

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

**July 13, 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, as amended, prohibiting indoor gatherings of ten or more persons on public property and Section One of the Governor's June 25, 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 Twenty Three of the Governor's June 25, 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, Council and Commission members will be participating by ZOOM meeting due to COVID-19.***

***The public can participate by using the information below:***

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join.

<https://zoom.us/j/94116598764?pwd=anVsSXlHMfdZcXBkeUxvTGZMVFVUT09>

- **You do have to register to participate so please plan accordingly.**

Or join by phone by dialing:

- 833 548 0276 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 941 1659 8764

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) | EL VALLE TIENDA MEXICANA | 101 Army Post Rd  | C Beer |
| (B) | LA TAPATIA 2             | 3504 MERLE HAY RD | C Beer |

### RENEWAL APPLICATIONS

- |      |                           |                    |               |
|------|---------------------------|--------------------|---------------|
| (C)  | AIRPORT HOLIDAY INN       | 6111 FLEUR DR      | B Liquor      |
| (D)  | APPLEBEES NEIGHBORHOOD    | 3900 MERLE HAY RD  | C Liquor      |
| (E)  | APPLEBEES NEIGHBORHOOD    | 6301 SE 14TH ST    | C Liquor      |
| (F)  | BEAVERDALE VFW CLUB       | 4029 URBANDALE     | A Liquor      |
| (G)  | BLACKBIRD HOSPITALITY     | 713 WALNUT ST      | C Liquor      |
| (H)  | BLANK MUNICIPAL GOLF      | 711 COUNTY LINE RD | C Liquor      |
| (I)  | BOWLERAMA                 | 1313 E DIEHL AVE   | C Liquor      |
| (J)  | CONSERVATORY              | 315 E 5TH ST       | C Liquor      |
| (K)  | COPPER CUP                | 207 4TH ST         | C Liquor      |
| (L)  | DELMONICO FINE DINING     | 2801 FLEUR DR      | C Liquor      |
| (M)  | DERRYS LOUNGE             | 4845 MERLE HAY RD  | C Liquor      |
| (N)  | DES MOINES AMVETS POST #2 | 2818 5TH AVE       | A Liquor      |
| (O)  | DOUGH CO PIZZA            | 2330 UNIVERSITY    | C Beer/Wine   |
| (P)  | EASTSIDERS                | 1833 HUBBELL AVE   | C Liquor      |
| (Q)  | EL PALOMINO               | 3116 E 14TH ST     | C Beer        |
| (R)  | FONGS PIZZA               | 3018 FOREST AVE.   | C Beer/Wine   |
| (S)  | HOLIDAY INN DOWNTOWN      | 1050 6TH AVE       | B Liquor      |
| (T)  | ISLAS DEL PACIFICO        | 1434 DES MOINES ST | C Liquor      |
| (U)  | JASPER WINERY             | 2400 GEORGE FLAGG  | C Native Wine |
| (V)  | LA HACIENDA               | 6050 SE 14TH ST    | C Liquor      |
| (W)  | LATIN KING RESTAURANT     | 2200 HUBBELL AVE   | C Liquor      |
| (X)  | MI LINDO MEXICO           | 3900 E 14TH ST     | C Beer/Wine   |
| (Y)  | PRINCIPAL FINANCIAL       | 750 PARK ST        | C Liquor      |
| (Z)  | RICHARD O JACOBSON        | 3000 E GRAND AVE   | C Liquor      |
| (AA) | SAKARI SUSHI LOUNGE       | 2605 INGERSOLL     | C Liquor      |
| (BB) | SCIENCE CENTER OF IOWA    | 401 W MLK JR PKWY  | C Liquor      |
| (CC) | SMOKIN' JOES #4           | 2800 E UNIVERSITY  | E Liquor      |
| (DD) | TEQUILA RESTAURANT        | 2824 EASTON BLVD   | C Liquor      |
| (EE) | TIPSY CROW TAVERN         | 102 3RD ST         | C Liquor      |
| (FF) | WAVELAND MUNICIPAL GOLF   | 4908 UNIVERSITY    | C Liquor      |

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

## **PUBLIC IMPROVEMENTS**

6. [Approving](#) Iowa Department of Transportation Agreement (IDOT) for a Revitalize Iowa's Sound Economy Program (RISE) Project and related agreement between City of Des Moines and Des Moines Airport Authority for the Cowles Drive Reconstruction Program (Phase 1) at the Des Moines International Airport.

[\(Council Communication No. 20-313\)](#)

7. [Approving](#) Professional Services Agreement with CDM Smith, Inc. for Phase 1 of the City-Wide Stormwater Master Plan Study, not to exceed \$597,122.

[\(Council Communication No. 20-302\)](#)

8. Number not used.

9. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Foth Infrastructure and Environment, LLC for additional design and construction phase services for SW 9th Street Bridge over Middle Creek Replacement, not to exceed \$140,000.

[\(Council Communication No. 20-299\)](#)

10. [Approving](#) Change Order No. 1 with GTG Construction, LLC for additional work on the Weeks Middle School Park Improvements, \$87,999.34.

[\(Council Communication No. 20-298\)](#)

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

12. Accepting completed construction and approving final payment for the following:

- (A) [2019](#) Arterial & Collector Route ADA Sidewalk Ramp Program, TK Concrete, Inc.
- (B) [Glendale](#) Cemetery Road Reconstruction and Gray's Lake Trail Resurfacing, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.
- (C) [Tower](#) Park and Sheridan Park Water Playgrounds, Minturn, Inc.

## **SPECIAL ASSESSMENTS**

13. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-06.

## LAND/PROPERTY TRANSACTIONS

14. [Acceptance](#) of Planned Unit Development (PUD) Restoration Bond for Casey's General Store on SW 9<sup>th</sup> Street Final Development Plan.

([Council Communication No. 20-303](#))

## BOARDS/COMMISSIONS/NEIGHBORHOODS

15. [Recommendation](#) of Council Member Boesen to appoint Kayla Berkson to the Plan and Zoning Commission, Seat 4, for the term expiring July 6, 2025.
16. [Recommendation](#) from Council Member Voss to appoint Stephane Fleckenstein, PE to the Transportation Safety Committee, Seat 3, for the term expiring on December 31, 2020.
- 16-I [Recommendation](#) from Council Member Gray to appoint Jay Busch to the Parks and Recreation Board, Seat 7, for the term expiring June 30, 2024.
17. [Recommendation](#) from Council Member Mandelbaum to reappoint Steve Wilke-Shapiro to the Urban Design Review Board, Seat 10, for the term expiring June 30, 2023.
18. [Recommendation](#) from Council Member Mandelbaum to reappoint Barb Bremner to the Park and Recreation Board, Seat 11, for the term expiring June 30, 2024.
19. [Recommendation](#) from Council Member Boesen to reappoint Joel Potter to the Park and Recreation Board, Seat 3, for the term expiring June 30, 2024.
20. [Communication](#) from Jacqueline R. Easley advising of the expiration of her term on the Plan and Zoning Commission, Seat 4, effective immediately.
21. [Communication](#) from Sarah Heggen advising of her resignation from the Housing Appeals Board, Seat 6, effective immediately.
- 21 I. [Recommendation](#) from Council Member Mandelbaum to appoint Jasmine Brooks to the Housing Appeals Board, Seat 6, for the term expiring June 30, 2023.

## COMMUNICATIONS FROM PLANNING AND ZONING

22. [Regarding](#) City-initiated request for vacation of the east/west alley segment between Vale Street and E. Railroad Avenue from SE 7<sup>th</sup> Street to SE 8<sup>th</sup> Street in the vicinity of property at 901 SE 7<sup>th</sup> Street, 709 and 714 Vale Street.

## SETTING DATE OF HEARINGS

23. [On](#) proposed honorary street name of “Riviera Way” for a segment of Corning Avenue between 6<sup>th</sup> Avenue and a terminus at the Des Moines River to the west of 7<sup>th</sup> Street, (8-3-20).
24. [On](#) conveyance of an underground electric easement to MidAmerican Energy Company on City-owned property at 3226 University Avenue, \$1, (8-3-20).
25. [On](#) request from Spot Free Car Wash, LLC (Allen Hansen, Officer) to amend the PlanDSM future land use designation and rezone 3104 Indianola Avenue from “N3a” Neighborhood to “MX3” Mixed Use to allow the existing car wash defined as a vehicle sales and service, vehicle maintenance/repair minor to continue as a use permitted by right, (8-3-20).
26. [On](#) request from Grasso Properties One, LLC (Steve Grasso, Officer) to amend the PlanDSM future land use designation and rezone 3206 University Avenue from “P2” Public, Civic and Institutional to Ltd. “MX3” Mixed Use to allow the basement of the existing Drake University building used for office, business or professional to be remodeled for self-service storage use, (8-3-20).
27. [On](#) request from 3 Sons Enterprises, LLC d/b/a Sunset Memorial Gardens (Blair Overton, Officer) to rezone 7601 Fleur Drive from “P-1” Public, Civic and Institutional to Ltd. “P-2” Public, Civic and Institutional to allow development of a place of worship use within a civic building type and allow the future right to expand an existing non-City-owned cemetery use through Conditional Use consideration, (8-3-20).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

28. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.
29. [Payment](#) to Equian as subrogee for Everest National in the personal injury claim of Kirk Ferneau.

## APPROVING

30. [2020](#) Supplemental Emergency Solutions Grant (ESG) Funding Allocations.

[\(Council Communication No. 20-304\)](#)

31. [Reprogramming](#) of unspent Emergency Solutions Grant (ESG) funding to Central Iowa Shelter and Services.

[\(Council Communication No. 20-306\)](#)

32. [Amendment](#) of Blighted Property Rehabilitation (BPR) Program Agreement with Rally Cap Properties, LLC for rehabilitation of property at 693 19th Street to allow extension of the agreement to April 30, 2021.

[\(Council Communication No. 20-305\)](#)

33. [First](#) Amendment to the Urban Renewal Development Agreement with 3750 Grand, LLC for the partial rehabilitation and construction of an 8-story residential building with approximately 38 condominiums and 59 indoor parking stalls at 3750 Grand Avenue.

[\(Council Communication No. 20-310\)](#)

34. Items regarding Fidelity & Guaranty (Karen Krug, Vice President, Human Resources), 601 Locust Street, Suite 1400:

[\(Council Communication No. 20-308\)](#)

- (A) [Economic](#) Development Assistance Contract under Iowa Economic Development Authority (IEDA) High Quality Jobs Program.
- (B) [Economic](#) Development Parking License Agreement.

35. [Correcting](#) conditions of approval regarding request from Drake University (Venessa Macro, Officer) for review and approval of a 4<sup>th</sup> Amendment to the Drake University Recreation PUD Conceptual Plan for property at the northwest corner of 27<sup>th</sup> Street and Forest Avenue to allow replacement of an existing electronic sign with a new two-sided monument sign.

36. [Conceptual](#) Development Plan by Des Moines Industrial, LLC of property located in the vicinity of 200 SE 15<sup>th</sup> Street for development of a multi-modal transloading facility.

[\(Council Communication No. 20-311\)](#)

37. Number not used.

38. [City](#)-initiated request to rezone property in the vicinity of SE 4<sup>th</sup> and E. Market Streets from the riverfront on the west to SE 5<sup>th</sup> Street on the east, and from E. Vine Street on the north to Martin Luther King Jr. Parkway on the south.

39. [City](#)-initiated request to rezone property required for church parking lots and underground stormwater detention located at 4014 Amherst Street, 4102 North Union Street, and Lots 18 and 19 Madison Gardens.

40. [Participation](#) with the Iowa League of Cities in preparing comments to the draft ambient Water Quality criteria proposed by the United States Environmental Protection Agency.

41. [Agreement](#) with Central Iowa Water Trails, LLC regarding project Outgrant Application for proposed improvements to Prospect Park as part of Central Iowa Water Trails Project.

[\(Council Communication No. 20-317\)](#)

42. [Receive](#) and file acceptance by MidAmerican Energy Company of Ordinance No 15,902 amending the Electric Energy Franchise and the Gas Franchise repealing the Temporary increase to the franchise fee used solely toward payment of the *Kragnes v City of Des Moines* judgment. Sponsor Council Member Gray.

43. [Proposal](#) of SmithGroup, Inc. (John Kretschman, Director of Operations) for consulting services for the development of Birdland Park and Marina Master Plan and authorizing the City Manager to negotiate and execute agreement.

[\(Council Communication No. 20-318\)](#)

44. [Amendment](#) to Robert D. Ray Asian Garden Maintenance and Repair Agreement with the Des Moines River Front Development Authority (RDA).

[\(Council Communication No. 20-319\)](#)

45. [Termination](#) agreement with ILEX Group, Inc. for development in the vicinity of 4600 NE 14<sup>th</sup> Street.

[\(Council Communication No. 20-312\)](#)

46. [Des](#) Moines Metropolitan Planning Organization (MPO) Fiscal Year 2021 Unified Planning Work Program and Budget and authorizing payment of FY 2021 Assessment, \$108,427.

[\(Council Communication No. 20-307\)](#)

47. [Amended](#) Parking Meter Rate and Time Zones I, II and III.

48. [Receipt](#) of financial reports from Des Moines Water Works.

49. Abatement of public nuisances at the following:
- (A) [11](#) E. Dunham Avenue (main structure).
  - (B) [2513](#) Woodland Avenue (main structure).
  - (C) [4200](#) SE 17<sup>th</sup> Street (main and garage structure).
  - (D) [728](#) E. Border Street (main structure).
50. [Communication](#) of fire escrow at 1716 41<sup>st</sup> Street.
51. [Release](#) of Fire Escrow at 4001 E. 32<sup>nd</sup> Street.
52. Purchases from the following:
- (A) [Stivers](#) Ford (Scott Politte, General Manager) for replacement of eighteen (18) Ford Utility Interceptors (Patrol) and Dewey Ford (Dan Boettcher, General Manager) for replacement of one (1) cargo van utilized for prisoner transport per State of Iowa Contract for use by Fleet Services, \$619,149.  

[\(Council Communication No. 20-309\)](#)
  - (B) [AT](#) & T Mobility LLC a subsidiary of AT & T Inc. (David Christopher, President) for annual cellular services and wireless transmission service, and the replacement of cellular phones per State of Iowa Agreement for use by the Police Department, \$159,400.  

[\(Council Communication No. 20-314\)](#)
  - (C) [Wright](#) Outdoor Solutions (Jennifer Anderson, General Manager) and Family Tree Care (Rick Hanson, President) for six (6) month extensions of the Emerald Ash Borer (EAB) Management Services agreements for tree and stump removals for the City's Emerald Ash Borer response plan for use by the Public Works Department, estimated cost \$650,000.
  - (D) [Landscape](#) Structures of Deleno Minnesota (Steve King, Founder, Chairman of Board) for playground equipment for Weeks Middle School Park per National Cooperative Purchasing Alliance (NCPA) Contract for use by the Parks and Recreation Department, \$67,580.  

[\(Council Communication No. 20-315\)](#)



- (E) [Forterra](#) Pipe & Precast (Mark Carpenter, President) and Contech Engineered Solutions (Mike Rafi, President) for an annual contract with two (2) additional one-year renewal options to furnish various pipe materials for storm and sanitary sewer maintenance for use by the Public Works Department, estimated annual cost \$70,000. (Three potential bidders, two received).

- 53. [Authorizing](#) Finance Director to draw checks on registers for the weeks of July 13, 20 and 27, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 13, 20 and 27, 2020 and to draw checks for biweekly payroll due July 17 and 31, 2020.

**ORDINANCES - FINAL CONSIDERATION**

- 54. [On](#) Zoning Ordinance in Chapter 134 of the City Code relating to Lodging – Short-Term Commercial Rental uses to continue to a future Council meeting, pending analysis by the City Legal Department and recommendation and submittal to the City Council by the City Manager (**Continued from June 22, 2020 Council meeting**).

**ORDINANCES - SECOND CONSIDERATION**

- 55. [Amending](#) Chapter 102, Article IV, relating to Right-of-Way Occupancy.

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

**ORDINANCES - FIRST CONSIDERATION**

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

[\(Council Communication No. 20-301\)](#)

- (A) Traffic Control Change – Intersection of SW 1st Street and Edison Avenue.
- (B) Parking Restriction – 9th Street between Shawnee Avenue and Aurora Avenue.
- (C) Parking Restriction – Porter Avenue between SW 12th Street and SW 14th Street.
- (D) Parking Restriction – Westwood Drive between 56th Street and the cul-de-sac to the east.
- (E) Parking Restriction – Cummins Road between SE 14th Street and the cul-de-sac to the west.

- (F) Proposed code change to match field conditions on 9th Street from Grand Avenue north to Chestnut Street.
- (G) Parking restrictions on SW 3rd Street between Martin Luther King Jr. Parkway and Market Street.

57. [Amending](#) Sections 50-26, 50-32.05, 50-34 and 50-35 relating to floodplain development regulations and to continue to the August 17<sup>th</sup> Council meeting (Continued from May 18, 2020 Council Meeting).

## COMMUNICATIONS/REPORTS

- 58. [Request](#) to speak from Jeff Young regarding the Beaverdale Farmers Market at Franklin Junior High.
- 59. [Request](#) to speak from Lori Palm on fireworks and enforcement.
- 60. [Request](#) to speak from Sandra Robbins on citizen review board for Des Moines Police Department.

## APPROVING

60-I [Resolution](#) regarding City Policies on the use of face masks. Sponsors: Council Members Mandelbaum, Boesen, Voss and Mayor Cownie.

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 61 THRU 72)

- 61. [On](#) vacation of a portion of E. Martin Luther King Jr. Pkwy right-of-way between E. 15<sup>th</sup> Street and E. 18<sup>th</sup> Street and conveyance to Des Moines Industrial, LLC, \$100.
  - (A) [First](#) consideration of ordinance above.
- 62. [On](#) request from Anchor Investment Group, LLC to rezone 3116 Victoria Drive from “N3b” (Neighborhood) to Ltd. “N3b-2” (Neighborhood) to allow for conversion of the existing one-household residential dwelling to be restored to its original use as a two-household residential dwelling.
  - (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by Michael Donlin, Anchor Investment Group, LLC), requires six votes.

63. [On](#) request from Airport Development, LC for approval of PUD Final Development Plan for “Flex Warehouse on Park Avenue” at 6000 Park Avenue to allow development of a 6.53-acre site for a 57,720-square foot flex/warehouse building in accordance with the Airport Commerce Park West PUD Conceptual Plan requirements.
64. [On](#) request from Brook Landing, LLC to amend the PUD Conceptual Plan and for approval of PUD Final Development Plan for property in the 3300 block of E. 56<sup>th</sup> Street and at 5510 Brook View Avenue to allow development of a 6.71-acre property with a worship assembly use within a 16,864-square foot building.
65. [On](#) request from Pinnacle on Fleur, LLC (William Kimberly, Officer) for approval of PUD Final Development Plan for “Pinnacle on Fleur” at 2710 Fleur Drive to allow development of 20 household units within three row type buildings.
66. [On](#) request from the Village at Gray’s Lake, LLC for approval of PUD Final Development Plan for “Village at Gray’s Lake Lot 3” at 2580 Fleur Drive to allow renovation of the existing 3-story, 10,634 square foot office building on the former American Institute of Business campus and required site improvements.
67. [On](#) land exchange purchase agreement with Greater Des Moines Habitat for Humanity, Inc. for exchange of comparable properties.
68. [To](#) review the anticipated environmental impact of Near West Side Sewer Separation Phase 4.
69. [On](#) 2020 HMA Resurfacing Program Contract 2: 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), \$450,118.75.

[\(Council Communication No. 20-294\)](#)

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

70. On 6<sup>th</sup> Avenue Streetscape – College Avenue to University 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), \$4,565,307.

(Council Communication No. 20-295)

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

71. On Franklin Avenue Resurfacing from 48<sup>th</sup> Street to Merle Hay Road: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating the lowest responsible bidder as InRoads, LLC (Joseph J. Manatt, Manager), \$1,548,220.35.

(Council Communication No. 20-296)

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

72. On Glendale Cemetery Road Reconstruction Phase 3: 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), \$607,870.

(Council Communication No. 20-297)

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

\*\*\* END OF HEARINGS AT \_\_\_\_\_ PM \*\*\*

MOTION TO ADJOURN.

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