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 '08-' 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

September 22, 2008 4:30 P.M.

SPECIAL PRESENTATIONS – 4:00 P.M.

American Lung Association

PROCLAMATIONS – 4:00 P.M.

Sparky the Clown – 10th Anniversary  
Domestic Violence Awareness Month  
Italian Heritage Month  
Alpha Delta Kappa Month

INVOCATION:  
Father Basil Hickman  
Greek Orthodox Church of St. George  
35th Street and Cottage Grove

08-1633 1. ROLL CALL:  Present:  Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Council Member Coleman left the meeting at 6:15 P.M.

08-1634 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:  Moved by Hensley to adopt. Motion Carried 7-0.

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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.
3. APPROVING CONSENT AGENDA – items 3 through 40: Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.

LICENSES AND PERMITS

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

NEW APPLICATIONS

(A) 1301 LOCUST LLC
    1301 LOCUST ST
    C Beer/Wine

(B) ANDYS PLACE
    5114 SW 9TH ST
    C Liquor

(C) EDGE
    508 INDIANOLA RD
    C Liquor

(D) H & A MINI MART
    145 UNIVERSITY AVE
    E Liquor

(E) MEXICO VIEJO RESTAURANT
    1760 BEAVER AVE
    C Liquor

(F) NOODLE ZOO
    601 E LOCUST ST
    C Beer/Wine

(G) PELICAN BAR
    208 3RD ST
    C Liquor

(H) SEKHON BROTHERS LLC
    2829 EASTON BLVD
    C Beer

(I) SUPER QUICK
    303 SE 30TH ST
    B Wine

(J) THIRSTY DOG
    2222 FOREST AVE
    C Liquor

RENEWAL APPLICATIONS

(K) BEST FOOD MART
    4028 E 14TH ST
    C Beer

(L) BISTRO MONTAGE
    2724 INGERSOLL AVE
    C Liquor

(M) CHERYLS
    509 E 25TH ST
    C Liquor

(N) CITGO
    1800 SE 14TH ST
    C Beer

(O) DES MOINES IZAAK WALTON
    4343 GEORGE FLAGG
    C Liquor

(P) DES MOINES MARRIOTT HOTEL
    700 GRAND AVE
    B Liquor

(Q) DES MOINES MARRIOTT HOTEL
    700 GRAND AVE
    E Liquor

(R) DOS RIOS
    316 COURT AVE
    C Liquor

(S) EL ANGEL MEXICAN GROCERY
    4812 SW 9TH ST
    C Beer

(T) EMBASSY SUITES HOTEL
    101 E LOCUST ST
    B Liquor

(U) FIREHOUSE LOUNGE
    1930 SE 6TH ST
    C Liquor

(V) G T RACE CAR BAR
    3013 INGERSOLL AVE
    C Liquor

(W) GODFATHERS PIZZA
    4119 UNIVERSITY AVE
    B Beer

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

(Y) LABAMBA MEXICAN AMERICAN
    6101 GRAND AVE
    C Liquor

(Z) QUIKTRIP #500
    3700 HUBBELL AVE
    C Beer

(AA) SHOP N SAVE
    2127 M L K JR PKWY
    E Liquor

(BB) WELLMANS PUB
    2920 INGERSOLL AVE
    C Liquor

TRANSFER TO NEW LOCATIONS

(CC) ROCKS
    206 3RD ST
    C Liquor

Permanent transfer of license from 204-208 3rd Street to 206 3rd Street.
OUTDOOR SERVICE APPLICATIONS

(DD) 101 LOUNGE 102 3RD ST  C Liquor
Temporary outdoor service area for event on September 26-28, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.

(EE) BLAZING SADDLE 416 E 5TH ST  C Liquor
Temporary in conjunction with Capital City Pride Celebration on October 4-5, 2008.

(FF) BUDDYS CORRAL 418 E 5TH ST  C Liquor
Temporary in conjunction with Capital City Pride Celebration on October 4-5, 2008.

(GG) BUDDYS CORRAL 418 E 5TH ST  C Liquor
Temporary in conjunction with East Village Bike Night on September 26, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.

(HH) UNDERGROUND 500 E LOCUST ST  C Liquor
Temporary in conjunction with East Village Bike Night on September 26, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.

SPECIAL EVENT APPLICATIONS

(I) BLANK PARK ZOO 7401 SW 9TH STREET  Five (5) Day License
Class B Beer License for Event on September 27, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.

(J) DOWNTOWN EVENTS GROUP 431 E LOCUST AVE  Five (5) Day License
Special Class C Beer/Wine License for World Food Festival on October 10-12, 2008.

(KK) PORKYS DINER 4444 DOUGLAS AVE  Five (5) Day License
Class C Liquor License for Outdoor event on September 24-28, 2008. Pending approval of Building, Electrical, Fire and Zoning Departments.

08-1637  4-I. Approving Class C Liquor License for Fazio’s Italian Bar & Grill, 2811 SE 14th Street. Moved by Hensley to adopt. Motion Carried 7-0.

08-1638  4-II. Approving temporary outdoor service area for Greenwood Lounge, 3707 Ingersoll on October 4, 2008 for a special event. Pending approval of Building, Electrical, Zoning and Fire Departments. Moved by Hensley to adopt. Motion Carried 7-0.

08-1639  5. City Clerk to issue Cigarette Licenses. Moved by Hensley to adopt. Motion Carried 7-0.

08-1640  6. City Clerk to issue Coin Operated Machine Licenses. Moved by Hensley to adopt. Motion Carried 7-0.
PUBLIC IMPROVEMENTS

08-1641  7. Approving Iowa Department of Transportation Agreement for E. Indianola Avenue Widening – S.E. 14th Street to S.E. 16th Court. (Council Communication No. 08-569) Moved by Hensley to adopt. Motion Carried 7-0.

08-1642  8. Approving Professional Services Agreement with RDG Planning and Design for Construction Phase Services for John and Mary Pappajohn Sculpture Park, not to exceed $177,750. (Council Communication No. 08-570) Moved by Hensley to adopt. Motion Carried 7-0.

08-1643  9. Agreement with U.S. Department of Interior Geological Survey for operation and maintenance of six (6) river and stream gauging stations. (Council Communication No. 08-571) Moved by Hensley to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

08-1644  10. Resolution levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2008-13. Moved by Hensley to adopt. Motion Carried 7-0.

11. Approving the following for August 2008:

08-1645  (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits. Moved by Hensley to adopt. Motion Carried 7-0.

08-1646  (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees. Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

08-1647  12. Approving final subdivision plat entitled Wakonda Plat 1, 1900 Park Avenue. (Council Communication No. 08-580) Moved by Hensley to adopt. Motion Carried 7-0.

08-1648  (A) Accepting PUD restoration bond. (Council Communication No. 08-581) Moved by Hensley to adopt. Motion Carried 7-0.

08-1649  13. Authorization to proceed with acquisition of property at 2715 Dean Avenue for the Fire Department Logistics and Training Facility Project. (Council Communication No. 08-575) Moved by Mahaffey to adopt; refer to the City Manager to review collaboration efforts. Motion Carried 7-0.
BOARDS/COMMISSIONS/NEIGHBORHOODS

08-1650  14.  **Recommendation** from Council Member Robert Mahaffey to appoint Teresa Weidmaier to the Historic Preservation Commission, Seat 8, for a three-year term commencing October 18, 2007 to expire October 18, 2010.  **Moved by Hensley to adopt.  Motion Carried 7-0.**

08-1651  15.  **Recommendation** from Council Member Tom Vlassis to reappoint Martha Nelson to the Sister Cities Commission, Seat 8, for a five-year term commencing April 28, 2008 to expire April 28, 2013.  **Moved by Hensley to adopt.  Motion Carried 7-0.**

SETTING DATE OF HEARINGS


08-1653  17.  (A)  **Communication** from Neighborhood Revitalization Board.  **Moved by Hensley to receive and file and refer to City Manager.  Motion Carried 7-0.**

08-1654  17.  On Proposed Third Amendment to SE Agribusiness Urban Renewal Plan, (10-27-08).  (Council Communication No. 08-565) **Moved by Coleman to adopt.  Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

08-1655  18.  **Approving** payment of $6,969.95 to Robert Burgett for a workers’ compensation claim.  **Moved by Hensley to adopt.  Motion Carried 7-0.**

08-1656  19.  **Approving** payment of $28,152 to James Milligan for a workers’ compensation claim.  **Moved by Hensley to adopt.  Motion Carried 7-0.**

08-1657  20.  **Approving** payment of $29,087.16 to Craig Shepherd for a workers’ compensation claim.  **Moved by Hensley to adopt.  Motion Carried 7-0.**

08-1658  21.  **Approving** payment of $23,330.03 to Lance Woods for a workers’ compensation claim.  **Moved by Hensley to adopt.  Motion Carried 7-0.**
CITY MANAGER COMMUNICATIONS

08-1659  22. **Approving** training requests for Connie Ashby, Tim Briggs, Christine Chandavong, Teva Dawson, Donald L. Hansen, Debora Hobbs (2), Ben Page, Tarry Pote, Doug Romig, Scott Rounds, Donald Tripp, Matt Wakeman and Jasmin Zulic and travel request for T.M. Franklin Cowrie. *(Council Communication No. 08-584)* Moved by Coleman to adopt. Motion Carried 7-0.

APPROVING

08-1660  23. **Continuum** of Care Program Application to be submitted to the U.S. Department of Housing and Urban Development (HUD). *(Council Communication No. 08-587)* Moved by Hensley to adopt. Motion Carried 7-0.

08-1661  24. **Urban** Renewal Development Agreement with R.E. Properties, L.L.C., for redevelopment of 506-524 E. Grand Avenue. *(Council Communication No. 08-557)* Moved by Hensley to adopt. Motion Carried 7-0.

08-1662  25. **Authorization** to submit grant application to U.S. Department of Agriculture Emergency Watershed Protection Program for soil erosion prevention and repair projects related to 2008 heavy rains and flooding. *(Council Communication No. 08-577)* Moved by Hensley to adopt. Motion Carried 7-0.

08-1663  26. **Submission** of STP and STP-TE Fund FY2013 Applications to Des Moines Area Metropolitan Planning Organization, (MPO). *(Council Communication No. 08-573)* Moved by Hensley to adopt. Motion Carried 7-0.

08-1664  27. **Authorization** to submit “Safe Routes to School” (SRTS) Fund Applications to Iowa Department of Transportation (IDOT). *(Council Communication No. 08-572)* Moved by Hensley to adopt. Motion Carried 7-0.

08-1665  28. **Acceptance** of proposal from Public Financial Management, Inc. for financial advisory services for debt management and technical services, and approval of contract. *(Council Communication No. 08-588)* Moved by Hensley to adopt. Motion Carried 7-0.
29. Bids from the following:

**08-1666**  
(A) **Accela**, Inc. for annual software maintenance and support for Tidemark to be used by the Information Technology Department, $31,532.66.  
*(Council Communication No. 08-586)*  
Moved by Hensley to adopt.  Motion Carried 7-0.

**08-1667**  
(B) **FrontRange** Solutions for annual software maintenance and support for HEAT to be used by the Information Technology Department, $58,177.32.  
*(Council Communication No. 08-578)*  
Moved by Hensley to adopt.  Motion Carried 7-0.

**08-1668**  
(C) **Express** Police Supply and UltraMax for joint purchase with Polk County Sheriff’s Office for ammunition to be used by the Police Department, $173,502.25.  
(Thirteen bids mailed, three received).  
*(Council Communication No. 08-566)*  
Moved by Kiernan to adopt.  Motion Carried 7-0.

**08-1669**  
(D) **The Underground Company** for sandbag clean-up and levee restoration to be used by the Public Works Department, $110,000.  
(Five bids mailed, two received).  
Moved by Hensley to adopt.  Motion Carried 7-0.

**08-1670**  
30. **FY2008** Annual Certification Report to be submitted to U.S. Department of Justice regarding federally forfeited property.  
*(Council Communication No. 08-567)*  
Moved by Hensley to adopt.  Motion Carried 7-0.

**08-1671**  
31. **2008** Edward Byrne Memorial Justice Assistance Grant application by Department of Justice to be used for various law enforcement purposes, $79,719.  
*(Council Communication No. 08-560)*  
Moved by Hensley to approve.  Motion Carried 7-0.

**08-1672**  
32. **Proposed** Lease Agreement with Neighborhood Development Corporation for building located at 1618 6th Avenue, for relocation of the Forest Avenue site office.  
*(Council Communication No. 08-585)*  
Moved by Hensley to adopt.  Motion Carried 7-0.

**08-1673**  
Moved by Hensley to receive and file; refer to the City Manager to provide Council with a copy of the separate letter, dated July 15, that noted certain matters that were reported to the management of the Des Moines Water Works.  
Motion Carried 7-0.

**08-1674**  
*(Council Communication No. 08-562)*  
Moved by Hensley to adopt.  Motion Carried 7-0.

**08-1675**  
35. **Application** from Downtown Events Group for permission to temporarily place banners across the street on E. 5th Street from E. Grand Avenue to E. Locust Street, October 8-13, 2008 for the World Food Festival.  
Moved by Hensley to receive, file and approve.  
Motion Carried 7-0.
36. **Communication** from Downtown Community Alliance on behalf of the Festival of Trees and Lights to approve banner design in downtown Des Moines to be displayed on Grand and Locust Street in November, 2008. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

37. **Application** from Beaverdale Main Street Initiative for permission to place banners on Beaver Avenue from Beavercrest Drive to Adams Avenue, which will change throughout the year to promote beautification and community improvement in Beaverdale’s core commercial district. **Moved by Hensley to receive, file and approve banners. Motion Carried 7-0.**

38. **Civil** Service Promotional List for Senior Police Officer. **Moved by Hensley to receive and file. Motion Carried 7-0.**

39. **Authorizing** Finance Director to draw checks on registers for the weeks of September 22, September 29, and **October 6, 2008**; to draw checks for bills of the Des Moines Municipal Housing Agency for weeks of September 22, September 29, and October 6, 2008; and to draw checks for biweekly payroll due September 26 and October 10, 2008. **Moved by Hensley to adopt. Motion Carried 7-0.**

### ORDINANCES - SECOND CONSIDERATION

40. **Amending** Chapter 102 of the Municipal Code regarding civil infraction penalties for sidewalk maintenance. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

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

**Council considered Hearing Items 45 thru 51 next**

### ORDINANCES - FIRST CONSIDERATION

41. **Amending** Chapter 30 of the Municipal Code regarding painting house numbers on curbing. (Council Communication No. 08-568) **Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
COMMUNICATIONS/REPORTS

42. NUMBER NOT USED.

08-1682 43. From Jennifer Norum, 3945 Lincoln Place Drive, and others, to speak regarding property at 3943 Lincoln Place Drive. Moved by Hensley to receive and file comments; refer to City Manager and Legal to take aggressive action on this property. Motion Carried 5-2. Absent: Cownie and Coleman.

08-1683 44. Request from Operation Downtown, 700 Locust Street, Suite 100, to paint on the sidewalks at 21 locations downtown. Moved by Vlassis to approve 11 locations and re-evaluate in 6 months; refer to the City Manager to review adding this information to Channel 7. Motion Carried 6-1. Absent: Coleman.

**Council considered Items 51 thru Board of Health next**

HEARINGS (OPEN AT 5:20 P.M.) (ITEMS 45 THRU 51)

45. On appeal from Efrain Mayorga d/b/a Aztec Motors for relief from temporary moratorium on creation or expansion of vehicle display lots.

08-1684 (A) Resolution to GRANT relief. Moved by Meyer to adopt and approve the application for relief from the moratorium. Motion Carried 7-0.

WITHDRAWN

08-1685 (B) Alternate resolution to DENY relief. (Council Communication No. 08-576)

46. On property in the vicinity of 1045 19th Street:

08-1686 (A) To amend the Des Moines 2020 Community Character land use plan future land use designation from Low Density Residential to Mixed-Use and Density Residential. Moved by Kiernan to adopt, and approve the proposed amendment. Motion Carried 7-0.

08-1687 (B) Hearing on request from Ryan Galloway to rezone property from “R-3” (Multiple-Family Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow redevelopment of property with new multiple-family residential, subject to conditions. Moved by Kiernan to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

08-1688 (C) First consideration of ordinance above. Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
47. On property in the vicinity of 2501 24th Street:

08-1689  (A) **To** amend the Des Moines 2020 Community Character Land Use plan future land use designation from Low Density Residential to Mixed-Use and Density Residential. Moved by Vlassis to adopt, and approve the proposed amendment. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.

08-1690  (B) **Hearing** on request from Quincy Place, LLC to rezone property from “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Limited “R-3” (Multiple-Family Residential) to allow redevelopment of property for new multiple-family residential use, subject to conditions. Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.

08-1691  (C) **First** consideration of ordinance above. Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.

08-1692  (D) **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, #14,799. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.

08-1693  48. On Council-initiated request to rezone portions of Riverbend Neighborhood Area from “R-3” (Multiple Family Residential) and “M-1” (Light Industrial) to “R1-60” (One-Family Low-Density Residential). (Council Communication No. 08-579) Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance and delete from the rezoning the properties located at 1243 7th Street and 1804 Arlington Street, and subject to amending the rezoning for 1233 7th Street to Limited R-3 classification that is restricted to single-family or two-family uses. Motion Carried 7-0.

08-1694  (A) **First** consideration of ordinance above. Moved by Vlassis that this ordinance be considered and given first vote for passage, and directing that the ordinance be amended before the second reading to reflect the changes noted in the hearing roll call. Motion Carried 7-0.

08-1695  49. On amendment to current agreement with Mesa Airlines, Inc., extending the scheduled Airline Operating Agreement and Terminal Building Lease at the Des Moines International Airport through September 30, 2008. (Council Communication No. 08-559) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.
50. On designation of Western Gateway Cultural and Entertainment District.  (Council Communication No. 08-564) Moved by Hensley to approve. Motion Carried 6-1. Absent: Coleman.

51. On John & Mary Pappajohn Sculpture Park: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Pinnacle Construction Group, LLC, (Shane E. Madison, President), $2,014,500. (Council Communication No. 08-574) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

52. 2009 City Council Meeting Schedule. Moved by Hensley to approve. Motion Carried 6-1. Absent: Coleman.

53. Adoption of “Complete Streets” policy regarding review, consideration and addition of bicycle and pedestrian facilities on street projects. (Council Communication No. 08-561) Moved by Kiernan to approve. Motion Carried 6-1. Absent: Coleman.

**END HEARINGS AT 6:22 P.M.**

**Council considered Items 41 thru 44 next**

APPROVING

52. 2009 City Council Meeting Schedule. Moved by Hensley to approve. Motion Carried 6-1. Absent: Coleman.

53. Adoption of “Complete Streets” policy regarding review, consideration and addition of bicycle and pedestrian facilities on street projects. (Council Communication No. 08-561) Moved by Kiernan to approve. Motion Carried 6-1. Absent: Coleman.

BOARD OF HEALTH

Motion to Convene. Moved by Vlassis that the City Council adjourn and convene as a Board of Health. Motion Carried 6-1. Absent: Coleman.

Authorizing:

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

53. (A) 4200 SW 10th Street, (fire-damaged) Titleholder: Roth Properties LC. Moved by
Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

08-1704  (B) 3221 SW 14th Street, Titleholder: David Schmitz. Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

08-1705  (C) 1241 E. 38th Street, (fire-damaged) emergency removal, Titleholders: Heirs of the Elnora B. Fields Estate. Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.

COMMUNICATION:

08-1706  2. Regarding demolition cost reserve being held by Shelter Insurance Companies for the fire-damaged structure located at 1429 University. Moved by Vlassis to receive and file and to direct that the City Attorney bring legal action within one hundred eighty days of receipt of notice if owners have not demolished or renovated the structure. Motion Carried 6-1. Absent: Coleman.

08-1707  MOTION TO ADJOURN. Moved by Vlassis to adjourn at 6:51 P.M. Motion Carried 6-1. Absent: Coleman.

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Des Moines
All-America City