



**\*\*\* 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 '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**

**January 28, 2013  
4:30 PM**

**SPECIAL PRESENTATIONS – 4:00 PM**

**Check presentation from Friends of Des Moines Parks**

**INVOCATION:** Council Member Skip Moore

- [13-0088](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [13-0089](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0090](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 39: **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**

13-0091

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

**NEW APPLICATIONS**

(A)	BIG SHOTS	509 E 25TH ST	C Liquor
(B)	EMBASSY CLUB WEST LLC	909 ROBERT D RAY	C Liquor
<del>(C)</del>	<del>FALBO BROS PIZZERIA</del>	<del>1246 E 14TH ST</del>	<del>C Beer/Wine</del>
(D)	TAQUERIA LA MICHOACANA	2250 HUBBELL AVE	B Beer

**RENEWAL APPLICATIONS**

(E)	CASEYS #2244	2150 E ARMY POST	C Beer
(F)	CHADS CLUB 2000	422 INDIANOLA AVE	C Liquor
(G)	DIAMOND JACKS	3000 E GRAND AVE	C Liquor
(H)	FLYING MANGO	4345 HICKMAN RD	C Liquor
(I)	GIT N GO STORE #18	6501 SE 14TH ST	C Beer
(J)	LA CRUZ #3	3900 E 14TH ST	C Beer
(K)	LE BOI	508 INDIANOLA RD	C Liquor
(L)	LIFT	222 4TH ST	C Liquor
(M)	MACCABEES DELI & JUDAICA	1150 POLK BLVD	B Wine
(N)	MICHELLES LOUNGE	3925 E 14TH ST	C Liquor
(O)	PALMERS DELI & MARKET	2843 INGERSOLL	C Liquor
(P)	PATTONS RESTAURANT	1552 E GRAND AVE	C Beer/Wine
(Q)	PUEBLO VIEJO	3841 E 14TH ST	C Liquor
(R)	QUINTONS BAR & GRILL	506 E GRAND AVE	C Liquor
(S)	SAMBETTIS	1430 2ND AVE	C Liquor
(T)	SNAKE PIT LOUNGE	3100 MCKINLEY AVE	A Liquor
(U)	TOBACCO OUTLET PLUS #521	3301 E EUCLID AVE	C Beer

**TRANSFER TO NEW LOCATION**

- (V) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor  
Temporary to the Cattle Barn for the Iowa Winter Beef Expo on February 16 – 17, 2013.
- (W) ELWELL FAMILY FOOD CENTER 3000 E GRAND AVE C Liquor  
Temporary to the Cattle Barn for the Blue Ribbon Bacon Festival on February 9 and the Iowa Winter Beef Expo on February 10 – 15, 2013.
- (X) FEDERAL DISTRIBUTORS INC 3000 E GRAND AVE C Beer/Wine  
Temporary to Agri Building for the Blue Ribbon Bacon Festival on February 9, 2013.

**OUTDOOR SERVICE APPLICATION**

- (Y) OKOBOJI GRILL OF SOUTH DSM 6050 SE 14TH ST C Liquor  
Temporary in conjunction with Des Moines Winter Games on February 2, 2013.

### SPECIAL EVENT APPLICATIONS

- (Z) BLUE RIBBON BACON FEST 3000 E GRAND AVE Five (5) Day License  
Class C Liquor License for festival on February 9, 2013.
- (AA) BLUE RIBBON BACON FEST 3000 E GRAND AVE Five (5) Day License  
Class C Liquor License for festival on February 9, 2013.
- (BB) GREAT CATERERS OF IOWA 519 PARK ST Five (5) Day License  
Class C Liquor License for Addy Awards on February 16, 2013.

[13-0092](#) 5. [City](#) Clerk to issue Coin Operated Machine Licenses. **Moved by Hensley to adopt. Motion Carried 7-0.**

### PUBLIC IMPROVEMENTS

[13-0093](#) 6. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for SW 9<sup>th</sup> Street Widening from Titus to Kenyon Avenue. ([Council Communication No. 13-021](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0094](#) (A) [Authorization](#) to proceed with acquisition of the necessary right-of-way and easements. ([Council Communication No. 13-028](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0095](#) 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for the installation of traffic signals at the intersections of E. 4<sup>th</sup> Street and Walnut Street and Court Avenue. ([Council Communication No. 13-025](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0096](#) 8. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Calhoun-Burns and Associates, Inc. for the Easter Lake Drive over Easter Lake Bridge Rehabilitation, not to exceed \$30,560. ([Council Communication No. 13-022](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0097](#) 9. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for the Citywide School Flasher System Upgrade Project. ([Council Communication No. 13-027](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0098](#) 10. [Accepting](#) completed construction and approving final payment for 2012 Levee Improvements-Contract 1, Reilly Construction Co., Inc. **Moved by Hensley to adopt. Motion Carried 7-0.**

## SPECIAL ASSESSMENTS

- [13-0099](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-01. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0100](#) 12. [Approving](#) deletion of Rental Inspection Assessment at 1510 E. 29<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

## LAND/PROPERTY TRANSACTIONS

- [13-0101](#) 13. [Approving](#) release of sanitary sewer and sidewalk easements within the site of the Southern Meadows Housing Project in the vicinity of 2800 SE 8<sup>th</sup> Street. **Moved by Hensley to adopt. Motion Carried 7-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-0102](#) 14. [Appointing](#) Primary Members and Alternate Members to the Wastewater Reclamation Authority Management Agency (WRA). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0103](#) 15. [Recommendation](#) from Mayor Frank Cownie to reappoint Bob Mahaffey to the Aging Resources of Central Iowa Board of Directors, Seat 1, for a one-year term commencing January 1, 2013 to expire December 31, 2013. **Moved by Hensley to approve. Motion Carried 7-0.**

## COMMUNICATIONS FROM PLANNING AND ZONING

- [13-0104](#) 16. [Regarding](#) request from Bruce and Christy Kennedy (owner) 2824 SW 9<sup>th</sup> Street to vacate a 35-foot segment of 12-foot wide north/south dead-end alley adjoining to the west. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

## SETTING DATE OF HEARINGS

- [13-0105](#) 17. [On](#) request from Jake Christensen to rezone 200 and 220 SE 6<sup>th</sup> Street from “M-1” (Light Industrial) and “M-2” (Heavy Industrial) to Ltd. “C-3B” (Central Business Mixed Use) to allow for development of up to 60 residential units, subject to conditions, (2-11-13). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0106](#) 18. [On](#) request from Elizabeth Ann Grask Revocable Trust to rezone 2020 Highview Drive from “C-O” (Commercial Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse as long-term parking for the airport, subject to conditions, (2-11-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0107](#) 19. [On](#) request from Hatch Development Group to rezone 501, 509 and 513 Forest Avenue from “R1-60” (One-Family Low-Density Residential) and “C-1” (Neighborhood Retail Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow for development of 41 units, subject to conditions, (2-11-13). **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0108](#) 20. [On](#) request from James Sarcone to remove the prohibition of vehicle display use for 4506 SW 9<sup>th</sup> Street, (2-11-13). (Plan and Zoning Commission recommends DENIAL.) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[13-0109](#) 21. [Approving](#) an additional and final payment to Erin and Matt McKinney for property damage and bodily injury as a result of an auto accident, \$6,000. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0110](#) 22. [Approving](#) payment to Belin McCormick Law Firm in conjunction with Kragnes v. City of Des Moines, \$9,226.30. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0111](#) 23. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000. **Moved by Hensley to receive, file and affirm settlements by City Attorney. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

[13-0112](#) 24. [Submitting](#) travel and training requests for Kevin Moran and James Wells. ([Council Communication No. 13-038](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

#### APPROVING

[13-0113](#) 25. [Amending](#) the Main Street Program Agreement with 6<sup>th</sup> Avenue Corridor, Inc. ([Council Communication No. 13-020](#)) **Moved by Hensley to receive and file. Motion Carried 7-0.**

26. Applications to the Iowa Economic Development Authority for Enterprise Zone Benefits for the following: ([Council Communication No. 13-034](#))

[13-0114](#) (A) [Cityville](#) on 9<sup>th</sup>, LLC for construction of 111 housing units at 510 SW 9<sup>th</sup> Street in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [13-0115](#) (B) [Neighborhood](#) Development Corporation for construction of 49 housing units at Indianola Road and Dunham Avenue in the River South Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0116](#) (C) [Christensen](#) Development, LLC for construction of 40 housing units at 220 SE 6<sup>th</sup> Street in the SE Agribusiness Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0117](#) (D) [East](#) Village Growth Partners, LLC for construction of 21 housing units at E. 4<sup>th</sup> and Locust Street in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0118](#) (E) [Gray's](#) Landing II GP, LLC for construction of 142 housing units at SW 11<sup>th</sup> and Tuttle Street in the Gateway Enterprise Zone. **Moved by Coleman to adopt; refer to the City Manager to be sure that future applicants are in compliance with all other City-related projects. Motion Carried 6-1. Nays: Hensley.**
- [13-0119](#) (F) [Hatch](#) Development Group, LLC for construction of 30 housing units at 6<sup>th</sup> and Forest Avenue in the Enterprise Community Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0120](#) (G) [Conlin](#) Properties, Inc. for construction of 30 housing units at 3710 Hubbell Avenue in the Hubbell/Douglas Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0121](#) (H) [Ingersoll](#) Square III Investments, LLC for construction of 47 housing units at Ingersoll Avenue and Martin Luther King Jr. Parkway in the Ingersoll Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0122](#) (I) [Brownstones](#) on 7<sup>th</sup>, LLC for construction of 34 housing units at 325 SW 7<sup>th</sup> Street in the Gateway Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0123](#) 27. [Lease](#) Agreement with Drake University for use of the Roger Knapp Tennis Center. ([Council Communication No. 13-031](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [13-0124](#) 28. [Acceptance](#) of a \$300,000 Resource Enhancement and Protection (REAP) grant award from Iowa Department of Natural Resources for a Watershed Improvement Project at Greenwood Park Pond. ([Council Communication No. 13-036](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [13-0125](#) 29. [Communication](#) from Downtown Community Alliance on behalf of the Greater Des Moines Convention and Visitor's Bureau to approve banner design for the 2013 Division Wrestling Championships to be displayed in downtown Des Moines during the month of March 2013. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**

- [13-0126](#) 30. [Communication](#) from Downtown Community Alliance on behalf of the Principal Charity Classic to approve banner design for the Principal Charity Classic Golf Tournament to be displayed in downtown Des Moines, March through May 2013. **Moved by Hensley to receive, file and approve banner design. Motion Carried 7-0.**
- [13-0127](#) 31. [Receive](#) and file Quarterly Treasurer's Report as of December 31, 2012. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [13-0128](#) 32. [Civil](#) Service Entrance Lists for Human Resources Generalist, Human Resources Assistant and Human Resources Manager. **Moved by Hensley to receive and file. Motion Carried 7-0.**
- [13-0129](#) 33. [Authorizing](#) Finance Director to draw checks on [registers](#) for weeks of January 28 and February 4, 2013; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for weeks of January 28 and February 4, 2013; and to draw checks for biweekly payroll due February 8, 2013. **Moved by Hensley to adopt. Motion Carried 7-0.**

#### ORDINANCES - FINAL CONSIDERATION

- [13-0130](#) 34. [Amending](#) Chapter 126 of the Municipal Code to establish a one-year waiting period on reapplication after denial of a certificate of public convenience and necessity to conduct a taxicab or limousine service. **Moved by Hensley that this ordinance do now pass, [#15,154](#). Motion Carried 7-0.**
- [13-0131](#) 35. [Amending](#) Chapter 78 of the Municipal Code regarding licensing and regulation of peddlers, as amended. **Moved by Hensley that this ordinance do now pass, [#15,155](#). Motion Carried 7-0.**

#### ORDINANCES - SECOND CONSIDERATION

- [13-0132](#) 36. [Amending](#) Chapter 18 of the Municipal Code regarding definition of dangerous animal. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [13-0133](#) 37. [Amending](#) Chapter 74 of the Municipal Code regarding consumption of alcohol, park facility hours and fees in Park and Recreation facilities. ([Council Communication No. 13-032](#)) **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [13-0134](#) (A) [Final](#) consideration of ordinance above (waiver requested by the Parks & Recreation Director), 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, [#15,156](#). Motion Carried 7-0.**

[13-0135](#)

38. [Amending](#) Chapter 114 of the Municipal Code, submitting traffic regulation changes as follows: **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(A) Removal of parking – east side of E. 7<sup>th</sup> Street between E. Locust and E. Walnut.

(B) School related one-way street operation – Oxford Street between Hull Avenue and Tiffin Avenue, school days.

[13-0136](#)

39. [On](#) request from Smith Home Restorations, LLC to rezone 2040 E. Walnut Street from “R1-60” (One-Family Low-Density Residential) to Ltd. “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse as building contractor’s office, small engine repair shop, carpenter shop and hobby/craft shop uses. **Moved by Moore that this ordinance be considered and given second vote for passage; refer to the Plan and Zoning Commission to consider a change to the definition of “small engine” repair shop. Motion Carried 7-0.**

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

#### ORDINANCES - FIRST CONSIDERATION

[13-0137](#)

40. [To](#) establish the Ingersoll Grand Self-Supported Municipal Improvement District (SSMID). (6 affirmative votes required for passage) ([Council Communication No. 13-030](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**

[13-0138](#)

(A) [Final](#) consideration of ordinance above (waiver requested by Ted Irvine, on behalf of the petitioners), 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, [#15,157](#). Motion Carried 6-0. Mayor Cownie declares a conflict of interest and abstains from voting.**



## COUNCIL REQUESTS

- [13-0139](#) 41. From Council Member Chris Coleman to speak regarding orientation and training for City Boards and Commissions. **Moved by Coleman to refer to the City Attorney, City Manager and City Clerk to develop orientation and training processes for new and existing City Board and Commission members, to facilitate a better understanding of the roles and responsibilities of each board and to review previously provided advice, opinions, directives and policies as they relate to Boards and Commissions for continuing applicability and consistency. Motion Carried 7-0.**

## COMMUNICATIONS/REPORTS

### WITHDRAWN

- [13-0140](#) 42. ~~From Mark Smith, 2644 Indianapolis Avenue, to speak regarding non-working and defective parking meters.~~

- [13-0141](#) 43. From Charles Vonderheid, 1659 E. Euclid Avenue, to speak regarding the state of Scouting in Des Moines. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

## HEARINGS (OPEN AT 5:03 P.M.) (ITEMS 44 THRU 52)

- [13-0142](#) 44. On conveyance of a portion of property at 1823 Raccoon Street to Duane E. Sabin and Kathleen R. Sabin, \$8,900. ([Council Communication No. 13-026](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**

- [13-0143](#) 45. On conveyance of a right-of-way agreement to MidAmerican Energy Company for relocation of overhead electric lines for the SE Connector Project, \$1. **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**

- [13-0144](#) (A) Approving Reimbursement Agreement and Right-of-way Agreement. ([Council Communication No. 13-024](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**

- [13-0145](#) 46. On vacation and conveyance of a portion of excess SE 18<sup>th</sup> Street right-of-way to Amend Packing Company, \$5,450. ([Council Communication No. 13-023](#)) **Moved by Meyer to adopt. Motion Carried 6-1. Absent: Coleman.**

- [13-0146](#) (A) **First** consideration of ordinance above. **Moved by Meyer that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- [13-0147](#) (B) **Final** consideration of ordinance above (waiver requested by Amend Packing Co.), 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, #15,158. Motion Carried 6-1. Absent: Coleman.**
47. Items regarding request from SPTIHS Property Trust (represented by David Hagerty) regarding property at 2401 E. 8<sup>th</sup> Street to allow expansion of the existing legal non-conforming residential nursing care facility to provide a breezeway and entry vestibule connecting two existing wings of the building:
- [13-0148](#) (A) **Approving** amendment to the 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Medium-Density Residential. **Moved by Mahaffey to approve the proposed amendment. Motion Carried 6-1. Absent: Coleman.**
- [13-0149](#) (B) **Hearing** on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd “R-3” (Multiple-Family Residential), subject to conditions. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-1. Absent: Coleman.**
- [13-0150](#) (C) **First** consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- [13-0151](#) (D) **Final** consideration of ordinance above (waiver requested by the Community Development Director), requires 6 votes. **Moved by Mahaffey that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, #15,159. Motion Carried 6-1. Absent: Coleman.**

48. [On](#) request from Kent Lehs (owner) to rezone 2425 Euclid Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “M-1” (Light Industrial) to allow reuse for warehousing and contractor storage: (Plan and Zoning Commission recommends DENIAL)

[13-0152](#)

- (A) Motion to **DENY** rezoning. **Moved by Griess to deny the proposed rezoning. The City Council encourages the applicant to apply for a variance. The City Manager and Legal Department will review the Board of Adjustment application fee for those who have already gone through the Plan and Zoning process. Motion Carried 7-0.**

OR

- (B) **ALTERNATE MOTION:** to approve rezoning.

WITHDRAWN

[13-0153](#)

- (1) ~~[Approving](#) amendment to the 2020 Community Character Land Use Plan to revise the future land use designation from Commercial: Auto-Oriented, Community Commercial to General Industrial.~~

WITHDRAWN

[13-0154](#)

- (2) ~~[First](#) consideration of rezoning ordinance.~~

[13-0155](#)

49. [On](#) request from St. Gregory Centers Holdings, LLC regarding 6151 Thornton Avenue for 7<sup>th</sup> Amendment to the “Airport Commerce Park West” PUD Conceptual Plan to allow conversion of the existing 19,000 square foot of the 38,317 square foot building to a rehabilitation center where 6,000 square feet is proposed for general office use, 3,000 square feet is proposed for medical outpatient clinic use, and 10,000 square feet is proposed for a residential social detoxification use, subject to conditions, requires 6 votes due to percentage of opposition. **Moved by Hensley to adopt and to APPROVE the proposed amendment to the PUD Conceptual Plan. Motion Carried 7-0.**

[13-0156](#)

50. [On](#) proposed renaming of the segment of SW 16<sup>th</sup> Street extending north of W. Martin Luther King Jr. Pkwy. to 16<sup>th</sup> Street as “16<sup>th</sup> Street”, the segment of 15<sup>th</sup> Street extending north of Mulberry Street to Falcon Drive as “Falcon Drive”; and the extension of 15<sup>th</sup> Street South of Walnut Street and westerly to 16<sup>th</sup> Street as “15<sup>th</sup> Street”. **Moved by Hensley to adopt. Motion Carried 7-0.**

[13-0157](#)

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

[13-0158](#)

- (B) [Final](#) consideration of ordinance above (waiver requested by the City Traffic Engineer), 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, [#15,160](#). Motion Carried 7-0.**

51. On violation of Iowa Alcoholic Beverage Laws (sale to minors) of the following:

[13-0159](#)

(A) [Assessment](#) of \$500 penalty to the following: **Moved by Griess to adopt. Motion Carried 7-0.**

- (1) Super Quick, 303 SE 30<sup>th</sup> Street.
- (2) Nat Food Mart # 1, 3804 Hubbell Avenue.
- (3) H & A Mini Mart, 5901 Fleur Drive.
- (4) ~~QuikTrip #560, 2300 M.L. King Jr. Pkwy.~~
- (5) Casey's #2641, 2819 E. Euclid Avenue.
- (6) Walgreens # 7453, 104 E. Euclid Avenue.
- (7) Hy-Vee Wine & Spirits, 3424 M. L. King Jr. Pkwy.
- (8) ~~Git N Go #10, 816 E. Euclid Avenue.~~
- (9) Quick Star, 2701 Ingersoll Avenue.
- (10) Kum & Go # 194, 4001 SW 9<sup>th</sup> Street.

[13-0160](#)

(B) [Assessment](#) of \$1,500 penalty and 30-day suspension to Nat Food Mart, 1443 2<sup>nd</sup> Avenue. **Moved by Griess to adopt. Motion Carried 7-0.**

[13-0161](#)

(C) [Assessment](#) of \$1,500 penalty and 30-day suspension to Kum & Go #2722, 2211 University Avenue. **Moved by Griess to adopt. Motion Carried 7-0.**

[13-0162](#)

52. [Conditionally](#) approving Urban Renewal Agreement for the sale of real estate to Helena Industries, Inc., for an expansion of its regional office and industrial facility at 3525 Vandalia Road, and to continue to February 25, 2013 at 5:00 PM. (Continued from January 14, 2013) ([Council Communication No. 13-035](#)) **Moved by Meyer to continue the public hearing until February 25, 2013 at 5:00 PM. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 5:27 PM \*\*\*

## APPROVING

[13-0163](#)

53. [Amendments](#) to the Des Moines Sidewalk Café Program. ([Council Communication No. 13-037](#)) **Moved by Hensley to adopt, subject to final passage of the pending ordinance regarding the administration and operation of sidewalk cafes on City property. Motion Carried 7-0.**

[13-0164](#)

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

- [13-0165](#) (B) [Final](#) consideration of ordinance above (waiver requested by Community Development Department), 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, [#15,161](#). Motion Carried 7-0.**
- [13-0166](#) 54. [Receive](#) and file Plan and Zoning Commission recommendation regarding request from Union Pacific Railroad to vacate the following four segments of street right-of-way where the railroad right-of-way intersects, subject to conditions: ([Council Communication No. 13-040](#)) **Moved by Mahaffey to receive and file. Motion Carried 6-1. Nays: Meyer.**
- (A) Hull Avenue between Delaware Avenue and Dixon Street.
- (B) Scott Avenue between SE 20<sup>th</sup> Street and SE 22<sup>nd</sup> Street.
- (C) SE 34<sup>th</sup> Street between Scott Avenue and E. Court Avenue.
- (D) SE 36<sup>th</sup> Street at a point north of Scott Avenue.
- [13-0167](#) 55. [Collective](#) Bargaining Agreement between the City and AFSCME, Council 61 and its Affiliated Local 3673 (“AFSCME”) for the period July 1, 2013 through June 30, 2016. ([Council Communication No. 13-039](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0168](#) 56. [Bid](#) from G & S Service Inc. for an annual contract with four additional one-year renewal options to furnish towing, storage and disposition services of junk vehicles for use by the Neighborhood Inspection Division, annual estimated revenue \$85,760.45. (Four bids mailed, three received) ([Council Communication No. 13-033](#)) **Moved by Griess to continue to the February 11, 2013 Council meeting. Motion Carried 7-0.**
- [13-0169](#) 57. [Accepting](#) developer-initiated redevelopment proposal from East Village Growth Partners LLC to redevelop Disposition Parcel No. 02-1a (350 E. Locust Street)/Metro Center Urban Renewal Area; setting date of public hearing on intent to accept said proposal and authorizing notice of intent to enter into an agreement to purchase land for private redevelopment if no competing proposals are received, (3-11-13). ([Council Communication No. 13-042](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**
- [13-0170](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 5:50 PM. Motion Carried 7-0.**