I. CLOSED SESSION – 3:30 PM

(A) Roll Call.

(B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation.

(C) Closed Session.

(D) Terminate closed session and reconvene in open session.

(E) Motion to adjourn.

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PROCLAMATIONS – 4:15 PM

Brain Injury Awareness Month

INVOCATION: Council Member Hensley

1. ROLL CALL:

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:

3. APPROVING CONSENT AGENDA * – items 3 through 32:

*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

4. Approving Alcoholic Beverage License Applications for the following:

RENEWAL APPLICATIONS

(A) BUZZARD BILLYS 615 3RD ST C Liquor
(B) DAHLS FOODS                  3425  INGERSOLL       E Liquor
(C) FAT TUESDAY                  6112 SW 9TH ST      C Liquor
(D) FRANCIES                     2100 WAKONDA VIEW   C Liquor
(E) GRANDVIEW GOLF COURSE       2401 E 29TH ST       C Liquor
(F) HY VEE WINE & SPIRITS       2310 HUBBELL AVE     E Liquor
(G) IOWA BEEF STEAK HOUSE       1201 E EUCLID AVE    C Liquor
(H) JOHNNYS BLANK PARK ZOO      7401 SW 9TH ST       C Liquor
(I) LOT 33 CAFE BAR & LOUNGE    3701  INGERSOLL       C Liquor
(J) MCCUENS PUB                  2565 WEDGEWOOD      C Liquor
(K) NAT FOOD MART                1443 2ND AVE         C Beer
(L) NAT FOOD MART                1443 2ND AVE         E Liquor
(M) PAESANOS PIZZERIA           2804 SW 9TH ST       C Beer/Wine
(N) RICCELLIS SUPPER CLUB       3803 INDIANOLA        C Liquor
(O) VOM FASS                     833 42ND ST          E Liquor

OUTDOOR SERVICE APPLICATIONS

(P) BUZZARD BILLYS               615 3RD ST           C Liquor
Temporary in conjunction with NCAA Wrestling Championship on March 21 – 23, 2013. Pending approval of Building and Electrical Departments.

(Q) COURT AVENUE BREWING        309 COURT AVE       C Liquor
Temporary for Court Avenue Wrestling Street Party on March 21 – 23, 2013. Pending approval of Building and Electrical Departments.

(R) EXILE BREWING COMPANY       1514 WALNUT ST      C Liquor

(S) MICKEYS IRISH PUB           204 3RD ST          C Liquor
Temporary for St. Paddy’s Day Tent Party on February 17, 2013. Pending approval of Building Department.

(T) PINTS PUB N PATIO           319 COURT AVE       C Liquor

SPECIAL EVENTS APPLICATIONS

(U) GAS LAMP                    1501 GRAND AVE     Five (5) Day License

(V) HEROES                      121 3RD ST         Five (5) Day License
Class C Liquor License for St. Patrick’s Day Party on March 16 – 17, 2013 Pending approval of Building, Electrical, Fire and Zoning Departments.

(W) KAMODO KLUB                 214 3RD ST         Five (5) Day License
(X) MACHINE SHED  2134 E GRAND AVE  Five (5) Day License Class C Liquor License for a wedding reception on March 16, 2013. Pending approval of Building and Electrical Inspections.

(Y) MICKEYS IRISH PUB  25 E COURT AVE  Five (5) Day License Class C Liquor License for St. Patrick’s Day Pre-Party on March 16, 2013. Pending approval of Building and Electrical Inspections.

(Z) ROYAL MILE  214 4TH ST  Five (5) Day License Class C Liquor License for St. Patrick’s Day Party on March 16, 2013. Pending approval of Building and Electrical Inspections.


5. City Clerk to issue Cigarette Licenses.

PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

(A) Botanical Center Accessibility Elevator: Receiving of bids, (3-26-13), Setting date of hearing, (4-8-13), Construction estimate, $400,000.

(Council Communication No.  13-118)

(B) SE Connector Paving – SE 9th Street to SE 15th Street: Receiving of bids, (3-19-13), Setting date of hearing, (4-8-13), Construction estimate, $7,667,207.85.

(Council Communication No.  13-115)

(1) Approving Letter Agreement with Level 3 Communications, LLC for relocation of a fiber optic line, $93,532.

(Council Communication No.  13-116)

7. Approving Iowa Department of Transportation (IDOT) Agreement for use of local agency roads as detours for I-235 drain repair project at 31st street westbound on-ramp and E. 14th Street westbound ramp.

(Council Communication No.  13-114)
8. **Approving** and authorizing the execution of Iowa Department of Transportation (IDOT) Agreement for the E. 14th Street and Euclid Avenue traffic island and traffic signal modifications.

   (Council Communication No. 13-113)

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

   (A) **City**-wide Fixed Time Traffic Signal Upgrade, Iowa Signal Inc.

   (B) **Hubbell** Elementary School Enhanced School Crossings, Absolute Concrete Construction, Inc.

SPECIAL ASSESSMENTS

10. **Levying** assessment for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-03.

11. Approving deletion of NAC-Emergency Assessment for the following:

    (A) 1003 E. 7th Street.

    (B) 1019 E. 36th Court.

    (C) 2133 Maple Street.

LAND/PROPERTY TRANSACTIONS

12. **Approving** 11 Tax Abatement Applications for the additional value added by improvements completed during 2012.

    (Council Communication No. 13-108)

13. **Approving** final subdivision plat of Woodside Estates West Plat No. 9 in the vicinity of 5407 NW 3rd Ct.

    (Council Communication No. 13-109)

BOARDS/COMMISSIONS/NEIGHBORHOODS

SETTING DATE OF HEARINGS

15. On vacation and conveyance of a portion of the north/south and east/west alley right-of-way, south of University Avenue between 6th Avenue and 7th Street to QuikTrip Corporation, $700, (3-25-13).

   (A) Plan and Zoning Commission recommendation.

16. On vacation of a portion of east/west segment of alley between Reigart Street and E. Holcomb Avenue, west of Oxford Street, and on Land Exchange Agreement with EIW, LLC for comparable parcels in the vicinity of 129 E. Holcomb Avenue, (3-25-13).


18. On correction of vacation and conveyance of a portion of excess SE 18th Street right-of-way to Amend Packing Company, $5,450, (3-25-13).

19. On conveyance of property, west of and adjacent to vacated SE 19th Street, north of Scott Street, to Kemin Holdings, LC, $21,040, (3-25-13).

20. On conveyance of property purchased for the Euclid Avenue Intersection Improvements Project to the State of Iowa for the benefit and use of the Iowa Department of Transportation (IDOT), (3-25-13).

21. On request from Anthony Holt to rezone property in the vicinity of 20 E. 18th Street from “M-1” (Light Industrial) to Ltd. “M-2” (Heavy Industrial) to allow use of a portion of the property for outdoor storage of inoperable construction equipment, subject to conditions, (3-25-13).


23. On City initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to the addition of a definition for small engine repair use, (3-25-13).

24. On City initiated request to amend the Zoning Ordinance Text in Chapter 134 with regard to paving requirements for parking and outdoor storage uses, (3-25-13).


(Council Communication No. 13-119)
LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

26. Approving payment to Ahlers & Cooney, PC Law Firm with respect to collective bargaining, $6,016.

27. Approving payment to Dawn Dooley and her attorney, Alfredo Parrish, PLLC, $52,500.

CITY MANAGER COMMUNICATIONS

28. Submitting travel and training requests for Matt Anderson, Richard Clark and Sara Thies.

(Council Communication No. 13-127)

APPROVING

29. Second Amendment to Urban Renewal Development Agreement with Liberty Building Development Group, LLC for the Liberty Building Rehabilitation and Parking Garage Development.

(Council Communication No. 13-125)

30. Bids from the following:

(A) Midwest Inverter (Kevin Jones, Owner/President) single area-wide distributor for emergency lighting system repair parts and services at the Center Street Park & Ride and 4th & Grand parking facilities for use by Traffic & Transportation Division, $26,419.53.

(Council Communication No. 13-112)

(B) Blackbox Network Services (Terry Blakemore, CEO) per State of Iowa contract to purchase phone system upgrade equipment for use by the Information Technology Department (IT), $47,171.68.

(Council Communication No. 13-121)

32. **Authorizing** Finance Director to draw checks on registers for weeks of March 11 and March 18, 2013; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of March 11 and March 18, 2013; and to draw checks for biweekly payroll due March 22, 2013.

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

**ORDINANCES - FIRST CONSIDERATION**

33. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:

   **(Council Communication No. 13-110)**

   (A) Passenger Loading and Unloading area – Park Street between 7th and 8th Street.

   (B) Parking Restrictions – east side of E. 7th between E. Locust and E. Walnut Street.

   (C) Parking Restrictions and Traffic Restrictions removal related to former Walnut Transit Mall.

**COUNCIL REQUESTS**

34. **From** Council Member Christine Hensley to speak regarding specialty street sign toppers for the Sherman Hill neighborhood.

**COMMUNICATIONS/REPORTS**

35. **From** Ken Cockayne, 2327 York Street, to speak regarding lights on private snow plows.

36. **From** Seth Peters/Sean Miller, 1262 Office Park Road, West Des Moines, to speak regarding Municipal Code Section 10 8—Persons under legal age in liquor licensed or permitted establishments.

*Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.*
HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 37 THRU 40)

37. On proposed Amended and Restated Urban Renewal Development Agreement with Kemin Industries, Inc. and on the vacation and sale of City-owned real estate in the vicinity of SE 20th to SE 22nd Street, north of Scott Avenue, for expansion of home office, research and manufacturing facilities.

   (Council Communication No. 13-124)

   (A) First consideration of ordinance above.

   (B) Final consideration of ordinance above (waiver requested by applicant), requires six votes.

38. On Urban Renewal Agreement for the sale of land for private redevelopment with East Village Growth Partners, LLC to develop Disposition Parcel No. 02-1A in the Metro Center Urban Renewal Area, (north of E. Locust and west of E. 4th Street).

   (Council Communication No. 13-120)

39. On conveyance of City-owned real estate located in the vicinity of U.S. Highway 65 and the Skunk River to Polk County Conservation Board pursuant to 28E Agreement.

   (Council Communication No. 13-111)

40. On Gray’s Lake NW Shoreline Retaining Wall: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designation of lowest responsible bidder as J & K Contracting, LLC, (Jeremy Feldmann, President), $49,920.

   (Council Communication No. 13-117)

   (A) Approval of contract and bond, and permission to sublet.

   *** END OF HEARINGS AT ___________ PM ***

APPROVING

41. Selection of Holmes Murphy and Associates (James Swift, Chairman) to provide employee benefit consulting for period beginning on or about March 18, 2013 through June 30, 2018.

   (Council Communication No. 13-122)
42. **Collective** Bargaining Agreement with Des Moines Association of Professional Fire Fighters, Local No. 4 for the period July 1, 2013 through June 30, 2016.

   *(Council Communication No. 13-123)*

**EXTRA ITEMS**

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Approving application to participate in the Re.Invest Initiative. Sponsor: Mayor Cownie.

   *(Council Communication No. 13-128)*


   *(Council Communication No. 13-129)*

3. Request from Mayor Cownie to discuss the Mayor Pro Tem’s participation in the scheduling of items for upcoming City Council workshops.

4. Recommendation from Council Member Christine Hensley to appoint John TenPas to the Access Advisory Board, Seat 6, for a three-year term commencing June 15, 2012 to expire June 15, 2015.

**BOARD OF HEALTH**

MOTION TO CONVENE.

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

   (A) 2615 Center Street, main structure, Titleholder: Steven R. Caseley.

   (B) 1241 6th Avenue, main structure, Titleholder: Tina L. Galvan.

   (C) 1801 7th Street, main structure, Titleholder: Tristan M. Silvey.
MOTION TO ADJOURN.

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