

These are large PDF files, and you should expect a delay when downloading.

See Roll Calls:

[01-3606 thru 01-3653](#)

[01-3654 thru 01-3683](#)

[01-3684 thru 01-3719](#)

[01-3720 thru 01-3751](#)

SUMMARY OF DES MOINES CITY COUNCIL MEETING
DES MOINES CITY COUNCIL MEETING
December 17, 2001 4:30 P.M.

*****3:00--RECEPTION IN HONOR OF COUNCIL MEMBER GEORGE E. FLAGG*****

CITY HALL--SECOND FLOOR

PROCLAMATIONS - 4:00 P.M.:

- (a) International Printing Week
- (b) Outside In--Celebrating African-American History in Iowa 1838-2000

SPECIAL PRESENTATIONS - 4:00 P.M.:

- (a) Spirit of Des Moines Award - Gary Kirke and Bill Van Orsdel.
- (b) From Des Moines Fire Fighters to Council Member George E. Flagg.
- (c) 9-11 Stand Tall America, by Pat McManus--Rock in Prevention.

INVOCATION: Pastor John Chadwick, Grace Lutheran Church

01-3606 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

01-3607 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3608 3. APPROVING CONSENT AGENDA - items 3 through 87: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-3609 4. Communication from Legal Department regarding December 17, 2001 License and Permit Agenda. **Moved by Hensley to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

WITHDRAWN01-3610 5. Gustavo Luna dba El Rancho Alegre Restaurant, 3308 Indianola Road; New Application (With Sunday Sales) submitted 10-10-01.

01-3611 6. Joseph Barksdale, President dba Federal Distributors, Inc., Varied Industries Building - Iowa State Fairgrounds; New Application (With Sunday Sales) - submitted 10-19-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

01-3612 7. Rabbi Joseph Jacobson dba Judaic Resource Center of Iowa, 1150 Polk Blvd; New Application submitted 11-5-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

01-3613 8. B & B Super Market, Inc., John A. Brooks, President dba B & B Super Market, 2001 S.E. 6th Street; Renewal - Expires 12-21-01 - Application submitted 11-13-01. **Moved by Hensley to adopt. Motion Carried 6-0. Council Member Brooks declares a conflict of interest, and abstains from voting.**

01-3614 9. Jay Varahi Inc., Ritaben P. Patel, President dba Citgo Gas Station, 4600 Fleur Drive; Renewal - Expires 12-20-01 (With Sunday Sales) - Application submitted 11-02-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3615 10. Git N Go Convenience Store, Inc., Dennis Flora, President dba Git N Go Convenience Store #2, 1307 Army Post Road; Renewal - Expires 1-7-02 (With Sunday Sales) - Application submitted 11-8-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3616 11. Git N Go Convenience Store, Inc., Dennis Flora, President dba Git N Go Convenience Store #24, 1142 42nd Street; Renewal - Expires 1-17-02 (With Sunday Sales) - Application submitted 11-21-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3617 12. Kum & Go LC, William A. Krause, President dba Kum & Go #208, 3200 SE 14th Street; Renewal - Expires 12-29-01 (With Sunday Sales) - Application submitted 11-9-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3618 13. Kum & Go LC, William A. Krause, President dba Kum & Go #207, 4200 Hubbell; Renewal - Expires 12-29-01 (With Sunday Sales) - Application submitted 11-9-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

01-3619 14. Foods, Inc., Robert Hand, President dba Dahl's Foods, 1819 Beaver; Renewal - Expires 12-26-01 (With Sunday Sales) - Application submitted 11-29-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3620 15. Foods, Inc., Robert Hand, President dba Dahl's Foods, 1320 East Euclid; Renewal - Expires 12-28-01 (With Sunday Sales) - Application submitted 11-29-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3621 16. Kum & Go LC, William A. Krause, President dba Kum & Go #2742, 4164 Easton; Renewal - Expires 12-29-01 (With Sunday Sales) - Application submitted 11-16-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3622 17. Kum & Go LC, William A. Krause, President dba Kum & Go #2729, 2829 Easton; Renewal - Expires 12-28-01 (With Sunday Sales) - Application submitted 11-16-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3623 18. Kum & Go LC, William A. Krause, President dba Kum & Go #2731, 3104 University; Renewal - Expires 12-29-01 (With Sunday Sales) - Application submitted 11-16-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3624 19. Kum & Go LC, William A. Krause, President dba Kum & Go #2722, 2211 University; Renewal - Expires 12-29-01 (With Sunday Sales) - Application submitted 11-16-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine/"E" Liquor Licenses

01-3625 20. Oasis Wine and Spirits, LTD, Everett N. Sather, President dba Oasis Wine and Spirits, 1401 Buchanan Street; Renewal - Expires 1-3-02 (With Sunday Sales) - Application submitted 12-6-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

01-3626 21. FBB, Inc., Fahrudin Muhamedagic, President dba Soccer Coffee Bar & Tavern, 2718 Douglas; Renewal - Expires 12-18-01 (With Sunday Sales) - Application submitted 10-29-01. **Recommendation from Vice Control Unit to deny. Moved by Vlassis to deny the license, applicant has not satisfied the zoning requirements of Chapter 134-954 of the Des Moines Municipal Code, and the Rules and Regulations thereof. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-3627 22. Juan Flores dba American Legion Hispanic Post #731, 1511 S. Union; Renewal - Expires 1-8-02 (With Sunday Sales) - Application submitted 11-16-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3628 23. The Sky Inc., Frank Scagilone, Owner dba The Blue Sky Lounge, 204 Indianola; Renewal - Expires 12-19-01 (With Sunday Sales) - Application submitted 11-21-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3629 24. Christopher's Inc., Evelyn Guidicessi, Director dba Christopher's, 2816 Beaver; Renewal - Expires 12-31-01 - Application submitted 12-5-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3630 25. 801 Steak and Chop House LC, Charles I. Colby, Jr., Trustee dba 801 Steak and Chop House, 801 Grand Avenue - Suite 200; Renewal - Expires 12-30-01 - Application submitted 12-5-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3631 26. Maria Corp., Maria Hernandez, President dba El Vaquero, 3211 Indianola Rd; Renewal - Expires 12-31-01 (With Sunday Sales) - Application submitted 11-7-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3632 27. The Embers, Inc., Richard J. Roush, President dba Jesse's Embers, 3301 Ingersoll; Renewal - Expires 1-4-02 - Application submitted 12-5-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN01-3633 28. John E. McCaughey dba Johnny Mac's Bar & Grill, 2279 Hubbell; Renewal - Expires 1-8-02 (With Sunday Sales) - Application submitted 12-7-01.

01-3634 29. R & J Catering Ltd., B. J. Guidicessi, President dba Mezzodi's, 4519 Fleur Drive; Renewal - Expires 12-31-01 (With Sunday Sales) - Application submitted 11-30-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3635 30. Now or Later, Inc., John H. Moehle, Owner dba Now or Later, 3750 East University; Renewal - Expires 12-25-01 - Application submitted 10-29-01. **Moved by Hensley to adopt. Motion Carried 7-0.**

Name Change

01-3636 31. Anthony Trimmell dba New Age, Inc, requesting permission for dba name change to Crossroads, 625 East Court. **Moved by Hensley to adopt. Motion Carried 7-0.**

Authorizing

01-3637 32. City Clerk to issue Coin-Operated Amusement Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3638 33. City Clerk to issue Coin-Operated Amusement Machine Licenses, to the following

Bookstores. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: McPherson and Coleman.**

(1) Kenneth Dale Phipps Sr., dba Phoenix Theater, 1410 Grand Avenue.

(2) ABV Management, Inc., Robert C. Marler, President dba Adult Emporium, 1401 E. Army Post Road.

(3) ABV Management, Inc., Robert C. Marler, President dba Bachelor's Library, 2020 East Euclid.

(4) Mid State News, Inc., Roy May, President dba The Gallery, 1000 Cherry Street.

(5) New Books, Inc., Roy May, President dba Blue Nude, 1117 Grand Avenue.

PUBLIC IMPROVEMENTS

01-3639 34. Approving Amendment No. 1 with Control Installations of Iowa, Inc., (Wayne Hansen, President) for additional services on the WRF Site Security System Improvements at the WRA Wastewater Reclamation Facility, in an amount not to exceed \$26,046 ([Council Communication No. 01-634](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3640 35. Approving request from Mr. Craig Shannon, Grefe & Sidney, P.L.C. Attorneys At Law, Attorney for Margaret Richey and Robert L. Carter regarding continuation of Agricultural Deferment for special assessments for Evergreen Avenue Paving. **Moved by Vlassis to receive, file and approve the request for continuation of agricultural deferment pursuant to Section 384.62, Code of Iowa, and authorize and direct the City Clerk to certify a copy of this resolution to Polk County. Motion Carried 5-1-1. Nays: Hensley. Pass: Flagg.**

01-3641 36. Approving request for extension of time from Larson & Larson Construction, L.L.C., (Jeffrey Larson, President) for the Gray's Lake Resource Center Railing project for an extension of 215 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

37. Report of Chief Civil Engineer showing construction progress, amounts due and funding availability of the following:

01-3642 (A) Armory Cooling Tower Replacement, Wolin & Associates, Inc., \$89.30 is now due and \$2,804.70 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3643 (B) E. Euclid Avenue Detention Basin and Storm Sewer Improvements, KRI Company, \$9,780.57 is now due and \$158,032.67 to be paid at the end of 30 days. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3644 38. Approval of Change Order No. 1 with L.A. Company, (Linda Wicker, Owner), for additional work in conjunction with the 1201 Walnut Street Demolition Contract not to exceed \$100,000. ([Council Communication No. 01-633](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3645 39. Approving partial payments on fourteen (14) public improvement projects. (Call City Clerk's Office for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3646 40. Authorizing City Engineer to proceed with Sidewalk Program/Requests to Repair Driveway Petitions, waivers signed by two property owners; and Curb Replacement Program/Requests to Repair Driveway Petitions, waiver signed by one property owner. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

41. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following:

01-3647 (A) Schedule No. 2001-35. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3648 (B) Schedule No. 2001-17. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3649 42. Approving Delinquent Sewer Rental and/or Solid Waste/ Stormwater Utility Fees for the month of November 2001 for certification to Polk County Treasurer. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-3650 43. Approving resolution ratifying Urban Renewal Purchase Agreement and sale of property to Anawim Housing, Inc. to redevelop 1233 and 1243 7th Street. ([Council Communication No. 01-631](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3651 44. Approve and Accept Offer to Purchase and Warranty Deed from ArtCraft, Inc.(2600 Block Garden Road) for vacant land adjacent to City-Owned Property - \$17,500 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3652 45. Approve and Accept Right-of-Way documents from James H. Swacker for 2824 E. University for the E. University at E. 29th/E. 30th Street Intersection Modifications Project-\$200 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3653 46. Approve and Accept Right-of-Way documents from Charles Duane Clark and Shirley J. Clark, 4338 NE Hubbell Avenue for Northeast Four Mile Sanitary Sewer Project - \$6,350 plus closing costs. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3654 47. Approve and Accept Permanent Easements for Traffic Signal and Street Lighting Systems for E. 14th and E. University Avenue Traffic Signal Upgrade. **Moved by Hensley to**

adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

01-3655 48. Appointment of Members to the Metropolitan Planning Organization (MPO) and Transportation Technical Committee (TTC) as follows. **Moved by Hensley to adopt. Motion Carried 7-0.**

(1) (MPO) Regular Members--Chris Coleman, Christine Hensley, John Ruan III; Alternate Members--Eric Anderson, Preston Daniels, and Frank Cownie.

(2) (TTC) Regular Members--Jeb Brewer, Gary Fox, and Jim Grant; Alternate Members--Motasem Al-Turk, Larry Hulse, and Mike Ring.

01-3656 49. Approving appointment of Marc Ward to the Park and Recreation Board as liaison of the Des Moines Independent School Board. **Moved by Hensley to approve the appointment of Marc Ward as the representative of the Des Moines Public School Board to the City Park and Recreation Board. Motion Carried 7-0.**

01-3657 50. Recommendation of Council Member Mike McPherson to reappoint Frances Koontz to Seat 11 on the City Plan Commission for a five-year term commencing July 1, 2001 to expire July 1, 2006. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3658 51. Recommendation of Council Member At-Large George Flagg to reappoint Kimberly Hansen to Seat 2 on the Strategic Planning Commission for a four-year term commencing December 31, 2001 to expire December 31, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3659 52. Recommendation from Neighborhood Revitalization Board that Seat 4 be declared vacant. **Moved by Hensley to receive, file and declare seat vacant. Motion Carried 7-0.**

CITY PLAN COMMISSION RECOMMENDATIONS

WITHDRAWN01-3660 53. Regarding Architectural Advisory Committee's recommendation for the Highland Park Streetscape Project.

01-3661 54. Regarding preliminary subdivision plat for "Stoney Point" located in the vicinity of 5901 SE 14th Street, (D.W. Homes, Inc., represented by David Walters). **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-3662 55. Regarding request from Hope Ministries, 1310-6th Avenue, for vacation and conveyance of the north/south alley between 6th and 7th Street, from Indiana to Forest, subject to conditions. **Moved by Hensley to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

01-3663 56. Regarding request from Park and Recreation Director to reopen Garfield Avenue at

E. 17th Street. **Moved by Hensley to adopt and refer to the City Manager to implement. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-3664 57. On Plan and Zoning Commission-initiated request to rezone property at 4401 NE 46th Avenue, from "A-1" (Agricultural District) to "R1-80" (One Family Residential District), (1-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

58. On issuance of the following bonds, (1-7-02):

01-3665 (A) \$12,000,000 Sewer Revenue Refunding Bonds. ([Council Communication No. 01-629](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3666 (B) \$22,000,000 Sewer Revenue Bonds. ([Council Communication No. 01-630](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3667 59. On vacation and conveyance of two 33' strips of right-of-way adjoining 3800 Laurel Hill Road, to Francis and Maureen Nalevanko, \$780, (1-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3668 60. On conveyance of City-owned alley adjoining 645 SE 26th Court, to Omas W. Alawandi, \$50, (1-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3669 61. On conveyance of City-owned property in vicinity of 539 SE 27th Street, to Elaine and Earl L. Thompson, Jr., \$2,300, (1-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3670 62. On conveyance of City-owned alley adjoining 718 SE 27th, to Emillio and Consuelo Villarreal, \$50, (1-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3671 63. On conveyance of City-owned alley North of Maury and East of SE 26th Court, to Michael and Laura Gibson, \$50, (1-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3672 64. On City Council-initiated rezoning of properties within the Drake Neighborhood area, bounded by University, MacVicar Freeway, Martin Luther King JR. Parkway and 42nd Street, from "R-3" (Multiple Family Residential) to "R1-60" (One Family Low Density Residential) subject to exceptions, (1-7-02). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-3673 65. Approving payment of \$14,289.32 to Robert Ellis for settlement of a worker's compensation claim for an injury sustained during scope of his employment. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3674 66. Approving payment of \$3,364.45 to Reverend George Ring and Doris Ring and payment of \$2,447.48 to ServiceMaster by Kintz for settlement of property damage claims as a

result of sewer backups. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3675 67. Approving payment of \$8,078 to John and Patti Handy for settlement of a property damage claim as a result of erosion beneath 1500 Hackley. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3676 68. Approving payment of \$859.19 to Spiegel & McDiarmid Law Firm for services in connection with FAA concerns regarding City's Airport PILOT charge. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3677 69. Approving payment of \$895.21 to Myers & Jenkins for representation in the Trans World Airlines, Inc. bankruptcy. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3678 70. Approving payment of \$1,075 to Duncan, Green, Brown, Langeness & Eckley for services relating to the airport parking garages. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-3679 71. Submitting out-of-state travel for Jeff Dier. ([Council Communication No. 01-616](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3680 72. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-620](#)). **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

(1) Corner Clearance--West Side of 52nd Street, North of Robertson Drive.

(2) Corner Clearance--East Side of 41st Street, North of Aurora Avenue.

(3) Corner Clearance--North Side of Easton Boulevard, East of East 22nd Street.

(4) Parking Restriction Modification--South Side of Center Street from 24th Street to 28th Street.

APPROVING

01-3681 73. Receipt of Competitive Progress Report for the 4th Quarter of FY 2000-2001 for the Des Moines Metropolitan WRA Wastewater Reclamation Facility. ([Council Communication No. 01-619](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3682 74. Submission of City of Des Moines Comprehensive Annual Financial Report (CAFR) for fiscal year ended June 30, 2001. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-3683 (a) Submission of City of Des Moines Municipal Housing Agency Comprehensive Annual Financial Report for FY ending June 30, 2001. **Moved by Hensley to receive and file.**

Motion Carried 7-0.

01-3684 75. Receipt of Public Works Director's interim status report on vehicle fleet services operations. ([Council Communication No. 01-623](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

WITHDRAWN01-3685 76. Approval of extension of current Agreement to allow Pepsi to leave equipment at specific City venues from December 31, 2001 to March 5, 2002, and to approve a Request for Proposal (RFP) for a single beverage provider. ([Council Communication No. 01-617](#))

76-I Receipt of the following Airport Regulation amendments for the Des Moines International Airport, effective February 18, 2002:

01-3686 (A) Regulation No. 01-32 regarding airport security and access control fees. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3687 (B) Regulation No. 01-33 regarding access to airport facilities. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3688 77. Amending date of contribution to "Outside In: African-American History in Iowa, 1838-2000" published in December by the State Historical Society of Iowa; \$1,000 from 2001-2002 budget. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3689 78. Payment of \$48,269 to Phoenix Aviation Managers to purchase extended coverage endorsement for War, Hi-jacking and other Perils for the period January 1, 2002 through July 1, 2002. ([Council Communication No. 01-625](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3690 79. Neighborhood Commercial Revitalization Loan Program Design changes to increase maximum loan amount from \$15,000 to \$200,000 per project. ([Council Communication No. 01-621](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3691 80. Submission of a State of Iowa Community Economic Betterment Account (CEBA) application for a project proposed by EMCO Enterprises, Inc. in Des Moines Agribusiness Enterprise Zone and provide preliminary approval for financial assistance from City of Des Moines, Iowa. ([Council Communication No. 01-615](#)). **Moved by Hensley to approve. Motion Carried 7-0.**

81. Bids for the following:

01-3692 (A) Printrak International, Inc., (Anaheim, CA), single source vendor, for a Livescan 3000 Electronic Fingerprinting System to be used by the Police Department, \$70,250. ([Council Communication No. 01-628](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3693 (B) ASAP Software, (Buffalo Grove, IL) from State of Iowa Contract No. CT2545 for

Microsoft software products to be used by the Police Department, \$44,800.80. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3694 (C) Compaq Computer Corporation, (Houston, TX) from the Western States Contract Alliance (WSCA) price agreement #90-00151 for Compaq Computer Equipment to be used by the Police Department, \$117,388. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3695 82. Civil Service Entrance Lists for Park Maintenance Mechanic, Neighborhood Inspections Assistant and Safety Consultant; Promotional Lists for Traffic Maintenance Chief, Senior Police Officer and Medium Equipment Operator. **Moved by Hensley to receive and file. Motion Carried 7-0.**

01-3696 83. Authorizing Finance Director to draw checks on the registers of December 21 and December 28, 2001; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks December 17 and December 24, 2001; and to draw checks for biweekly payroll due employees on December 28, 2001. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-3697 84. Amending Chapter 42 of the Municipal Code regarding soil erosion control, grading, grading permits and fees. **Moved by Hensley that this ordinance do now pass, [#14,029](#). Motion Carried 7-0.**

01-3698 85. Amending Chapter 114 of the Municipal Code regarding lowering speed limits in public parks. **Moved by Hensley that this ordinance do now pass, [#14,030](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-3699 86. On vacation of a portion of E. Court Avenue and E. 6th Street right-of-way at 601 E. Court. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-3700 87. On rezoning of property at 3600 Army Post Road, from "PBP" (Planned Business Park) to "PUD" (Planned Unit Development). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-3701 (a) Final consideration of ordinance above, (waiver requested by Council Member Hensley), requires 6 votes. **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, [#14,031](#). Motion Carried 7-0.**

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

Council considered Items 109, 110 & Hearing Items 93 thru 100 next

ORDINANCES - FIRST CONSIDERATION

01-3702 88. Renaming Valley Drive west of Fleur Drive and north of Park Avenue to George Flagg Parkway. **Moved by Daniels that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3703 (a) Final consideration of ordinance above. **Moved by Daniels 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, [#14,032](#). Motion Carried 7-0.**

01-3704 89. Amending Chapter 38 of the Municipal Code regarding City ambulance service fees. ([Council Communication No. 01-624](#)). **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3705 90. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

(1) Modification of Existing Parking Restrictions--Southeast Corner of East 6th Street and East Locust Street.

(2) Corner Clearance--Both sides of East Hackley Avenue, East of SE 5th Street.

(3) Corner Clearance--West Side of 33rd Street, North and South of Forest Avenue.

(4) Corner Clearance--South Side of East Kenyon Avenue, East of South Union.

01-3706 (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, [#14,033](#). Motion Carried 6-1. Absent: Coleman.**

COMMUNICATIONS/REPORTS

01-3707 91. From Curtis White, 2004 22nd Street, regarding the City's possible involvement in inspection of homes for sale on contract. **Moved by Hensley to grant the request to speak. Motion Carried 6-1. Absent: Brooks.**

01-3708 92. From Stacie Mitchell, 1430 7th Street, requesting release of demolition reserve being held on 1211 21st Street by State Farm Insurance. **Moved by Vlassis to grant the request to speak; and defer to 1-7-02. Motion Carried 7-0.**

****Council considered Item 102 through end of agenda next****

HEARINGS (Opened at 5:29 P.M.) (Items 93 thru 100)

01-3709 93. On supplement to Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, not to exceed \$810,000, for purpose of acquiring one power broom and two runway plow trucks to be used at the Airport. ([Council Communication 01-614 of 12-3-01](#)).
Moved by Hensley to adopt. Motion Carried 7-0.

01-3710 (A) Authorization for additional action. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3711 94. On proposed Purchase Agreement for acquisition of 1300 Scott Avenue and 1202 Scott Avenue, from L & M Enterprises, aka Lomar Wholesale Groceries, Inc., and Marilyn A. Hurwitz, in conjunction with East-West Segment of the Martin Luther King, Jr. Parkway Project, \$1,400,000, and designate Council meeting of January 28, 2002 for action on the proposal.
Moved by Brooks to approve. Motion Carried 6-1. Absent: Daniels.

95. Items regarding Principal Parking Lots at 8th and Center Street:

01-3712 (A) Hearing on amendment to the PUD Conceptual Plan for the Hillside PUD located between 7th and 9th Streets, and between Center and Crocker Streets, to allow continuation of surface parking for use by Principal Financial Group employees. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3713 (B) Hearing on rezoning of property in the vicinity of 900-8th Street, from "R-4" (Multiple-Family Residential) to "C-3A" (Central Business District), to allow continuation of surface parking for use by Principal Financial Group employees. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3714 (C) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3715 (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, [#14,034](#). Motion Carried 7-0.**

01-3716 (E) Recommendation from Plan and Zoning Commission, regarding amendment to the Des Moines 2020 Community Character Land Use Plan, from High Density Residential/Limited Commercial, to Downtown Support Commercial. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3717 (F) City Plan and Zoning Commission recommendation regarding request for vacation

and conveyance of the north/south alley between 8th and 9th from Crocker to Center. **Moved by Hensley to adopt and refer to the City Manager and City Properties Administrator to implement. Motion Carried 7-0.**

01-3718 96. Resolution to open and continue Hearing on preliminary purchase terms and conditions, for acquisition of properties located at 1006 Grand Avenue and a portion of property located at 610 Dickman Road-Door of Faith, \$1,200,000, (1-7-2002). **Moved by Hensley to approve. Motion Carried 7-0.**

01-3719 97. On Plan and Zoning Commission-initiated request to rezone property at 4440 NE Hubbell Road, from "A-1" (Agricultural) to Ltd. "C-2" (General Retail and Highway Oriented Commercial), subject to limitations. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Vlassis.**

01-3720 (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: Vlassis.**

01-3721 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, [#14,035](#). Motion Carried 6-1. Absent: Vlassis.**

01-3722 98. On City Council-initiated rezoning of property at 1620 Pleasant Street, from "RHD" (Residential Historic District) to "PUD" (Planned Unit Development). **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Vlassis.**

01-3723 (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: Vlassis.**

01-3724 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, [#14,036](#). Motion Carried 6-1. Absent: Vlassis.**

01-3725 99. On Douglas Avenue (U.S. 6) at 50th Street Signalization: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Brown Bros., Inc. Electrical Contractors (Kimberly K. Constable, President, DSM), \$226,866.30 **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3726 (A) Approving contract and bond, and permission to sublet. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3727 100. On 2002 Sanitary Sewer Televising Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest

responsible bidder as Hydro-Klean, Inc. (Andrew W. Mercial, President, Ankeny), \$99,592.
Moved by Brooks to adopt. Motion Carried 7-0.

01-3728 (A) Approving contract and bond. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3729 100I On Public Hearing regarding denial of taxicab license from Kirk Farrar. **Moved by McPherson to grant license for a six-month probationary period, providing proof of employment is given to the Traffic Engineering division.**

* * END HEARINGS at 5:54 P.M. * *

CITY MANAGER RECOMMENDATIONS

01-3730 101. Regarding Tax Increment Needs for FY 2002/2003. ([Council Communication No. 01-627](#)). **Moved by Hensley to adopt the recommendations contained in the Council Communication, and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for \$15,691,145 of tax increment revenue for the 2002/2003 fiscal year. Motion Carried 6-1. Absent: Daniels.**

APPROVING

102. Items regarding Right-of-Way management in the City:

01-3731 (A) Video Presentation. ([Council Communication No. 01-618](#)). **Moved by Coleman to receive and file. Motion Carried 7-0.**

01-3732 (B) First consideration of ordinance regarding registration of right-of-way users, establishment of annual right-of-way management fee in lieu of registration, and amendment of permit fee provisions. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3733 103. Resolution to participate in City-County Consolidation Charter Commission. **Moved by Daniels to adopt. Motion Carried 6-1. Nays: Brooks.**

01-3734 104. Resolution authorizing City Engineer to evaluate alternative solutions to reduce cost of ML King, Jr. Parkway North/South Segment from Fleur Drive to Ingersoll Avenue and East/West Segment from SW 16th Street to Fleur Drive. ([Council Communication No. 01-632](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3735 105. Execution of a Chapter 28E Agreement authorizing the performance of Phase II of a study to update the WRA Facilities Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3736 (A) Approval of Supplemental Agreement No. 1 to professional services agreement

with Veenstra & Kimm, (H.R. Veenstra Jr., President, WDM) to perform engineering services in conjunction with the Wastewater Reclamation Authority Facility Plan Update Phase II on an hourly basis, not to exceed \$525,900. ([Council Communication No. 01-626](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3737 106. Authorizing the legal department to draft 457(b) and 401(a) plan document changes in accordance with the Economic Growth and Tax Relief Reconciliation Act of 2001 and approving said changes. ([Council Communication No. 01-622](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Absent: Daniels.**

01-3738 107. Initiating amendments to the Zoning Ordinance and to the Metro Center Urban Renewal Plan, to protect the dominance and views of the Iowa State Capitol Building ([Council Communication No. 01-642](#)). **Moved by Brooks to adopt. Motion Carried 5-1-1. Nays: Vlassis. Absent: Daniels.**

01-3739 108. Agreement for Professional Services with John W. Firman & Associates for the implementation of the Public Arts Program. ([Council Communication No. 01-641](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

109. Resolutions approving support of the following applications to the Iowa Housing Finance Authority:

01-3740 (A) Woodland Avenue Partners, L.P., requesting low income housing tax credits for new construction of 16 units of family housing at 1502 Woodland Avenue. ([Council Communication No. 01-635](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3741 (B) James C. Conlin requesting low income housing tax credits for new construction of 24 units of family housing at 2710 SW 63rd Street. ([Council Communication No. 01-637](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

01-3742 (C) James C. Conlin requesting low income housing tax credits for new construction of 18 units of family housing at 3560 E. Douglas Avenue. ([Council Communication No. 01-636](#)). **Moved by McPherson to adopt. Motion Carried 7-0.**

110. Resolutions Denying Support for Applications to Iowa Housing Finance Authority Requesting Low Income Housing Tax Credits for the following:

WITHDRAWN01-3743 (A) Hawthorne Hill Community Partners (Bernie VanTil) for rehabilitation of 46 units of housing at 921 Pleasant. ([Council Communication No. 01-638](#)).

WITHDRAWN01-3744 (B) Prime Agency L.L.C. for new construction of 47 units of family housing at 4110 East 42nd Street. ([Council Communication No. 01-640](#))

01-3745 (C) National Management Corporation for new construction of 26 units of family housing at 4041 Frederick Hubbell Avenue. ([Council Communication No. 01-639](#)). **Moved by**

McPherson to continue to 1-7-02. Motion Carried 7-0.

* * * * *

EXTRA ITEMS

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

01-3746 1. Request from Joseph Henscheid, 2507 E. Leach, regarding tax abatement for commercial property at 6550 Bloomfield Road. SPONSOR: Brooks. **Moved by Brooks to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.**

01-3747 2. Setting Date of Hearing on Release of Easement and Replacement Easement, for property in the vicinity of E. 4th, E. 5th, E. Locust and E. Walnut. SPONSOR: Brooks. **Moved by Brooks to adopt. Motion Carried 7-0.**

01-3748 3. Communication from City Manager submitting changes tot he maximum load limits on the SW 9th Street Bridge over Raccoon River and the SW 9th Street viaduct over Martin Luther King Jr. Parkway, to 20 tons. ([Council Communication No. 01-643](#)) SPONSOR: Hensley. **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

A G E N D A
BOARD OF HEALTH

December 17, 2001

01-3749 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

01-3750 1. Court authority to abate the public nuisance at 1721 21st Street (vacant), Titleholder: 5915 Tonka, LLC, Attn: John Davis. **Moved by Flagg to adopt. Motion Carried 7-0.**

01-3751 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:07 P.M. Motion Carried 7-0.**

DES MOINES-CITY OF SKYWALKS