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 '13-' 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

March 11, 2013
4:30 PM

I. CLOSED SESSION – 3:30 PM

13-0369 (A) Roll Call. Present: Cownie, Coleman, Griess, Hensley, Mahaffey and Moore. Absent: Meyer.

13-0370 (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa to discuss pending litigation. Moved by Moore to adopt. Motion Carried upon roll call 6-1.

13-0371 (C) Closed Session.

13-0372 (D) Terminate closed session and reconvene in open session. Moved by Moore to adopt. Motion Carried upon roll call 6-1.

13-0373 (E) Motion to adjourn. Moved by Moore to adjourn at 4:16 PM. Motion Carried 6-1.

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PROCLAMATIONS – 4:15 PM

Brain Injury Awareness Month

INVOCATION: Council Member Hensley
1. ROLL CALL: Present: Cownie, Griess, Hensley and Mahaffey. Absent: Coleman, Meyer and Moore. Council Members Coleman, Meyer and Moore entered the meeting during item 3.

2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 4-3. Absent: Coleman, Meyer and Moore.

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

4. Approving Alcoholic Beverage License Applications for the following: Moved by Hensley to adopt. Council Member Coleman votes No on item (L) Nat Food Mart. Motion Carried 7-0.

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 C Liquor
(M) PAESANOS PIZZERIA 2804 SW 9TH ST C Beer/Wine
(N) RICCELLIS SUPPER CLUB 3803 INDIANOLA C Liquor
(O) VOM FAESS 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.
EXILE BREWING COMPANY  
1514 WALNUT ST  
C Liquor  

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

PINTS PUB N PATIO  
319 COURT AVE  
C Liquor  

SPECIAL EVENTS APPLICATIONS

GAS LAMP  
1501 GRAND AVE  
Five (5) Day License  

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.

KAMODO KLUB  
214 3RD ST  
Five (5) Day License  

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.

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.

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.

STANDARD  
208 3RD ST  
Five (5) Day License  

WHISKEY DIXX  
223 4TH ST  
Five (5) Day License  
Class C Liquor License for St. Patrick’s Day Party on March 16 – 17, 2013. Pending approval of Building and Electrical Inspections.

5. City Clerk to issue Cigarette Licenses. Moved by Hensley to adopt. Motion Carried 5-2. Nays: Cownie and Moore.
PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

13-0379 (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) Moved by Hensley to adopt. Motion Carried 7-0.

13-0380 (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) Moved by Coleman to adopt. Motion Carried 7-0.

13-0381 (1) Approving Letter Agreement with Level 3 Communications, LLC for relocation of a fiber optic line, $93,532. (Council Communication No. 13-116) Moved by Coleman to adopt. Motion Carried 7-0.

13-0382 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) Moved by Hensley to adopt. Motion Carried 7-0.

13-0383 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) Moved by Hensley to adopt. Motion Carried 7-0.

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

13-0384 (A) City-wide Fixed Time Traffic Signal Upgrade, Iowa Signal Inc. Moved by Hensley to adopt. Motion Carried 7-0.

13-0385 (B) Hubbell Elementary School Enhanced School Crossings, Absolute Concrete Construction, Inc. Moved by Hensley to adopt. Motion Carried 7-0.

SPECIAL ASSESSMENTS

13-0386 10. Levying assessment for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2013-03. Moved by Hensley to adopt. Motion Carried 7-0.

11. Approving deletion of NAC-Emergency Assessment for the following:
13-0387  (A) 1003 E. 7th Street. Moved by Hensley to adopt. Motion Carried 7-0.

13-0388  (B) 1019 E. 36th Court. Moved by Hensley to adopt. Motion Carried 7-0.

13-0389  (C) 2133 Maple Street. Moved by Hensley to adopt. Motion Carried 7-0.

LAND/PROPERTY TRANSACTIONS

13-0390  12. Approving 11 Tax Abatement Applications for the additional value added by improvements completed during 2012. (Council Communication No. 13-108) Moved by Hensley to adopt. Motion Carried 7-0.

13-0391  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) Moved by Hensley to adopt. Motion Carried 7-0.

BOARDS/COMMISSIONS/NEIGHBORHOODS

WITHDRAWN


SETTING DATE OF HEARINGS

13-0393  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). Moved by Hensley to adopt. Motion Carried 7-0.

13-0394  (A) Plan and Zoning Commission recommendation. Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

13-0395  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). Moved by Hensley to adopt. Motion Carried 7-0.

13-0396  17. On vacation and conveyance of the west 15 feet of SE 15th Street right-of-way adjoining 1437 Maury Street to Edith C. Ruperto and Charles W. Ruperto, $7,821, (3-25-13). Moved by Hensley to adopt. Motion Carried 7-0.

13-0397  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). Moved by Hensley to adopt. Motion Carried 7-0.
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). **Moved by Hensley to adopt. Motion Carried 7-0.**

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). **Moved by Hensley to adopt. Motion Carried 7-0.**

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). **Moved by Moore to change the date of hearing to April 8, 2013. Motion Carried 7-0.**

22. **On** 2012 HUD Consolidated Annual Performance and Evaluation Report (CAPER), (3-25-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

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). **Moved by Hensley to adopt. Motion Carried 7-0.**

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). **Moved by Hensley to adopt. Motion Carried 7-0.**

25. **On** issuance of a Certificate of Appropriateness for the demolition of Norden Hall, 709 E. Locust Street, (3-25-13). **(Council Communication No. 13-119) Moved by Hensley to defer to the March 25, 2013 Council Meeting; refer to the City Manager to work with interested parties regarding options for how the project moves forward. Motion Carried 7-0.**

**LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

26. **Approving** payment to Ahlers & Cooney, PC Law Firm with respect to collective bargaining, $6,016. **Moved by Hensley to adopt. Motion Carried 7-0.**

27. **Approving** payment to Dawn Dooley and her attorney, Alfredo Parrish, PLLC, $52,500. **Moved by Hensley to adopt. Motion Carried 7-0.**

**CITY MANAGER COMMUNICATIONS**

28. **Submitting** travel and training requests for Matt Anderson, Richard Clark and Sara Thies. **(Council Communication No. 13-127) Moved by Hensley to adopt. Motion Carried 7-0.**
APPROVING

13-0408 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) Moved by Hensley to adopt. Motion Carried 7-0.

30. Bids from the following:

13-0409 (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) Moved by Hensley to adopt. Motion Carried 7-0.

13-0410 (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) Moved by Hensley to adopt. Motion Carried 7-0.

13-0411 31. **Civil** Service Entrance List for Senior Refuse Collector and Promotional List for Fire Medic. Moved by Hensley to receive and file. Motion Carried 7-0.

13-0412 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. Moved by Hensley to adopt. Motion Carried 7-0.

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

ORDINANCES - FIRST CONSIDERATION

13-0413 33. **Amending** Chapter 114 of the Municipal Code regarding traffic regulation changes as follows:  (Council Communication No. 13-110) Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

(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 and Traffic Restriction removal related to former Walnut Transit Mall.
Final consideration of ordinance above, requires six votes. Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,172. Motion Carried 7-0.

COUNCIL REQUESTS

From Council Member Christine Hensley to speak regarding specialty street sign toppers for the Sherman Hill neighborhood. Moved by Hensley to receive, file and refer to the City Manager for review and recommendation. Motion Carried 7-0.

COMMUNICATIONS/REPORTS

From Ken Cockayne, 2327 York Street, to speak regarding lights on private snow plows. Moved by Meyer to receive, file and refer to the City Manager and Legal Department for review and recommendation. Motion Carried 7-0.

WITHDRAWN

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.

HEARINGS (OPEN AT 5:07 P.M.) (ITEMS 37 THRU 40)

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) Moved by Meyer to adopt. Motion Carried 7-0.

First consideration of ordinance above. Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Final consideration of ordinance above (waiver requested by applicant), requires six votes. 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, #15,173. Motion Carried 7-0.
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) Moved by Meyer to adopt. Motion Carried 7-0.

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) Moved by Moore to adopt. Motion Carried 7-0.

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) Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.

41. Approval of contract and bond, and permission to sublet. Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.

*** END OF HEARINGS AT 5:10 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) Moved by Hensley to adopt. Motion Carried 7-0.

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) Moved by Coleman to adopt. Motion Carried 7-0.
EXTRA ITEMS

13-0427 1. Approving application to participate in the Re.Invest Initiative. Sponsor: Mayor Cownie. (Council Communication No. 13-128) Moved by Coleman to adopt. Motion Carried 7-0.

13-0428 2. Approving Application to Participate in the Authentic Youth Civic Engagement Initiative, a partnership with the National League of Cities to promote black male achievement. Sponsor: Mayor Cownie. (Council Communication No. 13-129) Moved by Moore to adopt. Motion Carried 7-0.

13-0429 3. Request from Mayor Cownie to discuss the Mayor Pro Tem’s participation in the scheduling of items for upcoming City Council workshops. Moved by Hensley to refer to the City Manager to work with the Mayor Pro Tem on items presented at workshops and to include a brief description of each topic on the workshop agendas. Motion Carried 7-0.

13-0430 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. Moved by Hensley to adopt. Motion Carried 7-0.

BOARD OF HEALTH

13-0431 MOTION TO CONVENE. Moved by Griess that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.

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

WITHDRAWN
13-0432 (A) 2615 Center Street, main structure, Titleholder: Steven R. Caseley.

13-0433 (B) 1241 6th Avenue, main structure, Titleholder: Tina L. Galvan. Moved by Mahaffey to adopt. Motion Carried 7-0.

WITHDRAWN
13-0434 (C) 1801 7th Street, main structure, Titleholder: Tristan M. Silvey.

13-0435 MOTION TO ADJOURN. Moved by Hensley to adjourn at 5:15 PM. Motion Carried 7-0.