

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 2, 1996 4:30 P.M.

SPECIAL PRESENTATIONS

(1) SWEARING IN CEREMONIES

12:30 P.M. Council Member Gene Phillips

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4:00 P.M. Council Member Mike McPherson

Mayor Arthur Davis

(2) Polk County Sesquicentennial Commission

PROCLAMATIONS

International Printing Week

**** HEARINGS START AT 5:30 P.M. ****

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INVOCATION: Jack Porter

Co-Chair, Polk County Sesquicentennial Commission

CONSENT AGENDA ITEMS 1 through 21 -- See Page 5.

96-1 ROLL CALL: **Present: Davis, Phillips, Daniels, Flagg, Hensley, McPherson and Vlassis.**

96-2 APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING:

96-3 I. (a) Certificate of Election and Oath of Office for Arthur Davis, Mayor. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-4 (b) Certificate of Election and Oath of Office of Preston Daniels, Council Member At Large. **Moved by McPherson to adopt. Motion Carried 7-0.**

96-5 (c) Certificate of Election and Oath of Office for Mike McPherson, Council Member, Ward Two. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-6 (d) Certificate of Election and Oath of Office for Gene Phillips, Council Member, Ward Four. **Moved by Daniels to adopt. Motion Carried 7-0.**

Appointments of the following:

96-7 (e) Eric Anderson - City Manager. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-8 (f) Richard Clark - City Manager Pro Tem. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-9 (g) Roger Nowadzky - Corporation Counsel. **Moved by Vlassis to defer until evaluations are completed by Council Sub-Committee. Motion Carried 7-0.**

96-10 (h) Donna Boetel-Baker - City Clerk. **Moved by Vlassis to defer until evaluations are completed by Council Sub-Committee. Motion Carried 7-0.**

96-11 (i) Diane Rauh, Chief Deputy City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-12 (j) Bruce Bergman, Lawrence McDowell and Terrence Timmins, City Solicitors. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-13 (k) Steve Lussier, Assistant City Attorney IV. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-14 (l) Roger Brown, Mary Laughlin, Susan Low, Carol Moser and Kathy Vanderpool - Assistant Attorney III. **Moved by Daniels to adopt. Motion Carried 7-0.**

APPROVING (continued)

96-15 (m) Douglas Philip, Vicky Long-Hill, Tom DeSio and Tim Willcockson - Assistant City Attorney II. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-16 (n) Emily Gould-Chafa, Kerrie Plummer and Katharine Ramsey - Assistant City Attorney I. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-17 (o) Request from Mayor Arthur Davis to discuss City Council Seating Arrangements. **No Vote Taken. Discussion Only.**

96-18 (p) Oral request of Mayor Arthur Davis, to discuss appointment of Christine Hensley, as Mayor Pro Tem for 1996. **Moved by Flagg to approve the recommendation of Mayor Davis for the appointment hereinabove stated, until the first regular meeting of the City Council in January 1997, or as soon thereafter as possible.**

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A G E N D A
PERMITS AND LICENSES
January 2, 1996

APPROVING

96-19 1. Communication from Legal Department regarding January 2, 1996 Permit and License Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

CLASS "B" BEER LICENSES

96-20 2. Ailien Nguyen dba A-Dong Restaurant, 1905 Cottage Grove; Renewal - Expires 01-10-96 (With Sunday Sales) - Application submitted 12-06-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CLASS "C" BEER LICENSES

96-21 3. Fareway Stores, Inc., Robert L. Crammer, President dba Fareway Store, 100 Euclid - Unit 31; Renewal - Expires 1-21-96 - Application submitted 10-26-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-22 4. Danlee Corporation, Dan Moeller, President dba Jiffy, 3718 Southwest the Street; Renewal - Expires 01-25-96 (With Sunday Sales) - Application submitted 11-29-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-23 5. Krause Gentle Corporation, W.A. Krause, President dba Kum & Go, 4944 Douglas; Renewal - Expires 01-26-96 (With Sunday Sales) - Application submitted 12-08-95. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

CLASS "E" BEER LICENSES

96-24 6. Git N Go Convenience Store, Inc., Dennis Flora, President dba Git N Go Store #18, 6501 Southeast the Street; Renewal - Expires 02-06-96 (With Sunday Sales) - Application submitted 12-12-95. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

CLASS "C" BEER-WINE LICENSES

96-25 7. Wong Enterprises, Inc., Wayne Wong, President dba Kwong Tung Restaurant, 2721 Ingersoll Avenue; Renewal - Expires 01-07-96 - Application submitted 12-06-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CLASS "A" LIQUOR LICENSES

96-26 8. Mike Vande Lane, Accountant dba ANG Service Club, Inc., 3100 McKinley Avenue; Renewal - Expires 01-25-96 - Application submitted 12-18-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-27 9. Jack Mason Commander dba Highland Park Post #374, 3712 - 2nd Avenue; Renewal - Expires 01-14-96 - Application submitted 11-27-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CLASS "B" LIQUOR LICENSES

96-28 10. Des Moines International Hotel Partnership, Vice Kopacek, Partner dba Best Western International Hotel, 1810 Southwest Army Post Road; Renewal - Expires 01-10-96 (With Sunday Sales) - Application submitted 12-15-95. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CLASS "C" LIQUOR LICENSES

96-29 11. Sharon Rushing dba Cheers, 2102 Southeast the Street; Renewal - Expires 01-10-96 (With Sunday Sales) - Application submitted 12-08-95. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-30 12. Christopher's, Inc., Evelyn Giudicessi, President dba Christopher's, 2816 Beaver Avenue; Renewal - Expires 01-16-96 (With Sunday Sales) - Application submitted 11-30-95. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-31 13. Host International, Inc., William W. McCartan, President dba Host International, Inc., 5800 Fleeer Drive - DDS Moines International Airport, Terminal Building; Renewal - Expires 01-07-96 (With Sunday Sales) - Application submitted 11-14-95. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-32 14. Lester and Marcia, Inc., Lester L. Brewer, President dba Imperial Steak House, 1901 Ingersoll Avenue; Renewal - Expires 12-31-95 (With Sunday Sales) - Application submitted 12-08-95. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

96-33 15. Mikailo S. Djordjeric da Mikailo's Pub, 430 East Locust; Renewal - Expires 01-09-96 (With Sunday Sales) - Application submitted 11-27-95. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Daniels.**

AUTHORIZING

96-34 16. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

REFUNDS

96-35 17. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SUNDAY SALES

96-36 18. Michael C Young da Thing Tao Chinese Fast Food, 2231 East University. **Moved by Vlassis to adopt. Motion Carried 7-0.**

***** CONSENT AGENDA *****

(Items 1 through 21)

***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.**

96-37 Approving Consent Agenda. **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

1. Resolution Ordering Construction of the following:

96-38 (a) Police/Fire Dispatch Remodeling, Receiving of Bids (1-30-96), and Setting Date of Hearing (2-5-96). (Council Communication No. 96-011). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-39 (b) Park Avenue Box Culvert at Frink Creek, (IDOT Project), Setting Date of Hearing, (1-22-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

2. Resolution of Chief Civil Engineer showing cost of construction for the following:

96-40 (a) 1993 Street Marking Program, All Iowa Contracting Company, \$10,607.08 is now due and remaining balance of \$5,146.20 to be paid at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-41 (b) 2nd Avenue Widening-Des Moines River to New York Avenue, DM Asphalt & Paving Co./The Underground Company, Ltd, A Joint-Venture, remaining balance of \$28,305.64 to be paid at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-42 (c) E. Euclid Avenue Railroad Overpass Removal at Delaware Avenue, Herberger Construction Co., Inc., remaining balance of \$3,708.60 to be paid at the end of thirty days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-43 (d) Carney Park Parking Lot, Grimes Asphalt & Paving Corp., \$5,498.09 is now due and remaining balance of \$5,673.90 to be paid at end of thirty days. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-44 3. Approving partial payments on eight public improvement projects. (See roll call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-45 4. Communication from CMS, Inc. requesting permission to sublet certain items on ICA Wastewater Treatment Plant Waste Oil Tank Replacement. **Moved by Vlassis to adopt. Motion Carried 7-0.**

5. S.E. 22nd Street Paving, Schedule No. 1991-04:

96-46 (a) Resolution accepting Work and Ordering Preparation of Plat and Schedule of Assessments. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-47 (b) Resolution adopting and Levying Final Schedule of Assessments, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-48 6. Resolution levying assessments for costs of Nuisance Abatement-NAC (Emergency Orders), Schedule No. 1996-46, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-49 7. Resolution levying assessments for costs of Nuisance Abatement-Demolition Contract No. 157, 158 and 159, Schedule No. 1996-47, and providing for payment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

96-50 8. On reconsideration of rezoning property in vicinity of 1212 E. Herold, (Heilig Meyers), from R-2 to Ltd. C-2, (Ordinance 13,251 contained an error in legal description), (1-15-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-51 9. On vacation and conveyance of the East/West alley in vicinity of Mahaska and E. 33rd, to Ronald and Beverly Hayes, \$25 plus costs, (1-15-96). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-52 10. On conveyance of excess city-owned property in the vicinity of E. Sheridan and E. 36th Street, to R.M. Madden Construction, \$9,650, (1-15-95). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

96-53 11. Approving payment in the amount of \$2,154.08 to Hopkins & Huebner, P.C. for representation of William Moulder in case of Brown, Knox and Tarver v. City et al., No. 4-93-10811. **Moved by Hensley to approve payment. Legal Department to prepare a list of outstanding cases with potential liability to the City. Motion Carried 7-0.**

96-54 (a) Approving payment of \$17,916.60, to Terry Durrett and his attorney Larry Krpan, for worker's compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

96-55 (b) Approving payment of \$50,000, to William Costanzo and his attorney Robert Pratt, for worker's compensation claim. **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

96-56 12. City Manager's Monthly Financial Report for November 1995. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

96-57 13. Tax Abatement applications for additional value added by improvements made during 1995. (131 applications on file in Clerk's Office-See Roll Call for list). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-58 14. Close-out documents for LIHEAP Contract No. 2296-07J, for submission to the State. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-59 15. Amendment Two to LIHEAP Contract 2296-07J, to add \$926,861 to contract budget. **Moved by Vlassis to adopt. Motion Carried 7-0.**

16. Bids for the following:

96-60 (a) McKenna Truck Center, (5325 N.W. 14th Street, William McKenna, President) for two trucks with four-wheel drive, extended cab with service body, dump box and snow plow to be used by the Public Works Department (Sewer Maintenance), \$70,110. (Six bids mailed-one received). **Moved by Vlassis to adopt. Motion Carried 5-2. Nays: Flagg and Hensley.**

96-61 (b) McKenna Truck Center, (5325 N.W. 14th Street, William McKenna, President) for one truck with dump body, snow plow, and material spreader to be used by the Public Works

Department (Street Maintenance), \$28,851. (Six bids mailed-three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-62 (c) Perkin Elmer Corporation, (Norwalk, CT) for an annual agreement for laboratory analytical instruments manufactured by Perkin Elmer Corporation (repair parts) to be used by the Engineering Department at a six-percent discount from list prices. (Non-competitive procurement). **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-63 (d) Graybar Electric Co., (600 E. 4th Street), for additional electrical supplies on State of Iowa Contract 1679 by the Finance Department (Data Processing) for upgrading and additional personal computer network connections. Change order for additional \$4,443.66. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-64 17. Civil Service Entrance List for Word Processor Operator, and Promotional Lists for Motor Vehicle Program Coordinator, Refuse Collector, and Senior Police Officer. **Moved by Vlassis to adopt. Motion Carried 7-0.**

96-65 18. Certificates of Insurance for various City activities. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

96-66 19. Amending Chapter 2 of the Municipal Code regarding appointment and duties of the Urban Renewal Board; code update for clarification. **Moved by Vlassis that this ordinance do now pass, #13,290. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

96-67 20. Amending Chapter 27 of the Municipal Code, to add the intersection of 47th and New York to the list of four-way stops. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

96-68 (a) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances 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, #13,291. Motion Carried 7-0.**

96-69 21. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Corner Clearance on both sides of 16th Street south of Ingersoll; parking restriction-traffic signal revisions due to construction of bus insets at Goodrell Middle School and Douglas Elementary; Speed limit revision on 63rd street, from Grand to 1000 feet south of Railroad; and modification to coincide with existing No Parking signing on Pleasant Drive from 56th to 63rd. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

96-70 22. Amending Chapter 2 of the Municipal Code to correct references to the City Plan and Zoning Commission, (code update for clarification). **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-71 23. Amending Chapter 27 of the Municipal Code, adding Sixteenth and Forest to the list of four-way stop intersections. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

96-72 (a) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that ordinances 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, #13,292. Motion Carried 7-0.**

96-73 24. Amending Chapter 27 of the Municipal Code regarding the following traffic regulation changes: Parking meter time change from 2- to 10-Hour meters on the north side of E. Locust from E. Fourth to E. Fifth; Designating Euclid Avenue as a "through" street from 30th to Post; Designating Snow Routes on Meredith Drive from Beaver Avenue to Merle Hay, and on Tuttle Street from SW 2nd to SW 3rd; and corner clearance requests on the south side of Morton East of E. Ninth, and on the north side of Corning Avenue east of Fifth Avenue. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COMMUNICATION FROM CITY MANAGER

96-74 25. Submitting various traffic regulation changes. (See roll call for list). (Council Communication No. 96-009). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

****Council considered item 33 thru 36 next****

****Council Member Daniels left the meeting at 5:32****

HEARINGS (Opened at 5:34 P.M.) (Items 26 thru 32)

96-75 26. On proposed 30th Amendment to the Urban Renewal Plan for Capitol-Center Development Area Urban Renewal Project, to update plan language and public improvement map. **Moved by Hensley to approve. Motion Carried 6-1. Absent: Daniels.**

96-76 (a) Plan and Zoning Commission's recommendation finding the 30th Amendment in conformance with the Des Moines 2000 Land Use Concept. (Council Communication No. 96-001) **Moved by Hensley to receive and file. Motion Carried 6-1. Absent: Daniels.**

96-77 27. On application from Michael Henning, D.V.M. and Brian Martz, D.V.M., of M & H Veterinary Associates, L.C., to rezone property in vicinity of 23rd and University, from "R-3" (Multiple Family Residential) to "C-2" (General Retail and Highway Oriented Commercial), (to

correct error in legal description). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-78 (a) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

96-79 27. (b) Final consideration of ordinance above, (waiver requested by applicant). **Moved by Hensley that the rule requiring that ordinances 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, #13,293. Motion Carried 6-1. Absent: Daniels.**

96-80 28. On application from James V. Thrasher, to rezone property at 1346 Hull Avenue, from "R-2" (One and Two Family Residential) to a Limited "C-2" (General Retail and Highway Oriented Commercial). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-81 (a) First consideration of ordinance above. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Daniels.**

96-82 (b) Final consideration of ordinance above. **Moved by McPherson that the rule requiring that ordinances 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, #13,294. Motion Carried 6-1. Absent: Daniels.**

96-83 29. On disposition of property at 1530 Jefferson Street to Des Moines Independent Community School District, \$1.00. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-84 30. On conveyance of right-of-way in vicinity of E. 16th and University, to Kheng and Vine Lovan, \$25 plus costs. **Moved by McPherson to adopt. Motion Carried 5-2. Absent: Daniels and Vlassis.**

96-85 31. On Fire Station No.1 Reroofing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Iowa Roofing Company, (David K. Guy, Pres, 2904-6th Avenue, DM), \$39,860. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

96-86 (a) Approving contract and bond. **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

96-87 32. On Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, \$1,000,000, for remodeling of the Pioneer Columbus Community Center, 2100 SE 5th, (to close the hearing and authorize City Manager to negotiate further with HUD). **Moved by Flagg to adopt, reflecting new name of the Center as the**

**Archie Brooks Community Center and Recreational Complex. Motion Carried 6-1.
Absent: Daniels.**

* * END HEARINGS at 5:50 P.M. * *

****Council considered item 37 thru end of agenda next****

APPROVING

96-88 33. Amended Procedural Rules of the City Council, regarding waiving of ordinances.
Moved by Vlassis to adopt. Motion Carried 7-0.

96-89 34. Authorization to competitively bid for maintenance services for Downtown Riverfront Plaza/Amphitheater. (Council Communication No. 96-012). **Moved by Vlassis to adopt. Motion Carried 4-1-1. Pass: Flagg. Absent: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-90 35. Recommendation from Corporation Counsel and City Manager regarding bond counsel services. **Moved by Flagg to appoint the firm of Dorsey & Whitney as City's Bond Counsel. MOTION FAILED. Yeas: Daniels, Flagg and McPherson. Nays: Davis, Phillips, Hensley and Vlassis.**

96-91 (a) Recommendation from Corporation Counsel and City Manager regarding Bond Counsel Services for the City. **Moved by Hensley to receive, file and adopt the recommendation of Corporation Counsel and City Manager, to appoint Ahlers, Cooney, Dorweiler, Haynie, Smith & Albee PC Law Firm, as the City's Bond Counsel, and to direct staff to prepare a formal terms of retainer agreement for Council approval. Motion Carried 5-2. Nays: Flagg and McPherson.**

36. Documents regarding improvements in conjunction with Principal Mutual Life Insurance Company redevelopment in vicinity of Park Street between Seventh and Ninth Streets:

96-92 (a) License Agreement with Principal Mutual Life Insurance company, for maintenance of traffic island west of 9th Street/8th Place, between Center and Park. **Moved by Daniels to adopt. Motion Carried 7-0.**

96-93 (b) Agreement for Sublease and conveyance, for realignment of 8th Place. **Moved by Daniels to adopt. Motion Carried 7-0.**

96-94 36. (c) Special Warranty Deed from Principal Mutual Life Insurance Company, for widening of 7th Street. **Moved by Daniels to adopt. Motion Carried 7-0.**

****Council considered Hearing items 26 thru 32 next****

37. Actions pertaining to allocation of Low Income Housing Tax Credits for the following:

96-95 (a) No Opposition - Mid City Duplexes L.P., for new construction of 12 new buildings supplying 26 new units located at 1330, 1338, and 1706 7th Street, 1126-9th Street, 1318-10th Street, 1401 11th Street, 1231, 1234, 1238 and 1240 12th Street, and 1139 and 1241-13th.

Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Daniels.

96-96 (b) No Opposition - C&H Des Moines Partners, L.P., for new construction of 24 units located at 315 SE McKinley. **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Daniels.**

96-97 (c) No Opposition - River Oaks Centre Partners, L.P., for new construction of 60 units located at 6010 and 6030 Creston Avenue. **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Daniels.**

96-98 (d) No Opposition - Mercy Housing Iowa-III, L.P., and Dubuque Housing Initiatives, for new construction of 33 units located at 1430 College. **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Daniels.**

96-99 (e) No Opposition - 13th and Forest L.P., for new construction of 6 units at 1312, 1314, 1318, 1324 and 1332-13th Place. **Moved by Vlassis to adopt. Motion Carried 4-1-1. Pass: Flagg. Absent: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting.**

96-100 (f) No Opposition - Tenth and Cherry Associates, L.C., to rehabilitate a building at 1001 Cherry Street, into 54 units. **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Daniels.**

96-101 (g) No Opposition - 6th Avenue Apartments Investors, L.P. for renovation of 19 units at 1635-1637 6th Avenue. **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Daniels.**

96-102 37. (h) No Opposition - Sargent Park Chateau L.P. for new construction of 72 units at 3500, 3502, 3504 E. Douglas. **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Daniels.**

96-103 (i) DENIAL - Southridge Run L.P., for new construction of 85 units located at 7400 SE 14th Street. (Council Communication No. 96-005). **Moved by Vlassis to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Flagg. Absent: Daniels.**

96-104 38. Amendment to the Submission Requirements for proposals for Purchase and Rehabilitation of the former Younker's Warehouse Building. (Council Communication No. 96-006). **Moved by Vlassis to delay action until February 5 when proposals are received. MOTION FAILED 3-2-1. Yeas: Phillips, Flagg and Vlassis. Nays: Hensley and McPherson, Absent: Daniels. Mayor Davis declares a conflict of interest, and abstains from voting. Bring back 1-15-96 pursuant to Rule 33A, as requested by Council Member Flagg.**

96-105 39. Plan documents and designating City Manager as Administrator, for Bargaining Units Flexible Spending Account (FSA) Plans. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-106 40. Recommendation of Plan and Zoning, regarding request from Ralph Bumpilori of Auto Park Corporation, for vacation of a portion of north/south alley right-of-way in vicinity of 105-5th Avenue, and DENIAL of his request for sale and conveyance of such property, (to be leased only), continued from 12-18-95).(Council Communication No. 96-016). **Moved by Hensley to adopt and to refer to the City Manager and Legal Department for implementation, resolving adjacent lot ownership by Gayle Nordling, to determine if interest is there for split lease of the property MOTION FAILED 3-3-1. Yeas: Davis, Hensley and Vlassis. Nays: Phillips, Flag and McPherson. Absent: Daniels**

41. The following contracts or agreements for S.W. 5th Street Bridge Rehabilitation Project:

96-107 (a) Contract with State Historical Society of Iowa for use of \$12,110 from State of Iowa's Historical Resource Development Program funds. **Moved by Vlassis to adopt, Motion Carried 6-1. Absent: Daniels.**

96-108 (b) Agreement with Iowa Department of Transportation for use of \$100,000 from ISTEA Transportation Enhancement Program funds. (Council Communication No. 96-007). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-109 42. Addendum to Preconstruction Agreement with IDOT to reconstruct Douglas Avenue/Euclid Avenue (U.S. 6) from M.L. King, Jr. Parkway to Lower Beaver Road. (Council Communication No. 96-003). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-110 43. Supplemental Agreement No. 2 with Calhoun-Burns & Associates, Inc. for professional services in conjunction with design of Bridge Deck Repair on Fleur Drive Bridge over Raccoon River in an amount not to exceed \$8,200. (Council Communication No. 96-004). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-111 44. Professional Services Agreement with Shuck-Britson, Inc. in the amount of \$13,116 for Rehabilitation of SW 7th Street Bridge over the Raccoon River, subject to approval by IDOT and Federal Highway Administration. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-112 45. Agreement Amendment No. 2 to Step 2 Engineering Services Agreement with RUST/Metcalf & Eddy - A Joint Venture to perform additional out-of-scope engineering design services for proposed Various Capital Improvements at Des Moines ICA Regional Wastewater Treatment Plant, not to exceed \$7,120. (Council Communication No. 96-002). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

96-113 46. Intergovernmental 28E Agreements for impoundment and disposition of "at large" dogs, with Windsor Heights and Pleasant Hill. (Council Communication No. 96-014). **Moved by**

Flagg to defer to 1-15-96. City Manager to provide additional information regarding fees and charges of other cities for disposition of animals. Motion Carried 6-1. Absent: Daniels.

96-114 47. Submission of a CEBA Application to the State of Iowa, for preliminary approval for a Local Contribution, for OPIS Corporation, 1101 Walnut Street. (Council Communication No. 96-008). **Moved by Hensley to approve. Motion Carried 6-1. Absent: Daniels.**

96-115 48. Deferral of action on Proceedings to take additional action for the authorization of a loan Agreement and issuance of \$3,000,000 Airport Revenue Capital Loan Notes. (Council Communication No. 96-010). **Moved by Flagg to defer action on the bonding proposal to the Council meeting on 1-15-96. City Manager to report on Airport Finance figures and projections. Motion Carried 6-1. Absent: Daniels.**

49. 1996 Community Development Block Grant Contracts, January 1 to December 31, 1996, with the following:

96-116 (a) Hispanic Educational Resources Inc., to administer the Community Outreach & Quality Assurance Project, \$45,800. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-117 (b) Home Recycling Exchange Inc., to administer the Recycling For Homes Project, \$29,134. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-118 (c) Home Inc., to administer the Affordable Housing & Employment Collaborative Project, \$134,307. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-119 (d) Mid-City Business Center, Inc., to administer the Mid-City Business Center Project, \$100,600. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-120 (e) One's Self Actualizing Communications Skills Center Inc., to administer the OSACS Women's Center Program Services Project, \$15,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent:**

96-121 (f) Tiny Tot Child Care & Family Outreach Center, to administer the Before and After School Summer Program for School-age Children K-5 Project, \$40,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-122 (g) Willkie House Inc., to administer the Resource and Program Development Project, \$77,000, and \$14,000 1995 carryover funds. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-123 (h) Suntaman Communication Inc., to administer the Suntaman Communications Inc Project, (Urban Dreams), \$20,000. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Daniels.**

96-124 50. Supplemental Agreement No. 1 for Professional Services with Herbert/Lewis/Kruse/Blunck, in conjunction with Construction-Phase Services on the Civic Center/Federal Building/Plaza Condominium Skywalk Connection, not to exceed, \$115,821, (continued from 12-18-95). (Council Communication No. 96-015). **Moved by Hensley to adopt. Motion Carried 4-1-1-1. Nays: McPherson. Pass: Vlassis. Absent: Daniels.**

96-125 51. Approving PPO Addendum to the Principal Mutual Life Insurance Company Administrative Agreement, (continued from 12-18-95).(Council Communication No. 96-013). **Moved by Phillips to adopt. Motion Carried 6-1. Absent: Daniels.**

96-126 52. Approving nomination recommendation of Council Member At-Large, Preston Daniels for reappointment of Billy Jean Stone to the Park and Recreation Board for a four-year term to expire June 30, 2000. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

53. Communications from the following, submitting resignations from various Boards and Commissions:

96-127 (a) Andrew Mooney, Public Housing Advisory Board, effective January 10, 1996. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 6-1. Absent: Daniels.**

96-128 (b) John P. Locke, AIA, Building Code Board of Appeals, effective immediately. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 6-1. Absent: Daniels.**

96-129 (c) Joe Strasser, Veterans Memorial Auditorium Commission, effective immediately. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 6-1. Absent: Daniels.**

96-130 (d) Steven Andrew Johns, Traffic Safety Committee, effective immediately. **Moved by McPherson to receive, file and accept with deep regret. Motion Carried 6-1. Absent: Daniels.**

96-131 54. Authorizing Finance Director to draw warrants on registers of January 5, 1996 and January 12, 1996 and bills of the Des Moines Municipal Housing Agency for the weeks beginning January 1, 1996 and January 8, 1996, and the biweekly payroll due employees on January 5, 1996. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

COMMUNICATIONS/REPORTS

96-132 55. Communication from Terry and Sue Haltom, 2304 - 39th, requesting an extension of a building permit for six months beyond the December 28, 1995 extension date. **Moved by Vlassis to receive, file and grant the request to speak, and defer action January 15, 1996, for further review by Council and staff. Motion Carried 6-1. Absent: Daniels.**

96-133 56. From Eugene White, Des Moines Action Board Chair, regarding proposed City staff reduction. **Moved by Vlassis to receive and file. Motion Carried 6-1. Absent: Daniels.**

96-134 57. Request from Council Member George E. Flagg to discuss the Alice Cunningham Animal Shelter on E. 14th Street-adoption procedures and signage for the shelter. **Moved by Flagg to receive, file and discuss; and refer to City Manager to report back on January 15, 1996, regarding sign proposal, and to further review and make recommendations regarding finances and operation of the shelter. Motion Carried 6-1. Absent: Daniels.**

96-135 58. Request from Robert Bright, 3201 Cleveland, to speak regarding vicious dog ordinance and the vicious dog at 3222 Cleveland Avenue. **Moved by Vlassis to receive, file and grant the request to speak; refer to Legal and City Manager to review ordinance provision for possible recommended revisions. Motion Carried 6-1. Absent: Daniels.**

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A G E N D A

BOARD OF HEALTH

January 2, 1996

96-136 MOTION TO CONVENE. **Moved by Vlassis that the City Council Adjourn and Convene as a Board of Health. Motion Carried 6-1. Absent: Daniels.**

AUTHORIZING

1. Court authority to abate the public nuisance at the following location(s):

96-137 (a) 1528 Carpenter (vacant) TITLEHOLDERS/LANDLORDS: Daniel C. Hearn and Norlene M. Gegner. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-138 (b) 1111 E. 8th (vacant) TITLEHOLDERS/LANDLORDS: Thomas W. and Suzanne L. Davidson; LEGAL INTEREST HOLDERS: Federal Home Loan Mortgage Corporation, Attn: Ann Chandler, Servicing Specialist III, Federal Home Loan Mortgage Corporation, C/O Republic Security Bank. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-139 (c) 101 E. 15th Court a/k/a 101 SE 15th Court (vacant) TITLEHOLDER/LANDLORD: Virginia A. Thiel; LEGAL INTEREST HOLDER: John Holtz, as Guardian and Next Best Friend of Hannah Holtz. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-140 (d) 2804 E. 38th (vacant) TITLEHOLDER: Chris, Inc.; CONTRACT BUYER/LANDLORD: SRS, Inc. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Daniels.**

96-141 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:10 P.M. Motion Carried 6-1. Absent: Daniels.**