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

November 7, 2016
4:30 PM

INVOCATION: Council Member Gray

16-1881 1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

16-1882 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

16-1883 3. APPROVING CONSENT AGENDA * – items 3 through 37: 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.
4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A) GENES PLACE 2117 E UNIVERSITY C Liquor  
(B) IOWAS PREMIER FOOD & WINE 730 3RD ST C Beer  
(C) KATHMANDU RESTAURANT 4121 SE 14TH ST C Beer/Wine

**RENEWAL APPLICATIONS**

(D) ALDI INC #03 3940 E 14TH STREET C Beer  
(E) ALDI INC #29 5512 SE 14TH ST C Beer  
(F) ALDI INC #38 2543 E UNIVERSITY C Beer  
(G) BIG CITY BURGERS & GREENS 400 LOCUST ST C Liquor  
(H) CASEYS #2892 6120 DOUGLAS AVE B Beer  
(I) CATERING DSM 1011 LOCUST ST C Liquor  
(J) CHICAGO DOG 550 SW 9TH ST B Beer  
(K) DM IZAAK WALTON LEAGUE 4343 GEORGE FLAGG C Liquor  
(L) DES MOINES VALERO #204 3733 EASTON BLVD C Beer  
(M) ESTRADAS 3029 MERLE HAY RD C Liquor  
(N) FREMONT 1030 E 9TH ST C Liquor  
(O) GIT N GO STORE #19 *(1) 890 COUNTY LINE C Beer  
(P) GIT N GO STORE #6 5736 FRANKLIN AVE C Beer  
(Q) HESSEN HAUS 101 4TH STREET C Liquor  
(R) HY VEE GAS #5 1113 E ARMY POST C Beer  
(S) JEANNIES BOTTLE 3839 MERLE HAY RD C Liquor  
(T) KUM & GO #207 4200 HUBBELL AVE E Liquor  
(U) KUM & GO #208 3200 SE 14TH ST E Liquor  
(V) KUM & GO #4110 2110 GUTHRIE AVE E Liquor  
(W) MIYABI 9 512 E GRAND AVE C Beer/Wine  
(X) PARK AVENUE PUB 1101 PARK AVE C Liquor  
(Y) QUIK TRIP #500 3700 HUBBELL AVE E Liquor  
(Z) QUIK TRIP #501 2221 E EUCLID AVE E Liquor  
(AA) QUIK TRIP #523 850 ARMY POST RD E Liquor  
(BB) QUIK TRIP #534 2945 E UNIVERSITY E Liquor  
(CC) QUIK TRIP #554 901 SW 63RD E Liquor  
(DD) QUIK TRIP #559 4024 FLEUR DR E Liquor  
(EE) SOMETHING ITALIAN 400 WALNUT ST C Beer/Wine

**SPECIAL EVENT APPLICATION**

(FF) WAT LAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License  

Class B Beer License for Boun Phra Thatluang on November 19, 2016.

5. **City** Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
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 5th & Walnut Parking Garage Closure: Receiving of bids, (11-22-16), Setting Date of hearing, (12-5-16). Construction estimate, $31,000. (Council Communication No. 16-635) Moved by Hensley to adopt. Motion Carried 7-0.

8. Authorize the City Manager to submit an Iowa Clean Air Attainment Program (ICAAP) Funding Application to the Des Moines Area Metropolitan Planning Organization (MPO) for Iowa Department of Transportation (IDOT) funding of Traffic Signal System Timings Update – Phase 2. (Council Communication No. 16-638) Moved by Hensley to adopt. Motion Carried 7-0.

9. Approving Change Orders No. 1 and No. 2 for additional work on the City Hall Parking Garage for the following: (Council Communication No. 16-631)
   
   (A) Change Order No. 1, not to exceed $59,671. Moved by Hensley to adopt. Motion Carried 7-0.

   (B) Change Order No. 2, not to exceed $30,674. Moved by Hensley to adopt. Motion Carried 7-0.

10. Approving completion and acceptance of the Private Construction Contract for storm sewer improvements, 4044 E. 14th Street between Polk County Heating & Cooling, Inc. and Tucker Trucking, LLC. Moved by Hensley to adopt. Motion Carried 7-0.

11. Communication from contractors requesting permission to sublet certain items on Public Improvement Projects. Moved by Hensley to adopt. Motion Carried 7-0.

12. Accepting completed construction and approving final payment for 2015 Designated Neighborhood Sidewalk Replacement Program, Ti-Zack Concrete, Inc. Moved by Hensley to adopt. Motion Carried 7-0.

13. Accepting completed construction and approving final payment for Beaver Avenue Streetscape – Beaver Crest Drive to Fagen Drive, Concrete Technologies, Inc. Moved by Hensley to adopt. Motion Carried 7-0.
LAND/PROPERTY TRANSACTIONS

16-1895 14. **Establishing** revised fair market value of property owned by RSC Partners, LLC at 900 42nd Street for the 42nd Street Streetscape Project.  *(Council Communication No. 16-641)* Moved by Hensley to adopt. Motion Carried 7-0.

16-1896 15. **Approving** final Subdivision Plat of Skyline Plat 1 located in the 3300 block of McKinley Avenue. *(Council Communication No. 16-623)* Moved by Hensley to adopt. Motion Carried 7-0.

COMMUNICATIONS FROM PLANNING AND ZONING

16-1897 16. **Regarding** request from Harbach Lofts, LLC for vacation of right-of-way adjoining 300 SW 5th Street to allow for permanent door swing from the entrance of the building into the right-of-way. Moved by Hensley 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.

SETTING DATE OF HEARINGS

16-1898 17. **On** request from Galway Homes, Inc. to rezone 335 Forest Avenue and 1427 Arlington Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the viathree35 PUD Conceptual Plan, (11-21-16). Moved by Hensley to adopt. Motion Carried 7-0.

16-1899 18. **On** request from Kenneth Deever to rezone 245 and 247 E. 19th Street from “R1-60” (One-Family Low-Density Residential) to “M-1” (Light Industrial) to allow for development and use for outside contractor storage yard and warehouse, subject to conditions, (11-21-16). Moved by Hensley to adopt. Motion Carried 7-0.

16-1900 19. **On** review of an application for a State Revolving Fund Loan and to review the anticipated environmental impact of the Lower Oak Park and Highland Park Sewer Separation Project, (12-19-16). Moved by Hensley to adopt. Motion Carried 7-0.
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

16-1901 20. Approving payment to Ahlers & Cooney, PC with respect to Series 2016C Stormwater Management Utility Revenue Refunding Bonds, $18,745.99. Moved by Hensley to adopt. Motion Carried 7-0.

16-1902 21. Communication from Legal Department concerning settlements made by City Attorney, not exceeding $5,000. Moved by Hensley to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

16-1903 22. Submitting travel and training requests for Carrie Kruse, Shane McQuillen, Chad Nicolino, and Brian William. (Council Communication No. 16-644) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

16-1904 23. Accepting Development Proposal from Market District One, LLC to develop City-owned property at 401 SE 6th Street and 400 SE 7th Street in the Metro Center Urban Renewal Area and setting date of hearing on competitive bid process, (12-19-16). (Council Communication No. 16-647) Moved by Hensley to adopt. Motion Carried 7-0.

16-1905 24. Memorandum of Understanding with the Institute for Market Transformation and the Natural Resources Defense Council, Inc. for the City Energy Project. (Council Communication No. 16-643) Moved by Hensley to adopt. Motion Carried 7-0.

16-1906 25. Authorizing submittal of a grant request to the Polk County Housing Trust Fund for the City of Des Moines Minor Home Repair Loan Program. (Council Communication No. 16-626) Moved by Hensley to adopt. Motion Carried 7-0.

16-1907 26. Memorandum of Understanding with Polk County Health Services and with Polk County Housing Trust Fund for Continuum of Care Administrative Services. (Council Communication No. 16-630) Moved by Hensley to adopt. Motion Carried 7-0.

16-1908 27. Application for U.S. Department of Homeland Security 2016 Assistance to Firefighters Grant Application. (Council Communication No. 16-624) Moved by Hensley to adopt. Motion Carried 7-0.
28. **Second** Amendment to Skywalk Agreement with Grand 7 Partners, LLC, for the property east of 7th Street between Grand Avenue and High Street. **Moved by Hensley to adopt.** Motion Carried 7-0.

29. **Reject** proposals submitted in response to Request for Proposals for professional services for Court Avenue Bridge over Des Moines River Rehabilitation. **Moved by Hensley to adopt.** Motion Carried 7-0.

30. **Rescind** 1982 policy for retaining consultants to provide architectural/engineering services. **Moved by Hensley to adopt.** Motion Carried 7-0.

31. **Application** from Historic East Village, Inc. for permission to place holiday lights on trees on both sides of E. Locust starting at E. 3rd to E. 7th from November 15, 2016 through January 15, 2017. **Moved by Hensley to approve.** Motion Carried 7-0.

32. **Application** from Michael Zimmerman requesting approval to temporarily place banners across the street at 4th and Locust Streets and at Court Avenue between Water Street and 2nd Avenue as start and finish lines for the Des Moines Turkey Trot on November 24, 2016. **Moved by Hensley to receive, file and approve banner placement.** Motion Carried 7-0.

33. **Release** of fire escrow at 720 Euclid Avenue. **Moved by Hensley to adopt.** Motion Carried 7-0.

34. **Civil** Service Entrance List for Police Officer. **Moved by Moore to receive and file.** Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.

35. **Authorizing** Finance Director to draw checks on registers for the weeks of November 7 and 14, 2016; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 7 and 14, 2016; and to draw checks for biweekly payroll due on November 11, 2016. **Moved by Hensley to adopt.** Motion Carried 7-0.
ORDINANCES - FINAL CONSIDERATION

16-1917  36. **Amending** Chapter 78 of the Municipal Code expanding the location for operation of mobile vendors in the downtown area. **Moved by Hensley that this ordinance do now pass, #15,526.** Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.

ORDINANCES - SECOND CONSIDERATION

16-1918  37. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second 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.

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

ORDINANCES - FIRST CONSIDERATION

16-1919  38. **Amending** Chapter 2 of the Municipal Code regarding procurement by request for proposals. **Moved by Hensley that this ordinance be considered and given first vote for passage.** Motion Carried 7-0.

16-1920  (A) **Final** consideration of ordinance above (waiver requested by the City Manager), 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, #15,527.** Motion Carried 7-0.
39. **Repealing** Article V of Chapter 126 of the Municipal Code regarding vehicle transportation services.  (Council Communication No. 16-637) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

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

   (B) **Approving** amendments to the Schedule of Fees.

40. **Amending** Chapter 114 of the Municipal Code regarding appointment of members to the Traffic Safety Advisory Committee. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

41. **Amending** Chapter 74 of the Municipal Code regarding consumption of alcohol at Birdland Marina, and fees for use of tennis courts and ball diamonds.  (Council Communication No. 16-628) Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

**COMMUNICATIONS/REPORTS**

42. **Request** from James Swanstrom, Children and Family Urban Movement (CFUM), to speak regarding the purchase of City-owned property at 915 College Avenue. Moved by Gray to receive and file and refer to the City Manager to proceed with the letter of intent to purchase. Motion Carried 7-0.
APPROVING

16-1927 43. **City** Manager to sign local contribution forms for all projects submitting Low-Income Housing Tax Credit (LIHTC) Project Applications in the 2017 Iowa Finance Authority Round and preliminary commitment of Home Investment Partnership Program (HOME) Funds for certain LIHTC projects. (Melbourne Apartments IV, 5515 SE 14th Street, Bldg. E & F, 72 units, Hubbell Development and HOME, Inc.; Hilltop II, 3720 E. Douglas Avenue, 72 units, Conlin Development; East Town Senior, 2540 Hubbell Avenue, 48 units, Curley Top Development and CommonBond; and Libertad Des Moines, 4415 and 4421 SE 14th Street, 40 units, Vecino Group) (**Council Communication No. 16-642** Attachment Moved by Coleman to adopt and to amend the 5S forms to list only the State of Iowa as the granting entity on the enterprise zone tax credits. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.

16-1928 44. **Proposal** from Carney & Appleby, PLC to provide State Legislative lobbying services and authorizing the City Manager to negotiate and execute contract. (**Council Communication No. 16-648**) Moved by Hensley to approve. Motion Carried 6-1. Absent: Coleman.

45. Items regarding Howe Elementary and Windsor Elementary Pedestrian Crossing Concept Plans: (**Council Communication No. 16-645**

16-1929  (A) Discussion regarding Windsor Elementary Pedestrian Crossing Concept Plans Moved by Gatto to move forward with Windsor Elementary pedestrian crossing with painted median, speed feedback signs, and HAWK signal on University Avenue in 2017. City Manager to provide statistics on speeds and number of citations on University from the mobile camera. Motion Carried 5-2. Nays: Cownie and Hensley.

16-1930  (B) Discussion regarding Howe Elementary Pedestrian Crossing Concept Plans. Moved by Gatto to approve Howe Elementary pedestrian crossing with a HAWK signal south of SE 7th, a traffic signal at SE 8th Street, painted median, and speed feedback signs on Indianola Ave in 2017. Motion Carried 5-2. Nays: Cownie and Hensley.
46. Items regarding request from 2425 Hubbell Avenue, Inc. regarding property in the vicinity of 2323 Hubbell Avenue:

16-1931 (A) **Amending** the PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Industrial for property located at 1420, 1424, 1428, 1432 and 1436 E. 25th Street, to allow for warehouse, gymnasium/fitness center, religious assembly and commercial bakery uses in addition to currently permitted office and light industrial uses on the remaining property in the vicinity of 2323 Hubbell Avenue. **Moved by Moore to adopt and approve the proposed amendment. Motion Carried 7-0.**

16-1932 (B) **Rezoning** of the property from “PUD” (Planned Unit Development) to “R1-60” (One-Family Low-Density Residential) to allow new or continued single-family residential use, and approve the 2nd Amendment to the Townsend Engineering PUD Conceptual Plan. **Moved by Moore to adopt. Motion Carried 7-0.**

16-1933 (C) **First** consideration of ordinance above. **Moved by Moore that this ordinance be considered and given first vote for passage. Applicant to meet with ACCENT Neighborhood before second consideration of ordinance. Motion Carried 7-0.**

WITHDRAWN

16-1934 (D) **Final** consideration of ordinance above, requires six votes.

16-1935 47. **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. (Council Communication No. 16-625) **Moved by Gatto to adopt. Motion Carried 7-0.**

16-1936 (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

16-1937 (B) **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, #15,529. Motion Carried 7-0.**

16-1938 (C) **Declare** intent to withhold approval of the proposed rail port transload facility if it would result in the reactivation of the rail line in E. Elm Street, west of SE 9th Street. (Council Communication No. 16-646) **Moved by Gatto to adopt. Motion Carried 7-0.**
16-1939  48.  **On Concession Agreement for the Birdland Marina with Less Than Trinity, LLC d/b/a Captain Roy’s.**  (Council Communication No. 16-627) Moved by Westergaard to adopt. Motion Carried 7-0.

16-1940  49.  **On vacation and conveyance of property adjoining 3317 SE 23rd Street to Glenn T. Norton and Maryann M. Norton, $7,500.**  (Council Communication No. 16-639) Moved by Gatto to adopt. Motion Carried 7-0.

16-1941  (A) **First** consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-1942  (B) Final consideration of ordinance above, 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, #15,530. Motion Carried 7-0.

16-1943  50.  **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.**  (Council Communication No. 16-633) Moved by Gatto to adopt. Motion Carried 7-0.

16-1944  (A) **First** consideration of ordinance above. Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-1945  (B) Final consideration of ordinance above, 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, #15,531. Motion Carried 7-0.

16-1946  51.  **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.**  (Council Communication No. 16-634) Moved by Hensley to adopt. Motion Carried 7-0.

16-1947  (A) **First** consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-1948  (B) Final consideration of ordinance above, 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, #15,532. Motion Carried 7-0.

16-1949

52. On City-initiated request to rename a segment of Army Post Road from SW 42nd Street to SW 63rd Street from “Army Post Road” to “Willow Creek Avenue”. Moved by Hensley to adopt. Motion Carried 7-0.

16-1950

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

16-1951

(B) Final consideration of ordinance above (waiver requested by the Community Development Department), 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, #15,533. Refer to the City Manager to provide a timeline for the change to go into effect and to make sure that web mapping services are notified. Motion Carried 7-0.

16-1952

53. On Women of Achievement Bridge Deck Surface Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Iowa State Contractors, Inc., (Joseph Cichowski, President), $244,000. (Council Communication No. 16-640) Moved by Hensley to adopt. Motion Carried 7-0.

16-1953

(A) Approval of contract and bond and permission to sublet. Moved by Hensley to adopt. Motion Carried 7-0.

16-1954

54. On Glendale Cemetery Abbey HVAC and Electrical Upgrades: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Central Iowa Mechanical Company, (Larry D. Goode, Jr., President), $189,380. (Council Communication No. 16-636) Moved by Gray to adopt. Motion Carried 7-0.

16-1955

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

16-1956

55. On Fairmont Park Water Playground: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Lansink Construction Inc., (Correy Lansink, President), $625,590.70. (Council Communication No. 16-632) Moved by Westergaard to adopt. Motion Carried 7-0.

16-1957

(A) Approval of contract and bond and permission to sublet. Moved by Westergaard to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 6:15 PM ***
MOTION TO ADJOURN. Moved by Moore to adjourn at 6:16 PM. Motion Carried 7-0.