SUMMARY OF DES MOINES CITY COUNCIL MEETING

June 14, 2010 4:30 P.M.

Ceremony for 100th Anniversary of the Municipal Building Cornerstone.
Formal program starts at 3:55 p.m. at Long Look Garden (Riverfront Plaza for City Hall).

IN沃ICATION:  Rev. Cathleen Bascom
               St. Paul Episcopal Church

10-872  1.  ROLL CALL:  Present:  Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.

10-873  2.  APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:  Moved by Hensley to adopt.  Motion Carried 7-0.

10-874  3.  APPROVING CONSENT AGENDA * – items 3 through 57:  Moved by Hensley to adopt the balance of the Consent Agenda.  Motion Carried 7-0.

*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.
LICENCES AND PERMITS

10-875 4. Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt; pending approval of licenses for Red Poppy (B) and Greater Des Moines Music Coalition (X, Y, Z) until inspections are completed. Motion Carried 7-0.

NEW APPLICATIONS

(A) MEXICAN CITY BUFFET 3409 SE 14TH ST C Liquor
(B) RED POPPY 2925 INGERSOLL C Liquor
(C) SOUTH TOWN TAP 3803 SW 9TH ST C Liquor

RENEWAL APPLICATIONS

(D) BEST TRIP INC 1516 SE 1ST ST E Liquor
(E) CASEYS #2676 2106 ECHO VALLEY C Beer
(F) CIS II 316 E 30TH STREET C Liquor
(G) DAHLS FOODS 4121 FLEUR DR E Liquor
(H) DEN 4369 MERLE HAY RD C Liquor
(I) DES MOINES PLAYHOUSE 831 42ND ST C Liquor
(J) GIT N GO STORE #11 3940 E 29TH ST C Beer
(K) GIT N GO STORE #31 2601 SW 9TH ST C Beer
(L) HOUSE OF BRICKS 525 E GRAND AVE C Liquor
(M) LA FAVORITA 1700 E GRAND AVE C Beer
(N) LE JARDIN 841 42ND ST C Beer/Wine
(O) NEW CHINA BUFFET 1111 E ARMY POST B Beer
(P) OKOBOJI GRILL 6050 SE 14TH ST C Liquor
(Q) POLK COUNTY CONVENTION 501 GRAND AVE C Liquor
(R) QUIKTRIP #516 1000 E UNIVERSITY C Beer
(S) QUIKTRIP #535 1501 E GRAND AVE C Beer
(T) SOUTHSIDE TOBACCO 2424 SW 9TH ST E Liquor
(U) TOBACCO OUTLET PLUS #519 3019 SE 14TH ST B Beer
(V) VETERANS MEMORIAL 833 5TH AVENUE C Liquor

SPECIAL EVENTS APPLICATIONS

(W) DRAKE UNIVERSITY 2719 FOREST AVE Five (5) Day License Special Class C Liquor License (Beer/Wine) for USA Track and Field National Championships on June 23 – 27, 2010.

(X) GREATER DSM MUSIC 1311 LOCUST ST Five (5) Day License Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 3 – 4, 2010. Pending approval of Building, Fire and Zoning Departments.

(Y) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 3 – 4, 2010. Pending approval of Building, Fire and Zoning Departments.
(z) GREATER DSM MUSIC 1305 LOCUST ST Five (5) Day License Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 3 – 4, 2010. Pending approval of Building, Fire and Zoning Departments.


(BB) PARKS AREA 3012 6TH AVE Five (5) Day License Class B Beer License for Rendezvous on River event on June 25, 2010.

(CC) PARKS AREA 3012 6TH AVE Five (5) Day License Class B Beer License for Rendezvous on River event on July 2, 2010.

(DD) PARKS AREA 3012 6TH AVE Five (5) Day License Class B Beer License for Rendezvous on River event on July 9, 2010.


(GG) PARKS AREA 3012 6TH AVE Five (5) Day License Class B Beer License for Rendezvous on River event on July 30, 2010.

(HH) PARKS AREA 3612 6TH AVE Five (5) Day License Class B Beer License for Sweet Corn Feed on July 17, 2010.


10-876 5. **City** Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt.** **Motion Carried 5-2.** Nays: Cownie and Moore.

10-877 6. **City** Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt.** **Motion Carried 7-0.**
7. Ordering construction of the following:

10-878  (A) **Agrimergent** Underground Environmental CleanUp: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - $164,300).  (Council Communication No.  10-350) Moved by Moore to adopt. Motion Carried 7-0.

10-879  (B) **Livingston** Avenue Storm Sewer Lining: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - $1,917,000).  (Council Communication No.  10-344) Moved by Moore to adopt. Motion Carried 7-0.

10-880  (C) **Lower** Union Park Sewer Separation: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - $4,923,217).  (Council Communication No.  10-345) Moved by Moore to adopt. Motion Carried 7-0.

10-881  (D) 7th & Center Park and Ride Roof Replacement: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - $80,000).  (Council Communication No.  10-349) Moved by Moore to adopt. Motion Carried 7-0.

10-882  (E) 33rd Street Sewer Separation: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - $1,690,060).  (Council Communication No.  10-343) Moved by Moore to adopt. Motion Carried 7-0.

10-883  (F) 2010 Sidewalk Replacement Program: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - $299,995).  (Council Communication No.  10-347) Moved by Moore to adopt. Motion Carried 7-0.

10-884  8. Approving FY2012 Traffic Safety Fund Applications to the Iowa Department of Transportation.  (Council Communication No.  10-336) Moved by Hensley to adopt. Motion Carried 7-0.

10-885  9. Approving and authorizing execution of Iowa Interstate Railroad Ltd. Street Crossing Improvement Agreement for the SE 6th Street Widening Project.  (Council Communication No.  10-337) Moved by Hensley to adopt. Motion Carried 7-0.

10-886  10. Approving Private Construction Contract between Detrick Excavating Inc. and Greater Des Moines Habitat For Humanity for sanitary and storm sewers improvements in Maury Street between SE 10th & SE 11th Streets, $52,260. Move by Hensley to adopt. Motion Carried 7-0.

10-887  (A) Approving Economic Development Grant to Habitat For Humanity for the 10 single family homes to be constructed on Maury Street between SE 10th and SE 11th Streets. Moved by Hensley to adopt. Motion Carried 7-0.
11. **Acknowledge** completion of Private Construction Contract between Tyler Excavating, Inc. and Melbourne Apartments, LLP for sanitary sewer improvements, 5515 SE 14th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

12. **Approving** completion and acceptance of Private Construction Contract between Jensen Builders Ltd., and Menard, Inc. for paving improvements, Diehl Avenue (approx. 310’ west of SE 14th Street). **Moved by Hensley to adopt. Motion Carried 7-0.**

13. **Accepting** completed construction and approving final payment to Larson & Larson Construction, LLC for Cowrie Soccer Complex Shade Structures. **Moved by Hensley to adopt. Motion Carried 7-0.**

**SPECIAL ASSESSMENTS**

14. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-07. **Moved by Hensley to adopt. Motion Carried 7-0.**

15. **Approving** deletion of NAC-Emergency Delinquent Sewer, Solid Waste, and Storm Water Assessments at 1603 Clark Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

16. **Approving** deletion of rental inspection assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**

17. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for May 2010 on the following:

10-894  (A) ** Fees. Moved by Hensley to adopt. Motion Carried 7-0.**

10-895  (B) **Credits. Moved by Hensley to adopt. Motion Carried 7-0.**

**BOARDS/COMMISSIONS/NEIGHBORHOODS**

18. **Recommendation** from the Neighborhood Finance Corporation (NFC) to appoint John Rowen to the Neighborhood Revitalization Board, Seat 15, for a one-year term commencing June 30, 2010 to expire June 30, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**
COMMUNICATIONS FROM PLANNING AND ZONING

10-897 19. **Regarding** request from David and Greg Ortale (owners), 2100 Wakonda View Drive and 4108 Fleur Drive, to vacate a segment of Wakonda View Drive right-of-way lying south of paved portion of the street and adjoining requestors properties, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division.** Motion Carried 7-0.

10-898 20. **Regarding** request to vacate East 5 feet of E. 27th Court adjoining 2731 Indianapolis Avenue to accommodate encroachment of existing car port. (City Plan and Zoning Commission recommends DENIAL), (continued from the May 24 Council meeting). **Moved by Mahaffey to receive, file and take no further action on the vacation request.** Motion Carried 7-0.

SETTING DATE OF HEARINGS

10-899 21. **On** conveyance of 405 SE 8th Street to Jesse and Marjorie L. Cortez by land exchange, (6-28-10). **Moved by Hensley to adopt.** Motion Carried 7-0.

10-900 22. **On** conveyance of permanent subsurface water main easement on City-owned airport property located on southwest corner of SW 34th Street and relocated Army Post Road to Des Moines Water Works, $1, (6-28-10). **Moved by Hensley to adopt.** Motion Carried 7-0.

10-901 23. **On** conveyance of portion of vacated alley, west of 4136 Amherst Avenue, to Donna J. McConkley, Trustee for Maurine T. Lee Revocable Trust, $50 to incorporate into residential lot, (6-28-10). **Moved by Moore to adopt.** Motion Carried 7-0.

10-902 24. **On** request from 400 SE 6th Inc. to rezone 400 SE 6th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use), subject to conditions, (6-28-10). **Moved by Hensley to adopt.** Motion Carried 7-0.

WITHDRAWN

10-903 25. **On** City Council initiated request to rezone 4506 SW 9th Street from Ltd. “C-2” (General Retail and Highway Oriented Commercial) to “C 1” (Neighborhood Retail Commercial), (6-28-10).

10-904 26. **On** lease with Youth and Shelter Services, Inc. for property in lower level of 7th and Grand Avenue Parking Garage, 701 Grand Avenue, $1,389 per month, (6-28-10). **Moved by Hensley to adopt.** Motion Carried 7-0.

10-905 27. **On** lease of storage space at Parks Development Center, 405 SE 20th Street, by Des Moines Municipal Housing Agency, $7,500 annually for a five-year term beginning July 1, 2010, with up to three five-year renewals with rate adjustments, (6-28-10). **(Council Communication No. 10-360) Moved by Hensley to adopt.** Motion Carried 7-0.
28. On corrected lease agreement with R. K. Corporation (Mr. Filet Steakhouse) for property in lower level of 7th and Grand parking garage, 510 7th Street, (6-28-10). Moved by Hensley to adopt. Motion Carried 7-0.

29. On assessment of $500 penalty to MB Mart LLC d/b/a U.S. Gas, 3000 SW 9th Street for violation of Iowa Beverage Laws (sale to minor), (6-28-10). Moved by Hensley to adopt. Motion Carried 7-0.

30. On Zoning Ordinance text amendment, Chapter 134, to allow consideration of Wind Energy Conversion Systems (WESC) as a conditional use by Zoning Board of Adjustment, (6-28-10). Moved by Hensley to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

31. Approving payment of $2,581.89 ($1,290.95, City and $1,290.94, WRA) to Hall & Associates for services related to combined sewer system and combined sewer overflows related to NPDES Permit. Moved by Hensley to adopt. Motion Carried 7-0.

32. Approving payment of workers' compensation claims for the following:

(A) Mark Bainter, $26,996.43. Moved by Hensley to adopt. Motion Carried 7-0.

(B) Mark Dautervie, $9,896.08. Moved by Hensley to adopt. Motion Carried 7-0.

(C) Jamie Fuller, $15,965.82. Moved by Hensley to adopt. Motion Carried 7-0.

(D) Dennis Miller, $15,873. Moved by Hensley to adopt. Motion Carried 7-0.

(E) Scott Seaman, $19,214.33 Moved by Hensley to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

33. Approving travel and training requests for Bruce Bergman, Peter Bowers, James Bowman, Sone Cam, Chris Coleman, T.M. Franklin Cownie, Christine Hensley, Mikel Johnson (2), Eric Nevins, Douglas Philiph, Rod Santizo, Rudolph Simms, Jr., Rex Sparks, William Stowe, Michael Towey and Kathleen Vanderpool. (Council Communication No. 10-359) Moved by Hensley to adopt. Motion Carried 7-0.
APPROVING

10-916  34. **Execution** of a Cooperative Agreement with United States Department of Housing and Urban Development (HUD) for $8,500 in training funds for the Des Moines Human Rights Department to attend the National Policy Conference, July 19-23, 2010. (Council Communication No. 10-362) Moved by Hensley to adopt. Motion Carried 7-0.

10-917  35. **Fiscal** Year 2007 Continuum of Care (COC) Closeout Certification documents for Buchanan Transitional Living Center. Moved by Hensley to adopt. Motion Carried 7-0.

10-918  36. **Template** format for Development Agreement documents to be used with the City of Des Moines Jumpstart Housing Assistance Program. (Council Communication No. 10-340) Moved by Hensley to approve. Motion Carried 7-0.

10-919  37. **Anawim** Housing Application for Enterprise Zone Benefits for a housing project in the Forest Avenue Enterprise Zone. (Council Communication No. 10-316) Moved by Hensley to adopt. Motion Carried 7-0.

10-920  38. **City** Manager to remove requested properties from Polk County tax sale certificate and approve assignment of tax sale certificates to Greater Des Moines Habitat For Humanity, Inc. for development of low to moderate income owner-occupied housing. (Council Communication No. 10-323) Moved by Hensley to adopt. Motion Carried 7-0.

10-921  39. **City** Manager to remove two requested properties from the Polk County tax sale certificate for future development of housing. (Council Communication No. 10-328) Moved by Moore to adopt; refer to the City Manager to identify any City-owned property that is buildable/usable. Also, work with Polk County to jointly market the lots. Motion Carried 7-0.

10-922  40. A $250,000 grant request to Federal Home Loan Bank of Des Moines Affordable Housing Program by the City of Des Moines/West Bank, to provide rehabilitation assistance in low-income owner-occupied housing and approval of Memorandums of Understanding with Neighborhood Finance Corporation (NFC) and Home Opportunities Made Easy (HOME) Inc. for supportive services. (Council Communication No. 10-341) Moved by Hensley to approve. Motion Carried 7-0.

10-923  41. **Preliminary** terms of agreement with ND 22 Fleming, LLC for residential redevelopment of Fleming Building at 604 Walnut Street and directing City Manager to proceed with negotiations of formal agreements. (Council Communication No. 10-327) Moved by Hensley to receive, file and approve preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiations of formal agreements with ND 22 Fleming, LLC consistent with the terms set forth in the accompanying Council Communication. Motion Carried 7-0.
42. A $200,000 Economic Development Loan, $220,000 Bridge Loan and a Conceptual Development Plan with Indigo Dawn, LLC for the renovation of 800 19th Street as a Platinum LEED adaptive building reuse. (Council Communication No. 10-355) Moved by Hensley to adopt. Motion Carried 7-0.

43. Grading and landscape changes with Greenwood Park as proposed by Edmundson Art Foundation, Inc. (Council Communication No. 10-326) Moved by Moore to adopt; refer to the City Manager to provide a report on the process to protect the remaining trees. Motion Carried 7-0.

44. Amendment No. 2 to Other Transaction Agreement (OTA) with Transportation Security Administration (TSA) extending the completion date to March 31, 2011. (Council Communication No. 10-312) Moved by Hensley to adopt. Motion Carried 7-0.

45. Amending 2009 Program Allocations and approving 2010 Program Allocations for The Home Investments Partnerships Program (HOME) operated by the Community Development Department. (Council Communication No. 10-324) Moved by Hensley to adopt and approve. Motion Carried 7-0.

WITHDRAWN

46. 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula program: Local Solicitation grant application and Memorandum of Understanding with Polk County.

47. Intergovernmental 28E Agreement and Professional Services Agreement with The Corporation for Economic Development in Des Moines to administer Loan Injection, Revolving Loan Fund and MicroLoan programs. (Council Communication No. 10-333) Moved by Hensley to approve. Motion Carried 7-0.

48. City Manager to negotiate an agreement of grant assistance for the Bike Collective to help establish a B-Cycle Program, $20,000. (Council Communication No. 10-348) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.

49. Application process for Affordable Care Act’s Early Retiree Reinsurance Program (ERRP) through the U.S. Department of Health and Human Services (HHS). (Council Communication No. 10-354) Moved by Hensley to adopt. Motion Carried 7-0.

50. Agreement with Microsoft Corporation to conduct and use for public relation purposes a case study of the City’s redeveloped web site, built using Microsoft technologies. (Council Communication No. 10-361) Moved by Hensley to adopt. Motion Carried 7-0.
51. Bids from the following:

51-933  (A) **Commonwealth Electric Company** (David Firestone, President) for annual contract with two (2) additional one-year renewal options to furnish electrical services to be used by operating departments, including the Aviation Department and Wastewater Reclamation Facility, estimated annual cost $75,000. (Eight bids mailed, five received). **Moved by Hensley to adopt.  Motion Carried 7-0.**

51-934  (B) **Ingamells Commercial Flooring** (Paul Ingamells, President) for carpet and tile replacement services at Fire Stations 2, 5, 7 and 9 to be used by the Fire Department, $31,680. (Nine bids mailed, four received). **Moved by Hensley to adopt.  Motion Carried 7-0.**

51-935  (C) **Office Max** (Sam Duncan, Chairman and CEO) to furnish office supplies per State of Iowa Contract for use by City Departments during fiscal year 2011, estimated annual cost $175,000. (Council Communication No. 10-357) **Moved by Hensley to adopt; refer to the City Manager to review previous contract pricing.  Motion Carried 7-0.**

51-936  (D) **E.J. Ward** (Eddie J. Ward, President) for non-competitive procurement of upgrade to existing automated fueling system to dispense and track fuel usage for all departments to be used by Fleet Maintenance Center, $42,380. (Council Communication No. 10-322) **Moved by Hensley to adopt.  Motion Carried 7-0.**

51-937  (E) **Precision Midwest** (Rich Fisher, Owner/President) for non-competitive procurement of Trimble S6 Robotic Total Station survey equipment for use with existing software to be used by the Engineering Department, $37,330.50. (Council Communication No. 10-334) **Moved by Hensley to adopt.  Motion Carried 7-0.**

51-938  (F) **Pool Tech Midwest** (Charlie Rochford, President) for non-competitive procurement of pool chlorination chemicals for various City pools to be used by the Parks & Recreation Department, estimated annual cost $85,000. (Council Communication No. 10-319) **Moved by Hensley to adopt.  Motion Carried 7-0.**

51-939  (G) **TMC Auto Body** (Craig Peters, owner) and Deery Brothers Chevrolet (Tony Nordman, General Manager) for auto body repair services per State of Iowa Contracts for use by Fleet Maintenance Center, estimated annual cost $100,000. (Council Communication No. 10-317) **Moved by Hensley to adopt.  Motion Carried 7-0.**

51-940  (H) **Clive Power Equipment** (Chuck Agans, Owner/President) for non-competitive procurement of Toro commercial mower equipment repair parts to be used by the Park & Recreation Department, $28,000. (Council Communication No. 10-320) **Moved by Hensley to adopt.  Motion Carried 7-0.**
(I) **Thomson** West for non-competitive procurement of contracts for electronic legal research services and materials to be used by the Legal Department, estimated annual cost $48,000.  (Council Communication No.  10-311)  Moved by Hensley to adopt.  Motion Carried 7-0.

52. **Exception** to procurement ordinance competitive bidding requirements for good cause and approving procurement of $16,745 for additional snow removal services for Park and Recreation managed properties from Kaldenburg’s PBS (Matt Kaldenburg, President).  (Council Communication No.  10-325)  Moved by Coleman to adopt.  Motion Carried 5-2.  Nays:  Cownie and Moore.

53. **Amendment** to Copier Services Contract with Koch Brothers, to decrease the City’s service and maintenance costs and to extend the termination date to June 30, 2013.  (Council Communication No.  10-356)  Moved by Hensley to adopt.  Motion Carried 7-0.

54. **Authorizing** and providing for issuance of $25,330,000 General Obligation Bonds, Series 2010D, and levying a tax to pay.  Moved by Hensley to adopt.  Motion Carried 7-0.

(A) **Authorizing** and providing for issuance of $2,260,000 General Obligation Bonds, Taxable Series 2010E, and levying a tax to pay.  Moved by Hensley to adopt.  Motion Carried 7-0.

55. **Civil** Service Entrance Lists for Economic Development Assistant and Park Maintenance Mechanic and Promotional List for Civil Engineer II.  Moved by Hensley to receive and file.  Motion Carried 7-0.

56. **Authorizing** Finance Director to draw checks on registers for the weeks of June 14 and June 21, 2010; to draw checks for bills of the Des Moines Municipal Housing Agency for the weeks of June 14 and June 21, 2010; and to draw checks for bi-weekly payroll due June 18, 2010.  Moved by Hensley to adopt.  Motion Carried 7-0.

**ORDINANCES - SECOND CONSIDERATION**

57. **Amending** Chapter 118 of the Municipal Code, regarding regulation of fat, oil and grease discharge by food service establishments.  Moved by Hensley that this ordinance be considered and given second vote for passage.  Motion Carried 6-1.  Nays:  Griess.

* * * * * * * END CONSENT AGENDA * * * * * * *
ORDINANCES - FINAL CONSIDERATION

10-949  58. On request from Foods, Inc. (Dahls) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions. (Requires 6 votes for approval). (Council Communication No. 10-363) Moved by Hensley that this ordinance do now pass, #14,940. Motion Carried 6-1. Nays: Moore.

ORDINANCES - FIRST CONSIDERATION

10-950  59. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: (Council Communication No. 10-332) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) Parking Restriction – south side of Willowmere Drive, west of SW 61st Street.

(B) Corner Clearance – west side of 51st Street, south of Grand Avenue.

(C) Loading Zone Extension – west side of 6th Avenue, south of Grand Avenue.

10-951  (D) Final consideration of ordinance above. 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, #14,941. Motion Carried 7-0.

10-952  60. Amending Chapter 118 of the Municipal Code establishing a Stormwater Innovative Practices Rebate Program. (Council Communication No. 10-330) Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

COUNCIL REQUESTS

10-953  61. From Council Member Brian Meyer to speak regarding lighting on S.E. Hartford. Moved by Meyer to refer to the City Manager to arrange a meeting with representatives of the Pioneer Park Neighborhood Association and the River Woods Neighborhood Association regarding the multi-purpose trail, lighting, paving of SE Hartford and Watrous and illegal dumping. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

10-954  62. From Judith K. Harlan, 3932 University Avenue #1, to speak regarding illegal search and seizure. Moved by Meyer to receive and file comments. Motion Carried 7-0.
HEARINGS (OPEN AT 6:05 P.M.) (ITEMS 64 THRU 75)

64. On application from Pawn America Iowa, LLC for relief from the moratorium to allow pawn businesses at 4620 SE 14th Street and 5730 Douglas/3709 Merle Hay Rd. Moved by Hensley to continue to the June 28 Council meeting at 5:00 P.M. Motion Carried 6-1. Absent: Coleman.

65. On reconsideration of a request from Sutton Hill Residential Cooperative, to rezone property at 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and for reconsideration on approval of the PUD Conceptual Development Plan, and approve extension to the existing Offer to Purchase Real Estate. (Council Communication No. 10-364) Moved by Meyer to adopt, and continue the hearing to June 28 Council Meeting at 5:00 P.M. Motion Carried 6-1. Absent: Coleman.

66. On proposed Urban Renewal/Tax Increment Finance (TIF) Plan for NE Economic Development District Urban Renewal Area. (Council Communication No. 10-358) Moved by Mahaffey to continue the public hearing until August 9, 2010 at 5:00 P.M. Motion Carried 6-1. Absent: Coleman.

67. On conveyance of 2612 E. Washington Avenue and a portion of vacated alley, north and west, to Richard J. McKeohan, Jr. and Jody McKeohan to be used for side-yard purposes, $575. (Council Communication No. 10-342) Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.

68. On conveyance of permanent landscape buffer easement at 3901 SW 42nd Street to Scott and Roxanne McGlothlen, $1,173. (Council Communication No. 10-339) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

69. On vacation and conveyance of Boyd Street from E. 14th Street to a dead end point 328 feet to the East, to Grand View University for the expansion of and incorporation into their existing site, $32,800. (Council Communication No. 10-338) Moved by Moore to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.

(A) First consideration of ordinance above. Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.
10-963  (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Moore** 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, #14,942. **Motion Carried 6-0.** Council Member Mahaffey declares a conflict of interest and abstains from voting.

10-964  70. **On** vacation and lease of public right-of-way for sidewalk café, serving alcohol at 1408 Locust Street, (The Sideshow Lounge LLC). (Council Communication No. 10-315) **Moved by Hensley to adopt.  **Motion Carried 7-0.

10-965  (A) **First** consideration of ordinance above. **Moved by Hensley** that this ordinance be considered and given first vote for passage. **Motion Carried 7-0.**

10-966  (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six 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, #14,943. **Motion Carried 7-0.**

10-967  (C) **Consideration** of permanent outdoor service area for Des Moines Social Club, Class C Liquor License. Pending approval of Building and Zoning Departments. Sponsor: Council Member Hensley. **Moved by Hensley to adopt.  **Motion Carried 7-0.

71. On items regarding 2217 Beaver Avenue, Tim C. Ford (owner), to allow a portion of the premises to be used for a retail gift boutique:

10-968  (A) **Amendment** to the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Pedestrian-Oriented Neighborhood Node. **Moved by Moved by Griess to adopt and approve the proposed amendment.** **Motion Carried 7-0.**

10-969  (B) **Hearing** on rezoning from “C-0” (Commercial-Residential) and “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions. **Moved by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.** **Motion Carried 7-0.**

10-970  (C) **First** consideration of ordinance above. **Moved by Griess** that this ordinance be considered and given first vote for passage. **Motion Carried 7-0.**
10-971 (D) Final consideration of ordinance above. Moved by Griess 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, #14,944. Motion Carried 7-0.

72. On Automobile Rental Concessions and Lease Agreements at the Des Moines International Airport: (Council Communication No. 10-331)

10-972 (A) Hertz Corporation. Moved by Hensley to adopt. Motion Carried 7-0.

10-973 (B) Enterprise Rent-A-Car Company – Midwest, LLC (d/b/a Enterprise Rent-A-Car). Moved by Hensley to adopt. Motion Carried 7-0.

10-974 (C) Enterprise Rent-A-Car Company – Midwest, LLC (d/b/a Alamo and National Car Rental). Moved by Hensley to adopt. Motion Carried 7-0.

10-975 (D) Ruan Incorporated (Avis Licensee). Moved by Hensley to adopt. Motion Carried 7-0.

10-976 (E) DTG Operations, Inc. (d/b/a Dollar Rent A Car and Thrifty Car Rental). Moved by Hensley to continue to the June 28th Council Meeting at 5:00 P.M.. Motion Carried 7-0.

10-977 (F) Budget of Iowa, Inc. Moved by Hensley to adopt. Motion Carried 7-0.

10-978 (G) Simply Wheelz LLC (d/b/a Advantage Rent A Car). Moved by Hensley to adopt. Motion Carried 7-0.

10-979 73. On 2010 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), $190,725. (Council Communication No. 10-353) Moved by Coleman to adopt. Motion Carried 7-0.

10-980 (A) Approval of contract and bond. Moved by Coleman to adopt. Motion Carried 7-0.

10-981 74. On Easton Boulevard Bridge over Four Mile Creek: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President), $1,348,338.76. (Council Communication No. 10-351) Moved by Mahaffey to adopt. Motion Carried 7-0.
10-982 (A) Approving contract and bond, and permission to sublet. Moved by Mahaffey to adopt. Motion Carried 7-0.

10-983 75. On 2010 Tennis Court Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Blacktop Repair Service, Inc., d/b/a Upper Midwest Athletic Construction, (Patricia J. Hicks, President), $89,979.90. (Council Communication No. 10-352) Moved by Coleman to adopt; refer to the City Manager and Park Board to consider adding Pickle-Ball courts in Des Moines. Motion Carried 7-0.

10-984 (A) Approving contract and bond. Moved by Coleman to adopt. Motion Carried 7-0.

**END HEARINGS AT 6:23 P.M.**

APPROVING

10-985 76. Appointment of Larry Hulse as Assistant City Manager. Moved by Coleman to adopt. Motion Carried 7-0.

10-986 77. Agreement for shared fueling services between the City and The Des Moines Independent Community School District. (Council Communication No. 10-318) Moved by Mahaffey to adopt. Motion Carried 7-0.

10-987 78. Proposal to stripe and sign bike lanes along Urbandale Avenue from 34th Street to Merle Hay Road. (Council Communication No. 10-321) Moved by Griess to adopt. Motion Carried 7-0.

10-988 79. Intergovernmental 28E Agreement with member communities represented on the Metropolitan Advisory Council (MAC) for funding and maintenance of Homeland Security Services within the Metropolitan Area. (Council Communication No. 10-313) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

10-989 80. Review of Board of Adjustment decision to grant a use variance at 5101 SE 40th Street to retain a contractor’s storage yard no more than six months. (Council Communication No. 10-365) Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.

10-990 81. Receipt of May 13, 2010 meeting minutes between Union Pacific Railroad and City of Des Moines regarding trains blocking at-grade crossings. Moved by Mahaffey to receive and file; refer to the City Manager for review and recommendation regarding costs of the various options, and to consider during the CIP Budget discussions. Motion Carried 7-0.
82. **Extension** of Municipal Parking Facilities Management Services Agreement with Ampco System Parking. (Council Communication No. 10-335) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.

83. **Voluntary** acquisition of 717 Grand Avenue and 517 8th Street for assemblage with the City’s 7th and Grand Avenue parking garage facility. (Council Communication No. 10-366) Moved by Hensley to adopt and to direct the City Manager to proceed under the agreement in preparation for closing; to provide a map and list of excess City property that is available for development; and to schedule a workshop to discuss planning for further development downtown. Motion Carried 7-0.

84. **Diminution** of one WRF Process Automation Specialist. (Council Communication No. 10-329) Moved by Griess to adopt. Motion Carried 7-0.

85. **Affirming** Hearing Officer’s report on appeal of RFP Evaluation and Selection Committee Recommendation for award of contract for Automated Electronic Speed & Red Light Enforcement Cameras & Citation Processing Services, to GATSO USA, Inc.; accepting proposal of GATSO USA, Inc.; and approving award of contract to GATSO USA, Inc., and authorizing Police Department to negotiate contract. (Council Communication No. 10-310) Moved by Coleman to consider this item at the July 12th Council Meeting. Motion Carried 7-0.

WITHDRAWN


WITHDRAWN

10-996  (B) Communication from GATSO USA, Inc.

**EXTRA ITEMS**

10-997  1. **Recommendation** from Mayor Frank Cownie to appoint Victoria L. Daniels to the Housing Appeals Board, Seat 1, for a three-year term commencing March 16, 2009 to expire March 16, 2012. Sponsor: Cownie. Moved by Hensley to adopt. Motion Carried 7-0.

10-998  (A) **Recommendation** from Council Member Skip Moore to appoint Daniel D. Garrett to the Housing Appeals Board, Seat 2, for a three-year term commencing March 16, 2009 to expire March 16, 2012. Moved by Hensley to adopt. Motion Carried 7-0.

10-999  (B) **Recommendation** from Council Member Christine Hensley to appoint Dr. James E. Bowman to the Human Right Commission, Seat 6, for a three-year term commencing April 4, 2010 to expire April 4, 2013. Moved by Hensley to adopt. Motion Carried 7-0.

10-1000  MOTION TO ADJOURN. Moved by Griess to adjourn at 7:38 P.M. Motion Carried 7-0.