

**DES MOINES CITY COUNCIL MEETING
MSC Board Room, Municipal Services Center
1551 E. M. L. King Jr. Pkwy
Des Moines, Iowa 50317**

**April 20, 2020
4:30 PM**

Iowa Code Section 21.4 requires that each Council meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given the Governor's prohibition on gatherings of ten or more persons during the COVID19 outbreak and further given Section Nine of the Governor's March 19, 2020 proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Meeting minutes will continue to be provided per the City's normal course of business.

Mayor and Council may be participating by ZOOM meeting due to COVID-19.

The public can participate by using the information below:

Join Zoom Meeting

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Meeting ID: 579 658 996

Password: 542208

One tap mobile

+13126266799,,579658996# US (Chicago)

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Meeting ID: 579 658 996

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 31:

***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

4. [Approving](#) Alcoholic Beverage License Applications for the following:

NEW APPLICATION

- (A) JETHROS BBQ SOUTHSIDE 4337 PARK AVE C Liquor

RENEWAL APPLICATIONS

- (B) 14TH STREET TAVERN 3418 E 14TH ST C Liquor
(C) BARATTAS RESTAURANT 2320 S UNION ST C Liquor
(D) BELLHOP NEIGHBORHOOD 440 E GRAND AVE C Liquor
(E) CAFE BARATTA'S 600 E LOCUST ST C Liquor
(F) CAPITAL CITY MOOSE LODGE 2515 WEDGEWOOD A Liquor
(G) E 25TH ST PUB & GRUB 509 E 25TH ST C Liquor
(H) GERRIS 232 E 30TH ST C Liquor
(I) GIT N GO STORE #5 2700 INDIANOLA C Beer
(J) GREENWOOD LOUNGE 3707 INGERSOLL C Liquor
(K) H & A MINI MART 5901 FLEUR DR C Beer
(L) JOHNNYS HALL OF FAME 302 COURT AVE C Liquor
(M) KUM & GO #194 4001 SW 9TH ST C Beer
(N) RITUAL CAFE 1301 LOCUST ST C Beer/Wine
(O) SCORNOVACCAS RISTORANTE 1930 SE 14TH ST C Liquor
(P) WICKED RABBIT 1101 ARMY POST RD C Liquor

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- (A) [River](#) Bend and King Irving Sewer Separation Phase 3A: Receiving of bids, (5-5-20) and Setting date of hearing, (5-18-20). Engineer's estimate, \$1,020,000.

[\(Council Communication No. 20-178\)](#)

- (B) [2020](#)-2021 HMA Pavement Scarification and Resurfacing: Receiving of bids, (5-5-20), Setting date of hearing, (6-8-20). Engineer's estimate, \$387,000.

[\(Council Communication No. 20-170\)](#)

- (C) [2020](#) Municipal Buildings Reroof: Receiving of bids, (5-5-20) and Setting date of hearing, (5-18-20). Engineer's estimate, \$360,000.

[\(Council Communication No. 20-182\)](#)

6. [Approving](#) Supplemental Agreement No. 3 with Kirkham Michael & Associates, Inc. for professional services for Leetown Creekway Box Culvert – Iowa State Fair Roadway Design, not to exceed \$40,000.

[\(Council Communication No. 20-177\)](#)

7. [Approving](#) Change Order No. 1 with Iowa Civil Contracting, Inc. for additional work on 2019 PCC Pavement Patching Program, \$317,776.

[\(Council Communication No. 20-167\)](#)

8. [Approving](#) Private Construction Contract between Valley Plbg. Co. Inc. d/b/a Rhiners Plumbing Co. Inc. and 206 6th Ave., LLC for storm sewer improvements in 206 6th Avenue.
9. [Approving](#) the draft proposal for Douglas Avenue (U.S. Highway 6) Lane Reduction Pilot Project and direct City staff to submit the proposal to the Iowa Department of Transportation for review and approval.

[\(Council Communication No. 20-166\)](#)

10. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

LAND/PROPERTY TRANSACTIONS

11. [Authorization](#) to proceed with acquisition of the necessary property interests for the Ingersoll Avenue Streetscape Project.

[\(Council Communication No. 20-179\)](#)

12. [Approving](#) tax abatement application for improvements made to the new parking garage at 235 5th Avenue.

BOARDS/COMMISSIONS/NEIGHBORHOODS

13. [Recommendation](#) from Council Member Voss to reappoint Greg Wattier to the Plan and Zoning Commission, Seat 6, for the five-year term commencing July 1, 2020 and expiring July 1, 2025.
14. [Recommendation](#) from Council Member Boesen to appoint Deidre DeJear to the Housing Services Board, Seat 2, for the term expiring June 30, 2020.

SETTING DATE OF HEARINGS

15. [On](#) vacation of portions of 24th Street and University Avenue right-of-way adjoining 2331 University Avenue and conveyance of certain easement interests to Neighborhood Development Corporation, \$343, (5-4-20).
16. [On](#) amendment to the 2019 Action Plan for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (5-4-20).
17. [On](#) the proposed urban renewal plan for the Oak Park-Highland Park Urban Renewal Area, (6-8-20).

[\(Council Communication No. 20-159\)](#)

18. [On](#) the proposed first amendment to the Drake Urban Renewal Plan, (6-8-20).

[\(Council Communication No. 20-160\)](#)

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

19. [Approving](#) retention of outside Counsel to act as guardian ad litem.
20. [Approving](#) payment to Larry Conklin.
21. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

APPROVING

- 21-I [Issuance](#) of Certificate of Final Completion for the Des Moines Building at 406 6th Avenue and 513 Locust Street.
22. [Schedule](#) of Administrative Penalties for public nuisance depositing dirt, debris or other material on public property and for discharge of water on sidewalks, streets and real property in violation of Chapter 42 of the Municipal Code.

[\(Council Communication No. 20-185\)](#)
23. [Request](#) from Downtown Community Alliance, on behalf of Life Serve Blood Center, for placement of up to 80 banners on 40 poles in downtown Des Moines beginning the first week of May 2020.
24. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2020.

25. [Abatement](#) of public nuisances at the following:

- (A) [1819](#) Oakland Avenue (Garage).
- (B) [1232](#) 48th Street (Garage).
- (C) [1431](#) 8th Street (Garage).
- (D) [1406](#) Carrie Avenue (Garage).
- (E) [3115](#) South Union Street (Main Structure).
- (F) [954](#) Cummins Parkway (Main and Garage Structure).
- (G) [1625](#) 8th Street (Main Structure).
- (H) [2818](#) E. 27th Street (Main Structure).
- (I) [4916](#) SW 13th Street (Main Structure).
- (J) [600](#) Fulton Drive (Main Structure).
- (K) [1325](#) 22nd Street (Main Structure).
- (L) [2720](#) Mondamin Avenue (Main Structure and Accessory Structure).
- (M) [2229](#) Elizabeth Avenue (Main Structure and Accessory Structure).

26. [Purchase](#) from Bound Tree Medical LLC (Brian Laduke, President) per Iowa Emergency Medical Services Association (IEMSA) Cooperative Contract and Cardinal Health 110, LLC and Cardinal Health 112, LLC (Mike Kaufmann, CEO), Concordance Healthcare Solutions (Lisa Hohman, CEO), Henry Schein Medical (James P. Breslawski, President), McKesson Medical-Surgical Inc. (Brian S. Tyler, CEO), and Medical Solutions, Inc. (Craig Meier, CEO) per Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) for numerous types of medical and pharmaceutical supplies for use by the Fire Department, estimated annual cost \$285,000.

[\(Council Communication No. 20-165\)](#)

27. [Exception](#) to the procurement ordinance competitive procurement process for good cause and approving Management Solutions Services Agreement with McCain, Inc. for Transparency Traffic Management Software, not to exceed \$382,000.

[\(Council Communication No. 20-180\)](#)

- 28. [Civil](#) Service Entrance list for Engineering (Contracts) Administrative and Promotional list for Pumping Station Technician.
- 29. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 20 and 27, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 20 and 27, 2020; and to draw checks for biweekly payroll due April 24, 2020.

ORDINANCES - FINAL CONSIDERATION

- 30. [Amending](#) by repealing paragraph (a) of Section 58-30 thereof and enacting a new paragraph (a) to Section 58-30 regarding required qualifications for appointment as an at-large member of the Historic Preservation Commission.
 - (A) [Recommendation](#) from Council Member Westergaard to appoint Tiffany Allison to the Historic Preservation Commission for a three-year term ending October 18, 2022.
- 31. [Amending](#) Chapter 114 of the Municipal Code regarding traffic changes as follows:
 - (A) Code correction to match field conditions – Holcomb Avenue between 6th Avenue and the dead end to the west.
 - (B) Code revisions related to the Hubbell Avenue Reconstruction Project – E. 38th Street, E. Douglas Avenue, Kennedy Drive and Hubbell Avenue.
 - (C) Code corrections related to speed limit and parking changes on park roads.

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

ORDINANCES - FIRST CONSIDERATION

- 32. [Amending](#) Sections 42-358 and 42-358.02 relating to notices and administrative hearings for nuisances.
([Council Communication No. 20-158](#))
- 33. [Amending](#) Chapter 102 relating to Sidewalk Café Permits and Leases.
([Council Communication No. 20-183](#))
 - (A) [Schedule](#) of Fees applicable to Sidewalk Cafes.
 - (B) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires six votes.

34. [Amending](#) Chapter 102 relating to encroachments.

[\(Council Communication No. 20-184\)](#)

(A) [Schedule](#) of Fees applicable to encroachments within the right-of-way.

(B) [Final](#) consideration of ordinance above (waiver requested by City Manager), requires six votes.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 35 THRU 56)

35. [On](#) the proposed Sixth Amendment to the Urban Renewal Plan for Ingersoll Grand Commercial Urban Renewal Area.

[\(Council Communication No. 20-163\)](#)

36. [On](#) the proposed Twenty-Sixth Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 20-162\)](#)

37. [On](#) the proposed Twelfth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area.

[\(Council Communication No. 20-161\)](#)

38. [On](#) the proposed Sixteenth Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan.

[\(Council Communication No. 20-164\)](#)

39. [On](#) vacation of segments of SE 15th Street and E. Market Street right-of-way adjoining 200 SE 15th Street.

(A) [First](#) consideration of ordinance above.

40. [On](#) vacation and conveyance of segments of 6th Avenue and University Avenue right-of-way for bus shelter encroachment to Des Moines Regional Transit Authority (DART), \$1,540.

(A) [First](#) consideration of ordinance above.

41. On vacation and conveyance of portions of alley and 7th Street right-of-way adjoining 655 Walnut Street, and 7th Street right-of-way adjoining 319 7th Street, 701 Walnut Street and 700 Locust Street to Employers Mutual Casualty Company, \$5,571.

(A) First consideration of ordinance above.

42. On vacation of alley right-of-way and portions of 26th Street and University Avenue right-of-way adjoining 2530 University Avenue and conveyance of certain fee and easement interests to ND Drake Multifamily, LLC; and conveyance of certain fee and easement interests to Lutheran Church of Hope; and permanent easement for public ingress and egress.

(A) First consideration of ordinance above.

43. On City-initiated request to rezone 1420 Mulberry Street owned by Central Iowa Shelter and Services from “P2” (Public, Civic and Institutional) to “DX2” (Downtown District) to allow expansion of the existing temporary shelter use for additional multiple household living units and area for service provision.

(A) First consideration of ordinance above.

44. On request from White Willow Events (Taylor Boesen, Officer) to amend the PlanDSM: Creating Our Tomorrow Future Land Use Map Designation and to rezone properties located at 6011 and 6015 Grand Avenue from “RX1” (Mixed Use) to “MX1” (Mixed Use), to allow demolition of the existing buildings and redevelopment with a 2-story, 7,000-square foot building for an assembly and entertainment small use (events center).

(A) First consideration of ordinance above.

45. On request from Hope Ministries Center for Women and Children (Leon Negen, Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation and to rezone 3800 E. Douglas Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and to approve the PUD Conceptual Plan to allow the existing church building to be converted to a 50-bed short-term program and 50-bed long-term life support program for homeless women and children, including classroom, office, daycare and similar supporting uses.

(A) First consideration of ordinance above.

46. [On](#) request from Iowa Homeless Youth Centers (Toby O’Berry, Officer) to amend the PlanDSM: Creating Our Tomorrow Future Land Use Map Designation and to rezone 2705 E. Euclid Avenue from “N3a” (Residential) to “RX1” (Mixed Use) to allow development of the property for a business/trade school use and offices for youth training.

(A) [First](#) consideration of ordinance above.

47. [On](#) request from Living Waters Fellowship (Josh Daggett, Officer) to rezone property at 3161 SE 22nd Street from “P2” (Public, Civic and Institutional) to “RX1” (Mixed Use) to allow for the conversion of the premises to a day care use.

(A) [First](#) consideration of ordinance above.

48. Regarding \$12,000,000 Sewer Revenue Capital Loan Notes:

[\(Council Communication No. 20-181\)](#)

(A) [Ratifying](#), confirming and approving publication of Notice of Public Hearing for the issuance.

(B) [Hearing](#) on the matter of proposed authorization of a loan and disbursement agreement and issuance of not to exceed \$12,000,000 Sewer Revenue Capital Loan Notes.

(C) [Authorization](#) for additional action for the issuance.

49. [On](#) 2020 HMA Residential Paving Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Timothy Mallicoat, President), \$1,771,333.50.

[\(Council Communication No. 20-168\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

50. [On](#) 2020 Neighborhood Sidewalk Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Ti-Zack Concrete, Inc. (Steve J. Rutt, President), \$2,686,286.50.

[\(Council Communication No. 20-169\)](#)

(A) [Approving](#) contract and bond and permission to sublet.

51. [On](#) E. 1st and Market Street Storm Water Pump Station Repairs: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Woodruff Construction, LLC (Donald A. Woodruff, Organizer), \$809,730.

[\(Council Communication No. 20-173\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.

52. [On](#) E. Grand Avenue Curb Bump-outs from Robert D. Ray Drive to Pennsylvania Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Hawkeye Paving Corporation (Anthony L. Perkins, President), \$1,108,215.

[\(Council Communication No. 20-174\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.

53. [On](#) Armory Parapet Tuckpoint: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as MTS Contracting, Inc. (Terry L. Zipsie, President), \$151,500.

[\(Council Communication No. 20-171\)](#)

- (A) [Approving](#) contract and bond.

54. [On](#) Drake and Bates Parks Water Playgrounds: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Joiner Construction Company, Inc. (Rodney D. Joiner, President), \$1,128,610.

[\(Council Communication No. 20-172\)](#)

- (A) [Approving](#) contract and bond and permission to sublet.

55. On Fourmile Community Center Renovation and Sprinkler System: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$519,000.

[\(Council Communication No. 20-175\)](#)

- (A) Approving contract and bond and permission to sublet.

56. On Riverwalk Improvements – Paver Replacement: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Miner Hardscape, LLC (Matthew J. Miner, Owner), \$538,797.

[\(Council Communication No. 20-176\)](#)

- (A) Approving contract and bond and permission to sublet.

*** END OF HEARINGS AT _____ PM ***

MOTION TO ADJOURN.

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