



***** 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 '24-' 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

October 7, 2024
5:00 PM

PROCLAMATIONS – 4:40 PM

National Community Planning Month
Italian American Heritage Month
Fire Prevention Week
National Coming Out Day

[24-1320](#)

1. **ROLL CALL: Present: Boesen, Simonson, Voss, Coleman, Westergaard, Mandelbaum and Gatto.**

[24-1321](#)

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

[24-1322](#)

3. **APPROVING CONSENT AGENDA * – items 3 through 41: Moved by Gatto to adopt the balance of the Consent Agenda. Second by Voss. 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

[24-1323](#)

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

NEW APPLICATION

- (A) EL TOREADO MEXICAN BAR 1234 E EUCLID AVE Class C Liquor

RENEWAL APPLICATIONS

- (B) 85 BAR 432 E LOCUST ST Class C Liquor
(C) ARAMARK @ NATIONWIDE 1100 LOCUST ST Class C Liquor
(D) BARTENDERS HANDSHAKE 3615 INGERSOLL AVE Class C Liquor
(E) BLAZING SADDLE 416 E 5TH ST Class C Liquor
(F) BOMB BAR 209 4TH ST Class C Liquor
(G) CAPTAIN ROYS 1900 SAYLOR RD Class C Liquor
(H) DOLLAR GENERAL #21054 2309 E 42ND ST Class B Retail
(I) DRAKE DINER 1111 25TH ST Class C Liquor
~~(J) E NATION GROCERY LLC 3826 DOUGLAS AVE Class B Retail~~
~~(K) EL PATRON 4351 MERLE HAY RD Class C Liquor~~
(L) EUREST DINING SERVICES 1331 GRAND AVE Class C Liquor
(M) G T RACE CAR BAR 3013 INGERSOLL AVE Class C Liquor
(N) GOODSONS 2815 BEAVER AVE #102 Class C Liquor
(O) HYATT PLACE 418 6TH AVE Class C Liquor
(P) JETHROS BBQ ALL STARS 721 3RD ST Class C Liquor
(Q) LUA BREWING 1525 HIGH ST Class C Liquor
(R) LUCKY LOTUS 2721 INGERSOLL AVE Class C Liquor
(S) NIGHTINGALE COCKTAIL 435 E GRAND AVE Class C Liquor
(T) OASIS 630 SW 9TH ST Class E Liquor
(U) OLD WEST MEXICAN 4138 FLEUR DR Class C Liquor
(V) RIVER CENTER 320 W M LK JR PKWY Class C Liquor
(W) UNIVERSITY MARKET 2231 E UNIVERSITY AVE Class E Liquor
(X) WALNUT 1417 WALNUT ST #A Class C Liquor

SPECIAL EVENT APPLICATIONS

- (Y) APRES BAR CO 100 LOCUST ST 5 days
CLASS C LIQUOR LICENSE FOR A WEDDING ON OCTOBER 12, 2024
- (Z) CATHOLIC CHARITIES 601 GRAND AVE 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR CENTENNIAL TRIVIA ON OCTOBER 19, 2024.
- (AA) ENDURANCE SPORTS 313 WALNUT ST 5 days
SPECIAL CLASS C LIQUOR LICENSE (BEER/WINE) FOR IMT DES MOINES MARATHON ON OCTOBER 20, 2024.

(BB)SALISBURY HOUSE & GARDENS 4025 TONAWANDA DR 5 days
CLASS C LIQUOR LICENSE FOR GHOULISH GALA ON OCTOBER 19, 2024.

(CC)TOP IT OFF LIQUID CATERING 519 PARK ST 5 days
CLASS C LIQUOR LICENSE FOR AN EVENT ON OCTOBER 17, 2024.

(DD)YOUR PRIVATE BAR 313 WALNUT ST 5 days
CLASS C LIQUOR LICENSE FOR AMERICAN HEART ASSOCIATION
FUNDRAISER ON OCTOBER 10, 2024.

[24-1324](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Second by Voss. Motion Carried 6-1. Nays: Voss.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[24-1325](#) (A) [2025](#) Midblock Pedestrian Signal Improvements: Receiving of bids, (10-22-24) and Setting date of hearing, (11-4-24), Engineer's estimate, \$500,000. ([Council Communication No. 24-398](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1326](#) (B) [Gray's](#) Lake Dock Improvements: Receiving of bids, (10-22-24) and Setting date of hearing, (11-18-24), Engineer's estimate, \$2,100,000. ([Council Communication No. 24-399](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1327](#) (C) [Birdland](#) and Ashworth Pool Building Repairs: Receiving of bids, (10-22-24) and Setting date of hearing, (11-18-24), Engineer's estimate, \$273,000. ([Council Communication No. 24-400](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1328](#) (D) [George](#) Flagg Parkway and Fleur Drive Floodgate Closure: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer's estimate, \$2,950,000. ([Council Communication No. 24-401](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1329](#) (E) [E. 8th](#) Street and E. Market Street Pump Station: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer's estimate, \$13,000,000. ([Council Communication No. 24-402](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1330](#) (F) [Sayers](#) Park Sprayground: Receiving of bids, (11-5-24) and Setting date of hearing, (12-9-24), Engineer's estimate, \$1,200,000. ([Council Communication No. 24-403](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-1331](#) 7. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Shive-Hattery, Inc. for SW 1st Street Bridge Park Improvement, not to exceed \$51,500. ([Council Communication No. 24-392](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1332](#) 8. [Approve](#) and authorize addendum to Iowa Department of Transportation (IDOT) Agreement 2020-R-014 for a Revitalize Iowa’s Sound Economy (RISE) Program project and approve and authorize an agreement with the Des Moines Airport Authority regarding IDOT RISE Grant to the Authority for Cowles Drive - Phase 4. ([Council Communication No. 24-393](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
9. Approving items regarding the proposed Southeast Connector Project:
- [24-1333](#) (A) [Second](#) Amendment to the agreement with the City of Pleasant Hill for the coordination of funding, design and corridor preservation for the Southeast Connector. ([Council Communication No. 24-394](#)) **Moved by Gatto to adopt. Second by Simonson. Motion Carried 6-1. Nays: Mandelbaum. Motion by Mandelbaum to delay consideration and renegotiate terms failed, no second.**
- [24-1334](#) (B) [Authorizing](#) the execution of United States Department of Transportation (DOT) Grant Agreement for the Infrastructure for Rebuilding America (INFRA) Grant for the Southeast Connector project between SE 30th Street and U.S. Highway 65. ([Council Communication No. 24-395](#)) **Moved by Gatto to adopt. Second by Simonson. Motion Carried 6-1. Nays: Mandelbaum.**
- [24-1335](#) (C) [Authorizing](#) the execution of Iowa Department of Transportation (IDOT) Agreement for the Southeast Connector project between SE 30th Street and U.S. Highway 65. ([Council Communication No. 24-396](#)) **Moved by Gatto to adopt. Second by Simonson. Motion Carried 6-1. Nays: Mandelbaum.**
- [24-1336](#) (D) [Authorizing](#) the execution of Iowa Department of Transportation (IDOT) Agreement for Portland Cement Concrete (PCC) Pavement work on the Southeast Connector project between SE 30th Street and U.S. Highway 65. ([Council Communication No. 24-397](#)) **Moved by Gatto to adopt. Second by Simonson. Motion Carried 6-1. Nays: Mandelbaum.**
- [24-1337](#) 10. [Approving](#) Four Party Funding Agreement with Blackacre Development, LLC , HCR NFS I, LLC (Hubbell), MidAmerican Energy Company and the City of Des Moines to reconstruct Tuttle Street from SW 14th Street to SW 16th Street. ([Council Communication No. 24-382](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

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

[24-1338](#) (A) [Western](#) Ingersoll Run Sewer Separation Phase 2 – Synergy Contracting, LLC. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1339](#) (B) [2023-2024](#) HMA Pavement Scarification and Resurfacing – InRoads, LLC. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[24-1340](#) 12. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2024-10. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1341](#) 13. [Deletion](#) of rental inspection assessment at 400 Walnut St. Unit 1003. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[24-1342](#) 14. [Approval](#) of final subdivision plat and acceptance of subdivision bond for Gray’s Station Plat 6, located in the vicinity of 1293 Grays Parkway. ([Council Communication No. 24-381](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[24-1343](#) 15. [Regarding](#) request from HRC NFS I, LLC (Caleb Smith, Officer) for review and approval of the Preliminary Plat “Gray’s Station Plat 8” on 10.28 acres of property in the vicinity of 1400 Tuttle Street, which would allow for thirty (30) lots for rowhouse development (30 household units). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[24-1344](#) 16. [On](#) vacation of portions of E. 36th Street, E. 36th Street Court, Arthur Avenue, E. 40th Court and Lot Q right-of-way located in the Fourmile Creek Floodplain and conveyance to Polk County Conservation Board for the Lower Fourmile Creek Greenway project, (10-21-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

[24-1345](#) 17. [On](#) vacation of portions of 23rd Street, High Street, 24th Street and the north/south alley right-of-way adjoining 601 24th Street and 602 23rd Street and conveyance to Rally Cap Properties, LLC, \$200, (10-21-24). **Moved by Mandelbaum to adopt; and to direct the City Manager and Engineering Department to clarify language to allow a fence to be built. Second by Coleman. Motion Carried 7-0.**

- [24-1346](#) 18. On conveyance of permanent underground electric easement to provide electric service to Stone Park on City-owned property at 2100 SE 5th Street to MidAmerican Energy Company, (10-21-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1347](#) 19. On conveyance of vacated north/south alley adjoining 1316 E. 9th Street and 1309 Pennsylvania Avenue to Central Iowa Hospital Corporation, \$3,780. (10-21-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1348](#) 20. On conveyance of 101 Franklin Avenue and a portion of vacated Ohio Street adjoining 101 Franklin Avenue to Mans Leasing Company, LC, \$75,553, (10-21-24). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [24-1349](#) 21. Approving payment to Stephanie Jones. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

APPROVING

- [24-1350](#) 22. 2024 Continuum of Care (CoC) grant recommendations for competitive application, including noncompetitive award of Youth Homeless Demonstration Program (YHDP) renewal and replacement grants, to the U.S. Department of Housing and Urban Development (HUD). ([Council Communication No. 24-389](#)) **Moved by Coleman to adopt. Second by Simonson. Motion Carried 7-0.**
- [24-1351](#) 23. Substantial amendment to the 2024 Annual Action Plans to include additional Emergency Solutions Grant (ESG) funding from the Rapid Unsheltered Survivor Housing (RUSH) program. ([Council Communication No. 24-388](#)) **Moved by Coleman to adopt. Second by Simonson. Motion Carried 7-0.**
- [24-1352](#) 24. Preliminary Commitment of \$700,000 in Community Development Block Grant (CDBG) Funds for Varsity Lofts resulting in six (6) total affordable residential rental units. ([Council Communication No. 24-385](#)) **Moved by Coleman to adopt. Second by Simonson. Motion Carried 7-0.**
- [24-1353](#) 25. Preliminary Commitment of \$750,000 in Home Investment Partnership (HOME) Funds for The Townhall Food Hall and Apartments resulting in 29 total affordable residential rental units. ([Council Communication No. 24-386](#)) **Moved by Coleman to adopt. Second by Simonson. Motion Carried 7-0.**
- [24-1354](#) 26. First Amendment and Assignment of Grant Agreement with Alley Landing Limited Partnership and Erie Ohio Capital CDFI Fund, LLC for construction of a new affordable housing project at 2701 Douglas Avenue. ([Council Communication No. 24-383](#)) **Moved by Coleman to adopt. Second by Simonson. Motion Carried 7-0.**

- [24-1355](#) 27. [Round](#) four (4) of Neighborhood Commercial Revitalization (NCR) Program funding. ([Council Communication No. 24-406](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1356](#) 28. [Small](#) Business Impact Loan Program and Program Policy. ([Council Communication No. 24-408](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1357](#) 29. [Uniform](#) Skywalk Amendment for property at 666 Grand Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1358](#) 30. [Assignment](#) of the Skywalk Agreement for 666 Grand Avenue to R1, Round 2, LLC. ([Council Communication No. 24-405](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1359](#) 31. [Contract](#) (Cooperative Agreement) with the United States Department of Housing and Urban Development (HUD). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1360](#) 32. [Acceptance](#) of the Violence Against Women Grant Award through Iowa Department of Justice, Office of the Attorney General, Crime Victim Assistance Division, \$21,446. ([Council Communication No. 24-407](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1361](#) 33. [Submittal](#) of a joint application with Polk County for funding through the 2024 Edward Byrne Memorial Justice Assistance Grant Program and Memorandum of Understanding with Polk County, \$173,109. ([Council Communication No. 24-379](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1362](#) 34. [Acceptance](#) of the 2024 Homeland Security Grant awards on behalf of the statewide Weapons of Mass Destruction (WMD/SWAT) team in the amount of \$156,205 and the Explosive Ordnance Detection (EOD) team in the amount of \$253,340. ([Council Communication No. 24-380](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1363](#) 35. [Agreement](#) with Iowa Department of Homeland Security and Emergency Management (HSEMD) for award of 2024 Cybersecurity Risk Reduction Grant and Memorandum of Agreement with HSEMD and State of Iowa Department of Management for HSEMD to retain such grant funding for use by the Department of Management. ([Council Communication No. 24-409](#)) **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1364](#) 36. [Communication](#) from the Greater Des Moines Partnership on behalf of the Iowa State University's Ivy College of Business, requesting approval of placement for up to 25 banners to be displayed on banner poles in downtown Des Moines beginning January 1, 2025. **Moved by Gatto to receive, file and approve. Second by Voss. Motion Carried 7-0.**

37. Abatement of public nuisances as follows:

- [24-1365](#) (A) [3039](#) Mahaska Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1366](#) (B) [1920](#) Searle Street. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1367](#) (C) [302](#) E. Livingston Avenue. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

38. Number not used.

- [24-1368](#) 39. [Purchase](#) from Nite Owl Printing (LeeAnn Daggy, Owner) of printing and mailing services for the City of Des Moines Newsletter for use by the City Manager’s Office, estimated annual amount \$150,000. (Five (5) compliant bids received). **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

- [24-1369](#) 40. [Authorizing](#) Finance Director to draw checks on registers for the weeks of October 7 and 14, 2024; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of October 7 and 14, 2024; to draw checks for biweekly payroll due on October 18, 2024. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [24-1370](#) 41. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 24-391](#)) **Moved by Gatto that this ordinance be considered and given second vote for passage. Second by Voss. Motion Carried 7-0.**

- (A) Parking Modification – SW 9th Street between Rose Avenue and Watrous Avenue.
- (B) Parking Modification – 24th Street between Cottage Grove Avenue and Drake Park Avenue.
- (C) Traffic Control Modification – E. Vine Street at intersections with E. 15th/SE 15th Street, Astor/SE Astor Street, and E. 16th/SE 16th Street.
- (D) Code Correction – 7th Street between Clark Street and College Avenue.
- (E) Code Correction – E. Lacona Avenue at SE 8th Street.
- (F) Corner Clearance Parking Restrictions:
 - (1) Arthur Avenue and E. 42nd Street.
 - (2) Bennett Avenue and 30th Street.
 - (3) E. Diehl Avenue and Jordan Drive.
 - (4) E. Payton Avenue and SE 3rd Street.

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

- [24-1371](#) 42. **Amending** Chapter 114 of the Municipal Code regarding Parking Modification – E. Broadway Avenue/Hubbell Avenue north frontage road between E. Broadway Avenue and Hubbell Avenue. (**Council Communication No. 24-390**) **Moved by Westergaard that option B be considered and given second vote for passage. B. Restrict parking on the south side of E. Broadway Avenue/Hubbell Avenue north frontage road for the entire length of the roadway and on the north side at street intersections, within the curve, and along the frontage of the Operating Engineers Local 234 located at 4880 Hubbell Avenue. Second by Gatto. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 PM) (ITEMS 43 THRU 54)

- [24-1372](#) 43. **On** vacation of air and subsurface rights within portions of Tuttle Street, SW 13th Street and Murphy Street right-of-way adjoining 1300 Tuttle Street and conveyance of a Permanent Easement for Air Space Above City-owned property and a Permanent Easement for Subsurface Building Encroachment on City-owned property to HRC NFS I, LLC, \$8,061. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.**

- [24-1373](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**

- [24-1374](#) (B) **Final** consideration of ordinance above (waiver requested by Matt Weller, Vice President), 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, #16,386. Second by Voss. Motion Carried 7-0.**

- [24-1375](#) 44. **On** vacation of portions of E. University Avenue right-of-way adjoining 1427 E. University Avenue and conveyance to Des Moines Independent Community School District. **Moved by Gatto to adopt. Second by Mandelbaum. Motion Carried 7-0.**

- [24-1376](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Mandelbaum. Motion Carried 7-0.**

- [24-1377](#) (B) Final consideration of ordinance above, requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #16,387. Second by Mandelbaum. Motion Carried 7-0.**

- [24-1378](#) 45. **On** vacation of air, subsurface, and surface rights within portions of Des Moines Street and E. 6th Street right-of-way adjoining 603 E. 6th Street and conveyance of a Permanent Easement for Air Space Above City-owned property, a Permanent Easement for Subsurface Building Encroachment and a Permanent Easement for Surface Building Encroachment on City-owned property to HOA Aston LLC, \$30,324. **Moved by Mandelbaum to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1379](#) (A) **First** consideration of ordinance above. **Moved by Mandelbaum that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**
- [24-1380](#) (B) **Final** consideration of ordinance above (waiver requested by Jenny Drake), 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, #16,388. Second by Voss. Motion Carried 7-0.**
- [24-1381](#) 46. **On** conveyance of excess City-owned property located in the Fourmile Creek floodplain to Polk County for the use and benefit of the Polk County Conservation Board for the Lower Fourmile Creek Greenway Project. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-1382](#) 47. **On** conveyance of excess City property located at 3 E. Porter Avenue to Polk County, \$1. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1383](#) 48. **On** approval of a commercial lease agreement with Panom & Sons LLC d/b/a Blu Thai Food and Sushi for use of Suite 309 for restaurant purposes located in City-owned property at the T.M. Franklin Cownie City Administration Building at 1200 Locust Street. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**
- [24-1384](#) 49. **On** a request from Ryan Rivas (Owner) to rezone property located in the vicinity of 1760 E. Park Avenue from “N3a” Neighborhood District to “P2” Public, Civic, and Institutional District to allow the property to be assembled with the property to the east that is used for an “Assembly – Place of Worship” use. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1385](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**
- [24-1386](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), 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, #16,389. Second by Voss. Motion Carried 7-0.**

- [24-1387](#) 50. **On** a request from Riverview DSM, LLC (Douglas A. Wells, Officer) to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification from Public/Semi-Public to Downtown Mixed Use and to rezone 110 E. Court Avenue from “P2” Public, Civic, and Institutional District to “DX2” Downtown District to allow the existing building to be used for a mix of commercial uses. **Moved by Voss to adopt. Second by Gatto. Motion Carried 6-0. Council Member Mandelbaum declares a conflict of interest and abstains from voting.**
- [24-1388](#) (A) **First** consideration of ordinance above. **Moved by Voss that this ordinance be considered and given first vote for passage. Second by Gatto. Motion Carried 6-0. Council Member Mandelbaum declares a conflict of interest and abstains from voting.**
- [24-1389](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), 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, #16,390. Second by Voss. Motion Carried 6-0. Council Member Mandelbaum declares a conflict of interest and abstains from voting.**
- [24-1390](#) 51. **On** a City initiated request to rezone three (3) parcels within the Southeast Industrial Urban Renewal Area, located along E. Army Post Road, to the west of SE 45th Street and to the east of SE 36th Street, and bounded by E. Army Post Road to the north and E. Pine Avenue to the south, to rezone property from “A” Agricultural District and “PUD” Harvest Hills PUD Planned Unit Development District to Limited “I1” Industrial District. **Moved by Gatto to adopt. Second by Voss. Motion Carried 7-0.**
- [24-1391](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Voss. Motion Carried 7-0.**
- [24-1392](#) (B) **Final** consideration of ordinance above (waiver requested by Donald L. Rothfus and Linda Rothfus, property owners), 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, #16,391. Second by Voss. Motion Carried 7-0.**
- [24-1393](#) 52. **On** a request from Alisha, LLC (Muhammad Sarwar, Officer) for property located at 3718 SW 9th Street to rezone the property from “RX1” Mixed-Use District to “MX3” Mixed-Use District to allow liquor sales by an existing fuel station use. **Moved by Mandelbaum to DENY the proposed amendment and rezoning. Second by Gatto. Motion Carried 7-0.**

[24-1394](#)

53. **On** a request from Hubbell Realty Company (Caleb Smith, Officer) for review and approval of a 2nd amendment to the Gray's Station PUD Conceptual Plan to allow adjustments in building height, density, and uses within certain sub-areas of the PUD regarding property located in the vicinity of 1300 Tuttle Street and to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification for portions of the property from Neighborhood Mixed Use to Downtown Mixed Use. **Moved by Mandelbaum to adopt. Second by Gatto. Motion Carried 7-0.**

[24-1395](#)

54. **On** Birdland Pool Filter and Equipment Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids, and designating the lowest responsive, responsible bidder as Weidner Construction, Inc. (Carol E. Weidner, President), \$752,938. ([Council Communication No. 24-404](#)) **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**

[24-1396](#)

- (A) **Approval** of contract and bond. **Moved by Westergaard to adopt. Second by Gatto. Motion Carried 7-0.**

****END HEARINGS AT 5:17 PM****

ORDINANCE FIRST CONSIDERATION

[24-1397](#)

55. **Repeal** and replace Chapter 60 of the Municipal Code relating to rental property maintenance and blighted property. ([Council Communication No. 24-387](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Second by Coleman. Motion Carried 7-0.**

[24-1398](#)

- (A) 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, #16,392. Second by Coleman. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[24-1399](#)

56. **Requests** to speak as follows: **Moved by Gatto to receive and file. Second by Voss. Motion Carried 7-0.**

- (A) Kaleb Van Fosson – Did not speak.
- (B) Heather Armstrong
- (B) Garland Armstrong
- (D) Wayne Ford – Did not speak.
- (E) Tatum Vermeer – Did not speak.
- (F) Matthew Farnham – Did not speak.

- (G) Tom Rendon
- (H) Laural Clinton
- (I) Adam Callanan
- (J) Monika Owczarski – Did not speak.
- (K) Symphony Rose Cooper – Did not speak.
- (L) Abby Bankes
- (M) Jolene Prescott – Did not speak.
- (N) Jason Copple
- (O) Suzanne Overton – Did not speak.
- (P) Carol Maher

[24-1400](#)

MOTION TO ADJOURN. Moved by Gatto to adjourn at 6:14 PM. Second by Voss. Motion Carried 7-0.

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