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
MSC Board Room, Municipal Services Center
1551 E. M. L. King Jr. Pkwy
Des Moines, Iowa 50317

May 4, 2020
4:30 PM

Iowa Code Section 21.4 requires that each Council meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Given the Governor's prohibition on gatherings of ten or more persons during the COVID-19 outbreak and further given Section Nine of the Governor's March 19, 2020 proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Meeting minutes will continue to be provided per the City's normal course of business.

Mayor and Council may be participating by ZOOM meeting due to COVID-19.
The public can participate by using the information below:
Time: May 4, 2020 04:30 PM Central Time (US and Canada)

Join Zoom Meeting
https://us02web.zoom.us/j/89613587732?pwd=MmlvRS9FbGUzU0g4eFVxK3ZVNzU0T09

Meeting ID: 896 1358 7732
Password: 017324

Dial by your location
877 853 5257 US Toll-free
Meeting ID: 896 1358 7732

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

3. APPROVING CONSENT AGENDA * – items 3 through 49: 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

4. Approving Alcoholic Beverage License Applications for the following: Moved by Gatto to adopt. Motion Carried 7-0.

   NEW APPLICATIONS
   (A) ARCHER LOUNGE AND GRILL  1930 SE 6TH ST  C Liquor
   (B) SANDS VOLLEYBALL CLUB    6214  GRAND AVE  C Liquor

   RENEWAL APPLICATIONS
   (C) AMERICANA                 1312  LOCUST ST  C Liquor
   (D) BEST FOOD MART            4028 E 14TH ST  E Liquor
   (E) CHEESE BAR                2925  INGERSOLL  C Liquor
   (F) EMBASSY SUITES HOTEL     101 E LOCUST ST  B Liquor
   (G) H & A MINI MART           145  UNIVERSITY  E Liquor
   (H) OLYMPIC FLAME             514 E GRAND AVE  C Beer/Wine
   (I) PRICE CHOPPER             3425  INGERSOLL  C Beer/Wine
   (J) QUIK TRIP #515            1421 INGERSOLL  C Beer
   (K) ROCA & SHORTYS            208  COURT AVE  C Liquor
   (L) ROYAL FOOD *(1)           1443  2ND AVE  C Beer
   (M) ST KILDA SURF & TURF     111 E GRAND AVE  C Liquor
   (N) THIRSTY SPORTSMAN         4808 SW 9TH ST  C Liquor

5. City Clerk to issue Coin Operated Machine Licenses. Moved by Gatto to adopt. Motion Carried 7-0.
6. **Ordering** construction of Simon Estes Amphitheater Repairs: Receiving of bids, (5-19-20), Setting date of hearing, (6-8-20). Engineer’s estimate, $500,000. (Council Communication No. 20-200) Moved by Gatto to adopt. Motion Carried 7-0.

7. **Approving** Iowa Department of Transportation (IDOT) Agreement for grading and paving of NE 14th Street (U.S. Highway 69) from I-80 to south of Ankeny. (Council Communication No. 20-204) Moved by Gatto to adopt. Motion Carried 7-0.

8. **Approving** Professional Services Agreement (PSA) with Felsburg Holt & Ullevig, Inc. for professional services for Southwest Infrastructure and Planning Study, not to exceed $322,811. (Council Communication No. 20-202) Moved by Voss to continue to the May 18th Council meeting. Motion Carried 7-0.

9. **Approving** Supplemental Agreement No. 1 to the Professional Services Agreement with Kirkham Michael & Associates, Inc. for additional design and construction phase services for Ingersoll Avenue Streetscape – 31st Street to Martin Luther King Jr. Parkway, not to exceed $450,000. (Council Communication No. 20-203) Moved by Gatto to adopt. Motion Carried 7-0.

10. **Approving** Change Order No. 8 with Synergy Contracting LLC for additional work on Fleur Drive Reconstruction from George Flagg Parkway to Watrous Avenue, Phase 1 Northbound Lanes, $210,364.90. (Council Communication No. 20-201) Moved by Gatto to adopt. Motion Carried 7-0.

11. **Approving** increase of the total costs for the Des Moines and Raccoon Rivers Project to develop the Des Moines – Birdland and Levee Design Deficiency Report. (Council Communication No. 20-196) Moved by Gatto to adopt. Motion Carried 7-0.


13. Approving Private Construction Contracts between the following:

(A) **McAninch** Corporation and HRC Grover Woods, LLC for Sanitary Sewer Improvements in Grover Woods Plat 1. Moved by Gatto to adopt. Motion Carried 7-0.
20-0739  (B) McAninch Corporation and HRC Grover Woods, LLC for Storm Sewer Improvements in Grover Woods Plat 1.  **Moved by Gatto to adopt.  Motion Carried 7-0.**

20-0740  (C) Legacy Excavation, LLC and J. Larson Homes, LLC for Paving Improvements in Three Lakes Estates Plat 7.  **Moved by Gatto to adopt.  Motion Carried 7-0.**

20-0741  14.  **Communication** from contractors requesting permission to sublet certain items on public improvement projects.  **Moved by Gatto to adopt.  Motion Carried 7-0.**

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

20-0742  (A) University Avenue Improvements from 55th Street to 63rd Street, TK Concrete, Inc.  **Moved by Gatto to adopt.  Motion Carried 7-0.**

20-0743  (B) Leetown Creekway Box Culvert from Dean Avenue to University Avenue, S.M. Hentges & Sons, Inc.  **Moved by Gatto to adopt.  Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

20-0744  16.  **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2020-04.  **Moved by Gatto to adopt.  Motion Carried 7-0.**

20-0745  17.  **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-04.  **Moved by Westergaard to adopt.  Motion Carried 7-0.**

**LAND/PROPERTY TRANSACTIONS**

20-0746  18.  **Acceptance** of Planned Unit Development (PUD) restoration bond for grading work at Grover Woods Plat 1, in the vicinity of 4500 Hubbell Avenue.  (Council Communication No. 20-191)  **Moved by Gatto to adopt.  Motion Carried 7-0.**

20-0747  19.  **Approving** tax abatement applications for the additional value added by improvements completed during 2019 (4 separate applications).  (Council Communication No. 20-190)  **Moved by Gatto to adopt, and to request that the Polk County Assessor apply the tax abatement to the valuation existing on January 1, 2019, and the property taxes payable in FY 2019/20.  Motion Carried 7-0.**
SETTING DATE OF HEARINGS

20-0748 20. **On** conveyance of vacated alley right-of-way, west of and adjoining 1624 Ohio Street, to Mark C. Daggy and LeeAnn F. Daggy, $337, (5-18-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0749 21. **On** request from Skyline Trucking, Inc. (Ronald Fadness, Officer) to rezone property at 3220 Dixon Street from “I1” (Industrial) to “I2” (Industrial), to allow for future consideration by the Zoning Board of Adjustment of a conditional use for a Fabrication and Production, Intensive use, specifically for a 12,000 gallon above-ground petroleum tank for truck fueling to replace the use of mobile tanks, (5-18-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0750 22. **On** request from Savannah Homes, Inc. (Ted Grob, Officer) to rezone 3323, 3335 and 3341 E. 24th Street from “P2” (Public, Civic and Institutional) to “N3a” (Neighborhood), to allow for development of one House Type B single-household residential dwelling in addition to two previously approved single-household residential dwellings, (5-18-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0751 23. **On** request from Anchor Investment Group, LLC (Michael Donlin, Officer) to rezone 901 SE 7th Street and 709 and 714 Vale Street from “N3e” (Neighborhood) to “NX2” (Neighborhood Mix), to allow for development of two rowhouse structures, each containing six household units, (5-18-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0752 24. **On** request from Scottish Rite Park, Inc. (Daniel J. Boor, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan future land use designation and rezone 2909 Woodland Avenue from “NX3” (Neighborhood Mix) to “RX1” (Mixed-Use), to allow the applicant to request a Conditional Use Permit for a business selling liquor, wine and/or beer as a restaurant “Bistro” within the existing assisted living residential facility, (5-18-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0753 25. **On** request from Pinnacle on Fleur, LLC (Randy Walters, Officer) regarding approval of 1st Amendment to the Village at Gray’s Lake PUD Conceptual Plan for 2710 and 2500 Fleur Drive, to define Lot 5 of the plan to be developed with a 20-unit multi-household rowhome, (5-18-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0754 26. **On** request from Walden Point, LP (Robert Burns, Partner) for a 2nd Amendment to the Walden Point PUD Conceptual Plan at 1200 4th Street, to allow use of the 3-story, 60 bed group living, assisted living facility to be converted to units allowing either group living, assisted living facility or multiple household living for seniors, (5-18-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

20-0755 27. **On** approval of an amendment to the Operational Agreement with Childtime Childcare, Inc. for the operation and maintenance of the childcare facility located in the Park & Ride Facility at 610 Center Street, (5-18-20). **Moved by Gatto to adopt. Motion Carried 7-0.**
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

20-0756  28. Approving payment to Ashley Berrios for a property damage claim. Moved by Gatto to adopt. Motion Carried 7-0.

APPROVING

20-0757  29. Final terms of an Urban Renewal Development Agreement with Nelson Development for the construction of a 4-story mixed use building on the southwest corner of 26th Street and University Avenue, across from Drake University. (Council Communication No. 20-199) Moved by Gatto to adopt. Motion Carried 7-0.

30. Number not used.

20-0758  31. Land and Water Conservation Fund Outdoor Recreation Legacy Partnership Program grant application and certifications. (Council Communication No. 20-192) Moved by Gatto to adopt. Motion Carried 7-0.

20-0759  32. Second Amendment to service agreement with the State of Iowa, Department of General Services regarding the maintenance and protection of the State Capitol grounds. (Council Communication No. 20-206) Moved by Gatto to adopt. Motion Carried 7-0.

20-0760  33. Household Hazardous Waste Service Agreement with Metro Waste Authority for waste drop-off at MWA collection center. (Council Communication No. 20-188) Moved by Gatto to adopt. Motion Carried 7-0.

20-0761  34. City Council initiated request for vacation of SE 14th Court right-of-way in the vicinity of 97 Johnson Court. Moved by Gatto to adopt. Motion Carried 7-0.

35. Number not used.

20-0762  36. Amending the original series resolution, approved on September 24, 2018, said resolution approving and authorizing a loan and disbursement agreement with the Iowa Finance Authority and authorizing and providing for the issuance of Sewer Revenue Capital Loan Notes, Series 2018D, in order to provide for the funding of a sponsored project under the terms of a new series 2018D Note to be issued in the principal amount of $6,668,000, which includes approval of a Supplemental Tax Exemption Certificate. (Council Communication No. 20-209) Motion to reconsider item. Moved by Gatto to adopt. Motion Carried 7-0. Moved by Gatto to adopt. Motion Carried 7-0.
37. **Amending** the original series resolution, approved on September 24, 2018, said resolution approving and authorizing a Loan and Disbursement Agreement with the Iowa Finance Authority and authorizing and providing for the issuance of Stormwater Management Utility Revenue Capital Loan Notes, Series 2018F (Subordinate), in order to provide for the funding of a sponsored project under the terms of a new series 2018F (Subordinate) Note to be issued in the principal amount of $6,668,000, which includes approval of a Supplemental Tax Exemption Certificate.  *(Council Communication No. 20-209) Moved by Gatto to adopt.*  Motion Carried 7-0.

38. **Authorizing** a Form of Loan and Disbursement Agreement with the Iowa Finance Authority and the Iowa Department of Natural Resources and authorizing and providing for the issuance and securing the payment of $10,000,000 Sewer Revenue Capital Loan Notes, Series 2020B, and providing for a method of payment of said notes, and approving the form of Tax Exemption Certificate.  *(Council Communication No. 20-209) Moved by Gatto to adopt.*  Motion Carried 7-0.

39. **Authorizing** a Form of Loan and Disbursement Agreement with the Iowa Finance Authority and authorizing and providing for the issuance and securing the payment of $10,000,000 Stormwater Management Utility Revenue Capital Loan Notes, Series 2020C (Subordinate), and providing for a method of payment of said notes, and approving the form of Tax Exemption Certificate.  *(Council Communication No. 20-209) Moved by Gatto to adopt.*  Motion Carried 7-0.

40. **Amending** the original series resolution, approved on September 24, 2018, said resolution approving and authorizing a loan and disbursement agreement with the Iowa Finance Authority and authorizing and providing for the issuance of Sewer Revenue Capital Loan Notes, Series 2018E, in order to provide for the funding of a sponsored project under the terms of a new series 2018E Note to be issued in the principal amount of $10,000,000, which includes approval of a Supplemental Tax Exemption Certificate.  *(Council Communication No. 20-209) Moved by Gatto to adopt.*  Motion Carried 7-0.

41. **Abatement** of public nuisances at the following:

   (A) **2602** Terrace Road (vacant residential structure).  *Moved by Gatto to adopt.*  Motion Carried 7-0.

   (B) **5918** SE 19th Street (vacant residential structure, garage and shed).  *Moved by Gatto to adopt.*  Motion Carried 7-0.

   (C) **3825** Cambridge Street (occupied fire damaged residential structure).  *Moved by Gatto to adopt.*  Motion Carried 7-0.

   (D) **1305** E. 37th Street (garage).  *Moved by Gatto to adopt.*  Motion Carried 7-0.
42. **Communication** of fire escrow for 1132 42nd 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 notice dated April 13, 2020, if owner(s) has not demolished or renovated structure.** **Motion Carried 7-0.**

43. **Release** of fire escrow at 3107 59th Street. **Moved by Gatto to adopt.** **Motion Carried 7-0.**

44. Purchases from the following:

(A) **Capitol** City Towing & Recovery, LLC (Adam Malloy, Owner) and Central Iowa Towing and Recovery, Inc. (Dustin Tapp, President) for a two-year (2) contract with two additional two-year renewal options to furnish towing and emergency road services for city-owned vehicles for use by Fleet Services Division, estimated annual cost $65,000. (Eight potential bidders, four received). **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(B) **ADA** Mowing (Joel Huggins, Owner) and Beautiful Lawns by Long’s LLC (Brandon Long, Owner) for a two-year (2) contract with three (3) additional one-year renewal options to furnish mowing, trimming, leaf mulching and litter removal for Real Estate Services and Right-of-Way properties for use by the Public Works Department, estimated annual cost $91,378. (Fifty-nine (59) potential bidders, two received). **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(C) **Eagle** Sign Company (John and Janis Nagle, Owners) for sign fabrication and installation services at various City sites for use by the Parks and Recreation Department, $158,679.06. (Nineteen (19) potential bidders, three received). **Moved by Gatto to adopt.** **Motion Carried 7-0.**

(D) **Rubber** Roofing Systems (David Casey, President) and Brockway Mechanical & Roofing Company, Inc. (Mark J. Brockway, President) for an annual contract with three (3) additional one-year renewal options to furnish steep and low sloped roof repair services for use by the Facilities Management Division, estimated annual cost $75,000. (Thirty-three (33) potential bidders, four received). **Moved by Gatto to adopt.** **Motion Carried 7-0.**

45. **Change** order to an existing agreement with CDW Government LLC for Cisco Smartnet Add On maintenance and support services for Cisco network equipment, $29,223.46. (Council Communication No. 20-208) **Moved by Gatto to adopt.** **Motion Carried 7-0.**

46. Number not used.

47. **Civil** Service entrance lists for IT Network Manager, Management Analyst, Development Zoning Inspector and Neighborhood Inspector. **Moved by Gatto to receive and file.** **Motion Carried 7-0.**
48. **Authorizing** Finance Director to draw checks on registers for the weeks of May 4 and 11, 2020; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of May 4 and 11, 2020; and to draw checks for biweekly payroll due May 8, 2020. Moved by Gatto to adopt. Motion Carried 7-0.

**ORDINANCES - SECOND CONSIDERATION**

49. **Amending** Sections 42-358 and 42-358.02 relating to notices and administrative hearings for nuisances. Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

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

**ORDINANCES - SECOND CONSIDERATION**

50. **Rezone** 3800 E. Douglas Avenue from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development). Moved by Westergaard that this ordinance be considered and given second vote for passage. Motion Carried 7-0.

(A) **Final** consideration of ordinance above (waiver requested by Chris Pose, Attorney for Hope Ministries), requires six votes. Moved by Westergaard that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,891. Motion Carried 7-0.

51. **Rezone** properties located at 6011 and 6015 Grand Avenue from “RX1” (Mixed Use) to “MX1” (Mixed Use). Moved by Mandelbaum that this ordinance be considered and given second vote for passage. Motion Carried 6-0. Council Member Boesen abstains from voting based on an appearance of a conflict of interest.

(A) Final consideration of ordinance above. Moved by Voss 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, #15,892. Motion Carried 5-1. Nays: Mandelbaum. Council Member Boesen abstains from voting based on an appearance of a conflict of interest.
ORDINANCES - FIRST CONSIDERATION

20-0785  52. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No.  20-207) Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) Proposed code change to add no standing or stopping on Walnut Street between 8th Street and 9th Street.

(B) Code modification related to parking restriction on west side of 33rd Street, south of Forest Avenue.

(C) Code modifications related to the vacation of E. 15th Street and Fremont Street.

20-0786  53. **Amending** Sections 50-26, 50-32.05, 50-34 and 50-35 relating to floodplain development regulations. (Council Communication No.  20-197) Moved by Gatto to continue to the May 18th Council meeting and eliminate the accumulative damage requirements. Motion Carried 6-1. Nays: Mandelbaum.

20-0787  54. **Amending** Section 98-55 relating to solid waste charges for collection services. (Council Communication No.  20-210) Moved by Boesen that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Gatto.

APPROVING

20-0788  54-I **Proposal** from Tyler Technologies, Inc. (Lynn Moore, Jr, CEO) to provide Records Management Solutions for use by the Police Department and authorizing the City Manager to negotiate an agreement. (Council Communication No.  20-187) Moved by Boesen to adopt. Motion Carried 7-0.

HEARINGS (OPEN AT 5:02 P.M.) (ITEMS 55 THRU 60)

20-0789  55. On vacation of portions of 24th Street and University Avenue right-of-way adjoining 2331 University Avenue and conveyance of certain easement interests to Neighborhood Development Corporation, $343. Moved by Gray to adopt. Motion Carried 7-0.

20-0790  (A) **First** consideration of ordinance above. Moved by Gray that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

20-0791  (B) Final consideration of ordinance above, 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, #15,893. Motion Carried 7-0.
56. **On** amendment to the 2019 Action Plan and Citizen Participation Plan for the U.S. Department of Housing and Urban Development (HUD) 2015-2019 Consolidated Plan. **(Council Communication No. 20-189)** Moved by Mandelbaum to adopt. Refer to the City Manager to require additional detail on small business relief program, 50% of funds to people of color and women owned businesses; direct that 50% of funds be used for payroll and add a condition that they comply with CDC recommendations including mask wear. Emergency food distribution to start right away. Seek out approval steps and compliance with requirements from HUD. **Motion Carried 7-0.**

57. **To** review the anticipated environmental impact of Western Ingersoll Sewer Separation Project. **(Council Communication No. 20-205)** Moved by Mandelbaum to adopt. **Motion Carried 7-0.**

58. **On** 2020 Parking Garage Repair Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Merit Construction Services, Inc. (Doug Bruns, President), $545,850. **(Council Communication No. 20-194)** Moved by Boesen to adopt. **Motion Carried 7-0.**

59. **On** 2020 Downtown Railroad Crossing Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), $213,880. **(Council Communication No. 20-193)** Moved by Mandelbaum to adopt. **Motion Carried 7-0.**

(A) **Approving** contract and bond. **Moved by Boesen to adopt.** **Motion Carried 7-0.**

(A) **Approving** contract and bond and permission to sublet. **Moved by Mandelbaum to adopt.** **Motion Carried 7-0.**

60. **On** Easton Boulevard Resurfacing from Hubbell Avenue to E. 33rd Street: 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 (Timothy Mallicoat, President), $515,942.10. **(Council Communication No. 20-198)** Moved by Westergaard to adopt. **Motion Carried 7-0.**

(A) **Approving** contract and bond and permission to sublet. **Moved by Westergaard to adopt.** **Motion Carried 7-0.**

***END HEARINGS AT 5:46 PM***

**MOTION TO ADJOURN.** **Moved by Cownie to adjourn at 7:48 PM.** **Motion Carried 7-0.**