



***** 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

**December 21, 2009
City Hall, 2nd Floor
400 Robert D. Ray Drive**

**Reception - 3:00 – 4:00 PM
for
Michael Kiernan, Council Member At-Large
Tom Vlassis, Ward I Council Member**

PROCLAMATIONS – 4:00 PM

[National](#) Homeless Persons' Memorial Day

[Universal](#) Hour of Peace

SPECIAL PRESENTATIONS

Des Moines Fire Department Certificate of Appreciation Awards –
Police Officers Eric Wilson, Jamie Vanderwert and Vic Gamboa
Melbourne resident Gary Fricke

INVOCATION: Council Member Christine Hensley

[09-2249](#)

1. **ROLL CALL: (4:30 PM) Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer, and Vlassis.**

[09-2250](#)

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

[09-2251](#)

- 3. APPROVING CONSENT AGENDA – items 3 through 37: **Moved by Hensley to adopt the balance of the consent agenda. 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.**

LICENSES AND PERMITS

[09-2252](#)

- 4. **Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	LICKER ROOM	2301 SW 9TH ST	C Liquor
(B)	SUPER QUICK 2	1824 HUBBELL AVE	E Liquor
(C)	UNIVERSITY GROCERIES II	1621 UNIVERSITY	E Liquor

RENEWAL APPLICATIONS

(D)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(E)	A DONG RESTAURANT	1511 HIGH ST	C Beer/Wine
(F)	ALL PLAY	615 3RD ST	C Liquor
(G)	CHRISTOPHERS	2816 BEAVER AVE	C Liquor
(H)	CIVIC CENTER	1011 LOCUST ST	C Liquor
(I)	DAHLS FOODS	1819 BEAVER AVE	E Liquor
(J)	DAHLS FOODS	1320 E EUCLID AVE	E Liquor
(K)	DES MOINES CLUB	666 GRAND AVE	A Liquor
(L)	DES MOINES EMBASSY CLUB	1000 GRAND AVE	C Beer/Wine
(M)	EL RANCHO ALEGRE	3308 INDIANOLA	B Beer
(N)	EMBASSY CLUB	801 GRAND AVE	A Liquor
(O)	EMBASSY CLUB	1011 LOCUST ST	C Liquor
(P)	EMBASSY CLUB	801 GRAND AVE	B Wine
(Q)	GIT N GO STORE #2	1307 ARMY POST RD	C Beer
(R)	JOHNNY MACS BAR & GRILL	2279 HUBBELL AVE	C Liquor
(S)	KUM & GO #208	3200 SE 14TH ST	C Beer
(T)	KUM & GO #2722	2211 UNIVERSITY	C Beer
(U)	KUM & GO #2731	3104 UNIVERSITY	C Beer
(V)	LA TAPATIA	1440 DES MOINES ST	C Beer
(W)	LA TAPATIA III	4007 SE 13TH ST	C Beer

(X)	MEZZODIS	4519 FLEUR DR	C Liquor
(Y)	NADRY INC	2701 INGERSOLL	C Beer
(Z)	NOW OR LATER RESTAURANT	3750 E UNIVERSITY	C Liquor
(AA)	SUPER SAVINGS	806 SE 14TH ST	C Beer
(BB)	SUPER SAVINGS	3733 EASTON BLVD	C Beer
(CC)	TAVERN SOUTH	1106 ARMY POST RD	C Beer/Wine
(DD)	TEQUILA MEXICAN	2824 EASTON BLVD	C Liquor

SPECIAL EVENTS APPLICATIONS

- (EE) LAO AMERICAN ASSOC 3000 E GRAND AVE Five-Day License
Class B Beer License with on premise wine for an event on December 31, 2009.

- [09-2253](#) 4-I [Approving](#) temporary transfer of Special Class C Beer\Wine License for Nut Pob Restaurant at 3322 Indianola Avenue to 3000 E. Grand Avenue, Walnut Center, for an event on December 26, 2009. Sponsor: Council Member Meyer. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2254](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Cownie.**
- [09-2255](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Accepting completed construction and approving final payment for the following:
- [09-2256](#) (A) [21st Street](#) and Carpenter Avenue Storm Sewer Improvements, Reilly Construction Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2257](#) (B) [Hickman](#) Road resurfacing – 30th Street to Merle Hay Rd., Des Moines Asphalt & Paving Co. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2258](#) (C) [15th Street](#) Widening Locust Street to Ingersoll Avenue, The Underground Company, Ltd. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2259](#) (D) [Cownie](#) Soccer Fields Improvements – Phase 1, Smith Seeding, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2260](#) (E) [42nd Street](#) and Kingman Blvd. Widening and Signalization, Grimes Asphalt & Paving Corp. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2261](#) (F) [2008 Sewer](#) Televising Program, American Hydro Services Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [09-2262](#) 8. [Levying](#) assessments for costs of Nuisance Abatement – NAC Emergency Orders (Community Development) Schedule No. 2009-21. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2263](#) 9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code – Schedule No. 2009-04. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2264](#) 10. [Approving](#) deletion of NAC-Emergency Assessment at 913 Penn Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2265](#) 11. [Approving](#) deletion of rental inspection assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [09-2266](#) 12. [Approving](#) Tax Abatement Applications (69) for additional value added by improvements made during 2009. ([Council Communication No. 09-887](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [09-2267](#) 13. [Approving](#) appointments of regular and alternate members to the Metropolitan Planning Organization (MPO). **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [09-2268](#) 14. [On](#) proposed renaming of a segment of US Highway 69, extending north from E. County Line Rd. to where it converges with SE 14th Street, as Southridge Boulevard, (1-11-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2269](#) 15. [On](#) request from Rich Eychaner to rezone 3814, 3822 & 3826 57th Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow redevelopment for a commercial center and associated loading and off-street parking areas, (1-11-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
16. On issuance of Refunding Capital Loan Notes for the following, (1-11-10): ([Council Communication No. 09-896](#))
- [09-2270](#) (A) [\\$17,500,000](#) Public Parking System Revenue, Series 2010 D. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2271](#) (B) [\\$26,000,000](#) General Obligation, Series 2010C. **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[09-2272](#) 17. [Approving](#) payment of \$16,528.87 to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, Iowa. **Moved by Hensley to adopt. Motion Carried 7-0.**

18. Approving payment of workers' compensation claims to the following:

[09-2273](#) (A) [Sally](#) Woodard, \$166,788.48. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2274](#) (B) [Albert](#) Oswald, \$6,733.29. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2275](#) (C) [Sharon](#) Neff, \$10,132.75. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2276](#) (D) [Gary](#) Reynolds, \$57,148.70. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2277](#) 19. [Approving](#) payment of \$21,000 to Dale Bingaman for a claim as the result of an automobile accident. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

[09-2278](#) 20. [Regarding](#) the designation of NE Hubbell Avenue Corridor Area as an Urban Renewal Area and Tax Increment Financing (TIF) district, and the preparation of an Urban Renewal Plan for such area to finance needed public improvements and to facilitate redevelopment of the area. ([Council Communication No. 09-881](#)) **Moved by Hensley to receive and file the Council Communication and to authorize the City Manager to prepare an Urban Renewal Plan and related information and documents in general accordance with the Council Communication. Motion Carried 7-0.**

[09-2279](#) 21. [Approving](#) travel and training requests for Brent Curtis and Kenneth Robinson. ([Council Communication No. 09-889](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

22. Fiscal Year 2007 Continuum Of Care (COC) Closeout Certification Documents for the following:

[09-2280](#) (A) [West](#) Des Moines Transitional Housing Program and YMCA Transitional Housing Program. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2281](#) (B) [Street](#) Outreach Team and Enhancement Projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [09-2282](#) 23. [New](#) 2008 Supportive Housing Program (SHP) Grant Agreement with the United States Department of Housing and Urban Development (HUD). ([Council Communication No. 09-869](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
24. Support and preliminary commitment of Home Funds on Applications to Iowa Finance Authority (IFA) of Low-Income Housing Tax Credits (LIHTC) on new construction for the following: ([Council Communication No. 09-888](#))
- [09-2283](#) (A) [Christ](#) the King, LLC – 28 units of low-income senior housing at 5601 SW 9th Street. **Moved by Hensley to adopt, and refer to the City Manager to work with other interested parties to perform a Market Study of Downtown housing. Motion Carried 7-0.**
- [09-2284](#) (B) [Akers](#) Holding, L.L.C. – 30 units of low-income senior housing between 5th and 6th on SW Army Post Road. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2285](#) (C) [Eastern](#) Mounds Housing, LLLP – 38 units of low-income senior housing at E. 40th Street and Dubuque Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2286](#) (D) [Curly](#) Top, LLC – 40 units of low-income senior housing at 1900 SE 6th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2287](#) (E) [Olive](#) Street Brickstone, LLP – 20 units of low-income family housing at 18th Street and Olive Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2288](#) 25. [Christ](#) the King Housing Services Application for Enterprise Zone Benefits for a housing project in the McKinley Avenue - SW 9th- Army Post Road Enterprise Zone. ([Council Communication No. 09-883](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2289](#) 26. [Amendment](#) to Neighborhood Stabilization Program (NSP) Plan to provide acquisition and rehabilitation financing for developers who acquire and rehabilitate foreclosed and abandoned properties. ([Council Communication No. 09-876](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2290](#) 27. [First](#) Amendment to Supplemental 28E Agreement with Neighborhood Finance Corporation (NFC). ([Council Communication No. 09-871](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2291](#) 28. [Form](#) of Agreement with Developers regarding Thrivent Below Market Rate Purchase and Construction Financing Program to allow use of grant funds by housing developers to purchase property for rehabilitation or new construction in the Thrivent Neighborhoods. ([Council Communication No. 09-870](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

29. Issuance of Certificate of Completion for the following:

- [09-2292](#) (A) [Doll](#) Distributing LLC for improvements in the Guthrie Avenue Urban Renewal Area. ([Council Communication No. 09-884](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-2293](#) (B) [Central](#) Wire & Iron for a project in the Guthrie Avenue Urban Renewal Area and authorizing payment of economic assistance. ([Council Communication No. 09-882](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-2294](#) (C) [1717](#) Ingersoll, L.L.C. for improvements in the Metro Center Urban Renewal Area and authorizing payment of economic assistance. ([Council Communication No. 09-886](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-2295](#) 30. [Parking](#) License Agreement with Wells Fargo Financial, Inc. for parking spaces in the Eighth and Mulberry Parking Garage. ([Council Communication No. 09-877](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2296](#) 31. [Amendment](#) No. 1 to grant agreement with Iowa Department of Transportation for Fiscal Year 2010 Commercial Service Vertical Infrastructure Fund reducing the amount by 10 percent. ([Council Communication No. 09-868](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2297](#) 32. [Issuance](#) of a Request for Proposals for Emergency Power Generation Equipment and services standardization for the Stormwater, Sanitary and WRA Pump Station Facilities. ([Council Communication No. 09-897](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2298](#) 33. [Selection](#) of Holmes Murphy and Associates to conduct a Request for Proposals (RFP) for employee health and dental insurance and flexible spending account administration for FY2011. ([Council Communication No. 09-874](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-2299](#) 34. [Placement](#) of temporary banner on Veterans' Memorial Auditorium. ([Council Communication No. 09-891](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
35. Bids for the following:
- [09-2300](#) (A) [Allen](#) Vanguard Technologies Inc. (David Luxton, Founder, CEO, President and Executive Director) for eight (8) Universal Blast and Chemical/Biological/Radiological Containment Systems for Iowa's Explosive Ordnance Disposal (EOD) Task Force Teams, one of which will be retained by the City's Bomb Squad, to be used by the Police Department, \$249,113.44. ([Council Communication No. 09-893](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2301](#) (B) [CeoTronics](#), Inc. (Thomas H. Gunther, Chairman and CEO) for eight (8) Digital Wireless Bomb Suit Communications Systems for Iowa’s Explosive Ordnance Disposal (EOD) Task Force Teams, one of which will be retained by the City’s Bomb Squad, to be used by the Police Department, \$221,112. ([Council Communication No. 09-894](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2302](#) (C) [GBA](#) (George Butler & Associates) Master Series, Inc. (Don Pinkston Jr., President) for annual software maintenance and support for existing Sewer Infrastructure Management System (SIMS) to be used by the Public Works Department, \$26,640. ([Council Communication No. 09-872](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2303](#) (D) [iRobot](#) Corporation (Colin Angle, Chairman of the Board, CEO and Co-Founder) for six (6) Tactical Surveillance Robotics Platforms with integrated MultiRae Gas Detection Systems for Iowa’s WMD Tactical (SWAT) Task Force Teams, one of which will be retained by the Des Moines Metro STAR Tactical Team, to be used by the Police Department, \$349,985. ([Council Communication No. 09-892](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-2304](#) 36. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of December 21, December 29, 2009 and January 4, 2010; to draw [checks](#) for bills of the Des Moines Municipal Housing Agency for the weeks of December 21, 2009 and January 4, 2010; and to draw checks for bi-weekly payroll due December 31, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

[09-2305](#) 37. [Amending](#) Chapter 74 of the Municipal Code regarding fees for use of Western Gateway Park. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

CITY MANAGER RECOMMENDATIONS

- [09-2306](#) 38. **Approving** City Manager recommendation on redevelopment proposal for 801 University Avenue, (former Top Value Foods). (**Council Communication No. 09-890**) **Moved by Vlassis to receive and file, and to direct the City Manager to proceed with the negotiation of a contract with the preferred redeveloper for the disposition and redevelopment of the property upon terms consistent with the Letter of Intent to Redevelop Property and the recommendation set forth in the accompanying Council Communication; refer to the City Manager to work with the other developer to find alternate locations for their project. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [09-2307](#) 39. **From** David Costello, 1105 Orchard Lane, to speak regarding the response from our city's religious congregations regarding helping our homeless citizens. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**
- [09-2308](#) 40. **From** Karina Foster-Middleton, 2503 Eagle Point Court, to speak regarding light pollution in the city. **Moved by Kiernan to receive and file comments, and refer to the City Manager to contact MidAmerican Energy to discuss possible alternatives and efficiencies for street lights. Motion Carried 7-0.**
- [09-2309](#) 41. **From** Chet Guinn, 1041 8th Street, regarding renovating the Peace Garden portion of Nollen Plaza. **Moved by Hensley to receive and file comments; refer to the City Manager to form a committee to work with the Civic Center Board and Peace Garden Representatives to find a resolution/compromise. Motion Carried 6-1. Pass: Vlassis.**
- [09-2310](#) (A) **Recommendation** from the City Manager. **Moved by Hensley to receive and file. Motion Carried 6-1. Pass: Vlassis.**
- [09-2311](#) 42. **From** Gayle King, Bob Berndt and Ryan Conrath to speak regarding storm water charge due to recent annexation. **Moved by Meyer to refer to the City Manager to meet with the neighbors and report back to Council. Motion Carried 7-0.**
- [09-2312](#) 43. **From** Mary Yates, 2536 Onawa Street, to speak regarding the addition to Martin Luther King (MLK SE Connector). **Moved by Vlassis to receive and file. Ms. Yates did not appear. Motion Carried 5-2. Absent: Coleman and Kiernan**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 44 THRU 49)

44. ~~On appeal from James Schloemer, 2112 Garfield Avenue, S. #13, Minneapolis, MN, regarding Administrative Hearing Officer's decision on impounded vehicle.~~

[09-2313](#)

45. On request from Andy Lee to rezone property at 614 37th Street from "R1-60" (One-Family Low-Density Residential) to "NPC" (Neighborhood Pedestrian Commercial). (Plan and Zoning Commission recommends DENIAL) **Moved by Hensley to deny. Motion Carried 7-0.**

[09-2314](#)

46. On request from Greater Des Moines Habitat for Humanity for an amendment to the Rose of South Des Moines PUD Conceptual Plan on 1005 Maury Street for revision of site redevelopment to allow a subdivision of 10 platted lots for single-family dwellings. **Moved by Meyer to adopt. Motion Carried 7-0.**

[09-2315](#)

47. On partial exemption from property taxation for CFI Sales, Inc., 1701 E. Euclid Avenue. ([Council Communication No. 09-885](#)) **Moved by Mahaffey to adopt. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.**

48. On items regarding property in the 4000 block of Dubuque Avenue:

[09-2316](#)

(A) Amending the Des Moines 2020 Community Character Land Use Plan, designation from Low-Density Residential to Medium-Density Residential. **Moved by Mahaffey to continue to the January 11, 2010 Council Meeting at 5:00 PM; refer to the City Manager to meet with the Developer and neighbors prior to that meeting. Motion Carried 7-0.**

[09-2317](#)

(B) Hearing on rezoning of the property from "R1-60" (One-Family Low-Density Residential) and "R-2" (Two-Family Residential) to Ltd. "R-3" (Multiple-Family Residential) to allow development of up to 25 bi-attached duplex residential structures with up to 50 residential units for senior living. **Moved by Mahaffey to continue to the January 11, 2010 Council meeting at 5:00 PM; refer to the City Manager to meet with the Developer and neighbors prior to that meeting. Motion Carried 7-0.**

WITHDRAWN

[09-2318](#)

(C) First consideration of ordinance above.

WITHDRAWN

[09-2319](#)

(D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

[09-2320](#)

49. [On Court Avenue & Water Street Gatewell and River Outlet](#): Resolution approving plans, specifications, form of contract documents, engineer's estimate, and receive and file bids. ([Council Communication No. 09-880](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 6:00 PM ***

APPROVING

[09-2321](#)

50. [Grounds](#) and Fleur Drive Medians Maintenance Alliance Agreement with Board of Water Works Trustees and accepting ownership of Fleur Drive median planters. ([Council Communication No. 09-879](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[09-2322](#)

51. [Preliminary](#) Terms of Agreement with Liberty Building Development Group LLC for a \$15 million renovation of 5 floors of the Liberty Building for a 95 room Hyatt Place Hotel. ([Council Communication No. 09-873](#)) **Moved by Hensley to receive, file and approve preliminary terms of agreement set forth in the Council Communication and to direct the City Manager to proceed with negotiations of formal agreements with Liberty Building Development Group LLC consistent with the terms set forth in the Council Communication. The City Manager will communicate with existing hotel operators in Des Moines to give information regarding any Economic Development assistance that is available. Motion Carried 4-3. Nays: Kiernan, Mahaffey and Vlassis.**

[09-2323](#)

52. [Termination](#) of existing mowing and trimming contract and approving new contract with A+ Lawn and Landscaping for 2 years with 3 one-year renewal options and authorizing City Manager to sign future renewals and to terminate based on failure to meet performance standards. ([Council Communication No. 09-875](#)) **Moved by Meyer to continue to the January 11, 2010 Council meeting. The City Manager will provide a report on the 2009 expenses for this contract. Motion Carried 7-0.**

[09-2324](#)

53. Communication from the City Manager regarding [2011](#) Program Year Community Development Block Grant (CDBG) allocations. **Moved by Coleman to support the City Manager's recommendations as follows: 100% funding in the First Year, 50% funding in the Second Year, 25% funding in the Third Year to be supplemented by any available reprogramming dollars and will be paid during the Fourth Quarter of the Second Year. Motion Carried 5-2. Nays: Kiernan and Vlassis.**

[09-2325](#)

- (A) [Communication](#) from the Neighborhood Revitalization Board (NRB). ([Council Communication No. 09-895](#)) **Moved by Coleman to receive and file. Motion Carried 5-2. Nays: Kiernan and Vlassis.**

[09-2326](#)

54. [Agreement](#) with Wastewater Reclamation Authority (WRA) providing for the acquisition of Design Flow Capacity and Proportionate Reversionary Interest in the Four Mile Interceptor Phase 23, Segments 1-4. ([Council Communication No. 09-878](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [09-2327](#) 1. [Request](#) from Council Member Brian Meyer to speak regarding graffiti. **Moved by Meyer to refer to the City Manager to form a committee to examine ways to prevent graffiti: 1. Restrict sales to minors. 2. Explore changes to restitution costs. 3. Enhance penalties for gang-related graffiti. 4. Explore abatement by property owners/volunteers. Motion Carried 7-0.**

BOARD OF HEALTH

- [09-2328](#) 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:

- [09-2329](#) (A) [3111](#) Merle Hay Road, main structure, Titleholder: Imperial Properties, Inc. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-2330](#) (B) [1172](#) 14th Street, main structure, Titleholder: Vida Cox. **Moved by Vlassis to adopt. Motion Carried 7-0.**

- [09-2331](#) (C) [714](#) SE 14th Court, main structure and accessory structures, Titleholder: Mable H. McElvogue. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [09-2332](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 8:56 PM. Motion Carried 7-0.**

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