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

**November 24, 2008 4:30 PM**

**SPECIAL PRESENTATION** – 4:15 pm

Recognition from the National League of Cities

**Friends** of Des Moines Parks Donation

**INVOCATION:** Pastor Gene Kelsey
Wakonda Christian Church
3938 Fleur Drive

**08-2025**  1. **ROLL CALL:** Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis.

**08-2026**  2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:** Moved by Vlassis 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.

**08-2027**  3. **APPROVING CONSENT AGENDA** – items 3 through 34: Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 7-0.
4. **Approving** Alcoholic Beverage License Applications for the following: **Moved by Vlassis to adopt. Motion Carried 7-0.**

**NEW APPLICATIONS**

(A) H & A MINI MART 145 UNIVERSITY  B Wine

**RENEWAL APPLICATIONS**

(B) BIANCHIS HILLTOP 2820 HUBBELL AVE  C Liquor
(C) DAWG HOUSE 2301 HUBBELL AVE  C Liquor
(D) EL RODEO #2 1234 E EUCLID AVE  C Liquor
(E) FIESTA CANCUN MEXICAN 5118 SE 14TH ST  C Liquor
(F) GINOS RESTAURANT & LOUNGE 2809 6TH AVE  C Liquor
(G) HIGH LIFE LOUNGE 200 SW 2ND ST  C Liquor
(H) LA HACIENDA 900 E ARMY POST  C Liquor
(I) PARK AVENUE PUB 1101 PARK AVE  C Liquor
(J) ROYAL MILE 210 4TH ST  C Liquor
(K) SHORT STOP #42 3725 BEAVER AVE  C Beer
(L) SKIPS 4000 FLEUR DR  C Liquor
(M) SLEEPY HOLLOW SPORTS PARK 4051 DEAN AVE  C Liquor
(N) SUDSUCKERS 1511 E ARMY POST  C Liquor
(O) VAUDEVILLE MEWS 212 4TH ST  C Liquor

**SPECIAL EVENT APPLICATION**

(P) BARATTAS 519 PARK Five (5) Day License

**08-2029** 5. **Consideration** of Class E Liquor License with B Wine and C Beer privileges for Sun-Mart, 300 Walnut St., Ste. 150. **Moved by Hensley to deny. Motion Carried 5-2. Nays: Cownie and Vlassis.**

**08-2030** 5I Council Discussion regarding alcohol sales within residential properties. **Moved by Hensley to refer to the Legal Department to review and recommend an amendment to the City Code to restrict selling of alcoholic beverages to-go within establishments in residential properties. Motion Carried 7-0.**

**08-2031** 6. **City** Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-1. Nays: Cownie.**

**08-2032** 7. **City** Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 7-0.**
PUBLIC IMPROVEMENTS

8. Approving Change Order No. 6 with Sternquist Construction, Inc. for additional work on Scott Avenue Bridge over Leetown Creekway, not to exceed $77,000. (Council Communication No. 08-701) Moved by Vlassis to adopt. Motion Carried 7-0.

9. Accepting completed construction and approving final payment for the following:

(A) 2007 Box Sewer Rehabilitation Program – Proshot Concrete, Inc. Moved by Vlassis to adopt. Motion Carried 7-0.

(B) 3510 SW 5th Street Emergency Storm & Sanitary Sewer Repair – Van Hauen & Associates, Inc. Moved by Vlassis to adopt. Motion Carried 7-0.

(C) 1624 Pennsylvania Avenue Storm Sewer Repair – Reilly Construction Company, Inc. Moved by Vlassis to adopt. Motion Carried 7-0.

(D) McKinley Avenue Widening & Signalization at SE 5th Street – Cedar Valley Corporation. Moved by Vlassis to adopt. Motion Carried 7-0.

(E) M. L. King Jr. Parkway Paving SW 16th Street to SW 7th Street – Pete Peterson. Moved by Vlassis to adopt. Motion Carried 7-0.

(F) Principal Riverwalk Bridge over Des Moines River-Rehabilitation – Jensen Construction Company. Moved by Vlassis to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

10. Approving release of reserved utility easement on vacated portion of SW 6th Street right-of-way now within Lots 1, 2 and 3 of Riverpoint Plat No. 4. Moved by Vlassis to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

11. Communication from Chair of the Urban Design Review Board requesting Council declare Seat 7 vacant. Moved by Vlassis to receive, file and declare the seat vacant. Motion Carried 7-0.
COMMUNICATIONS FROM PLANNING AND ZONING

08-2042  12. **Regarding** request from R.M. Madden Construction, Inc. for vacation and conveyance of segment of east/west alley and segment of north/south alley between 24th and 25th Street, north of Rollins Avenue and south of Interstate 235, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

08-2043  13. **Regarding** request from St. Anthony’s Church of Des Moines for vacation and conveyance of north/south alley between SW 1st Street and Indianola Avenue from Edison to Indianola Avenue, subject to conditions. **Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

08-2044  14. **On** conveyance of vacated portion of north/south alley adjoining 1535 29th Street to Denis and Nancy Wolf-Keith, $100, (12-8-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**

08-2045  15. **On** vacation and conveyance of a dead-end segment of east/west alley adjoining 812 Virginia Avenue between Virginia Avenue and Pleasant View Drive, west of SW 7th Street to Jeff Law, $50, (12-8-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**

08-2046  16. **On** corrected conveyance of north/south alley between 8th Street and 9th Street from Crocker to Center Street and a portion of 9th Street right-of-way between Crocker and Center Street to Principal Life Insurance Company, (12-8-08). **Moved by Vlassis to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

08-2047  17. **Approving** settlement and release agreement with General Reinsurance Corporation and Genesis Underwriting as reimbursement to the City for Chapter 411 costs incurred. **Moved by Vlassis to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

08-2048  18. **Submitting** training requests for Michele Bischof and Terry DeMarce. (Council Communication No. 08-711) **Moved by Vlassis to adopt. Motion Carried 7-0.**
APPROVING

08-2049 19. Supportive Housing Program (SHP) Renewal Grant Agreement with the United States Department of Housing and Urban Development (HUD). (Council Communication No. 08-696) Moved by Vlassis to adopt. Motion Carried 7-0.

08-2050 20. Issuance of certificate of completion for Esther Hall, 921 Pleasant Street, (aka Hawthorn Hill) and authorizing payment of economic assistance. (Council Communication No. 08-698) Moved by Vlassis to adopt. Motion Carried 7-0.

08-2051 21. Acceptance of Project Safe Neighborhoods Anti-Gang Initiative grant award from the U.S. Department of Justice, $28,724. (Council Communication No. 08-709) Moved by Vlassis to adopt. Motion Carried 7-0.

08-2052 22. Appointment of Park and Recreation Director as City representative to the Pappajohn Sculpture Park Selection Committee. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2053 23. One-year extension of the contract for the USS Des Moines ship model on public display in the Great Hall of City Hall. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2054 24. Communication from Downtown Community Alliance on behalf of the Iowa Credit Union League to approve banner design to be displayed on E. Locust Street, Grand Avenue, Western Gateway Park, and 8th Street in January, February and March 2009. Moved by Vlassis to receive, file and approve banner design. Motion Carried 7-0.

08-2055 25. Community Partnership Memorandum of Understanding between the City of Des Moines and MCC Iowa LLC dba Mediacom. (Council Communication No. 08-694) Moved by Hensley to defer to the December 8, 2008 Council meeting, to allow time for additional conversations with Mediacom regarding Customer Satisfaction and Ingersoll Restoration. Motion Carried 7-0.

08-2056 26. Amendment No. 1 to Jumpstart Small Business Assistance Program Grant Agreement to increase maximum allocation from $109,947 to $219,894; and maximum administration fee from $2,198 to $4,397. (Council Communication No. 08-714) Moved by Vlassis to approve. Motion Carried 7-0.

08-2057 27. Designation of multiple depositories for City funds and the maximum allowable amounts. (Council Communication No. 08-693) Moved by Vlassis to approve. Motion Carried 6-0. Council Member Hensley declares a conflict of interest and abstains from voting.

08-2058 28. Civil Service Entrance List for Housing Case Manager and Promotional Lists for Senior User Support Technician, Senior License Clerk and Public Works Section Chief. Moved by Vlassis to receive and file. Motion Carried 7-0.
29. **Authorizing** Finance Director to draw checks on registers for the weeks of November 24 and December 1, 2008; to draw checks for the bills of the Des Moines Municipal Housing Agency for the week of November 24; and the draw checks for bi-weekly payroll due December 5, 2008. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**ORDINANCES - FINAL CONSIDERATION**

30. **Amending** Chapter 118 of the Municipal Code regarding Stormwater Utility Fee rate increase for residential and non-residential properties. **Moved by Vlassis that this ordinance do now pass, #14,814. Motion Carried 7-0.**

31. **Amending** Chapter 118 of the Municipal Code regarding establishment of Personal Property Protection Program and Subsidy Credit for qualifying plumbing work. **Moved by Vlassis that this ordinance do now pass, #14,815. Motion Carried 7-0.**

32. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes to remove the truck route designation on SE 28th Street from Market to Scott, and to create a four-way stop at the intersection of SE 28th Street and Scott. **Moved by Vlassis that this ordinance do now pass, #14,816. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

33. **On** vacation of E. Granger Avenue right-of-way between Vandalia Road and the Burlington Northern Sante Fe Railroad from SE 35th to SE 36th Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

34. **Amending** Chapter 114 of the Municipal Code submitting traffic regulation changes for Parking Restriction on the north side of Morton Avenue between E. 14th and Idaho Street. **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

* * * * * * * * * END CONSENT AGENDA * * * * * * * * *
ORDINANCES - SECOND CONSIDERATION

08-2065  35. **On** vacation of east/west alley between Woodland Avenue and High Street from a point 60 feet east of 14th Street to 15th Street, and 14th Street from Woodland Avenue to High Street to Central Iowa Health Properties Corporation. **Moved by Hensley to receive and file the report from Shive Hattery, and give the second vote for passage with the understanding that the “L” shaped easement be provided for a minimum of two years through January 1, 2011. Motion Carried 7-0.**

08-2066  (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, #14,817. Motion Carried 7-0.**

ORDINANCES - FIRST CONSIDERATION

08-2067  36. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:  **(Council Communication No. 08-700)** Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(A) Additional handicapped parking spaces on the north side of Ingersoll Avenue, west of 29th Street.

(B) Request from Drake Area businesses for removal of parking restrictions near 23rd Street and University Avenue.

08-2068  (C) Final consideration of ordinance above, (waiver requested by Council Member Kiernan), 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, #14,818. Motion Carried 7-0.**

08-2069  37. **Amending** Chapter 90 of the Municipal Code regarding powers and duties of the Public Housing Board regarding purchasing and procurement powers.  **(Council Communication No. 08-710)** Moved by Vlassis that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
COUNCIL REQUESTS

08-2070 38. **From** Council Members Hensley and Kiernan to discuss creation of a quarterly Developers Roundtable, to receive input from Master Builders of Iowa and other appropriate groups regarding process and any issues they have encountered. **Moved by Kiernan to refer to the City Manager to make a recommendation to Council about who should be involved and the schedule for the first meeting in January.** Motion Carried 7-0.

08-2071 38I **Request** from Council Member Brian Meyer to speak regarding the median on Army Post Road between SE 14th and SE 15th. **Moved by Meyer to refer to the City Manager to meet with the Southside developers and Neighborhood Associations for a recommendation on how to proceed in this area.** The City Manager will also consider medians City-wide. Council Member Meyer requested that the City put together a map of the Southeast side that can be used to attract new businesses. **Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

08-2072 39. **From** David Costello, 1105 Orchard Lane, requesting to speak regarding the need for more low cost housing. **Moved by Hensley to receive and file information and forward to the City Manager.** Motion Carried 6-1. Absent: Coleman.

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 40 THRU 47)

08-2073 40. **On** appeal from Robert Latshaw, 1243 E. 13th Street, of the Administrative Hearing Officer’s decision regarding his dog. **Moved by Coleman to uphold declaration.** Motion Carried 7-0.

08-2074 41. **On** appeal from Shannon Simmons, 1800 Watrous Avenue, of the Administrative Hearing Officer’s decision regarding her dog. **Moved by Hensley to reverse the decision of the Hearing Officer and declare the dog vicious.** Motion Carried 5-2. Nays: Cownie and Coleman.

08-2075 42. **On** Proposed Fifth (2009) Year Action Plan of 2005-2009 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan, (continued from 11-10-08). (Council Communication No. 08-695) **Moved by Coleman to adopt.** Motion Carried 7-0.

08-2076 (A) **Request** from Deborah Brewer, YWCA of Greater Des Moines, to speak regarding funding recommendation. **Moved by Coleman to receive and file comments.** Motion Carried 7-0.
43. On vacation and conveyance of east/west alley between Ingersoll Avenue and High Street from 17th Street to a point approximately 175 feet east of 19th Street to 1717 Ingersoll, LLC, PW Waterbury, LC and OPOMODO, LLC, (continued from 11-10-08). (Council Communication No. 08-702) Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman

(A) First consideration of ordinance above. Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Absent: Coleman.

(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, #14,819. Motion Carried 6-1. Absent: Coleman.

44. On vacation and conveyance of Birch Lane from Thornton Drive to SW 24th Street and SW 24th Street from Thornton Drive to Watrous Avenue to abutting property owners. (Council Communication No. 08-703) Moved by Hensley to adopt. Motion Carried 7-0.

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

(B) Final consideration of ordinance above, (waiver requested by 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, #14,820. Motion Carried 7-0.

45. On request from R Way’s, Inc. to rezone property at 1930 Indianola Avenue from “C-1” (Neighborhood Retail Commercial) to Ltd. “C-2” (General Retail and Highway Oriented Commercial) to allow reuse of property as a garage for general motor vehicle repair, subject to conditions, (continued from 11-10-08). Moved by Meyer to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.

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

46. On request from Savannah Homes, Inc. to amend the Silver Leaf PUD Conceptual Plan for
5100 NE 38th Avenue to allow reconfiguration of the street, alley and lot layout, including an increase in number of lots from 131 to 158. Moved by Coleman to continue to December 22, 2008 at 5:00 PM; refer to the City Manager and Legal to work with the developer on a process to require a garage to be built within a specific time frame. Motion Carried 7-0.

08-2086 47. On M. L. King Jr. Parkway Levee Restoration: Resolution approving plans, specifications, form of contract documents, Engineer’s Estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), $175,246.25. (Council Communication No. 08-704) Moved by Vlassis to adopt. Motion Carried 7-0.

08-2087 (A) Approval of contract and bond and permission to sublet. Moved by Vlassis to adopt. Motion Carried 7-0.

**END HEARCINGS AT 7:04 PM**

APPROVING

48. Enterprise Zone Benefit Applications for the following Housing Projects: (Council Communication No. 08-697)

08-2088 (A) Fort Des Moines Senior Living in the McKinley/SW 9th/Army Post Rd. Enterprise Zone. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2089 (B) MLK Brickstone, LLC in the Drake Park/Sherman Hill/Woodland Heights Enterprise Zone. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2090 (C) Melbourne Apartments 1, LLC in the SE 14th Street Enterprise Zone. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2091 (D) Metro Lofts, LLC in the Des Moines Gateway Enterprise Zone. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2092 (E) Oakridge Neighborhood Associates, LP in the Drake Park/Sherman Hill/Woodland Heights Enterprise Zone. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2093 (F) Oakridge Neighborhood Associates Phase II LP in the Drake Park/Sherman Hill/Woodland Heights Enterprise Zone. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2094 (G) Oak Point, LLLP in the 24th Street Enterprise Zone. Moved by Vlassis to adopt. Motion Carried 7-0.

08-2095 49. Revised agreement with Des Moines Regional Transit Authority (DART) providing for
City contributions to DART and uniform regional funding of mass transit operations.  (Council Communication No. 08-712)  Moved by Hensley to adopt.  Motion Carried 7-0.

08-2096  50.  Tax Increment needs for FY 2009/2010.  (Council Communication No. 08-713)  Moved by Hensley to adopt the recommendations contained in Council Communication No. 08-713 and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines’ need for $28,343,181 of tax increment revenue for FY 2009/2010 and if there are subsequent reductions in tax increment valuations, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council’s TIF Policy; refer to the City Manager to contact the Downtown Partnership to request that the City be included in their discussions regarding the status and conditions of existing downtown office buildings.  Motion Carried 7-0.

EXTRA ITEMS

08-2097  1.  Authorizing letter to Congressional Delegation requesting assistance with Federal Funding for rebuilding of Central Place and Birdland Levees.  Moved by Mahaffey to adopt.  Motion Carried 7-0.

BOARD OF HEALTH

08-2098  MOTION TO CONVENE.  Moved by Vlassis that the City Council adjourn and convene as a 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:

08-2099  (A)  1317  Lewis Avenue, (structure), Titleholder:  Patrick Avery; Mortgage Holder:  Midfirst Bank.  Moved by Vlassis to adopt.  Motion Carried 7-0.

08-2100  (B)  3943  Lincoln Place Drive, (structure and garage structure), Titleholder:  Sangamon Investment Company; Contract Buyer:  Jack A. Stuart.  Moved by Vlassis to adopt.  Motion Carried 7-0.

08-2101  (C)  1900  ML King Jr. Pkwy, (garage structure), Titleholder:  Deborah K. Smith a/k/a Deborah K. Henry.  Moved by Vlassis to adopt.  Motion Carried 7-0.

08-2102  (D)  1366  E. 14th Street, (fire-damaged structure), Titleholder:  Derek Haugen; Mortgage Holder:  Security State Bank.  Moved by Vlassis to adopt.  Motion Carried 7-0.
08-2103 (E) 7008 SW 14th Street, (fire-damaged structure), Titleholder: Kirk Rees; Mortgage Holder: Bank of America, NA. **Moved by Vlassis to adopt. Motion Carried 7-0.**

08-2104 (F) 1612 E. 31st Court, (garage structure), Titleholder: LaSalle Bank, NA. **Moved by Vlassis to adopt. Motion Carried 7-0.**

08-2105 (G) 1231 E. 36th Court, (fire-damaged structure), Titleholder: S Cooper Investments, Inc.; Mortgage Holder: State Savings Bank. **Moved by Vlassis to adopt. Motion Carried 7-0.**

**COMMUNICATION:**

08-2106 2. **Regarding** demolition cost reserve being held by Shelter Insurance Companies for the fire-damaged structure located at 1366 E. 14th Street. **Moved by Kiernan 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 7-0.**

08-2107 **MOTION TO ADJOURN. Moved by Kiernan to adjourn at 8:10 PM. Motion Carried 7-0.**

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All-America City