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 '06-' 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

August 7, 2006

Closed Session 3:30 PM
Municipal Housing Board 3:45 PM
Proclamations/Recognition 4:00 PM
Regular Meeting 4:30 PM

I. CLOSED SESSION – 3:30 PM

06-1539 (A) Roll Call. Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey and Vlassis. Absent: Brooks.

06-1540 (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 6-1.

(C) Closed Session.

06-1541 (D) Terminate closed session and reconvene in open session at 4:30 P.M. Moved by Vlassis to adopt. Motion Carried 6-1.
PROCLAMATIONS – 4:00 PM

Health Center Week

RECOGNITIONS – 4:00 PM

Kofu High School and Jr. High School Students from Des Moines’ Sister City, Kofu, Japan

JT’s Girls Softball Team – 2006 National Champions

INVOCATION: Pastor Tony Thurston
College Avenue Christian Church

06-1542 1. Reconvene in open session. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1543 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 6-1.

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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.

06-1544 2-I. Communication from Council Member Archie Brooks submitting his resignation effective August 8, 2006. Moved by Vlassis to receive and file. Motion Carried 6-1.

06-1545 3. APPROVING CONSENT AGENDA – items 3 through 39: Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-1.

LICENSES AND PERMITS

06-1546 4. Approving Alcoholic Beverage License Applications for the following: Moved by Vlassis to adopt. Motion Carried 6-1.

NEW APPLICATIONS

(A) DAHLS FUEL 4341 MERLE HAY RD C Beer
(B) FRATHOUSE 508 INDIANOLA RD C Liquor
RENEWAL APPLICATIONS

(C) AMF DES MOINES LANES 3839 E 14TH ST C Liquor
(D) BUDDYS CORRAL 418 E 5TH ST C Liquor
(E) CARLOS O'KELLYS MEXICAN CAFE 4371 MERLE HAY RD C Liquor
(F) DRAGON HOUSE EAST 2470 E EUCLID AVENUE C Liquor
(G) JUDGE ROY BEANS EATIN 210 COURT AVE C Liquor
(H) LOS COMPADRES 1440 MAURY ST C Liquor
(I) NE 14TH HANDIMART 5150 NE 14TH STREET C Liquor
(J) OAKMOOR RACQUETBALL HEALTH 4731 MERLE HAY RD B Beer
(K) QUIKTRIP #527 1215 6TH AVE C Beer
(L) QV'S CAVATELLI 209 EUCLID AVE C Liquor
(M) TNT VIETNAMESE RESTAURANT 3452 M L KING JR PKWY B Beer
(N) TOADS TAVERN 3002 STATE AVE C Liquor

SPECIAL EVENTS APPLICATIONS

(O) TASTE TO GO & CATERING 400 LOCUST ST C Liquor

Five-day license in conjunction with event on August 15, 2006. Pending approval of Building, Electrical, Fire and Zoning Departments.

06-1547 4-I. Approving Permanent Transfer of Class C Beer/Wine License for India Star from 3620 Beaver Avenue to 5514 Douglas Avenue. Subject to Building, Electrical, Fire and Zoning Departments. SPONSOR: Vlassis. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1548 5. City Clerk to issue Cigarette Licenses. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1549 6. City Clerk to issue Coin Operated Machine Licenses. Moved by Vlassis to adopt. Motion Carried 6-1.

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

06-1550 (A) Brooks & Logan Community Centers Gym Floor Removal - Receiving of bids, (8-29-06), and Setting date of hearing, (9-11-06). (Construction Estimate - $53,847.40) (Council Communication No. 06-494) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1551 (B) Crawford Creek Watershed Improvements-E. Gray Street to S.E. 9th Street - Receiving of bids, (8-29-06), and Setting date of hearing, (9-11-06). (Construction Estimate - $5,027,400.50) (Council Communication No. 06-491) Moved by Vlassis to adopt. Motion Carried 6-1.
06-1552  
(C) **Leetown** Creekway Wooden Box Replacement – Phase 4 – Receiving of bids, (8-29-06), and Setting date of hearing, (9-11-06). (Construction Estimate - $1,075,927).  
*(Council Communication No. 06-492)* Moved by Vlassis to adopt. Motion Carried 6-1.

06-1553  
(D) **2007** Sidewalk Replacement Program – Contract 1 – Receiving of bids, (8-29-06), and Setting date of hearing, (9-11-06). (Construction Estimate - $140,780).  
*(Council Communication No. 06-495)* Moved by Vlassis to adopt. Motion Carried 6-1.

06-1554  
8. **Authorizing** City Engineer to issue Notice to Proceed to Douglas Hoerr Landscape Architecture, Inc. for Phase 3 (Design and Development) and Phase 4 (Bidding Phase) of Professional Services Agreement for the Ingersoll Avenue Streetscape Project.  
*(Council Communication No. 06-502)* Moved by Vlassis to adopt. Motion Carried 6-1.

06-1555  
9. **Approving** and authorizing execution of Iowa Department of Transportation Change Order No. 2 to Keo Way Phase 2 Storm Sewer Outlet, not to exceed $124,716.53.  
*(Council Communication No. 06-501)* Moved by Vlassis to adopt. Motion Carried 6-1.

06-1556  
10. **Communication** from Elder Corporation requesting permission to sublet certain items on the Closes Creek Watershed - 26th Street Detention and Storm Improvements. Moved by Vlassis to adopt. Motion Carried 6-1.

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

06-1557  
(A) **2005** Sidewalk Replacement Program – Designated Neighborhoods, T K Concrete, Inc.  
Moved by Vlassis to adopt. Motion Carried 6-1.

06-1558  
(B) **5th & Walnut** Parking Garage Repairs, Western Waterproofing Company of Michigan LLC.  
Moved by Vlassis to adopt. Motion Carried 6-1.

06-1559  
(C) **Riverpoint** West Detention Basin-Phase 2, Sheets Excavating, Ltd.  
Moved by Vlassis to adopt. Motion Carried 6-1.

SPECIAL ASSESSMENTS

06-1560  
12. **Approving** deletion of NAC-Emergency Assessments at 1721 16th Street. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1561  
13. **Approving** deletion of NAC-Emergency Assessments at various locations. Moved by Vlassis to adopt. Motion Carried 6-1.
LAND/PROPERTY TRANSACTIONS

06-1562  14. Authorizing payment of Condemnation Award for acquisition of property at 3000 Twana Drive for the Twana/Bel-Aire Relief Storm Sewer Project. (Council Communication No. 06-489) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1563  15. Conditionally granting prior approval of Tax Abatement for a new residence at 6660 Indianola Avenue. (Council Communication No. 06-485) Moved by Vlassis to adopt. Motion Carried 6-1.

BOARDS/COMMISSIONS/NEIGHBORHOODS

06-1564  16. Recommendation from Council Member Christine Hensley to reappoint Brian Clark to Seat 6 of the Urban Design Review Board for a three-year term commencing June 30, 2006 to expire June 30, 2009. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1565  16-I. Recommendation from Council Member Christine Hensley to reappoint Frank Affannato to Seat 4 of the Neighborhood Revitalization Board for a three-year term commencing June 30, 2006 to expire June 30, 2009. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1566  17. Recommendation from Mayor Frank Cownie regarding appointments of Rick Clark and Merrill Stanley to serve as alternates on the Regional Transit Authority (RTA) Board for a term of four years. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1567  17-I. Recommendation from Council Member Bob Mahaffey to appoint Cynthia Nahas to Seat 11 of the Sister Cities Commission for a five-year term commencing April 28, 2006 to expire April 28, 2011. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1568  17-II. Recommendation from Council Member Michael Kiernan to appoint Michael Terry to Seat 4 of the Sister Cities Commission for a five-year term commencing April 28, 2006 to expire April 28, 2011. Moved by Vlassis to adopt. Motion Carried 6-1.

COMMUNICATIONS FROM PLANNING AND ZONING

06-1569  18. Regarding request from Monte and Krista Bennett for vacation and conveyance of the north 7’ of Crocker Street right-of-way adjoining 1912 Cottage Grove Avenue, 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 6-1.
SETTING DATE OF HEARINGS

06-1570 19. On vacation and conveyance of an undeveloped segment of Terrace Drive, adjoining 122, 56th Street, to Michele D. Kleiber, $150, and to Darwin D. and Shirley A. Munier, $50, (9-11-06). Moved by Vlassis to adopt. Motion Carried 6-1.

06-1571 20. On sale of City-owned property acquired for Airport purposes, at the NE corner of the intersection of Stanton Avenue and SW 34th Street, and for vacation and conveyance of a portion of Stanton Avenue, to James J. and Jamie M. Ellis, $110,000, (8-21-06). Moved by Vlassis to adopt. Motion Carried 6-1.

06-1572 21. On request from Raccoon Valley Investment Company to amend the existing “C-4” Shopping Center Commercial District Development Plan for the Fleur Market Place located at 4707 Fleur Drive to provide additional retail commercial development, (8-21-06). (Council Communication No. 06-511) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1573 22. On Proposed Amended Forest Avenue Urban Renewal Plan, (9-11-06). (Council Communication No. 06-507) Moved by Vlassis to adopt. Motion Carried 6-1.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

06-1574 23. Approving payment of $1,486.02 to Charles Gabus Ford, Inc. for additional truck repairs and car rental expense and $1,467.50 to Anthony Royster for loss of value as the result of an auto accident. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1575 23-I. Approving payment of $25,228.45 to Allen Messer of the Public Works Department for workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1576 24. Approving payment of $4,451.72 to Hall & Associates for services regarding the combined sewer system and combined sewer overflows, NPDES permit. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1577 25. Approving payment of $550 to Nyemaster, Goode, West, Hansell & O’Brien , P.C. for airport title opinion work. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1578 26. Approving employment and payment of $1,600 to Varnum, Riddering, Schmidt & Howlett LLP for services related to franchised utilities. Moved by Vlassis to adopt. Motion Carried 6-1.
CITY MANAGER COMMUNICATIONS

06-1579  27. Submitting out-of-state travel request for Emily Chafa.  (Council Communication No. 06-490) Moved by Vlassis to adopt. Motion Carried 6-1.

APPROVING

06-1580  28. Supportive Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD).  (Council Communication No. 06-483) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1581  29. Execution of Cooperative Agreement with United States Department of Housing and Urban Development (HUD) to provide payment for investigations of housing discrimination complaints in FY2005 and administrative costs. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1582  (A) Execution of an amended Cooperative Agreement with the United States Department of Housing and Urban Development (HUD) for funding and payments for processing fair housing complaints. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1583  30. HOME Agreement with Community Housing Development Corporation for development of a single family home at 1317 Clark Street and use of home proceeds for affordable housing.  (Council Communication No. 06-498) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1584  31. Release of Urban Renewal Redevelopment Agreement at 756 Ninth Street.  (Council Communication No. 06-481) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1585  32. Assignment of Tax Sale Certificate for 1622 Forest to Community Housing Development Corporation.  (Council Communication No. 06-482) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1586  33. Mortgage of Leasehold Interest in City property adjoining the Financial Center Building, 7th and Walnut.  (Council Communication No. 06-513) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1587  34. Bid from Honda Motorwerks for eight new hybrid sedans to be used by the Police Department, $221,064. (Five bids mailed, one received).  (Council Communication No. 06-512) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1588  35. Joint Public Service 28E Intergovernmental Agreement with Polk County, Ankeny, Johnston, and Polk City regarding Proposed NW 26th Street Interchange at I-80/35. Moved by Vlassis to adopt. Motion Carried 6-1.
06-1589  36. Civil Service Promotional Lists for Senior Identification Technician and Senior Police Officer. Moved by Vlassis to receive and file. Motion Carried 6-1.

06-1590  37. Authorizing Finance Director to draw checks on registers for the weeks of August 7 and August 14, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 7 and August 14, 2006; and to draw checks for biweekly payroll due August 18, 2006. Moved by Vlassis to adopt. Motion Carried 6-1.

ORDINANCES - FINAL CONSIDERATION


ORDINANCES - SECOND CONSIDERATION

06-1592  39. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-1.

(A) Additional Parking Metered Spaces – east side of SW Water Street from Market Street to Elm Street.

(B) Additional Handicapped Parking Metered Spaces – south side of Grand Avenue from 5th Avenue to 6th Avenue.

(C) Conversion of Hickman Road between 30th Street and Merle Hay Road to a five-lane facility.

(D) Request for taxicab stand – 3rd Street near Iowa Events Center.

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

**Council considered Hearing Items 43 thru 52 next**
COMMUNICATIONS/REPORTS

06-1593 40. From Lisa Howard, 507 E. Locust St #310, Des Moines, to speak regarding the Burgeson Project, Village Place’s five story building. Moved by Coleman to receive and file comments; provide a history of this project and ask a representative of the City Manager’s Office to attend an upcoming meeting of the Historic East Village Neighborhood Association. Motion Carried 6-1.

06-1594 41. From Quality Group regarding Conceptual Approval to transfer interest in building and land at 2001 DeWolf Street in the Guthrie Avenue Business Park. (Council Communication No. 06-486) Moved by Kiernan to receive and file. Motion Carried 6-1.

06-1595 42. From the City Legal Department regarding opposition to the proposed Linden Heights Historic Street Lighting Self-Supported Municipal Improvement District (SSMID). Moved by Hensley to receive and file. Motion Carried 6-1.

HEARINGS (OPEN AT 5:06 P.M.) (ITEMS 43 THRU 52)

WITHDRAWN

06-1596 43. On appeal from Tom Holm, 3531 Pierce Street NE, Minneapolis, MN, regarding Administrative Hearing Officers’ decision on vehicle impound, and to continue to September 25, 2006 at 5:00 P.M.

06-1597 44. On vacation and conveyance of Hawthorne North Softball Field, located on the south side of Maury Street between SE 10th and SE 11th Streets to Southern Rose, LP, $236,320. (Council Communication No. 06-488) Moved by Coleman to adopt. Motion Carried 5-2. Absent: Vlassis.

06-1598 (A) First consideration of ordinance above. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 5-2. Absent: Vlassis.

06-1599 45. On Eighteenth Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area for development and redevelopment of E. 14th and Broadway Business Park located west of E. 14th Street, south of Interstate 35/80 and east of NE 7th Street. (Council Communication No. 06-487) Moved by Mahaffey to adopt. Motion Carried 6-1.

06-1600 (A) Recommendation from City Plan and Zoning Commission. Moved by Mahaffey to receive and file. Motion Carried 6-1.
On amendments to current operating agreements with the following, extending their signatory status at the Des Moines International Airport until June 30, 2008:

06-1601  (A) Skyway Airlines, Inc., d/b/a Midwest Connect. Moved by Hensley to adopt. Motion Carried 6-1.

06-1602  (B) Allegiant Air, LLC. Moved by Hensley to adopt. Motion Carried 6-1.

06-1603  (C) United Parcel Service Co. Moved by Hensley to adopt. Motion Carried 6-1.

06-1604  (D) ABX Air Inc. Moved by Hensley to adopt. Motion Carried 6-1.

06-1605  (E) Comair Inc. (Council Communication No. 06-508) Moved by Hensley to adopt. Motion Carried 6-1.

06-1606  On Northwest Community Center Park Shelter: Resolution approving plans, specifications, form of contract documents and engineer’s estimate. (Council Communication No. 06-510) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1607  On Combined Fleur Drive and S.E. 14th Street/Army Post Road Traffic Signal Interconnect: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Baker Electric, Inc. (Britt Baker, CEO), $1,189,300. (Council Communication No. 06-497) Moved by Hensley to adopt. Motion Carried 6-1.

06-1608  (A) Approving contract and bond and permission to sublet. Moved by Hensley to adopt. Motion Carried 6-1.

06-1609  On M. L. King Jr. Parkway/19th Street Resurfacing-University Avenue to Hickman Road: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Des Moines Asphalt & Paving Co., (Jim Gauger, President), $609,553.78. (Council Communication No. 06-496) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1610  (A) Approving contract and bond and permission to sublet. Moved by Vlassis to adopt. Motion Carried 6-1.

06-1611  On Sargent Park Improvements – Phase 1: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Corell Contractor, Inc., (Steve Corell, President), $244,074.50. (Council Communication No. 06-499) Moved by Mahaffey to adopt, to refer to the City Manager to look for ways to improve our bid process and to get feedback from bidders. Motion Carried 6-1.

06-1612  (A) Approving contract and bond and permission to sublet. Moved by Mahaffey.
adopt. Motion Carried 6-1.

06-1613  51. On Skywalk 11C-11D, Allied Phase 2 to Allied Garage: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as Ryan Companies US, Inc., (James R. Ryan, CEO), $556,000. (Council Communication No. 06-509) Moved by Hensley to adopt. Motion Carried 6-1.

06-1614  (A) Approving contract and bond and permission to sublet. Moved by Hensley to adopt. Motion Carried 6-1.

06-1615  52. On Twana/Bel-Aire Storm Sewer Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate, and designating lowest responsible bidder as McAninch Corporation, (Douglas D. McAninch, President), $993,543. (Council Communication No. 06-500) Moved by Vlassis to adopt. Motion Carried 6-1.

06-1616  (A) Approving contract and bond and permission to sublet. Moved by Vlassis to adopt. Motion Carried 6-1.

  *Council considered Items 40 thru 42 next and then 53 thru balance of agenda*

APPROVING

06-1617  53. Section 108 Loan Guarantee Application and Amended Brownfield Economic Development Initiative (BEDI) Grant Application for Redevelopment of Riverpoint West. (Council Communication No. 06-484) Moved by Hensley to adopt. Motion Carried 6-1.

06-1618  54. Amendment to Intergovernmental 28E Agreement with the Greater Des Moines Convention and Visitors Bureau (CVB) to include the City of Perry for the promotion of Tourism and Convention Activities in Greater Des Moines. (Council Communication No. 06-493) Moved by Kiernan to adopt. Motion Carried 6-1.

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.

06-1619  1. Recommendation from Mayor Cownie submitting Rudy Simms as his recommendation for the Human Rights Director. Moved by Coleman to refer to the Employee Evaluation Board.
Subcommittee to negotiate an employment contract. Council will meet at 11:00 A.M. on Wednesday, August 9th to approve the contract. Motion Carried 6-1.

BOARD OF HEALTH

MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as the Board of Health. Motion Carried 6-1.

AUTHORIZING

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

- **2703** Cottage Grove Avenue, Titleholder: Eugene Hiskey. Moved by Vlassis to adopt. Motion Carried 5-1. Council Member Kiernan declares a conflict of interest and abstains from voting.

- **712** E. Dunham Avenue, Titleholder: Mortgage Electronic Registration Systems, Inc. Moved by Vlassis to adopt. Motion Carried 6-1.

- **413** Olinda Avenue (garage), Titleholder: Frances H. Akin as Trustee of the Frances H. Akin Revocable Trust, Contract Buyer: Brian W. Rich. Moved by Vlassis to adopt. Motion Carried 6-1.

- **3106** E. University Avenue, Titleholders: Kenneth H. Iano and Jill Miracle. Moved by Vlassis to adopt. Motion Carried 6-1.

- **704** Walker Street, Titleholder: Basim Bakri and Misty Bakri. Moved by Vlassis to adopt. Motion Carried 6-1.

- **1433** E. Walnut Street, Titleholder: Gary Oeth and Suzanne Oeth. Moved by Vlassis to adopt. Motion Carried 6-1.

- **3108** E. 8th Street, Titleholder: Nancy E. Hill; Mortgage Holder: LaSalle Bank National Association. Moved by Vlassis to adopt. Motion Carried 6-1.

MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:43 P.M. Motion Carried 6-1.

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