



*** DES MOINES CITY COUNCIL MEETING REPORT ***

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

April 3, 2017 4:30 PM

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

[17-0560](#)

(A) Roll Call. **Present: Cownie, Gatto, Gray, Hensley and Moore. Absent: Coleman and Westergaard. Council Members Coleman and Westergaard entered during item C.**

[17-0561](#)

(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 5-2. Absent: Coleman and Westergaard.**

[17-0562](#)

(C) Closed Session.

[17-0563](#)

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

[17-0564](#)

(E) Motion to adjourn. **Moved by Hensley to adjourn at 4:12 PM. Motion Carried 7-0.**

* * * * *

PROCLAMATIONS – 4:00 PM

Rotary Foundation Day

National Service Recognition Day

INVOCATION: Council Member Westergaard

- [17-0565](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.**
- [17-0566](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0567](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 38: 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

- [17-0568](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt all except items T and W. Council Member Coleman votes No on item K. Council Member Moore votes No on item P. Motion Carried 7-0. Moved by Gray to adopt items T and W. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	BAR TAUREAU	208 4TH ST	C Liquor
(B)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(C)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(D)	HARBINGER RESTAURANT	2724 INGERSOLL	C Liquor
(E)	HELLO MARJORIE	717 LOCUST ST	C Liquor
(F)	NOODLE ZOO & THE ZOO BAR	601 E LOCUST ST	C Liquor

RENEWAL APPLICATIONS

(G)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(H)	AMERICAN GRILL	5800 FLEUR DR	C Liquor
(I)	BIG LAR'S	215 E 2ND ST	C Liquor
(J)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
*(K)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(L)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(M)	JETHROS	3100 FOREST AVE	C Liquor
(N)	JOHNNYS ITALIAN	6800 FLEUR DR	B Liquor
(O)	MANNINGS	2102 INDIANOLA	C Liquor

- * (P) OASIS 1401 BUCHANAN ST E Liquor
- (Q) SAIGON MARKET 2501 EUCLID AVE C Beer
- (R) TRUE BURGER/IOWA TAP 5800 FLEUR DR C Liquor
- (S) VICTORY LANE 3801 EASTON BLVD C Liquor

OUTDOOR SERVICE APPLICATION

- * (T) PEGGYS TAVERN 3020 FOREST AVE C Liquor
Temporary in conjunction with Drake Relays on April 25 – 29, 2017.

SPECIAL EVENT APPLICATIONS

- (U) CAPTAIN ROYS 1900 SAYLOR RD Five (5) Day License
Class B Beer License for events on April 19 – 23, 2017.
- (V) CAPTAIN ROYS 1900 SAYLOR RD Five (5) Day License
Class B Beer License for events on April 26 – 30, 2017.
- * (W) DRAKE UNIVERSITY 2875 UNIVERSITY AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Alumni Reunion on April 29, 2017.
- (X) YOUNG ENTREPRENEUR 3000 E GRAND AVE Five (5) Day License
Class B Beer License for an event at the Youth Inn on April 21 – 22, 2017.

[17-0569](#)

- 5. [Approving](#) Acknowledgment/Settlement Agreement and Order suspending cigarette permit of Beaver Tap, 4050 Urbandale Avenue, for second violation of selling tobacco to a minor. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:

[17-0570](#)

- (A) [Locust](#) Street Reconstruction from 9th Street to 12th Street: Receiving of bids, (4-18-17), Setting date of hearing, (5-8-17). Construction estimate, \$753,000. ([Council Communication No. 17-339](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-0571](#)

- (B) [30th](#) Street Sidewalk from Boston Avenue to Urbandale Avenue: Receiving of bids, (4-18-17). Setting date of hearing, (5-8-17). Construction estimate, \$200,000. ([Council Communication No. 17-337](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[17-0572](#)

- 7. [Approving](#) adoption of the Iowa Statewide Urban Design and Specifications (SUDAS) Design Manual, 2017 Edition, and the SUDAS Standard Specifications, 2017 Edition, as the official design standards and specifications for the City of Des Moines. ([Council Communication No. 17-330](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

- [17-0573](#) 8. [Approving](#) Private Construction Contract between Estes Company LLC dba Estes Construction and South Union Corner LLC for paving improvements in Jackson Crossing located at 100 Jackson Avenue, \$67,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0574](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0575](#) 10. [Accepting](#) completed construction and approving final payment to Neumann Brothers, Inc. – Skywalk Bridge 6D-7D Repairs. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [17-0576](#) 11. [Releasing](#) subdivision bond for Carman Estates Plat 4 in the vicinity of SE 24th Street and E. Porter Avenue. ([Council Communication No. 17-321](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0577](#) 12. [Partially](#) releasing subdivision bond for the Woods of Copper Creek Plat 2 in the vicinity of the 4700 block of NE 23rd Avenue. ([Council Communication No. 17-319](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0578](#) 13. [Releasing](#) PUD restoration bond for the grading work at the Woods of Copper Creek Plat 2 in the vicinity of the 4700 block of NE 23rd Avenue. ([Council Communication No. 17-315](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0579](#) 14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2016 (2 applications). ([Council Communication No. 17-314](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [17-0580](#) 15. [On](#) conveyance of City-owned property at 832 24th Street to Lighthouse Development, LLC for redevelopment of housing, (4-17-17). ([Council Communication No. 17-318](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0581](#) 16. [On](#) conveyance of City-owned property at 1322 Idaho Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), (4-17-17). ([Council Communication No. 17-320](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0582](#) 17. [On](#) conveyance of City-owned property at 708 Buchanan Street to Home Opportunities Made Easy, Inc. (HOME, Inc.), (4-17-17). ([Council Communication No. 17-316](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-0583](#) 18. [On](#) request from Greater Des Moines Habitat for Humanity to rezone multiple properties located in the vicinity of 2426 Saylor Road from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and approval of the Birdland Vista PUD Conceptual Plan, subject to conditions, (4-17-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0584](#) 19. [On](#) request from Extreme Auto Plaza, Inc. to rezone 1453 E. 14th Street from Ltd. “C-2” (General Retail and Highway-Oriented Commercial) and “R-2A” (General Residential) to an amended Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow future expansion of the existing vehicle display lot and sales of new vehicles and small trailers, subject to conditions, (4-17-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0585](#) 20. [On](#) assessment of \$500 penalty to liquor license holders for violation of Iowa Alcoholic Beverage Laws – (sale to minor), (4-17-17). **Moved by Hensley to adopt. Motion Carried 7-0.**
- (A) Blazing Saddle, 416 E. 5th Street.
 (B) Kum & Go #120, 6304 SW 9th Street.
 (C) South Town Tap, 3803 SW 9th Street.

CITY MANAGER COMMUNICATIONS

- [17-0586](#) 21. [Submitting](#) travel and training requests for Shawn Herman and Jason Noble. ([Council Communication No. 17-345](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [17-0587](#) 22. [Authorization](#) to negotiate an agreement based on preliminary terms with H. Glass Partners LLC, for commercial development at 212 E. 3rd Street. ([Council Communication No. 17-329](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0588](#) 23. [First](#) Amendment to Urban Renewal Development Agreement in the Metro Center Urban Renewal Area with Market District One, LLC for 401 SE 6th Street and 400 SE 7th Street. ([Council Communication No. 17-342](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
24. Number not used.
- [17-0589](#) 25. [Addendum](#) to Agreement with the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID) and amending the budget for the Ingersoll Grand Self-Supported Municipal Improvement District. ([Council Communication No. 17-341](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [17-0590](#) 26. [Authorizing](#) distribution of Request for Proposal (RFP) for new construction of single-family housing at 911 25th Street. ([Council Communication No. 17-317](#)) **Moved by Hensley to deny the distribution of the Request for proposal. The City Manager will report back in 60 days regarding the ownership of the property. Motion Carried 7-0.**
- [17-0591](#) 27. [Option](#) to extend Municipal Parking Facilities Management Services Agreement with ABM Parking Services, Inc. ([Council Communication No. 17-328](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0592](#) 28. [First](#) Amendment to Agreement for Professional Services with Duncan Associates, Codametrics, and the Lakota Group to prepare a comprehensive rewrite of the Zoning Ordinance. ([Council Communication No. 17-322](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
29. Number not used.
- [17-0593](#) 30. [Submittal](#) of an application for the 2017 Edward J. Byrne Memorial Justice Assistance Grant & Residential Substance Abuse Treatment Grant from the Governor's Office of Drug Control Policy, \$16,856. ([Council Communication No. 17-323](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0594](#) 31. [Communication](#) from Downtown Community Alliance, on behalf of the University of Iowa, requesting approval of banner designs for banners to be displayed on Locust Street, E. Locust Street and 5th Street banner poles from May through December 2017. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [17-0595](#) 32. [Release](#) of fire escrow at 3423 Wright Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0596](#) 33. [Exception](#) to the procurement ordinance competitive RFP process for good cause and approving an amendment to renew contract with Holland & Knight LLP to provide Federal Legislative Consulting Services, \$102,000. ([Council Communication No. 17-343](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [17-0597](#) 34. [Bid](#) from Utility Equipment Company (Mike Coryn, President), Forterra Pipe & Precast (Mark Carpenter, President) and Contech Engineered Solutions (Mike Rafi, President) for an annual contract with two (2) additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance for use by the Public Works Department, estimated annual cost \$80,000. (Four potential bidders, three received).

Moved by Hensley to adopt. Motion Carried 7-0.

- [17-0598](#) 35. [Civil](#) Service Promotional Lists for Civil Engineer II and Senior Crime Scene Investigator. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [17-0599](#) 36. [Authorizing](#) Finance Director to draw [checks](#) on registers for the weeks of April 3 and April 10, 2017; and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 3 and April 10, 2017 and to draw checks for biweekly payroll due on April 14, 2017. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [17-0600](#) 37. [On](#) vacation of a portion of Mulberry Street and 12th Street rights-of-way adjoining 121 12th Street. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [17-0601](#) (A) [Final](#) consideration of ordinance above (waiver requested by Hubbell Realty Company), 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, [#15,570](#). Motion Carried 7-0.**
- [17-0602](#) 38. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- (A) Code corrections.
- (B) Removal of parking restriction – Thornton Avenue from SW 14th Street to cul-de-sac.
- (C) Removal of parking and loading zone – Hull Avenue from Wright Street to E. 12th Street.
- (D) Curb bump-out parking prohibition and definition.
- (E) Traffic Control Provisions for E. Locust Street, E. 2nd Street, E. 3rd Street, and E. Walnut Street due to completion of the StayBridge Hotel.
- (F) Traffic Control Provisions for Walnut Street, 5th Avenue, 6th Avenue, and 7th Street due to the Walnut Streetscape project.

ORDINANCES - FIRST CONSIDERATION

[17-0603](#) 39. **Amending** Chapter 74 of the Municipal Code regarding Mobile Vendors to allow up to two Mobile Vendor or Transient Merchant vehicles to be located at Birdland Marina pursuant to a Concession Agreement. ([Council Communication No. 17-324](#)) **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[17-0604](#) (A) **Final** consideration of ordinance above (waiver requested by the Parks and Recreation Department), requires six votes. **Moved by Westergaard 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, #15,571. Motion Carried 7-0.**

COUNCIL REQUESTS

[17-0605](#) 40. **From** Council Members Gatto and Moore regarding support of the City of Des Moines' labor force. **Moved by Moore to receive and file comments. Motion Carried 7-0.**

[17-0606](#) (A) **Resolution** regarding support of the City of Des Moines' labor force. **Moved by Moore to adopt. Motion Carried 7-0.**

COMMUNICATION REPORTS

[17-0607](#) 40-I **From** Richard Homan, 2747 Skeies Drive, to speak regarding the bird ordinance. **Moved by Gatto to receive and file comments and photos and refer to the City Manager to report on the circumstances at this location and to schedule a work session on this topic. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 41 THRU 52)

[17-0608](#) 41. **On** vacation and conveyance of the north/south alley right-of-way located north of Laurel Street and south of Ascension Street between 6th Avenue and 7th Street to Catholic Health Initiatives – Iowa Corp. d/b/a Mercy Medical Center – Des Moines, \$40,760. ([Council Communication No. 17-331](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-0609](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[17-0610](#) (B) **Final** consideration of ordinance above (waiver requested by Mercy Medical Center), 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, [#15,572](#).
Motion Carried 7-0.

[17-0611](#)

42. **On** request from Roll-Offs of Des Moines to rezone property in the vicinity of 20 E. 18th Street from Ltd. “M-2” (Heavy Industrial) to an amended Ltd. “M-2” (Heavy Industrial) to allow expansion of the permitted uses from outdoor storage of inoperable machinery to include outdoor storage and sorting of recycled waste materials within roll-off containers and dismantling of vehicles and machinery, subject to conditions. **Moved by Gatto to adopt. Motion Carried 7-0.**

[17-0612](#)

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

[17-0613](#)

- (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, [#15,573](#). Motion Carried 7-0.**

43. Items regarding 1210 Army Post Road:

[17-0614](#)

- (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Community Mixed-Use and Low-Density Residential within a Community Node to Industrial within a Community Node. (Plan and Zoning Commission recommends DENIAL) **Moved by Hensley to adopt and deny the proposed amendment. Motion Carried 7-0.**

[17-0615](#)

- (B) **Hearing** on request from Tiger Knight, LLC to rezone 1210 Army Post Road from “C-2” (General Retail and Highway-Oriented Commercial) to Ltd. “M-1” (Light Industrial) to allow reuse of the building for warehouse and bowling pin refurbishing. **Moved by Hensley to adopt and deny the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: a. The City Plan and Zoning Commission voted 11-1 to recommend denial of the requested rezoning of the property to Limited “M-1” Light Industrial District. b. The proposed rezoning is not in conformance with the existing PlanDSM: Creating Our Tomorrow future land use designation of Community Mixed Use and Low Density Residential within a Community Node. c. The proposed rezoning is not consistent with the neighborhood conversion of the area and demand for “C-2” General Retail and Highway Oriented Commercial District uses in the area and corridor. d. If the application of the existing zoning regulation has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.**

44. Items regarding 623 E 12th Street:

- [17-0616](#) (A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Public/Semi-Public to Neighborhood Mixed Use. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [17-0617](#) (B) [Hearing](#) to rezone from “C-0” (Commercial Residential) to “C-1” (Neighborhood Retail Commercial) to allow conversion of a former medical office building to a drive-up financial institution, subject to conditions. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [17-0618](#) (C) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [17-0619](#) (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, [#15,574](#). Motion Carried 7-0.**

[17-0620](#) 45. [On](#) 20th Amendment to the Metro Center Urban Renewal Plan. ([Council Communication No. 17-325](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-0621](#) 46. [On](#) 8th Amendment to the SE Agribusiness Urban Renewal Plan. ([Council Communication No. 17-326](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

47. Items regarding the sale of property at 422 Walnut Street, containing the Fifth and Walnut Parking Garage, for private redevelopment: ([Council Communication No. 17-346](#))

[17-0622](#) (A) [Communication](#) from the City Plan and Zoning Commission, regarding the vacation of the alleys in and adjoining 422 Walnut Street. **Moved by Hensley to receive and file the report and recommendation of the City Plan and Zoning Commission. Motion Carried 7-0.**

[17-0623](#) (B) [Closing](#) the hearing on vacation of portions of the east/west alleys lying within 422 Walnut Street and approving same. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-0624](#) (C) [First](#) consideration of ordinance vacating portions of the east/west alleys lying within

422 Walnut Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[17-0625](#)

(1) **Final** consideration of ordinance above (waiver requested by the Legal Department), six affirmative votes required for passage. **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, #15,575. Motion Carried 7-0**

[17-0626](#)

(D) **Closing** the hearing on vacation of the west 6.5 feet of the north/south alley lying east of and adjoining 422 Walnut Street, and approving same. **Moved by Hensley to adopt. Motion Carried 7-0.**

[17-0627](#)

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

[17-0628](#)

(1) **Final** consideration of ordinance above (waiver requested by the Legal Department), six affirmative votes required for passage. **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, #15,576. Motion Carried 7-0.**

Select either Item (F) or Items (G and H) below

WITHDRAWN

[17-0629](#)

(F) ~~**Resolution** closing hearing and approving Urban Renewal Development Agreement for Sale of Land for Private Redevelopment with Blackbird Investments LLC for sale and redevelopment of the Fifth and Walnut parking Garage at 422 Walnut Street.~~

OR

[17-0630](#)

(G) **Resolution** extending the 3-year deadline under the Skywalk Ordinance for replacement of the Skywalk Corridor in the Fifth and Walnut Parking Garage until August 19, 2028. **Moved by Hensley to adopt, with the amendment that the extension is only for an additional 2 years, until September 1, 2022, with any further extension to be subject to further approval by the City Council. Motion Carried 7-0.**

AND

[17-0631](#)

(H) **Resolution** closing hearing and approving Urban Renewal Development Agreement for Sale of Land for Private Redevelopment with 5th and Walnut Parking LLC for sale and redevelopment of the Fifth and Walnut Parking Garage at 422 Walnut Street. **Moved by Hensley to adopt, subject to the Agreement being first amended by April 12, 2017 to incorporate a number of changes, and with the final Agreement**

to be subject to approval by the City Manager and the Legal Department to confirm that these changes have been appropriately incorporated into the Agreement. The changes are: 1. Construction of the garage shall be completed by October 31, 2019. 2. Construction must be commenced on the proposed theater building or a 150 room hotel on the southern parcel by October 31, 2019. If the south parcel is developed with a hotel, then the assistance for the hotel shall be limited to 90% of Project TIF, and the Developer must pay \$1 million to the City in partial repayment of the \$4 million Forgivable Economic Development Loan. 3. Construction must be commenced on the residential building on the northern parcel by October 31, 2019. If a hotel is constructed on Court Avenue, then the residential building on Walnut Street can be devoted entirely to apartments. 4. If a hotel is not constructed on the Court Avenue frontage, then the residential building on Walnut Street shall contain a hotel with at least 84 lodging rooms. 5. Other amendments negotiated by the City Manager are consistent with the principle terms of the Agreement as summarized in the roll call, and the first four amendments above. And to direct the City Manager to schedule a work session to consider appropriate policies and procedures regarding the sale of City-owned real estate for private redevelopment. Motion Carried 7-0.

- [17-0632](#) 48. [On](#) 2017 ADA Sidewalk Ramp Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$595,790. ([Council Communication No. 17-333](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Gatto.**
- [17-0633](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Gatto**
- [17-0634](#) 49. [On](#) 2017-2018 HMA Pavement Scarification and Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc. d\b\ a Des Moines Asphalt & Paving, (Jeffrey A. Chapman, General Manager), \$897,881.45. ([Council Communication No. 17-336](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [17-0635](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**
- [17-0636](#) 50. [On](#) 2017 HMA Residential Paving Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), \$726,608.40. ([Council Communication No. 17-334](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

[17-0637](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**

[17-0638](#) 51. [On](#) Birdland Marina Utility Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$132,890. ([Council Communication No. 17-338](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**

[17-0639](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Westergaard to adopt. Motion Carried 7-0.**

[17-0640](#) 52. [On](#) Howe and Windsor Elementary School Pedestrian Bridge Repairs: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$269,264. ([Council Communication No. 17-335](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

[17-0641](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

*** END OF HEARINGS AT 6:05 PM ***

[17-0642](#) Motion to adjourn. **Moved by Gatto to adjourn at 6:05 PM. Motion Carried 7-0.**

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