2013](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate \$950,000. ([Council Communication No. 13-272](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0879](#) (D) [Indianola](#) Avenue Widening – Phase 3: Receiving of bids, (6-18-13), Setting date of hearing, (7-15-13), Construction estimate \$3,899,973. ([Council Communication No. 13-279](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0880](#) (E) [E. 37th Street Sanitary Sewer](#) – E. Euclid Avenue to Hubbell Avenue: Receiving of bids, (7-2-13), Setting date of hearing, (7-15-13), Construction estimate \$163,000. ([Council Communication No. 13-277](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0881](#) 8. [Approving](#) Change Order No. 5 with Jenco Construction, Inc. for additional work on the Grand Avenue Bridge Project, not to exceed \$34,656. ([Council Communication No. 13-271](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0882](#) 9. [Private](#) Construction Contract between McAninch Corporation and Brownstones on 7th, LLC for sanitary sewer improvements in Brownstones on 7th, \$22,680. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0883](#) 10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
- [13-0884](#) (A) [2011](#) ADA Sidewalk Ramp Program – Contract 1, T K Concrete Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0885](#) (B) [Public](#) Works Salt Storage Facility, Joiner Construction Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0886](#) (C) [Crawford](#) Creek Watershed Improvements – E. Gray Street to SE 9th Street, Jenco Construction Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [13-0887](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-06. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [13-0888](#) 13. [Accepting](#) permanent easement for public sidewalk at 512 9th Street and 508 10th Street from Principal Life Insurance Company. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0889](#) 14. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the 2013-2014 Sidewalk Program. ([Council Communication No. 13-285](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-0890](#) 15. [Communication](#) from Alecia Kates, advising of her resignation from the Neighborhood Revitalization Board, Seat 14, and from the Housing Services Board, Seat 8, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [13-0891](#) 15-I [Recommendation](#) from Council Member Bob Mahaffey to appoint Carolyn Rogers to the Park and Recreation Board, Seat 9, for a four-year term commencing June 10, 2010 to expire June 10, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [13-0892](#) 16. [On](#) conveyance of property in the vicinity of US Highway 65 and the Skunk River to Polk County Conservation Board, \$75,000, (6-24-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0893](#) 17. [On](#) conveyance of 1220 Creston Avenue to Third LLC, subject to conditions \$200, (6-24-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0894](#) 18. [On](#) vacation and conveyance of a portion of north/south and east/west alley right-of-way adjoining 501 Grand Avenue to Polk County, \$1, (6-24-13). **Moved by Coleman to adopt: refer to the City Manager to work with Polk County and the YMCA on a process for the City to receive some value from the transaction, and to consider including a reversion clause in the deed. Motion Carried 7-0.**
- [13-0895](#) 19. [On](#) vacation and lease of public right-of-way for a sidewalk café at 400 Walnut Street, (6-24-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0896](#) 20. [On](#) request from Rich Eychaner to rezone 3629 59th Street from “R-3” (Multiple Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to incorporate off-street parking area developed as part of the commercial center that was approved as an extension into the residentially-zoned property, subject to conditions, (6-24-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-0897](#) 21. [Approving](#) payment to Ahlers & Cooney, PC for legal services related to environmental issues, \$446.50. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0898](#) 22. [Approving](#) workers’ compensation payment to Vincent Nicolino, \$17,692.20. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0899](#) 23. [Approving](#) payments to Iowa District Court, \$35,821.55 and Team Two, Inc., \$5,621.50 from verdict in Team Two, Inc. v. City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0900](#) 24. [Approving](#) payment to Progressive Insurance, \$32 and Angela Reschly, \$4,468 for a claim as a result of an auto accident. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0901](#) 25. [Approving](#) payment to USAA Insurance, \$8,716.92 and Tray and Sheryl King, \$1,611 for a claim as a result of a sewer backup. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [13-0902](#) 26. [Submitting](#) travel and training requests for T.M. Franklin Cownie (2), Erin Olson-Douglas and Rodrigo Santizo. ([Council Communication No. 13-298](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [13-0903](#) 27. [HOME](#) loan for rehabilitation of 1428 Capitol Avenue with Stewart Park Townhomes, LLLP and execution of documents, \$125,000. ([Council Communication No. 13-292](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0904](#) 28. [Assignment](#) of tax sale certificates to Greater Des Moines Habitat for Humanity, Inc. and NFC Properties LLC for the development of owner-occupied housing. ([Council Communication No. 13-297](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0905](#) 29. [Application](#) to the Des Moines Enterprise Zone Commission and the Iowa Economic Development Authority (IEDA) for Enterprise Zone benefits for the Home Opportunities Made Easy (HOME) Inc. for the construction of six housing units, five at 13th Street and Clark and one at 1441 9th Street in the Enterprise Community Enterprise Zone. ([Council Communication No. 13-288](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0906](#) 30. [Urban](#) Renewal Development Agreement with Ballyard Lofts LLC for renovation of 350 SW 2nd Street and approving proposed Conceptual Development Plan. ([Council Communication No. 13-295](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0907](#) 31. [Business](#) application to Iowa Economic Development Authority (IEDA) for the Helena Industries expansion at 3525 Vandalia Road. ([Council Communication No. 13-296](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0908](#) (A) [Setting](#) date of hearing on request from Helena Industries, Inc. to rezone 3525 Vandalia Road from “PUD” (Planned Unit Development) to “M-2” (Heavy Industrial), (6-24-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0909](#) 32. [Des](#) Moines Metropolitan Planning Organization (MPO) Fiscal Year 2014 Unified Planning Work Program and Budget and authorizing payment of Fiscal Year 2014 Assessment, \$203,433. ([Council Communication No. 13-293](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0910](#) 33. [Extension](#) to agreement for Management Services of the municipal parking facilities with ABM Parking Services for an additional three months. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0911](#) 34. [One](#) year extension with Hutchinson Salt Co. (Larry Bingham, President) for rock salt for 2013/2014 Snow and Ice Control Operations, \$870,450. ([Council Communication No. 13-286](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0912](#) 35. [Exception](#) to the procurement ordinance competitive RFP process for good cause and accepting proposal of Holland & Knight LLP to provide Federal Legislative Consulting Services and approval of contract. ([Council Communication No. 13-299](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0913](#) 36. [Application](#) from the Des Moines Arts Festival requesting banners across the streets on the entrances at 12th & Grand, 12th & Locust, 12th & Walnut, and 16th & Locust for the Des Moines Arts Festival from June 28-30, 2013. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
37. Civil Service Entrance Lists and Promotional Lists for the following:
- [13-0914](#) (A) [Civil](#) Service Commission Meeting (5-21-13) for Entrance lists for Assistant Planner and Information Technology Network Engineer and Promotional list for Civil Engineer III. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [13-0915](#) (B) [Civil](#) Service Commission Meeting (6-4-13) for Promotional lists for Fire Marshall, Sewer Maintenance Worker, Street Maintenance Worker and Police Sergeant. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [13-0916](#) 38. [Authorizing](#) Finance Director to draw checks on registers for weeks of June 10 and June 17, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 10 and June 17, 2013; and to draw checks for biweekly payroll due June 14, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [13-0917](#) 39. Amending Chapter 42 of the Municipal Code regarding nuisances, nuisance abatement, notices and hearings. **Moved by Hensley that this ordinance do now pass, #15,191. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [13-0918](#) 40. On rezoning of 3911 and 3915 SW 9th Street from "R1-60" (One-Family Low-Density Residential) to Ltd. "C-1" (Neighborhood Retail Commercial), subject to conditions. (Council Communication No. 13-287) **Moved by Meyer that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [13-0919](#) (A) Final consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Meyer 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, #15,192. Motion Carried 7-0.**

- [13-0920](#) 41. On rezoning of 1135 Army Post Road from "R1-60" (One-Family Low-Density Residential) to "C-2" (General Retail and Highway Oriented Commercial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [13-0921](#) (A) Final consideration of ordinance above (waiver requested by Community Development), 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, #15,193. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [13-0922](#) 42. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 13-291) **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Beaver and Aurora traffic signals.
- (B) 44th Street parking restriction revisions – north of College Avenue.
- (C) SW 5th and Virginia – Reversal of stop signs.

COMMUNICATIONS/REPORTS

- [13-0923](#) 43. **From** Rita Moylan, 1310 7th Street, to speak regarding a house for boarding of Des Moines homeless. **Moved by Griess to receive and file comments. Motion Carried 6-1. Absent: Meyer.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 54)

- [13-0924](#) 44. **On** vacation of three segments of street right-of-way for railroad crossing closures at the Hull Avenue, Scott Avenue and SE 34th Street Crossings. ([Council Communication No. 13-300](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Meyer and Moore.**
- [13-0925](#) (A) **First** consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage, and that this ordinance be submitted for second consideration at the City Council meeting scheduled for August 12, 2013. Motion Carried 5-2. Nays: Meyer and Moore.**
- [13-0926](#) 45. **On** vacation of segments of street right-of-way adjoining SW 17th Street between Amos Avenue and Havens Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0927](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [13-0928](#) (B) **Final** consideration of ordinance above (waiver requested by City Engineer), 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, #15,194. Motion Carried 7-0.**
- [13-0929](#) 46. **On** conveyance of the vacated north/south 17th Street right-of-way adjoining 1702 Keosauqua Way to Spectrum Resource Program, \$2,165. ([Council Communication No. 13-281](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0930](#)

47. **On** vacation of portions of Walnut, 7th and 8th Streets right-of-way adjoining the Younkers Building at 713 Walnut Street and the conveyance of an easement upon such vacated rights-of-way to legalize existing building encroachments. ([Council Communication No. 13-282](#)) **Moved by Coleman to continue the public hearing until June 24, 2013 at 5:00 PM. Motion Carried 7-0.**

WITHDRAWN

[13-0931](#)

- (A) ~~First consideration of ordinance above.~~

WITHDRAWN

[13-0932](#)

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

WITHDRAWN

[13-0933](#)

- (C) ~~Approving First Amendment to the Urban Renewal Development Agreement with The Alexander Company for the \$36,000,000 historic renovation of the former Younkers Building. (Council Communication No. 13-294)~~

[13-0934](#)

48. **On** vacation and conveyance of easement for use of air space over a segment of 8th Street between Park Street and Pleasant Street to Principal Life Insurance Company, \$6,550. ([Council Communication No. 13-283](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0935](#)

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

[13-0936](#)

- (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, #15,195. Motion Carried 7-0.**

[13-0937](#)

49. **On** vacation and conveyance of a portion of Scott Avenue right-of-way to Kemin Holdings, LC, \$10,587. ([Council Communication No. 13-289](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

[13-0938](#)

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

[13-0939](#)

- (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Meyer 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, #15,196. Motion Carried 7-0.**

50. Items regarding property at 3500 Kingman Blvd., Scott Harstook and Dennis Groenenboom, (purchasers) and Parker Street Foundation and Harold Wells (owners):

[13-0940](#)

(A) [Amending](#) the Des Moines 2020 Community Character Plan to revise the existing future land use designation from Low-Density Residential to Commercial, Pedestrian-Oriented, Neighborhood Node. **Moved by Hensley to continue to the June 24, 2013 Council Meeting. Motion Carried 7-0.**

[13-0941](#)

(B) [Hearing](#) to rezone the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial). **Moved by Hensley to continue to the June 24, 2013 Council Meeting at 5:00 PM; refer to the City Manager to work with the applicant and neighbors regarding the conditions for use of the property. Motion Carried 7-0.**

WITHDRAWN

[13-0942](#)

(C) [First](#) ~~consideration or ordinance above.~~

WITHDRAWN

[13-0943](#)

(D) [Final](#) ~~consideration of ordinance above (waiver requested by applicant), requires six votes.~~

[13-0944](#)

51. [On](#) Downtown Bicycle Plan Implementation – Phase 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Quality Striping, Inc. d/b/a DPLM, Inc., (Jamie Jirak, President), \$279,902.60. ([Council Communication No. 13-276](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0945](#)

(A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0946](#)

52. [On](#) Greenwood Pond Detention Basin Repairs: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldmann, President), \$314,397.80. ([Council Communication No. 13-278](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0947](#)

(A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0948](#) 53. **On** SE Connector Paving – SE 15th Street to SE 30th Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as C. J. Moyna & Sons, Inc., (John P. Moyna, President), \$31,166,419.37. ([Council Communication No. 13-280](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0949](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0950](#) (B) **Approving** Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. to provide construction phase services for Southeast Connector Paving – SE 15th Street to SE 30th Street, not to exceed \$2,574,335. ([Council Communication No. 13-290](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0951](#) 54. **On** 2013 Park ADA Parking Lot Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Ver Meer, President), \$416,669. ([Council Communication No. 13-273](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Moore.**
- [13-0952](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Moore.**

*** END OF HEARINGS AT 7:40 PM ***

APPROVING

- [13-0953](#) 55. **Administrative** Services Only Agreement with Delta Dental of Iowa (Jeff Russell, President and CEO) to provide administration of the employee and retiree dental insurance plan for July 1, 2013 through June 30, 2015 with a one-year renewal option, subject to conditions. ([Council Communication No. 13-284](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**

EXTRA ITEMS

- [13-0954](#) 1. Recommendation from Mayor Frank Cownie to appoint Joann Muldoon to the DART Commission representing District VI. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Meyer.**

BOARD OF HEALTH

[13-0955](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Meyer.**

[13-0956](#) 1. [Authorizing](#) the Legal Department to proceed with court action seeking authority to abate the public nuisance at 4146 E. 30th Street, fire-damaged main structure and garage structure, Titleholder: Ann Henrichs; Mortgage Holder: Mortgage Electronic Registration Systems, Inc. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[13-0957](#) MOTION TO ADJOURN. **Moved by Mahaffey to adjourn at 7:40 PM. Motion Carried 7-0.**