



*** 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 '11-' 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

June 27, 2011
4:30 PM

I. **CLOSED SESSION – 3:30 PM**

- [11-1057](#) (A) Roll Call. **Present: Cownie, Griess, Hensley, Mahaffey, and Moore. Absent: Coleman and Meyer. Council Members Coleman and Meyer entered during item “C”.**
- [11-1058](#) (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa. **Moved by Hensley to adopt. Motion Carried 5-2.**
- [11-1059](#) (C) Closed Session.
- [11-1060](#) (D) Terminate closed session and reconvene in open session. **Moved by Griess to adopt. Motion Carried 7-0.**

* * * * *

SPECIAL PRESENTATION – 4:00 PM

[Goodguys](#) Heartland Nationals 20th Anniversary

INVOCATION: Council Member Coleman

- [11-1066](#) 1. **ROLL CALL: Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**

[11-1067](#)

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

[11-1068](#)

- 3. APPROVING CONSENT AGENDA * – items 3 through 41: **Moved by Hensley to adopt the balance of the Consent Agenda. Motion Carried 7-0.**

***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.**

LICENSES AND PERMITS

[11-1069](#)

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

NEW APPLICATIONS

(A)	FORTE BANQUET BY BARATTAS	615 3RD ST	C Liquor
(B)	SUPER STOP	727 SE 14TH ST	E Liquor
(C)	SUPER STOP	727 SE 14TH ST	C Beer
(D)	US GAS	3000 SW 9TH ST	E Liquor

RENEWAL APPLICATIONS

(E)	BEST TRIP	1516 SE 1ST ST	C Beer
(F)	BLANK PARK ZOO	7401 SW 9TH STREET	C Liquor
(G)	BUFFALO WILD WINGS GRILL	4345 MERLE HAY RD	C Liquor
(H)	CASEYS #2676	2106 ECHO VALLEY DR	C Beer
(I)	CHEFS KITCHEN	1903 BEAVER AVE	C Liquor
(J)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(K)	DRUGTOWN WINE AND SPIRITS	4100 UNIVERSITY AVE	E Liquor
(L)	HY VEE FOOD STORE #4	4605 FLEUR DR	E Liquor
(M)	HY VEE FOOD STORE #5	1107 E ARMY POST RD	E Liquor
(N)	MAIN GATE	2956 E GRAND AVE	C Liquor
(O)	POLK COUNTY CONVENTION CO	501 GRAND AVE	C Liquor
(P)	QUIK TRIP #554	901 SW 63RD	C Beer
(Q)	RED POPPY	2925 INGERSOLL AVE	C Liquor
(R)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor
(S)	SOUTHSIDE TOBACCO & LIQUOR	2424 SW 9TH ST	E Liquor
(T)	TAQUERIA JALISCO	1704 E GRAND AVE	B Beer

OUTDOOR SERVICE APPLICATIONS

(U)	SAMBETTIS	1430 2ND AVE	C Liquor
-----	-----------	--------------	----------

Adding permanent outdoor service area.

SPECIAL EVENT APPLICATIONS

(v) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview Event on July 8, 2011.

(w) PARKS AREA FOUNDATION 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on Riverview Event on July 1, 2011.

- [11-1070](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

[11-1071](#) (A) [2011](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (7-12-11), Setting date of hearing, (7-25-11). (Construction Estimate - \$351,900). ([Council Communication No. 11-419](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1072](#) (B) [63rd](#) Street Trail Connector – Railroad Avenue to Tyler Avenue: Receiving of bids, (7-12-11), Setting date of hearing, (8-8-11). (Construction Estimate - \$109,767.50). ([Council Communication No. 11-415](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1073](#) 7. [Approving](#) Professional Services Agreement with Howard R. Green Company, in conjunction with design and construction phase services for the 2011 System Wide Local Flood Protection Project Improvements, not to exceed \$377,000. ([Council Communication No. 11-413](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1074](#) 8. [Approving](#) Supplemental Agreement No. 1 to Des Moines River Regional Trail – Phase 1 Professional Services Agreement with AECOM, Inc. to provide additional design services, not to exceed \$56,100. ([Council Communication No. 11-409](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1075](#) 9. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

[11-1076](#) (A) [2010](#) Park Playground Improvements, T K Concrete, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1077](#) (B) [1212](#) E. 35th Court Emergency Sanitary Sewer Repair, Van Hauen & Associates, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1078](#) (C) [3021](#) Deep Woods Court Sanitary Sewer Repair, Drake Construction, LC. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1079](#) (D) [SE](#) 8th Street & Granger Avenue Emergency Sanitary Sewer Repair, Corell Contractor, Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

[11-1080](#) 11. [Approving](#) deletion of rental inspection assessment at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

[11-1081](#) 12. [Release](#) of Subdivision Improvement Bond in the amount of \$6,477 for satisfactory completion of remaining sidewalk improvements for AIRPORT INDUSTRIAL PARK, PLAT 2. ([Council Communication No. 11-394](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[11-1082](#) 13. [Recommendation](#) from the Greater Des Moines Partnership to appoint Russell Cross to the Neighborhood Revitalization Board, Seat 16, for a one-year term commencing June 30, 2011 to expire June 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

14. Recommendations from Council Member Chris Coleman to reappoint the following:

[11-1083](#) (A) [Paula](#) Feltner to the Park and Recreation Board, Seat 5, for a four-year term commencing June 30, 2010 to June 30, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1084](#) (B) [Greg](#) Wattier to the Urban Design Review Board, Seat 3, for a three-year term commencing June 30, 2009 to June 30, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

15. Recommendations from Council Member Halley Griess to reappoint the following:

[11-1085](#) (A) [Charles](#) Gassmann to the Building and Fire Code Board of Appeals, Seat 11, for a three-year term commencing April 1, 2011 to expire April 1, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1086](#) (B) [Jeffrey](#) Gronstal to the Housing Appeals Board, Seat 4, for a three-year term commencing March 16, 2010 to expire March 16, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1087](#) 15-I [Accepting](#) resignation from Christine Pardee from the Sister Cities Commission, Seat 9, effective July 1, 2011 and recommendation from Council Member Griess to appoint her to Plan and Zoning Commission, Seat 9, effective July 1, 2011. **Moved by Hensley to accept her resignation and thank her for her service. Motion Carried 7-0.**

16. Recommendations from Council Member Chris Hensley to reappoint the following:

[11-1088](#) (A) [Brian](#) Dennis to the Access Advisory Board, Seat 14, for a four-year term commencing June 15, 2011 to expire June 15, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1089](#) (B) [Sharon](#) Murphy to the Neighborhood Revitalization Board, Seat 9, for a three-year term commencing June 30, 2011 to expire June 30, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1090](#) (C) [Lynn](#) Huess to the Public Housing Board, Seat 6, for a three-year term commencing June 30, 2011 to expire June 30, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1091](#) (D) [John](#) Hearn to the Urban Design Review Board, Seat 10, for a three-year term commencing June 30, 2011 to expire June 30, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

17. Recommendations from Council Member Bob Mahaffey to reappoint the following:

[11-1092](#) (A) [Ryan](#) Smith to the Des Moines Music Commission, Seat 5, for a three-year term commencing July 1, 2011 to July 1, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1093](#) (B) [William](#) Page to the Plan and Zoning Commission, Seat 11, for a five-year term commencing July 1, 2011 to July 1, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1094](#) (C) [John](#) Morrissey to the Traffic Safety Committee, Seat 5, for a three-year term commencing December 31, 2009 to expire December 31, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

18. Recommendations from Council Member Brian Meyer to reappoint the following:

[11-1095](#) (A) [Jessica](#) Pruitt to the Access Advisory Board, Seat 15, for a four-year term commencing June 15, 2011 to expire June 15, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1096](#) (B) [Laura](#) Mundy to the Neighborhood Revitalization Board, Seat 5, for a three-year term commencing June 30, 2011 to expire June 30, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1097](#) (C) [Vincent](#) Scavo to the Park and Recreation Board, Seat 13, for a four-year term commencing June 30, 2011 to expire June 30, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1098](#) (D) [Tim](#) Rypma to the Urban Design Review Board, Seat 7, for a three-year term commencing June 30, 2011 to June 30, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

19. Recommendations from Council Member Skip Moore to reappoint the following:

[11-1099](#) (A) [Brandon](#) Findlay to the Des Moines Music Commission, Seat 2, for a two-year term commencing July 1, 2010 to expire July 1, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1100](#) (B) [Richard](#) Thornton to the Park and Recreation Board, Seat 4, for a four-year term commencing June 30, 2011 to expire June 30, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1101](#) (C) [CJ](#) Stephens to the Plan and Zoning Commission, Seat 5, for a five-year term commencing July 1, 2011 to expire July 1, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1102](#) (D) [Vidal](#) Spaine to the Sister Cities Commission, Seat 4, for a five-year term commencing April 28, 2011 to expire April 28, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

20. Recommendation from Mayor Frank Cownie to reappoint the following:

[11-1103](#) (A) [Mark](#) Stanley to the Access Advisory Board, Seat 1, for a four-year term commencing June 15, 2010 to expire June 15, 2014. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1104](#) (B) [Pete](#) Rounds to the Civil Service Commission, Seat 6, for a four-year term commencing April 1, 2011 to expire April 1, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

[11-1105](#) (C) [Matthew](#) McIver to the Des Moines Music Commission, Seat 1, for a two-year term commencing July 1, 2010 to expire July 1, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [11-1106](#) 21. [On](#) vacation and lease of a portion of the public sidewalk adjoining Mickey's Irish Pub at 206 3rd Street for a sidewalk café serving alcohol, (7-11-11). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [11-1107](#) 22. [Approving](#) payment to Ahlers & Cooney, PC for consultation services with collective bargaining, \$5,696.45. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1108](#) 23. [Approving](#) payment to Bob Brown Collision Center for property damage as the result of an auto accident, \$8,260.24. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1109](#) 24. [Approving](#) payment to Michael Stroud for workers' compensation, \$9,285.19. **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [11-1110](#) 25. [Authorizing](#) City Manager as Certifying Officer for U.S. Department of Housing and Urban Development Environmental Reviews, Certifications and Requests for Release of Funds. ([Council Communication No. 11-405](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1111](#) 26. [Grant](#) application submission by West Bank to Federal Home Loan Bank (FHLB) for Affordable Housing Program, Memoranda of Understanding with Neighborhood Finance Corporation and Home Opportunities Made Easy (HOME), Inc. for supportive services and Sub-agreement with West Bank as the partner FHLB Member Bank, \$300,000. ([Council Communication No. 11-427](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1112](#) 27. [Economic](#) Development Forgivable Loan Agreement for retention of Simpson, Jensen, Abels, Fischer & Bouslog, PC within the Equitable Office Building, \$27,000. ([Council Communication No. 11-400](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1113](#) 28. [Contract](#) for a forgivable loan from Iowa Department of Economic Development (IDED) to Kemin Industries, Inc. to assist in expansion of Kemin's Corporate Headquarters in the Des Moines Agribusiness Enterprise Zone. ([Council Communication No. 11-436](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
29. Number Not Used.

- [11-1114](#) 30. [Final](#) Terms and Documents for Community Development Block Grant (CDBG) Funds for completion of rehabilitation and site improvements at The Murillo Apartments, 611 16th Street, \$250,000. ([Council Communication No. 11-404](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1115](#) 31. [Second](#) Amendment to Iowans Helping Iowans Housing Assistance Program Grant Agreement reducing the funds by \$150,000. ([Council Communication No. 11-407](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1116](#) 32. [Exile](#), L.L.C. application for Enterprise Zone Benefits for a housing project in the Gateway Enterprise Zone, 1514 Walnut Street, 7 apartment units. ([Council Communication No. 11-424](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1117](#) 33. [Agreement](#) and Covenant regarding the construction of private sewer service in lieu of constructing a public sanitary sewer extension with Terry T. Baal at 2800 Stanton Avenue. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1118](#) 34. [Annual](#) insurance renewal for property and casualty insurance. ([Council Communication No. 11-401](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1119](#) 35. [Use](#) of various City facilities as poll sites for the School Election to be held on Tuesday, September 13, 2011. **Moved by Hensley to approve. City Clerk will notify the Parks Department and the Municipal Housing Department to arrange access to the buildings. Motion Carried 7-0.**
36. Bids from the following:
- [11-1120](#) (A) [POM](#) INC., (Seth Ward II, Owner/President), sole area-wide distributor, to furnish parking meter replacement parts and repair services during fiscal year 2012, to be used by the Traffic and Transportation Division, estimated annual cost \$28,000. ([Council Communication No. 11-410](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1121](#) (B) [Logan](#) Contractors Supply, (Bruce Logan, President), sole area-wide distributor, to furnish crack sealant and detackifier products during fiscal year 2012, to be used by Public Works Street Maintenance Division, estimated annual cost \$55,000. ([Council Communication No. 11-402](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1122](#) (C) [Menards](#), to furnish miscellaneous building materials and supplies for use during fiscal year 2012, per State of Iowa Contract, to be used by the Public Works Department, estimated annual cost \$85,000. ([Council Communication No. 11-403](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [11-1123](#) (D) [TMC](#) Auto Body, (Craig Peters, Owner) and Deery Brothers Chevrolet, (Tony Nordman, General Manager) to furnish auto body repair services to be used during fiscal year 2012, per State of Iowa Contract, to be used by the Fleet Maintenance Center, estimated annual cost \$50,000. ([Council Communication No. 11-396](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1124](#) (E) [Wilson](#) Toyota, (Dennis Wilson, Owner/President) for 11 replacement hybrid vehicles exempted from competitive bidding requirements for good cause shown, to be used by the Police Department, \$278,575. ([Council Communication No. 11-435](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1125](#) (F) [Alliance](#) Medical d/b/a AllMed, (Larry Dahl, CEO); Bound Tree Medical, (Hank Struik, CEO); Midwest Medical Supply, (Gary Reeve, CEO); and Henry Schein, (Stan Bergman, CEO) for an annual contract with two additional one-year renewal options to furnish medical and pharmaceutical supplies to be used by the Fire Department, \$195,000. (14 bids mailed, 5 received). ([Council Communication No. 11-425](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1126](#) (G) [AP/M](#) Permaform, (Bill Shook, President), sole area-wide distributor for a blanket purchase order to furnish high-strength grout during fiscal year 2012 to be used by Public Works Department, \$55,000. ([Council Communication No. 11-430](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1127](#) (H) [Dell](#) Marketing LP, (Michael Dell, CEO) for replacement employee desktop personal computers during fiscal year 2012 per Western States Contracting Alliance price agreement to be used by IT Department, \$300,000. ([Council Communication No. 11-429](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1128](#) 37. [Annual](#) software maintenance and support for the City's Computer Aided Dispatch (CAD) and Records Management System (RMS), from Intergraph Corporation, (Halsey Wise, President) manufacturer and sole area-wide distributor, \$190,076. ([Council Communication No. 11-428](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- WITHDRAWN
[11-1129](#) 38. ~~[Lease](#) Purchase Master Agreement with Wells Fargo Bank, N.A. ([Council Communication No. 11-423](#))~~
- WITHDRAWN
[11-1130](#) (A) ~~[Supplement](#) No. 1 to Governmental Lease Purchase Master Agreement with Wells Fargo Bank, N.A., \$942,038.~~
- WITHDRAWN
[11-1131](#) (B) ~~[Supplement](#) No. 2 to Governmental Lease Purchase Master Agreement with Wells Fargo Bank, N.A., \$1,147,482. ([Council Communication No. 11-426](#))~~

- [11-1132](#) 39. Civil Service Entrance Lists for Fire Fighter and Community Investment Analyst. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [11-1133](#) 40. Reaffirming the purpose of certain general fund balances in accordance with new General Accounting Practices. (Council Communication No. 11-397) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1134](#) 41. Authorizing Finance Director to draw checks on registers for weeks of June 27 and July 4, 2011; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of June 27 and July 4, 2011; and to draw checks for biweekly payroll due July 15, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

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

ORDINANCES - FIRST CONSIDERATION

- [11-1135](#) 42. Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: (Council Communication No. 11-408) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- (A) Realignment of on-street parking due to renovation work at the Kirkwood Condominiums.
- (B) Petition for two-sided parking restriction – 100 block of E. Titus Avenue.
- (C) Petition to allow parking – Pond View Circle.
- [11-1136](#) (D) Final consideration of ordinance above, requires six 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, #15,025. Motion Carried 7-0.**
- [11-1137](#) 43. Amending Chapter 30 of the Municipal Code regarding persons under age 21 on premises having an after-hours business license. **Moved by Hensley that this ordinance be considered and given first vote for passage.**
- [11-1138](#) (A) Final consideration of ordinance above (waiver requested by Council Member Hensley), requires six 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, #15,026. Motion Carried 7-0.**

COUNCIL REQUESTS

- [11-1139](#) 44. **From** Council Member Christine Hensley to speak regarding Post Office locations downtown. **Moved by Hensley to receive, file and refer to the City Manager to send a letter on behalf of the Mayor and City Council to the Postmaster, expressing concern about the possible closing of the Capital Square and Highland Park Post Offices and to notify our State Senators and Congressman Boswell. Motion Carried 7-0.**
- [11-1140](#) 45. **From** Council Member Brian Meyer to speak regarding placement of banners in the Fairground Neighborhood on E. Grand Avenue from the railroad tracks to E. 30th Street. **Moved by Meyer to receive, file and refer to the City Manager to work with the Fairgrounds Neighborhood Association and Capital East Neighborhood Association to work out a similar plan to East Village and SW 9th Street banners. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 46 THRU 54)

- [11-1141](#) 46. **On** conveyance of License Agreement at 1012 Oak Park Avenue (McHenry Park) to Qwest Corporation, \$200. ([Council Communication No. 11-421](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1142](#) 47. **On** vacation and conveyance of remaining public alley right-of-way in the block bound by Vine, Water, Market and SW 2nd Streets to Waterfront Lodging, Inc. for \$39,856, subject to conditions. ([Council Communication No. 11-412](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1143](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1144](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six 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, [#15,027](#). Motion Carried 7-0.**
- [11-1145](#) 48. **On** vacation and lease of alleys adjoining 1312 Locust and 1408 Locust Street to Westgate Partnership, LLC, subject to conditions. ([Council Communication No. 11-420](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1146](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [11-1147](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six 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, #15,028. Motion Carried 7-0.**
- [11-1148](#) 49. **On** request from QuikTrip Corporation to rezone property at 2300 E. 14th Street from Ltd. “C-1” (Neighborhood Retail Commercial) to “C-1” (Neighborhood Retail Commercial). **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [11-1149](#) (A) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [11-1150](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six 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, #15,029. Motion Carried 7-0.**
- [11-1151](#) 50. **On** request from HDR Land Development, LLC to amend The Woods of Copper Creek PUD Conceptual Plan (4600 block of Easton Blvd.) revising the southeastern five acres removing it from Area “C” for multiple-family and adding to Area “A” for single-family development, subject to conditions. ([Council Communication No. 11-431](#)) **Moved by Mahaffey to adopt; refer to the City Manager to amend the Plan to use 1” caliper over story trees for street right-of-way, and request that the new Municipal Arborist and City staff review the existing landscape standards and forward amendments to Council for consideration. Motion Carried 7-0.**
- [11-1152](#) 51. **On** 2011 City-Wide PCC Pavement Restoration Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Absolute Concrete Construction, Inc., (Sonny E. Hall, President), \$213,870. **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Cownie, Meyer and Moore.**
- [11-1153](#) (A) **Approving** contract and bond. ([Council Communication No. 11-418](#)) **Moved by Hensley to adopt. Motion Carried 4-3. Nays: Cownie, Meyer and Moore.**
- [11-1154](#) 52. **On** 2011 Designated Neighborhood Sidewalk Replacement Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as T K Concrete, Inc., (Tony J. Vermeer, President), \$340,350. **Moved by Meyer to adopt. Motion Carried 7-0.**

- [11-1155](#) (A) [Approving](#) contract and bond, and permission to sublet. ([Council Communication No. 11-417](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [11-1156](#) 53. [On](#) 2011 Expanded Street Resurfacing Program – Contract 1: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as OMG Midwest, Inc., d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$979,980.55. **Moved by Mahaffey to adopt Motion Carried 7-0.**
- [11-1157](#) (A) [Approving](#) contract and bond, and permission to sublet. ([Council Communication No. 11-416](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [11-1158](#) 54. [On](#) Blank Park Zoo Entrance Improvements: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Larson & Larson Construction, LLC, (Jeffrey C. Larson, President), \$1,889,870.93. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Moore.**
- [11-1159](#) (A) [Approving](#) contract and bond, and permission to sublet. ([Council Communication No. 11-414](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Moore.**

***** END OF HEARINGS AT 5:14 PM *****

APPROVING

- [11-1160](#) 55. [IDOT](#) Agreement for construction of the Des Moines River Regional Trail – Phase 1. ([Council Communication No. 11-411](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [11-1161](#) 56. [Preliminary](#) terms of agreement with StartupCity Des Moines, LLC, for City assistance in the creation of a business incubator in downtown Des Moines. ([Council Communication No. 11-433](#)) **Moved by Hensley to receive and file, and to authorize and direct the City Manager to negotiate with StartupCity on a final agreement upon terms consistent with Council Communication No. 11-433 and include defined benchmarks as a way to evaluate the success of the program. Motion Carried 7-0.**
- [11-1162](#) 57. [Letter](#) of Interest to the U.S. Environmental Protection Agency (EPA) Greening America’s Capitals Program. ([Council Communication No. 11-432](#)) **Moved by Moore to approve. Motion Carried 7-0.**
- [11-1163](#) 58. [Intergovernmental](#) 28E Agreement between the City of Des Moines, State of Iowa, and Department of Public Defense for upgrading of the Iowa Air National Guard Airfield Facilities. ([Council Communication No. 11-422](#)) **Moved by Hensley to adopt and refer to the City Manager to report on timing of payments and to arrange a follow-up meeting regarding the Stormwater Utility. Motion Carried 7-0.**

[11-1164](#) 59. [Contract](#) with Langley Productions, Inc. to film various activities of Des Moines' police officers for inclusion in television series "COPS." ([Council Communication No. 11-406](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

[11-1165](#) 60. [Iowa](#) State Fair Authority to construct a bus drop-off lane in the north right-of-way of Dean Avenue. ([Council Communication No. 11-434](#)) **Moved by Meyer to adopt; refer to the City Manager to review incorporation of shade trees into the project. Motion Carried 7-0.**

[11-1166](#) (A) [Request](#) from Iowa State Fair for temporary "No Parking" signs from August 11-21, 2011. **Moved by Meyer to receive, file, grant the request and authorize the City Traffic Engineer to post the necessary signage. Motion Carried 7-0.**

EXTRA ITEMS

[11-1167](#) 1. [Preliminary](#) Terms of Agreement with Richard Eychaner for City Assistance for the Redevelopment of Property at 3801 Merle Hay Road. Sponsor: Council Member Halley Griess. ([Council Communication No. 11-437](#)) **Moved by Griess to receive and file, and to authorize and direct the City Manager to negotiate with Richard Eychaner for a formal Development Agreement consistent with the preliminary terms identified in Council Communication No. 11-437. Motion Carried 7-0.**

BOARD OF HEALTH

[11-1168](#) MOTION TO CONVENE. **Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

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

[11-1169](#) (A) [1837](#) E. Grand Avenue, main structure, Titleholder: Efrain Mayorga. **Moved by Meyer to adopt. Motion Carried 7-0.**

[11-1170](#) (B) [1418](#) Hutton Street, garage structure, Titleholder: Adair Holdings, LLC. **Moved by Meyer to adopt. Motion Carried 7-0.**

[11-1171](#) MOTION TO ADJOURN. **Moved by Meyer to adjourn at 5:14 PM. Motion Carried 7-0.**