



**\*\*\* 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 '21-' 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**

**January 11, 2021**  
**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 December 9, 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 Hundred Fourteen of the Governor's December 9, 2020 Proclamation suspending the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, the City Council has determined that a meeting at a physical place is impossible or impracticable and all Council meetings for the time being will be conducted electronically with the public allowed to attend per the instructions on this agenda. Meeting minutes will continue to be provided per the City's normal course of business.*

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

Please click this URL to join.

<https://dmgov-org.zoom.us/j/82610644838?pwd=YUZLRDQ0swVGhjY0tZcGo0V2JHZZ09>

Passcode: 300692

Or join by phone:

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US: +1 312 626 6799 or 833 548 0276 (Toll Free)

Webinar ID: 826 1064 4838

**PROCLAMATIONS – 4:15 p.m.**

**CERVICAL CANCER AWARENESS MONTH**

- [21-0001](#) 1. ROLL CALL. **Present: Cownie, Boesen, Gatto, Gray, Mandelbaum, Voss and Westergaard.**
- [21-0002](#) I. [Recommendation](#) of Mayor Cownie for appointment of Mayor Pro Tem for Calendar Year 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0003](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0004](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 29: **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**

- [21-0005](#) 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

- |     |                     |                    |          |
|-----|---------------------|--------------------|----------|
| (A) | BEAVER TAP          | 4050 URBANDALE AVE | C Liquor |
| (B) | CINCO ESTRELLAS BAR | 1833 HUBBELL AVE   | C Liquor |

**RENEWAL APPLICATIONS**

- |     |                           |                       |          |
|-----|---------------------------|-----------------------|----------|
| (C) | BAILEYS PUB N GRUB        | 918 E EUCLID AVE      | C Liquor |
| (D) | CASEYS #2322              | 4331 PARK AVE         | C Beer   |
| (E) | CASEYS #2641              | 2849 E EUCLID AVE     | C Beer   |
| (F) | CASEYS #2786              | 5150 E 14TH ST        | E Liquor |
| (G) | CONEY ISLAND #2           | 3700 SW 9TH ST        | B Beer   |
| (H) | GIT N GO STORE #24        | 1142 42ND ST          | C Beer   |
| (I) | GIT N GO STORE #27        | 1240 KEOSAUQUA WAY    | C Beer   |
| (J) | GIT N GO STORE #32        | 2911 DOUGLAS AVE      | C Beer   |
| (K) | HAIKU SUSHI               | 1315 31ST ST          | C Liquor |
| (L) | HIGHLAND PARK POST NO 374 | 3712 2ND AVE          | A Liquor |
| (M) | HOLIDAY INN EXPRESS       | 333 SW 11TH ST        | C Beer   |
| (N) | HY VEE FOOD STORE #1      | 3330 M L KING JR PKWY | E Liquor |

(O) JIFFY #924	3718 SW 9TH ST	C Beer
(P) KUM & GO #573	5830 SE 14TH ST	E Liquor
(Q) LA CABANA MEXICAN BAR	1435 ARMY POST RD	C Liquor
(R) SCENIC ROUTE BAKERY	350 E LOCUST ST	C Beer/Wine
(S) TARGET T2041	5901 DOUGLAS AVE	E Liquor
(T) UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY AVE	C Liquor

- [21-0006](#) 5. [City Clerk](#) to issue Coin Operated Machine Licenses. **Moved by Gatto to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [21-0007](#) (A) [2021 City-Wide](#) Mid-Block Crossing: Receiving of bids, (1-26-21) and Setting date of hearing, (2-22-21). Engineer's estimate, \$215,000. ([Council Communication No. 21-003](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0008](#) (B) [Animal](#) Control Facility: Receiving of bids, (2-9-21) and Setting date of hearing, (3-8-21). Engineer's estimate, \$6,800,000. ([Council Communication No. 21-017](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0009](#) (C) [Fleur](#) Drive Reconstruction, Southbound Lanes, from George Flagg Parkway to Watrous Avenue: Receiving of bids, (1-26-21) and Setting date of hearing, (2-22-21). Engineer's estimate, \$8,500,000. ([Council Communication No. 21-018](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0010](#) 7. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Gatto to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [21-0011](#) 8. [Levying](#) Assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code and providing for the payment thereof, (Schedule No. 2021-01). **Moved by Gatto to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [21-0012](#) 9. [Recommendation](#) from Council Member Voss to reappoint Stephanie Fleckenstein, PE to the Transportation Safety Committee, Seat 3, for a three-year term ending on January 1, 2024. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [21-0013](#) 10. [Communication](#) from Jon Thyberg advising of his resignation from the Building and Fire Code Board of Appeals, Seat 9, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

[21-0014](#)

11. [Communication](#) from Edgardo Ortiz advising of his resignation from Greater Des Moines Sister Cities Commission, Seat 10, effective immediately. **Moved by Gatto to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

#### COMMUNICATIONS FROM PLANNING AND ZONING

[21-0015](#)

12. [Regarding](#) approval of a Preliminary Plat “DMPS Community Stadium at Drake University Plat 1” located at 2450 Forest Avenue. **Moved by Gatto to receive and file. Motion Carried 6-1. Nays: Gatto.**

#### SETTING DATE OF HEARINGS

[21-0016](#)

13. [On](#) request from Campbell’s Holdings, LLC (Eric Campbell, Officer) to rezone property at 3104 East Court Avenue from “N5” Neighborhood District to Limited “I1” Industrial District to allow the property to be used for industrial uses such as outdoor storage, (1-25-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0017](#)

14. [On](#) request from February 30<sup>th</sup> Properties dba South Des Moines Vet Center (Jeremy Beyer, Officer) to amend the PlanDSM Creating Our Tomorrow Plan future land use classification from Low Density Residential within a Community Node to Community Mixed Use within a Community Node and rezone property at 601 Army Post Road and 6302 Southwest 6<sup>th</sup> Street from “N3a” Neighborhood District and “MX2” Mixed Use District to Limited “MX3” Mixed Use District to allow the property to be developed for Animal Service, Veterinary and Boarding uses, (1-25-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0018](#)

15. [On](#) request from James Andrew and Nancy Albright-Andrew (owners) to amend the PlanDSM Creating Our Tomorrow Plan future land use classification from Park and Open Space with Development Control Zone overlay to Low Density Residential and to rezone property at 3900 Southeast 34<sup>th</sup> Street from “F” Flood District to Limited “N2b” Neighborhood District to allow the property to be filled and developed with a One Household Living Dwelling use, (1-25-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0019](#)

16. [On](#) vacation of a portion of street right-of-way located at the southeast corner of Southwest 63<sup>rd</sup> Street and Southwest Leland Avenue, and conveyance of said vacated right-of-way and the adjoining excess City property to Annett Holdings, Inc. for \$82,000, (1-25-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

[21-0020](#)

17. [On](#) Land Exchange Agreement with Gloria S. Hoffman for property located at and adjoining 4200 Leonard Place, and acceptance of a temporary easement for construction and construction-related activities, \$6,850, (1-25-21). **Moved by Gatto to adopt. Motion Carried 7-0.**

18. Number Not Used.

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [21-0021](#) 19. [Approving](#) payment for the property damage claim of Edgar Rodriguez and Lillian Barrientos. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0022](#) 20. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000. **Moved by Gatto to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

## APPROVING

- [21-0023](#) 21. [Preliminary](#) terms of an Urban Renewal Development Agreement with Tree House Partners, LLC (Tim Rypma, Paul Cownie and Jeremy Cortright) for the historic renovation of three (3) multi-family residential apartment buildings located at 2315 Grand Avenue. ([Council Communication No. 21-011](#)) **Moved by Gatto to adopt. Motion Carried 6-0. Mayor Cownie abstains from voting based on an appearance of a conflict of interest.**
- [21-0024](#) 22. [Chapter](#) 28E agreement with the City of Urbandale regarding establishment of a joint board to support the creation of a Reinvestment District for the Merle Hay Mall campus. ([Council Communication No. 21-012](#)) **Moved by Gray to adopt. Motion Carried 7-0.**
- [21-0025](#) 23. [Authorization](#) of advancement of costs for the former DICO Property Urban Renewal Project in the Metro Center Urban Renewal Area and certification of expenses incurred by the City for payment under Iowa Code Section 403.19. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0026](#) 24. [Application](#) to the U.S. Department of Treasury for the Emergency Rental Assistance Program. ([Council Communication No. 21-020](#)) **Moved by Gray to adopt. 1. Allocate and advance \$100,000 of the US Department of Treasury Funding to the Eviction Prevention Program at the Justice Center. A. Allow funds to be utilized while staff and Polk County Housing Trust Fund get the contract in place. 2. Allocate the remaining funds to IMPACT for continuation of their rental assistance program in accordance with US Department of Treasury Emergency Rental Assistance Program guidelines. A. Advance up to 10% of the US Department of Treasury Funds to allow the program to begin. B. Allow funds to be utilized while staff and IMPACT get the contract in place. Motion Carried 7-0.**
- [21-0027](#) 25. [Amended](#) Parking Meter Rate and Time Zone 1. **Moved by Gatto to adopt. Motion Carried 7-0.**

26. Purchases from the following:

- [21-0028](#) (A) [Clark Equipment](#) Company dba Bobcat Company (David Rowles, President) for one replacement compact tracked skid steer loader per State of Iowa Contract for use by the Parks and Recreation Department, \$61,555.90. ([Council Communication No. 21-009](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0029](#) (B) [Stivers Ford](#) (Scott Politte, General Manager), Dewey Ford (Dan Boettcher, General Manager) and Stew Hansen Dodge City (Dan Boettcher, General Manager) for 16 replacement vehicles per State of Iowa Contract for use by various departments, \$439,887.84. ([Council Communication No. 21-007](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0030](#) (C) [Murphy Tractor](#) and Equipment Company (Thomas Udland, President) for an additional tracked asphalt paver with appropriate accessories and a five-year extended warranty per Sourcewell Purchasing Contract for use by the Public Works Department, \$181,126. ([Council Communication No. 21-004](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0031](#) (D) [Housby Mack Inc.](#) (Kelly Housby, President) for three truck chassis, McNeilus Truck and Manufacturing (Brad Nelson, President) for two rear loading refuse collection equipment bodies, Gradall Industries Inc. (Mike Hoverman, President) for one sewer cleaning and maintenance equipment body all per Sourcewell Purchasing Contracts for use by the Public Works Department, \$754,349.32. ([Council Communication No. 21-008](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0032](#) (E) [Midwest Turf](#) and Irrigation (Leonard Johnson, Owner) for one replacement and one additional slope mower per National Cooperative Purchasing Alliance Contract for use by the Public Works Department, \$97,152. ([Council Communication No. 21-010](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0033](#) (F) [OneNeck](#) IT Solutions (Terry Swanson, President and CEO) for server virtualization VMware vSphere Upgrade licensing and three years of software support per National Association of State Procurement Officers Contract for use by the Information Technology Department, \$63,467.22. ([Council Communication No. 21-014](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0034](#) (G) [OneNeck](#) IT Solutions (Terry Swanson, President and CEO) for desktop virtualization VMware Horizon licensing and three years of software support per National Cooperative Purchasing Alliance Contract for use by the Information Technology Department, \$146,453.75. ([Council Communication No. 21-015](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

27. Number Not Used.

[21-0035](#)

28. [Authorizing](#) Finance Director to draw checks [registers](#) for the weeks of January 11 and 18, 2021; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of January 11 and 18, 2021; to draw checks for biweekly payroll due January 15, 2021. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### ORDINANCES - SECOND CONSIDERATION

[21-0036](#)

29. [Amending](#) Chapter 42-358 relating to notices for nuisances. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

#### ORDINANCES - FIRST CONSIDERATION

[21-0037](#)

30. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: ([Council Communication No. 21-001](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Code changes related to the E Grand Avenue Resurfacing Project – E Grand Avenue from Des Moines River to Pennsylvania Avenue; Pennsylvania Avenue from E Grand Avenue to Des Moines Street; and E 6th Street from E Grand Avenue to Des Moines Street.
- (B) Parking Restriction Revisions – SW 6th Street, south of Cherry Street.

[21-0038](#)

(C) Final consideration of ordinance above, requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,963](#). Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [21-0039](#) 31. [Requests](#) to speak as following: **Moved by Mandelbaum to receive and file. Motion Carried 7-0.**
- (A) Devon Severson.
  - (B) Alec Johnson.
  - (C) Maxwell Eness.
  - (D) Adam Callanan.
  - (E) James Grimm.
  - (F) KT Menke.
  - (G) Debi Howell.
  - (H) Holly Hallman.
  - (I) Brenda McDonald.
  - (J) Molly Arndt.
  - (K) Matthew Peirce.
  - (L) David Courard-Hauri.
  - (M) Shari Hawk.

## APPROVING

- [21-0040](#) 32. [Establishing](#) new Greenhouse Gas Emissions Reduction Goals and a Community 24x7 Carbon-free Electricity Goal for the City of Des Moines. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**
- [21-0041](#) 32I. [COVID-19](#) Relief Program for Des Moines Restaurants. ([Council Communication No. 21-013](#)) **Moved by Voss to adopt. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.**



**HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 33 THRU 40)**

[21-0042](#)

33. [On request](#) from Angel Groff (owner) to amend the PlanDSM future land use classification from Low Density Residential to Community Mixed-Use and rezone property at 2200 Easton Boulevard from “N3a” Neighborhood District to “MX3” Mixed Use District to allow the existing vacant commercial building and site to be reused for a Vehicle Maintenance/Repair, Minor use and a Vehicle Sales use. Plan and Zoning Commission recommends denial. **Moved by Westergaard to adopt and DENY the proposed amendment to the PlanDSM future land use designation and the proposed rezoning, and to make the following findings of fact regarding said proposals:**
- a. **The City Plan and Zoning Commission voted 12-0 to recommend denial of the requested proposed amendment to the PlanDSM future land use designation to Community Mixed Use and proposed rezoning of the Property to MX3 Mixed Use District, to allow the existing vacant commercial building and site to be reused for a Vehicle Maintenance/Repair, Minor use and a Vehicle Sales use.**
  - b. **The current PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low Density Residential, and current zoning designation is N3a Neighborhood District, both of which are intended for residential uses and specifically “areas developed with primarily single-family and two-family residential units with up to six dwelling units per net acre”.**
  - c. **The proposed land use designation of Community Mixed Use is described as “small-to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors....includ[ing] both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.”**
  - d. **The Property is located in a neighborhood and area that does not constitute a high capacity transit corridor and which contains existing single-household residential uses, which is consistent with the character of the neighborhood at the adoption of PlanDSM in 2016.**
  - e. **The proposed amendment to the PlanDSM future land use designation of the Property and the proposed rezoning to allow for vehicle maintenance and sales uses would not be consistent with the intent of the PlanDSM comprehensive plan for the subject neighborhood/area.**
  - f. **If the proposed amendment to the PlanDSM future land use designation of the Property to Community Mixed Use is not approved, then the proposed rezoning to MX3 Mixed Use District is inapplicable due to non-conformance with the PlanDSM designation of Low Density Residential.**
  - g. **The Property can continue to operate as an office use, retail use, or tire repair shop business in accordance with the requirements of a Variance granted by the Zoning Board of Adjustment on July 25, 2018, by Docket ZON2018-00073.**
  - h. **If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment**

**Motion Carried 7-0.**

[21-0043](#)

34. [On request](#) from Antonio Dominguez and Gabriella Herrera (owners) to amend the PlanDSM future land use classification from Industrial to Low Density Residential and rezone 301 Southeast 28<sup>th</sup> Street from “I1” Industrial District to “N3c” Neighborhood District to allow the existing Household Living use to be extended with addition of a new accessory 2-story detached garage use. Plan and Zoning Commission recommends denial. **Moved by Gatto to adopt and DENY the proposed amendment to the PlanDSM future land use designation and the proposed rezoning, and to make the following findings of fact regarding said proposals:**
- a. **The City Plan and Zoning Commission voted 9-3 to recommend denial of the requested proposed amendment to the PlanDSM future land use designation to Low Density Residential and proposed rezoning of the Property to N3c Neighborhood District, to allow the existing Household Living use to be extended with addition of a new accessory two-story detached garage use.**
  - b. **The current PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Industrial, and current zoning designation is I1 District, both of which are intended for general industrial uses, warehousing and transportation terminals, and accommodate industrial development and limited supporting commercial uses.**
  - c. **The Property is located in a neighborhood and area that contains a mix of industrial and single-household uses, generally bounded by a major railroad line to the north and East Martin Luther King, Jr. Parkway to the south, which is consistent with the character of the neighborhood at the adoption of PlanDSM in 2016.**
  - d. **In accordance with the adoption of PlanDSM, the area in which the Property is located is intended to transition to industrial uses and away from residential uses over an extended period of time due to the magnitude of the industrial uses in the area and its proximity to the railroad and East Martin Luther King, Jr. Parkway.**
  - e. **The existing single-household residential use on the Property has the legal non-conforming right to retain its use, but not to expand its use to a new accessory building which would constitute a two-story detached garage with a 27-foot by 30-foot footprint.**
  - f. **The proposed amendment to the PlanDSM future land use designation of the Property and the proposed rezoning to allow for expansion of the residential use would not be consistent with the intent of the PlanDSM comprehensive plan for the subject neighborhood/area.**
  - g. **If the proposed amendment to the PlanDSM future land use designation of the Property to Low Density Residential is not approved, then the proposed rezoning to N3c Neighborhood District is inapplicable due to non-conformance with the PlanDSM designation of Industrial.**
  - h. **If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.**

**Motion Carried 7-0.**

[21-0044](#)

35. [On request](#) from Sitwell, LLC (Daniel Kelley, Officer) for review and approval of a PUD Final Development Plan “The Village at Gray’s Lake Lot 6”, on property located at 2688 Southwest 23<sup>rd</sup> Street, to allow reuse of the former classroom building for commercial office space. **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

- [21-0045](#) 36. [On vacation](#) of a portion of alley right-of-way, Garver Street and Southeast 16<sup>th</sup> Street right-of-way located north of East Railroad Avenue, and conveyance of said vacated right-of-way and the intervening excess City property to MidAmerican Energy Company for \$135,500. ([Council Communication No. 21-002](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0046](#) (A) [First](#) consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [21-0047](#) (B) [Final](#) consideration of ordinance above (waiver requested by Jamie Baker, Manager, Right-of-Way Services), 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, #15,964. Motion Carried 7-0.**
- [21-0048](#) 37. [Continuance](#) of public hearing on the approval of documents for lease of a portion of vacated East Market Street between Southeast 14<sup>th</sup> Street and Southeast 18<sup>th</sup> Street to Des Moines Industrial, LLC for \$12,500. **Moved by Gatto to adopt. Motion Carried 7-0.**
- [21-0049](#) 38. [On Second](#) Amendment of the Concession Agreement for the Birdland Marina Concession with Less Than Trinity, LLC, d/b/a Captain Roy's. ([Council Communication No. 21-006](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**
- [21-0050](#) 39. [On](#) the authorization of a loan agreement and issuance of not to exceed \$47,000,000 General Obligation Urban Renewal Capital Loan Notes 2021B for an essential corporate purpose. ([Council Communication No. 21-016](#)) **Moved by Gatto to adopt and to refer to the City Manager to develop a policy to not enter into any incentivized agreements with any developers that have defaulted or were unable to meet their development agreement obligations. Motion Carried 5-1-0. Nays: Voss. Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.**
- [21-0051](#) (A) [Authorization](#) for additional action. **Moved by Gatto to adopt. Motion Carried 5-1-0. Nays: Voss. Council Member Mandelbaum abstains from voting based on an appearance of a conflict of interest.**

[21-0052](#)

40. On S.W. 5<sup>th</sup> Street Railroad Crossing Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate, receive and file bids and designating lowest responsible bidder as Minturn, Inc. (Clinton M. Rhoads, President), \$99,630.00. ([Council Communication No. 21-019](#)) **Moved by Mandelbaum to adopt. Motion Carried 7-0.**

[21-0053](#)

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

\*\*\*\* END OF HEARINGS 5:31 P.M.\*\*\*\*

[21-0054](#)

MOTION TO ADJOURN. **Moved by Cownie to adjourn at 6:03 PM. Motion Carried 7-0.**

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