The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '07-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

January 8, 2007

Closed Session – 3: 30 P.M.
Municipal Housing Governing Board – 4:00 P.M.
Proclamations – 4:15 P.M.
Regular Council Meeting - 4:30 P.M.

I. CLOSED SESSION – 3:30 P.M.

07-001 (A) Roll Call. Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey and Vlassis.

07-002 (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. Moved by Hensley to adopt. Motion Carried 6-0.

07-003 (C) Closed Session.

07-004 (D) Terminate closed session and reconvene in open session. Moved by Vlassis to adopt. Motion Carried 6-0.

07-005 (E) Motion to Adjourn. Moved by Vlassis to adjourn at 4:10 P.M. Motion Carried 6-0.

SPECIAL PRESENTATIONS – 4:15 P.M.

Matt Rosen – Retiring Horticulture Manager
PROCLAMATIONS – 4:15 P.M.


INVOCATION: Tom Vlassis
Ward I Council Member

07-010 1. ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey and Vlassis

07-011 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by
Hensley to adopt. Motion Carried 6-0.

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*Note: These are routine items and will be enacted by one roll call vote without
separate discussion unless someone, Council or public, requests an item
be removed to be considered separately.

07-012 3. APPROVING CONSENT AGENDA – Items 3 through 40: Moved by Vlassis to adopt
the balance of the consent agenda. Motion Carried 6-0.

LICENSES AND PERMITS

07-013 4. Approving Alcoholic Beverage License Applications for the following: Moved by Vlassis to adopt. Motion Carried 6-0.

NEW APPLICATIONS

(A) ACAPULCO 2510 INGERSOLL AVE  C Liquor
(B) CASEYS GENERAL STORE #2641 2849 E EUCLID AVE  C Beer
(C) ETC. 555 WALNUT ST  B Native Wine
(D) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE  C Beer/Wine

RENEWAL APPLICATIONS

(E) A DONG RESTAURANT 1511 HIGH ST  C Beer/Wine
(F) BIG DOG BILLIARDS 2200 E EUCLID AVE  C Liquor
(G) CASEYS GENERAL STORE #2322 4331 PARK AVE  C Beer
(H) CHADS CLUB 2000 422 INDIANOLA AVE  C Liquor
(I) CONEY ISLAND #2 3700 SW 9TH ST  B Beer
(J) DES MOINES AIR NATIONAL GD 3100 MCKINLEY AV  A Liquor
(K) DIAMOND JACKS 3000 E GRAND AVE  C Liquor
(L) DOLLAR MART 2300 HICKMAN RD  C Beer
(M) EL ARAGON 900 E ARMY POST RD  C Liquor
(N) EL RANCHO ALEGRE 3308 INDIANOLA AVE B Beer
(O) GIT N GO STORE #18 6501 SE 14TH ST C Beer
(P) GIT N GO STORE #27 1240 KEOSAUQUA C Beer
(Q) GIT N GO STORE #29 4900 URBANDALE C Beer
(R) HIGHLAND PARK POST NO 374 3712 2ND AVE A Liquor
(S) JIFFY #924 3718 SW 9TH ST C Beer
(T) JOESEPPE’S 1500 SE 1ST ST C Liquor
(U) JOHNNY MACS BAR & GRILL 2279 HUBBELL AVE C Liquor
(V) KWONG TUNG RESTAURANT 2721 INGERSOLL AVE C Beer/Wine
(W) MEXICAN MARKET 1456 2ND AVE C Beer
(X) PHO 777 1541 6TH AVE B Beer
(Y) ROOKIES 6151 THORNTON AVE C Liquor
(Z) TARGET T2041 5901 DOUGLAS AVE E Liquor
(AA) TOBACCO OUTLET PLUS #521 2601 E EUCLID AVE C Beer

SPECIAL EVENTS APPLICATION

(BB) ALL IOWA STORE 730 3RD ST B Native Wine
In conjunction with the Home & Garden Show at Hy-Vee Hall on February 7-11, 2007.

07-014 5. Consideration of Class E Liquor License with Class B Wine and Class C Beer privileges for Plaza Pantry, 300 Walnut Street Ste. 150. (Deferred from December 18, 2006 Council meeting.) Moved by Hensley to continue this item until the State Auditors’ Office completed an audit. Motion Carried 6-0.

07-015 6. City Clerk to issue Cigarette Licenses. Moved by Vlassis to adopt. Motion Carried 5-1. Nays: Cownie.

07-016 7. City Clerk to issue Coin Operated Machine Licenses. Moved by Vlassis to adopt. Motion Carried 6-0.

PUBLIC IMPROVEMENTS

8. Ordering construction of the following:

07-017 (A) Birdland Swimming Pool Buildings Exterior Replacement – Receiving of bids, (1-30-07), and Setting date of hearing, (2-12-07). (Construction Estimate - $66,000). (Council Communication No. 07-011) Moved by Vlassis to adopt. Motion Carried 6-0.

07-018 (B) 12th Street Storm Sewer – Cherry to High Streets – Receiving of bids, (1-30-07), and Setting date of hearing, (2-12-07). (Construction Estimate - $2,823,592). (Council Communication No. 07-011) Moved by Vlassis to adopt. Motion Carried 6-0.
07-019 9. Approving Professional Services Supplemental Agreement No. 1 with Walker Parking Consultants for design and construction phase services for the Parking System Structural Evaluation and 5th and Keo Parking Garage Rehabilitation, $74,000. (Council Communication No. 07-003) Moved by Vlassis to adopt. Motion Carried 6-0.

10. Accepting completed construction and approving payment for the following:

07-020 (A) The Underground Company, Ltd. – Arlington East Storm Sewer Improvements. Moved by Vlassis to adopt. Motion Carried 6-0.

07-021 (B) Grimes Asphalt & Paving Corporation – Cownie Soccer Stadium Plaza Improvements. Moved by Vlassis to adopt. Motion Carried 6-0.

07-022 (C) Des Moines Asphalt & Paving Company – 2006 Expanded Street Resurfacing Program – Contract 4. Moved by Vlassis to adopt. Motion Carried 6-0.

07-023 (D) Elder Corporation – SE 14th Street & Hartford Avenue Turn Lane Modifications. Moved by Vlassis to adopt. Motion Carried 6-0.

SPECIAL ASSESSMENTS

07-024 11. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders for (Public Works) Schedule No. 2007-01. Moved by Vlassis to adopt. Motion Carried 6-0.

07-025 12. Approving deletion of NAC-Emergency Assessments for the following:

07-026 (A) 1343 13th St. Moved by Vlassis to adopt. Motion Carried 6-0.

07-027 (B) 1305 S. Union St. Moved by Vlassis to adopt. Motion Carried 6-0.

07-028 13. Approving deletion of special assessment at 1548 2nd Pl. Moved by Vlassis to adopt. Motion Carried 6-0.

07-028 14. Approving Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for November 2006. Moved by Vlassis to adopt. Motion Carried 6-0.
LAND/PROPERTY TRANSACTIONS

07-029 15. Approving partial release of public utility easement at 2547 E. Porter Avenue to Christina Kelly. (Council Communication No. 07-022) Moved by Vlassis to adopt. Motion Carried 6-0.

07-030 16. Approving reduction of Subdivision Bond IAC 31935 in the amount of $166,681 from Merchants Bonding Company (Mutual) as security for estimated cost of completing required sidewalk and recreation trail improvements to be reduced to $78,368 for Easter Lake South Plat 2. (Council Communication No. 07-009) Moved by Vlassis to adopt. Motion Carried 6-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

07-031 17. Recommendation from Mayor Cownie for appointment of Council Member Robert Mahaffey to serve as a Director of Des Moines Community Investment Corporation. Moved by Vlassis to adopt. Motion Carried 6-0.

07-032 18. Confirming Mayor Frank Cownie’s recommendation for Council Member Chris Coleman to serve as the City’s representative on the Blank Park Zoo Foundation Board, pursuant to Intergovernmental 28E Agreement. Moved by Hensley to approve the appointment on an interim basis. This item will be back on the January 22nd Council agenda. Motion Carried 6-0.

07-034 19. Attendance Reports for the various City Boards and Commissions for January 1, 2006 through December 31, 2006. Moved by Vlassis to receive and file and express our appreciation to all, especially those with perfect attendance. Motion Carried 6-0.
COMMUNICATIONS FROM PLANNING AND ZONING

07-035 20. **Regarding** request from Grand View College to vacate and convey east/west alley between Grandview Avenue and Boyd Street from E. 13th Street to E. 14th Street; segment of east/west alley between Morton Avenue and E. Sheridan Avenue from E. 14th Street approximately 100 feet west; east/west and north/south alleys between Grandview Avenue and Morton Avenue from E. 13th Street to 250 feet west of E. 14th Street; and Grandview Avenue between E. 13th Street and E. 14th Street, subject to conditions. **Moved by Vlassis to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures. Motion Carried 5-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

SETTING DATE OF HEARINGS

07-036 21. **On** request from Grand View College to rezone property located at 1351 Grandview Avenue from “R1-60” (One-Family Low Density Residential) and “R-3” (Multiple Family Residential) to “PUD” (Planned Unit Development) and approve Conceptual Plan entitled “Grand View College-West Campus”, subject to conditions, (1-22-07). **Moved by Vlassis to adopt. Motion Carried 5-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

07-037 22. **On** request from Mid-America Group to rezone property proposed for voluntary annexation at 3930 SE 72nd Avenue in Polk County from “A-1” (Agricultural) to “PUD” (Planned Unit Development) and approve Conceptual Plan entitled “Harvest Hills”, subject to conditions, (1-22-07). **Moved by Vlassis to adopt. Motion Carried 6-0.**

07-038 23. **On** request from Northern Warren Fire and Emergency Response Agency to rezone property at 6304 SW 7th Street from “R1-60” (One-Family Low Density Residential) Limited “C-2” (General Retail and Highway Oriented Commercial), subject to conditions, (1-22-07). **Moved by Vlassis to adopt. Motion Carried 6-0.**

07-039 23-IO **On** Supplement No. B8 to the Governmental Lease-Purchase Master Agreement with Banc of America Leasing & Capital, LLC, to acquire various vehicles and items of equipment for the Police Department, $700,000, (1-22-07). **SPONSOR: Vlassis. (Council Communication No. 07-025) Moved by Vlassis to adopt. Motion Carried 6-0.**

07-040 24. **On** request from Stockbridge, L.P. to rezone property at 1815 High Street from “C-2” (General Retail and Highway Oriented Commercial) to Limited “NPC” (Neighborhood Pedestrian Commercial) to allow for development of pedestrian scale three-story 42 unit multiple-family residential apartment building, subject to conditions, (1-22-07). **Moved by Vlassis to adopt. Motion Carried 6-0.**

07-041 (A) **Communication** from Plan and Zoning Commission regarding utilizing alleys for parking. **Moved by Vlassis to receive and file, and to refer to the City Manager for further consideration and recommendation. Motion Carried 6-0.**
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

07-042  25. Approving payment of $1,236 to Myers & Jenkins for representation in the UAL Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) Northwest Airlines Corporation, et.al. Bankruptcies. Moved by Vlassis to adopt. Motion Carried 6-0.

07-043  26. Approving payment of $27,027.32 to Charles Burrell for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 6-0.

07-044  27. Approving payment of $85,000 to Greg Davis for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 6-0.

07-045  28. Approving payment of $46,000 to Craig E. Wadsworth for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 6-0.

07-046  29. Approving payment of $24,000 to James Wayman, a former engine generator specialist in the Wastewater Reclamation Facility for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 6-0.

CITY MANAGER COMMUNICATIONS

07-047  30. Submitting out-of-state travel requests for David Knutzen, Richard Zimmerman, Joseph Leo, David Doolittle, John Hagener, T.M. Franklin Cownie and Sara Henry. (Council Communication No. 07-023) Moved by Vlassis to adopt. Motion Carried 6-0.

APPROVING

07-048  31. Mortgage Loan Addendum with Court Center, LLC and Court Center Leasing, LLC for 216 Court Avenue. (Council Communication No. 07-024) Moved by Vlassis to adopt. Motion Carried 6-0.

07-049  32. Certificate of Completion for Starbucks Redevelopment Project, 4503 Fleur Drive, in Fleur Drive Commercial Urban Renewal Project. (Council Communication No. 07-007) Moved by Vlassis to adopt. Motion Carried 6-0.

07-050  33. Economic Development Loan Agreement of $50,000 and State of Iowa Community Economic Betterment Account (CEBA) Loan of $125,000 with Alliance Technologies. (Council Communication No. 07-005) Moved by Vlassis to adopt. Motion Carried 6-0.

07-051  34. Application to State of Iowa Department of Economic Development for Financial
Assistance for a Community Economic Betterment Account (CEBA) Loan and preliminary terms of economic development loan of $70,000 to Kailea Networks, Inc. (Council Communication No. 07-006) Moved by Vlassis to adopt. Motion Carried 6-0.

07-052 35. Annual Renewal Agreement with Intergraph Corporation for Computer Aided Dispatch and Records Management System software maintenance for the police and fire departments. (Council Communication No. 07-001) Moved by Vlassis to adopt. Motion Carried 6-0.

07-053 36. Exception to procurement ordinance competitive bidding requirements for good cause approving a three-year contract with Carpenter Uniform & Promotional Products for Uniform Services for the Police Department. (Council Communication No. 07-021) Moved by Vlassis to adopt. Motion Carried 6-0.

07-054 37. Civil Service Entrance Lists for License Clerk, Project Coordinator, Senior Housing Services Case Manager and Promotional Lists for Senior Police Officer and Pump Station Technician. Moved by Vlassis to receive and file. Motion Carried 6-0.

07-055 38. Authorizing Finance Director to draw checks on registers for the weeks of January 1, January 8, and January 15, 2007; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of January 1, January 8, and January 15, 2007; and to draw bi-weekly payroll due January 5 and January 19, 2007. Moved by Vlassis to adopt. Motion Carried 6-0.

ORDINANCES - FINAL CONSIDERATION

07-056 39. On vacation of a portion of a dead-end segment of Boyd Street adjoining 1446 Boyd Street. Moved by Vlassis that this ordinance do now pass, #14,621. Motion Carried 5-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.

ORDINANCES - SECOND CONSIDERATION

07-057 40. Amending Chapter 10 of the Municipal Code to extend the hours which minors 16 years and older may be present in a licensed or permitted establishment which has qualified as a designated music venue. Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.

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

**Council considered Hearing Items 45 through 54 next**
ORDINANCES - FIRST CONSIDERATION

07-058  41.  **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:  (Council Communication No. 07-002) **Moved by Kiernan that this ordinance be considered and given first vote for passage.  Motion Carried 6-0.**

   (A) Removal of Parking Restriction due to I-235 Construction – north side of Crocker Street, west of 31st.

   (B) Provisions for Bus Loading at St. Anthony’s School, 15 Indianola Avenue.

   (C) Parking Restriction – west side of Knob Hill Drive from Timber Lane to the dead end south.

   (D) Parking Restriction – east side of 31st Street from the cul-de-sac to south of Carpenter Avenue.

   (E) Request for Stop Signs - E. Jefferson Avenue at E. 22nd Street.

   (F) Parking Restriction – both sides of Grandview Avenue from the dead end east of E. 42nd Street.

   (G) Parking Restriction – north side of Gannett Avenue from SW 28th Street, west to the dead end.

   (H) Parking Meters in the 9th and Locust Parking Garage – change in hours of operation.

   (I) Loading Zone and Installation of Parking Meters – south side of E. Grand Avenue, west of E. 4th Street.

COUNCIL REQUESTS

07-059  42.  **From** Council Member Chris Coleman to discuss process and timeline of the City Council Employee Evaluation Sub-Committee (Coleman, Hensley, Mahaffey, and Mayor Cownie as ex officio).  **Moved by Coleman to receive and file comments; Committee will work with the Human Resources Department to arrange for a consultant to facilitate 360° evaluations.  Motion Carried 6-0.**
COMMUNICATIONS/REPORTS

43. **From** Gerald LaBlanc, 8912 N.E. 46th Avenue, Altoona to speak regarding proposed closing of two Des Moines Hospitals. **Moved by Mahaffey** to receive and file comments; refer to the City Manager for review and recommendation regarding how this will effect the City. **Motion Carried 6-0.**

44. **From** Stephanie Weisenbach, 1000 Friends of Iowa, 3850 Merle Hay Road, to speak regarding Smart Growth Report and upcoming Workshop/Open House. **Moved by Kiernan** to receive and file comments. **Motion Carried 6-0.**

HEARINGS (OPEN AT 5:02 P.M.) (ITEMS 45 THRU 54)

45. **On** appeal from Joseph E. Green, 109 E. 35th Street, regarding recommended denial of Limousine License. **Moved by Hensley** to grant application for a six-month probationary period. **Motion Carried 6-0.**

46. **On** appeal from Cory Watts, 1801 Pleasant Street, #5, regarding recommended denial of Limousine License. **Moved by Vlassis** to grant application for a six-month probationary period. **Motion Carried 6-0.**

47. **On** appeal from Edward Muelhaupt III, of the decision of the Historic Preservation Commission regarding restrictions of fencing at 649-18th Street, (applicant has requested that Council continue the hearing). **(Council Communication No. 07-014)**

ALTERNATE RESOLUTIONS:

WITHDRAWN

47. **A** Affirming the Commission’s decision.

WITHDRAWN

47. **B** Amending the Commission’s decision.

47. **C** Continuing the Hearing to January 22, 2007 at 5:00 P.M. **Moved by Hensley** to continue the public hearing until January 22, 2007 at 5:00 P.M. **Motion Carried 6-0.**

48. **On** release of sanitary sewer and water main easement previously granted by the U.S. Army Corps of Engineers to the City in conjunction with the Des Moines Metropolitan Wastewater Reclamation Authority West Side Basin Pump Station Project. **Moved by**
Vlassis to adopt. Motion Carried 6-0.

49. On conveyance of excess City-owned property acquired for the Martin Luther King, Jr. Parkway Project and vacation and conveyance of segments of 19th Street Place and Crocker Street rights-of-way adjoining 1912 Cottage Grove Avenue to Monte and Krista Bennett, $25,000. (Council Communication No. 07-004) Moved by Hensley to adopt. Motion Carried 6-0.

07-069

(A) First consideration of ordinance vacating of a segment of 19th Street Place between Cottage Grove and Crocker Street, and a segment of Crocker Street right-of-way adjoining 1912 Cottage Grove. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.

07-070

(B) Final consideration of ordinance above, (waiver requested by applicant), 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, #14,622. Motion Carried 6-0.

07-071

50. On request from David Paladino to rezone property at 2700 Oxford Street from “R1-60” (One-Family Low Density Residential) to a Limited “M-1” (Light Industrial) to allow redevelopment of property for mini-warehouse and storage, subject to conditions. Moved by Mahaffey to continue the public hearing on the proposed rezoning until January 22, 2007 at 5:00 P.M. Motion Carried 6-0.

07-072

51. On Parking License Agreement for Parking Spaces in the Seventh and Center Park & Ride Parking Garage to Wells Fargo Financial, Inc. Moved by Hensley to adopt. Motion Carried 6-0.

07-073

(A) Approving Amendment to Parking Agreement. (Council Communication No. 07-017) Moved by Hensley to adopt. Motion Carried 6-0.

07-074

52. On petition to establish the Ingersoll Avenue Self-Supported Municipal Improvement District. Council Communication No. 07-015) Moved by Hensley to adopt. Motion Carried 5-0. Mayor Cownie declares a conflict of interest and abscends from voting.

07-075

(A) Communication in opposition. Moved by Hensley to receive and file. Motion Carried 5-0. Mayor Cownie declares a conflict of interest and abscends from voting.

07-076

53. On Downtown Parking System Wayfinding Signage – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Waldinger Corporation, (Tom Koehn, President), $614,200.50. (Council Communication No. 07-012) Moved by Hensley to adopt.
Motion Carried 6-0.

07-077  (A) **Approving** contract and bond. Moved by Hensley to adopt. Motion Carried 6-0.

07-078 54. On Teachout Aquatic Center Slide Replacement: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible, responsive bidder as Brocon Services, LLC (Chris Brault, Managing Partner, Johnston, IA), $339,800. (Council Communication No. 07-013) Moved by Mahaffey to adopt. Motion Carried 6-0.

07-079  (A) **Approving** contract and bond and permission to sublet. Moved by Mahaffey to adopt. Motion Carried 6-0.

**END HEARINGS AT 5:28 P.M.**

**Council considered Items 41 through 44, 55 and 56 and Board of Health next**

APPROVING

07-080 55. **Intergovernmental** 28E Agreement with Cities of Altoona, Ankeny, Bondurant, Carlisle, Clive, Des Moines, DeSoto, Grimes, Indianola, Johnston, Mitchellville, Norwalk, Pleasant Hill, Polk City, Urbandale, Waukee, West Des Moines, Windsor Heights, and unincorporated areas of Dallas, Polk and Warren Counties to establish a Metropolitan Licensing Board of Examiners for the Electrical, Mechanical and Plumbing Trades. (Council Communication No. 07-020) Moved by Kiernan to adopt. Motion Carried 6-0.

07-081 56. **Sub-Grantee** Agreements to administer FFY 2006 Homeland Security Grant Program Funds from Iowa’s Homeland Security and Emergency Management Division. (Council Communication No. 07-008) Moved by Kiernan to adopt. Motion Carried 6-0.

BOARD OF HEALTH

07-082  MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-0.

AUTHORIZING

07-083 1. **The** Legal Department to proceed with court action seeking authority to abate the public nuisance at 1120 22nd Street, Titleholder: Nobel Homes, Inc.; Mortgage Holder: Community State Bank National Association. Moved by Kiernan to adopt. Motion Carried 6-0.
2. **Release** of the lien entered against 1800 7th Street in CE 46186 to clear title and allow Community Housing Development Corporation to sell the single family dwelling for a low-income household. **Moved by Vlassis to adopt.** **Motion Carried 6-0.**

**07-085** Motion to Adjourn. **Moved by Vlassis to adjourn at 6:08 P.M.** **Motion Carried 6-0.**

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