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 '17-' 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
February 6, 2017
4:30 PM

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

17-0155 (A) Roll Call. Present: Cownie, Gatto, Gray, Hensley, Moore and Westergaard. Absent: Coleman. Council Member Coleman entered the meeting during item B.

17-0156 (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 upon roll call 7-0.

17-0157 (C) Closed Session.

17-0158 (D) Terminate closed session and reconvene in open session. Moved by Gatto to adopt. Motion Carried 7-0.

17-0159 (E) Motion to adjourn. Moved by Moore to adjourn at 4:27 PM. Motion Carried 7-0.
PROCLAMATIONS – 4:15 PM

City of Des Moines Goes Red Day

INVOCATION: Council Member Gray

17-0160 1. ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.

17-0161 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.

17-0162 3. APPROVING CONSENT AGENDA * – items 3 through 39: 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.

LICENSES AND PERMITS

17-0163 4. Approving alcoholic beverage license applications for the following: Moved by Hensley to adopt all except item J. Motion Carried 7-0. Moved by Gatto to approve item J. Motion Carried 7-0. Council Member Coleman votes No on items H and M.

NEW APPLICATIONS

(A) AC HOTEL/REPUBLIC ON GRAND 401 E GRAND AVE B Liquor
(B) HY VEE #6 420 COURT AVE E Liquor
(C) HY VEE MARKET CAFE #6 420 COURT AVE C Liquor

RENEWAL APPLICATIONS

(D) COONEYS TAVERN 3708 BEAVER AVE C Liquor
(E) DELLA VITI 425 E GRAND AVE C Liquor
(F) DES MOINES YACHT CLUB *(1) 2617 INGERSOLL AVE C Liquor
(G) EL AGUILA REAL *(1) 3520 BEAVER AVE C Liquor
*(H) GIT N GO STORE #27 1240 KEOSAUQUA WAY C Beer
(I) HY VEE WINE & SPIRITS 2310 HUBBELL AVE E Liquor
*(J) LA TAPATIA III 4007 SE 13TH ST C Beer
(K) MICHAELS PIZZA 2629 BEAVER AVE C Beer/Wine
(L) REEDS HOLLOW 2712 BEAVER AVE C Liquor
*(M) TOBACCO OUTLET PLUS #503 400 EUCLID AVENUE C Beer

TRANSFER TO NEW LOCATION

(N) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor
Temporary to the Cattle Barn for the Iowa Beef Expo on February 12-18, 2017.

(O) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE C Beer/Wine

**SPECIAL EVENT APPLICATIONS**

(P) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE


(Q) GATEWAY MARKET MLK 2921 INGERSOLL AVE

Five (5) Day License Special Class C Liquor License (Beer/Wine) for WSC Victory Celebration on February 21, 2017.

(R) GATEWAY MARKET MLK 601 6TH AVE

Five (5) Day License Class C Liquor License for Downtown Chamber Annual Celebration on March 2, 2017.

17-0164 5. Consideration of renewal Class C Liquor License for Scores Sports Bar, 2718 Douglas Avenue. (Zoning Department recommends denial). Moved by Gray to deny. Motion Carried 7-0.

17-0165 6. City Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.

17-0166 7. City Clerk to issue Coin Operated Machine Licenses. Moved by Hensley to adopt. Motion Carried 7-0.

**PUBLIC IMPROVEMENTS**

8. Ordering construction of the following:

17-0167 (A) 6th Avenue and Madison Avenue Traffic Signal Replacement: Receiving of bids, (2-21-17), and setting date of hearing, (3-6-17). (Construction Estimate - $185,000). (Council Communication No. 17-058) Moved by Hensley to adopt. Motion Carried 7-0.

17-0168 (B) 2017 Municipal Building Reroofing – Contract 1: Receiving of bids, (2-21-17), and setting date of hearing, (3-6-17). (Construction Estimate - $330,000). (Council Communication No. 17-056) Moved by Hensley to adopt. Motion Carried 7-0.

17-0169 (C) 2017 Municipal Building Reroofing – Contract 2: Receiving of bids, (2-21-17), and setting date of hearing, (3-6-17). (Construction Estimate - $30,000). (Council Communication No. 17-057) Moved by Hensley to adopt. Motion Carried 7-0.

17-0170 9. Approving Change Order No. 9 with Concrete Technologies, Inc. for additional work on Indianola Avenue Widening – Phase 4, not to exceed $45,774.58. (Council Communication No. 17-060) Moved by Hensley to adopt. Motion Carried 7-0.

17-0171 10. Approving Change Order No. 5 with Henning Paric Commercial, LLC for additional work on City Hall Improvements, not to exceed $192,115.21. (Council Communication No. 17-
059) Moved by Hensley to adopt. Motion Carried 7-0.

17-0172 11. Approving completion and acceptance of private construction contract for signal improvements, City Gateway, between Baker Electric, Inc. and Electro Management Corp. Moved by Hensley to adopt. Motion Carried 7-0.

17-0173 12. Communication from contractor requesting permission to sublet certain items on the Evergreen Avenue Bridge over Easter Lake Replacement Project, continued from the January 23, 2017 meeting. Moved by Hensley to adopt. Motion Carried 7-0.

13. Accepting completed construction and approving final payment for the following:

WITHDRAWN
17-0174 (A) Pace Construction, LLC – Four Mile Community Center Parking Lot Improvements.

17-0175 (B) Brockway Mechanical & Roofing Company, Inc. – Municipal Building Reroofing – Contract 1. Moved by Hensley to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

17-0176 14. Levying assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2017-02. Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

17-0177 15. Approving 69 tax abatement applications for the additional value added by improvements completed during 2016. (Council Communication No. 17-046) Moved by Hensley to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

17-0178 15-I Approving recommendation from Council Member Joe Gatto to appoint Greg Lewis to the Neighborhood Revitalization Board, Seat 10, for a three-year term commencing June 30, 2015 to expire June 30, 2018. Moved by Hensley to adopt. Motion Carried 7-0.

17-0179 16. Approving changes to the Civil & Human Rights Commission rules and regulations and reaffirming approval of the Commission’s rules and regulations. (Council Communication No. 17-071) Moved by Coleman to adopt. Motion Carried 7-0.

17-0180 16-I Approving recommendation from Mayor Cownie to appoint Jim Cain as the Polk County Housing Continuum member on the Housing Service Board, Seat 9, for the remainder of the 3-year term ending June 30, 2017 and for an additional 3 year-term ending June 30, 2020. Moved by Hensley to adopt. Motion Carried 7-0.
17-0181  16-II **Approving** recommendation from Council Member Chris Coleman to appoint Scott Durham to the Housing Appeals Board, Seat 3, for a 3-year term ending March 1, 2018. **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0182  16-III **Approving** recommendation of Mayor Cownie to appoint Robert Mahaffey to the Library Board of Trustees, Seat 5, for a six-year term commencing July 1, 2014 to expire July 1, 2020. **Moved by Hensley to adopt. Motion Carried 7-0.**

**COMMUNICATIONS FROM PLANNING AND ZONING**

17-0183  17. **Regarding** Preliminary Plat “McKinley Acres” on property located in the 3401 block of McKinley Avenue to allow re-platting of 2.16 acres into four lots for single-family residential development. **Moved by Hensley to receive and file. Motion Carried 7-0.**

**SETTING DATE OF HEARINGS**

17-0184  18. **On** vacation and conveyance of a portion of the east/west alley right-of-way lying north of and adjoining 816 Shaw Street to Linda K. Casas, $75, (2-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0185  19. **On** conveyance of a permanent easement for air space above City-owned property and a permanent easement for encroachment on vacated City alley located north of and adjoining 401 Locust Street to Hotel Des Moines OPCO, LLC, $14,300, (2-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0186  20. **On** conveyance of a permanent easement for encroachment on City-owned property adjoining 2208 Maish Court to Douglas Rian Roby and Barbara Ann Roby, $25, and adjoining 2240 Maish Court to Kenneth J. Richards, $25, (2-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0187  21. **On** request from Commercial Bag & Textile, Inc. to rezone a portion of 1244 2nd Avenue from Ltd. “M-1” (Light Industrial) to amended Ltd. “M-1” to allow the owner to retain buildings constructed on the property inadvertently without masonry block material, (2-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0188  22. **On** request from 4000 Ingersoll Park Houses, LP to amend the Plymouth Congregational Church PUD Conceptual Plan for property located at 4016-4126 Ingersoll Avenue, 526-550 40th Street and 527-535 41st Street to remove the proposed office space on the ground floor and increase the dwelling units from 24-26, subject to conditions, (2-20-17). **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0189  23. **On** approval of the Second Amendment to Lease Agreement with SRE Bulldog Hotel
Owner, LLC f/k/a Des Moines Marriott Downtown, (2-20-17). Moved by Hensley to adopt. Motion Carried 7-0.


25. On the adoption of an Urban Renewal Plan for the following: (Council Communication No. 17-069)

17-0191  (A) Northeast Gateway 1 Urban Renewal Area, (3-20-17). Moved by Hensley to adopt. Motion Carried 7-0.

17-0192  (B) Northeast Gateway 2 Urban Renewal Area, (3-20-17). Moved by Hensley to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

17-0193  26. Approving payment of billing to Kenworthy Law, PC on matters related to construction disputes, $11,438.00. Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

17-0194  27. Submitting travel and training requests for Justin Armatis, Nathan Carrington, Todd Dykstra, Linda Harris, Amber Lynch, Michael McTaggart, Rebecca Peppmeier, Kirk Robinson, Steve Waymire, Michael West and Dana Wingert. (Council Communication No. 17-070) Moved by Hensley to adopt. Motion Carried 7-0.

APPROVING

17-0195  28. Issuance of Certificate of Completion to Bronson Partners, LLC for the redevelopment, adaptive reuse and restoration of the existing building at 1417 Walnut Street for a mixed-use residential and commercial development. Moved by Hensley to adopt. Motion Carried 7-0.

17-0196  29. Amended Memorandum of Understanding (MOU) with the Institute for Market Transformation and the Natural Resources Defense Council, Inc. for City Energy Project (CEP) and approving grant agreement. (Council Communication No. 17-067) Moved by Hensley to adopt. Motion Carried 7-0.

17-0197  30. Application to the Iowa Department of Agriculture and Land Stewardship (IDALS) for a water quality initiative targeted demonstration watershed project grant on City-owned land at E. 35th Street and Hull Avenue. (Council Communication No. 17-065) Moved by Hensley to adopt. Motion Carried 7-0.

17-0198  31. First Amendment to Skywalk Agreement, including limited skywalk easements, between
32. **Execution** of contract with Federal Engineering Inc. (Ronald Bosco, President) to provide public safety communication consulting in determining future radio needs and options, $83,025. *(Council Communication No. 17-051)* Moved by Hensley to adopt. Motion Carried 7-0.

33. **Appointment** of Linda Main as Deputy City Clerk. Moved by Hensley to adopt effective February 13, 2017. Motion Carried 7-0.

34. **Civil Service Promotional Lists** for Sewer Televising Technician, Fire Medic and Senior Fire Medic and Entrance Lists for Deputy Controller, Development Zoning Inspector, Emergency Equipment Technician, Park Planner and Recreation Program Coordinator. Moved by Hensley to receive and file. Motion Carried 7-0.

35. Bids from the following:

(A) **ADS** Inc. (Jason Wallace, CEO) for portable x-ray scanners per US General Services Administration Contract for use by the eight (8) state-wide Explosive Ordnance Detection (EOD) teams, $278,067.36. *(Council Communication No. 17-066)* Moved by Hensley to adopt. Motion Carried 7-0.

(B) **Baker Group** (BJ Baker III, Chairman & CEO) for building automation products and services for security enhancements at the Police Station, Police Academy and other ancillary Police buildings per State of Iowa Contract for use by the Police Department, $354,231. *(Council Communication No. 17-052)* Moved by Hensley to adopt. Motion Carried 7-0.

(C) **Clarke Mosquito Control Products** (J. Lyell Clarke III, President) and Univar Environmental Sciences (Trace McEuen, Vice President) for an annual contract with two (2) additional twelve (12) month renewal options to furnish mosquito control products and application services for use by the Community Development Department, estimated annual cost $66,700. (Twelve (12) potential bidders, eight received). *(Council Communication No. 17-047)* Moved by Hensley to adopt. Motion Carried 7-0.

(D) **Safeware** (Brian Schutjer, CEO) for pole-camera search systems with hand held monitors, tactical medical kits, breathing apparatus charging cylinders, and chemical protective suits (various equipment) per US Communities Contract for use by the statewide Weapons of Mass Destruction (WMD) SWAT Teams, $164,784.89. *(Council Communication No. 17-053)* Moved by Hensley to adopt. Motion Carried 7-0.
17-0206  (E) **Vulcan** Signs (Thomas Lee, President) for an annual contract with two (2) additional twelve (12) month renewal options to furnish sign making services for use by the Engineering Department, estimated annual cost $75,000. (Thirteen (13) potential bidders, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0207  (F) **Ennis** Traffic Safety Solutions (Steve Vetter, President) for traffic paint per State of Iowa Department of Transportation Contract for use by the Engineering Department, $55,000.  **(Council Communication No. 17-064)** **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0208  (G) **Wright** Outdoor Solutions for additional tree and stump removal services for use by the Public Works Department, $320,000. (Nineteen (19) potential bidders, six received on original bid).  **(Council Communication No. 17-050)** **Moved by Hensley to adopt. Motion Carried 7-0.**

17-0209  36. **Authorizing** Finance Director to draw checks on **registers** for the weeks of February 6 and 13, 2017; and to draw checks for the **bills** of the Des Moines Municipal Housing Agency for the weeks of February 6 and February 13, 2017 and to draw checks for biweekly payroll due on February 17, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

17-0210  37. **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. **Moved by Hensley that this ordinance do now pass, #15,555. Motion Carried 7-0.**

17-0211  38. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:  **Moved by Hensley that this ordinance do now pass, #15,556. Motion Carried 7-0.**

(A) Parking restriction modifications related to the Beaver Avenue Streetscape project.
(B) Installation of a traffic signal at Indianola Avenue and Payton Avenue.
(C) Parking restriction modifications to match field conditions – Washington Avenue.
ORDINANCES - SECOND CONSIDERATION

17-0212  39. 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) One-side parking restriction – Carman Estates Plat 9.
(B) Renumbering Municipal Code sections to agree with alphabetical order.
(C) Municipal Code updates related to the renaming of Army Post Road to Willow Creek Avenue.
(D) Snow route modifications – 55th Street.

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

COMMUNICATIONS/REPORTS

17-0213  40. From Justin Gross and Christopher Rottler, Community Lawyers of Iowa, 601 Hickman Road, Colleen Kinney, 632 40th Street and other individuals, to speak about clarifying local law enforcement policies and ordinances regarding immigrants and refugees. Moved by Hensley to receive and file documents and comments and refer to the City Manager for review and recommendation. Motion Carried 7-0.

17-0214  41. From Teneshia Spears, 1831 Fuller Road, WDM, to speak regarding liquor licenses. Moved by Hensley to receive and file comments. Motion Carried 7-0.

APPROVING

17-0215  42. Demolition permit for the implosion of three Mercy Park Apartment Buildings at 1121 3rd Street. (Council Communication No. 17-049) Moved by Hensley to adopt. Motion Carried 7-0.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 49)

17-0216  43. On the proposed 2017 Action Plan for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. (Council Communication No. 17-072) Moved by Coleman to adopt. Motion Carried 7-0.

17-0217  44. On the issuance of a Certificate of Appropriateness for proposed exterior alterations to the
American Federal Building a/k/a Catholic Pastoral Center, 601 Grand Avenue.  (Council Communication No.  17-048) Moved by Hensley to grant the application for the Certificate of Appropriateness for 601 Grand Avenue subject to conditions and direct the Department of Community Development to issue the Certificate. Motion Carried 7-0.

17-0218  45. On vacation of air space, surface and subsurface rights in portions of City right-of-way adjoining 1400 Walnut Street and conveyance of permanent easements to 14 Walnut LLC for $5,724 and acceptance of a permanent easement for public pedestrian way from 14 Walnut LLC valued at $1,400.  (Council Communication No.  17-054) Moved by Hensley to adopt. Motion Carried 7-0.

17-0219  (A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

17-0220  (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, #15,557. Motion Carried 7-0.

17-0221  46. On items regarding right-of-way adjoining 921 6th Avenue:  (Council Communication No.  17-055)  

17-0222  (A) Acceptance of Corrected Quit Claim Deed from the State of Iowa for right-of-way adjoining 921 6th Avenue. Moved by Hensley to adopt. Motion Carried 7-0.

17-0222  (B) Hearing on vacation and conveyance of an irregular portion of 6th Avenue right-of-way and an irregular portion of 5th Avenue right-of-way both adjoining 921 6th Avenue to Catholic Health Initiatives – Iowa Corp., $99,556. Moved by Hensley to adopt. Motion Carried 7-0.

17-0223  (1) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

17-0224  (2) Final consideration of ordinance above (waiver requested by Newbury Development), 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, #15,558. Motion Carried 7-0.
17-0225  47. **On** review of the anticipated environmental impact of Near West Side Sewer Separation project. ([Council Communication No. 17-062](#)) **Moved by Hensley to adopt.** **Motion Carried 7-0.**

17-0226  48. **On** MacRae Park Shelter Renovation: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Brocon Services LLC (Chris Brault, Managing Partner), $347,000. ([Council Communication No. 17-061](#)) **Moved by Hensley to adopt.** **Motion Carried 7-0.**

17-0227  49. **On** Walnut Street Bus Lane from 9th Street to 10th Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Kingston Services, LLC (Dan Hutton, President), $161,905. ([Council Communication No. 17-063](#)) **Moved by Hensley to adopt.** **Motion Failed 3-4. Nays: Coleman, Gatto, Gray and Moore. Moved by Coleman to continue to February 20, 2017 Council Meeting at 5:00 PM. Motion Carried 7-0.**

17-0228  50. **WITHDRAWN**

17-0229  (A) **Approving** contract and bond and permission to sublet. **Moved by Hensley to adopt.** **Motion Carried 7-0.**

17-0230  **MOTION TO ADJOURN.** **Moved by Gatto to adjourn at 6:18 PM. Motion Carried 7-0.**

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*** END OF HEARINGS AT 5:43 PM ***