INVOCATION:  Pastor Craig Robertson  
Grant Park Christian Church

1.  ROLL CALL:

2.  APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

* * * * * * * * * * * * * * * * * * * * * * * * * * *

*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.

3.  APPROVING CONSENT AGENDA – items 3 through 55:

LICENSES AND PERMITS

4.  Approving Alcoholic Beverage License Applications for the following:

   NEW APPLICATIONS

   (A) SPAGHETTIS  
       Liquor  
       1111 E ARMY POST RD  

   RENEWAL APPLICATIONS

   (B) AH BLANK GOLF COURSE  
       Liquor  
       711 COUNTY LINE ROAD  

   (C) AIR LANES  
       Liquor  
       4200 FLEUR DR  

   (D) CHUCKS RESTAURANT  
       Liquor  
       3608 6TH AVE  

   (E) DES MOINES AMVETS POST #2  
       Liquor  
       2818 5TH AVE  

   (F) EMBASSY CLUB  
       Wine  
       801 GRAND AVE  

   (G) FIREHOUSE LOUNGE  
       Liquor  
       1930 SE 6TH ST
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<td>HOLIDAY INN DOWNTOWN</td>
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<td>(I)</td>
<td>LA PIZZA HOUSE</td>
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<td>LOCUST TAP</td>
<td>434 E LOCUST ST</td>
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<td>LUCKYS</td>
<td>1119 GRAND AVENUE</td>
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<td>MASTER JACKS</td>
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<td>OLD WEST BARBEQUE</td>
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<td>SCIENCE CENTER OF IOWA</td>
<td>401 W M L KING JR PKWY</td>
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<td>(O)</td>
<td>SILVESTRINIS PIZZA</td>
<td>5418 DOUGLAS AVE</td>
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<td>SPLASH SEAFOOD BAR/GRILL</td>
<td>303 LOCUST ST</td>
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**OUTDOOR SERVICE APPLICATIONS**

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<td>Beer</td>
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<td>Temporary outdoor service area for Chuck’s Annual Street Party on August 5, 2006.</td>
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<td>Liquor</td>
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<td></td>
<td>Temporary outdoor service area on July 29, 2006. Pending approval of Building, Electrical and Fire Departments.</td>
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**SPECIAL EVENT APPLICATIONS**

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<td>Fourteen day license from August 8-21, 2006 for Iowa State Fair.</td>
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<td>Five day license in conjunction with Tim McGraw/Faith Hill concert on July 15, 2006. Pending approval of Building, Electrical and Fire Departments.</td>
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<td></td>
<td>Fourteen day license from August 10-23, 2006 for the Miller Tent at the Iowa State Fair.</td>
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</table>
4-I Approving Five Day Class B Beer License at 1801 McKinley Avenue for Society of Italian Americans Festival on August 3-7, 2006. Pending approval of Building, Electrical and Fire Departments.

4-II Approving Five Day Class C Beer Wine License at 7401 SW 9th Street for Embassy Suites Hotel for Taste of Des Moines on July 21-22, 2006. Pending approval of Building, Electrical, Zoning, Fire and Police Departments.

5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering Construction of the following:

   (A) Fleur Drive Traffic Signal Interconnect – Receiving of bids, (7-18-06), and Setting date of hearing, (8-7-06). (Construction Estimate - $456,700).

   (Council Communication No. 06-433)

   (B) M. L. King Jr. Parkway/19th Street Resurfacing – University Avenue to Hickman Road – Receiving of bids, (7-18-06), and Setting date of hearing, (8-7-06). (Construction Estimate - $780,000).

   (Council Communication No. 06-431)

   (C) Northwest Community Center Park Shelter – Receiving of bids, (8-1-06), and Setting date of hearing, (8-7-06). (Construction Estimate - $80,000).

   (Council Communication No. 06-436)

   (D) Sargent Park Improvements – Phase 1 – Receiving of bids, (7-25-06), and Setting date of hearing, (8-7-06). (Construction Estimate - $217,800).

   (Council Communication No. 06-434)

   (E) S.E. 14th Street/Army Post Road Traffic Signal Interconnect – Receiving of bids, (7-18-06), and Setting date of hearing, (8-7-06). (Construction Estimate - $552,500).

   (Council Communication No. 06-432)
(F) Twana/Bel-Aire Storm Sewer Improvements – Receiving of bids, (7-25-06), and Setting date of hearing, (8-7-06). (Construction Estimate - $1,325,235).

(Council Communication No. 06-435)

(G) Skywalk 11C-11D, Allied Phase 2 to Allied Garage – Receiving of bids, (8-1-06), and Setting date of hearing, (8-7-06). (Construction Estimate - $575,000).

(Council Communication No. 06-438)

(1) Communication from Urban Design Review Board recommending approval of the final design for Skywalk 11C-11D contingent on certain specifications.

7. Approving Execution of Iowa Department of Transportation Agreement S.W. 7th Street and Indianola Road intersection improvements.

(Council Communication No. 06-413)


(Council Communication No. 06-414)

9. Approving the following Change Orders with Cramer & Associates, Inc.:

(A) Change Order No. 1 for additional work on the S.W. 8th Street Viaduct over M.L. King Jr., Parkway Rehabilitation Project, not to exceed $35,117.50.

(Council Communication No. 06-417)

(B) Change Order No. 3 for additional work on the 5th & Keo Parking Garage Rehabilitation – Phase 1, not to exceed $68,781.

(Council Communication No. 06-416)

10. Approving Private Construction Contract between Kenyon Construction and Casey’s Marketing Company for storm sewer improvements in 2829 E. Euclid Avenue.
11. **Approving** Private Construction Contract between The Weitz Company, LLC and Drake University for paving improvements in Clark Street at 28th Street.

12. **Communication** from Cramer and Associates, Inc. requesting an extension of completion date on the Riverwalk Civic Gardens at City Hall to August 9, 2006.

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

   (A) **P.G. Construction, Inc.** - Woodlawn Park Improvements.

   (B) **Sheets Excavating, Ltd.** – Blank Park Zoo 2006 Walkway Replacement.

   (C) **The Underground Company, Ltd.** – Closes Creek-Neirob Court Storm Water Improvements.

   (D) **The Waldinger Corporation** – 38th Street and Douglas Avenue Traffic Signals.

**SPECIAL ASSESSMENTS**

14. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2006-04.

15. **Approving** deletion of NAC-Emergency Assessments at 3503 Center Street.

16. **Approving** deletion of NAC-Emergency Assessments at various locations.

17. **Adopting** and levying Deficiency Assessments Schedule No. 2006-36.

**LAND/PROPERTY TRANSACTIONS**

18. **Real** estate documents for property at 5678 McKinley Avenue for the Airport Runway 13R/31L Project, $220,000 plus closing costs.

   *(Council Communication No. 06-423)*

19. **Real** Estate documents for property at 4832 SW 56th Street for the Airport Runway 13R/31L Project, $125,000 plus closing costs.
20. **Real** Estate documents for property at 2301 SW 30th Street for the Southwest Connector Project.

21. **Accepting** Declaration of Covenants required for City approval of a plat of survey to Patricia Shumate, Marilyn Hennesy, Anthony Scavo, Paul Scavo and Charles Scavo for property in the 300 block of E. Kenyon Avenue.

22. **Authorizing** payment of Condemnation Award for acquisition of property at 857 29th Street for the I-235 Sanitary Sewer Relocations Project – Group 4, $24,420 plus Sheriff’s fees and jury expenses.

23. **Authorizing** payment of Condemnation Award for acquisition of property at 911 29th Street for the I-235 Sanitary Sewer Relocations Project – Group 4, $1,000 plus Sheriff’s fees and jury expenses.

24. **Approving** PUD Restoration Subdivision Bond for Airport Commerce Park South Plat 2, located south of Relocated Army Post Road and west of Fleur Drive in the amount of $350,754 from West Lake Property, LC and Merchants Bonding Company as surety for timely completion of the required grading and site restoration.

25. **Approving** the following Tax Abatement Applications for additional value added by improvements made during 2005:

   (A) **5123** SE 26th Court.

   (B) **3406** E. 49th Street.
BOARDs/COMMISSIONs/NEIGHBORHOODs

26. **Recommendation** of Mayor Frank Cownie to reappoint Kevin Techau to Seat 4 on the Library Board of Trustees for a six-year term commencing July 1, 2006 to expire July 1, 2012. **SPONSOR:** Mayor Cownie.

26-I **Recommendation** of Council Member Tom Vlassis to appoint Serena James to Seat 4 on the Des Moines Music Commission for a three-year term commencing July 1, 2005 to expire July 1, 2008. **SPONSOR:** Vlassis.

COMMUNICATIONs FROM PLANNING AND ZONING

27. **Regarding** request from Hubbell Realty Company for vacation and conveyance of Elm Street between SW 7th Street and SW 8th Street, to include excess right-of-way from West Martin Luther King, Jr. Parkway, adjoining Elm Street in the vicinity of 702 Elm Street, subject to conditions.

SETTING DATE OF HEARINGS

28. **On** vacation and conveyance of Sheridan Avenue right-of-way north of 2621 38th Street to In A Fix, Inc., $150, (7-24-06).

29. **On** conveyance of a permanent gas main easement across City-owned property at 602 Robert D Ray Drive to MidAmerican Energy Company for the Building associated with the Brenton Ice Skating Plaza, $1, (7-24-06).

30. **On** sale of city-owned property in the vicinity of Martin Luther King Jr. Parkway and High Street to Hubbell Realty Company, $124,740, (07-24-06).

31. **On** Supplement No. B-6 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, for the lease-purchase of eight hybrid vehicles for the Police Department, not to exceed $208,000, (7-24-06).

32. **On** application from Junior Wright as Co-Trustee of the J & K Wright Family Trust and Darrell Lawrence for Voluntary Annexation of land in Polk County, located south of E. Watrous Drive and west of SE Brooks Drive, (9-11-06).

33. **On** application from SW 9th Investments LLC, represented by James A. Sinclair, Manager, for Voluntary Annexation of land in Warren County, located west of County Highway R63 (SW 9th Street) and south of County Line Road, (9-11-06).
34. On appeal from James and Sandra Quilty regarding the decision of the Historic Preservation Commission for 814 17th Street in the Sherman Hill Historic District, (7-24-06).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

35. Approving payment of $1,107.50 to Anthony Royster for property damage and $5,941.01 to Charles Gabus Ford for car rental expense due to an auto accident. (Total $7,048.51).


38. Approving payment of $5,623.80 to John Stewart of the Aviation Department for a workers’ compensation claim.

CITY MANAGER COMMUNICATIONS


   (Council Communication No. 06-446)

APPROVING

40. Environmental Certification and Request for the Release of Funds from the U.S. Department of Housing and Urban Development (HUD) for a Special Purpose Grant to Polk County in the amount of $742,500.

   (Council Communication No. 06-402)

41. Community Services Block Grant (CSBG) Community Action Plan Application for 2006-2007 CSBG Program Year.

   (Council Communication No. 06-430)

41-I Designation of five new neighborhoods to the City’s Neighborhood Revitalization Program (Douglas Acres, Drake, Merle Hay, South Park and Waterbury).
42. Amendment No. 1 to the Program Year (PY) 2006 Neighborhood Finance Corporation (NFC) Tool Lending Library Project to reduce personnel, increase capital outlay, and increase contractual services.

(Council Communication No. 06-427)

43. Second Amendment to Development Agreement for East Village Square Apartments to provide two additional HOME units and an amendment allowing six (6) studio apartments and twelve (12) one-bedroom apartments

(Council Communication No. 06-421)

44. Agreement with MidAmerican Energy Company for electric service to the Western Gateway Improvements Project, not to exceed $15,898.17.

(Council Communication No. 06-418)

45. Amendment to Fifth Street and Watson Powell Jr. Way Parking Garage Child Care Center Operational Agreement with Drake University to extend the agreement to June 30, 2007 and to allow the Head Start Program to continue at the Child Care Center.

(Council Communication No. 06-442)

46. Resolution of support for the NE Beltway Feasibility Study.

(Council Communication No. 06-410)

47. Contract Extension with the Ferguson Group to consult and perform services to facilitate Transportation, Economic Development, Community Revitalization, Homeland Security and related projects.

(Council Communication No. 06-415)

48. Amendment No. 2 to Operating Contract with the Wastewater Reclamation Authority to address financial services from the Operating Contractor (City of Des Moines).

(Council Communication No. 06-407)
49. Communication from Downtown Community Alliance requesting approval of banner design for 30 banners on behalf of Sherman Hill Association to be displayed in downtown on Grand Avenue in September 2006.

50. Civil Service Entrance Lists for Customer Service Representative and Civil Engineer I.

51. Bid from Menard Stores for building materials and supplies during fiscal year 2007, to be used by various City divisions, per state of Iowa Contract CT2747MV, estimated annual cost $48,000.

52. Authorizing Finance Director to draw checks on registers for the weeks of July 10 and July 17, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of July 10 and 17, 2006; and to draw checks for biweekly payroll due July 21, 2006.

ORDINANCES - SECOND CONSIDERATION

53. Repealing sections in Chapter 22 of the Municipal Code regarding sections that are now under the International Fire Code, or adopted Airport Board Regulations.

54. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

   (A) Traffic modification for Goodrell Middle School temporary site: Walker Street between E. 14th and E. 15th Streets.

   (B) Traffic Modifications for East High School: directional flow on E. 13th Street between Maple and Buchanan; four-way stop at E. 13th Street and Buchanan.

55. Amending Chapter 10 of the Municipal Code regarding issuance of liquor licenses for outdoor areas and amending Chapter 102 regarding process for vacation and conveyance of public streets and alleys, and licenses for sidewalk cafes, all to expedite process for review and approval of sidewalk cafes.

   (A) Final consideration of ordinance above (waiver requested by City Manager), requires 6 votes.

   (B) Approving recommended design standards for sidewalk cafes.

* * * * * * * END CONSENT AGENDA * * * * * * *
ORDINANCES - FIRST CONSIDERATION


*(Council Communication No. 06-411)*

COMMUNICATIONS/REPORTS

57. **From** Samuel J. Daines, 1447 57th Place, to speak regarding a Council vote on removal of a Council member.

58. **From** Peter M. Rose, 668 48th Street, to speak regarding immediate action of City Council to expel two Council members.

59. **From** William Malone, 4801 SW 6th Street, regarding a grant or forgivable loan to purchase rights, and set up for competition, the IOWA CYCLONES Arena League 2 Football team.

60. **From** Bob Wessel, 2719 E. Leach Avenue, to speak regarding taxation, and Water Works.

61. **From** Vision Fuels, LLC regarding proposed ethanol facility in the Des Moines Agrimergent Technology Park.

*(Council Communication No. 06-401)*

62. **Petition** to establish the Linden Heights Historic Street Lighting Self-Supported Municipal Improvement District (SSMID).

*(Council Communication No. 06-428)*

(A) **Petition** in opposition to the establishment of the Linden Heights Historic Street Lighting Self-Supported Municipal Improvement District (SSMID).

(B) **Petition** requesting that Glenview Drive and Woodlawn Drive be excluded from the proposed boundaries of the SSMID.

*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.*
HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 63 THRU 74)

63. On appeal from Todd Holm, 3531 Pierce Street NE, Minneapolis, MN, regarding Administrative Hearing Officers’ decision on vehicle impound. (to be continued to the July 24, 2006 meeting at 5:00 P.M.)

64. On sale and conveyance of the vacated west 6 feet of the north/south alley right-of-way in the block bounded by 9th, 10th, Walnut and Mulberry Streets to Principiant Hotel Company, L.C., $56,398.

(Council Communication No. 06-422)

65. On vacation and conveyance of the East/West alley between the North/South alley and E. 6th Street, South of E. Locust Street and for vacation and conveyance of air rights above the East 8.3 feet of the North/South alley, the South 8.3 feet of E. Locust Street and the West 8.3 feet of E. 6th Street adjoining property owned by Iowa State Bank at 521 E. Locust Street.

(Council Communication No. 06-419)

(A) First consideration of ordinance above.

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

66. On request from Vista Real Estate and Investment Corporation, and from the Plan and Zoning Commission, to rezone all or portions of property in the vicinity of the 1101 block of NE 46th Avenue in Saylor Township, from “A-1” (Agricultural) and “M-1” (Light Industrial) to Ltd. “M-1” and Ltd. “C-2” (General Retail and Highway Oriented Commercial).

(A) First consideration of ordinance above.

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

(C) Hearing on request from Broadway Distributing Company regarding voluntary annexation of approximately 9.11 acres of land in unincorporated Polk County, located in the 1101 block of NE 46th Avenue (Broadway) west of NE 14th Street in Saylor Township.

(Council Communication No. 06-425)
(D) **Recommendation** from Plan and Zoning Commission to approve amendment to Des Moines’ 2020 Community Character Land Use Plan to designate property in 1101 block of NE 46th Avenue as General Industrial and designation of adjoining property at 1277 East Broadway Avenue to the east from Commercial Auto-Oriented, Small-Scale Strip Development to General Industrial.

67. **On** authorization of real estate contract for property in vicinity of SW McKinley Avenue between SW 42nd Street and SW 56th Street for the Airport 13R/31L Runway Project, $5,900,000.

   *(Council Communication No. 06-420)*

68. **NUMBER NOT USED.**

69. **On** request from Hubbell Properties I, L.C. (Series A), and Hubbell Properties II, L.C. (Series C) and GTO Investments, L.L.C. for voluntary annexation of land in Broadway Business Park along NE 50th Street, south of NE 46th Avenue (Broadway Avenue).

   (A) **Setting** date of hearing on rezoning of land above from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial), (7-24-06).

70. **On** agreement with C Corporation, (Jeff Chiodo, President) for the A.H. Blank Golf Course and Clubhouse Management Agreement from July 1, 2006 through January 15, 2019, continued from June 19, 2006 Council Meeting.

   *(Council Communication No. 06-443)*

71. **On** 2006 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Rocky Hurst Construction, (Rocky Hurst, Owner), $167,050.

   *(Council Communication No. 06-441)*

   (A) **Approving** contract and bond.

72. **On** Clover Hill Trunk Sanitary Sewer – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as The Underground Company, Ltd., (Duane Burkhardt, President), $605,208.

   *(Council Communication No. 06-440)*
(A) Approving contract and bond and permission to sublet.

73. On Gray’s Lake Northwest Entrance Modifications – Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), $ 31,500.

(Council Communication No. 06-439)

(A) Approving contract and bond and permission to sublet.

74. On Greenwood Park Street Improvements – 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), $123,016.75.

(Council Communication No. 06-445)

(A) Approving contract and bond and permission to sublet.

** END HEARINGS AT _______________ PM **

APPROVING

75. Contract between the City (Youth Advisory Board) and Downtown Farmer’s Market for an information booth with dates to be determined subject to review and approval by the Legal Department and Risk Manager.

(Council Communication No. 06-447)

76. Acceptance of ballpark improvements at Soldier Field and naming the ballpark the James W. Cownie Baseball Park.

(Council Communication No. 06-444)

77. Acceptance of proposal from Sanborn Map Co., Inc., (John Copple, Chief Executive Officer, Colorado Springs, CO) for a Regional Geographic Information System (GIS) Planimetric Update and GIS Maintenance Implementation Plan, and authorizing the negotiation and execution of a contract, not to exceed $384,900.
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.

1. Update from Mayor Cownie regarding Human Rights Director recruitment/selection.  
   SPONSOR: Mayor Cownie.

BOARD OF HEALTH

MOTION TO CONVENE.

AUTHORIZING

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

   (A) 1925 Leyner Street, Titleholders: Michael Cook and Deanna Cook; Mortgage Holders: UBS Securities and Mortgage Electronic Registration Systems, Inc.

   (B) 4004 7th Street (garage), Titleholder: Diane K. Harrington.

   (C) 911 E. 9th Street, Titleholder: Dennis Pederson.

2. The Engineering Department to cause the removal of the garage structure located at 1202 E. 32nd Street, Titleholder: Steven W. Thornton.

3. Release of the liens entered against 1534 23rd Street to clear title and allow Habitat For Humanity to construct a single family dwelling for a very low-income household.

4. Release of the liens entered against 1626 23rd Street to clear title and allow Habitat For Humanity to construct a single family dwelling for a very low-income household.

MOTION TO ADJOURN AT ________________ P.M.
All-America City