



\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\*

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '19-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

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

August 5, 2019  
4:30 PM

I. **CLOSED SESSION – 3:30 PM, Lower Level Conference Room 1.**

- [19-1172](#) (A) Roll Call. **Present: Boesen, Coleman, Gatto, Mandelbaum and Westergaard. Absent: Cownie and Gray. Mayor Cownie entered the meeting during item C.**
- [19-1173](#) (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. **Moved by Gatto to adopt. Motion Carried Upon Roll Call 5-2. Absent: Cownie and Gray.**
- [19-1174](#) (C) Closed Session.
- [19-1175](#) (D) Terminate closed session and reconvene in open session. **Moved by Boesen to adopt. Motion Carried 6-1. Absent: Gray.**
- [19-1176](#) (E) Motion to adjourn. **Moved by Westergaard to adjourn at 4:16 PM. Motion Carried 6-1. Absent: Gray.**

**PROCLAMATION – 4:00 PM**

**National Night Out**

**INVOCATION:** Council Member Coleman

- [19-1177](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard. Council Member Gray participated in the meeting by telephone.**
- [19-1178](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1179](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 54: Moved by Gatto to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

**\*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**

- [19-1180](#) 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Motion Carried 7-0. Council Member Coleman votes no on items 4N, 4O, 4T, 4U, 4EE and 4FF.**

**NEW APPLICATIONS**

(A)	ALEGRIAS SEAFOOD	2809 6TH AVE	C Liquor
(B)	HY VEE C STORE	1113 E ARMY POST	E Liquor
(C)	HY VEE FAST & FRESH	5801 HICKMAN RD	E Liquor
(D)	MERHABA SUPERMARKET	1309 UNIVERSITY	C Beer
(E)	NEW DISCOUNT MARKET	3207 DOUGLAS AVE	C Beer
(F)	PHO REAL KITCHEN AND BAR	200 4TH ST	C Liquor
(G)	PROOF	1301 LOCUST ST	C Liquor

**RENEWAL APPLICATIONS**

(H)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(I)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(J)	DJANGO	1420 LOCUST ST	C Liquor
<del>(K)</del>	<del>DRAKE UNIVERSITY</del>	<del>2875 UNIVERSITY</del>	<del>C Liquor</del>
(L)	EAST SIDE EDDIES	3517 E 26TH ST	C Liquor
(M)	EL PATIO MEXICAN	611 37TH ST	C Liquor
*(N)	GIT N GO STORE #26	2140 E PARK AVE	C Beer

*(O)	GIT N GO STORE #7	3000 MERLE HAY RD	C Beer
(P)	INGERSOLL TAP	2837 INGERSOLL	C Liquor
(Q)	LAPIZZA HOUSE	1440 MAURY ST	C Liquor
(R)	OLD WEST BARBEQUE	3000 E GRAND AVE	B Beer
(S)	STAR BAR	2811 INGERSOLL	C Liquor
*(T)	SUPER QUICK	303 SE 30TH ST	E Liquor
*(U)	SUPER QUICK SMOKES	5625 HICKMAN RD	C Beer
(V)	THAI FLAVORS	1254 E 14TH STREET	C Beer/Wine
(W)	ZOMBIE BURGER	300 E GRAND AVE	C Liquor

### OUTDOOR SERVICE APPLICATIONS

(X)	1717 BREWING COMPANY	322 E COURT AVE	B Beer
Permanent.			
(Y)	MAINGATE BAR AND GRILL	2956 E GRAND AVE	C Liquor
Temporary in conjunction with the Iowa State Fair.			
(Z)	ST KILDA CAFE & BAKERY	1011 LOCUST ST	C Liquor
Permanent.			

### SPECIAL EVENT APPLICATIONS

(AA)	515 ALIVE	2201 GEORGE FLAGG	Five (5) Day License
Class C Liquor License for an event on August 16 – 17, 2019.			
(BB)	CHRIST THE KING	5711 SW 9TH ST	Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 7 <sup>th</sup> Street Bash on August 23 – 24, 2019.			
(CC)	FIRST FLEET CONCERTS	2201 GEORGE FLAGG	Five (5) Day License
Class C Liquor License for Ben Folds and Violent Femmes concert on August 15, 2019.			
(DD)	GIRLS CATERING	3000 E GRAND AVE	Five (5) Day License
Special Class C Liquor License (Beer/Wine) for private events on August 15 and 17, 2019.			
*(EE)	GRUMPY GOAT TAVERN	1303 WALNUT ST	Five (5) Day License
Class B Beer License for Wheels on Walnut on August 21, 2019.			
*(FF)	GRUMPY GOAT TAVERN	1303 WALNUT ST	Five (5) Day License
Class B Beer License for Wheels on Walnut on August 14, 2019.			

[19-1181](#)

5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

## PUBLIC IMPROVEMENTS

6. Approving Professional Services Agreements with the following for On-Call Traffic Impact Study Services: ([Council Communication No. 19-333](#))

[19-1182](#) (A) [Bolton](#) & Menk, Inc., not to exceed \$150,000. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1183](#) (B) [HDR](#) Engineering, Inc., not to exceed \$150,000. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1184](#) (C) [McClure](#) Engineering Company, not to exceed \$150,000. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1185](#) (D) [Snyder](#) & Associates, Inc., not to exceed \$150,000. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1186](#) 7. [Approving](#) Private Construction Contract between Van Maanen Electric, Inc. and Janssen Lodging, Inc. for Traffic Signal Improvements in 1000 Walnut Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

[19-1187](#) (A) [Riverview](#) Park Grading, Elder Corporation. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1188](#) (B) [2018](#) Skywalk HVAC Replacement, Excel Mechanical Company, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1189](#) (C) [Principal](#) Park Cub Club Reroofing, Rubber Roofing Systems, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1190](#) (D) [Skywalk](#) Bridge 6F-7F, Henkel Construction Company. **Moved by Gatto to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

[19-1191](#) 9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-08. **Moved by Gatto to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [19-1192](#) 10. [Acceptance](#) of subdivision improvements bond and conditional approval of final subdivision plat of Southwoods Estates Plat 2, located at 3800 SW 56<sup>th</sup> Street. ([Council Communication No. 19-342](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1193](#) 11. [Approving](#) tax abatement application for the additional value added by improvements to the Soll Apartments at 2301 Ingersoll Avenue completed in 2018. ([Council Communication No. 19-347](#)) **Moved by Gatto to adopt, and to request that the Polk County Assessor apply the tax abatement to the valuation existing on January 1, 2019, and the property taxes payable in FY2020/21. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [19-1194](#) 12. [Recommendation](#) from Council Member Mandelbaum to appoint Frank Strong to the Access Advisory Board, Seat 6, for a four-year term commencing June 15, 2018 to June 15, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1195](#) 12-I [Recommendation](#) from Council Member Mandelbaum to appoint Abigail Chungath to the Plan and Zoning Commission, Seat 12, for a five-year term commencing July 5, 2019 to July 5, 2024. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1196](#) 13. [Recommendation](#) from Council Member Mandelbaum to reappoint Ruth Thompson to the Access Advisory Board, Seat 14, for a four-year term commencing June 15, 2019 to expire June 15, 2023. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1197](#) 14. [Recommendation](#) from Council Member Gray to reappoint Dave Ferree to the Transportation Safety Committee, Seat 4, for a three-year term commencing December 31, 2018 to expire December 31, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1198](#) 15. [Recommendation](#) from Council Member Gray to reappoint Leslie Berckes to the Neighborhood Revitalization Board, Seat 7, for a three-year term commencing June 30, 2019, to expire June 30, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1199](#) 16. [Recommendation](#) from Council Member Gray to reappoint Tom LaPointe to the Neighborhood Revitalization Board, Seat 2, for a three-year term commencing June 30, 2019, to expire June 30, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1200](#) 17. [Recommendation](#) from Council Member Gray to reappoint Mike Hildebrand to the Historic Preservation Commission, Seat 7, for a three-year term commencing October 18, 2018, to expire October 18, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1201](#) 18. [Recommendation](#) from Council Member Gray to reappoint Blake O'Brien to the Building and Fire Code Board of Appeals, Seat 4, for a three-year term commencing April 1, 2019, to expire April 1, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1202](#) 19. [Recommendation](#) from Council Member Boesen to reappoint Naura Heiman-Godar to the Urban Design Review Board, Seat 2, for a three-year term commencing June 30, 2019, to expire June 30, 2022. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1203](#) 20. [Communication](#) from Pamela Steffen advising of her resignation from the Historic Preservation Commission, Seat 8, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

#### COMMUNICATIONS FROM PLANNING AND ZONING

[19-1204](#) 21. [Regarding](#) request from Des Moines Public Schools for vacation of Fremont Street and E. 15<sup>th</sup> Street right-of-way in the vicinity of 1450 Fremont Street to allow it to be assembled with adjoining property. Additional adjoining property owned by University Group, LLC (Jeff Spence, Manager). **Moved by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

[19-1205](#) 22. [Regarding](#) request from Des Moines Heritage Trust (Timothy Waddell, Officer) for vacation of a segment of E. 5<sup>th</sup> Street right-of-way adjoining 120 E. 5<sup>th</sup> Street to allow for restoration of the existing historic depot building with a porte-cochere addition that would extend approximately 15 feet into the existing right-of-way. **Moved by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

[19-1206](#) 23. [Regarding](#) request from Des Moines Griffin Building, LLC (Tim Rypma, Officer) for vacation of a segment of air rights in the east/west alley right-of-way adjoining 319 7<sup>th</sup> Street to allow for ventilation ducts attached to the upper portion of the building that would encroach over the alley. **Moved by Gatto to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

[19-1207](#) 24. [Regarding](#) Preliminary Plat “McKinley Acres” on property in the 3401 block of McKinley Avenue. **Moved by Gatto to receive and file. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

[19-1208](#) 25. [On](#) vacation of a portion of Thomas Beck Road right-of-way located south of and adjoining 1235 Thomas Beck Road and conveyance to First Midwest of Iowa Corporation d/b/a Pomerantz Realty Co. (Robert Pomerantz, President), \$4,040, (8-19-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-1209](#) 26. [On](#) vacation and conveyance of the north/south alley right-of-way located north of 819 Shaw Street between SE 8<sup>th</sup> and SE 9<sup>th</sup> Street to Richard A. Anderson and Linda K. Casas, \$150, (8-19-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1210](#) 27. [On](#) conveyance of the south half of vacated east/west alley right-of-way located north of and adjoining 925 SE 9<sup>th</sup> Street to Teri L. Witt Cospser, (8-19-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1211](#) 28. [On](#) conveyance of the east half of vacated alley right-of-way located west of and adjoining 1258 E. 22<sup>nd</sup> Street to Joshua and Brandy Armstrong, \$25, (8-19-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1212](#) 29. [On](#) request from Grasso Properties One, LLC (Steve Grasso, Officer) to rezone 3908 Lower Beaver Road from “R1-60” (One-Family Low-Density Residential) to Ltd. “R-2” (Two-Family Residential) to allow for demolition of the existing single-family dwelling on the property and redevelopment with a two-family dwelling, (8-19-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1213](#) 30. [On](#) lease purchase agreement in the principal amount not to exceed \$120,000 for the purpose of acquiring four Nissan Leaf hatchback electric vehicles, (8-19-19). ([Council Communication No. 19-356](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [19-1214](#) 31. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Tyson Teut, \$2,075, and Police Officer Cody Grimes, \$562.50. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1215](#) 32. [Approving](#) payment to Whitfield and Eddy Law Firm for representation of Police Officer Kyle Thies, \$412.50. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1216](#) 33. [Approving](#) payment to Ahlers & Cooney, PC regarding legal services. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1217](#) 34. [Retention](#) of outside counsel to act as guardian ad litem. **Moved by Gatto to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [19-1218](#) 35. [Submitting](#) travel and training requests for Abby Giampolo. ([Council Communication No. 19-346](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

## APPROVING

- [19-1219](#) 36. [Grant](#) Agreements with the US Department of Housing and Urban Development (HUD) for funding the City's fifth year (2019) action plan of the 2015-2019 HUD Consolidated Plan. ([Council Communication No. 19-330](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1220](#) 37. [Support](#) of a High-Quality Jobs Program business financial assistance application to the Iowa Economic Development Authority (IEDA) on behalf of Helena Industries, LLC (Troy Huguen, Plant Manager), 3525 Vandalia Road. ([Council Communication No. 19-353](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1221](#) 38. [Support](#) of a High-Quality Jobs Program business financial assistance application to the Iowa Economic Development Authority (IEDA) on behalf of NeXT1, Inc. (Dr. Steve Lasky, CEO), 2800 2<sup>nd</sup> Avenue. ([Council Communication No. 19-354](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-1222](#) 39. [Collateral](#) assignment of Urban Renewal Development Agreement with Jarcor, LLC (Joe Cordaro, Principal), 1723 Grand Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1223](#) 40. [Amendment](#) to Donation Agreement with Des Moines Park & Recreation Foundation regarding playground at Whitmer Park. ([Council Communication No. 19-335](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1224](#) 41. [SW](#) 9<sup>th</sup> and Bell Avenue Plaza Maintenance and Repair Agreement with Friends of SW 9<sup>th</sup>. ([Council Communication No. 19-343](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1225](#) 42. [Memorandum](#) of Understanding with 6<sup>th</sup> Avenue Corridor, Inc. for the implementation of Phase 2 of the 6<sup>th</sup> Avenue Streetscape Project. ([Council Communication No. 19-344](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1226](#) 43. [Agreement](#) with Polk Soil and Water Conservation District to provide funding for an oxbow restoration project in the Fourmile Creek Watershed. ([Council Communication No. 19-334](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1227](#) 44. [Amending](#) Water Quality Initiative Urban Conservation Demonstration Projects cost-share grant contract with Iowa Department of Agriculture and Land Stewardship (IDALS) for construction of a stormwater wetland in the Fourmile Creek watershed. ([Council Communication No. 19-348](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**



- [19-1228](#) 45. [Cooperative](#) Agreement for fiscal year 2019 with the United States Department of Housing and Urban Development (HUD), \$84,900. ([Council Communication No. 19-355](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1229](#) 46. [Authorizing](#) partial release of judgement lien against 2137 Des Moines Street. ([Council Communication No. 19-329](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1230](#) 47. [Communication](#) from Downtown Community Alliance, on behalf of the Meredith Corporation, requesting approval for up to 7 banners to be displayed on 7 poles in downtown Des Moines between 15th and 18th Street beginning in September 2019. **Moved by Gatto to receive, file and approve. Motion Carried 7-0.**
48. Abatement of public nuisances at the following:
- [19-1231](#) (A) [515](#) 28<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1232](#) (B) [124](#) E. Broad Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1233](#) (C) [106](#) E. Granger Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1234](#) (D) [2021](#) E. 27<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1235](#) 49. [Change](#) order to an existing agreement with CDW Government LLC (Christina Rother, President) for the purchase of Cisco Smartnet Add On maintenance and support services for Cisco network equipment, additional amount \$32,126.40. ([Council Communication No. 19-340](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
50. Purchases from the following:
- [19-1236](#) (A) [IPS](#) Group (Dave King, President) for monthly software support fees and transaction fees for credit card enabled meters to be used during fiscal year 2020 by the Traffic & Transportation Division, estimated cost \$155,000. ([Council Communication No. 19-349](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1237](#) (B) [Hewlett-Packard](#) Company (Dion Weisler, President) for replacement employee desktop personal computer equipment for fiscal year 2020, per State of Iowa Contract for use by the IT Department, \$130,000. ([Council Communication No. 19-341](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1238](#) (C) [Heartland](#) Business Enterprises (Peter Helander, President) to supply a 3-year Cisco Enterprise Agreement Security Bundle that provides Cisco network security software licenses to be used during fiscal year 2020 through 2022, per State of Iowa Contract for use by the IT Department, total cost \$310,413.89. ([Council Communication No. 19-339](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-1239](#) (D) [Smith](#) Fertilizer and Grain Co. Inc. (Max Smith, President) for joint purchase along with Cities of West Des Moines, Waukee, Johnston, Windsor Heights and Dallas County for supply and delivery of deicing chemicals for the 2019-2020 snow and ice control season for use by the Public Works Department, estimated annual cost \$136,600. (Eighteen (18) potential bidders, seven received). ([Council Communication No. 19-332](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1240](#) (E) [Intergraph](#) Corporation (Mattias Stenberg, President) for non-competitive procurement of additional software licenses and annual maintenance to be added to the existing Computer Aided Dispatch (CAD) system to allow for the expansion of three additional workstations in the Police and Fire Emergency Dispatch Center for use by the Police Department, \$74,787. ([Council Communication No. 19-337](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1241](#) 51. [Civil](#) Service Entrance Lists for Building Equipment Operator and Senior Public Safety Dispatcher and Promotional Lists for Accounting Specialist II, Public Works Customer Service Team Leader and Senior Police Officer. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [19-1242](#) 52. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of August 5 and 12, 2019; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of August 5 and 12, 2019; and to draw checks for biweekly payroll due August 16, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

- [19-1243](#) 53. [Amending](#) Chapter 114 of the Municipal Code removing an on-street Americans with Disabilities Act (ADA) parking space on Capitol Avenue near E. 21<sup>st</sup> Street. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [19-1244](#) 54. [Enacting](#) a new Chapter 74 of the Municipal Code regarding Parks and Recreation Board and Parks and Recreation Department and Director; regulating conduct for the use of parks and recreation facilities; fees for rental and use of parks facilities and programs and mobile food vendors. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [19-1245](#) (A) [Final](#) consideration of ordinance above (waiver requested by the Parks and Recreation Director), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,788. Motion Carried 7-0.**

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

## ORDINANCES - FIRST CONSIDERATION

- [19-1246](#) 55. Amending Chapter 102 of the Municipal Code regarding Street Use Permits. (Council Communication No. 19-352) **Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1247](#) (A) Final consideration of ordinance above, requires six votes. **Moved by Boesen that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,789. Motion Carried 7-0.**
- [19-1248](#) 56. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 19-350) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Code modifications related to the vacation of Elm Street between SW 5<sup>th</sup> and vacated SW 4<sup>th</sup> Street.
- (B) Parking restriction – E. Bell Avenue between SE 6<sup>th</sup> Street and SE 7<sup>th</sup> Street.
- (C) Parking restriction – 31<sup>st</sup> Street, north of College Avenue.
- (D) Code correction to match field conditions – commercial loading zone on 27<sup>th</sup> Street, north of Forest Avenue.
- [19-1249](#) (E) Final consideration of ordinance above, requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,790. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [19-1250](#) 57. From Joe Grandanette, 6215 Gordon Avenue, to speak regarding budget, Fourmile, meter parking and sewer break. **Moved by Coleman to receive and file comments. Motion Carried 7-0.**
- [19-1251](#) 58. From Sharon Jenkins Wells, 1431 E. 19<sup>th</sup> Street to speak regarding affordable housing, additional applications fees and restriction on ex-offenders. **Moved by Boesen to receive and file comments. Motion Carried 7-0.**

[19-1252](#) 59. From Jenni Klise, 2505 47<sup>th</sup> Street, to speak regarding 47<sup>th</sup> and Holcomb construction timeline, and requesting a neighborhood meeting to communicate the information. **Moved by Gray to receive and file comments. Motion Carried 7-0.**

WITHDRAWN

[19-1253](#) 60. From Cal Sale, 1410 19<sup>th</sup> Street, to speak regarding various issues.

### APPROVING

[19-1254](#) 61. Appointment of Judy Parks-Kruse as Assistant City Attorney, effective August 12, 2019. **Moved by Coleman to adopt. Motion Carried 7-0.**

WITHDRAWN

[19-1255](#) 62. Memorandum of Agreement with United States General Services Administration (GSA) for the conveyance of a storm sewer easement within 101 Locust Street from GSA to the City in consideration of the City's conveyance of City owned property adjoining 101 Locust Street to GSA. (Council Communication No. 19-351)

[19-1256](#) 63. Amending the Intergovernmental 28E Agreement with Des Moines Independent Community School District, for the School Resource Officer (SRO) Program. (Council Communication No. 19-338) **Moved by Gatto to adopt. Motion Carried 7-0.**

### HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 64 THRU 74)

[19-1257](#) 64. On vacation of excess City-owned right-of-way at the intersection of South Union Street and Hartford Avenue and conveyance to Maria Gonzalez, \$1,000. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-1258](#) (A) First consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-1259](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,791. Motion Carried 7-0.**

[19-1260](#) 65. On vacation of a portion of 8<sup>th</sup> Street right-of-way located east of and adjoining Enos Avenue and conveyance to Des Moines Area Community College, \$11,250. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-1261](#) (A) First consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [19-1262](#) (B) **Final** consideration of ordinance above (waiver requested by DMACC), requires six votes. **Moved by Mandelbaum that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,792. Motion Carried 7-0.**
- [19-1263](#) 66. **On** conveyance of excess City-owned property located in the Fourmile Creek Floodplain to Polk County Conservation Board for the Fourmile Creek Greenway Project. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-1264](#) 67. **On** conveyance of an underground electric easement in City property located south of Interstate 235 between 2<sup>nd</sup> Avenue and the Des Moines River to MidAmerican Energy Company. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1265](#) 68. **On** conveyance of excess City-owned property at 2301 Sunset Road to Packaging Distribution Services, Inc., \$8,843. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
69. Items regarding property in the 3301 block of E. 56<sup>th</sup> Street, (J. Larson Homes, LLC and QSL Development LLC, represented by John Larson, Officer):
- [19-1266](#) (A) **Amending** the PlanDSM: Creating our Tomorrow Plan future land use designation from Low-Density Residential to Medium Density Residential, to allow the property to be rezoned to Ltd. “R-3” (Multiple-Family Residential) for development of 63.087 acres of agricultural land to be developed in phases for a single-family residential subdivision, with future possibility of townhome units and multiple-family residential apartment dwellings, subject to a maximum density of 12 units per acre. **Moved by Westergaard to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [19-1267](#) (B) **Hearing** to rezone the property from “A-1” (Agricultural) to Ltd. “R-3” (Multiple-Family Residential). **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-1268](#) (C) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1269](#) (D) **Final** consideration or ordinance above (waiver requested by the applicant), requires six votes. **Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,793. Motion Carried 7-0.**

- [19-1270](#) 70. **Regarding** request from 50<sup>th</sup> and Douglas, LLC (Matt Connolly, Officer) to rezone property located in the vicinity of 3905 50<sup>th</sup> Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and for approval of a PUD Conceptual Plan “Beaverdale Townhomes” for development of approximately 2.74 acres for 21 rowhouse one-story townhomes on a private drive accessed from 50<sup>th</sup> Street, subject to conditions and to continue to December 2, 2019 at 5:00 PM. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-1271](#) 71. **On** request from Sanco Properties, LLC (Matt Griebrok, Officer) to rezone 5092 E. Broadway Avenue from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial) to allow expansion of the existing sales, service, warehousing and distribution uses in operation at the adjoining business at 4975 Hubbell Avenue, subject to conditions. **Moved by Westergaard to adopt. Motion Carried 6-1. Absent: Gray.**
- [19-1272](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Gray.**
- [19-1273](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,794. Motion Carried 6-1. Absent: Gray.**
72. Items regarding property at 1424, 1428, 1432 and 1436 E. 25<sup>th</sup> Street, and 2323 and 2425 Hubbell Avenue, 2425 Hubbell Avenue, LLC (Todd Mendenhall, Officer):
- [19-1274](#) (A) **Amending** the PlanDSM: Creating our Tomorrow Plan future land use designation from Industrial to Low-Density Residential. **Moved by Westergaard to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [19-1275](#) (B) **Hearing** on rezoning the property from “PUD” (Planned Unit Development), to Ltd. “R1-60” (One-Family Low-Density Residential) and to amend the Townsend Engineering PUD Conceptual Plan, to allow the property to be removed from the existing PUD and be developed for single-family residential dwellings. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [19-1276](#) (C) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1277](#) (D) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,795. Motion Carried 7-0.**

[19-1278](#) 73. On proposed 2019 Analysis of Impediments to Fair Housing for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 19-331](#)) **Moved by Gatto to adopt and receive and file document. Motion Carried 7-0.**

[19-1279](#) 74. On a five-year License Agreement with three five-year extensions, with Electronic Engineering Co., not to exceed \$2,700 per month with 2% annual increases, for property at 4039 Delaware Avenue, for police communication purposes. ([Council Communication No. 19-336](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 5:55 PM \*\*\*

#### **EXTRA ITEMS**

[19-1280](#) 1. Request from Council Member Josh Mandelbaum to speak regarding adding charging stations downtown for wheelchairs and mobility scooters. **Moved by Mandelbaum to receive and file comments and refer to the City Manager for review and recommendation. Motion Carried 6-1. Absent: Gray.**

[19-1281](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:32 PM. Motion Carried 6-1. Absent: Gray.**