

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

October 5, 2020
4:15 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 September 18, 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 Thirteen of the Governor's September 18, 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.

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

Please click this URL to join.

<https://dmgov-org.zoom.us/j/97951986555?pwd=L0Q4YWVmL1NXaGxKdzJWRzhJRjIGUT09>

Passcode: 642423

Or join by phone:

Dial:

US: +1 312 626 6799 or +1 720 928 9299 or 877 853 5257 (Toll Free) or 833 548 0276 (Toll Free)

Webinar ID: 979 5198 6555

1. 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.

PROCLAMATIONS

ENERGY EFFICIENCY DAY

FIRE PREVENTION WEEK

HISPANIC HERITAGE MONTH

- 1. ROLL CALL:
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 46:

***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)	85 BAR	432 E LOCUST ST	C Liquor
(B)	BB & BISTRO/OTTS	4121 SE 14TH ST	C Beer/Wine
(C)	CHUMMY	216 COURT AVE	C Liquor
(D)	CLUB 525	525 E GRAND AVE	C Liquor
(E)	HABANEROS MEXICAN	3200 FOREST AVE	C Liquor
(F)	IN & OUT MARKET	2127 MLK JR PKWY	E Liquor
(G)	ITALIAN HOUSE	1106 ARMY POST RD	C Liquor

RENEWAL APPLICATIONS

(H)	ARAMARK @ NATIONWIDE	1100 LOCUST ST	C Liquor
(I)	BARTENDERS HANDSHAKE	3615 INGERSOLL AVE	C Liquor
(J)	BEST FOOD MART	4028 E 14TH ST	C Beer
(K)	CAPTAIN ROYS	1900 SAYLOR RD	C Liquor
(L)	DOLLAR GENERAL #21054	2309 E 42ND ST	C Beer
(M)	DRAKE DINER	1111 25TH ST	C Liquor
(N)	EAST VILLAGE PANTRY	333 E GRAND AVE	E Liquor
(O)	EL AGUILA REAL MEXICAN	4351 MERLE HAY RD	C Liquor
(P)	EL BUEN SABOR LATINO	1130 E 9TH ST	C Liquor
(Q)	EVEREST GROCERY STORE	5000 SW 9TH ST	C Beer
(R)	G T RACE CAR BAR	3013 INGERSOLL	C Liquor
(S)	LUA BREWING	1525 HIGH ST	B Beer

(T)	LUCKY LOTUS	2721 INGERSOLL AVE	C Beer/Wine
(U)	OASIS	630 SW 9TH ST	E Liquor
(V)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(W)	RENAISSANCE DES MOINES	401 LOCUST ST	B Liquor
(X)	RIVER CENTER	320 W MLK JR PKWY	C Liquor
(Y)	STAYBRIDGE SUITES	201 E LOCUST ST	C Beer
(Z)	TONIC ON COURT	210 COURT AVE	C Liquor
(AA)	WALNUT	1417 WALNUT ST	C Liquor

SPECIAL EVENT APPLICATION

(BB) YOUR PRIVATE BARTENDER 519 PARK ST Five (5) Day License
 Class C Liquor License for an event on October 10, 2020.

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

(A) [2021](#) Traffic Signal Replacement Contract 1: Receiving of bids, (10-20-20), Setting date of hearing, (11-23-20). Engineer’s estimate, \$618,000.

[\(Council Communication No. 20-420\)](#)

(B) [Center](#) Street Park and Ride Lighting Improvements: Receiving of bids, (10-20-20). Setting date of hearing, (11-23-20). Engineer’s estimate, \$740,000.

[\(Council Communication No. 20-422\)](#)

(C) [Drake](#) Park Shelter Renovation: Receiving of bids, (10-20-20), Setting date of hearing, (11-23-20). Engineer’s estimate, \$795,000.

[\(Council Communication No. 20-425\)](#)

(D) [Hamilton](#) Drain Storm Water Improvements Phase I: Receiving of bids, (10-20-20), Setting date of hearing. (11-23-20). Engineer’s estimate, \$2,500,000.

[\(Council Communication No. 20-435\)](#)

6. [Approving](#) the Iowa Clean Air Attainment Program (ICAAP) Funding Application to the Iowa Department of Transportation (IDOT) for the Traffic Signal System Timing Update – Phase 4.

[\(Council Communication No. 20-440\)](#)

7. [Approving](#) Professional Services Agreement with Terracon Consultants, Inc. for Municipal Services Center Phase 2 Inspections and Testing, not to exceed \$96,516.

[\(Council Communication No. 20-439\)](#)

8. [Approving](#) Change Order No. 5 with Grimes Asphalt and Paving Corporation for additional work on 2019 Residential Paving, in the amount of \$227,277.

[\(Council Communication No. 20-419\)](#)

- ~~9. Approving Change Order No. 7 with Hawkeye Paving Corporation for additional work on 6th Avenue Streetscape—College Avenue to Hickman Road, in the amount of \$161,321.30.~~

10. [Approving](#) Change Order No. 9 with J & K Contracting, LLC for additional work on Lower Oak and Highland Park Sewer Separation Phase 3, in the amount of \$320,466.84.

[\(Council Communication No. 20-436\)](#)

11. [Approving](#) Private Construction Contract between Ryan Companies US, Inc. and Des Moines Industrial, LLC for construction of Storm Sewer improvements in 200 E. 15th Street.

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

13. [Accepting](#) completed construction and approval final payment for 2019 Sidewalk Replacement Program, Kingston Services, LLC.

LAND/PROPERTY TRANSACTIONS

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2021 Traffic Signal Replacement Project.

[\(Council Communication No. 20-428\)](#)

15. [Dedicating](#) additional right-of-way for College Avenue located west of 41st Street.

SETTING DATE OF HEARINGS

16. [On](#) request from Brown Dog Realty, LLC (Owner) to amend PlanDSM future land use designation and to rezone 2110 Wakonda View Drive from “MX2” Mixed Use District to a Limited “I1” Industrial District, to allow expansion of an existing plumbing and mechanical shop site improvements, (10-19-20).
17. [On](#) request from Mundo Pequenito, LLC (Owner) to amend PlanDSM future land use designation and to rezone 1922 Southwest 1st Street from “NX2” Neighborhood Mix District to “RX1” Mixed Use District to allow expansion of the existing non-conforming Day Care use, (10-19-20).
18. [On](#) vacation of an undeveloped, dead-end segment of Southeast 14th Court Right-of-Way from East Vine Street to a point approximately 300 feet to the south and conveyance to Christine Bender and Lenny Bender and to Catherine Coleman for \$600.00, (10-19-20).
19. [On](#) request from Plymouth Church of Des Moines (Owner) for review and approval of a proposed 4th Amendment to the Plymouth Congregational Church PUD Conceptual Plan for property located in the vicinity of 4126 Ingersoll Avenue to allow roof mounted solar panels on the church building, (10-19-20).
20. [On](#) the proposed 1st Amendment to the Urban Renewal Plan for the 38th and Grand Urban Renewal Area, (11-9-20).

[\(Council Communication No. 20-433\)](#)

21. [On](#) the proposed Fifth Amendment to the Urban Renewal Plan for the Southside Economic Development District Urban Renewal Area, (11-9-20).

[\(Council Communication No. 20-442\)](#)

22. [On](#) the proposed Seventh Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (11-9-20).

[\(Council Communication No. 20-431\)](#)

23. [On](#) the proposed Seventeenth Amendment to the Central Place Industrial Park Redevelopment Urban Renewal Plan, (11-9-20).

[\(Council Communication No. 20-432\)](#)

24. Number not used.

25. On amendment to the annual budget for current fiscal year ending June 30. 2021, (10-19-20).

[\(Council Communication No. 20-427\)](#)

26. [On](#) the proposition to authorize an amendment to lease agreement with Koch Brothers, Inc. for the lease of up to 44 additional multi-function devices (printer, copier, scanner, and facsimile) for use in the city operations for a period not to exceed five years, in the amount not to exceed an additional \$440,608.78 (\$1,150,000 total) and providing for publication of the notice thereof, (10-19-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. [Amending](#) retention letter with Ahlers & Cooney, P.C. Law Firm for limited, specified purposes in the past, including the representation in collective bargaining matters.
28. Number not used.
29. [Approving](#) retention of outside counsel.

APPROVING

30. [Home](#) Investment Partnerships Program (HOME) Funding for Greater Des Moines Habitat for Humanity to construct affordable single-family homes (1715 Clark Avenue and 2211 Lincoln Avenue).

[\(Council Communication No. 20-424\)](#)

31. [Preliminary](#) terms of an Urban Renewal Development Agreement with Spot 515, LLC, for the renovation of the 12,100 square-foot commercial building at 515 28th Street for restaurant and commercial uses.

[\(Council Communication No. 20-429\)](#)

32. [Economic](#) Development Assistance Contract between Helena Industries, LLC and the Iowa Economic Development Authority (IEDA).

[\(Council Communication No. 20-437\)](#)

33. [An](#) agreement with Project 7 Design, Inc. and Des Moines Parks & Recreation Foundation regarding design services for E911 and Trail System Identities Signage.

[\(Council Communication No. 20-418\)](#)

34. [Appointment](#) of Chief of Police Dana Wingert and Superintendent of Technical Services Michele Bischof as the Primary Members of the Joint 911 Service Board with Communications Administrator Bradley Button, Captain David Ness, Captain Jeff Edwards and Fire Assistant Chief Tony Francisco serving as alternate members.

35. [Acceptance](#) of the FY2020 Community Oriented Policing Services (COPS) School Violence Prevention Program Grant Award.

[\(Council Communication No. 20-414\)](#)

36. [Acceptance](#) of the 2020 Edward Byrne Memorial Justice Assistance (JAG) Grant Award in the amount of \$141,606.

[\(Council Communication No. 20-415\)](#)

37. [Project](#) Safe Neighborhood Grant reimbursement of overtime in support of targeted drug enforcement in the amount of \$67,708.

[\(Council Communication No. 20-413\)](#)

38. [Fiscal](#) Year 2020 Annual Federal Equitable Sharing Agreement and Certification Report to the U.S. Department of Justice.

39. [City](#) Council meeting schedule for 2021.

40. [Request](#) from Downtown Community Alliance on behalf of Meredith Corporation, for approval of up to seven (7) banners to be displayed on seven (7) poles in the downtown Des Moines between 18th and 15th Street beginning November 13, 2020.

41. Fund transfer resolution of the City of Des Moines for the following:

(A) [Fiscal](#) year 2020.

(B) [Fiscal](#) year 2021.

- 42. [Second](#) Amendment to Digitech Agreement to provide for additional billing services, additional compensation for those services and to agree to extend the contract for its existing extension period.

[\(Council Communication No. 20-438\)](#)

- 43. Purchases from the following:

- (A) [Stryker](#) Medical for three (3) Physio-Control Lifepak 15 Cardiac monitor-defibrillators and four (4) Lucas 3, 3v.1 Chest Compression Systems for use by the Fire Department, \$166,026.51.
- (B) [OneNeck](#) IT Solutions (Terry Swanson, President and CEO) for Hewlett Packard SimpliVity Nodes per State of Iowa Master Agreement for use by the IT Department, \$124,270.04.

[\(Council Communication No. 20-426\)](#)

- 44. [Civil](#) Service Entrance Lists for Human Resources Business Partner and Special Events Marketing Coordinator.
- 45. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 5 and 12, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 5 and 12, 2020; and to draw checks for biweekly payroll due October 9, 2020.

ORDINANCES - FINAL CONSIDERATION

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

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 20-441\)](#)

- (A) Code Modification related to parking changes on E. Vine Street, E. Market Street, E. Elm Street, SE 6th Street, and SE 7th Street due to Rowat Lofts (110 SE 7th Street) and District at 6th (201 SE 6th Street) Developments.
 - (B) Proposed code change to match field conditions on the west side of 6th Avenue from Mulberry Street north.
 - (C) Final consideration of ordinance above, requires six votes.
48. [Amending](#) Chapter 26 of the Municipal Code relating to terms and composition of the Building and Fire Code Board of Appeals.

[\(Council Communication No. 20-417\)](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by Cody Christensen, Permit and Development Center Administrator), requires six votes.
 - (B) [Recommendation](#) of Council Member Gray to appoint Steve Terry to the Building and Fire Code Board of Appeals, Seat 11, for a three-year term expiring April 1, 2023.
- 48I. [Amending](#) Chapter 2, Article IV, Division 3, Subdivision I, Sections 2-201, 2-203, and Article V, Division 6, Sections 2-921, 2-922, 2-923, 2-924, and Article VII, Sections 2-1233, 2-1234, 2-1235, 2-1236; repealing Division 3, Subdivision II, Section 2-231; and adding Article V, Division 8, Section 2-1001, 2-1002, 2-1003, and 2-1004, relating to the reorganization and replacement of the Community Development Department with the Neighborhood Services Department and the Development Services Department.

[\(Council Communication No. 20-443\)](#)

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

APPROVING

49. [Accepting](#) proposal of Ahlers & Cooney, PC to provide Municipal Nuisance Code Litigation/Real Estate counsel services for the Blitz on Blight Program and approving Agreement for provision of the same.

COUNCIL REQUESTS

- 49I. ~~Council Member Mandelbaum request to speak on the approach to enforcement of permit requirements for marches and First Amendment activity.~~

COMMUNICATIONS/REPORTS

50. [Receive](#) and file letter regarding Dico Site Redevelopment.
51. Requests to speak:
- (A) [Joshua](#) Walton regarding mental health in the community.
 - (B) [Matthew](#) Gilbert (Attorney for Larry Mason, Jr.) request to speak regarding minority business in East Village District.
 - (C) [Brenda](#) McDonald request to speak regarding the Des Moines Police Department.
 - (D) [Debra](#) Howell regarding status on the Des Moines Police Department.
 - (E) [D. L.](#) Cooper regarding building address change.
 - (F) [Bruce](#) Gerleman regarding tax abatement awarded for Jethro's BBQ, 4337 Park Avenue.
 - (G) [Noah](#) Beacom regarding a different way to make decisions in Des Moines.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 58)

52. [On](#) request from Menard, Inc. (Owner) to amend the PlanDSM: Creating Our Tomorrow future land use designation, approve a large-scale development plan, and to rezone properties at 6000 Southeast 14th Street; 5907, 5911, and 5917 Southeast 8th Street; and 801 Hart Avenue from "N3a" Neighborhood District and "MX3-V" Mixed Use District to "CX-V" Mixed Use District to allow the expansion of the existing Menard's home improvement center with an additional 30,855 square feet warehouse.
- (A) [First](#) consideration of ordinance above.
 - (B) [Final](#) consideration of ordinance above (waiver requested by Theron J. Berg, Real Estate Manager), requires six votes.

53. On request from Lil Brother Construction, LLC (Purchaser) to amend the PlanDSM: Creating Our Tomorrow future land use designation and to rezone property at 2025 East Grand Avenue from “RX1” Mixed Use District to “I1” Industrial District to allow reuse and expansion of the existing building and site for “Office, Business and Industrial Service, “Light” use for a construction and home repair contractor business.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, requires six votes.
54. 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.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Steve McFadden, Sole Shareholder and Manager of McFadden Holdings, LLC), requires six votes.
55. On vacation of the east/west alley right-of-way between Vale Street and E. Railroad Avenue from SE 7th Street to SE 8th Street and conveyance to the adjoining property owners, \$375.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, requires six votes.
56. To repeal the ordinance establishing Sherman Hill Historic District and re-enact said District to align its boundaries with the boundary of the Sherman Hill Historic District as listed on the National Register of Historic Places.
- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above, requires six votes.
57. On request from 3801 Grand Avenue Associates LP (Owner), for review and approval of PUD final development site plan for “3801 Grand Avenue” for property at 3801 and 3721 Grand Avenue.

58. On Des Moines River Levee Pump Station Rehabilitations: approving plans, specifications, form of contract documents, and Engineer’s estimate, receive and file bids and designating lowest responsive, responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$5,222,900.

(Council Communication No. 20-434)

- (A) Approving contract and bond.

*** END OF HEARINGS _____ PM ***

MOTION TO ADJOURN.

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