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.
PROCLAMATION (4:45 P.M.)

Native American Heritage Month

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 31:

   *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) CRAFT BRU 210 SW 11TH ST #007 Class C Liquor
   (B) CROZ NEST EAST 3801 EASTON BLVD Class C Liquor
   (C) MARDI GRAS - BIG EASY 6112 SW 9TH ST Class C Liquor
   (D) MARVS MUSIC 506 E 6TH ST #200 Special Class C
   (E) NACHO TEQUILAS 6401 SE 14TH ST Class C Liquor

   RENEWAL APPLICATIONS

   (F) BIANCHIS HILLTOP 2820 HUBBELL AVE Class C Liquor
   (G) BREAKFAST CLUB 212 E 3RD ST #A Class C Liquor
   (H) CASEYS STORE #2892 6120 DOUGLAS AVE Class C Beer
   (I) CENTERPLATE 1 LINE DR Class C Liquor
   (J) CHAMPS CLUB & PATIO 2279 HUBBELL AVE Class C Liquor
   (K) DES LUX HOTEL 800 LOCUST ST Class B Liquor
   (L) DISTRICT 216 COURT AVE #101 Class C Liquor
   (M) ESTRADAS 3029 MERLE HAY RD Class C Liquor
   (N) EUROPA GROCERIES 3839 MERLE HAY #116 Class C Liquor
   (O) FLIX BREWHOUSE IOWA 3800 MERLE HAY #1300 Class C Beer
   (P) GAMEDAY KITCHEN 3800 MERLE HAY #1220 Class C Liquor
   (Q) HIGH LIFE LOUNGE 200 SW 2ND ST Class C Liquor
   (R) JUNIPER MOON 2005 INGERSOLL AVE Class C Liquor
   (S) KUM & GO #208 3200 SE 14TH ST Class E Liquor
   (T) KUM & GO #4110 2110 GUTHRIE AVE Class E Liquor
   (U) MIYABI 9 512 E GRAND AVE Special Class C
   (V) PARK AVENUE PUB 1101 PARK AVE Class C Liquor
   (W) QUIK TRIP #500 3700 HUBBELL AVE Class E Liquor
(X) QUIK TRIP #534 2945 E UNIVERSITY AVE Class E Liquor
(Y) QUIK TRIP #541 2428 HUBBELL AVE Class C Beer
(Z) QUIK TRIP #554 901 SW 63RD ST Class E Liquor
(AA) ROYAL MILE, THE 210 4TH ST Class C Liquor
(BB) SAHOTA FOOD MART 1805 SE 14TH ST Class E Liquor
(CC) SKIPS 4000 FLEUR DR Class C Liquor
(DD) TEEHEES COMEDY CLUB 1433 WALNUT ST Class C Liquor

SPECIAL EVENT APPLICATIONS

(EE) IOWA EUROPEAN CULTURAL I LINE DR 5 days
CLASS C LIQUOR LICENSE FOR CHRIST KINDL MARKET ON DECEMBER 2 - 5, 2021.

(FF) SALISBURY HOUSE 4025 TONAWANDA DR 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR HOLIDAY CONCERT ON DECEMBER 5, 2021.

TRANSFER TO NEW LOCATION

(GG) 4H BUILDING 3000 E GRAND CLASS B Beer
TEMPORARY TO THE CATTLE BARN FOR EVENTS ON DECEMBER 13 – 17, 2021.

(HH) ELWELL FAMILY FOOD 3000 E GRAND CLASS C Liquor
TEMPORARY TO THE 4H BUILDING FOR EVENTS ON DECEMBER 13 – 17, 2021.

5. City Clerk to issue Coin Operated Machine Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

   (A) 2022 PCC Pavement Patching Program: Receiving of bids (12-7-21), Setting date of hearing (1-10-22), Engineer’s estimate, $1,100,000.

   (Council Communication No. 21-489)

   (B) Pennsylvania Avenue Reconstruction from North of E University Avenue to E Washington Avenue: Receiving of bids (12-7-21), Setting date of hearing (1-10-22), Engineer’s estimate, $1,650,000.

   (Council Communication No. 21-496)
(C) **E 30th Street** and E University Avenue Intersection Improvements: Receiving of bids (12-7-21), Setting date of hearing (12-20-21), Engineer’s estimate, $835,000.

(Council Communication No. 21-495)

(D) **5th Avenue** and Grand Avenue One-Way to Two-Way Conversion: Receiving of bids (12-7-21), Setting date of hearing (12-20-21), Engineer’s estimate, $1,600,000.

(Council Communication No. 21-490)

7. **Approving** Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for design and construction services for Hamilton Drain Storm Water Improvements for Construction Staking of Phase 2 and Final Design of Phase 3, not to exceed $430,000.

(Council Communication No. 21-487)

8. **Approving** Change Order No. 3 with Minturn, Inc. for additional work on 2021 Bridge and Culvert Repair, $98,900.

(Council Communication No. 21-493)

9. **Acceptance** of proposal from MidAmerican Energy Company to install new LED streetlights for the E. Douglas Avenue Reconstruction – E. 42nd Street to E. 56th Street, estimated cost $255,147.96.

(Council Communication No. 21-486)

10. **Communication** from contractors requesting permission to sublet certain items on public improvement projects.

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

   (A) **2020** Gray’s Lake Shoreline Repair, RW Excavating Solutions, LC.

   (B) **2020** Neighborhood Sidewalk Program Contract 1, Ti-Zack Concrete, Inc.

   (C) **Lower** Oak and Highland Park Sewer Separation Phase 3, J & K Contracting, LLC.

SPECIAL ASSESSMENTS

12. **Levying** assessments for costs of Public Works sewer repair at 2422 Forest Drive, Schedule No. 2021-05.
LAND/PROPERTY TRANSACTIONS

13. Authorization to proceed with acquisition of necessary property interests for the Pennsylvania Avenue Reconstruction from north of East University Avenue to East Washington Avenue Project.

   (Council Communication No. 21-491)

14. Conditionally approving Woodbury Plat 1 final plat and acceptance of subdivision improvement bond.

   (Council Communication No. 21-485)

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. Recommendation by Council Member Gray to appoint Brent Millis to Parks and Recreation Board, Seat 7, to fill a vacancy with a term ending on July 30, 2024.

COMMUNICATIONS FROM PLANNING AND ZONING

16. Regarding Douglas Avenue Urban Renewal Plan is in conformance with the PlanDSM: Creating Our Tomorrow Plan.

17. Regarding request from MidAmerican Energy Company for vacation of right-of-way in the vicinity of 2399 East County Line Road.

SETTING DATE OF HEARINGS

18. On the Fourth Amendment to Real Estate Lease and Asset Transfer Agreement with the Des Moines Airport Authority to exclude excess property adjoining Fleur Drive north of Porter Avenue and to include property adjoining Fleur Drive between Highview Drive and Southlawn Drive, and property located at 4459 Parklawn Drive, (12-6-21).


20. Number Not Used.

21. On the proposition to authorize a lease in the principal amount of not-to-exceed $130,000 for the purpose of acquiring certain items of equipment for winter snow removal consisting of three (3) motor graders and one bulldozer, (12-6-21).

22. On appeal by Menard, Inc. of denial of Type 2 Design Alternative for site plan for property located at 6000 Southeast 14th Street, (12-6-21).
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

23. Approving payment in the matter of the claim of Clifford Watkins.


25. Approving the settlement agreement and payment for the claim of Christal Shetworth.

APPROVING

26. Preliminary terms of an Urban Renewal Development Agreement with Landus Cooperative to consolidate and relocate office space and an innovation center at 220 SW 9th Street.

(Council Communication No. 21-502)

27. Abatement of public nuisances as follows:

   (A) 1196 9th St.
   (B) 2536 Capitol Avenue.

27I. An Exception to the procurement ordinance for proposals process for good cause and approving amendment to extend contract with Per Mar Security Services for On-site Security Services.

(Council Communication No. 21-505)

28. Purchases from the following:

   (A) Heartland Business Systems (Peter Helander, CEO) for Cisco 9300 network equipment per State of Iowa contract for use by the Information Technology Department, $107,504.56.

   (Council Communication No. 21-498)

   (B) OneNeck IT Solutions (Terry Swanson, President and CEO) for maintenance and support of Hewlett-Packard (HP) 3PAR 8400 Storage Arrays per State of Iowa contract for use by the Information Technology Department, $57,600.

   (Council Communication No. 21-499)

   (C) Insight Public Sector (Ken Lamneck, President and CEO) for the purchase of Security Information and Event Management (SIEM) Software Rapid 7 InsightIDR
Subscription and Implementation Training per the Omnia contract for use by the Information Technology Department, $149,111.79.

(Council Communication No. 21-500)

29. Items regarding Annual Urban Renewal Report (AURR) and Tax Increment Financing (TIF) Certification:

(Council Communication No. 21-497)

(A) Advance of funds to the Metro Center Urban Renewal Project for planning, oversight, and administration, $800,000.

(B) Recommendation from the City Manager regarding TIF needs for FY 2022-2023 and certification of TIF indebtedness.

(C) Urban Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines.

30. Authorizing Finance Director to draw checks on registers for the weeks of November 15, 22 and 29, 2021; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 15, 22 and 29, 2021; to draw checks for biweekly payroll due November 19 and December 3, 2021.

ORDINANCES - FINAL CONSIDERATION

31. Amending Section 42-358, relating to notices to abate nuisances.

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

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 32 THRU 40)

32. On request from Wesley Life to amend PlanDSM: Creating Our Tomorrow future land use designation for 3206 University Avenue, and 1117 and 1119 33rd 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 33rd Street.

(A) First consideration of ordinance above.

33. On conveyance of vacated City alley located east of and adjoining 915 23rd Street to Maria Rodriguez, $25.

34. On conveyance of vacated City alley located east of and adjoining 905 23rd Street to Gregory P. Brown, $25.

35. 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.

(Council Communication No. 21-492)

36. 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.

37. Items regarding Fourth Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area:

(Council Communication No. 21-504)

(A) Public hearing and approval of the Fourth Restated Urban Revitalization Plan for Citywide Urban Revitalization Area.


(C) Final consideration of ordinance above (waiver requested by Development Services Director), requires six votes.

38. On vacation of portions of Crocker Street, 12th 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.

(A) First consideration of ordinance above.

39. On amendment of lease of the Botanical Center to the Greater Des Moines Botanical Garden.
(Council Communication No. 21-494)

(A) **Approval** of Third Amendment and Restated Urban Renewal Development Agreement with Greater Des Moines Botanical Center Garden.
(B) **Terminate** Robert D. Ray Asian Garden maintenance and repair agreement with Des Moines River Front Development Authority.
(C) **Termination** of Chapter 28E Agreement with Des Moines River Front Development Authority for planning, constructing, and maintaining riverfront facilities and improvements in the downtown area.

40. **On** Skywalk HVAC Replacement Phase 4: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsive, responsible bidder as Stein Heating & Cooling Inc. (Brian P. Stein, President), $218,000.

(Council Communication No. 21-488)

(A) **Approval** of contract and bond and permission to sublet.

**** END OF HEARINGS _____________ P.M. ****

ORDINANCES - FIRST CONSIDERATION

41. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulation changes to increase the fine for parking trucks, trailers, and semi-trailers in residential districts.

(Council Communication No. 21-501)

42. **Amending** Sections 90-1, 90-2, 90-35, Article III, 90-61, 90-62, and adding Section 90-4, relating to approval of procurement and emergency procurement for the municipal housing agency.

(A) **Final** consideration of ordinance above (waiver requested by Chris Johansen, Neighborhood Services Department Director), requires six votes.

43. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulations changes as follows:

(A) Code Modification to designate a 25-mph maximum speed limit on Ingersoll Avenue from 42nd Street to 59th Street and modify parking restrictions due to the Ingersoll Avenue from 42nd Street to Polk Boulevard construction project.

(Council Communication No. 21-503)
44. **Amending** Municipal Code by adding Sections 2-71 and 2-1060, relating to cultural competency training for members of the council and members of boards and commissions.

   (Council Communication No. 21-506)


   (Council Communication No. 21-506)

46. **Amending** Municipal Code of the City of Des Moines by adding Section 70-66.1, relating to false reports to or communications with public safety entities.

   (Council Communication No. 21-506)

**COMMUNICATIONS/REPORTS**

47. **Requests** to speak as follows:

   (A) Paden Sheumaker.
   (B) Abby Bankes.
   (C) Carol Maher.
   (D) Adam Callanan.
   (E) Denver Foote.
   (F) Carrie Gosnell.
   (G) Dartanyan Brown.
   (H) Laural Clinton.
   (I) Deb Franklin
   (J) Bridget Pedersen.
   (K) Ruth Thompson.

**MOTION TO ADJOURN.**

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