



*** 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

April 11, 2016 4:30 PM

I. **CLOSED SESSION – 3:30PM.**

- [16-0528](#) (A) Roll Call. **Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.**
- [16-0529](#) (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 Upon Roll Call 7-0.**
- [16-0530](#) (C) Closed Session.
- [16-0531](#) (D) Terminate closed session and reconvene in open session. **Moved by Gray to adopt. Motion Carried 7-0.**
- [16-0532](#) (E) Motion to adjourn. **Moved by Hensley to adjourn at 4:04 PM. Motion Carried 7-0.**

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PROCLAMATIONS – 4:00 PM

The Central Iowa Opportunity Plan

INVOCATION: Council Member Linda Westergaard

- [16-0533](#) 1. ROLL CALL: **Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard.**
- [16-0534](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0535](#) 3. APPROVING CONSENT AGENDA * – items 3 through 53: **Moved by Coleman 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

- [16-0536](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Coleman to adopt all except X, Y and Z. Motion Carried 7-0. Council Member Gray moved to approve items X, Y and Z. Motion Carried 7-0. Council Member Gatto declares a conflict of interest and abstains from voting on items G and H.**

NEW APPLICATIONS

(A)	+39 RESTAURANT & MARKET	1430 LOCUST ST	C Liquor
(B)	DAVIS CONCESSIONS	2601 HUBBELL AVE	B Beer
(C)	GRANDSTAND & PITS	3000 E GRAND AVE	B Beer
(D)	SA PRESENTS	520 ROBERT D RAY	C Beer/Wine
(E)	SANDS VOLLEYBALL CLUB	6214 GRAND AVE	C Liquor

RENEWAL APPLICATIONS

(F)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
*(G)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
*(H)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(I)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(J)	CARBON C	216 COURT AVE	C Liquor
(K)	FAMOUS DAVES	4351 MERLE HAY RD	C Liquor
(L)	GERRIS	232 E 30TH ST	C Liquor
(M)	GIT N GO STORE #5	2700 INDIANOLA	C Beer
(N)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(O)	HOME PLATE DINER	304 E 30TH ST	C Beer/Wine
(P)	JETHROS	3100 FOREST AVE	C Liquor
(Q)	KUM & GO #194 *(2)	4001 SW 9TH ST	C Beer
(R)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine

- (S) SCORNOVACCAS RISTORANTE 1930 SE 14TH ST C Liquor
 (T) VICTORY LANE 3801 EASTON BLVD C Liquor

TRANSFER TO NEW LOCATION

- (U) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE C Beer/Wine
 Temporary to the Agricultural Building.

OUTDOOR SERVICE APPLICATIONS

- (V) BUZZARD BILLYS 615 3RD ST C Liquor
 Temporary in conjunction with Garth Brooks pre-concert party on April 29 – May 3, 2016.

- (W) IOWA BEEF STEAK HOUSE 1201 E EUCLID AVE C Liquor
 Temporary in conjunction with bike night on April 19, 2016.

- *(X) JETHROS 3100 FOREST AVE C Liquor
 Temporary in conjunction with Drake Relays on April 29 – May 1, 2016.

- *(Y) PEGGYS TAVERN 3020 FOREST AVE C Liquor
 Temporary in conjunction with Drake Relays on April 25 – May 1, 2016.

SPECIAL EVENTS APPLICATIONS

- *(Z) DRAKE UNIVERSITY 2875 UNIVERSITY AVE Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Drake Relays on April 29 – 30, 2016.

- (AA) DRAKE UNIVERSITY 2505 CARPENTER AVE Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for TCJO Concert on April 28, 2016.

- (BB) DRAKE UNIVERSITY 2802 FOREST AVE Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Pharmacy Reunion on April 29, 2016.

- (CC) FEDERAL DISTRIBUTORS 3000 E GRAND AVE Five (5) Day License
 Class C Liquor License for Youth Entrepreneur Convention on April 22 – 23, 2016.

- (DD) HY VEE 1200 GRAND AVE Five (5) Day License
 Class C Liquor License for a reception on April 21, 2016.

- (EE) HY VEE 100 LOCUST ST Five (5) Day License
 Class C Liquor License for a fundraiser on April 16, 2016.

- (FF) HY VEE 100 LOCUST ST Five (5) Day License
 Class C Liquor License for a reception on April 22, 2016.

- (GG) IOWA CRAFT BEER 313 WALNUT ST Five (5) Day License
 Class B Beer License for Garth Brooks pre-party on April 29 – 30, 2016.

- (HH) NICKS 1106 ARMY POST RD Five (5) Day License
 Class B Beer License for Classic Car Show on April 22, 2016.

- (II) TOWNSQUARE 730 3RD ST Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for America on Tap on April 16, 2016.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- [16-0537](#) (A) [56th Street Rehabilitation](#) from Grand Avenue to Ingersoll Avenue: Receiving of bids, (4-26-16), Setting date of hearing (5-9-16). Construction estimate, \$280,000. ([Council Communication No. 16-193](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0538](#) (B) [SE 14th Street Sidewalk](#) from Park Avenue to Army Post Road: Receiving of bids, (4-26-16), Setting date of hearing, (5-9-16). Construction estimate, \$90,000. ([Council Communication No. 16-198](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0539](#) (C) [2016 ADA Sidewalk Ramp Program – Contract 2](#): Receiving of bids, (4-26-16), Setting date of hearing, (5-9-16). Construction estimate, \$ 650,000. ([Council Communication No. 16-189](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0540](#) (D) [2016 Sidewalk Replacement Program](#): Receiving of bids, (4-26-16), Setting date of hearing, (5-9-16). Construction estimate, \$400,000. ([Council Communication No. 16-191](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0541](#) (E) [Riverwalk Red Multi-Use Trail Bridge Rehabilitation](#): Receiving of bids, (5-10-16), Setting date of hearing, (5-23-16). Construction estimate, \$2,830,000. ([Council Communication No. 16-183](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [16-0542](#) 6. [Approving](#) and authorizing the application for a Department of Transportation TIGER Discretionary Grant for the Bridges to Opportunity: Des Moines' Community Connection Project. ([Council Communication No. 16-199](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

7. Approving Private Construction Contracts for the following:

- [16-0543](#) (A) [Absolute Concrete Construction, Inc.](#) and Des Moines Independent Community School District for paving improvements in 901 E. Park Avenue, \$66,500. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Moore.**
- [16-0544](#) (B) [Absolute Concrete Construction, Inc.](#) and Des Moines Independent Community School District for paving improvements in 1541 8th Street, \$98,750. **Moved by Coleman to adopt. Motion Carried 6-1. Nays: Moore.**
- [16-0545](#) (C) [Baker Electric, Inc.](#) and Hy-Vee Construction, LC for signal improvements in 420 Court Avenue, \$23,683. **Moved by Coleman to adopt. Motion Carried 7-0.**

- [16-0546](#) 8. [Approving](#) completion and acceptance of the Private Construction Contract for storm sewer improvements, Lot 5, Block 18 of E. Fort Des Moines, between Beal Derkenne Construction LLC and 505 East Grand, LLC. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0547](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on Public Improvement Projects. **Moved by Coleman to adopt. Motion Carried 7-0.**
10. Accepting completed construction and approving final payment for the following:
- [16-0548](#) (A) [Fire](#) Stations Number 2, 5, 7, and 9 Bathroom Remodeling, Bryan Crow Construction, Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0549](#) (B) [Indianola](#) Avenue Widening-Phase 3, Corell Contractor, Inc. & Subsidiary. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0550](#) (C) [Traffic](#) Observation Camera and Downtown CMS Upgrades, Baker Electric, Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0551](#) (D) [SE](#) 22nd Street from Hartford Avenue to Park Avenue Partial Depth Repair, Absolute Concrete Construction, Inc. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0552](#) 11. [Approving](#) the Hubbell Avenue Improvements Concept Plan. ([Council Communication No. 16-184](#)) **Moved by Moore to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [16-0553](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-03. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0554](#) 13. [Approving](#) deletion of rental inspection assessment at 1296 DeWolf. **Moved by Coleman to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [16-0555](#) 14. [Acceptance](#) of real estate documents and Settlement and Release Agreement from Raul Camarena Garcia and Francisca Camarena for property at 731 E. Emma Avenue. ([Council Communication No. 16-186](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [16-0556](#) 15. [Release](#) of perpetual public ingress and egress easement reservation over a portion of vacated alley right-of-way for 927 8th Street, \$1,000. ([Council Communication No. 16-197](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0557](#) 16. [Authorizing](#) and approving partial release of permanent no-build easement reservation over a portion of vacated alley right-of-way adjoining 4 Jackson Avenue, \$3,661. ([Council Communication No. 16-196](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0558](#) 17. [Authorization](#) to proceed with acquisition of the necessary property interests for the E. 42nd Street and Hubbell Avenue Intersection Improvements. ([Council Communication No. 16-194](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [16-0559](#) 18. [Authorization](#) to proceed with acquisition of the necessary property interests for the 30th Street and Jefferson Avenue Storm Culvert Replacement at Closes Creek Project. ([Council Communication No. 16-195](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0560](#) 19. [Approving](#) five tax abatement applications for the additional value added by improvements completed during 2015. ([Council Communication No. 16-175](#)) **Moved by Coleman to adopt, and to request that the Polk County Assessor apply the tax abatement to the valuation existing on January 1, 2016, and the property taxes payable in FY2016-17 as if the applications had been timely processed and delivered to the County Assessor by March 1, 2016. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [16-0561](#) 20. [Communication](#) from the Deputy Building Official, advising of Marshall Linn's resignation from the Building & Fire Code Board of Appeals, Seat 5, effective immediately. **Moved by Coleman to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [16-0562](#) (A) [Recommendation](#) from Council Member Linda Westergaard to appoint Christopher Missel to the Building & Fire Code Board of Appeals, Seat 5, for a three-year term commencing April 1, 2016 to expire April 1, 2019. **Moved by Coleman to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [16-0563](#) 21. On vacation and lease of a portion of 14th Street right-of-way adjoining 1459 Grand Avenue to Linden Street Investments, LLC in exchange for a permanent easement for a public pedestrian way across adjoining property owned by Linden Street Investments, LLC, (4-25-16). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0564](#) 22. On vacation and lease of a portion of 13th Street right-of-way for a sidewalk café lease adjoining Proof Restaurant at 1301 Locust Street, (4-25-16). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0565](#) 23. On City-initiated request to consider adoption of “PlanDSM: Creating Our Tomorrow” as an amendment to the City’s Comprehensive Plan, (4-25-16). **Moved by Coleman to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [16-0566](#) 24. Approving payment to Ahlers & Cooney, PC Law Firm on matters related to collective bargaining, \$343. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0567](#) 25. Approving payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$3,743. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0568](#) 26. Approving payment of billing from Hall & Associates for services related to NPDES Permit, \$420.20. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0569](#) 27. Approving payment to Jason Rincon for a workers’ compensation claim. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0570](#) 28. Approving payment to Michael Houseman for a workers’ compensation claim. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0571](#) 29. Approving payment to Jean Carlos Carillo and his attorney in settlement of a Civil Rights claim. **Moved by Coleman to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [16-0572](#) 30. [Submitting](#) travel and training requests for Matt Anderson, T. M. Franklin Cownie (2), Joe Gatto, Aaron Greiner, Brian Hamner, Christine Hensley, David Jahn, Erin Olson-Douglas, Kevin Risk, Scott Sanders and Jen Schulte. ([Council Communication No. 16-201](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

31. Support of a Workforce Housing Tax Credit Benefit Application to the Iowa Economic Development Authority (IEDA) by the following: ([Council Communication No. 16-172](#))
- [16-0573](#) (A) [Eagle](#) View Townhomes, LLC for a housing project in the 700 block of SE 6th Street, 23 units. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0574](#) (B) [South](#) Union Corner, LLC for a housing project at 4 Jackson Avenue, 79 units. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0575](#) 32. [Amendments](#) to the Parcel Development Agreement and the Declaration of Covenants for the Nexus Apartment Project at 415 SW 11th Street by Nexus at Gray's Landing LLC to allow HUD insured financing. ([Council Communication No. 16-179](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0576](#) 33. [Sponsorship](#) of an application for financial assistance to the Iowa Economic Development Authority (IEDA) under the High Quality Jobs (HQP) Program for Excell Marketing, LC, 5501 Park Avenue. ([Council Communication No. 16-181](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0577](#) 34. [Preliminary](#) terms of an Urban Renewal Development Agreement with College Hill Associates, L.P. for the renovation of College Hill Apartments and the construction of a new commercial office building at 921 6th Avenue. ([Council Communication No. 16-176](#)) **Moved by Coleman to receive, file and approve the preliminary terms of agreement as set forth in Council Communication No. 16-176, and to direct the Office of Economic Development to proceed with negotiation of a formal agreement with College Hill Associates, LP and Newbury Management Company consistent with the terms set forth in Council Communication No. 16-176. Motion Carried 7-0.**
- [16-0578](#) 35. [Issuance](#) of Certificate of Completion to Randolph Apartments LLC for the renovation of the Hotel Randolph and the adjacent Earle & Le Bosquet and Youngerman Block Buildings at 4th Street and Court Avenue. **Moved by Coleman to adopt. Motion Carried 7-0.**

- [16-0579](#) 36. [Request](#) to Polk County Treasurer for tax sale certificates and acquisition of property through tax sale process either by City of Des Moines or assignment of tax sale certificate to a housing developer for 2019 30th Street. ([Council Communication No. 16-203](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0580](#) 37. [Parking](#) License Agreement with the Young Men’s Christian Association (YMCA) of Greater Des Moines at the Fifth and Keo Garage. ([Council Communication No. 16-187](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0581](#) 38. [Amendment](#) to agreement for professional services with McClure Engineering Company for the proposed rail port transloading facility at the 1500 block of E. ML King Jr. Pkwy. ([Council Communication No. 16-178](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0582](#) 39. [Grant](#) Application to the U.S. Department of Transportation FASTLANE Program for the proposed rail port transloading facility at the 1500 block of E. ML King Jr. Pkwy. ([Council Communication No. 16-200](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0583](#) 40. [Budget](#) for Friends of SW 9th and advancement of funds for SW 9th Street Revitalization projects. ([Council Communication No. 16-177](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0584](#) 41. [Authorizing](#) the City Manager to complete negotiations for an Urban Renewal Development Agreement with Crossroads Cold Storage, LLC based on preliminary terms for sale of land in the SE Agrimergent Business Park. ([Council Communication No. 16-169](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0585](#) 42. [Memorandum](#) of Understanding with the Polk County Sheriff’s Office regarding the Central Iowa Regional Public Safety Communications System (CIRPSCS). ([Council Communication No. 16-170](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0586](#) 43. [Extension](#) of Agreement with Elavon, Inc. for merchant credit card services from May 1, 2016 to April 30, 2018. ([Council Communication No. 16-171](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0587](#) 44. [Purchase](#) of natural gas supplies from Constellation New Energy. ([Council Communication No. 16-202](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0588](#) 45. [Application](#) from the Dam to Dam Committee, (Carl Voss), requesting approval to temporarily place banners across the street on 15th & Walnut, 13th & Grand, and 12th &

Grand for the finish line plus Dam hill for the Dam to Dam on Saturday, June 4, 2016.
Moved by Coleman to receive, file and approve banner design. Motion Carried 7-0.

46. Applications for banners from the Drake Relays Group as follows:

[16-0589](#) (A) [Temporary](#) placement of banners across the street on Grand Avenue between 12th & 13th Street for the Grand Blue Mile start and finish lines on Tuesday, April 21, 2016.
Moved by Coleman to receive, file and approve banner design. Motion Carried 7-0.

[16-0590](#) (B) [Temporary](#) placement of banner across the street on 25th Street in front of the Fine Art Center between Carpenter and Forest for the finish line on Saturday, April 30, 2016 for the Drake Relays Road Race. **Moved by Coleman to receive, file and approve banner design. Motion Carried 7-0.**

[16-0591](#) 47. [Application](#) from the American Heart Association, requesting approval for a temporary banner to be placed across the intersection of 17th Street and Locust Street on Friday and Saturday, April 15-16, 2016. **Moved by Coleman to receive, file and approve banner design. Motion Carried 7-0.**

48. Bids from the following:

[16-0592](#) (A) [AIA](#) Sandblasting (Michael Marjama, Owner) for sandblasting, painting and repair services for Nahas and Northwest Pools for use by the Parks & Recreation Department, \$44,918. (Seven potential bidders, three received). **Moved by Coleman to adopt. Motion Carried 7-0.**

[16-0593](#) (B) [Bituminous](#) Materials & Supply (Don Quigley, Plant Manager) for an annual contract and two (2) additional one-year renewal options for emulsified asphalt materials to be used by the Public Works Department, additional \$200,000 for the remainder of the contract period, and for the remaining renewal term of the contract due to mild spring weather conditions allowing earlier project start times. ([Council Communication No. 16-167](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[16-0594](#) (C) [Des](#) Moines Asphalt & Paving (Craig Lamberty, President) and Grimes Asphalt & Paving (Kurt Rasmussen, President) for an annual contract and two (2) additional one-year renewal options for hot mix asphalt materials to be used by the Public Works Department, additional \$400,000 for the remainder of the contract period, and for the remaining renewal term of the contract due to mild spring weather conditions allowing earlier project start times. ([Council Communication No. 16-165](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[16-0595](#) (D) [Jim's](#) Johns (Jim McCaughey, President) for annual contract with two (2) additional one-year renewal options to furnish portable toilet rental services for use by the Parks & Recreation Department, estimated annual cost \$35,000. (Six potential bidders, three received). **Moved by Coleman to adopt; refer to the City Manager to provide a**

report and plan for restrooms in City parks. Motion Carried 7-0.

- [16-0596](#) (E) [Tennis](#) Courts Unlimited (Chan Laurent, President) for tennis court resurfacing services at Burke and Brody School Parks for use by the Parks & Recreation Department, \$40,263. (Nine potential bidders, two received). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0597](#) (F) [Norwalk](#) Ready Mixed Concrete (Todd Bohlender, President), CTI Ready Mix (Brian Blackford, President) and American Concrete Products (Craig Lamberty, President) for an annual contract and two (2) additional one-year renewal options for Portland cement concrete products to be used by the Public Works Department, additional \$100,000 for the remainder of the current contract period, and for the remaining renewal term of the contract due to mild spring weather conditions allowing earlier project start times. ([Council Communication No. 16-166](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0598](#) (G) [EmbarkIT](#) (Annita Messerschmidt, Owner) for annual maintenance and support services of Varonis file system auditing and data protection software for use by the IT Department, three year total cost \$84,357. ([Council Communication No. 16-168](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0599](#) 49. [Civil](#) Service Promotional List for Senior Building Inspector. **Moved by Coleman to receive and file. Motion Carried 7-0.**
- [16-0600](#) 50. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of April 11 and 18, 2016; and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 11 and 18, 2016; and to draw checks for biweekly payroll due on April 15, 2016. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [16-0601](#) 51. [Rezone](#) 922 8th Street, 811 Crocker Street and 915-9 9th Street from “R-4” (Multiple-Family Residential) to “C-3A” (Central Business District Support Commercial) to allow development of three multi-family residential apartment buildings. **Moved by Hensley that this ordinance do now pass, #15,460. The Developer and Corinthian Church will work together on green space and parking. Motion Carried 5-2. Nays: Cownie and Gatto.**
- [16-0602](#) 52. [Amending](#) Chapter 74 of the Municipal Code regarding mobile food vendors in City Parks, as amended to allow for push carts. ([Council Communication No. 16-182](#)) **Moved by**

Coleman that this ordinance do now pass, [#15,461](#). Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

[16-0603](#) 53. [Amending](#) Chapter 18 of the Municipal Code regarding illegal and dangerous animals. **Moved by Moore that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[16-0604](#) (A) [Final](#) consideration of ordinance above (waiver requested by Police Chief), requires six votes. **Moved by Moore 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, [#15,462](#). Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[16-0605](#) 54. [Amending](#) Chapter 1 of the Municipal Code regarding general penalty for misdemeanors. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[16-0606](#) 55. [From](#) David Cornelison to speak regarding insurance requirements for pedicabs. **Moved by Hensley to adopt; refer to the City Manager and City Attorney to prepare an ordinance regarding licensing of pedicabs. Motion Carried 7-0.**

[16-0607](#) 56. [From](#) Colleen Kinney, 632 40th Street, to speak regarding public transparency and accountability. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

[16-0608](#) 57. [From](#) Rodney Rix, 1548 20th Place, to speak regarding property damage done to his vehicle due to a pothole. **Moved by Hensley to receive and file comments; refer to the City Attorney for review. Suggest that Mr. Rix contact United Way for possible use of the Emergency Fund to repair his vehicle. Motion Carried 7-0.**

APPROVING

- [16-0609](#) 58. **Review** of Zoning Board of Adjustment decision granting a use variance to allow a salvage yard use at 712 and 718 SE Astor Street. ([Council Communication No. 16-174](#)) **Moved by Gatto to receive and file the staff report and comments received, and to adopt alternative A; and for the Mayor to send a letter outlining the Council's concerns. Motion Carried 7-0. (A)The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.**
- [16-0610](#) 59. **Review** of Zoning Board of Adjustment decision granting an amendment to the use variance to allow a restaurant selling alcoholic liquor, wine and beer at 2301 SW 9th Street and to allow an outdoor patio. ([Council Communication No. 16-173](#)) **Moved by Hensley to receive and file the staff report and comments received, and to adopt alternative A; and for the Mayor to send a letter outlining the Council's concerns. Motion Carried 7-0. (A) The City Council remands the Decision and Order to the Zoning Board of Adjustment for further study. The effective date of the Board's decision will be deferred for 30 days from the date of this remand.**
- [16-0611](#) 60. **Support** of a Workforce Housing Tax Credit Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by JKLM Real Estate, LLC for a housing project at 3201 Forest Avenue. **Moved by Gray to adopt; refer to the City Manager to expedite the application as if it had been submitted three weeks earlier. Motion Carried 7-0.**
- [16-0612](#) (A) **Communication** from Carney Appleby Law regarding Kentfield Properties. **Moved by Gray to receive and file. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:09 P.M.) (ITEMS 61 THRU 67)

- [16-0613](#) 61. **On** approval of 2016 U.S. Department of Housing and Urban Development (HUD) Action Plan for the 2015-2019 Consolidated Plan. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0614](#) 62. **On** vacation and conveyance of a portion of Carlisle Road right-of-way to Polk County Conservation Board. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0615](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-0616](#) (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, #15,463. Motion Carried 7-0.**
- [16-0617](#) 63. **On** 2016 Parking Garage Repair Program: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Western Waterproofing Co., Inc. d/b/a Western Specialty Contractors (Benjamin M. Bishop, President), \$281,001.17. ([Council Communication No. 16-190](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**
- [16-0618](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**
- [16-0619](#) 64. **On** 2016 Skywalk Roof Replacement: approving plans, specifications, form of contract documents, Engineer's estimate, receive and file bids and designating lowest responsible bidder as Rubber Roofing Systems, Inc. (David A. Casey, President), \$169,214. ([Council Communication No. 16-192](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**
- [16-0620](#) (A) **Approval** of contract and bond. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**
- [16-0621](#) 65. **On** 2016 ADA Sidewalk Ramp Program – Contract 1: 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), \$676,740. ([Council Communication No. 16-185](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [16-0622](#) (A) **Approval** of contract and bond and permission to sublet. **Moved by Coleman to adopt. Motion Carried 7-0.**

ITEMS 66-I THROUGH 66-VII REGARDING 7TH & GRAND PROJECT
([Council Communication No. 16-180](#))

- [16-0623](#) 66-I **On** first consideration of an ordinance amending subsection (a) of Section 102-319 of the Municipal Code regarding the boundaries of the Skywalk District, and replacing the Skywalk System Plan Map adopted by reference in subsection (b) of Section 102-319, with the Skywalk System Plan Map dated April 1, 2016. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-0624](#) (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, [#15,464](#). Motion Carried 7-0.**
- [16-0625](#) 66-II **Resolution** dedicating an additional 7 feet along the north side of portions of the 600 and 700 blocks of Grand Avenue, for the widening of the Grand Avenue right-of-way. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0626](#) 66-III **Resolution** closing the hearing on vacation of sub-surface areas within the 700 block of Grand Avenue and within the 500 block of 7th Street, and of air rights within the 700 block of High Street, to allow construction of a new garage and pedestrian bridge proposed by 7&Grand Ramp Developer, LLC, represented by Thomas Pospisil of Principal Life Insurance Company. **Moved by Hensley to adopt and approve the vacation, subject to final passage of the vacation ordinance. Motion Carried 7-0.**
- [16-0627](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-0628](#) (B) **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, [#15,465](#). Motion Carried 7-0.**
- [16-0629](#) (C) **Communication** from the Plan and Zoning Commission. **Moved by Hensley to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [16-0630](#) 66-IV **Resolution** closing the hearing on Urban Renewal Agreement for Sale of Land for Private Redevelopment with 7&Grand Ramp Developer, LLC, represented by Thomas Pospisil of Principal Life Insurance Company, for the sale and redevelopment of the block bounded by Grand Avenue, High Street, 7th and 8th Streets, and approving same. **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-0631](#) 66-V [On](#) Resolution closing the hearing on Urban Renewal Agreement for Sale of Land for Private Redevelopment with Grand 7 Partners, LLC, represented by Mike Nelson, for the sale and redevelopment of the west half of the block bounded by Grand and 6th Avenues and High and 7th Streets, and approving the same. **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-0632](#) 66-VI [Approving](#) Skywalk Agreement with 7&Grand Ramp Developer, LLC, and Grand 7 Partners, LLC for the block bounded by Grand Avenue and High, 7th and 8th Streets, and the west half of the block bounded by Grand and 6th Avenues and High and 7th Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-0633](#) 66-VII [Resolution](#) setting date of hearing on vacation and conveyance of easement to 7&Grand Ramp Developer, LLC, for subsurface building encroachment under a portion of the south side of the 700 block of High Street, (4-25-16) **Moved by Hensley to adopt. Motion Carried 7-0.**

ITEMS 67-I THROUGH 67-III REGARDING CITY HALL PARKING GARAGE
([Council Communication No. 16-188](#))

[16-0634](#) 67-I [Approving](#) Urban Renewal Agreement for Sale of Land for Private Redevelopment, with 101 East Grand Parking, LLC, for the sale and redevelopment of a portion of the City-owned parking lots, east of City Hall. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0635](#) 67-II [Hearing](#) on authorization of a Municipal Parking System Revenue Lease Purchase Agreement not to exceed \$25,700,000 for the lease purchase acquisition of the Des Moines City Hall Parking Garage. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0636](#) (A) [Authorization](#) for additional actions. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0637](#) 67-III [Hearing](#) on approving plans, specifications, form of contract documents, and estimated cost of the lease purchase of the City Hall Parking Garage, pursuant to a proposed Lease Purchase Agreement between the City of Des Moines, 101 East Grand Parking, LLC, and West Bank, estimated cost \$25,700,000. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0638](#) (A) [Approving](#) Professional Services Agreement with Neumann Monson, PC for construction phase services for the City Hall Parking Garage, not to exceed \$95,490. **Moved by Gatto to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 6:28 PM ***

[16-0639](#) 68. Request from Conner Spinks, 2906 High Street, to speak regarding homeless camp clean-ups. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

[16-0640](#) 69. MOTION TO ADJOURN. **Moved by Hensley to adjourn at 6:28 PM. Motion Carried 7-0.**

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