

*** 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 '07-' 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

July 9, 2007

4:30 P.M.

INVOCATION: Pastor Carol Archer
College Avenue Christian Church
4440 College Avenue

1.

[07-1243](#)

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

****Item #72 was considered at 4:30 P.M.****

[07-1244](#)

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.**

[07-1245](#)

3. APPROVING CONSENT AGENDA – items 3 through 52: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried**

7-0.

LICENSES AND PERMITS

[07-1246](#)

4. [Approving](#) Alcoholic Beverage Licenses for the following: **Moved Hensley to adopt; refer to the City Manager to work with Downtown Community Alliance to address problems with garbage and noise associated with Downtown events. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | | |
|-----|------------------------------|----------|--------------|
| (A) | OASIS GROCERY & LIQUOR
RD | E Liquor | 2917 PAYNE |
| (B) | ROLLING WOK CAFE
AVE | C Liquor | 1534 E GRAND |
| (C) | SAVE A LOT
ST | C Beer | 3200 SW 9TH |

RENEWAL APPLICATIONS

- | | | | |
|-----|----------------------------------|----------|-----------------|
| (D) | AH BLANK GOLF COURSE
ROAD | C Liquor | 711 COUNTY LINE |
| (E) | AIR LANES
DR | C Liquor | 4200 FLEUR |
| (F) | APPLEBEES NEIGHBORHOOD
ST | C Liquor | 6301 SE 14TH |
| (G) | BEAVERDALE VFW CLUB
AVE | A Liquor | 4029 URBANDALE |
| (H) | CHUCKS RESTAURANT
AVE | C Liquor | 3608 6TH |
| (I) | DES MOINES AMVETS POST #2
AVE | C Liquor | 2818 5TH |
| (J) | EMBASSY CLUB
AVE | B Wine | 801 GRAND |
| (K) | EMBASSY CLUB
AVE | A Liquor | 801 GRAND |
| (L) | ESTRADAS RESTAURANT
RD | C Liquor | 3029 MERLE HAY |
| (M) | GIT N GO STORE #26
C Beer | | 2140 E PARK AVE |
| (N) | H & A MINI MART
AVE | C Beer | 145 UNIVERSITY |
| (O) | HOLIDAY INN DOWNTOWN
AVE | B Liquor | 1050 6TH |
| (P) | HY VEE FOOD STORE #4 | | 4707 FLEUR |

- DR E Liquor
(Q) HY VEE FOOD STORE #5 1107 E ARMY POST
RD E Liquor
(R) LA PIZZA HOUSE 1013 SE 14TH
STREET C Liquor
(S) ~~LOCUST TAP 434 E LOCUST~~
~~ST C Liquor~~
(T) LUCKYS 1119 GRAND
AVENUE C Liquor
(U) SCIENCE CENTER OF IOWA 401 W M L KING JR
PKWYC Liquor
(V) SOUTH SIDE LIQUOR & TOBACCO 1101 ARMY POST
RD E Liquor
(W) SPLASH SEAFOOD BAR & GRILL 303 LOCUST
ST C Liquor
(X) WAKONDA CLUB 3915 FLEUR
DR C Liquor
(Y) WAKONDA CLUB 3915 FLEUR
DR B Wine

OUTDOOR SERVICE APPLICATIONS

- (Z) BLAZING SADDLE 416 E 5TH
ST C Liquor
Temporary outdoor service area and temporary closure of sidewalk within the licensed premise area in conjunction with Historic East Village Bike Night on July 27, 2007.
- (AA) BUDDYS CORRAL 418 E 5TH
ST C Liquor
Temporary outdoor service area and temporary closure of sidewalk within the licensed premise area in conjunction with Historic East Village Bike Night on July 27, 2007. Pending approval of Building and Fire Departments.
- (BB) CHUCKS RESTAURANT 3608 6TH
AVE C Liquor
Temporary outdoor service for the Annual Highland Park Sweet Corn Feed on July 14, 2007. Pending approval of Building Department.
- (CC) HIGH LIFE LOUNGE 200 SW 2ND
ST C Liquor
Temporary outdoor service for Summer Festival on August 4, 2007.

(DD) LOCUST TAP 434 E LOCUST
ST C Liquor
Temporary outdoor service area and temporary closure of sidewalk within the licensed premise area in conjunction with Historic East Village Bike Night on July 27, 2007.

(EE) SURF SHACK 319 COURT
AVE C Liquor
Temporary outdoor service area and temporary closure of sidewalk within the licensed premise area for Court Avenue Street Dance on July 21, 2007. Pending approval of Building, Fire and Zoning Departments.

SPECIAL EVENT APPLICATIONS

(FF) OVATIONS FOOD SERVICES 900 5TH AVE (VETS PKG) Five
(5) Day License
Class C Liquor License for Dahls Rib America Festival on July 15, 2007. Pending approval of Building and Fire Departments.

(GG) SHIE CONCESSION-MILLER TENT 3000 E GRAND
AVE B Beer
Fourteen Day Class B Beer License for the Miller Tent at the Iowa State Fair from August 9-19, 2007.

(HH) SOCIETY OF ITALIAN AMERICANS 1801 MCKINLEY
AVE B Beer
Five Day License for the Society of Italian American Festival on August 1-5, 2007. Pending approval of Building, Electrical and Fire Departments.

[07-1247](#)

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

PUBLIC IMPROVEMENTS

[07-1248](#)

6. [Ordering](#) construction of Woodland Cemetery Ornamental Fence Receiving of bids, (7-24-07), and Setting date of hearing, (8-6-07) (Construction Estimate - \$163,500). ([Council Communication No. 413](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1249](#)

7. [Approving](#) and authorizing execution of Iowa Department of Transportation Agreement for Traffic Safety Improvements on Hickory

Road from 30th Street to Merle Hay Road. ([Council Communication No. 07-396](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

8. Approving Professional Services Agreements for the following:

[07-1250](#)

(A) [Design](#) and construction phase services for Police Station Emergency Generator, Durrant Group, Inc., not to exceed \$55,000. ([Council Communication No. 07-398](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1251](#)

(B) [Design](#) and construction phase services for the 7th and Grand Parkway Garage Beam Repairs, Shuck-Britson, Inc., not to exceed \$68,000. ([Council Communication No. 07-397](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1252](#)

(C) [Evaluation](#) and development services for the Flood Warning System Master Plan, Kirkham Michael & Associates, Inc., not to exceed \$208,329.92. ([Council Communication No. 07-401](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1253](#)

9. [Approving](#) Change Order No. 5 with J. Petticord Inc. for additional work on Agrimergent Technology Park – Clearing and Grubbing Contract No. 2, \$101,665; and authorizing payment to Metro Park East Landfill for disposal of rubble and contaminated soil, \$89,500. ([Council Communication No. 07-404](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1254](#)

10. [Approving](#) Private Construction Contract between The Underground Company, Ltd. and Ryan Companies US, Inc. for storm sewer improvements in 1200 Locust Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1255](#)

11. [Approving](#) Private Construction Contract between Neumann Brothers Inc. and Des Moines Independent Community School District for paving improvements in 2820 E. 24th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

12. Approving completion and recommending acceptance of private construction contracts for the following:

[07-1256](#)

(A) [Paving](#) Improvements, Ingersoll Avenue, 17th – 18th Streets between Hansen Company and Striggles Legacy II, L.L.C. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1257](#)

(B) [Paving](#) Improvements, Sterling Trace Plat 2 between Nuckey Concrete Services, Inc. and Sterling Trace Development, L.L.C.

Moved by Hensley to adopt. Motion Carried 7-0.

[07-1258](#)

- (C) [Sanitary](#) Sewer Improvements, South of Grand Estates, Pl between Elder Corporation and Nelson Development. **Moved by Hensley to adopt. Motion Carried 7-0.**

13. Accepting completed construction and approving final payment for following:

[07-1259](#)

- (A) [P. G.](#) Construction, Inc. - 2007 Aquatic Center Shade Structure. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1260](#)

- (B) [Larson](#) & Larson Construction LLC – Western Gateway Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1261](#)

- (C) [Rocky](#) Hurst Construction – 2006 City-Wide PCC Pavement Restoration Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1262](#)

- (D) [M. Peterson](#) Construction Co. – M.L. King Jr. Pkwy Paving, SW Street to SW 7th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[07-1263](#)

14. [Approving](#) deletion of NAC-Emergency Assessment at 615 SE Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[07-1264](#)

15. [Establishing](#) fair market value and authorizing voluntary acquisition of 1511 – 13th Street for the Forest Avenue Urban Renewal Project. ([Council Communication No. 07-408](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

16. Establishing fair market value and authorizing acquisition of following:

[07-1265](#)

- (A) [2600](#) E. 14th Street for the East 14th Street Widening – Ar Avenue to E. Tiffin Avenue Project. ([Council Communication No. 07-406](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

Council Member Mahaffey declares a conflict of interest and abstains from voting.

[07-1266](#)

- (B) [1405](#) – 23rd Street for the Forest Avenue Urban Renewal Project. ([Council Communication No. 07-407](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1267](#)

17. [Approving](#) release of Sidewalk Bond in amount of \$16,876 from Allstate Mutual Insurance Company as surety for completion of required sidewalk improvements for Southpark Plaza Plat 3. ([Council Communication No. 07-416](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1268](#)

18. [Approving](#) final subdivision plat for South of Grand Estates located in the vicinity of 401 31st Street. ([Council Communication No. 07-386](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1269](#)

19. [Requesting](#) assignment of Tax Sale Certificates from Polk County for 1720 8th Street and approving agreement for assignment of Tax Sale Certificate to Community Housing Development Corporation. ([Council Communication No. 07-417](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1270](#)

20. [Release](#) of liens entered against 1909 Jefferson Avenue and 1927 Franklin Avenue to clear title upon payment resulting from violations at unrelated properties owned by Sue Moss. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

21. Recommendations from Mayor Frank Cownie to reappoint the following:

[07-1271](#)

- (A) [Ida](#) Miles to the Citizen Odor Board, Seat 1 for a three-year term commencing April 1, 2006 to expire April 1, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1272](#)

- (B) [York](#) Taenzer to the Historic Preservation Commission, Seat 3 for a three-year term commencing October 18, 2006 to expire October 18, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1273](#)

- (C) [Melvin](#) Shivvers to the Licensing and Appeals Board, Seat 1 for a three-year term commencing April 1, 2007 to expire April 1, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1274](#)

- (D) [Shirley](#) Daniels to the Plan and Zoning Commission, Seat 2 for a three-year term commencing April 1, 2007 to expire April 1, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

five-year term commencing July 1, 2007 to expire July 1, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1275](#)

- (E) [Michael](#) Simonson to the Plan and Zoning Commission, Seat 3 for a five-year term commencing July 1, 2006 to expire July 1, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1276](#)

- (F) [Susan](#) (Ryan) Huppert to the Water Works Board of Trustees, Seat 2 for a six-year term commencing April 1, 2007 to expire April 1, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1277](#)

- (G) [Mary](#) Reavely to the Historic Preservation Commission, Seat 4 for a three-year term commencing October 18, 2006 to expire October 18, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1278](#)

- (H) [Council](#) Member Tom Vlassis and Mayor Frank Cownie to the Center Board of Directors for a one-year term commencing June 1, 2007 to expire May 31, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1279](#)

- (I) [Sinde](#) Berry to the Historic Preservation Commission, Seat 1 for a three-year term commencing March 28, 2007 to expire March 28, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1280](#)

22. [Attendance](#) Reports for the various City Boards and Commissions for the period January 1 through June 30, 2007. **Moved by Hensley to receive, file and express our appreciation to all, especially those with perfect attendance. Motion Carried 7-0.**

[07-1281](#)

- 22-I [Recommendation](#) of Council Member Brian Meyer to reappoint David Abler to the Urban Design Review Board, Seat 11 for a three-year term commencing June 30, 2007 to expire June 30, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

[07-1282](#)

23. [Regarding](#) request from Mid-America Group for approval of preliminary subdivision plat for “Harvest Hills Plat 2”, 3930 SE 72nd Avenue (also known as E. Pine Avenue) to include six (6) lots for general residential commercial use, three (3) lots for medium density residential use, single-family residential lots and recreation/open space use, subject to certain conditions. **Moved by Hensley to receive and file. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

[07-1283](#)

24. [On](#) amendment to Zoning Ordinance to allow additional signage for business whose primary street frontage has been temporarily closed and to temporarily suspend enforcement, (7-23-07). ([Council Communication No. 07-422](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1284](#)

25. [On](#) vacation of a portion of the 6th Avenue and Mulberry Street right-of-way adjoining the Midland Building at 206 6th Avenue, to permit sidewalk café for Amici Espresso, (7-23-07). **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1285](#)

26. [On](#) vacation and conveyance of the north/south alley between 24th Street and 25th Street, extending north from Rollins Avenue, to adjoining property owners, \$400, (7-23-07). **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1286](#)

27. [On](#) vacation and abandonment of public road easements for portions of Madison Avenue, NE 50th Street and Seneca Avenue, within the property at 4995 NE 39th Avenue, (7-23-07). **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1287](#)

28. [On](#) request from Tony Denton, to rezone property at 1152-22nd Street from “R1-60” (One-Family Low-Density Residential) to “NC” (Neighborhood Pedestrian Commercial) to allow development of pedestrian-oriented row house development, (7-23-07), (Plan and Zoning Commission recommends DENIAL). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [07-1288](#) 29. [Approving](#) retention of Jane McAllister of the Ahlers & Cooney I Firm to provide environmental legal services for the SE Conne Project. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1289](#) 30. [Approving](#) payment of \$14,607.22 to Hall & Associates for serv related to the combined sewer system and combined sewer overfl related to the NPDES Permit. **Moved by Hensley to adopt. Mot Carried 7-0.**
- [07-1290](#) 31. [Approving](#) payment of \$826.87 to Myers & Jenkins for representation the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., e (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankrupto **Moved by Hensley to adopt. Motion Carried 7-0.**
- [07-1291](#) 32. [Approving](#) payments of settlements by City Attorney, not exceed \$5,000. **Moved by Hensley to receive, file and affirm settlements m by City Attorney. Motion Carried 7-0.**
- [07-1292](#) 33. [Approving](#) payment of \$8,500 to Gerald Beener for injuries incur within the course and scope of his employment. **Moved by Hensley adopt. Motion Carried 7-0.**
- [07-1293](#) 34. [Approving](#) payment of \$106,086.50 to Robert VanCleave for inju incurred within the course and scope of his employment. **Moved Hensley to adopt. Motion Carried 7-0.**
- [07-1294](#) 35. [Approving](#) payment of \$6,332.44 to George and Nancy Daughe \$5,250 to Shelter Insurance as subrogee of Mary Avise and \$7,955.8 Mary Avise (total of \$13,205.86) for sewer backup claims. **Moved Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [07-1295](#) 36. [Submitting](#) travel requests for Connie Ashby, Bruce E. Bergman, Di Goldsbury, James Harkin, Lawrence R. McDowell, Lori A. Neely, La Ripperger, and Merrill Stanley. ([Council Communication No. 07-41](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

[07-1296](#)

37. [Supportive](#) Housing Program (SHP) Renewal Grant Agreement with United States Department of Housing and Urban Development (HUD). ([Council Communication No. 07-391](#)) **Moved by Hensley to adopt. Including the following: 1) Disburse payment this week if appropriate paperwork is in place. 2) Follow an agreed-upon process for timely reimbursement of non-profit grant recipients. Motion Carried 7-0.**

WITHDRAWN

[07-1297](#)

38. [Supportive](#) Housing Program (SHP) and Shelter Plus Care (S+C) Renewal Grant agreements with the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 07-392](#))

[07-1298](#)

- (A) Alternate Resolution. Supportive Housing Program (SHP) and Shelter Plus Care (S+C) Renewal Grant agreements with the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 07-392](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
39. Issuance of Certificate of Completion and authorizing payment of Economic Assistance for the following:

[07-1299](#)

- (A) [1719](#) Grand Avenue (Gateway Lofts). ([Council Communication No. 07-405](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1300](#)

- (B) [112](#) - 11th Street (Mulberry Lofts). ([Council Communication No. 07-415](#)) **Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**

[07-1301](#)

40. [Principal](#) Life Insurance Company Application to the Iowa Department of Economic Development for Enterprise Zone Benefits to obtain computer hardware and equipment and construct employee parking ramp at 708th Street and childcare center at 801 Park Street project in Gateway Enterprise Zone. ([Council Communication No. 07-388](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

[07-1302](#)

41. [Receive](#) and file proposals for single family houses as part of the 2019 New Construction Program. ([Council Communication No. 07-400](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

42. Items regarding the Robert D Ray Asian Garden:

[07-1303](#)

- (A) [Amendment](#) to Intergovernmental 28E Agreement with Chinese Cultural Center of America to extend the project construction completion date to November 1, 2007 and modify the City's contribution to be used for maintenance rather than construction. ([Council Communication No. 07-402](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1304](#)

- (B) [Private](#) Construction Contract between Regency Commercial Services, LLC and Chinese Cultural Center of America for Site Work Improvements. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1305](#)

43. [Lease](#) with Iowa Army National Guard, for use of the Leadership Reaction Course at Camp Dodge by the City's Youth In Parks participants and authorizing Park and Recreation Director to sign future similar agreements. ([Council Communication No. 07-400](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

44. NUMBER NOT USED.

[07-1306](#)

45. [Bid](#) from Vermeer Sales & Services for purchase of a brush chipper for use by Park and Recreation Department, \$33,500. (Five bids mailed, three received.) ([Council Communication No. 07-389](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

46. Bids from the following:

[07-1307](#)

- (A) [Proctor](#) Mechanical Corporation for annual agreement renewable for two (2) additional twelve (12) month periods to furnish plumbing services related to construction and/or maintenance of city-owned sanitary sewer mains, annual estimated cost \$50,000. (Eight bids mailed, three received.) **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1308](#)

- (B) [Eaton](#) Electrical Inc. for a Uninterruptible Power System (UPS) for use in the City's IT Data Center to ensure backup power supply, under US General Services Administration (GSA) Schedule 70 Contract #50,522.28. **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1309](#)

- (C) [Central](#) Salt LLC for rock salt to be used by Public Works, Street Maintenance Division (cooperative effort with West Des Moines and Polk County and 15 other public entities), \$47.85/ton. (Nine bids mailed, three received.) ([Council Communication No. 07-401](#))

Moved by Hensley to adopt. Motion Carried 7-0.

[07-1310](#)

47. [Civil](#) Service Entrance List for Recreation Program Supervisor. **Moved by Hensley to receive and file. Motion Carried 7-0.**

[07-1311](#)

48. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of July 2, July 9 and July 16, 2007; to draw checks for the bills of the [Moines Municipal Housing Agency](#) for the weeks of July 9 and July 16, 2007; and to draw checks for bi-weekly payroll due July 6, 2007. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[07-1312](#)

49. [Amending](#) Chapter 30 of the Municipal Code regarding secondhand goods records and licenses. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[07-1313](#)

50. [Amending](#) Chapter 10 of the Municipal Code regarding requirements for separation of temporary nonprofit establishments selling liquor, wine or beer. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[07-1314](#)

51. [Amending](#) Chapter 10 of the Municipal Code regarding requirements for separation of establishments selling liquor, wine or beer in the downtown area. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[07-1315](#)

52. [Amending](#) Chapter 134 of the Municipal Code regarding limitations on electronic signs and off premises advertising signs. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[07-1316](#)

(A) [Final](#) consideration of ordinance above, (waiver requested by Community Development Director), 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, [#14,668](#). Motion Carried 7-0.**

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

Council considered Hearing Items 61 thru 71 next

ORDINANCES - FIRST CONSIDERATION

[07-1317](#)

53. [Amending](#) Chapter 2 of the Municipal Code regarding the local preference and procurement ordinance. ([Council Communication No. 07-420](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-1318](#)

54. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 07-318](#)) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Parking Restriction – North side of Woodland Avenue from Maple Street to Luther King Jr. Parkway to 24th Street.

(B) Parking Restriction Modification – West side of 51st Street, south of Grand Avenue.

(C) One-Way Street Designation – Maple Street between E. 12th and 13th Streets.

(D) Parking Restriction Modifications – East side of 47th Street from north of Amick Avenue to North of Euclid Avenue.

[07-1319](#)

- (E) Final consideration of ordinance above. **Moved by Vlassis that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,669. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[07-1320](#)

55. [Receive](#), file and refer to the City Manager a letter from the SE 14th Street Steering Committee regarding priorities and actions for revitalizing the SE 14th Street Corridor. **Moved by Meyer to approve and to refer to the City Manager for action, as appropriate. Motion Carried 7-0.**

[07-1321](#)

56. [Receive](#), file and refer to the City Manager a letter from the Ward 1 Mobile Home Park Committee regarding review of issues related to mobile home parks in the ward. **Moved by Meyer to approve and**

refer to the City Manager for action, as appropriate. Motion Carried 7-0.

[07-1322](#)

57. [Request](#) from Mike Floden, 3307 Hillcrest Drive, and Gail Ripperger to speak regarding Sawyers Landing. **Moved by Vlassis to receive and file comments; refer to the Legal Department to review the City's ability to issue a STOP ORDER to the Developers, and also ask the City Manager to send a letter to the DNR. Motion Carried 7-0.**

[07-1323](#)

58. [Request](#) from Judith Harlan, 3932 University Avenue #1, to speak regarding Des Moines Animal Control. **Moved by Kiernan to receive and file. Ms. Harlan did not appear. Motion Carried 7-0.**

[07-1324](#)

59. [From](#) Percy Smith, 514 Franklin, to speak regarding a curfew for teenagers. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

[07-1325](#)

60. [Request](#) from Dave West, 542 Guthrie, to speak regarding Union Park. **Moved by Mahaffey to receive and file comments. Motion Carried 7-0.**

Council considered Items 73 thru Board of Health next

HEARINGS (OPEN AT 5:04 P.M.) (ITEMS 61 THRU 71)

[07-1326](#)

61. [On](#) request from Conlin Equities, LLC for amendment to River Oaks Centre PUD Conceptual Plan for 6000 Creston Avenue, (continued from June 18, 2007). ([Council Communication No. 07-421](#)) **Moved by Hensley to approve the PUD Concept Plan Amendment subject to conditions noted in the Staff Recommendation and refer to the City Manager to work with the Developer to include the following items in the Final Development Plan: 1) Access – cost sharing. 2) Sidewalks on existing multifamily parcels (Conlin parcels and townhome parcels) – cost sharing. 3) IDOT to revisit 63rd Street traffic issues. 4) Proactive Public Safety Plan. Council also requested a report on the concentration of Low Income Housing Tax Credit units. Motion Carried 7-0.**

[07-1327](#)

62. [On](#) vacation and conveyance of Watson Powell, Jr. Way between 2nd and Grand Avenues to Mid-American Energy Company for Prince of Peace Riverwalk Project, \$1. **Moved by Coleman to adopt. Motion Carried 7-0.**

[07-1328](#)

(A) [First](#) consideration of ordinance above. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-1329](#)

(B) [Final](#) consideration of ordinance above, (waiver requested by Engineering Department), requires six votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,670. Motion Carried 7-0.**

[07-1330](#)

63. [On](#) request from Grand View College to rezone property located at 1418 Hull Avenue and 1418 Morton Avenue from “R1-60” (One-Family Low Density Residential) to PUD (Planned Unit Development) to incorporate additional properties owned by Grand View College into the PUD and amend the Grand View East PUD Conceptual Plan to add 83 park spaces, relocate access drive to Student Center from E. 14th Street to Morton Avenue and allow for future pedestrian access improvements subject to conditions. **Moved by Kiernan to adopt and approve rezoning and amended Conceptual Plan, subject to final passage of the rezoning ordinance. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

[07-1331](#)

(A) [First](#) consideration of ordinance above. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

[07-1332](#)

(B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Kiernan 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, #14,671. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

[07-1333](#)

64. [On](#) request from Glen Mikel to rezone property at 4100 E. 16th Street from “M-1” (Light Industrial) to “M-2” (Heavy Industrial) to allow use as a vehicle towing and storage yard, subject to conditions. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[07-1334](#)

(A) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-1335](#)

(B) [Final](#) consideration of ordinance above, (waiver requested applicant), requires 6 votes. **Moved by Mahaffey that the ordinance requiring that an ordinance must be considered and voted on at two Council meetings prior to the meeting at which the ordinance is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass. [#14,672](#). Motion Carried 7-0.**

[07-1336](#)

65. [On](#) request from Central Iowa KFC, Inc. to rezone property at 902 Euclid Avenue from “R1-60” (One-Family Low Density Residential) to “C-2” (General Retail and Highway-Oriented Commercial) to allow expansion of existing restaurant site. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

[07-1337](#)

(A) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[07-1338](#)

(B) [Final](#) consideration of ordinance above, (waiver requested applicant), requires 6 votes. **Moved by Mahaffey that the ordinance requiring that an ordinance must be considered and voted on at two Council meetings prior to the meeting at which the ordinance is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass. [#14,673](#). Motion Carried 7-0.**

[07-1339](#)

66. [On](#) request from Luther Park Health Center, Inc. to amend the Luther Park Center PUD for property at 2824 E. 16th Street to provide additional 22 units, reduce front yard setbacks on Hull and on E. Street and reconfigure off-street parking, subject to conditions. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[07-1340](#)

67. [On](#) Pepsi-Cola General Bottlers of Iowa, Inc. (Pepsi Americas) site beverage provider concession agreement for certain Park and Recreation Department facilities until February 28, 2011. ([Council Communication No. 07-390](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-1341](#)

68. [On](#) Urban Renewal Development Agreement with River Point West LLC for the River Point West Redevelopment Project, including the sale of City-owned land. ([Council Communication No. 07-393](#)) **Moved**

Hensley to adopt. Motion Carried 7-0.

[07-1342](#)

(A) [Setting](#) Date of Hearing on Section 108 Loan, \$17,500,000 and other related financing documents, (7-23-07). **Moved by Hensley to adopt. Motion Carried 7-0.**

[07-1343](#)

(B) [Directing](#) City Manager to prepare an amendment to the City-wide Urban Revitalization Plan to remove the downtown core area from the Targeted Residential Area and extend the City-wide tax abatement program for residential development for another 5 years. ([Council Communication No. 07-387](#)) **Moved by Hensley to direct the City Manager to prepare and present for further consideration by the City Council at the earliest practical time an amendment to the City-wide Urban Revitalization Plan to remove the downtown core area from the Targeted Residential Area, and to extend the City-wide tax abatement program for residential development for another 5 years. City Manager will arrange a meeting with the Downtown stakeholders within 30 days. Motion Carried 7-0.**

[07-1344](#)

69. [On](#) 2007 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Concrete Technologies, Inc., (Brad Baumler, President), \$146,968. ([Council Communication No. 07-410](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

[07-1345](#)

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

[07-1346](#)

70. [On](#) 2007 Designated Neighborhood Sidewalk Replacement – Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Concrete Services, Inc., (Anthony Castellano, President), \$163,968. ([Council Communication No. 07-411](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-1347](#)

(A) [Approving](#) contract and bond. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-1348](#)

71. [On](#) 2007 Expanded Street Resurfacing Program – Contract 3: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt

Paving Corporation., (J. M. Yonker, President), \$1,224,279. ([Council Communication No. 07-409](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-1349](#)

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

****END HEARINGS AT 8:00 P.M.****

APPROVING

[07-1350](#)

72. [City](#) Manager's appointment of Judith Bradshaw as Des Moines' Police Chief. ([Council Communication No. 07-419](#)) **Moved by Kiernan to adopt. Motion Carried 7-0.**

[07-1351](#)

73. [Approving](#) bid from Crow Tow for impounded vehicle towing and storage for the Eastside district of the City. (Sixteen bids mailed, eight received) ([Council Communication No. 07-412](#)) **Moved by Coleman to adopt. Motion Carried 6-1. Absent: Vlassis.**

[07-1352](#)

(A) [Request](#) from J.D. Hartung, Hartung & Schroeder, to sponsor regarding the towing contract. **Moved by Coleman to receive a file comments. Motion Carried 6-1. Absent: Vlassis.**

[07-1353](#)

74. [Discontinuance](#) of fire alarm monitoring services by the Fire Department ([Council Communication No. 07-399](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Kiernan.**

[07-1354](#)

75. [Bicycle](#) Vendors in City parks, and authorize the Park and Recreation Director to establish rules for operation. ([Council Communication No. 07-394](#)) **Moved by Hensley to adopt. 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 an 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.

[07-1355](#)

1. [Receive](#), file and refer to the City Manager a communication relating to service provision for the homeless. SPONSOR: Mayor Cownie. **Moved by Coleman to adopt; refer to the City Manager to work with**

County, as soon as possible, to create a funding mechanism. Motion Carried 5-1-1. Nays: Hensley. Pass: Vlassis.

BOARD OF HEALTH

[07-1356](#)

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

AUTHORIZING

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

[07-1357](#)

(A) [2419](#) Lyon Street, Titleholder: Dea Rea Nicholson. Moved by Kiernan to adopt. Motion Carried 7-0.

[07-1358](#)

(B) [1224](#) 9th Street, Titleholder: River Bend Association, (continued from 6-18-07). Moved by Vlassis to adopt. Motion Carried 7-0.

[07-1359](#)

2. [The](#) release of the fire escrow account held for the structure located at 1113 Frazier. Moved by Kiernan to adopt. Motion Carried 7-0.

COMMUNICATION

[07-1360](#)

3. [Regarding](#) demolition cost reserve being held by Integrity Insurance for the fire-damaged garage located at 1827 E. 22nd Street. Moved by Coleman to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.

[07-1361](#)

MOTION TO ADJOURN. Moved by Vlassis to adjourn at 9:16 P.M. Motion Carried 7-0.

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