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.

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SUMMARY OF DES MOINES CITY COUNCIL MEETING
City Hall, City Council Chambers
400 Robert D. Ray Drive
Des Moines, Iowa 50309
February 24, 2020
4:30 PM

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


20-0308 (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 6-1. Absent: Westergaard.

20-0309 (C) Closed Session.

20-0310 (D) Terminate closed session and reconvene in open session. Moved by Gray to adopt. Motion Carried 6-1. Absent: Westergaard.

20-0311 (E) Motion to adjourn. Moved by Gray to adjourn at 4:06 PM. Motion Carried 6-1. Absent: Westergaard.
PROCLAMATIONS – 4:15 PM

19th Amendment Centennial Commemoration

20-0312 1. ROLL CALL: Present: Cownie, Boesen, Gatto, Gray, Mandelbaum, Voss and Westergaard. Council Member Westergaard participated in the meeting by phone.

20-0313 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Motion Carried 7-0.

20-0314 3. APPROVING CONSENT AGENDA * – items 3 through 42: 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

20-0315 4. Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Motion Carried 7-0. Council Member Gatto declares a conflict of interest and abstains from voting on item D.

NEW APPLICATIONS
(A) CURBIN CUISINE 2713 BEAVER AVE C Beer/Wine
(B) STEER AND STEIN 3000 E GRAND AVE B Beer

RENEWAL APPLICATIONS
(C) ANNIES IRISH PUB 204 3RD ST C Liquor
(D) BARATTAS - BLANK PARK ZOO 7401 SW 9TH ST C Liquor
(E) CENTRAL CITY LIQUOR 1460 2ND AVE E Liquor
(F) CHUCKS 3608 6TH AVE C Liquor
(G) ERNIES BOONDOCK 440 E GRAND AVE C Liquor
(H) GATEWAY MARKET MLK 2002 WOODLAND C Liquor
(I) GIT N GO STORE #18 *(1) 6501 SE 14TH ST C Beer
(J) GIT N GO STORE #28 3274 E UNIVERSITY C Beer
(K) GIT N GO STORE #29 4900 URBANDALE C Beer
(L) H & A MINI MART 5901 FLEUR DR E Liquor
(M) HAMPTON INN DM AIRPORT 5001 FLEUR DR C Beer
(N) HIGHLAND PARK COUNTRY 518 EUCLID AVE C Liquor
(O) HILTON DES MOINES 435 PARK ST B Liquor
(P) INGERSOLL LIQUOR 3500 INGERSOLL E Liquor
(Q) SAINTS PUB + PATIO 4041 URBANDALE  C Liquor
(R) SIMONS 5800 FRANKLIN AVE  C Liquor
(S) TRUMANS 400 SE 6TH ST  C Liquor
(T) WASABI CHI 5418 DOUGLAS AVE  C Liquor
(U) WEST END LOUNGE *(1) 2309 FOREST AVE  C Liquor
(V) WISCO GRUB & PUB 3015 MERLE HAY RD  C Liquor
(W) WOOLYS 504 E LOCUST ST  C Liquor

SPECIAL EVENT APPLICATION

(X) GATEWAY MARKET 2633 FLEUR DR  Five (5) Day License
Special Class C Liquor License (Wine/Beer) for Iowa Architectural Foundation event

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

20-0316  (A) Armory Parapet Tuckpoint: Receiving bids (3-10-20), and Setting date of hearing, (4-6-20), Engineer’s estimate, $172,500. (Council Communication No. 20-094) Moved by Gatto to adopt.  Motion Carried 7-0.

20-0317  (B) E. 1st and Market Street Storm Water Pump Station Repairs: Receiving bids, (3-24-20), and Setting date of hearing, (4-20-20). Engineer’s estimate, $1,000,000. (Council Communication No. 20-090) Moved by Gatto to adopt.  Motion Carried 7-0.

20-0318  (C) Fourmile Community Center Renovation and Sprinkler System: Receiving bids, (3-24-20), and Setting date of hearing, (4-20-20). Engineer’s estimate, $500,500. (Council Communication No. 20-091) Moved by Gatto to adopt.  Motion Carried 7-0.

20-0319  (D) Riverwalk Improvements – Paver Replacement: Receiving bids, (3-10-20), and Setting date of hearing, (4-6-20). Engineer’s estimate, $400,000. (Council Communication No. 20-096) Moved by Gatto to adopt.  Motion Carried 7-0.

20-0320  (E) 2020 City-wide PCC Pavement Restoration Program: Receiving bids, (3-10-20), and Setting date of hearing, (3-23-20). Engineer’s estimate, $627,000. (Council Communication No. 20-084) Moved by Gatto to adopt.  Motion Carried 7-0.

20-0321  (F) 2020 Neighborhood Sidewalk Program Contract 1: Receiving bids, (3-10-20), and Setting date of hearing, (4-6-20). Engineer’s estimate, $2,800,000. (Council Communication No. 20-086) Moved by Gatto to adopt.  Motion Carried 7-0.
6. Approving completion and acceptance of private construction contract for traffic signal improvements at southeast corner of 6th Avenue and Watson Powell Jr. Parkway, between Baker Electric, Inc. and HRC 6th Street LLC. Moved by Gatto to adopt. Motion Carried 7-0.

7. Approving Supplemental Agreement No. 2 to the Professional Services Agreement with Hartman Trapp Architecture Studio, LLC for additional value engineering and design development phase services for Animal Control Building Design, not to exceed $55,680. (Council Communication No. 20-087) Moved by Gatto to adopt. Motion Carried 7-0.

8. Approving Supplemental Agreement No. 3 to the Professional Services Agreement with Snyder & Associates, Inc. for additional design and construction phase services for Near West Side Sewer Separation Project, not to exceed $947,800. (Council Communication No. 20-097) Moved by Gatto to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

9. Levying Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2020-02. Moved by Gatto to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

10. Approving tax abatement applications for the additional value added by improvements completed during 2019 (99 applications). (Council Communication No. 20-076) Moved by Gatto to adopt, and to request that Polk County Assessor apply the tax abatement to the valuation existing on January 1, 2019 and the property taxes payable in FY2019/20. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

11. Recommendation from Council Member Voss to reappoint Emily Shields to the Des Moines Civil and Human Rights Commission, Seat 3, for the three-year term commencing April 1, 2020 and expiring April 1, 2023. Moved by Gatto to adopt. Motion Carried 7-0.

12. Recommendation from Council Member Voss to appoint Spencer Burton to the Neighborhood Revitalization Board, Seat 13, for the term expiring June 30, 2022. Moved by Gatto to adopt. Motion Carried 7-0.

12-I Recommendation from Council Member Mandelbaum to appoint Stacey Hanley to the Urban Design Review Board, Seat 6, for the term expiring June 30, 2021. Moved by Gatto to adopt. Motion Carried 7-0.

13. Communication from Scott Durham advising of his resignation from the Housing Appeals Board, Seat 3, effective immediately. Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.
SETTING DATE OF HEARINGS

20-0331 14. **On** conveyance of vacated alley right-of-way adjoining 909 SE 9th Street and adjoining 904 SE 10th Street to GNS Investments, LC for $125, (3-9-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0332 15. **On** request from Newbury Living (Frank Levy, Officer) to rezone 3801, 3721, 3707 and 3705 Grand Avenue and 3810 Ingersoll Avenue from “R-4” Multiple Family Residential and “NPC” Neighborhood Pedestrian Commercial to “PUD” Planned Unit Development and approve the PUD Conceptual Plan to allow for development of a 4-story, 57-unit multi-household independent senior living apartment building, in addition to an existing 4-story, 35-unit independent senior living apartment building, an existing 3-story, 56-unit assisted living apartment building, and an existing 2-story, 5,720 square foot office building, (3-9-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0333 16. **On** request from Christian Printers, Inc. (Bryan Goos, Officer) to amend the existing PlanDSM: Creating Our Tomorrow Plan future land use designation and rezone 1415 21st Street from “N-5” Neighborhood to Limited “RX-1” Mixed Use to conform to the commercial service, consumer maintenance and repair use (printing business) to the south and allow a potential expansion of the existing printing business or development for assembly use, (3-9-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0334 17. **On** approval of the 2019 U.S. Department of Housing and Urban Development (HUD) Consolidated Annual Performance and Evaluation Report (CAPER), (3-23-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0335 18. **On** the matter of proposed authorization of a loan and disbursement agreement and issuance of not to exceed $12,000,000 Sewer Revenue Capital Loan Notes, and on the issuance thereof, (4-6-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0336 19. **On** proposed amendment to the City-wide Zoning Map for properties at 600 and 610 E. 30th Street, 2944 Des Moines Street and Polk County District/Parcel No. 050/04387-000-000 to be shown as “MX3” Mixed Use that are erroneously shown as “MX1” Mixed Use to accommodate expansion and redevelopment of the portions of the existing Greater Iowa Credit Union, (3-9-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0337 20. **On** the Fourth Amendment to the Third Restated Urban Revitalization Plan for the City-wide Urban Revitalization Area, (3-9-20). (Council Communication No. 20-072) **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0338 21. **On** proposed Twelfth Amendment to the Urban Renewal Plan for the SE Agribusiness Urban Renewal Area, (4-6-20). (Council Communication No. 20-078) **Moved by Gatto to adopt. Motion Carried 7-0.**
20-0339 22. On the Sixteenth Amendment to the Central Place Industrial Park Redevelopment Program Urban Renewal Plan, (4-6-20). (Council Communication No. 20-079) Moved by Gatto to adopt. Motion Carried 7-0.

20-0340 23. On the proposed Twenty-Sixth Amendment to the Metro Center Urban Renewal Plan, (4-6-20). (Council Communication No. 20-077) Moved by Gatto to adopt. Motion Carried 7-0.

20-0341 24. On the proposed Sixth Amendment to the Urban Renewal Plan for Ingersoll Grand Commercial Urban Renewal Area, (4-6-20). (Council Communication No. 20-080) Moved by Gatto to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20-0342 25. Approving payment to Fernando Chia’s representative for a workers’ compensation claim. Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.

APPROVING

20-0343 26. Economic Development Grant Agreement with the Blank Park Zoo Foundation, Inc for costs related to the acquisition of furniture and equipment for the Zoo Plex Event Center expansion. (Council Communication No. 20-070) Moved by Gatto to adopt. Motion Carried 7-0.

20-0344 27. Final terms of an Urban Renewal Development Agreement with 611 Fifth Avenue, LLC for substantial renovation of the existing office building at 611 5th Avenue. (Council Communication No. 20-073) Moved by Gatto to adopt. Motion Carried 7-0.

20-0345 28. Preliminary terms for an Urban Renewal Development Agreement with Nelson Development for the construction of a mixed-use building located on the southwest corner of 26th Street and University Avenue, across from Drake University. (Council Communication No. 20-098) Moved by Gatto to adopt. Motion Carried 7-0.

20-0346 29. Final terms of an Urban Renewal Development Agreement with BH 3750 Grand, LLC for the partial preservation and construction of an eight-story residential building with approximately 42 condominiums and 36 indoor parking stalls at 3750 Grand Avenue. (Council Communication No. 20-099) Moved by Gatto to adopt. Motion Carried 7-0.

20-0347 30. Issuance of $25,135,000 General Obligation Refunding Bonds, Series 2020A, and Levying a Tax to pay said bonds; approval of the Tax Exemption Certificate and Continuing Disclosure Certificate. Moved by Gatto to adopt. Motion Carried 7-0.
31. **Capital** Crossroads Memorandum of Understanding – Greater Des Moines Fair Play Agreement. **Moved by Gatto to adopt. Motion Carried 7-0.**

32. **Douglas** Avenue Corridor Plan as an element of the PlanDSM: Creating Our Tomorrow Plan. (Council Communication No. 20-075) **Moved by Gray to approve. Motion Carried 7-0.**

33. **Application** to Prairie Meadows Legacy grant program to support the construction of a new Animal Control and Care Facility. (Council Communication No. 20-068) **Moved by Gatto to adopt. Motion Carried 7-0.**

34. **Submission** of the Fiscal Year 2021 Governor’s Safety Traffic Bureau (GSTB) grant application. (Council Communication No. 20-067) **Moved by Gatto to adopt. Motion Carried 7-0.**

35. **Amendment** to Schedule of Fees for Chapter 46, Decorative Flame Appliances, Service Station Pump and Demolition Permits for Fire Protective Systems. (Council Communication No. 20-069) **Moved by Gatto to adopt. Motion Carried 7-0.**

36. **Receive** and file the Public Works Stormwater Infrastructure Advisory Committee Policy and Rules, and initial committee membership list. (Council Communication No. 20-066) **Moved by Boesen to receive and file documents. Motion Carried 7-0.** Moved by Gray to adopt. Refer to the City Manager to add this topic to the quarterly strategic session in April. **Motion Carried 7-0.**

37. **Purchase** of traffic paint from Diamond Vogel Paint Company (Jeff Powell, President) per State of Iowa Department of Transportation (IDOT) Contract for use by the Engineering Department, $65,000. (Council Communication No. 20-093) **Moved by Gatto to adopt. Motion Carried 7-0.**

38. **Purchase** of Cisco Network hardware from Heartland Business Systems, LLC (Peter Helander, CEO) per State of Iowa Contract, $108,043. (Council Communication No. 20-071) **Moved by Gatto to adopt. Motion Carried 7-0.**

39. **Civil** Service Entrance lists for Industrial Plant Mechanic and Sustainability Program Manager and Promotional lists for Sewer Maintenance Worker and Street Maintenance Worker. **Moved by Gatto to receive and file. Motion Carried 7-0.**

40. **Authorizing** Finance Director to draw checks on registers for the weeks of February 24 and March 2, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of February 24 and March 2, 2020; and to draw checks for biweekly payroll due February 28, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**
ORDINANCES - FINAL CONSIDERATION

20-0358  41. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes on Proposed parking restriction — E. Pleasant View Drive between South Union Street and SE 5th Street. **Moved by Gatto that this ordinance do now pass, #15,867.** Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

20-0359  42. **Amending** Section 2-5 of the Municipal Code relating to elections.  **Moved by Gatto that this ordinance be considered and given second vote for passage.** Motion Carried 7-0.

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

ORDINANCES - FIRST CONSIDERATION

20-0360  43. **Amending** Chapter 114 of the Municipal Code regarding traffic regulations changes as follows: (Council Communication No. 20-095) **Moved by Gatto that this ordinance be considered and given first vote for passage.** Motion Carried 7-0.

- (A) Proposed parking restriction – E. Market Street between E. 5th Street and E. 6th Street.
- (B) Removal of bus loading zone – E. 32nd Street between Cleveland Avenue and Indianapolis Avenue.
- (C) Proposed parking restriction - Bundy Street between SW 11th Street and SW 13th Street.
- (D) Code modification to allow parking on the south side of Watson Powell Jr. Way between 5th Avenue and 6th Avenue.
- (E) Code modifications to match field conditions on E. Walnut Street between E. 6th Street and E. 14th Street.
- (F) Proposal to allow reserved parking for the Criminal Courts District along 6th Avenue between Cherry Street and Mulberry Street.

20-0361  (G) **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, #15,868.** Motion Carried 7-0.
SETTING DATE OF HEARING

20-0362 44. On request from Hope Ministries Center for Women and Children (Leon Negen, Officer) to amend the PlanDSM: Creating Our Tomorrow future land use designation and to rezone 3800 E. Douglas Avenue from “R1-60” One-Family Low-Density Residential to “PUD” Planned Unit Development and to approve the PUD Conceptual Plan to allow the existing church building to be converted to a 50-bed short-term program and 50-bed long-term life support program for homeless women and children, including classroom, office, daycare and similar supporting uses, (3-23-20). Moved by Boesen to receive and file documents. Motion Carried 7-0. Moved by Gatto to adopt. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

20-0363 45. From Jamie Yowler, 4400 Park Avenue Apt. 60, to speak regarding skywalk surveillance. Moved by Mandelbaum to receive and file comments. Motion Carried 7-0.

20-0364 46. From Thomas Sergio, 3926 14th Street, to speak regarding a request for a red-light camera to be installed on Keo Way and entrance to I-235 eastbound. Moved by Gatto to receive and file. Mr. Sergio did not speak. Motion Carried 7-0.

HEARINGS (OPEN AT 5:03 P.M.) (ITEMS 47 THRU 55)

20-0365 47. On conveyance of excess City-owned property located east of, south of and adjoining 2400 George Flagg Parkway to Groben Wine, LLC, d/b/a Jasper Winery for $53,300. (Council Communication No. 20-082) Moved by Mandelbaum to adopt. Motion Carried 7-0.

20-0366 48. On vacation of Fremont Street right-of-way between E. 14th and E. 15th Street, and E. 15th Street right-of-way between Fremont Street and E. University Avenue and conveyance to Des Moines Independent Community School District. Moved by Boesen to adopt. Motion Carried 7-0.

20-0367 (A) First consideration of the ordinance above. Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

20-0368 (B) Final consideration of the ordinance above (waiver requested by Bill Good, COO, Des Moines Public Schools), 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, #15,869. Motion Carried 7-0.
49. **On** correcting the vacation of portions of E. 4th Street, Des Moines Street and E. 5th Street right-of-way adjoining 415 and 421 Des Moines Street, and conveyance of a Corrected Permanent Easement for Subsurface Building Encroachment on City-owned property to 555 E Fourth Parking, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

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

(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, #15,870.** Motion Carried 7-0.

50. **On** approval of license agreements with Edmundson Art Foundation, Inc., d/b/a The Des Moines Art Center as follows:

(A) **Display** and maintenance of a sculpture and fountain at Hansen Triangle. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

(B) **Display** and maintenance of a sculpture at Long Look Civic Gardens. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

(1) **Termination** of an agreement with Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center and Riverfront Development Authority for display and maintenance of Quantum Leaf Sculpture and fountain at Hansen Triangle. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

(1) **Termination** of an agreement with Riverfront Development Authority and Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center for installation and maintenance of unnamed Shapiro Sculpture at Long Look Civic Gardens. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

51. **On** proposed amendments to the approved Zoning Ordinance in Chapter 134 of the City Code relating to Lodging – Short-Term Commercial Rental uses. **Moved by Gatto to continue to May 18, 2020. Refer to the City Manager to schedule a work session in April on this topic. Motion Carried 7-0.**

(A) **First** consideration of ordinance above.

(B) **First** consideration of an ordinance amending Sections 60-19 and 60-35, relating to short-term rental inspections. **(Council Communication No. 20-081)**
52. On 16th Street Brick Repair from Day Street to Ascension Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Miner Hardscape, LLC (Matthew J. Miner, Owner), $259,365. (Council Communication No. 20-083) Moved by Mandelbaum to adopt. Motion Carried 6-1. Absent: Gatto.

53. On 2020 HMA Resurfacing Program Contract 1: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bidder as Grimes Asphalt and Paving Corporation (Kurt Rasmussen, President), $1,308,542.50. (Council Communication No. 20-085) Moved by Gatto to adopt. Motion Carried 7-0.

54. On 2020 Traffic Signal Replacement Contract 2: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Van Maanen Electric, Inc. (Nathan S. Van Maanen, President), $512,624. (Council Communication No. 20-089) Moved by Gatto to adopt. Motion Carried 7-0.

55. On Reno Dog Park Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Berkey Homebuilders, Inc. d/b/a Concrete Professionals (Eric Berkey, President), $204,873.56. (Council Communication No. 20-088) Moved by Boesen to adopt. Motion Carried 7-0.

(A) Approval of contract and bond and permission to sublet. Moved by Gatto to adopt. Motion Carried 7-0.

(A) Approval of contract and bond and permission to sublet. Moved by Gatto to adopt. Motion Carried 7-0.

*** END OF HEARINGS AT 7:45 PM ***

MOTION TO ADJOURN. Moved by Gatto to adjourn at 8:08 PM. Motion Carried 7-0.