

*** 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 '09-' 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

May 18, 2009 4:30 PM

PROCLAMATIONS – 4:00 PM

[National Public Works Week](#)

[National Garden Month](#)

[Small Business Week](#)

INVOCATION: Rev. Tim Diebel
First Christian Church
2500 University Avenue

[09-811](#) 1. ROLL CALL: **Present: Coleman, Hensley, Kiernan, Mahaffey, Meyer and Vlassis. Absent: Cownie. Mayor Cownie participated in the meeting by telephone; he entered the meeting during Item 32.**

[09-812](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Cownie.**

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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.**

[09-813](#) 3. APPROVING CONSENT AGENDA – items 3 through 56: **Moved by Kiernan to adopt**

the balance of the Consent Agenda. Motion Carried 6-1. Absent: Cownie.

LICENSES AND PERMITS

[09-814](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

NEW APPLICATIONS

(A)	GROWN FOLKS LLC	111 ARMY POST RD	C Liquor
(B)	LA HACIENDA III	3121 INGERSOLL	C Liquor

RENEWAL APPLICATIONS

(C)	BREW HAUS LOUNGE	830 MCKINLEY AVE	C Liquor
(D)	CARLS PLACE	1620 WOODLAND	C Liquor
(E)	CIVIC CENTER	221 WALNUT ST	C Liquor
(F)	CONTINENTAL	428 E LOCUST ST	C Liquor
(G)	COURT AVENUE BREWING	309 COURT AVE	C Liquor
(H)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(I)	DONNAS LOUNGE	4424 SE 14TH ST	C Liquor
(J)	EAST SIDE GRILL	2905 HUBBELL AVE	C Beer/Wine
(K)	HICKMAN PUB	2335 HICKMAN RD	C Liquor
(L)	HOTEL FORT DES MOINES	1000 WALNUT ST	B Wine
(M)	HOYT SHERMAN PLACE	1501 WOODLAND	C Liquor
(N)	JALAPENO PETE'S CANTINA	3000 E GRAND AVE	C Beer/Wine
(O)	LEGENDS AMERICAN GRILL	216 COURT AVE	C Liquor
(P)	LUCCA	420 E LOCUST ST	C Liquor
(Q)	MERCY HOSPITAL MED CNTR	1111 6TH AVE	C Liquor
(R)	MING DYNASTY BUFFET	4804 SW 9TH ST	B Beer
(S)	OKOBOJI GRILL	6050 SE 14TH ST	C Liquor
(T)	OLD WEST MEXICAN	4138 FLEUR DR	C Liquor
(U)	PEOPLES COURT/CC TAFT	216 COURT AVE	C Liquor
(V)	PIZZA HUT #4353	1435 ARMY POST RD	B Beer
(W)	QUIKTRIP #516	1000 E UNIVERSITY	C Beer
(X)	QUIKTRIP #535	1501 E GRAND AVE	C Beer
(Y)	ROYAL FLUSH RESTAURANT	4440 HUBBELL AVE	C Liquor
(Z)	SOUTH SIDE LIQUOR	1101 ARMY POST RD	E Liquor
(AA)	SPAGHETTI WORKS	310 COURT AVE	C Liquor
(BB)	STEER AND STEIN	3000 E GRAND AVE	B Beer
(CC)	SUITES OF 800 LOCUST	800 LOCUST ST	B Liquor
(DD)	TOBACCO OUTLET PLUS #519	3144 SE 14TH ST	C Beer
(EE)	UNIVERSITY LIBRARY CAFE	3506 UNIVERSITY	C Liquor
(FF)	WAVELAND CAFE	4708 UNIVERSITY	B Beer

OUTDOOR SERVICE APPLICATIONS

(GG) BLAZING SADDLE 416 E 5TH ST C Liquor
Temporary in conjunction with Capital City Pride Celebration on June 13-14, 2009. Pending

approval of Building Department.

(HH) LOS LAURELES 1518 E GRAND AVE C Liquor
Adding permanent outdoor service area. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

SPECIAL EVENT APPLICATIONS

(II) BOURBON STREET 500 ARMY POST RD Five (5) Day License
Class B Beer for event on May 22, 2009. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

(JJ) BOURBON STREET 500 ARMY POST RD Five (5) Day License
Class B Beer for event on May 29, 2009. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

(KK) BOURBON STREET 500 ARMY POST RD Five (5) Day License
Class B Beer for event on June 5, 2009. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

(LL) PARKS AREA 710 CORNING AVE Five (5) Day License
Class B Beer for Rendezvous on Riverview event on June 5, 2009. Pending approval of Building, Electrical, Fire, Vice and Zoning Departments.

- [09-815](#) 4-I [Consideration](#) of Five-day Class B Beer License for Centerplate, One Line Drive, for a special event on May 27, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments. Sponsors: Coleman and Hensley. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-816](#) 5. [City](#) Clerk to issue Cigarette Licenses. **Moved by Kiernan to adopt. Motion Carried 6-1. Nays: Cownie.**
- [09-817](#) 6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- [09-818](#) (A) [2009](#) Parks Playground & Basketball Court Improvements – Receiving of bids, (6-9-09), and Setting date of hearing, (6-22-09). (Constructions Estimate - \$205,500). [Council Communication No. 09-339](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-819](#) (B) [2009](#) Designated Neighborhood Sidewalk Replacement Program – Receiving of bids, (6-9-09), and Setting date of hearing, (6-22-09). (Constructions Estimate - \$300,700). [Council Communication No. 09-340](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-820](#) (C) [2009](#) HMA Pavement Scarification & Resurfacing – Receiving of bids, (6-9-09), and Setting date of hearing, (6-22-09). (Constructions Estimate - \$414,075). ([Council](#)

[Communication No. 09-341](#)) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

[09-821](#) 8. [Approving](#) execution of Iowa Department of Transportation Agreement for traffic signal upgrade at the intersection of Hubbell Avenue and Easton Boulevard. ([Council Communication No. 09-327](#)) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

9. Approving Professional Services Agreements for the following:

[09-822](#) (A) [AECOM](#), Inc. in conjunction with the Des Moines River Regional Trail – Phase 1, not to exceed \$202,000. ([Council Communication No. 09-330](#)) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

[09-823](#) (B) [Savage-Ver Ploeg & Associates, Inc. d/b/a SVPA Architects, Inc.](#) for design and construction phase services for the Fire Station No. 1 Replacement, not to exceed \$363,125. ([Council Communication No. 09-331](#)) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

[09-824](#) (C) [Connect](#) Architecture and Design PC for design and construction phase services for the PD Metro Star Building Improvements, not to exceed \$28,000. ([Council Communication No. 09-333](#)) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

[09-825](#) (D) [Shuck-Britson, Inc.](#) for evaluation, design and construction phase services for the Grand Avenue over Walnut Creek Bridge Replacement, not to exceed \$267,864. ([Council Communication No. 09-334](#)) Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

[09-826](#) 10. [Approving](#) private construction contract between Eco-Tech Construction, LLC and Nelson Development 15, LLC for paving improvements in E. 4th Street from E. Grand Avenue to Des Moines Street. Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

11. Approving completion and acceptance of private construction contracts for the following:

[09-827](#) (A) [Sanitary](#) and storm sewer improvements, Midtown Heights, between Gator Excavating, Inc. and Hubbell Realty Company. Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

[09-828](#) (B) [Sanitary](#) sewer improvements, 1815 High Street, between Gator Excavating, Inc. and Koester Construction Co., Inc. Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

[09-829](#) 12. [Communication](#) from Des Moines Asphalt and Paving requesting permission to sublet certain items on University Avenue Resurfacing – Des Moines River Bridge to 6th Avenue. Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

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

- [09-830](#) (A) [Principal](#) Park Soffit Repair, Lansink Construction, Inc. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-831](#) (B) [12th](#) Street Storm Sewer – Cherry to High Streets, The Underground Company, Ltd. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-832](#) 14. [Approving](#) execution of three (3) CDBG Disaster Recovery Infrastructure Grants with the Iowa Department of Economic Development. ([Council Communication No. 09-338](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-833](#) 15. [Authorization](#) to submit CDBG Disaster Recovery Infrastructure Applications to the Iowa Department of Economic Development. ([Council Communication No. 09-346](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-834](#) 16. [Approving](#) Compensation Agreement for relocation of water utility facilities in conjunction with the John & Mary Pappajohn Sculpture Park Project. ([Council Communication No. 09-328](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

SPECIAL ASSESSMENTS

- [09-835](#) 17. [Levying](#) assessments for costs of nuisance abatement - NAC Emergency Orders (Community Development) Schedule No. 2009-10. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
18. Approving deletion of NAC-Emergency Assessments for the following:
- [09-836](#) (A) [1805](#) 23rd Street. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-837](#) (B) [2214](#) Dean Avenue. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-838](#) 19. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Fees for April 2009. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-839](#) 20. [Approving](#) Delinquent Sewer Rental and/or Solid Waste/Stormwater Utility Credits for May 2009. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

LAND/PROPERTY TRANSACTIONS

- [09-840](#) 21. [Acceptance](#) of real estate documents from Iowa Department of Transportation for the Waveland Trail – Phase 1 Project. ([Council Communication No. 09-337](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-841](#) 22. [Establishing](#) fair market value of 2910 Merle Hay Rd. for the Merle Hay Rd. and

Urbandale Avenue Intersection Improvements Project. ([Council Communication No. 09-335](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-842](#) 23. [Approving](#) and authorizing execution of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) Agreements and HMGP Administrative Plan and authorizing voluntary property acquisition. ([Council Communication No. 09-345](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-843](#) 24. [Approving](#) Declaration of Restrictive Covenants for the public rights-of-way in the former Pittsburg-Des Moines Steel site, SW 11th and Murphy Streets. ([Council Communication No. 09-302](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

[09-844](#) 25. [Appointment](#) of Mark Ackelson, Greg Mace and Kaye Lozier to the Enterprise Zone Commission. ([Council Communication No. 09-323](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-845](#) 26. [Communication](#) from James Hoff advising of his resignation from the Historic Preservation Board, Seat 9, effective immediately. **Moved by Kiernan to receive, file and accept resignation with appreciation for his service. Motion Carried 6-1. Absent: Cownie.**

[09-846](#) (A) [Recommendation](#) from Council Member Christine Hensley to appoint Denny Marchand to the Historic District Preservation Commission, Seat 9, for a three-year term commencing October 18, 2008, expiring October 18, 2011. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-847](#) 27. [Communication](#) from Dr. Bruce Heilman advising of his resignation from the Plan and Zoning Commission, Seat 8, effective immediately. **Moved by Kiernan to receive, file and accept resignation with appreciation for his service. Motion Carried 6-1. Absent: Cownie.**

COMMUNICATIONS FROM PLANNING AND ZONING

28. Number not used.

[09-848](#) 29. [Regarding](#) request from Frederick Robert Hews, 1622 M. L. King Jr. Pkwy., for vacation and conveyance of a segment of east/west alley running west of M. L. King Jr. Pkwy. between Washington and Mondamin Avenues, subject to conditions. **Moved by Kiernan to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-1. Absent: Cownie.**

SETTING DATE OF HEARINGS

[09-849](#) 30. [On](#) conveyance of 1161 Enos Avenue to Lars Vinz, \$500, (6-8-09). **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-850](#) 31. [On](#) application of Imperial Properties, Inc. for relief from temporary moratorium on creation or expansion of vehicle display lots at 4141 E. 14th Street, (6-8-09). **Moved by**

Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

- [09-851](#) 32. [On](#) proposed renaming of streets recently annexed or to be annexed in the City of Des Moines, (6-8-09). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-852](#) 33. [On](#) proposed substantial amendment to the Fourth Year (2008) Action Plan of the 2005-2009 HUD Consolidated Plan for the Community Development Block Grant Funding (CDBG-R) under the American Recovery and Reinvestment Act of 2009, (Hearing will be held at a special Council meeting on June 3, 2009 at 4:00 PM). **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [09-853](#) 34. [Approving](#) payment of \$2,192.59 to Hall & Associates for services related to the Combined Sewer System and Combined Sewer Overflows related to the National Pollutions Discharge Elimination System (NPDES) Permit and additional work on proposed rules by Iowa Department of Natural Resources (IDNR). **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-854](#) 35. [Approving](#) payment of \$58,154.27 to Michael Rote for a workers' compensation claim. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

CITY MANAGER COMMUNICATIONS

- [09-855](#) 36. [Approving](#) travel and training requests for Jeff Aldrich, D. Scott Baker, Jack Beardsley, Bruce Bergman, Jason Halifax, Lawrence R. McDowell, Kandice Reindl, Jeremy Walburn and Raymond Wilson. ([Council Communication No. 09-351](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

APPROVING

- [09-856](#) 37. [Iowa](#) Community Services Block Grant (CSBG) FY 2009 CSBG American Recovery and Reinvestment Act (ARRA) Agency Plan. ([Council Communication No. 09-299](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-857](#) 38. [Community](#) Services Block Grant (CSBG) Community Action Plan Application for the 2010 CSBG Program Year. ([Council Communication No. 09-300](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-858](#) 39. [Concurrent](#) notice to the public of Finding of No Significant Impact (FONSI) on the Environment and request for the release of funds from the Iowa Department of Economic Development for funds from the Consolidated Security, Disaster Assistance and Continuing Appropriations Act of 2009. ([Council Communication No. 09-343](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-859](#) 40. [City](#) Manager to sign a letter of application to Polk County Housing Trust Fund (PCHTF) for private funds to provide gap funding within the Jumpstart Housing Program. ([Council Communication No. 09-347](#)) **Moved by Kiernan to approve. Motion Carried 6-1.**

Absent: Cownie.

- [09-860](#) 41. [Contract](#) Amendment #3 to the Community Development Block Grant Housing Disaster Recovery Fund Contract with Iowa Department of Economic Development. ([Council Communication No. 09-348](#)) **Moved by Kiernan to approve. Motion Carried 6-1. Absent: Cownie.**
- [09-861](#) 42. [Preliminary](#) terms of understanding with Cold Stream, LLC for development of a 50-acre parcel at NE 46th Street and Hubbell Avenue as a light industrial business park. ([Council Communication No. 09-326](#)) **Moved by Kiernan to receive, file and approve preliminary terms of understanding set forth in the accompanying Council Communication and to direct the City Manager to proceed with actions consistent with the terms set forth in the accompanying Council Communication. Motion Carried 6-1. Absent: Cownie.**
- [09-862](#) 43. [Submission](#) of application to State of Iowa for funding under the Community Economic Betterment Account (CEBA) and preliminary approval of terms of agreement with Eurofins Scientific, Inc. for reuse of 2200 Rittenhouse Street. ([Council Communication No. 09-320](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-863](#) 44. [Urban](#) Renewal Development Agreement with ND 25 SW 5th L.L.C. for redevelopment of property at 328 SW 5th Street, (Hawkeye Transfer Lofts). ([Council Communication No. 09-317](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-864](#) 45. [Subordination](#) and payment extension documents related to a Neighborhood Commercial Revitalization Loan to Kung Fu Tea, LLC d/b/a Gong Fu Tea for 414 E. 6th Street. ([Council Communication No. 09-321](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-865](#) 46. [Petitioning](#) Iowa Department of Economic Development to extend the Des Moines Gateway Enterprise Zone for an additional ten (10) years. ([Council Communication No. 09-332](#)) **Moved by Kiernan to approve. Motion Carried 6-1. Absent: Cownie.**
- [09-866](#) 47. [Receipt](#) of Airport Board Regulation No. 09-60 regarding commercial use fees, a part of rates and charges at the Des Moines International Airport. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-867](#) 48. [Amendment](#) #3 to the FY2006 Law Enforcement Terrorism Prevention Program Grant changing the end date to May 31, 2009. ([Council Communication No. 09-329](#)) **Moved by Kiernan to approve. Motion Carried 6-1. Absent: Cownie.**
- [09-868](#) 49. [US](#) Department of Homeland Security 2009 Assistance to Firefighters Grant Application. ([Council Communication No. 09-306](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-869](#) 50. [Second](#) Amendment to the 28E Agreement with Kiwanis Riverview Nature Island, Inc. ([Council Communication No. 09-307](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

- [09-870](#) 51. [Authorization](#) to submit application and execute contract with State Historical Society of Iowa for Historical Resource Development Program Grant for Historic Preservation Plan for Fort Des Moines, \$46,776. ([Council Communication No. 09-316](#)) **Moved by Kiernan to approve. Motion Carried 6-1. Absent: Cownie.**
- [09-871](#) 52. [Communication](#) from Downtown Community Alliance on behalf of Iowa State Bank for display of banners on 10 poles in downtown Des Moines on E. Locust Street beginning June 2009. **Moved by Kiernan to receive, file and approve banner design. Motion Carried 6-1. Absent: Cownie.**
53. Bids from the following:
- [09-872](#) (A) [Action](#) Products Marketing Corporation, d/b/a AP/M Permaform for a portable mortar application trailer to be used by the Public Works Department, \$65,000 (Ten bids mailed, two received). ([Council Communication No. 09-311](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-873](#) (B) [Crow](#) Automotive Services, d/b/a Crow Tow for an annual contract with two (2) additional one year renewal options to furnish towing and emergency road services to be used by the Equipment Maintenance Center. (Bid awarded previously, now requesting additional expenditure up to \$10,000) ([Council Communication No. 09-312](#)) **Moved by Vlassis to adopt. Motion Carried 7-0.**
- [09-874](#) (C) [Dewey](#) Ford and Charles Gabus Ford for various vehicles for city-wide use (four additions to Fleet, two replacements for Fleet, two replacements for Aviation), \$211,080. (Sixteen bids mailed, five received). ([Council Communication No. 09-315](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-875](#) (D) [Logan](#) Contractors Supply for crack and joint sealant and detackifier products to be used by the Public Works Department, \$27,775. (Two bids mailed, two received). **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-876](#) (E) [Fire](#) Guard Inc. for self contained breathing apparatus (SCBA) to be used by the Fire Department, \$77,000. (Two bids mailed, two received). **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-877](#) (F) [Hutchinson](#) Salt Co. for rock salt to be used by the Public Works Department, \$501,504.10. (Ten bids mailed, three received). ([Council Communication No. 09-318](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-878](#) (G) [Premier](#) Auto Solutions d/b/a AAMCO Transmissions for an annual contract with two (2) additional one-year renewal options to furnish transmission repair services to be used by the Equipment Maintenance Center. (Bid awarded previously, now requesting additional expenditure up to \$10,000). ([Council Communication No. 09-312](#))

Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.

[09-879](#) (H) [Sandry](#) Fire Supply for an annual contract with two (2) additional one-year renewal options to furnish fire service bunker coats and pants to be used by the Fire Department, \$42,810. (Ten bids mailed, five received). **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-880](#) (I) [Tri](#) State Companies blanket purchase order for Toro mower equipment repair parts to be used by the Park & Recreation Department, \$30,000. ([Council Communication No. 09-308](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-881](#) (J) [Cretex](#) Concrete Products for annual contract with one (1) additional one-year renewal option to furnish concrete pipe materials for storm and sanitary sewer maintenance to be used by the Public Works Department, \$30,000. (Two bids mailed, two received). **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-882](#) 54. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving payment to Greater Des Moines Baseball Co. (Iowa Cubs) for flood related preparedness and repairs, \$90,703.90. ([Council Communication No. 09-309](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

[09-883](#) 55. [Civil](#) Service Entrance Lists for Park and Aviation Maintenance Technician, Housing Services Inspections Team Leader, Senior Park Planner and Civil Engineer I and Promotional Lists for Street Sweeper Operator and Combination Inspector. **Moved by Kiernan to receive and file. Motion Carried 6-1. Absent: Cownie**

[09-884](#) 56. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of May 18, May 24, and June 1, 2009; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for weeks of May 18, May 24 and June 1, 2009; and to draw checks for bi-weekly payroll due May 22 and June 5, 2009. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**

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

ORDINANCES - SECOND CONSIDERATION

[09-885](#) 57. **On** request from Hubbell Realty Company to rezone 5525 SE 14th Street from Ltd. “R-3” (Multiple-Family Residential) to “R-3”, removing limitation of senior residential housing on multiple-family dwellings and allowing up to 216 multiple-family residential units, subject to Developer’s agreement upon terms set forth in the Council Communication (6 Council votes are required to approve the rezoning). ([Council Communication No. 09-349](#)) **Moved by Coleman that this ordinance be considered and given second vote for passage, subject to Developer’s agreement upon terms set forth in Council Communication No. 09-349, and refer to the City Manager to ensure the conditions approved by Council related to the final passage of zoning amendments are implemented. These conditions include: 1) to refer the water issues along Diehl, and other infrastructure needs in the area to the City Manager for further review in conjunction with TIF review and other possible funding sources; 2) no site plan is to be approved for the property contrary to Council Communication Number 09-349 or the Hubbell letter submitted on this item; 3) the City Clerk, Legal, and Community Development Departments to immediately notify Council and put an item on the agenda for a Council-initiated rezoning of the property if a site plan is submitted contrary to the Council Communication or Hubbell letter; if a site plan is submitted by someone other than Hubbell, or if there is a change in ownership of the property; and 4) to direct that Council Member Meyer be kept in the loop on any communication on this project. Motion Carried 6-1. Nays: Meyer.**

[09-886](#) (A) Final consideration of ordinance above. **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, #14,854. Motion Carried 6-1. Nays: Meyer.**

ORDINANCES - FIRST CONSIDERATION

[09-887](#) 58. **Amending** Chapter 78 of the Municipal Code regarding allowed procedures for enforcement of the regulations applicable to peddlers, transient merchants, and solicitors. **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[09-888](#) (A) **Final** consideration of ordinance above, (waiver requested by Community Development Director), requires 6 votes. ([Council Communication No. 09-350](#)) **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, #14,853. Motion Carried 7-0.**

[09-889](#) 59. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as

follows: ([Council Communication No. 09-324](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- (A) Parking Modifications -5th Avenue from School Street to Grand Avenue.
- (B) Parking Restrictions -Woods on the River Plats 6, 8 and 9.
- (C) Parking Restrictions for traffic Calming measures on 41st Street and 42nd Street between University Avenue and Forest Avenue.
- (D) Euclid Avenue Speed Limit Changes.
- (E) Code Revisions for Streets that have been vacated, renamed or had field adjustment.
- (F) 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, [#14,855](#). Motion Carried 7-0.**

[09-890](#)

COMMUNICATIONS/REPORTS

[09-891](#)

60. [From](#) Rick Flatt, 620 Veterans Memorial Dr., Carlisle, to speak regarding his Application for Severance and Voluntary Annexation, seeking to have a parcel of land between Dean and Scott Avenues, used for the Des Moines Renaissance Faire, severed from Des Moines for annexation into Pleasant Hill. **Moved by Meyer to receive and file the Application and refer to the City Manager for report and recommendation. Motion Carried 7-0.**

[09-892](#)

61. [Request](#) from Dan Parker, on behalf of David and Kelsey Parker, requesting an amendment to the Zoning Ordinance which they believe necessary for the financing and sale of their home at 1331 Mattern Avenue. **Moved by Mahaffey to refer to Legal, City Manager and Community Development for review and recommendation. Motion Carried 7-0.**

[09-893](#)

62. [From](#) Wendy Walker Rains, 1915 York Street, to speak regarding vicious dogs and animal license fees. **Moved by Vlassis to refer to City Manager for review and recommendation. Motion Carried 7-0.**

[09-894](#)

63. [From](#) Mikki Stier, 1801 Hickman Road, to speak regarding site and facilities update and ground-breaking at Broadlawns Hospital. **Moved by Vlassis to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:41 P.M.) (ITEMS 64 THRU 74)

- [09-895](#) 64. On Application for Certificate of Public Convenience and Necessity to Operate Taxicab Services from Oh-Ho Venture Strategies, LLC, d/b/a Freedom Taxi. ([Council Communication No. 09-325](#)) **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-896](#) 65. On Twenty-Second Amendment to the Restated Urban Revitalization Plan for the City-Wide Urban Revitalization Area to amend qualifying criteria for the Downtown East New Office construction tax abatement. ([Council Communication No. 09-298](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [09-897](#) (A) Communication from Plan and Zoning Commission finding the amendment in conformance with the Des Moines 2020 Community Character Plan. **Moved by Meyer to receive and file. Motion Carried 7-0.**
- [09-898](#) 66. On vacation and conveyance of segments of undeveloped SE 24th Ct. and C B & Q Street rights-of-way to the Des Moines Metropolitan Wastewater Reclamation Authority. **Moved by Kiernan to adopt. Motion Carried 6-1. Absent: Cownie.**
- [09-899](#) (A) First consideration of ordinance above. **Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Cownie.**
- [09-900](#) (B) Final consideration of ordinance above. **Moved by Kiernan 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, #14,856. Motion Carried 6-1. Absent: Cownie.**
67. Items regarding property in the vicinity of 18th and Atkins Streets to Ryan Galloway: ([Council Communication No. 09-336](#))
- [09-901](#) (A) Recommendation from Plan and Zoning Commission. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [09-902](#) (B) On vacation and conveyance of portions of excess street and alley right-of-way located between 18th Street and 19th Street from Atkins Street to Day Street, \$5,875. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-903](#) (C) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[09-904](#) (D) [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, [#14,857](#). Motion Carried 7-0.**

68. Items regarding property at 1670 E. County Line Road:

[09-905](#) (A) [To](#) amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development. **Moved by Meyer to approve and adopt. Motion Carried 7-0.**

[09-906](#) (B) [Hearing](#) on request from Easter Lake Estates, Inc. to rezone the property, excluding the southern 140 feet, from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway Oriented Commercial), subject to conditions. **Moved by Meyer to approve and adopt. Motion Carried 7-0.**

[09-907](#) (C) [First](#) consideration of rezoning ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[09-908](#) (D) Final consideration of ordinance above. **Moved by Meyer 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, [#14,858](#). Motion Carried 7-0.**

[09-909](#) 69. [On](#) application from Tommy Mauro, owner of the Pelican Bar, 208 3rd Street, for vacation of a portion of the adjoining sidewalk for a sidewalk café serving alcohol. **Moved by Hensley to adopt. Motion Carried 7-0.**

[09-910](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[09-911](#) (B) [Final](#) consideration of ordinance above, (waiver requested by applicant), requires 6 votes. ([Council Communication No. 09-322](#)) **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, [#14,859](#). Motion Carried 7-0.**

[09-912](#) 70. [On](#) Supplement D-1 to the Governmental Lease-Purchase Master Agreement with Delage Landen Public Finance LLC, not to exceed \$800,000. ([Council Communication No. 09-](#)

305) Moved by Cownie to adopt. Motion Carried 7-0.

- 09-913 (A) [Authorization](#) for additional actions. **Moved by Cownie to adopt. Motion Carried 7-0.**
- 09-914 (B) [Authorizing](#) Execution and Delivery. **Moved by Cownie to adopt. Motion Carried 7-0.**
- 09-915 (C) [Approving](#) bid from O'Halloran International Inc., for various heavy-duty trucks to be used by the Public Works Department, \$883,078. ([Council Communication No. 09-314](#)) **Moved by Cownie to adopt. Motion Carried 7-0.**
- 09-916 71. [On](#) Supplement D-2 to the Governmental Lease-Purchase Master Agreement with Delage Landen Public Finance LLC, not to exceed \$1,200,000. ([Council Communication No. 09-304](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 09-917 (A) [Authorization](#) for additional actions. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 09-918 (B) [Authorizing](#) Execution and Delivery. **Moved by Hensley to adopt. Motion Carried 7-0.**
- 09-919 (C) [Approving](#) bid from Trans-Iowa Equipment for seven replacement street sweepers to be used by the Public Works Department, \$1,116,017. ([Council Communication No. 09-313](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 09-920 72. [On](#) honorary designation of a section of Center Street from 12th to M.L. King Jr. Parkway after Louis A. Garland, Sr. **Moved by Hensley to approve. Motion Carried 7-0.**
- 09-921 73. [On](#) 6th Avenue Resurfacing – University Avenue to Des Moines River Bridge: 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), \$543,031.13. ([Council Communication No. 09-342](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-922 (A) [Approving](#) contract and bond and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- 09-923 74. [On](#) Fleur Drive/Blue Street Resurfacing – Beardsley Street to SW 9th Street: 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), \$493,620.63. ([Council Communication No. 09-344](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- 09-924 (A) [Approval](#) of contract and bond and permission to sublet. **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [09-925](#) 75. Directing sale of Series 2009E, F, and G General Obligation Bonds for the FY2009-10 Capital Improvements Budget, (a special Council meeting will be held on June 3rd at 4:00 PM to award low bid on sale of bonds). (Council Communication No. 09-303) **Moved by Mahaffey to adopt. Motion Carried 7-0.**
- [09-926](#) 76. Review of Board of Adjustment decision to amend a use variance at 2511 Cottage Grove Avenue to allow expansion of an existing restaurant and catering business. (Council Communication No. 09-319) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [09-927](#) 77. Contract with Wellmark Blue Cross Blue Shield of Iowa, for Administration Services related to the City's self-insured Dental Plan for employees and certain retirees and affirming report of Hearing Officer on appeal of award of contract. (Council Communication No. 09-301) **Moved by Hensley to adopt. Motion Carried 7-0.**

EXTRA ITEMS

- [09-928](#) 1. Consideration of Outdoor service area for Pelican Bar, 208 3rd Street on May 22-24, 2009. Pending approval of Building, Electrical, Fire and Zoning Departments. Sponsors: Hensley and Kiernan. **Moved by Hensley to adopt; with the stipulation that all the required information is turned in by 10:00 tomorrow morning. Motion Carried 6-1. Nays: Vlassis.**

BOARD OF HEALTH

- [09-929](#) MOTION TO CONVENE. **Moved by Kiernan 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:
- [09-930](#) (A) 2709 College Avenue, two garage structures, Titleholders: Glen H. Mikel and Susan M. Mikel; Contract Buyers: Patrick G. Wegner and Karen Wegner. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-931](#) (B) 2409 E. Grand Avenue, main structure, garage, and accessory structure, Titleholder: James Hook. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-932](#) (C) 2517 Woodland Avenue, main structure and garage, Titleholder: 5601 Properties, LLC. **Moved by Kiernan to adopt. Motion Carried 7-0.**
- [09-933](#) (D) 1331 9th Street, fire-damaged main structure, Titleholder: Hollie Hughes. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-934](#) (E) [1184](#) 14th Street, main structure, Titleholder: Kathy A. Gustafson. **Moved by Kiernan to adopt. Motion Carried 7-0.**

[09-935](#) 2. [Communication](#) regarding demolition cost reserve being held by Nationwide Insurance Company for the fire-damaged garage structure located at 1420 E. Vine Street in Des Moines. **Moved by Mahaffey 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.**

[09-936](#) MOTION TO ADJOURN. **Moved by Meyer to adjourn at 6:38 PM. Motion Carried 7-0.**

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