

***** DES MOINES CITY COUNCIL MEETING REPORT *****

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 '05-' 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

November 21, 2005 4:30 PM

I. CLOSED SESSION – 3:30 P.M.

- 05-2737 (A) Roll Call. **Present: Coleman, Kiernan, Hensley, Brooks and Vlassis. Mayor Cownie and Council Member Mahaffey entered the meeting at 3:48 PM.**
- 05-2738 (B) Recess, and reconvene in closed session pursuant to Section 20.17(3) of the Code of Iowa to discuss collective bargaining strategy. **Moved by Hensley to adopt. Motion Carried 5-2.**
- 05-2739 (C) Closed Session.
- 05-2740 (D) Terminate closed session and reconvene in open session. **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-2741 (E) MOTION TO ADJOURN. **Moved by Brooks to adjourn at 3:58 PM.**

RECOGNITIONS - 4:00 PM

Becky Morelock and Marilyn Staples.

Committee members for the Cultural and Entertainment Districts (CED) (East Village, Cedar Avenue, and Roosevelt Cultural District).

INVOCATION: Pastor Craig Robertson
Grant Park Christian Church

- 05-2742 1. ROLL CALL: **Present: Cownie, Brooks, Coleman, Hensley, Mahaffey, Kiernan and**

Vlassis.

- 05-2743 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Kiernan 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.**

- 05-2744 3. APPROVING CONSENT AGENDA – items 3 through 52: **Moved by Hensley to adopt the balance of the consent agenda. Motion Carried 7-0.**

LICENSES AND PERMITS

- 05-2745 4. Approving Alcoholic Beverage License applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

- | | | |
|--------------------|--------------------|----------|
| (A) EL ARAGON | 900 E ARMY POST RD | C Liquor |
| (B) PAESANOS PIZZA | 2804 SW 9TH ST | B Wine |

RENEWAL APPLICATIONS

- | | | |
|--------------------------------|---------------------|----------|
| (C) CLUB 2000 | 422 INDIANOLA AVE | C Liquor |
| (D) EL RODEO #2 | 1234 E EUCLID AVE | C Liquor |
| (E) FIESTA CANCUN MEXICAN REST | 5118 SE 14TH ST | C Liquor |
| (F) HIGH LIFE LOUNGE | 200 SW 2ND ST | C Liquor |
| (G) KUM & GO #60 | 806 SE 14TH ST | C Beer |
| (H) QUIKTRIP #541 | 2428 HUBBELL AVE | C Beer |
| (I) ROYAL MILE | 210 4TH ST | C Liquor |
| (J) SKIPS | 4000 FLEUR DR | C Liquor |
| (K) SUDSUCKERS | 1511 E ARMY POST RD | C Liquor |
| (L) VAUDEVILLE MEWS | 212 4TH ST | C Liquor |

- 05-2746 5. City Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2747 6. City Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:
 - 05-2748 (A) 2006 Sanitary Sewer Televising Program - Receiving of bids, (12-20-05) and Set date of hearing (1-9-06). (Construction Estimate - \$343,000). **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2749 (B) Watson Powell Jr. Way Modifications – 2nd Avenue to 7th Street - Receiving of bids (12-20-05) and Setting date of hearing (1-9-06). (Construction Estimate - \$196,070). **Moved by Hensley to adopt. Motion Carried 7-0.**
8. Approving professional services agreement with RDG Planning and Design for Prince Park Landscaping, \$26,000. ([Council Communication No. 05-665](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2751 9. Change Order No. 2 with Western Waterproofing of Michigan, LLC for additional work on the 5th & Walnut Parking Garage, not to exceed \$13,650. ([Council Communication No. 05-661](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
10. Approving completion and recommending acceptance of the following private construction contracts:
 - 05-2752 (A) Baker Electric, Inc. and Meredith Corporation Foundation for lighting improvements on American Discovery Trail. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2753 (B) Baker Electric, Inc. and Meredith Corporation Foundation for lighting improvements on Meredith Fleur Drive Multi-Use Trail. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2754 (C) Hansen Company, Inc. and Principal Life Insurance Company for flood damage improvements, east side of the Des Moines River from E. Grand Ave. to the Argonne Armory. **Moved by Hensley to adopt. Motion Carried 7-0.**
11. Accepting completed construction and approving final payment for the following:
 - 05-2755 (A) SW 9th Street Culvert Repair at Luster Lane, The Underground Company, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2756 (B) 15th Street and Woodland Avenue Traffic Calming, Jasper Construction Services, LLC. **Moved by Hensley to adopt. Motion Carried 7-0.**
 - 05-2757 (C) Warren County Roadway Improvements Phase 1, Grimes Asphalt & Paving Company. **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2758 12. Approving implementation of the Hickman Road Traffic Study recommendation ([Council Communication No. 05-662](#)) **Moved by Vlassis to receive, file and approve implementation of the report's recommendations. Motion Carried 7-0.**
13. Approving the following items for McKinley Avenue Sidewalk from Fleur Drive to feet east.
- 05-2759 (A) Accepting completed construction and approving final payment, Castle Conc Services, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2760 (B) Accepting work and ordering preparation of plat and schedule of assessments **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2761 (C) Adopting and levying final schedule of assessments and payment. **Moved Hensley to adopt. Motion Carried 7-0.**
14. Rescind the previous approval of the following private construction contracts between McAninch Corporation and Three Lakes Townhomes:
- 05-2762 (A) Sanitary Sewer Improvements in Three Lakes Estates Plat 7, SE 30th Street and Army Post Road. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2763 (B) Storm Sewer Improvements in Three Lakes Estates Plat 7, SE 30th Street and E. Army Post Road. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2764 (C) Sanitary Sewer Improvements in Three Lakes Estates Plat 8, Brockway Drive and Lake Hill Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- 05-2765 15. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Public Works) for Schedule No. 2005-16. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2766 16. Levying assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) for Schedule No. 2005-17. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2767 17. Approving deletion of NAC-Emergency Assessments at 2220 Garfield Avenue. **Moved Hensley to adopt. Motion Carried 7-0.**

18. Approving the following:

- 05-2768 (A) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for October 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2769 (B) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for October 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- 05-2770 19. Establishing fair market value and authorizing acquisition of property adjoining 291 Francis Drive for the Closes Creek Storm Water Improvement Project, \$28,300. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2771 20. Reapproval of final plat for Woods on the River Plat 9. ([Council Communication No. 05-657](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2772 21. Approving Tax Abatement Applications for additional value added by improvements made during 2005 for 141 properties. ([Council Communication No. 05-656](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2773 22. Street name change from East Diehl Avenue to East Cutler Avenue in Easter Lake Estates Plat 7. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- 05-2774 23. Communication from Tom Turner, Human Resources Director, requesting Seat 6 on the Civil Service Commission be declared vacant. **Moved by Hensley to declare Seat 6 on the Civil Service Commission vacant and to extend our appreciation to the family of Michael Tonini for his many years of service to the City of Des Moines. Motion Carried 7-0.**
24. Communications from the Chair of the Sister Cities Commission for the following:
- 05-2775 (A) Requesting that Seat 11 on the Sister Cities Commission be declared vacant. **Moved by Hensley to adopt. Motion Carried 7-0.**

by Hensley to declare Seat 11 of the Sister Cities Commission vacant and extend our appreciation to the family of Robert Utter for his many years service to the City of Des Moines. Motion Carried 7-0.

- 05-2776 (B) Requesting that Dennis Kelly, Johnston's Commissioner, Seat 19 be declared vacant. **Moved by Hensley to receive and file and to extend our appreciation to Mr. Kelly for his service to the Sister City Commission. Motion Carried 7-0.**
- 05-2777 25. Communication from City of Ankeny appointing Monica Green as their representative to the Sister City Commission, Seat 20 for a five-year term commencing April 28, 2005 to expire April 28, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2778 26. Communication from City of Windsor Heights to appoint Sara Demeulanacre Zadick as their representative to the Sister City Commission, Seat 18 for a five-year term commencing April 28, 2005 to expire April 28, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2779 27. Designation of Ewing Woods-Evergreen Neighborhood Association as a recognized neighborhood association. ([Council Communication No. 05-660](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLAN AND ZONING

- 05-2780 28. Regarding request from Ila McFarland, 1819 43rd Street, for vacation and conveyance of the adjoining north/south alley right-of-way known as Hazelwood extending south of Franklin Avenue between 41st Street and 43rd Street. **Moved by Hensley to receive and file, and to refer to the City Manager for further processing in accordance with standard City property disposition procedures to include the reservation of easements identified above. Motion Carried 7-0.**
- 05-2781 29. Recommendation from Plan & Zoning Commission regarding Petition to expand Downtown Des Moines Self-Supported Municipal Improvement District (SSMID). **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-2782 (A) Setting date of hearing on above, (12-19-05). ([Council Communication No. 05-660](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- 05-2783 30. On vacation and conveyance of Webster Street, north of Hillside Avenue and east/v alley between South Union and previously vacated Webster Street, north of Hillside Avenue and conveyance of previously vacated Webster Street, north of Hillside Avenue (12-5-05). ([Council Communication No. 05-663](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2784 31. On vacation and conveyance of north/south alley between 23rd Street and 24th Street extending 528 feet south from Lincoln Avenue to Dewayne D. and Vonda K. Rohrer, \$2 (12-5-05). ([Council Communication No. 05-642](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

- 05-2785 32. On City initiated request to rezone property proposed for annexation at 4215 NE 46th Street in Polk County from "A-1" (Agricultural) to "PUD" (Planned Unit Development) to allow property to be incorporated into approved Summerfield "PUD" conceptual plan for single family residential development by Hubbell Properties II LC, of adjoining property to north, subject to conditions, (12-5-05).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- 05-2786 33. Approving an additional payment of \$391.25 to Austin Higby and \$511.46 to Enterprise Rent-A-Car for an auto accident. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2787 34. Approving Kathleen A. Vanderpool as Deputy City Attorney effective November 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- 05-2788 35. Submitting traffic regulation changes as follows:([Council Communication No. 645](#)) **Moved by Hensley to receive, file and refer to Legal Department for preparation of proper legislation. Motion Carried 7-0.**
- (A) Petition for One-Sided Parking Restriction-Crestmoor Drive between Bel-Aire Road and 50th Street.
- (B) Request to remove Two-Sided Parking Restriction-Wolcott Avenue between SW 31st and SW 31st Streets.

05-2789 36. Regarding preliminary terms of economic development agreement with Striggles Legacy II, LLC for redevelopment of former Meadow Gold site, 1719 Grand Avenue. ([Council Communication No. 05-644](#)) **Moved by Hensley to receive, file and approve preliminary terms of agreement set forth in the accompanying Council Communication and to direct the Acting City Manager to proceed with negotiations of a formal development agreement with Striggles Legacy II, LLC consistent with terms set forth in the accompanying Council Communication. Motion Carried 7-0.**

05-2790 (A) Setting date of hearing on vacation and conveyance of a portion of City-owned Ingersoll Avenue right-of-way between 17th Street and 18th Street and the east/v alley between Ingersoll Avenue and Grand Avenue from 17th to 18th Street, Striggles Legacy II, LC, \$2,000, (12-5-05). **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

05-2791 37. Submission of a \$125,000 grant request to Polk County Housing Trust Fund for the City of Des Moines Owner-Occupied Housing Rehabilitation Loan program for a pilot program for Interior Lead-Based Paint Control. ([Council Communication No. 05-654](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2792 38. A \$250,000 grant request to the Polk County Housing Trust Fund for the City of Des Moines Emergency Repair Loan Program. ([Council Communication No. 05-655](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2793 39. Urban Renewal Development Agreement and Brownfields Cleanup Revolving Loan Fund (“BCRLF”) Agreement with Hubbell Realty Company and Hubbell Terminal Corporation for the redevelopment of a portion of the Riverpoint West area. ([Council Communication No. 05-674](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2794 40. Regarding future recommendation to acquire property at 1350 Tuttle Street, within Metro Center Urban Renewal Area for redevelopment of Riverpoint West. ([Council Communication No. 05-658](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2795 41. Lease agreement with Kitchen Restaurants, LLC for a patio and sidewalk café adjacent to Star Bar, 2811 Ingersoll Avenue. ([Council Communication No. 05-653](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

05-2796 42. Allocation of \$1,000 Silver James C. Howland Award for Municipal Enrichment to Des Moines Neighbors for use in beautification efforts in Des Moines. ([Council Communication No. 05-652](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- 05-2797 43. Police Department to participate with U.S. Department of Homeland Security and Office of Domestic Preparedness Funding to purchase equipment to be used by the Police Department, \$96,230.30. ([Council Communication No. 05-643](#)) **Moved by Brooks to adopt. Motion Carried 7-0.**
- 05-2798 44. Amended Declaration of Covenants for Saylorville Business Park Urban Renewal Area in unincorporated Polk County at southeast corner of NE 14th Street and NE 58th Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2799 45. Amendment and renewal of Seat Management Contract with Public Technology, Inc. and L-3 Government Services to provide technology services. ([Council Communication No. 05-671](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- 05-2800 46. Communication from Downtown Community Alliance requesting approval on behalf of Meredith Corporation to approve banner design for seven banners in downtown on Locust Street during winter 2005/2006. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- 05-2801 47. Receipt of communication from Downtown Community Alliance requesting approval of Goals and Guiding Principles and general land-use plan for Western Gateway area. **Moved by Hensley to receive, file and to refer to the Plan and Zoning Commission, Urban Design Review Board, and City Manager for review and recommendation to Council by December 19, 2005. Motion Carried 7-0.**
48. Bids from the following:
- 05-2802 (A) Skold Door Company for annual contract with two (2) additional one-year renewals to furnish overhead door repair services for various operating departments, \$42,000. (Six bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2803 (B) Turfwerks for one utility tractor to be used by the Horticulture Division of the Parks and Recreation Department, \$40,500. (Seven bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2804 49. Civil Service Entrance List for Housing Services Maintenance Mechanic B. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- 05-2805 50. Authorizing Finance Director to draw checks on the registers of November 23, 2005 and December 1, 2005; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of November 21, 2005 and November 28, 2005; and to draw checks for biweekly payroll due November 23, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- 05-2806 51. Vacating a strip of street right-of-way from the north side of Ingersoll Avenue adjoining 2811 Ingersoll Avenue. **Moved by Hensley that this ordinance do now pass, [#14,512](#). Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- 05-2807 52. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
 - (A) **NEW** Administrative process for corner clearance parking restrictions up to 150 feet.
 - (B) Corner Clearance Extension-North side of Arthur Avenue, east of E. 14th Street.
 - (C) Corner Clearance – South side of Chamberlain Drive, west of 45th Place.

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

ORDINANCES - FIRST CONSIDERATION

- 05-2808 53. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
 - (A) Parking Restriction- Both sides of Carr Street from E. 32nd Street to E. 34th Street.
 - (B) Realignment of Existing Parking Meters, Loading Zone and Resident Permit Parking Area – 13th Street between Locust and Grand Avenue.
 - (C) Realignment of Existing Parking Meters- Locust Street between 9th Street and Grand Street.
- 05-2809 (D) Final consideration of ordinance above. **Moved by Hensley that the rule requiring that ordinances 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 so that the ordinance be placed upon its final passage and that the ordinance do now pass, [#14,513](#). Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

WITHDRAWN

- 05-2810 54. From Curtis and Laurie Linhart, Segway of Central Iowa, to speak regarding opening business that offers tours of Downtown Des Moines utilizing the two-wheeled up personal transport device known as the Segway.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 55 THRU 67)

- 05-2811 55. On appeal from Andrea Frazier, 2701 SW 12th Street, regarding Administrative Hearing Officer's decision on declaration of dangerous animal. **Moved by Hensley to uphold declaration. Motion Carried 7-0.**
- 05-2812 56. On proposed Second Year Action Plan (2006) for the 2005-2009 HUD Consolidated Plan ([Council Communication No. 05-651](#)) **Moved by Hensley to adopt the City Manager recommendation, the City Manager to come back after January 1 with recommendation on the reprogramming dollars with priority given to Demolition CHDC and Excel. Motion Carried 6-1. Nays: Brooks.**
- 05-2813 (A) Recommendation of the Neighborhood Revitalization Board. **Moved by Hensley to receive and file. Motion Carried 6-1.**
- 05-2814 (B) Communication from Excel Community Outreach Center. **Moved by Hensley to receive and file. Motion Carried 6-1.**
- 05-2815 57. On application for Voluntary Annexation, from Norman R. Havel and the Patricia A. Havel Family Trust, seeking annexation of approximately 130 acres of land north of NE 48th Avenue (E. Douglas) between NE 48th Street and Highway 65, (continued from November 7, 2005). ([Council Communication No. 05-672](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 05-2816 58. On conveyance of property east of and adjacent to 3523 University Avenue to University Terrace Cooperative Housing, \$1,162.50. ([Council Communication No. 05-667](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- 05-2817 59. On vacation and conveyance of subsurface rights in right-of-way adjoining 417 6th Avenue to Better Foods, Inc. and Casson's Market, Inc., \$1,000. ([Council Communication No. 05-670](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2818 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- 05-2819 (B) Final consideration of ordinance above, waiver requested by applicant, requires six votes. **Moved by Hensley that the rule requiring that ordinances 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, [#14,514](#). Motion Carried 7-0.**
- 05-2820 60. On vacation and conveyance of dead-end segment of SW 59th Street, running south Tonka Avenue to R. M. Madden Construction, Inc., \$300. ([Council Communication 05-668](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2821 (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2822 (B) Final consideration of ordinance above, waiver requested by applicant, requires six votes. **Moved by Hensley that the rule requiring that ordinances 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, [#14,515](#). Motion Carried 7-0.**
- 05-2823 61. On request from Robert and Beverly Merkle to rezone property proposed for annexation the vicinity of 5219 NE 38th Avenue in Polk County from “A-1” (Agricultural) and “PU” (Planned Unit Development) to “R1-80” (One Family Residential). **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- 05-2824 (A) Communication from Plan & Zoning Commission. **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 7-0.**
- 05-2825 (B) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2826 (C) Final consideration of ordinance above, (waiver requested by applicant), requires six votes. **Moved by Mahaffey that the rule requiring that ordinances 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, [#14,515](#). Motion Carried 7-0.**
- 05-2827 62. On request from Carlos Zamora to rezone property at 1126 21st Street from “R1-60” (One Family Low Density Residential) to “R-3” (Multiple Family Residential) to allow development of a multiple-family dwelling. (Recommendation from Plan & Zoning Commission is **DENY**). **Moved by Hensley to adopt and deny the rezoning. Motion Carried 7-0.**

- 05-2828 63. On request from Sith MacVilay to rezone 1140 & 1128 East 9th Street and 824, 826, & Filmore Street from limited “C-1” (Neighborhood Retail Commercial) and “C-2” (General Retail and Highway Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow for development of pedestrian oriented commercial center. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of rezoning ordinance. Motion Carried 7-0.**
- 05-2829 (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- 05-2830 (B) Final consideration of ordinance above, (waiver requested by applicant), requires 75% votes. **Moved by Mahaffey that the rule requiring that ordinances must be considered and voted on for passage at two Council meetings prior to 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, #14,515. Motion Carried 7-0.**
- 05-2831 64. On release of no-build restriction at 5821 Winona Avenue to Gordon Pralle, \$3,400. ([Council Communication No. 05-669](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2832 65. On 2006 Sanitary Sewer Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder The Underground Company, Ltd. (Duane Burkhardt, President), \$71,000. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-2833 (A) Approving contract and bond, and permission to sublet. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- 05-2834 66. On Principal Park Stadium Lighting: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate, and designating lowest responsible bidder ABC - Electrical Contractors, LLC. (W. Dave Ward, President), \$244,859. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2835 (A) Approving contract and bond. **Moved by Hensley to adopt. Motion Carried 7-0.**
67. On items regarding application of Tai Village, Inc., (Leunh Baccam, President) and Savannah Homes, Inc. (Ted Grobe, President) for annexation and rezoning of land located east of Lower Beaver Road at eastern end of Bel Aire Road and Twana and Valdez Drive (Continued from November 7, 2005):
- 05-2836 (A) Amendment to Des Moines 2020 Community Character Land Use Plan to designate land as Low Density Residential. **Moved by Hensley to continue to January 2006 at 5:00 PM. Motion Carried 5-1. Nays: Brooks. Council Member Vlaar declares a conflict of interest and abstains from voting.**

- 05-2837 (B) Resolution closing hearing on proposed rezoning and approving rezoning of land from “A-1” (Agricultural) to “PUD” (Planned Unit Development) and approving “PUD” conceptual plan for single-family residential development. (Requires 4/5th vote of Council for passage). **Moved by Hensley to continue to January 9, 2006 at 5:00 PM. Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**
- 05-2838 (C) First consideration of ordinance above. (Requires 4/5th vote of Council for passage). **Moved by Hensley to continue to January 9, 2006 at 5:00 PM. Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**
- WITHDRAWN
- 05-2839 (D) Final consideration of ordinance above, (waiver requested by developer), (Requires 4/5th vote of Council for passage).
- 05-2840 (E) Resolution closing hearing on proposed annexation. **Moved by Hensley to continue to January 9, 2006 at 5:00 PM. Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**
- 05-2841 (F) Request to speak from Dana Fedman, 3227 Hillcrest Drive, regarding Savan Homes/Sawyer’s Landing annexation of area and “PUD”. **Moved by Hensley to receive and file comments. Motion Carried 5-1. Nays: Brooks. Council Member Vlassis declares a conflict of interest and abstains from voting.**

** END HEARINGS AT 9:06 PM**

APPROVING

68. Items regarding the Fleur Trail Connector:
- WITHDRAWN
- 05-2842 (A) Resolution to REJECT all bids.
- 05-2843 (B) ALTERNATE Resolution to defer action to December 5, 2005. **Moved by Hensley to adopt. Motion Carried 7-0.**
69. Items regarding Metropolitan Medical Response System (MMRS) grant from State of Iowa, Homeland Security and Emergency Management:
- 05-2844 (A) Three year lease agreement with HPM Investments, Inc. for space at Park Fair Mall adjacent to emergency operation center to install a 125 kilowatt emergency generator. **Moved by Brooks to adopt. Motion Carried 7-0.**

- 05-2845 (B) Agreement with Grand View College for installation, transfer and maintenance of kilowatt emergency generator to be used upon request of Polk County Emergency Management Commission. ([Council Communication No. 05-664](#)) **Moved by Brooks to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- 05-2846 (C) Emergency Operations Centers Standby Power, designating lowest responsible bidder and approving contract and bond with ABC Electrical Contractors, LLC (W. D. Ward, President/CEO), \$233,315. **Moved by Brooks to adopt. Motion Carried 6-0.**
- 05-2847 70. Issuance of Request for Proposals to solicit provider for operation of City of Des Moines Fleet Services parts function. ([Council Communication No. 05-659](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 05-2848 71. 28E Agreement with Des Moines Metropolitan Wastewater Reclamation Authority and MidAmerican Energy for joint construction of Stage 2 of Des Moines River Outfall Overflow Sewer, Certain City Riverwalk Improvements and MidAmerican Energy Company Electrical Duct Bank along the west bank of the Des Moines River. ([Council Communication No. 05-666](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

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.

- 05-2849 1. Acceptance of a Greater Des Moines Public Art Foundation Grant for funds to be used to add an art component to the City's 2005 Performance Report. Sponsor: Hensley ([Council Communication No. 05-675](#)) **Moved by Hensley to approve. Motion Carried 7-0.**

BOARD OF HEALTH

05-2850 MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at 9:00 A.M. at the Board of Health. Motion Carried 7-0.**

AUTHORIZING

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

- 05-2851 (A) 453 E. Hillside Avenue, Titleholder: Michael B. Garcia; Mortgage Holder: Community Credit Union. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2852 (B) 1908 Williams Street, Titleholder: US Bank. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2853 (C) 5602 SW 9th Street (garage), Titleholder: Arthur D. Alber. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2854 (D) 841 17th Street, Titleholder: Vaundene Wells. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2855 (E) 1320 21st Street, Titleholder: Basim Al-Bakri. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2856 (F) 900 E. 27th Court, Titleholders: Robert Siddens and Crystal R. Siddens. **Moved by Coleman to adopt. Motion Carried 7-0.**

2. The Engineering Department to cause the removal of the structure at the following locations:

- 05-2857 (A) 2100 Capitol (garage), Titleholder: Bernice Jay. **Moved by Coleman to adopt. Motion Carried 7-0.**
- 05-2858 (B) 1328 21st Street, Titleholder: Steven C. Christensen. **Moved by Coleman to adopt. Motion Carried 7-0.**

05-2859 MOTION TO ADJOURN **Moved by Vlassis to adjourn at 9:18 P.M. Motion Carried 7-0.**

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