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 21, 2006

Reception for East High Girls Softball Team - 3:30 P.M.
Municipal Housing Agency Governing Board – 3:45 P.M.
Regular Meeting - 4:30 P.M.

PROCLAMATIONS – 4:00 P.M.

National Save A Life Month

RECOGNITIONS – 4:00 P.M.

JT’s Girls Softball Team – 2006 National Champions
East High Girls Softball Team – 2006 State Champions

INVOCATION: Pastor Gene Kelsey
Wakonda Christian Church

06-1644 1. ROLL CALL: Present: Cownie, Coleman, Mahaffey, Kiernan and Vlassis. Absent: Hensley.

06-1645 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Vlassis to adopt. Motion Carried 5-1.
*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.

06-1646  3.  APPROVING CONSENT AGENDA – items 3 through 40:  Moved by Vlassis to adopt the balance of the consent agenda.  Motion Carried 5-1.

LICENSES AND PERMITS

06-1647  4.  Approving Alcoholic Beverage License applications for the following:  Moved by Vlassis to adopt.  Motion Carried 5-1.

NEW APPLICATIONS

(A)  BEDI MART  2917 PAYNE RD  E Liquor
(B)  BEECHWOOD LOUNGE  416 E WALNUT ST  C Liquor
(C)  CASH & CARRY SUPPLY  204 4TH ST  C Beer
(D)  E 14TH STREET HANDIMART #2786  5150 E 14TH ST  C Beer
(E)  EL ANGEL MEXICAN GROCERY  4812 SW 9TH ST  C Beer
(F)  MERLE HAY HANDIMART #2784  4151 MERLE HAY RD  C Beer
(G)  SURF SHACK  319 COURT AVE  C Liquor

RENEWAL APPLICATIONS

(H)  CASEYS GENERAL STORE #2314  3527 INDIANOLA AVE  C Beer
(I)  CASEYS GENERAL STORE #44  4560 E 14TH STREET  C Beer
(J)  DICKEY DOOGANS  1201 E ARMY POST ROAD  C Liquor
(K)  EL MAYA  1244 E 14TH ST  C Liquor
(L)  FRATERNAL ORDER OF EAGLES  6567 BLOOMFIELD RD  A Liquor
(M)  PAL JOEYS  6224 GRAND AVE  C Liquor
(N)  SHORTSTOP #38  3501 E 14TH ST  C Beer
(O)  TOBACCO OUTLET PLUS #510  3409 SW 9TH ST  C Beer
(P)  VICTORY LANE MOTOR SPORTS  3801 EASTON BLVD  C Liquor
(Q)  WAL MART SUPERCENTER #1723  5101 SE 14TH ST  E Liquor
(R)  WAVELAND COFFEE SHOP  4704 UNIVERSITY AVE  C Liquor
(S)  YO YOS BAR & GRILL  2400 DEAN AVE  C Liquor

OUTDOOR SERVICE APPLICATIONS

(T)  HESSEN HAUS  101 4TH ST  C Liquor
In conjunction with Oktoberfest on September 22-23, 2006.  Pending approval of Building, Electrical and Fire Departments.

(U)  HESSEN HAUS  101 4TH ST  C Liquor
In conjunction with Oktoberfest on September 22-23, 2006.  Pending approval of Building, Electrical and Fire Departments.
Departments.

SPECIAL EVENTS APPLICATIONS

(V) RACCOON RIVER BREWING CO. 7401 SW 9TH ST B Beer
Five-day license in conjunction with the Latino Festival on September 9-10, 2006. Pending approval of Fire Department.

(W) STAR BAR 2809 INGERSOLL AVE B Beer
Booth for Five-day license in conjunction with Fall on Ingersoll on August 26, 2006. Pending approval of Building, Electrical and Fire Departments.

(X) STAR BAR 2840 INGERSOLL AVE B Beer
Booth for Five-day license in conjunction with Fall on Ingersoll on August 26, 2006. Pending approval of Building, Electrical and Fire Departments.

06-1648 5. City Clerk to issue Cigarette Licenses. Moved by Vlassis to adopt. Motion Carried 4-1. Nays: Cownie. Absent: Hensley.

06-1649 6. City Clerk to issue Coin Operated Machine Licenses. Moved by Vlassis to adopt. Motion Carried 5-1.

PUBLIC IMPROVEMENTS

7. Approving execution of Iowa Department of Transportation Agreements for the following:

06-1650 (A) Resurfacing E. 14th Street (U.S. 69) from the Des Moines River Bridge to Garfield Avenue. Council Communication No. 06-524) Moved by Vlassis to adopt. Motion Carried 5-1.

06-1651 (B) Resurfacing Euclid Avenue (U.S. 6) from 6th Avenue to M.L. King Jr. Parkway. (Council Communication No. 06-525) Moved by Vlassis to adopt. Motion Carried 5-1.

06-1652 8. Approving Professional Services Agreement with Durrant Group, Inc. for design and construction phase services for Blank Park Zoo Snow Monkey Holding and Safari Grill Buildings, not to exceed $67,782. (Council Communication No. 06-531) Moved by Vlassis to adopt. Motion Carried 5-1.

06-1653 9. Approving Agreement for electrical service with MidAmerican Energy, in conjunction with the SE Ridge Trunk Sanitary Sewer Phase 2B and Pump Station Project, not to exceed $17,591.48. (Council Communication No. 06-526) Moved by Vlassis to adopt. Motion Carried 5-1.

06-1654 10. Approving Change Order No. 1 with The Underground Company for additional work on the Southeast Ridge Trunk Sanitary Sewer-Phase 2B and Pump Station Project, not to exceed $76,200. (Council Communication No. 06-541) Moved by Vlassis to adopt.
Motion Carried 5-1.

06-155 11. Approving Private Construction Contract between Eco-Tech Construction, LLC and Iowa Des Moines Supply for storm sewer improvements at 1680 Guthrie Avenue. Moved by Vlassis to adopt. Motion Carried 5-1.

06-156 12. Approving Private Construction Contract between Nuckolls Concrete Services, Inc. and West Lakes Properties, LLC for paving improvements in Airport Commerce Park South Plat 2. Moved by Vlassis to adopt. Motion Carried 5-1.

13. Accepting completed construction and final payment for the following:

06-157 (A) Rognes Corporation – Clover Hill Trunk Sanitary Sewer – Phase 1. Moved by Vlassis to adopt. Motion Carried 5-1.

06-158 (B) Cramer and Associates, Inc. – SW 9th Street Bridge over Raccoon River and Upper Rehabilitation. Moved by Vlassis to adopt. Motion Carried 5-1.

SPECIAL ASSESSMENTS

06-159 14. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2006-06. Moved by Vlassis to adopt. Motion Carried 5-1.

06-160 15. Approving deletion of NAC-Emergency Assessments at 1019 28th Street. Moved by Vlassis to adopt. Motion Carried 5-1.

06-161 16. Approving Delinquent Sewer Rental and/or Sold Waste/Stormwater Utility Fees for July 2006. Moved by Vlassis to adopt. Motion Carried 5-1.

LAND/PROPERTY TRANSACTIONS

06-162 17. Approving release of Subdivision Bond No. 929369962 from Continental Insurance Company in the amount of $28,951 as security for completion of the required improvements for Reserve Townhomes Plat 1. (Council Communication No. 06-516) Moved by Vlassis to adopt. Motion Carried 5-1.

06-163 18. Approval of Federal Aviation Administration Certification of Title for the Airport Runway 23 Protection Zone Obstruction Removal Project. Moved by Vlassis to adopt. Motion Carried 5-1.

06-164 19. Approving Tax Abatement applications for additional value added by improvements made during 2006 for 97 properties. (Council Communication No. 06-519) Moved by Vlassis to adopt. Motion Carried 4-1-1. Pass: Kiernan. Absent: Hensley.
Communication from Fritz Junker advising of his resignation from the Des Moines Music Commission, Seat 2, effective immediately. **Moved by Vlassis to receive, file and accept this resignation with our appreciation for Mr. Junker’s service. Motion Carried 5-1.**

21. Regarding request from LADCO Development, Inc. for vacation and conveyance of subsurface right-of-way adjoining 912 Walnut Street, 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 5-1.**

22. Regarding request from Julia and Gerald Leverich for vacation and conveyance of adjoining segment of dead-end alley east/west between Lyon Street and Des Moines Street, subject to necessary easements. **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 5-1.**

23. On request from Grand View College to rezone property in vicinity of 1428 Boyd Street from “R1-60” (One-Family Low-Density Residential) to “PUD” (Planned Unit Development) and amend the Grand View East PUD Conceptual Plan to allow development of 40-unit student apartment building, subject to conditions, (9-11-06). **Moved by Vlassis to adopt. Motion Carried 5-1.**

24. On Assignment of the Food and Beverage Concession Agreement at Des Moines International airport from Compass Group USA, Inc. d/b/a Select Service Partner to Creative Host Services, Inc., (9-11-06). **Moved by Vlassis to adopt. Motion Carried 5-1.**

25. On proposition to authorize a Supplement No. B7 to the Governmental Lease-Purchase Master Agreement between the City of Des Moines and Banc of America Leasing Capital, LLC in principal amount not to exceed $302,500, (9-11-06). **Moved by Vlassis to adopt. Motion Carried 5-1.**
06-1671 26. **Regarding** a request by City of Norwalk and Coppola Enterprises to change the name of a portion of County Line Road, west of Fleur Drive, to Echo Valley Drive. (Council Communication No. 06-521) Moved by Vlassis to receive, file and to refer to the Plan and Zoning Commission for a public hearing and a recommendation back to the Council. Motion Carried 5-1.

06-1672 27. **Submitting** out-of-state travel requests for Keith Ellis, Jeff Slump, Jason Halifax and Garey Bryan. (Council Communication No. 06-518) Moved by Vlassis to adopt. Motion Carried 5-1.

### APPROVING

06-1673 28. **Supportive** Housing Program (SHP) Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD). (Council Communication No. 06-517) Moved by Vlassis to adopt. Motion Carried 5-1.

06-1674 29. **Agreement** with Sherry Smith to preserve the City’s right to take a tax deed on vacant lot at 1622 Forest Avenue intended for housing redevelopment. (Council Communication No. 06-527) Moved by Vlassis to adopt. Motion Carried 5-1.

06-1675 30. **Meredith** Multi-Use Recreational Trail Map. Moved by Vlassis to approve. Motion Carried 5-1.

06-1676 31. **Exception** to procurement ordinance competitive bidding requirements for good cause and approving payment to Western Waterproofing Company, Inc. for additional work on repainting and associated repairs of Birdland Pool, $18,465. (Council Communication No. 06-522) Moved by Vlassis to adopt. Motion Carried 4-1-1. Nays: Kiernan. Absent: Hensley.

06-1677 32. 28E Agreement with Iowa Department of Commerce, Alcoholic Beverages Division, for participation in tobacco retailer compliance program. (Council Communication No. 06-542) Moved by Vlassis to approve. Motion Carried 5-1.

06-1678 33. **Lease** of Pioneer Park Residence, 1602 Pioneer Park Road, to John J. McGee from September 1, 2006 to December 31, 2006. Moved by Vlassis to adopt. Motion Carried 5-1.

06-1679 34. **Purchase** of Annual Maintenance and Support from FrontRange Solutions to support the Citywide Citizen Response System, $30,161.20. (Council Communication No. 06-543) Moved by Vlassis to adopt. Motion Carried 5-1.
35. Communication from Downtown Community Alliance requesting approval of banner designs for the following:

06-1680  
(A) **State** Historical Museum to display 20 banners in downtown along East Locust Street for the remainder of 2006 and some of 2007. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 5-1.**

06-1681  
(B) **Mercy** Medical Center to display 36 banners in downtown along East Locust Street and Eighth Street in September 2006. **Moved by Vlassis to receive, file and approve banner design. Motion Carried 5-1.**

36. Bids from the following:

06-1682  
(A) **Lenco** Industries, Inc., sole area distributor, for thermal image camera to be installed in a Lenco Armored Vehicle to be used by the Police Department, $28,714.00. (Council Communication No. 06-528) **Moved by Coleman to adopt. Motion Carried 5-1.**

06-1683  
(B) **Hutchinson** Salt Company for rock salt to be used by Street Maintenance Division of the Public Works Department, $306,800. (Nine bids mailed, three received) (Council Communication No. 06-536) **Moved by Vlassis to adopt. Motion Carried 5-1.**

06-1684  
37. **Civil** Service Entrance List for Mechanical Civil Engineer I and Promotional Lists for Fire Captain, Truck Driver and Senior Identification Technician. **Moved by Vlassis to receive and file. Motion Carried 5-1.**

06-1685  
38. **Authorizing** Finance Director to draw checks on registers for the weeks of August 21, August 28, and September 4, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of August 21, August 28, and September 4, 2006; and to draw checks for bi-weekly payroll due September 1, 2006. **Moved by Vlassis to adopt. Motion Carried 5-1.**

**ORDINANCES - FINAL CONSIDERATION**

06-1686  
39. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Vlassis that this ordinance do now pass, #14,580. Motion Carried 5-1.**

(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.

**ORDINANCES - SECOND CONSIDERATION**

06-1687  40. **On** vacation of Hawthorne North Softball Field, located on the south side of Maury Street between SE 10th and SE 11th Streets. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 5-1.**

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

**ORDINANCES - FIRST CONSIDERATION**

06-1688  41. **Amending** Chapter 70 of the Municipal Code regarding bow hunting. **(Council Communication No. 06-548)** **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

06-1689  42. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **(Council Communication No. 06-523)** **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 5-1.**

   (A) Parking Restrictions – Water Street between Court Avenue and Vine Street, and Linden Street, west of 14th Street.

   (B) Install Handicapped Parking Meter on the west side of E. 5th Street between Locust and Grand, and Revisions of Handicapped parking Restrictions throughout the Municipal Code to maintain consistency.

   (C) Parking Restrictions – Cherry Street between 7th and 9th Street and west side of 7th Street, south of Mulberry.

**COMMUNICATIONS/REPORTS**

**WITHDRAWN**

06-1690  43. **From** Mary Rife, 1148 17th Street, regarding conditions at Good Park.

06-1691  44. **Receipt** of Des Moines Water Works 2005 Financial Report and Statements of Cash Receipts and Disbursements for Sewer, Solid Waste and Stormwater. **Moved by Mahaffey to receive and file. Motion Carried 5-1.**
HEARINGS (OPEN AT 5:07 P.M.) (ITEMS 45 THRU 51)

06-1692  45.  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.  (Council Communication No. 06-535)  Moved by Kiernan to adopt.  Motion Carried 5-1.

06-1693  (A)  First consideration of ordinance above.  Moved by Kiernan that this ordinance be considered and given first vote for passage.  Motion Carried 5-1.

06-1694  46.  On vacation and conveyance of encroachment easement and air rights adjoining 301 East Court Avenue to East Village Court, LLC, $1,385 and vacation and conveyance of the north/south alley adjoining 301 East Court Avenue to East Village Court, LLC, $5,800 to Timothy J. Conroy and Polly Anton-Lyman, $5,800.  (Council Communication No. 06-537)  Moved by Kiernan to adopt.  Motion Carried 5-1.

06-1695  (A)  First consideration of ordinance above.  Moved by Kiernan that this ordinance be considered and given first vote for passage.  Motion Carried 5-1.

06-1696  47.  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.  Moved by Coleman to adopt.  Motion Carried 5-1.

06-1697  48.  On 2006 Bridge Repair Program – Contract 2:  Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Cramer and Associates, Inc., (Robert Cramer, President/CAO), $98,411.70.  (Council Communication No. 06-544)  Moved by Vlassis to adopt.  Motion Carried 5-1.

06-1698  (A)  Approving contract and bond and permission to sublet.  Moved by Vlassis to adopt.  Motion Carried 5-1.

06-1699  49.  On Court Avenue & Walnut Street Two-Way Traffic Conversion:  Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Concrete Technologies, Inc., (Brad Baumler, President), $196,239.50.  (Council Communication No. 06-545)  Moved by Vlassis to adopt.  Motion Carried 5-1.

06-1700  (A)  Approving contract and bond and permission to sublet.  Moved by Vlassis to adopt.  Motion Carried 5-1.
50. **On E. 30th Street and State Avenue Realignment:** Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder as Sheets Excavating, Ltd., (Charles Sheets, President), $208,258.61. (Council Communication No. 06-543) Moved by Mahaffey to adopt. Motion Carried 5-1.

(A) **Approving** contract and bond and permission to sublet. Moved by Mahaffey to adopt. Motion Carried 5-1.

51. **Resolution** to REJECT all bids and close the hearing on plans, specifications, form of contract documents and Engineer’s estimate on Northwest Community Center Park Shelter. (Council Communication No. 06-546) Moved by Vlassis to adopt. Motion Carried 5-1.

**END HEARING AT 5:25 P.M.**

**APPROVING**

52. **Commencement** Date Agreement for lease of City Parking Garage located at 8th and Mulberry Streets in accordance with Lease Purchase Agreement between the City of Des Moines and Employers Mutual Casualty Company. (Council Communication No. 06-539) Moved by Mahaffey to adopt. Motion Carried 5-1.

53. **Supplemental** Agreement No. 2 with HOK Sport, Inc. for modification of enhanced water feature design and redesign of toilet addition and storage area at Principal Park in conjunction with Principal Park Seating Expansion and Outfield Improvements, $144,375. (Council Communication No. 06-532) Moved by Vlassis to adopt. Motion Carried 5-1.

54. **Change** Order No. 12 with Larson & Larson Construction, LLC for additional work on The Principal Park Stadium Improvements Project, $1,035,103. (Council Communication No. 06-540) Moved by Coleman to adopt. Motion Carried 5-1.

55. NUMBER NOT USED.

56. **Issuance** of Request for Proposals for a City Fleet Optimization Study. (Council Communication No. 06-538) Moved by Vlassis to adopt, and to refer to the City Manager to include looking at Best Practices as it relates to environmental efficiency. Motion Carried 5-1.

57. **Metropolitan** Planning Organization (MPO) Unified Planning Work Program and Budget for Fiscal Year 2006-2007. (Council Communication No. 06-533) Moved by Coleman to adopt. Motion Carried 5-1.
58. Establishing The Mission of the Mayor’s Task Force on Energy and the Environment. Moved by Vlassis to adopt and refer to the City Manager to send a copy of the Mission Statement to our Partner Agencies. Motion Carried 5-1.

59. Three-month exception to City of Des Moines Municipal Code Section 102-487 to authorize street performers without obtaining an Entertainment District License. (Council Communication No. 06-520) Moved by Vlassis to adopt. Motion Carried 5-1.

60. Revised Assessment Policy for new sidewalk construction. (Council Communication No. 06-530) Moved by Mahaffey to adopt. Motion Carried 5-1.

61. Grant Agreement with the Iowa Department of Transportation for Capital Improvements at the Des Moines International Airport, $580,140. (Council Communication No. 06-549) Moved by Kiernan to adopt. Motion Carried 5-1.

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.

1. Resolution for Competitive Process and Minimum Development Requirements and Competitive Criteria for the redevelopment of Disposition Parcel No. 1 in the Des Moines Agrimergent Technology Park in the SE Agribusiness Urban Renewal Area. (Council Communication No. 06-529) Moved by Kiernan to approve. Motion Carried 5-1.

BOARD OF HEALTH

MOTION TO CONVENE. Moved by Vlassis that the City Council adjourn and convene as the Board of Health. Motion Carried 5-1.

AUTHORIZING

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

(A) 2316 Capitol Avenue (garage), Titleholder: Sandra L. Gist; Mortgage Holder: Citimortgage, Inc. Moved by Kiernan to adopt. Motion Carried 5-1.

(B) 6111 Muskogee Avenue (garage), Titleholders: Mark T. Hurley and Rosalinda S. Hurley; Mortgage Holder: Midfirst Bank a/k/a Midfirst Bank, State Savings Bank.
MOTION TO ADJOURN.  Moved by Vlassis to adjourn at 6:08 PM.  Motion Carried 5-1.

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All-America City