

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

**June 8, 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 Mayor Cownie's March 17, 2020 Proclamation Amendment prohibiting gatherings of ten or more persons on public property and the Section One of the Governor's May 26, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Thirty Nine of the Governor's May 26, 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 will be participating by ZOOM meeting due to COVID-19.

The public can participate by using the information below:

Join Zoom Meeting

<https://zoom.us/j/85018958836?pwd=c3lQSmJoRitFcGwyYlJmUTVFajJidz09>

Meeting ID: 850 1895 8836

Password: 000960

Dial by your location

833 548 0282 US Toll-free

888 475 4499 US Toll-free

Meeting ID: 850 1895 8836

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 55:

***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 APPLICATIONS

(A)	DEEP END BAR	830 MCKINLEY AVE	C Liquor
(B)	POKE COMPANY	300 W MLK JR PKWY	C Beer/Wine
(C)	SETIT ERITREAN RESTAURANT	508 INDIANOLA RD	C Liquor
(D)	TEDDY MAROONS	2301 INGERSOLL	C Liquor

RENEWAL APPLICATIONS

(E)	AKEBONO RESTAURANT	215 10TH ST	C Liquor
(F)	BLAZE PIZZA	300 W MLK JR PKWY	C Beer/Wine
(G)	CHOCOLATERIE STAM	2814 INGERSOLL	C Native Wine
(H)	CJS II	316 E 30TH STREET	C Liquor
(I)	COURT AVENUE BREWING CO	309 COURT AVE	C Liquor
(J)	CREME CUPCAKE + DESSERT	543 28TH ST	C Liquor
(K)	EL RANCHO ALEGRE	3308 INDIANOLA	C Liquor
(L)	LA FAVORITA	1700 E GRAND AVE	C Beer
(M)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(N)	PINOTS PALETTE	900 42ND ST	C Beer/Wine
(O)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(P)	QUIK TRIP #516	1000 E UNIVERSITY	C Beer
(Q)	RIVER WALK HUB SPOT	215 WATER ST	C Liquor
(R)	TOBACCO OUTLET PLUS #519	727 SE 14TH ST	C Beer

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
- (A) [Des](#) Moines River Levee Alterations Phase A: Receiving of bids, (7-7-20), Setting date of hearing, (8-3-20). Engineer's estimate, \$2,890,000.

[\(Council Communication No. 20-254\)](#)

- (B) [Glendale](#) Cemetery Road Reconstruction Phase 3: Receiving of bids, (6-23-20), Setting date of hearing, (7-13-20). Engineer's estimate, \$800,000.

[\(Council Communication No. 20-252\)](#)

- (C) [Franklin](#) Avenue Resurfacing from 48th Street to Merle Hay Road: Receiving of bids, (6-23-20), Setting date of hearing, (7-13-20). Engineer's estimate, \$1,750,000.

[\(Council Communication No. 20-256\)](#)

8. [Approving](#) and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for Ingersoll Avenue Reconstruction Polk Boulevard to 42nd Street.

[\(Council Communication No. 20-248\)](#)

9. [Approving](#) exception to request for proposal process for good cause and approving professional services agreement with Bolton & Menk, Inc. for construction phase services for E. Grand Avenue Bumpouts, not to exceed \$99,721.

[\(Council Communication No. 20-255\)](#)

10. [Approving](#) Change Order No. 1 with S.M. Hentges & Sons, Inc. for additional work on 47th and Holcomb Storm Sewer Improvements, \$212,090.23.

[\(Council Communication No. 20-251\)](#)

11. [Approving](#) Change Order No. 1 with S.M. Hentges & Sons, Inc. for additional work on Maquoketa Drive Storm Sewer Box Replacement, \$247,663.65.

[\(Council Communication No. 20-257\)](#)

12. [Approving](#) Change Order No. 2 with Kingston Services, PC for additional work on Market District Sanitary Sewer and Force Main, \$74,335.25.

[\(Council Communication No. 20-258\)](#)

13. [Approving](#) Change Order No. 5 with The Underground Company, Ltd. for additional work on 2019 Sewer Repair Contract 1, \$117,140.

[\(Council Communication No. 20-249\)](#)

14. Approving Private Construction Contracts between the following:

(A) [Baker](#) Mechanical, Inc. d/b/a Baker Group and Principal Life Insurance Company for Storm Sewer Improvements in 702 9th Street.

(B) [Pohlmeier](#) Construction, Inc. and Brook Landing, LLC for Sanitary Sewer Improvements in Brook Landing Lot 1.

(C) [Legacy](#) Excavation, LLC and Kenyon Hill Ridge, LLC for Paving Improvements in Ruby Rose Ridge.

15. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
16. Accepting completed construction and approving final payment for the following:
 - (A) [E. 42nd Street and Hubbell Avenue Intersection Improvements](#), Absolute Concrete Construction, Inc.
 - (B) [Waveland Clubhouse Reroofing and Window Repair](#), Bergstrom Construction, Inc.

SPECIAL ASSESSMENTS

17. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-05.
18. [Approving](#) deletion of NAC-Emergency Assessment at 4612 SW 6th Street.

COMMUNICATIONS FROM PLANNING AND ZONING

19. [Regarding](#) City-initiated request for vacation of an undeveloped dead-end segment of SE 14th Street Court right-of-way from E. Vine Street to a point that is 300 feet to the south.
20. [Regarding](#) request from the Drake Neighborhood Association for vacation of a triangular segment of street right-of-way in the vicinity of the 2400 block of Cottage Grove Avenue to allow development of the open space with a garden, porch swing and neighborhood entrance sign.

SETTING DATE OF HEARINGS

21. [On](#) conveyance of vacated alley right-of-way, west of and adjoining 215 Watrous Avenue, to Lateka M. Wright, \$50, (6-22-20).
22. [On](#) request from the Village at Gray's Lake, LLC (Jason Grove, Officer) for review and approval of a PUD Final Development Plan "Village at Gray's Lake Lot 2" for 2150 and 2270 Bell Avenue to allow the existing buildings to be renovated for a total of 93 household living units, (6-22-20).
23. [On](#) request from Drake University (Venessa Macro, Officer) for review and approval of a 4th Amendment to the Drake University Recreation PUD Conceptual Plan for property at the northeast corner of 27th Street and Forest Avenue to allow the replacement of an existing electronic sign with a new two-sided monument style sign, (6-22-20).

24. [On](#) amendment to the lease agreement with Drake University for the building located at 1220 24th Street housing the Police Department Traffic Unit, (6-22-20).
25. [On](#) an amendment to the ground lease and operation and maintenance agreement for Metropolitan Salt Storage Facility on Metro Waste Authority property, (6-22-20).

[\(Council Communication No. 20-233\)](#)

26. [On](#) request from Denise Mahon (Owner) for the designation of the Varsity Theatre at 1207 25th Street as a local landmark, (6-22-20).
27. [On](#) city-initiated request for the designation of the Drake Park Playground Shelter at 2300 Drake Park Avenue as a local landmark, (6-22-20).
28. [To](#) review the anticipated environmental impact of Near West Side Sewer Separation Phase 4, (7-13-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

29. [Approving](#) payment to Progressive Universal Insurance Company as subrogee in the matter of the claim of Brooklin Griffis.

APPROVING

30. [Contract](#) with Housing Opportunities Made Easy, Inc. (HOME, Inc.) for operating support as a designated Community Housing Development Organization (CHDO) under the HOME Investment Partnership Program.
31. [2020](#) Supplemental Community Development Block Grant (CDBG) and Emergency Solution Grant (ESG).

[\(Council Communication No. 20-242\)](#)

32. [Lending](#) area for Neighborhood Finance Corporation (NFC).

[\(Council Communication No. 20-239\)](#)

33. [Preliminary](#) terms of an Urban Renewal Economic Development Agreement with The District Developers, LLC for the phased, master planned redevelopment of 11 blocks of property within the Market District.

[\(Council Communication No. 20-261\)](#)

34. [Final](#) terms of an Urban Renewal Development Agreement with Lawmark, LP for renovation of the Financial Center Building at 207 7th Street and converting floors 1-13 to a full service, 190-room hotel.

[\(Council Communication No. 20-245\)](#)

35. [Communication](#) regarding development proposal and directing the City Manager to negotiate with Macerich Southridge Mall LLC, Southridge Adjacent LLC and Genesis Health Club Sports Complex S.E. LLC for Southridge Mall to include a Genesis Health Club and multi-sports facility at 1111 E. Army Post Road.

[\(Council Communication No. 20-247\)](#)

36. Number not used.

37. [Submittal](#) of an application to the Iowa Department of Cultural Affairs to re-designate the 6th Avenue Corridor for the Iowa Great Places Program.

[\(Council Communication No. 20-241\)](#)

38. [Grant](#) agreement with the U.S. Department of Agriculture for Emergency Watershed Protection Program funding and authorizing the City Manager to execute and make future amendments.

[\(Council Communication No. 20-232\)](#)

39. [Rules](#) and Regulations for the City of Des Moines Municipal Cemeteries.

[\(Council Communication No. 20-234\)](#)

40. Number not used.

41. Abatement of public nuisances at the following:

- (A) [1186](#) 13th Street (vacant fire damaged residential structure).
- (B) [1316](#) Jefferson Avenue (vacant residential structure).

(C) [1203](#) Forest Avenue (vacant residential structure).

42. [Communication](#) of fire escrow for 4014 Ashby Drive.

43. [Second](#) Amendment to 28E Agreement with the Des Moines Independent Community School District for the School Resource Officer Program.

[\(Council Communication No. 20-236\)](#)

44. [Acceptance](#) of the Supplemental 2017 Homeland Security Grant Program Award in the amount of \$61,786 for the proposed purchase of remote operated robot systems.

[\(Council Communication No. 20-237\)](#)

45. [Acceptance](#) of the 2019 Homeland Security Grant Program Award in the amount of \$881,449 for the proposed purchase of remote operated robot systems.

[\(Council Communication No. 20-237\)](#)

46. [Use](#) of Homeland Security Grant awarded funding to purchase three remote operated robot systems for the Statewide Explosive Ordnance Detection Teams.

[\(Council Communication No. 20-237\)](#)

47. [An](#) exception to the procurement ordinance request for proposals requirement for good cause and approving an agreement with Unity Point Health Inc. (David Stark, President and CEO) for occupational health services from July 1, 2020 through June 30, 2022.

[\(Council Communication No. 20-235\)](#)

48. [An](#) exception to the procurement ordinance request for proposals requirement for good cause and approving an amendment for extension of agreement through September 30, 2020 with Nestingen, Inc. d/b/a RelyDB for database administrative services.

[\(Council Communication No. 20-243\)](#)

49. Purchases from the following:

(A) [Beautiful](#) Lawns by Longs (Brandon Long, Owner) as the replacement for a terminated contract with Devig Services, for the remaining term of the initial 2-year contract, plus three (3) additional one-year renewal options with price increases complying with agreement terms to furnish citywide mowing, trimming and litter removal for the Northwest Region for use by the Parks and Recreation Department, additional amount \$11,804.

[\(Council Communication No. 20-238\)](#)

(B) [Curt](#) Heisinger Monument Restoration (Curt Heisinger, President) for monument repair services at Woodland Cemetery to maintain the appearance and prevent negative impacts on the marketability of all Municipal Cemeteries for use by the Parks and Recreation Department, \$83,000. (Seven potential bidders, two received).

50. [Civil](#) Service Entrance lists for Real Estate Coordinator and Fleet Services Mechanic.

51. [Authorizing](#) Finance Director to draw checks on registers for the weeks of June 8 and 15, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of June 8 and 15, 2020 and to draw checks for biweekly payroll due June 19, 2020.

ORDINANCES - FINAL CONSIDERATION

52. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

(A) Proposed code change to add no standing or stopping on Walnut Street between 8th Street and 9th Street.

(B) Code modification related to parking restriction on west side of 33rd Street, south of Forest Avenue.

(C) Code modifications related to the vacation of E. 15th Street and Fremont Street.

ORDINANCES - SECOND CONSIDERATION

53. [On](#) Zoning Ordinance in Chapter 134 of the City Code relating to Lodging – Short-Term Commercial Rental uses.

54. [Amending](#) Sections 42-301, 42-303, 42-305, 42-306, 42-307, 42-308, 42-309, 42-310, 42-311, 42-314, 42-317, and repealing 42-313, 42-315 and 42-316 relating to odor control.

55. [Amending](#) Chapter 2, Article VI, cross reference(s), relating to Boards, Commissions, and Agencies by eliminating the citizen odor board and odor appeals board.

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

ORDINANCES - FIRST CONSIDERATION

56. [Amending](#) Sections 50-26, 50-32.05, 50-34 and 50-35 relating to floodplain development regulations **and to continue to the June 22nd Council Meeting** (Continued from May 18, 2020 Council Meeting).
57. [Amending](#) Section 60-19 and 60-35, relating to rental certificates and inspections.

COUNCIL REQUESTS

- 57-I [From](#) Council Member Gatto to speak regarding the Urban Design Review Board's role under form-based zoning code.

APPROVING

58. ["Dine out](#) Des Moines" Covid-19 expansion of outside seating for food service establishments.

[\(Council Communication No. 20-240\)](#)

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 59 THRU 67)

59. [On](#) request from Anchor Investment Group, LLC (Michael Donlin, Officer) to rezone 901 SE 7th Street and 709 and 714 Vale Street from "N3c" (Neighborhood) to "NX2" (Neighborhood Mix), to allow for development of two rowhouse structures each containing six household units (Continued from May 18, 2020 Council Meeting).
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Michael Donlin, Manager, Anchor Investment Group, LLC), requires six votes.
60. [On](#) request from Des Moines Area Religious Council (DMARC) (Matt Unger, Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation and rezone 100 Army Post Road from "MX2" (Mixed-Use) to "EX" (Mixed Use), to allow for the applicant to consolidate its non-profit food bank distribution operation and headquarters to one location with offices, warehousing and distribution within the existing building.
 - (A) [First](#) consideration of ordinance above.

- (B) [Final](#) consideration of ordinance above (waiver requested by Matt Unger, CEO of DMARC), requires six votes.
61. [On](#) request from Casey’s Marketing Company (Marni Beck, Officer) for review and approval of a PUD Final Development Plan “Casey’s Store No. 1192” for 3200 SW 9th Street, to allow redevelopment of the existing 21,664-sqaure foot general food sales store with a 4,817-square foot gas station/convenience store to include a pump island canopy with 14 fueling locations.
 62. [On](#) the proposed urban renewal plan for the Oak Park-Highland Park Urban Renewal Area.
 - ([Council Communication No. 20-246](#))
 - (A) [Recommendation](#) of the Plan and Zoning Commission.
 - (B) [Resolution](#) of necessity for the Oak Park-Highland Park Urban Renewal Area.
 63. [On](#) the proposed first amendment to the Drake Urban Renewal Plan.
 - ([Council Communication No. 20-244](#))
 64. [On](#) an ordinance amending the electric energy and gas franchises granted to MidAmerican Energy Company repealing the temporary increase to franchise fees used solely toward payment of the Kragens V City of Des Moines judgment.
 - ([Council Communication No. 20-260](#))
 - (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
 65. [On](#) intent to commence a public improvement project to construct the Southeast Connector – SE 30th Street to U.S. Highway 65 Project and to authorize acquisition of the necessary property interests, including agricultural land, for the project.
 - ([Council Communication No. 20-253](#))
 66. [On](#) 2020-2021 HMA Pavement Scarification and Resurfacing: 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), \$291,238.50.
 - ([Council Communication No. 20-250](#))

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

67. [On](#) Simon Estes Amphitheater Repairs: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$573,874.

[\(Council Communication No. 20-259\)](#)

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

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

EXTRA ITEM

1. Amending an ordinance by adding Article III, Sections 86-42, 86-43, 86-44, 86-45, 86-46, and 86-47, regarding unbiased policing policy.
 - (A) [First](#) consideration of ordinance above (Given significant input has been received from the community, the language has been changed and those changes are shown in highlights).
 - (B) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
2. [Consider](#) pledging to review, engage, report and use best practices related to policies governing the use of force. Sponsors: Council Members Mandelbaum and Voss.

MOTION TO ADJOURN.

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