

# DES MOINES CITY COUNCIL MEETING

May 18, 2009 4:30 PM

The City Hall elevator is not available due to repairs from April 21 through approximately June 8, 2009. Access to the floors other than the first floor is by the stairwells. An accessible room on the ground floor is available with a television to watch the public meetings held in the Council Chambers at the Naucalpan Room across from the Information Desk. Public comments may be addressed to the Council, or other board or commission, during the public meeting from the Naucalpan Room.

The City of Des Moines is pleased to provide accommodations to individuals or groups with disabilities and encourages participation in City government. During the period that the City Hall elevator will be out of service, to better serve you, when possible please notify us at least three business days in advance at 515-283-4209, should special accommodations be required. City Council Meetings are broadcast with closed captioning. Assistive Listening Devices are available for meetings in the Council Chambers.

## PROCLAMATIONS – 4:00 PM

National Public Works Week

National Garden Month

Small Business Week

**INVOCATION:** Rev. Tim Diebel  
First Christian Church  
2500 University Avenue

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

\* \* \* \* \*

**\*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.

3. APPROVING CONSENT AGENDA – items 3 through 56:

## LICENSES AND PERMITS

4. [Approving](#) Alcoholic Beverage License Applications for the following:

### NEW APPLICATIONS

- |     |                 |                  |          |
|-----|-----------------|------------------|----------|
| (A) | GROWN FOLKS LLC | 111 ARMY POST RD | C Liquor |
| (B) | LA HACIENDA III | 3121 INGERSOLL   | C Liquor |

## RENEWAL APPLICATIONS

(C)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(D)	CARLS PLACE	1620 WOODLAND	C Liquor
(E)	CIVIC CENTER	221 WALNUT ST	C Liquor
(F)	CONTINENTAL	428 E LOCUST ST	C Liquor
(G)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
(H)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(I)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(J)	EAST SIDE GRILL	2905 HUBBELL AVE	C Beer/Wine
(K)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(L)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Wine
(M)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(N)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(O)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor
(P)	LUCCA	420 E LOCUST ST	C Liquor
(Q)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(R)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(S)	OKOBOJI GRILL	6050 SE 14TH ST	C Liquor
(T)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(U)	PEOPLES COURT/CC TAFT	216 COURT AVE	C Liquor
(V)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(W)	QUIKTRIP #516	1000 E UNIVERSITY	C Beer
(X)	QUIKTRIP #535	1501 E GRAND AVE	C Beer
<del>(Y)</del>	<del>ROYAL FLUSH RESTAURANT</del>	<del>4440 HUBBELL AVE</del>	<del>C Liquor</del>
(Z)	SOUTH SIDE LIQUOR	1101 ARMY POST RD	E Liquor
(AA)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(BB)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(CC)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(DD)	TOBACCO OUTLET PLUS #519	3144 SE 14TH ST	C Beer
(EE)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor
(FF)	WAVELAND CAFE	4708 UNIVERSITY	B Beer

## OUTDOOR SERVICE APPLICATIONS

- (GG) BLAZING SADDLE      416 E 5TH ST      C Liquor  
Temporary in conjunction with Capital City Pride Celebration on June 13-14, 2009. Pending approval of Building Department.
- (HH) LOS LAURELES      1518 E GRAND AVE      C Liquor  
Adding permanent outdoor service area. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

## SPECIAL EVENT APPLICATIONS

- (II) BOURBON STREET 500 ARMY POST RD Five (5) Day License  
Class B Beer for event on May 22, 2009. Pending approval of Building, Electrical,  
Fire, Vice and Zoning Departments.
  - (JJ) BOURBON STREET 500 ARMY POST RD Five (5) Day License  
Class B Beer for event on May 29, 2009. Pending approval of Building, Electrical,  
Fire, Vice and Zoning Departments.
  - (KK) BOURBON STREET 500 ARMY POST RD Five (5) Day License  
Class B Beer for event on June 5, 2009. Pending approval of Building, Electrical,  
Fire, Vice and Zoning Departments.
  - (LL) PARKS AREA 710 CORNING AVE Five (5) Day License  
Class B Beer for Rendezvous on Riverview event on June 5, 2009. Pending  
approval of Building, Electrical, Fire, Vice and Zoning Departments.
- 4-I [Consideration](#) of Five-day Class B Beer License for Centerplate, One Line Drive, for a special event on May 27, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments. Sponsors: Coleman and Hensley.
5. [City](#) Clerk to issue Cigarette Licenses.
6. [City](#) Clerk to issue Coin Operated Machine Licenses.

## PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
- (A) [2009](#) Parks Playground & Basketball Court Improvements – Receiving of bids, (6-9-09), and Setting date of hearing, (6-22-09). (Constructions Estimate - \$205,500).  
[\(Council Communication No. 09-339\)](#)
  - (B) [2009](#) Designated Neighborhood Sidewalk Replacement Program – Receiving of bids, (6-9-09), and Setting date of hearing, (6-22-09). (Constructions Estimate - \$300,700).  
[\(Council Communication No. 09-340\)](#)
  - (C) [2009](#) HMA Pavement Scarification & Resurfacing – Receiving of bids, (6-9-09), and Setting date of hearing, (6-22-09). (Constructions Estimate - \$414,075).  
[\(Council Communication No. 09-341\)](#)

8. [Approving](#) execution of Iowa Department of Transportation Agreement for traffic signal upgrade at the intersection of Hubbell Avenue and Easton Boulevard.

[\(Council Communication No. 09-327\)](#)

9. Approving Professional Services Agreements for the following:

- (A) [AECOM](#), Inc. in conjunction with the Des Moines River Regional Trail – Phase 1, not to exceed \$202,000.

[\(Council Communication No. 09-330\)](#)

- (B) [Savage-Ver Ploeg & Associates](#), Inc. d/b/a SVPA Architects, Inc. for design and construction phase services for the Fire Station No. 1 Replacement, not to exceed \$363,125.

[\(Council Communication No. 09-331\)](#)

- (C) [Connect](#) Architecture and Design PC for design and construction phase services for the PD Metro Star Building Improvements, not to exceed \$28,000.

[\(Council Communication No. 09-333\)](#)

- (D) [Shuck](#)-Britson, Inc. for evaluation, design and construction phase services for the Grand Avenue over Walnut Creek Bridge Replacement, not to exceed \$267,864.

[\(Council Communication No. 09-334\)](#)

10. [Approving](#) private construction contract between Eco-Tech Construction, LLC and Nelson Development 15, LLC for paving improvements in E. 4<sup>th</sup> Street from E. Grand Avenue to Des Moines Street.

11. Approving completion and acceptance of private construction contracts for the following:

- (A) [Sanitary](#) and storm sewer improvements, Midtown Heights, between Gator Excavating, Inc. and Hubbell Realty Company.

- (B) [Sanitary](#) sewer improvements, 1815 High Street, between Gator Excavating, Inc. and Koester Construction Co., Inc.

12. [Communication](#) from Des Moines Asphalt and Paving requesting permission to sublet certain items on University Avenue Resurfacing – Des Moines River Bridge to 6<sup>th</sup> Avenue.

13. Accepting completed construction and approving final payment for the following:
  - (A) [Principal](#) Park Soffit Repair, Lansink Construction, Inc.
  - (B) [12<sup>th</sup>](#) Street Storm Sewer – Cherry to High Streets, The Underground Company, Ltd.
  
14. [Approving](#) execution of three (3) CDBG Disaster Recovery Infrastructure Grants with the Iowa Department of Economic Development.

[\(Council Communication No. 09-338\)](#)
  
15. [Authorization](#) to submit CDBG Disaster Recovery Infrastructure Applications to the Iowa Department of Economic Development.

[\(Council Communication No. 09-346\)](#)
  
16. [Approving](#) Compensation Agreement for relocation of water utility facilities in conjunction with the John & Mary Pappajohn Sculpture Park Project.

[\(Council Communication No. 09-328\)](#)

## **SPECIAL ASSESSMENTS**

17. [Levying](#) assessments for costs of nuisance abatement - NAC Emergency Orders (Community Development) Schedule No. 2009-10.
  
18. Approving deletion of NAC-Emergency Assessments for the following:
  - (A) [1805](#) 23<sup>rd</sup> Street.
  - (B) [2214](#) Dean Avenue.
  
19. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for April 2009.
  
20. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for May 2009.

## LAND/PROPERTY TRANSACTIONS

21. [Acceptance](#) of real estate documents from Iowa Department of Transportation for the Waveland Trail – Phase 1 Project.

[\(Council Communication No. 09-337\)](#)

22. [Establishing](#) fair market value of 2910 Merle Hay Rd. for the Merle Hay Rd. and Urbandale Avenue Intersection Improvements Project.

[\(Council Communication No. 09-335\)](#)

23. [Approving](#) and authorizing execution of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) Agreements and HMGP Administrative Plan and authorizing voluntary property acquisition.

[\(Council Communication No. 09-345\)](#)

24. [Approving](#) Declaration of Restrictive Covenants for the public rights-of-way in the former Pittsburg-Des Moines Steel site, SW 11<sup>th</sup> and Murphy Streets.

[\(Council Communication No. 09-302\)](#)

## BOARDS/COMMISSIONS/NEIGHBORHOODS

25. [Appointment](#) of Mark Ackelson, Greg Mace and Kaye Lozier to the Enterprise Zone Commission.

[\(Council Communication No. 09-323\)](#)

26. [Communication](#) from James Hoff advising of his resignation from the Historic Preservation Board, Seat 9, effective immediately.

- (A) [Recommendation](#) from Council Member Christine Hensley to appoint Denny Marchand to the Historic District Preservation Commission, Seat 9, for a three-year term commencing October 18, 2008, expiring October 18, 2011.

27. [Communication](#) from Dr. Bruce Heilman advising of his resignation from the Plan and Zoning Commission, Seat 8, effective immediately.

## COMMUNICATIONS FROM PLANNING AND ZONING

28. Number not used.
29. [Regarding](#) request from Frederick Robert Hews, 1622 M. L. King Jr. Pkwy., for vacation and conveyance of a segment of east/west alley running west of M. L. King Jr. Pkwy. between Washington and Mondamin Avenues, subject to conditions.

## SETTING DATE OF HEARINGS

30. [On](#) conveyance of 1161 Enos Avenue to Lars Vinz, \$500, (6-8-09).
31. [On](#) application of Imperial Properties, Inc. for relief from temporary moratorium on creation or expansion of vehicle display lots at 4141 E. 14<sup>th</sup> Street, (6-8-09).
32. [On](#) proposed renaming of streets recently annexed or to be annexed in the City of Des Moines, (6-8-09).
33. [On](#) proposed substantial amendment to the Fourth Year (2008) Action Plan of the 2005-2009 HUD Consolidated Plan for the Community Development Block Grant Funding (CDBG-R) under the American Recovery and Reinvestment Act of 2009, (Hearing will be held at a special Council meeting on June 3, 2009 at 4:00 PM).

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

34. [Approving](#) payment of \$2,192.59 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the National Pollutions Discharge Elimination System (NPDES) Permit and additional work on proposed rules by Iowa Department of Natural Resources (IDNR).
35. [Approving](#) payment of \$58,154.27 to Michael Rote for a workers' compensation claim.

## CITY MANAGER COMMUNICATIONS

36. [Approving](#) travel and training requests for Jeff Aldrich, D. Scott Baker, Jack Beardsley, Bruce Bergman, Jason Halifax, Lawrence R. McDowell, Kandice Reindl, Jeremy Walburn and Raymond Wilson.

[\(Council Communication No. 09-351\)](#)

## APPROVING

37. [Iowa](#) Community Services Block Grant (CSBG) FY 2009 CSBG American Recovery and Reinvestment Act (ARRA) Agency Plan.

[\(Council Communication No. 09-299\)](#)

38. [Community](#) Services Block Grant (CSBG) Community Action Plan Application for the 2010 CSBG Program Year.

[\(Council Communication No. 09-300\)](#)

39. [Concurrent](#) notice to the public of Finding of No Significant Impact (FONSI) on the Environment and request for the release of funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009.

[\(Council Communication No. 09-343\)](#)

40. [City](#) Manager to sign a letter of application to Polk County Housing Trust Fund (PCHTF) for private funds to provide gap funding within the Jumpstart Housing Program.

[\(Council Communication No. 09-347\)](#)

41. [Contract](#) Amendment #3 to the Community Development Block Grant Housing Disaster Recovery Fund Contract with Iowa Department of Economic Development.

[\(Council Communication No. 09-348\)](#)

42. [Preliminary](#) terms of understanding with Cold Stream, LLC for development of a 50-acre parcel at NE 46<sup>th</sup> Street and Hubbell Avenue as a light industrial business park.

[\(Council Communication No. 09-326\)](#)

43. [Submission](#) of application to State of Iowa for funding under the Community Economic Betterment Account (CEBA) and preliminary approval of terms of agreement with Eurofins Scientific, Inc. for reuse of 2200 Rittenhouse Street.

[\(Council Communication No. 09-320\)](#)

44. [Urban](#) Renewal Development Agreement with ND 25 SW 5<sup>th</sup> L.L.C. for redevelopment of property at 328 SW 5<sup>th</sup> Street, (Hawkeye Transfer Lofts).

[\(Council Communication No. 09-317\)](#)



45. [Subordination](#) and payment extension documents related to a Neighborhood Commercial Revitalization Loan to Kung Fu Tea, LLC d/b/a Gong Fu Tea for 414 E. 6<sup>th</sup> Street.

[\(Council Communication No. 09-321\)](#)

46. [Petitioning](#) Iowa Department of Economic Development to extend the Des Moines Gateway Enterprise Zone for an additional ten (10) years.

[\(Council Communication No. 09-332\)](#)

47. [Receipt](#) of Airport Board Regulation No. 09-60 regarding commercial use fees, a part of rates and charges at the Des Moines International Airport.

48. [Amendment](#) #3 to the FY2006 Law Enforcement Terrorism Prevention Program Grant changing the end date to May 31, 2009.

[\(Council Communication No. 09-329\)](#)

49. [US](#) Department of Homeland Security 2009 Assistance to Firefighters Grant Application.

[\(Council Communication No. 09-306\)](#)

50. [Second](#) Amendment to the 28E Agreement with Kiwanis Riverview Nature Island, Inc.

[\(Council Communication No. 09-307\)](#)

51. [Authorization](#) to submit application and execute contract with State Historical Society of Iowa for Historical Resource Development Program Grant for Historic Preservation Plan for Fort Des Moines, \$46,776.

[\(Council Communication No. 09-316\)](#)

52. [Communication](#) from Downtown Community Alliance on behalf of Iowa State Bank for display of banners on 10 poles in downtown Des Moines on E. Locust Street beginning June 2009.

53. Bids from the following:

- (A) [Action](#) Products Marketing Corporation, d/b/a AP/M Permaform for a portable mortar application trailer to be used by the Public Works Department, \$65,000 (Ten bids mailed, two received).

[\(Council Communication No. 09-311\)](#)

- (B) [Crow](#) Automotive Services, d/b/a Crow Tow for an annual contract with two (2) additional one year renewal options to furnish towing and emergency road services to be used by the Equipment Maintenance Center. (Bid awarded previously, now requesting additional expenditure up to \$10,000)

[\(Council Communication No. 09-312\)](#)

- (C) [Dewey](#) Ford and Charles Gabus Ford for various vehicles for city-wide use (four additions to Fleet, two replacements for Fleet, two replacements for Aviation), \$211,080. (Sixteen bids mailed, five received).

[\(Council Communication No. 09-315\)](#)

- (D) [Logan](#) Contractors Supply for crack and joint sealant and detackifier products to be used by the Public Works Department, \$27,775. (Two bids mailed, two received).

- (E) [Fire](#) Guard Inc. for self contained breathing apparatus (SCBA) to be used by the Fire Department, \$77,000. (Two bids mailed, two received).

- (F) [Hutchinson](#) Salt Co. for rock salt to be used by the Public Works Department, \$501,504.10. (Ten bids mailed, three received).

[\(Council Communication No. 09-318\)](#)

- (G) [Premier](#) Auto Solutions d/b/a AAMCO Transmissions for an annual contract with two (2) additional one-year renewal options to furnish transmission repair services to be used by the Equipment Maintenance Center. (Bid awarded previously, now requesting additional expenditure up to \$10,000).

[\(Council Communication No. 09-312\)](#)

- (H) [Sandry](#) Fire Supply for an annual contract with two (2) additional one-year renewal options to furnish fire service bunker coats and pants to be used by the Fire Department, \$42,810. (Ten bids mailed, five received).

- (I) [Tri](#) State Companies blanket purchase order for Toro mower equipment repair parts to be used by the Park & Recreation Department, \$30,000.

[\(Council Communication No. 09-308\)](#)

- (J) [Cretex](#) Concrete Products for annual contract with one (1) additional one-year renewal option to furnish concrete pipe materials for storm and sanitary sewer maintenance to be used by the Public Works Department, \$30,000. (Two bids mailed, two received).

54. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving payment to Greater Des Moines Baseball Co. (Iowa Cubs) for flood related preparedness and repairs, \$90,703.90.

[\(Council Communication No. 09-309\)](#)

55. [Civil](#) Service Entrance Lists for Park and Aviation Maintenance Technician, Housing Services Inspections Team Leader, Senior Park Planner and Civil Engineer I and Promotional Lists for Street Sweeper Operator and Combination Inspector.

56. [Authorizing](#) Finance Director to draw checks on registers for the weeks of May 18, May 24, and June 1, 2009; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of May 18, May 24 and June 1, 2009; and to draw checks for bi-weekly payroll due May 22 and June 5, 2009.

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

#### **ORDINANCES - SECOND CONSIDERATION**

57. [On](#) request from Hubbell Realty Company to rezone 5525 SE 14<sup>th</sup> Street from Ltd. “R-3” (Multiple-Family Residential) to “R-3”, removing limitation of senior residential housing on multiple-family dwellings and allowing up to 216 multiple-family residential units, subject to Developer’s agreement upon terms set forth in the Council Communication (6 Council votes are required to approve the rezoning).

[\(Council Communication No. 09-349\)](#)

#### **ORDINANCES - FIRST CONSIDERATION**

58. [Amending](#) Chapter 78 of the Municipal Code regarding allowed procedures for enforcement of the regulations applicable to peddlers, transient merchants, and solicitors.

- (A) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.

[\(Council Communication No. 09-350\)](#)

59. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

- (A) Parking Modifications -5<sup>th</sup> Avenue from School Street to Grand Avenue.

- (B) Parking Restrictions -Woods on the River Plats 6, 8 and 9.

- (C) Parking Restrictions for traffic Calming measures on 41<sup>st</sup> Street and 42<sup>nd</sup> Street between University Avenue and Forest Avenue.
- (D) Euclid Avenue Speed Limit Changes.
- (E) Code Revisions for Streets that have been vacated, renamed or had field adjustment.

[\(Council Communication No. 09-324\)](#)

## COMMUNICATIONS/REPORTS

- 60. [From](#) Rick Flatt, 620 Veterans Memorial Dr., Carlisle, to speak regarding his Application for Severance and Voluntary Annexation, seeking to have a parcel of land between Dean and Scott Avenues, used for the Des Moines Renaissance Faire, severed from Des Moines for annexation into Pleasant Hill.
- 61. [Request](#) from Dan Parker, on behalf of David and Kelsey Parker, requesting an amendment to the Zoning Ordinance which they believe necessary for the financing and sale of their home at 1331 Mattern Avenue.
- 62. [From](#) Wendy Walker Rains, 1915 York Street, to speak regarding vicious dogs and animal license fees.
- 63. [From](#) Mikki Stier, 1801 Hickman Road, to speak regarding site and facilities update and ground-breaking at Broadlawns Hospital.

**\*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 64 THRU 74)

- 64. [On](#) Application for Certificate of Public Convenience and Necessity to Operate Taxicab Services from Oh-Ho Venture Strategies, LLC, d/b/a Freedom Taxi.

[\(Council Communication No. 09-325\)](#)

65. [On](#) Twenty-Second Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area to amend qualifying criteria for the Downtown East New Office construction tax abatement.

[\(Council Communication No. 09-298\)](#)

- (A) [Communication](#) from Plan and Zoning Commission finding the amendment in conformance with the Des Moines 2020 Community Character Plan.
66. [On](#) vacation and conveyance of segments of undeveloped SE 24<sup>th</sup> Ct. and C B & Q Street rights-of-way to the Des Moines Metropolitan Wastewater Reclamation Authority.
- (A) [First](#) consideration of ordinance above.

67. Items regarding property in the vicinity of 18<sup>th</sup> and Atkins Streets to Ryan Galloway:

[\(Council Communication No. 09-336\)](#)

- (A) [Recommendation](#) from Plan and Zoning Commission.
- (B) [On](#) vacation and conveyance of portions of excess street and alley right-of-way located between 18<sup>th</sup> Street and 19<sup>th</sup> Street from Atkins Street to Day Street, \$5,875.
- (C) [First](#) consideration of ordinance above.
- (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes.
68. Items regarding property at 1670 E. County Line Road:
- (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development.
- (B) [Hearing](#) on request from Easter Lake Estates, Inc. to rezone the property, excluding the southern 140 feet, from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), subject to conditions.
- (C) [First](#) consideration of rezoning ordinance above.

69. On application from Tommy Mauro, owner of the Pelican Bar, 208 3<sup>rd</sup> Street, for vacation of a portion of the adjoining sidewalk for a sidewalk café serving alcohol.

(A) First consideration of ordinance above.

(B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

(Council Communication No. 09-322)

70. On Supplement D-1 to the Governmental Lease-Purchase Master Agreement with Delage Landen Public Finance LLC, not to exceed \$800,000.

(Council Communication No. 09-305)

(A) Authorization for additional actions.

(B) Authorizing Execution and Delivery.

(C) Approving bid from O'Halloran International Inc., for various heavy-duty trucks to be used by the Public Works Department, \$883,078.

(Council Communication No. 09-314)

71. On Supplement D-2 to the Governmental Lease-Purchase Master Agreement with Delage Landen Public Finance LLC, not to exceed \$1,200,000.

(Council Communication No. 09-304)

(A) Authorization for additional actions.

(B) Authorizing Execution and Delivery.

(C) Approving bid from Trans-Iowa Equipment for seven replacement street sweepers to be used by the Public Works Department, \$1,116,017.

(Council Communication No. 09-313)

72. On honorary designation of a section of Center Street from 12<sup>th</sup> to M.L. King Jr. Parkway after Louis A. Garland, Sr.

73. On 6<sup>th</sup> Avenue Resurfacing – University Avenue to Des Moines River Bridge: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$543,031.13.

[\(Council Communication No. 09-342\)](#)

- (A) Approving contract and bond and permission to sublet.

74. On Fleur Drive/Blue Street Resurfacing – Beardsley Street to SW 9<sup>th</sup> Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$493,620.63.

[\(Council Communication No. 09-344\)](#)

- (A) Approval of contract and bond and permission to sublet.

\*\*\* END HEARINGS AT \_\_\_\_\_ PM \*\*\*

## **APPROVING**

75. Directing sale of Series 2009E, F, and G General Obligation Bonds for the FY2009-10 Capital Improvements Budget, (a special Council meeting will be held on June 3<sup>rd</sup> at 4:00 PM to award low bid on sale of bonds).

[\(Council Communication No. 09-303\)](#)

76. Review of Board of Adjustment decision to amend a use variance at 2511 Cottage Grove Avenue to allow expansion of an existing restaurant and catering business.

[\(Council Communication No. 09-319\)](#)

77. Contract with Wellmark Blue Cross Blue Shield of Iowa, for Administration Services related to the City’s self-insured Dental Plan for employees and certain retirees and affirming report of Hearing Officer on appeal of award of contract.

[\(Council Communication No. 09-301\)](#)

## EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Consideration of Outdoor service area for Pelican Bar, 208 3<sup>rd</sup> Street on May 22-24, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments. Sponsors: Hensley and Kiernan.

## BOARD OF HEALTH

### MOTION TO CONVENE.

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations: [MEMO](#)
  - (A) [2709](#) College Avenue, two garage structures, Titleholders: Glen H. Mikel and Susan M. Mikel; Contract Buyers: Patrick G. Wegner and Karen Wegner.
  - (B) [2409](#) E. Grand Avenue, main structure, garage, and accessory structure, Titleholder: James Hook.
  - (C) [2517](#) Woodland Avenue, main structure and garage, Titleholder: 5601 Properties, LLC.
  - (D) [1331](#) 9<sup>th</sup> Street, fire-damaged main structure, Titleholder: Hollie Hughes.
  - (E) [1184](#) 14<sup>th</sup> Street, main structure, Titleholder: Kathy A. Gustafson.
2. [Communication](#) regarding demolition cost reserve being held by Nationwide Insurance Company for the fire-damaged garage structure located at 1420 E. Vine Street in Des Moines.

MOTION TO ADJOURN AT \_\_\_\_\_ P.M.



All-America City  
1949 1976 1981 2003