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

SUMMARY OF DES MOINES CITY COUNCIL MEETING

August 20, 2007 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

Certificate of Achievement in Financial Reporting – presented by Governmental Finance Officers’ Association

RECOGNITIONS – 4:00 P.M.

Welcoming Kofu Students
Lil JT’s 8 & Under State Softball Champs
Lincoln High Girls Softball Team

INVOCATION: Rev. Tim Diebel
First Christian Church
2500 University Avenue

07-1574
1. ROLL CALL: Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.

07-1575
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED
   Moved by Hensley to adopt. Motion Carried 7-0.
07-1576

3. APPROVING CONSENT AGENDA – items 3 through 53: Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.

07-1577

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

NEW APPLICATIONS

(A) DES MOINES EMBASSY CLUB 1000 GRAND AVE C Beer/Wine
(B) FRANKS PIZZA 2314 UNIVERSITY AVE C Beer/Wine
(C) NEW MART 1638 E UNIVERSITY AVE C Beer

RENEWAL APPLICATIONS

(D) CARLOS O’KELLYS MEXICAN 4371 MERLE HAY RD C Liquor
(E) CASEYS GENERAL STORE #2314 3527 INDIANOLA AVE C Beer
(F) CASEYS GENERAL STORE #2784 4151 MERLE HAY RD C Beer
(G) CASEYS GENERAL STORE #2786 5150 E 14TH ST C Beer
(H) CIGARETTE OUTLET #4 2914 E UNIVERSITY AVE E Liquor
(I) DRAGON HOUSE EAST 2470 E EUCLID AVENUE C Liquor
(J) FRATERNAL ORDER OF EAGLES 6567 BLOOMFIELD RD A Liquor
(K) GODFATHERS PIZZA 4119 UNIVERSITY AVE B Beer
(L) JUDGE ROY BEANS EATIN 210 COURT AVE C Liquor

*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.
(M) PAL JOEYS
AVE C Liquor
6224 GRAND

(N) QUIKTRIP #527
AVE C Beer
1215 6TH

(O) SMOKEYS BBQ
C Liquor
2301 SW 9TH ST

(P) SOME PLACE ELSE
AVE C Liquor
1833 HUBBELL

(Q) SURF SHACK
AVE C Liquor
319 COURT

(R) TOADS TAVERN
AVE C Liquor
3002 STATE

(S) VICKIE'S
C Liquor
2801 2ND AVE

(T) VICTORY LANE MOTOR SPORTS
BLVD C Liquor
3801 EASTON

(U) WAVELAND COFFEE SHOP
AVE C Liquor
4704 UNIVERSITY

(V) YO YOS BAR & GRILL
AVE C Liquor
2400 DEAN

OUTDOOR SERVICE APPLICATIONS

(W) ACAPULCO
AVE C Liquor
2510 INGERSOLL
Adding permanent outdoor service area.

(X) AMICI EXPRESSO
AVE C Liquor
206 6TH
Adding permanent outdoor service area.

SPECIAL EVENT APPLICATIONS

(Y) BLUES ON GRAND
1418 GRAND AVE
Fi
(5) Day License
Class B Beer License for Gateway Blues Fest on September 2, 2007. Pending approval of Building, Electrical, Fire and Zoning Departments.

(Z) LIARS CLUB
216 COURT AVE
Fi
(5) Day License
Class C Liquor License for Labor Day Block Party on Court Avenue. Pending approval of Building, Electrical, Fire and Zoning Departments.

(AA) RACCOON RIVER BREWING
7401 SW 9TH
ST B Beer
Five-Day License in conjunction with the Latino Festival on September 8-9, 2007.

(BB) STAR BAR  2709 INGERSOLL AVE  Five Day License
Pending approval of Building, Electrical, Fire and Zoning Departments.

(CC) STAR BAR  2716 INGERSOLL AVE  Five Day License
Pending approval of Building, Electrical, Fire and Zoning Departments.

(TD) TIFERETH ISRAEL SYNAGOGUE  924 POLK BLVD  C Beer/Wine
Class C Beer/Wine License for Event on September 13, 2007.
Pending approval of Building and Vice Departments.

05-1578  5.  City Clerk to issue Cigarette Licenses. Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Cowie.

PUBLIC IMPROVEMENTS

07-1579  6.  Ordering construction of M.L. King Jr. Park Shelter & Congregate Meal Site – Receiving of bids, (9-25-07), and Setting date of hearing, (10-8-07). (Construction Estimate - $962,819). (Council Communication No. 07-521) Moved by Vlassis to adopt. Motion Carried 7-0.

07-1580  7.  Approving Professional Services Supplemental Agreement No. 1 with RDG IA, Inc. for design and construction phase services for ADA Transition Plan Improvements Phase 1, not to exceed $9,475. (Council Communication No. 07-503) Moved by Vlassis to adopt. Motion Carried 7-0.

07-1581  8.  Approving Private Construction Contract between Eco-Tech Construction, LLC and Summersfield, LLC for paving improvements in Summersfield Plat 3, $138,136. Moved by Vlassis to adopt. Motion Carried 7-0.
9. Approving the following Change Orders:

   - **07-1582**
     - (A) **No. 1**, $113,776.02 and **No. 2**, ($59,484.65) with Des Moines Asphalt & Paving Co. for additional work on Hickman Road Resurfacing – 30th Street to Merle Hay Road. (Council Communication No. 07-511) Moved by Vlassis to adopt. Motion Carried 7-0.

   - **07-1583**
     - (B) **No. 3** with Reilly Construction Company, Inc. for additional work on South Union & Park Avenue Storm Sewer Improvements, $79,970. (Council Communication No. 07-514) Moved by Vlassis to adopt. Motion Carried 7-0.

10. **Communication** from Knish Corporation requesting permission to sublet certain items on 2007 Diamond Grinding Program. Moved by Vlassis to adopt. Motion Carried 7-0.

11. **Accepting** completed construction and approving final payment for Baker Electric Inc. – E.14th/E. 15th Street (U.S. 69) Traffic Signal Upgrade – Court Avenue to Walker Street. Moved by Vlassis to adopt. Motion Carried 7-0.

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**SPECIAL ASSESSMENTS**

12. **Levying** assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2007-13. Moved by Vlassis to adopt. Motion Carried 7-0.

13. Approving the following:

   - **07-1587**
     - (A) **Delinquent** sewer rental and/or solid waste/stormwater utility fees for July 2007. Moved by Vlassis to adopt. Motion Carried 7-0.

   - **07-1588**
     - (B) **Delinquent** sewer rental and/or solid waste/stormwater utility credits for July 2007. Moved by Vlassis to adopt. Motion Carried 7-0.
07-1589 14. **Approving** Final Plat for Kintz Commercial Plat One, 5499 NE 14th Street, in unincorporated Polk County and within the two mile jurisdiction for extraterritorial review. Council Communication No. 07-507) Moved by Vlassis to adopt. Motion Carried 7-0.

**SETTING DATE OF HEARINGS**

07-1590 15. **On** conveyance of vacated north/south alley right-of-way between 41st Street and 40th Place, north of Crocker Street to adjoining property owners, $75, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1591 16. **On** conveyance of vacated east/west alley right-of-way between Mahaska Avenue and State Avenue, east of E. 32nd Street to adjoining property owners, $150, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1592 17. **On** conveyance of east/west alley right-of-way abutting 1624 Pennsylvania Avenue to James M. Cummings and Dana L. Danley, (9-10-07). Moved by Vlassis to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.

07-1593 18. **On** vacation and conveyance of east/west alley between Davis Avenue and Olinda Avenue, extending from Highland Street to SW 1st Street to adjoining property owners, $400, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1594 19. **On** conveyance of portion of vacated east/west alley right-of-way between Virginia Avenue and Pleasant View Drive, west of SW 9th Street to adjoining property owners, $75, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1595 20. **On** vacation and conveyance of portion of 8th Place right-of-way between Center Street and Park Street to Principal Life Insurance Company, $22,395, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1596 21. **On** proposed sale of property in vicinity of the Regional Police Training Academy, SE 5th Street and Army Post Road, to the YMCA of Greater Des Moines, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1597 22. **On** request from HDR Land Development, LLC to rezone property
4680 NE 23rd Avenue (also known as Easton Blvd.) from “A” (Agricultural) to “PUD” (Planned Unit Development) and for approval of “The Woods of Copper Creek” PUD Conceptual Plan for approximately 71 acres for 60’ wide lot single-family residential development, approximately 22 acres for 70’ wide lot single-family development to be defined with a future amendment, subject to conditions, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1598

23. On assessment of $1,500 penalty and thirty day suspension of beer permit for Shortstop, 3501 E. 14th Street for violation of Iowa Alcoholic Beverage laws, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1599

24. On assessment of $500 penalties to Sudsuckers, 1511 E. Army Post Road and Family Pantry, 4538 Lower Beaver Road for violation of Iowa Alcoholic Beverage laws, (9-10-07). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1600

25. On 19th Amendment to the Restated Urban Revitalization Plan for City-wide Urban Revitalization Area to expand the Model Cities South Urban Revitalization sub-area to include adjoining parcel between Center and Park Streets, extending east to 7th Street, (9-10-07). (Council Communication No. 07-520) Moved by Vlassis to adopt. Motion Carried 7-0.

07-1601

26. On Voluntary Annexation Application from Darlene A. Fini for property between NE 38th Avenue (E. Douglas Avenue) and NE 30th Place and west of NE 56th Street, (10-22-07). Moved by Vlassis to adopt. Motion Carried 7-0.

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

07-1602

27. Approving payment of $8,568 to Ahlers & Cooney, P.C. for services concerning financing in the River Point West Project. Moved by Vlassis to adopt. Motion Carried 7-0.

07-1603

28. Approving payment of $294 to Ahlers & Cooney P.C. for environmental legal services for the SE Connector Project. Moved by Vlassis to adopt. Motion Carried 7-0.

07-1604

29. Approving payment of $1,201.03 to Ahlers & Cooney, P.C. for services related to Supplement No. B8 of the Master Lease Program. Moved by Vlassis to adopt. Motion Carried 7-0.
30. Approving payment of $716.90 to Myers & Jenkins Law Firm for representation in the UAL Corporation, ATA Holdings Corp., Delta Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankruptcies. Moved by Vlassis to adopt. Motion Carried 7-0.

30-I Approving payment of $1,264.39 to Hall & Associates for services related to the combined sewer system and combined sewer overflows related to the NPDES Permit. Moved by Vlassis to adopt. Motion Carried 7-0.

31. Approving payment of $1,144.43 to Danny Marsh’s Body Shop as a result of an auto accident. Moved by Vlassis to adopt. Motion Carried 7-0.

32. Approving payment of $6,188.57 to Martin Dobson for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 7-0.

33. Approving payment of $6,480.79 to Wesley Eaton for a workers’ compensation claim. Moved by Vlassis to adopt. Motion Carried 7-0.

34. Approving payment of $17,593.74 to Scott and Tammy Worley, $5,000 to Allied Insurance as subrogee to Scott and Tammy Worley and $9,471.66 to ProDry Emergency Water Removal for a sewer backup, total claim $32,065.40. Moved by Vlassis to adopt. Motion Carried 7-0.

CITY MANAGER COMMUNICATIONS

35. Submitting travel requests for Carol Gaithright, Gaylord Houston and Carolyn Taylor. (Council Communication No. 07-495) Moved by Vlassis to adopt. Motion Carried 7-0.

APPROVING

36. Cooperative Agreement with U.S. Department of Housing and Urban Development and City of Des Moines Human Rights Commission. (Council Communication No. 07-494) Moved by Vlassis to adopt. Motion Carried 7-0.

37. Form of Agreement and authorizing execution of HOME Agreement for HOME Loan for new construction of 40 units of low-income senior housing at 1720 SW 1st Street with Curly Top, L.L.C, $250,000. (Council Communication No. 07-496) Moved by Meyer to adopt. Motion Carried 6-1. Nays: Hensley.
38. **Grant** Application of $250,000 to Federal Home Loan Bank of Des Moines from Affordable Housing Program by City of Des Moines/West Bank to provide rehabilitation assistance in low-income owner-occupied housing that contains lead based paint. (Council Communication No. 07-497) Moved by Vlassis to adopt. Motion Carried 7-0.

39. **Letter** of Credit for issuance of grading permit to The Rose of East Moines for redevelopment of 1301 Idaho Street with a three-story senior living apartment complex and associated parking areas. (Council Communication No. 07-526) Moved by Vlassis to adopt. Motion Carried 7-0.

40. **Child** Care Center Operational Agreement with Drake University to operate Head Start Program in the Child Care Center above the Fifth and Watson Powell, Jr. Way parking garage until June 30, 2010. (Council Communication No. 07-498) Moved by Vlassis to adopt. Motion Carried 7-0.

41. **Payment** to the Greater Des Moines Partnership for participation in the Choose Des Moines Communities program from July 1, 2007 through June 30, 2008, $75,000. (Council Communication No. 07-524) Moved by Vlassis to adopt. Motion Carried 7-0.

42. **Receipt** of 2006-7 Annual Report from the Greater Des Moines Public Foundation. Moved by Vlassis to receive and file. Motion Carried 7-0.

43. **Communication** from Downtown Community Alliance requesting approval of banner design on behalf of the State Historical Society of Iowa to display 20 banners in downtown Des Moines in September 2007. Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.

44. **Communication** from Downtown Community Alliance requesting approval of banner designs for Blood Center of Central Iowa to display 20 banners in downtown Des Moines year round starting August 2007. Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.

45. **Rescinding** award to Taylor Made Ambulances for two (2) ambulances and release of the performance bond, subject to approval of Legal Department, and approval of exception to competitive procurement process and approval of procurement of four (4) replacement ambulances.
46. Bids from the following:

07-1622

(A) Chestnut Signs for various park signage to be used by the Parks & Recreation Department, $77,715.84. (Eight bids mailed, four received). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1623

(B) Iowa Roofing Company for an annual contract with two additional one-year renewal options to furnish roofing repair services for use by the Park & Recreation Department, annual estimated cost $60,000. (Ten bids mailed, two received). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1624

(C) American Highway Products, $28,150 and Neenah Foundry Company, $47,250 for catch basin and manhole castings to be used by the Public Works Department. (Thirteen bids mailed, five received). Moved by Vlassis to adopt. Motion Carried 7-0.

07-1625

(D) Black Box Network Services for phone system services per State of Iowa Contract for use by the Information Technology Department, $72,973.78. Moved by Vlassis to adopt. Motion Carried 7-0.

07-1626

47. Civil Service Entrance Lists for Training and Safety Consultant and Jail Security Officer, and Promotional Lists for Wastewater Operator Specialist and Mechanical Inspector. Moved by Vlassis to receive and file. Motion Carried 7-0.

07-1627

48. Authorizing Finance Director to draw checks on registers for the weeks of August 20, August 27 and September 3, 2007; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 20, August 27 and September 3, 2007; and to draw checks for bi-weekly payroll due August 31, 2007. Moved by Vlassis to adopt. Motion Carried 7-0.
ORDINANCES - FINAL CONSIDERATION

07-1628 49. **Amending** Chapter 74 of the Municipal Code prohibiting smoking in City of Des Moines Park facilities. **Moved by Vlassis that this ordinance do now pass, #14,684.** Motion Carried 7-0.

50. Amending Chapter 26 of the Municipal Code regarding the following:

07-1629 (A) **Building** and building regulations. **Moved by Vlassis that this ordinance do now pass, #14,685.** Motion Carried 7-0.

07-1630 (B) **The** Licensing and Appeals Board. **Moved by Vlassis that this ordinance do now pass, #14,686.** Motion Carried 7-0.

07-1631 51. On vacation of public road easements for portions of E. Madison Avenue, NE 50th Street and Seneca Avenue, within the property at 4995 NE 39th Avenue. **Moved by Vlassis that this ordinance do now pass, #14,687.** Motion Carried 7-0.

52. Amending Chapter 46 of the Municipal Code regarding the following:

07-1632 (A) **Fire** Protection and Prevention Code. **Moved by Vlassis that this ordinance do now pass, #14,688.** Motion Carried 7-0.

07-1633 (B) **Adoption** of the International Fire Code and amendments and additions to the International Fire Code. **Moved by Vlassis that this ordinance do now pass, #14,689.** Motion Carried 7-0.

07-1634 (C) **Amendment** to the Schedule of Administrative Penalties. **Moved by Vlassis adopt.** Motion Carried 7-0.

ORDINANCES - SECOND CONSIDERATION

07-1635 53. On vacation of the SW Water Street right-of-way, south of Elm Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage.** Motion Carried 7-0.

07-1636 (A) Final consideration of ordinance above. **Moved by Hensley that this ordinance do now pass, #14,690.** Motion Carried 7-0.

* * * * * * * END CONSENT AGENDA * * * * * * *
ORDINANCES - FIRST CONSIDERATION

07-1637

54. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes for Parking Restriction – north side of Ingersoll Avenue, west of 24th Street. (Council Communication No. 07-50)

Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

07-1638

(A) 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, #14,691. Motion Carried 7-0.

55. Items regarding fire alarm monitoring:

07-1639

(A) Amending Chapter 38 of the Municipal Code regarding discontinuation of monitoring by the fire department. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Kiernan.

07-1640

(B) Final consideration of ordinance above, (waiver requested by the Fire Chief), requires 6 votes. Moved by Coleman 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, #14,692. Motion Carried 6-1. Nays: Kiernan.

07-1641

(C) Amending Chapter 38 of the Municipal Code regarding deletion of alarm monitoring services for current users. Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Kiernan.

07-1642

55. (D) Final consideration of ordinance above, (waiver requested by the Fire Chief), requires 6 votes. Moved by Coleman 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 not pass, #14,693. Motion Carried 6-1. Nays: Kiernan.

07-1643 (E) Amendment to Schedule of Fees to delete alarm monitoring service fees. Moved by Coleman to adopt. Motion Carried 6-1. Nays: Kiernan.

07-1644 56. Amending Chapters 42, 82, and 106 of the Municipal Code regarding post-construction run-off requirements for the City’s National Pollution Discharge Elimination System. (Council Communication No. 07-500) Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

07-1645 57. Request from Pastor Ron Woods to speak regarding a Gospel Festival at the Capitol. Moved by Hensley to receive and file. Motion Carried 7-0. Pastor Woods did not appear.

07-1646 58. Petition in favor of proposed sanitary sewer on the south side of Lincoln Avenue from the 3200 block to the 3300 block. Moved by Vlassis to receive and file and refer to the City Manager for review and recommendation. Motion Carried 7-0.

HEARINGS (OPEN AT 5:25 P.M.) (ITEMS 59 THRU 69)

07-1647 59. On appeal of Historic Preservation Commission decision regarding 1520 Center Street: (Council Communication No. 07-518) (A) Affirming the decision. Moved by Hensley to continue the hearing to September 10, 2007 at 5:00 P.M. Motion Carried 6-1. Council Member Kiernan declares a conflict of interest and abstains from voting.

WITHDRAWN

07-1648  (B) ALTERNATE RESOLUTION: Reversing the decision.

07-1649 60. On vacation and conveyance of an Encroachment Easement and Air Rights Easement to allow encroachment of existing building at 3510 University Avenue to James J. Holtkamp, $100. (Council Communication No. 07-515) Moved by Vlassis to adopt. Mot
07-1650

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

07-1651

(B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. Moved by Vlassis 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, #14,694. Motion Carried 7-0.

07-1652

61. On request from Freedom Financial Bank to rezone property at 2112 Woodland Avenue and 600 M.L. King Jr. Parkway from “R-2A” (General Residential) to “C-1” (Neighborhood Retail), to allow for expansion of the existing retail commercial site for a drive-up financial institution. Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

07-1653

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

07-1654

(B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,695. Motion Carried 7-0.

07-1655

62. On request from Principal Life Insurance Company to rezone property at 707 8th Street from “C-2” (General Retail & Highway Oriented Commercial) to Ltd. “C-3” (Central Business District Commercial), to allow for construction of an off-street parking structure with a zero building setback from the four adjoining streets, subject to conditions. Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

07-1656

(A) **First** consideration of ordinance above. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
07-1657  (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,696.** Motion Carried 7-0.

63. Items regarding property at 300 County Line Road:

07-1658  (A) **To** amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low Density Residential and undesignated, to Commercial: Auto-Oriented Small Scale-Strip Development, Low Density Residential, Low/Medium Density Residential and Park/Open Space. **Moved by Hensley to adopt, and approve the proposed amendment.** Motion Carried 7-0.

07-1659  (B) **Hearing** on rezoning of the property from “A-1” (Agricultural) “PUD” (Planned Unit Development) to develop approx. 128 acres with 4.4 acres designated for commercial development, 49.1 acres for medium-density residential, 37.4 acres for standard lot single-family residential, and 33.9 acres for small-lot single-family residential. **Moved by Hensley to adopt and conditionally approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.** Motion Carried 7-0.

07-1660  (C) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage.** Motion Carried 7-0.

07-1661  (D) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,697.** Motion Carried 7-0.

64. Items regarding property at 5100 NE 38th Avenue:

07-1662  (A) **To** amend the Des Moines 2020 Community Character Land Use Plan to designate the property as Low Density Residential and Low/Medium Density Residential. **Moved by Mahaffey to adopt, and approve the proposed amendment.** Motion Carried 6-1.
Pass: Vlassis.

07-1663  (B) Hearing on rezoning of the property from “A-1” (Agricultural) to “PUD” (Planned Unit Development) to develop approx. 37 acres of agricultural land for 121 single-family residential lots and 38 attached residential units. Moved by Mahaffey to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance; item #10 – Street width design must be acceptable to the City Manager and Fire Chief. City Manager will review all issues raised. Motion Carried 6-1. Pass: Vlassis.

07-1664  (C) First consideration of ordinance above. Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Pass: Vlassis.

07-1665  64. (D) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes. Moved by Mahaffey 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, #14,698. Motion Carried 6-1. Pass: Vlassis.

07-1666  65. On request from Mark Scigliano to rezone property at 1507 Hartford Avenue from “M-1” (Light Industrial) to Limited “M-2” (Heavy Industrial) to allow for a conditional use for storage of inoperable vehicles, subject to conditions. Moved by Meyer to continue hearing to September 10, 2007 at 5:00 P.M.; refer to City Manager and Parks Department for review and recommendation. Motion Carried 7-0.

WITHDRAWN

07-1667  (A) First consideration of ordinance above.

WITHDRAWN

07-1668  (B) Final consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

07-1669  66. On proposed amendments to the Zoning Ordinance to place limitations on electronic signs and off-premises advertising signs. (Council Communication No. 07-499) Moved by Vlassis to adopt and approve, subject to final passage of the enacting ordinance. Council will have second consideration of the ordinance on October 22, 2007; refer to the City Manager to review extending the Merle Hay Corridor, a
to have further discussion with Clear Channel Communication regarding the regulation of billboards. Motion Carried 7-0.

07-1670

(A) **First** consideration of ordinance above. **Moved by Vlassis that this ordinance be considered and given first vote for passage. Second consideration will be on October 22, 2007. Motion Carried 7-0.**

07-1671

67. **On** request from ColorAll Technologies, for text amendments to Chapter 134 (Zoning) to permit limited transient automobile scratch and dent repair services within a tent as an accessory use to vehicle display rental car agency and fleet vehicle operations. (Council Communication No. 07-501) **Moved by Hensley to deny. Motion Carried 7-0.**

WITHDRAWN

07-1672

(A) **First** consideration of ordinance above.

WITHDRAWN

07-1673

(B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes.

07-1674

68. **On** conveyance of property located at the corner of SW 6th Street and Cherry Street to Polk County in conjunction with the Martin Luther King Jr. Parkway-East/West Segment Project. **Moved by Hensley to adopt. Motion Carried 7-0.**

07-1675

69. **On** East Side Neighborhood Skate Park: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Castle Concrete Services Inc. (Anthony Castellano, President), $220,831. (Council Communication No. 07-523) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

07-1676

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

**END HEARINGS AT 5:37 P.M.**

**Council considered Items 54 thru 58, then 70 thru Board of Health next.**
APPROVING

07-1677  70. **Recommended** Energy Conservation and Environmental Enhancement Policy from the Mayor’s Task Force on Energy and the Environment. (Council Communication No. 07-525) Moved by Vlassis to adopt. Motion Carried 7-0.

07-1678  71. **Receive** and file communication from Office of Economic Development regarding preliminary terms of agreement with Joe’s Square LLC for development of mixed-use project at Beaver Avenue and Fagan Drive. (Council Communication No. 07-517) Moved by Vlassis to receive, and approve the preliminary terms of agreement as set forth in the accompanying Council Communication, and to direct the City Manager to proceed with negotiations of formal agreements with Joe’s Square LLC consistent with the terms set forth in the accompanying Council Communication. Motion Carried 7-0.

07-1679  72. **Preliminary** approval for Neighborhood Commercial Revitalization Loan of $192,150, a Pre-Development Grant of $5,000 and a Façade Grant of $15,000 to BCC Management for proposed rehabilitation of 1707 High Street. (Council Communication No. 07-512) Moved by Hensley to approve. Motion Carried 7-0.

07-1680  73. **Extension** of Services Agreement with Erin Olson-Douglas. (Council Communication No. 07-519) Moved by Coleman to adopt. City Manager to consider making this a full time position. Motion Carried 7-0.

07-1681  74. **Federal** Aviation Administration AIP Grant Agreement for Airport Runway 13R-31L Land Acquisition, Phase 4. (Council Communication No. 07-522) Moved by Hensley to adopt. Motion Carried 7-0.

07-1682  75. **AIP Grant Agreement Project. Moved by Hensley to adopt. Motion Carried 7-0.**

07-1683  76. **Contract** with Downtown Community Alliance, State of Iowa and DART regarding provision of a downtown shuttle operation. (Council Communication No. 07-513) Moved by Mahaffey to adopt. Motion Carried 7-0.
Communication No. 07-527) Moved by Hensley to adopt. Motion Carried 7-0.

**Council considered Hearing Items 59 thru 69 next**

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 an 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.

07-1685

1. **Recommendation** from Council Member Michael Kiernan to appoint Vidal E. Spaine to the Sister Cities Commission, Seat 4 for a five-year term commencing April 28, 2006 to expire April 28, 2011. **Moved by Kiernan to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

07-1686

1. **MOTION TO CONVENE.** **Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

AUTHORIZING

07-1687

1. **The Legal Department to file legal action seeking an order from the court to direct abatement of the nuisance structures at 913 Titus Ave., Titleholder: Jack A. Stuart and Mary J. Stuart. Moved by Vlassis to adopt. Motion Carried 7-0.**

07-1688

1. **MOTION TO ADJOURN.** **Moved by Vlassis to adjourn at 8:18 P.M. Motion Carried 7-0.**

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