



*** 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

June 8, 2009 4:30 PM

I. CLOSED SESSION – 3:00 PM

- [09-944](#) (A) Roll Call. **Present: Cownie, Coleman, Hensley, Mahaffey, Meyer and Vlassis. Absent: Kiernan. Council Member Kiernan arrived during the Closed Session, Item I-C.**
- [09-945](#) (B) Recess and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss matters of pending litigation. **Moved by Hensley to adopt. Motion Carried 6-1.**
- [09-946](#) (C) Closed Session.
- [09-947](#) (D) Terminate closed session and reconvene in open session. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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SPECIAL PRESENTATIONS – 4:15 PM

Greater Des Moines Sister Cities Commission – Provincia di Catanzaro

~~Grays Lake Neighborhood Association~~

INVOCATION: Council Member Thomas Vlassis

[09-948](#)

1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.**

[09-949](#)

- I Request from Youth Advisory Board to speak regarding their event, DMPalooza, on June 12, 2009. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

[09-950](#)

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley 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.**

[09-951](#)

3. APPROVING CONSENT AGENDA – items 3 through 54: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[09-952](#)

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

NEW APPLICATIONS

(A) CHOCOLATERIE STAM	2814 INGERSOLL	C Beer/Wine C Native Wine
(B) FOREST MARKET	2105 FOREST AVE	E Liquor
(C) LE JARDIN	841 42ND ST	C Beer/Wine
(D) SAKI 21 LOUNGE	2314 UNIVERSITY	C Liquor
(E) WALGREENS #3252	606 WALNUT ST	C Beer
(F) WALGREENS #359	2545 E EUCLID AVE	C Beer
(G) WALGREENS #4714	4555 FLEUR DR	C Beer
(H) WALGREENS #5362	1330 E UNIVERSITY	C Beer
(I) WALGREENS #5721	3140 SE 14TH ST	C Beer
(J) WALGREENS #5777	2930 E UNIVERSITY	C Beer
(K) WALGREENS #5852	3030 UNIVERSITY	C Beer
(L) WALGREENS #7452	4415 DOUGLAS AVE	C Beer
(M) WALGREENS #7453	104 E EUCLID AVE	C Beer
(N) WALGREENS #7833	3501 INGERSOLL	C Beer
(O) WALGREENS #7968	6200 SE 14TH ST	C Beer

RENEWAL APPLICATIONS

(P) ASIA CITY RESTAURANT	3409 SE 14TH ST	B Beer
(Q) CJS II	316 E 30TH STREET	C Liquor

(R)	DEN	4369 MERLE HAY RD	C Liquor
(S)	DRUGTOWN WINE AND SPIRITS	4100 UNIVERSITY	E Liquor
(T)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(U)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(V)	HY VEE FOOD STORE #5	1107 E ARMY POST	E Liquor
(W)	PLAZA PUB	6202 DOUGLAS AVE	C Liquor
(X)	POLK COUNTY CONVENTION	501 GRAND AVE	C Liquor
(Y)	QUIKTRIP #554	901 SW 63RD	C Beer
(Z)	SBROCCO	208 COURT AVE	C Liquor
(AA)	SOUTHSIDE TOBACCO	2424 SW 9TH ST	E Liquor
(BB)	TAQUERIA JALISCO	1704 E GRAND AVE	B Beer
(CC)	VETERANS MEMORIAL	833 5TH AVENUE	C Liquor

OUTDOOR SERVICE APPLICATIONS

(DD) BUDDYS CORRAL 418 E 5TH ST C Liquor
 Temporary in conjunction with Capital City Pride Festival on June 12 – 16, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

(EE) LOCUST TAP 434 E LOCUST ST C Liquor
 Temporary in conjunction with Capital City Pride Festival on June 13 – 14, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

(FF) UNDERGROUND 500 E LOCUST ST C Liquor
 Temporary in conjunction with Capital City Pride Festival on June 13 – 14, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENTS APPLICATIONS

(GG) BEAVERDALE LIVE! 2638 BEAVER AVE Five (5) Day License
 Class B Beer (Beer/Wine) License for event on June 13, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

(HH) DES MOINES ARTS FESTIVAL 1302 LOCUST AVE Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for an event on June 25 – 28, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

(II) DES MOINES ARTS FESTIVAL 1310 GRAND AVE Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for an event on June 25 – 28, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

(JJ) DES MOINES ARTS FESTIVAL 1418 LOCUST AVE Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for an event on June 25 – 28, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

(KK) DES MOINES ARTS FESTIVAL 1203 LOCUST Five (5) Day License
 Special Class C Liquor License (Beer/Wine) for an event on June 25 – 28, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

(LL) DES MOINES ARTS FESTIVAL 1501 LOCUST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for an event on June 25 – 28, 2009. Pending approval
of Building, Electrical, Fire and Zoning Departments.

(MM) GARDEN 431 E LOCUST AVE Five (5) Day License
Class B Beer (Beer/Wine) License for Capital City Pride Festival on June 13 - 14, 2009. Pending
approval of Building, Electrical, Fire and Zoning Departments.

(NN) JOHNNYS HALL OF FAME 302 COURT AVE Five (5) Day License
Class C Liquor License for an event on June 20, 2009. Pending approval of Building, Electrical,
Fire and Zoning Departments.

(OO) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer (Beer/Wine) License for Rendezvous on Riverview event on June 26, 2009. Pending
approval of Building, Electrical, Fire and Zoning Departments.

(PP) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer (Beer/Wine) License for Rendezvous on Riverview event on June 12, 2009. Pending
approval of Building, Electrical, Fire and Zoning Departments.

(QQ) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer (Beer/Wine) License for Rendezvous on Riverview event on June 19, 2009. Pending
approval of Building, Electrical, Fire and Zoning Departments.

(RR) PARKS AREA FOUNDATION 710 CORNING AVE Five (5) Day License
Class B Beer (Beer/Wine) License for Rendezvous on Riverview event on July 3, 2009. Pending
approval of Building, Electrical, Fire and Zoning Departments.

(SS) SURF SHACK 319 COURT AVE Five (5) Day License
Class B Beer (Beer/Wine) License for a Street Use event on June 13, 2009. Pending approval of
Building, Electrical, Fire and Zoning Departments.

(TT) WATLAO BUDDHAVATH 1804 E PARK AVE Five (5) Day License
Class B Beer (Beer/Wine) License for a festival on June 26 - 28, 2009. Pending approval of
Building, Electrical, Fire and Zoning Departments.

(UU) WINSTONS PUB & GRILLE 800 WALNUT ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) in conjunction with Dig Downtown event on June 18,
2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

[09-953](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1.**
Nays: Cownie.

[09-954](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt.**
Motion Carried 7-0.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following

- [09-955](#) (A) [Bates](#) & Evergreen Parks Playground Improvements: Receiving of bids, (6-30-09), and Setting date of hearing, (7-13-09). (Construction Estimate - \$269,100). ([Council Communication No. 09-362](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-956](#) (B) [E. University Avenue/E. 30th Street](#) Traffic Signal Interconnect Improvements: Receiving of bids, (6-16-09), and Setting date of hearing, (7-13-09). (Construction Estimate - \$469,000). ([Council Communication No. 09-383](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-957](#) (C) [SE 14th Street](#) Widening at E. Indianola Avenue: Receiving of bids, (6-30-09), and Setting date of hearing, (7-13-09). (Construction Estimate - \$291,825). ([Council Communication No. 09-361](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-958](#) (D) [Southeast](#) Connector Paving – SW 2nd Street to SE 6th Street: Receiving of bids, (6-16-09), and Setting date of hearing, (7-13-09). (Construction Estimate - \$7,191,200). ([Council Communication No. 09-384](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-959](#) 8. [Approving](#) 3 Traffic Safety Fund Applications to the Iowa Department of Transportation. ([Council Communication No. 09-376](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-960](#) 9. [Approving](#) Addendum to Iowa Department of Transportation Predesign Agreement for the Reconstruction of I-235. ([Council Communication No. 09-381](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-961](#) 10. [Approving](#) Professional Services Agreement with Calhoun-Burns & Associates, Inc. for City-Wide Bridge Evaluation – 2009, not to exceed \$75,500. ([Council Communication No. 09-360](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-962](#) 11. [Approving](#) Change Order No. 6 with Pinnacle Construction Group, LLC for additional work on the John & Mary Pappajohn Sculpture Park, not to exceed \$66,680. ([Council Communication No. 09-379](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-963](#) (A) [Communication](#) from Pinnacle Construction Group, LLC requesting permission to sublet certain items on John & Mary Pappajohn Sculpture Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-964](#) 12. [Accepting](#) completed construction and approving final payment for Woodland Cemetery ornamental fence, American Fence Co. of Iowa, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [09-965](#) 13. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2009-11. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-966](#) 14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2009-01. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-967](#) 15. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for May 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-968](#) 16. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for May 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [09-969](#) 17. [Approving](#) and accepting PUD Restoration Bond for the issuance of a grading permit to P.A.T. Brokerage Commercial Development at 4529 and 4539 Douglas Avenue. ([Council Communication No. 09-353](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-970](#) 18. [Accepting](#) proposal from Terrus Real Estate Group for commercial real estate listing services for the lease or sale of 801 University Avenue and authorizing the Office of Economic Development to negotiate and the City Manager to execute a contract. ([Council Communication No. 09-357](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-971](#) 19. [Approving](#) Settlement Agreement and accepting real estate documents for property lying south of and adjoining 826 SE 21st Street from Seidenfeld Incorporated. ([Council Communication No. 09-358](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-972](#) 20. [Acceptance](#) of Community Disaster Grant Award from the Iowa Homeland Security and Emergency Management Division and authorizing voluntary acquisition of flood prone properties. ([Council Communication No. 09-369](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

- [09-973](#) 21. [Authorization](#) to proceed with acquisition of necessary right-of-way and easements for the SE 5th Street sidewalk from E. Miller Avenue to E. Watrous Avenue. ([Council Communication No. 09-355](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-974](#) 22. [Authorizing](#) issuance of a Replacement Quit Claim Deed to Polk County for vacated north/south alley between Martin Luther King Jr. Pkwy. and 21st Street, extending south from Forest Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [09-975](#) 23. [Approving](#) recommendation from Neighborhood Revitalization Board (NRB) regarding removal of the Gray's Woods and ~~Kirkwood Glen Neighborhood~~ Associations from the list of recognized neighborhood associations. ([Council Communication No. 09-363](#)) **Moved by Vlassis to adopt as amended; retaining Kirkwood Glen Neighborhood Association. Motion Carried 7-0.**
- [09-976](#) 24. [Recommendation](#) from Council Member Brian Meyer to appoint Donald Puck to the Building and Fire Code Board of Appeals, Seat 14, for a three-year term commencing April 1, 2008 to expire April 1, 2011. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-977](#) 24I [Recommendation](#) from Council Member Tom Vlassis to reappoint Edgar Hansell to the Des Moines International Airport Board, Seat 4, for a four-year term commencing June 30, 2009 to expire June 30, 2013. **Moved by Vlassis to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [09-978](#) 25. [Regarding](#) request from Charles Ruperto for vacation and conveyance of a portion of SE 15th Street right-of-way, adjoining property at 1437 Maury Street, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [09-979](#) 26. [On](#) vacation and conveyance of a small segment of E. 33rd Street, south of E. Thompson Avenue and of Thompson Avenue between E. 33rd and E. 34th Streets to St. Joseph's Church of Des Moines, \$600, (6-22-09). **Moved by Mahaffey to adopt, with the understanding that public access for residents on Thompson Avenue is met. Motion Carried 7-0.**
- [09-980](#) 27. [On](#) request from Ryan Galloway to rezone property in the vicinity of 1032 and 1036 18th Street from "R-3" (Multiple-Family Residential) to Ltd. "NPC" (Neighborhood Pedestrian) to allow future pedestrian oriented multiple-family residential development, subject to conditions, (6-22-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-981](#) 28. [On](#) request from Menard, Inc., to rezone property at 1201 E. Diehl Avenue from "R1-60" (One-Family Low-Density Residential) and "C-2" (General Retail and Highway Oriented Commercial) to Ltd. "C-2", (to correct legal description submitted with Roll Call 09-765), (6-22-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-982](#) 29. On Supplement No. D-1 to the Governmental Lease-Purchase Master Agreement with De Lage Landen Public Finance LLC, \$778,854 to acquire five heavy-duty trucks with plows and ice control equipment, (necessary to correct previous publication error), (6-22-09). ([Council Communication No. 09-370](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-983](#) 30. On Supplement No. D-2 to the Governmental Lease-Purchase Master Agreement with De Lage Landen Public Finance LLC, \$1,116,017 to acquire up to seven street sweepers, (necessary to correct previous publication error) (6-22-09). ([Council Communication No. 09-373](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-984](#) 31. On request from Andy Holt for the Baker PUD Conceptual Plan 4th Amendment, 4500 Hubbell Avenue, to reconfigure the layout of an approved Light Industrial Business Park, with additional land reserved for future amendment, (6-22-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-985](#) 32. Approving payment of \$27,060.95 to Ahlers & Cooney, P.C. for services regarding General Obligation Refunding Bonds. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-986](#) 33. Approving payment of \$35,192.84 to Robbie Lydic for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-987](#) 34. Approving payment of \$12,000 to Michael Campos for a claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-988](#) 35. Authorizing Compromise of Judgment with Donna Barnes. ([Council Communication No. 09-397](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-989](#) 36. Approving payments of settlements made by City Attorney, not exceeding \$5,000. **Moved by Vlassis to receive, file and affirm settlements made by City Attorney. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [09-990](#) 37. Submitting travel and training requests for T.M. Franklin Cownie, Tonia L. Fairbanks, Joseph Frentress and Michael A. Hofmann. ([Council Communication No. 09-388](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

38. Fiscal Year 2006 Continuum of Care (COC) Closeout Certification Documents for the following:

[09-991](#) (A) [Buchanan](#) Transitional Living Center. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-992](#) (B) [House](#) of Mercy at Capitol Park. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-993](#) (C) [West](#) Des Moines Transitional Housing Program. **Moved by Vlassis to adopt. Motion Carried 7-0.**

39. Number not used.

[09-994](#) 40. [Notice](#) of Finding of No Significant Impact on the Environment and a Request for Release of Funds from the U.S. Department of Housing and Urban Development under the Consolidated Appropriations Act of 2008 for the Lead-Based Paint Hazard Control Grant Program. ([Council Communication No. 09-371](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-995](#) 41. [Notice](#) of Intent to Request Release of Funds from the U.S. Department of Housing and Urban Development (HUD) for a Self-help Homeownership Opportunity Program (SHOP) Grant to the Greater Des Moines Habitat for Humanity. ([Council Communication No. 09-396](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-996](#) 42. [Neighborhood](#) Stabilization Program Contract with the Iowa Department of Economic Development (IDED). **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-997](#) (A) [Memoranda](#) of Understanding with designated local housing agencies to implement the Neighborhood Stabilization Program. ([Council Communication No. 09-386](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-998](#) 43. [Assignment](#) of Tax Sale Certificates to Greater Des Moines Habitat for Humanity Inc., for the development of low- to moderate-income owner-occupied housing. ([Council Communication No. 09-387](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-999](#) 44. [Acceptance](#) of Grant Agreements from Iowa Homeland Security and Emergency Management Division for 2008 Buffer Zone Protection Program and Vulnerability Reduction Purchasing Plan. ([Council Communication No. 09-382](#)) **Moved by Vlassis to adopt. Refer to City Manager, Legal and Police to review oversight of homeland security programs and communication to Council. Motion Carried 7-0.**

[09-1000](#) 45. [Execution](#) of Federal Aviation Administration AIP Grant Agreement, Project Number 3-19-0027-51 Airport Runway 13R-31L Land Acquisition, Phase 8. ([Council Communication No. 09-374](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-1001](#) 46. [Extension](#) to June 30, 2011 on Letter of Credit regarding the outstanding Subordinate Airport Commercial Paper Revenue Notes, Series C, and authorizing execution and delivery of a Second Amendment to Reimbursement Agreement with Bank of America, N.A. ([Council Communication No. 09-375](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
47. Issuance of the following General Obligation bonds:
- [09-1002](#) (A) [\\$19,605,000](#), Series 2009E (Taxable Build America Bonds) and levying a tax to pay. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1003](#) (B) [\\$3,055,000](#), Series 2009F (Urban Renewal) and levying a tax to pay. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1004](#) (C) [\\$3,115,000](#), 2009G, and levying a tax to pay. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1005](#) 48. [Authorizing](#) the execution of the United States Department of Agriculture (USDA) Natural Resources Conservation Services (NRCS) Project Agreement for the Emergency Watershed Protection Program and Operation and Maintenance Agreement for 1235 Davis Avenue (Trelen J. Wilson and Linda L. Bender, owners) Wall Construction. ([Council Communication No. 09-359](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1006](#) 49. [Extension](#) of Municipal Parking Facilities Management Services Agreement with Ampco System Parking. ([Council Communication No. 09-377](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1007](#) 50. [Additional](#) work by RCC Consultants Incorporated and compensation for extra work performed above and beyond contract for Radio Interoperability Consulting Services for the City and Polk County. ([Council Communication No. 09-378](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1008](#) 51. [Communication](#) from Downtown Community Alliance on behalf of Meredith Corporation to approve banner design for 14 banners to be displayed in Downtown Des Moines on Locust Street in summer of 2009. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**
52. Bids from the following:
- [09-1009](#) (A) [Home](#) Depot Stores for a blanket purchase order for miscellaneous building materials and supplies during FY10 per State of Iowa Contract for use by the Public Works Department, \$60,000. ([Council Communication No. 09-393](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-1010](#) (B) [Jerico](#) Services and Smith Fertilizer and Grain for joint purchase along with the cities of West Des Moines, Waukee and Johnston, and Polk and Dallas Counties for deicing chemicals for use by the Public Works Department, estimated cost \$56,130. (Thirteen bids mailed, three received). ([Council Communication No. 09-394](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1011](#) (C) [Michaels](#) Construction Inc. for levee clearing and grubbing services for use by the Public Works Department, \$72,003. (Ten bids mailed, three received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1012](#) (D) [Insight](#) Public Sector to upgrade 1,320 Microsoft Enterprise Agreement Standard Core Client Access Licenses (CALs) to Microsoft Enterprise (CALs) per State of Iowa Contract for use by the Information Technology Department, \$108,525.10. ([Council Communication No. 09-372](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1013](#) (E) [Acme](#) Tools for an annual contract with two (2) additional one-year renewal options to furnish concrete saw blades for use by the Public Works Department, \$39,242.30. (Fourteen bids mailed, seven received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1014](#) (F) [Exception](#) to the Procurement Ordinance competitive bidding requirements for good cause and approving payment to Proctor Mechanical for emergency repair of sanitary sewer main in the 800 block of 33rd Street, \$28,627.50. ([Council Communication No. 09-385](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

53. Civil Service Lists for the following:

- [09-1015](#) (A) [Entrance](#) lists for Senior Construction Inspector, License Clerk and Sidewalk Compliance Coordinator and Promotional lists for Airport Crew Chief, Street Maintenance Worker, Laborer and Housing Services Maintenance Team Leader. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [09-1016](#) (B) [Entrance](#) list for Park Planner II and Promotional Lists for Medium Equipment Operator and Park Planner III. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

- [09-1017](#) 54. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of June 8 and June 15, 2009; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for weeks of June 8 and June 15, 2009; and to draw checks for biweekly payroll due June 19, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [09-1018](#) 55. Amending Chapter 74 of the Municipal Code regarding use of glass containers in City parks. (Council Communication No. 09-389) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-1019](#) (A) Final consideration of ordinance above. **Moved by Hensley 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, #14,860. Motion Carried 7-0.**
- [09-1020](#) 56. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: (Council Communication No. 09-354) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Prohibiting left turns from private driveway onto E. Diehl Avenue.
- (B) Parking Restrictions to facilitate Solid Waste collection – west side of SE 4th Street from E. Philip to E. McKinley Avenues.
- (C) Various Code revisions for field adjustments to parking signs and meters.
- [09-1021](#) (D) 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, #14,861. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [09-1022](#) 57. From Bob Wessel, 2719 E. Leach, to speak regarding finances. **NO VOTE TAKEN.**
- [09-1023](#) 58. From Jerad Cherniss, 1367 Porter Avenue, to discuss having a comedy festival in Des Moines. **Moved by Vlassis to refer to the City Manager for review and recommendation. Motion Carried 7-0.**
- [09-1024](#) 59. From Donna Cosner, 827 SE Jackson, to speak regarding Sevastopol area (SE 5th, Edison, Pioneer Rd., SE 6th) and Brooks family. **NO VOTE TAKEN.**

[09-1025](#)

60. [From](#) Paul and Wendy Rains, 1915 York Street, to speak regarding enforcement of vicious/dangerous dog ordinance. **Moved by Meyer to refer to the City Manager and Legal Department for review and recommendation. Motion Carried 7-0.**

[09-1026](#)

61. [From](#) Terry Town and Joe Madonia, to speak regarding ordinance change for food vending units. **Moved by Meyer to review any changes to the ordinance after the first year of implementation. Motion Carried 6-1. Absent: Cownie.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 62 THRU 69)

[09-1027](#)

62. [On](#) conveyance of 1161 Enos Avenue to Lars Vinz, \$500. ([Council Communication No. 09-356](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

63. Items regarding temporary moratorium on the creation of new and expansion of existing vehicle display lots:

[09-1028](#)

- (A) [Resolution](#) directing City Manager to schedule a Council work session regarding vehicle display lots and extending temporary moratorium on vehicle display lots to 8-11-09. **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN

[09-1029](#)

- (1) [Alternate](#) resolution scheduling public hearing on regulations and rezoning to create a Vehicle Display Lot Overlay District and extending the temporary moratorium on vehicle display lots to 8-11-09, (hearing 8-10-09). ([Council Communication No. 09-391](#))

[09-1030](#)

- (B) [Resolution](#) closing hearing and [denying](#) application from Imperial Properties, Inc., (Bill Moyer, Agent) for relief from the temporary moratorium to allow the expansion of a vehicle display lot at 4131 E. 14th Street. ([Council Communication No. 09-392](#)) **Moved by Mahaffey to adopt and DENY the request for relief from the moratorium. Motion Carried 7-0.**

WITHDRAWN

[09-1031](#)

- (1) [Alternate](#) resolution closing hearing and [approving](#) application.

[09-1032](#)

64. [On](#) proposed renaming of streets recently annexed or to be annexed in the City of Des Moines. ([Council Communication No. 09-395](#)) **Moved by Hensley to adopt, and to approve the renaming of the streets and segments of streets as proposed by City Staff in Exhibit "B", with the exceptions listed; and refer to the City Manager to solicit further input from adjacent property owners regarding street names. Motion Carried 7-0.**

[09-1033](#)

- (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be first amended to reflect the exceptions to the staff proposal identified in the hearing roll call, and then be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN

- [09-1034](#) (B) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes.
- [09-1035](#) 64I Discussion regarding changing the street name of Park Place to Boardwalk. **Moved by Hensley to refer to the City Manager and Legal Department for review and recommendation. Motion Carried 7-0.**
- [09-1036](#) 65. [On](#) 2009 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$194,601.20. ([Council Communication No. 09-368](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1037](#) (A) [Approving](#) contract and bond. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1038](#) 66. [On](#) 2009 Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$283,371.65. ([Council Communication No. 09-367](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-1039](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-1040](#) 67. [On](#) 2nd Avenue Resurfacing - Grand Avenue to University Avenue: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corp., (J.M. Yonker, President), \$637,488.90. ([Council Communication No. 09-365](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-1041](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-1042](#) 68. [On](#) Cownie Soccer Fields Improvements – Phase 3: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$709,999.99. ([Council Communication No. 09-366](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-1043](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**

[09-1044](#) 69. [On](#) Waveland Trail Phase 1 from the Walnut Creek Trail to 56th Street: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$273,999.99. ([Council Communication No. 09-364](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-1045](#) (A) [Approving](#) contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 7-0.**

***** END HEARINGS AT 5:53 PM *****

APPROVING

[09-1046](#) 70. [Memorandum](#) of Understanding with Polk County and Warren County for Metro S.T.A.R. Team adding agencies of Indianola, Norwalk, Windsor Heights, and Warren County. ([Council Communication No. 09-380](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-1047](#) 71. [Denying](#) request for a waiver of the requirement to maintain a six-foot wide pedestrian pathway upon the public sidewalk adjoining the Pelican Bar at 208 3rd Street. **Moved by Hensley to refer to the City Manager for review and report back at the June 22nd meeting including a police report. Motion Carried 6-1. Absent: Cownie.**

[09-1048](#) 72. [Diminution](#) of one Housing Services Housing Inspector position. ([Council Communication No. 09-390](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Cownie.**

EXTRA ITEM

[09-1049](#) 1. Setting date of hearing on renaming Archie Brooks Community Center, (6-22-09). Sponsor: Mayor Cownie. **Moved by Mahaffey to receive and file, to initiate the proposed renaming of the Archie Brooks Community Center, and to schedule a public hearing to be held on June 22, 2009 at 5:00 PM, to consider the matter. Motion Carried 6-1. Absent: Cownie.**

BOARD OF HEALTH

[09-1050](#) MOTION TO CONVENE. **Moved by Coleman that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

1. Approving the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:

[09-1051](#) (A) [2049](#) Des Moines Street, fire-damaged main structure, Titleholder: Filberto Trinidad; Mortgage Holder: New Century Mortgage Corp. a/k/a New Century Realty & Mortgage. **Moved by Cownie to adopt. Motion Carried 7-0.**

[09-1052](#)

(B) [224](#) Guthrie Avenue, flood-damaged main structure and garage, Titleholder: Terrence O'Connor. **Moved by Cownie to adopt. Motion Carried 7-0.**

[09-1053](#)

(C) [1515](#) 47th Street, main structure, Titleholder: Darlyne D. Longnecker; Contract Buyer: David G. Karaidos; Mortgage Holder: Federal Home Loan Mortgage Corporation. **Moved by Cownie to adopt. Motion Carried 7-0.**

[09-1054](#)

2. [The](#) Legal Department to proceed with administrative abatement of the public nuisance garage structure located at 1332 Hull Avenue under signed agreement with Titleholder, Beverly J. Adamson. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[09-1055](#)

MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 6:55 PM. Motion Carried 7-0.**

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