I. CLOSED SESSION – Ewing Conference Room 213 – 3:00 PM

(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.

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PROCLAMATIONS – 4:00 PM

National Coming Out Day

Compassionate Community

Fire Prevention Week

CERTIFICATE OF RECOGNITION

Mel Pins top user of myDSMmobile

INVOCATION: Council Member Westergaard

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 46:

*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

4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS
(A) EVEREST GROCERY STORE 5000 SW 9TH ST C Beer
(B) EVEREST RESTAURANT 6401 SE 14TH ST C Liquor
(C) TOBACCO HUT 5714 HICKMAN RD C Beer
(D) WALNUT 1417 WALNUT ST C Liquor

RENEWAL APPLICATIONS
(E) BEST FOOD MART 4028 E 14TH ST C Beer
(F) BLAZING SADDLE *(1) 416 E 5TH ST C Liquor
(G) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer
(H) CAMPBELLS CONCESSIONS 3000 E GRAND AVE B Beer
(I) DRAKE DINER 1111 25TH ST C Liquor
(J) EUREST DINING SERVICES 1331 GRAND AVE C Liquor
(K) FAMILY PANTRY 4538 LOWER BEAVER E Liquor
(L) FLEUR CINEMA & CAFE 4545 FLEUR DR C Beer/Wine
(M) G T RACE CAR BAR 3013 INGERSOLL C Liquor
(N) GOLDFINCH 316 COURT AVE C Liquor
(O) GOODSONS *(1) 2815 BEAVER AVE C Liquor
(P) OASIS *(1) 630 SW 9TH ST E Liquor
(Q) STAYBRIDGE SUITES 201 E LOCUST ST C Beer
(R) TONIC ON COURT 210 COURT AVE C Liquor
(S) TROPIK RESTAURANT & BAR 3015 MERLE HAY RD C Liquor
(T) ZIMMS 3124 INGERSOLL C Liquor

SPECIAL EVENT APPLICATIONS
(U) CAPTAIN ROYS 1900 SAYLOR RD B Beer
Fourteen day license for events on October 11 – 24, 2017.

(V) EMBASSY CLUB – WFP 100 LOCUST ST Five (5) Day License
Class C Liquor License for a wedding reception on October 14, 2017.

(W) ROYAL MILE 214 4TH ST Five (5) Day License
Pending approval of Fire Department.
(X) ROYAL MILE 407 COURT AVE Five (5) Day License
Pending approval of Fire Department.

(Y) ROYAL MILE 217 4TH ST Five (5) Day License
Pending approval of Fire Department.

(Z) VIVIANS DINER & DRINKS 711 HIGH ST Five (5) Day License
Class C Liquor License for United Way event on October 18, 2017. Pending
approval of Building, Electrical, Fire and Zoning Departments.

4-I Consideration of New Class C Liquor License for Captain Roy’s, 1900 Saylor Road.

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

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

   (A) E. 6th Street and Des Moines Street Traffic Signals: Receiving of bids, (10-24-17),
       Setting date of hearing, (11-6-17). Engineer’s estimate, $205,000.

       (Council Communication No. 17-722)

   (B) E. McKinley Avenue Reconstruction from SE 7th Street to SE 14th Street with
       Access Bridge: Receiving of bids, (10-24-17), Setting date of hearing, (11-6-17).
       Engineer’s estimate, $4,875,000.

       (Council Communication No. 17-723)

7. Approving exception to Request for Proposals process for good cause and approving
   Professional Services Agreement with the University of Iowa on behalf of the Iowa
   Institute of Hydraulic Research for the Des Moines River Upstream Mitigation Study,
   not to exceed $454,996.

       (Council Communication No. 17-734)

8. Approving proposal from MidAmerican Energy Company to replace the Pedestrian
   Lights with new LED lights for the 42nd Street Streetscape from I-235 to Crocker Street,
   not to exceed $201,427.18.

       (Council Communication No. 17-726)
9. **Approving** Supplemental Agreement No.1 to the Agreement for Professional Services with KCL Engineering, LLC for additional design and construction administration services for the Des Moines Skywalk Bridge HVAC Analysis & Design, for an additional amount not to exceed $34,380.

   (Council Communication No. 17-719)

10. **Approving** Change Order No. 2 with J&K Contracting, LLC, for additional work on Locust Street Reconstruction from 9th Street to 12th Street in the amount of $92,608.99.

    (Council Communication No. 17-729)

11. **Approving** Change Order No. 2 with E & H Restoration, LLC for additional work on the 2017 Parking Garage Repair Program, $117,959.75.

    (Council Communication No. 17-725)

12. Approving private construction contracts for the following:

    (A) **Storm** Sewer Improvements in 1900 E 17th Street, The Underground Company, Ltd. and Warehouse – 1900 E. 17th St, LLC.

    (B) **Paving** Improvements in Carman Estates Plat 7, Manatts, Inc. and Silver Oak, Inc.

    (C) **Storm** Sewer Improvements in Carman Estates Plat 7, Gator Excavating, Inc. and Silver Oak, Inc.

    (D) **Sanitary** Sewer Improvements in Carman Estates Plat 7, Gator Excavating, Inc. and Silver Oak, Inc.

    (E) **Storm** Sewer Improvements in Birdland Vista, McAninch Corporation and Birdland Vista, LLC.

    (F) **Sanitary** Sewer Improvements in Birdland Vista, McAninch Corporation and Birdland Vista, LLC.

    (G) **Paving** Improvements in the Woods of Copper Creek Plat 4, Concrete Technologies, Inc. and HDR Land Development, LLC.

    (H) **Paving** Improvements in the Woods of Copper Creek Plat 3, Concrete Technologies, Inc. and HDR Land Development, LLC.
13. Approving completion of private construction contracts for the following:

(A) **Storm** Sewer Improvements, 219 E. Grand Avenue, between Elder Corporation and 219 East Grand, LLC.

(B) **Storm** Sewer Improvements, 2455 M.L. King Jr. Parkway, between Corell Contractor, Inc. and Quad M’s Inc.

(C) **Signal** Improvements, 420 Court Avenue, between Baker Electric, Inc. and Hy-Vee Construction, LC.

(D) **Storm** Sewer Improvements, 219 8th Street, between Elder Corporation and Employers Mutual Casualty Company.

(E) **Paving** and Storm Improvements, Bici Flats, between Corell Contractor, Inc. and Bici Flats, LLC.

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

14-I **Accepting** completed construction and approving final payment for SW 30th Street Curb and Gutter from Park Avenue to Fox Hollow Circle, JDA Construction Company.

**LAND/PROPERTY TRANSACTIONS**

15. **Acceptance** of real estate documents from Forrest and Associate, Inc. for voluntary acquisition of a portion of 817 SW 9th Street for dedication of said property as SW 9th Street right-of-way.

   *(Council Communication No. 17-732)*

16. **Resolution** to approve and accept a permanent easement for public pedestrian way across property located at 103 SW 3rd Street from Confluence on Third LLC.

   *(Council Communication No. 17-718)*

17. **Authorization** to proceed with acquisition of the necessary property interests for the 31st Street Reconstruction – I-235 to University Avenue Project.

   *(Council Communication No. 17-727)*
BOARDS/COMMISSIONS/NEIGHBORHOODS

18. Recommendation from Mayor T. M. Franklin Cownie to appoint Scott Bents to the Transportation Safety Committee, Seat 1, for a 3-year term commencing December 31, 2016 to December 31, 2019.

19. Recommendation from Council Member Bill Gray to appoint Sherill Whisenand to the Sister Cities Commission, Seat 8, for a 5-year term commencing April 29, 2013 to April 28, 2018.

20. Communication from Greg Downs advising of his resignation from the Power Engineers Examining Board, Seat 1, effective immediately.

SETTING DATE OF HEARINGS

21. On vacation of a portion of City-owned street right-of-way located north of Franklin Avenue between 23rd Street and 24th Street and conveyance to adjoining property owners, $450, (10-23-17).

22. On review of the anticipated environmental impact of the River Bend and King Irving Sewer Separation Project, (11-20-17).

23. On the Third Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, (10-23-17).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS


25. Approving payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Officer Tyson Teut, $787.50.

26. Approving payment to Kevin Strawn for a workers’ compensation claim.

27. Approving payment for the backup sewer claim of Michael and Marlene Emery.

28. Approving third quarter report from the Legal Department concerning settlements made by the City Attorney, not exceeding $5,000.
CITY MANAGER COMMUNICATIONS

29. Submitting travel and training for Rita Conner, T.M. Franklin Cownie, Ryan Doty, and Laura Graham.

(Council Communication No. 17-738)

APPROVING

30. 28E Agreement with Neighborhood Development Corporation (NDC) through December 31, 2020 for an annual contribution of $1,000,000.

(Council Communication No. 17-711)

31. Preliminary terms of an Urban Renewal Development Agreement with 206 6th Avenue, LLC for the Historic redevelopment and conversion of the Midland Building at 206 6th Avenue to a 140 Room Hotel.

(Council Communication No. 17-714)

32. Items regarding a housing project by Elliott Coop Housing Association for renovation of 64 housing units at 217 4th Street (Elliott Apartments):

(A) Support of an Iowa State Historic Tax Credit Application to be submitted to the Iowa Department of Cultural Affairs.

(Council Communication No. 17-720)

(B) Support of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA).

(Council Communication No. 17-721)

32-I Amendment to the Parking License Agreement with Wells Fargo Properties, Inc. for parking spaces in the 8th and Mulberry Parking Garage.

33. Moved to 52-I.

34. Conceptual development plan for Phase 1 Improvements (Skywalk Node) for the Miesblock project at 7th and Grand by Grand 7 Partners, LLC.

35. Conceptual design plan for a public plaza space at the northwest corner of SW 9th Street and Bell Avenue.

(Council Communication No. 17-717)
36. **Submittal** of an Iowa Great Places grant application for placemaking and public art elements on the 6th Avenue Corridor.

   *(Council Communication No. 17-709)*

37. **Receipt** of communication from the Community Development and Engineering Departments regarding the 6th Avenue Streetscape Project.

   *(Council Communication No. 17-710)*

38. **City**-initiated request to rezone property located west of the Des Moines International Airport and south of McKinley Avenue.


   *(Council Communication No. 17-707)*

40. **Application** from IMT Des Moines Marathon requesting approval for a banner to be placed at the start and finish lines on Court Avenue between 3rd Street and 2nd Street for the Des Moines Marathon, October 15, 2017.

41. **Amendment** to contract with Environmental Systems Research Institute Inc. (ESRI) for consulting services to review, upgrade and support an Enterprise Geographic Information System.

   *(Council Communication No. 17-704)*

42. Approving purchase from the following regarding video, audio and voting systems for the Council Chambers:

   *(Council Communication No. 17-739)*

   (A) **Triad** Productions, Inc. (Dick Trump, President) for non-competitive procurement of services to design and install a voting and audio system for the City Hall Council Chambers, $147,000.

   (B) **Conference** Technologies, Inc. (John Laughlin, CEO) for non-competitive procurement of services to upgrade the video broadcast system at the Municipal Service Center and to design and install a video broadcast system at City Hall, $275,436.73
43. Bids from the following:

(A) Communication Technologies (Dana Heldenbrand, President) for an annual contract with two (2) additional one-year renewal options to furnish subsurface utility location services to be used for various capital improvement projects by the Engineering Department, estimated annual cost $64,120. (Eleven (11) potential bidders, one received).

(Council Communication No. 17-731)

(B) OneNeck IT Solutions (Terry Swanson, President) for Veeam backup and replication hardware and software for virtual servers per State of Iowa contract for use by the IT Department, $131,839.94.

(Council Communication No. 17-703)

(C) Stryker (Kevin Kobo, Chairman and CEO) for non-competitive procurement of eight (8) ambulance power lift systems to be compatible with existing equipment for use by the Fire Department, $252,132.83.

(Council Communication No. 17-706)

44. Civil Service Entrance Lists for Investigative Assistant, Senior Refuse Collector, Open Records Coordinator, Police Officer and Promotional List for Police Property Manager.

45. Authorizing Finance Director to draw checks on registers for the weeks of October 9 and 16, 2017; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 9 and 16, 2017; and to draw checks for biweekly payroll due on October 13, 2017.

ORDINANCES - FINAL CONSIDERATION


* * * * * * * END CONSENT AGENDA * * * * * * * * *
ORDINANCES - FIRST CONSIDERATION

47. **Establishing** the Sherman Hill Self-Supported Municipal Improvement District (SSMID) pursuant to the provisions of Chapter 386, Code of Iowa, and providing for the establishment of a capital improvement and operation fund and the levy of an annual tax.

48. **Amending** Chapter 42 of the Municipal Code regarding the prohibition of fireworks.

COMMUNICATIONS/REPORTS

49. **From** Kris Saddoris to speak regarding the statewide effort and local initiatives regarding the Iowa Walking College, an effort by the Iowa Healthiest State Initiative.

APPROVING

50. Items regarding the property at 402 E. 2nd Street:

   (A) **Approving** acceptance of public sanitary and storm sewer improvements related to the City Hall Parking Garage.

   (B) **Execution** of the Commencement Date Agreement for Lease of City Parking Garage located at E. 2nd Street in accordance with the Lease Purchase Agreement with 101 East Grand Parking, LLC and West Bank.

      *(Council Communication No. 17-728)*

   (C) **Acceptance** of Assignment of Intellectual Property Rights to Design Documents and Copyright License to Shop Drawings related to the City Hall Parking Garage in accordance with Lease Purchase Agreement.

   (D) **Receive** and file development proposal from 101 East Grand Parking, LLC for the multi-phased redevelopment of the former City Hall parking lot.

      *(Council Communication No. 17-736)*

   (E) **Adjustment** of parking rates for designated City Council and City employee parking in the E. 2nd Parking Garage.
51. Items regarding acquisition of property for the Municipal Services Center – Phase 2 Project:

(A) **Approving** revised site boundary and acceptance of real estate documents for voluntary acquisition of property located at 1700 Maury Street from S & P Properties, LC.

*(Council Communication No. 17-730)*

(B) **Authorization** to proceed with acquisition of the necessary property interests from Norfolk Southern Railway Company.

*(Council Communication No. 17-735)*

52. Collective bargaining agreements for the period July 1, 2018 through June 30, 2020 with the following:

*(Council Communication No. 17-708)*

(A) **AFSCME**, Council 61 and its Affiliated Local 3673.

(B) **Municipal** Employees Association (MEA).

52-I **Amendment** to the Conceptual Development Plan for the Southridge Mall to amend the design of the proposed Unity Point Medical Clinic at 6520 SE 14th Street. *(Choose Alternative A or B below)*

*(Council Communication No. 17-715)*

(A) Conditional approval, subject to the Amended Conceptual Development Plan being first amended to address the concerns raised by the Urban Design Review Board, and to the Economic Development Director approving the amended Plan as having adequately addressed the Board’s concerns.

**OR**

(B) Approve as submitted.
HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 53 THRU 60)

53. **On** request from 4000 Ingersoll Park Houses, LP (developer) represented by Frank Levy (officer) for a 4th Amendment to the Plymouth Congregational Church PUD Conceptual Plan located at 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street.

54. **On** the proposed Fourth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area.

   *(Council Communication No. 17-712)*

55. **On** proposed Ninth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area.

   *(Council Communication No. 17-716)*

56. **On** the proposed 21st Amendment to the Metro Center Urban Renewal Plan.

   *(Council Communication No. 17-713)*

   (A) **Resolution** authorizing advancement of costs for an Urban Renewal project in the Metro Center Urban Renewal Area and certification of expenses incurred by the City for payment under Iowa Code Section 403.19.

   *(Council Communication No. 17-737)*

57. **On** assessment of $1,500 penalty and a 30-day suspension of liquor license for Des Moines Yacht Club located at 2617 Ingersoll Avenue for violation of Iowa Alcoholic Beverage Laws, Sales to Minors.

58. **On** License Agreement to license a portion of the Combined Sewer Solids Separation Facility –Building 02 located southwest of SE 25th Court and C B & Q Street from Des Moines Metropolitan Wastewater Reclamation Authority.

59. **On** Martin Luther King Jr. Parkway and Prospect Road Traffic Signals: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Iowa Signal, Inc. (Wayne Lesley, President), $234,441.35.

   *(Council Communication No. 17-724)*

   (A) **Approving** contract and bond and permission to sublet.
60. **On Waveland Golf Course Watershed Improvements and Grading: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), $126,725.**

   (Council Communication No. 17-733)

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

   **END HEARINGS AT _____________5:00 PM**

MOTION TO ADJOURN.

***Attention DART Riders:

DART will provide public transportation to and from City of Des Moines meetings at their temporary location in the Richard A. Clark Municipal Services Center at 1551 E. Martin Luther King Jr. Parkway.

Transportation can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your ride, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up to 5:00PM the day before the meeting. Be sure to mention in your request you require transportation for the City of Des Moines meetings at the temporary location.

This notice is intended to comply with accessibility requirements of the Americans with Disabilities Act.

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