



\*\*\* 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 '18-' 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**

March 19, 2018  
4:30 PM

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

[18-0423](#)

(A) Roll Call. **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**

[18-0424](#)

(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 Boesen to adopt. Motion Carried upon roll call 7-0.**

[18-0425](#)

(C) Closed Session.

[18-0426](#)

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

[18-0427](#)

(E) Motion to adjourn. **Moved by Gatto to adjourn at 4:22 PM. Motion Carried 7-0.**

\* \* \* \* \*

**SPECIAL PRESENTATIONS – 4:15 PM**

**Check presentation from Polk County/Prairie Meadows**

**Grand View Christian Thunder Basketball Class 1A State Champions**

**PROCLAMATIONS**

**Alpha Kappa Alpha Sorority, Inc. Day**

**INVOCATION: Council Member Gray**

[18-0428](#)

1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**

[18-0429](#)

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

[18-0430](#)

3. **APPROVING CONSENT AGENDA \* – items 3 through 55: 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**

[18-0431](#)

4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman votes no on items 4D, 4K, 4M, 4S and 4GG.**

**NEW APPLICATIONS**

(A)	DAVIS CONCESSIONS	4980 E 46TH ST	B Beer
(B)	EAST END LIQUOR & TOBACCO	3804 HUBBELL AVE	E Liquor
(C)	LA HACIENDA	6050 SE 14TH ST	C Liquor

**RENEWAL APPLICATIONS**

*(D)	BEST TRIP	1516 SE 1ST ST	E Liquor
(E)	BIG DOG BILLIARDS	4510 E 14TH ST	C Liquor
(F)	BIG LAR'S	215 E 2ND ST	C Liquor
(G)	CASH SAVER	1320 E EUCLID AVE	E Liquor
(H)	CASH SAVER	4121 FLEUR DR	E Liquor
(I)	CHICAGO SPEAKEASY	1520 EUCLID AVE	C Liquor
(J)	DES MOINES SOCIAL CLUB	901 CHERRY ST	C Liquor
*(K)	DES MOINES VALERO #205	2829 EASTON BLVD	C Beer
(L)	DLS SPORTS BAR & GRILL	2718 DOUGLAS AVE	C Liquor
*(M)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor

(N)	EATARY/A	2932 INGERSOLL	C Liquor
(O)	EL MALECON EVENT CENTER	6550 BLOOMFIELD	C Liquor
(P)	EL RINCON CATRACHO	3310 E 14TH ST	B Beer
(Q)	FAT TUESDAY	6112 SW 9TH ST	C Liquor
(R)	GAS LAMP	1501 GRAND AVE	C Liquor
*(S)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(T)	HARBINGER RESTAURANT	2724 INGERSOLL	C Liquor
(U)	HAWKEYE ELKS LODGE #160	1401 WALKER ST	A Liquor
(V)	HIGHLAND PARK COUNTRY	518 EUCLID AVE	C Liquor
(W)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(X)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(Y)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(Z)	KUNG FU TAP & TACO	210 INDIANOLA AVE	C Liquor
(AA)	LDS CORNER	344 E JACKSON AVE	C Liquor
(BB)	LEFTYS LIVE MUSIC	2307 UNIVERSITY	C Liquor
(CC)	MANNINGS	2102 INDIANOLA AVE	C Liquor
(DD)	NEW ORIENTAL FOOD STORE	515 E GRAND AVE	C Beer
(EE)	NOAHS ARK	2400 INGERSOLL	C Liquor
(FF)	NUT POB RESTAURANT	3322 INDIANOLA	C Beer/Wine
*(GG)	OASIS	1401 BUCHANAN ST	E Liquor
(HH)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(II)	PRICE CHOPPER	4341 MERLE HAY RD	C Beer
(JJ)	PRICE CHOPPER	3401 INGERSOLL	C Beer
(KK)	PRICE CHOPPER	3425 INGERSOLL	E Liquor
(LL)	PRICE CHOPPER	1819 BEAVER AVE	E Liquor
(MM)	PRICE CHOPPER *(1)	4343 MERLE HAY RD	E Liquor
(NN)	QUIK TRIP #527	614 UNIVERSITY	C Beer

**OUTDOOR SERVICE APPLICATIONS**

(OO)	ANGRY GOLDFISH	2301 SW 9TH ST	C Liquor
	Permanent.		

**SPECIAL EVENT APPLICATIONS**

- (PP) DRAKE UNIVERSITY 2505 CARPENTER ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Turner Jazz Concert on March 22, 2018.
- (QQ) DRAKE UNIVERSITY 2615 CARPENTER AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Drake Law Review Recognition Dinner on March 23, 2018.
- (RR) WAT LAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License  
Class B Beer License for New Year's Celebration on April 7, 2018.

[18-0432](#)

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [18-0433](#) (A) [2018](#)-2019 Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (4-10-18), Setting date of hearing, (4-23-18). Engineer’s estimate, \$1,500,000. ([Council Communication No. 18-136](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [18-0434](#) (B) [2018](#) City-Wide PPC Pavement Restoration Program: Receiving of bids, (4-10-18), Setting date of hearing, (4-23-18). Engineer’s estimate, \$570,000. ([Council Communication No. 18-133](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0435](#) (C) [2018](#) Neighborhood Sidewalk Program: Receiving of bids, (4-10-18), Setting date of hearing, (4-23-18). Engineer’s estimate, \$302,400. ([Council Communication No. 18-134](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0436](#) 7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with HR Green, Inc. for the Martin Luther King Jr. Parkway and Prospect Road Traffic Signals, not to exceed \$22,000. ([Council Communication No. 18-141](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0437](#) 8. [Approving](#) Supplemental Agreement No. 2 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for the Leetown Creekway Box Culvert – Iowa State Fair Roadway Design, not to exceed \$123,000. ([Council Communication No. 18-140](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0438](#) 9. [Approving](#) removal of existing traffic circles at the intersections of SE 24th Street and E. Porter Avenue and SE 24<sup>th</sup> Street and Hart Avenue. ([Council Communication No. 18-144](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0439](#) 10. [Approving](#) support for signage to be placed establishing the Submarines Veterans Memorial Highway through the City of Des Moines. ([Council Communication No. 18-145](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
11. Approving private construction contracts for Summersfield Plat 4 (NE 46<sup>th</sup> Street):
- [18-0440](#) (A) [Storm](#) Sewer Improvements, McAninch Corporation and Summersfield, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0441](#) (B) [Sanitary](#) Sewer Improvements, McAninch Corporation and Summersfield, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0442](#) (C) [Paving](#) Improvements, Alliance Construction Group, LLC and Summersfield, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0443](#) 12. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

- [18-0444](#) 13. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2018-03. **Moved by Gatto to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

- [18-0445](#) 14. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2017 (14 applications). ([Council Communication No. 18-127](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- [18-0446](#) 15. [Communication](#) from Donna Red Wing 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.**

- [18-0447](#) (A) [Recommendation](#) from Council Member Connie Boesen to appoint Veronica Ouya to the Civil and Human Rights Commission, Seat 2, for a three-year term commencing April 1, 2018 to April 1, 2021, effective April 1, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0448](#) 16. [Recommendation](#) from Council Member Josh Mandelbaum to appoint Steve Wilke-Shapiro to the Urban Design Review Board, Seat 10, for a three-year term commencing June 30, 2017 to June 30, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0449](#) 16-I [Recommendation](#) from Mayor T. M. Franklin Cownie to appoint Sondra Ashmore to the Historic Preservation Commission, Seat 2, for a three-year term commencing March 28, 2017 to March 28, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [18-0450](#) 17. [Regarding](#) request from Newbury Property Management (developer) for vacation of air rights within E. Martin Luther King Jr. Parkway adjoining 401 SE 6th Street and 400 SE 7th Street to allow for encroachment of upper-story balconies for a multiple-family residential development. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [18-0451](#) 18. [Regarding](#) request from 5th and Walnut Parking, LLC (purchaser) for vacation of subsurface and air rights in 5<sup>th</sup> Street and alley right-of-way adjoining 422 Walnut Street. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and to refer to the Engineering Department Real Estate Division. Motion Carried 6-0. Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.**
- [18-0452](#) 19. [Regarding](#) approval of a Preliminary Plat “Bridge District Plat 2” at 727 and 730 E. 2nd Street to allow subdivision of the subject property into 50 rowhouse lots and two common area outlots. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [18-0453](#) 20. [Regarding](#) Preliminary Plat “Seton Ridge” on property located in the 14200 block of Scotch Ridge Road, in unincorporated Warren County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow the property to be divided into 3 lots for permitted agricultural uses. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0454](#) 21. [Regarding](#) Preliminary Plat “Century Acres” on property located at 6385 Northeast 27th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the property into two lots for medium-density residential development. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0455](#) 22. [Regarding](#) Preliminary Plat “Ironman” on property located at 1647 Northeast 55th Avenue, in unincorporated Polk County within the two-mile distance for extraterritorial review of subdivision plats by the City of Des Moines, to allow subdivision of the property into two lots, each with an existing industrial building for residential development. **Moved by Gatto to adopt. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [18-0456](#) 23. On vacation of parkland located east of 2<sup>nd</sup> Avenue and Crocker Street and conveyance to Polk County, Iowa, (3-26-18, 7:30 AM). ([Council Communication No. 18-150](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [18-0457](#) 24. On approval of documents for vacation of portions of Grand Avenue right-of-way adjoining 665 Grand Avenue and conveyance of a permanent easement for subsurface building encroachments on City-owned property and a permanent easement for air space above City-owned property to Miesblock Commercial, LLC for \$6,870, (4-9-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0458](#) 25. On approval of documents for vacation of a portion of SE 30<sup>th</sup> Street right-of-way adjoining 308 SE 30<sup>th</sup> Street and 244 SE 30<sup>th</sup> Street, and vacation of a segment of E. Elm Street right-of-way adjoining 244 SE 30<sup>th</sup> Street and conveyance to Sergio Colin for \$100 and to Manuel and Lisa Hernandez for \$225, (4-9-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0459](#) 26. On request from Helena Industries, Inc. (purchaser) to rezone property at 3525 Vandalia Road from "PUD" (Planned Unit Development) to Ltd. "M-2" (Heavy Industrial District) to allow expansion of the existing chemical manufacturing campus, (4-9-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0460](#) 27. On request from Mike Housby and Rhonda Gale (purchasers) to rezone 1970 E. Army Post Road from "R1-80" (One-Family Residential) to Ltd. "M-1" (Light Industrial) to allow the property to be developed for a contractor business with outside storage and allow uses as permitted in "C-2" (General Retail and Highway-Oriented Commercial) districts, (4-9-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0461](#) 28. On request from Angel Groff (owner) to rezone 2200 Easton Boulevard from "R1-60" (One-Family Low-Density Residential) to "C-2" (General Retail and Highway-Oriented Commercial) to allow the existing commercial building and property to be used for vehicle repair and/or vehicle display, (4-9-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0462](#) 29. On request from Phonevilay Boun (owner) to rezone property located at 1625-1645 E. Diehl Avenue, 1540-1580 Hart Avenue and 1545-1575 Hart Avenue from "R1-80" (One-Family Residential) to "R1-60" (One-Family Low-Density Residential) to allow subdivision of the property with 60-foot wide single-family dwelling lots, (4-9-18). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0463](#) 30. On discussion entering into and the proposal to take action on entering into an amendment to lease between the City of Des Moines and Capitol Center 2, LLC for the rental of office space at 400 E. Court Avenue, Suites 114, 116, 118 and 200, (4-9-18 and 5-21-18). **Moved by Gatto to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [18-0464](#) 31. [Approving](#) payment to Peddicord, Wharton, Spencer, Hook, Barron & Wegman, LLP for representation of former Police Officer Tyson Teut, \$200. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0465](#) 32. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for consultation services regarding collective bargaining, \$3,021. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0466](#) 33. [Approving](#) payment to Kenworthy Law, PC for matters related to construction disputes, \$17,727. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0467](#) 34. [Approving](#) retention of Charles Becker and Belin McCormick, PC on environmental issues. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0468](#) 35. [Approving](#) payment to Steven Dales for a workers' compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**
36. Approving payment for property damage claims to the following:
- [18-0469](#) (A) [The](#) Hartford, as subrogee of Jerry Sellers. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0470](#) (B) [State](#) Farm Insurance, as subrogee of Jenni Styles and Sean Stolper. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0471](#) (C) [Sharon](#) Blaue to Farm Bureau Financial as subrogee. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0472](#) 37. [Approving](#) payment for a personal injury claim to Mildred Tillotson and Equian, LLC, agent for Coventry Health Care, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [18-0473](#) 38. [Submitting](#) travel and training requests for Jeff George, Jennifer Grose, Derek Huxford, and Joseph Leo. ([Council Communication No. 18-151](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**



## APPROVING

- [18-0474](#) 39. [Contract](#) with Home Opportunities Made Easy, Inc. d/b/a HOME, Inc. for operating support as a designated Community Housing Development Organization (CHDO) under the Home Investment Partnership Program. ([Council Communication No. 18-131](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0475](#) 40. [Certification](#) of Home Opportunities Made Easy, Inc. (HOME, Inc.) as a Community Housing Development Organization (CHDO) and approval of Home Investment Partnership Program Agreement with HOME, Inc. for development of housing at 2620 Cornell Street. ([Council Communication No. 18-131](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0476](#) 41. [Certification](#) of Home Opportunities Made Easy, Inc. (HOME, Inc.) as a Community Housing Development Organization (CHDO) and approval of Home Investment Partnership Program Agreement with HOME, Inc. for development of housing at 1322 Idaho Street. ([Council Communication No. 18-131](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0477](#) 42. [Extension](#) of timelines in the urban renewal agreement for sale of land for private redevelopment with 5<sup>th</sup> and Walnut Parking, LLC regarding the redevelopment of the Fifth and Walnut parking garage site. ([Council Communication No. 18-123](#)) **Moved by Gatto to adopt. Motion Carried 6-0. Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.**
43. Number not used.
- [18-0478](#) 44. [Authorization](#) to negotiate agreement based on preliminary terms with Nelson Development, LLC for residential and commercial development at 418 E. Grand Avenue. ([Council Communication No. 18-124](#)) **Moved by Mandelbaum to 1. Negotiate a minimum of 10% affordable housing units at the 80% or lower average median income. 2. Include an energy efficiency component; and refer to the City Manager for review and recommendation regarding development of a policy for future projects. Motion Carried 7-0.**
- [18-0479](#) 45. [Submission](#) of application to Iowa Economic Development Authority (IEDA) for "Opportunity Zone" designations in Des Moines. ([Council Communication No. 18-148](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0480](#) (A) [Letter](#) of support for City of Windsor Heights' Opportunity Zone application. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0481](#) 46. [Agreement](#) with Polk County to proceed with establishing the Norwoodville Urban

Renewal Plan. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0482](#) 47. [Execution](#) of Intergovernmental 28E Agreement with members of Polk County Emergency Management Commission for funding of Emergency Management Administration. ([Council Communication No. 18-128](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0483](#) 48. [Submission](#) of the Youth Homelessness Demonstration Program to the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 18-126](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0484](#) 49. [Use](#) of various City Facilities for poll sites for the Primary Election on Tuesday, June 5, 2018. **Moved by Gatto to approve. City Clerk will notify the Parks Department, Housing Services Department, and Facilities Manager to arrange access to the buildings. Motion Carried 7-0.**
- [18-0485](#) 50. [Bid](#) from Housby Mack, Inc., per the Houston-Galveston Area Council (HGAC) contract, for purchase of 11 replacement truck chassis, \$1,390,385; and bid from Henderson Products, per the National Joint Powers Alliance (NJPA) contract, for purchase of snow and ice control equipment to outfit 9 of the truck chassis, \$668,439.70, for use by the Street Maintenance and Sewers Divisions and the Park and Recreation Department. ([Council Communication No. 18-152](#)) **Moved by Mandelbaum to adopt. The City Manager will provide the following information. 1. Annual comparison of accident and workers compensation. 2. Fuel efficiency. 3. Total resale value. 4. Information regarding future use of traditional trucks. 5. Use of these trucks for sand/salt operation after ice storms. 6. Amount of time the trucks spend idling. Motion Carried 5-2. Nays: Coleman and Gatto.**
- [18-0486](#) 51. [Communication](#) from Downtown Community Alliance, on behalf of Meredith Corporation, requesting approval of 14 banners to be displayed on 7 banner poles on Locust Street between 15th and 18th Streets, March through June. **Moved by Gatto to receive, file and approve. Motion Carried 7-0.**
52. Abatement of public nuisances at the following addresses:
- [18-0487](#) (A) [2809](#) E. 33<sup>rd</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0488](#) (B) [1418](#) E. Jefferson Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0489](#) (C) [4611](#) SE 7<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0490](#) (D) [1746](#) Walker Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0491](#) (E) [658](#) 37<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0492](#) (F) [2107](#) Mondamin Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0493](#) (G) [2537](#) Maple Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0494](#) 53. **Authorizing** Finance Director to draw checks on [registers](#) for the weeks of March 19 and 26, 2018; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of March 19 and 26, 2018; and to draw checks for biweekly payroll due on March 30, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

[18-0495](#) 54. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Gatto that this ordinance do now pass, #15,649. Motion Carried 7-0.**

(A) Parking restriction on 48<sup>th</sup> Street from University Avenue to Franklin Avenue.

(B) Allow angle parking on E. Hillside Avenue, Murphy Street, E. Shaw Street and 23<sup>rd</sup> Street to match field conditions.

(C) Reduction of certain hourly and maximum rates in City-owned parking garages as part of the City’s downtown parking strategy.

**ORDINANCES - SECOND CONSIDERATION**

[18-0496](#) 55. **Vacation** of portions of the north/south alley lying east of and adjoining 121 12<sup>th</sup> Street. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

[18-0497](#) 56. **Amending** Chapter 114 of the Municipal Code regarding pedicab application and license fees. **Moved by Gatto to continue this item; refer to the City Manager for review and recommendation and to schedule a Council Workshop on this topic. Motion Carried 7-0.**

WITHDRAWN

[18-0498](#)

(A) ~~Final~~ consideration of ordinance above (waiver requested by the City Traffic Engineer), requires six votes.

WITHDRAWN

- [18-0499](#) (B) [Amendment](#) to the Schedule of Fees. (~~[Council Communication No. 18-142](#)~~)
- [18-0500](#) 57. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Parking restrictions on Cummins Road at the intersection of SE 14<sup>th</sup> Street, to allow space for turning vehicles and vehicle queuing.
- (B) Parking restrictions on E. 33<sup>rd</sup> Street at Dubuque Avenue to improve visibility at the intersections. ([Council Communication No. 18-146](#))

### COMMUNICATIONS/REPORTS

- [18-0501](#) 58. [From](#) Stacy Moeller, 1339 56<sup>th</sup> Street, to speak regarding amending the mobile food truck program to allow for a mobile flower truck within the four approved zones. **Moved by Westergaard to receive and file comments and refer to the City Manager for review and recommendation regarding amending the ordinance and to bring back for further discussion. Motion Carried 7-0.**
- [18-0502](#) 59. [From](#) Dave Wolz, 267 E. 16<sup>th</sup> Street, to speak regarding ice on bike lanes creating a hazard. **Moved by Gatto to receive and file comments; refer to the City Manager to ensure that streets and bike lanes are sanded/salted during ice storms and that bicycle lanes are maintained. Motion Carried 7-0.**

### APPROVING

- [18-0503](#) 60. [Collective](#) Bargaining Agreement with the Des Moines Police Gold Braid Organization (GBO) for July 1, 2018 through June 30, 2021. ([Council Communication No. 18-129](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0504](#) 61. [Collective](#) Bargaining Agreement with the Des Moines Police Bargaining Unit (PBU) Association for July 1, 2018 through June 30, 2021. ([Council Communication No. 18-130](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0505](#) 61-I [Preliminary](#) approval of a Neighborhood Commercial Revitalization (NCR) Program Façade Grant, \$15,000, and renovation loan, \$46,400, for exterior improvements at 2320 South Union Street, Baratta's LLC. ([Council Communication No. 18-153](#)) **Moved by Coleman to approve. Motion FAILED 3-3. Pass: Cownie, Boesen and Mandelbaum. Council Member Gatto declares a conflict of interest and abstains from voting.**

## HEARINGS (OPEN AT 5:06 P.M.) (ITEMS 62 THRU 69)

- [18-0506](#) 62. On 2017 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER). ([Council Communication No. 18-125](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [18-0507](#) 63. On proposed agreement for sale of real estate with Helena Industries, Inc. for the sale and redevelopment of approximately 47 acres of City-owned land south of the 3800 block of Vandalia Road. ([Council Communication No. 18-149](#)) **Moved by Gatto to continue the public hearing until April 9, 2018 at 5:00 PM in the Council Chambers at City Hall. Motion Carried 7-0.**
64. Items regarding request from Creighton Penney, d/b/a Mid Iowa Towing, regarding property at 109 E. 28<sup>th</sup> Street, to allow for outdoor storage of inoperable vehicles as part of a towing contractor business:
- [18-0508](#) (A) Amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential to Industrial. (Plan and Zoning Commission recommends **DENIAL**; six votes are required for approval) **Moved by Gatto to adopt and DENY the proposed amendment. Motion Carried 7-0.**
- [18-0509](#) (B) Hearing on rezoning of the property from “M-1” (Light Industrial) to “M-2” (Heavy Industrial). (Plan and Zoning Commission recommends **DENIAL**, six votes are required for approval) **Moved by Gatto 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 8-0 to recommend denial of the requested rezoning of the property to “M-2” Heavy Industrial District, to allow the property to be used for outdoor storage of inoperable vehicles as part of a towing contractor business. b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the property is Low Density Residential, which is not in conformance with the proposed industrial use of the property as stated above. c. If the application of the existing zoning regulations 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.**
- [18-0510](#) 65. On request from Operating Engineers, Local 234, Building Corporation to rezone property at 4880 Hubbell Avenue from “A-1” (Agricultural) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow expansion of the existing union hall site, subject to conditions. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0511](#) (A) First consideration of ordinance above. **Moved by Westergaard that this ordinance**

**be considered and given first vote for passage. Motion Carried 7-0.**

[18-0512](#)

- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), 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, [#15,650](#). Motion Carried 7-0.**

[18-0513](#)

66. [On](#) 2018 Brick Sidewalk Repair and Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$396,419.80. ([Council Communication No. 18-132](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0514](#)

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

[18-0515](#)

67. [On](#) 2018 Skywalk HVAC Replacement: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Excel Mechanical Company, Inc. (Alisa K. Smith, President), \$234,000. ([Council Communication No. 18-135](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[18-0516](#)

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

[18-0517](#)

68. [On](#) Court Avenue, SW 1<sup>st</sup> Street, and Scott Avenue Bridge Rehabilitations: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Jasper Construction Services, Inc. (Cliff Rhoads, President), \$8,419,431.30. ([Council Communication No. 18-137](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[18-0518](#)

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

[18-0519](#)

- (B) [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with HR Green, Inc. for the Court Avenue Bridge over Des Moines River Rehabilitation, not to exceed \$75,000. ([Council Communication No. 18-139](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [18-0520](#) 69. **On** River Bend and King Irving Sewer Separation Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Progressive Structures, LLC (Travis Augustyn, Partner), \$4,683,948.80. ([Council Communication No. 18-138](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0521](#) (A) **Approving** contract and bond, and permission to sublet. **Moved by Gray to adopt. Motion Carried 7-0.**
- [18-0522](#) (B) **Approving** Supplemental Agreement No. 2 to the Professional Services Agreement with Veenstra & Kimm, Inc. for River Bend and King Irving Sewer Separation, not to exceed \$325,975. ([Council Communication No. 18-143](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 5:18 PM \*\*\*

#### **EXTRA ITEMS**

- [18-0523](#) 1. **Address** issues concerning the liquor license held by Celand Enterprises LLC d/b/a Triple Double at 910 Hull Avenue. Sponsor: Council Member Linda Westergaard. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [18-0524](#) MOTION TO ADJOURN. **Moved by Westergaard to adjourn at 6:55 PM. Motion Carried 7-0.**

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