



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '09-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**

June 22, 2009 4:30 PM

**SPECIAL PRESENTATIONS – 4:15 PM**

Announcing Partnership with Family Violence Center & DMPD

**PROCLAMATIONS - 4:15 PM**

Baby Boomers Cookie – Official Cookie of the City of Des Moines

**INVOCATION:** Pastor Craig Robertson  
Grant Park Christian Church  
E. 25th and Capitol

- [09-1056](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Motion Carried 7-0.**
- [09-1057](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

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**\*Note:** These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.

[09-1058](#)

3. APPROVING CONSENT AGENDA – items 3 through 43: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.**

### LICENSES AND PERMITS

[09-1059](#)

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

#### NEW APPLICATIONS

<del>(A)</del> <del>EL PALOMINO</del>	<del>3116 E 14TH ST</del>	<del>C Beer</del>
(B) LA FAVORITA	1700 E GRAND AVE	C Beer
(C) NEW CHINA BUFFET	1111 E ARMY POST	B Beer

#### RENEWAL APPLICATIONS

(D) AIR LANES	4200 FLEUR DR	C Liquor
(E) BLANK PARK ZOO	7401 SW 9TH ST	C Liquor
(F) CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(G) DES MOINES COMMUNITY	831 42ND ST	C Liquor
(H) D'S MAIN GATE	2956 E GRAND AVE	C Liquor
(I) H & A MINI MART	145 UNIVERSITY	C Beer
(J) HOUSE OF BRICKS	525 E GRAND AVE	C Liquor
(K) HUGH'S JUNGLE ROOM	5715 DOUGLAS AVE	C Liquor
(L) PRINCIPAL FINANCIAL	600 7TH ST	C Liquor
(M) QUIKTRIP #530	2300 E 14TH ST	C Beer
(N) QUIKTRIP #534	2945 E UNIVERSITY	C Beer
(O) SAVE A LOT	3200 SW 9TH ST	C Beer
(P) SCIENCE CENTER OF IOWA	401 W ML KING JR	C Liquor
(Q) SPLASH SEAFOOD BAR/GRILL	303 LOCUST ST	C Liquor
(R) US GAS	3000 SW 9TH ST	C Beer
(S) WAKONDA CLUB	3915 FLEUR DR	C Liquor

#### TRANSFER TO NEW LOCATION

(T) DRAKE UNIVERSITY                      1309 26TH ST                      C Liquor  
Temporary transfer from 2875 University Avenue for an event on June 27, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

(U) FLYING MANGO                              519 PARK ST                              C Liquor  
Temporary transfer from 4345 Hickman Rd for Flying Mango Music Show Event on June 29 – July 1, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments.

## OUTDOOR SERVICE APPLICATIONS

(V) BLAZING SADDLE 416 E 5TH ST C Liquor  
Temporary in conjunction with Bike Night Celebration on July 10, 2009. Pending approval of Building, Electrical Fire and Zoning Departments.

(W) BUDDYS CORRAL 418 E 5TH ST C Liquor  
Temporary in conjunction with Bike Night Celebration on July 10, 2009. Pending approval of Building, Electrical Fire and Zoning Departments.

(X) LOCUST TAP 434 E LOCUST ST C Liquor  
Temporary in conjunction with Bike Night Celebration on July 10, 2009. Pending approval of Building, Electrical Fire and Zoning Departments.

(Y) UNDERGROUND 500 E LOCUST ST C Liquor  
Temporary in conjunction with Bike Night Celebration on July 10, 2009. Pending approval of Building, Electrical Fire and Zoning Departments.

## SPECIAL EVENTS APPLICATIONS

(Z) CENTERPLATE 1 LINE DR Five (5) Day License  
Class B Beer Permit for an event on July 1, 2009.

(AA) GREATER DSM MUSIC 1418 GRAND AVE Five (5) Day License  
Class C Liquor License for the 80/35 Mustic Festival on July 3 – 4, 2009. Pending approval of Fire and Zoning Departments.

(BB) GREATER DSM MUSIC 1305 LOCUST ST Five (5) Day License  
Class B Beer Permit for the 80/35 Mustic Festival on July 3 – 4, 2009. Pending approval of Fire and Zoning Departments.

(CC) GREATER DSM MUSIC 1311 LOCUST ST Five (5) Day License  
Class B Beer Permit for the 80/35 Mustic Festival on July 3 – 4, 2009. Pending approval of Fire and Zoning Departments.

(DD) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for the 80/35 Mustic Festival on July 3 – 4, 2009. Pending approval of Fire and Zoning Departments.

(EE) PARKS AREA FOUNDATION 3612 6TH AVE Five (5) Day License  
Class B Beer Permit for Sweet Corn Feed on July 18, 2009.

(FF) SOCIETY OF ITALIAN 1801 MCKINLEY Five (5) Day License  
Class B Beer Permit for the Society of Italian American Festival on July 30 – August 2, 2009.

(GG) WATERWORKS PARK 2201 GEORGE FLAGG Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for Summer Jam Country Bash event, June 28, 2009.

- [09-1060](#) 4-I [Consideration](#) of 5-day, Special Class C Liquor License for Kitchen Collage of Des Moines at parking lot adjacent to 309 Court Avenue for an event on July 11, 2009. (Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.) Sponsor: Council Member Meyer. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1061](#) 4-II [Consideration](#) of 5-day, Class B Beer License for Parks Area Foundation at 710 Corning Avenue for an event on July 10, 2009. (Pending approval of Building, Electrical, Fire, and Zoning Departments.) Sponsor: Council Member Mahaffey. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1062](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Cownie.**

## **PUBLIC IMPROVEMENTS**

6. Ordering construction of the following:
- [09-1063](#) (A) [Cownie](#) Soccer Complex Shade Structures: Receiving of bids, (7-14-09), and Setting date of hearing, (7-27-09). (Construction Estimate - \$88,600). ([Council Communication No. 09-413](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1064](#) (B) [McKinley](#) Avenue Drainage Improvements – SW 26<sup>th</sup>/SW 31<sup>st</sup> Streets: Receiving of bids, (7-14-09), and Setting date of hearing, (7-27-09). (Construction Estimate - \$313,476.50). ([Council Communication No. 09-415](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1065](#) (C) [2009](#) Expanded Street Resurfacing Program – Contract 1: Receiving of bids, (7-14-09), and Setting date of hearing, (7-27-09). (Construction Estimate - \$1,122,600). ([Council Communication No. 09-417](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1066](#) 7. [Authorization](#) to submit CDBG Disaster Recovery Infrastructure Applications to Iowa Department of Economic Development on behalf of Des Moines Wastewater Reclamation Authority. ([Council Communication No. 09-412](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1067](#) 8. [Approving](#) and authorizing Amendment No. 1 to the United States Department of Agriculture Natural Resources Conservation Service Project Agreement for the Emergency Watershed Protection Program for 1706 Pennsylvania Avenue Slope Stabilization. ([Council Communication No. 09-428](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

- [09-1068](#) (A) [2008](#) Park and Cemetery HMA Improvements, Grimes Asphalt & Paving Corp. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1069](#) (B) [Court](#) Avenue Streetscape Rehabilitation, Baker Electric, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1070](#) (C) [Police](#) Station Generator Exhaust Stack, Wolin & Associates, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **SPECIAL ASSESSMENTS**

- [09-1071](#) 10. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule 2009-12. **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **LAND/PROPERTY TRANSACTIONS**

- [09-1072](#) 11. [Establishing](#) Fair Market Value of 621 SE 12<sup>th</sup> Street for the SE Connector Project – SE 6<sup>th</sup> Street to SE 14<sup>th</sup> Street Phase. ([Council Communication No. 09-409](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1073](#) 12. [Accepting](#) proposal from Terrus Real Estate Group for commercial real estate listing services for the lease or sale of property at 3226 University Avenue and authorizing the Park and Recreation Department to negotiate and the City Manager to execute a contract. ([Council Communication No. 09-411](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

### **SETTING DATE OF HEARINGS**

- [09-1074](#) 13. [On](#) conveyance of property, north of I-235 between 21<sup>st</sup> and 22<sup>nd</sup> Streets, to adjoining property owners, Don and Jason Roose, \$200, (7-13-09). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1075](#) 14. [On](#) Terminal Building Lease with United States General Services Administration at the Airport, (7-13-09) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-1076](#) 15. [Approving](#) payment of \$3,198.97 to Hall & Associates for services related to the combined sewer system and combined sewer overflows, NPDES Permit and additional work on proposed rules by IDNR. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1077](#) 16. [Approving](#) payment of \$15,555.54 to David Melling and his attorney for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1078](#) 17. [Approving](#) payment of \$32,789.80 to John Riccio and his attorney for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1079](#) 18. [Approving](#) payment of \$12,720 to Dale and Rhonda Methfessel for a property damage claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

## CITY MANAGER COMMUNICATIONS

- [09-1080](#) 19. [Submitting](#) training requests for Vidal Spaine, Rex Sparks and Michael Towey. ([Council Communication No. 09-435](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

## APPROVING

- [09-1081](#) 20. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1082](#) 21. [Receipt](#) of communication from Polk County Housing Continuum Board submitting recommendations for the 2009 Supportive Housing Program priorities. ([Council Communication No. 09-398](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1083](#) 22. [Authorizing](#) City Manager to develop and submit an application to HUD with the State of Iowa for Neighborhood Stabilization Program2 Funds. ([Council Communication No. 09-423](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1084](#) 23. [Goals](#) for the 2010-2014 US Housing and Urban Development Consolidated Plan for Federal Entitlement Funds and notices of funding availability for the 2010-2011 program years. ([Council Communication No. 09-436](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-1085](#) 24. [Grant](#) Request to the Federal Home Loan Bank of Des Moines Affordable Housing Program by the City of Des Moines/West Bank to provide rehabilitation assistance in low-income owner-occupied housing. ([Council Communication No. 09-427](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-1086](#) 25. [Grant](#) Award from the Polk County Housing Trust Fund (PCHTF) to be used as Gap Funding within the Jumpstart Housing Assistance Program. ([Council Communication No. 09-429](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-1087](#) 26. [Request](#) for the release of funds from the Iowa Department of Economic Development (IDED) for funds from the Low-Income Housing Tax Credit Fund for the Homes of Oakridge, Phase II Project. ([Council Communication No. 09-422](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1088](#) 27. [The](#) 1512, LLC Application for Enterprise Zone Benefits for a housing project at 1512 6<sup>th</sup> Avenue. ([Council Communication No. 09-425](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1089](#) 28. [2009](#) Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Application and Memorandum of Understanding with Polk County and Cities of Urbandale and West Des Moines. ([Council Communication No. 09-431](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-1090](#) 29. [Amendment](#) No. 4 to FY2006 Law Enforcement Terrorism Prevention Program Grant. ([Council Communication No. 09-430](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
- [09-1091](#) 30. [Acceptance](#) of 2009 Recovery Act: Edward Byrne Memorial Justice Assistance Grant Award to be utilized to improve forensic capabilities, upgrade technology, fund equipment that will address officer safety and provide for procedural efficiencies. ([Council Communication No. 09-432](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
31. Agreements for the following health services, (July 1, 2009 –June 30, 2012):
- [09-1092](#) (A) [Accelerated](#) Rehabilitation Centers for Physical Therapy Services. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1093](#) (B) [Des](#) Moines University for Occupational Health Services. ([Council Communication No. 09-406](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-1094](#) 32. [Annual](#) Property and Casualty Insurance Renewals effective July 1, 2009. ([Council Communication No. 09-405](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1095](#) 33. [Designation](#) of Multiple Depositories for City funds and the maximum allowable amount. ([Council Communication No. 09-399](#)) **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**
- [09-1096](#) 34. [Application](#) from Christ the King Catholic Church requesting approval for a banner across S.W. 9<sup>th</sup> Street from August 1-30, 2009 to promote the Sweet Corn Festival. **Moved by Vlassis to receive, file and approve banner. Motion Carried 7-0.**
- [09-1097](#) 35. [Communication](#) from Downtown Community Alliance, on behalf of the Iowa State Fair, to approve banner design for 90 banners to be displayed in Downtown Des Moines on E. Locust Street, Locust Street, and Grand Avenue. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**
- [09-1098](#) 36. [Receipt](#) of Airport Board Regulation No. 09-60 regarding commercial use fees as part of rates and charges at the Des Moines International Airport. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- WITHDRAWN
- [09-1099](#) 37. ~~[Exception](#) to the procurement ordinance Request For Proposals requirement for good cause and approving a Consultant Services Contract with Sogeti USA LLC for redesign of the City's website and implementation, \$300,000. ([Council Communication No. 09-407](#))~~
- [09-1100](#) 38. [Procurement](#) of electronic legal research services and materials from Thomson Reuters, estimated annual cost \$48,000. ([Council Communication No. 09-424](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1101](#) 39. [Proposal](#) for on-site fleet services parts procurement and supply services with Genuine Parts Company d/b/a NAPA Auto Parts. ([Council Communication No. 09-401](#)) **Moved by Vlassis to approve. Motion Carried 7-0.**
40. Approving bids for the following:
- [09-1102](#) (A) [1824](#) Scott LLC for water service stop box relocation services for use by the Public Works Department, \$49,500. (Twelve bids mailed, three received). **Moved by Coleman to adopt. Motion Carried 7-0.**



- [09-1103](#) (B) [1824](#) Scott LLC for hydro seeding and backfilling services for use by the Public Works Department, \$45,000. (Seven bids mailed, three received). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-1104](#) (C) [Bound](#) Tree Medical for an annual contract with two (2) additional one year renewal options to furnish over 300 medical and pharmaceutical supplies to be used by the Fire Department, \$145,000. (Thirteen bids mailed, three received). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-1105](#) (D) [Tait](#) Radio Communications for radio equipment for use by the Public Works Department, \$51,818. (Four bids mailed, two received). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-1106](#) (E) [Pool](#) Tech Midwest for a blanket purchase order for pools chlorination chemicals during FY2010 to be used by the Park & Recreation Department, \$85,000. ([Council Communication No. 09-416](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [09-1107](#) 41. [Agreement](#) with the Iowa Department of Natural Resources for an AmeriCorps Member for service to the Information Technology Department. ([Council Communication No. 09-400](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-1108](#) 42. [Civil](#) Service Entrance lists for Park Planner and User Support Technician and Promotional list for Cement Finisher. **Moved by Vlassis to receive and file. Motion Carried 7-0.**
- [09-1109](#) 43. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of June 22, June 29, and July 6, 2009; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for weeks of June 22, June 29, and July 6, 2009; and to draw checks for biweekly payroll due July 2, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**

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

**ORDINANCES - SECOND CONSIDERATION**

- [09-1110](#) 44. [On](#) proposed renaming of streets recently annexed or to be annexed in the City of Des Moines, as amended. ([Council Communication No. 09-414](#)) **Moved by Coleman that this ordinance be considered and given second vote for passage with the amendments as listed on the roll call to the original proposal; except for the renaming of NE 27<sup>th</sup> Avenue to be determined at 3<sup>rd</sup> reading. Motion Carried 7-0.**

## ORDINANCES - FIRST CONSIDERATION

- [09-1111](#) 45. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 09-408) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Designation of one-sided parking restrictions and stop control – Brook Run Village Plats 13, 14 and 15.
- (B) Parking restrictions to facilitate solid waste collection – north side of Maple Street from E. 36<sup>th</sup> Court to dead end east.
- [09-1112](#) (C) Final consideration of ordinance above. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,862. Motion Carried 7-0.**
- [09-1113](#) 46. Amending Chapter 94 of the Municipal Code regarding emergency repair of public improvements. **Moved by Coleman that this ordinance be considered and given first vote for passage. The City Manager will arrange a special Council meeting to approve these matters, if time allows. Motion Carried 7-0.**
- [09-1114](#) 47. Amending Chapter 14 of the Municipal Code regarding public dances in City Park and Recreation Facilities. (Council Communication No. 09-419) **Moved by Hensley to refer to City Manager for review and recommendation and to allow the Des Moines Social Club to hold after hours dances until the ordinance is passed. Motion Carried 7-0.**
- [09-1115](#) (A) Communication from the Park and Recreation Board regarding the Public Dance Ordinance. **Moved by Hensley to refer to City Manager for review and recommendation and to allow the Des Moines Social Club to hold after hours dances until the ordinance is passed. Motion Carried 7-0.**
- [09-1116](#) (B) Request from Jessica Hernandez, 2654 E. Sheridan, to speak regarding the Public Dance Ordinance. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

- [09-1117](#) 48. From Bob Wessel, 2719 Leach Avenue, to speak. **NO VOTE TAKEN.**
- [09-1118](#) 49. From the Warren County Economic Development Corporation (WCEDC) regarding the City of Des Moines' involvement. **Moved by Hensley to receive, file and approve the**

**City of Des Moines' membership in Warren County Economic Development Corporation as set forth in the accompanying Communication, authorizing payment of the \$5,000 annual membership fee, and appointing Rita Conner, Economic Development Coordinator, as the City of Des Moines' WCEDC Board representative. Motion Carried 6-1. Absent: Mahaffey.**

[09-1119](#) 50. [Request](#) from International Soccer League of Iowa, Juan Carlos Anaya, 508 Trowbridge Street, to speak regarding the use of City Park and Recreation facilities. **Moved by Coleman to refer to the City Manager to coordinate a planning session with the League. Motion Carried 5-2. Absent: Kiernan and Mahaffey.**

[09-1120](#) 51. [Petitions](#) from property owners requesting paving and sidewalks on Druid Hill Drive, from Casady Drive to Bell Avenue. **Moved by Hensley to receive, file and refer to the City Engineer for review and recommendation. Motion Carried 6-1. Absent: Mahaffey.**

#### **HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 52 THRU 61)**

[09-1121](#) 52. [On](#) appeal from Andrew Newsom, 1105 Euclid Avenue, of the Administrative Hearing Officer's decision regarding his dog. **Moved by Coleman to uphold declaration and to humanely destroy the animal. Motion Carried 7-0.**

[09-1122](#) 52-I Discussion regarding regulation and licensing of pit bulls. **Moved by Hensley to refer to the City Manager for review and recommendation of any amendments to the pit bull ordinances. Motion Carried 6-1. Absent: Coleman.**

53. On Supplements to the Governmental Lease-Purchase Master Agreements with De Lage Landen Public Finance LLC, for the following, and repealing roll calls 09-912 thru 09-914 and 09-916 thru 09-918:

[09-1123](#) (A) [Supplement](#) D-1, \$778,854, to acquire five heavy-duty trucks with plows and ice control equipment. ([Council Communication No. 09-402](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

[09-1124](#) (1) [Authorizing](#) additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

[09-1125](#) (2) [Authorizing](#) execution and delivery. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

[09-1126](#) (B) [Supplement](#) D-2, \$1,116,017, to acquire up to seven street sweepers. ([Council Communication No. 09-403](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

[09-1127](#) (1) [Authorizing](#) additional action. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**

- [09-1128](#) (2) [Authorizing](#) execution and delivery. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Coleman.**
- [09-1129](#) 54. [On](#) vacation and conveyance of a small segment of E. 33<sup>rd</sup> Street, south of E. Thompson Avenue and of Thompson Avenue between E. 33<sup>rd</sup> and E. 34<sup>th</sup> Streets to St. Joseph's Church, \$600. ([Council Communication No. 09-410](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-1130](#) (A) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-1131](#) (B) [Final](#) consideration of ordinance above, waiver requested by applicant, requires 6 votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,863](#). Motion Carried 7-0.**
55. On items regarding property at 1032 and 1036 18<sup>th</sup> Street:
- [09-1132](#) (A) [Amending](#) the Des Moines 2020 Community Character Plan land use designation from Low-Density Residential to Mixed-Use and Density. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [09-1133](#) (B) [Hearing](#) on request from Ryan Galloway to rezone property from "R-3" (Multiple-Family Residential) to Ltd. "NPC" (Neighborhood Pedestrian Commercial) to allow future pedestrian-oriented multiple-family residential development, subject to conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [09-1134](#) (C) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-1135](#) (D) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **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, [#14,864](#). Motion Carried 7-0.**

- [09-1136](#) 56. **On** request from Menard, Inc., to rezone property at 1201 E. Diehl Avenue, from “R1-60” (One-Family Low Density Residential) and “C-2” (General Retail and Highway Oriented Commercial) to Ltd. “C-2”, (to correct legal description submitted with Roll Call 09-765). **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-1137](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [09-1138](#) (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Meyer 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, #14,852. Motion Carried 7-0.**
- [09-1139](#) 57. **On** request from Andy Holt for the Baker PUD Conceptual Plan 4<sup>th</sup> Amendment, 4500 Hubbell Avenue, to reconfigure the layout of an approved Light Industrial Business Park with additional land reserved for future amendment. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-1140](#) (A) **Preliminary** terms of agreement with Cold Stream, LLC for development of 50-acre light industrial business park at NE 46<sup>th</sup> Street and Hubbell Avenue. (**Council Communication No. 09-426**) **Moved by Mahaffey to receive, file and approve preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiations of formal agreements with Cold Stream, LLC consistent with the terms set forth in the Council Communication. Motion Carried 7-0.**
- [09-1141](#) 58. **On** renaming of the Archie Brooks Community Center, 2100 SE 5<sup>th</sup> Street. **Moved by Meyer to adopt and to approve the renaming of the Archie Brooks Community Center to the Pioneer-Columbus Community Center. Motion Carried 6-1. Pass: Vlassis.**
- [09-1142](#) 59. **On** 2009 Designated Neighborhood Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, engineer’s estimate and designating lowest responsible bidder as MPS Engineers, P.C., (Umesh G. Shetye, President), \$257,242.50. (**Council Communication No. 09-420**) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1143](#) (A) **Approving** contract and bond. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Mahaffey.**

- [09-1144](#) 60. **On** 2009 HMA Pavement Scarification & Resurfacing: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as OMG Midwest, Inc. d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$450,959. ([Council Communication No. 09-421](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1145](#) (A) **Approving** contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1146](#) 61. **On** 2009 Parks Playground & Basketball Court Improvements: Resolution approving plans, specifications, form of contract documents, engineer's estimate and designating lowest responsible bidder as T K Concrete Inc., (Tony J. Vermeer, President), \$168,505. ([Council Communication No. 09-418](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1147](#) (A) **Approving** contract and bond. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**

\*\*\* END HEARINGS AT 6:21 PM \*\*\*

#### APPROVING

- [09-1148](#) 62. **Intergovernmental** 28E Agreement with the Des Moines Independent Community School District for the School Resource Officer Program, (July 1, 2009 through June 30, 2015) ([Council Communication No. 09-433](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1149](#) 63. **Application** for United States Department of Homeland Security 2009 Assistance to Fire Fighters Fire Station Construction Grant. ([Council Communication No. 09-404](#)) **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1150](#) 64. **Application** for Energy Efficiency and Conservation Block Grant from the Department of Energy, \$1,982,300. ([Council Communication No. 09-437](#)) **Moved by Vlassis to approve. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1151](#) 65. **Request** from Tommy Mauro for a waiver of the requirement to maintain a six-foot wide pedestrian pathway upon the public sidewalk adjoining the Pelican Bar at 208 3<sup>rd</sup> Street (Continued from the June 8 Council meeting). **Moved by Hensley to receive and file, and to DENY the application for waiver of the approved Design Standards for Sidewalk Cafes. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1152](#) (A) **Consideration** of adding permanent outdoor service area to Class C Liquor license at the Pelican Bar. **Moved by Hensley to deny. Motion Carried 6-1. Absent: Mahaffey.**

## EXTRA ITEMS

- [09-1153](#) 1. [Request](#) from Dr. K. L. Hebron, Indianola, IA, to consider renaming the Des Moines International Airport. Sponsor: Council Member Hensley. **Moved by Hensley to receive, file and refer to the Airport Board for their recommendation, pursuant to the Naming Policy. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1154](#) 2. [Recommendation](#) from Council Member Kiernan to re-appoint Tom Ross to the Airport Board, Seat 2, for a four-year term commencing June 30, 2009 to expire June 30, 2013. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1155](#) 3. [Recommendation](#) from Council Member Meyer to appoint Carl B. Voss to the Traffic Safety Committee, Seat 7, for a three-year term commencing December 31, 2008 to expire December 31, 2011. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Mahaffey.**

## BOARD OF HEALTH

- [09-1156](#) MOTION TO CONVENE. **Moved by Vlassis that the Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Mahaffey.**

### APPROVING:

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
    - [09-1157](#) (A) [1043](#) Martin Luther King Jr. Parkway, fire-damaged structure, Titleholder: Terry May. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
    - [09-1158](#) (B) [1820](#) E. 24<sup>th</sup> Street, main structure, Titleholder: Aletha L. Shepherd (Deceased). **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
  2. [09-1159](#) [The](#) release of the fire escrow account held for the structure located at 1231 E. 36<sup>th</sup> Court, Date of loss: 7/22/08. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: Mahaffey.**
- [09-1160](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 7:15 PM. Motion Carried 6-1. Absent: Mahaffey.**

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