



***** 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 '20-' 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

January 27, 2020
4:30 PM

PROCLAMATIONS - 4:15 PM

Drake Bulldog

Human Trafficking Prevention and Awareness Month

INVOCATION: Council Member Gatto

- [20-0121](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Gray, Mandelbaum, Voss and Westergaard.**
- [20-0122](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Boesen to adopt. Motion Carried 7-0.**
- [20-0123](#) 3. APPROVING CONSENT AGENDA * – items 3 through 34: **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

[20-0124](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt all except items H and I. Motion Carried 7-0. Moved by Gray to continue item I until 2-10-20. Refer to the City Manager to schedule a meeting with Git N Go and neighborhood groups to discuss concerns. Motion Carried 7-0. Moved by Gatto to continue item H until 2-10-20. Motion Carried 7-0.**

RENEWAL APPLICATIONS

(A)	APOSTO	644 18TH ST	C Liquor
(B)	CASEYS #2244	2150 E ARMY POST	C Beer
(C)	CHRISTOPHERS DINING ROOM	2816 BEAVER AVE	C Liquor
(D)	DES MOINES YACHT CLUB *(1)	2617 INGERSOLL	C Liquor
(E)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(F)	FAST MART	1621 UNIVERSITY	E Liquor
(G)	FLYING MANGO	4345 HICKMAN RD	C Liquor
* (H)	GIT N GO STORE #18 *(1)	6501 SE 14TH ST	C Beer
* (I)	GIT N GO STORE #29	4900 URBANDALE	C Beer
(J)	HY VEE FOOD STORE #6	420 COURT AVE	E Liquor
(K)	HY VEE MARKET CAFE #6	420 COURT AVE	C Liquor
(L)	IOWA TAPROOM	215 E 3RD ST	C Liquor
(M)	LA CRUZ #3	3900 E 14TH ST	C Beer
(N)	LIFT	222 4TH STREET	C Liquor
(O)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(P)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(Q)	PANCHEROS MEXICAN GRILL	2708 INGERSOLL	B Beer
(R)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(S)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(T)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	A Liquor
(U)	TANGERINE FOOD COMPANY	4700 GRAND AVE	C Liquor
(V)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer

SPECIAL EVENT APPLICATIONS

- (W) CATTLE BARN 3000 E GRAND AVE C Liquor
 Fourteen day license for the Iowa Beef Expo on February 3 – 16, 2020.
- (X) DRAKE UNIVERSITY 1421 27TH ST Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for Buttigieg After Caucus Party on February 3, 2020.
- (Y) GREAT CATERERS 3000 E GRAND AVE Five (5) Day License
 Class C Liquor License for Iowa Semmental Association event on February 8, 2020.
- (Z) PAVILION 3000 E GRAND AVE B Beer
 Fourteen day license for the Iowa Beef Expo on February 3 – 16, 2020.

[20-0125](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

[20-0126](#) 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:

[20-0127](#) (A) [Hubbell](#) Avenue Rehabilitation from E. 18th Street to Easton Boulevard: Receiving of bids, (2-11-20), Setting date of hearing, (3-9-20). Engineer's estimate, \$2,130,000. ([Council Communication No. 20-030](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-0128](#) (B) [2020](#) ADA Sidewalk Ramp Program: Receiving of bids, (2-11-20), Setting date of hearing, (3-9-20). Engineer's estimate, \$225,000. ([Council Communication No. 20-029](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-0129](#) (C) [Near](#) West Side Sewer Separation Phase 4: Receiving of bids, (2-11-20), Setting date of hearing, (3-9-20). Engineer's estimate, \$8,120,000. ([Council Communication No. 20-032](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-0130](#) (D) [Ingersoll](#) Avenue Streetscape from M.L. King Jr. Parkway to 24th Street (north side): Receiving of bids, (2-25-20), Setting date of hearing, (3-9-20). Engineer's estimate, \$2,680,000. ([Council Communication No. 20-031](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-0131](#) 8. [Authorization](#) to submit a Revitalize Iowa's Sound Economy (RISE) grant application to the Iowa Department of Transportation (IDOT) for the Des Moines Airport Authority's Cowles Drive Reconstruction Program. ([Council Communication No. 20-033](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-0132](#) 9. [Approving](#) completion and acceptance of private construction contract for Bridge District, located in E. 2nd, E. 4th and Maple Streets, between McAninch Corporation and Bridge District II, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

[20-0133](#) (A) [MacRae](#) Park Road Reconstruction Phase 2, TK Concrete, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-0134](#) (B) [E. McKinley](#) Avenue Reconstruction from SE 7th Street to SE 14th Street with Access Bridge, Corell Contractor, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [20-0135](#) 11. [Levy](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2020-01. **Moved by Gatto to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [20-0136](#) 12. [Acceptance](#) of Letter of Credit and approval of final subdivision plat for the Village at McKinley Acres Final Plat, in the vicinity of 3401 McKinley Avenue. ([Council Communication No. 20-037](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0137](#) 13. [Approving](#) final subdivision plat of the Village at Gray's Lake Final Plat, in the vicinity of 2500 Fleur Drive. ([Council Communication No. 20-038](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [20-0138](#) 14. [Communication](#) from Greg Lewis advising of his resignation from the Neighborhood Revitalization Board, Seat 10, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [20-0139](#) 15. [On](#) request from ND Drake Multifamily, LLC (Michael Nelson, Officer) to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation and rezone property at 2530 University Avenue and 1157, 1159 and 1161 26th Street from MX1 (Mixed Use) and N5 (Neighborhood) to MX2 (Mixed Use) to allow for a 4-story mixed-use building with 136 household units and 6,000 square feet of ground floor retail/office use, (2-10-20). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0140](#) (A) [Communication](#) from Plan and Zoning Commission on vacation of north/south alley right of way. **Moved by Mandelbaum to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Refer to the City Manager and Engineering Real Estate that necessary alley right-of-way and easements are provided for the Church next to the alley. Motion Carried 7-0.**
- [20-0141](#) 16. [On](#) request from Jeff and Tonya Nicholson d/b/a P&P Small Engines to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation and rezone property located at 905 and 909 E. 27th Street and 916 and 917 E. 27th Court from N3c (Neighborhood) to Limited MX3 (Mixed Use), (2-10-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-0142](#) 17. **On** request from Lucky Gal I, Inc. (Chris Pruisner, Officer) to rezone 3104 SW 9th Street from RX1 (Mixed Use) to Limited MX1 (Mixed Use) to allow use of the building for an amusement arcade (Sports and Recreation, Private/Participant - Indoor) use, (2-10-20). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0143](#) 18. **On** proposed amendments to the approved Zoning Ordinance in Chapter 134 of the City Code relating to Lodging – Short-Term Commercial Rental uses, non-conforming uses, separation distance requirements for Eating and Drinking Places – Bars uses in a MX2 (Mixed Use), and regarding proposed amendments to the approved Zoning Map relating to portions of Legacy PUD Districts that are erroneously shown as Flood Districts, (2-10-20). **Moved by Mandelbaum to schedule the hearing on Sections 134-7.1.4, 134-7.2.5, Table 134-3.1-2 and amendments to the City-wide Zoning Map on 2-10-20 and schedule the hearing on Sections 134-3-5.12 and 134-6.4.10 relating to short term rental uses on 2-24-20. Motion Carried 5-2. Nays: Voss and Westergaard.**
- [20-0144](#) 19. **To** adopt a resolution establishing the total maximum property tax dollars certified for levy for the fiscal year ending June 30, 2021, (2-10-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

APPROVING

- [20-0145](#) 20. **Corrective** Second Amended and Restated Parcel Development Agreement with Gray’s Landing Office LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0146](#) 21. **Amended** Conceptual Development Plan for commercial and residential development by Des Moines Griffin Building, LLC at 319 7th Street. ([Council Communication No. 20-042](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0147](#) 22. **Subordination** Mortgage Agreement for rehabilitation of 1345 7th Street under the Blighted Property Rehabilitation Program (BPRP). ([Council Communication No. 20-040](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0148](#) 23. **Parking** License Agreement with the United States General Services Administration. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0149](#) 24. **Renewal** of Concession Agreement with Port of Des Moines, LLC (Michael LaValle, Manager) for the Hub Spot. ([Council Communication No. 20-041](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0150](#) 25. **Directing** the advertisement for sale of \$29,525,000 General Obligation Refunding Bonds, Series 2020A, and approving Electronic Bidding Procedures and [Official Statement](#) (**bonds will be sold at 10:00 AM on February 12, 2020 and a Special Council meeting will be held at 4:30 PM**). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-0151](#) 26. [Receive](#) and file the Comprehensive Annual Financial Report (CAFR) for Fiscal Years (FYs) ending June 30, 2019, June 30, 2018 and June 30, 2017. ([Council Communication No. 20-036](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0152](#) 27. [Receive](#) and file Quarterly Treasurer’s Report as of December 31, 2019. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [20-0153](#) 28. [Amendments](#) to the Schedule of Fees imposed by Chapter 60, Housing Code. ([Council Communication No. 20-039](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
29. Abatement of public nuisances at the following:
- [20-0154](#) (A) [1704](#) 24th Street. **Moved by Mandelbaum to adopt; refer to the City Manager to provide a report on public nuisances in the future. Motion Carried 7-0.**
- [20-0155](#) (B) [211](#) Leach Avenue. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0156](#) (C) [3810](#) 2nd Avenue. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0157](#) (D) [2917](#) 2nd Avenue. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0158](#) (E) [1500](#) Douglas Avenue. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0159](#) (F) [5660](#) SE 19th Street. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0160](#) (G) [4914](#) SW 8th Street. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0161](#) (H) [909](#) E. 28th Street. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0162](#) (I) [1602](#) Martin Luther King Jr. Parkway. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0163](#) 30. [Purchase](#) from Interstate Power Systems (Travis Penrod, President), which was approved on July 12, 2017 for Standby Generator Maintenance and Repair Services at various City-wide buildings for use by the Facilities Operations Division, additional \$50,000. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0164](#) 30-I. [Accept](#) and approve the overall lowest compliant bid for sign making services as submitted by Vulcan Signs (Thomas Lee, President) at a total annual estimated cost of \$50,000 for use by Traffic and Transportation Division and other city departments. **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-0165](#) 31. [Civil](#) Service entrance lists for HVAC Technician and Wastewater Gas and Power Systems Specialist. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[20-0166](#) 32. [Authorizing](#) Finance Director to draw checks on registers for the weeks of January 27 and February 3, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 27 and February 3, 2020; and to draw checks for biweekly payroll due January 31, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[20-0167](#) 33. [Amending](#) Sections 114-1103 and 114-1105, relating to speed limits and parking and parking fines in municipality owned parks. **Moved by Gatto that this ordinance do now pass, #15,852. Motion Carried 7-0.**

[20-0168](#) 34. [Amending](#) Chapter 42 of the Municipal Code regarding the noise ordinance. **Moved by Gatto that this ordinance do now pass, #15,853. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

35. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 20-034](#))

[20-0169](#) (A) Proposed parking restriction – E. Pleasant View Drive between South Union Street and SE 5th Street. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 4-3. Nays: Cownie, Boesen and Westergaard.**

[20-0170](#) (B) Proposed commercial loading zone – 1150 Polk Boulevard. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(C) Code modification related to one-way to two-way conversion of Pennsylvania Avenue from E. Locust Street to E. Grand Avenue.

[20-0171](#) (D) Final consideration of items B and C 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, #15,854. Motion Carried 7-0.**

COUNCIL REQUESTS

- [20-0172](#) 35-I [Request](#) to speak from Council Member Josh Mandelbaum regarding gun violence prevention. **Moved by Mandelbaum to receive and file comments and refer to the City Manager to schedule a work session on the Cure Violence program. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [20-0173](#) 36. [Request](#) to speak from Kari Carney, 3850 Merle Hay Road, regarding Annual Report from the Des Moines Citizens Taskforce on Sustainability. **Moved by Mandelbaum to receive and file comments. Motion Carried 7-0.**
- [20-0174](#) 37. [Request](#) to speak from Spencer Burton, 4324 Forest Avenue, for support of a full time Sustainability Director and a sense of urgency to take action on climate. **Moved by Mandelbaum to receive and file. Mr. Burton did not speak. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 38 THRU 44)

- [20-0175](#) 38. [On](#) vacation of excess E. Martin Luther King, Jr. Parkway right-of-way adjoining 1422 Scott Avenue for assemblage with City-owned property for future redevelopment. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0176](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [20-0177](#) (B) 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, #15,855. Motion Carried 7-0.**
- [20-0178](#) 39. [On](#) vacation of alley right-of-way north of and adjoining 100 E. 2nd Street. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0179](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [20-0180](#) (B) 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, #15,856. Motion Carried 7-0.**

- [20-0181](#) 40. **On** conveyance of excess City-owned property between 2412, 2500, 2504, 2508 and 2512 George Flagg Parkway to Des Moines Water Works. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0182](#) 41. **On** conveyance of excess City property east of and adjoining 601 Kenyon Avenue to McKayla D. and Caleb Sloan for assemblage with their residential parcel, \$100. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-0183](#) 42. **On** conveyance of vacated alley right-of-way north of and adjoining 2714 Scott Avenue to William and Elizabeth Tornquist for assemblage with their residential parcel, \$25. **Moved by Gatto to adopt. Motion Carried 7-0.**
43. Items regarding 3200 and 3212 SW 9th Street:
- [20-0184](#) (A) **Amend** the existing PlanDSM: Creating Our Tomorrow Plan future land use designation from Low Density Residential in a Neighborhood Node to Community Mixed Use in a Neighborhood Node. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0185](#) (B) **Hearing** to rezone from C-1 (Neighborhood Retail Commercial) and R1-60 (One-Family Low-Density Residential) to PUD (Planned Unit Development) and on request from Casey's Marketing Company (Marni Beck, Officer) for approval of PUD Conceptual Plan to allow for redevelopment of the existing 21,664-square foot general food sales store with a 4,817-foot gas station/convenience store to include sales of wine and beer and a pump island canopy with 14 fueling stations. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-0186](#) (C) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [20-0187](#) (D) 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, #15,857. Motion Carried 7-0.**
44. Items regarding Gray's Station:
- [20-0188](#) (A) **Hearing** on exchange of real property with HRC NFS I, LLC for property located south of Martin Luther King, Jr. Parkway between SW 11th Street and SW 16th Street. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

(B) Approving completion and acceptance of the following private construction contract improvements:

[20-0189](#)

(1) [Bridge](#) over the Raccoon River between City of Des Moines, Hubbell Realty Company and HRC NFS I, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[20-0190](#)

(2) [Storm](#) Sewer Improvements in Gray's Station Plat 2, between McAninch Corporation and HRC NFS I, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[20-0191](#)

(3) [Sanitary](#) Sewer Improvements in Gray's Station Plat 2, between McAninch Corporation and HRC NFS I, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[20-0192](#)

(4) [Storm](#) Sewer Improvements in Gray's Station Plat 2, between McAninch Corporation and HRC NFS I, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[20-0193](#)

(5) [Sanitary](#) Sewer Improvements in Gray's Station Plat 2, between McAninch Corporation and HRC NFS I, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[20-0194](#)

(6) [Sanitary](#) Sewer Improvements in Gray's Station Plat 1, between McAninch Corporation and Gray's Station I, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[20-0195](#)

(7) [Paving](#) Improvements in Gray's Station Plat 2, between Alliance Construction Group, LLC and HRC NFS I, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[20-0196](#)

(8) [Paving](#) Improvements in Gray's Station Plat 2, between Alliance Construction Group, LLC and HRC NFS I, LLC. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[20-0197](#)

(C) [Approving](#) the map and designation of a multi-use recreational trail. **Moved by Mandelbaum to approve. Motion Carried 7-0.**

[20-0198](#)

(D) [Approving](#) Second Amendment to the Urban Renewal Development Agreement with HRC NFS I, LLC and Hubbell Realty Company for construction of a multi-family housing project at Gray's Station. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

*** END OF HEARINGS AT 5:37 PM ***

[20-0199](#)

MOTION TO ADJOURN. **Moved by Gatto to adjourn at 6:28 PM. Motion Carried 7-0.**