

City of Davenport, Iowa
City Council Meeting Minutes

Wednesday, April 22, 2020

The City Council of Davenport, Iowa met in regular session on Wednesday, April 22, 2020 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 W 4th St, Davenport, IA with Mayor Mike Matson presiding and all Aldermen present (the following Aldermen were present via telephone: Ald. Dickmann, Ald. Dohrmann, Ald. Jobgen, Ald. Lee, Ald. Meginnis, and Ald. Peacock). A partially electronic meeting was held because a fully "in person" meeting was impossible or impractical due to concerns for the health and safety of Council members, staff, and the public presented by COVID-19, and to follow the Governor's proclamation directing social distancing and placing restrictions on gatherings.

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for April 8, 2020.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for April 15, 2020.

COUNCIL CHAMBERS, CITY HALL, Davenport, Iowa, Wednesday, April 15, 2020 -- The Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding and all Aldermen present (the following Aldermen were present via telephone: Ald. Dickmann, Ald. Dohrmann, Ald. Jobgen, Ald. Lee, Ald. Meginnis, and Ald. Peacock). A partially electronic meeting was held because a fully "in person" meeting was impossible or impractical due to concerns for the health and safety of Council members, staff, and the public presented by COVID-19, and to follow the Governor's proclamation directing social distancing and placing restrictions on gatherings.

The following Public Hearings were held: Public Works: 1) on the plans, specifications, form of contract, and estimate of cost for the CY20 Microsurfacing Program, CIP #35042 & #64078. Finance: 1) on the issuance of not-to-exceed \$50,000,000 General Obligation Corporate and Refunding Bonds, Series 2021.

Action items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) Community Development: No items on the agenda. Public Safety: Ald. Ambrose reviewed all items listed. On motion by Ald. Jobgen, second by Ald. Gripp all items moved to the Consent Agenda. Public Works: Ald. Dunn reviewed all items listed. On motion by Ald. Dohrmann, second by Ald. Gripp all items moved to the Consent Agenda. Finance: Ald. Condon reviewed all items listed. On motion by Ald. Peacock, second by Ald. Ambrose all items moved to the Consent Agenda.

*Council adjourned at **6:27 p.m.***

VIII. Appointments, Proclamations, Etc.

A. Proclamations

ISSUED 2020-166

1. Health Care and First Responder Hero Week

2. Arbor Day

IX. Petitions and Communications from Council Members and the Mayor

X. Individual Approval of Items on the Discussion Agenda

Ald. Dohrmann requested that item #2 on the Consent Agenda, Third Consideration: Ordinance amending various sections in Chapter 2.58 to ban the practice of conversion therapy in the City of Davenport, be moved to the Discussion Agenda.

A motion was moved by Ald. Ambrose to table the Ordinance for two weeks, seconded by Ald. Gripp. The following Aldermen voted aye to tabling: Ald. Dohrmann, Ald. Gripp, Ald. Peacock, Ald. Jobgen, and Ald. Ambrose. The following Aldermen voted nay to tabling: Ald. Meginnis, Ald. Lee, Ald. Condon, Ald. Dickmann, and Ald. Dunn. Mayor Matson was the tie breaker vote, voting nay to tabling the Ordinance.

On motion by Ald. Ambrose, second by Ald. Gripp with all Aldermen voting aye except Ald. Dohrmann and Ald. Gripp, the Ordinance was adopted.

1. Third Consideration: Ordinance amending various sections in Chapter 2.58 to ban the practice of conversion therapy in the City of Davenport. [All Wards]

ADOPTED 2020-167

ORDINANCE NO. **2020-167**

Ordinance amending Chapter 2.58 to ban the practice of conversion therapy in the City of Davenport.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

SECTION 1. That Section 2.58.010 of the Municipal Code of Davenport, Iowa be and hereby is amended to read as follows:

2.58.010 Purposes.

The purposes of the city in enacting the ordinance codified in this chapter are:

A. To secure for all individuals within the city freedom from discrimination because of race, color, religion, creed, sex, national origin or ancestry, familial status, marital status, age, mental or physical disability, gender identity, or sexual orientation, in connection with employment, public accommodations, housing, education, and credit, and thereby to protect the personal dignity of these individuals, to insure their full productive capacity, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individual citizens within the city;

B. To provide for the execution within the city of the policies embodied in the Iowa Civil Rights Act of 1965 and in the Federal Civil Rights Act and to promote the cooperation between the city and the federal agencies enforcing those acts; and

C. To provide, at the local level, a civil rights commission dedicated to the effective enforcement of this chapter and to serve as a source of information to employers, landlords, businesses, laborers, tenants, and other citizens relative to various civil rights legislation and regulations.

D. To protect individuals from the serious harms caused by conversion therapy or reparative therapy and protect the physical and psychological well-being of minors through the exercise of the police power of the City for the public safety, health, and welfare by liberally construing this chapter to accomplish that purpose.

SECTION 2. That Section 2.58.030 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

2.58.030 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

- A. "Commission" means the civil rights commission created by this chapter.
- B. "Complainant" means that person filing a complaint with the commission.
- C. "Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent and the commission.
- D. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.
- E. "Conversion therapy" or "reparative therapy" means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. The term "conversion therapy" shall not mean gender confirmation surgery, counseling that provides support and assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.
- F. "Court" means the district court in and for Scott County, Iowa.
- G. "Director" means an employee of the commission who shall have such duties, powers, and authority as may be conferred by this chapter.
- H. "Disability" means, with respect to an individual,
 - 1. A physical or mental impairment that substantially limits one or more of the major life activities of such individual and the condition of an individual with a positive human immunodeficiency virus test result, a diagnosis of acquired immune deficiency syndrome-related complex, or any other condition related to acquired human immunodeficiency syndrome. The inclusion of a condition related to a positive human immunodeficiency virus test result in the meaning of "disability" under provisions of this chapter does not preclude the application of the provisions of this chapter to conditions resulting from other contagious or infectious diseases;
 - 2. A record of such an impairment; or
 - 3. Being regarded as having such impairment, but such term does not include current illegal use of or addiction to a controlled substance as defined in Chapter 124 of the Iowa Code.
- I. "Employee" means any person employed by an employer, but does not include an individual employed by a parent, spouse, or child.
- J. "Employer" means the city or any political subdivision, board, commission, department, institution, or school district therein, and every other person employing employees within the city.
- K. "Employment agency" means any person or entity undertaking to procure employees or opportunities to work for any other person or any person or entity representing himself or itself to be equipped to do so.
- L. "Gender identity" means a gender-related identity of a person regardless of the person's assigned sex at birth.

M. "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms, or conditions of employment, or of other mutual aid or protection in connection with employment.

N. "Marital status" means the state of being married, single, divorced, separated, or widowed.

O. "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, labor organizations, trustees, trusts, mutual companies, joint stock companies, unincorporated organizations, trustees in cases under Title 11, receivers, fiduciaries, and the city and all political subdivisions and agencies thereof.

P. "Provider" means any licensed medical or mental health professional including but not limited to licensed mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, and social worker associates, and any physicians, psychologists, psychotherapist, certified chemical dependency professionals, certified chemical dependency professional trainees, counselors, certified counselors, certified advisers and any other designees or agents.

Q. "Public accommodation" means each and every place, establishment, or facility, of whatever kind, nature, or class that caters or offers services, facilities, or goods for a fee or charge to nonmembers of any organization or association utilizing the place, establishment, or facility provided that any place, establishment, or facility that caters or offers services, facilities, or goods to the nonmembers gratuitously shall be deemed a public accommodation if the accommodation receives any governmental support or subsidy. Public accommodation shall not mean any bona fide private club or other place, establishment, or facility which by its nature is distinctly private except when such distinctly private place, establishment, or facility caters or offers services, facilities, or goods to the nonmembers for a fee or charge or gratuitously, it shall be deemed a public accommodation during such period.

R. "Respondent" means the person or other entity against whom a complaint has been filed with the commission.

S. "Sexual orientation" means the following:

1. Homosexuality, heterosexuality, and bi-sexuality;
2. Having a record of being homosexual, heterosexual, or bisexual; or
3. Being perceived as being homosexual, heterosexual, or bisexual.

T. "Unlawful practice" or "discriminatory practice" means those practices specified as unlawful or discriminatory in this chapter.

SECTION 3. That Section 2.58.115 of the Municipal Code of Davenport, Iowa, is created and the same is hereby amended to read as follows:

2.58.115 Unfair practices—Conversion therapy.

A. It is a violation for any provider to provide or advertise conversion therapy or reparative therapy to a minor, regardless of whether the provider receives compensation in exchange for such services.

B. If the Director or City Attorney or their designees receives a report of an alleged violation of this Chapter 2.58.115, the Director or City Attorney or their designees may issue a letter notifying the provider that provision of conversion therapy or reparative therapy is prohibited. The act of sending an advisory letter does not preclude any other enforcement power of the commission or other body.

C. In addition to the remaining enforcement powers in this Chapter 2.58, the commission shall also have the authority to recommend revocation of the respondent's business license conferred under Title 5 depending on the severity and pervasiveness of the respondent's actions under 2.58.115.

SECTION 4. That Section 2.58.150 of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to read as follows:

2.58.150 Complaint procedures.

A. The director shall promptly cause investigation to be made of the allegations of unfair or discriminatory practice set forth in a complaint and shall promptly furnish the respondent with a copy of said complaint. Complaints filed in the areas of employment, credit, education, and public accommodation, except complaints for conversion therapy, must be filed within three hundred days after the alleged discriminatory practice occurred. Complaints filed in the area of housing must be filed within one year after the alleged discriminatory practice occurred. Complaints filed in the area of conversion therapy must be filed within one year of the complainant's eighteenth birthday or the date of the discriminatory practice, whichever is later. The director is authorized to administratively close a case when the director finds any of the following: 1) lack of jurisdiction; 2) minimal impact on civil rights in the community; or 3) facts do not warrant further processing.

B. If it is determined after investigation that no probable cause exists for such complaint, the director shall forthwith notify the complainant and the respondent of such determination and the case shall be closed.

C. If it is determined after investigation that probable cause exists for crediting the allegations of the complaint, the director shall promptly endeavor to eliminate any discriminatory or unfair practice by conference, conciliation and persuasion (hereinafter called conciliation).

D. The director may notify the Iowa Civil Rights Commission whenever a finding of probable cause or no probable cause has been made with respect to any case within their jurisdiction or whenever such case is otherwise closed.

E. The commission or the complainant shall have the power to reasonably and fairly amend any complaint. The complaint and the answer may be amended at any time prior to the scheduling of the complaint for a public hearing, and thereafter, only upon the consent of the hearing officer.

F. In any case where the commission finds that a complainant may suffer irreparable injury as a result of a violation of this chapter, the commission may bring an immediate action in the court for a temporary injunction against a respondent.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved 4/22/2020, Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

XI. Approval of All Items on the Consent Agenda

****NOTE:** These are routine items and will be enacted at the City Council Meeting by one roll call vote without separate discussion unless an item is requested to be removed and considered separately.

On motion by Ald. Ambrose, second by Ald. Meginnis with all Aldermen present voting aye, the Consent Agenda was approved as follows:

1. Third Consideration: Ordinance amending Davenport Municipal Code Section 12.12.080.

[All Wards]

ADOPTED 2020-168

ORDINANCE NO. **2020-168**

AN ORDINANCE AMENDING DAVENPORT MUNICIPAL CODE SECTION 12.12.080

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. Davenport municipal code section 12.12.080 is amended to read as follow:

12.12.080 Assessment of costs -- Alternate method of collection.

Payment of any special tax or assessment provided for in Sections 12.12.100, 12.12.250, 12.12.310, and 12.12.340 together with any interest and costs accrued thereon, may also be enforced by action in the name of the city against the owner or owners of the lots on which such taxes and assessments may be levied, which action shall be such as is authorized and prescribed by the Code of Iowa and amendments thereto, the provisions of which, so far as applicable, are adopted as a part of this chapter. (Prior code § 35-113).

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Approved: 4/22/20, Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Second Consideration: Ordinance amending Schedule XV of Chapter 10.96 entitled "Pedestrian Traffic Signals" by deleting 2nd Street east of Fillmore Street. [Ward 3]

MOVED TO THIRD CONSIDERATION

3. Resolution accepting work completed under Phase II of the Downtown Decorative Streetlight Replacement Project, CIP #60020. The total contract with Tri City Electric was \$128,088.28. [Ward 3]

ADOPTED 2020-169

4. Resolution approving the plans, specifications, form of contract, and estimate of cost for the CY20 Microsurfacing Program, CIP #35042 & 64078. [Wards 4, 5, 6, 7, & 8]

ADOPTED 2020-170

5. Resolution approving the purchase of a lightning loader for the Solid Waste Division from the Sourcewell contract number 081716-NAF, from the vendor Truck Country of Davenport, IA in the amount of \$185,546, CIP #10503. [All Wards]

ADOPTED 2020-171

6. Resolution of acceptance for the FY19 Contract Sewer Repair Program for Legacy Corporation of East Moline, IL, CIP #30044 and #33001. [All Wards]

ADOPTED 2020-172

7. Resolution approving the contract for the RiverCenter Doors Replacement North & South Buildings to Tricon General Construction of Dubuque, IA in the amount of \$599,000, CIP #69014. [Ward 3]

ADOPTED 2020-173

8. Resolution approving the blanket contract for the purchase of hot mix asphalt from Tri City Blacktop Inc of Bettendorf, IA in the amount of \$51.50 per ton and a backup contract to Manatts, Inc - Eastern Iowa Division of Camanche, IA in the amount of \$56.50 per ton, CIP #35043. [All Wards]

ADOPTED 2020-174

9. Resolution approving a preconstruction agreement with the Iowa DOT for the Harrison St Resurfacing Project from 35th St to Central Park Ave. [Ward 7] **ADOPTED 2020-175**

10. Resolution approving the purchase of six chassis and seven bodies, plus seven trade-ins, for Solid Waste trucks to Elliott Equipment of Davenport, IA in the amount of \$1,298,122.72, CIP #10503. [All Wards] **ADOPTED 2020-176**

11. Resolution making provisions for the issuance of not-to-exceed \$50,000,000 General Obligation Corporate and Refunding Bonds, Series 2021. [All Wards] **ADOPTED 2020-177**

12. Resolution approving the contract for 503 W 15th St interior and exterior rehabilitation to Reed Construction LLC of DeWitt, IA in an amount not-to-exceed \$241,838, CIP #HM200. [Ward 3] **ADOPTED 2020-178**

13. Motion approving the petition for a street light between 1 and 2 Lombard Ct. [Ward 6] **PASSED 2020-179**

14. Motion approving beer and liquor license applications. **PASSED 2020-180**

A. New License, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

Ward 2

Hickory Creek Event Center (Chariot LLC) - 3504 Hickory Grove Rd – New License - License Type: C Liquor

Ward 3

Front Street Brewery (Front Street Brewery Inc) - Parking Lot of 421 W River Dr - Outdoor Area Event May 24, 2020 "Bags Tournament" - License Type: B Beer

Miss Phay Cafe (Miss Phay Cafe, Inc) - 510-512 Brady St - Outdoor Area New License - License Type: C Liquor

RME Courtyard (River Music Experience) - 121 W 2nd St - 6 Month New License - Outdoor Courtyard Area - License Type: C Liquor

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 N Brady St, Ste 3 into Parking Lot - Extended Outdoor Area Event June 6, 2020 "Community Yoga" - License Type: C Liquor

B. Annual license renewals (with outdoor area renewals as noted):

Ward 2

Hy-Vee Food & Drugstore #2 (Hy-Vee, Inc) - 2200 W Kimberly Rd - License Type: E Liquor

Hy-Vee Market Cafe (Hy-Vee, Inc) - 2200 W Kimberly Rd - License Type: C Liquor

Ward 3

At The Stardust (At The Stardust, LLC) - 218 Iowa St - License Type: C Liquor

Thirsty's on 3rd (T On Third Inc) - 2202 W 3rd St - Outdoor Area - License Type: C Liquor

Ward 5

Rudy's Tacos (LaRosa S.A. Inc) - 2214 E 11th St - Outdoor Area - License Type: C Liquor

Ward 7

Azteca Mexican Restaurant (Azteca Mexican Restaurant, Inc) - 4811 N Brady St, Ste 3 - License Type: C Liquor

C. Request for exemptions for 19- and 20-year-olds on premises:

Ward 3

At The Stardust (At The Stardust, LLC) - 218 Iowa St - Annual Renewal - License Type: C Liquor

15. Motion approving the purchase of one 26,000 GVW chassis from Truck Country of Iowa of Davenport, IA in the amount of \$69,150, CIP #10503. [All Wards] **PASSED 2020-181**

16. Motion awarding a contract for demolition of five buildings to Holst Trucking & Excavating of LeClaire, IA in the amount of \$54,600, CIP #60016. [Wards 1, 3, 4, & 6] **PASSED 2020-182**

17. Motion directing staff to purchase the former Chi Chi's lot near NorthPark Mall, located between Brady and Welcome Way, for the purchase price of \$345,000 and authorizing the City Administrator or City Attorney or their designees to execute all documents necessary to complete the transaction. [Ward 7] **PASSED 2020-183**

XII. Other Ordinances, Resolutions and Motions

1. *On motion by Ald. Ambrose, second by Ald. Dunn with all Aldermen present voting aye, the rules were suspend to add the following items and vote on those required.*

2. Public Hearing on the amended Annual Action Plan for Year 45 (July 1, 2019 - June 30, 2020) for the CDBG and HOME Programs and the revised Citizen Participation Plan (City of Davenport, petitioner). [All Wards] **HELD**

On motion by Ald. Ambrose, second by Ald. Dunn with all Aldermen present voting aye, the following Resolution was adopted:

3. Resolution approving the amended Annual Action Plan for Year 45 (July 1, 2019 - June 30, 2020) for the CDBG and HOME Programs and the revised Citizen Participation Plan (City of Davenport, petitioner). [All Wards] **ADOPTED 2020-184**

On motion by Ald. Ambrose, second by Ald. Gripp with all Aldermen present voting aye, the following Resolution was adopted:

4. Resolution approving the Tenant-Based Rental Assistance Program (TeBRA) with HOME funding to help respond to and/or prevent increased homelessness as a result of the COVID-19 crisis (City of Davenport, petitioner). [All Wards] **ADOPTED 2020-185**

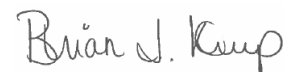
XIII. Public with Business

XIV. Reports of City Officials

The following is a summary of revenue received for the month of March 2020:

Property taxes	\$4,441,722
Other City taxes	\$1,390,827
Special assessments	-
Licenses & permits	\$373,223
Intergovernmental	\$2,218,980
Charges for services	\$3,659,594
Use of monies & property	\$519,003
Fines & forfeits	\$103,639
Bonds/Loan Proceeds	\$35,032
Miscellaneous	\$193,718

XV. Adjourn **6:50 p.m.**



Brian J. Krup
Deputy City Clerk