

\*\*\* 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 '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

December 4, 2006 4:30 PM

**PROCLAMATIONS - 4:00 P.M.**

[Employee](#) Learning Week

[Holiday](#) Food Baskets

[Human](#) Rights Month

**INVOCATION: Pastor Carol Archer  
College Avenue Christian Church**

[06-2344](#) 1. ROLL CALL: **Present: Cownie, Coleman, Hensley, Kiernan, Mahaffey and Vlassis**

[06-2345](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Kiernan to adopt. Motion Carried 6-0.**

\* \* \* \* \*

**\*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.**

[06-2346](#) 3. APPROVING CONSENT AGENDA – items 3 through 40: **Moved by Vlassis to adopt the balance of the consent agenda. Motion Carried 6-0.**

## LICENSES AND PERMITS

[06-2347](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Vlassis to adopt. Motion Carried 6-0.**

### NEW APPLICATIONS

(A)	<del>BAN THAI RESTAURANT</del>	<del>215 E WALNUT ST</del>	<del>C Beer/Wine</del>
(B)	DAWG HOUSE	2301 HUBBELL AVE	C Liquor
(C)	LAS TORTUGAS MEXICAN REST	1824 HUBBELL AVE	B Beer
(D)	SPOT	1601 6TH AVE	C Liquor

### RENEWAL APPLICATIONS

(E)	801 STEAK AND CHOP HOUSE	801 GRAND AVE	C Liquor
(F)	B & B SUPER MARKET	2001 SE 6TH ST	C Beer
(G)	BUZZARD BILLYS	100 COURT AVE	C Liquor
(H)	CLUB STATIK	215 E 2ND ST	C Liquor
(I)	DERRYS LOUNGE	4845 MERLE HAY RD	C Liquor
(J)	HY VEE FOOD STORE #2	2540 E EUCLID AVE	E Liquor
(K)	LOS LAURELES	1518 E GRAND AVE	C Liquor
(L)	PORKYS DINER	4444 DOUGLAS AVE	B Beer
(M)	SMOKE SHOP	1918 SE 14TH STREET	E Liquor
(N)	TUMEA AND SONS	1501 SE 1ST ST	C Liquor

[06-2348](#)

5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Vlassis to adopt. Motion Carried 6-0.**  
**Nays: Cownie.**

[06-2349](#)

6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Vlassis to adopt. Motion Carried 6-0.**

## PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

[06-2350](#)

- (A) [Downtown](#) Parking System Wayfinding Signage – Phase 2 – Receiving of bids, (12-19-06), and Setting date of hearing, (01-08-07). (Construction Estimate - \$437,560). ([Council Communication No. 06-761](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-2351](#)

- (B) [Teachout](#) Aquatic Center Slide Replacement – Receiving of bids, (12-19-06), and Setting date of hearing (01-08-07). (Construction Estimate - \$350,000). ([Council Communication No. 06-761](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[Communication No. 06-764](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

- [06-2352](#) 8. [Approving](#) Change Order No. 7 with Iowa Department of Transportation for Keo V Phase 2 Storm Sewer Outlet, not to exceed City cost of \$138,831.06. ([Communication No. 06-752](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2353](#) 9. [Approving](#) Private Construction Contract between Elder Corporation and Des Moines Independent Community School District for storm sewer improvements at 5912 University Avenue. **Moved by Vlassis to adopt. Motion Carried 6-0.**
10. Approving completion and acceptance of private construction contracts for the following:
- [06-2354](#) (A) [Eco-Tech](#) Construction, LLC and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company – Paving Improvements, Summersfield Plat 1. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2355](#) (B) [McAninch](#) Corporation and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company – Sanitary Sewer Improvements, Summersfield Plat 1. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2356](#) (C) [McAninch](#) Corporation and Hubbell Properties II, L.C. (Series H) by Hubbell Realty Company – Storm Sewer Improvements, Summersfield Plat 1. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2357](#) (D) [Eco-Tech](#) Construction, LLC and Savannah Homes – Sanitary Sewer Improvements at Sawyer’s Landing Phase 1. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2358](#) (E) [Eco-Tech](#) Construction, LLC and Savannah Homes – Storm Sewer Improvements at Sawyer’s Landing Phase 1. **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### **SPECIAL ASSESSMENTS**

- [06-2359](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Ordinance (Community Development) Schedule No. 2006-11. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2360](#) 12. [Approving](#) deletion of NAC Emergency Assessments at 3727 SW 14<sup>th</sup> Street. **Moved by Vlassis to adopt. Motion Carried 6-0.**

## LAND/PROPERTY TRANSACTIONS

13. Approving final subdivision plats for land located in unincorporated Polk County, north of NW 54<sup>th</sup> Avenue, adjoining NW 3<sup>rd</sup> Court for the following:
- [06-2361](#) (A) [Woodside](#) Estates West Plat 4. ([Council Communication No. 06-762](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2362](#) (B) [Woodside](#) Estates West Plat 5. ([Council Communication No. 06-763](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
14. Conditionally approving final subdivision plats located in vicinity of E. 46<sup>th</sup> Street and Hubbell Avenue for the following:
- [06-2363](#) (A) [Summersfield](#) Plat 1. ([Council Communication No. 06-748](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2364](#) (B) [Summersfield](#) Plat 2. ([Council Communication No. 06-747](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2365](#) 15. [Approving](#) property acquisitions settlement and accepting real estate documents for property at 1412 SE 37<sup>th</sup> Street for the Des Moines Agrimergent Technology Park Project. ([Council Communication No. 06-759](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [06-2366](#) 16. [Recommendation](#) from Council Member Kiernan to appoint Sam Summers to Seat 2 on the Des Moines Music Commission for a two-year term expiring July 1, 2008. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2367](#) 16A. [Communication](#) from Rose M. Smith submitting her resignation from the House of Appeals Board, Seat 7, effective immediately. **Moved by Vlassis to receive and accept this resignation with our appreciation for Ms. Smith's service. Motion Carried 6-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [06-2368](#) 17. [Regarding](#) request from Kingsway Cathedral, Inc., 901 - 19<sup>th</sup> Street, for future vacation of 19<sup>th</sup> Street from Olive Avenue to Cottage Grove, subject to conditions. **Moved by Hensley to receive and file; refer to the City Manager to provide a report regarding the Plat for the area. Motion Carried 6-0.**
- [06-2369](#) 18. [Regarding](#) request from Annett Holdings, Inc., 6001 Army Post Road, for vacation and conveyance of SW 60<sup>th</sup> Street between SW Leland Avenue and Army Post Road, 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 procedure. Motion Carried 6-0.**
- [06-2370](#) 19. [Regarding](#) request from Anderson Properties, LLC for approval of preliminary subdivision plat for “Anderson Commercial Park Plat 3” for property in vicinity of 5409 SE 14<sup>th</sup> Street to create three lots for commercial and multi-family residential development, subject to conditions. **Moved by Vlassis to receive and file. Motion Carried 6-0.**

## SETTING DATE OF HEARINGS

- [06-2371](#) 20. [On](#) vacation and conveyance of segment of Mahaska Parkway between Lincoln Place Drive and Norfolk Southern Railway, and portion of Lincoln Place Drive, north of J. Lynde Road to Matt and Jeanette Grohe, \$34,300, (12-18-06). **Moved by Hensley to adopt. Motion Carried 6-0.**
- [06-2372](#) 21. [On](#) vacation and conveyance of dead-end north/south alley extending south from S Street between SE 6<sup>th</sup> and SE 7<sup>th</sup> Streets to Oscar and Angelica Padilla, \$3,030 and Sopa Martinez, \$50, (12-18-06). **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2373](#) 22. [On](#) request from Burlington Auto Finance to rezone 2426 SE 14<sup>th</sup> Street from Ltd. “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway Oriented Commercial), (12-18-06). **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2374](#) 23. [On](#) request from Jerry’s Homes to rezone property in the 2200 block of East Pine Avenue from “R1-80” (One Family Residential) to “R-3” (Multiple-Family Residential), “R1-80” (One-Family Low-Density Residential), and “R1-80” (One-Family Residential), to allow for future single-family detached, semi-detached and townhome development, subject to conditions, (1-22-07). **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2375](#) 24. [On](#) request from Rick A. Lee to rezone 3510 Cottage Grove Avenue from “R1-60” (One Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions, (12-18-06). **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-2376](#)

25. [On](#) Voluntary Annexation of territory at 3930 SE 72<sup>nd</sup> Avenue, (1-22-07). **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[06-2377](#)

26. [Approving](#) payment of \$37,296.05 to Ronald Sowden, a sewer cleaning equipment operator in the Public Works Department for a workers' compensation claim. **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-2378](#)

27. [Approving](#) payment of \$1,636.68 to Myers & Jenkins for representation in the U Corporation, ATA Holdings Corp., Delta Air Lines, Inc., et.al. (Comair, Inc.) and Northwest Airlines Corporation, et.al. Bankruptcies. **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-2379](#)

28. [Approving](#) payment of \$7,395.75 to Ahlers & Cooney, P.C. for services related to Environmental Remediation of the Pitts-Des Moines site and other environmental issues. **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-2380](#)

29. [Approving](#) an additional payment of \$10,357.60 to Craig and Candy Shepherd for property damage claim as a result of a sewer backup at their property. **Moved by Vlassis to adopt. Motion Carried 6-0.**

#### APPROVING

[06-2381](#)

30. [Issuance](#) of Certificate of Completion for East Village Square Apartments located at E and Grand and authorizing payment of economic assistance. ([Council Communication No. 06-750](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-2382](#)

31. [Certificate](#) of partial completion to Airport Commerce Park, L.C., for the Airport Commerce Park South Urban Renewal Project. ([Council Communication No. 06-749](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-2383](#)

32. [Economic](#) Development Forgivable Loan and Agreement with the Homestead Builders L.P. ([Council Communication No. 06-760](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

[06-2384](#)

33. [Collateral](#) Assignment of Economic Development Grant under Development Agreement for Whiteline Lofts. ([Council Communication No. 06-749](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**

- [06-2385](#) 34. [Issuance](#) and securing payment of \$16,750,000 Stormwater Management Utility Revenue Bonds, Series 2006D, and providing a method of payment. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2386](#) 35. [Execution](#) and delivery of the continuing disclosure certificate regarding the Des Moines Metropolitan Wastewater Reclamation Authority Sewer Revenue Bonds Series 2006D. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2387](#) 36. [Amendment](#) to Recyclables Processing Services Contract with Mid America Recycling Inc. for new per ton recyclable material prices payable to the City. ([Council Communication No. 06-765](#)) **Moved by Coleman to adopt; refer to the City Manager to look for ways the City can promote recycling. Motion Carried 6-0.**
- [06-2388](#) 37. [Receipt](#) of Des Moines Water Works' adopted budget for calendar year ending December 31, 2007. **Moved by Vlassis to receive and file. Motion Carried 6-0.**
38. Bids from the following:
- [06-2389](#) (A) [Colorfx](#) for printing of Annual Performance Reports to be used by the City Manager's Office, \$55,020.09 (Six bids mailed, three received). ([Council Communication No. 06-767](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2390](#) (B) [Access](#) Control Technologies for non-competitive procurement of Federal Acquisition Regulation equipment to upgrade PARCS (Parking and Revenue Control System) in the Park Garage to be used by the Traffic & Transportation Division, \$525,050. ([Council Communication No. 06-753](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2391](#) (C) [Cardinal](#) Tracking for non-competitive procurement of replacement hand held time clock writers and software upgrades to be used by the Police Department Parking Management Enforcement Section, \$38,650. **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2392](#) (D) [U.S. Cellular](#) for wireless telecommunications services and equipment to be used by the Police Department, per State of Iowa Contract, \$76,000. ([Council Communication No. 06-746](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2393](#) 39. [Authorizing](#) Finance Director to draw checks on registers for the weeks of December 4 and December 11, 2006; and to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of December 4 and December 11, 2006; and to draw checks for weekly payroll due December 8, 2006. **Moved by Vlassis to adopt. Motion Carried 6-0.**

**ORDINANCES - SECOND CONSIDERATION**

- [06-2394](#) 40. Amending Chapter 114 of the Municipal Code regarding traffic regulation changes follows: **Moved by Vlassis that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

  - (A) School Bus Loading Area – Longfellow Elementary School at 2115 E. 39<sup>th</sup> Street.
  - (B) Loading Zone – 5<sup>th</sup> Avenue and Grand, and 5<sup>th</sup> Avenue and Locust.
  - (C) Parking Restrictions – East side of 5<sup>th</sup> Avenue, Mulberry Street to Walnut Street.
  - (D) Removal of Metered Parking – 3<sup>rd</sup> Street between Center Street and School Street.

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

**ORDINANCES - FIRST CONSIDERATION**

- [06-2395](#) 41. Amending Chapter 30 of the Municipal Code regarding after-hour businesses. (Council Communication No. 06-769) **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- [06-2396](#) (A) Final consideration of ordinance above, (waiver requested by Police Department requires 6 votes. **Moved by Kiernan that the rule requiring that an ordinance 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 placed upon its final passage and that the ordinance do now pass, #14,6 Motion Carried 6-0.**
- [06-2397](#) (B) Amending schedule of fees. **Moved by Kiernan to adopt. Motion Carried 6-0.**

\*\*Council considered Items 46 thru 52 next\*\*

- [06-2398](#) 42. Amending Chapter 1 of the Municipal Code regarding the general penalty for municipal infraction violations. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- [06-2399](#) (A) Final consideration of ordinance above, (waiver requested by Legal Department 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 meeting at which it is to be finally passed be suspended, that the ordinance placed upon its final passage and that the ordinance do now pass, #14,6 Motion Carried 6-0.**



43. NUMBER NOT USED.

#### COMMUNICATIONS/REPORTS

[06-2400](#)

44. From James W. Quinn, 847 Oak Park Avenue, to speak regarding vandalism and enforcement in McHenry Park and adjacent public land. **Moved by Mahaffey to receive and file comments; refer to the City Manager for review and recommendation. Motion Carried 6-0.**

45. NUMBER NOT USED.

#### INFORMAL HEARINGS –(OPEN AT 5:10 P.M.) (ITEM 46)

[06-2401](#)

46. To receive supplement to the proposal from Vision Fuels for the purchase and redevelopment of Disposition Parcel No. 1 in the Agrimergent Technology Park. ([Council Communication No. 06-768](#)) **Moved by Kiernan to receive and file communications and the supplemental material from Vision Fuels. Motion Carried 6-0.**

#### ALTERNATE RESOLUTIONS:

~~(A) Selecting Lincolnway Energy as the Preferred Redeveloper.~~

[06-2402](#)

(B) Selecting Vision Fuels as the Preferred Redeveloper. **Moved by Kiernan to adopt the following subject to the addition of the following points to be included in the final development agreement with Vision Fuels: (i.) In order to ensure the long-term economic viability of the project, Vision Fuels will be required to explore and cooperate with the Iowa Department of Natural Resources and Iowa State University, the use of innovative technologies such as the use of combined heat and power (CHP) and the various biofuels options, and to provide a written report to the Council by April 1, 2007, as to the technical and economic feasibility of using these technologies at the Agrimergent Technology Park site. (ii.) Vision Fuels will be required to maximize the use of LEED to enhance the environment and minimize the pollutants emanating from its facility, as specified in its proposed boiler technology. (iii.) Vision Fuels will be required to conform its site development to the Council-adopted Agrimergent Technology Park plan. (iv.) Vision Fuels will be required to proceed expeditiously and to adhere to performance benchmarks, which include obtaining all project financing, PUD zoning, Urban Design Review Board review, air quality and building permits and commencement and completion of construction. The dates for performance shall be identified in the final Development Agreement, with project financing in place by May 15, 2007. (v.) Vision Fuels will pay the franchise fee or its equivalent.**

three years, and after three years, it may apply for the industrial rebate in accordance with the Council ordinance in effect at that time. (vi.) City Manager will look at alternatives to the franchise fee and alternative forms of energy. **Motion Carried 6-0.**

#### HEARINGS (OPEN AT 6:00 P.M.) (ITEMS 47 THRU 52)

- [06-2403](#) 47. **On** vacation and conveyance of a portion of the east/west alley extending west from East 30<sup>th</sup> Street between East Grand and East Capitol Avenues, and the north 25 feet of the east segment of Capitol Avenue extending west from East 30<sup>th</sup> Street, to Neighborhood Development Corporation, \$4,800. ([Council Communication No. 06-754](#)) **Moved by Mahaffey to adopt. Motion Carried 6-0.**
- [06-2404](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- [06-2405](#) (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,666. Motion Carried 6-0.**
- [06-2406](#) 48. **On** vacation and conveyance of a segment of the north/south alley extending south from East University Avenue between East 23<sup>rd</sup> Court and East 24<sup>th</sup> Street to Michael L. Kirsh, \$2,385. ([Council Communication No. 06-755](#)) **Moved by Mahaffey to adopt. Motion Carried 6-0.**
- [06-2407](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- [06-2408](#) (B) **Final** consideration of ordinance above, (waiver requested by applicant), requires 6 votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,666. Motion Carried 6-0.**
- [06-2409](#) 49. **On** vacation and conveyance of a portion of a dead-end segment of Boyd Street adjoining 1446 Boyd Street to Grand View College, \$6,765. ([Council Communication No. 06-756](#)) **Moved by Hensley to adopt. Motion Carried 5-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

- [06-2410](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance considered and given first vote for passage. Motion Carried 5-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [06-2411](#) 50. [On](#) conveyance of City-owned property adjoining 1920 Washington Avenue to Ricky Nu Haines, \$150. ([Council Communication No. 06-757](#)) **Moved by Vlassis to adopt. Motion Carried 6-0.**
- [06-2412](#) 51. [On](#) vacation and conveyance, and to amend the legal description for a permanent easement for encroachment adjoining 301 E. Court Avenue previously granted to East Village Co. L.L.C., \$370. ([Council Communication No. 06-758](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [06-2413](#) (A) [First](#) consideration of ordinance above. **Moved by Coleman that this ordinance considered and given first vote for passage. Motion Carried 6-0.**
- [06-2414](#) (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 2 votes. **Moved by Coleman that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #14,600. Motion Carried 6-0.**
- [06-2415](#) 52. [On](#) 4500 Grand Avenue Reroofing: Resolution approving plans, specifications, forms, contract documents, Engineer's Estimate and designating lowest responsible bidder Academy Roofing & Sheet Metal Co., (John McDermott, CEO), \$129,000. ([Council Communication No. 06-766](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**
- [06-2416](#) (A) [Approving](#) contract and bond. **Moved by Hensley to adopt. Motion Carried 6-0.**

**\*\*END HEARINGS AT 6:08 P.M.\*\***

**\*\*Council considered Items 42 and 44, then 53 thru Board of Health next\*\***

## APPROVING

- [06-2417](#) 53. [Professional](#) Services Agreement with Mario Gandelsonas of Agrest & Gandelso Architects to provide additional creative input and analysis for the Downtown PL ([Council Communication No. 06-771](#)) **Moved by Hensley to adopt. Motion Carried 0.**
- [06-2418](#) 54. [Permanent](#) exception to City of Des Moines Municipal Code Sections 102-486 through 102-493 to authorize street performers without obtaining an Entertainment District License. **Moved by Hensley to adopt; refer to the City Manager for review and recommendation regarding allowing performers in the Skywalks. Motion Carried 0.**

## BOARD OF HEALTH

- [06-2419](#) MOTION TO CONVENE. **Moved by Vlassis that the City Council adjourn and convene at the Board of Health. Motion Carried 5-1. Absent: Coleman.**

## AUTHORIZING

1. The Legal Department to proceed with court action seeking authority to abate the public nuisance at the following locations:
- [06-2420](#) (A) [1319](#) Harrison Avenue, Titleholders: Lorenzo Austin and Carmelita Austin; Mortgage Holder: Wells Fargo Bank, NA. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Coleman.**
- [06-2421](#) (B) [3103](#) E. 32<sup>nd</sup> Court, Titleholder: Keith Collis; Mortgage Holder: Valley Bank. **Moved by Vlassis to adopt. Motion Carried 5-1. Absent: Coleman.**

- [06-2422](#) MOTION TO ADJOURN. **Moved by Vlassis to adjourn at 6:21 P.M. Motion Carried 5-1. Absent: Coleman.**

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