



\*\*\* 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**

October 14, 2019  
4:30 PM

I. **CLOSED SESSION – 3:30 PM, City Council Chambers**

[19-1560](#)

(A) Roll Call. **Present: Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard. Absent: Cownie. Mayor Cownie entered the meeting during item C.**

[19-1561](#)

(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 Gray to adopt. Motion Carried upon roll call 6-1. Absent: Cownie.**

[19-1562](#)

(C) Closed Session.

[19-1563](#)

(D) Terminate closed session and reconvene in open session. **Moved by Boesen to adopt. Motion Carried 7-0.**

[19-1564](#)

(E) Motion to adjourn. **Moved by Gatto to adjourn at 4:14 PM. Motion Carried 7-0.**

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**SPECIAL PRESENTATIONS – 4:15 PM**

Check presentation from Wells Fargo for the Whitmer Park playground

**PROCLAMATIONS – 4:15 PM**

Meet the Blind Month

National Coming Out Day

**INVOCATION:** Council Member Gray

[19-1565](#) 1. **ROLL CALL: Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**

[19-1566](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Boesen to adopt. Motion Carried 7-0.**

[19-1567](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 47: 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**

[19-1568](#) 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 AA, DD, EE, HH and JJ.**

**NEW APPLICATIONS**

(A)	BARTENDERS HANDSHAKE	3615 INGERSOLL	C Liquor
(B)	DOLLAR GENERAL #21054	2309 E 42ND ST	C Beer
(C)	EL AGUILA REAL MEXICAN	4351 MERLE HAY RD	C Liquor
(D)	EL RINCON CATRACHO 2	910 HULL AVE	C Liquor
(E)	KATHMANDU BAR & GRILL	4121 SE 14TH ST	C Liquor
(F)	LUA BREWING	1525 HIGH ST	B Beer
(G)	LUCKY LOTUS	2721 INGERSOLL	C Beer/Wine

(H)	MAIN STREET CAFE & BAKERY	801 GRAND AVE	C Beer/Wine
(I)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(J)	PURVEYOR	505 E GRAND AVE	C Liquor

### RENEWAL APPLICATIONS

(K)	AC HOTEL/REPUBLIC	401 E GRAND AVE	B Liquor
(L)	BLAZING SADDLE *(1)	416 E 5TH ST	C Liquor
(M)	BORDENAROS PIZZA	6108 SW 9TH ST	C Liquor
(N)	CASEYS #2921 *(1)	3725 BEAVER AVE	C Beer
(O)	CASEYS #2922 *(1)	3501 E 14TH ST	B Beer
(P)	CENTRAL CITY 2	1501 MICHIGAN ST	E Liquor
(Q)	CENTRO RESTAURANT	1011 LOCUST ST	C Liquor
(R)	CHEESE SHOP OF DES MOINES	833 42ND ST	C Beer/Wine
(S)	CVS PHARMACY #10161	215 EUCLID AVE	E Liquor
(T)	DES LUX HOTEL	800 LOCUST ST	B Liquor
(U)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(V)	DRAKE DINER	1111 25TH ST	C Liquor
(W)	DSM BREW COFFEE CO	300 W MLK JR PKWY	C Beer/Wine
(X)	DUDS N SUDS	2629 BEAVER AVE	B Beer
(Y)	ESCAPE CHAMBERS	338 SW 6TH ST	C Liquor
(Z)	EVEREST RESTAURANT	6401 SE 14TH ST	C Liquor
*(AA)	FAMILY PANTRY	4538 LOWER BEAVER	E Liquor
(BB)	FLEUR CINEMA & CAFE	4545 FLEUR DR	C Beer/Wine
(CC)	FUZZYS TACO SHOP	300 W MLK JR PKWY	C Liquor
*(DD)	GIT N GO STORE #33	865 42ND ST	C Beer
*(EE)	GIT N GO STORE #42	806 SE 14TH ST	C Beer
(FF)	GOODSONS	2815 BEAVER AVE	C Liquor
(GG)	KUM & GO #535	4960 E BROADWAY	E Liquor
*(HH)	OASIS	630 SW 9TH ST	E Liquor
(II)	STUFFED OLIVE & VOODOO	208 3RD ST	C Liquor
*(JJ)	TOBACCO HUT	5714 HICKMAN RD	C Beer
(KK)	TRELLIS CAFE	909 ROBERT D RAY	C Liquor
(LL)	WALNUT	1417 WALNUT ST	C Liquor
(MM)	WOODYS	2117 E UNIVERSITY	C Liquor

### SPECIAL EVENT APPLICATIONS

(NN) CHRIST THE KING 5711 SW 9TH ST Five (5) Day License  
Class C Liquor License for Fall Auction on October 26, 2019. Pending approval of Zoning Department.

(OO) GATEWAY MARKET 4025 TONAWANDA Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Murder Mystery Dinner on November 2, 2019.

(PP) HY VEE 519 PARK ST Five (5) Day License  
Class C Liquor License for a wedding reception on November 2, 2019.

(QQ) IOWAS PREMIER FOOD & WINE 730 3<sup>RD</sup> ST C BEER  
Annual event on November 9 – 10, 2019.

(RR) ROYAL MILE 407 COURT AVE Five (5) Day License  
Class B Beer License for Des Moines Marathon on September 19 – 20, 2019.

(SS) SALISBURY HOUSE 4025 TONAWANDA Five (5) Day License  
Class C Liquor License for Ghoulish Gala on October 19, 2019.

(TT) WHIMSICAL WINE TRAILER 620 8TH ST C Native Wine  
Orchard Place Fall Craft & Vendor Festival on October 26, 2019.

(UU) YOUR PRIVATE BAR 3200 GRAND AVE Five (5) Day License  
Class C Liquor License for an event on November 8, 2019.

[19-1569](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

[19-1570](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[19-1571](#) (A) [Leetown](#) Creekway Box Culvert from Dean Avenue to U.P.R.R.: Receiving of bids, (10-29-19), Setting date of hearing, (11-18-19). Engineer's estimate, \$5,500,000. ([Council Communication No. 19-441](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1572](#) (B) [Simon](#) Estes River Sheeting: Receiving of bids, (11-5-19), Setting date of hearing, (11-18-19). Engineer's estimate, \$550,000. ([Council Communication No. 19-442](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1573](#) 8. [Iowa](#) Department of Transportation (IDOT) Agreement for a Revitalize Iowa's Sound Economy (RISE) Program project and agreement with the Des Moines Airport Authority for extension of SW 28<sup>th</sup> Street in the south quadrant of the Des Moines International Airport. ([Council Communication No. 19-445](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1574](#) 9. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for Walnut Street Bridge over Des Moines River Replacement, not to exceed \$1,188,126. ([Council Communication No. 19-443](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1575](#) 10. [Approving](#) Change Order No. 7 with Progressive Structures, LLC for additional work on River Bend and King Irving Sewer Separation Phase 1, \$561,243.28. ([Council Communication No. 19-444](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-1576](#) 11. [Approving](#) increase of total project costs for the design and construction of the Des Moines and Raccoon Rivers Project. ([Council Communication No. 19-440](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1577](#) 12. [Authorizing](#) request of Federal Surface Transportation Block Grant (STBG) funds for the Southeast Connector Project. ([Council Communication No. 19-449](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1578](#) 13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**
14. Accepting completed construction and approving final payment for the following:
- [19-1579](#) (A) [Cownie](#) Baseball Site Improvements, TK Concrete, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1580](#) (B) [2018](#) City-wide PCC Pavement Restoration Program, MPS Engineers, PC d/b/a Kingston Services, PC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1581](#) (C) [SE](#) 1<sup>st</sup> and Van Buren Storm Sewer, S.M. Hentges & Sons Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1582](#) (D) [Storm](#) Drainage Category D Repair at 38<sup>th</sup> Street and Amick Avenue, 27<sup>th</sup> Street and Meek Avenue, Synergy Contracting, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1583](#) (E) [Blank](#) Golf Course Maintenance Shed Improvements, JPG Company, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### SPECIAL ASSESSMENTS

- [19-1584](#) 15. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2019-10. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1585](#) 16. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-10. **Moved by Gatto to adopt. Motion Carried 7-0.**
17. Deletion of rental inspection assessments at the following:
- [19-1586](#) (A) [1815](#) 56<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1587](#) (B) [2808](#) SE 5<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [19-1588](#) 18. [Authorize](#) the voluntary acquisition of necessary property interests for the Crawford Creek Watershed Improvement Project – Caulder Avenue, Miller Avenue and Thornton Avenue. ([Council Communication No. 19-447](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [19-1589](#) 19. [Appointment](#) of City Traffic Engineer John A. Davis as a Regular Member to the Transportation Technical Committee of the Des Moines Area Metropolitan Planning Organization (MPO) for the remainder of the 2019 term. **Moved by Gatto to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [19-1590](#) 20. [Regarding](#) request from Dan Barry (Owner) for vacation of an irregular segment of right-of-way to allow it to be assembled with existing adjoining property located at 6024 Ronwood Drive. **Moved by Mandelbaum to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Engineering Real Estate to convey right-of-way adjoining 6031 North Waterbury Road to Mr. Pildis. Conveyance to Mr. Barry will not occur until renovation is complete. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [19-1591](#) 21. [On](#) conveyance of a permanent easement for air space above City-owned property in Hubbell Avenue to Anderson Erickson Dairy Co. (Miriam Brown, President), \$2,200, (11-4-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1592](#) 22. [On](#) conveyance of excess City-owned property at 106 Franklin Avenue to Pyramid Masonry, Inc. (Miguel Guzman, President), \$67,245, (11-4-19). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-1593](#) 23. [On](#) request from Myer, LLC (David Silverstein, Officer) to rezone 650 SE 30<sup>th</sup> Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial) to allow extension of scrap yard under development on property to the north, (11-4-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-1594](#) 24. **On** request from Greater Iowa Credit Union (Scott Zahnle, Officer) to rezone 2944 Des Moines Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow expansion of the existing branch financial services site with an addition to the existing building and additional off-street parking, (11-4-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1595](#) (A) **Receive** and file communication from the Plan and Zoning Commission regarding request to vacate the north-south alley adjoining 2944 Des Moines Street. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [19-1596](#) 25. **On** request from Kum & Go, LC (Dan Garneau, Officer) to rezone 3104 University Avenue and 1134 31<sup>st</sup> Street from “C-1” (Neighborhood Retail Commercial), “R-3” (Multiple-Family Residential), and “C-0” (Commercial-Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of existing fuel station and 8-unit apartment building for a new 5,661-square foot fueling station with retail sales of convenience items and with eight (8) fueling locations, (11-4-19). **Moved by Mandelbaum to adopt and refer to the City Manager to contact Kum & Go regarding efforts to relocate Mirell Flats Condominiums. Motion Carried 7-0.**
- [19-1597](#) (A) **Receive** and file communication from the Plan and Zoning Commission regarding request to vacate the dead-end east-west alley segment between University Avenue and Cottage Grove Avenue from 31<sup>st</sup> Street to a point that is 209 feet to the west. **Moved by Mandelbaum to receive and file communication from Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [19-1598](#) 26. **On** request from Lucky Gal 1, Inc. (Chris Pruisner, Officer) to rezone 3104 SW 9<sup>th</sup> Street from “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse of a portion of the existing building for a game room or indoor recreational use, (11-4-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1599](#) 27. **On** request from Fred and Jeri Robinette (title holders) to rezone 2833 E. Acorn Street from “A-1” (Agricultural) to Ltd. “R1-80” (One Family Residential) to allow subdivision and development of the property for an additional single-family dwelling acreage, (11-4-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1600](#) 28. **On** approval of documents for a land exchange purchase agreement with the Jan Miller Straub Revocable Trust for property located on Sunset Road between SW 23<sup>rd</sup> Street and SW 28<sup>th</sup> Street, (11-4-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1601](#) 28-I. **On** application from Phyllis Woods Trust for relief from temporary moratorium to apply for rezoning of property at 6015 Grand Avenue, (11-4-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [19-1602](#) 29. [Approving](#) payment to Ahlers & Cooney, PC Law Firm for legal services. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1603](#) 30. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation of Police Officer Cody Grimes. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1604](#) 31. [Approving](#) payment to Whitfield and Eddy Law for representation of Police Officer Kyle Thies. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1605](#) 32. [Approving](#) payment to Theodore Crum for a workers' compensation claim. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1606](#) 33. [Approving](#) payment for property claim of MidAmerican Energy. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1607](#) 34. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000. **Moved by Gatto to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

## APPROVING

- [19-1608](#) 35. [Issuance](#) of certificate of completion to Federal Home Loan Bank of Des Moines for the renovation of the office building at 909 Locust Street and parking lot improvements at 912 Locust Street for occupancy as its new headquarters. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1609](#) 36. [Application](#) for the 2019 Byrne JAG Innovative Program Grant, \$56,325. ([Council Communication No. 19-432](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1610](#) 37. [Acceptance](#) of the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) award, \$169,175 (\$158,175 for Des Moines and \$11,000 for Polk County Sheriff's Office). ([Council Communication No. 19-434](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1611](#) 38. [Acceptance](#) of the 2019 Homeland Security Grant (HSG) award, \$324,198 (\$107,029 for Weapons of Mass Destruction (WMD)/SWAT Task Force and \$217,169 for the Explosive Ordnance Detection (EOD) Task Force). ([Council Communication No. 19-433](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1612](#) 39. [City](#) Council meeting schedule for 2020. **Moved by Gatto to approve. Motion Carried 7-0.**



- [19-1613](#) 40. [Amendment](#) to the Schedule of Fees applicable to various Fire and Medical Reports and Records under Chapter 46 of the Municipal Code. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1614](#) 41. [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 Streets beginning November 15, 2019. **Moved by Gatto to receive, file and approve. Motion Carried 7-0.**
42. Abatement of public nuisances at the following:
- [19-1615](#) (A) [3904](#) 14<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1616](#) (B) [2719](#) Franklin Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
43. Purchases from the following:
- [19-1617](#) (A) [Grimes](#) Asphalt and Paving Corporation (Mike Yonker, General Manager) for 800 tons of cold mix asphalt for use by the Public Works Department, \$128,800. (Five potential bidders, one compliant bid received). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1618](#) (B) [Keltex](#) Inc. (Kelly Milligan, President) as sole area-wide provider for replacement of 140 Sierra Wireless MG90 mobile gateways with the associated annual maintenance for use by the Police and Fire Departments, \$89,457.90. ([Council Communication No. 19-430](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1619](#) (C) [Stew](#) Hansen Dodge City (Dan Boettcher, General Manager) for the replacement of two (2) one-ton truck cab and chassis vehicles per State of Iowa contract for use by the Public Works Department, \$72,250. ([Council Communication No. 19-435](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1620](#) (D) [Housby](#) Mack, Inc. (Kelly Housby, President) for the replacement of twenty-one (21) conventional style cab diesel truck chassis vehicles per Houston Galveston Area Council (HGAC) for use by the Public Works and Parks & Recreation Departments, \$2,400,776. ([Council Communication No. 19-436](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Coleman.**
- [19-1621](#) (E) [Heartland](#) Business Systems, LLC (Peter Helander, CEO) for four 16 port 10 GB Cisco network cards per State of Iowa contract for use by the Information Technology Department, \$50,439. ([Council Communication No. 19-450](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1622](#) 44. [Exception](#) to procurement ordinance competitive bid process for good cause and approving agreement with Lucity, Inc. (Lisa Neumann, Controller) for street maintenance software and hosting services, not to exceed \$76,540 for first year and an annual cost thereafter of \$11,700, subject to a 5% annual increase after the initial 5-year term. ([Council Communication No. 19-448](#)) **Moved by Gatto to approve. Motion Carried 7-0.**

[19-1623](#) 45. [Civil](#) Service Entrance Lists for Accounting Specialist I, Police Officer, Wastewater Facility Operations and Maintenance Helper, and Human Resources Assistant and Promotional list for Senior Human Resources Business Partner. **Moved by Gray to receive and file. Motion Carried 7-0.**

[19-1624](#) 46. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of October 14, 21 and 28, 2019; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of October 14, 21 and 28, 2019; and to draw checks for biweekly payroll due October 25, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[19-1625](#) 47. [On](#) vacation of the east-west alley right-of-way lying north of and adjoining 901 Walnut Street. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**ORDINANCES - SECOND CONSIDERATION**

[19-1626](#) 48. [Amending](#) Chapter 2 of the Municipal Code regarding salary for the Mayor and Council. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 5-1-1. Nays: Westergaard. Pass: Cownie.**

## ORDINANCES - FINAL CONSIDERATION

49. On proposed Zoning Ordinance, Planning and Design Ordinance, Citywide Zoning Map Amendment, and revision to the Des Moines Municipal Code reflecting adoption.

[19-1627](#) (A) **Final** consideration of ordinance amending Chapter 134 - Zoning Ordinance. **Moved by Gatto to continue to 2:00 PM on Wednesday, October 16, 2019. Motion Carried 7-0.**

[19-1628](#) (B) **Final** consideration of ordinance amending Chapter 135 – Planning and Design Ordinance. **Moved by Gatto to continue to 2:00 PM on Wednesday, October 16, 2019. Motion Carried 7-0.**

[19-1629](#) (C) **Final** consideration of ordinance amending Chapter 134 – Official Zoning Map. **Moved by Gatto to continue to 2:00 PM on Wednesday, October 16, 2019. Motion Carried 7-0.**

[19-1630](#) (D) **Final** consideration of ordinance amending various chapters of the Municipal Code to reflect cross references related to adoption of the proposed Zoning Ordinance and Planning and Design Ordinance. **Moved by Gatto to continue to 2:00 PM on Wednesday, October 16, 2019. Motion Carried 7-0.**

[19-1631](#) (E) **Requests** to speak. **Moved by Gatto to receive and file documents and comments. Motion Carried 7-0.**

## ORDINANCES - FIRST CONSIDERATION

[19-1632](#) 50. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 19-446](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Code modifications related to addition of a pedestrian signal and school bus loading zone on University Avenue west of 59<sup>th</sup> Street near Windsor Elementary School.

(B) Code modifications to match existing conditions—Loomis Avenue and Bell Avenue, adjacent to Lincoln High School.

(C) Extension of existing parking restriction—Oak Park Avenue between 9th Street and 11th Street.

[19-1633](#) (D) Final consideration of ordinance above, requires six votes. **Moved by Manderbaum 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, #15,807. Motion Carried 7-0.**

- [19-1634](#) 51. **Amending** Chapter 114 of the Municipal Code to include four-way stop control at the intersection of 7th Street and Jefferson Avenue. ([Council Communication No. 19-437](#)) **Moved by Gray that this ordinance be considered and given first vote for passage. Second and final consideration to be scheduled for the special meeting on October 16, 2019 at 2:00 PM. Motion Carried 7-0.**
- [19-1635](#) 52. **Amending** Chapter 114 of the Municipal Code regarding traffic and vehicle regulations. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1636](#) (A) 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, #15,808. Motion Carried 7-0.**
53. Number not used.
- [19-1637](#) 54. **Amending** Chapter 70 of the Municipal Code relating to disturbing peace or quiet. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1638](#) 55. **Amending** Chapter 102 of the Municipal Code regarding administrative hearings to correct a scrivener's error. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1639](#) (A) 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, #15,809. Motion Carried 7-0.**

## COUNCIL REQUESTS

- [19-1640](#) 55-I. **From** Council Members Coleman, Mandelbaum and Mayor Cownie requesting Council action to officially name and designate a City of Des Moines Flag, as the “three bridges flag”, as originally adopted on April 15, 1974. **Moved by Coleman to adopt. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [19-1641](#) 56. [From](#) Garnet Nordine, 2514 Kingman Blvd., to speak regarding Des Moines Metro Organizing for Action Team proposal for social profiling ordinance. **Moved by Gatto to receive and file documents and comments. Motion Carried 7-0.**

## APPROVING

57. Items related to Market District One, LLC (Frank Levy, Partner) for the “Connolly Lofts” project located at 401 SE 6th Street and 400 SE 7th Street: ([Council Communication No. 19-453](#))

- [19-1642](#) (A) [Approving](#) termination of previous Urban Renewal Development Agreement. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-1643](#) (B) [Accepting](#) development proposal from Connolly Lofts Associates, LP (Frank Levy, Officer) to develop a multi-family housing project on City-owned property at 401 SE 6th Street and 400 SE 7th Street in the Metro Center Urban Renewal Area, and setting date of public hearing on the proposal and land sale, (11-18-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-1644](#) 58. [City](#) as concurring party to Programmatic Agreement for design and construction of new federal courthouse between U.S. GSA, Iowa State Historic Preservation Officer and the Advisory Council on Historic Preservation. ([Council Communication No. 19-431](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [19-1645](#) 59. [First](#) amendment to Amended and Restated Urban Renewal Agreement for sale of land for private redevelopment with Grand 7 Partners, LLC. ([Council Communication No. 19-452](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

60. Number Not Used.

**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 61 THRU 71)**

- [19-1646](#) 61. **On** vacation of subsurface rights and air rights in portions of E. 4<sup>th</sup> Street and E. Grand Avenue right-of-way adjoining 418 E. Grand Avenue and conveyance of a permanent easement for subsurface building encroachment on City property and a permanent easement for air space above City-owned property to Nelson Development 1, LLC, \$12,630. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1647](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1648](#) (B) **Approving** Amended Conceptual Development Plan for Phase 2 of Development. (**Council Communication No. 19-451**) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1649](#) 62. **On** vacation of 7<sup>th</sup> Street right-of-way located west of and adjoining 1233 7<sup>th</sup> Street and conveyance to Anawim a/k/a Anawim Housing, \$1. **Moved by Gray to adopt. Motion Carried 7-0.**
- [19-1650](#) (A) **First** consideration of ordinance above. **Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1651](#) (B) **Final** consideration of ordinance above (waiver request by City Manager), requires six votes. **Moved by Gray 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, #15,810. Motion Carried 7-0.**
- [19-1652](#) 63. **On** vacation of a 4-foot by 4-foot segment of east-west alley right-of-way adjoining 319 7<sup>th</sup> Street and conveyance of a permanent easement for air space above City-owned property to Des Moines Griffin Building, LLC, \$350. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1653](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1654](#) (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, #15,811. Motion Carried 7-0.**

[19-1655](#)

64. **On** conveyance of property purchased for the Hubbell Avenue Improvements – E. 33<sup>rd</sup> to E. 38<sup>th</sup> Street Project to the State of Iowa, for the benefit and use of the Iowa Department of Transportation (IDOT). **Moved by Westergaard to adopt. Motion Carried 7-0.**

65. Items regarding 2725 SW 30th Street:

[19-1656](#)

(A) **Amend** the PlanDSM Creating Our Tomorrow Plan to revise the existing future land use designation from Business Park to Low Density Residential. **Moved by Mandelbaum to adopt and APPROVE the proposed amendment. Motion Carried 7-0.**

[19-1657](#)

(B) **Hearing** to rezone the property from "M-3" (Limited Industrial) to Ltd. "R1-80" (One-Family Residential) to allow development of the property with a single-family dwelling. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-1658](#)

(C) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-1659](#)

(D) **Final** consideration of ordinance above (waiver requested by applicant), 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, #15,812. Motion Carried 7-0.**

66. Items regarding 2500 and 2710 Fleur Drive:

[19-1660](#)

(A) **Amend** the PlanDSM Creating Our Tomorrow Plan to revise the existing future land use designation from Public/Semi-Public and Medium-Density Residential to Community Mixed Use. **Moved by Mandelbaum to adopt and APPROVE the proposed amendment. Motion Carried 7-0.**

[19-1661](#)

(B) **Hearing** to rezone the property from "M-3" (Limited Industrial) and "R-3" (Multiple-Family Residential) to "PUD" (Planned Unit Development) and approve The Village at Gray's Lake PUD Conceptual Plan to allow reuse of the American Institute of Business campus for a mixed-use development containing use permitted in the "C-2" (General Retail and Highway Oriented Commercial) and the "NPC" (Neighborhood Pedestrian Commercial), including recreational assembly, office retail and multiple family residential. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-1662](#)

(C) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-1663](#)

- (D) Final consideration of ordinance above (waiver requested by applicant), 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, #15,813. Motion Carried 7-0.**

67. Items regarding 601 24th Street and 602 23rd Street:

WITHDRAWN

[19-1664](#)

- (A) Amend the PlanDSM ~~Creating Our Tomorrow Plan to revise the existing future land use designation from Low Density Residential within a Neighborhood Node to Medium Density Residential within a Neighborhood Node.~~
- (B) Hearing to rezone the property from "R1-60" (One-Family Low-Density Residential) to Ltd. "R-3" (Multiple-Family Residential) to allow development of up to 7 units of 3-story rowhouse dwellings. **(Choose alternative 1 or 2)**

[19-1665](#)

- (1) Continue the hearing to November 18, 2019 at 5:00 PM. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

**OR**

WITHDRAWN

[19-1666](#)

- (2) Approve the rezoning. ~~(Requires six votes, due to opposition)~~

WITHDRAWN

[19-1667](#)

- (C) First consideration of ordinance above, ~~requires six votes due to opposition.~~

WITHDRAWN

[19-1668](#)

- (D) Final consideration of ordinance above (waiver requested by applicant), ~~requires six votes.~~

68. Items regarding 1820 E. Army Post Road:

[19-1669](#)

- (A) Amend the PlanDSM ~~Creating Our Tomorrow Plan to revise the existing future land use designation from Business Park to Industrial.~~ **Moved by Gatto to adopt and APPROVE the proposed amendment. Motion Carried 6-1. Nays: Cownie.**

[19-1670](#)

- (B) Hearing on request to rezone the property from Ltd. "M-1" (Light Industrial) to a new Ltd. "M-1" (Light Industrial) whereby retail sales of consumer fireworks and warehousing are added as permitted uses. (Planning and Zoning Commission recommends DENIAL). **Moved by Gatto to continue the public hearing until November 4, 2019 at 5:00 PM and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the rezoning subject to conditions acceptable to the City and the owner(s). Motion Carried 6-1. Nays: Cownie.**



- [19-1671](#) 69. **On** request from River Point West, LLC and Hotel II at Gray's Landing, LLC (George Sherman, Officer) to amend the PUD Conceptual Plan for property at 320 SW 9<sup>th</sup> Street and 907 Tuttle Street to allow development of the property into a 4-story hotel with 98 guest rooms and an associated surface off-street parking lot. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1672](#) 70. **On** 2019 Sewer Lining Program: Resolution approving plans, specifications, form of contract documents, and Engineer's estimate and designating lowest responsible bidder as Insituform Technologies USA, LLC (Charles R. Gordon, President), \$3,398,977.10. ([Council Communication No. 19-438](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1673](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1674](#) 71. **On** 519 Foster Drive Landslide Roadway Repair: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as S.M. Hentges & Sons Inc. (Steven M. Hentges, President), \$924,500.25. ([Council Communication No. 19-439](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1675](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

**\*\*END HEARINGS AT 6:16 PM\*\***

#### **EXTRA ITEMS**

- [19-1676](#) 1. **Receive** and file feasibility report regarding the expansion of the James W. Cownie Soccer Park. ([Council Communication No. 19-454](#)) **Moved by Boesen to receive and file such feasibility report and refer to the City Manager to determine and propose next steps to implement the expansion and current site improvements proposed in such report. Motion Carried 7-0.**
- [19-1677](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 7:54 PM. Motion Carried 7-0.**

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