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**Iowa City
City Council Agenda
Regular Formal**

February 2, 2010 - 7:00 p.m.

**City Hall – Harvat Hall
410 E. Washington Street**



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**ITEM 1. CALL TO ORDER.
ROLL CALL.**

ITEM 2. OUTSTANDING STUDENT CITIZENSHIP AWARDS – Hoover Elementary School
a) Rachel Gralnek
b) Izaak Perez
c) Fanta Traore

ITEM 3. PROCLAMATION.
Sertoma's Freedom Week – February 7, 2010

ITEM 4. CONSIDER ADOPTION OF THE CONSENT CALENDAR AS PRESENTED OR AMENDED.

a) **Approval of Council Actions, subject to corrections, as recommended by the City Clerk.**

1. January 19, Special Council Work Session

b) **Receive and File Minutes of Boards and Commissions (any recommendations contained in minutes become effective only upon separate Council action).**

1. Planning and Zoning Commission: December 17, 2009

2. Parks and Recreation Commission: December 16, 2009

c) **Permit Motions and Resolutions as Recommended by the City Clerk.**

Renewal:

1. Special Class C Liquor License for Red Avocado, LLC, dba Red Avocado, 521 E. Washington St.

2. Outdoor Service Area for Red Avocado, LLC, dba Red Avocado, 521 E. Washington St.

d) Public Hearings.

1. **CONSIDER A RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 16, 2010 TO DISCUSS THE PROPOSED OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2010, THROUGH JUNE 30, 2011, THE PROPOSED THREE-YEAR FINANCIAL PLAN, AND ALSO THE MULTI-YEAR CAPITAL IMPROVEMENTS PROGRAM THROUGH FISCAL YEAR 2014.**

Comment: This resolution sets a public hearing on February 16, 2010, to discuss the FY2011 Proposed Operating Budget, the Three-Year Financial Plan for FY2011 – 2013 and multi-year Capital Improvements Program (CIP) through FY2014. Detailed information on the budget will be available for public inspection on February 5, 2010.

e) Resolutions.

1. **CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST TO THE RELEASE OF LIENS REGARDING TWO MORTGAGES FOR THE PROPERTY LOCATED 1416 PLUM STREET, IOWA CITY, IOWA.**

Comment: The owners of the property located at 1416 Plum Street received assistance through the City of Iowa City's TARP program. The loans have been paid off; thus the liens need to be released.

2. **CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST A RENEWAL OF A LICENSE AGREEMENT FOR TEMPORARY USE OF PUBLIC RIGHT-OF-WAY BETWEEN THE CITY OF IOWA CITY, LANDOWNER LUBIN TRUST, AND TENANT MOTIF, LTD D/B/A BO-JAMES, FOR A SIDEWALK CAFE.**

Comment: Lubin Trust, as landowner, and Motif, Ltd., d/b/a as Bo-James, seek a renewal of a license agreement for temporary use of public right-of-way at 118 Washington Street, Iowa City, Iowa for a sidewalk cafe. City staff and Design Review have reviewed the plans and specifications and required submittals and recommend approval of said agreement.

- 3. **CONSIDER A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND THE CITY CLERK TO ATTEST A RENEWAL OF A LICENSE AGREEMENT FOR TEMPORARY USE OF PUBLIC RIGHT-OF-WAY BETWEEN THE CITY OF IOWA CITY, LANDOWNER ONE TEN PROPERTIES, LLC, AND TENANT KMARCELLA, INC. D/B/A DONNELLY’S PUB, FOR A SIDEWALK CAFE.**

Comment: One Ten Properties, LLC, as landowner, and Kmarcella, Inc., d/b/a as Donnelly’s Pub, seek a renewal of a license agreement for temporary use of public right-of-way at 110 College Street, Iowa City, Iowa for a sidewalk cafe. City staff and Design Review have reviewed the plans and specifications and required submittals and recommend approval of said agreement.

f) **Correspondence.**

- 1. JCCOG Traffic Engineering Planner: **Installation of (2) NO PARKING ANY TIME signs on the north and east sides (inner curve) of Westbury Court.**
- 2. JCCOG Traffic Engineering Planner: **Installation of (2) NO PARKING ANY TIME signs on the south side of Lafayette Street between South Capitol Street and South Clinton Street**
- 3. JCCOG Traffic Engineering Planner: **Installation of (2) STOP signs on the northwest and southeast corners of the intersection of Kennedy Parkway and Camp Cardinal Road**
- 4. **Sanctuary City:** David Collins, Sylvia Huyck
- 5. Deborah Sass, Mary Sturm, Joe Sturm: **PVT Concerns** [staff response included]
- 6. Jacob Butler: **Snow**
- 7. Gary Sanders: **Calendar 2008 Salary over 85k**

END OF CONSENT CALENDAR.

Approved, 7/0 _____

ITEM 5.

COMMUNITY COMMENT (ITEMS NOT ON THE AGENDA). [UNTIL 8 PM]

Community Comment will be continued, if necessary, prior to “City Council Information” item.

ITEM 6. APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR THE CONSTRUCTION OF THE IOWA CITY KICKERS SOCCER PARK RENOVATION PROJECT, ESTABLISHING AMOUNT OF BID SECURITY TO ACCOMPANY EACH BID, DIRECTING CITY CLERK TO PUBLISH NOTICE TO BIDDERS, AND FIXING TIME AND PLACE FOR RECEIPT OF BIDS.

Comment: This project will involve the renovation of four existing soccer fields at the Iowa City Kickers Soccer Park. The work includes the construction of a sand-based sport field with a sub-drainage system and other related work. The estimated construction cost is \$240,000 and will be funded with General Obligation bond proceeds.

a) PUBLIC HEARING

Action: Closed _____

b) CONSIDER A RESOLUTION

Action: Approved, 7/0 _____

ITEM 7. AMENDING TITLE 12, ENTITLED "FRANCHISES", SECTIONS 12-5-1 ENTITLED "ELECTRIC FRANCHISE FEE" AND 12-5-2 ENTITLED "GAS FRANCHISE FEE" TO REPEAL THE TWO PERCENT (2%) FRANCHISE FEE AND ENACT A ONE PERCENT (1%) FRANCHISE FEE ON THE GROSS REVENUE OF THE FRANCHISEE MIDAMERICAN ENERGY COMPANY DERIVED FROM THE DISTRIBUTION AND RETAIL SALE OF ELECTRICITY AND THE DISTRIBUTION, DELIVERY AND RETAIL SALE OF NATURAL GAS BY MIDAMERICAN, OR OTHER NATURAL GAS PROVIDERS UTILIZING THE DISTRIBUTION SYSTEM OF MIDAMERICAN, TO CUSTOMERS WITHIN THE CURRENT OR FUTURE CORPORATE LIMITS OF THE CITY OF IOWA CITY.

Comment: Iowa City's current gas and electric franchises with MidAmerican Energy Company reserve to the City the right to impose a franchise fee on MidAmerican's gross revenue from the sale of electricity and natural gas. Senate File 478 enacted by the state legislature during the 2009 session legalized such a franchise fee. By Ordinance No. 09-4374 the City Council adopted a 2% franchise fee. In accordance with Council direction the proposed ordinance repeals the 2% franchise fee and enacts a 1% franchise fee. No change is being made to the revenue purpose statement included in Ordinance No. 09-4374 and codified at Section 12-5-4 City Code but said purpose statement will be republished as required by SF 478. The City's franchise agreement with MidAmerican Energy requires 90 days notice of any franchise fee put into effect by the City. The proposed ordinance makes the 1% franchise fee effective June 1, 2010 which will require final reading and publication of the ordinance by the end of February, 2010.

a) PUBLIC HEARING

Action: Closed _____

b) CONSIDER AN ORDINANCE (FIRST CONSIDERATION)

Action: First consideration, 7/0 _____

ITEM 8. APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATE OF COST FOR THE CONSTRUCTION OF THE IOWA CITY FIRE STATION NO. 4 PROJECT, ESTABLISHING AMOUNT OF BID SECURITY TO ACCOMPANY EACH BID, DIRECTING CITY CLERK TO PUBLISH NOTICE TO BIDDERS, AND FIXING TIME AND PLACE FOR RECEIPT OF BIDS.

Comment: The project will involve construction of a new free-standing LEED-certified fire station facility on the northeast corner of Scott Boulevard and North Dubuque Road, Iowa City, Iowa. The work includes site work, general building construction, mechanical, electrical, communication, along with security and specialty systems. A ground-source heat pump system is a major part of the new building's mechanical package. The estimated construction cost is \$ \$3,021,072 and will be funded by an I-Jobs grant, an interfund loan and General Obligation bond proceeds.

a) PUBLIC HEARING

Action: Closed _____

b) CONSIDER A RESOLUTION

Action: Approved, 7/0 _____

ITEM 9. CONSIDER AN ORDINANCE AMENDING TITLE 13, ENTITLED "AIRPORTS AND AVIATION," CHAPTER 1, ENTITLED, "AIRPORT COMMISSION," TO PROVIDE THAT COMMISSION MEMBERS SHALL BE RESIDENTS OF IOWA CITY. (SECOND CONSIDERATION)

Comment: State law requires that the City Council appoint the members of the Airport Commission. Last year the law was amended to provide that one or two of the members may be a "resident of a city or county ... served by the airport." Previously all members had to be resident voters. The Airport Commission recommends that all members be residents of Iowa City because no other local government provides any funds to the airport. The January 12, 2010 agenda packet contains the approved minutes of the November 17, 2009 meeting during which the Commission discussed this matter. Under the proposed ordinance, all members must be residents of Iowa City. Staff recommends expedited action.

Action: Waived second consideration, 7/0 _____
Adopted, 7/0 _____

ITEM 10. CONSIDER AN ORDINANCE AMENDING TITLE 5, ENTITLED "BUSINESS AND LICENSE REGULATIONS," CHAPTER 2, ENTITLED "TAXICABS," TO PROHIBIT ELECTRONIC SIGNS ON TAXICABS AND TO CLARIFY VEHICLE INSPECTION REQUIREMENTS. (FIRST CONSIDERATION)

Comment: A taxicab company recently inquired whether it could place an electronic sign on the top of the vehicle roof to sell advertising. The City Code does not prohibit these signs, and although the state code prohibits "flashing lights" on vehicles, it does not define that term. In the opinion of the County Attorney, the electric sign in question is a flashing light under the state code but cautioned that a judge may disagree. Staff believes that these electronic signs are a distraction and recommends that the City specifically prohibit them on taxis. The proposed definitions of electronic and automated signs are identical to their definitions in the zoning code. The proposed ordinance also clarifies that no taxicab can pass inspection without complying with the City Code and the equipment requirements under the state code.

Action: First consideration, 6/1, Wright voting "no" _____

ITEM 11. CONSIDER A RESOLUTION ESTABLISHING NEW GENERAL GUIDELINES TO ASSESS FIRE DEPARTMENT FEES AND RESCINDING RESOLUTION NO. 08-61.

Comment: On March 4, 2008, Council passed Resolution No. 08-61 that established all Fire Department fees in one schedule. This resolution rescinds Resolution No. 08-61 and establishes new general guidelines to assess the fees for Fire Department Services based on the recovery of actual costs. The circumstances for cost recovery and the guidelines for assessing the costs to be recovered i.e. labor costs, materials, and damaged equipment replacement, repair and/or cleaning will be based on actual costs at the time of recovery. Equipment costs will be assessed per the Federal Emergency Management Agency (FEMA) Schedule of Equipment Costs at the time of recovery.

Action: Approved, 7/0 _____

ITEM 12. ANNOUNCEMENT OF VACANCIES. Applicants MUST reside in Iowa City and be 18 years of age unless specific qualifications are stated. [Staff will not publish additional notices after a period of six publications; but will continue to advertise vacancies with postings and on the Council agenda. However, no additional publication costs will be incurred.]

Previous:

- a) Airport Commission – One vacancy to fill a four-year term March 1, 2010 – March 1, 2014. (Term expires for John Staley) (2 males and 2 females currently serve).
- b) Civil Service Commission – One vacancy to fill a four-year term April 5, 2010 – April 7, 2014. (Term expires for Lyra Dickerson) (1 male and 1 female currently serve).

- c) Historic Preservation Commission – Three vacancies, (1) at-large, (1) Summit St representative, and (1) Brown St representative, to fill three-year terms March 29, 2010 – March 29, 2013. (Term expires for Alicia Trimble, William Downing, James Ponto) (3 males and 5 females currently serve).
- d) Telecommunications Commission – One vacancy to fill three-year terms March 13, 2010 – March 13, 2013. (Term expires for Hans Hoerschelman) (3 males and 1 female currently serve).

APPLICATIONS MUST BE RECEIVED BY 5:00 P.M., WEDNESDAY, FEBRUARY 17, 2010.

- e) Airport Zoning Brd of Adjustment – One vacancy to fill an unexpired term, effective upon appointment, plus a five-year term ending December 31, 2011. (Carl Williams resigned) (1 male and 1 female currently serve).
- f) Airport Zoning Brd of Adjustment – One vacancy to fill a five-year term January 1, 2009 - December 31, 2013. (Term expires for Dennis Keitel) (1 male and 1 female currently serve).
- g) Airport Zoning Commission – One vacancy to fill a six-year term January 1, 2006 – December 31, 2011. (Term expires for Mark Anderson) (1 male and 1 female currently serve).
- h) Airport Zoning Commission – One vacancy to fill a six-year term January 1, 2010 – December 31, 2015. (Term expires for Brian Sponcil) (1 male and 1 female currently serve).
- i) Appeals, Board of – One vacancy to fill a five-year term January 1, 2009 – December 31, 2013, for a Mechanical Professional. (Term expires for Tim Fehr) (3 males and 1 female currently serve).
- j) Police Citizens Review Board – One vacancy to fill an unexpired term, effective upon appointment, ending September 1, 2012. (Abigail Yoder resigned) (3 males and 1 female currently serve).
- k) Youth Advisory Commission – One vacancy to fill a two-year term
One (1) person – Tate High
January 1, 2009 – December 31, 2010.
(1 male and 1 female currently serve)
- l) Youth Advisory Commission – One vacancy to fill a two-year term
One (1) person – Regina High
January 1, 2010 – December 31, 2011
(Term expires for Hannah Green)
(1 male and 2 female currently serve)

APPLICATIONS MUST BE RECEIVED BY 5:00 P.M., WEDNESDAY, FEBRUARY 24, 2010.

New:

- m) JCCOG Cool Cities Taskforce – One At-Large/Public vacancy to fill a one-year term, effective upon appointment, ending March, 2011. (Term expires for Thomas Carsner).

APPLICATIONS MUST BE RECEIVED BY 5:00 P.M., WEDNESDAY, MARCH 17, 2010.

ITEM 13. COMMUNITY COMMENT [IF NECESSARY] (ITEMS NOT ON THE AGENDA).

ITEM 14. CITY COUNCIL INFORMATION.

ITEM 15. REPORT ON ITEMS FROM CITY STAFF.

- a) City Manager.
- b) City Attorney.
- c) City Clerk.

ITEM 16. ADJOURNMENT