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
October 24, 2016 4:30 PM

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

16-1790 (A) Roll Call. Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard. Council Member Coleman participated in the meeting by telephone for the first ten minutes.

16-1791 (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 Hensley to adopt. Motion Carried 7-0.

16-1792 (C) Closed Session.

16-1793 (D) Terminate closed session and reconvene in open session. Moved by Hensley to adopt. Motion Carried 7-0.

16-1794 (E) Motion to adjourn. Moved by Moore to adjourn at 4:33 PM. Motion Carried 7-0.

* * * * * * * * * * * * * * * * * * * * *
PROCLAMATIONS – 4:00 PM

United Nations Day

INVOCATION: Council Member Moore

16-1795 1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

16-1796 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

16-1797 3. APPROVING CONSENT AGENDA * – items 3 through 46: Moved by Coleman 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

16-1798 4. Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0. Council Member Coleman votes no on item H.

NEW APPLICATIONS

(A) DONNAS LOUNGE 4424 SE 14TH ST C Liquor
(B) GOLDFINCH 316 COURT AVE C Liquor
(C) SAM & GABES AT THE LYON 600 E 5TH ST C Liquor
(D) STAYBRIDGE SUITES 201 E LOCUST ST C Beer
(E) STRANDED BY THE TRACKS 1922 HUBBELL AVE C Liquor
(F) STRUDL HAUS 1951 INDIANOLA B Wine

RENEWAL APPLICATIONS

(G) APEX OIL 1200 SE 30TH ST C Beer
* (H) CENTRAL CITY 2 1501 MICHIGAN ST E Liquor
(I) CENTRO RESTAURANT 1011 LOCUST ST C Liquor
(J) CHEESE SHOP OF DES MOINES 833 42ND ST C Beer/Wine
(K) CHICKADEES 2400 DEAN AVE C Liquor
(L) CHIPOTLE MEXICAN GRILL 3737 MERLE HAY RD C Liquor
(M) CVS PHARMACY #10161 215 EUCLID AVE E Liquor
(N) DES LUX HOTEL 800 LOCUST ST B Liquor
(O) DUDS N SUDS 2629 BEAVER AVE B Beer
5. **City** Clerk to issue Coin Operated Machine Licenses.  *Moved by Coleman to adopt.  Motion Carried 7-0.*

**PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:

   **16-1800**  
   (A) **Pioneer** Columbus Community Center Sprinkler System: Receiving of bids, (11-8-16), Setting date of hearing, (11-21-16). Construction estimate, $240,000.  *(Council Communication No. 16-614)*  
   *Moved by Coleman to adopt.  Motion Carried 7-0.*

   **16-1801**  
   (B) **2016** Skywalk HVAC Replacement: Receiving of bids, (11-8-16), Setting date of hearing, (11-21-16). Construction estimate, $266,900.  *(Council Communication No. 16-608)*  
   *Moved by Coleman to adopt.  Motion Carried 7-0.*

   **16-1802**  
   (C) **Park** Avenue Widening – SW 56th Street to SW 63rd Street: Receiving of bids, (11-15-16), Setting date of hearing, (12-5-16). Construction estimate, $3,987,513.  *(Council Communication No. 16-615)*  
   *Moved by Coleman to adopt.  Motion Carried 7-0.*

**WITHDRAWN**

**16-1803**  
7. Approving Professional Services Agreement with Shuck-Britson, Inc. for the Court Avenue Bridge over Des Moines River Rehabilitation, not to exceed $325,000.

**16-1804**  
8. Approving Private Construction Contract between McAninch Corporation and Bridge District Verve, LLC for paving improvements in E. 2nd and E. 4th Streets in the Bridge District, $27,991.  *Moved by Coleman to adopt.  Motion Carried 7-0.*

**16-1805**  
9. Approving completion and acceptance of the Private Construction Contract for sanitary sewer improvements, 4975 Hubbell Avenue, between Halbrook Excavating, Inc. and Thermo King Sales & Service, Inc.  *Moved by Coleman to adopt.  Motion Carried 7-0.*
10. Approving completion and acceptance of the Private Construction Contract for paving and signalization improvements, 313 Walnut Street, between the Weitz Company, LLC and Des Moines Performing Arts. Moved by Coleman to adopt. Motion Carried 7-0.

11. Approving completion and acceptance of the Private Construction Contract for storm sewer improvements, 5824 Douglas Avenue, between Halbrook Excavating, Inc. and Eychaner Properties, Inc. Moved by Coleman to adopt. Motion Carried 7-0.

12. Approving the Howe Elementary, Park Avenue Elementary, and Windsor Elementary Pedestrian Bridge concept plans and authorizing City staff to proceed with acquisition of necessary right of way and easements. (Council Communication No. 16-619) Moved by Gatto to approve Park Avenue Elementary plan as presented and refer Howe and Windsor Elementary plans to the City Manager for review and recommendation, and to discuss the plans with the Des Moines Public Schools, and to bring back this item at the November 7th Council Meeting. Motion Carried 7-0.

13. Accepting completed construction and approving final payment for 2015 ADA Sidewalk Ramp Program-Contract 3, Kingston Services, LLC. Moved by Coleman to adopt. Motion Carried 7-0.

14. Accepting completed construction and approving final payment for SE 34th Street/SE 36th Street Roadway Improvements at UPRR, Grimes Asphalt and Paving Corporation. Moved by Coleman to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-10. Moved by Coleman to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

16. Accepting completed site grading improvements at Allen Park performed in accordance with the Donation Agreement with Eagle View Lofts, LLC. Moved by Coleman to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. Approving the boundary change and expansion of the Beaverdale Neighborhood Association. (Council Communication No. 16-606) Moved by Gray to adopt. Motion Carried 6-1. Nays: Coleman.
16-1814 18. **Approving** T.M. Franklin Cownie as primary and Naomi Hamlett as alternate appointees to the Warren County Economic Development Corporation (WCEDC) Board of Directors. *(Council Communication No. 16-600)* Moved by Coleman to receive, file and approve the City of Des Moines’ membership in Warren County Economic Development Corporation as set forth in Council Communication No. 16-600, authorizing payment of the $5,000 annual membership fee and appointing Mayor T. M. Franklin Cownie as the primary City of Des Moines’ WCEDC Board representative and Naomi Hamlett, Economic Development Coordinator, as the alternate. Motion Carried 7-0.

16-1815 19. **Recommendation** from Council Member Bill Gray to appoint Michael Hildebrand to the Historic Preservation Commission, Seat 7, for a three-year term commencing October 18, 2015 to expire October 18, 2018. **Moved by Coleman to adopt.** Motion Carried 7-0.

**SETTING DATE OF HEARINGS**

16-1816 20. **On** vacation of a portion of alley right-of-way adjoining 1605 Woodland Avenue and conveyance of a permanent easement for building encroachment to Oyoram Visual Artist, LLC, $50, (11-7-16). **Moved by Coleman to adopt.** Motion Carried 7-0.

16-1817 21. **On** vacation of air space and subsurface rights in portions of street right-of-way adjoining 220 SE 6th Street and conveyance of a permanent easement for air space within E. Elm Street and SE 6th Street right-of-way, and conveyance of a permanent subsurface easement within E. Elm Street and SE 5th Street right-of-way all adjoining 220 SE 6th Street to 220 SE 6th Street Properties, LLC, $732, (11-7-16). **Moved by Coleman to adopt.** Motion Carried 7-0.

16-1818 22. **Communication** from Plan and Zoning Commission **Moved by Coleman to receive and file** the Communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. **Motion Carried 7-0.**

16-1819 22. **On** vacation and conveyance of a portion of SE 19th Street right-of-way and conveyance of property adjoining 1900 Scott Avenue to Kemin Holdings, LC, $36,375, (11-7-16). **Moved by Coleman to adopt.** Motion Carried 7-0.

16-1820 23. **On** request to rezone property in the vicinity of 2323 Hubbell Avenue from “PUD” (Planned Unit Development) to “R1-60” (One-Family Low-Density Residential) and to amend the Townsend Engineering PUD Conceptual Plan, (11-7-16). **Moved by Coleman to adopt.** Motion Carried 7-0.

16-1821 24. **On** Concession Agreement for the Birdland Marina with Less Than Trinity, LLC d/b/a Captain Roy’s, (11-7-16). *(Council Communication No. 16-599)* **Moved by Coleman to adopt.** Motion Carried 7-0.
25. **On** City-initiated request to rename a segment of Army Post Road from SW 42\textsuperscript{nd} Street to SW 63\textsuperscript{rd} Street from “Army Post Road” to “Willow Creek Avenue”, (11-7-16). **Moved by Coleman to adopt. Motion Carried 7-0.**


**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

27. **Approving** payment to Duncan, Green, Brown & Langeness for matters related to construction disputes, $4,655. **Moved by Coleman to adopt. Motion Carried 7-0.**

28. **Approving** payment to Wanda Hemesath for a personal injury claim. **Moved by Coleman to adopt. Motion Carried 7-0.**

29. **Approving** payment to Angellina Chase-Sitzman for a workers’ compensation claim. **Moved by Coleman to adopt. Motion Carried 7-0.**

30. **Authorizing** the City Attorney to terminate an agreement related to litigation if he determines it is in the best interest of the City. **Moved by Coleman to adopt. Motion Carried 7-0.**

**CITY MANAGER COMMUNICATIONS**

31. **Submitting** travel and training requests for David Jahn and Skip Moore. **Moved by Coleman to adopt. Motion Carried 7-0.**

**APPROVING**

32. **Allocation** of Home Investment Partnership Program (HOME) Funds to Home Opportunities Made Easy, Incorporated (HOME, Inc.) for development of affordable housing using Community Housing Development Organization (CHDO) Set-Aside Funds. **Moved by Coleman to adopt. Motion Carried 7-0.**

33. **CDBG** Project Agreement with 6\textsuperscript{th} Avenue Corridor, Inc. for redevelopment project in the 6\textsuperscript{th} Avenue Corridor Area. **Moved by Gray to adopt. Motion Carried 7-0.**

34. **Preliminary** Terms of Agreement with Hubbell Realty Company for development of Carbon 550, 550 Watson Powell Jr. Way. **Moved by Coleman to approve the preliminary terms of agreement as set forth in Council Communication No. 16-622 and to direct the City Manager or his designee to negotiate final terms of agreement for future consideration by the City Council. Motion Carried 7-0.**
34. **Execution** of a Cooperative Agreement with the Iowa Civil Rights Commission.  (Council Communication No.  16-621) Moved by Coleman to adopt.  Motion Carried 7-0.

35. **Extension** of Agreement with Airport Authority through November 30, 2016. Moved by Coleman to adopt.  Motion Carried 7-0.

36. **Agreement** with Software Made Easy, Inc. d/b/a Project InVision International to satisfy economic development loan.  (Council Communication No.  16-601) Moved by Coleman to adopt.  Motion Carried 7-0.

37. **Exception** to the procurement ordinance competitive procurement process for good cause and approving Supplemental Agreement No. 1 to agreement for professional services with Olsson Associates, Inc. for additional services on collection of additional data for fiber network equipment structures, $68,888.17.  (Council Communication No.  16-602) Moved by Coleman to approve.  Motion Carried 7-0.

38. **Amendment** to Agreement for Professional Services with Vital Neighborhoods Consulting, LLC for technical assistance on vacant and blighted properties. Moved by Coleman to adopt.  Motion Carried 7-0.

39. **Agreement** with Nationwide as the City’s exclusive deferred compensation provider.  (Council Communication No.  16-603) Moved by Coleman to adopt.  Motion Carried 7-0.

40. **Receive** and file Quarterly Treasurer’s Report as of September 30, 2016. Moved by Coleman to receive and file.  Motion Carried 7-0.

41. **Communication** from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval of banner design for banners to be displayed in downtown Des Moines on 15th and 18th Streets commencing November 11, 2016 for a full calendar year. Moved by Coleman to receive, file and approve banner design. Motion Carried 7-0.

42. Bids for the following:

   (A) **Ultramax** Ammunition (Roger Braunstein, Owner), Williams Shooters Supply (Kent Williams, President) and Sunset Law Enforcement (Mike Bright, President) for ammunition as requested by the Police Department, $207,596.13.  (Fifteen potential bidders, six received) Moved by Coleman to adopt.  Motion Carried 7-0.

   (B) **Beautiful** Lawns by Longs (Brandon Long, President) for leaf removal services at Woodland/St. Ambrose Cemeteries as requested by the Parks & Recreation Department, $30,500.  (Fifteen potential bidders, one received).  (Council Communication No.  16-598) Moved by Coleman to adopt.  Motion Carried 6-1. Nays: Hensley
16-1841 43. Civil Service Entrance List for Parks and Recreation Development and Planning Administrator and ERP System Manager. Moved by Coleman to receive and file. Motion Carried 7-0.

16-1842 44. Authorizing Finance Director to draw checks on registers for the weeks of October 24 and 31, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 24 and 31, 2016; and to draw checks for biweekly payroll due on October 28, 2016. Moved by Coleman to adopt. Motion Carried 7-0.

ORDINANCES - FINAL CONSIDERATION

16-1843 45. Amending Chapter 2 of the Municipal Code regarding deletion of references to the Board of Health. Moved by Coleman that this ordinance do now pass, #15,521. Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

16-1844 46. Amending Chapter 78 of the Municipal Code expanding the location for operation of mobile vendors in the downtown area. Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.

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

ORDINANCES - SECOND CONSIDERATION

16-1845 47. 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). Moved by Hensley that this ordinance be considered and given second vote for passage. The North of Grand Neighborhood Association shall be notified of any proposed minor amendments (typically subject to administrative review) or major amendments (subject to Plan and Zoning Commission and Council review). Motion Carried 7-0.

Documents submitted by Colleen Kinney: Letter APPENDIX A, B, C and D ATTACHMENTS 1-2, 3, 4, 5, 6 and 7

16-1846 (A) Final consideration of ordinance above (waiver requested by 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, #15,522. The North of Grand Neighborhood Association shall be notified of any proposed amendments to the Plymouth Congregational Church PUD Conceptual Plan, including any proposed minor amendments (typically subject to administrative review) or major amendments (subject to Plan and Zoning Commission and Council review) Motion Carried 7-0.
ORDINANCES - FIRST CONSIDERATION

16-1847  48.  **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 16-620) **Moved by Hensley** that this ordinance be considered and given first vote for passage. **Motion Carried 7-0.**

(A) On-street parking changes on Grand Avenue and 16th Street.

(B) Updating the through street designations for streets within the Riverwoods PUD area.

(C) Parking Restriction – west side of SW 33rd Street from Park Avenue to a point south of Wolcott Avenue.

(D) Changing parking meters on select streets within the East Village from ten-hour meters to four-hour meters.

COUNCIL REQUESTS

16-1848  49.  From Council Member Christine Hensley to speak regarding three city-owned lots near 2504 Sunset Road. **Moved by Hensley** to refer to the City Manager to make this a priority with our Federal Lobbyist and Congressional delegation, to remove restrictions and to allow existing businesses to expand in the area. **Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

16-1849  50.  From Chris Aldinger, Chair of DSM Open Street Event, thanking the Council for their support of the event. **Moved by Hensley** to receive and file comments. **Motion Carried 7-0.**

16-1850  51.  From the Sherman Hill Association Board, regarding redevelopment of 1901 Cottage Grove. **Moved by Hensley** to receive and file the plan and potential long-term lease, and refer to the City Manager to review the plan and also review the funding for the previous move of Chamberlain Park. **Motion Carried 7-0.**
HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 61)

16-1851  52. On vacation of a segment of E. 18th Street right-of-way at Hubbell Avenue and conveyance of a corrected easement for bus shelter encroachment in the vacated right-of-way to Des Moines Area Regional Transit Authority (DART). Moved by Gatto to adopt. Motion Carried 7-0.

16-1852 (A) First consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-1853 (B) Final consideration of ordinance above (waiver requested by DART), requires six votes. Moved by Gatto 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, #15,523. Motion Carried 7-0.

16-1854  53. On vacation of segments of Ingersoll Avenue and E. University Avenue right-of-way and conveyance of bus shelter encroachment easements in the vacated right-of-way to Des Moines Area Regional Transit Authority (DART), $1,200. (Council Communication No. 16-607) Moved by Hensley to adopt. Motion Carried 7-0.

16-1855 (A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-1856 (B) Final consideration of ordinance above (waiver requested by DART), 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, #15,524. Motion Carried 7-0.

16-1857  54. On conveyance of 717 SE 27th Street to R. M. Madden Construction, Inc., $8,250. (Council Communication No. 16-609) Moved by Gatto to adopt. Motion Carried 7-0.
55. Items regarding 2348 and 2354 E. Grand Avenue:

16-1858  
(A) **Amend** the PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Neighborhood Mixed-Use (Six votes are required for approval). **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**

16-1859  
(B) **Hearing** 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. (Plan and Zoning Commission recommends DENIAL) (Six votes are required for approval, continued from September 26, 2016 meeting) **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1860  
(C) **First** consideration of ordinance above. (Six votes are required for approval) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

16-1861  
(D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gatto 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, #15,525. Motion Carried 7-0.**

16-1862  
56. **On** City-initiated request to amend the Woods Edge “R-6” Final Development Plan located in the 3500 Block of SE 23rd Street to reclassify a parcel from public common land to private redevelopment, subject to conditions. (Continued from September 26, 2016) **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1863  
(A) **Setting** date of hearing on vacation and conveyance of property adjoining 3317 SE 23rd Street to Glenn T. Norton and Maryann M. Norton, $7,500, (11-7-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1864  
57. **On** Allen Park Community Garden Redevelopment: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), $123,982. (Council Communication No. 16-610) **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1865  
(A) **Approving** contract and bond, and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
58. On continuation of hearing on Fairmont Park Water Playground Project to November 7, 2016 at 5:00 PM. (Council Communication No. 16-613) Moved by Westergaard to continue the public hearing on the plans, specifications, form of contract documents, and Engineer’s estimate of construction for said improvement until November 7, 2016 at 5:00 PM in the Council Chambers. Motion Carried 7-0.

59. On Beaver and Madison Traffic Signal Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Iowa Signal Inc., (Wayne Lesley, President), $149,635.86. (Council Communication No. 16-611) Moved by Gray to adopt. Motion Carried 7-0.

(A) Approving contract and bond and permission to sublet. Moved by Gray to adopt. Motion Carried 7-0.

60. On Pedestrian Crossing Signal Upgrades: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Iowa Signal Inc. (Wayne Lesley, President), $148,610.75. (Council Communication No. 16-617) Moved by Hensley to adopt. Motion Carried 7-0.

(A) Approving contract and bond. Moved by Hensley to adopt. Motion Carried 7-0.

61. On Traffic Signal Battery Back-up: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Iowa Signal Inc. (Wayne Lesley, President), $139,927. (Council Communication No. 16-618) Moved by Gatto to adopt. Motion Carried 7-0.

(A) Approving contract and bond. Moved by Gatto to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 5:16 PM ***

MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:08 PM. Motion Carried 7-0.

View City Council agendas online at www.dmgov.org