

COUNCIL

Osama Shihadeh At Large		Dick O'Brien Mayor		Robert Howard At Large			
Robert Bynum 4 th Ward		2009 MEETING SCHEDULE (All meetings start at 7:00 PM unless voted upon by Council.)				Phil Fitzgerald 1 st Ward	
Dyann Roby 5th Ward						Marie Press 2 nd Ward	
Jerry Lange 3 rd Ward						Fran Donelson Administrative Secretary	
Harvey Allbee, Jr. City Attorney						A.J. Johnson City Administrator	
		<u>Regular Meetings</u>	<u>In-depth Meetings</u>				
January 8 & 15		July 2 & 16	January 8	July 9			
February 5 & 19		August 6 & 20	February 12	(None in August)			
March 5 & 19		September 3 & 17	March 12	September 10			
April 2 & 16		October 1 & 15	April 9	October 8			
May 7 & 21		November 5 & 19	May 14	November 12			
June 4 & 18		December 3 & 17	June 11	December 10			

AGENDA

THURSDAY, MAY 7, 2009
COUNCIL CHAMBERS - CITY HALL

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OPENING PRAYER**
4. **PLEDGE OF ALLEGIANCE**
5. **COMMUNICATIONS – CITIZENS**
6. **MINUTES - APPROVAL**

A. City Council Meeting – April 16, 2009

7. **CONSENT AGENDA**

The following items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence from the Agenda.

- * 9 – A-D
- * 13 – A-H
- * Bills*

* Approval of attached Bills for Approval totaling \$1,649,978.60 is subject to the approval of any related agenda item(s).

8. **PUBLIC HEARING**

A. Proposed 2009/2010 Public Housing Administrative Plan

Previously City Council took action to establish a public hearing to receive public comment on the proposed 2009/2010 Public Housing Administrative Plan. In accordance with HUD regulations, the Public Housing Authority (City Council) is required to hold a public hearing when proposed changes are made to the Housing Administrative Plan. Those changes are being submitted for consideration at this time.

Now is the time for the public to comment on the proposed 2009/2010 Public Housing Administrative Plan.

9. **PETITIONS AND COMMUNICATIONS**

- A. Request on first reading for a new Class C Liquor License with Sunday Sales Permit for La Guadalajara Restaurant LLC, 203 2nd Street (pending inspections)
- B. Request for extended Outdoor Service Permit for Missipi Brewing Co., 107 Iowa Avenue for May 16-17, 2009 for street dance on May 16, 2009 (pending inspections)
- C. Request for renewal of Class E Liquor License and Sunday Sales Permit for Wal-Mart Supercenter #559, 3003 Highway 61 North – Wal-Mart Stores Inc. (pending inspections)
- D. Request for renewal of a Class C Beer and Sunday Sales Permit for Fast Avenue One Stop, 2111 Park Avenue – JBC LLC (pending inspections)

- E. Request for Use of City Property for Fireworks on the Riverfront for Independence Day and Independence Day Parade

Presented for City Council's consideration is a request for use of city property from the Greater Muscatine Chamber of Commerce and Industry for the annual 4th of July fireworks and parade. The fireworks celebration will be on Saturday, July 4, 2009, with a rain date of July 5, 2009. The event will begin at approximately 9:15 p.m. and last until 9:30 p.m. The parade will take place on July 4, 2009 with no rain date submitted. Staging will begin at 3 p.m. with a 5 p.m. start time. It is estimated the parade will last approximately 3 ½ hours. The GMCCI has chosen Parade Route #1.

Is there a motion to approve the request from the GMCCI for the use of city property for the 4th of July activities?

10. FROM THE MAYOR

- A. Proclamation Declaring May 10-16, 2009 as "Iowa School Board Recognition Week"
- B. Proclamation Declaring May 2009 as "Tennis Month"
- C. Proclamation Declaring May 10-16, 2009 as "National Police Week" and May 15, 2009 as "Peace Officers' Memorial Day"
- D. Proclamation Declaring May 10-16, 2009 as "National Nursing Home Week"

Is there a motion to approve the proclamations as submitted?

11. FROM THE PLANNING AND ZONING COMMISSION

12. FROM THE CITY ADMINISTRATOR

- A. Final Reading of an Ordinance Vacating City Real Estate – Unimproved McClellan Street Right-of-Way

Presented for City Council's consideration is the final reading of an ordinance vacating city real estate for the unimproved McClellan Street right-of-way. The city has been petitioned by the Muscatine School District and an adjacent neighbor to vacate portions of this right-of-way. If approved, the school district would purchase 7,290 square feet of the right-of-way and the adjacent property owner the remaining 2,439 square feet. The set price for the cost of the property will be \$1.05 per square foot.

Is there a motion to adopt on final reading an ordinance vacating city real estate for the unimproved McClellan Street right-of-way and to direct for its publication?

B. Resolution Authorizing the Sale of a Portion of the Unimproved McClellan Street Right-of-Way

Presented for City Council's consideration is a resolution authorizing the sale of a portion of the unimproved McClellan Street right-of-way. Previously City Council took action to finalize the vacation of a portion of the unimproved McClellan Street right-of-way. In conjunction with that action, the city's Planning and Zoning Commission has reviewed and approved the request originally submitted by the Muscatine School District to vacate and transfer a portion of this unimproved right-of-way. With the final action on the vacating of the right-of-way, it would now be appropriate to take individual action on authorize the sale of the property. The school district would receive 7,290 square feet at \$1.05 per square foot for a total land price of \$7,654.50.

Is there a motion to adopt the resolution authorizing the sale and transfer of city property to the Muscatine School District?

C. Resolution Approving an Executed Deed

Presented for City Council's consideration is a resolution approving an executed deed. Previously City Council took action to approve the sale of city property to the Muscatine School District. In order to finalize this process, it is necessary to approve an executed deed.

Is there a motion to adopt the resolution approving an executed deed between the City of Muscatine and the Muscatine School District?

D. Resolution Authorizing the Sale of a Portion of the Unimproved McClellan Street Right-of-Way

Presented for City Council's consideration is a resolution authorizing the sale of city property to Gary and Linda Newcomb. Previously City Council took action to vacate a portion of the unimproved McClellan Street right-of-way. The city's Planning and Zoning Commission reviewed and approved the recommendation for a portion of this right-of-way to be transferred to Linda and Gary Newcomb of 408 McArthur Street. The petitioners have agreed to purchase 2,439 square feet of the unimproved right-of-way at \$1.05 per square foot equaling \$2,560.95.

Is there a motion to adopt the resolution authorizing the sale of city property to Gary and Linda Newcomb?

E. Resolution Approving an Executed Deed

Presented for City Council's consideration is a resolution approving an executed deed. Previously City Council took action to authorize the sale of a portion of the unimproved McClellan Street right-of-way to Gary and Linda Newcomb. At this time it would be appropriate to approve the executed deed to finalize the transaction.

Is there a motion to adopt the resolution approving an executed deed between the City of Muscatine and Gary and Linda Newcomb?

F. Resolution Authorizing the 2009/2010 Public Housing Agency Plan and Attachments as Modified

Presented for City Council's consideration is a resolution authorizing the updated 2009/2010 Public Housing Annual Agency Plan. Previously City Council conducted a public hearing to receive public comment on the proposed 2009/2010 Public Housing Annual Agency Plan. All modifications or revisions to the plan were reviewed with the Resident Advisory Board with all members expressing support of all aspects of the plan.

Is there a motion to adopt the resolution authorizing the 2009/2010 Public Housing Annual Agency Plan and Attachments as Modified?

G. Resolution Setting Public Hearing on the 2009/2010 DBE Goals

Presented for City Council's consideration is a resolution setting a public hearing for the City of Muscatine's 2009/2010 Disadvantaged Business Enterprise Goals. The Federal Aviation Administration, the Federal Highway Administration and other federal guidelines require federal grant recipients who expend more than \$250,000 in a fiscal year to develop and submit DBE goals for the year. Since the city anticipates exceeding this threshold, it will be revising previous DBE goals submitted for this purpose for fiscal year 2009/2010. In order to revise the established goals, it is necessary for the city to follow a two-part process to make appropriate notification and solicitation of qualified firms and individuals who may have interest in the establishment of such goals. One component of that process will be the establishment of a public hearing to receive public comment.

Is there a motion to adopt the resolution setting a public hearing for the City of Muscatine's 2009/2010 DBE Goals for Thursday, May 21, 2009, at 7 p.m.?

H. Resolution Setting Public Hearing on Amendment #2 for the 2008/2009 City Budget

Presented for City Council's consideration is a resolution setting a public hearing on Amendment #2 for the 2008/2009 city budget. Each year the city takes two separate actions to amend the current fiscal year budget. The first action was taken at the time of the adoption of the 2009/2010 budget in March 2009. The second opportunity comes in May and/or June prior to the end of the fiscal year. Information has been solicited from the various departments that propose to make adjustments in either expenditures or revenues within their departments. Prior to any formal action by City Council, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing concerning Amendment #2 for the 2008/2009 city budget for Thursday, May 21, 2009, at 7 p.m.?

I. Resolution Setting Public Hearing for the Tennis Court Project

Presented for City Council's consideration is a resolution setting a public hearing for the Tennis Court Project. It is anticipated that construction will begin this summer with a September 9, 2009 completion date. The project will consist of replacing the two court system on the west side of Weed Park and building two new courts adjacent to the courts to be replaced where the Weed Park water tower once stood. Prior to any formal action by City Council, a public hearing is required.

Is there a motion to adopt the resolution setting a public hearing for the Tennis Court Project for Thursday, May 21, 2009, at 7 p.m.?

J. Resolution Accepting Completed Work and Authorizing Final Payment for the Golf Course Maintenance Facility Project

Presented for City Council's consideration is a resolution accepting completed work and authorizing final payment for the Golf Course Maintenance Facility Project. On September 4, 2008, the City Council awarded the contract for this project to Hy-Brand Industrial Contractors in the amount of \$221,906. Contract change orders resulted in a net reduction of \$2,680 for a final contract price of \$219,226. Substantial completion of this project was obtained in March 2009. The 5% retainage or \$10,961.30 is the remaining balance yet to be paid. All work under this contract has been completed, approved, and accepted by the project architect.

Is there a motion to adopt the resolution accepting the completed work and authorizing final payment to Hy-Brand Industrial Contractors for the Golf Course Maintenance Facility Project?

K. Request to Enter Into an Agreement with McGladrey & Pullen for Audit Services

Presented for City Council's consideration is a request to enter into an agreement with McGladrey & Pullen for audit services. The city's Audit Committee recently met to review proposals that were submitted to conduct the city's annual audit. The selection was for an auditor for a five-year period beginning with fiscal year 2008/2009 through 2012/2013. The committee met and reviewed the three proposals for this work. After a review of the proposals submitted, the committee voted unanimously to recommend that the contract for auditing services be awarded to McGladrey & Pullen LLP for a five-year period.

Is there a motion to approve an agreement with McGladrey & Pullen for audit services?

L. Request Authorization to Purchase Pickup Truck

Presented for City Council's consideration is a request for the replacement of a Building and Zoning vehicle. Recently the city participated in a buy-back program with Toyota of Muscatine for the replacement of a 1998 Toyota Tacoma pickup truck. This truck was recalled for frame rusting issues. A check was received by the city in the amount of \$7,725. Local dealerships were contacted to see what used inventory was available. After a review with those dealerships, it is being recommended the city purchase a 2008 GMC Canyon pickup truck in the amount of \$12,914 from Krieger Motor Company. The city's Equipment Replacement Fund will pick up the balance of the cost of the vehicle which will be \$5,189.

Is there a motion to approve the purchase of a 2008 GMC Canyon pickup truck from Krieger Motor Company for replacement of a Building and Zoning?

M. Request Authorization to Enter Into Agreement with Shoemaker-Haaland for Construction Administration on Clay Street Inlay Project

Presented for City Council's consideration is a request for authorization to enter into an agreement with Shoemaker-Haaland for construction administration on the Clay Street Inlay Project. The city has solicited a proposal from this firm for construction observation, material testing, and administrative services for this project. Because the project is receiving federal funds administered through the State of Iowa, there are a number of reports required to be submitted to the state as the project progresses. Shoemaker-Haaland has done this work for the city successfully in the past. The cost for these services will be \$38,700.

Is there a motion to approve the construction administration contract with Shoemaker-Haaland in the amount of \$38,700 for the Clay Street Inlay Project?

N. Request to Approve Change Order #1 for the Bridge Tribute Plaza/Bike Trail Kiosk

Presented for City Council's consideration is a request to approve Change Order #1 for the Bridge Tribute Plaza/Bike Trail Kiosk. Previously the city authorized a contract for professional services to assist with this project with Red Barn Engineering. Due to the unanticipated number of revisions through the Iowa Department of Transportation for this project, the city has requested additional work and services from Red Barn. At this time city staff is requesting the approval of Change Order #1 in the amount of \$3,500 for those additional services.

Is there a motion to approve Change Order #1 for the Bridge Tribute Plaza/Bike Trail Kiosk?

O. Request to Approve Issuance of Purchase Order for a Physical Needs Assessment and Energy Audit for Clark House and Sunset Park

Presented for City Council's consideration is a request to approve the issuance of a purchase order for a physical needs assessment and energy audit for the Clark House and Sunset Park. Inasmuch as both facilities are recipients of dollars from the American Recovery and Reinvestment Act, it is required that a separate physical needs assessment and energy audit be conducted. Solicitations of qualified firms generated five responses. After a review of the responses submitted, it is staff's recommendation to approve a contract with Nelrod Company of Fort Worth, Texas, in the amount of \$5,799.

Is there a motion to approve the issuance of a purchase order for a physical needs assessment and energy audit for the Clark House and Sunset Park to Nelrod Company in the amount of \$5,799?

P. Request Approval of Street Striping Bid

Presented for City Council's consideration is the authorization of a contract for the 2009 Street Striping Project. Four bids were sent out with one being received from Peterson Parking Lot Striping Inc. of Carbon Cliff, Illinois, in the amount of \$46,832.14. There was \$50,000 budgeted for this project.

Is there a motion to approve the paint striping bid from Peterson Parking Lot Striping in the amount of \$46,832.14?

13. COMMUNICATIONS - RECEIVE AND FILE

- A. Muscatine County Board of Supervisors – April 6, 13 & 20, 2009
- B. Art Center Board of Trustees – March 19, 2009
- C. Historic Preservation Commission – March 18, 2009
- D. Board of Water, Electric, and Communications Trustees – March 31, 2009

- E. MP&W Communications Utility – March 2009
- F. MP&W Electric Utility – March 2009
- G. MP&W Water Utility – March 2009
- H. City of Muscatine Financial Reports – March 2009

14. APPROVAL OF BILLS

It is recommended bills totaling \$1,649,978.60 be approved and that the City Council authorize the Mayor and City Clerk to issue warrants for the same. It should be noted that this listing is subject to the approval of any related agenda item(s).

15. COMMUNICATIONS - COUNCIL MEMBERS

16. OTHER BUSINESS

17. ADJOURNMENT