

**DES MOINES CITY COUNCIL MEETING**  
**City Hall, City Council Chambers**  
**400 Robert D Ray Drive**  
**Des Moines, Iowa 50309**

**November 1, 2021**  
**5:00 P.M.**

*Due to the increased community transmission of COVID-19 in Polk County, we have implemented a face covering requirement in City buildings. The requirement applies to both staff and the visiting public and includes attendance at Council meetings. If you do not have a face covering, one will be provided for you.*

The public is hereby notified that the City Council will not tolerate disruption of its business meetings. Persons wishing to attend this meeting are reminded of the following:

We welcome germane comments from the public at the appropriate time, but this is a Council business meeting, and the Council needs to conduct the people's business and Council has rules that are validly adopted under Iowa law and those rules will be followed.

Anyone engaging in disruptive conduct in the Council Chambers or Great Hall will result in those being disruptive being ordered to leave the building and being denied readmittance for the remainder of the day.

No person will be permitted to stand in the council chamber during council sessions between the audience seats and the councilmembers except the persons addressing the council **at the speakers' microphone** and **only** after being recognized by the Mayor.

All persons desiring to address the council may do so only when recognized by the Mayor, but the council reserves the right to limit the speaker's time and the order in which the speakers may address the council.

**Under Section 2-70 of the City Code**, it is illegal to interrupt any person who is addressing the council except by a council member, and it is illegal to disrupt the Council meeting.

EVERYONE in attendance has First Amendment rights and any disruptive conduct by one person or group impinges on the rights of others present, so disruptive conduct will not be tolerated.

If the meeting is disrupted, the public speaking portion of the meeting may be moved to the next in-person meeting which is not disrupted.

Those who disrupt the meeting will not be called on during the meeting, will be ordered to leave the building and may be cited or arrested for disorderly conduct, trespass or interfering with the good order of the meeting or other applicable charges.

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 39:

**\*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) DONNAS      | 4424 SE 14TH ST    | Class C Liquor         |
| (B) PARLOR      | 4041 URBANDALE AVE | Class C Liquor         |
| (C) TURNER JAZZ | 2505 CARPENTER AVE | Special Class C Liquor |

**RENEWAL APPLICATIONS**

- |                  |                       |                |
|------------------|-----------------------|----------------|
| (D) ALDI INC #03 | 3940 E 14TH ST        | Class C Beer   |
| (E) ALDI INC #29 | 5512 SE 14TH ST       | Class C Beer   |
| (F) ALDI INC #38 | 2543 E UNIVERSITY AVE | Class C Beer   |
| (G) CENTRO       | 1011 LOCUST ST        | Class C Liquor |

(H)	COA CANTINA	425 E GRAND AVE	Class C Liquor
(I)	DAM PUB	2712 BEAVER AVE	Class C Liquor
(J)	FREMONT	1030 E 9TH ST	Class C Liquor
(K)	GIT N GO #19	890 COUNTY LINE RD	Class C Beer
(L)	GIT N GO #42	806 SE 14TH ST	Class C Beer
(M)	GIT N GO #6	5736 FRANKLIN AVE	Class C Beer
<del>(N)</del>	<del>GOLDEN FAMILY</del>	<del>4109 SE 14TH ST</del>	<del>Class C Beer</del> WITHDRAWN
(O)	HESSEN HAUS	101 4TH ST	Class C Liquor
(P)	HOME2 SUITES	2650 UNIVERSITY AVE	Class B Liquor
(Q)	HOQ RESTAURANT	303 E 5TH ST	Class C Liquor
(R)	IOWAS PREMIER	730 3RD ST	Class C Beer
(S)	JEANNIES BOTTLE	3839 MERLE HAY RD	Class C Liquor
(T)	JESSES EMBERS	3301 INGERSOLL AVE	Class C Liquor
(U)	KWIK STAR #1053	4105 HUBBELL AVE	Class C Beer
(V)	PURVEYOR	505 E GRAND AVE	Class C Liquor
(W)	VARIED IND. BLDG	3000 E GRAND AVE #53	Class B Beer

**SPECIAL EVENT APPLICATIONS**

- (X) HOLY FAMILY CATHOLIC 1265 E 9TH ST 5 days  
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR BARN BASH  
FUNDRAISING EVENT ON NOVEMBER 13, 2021.
- (Y) YOUR PRIVATE BAR 3000 E GRAND AVE 5 days  
CLASS C LIQUOR LICENSE FOR A WEDDING RECEPTION ON NOVEMBER  
13, 2021.

- 5. [City Clerk](#) to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

- 6. Ordering construction of the following:
  - (A) [2nd](#) Avenue and Hull Avenue Traffic Signal Replacement – Receiving of bids (11-16-21), Setting date of hearing (12-20-21), Engineer’s estimate, \$300,000.  
  
([Council Communication No. 21-465](#))
  - (B) [Intelligent](#) Transportation System Phase 2: Receiving of bids (11-16-21), Setting date of hearing (12-20-21), Engineer’s estimate, \$1,600,000.  
  
([Council Communication No. 21-464](#))

7. [Approving](#) Professional Services Agreement (PSA) with JEO Consulting Group, Inc. for the E Army Post Road – SE 14th Street to US Highway 65 Corridor Study, not to exceed \$90,000.

[\(Council Communication No. 21-468\)](#)

8. [Approving](#) Professional Services Agreement (PSA) with Olsson, Inc. for design and construction phase services for the Watrous Avenue Improvement Project (SW 56<sup>th</sup> to SW 61<sup>st</sup>), not to exceed \$130,185.

[\(Council Communication No. 21-479\)](#)

9. [Approving](#) Supplemental Agreement No. 4 to the Professional Services Agreement (PSA) with Stantec Consulting Services, Inc. for construction phase services for Des Moines Levee Alterations – Phase A, not to exceed \$91,200.

[\(Council Communication No. 21-480\)](#)

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

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

- (A) [Ingersoll](#) Avenue Streetscape from M.L. King Jr. Parkway to 24<sup>th</sup> Street (North side), Jasper Construction Services, Inc.

- (B) [Weeks](#) Middle School Park Improvements, GTG Construction, LLC.

## **SPECIAL ASSESSMENTS**

12. [Levying](#) assessments for costs of Public Works sewer repair at 4320 New York Avenue, Schedule No. 2021-04.

## **LAND/PROPERTY TRANSACTIONS**

13. [Authorization](#) to proceed with acquisition of the necessary property interests for the E. 30<sup>th</sup> Street and E. University Avenue Intersection Improvements Project.

[\(Council Communication No. 21-466\)](#)

14. [Authorization](#) to proceed with acquisition of the necessary property interests for the Observatory Road Reconstruction from Polk Boulevard West to Parking Lot Project.

[\(Council Communication No. 21-467\)](#)

15. [Conditionally](#) approving final plat for Woods of Copper Creek Plat 5 and acceptance of subdivision improvements and PUD Restoration Bonds.

[\(Council Communication No. 21-471\)](#)

16. [Approval](#) of Preliminary Plat “Western Gateway Phase 1” for property located at 555 17<sup>th</sup> Street.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

17. [Communication](#) on the loss of Frank Owens from the Neighborhood Revitalization Board, Seat 10, effective October 7, 2021.
18. [Recommendation](#) by Council Member Mandelbaum to appoint Brianne Sanchez to the Transportation Safety Committee, Seat 6, to fill a vacancy with a term ending on December 31, 2023.
- 18I. [Recommendation](#) by Council Member Gatto to appoint Jared Morford to the Transportation Safety Committee, Seat 7, for three-year term commencing on January 1, 2020 to December 31, 2022; and an additional three-year term commencing on January 1, 2023 to December 31, 2025.

## **SETTING DATE OF HEARINGS**

19. [On](#) vacation of portions of Crocker Street, 12<sup>th</sup> Street and Keosauqua Way right-of-way adjoining 1201 Keosauqua Way and conveyance of a Permanent Easement for Building Encroachment – Door Swing to Aust Real Estate, LLC, \$5,760, (11-15-21).
20. [On](#) conveyance of vacated City alley located east of and adjoining 905 23<sup>rd</sup> Street to Gregory P. Brown, \$25, (11-15-21).
21. [On](#) conveyance of vacated City alley located east of and adjoining 915 23<sup>rd</sup> Street to Maria Rodriguez, \$25, (11-15-21).
22. [On](#) conveyance of excess City-owned property locally known as 2411, 2501 and 2505 Sunset Road, and District/Parcels 010/05229-000-000 and 010/05230-000-000 to Midwest Quality Wholesale, Inc., \$133,200, (11-15-21).
23. Number Not Used.

24. [On](#) request from Wesley Life to amend PlanDSM: Creating Our Tomorrow future land use designation for 3206 University Avenue, and 1117 and 1119 33<sup>rd</sup> Street from Low Density Residential and Low-Medium Density Residential to Community Mixed use and to rezone the property from P2 Public, Civic and Institutional District to Limited MX3 Mixed Use District to allow use of the existing building at 3206 University for a mix of uses, including Restaurant and Limited Fabrication and Production Use and to allow expansion of the existing parking lot onto the parcels at 1117 and 1119 33<sup>rd</sup> Street, (11-15-21).
25. [On](#) the adoption of the Fourth Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, (11-15-21).
26. Number Not Used
27. [On](#) a proposed lease purchase agreement in the principal amount of not-to-exceed \$54,455 for the purpose of acquiring equipment consisting of a Ford E-Transit Cargo Van 350 Electric Vehicle, (11-15-21).
28. [On](#) amendment of lease of the Botanical Center to the Des Moines Botanical Center Garden, (11-15-21).

[\(Council Communication No. 21-463\)](#)

29. [Accepting](#) revised development proposal from Des Moines Climate Controlled Self Storage, LLC (Mark Bockenstedt, Owner) to develop City-owned property in the vicinity of 503 SE 12<sup>th</sup> Street in the Metro Center Urban Renewal Area and setting public hearing, (12-6-21).

[\(Council Communication No. 21-474\)](#)

## **CITY MANAGER COMMUNICATIONS**

30. [Submitting](#) travel and training requests for Roger Nowadzky, Joe Gatto, Carl Voss and T.M. Franklin Cownie.

[\(Council Communication No. 21-483\)](#)

## **APPROVING**

31. [Agreement](#) with Iowa Homeland Security and Emergency Management Department (HSEMD) for award of 2021 Cybersecurity Risk Reduction Grant and Memorandum of

Agreement (MOA) with HSEMD for HSEMD to retain such grant funding for use by the State Office of Chief Information Officer (OCIO).

[\(Council Communication No. 21-481\)](#)

32. [Acceptance](#) of the 2021 Edward Byrne Memorial Justice Assistance (JAG) Grant Award in the amount of \$169,638.

[\(Council Communication No. 21-462\)](#)

33. [Community](#) Catalyst Building Remediation Grant Agreement (21-CTBF-031) with the Iowa Economic Development Authority (IEDA) and approving first amendment to the City of Des Moines Neighborhood Commercial Revitalization Program Grant Agreement with Des Moines Film Society, related to Varsity Theater Redevelopment Project.

[\(Council Communication No. 21-472\)](#)

34. [Purchase](#) of annual software maintenance and support for the VIPER Call Routing System from Lumen Technologies, Inc. (a company under CenturyLink).

[\(Council Communication No. 21-461\)](#)

35. [Abatement](#) of public nuisance at 1446 Searle Street.

- 35-I. [Fund](#) Transfer Resolution of the City of Des Moines (FY 2021).

36. [Authorizing](#) Finance Director to draw checks on registers for the weeks of November 1 and 8, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 1 and 8, 2021; to draw checks for biweekly payroll due November 5, 2021.

#### **ORDINANCES - FINAL CONSIDERATION**

37. [Amending](#) the Municipal Code adding Chapter 18, Article VII, Sections 18-215, 18-216, 18-217, and 18-218, relating to feeding of deer and waterfowl only, and amending for baiting exceptions.

38. [Amending](#) Sections 114-1618, 114-1647 and 114-1692, relating to snow routes.

#### **ORDINANCES - SECOND CONSIDERATION**

39. [Amending](#) Section 42-358, relating to notices to abate nuisances.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 40 THRU 49)**

40. On the proposed 2022 Action Plan as part of the 2020-2024 Consolidated Plan for submission to the U.S. Department of Housing and Urban Development (HUD).

[\(Council Communication No. 21-484\)](#)

41. On the proposed Twenty-Ninth Amendment to the Metro Center Urban Renewal Plan.

[\(Council Communication No. 21-473\)](#)

42. On proposed Second Amendment to the Urban Renewal Plan for the Northeast Gateway 1 Urban Renewal Area.

[\(Council Communication No. 21-475\)](#)

43. On proposed Third Amendment to the Urban Renewal Plan for the Fleur Drive Commercial Urban Renewal Area.

[\(Council Communication No. 21-476\)](#)

44. On the proposed Third Amendment to the Urban Renewal Area Plan for the Merle Hay Commercial Area Urban Renewal Area.

[\(Council Communication No. 21-477\)](#)

45. On the proposed Ninth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area.

[\(Council Communication No. 21-478\)](#)

- (A) First consideration of ordinance above.
- (B) Final consideration of ordinance above (waiver requested by Erin Olson-Douglas, Development Services Director), requires six votes.

46. On request from Greater Des Moines Botanical Garden (Kimberly Perez, Officer) to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Park/Open Space to Public/Semi-Public, and to rezone 909 Robert D. Ray Drive, from “P1” Public, Civic, and Institutional District to “P2” Public, Civic, and Institutional District, to allow site modifications.



- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by Kimberly Perez, President & CEO), requires six votes.
47. [On](#) request from David Griffith (Owner) to amend the PlanDSM: Creating Our Tomorrow Plan to revise the future land use classification from Business Park Use to Low Density Residential, and to rezone the property located at 1626 Buchanan Street, from EX Mixed Use District to NX1 Neighborhood Mix District to allow development of the property for a residential use.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by David Griffith, Owner), requires six votes.
48. [On](#) request from Gustavo Carrillo Carrillo (owner), for property in the vicinity of 1040 East County Line Road to rezone the property from NM Neighborhood District to NX2 Neighborhood Mix District, to allow construction of a one-household residential dwelling.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by Gustavo Carrillo Carrillo, Owner), requires six votes.
49. [On](#) request from Smokers Genie II, LLC (Kuljit Chauhan, Officer) to rezone 3733 Easton Boulevard from “MX1” Mixed Use District to “MX2” Mixed Use District to allow reuse of the property for a fuel station use with wine and beer sales through the Conditional Use approval process.
- (A) [First](#) consideration of ordinance above.
  - (B) [Final](#) consideration of ordinance above (waiver requested by Kuljit Chauhan, Officer), requires six votes.

\*\*\*\* END OF HEARINGS \_\_\_\_\_ P.M. \*\*\*\*

**ORDINANCES - FIRST CONSIDERATION**

50. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation changes as follows:
- (A) Parking restriction – Pleasant Drive from Cummins Parkway to 56<sup>th</sup> Street.

[\(Council Communication No. 21-469\)](#)

51. [Amending](#) Municipal Code of the City of Des Moines by adding Chapter 42, Article XI, Sections 42-558, 42-559, 42-560, 42-561, 42-562, 42-563, 42-564, 42-565, 42-566, relating to stormwater management standards for development and redevelopment for grading permits, site plans, and plat approvals.

[\(Council Communication No. 21-470\)](#)

52. [Amending](#) Section 106-2 and repealing Sections 106-136 and 106-201, relating to stormwater management.

## COMMUNICATIONS/REPORTS

53. [Requests](#) to speak as follows:

- ~~(A) James Grimm.~~ Withdrawn
- (B) Ethan Carpenter.
- (C) Jolene Prescott.
- (D) Adam Callanan
- (E) Deb Franklin.
- (F) Paden Sheumaker.
- (G) Denver Foote.
- (H) Veola Perry.

## MOTION TO ADJOURN.

***The City of Des Moines is pleased to provide accommodations to disabled individuals or groups and encourages participation in City government. To better serve you, please notify us at least three business days in advance when possible at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the City Council Chambers.***

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