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 '16-' 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

Municipal Service Center, Council Chambers
1551 E. M.L. King Jr. Pkwy.
Des Moines, Iowa 50317

September 12, 2016
4:30 PM

I. CLOSED SESSION- 3:30 PM – Ewing, Room 213

16-1470 (A) Roll Call. Present: Cownie, Gatto, Hensley, Moore and Westergaard. Absent: Coleman and Gray. Council Member Coleman entered the meeting during item C.

16-1471 (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. Moved by Gatto to adopt. Motion Carried upon roll call 5-2. Absent: Coleman and Gray.

16-1472 (C) Closed Session.

16-1473 (D) Terminate closed session and reconvene in open session. Moved by Moore to adopt. Motion Carried 6-1. Absent: Gray.

16-1474 (E) Motion to adjourn. Moved by Hensley to adjourn at 4:37 PM. Motion Carried 6-1. Absent: Gray.
INVOCATION: Council Member Hensley

16-1475 1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard. Council Member Gray participated in the meeting by telephone.

16-1476 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

16-1477 3. APPROVING CONSENT AGENDA * – items 3 through 69: Moved by Gatto 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

16-1478 4. Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt all except KK, LL and MM. Motion Carried 7-0. Council Member Coleman votes No on items C and O. Council Member Gray moved items KK, LL and MM. Motion Carried 7-0.

NEW APPLICATIONS

(A) 1908 DRAUGHT HOUSE 409 COURT AVE C Liquor
(B) BERNARDOS BURRITOS 215 4TH ST C Liquor
*C(C) FIRST STOP BEVERAGE SHOP 2839 E UNIVERSITY E Liquor
(D) KUM & GO #120 6304 SW 9TH ST C Beer
(E) LINNS SUPERMARKET 3805 6TH AVE C Beer

RENEWAL APPLICATIONS

(F) AMERICAN OUTLAWS 214 3RD ST C Liquor
(G) CASEYS #2314 3527 INDIANOLA C Beer
(H) CASEYS #44 4560 E 14TH ST C Beer
*I(I) DES MOINES IZAAK WALTON 4343 GEORGE FLAGG C Liquor
(J) DES MOINES MARRIOTT HOTEL 700 GRAND AVE B Liquor
(K) DES MOINES MARRIOTT HOTEL 700 GRAND AVE E Liquor
(L) FARLEY STORE #900 100 E EUCLID AVE E Liquor
(M) FARLEY STORE #975 3000 SE 22ND ST E Liquor
(N) GODFATHERS PIZZA 4119 UNIVERSITY B Beer
*O(O) H & A MINI MART 145 UNIVERSITY E Liquor
(P) HY VEE MARKET CAFE #3 3221 SE 14TH ST C Liquor
(Q) INDIA STAR 5514 DOUGLAS AVE C Beer/Wine
(R) KATHYS DEPOT 1922 HUBBELL AVE C Liquor
(S) LE JARDIN 2815 BEAVER AVE C Beer/Wine
(T) MAINGATE 2956 E GRAND AVE C Liquor
(U) MERLE HAY LANES 3800 MERLE HAY RD C Liquor
(V) PLAYERS SPORTS BAR & GRILL 1760 BEAVER AVE C Liquor
PROOF RESTAURANT 1301 LOCUST ST  C Liquor
QUIK TRIP #560 *(1)  2300 MLK  C Beer
VIVA MEXICAN RESTAURANT 6101 GRAND AVE  C Liquor
WAL MART SUPERCENTER 5101 SE 14TH ST  E Liquor
WALGREENS #359  2545 E EUCLID AVE  E Liquor
WALGREENS #4714  4555 FLEUR DR  E Liquor
WALGREENS #5362  1330 E UNIVERSITY  E Liquor
WALGREENS #5721  3140 SE 14TH ST  E Liquor
WALGREENS #5777  2930 E UNIVERSITY  E Liquor
WALGREENS #5852 *(1)  3030 UNIVERSITY  E Liquor
WALGREENS #7452  4415 DOUGLAS AVE  E Liquor
WALGREENS #7453  104 E EUCLID AVE  E Liquor
WALGREENS #7833  3501 INGERSOLL  E Liquor
WALGREENS #7968  6200 SE 14TH ST  E Liquor

OUTDOOR SERVICE APPLICATIONS
CHRISTOPHERS DINING 2816 BEAVER AVE  C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 16 – 17, 2016.

GOODSONS 2815 BEAVER AVE  C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 16 – 17, 2016.

SAINTS PUB + PATIO 4041 URBANDALE  C Liquor
Temporary in conjunction with Beaverdale Fall Festival on September 16 – 17, 2016.

TOADS TAVERN 3002 STATE AVE  C Liquor
Temporary for customer appreciation event on September 24, 2016.

SPECIAL EVENT APPLICATIONS
BLOOD SWEAT & BEERS 3000 E GRAND AVE  Five (5) Day License
Class B Beer License for an event on September 17, 2016.

DES MOINES MARRIOTT 100 LOCUST ST  Five (5) Day License
Class C Liquor License for wedding reception on September 24, 2016. Pending approval of Zoning Department.

GATEWAY MARKET 75 E ARMY POST RD  Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Community Youth Concepts on September 22, 2016. Pending approval of Fire Department.

GATEWAY MARKET 4700 GRAND AVE  Five (5) Day License
Class C Liquor License for Des Moines Art Center Preview Party on September 16, 2016. Pending approval of Zoning Department.

IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE  Five (5) Day License
Class C Liquor License for Bike Night on September 20, 2016.

ST ANTHONY CHURCH 15 INDIANOLA RD  Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Fall Festival on September 16 – 17, 2016.
5. **City Clerk** to issue Cigarette/Tobacco/Nicotine/Vapor Permits. *Moved by Gatto to adopt. Motion Carried 5-2. Nays: Cownie and Moore.*

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

   16-1480 (A) **Ewing** Park Lilac Plaza: Receiving of bids, (9-27-16), Setting date of hearing, (10-10-16). Construction estimate, $37,000. *(Council Communication No. 16-507) Moved by Gatto to adopt. Motion Carried 7-0.*

   16-1481 (B) **Fairmont** Park Water Playground: Receiving of bids, (10-11-16), Setting date of hearing, (10-24-16). Construction estimate, $650,000. *(Council Communication No. 16-508) Moved by Westergaard to adopt; refer to the City Manager to consider a plan for adding restrooms to City parks. Motion Carried 7-0.*

   16-1482 (C) **Police** Station West Entrance Replacement: Receiving of bids, (9-27-16), Setting date of hearing, (10-10-16). Construction estimate, $750,000. *(Council Communication No. 16-511) Moved by Gatto to adopt. Motion Carried 7-0.*

   16-1483 (D) **30th** Street and Jefferson Avenue Culvert Replacement at Closes Creek: Receiving of bids, (9-27-16), Setting date of hearing, (10-10-16). Construction estimate, $610,000. *(Council Communication No. 16-522) Moved by Gatto to adopt. Motion Carried 7-0.*

**WITHDRAWN**

7. Approving and authorizing the execution of Norfolk Southern Corporation Street Crossing Signal Safety Improvement Agreement for SE 22nd Street and Maury Street.

**WITHDRAWN**

8. Approving Agreement with MidAmerican Energy Company to install LED street lights for Indianola Avenue, Phase 4, not to exceed $66,992.93. *(Council Communication No. 16-509) Moved by Moore to adopt; refer to the City Manager to work with MidAmerican on placement of the conduit. Motion Carried 7-0.*

9. Approving an agreement by and between the City and the Polk County Conservation Board (PCCB) for Evergreen Avenue Paving and Bridge Replacement. *(Council Communication No. 16-506) Moved by Gatto to adopt. Motion Carried 7-0.*

10. Approving Professional Services Agreement with River Research and Design, Inc. for construction and design phase services for 2016 Stream Bank Restoration, not to exceed $30,000. *(Council Communication No. 16-502) Moved by Gatto to adopt. Motion Carried 7-0.*
11. Approving Professional Services Agreement with Veenstra & Kimm, Inc. for conceptual design services for the River Bend and King Irving Sewer Separation Project, not to exceed $179,978. (Council Communication No. 16-513) Moved by Gatto to adopt. Motion Carried 7-0.

12. Approving Supplemental Agreement No. 1 to the Professional Services Agreement with Shuck-Britson, Inc. for additional professional services for the 2016 Parking Garages Repair Program, not to exceed $67,301. (Council Communication No. 16-504) Moved by Gatto to adopt. Motion Carried 7-0.

13. Approving Private Construction between Baker Electric, Inc. and Principal Life Insurance Company for signal improvements in 7th and 8th Streets between High and Park Streets, $188,068. Moved by Gatto to adopt. Motion Carried 7-0.

14. Approving completion and acceptance of the Private Construction Contract for storm sewer improvements, 1111 E. Army Post Road, Southridge Mall, between The Hansen Company, Inc. and Macerich Southridge Mall, LLC. Moved by Gatto to adopt. Motion Carried 7-0.

15. Approving completion and acceptance of the Private Construction Contract for storm sewer improvements, Bloomfield Acres Plat 1, between Little Kading Construction Company, Inc. and Bloomfield Acres LLC. Moved by Gatto to adopt. Motion Carried 7-0.

16. Approving completion and acceptance of the Private Construction Contract for paving improvements, Bloomfield Acres Plat 1, between Sternquist Construction, Inc. and Bloomfield Acres, LLC. Moved by Gatto to adopt. Motion Carried 7-0.

17. Approving completion and acceptance of the Private Construction Contract for sanitary sewer improvements, Bloomfield Acres Plat 1, between Little Kading Construction Company, Inc. and Bloomfield Acres LLC. Moved by Gatto to adopt. Motion Carried 7-0.

18. Approving completion and acceptance of the Private Construction Contract for storm and sanitary sewer improvements, Carman Estates Plat 9, between Gator Excavating, Inc. and Silver Oak, Inc. Moved by Gatto to adopt. Motion Carried 7-0.

19. Approving completion and acceptance of the Private Construction Contract for paving improvements, Carman Estates Plat 9, between Manatts, Inc. and Silver Oak, Inc. Moved by Gatto to adopt. Motion Carried 7-0.

20. Approving completion and acceptance of the Private Construction Contract for paving
improvements, 901 E. Park Avenue, between Absolute Concrete Construction, Inc. and Des Moines Independent Community School District. **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1498 21. **Approving** completion and acceptance of the Private Construction Contract for paving improvements, 1541 18th Street, between Absolute Concrete Construction, Inc. and Des Moines Independent School District. **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1499 22. **Communication** from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1500 23. **Accepting** completed construction and approving final payment for Birdland Pump Station Repairs, C. L. Carroll Co., Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

16-1501 24. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-08. **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1502 25. **Approving** deletion of rental inspection assessment at 2120 King Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

16-1503 26. **Authorizing** voluntary acquisition and to approve and accept real estate documents for property at 3807 50th Street from Lucio Rodriguez Arpista for the 2016 Sewer Repair-Contract I Project. (Council Communication No. 16-514) **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1504 27. **Acceptance** of Planned Unit Development (PUD) Restoration Bond for the Brook Landing Plat I Preliminary Plat located in the vicinity of 3300 E. 56th Street. (Council Communication No. 16-499) **Moved by Gatto to adopt. Motion Carried 7-0.**
COMMUNICATIONS FROM PLANNING AND ZONING

16-1505  28. Regarding request from Nelson Development for vacation of right-of-way adjoining 665 Grand Avenue for development of a 12-story mixed-use building with first floor retail, second and third floor office space and 168 residential units, subject to conditions. Moved by Gatto to receive and file the Communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

16-1506  29. Regarding request from East 4th Street, LLC for vacation of a segment of SE 4th Street adjoining 118 SE 4th Street to allow for accommodation of a new emergency egress landing and stairway as well as existing utilities. Moved by Gatto to receive and file the Communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

16-1507  30. Regarding approval of a preliminary plat “Skyline Plat 1” in the 3300 block of McKinley Avenue to allow subdivision into five lots for single-family residential development, subject to conditions. Moved by Moore to continue to the September 26, 2016 City Council Meeting; refer to the City Manager to review the tree protection plan for this plat. Motion Carried 7-0.

SETTING DATE OF HEARINGS

16-1508  31. On vacation of air space and subsurface rights in portions of street and alley right-of-way adjoining 717 Grand Avenue and conveyance of a permanent easement for air space within 8th Street and Locust Street right-of-way and conveyance of a permanent subsurface easement within 8th Street, Locust Street, Grand Avenue and alley right-of-way adjoining 717 Locust Street to R & T Lofts, LP, $124,000, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

16-1509  32. On vacation and conveyance of alley right-of-way and vacation of air space in Grand Avenue and 7th Street adjoining 665 Grand Avenue and an air space easement to Grand 7 Partners, LLC and authorizing the City Manager to execute a Temporary Access Agreement, $224,525, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

16-1510  33. On vacation of a segment of Boyd Street right-of-way between E. 21st Street and Delaware Avenue and conveyance to Dorothy Rhoades, $200, to Gerald and Kathleen Overman, $150, to Delaware Properties, LLC for $4,825 and to Boysen Properties, LLC, $4,725, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.
34. On conveyance of a permanent easement for sanitary sewer right-of-way at 7401 SW 9th Street to FDM Development Partnership LLLP in consideration of FDM Development Partnership LLLP’s development of the adjoining property, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

35. On conveyance of an underground electric easement at Prospect Park for the Drake Boathouse to MidAmerican Energy Company, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

36. On conveyance of rail easement in SE Agrimergent Business Park located at SE 43rd Street and Vandalia Road to Des Moines Cold Storage, Inc., (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

37. On request from Mercy Properties, Inc. to rezone 500 Laurel Street, 1040 5th Avenue and 1055 6th Avenue from “C-2” (General Retail and Highway Oriented-Commercial) to “PUD” (Planned Unit Development), and to amend the Mercy Medical Center PUD Conceptual Plan for demolition of some existing buildings and development of a new parking structure and additional surface parking, 11-story hospital tower with two levels of subsurface parking, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

38. On request from QuikTrip Corporation to rezone 6305 SW 9th Street from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for incorporation into the existing convenience store site to the west, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

39. On request from Cadle’s Wakonda, LLC to rezone 4301 Fleur Drive from “R-3” (Multiple-Family Residential) to Ltd. “C-2” (General Retail and Highway Oriented-Commercial) to allow for development of loading area, drainage improvements, and off-street parking area as part of a general food sales establishment, subject to conditions, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

40. On request from Enrique and Oscar Zenteno to rezone 2348 and 2354 E. Grand Avenue from “R1-60” (One-Family Low-Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow for the existing legal non-conforming auto repair business to be brought into conformance, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

41. On request from Central Iowa Fencing, Ltd. to rezone 1820 E. Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow for reuse as a fencing contractor with retail, office and outdoor storage components, subject to conditions, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.
42. On request from 4000 Ingersoll Park Houses, LP to rezone 550 and 536 40th Street from “R-3” (Multiple-Family Residential) to “PUD” (Planned Unit Development) and to amend the Plymouth Congregational Church PUD Conceptual Plan for redevelopment with a three-story mixed-use building with indoor parking, office space on the ground floor and 24 dwelling units on the upper floor and the expansion of the existing 40th Street surface parking lot and renovation of three historic structures, (10-10-16). Moved by Hensley to change the hearing date to October 10, 2016 at 5:00 PM; refer to the City Manager to review the Plan and Zoning Commission Communication and to make the video of the Plan and Zoning Commission meeting available as soon as possible. Motion Carried 7-0.

43. On appeal by James Conlin from decision of the Historic District Preservation Commission granting subject to conditions his application for a Certificate of Appropriateness to install replacement windows at 826 18th Street in the Sherman Hill Historic Neighborhood District, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

44. On the proposed amendment to Site Plan Ordinance (Chapter 82) regarding site plan guidelines, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

45. On City-initiated request to amend the Woods Edge “R-6” Final Development Plan located in the 3500 block of Southeast 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions, (9-26-16). Moved by Gatto to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

46. Approving settlement agreement and payment to Charles McClaran for a workers’ compensation claim. Moved by Gatto to adopt. Motion Carried 7-0.

47. Approving settlement agreement and payment to Timothy Tyler for a workers’ compensation claim. Moved by Gatto to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

48. Submitting travel and training requests for Sone Cam, Nick Lloyd, Rodell Nydam, Jeremy Walburn, Gregg Westemeyer, Lucas Wilson, Ron Ward, Joel VanRoekel, Eric Scott, Emily Cohen, Amber Lynch, Jim Hoff, Mark Dinges, Mark Buzynski and Dave Ness. (Council Communication No. 16-525) Moved by Gatto to adopt. Motion Carried 7-0.

APPROVING

49. First Amendment to the CDBG Project Agreement with 6th Avenue Corridor, Inc. for the acquisition and demolition of 1714 6th Avenue for redevelopment. (Council Communication No. 16-498) Moved by Gray to adopt. Motion Carried 7-0.
50. **Submittal** of a Community Attraction and Tourism (CAT) grant application for the 6th Avenue Streetscape Project. *(Council Communication No. 16-497)* Moved by Gray to adopt. Motion Carried 7-0.

51. **Economic** Development Assistance Contract with the Iowa Economic Development Authority (IEDA), Excell Marketing LC, Carol S. Maverakis Irrevocable Trust and Susan G. Seidler Irrevocable Trust under the High Quality Jobs Program and approving related Development Agreement. *(Council Communication No. 16-520)* Moved by Gatto to adopt. Motion Carried 7-0.

52. **Forbearance** Agreement and Mortgage Amendment with Teachout Properties, LLC. *(Council Communication No. 16-519)* Moved by Gatto to adopt. Motion Carried 7-0.

53. **Acknowledging** Assignment of Urban Renewal Development Agreement and Economic Development Grant Payments (Liberty Building Rehabilitation and Parking Garage Development). *(Council Communication No. 16-501)* Moved by Gatto to adopt. Motion Carried 7-0.

54. **First** Amendment to Urban Renewal Agreement for sale of land for private development with Grand 7 Partners, LLC and approving Conceptual Development Plan for the redevelopment of the property, east of 7th Street between Grand Avenue and High Street. *(Council Communication No. 16-517)* Moved by Gatto to adopt. Motion Carried 7-0.

55. Number not used.

56. Items regarding Cognizant Technology Solutions U.S. Corporation: *(Council Communication No. 16-527)*

57. **Parking** License Agreement for use of spaces in the Fifth and Keo Garage and the Eighth and Mulberry Garage. Moved by Gatto to adopt. Motion Carried 7-0.

58. **Economic** Development Assistance Contract with Iowa Economic Development Authority (IEDA). Moved by Gatto to adopt. Motion Carried 7-0.

59. **Parking** drive and landscape changes within Greenwood Park as proposed by Edmundson Art Foundation. *(Council Communication No. 16-491)* Moved by Hensley to adopt; refer to the City Manager for review and recommendation regarding the possibility of allowing temporary parking on Grand Avenue between 44th and 48th during special events. Motion Carried 7-0.

60. **Updated** Gray’s Lake Park Master Plan, areas A through G. *(Council Communication No. 16-490)* Moved by Hensley to adopt areas A-H of the Gray’s Lake Master Plan, refer to the City Manager and Parks Department to work with the Water Works Board and the Water Works Foundation regarding final details of the plan. Motion Carried 6-1. Nays: Moore.
59. **City Street Financial Report to IDOT for Fiscal Year 2016.** (Council Communication No. 16-515) Moved by Gatto to adopt. Motion Carried 7-0.

60. **Agreement** for Cooperative Public Service with Polk County for the resurfacing of Riverview Park trail and construction of access drive to Riverview Island. (Council Communication No. 16-524) Moved by Westergaard to approve. Motion Carried 7-0.

61. **Acceptance** of 2016 Homeland Security Weapons of Mass Destruction (WMD)/SWAT and the Explosive Ordnance Detection (EOD) Grant, $469,203. (Council Communication No. 16-493) Moved by Gatto to adopt. Motion Carried 7-0.

62. **License** Agreement with the Greater Des Moines Public Art Foundation for the short term installation and maintenance of the Truth Booth in Western Gateway Park. (Council Communication No. 16-489) Moved by Gatto to adopt. Motion Carried 7-0.

63. Abatement of public nuisances at the following addresses:

   - (A) **843** E. 24<sup>th</sup> Court, garage structure. Moved by Gatto to adopt. Motion Carried 7-0.
   - (B) **1169** 14<sup>th</sup> Street, main structure. Moved by Gatto to adopt. Motion Carried 7-0.
   - (C) **1180** 13<sup>th</sup> Street, main structure. Moved by Gatto to adopt. Motion Carried 7-0.
   - (D) **4219** SE 8<sup>th</sup> Street, main structure. Moved by Gatto to adopt. Motion Carried 7-0.
   - (E) **1941** South Union Street, main structure. Moved by Gatto to continue to the September 26, 2016 Council Meeting to allow the property owner time to present a rehabilitation or demolition plan. Motion Carried 7-0.

64. **Release** of fire escrow at 1544 17<sup>th</sup> Street. Moved by Gatto to adopt. Motion Carried 7-0.

65. Bids from the following:

   - (A) **Absolute Property Services** (Justin Gasfield, Owner) for an annual contract with two (2) additional one-year renewal options to furnish building exterior cleaning and restoration services for use by the City Manager’s Office Facilities Management Division, estimated annual cost $75,000. (Eight potential bidders, three received). Moved by Gatto to adopt. Motion Carried 7-0.
(B) Bound Tree Medical (Jeff Prestel, President), Midwest Medical Supply (Gary Reeve, President), Southeastern Emergency Equipment (Carla Baker, President), Henry Schein Inc. (Stanley Bergmen, CEO) and Moore Medical LLC (Rick Frey, President) for an annual contract with two (2) additional one-year renewal options to furnish medical and pharmaceutical supplies for use by the Fire Department, estimated annual cost $195,000. (Six potential bidders, five received). (Council Communication No. 16-492) Moved by Gatto to adopt. Motion Carried 7-0.

(C) Heartland Outdoor Services (Charlie Henriksen, President) for sidewalk pavement marking services for the Greater Des Moines Public Art Foundation (GDMPAF) ArtRte project for use by the Engineering Department, $35,000. (Eleven potential bidders, one received). (Council Communication No. 16-526) Moved by Gatto to adopt. Motion Carried 7-0.

(D) Midwest L & I (Stephen Sandahl, President) for 206 trees to be planted along various right-of-way (ROW) locations, $63,711.77. (Twelve potential bidders, four received). Moved by Gatto to adopt. Motion Carried 7-0.

66. Procurement of various rip rap products for use in stream bank stabilization at Four Mile and Walnut Creek from Martin Marietta (Howard Nye, President) for good cause shown, $158,224.50. (Council Communication No. 16-494) Moved by Gatto to adopt. Motion Carried 7-0.

67. Civil Service Entrance List for Traffic Facilities Manager, and Promotional Lists for Police Sergeant, Traffic Maintenance Chief and Senior Crime Scene Investigator. Moved by Gatto to receive and file. Motion Carried 7-0.

68. Authorizing Finance Director to draw checks on registers for the weeks of September 12 and 19, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of September 12 and 19, 2016; and to draw checks for bi-weekly payroll due on September 16, 2016. Moved by Gatto to adopt. Motion Carried 7-0.

ORDINANCES - FINAL CONSIDERATION

69. Granting right-of-way to Des Moines and Knoxville Railroad Company on Elm Street, and granting to the grantees, successors and assigns of said company the rights vested in it by said ordinance as hereby amended. Moved by Gatto that this ordinance do now pass, #15,504. Motion Carried 7-0.

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

16-1554    70. Amending Chapter 60 of the Municipal Code regarding the Housing Code. (Council Communication No. 16-521) Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-1555    (A) Final consideration of ordinance above (waiver requested by the Community Development Director), requires six votes. Moved by Coleman 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, #15.505. Motion Carried 7-0.

16-1556    (B) Amendment to the Schedule of Fees. Moved by Coleman to adopt; refer to the City Manager and Community Development Department to review the rental inspection fees. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

WITHDRAWN

16-1557    71. From Matthew Gilbert, PO Box 1617, Des Moines, to speak regarding a proposal for City Council support of Urban C.O.R.E. (3-year pilot).

16-1558    72. From Nick Kuhn, representing the Legion of Food, to speak requesting consideration of additional downtown mobile vendor zones. Moved by Hensley to refer to the City Manager for review and recommendation back to Council by October 10, 2016. Motion Carried 7-0.

16-1559    73. From Patrick Stall, 1310 7th Street, to speak regarding the continued evictions of homeless residents by City Officials. Moved by Coleman to receive and file comments. Motion Carried 7-0.
APPROVING

16-1560  74.  Review of Zoning Board of Adjustment decision granting a use variance to allow parking use located at 801 SE 7th Street, subject to conditions.  (Council Communication No. 16-495) Moved by Gatto to adopt alternative C.  (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 7-0.

16-1561  75.  Review of Zoning Board of Adjustment decision granting a variance from separation requirements to allow a gas station/convenience store selling wine and beer on the property at 849 Army Post Road, subject to conditions.  (Council Communication No. 16-500) Moved by Gatto to adopt alternative C.  (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 5-2. Nays: Cownie and Moore.

16-1562  76.  Review of Zoning Board of Adjustment decision granting a variance from separation requirements to allow an outdoor patio adjoining a restaurant selling wine and beer on the property at 1951 Indianola Avenue (Strudl Haus), subject to conditions.  (Council Communication No. 16-496) Moved by Gatto to adopt alternative C.  (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 5-2. Nays: Cownie and Moore.

16-1563  77.  Appointment of Lawrence F. Dempsey to the position of Assistant City Attorney I, effective September 26, 2016. Moved by Gatto to adopt. Motion Carried 7-0

16-1564  78.  Authorizing and providing for issuance of $12,715,000 Stormwater Management Utility Revenue Bonds, Series 2016C, and providing for method of payment, approval of the Tax Exempt Certificate and Continuing Disclosure Certificate. Moved by Moore to adopt. Motion Carried 7-0.

16-1565  79.  Authorizing and providing for issuance and securing payment of $8,830,000 Stormwater Management Utility Revenue Refunding Bonds, Series 2016D and providing for a method of payment, approval of the Tax Exempt Certificate, and Continuing Disclosure Certificate. Moved by Gray to adopt. Motion Carried 7-0.
HEARINGS (OPEN AT 5:20 P.M.) (ITEMS 80 THRU 86)

16-1566  80. On vacation and conveyance of an irregular segment of 15th Street right-of-way located east of and adjoining 1514 Walnut Street to Exile Brewing Company, LLC, $2,184. (Council Communication No. 16-503) Moved by Hensley to adopt. Motion Carried 7-0.

16-1567  (A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-1568  81. On sale of excess Airport property located north of and adjoining McKinley Avenue at SW 33rd Street and conveyance of such property to Glen Brown and April Barkley Brown, $120,000 and to continue to September 26, 2016 at 5:00 PM to allow the FAA time to complete review of an updated appraisal and to obtain a written grant release. Moved by Hensley to adopt. Motion Carried 7-0.

16-1569  82. On request from Roers Investments, LLC to rezone 2301 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development) and to approve the 2301 Ingersoll Avenue PUD Conceptual Plan to allow a mixed-use development of 162 multiple-family residential units and 10,000 square feet of first story retail/office area within a 4-story building and development of 30 multiple-family residential units within a 3-story building. Moved by Hensley to adopt. Trees recently planted will be removed by the Developer and will be replanted in the Woodland Heights Neighborhood. Motion Carried 7-0.

16-1570  (A) First consideration of ordinance above, requires six votes due to opposition. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

WITHDRAWN

16-1571  (B) Final consideration of ordinance above (waiver requested by the applicant), requires six votes.

16-1572  83. On the Proposed Urban Renewal Plan for the Forest Avenue Urban Renewal Plan, receive and file the determination of the Plan and Zoning Commission and adopt the Urban Renewal Plan. (Council Communication No. 16-518) Moved by Gray to adopt. Motion Carried 7-0.

16-1573  (A) Approving Urban Renewal Development Agreement with Neighborhood Development Corporation for development of a 50-unit multi-family housing project at 3201 Forest Avenue (Council Communication No. 16-516) Moved by Gray to adopt. Motion Carried 7-0.

16-1574  84. On 5th & Keo Parking Garage Stair Replacement: approving plans, specifications, form of
contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), $517,500.  (Council Communication No. 16-505) Moved by Hensley to adopt.  Motion Carried 6-1. Absent: Coleman.

16-1575  (A) Approving contract and bond, and permission to sublet. Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

16-1576  85. On Principal Park Cub Club Parking Lot Improvements: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Ball Team, LLC, (Robert E. Sodders, President), $109,850.80.  (Council Communication No. 16-512) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

16-1577  (A) Approving contract and bond, and permission to sublet. Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

16-1578  86. On City-Wide Fixed Time Traffic Signal Upgrade – Phase 2: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Hawkeye Paving Corporation, (Glen E. Perkins, President), $790,500.50.  (Council Communication No. 16-523) Moved by Gatto to adopt. Motion Carried 7-0.

16-1579  (A) Approving contract and bond, and permission to sublet. Moved by Gatto to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 6:15 PM ***

16-1580  MOTION TO ADJOURN. Moved by Hensley to adjourn at 6:48 PM. Motion Carried 7-0.

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