



***** 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 '10-' 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 14, 2010 4:30 P.M.

Ceremony for 100th Anniversary of the Municipal Building Cornerstone.

Formal program starts at 3:55 p.m. at Long Look Garden (Riverfront Plaza for City Hall).

INVOCATION: Rev. Cathleen Bascom
St. Paul Episcopal Church

- [10-872](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [10-873](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-874](#) 3. APPROVING CONSENT AGENDA * – items 3 through 57: **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

[10-875](#)

4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt; pending approval of licenses for Red Poppy (B) and Greater Des Moines Music Coalition (X, Y, Z) until inspections are completed. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	MEXICAN CITY BUFFET	3409 SE 14TH ST	C Liquor
(B)	RED POPPY	2925 INGERSOLL	C Liquor
(C)	SOUTH TOWN TAP	3803 SW 9TH ST	C Liquor

RENEWAL APPLICATIONS

(D)	BEST TRIP INC	1516 SE 1ST ST	E Liquor
(E)	CASEYS #2676	2106 ECHO VALLEY	C Beer
(F)	CJS II	316 E 30TH STREET	C Liquor
(G)	DAHLS FOODS	4121 FLEUR DR	E Liquor
(H)	DEN	4369 MERLE HAY RD	C Liquor
(I)	DES MOINES PLAYHOUSE	831 42ND ST	C Liquor
(J)	GIT N GO STORE #11	3940 E 29TH ST	C Beer
(K)	GIT N GO STORE #31	2601 SW 9TH ST	C Beer
(L)	HOUSE OF BRICKS	525 E GRAND AVE	C Liquor
(M)	LA FAVORITA	1700 E GRAND AVE	C Beer
(N)	LE JARDIN	841 42ND ST	C Beer/Wine
(O)	NEW CHINA BUFFET	1111 E ARMY POST	B Beer
(P)	OKOBOJI GRILL	6050 SE 14TH ST	C Liquor
(Q)	POLK COUNTY CONVENTION	501 GRAND AVE	C Liquor
(R)	QUIKTRIP #516	1000 E UNIVERSITY	C Beer
(S)	QUIKTRIP #535	1501 E GRAND AVE	C Beer
(T)	SOUTHSIDE TOBACCO	2424 SW 9TH ST	E Liquor
(U)	TOBACCO OUTLET PLUS #519	3019 SE 14TH ST	B Beer
(V)	VETERANS MEMORIAL	833 5TH AVENUE	C Liquor

SPECIAL EVENTS APPLICATIONS

- (W) DRAKE UNIVERSITY 2719 FOREST AVE Five (5) Day License
Special Class C Liquor License (Beer/Wine) for USA Track and Field National Championships on June 23 – 27, 2010.
- (X) GREATER DSM MUSIC 1311 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 3 – 4, 2010.
Pending approval of Building, Fire and Zoning Departments.
- (Y) GREATER DSM MUSIC 1307 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 3 – 4, 2010.
Pending approval of Building, Fire and Zoning Departments.

- (Z) GREATER DSM MUSIC 1305 LOCUST ST Five (5) Day License
Special Class C Liquor License (Beer/Wine) for 80-35 Concert on July 3 – 4, 2010.
Pending approval of Building, Fire and Zoning Departments.
- (AA)GREATER DSM MUSIC 1418 GRAND AVE Five (5) Day License
Class C Liquor License for 80-35 Concert on July 3 – 4, 2010. Pending approval of
Building, Fire and Zoning Departments.
- (BB)PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on June 25, 2010.
- (CC)PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on July 2, 2010.
- (DD)PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on July 9, 2010.
- (EE)PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on July 16, 2010.
- (FF)PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on July 23, 2010.
- (GG)PARKS AREA 3012 6TH AVE Five (5) Day License
Class B Beer License for Rendezvous on River event on July 30, 2010.
- (HH)PARKS AREA 3612 6TH AVE Five (5) Day License
Class B Beer License for Sweet Corn Feed on July 17, 2010.
- (II)WATLAO BUDDHAVATH 1804 E PARK AVE Five (5) Day License
Class B Beer License for a festival on June 25 – 27, 2010. Pending approval of Fire
Department.
- (JJ)WE 3 CATERING INC 2201 GEORGE FLAGG Five (5) Day License
Class B Beer License for Summer Jam Concert on June 26 – 27, 2010. Pending
approval of Building, Electrical, Fire, Vice and Zoning Departments.

[10-876](#)

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

[10-877](#)

6. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

PUBLIC IMPROVEMENTS

7. Ordering construction of the following:

- [10-878](#) (A) [Agrimergent](#) Underground Environmental CleanUp: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - \$164,300). ([Council Communication No. 10-350](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-879](#) (B) [Livingston](#) Avenue Storm Sewer Lining: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - \$1,917,000). ([Council Communication No. 10-344](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-880](#) (C) [Lower](#) Union Park Sewer Separation: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - \$4,923,217). ([Council Communication No. 10-345](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-881](#) (D) [7th](#) & Center Park and Ride Roof Replacement: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - \$80,000). ([Council Communication No. 10-349](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-882](#) (E) [33rd](#) Street Sewer Separation: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - \$1,690,060). ([Council Communication No. 10-343](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-883](#) (F) [2010](#) Sidewalk Replacement Program: Receiving of bids, (6-29-10), and Setting date of hearing, (7-12-10). (Construction Estimate - \$299,995). ([Council Communication No. 10-347](#)) **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-884](#) 8. [Approving](#) FY2012 Traffic Safety Fund Applications to the Iowa Department of Transportation. ([Council Communication No. 10-336](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-885](#) 9. [Approving](#) and authorizing execution of Iowa Interstate Railroad Ltd. Street Crossing Improvement Agreement for the SE 6th Street Widening Project. ([Council Communication No. 10-337](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-886](#) 10. [Approving](#) Private Construction Contract between Detrick Excavating Inc. and Greater Des Moines Habitat For Humanity for sanitary and storm sewers improvements in Maury Street between SE 10th & SE 11th Streets, \$52,260. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-887](#) (A) [Approving](#) Economic Development Grant to Habitat For Humanity for the 10 single family homes to be constructed on Maury Street between SE 10th and SE 11th Streets. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-888](#) 11. [Acknowledge](#) completion of Private Construction Contract between Tyler Excavating, Inc. and Melbourne Apartments, LLP for sanitary sewer improvements, 5515 SE 14th Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-889](#) 12. [Approving](#) completion and acceptance of Private Construction Contract between Jensen Builders Ltd., and Menard, Inc. for paving improvements, Diehl Avenue (approx. 310' west of SE 14th Street). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-890](#) 13. [Accepting](#) completed construction and approving final payment to Larson & Larson Construction, LLC for Cownie Soccer Complex Shade Structures. **Moved by Hensley to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [10-891](#) 14. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-07. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-892](#) 15. [Approving](#) deletion of NAC-Emergency Delinquent Sewer, Solid Waste, and Storm Water Assessments at 1603 Clark Street. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-893](#) 16. [Approving](#) deletion of rental inspection assessments at various locations. **Moved by Hensley to adopt. Motion Carried 7-0.**
17. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for May 2010 on the following:
- [10-894](#) (A) [Fees](#). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-895](#) (B) [Credits](#). **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [10-896](#) 18. [Recommendation](#) from the Neighborhood Finance Corporation (NFC) to appoint John Rowen to the Neighborhood Revitalization Board, Seat 15, for a one-year term commencing June 30, 2010 to expire June 30, 2011. **Moved by Hensley to adopt. Motion Carried 7-0.**

COMMUNICATIONS FROM PLANNING AND ZONING

- [10-897](#) 19. [Regarding](#) request from David and Greg Ortale (owners), 2100 Wakonda View Drive and 4108 Fleur Drive, to vacate a segment of Wakonda View Drive right-of-way lying south of paved portion of the street and adjoining requestors properties, subject to conditions. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [10-898](#) 20. [Regarding](#) request to vacate East 5 feet of E. 27th Court adjoining 2731 Indianapolis Avenue to accommodate encroachment of existing car port. (City Plan and Zoning Commission recommends **DENIAL**), (continued from the May 24 Council meeting). **Moved by Mahaffey to receive, file and take no further action on the vacation request. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [10-899](#) 21. [On](#) conveyance of 405 SE 8th Street to Jesse and Marjorie L. Cortez by land exchange, (6-28-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-900](#) 22. [On](#) conveyance of permanent subsurface water main easement on City-owned airport property located on southwest corner of SW 34th Street and relocated Army Post Road to Des Moines Water Works, \$1, (6-28-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-901](#) 23. [On](#) conveyance of portion of vacated alley, west of 4136 Amherst Avenue, to Donna J. McConkley, Trustee for Maurine T. Lee Revocable Trust, \$50 to incorporate into residential lot, (6-28-10). **Moved by Moore to adopt. Motion Carried 7-0.**
- [10-902](#) 24. [On](#) request from 400 SE 6th Inc. to rezone 400 SE 6th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use), subject to conditions, (6-28-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

WITHDRAWN

- [10-903](#) 25. ~~On City Council initiated request to rezone 4506 SW 9th Street from Ltd. “C-2” (General Retail and Highway Oriented Commercial) to “C-1” (Neighborhood Retail Commercial), (6-28-10).~~
- [10-904](#) 26. [On](#) lease with Youth and Shelter Services, Inc. for property in lower level of 7th and Grand Avenue Parking Garage, 701 Grand Avenue, \$1,389 per month, (6-28-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-905](#) 27. [On](#) lease of storage space at Parks Development Center, 405 SE 20th Street, by Des Moines Municipal Housing Agency, \$7,500 annually for a five-year term beginning July 1, 2010, with up to three five-year renewals with rate adjustments, (6-28-10). ([Council Communication No. 10-360](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-906](#) 28. [On](#) corrected lease agreement with R. K. Corporation (Mr. Filet Steakhouse) for property in lower level of 7th and Grand parking garage, 510 7th Street, (6-28-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-907](#) 29. [On](#) assessment of \$500 penalty to MB Mart LLC d/b/a U.S. Gas, 3000 SW 9th Street for violation of Iowa Beverage Laws (sale to minor), (6-28-10). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-908](#) 30. [On](#) Zoning Ordinance text amendment, Chapter 134, to allow consideration of Wind Energy Conversion Systems (WESC) as a conditional use by Zoning Board of Adjustment, (6-28-10). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [10-909](#) 31. [Approving](#) payment of \$2,581.89 (\$1,290.95, City and \$1,290.94, WRA) to Hall & Associates for services related to combined sewer system and combined sewer overflows related to NPDES Permit. **Moved by Hensley to adopt. Motion Carried 7-0.**
32. Approving payment of workers' compensation claims for the following:
- [10-910](#) (A) [Mark](#) Bainter, \$26,996.43. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-911](#) (B) [Mark](#) Dautervie, \$9,896.08. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-912](#) (C) [Jamie](#) Fuller, \$15,965.82. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-913](#) (D) [Dennis](#) Miller, \$15,873. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-914](#) (E) [Scott](#) Seaman, \$19,214.33 **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [10-915](#) 33. [Approving](#) travel and training requests for Bruce Bergman, Peter Bowers, James Bowman, Sone Cam, Chris Coleman, T.M. Franklin Cownie, Christine Hensley, Mikel Johnson (2), Eric Nevins, Douglas Philip, Rod Santizo, Rudolph Simms, Jr., Rex Sparks, William Stowe, Michael Towey and Kathleen Vanderpool. ([Council Communication No. 10-359](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [10-916](#) 34. [Execution](#) of a Cooperative Agreement with United States Department of Housing and Urban Development (HUD) for \$8,500 in training funds for the Des Moines Human Rights Department to attend the National Policy Conference, July 19-23, 2010. ([Council Communication No. 10-362](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-917](#) 35. [Fiscal](#) Year 2007 Continuum of Care (COC) Closeout Certification documents for Buchanan Transitional Living Center. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-918](#) 36. [Template](#) format for Development Agreement documents to be used with the City of Des Moines Jumpstart Housing Assistance Program. ([Council Communication No. 10-340](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [10-919](#) 37. [Anawim](#) Housing Application for Enterprise Zone Benefits for a housing project in the Forest Avenue Enterprise Zone. ([Council Communication No. 10-316](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-920](#) 38. [City](#) Manager to remove requested properties from Polk County tax sale certificate and approve assignment of tax sale certificates to Greater Des Moines Habitat For Humanity, Inc. for development of low to moderate income owner-occupied housing. ([Council Communication No. 10-323](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-921](#) 39. [City](#) Manager to remove two requested properties from the Polk County tax sale certificate for future development of housing. ([Council Communication No. 10-328](#)) **Moved by Moore to adopt; refer to the City Manager to identify any City-owned property that is buildable/usable. Also, work with Polk County to jointly market the lots. Motion Carried 7-0.**
- [10-922](#) 40. [A](#) \$250,000 grant request to Federal Home Loan Bank of Des Moines Affordable Housing Program by the City of Des Moines/West Bank, to provide rehabilitation assistance in low-income owner-occupied housing and approval of Memorandums of Understanding with Neighborhood Finance Corporation (NFC) and Home Opportunities Made Easy (HOME) Inc. for supportive services. ([Council Communication No. 10-341](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [10-923](#) 41. [Preliminary](#) terms of agreement with ND 22 Fleming, LLC for residential redevelopment of Fleming Building at 604 Walnut Street and directing City Manager to proceed with negotiations of formal agreements. ([Council Communication No. 10-327](#)) **Moved by Hensley to receive, file and approve preliminary terms of agreement set forth in the accompanying Council Communication and to direct the City Manager to proceed with negotiations of formal agreements with ND 22 Fleming, LLC consistent with the terms set forth in the accompanying Council Communication. Motion Carried 7-0.**

- [10-924](#) 42. [A](#) \$200,000 Economic Development Loan, \$220,000 Bridge Loan and a Conceptual Development Plan with Indigo Dawn, LLC for the renovation of 800 19th Street as a Platinum LEED adaptive building reuse. ([Council Communication No. 10-355](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-925](#) 43. [Grading](#) and landscape changes with Greenwood Park as proposed by Edmundson Art Foundation, Inc. ([Council Communication No. 10-326](#)) **Moved by Moore to adopt; refer to the City Manager to provide a report on the process to protect the remaining trees. Motion Carried 7-0.**
- [10-926](#) 44. [Amendment](#) No. 2 to Other Transaction Agreement (OTA) with Transportation Security Administration (TSA) extending the completion date to March 31, 2011. ([Council Communication No. 10-312](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-927](#) 45. [Amending](#) 2009 Program Allocations and approving 2010 Program Allocations for The Home Investments Partnerships Program (HOME) operated by the Community Development Department. ([Council Communication No. 10-324](#)) **Moved by Hensley to adopt and approve. Motion Carried 7-0.**
- WITHDRAWN**
- [10-928](#) 46. ~~2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula program: Local Solicitation grant application and Memorandum of Understanding with Polk County.~~
- [10-929](#) 47. [Intergovernmental](#) 28E Agreement and Professional Services Agreement with The Corporation for Economic Development in Des Moines to administer Loan Injection, Revolving Loan Fund and MicroLoan programs. ([Council Communication No. 10-333](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [10-930](#) 48. [City](#) Manager to negotiate an agreement of grant assistance for the Bike Collective to help establish a B-Cycle Program, \$20,000. ([Council Communication No. 10-348](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Coleman.**
- [10-931](#) 49. [Application](#) process for Affordable Care Act's Early Retiree Reinsurance Program (ERRP) through the U.S. Department of Health and Human Services (HHS). ([Council Communication No. 10-354](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-932](#) 50. [Agreement](#) with Microsoft Corporation to conduct and use for public relation purposes a case study of the City's redeveloped web site, built using Microsoft technologies. ([Council Communication No. 10-361](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

51. Bids from the following:

- [10-933](#) (A) [Commonwealth](#) Electric Company (David Firestone, President) for annual contract with two (2) additional one-year renewal options to furnish electrical services to be used by operating departments, including the Aviation Department and Wastewater Reclamation Facility, estimated annual cost \$75,000. (Eight bids mailed, five received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-934](#) (B) [Ingamells](#) Commercial Flooring (Paul Ingamells, President) for carpet and tile replacement services at Fire Stations 2, 5, 7 and 9 to be used by the Fire Department, \$31,680. (Nine bids mailed, four received). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-935](#) (C) [Office](#) Max (Sam Duncan, Chairman and CEO) to furnish office supplies per State of Iowa Contract for use by City Departments during fiscal year 2011, estimated annual cost \$175,000. ([Council Communication No. 10-357](#)) **Moved by Hensley to adopt; refer to the City Manager to review previous contract pricing. Motion Carried 7-0.**
- [10-936](#) (D) [E.J. Ward](#) (Eddie J. Ward, President) for non-competitive procurement of upgrade to existing automated fueling system to dispense and track fuel usage for all departments to be used by Fleet Maintenance Center, \$42,380. ([Council Communication No. 10-322](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-937](#) (E) [Precision](#) Midwest (Rich Fisher, Owner/President) for non-competitive procurement of Trimble S6 Robotic Total Station survey equipment for use with existing software to be used by the Engineering Department, \$37,330.50. ([Council Communication No. 10-334](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-938](#) (F) [Pool](#) Tech Midwest (Charlie Rochford, President) for non-competitive procurement of pool chlorination chemicals for various City pools to be used by the Parks & Recreation Department, estimated annual cost \$85,000. ([Council Communication No. 10-319](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-939](#) (G) [TMC](#) Auto Body (Craig Peters, owner) and Deery Brothers Chevrolet (Tony Nordman, General Manager) for auto body repair services per State of Iowa Contracts for use by Fleet Maintenance Center, estimated annual cost \$100,000. ([Council Communication No. 10-317](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-940](#) (H) [Clive](#) Power Equipment (Chuck Agans, Owner/President) for non-competitive procurement of Toro commercial mower equipment repair parts to be used by the Park & Recreation Department, \$28,000. ([Council Communication No. 10-320](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [10-941](#) (I) [Thomson](#) West for non-competitive procurement of contracts for electronic legal research services and materials to be used by the Legal Department, estimated annual cost \$48,000. ([Council Communication No. 10-311](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-942](#) 52. [Exception](#) to procurement ordinance competitive bidding requirements for good cause and approving procurement of \$16,745 for additional snow removal services for Park and Recreation managed properties from Kaldenburg’s PBS (Matt Kaldenburg, President). ([Council Communication No. 10-325](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**
- [10-943](#) 53. [Amendment](#) to Copier Services Contract with Koch Brothers, to decrease the City’s service and maintenance costs and to extend the termination date to June 30, 2013. ([Council Communication No. 10-356](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-944](#) 54. [Authorizing](#) and providing for issuance of \$25,330,000 General Obligation Bonds, Series 2010D, and levying a tax to pay. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-945](#) (A) [Authorizing](#) and providing for issuance of \$2,260,000 General Obligation Bonds, Taxable Series 2010E, and levying a tax to pay. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-946](#) 55. [Civil](#) Service Entrance Lists for Economic Development Assistant and Park Maintenance Mechanic and Promotional List for Civil Engineer II. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [10-947](#) 56. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of June 14 and June 21, 2010; to draw checks for [bills](#) of the Des Moines Municipal Housing Agency for the weeks of June 14 and June 21, 2010; and to draw checks for bi-weekly payroll due June 18, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [10-948](#) 57. [Amending](#) Chapter 118 of the Municipal Code, regarding regulation of fat, oil and grease discharge by food service establishments. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Griess.**

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

ORDINANCES - FINAL CONSIDERATION

- [10-949](#) 58. **On** request from Foods, Inc. (Dahls) to rezone 3401 and 3407 Ingersoll Avenue from “NPC” (Neighborhood Pedestrian Commercial) to “PUD” (Planned Unit Development), subject to conditions. (Requires 6 votes for approval). ([Council Communication No. 10-363](#)) **Moved by Hensley that this ordinance do now pass, #14,940. Motion Carried 6-1. Nays: Moore.**

ORDINANCES - FIRST CONSIDERATION

- [10-950](#) 59. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows: ([Council Communication No. 10-332](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

(A) Parking Restriction – south side of Willowmere Drive, west of SW 61st Street.

(B) Corner Clearance – west side of 51st Street, south of Grand Avenue.

(C) Loading Zone Extension – west side of 6th Avenue, south of Grand Avenue.

- [10-951](#) (D) 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, #14,941. Motion Carried 7-0.**

- [10-952](#) 60. **Amending** Chapter 118 of the Municipal Code establishing a Stormwater Innovative Practices Rebate Program. ([Council Communication No. 10-330](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

COUNCIL REQUESTS

- [10-953](#) 61. **From** Council Member Brian Meyer to speak regarding lighting on S.E. Hartford. **Moved by Meyer to refer to the City Manager to arrange a meeting with representatives of the Pioneer Park Neighborhood Association and the River Woods Neighborhood Association regarding the multi-purpose trail, lighting, paving of SE Hartford and Watrous and illegal dumping. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [10-954](#) 62. **From** Judith K. Harlan, 3932 University Avenue #1, to speak regarding illegal search and seizure. **Moved by Meyer to receive and file comments. Motion Carried 7-0.**

- [10-955](#) 63. **From** James W. Quinn, 847 Oak Park Avenue, to speak regarding curfew enforcement in McHenry Park, (1012 Oak Park Avenue). **Moved by Moore to arrange a meeting with Mr. Quinn and the Neighborhood Association regarding the issues. Motion Carried 7-0.**

HEARINGS (OPEN AT 6:05 P.M.) (ITEMS 64 THRU 75)

- [10-956](#) 64. **On** application from Pawn America Iowa, LLC for relief from the moratorium to allow pawn businesses at 4620 SE 14th Street and 5730 Douglas/3709 Merle Hay Rd. **Moved by Hensley to continue to the June 28 Council meeting at 5:00 P.M. Motion Carried 6-1. Absent: Coleman.**

- [10-957](#) 65. **On** reconsideration of a request from Sutton Hill Residential Cooperative, to rezone property at 2080 King Avenue from “R-6” (Planned Residential Development) and “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and for reconsideration on approval of the PUD Conceptual Development Plan, **and approve extension to the existing Offer to Purchase Real Estate . (Council Communication No. 10-364)** **Moved by Meyer to adopt, and continue the hearing to June 28 Council Meeting at 5:00 P.M. Motion Carried 6-1. Absent: Coleman.**

- [10-958](#) 66. **On** proposed Urban Renewal/Tax Increment Finance (TIF) Plan for NE Economic Development District Urban Renewal Area. **(Council Communication No. 10-358)** **Moved by Mahaffey to continue the public hearing until August 9, 2010 at 5:00 P.M. Motion Carried 6-1. Absent: Coleman.**

- [10-959](#) 67. **On** conveyance of 2612 E. Washington Avenue and a portion of vacated alley, north and west, to Richard J. McKeehan, Jr. and Jody McKeehan to be used for side-yard purposes, \$575. **(Council Communication No. 10-342)** **Moved by Mahaffey to adopt. Motion Carried 6-1. Absent: Coleman.**

- [10-960](#) 68. **On** conveyance of permanent landscape buffer easement at 3901 SW 42nd Street to Scott and Roxanne McGlothlen, \$1,173. **(Council Communication No. 10-339)** **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

- [10-961](#) 69. **On** vacation and conveyance of Boyd Street from E. 14th Street to a dead end point 328 feet to the East, to Grand View University for the expansion of and incorporation into their existing site, \$32,800. **(Council Communication No. 10-338)** **Moved by Moore to adopt. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

- [10-962](#) (A) **First** consideration of ordinance above. **Moved by Moore that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**

- [10-963](#) (B) **Final** consideration of ordinance above (waiver requested by applicant), requires six votes. **Moved by Moore 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, #14,942. Motion Carried 6-0. Council Member Mahaffey declares a conflict of interest and abstains from voting.**
- [10-964](#) 70. **On** vacation and lease of public right-of-way for sidewalk café, serving alcohol at 1408 Locust Street, (The Sideshow Lounge LLC). ([Council Communication No. 10-315](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-965](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [10-966](#) (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, #14,943. Motion Carried 7-0.**
- [10-967](#) (C) **Consideration** of permanent outdoor service area for Des Moines Social Club, Class C Liquor License. Pending approval of Building and Zoning Departments. Sponsor: Council Member Hensley. **Moved by Hensley to adopt. Motion Carried 7-0.**
71. On items regarding 2217 Beaver Avenue, Tim C. Ford (owner), to allow a portion of the premises to be used for a retail gift boutique:
- [10-968](#) (A) **Amendment** to the Des Moines 2020 Community Character Plan future land use designation from Low-Density Residential to Commercial: Pedestrian-Oriented Neighborhood Node. **Moved by Moved by Griess to adopt and approve the proposed amendment. Motion Carried 7-0.**
- [10-969](#) (B) **Hearing** on rezoning from “C-0” (Commercial-Residential) and “R1-60” (One-Family Low-Density Residential) to Ltd. “C-1” (Neighborhood Retail Commercial), subject to conditions. **Moved by Griess to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 7-0.**
- [10-970](#) (C) **First** consideration of ordinance above. **Moved by Griess that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

- [10-971](#) (D) Final consideration of ordinance above. **Moved by Griess 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, #14,944. Motion Carried 7-0.**
72. [On](#) Automobile Rental Concessions and Lease Agreements at the Des Moines International Airport: ([Council Communication No. 10-331](#))
- [10-972](#) (A) [Hertz](#) Corporation. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-973](#) (B) [Enterprise](#) Rent-A-Car Company – Midwest, LLC (d/b/a Enterprise Rent-A-Car). **Moved by Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-974](#) (C) [Enterprise](#) Rent-A-Car Company – Midwest, LLC (d/b/a Alamo and National Car Rental). **Moved by Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-975](#) (D) [Ruan](#) Incorporated (Avis Licensee). **Moved by Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-976](#) (E) [DTG](#) Operations, Inc. (d/b/a Dollar Rent A Car and Thrifty Car Rental). **Moved by Moved by Hensley to continue to the June 28th Council Meeting at 5:00 P.M.. Motion Carried 7-0.**
- [10-977](#) (F) [Budget](#) of Iowa, Inc. **Moved by Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-978](#) (G) [Simply](#) Wheelz LLC (d/b/a Advantage Rent A Car). **Moved by Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-979](#) 73. [On](#) 2010 City-Wide PCC Pavement Restoration 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), \$190,725. ([Council Communication No. 10-353](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-980](#) (A) [Approval](#) of contract and bond. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [10-981](#) 74. [On](#) Easton Boulevard Bridge over Four Mile Creek: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Herberger Construction Co., Inc., (Dean Herberger, President), \$1,348,338.76. ([Council Communication No. 10-351](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-982](#) (A) [Approving](#) contract and bond, and permission to sublet. **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-983](#) 75. [On](#) 2010 Tennis Court Resurfacing: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Blacktop Repair Service, Inc., d/b/a Upper Midwest Athletic Construction, (Patricia J. Hicks, President), \$89,979.90. ([Council Communication No. 10-352](#)) **Moved by Coleman to adopt; refer to the City Manager and Park Board to consider adding Pickle-Ball courts in Des Moines. Motion Carried 7-0.**

[10-984](#) (A) [Approving](#) contract and bond. **Moved by Coleman to adopt. Motion Carried 7-0.**

****END HEARINGS AT 6:23 P.M.****

APPROVING

[10-985](#) 76. [Appointment](#) of Larry Hulse as Assistant City Manager. **Moved by Coleman to adopt. Motion Carried 7-0.**

[10-986](#) 77. [Agreement](#) for shared fueling services between the City and The Des Moines Independent Community School District. ([Council Communication No. 10-318](#)) **Moved by Mahaffey to adopt. Motion Carried 7-0.**

[10-987](#) 78. [Proposal](#) to stripe and sign bike lanes along Urbandale Avenue from 34th Street to Merle Hay Road. ([Council Communication No. 10-321](#)) **Moved by Griess to adopt. Motion Carried 7-0.**

[10-988](#) 79. [Intergovernmental](#) 28E Agreement with member communities represented on the Metropolitan Advisory Council (MAC) for funding and maintenance of Homeland Security Services within the Metropolitan Area. ([Council Communication No. 10-313](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Absent: Coleman.**

[10-989](#) 80. [Review](#) of Board of Adjustment decision to grant a use variance at 5101 SE 40th Street to retain a contractor's storage yard no more than six months. ([Council Communication No. 10-365](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**

[10-990](#) 81. [Receipt](#) of May 13, 2010 meeting minutes between Union Pacific Railroad and City of Des Moines regarding trains blocking at-grade crossings. **Moved by Mahaffey to receive and file; refer to the City Manager for review and recommendation regarding costs of the various options, and to consider during the CIP Budget discussions. Motion Carried 7-0.**

- [10-991](#) 82. [Extension](#) of Municipal Parking Facilities Management Services Agreement with Ampco System Parking. ([Council Communication No. 10-335](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Meyer.**
- [10-992](#) 83. [Voluntary](#) acquisition of 717 Grand Avenue and 517 8th Street for assemblage with the City's 7th and Grand Avenue parking garage facility. ([Council Communication No. 10-366](#)) **Moved by Hensley to adopt and to direct the City Manager to proceed under the agreement in preparation for closing; to provide a map and list of excess City property that is available for development; and to schedule a workshop to discuss planning for further development downtown. Motion Carried 7-0.**
- [10-993](#) 84. [Diminution](#) of one WRF Process Automation Specialist. ([Council Communication No. 10-329](#)) **Moved by Griess to adopt. Motion Carried 7-0.**
- [10-994](#) 85. [Affirming](#) Hearing Officer's report on appeal of RFP Evaluation and Selection Committee Recommendation for award of contract for Automated Electronic Speed & Red Light Enforcement Cameras & Citation Processing Services, to GATSO USA, Inc.; accepting proposal of GATSO USA, Inc.; and approving award of contract to GATSO USA, Inc., and authorizing Police Department to negotiate contract. ([Council Communication No. 10-310](#)) **Moved by Coleman to consider this item at the July 12th Council Meeting. Motion Carried 7-0.**

WITHDRAWN

- [10-995](#) (A) ~~Communication from Redflex Traffic Systems, Inc., c/o Brown Winick Law Firm.~~

WITHDRAWN

- [10-996](#) (B) ~~Communication from GATSO USA, Inc.~~

EXTRA ITEMS

- [10-997](#) 1. [Recommendation](#) from Mayor Frank Cownie to appoint Victoria L. Daniels to the Housing Appeals Board, Seat 1, for a three-year term commencing March 16, 2009 to expire March 16, 2012. Sponsor: Cownie. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-998](#) (A) [Recommendation](#) from Council Member Skip Moore to appoint Daniel D. Garrett to the Housing Appeals Board, Seat 2, for a three-year term commencing March 16, 2009 to expire March 16, 2012. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-999](#) (B) [Recommendation](#) from Council Member Christine Hensley to appoint Dr. James E. Bowman to the Human Right Commission, Seat 6, for a three-year term commencing April 4, 2010 to expire April 4, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [10-1000](#) MOTION TO ADJOURN. **Moved by Griess to adjourn at 7:38 P.M. Motion Carried 7-0.**