



***** 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 '12-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

SUMMARY OF DES MOINES CITY COUNCIL MEETING

May 7, 2012
4:30 PM

SPECIAL PRESENTATIONS – 4:00 PM

John Meeks, Roosevelt High School four-time undefeated State Wrestling Champion

PROCLAMATIONS – 4:00 PM

Train Day
Central Iowa Bike Month

INVOCATION: Council Member Christopher Coleman

- [12-0665](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey, Meyer and Moore.**
- [12-0666](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0667](#) 3. APPROVING CONSENT AGENDA * – items 3 through 46: **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

- [12-0668](#) 4. [Approving](#) Alcoholic Beverage License Applications for the following: **Moved by Hensley to adopt. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	DES MOINES VALERO #203	4140 PARK AVE	C Beer
(B)	HOST	1220 LOCUST ST	C Beer/Wine
(C)	LILY RESTAURANT	3422 MLK JR PKWY	B Beer
(D)	VOLCANO NIGHT CLUB	1820 E ARMY POST	C Liquor

RENEWAL APPLICATIONS

(E)	AMERICANA	1312 LOCUST ST	C Liquor
(F)	BEST FOOD MART	4028 E 14TH ST	E Liquor
(G)	CITY BAKERY	407 E 5TH ST	C Beer/Wine
(H)	LA TAPATIA 2	3504 MERLE HAY RD	C Beer
(I)	MICKEYS IRISH PUB	204 3RD ST	C Liquor
(J)	OLYMPIC FLAME	514 E GRAND AVE	C Beer/Wine
(K)	QUIK TRIP #515	1421 INGERSOLL	C Beer
(L)	THIRSTY SPORTSMAN	4808 SW 9TH ST	C Liquor

OUTDOOR SERVICE APPLICATION

(M)	LIME LOUNGE	435 E GRAND AVE	C Liquor
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Permanent outdoor service area.

- [12-0669](#) 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:

- [12-0670](#) (A) [Downtown](#) Dog Park: Receiving of bids, (5-22-12), Setting date of hearing, (6-11-12). (Construction Estimate - \$136,500). ([Council Communication No. 12-220](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0671](#) (B) [John](#) Pat Dorrian Trail Renovation: Receiving of bids, (5-22-12), Setting date of hearing, (6-11-12). (Construction Estimate - \$540,000). ([Council Communication No. 12-213](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

- [12-0672](#) (C) [2012](#) Park Parking Lot ADA Improvements: Receiving of bids, (5-22-12), Setting date of hearing, (6-11-12). (Construction Estimate - \$142,000). ([Council Communication No. 12-223](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0673](#) (D) [2012 Sidewalk Replacement Program: Receiving of bids, \(5-22-12\), Setting date of hearing, \(6-11-12\). \(Construction Estimate - \\$324,920\). \(Council Communication No. 12-222\)](#) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0674](#) 7. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Grand Avenue over Walnut Creek Bridge Replacement. ([Council Communication No. 12-215](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0675](#) 8. [Approving](#) and authorizing the execution of Iowa Department of Transportation Agreement for Gray's Lake Neighborhood Connecting Trail and SW 14th Quiet Street. ([Council Communication No. 12-214](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0676](#) 9. [Authorizing](#) negotiation and execution of agreement with Rich and Associates for professional services for the Downtown Parking Study, not to exceed \$40,000. ([Council Communication No. 12-230](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0677](#) 10. [Approving](#) Change Order No. 9 with Reilly Construction Company, Inc. and subsidiaries for additional work on the 33rd Street Sewer Separation Project, not to exceed \$187,318.87. ([Council Communication No. 12-221](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0678](#) 11. [Approving](#) Private Construction Contract between Alliance Construction Group, LLC and HDR Land Development, LLC for paving improvements in Woods of Copper Creek, Plat 1, \$67,000. **Moved by Hensley to adopt. Motion Carried 7-0.**
12. Approving Private Construction Contracts between McAninch Corporation and HDR Land Development, LLC for the following improvements in Woods of Copper Creek, Plat 1, located between NE 44th Court & NE 51st Court, north of Easton Boulevard:
- [12-0679](#) (A) [Sanitary](#) Sewer Improvements, \$142,577. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0680](#) (B) [Storm](#) Sewer Improvements, \$57,653.85. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0681](#) 13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects. **Moved by Hensley to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [12-0682](#) 14. [Acceptance](#) of permanent easement from Brook Run, LC for public pedestrian-way located at 3740 Village Run Drive. **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

15. Recommendation from Mayor Frank Cownie to reappoint the following to the Civil Service Commission:

- [12-0683](#) (A) [Mary](#) Campos, Seat 1, for a four-year term commencing April 1, 2012 to expire April 1, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0684](#) (B) [Linda](#) Carter-Lewis, Seat 7, for a four-year term commencing April 1, 2012 to expire April 1, 2016. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0685](#) 16. [Communication](#) from Robert Modersohn III advising of his resignation from the Park and Recreation Board, Seat 8, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

- [12-0686](#) (A) [Recommendation](#) from Council Member Halley Griess to appoint Victoria Facto to the Park and Recreation Board, Seat 8, for a four-year term commencing June 30, 2011 to expire June 30, 2015. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0687](#) 17. [Communication](#) from Matthew McIver advising of his resignation from the Des Moines Music Commission, Seat 1, effective immediately. **Moved by Hensley to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [12-0688](#) 18. [On](#) conveyance of 1202, 1204 and 1300 Scott Avenue (Lomar Building) to Midwest Automatic Fire Sprinkler Company, \$605,000, (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0689](#) 19. [On](#) conveyance of an overhead electric transmission line easement to MidAmerican Energy Company on City-owned property east of SW 59th Street between North Valley Drive and Winona Avenue for the WRA SW Area Diversion Facility – Phase 22, Segment 5 Pump Station Project, \$1, (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0690](#) 20. [On](#) conveyance of multiple easements at the Blank Park Zoo to MidAmerican Energy Company, \$1, (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0691](#) 21. **Receive** and file recommendation from Plan and Zoning Commission regarding request from MDI Limited Partnership #86 for vacation of the subsurface of a 129 ft. by 12 ft. segment of Walnut Street adjoining 1440 Walnut Street, subject to reservation of easements. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [12-0692](#) (A) **On** vacation and conveyance of a portion of 15th Street and of a subsurface easement along Walnut Street adjoining 1440 Walnut Street for the Crane Building Redevelopment Project, \$12,600, (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0693](#) 22. **Receive** and file recommendation from Plan and Zoning Commission regarding request from Atrium Finance III, LP (owner) represented by Joe Morrissey (officer) for vacation of a 45-foot by 6-foot segment of the subsurface rights within the Walnut Street right-of-way adjoining the property at 101 East Locust Street, to allow for placement of a Fats, Oils, and Grease (FOG) interceptor on the sanitary sewer service for the Embassy Suites Hotel. **Moved by Hensley to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**
- [12-0694](#) (A) **On** vacation and conveyance of a subsurface easement for fat, oil and grease discharge (FOG) interceptor adjoining 101 E. Locust Street (Embassy Suites) to Atrium Finance III, LP, \$2,700, (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0695](#) 23. **On** request from Jose Zambrano and Jose Gonzales to rezone property at 2001 and 2009 Clark Street and 1510 M. L. King Jr. Parkway from Ltd. “C-1” (Neighborhood Retail Commercial) to “C-2” (General Retail and Highway-Oriented Commercial) to allow reuse of the premises for a general motor vehicle repair shop, (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0696](#) 24. **On** request from Julie Bassman and Jerome Bassman to rezone 1228 2nd Avenue from “M-1” (Light Industrial) and “R1-60” (One-Family Low-Density Residential) to “NPC” (Neighborhood Pedestrian Commercial) to allow development of a retail commercial center, subject to conditions, (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0697](#) 25. **On** application of NPI Limo Services, LLC to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to Operate Limousine Service from eleven (11) to fifteen (15), (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0698](#) 26. **On** appeal for relief from moratorium by Tony Dassan to allow sale of alcoholic liquor for off-premises consumption at the BP Service Station at SE 14th and Maury Streets, (5-21-12). **Moved by Hensley to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

27. Approving payment of \$50,000 to Terry Welborn and his Attorney, Robert McKinney for the following workers' compensation claims:

- [12-0699](#) (A) [May](#) 8, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0700](#) (B) [September](#) 30, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0701](#) (C) [November](#) 13, 2009. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0702](#) (D) [December](#) 30, 2010. **Moved by Hensley to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [12-0703](#) 28. [Submitting](#) travel and training requests for T. M. Franklin Cownie. ([Council Communication No. 12-217](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

APPROVING

- [12-0704](#) 29. [Execution](#) of HOME contracts for \$150,000 with Des Moines Greystone Homes, LP for construction of 26 single-family homes at scattered sites, approving Thrivent Construction Loan for \$150,000 for 6 units in the 1400 block of Martin Luther King Jr. Parkway and waiving enforcement fees on 1140 Martin Luther King Jr. Parkway. ([Council Communication No. 12-229](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0705](#) 30. [Execution](#) of HOME contracts for \$195,000 with Silver Oaks Associates, LP for construction of 39 units at Silver Oaks Senior Housing Project, 979 Oakridge Drive. ([Council Communication No. 12-210](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0706](#) 31. [Grant](#) application submission by City of Des Moines and West Bank to Federal Home Loan Bank (FHLB) for Affordable Housing Program, Memoranda of Understanding with Neighborhood Finance Corporation and Home Opportunities Made Easy (HOME), Inc. for supportive services and Sub-agreement with West Bank as the partner FHLB Member Bank, \$300,000. ([Council Communication No. 12-208](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0707](#) 32. [One-year](#) renewal of agreement with Holland & Knight, LLP to provide federal government affairs services from May 1, 2012 – April 30, 2013. ([Council Communication No. 12-231](#)) **Moved by Hensley to approve. Motion Carried 7-0.**
- [12-0708](#) 33. [Assignment](#) of License Agreement for an encroachment by Keck City Center at 500 Grand Avenue onto City property. **Moved by Hensley to adopt. Motion Carried 7-0.**

- [12-0709](#) 34. [Directing](#) advertisement for sale of \$22,660,000 General Obligation Bonds, Series 2012A; \$6,895,000 General Obligation Bonds, Series 2012B (Urban Renewal); and \$4,275,000 General Obligation Bonds, Taxable Series 2012C; approving distribution of a [Preliminary Official Statement](#) and use of electronic bidding procedures, (bids will be received on May 16th at 10:00 AM, and special Council meeting will be held at 4:00 PM, to award the sale of the bonds). ([Council Communication No. 12-198](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0710](#) 35. [FY2011](#)-2012 Annual Right-Of-Way Management Fee. ([Council Communication No. 12-212](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0711](#) 36. [2012](#) Edward Byrne Memorial Justice Assistance Grant (JAG) Application submittal and acceptance of the Memorandum of Understanding with Polk County. ([Council Communication No. 12-207](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0712](#) 37. [River](#) Enhancement Community Attraction and Tourism Grant Agreement with the Vision Iowa Board for funding toward development of the Des Moines River Trail, Phase 1, and authorizing the City Manager to execute Grant Agreement and other documents required by the Vision Iowa Board. ([Council Communication No. 12-201](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0713](#) 38. [Submittal](#) of an application by Blank Park Zoo Foundation to rezone 7401 SW 9th Street from “R1-80” (One-Family Residential) to “PUD” (Planned Unit Development) and authorizing City Manager to sign application on behalf of the City of Des Moines. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0714](#) 39. [Enhanced](#) Parking System Customer Services Agreement with Downtown Community Alliance, Inc. for the period of July 1, 2011 to June 30, 2014. ([Council Communication No. 12-218](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0715](#) 40. [Receipt](#) of The Des Moines International Airport Audit Report for period ending October 31, 2011. ([Council Communication No. 12-205](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0716](#) 41. [Procurement](#) of natural gas supplies for City-wide use per State of Iowa Contract and implementing ancillary orders and agreements and up to (2) two one-year renewal terms at the then current State of Iowa Contract administrative rate from Constellation New Energy (Kenneth Cornew, President) for use by the Park and Recreation Department. ([Council Communication No. 12-203](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0717](#) 42. [Purchase](#) of two (2) Automatic License Plate Readers by the Des Moines Police Department and a Memorandum of Understanding (MOU) with Polk County Sheriff's Office on shared equipment, polices, procedures, and responsibilities. ([Council Communication No. 12-209](#)) **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Griess.**

43. Bids from the following:

- [12-0718](#) (A) [Capital](#) City Equipment (Mark Kruse, President) for one replacement compact track loader per State of Iowa Department of Transportation (IDOT) Contract for use by the Public Works Department, \$53,976.16. ([Council Communication No. 12-225](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0719](#) (B) [Hewlett](#) Packard Co. (Mark Hurd, President) for a server for the Document Management Project per the Western States Contracting Alliance (WSCA) Price Agreement for use by the Police Department, \$35,243.48 ([Council Communication No. 12-206](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0720](#) (C) [Henderson](#) Truck Equipment (Marty Ward, President) for replacement snow and ice control equipment and additional wing snow plows and related accessories (truck equipment) to be installed on thirteen (13) replacement heavy-duty trucks for City-wide for use by the Public Works Department, \$610,269. (Four bids mailed, four received). ([Council Communication No. 12-216](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0721](#) (D) [John](#) Deere Construction Retail Sales (Sandra Bridge-Chase, Government Sales Manager) for one replacement compact track loader per National Joint Powers Alliance (NJPA) Contract for use by the Park and Recreation Department, \$60,135.35. ([Council Communication No. 12-227](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0722](#) (E) [Kimco](#) USA (Max Coffey, President) for joint purchase with other participants in the Metropolitan Salt Storage Facility of a salt conveyor per City of Chicago Contract for use by the Public Works Department, total cost \$99,903.33, with City of Des Moines cost \$44,956.50. ([Council Communication No. 12-204](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0723](#) (F) [Murphy](#) Tractor & Equipment Co. (Rick Yeager, President) for one replacement asphalt paver per Nations Joint Powers Alliance (NJPA) Contract for use by the Public Works Department. ([Council Communication No. 12-224](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0724](#) (G) [O'Halloran](#) International (Jim O'Halloran, President) for thirteen (13) replacement heavy-duty trucks for use by the Public Works Department, \$1,285,949. (Six bids mailed, five received). ([Council Communication No. 12-226](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0725](#) (H) [Skold](#) Door Company (Steve Skold, President) for an annual contract with two (2) additional one-year renewal options to furnish overhead door repair services for use by various operating departments, estimated annual cost \$35,000. (Five bids mailed, two received). **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0726](#) (I) [Trans-Iowa Equipment](#) (Eric Thorson, Vice President) for non-competitive procurement of a chemical root control system to be installed on an existing Vector sewer cleaning truck for use by the Public Works Department, \$36,000. ([Council Communication No. 12-202](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

[12-0727](#) 44. [Civil Service Entrance Lists for Administrative Analyst, WRF Accounting & Inventory Coordinator and Neighborhood Inspector and Promotional Lists for Fleet Services Master Mechanic-Team Leader and Survey Supervisor.](#) **Moved by Moore to receive and file. Motion Carried 7-0.**

[12-0728](#) 45. [Authorizing Finance Director to draw checks on registers for weeks of May 7 and 14, 2012; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of May 7 and 14, 2012; and to draw checks for biweekly payroll due May 18, 2012.](#) **Moved by Hensley to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

[12-0729](#) 46. [Amending Chapter 114 of the Municipal Code submitting traffic regulation changes as follows:](#) **Moved by Hensley that this ordinance do now pass, #15,103. Motion Carried 7-0.**

(A) Removal of rush-hour restriction – Locust Street from 13th to 15th Streets.

(B) Traffic Control Signals – 11th Street and Euclid Avenue.

(C) Designated Handicapped Parking Space – north side of Woodland Avenue, west of 18th Street.

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

ORDINANCES - FIRST CONSIDERATION

47. Ordinances regarding insurance requirements/indemnification: ([Council Communication No. 12-200](#))

[12-0730](#) (A) [Amending Chapter 102 of the Municipal Code regarding farmers’ and public market permits and street use permits.](#) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

[12-0731](#)

- (1) [Final](#) consideration of ordinance above, (waiver requested by the Finance Director), 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, [#15,104](#). Motion Carried 6-1. Absent: Coleman.**

[12-0732](#)

- (B) [Amending](#) Chapter 46 of the Municipal Code regarding display of fireworks and pyrotechnic special effects material. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**

[12-0733](#)

- (1) [Final](#) consideration of ordinance above, (waiver requested by the Finance Director and Fire Chief), 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, [#15,105](#). Motion Carried 6-1. Absent: Coleman.**

[12-0734](#)

48. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes as follows: ([Council Communication No. 12-211](#)) **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Absent: Coleman.**
- (A) Parking Restriction – north side of Hull Avenue between E. 14th and E. 15th Street.
- (B) Garbage Day Parking Restriction Removal – east side of 31st Street from and including the cul-de-sac south of Carpenter, Fridays.
- (C) Requested changes to update the ordinance to match current field conditions.

COUNCIL REQUESTS

[12-0735](#)

49. [From](#) Mayor T. M. Franklin Cownie to discuss proposed closure of the Capital Square Post Office. **Moved by Hensley to receive and file comments; continue to work aggressively with our Congressional Delegation with the goal of keeping the Capital Square Post Office open and to review the status of the Highland Park and East Village branches. Motion Carried 7-0.**

[12-0736](#)

50. [From](#) Council Member Brian Meyer to speak regarding adding additional lighting in the City's gravel parking lot east of Mulletts, 1300 SE 1st Street. **Moved by Meyer to refer to the City Manager to work with the I-Cubs and Mulletts on joint use of the property, and to inventory other available properties in the area. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

- [12-0737](#) 51. **From** Sarai Schnucker-Rice and Chet Guinn to speak regarding Nollen Plaza Peace Garden. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:12 P.M.) (ITEMS 52 THRU 56)

- [12-0738](#) 52. **On** appeal from Shirley Harper, 1151 Ascension Street, of the Administrative Hearing Officer's decision regarding her dog. **Moved by Griess to uphold declaration. Motion Carried 6-1. Absent: Moore.**
- [12-0739](#) 53. **On** proposed amendment to Second (2011) Year Action Plan of the 2010-2014 U.S. Department of Housing and Urban Development (HUD) Consolidated Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**
- [12-0740](#) 54. **Dismissing** public hearing regarding renewal of Parking Lease Agreement with Nelson Development, LLC for 418 E. Grand Avenue. **Moved by Meyer to adopt and receive and file. Motion Carried 7-0.**
- [12-0741](#) 55. **On** conveyance of underground gas line easement on City-owned property at the Blank Park Zoo to MidAmerican Energy Company, \$1. **Moved by Meyer to adopt. Motion Carried 7-0.**
- [12-0742](#) 56. **On** conveyance by installment contract of vacated east/west and north/south alley right-of-ways adjoining 319 SW 5th Street to Create 319, LLP, \$8,000. ([Council Communication No. 12-219](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**

*** END HEARINGS AT 5:37 PM ***

CITY MANAGER RECOMMENDATIONS

- [12-0743](#) 57. [Receipt](#) of proposal from the Joshua Christian Academy to purchase the Logan Community Center, 1740 E. Garfield Avenue. ([Council Communication No. 12-232](#)) **Moved by Mahaffey to receive and file such proposal and refer to the City Manager to negotiate an Offer to Purchase Logan Community Center with the Joshua Christian Academy and to authorize the City Manager to submit an application to the Zoning Board of Adjustment to obtain a building set back variance; refer to the City Manager to work with all interested parties and the neighborhood on options for the building including use by the Housing Services Department. Motion Carried 7-0.**

APPROVING

- [12-0744](#) 58. [Alternative](#) motions regarding proposed rezoning of 1241 E. 38th Street, (requested by Arnold Dewitt). ([Council Communication No. 12-228](#)) **Moved by Mahaffey to adopt, and to approve alternative resolution C: Reject Mr. Dewitt's April 9, 2012 withdrawal request and schedule second reading of the rezoning ordinance for May 21, 2012. Motion Carried 7-0.**

EXTRA ITEM

- [12-0745](#) 1. [Approving](#) Agreement with Macerich Southridge Mall LLC and Southridge Adjacent LLC for the redevelopment and repurposing of Southridge Mall at SE 14th Street and E. Army Post Road. ([Council Communication No. 12-233](#)) **Moved by Meyer to adopt. Motion Carried 7-0.**

BOARD OF HEALTH

- [12-0746](#) MOTION TO CONVENE. **Moved by Moore that the City Council adjourn and convene as a Board of Health. Motion Carried 7-0.**

- [12-0747](#) 1. [Approving](#) the Engineering Department to proceed with administrative removal to abate the public nuisance at 3509 57th Street, main structure, Titleholder: Tristan Frank. **Moved by Griess to adopt. Motion Carried 7-0.**

- [12-0748](#) MOTION TO ADJOURN. **Moved by Meyer to adjourn at 6:13 PM. Motion Carried 7-0.**