



\*\*\* 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**

November 18, 2013 4:30 PM

**PROCLAMATIONS – 4:15 PM**

[Virtual](#) Library Week

**SPECIAL RECOGNITION**

[Primary](#) Health Care – for their assistance in the relocation of residents of the Randolph Hotel.

**INVOCATION:** Council Member Coleman

- [13-1771](#) 1. ROLL CALL: **Present: Cownie, Coleman, Griess, Hensley, Mahaffey and Moore.**
- [13-1772](#) 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: **Moved by Hensley to adopt. Motion Carried 6-0.**
- [13-1773](#) 3. APPROVING CONSENT AGENDA \* – items 3 through 47: **Moved by Coleman to adopt the balance of the Consent Agenda. Motion Carried 6-0.**

**\*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.

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## LICENSES AND PERMITS

[13-1774](#)

4. [Approving](#) Alcoholic Beverage License Application for the following: **Moved by Hensley to adopt. Mayor Cownie votes “No” on items (H) Des Moines Valero #204, (O) Kum & Go #207 and (W) Sahota Food Mart. Council Member Coleman votes “No” on item (W) Sahota Food Mart.**

### NEW APPLICATIONS

(A)	JAVA JOES COFFEEHOUSE	620 CHERRY ST	C Beer/Wine
<del>(B)</del>	<del>LA PIZZA HOUSE</del>	<del>1013 SE 14TH ST</del>	<del>C Liquor</del>
(C)	RENAISSANCE DES MOINES	401 LOCUST ST	B Liquor

### RENEWAL APPLICATIONS

(D)	AMICI ESPRESSO	206 6TH AVE	C Liquor
(E)	BIANCHIS HILLTOP	2820 HUBBELL AVE	C Liquor
(F)	C FRESH MARKET	801 UNIVERSITY	E Liquor
(G)	CASEYS #2892	6120 DOUGLAS AVE	B Beer
* (H)	DES MOINES VALERO #204 *(1)	3733 EASTON BLVD	C Beer
(I)	EASTGATE LAUNDROMAT	1424 E OVID AVE	B Beer
(J)	EL RODEO #2	1234 E EUCLID AVE	C Liquor
(K)	EUROPA GROCERIES	3839 MERLE HAY RD	C Beer
(L)	HIGH LIFE LOUNGE *(1)	200 SW 2ND ST	C Liquor
(M)	HY VEE GAS #4	4701 FLEUR DR	C Beer
(N)	JAVA JOES COFFEEHOUSE	214 4TH ST	C Beer/Wine
* (O)	KUM & GO #207	4200 HUBBELL AVE	E Liquor
(P)	KUM & GO #208 *(1)	3200 SE 14TH ST	E Liquor
(Q)	KUM & GO #4110	2110 GUTHRIE AVE	E Liquor
(R)	LA HACIENDA	111 ARMY POST RD	C Liquor
(S)	LIME LOUNGE	435 E GRAND AVE	C Liquor
(T)	MIYABI 9	512 E GRAND AVE	C Beer/Wine
(U)	PARK AVENUE PUB	1101 PARK AVE	C Liquor
(V)	ROYAL MILE	210 4TH ST	C Liquor
* (W)	SAHOTA FOOD MART	1805 SE 14TH ST	E Liquor
(X)	SKIPS	4000 FLEUR DR	C Liquor
(Y)	SLEEPY HOLLOW	4051 DEAN AVE	C Liquor
(Z)	SUDSUCKERS *(1)	1511 E ARMY POST	C Liquor
(AA)	VAUDEVILLE MEWS *(1)	212 4TH ST	C Liquor
(BB)	Z'S BAR	1511 S UNION ST	C Liquor

### TRANSFER TO NEW LOCATION

(CC)	ALDI INC #29	5512 SE 14TH ST	C Beer
	Permanent transfer from 500 E. Army Post Road.		

### SPECIAL EVENTS APPLICATIONS

(DD)	CATERING CONNECTION	1312 LOCUST ST	Five (5) Day License Class C Liquor License for a wedding reception on December 7, 2013.
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## SPECIAL ASSESSMENTS

- [13-1782](#) 11. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development), Schedule No. 2013-11. **Moved by Coleman to adopt. Motion Carried 6-0.**

## LAND/PROPERTY TRANSACTIONS

- [13-1783](#) 12. [Approving](#) execution and recording of Verified Claim for Covenant Not to Reoccupy, Rebuild or Redevelop 1529 Maine Street. **Moved by Coleman to adopt. Motion Carried 6-0.**

- [13-1784](#) 13. [Approving](#) execution and recording of Verified Claim for Covenant Not to Reoccupy, Rebuild or Redevelop 1624 Ohio Street. **Moved by Coleman to adopt. Motion Carried 6-0.**

WITHDRAWN

- [13-1785](#) 14. ~~[Acceptance](#) of temporary easement from U.S. Bank National Association for the Beaver Avenue Streetscape Project.~~

WITHDRAWN

- [13-1786](#) 15. ~~[Acceptance](#) of temporary easement from Eight Ways, LLC for the Beaver Avenue Streetscape Project.~~

- [13-1787](#) 16. [Accepting](#) PUD Restoration Bond B1206051 from GLR, Inc. in the amount of \$18,815 for grading work for the CVS Pharmacy Store at 2303 Merle Hay Road. ([Council Communication No. 13-549](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

- [13-1788](#) 17. [Release](#) of PUD Restoration Irrevocable Letter of Credit, VB 120413 in the amount of \$87,132 for The Woods of Copper Creek, Plat 1, located in the vicinity of 4700 block of Easton Boulevard (NE 23<sup>rd</sup> Avenue) for satisfactory completion of grading and site restoration. ([Council Communication No. 13-569](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

- [13-1789](#) 18. [Release](#) of PUD Restoration Bond Nos. 09102492 and T237625 in the amount of \$31,085 for the future Beaverdale Hy-Vee, located in the vicinity of 4444 Douglas Avenue for satisfactory completion of grading and site restoration. ([Council Communication No. 13-562](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

## BOARDS/COMMISSIONS/NEIGHBORHOODS

- [13-1790](#) 19. [Approving](#) recommendation from Council Member Bob Mahaffey to appoint Heather Carman to the Sister Cities Commission, Seat 10, for a five-year term commencing April 28, 2011 to expire April 28, 2016. **Moved by Coleman to adopt. Motion Carried 6-0.**

## SETTING DATE OF HEARINGS

- [13-1791](#) 20. [On](#) vacation of 6<sup>th</sup> Avenue and Grand Avenue right-of-way and of air space over Grand Avenue, and 6<sup>th</sup> Avenue right-of-way adjoining 505 6<sup>th</sup> Avenue and for conveyance of easements to the Young Men's Christian Association (YMCA) of Greater Des Moines, \$1,000, (12-9-13). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1792](#) (A) [Recommendation](#) from Plan and Zoning Commission. **Moved by Coleman to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 6-0.**
- [13-1793](#) 21. [On](#) conveyance of a portion of the vacated north-south alley right-of-way located east of and adjacent to 1423 E. 16<sup>th</sup> Street to West Bank as Conservator for the Nyalat Dak Conservatorship, The Nyawal Dak Conservatorship, and the Shamkuer Dak Conservatorship, \$25, (12-9-13). **Moved by Coleman to adopt. Motion Carried 6-0.**
22. On assessment of penalties for violation of Iowa alcoholic beverage laws (sale to minor) by the following, (12-9-13).
- [13-1794](#) (A) [\\$500](#) penalty to the following: **Moved by Coleman to adopt. Motion Carried 6-0.**
- (1) Git-N-Go #36, 4164 Easton Blvd.
  - (2) Kum & Go #130, 2930 Hickman Road.
  - (3) Kum & Go #207, 4200 Hubbell Avenue.
  - (4) Sahota Food Mart, 1805 SE 14<sup>th</sup> Street.
- [13-1795](#) (B) [Des](#) Moines Valero #204, 3733 Easton Boulevard, \$1,500 penalty and 30-day suspension. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1796](#) (C) [Fast](#) Trip, 1516 SE 1<sup>st</sup> Street, \$1,500 penalty and 30-day suspension. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1797](#) (D) [Kum](#) & Go #2731, 3104 University Avenue, \$1,500 penalty and 30-day suspension. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1798](#) (E) [Kum](#) & Go #2722, 2211 University Avenue, \$1,500 penalty and 60-day suspension. **Moved by Coleman to adopt. Motion Carried 6-0.**

- [13-1799](#) 23. [On](#) ordinance amending electric energy and gas franchises granted to MidAmerican Energy Company relating to temporary increase of franchise fee to pay the Kragnes v. City of Des Moines judgment, (12-9-13). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1800](#) 24. [On](#) ordinance amending electric energy and gas franchises granted to MidAmerican Energy Company relating to textual clarifications of franchise fee, (12-9-13). **Moved by Coleman to adopt. Motion Carried 6-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

- [13-1801](#) 25. [Approving](#) payment to Hall & Associates for representation in Iowa League of Cities v. United States Environmental Protection Agency, \$487.70. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1802](#) 26. [Approving](#) payment to Ahlers & Cooney, PC with respect to General Obligation Bonds, Series 2013A and General Obligation Refunding Bonds, Series 2013B, \$38,022.91. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1803](#) 27. [Approving](#) payment to Steven Lussier, PLC as outside counsel to conduct workers' compensation matters, \$13,400. **Moved by Coleman to adopt. Motion Carried 6-0.**
28. Approving workers' compensation claims for the following:
- [13-1804](#) (A) [Clifford](#) Watkins III. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1805](#) (B) [Randy](#) Davis Jr. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1806](#) 29. [Approving](#) payment to Jones Lang LaSalle, management company for Principal Insurance, for a property damage claim for excavation of a sinkhole and partial repair of the City's sewer, \$8,801.84. **Moved by Coleman to adopt. Motion Carried 6-0.**

## CITY MANAGER COMMUNICATIONS

- [13-1807](#) 29-[Submitting](#) travel and training request for T. M. Franklin Cownie. ([Council Communication No. 13-575](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

## APPROVING

- [13-1808](#) 30. [Collateral](#) Assignment of Development Agreement for the redevelopment of the Randolph Hotel, Earl & Le Bosquet and Youngerman Block buildings with Randolph Apartments Limited Partnership, represented by George Sherman, President, to Cedar Rapids Bank and Trust Company as security for project financing. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1809](#) 31. [Urban](#) Renewal Development Agreement with Ingersoll Square Phase III Associates LP for a mixed-use development at the northeast corner of Martin Luther King, Jr. Parkway and Ingersoll Avenue and approving Proposed Conceptual Development Plan and Approving HOME Documents for a \$350,000 below market interest rate loan. ([Council Communication No. 13-573](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
32. Number not used. Now item 43B.
33. Number not used. Now item 43C.
- [13-1810](#) 34. [City](#) Manager to sign Iowa Finance Authority form "5S Local Government Contribution" for ten Low-Income Housing Tax Credit (LIHTC) Project applications to be submitted for funding in the 2014 round which includes preliminary commitment of \$200,000 of City HOME funds for 6<sup>th</sup> Avenue Flats and \$200,000 of City HOME funds for Christ the King Senior Housing II and a request for State HOME funds for Yeader Village. ([Council Communication No. 13-570](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
35. Applications to Iowa Economic Development Authority for Enterprise Zone Benefits for the following: ([Council Communication No. 13-571](#))
- [13-1811](#) (A) [Yeader](#) Village, LLLP for construction of 24 housing units in the Yeader Village Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Coleman.**
- [13-1812](#) (B) [Oaks](#) on First, LLLP for construction of 56 housing units in the River South Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Coleman.**
- [13-1813](#) (C) [Forest](#) Avenue Apartments, LLC for construction of 48 housing units in the Forest Avenue Corridor II Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Coleman.**

- [13-1814](#) (D) [6<sup>th</sup>](#) Avenue Flats, LP for construction of 44 housing units in the Enterprise Community Enterprise Zone. **Moved by Hensley to adopt. Motion Carried 5-1. Nays: Coleman.**
- [13-1815](#) 36. [Agreement](#) between Des Moines Self-Supported Municipal Improvement District – Operation Downtown and Rink Management Services Corporation for operation of Brenton Skating Plaza through April 30, 2014 with automatic renewals unless notice of not to renew for every year for up to two years. ([Council Communication No. 13-561](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1816](#) 37. [Donation](#) Agreement with Greater Des Moines Baseball Co. (Iowa Cubs) for donation of irrigation system at Greater Des Moines Softball Park. ([Council Communication No. 13-560](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1817](#) 38. [Authorizing](#) the City Manager to reduce the requested authorized positions of the Police Department by two Investigative Assistant positions. ([Council Communication No. 13-564](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1818](#) 39. [Grant](#) application for the FY2013 COPS (Community Oriented Policing Services) Hiring Program, \$1,125,000. ([Council Communication No. 13-574](#)) **Moved by Coleman to approve. Motion Carried 6-0.**
- [13-1819](#) 40. [Purchase](#) of IAPro Police Officer Incident Tracking software program and maintenance agreement from CI Technologies Inc. (Michael Blumberg, President), \$42,300. ([Council Communication No. 13-566](#)) **Moved by Coleman to adopt. Motion Carried 5-1. Pass: Moore.**
- [13-1820](#) 41. [Directing](#) advertisement for sale of \$40,950,000 General Obligation Bonds, Series 2014A, and approving distribution of a Preliminary Official [Statement](#) and use of electronic bidding procedures. (Bonds will be sold on December 4th at 10:00 AM and a special Council meeting will be held at 4:30 PM) ([Council Communication No. 13-548](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1821](#) (A) [Revisions](#) to the Debt Management Program Policy of the City of Des Moines. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [\(Council Communication No. 13-550\)](#)
42. Bids from the following:
- [13-1822](#) (A) [Titan](#) Machinery (Ladd Blakely, President) for rental of four (4) motor graders for use in snow and ice control operations for use by the Public Works Department, \$88,000. (Six bids mailed, three received). ([Council Communication No. 13-568](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**



- [13-1823](#) (B) [TruGreen](#) (Jim Boswell, President) for an annual contract with two (2) additional one-year renewal options to furnish sidewalk snow removal services at various City properties for use by the Public Works Department, estimated annual cost \$267,341. (Sixteen bids mailed, four received). **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1824](#) (C) [Wynn](#) O. Jones & Associates (Wynn O. Jones II, President) for laboratory casework design and installation services for use in evidence processing areas per State of Iowa Contract for use by the Police Department, \$85,257. ([Council Communication No. 13-558](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1825](#) (D) [Triplett](#) Companies (Michael Triplett, President) for Haworth systems furniture workstations and office furniture per US Communities Contract for use by the City Manager's Office, \$103,426.62. ([Council Communication No. 13-563](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**
43. Items regarding Annual Urban Renewal Report and Tax Increment Financing (TIF) Certification:
- [13-1826](#) (A) [Advance](#) of funds to the Metro Center Urban Renewal Project for planning, oversight and administration. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1827](#) (B) [Recommendation](#) from the City Manager regarding TIF (Tax Increment Financing) needs for FY 2014-2015. ([Council Communication No. 13-572](#)) **Moved by Coleman to adopt the recommendations contained in Council Communication No. 13-572 and to direct the City Manager or his designee to notify the County Auditor of the City of Des Moines' need for \$27,318,599 of tax increment revenue for FY 2014-2015 and to make the necessary certifications of TIF indebtedness for each urban renewal area in accordance with Iowa Code Section 403.19 and if there are subsequent reductions in tax increment valuations prior to certification, the City Manager or his designee is authorized to decrease the TIF needs requirement as to be in compliance with the Council's TIF policy. Motion Carried 6-0.**
- [13-1828](#) (C) [Urban](#) Renewal Reports for Urban Renewal Plans and Areas within the City of Des Moines. **Moved by Coleman to adopt. Motion Carried 6-0.**
- [13-1829](#) 44. [Exception](#) to competitive procurement process and approving administrative services only agreement with Wellmark Blue Cross and Blue Shield of Iowa (John Forsyth, CEO) to provide claims administration for employee flexible spending accounts from January 1, 2014 through June 30, 2015. ([Council Communication No. 13-559](#)) **Moved by Coleman to adopt. Motion Carried 6-0.**

[13-1830](#)

- 45. [Civil](#) Service Entrance List for Flood Systems Engineer and Promotional Lists for Fire Engineer and Utility Locator. **Moved by Coleman to receive and file. Motion Carried 6-0.**

[13-1831](#)

- 46. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of November 18, November 25, and December 2, 2013; and to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of November 18, November 25, and December 2, 2013; and to draw checks for biweekly payroll due on November 29, 2013. **Moved by Coleman to adopt. Motion Carried 6-0.**

**ORDINANCES - SECOND CONSIDERATION**

[13-1832](#)

- 47. [Amending](#) Chapter 114 of the Municipal Code submitting traffic regulation changes for the Central Business District. **Moved by Coleman that this ordinance be considered and given second vote for passage. Motion Carried 6-0.**

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

**ORDINANCES - FIRST CONSIDERATION**

[13-1833](#)

- 48. [Amending](#) Chapter 42 of the Municipal Code relating to sound permits for Brenton Skating Plaza. ([Council Communication No. 13-557](#)) **Moved by Coleman that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**

[13-1834](#)

- (A) [Final](#) consideration of ordinance above (waiver requested by the Community Development 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, [#15,237](#). Motion Carried 6-0.**

**HEARINGS (OPEN AT 5:04 P.M.) (ITEMS 48-I THRU 55)**

- 48-I Items regarding property at 5035 Hubbell Avenue, Galinsky Family Real Estate LLC: (continued from November 4<sup>th</sup> Council Meeting)

[13-1835](#)

- (A) [To](#) amend the Des Moines 2020 Community Character Plan to revise the existing future land designation from Commercial: Auto-Oriented Small-Scale Strip Development to Planned Business Park. (Property is owned by Homemakers Plaza Inc.) **Moved by Mahaffey to adopt and approve the proposed amendment. Motion Carried 6-0.**

- [13-1836](#) (B) [Hearing](#) on rezoning of the property from “A-1” (Agricultural) to Ltd. “M-1” (Light Industrial). **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 6-0.**
- [13-1837](#) (C) [First](#) consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- [13-1838](#) (D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six 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, [#15,238](#). Motion Carried 6-0.**
- [13-1839](#) 48-II [On](#) vacation of portions of the Court Avenue and 4<sup>th</sup> Street rights-of-way adjoining the Randolph Apartments at 202 4<sup>th</sup> Street and the conveyance of an easement upon such vacated rights-of-way to legalize the existing building encroachments. **Moved by Hensley to adopt. Motion Carried 6-0.**
- [13-1840](#) (A) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0.**
- [13-1841](#) (B) [Final](#) consideration of ordinance above (waiver requested by the applicant), 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, [#15,239](#). Motion Carried 6-0.**
- [13-1842](#) 49. [On](#) request from Beaverdale Partners, LLC for an amendment to the Rice Development Partners PUD Conceptual Plan for 3001 Beaver Avenue to revise the name to Beaverdale Cooperative Housing PUD and to allow development of a three-story 54-unit multiple-family dwelling for senior living. **Moved by Griess to adopt and to approve the proposed amendment to the PUD Conceptual Plan subject to the conditions 1 through 20 listed above, which conditions shall be interpreted in the context of the letter from Ewing Development presented at the hearing, which is hereby received and filed. Motion Carried 4-1-1. Nays: Moore. Absent: Cownie.**
- [13-1843](#) 50. [On](#) a request from Drake University for approval of an amendment to the Drake University Recreation PUD Conceptual Plan affecting 1420 26<sup>th</sup> Street to allow a basketball practice facility addition to the east side of the Knapp Center. **Moved by Griess to adopt and to approve the proposed amendment to the PUD Conceptual Plan. Motion Carried 5-1. Absent: Cownie.**

[13-1844](#) 51. On request from Diversity Insurance, Inc. to rezone 1533 and 1541 E. Grand Avenue from “C-2” (General Retail and Highway-Oriented Commercial) to “NPC” (Neighborhood Pedestrian Commercial) to allow an expansion of the existing building at 1541 E. Grand Avenue for Pedestrian-Oriented Mixed-Neighborhood Level Retail or Office uses. **Moved by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 5-1. Absent: Cownie.**

[13-1845](#) (A) First consideration of ordinance above. **Moved by Mahaffey that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Absent: Cownie.**

[13-1846](#) 52. On request from Loffredo Gardens, Inc. to rezone 4001 SW 63<sup>rd</sup> Street from “PBP” (Planned Business Park) to “M-1” (Light Industrial) to allow for an approximately 45,000 square foot warehouse building to be developed on property to the south of the existing facility, subject to conditions. **Moved by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance. Motion Carried 5-1. Absent: Cownie.**

[13-1847](#) (A) First consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 5-1. Absent: Cownie.**

53. Number not used. Now item 48-I.

54. Number not used. Now item 48-II.

[13-1848](#) 55. On conveyance of 4315 SE 14<sup>th</sup> Street to Yeader Village LLLP, \$210,000. ([Council Communication No. 13-551](#)) **Moved by Hensley to adopt; refer to the City Manager to come back with a recommendation on the use of funds from the sale of the property. Motion Carried 6-0.**

\*\*\* END OF HEARINGS AT 7:12 PM \*\*\*

## APPROVING

[13-1849](#) 56. Notice of intent to fill vacancy for Ward IV Council Member by appointment. **Moved by Moore to adopt. Motion Carried 6-0.**

[13-1850](#)

57. [Authorizing](#) the City Manager to negotiate preliminary terms of developer initiated proposals for the purchase and redevelopment of two separate City-owned parcels for two projects in the East Village Area (E. 4<sup>th</sup> Street and Grand Avenue) and initiating a parking study of the affected area. ([Council Communication No. 13-567](#)) **Moved by Hensley to adopt. Motion Carried 6-0.**

[13-1851](#)

58. [Review](#) of Zoning Board of Adjustment decision granting a variance to the required 75 foot separation from any church, school, public park or licensed child care center to allow the use of 1000 Thomas Beck Road as a restaurant with liquor, wine and beer sales (**Roll Call contains alternative motions**). ([Council Communication No. 13-556](#)) **Moved by Hensley to receive and file the staff report and comments received, and to adopt alternative C. The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 4-2. Nays: Cownie and Moore.**

[13-1852](#)

59. [Review](#) of Zoning Board of Adjustment decision granting a variance to the required 150 foot separation from any church, school, public park or licensed child care center to allow the use of 501 Scott Avenue as a brewery with retail and tap room components (**Roll Call contains alternative motions**). ([Council Communication No. 13-565](#)) **Moved by Coleman to receive and file the staff report and comments received, and to adopt alternative C. The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 4-2. Nays: Cownie and Moore**

[13-1853](#)

MOTION TO ADJOURN. Moved by Griess to adjourn at 7:13 PM. Motion Carried 5-1. Absent: Cownie.

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All-America City  
1949 1976 1981 2003 2010

11/18/2013