



***** 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 '08-' 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

December 8, 2008 4:30 PM

PROCLAMATIONS – 4:15 PM

- [Employee](#) Learning Week
- [Holiday](#) Food Program Weeks
- [International](#) Human Rights Day

INVOCATION: Reverend Tim Diebel
First Christian Church
2500 University Avenue

- [08-2108](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Motion Carried 7-0.**
- [08-2109](#) 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.

- [08-2110](#) 3. APPROVING CONSENT AGENDA – items 3 through 33: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

[08-2111](#)

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

NEW APPLICATIONS

(A)	CHIANTI	207 4TH ST	B Beer
(B)	FAWNS ASIAN CUISINE	1107 E UNIVERSITY	B Beer
(C)	FONGS PIZZA	223 4TH ST	C Liquor
(D)	Z'S BAR	1511 S UNION ST	C Liquor

RENEWAL APPLICATIONS

(E)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(F)	CAPITOL ROOM	315 E 5TH ST	C Liquor
(G)	DAWG HOUSE	2301 HUBBELL AVE	C Liquor
(H)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(I)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(J)	DES MOINES EMBASSY CLUB	1000 GRAND AVE	C Beer/Wine
(K)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(L)	EMBASSY CLUB	801 GRAND AVE	A Liquor
(M)	EMBASSY CLUB	801 GRAND AVE	B Wine
(N)	FELIX & OSCARS	4050 MERLE HAY RD	C Liquor
(O)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(P)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(Q)	LOVELY FOOD MART	4600 FLEUR DR	C Beer
(R)	NADRY INC	2701 INGERSOLL	C Beer
(S)	SMOKE SHOP	1918 SE 14TH STREET	E Liquor
(T)	TEQUILA MEXICAN	2824 EASTON BLVD	C Liquor
(U)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor

TRANSFER TO NEW LOCATION

(V)	EL ANGEL MEXICAN GROCERY	5000 SW 9TH ST	C Beer
	Permanent transfer from 4812 SW 9 th St.		

[08-2112](#)

5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

- [08-2113](#) 6. [Approving](#) Professional Services Supplemental Agreement No. 1 with RDG Planning and Design for additional design and construction phase services for the John and Mary Pappajohn Sculpture Park, not to exceed \$14,500. ([Council Communication No. 08-722](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [08-2114](#) 7. [Approving](#) and authorizing execution of Norfolk Southern Corporation Street Crossing Signal Safety Improvement Agreement for Maury Street. ([Council Communication No. 08-721](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2115](#) 8. [Accepting](#) completed construction and approving final payment for 503 SE 8th Street Emergency Storm Sewer Repair, The Underground Company, Ltd. **Moved by Vlassis to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [08-2116](#) 9. [Levying](#) assessments for cost of Nuisance Abatement-NAC-Emergency Orders (Community Development) Schedule No. 2008-16. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2117](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at various locations. **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [08-2118](#) 11. [Approving](#) tax abatement for medical office buildings in Airport Commerce Park South and Airport Business Park. ([Council Communication No. 08-715](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2119](#) 12. [Denial](#) of one retroactive Tax Abatement Application for additional value added by improvements made during 2006 for 1414 E. 19th Street. ([Council Communication No. 08-720](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2120](#) 13. [Authorization](#) to acquire necessary right-of-way for the Riverpoint West Street Improvement Project. ([Council Communication No. 08-723](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [08-2121](#) 14. [On](#) application from Daniel Owen dba Owen Auto for relief from temporary moratorium on vehicle display lots, (12-22-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [08-2122](#) 15. [Approving](#) payment of \$11,946.72 to Hall & Associates for services related to the Combined Sewer Overflows related to the NPDES Permit and authorizing additional work on proposed rules by IDNR. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2123](#) 16. [Approving](#) payment of \$21,089.15 to Wallace Obie for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

17. Closeout Certification Documents for the following:
- [08-2124](#) (A) [Fiscal](#) Year 2003 Continuum of Care (COC) for Buchanan Transitional Living Center Project and the Iowa Homeless Management Information Network. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2125](#) (B) [Fiscal](#) Year 2005 Continuum of Care (COC) for the Iowa Homeless Management Information Network. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2126](#) 18. [Collateral](#) Assignment of Development Agreement for the former Stivers Dealership site at 1717 Ingersoll Avenue. ([Council Communication No. 08-733](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2127](#) 19. [Issuance](#) of Certificate of Completion for Nationwide Mutual Insurance Company's new office building at 1200 Locust Street. ([Council Communication No. 08-727](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2128](#) 20. [Execution](#) of Cooperative Agreement between The Des Moines Human Rights Commission and The Iowa Civil Rights Commission. ([Council Communication No. 08-716](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2129](#) 21. [Receipt](#) of Roosevelt Cultural District Vision Committee Report & Recommendations as presented to the Roosevelt Cultural District Board. **Moved by Hensley to receive and file the report. Motion Carried 7-0.**
- [08-2130](#) 22. [Support](#) of Low Income Housing Tax Credit application for the rehabilitation of 150 units of low-income family housing at the Homes of Oakridge, Phase 1, and authorization to negotiate a home loan up to \$250,000. ([Council Communication No. 08-719](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2131](#) 23. [Termination](#) of Escrow Agreement with John J. Clarke as Trustee of the Morrie Weiss Non-revocable Trust and Escrow Agent Substitution Agreement with Belin Law Firm. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [08-2132](#) 24. [Extension](#) of the Residency Requirement of Des Moines Municipal Code Section 2-486 for Assistant City Attorney Gary Goudelock to April 30, 2009. **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2133](#) 25. [Communication](#) from Downtown Community Alliance on behalf of Nationwide to approve banner design to be displayed on Locust Street in downtown Des Moines from January through June. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.**
26. Bids from the following:
- [08-2134](#) (A) [Insight](#), for three-year Websense maintenance renewal for existing internet filtering software per State of Iowa Contract for use by the Information Technology Department, \$40,878. ([Council Communication No. 08-725](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2135](#) (B) [Communication](#) Innovators, for data and telephone technician labor services per ICN State of Iowa Contract for use by the Information Technology Department, estimated annual cost of \$30,000. ([Council Communication No. 08-724](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2136](#) (C) [Graybar](#) Electric, Van Meter Industrial, 3-E, and Echo Electric Supply Co. for an annual contract with two additional one-year renewal options to furnish miscellaneous electrical parts and supplies to the City, estimated annual cost of \$130,000. (Seven bids mailed, four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2137](#) (D) [Hawkeye](#) Truck Equipment, for three (3) new anti-icing trailers for use by the Public Works Department, \$80,835. (Four bids mailed, two received). ([Council Communication No. 08-735](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2138](#) 27. [Execution](#) of a Renewal Addendum to Contract with Electric Pump & Tool Services, Inc. for provision of new pump stations, replacement pumps, pump repair parts and management of City's pump repair parts inventory and pump repair services. ([Council Communication No. 08-730](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2139](#) 28. [Change](#) Order No. 1 with ABC Electrical Contractors LLC for additional flood related repair services to Birdland Pool, \$3,150. ([Council Communication No. 08-718](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [08-2140](#) 29. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 8 and December 15, 2008; to draw [checks](#) for the bills of the Des Moines Municipal Housing Agency for the weeks of December 8 and December 15, 2008; and to draw checks for bi-weekly payroll due December 19, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [08-2141](#) 30. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes for Parking Restriction on the north side of Morton Avenue between E. 14th and Idaho Street. **Moved by Vlassis that this ordinance do now pass, #14,821. Motion Carried 7-0.**

- [08-2142](#) 31. **On** vacation of E. Granger Avenue right-of-way between Vandalia Road and the Burlington Northern Sante Fe Railroad from SE 35th to SE 36th Street. **Moved by Vlassis that this ordinance do now pass, #14,822. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [08-2143](#) 32. **On** rezoning of property at 1930 Indianola Avenue, from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), subject to conditions. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

- [08-2144](#) 33. **Amending** Chapter 90 of the City Code regarding the powers and duties of the Public Housing Board regarding purchasing and procurement powers. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

COMMUNICATIONS/REPORTS

- [08-2145](#) 34. **From** David Costello, 1105 Orchard Lane, Des Moines, requesting to speak regarding the need to work together to solve the housing crisis. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

- [08-2146](#) 34I City Council discussion regarding the Central Iowa Shelter and Services project on Keo Way. **Moved by Hensley to refer to the City Manager to come back at the December 22 Council meeting with a recommended process and timeline for the site selection, building project and appropriate support services. Motion Carried 7-0.**

- [08-2147](#) 35. **Receipt** of Des Moines Water Works’ adopted budget for calendar year ending December 31, 2009. **Moved by Hensley to receive, file and authorize the City Clerk to forward the budget to the Polk County Auditor. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 36 THRU 40)

- [08-2148](#) 36. **On** appeal from Sam Fairfield, 1115 – 8th Avenue, Grinnell, regarding Administrative Hearing Officer’s decision on impounded vehicle. **Moved by Hensley to uphold the decision. Motion Carried 6-1. Absent: Meyer.**
- [08-2149](#) 37. **On** petition to continue the Downtown Self-Supported Municipal Improvement District (SSMID). ([Council Communication No. 08-717](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [08-2150](#) 38. **On** conveyance of vacated portion of north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, \$100, and to **continue to December 22, 2008** at 5:00 PM to determine interest in purchasing the two remaining portions of the alley. **Moved by Vlassis to continue the public hearing until December 22, 2008 at 5:00 pm in the Council Chambers. Motion Carried 7-0.**
- [08-2151](#) 39. **On** corrected vacation and conveyance of north/south alley between 8th Street and 9th Street from Crocker to Center Street and a portion of 9th Street right-of-way between Crocker and Center Street to Principal Life Insurance Company. **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**
- [08-2152](#) (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: Coleman.**
- [08-2153](#) (B) **Final** consideration of ordinance above, (waiver requested by Engineering Department Real Estate Division), 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, #14,823. Motion Carried 6-1. Absent: Coleman.**
- [08-2154](#) 40. **On** vacation and conveyance of a dead-end segment of east/west alley adjoining 812 Virginia Avenue between Virginia Avenue and Pleasant View Drive, west of SW 7th Street to Jeff Law, \$50. ([Council Communication No. 08-726](#)) **Moved by Meyer to adopt. Motion Carried 6-1.**
- [08-2155](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

[08-2156](#)

- (B) [Final](#) consideration of ordinance above, (waiver requested by the 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, [#14,824](#). Motion Carried 6-1. Absent: Coleman.**

****END HEARINGS AT 5:48 PM****

APPROVING

41. Issuance of Request for Proposal (RFP) for the following: ([Council Communication No. 08-731](#))
- [08-2157](#) (A) [Custodial](#) services for Municipal Buildings, Des Moines International Airport Facilities, Des Moines Metropolitan Wastewater Reclamation Authority (WRA) facilities, and Des Moines Municipal Housing Agency (MHA) facilities. [RFP Moved by Vlassis to adopt. Motion Carried 7-0.](#)
- [08-2158](#) (B) [Mowing](#) and trimming maintenance for parks, open spaces and boulevards. [RFP Moved by Vlassis to adopt. Motion Carried 7-0.](#)
- [08-2159](#) 42. [Authorizing](#) the City Manager to develop and submit a plan to the State of Iowa to spend the allocated \$3,900,000 Neighborhood Stabilization Program funds to provide emergency assistance redeveloping abandoned and foreclosed homes. ([Council Communication No. 08-732](#)) **Moved by Hensley to adopt; refer to the City Manager to provide details about this program at a workshop. Motion Carried 7-0.**
- [08-2160](#) 43. [Community](#) Partnership Memorandum of Understanding between the City of Des Moines and MCC Iowa LLC dba Mediacom, (**continued from 11-24-08**). ([Council Communication No. 08-734](#)) **Moved by Coleman to adopt; refer to the City Manager for the following: 1. Communicate with MEDIACOM regarding Customer Service progress. 2. Facilitate MEDIACOM reaching out to Neighborhood Associations. 3. Use the City Newsletter and Channel 7 to inform citizens about the appropriate process to lodge complaints. Motion Carried 6-1. Nays: Hensley.**
- [08-2161](#) 44. [Communication](#) from the Office of Economic Development seeking authorization to negotiate with New Market Investors, LLC for possible redevelopment of the former Younkers Building, 713 Walnut Street. ([Council Communication No. 08-728](#)) **Moved by Hensley to receive, file and authorize the City Manager to negotiate with New Market Investors, LLC as set forth in the accompanying Council Communication and to direct the City Manager to engage the State of Iowa, Polk County, the local business community, and other stakeholders to gauge their interest in assisting with the redevelopment of the property. Motion Carried 7-0.**

[08-2162](#) 45. [Adopting](#) criteria for City Council Review and Support of Low-Income Housing Tax Credit (LIHTC) Applications. ([Council Communication No. 08-729](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

[08-2163](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

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

[08-2164](#) (A) [1100](#) Buchanan Street, (fire-damaged main structure and garage structure), Titleholders: All Heirs to the Estate of James E. Sloan and Eathel L. Sloan. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2165](#) (B) [3031](#) Dean Avenue, (garage structure), Titleholder: Larry A. Stenslie, Mortgage Holder: Amwest Surety Ins. Comp. a/k/a Amwest Surety Ins. Co. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2166](#) (C) [2110](#) Meek Avenue, (main structure), Titleholder: Michael Jones. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2167](#) (D) [5805](#) New York Avenue, (main structure and garage structure), Titleholder: JP Morgan Chase Bank NA as Trustee for the MLMI Surf Trust Series 2005-BC3. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2168](#) (E) [1535](#) 23rd Street, (garage structure), Titleholder: Cereshaya A. Bradley; Mortgage Holders: Integra Bank Corp f/k/a Firstar Bank, NA and Lederman Bonding Company. **Moved by Vlassis to adopt. Motion Carried 7-0.**

[08-2169](#) 2. [Communication](#) regarding release of demolition cost reserve being held by Shelter Insurance Companies for the fire-damaged structure located at 913 Army Post Road. **Moved by Coleman to adopt. Motion Carried 7-0.**

[08-2170](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:27 P.M. Motion Carried 7-0.**

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