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SUMMARY OF DES MOINES CITY COUNCIL MEETING

December 3, 2001 4:30 P.M.

PROCLAMATIONS - 4:15 P.M.:

- (a) Human Rights Month
- (b) Holiday Food Program Weeks
- (c) Downtown Workers Appreciation Day

SPECIAL PRESENTATIONS - 4:15 P.M.:

Recognition of Senior Police Officer Joseph Gonzalez, Hispanic Outreach Neighborhood Resource Advocate (HONRA)

INVOCATION: Pastor Sharon Worthington, Grand View Lutheran Church

01-3495 1. ROLL CALL: **Present: Daniels, Brooks, Coleman, Flagg, Hensley, McPherson, and Vlassis.**

I. Presentation by Salisbury House, of their Payment in Lieu of Taxes (PILOT) to the City of Des Moines.

01-3496 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3497 3. APPROVING CONSENT AGENDA - items 3 through 66: **Moved by Coleman to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

01-3498 4. Communication from Legal Department regarding December 3, 2001 License and

Permit Agenda. **Moved by Coleman to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

01-3499 5. Dulcinea Group LLC, James Nash, Owner dba Happy Joe's Pizza & Ice Cream, 1402 E. McKinley; Renewal - Expires 12-4-01 (With Sunday Sales) - Application submitted 10-19-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3500 6. Peter J Leonetti, Jr. dba Noodles Pasta and Sandwich Shop, 2924 Southwest 9th Street; Renewal - Expires 12-9-01 - Application submitted 11-2-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3501 7. RLL, Incorporated, Rodger Lecocq, Owner dba Scruffy's Restaurant, 429 Grand Avenue; Renewal - Expires 12-11-01 - Application submitted 11-13-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

WITHDRAWN 01-3502 8. Rabbi Joseph Jacobson dba Judaic Resource Center of Iowa, 1150 Polk Blvd; New Application submitted 11-5-01.

Class "C" Beer Licenses

01-3503 9. Kwik Shop, Inc., Michael Hoffmann, President dba Kwik Shop #555, 4001 Southwest 9th Street; Renewal - Expires 12-17-01 (With Sunday Sales) - Application submitted 11-5-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Beer/"B" Wine Licenses

01-3504 10. Drake Liquor Store, Ltd, Robert Braune, Owner dba Drake Liquor Store, 2106 Forest; Renewal - Expires 12-8-01 (With Sunday Sales) - Application submitted 11-2-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3505 11. Krause Gentle Corporation, William Krause, President dba Kum & Go #60, 806 Southeast 14th Street; Renewal - Expires 12-14-01 (With Sunday Sales) - Application submitted 10-23-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

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

01-3506 12. Danlee Corp., Lee Adams, Owner dba The Smoke Shop, 1918 Southeast 14th Street; Renewal - Expires 12-17-01 (With Sunday Sales) - Application submitted 10-30-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

01-3507 13. Air Lanes, Ltd, Ron Pohlada, Owner dba Air Lanes, 4200 Fleur Drive; Renewal -

Expires 12-3-01 (With Sunday Sales) - Application submitted 11-2-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3508 14. Benchmark Redevelopment, Inc., Christina J. Mayo, Owner dba Buzzard Billy's, 100 Court Avenue (Lower Level); Renewal - Expires 12-13-01 (With Sunday Sales and Outdoor Service) - Application submitted 11-16-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3509 15. Club Two, Inc., Craig Haugh, Owner dba Club 2000, 422 Indianola Road; Renewal - Expires 12-05-01 (With Sunday Sales) - Application submitted 11-2-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3510 16. Group Pizza, Inc., Joe Zingerman, President dba Felix & Oscars, 4050 Merle Hay Road; Renewal - Expires 12-12-01 (With Sunday Sales) - Application submitted 10-23-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3511 17. Rolling Ball LLC, Amedeo Rossi, Owner dba The Lift, 222 4th Street; New Application (With Sunday Sales) - Application submitted 11-26-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3512 18. Rah Inc., Richard A. Horton, President dba Park Avenue Pub, 1101 Park Avenue; Renewal - Expired 11-26-01 (With Sunday Sales) - Application submitted 10-29-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3513 19. Full Court Press, Inc., Andrew Massoth, President dba The Royal Mile, 210 4th Street; New Application (With Sunday Sales and Outdoor Service) submitted 10-31-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3514 20. Skips Inc., Alvin D. Bachman, Owner dba Skips, 4000 Fleur Drive; Renewal - Expires 12-7-01 - Application submitted 11-6-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3515 21. PaPa's Concert Hall, Inc., Larry Smithson, Owner dba Tri Point Center, 215-217 East 2nd; Renewal - Expires 12-7-01 (With Sunday Sales) - Application submitted 11-7-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3516 22. Tumea and Sons, Inc., Sam P. Tumea, Owner dba Tumea and Sons, 1501 Southeast 1st Street; Renewal - Expires 12-10-01 - (with outdoor service). Application submitted 10-30-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3517 23. DMB Restaurant, Inc., David Mark Ballwahn, President dba The View Restaurant and Lounge, 508 Clifton; New Application (With Sunday Sales and Outdoor Service) - Application submitted 11-7-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3518 24. DTMC, L.C., Dan Mauro, Owner dba Whiskey Rox, 208 Court Avenue; Renewal - Expires 11-12-01 (With Outdoor Service) submitted 10-12-01. **Moved by Coleman to adopt. Motion Carried 7-0.**

Transfers

01-3519 25. Central City Liquor Inc., Thomas P. Duax, President dba Central City Liquor, 1460 2nd Avenue, requesting permanent transfer of Class "C" Beer/"B" Wine/ "E" Liquor License to 1541 2nd Avenue. Subject to submission of building, zoning and fire inspections. **Moved by Coleman to adopt. Motion Carried 7-0.**

Authorizing

01-3520 26. City Clerk to issue Cigarette License. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3521 27. City Clerk to issue Coin-Operated Machine Licenses. **Moved by Coleman to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

28. Items regarding the 10th Street Streetscape from Walnut to Mulberry Improvements:

01-3522 (A) Professional Services Agreement with W.A. Architecture LLC, for \$52,675. [\(Council Communication No. 01-607\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3523 (B) Resolution approving petition and waiver. **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3524 (C) Preliminary Resolution of Necessity, ordering construction, approving preliminary plat and schedule of assessments and estimate of cost. **Moved by Hensley to adopt. Motion Carried 7-0.**

29. Approving Professional Engineering Services Agreements with Black & Veatch, Corporation (Leonard C. Rodman, CEO, Kansas City, MO) for the following:

01-3525 (A) Phase 2 and 3 Design and Bidding Phase Services related to WRA Hauled Waste Receiving Station - \$290,000. [\(Council Communication No. 01-609\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3526 (B) Preliminary Design Phase Services related to WRF Dewatering System Improvements - \$139,000. [\(Council Communication No. 01-611\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3527 30. Approving Professional Services Agreement between City of Des Moines and Shive-Hattery, Inc., Steve W. Brase, P.E., Partner, West Des Moines, IA for renovation of Fire Station No. 6 (1919 SE 6th) for compensation not to exceed \$24,000. [\(Council Communication No. 01-606\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3528 31. Authorizing execution of Iowa Department of Transportation Property Lease Agreement for rental of a Bridge Inspection Vehicle in an amount not to exceed \$2,200. **Moved by Coleman to adopt. Motion Carried 7-0.**

32. 1998 Paving Program Contract No. 2:

01-3529 (A) Resolution accepting work and ordering preparation of Plat and Schedule of Assessments. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3530 (B) Resolution adopting and levying final schedule of assessments, and providing for payment. **Moved by Coleman to adopt. Motion Carried 7-0.**

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

01-3531 (A) SW 34th Street Relocation, Manatts Inc., \$12,913.91 is now due and remaining balance of \$78,563.01 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3532 (B) Fire Station 3 Window Replacement, Citation Building Supply, \$541.50 is now due and remaining balance of \$1,844.50 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3533 (C) Grandview Park Shelter Improvements, Hart Meyer, remaining balance of \$5,386.65 to be paid at the end of 30 days. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3534 34. Communication from Bergstrom Construction, Inc., Tom Gorgas, President, for an extension of time on Waveland Clubhouse Window and Door Replacement with a proposed completion date of February 28, 2002. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3535 35. Approving [partial payments](#) on twenty (20) public improvement projects. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3536 36. Authorizing City Engineer to proceed with Sidewalk Repair Request, waiver signed by one property owner; Driveway Repair Requests, waivers signed by ten property owners; Paving or Curb Replacement Requests, waivers signed by three property owners. **Moved by Coleman to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

37. Levying Assessments for cost of Nuisance Abatement-NAC Emergency Orders (Community Development) for the following schedules:

01-3537 (A) Schedule No. 2001-16. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3538 (B) Schedule No. 2001-56. **Moved by Coleman to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

01-3539 38. Establishing Fair Market Value and authorizing Acquisition of Properties for the North/South Segment of the Martin Luther King, Jr. Parkway Project by Gift, Negotiation, or Condemnation, (M & M Sales, 2001 High and 1910 Woodland) - \$280,000 plus closing costs. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3540 39. Approve and Accept revised Offer to Purchase Real Estate and Acceptance and Form of Warranty Deed from Graham Group for 1024 Grand Avenue for the Western Gateway Project in the Metro Center Urban Renewal Development Area - \$882,000 plus closing costs. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3541 40. Setting Date of Hearing on proposed Purchase Agreement for acquisition of 1300 Scott Avenue and 1202 Scott Avenue, from L & M Enterprises, aka Lomar Wholesale Groceries, Inc., and Marilyn A Hurwitz, in conjunction with East-West Segment of the Martin Luther King, Jr. Parkway Project, \$1,400,000, (12-17-01). ([Council Communication No. 01-613](#)). **Moved by Brooks to approve. Motion Carried 7-0.**

01-3542 41. Approve and Convey a Quit Claim Deed to St. Anthony's Church of Des Moines for the Indianola Avenue Connector Project. **Moved by Coleman to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

01-3543 42. On preliminary purchase terms and conditions, subject to the execution of a final Purchase Agreement, for acquisition of properties located at 1006 Grand Avenue and a portion of property located at 610 Dickman Road, from Door of Faith, (12-17-01). ([Council Communication No. 01-596](#)). **Moved by Coleman to adopt; and to go on record that the City Council is not in favor of nominations for Local Landmark Designation for the Public Library of Des Moines (100 Locust), the Masonic Temple (1011 Locust), Western Truck and Auto Company building (presently occupied by the Dive Shop at 1213 Locust), and the Mutual Telephone Company of Des Moines building (presently occupied by the Door of Faith at 1006 Grand); and to direct the City Clerk to convey the Council's motion to the Historic District Commission prior to Hearing set for December 19, 2001. Motion Carried 6-1. Pass: Flagg. Council Member Vlassis votes NO on the Library Building.**

01-3544 43. On supplement to Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, not to exceed \$810,000, for purpose of acquiring one power broom and two runway plow trucks to be used at the Airport, (12-17-01). ([Council Communication No. 01-614](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3545 44. On City Council-initiated rezoning of property at 1620 Pleasant Street, from "RHD" (Residential Historic District) to "PUD" (Planned Unit Development), (12-17-01). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3546 45. On Plan and Zoning Commission-initiated request to rezone property at 4440 NE

Hubbell Road, from "A-1" (Agricultural) to Ltd "C-2" (General Retail and Highway Oriented Commercial), subject to limitations, (12-17-01). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3547 46. On rezoning of property in the vicinity of 900-8th Street, from "R-4" (Multiple-Family Residential) to "C-3A" (Central Business District), to allow continuation of surface parking for use by Principal Financial Group employees, (12-17-01). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3548 47. On amendment to the PUD Conceptual Plan for the Hillside PUD located between 7th and 9th Streets, and between Center and Crocker Streets, to allow continuation of surface parking for use by Principal Financial Group employees, (12-17-01). **Moved by Coleman to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

01-3549 48. Approving payment of \$3,492.50 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services regarding Court Avenue Entertainment Project. **Moved by Coleman to adopt. Motion Carried 6-1. Pass: Flag.**

01-3550 49. Approving payment of \$447.84 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services in conjunction with the development of Kiwanis Nature Island at Riverview Park. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3551 50. Approving payment of \$3,673.01 to Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, P.C. for legal services in conjunction with acquisition of environmentally contaminated properties for Martin Luther King, Jr. Parkway Project. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3552 51. Approving payment of \$68.75 to Hall & Associates for legal services in conjunction with issuance of National Pollution Discharge Elimination System Permit for the Wastewater Reclamation Facility. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3553 52. Approving payment of \$9,623.33 to Hansen, McClintock, & Riley Law Firm for representation of Officer Timothy Peak in case of Mary Elaine (Kirsch) Sinclair as Administrator of Estate of Adam Lawrence Clark v. City of Des Moines and Michael McBride and Timothy Peak. **Moved by Coleman to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

01-3554 53. Submitting out-of-state travel requests for Paul Stout and Eric Anderson. ([Council Communication No. 01-598](#)). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3555 54. Submitting various traffic regulation changes as follows, ([Council Communication No. 01-593](#)) **Moved by Coleman to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

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

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

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

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

APPROVING

01-3556 55. Nineteenth (19th) Annual Boards and Commissions Appreciation Dinner on Thursday, May 9, 2002 at the Airport Holiday Inn, 6111 Fleur Drive. **Moved by Coleman to approve and appoint Council Member Vlassis to assist with funding solicitation. Motion Carried 7-0.**

01-3557 (A) Recognition Dinner to be held on December 19, 2001 at Airport Holiday Inn. **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3558 56. Insurance and Indemnity Agreement with Hubbell Realty Company for use of common area of the Kaleidoscope at the Hub, for Parks Department sales of "Fun Pass Booklets". [\(Council Communication No. 01-612\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3559 57. Community Economic Betterment Account (CEBA) Loan Agreement with State of Iowa for \$40,000 and City Economic Development Loan for \$10,000 to Hicklin Engineering, L.C. [\(Council Communication No. 01-592\)](#). **Moved by Coleman to approve. Motion Carried 7-0.**

58. Extension of Job Attainment Dates for the following:

01-3560 (A) Color Converting Industries (June 30, 2002 to December 31, 2002). [\(Council Communication No. 01-605\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3561 (B) Trans-Lux Midwest Corporation (December 31, 2001 to December 31, 2002). [\(Council Communication No. 01-602\)](#). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3562 59. Negotiation of Urban Renewal Contract Amendment with 2001 Partnership, L.L.C. for one-year extension to complete additional building improvements in conjunction with Disposition Parcel No. 31A/Guthrie Avenue Business Park (Quality Wine Company-2001 DeWolf). [\(Council Communication No. 01-604\)](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3563 60. Recommendation from City Manager regarding 2002 Community Development Block Grant (CDBG) funding for the Institute of Social and Economic Development (ISED). ([Council Communication No. 01-601](#)). **Moved by Coleman to receive and file. Motion Carried 6-1. Nays: Brooks.**

61. Bids for the following:

01-3564 (A) Midlands Business Equipment, (Jerry Stadtlander, President, Grimes), for an integrated point of sale cash register system to be used by Blank Park Zoo, \$50,859.60. (Six bids mailed, five received). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3565 (B) Dewey Ford, (Mark Vukovich, President) for 17 squad cars, \$357,494.70; Mid-States Ford Truck Sales, (Marv Perry, President) for prisoner patrol wagon, \$29,017.65, also 1 cargo van, \$16,913.65; Karl Chevrolet, (Carl Moyer, President) for prisoner wagon, \$19,934, also 1 passenger van, \$21,955; Charles Gabus Ford, (Charles Gabus, President) for 2 mid-sized sedans, \$30,809.80; Dewey Ford, (Mark Vukovich, President) for small pickup truck, \$17,959.82; Charles Gabus Ford, (Charles Gabus, President) for 2 four wheel drive pickups, \$45,679.78; Wright Chevrolet, (David Wright, President, Carlisle) for 4 special utility vehicles, \$97,852, also 1 mid-size 2 door coupe police vehicle, \$21,210; Quality Ford, (Franklin Greene, President, WDM) for 1 box truck, \$28,957 all to be used by the Police Department. (Ten bids mailed, six received). **Moved by Coleman to adopt. Motion Carried 7-0.**

01-3566 62. Civil Service Entrance List for Accounting Manager, and Promotional List for Police Lieutenant. **Moved by Coleman to receive and file. Motion Carried 7-0.**

01-3567 63. Authorizing Finance Director to draw checks on register of December 14, 2001; bills of the Des Moines Municipal Housing Agency for the weeks of December 3, 2001 and December 10, 2001 and biweekly payroll due employees on December 14, 2001. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

01-3568 64. Amending Chapter 42 of the Municipal Code regarding soil erosion control, grading, grading permits and fees. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

01-3569 65. Amending Chapter 114 of the Municipal Code regarding lowering speed limits in public parks. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

01-3570 66. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes on University Avenue between 29th and 48th Street. **Moved by Coleman that this ordinance do now pass, #14,023. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

01-3571 67. Amending Ordinance 13,938, vacating various portions of 7th and 8th Streets and alleys north of University, within the site of the grocery store project. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3572 (A) Final consideration of ordinance above, (waiver requested by purchaser), requires 6 votes. **Moved by Vlassis that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,024. Motion Carried 7-0.**

01-3573 68. Amending Chapter 114 of the Municipal Code regarding the following traffic regulation changes. **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(1) Corner Clearance--West Side of Cambridge Street, South of East Ovid Avenue.

(2) Relocation of Handicapped Parking Meters--East Side of 6th Avenue, South of Mulberry Street.

(3) Parking Restriction for Driveway at Polk County Jail--North Side of Cherry Street, West of 6th Avenue.

(4) Corner Clearance--West Side of East 13th Street, South of Guthrie Avenue.

(5) Corner Clearance--East Side of SE 3rd Street, North of East Watrous Avenue.

(6) Corner Clearance--North Side of Center Street, East of 31st Street.

01-3574 (A) Final consideration of ordinance above. **Moved by McPherson that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,025. Motion Carried 7-0.**

COUNCIL REQUESTS

01-3575 69. From Council Member George Flagg regarding potential for "bicycle lanes" recommendation from Arthur Stuchis. **Moved by Flagg to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.**

01-3576 70. From Council Member Archie Brooks to accept proposal from Lee Town Revitalization Partnership that the ACCENT TIF District be extended down East 30th Street

from University to Dean, to accommodate a 60-room motel on East 30th Street. **Moved by Brooks to receive, file and refer to the City Manager to take the necessary actions for approval. Motion Carried 7-0.**

****Council considered Items 79 and 80 next****

HEARINGS (Opened at 5:40 P.M.) (Items 71 thru 78)

****Council Member McPherson left the meeting at 5:50 P.M.****

01-3577 71. On proposed Des Moines Agrimergent Technology Park Plan, generally between SE 30th and SE 43rd Streets in vicinity of Vandalia Road. ([Council Communication No. 01-599](#)) **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

01-3578 72. On request from ABC Partners, L.P. and Army Post Development L.C., to rezone property at 3600 Army Post Road, from "PBP" (Planned Business Park) to "PUD" (Planned Unit Development), and to approve a PUD Conceptual Plan. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: McPherson.**

01-3579 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

WITHDRAWN 01-3580 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

01-3581 73. On request from Uptown Partners, L.P. to rezone property in vicinity of 4115 University Avenue from "C-1" (Neighborhood Retail Commercial) to "NPC" (Neighborhood Pedestrian Commercial) to ensure future development of the site will be pedestrian oriented, neighborhood commercial development, subject to limiting the story height for all development on two-stories. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**

01-3582 73. (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3583 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,026. Motion Carried 7-0.**

01-3584 74. On vacation of 12th Street right-of-way between Crocker and School Streets. ([Council Communication No. 01-608](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

01-3585 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

01-3586 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,027. Motion Carried 7-0.**

01-3587 75. On conveyance of City property locally known as the Southeast corner of Whitmer Park--E. 6th and Lyon, to State of Iowa, in conjunction with I-235 Interstate Road Project. [\(Council Communication No. 01-603\)](#). **Moved by Coleman to adopt. Motion Carried 5-1-1. Nays: Brooks. Absent: McPherson.**

01-3588 76. On vacation and conveyance of a portion of E. Court Avenue and E. 6th Street right-of-way at 601 E. Court to Blue Plans Credit Union, \$4,250. **Moved by Brooks to adopt. Motion Carried 5-2. Absent: Coleman and McPherson.**

01-3589 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Coleman and McPherson.**

01-3590 77. On vacation and conveyance of a portion of E. Court Avenue and E. 7th Street right-of-way at 625 E. Court Avenue, to Hamms-Des Moines Company, \$13,620. **Moved by Brooks to adopt. Motion Carried 6-1. Absent: McPherson.**

01-3591 (A) First consideration of ordinance above. **Moved by Brooks that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: McPherson.**

01-3592 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Brooks that the rule requiring that ordinances must be considered, and voted on for passage at two council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,028. Motion Carried 6-1. Absent: McPherson.**

01-3593 78. On E. 14th Street and E. University Avenue Traffic Signal Upgrade: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Baker Electric, Inc. (Dave Hearn, President, DM), \$144,400. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Hensley. Absent: McPherson.**

01-3594 (A) Approving contract and bond and permission to sublet. **Moved by Flagg to adopt. Motion Carried 5-1-1. Nays: Hensley. Absent: McPherson.**

* * END HEARINGS at 6:25 P.M. * *

****Council considered Item 81 through end of agenda next****

CITY MANAGER RECOMMENDATIONS

01-3595 79. Recommendation from City Manager regarding the Strategic Planning Commission. ([Council Communication No. 01-591](#)). **Moved by Flagg to receive, file and refer to the Legal Department for preparation of amendments to the ordinance. Motion Carried 7-0.**

01-3596 80. Recommendation from City Manager regarding the Fleur Gateway Study. ([Council Communication No. 01-597](#)). **Moved by Hensley to receive, file and adopt recommendations as contained in the Council Communication. Motion Carried 7-0.**

01-3597 (A) Receipt of Plan and Zoning Commission recommendation on the Fleur Drive Gateway Study submitted by Dunbar-Jones Partnership. **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

01-3598 81. Establishing a new classification of Telephone Reporting Unit Representative, part-time, non-civil service position for the Police Department waiving residency provisions. ([Council Communication No. 01-595](#)). **Moved by Vlassis to adopt. Motion Carried 5-1-1. Nays: Daniels. Absent: McPherson.**

WITHDRAWN 01-3599 82. Resolution granting Michael Cunningham an extension of time for filing of an application for tax abatement on the construction of his residence at 6640 Indianola Avenue, and approving the application.

WITHDRAWN 01-3600 (A) Communication from Michael Cunningham requesting support of his application to Polk County to have tax abatement applied retroactively as if it had been timely filed prior to February 1, 2001.

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EXTRA ITEMS

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

01-3601 1. Request from John and Christine Paskins, for vacation and conveyance of small portion of property behind their property at 309 E. 5th Street. SPONSOR: Brooks. **Moved by Brooks to receive, file and refer to City Manager and Legal for review and action as**

appropriate. Motion Carried 6-1. Absent: McPherson.

01-3602 2. Oral request of Mayor Daniels, to discuss an ordinance amendment regarding special parking permits in the downtown area. SPONSOR: Daniels. **Moved by Vlassis to refer to the City Manager and Legal to consider an ordinance amendment that provides for waiver of the permit fees for special events adjacent to a business in the downtown historic Court Avenue District. Motion Carried 6-1. Absent: McPherson.**

A G E N D A

BOARD OF HEALTH December 3, 2001

01-3603 MOTION TO CONVENE **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: McPherson.**

AUTHORIZING

01-3604 1. Court authority to abate the public nuisance at 1110 22nd Street (vacant), Titleholder: Neighborhood Housing Service of Des Moines, Inc., Attn: Kathleen Moretz, Registered Agent. **Moved by Vlassis to adopt. Motion Carried 6-1. Absent: McPherson.**

01-3605 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:33 P.M. Motion Carried 6-1. Absent: McPherson.**

DES MOINES-CITY OF SKYWALKS