



**\*\*\* 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**  
**Municipal Service Center, MSC Board Room**  
**1551 E. M. L. King, Jr. Parkway**  
**Des Moines, Iowa 50317**

**September 14, 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 Mayor Cownie's March 17, 2020 Proclamation Amendment, as amended, prohibiting indoor gatherings of ten or more persons on public property and Section One of the Governor's August 21 and 27, 2020 Proclamation strongly encouraging vulnerable Iowans to limit participation in gatherings of any size and any purpose during the COVID19 outbreak and further given Section One Ten of the Governor's August 21, 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.*

You are invited to a City of Des Moines Zoom webinar. When: Sep 14, 2020 04:30 PM Central Time (US and Canada) Topic: Regular Meeting

Register in advance for this webinar:

[https://dmgov-org.zoom.us/webinar/register/WN\\_IH3v90IBQHe7AzCsyG9h3Q](https://dmgov-org.zoom.us/webinar/register/WN_IH3v90IBQHe7AzCsyG9h3Q)

After registering, you will receive a confirmation email containing information about joining the webinar.

*Mayor, Council and Commission members will be participating by ZOOM meeting due to COVID-19.*

Bad Link below – Do not use.

Or join by phone: Dial (for higher quality, dial a number based on your current location) US: +1 312 626 6799 or +1 720 928 9299

Webinar ID: 923 0229 2322

Due to technical issues, Zoom has temporarily disabled the "CallMe" and toll-free phone number options for all users. If a toll-free number becomes available before the meeting date, the meeting agenda on the City website will be updated. Attendees can still join via computer using the Zoom link or by calling one of the phone numbers provided. Please contact the City Clerk's Office at 515-283-4209 during business hours or by email at [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org) in advance of the meeting if you require an alternative means to join the electronic meeting. To best serve you and to determine whether an alternative means to join is available, we appreciate your contacting us with your request as early as possible in advance of the meeting.

## PROCLAMATIONS

### Welcoming Week

### Salvation Army Day to Rescue Christmas

[20-1402](#)

1. ROLL CALL: Present: Cownie, Boesen, Gatto, Gray, Mandelbaum, Voss and Westergaard. Mayor and Council participated in the meeting electronically.

[20-1403](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Gatto to adopt. Item 74IIA was voted on with the consent agenda. Item 74IIB and 74IIC were withdrawn. Motion Carried 7-0.

[20-1404](#)

3. APPROVING CONSENT AGENDA \* – items 3 through 71 and 74IIA: 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

[20-1405](#)

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

### NEW APPLICATIONS

(A)	AMERICAN LEGION HISPANIC	1511 S UNION ST	B Beer
(B)	CASEYS #2676	2106 ECHO VALLEY	E Liquor
(C)	DSM FOOD MART	2829 EASTON BLVD	C Beer
(D)	GAMEDAY LANES	3800 MERLE HAY RD	C Liquor

### RENEWAL APPLICATIONS

(E)	AIRPORT RAMADA	1810 ARMY POST RD	B Liquor
(F)	ANDYS PLACE	5114 SW 9TH ST	C Liquor
(G)	ANGRY GOLDFISH	2301 SW 9TH ST	C Liquor
(H)	BEER CAN ALLEY/EXCHANGE	216 COURT AVE	C Liquor
(I)	BLU	215 E WALNUT ST	C Beer/Wine

(J)	CASEYS #2314	3527 INDIANOLA	C Beer
(K)	CASEYS #44	4560 E 14TH STREET	C Beer
(L)	CEVICHE	223 E WALNUT ST	C Liquor
(M)	CLUB 2000	422 INDIANOLA AVE	C Liquor
(N)	CLYDES FINE DINER	111 E GRAND AVE	C Liquor
(O)	DES MOINES IZAAK WALTON	4343 GEORGE FLAGG	C Liquor
(P)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	B Liquor
(Q)	DES MOINES MARRIOTT HOTEL	700 GRAND AVE	E Liquor
(R)	FAIRFIELD INN & SUITES	207 CROCKER ST	C Liquor
(S)	FAREWAY STORE #900	100 E EUCLID AVE	E Liquor
(T)	GODFATHERS PIZZA	4119 UNIVERSITY	B Beer
(U)	HY VEE MARKET CAFE #3	3221 SE 14TH ST	C Liquor
(V)	HYATT PLACE DES MOINES	418 6TH AVENUE	B Liquor
(W)	INDIA STAR	5514 DOUGLAS AVE	C Beer/Wine
(X)	KUM & GO #120 *(1)	6304 SW 9TH ST	C Beer
(Y)	LINNS SUPERMARKET	3805 6TH AVE	C Beer
(Z)	ONE STAR BAR	209 4TH ST	C Liquor
(AA)	OPEN SESAME	313 E LOCUST ST	C Liquor
(BB)	PLAYERS SPORTS BAR	1760 BEAVER AVE	C Liquor
(CC)	QUIK TRIP #560	2300 MLK	C Beer
(DD)	WAL MART SUPERCENTER	5101 SE 14TH ST	E Liquor
(EE)	WALGREENS #359	2545 E EUCLID AVE	E Liquor
(FF)	WALGREENS #4714	4555 FLEUR DR	E Liquor
(GG)	WALGREENS #5362	1330 E UNIVERSITY	E Liquor
(HH)	WALGREENS #5721	3140 SE 14TH ST	E Liquor
(II)	WALGREENS #5777	2930 E UNIVERSITY	E Liquor
(JJ)	WALGREENS #5852 *(1)	3030 UNIVERSITY	E Liquor
(KK)	WALGREENS #7452	4415 DOUGLAS AVE	E Liquor
(LL)	WALGREENS #7453	104 E EUCLID AVE	E Liquor
(MM)	WALGREENS #7833	3501 INGERSOLL	E Liquor
(NN)	WALGREENS #7968	6200 SE 14TH ST	E Liquor
(OO)	WELLMANS PUB	2920 INGERSOLL	C Liquor

### OUTDOOR SERVICE APPLICATION

(PP) VETERANS MEMORIAL 833 5TH AVE C Liquor  
Temporary.

### SPECIAL EVENT APPLICATIONS

(QQ) VETERANS MEMORIAL 833 5TH AVE Five (5) Day License  
Class C Liquor License for Tailgate Party on September 24 – 25, 2020. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

(RR) VETERANS MEMORIAL 833 5TH AVE Five (5) Day License  
Class C Liquor License for Tailgate Party on October 1 - 2, 2020. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

[20-1406](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Cownie.**

[20-1407](#) 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:

[20-1408](#) (A) [2020](#) Sewer Repair at 3515 Sheridan Avenue: Receiving of bids, (10-6-20) and Setting date of hearing, (10-19-20). Engineer's estimate, \$360,000. ([Council Communication No. 20-394](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-1409](#) (B) [Bill](#) Riley Trail Repair at the Iowa Interstate Railroad Bridge: Receiving of bids, (10-6-20), Setting date of hearing, (10-19-20). Engineer's estimate, \$425,000. ([Council Communication No. 20-397](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-1410](#) 8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Felsburg Holt & Ullevig, Inc. for master planning services for the Southwest Infrastructure and Planning Study, not to exceed \$99,760. ([Council Communication No. 20-408](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-1411](#) 9. [Approving](#) exception to Request for Proposals process for good cause and approving Professional Services Agreement with I & S Group, Inc., for the Market District Street Reconstruction Project (E 1st, 2nd, 3rd and 7th Streets), not to exceed \$463,117. ([Council Communication No. 20-402](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

10. Number not used.

11. Number not used.

[20-1412](#) 12. [Approving](#) and authorizing the execution of the revisions to the Programmatic Agreement among the Iowa Department of Natural Resources (IDNR), Iowa State Historical Preservation Office (SHPO), Iowa Office of the State Archaeologist and the City of Des Moines regarding the Des Moines Sewer Separation Project. ([Council Communication No. 20-405](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-1413](#) 13. [Approving](#) Change Order No. 1 with RW Excavating Solutions, LC for additional work on Yeader Creek Stream Stabilization Improvements, Phase 2, \$170,045.09. ([Council Communication No. 20-406](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1414](#) 14. [Approving](#) Change Order No. 1 with Merit Construction Services, Inc. for additional work on 2020 Parking Garage Repair Program, \$135,460. ([Council Communication No. 20-393](#))  
**Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1415](#) 15. [Approving](#) Change Order No. 3 with Cramer and Associates, Inc. for additional work on the Locust Street Bridge Replacement, \$53,999.80. ([Council Communication No. 20-400](#))  
**Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1416](#) 16. [Approving](#) Change Order No. 6 with Peterson Contractors, Inc. for additional work on Des Moines Regional Trail – Phase 2, \$164,668.01. ([Council Communication No. 20-399](#))  
**Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1417](#) 17. [Approving](#) and authorizing the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) to approve Change Order No. 9 with S.M. Hentges & Sons, Inc. for additional work on the Lower Oak and Highland Park Storm Sewer Separation constructed as part of the WRA Eastside Interceptor, Phase 27, Segment 5 improvements project, \$196,212.65 and authorizing payment to the WRA. ([Council Communication No. 20-401](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
18. Approving Private Construction Contracts between the following:
- [20-1418](#) (A) [Legacy](#) Excavation, LLC and J. Larson Homes, LLC for Storm Sewer Improvements in Woodbury Plat 1. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1419](#) (B) [Legacy](#) Excavation, LLC and J. Larson Homes, LLC for Sanitary Sewer Improvements in Woodbury Plat 1. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1420](#) (C) [The](#) Underground Company, Ltd. and Pinnacle on Fleur, LLC for Sanitary Sewer Improvements in 2710 Fleur Drive. **Moved by Gatto to adopt. Motion Carried 7-0.**
19. Accepting completed construction and approving final payment for the following:
- [20-1421](#) (A) [9<sup>th</sup>](#) and Locust Parking Garage Electrical Improvements, Price Industrial Electric, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1422](#) (B) [2019](#) Neighborhood Sidewalk Program, Ti-Zack Concrete, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1423](#) (C) [Armory](#) Parapet Tuckpoint, MTS Contracting, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [20-1424](#) 20. [Levying](#) Assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2020-07. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1425](#) 21. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2020-08. **Moved by Gatto to adopt. Motion Carried 7-0.**
22. Deletion of rental inspection assessment at the following:
- [20-1426](#) (A) [1801](#) Allison Avenue. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1427](#) (B) [1126](#) 26<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [20-1428](#) 23. [Accepting](#) PUD restoration bond for grading work at “3801 Grand Avenue” PUD in the vicinity of 3801 Grand Avenue. ([Council Communication No. 20-380](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1429](#) 24. [Authorization](#) to proceed with the acquisition of the necessary property interests to correct the City’s ownership of Linden Street. ([Council Communication No. 20-395](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [20-1430](#) 25. [Recertification](#) of Recognized Neighborhoods for 2020-21. ([Council Communication No. 20-382](#)) **Moved by Boesen to adopt. Motion Carried 7-0.**
- [20-1431](#) 26. [Approving](#) recommendation from Council Member Carl Voss to appoint Todd Jacobus to the Greater Des Moines Sister Cities Commission, Seat 6, for a five-year term expiring April 28, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1432](#) 26I. [Approving](#) recommendation from Mayor Cownie to appoint Sharonda Goode to the Access Advisory Board, Seat 1, for the term expiring June 30, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

26II Approving appointments to the Community Policing and Code Enforcement Policy and Practice Review Committee:

[20-1433](#) (A) Recommendation from Mayor Cownie to appoint Kittie Weston Knauer. **Moved by Gatto to adopt. Motion Carried 7-0.**

[20-1434](#) (B) Recommendation from Des Moines Civil and Human Rights Commission to appoint Stacey Berry. **Moved by Gatto to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

[20-1435](#) 27. **Regarding** approval of a preliminary plat “Airport Industrial Park Plat 3” on property at 6200 Scout Trail. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[20-1436](#) 28. **On** review and approval of a request from RLBR Holdings, LLC, (Owner), represented by Robert Bierma (Officer) for amendment to major preliminary plat “McKinley Acres” on properties at 3359 and 3365 McKinley Avenue. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[20-1437](#) 29. **Regarding** request from Hotel Francis, LLC (Owner), represented by Michael Nelson (Officer), for vacation of 4-foot by 4-foot segment of the south edge of University Avenue, to allow for a door swing and landing for emergency egress for property at 2650 University Avenue. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[20-1438](#) 30. **Regarding** City-initiated request for vacation of alley right-of-way in the vicinity of 809 Virginia Avenue. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department Real Estate Division. Motion Carried 7-0.**

[20-1439](#) 31. **Regarding** City-initiated request for vacation of alley right-of-way in the vicinity of 113 E. Sheridan Avenue. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department Real Estate Division. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [20-1440](#) 32. [On](#) vacation of the east/west alley right-of-way between Vale Street and E. Railroad Avenue from SE 7<sup>th</sup> Street to SE 8<sup>th</sup> Street and conveyance to the adjoining property owners, \$375, (10-5-20). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1441](#) 33. [On](#) request from Menard, Inc. (Owner) to amend the PlanDSM: Creating Our Tomorrow future land use designation, approve a large-scale development plan, and to rezone properties at 6000 SE 14<sup>th</sup> Street; 5907, 5911, and 5917 SE 8<sup>th</sup> Street; and 801 Hart Avenue from “N3a” Neighborhood District and “MX3-V” Mixed Use District to “CX-V” Mixed Use District to allow the expansion of the existing Menard’s home improvement center with an additional 30,855 square feet warehouse, (10-5-20). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1442](#) 34. [On](#) request from Lil Brother Construction, LLC (Purchaser) to amend the PlanDSM: Creating Our Tomorrow future land use designation and to rezone property at 2025 E. Grand Avenue from “RX1” Mixed Use District to “I1” Industrial District to allow reuse and expansion of the existing building and site for “Office, Business and Industrial Service, “Light” use for a construction and home repair contractor business, (10-5-20). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1443](#) 35. [On](#) request from 3801 Grand Avenue Associates LP (Owner), for review and approval of PUD final development site plan for “3801 Grand Avenue” for property at 3801 and 3721 Grand Avenue, (10-5-20). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1444](#) 36. [To](#) repeal the ordinance establishing Sherman Hill Historic District and re-enact said District to align its boundaries with the boundary of the Sherman Hill Historic District as listed on the National Register of Historic Places, (10-5-20). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1445](#) 37. [On](#) proposed 2021 Action Plan for the U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (11-9-20). **Moved by Gatto to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [20-1446](#) 38. [Approving](#) payment to Gerald Beener for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**
- [20-1447](#) 39. [Approving](#) payment to Brandon Valenti for a workers’ compensation claim. **Moved by Gatto to adopt. Motion Carried 6-1. Nays: Gray.**
- [20-1448](#) 40. [Approving](#) payment to the Project Resources Group for a property damage claim. **Moved by Gatto to adopt. Motion Carried 7-0.**



- [20-1449](#) 41. [Approving](#) appointment of Molly E. Tracy as an Assistant City Attorney to fill a vacancy within the Litigation Division of the Legal Department. **Moved by Gatto to adopt. Motion Carried 7-0.**

## APPROVING

- [20-1450](#) 42. [Home](#) Investment Partnership Program (HOME) funding for Greater Des Moines Habitat for Humanity to construct affordable single-family homes (1911 Franklin Avenue, 1915 Franklin Avenue and 1603 23<sup>rd</sup> Street). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1451](#) 43. [First](#) Amendment to initial operating contract with Invest DSM, Inc. ([Council Communication No. 20-412](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1452](#) 44. [Second](#) Amendment to Urban Renewal Development Agreement with Janssen Lodging, Inc. for the renovation of the Hotel Fort Des Moines at 1000 Walnut and approving Conceptual Development Plan. ([Council Communication No. 20-385](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1453](#) 45. [First](#) Amendment to development agreement with Swaps Cash, LLC (Lincoln and Lisa McIlravy, Members), for the construction of a new 6-story, 112-room Element Hotel Project at 304 E. Walnut Street. ([Council Communication No. 20-409](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1454](#) 46. [Terms](#) of an Urban Renewal Development Agreement with Aust Real Estate, LLC for the historic renovation of the Ferrington Place Building at 1201 Keosauqua Way for a mixed-use development. ([Council Communication No. 20-388](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1455](#) 47. [Preliminary](#) terms of an Urban Renewal Development Agreement with 217 E Second LC (Jake Christensen) for the renovation of the existing 20,500-square-foot commercial building located at 217 E. 2nd Street for commercial and office uses. ([Council Communication No. 20-386](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

48. Number not used.

- [20-1456](#) 49. [Cooperative](#) Agreement with the United States Department of Housing and Urban Development (HUD) Fair Housing Assistance Program (FHAP) for FY2020 monies. ([Council Communication No. 20-411](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1457](#) 50. [Amended](#) District Plan for the Iowa Convention and Entertainment Reinvestment District. ([Council Communication No. 20-391](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1458](#) 51. [Iowa](#) Department of Transportation (IDOT) Federal Recreational Trails (FRT) grant application for \$400,000 for the Carlisle Connection Multi-Use Recreational Trail Project. ([Council Communication No. 20-381](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1459](#) 52. [Amendment](#) to Lower Fourmile Creek Greenway Management and Maintenance Chapter 28E Agreement with Polk County Conservation Board. ([Council Communication No. 20-383](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1460](#) 53. [Agreement](#) with the U.S. Geological Survey for the operation and maintenance of five (5) stream gaging stations. ([Council Communication No. 20-376](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1461](#) 54. [Amended](#) Parking Meter Rate and Time Zone 1. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1462](#) 54I. [Approving](#) three (3) license agreements with the Skywalk Association to allow installation of conduit and fiber optic cable for security cameras in the skywalk system. ([Council Communication No. 20-392](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1463](#) 55. [Agreement](#) with Tyler Technologies, Inc. to provide records management system software and implementation services for the Police Department. ([Council Communication No. 20-379](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1464](#) 56. [Proposal](#) from FBG Service Corporation (Ms. Terri Gogetap, President) to provide custodial services for the City's Municipal Buildings and authorizing City Manager to negotiate and execute contract. (18 potential proposers, 6 received) ([Council Communication No. 20-377](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1465](#) 57. [An](#) exception to the procurement ordinance request for proposals process for good cause and approving amendment to extend contract with Conley Group, Inc. for on-site security services. ([Council Communication No. 20-378](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
58. Approving purchases from the following:
- [20-1466](#) (A) [Housby](#) Mack Inc. (Kelly Housby, President) for two additional refuse truck chassis with specified collection equipment bodies per Houston-Galveston Area Council contract for use by the Solid Waste Division of the Department of Public Works, \$580,418. ([Council Communication No. 20-396](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1467](#) (B) [General](#) Traffic Controls (Allen Glover, President) and Mobotrex (Robert Clamp, CEO) for various traffic signal equipment for use by the Signal Shop of the Engineering Department, \$110,528.70. (Six potential bidders, two received) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1468](#) 58I [Approving](#) Professional Services Agreement with The Envision Group, Inc. d/b/a EnvisionCAD for a CAD System Improvement Implementation, not to exceed \$310,975. ([Council Communication No. 20-398](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1469](#) 59. [Issuance](#) of \$84,760,000 General Obligation Bonds, 2020D, and levying a tax to pay said Bonds, Approval of Tax Exemption Certificate and Continuing Disclosure Certificate. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1470](#) 60. [Issuance](#) of \$5,090,000 Taxable General Obligation Bonds, Series 2020E, and levying a tax to pay said Bonds, Approval of the Continuing Disclosure Certificate. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1471](#) 61. [Issuance](#) and securing the payment of \$22,485,000 Stormwater Management Utility Revenue Bonds, Series 2020F, of the City of Des Moines, State of Iowa, under provisions of the Code of Iowa, and providing for a method of payment of the Bonds; Approval of the Tax Exemption Certificate and Continuing Disclosure Certificate. **Moved by Gatto to adopt. Motion Carried 7-0.**
62. Abatement of public nuisances at the following:
- [20-1472](#) (A) [1161](#) 22<sup>nd</sup> Street (main structure). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1473](#) (B) [1116](#) 14<sup>th</sup> Place (main structure). **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1474](#) (C) [1323](#) 9<sup>th</sup> Street (main structure). **Moved by Gatto to adopt. Motion Carried 7-0.**
63. Communication of fire escrow for the following:
- [20-1475](#) (A) [1186](#) 13<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 days of certified mail notice dated June 24, 2020, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
- [20-1476](#) (B) [1429](#) Martin Luther King Jr Pkwy. **Moved by Gatto to receive and file and to direct the City Attorney to bring legal action within one hundred eighty days of certified mail notice dated June 22, 2020, if owner(s) has not demolished or renovated the structure. Motion Carried 7-0.**
- [20-1477](#) 64. [Release](#) of fire escrow at 1507 32<sup>nd</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1478](#) 65. [Civil](#) Service Entrance Lists for Communication Specialist I, Public Safety and Radio Data Technician and Plant Lubricator and Promotional Lists for Fire Captain, Fire Engineer, Police Lieutenant and Stormwater Permit Program Coordinator and Non-Competitive Promotional List for Communications Specialist II. **Moved by Gatto to receive and file. Motion Carried 7-0.**
- [20-1479](#) 66. [City](#) Street Financial Report to the Iowa Department of Transportation (IDOT) for fiscal year 2020. ([Council Communication No. 20-410](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1480](#) 67. [Request](#) for reimbursement for eligible costs related to the COVID-19 public health emergency from the Iowa COVID-19 Government Relief Fund. ([Council Communication No. 20-387](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1481](#) 68. [Authorizing](#) Finance Director to draw checks [registers](#) for the weeks of September 14, 21 and 28, 2020; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of September 14, 21, and 28, 2020; and to draw checks for biweekly payroll due September 25, 2020. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### ORDINANCES - FINAL CONSIDERATION

- [20-1482](#) 69. [Amending](#) Chapter 26 by adding and enacting new Section 26-909, relating to energy and water use benchmarking civil penalties. **Moved by Mandelbaum that this ordinance do now pass, #[15,918](#). Motion Carried 5-2. Nays: Gatto and Westergaard.**

#### ORDINANCES - SECOND CONSIDERATION

- [20-1483](#) 70. [Amending](#) Sections 50-26, 50-32.05, 50-34 and 50-35 relating to floodplain development regulations. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [20-1484](#) (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), 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, #[15,919](#). Motion Carried 7-0.**

[20-1485](#)

- 71. [Amending](#) Chapter 114 of the municipal code related to intersection sight distance at street intersections. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

[20-1486](#)

- 72. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 20-407](#)) **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Eliminate the restriction on item D “Westwood Drive, on the southside, from a point 365 feet east of Fifty-Sixth Street to a point 215 feet west thereof, no parking any time”. Motion Carried 7-0.**

- (A) Proposed code change to match field conditions on the north side of Pleasant Street from 9<sup>th</sup> Street to 10<sup>th</sup> Street.
- (B) Proposed code change to match field conditions on the south side of Locust Street from 2<sup>nd</sup> Avenue to the Des Moines River Bridge.
- (C) Code Correction—9<sup>th</sup> Street between Shawnee Avenue and Aurora Avenue.
- (D) Parking Restriction —Westwood Drive between 56<sup>th</sup> Street and the cul-de-sac to the east.
- (E) One-Way Restriction —Carpenter Avenue between 11<sup>th</sup> Street and 13<sup>th</sup> Street.

[20-1487](#)

- (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, #15,920. Motion Carried 7-0.**

WITHDRAWN

[20-1488](#)

- 73. ~~[Amending](#) Chapter 2, Article IV, Division 3, Subdivision I, Sections 2-201, 2-203, and Article V, Division 6, Sections 2-921, 2-922, 2-923, 2-924, and Article VII, Sections 2-1233, 2-1234, 2-1235, 2-1236; repealing Division 3, Subdivision II, Section 2-231; and adding Article V, Division 8, Section 2-1001, 2-1002, 2-1003, and 2-1004, relating to the reorganization and replacement of the Community Development Department with the Neighborhood Services Department and the Development Services Department. ([Council Communication No. 20-390](#))~~

WITHDRAWN

[20-1489](#)

- (A) ~~[Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.~~

## APPROVING

- [20-1490](#) 73I. [Consent](#) Decree regarding the Des Moines TCE Superfund Site to accept title to the Dico property and assume responsibility for performance of certain response actions. ([Council Communication No. 20-389](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-1491](#) 74. [Appointment](#) of Nickolas Schaul as Finance Director and confirmation as City Treasurer. **Moved by Boesen to adopt. Motion Carried 7-0.**

## COUNCIL REQUESTS

- [20-1492](#) 74I. [From](#) Council Member Boesen, Chair of the City Personnel Committee (Cownie, Boesen and Voss) to consider receipt and approval of the City Council Personnel Committee's annual review and compensation review for the Council's direct reports. **Moved by Boesen to adopt. Motion Carried 7-0.**

74II. From Council Member Mandelbaum request to speak on review of use of force policies and follow up on the June 8, 2020 Resolution:

- [20-1493](#) (A) [Receive](#) and file Andrew Olivo Memo on Considerations for Des Moines Police Department's Crowd Management and Intervention Policies and LAPD Use of Force Tactics Directive Crowd Management Intervention and Control. **Moved by Gatto to receive and file. Motion Carried 7-0.**

WITHDRAWN

- [20-1494](#) (B) [Request](#) for Council to receive a complete copy of DMPD crowd management policy and standard operating procedure.

WITHDRAWN

- [20-1495](#) (C) [Request](#) to receive the annual use of force analysis for the years 2015-2019 prepared pursuant to DMPD General Orders Chapter 6 Section VII.

## COMMUNICATIONS/REPORTS

75. Requests to speak from the following:

- [20-1496](#) (A) [Felicia](#) Hilton regarding support for Council Member Gatto and the City of Des Moines. **Statements were made. No action was taken.**

- [20-1497](#) (B) [Wendy](#) Uribe regarding City's actions during the natural disaster. **Ms. Uribe did not speak. No action was taken.**

- [20-1498](#) (C) [Adam](#) Callanan regarding concerns to recent council meetings. **Statements were made. No action was taken.**

- [20-1499](#) (D) [Zach](#) Robles regarding COVID-19 Response. **Mr. Robles did not speak. No action was taken.**

- [20-1500](#) (E) [Matthew](#) Gilbert (Attorney for Larry Mason, Jr.) regarding minority business in East Village District. **Mr. Gilbert did not speak. No action was taken.**
- [20-1501](#) (F) [John](#) Leonetti regarding the Des Moines Police Department. **Mr. Leonetti did not speak. No action was taken.**
- [20-1502](#) (G) [Brenda](#) McDonald regarding the Des Moines Police Department. **Ms. McDonald did not speak. No action was taken.**
- [20-1503](#) (H) [Mark](#) Ford regarding support of the Des Moines Police Department and enforcing laws equally for all citizens. **Mr. Ford did not speak. No action was taken.**
- [20-1504](#) (I) [Iris](#) Olivares regarding relationship between police and community and ongoing interaction with people of color. **Statements were made. No action was taken.**
- [20-1505](#) (J) [Bradford J.](#) Titus regarding CCI Racial Profiling Ordinance and on-going City of Des Moines racial justice concerns. **Statements were made. No action was taken.**
- [20-1506](#) (K) [Janet](#) Thurtell regarding the relationship between the police and community and ongoing interaction with people of color. **Statements were made. No action was taken.**
- (L) Number not used.
- [20-1507](#) (M) [Luke](#) Bascom regarding defunding the police. **Statements were made. No action was taken.**
- [20-1508](#) (N) [Debra](#) Howell regarding the Des Moines Police Department. **Ms. Howell did not speak. No action was taken.**
- [20-1509](#) (O) [Harvey](#) Harrison regarding status on the initiative to ban racial profiling. **Statements were made. No action was taken.**

#### HEARINGS (OPEN AT 5:15 P.M.) (ITEMS 76 THRU 88)

- [20-1510](#) 76. [Continuing](#) to October 5, 2020 at 5:00 p.m. a request from McFadden Holdings, LLC (Steven McFadden, Officer) to rezone property at 1537 Army Post Road from “RX1” Mixed Use to Ltd. “MX3” Mixed Use, to allow the existing property and building to be used for a vehicle cleaning and detailing business, minor use vehicle maintenance and repair. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-1511](#) 77. [On](#) application to Iowa Economic Development Authority (IEDA) for Community Development Block Grant (CDBG) Funds to prepare, prevent, and respond to Coronavirus. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [20-1512](#) 78. **On** conveyance of amended easements for bus shelter encroachments on City-owned property to Des Moines Area Regional Transit Authority (DART). **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-1513](#) 79. **On** vacation of a segment of Urbandale Avenue right-of-way and conveyance of an Easement for Bus Shelter Encroachment on City-owned Property to Des Moines Area Regional Transit (DART) for \$220. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-1514](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [20-1515](#) (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, #15,921. Motion Carried 7-0.**
- [20-1516](#) 80. **On** City-initiated request to amend the PlanDSM Creating Our Tomorrow Comprehensive Plan future land use designation and to rezone property in the vicinity of 4101 and 4104 Amherst Street, 4102 North Union Street, and adjoining lots and alley right-of-way from “N3a” Neighborhood to the “P2” Public, Civic and Institutional, to allow existing surface parking to be reconstructed with underground stormwater detention as part of the City’s regional Hamilton Drain project. **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [20-1517](#) (A) **First** consideration of ordinance above. **Moved by Westergaard that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [20-1518](#) (B) Final consideration of ordinance above, 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, #15,922. Motion Carried 7-0.**



- [20-1519](#) 81. **On** request from Anchor Investment Group, LLC (Michael Donlin, Officer) to amend the PlanDSM Future Land Use Map designation and rezone property located at 827 Shaw Street from “N3c” Neighborhood to “NX2” Neighborhood Mix, to allow demolition of the existing House Building Type and detached garage with Household Living and redevelop with a 5-Unit Row Building Type with Household Living. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1520](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [20-1521](#) (B) **Final** consideration of ordinance above (waiver requested by Michael Donlin, Officer), 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, #15,923. Motion Carried 7-0.**
- [20-1522](#) 82. **On** request from Hamilton’s Funeral Home (Sasha Mudlaff, Officer) to amend the PlanDSM Future Land Use Map designation and rezone property at 5310, 5314, and 5400 SW 9<sup>th</sup> Street from “NX1” Neighborhood Mix to “RX1” Mixed Use to allow the expansion of the existing funeral and mortuary services use on the existing property and development of a surface parking lot on the portion of the property on the north side of Kenyon Avenue. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [20-1523](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [20-1524](#) (B) **Final** consideration of ordinance above (waiver requested by Sasha J. Mudlaff, Officer), 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, #15,924. Motion Carried 7-0.**
- [20-1525](#) 83. **On** request from Iowa Laborers’ Education and Training Trust Fund (Mike Weckman, Officer) for review and approval of a PUD final Development Plan “Iowa Laborers Training Facility”, for property at 4560 E. 46<sup>th</sup> Street, to allow development of a 15,000-square foot indoor training and storage facility with an outdoor training ground. **Moved by Westergaard to adopt. Motion Carried 7-0.**

[20-1526](#)

84. [On](#) appeal by Inder Singh of the Plan and Zoning Commission’s denial of Type 1 Design Alternative related to site plan for 821 E. Euclid Avenue, “East Euclid Avenue Liquor Store.” **Moved by Westergaard to DENY the proposed Type 1 Design Alternative described above, and to make the following findings of fact and objections regarding the proposed Type 1 Design Alternative:**
- a. **Des Moines Municipal Code Section 135-2.5.3.A.9 of the Planning and Design Ordinance, applicable to Storefront buildings in MX3 zoning districts, requires driveway access to occur from a non-primary street.**
  - b. **The proposed Type 1 Design Alternative would allow for a driveway entrance off of primary street East Euclid Avenue, as well as an allowed driveway off of Wright Street.**
  - c. **Denying the proposed Type 1 Design Alternative and removing the driveway access along East Euclid Avenue would enhance pedestrian safety along East Euclid Avenue and allow for additional street trees to be provided.**
  - d. **The applicant has not met the burden required to demonstrate that the requested design alternative meets the criteria for approval or that the result of the design alternative would equal or exceed the results of strict compliance with Section 135-2.5.3.A.9 of the Planning and Design Ordinance.**
  - e. **The applicant has not shown that the requested design alternative is consistent with all relevant purpose and intent statements of the Planning and Design Ordinance and with the general purpose and intent of the comprehensive plan.**
  - f. **The applicant has not shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare.**
  - g. **The applicant has not shown that specific site features or characteristics of the subject property create conditions that make strict compliance with applicable regulations impractical or undesirable.**
- Motion Carried 7-0.**

[20-1527](#)

85. [On](#) request from LawMark, LP (Owner) to designate the “Financial Center” property located at 606-666 Walnut Street and 207 7<sup>th</sup> Street as a Local Landmark. ([Council Communication No. 20-384](#)) **Moved by Mandelbaum to grant the application for the designation of the Financial Center as a local landmark. Motion Carried 7-0.**

[20-1528](#)

86. [On](#) consideration of a license agreement with Downtown Des Moines Self-Supported Municipal Improvement District d/b/a Operation Downtown for installation, maintenance and display of artwork within the 8<sup>th</sup> Street Viaduct, north of Cherry Street. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

- [20-1529](#) 87. **On** Police Traffic Unit Parking Lot at 1300 Scott Avenue: Resolution approving plans and specifications, form of contract documents, engineer’s estimate, receive and file bids and designating lowest responsible bid as All Star Concrete, LLC (Alex Vazquez, Member and Manager), \$349,741.78 ([Council Communication No. 20-404](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1530](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1531](#) 88. **On** Municipal Service Center- Phase 2: Resolution approving plans and specifications, form of contract documents, and engineer’s estimate, receive and file bids and designating lowest responsive, responsible bidder as Koester Construction Company, Inc. (Paul Koester, President), \$44,930,979.00 ([Council Communication No. 20-403](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [20-1532](#) (A) **Approving** contract and bond and permission to sublet. **Moved by Gatto to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 6:46 PM \*\*\*

[20-1533](#) MOTION TO ADJOURN. **Moved by Gatto to adjourn at 7:38 PM. Motion Carried 7-0.**

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