

**DES MOINES CITY COUNCIL MEETING
RECONVENED MEETING FROM AUGUST 3, 2020
Municipal Service Center, MSC Board Room
1551 E. M L King Jr. Parkway
Des Moines, Iowa 50317**

**August 5, 2020
9:00 AM**

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 July 24, 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 Sixteen of the Governor's July 24, 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:

Please click this URL to join.

<https://dmgov-org.zoom.us/j/97458515331?pwd=ZTlvT0tKcEx5aE80bUdVekltUnppQT09>

Passcode: 798755

Description: Reconvened Meeting from August 3, 2020

Or join by phone:

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Webinar ID: 974 5851 5331

~~I. — CLOSED SESSION — 3:30 PM —~~

~~(A) Roll Call.~~

~~(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.~~

~~(C) Closed Session.~~

~~(D) Terminate closed session and reconvene in open session.~~

(E) Motion to adjourn.

* * * * *

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * items 3 through 34:

***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) CLUB 525	525 E GRAND AVE	C Liquor
(B) FRESKO	909 LOCUST ST	C Liquor
(C) K C STORE	2829 EASTON BLVD	C Beer
(D) LAPIZZA HOUSE	1440 MAURY ST	B Beer

RENEWAL APPLICATIONS

(E) AJS ON EAST COURT	419 E COURT AVE	C Liquor
(F) ALEGRIAS SEAFOOD	2809 6TH AVE	C Liquor
(G) BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(H) BLUE SUSHI SAKE GRILL	316 COURT AVE	C Liquor
(I) BUBBA SOUTHERN COMFORTS	200 10TH ST	C Liquor
(J) BUDDYS CORRAL	418 E 5TH ST	C Liquor
(K) CHRISTIANIS EVENTS	520 ROBERT D RAY	C Liquor
(L) DJANGO	1420 LOCUST ST	C Liquor
(M) DRAKE UNIVERSITY	2875 UNIVERSITY	C Liquor
(N) EAST SIDE EDDIES	3517 E 26TH ST	C Liquor
(O) EL PATIO MEXICAN	611 37TH ST	C Liquor
(P) GIT N GO STORE #26	2140 E PARK AVE	C Beer
(Q) GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(R) HY VEE FAST & FRESH	5801 HICKMAN RD	E Liquor
(S) INGERSOLL TAP	2837 INGERSOLL	C Liquor
(T) NEW DISCOUNT MARKET	3207 DOUGLAS AVE	C Beer
(U) PHO REAL KITCHEN AND BAR	200 4TH ST	C Liquor
(V) PROOF	1301 LOCUST ST	C Liquor
(W) STAR BAR	2811 INGERSOLL	C Liquor

- ~~(X) SUPER QUICK 303 SE 30TH ST E Liquor~~
- ~~(Y) SUPER QUICK SMOKES 5625 HICKMAN RD C Beer~~
- ~~(Z) THAI FLAVORS 1254 E 14TH STREET C Beer/Wine~~
- ~~(AA) ZOMBIE BURGER 300 E GRAND AVE C Liquor~~

SPECIAL EVENT APPLICATIONS

- ~~(BB) IOWA CRAFT BEER TENT 2201 GEORGE FLAG Five (5) Day License
Class C Liquor License for Butter Cow Blues Festival on August 13—15, 2020.~~
- ~~(CC) OLD WEST BARBEQUE 3000 E GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for the FFA and 4H Livestock Show
from August 4—30, 2020.~~
- ~~(DD) OLD WEST BARBEQUE 3000 E GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for the FFA and 4H Livestock Show
from August 4—30, 2020.~~
- ~~(EE) OLD WEST BARBEQUE 3000 E GRAND AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for the FFA and 4H Livestock Show
from August 4—30, 2020.~~
- ~~(FF) PAVILION 3000 E GRAND AVE B Beer
Fourteen day Class B Beer License for the FFA and 4H Livestock Show from August
4—30, 2020.~~
- ~~(GG) PAVILION 3000 E GRAND AVE B Beer
Fourteen day Class B Beer License for the FFA and 4H Livestock Show from August
4—30, 2020.~~
- ~~(HH) WINEFEST 313 WALNUT ST Five (5) Day License
Class C Liquor License for Sips and the City on August 7—8, 2020.~~

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

PUBLIC IMPROVEMENTS

6. ~~Ordering construction on the following:~~

- ~~(A) [Des Moines](#) River Levee Pump Station Rehabilitations: Receiving bids, (9-15-20),
Setting date of hearing, (10-5-20). Engineer's estimate, \$7,425,000.~~

~~[\(Council Communication No. 20-338\)](#)~~

- ~~(B) [Police](#) Traffic Unit Parking Lot at 1300 Scott Avenue: Receiving bids, (8-18-20),
Setting date of hearing, (9-14-20). Engineer's estimate, \$473,000.~~

~~[\(Council Communication No. 20-335\)](#)~~

~~(C) [Municipal](#) Service Center Phase 2: Receiving bids, (9-1-20), Setting date of hearing, (9-14-20). Engineer's estimate. \$53,450,000.~~

~~([Council Communication No. 20-341](#))~~

~~7. Approving Professional Services Agreement (PSA) with the following:~~

~~(A) [Olsson](#) Associates, Inc. for traffic engineering services for the Traffic Signal Timing Updates Phase 2, not to exceed \$241,597.12.~~

~~([Council Communication No. 20-343](#))~~

~~(B) [Bolton](#) & Menk, Inc. for design services for MacRae Park Roadway (Phase 3) Park and Trail Improvements, not to exceed \$151,084.~~

~~([Council Communication No. 20-340](#))~~

~~(C) [OPN](#), Inc. d/b/a OPN Architects, Inc. for the Skywalk Bridges Exterior Condition Analysis, not to exceed \$178,000.~~

~~([Council Communication No. 20-344](#))~~

~~(D) [Shuck Britson](#), Inc. for the Skywalk Bridges Structural Analysis, not to exceed \$130,832.~~

~~([Council Communication No. 20-329](#))~~

~~8. [Approving](#) Change Order No. 2 with Iowa Civil Contracting, Inc., for additional work on 2019 PCC Payment Patching Program, \$149,481.56.~~

~~([Council Communication No. 20-330](#))~~

~~9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.~~

~~10. Accepting completed construction and approving final payment for the following:~~

~~(A) [Riverwalk](#) Improvements—Balustrade Replacement, Minturn, Inc.~~

~~(B) [Polk](#) Boulevard Reconstruction from I-235 to University Avenue, OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving.~~

~~(C) [Witmer](#) Park Improvements, Koester Construction Company, Inc.~~

~~(D) [City-wide](#) Parking Ramp Control Equipment Improvements, Koester Construction Company, Inc.~~

~~(E) [Reno](#) Dog Park Improvements, Berkey Homebuilders, Inc. d/b/a Concrete Professionals.~~

SPECIAL ASSESSMENTS

- ~~11. [Levying](#) Assessments for costs of Nuisance Abatement NAC Emergency Orders (Community Development), Schedule No. 2020-06.~~
- ~~12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-07.~~

BOARDS/COMMISSIONS/NEIGHBORHOODS

- ~~13. [Recommendation](#) from Council Member Boesen to appoint Brooke Avila to the Park and Recreation Board, Seat 4, for a four-year term commencing on June 30, 2020 and expiring June 30, 2024.~~
- ~~14. [Recommendation](#) from Council Member Voss to appoint James Sarcione III to the Housing Appeals Board, Seat 3, for the term expiring on June 30, 2021.~~
- ~~15. [Communication](#) from Maddison Miller advising of her resignation from the Access Advisory Board, Seat 2, effective immediately.~~
- ~~16. Number not used.~~

SETTING DATE OF HEARINGS

- ~~17. [On](#) request from Electro Management Corporation (Owner) for review and approval of a PUD Final Development Plan Amendment, "City Gateway Phase 1A", for property located at 4240 Army Post Road to allow expansion for the existing warehouse with 60,000 square foot building addition and on-site surface parking expansion.~~
- ~~18. [On](#) request from Spot Free Car Wash, LLC, to amend Plan DSM future land use designation and to rezone property located at 1437 East 14th Street and 1518 Idaho Street and to rezone 1421, 1427, and 1433 East 14th Street.~~
- ~~19. [Vacation](#) of excess parkland located east of and adjoining 101 Locust Street and conveyance to the United States of America, by and through the General Services Administration, in consideration of conveyance of a permanent storm sewer easement within 101 Locust Street.~~

LEGAL DEPARTMENT—CLAIM SETTLEMENTS & BILLINGS

~~20. [Payment](#) to Jennifer Van Wyngarden.~~

~~21. [Payment](#) to Tyler and Dianna Zaroni for a property damage claim.~~

APPROVING

~~22. [City](#) initiation of vacation of Raccoon Street and alley right of way between SE 4th Street and SE 5th Street for Market District redevelopment.~~

~~22I. [On](#) City initiated vacation of the north/south alley and east/west alley in the block bounded by Broad Street, Virginia Avenue, SW 7th Street and SW 9th Street in the vicinity of property located at 809 Virginia Avenue.~~

~~23. [City](#) initiation of vacation of east/west alley right of way between East Sheridan Avenue and Arthur Avenue from 1st Street to Oxford Street in the vicinity of 113 E. Sheridan Avenue.~~

~~24. Release of Fire Escrow at the following locations:~~

~~(A) [120](#) Polk Boulevard.~~

~~(B) [1944](#) E. Grand Avenue.~~

~~(C) [3803](#) Cambridge Street.~~

~~(D) [3115](#) S. Union Street.~~

~~25. [Public](#) Art Grant Agreement with Bravo Greater Des Moines for trail artwork project.~~

~~([Council Communication No. 20-325](#))~~

~~25I. [2020](#) Emergency Solutions Grant (ESG) Funding.~~

~~([Council Communication No. 20-321](#))~~

~~26. [Ratification](#) of Iowa Department of Transportation (IDOT) State Recreational Trails Funding Grant Application (SRT) for Neal Smith Trail Phase II Rehabilitation Project.~~

~~([Council Communication No. 20-324](#))~~

~~27. [Fiscal](#) Year 2022 Traffic Safety Fund Application to the Iowa Department of Transportation (IDOT).~~

~~([Council Communication No. 20-339](#))~~

28. ~~Directing~~ the advertisement for sale of \$95,910,000 General Obligation Bonds, Series 2020D, and approving Electronic Bidding Procedures and ~~Official Statement~~ (bonds will be sold at 10:00 AM on August 19, 2020 and a Special Council meeting will be held at 4:30 pm).

~~(Council Communication No. 20-327)~~

28I. ~~Directing~~ the advertisement for sale of \$5,090,000 Taxable General Obligation Bonds, Series 2020E, and approve Electronic Bidding Procedures and ~~Official Statement~~ (bonds will be sold at 10:00 AM on August 19, 2020 and a Special Council meeting will be held at 4:30 pm).

~~(Council Communication No. 20-327)~~

28II ~~Directing~~ advertisement for sale of \$22,485,000 the Stormwater Management Utility Revenue Bonds, Series 2020F, and approving Electronic Bidding Procedures and ~~Official Statement~~ (bonds will be sold at 10:00 AM on August 19, 2020 and a Special Council meeting will be held at 4:30 pm).

~~(Council Communication No. 20-327)~~

29. ~~Submitting~~ an application for funding through the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) and acceptance of a Memorandum of Understanding (MOU) with the Polk County Sheriff's Office, \$141,606.

~~(Council Communication No. 20-333)~~

30. Purchases from the following:

(A) ~~IPS~~ Group (Dave King, President) as sole area wide distributor for monthly software support fees and transaction fees for credit card enabled meter to be used during fiscal year 2021 for use by the Engineering Department, estimated annual cost \$150,000.

~~(Council Communication No. 20-328)~~

(B) ~~Electric~~ Pump (Tom Miller, President) as sole area wide distributor for Flygt Pump repair parts and services for all storm and sanitary pump stations to be used during fiscal year 2021 for use by the Public Works Department, estimated annual cost \$75,000.

~~(Council Communication No. 20-323)~~

(C) ~~Kiesler~~ Police Supply, Inc. (Doug Kiesler, Chief Executive Office) for ammunition for training and duty purposes per State of Iowa Master Agreement for use by the Police Department, \$99,029.76.

~~(Council Communication No. 20-332)~~

31. ~~Civil~~ Service Promotional list for Lead Sewer Maintenance Worker.

32. ~~Authorizing~~ Finance Director to draw checks on registers for the weeks of August 3rd and August 10th; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 3rd and August 10th; and to draw checks for workers compensation impairment ratings as requested by the Legal Department; and to draw the checks for biweekly payroll due employees of the City on August 14th, 2020.

~~ORDINANCES – FINAL CONSIDERATION~~

33. ~~Amending~~ Chapter 102, Article IV, relating to Right of Way Occupancy.

~~ORDINANCES – SECOND CONSIDERATION~~

34. ~~Amending~~ Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

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

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

Motion was made by Council Member Boesen to continue all the hearings until Wednesday August 5th at 9:00 AM and recess the meeting until Wednesday August 5th at 9:00 AM.

ORDINANCES - FIRST CONSIDERATION

35. Amending Chapter 26 by adding and enacting new Section 26-909, relating to energy and water use benchmarking civil penalties.

(Council Communication No. 20-320)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by City Manager), requires six votes.

36. ~~Amending Sections 114-14 and 114-14.01, relating to traffic and vehicle regulations.~~
37. [Amending](#) Chapter 114 of the Municipal Code to reduce the speed limit on Franklin Avenue between Beaver Avenue and Merle Hay Road to 25 miles per hour (mph).

[\(Council Communication No. 20-342\)](#)

(A) Final consideration of ordinance above, requires six votes.

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

[\(Council Communication No. 20-337\)](#)

- (A) Parking restriction - Robert D. Ray Drive from Des Moines Street to Des Moines Botanical Gardens.
- (B) Parking restriction - Locust Street from Robert D. Ray Drive to 2nd Avenue.
- (C) Final consideration of ordinance above, requires six votes.

APPROVING

- 38I. [Urban](#) Renewal Development Agreement with Reagan Partners, LLC (Tim Rypma, Paul Cownie and Jeremy Cortright), and approving conceptual development plan, for the historic renovation of three multi-family apartment buildings at 2801 Grand Avenue.

[\(Council Communication No. 20-345\)](#)

- 38II. [Renaming](#) of Greater Des Moines Softball Complex to the “George Davis Softball Complex”.

COMMUNICATIONS/REPORTS

39. [Request](#) to speak from Jenni Klise regarding 47th and Holcomb project.
40. [Request](#) to speak from Andy Holt regarding 4219 Hubbell Avenue.
41. [Request](#) to speak from Indira Dixon Sheumaker regarding Des Moines Police Department investigation of use of force during protests.
42. [Request](#) to speak from Noah Beacom regarding City of Des Moines response to Black Lives Matter Movement.
43. [Request](#) to speak from Matthew Bruce regarding Des Moines economic responses to COVID fallout.

44. [Request](#) to speak from Christopher Morse regarding School Resource Officers.
45. [Request](#) to speak from Jaylen Cavil regarding the power of the Des Moines Police Department.
46. [Request](#) to speak from Carter White regarding police brutality against protestors.
47. [Request](#) to speak from Yena Balekyani regarding housing.

HEARINGS (OPEN AT 9:00 A.M.) (ITEMS 48 THRU 66)

48. [On](#) issuance of not to exceed \$45,400,000 General Obligation Bonds for Essential Corporate Purposes.
 - (A) [Authorization](#) to take additional action.

[\(Council Communication No. 20-327\)](#)
49. [On](#) the issuance of not to exceed \$50,500,000 General Obligation Bonds for Essential Corporate Urban Renewal Purposes.
 - (A) [Authorization](#) to take additional action.

[\(Council Communication No. 20-327\)](#)
50. [On](#) the issuance not to exceed \$1,000,000 General Corporate Purposes - GPC-1.
 - (A) [Authorization](#) to take additional action.

[\(Council Communication No. 20-327\)](#)
51. [On](#) the issuance not to exceed \$1,000,000 General Corporate Purposes - GPC-2.
 - (A) [Authorization](#) to take additional action.

[\(Council Communication No. 20-327\)](#)
52. [On](#) the issuance not to exceed \$1,000,000 General Corporate Purposes - GPC-3.
 - (A) [Authorization](#) to take additional action.

[\(Council Communication No. 20-327\)](#)

53. [On](#) the issuance not to exceed \$1,000,000 General Corporate Purposes - GPC-4.
(A) [Authorization](#) to take additional action.
([Council Communication No. 20-327](#))
54. [On](#) the issuance not to exceed \$1,000,000 General Corporate Purposes - GPC-5.
(A) [Authorization](#) to take additional action.
([Council Communication No. 20-327](#))
55. [On](#) the issuance not to exceed \$1,000,000 for General Corporate Purposes - GPC-6.
(A) [Authorization](#) to take additional action.
([Council Communication No. 20-327](#))
56. [On](#) the issuance not to exceed \$1,000,000 for General Corporate Purposes - GPC-7.
(A) [Authorization](#) to take additional action.
([Council Communication No. 20-327](#))
57. [On](#) the issuance not to exceed \$1,000,000 or General Corporate Purposes - GPC-8.
(A) [Authorization](#) to take additional action.
([Council Communication No. 20-327](#))
58. [On](#) the issuance not to exceed \$1,000,000 for General Corporate Purposes - GPC-9.
(A) [Authorization](#) to take additional action.
([Council Communication No. 20-327](#))
59. [On](#) the issuance not to exceed \$1,000,000 for General Corporate Purposes - GPC-10.
(A) [Authorization](#) to take additional action.
([Council Communication No. 20-327](#))

60. [On](#) the issuance of not to exceed \$23,700,000 Stormwater Management Utility Revenue Bonds.

(A) [Authorization](#) to take additional action.

([Council Communication No. 20-327](#))

61. [Dismissing](#) hearing on request from Grasso Properties One, LLC (Steve Grasso, Officer) to amend the 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.

62. [On](#) the proposed honorary street name of “Riviera Way” for a segment of Corning Avenue between 6th Avenue and a terminus at the Des Moines River to the west of 7th Street.

63. [On](#) request from Spot Free Car Wash, LLC (Allen Hansen, Officer) to amend the PlanDSM future land use designation and rezone property located at 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.

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

(B) [Final](#) consideration of ordinance above (waiver requested by Chris Pose, Attorney for Spotfree Car Wash, LLC), requires six votes.

64. [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.

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

(B) [Final](#) consideration of ordinance above (waiver requested by Blair Overton, President), requires six votes.

65. [On](#) conveyance of an underground electric easement to MidAmerican Energy Company on City-owned property at 3226 University Avenue, \$1.

66. On Des Moines River Levee Alterations Phase A: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest bidder as Corell Contractor, Inc. (Grant S. Corell, President), \$2,606,976.90.

[\(Council Communication No. 20-336\)](#)

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

67. On Blank Golf Course Cart Path: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Paco Construction, LLC (Gustavo Villarreal, President), \$262,200.00.

[\(Council Communication No. 20-331\)](#)

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

***** END OF HEARINGS _____ P.M.*****

MOTION TO ADJOURN.

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