



*** 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 '23-' 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

December 18, 2023
5:00 PM

PROCLAMATIONS – 4:55 PM

National Homeless Persons' Memorial Day

- [23-1732](#) 1. ROLL CALL: **Present: Cownie, Boesen, Gatto, Mandelbaum, Coleman, Voss and Westergaard.**
- [23-1733](#) I [Resolution](#) recognizing the contributions and accomplishments of Mayor T.M. Franklin Cownie on behalf of the City of Des Moines and its residents. Sponsored by Council Members Boesen, Gatto, Mandelbaum, Voss, Coleman and Westergaard. **Council Member Boesen read the resolution before the meeting. No vote was taken.**
- [23-1734](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-1735](#)

- 3. APPROVING CONSENT AGENDA * – items 3 through 49: **Moved by Gatto to adopt the balance of the Consent Agenda. Second by Boesen. Motion Carried 7-0.**

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless pursuant to Council rules, Council requests an item be removed to be considered separately.**

LICENSES AND PERMITS

[23-1736](#)

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

NEW APPLICATIONS

(A) JK AFRICAN STORE	2312 UNIVERSITY AVE	Class B Retail
(B) TULLPA RESTAURANT	3708 MERLE HAY RD	Class C Liquor

RENEWAL APPLICATIONS

(C) AIR LANES	4200 FLEUR DR	Class C Liquor
(D) B & B SUPER MARKET	2001 SE 6TH ST	Class B Retail
(E) CHRISTOPHERS DINING	2816 BEAVER AVE	Class C Liquor
(F) DES MOINES CLUB	666 GRAND AVE #3400	Class F Retail
(G) FELIX & OSCARS	4050 MERLE HAY RD	Class C Liquor
(H) GIT N GO STORE #2	1307 ARMY POST RD	Class B Retail
(I) HY-VEE FAST & FRESH #3	3215 SE 14TH ST	Class B Retail
(J) ISLAS DEL PACIFICO	1434 DES MOINES ST #8	Class C Liquor
(K) LA TAPATIA GROCERY	1440 DES MOINES ST	Class B Retail
(L) LA TAPATIA III	4007 SE 13TH ST	Class B Retail
(M) LICKETY LIQUOR	2501 HUBBELL AVE	Class E Liquor
(N) LOS LAURELES	1518 E GRAND AVE	Class C Liquor
(O) MAINGATE BAR & GRILL	2956 E GRAND AVE	Class C Liquor
(P) NOCE	1326 WALNUT ST	Class C Liquor
(Q) NOW OR LATER	3750 E UNIVERSITY AVE	Class C Liquor
(R) PEACE TREE BREWING	317 E COURT AVE	Class C Liquor
(S) RICOCHET	400 LOCUST ST #105	Class C Liquor
(T) TANGERINE FOOD CO	900 KEOSAUQUA WAY	Class C Liquor
(U) TEMPLE THEATER	1011 LOCUST ST 2ND FLOOR	Class C Liquor
(V) TOP IT OFF	100 INDIANA AVE	Class C Liquor
(W) TRIPLE CROWN SPORTS	1500 SE 1ST ST	Class C Liquor
(X) WEST END WINES	22 9TH ST	Class C Liquor

SPECIAL EVENT APPLICATIONS

(Y) APRES BAR CO	519 PARK ST	5 days
CLASS C LIQUOR LICENSE FOR DES MOINES WEDDING SHOW ON JANUARY 7, 2024.		

(Z) APRES BAR CO 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON DECEMBER 31, 2023.

(AA) DM EMBASSY CLUB WFP 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR PEOPLES COMPANY EVENT ON JANUARY
8, 2024.

[23-1737](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

[23-1738](#) 6. [Approving](#) submittal of Federal Surface Transportation Block Grant (STBG) Program and Surface Transportation Block Grant Set-aside Program Fiscal Year 2028 applications to the Des Moines Metropolitan Planning Organization (MPO). ([Council Communication No. 23-564](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-1739](#) 7. [Approving](#) Change Order No. 8 with Ball Team, LLC for additional work on Principal Park Phase 1 Improvements, \$197,514. ([Council Communication No. 23-556](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-1740](#) 8. [Approving](#) completion and acceptance of private construction contract between Team Excavating, Inc. and HDR Land Development, LLC for storm sewer improvements in The Woods of Copper Creek Plat 4. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-1741](#) 9. [Communication](#) from contractor requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

[23-1742](#) (A) [Evergreen](#) Park Shelter and Playground Improvements, Lansink Construction, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-1743](#) (B) [Watrous](#) Avenue from SW 56th Street to SW 61st Street, Vanderpool Construction, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

[23-1744](#) (C) [Woodland](#) Cemetery Roadway Improvements, MPS Engineers, PC d/b/a Kingston Services, PC. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [23-1745](#) 11. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2023-11. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1746](#) 12. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Neighborhood Services), Schedule No. 2023-12. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
13. Number not used.

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [23-1747](#) 14. [Approving](#) amendments to the Neighborhood Recognition Policy. ([Council Communication No. 23-550](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1748](#) 15. [Approving](#) Linda Westergaard as Public Official and Robert Mahaffey as Senior Representative to the Aging Resources of Central Iowa Board of Directors for the calendar year 2024. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
16. Number not used.
- [23-1749](#) 17. [Approving](#) appointment of Josh Mandelbaum to the IMPACT Community Action Partnership. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1750](#) 18. [Approving](#) reappointment of Mayor-Elect Connie Boesen and Carl Voss and appointment of Scott Sanders to the Invest DSM Board. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1751](#) 19. [Approving](#) Joe Gatto as Primary and Chris Coleman as Alternate Members to the Metro Waste Authority (MWA) for the calendar year 2024. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1752](#) 20. [Approving](#) the Primary and Alternate Members to be appointed and serve on the Metropolitan Planning Organization (MPO) for the 2024 calendar year. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-1753](#) 21. [Approving](#) appointment of Josh Mandelbaum to the Polk County Housing Trust Fund (PCHTF) Board of Directors. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1754](#) 22. [Approving](#) appointment of Mayor-Elect Connie Boesen to the Walnut Creek Watershed Management Authority Board of Directors. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1755](#) 23. [Approving](#) the Primary and Alternate Members to be appointed and serve on the Des Moines Wastewater Reclamation Authority for the calendar year 2024. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1756](#) 24. [Communication](#) from Scotney Fenton advising of his resignation from the Historic Preservation Commission, Seat 10, effective December 31, 2023. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Second by Boesen. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [23-1757](#) 25. [Regarding](#) a request from 1435 Mulberry, LLC (Andrew Juiris, Officer) for vacation of subsurface rights within the Mulberry Street right-of-way adjoining property at 1435 Mulberry Street, to allow the encroachment of proposed building footings. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Boesen. Motion Carried 7-0.**
- [23-1758](#) 26. [Regarding](#) a request from Merge, LLC (Brent Dahlstrom, Officer) for property in the vicinity of 1236 24th Street for vacation of air right-of-way within the 25th Street right-of-way, to allow the encroachment of a proposed building awning, and for vacation of subsurface right-of-way within the Carpenter Avenue right-of-way to allow the encroachment of proposed building footings. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division. Second by Boesen. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [23-1759](#) 27. **On** vacation of an L-shaped alley right-of-way located in the block bounded by Kirkwood Avenue to the north, Lacona Avenue to the south and Courtland Drive to the east, and conveyance to various adjoining property owners, (1-8-24). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1760](#) 28. **On** vacation of a dead-end section of alley right-of-way located in the block bounded by E. Oak Park Avenue to the north, E. Ovid Avenue to the south and York Street to the east, and conveyance to adjoining property owners, (1-8-24). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1761](#) 29. **On** vacation of approximately 180 feet of the north/south alley right-of-way extending south from Carpenter Avenue between 24th Street and 25th Street and conveyance to Merge, LLC for \$23,200, and acceptance of a Permanent Easement for Public Ingress and Egress, (1-8-24). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1762](#) 30. **On** release and replacement of a permanent underground electric line easement in City property located at 1553 Maury Street to MidAmerican Energy Company for the new City of Des Moines greenhouse facility, (1-8-24). **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1763](#) 31. **On** a request from City of Des Moines to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to Public/Semi-Public and to rezone multiple parcels located in the vicinity of 1907 Clark Street from “NX1” Neighborhood Mix District to “P2” Public, Civic, and Institutional District to allow the construction of a new Fire Station (Des Moines Fire Department Station #4) building, (1-8-24). **Moved by Coleman to adopt. Second by Gatto. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [23-1764](#) 32. **Approving** payment in settlement to Lawrence Hoffman for a personal injury claim. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1765](#) 33. **Approving** payment in settlement to Kendal Sams and Octavius Coplen for their personal injury claims. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

APPROVING

- [23-1766](#) 34. [Approving](#) Second Amendment to Urban Renewal Agreement with East Village Tower Partners LLC for continued redevelopment of The Lyon Apartments at 600 E. 5th Street. ([Council Communication No. 23-555](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1767](#) 35. [City](#) Manager to negotiate and execute an estoppel agreement and grant agreement with AHEPA 192-IV, Inc., AHEPA 192-IV APARTMENTS GP, LLC and AHEPA 192-IV APARTMENTS, LP for an affordable senior housing facility at 1111 E. Army Post Road. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1768](#) 36. [Grant](#) agreement with Ryan Companies US, Inc. to obtain Iowa Economic Development Authority (IEDA) Certified Site Status for a development located between E. Army Post Road and E. Pine Avenue and between SE 45th Street and SE 36 Street. ([Council Communication No. 23-554](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1769](#) 37. [Consent](#) to Assignment of Grant Agreement with Union at Rivers Edge, LP. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1770](#) 38. [City](#) Consent to Assignment of Municipal Grant from Park Indy, LLC to Fortress Bank. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1771](#) 38-I [Authorizing](#) City Manager to negotiate and execute incentive for Anawim Housing or related entity. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 5-2. Nays: Gatto and Westergaard.**
- [23-1772](#) 39. [Authorizing](#) City acquisition of certain properties by tax sale certificate assignment and approving further City assignment of such certificates and associated agreements for the development and/or rehabilitation of housing. ([Council Communication No. 23-551](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1773](#) 40. [Skywalk](#) Corridor Surface Lease Agreement with Downtown DSM, Inc. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1774](#) 41. [Amended](#) parking meter rate for time zone I. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1775](#) 42. [Execution](#) of the Iowa Department of Natural Resources (IDNR) Resource Enhancement and Protection (REAP) grant agreement for the Gray's Lake Parking Lot, Trail, and Dock Improvements project. ([Council Communication No. 23-560](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

- [23-1776](#) 43. [Communication](#) from Greater Des Moines Partnership on behalf of the Iowa Caucus Consortium requesting approval of placement for up to 20 banners to be displayed downtown beginning the first week of January 2024. **Moved by Gatto to receive, file and approve. Second by Boesen. Motion Carried 7-0.**
- [23-1777](#) 44. [Amendment](#) to the Schedule of Fees applicable to bonds for donation bins in Chapter 30 Article V of the Municipal Code. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
45. Abatement of public nuisances as follows:
- [23-1778](#) (A) [1540](#) Capitol Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1779](#) (B) [511](#) E 27th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1780](#) (C) [2621](#) SE 14th Street. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1781](#) (D) [2124](#) & 2126 E Caulder Avenue. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1782](#) 46. [Receipt](#) of Des Moines Water Works budget for calendar year ending December 31, 2024. **Moved by Gatto to receive and file. Second by Boesen. Motion Carried 7-0.**
- [23-1783](#) 47. [Exception](#) to the procurement ordinance process for good cause and approving an amendment to the agreement with Easy Vista, Inc. (Patrice Barbedette, CEO) for Information Technology Service Management (ITSM) Software, not to exceed \$249,366.75. ([Council Communication No. 23-567](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1784](#) 48. [Exception](#) to the procurement ordinance process for good cause and authorizing negotiation and execution of agreement with Intergraph Corporation d/b/a Hexagon Safety Infrastructure (Steven Cost, President) for Computer Aided Dispatch (CAD) System. ([Council Communication No. 23-566](#)) **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1785](#) 49. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 18 and 25, 2023 and January 1, 2024; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of December 18 and 25, 2023 and January 1, 2024; to draw checks for biweekly payroll due December 29, 2023. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

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

HEARINGS (OPEN AT 5:00 PM) (ITEMS 50 THRU 58)

[23-1786](#)

50. **On** conveyance of vacated north/south alley right-of-way located east of and adjoining 1261 Dixon Street to Cortez R. Nichols and Denise C. Nichols, \$25. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**

[23-1787](#)

51. **On** a request from Thirteen Fifty, LLC (Jake Sparks, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Low-Medium Density Residential to Neighborhood Mixed Use and to rezone 1350 E. Washington Avenue from “NX2” Neighborhood Mix District to “MX1” Mixed Use District, to allow renovation and reuse of the existing building for a mix of uses, such as office space, a studio, a café, and an urban garden. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**

[23-1788](#)

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

[23-1789](#)

- (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #16,312. Second by Boesen. Motion Carried 7-0.**

[23-1790](#)

52. **On** a request from WC MRP Des Moines Center, LLC (Michaela Scott, Officer) for review and approval of a 2nd amendment to the Southdale PUD Conceptual Plan located at 4900 SE 14th Street, to allow the expansion of a retail use to include multiple outdoor storage and display areas and to continue to the January 8, 2024 Council meeting. **Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.**

53. **On** appeal of Bradley and Belinda McAninch (Owner) on a denial of Type 2 Design Alternatives for a site plan on property located at 4700 SE 14th Street to allow waiver of Priority 1 Sidewalk installation along E. Herold Avenue and waiver of a building transparency requirement on the primary façade.

(A) Type 2 Design Alternative #1- Sidewalk Installation. **Moved by Gatto to DENY the Type 2 Design Alternative concerning sidewalk installation in form requested by Bradley & Belinda McAninch described above and to make the following findings of fact and objections regarding the Type 2 Design Alternative as proposed by Bradley & Belinda McAninch** a. Under Municipal Code Section 135-8.5.2, sidewalks are required as identified in the City’s Transportation Master Plan. b. The subject property is located along Southeast 14th Street directly south of East Herold Avenue and north of East McKinley Avenue. c. East Herold Avenue is a priority one sidewalk gap within the City’s Transportation Plan, MoveDSM; and Bradley & Belinda McAninch would be able to provide the missing sidewalk connection on East Herold Avenue to Southeast 14th Street. d. Such sidewalk installation would provide connectivity and walkability for residential properties west of the subject property with access to Southeast 14th Street. e. Bradley & Belinda McAninch’s proposal for the Type 2 Design Alternative to the requirements of Section Code Section 135-8.5.2 are for full waiver, resulting in no sidewalk installation being required along East Herold Avenue, and it is based on preference, rather than need. f. City Planning staff recommended denial of said Type 2 design alternative for full waiver of Section Code Section 135-8.5.2 as requested by Bradley & Belinda McAninch. g. Bradley & Belinda McAninch have not met the burden required to demonstrate that their requested design alternative met the criteria for approval or that the result of the design alternative would equal or exceed the result of compliance with the Planning and Design Ordinance. h. Bradley & Belinda McAninch have not shown that their 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. i. Bradley & Belinda McAninch have not shown that their requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare. j. The Type 2 Design Alternative as proposed by Bradley & Belinda McAninch should not be approved for the reasons stated above. **Second by Voss. Motion Carried 7-0.**

(B) Type 2 Design Alternative #2 – Primary Façade Transparency. **Moved by Gatto to APPROVE the proposed Type 2 Design Alternative concerning primary façade transparency in form requested by Bradley & Belinda McAninch and described above, and to make the following findings of fact in support of approval of the proposed Type 2 Design Alternative:** a. Under Municipal Code Section 135-2.5-D.18, requires a minimum of 60% transparency of a primary frontage ground story measured between 2 feet and 8 feet above grade on the primary façade. b. The subject property is located along Southeast 14th Street with the primary façade facing that primary street. c. The required Storefront building type is a low-to-midrise building type used along commercial corridors to promote

interaction with the public, and activate public interaction by providing transparency on the primary street facing façade. d. Bradley & Belinda McAninch's provides the no transparency proposed between 2 feet and 8 feet along the primary façade was to address security and safety concerns, but the Site Plan does include additional transparency at higher levels to address such transparency concerns. e. Bradley & Belinda McAninch's proposal for the Type 2 Design Alternative to the requirements of Section Code Section 135-2.5-D.18 are for full waiver, resulting in primary frontage ground story measured between 2 feet and 8 feet above grade with transparency less than 60% on the primary façade, and it is based on security and safety needs. f. Bradley & Belinda McAninch have met the burden required to demonstrate that the requested design alternative met the criteria for approval and that the result of the design alternative would equal or exceed the result of strict compliance with Sections 135-2.5-D.18 of the Planning and Design Ordinance. g. Bradley & Belinda McAninch have 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. h. Bradley & Belinda McAninch have shown that the requested design alternative will not have a substantial or undue adverse effect on the public health, safety, and general welfare. i. Said Type 2 Design Alternative, in form requested by Bradley & Belinda McAninch, should be, and hereby, approved for the above-stated reasons and incorporated into the approved Site Plan for the Property. Second by Boesen. Motion Carried 6-1. Nays: Mandelbaum.

[23-1792](#)

54. [On](#) substantial amendments to the 2022 and 2023 Annual Action Plans under the 2020-2024 Consolidated Plan, updating the service area of the infrastructure and public facilities activity and reallocation of public service funding. ([Council Communication No. 23-549](#)) Moved by Gatto to adopt. Second by Boesen. Motion Carried 7-0.

[23-1793](#)

55. [On](#) 2nd Avenue Reconstruction from University to the Des Moines River: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Synergy Contracting, LLC (Jesse Rognes, President), \$17,148,218.80. Continued from the December 4th Council meeting. ([Council Communication No. 23-557](#)) Moved by Voss to adopt. Second by Gatto. Motion Carried 5-2. Nays: Coleman and Mandelbaum.

[23-1794](#)

- (A) [Approval](#) of contract and bond. Moved by Voss to adopt. Second by Gatto. Motion Carried 5-2. Nays: Coleman and Mandelbaum.

- [23-1795](#) 56. **On** Burke Park Sprayground: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Brothers Cleaning Corporation d/b/a Brothers Concrete (Josecito Valero, President), \$574,965.79. ([Council Communication No. 23-563](#)) **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1796](#) (A) [Approval](#) of contract and bond. **Moved by Westergaard to adopt. Second by Voss. Motion Carried 7-0.**
- [23-1797](#) 57. **On** Birdland Sports Complex Improvements: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Caliber Concrete, LLC (Jason Martin, Owner), \$1,593,240. ([Council Communication No. 23-561](#)) **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1798](#) (A) [Approval](#) of contract and bond. **Moved by Westergaard to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1799](#) 58. **On** Western Gateway Water Features: Resolution approving plans, specifications, form of contract documents, engineer’s estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Caliber Concrete, LLC (Jason Martin, Owner), \$852,270.75 ([Council Communication No. 23-562](#)) **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**
- [23-1800](#) (A) [Approval](#) of contract and bond. **Moved by Mandelbaum to adopt. Second by Boesen. Motion Carried 7-0.**

*****END HEARINGS AT 5:48 PM*****

ORDINANCES FIRST CONSIDERATION

[23-1801](#)

59. **Amending** Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: (**Council Communication No. 23-565**) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Boesen. Motion Carried 7-0.**

- (A) Speed Limit Modification – Martin Luther King Jr. Parkway/Fleur Drive from Ingersoll Avenue to Army Post Road.
- (B) Parking Modifications – 100 Locust Development - Second Avenue, Grand Avenue and Locust Street.
- (C) Code Corrections – E. Grand Avenue – Des Moines River to E 4th Street.
- (D) Speed Limit Modification – 48th Street from University Avenue to Hickman Road.
- (E) Corner Clearance Parking Restrictions:
 - (1) McKinley Avenue and SW 18th Street.
 - (2) Hart Avenue and South Union Street.

[23-1802](#)

(F) 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, #16,313. Second by Boesen. Motion Carried 7-0.**

[23-1803](#)

60. **Amending** Chapter 74 of the Municipal Code relating to Parks and Recreation. (**Council Communication No. 23-558**) **Moved by Voss that this ordinance be considered and given first vote for passage. Second by Coleman. Motion Carried 7-0.**

[23-1804](#)

(A) **Final** consideration of ordinance above (waiver requested by Ben Page, Parks and Recreation Director), requires six votes. **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, #16,314. Second by Coleman. Motion Carried 7-0.**

[23-1805](#)

(B) **Approval** of Updated Des Moines Parks and Recreation Rules. (**Council Communication No. 23-559**) **Moved by Voss to adopt. Second by Coleman. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[23-1806](#)

61. [Requests](#) to speak as follows: **Moved by Gatto to receive and file. Second by Mandelbaum. Motion Carried 7-0.**

- (A) Laural Clinton – Did not speak
- (B) Garland Armstrong
- (C) Monika Owczarski
- (D) Adam Callanan
- (E) Lu Hallmeyer
- (F) Cassandra Monroe
- (G) Denver Foote
- (H) Giada Morresi
- (I) Michaelyn Mankel – Did not speak
- (J) Tasida Barfoot – Did not speak

[23-1807](#)

MOTION TO ADJOURN. Moved by Voss to adjourn at 6:15 PM. Second by Coleman. Motion Carried 7-0.

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