



**\*\*\* 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 '09-' 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**

**April 20, 2009 4:30 P.M.**

**SPECIAL PRESENTATIONS – 4:00 P.M.**

Song About Trees performed by the Downtown School Students

**PROCLAMATIONS**

[Arbor](#) Day  
[Administrative](#) Professionals Day

**INVOCATION:** Reverend Craig Robertson  
Grant Park Christian Church  
2440 Capitol Avenue

[09-600](#)

1. **ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Council Member Kiernan participated in the meeting by telephone.**

[09-601](#)

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

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**\*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.**

[09-602](#)

- 3. APPROVING CONSENT AGENDA – items 3 through 46: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

**LICENSES AND PERMITS**

[09-603](#)

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

**NEW APPLICATIONS**

(A)	EAST 25TH STREET PUB	509 E 25TH ST	C Liquor
<del>(B)</del>	<del>EASTGATE LAUNDROMAT</del>	<del>1424 E OVID AVE</del>	<del>B Beer</del>

**RENEWAL APPLICAIONS**

(C)	ALL IN THE FAMILY LOUNGE	4413 FLEUR DR	C Liquor
(D)	BARATTAS RESTAURANT	2320 S UNION ST	C Liquor
(E)	BOURBON ST	500 ARMY POST RD	C Liquor
(F)	CAFE BARATTA'S	600 E LOCUST ST	C Liquor
(G)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(H)	DES MOINES ART CENTER	4700 GRAND AVENUE	C Liquor
(I)	DES MOINES YACHT CLUB	2617 INGERSOLL	C Liquor
(J)	DJANGO RESTAURANT	1000 WALNUT ST	C Liquor
(K)	GERRIS	232 E 30TH ST	C Liquor
(L)	GRAND PIANO BISTRO	506 E GRAND AVE	C Liquor
(M)	GREENWOOD LOUNGE	3707 INGERSOLL	C Liquor
(N)	H & A MINI MART	5901 FLEUR DR	C Beer
(O)	JOHNNYS HALL OF FAME	302 COURT AVE	C Liquor
(P)	KELLEYS ON BEAVER	3606 BEAVER AVE	C Liquor
(Q)	KRUEGERS AMOCO #2	630 SW 9TH ST	C Beer
(R)	LA FAVORITA	1700 E GRAND AVE	C Beer
(S)	LAST STOP BEVERAGE SHOP	2839 E UNIVERSITY	E Liquor
(T)	QUIKTRIP #515	1421 INGERSOLL	C Beer
(U)	RITUAL CAFE	1301 LOCUST ST	C Beer/Wine
<del>(V)</del>	<del>SCORNOVACCAS PIZZA</del>	<del>1930 SE 14TH ST</del>	<del>C Liquor</del>
(W)	TIM FLANAGANS	2120 INGERSOLL	C Liquor
(X)	ZEN RESTAURANT	400 WALNUT ST	C Liquor

**OUTDOOR SERVICE APPLICATIONS**

(Y) DUBLIN 2307 UNIVERSITY C Liquor  
 Temporary in conjunction with Drake Relays effective April 23, 2009 through April 26, 2009.

(Z) UNKNOWN BAR 2222 FOREST AVE C Liquor  
 Temporary in conjunction with Drake Relays effective April 21, 2009 through April 25, 2009.  
 Pending approval of Building, Electrical, Fire and Zoning Departments.

## SPECIAL EVENTS APPLICATIONS

(AA) DOS RIOS 420 COURT AVE Five (5) Day License  
Class C Liquor License for Cinco De Mayo event on May 2, 2009 at the 420 Court Avenue parking lot. Pending approval of Electrical, Fire and Police Departments.

(BB) HEART CONNECTION 1200 GRAND AVE Five (5) Day License  
Class C Liquor License at the John and Mary Pappajohn Education Center for a fundraiser on April 25, 2009. Pending approval of Fire, Vice and Zoning Departments.

(CC) GREAT CATERERS OF IOWA 309 E 5TH ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for The Silent Auction and Teacher Appreciation event on May 1, 2009. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

- [09-604](#) 4I [Approving](#) New Special Class C (Beer/Wine) License for Scornovaccas Pizza, 1930 SE 14<sup>th</sup> Street, (Changing from a Class C Liquor License). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-605](#) 4II [Approving](#) temporary outdoor service area on May 2, 2009 for Bourbon Street, Class C Liquor License, 500 Army Post Rd. Pending approval of Building, Electrical, Fire and Zoning Departments. Sponsor: Council Member Meyer. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-606](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## PUBLIC IMPROVEMENTS

- [09-607](#) 6. [Approving](#) execution of a 28E Agreement with Warren County for Fleur Drive and Blue Street Resurfacing from Beardsley Street to SW 9<sup>th</sup> Street Chapter 28E Agreement by and between the City of Des Moines and Warren County. ([Council Communication No. 09-241](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-608](#) 7. [Approving](#) execution of Iowa Department of Transportation (IDOT) Agreement for Principal Riverwalk-Walnut/Grand Avenue West. ([Council Communication No. 09-239](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-609](#) 8. [Approving](#) execution of Iowa Interstate Railroad, Ltd. Grade Crossing Surface Repair Program Agreements for SE 2<sup>nd</sup> Street and SE 5<sup>th</sup> Street. ([Council Communication No. 09-238](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

9. Approving Professional Services Agreements for the following:

[09-610](#) (A) [OPN](#), Inc., a/k/a OPN Architects, Inc. for design and construction phase services for the Fire Department Training & Logistics Facility, not to exceed \$522,226. ([Council Communication No. 09-249](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-611](#) (B) [Shuck](#)-Britson, Inc. for evaluation, design, and construction phase services for the SW 7<sup>th</sup> Street Bridge over the Raccoon River Rehabilitation, not to exceed \$196,733. ([Council Communication No. 09-240](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-612](#) 10. [Authorizing](#) execution of Iowa Department of Transportation (IDOT) Agreement for Army Post Road Widening from SE 5<sup>th</sup> to SW 9<sup>th</sup>. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-613](#) (A) [Authorization](#) to proceed with acquisition of necessary right-of-way and easements. ([Council Communication No. 09-242](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

11. NUMBER NOT USED.

[09-614](#) 12. [Communication](#) from Contractors requesting permission to sublet certain items on public improvement projects. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

[09-615](#) (A) [Christensen](#) Bros., Inc. – SW 9<sup>th</sup> Street Viaduct over M.L. King, Jr. Parkway and Railroad Bridge Rehabilitation. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-616](#) (B) [The](#) Underground Company, Ltd. – Lincoln Avenue Sanitary Sewer – Victoria Drive to 33<sup>rd</sup> Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-617](#) (C) [OMG](#) Midwest, Inc. d/b/a Des Moines Asphalt & Paving – 2008 Expanded Street Resurfacing Program – Contract 3. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## **SPECIAL ASSESSMENTS**

[09-618](#) 14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2009-09. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [09-619](#) 15. [Reapproving](#) subdivision plat entitled Hayes Addition to Capitol Heights No. 2 located in unincorporated Polk County at 4353 NE Aurora (located within the 2 mile jurisdiction). ([Council Communication No. 09-219](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-620](#) 16. [Approving](#) separate agreements with Iowa Department of Transportation (IDOT) and Hy-Vee, Inc., regarding the construction of a signalized intersection on Douglas Avenue at the entrance of the proposed Hy-Vee Store, west of Beaver Avenue, and granting authorization to proceed with acquisition of necessary right-of-way. ([Council Communication No. 09-243](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [09-621](#) 16I [Recommendation](#) from Council Member Hensley to appoint Lynn Fallon to the Public Housing Board, Seat 6, for a three-year term commencing June 30, 2008 to expire June 30, 2011. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [09-622](#) 17. [Regarding](#) request from Baker Real Estate, LP (owner) represented by Bernice Baker (partner) for review and approval of “Cold Stream Business Park”, a preliminary subdivision plat of property at 4500 Hubbell Avenue for creation of nine (9) lots on 49.67 acres of land with extension of a public street from Hubbell Avenue, subject to revising plat. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [09-623](#) 18. [On](#) request from William Stowe, Wastewater Reclamation Authority for vacation of segments of undeveloped street right-of-way for development of proposed Combined Sewer Solids Separation Facility in the vicinity of SE 24<sup>th</sup> Court from C B & Q Street north to Burlington Northern and Santa Fe Railroad, and C B & Q Street from SE 24<sup>th</sup> Court east to Burlington Northern and Santa Fe Railroad subject to provision of easements for any existing utilities until they are relocated. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [09-624](#) 19. [On](#) conveyance of 2737 Indianapolis Avenue to Neighborhood Builders, LLC, \$3,000, (5-4-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
20. On the following items regarding General Obligation Bonds, (5-4-09): ([Council Communication No. 09-220](#))
- [09-625](#) (A) [Resolution](#) electing classifications and procedures for proposed bond projects. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-626](#) (B) [On](#) issuance of not to exceed \$15,895,000 (for Essential Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-627](#) (C) [On](#) issuance of not to exceed \$3,100,000 (for Urban Renewal Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-628](#) (D) [On](#) issuance of not to exceed \$695,000 (for General Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-629](#) (E) [On](#) issuance of not to exceed \$995,000, (for General Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-630](#) (F) [On](#) issuance of not to exceed \$555,000 (for General Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-631](#) (G) [On](#) issuance of not to exceed \$770,000 (for General Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-632](#) (H) [On](#) issuance of not to exceed \$995,000 (for General Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-633](#) (I) [On](#) issuance of not to exceed \$815,000 (for General Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-634](#) (J) [On](#) issuance of not to exceed \$1,000,000 (for General Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-635](#) (K) [On](#) issuance of not to exceed \$1,000,000 (for General Corporate Purposes) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-636](#) 21. [On](#) Farm Lease Agreement with Robert Campfield for approximately 241 acres in the Des Moines Agrimergent Technology Park, SE 43<sup>rd</sup> Street and Vandalia Rd., (5-4-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-637](#) 22. [On](#) 22nd 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, (5-18-09). ([Council Communication No. 09-218](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-638](#) 23. [On](#) appeal from Edward C. Muelhaupt III on the Certificate of Appropriateness for the reconstruction of a retaining wall at 649-18<sup>th</sup> Street, in the Sherman Hill Historic District, (5-4-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-639](#) 24. [On](#) Airline Operating Agreement and Terminal Building Lease with Continental Airlines, Inc. at the Des Moines International Airport, (5-4-09). ([Council Communication No. 09-252](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-640](#) 25. [Approving](#) payment of \$48,169.84 to Eric Akkerman for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-641](#) 26. [Approving](#) payment of \$50,000 to Stephen and Debra Carter for an incident occurring on March 17, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [09-642](#) 27. [Approving](#) travel and training requests for Tom Vlassis, T.M. Franklin Cownie, Mark Gregory, Mike Matthes and Vicky Long Hill. ([Council Communication No. 09-244](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## APPROVING

- [09-643](#) 28. [Fiscal](#) Year 2006 Continuum Of Care (COC) Closeout Certification Documents. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-644](#) 29. [Execution](#) of additional HOME Contract documents with Community Housing Initiatives, Inc. for renovation of 12 units of senior rental housing at 3716 Indianola Road. ([Council Communication No. 09-217](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-645](#) 30. [Iowa](#) Department of Economic Development (IDED) Community Development Block Grant (CDBG) Housing Disaster Recovery Fund Contract (08-DHR-209). ([Council Communication No. 09-254](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-646](#) 31. [Authorizing](#) submittal of two single-family new construction applications for Community Development Block Grant (CDBG) funds to the Iowa Department of Economic Development (IDED). ([Council Communication No. 09-250](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
32. Items regarding the John and Mary Pappajohn Sculpture Park:
- [09-647](#) (A) [Private](#) Construction Contract between Control Installations of Iowa, Inc. and Des Moines Art Center for security system improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-648](#) (B) [Agreement](#) with Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center and Nationwide Mutual Insurance Company for donation of security equipment and services. ([Council Communication No. 09-256](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-649](#) (C) [Change](#) Order No. 3 with Pinnacle Construction Group, LLC for additional work, not to exceed \$164,485. ([Council Communication No. 09-251](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-650](#) 33. [Short-term](#) renewal addendum to contract for on-site fleet services parts procurement and supply services with Genuine Parts Company d/b/a NAPA Auto Parts. ([Council Communication No. 09-234](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-651](#) 34. [Retention](#) of outside counsel, Chester C. Woodburn III of Hansen, McClintock and Riley, and Scott J. Beattie of Petticord, Wharton, Spencer, Hock, Barron & Wegman for representation of Des Moines Police Officers John Mailander and Mersed Dautovic in Federal District Court. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- WITHDRAWN
- [09-652](#) 35. ~~Agreement for Des Moines Park and Recreation Aquatic Education Programming with the Iowa Department of Natural Resources.~~
- [09-653](#) 36. [Des](#) Moines Area Regional Geographic Information System (GIS) Partnership Business Plan and Memorandum of Understanding (MOU) and authorize the City Manager or designee to seek final adoption of the Business Plan and MOU by Regional GIS Partners. ([Council Communication No. 09-230](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-654](#) (A) [Approval](#) of annual software maintenance and support costs for Geographic Information System (GIS) software licensed by Environmental Systems Research Institute (ESRI) Inc. (Redlands, CA). ([Council Communication No. 09-231](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-655](#) 37. [Grant](#) Application under the 2009 Recovery Act: Ed Byrne Memorial Competitive Grant Program. ([Council Communication No. 09-245](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-656](#) 38. [Playground](#) Surface and Playground Improvements Donation and Installation Agreement with National Safe Surfacing Initiative, LLC. ([Council Communication No. 09-227](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-657](#) 39. [Agreement](#) with Sprint Solutions, Inc. for cell phone services. ([Council Communication No. 09-255](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-658](#) 40. [Receive](#) and file Quarterly Treasurer's Report as of March 31, 2009. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [09-659](#) 41. [Communication](#) from Downtown Community Alliance on behalf of the Des Moines Art Center to approve banner design for 30 banners to be displayed in Downtown Des Moines on Locust Street from June through September. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**



42. Bids for the following:

- [09-660](#) (A) [1824](#) Scott LLC and Bayliff Construction for an annual contract with two (2) additional one year renewal options to furnish concrete constructions services for use by the Parks and Recreation Department, \$65,000. (Thirteen bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-661](#) (B) [Bituminous](#) Materials & Supply for an annual contract with two (2) additional one year renewal options to furnish emulsified asphalt materials to be used by the Public Works Department, \$300,000. (Three bids mailed, one received). ([Council Communication No. 09-237](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**
- [09-662](#) (C) [Bonnie's](#) Barricades for an annual contract with two (2) additional one year renewal options to furnish traffic safety devices to be used by the Public Works Department, \$72,500. (Three bids mailed, one received). ([Council Communication No. 09-235](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Hensley.**
- [09-663](#) (D) [Norwalk](#) Ready Mixed Concrete, Liberty Ready Mix, CTI Ready Mix and American Concrete Products for an annual contract with two (2) additional one year renewal options to furnish Portland cement concrete products to be used by the Public Works Department, \$575,000. (Ten bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-664](#) 43. [Civil](#) Service Entrance List for System Administrator and Promotional List for Street Maintenance Worker. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [09-665](#) 44. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of April 20 and April 27, 2009; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for the weeks of April 20 and April 27, 2009; and to draw checks for bi-weekly payroll due April 24, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

#### **ORDINANCES - FINAL CONSIDERATION**

- [09-666](#) 45. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Vlassis that this ordinance do now pass, [#14,846](#). Motion Carried 7-0.**
- (A) Parking Restriction – north side of Des Moines Street east of E. 11<sup>th</sup> Street
- (B) Reduced Speed Limits - Indianola Avenue from E. Army Post Road to County Line Road.

## ORDINANCES - SECOND CONSIDERATION

- [09-667](#) 46. On rezoning of the property at 4506 SW 9<sup>th</sup> Street from “C-1A” (Neighborhood Commercial Reuse) to Ltd “C-2” (General Retail and Highway Commercial), to allow a construction contractors’ business. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

## ORDINANCES - FIRST CONSIDERATION

- [09-668](#) 47. Amending Chapter 74 of the Municipal Code regarding fees to aquatic centers, swimming pools and marina. (Council Communication No. 09-223) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [09-669](#) (A) Final consideration of ordinance above. **Moved by Coleman 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, #14,847. Motion Carried 7-0.**

- [09-670](#) 48. Amending Chapter 114 of the Municipal Code regarding revision to parking restriction on the west side of E. 22<sup>nd</sup> Street north of Hubbell Avenue. (Council Communication No. 09-233) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [09-671](#) (A) Final consideration of ordinance above. **Moved by Mahaffey 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, #14,848. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [09-672](#) 49. From Bob Wessel, 2719 E. Leach, to speak regarding finances. **Moved by Hensley to receive and file comments. Motion Carried 5-1-1. Nays: Coleman. Pass: Cownie.**

## HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 62)

- [09-673](#) 50. On appeal from Scott Poradek, 105 North F Street, Indianola, IA, regarding recommended denial of a Taxicab License. (Continued from April 6, 2009). **Moved by Vlassis to deny license. Motion Carried 7-0.**

- [09-674](#) 51. On appeal from Joseph Hansen, 3401 Kingman Boulevard, regarding Administrative Hearing Officer’s decision on impounded vehicle. **Moved by Hensley to uphold decision. Motion Carried 7-0.**

- [09-675](#) 52. [On](#) Lease Amendment with Verizon Wireless (VAW) LLC (Assignee of Des Moines MSA General Partnership) and Use Authorization and Consent Agreement with American Tower Delaware Corporation for Waveland Golf Course Telecommunications Tower . ([Council Communication No. 09-226](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-676](#) 53. [On](#) Lease of a portion of Ewing Park with Greater Des Moines Soap Box Derby Association for a period of five years, with an option for a five-year renewal. ([Council Communication No. 09-224](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-677](#) 54. [On](#) Lease of a portion of Ewing Park with Ewing Park BMX Club for a period of five years, with an option for a five-year renewal. ([Council Communication No. 09-225](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-678](#) 55. [On](#) Urban Renewal Development Agreement with Doll Distributing LLC and conveyance of Disposition Parcel No. 28A in the Guthrie Avenue Business Park Urban Renewal Area. ([Council Communication No. 09-228](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-679](#) 56. [On](#) conveyance of 2940 State Street to Anthony and Susan Franceschine, \$500. ([Council Communication No. 09-246](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-680](#) 57. [On](#) conveyance of 2935 Mahaska Avenue to LAB Investment Company, Inc., \$10,101. ([Council Communication No. 09-247](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-681](#) 58. [On](#) conveyance of property at the southwest corner of Jarvis Street and Keyes Drive to Douglas S. Brower and Marsha L. Duea, \$1,000. ([Council Communication No. 09-248](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-682](#) 59. [On](#) request from Hubbell Realty Company to rezone 1701 E. Euclid Avenue from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow for conversion of a warehouse space to a recycling collection center. **Moved by Kiernan to approve and adopt. Motion Carried 7-0.**
- [09-683](#) (A) [First](#) consideration of ordinance above. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [09-684](#) 60. **On** Proposed Substantial Amendment to the Fourth (2008) Year Action Plan of the 2005-2009 HUD Consolidated Plan for the Homelessness Prevention and Rapid Re-Housing Program. ([Council Communication No. 09-221](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-685](#) (A) **Communication** from the Neighborhood Revitalization Board (NRB). **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [09-686](#) (B) **Communication** from the Polk County Housing Continuum Board (PCHCB). **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [09-687](#) 61. **On** request from Hubbell Realty Company to rezone property at 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 240 multiple-family residential units. (A Plan and Zoning Commission motion to approve the request failed by a vote of 5-5. 6 Council votes are required to approve the request due to the % of opposition by adjoining property owners). (Continued from 2-9-09): ([Council Communication No. 09-253](#)) **Moved by Hensley to close the hearing; refer to the City Manager to report back on the following items at the May 4<sup>th</sup> Council Meeting: 1. Density, 2. Traffic – Ingress/Egress, 3. Storm water flow, 4. Alternate location on SE 14<sup>th</sup>, 5. 2020 Community Character Plan-best use of the property. Motion Carried 6-1. Nays: Meyer.**
- [09-688](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage; refer to the City Manager to report back on the following items at the May 4<sup>th</sup> Council Meeting: 1. Density, 2. Traffic – Ingress/Egress, 3. Storm water flow, 4. Alternate location on SE 14<sup>th</sup>, 5. 2020 Community Character Plan- best use of the property. Motion Carried 6-1. Nays: Meyer.**
62. Items regarding request from Menard, Inc. 1201 E. Diehl Avenue, to allow expansion of existing outdoor merchandise area and roofed garden center to north side of existing Menard’s Store, subject to conditions (**Continued from 4-6-09**): ([Council Communication No. 09-236](#))
- [09-689](#) (A) **Amending** the 2020 Community Character Land Use Plan future land use designation, from Low Density Residential to Community Commercial. **Moved by Coleman to defer to the May 4<sup>th</sup> Council Meeting. Motion Carried 7-0.**
- [09-690](#) (B) **Hearing** on rezoning of the property from “R1-60” (One-Family Low Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to Ltd C-2. **Moved by Coleman to close the hearing and refer to the City Manager to work with Council Member Meyer to consider the Traffic Safety Committee’s recommendation to request a stop light at the Menards entrance, route traffic onto Cummins Parkway, or other ways to reduce traffic on Diehl. Motion Carried 7-0.**

- [09-691](#) (C) **First** consideration of rezoning ordinance. **Moved by Coleman that this ordinance be considered and given first vote for passage; refer to the City Manager to work with Council Member Meyer to consider the Traffic Safety Committee's recommendation to request a stop light at the Menards entrance, route traffic onto Cummins Parkway, or other ways to reduce traffic on Diehl. The second consideration of the ordinance will be on the May 4<sup>th</sup> agenda. Motion Carried 7-0.**
- [09-692](#) (D) **Communication** from Jordan Task Force. **Moved by Coleman to receive and file. Motion Carried 7-0.**

### APPROVING

- [09-693](#) 63. **Proposal** of Holland & Knight LLP to provide Federal Government Affairs Services. **(Council Communication No. 09-222) Moved by Vlassis to approve; refer to the City Manager to closely monitor benchmarks and deliverables. Motion Carried 5-2. Nays: Kiernan and Meyer.**
- [09-694](#) 64. **Renewal** Agreement for maintenance of Gateway West Park, Principal Riverwalk, MLK Parkway and East Locust Streetscape. **(Council Communication No. 09-229) Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-695](#) 65. **Resolution** to receive and file a proposal from Helena Industries to purchase land in the SE Agrimergent Business Park and refer to City Manager for further review and negotiation. **(Council Communication No. 09-232) Moved by Meyer to receive and file. Motion Carried 7-0.**

### EXTRA ITEMS

- [09-696](#) 1. **Authorization** to submit application by Iowa Soybean Association on behalf of the City of Des Moines to the Environmental Protection Agency for National Clean Diesel Campaign Grant. Sponsor: Mayor Cownie **(Council Communication No. 09-257) Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-697](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:56 PM. Motion Carried 7-0.**

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