



*** 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 '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
City Hall, Council Chambers
400 Robert D. Ray Dr.
Des Moines, Iowa 50309

February 8, 2016
4:30 PM

I. **CLOSED SESSION – 3:30 PM**

- [16-0172](#) (A) Roll Call. **Present: Cownie, Gray, Hensley, Moore and Westergaard. Absent: Coleman and Gatto. Council Members Coleman and Gatto entered the meeting during item C.**
- [16-0173](#) (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 5-2. Absent: Coleman and Gatto.**
- [16-0174](#) (C) Closed Session.
- [16-0175](#) (D) Terminate closed session and reconvene in open session. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0176](#) (E) Motion to adjourn. **Moved by Gray to adjourn at 4:08 PM. Motion Carried 7-0.**

PROCLAMATIONS – 4:15 PM

Up with People Week

INVOCATION: Council Member Bill Gray

[16-0177](#)

1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.**

I. Prairie Meadow City/County Partnership Check Presentation.

[16-0178](#)

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

[16-0179](#)

3. APPROVING CONSENT AGENDA * – items 3 through 31: **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.**

LICENSES AND PERMITS

[16-0180](#)

4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman votes “No” on item H.**

NEW APPLICATIONS

(A)	CANDELA	2925 INGERSOLL	C Liquor
(B)	HOLIDAY INN	333 SW 11TH ST	C Beer
(C)	IOWA TAPROOM	215 E 3RD ST	C Liquor
(D)	REEDS HOLLOW	2712 BEAVER AVE	C Liquor

RENEWAL APPLICATIONS

(E)	COONEYS TAVERN	3708 BEAVER AVE	C Liquor
(F)	DELLA VITI	425 E GRAND AVE	C Liquor
(G)	EL AGUILA REAL *(1)	3520 BEAVER AVE	C Liquor
*(H)	GIT N GO STORE #27	1240 KEOSAUQUA	C Beer
(I)	MARGARITA MEXICAN	400 SE 6TH ST	C Liquor
(J)	MICHAELS PIZZA	2629 BEAVER AVE	C Beer/Wine
(K)	PATTONS RESTAURANT	1552 E GRAND AVE	C Beer/Wine
(L)	SHOWROOM	4100 MERLE HAY RD	C Liquor
(M)	TOBACCO OUTLET PLUS #503	400 EUCLID AVE	C Beer
(N)	WOOLYS	504 E LOCUST ST	C Liquor

TRANSFER TO NEW LOCATION

(O)	ELWELL FAMILY FOOD	3000 E GRAND AVE	C Liquor
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Temporary to the Cattle Barn for the Iowa Beef Expo on February 14 – 21, 2016.

SPECIAL EVENTS APPLICATIONS

- (P) DRAKE - TURNER JAZZ 2505 CARPENTER AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Andy Claussen event on February 11,
2016.
- (Q) GATEWAY MARKET 400 ROBERT D RAY DR Five (5) Day License
Special Class C Liquor License (Beer/Wine) for Downtown Chamber Annual
Celebration on February 16, 2016.
- (R) TAI VILLAGE 3000 E GRAND AVE Five (5) Day License
Class B Beer License for New Year Celebration on February 13, 2016.

[16-0181](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

[16-0182](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

[16-0183](#) 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) agreement for East 30th Street Viaduct over UPRR Rehabilitation. ([Council Communication No. 16-065](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0184](#) 8. [Approving](#) completion and acceptance of the private construction contract for paving improvements at 1938 SE 6th Street between Koester Construction Co., Inc. and Neighborhood Development Corporation. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[16-0185](#) 9. [Acceptance](#) of real estate documents from Polk County, Iowa for the Evergreen Bridge Over Easter Lake Replacement Project. **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[16-0186](#) 10. [Communication](#) from Kathy Collins Reilly advising of her resignation from the Des Moines Civil and Human Rights Commission, Seat 2, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

[16-0187](#) (A) [Recommendation](#) from Council Member Skip Moore to appoint Donna Red Wing to the Des Moines Civil and Human Rights Commission, Seat 2, for a three-year term commencing April 1, 2015 to April 1, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0188](#) 11. [Recommendation](#) from Council Member Bill Gray to appoint Blake O'Brien to the Building and Fire Code Board of Appeals, Seat 4, for the remainder of a three-year term to expire April 1, 2016 and an additional three-year term expiring April 1, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0189](#) 12. [Recommendation](#) from the Neighborhood Finance Corporation (NFC) to appoint Josh Hellyer to the Neighborhood Revitalization Board, as the NFC Board Representative, Seat 15, for a one-year term commencing June 30, 2015 to expire June 30, 2016. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0190](#) 13. [Recommendation](#) from Council Member Christine Hensley to reappoint Seth Gray to the Urban Design Review Board, Seat 6, for a three-year term commencing June 30, 2015 to expire June 30, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

14. On items regarding the budget, (2-22-16):

- [16-0191](#) (A) [On](#) consideration of the recommended Capital Improvement Program for fiscal years 2016-2017 through 2021-2022. ([Council Communication No. 16-069](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0192](#) (B) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2016. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0193](#) (C) [On](#) proposed budget for the fiscal year ending June 30, 2017. **Moved by Gatto to adopt. Motion Carried 7-0.**

14-I Items regarding proposed General Obligation Bonds for the following, (2-22-16):

- [16-0194](#) (A) [Resolution](#) electing classifications and procedures for proposed bond projects. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0195](#) (B) [On](#) issuance of not to exceed \$26,395,000 (for Essential Corporate Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0196](#) (C) [On](#) issuance of not to exceed \$7,175,000, (for Urban Renewal Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0197](#) (D) [On](#) issuance of not to exceed \$3,505,000 (for Urban Renewal Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0198](#) (E) [On](#) issuance of not to exceed \$985,000 (for General Corporate Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0199](#) (F) [On](#) issuance of not to exceed \$825,000, (for General Corporate Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0200](#) (G) [On](#) issuance of not to exceed \$950,000, (for General Corporate Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0201](#) (H) [On](#) issuance of not to exceed \$885,000, (for General Corporate Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0202](#) (I) [On](#) issuance of not to exceed \$920,000, (for General Corporate Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0203](#) (J) [On](#) issuance of not to exceed \$260,000, (for General Corporate Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0204](#) (K) [On](#) issuance of not to exceed \$985,000, (for General Corporate Purposes). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0205](#) 15. [On](#) assessment of \$500 penalties to liquor license holders listed on attachment “A” for violation of Iowa Alcoholic Beverage Laws, (2-22-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [16-0206](#) 16. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of Police Officer Colin Boone, \$2,306. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0207](#) 17. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for Collective Bargaining services, \$1,837.50. **Moved by Gatto to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [16-0208](#) 18. [Submitting](#) travel and training request for Cody Brigman, Benjamin Campbell, Mike Goodwin, Steve Hesslink, Mike Houseman Jr., Carrie Kruse, Kenneth Robinson, John Scarlett and Sara Thies. ([Council Communication No. 16-068](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

- [16-0209](#) 19. [Preliminary](#) terms of agreement with Bronson Partners, LLC for the renovation and conversion of 1417 Walnut Street for a mixed-use residential and commercial development. ([Council Communication No. 16-058](#)) **Moved by Gatto to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 16-058, and to direct the Office of Economic Development to proceed with negotiation of a formal agreement with Bronson Partners, LLC, consistent with the terms set forth in Council Communication No. 16-058. Motion Carried 7-0.**
- [16-0210](#) 20. [Support](#) of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by HRC 8th Street II, LLC for a housing project at 915 9th Street. ([Council Communication No. 16-057](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0211](#) 21. [Request](#) for Tax Sale Certificate from Polk County Treasurer's Office for the vacant house at 1115 E. 13th Street and approving Agreement with Community Housing Initiatives, Inc. (CHI) for assignment of the tax sale certificate for rehabilitation to owner-occupied housing. ([Council Communication No. 16-059](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0212](#) 22. [Issuance](#) of a Certificate of Completion for Cityville on 9th Phase 1. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0213](#) 23. [Third](#) Amendment to the contract for single-stream recyclables processing services with Mid-America Recycling, LLC. ([Council Communication No. 16-071](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0214](#) 24. [Refund](#) of 2015 Taxi and Limousine Driver's Licenses. ([Council Communication No. 16-063](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0215](#) 25. [Communication](#) from Downtown Community Alliance on behalf of the Lifeserve Blood Center requesting approval of banner designs to be displayed in Downtown Des Moines on Locust Street in June and E. Locust Street from March-December. **Moved by Gatto to receive, file and approve banner design. Motion Carried 7-0.**

- [16-0216](#) 26. [Receive](#) and file the Comprehensive Annual Financial Report (CAFR) for the City of Des Moines for the Fiscal Year (FY) ending June 30, 2015. ([Council Communication No. 16-067](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
27. Bids from the following:
- [16-0217](#) (A) [Ed](#) M. Feld Equipment Company (John Feld, President) for fire hose to be used by the Fire Department, \$49,660. (Four potential bidders, three received). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0218](#) (B) [Communication](#) Innovators (Josh Knight, President) for fiber optic cable installation services for temporary City Hall relocation for use by the IT Department, \$57,218.59. (Nine potential bidders, three received). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0219](#) (C) [Heartland](#) Business Systems (Peter Helander, President) for Cisco equipment for the temporary City Hall relocation for use by the IT Department, \$103,761.01. (Eight potential bidders, two received). ([Council Communication No. 16-070](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0220](#) 28. [Civil](#) Service Entrance Lists for Senior Construction Inspector and Engineering Technician. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [16-0221](#) 29. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 8 and 15, 2016; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 8 and 15, 2016; and to draw checks for biweekly payroll due on February 19, 2016. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [16-0222](#) 30. [On](#) vacation of a portion of the east/west alley right-of-way between Franklin Avenue and Allison Avenue adjoining 1624 and 1700 Allison Avenue. **Moved by Gatto that this ordinance do now pass, #15,445. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [16-0223](#) 31. [Amending](#) Chapter 58 of the Municipal Code, regarding application for landmark designation. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [16-0224](#) 32. **Amending** Article III Division 4 of the Municipal Code regarding State Income Tax Offset Procedures, relating to the administrative hearing process. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-0225](#) (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, [#15,446](#). Motion Carried 7-0.**
- [16-0226](#) 33. **Amending** Section 78 of the Municipal Code regarding the allowed locations, times and manner of operation of mobile food vendors. ([Council Communication No. 16-066](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.**
- [16-0227](#) (A) **Amending** the Schedule of Fees for Mobile Venders. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.**
- [16-0228](#) (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, [#15,447](#). Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 34 THRU 39)

- [16-0229](#) 34. **On** vacation and conveyance of an estimated 0.61 acres of Allen Park to Eagle View Lofts, LLC for \$1 in exchange for a perpetual easement for public ingress-egress, parking and dumpster space dedicated for Allen Park users, and to continue to February 22, 2016 at 5:00 PM. ([Council Communication No. 16-064](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0230](#) 35. **On** conveyance of a perpetual underground electric easement on City-owned property at Greenwood Park and Ashworth Park to MidAmerican Energy Company, \$1. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [16-0231](#) 36. **On** conveyance of permanent fiber optic easement across City-owned property in the vicinity of SE 6th Street and Shaw Street to MCI Communications Services, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0232](#) 37. **On** 2014-2015 Sidewalk Program: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Shekar Engineering, PLC (Chandra Shekar, President), \$80,365. ([Council Communication No. 16-060](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0233](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0234](#) 38. **On** Birdland Park Trail Connection: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as T K Concrete Inc. (Tony J. Ver Meer, President), \$151,580. ([Council Communication No. 16-061](#)) **Moved by Moore to continue to February 22, 2016 at 5:00 PM and refer to the City Manager to review the tree protection program. Motion Carried 7-0.**
- [16-0235](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Moore to continue to February 22, 2016 at 5:00 PM and refer to the City Manager to review the tree protection program. Motion Carried 7-0.**
- [16-0236](#) 39. **On** Neal Smith Trail Rehabilitation – Riverview Park to Euclid Avenue: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving (James Gauger, President), \$463,347.57. ([Council Communication No. 16-062](#)) **Moved by Moore to continue to February 22, 2016 at 5:00 PM and refer to the City Manager to review the tree protection program. Motion Carried 7-0.**
- [16-0237](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Moore to continue to February 22, 2016 at 5:00 PM and refer to the City Manager to review the tree protection program. Motion Carried 7-0.**

****END HEARINGS AT 5:10 PM****

[16-0238](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 5:10 PM. Motion Carried 7-0.**

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