



***** 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

December 7, 2009 4:30 PM

SPECIAL PRESENTATIONS – 3:45 PM

Sheridan Gardens Neighborhood Association

Excellence in Historic Preservation Awards

PROCLAMATIONS – 4:00 PM

[Human](#) Rights Month

[Holiday](#) Food Program Weeks

INVOCATION: Council Member Chris Coleman

- [09-2153](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer, and Vlassis.**
- [09-2154](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2155](#) 3. APPROVING CONSENT AGENDA – items 3 through 43: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

***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.

LICENSES AND PERMITS

- [09-2156](#) 4. Approving Alcoholic Beverage License Applications for the following: **Moved by Meyer to adopt; a special Council meeting will be held for item 4D, if everything is complete before the 12-21-09 meeting. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(B)	LA PARIS CAFE LLC	1517 2ND AVE	C Beer/Wine
(C)	OPEN SESAME	313 E LOCUST ST	C Liquor
(D)	UNIVERSITY GROCERIES II	1621 UNIVERSITY	E Liquor

RENEWAL APPLICATIONS

(E)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(F)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(G)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(H)	FAWNS ASIAN CUISINE	1107 E UNIVERSITY	B Beer
(I)	FONGS PIZZA	223 4TH ST	C Liquor
(J)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(K)	KUM & GO #207	4200 HUBBELL AVE	C Beer
(L)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(M)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(N)	SMOKE SHOP	1918 SE 14TH ST	E Liquor
(O)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor
(P)	Z'S BAR	1511 S UNION ST	C Liquor

- [09-2157](#) 4-I Approving permanent transfer of Class C Beer License for Tobacco Outlet Plus #521 from 2601 E. Euclid Avenue to 3301 E. Euclid Avenue, subject to approval of Vice, Building, Electrical, Fire and Zoning Departments. Sponsor: Mahaffey. **Moved by Vlassis to approve contingent upon the new premises passing all required building, zoning and fire inspections and compliance with all other applicable laws, ordinances and regulations. Motion Carried 7-0.**

- [09-2158](#) 5. City Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [09-2159](#) 6. [Approving](#) Change Order No. 2 (not to exceed \$80,236) and Change Order No. 3 (not to exceed \$86,257.94) with United Contractors, Inc. and subsidiaries for additional work on the SE Connection-Des Moines River Bridge with Levee, Sanitary Sewer and Water Main relocation. ([Council Communication No. 09-850](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2160](#) 7. [Approving](#) completion and acceptance of Private Construction Contract for sanitary sewer improvements, 2101 DeWolf Street between Tyler Excavating Inc. and Point Builders, LLC. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2161](#) 8. [Communication](#) from MPS Engineers, P.C. requesting permission to sublet certain items on the SE 5th Street Sidewalk from E. Miller Avenue to E. Watrous Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2162](#) 9. [Accepting](#) completed construction and approving final payment to The Underground Company, Ltd. for 2008 Storm Sewer Repair Contract 2. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [09-2163](#) 10. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development), Schedule No. 2009-20. **Moved by Vlassis to adopt. Motion Carried 7-0.**
11. Approving deletion of rental inspection assessments for the following:
- [09-2164](#) (A) [3015](#) 30th Street. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2165](#) (B) [4123](#) Kingman Boulevard. **Moved by Vlassis to adopt. Motion Carried 7-0.**
12. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for November 2009 on the following:
- [09-2166](#) (A) [Fees](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2167](#) (B) [Credits](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [09-2168](#) 13. [Establishing](#) fair market value of multiple properties for the SE 6th Street Widening – Court Avenue to the Des Moines River Project. ([Council Communication No. 09-853](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2169](#) 14. [Releasing](#) performance bond given as security for the grading and stabilization of Sterling Trace Plats 1 and 2. ([Council Communication No. 09-867](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2170](#) 15. [Approving](#) application for Tax Abatement at 5449 SE 26th Court for improvements made during 2007 and denying request to be applied retroactively. ([Council Communication No. 09-860](#)) **Moved by Meyer to approve the application retroactively as if it had been timely filed and to take the application to Polk County to seek approval, if possible. In addition, refer the matter to the City Manager to assign a member of his staff or from the Community Development Department to work with and assist the property owner during the process, and to provide an update to the Council. Refer this matter to the Legislative Sub-Committee for review. Motion Carried 7-0.**
- [09-2171](#) 16. [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements for 33rd Street Storm Sewer Separation Project. ([Council Communication No. 09-852](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [09-2172](#) 17. [Approving](#) recognition of Sheridan Gardens Neighborhood Association. ([Council Communication No. 09-842](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
18. Approving reappointments from Council Member Bob Mahaffey as follows:
- [09-2173](#) (A) [Marshall](#) Linn to the Building and Fire Code Board of Appeals, Seat 5, for a three-year term commencing April 1, 2007 to expire April 1, 2010. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- WITHDRAWN
- [09-2174](#) (B) ~~[Odell](#) Jenkins to the Neighborhood Revitalization Board, Seat 3, for a three-year term commencing June 30, 2009 to expire June 30, 2012.~~
- [09-2175](#) (C) [Stuart](#) Juarez to the Human Rights Commission, Seat 5, for a three-year term commencing April 1, 2009 to expire April 1, 2012. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2176](#) (D) [George](#) Krumrey to the Park and Recreation Board, Seat 10, for a four-year term commencing June 30, 2009 to expire June 30, 2013. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-2177](#) (E) [Approving](#) reappointment by Council Member Christine Hensley of Ted Irvine to the Plan and Zoning Commission, Seat 12, for a five-year term commencing July 5, 2009 to expire July 5, 2014. **Moved by Vlassis to adopt. Motion Carried 7-0.**
19. Approving reappointments from Council Member Brian Meyer as follows:
- [09-2178](#) (A) [Joe](#) Shoemaker to the Building and Fire Code Board of Appeals, Seat 7, for a three-year term commencing April 1, 2009 to expire April 1, 2012. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2179](#) (B) [Carol](#) George to the Park and Recreation Board, Seat 14, for a four-year term commencing June 30, 2009 to expire June 30, 2013. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2180](#) (C) [Jim](#) Martin to the Plan and Zoning Commission, Seat 14, for a five-year term commencing July 1, 2009 to expire July 1, 2014. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2181](#) 20. [Communication](#) from Zoning Board of Adjustment regarding vehicle display lots required 5-foot front yard landscaped setback for parking lots. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [09-2182](#) 21. [On](#) request from Andy Lee to rezone property at 614 37th Street from “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial), (12-21-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2183](#) 22. [On](#) request from Greater Des Moines Habitat for Humanity for an amendment to the Rose of South Des Moines PUD Conceptual Plan on 1005 Maury Street for revision of site redevelopment to allow a subdivision of 10 platted lots for single-family dwellings, (12-21-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2184](#) 22-I [On](#) request from Thomas Wilson to rezone property in the 4000 block of Dubuque Avenue from “R1-60” (One-Family Low-Density Residential) and “R-2” (Two-Family Residential) to “R-3” (Multiple-Family Residential) to allow development of up to 25 bi-attached duplex residential structures with up to 50 residential units for senior living, (12-21-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-2185](#) 23. [Approving](#) payment of \$23,877.98 to Jon and Nancy Wille and The Trust Account of LaMarca and Landry, P.C. for a motor vehicle accident claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-2186](#) 24. [Approving](#) payment of \$33,850 to Thomas Stanley for property damage as a result of a collapsed sewer under driveway. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2187](#) 25. [Approving](#) payment of \$10,000 to Judy Liston and Westfield Insurance Company for property damage as a result of a sewer backup. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2188](#) 26. [Authorizing](#) a Compromise of Judgment with Primo Acquisitions, LLC. ([Council Communication No. 09-840](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [09-2189](#) 27. [Submitting](#) training request for Paul Stout. ([Council Communication No. 09-865](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

- [09-2190](#) 28. [Fiscal](#) Year 2007 Continuum Of Care (COC) Closeout Certification Documents. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2191](#) 29. [Resolution](#) designating Home Opportunity Made Easy, Inc., (HOME, Inc.) as a Community Housing Development Organization (CHDO). ([Council Communication No. 09-862](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2192](#) 30. [Amendment](#) to HOME Contract with Community Housing Development Corporation (CHDC) for development of a single family home at 1317 Clark Street and use of home proceeds for affordable housing. **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-2193](#) (A) [Communication](#) from Community Housing Development Corporation. **Moved by Vlassis to receive, file and refer to the Community Development Department. Motion Carried 7-0.**
- [09-2194](#) 31. [Signature](#) of an addendum to Agreement DM120508Lead and DM120508Minor with Polk County Housing Trust Fund (PCHTF) to include an additional \$72,000 in I-Jobs Funds for home modifications for low and moderate income elderly and disabled households. ([Council Communication No. 09-854](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2195](#) 32. [Authorizing](#) submission of an application for financial assistance to the State of Iowa Department of Economic Development and approving preliminary terms of an economic development loan of \$100,000 to Palisade Systems, Inc. ([Council Communication No. 09-855](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-2196](#) 33. [Submission](#) of an application for financial assistance to the State of Iowa Department of Economic Development and approving preliminary terms of an economic development loan of \$5,000 to CFI Sales, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2197](#) (A) [Setting](#) date of hearing on partial exemption from property taxation for CFI Sales, Inc., 1701 E. Euclid Avenue, (12-21-09). ([Council Communication No. 09-866](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2198](#) 34. [Iowa](#) Department of Natural Resources REAP Grant of \$250,000 for Gray's Lake Shoreline Stabilization and Restoration. ([Council Communication No. 09-844](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-2199](#) 35. [Substituted](#) and superseding Evelyn K. Davis Park Improvements Project Community Attraction and Tourism (CAT) Grant Award Contract, changing the completion date from December 31, 2008 to May 31, 2009. ([Council Communication No. 09-845](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-2200](#) 36. [One](#)-year extension of the contract for the USS Des Moines ship model on public display in the Great Hall of City Hall. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2201](#) 37. [Cooperative](#) Agreement with the Iowa Civil Rights Commission for partial reimbursement for the Des Moines Human Rights Commission work. ([Council Communication No. 09-838](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2202](#) 38. [Publication](#) of the notice to the public of Finding of No Significant Impact on the Environment of Funds from the Iowa Department of Economic Development from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009. ([Council Communication No. 09-857](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-2203](#) 39. [Communication](#) from Downtown Community Alliance on behalf of the Civic Center to approve banner design for 20 banners to be displayed on Locust Street and 3rd Street for promotion of The Lion King in December 2009 and January 2010. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**
- [09-2204](#) 40. [Receipt](#) of Des Moines Water Works' adopted budget for calendar year ending December 31, 2010. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
41. Item moved to 46(B).
- [09-2205](#) 42. [Civil](#) Service Entrance Lists for Electronic Flow Meter Technician, Customer Service Representative and Promotional List for Senior Police Officer. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

[09-2206](#)

- 43. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 7 and December 14, 2009; to draw [checks](#) for bills of the Des Moines Municipal Housing Agency for the weeks of December 7 and December 14, 2009; and to draw checks for bi-weekly payroll due December 18, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

[09-2207](#)

- 44. [Amending](#) Chapter 74 of the Municipal Code regarding fees for use of Western Gateway Park. ([Council Communication No. 09-858](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[09-2208](#)

- 45. [Amending](#) Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 09-849](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

- (A) Request to rescind downtown 10:00 pm to 7:00 am parking restrictions.
- (B) Request to install parking meters on E. 6th Street, south of E. Grand Avenue.
- (C) Additional school passenger loading and unloading at the downtown school.

[09-2209](#)

- (D) 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, [#14,910](#). Motion Carried 6-1. Absent: Coleman.**

[09-2210](#)

- 46. [Amending](#) Chapter 30 of the Municipal Code regarding an automated pawn records system to track pawn transactions by pawnbrokers. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

[09-2211](#)

- (A) [Final](#) consideration of ordinance above, (waiver is requested by the Police Department) requires 6 votes. ([Council Communication No. 09-841](#)) **Moved by Vlassis 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, [#14,911](#). Motion Carried 6-1. Absent: Coleman.**

[09-2212](#)

- (B) [Purchase](#) from Intergraph Corporation (Beth Johnson, Executive Director) of software upgrade to create and install a Pawn Shop Interface to the City's I/LEADS Records Management System (RMS) to be used by the Police Department, \$51,540. ([Council Communication No. 09-839](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

COMMUNICATIONS/REPORTS

- [09-2213](#) 47. [Request](#) from Ray Brown, 3500 2nd Avenue, to speak regarding purchase of building located at 801 University for a grocery store and retail store. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**
- [09-2214](#) 48. [Request](#) from David Costello with Hope Builders (1105 Orchard Lane), to speak regarding homelessness in our community. **Moved by Hensley to receive and file comments, and place a proclamation on the December 21 Council agenda regarding National Homeless Persons' Memorial Day. Motion Carried 7-0.**
- [09-2215](#) 49. [Request](#) from Connolly Law Firm on behalf of Merle Hay Mall to speak regarding Library space in Merle Hay Mall. **Moved by Coleman to receive, file and refer to the City Manager to send a letter to the Library Board of Trustees regarding financial evaluation of the proposal to locate at Merle Hay Mall and for a status report on the project. Motion Carried 6-1. Nays: Vlassis.**
- [09-2216](#) 49-I Discussion regarding closure of all Library locations during the week of Christmas. **Moved by Coleman to refer to the City Manager to work with the Library Director to look for options to keep one Library open during the week of Christmas and to report back at the 12-14-09 workshop. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 50 THRU 58)

- [09-2217](#) 50. [On](#) appeal from Angela Riley, 3109 Woodland Avenue, of the Administrative Hearing Officer's decision regarding her dog. **Moved by Hensley to uphold declaration. Motion Carried 7-0.**
51. On issuance of the following General Obligation Refunding Bonds: ([Council Communication No. 09-847](#))
- [09-2218](#) (A) [\\$17,250,000](#), Series 2010A. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-2219](#) (1) [Authorization](#) for additional action. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-2220](#) (B) [\\$15,000,000](#), Series 2010B. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-2221](#) (1) [Authorization](#) for additional action. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-2222](#) (C) [Directing](#) advertisement for sale of \$16,505,000 General Obligation Refunding Bonds, Series 2010A, and \$14,310,000 General Obligation Refunding Bonds, Series 2010B (Urban Renewal) (a special Council Meeting will be held at 3:30 PM on Thursday, 12-17-09 to award the sale). **Moved by Coleman to adopt. Motion Carried 7-0.**

[09-2223](#) 52. On conveyance of vacated right-of-way adjoining 3001 Merle Hay Rd. and 5703 Urbandale Avenue to D & D Interests, L.L.C., \$50,000. ([Council Communication No. 09-851](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[09-2224](#) 53. On assessment of \$500 penalty for Liquor License Holders listed on Attachment “A” for violation of Iowa Alcoholic Beverage Laws. **Moved by Vlassis to adopt. Motion Carried 7-0.**

54. On appeal by Casey’s Marketing Company on conditions of site plan approval for 6120 Douglas Avenue: ([Council Communication No. 09-856](#))

WITHDRAWN
[09-2225](#)

(A) **ALTERNATE 1:** Affirming ~~decision of the City Plan and Zoning Commission to condition approval of the site plan on allowance for future vehicular access to the adjoining property to the west.~~

OR

[09-2226](#) (B) **ALTERNATE 2:** Granting the appeal and amending the decision of the City Plan and Zoning Commission to conditionally approve the site plan, removing the condition on allowance for future vehicular access to the adjoining property to the west. **Moved by Vlassis to adopt and grant the appeal. Motion Carried 7-0.**

[09-2227](#) 55. On grant of a license to Edmundson Art Foundation, Inc. d/b/a The Des Moines Art Center and the Des Moines Riverfront Development Authority for the installation, display and maintenance of the sculpture and fountain at Hansen Triangle. ([Council Communication No. 09-843](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2228](#) 56. On Army Post Road Widening – SW 9th Street to SE 5th Street: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Reilly Construction Co., Inc, (Chris R. Reilly, President), \$1,609,274.75. ([Council Communication No. 09-863](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Vlassis.**

[09-2229](#) (A) Approval of contract and bond and permission to sublet. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Vlassis.**

[09-2230](#) 57. On SE 6th Street Bridge over the Des Moines River Rehabilitation: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), \$1,299,399.80. ([Council Communication No. 09-861](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Vlassis.**

[09-2231](#) (A) Approval of contract and bond, and permission to sublet. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Vlassis.**

- [09-2232](#) 58. [Resolution](#) to REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineer's estimate for Police Department Metro Star Building Improvements (bid over estimate). ([Council Communication No. 09-864](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 5:25 PM ***

APPROVING

- [09-2233](#) 59. [Authorizing](#) City of Des Moines to submit a joint application with Des Moines Metropolitan Cities and metro cities in other states for the Energy Efficiency and Conservation Block Grant (EECBG), Retrofit Ramp-up Program Funding made available through the American Recovery and Reinvestment Act (ARRA). ([Council Communication No. 09-848](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2234](#) 60. [Authorizing](#) Mayor to sign a letter of support for the submittal of an application by Rebuilding Together, Inc. for a competitive Energy Efficiency and Conservation Block Grant (EECBG), Retrofit Ramp-Up Program. ([Council Communication No. 09-859](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Pass: Hensley.**
- [09-2235](#) 61. [Affirming](#) Hearing Officer's report on appeals of RFP evaluation and selection committee recommendation for award of contract for the provision of ambulance billing and collection services to Intermedix (Fort Lauderdale, FL), accepting proposal of Intermedix and approving award of contract to Intermedix, and authorizing the Finance and Fire Departments to negotiate and the City Manager to execute a contract. ([Council Communication No. 09-846](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Cownie, Mahaffey and Meyer.**
- [09-2236](#) 62. [Permanent](#) closure of the remaining segment of West River Drive, south of University Avenue. **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- [09-2237](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**
1. Authorizing the Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
 - (A) [1919](#) Capitol Avenue, structure, Titleholders: Gary Oeth and Suzanne Oeth. **Moved by Meyer to adopt. Motion Carried 7-0.**

[09-2239](#)

(B) [1004](#) Virginia Avenue, garage structure, Titleholders: Daniel Lewis and Pamela Lewis and Mortgage Holder: Wells Fargo Financial Bank. **Moved by Meyer to adopt. Motion Carried 7-0.**

COMMUNICATION

[09-2240](#)

2. [Regarding](#) demolition cost reserve being held by State Farm Insurance for the fire-damaged structure located at 3408 Cottage Grove Avenue. **Moved by Vlassis to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

[09-2241](#)

MOTION TO ADJOURN. **Moved by Kiernan to adjourn at 7:22 PM. Motion Carried 7-0.**

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