



**\*\*\* 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**

**November 4, 2019**  
**4:30 PM**

**INVOCATION:** Council Member Coleman

- [19-1688](#) 1. ROLL CALL: **Present: Cownie, Boesen, Coleman, Gatto, Gray, Mandelbaum and Westergaard.**
- [19-1689](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1690](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 51: **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

[19-1691](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt all except 4A and 4D. Motion Carried 7-0. Council Member Coleman votes No on items 4O and 4P. Moved by Coleman to adopt items 4A and 4D. Motion Carried 7-0.**

### NEW APPLICATIONS

*(A)	DAM PUB	2712 BEAVER AVE	C Liquor
(B)	GOLDEN FAMILY MARKET	4109 SE 14TH ST	C Beer
<del>(C)</del>	<del>HENG GUANG RESTAURANT</del>	<del>4120 UNIVERSITY</del>	<del>C Beer/Wine</del>
*(D)	OH SUSHI	2815 BEAVER AVE	C Beer/Wine

### RENEWAL APPLICATIONS

(E)	ALDI INC #03	3940 E 14TH ST	C Beer
(F)	ALDI INC #29	5512 SE 14TH ST	C Beer
(G)	ALDI INC #38	2543 E UNIVERSITY	C Beer
(H)	BAH BRAZILIAN STEAKHOUSE	2301 INGERSOLL	C Liquor
(I)	BIG CITY BURGERS & GREENS	400 LOCUST ST	C Liquor
(J)	CATERING DSM	1011 LOCUST ST	C Liquor
(K)	CHIPOTLE MEXICAN GRILL	3737 MERLE HAY RD	C Liquor
(L)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(M)	ESTRADAS	3029 MERLE HAY RD	C Liquor
(N)	FREMONT	1030 E 9TH ST	C Liquor
*(O)	GIT N GO STORE #19	890 COUNTY LINE	C Beer
*(P)	GIT N GO STORE #6	5736 FRANKLIN AVE	C Beer
<del>(Q)</del>	<del>GYM</del>	<del>2279 HUBBELL AVE</del>	<del>C Liquor</del>
(R)	HESSER HAUS	101 4TH STREET	C Liquor
(S)	HOQ RESTAURANT	303 E 5TH STREET	C Liquor
(T)	JEANNIES BOTTLE	3839 MERLE HAY RD	C Liquor
(U)	JESSES EMBERS	3301 INGERSOLL	C Liquor
(V)	QUIK TRIP #530	1424 E EUCLID AVE	E Liquor
(W)	QUIK TRIP #559	4021 FLEUR DR	E Liquor

### SPECIAL EVENT APPLICATION

- (X) SALISBURY HOUSE 4025 TONAWANDA DR Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Home Ditty concert on November 12, 2019.

[19-1692](#)

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

[19-1693](#)

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:

- [19-1694](#) (A) [River](#) Bend and King Irving Sewer Separation Phase 2B: Receiving of bids, (11-19-19), Setting date of hearing, (12-16-19). Engineer's estimate, \$3,750,000. ([Council Communication No. 19-466](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-1695](#) (B) [SE](#) 9<sup>th</sup> Street Storm Water Pump Station and Improvements: Receiving of bids, (11-19-19), Setting date of hearing, (12-16-19). Engineer's estimate, \$7,450,000. ([Council Communication No. 19-467](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1696](#) (C) [Waveland](#) Clubhouse Reroofing and Window Repair: Receiving of bids, (11-19-19), Setting date of hearing, (12-16-19). Engineer's estimate, \$150,000. ([Council Communication No. 19-470](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1697](#) (D) [Des](#) Moines Fire Station No. 11: Receiving of bids, (12-3-19), Setting date of hearing, (12-16-19). Engineer's estimate, \$4,900,000. ([Council Communication No. 19-465](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1698](#) 8. [Approving](#) exception to request for proposal process for good cause and approving Professional Services Agreement with Snyder & Associates, Inc. for design phase services for the Cluses Creek Storm Sewer Improvements Phase 2A, 2B, 3 and 11, not to exceed \$916,161. ([Council Communication No. 19-460](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1699](#) 9. [Approving](#) Change Order No. 6 with Jasper Construction Services, Inc. for additional work on Near West Side Sewer Separation Phase 2, \$542,805.53. ([Council Communication No. 19-464](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1700](#) 10. [Approving](#) 28E Agreement with the City of Norwalk for resurfacing of Echo Valley Drive from Old Highway 28 to Norwalk corporate limits, not to exceed \$150,000. ([Council Communication No. 19-462](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1701](#) 11. [Approving](#) proposal with MidAmerican Energy Company to install roadway lighting with new poles and led lights as part of the Locust Street Bridge over the Des Moines River, not to exceed \$83,498.14. ([Council Communication No. 19-463](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1702](#) 12. [Approving](#) Private Construction Contract between Elder Corporation and Hoyt Sherman Place Foundation for Storm Sewer Improvements in 1501 Woodland Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1703](#) 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:

- [19-1704](#) (A) [Columbus](#) Park Shelter Renovation, Edge Commercial, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1705](#) (B) [EMC](#) Overlook at MacRae Park, Koester Construction Company, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- (C) Number not used.
- [19-1706](#) (D) [Police](#) Academy Window Replacement, Mid-American Glazing Systems, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

- [19-1707](#) 15. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2020 Traffic Signal Replacement Project. ([Council Communication No. 19-468](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

#### BOARDS/COMMISSIONS/NEIGHBORHOODS

- [19-1708](#) 16. [Appointing](#) Josh Mandelbaum as Primary Member and T.M. Franklin Cownie as Alternate Member to the Des Moines Area Regional Transit (DART) Authority for calendar year 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1709](#) 17. [Communication](#) from Bill Nassif advising of his resignation from the Park and Recreation Board, Seat 11, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [19-1710](#) 18. [Recommendation](#) from Council Member Mandelbaum to appoint Barb Bremner to the Park and Recreation Board, Seat 11, for a four-year term commencing June 30, 2016 to June 30, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1711](#) 19. [Communication](#) from John R. Chiodo advising of his resignation from the Zoning Board of Adjustment, Seat 6, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [19-1712](#) 20. [Recommendation](#) from Council Member Mandelbaum to appoint Justin Gross to the Zoning Board of Adjustment, Seat 6, for a five-year term commencing April 1, 2016 to April 1, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-1713](#) 21. [Communication](#) from Jill Lippincott advising of her resignation from the Housing Services Board, Seat 1, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**
- [19-1714](#) 22. [Recommendation](#) from Council Member Coleman to reappoint Nathan Stieler to the Access Advisory Board, Seat 11, for a four-year term commencing June 15, 2017 to expire June 15, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1715](#) 23. [Recommendation](#) from Council Member Coleman to reappoint Chad Layland to the Building and Fire Code Board of Appeals, Seat 3, for a three-year term commencing April 1, 2019 to expire April 1, 2022. **Moved by Coleman to adopt and refer to the City Manager and City Clerk to review residency requirements. Motion Carried 7-0.**
- [19-1716](#) 24. [Recommendation](#) from Council Member Coleman to reappoint Dave Kriens, Jr. to the Building and Fire Code Board of Appeals, Seat 10, for a three-year term commencing April 1, 2018 to expire April 1, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1717](#) 25. [Recommendation](#) from Council Member Coleman to appoint Brian Clark to the Urban Design Review Board, Seat 3, for a three-year term commencing June 30, 2018 to June 30, 2021, effective December 31, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1718](#) 26. [Recommendation](#) from Council Member Coleman to reappoint Dory Briles to the Plan and Zoning Commission, Seat 7, for a five-year term commencing July 1, 2019 to expire July 1, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1719](#) 27. [Recommendation](#) from Council Member Coleman to reappoint Scott Durham to the Housing Appeals Board, Seat 3, for a three-year term commencing March 1, 2018 to expire March 1, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### SETTING DATE OF HEARINGS

- [19-1720](#) 28. [On](#) conveyance of certain excess City-owned property acquired as part of the 2018 Limited Voluntary Flood Buyout Program to the adjoining property owners for side yard purposes only, (11-18-19). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1721](#) 29. [On](#) request from Des Moines Area Community College (DMACC) (owner) (Greg Martin, Officer) to rezone property at 1031 and 1039 9<sup>th</sup> Street from “R-4” (Multiple-Family Residential) to “PUD” (Planned Unit Development) and an amendment to the Human Services Campus PUD Conceptual Plan for property in the vicinity of 1111 9<sup>th</sup> Street to expand the PUD Conceptual Plan area to include the property requested for rezoning and extend the existing surface parking lot. Additional property within the PUD boundary is owned by United Way of Central Iowa, (11-18-19). **Moved by Gatto to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [19-1722](#) 30. [Approving](#) payment of billing from Shuttleworth & Ingersoll Law Firm. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1723](#) 31. [Approving](#) waiver and consent to conflict of interest in representation by Ahlers & Cooney, PC of the Des Moines Independent Community School District for negotiating a 28E Agreement for providing open space for shared use services on the grounds of Weeks Middle School. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1724](#) 32. [Approving](#) waiver and consent to conflict of interest in representation by Ahlers & Cooney, PC regarding transfer of a portion of vacated Fremont Street and 15<sup>th</sup> Street to the Des Moines Independent Community School District. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1725](#) 33. [Approving](#) payment for the property claim of Kevin O'Keefe. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1726](#) 34. [Approving](#) payment for the property claim of Farmers Insurance Exchange as subrogee for Koenig Engineering Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1727](#) 35. [Approving](#) payment for the property claim of William C. Strong and Peri M. Baldwin Strong. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1728](#) 36. [Approving](#) payment to Deziray Overton-Streight and Progressive Universal Insurance Company for settlement of claims. **Moved by Gatto to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [19-1729](#) 36-I [Submitting](#) travel and training requests for Eleanor Zeff, Li Zhao Mandelbaum and Roger Nowadzky. **Moved by Gatto to adopt. Motion Carried 6-0. Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.**

## APPROVING

- [19-1730](#) 37. [Submittal](#) of a \$100,000 grant request to the Polk County Housing Trust Fund for the City of Des Moines Minor Home Repair Program. ([Council Communication No. 19-474](#)) **Moved by Coleman to adopt and refer to the City Manager to inform Council of how this program is promoted. Motion Carried 7-0.**
- [19-1731](#) 38. [Acceptance](#) of 2020 Violence Against Women grant from Iowa Department of Justice, \$21,446. ([Council Communication No. 19-456](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [19-1732](#) 39. [Confidentiality](#) and Program Agreement with Des Moines Independent Community School District for a Youth Scholarship Program for Parks & Recreation Department recreation programs. ([Council Communication No. 19-484](#)) **Moved by Gatto to adopt and refer to the City Manager to charge \$5 per sport. Motion Carried 7-0.**
- [19-1733](#) 40. [Rules](#) for facilities and programs operated by the Parks & Recreation Department. ([Council Communication No. 19-483](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
41. Communication of fire escrow for the following:
- [19-1734](#) (A) [1103](#) Arthur Avenue. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated October 23, 2019, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
- [19-1735](#) (B) [3107](#) 59<sup>th</sup> Street. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty (180) days of certified mail notice dated October 7, 2019, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
42. Abatement of public nuisances at the following:
- [19-1736](#) (A) [2704](#) Cleveland Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1737](#) (B) [2424](#) Capitol Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1738](#) (C) [1323](#) E 19<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1739](#) (D) [2216](#) Clark Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1740](#) 43. [Amendment](#) to Schedule of Fees for Chapter 34, Cemeteries. ([Council Communication No. 19-482](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1741](#) 44. [Declaring](#) an official intent under Treasury Regulation 1.150-2. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1742](#) 45. [Receive](#) and file Quarterly Treasurer's Report as of September 30, 2019. **Moved by Coleman to receive and file. Motion Carried 7-0.**
46. Purchases from the following:
- [19-1743](#) (A) [Neenah](#) Foundry Co. (Robert E. Ostendorf, President) for an annual contract with four (4) additional one-year renewal options to furnish various manhole castings for use by the Public Works Department, \$140,280 annually with price increases complying with agreement terms, (Five potential bidders, one compliant bid received). **Moved by Gatto to adopt. Motion Carried 7-0.**



- [19-1744](#) (B) [Accepting](#) Finance Director’s decision on appeal of bid award to TruGreen (Nick May, General Manager) for an annual contract with four (4) additional one-year renewal options to furnish sidewalk snow removal services at various city properties for use by the Public Works Department, up to \$250,000 annually with price increases complying with agreement terms, (Sixteen (16) potential bidders, two compliant bids received). **Moved by Gatto to adopt a one-year contract and rebid next year by August 1, 2020. Motion Carried 7-0.**
- [19-1745](#) (C) [Ziegler](#) CAT Inc. (William Hoeft, President) for three (3) wheel loaders per Sourcewell Cooperative Purchasing Contract for use by the Public Works Department, \$468,083.92. ([Council Communication No. 19-478](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1746](#) (D) [Gradall](#) Industries Inc. (Mike Hoverman, President) for purchase and installation of sewer cleaning and maintenance equipment bodies on three (3) heavy-duty truck chassis per Sourcewell Cooperative Purchasing Contract for use by the Public Works Department, which was approved by the Fleet Oversight Committee (FOC), \$841,216.08. ([Council Communication No. 19-480](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Coleman.**
- [19-1747](#) (E) [Henderson](#) Products, Inc. (John Sievert, President) for purchase and installation of equipment on sixteen (16) heavy-duty truck chassis per Sourcewell Cooperative Purchasing Contract for use by the Public Works Department and Parks & Recreation Department, which was approved by the Fleet Oversight Committee (FOC), \$1,242,661. ([Council Communication No. 19-477](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Coleman.**
- [19-1748](#) (F) [MacQueen](#) Equipment (Curt Steffen, President) for three (3) replacement street sweepers per Sourcewell Cooperative Purchasing Contract for use by the Public Works Department, which was approved by the Fleet Oversight Committee (FOC), \$772,943.38. ([Council Communication No. 19-479](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Coleman.**
- [19-1749](#) (G) [OneNeck](#) IT Solutions (Terry Swanson, President/CEO) for Hewlett Packard Enterprises (HPE) Nimble HF 40 mass storage array and HPE StoreOnce backup storage expansion to support the City’s current and future storage performance and capacity needs per State of Iowa Master Agreement for use by the IT Department, \$416,067.91. ([Council Communication No. 19-472](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1750](#) 47. [Promotional](#) list for Sewer Maintenance Worker. **Moved by Gatto to receive and file. Motion Carried 7-0.**



- [19-1751](#) 48. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of November 4 and 11, 2019; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of November 4 and 11, 2019; and to draw checks for biweekly payroll due November 8, 2019. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### ORDINANCES - FINAL CONSIDERATION

- [19-1752](#) 49. [On](#) vacation of the east-west alley right-of-way lying north of and adjoining 901 Walnut Street. **Moved by Gatto that this ordinance do now pass, #15,820. Motion Carried 7-0.**

#### ORDINANCES - SECOND CONSIDERATION

- [19-1753](#) 50. [Amending](#) Chapter 70 of the Municipal Code relating to disturbing peace or quiet. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [19-1754](#) 51. [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. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

#### ORDINANCES - FIRST CONSIDERATION

- [19-1755](#) 52. [Amending](#) Chapter 102 of the Municipal Code relating to street use permits. ([Council Communication No. 19-455](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [19-1756](#) 53. [Amending](#) Chapter 114 of the Municipal Code relating to rates for City parking garages. ([Council Communication No. 19-469](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[19-1757](#)

54. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 19-471](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Code modifications to match existing conditions – between E. 8th Street and E. 10th Street on E. Madison Avenue and Hoffman Avenue.

(B) Code modifications related to the Southwoods Estates Plat 1 - 2 Developments.

(C) Parking Restriction – 43rd Street, California Drive, and Crocker Street.

(D) Parking Restriction – 63rd Street, north of Dawson Drive.

[19-1758](#)

(E) [Final](#) consideration of ordinance above (waiver requested by Council Member Coleman), requires six votes. **Moved by Coleman 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, #15,821. Motion Carried 7-0.**

#### APPROVING

55. Consideration of a request from 3750 Grand, LLC (Harry Bookey, Owner) to demolish a portion of the First Church of Christ, Scientist building located at 3750 Grand Avenue pursuant to Section 58-70 of the Historic Preservation Ordinance. ([Council Communication No. 19-473](#))

#### WITHDRAWN

[19-1759](#)

(A) ~~The application for demolition of the building **shall** be referred to the Landmark Review Board.~~

[19-1760](#)

(B) [The](#) application for demolition of the building **shall not** be referred to the Landmark Review Board. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-1761](#)

56. [Market](#) District of the East Village Master Plan as an element of the PlanDSM: Creating Our Tomorrow Plan. ([Council Communication No. 19-481](#)) **Moved by Gatto to approve. Motion Carried 7-0.**

[19-1762](#)

57. [Appointment](#) of Malcolm A. Hankins as Assistant City Manager. **Moved by Gatto to adopt. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:03 P.M.) (ITEMS 58 THRU 71)**

- [19-1763](#) 58. **On** the proposed Fifth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area. ([Council Communication No. 19-459](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1764](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1765](#) (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, #15,822. Motion Carried 7-0.**
59. Items regarding the Urban Renewal Plan for the 38<sup>th</sup> and Grand Urban Renewal Area (3750 Grand Avenue):
- [19-1766](#) (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from High Density Residential within a Community Node to Neighborhood Mixed Use within a Community Node. **Moved by Mandelbaum to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [19-1767](#) (B) **Receive** and file the communication from the Plan and Zoning Commission. **Moved by Mandelbaum to receive and file the communication from the Plan and Zoning Commission. Motion Carried 7-0.**
- [19-1768](#) (C) **Hearing** on the adoption of an Urban Renewal Plan for the 38<sup>th</sup> and Grand Urban Renewal Area. ([Council Communication No. 19-457](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1769](#) (D) **Resolution** of Necessity. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [19-1770](#) (E) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1771](#) (F) 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, #15,823. Motion Carried 7-0.**
- [19-1772](#) 60. **On** the proposed Twenty-Fifth Amendment to the Metro Center Urban Renewal Plan. ([Council Communication No. 19-458](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**

- [19-1773](#) 61. **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. **Moved by Westergaard to adopt. Motion Carried 6-1. Absent: Coleman.**
- [19-1774](#) 62. **On** conveyance of excess City-owned property at 106 Franklin Avenue to Pyramid Masonry, Inc. (Miguel Guzman, President), \$67,245. ([Council Communication No. 19-461](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [19-1775](#) 63. **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. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
64. Items regarding 2944 Des Moines Street:
- [19-1776](#) (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low-Density Residential to Community Mixed Use. **Moved by Gatto to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [19-1777](#) (B) **Hearing** on request from Greater Iowa Credit Union (Scott Zahnle, Officer) to rezone the property 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. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1778](#) (C) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1779](#) (D) **Final** consideration of ordinance above (waiver requested by applicant), 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, #15,824. Motion Carried 7-0.**

65. Items regarding 1820 E. Army Post Road:

- [19-1780](#) (A) [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, requires six votes for approval) (Continued from October 14, 2019 Council Meeting) **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**
- [19-1781](#) (B) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.**
- [19-1782](#) (C) 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, [#15,825](#). Motion Carried 6-1. Nays: Cownie.**
- [19-1783](#) 66. [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. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [19-1784](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [19-1785](#) (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), 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, [#15,826](#). Motion Carried 7-0.**

67. Items regarding 3104 University Avenue and 1134 31<sup>st</sup> Street:

[19-1786](#)

(A) [Amend](#) the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Neighborhood Mixed Use and Low-Medium Density Residential to Community Mixed Use. **Moved by Mandelbaum to adopt and approve the proposed amendment. Motion Carried 7-0.**

[19-1787](#)

(B) [Hearing](#) on request from Kum & Go, LC (Dan Garneau, Officer) to rezone the property 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. **Moved by Mandelbaum to adopt. Parties will work in good faith exploring ways to move the Mirell Flats. Motion Carried 7-0.**

[19-1788](#)

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

[19-1789](#)

(D) [Final](#) consideration of ordinance above (waiver requested by the 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, #15,827. Motion Carried 7-0.**

[19-1790](#)

68. [Dismissing](#) hearing 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. (Plan and Zoning Commission recommends DENIAL of the rezoning). **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[19-1791](#)

69. [Dismissing](#) hearing 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. **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1792](#)

70. [On](#) the proposed 2020-2024 Consolidated Plan, which includes the 2020 Action Plan, for the US Department of Housing and Urban Development (HUD) Consolidated Plan. ([Council Communication No. 19-476](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[19-1793](#)

71. [Dismissing](#) hearing on application from Phyllis Woods Trust for relief from temporary moratorium to apply for rezoning of property at 6015 Grand Avenue. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

**\*\*END HEARINGS AT 5:53 PM\*\***

#### **EXTRA ITEMS**

[19-1794](#)

1. [Discussion](#) regarding Bloomberg Philanthropies' Asphalt Art Initiative grants. Sponsor: Mandelbaum and Gatto. **Moved by Mandelbaum to refer to the City Manager to direct staff to work with Friends of SW 9<sup>th</sup> to submit grant. Motion Carried 7-0.**

[19-1795](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:09 PM. Motion Carried 7-0.**

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