

SUMMARY OF DES MOINES CITY COUNCIL MEETING

February 24, 1997 4:30 P.M.

INVOCATION: Reverend Ken Arentson, Westminster Presbyterian Church

97-544 1. ROLL CALL: **Present: Davis, Daniels, Flagg, Hensley, McPherson, Phillips and Vlassis.**

97-545 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by McPherson to adopt. Motion Carried 7-0.**

97-546 3. APPROVING CONSENT AGENDA - items 3 through 65: **Moved by Hensley to adopt. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

97-547 4. Communication from Legal Department regarding February 24, 1997 License and Permit Agenda. **Moved by McPherson to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

97-548 5. Scornovacca Pizza Corporation, Susan C. Freylack, President dba Scornovacca's Pizza, 3900 Northeast 14th Street; Renewal - Expires 3-10-97 (With Sunday Sales) - Application submitted 2-7-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

97-549 6. Frederick Weber dba Candy Kitchen, 2004 Forest; Renewal - Expires 3-29-97 (With Sunday Sales) - Application submitted 1-31-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-550 7. Kwik Shop, Inc., Steve Mostrom, Operations Director, dba Kwik Shop #524, 4140 Park Avenue; Renewal - Expires 3-19-97 (With Sunday Sales) - Application submitted 2-11-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "E" Beer Licenses

97-551 8. Hawkeye Services Corporation, Larry Arthur Jones, President dba Hawkeye Pantry, 501 Locust - Suite 202; Renewal - Expires 3-9-97 (With Sunday Sales) - Application submitted 2-7-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Beer-Wine Licenses

97-552 9. Paesano's Pizzeria, Inc., Bruce Kennedy, President dba Paesano's Pizzeria, 2804 Southwest 9th Street; Renewal - Expires 3-22-97 - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "B" Liquor Licenses

97-553 10. HG Corporation of Iowa, Bob Haupt, President dba Days Inn Capital City, 3501 East 14th Street; Renewal - Expires 2-28-97 - Application submitted 1-28-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

97-554 11. Judy J. Adams dba Firehouse Lounge, 1930 Southeast 6th; Renewal - Expires 2-19-97 (With Sunday Sales) - Application submitted 1-22-97. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-555 12. V. Maureen Dougherty dba Jim-N-I, 1922 Hubbell Avenue; New Application submitted 1-23-97 (With Sunday Sales). **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-556 13. Terrace Cafe, Inc., David Naimi, President dba Terrace Cafe, 600 East Locust; Renewal - Expires 3-10-97 (With Sunday Sales and Beer Garden) - Application submitted 2-6-97. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-557 14. Hazel Jones dba Hazel's Blue Sky, 3940 Dixon; Renewal - Expires 3-14-97 (With Sunday Sales) - Application submitted 2-10-97. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

Class "E" Liquor Licenses

97-558 15. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 3425 Ingersoll; Renewal - Expires 2-28-97 - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-559 16. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 1320 East Euclid; Renewal - Expires 2-28-97 - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-560 17. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 1819 Beaver; Renewal - Expires 2-28-97 - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-561 18. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 4121 Fleur Drive; Renewal - Expires 2-28-97 - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-562 19. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 6200 Southeast 14th Street; Renewal - Expires 2-28-97 - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-563 20. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 3710 Hubbell; Renewal - Expires 2-28-97 - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-564 21. Foods, Inc., Kenneth C. Stroud, President dba Dahl's Food Market, 4343 Merle Hay Road; Renewal - Expires 2-28-97 - Application submitted 1-29-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

97-565 22. Hawkeye Services Corporation, Larry Arthur Jones, President dba Hawkeye Pantry, 501 Locust - Suite 202; Renewal - Expires 3-9-97 - Application submitted 2-6-97. **Moved by McPherson to adopt. Motion Carried 7-0.**

Authorizing

97-566 23. City Clerk to issue Cigarette Licenses. **Moved by McPherson to adopt. Motion Carried 6-1. Nays: Daniels.**

97-567 24. City Clerk to issue Coin-Operated Amusement Machines Licenses. **Moved by McPherson to adopt. Motion Carried 7-0.**

Gamerrooms

97-568 25. R & M Music, Joe Hencheid, President dba R & M Music, 833 - 5th Street (Veteran's Auditorium); New Application for Wrestling and Basketball Tournaments - February 27 thru March 23, 1997. **Moved by McPherson to adopt. Motion Carried 7-0.**

Sunday Sales

97-569 26. Mona Mi, Inc., Louis McCormick, President dba Possum Walk, 1820 East Army Post Road; New Application. **Moved by McPherson to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

97-570 27. Resolution ordering construction of Demolition Contract No. 165, B.H.N.A.C., Receiving of Bids (03-11-97), and Setting Date of Hearing, (03-17-97), (Construction Estimate - \$95,000). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-571 28. Report of the Chief Civil Engineer showing construction progress, amounts due and funding availability of Demolition Contract No. 163, B.H.N.A.C., LA Company, \$5,859.60 is now due and \$5,032.75 to be paid at the end of 30 days. **Moved by Hensley to adopt. Community Development Director to report on standards for preservation. Motion Carried 7-0.**

97-572 29. Authorizing City Manager to acquire the temporary access easements from two property owners, in conjunction with SW 5th Street Bridge Rehabilitation - 1997/78 Capital Improvements Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-573 30. Professional Service Agreement with Herbert Lewis Kruse Blunck for Design-& Construction-Phase Services in conjunction with Skywalk Connection (Tunnel) between Hotel Fort Des Moines and 10th and Walnut Parking Garage - \$86,125. (Council Communication No. 97-085). **Moved by McPherson to adopt. City to meet with designers to discuss issues regarding security and maintenance of the tunnel. Motion Carried 7-0.**

97-574 31. Implementation recommendations Final Report from Veenstra & Kimm, Inc., on University Stormwater Tunnel Inspection Report. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-575 32. Authorizing City Manager to proceed on various Park and Recreation Improvements included in 1996-97 Capital Improvement Program - \$107,000. (Council Communication No. 97-097). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-576 33. Addendum to Preconstruction Agreement with Iowa Department of Transportation to reconstruct E. University Avenue (IA 163)/Williams Street intersection - \$1,660,000. (Council Communication No. 97-086). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-577 34. Authorizing City Manager to proceed on Southeast and Southwest Transportation Corridor Studies included in 1996-97 Capital Improvements Program - \$150,000. (Council Communication No. 97-092). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-578 35. Communication from Cramer and Associates, Inc. requesting permission to sublet certain items on Fleur Drive Bridge over Raccoon River and Railroad Bridge Deck Overlay project. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-579 36. Approving partial payments on five public improvement projects. (See roll call for list). **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

97-580 37. Approving Division Assessment Schedule for the E. Hartford Avenue Paving, Schedule No. 1991-04-\$1,800. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

97-581 38. Offer to Purchase, Backslope and Property Adjustment Easement and Release, and Warranty Deed, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement Project, from James J. Long, Trustee of the James C Mouzakis Trust, 4132 E. University-\$2,117.60. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-582 39. Backslope and Property Adjustment Easements and Releases in conjunction with 1995 Paving Program No. 1-E 34th Street/SE 34th Street-Dean Avenue to Railroad Tracks from, Fred O. and Jeri K. Robinette, 157 SE 34th-\$25, Stephen A. and Rosemary R. Lipovac, a vacant lot on SE 34th Street-\$325, Nina and Nick Khounchanh, 118 SE 34th Street-\$25, Nina and Nick Khounchanh, 120 SE 34th Street-\$25, Clifford W. Bennett, 122 SE 34th Street-\$25, Jerry D. and Sheila A. Wyckoff, 3401 Dean Avenue-\$25. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-583 40. Offer to Purchase, Backslope and Property Adjustment Easement and Release, Warranty Deed, and Release of Judgment, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement, from Jerald L. Baumbach, 4038 E. University Avenue-\$1,598.60. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-584 41. Offer to Purchase, Backslope and Property Adjustment Easement and Release, and Warranty Deed, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement Project, from Gary M. and Colleen C. Wood, 4116 E. University Avenue-\$7,028.40. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-585 42. Purchase of vacant lot on westside of Delaware Avenue, North of Euclid, from Shirley A. and LaVerne W. Simpson, for \$124, in conjunction with U.S. 6 (East Euclid Avenue) and Delaware Avenue Intersection Improvement. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-586 43. Approving Noise and Avigation Easements for four properties in conjunction with the Airport Noise Compatibility Program, Phase II. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-587 44. Condemnation Commissioner's award of \$2,400, plus Sheriff's fees and jury expenses, in conjunction with Iowa 163 (E. University Avenue) and Williams Street Intersection Improvement. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

97-588 45. Recommendation from Council Member Chris Hensley, Ward III, for the appointment of Daniel Eugene Kealy to the Des Moines Traffic Safety Committee, to fill the unexpired term of Steve Johns to expire December 31, 1997 and a full three-year term to expire December 31, 2000. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

97-589 46. On City Plan Commission-initiated rezoning of property in the general vicinity area of Ingersoll Avenue between Martin Luther King Jr. Parkway to 40th Street from C-2

(Commercial-Residential), "C-1" (Neighborhood Retail Commercial) and "C-2" (General Retail and Highway Oriented Commercial) to a New "Neighborhood Pedestrian Commercial District" and to find this in conformance with the Des Moines 2000 Land Use Plan, (3-17-97). **Moved by Hensley to adopt and set hearing date for March 24, 1997. Motion Carried 7-0.**

97-590 47. On amendment to the Zoning Ordinance regulations regarding design and construction of single-family homes, including mobile and manufactured homes, to require compliance with various standards, (3-17-97). **Moved by Hensley to adopt and refer to City Council Sub-Committee to review tax rates paid by these types of homes. Motion Carried 7-0.**

97-591 48. On vacation and conveyance of a portion of the Delaware Avenue right-of-way north of Euclid, to Ruan Incorporated, \$11,400, (to correct error in legal description), (3-3-97). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

97-592 49. Approving payment of \$10,000 to Keith Purdy and his attorney, Ryan Moorman for property damage and bodily injury resulting from an auto accident on November 2, 1996 with a City vehicle. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-593 50. Approving payment of \$560.80 to Becky S. Knutson of Davis, Brown, Koehn, Shors & Roberts, P.C. for representation of Officer Camden Moran in case of Price, et al. v. Moran, et al. **Moved by Hensley to approve payment. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-594 51. Approving payment of \$19,993 to Curtis Lloyd Moore and his Attorney Robert McKinney for workers' compensation claims filed during the scope of his employment, subject to approval of the Industrial Commissioner. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

97-595 52. Submitting out-of-state travel request for David Knutzen.(Council Communication No. 97-087). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-596 53. Submitting traffic regulation change for Handicapped Parking in vicinity of Third and Locust Streets by the Civic Center Apartments. (Council Communication No. 97-088). **Moved by Flagg to receive, file, and refer to Legal Department for preparation of proper legislation. In the future this type of request should be forwarded to the Access Advisory Board for a recommendation prior to it coming before the Council. Motion Carried 7-0.**

APPROVING

97-597 54. Contract with Carol Behrer, independent contractor, for Enterprise Community Grant Writer Project - \$50,000 Enterprise Community Social Service Block Grant (SSBG) Funds.

(Council Communication No. 97-096). **Moved by Daniels to defer until March 3, 1997. City Manager to identify alternative to this plan. Motion Carried 7-0.**

97-598 55. Contract with C. Marsh and Associates to develop draft plan for Enterprise Community Recovery Village Project - \$35,000 Social Service Block Grant (SSBG) Funds. **Moved by Daniels to defer to March 3, 1997. Motion Carried 7-0.**

****Council considered Hearing Items 67 thru 75 next****

97-599 56. Contract with Polk County for Polk County Child Care Resource and Referral Network - \$40,000 Social Service Block Grant (SSBG) Funds. **Moved by Hensley to adopt. Motion Carried 7-0.**

57. Agreements for allocation of the following funds to Neighborhood Housing Services of Des Moines, Inc.:

97-600 (A) \$61,400 in **1996** HOME Projected Program income. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-601 (B) \$61,400 in **1995** HOME Projected Program income. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-602 58. Tax Abatement applications for additional value added by improvements made during 1996. (25 applications on file in Clerk's Office). (Council Communication No. 97-090). **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

59. Bids for the following:

97-603 (A) US Standard Sign, (Franklin Park, IL, Bill Kipnis, President) for Aluminum Sign Blanks to be used by the Engineering Department (Traffic and Transportation Division), \$15,477.55, (Eight bids mailed-five received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-604 (B) O'Halloran International, Inc., (1780 East Sheridan, D.M., Jim O'Halloran, President) for one truck with dump body to be used by the Parks and Recreation Department, \$56,233, (Ten bids mailed-six received). **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-605 (C) O'Halloran International, Inc., (1780 East Sheridan, D.M., Jim O'Halloran, President) for one truck with dump body and two trucks with dump bodies and snow plows to be used by the Public Works Department (Street and Bridge Maintenance Divisions), \$134,671, (Eleven bids mailed-five bids received). **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-606 59. (D) Mid-Land Equipment Company and Contractors Machinery, Inc. did not meet

specifications, therefore, non-compliant. Bid awarded to C.R. Walk Implement, Inc., (Indianola) for an Industrial Tractor with front end loader and backhoe, and one backhoe loader to be used by the Park and Recreation Department, \$83,000, (Seven bids mailed-three received). **Moved by Hensley to adopt. Motion Carried 7-0.**

97-607 (E) Mobile Vision, Inc., (Boonton, NJ, Louis Blanco, President) for three (3) in-car video systems to be used by the Police Department in selected Police Patrol vehicles, \$11,265), (Eight bids mailed-one received). (Council Communication No. 97-102). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Flagg.**

97-608 60. Report of Civil Service Commission submitting Traffic Analyst (Entrance) list. **Moved by Hensley to receive and file. Motion Carried 7-0.**

97-609 61. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-610 62. Authorizing Finance Director to draw warrants on registers of February 28, 1997 and the bills of the Des Moines Municipal Housing Agency for the weeks beginning February 24, 1997, and the biweekly payroll due employees on February 28, 1997. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

97-611 63. On rezoning of property in vicinity of Stanton Avenue to McKinley and between SW 34th and SW 32nd Street, from an "R1-80" (One Family Residential), to an "M-3" (Limited Industrial). **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-612 64. On rezoning of property (approximately 140 acres) at 3615 SW 63rd, 6101 and 6001 Watrous, and 3500 SW 56th Street, from "R-2" (One and Two Family Residential) and "PBP" (Planned Business Park), and "M-3" (Limited Industrial District) to a PUD. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

97-613 65. Amending Chapter 27 of the Municipal Code regarding corner clearance on the east side of E. 26th, south of E. Madison. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

97-614 66. Amending Chapter 27 of the Municipal Code regarding traffic regulation changes for the following: Additional Handicapped Parking Meters on 10th Street-Cherry Street to Mulberry Street; 10th Street-Grand Avenue to High Street; Court Avenue-2nd Avenue to 3rd Street; Locust Street-East 1st Street to Second Avenue; E. Grand Avenue-E. Sixth Street to Pennsylvania Avenue; Walnut Street-Tenth Street to Eleventh Street; Grand Avenue-Fifth

Avenue to Sixth Avenue; Grand Avenue-Ninth Street to Tenth Street; Park Street-Second Avenue to Fourth Street. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

****Council considered Item 76 thru end of agenda next****

HEARINGS (Opened at 5:45 P.M.) (Items 67 thru 75)

97-615 67. On Amendments to the Zoning Ordinance, to create the Neighborhood Pedestrian Commercial District Classification. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-616 (A) On Amendments to the Site Plan Review Requirements, to facilitate the "NPC" Neighborhood Pedestrian Commercial District. **Moved by Hensley to adopt. Motion Carried 7-0.**

97-617 67. (B) First consideration of Zoning Ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage, and consider adding "Radiator and Tire Repair/Sales" businesses to the list of excepted uses on Page 5 of the ordinance--to be considered at time of second consideration. Motion Carried 7-0.**

97-618 (C) First consideration of Site Plan Review Ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

WITHDRAWN97-619 (D) Final consideration of Zoning Ordinance above, (waiver requested by Community Development Director), requires 6 votes.

WITHDRAWN97-620 (E) Final consideration of Site Plan Review Ordinance above, (waiver requested by Community Development Director), requires 6 votes.

97-621 68. On application from Ronald L. Woods, Easter Lake Estates, Inc., to rezone property in the 800 block of E. County Line Road from "R-3" (Multi-Family Residential) to an "R-5" (Mobile Home Residential) and to approve preliminary plan-Southridge Estates Mobile Home Park, to provide 102 mobile home lots, and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-622 (A) First consideration of ordinance above. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-623 69. On application from James Conlin of The Phoenix Group, Ltd. to rezone property in the vicinity of 1514 Evergreen Avenue, from "C-4" (Shopping Center Commercial District) to a "P.U.D." (Planned Unit Development District) and to approve Conceptual Plan Southbrook Green II, to provide two 18-plex dwelling unit buildings, and to find this in conformance with the Des Moines 2000 Land Use Plan. **Moved by Phillips to adopt. Motion Carried 7-0.**

97-624 69. (A) First consideration of ordinance above, 6/7 vote required for passage. **Moved by Phillips that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

97-625 (B) Final consideration of ordinance above, 6/7 vote required for passage. (Waiver requested by applicant). **Moved by Phillips that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,432. Motion Carried 7-0.**

97-626 70. On application from Randy Walters, Excalibur Development, to rezone property in the 7400 block of Indianola Avenue from "R1-80" (One Family Residential) to a PUD (Planned Unit Development) to approve the Conceptual Plan - The Meadow Lands, to provide 360 apartments, 101 townhouses, and 108 condominiums, approval of request for tax abatement, approval of request to amend the Des Moines 2000 Land Use Plan by revising the classification from Medium Density Residential to Commercial. **Moved by Vlassis to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-627 70. (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-628 (B) Final consideration of ordinance above, requires six votes for passage. (Waiver requested by applicant). **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #13,433. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-629 71. On proposed six-month lease with City View Partners II, Tim Urban and Clark Stewart, Limited Partnership, for 1,118 square feet of office space at 1251 University, Suite E, to temporarily house the Model City Neighborhood site office, \$900 per month. (Council Communication No. 97-101). **Moved by Vlassis to adopt. Motion Carried 7-0.**

97-630 72. On Parking License Agreement, (20-year term), with The Graham Group, Inc., for 150 parking spaces at the Ninth and Locust/Grand Parking Garage, monthly fee equal to City's prevailing parking rate. (Council Communication No. 97-098). **Moved by Hensley to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

97-631 73. On Community Centers Accessibility Program; approving plans, specification, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Const., Inc., (Robert L. Johnson, President, 107 Arthur, DM), \$32,263. **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Phillips.**

97-632 74. On Botanical Center Greenhouse Roof Replacement; approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as

United Greenhouse Systems, Inc. (Dan Billhorn, President, 708 Washington St., Edgerton, WI), \$61,217.44. (Council Communication No. 97-093). **Moved by McPherson to adopt. Motion Carried 6-1. Absent: Phillips.**

97-633 75. On East-Side Traffic Signal Upgrading Project (Iowa Department of Transportation Project); submission of bids and designating lowest responsible bidder as Brown Bros., Inc. (Charles L. Brown, C.E.O., 107 E. 5th St, DM), \$186,349. (Council Communication No. 97-091). **Moved by McPherson to adopt. Motion Carried 6-0. Mayor Davis declares a conflict of interest, and abstains from voting.**

* * END HEARINGS at 6:43 P.M. * *

****Council considered Items 57 and 66 next****

CITY MANAGER RECOMMENDATIONS

97-634 76. Legislative Update for 76th Iowa General Assembly. **Moved by Hensley to receive and file the attached report. Motion Carried 7-0.**

APPROVING

97-635 77. Form of Request for Proposals (RFP), for towing and storage of impounded vehicles, (continued from 2-17-97). **Moved by Vlassis to refer to City Manager to review point system, establish a baseline for scoring and return to Council with recommendation as soon as possible. Motion Carried 7-0.**

97-636 78. Intergovernmental 28E Agreement with Clive, Urbandale, Waukee, West Des Moines and Windsor Heights, for services related to the review of Cable TV Rates. (Council Communication No. 97-099). **Moved by Flagg to adopt. Motion Carried 7-0.**

97-637 79. Recommendation from City Plan Commission, regarding amendments to the Des Moines Land Use Plan and the ACCENT Neighborhood Land Use Plan. **Moved by McPherson to receive and file. City staff to meet with a committee of citizens from the affected area, to discuss guidelines for maintenance and landscaping. Motion Carried 7-0.**

97-638 (A) Authorizing City Manager to acquire by purchase, gift or condemnation, the necessary right-of-way for the Easton Boulevard Detention Basin. (Council Communication No. 97-094). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-639 (B) Authorizing City Manager to acquire by purchase, gift or condemnation, the necessary right-of-way for the Euclid Avenue Detention Basin. (Council Communication No. 97-095). **Moved by McPherson to adopt. Motion Carried 7-0.**

97-640 80. Renewal of Post-Warranty Maintenance Agreements, retroactive to August 11, 1996 terminating August 10, 1997, with Norstan Communications for telephone system. (Council

Communication No. 97-089). **Moved by Flagg to approve. Motion Carried 7-0.**

97-641 81. Resolution approving Evidence of Financing and Final Design Plans submitted by Houghton Properties, Jonathan Houghton, President, for the Stage II Project on 1771 Guthrie Avenue-Guthrie Avenue Business Park Urban Renewal Area. (Council Communication No. 97-100). **Moved by McPherson to approve. Motion Carried 7-0.**

COUNCIL REQUESTS

97-642 82. Recommendation from City Council Telecommunications Sub-Committee regarding Telecommunications System. **Moved by Vlassis to receive, file and defer until March 17, 1997. City Manager to report on how to proceed, and also report on concerns regarding: 1. What kind of Staff commitment would this represent. 2. What commitment have we made to the Minnesota Firm to represent us in negotiations with TCI. 3. Obtain from TCI their time-table for upgrading. 4. Council to incorporate views from the Business Community and Education Community, Sub-Committees, and Neighborhoods for input. Motion Carried 7-0.**

97-643 83. From Council Member Flagg regarding Downtown development, East and West. **Moved by Flagg to receive and file comments and this be made part of Strategic Planning Concept. Motion Carried 6-1. Absent: Daniels.**

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EXTRA ITEMS

97-644 1. Recommendation of Council Member At Large Preston Daniels for appointment of John F. Edge to Building Code Board of Appeals, for four year term to expire April 2, 2001. SPONSOR: Daniels. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Daniels.**

2. Communications from the following regarding the 1997-99 Capital Improvement Budgets:
SPONSOR: Davis.

97-645 (A) Neighborhood Advisory Board. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Daniels.**

97-646 (B) City Plan Commission. **Moved by McPherson to receive and file. Motion Carried 6-1. Absent: Daniels.**

97-647 3. Approving deviation from policy regarding request from P.M.J., Inc. dba Carl's Place, 1620 Woodland to close Woodland Avenue from 16th Street to 17th Street, Saturday, March 15, 1997 from 11:00 A.M. to 11:00 P.M. for Street Party. SPONSOR: Hensley. **Moved by Vlassis**

to adopt. Motion Carried 6-1. Absent: Daniels.

97-648 MOTION TO ADJOURN. Moved by Vlassis to adjourn at 8:17 P.M.