

DES MOINES CITY COUNCIL MEETING
Municipal Service Center, MSC Board Room
1551 E. M.L. King, Jr. Drive Parkway
Des Moines, Iowa 50309

August 17, 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 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/94014038677?pwd=Qlh5M0prV0sxVHFZN1plbVhYMIYydz09>

Passcode: 642423

Or join by phone:

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Webinar ID: 940 1403 8677

1. ROLL CALL:
 - I. [Amending](#) the procedural rules of the Des Moines City Council.
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA * – items 3 through 47II:

***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)	4H BUILDING	3000 E GRAND AVE	B Beer
(B)	CAVE DSM	1437 WALNUT ST	C Beer/Wine
(C)	CLUB 525	525 E GRAND AVE	C Liquor
(D)	COA CANTINA	425 E GRAND AVE	C Liquor
(E)	DES MOINES UNIVERSITY	3200 GRAND AVE	C Beer/Wine
(F)	KUM & GO #0731	3104 UNIVERSITY	E Liquor
(G)	SORIANO LATINO GROCERY	2300 HICKMAN RD	C Beer

RENEWAL APPLICATIONS

(H)	1908 DRAUGHT HOUSE	409 COURT AVE	C Liquor
(I)	5 DE MAYO MEXICAN	5118 SE 14TH ST	C Liquor
(J)	AMERICAN OUTLAWS	214 3RD ST	C Liquor
(K)	ARUGULA AND RYE	5800 FLEUR DR	C Liquor
(L)	BERNARDOS BURRITOS	215 4TH ST	C Liquor
(M)	CASEYS #2784	4151 MERLE HAY RD	C Beer
(N)	CHEAP SEATS	2301 HUBBELL AVE	C Liquor
(O)	CONFLUENCE BREWING	1235 THOMAS BECK	B Beer
(P)	CROATIAN FRATERNAL	6575 INDIANOLA	C Liquor
(Q)	CVS PHARMACY #10162	3151 SE 14TH ST	E Liquor
(R)	DOLLAR GENERAL #13488	3220 MLK JR PKWY	C Beer
(S)	DRAKE UNIVERSITY	2507 UNIVERSITY	C Beer/Wine
(T)	DRAKE UNIVERSITY	2601 FOREST AVE	C Beer/Wine
(U)	FRATERNAL ORDER	6567 BLOOMFIELD	A Liquor
(V)	GAS LAMP	1501 GRAND AVE	C Liquor
(W)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(X)	GRAND VIEW UNIVERSITY	2811 E 14TH ST	C Liquor
(Y)	GUCKENHEIMER SERVICES	1900 SCOTT AVE	C Liquor
(Z)	HOMEWOOD SUITES	7201 SW 22ND ST	C Beer/Wine
(AA)	HY VEE C STORE	1113 E ARMY POST	E Liquor
(BB)	HY VEE GAS #4	4701 FLEUR DR	E Liquor
(CC)	HY VEE MARKET CAFE #2	2540 E EUCLID AVE	C Liquor
(DD)	HY VEE MARKET CAFE #4	4605 FLEUR DR	C Liquor
(EE)	KUM & GO #536	1300 KEOSAUQUA	C Beer
(FF)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(GG)	PAL JOEYS	6224 GRAND AVE	C Liquor
(HH)	PINTS PUB N PATIO	319 COURT AVE	C Liquor
(II)	SAMBETTIS RESTAURANT	1430 2ND AVE	C Liquor
(JJ)	SOUTHSIDE TOBACCO/LIQUOR	2424 SW 9TH ST	E Liquor
(KK)	TEQUILAS LIQUOR STORE *(1)	1434 DES MOINES ST	E Liquor
(LL)	TOADS TAVERN	3002 STATE AVE	C Liquor
(MM)	TOBACCO OUTLET PLUS #510	3409 SW 9TH ST	C Beer

(NN)	UP/DOWN	500 E LOCUST ST	C Liquor
(OO)	VICKIE'S *(1)	2801 2ND AVE	C Liquor
(PP)	WAKONDA CLUB	3915 FLEUR DR	C Liquor
(QQ)	WAVELAND COFFEE SHOP	4704 UNIVERSITY	C Liquor
(RR)	WESLEYLIFE - WESLEY ACRES	3520 GRAND AVE	C Beer/Wine
(SS)	XBK	1159 24TH ST	C Liquor

SPECIAL EVENT APPLICATIONS

- (TT) WINEFEST DES MOINES 4025 TONAWANDA Five (5) Day License
Class C Liquor License for Winefest Iowa Pork Lawn Party Pickups and Picnics on August 30, 2020.
- (UU) YOUR PRIVATE BARTENDER 519 PARK ST Five (5) Day License
Class C Liquor License for Des Moines Wedding Show on August 30, 2020.

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

PUBLIC IMPROVEMENTS

- 6. Accepting completed construction and approving final payment for the following:
 - (A) [Riverview](#) Park Site Improvements, Munro Construction Co.
 - (B) [2019](#) City-Wide PCC Pavement Restoration Program, TK Concrete, Inc.

LAND/PROPERTY TRANSACTIONS

- 7. [Releasing](#) PUD Restoration Bond for Carman Estates Plat 1.
- 8. [Accepting](#) PUD Restoration Bond for grading work at Iowa Laborers Education and Training Facility at 4560 E. 46th Street.

([Council Communication No. 20-349](#))
- 9. [Approving](#) final subdivision plat of Brook Landing Plat 2.

([Council Communication No. 20-348](#))
- 10. [Approving](#) final subdivision plat of Busco Addition.

([Council Communication No. 20-351](#))
- 11. [Approving](#) final subdivision plat of Grover Woods Plat 1.

([Council Communication No. 20-350](#))

12. Conditionally approving final subdivision plats for the following:
 - (A) [Bridge](#) District Plat 3.

[\(Council Communication No. 20-346\)](#)
 - (B) [Bridge](#) District Plat 4.

[\(Council Communication No. 20-347\)](#)
13. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2021 City-Wide Sewer and Surface Water Flowage Repairs Project.

[\(Council Communication No. 20-358\)](#)
14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Ingersoll Avenue Reconstruction – 42nd Street to Polk Boulevard Project.

[\(Council Communication No. 20-362\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. Approving appointments to the Community Policing and Code Enforcement Policy and Practice Review Committee.
 - (A) [Recommendation](#) from Council Member Boesen to appoint LaWanda Sanders.
 - (B) [Recommendation](#) from Council Member Voss to appoint Kevin Patrick.
16. [Communication](#) from Molly Hanson advising of her resignation from the Neighborhood Revitalization Board, Seat 12, effective immediately.

SETTING DATE OF HEARINGS

17. [On](#) vacation of a segment of Urbandale Avenue right-of-way and conveyance of an Easement for Bus Shelter Encroachment on City-owned Property to Des Moines Area Regional Transit (DART) for \$220, (9-14-20).
18. [On](#) conveyance of amended easements for bus shelter encroachments on City-owned property to Des Moines Area Regional Transit Authority (DART), (9-14-20).
19. [On](#) request from Anchor Investment Group, LLC (Michael Donlin, Officer) to amend the PlanDSM Future Land Use Map designation and rezone property located at 827 Shaw Street from “N3c” Neighborhood to “NX2” Neighborhood Mix, to allow demolition of the existing House Building Type and detached garage with Household Living and redevelop with a 5-Unit Row Building Type with Household Living, (9-14-20).

20. [On](#) request from Hamilton’s Funeral Home (Sasha Mudlaff, Officer) to amend the PlanDSM Future Land Use Map designation and rezone property at 5310, 5314, and 5400 SW 9th Street from “NX1” Neighborhood Mix to “RX1” Mixed Use to allow the expansion of the existing funeral and mortuary services use on the existing property and development of a surface parking lot on the portion of the property on the north side of Kenyon Avenue, (9-14-20).
21. [On](#) City-initiated request to amend the PlanDSM Plan Future Land Use Map designation and to rezone property in the vicinity of 4101 and 4104 Amherst Street, 4102 North Union Street, and adjoining lots and alley right-of-way from “N3a” Neighborhood to the “P2” Public, Civic and Institutional, to allow existing surface parking to be reconstructed with underground stormwater detention as part of the City’s regional Hamilton Drain project, (9-14-20).
22. [On](#) request from McFadden Holdings, LLC (Steven McFadden, Officer) to rezone property at 1537 Army Post Road from “RX1” Mixed Use to Ltd. “MX3” Mixed Use, to allow the existing property and building to be used for a vehicle cleaning and detailing business, minor use vehicle maintenance and repair, (9-14-20).
23. [On](#) request from Iowa Laborers’ Education and Training Trust Fund (Mike Weckman, Officer) for review and approval of a PUD Final Development Plan “Iowa Laborers Training Facility”, for property at 4560 E. 46th Street, to allow development of a 15,000-square foot indoor training and storage facility with an outdoor training ground, (9-14-20).
24. [On](#) consideration of a license agreement with Downtown Des Moines Self-Supported Municipal Improvement District (SSMID) d/b/a Operation Downtown for installation, maintenance and display of artwork within the 8th Street Viaduct, north of Cherry Street, (9-14-20).
25. [On](#) appeal by Inder Singh of the Plan and Zoning Commission’s denial of Type 1 Design Alternative related to site plan for 821 E. Euclid Avenue, (9-14-20).
26. [On](#) request from LawMark, LP (Owner) to designate the “Financial Center” property located at 606-666 Walnut Street and 207 7th Street as a Local Landmark, (9-14-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Approving](#) retention of outside counsel.

APPROVING

28. [HOME](#) Investment Partnerships Program (HOME) Funding for Greater Des Moines Habitat for Humanity to construct affordable single-family homes (1603 Lynn Street and 1609 Washington Avenue).

[\(Council Communication No. 20-355\)](#)

- 28I. [Reprogramming](#) of unspent Community Development Block Grant Program CV (CDBG-CV) funding to the Emergency Food Distribution Program.

29. [First](#) Amendment to Urban Renewal Development Agreement with Merle Hay Investors, LLC for rehabilitation of existing Merle Hay Mall property and repurposing the Sears site.

[\(Council Communication No. 20-354\)](#)

30. [Collateral](#) Assignment of Urban Renewal Development Agreement with 611 Fifth Avenue, LLC.

31. [Final](#) terms of a first amendment to the Amended and Restated Urban Renewal Development Agreement with Macerich Southridge Mall, LLC, Southridge Adjacent, LLC, for the Southridge Mall to include a Genesis Health Club and multi-sports facility by Genesis Health Club Sports Complex S.E., LLC.

[\(Council Communication No. 20-353\)](#)

32. [Donation](#) Agreement with Rebuilding Together Greater Des Moines, Inc. d/b/a Rebuilding Together regarding the playground at Union Park located at 2009 Saylor Road.

[\(Council Communication No. 20-370\)](#)

33. [Donation](#), Construction and Naming Agreement with Kick It Forward regarding Mini-Pitch Futsal Court Systems at Cheatom Park and Evelyn K. Davis Park and naming such Futsal courts “Cheatom Park Pro Iowa Mini-Pitch” and “Evelyn K. Davis Park Pro Iowa Mini-Pitch.

[\(Council Communication No. 20-369\)](#)

34. [Amendment](#) to Agreement with TriTech Software Systems for street maintenance software and hosting services.

[\(Council Communication No. 20-375\)](#)

35. [Acceptance](#) of COPS Heroin Grant award by the Office of Drug Control Policy, \$7,777.

[\(Council Communication No. 20-372\)](#)

36. [Request](#) from Downtown Community Alliance, on behalf of Greater Des Moines Partnership, for approval of up to 80 banners to be displayed on 40 poles in downtown Des Moines beginning the first week of September through the end of 2020.

37. [Request](#) from Downtown Community Alliance, on behalf of the World Food & Music Festival, to hang flags in the East Village during National Welcoming Week, September 12-20, 2020 in lieu of their Festival.

38. [Use](#) of various City facilities as poll sites for the General Election on Tuesday, November 3, 2020.

39. [Release](#) of fire escrow at 1107 Arthur Avenue.

40. [Receive](#) and file Quarterly Treasurer's Report as of June 30, 2020.

41. [Fund](#) transfer resolution for FY2020.

42. [Amendment](#) and Addendum for renewal of contract with Traffic and Parking Control Co., Inc. (TAPCO) for school flasher system and procurement of 4G cellular modems.

[\(Council Communication No. 20-361\)](#)

43. An exception to the procurement ordinance request for proposals requirement for good cause and approving agreements with Nestingen, Inc. d/b/a RelyDB (Carl Nestingen, President) for the following:

[\(Council Communication No. 20-367\)](#)

- (A) [Database](#) Administrative Services.
- (B) [RelyUtil](#) Software License and Maintenance Agreement.

44. Purchases from the following:

- (A) [Bituminous](#) Material and Supply, LP (Dan Quigley, Plant Manager) as sole area-wide for a blanket purchase order for additional CSS-1HM polymer-modified microsurfacing material for use by the Public Works Department, \$204,000.

[\(Council Communication No. 20-373\)](#)

- (B) [O'Keefe](#) Elevator (Dennis Wychulis, CEO) for three-year contract and three-year renewal for maintenance and repair of elevators at various City facilities and parking garages per Sourcewell contract for use by the Traffic & Transportation Division of the Engineering Department, \$91,128 for first year.

[\(Council Communication No. 20-356\)](#)

- (C) [Foster](#) Coach Sales, Inc. (Steve Foster, President) for a Type 1 ambulance with one Stryker Power Load System per Houston Galveston Area Council contract for use by Fire Station 11, \$313,250.

[\(Council Communication No. 20-364\)](#)

- (D) [Landscape](#) Structures (Steve King, Founder, Chairman of the Board) for purchase of playground equipment for Union Park per National Cooperative Purchasing Alliance contract for use by Parks and Recreation Department, \$138,053.

[\(Council Communication No. 20-371\)](#)

- (E) [Owest](#) Corporation d/b/a CenturyLink (Glen Post, CEO) for non-competitive procurement of basic telephone service for several City locations that are not within reach of the City's fiber network and for phones required by law to be from a telephone company for use by the Information Technology Department, \$190,000 annual cost for a period of up to three years.

[\(Council Communication No. 20-365\)](#)

- (F) [OneNeck](#) IT Solutions (Terry Swanson, President/CEO) for one-year maintenance and support of server hardware and virtualization software per State of Iowa Master Agreement for use by the Information Technology Department, \$51,767.90.

[\(Council Communication No. 20-366\)](#)

- (G) [OneNeck](#) IT Solutions (Terry Swanson, President/CEO) for four Hewlett Packard Enterprise servers that will support current software technologies and provide additional capacity and growth per State of Iowa Mater Agreement for use by the Information Technology Department, \$89,812.05.

([Council Communication No. 20-368](#))

45. [Joint](#) purchase bid from Smith Fertilizer and Grain Co. Inc. (Max Smith, President) for the supply and delivery of up to 70,000 gallons of Geomelt and Jerico Services (John Marshall, General Manager) for up to 50,000 gallons of calcium chloride, annual estimated cost \$141,500. (18 potential bidders, 7 received)

([Council Communication No. 20-374](#))

46. [Civil](#) Service Entrance lists for Parks and Recreation Development and Planning Administrator, Surveyor and Traffic Device and Maintenance Worker.
47. [Authorizing](#) Finance Director to draw checks on registers for the weeks of August 17th, 24th, 31st and September 7th, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 17th, 24th, 31st and September 7th, 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 28th and September 11th, 2020.

ORDINANCES – FINAL CONSIDERATION

- 47I. [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

ORDINANCES – SECOND CONSIDERATION

- 47II. [Amending](#) Chapter 26 by adding and enacting new Section 26-909, relating to energy and water use benchmarking civil penalties.
- (A) [Receive](#) and file from Council Member Mandelbaum “Energy Efficiency in Real Estate Listings: A Controlled Experiment” report and “Minneapolis seeks ‘inclusive’ financing for energy efficiency improvements” news article.

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

ORDINANCES - FIRST CONSIDERATION

48. [Amending](#) Chapter 114 of the municipal code related to intersection sight distance at street intersections.

[\(Council Communication No. 20-360\)](#)

49. [Amending](#) Chapter 114 of the municipal code regarding traffic regulation changes as follows:

[\(Council Communication No. 20-363\)](#)

- (A) Code corrections to correct street name – E Glenwood Drive, east of SE 14th Street.
- (B) Code corrections to match field conditions – Martin Luther King Jr. Parkway from Glennor Road to Madison Avenue.

50. [Amending](#) Sections 50-26, 50-32.05, 50-34 and 50-35 relating to floodplain development regulations (Continued from May 18, 2020 Council meeting).

[\(Council Communication No. 20-357\)](#)

COMMUNICATIONS/REPORTS

51. Requests to speak as follows:

- (A) [Jeri](#) Cox regarding speed bumps at E. Watrous between 307 and 329 because of accidents related to speeding.
- (B) [David](#) Meeks regarding African American unemployment/Empowerment Board Project
- (C) [Ruth](#) Burgess Thompson regarding City's response to COVID.
- (D) [Jeff](#) Young regarding proposed car show at 4801 Franklin Avenue on the north parking on 5th of September with rain date of 7th of September 2020.

- (E) [Paden](#) D. Sheumaker regarding city-wide mask mandate.
- (F) [Indira](#) Sheumaker regarding Des Moines Civil and Human Rights Commission review of Des Moines Police Department use of force during protests.
- (G) [Frank](#) Swanson regarding city council priorities.
- (H) [Chris](#) Huynh regarding defunding the Des Moines Police Department.
- (I) [Lily](#) Nellans regarding Des Moines Police Department and behavior.
- (J) [Jaylen](#) Cavil regarding special meeting of the city council regarding issues of Des Moines Police Department.
- (K) [Hailey](#) Dixon regarding Des Moines Police Department funding.
- (L) [Savannah](#) Rhoads regarding Des Moines Police Department treatment of protestors.
- (M) [Leah](#) Walker regarding Des Moines Police Department racial bias training.
- (N) [Marcus](#) Coenen regarding Des Moines North/South Connector Proposal to DMAMPO LRTP Illustrative Project List.
- (O) [Aviva](#) Lotzke regarding eviction enforcement.
- (P) [Hem](#) Rizal regarding Des Moines Police Department's budget.
- (Q) [Gabrielle](#) Watkins regarding Des Moines Police Department's use of force and City-wide Mask Mandate.
- (R) [Adam](#) Callanan regarding concerns with recent virtual council meetings.
- (S) [Josephina](#) O'Connor-Miller regarding need for eviction moratorium.
- (T) [Mikala](#) Clark regarding Des Moines Police Department Budget.
- (U) [Carter](#) White regarding Des Moines Police Department.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 55)

52. [On](#) request from Spot Free Car Wash, LLC, to amend the PlanDSM future land use designation and to rezone 1437 East 14th Street and 1518 Idaho Street from “N3c” Neighborhood District and “RX-1” Mixed Use District to Limited “MX3-V” Mixed Use District to allow continuation of the existing car wash defined as Vehicle Sales and Service, Vehicle Maintenance/Repair, Minor, as a use permitted by right, and to rezone 1421, 1427, and 1433 East 14th Street from “NX1” Neighborhood Mix District to “RX1” Mixed Use District, to allow reuse and/or redevelopment of the property for Mixed Use classification.

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

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

53. [On](#) 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.

[\(Council Communication No. 20-359\)](#)

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

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

54. [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.

55. [On](#) City-initiated request for designation of the Drake Park Playground Shelter, 2300 Drake Park Avenue as a local landmark (Continued from June 22 Council meeting).

[\(Council Communication No. 20-352\)](#)

*****END OF HEARINGS _____P.M.*****

MOTION TO ADJOURN

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