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 '10-' 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 9, 2010 4:30 PM

I. CLOSED SESSION – 3:30 PM

10-1252  (A) Roll Call. Present: Cownie, Griess, Hensley, Mahaffey, Meyer and Moore. Absent: Coleman. Council Member Coleman entered the Closed Session during Item C.

10-1253  (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa, to discuss matters of pending litigation. Moved by Hensley to adopt. Motion Carried 6-1.

10-1254  (C) Closed Session.

10-1255  (D) Terminate closed session and reconvene in open session. Moved by Moore to adopt. Motion Carried 7-0.

10-1256  (E) Recess and reconvene at 4:30 PM. Moved by Griess to adopt. Motion Carried 7-0.

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INVOCATION: George Krumrey

10-1257  1. ROLL CALL – 4:30 PM. Present: Cownie, Coleman, Hensley, Griess, Mahaffey, Meyer and Moore.

10-1258  2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.
3. APPROVING CONSENT AGENDA * – items 3 through 38: Moved by Moore 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.

LICENSES AND PERMITS

4. Approving Alcoholic Beverage License Applications for the following: Moved by Moore to adopt. Motion Carried 7-0.

NEW APPLICATIONS

(A) PLAZA ACAPULCO 1537 6TH AVE C Liquor
(B) TEQUILA RESTAURANT 2824 EASTON BLVD C Liquor

RENEWAL APPLICATIONS

(C) AMF DES MOINES LANES 3839 E 14TH ST C Liquor
(D) BEECHWOOD LOUNGE 416 E WALNUT ST C Liquor
(E) BUDDYS CORRAL 418 E 5TH ST C Liquor
(F) CROATIAN FRATERNAL 6575 INDIANOLA AVE C Liquor
(G) DAHLS FUEL 4341 MERLE HAY RD C Beer
(H) DRAGON HOUSE EAST 2470 E EUCLID AVENUE C Liquor
(I) FRATERNAL ORDER OF EAGLES 6567 BLOOMFIELD RD A Liquor
(J) GIT N GO STORE #36 4164 EASTON BLVD C Beer
(K) LIVE 215 E 2ND ST C Liquor
(L) OAKMOOR RACQUETBALL 4731 MERLE HAY RD B Beer
(M) QV'S CAVATELLI 209 EUCLID AVE C Liquor
(N) RONS DAWG HOUSE 2117 E UNIVERSITY AVE C Liquor
(O) STAR BAR 2811 INGERSOLL AVE C Liquor
(P) STROLL INN (THE) 3325 HUBBELL AVE C Liquor
(Q) SUNRISE TAP 4155 EASTON BLVD C Liquor
(R) SURF SHACK 319 COURT AVE C Liquor
(S) TALLYS 2712 BEAVER AVE C Liquor
(T) TOADS TAVERN 3002 STATE AVE C Liquor
(U) YO YOS BAR & GRILL 2400 DEAN AVE C Liquor

TRANSFER TO NEW LOCATION

(V) IOWA STATE FAIR BLUE 3000 E GRAND AVE B Wine
Temporary transfer to merchandise trailer from August 12-22, 2010 for the Iowa State Fair.
Temporary transfer from 75 E. Locust Street (Amphitheater) on August 17-23, 2010, due to flooding. Pending approval of Building, Electrical, Fire and Zoning Departments.

OUTDOOR SERVICE APPLICATION

(X) HULL TAVERN TAP 834 E HULL AVE  C Liquor

PUBLIC IMPROVEMENTS

10-1261  5. **Approving** and authorizing execution of agreements for Electrical Service with MidAmerican Energy, in conjunction with the Riverpoint Trunk Sewer Separation and Pump Stations Project, not to exceed $66,383.04. *(Council Communication No. 10-486)* **Moved by Moore to adopt. Motion Carried 7-0.**

10-1262  6. **Communication** from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Moore to adopt. Motion Carried 7-0.**

10-1263  7. **Rejection** of quote submitted by Iowa Athletic Field Construction Co., and approval of contract and bond for construction of an improvement with an estimated cost of which is less than the Iowa Code competitive bid threshold for Grandview Golf Course No. 9 Green Relocation to Leibold Irrigation, Inc. (Douglas Wareham, Vice President), $82,280. *(Council Communication No. 10-497)* **Moved by Moore to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

10-1264  8. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-09. **Moved by Moore to adopt. Motion Carried 7-0.**

10-1265  9. **Levying** assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2010-05. **Moved by Moore to adopt. Motion Carried 7-0.**

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

10-1266  (A) **Fees.** **Moved by Moore to adopt. Motion Carried 7-0.**

10-1267  (B) **Credits.** **Moved by Moore to adopt. Motion Carried 7-0.**
11. **Communication** from Peggy Dandy advising of her resignation from the Human Rights Commission, Seat 4, effective immediately. **Moved by Moore to receive, file and accept resignation with appreciation for her service. Motion Carried 7-0.**

12. **Appointment** of Tom Hayes, International Organized Labor (IOL) representative to the Enterprise Zone Commission for a two-year term commencing August 9, 2010 to expire August 9, 2012. (Council Communication No. 10-490) **Moved by Moore to adopt. Motion Carried 7-0.**

**SETTING DATE OF HEARINGS**

13. **On** intent to convey City-owned property between 3100-3800 block of the north side of SE Watrous Avenue to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Equalization Basin Utilization Project, $1, (8-23-10). **Moved by Moore to adopt. Motion Carried 7-0.**

14. **On** voluntary annexation of a parcel in the 4900 block of Easton Boulevard, (9-27-10). **Moved by Moore to adopt. Motion Carried 7-0.**

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

15. **Approving** payment of $16,627.41 to Peddicord, Wharton, Spencer and Hook, L.L.P. for representation of Police Officer Mersed Dautovic. **Moved by Moore to adopt. Motion Carried 7-0.**

**APPROVING**

16. **Supportive** Housing Program (SHP) and Shelter Plus Care Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD). (Council Communication No. 10-505) **Moved by Moore to adopt. Motion Carried 7-0.**

17. **Contract** with Home Opportunities Made Easy, Inc. (HOME, INC.) for $50,000 of HOME funds for operating support as a designated Community Housing Development Organization (CHDO). (Council Communication No. 10-482) **Moved by Moore to adopt. Motion Carried 7-0.**

18. Certification of Local Government for the following nonprofit organizations receiving Emergency Shelter Grant (ESG) funds from the State of Iowa:

(A) **Central** Iowa Shelter and Services. **Moved by Moore to adopt. Motion Carried 7-0.**

(B) **Creative** Visions Human Development Institute. **Moved by Moore to adopt. Motion Carried 7-0.**
19. **Home Agreements with Home Opportunities Made Easy, Inc.** (HOME, INC.) for development of single-family homes at 1351 Forest Avenue and 453 E. Hillside Avenue. (**Council Communication No. 10-483**) Moved by Moore to adopt. Motion Carried 7-0.

20. **Approval** of Agreement with Project InVision International d/b/a Software Made Easy (Matt Meblin, CEO) to amend terms of Economic Development Loan Agreement. (**Council Communication No. 10-475**) Moved by Moore to adopt. Motion Carried 7-0.

21. **Acknowledgement** and Consent Agreement requested by Wells Fargo Bank for Merle Hay Mall Limited Partnership, LLC on refinancing of loan for Merle Hay Mall. (**Council Communication No. 10-502**) Moved by Moore to adopt. Motion Carried 7-0.

22. **Request** to Polk County Treasurer for 2010 Tax Sale Certificate on abandoned property at 3132 Kingman Boulevard. (**Council Communication No. 10-478**) Moved by Moore to adopt. Motion Carried 7-0.

23. **Application** for a grant from Iowa Office of Energy Independence (OEI) under the Power Fund Community Grant Program and authorizing negotiation with Natural Capitalism for an education program to improve business sustainability, $50,000. (**Council Communication No. 10-501**) Moved by Moore to adopt. Motion Carried 7-0.

24. **Approving** Long Term Disability Insurance Coverage benefits through June 30, 2013 with The Hartford Life Group (Liam E. McGee, President and CEO). (**Council Communication No. 10-484**) Moved by Moore to adopt. Motion Carried 7-0.

25. **Use** of various City Facilities as poll sites for precincts during the Special School Election to be held on Tuesday, September 14, 2010. Moved by Moore to approve. City Clerk will notify the Parks Department and the Municipal Housing Department to arrange access to the buildings. Motion Carried 7-0.

26. **Sub-Grantee Agreements** to administer FFY2009 Homeland Security Grant Program Funds from Iowa’s Homeland Security and Emergency Management Division. (**Council Communication No. 10-494**) Moved by Moore to adopt. Motion Carried 7-0.

27. **Amendment #3** to FY2007 Law Enforcement Terrorism Prevention Program (LETPP) Grant. (**Council Communication No. 10-477**) Moved by Moore to approve. Motion Carried 7-0.

28. **Amendment #3** to FY2007 Explosive Ordnance Disposal and Special Weapons and Tactics grants. (**Council Communication No. 10-476**) Moved by Moore to approve. Motion Carried 7-0.

29. **Lease** contract with West Des Moines Water Works for tower space on the 88th Street Water Tower for the Metro Interoperability Communications System, $8,256 annually. (**Council Communication No. 10-479**) Moved by Moore to adopt. Motion Carried 7-0.
30. Grant Application to Prairie Meadows Racetrack and Casino to provide specialized training and equipment for the Police Mounted Patrol Program, $12,000. (Council Communication No. 10-480) Moved by Moore to adopt. Motion Carried 7-0.

31. Grant Agreement with the Iowa Department of Transportation for capital improvements at the Des Moines International Airport, $562,574. (Council Communication No. 10-498) Moved by Moore to adopt. Motion Carried 7-0.

32. Service Agreement for joint maintenance of the Walnut Street Transit Mall with Des Moines Area Regional Transit Authority and Downtown Des Moines Self-Supported Municipal Improvement District. (Council Communication No. 10-474) Moved by Moore to adopt. Motion Carried 7-0.

33. Receipt of Des Moines Water Works Audit Report and Management Letter for calendar year ending December 31, 2009. Moved by Moore to receive and file. Motion Carried 7-0.

34. Banner design submitted by Downtown Community Alliance, on behalf of Meredith Corporation, to be displayed in downtown Des Moines on Locust Street in Fall 2010. Moved by Moore to receive, file and approve banner design. Motion Carried 7-0.

35. Bid from The Ingersoll Project, Inc. d/b/a Digital Matters Productions (Kristopher DeBolt, President) for an annual contract with two additional one-year renewal options to furnish video production services to be used by the Public Information Office, $35,000 annually. Moved by Moore to adopt. Motion Carried 7-0.

36. Exception to procurement ordinance competitive bidding requirements for good cause and purchase of solid waste carts from Toter, Inc. through September 20, 2020 at contract rates. (Council Communication No. 10-496) Moved by Moore to adopt. Motion Carried 7-0.

37. Civil Service Entrance lists for Airport Operations Center Attendant and Police Research and Budget Administrator. Moved by Moore to receive and file. Motion Carried 7-0.

38. Authorizing Finance Director to draw checks on registers for weeks of August 9 and August 16, 2010; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of August 9 and August 16, 2010; and to draw checks for biweekly payroll due August 13, 2010. Moved by Moore to adopt. Motion Carried 7-0.
ORDINANCES - FINAL CONSIDERATION

10-1297 39. On rezoning of 400 SE 6th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use), subject to conditions. Moved by Meyer that this ordinance do now pass, #14,952. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

10-1298 40. From Boy Scouts of America, Mid Iowa Council, requesting a permanent name change to the section of Stanton Avenue planned between 63rd Street on the west and yet to be built Southwest Connector to “Scout Trail”. Moved by Hensley to refer to the City Manager for review and recommendation in accordance with the Street Naming Policy. Motion Carried 7-0.

10-1299 41. From Amber Graeber, 1402 Forestdale Drive, to speak regarding the City’s recycling. Moved by Moore to receive and file comments. Motion Carried 7-0.

10-1300 42. From Abdur-Rahim Kashif, 1155 18th Street, requesting to speak regarding banning smoking products at City parks. Moved by Hensley to receive and file. Mr. Kashif did not appear. Motion Carried 7-0.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 56)

10-1301 43. On appeal from Julie Cozad, 1521 E. 9th Street, regarding Administrative Hearing Officer’s decision on her dog. Moved by Griess to uphold declaration and to humanely destroy the animal. Motion Carried 5-1-1. Pass: Moore. Absent: Coleman.

10-1302 44. On appeal from Carolyn Kerr, 1414 Carpenter Avenue, regarding recommended denial of a Taxicab and Limousine License. Moved by Hensley to deny license. Motion Carried 7-0.

10-1303 45. On Building Lease Agreement with TMS Management Group, Inc. at the Des Moines International Airport. (Council Communication No. 10-499) Moved by Hensley to adopt. Motion Carried 7-0.

10-1304 46. On Terminal Building Lease Amendment with United States General Services Administration at the Des Moines International Airport. (Council Communication No. 10-500) Moved by Hensley to adopt. Motion Carried 7-0.
47. On items regarding property in the vicinity of 1555 Des Moines Street:

10-1305 (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Pedestrian-Oriented Neighborhood Commercial Center. Moved by Meyer to adopt and approve the proposed amendment. Motion Carried 7-0.

10-1306 (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial), subject to conditions, to allow construction of an off-street parking lot to serve existing commercial center facing E. Grand Avenue. Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

10-1307 (C) First consideration of ordinance above. Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

10-1308 (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. Moved by Meyer 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, #14,953. Motion Carried 7-0.

48. On items regarding property in the vicinity of 2301 Hickman Road, Freedom For Youth Ministries:

10-1309 (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development. Moved by Griess to adopt and approve the proposed amendment. Motion Carried 7-0.

10-1310 (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “C-2” (Neighborhood Retail Commercial), subject to conditions, to allow development of a children’s center for after school programming. Moved by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion

10-1311 (C) First consideration of ordinance above. Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

10-1312 (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. 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, #14,954. Motion Carried 7-0.
49. On vacation and conveyance of a portion of 13th Street, north of Keosauqua Way, and conveyance of previously vacated 13th Street from Keosauqua Way to School Street and north/south alley, west of 13th Street from School Street to Keosauqua Way, to the State of Iowa, $1. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

(B) **Final** consideration of ordinance above, (waiver requested by the City Manager), 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, #14,955. Motion Carried 7-0.**

50. On corrected conveyance of permanent subsurface water main easement located on southwest corner of SW 34th Street and Relocated Army Post Road to Des Moines Water Works, $1. **Moved by Hensley to adopt. Motion Carried 7-0.**

51. On intent to acquire property for recreational trail purposes and authorizing acquisition of the necessary property interests from various property owners for Des Moines River Regional Trail Project. (Council Communication No. 10-488) **Moved by Hensley to adopt. Motion Carried 7-0.**

52. On proposed Urban Renewal/Tax Increment Finance (TIF) Plan for NE Economic Development District Urban Renewal Area and to continue to September 27, 2010 at 5:00 PM to allow time for input from and responses to adjacent property owners. (Council Communication No. 10-489) **Moved by Mahaffey to continue the public hearing until September 27, 2010, at 5:00 PM. Motion Carried 7-0.**

53. On intent to convey permanent sanitary sewer easements to Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Four Mile Interceptor Projects and to continue to September 13, 2010 at 5:00 PM to allow time for further review and consideration. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

54. On 2010 Park and Cemetery HMA Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), $387,020. (Council Communication No. 10-492) **Moved by Hensley to adopt. Motion Carried 7-0.**

(A) **Approving** contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**
55. On 2010 Expanded Street Resurfacing Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc., d/b/a Des Moines Asphalt & Paving, (James Gauger, President), $1,686,417.47. (Council Communication No. 10-493) Moved by Coleman to adopt. Motion Carried 7-0.

(A) Approving contract and bond, and permission to sublet. Moved by Coleman to adopt. Motion Carried 7-0.

56. On Waveland Trail Phase 2 – University Avenue to Franklin Avenue: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), $419,999.99. (Council Communication No. 10-491) Moved by Griess to adopt. Motion Carried 7-0.

(A) Approving contract and bond, and permission to sublet. Moved by Griess to adopt. Motion Carried 7-0.

*** END HEARINGS AT 5:42 PM ***

CITY MANAGER RECOMMENDATIONS

57. Regarding purchase of the YWCA Property for $490,000. (Council Communication No. 10-504) Moved by Hensley to approve the amendment to the purchase price for the YWCA property as identified above, to approve closing on the purchase of the properties owned by the YWCA and by the Estate of Charles W. Rogg, and to authorize the City Manager to proceed with preparation of a contract and specifications and soliciting bids for the demolition of the YWCA building; also refer to City Manager to report on a timeline and plan for the building. Motion Carried 7-0.

APPROVING

58. Withdrawing commitment of $100,000 of Home Funds for new construction from the following: (Council Communication No. 10-495)

(A) Christ the King Senior Housing, LLC for 28 units of low-income senior housing at 5601 SW 9th Street. Moved by Meyer to defer to August 23, 2010 meeting. Motion Carried 6-1. Nays: Hensley.

(B) Curly Top, LLC for 40 units of low-income senior housing at 1900 SE 6th Street. Moved by Meyer to defer to August 23, 2010 meeting. Motion Carried 6-1. Nays: Hensley.
10-1329  (C) **Fort** Des Moines Senior Housing, LLC for 60 units of low-income senior housing between SW 5th and SW 6th on Army Post Road. **Moved by Meyer to defer to August 23, 2010 meeting. Motion Carried 6-1. Nays: Hensley.**

10-1330  (D) **Olive** Street Brickstone, LLP for 21 units of low-income housing for families at 18th Street and Olive Avenue. **Moved by Meyer to defer to August 23, 2010 meeting. Motion Carried 6-1. Nays: Hensley.**

10-1331  59. **City** Manager to submit an Iowa Clean Air Attainment Program (ICAAP) Fund Application to the Iowa Department of Transportation (IDOT) for the Beaver Avenue/Urbandale Avenue Intersection Roundabout, $600,000. **(Council Communication No. 10-487) Moved by Griess to adopt. Motion Carried 7-0.**

10-1332  60. **Street** Lighting Service Contract with MidAmerican Energy Company. **(Council Communication No. 10-481) Moved by Hensley to adopt; refer to the City Manager to report on current streetlight outages and on the process to report outages. Motion Carried 7-0.**

10-1333  61. **Submittal** of application for Community Challenge Planning Grant sponsored by U.S. Department of Housing and Urban Development, up to $1,750,000. **(Council Communication No. 10-485) Moved by Coleman to adopt. Motion Carried 7-0.**

10-1334  62. **Authorization** to collaborate in Multi-Jurisdictional Application for a Federal Sustainable Communities Regional Planning Grant Application sponsored by the Department of Housing and Urban Development (HUD), up to $5,000,000. **(Council Communication No. 10-503) Moved by Coleman to adopt. Motion Carried 7-0.**

**EXTRA ITEMS**

10-1335  1. **Authorizing** letter in support of an application by the Veterans Administration of Central Iowa to develop a Community Resource and Referral Center in Des Moines. Sponsor: Council Member Coleman. **Moved by Coleman to adopt. Motion Carried 7-0.**

10-1336  2. **Approve** the purchase of State Fair gift packs for employees of the City of Des Moines. Sponsor: Mayor Cownie. **(Council Communication No. 10-506) Moved by Moore to adopt. Motion Carried 7-0.**

10-1337  MOTION TO ADJOURN. **Moved by Griess to adjourn at 6:08 PM. Motion Carried 7-0.**