

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

October 19, 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 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/96010679021?pwd=cFpOZ2ZlNUE2UWZlHcmxkMnJlTWZlZz09>

Passcode: 915229

Or join by phone:

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Webinar ID: 960 1067 9021

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 and as excluded under Chapter 21 by Iowa Code Section 20.17(3) to discuss collective bargaining strategy.

(C) Closed Session.

- (D) Terminate closed session and reconvene in open session.
- (E) Motion to adjourn.

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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 42:

***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)	SURETY HOTEL	206 6TH AVE	B Liquor
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RENEWAL APPLICATIONS

(B)	AC HOTEL/REPUBLIC	401 E GRAND AVE	B Liquor
(C)	BLAZING SADDLE	416 E 5TH ST	C Liquor
(D)	CASEYS #2921 *(1)	3725 BEAVER AVE	C Beer
(E)	CASEYS #2922 *(1)	3501 E 14TH ST	B Beer
(F)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(G)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(H)	CHEESE SHOP OF DES MOINES	833 42ND ST	C Beer/Wine
(I)	CVS PHARMACY #10161	215 EUCLID AVE	E Liquor
(J)	DAM PUB	2712 BEAVER AVE	C Liquor
(K)	DC MISFITS	607 SE 30TH ST	C Liquor
(L)	DES LUX HOTEL	800 LOCUST ST	B Liquor
(M)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(N)	EL RINCON CATRACHO 2	910 HULL AVE	C Liquor
(O)	EUREST DINING SERVICES	1331 GRAND AVE	C Liquor
(P)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(Q)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine

(R)	FUZZYS TACO SHOP	300 W MLK JR PKWY	C Liquor
(S)	GIT N GO STORE #33	865 42ND ST	C Beer
(T)	GIT N GO STORE #42	806 SE 14TH ST	C Beer
(U)	GOLDEN FAMILY MARKET	4109 SE 14TH ST	C Beer
(V)	GOODSONS	2815 BEAVER AVE	C Liquor
(W)	HESSEN HAUS	101 4TH STREET	C Liquor
(X)	IOWAS PREMIER FOOD	730 3RD ST	C Beer
(Y)	KUM & GO #535	4960 E BROADWAY	E Liquor
(Z)	OH SUSHI	2815 BEAVER AVE	C Beer/Wine
(AA)	QUIK TRIP #530	1424 E EUCLID AVE	E Liquor
(BB)	QUIK TRIP #559	4021 FLEUR DR	E Liquor
(CC)	STUFFED OLIVE & VOODOO	208 3RD ST	C Liquor
(DD)	TOBACCO HUT	5714 HICKMAN RD	C Beer
(EE)	TRELLIS CAFE	909 ROBERT D RAY	C Liquor
(FF)	WOODYS	2117 E UNIVERSITY	C Liquor

OUTDOOR SERVICE APPLICATIONS

(GG)	DC MISFITS Permanent.	607 SE 30TH ST	C Liquor
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SPECIAL EVENT APPLICATIONS

(HH) MARSH & FRIDAY WEDDING 3000 E GRAND AVE Five (5) Day License
Class C Liquor License for a reception on November 14, 2020.

(II) YOUR PRIVATE BAR 519 PARK ST Five (5) Day License
Class C Liquor License for an event on November 7, 2020.

- 4I. [Consideration](#) of New Class C Liquor License for Coa Cantina, 425 E Grand Avenue.
Sponsor: Council Member Gatto.
- 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits.

PUBLIC IMPROVEMENTS

- 6. Ordering construction of the following:
 - (A) [Historic](#) Pillar Repair on Southwest Corner of Chaffee Road and Army Post Road:
Receiving of bids, (11-10-20), Setting date of hearing, (12-7-20). Engineer's estimate, \$40,000.

[\(Council Communication No. 20-455\)](#)

(B) [2021](#) Traffic Signal Replacement Contract 2: Receiving of bids, (11-10-20), Setting date of hearing, (12-7-20). Engineer's estimate, \$610,000.

[\(Council Communication No. 20-454\)](#)

7. [Approving](#) and authorizing the execution of the Iowa Department of Transportation (IDOT) Agreement for the Intelligent Transportation Systems Upgrade – Phase 2.

[\(Council Communication No. 20-448\)](#)

8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Snyder & Associates, Inc. for additional professional services for 6th Avenue Streetscape Phase 2 – University Avenue to College Avenue, not to exceed \$48,000.

[\(Council Communication No. 20-451\)](#)

9. [Approving](#) Change Order No. 7 with Hawkeye Paving Corporation for additional work on 6th Avenue Streetscape – College Avenue to Hickman Road, \$161,321.30.

[\(Council Communication No. 20-450\)](#)

10. [Approving](#) Change Order No. 6 with Jasper Construction Services, Inc. for additional work on Court Avenue, SW 1st Street, and Scott Avenue Bridge Rehabilitation, \$409,223.25.

[\(Council Communication No. 20-452\)](#)

11. [Approving](#) Private Construction Contract between CIDW, LLC and Drake Multifamily, LLC for storm sewer improvements in 2530 University Avenue.

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

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

(A) [Merle Hay Road](#) and Hickman Road Intersection Improvements, Minturn, Inc.

(B) [MacRae](#) Park Pond Dredging, C.J. Moyna & Sons, Inc.

SPECIAL ASSESSMENTS

14. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2020-08.
15. [Deletion](#) of rental inspection assessment at 3116 E 41st Street.

LAND/PROPERTY TRANSACTIONS

16. [Approval](#) of 207 tax abatement applications for improvements to property completed in 2020.

[\(Council Communication No. 20-460\)](#)

BOARDS/COMMISSIONS/NEIGHBORHOODS

17. [Approving](#) temporary amendment to Neighborhood Recognition Policy.

[\(Council Communication No. 20-456\)](#)

- ~~18. Recommendation from the Urban Design Review Board to appoint Chad Bentzinger to Seat 3 for the term expiring June 30, 2023; and reappoint Karen Sol to Seat 5 for a term expiring June 30, 2023; and Laura Smidt to Seat 4 for a term expiring June 30, 2023 on the Skywalk Committee.~~

SETTING DATE OF HEARINGS

19. [On](#) request from Casey's Marketing Company (Erik Nikkel, Agent) to amend the PlanDSM Creating our Tomorrow Comprehensive Plan from Neighborhood Mixed Use within a Neighborhood Node to Community Mixed Use within a Neighborhood Node and to rezone property at 3121 Forest Avenue from "MX1" Mixed Use District to "MX3" Mixed Use District to allow redevelopment of the site with a 3,400-square foot store for retail sales, limited use with the ability to request a Conditional Use for a business that sells alcoholic liquor, (11-9-20).
20. [On](#) vacation of a segment of University Avenue right-of-way adjoining 2650 University Avenue and conveyance of a permanent easement for building encroachment – door swing to Hotel Francis, LLC, \$100, (11-9-20).
21. [On](#) conveyance of a permanent easement for building encroachment in a portion of Waveland Golf Course located west of and adjoining 4841 Algonquin Road to Cory L. Schooley and Kristin K. Schooley, \$3,740.00, (11-9-20).

22. [On](#) conveyance of vacated Southeast 24th Street right-of-way located west and adjoining 2400 Evergreen Avenue in exchange for a temporary easement to Donald Davidson and Sandra Davidson, (11-9-20).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. [Approving](#) payment to Broadlawns Medical Center for property damage.
- 23I. [Communications](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

APPROVING

24. [Second](#) Amendment to the Urban Renewal Agreement with Nelson Development 1, LLC, to purchase and develop city-owned property at 418 East Grand Avenue in the Metro Center Urban Renewal Area.

[\(Council Communication No. 20-466\)](#)

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

[\(Council Communication No. 20-447\)](#)

26. [Preliminary](#) terms of an Urban Renewal Development Agreement with 3801 Grand Associates, LP and Newbury Management Company for the construction of a new 56-unit multi-residential apartment building located at 3705-3707 Grand Avenue.

[\(Council Communication No. 20-463\)](#)

27. [Preliminary](#) terms of an Urban Renewal Development Agreement with 13th & Mulberry, LLC for the historic renovation of the existing one-story commercial building at 213 13th Street and construction of a new five-story mixed-use building on the adjacent lot northwest of 13th and Mulberry.

[\(Council Communication No. 20-461\)](#)

28. Number not used.

29. [Issuance](#) of phased footings and foundation permit for rehabilitation and development project at 3750 Grand Avenue.

[\(Council Communication No. 20-462\)](#)

30. [Escrow](#) agreement for private contribution to costs of street lighting on 19th Street adjoining 851 19th Street.

31. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (IHSEMD) for award of 2019 Cybersecurity Risk Reduction Grant and Memorandum of Agreement (MOA) with IHSEMD to retain such grant funding for use by State of Iowa Office of the Chief Information Officer (OCIO) and terminating 2019 MOA for same.

[\(Council Communication No. 20-458\)](#)

32. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (IHSEMD) for award of 2020 Cyber Risk Reduction Grant and Memorandum of Agreement (MOA) with IHSEMD for IHSEMD to retain such grant funding for use by State of Iowa Office of the Chief Information Officer (OCIO).

[\(Council Communication No. 20-459\)](#)

33. [Acceptance](#) of 2020 Homeland Security Grant Awards on behalf of the Weapons of Mass Destruction (WMD)/SWAT and the Explosive Ordnance Detection (EOD) Task Force.

[\(Council Communication No. 20-469\)](#)

34. [Agreement](#) for EMT training and agreement for paramedic training with Des Moines Area Community College.

[\(Council Communication No. 20-445\)](#)

35. [Additional](#) Endorsement for Iowa Department of Transportation (IDOT) Federal Recreational Trails (FRT) Grant Application for \$400,000 for the Carlisle Connection Multi-Use Recreational Trail Project.

[\(Council Communication No. 20-467\)](#)

36. Number not used.

37. [Approving](#) and authorizing execution of a Cooperative Agreement between the Des Moines Civil & Human Rights Commission and the Iowa Civil Rights Commission.

[\(Council Communication No. 20-468\)](#)

38. [Proposal](#) from Conley Group, Inc. to provide security services for City Hall, former DICO site and optional additional services for other city facilities and authorizing the City Manager to execute such contract, (13 proposals sent, one received).

[\(Council Communication No. 20-444\)](#)

39. Abatement of public nuisances at the following:

- (A) [3103](#) Garfield Avenue (main structure).
- (B) [2909](#) Cleveland Avenue (main structure).
- (C) [2305](#) Saylor Road (main and garage structure).
- (D) [4005](#) Cambridge Street (main structure).
- (E) [2535](#) E 16th Street (garage structure).
- (F) [526](#) Arthur Avenue (garage structure).
- (G) [1106](#) 17th Street (main structure).
- (H) [2148](#) Capitol Avenue (main and garage structure).
- (I) [101](#) Johnson Court (main structure).

40. [Civil](#) Service Entrance Lists for Arborist, Crime Scene Investigator, Environmental Engineering Technician I, and Police Officer and Promotional Lists for Fire Medic and Truck Driver.

41. [Declaring](#) an official intent under Treasury Regulation 1.150-2 to reimburse the City for certain expenditures paid in connection with specified projects.

42. [Authorizing](#) Finance Director to draw checks registers for the weeks of October 19, 26, and November 2, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 19, 26, and November 2, 2020; to draw checks for biweekly payroll due October 23 and November 6, 2020.

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

ORDINANCES - FIRST CONSIDERATION

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

[\(Council Communication No. 20-449\)](#)

- (A) Code modifications to designate a 25-mph maximum speed limit on University Avenue from 25th Street to 31st Street and remove parking on the north side of the street.
 - (B) Code correction — 18th Street between Day Street and University Avenue.
 - (C) Code correction — correcting references to former “McDonald Street.”
 - (D) Parking restriction — Gleaves Court between E. Ovid Avenue and the cul-de-sac.
 - (E) Proposed code change to match field conditions on the north side of the Walnut Street Bridge and the south side of the Court Avenue Bridge.
 - (F) Proposed code change to add a loading zone to the west side of SW 5th Street between Martin Luther King, Jr. Parkway and Tuttle Street.
44. [Amending](#) Chapter 30, Article VIII relating to secondhand goods.
- (A) [Final](#) consideration of ordinance above (waiver requested by Chief Wingert), requires six votes.
 - (B) [Approving](#) the amendment to the schedule of fees relating to secondhand goods.

COUNCIL REQUESTS

45. Communication from Council Member Mandelbaum to present a [draft resolution](#) concerning the City’s climate and energy goals to Council and to direct the City Manager to schedule a work session in November to discuss such goals and draft resolution and present a resolution to Council for consideration by the second meeting in December.
46. [Council](#) Member Boesen to speak on amending the City Code to prohibit both a conflict of interest and appearance of a conflict of interest in the acceptance of any City grants or City funding by City Council members, or their immediate family members, or the acceptance of funding from vendors or other entities the City materially supports and to direct the City Manager and City Attorney to draft language for such amendments.

APPROVING

- 46I. [Adopting](#) City of Des Moines Equity Framework for the evaluation and implementation of equitable delivery of City services and amenities.

([Council Communication No. 20-470](#))

COMMUNICATIONS/REPORTS

47. Requests to speak as follows:

- (A) [Robert Gamble](#) regarding increase law enforcement salaries and increase funding for additional training and mental health.
- (B) [Jeri Cox](#) regarding multiple accidents in front of her rentals on E. Watrous Avenue.
- (C) [Adam Callanan](#) regarding defunding Des Moines Police Department.
- (D) [Max Tensen](#) regarding the militant actions of the Des Moines Police Department.
- (E) [Lenin Cardwell](#) regarding brutality of the Des Moines Police Department.
- (F) [Molly Arndt](#) regarding Des Moines Police Department and police union activity.
- (G) [Lily Nellans](#) regarding abolishing Des Moines Police Department.
- (H) [James Grimm](#) regarding the Des Moines Police Department's use of simple misdemeanor charges as a means of harassment.
- (I) [Haley Dikkers](#) regarding police accountability.
- (J) [Truley Wingert](#) regarding police funding.
- (K) [Jordan Christensen](#) regarding mask mandate.
- (L) [Paden Sheumaker](#) regarding council rules.
- (M) [Miranda Wilson](#) regarding council actions.
- (N) [Carter White](#) regarding City Council thwarting civic engagement.
- (O) [Jacob Grobe](#) regarding climate justice is racial justice.

- (P) [Giovanni Bahena](#) regarding publicly funded Art Venues in Des Moines.
- (Q) [Indira Sheumaker](#) regarding Des Moines City Council's role as representatives of the people.
- (R) [Sararae Herrin](#) regarding Black state of emergency.
- (S) [Pete Myers](#) regarding protesting permits.
- (T) [Harleigh Boldridge](#) regarding procedural rules of Des City Council.
- (U) [Matthew S. Herrin](#) regarding use of city funds for police and justice reform.
- (V) [Jaylen Cavil](#) regarding transparency issues and holding Des Moines Police Department accountable.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 48 THRU 55)

- 48. [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.
 - (A) [First consideration](#) of ordinance above.
 - (B) [Final consideration](#) of ordinance above (waiver requested by Alan VanGundy, Architect for the project), requires six votes.
- 49. [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.
 - (A) [First](#) consideration of ordinance above.
- 50. [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.

51. 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 Christina Bender and Lenny Bender and to Catherine Coleman for \$600.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above (waiver requested by Catherine Coleman, adjoining property owner), requires six votes.

52. On amendment to the annual budget for current fiscal year ending June 30. 2021.

(Council Communication No. 20-465)

53. 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).

(Council Communication No. 20-464)

54. On Bill Riley Trail Repair at the Iowa Interstate Railroad Bridge: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating lowest responsible bidder as RW Excavating Solutions, LC (Dan E. Wilson, Managing Member), \$354,342.82.

(Council Communication No. 20-457)

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

55. On 2020 Sewer Repair at 3515 Sheridan Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as MPS Engineers, P.C. dba Kingston Services, P.C., (Umesh G. Shetye, President), \$268,345.00.

(Council Communication No. 20-453)

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

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

MOTION TO ADJOURN.

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