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

December 19, 2016
4:30 PM

MEETING ON EXTRA ITEM – 3:00 PM - Ewing Conference Room 213


16-2121 Extra Item 2. Approving Consent to Assignment by City Center Development Limited Partnership to SRE Bulldog Hotel Owner, LLC of the lease of air rights for the Des Moines Marriott Downtown hotel building encroachments into the adjoining streets. Moved by Hensley to adopt. Motion Carried 5-1. Absent: Coleman. Mayor Cownie declares a conflict of interest and abstains from voting.

16-2122 Extra Item 3. Motion to Adjourn. Moved by Gray to adjourn at 3:02 PM. Motion Carried 6-1. Absent: Coleman.
I. CLOSED SESSION - 3:15 PM – Ewing Conference Room 213

16-2123 (A) Roll Call. Present: Cownie, Gatto, Gray, Hensley, Moore and Westergaard. Absent: Coleman.

16-2124 (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 6-1. Absent: Coleman.

16-2125 (C) Closed Session.

16-2126 (D) Terminate closed session and reconvene in open session. Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.

16-2127 (E) Motion to adjourn. Moved by Gatto to adjourn at 4:00 PM. Motion Carried 6-1. Absent: Coleman.

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PROCLAMATIONS – 4:15 PM

National Homeless Persons’ Memorial Day

INVOCATION: Council Member Gatto

16-2128 1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

16-2129 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

16-2130 3. APPROVING CONSENT AGENDA * – items 3 through 45: 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.
4. ** Approving ** Alcoholic Beverage License Application for the following: **Moved by Gatto to adopt all items except P and Y. Motion Carried 7-0.** **Moved by Gatto to continue item P to February 6, 2017. Motion Carried 7-0.** **Moved by Hensley to continue item Y to January 23, 2017 and refer to the City Manager and Legal to develop a good neighbor agreement. Motion Carried 4-3.** Nays: Cowrie, Gatto and Moore. **Moved by Coleman to reconsider 4Y. Motion Carried 7-0.** **Moved by Coleman to continue item 4Y to January 9, 2017. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A) LUIGIS ITALIAN RESTAURANT 2811 SE 14TH ST C Liquor
(B) MILINDO MAZATLAN 6059 SE 14TH ST C Liquor
(C) PEACE TREE BREWING CO 317 E COURT AVE C Liquor

**RENEWAL APPLICATIONS**

(D) 801 STEAK & CHOP HOUSE 801 GRAND AVE C Liquor
(E) A DONG RESTAURANT 1511 HIGH ST C Beer/Wine
(F) CHRISTOPHERS DINING ROOM 2816 BEAVER AVE C Liquor
(G) DES MOINES CLUB 666 GRAND AVE A Liquor
(H) EL BUEN SABOR LATINO 1130 E 9TH ST C Liquor
(I) EL RANCHO ALEGRE 3308 INDIANOLA B Beer
(J) GIT N GO STORE #2 1307 ARMY POST RD C Beer
(K) GOLDEN LAND FOOD MARKET 2740 DOUGLAS AVE C Beer
(L) HY VEE C-STORE #3 *(1) 3215 SE 14TH ST C Beer
(M) JOHNNY MACS BAR & GRILL 2279 HUBBELL AVE C Liquor
(N) KUM & GO #2722 2211 UNIVERSITY C Beer
(O) KUM & GO #2731 3104 UNIVERSITY C Beer
(P) LA TAPATIA III 4007 SE 13TH ST C Beer
(Q) LOS LAURELES 1518 E GRAND AVE C Liquor
(R) LOTUS MOMENTS EVENT 2134 E GRAND AVE C Liquor
(S) NICKS 1106 ARMY POST RD C Liquor
(T) NOCE 1326 WALNUT ST C Liquor
(U) NOW OR LATER RESTAURANT 3750 E UNIVERSITY C Liquor
(V) QUIK TRIP #544 *(1) 3941 SE 14TH ST E Liquor
(W) SUPER QUICK 2 1824 HUBBELL AVE E Liquor
(X) TEMPLE THEATER 1011 LOCUST ST C Liquor
(Y) W n/k/a 508 508 INDIANOLA RD C Liquor

**SPECIAL EVENT APPLICATIONS**

(Z) DEBRA J CORE 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for a wedding reception on December 31, 2016.

5. **City** Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**
6. Approving Professional Services Agreement with Sam Schwartz Consulting, LLC for Transportation Master Plan Services, not to exceed $333,249. (Council Communication No. 16-709) Moved by Moore to adopt. Motion Carried 7-0.

7. Approving Exception to Request for Proposals Process for Good Cause and Approving Professional Services Agreement with HR Green, Inc. for the Court Avenue Bridge over the Des Moines River Rehabilitation, not to exceed $430,000. (Council Communication No. 16-712) Moved by Gatto to adopt. Motion Carried 7-0.

8. Approving Supplemental Agreement No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. for additional professional services for Leetown Creekway-Outlet Storm Sewers Improvements, Dean Avenue to Union Pacific Railroad, not to exceed $44,500. (Council Communication No. 16-711) Moved by Gatto to adopt. Motion Carried 7-0.

9. Directing further evaluation of revised concept plans for Windsor Elementary Pedestrian Crossing, authorizing repairs of Howe and Windsor Elementary pedestrian bridges and authorizing City staff to proceed with acquisitions of necessary right-of-way and easements. (Council Communication No. 16-717) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.

10. Accepting completed construction and approving final payment for Glendale Cemetery Dirt Barn, McGregor Corporation. Moved by Gatto to adopt. Motion Carried 7-0.

11. Accepting completed construction and approving final payment for Principal Park Cub Club Parking Lot improvements, Ball Team, LLC. Moved by Gatto to adopt. Motion Carried 7-0.
SPECIAL ASSESSMENTS

16-2139 12. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2016-12. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

16-2140 13. **Authorizing** and approving release of public utility easement rights within portions of vacated Linden Street and the vacated north/south alley lying within 2301 Ingersoll Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

16-2141 14. **Approving** tax abatement applications for the additional value added by improvements completed during 2016 (34 applications). (Council Communication No. 16-697) **Moved by Gatto to adopt. Motion Carried 7-0.**

16-2142 15. **Conditionally** approving Final Subdivision Plat of 5Fifty5 Plat 1, located at 555 SW 7th Street. (Council Communication No. 16-698) **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

16-2143 16. **Approving** Amendment to the Procedural and Administrative Rules of the Urban Design Review Board. **Moved by Gatto to adopt. Motion Carried 7-0.**

16-2144 17. **Communication** from Lisa Howard advising of her resignation from the Neighborhood Revitalization Board, Seat 10, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

16-2145 (A) **Recommendation** from Council Member Skip Moore to appoint Lisa Howard to the Plan And Zoning Commission, Seat 5, for a five-year term commencing July 1, 2016 to expire July 1, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**
COMMUNICATIONS FROM PLANNING AND ZONING

16-2146 18. Regarding request from Market District One, LLC for vacation of right-of-way adjoining 401 SE 6th Street and 400 SE 7th Street to allow the development of a 4-story, 58-unit multiple-family dwelling. Moved by Gatto 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

16-2147 19. On conveyance of a permanent easement for building setback on City-owned property, south of 118 6th Avenue to Polk County, Iowa, $1.00, (1-9-17). Moved by Gatto to adopt. Motion Carried 7-0.

16-2148 20. On vacation of a fee interest and subsurface rights in portions of Watson Powell Jr. Way street right-of-way and the adjacent north/south alley right-of-way all adjoining 550 Watson Powell Jr. Way and conveyance of a fee interest and an easement for subsurface building encroachment therein to HRC 6th Street LLC, for $34,308, (1-9-17). Moved by Gatto to adopt. Motion Carried 7-0.

16-2149 (A) Recommendation from the Plan and Zoning Commission regarding request from HRC 6th Street, LLC for vacation of a portion of Watson Powell Jr. Parkway adjoining 550 Watson Powell Jr. Parkway to allow development of 4-story, 50-unit multiple-family dwelling. Moved by Gatto 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.

16-2150 21. On the Fourteenth Amendment to the Central Place Industrial Park Redevelopment Program Renewal Plan, (1-23-17). Moved by Gatto to adopt. Motion Carried 7-0.

16-2151 22. On the proposed Third Amendment to the Urban Renewal Plan for the Accent Neighborhood Urban Renewal Project, (1-23-17). (Council Communication No. _16-715_) Moved by Gatto to adopt. Motion Carried 7-0.

16-2152 23. On the proposed Nineteenth Amendment to the Metro Center Urban Renewal Plan, (1-23-17). (Council Communication No. _16-718_) Moved by Gatto to adopt. Motion Carried 7-0.

16-2153 24. On the proposed 2017 Action Plan for the U.S. Department of Housing and Urban Development Consolidated Plan, (2-6-17). Moved by Gatto to adopt. Motion Carried 7-0.
16-2154 25. On request from Quik Trip Corporation to rezone 3941 SE 14th Street from “C-2” (General Retail and Highway-Oriented Commercial) to “PUD” (Planned Unit Development) and to approve the Quik Trip #0544 PUD Conceptual Plan to allow redevelopment of the existing gas station/convenience store with a new one, (1-9-17). Moved by Gatto to adopt. Motion Carried 7-0.

16-2155 26. On review of the anticipated environmental impact of Near West Side Sewer Separation project, (2-6-17). Moved by Gatto to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT – CLAIM SETTLEMENTS & BILLINGS

16-2156 27. Approving payment of billings from the Ahlers & Cooney, P.C. Law Firm with respect to general matters, $1,474.27. Moved by Gatto to adopt. Motion Carried 7-0.

16-2157 27-I Approving payment of billing from Duncan, Green, Brown, and Langeness, $11,628.45. Moved by Gatto to adopt. Motion Carried 7-0.

16-2158 28. Approving payment to Tim Thompson for a workers’ compensation claim. Moved by Gatto to adopt. Motion Carried 7-0.

16-2159 29. Approving a release for recovery of a property damage claim. Moved by Gatto to adopt. Motion Carried 7-0.

16-2160 30. Approving payment for the property claim of Abbie Benge and Nedim Cajic. Moved by Gatto to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

16-2161 31. Submitting travel and training requests for T. M. Franklin Cownie, Jay Mattas, Lillie Sams, Christopher Scott, Jason Sims and Allen Tunks. (Council Communication No. 16-722) Moved by Gatto to adopt. Motion Carried 7-0.

APPROVING

16-2162 32. 2017 and 2018 Emergency Solutions Grant (ESG) funding. (Council Communication No. 16-708) Moved by Gatto to adopt. Motion Carried 7-0.
33. Workforce Housing Tax Credit Benefit Applications to be submitted to the Iowa Economic Development Authority (IEDA) by TWG Development, LLC for Housing Projects located at the following locations:

   16-2163  
   (A) 201 SE 6th Street, 211 housing units. (Council Communication No. 16-720) Moved by Gatto to adopt. Motion Carried 7-0.

   16-2164  
   (B) 7100 Block of SE 5th Street, 288 housing units. (Council Communication No. 16-719) Moved by Gatto to adopt. Motion Carried 7-0.

34. Urban Renewal Development Agreement with Hubbell Realty Company for development of a 50-unit multi-family housing project at 550 Watson Powell Jr. Way. (Council Communication No. 16-723) Moved by Gatto to adopt. Motion Carried 7-0.

35. 28E Agreement for mutual assistance with Polk County Area Fire/Rescue Services. (Council Communication No. 16-695) Moved by Moore to adopt. Motion Carried 7-0.

36. Agreement for EMT Training and Paramedic Training between the Fire Department and Des Moines Area Community College (DMACC). (Council Communication No. 16-696) Moved by Gatto to adopt. Motion Carried 7-0.

37. Renewal of the Viva East Bank! – Partners Coalition – Implementation Phase Memorandum of Understanding. (Council Communication No. 16-703) Moved by Gatto to adopt. Motion Carried 7-0.

38. Third Extension of Agreement with Airport Authority to January 31, 2017. Moved by Gatto to adopt. Motion Carried 7-0.

39. Consent to Assignment and Assumption of Contract for Financial Advisory Services – PFM Financial Advisors, LLC. Moved by Gatto to adopt. Motion Carried 7-0.

40. Administrative removal of public nuisance at 1418 34th Street. Moved by Gatto to adopt. Motion Carried 7-0.
41. Bids for the following:

16-2172  
(A) **From** Eagle Sign Co. (Jenny Tayler, Vice President) for sign fabrication and installation services at various park sites, $88,132, (9 bids mailed – 5 received). **Moved by Gatto to adopt. Motion Carried 7-0.**

16-2173  
(B) **From** Heiman Fire Equipment (Ron Heiman, President) for 15 replacement Bullard Thermal Imaging Cameras, (TICs) and accessories, to be used by the Fire Department (non-competitive procurement), $77,683. ([Council Communication No. 16-704](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

16-2174  
42. Civil Service Entrance Lists for Assistant Surveyor, Public Safety RMS/DMS Specialist and Legal Assistant. **Moved by Gatto to receive and file. Motion Carried 7-0.**

16-2175  
43. Authorizing Finance Director to draw checks on registers for the weeks of December 19 and 26, 2016, and January 2, 2017; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 19 and 26, 2016, and January 2, 2017 and to draw checks for biweekly payroll due on January 6, 2017. **Moved by Gatto to adopt. Motion Carried 7-0.**

**ORDINANCES – SECOND CONSIDERATION**

16-2176  
44. On vacation of a portion of SW 5th Street right-of-way adjoining 300 SW 5th Street. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**


16-2177  
(A) **Second** consideration of ordinance repealing Chapter 26 of the Municipal Code and enacting a new Chapter 26 for creation of a Permit and Development Division, a Building and Fire Code Board of Appeals and a Board of Power Engineering Examiners; adoption of building codes; enforcement of penalties for the violation of the building codes, and repealing conflicting ordinances. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

16-2178  
(1) **Final** consideration of ordinance above (waiver requested by the Building Official), 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, #15,545. Motion Carried 7-0.**
(2) Approving amendment to the Schedule of Fees. Moved by Gatto to adopt. Motion Carried 7-0.

(B) Second consideration of ordinance repealing Chapter 46 and enacting a new Chapter 46 of the Municipal Code regarding adoption of the International Fire Code and amendments and additions and repealing conflicting ordinance. Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

(1) Final consideration of ordinance above (waiver requested by the Fire Marshall), 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, #15,546. Motion Carried 7-0.

(2) Approving amendment to the Schedule of Fees. Moved by Gatto to adopt. Motion Carried 7-0.

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

ORDINANCES – FIRST CONSIDERATION

16-2183  46. Renaming a portion of Army Post Road extending from SW 42nd Street to SW 63rd Street as Willow Creek Avenue (to correct a scrivener’s error). Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-2184  (A) Final consideration of ordinance above (waiver requested by the Legal 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, #15,547. Motion Carried 7-0.

16-2185  47. Amending Ordinance No. 15,436, regarding the SW 9th Corridor Self-Supported Municipal Improvement District (SSMID), (to correct an error in the legal description). Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

16-2186  (A) Final consideration of ordinance above (waiver requested by the City Manager), 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, #15,548. Motion Carried 7-0.
COUNCIL REQUESTS

16-2187 48. From Council Member Skip Moore, to speak regarding the Citizen Odor Board. Moved by Moore to receive and file comments and refer to the City Manager to schedule a work session on this topic. Motion Carried 7-0.

APPROVING

16-2188 49. Receive and file report regarding vacant and blighted properties prepared by Vital Neighborhoods Consulting, LLC. (Council Communication No. 16-702) Moved by Gatto to adopt. Motion Carried 7-0.

16-2189 50. Urban Renewal Development Agreement with 701 Walnut Partnership, LLC for development of the east side of the former Younkers site at 701 Walnut Street and approving Conceptual Development Plan. (Council Communication No. 16-706) Moved by Hensley to adopt. Motion Carried 7-0.

16-2190 51. Receipt of recommendation to accept and approve the Des Moines Strategic Plan 2016-2021-2031 Final Reports. Action Agenda 2016-17 Performance Report 2015-6 (Council Communication No. 16-721) Moved by Moore to adopt and refer to the City Manager to provide a flow chart on how all the plans work together. Motion Carried 7-0.

16-2191 51-I Agreement with Des Moines Water Works (DMWW) for billing and administrative functions. Moved by Hensley to adopt with the striking of one sentence in Part IV 9. This Agreement excludes future improvements, including without limitation, a pedestrian/bike tunnel under Fleur Drive or other pedestrian/bike passage way across Fleur Drive. Motion Carried 7-0.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 58)

16-2192 52. On consideration of License Agreement with Iowa Network Services, Inc. d/b/a Aureon Network Services for installation and maintenance of a fiber optic line in Greenwood Park to serve Bergman Academy, $11,241. (Council Communication No. 16-710) Moved by Hensley to adopt. Motion Carried 7-0.

16-2193 53. 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 and to make the environmental information document available. (Council Communication No. 16-707) Moved by Westergaard to adopt. Motion Carried 7-0.

16-2194 54. On conveyance of City-owned property located south of and adjoining 1429 9th Street to
Scott A. Slaughter and Todd D. Schroder, $25.  (Council Communication No. 16-705) Moved by Gray to adopt.  Motion Carried 7-0.

16-2195 55. On conveyance of 3018 York Street to Greater Des Moines Habitat for Humanity, Inc., $4,500.  (Council Communication No. 16-699) Moved by Westergaard to adopt. Motion Carried 7-0.

56. On conveyance of following City-owned property to Home Opportunities Made Easy, Inc., $6,000 each: (Council Communication No. 16-701)

16-2196 (A) 2620 Cornell Street. Moved by Westergaard to adopt. Motion Carried 7-0.

16-2197 (B) 1334 E. 13th Street. Moved by Westergaard to adopt. Motion Carried 7-0.

16-2198 57. On Evergreen Avenue Bridge over Easter Lake Replacement: approving plans, specifications, form of contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as United Contractors, Inc. (Stephen E. Sandquist, President), $1,034,338.10.  (Council Communication No. 16-713) Moved by Gatto to adopt. Motion Carried 7-0.

16-2199 (A) Approving contract and bond, and permission to sublet. Moved by Gatto to adopt. Motion Carried 7-0.

16-2200 58. On 5th & Walnut Parking Garage Closure: approving plans, specifications, for contract documents, Engineer’s estimate, receive and file bids and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), $22,500. (Continued from December 5, 2016) (Council Communication No. 16-714) Moved by Hensley to adopt. Motion Carried 7-0.

16-2201 (A) Approving contract and bond. Moved by Hensley to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 5:17 PM ***

16-2202 MOTION TO ADJOURN. Moved by Coleman to adjourn at 5:17 PM. Motion Carried 7-0.

Motion by Coleman to re-open the meeting at 5:17 PM and reconsider item 4Y. Motion Carried. 7-0.

Motion to adjourn at 5:31 PM. Motion Carried 7-0.