



*** 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 '15-' 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
City Hall, Council Chambers
400 Robert D. Ray Dr.
Des Moines, Iowa 50309

February 23, 2015 4:30 PM

I. CLOSED SESSION – 3:30 PM.

[15-0263](#)

(A) Roll Call. **Present: Cownie, Gatto, Gray, Hensley, Mahaffey and Moore. Absent: Coleman. Council Member Coleman entered the meeting during item C.**

[15-0264](#)

(B) Recess, and reconvene in closed session pursuant to Section 21.5, subsection 1, paragraph C, of the Iowa Code, to discuss necessary strategy with counsel in matters that are presently in litigation or where litigation is imminent, where its disclosure would be likely to prejudice or disadvantage the position of the City. **Moved by Moore to adopt. Motion Carried 6-1. Absent: Coleman.**

[15-0265](#)

(C) Closed Session.

[15-0266](#)

(D) Terminate closed session and reconvene in open session. **Moved by Moore to adopt. Motion Carried 7-0.**

[15-0267](#)

(E) Motion to adjourn. **Moved by Moore to adjourn at 4:21 PM. Motion Carried 7-0.**

* * * * *

INVOCATION: Council Member Coleman

[15-0268](#) 1. **ROLL CALL – 4:30 PM. Present: Cownie, Coleman, Gatto, Gray, Hensley, Mahaffey and Moore.**

I Prairie Meadows City/County Partnership Check Presentation.

II Joint meeting with Polk County Board of Supervisors to discuss the Iowa Events Center Hotel.

[15-0269](#) (A) **Approving preliminary terms of agreement with IEC Hotel Corporation for financial assistance for development of a headquarters hotel connected to the Iowa Events Center and approving the final application to Iowa Economic Development Authority for funding from the Iowa Reinvestment Act for the Iowa Convention & Entertainment Reinvestment District. (Council Communication No. 15-094) Moved by Coleman to adopt, and to refer to the City Manager regarding: 1. Skill set necessary for members of the non-profit board of IEC Hotel Corporation. 2. How the City’s interests are protected, and if refinancing takes place, how taxpayer’s are protected. 3. Strategy for the City to have a reserve or “nest egg”, funded by available hotel/motel taxes for use in the event the City is required to fund a shortfall in the reinvestment district revenues. Motion Carried 7-0.**

[15-0270](#) III **Accepting and approving the City Engineer’s recommendation with regarding to the disqualification of Jenco Construction, Inc. from bidding on future public improvement construction or repair contracts as a contractor, and from participating in such as a subcontractor for a period of three years. Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0271](#) (A) **Request from Bradley Jenson, Jenco Construction, Inc., to give an explanation of why Jenco Construction, Inc. should not be disqualified. Moved by Hensley to receive and file comments. Motion Carried 7-0.**

[15-0272](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**

[15-0273](#) 3. **APPROVING CONSENT AGENDA * – items 3 through 40: Moved by Coleman 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

[15-0274](#)

4. [Approving](#) alcoholic beverage license applications for the following: **Moved by Coleman to adopt. *Council Member Coleman votes “No” on items F and J. Council Members Coleman, Gray and Moore vote “No” on items S and T. Motion Carried 7-0.**

NEW APPLICATIONS

(A)	ABELARDOS MEXICAN FOOD	2510 INGERSOLL AVE	B Beer
(B)	DELLA VITI	425 E GRAND AVE	C Liquor
(C)	MARGARITA MEXICAN REST	400 SE 6TH ST	C Liquor
(D)	SHOWROOM	4100 MERLE HAY RD	C Liquor

RENEWAL APPLICATIONS

(E)	CENTERPLATE	1 LINE DR	C Liquor
*(F)	CENTRAL CITY LIQUOR	1460 2ND AVE	E Liquor
(G)	DAHLS FUEL	3401 INGERSOLL AVE	C Beer
(H)	GATEWAY MARKET MLK	2002 WOODLAND AVE	C Liquor
(I)	GIT N GO STORE #28 *(1)	3274 E UNIVERSITY AVE	C Beer
*(J)	H & A MINI MART *(1)	5901 FLEUR DR	E Liquor
(K)	HY VEE FOOD STORE #1	3330 M L KING JR PKWY	C Beer
(L)	INGERSOLL LIQUOR	3500 INGERSOLL AVE	E Liquor
(M)	IOWA CUB CLUB	1 LINE DR	C Liquor
(N)	J BENJAMINS	5800 FRANKLIN AVE	C Liquor
(O)	LA PREFERIDA	2300 HICKMAN RD	C Beer
(P)	LA TAPATIA III	4007 SE 13TH ST	C Beer
(Q)	LINN SUPER MARKET	3805 6TH AVE	C Beer
(R)	NAT FOOD MART #1 *(1)	3804 HUBBELL AVE	E Liquor
*(S)	NAT FOOD MART *(2)	1443 2ND AVENUE	C Beer
*(T)	NAT FOOD MART *(2)	1443 2ND AVENUE	E Liquor
(U)	SAINTS PUB + PATIO	4041 URBANDALE AVE	C Liquor
(V)	THAI FLAVORS	1254 E 14TH ST	C Beer/Wine
(W)	WEST END LOUNGE	2309 FOREST AVE	C Liquor
(X)	WOOLYS	504 E LOCUST ST	C Liquor

SPECIAL EVENT APPLICATION

(Y) GREAT CATERERS OF IOWA 519 PARK ST Five (5) Day License
Class C Liquor License for Whitetail Unlimited event on March 7, 2015.

[15-0275](#)

- 4-I Consideration of Class E Liquor License with C Beer and B Wine Privilege for Nat Food Mart #1, 3804 Hubbell Avenue. **Moved by Coleman to adopt. MOTION FAILED 2-5. Yeas: Gatto and Hensley. Nays: Cownie, Coleman, Gray, Mahaffey and Moore.**

PUBLIC IMPROVEMENTS

5. Ordering construction of the following:

- [15-0276](#) (A) [E. Euclid & Dixon Traffic Signal Upgrade](#): Receiving of bids, (3-10-15), Setting date of hearing, (3-23-15), Construction estimate, \$310,000. ([Council Communication No. 15-079](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0277](#) (B) [Hull Avenue Roadway Improvements at UPRR](#): Receiving of bids, (3-10-15), Setting date of hearing, (3-23-15), Construction estimate, \$615,000. ([Council Communication No. 15-084](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**
- [15-0278](#) (C) [Pioneer Columbus & Four Mile Community Center Remodeling](#): Receiving of bids, (3-10-15), Setting date of hearing, (3-23-15), Construction estimate, \$341,000. ([Council Communication No. 15-086](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0279](#) (D) [SE 34th Street/SE 36th Street Roadway Improvements at UPRR](#): Receiving of bids, (3-10-15), Setting date of hearing, (3-23-15), Construction estimate, \$690,000. ([Council Communication No. 15-087](#)) **Moved by Coleman to adopt. Motion Carried 5-2. Nays: Gatto and Moore.**
- [15-0280](#) 6. [Authorization](#) to proceed with an assessed paving project on E. 32nd Street from Kinsey Avenue to Washington Avenue. ([Council Communication No. 15-082](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0281](#) 7. [Authorization](#) to proceed with an assessed sidewalk project on Garfield Avenue from E. 32nd Street to E. 33rd Street. ([Council Communication No. 15-083](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0282](#) 8. [Approving](#) Professional Services Agreement with Snyder & Associates, Inc., for conceptual design services for the Near West Side Sewer Separation Project, not to exceed \$492,900. ([Council Communication No. 15-085](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

SPECIAL ASSESSMENTS

- [15-0283](#) 9. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2015-02. **Moved by Coleman to adopt. Motion Carried 7-0.**

LAND/PROPERTY TRANSACTIONS

- [15-0284](#) 10. [Releasing](#) PUD Restoration Surety for the Smokey Row Coffee House Parking Lot at 1918 Crocker Street. ([Council Communication No. 15-070](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
11. Number not used.
- [15-0285](#) 12. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2014, (65 applications). ([Council Communication No. 15-071](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

BOARDS/COMMISSIONS/NEIGHBORHOODS

- [15-0286](#) 13. [Communication](#) from Paul Morrison, advising of his resignation from the Housing Service Board, Seat 12, effective immediately. **Moved by Coleman to receive, file and accept resignation with appreciation for his service. Motion Carried 7-0.**
- [15-0287](#) 14. [Recommendation](#) from Council Member Bill Gray to appoint Charles J. Gassmann to the Building and Fire Code Board of Appeals, Seat 11, for a three-year term commencing April 1, 2014 to expire April 1, 2017. **Moved by Coleman to adopt. Motion Carried 7-0.**

SETTING DATE OF HEARINGS

- [15-0288](#) 15. [On](#) approval of the 2014 U.S. Department of Housing and Urban Development Consolidated Annual Performance and Evaluation Report (CAPER), (3-23-15). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0289](#) 16. [On](#) competitive bid process for sale and redevelopment of Disposition Parcel No. 99C at 420 Court Avenue in the Metro Center Urban Renewal Project Area and receipt of redevelopment proposal from 420 Court Avenue, LLC (Court Avenue Hy-Vee), (4-6-15). ([Council Communication No. 15-075](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
17. On items regarding the budget, (3-9-15):
- [15-0290](#) (A) [On](#) consideration of the recommended Capital Improvement Program for fiscal years 2015-2016 through 2020-2021. ([Council Communication No. 15-092](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0291](#) (B) [On](#) amendment to the annual budget for current fiscal year ending June 30, 2015. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0292](#) (C) [On](#) proposed budget for the fiscal year ending June 30, 2016. **Moved by Coleman to adopt. Motion Carried 7-0.**

- [15-0293](#) 18. **On** request from Des Moines Pediatric and Adolescent Clinic, PLC, to rezone property at 2301 Beaver Avenue, 2313 Beaver Avenue, and 2300 40th Place, from “C-0” (Commercial-Residential) and “R1-60” (One-Family Low-Density Residential) to “C-1” (Neighborhood Retail Commercial), to allow expansion and reconstruction of the existing medical clinic parking lot and site improvements, (3-9-15). **Moved by Coleman to adopt. Motion Carried 7-0.**
19. Items regarding proposed General Obligation Bonds for the following: (3-9-15):
- [15-0294](#) (A) **Resolution** electing classifications and procedures for proposed bond projects. **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0295](#) (B) **On** issuance of not to exceed \$19,660,000 (for Essential Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0296](#) (C) **On** issuance of not to exceed \$3,680,000, (for Urban Renewal Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0297](#) (D) **On** issuance of not to exceed \$955,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0298](#) (E) **On** issuance of not to exceed \$870,000 (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0299](#) (F) **On** issuance of not to exceed \$570,000, (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0300](#) (G) **On** issuance of not to exceed \$845,000, (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0301](#) (H) **On** issuance of not to exceed \$850,000, (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0302](#) (I) **On** issuance of not to exceed \$955,000, (for General Corporate purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0303](#) (J) **On** issuance of not to exceed \$820,000, (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0304](#) (K) **On** issuance of not to exceed \$870,000, (for General Corporate Purposes). **Moved by Coleman to adopt. Motion Carried 7-0.**

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [15-0305](#) 20. [Approving](#) employment of Hall & Associates to provide professional consultation and representation services related to the NPDES Permit. **Moved by Coleman to adopt. Motion Carried 7-0.**

CITY MANAGER COMMUNICATIONS

- [15-0306](#) 21. [Submitting](#) travel and training requests for T. M. Franklin Cownie, Bert Drost, Chris Hardy, Debora Hobbs, Ryan Moffatt, Nekesha Palmer, Marci Rafdal, Diane Rauh and Kurt Rueckel. ([Council Communication No. 15-091](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

APPROVING

- [15-0307](#) 22. [Authorizing](#) Community Development Block Grant (CDBG) funding allocation for Continuum of Care Board (COCB) Executive Director. ([Council Communication No. 15-077](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [15-0308](#) 23. [City](#) Manager to sign Iowa Finance Authority (IFA), Exhibit 5S Local Government Contribution, for 4% bond issue application for R & T Lofts, LP. ([Council Communication No. 15-096](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [15-0309](#) 24. [Support](#) of a Workforce Housing Tax Credit (WHTC) Benefit Application to be submitted to the Iowa Economic Development Authority (IEDA) by SW 9th, LLC, for a housing project at 2440 SW 9th Street. ([Council Communication No. 15-095](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**

- [15-0310](#) 25. [Consent](#) to assignment of Economic Development Grant payments for a redevelopment project by Market One, LLC, in the vicinity of 130 E. 3rd Street. **Moved by Coleman to adopt. Motion Carried 7-0.**

- [15-0311](#) 26. [Urban](#) Renewal Development Agreement with Fort Des Moines Restoration, LLC for the rehabilitation of existing buildings in Historic Fort Des Moines for residential use, approving proposed Conceptual Development Plan, and authorizing City Manager to sign Iowa Finance Authority “Exhibit 5S Local Government Contribution” for 4% bond issue application for Fort Des Moines Restoration, LLC. ([Council Communication No. 15-093](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [15-0312](#) 27. [Issuance](#) of Certificate of Completion for 425 East Grand, LLC row house relocation at 425 E. Grand Avenue, Disposition Parcel No. 02-2A, Metro Center Urban Renewal Project. ([Council Communication No. 15-076](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0313](#) 28. [Issuance](#) of Certificate of Partial Completion for the Des Moines Building at 406 6th Avenue and 513 Locust Street. ([Council Communication No. 15-078](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0314](#) 29. [Amended](#) and Restated Development Agreement with Randolph Apartments LLP, represented by George Sherman, Officer, for the renovation of the Hotel Randolph and the adjacent buildings at 4th Street and Court Avenue. ([Council Communication No. 15-089](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0315](#) 30. [Grant](#) application to the Monsanto Fund for funding of two multi-gas monitors for use by the hazardous materials teams. ([Council Communication No. 15-067](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0316](#) 31. [Application](#) for U.S. Department of Homeland Security 2014 Staffing for Adequate Fire and Emergency Response (SAFER) Grant. ([Council Communication No. 15-073](#)) **Moved by Coleman to adopt. Motion Carried 7-0.**
32. Communications from Downtown Community Alliance requesting approval of banner designs on behalf of the following:
- [15-0317](#) (A) [Meredith](#) Corporation – Spring (March-May) and Summer (June-September) for banners to be displayed in the Western Gateway. **Moved by Coleman to receive, file and approve banner design. Motion Carried 7-0.**
- [15-0318](#) (B) [University](#) of Iowa – May through December for banners to be displayed on Locust Street, Fifth Avenue, and E. Locust Street. **Moved by Coleman to receive, file and approve banner design. Motion Carried 7-0.**
33. Bids from the following:
- [15-0319](#) (A) [AmSan](#) (Michael Mulhern, CEO) for a Tennant scrubber/sweeper for use at the Municipal Service Center as requested by the Park & Recreation Department per U.S. Communities Contract, \$54,082. **Moved by Coleman to adopt. Motion Carried 7-0.**

- [15-0320](#) (B) [Conference](#) Technologies (John Laughlin, President) to supply and install public address systems at five aquatic centers as requested by the Park & Recreation Department, \$48,846.55. (Seven bids mailed, two bids received). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0321](#) (C) [EmbarkIT](#) (Anita Messerschmidt, Owner/President) for Varonis file system auditing and data protection software as requested by the IT Department, \$178,766. (Seven bids mailed, two received). **Moved by Coleman to adopt. Motion Carried 7-0.**
- [15-0322](#) 34. [Civil](#) Service Entrance Lists for Customer Service Representative, Senior Traffic Engineer and Engineering Contracts Administrative Assistant. **Moved by Coleman to receive and file. Motion Carried 7-0.**
- [15-0323](#) 35. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of February 23 and March 2, 2015; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of February 23 and March 2, 2015 and to draw checks for biweekly payroll due on March 6, 2015. **Moved by Coleman to adopt. Motion Carried 7-0.**

ORDINANCES - FINAL CONSIDERATION

- [15-0324](#) 36. [On](#) proposed amendments to the Zoning Ordinance regarding remedial measures relating to PUD and PBP Development Plans. **Moved by Moore that this ordinance do now pass, #15,347; refer to the City Manager to bring the Northridge Mall PUD back for consideration at the next Council meeting. Motion Carried 7-0.**

ORDINANCES - SECOND CONSIDERATION

- [15-0325](#) 37. [Amending](#) Chapter 114 of the Municipal Code to place a 4-way stop at the intersection of SW 56th Street and SW McKinley Avenue. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [15-0326](#) 38. [Amending](#) Chapter 102 of the Municipal Code regarding appointment of members to the Skywalk Committee. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**
- [15-0327](#) 39. [Amending](#) Chapter 114 of the Municipal Code to remove two parking meters on the east side of 12th Street, north of Cherry. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

[15-0328](#) 40. Amending Chapter 18 of the Municipal Code regarding animals. **Moved by Hensley that this ordinance be considered and given second vote for passage. Motion Carried 6-1. Nays: Moore.**

[15-0329](#) (A) **Final** consideration of ordinance above (waiver requested by the City Manager), requires six votes. **Moved by Hensley that this ordinance do now pass, #15,348. Motion Carried 6-1. Nays: Moore.**

[15-0330](#) (B) **Amendment** to the Schedule of Fees to provide for a habitual violation fee to claim dogs and cats from impound. **Moved by Hensley to adopt. Motion Carried 6-1. Nays: Moore.**

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

ORDINANCES - FIRST CONSIDERATION

[15-0331](#) 41. **Amending** Chapter 26 of the Municipal Code regarding qualifications for appointment to the Building and Fire Code Board of Appeals. ([Council Communication No. 15-072](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-0332](#) (A) **Final** consideration of ordinance above (waiver requested by the Community Development Department Director), requires six votes. **Moved by Coleman 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, #15,349. Motion Carried 7-0.**

[15-0333](#) 42. **Amending** Chapter 78 of the Municipal Code regarding buffer zones for street use permits, to bring the Peddler Ordinance and Transient Merchant Ordinance regulations in line with the Street Use ordinance. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-0334](#) 43. **Amending** Chapter 114 of the Municipal Code regarding hours of restriction change on corner clearance, at SW 9th Street and Kenyon Avenue. ([Council Communication No. 15-088](#)) **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[15-0335](#)

44. [Amending](#) Chapter 126 of the Municipal Code regarding Vehicle Transportation Services. ([Council Communication No. 15-081](#)) **Moved by Hensley that this ordinance be considered and given first vote for passage; refer to the City Manager and City Attorney to continue to work with all interested parties and incorporate any agreed-upon changes during the second consideration of the ordinance at the next Council meeting, and for review and recommendation regarding the following: 1. How Uber handles payment of sales tax. 2. How Uber's insurance would comply with the current ordinance proposal. 3. What is Uber's history of insurance claims (payment/denials). 4. Should the ordinance change apply to limousines. 5. Delineate various types of fines and amounts. Motion Carried 7-0.**

[15-0336](#)

- (A) [Communication](#) from William Lillis and Chris Pose, representing Trans Iowa and limousine operators, regarding an alternate resolution. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

COMMUNICATIONS/REPORTS

[15-0337](#)

45. [From](#) Larry James, to present the annual report on the Piano Program. **Moved by Hensley to receive and file comments and refer to the City Manager for review and recommendation regarding placing additional pianos on City right-of-way. Motion Carried 7-0.**

[15-0338](#)

46. [From](#) Lelah Swallow, 2002 Lyon Street, to speak regarding the Eastside, 4th Ward. **Moved by Gatto to receive and file comments. Motion Carried 7-0.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 47 THRU 48)

[15-0339](#)

47. [On](#) vacation of a portion of E. 3rd Street right-of-way adjoining 215 E. 3rd Street and conveyance of a permanent encroachment easement to 215 East 3rd Street, LLC, \$100. ([Council Communication No. 15-080](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0340](#)

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

[15-0341](#)

- (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gatto 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, [#15,350](#). Motion Carried 7-0.**

[15-0342](#)

48. **On** request from Silver Oak Enterprises, LLC for review and approval of the 5th Amendment to the Carman Estates PUD Conceptual Plan, 2320 E. Porter Avenue, to allow development of four 3-story, 24-unit multiple-family dwellings, 96 units total, continued from February 9, 2015. **Moved by Gatto to adopt and approve the 5th Amendment to the Carman Estates PUD Conceptual Plan for the property as described above, which 5th Amendment is on file in the Community Development Department, is hereby approved, subject to the Amendment and Plan being first amended to satisfy the alternative conditions requested by Silver Oak Enterprises, LLC as set forth above and in the attached communication, and subject to approval of such amendments by the Community Development Director. Motion Carried 6-1. Pass: Cownie.**

*** END OF HEARINGS AT 5:43 PM ***

BOARD OF HEALTH

[15-0343](#)

MOTION TO CONVENE. **Moved by Moore 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 nuisances at the following locations:

[15-0344](#)

(A) [1401](#) E. 12th street, commercial building structure and accessory buildings; Titleholder: Olivet University. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0345](#)

(B) [1908](#) E. Walnut Street; fire-damaged main structure; Titleholder: DT Real Estate Investments, LLC. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0346](#)

2. **Approving** the release of the fire escrow account held for the fire-damaged structure at 811 Bancroft Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

[15-0347](#)

MOTION TO ADJOURN. **Moved by Gray to adjourn at 7:08 PM. Motion Carried 7-0.**

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