

*“Cedar Rapids is a vibrant urban hometown – a beacon for people and businesses invested in building a greater community now and for the next generation.”*

## **NOTICE OF CITY COUNCIL MEETING**

The Cedar Rapids City Council will meet in Regular Session on Tuesday, March 8, 2016 at 12:00 PM in the Council Chambers, 3rd Floor, City Hall, 101 First Street SE, Cedar Rapids, Iowa, to discuss and possibly act upon the matters as set forth below in this tentative agenda. (*Please silence mobile devices.*)

## **A G E N D A**

- Invocation
- Pledge of Allegiance
- Proclamations/Presentations

### **PUBLIC HEARINGS**

1. A public hearing will be held to consider the Fiscal Year 2017 Annual Budget (Casey Drew). CIP/DID #FIN2016-10
  - a. Resolution adopting the Fiscal Year 2017 Annual Budget.
2. A public hearing will be held to consider amending Chapter 12 of the Municipal Code, Water Service, by repealing existing rates and establishing new rates (Casey Drew). CIP/DID #WTR02-23-16-0024
  - a. First Reading: Ordinance amending Chapter 12 of the Municipal Code, Water Service, by repealing existing rates and establishing new rates.
3. A public hearing will be held to consider amending Chapter 13 of the Municipal Code, Wastewater Facilities, by repealing existing rates and establishing new rates (Casey Drew). CIP/DID #WPC02-23-16-001
  - a. First Reading: Ordinance amending Chapter 13 of the Municipal Code, Wastewater Facilities, by repealing existing rates and establishing new rates.

4. A public hearing will be held to consider amending Chapter 24 of the Municipal Code, Solid Waste and Recycling, by repealing existing rates and establishing new rates (Steve Hershner and Casey Drew). CIP/DID #SWM02-23-16-001
  - a. First Reading: Ordinance amending Chapter 24 of the Municipal Code, Solid Waste and Recycling, by repealing existing rates and establishing new rates.
5. A public hearing will be held to consider amending the franchise granted to MidAmerican Energy by increasing the franchise fee from 2 percent to 3 percent (Casey Drew). CIP/DID #49-11-021
  - a. First and possible Second and Third Readings: Ordinance amending the franchise granted to MidAmerican Energy by increasing the franchise fee from 2 percent to 3 percent.
6. A public hearing will be held to consider amending the franchise granted to Linn County Rural Electric Cooperative (REC) by increasing the franchise fee from 2 percent to 3 percent (Casey Drew). CIP/DID #41-14-011
  - a. First and possible Second and Third Readings: Ordinance amending the franchise granted to Linn County Rural Electric Cooperative (REC) by increasing the franchise fee from 2 percent to 3 percent.
7. A public hearing will be held to consider amending the franchise granted to Interstate Power and Light Company (Alliant) by increasing the franchise fee from 2 percent to 3 percent (Casey Drew). CIP/DID #OB457539
  - a. First and possible Second and Third Readings: Ordinance amending the franchise granted to Interstate Power and Light Company (Alliant) by increasing the franchise fee from 2 percent to 3 percent.
8. A public hearing will be held to consider a request by Jelinek Companies LLC for an Urban Revitalization Area designation for the rehabilitation of the historic Ideal Theatre Building at 213 16th Avenue SE and 1614 2nd Street SE (Caleb Mason). CIP/DID #URTE-0007-2016
  - a. Resolution authorizing an Urban Revitalization Area designation for the rehabilitation of the historic Ideal Theatre Building at 213 16th Avenue SE and 1614 2nd Street SE.
  - b. First Reading: Ordinance amending Chapter 17A of the Municipal Code, Revitalization Areas, to establish the Ideal Theatre Urban Revitalization Area designation at 213 16th Avenue SE and 1614 2nd Street SE.
9. A public hearing will be held to consider amendments to the Future Land Use Map of the City of Cedar Rapids as part of the annual review of EnvisionCR, the City's Comprehensive Plan (Seth Gunnerson). CIP/DID #OB165740
  - a. Resolution amending the Future Land Use Map of the City of Cedar Rapids as part of the annual review of EnvisionCR, the City's Comprehensive Plan.

10. A public hearing will be held to consider an Electric Line Easement Agreement from property located on City-owned land westerly of and adjacent to 2nd Avenue SE and between 32nd Street Drive and 33rd Street Drive in connection with rebuilding and upgrading an existing overhead transmission line at this location as requested by ITC Midwest LLC (Rita Rasmussen). CIP/DID #49-14-042
  - a. Resolution authorizing execution of an Electric Line Easement Agreement from property located on City-owned land westerly of and adjacent to 2nd Avenue SE and between 32nd Street Drive and 33rd Street Drive in connection with rebuilding and upgrading an existing overhead transmission line at this location as requested by ITC Midwest LLC.
11. A public hearing will be held to consider amending Chapter 64 of the Municipal Code, Offenses Against Property, by deleting Section 64.13 therefrom regarding discrimination in housing (Brent Long and Judy Goldberg). CIP/DID #PD0007
  - a. First Reading: Ordinance amending Chapter 64 of the Municipal Code, Offenses Against Property, by deleting Section 64.13 therefrom regarding discrimination in housing.
12. A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the Edgewood Road NW from E Avenue NW to F Avenue NW – Roadway Improvements project (estimated cost is \$649,000) (Doug Wilson). **(Paving for Progress)** CIP/DID #301689-02
  - a. Resolution adopting plans, specifications, form of contract and estimated cost for the Edgewood Road NW from E Avenue NW to F Avenue NW – Roadway Improvements project.
13. A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the Horizontal Collector Well No. 5 Pump House project (estimated cost is \$2,650,000) (Steve Hershner). CIP/DID #625863-06
  - a. Resolution adopting plans, specifications, form of contract and estimated cost for the Horizontal Collector Well No. 5 Pump House project.
14. A public hearing will be held to consider the proposed plans, specifications, form of contract and estimated cost for the Northwest Water Treatment Plant Roof Replacements project (estimated cost is \$880,000) (Steve Hershner). CIP/DID #625904-04
  - a. Resolution adopting plans, specifications, form of contract and estimated cost for the Northwest Water Treatment Plant Roof Replacements project.

### **PUBLIC COMMENT**

*This is an opportunity for the public to address the City Council on any subject pertaining to Council action scheduled for today. If you wish to speak, place your name on the sign-up sheet on the table outside the Council Chambers and approach the microphone when called upon.*

## MOTION TO APPROVE AGENDA

### CONSENT AGENDA

*These are routine items, some of which are old business and some of which are new business. They will be approved by one motion without individual discussion unless Council requests that an item be removed for separate consideration.*

15. Motion to approve minutes.
16. Resolution of support and authorizing conditional City financial assistance in support of a Low Income Housing Tax Credit (LIHTC) application for City-owned property at 1200 Edgewood Road NW as proposed by CommonBond Communities. CIP/DID #OB654103
17. Resolution authorizing Amendment No. 1 to the Westdale Area Neighborhood Association boundary. CIP/DID #NSD-0001-2015
18. Resolution accepting the established fair market value in the amount of \$28,500 for the total acquisition of property located at 20 22nd Avenue SW, owned by Cedar Rapids Transmission, Inc., in connection with the Cedar Rapids Flood Control project. CIP/DID #3313200-00
19. Resolution authorizing the buyout of the Federal interest in Lot 44 in the amount of \$830,680.00. CIP/DID #TRN002-16
20. Resolution in support of a Linn County Emergency Management Commission request to the Federal Emergency Management Agency (FEMA) to establish Highway 30 as the southern boundary of subarea 24 for the Radiological Emergency Planning Zone. CIP/DID #FIR0308-0009
21. Resolution authorizing the Utilities Director to attend the National Association of Clean Water Agencies 2016 National Water Policy Forum & Fly-In in Washington, DC in April for an estimated amount of \$3,410. CIP/DID #WTR030816-002
22. Resolution authorizing seven members of Iowa Task Force 1 to attend Structural Collapse Technician 4 training in College Station, TX for a total amount of \$21,266. CIP/DID #FIR0308-0010
23. Resolution fixing value of lots and adopting preliminary plat and schedule, estimate of cost and proposed preliminary plans and specifications for the construction of the 14th Avenue SE from 36th Street to 42nd Street Roadway and Utility Improvements project. **(Paving for Progress)** CIP/DID #3012127-00
24. Resolution fixing value of lots and adopting preliminary plat and schedule, estimate of cost and proposed preliminary plans and specifications for the construction of the Northwood Drive NE, from South of Brookland Drive NE to 42nd Street NE Roadway Rehabilitation project. **(Paving for Progress)** CIP/DID #3012115-00

25. Resolution directing preparation of detailed plans, specifications, form of contract and notice to bidders for the 26th Street SW Improvements from 76th Avenue SW to 60th Avenue SW project. CIP/DID #3012004-00
26. Resolution directing preparation of detailed plans, specifications, form of contract and notice to bidders for the Edgewood Road NW Multiuse Pathway from O Avenue to Ellis Road project. CIP/DID #325008-00
27. Resolution adopting and levying final schedule of assessments and providing for the payment thereof for the Shared Use Path on Edgewood Road SW from Prairie Valley Court SW to 37th Avenue SW project. CIP/DID #3012001-00
28. Resolution setting a public hearing for April 12, 2016 to consider the Resolution of Necessity (Proposed) for the construction of the 29th Street Drive SE from 1st Avenue to Tama Street Roadway Improvements project. **(Paving for Progress)** CIP/DID #3012126-00
29. Motions setting public hearing dates for:
  - a. ~~March 8, 2016~~ **March 22, 2016** – to consider granting a change of zone for property south of 66th Avenue SW and west of Kirkwood Boulevard SW from C-1, Mixed Neighborhood Convenience Zone District, to C-2, Community Commercial Zone District as requested by The Votroubek Real Estate Group and Kirkwood Community College. CIP/DID #RZNE-022606-2016
  - b. March 22, 2016 – to consider amending Chapter 69 of the Municipal Code, Civil Rights Commission, to reduce the number of members from nine to seven. CIP/DID #CVR-2016-03PH
30. Motions setting public hearing dates, filing plans and/or specifications, form of contract and estimated cost, advertising for bids by publishing notice to bidders, and authorizing City officials or designees to receive and open bids and publicly announce the results for:
  - a. March 22, 2016 – Bridge Replacement, McCloud Place NE over McCloud Run project, with bid opening March 15, 2016 at the Iowa Department of Transportation (estimated cost is \$1,000,000). CIP/DID #305031-03
  - b. March 22, 2016 – Seminole Valley Road NE – Sanitary Sewer Improvement Project, 42nd Street from Seminole Valley Road NE to Edgewood Road NE project, with bid opening March 23, 2016 (estimated cost is \$1,312,000). **(Paving for Progress)** CIP/DID #3012116-02
  - c. March 22, 2016 – Cedar Riverwalk 2nd Avenue to 3rd Avenue SE project, with bid opening March 30, 2016 (estimated cost is \$80,000). CIP/DID #3315507-10
  - d. March 22, 2016 – 8th Avenue SW Roadway Improvements from L Street SW to 7th Street SW project, with bid opening March 30, 2016 (estimated cost is \$700,000). **(Paving for Progress)** CIP/DID #3012151-02
  - e. March 22, 2016 – 2016 Sidewalk Infill Project, Phases 1 & 2 project, with bid opening March 30, 2016 (estimated cost is \$420,000). CIP/DID #3012074-02
  - f. March 22, 2016 – NewBo/Parking Lot 44 Pump Station at 10th Avenue SE project, with bid opening April 6, 2016 (estimated cost is \$7,000,000). CIP/DID #3316510-10
  - g. March 22, 2016 – Seminole River Bank Armoring project, with bid opening April 13, 2016 (estimated cost is \$208,000). CIP/DID #6250045-02

31. Motion assessing \$300 civil penalties for violation of State Code regarding the sale of tobacco/vapor products to minors against: CIP/DID #CIG002028-06-2015
  - a. Dollar General #9141, 3451 Mount Vernon Road SE.
  - b. Family Dollar #4541, 901 1st Avenue SW.
  
32. Motion approving the beer/liquor/wine applications of: CIP/DID #OB1145716
  - a. Beef O’Brady’s, 5240 Edgewood Road NE.
  - b. Bricks Bar & Grill, 320 2nd Avenue SE (additional outdoor service area for an event on March 16-18, 2016).
  - c. Broken Spoke, 2010 Sylvia Avenue NE.
  - d. Cedar Rapids Kernels, 950 Rockford Road SW.
  - e. Coe College, 1220 1st Avenue NE (transfer for an event at 50 2nd Avenue Bridge, Veterans Memorial Building, on March 18-19, 2016).
  - f. Cottage Grove Place, 2115 1st Avenue SE.
  - g. Guppy’s On The Go, 1532 Ellis Boulevard NW.
  - h. Guppy’s On The Go, 235 Edgewood Road NW.
  - i. Hill Brothers Jiffy Mart, 1904 Mount Vernon Road SE.
  - j. Hy-Vee Gas #7, 3935 Blairs Ferry Road NE.
  - k. Lone Star Steakhouse & Saloon, 4545 1st Avenue SE.
  - l. Playtime Tap, 933 14th Avenue SW.
  - m. Road Ranger #5147, 1430 1st Avenue NE.
  - n. Road Ranger #5149, 2349 Blairs Ferry Road NE.
  - o. Road Ranger #5150, 3330 16th Avenue SW.
  - p. Road Ranger #5151, 380 Blairs Ferry Road NE.
  - q. Ruby’s Pizzeria, 223 2nd Street SE (new – new ownership).
  - r. Tom’s Homeport, 624 Center Point Road NE (outdoor service for an event on March 10-14, 2016).
  - s. Townsquare Live Events, 240 Greenwich Avenue, Greenwich, CT (5-day permit for an event on March 12, 2016 at Doubletree by Hilton, 350 1st Avenue NE).
  
33. Resolutions approving:
  - a. Payment of bills. CIP/DID #FIN2016-01
  - b. Payroll. CIP/DID #FIN2016-02
  
34. Resolutions appointing, reappointing and thanking the following individuals:
  - a. Appointing Jessalyn Holdcraft (effective through June 30, 2017) and David Castelluccio (effective through June 30, 2018) to the Czech Village-New Bohemia Self-Supported Municipal Improvement District Commission. CIP/DID #CD-0005-2015
  - b. Vote of thanks to Sara Marino for serving on the Section 8 Housing Choice Voucher (HCV) Program Resident Advisory Board. CIP/DID #OB400545
  
35. Resolution approving the special event application for:
  - a. Bricks St. Patrick’s Day Celebration (includes alley closure) on March 17, 2016. CIP/DID #SPEC-048942-2016
  
36. Resolutions approving assessment actions:
  - a. Levy assessment – housing nuisance abatement charges – two properties. CIP/DID #FIN2016-04
  - b. Intent to assess – Solid Waste & Recycling – clean-up costs – three properties. CIP/DID #SWM-002-16

- c. Levy assessment – Water Division – delinquent municipal utility bills – 18 properties. CIP/DID #WTR01-26-12-001
  - d. Intent to assess – Water Division – delinquent municipal utility bills – 20 properties. CIP/DID #WTR030816-001
37. Resolutions accepting projects, approving Performance Bonds and/or authorizing final payments:
- a. Police Department Roof Replacement Project, final payment in the amount of \$16,175 and 2-year Performance Bond submitted by Black Hawk Roof Company (original contract amount was \$326,000; final contract amount is \$326,000). CIP/DID #0814-030
  - b. 34th Street SE Spoon Creek Bridge Repair project, final payment in the amount of \$6,000 and 1-year Performance Bond submitted by Peterson Contractors, Inc. (original contract amount was \$120,000; final contract amount is \$120,000). **(Paving for Progress)** CIP/DID #304361-02
38. Resolutions approving final plats:
- a. Brouard First Addition for land located at 3601 Rogers Road NW. CIP/DID #FLPT-022450-2016
  - b. Heartland First Addition to Linn County for land located at 2215 Edgewood Road SW. CIP/DID #FLPT-021537-2015
  - c. Northtowne Market Second Addition for land located at 1201 Blairs Ferry Road NE. CIP/DID #FLPT-022145-2015
39. Resolution authorizing execution of a Development Agreement for property participating in the fourth round of the Single Family New Construction Program: **(Flood)** CIP/DID #OB540257
- a. Scallon Custom Homes, LLC. for property at 1322 9th Street NW.
40. Resolutions authorizing execution of Development Agreements and Special Warranty Deeds for City-owned properties participating in the fourth round of the Single Family New Construction Program: **(Flood)** CIP/DID #OB540257
- a. Cedar Valley Habitat for Humanity, Inc. for property at 430 9th Avenue SW.
  - b. Ken-Del Properties, LLC dba Willshire, LLC for property at 1410 N Street SW.
  - c. Jaylee, Inc. for properties at 504, 508 and 512 C Avenue NW.
41. Resolutions approving actions regarding purchases, contracts and agreements:
- a. Assignment and Assumption of Development Agreement from Neighborhood Development Corporation of Cedar Rapids, Inc. to Scallon Custom Homes, LLC. for property at 723 8th Avenue SW participating in the fourth round of the Single Family New Construction Program. **(Flood)** CIP/DID #OB540257
  - b. Information Technology Department purchase of a video wall for traffic monitoring needs from Communications Engineering Company for an amount not to exceed \$72,773.49. CIP/DID #109130-10
  - c. Information Technology Department purchase of PeopleSoft Financials Software Maintenance & Support from Mythics for an amount not to exceed \$500,000. CIP/DID #IT2016-005
  - d. Information Technology Department purchase of updated LiDAR (Light Detection and Ranging), imagery and mapping services from Pictometry International Corporation for an amount not to exceed \$130,218.16. CIP/DID #109300-02

- e. Contract with Precision Midwest, Ltd. for the purchase of GPS Survey Equipment for the Sewer Division, Water Division, and Information Technology Department for an annual amount not to exceed \$100,000. CIP/DID #PUR0615-259
- f. Rescinding Resolution No. 1404-09-15, which authorized Amendment No. 1 to the Contract for Online and Interactive Voice Response (IVR) Electronic Payment Services with Gila LLC, dba Municipal Services Bureau, and terminating the contract. CIP/DID #0215-173
- g. Professional Services Agreement with Snyder & Associates, Inc. for an amount not to exceed \$438,645 for design services in connection with the E Avenue NE Roadway Improvements from 17th Street NE to 20th Street NE project. **(Paving for Progress)** CIP/DID #3012174-01
- h. Amendment No. 2 to the Professional Services Agreement with Snyder & Associates, Inc. specifying an increased amount not to exceed \$14,829 for design services in connection with the 33rd Avenue Wetland Mitigation project (original contract amount was \$31,423; total contract amount with this amendment is \$44,214). CIP/DID #301136-06
- i. Change Order No. 3 in the amount of \$13,357 with Garling Construction, Inc. for the Northwest Recreation Center (original contract amount was \$3,597,000; total contract amount with this amendment is \$3,769,884). **(Flood)** CIP/DID #PRE069-13
- j. Agreement for Utility Relocation in the amount of \$78,392 and Approval for Street Lighting with Interstate Power and Light Company in connection with the 42nd Street NE from I-380 to Wenig Road NE Pavement and Water Main Rehabilitation project. CIP/DID #3012092-02
- k. Total Acquisition Purchase Agreement in the amount of \$2,500,000 with Hubbard Industrial Park, L.C., for real property located at 1124 1st Street NW, in connection with the Cedar Rapids Flood Control System project. CIP/DID #3311200-00
- l. Accepting a bid in the amount of \$5,000 from Maranatha Bible Church and approving a Quit Claim Deed for the disposition of the non-conforming lot located at 438 4th Avenue SW. CIP/DID #3302500004-00
- m. Accepting a bid in the amount of \$2,000 from Maranatha Bible Church and approving a Quit Claim Deed for the disposition of the non-conforming lot located at 510 3rd Avenue SW. CIP/DID #3302500004-00

## REGULAR AGENDA

- 42. Report on bids for the Southbound Right-Turn Lane, Iowa Highway 13 & Bertram Road project (estimated cost is \$214,800) (Steve Hershner). CIP/DID #6150015-02
  - a. Resolution awarding and approving contract in the amount of \$169,680, bond and insurance of Central States Concrete, LLC for the Southbound Right-Turn Lane, Iowa Highway 13 and Bertram Road project.

43. Report on bids for the Oakland Road NE from H Avenue NE to J Avenue NE Pavement Rehabilitation project (estimated cost is \$1,413,000) (Doug Wilson). **(Paving for Progress)** CIP/DID #3012099-02
  - a. Resolution awarding and approving contract in the amount of \$1,111,496.35, plus incentive up to \$50,000, bond and insurance of Dave Schmitt Construction Company, Inc. for the Oakland Road NE from H Avenue NE to J Avenue NE Pavement Rehabilitation project.
44. Presentation and Resolution authorizing execution of a 28E Agreement with multiple agencies for the formation of the Middle Cedar Watershed Management Authority (Sandy Pumphrey). CIP/DID #43-16-015
45. Discussion and Resolution of support providing City participation under the City's High Quality Job Program for the proposed construction of the new Thompson Truck and Trailer facility at the SW corner of 6th Street SW and 76th Avenue SW (Caleb Mason and Joe Mailander). CIP/DID #URTE-0008-2016
46. Discussion and Resolution authorizing execution of a Development Agreement and Special Warranty Deed with Shadow River, LC for the disposition and redevelopment of City-owned property at 97 3rd Avenue SW (former Smulekoffs Building) (Jennifer Pratt and Caleb Mason). CIP/DID #OB1369853

## ORDINANCES

### **Third Reading**

47. Ordinance vacating public ways and grounds in and to the property described as a 5.3 acre parcel of vacant City-owned land known as Osborn Park, and a 40-foot wide strip of unused right-of-way located southeasterly of 15th Avenue SE and formerly known as First Street SE, as requested by the City of Cedar Rapids in connection with the Cedar Rapids Flood Control System. CIP/DID #ROWV-022220-2015
48. Ordinance granting a change of zone for property at 7708 6th Street SW from A, Agriculture Zone District, to I-2, General Industrial Zone District as requested by TH Development and Louis L. and Margaret Ellen Barta. CIP/DID #RZNE-022246-2015

### **Second and possible Third Readings**

49. Ordinance vacating public ways and grounds in and to the property described as a 15-foot by 250-foot alley located southwesterly of and adjacent to 42 7th Avenue SW as requested by Mott, LLC. CIP/DID #ROWV-022010-2015
  - a. Resolution authorizing the disposition of the property described as a 15-foot by 250-foot alley located southwesterly of and adjacent to 42 7th Avenue SW as requested by Mott, LLC.

50. Ordinance granting a change of zone for property north of Highway 30, east of Union Drive SW from A, Agriculture Zone District, to R-2, Single Family Residence Zone as requested by College Farms, LLC. CIP/DID #RZNE-022288-2015
51. Ordinance amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to expand the Northwest Flood Mitigation Overlay District with specific guidelines applicable to land use applications and permits. CIP/DID #ZONE-0001-2016

## **PUBLIC INPUT**

*This is an opportunity for the public to address the City Council on any subject pertaining to Council business. If you wish to speak, place your name on the sign-up sheet on the table outside the Council Chambers and approach the microphone when called upon.*

## **CITY MANAGER COMMUNICATIONS AND DISCUSSIONS**

### **COUNCIL COMMUNICATIONS AND DISCUSSION**

*During this portion of the meeting, Council members may bring forward communications, concerns and reports on various matters and may discuss the items specifically listed.*

1. Mayor Corbett
2. Council member Gulick
3. Council member Olson
4. Council member Overland
5. Council member Poe
6. Council member Russell
7. Council member Shey
8. Council member Shields
9. Council member Weinacht

*Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures, to participate in a City Council public meeting or event should contact the City Clerk's Office at (319) 286-5060 or email [cityclerk@cedar-rapids.org](mailto:cityclerk@cedar-rapids.org) as soon as possible but no later than 48 hours before the event.*

*Agendas and minutes for Cedar Rapids City Council meetings can be viewed at [www.cedar-rapids.org](http://www.cedar-rapids.org).*