



Roll Call Number

Agenda Item Number

54

Date March 9, 2015

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 102-320 , relating to the appointment of members to the Skywalk Committee",

which was considered and voted upon for the first time under Roll Call No. 15- 0225 of February 9, 2015, and considered and voted upon for the second time under Roll Call No. 15- 0326 of February 23, 2015, again presented.

Moved by _____ that this ordinance do now pass.

ORDINANCE NO. _____

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

Mayor


CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

15-0326⁵⁴ 20/30

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: February 9, 2015
	Agenda Item No. 15-0225 Roll Call No. <u>15-0225</u> Communication No. <u>15-045</u> Submitted by: Pamela S. Cooksey, P.E., City Engineer

AGENDA HEADING:

Amending Chapter 102-320 of the Municipal Code regarding Skywalk Committee member composition.

SYNOPSIS:

Recommend approval of revised process for nominating skywalk committee members, including first reading of the ordinance regarding Skywalk Committee member composition changes.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

The Skywalk Committee is a subset of the Urban Design Review Board (UDRB), with two (2) members from the UDRB, one (1) member who is a member of the Des Moines Skywalk Association, one (1) member who is an owner of an interest in property containing a skywalk corridor or an officer of a business, which owns such property, and one (1) member who is an owner of an interest in a business which leases property containing a skywalk corridor, or an officer of such a business. The Skywalk Committee is a public board with decision-making authority over the skywalk system. Its intent is to represent the interests of building owners, property managers, and tenants of the skywalk system. This Committee was created when the Skywalk Commission was dissolved. The Committee has never formally met because there has never been a quorum of members appointed to the Committee.

The Skywalk Commission was comprised of building owners, property manager, and skywalk tenants much like the Skywalk Association is today. The Des Moines Skywalk Association is a private, dues-paying association comprised of all property owners on the skywalk system with responsibilities for security, surveillance, maintenance, and repair of the system. In an effort to make sure there is clear representation of the building owners, property manager, and tenants on the skywalk system, City staff has proposed a change in the way that the members of the Skywalk Committee are nominated, such that the Skywalk Association would nominate three (3) members, and the UDRB would nominate two (2) of its members to serve on the Skywalk Committee. These nominated members would continue to be subject to approval by the City Council. This change will also help merge the efforts of the Skywalk Association with the Skywalk Committee for overall better representation of the interests of the building owners, property managers, and tenants on the skywalk system.

The Skywalk Association approved this change at their December 2014 meeting. The UDRB reviewed this request at their January 20, 2015 meeting, and strongly encouraged downtown resident representation on the Skywalk Committee.

The Skywalk Association considered this request at their January 29, 2015 meeting, to ensure their interests are properly represented. The Skywalk Association concurred with the proposal where the UDRB will nominate two (2) of its members for the Skywalk Committee and three (3) Skywalk Association members would be nominated. However, they would like to find an Association member that could best represent the downtown resident interest by being a property owner of a residential building or someone who manages a building on the Skywalk and also lives downtown.

The following revisions to the Municipal Code will place these changes into effect.

Sec. 102-320. Skywalk Committee/Urban Development Board.

- c. A five member skywalk committee is hereby created. The membership of the skywalk committee shall consist of two members of nominated by the urban design review board from its members, and three members nominated by the one member who is a member of the Des Moines Skywalk Association, one ownership representative and one tenant representative. ~~The three members nominated by the Association shall consist of an ownership representative who shall be an owner of an interest in property containing a skywalk corridor, or an officer of a business which owns such property; The a tenant representative who shall be an owner of an interest in a business which leases property containing a skywalk corridor, or an officer of such a business; and an Association representative who serves on the governing board of the Association. All such nominations shall be subject to approval by the city council. In the event that any nomination is rejected by the city council or not approved within 60 days of receipt by the city clerk, the nominating body shall promptly proceed with nominating a qualified alternate candidate. The mayor shall recommend candidates to fill one position on the committee. The at large council members shall each recommend candidates to fill two positions on the committee.~~

PREVIOUS COUNCIL ACTION(S):

Date: October 7, 2002

Roll Call Number: 02-2444

Action: Actions regarding reorganization of the Urban Development Board:

- (B) Final consideration of ordinance creating a new UDRB, and Skywalk Committee, to perform duties formerly performed by the Urban Development Board and Architectural Advisory Committee, (amended to delay effective date until quorum is appointed to the board). Moved by Coleman that this ordinance do now pass, and that the City Clerk withhold publication of this ordinance and Ordinance 14,135 until a quorum of members have been appointed to the Urban Design Review Board. Ordinance #14,147. Motion Carried 4-2-1. Nays: Cownie and Vlassis. Absent: McPherson.

Date: January 22, 2001

Roll Call Number: 01-248 and 01-249

Action: Amending the City Code to restructure City Boards, Commissions and Committees and changing manner of appointment. Moved by Flagg that this ordinance do now pass, #13,909. Motion Carried 7-0.

(A) Amending City Code to merge Skywalk Commission into Urban Renewal Board. Moved by Flagg that this ordinance do now pass, #13,910. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Board: UDRB

Date: January 20, 2015

Resolution Number: N/A

Action: Reviewed city staff proposal to change the way that the Skywalk Association members to the Skywalk Committee are appointed. The proposal was that the Skywalk Association would nominate three (3) members to serve on the Skywalk Committee. These nominated members would be formally approved by the Mayor for appointment onto the Committee.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

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15-0325
15-0326

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Section 102-320 , relating to the appointment of members to the Skywalk Committee.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Section 102-320 , relating to the appointment of members to the Skywalk Committee, as follows:

Sec. 102-320. Skywalk Committee/~~Urban Development~~ Design Review Board.

- (a) The powers and duties formerly held by the skywalk commission under this code have been transferred to the urban design review board created by section 82-336 and to the skywalk committee created below.
- (b) The urban design review board and the skywalk committee are hereby designated as the successors to the skywalk commission. The urban design review board shall have all those advisory duties and responsibilities not constituting the exercise of some portion of the power of the city, formerly held by the skywalk commission under the various Skywalk Agreements between the city and the owners, tenants and occupants of property within the skywalk system. The skywalk committee shall have all those powers and duties constituting the exercise of some portion of the power of the city, formerly held by the skywalk commission under the various Skywalk Agreements between the city and the owners, tenants and occupants of property within the skywalk system.
- (c) A five member skywalk committee is hereby created. The membership of the skywalk committee shall consist of two members ~~of~~ nominated by the urban design review board ~~from its members, and three members nominated by the,~~ one member who is a member of the Des Moines Skywalk Association, ~~one ownership representative and one tenant representative.~~ The three members nominated by the association shall consist of an ownership representative who shall be an owner of an interest in property containing a skywalk corridor, or an officer of a business which owns such property; ~~The~~ a ~~tenant representative who shall be an owner of an interest in a business which leases property containing a skywalk corridor, or an officer of such a business;~~ and an Association representative who serves on the governing board of the Association. All such nominations shall be subject to approval by the city council. In the event that any nomination is rejected by the city council or not approved within 60 days of receipt by the city clerk, the nominating body shall promptly proceed with nominating a qualified alternate candidate. ~~The mayor shall recommend candidates to fill one position on the committee. The at large council members shall each recommend candidates to fill two positions on the committee.~~

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- (d) The term of the two members of the skywalk committee who are members of the urban design review board shall terminate concurrent with the termination of their term on the board. The term of all other members shall be three years. Any of the three members nominated by the Des Moines Skywalk Association who cease to hold the qualifications for appointment to the seat they hold on the skywalk committee shall automatically cease to be a member of the skywalk committee.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Roger K Brown

Roger K. Brown
Assistant City Attorney