

SUMMARY OF DES MOINES CITY COUNCIL MEETING

April 26, 1999 4:30 P.M.

PROCLAMATIONS - 4:00 P.M.:

Christmas in April - Greater Des Moines Week

SPECIAL PRESENTATIONS - 4:00 P.M.:

Kiwanis Nature Island Bridge--from Polk County Supervisor Gene Phillips and the Iowa Department of Transportation

CULTURAL CONNECTION - 4:15-4:30 P.M.:

A Showcase of Local Arts--Lisa Levine, Cantor, Temple B'Nai Jeshurun

INVOCATION: Council Member Chris Coleman

99-1200 1. ROLL CALL: **Present: Daniels, Coleman, Flagg, Hensley, McPherson, Belken and Vlassis.**

99-1201 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1202 3. APPROVING CONSENT AGENDA - items 3 through 60: **Moved by Vlassis to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

LICENSES AND PERMITS:

Approving

99-1203 4. Communication from Legal Department regarding April 26, 1999 License and Permit Agenda. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

Class "B" Beer Licenses

99-1204 5. SAOCC, Inc., Calvin G. Campbell, President dba The Depot, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 5-24-99 (With Sunday Sales and Outdoor Service) - Application submitted 4-13-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1205 6. Edelstein, Inc., Deena Lea Edelstein, President dba Duds N Suds, 2552 Hubbell; Renewal - Expires 5-18-99; (With Sunday Sales) - Application submitted 3-24-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1206 7. Krane Specialty, Inc., George A. Kranovich, President dba Steer & Stein, 3000 East Grand - Iowa State Fairgrounds; Renewal - Expires 6-4-99 (With Sunday Sales and Outdoor Service) - Application submitted 4-13-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Beer Licenses

99-1207 8. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #842, 104 East Euclid; Renewal - Expires 5-13-99 (With Sunday Sales) - Application submitted 3-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1208 9. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #488, 2821 East Euclid; Renewal - Expires 5-13-99 (With Sunday Sales) - Application submitted 3-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "B" Wine Licenses

99-1209 10. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #842, 104 East Euclid; Renewal - Expires 5-13-99 (With Sunday Sales) - Application submitted 3-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1210 11. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #488, 2821 East Euclid; Renewal - Expires 5-13-99 (With Sunday Sales) - Application submitted 3-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "C" Liquor Licenses

99-1211 12. U.P.T., Inc., Joseph P. Gatto, President dba Baratta's Restaurant, 2320 South Union - main and lower levels; Renewal - Expires 4-30-99 (With Sunday Sales) - Application submitted 4-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1212 13. Riverhouse, Inc., Craig Kelso, President dba Des Moines Yacht Club, 2617 Ingersoll; Renewal - Expires 5-5-99 - Application submitted 4-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1213 14. JCS Enterprises, Inc., Harry R. Lancaster, President dba Jack & Randy's Southtown Tavern, 3803 Southwest 9th Street; Renewal - Expires 5-5-99 (With Sunday Sales) - Application submitted 4-2-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1214 15. Rar, Inc., John D. Reynolds, President dba John's Place, 2401 East Walnut; New Application (With Sunday Sales) - Application submitted 3-26-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Class "E" Liquor Licenses

99-1215 16. Hy-Vee, Inc., Ronald D. Pearson, President dba Hy Vee #2, 2540 East Euclid; Renewal - Expires 5-4-99 - Application submitted 4-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1216 17. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #842, 104 East Euclid; Renewal - Expires 5-13-99 (With Sunday Sales) - Application submitted 3-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1217 18. American Drug Stores, Inc., Kevin H. Tripp, General Manager dba Osco Drug Store #488, 2821 East Euclid; Renewal - Expires 5-13-99 (With Sunday Sales) - Application submitted 3-8-99. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Outdoor Services

99-1218 19. Temporary outdoor service for John McCaughey dba Johnny Mac's Lounge, 2301 Hubbell Avenue for Wedding Reception and Annual Barbecue, May 8, 1999. Subject to submission of acceptable building inspections. (Deferred from 4-19-96 Council Meeting). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1219 (A) Street Closure request from John McCaughey representing Johnny Mac's Lounge, 2301 Hubbell Avenue, requesting permission to close Elizabeth from Hubbell to alley between Hubbell & Dubuque, on Saturday May 8, 1999, from 4:00 P.M. until 10:00 P.M. for a block party/wedding reception. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1220 20. Extended temporary outdoor service for Jim Stevens dba Nacho Mamma's, 216 Court Avenue for 5th Annual Central Iowa Blues Challenge, May 15, 1999. Subject to submission of building and electrical inspections. **Moved by Vlassis to adopt. Motion Carried 7-0.**

Refunds

99-1221 21. City Treasurer to issue refunds. **Moved by Vlassis to adopt. Motion Carried 7-0.**

22. NUMBER NOT USED.

PUBLIC IMPROVEMENTS

99-1222 23. Presentation from Lovejoy Elementary School's Student Council regarding paving a portion of Kenyon Avenue. **Moved by Belken to receive, file and grant the request to speak; refer to City Manager to place in a paving program as soon as possible. City Manager to contact MidAmerican Energy to study lighting on this street. Manager to report on how lighting is applied to streets/areas, citywide. Motion Carried 7-0.**

WITHDRAWN99-1223 24. Approving Professional Services Agreement with Elert & Associates, (Gary Elert, President, Stillwater, MN) for Public Safety Communications System

improvements - \$42,375 plus reimbursable expenses not to exceed \$6,355. (Council Communication No. 99-182)

99-1224 25. Approving Submission of Grant Amendment request to Hazard Mitigation Project to include nine (9) additional flood-prone residential properties, filing with Iowa Emergency Management Division to obtain federal/state financial assistance under Robert T. Stafford Disaster Relief and Emergency Assistance Act for the purchase of these properties. ([Council Communication No. 99-181](#)). **Moved by Hensley to adopt. Motion Carried 6-1. Pass: Vlassis.**

99-1225 26. Approving authorization for City Manager to proceed on the 1999 City-Wide Sidewalk Replacement Project. ([Council Communication No. 99-183](#)). **Moved by Vlassis to adopt. Motion Carried 7-0.**

27. Resolution Ordering Construction of the following:

99-1226 (A) E. 37th Street and E. University Avenue North Side Storm Sewer Improvements, Receiving of Bids, (5-11-99), and Setting Date of Hearing, (5-17-99), (Construction Estimate - \$59,634). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1227 (B) Martin Luther King, Jr., Parkway Demolition & Asbestos Removal Contract #2 East/West, Receiving of Bids, (5-11-99), and Setting Date of Hearing, (5-17-99), (Construction Estimate - \$275,000). **Moved by Belken to adopt. Motion Carried 7-0.**

99-1228 (C) Police Garage Roof Replacement, Receiving of Bids, (5-11-99), and Setting Date of Hearing, (5-17-99), (Construction Estimate - \$55,000). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1229 (D) SE 14th Street and Maury Street Traffic Signal Upgrade, Receiving of Bids, (5-11-99), and Setting Date of Hearing, (5-17-99), (Construction Estimate - \$155,000) **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1230 28. Approving contract and bond, and permission to sublet, on the 1998 Flood Storm Sewer Repair Contract 3, Corell Contractors, (Steve Corell, President, 1805 Euclid, Avenue). **Moved by Vlassis to adopt. Motion Carried 7-0.**

29. Approving Completion and Recommending Acceptance of Private Construction Contracts between McAninch Corporation, Dwayne McAninch, President-Contractor, and Knapp Properties, Gerard D. Neugent, President-Owner for the following:

99-1231 (A) Construction of Sanitary Sewer Improvements for Airport Commerce Park Plat 1 - \$85,092.60 **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1232 (B) Construction of Storm Sewer Improvements for Airport Commerce Park Plat 1 - \$58,150. **Moved by Vlassis to adopt. Motion Carried 7-0.**

30. Approving completion and recommending acceptance of Private Construction Contract between McAninch Corporation, Dwayne McAninch, President-Contractor and Iowa Realty Company, Inc., Michael Knapp, President-Owner, for the following:

99-1233 (A) Sanitary Sewer Improvements for proposed Sunrise Estates Plat #2 - \$101,470. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1234 (B) Storm Sewer Improvements for proposed Sunrise Estates Plat #2 - \$135,149. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1235 31. Approving completion and recommending acceptance of Private Construction Contract for Street Improvements for proposed Sunrise Estates Plat #2, between Eco-Tech Contractors, Inc., R. S. Gillotti, President-Contractor and Iowa Realty Company, Inc., Michael Knapp, President-Owner - \$84,700. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1236 32. Approving completion and recommending acceptance of Private Construction Contract for Street Improvements for Airport Commerce Park Plat 1, between Nuckolls Concrete Services, Inc., Scott Temple, President-Contractor, and Knapp Properties, Gerard D. Neugent President-Owner - \$161,381.34. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1237 33. Communication from Corell Contractor, Inc., Steve Corell, President requesting permission to sublet certain items on E. 14th Street (U.S. 69) and Guthrie Avenue Intersection Improvements. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1238 34. Approving partial payments on two public improvement projects. (Call City Clerk's Office for list) **Moved by Vlassis to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

99-1239 35. Temporary Easement for Property Adjustment in conjunction with East Douglas Bridge Over Four Mile, from Bernard J. Baker, III and Karen L. Baker, 3325 E. Douglas Avenue - \$2,230. **Moved by Vlassis to adopt. Motion Carried 7-0.**

STREET CLOSINGS

99-1240 36. Approving closure of the following City Streets. **Moved by Vlassis to approve. Motion Carried 7-0.**

(1) Deb Burger, representing Downtown farmer's market, 400 Locust Street, Suite 255, requesting permission to close Court Avenue from Fifth Street to Second Street, every Saturday, from May 8, 1999 through October 30, 1999, from 7:00 A.M. to Noon, for the annual market place activities. (Farmers' market).

(2) Jeff Carithers, representing Linden Heights Neighborhood Association, 4211 Foster Drive, requesting permission to close north leg of Woodlawn Drive at Foster Drive, Sunday May 16, 1999 from 3:00 to 6:00 P.M. for a block party.

(3) Tawyna Miller, representing Christ the King School, 701 Wall Avenue, requesting permission to close SW Seventh at 5800 SW 7th to 5700 SW Seventh, Wednesday, June 2, 1999, from 9:00 A.M. to 3:00 P.M. for a school relay day.

(4) Todd Schroder, representing Sherman Hill Association, 1756 16th Street, requesting permission to close Woodland from 16th to 17th, and 17th to 18th, on Saturday, June 5, 1999 from 5:00 to 11:00 P.M. for a street dance and street light dedication.

(5) Dan Hotka, 4300 Sheridan Avenue, requesting permission to close Sheridan Avenue from 42nd Street to 44th Street, on Saturday, June 12, 1999 from Noon to 5:00 P.M., for a block party.

CITY PLAN COMMISSION RECOMMENDATIONS

99-1241 37. Submitting Architectural Advisory Committee's recommended approval for park shelter improvements at Beaverdale and Pioneer Parks. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

99-1242 38. Recommending approval of request from Beth El Jacob Synagogue for renaming of West Drive to "Fanny Pruce Drive". **Moved by Vlassis to adopt and refer to the City Manager and Legal Department for implementation. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

99-1243 39. On application from Daryl Mayfield for the rezoning of 24.53 acres of property at 7103 Fleur drive, from "R1-80" (One Family Residential), to "PUD" (Planned Unit Development), and to find conformance with the Des Moines 2000 Land Use Plan, (5-17-99). **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1244 40. On vacation of right-of-way at northwest corner of Third and Locust Streets for lease for sidewalk cafe, to Gerleman Management Inc., (Bruce Gerleman, President, d/b/a Splash Seafood Bar and Grill, (5-3-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1245 41. On proposal to sell and convey vacated alley right-of-way east of E. 14th Street between Guthrie and Milton, to Robert J. and Tracy M. Edwards, \$25, and to Randy L. and Rhonda R. Ries, \$25, (5-3-99). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

99-1246 42. Approving payment of \$4,393.35 from Harry Perkins, III of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, L.L.P. law firm for representation of Officer Thomas Heller in case of Leverette, et al. v. Heller, et al., Case No. 4-97-CV-80749. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1247 43. Approving payment of \$570 to Thomas H. Burke of Whitfield & Eddy, P.L.C. for representation of Officer Michael Stueckrath in case of Gales v. Huffman, et al., 4-97-CV-10605. **Moved by Vlassis to approve payment. Motion Carried 7-0.**

99-1248 44. Approving payment of \$11,532.75 to Edward L. Huntoon, for workers' compensation benefits for permanent injury suffered during the course and scope of his employment. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

99-1249 45. Submitting various traffic regulation changes as follows. **Moved by Vlassis to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**

- (1) Stop Signs at SE 4th Street and Columbus Avenue.
- (2) Stop Signs at Madison Ave. at Lynner Dr. and Dosh Rd.
- (3) Stop Signs at 40th Street and Shawnee Avenue.
- (4) Stop Signs at 40th Street and Bel-Aire Road and 38th Street and Lindlavista Way.
- (5) Petition for Two-Sided Parking Restriction at SE 3rd Street from McKinley Avenue to Emma Avenue.
- (6) Deletion of Handicapped Parking Ordinance Due to Recent Realignment for North Side of Indianola Avenue East of SW 1st Street to South Union Street.
- (7) Corner Clearance for West Side of East 24th Court South of East Aurora Avenue.
- (8) Corner Clearance for West Side of Williams Street South of East Douglas.
- (9) Corner Clearance for Vicinity of 303 New York Ave.

[\(Council Communication No. 99-171\)](#)

99-1250 46. Submitting out-of-state travel request for Russell Underwood, Preston Daniels, Tom Vlassis, Rick Clark and Terry Vorbrich [\(Council Communication No. 99-188\)](#). **Moved by Vlassis to adopt. Motion Carried 7-0.**

APPROVING

99-1251 47. Botanical Center Restated Endowment Agreement with the Friends of the Botanical Center. [\(Council Communication No. 99-186\)](#). **Moved by Hensley to adopt. Motion Carried 7-**

0.

99-1252 48. High Intensity Drug Trafficking Area Grant Application and Award for projects to combat narcotic trafficking for one year beginning February 1, 1999 total funding of \$72,658. ([Council Communication No. 99-180](#)). **Moved by Belken to adopt. Motion Carried 7-0.**

99-1253 49. On-Site Training Agreement with PeopleSoft, Inc. for time and labor module end-user training at a total cost of \$37,000. ([Council Communication No. 99-172](#)). **Moved by Hensley to adopt. Staff to provide a summary of training and funding related to PeopleSoft implementation. Motion Carried 7-0.**

50. Bids for the following:

99-1254 (A) Commercial Turf and Tractor, (Chillicothe, MO., Bryan Wood, President) for a commercial lawn aerator to be used by the Park and Recreation Department, \$19,225.22. (Four bids mailed-two received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1255 (B) Bid awarded to Vermeer Sales and Service, Inc., (Pella, Rick Boat, President) for a stump cutter and trailer to be used by the Park and Recreation Department, \$10,500. Bid from Rayco Manufacturing, Inc. did not meet size specifications, therefore non-compliant. (Seven bids mailed-three received). **Moved by Flagg to adopt. Motion Carried 7-0.**

99-1256 (C) Tri-State West, (Grimes, Hugh Stafford, President) for a compact utility loader to be used by the Park and Recreation Department, \$35,967. Bid from Gebauer's Material Handling and CAC Products, Inc. did not meet size specifications, therefore non-compliant. (Fourteen bids mailed-four received). **Moved by Vlassis to adopt. Motion Carried 7-0.**

WITHDRAWN99-1257 51. Bid from Jermaine's Hauling and Services, Inc., (4906 Ingersoll, Jermaine E. McGregor, President), Thoroughbred Construction Co., (200 SE 6th, Mark Anderson, President), and P.G. Construction, Inc., (34 SE Gray, Keith Purdy, President) for annual contract with two renewal options for clean-up services to be used by the Community Development Department (Housing Code Enforcement), \$183,000. (Fourteen bids mailed-three received), (continued from 4-19-99). (Council Communication No. 99-179)

99-1258 52. Report of Civil Services Commission submitting Entrance Lists for Community Garden Coordinator and Park and Aviation Maintenance Technician. **Moved by Vlassis to receive and file. Motion Carried 7-0.**

53. Communication from Human Resources Director, submitting new position descriptions for the following:

99-1259 (A) Sales and Operations Coordinator. ([Council Communication No. 99-174](#)). **Moved by Belken to receive and file. Motion Carried 5-2. Nays: Flagg and Hensley.**

99-1260 (B) Public Works Operating Engineer. ([Council Communication No. 99-173](#)). **Moved by Belken to receive and file. Motion Carried 6-1. Nays: Flagg.**

99-1261 (C) Airport Operations Assistant. ([Council Communication No. 99-178](#)). **Moved by Belken to receive and file. Motion Carried 6-1. Nays: Flagg.**

99-1262 (D) Seasonal Construction Inspector. ([Council Communication No. 99-177](#)). **Moved by Belken to receive and file. Motion Carried 6-1. Nays: Flagg.**

99-1263 54. Receipt of Insurance for various City projects and functions for recording by the City Clerk. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1264 55. Authorizing Finance Director to draw checks on registers of April 30, 1999 and bills of the Des Moines Municipal Housing Agency for the week of April 26, 1999. **Moved by Vlassis to adopt. Motion Carried 7-0.**

****Council considered Hearing Items 60 thru 75 next****

ORDINANCES - SECOND CONSIDERATION

99-1265 56. Amending Chapter 19 of the Municipal Code regarding operation of Limousines in Des Moines. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Council Member Vlassis will meet with a group of limousine operators to discuss proposed changes to the ordinance, and return to Council at the 5-17-99 Council Meeting. Motion Carried 7-0.**

99-1266 57. Amending Chapter 27 of the Municipal Code to designate Beaver Avenue from Urbandale to Madison, and from 100 feet south of Shawnee Avenue to Aurora Avenue, as a three-lane facility. **(Final reading to be delayed until a neighborhood meeting is held with Council Member Vlassis). Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

99-1267 58. Amending Chapter 27 of the Municipal Code regarding installation of additional parking meters in the Central Business District. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Flagg.**

99-1268 59. On vacation of the East/West alley extending between 19th Street and Martin Luther King Jr., Parkway, north of Ingersoll, in exchange for a 50-foot wide storm sewer easement on and along the alley. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Pass: Vlassis.**

99-1269 60. On rezoning of property in the vicinity of SW 28th Court and Littell, easterly to Relocated Army Post Road, from "R1-80" (One Family Residential) to "M-3" (Limited Industrial District). **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

****Council considered Agenda Item 65 next****

ORDINANCES - FIRST CONSIDERATION

99-1270 61. Amending Section 15-181 of the Municipal Code regarding fee adjustment for items at Blank Park Zoo, for 1999, ([Council Communication No. 99-185](#)). **Moved by Belken that this ordinance be considered and given first vote for passage. Motion Carried 5-1-1. Nays: Coleman. Absent: Vlassis.**

62. Amending Chapter 15 of the Municipal Code regarding the following:

99-1271 (A) Fees for swimming pool rentals. **Moved by McPherson that this ordinance be considered and given first vote passage. Motion Carried 6-1. Absent: Vlassis.**

99-1272 (B) Park fees and charges for wading pool rental and equipment rental. ([Council Communication No. 99-184](#)). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Vlassis.**

99-1273 63. Amending Chapter 16 of the Municipal Code regarding charges for collection service and sale of bags for yard debris. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Flagg.**

99-1274 (A) Final consideration of ordinance above, (waiver requested by Council Member Coleman), requires 6 votes. **Moved by Coleman 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, [#13,702](#). Motion Carried 6-1. Nays: Flagg.**

99-1275 64. On vacation of east/west alley right-of-way between E. 14th and E. 16th Street, between Milton and Guthrie Avenues, (amending Ordinance 13,687--contained error in legal description). **Moved by McPherson that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-1276 (A) Final consideration of ordinance above, (waiver requested by Legal Department), requires 6 votes. **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, [#13,703](#). Motion Carried 7-0.**

COUNCIL REQUESTS

99-1277 65. Request from Council Member Vlassis, to discuss exemplary performance by three City employees at the Animal Shelter. **Moved by Coleman to grant the request - recognition presented to Dr. Schrader, Sgt. Huberty and Susan Stropes. Motion Carried 7-0.**

99-1278 66. Request from Council Member Mike McPherson, to discuss yard sale sign restrictions and penalties. **Moved by McPherson to receive, file and refer to City Manager for review and recommendation. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

99-1279 67. Communication from Deputy City Manager recommending preliminary terms of Agreement with Teachout Properties, L.L.C., for the renovation of the Hohberger Building at 504 E. Locust Street/Capitol Gateway East. ([Council Communication No. 99-187](#)). **Moved by Coleman to receive, file and adopt recommendation as contained in Council Communication No. 99-187. Motion Carried 6-1. Nays: Flagg.**

99-1280 68. Approving City of Des Moines Legislative Update for the 78th Iowa General Assembly, (Report available on Monday). **Moved by Vlassis to receive and file the report. Motion Carried 7-0.**

****Council considered Item 76 through end of agenda next****

HEARINGS (Opened at 5:36 P.M.) (Items 69 thru 75)

99-1281 69. On Consolidated Annual Performance and Evaluation Report (CAPER) (HUD), for the 1998 Program Year. **Moved by Coleman to adopt. Motion Carried 7-0.**

99-1282 70. On vacation of a portion of the Meek Avenue right-of-way west of 27th Street, to allow Drake University to erect a fence on the property in conjunction with the adjoining practice field, \$2,700. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1283 (A) First consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

99-1284 (B) Final consideration of ordinance above, (waiver requested by applicant), 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, [#13,704](#). Motion Carried 7-0.**

99-1285 71. On Jordan Park Playground Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Johnson Concrete & Petroleum Construction, Inc., (Robert I. Johnson, President, 107 Arthur, DM), \$44,793. **Moved by Belken to adopt. Motion Carried 6-1. Absent: Coleman.**

99-1286 (A) Approving contract and bond. **Moved by Belken to adopt. Motion Carried 6-1. Absent: Coleman.**

99-1287 72. On Police Station Step Replacement Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest

responsible bidder as Western Waterproofing Co. Inc., (William Bishop, C.E.O., WDM), \$101,589. **Moved by Belken to adopt. Motion Carried 7-0.**

99-1288 73. On 1998 Flood Storm Sewer Repair Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as R.G. Elder & Son Company, (Jared R. Elder, Pres., 5088 E. University, DM), \$278,635.75. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**

99-1289 74. On Resolution to REJECT all bids and close the hearing on Lincoln Place Drive Soil Stabilization Project - (one bid received, over estimate). **Moved by Hensley to adopt. Motion Carried 7-0.**

99-1290 75. On SW 22nd Street Levee Crossing at Fleur Drive: Resolution approving plans, specifications, form of contract documents, Engineer's estimate, and designating lowest responsible bidder as Eco-Tech Contractors, Inc., (R.S. Gillotti, President, 4000 Westown Parkway, Suite 100, WDM), \$46,660. **Moved by Hensley to adopt. Motion Carried 7-0.**

* * END HEARINGS at 5:50 P.M. * *

****Council considered Items 56, 58 and 61 thru 68 next****

APPROVING

99-1291 76. Professional Services Agreement with Rosales, Gottenmoeller & Associates, Inc., (Miguel Rosales, President, Boston, MA) for architectural/engineering analysis and design for Streetscape improvements and traffic circulation modifications for East Locust Street from E. 1st Street to E. 7th Street (Pennsylvania) - \$211,200 (continued from 4-19-99). ([Council Communication No. 99-176](#)). **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Flagg and Vlassis.**

99-1292 77. Des Moines Area Metropolitan Planning Organization Unified Planning Work Program and budget for Fiscal Year 2000, beginning July 1, 1999. ([Council Communication No. 99-175](#)). **Moved by Hensley to adopt. Motion Carried 7-0.**

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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.

99-1293 1. Oral request of Council Member Christine Hensley, to discuss impact of construction of Martin Luther King, Jr. Parkway on adjoining property and resulting economic development opportunities. SPONSOR: Hensley. **Moved by Hensley to receive, file, discuss, and refer to City Manager to recommend specifics on how the City can be proactive in recruiting economic development. Motion Carried 7-0.**

99-1294 2. Approving appointment of Marjorie Burgess and Margaret Ballard to the Citizen Odor Board, terms to expire April 1, 2002. SPONSOR: Hensley **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1295 3. Oral report of Mary Campos regarding impact on City of proposed school closings on the Eastside, (Brooks and Lucas). **Moved by Coleman to receive and file comments. Motion Carried 7-0.**

A G E N D A

BOARD OF HEALTH

April 26, 1999

99-1296 MOTION TO CONVENE. **Moved by Coleman that the City Council Adjourn and Convene as a Board of Health. Motion Carried 7-0.**

COMMUNICATION

99-1297 1. Communication regarding demolition cost reserve escrowed for 1125-18th. **Moved by Vlassis to receive and file and to direct that Corporation Counsel bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 7-0.**

AUTHORIZING

2. Court authority to abate the public nuisance at the following locations:

99-1298 (A) 2528 E. Walnut (occupied) Titleholder: Eupha Murrow; Contract Buyer: Thomas Leroy Hagen, Sr. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1299 (B) 1036 18th (vacant) Titleholder: Billie Barker. **Moved by Vlassis to adopt. Motion Carried 7-0.**

99-1300 MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:40 P.M. Motion Carried 7-0.**