

COMMITTEE OF THE WHOLE
City Hall Council Chambers
May 19, 2014

Council present: Aldermen Judy Stearns, Mboka Mwilambwe, Karen Schmidt, Joni Painter, Ron Fazzini, Kevin Lower, Scott Black and David Sage, and Mayor Tari Renner.

Alderman absent: Alderman Jim Fruin.

Staff present: David Hales, City Manager, Jeff Jurgens, Interim Corporation Counsel, Jim Karch, Director of Public Works, Derrick Hengstebeck, Interim Facility Manager and Renee Gooderham, Chief Deputy City Clerk.

Staff absent: Tracey Covert, City Clerk.

Mayor Renner called the Committee of the Whole meeting to order at 5:30 p.m.

PUBLIC COMMENT

Mayor Renner opened the Public Comment section of the meeting. He added that there would not be a response from the Committee under the Public Comment portion of the meeting.

Rick Heiser, 810 W. Jefferson St., addressed the Council. He had attended the West Jefferson St. (dead end) meetings. A variety of City staff had attended same. The City was well represented. He believed the meetings were productive. General consensus was to open the street. He believed this was an at risk neighborhood. He hoped the City would continue the level of oversight and participation as it had in the past.

Bruce Meeks, 1402 Wright St., addressed the Council. He would use direct quotes from the Council: accountability, oversight, getting it right and being held responsible for actions. He did not agree with the recommended public comment changes. He believed set rules were not being followed or enforced. Council was not following its rules. No one holds the Council responsible. Sanctions had not been imposed. He referred to the Bloomington Township comment card. The Council did not have a plan for openness and transparency. He questioned citizen input for same. He acknowledged the Mayor's Open House. He believed Council and residents should be involved. Boards and Commissions had been forgotten. He cited public comment only once a month. Those agendas violated City Code. Public comment was listed at the top of the agendas instead at the end.

Motion by Alderman Schmidt, seconded by Alderman Black to approve the Committee of the Whole Minutes from January 21 and March 17, 2014.

Motion carried, (viva voce).

DISCUSSION PUBLIC COMMENT ORDINANCE

Mayor Renner introduced this topic.

Jeff Jurgens, Interim Corporation Counsel, addressed the Council. He cited current City Code. The proposal stated public comment would appear on every Council meeting and on Special meeting agendas where there was an action item. This did not include the special meeting prior to Council going into Executive Session. Currently the maximum number of speakers was five (5). This would be removed. The time limit would remain at fifteen (15) minutes, with a maximum of three (3) minutes per speaker. He noted there were no changes for Boards and Commissions. The number of speakers and eligibility would remain the same. Those procedures could be revised. He reminded Council that they establish rules for public comment.

Alderman Black suggested using a lottery shuffle. He preferred allowing individuals who do not normally address Council an opportunity to speak first. Any emails received should be entered into the record. Staff would determine same. Council could also add or amend same. He acknowledged that SPAM could be part of the emails received.

Alderman Fazzini recommended in the event more than five (5) people desire to speak those who had not previously spoken in the last two (2) months would be given priority. The alternative would be to use the eligibility wording from the Boards and Commissions section. He preferred the latter. He recommended adding to 5cor seek his or her time in its entirety.

Alderman Stearns questioned legalities. She believed Municipal Code and the State Constitution were liberal. Mr. Jurgens noted that the public comment requirement was from the Open Meetings Act (OMA) 2011 amendment. He read from same. An informal opinion had been issued stating public comment must be taken at all committee meetings. He contacted the Public Access Counselor (PAC). The answer received was there had to be rules in place. He had spoken with the State's Attorney Office; they believed requirements had been met. He noted cities have interpreted, as a best practice, to accept public comment at all meetings. He believed the City's rules were liberal. Citizens were not required to provide advance notice to speak. Legal requirements have been met.

Alderman Stearns requested comparisons. She believed potential speakers should be treated equally. Value should not be given to one person over another. She questioned who determines threatening or disorderly behavior. She recommended a twenty (20) minute time limit increase.

Mr. Jurgens believed Council had not restricted speaker content. Speaker order should be random. The Chair typically calls an individual out of order. Should disorderly or threatening behavior continue then the Chair would inform the speaker that the limit time had been reached.

Alderman Mwilambwe did not support Alderman Fazzini's recommendation regarding a waiting period. Speaker preference should be a first come, first go basis. He questioned speaking about items on the agenda. Mr. Jurgens believed that most speakers reference agenda items. He reminded them that they could set a rule.

Mayor Renner noted that McLean County Board's rules state an individual must file their request the previous Thursday for a Tuesday meeting. Items addressed must be on the agenda. He noted that the Mayoral Open House was another venue to engage citizen comment. He would relay comments made to the Council.

Alderman Sage stated his support. He questioned prohibiting people from speaking. Mr. Jurgens noted that it was rare to have more than five (5) people. He acknowledged that one (1) person was not able to speak at the Council is April 28, 2014 meeting due to the time limit. The minimum limit, by case law, was three (3) minutes. Council could always suspend the rules.

Alderman Black believed there were many ways for citizens to address Council. He believed Council accommodated additional speakers. He questioned if future Council would do the same. He requested adding suspending the rules to allow additional speakers to the text amendment.

Alderman Lower echoed Alderman Black's comment. The text admendment was for current and future Councils.

Mayor Renner summarized that Council would err on the side of openness. The consensus was to continue use of comment cards and not prohibit previous speakers. Speaker order would be random with the possibility of suspending the rules to allow more speakers.

David Hales, City Manager, addressed the Council. Sue McLaughlin, Interim Assist. City Manager, was familiar with other city/jurisdictions public comment. She mentioned their difficulty in avoiding comment redundancies. He believed that many cities continue to evolve the process. He noted staff's intention to bring the revised text amendment to a future Council meeting.

WEST JEFFERSON ST. DEAD END

David Hales, City Manager, introduced this item. He acknowledged Alderman Black and Schmidt's subject familiarity. Police and Fire had raised concerns. Two (2) public meetings had been held. He questioned if enough community outreach had been achieved. He requested Council direction.

Alderman Schmidt stated her appreciation for the meetings. She had observed the dichotomy between the two ends of the street. She noted that feelings were strong. There were residents who believed that the City had made a decision. The neighborhood did not see a problem. She stated that some residents had left the meeting believing they had not been heard. She was not sure of the solution. There was mixed support.

Alderman Black acknowledged this was not a typical street dead end. He was aware that large City equipment had problems turning around. At the first meeting there was not overwhelming support to open the street. There was a consensus to look at the possibility of same. The second meeting had less attendance. He had been receiving telephone calls, feedback was positive. A survey could assist to reach more residents. Residents would be informed of a third (3rd) and

final public meeting to be held should they be unable to complete the survey. He noted that residents who received electronic water bills did not receive inserts from the paper water bill.

Alderman Schmidt believed conducting a survey was good. She suggested mapping survey responses.

Alderman Black was informed by residents that when there were crime issues on either side suspects run to the other side. This made it difficult for patrol officers to reach same in a timely manner. Other residents had stated that two (2) patrol vehicles usually responded.

Mayor Renner questioned if the residents who were against removal of the barricades were on the east side of same. Alderman Schmidt responded affirmatively.

Alderman Sage noted the subject was ward specific. He questioned the decision to close the street and enforcement after same. Brendan Heffner, Police Chief, addressed the Council. In the mid 1990's there were drive by shootings. The shootings were directed at a specific home. He noted that the closure tactically affected the police department. It was eight (8) blocks for patrol vehicles to reach the other side. The Fire Department had challenges turning equipment around.

Alderman Stearns questioned the difference between cul de sacs and dead end streets. Jim Karch, Director of Public Works, addressed the Council. Cul de sacs were designed to accommodate large equipment.

Mr. Hales stated that staff would conduct a survey.

FY 2015 BUDGET AND \$1 MILLION APPROPRIATION FOR STREET RESURFACING

Mayor Renner introduced this item. \$4 million was budgeted for resurfacing in Fiscal Year (FY) 2014. Council authorized bonding \$10 million for street resurfacing. A local Motor Fuel Tax (MFT) had been approved. The tax would begin August 1, 2014. It was anticipated to generate \$1 million for resurfacing.

David Hales, City Manager, addressed the Council. Staff had discussed two (2) options for the local MFT: A) add streets to the existing street resurfacing contract or B) select multiple, small street sections throughout the City. Staff preferred the latter.

Jim Karch, Director of Public Works, addressed the Council. He noted that option A would require a change order. Ten to fifteen (10 – 15), street had been identified. These were smaller residential streets which could be resurfaced. Option B would revive the street and alley maintenance contract. In the past Staff utilized same for issues that surfaced. The contract enabled staff to react to complaints and concerns. Thirty to fifty foot (30' – 50') smaller street sections were identified. He noted that the inspection staff was stretched to capacity. Consultants would be required to assist with same.

Mayor Renner questioned visible improvements with Option B. Mr. Karch responded affirmatively.

Alderman Lower questioned how many projects could be completed without consultants compared with those completed in house using the new equipment. Mr. Karch stated assignments had been given to staff. There was a substantial amount of work to complete. These additional areas were beyond staff resources.

Alderman Sage believed the Public Works' Permanent Patching Program was a significant accomplishment. He cited concern for underlying infrastructure problems. He believed there was an employee who suggested modifications to the permanent patching equipment. The modifications resulted in higher output levels. Mr. Karch responded affirmatively. Scott Brown, Streets and Sewers Division, Truck Driver, took ownership of the grinding operation. Mr. Brown reviewed different types of grinding equipment. He found different tools to take off the grinding teeth. The tool made grinding streets efficient. Mr. Karch noted that there was concern with underlying infrastructure issues, especially when sewers were not rated. Not all the sewers had been rated or televised. Staff would make efforts to scope sewers prior to resurfacing. Alderman Sage stated his support for Option B.

Alderman Schmidt believed past practice was to use emergency funds to repair failing infrastructure. She questioned Option B and how much local MFT dollars would be used to towards emergency repairs. Mr. Karch stated staff had identified ten to fifteen (10 – 15) streets that had some sewer work completed. There were a few dig locations required which were part of the utility maintenance contract. The goal was to have complete street rehabilitation.

Alderman Schmidt left the dias at 6:26 p.m.

Alderman Fazzini stated that the Administrative and Finance Committee was aware staff would require additional assistance. There was more work than staff. He believed Council's role was not to decide what staff does, but how finances were arranged.

Alderman Schmidt returned at 6:30 p.m.

Alderman Painter questioned Option B tying up major arteries for a longer time. Mr. Karch responded affirmatively. Staff had identified smaller volume streets for repair.

Alderman Mwilambwe questioned future local MFT funds. Mr. Hales stated the \$1 million was based on predications and experience from other cities. This was a conservative predication. Alderman Mwilambwe questioned work timeline. Mr. Karch stated Option B required bid letting. Construction should begin in two to three (2- 3) months.

Alderman Stearns questioned CRF Restorative Seal. Mr. Karch responded there were a couple pavement preservation types. Option B would not use the CRF Restorative Seal. Pavements were in poor condition. The goal was to stretch the life of same. Reclamite Preservation Seal was a pavement preservation used on new streets. CRF was a treatment used in the last few years on older pavements. Alderman Stearns stated her appreciation for the neighborhood door hangers. She questioned if potholes were repaired prior to the CRF Restorative Seal application. Mr. Karch responded affirmatively. CRF Restorative Seal was not as successful as past. Staff would continue to research new ways to extend pavement life.

Mayor Renner believed there was consensus for staff to proceed with Option B, Street and Alley Maintenance bid letting.

DISCUSSION CITY FACILITY NEEDS

David Hales, City Manager, introduced this item. He provided an update on two (2) projects at the US Cellular Coliseum. Smoke exhaust system repairs, for materials and labor, could cost \$120,000. General exhaust system repairs could cost \$111,000. Council had given approval for these emergency repairs. He anticipated a budget amendment reflecting costs of same.

He noted there were two (2) new emergency facility projects. The Police Department's chiller was at the end of its lifecycle. Faithful & Gould Inc., had identified same reaching near the lifecycle end. The chiller was above the Telecommunications Center. He directed staff to begin replacement planning. The second project was the Police Department's parking garage fire sprinkler system. Faithful & Gould's facility report did not identify same. They did not scope inside the pipes.

Derrick Hengstebeck, Interim Facility Manager, addressed the Council. The chiller estimated cost was \$100,000 - \$125,000. The fire sprinkler estimate was \$100,000. He explained that the parking garage sprinkler was a dry system, it did not use water. A compressor kept air at a certain pressure range preventing water from seeping through. The compressor stopped working. The system filled with water. The pipes were cut open. Large amounts of rust were discovered. The belief was rust was holding the pipe together. The compressor was replaced. There was a possibility that during a fire rust could clog the sprinkler heads. The pipes required replacement.

Mr. Hales had given staff authorization to develop plans and specification, and research reasonable prices. The chiller replacement could be eligible for state grant funds. Staff was researching same. He reminded Council that both projects were not budgeted. Repairs needed to proceed quickly.

Alderman Lower questioned chiller operation efficiencies and type of equipment. Mr. Hengstebeck stated that a Trane unit was being reviewed. It was a high efficiency model. There was a cooperative joint purchasing agreement.

Alderman Lower questioned fire sprinkler testing. Mr. Hengstebeck responded yearly. Alderman Lower questioned age. Mr. Hengstebeck responded twenty (20) years.

Alderman Black noted that emergency repairs required fast action. He preferred longer term solutions not a patch. He acknowledged this type of repairs cost more.

Mr. Hales noted that the City had been like others, minimally funding facility maintenance. Regular maintenance and inspections had not been conducted due to funding. The Faithful and Gould report estimated the total deferred maintenance at \$33 million. Life safety and currently critical (priority 1 & 2) had an estimated cost of \$8.4 million. He anticipated future emergency repairs. A facilities maintenance program would be recommended in the future.

Mr. Hales provided an update on the Pepsi Ice Center parking garage repairs. The estimate was \$1.2 – \$1.6 million according to Walker Restoration Consulting. He believed there was enough information to allow Walker Restoration Consulting to proceed with preparation of plans and specifications. Mr. Greg Meeder, Holland & Knight, outside legal counsel, believed there was value with detailed plans and specifications. It allowed Mr. Meeder to discuss repairs with the defendants. Repairs should begin during the warm months, avoiding winter. The City would pay up front. Mediation was many months away. Mr. Meeder believed the City could receive a settlement.

Alderman Lower questioned the life expectancy and repairs limiting same. Mr. Hales responded Walker Restoration Consulting could provide a presentation on same.

Alderman Sage favored moving forward. He noted litigation and repairs would run parallel. He believed waiting could cost more.

Mayor Renner questioned Council if there were concerns with staff moving forward on the Pepsi Ice Center parking garage repairs. No one indicated same.

FY 2015 CITY MANAGER ACTION PLAN

David Hales, City Manager, addressed the Council. He removed revitalizing our City organization from the Action Plan. The Storm Water Master Plan was moved to Sanitary Sewer Master Plan. The Water and Streets Master Plan would be multi years. The goal was to complete fifty percent (50%) in FY15. He believed funding the five (5) year Master Plans be based on current fees. Plans would identify unfunded projects. It would provide the community with information. He believed this was realistic and establishes priorities. This was a starting point.

Alderman Black requested translating the in process column to a percentage.

Motion by Alderman Fazzini, seconded by Alderman Lower to adjourn. Time: 6:56 p.m.

Motion carried, (viva voce).

Respectfully submitted,

Renee Gooderham
Chief Deputy Clerk