



CITY OF
BLOOMINGTON
COUNCIL MEETING
DECEMBER 17, 2018



COMPONENTS OF THE COUNCIL AGENDA

RECOGNITION AND PROCLAMATION

Recognize individuals, groups, or institutions publically, as well as those receiving a proclamation, declaring a day, event, or person.

PUBLIC COMMENTS

Each regular City Council meeting shall have a public comment period not to exceed 30 minutes. Every speaker is entitled to speak for up to 3 minutes. To be considered for public comment, complete a public comment card at least 5 minutes prior to the start of the meeting. The Mayor will randomly draw from the cards submitted. Public comment is a time to give comment. It is not a question and answer period and the City Council does not respond to public comments. Speakers who engage in threatening or disorderly behavior will have their time ceased.

CONSENT AGENDA

All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, City Manager or Corporation Counsel so requests, in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which typically begins with Item No. 8.

The City's Boards and Commissions hold Public Hearings prior to some Council items appearing on the Council's Meeting Agenda. Persons who wish to address the Council should provide new information which is pertinent to the issue before them.

PUBLIC HEARING

Items that require receiving public testimony will be placed on the agenda and noticed as a Public Hearing. Individuals have an opportunity to provide public testimony on those items that impact the community and/or residence.

REGULAR AGENDA

All items that provide the Council an opportunity to receive a presentation ask questions of City Staff, deliberate and seek additional information prior to making a decision.

MAYOR AND ALDERMAN

Mayor, At-Large - Tari Renner

City Aldermen

- Ward 1 - Jamie Mathy
- Ward 2 - Dave Sage
- Ward 3 - Mboka Mwilambwe
- Ward 4 - Amelia Buragas
- Ward 5 - Joni Painter
- Ward 6 - Karen Schmidt
- Ward 7 - Scott Black
- Ward 8 - Diana Hauman
- Ward 9 - Kim Bray

City Manager - Tim Gleason

CITY LOGO DESIGN RATIONALE

The **CHEVRON** Represents:
Service, Rank, and Authority
Growth and Diversity
A Friendly and Safe Community
A Positive, Upward Movement and
Commitment to Excellence!

MISSION, VISION, AND
VALUE STATEMENT

MISSION

To lead, serve and uplift the
City of Bloomington

VISION

A Jewel of the Midwest Cities

VALUES

Service-Centered,
Results-Driven,
Inclusive

STRATEGIC PLAN GOALS

- ☑ Financially Sound City Providing Quality Basic Services
- ☑ Upgrade City Infrastructure and Facilities
- ☑ Grow the Local Economy
- ☑ Strong Neighborhoods
- ☑ Great Place - Livable, Sustainable City
- ☑ Prosperous Downtown Bloomington

AGENDA



CITY COUNCIL MEETING AGENDA
CITY HALL COUNCIL CHAMBERS
109 EAST OLIVE STREET, BLOOMINGTON, IL 61701
MONDAY, DECEMBER 17, 2018, 6:00 P.M.

1. Call to order
2. Pledge of Allegiance to the Flag
3. Remain Standing for a Moment of Silent Prayer
4. Roll Call
5. Recognition/Appointments
6. Public Comment
7. "Consent Agenda"
 - A. Consideration of approving the Minutes of the December 10, 2018 Regular City Council Meeting. *(Recommend the reading of minutes be dispensed and approved as printed.)*
 - B. Consideration of Approving Appointments to Various Boards and Commissions. *(Recommend Michael Rivera Jr. be appointed to the Board of Zoning Appeals, Melissa Libert be appointed to the Cultural Commission, and Catrina Parker be appointed to the Library Board of Trustees.)*
 - C. Consideration of two (2) Intergovernmental Agreements, one with the County of McLean and one with the Town of Normal, regulating use of the Police Range Facility, as requested by the Police Department.

(Recommend
 - (1) the Intergovernmental Agreement with the County of McLean be approved, in the amount of \$8,221.98, and the Mayor and City Clerk be authorized to execute the Agreement; and*
 - (2) the Intergovernmental Agreement with the Town of Normal be approved, in the amount of \$8,221.98, and the Mayor and City Clerk be authorized to execute the Agreement.)*
 - D. Consideration of a Resolution approving Executive Session Minutes for partial release to the public, as requested by the City Clerk's Office. *(Recommend the Resolution approving the partial release of Executive*

Session Minutes outlined on Schedule A, and the Minutes listed on Schedule B not be released to the public due to the need for continued confidentiality, and the Mayor and City Clerk be authorized to execute the necessary documents.)

- E. Consideration of an Ordinance approving and accepting from the Bloomington and Normal Water Reclamation District a Water Main Easement located in Normal, north of Division Street and west of Main Street on part of Parcels 14-33-128-019 and 14-33-151-009, dated July 9, 2018, as requested by the Public Works Department. *(Recommend the Ordinance approving and accepting from the Bloomington and Normal Water Reclamation District a Water Main Easement located in Normal, north of Division Street and west of Main Street on part of Parcels 14-33-128-019 and 14-33-151-009, dated July 9, 2018 be approved, and the Mayor and City Clerk be authorized to execute the Ordinance and the City Clerk be authorized to record the Water Main Easement.)*

- F. Consideration of an application of JK Entertainment, LLC d/b/a JK Entertainment, LLC, located at 4 Currency Dr., requesting an EAS liquor license which would allow the sale of all types of alcohol for consumption on the premises seven (7) days a week, as requested by the City Clerk's Office. *(Recommend the application of JK Entertainment, LLC d/b/a JK Entertainment, LLC, located at 4 Currency Dr., requesting an EAS liquor license which would allow the sale of all types of alcohol for consumption on the premises seven (7) days a week be approved, contingent upon compliance with all health and safety codes and compliance with BASSET training requirements.)*

- G. Consideration of the Change in Classification Application of Lupita's Hispanic and American Grocery, Inc. d/b/a Lupita's Hispanic and American Grocery, located at 1512 W. Market St., Suite 200, requesting a Class RAPS (Restaurant and Package Sales, All Types of Alcohol, Sunday Sales) liquor license, which would allow the sale of all types of alcohol for consumption on the premises and the retail sale of packaged liquor for off premise consumption seven (7) days a week, as requested by the City Clerk's Office. *(Recommend the Change in Classification Application of Lupita's Hispanic and American Grocery, Inc. d/b/a Lupita's Hispanic and American Grocery, located at 1512 W. Market St., Suite 200, requesting a Class RAPS (Restaurant and Package Sales, All Types of Alcohol, Sunday Sales) liquor license, which would allow the sale of all types of alcohol for consumption on the premises and the retail sale of packaged liquor for off premise consumption seven (7) days a week be approved, contingent upon compliance with all health and safety codes and compliance with BASSET training requirements.)*

8. "Regular Agenda"

- A. Consideration of two (2) Ordinances approving the 2018 Tax Levies for the City of Bloomington and the Bloomington Public Library, as requested by the Finance Department.

(Recommend:

(1) The Ordinance Levying Taxes for the City of Bloomington (in the amount of \$20,286,384) for the Fiscal Year Beginning May 1, 2018 and Ending April 30, 2019, for the City of Bloomington, be approved and the Mayor and City Clerk authorized to execute the necessary documents; and

(2) The Ordinance Levying Taxes for the City of Bloomington Library (in the amount of \$4,871,840) for the Fiscal Year Beginning May 1, 2018 and Ending April 30, 2019 be approved and the Mayor and City Clerk authorized to execute the necessary documents.)

(Brief Overview by Tim Gleason, City Manager. Presentation by Scott Rathbun, Finance Director, 5 minutes, City Council discussion, 5 minutes.)

- B. Consideration of two Resolutions for the abatement of property taxes totaling \$5,861,610.85, as requested by the Finance Department.

(Recommend:

(1) the Resolution abating all or a portion of the taxes levied to pay debt service on certain general obligation bonds of the City of Bloomington, McLean County, Illinois, and the Mayor and City Clerk be authorized to execute the Resolution; and

(2) the Resolution abating a Tax Levy for rent payable under lease agreement between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the expansion of the parking garage be approved, and the Mayor and City Clerk be authorized to execute the Resolution.)

(Brief Overview by Tim Gleason, City Manager. Presentation by Scott Rathbun, Finance Director, 5 minutes, City Council discussion, 5 minutes.)

9. City Manager's Discussion

- A. Finance Director's Report

10. Mayor's Discussion

A. Recognitions/Appointments from the December 10, 2018 City Council Meeting.

11. City Aldermen's Discussion
12. Executive Session - *Cite Section*
13. Adjournment
14. Notes

CONSENT AGENDA



CONSENT AGENDA ITEM NO: 7A

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: City Clerk's Office

SUBJECT: Consideration of approving the Minutes of the December 10, 2018 Regular City Council Meeting.

RECOMMENDATION/MOTION: The reading of minutes be dispensed and approved as printed.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The minutes of the meetings provided have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Cherry L. Lawson, C.M.C., City Clerk

Recommended by:

A handwritten signature in black ink, appearing to read "Tim Gleason", written in a cursive style.

Tim Gleason,
City Manager

Attachments:

- December 10, 2018 Regular City Council Meeting Minutes



CONSENT AGENDA ITEM NO. 7B

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: Administration

SUBJECT: Consideration of Approving Appointments to Various Boards and Commissions.

RECOMMENDATION/MOTION: Michael Rivera Jr. be appointed to the Board of Zoning Appeals, Melissa Libert be appointed to the Cultural Commission, and Catrina Parker be appointed to the Library Board of Trustees.

STRATEGIC PLAN LINK: Goal 4. Strong Neighborhoods.

STRATEGIC PLAN SIGNIFICANCE: Objective 4e. Strong partnership with residents and neighborhood associations.

BACKGROUND: The Mayor of the City of Bloomington has nominated and I ask your concurrence in the appointment of:

Board of Zoning Appeals Michael Rivera, Jr. to the Board of Zoning Appeals. He will be completing the term previously held by Tristan Bullington whose term will expire 4-30-20. Michael's term will be effective immediately and will expire 4-30-20 at which time he will be eligible to reapply. Application is on file in the Administration Office.

Cultural Commission Melissa Libert to the Cultural Commission. She will be completing the term previously held by Scott Koets whose term will expire 4-30-21. Melissa's term will be effective immediately and will expire 4-30-21 at which time she will be eligible to reapply. Application is on file in the Administration Office.

Library Board of Trustees Catrina Parker to the Library Board of Trustees. She will be completing the term previously held by Kiasha Henry whose term will expire 4-30-20. Catrina's term will be effective immediately and will expire 4-30-20 at which time she will be eligible to reapply. Application is on file in the Administration Office.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Mayor contacts all recommended appointments.

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: M. Beth Oakley, Executive Assistant

Recommended by:

A handwritten signature in black ink, appearing to read 'Tim Gleason', with a stylized flourish at the end.

Tim Gleason
City Manager

Attachments:

- Roster



CONSENT AGENDA ITEM NO. 7C

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: Police

SUBJECT: Consideration of two (2) Intergovernmental Agreements, one with the County of McLean and one with the Town of Normal, regulating use of the Police Range Facility, as requested by the Police Department.

RECOMMENDATION/MOTION:

(1) the Intergovernmental Agreement with the County of McLean be approved, in the amount of \$8,221.98, and the Mayor and City Clerk be authorized to execute the Agreement; and

(2) the Intergovernmental Agreement with the Town of Normal be approved, in the amount of \$8,221.98, and the Mayor and City Clerk be authorized to execute the Agreement.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1a. Budget with adequate resources to support defined services and level of services.

BACKGROUND: In July 1992, the McLean County Board granted the City a Special Use Permit to allow a privately owned Outdoor Shooting Range and Police Training Facility on land located fourteen (14) miles east of Bloomington on Rt. 9.

An Intergovernmental Agreement was signed in September 1994 detailing the policies and procedures to be adhered to in order to provide joint training with both the County of McLean and the Town of Normal. This standardization of procedures was necessary to provide orderly and safe training at the facility and to comply with the rules of the McLean County Planning and Zoning Commissions.

The current Intergovernmental Agreements expire on December 31, 2018. Accordingly, new agreements have been proposed for each jurisdiction. The rate for both the County and the Town is \$8,221.98 and represents payment for use from January 1, 2019 to December 31, 2019. This is a one (1) year agreement.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Town of Normal and County of McLean

FINANCIAL IMPACT: The County of McLean's revenue will be recorded under the Police - McLean County account (10015110-53320). Stakeholders can locate this in the FY 2019 Budget Book titled "Budget Overview & General Fund" on page 242. The Town of Normal's revenue will be recorded under the Police - Town of Normal account (10015110-53350). Stakeholders can locate this in the FY 2019 Budget Book titled "Budget Overview & General Fund" on page 242.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Jennifer Bielfeldt, Office Manager

Reviewed By: Clay E. Wheeler, Chief of Police

Finance & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- McLean County Intergovernmental Agreement
- Town of Normal Intergovernmental Agreement



CONSENT AGENDA ITEM NO. 7D

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: City Clerk's Office

SUBJECT: Consideration of a Resolution approving Executive Session Minutes for partial release to the public, as requested by the City Clerk's Office.

RECOMMENDATION/MOTION: The Resolution approving the partial release of Executive Session Minutes outlined on Schedule A, and the Minutes listed on Schedule B not be released to the public due to the need for continued confidentiality, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially sound City providing quality basic services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND:

The Open Meeting Act requires a semiannual review of approved Executive Session Minutes to determine whether a need for confidentiality still exists as to the City's past Executive Session Minutes. The determination on which minutes are going to be released and which minutes still require confidential treatment must be reported on in open session. The Resolution makes this report.

The Council met previously on December 10, 2018 in Executive Session to review the Executive Session Minutes and to make the determinations required by the Open Meetings Act. The proposed Resolution reports on those meetings that have been provided on the Executive Meeting Minutes Review listing. At this time, staff is recommending that council minutes outline on Schedule A be partially released as there continues to be a need for confidential treatment of redacted portions from those minutes and meeting minutes listed in Schedule B.

The Executive Session Meeting Minutes have been reviewed and certified as correct and complete by the City Clerk.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared by: Cherry L. Lawson, C.M.C., City Clerk

Legal Review By: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

A handwritten signature in black ink, appearing to read 'Tim Gleason', with a stylized flourish at the end.

Tim Gleason
City Manager

Attachments:

- Resolution
- Schedule A and B List



CONSENT AGENDA ITEM NO. 7E

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: Public Works

SUBJECT: Consideration of an Ordinance approving and accepting from the Bloomington and Normal Water Reclamation District a Water Main Easement located in Normal, north of Division Street and west of Main Street on part of Parcels 14-33-128-019 and 14-33-151-009, dated July 9, 2018, as requested by the Public Works Department.

RECOMMENDATION/MOTION: The Ordinance approving and accepting from the Bloomington and Normal Water Reclamation District a Water Main Easement located in Normal, north of Division Street and west of Main Street on part of Parcels 14-33-128-019 and 14-33-151-009, dated July 9, 2018 be approved, and the Mayor and City Clerk be authorized to execute the Ordinance and the City Clerk be authorized to record the Water Main Easement.

STRATEGIC PLAN LINK: Goal 2 - Upgrade City Infrastructure and Facilities; Goal 5 - Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE: Objective 2.B - Quality water for the long term; and Objective 5.A - Well-planned City with necessary services and infrastructure

BACKGROUND: The Public Works Department is recommending an ordinance that will provide for the acceptance of an exclusive, permanent Water Main Easement on Bloomington and Normal Water Reclamation District (BNWRD) property in Normal. The Water Main Easement and associated Easement Plats are a result of a request from BNWRD to formalize the Easement granted by BNWRD on these parcels. The two (2) existing twenty-four inch (24") water mains were installed in 1929 and 1955. They each originally received blanket easements that terminated after 30 years, see attached BNWRD Board Minutes and Ordinances from April 2, 1929 and April 13, 1955. The attached Easement Grant allows the City of Bloomington to permanently continue operating, maintaining, and replacing these water mains. City legal staff reviewed the Easement Grant and approved it.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Other than a nominal recording fee, there will be no additional financial impact to the City to approve this exclusive Water Main Easement Grant. The City paid survey and plat costs in FY 2018 to Farnsworth Group, Inc. BNWRD's legal

counsel prepared the easement and City of Bloomington legal counsel reviewed the easement.

COMMUNITY DEVELOPMENT IMPACT:

The Public Safety and Utilities chapters of the City's Comprehensive Plan 2035 (Adopted August 24, 2015) includes multiple goals and objectives related to approving this water main easement acceptance:

PS-2 Plan and provide for fire and emergency facilities adequate to protect health, life, safety, livelihood and property for current and future citizenry and businesses in the City

UEW-1 Provide quality public infrastructure within the City to protect public health, safety and the environment

UEW-1.2 Expand City's infrastructure, as needed, while supporting the overall goal of compact growth and vibrant urban core.

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Scott Hobart, PE, Project Manager
Brett Lueschen, Water Operations Manager
Michael Hill, Miscellaneous Technical Assistant

Reviewed By: Jim Karch, P.E., MPA, Director of Public Works

Finance & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Community Development Review By: Bob Mahrt, Community Development Director

Legal Review By: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Ordinance
- Letter
- Easement

- Board Of Trustees Minutes
- Board Of Trustees Minutes 1955



CONSENT AGENDA ITEM NO. 7F

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: City Clerk's Office

SUBJECT: Consideration of an application of JK Entertainment, LLC d/b/a JK Entertainment, LLC, located at 4 Currency Dr., requesting an EAS liquor license which would allow the sale of all types of alcohol for consumption on the premises seven (7) days a week, as requested by the City Clerk's Office.

RECOMMENDATION/MOTION: The application of JK Entertainment, LLC d/b/a JK Entertainment, LLC, located at 4 Currency Dr., requesting an EAS liquor license which would allow the sale of all types of alcohol for consumption on the premises seven (7) days a week be approved, contingent upon compliance with all health and safety codes and compliance with BASSET training requirements.

STRATEGIC PLAN LINK: Goal 5. Great place - livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: Bloomington Liquor Commissioner, Tari Renner, called a public hearing on December 11, 2018 on the application of JK Entertainment, LLC d/b/a JK Entertainment, LLC, located at 4 Currency Dr., requesting an EAS liquor license which would allow the sale of all types of alcohol for consumption on the premises seven (7) days a week.

Present were: Commissioners Tari Renner, Lindsey Powell, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Asst. Police Chief Greg Scott, and Ashley Lara, Legislative Assistant.

Johnette Palumbo, Owner of JK Entertainment, spoke on behalf of this item.

Commissioner Renner opened the meeting to receive public comment on this item. There were no comments offered.

Ms. Palumbo was sworn in by the Clerk and provided testimony.

Commissioner Renner asked Ms. Palumbo to tell the Commission about the nature of the business.

Ms. Palumbo stated they are opening a virtual reality entertainment center. It is a family environment, adding alcohol to keep to its business model.

Commissioner Renner asked Ms. Palumbo to clarify the procedures to ensure there is no underage drinking. Ms. Palumbo stated they will have wristbands in different colors.

Commissioner Jordan asked how the entertainment is separated from the alcohol serving. Ms. Palumbo explained there is a lobby when customers first walk in and to the right of that is the bar. The customers need to go down a hallway to enter the arena or simulator rooms. These rooms are separate.

Commissioner Jordan asked whether the alcoholic beverages would be served in the lobby and Ms. Palumbo stated yes. Ms. Palumbo stated the three event rooms can be used for liquor as needed.

Mr. Boyle stated the concept is similar to Pheasant Lanes since they have virtual reality. Commissioner Renner asked Asst. Police Chief Scott whether the police have had any issues with the establishment, and he replied no.

Commissioner Powell asked whether alcohol would be allowed in the arena and Ms. Palumbo replied there will be no alcohol in the arena or simulator rooms. Commissioner Powell asked if there will be food and Ms. Palumbo responded there would be concession food.

Commissioner Jordan stated that Pheasant Lanes has a window for bowlers to get alcohol while bowling and asked if this would be similar. Ms. Palumbo stated all liquor will be in the event rooms and the lobby. They will have signs indicating as such.

Ms. Palumbo stated the premise is that customers will go in the arena to play and then afterwards, they will view the play on screens in the lobby where they can have a drink and food.

Commissioner Jordan expressed concerns of alcohol being served in the lobby where children can be. Commissioner Powell stated the establishment will be more strict than Pheasant Lanes, where you can take a drink anywhere on the premise.

Asst. Police Chief Scott stated the plan is similar to Game Time Gym where there are sports and then a separate area for alcohol.

Ms. Palumbo stated that each customer will go through on-boarding where they watch a safety video before going into the arena.

Mr. Boyle stated concerns with customers drinking before playing and Ms. Palumbo stated she wants to avoid that by having customers book a space online and sign in when they arrive. They would be directed into the arena immediately after arrival.

Mr. Boyle asked how the players would be prevented from playing again after drinking. Ms. Palumbo stated there is nothing preventing them; however, she will be there at all times to restrict them. Ms. Palumbo stated she is BASSET certified.

Mr. Boyle asked what their occupancy is and Ms. Palumbo explained it will be about 75-80 customers, with about 14 gamers at a time. Ms. Palumbo stated seating is about 120 and she will have about 12-15 part-time employees. Ms. Palumbo and her assistant are full-time.

Ashley Lara, Legislative Assistant stated this item will appear on the December 17, 2018 City Council Meeting.

Commissioner Jordan asked if there was a full kitchen and Ms. Palumbo replied it is not complete with a hood, but there will be concession food.

Commissioner Renner asked for a motion to submit to the Council with a positive recommendation.

Motion by Commissioner Powell seconded Commissioner Jordan to submit to the Council with a positive recommendation.

Ayes: Commissioners Renner, Powell and Jordan.

Nays: None

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on December 1, 2018 in accordance with City Code. In accordance with City Code, approximately 500 courtesy copies of the Public Notice were mailed on December 1, 2018. In addition, the Agenda for the December 11, 2018 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This is a new liquor license. The current annual license fee is \$2,950 which will be recorded in the Non-Departmental-Liquor Licenses account (10010010-51010). Stakeholders can locate this in the FY 2019 Budget Book titled "Budget Overview & General Fund" on page 119.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By:

Ashley Lara, Legislative Assistant

Review By:

Cherry L. Lawson, City Clerk

Finance/Procurement Review By:

Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Legal Review By:

George D. Boyle, Asst. Corporation Counsel

Recommended by:

A handwritten signature in black ink, appearing to read 'Tim Gleason', with a stylized flourish at the end.

Tim Gleason
City Manager

Attachments:

- Creation of New License Findings
- Application

Chapter 6: Section 4B: Creation of New License - Findings

(a) Standard for Creation. The City Council shall not create a new liquor license unless it has previously found that the creation of such license is necessary for the public convenience of residents of Bloomington and is in the best interest of the City of Bloomington. (Ordinance No. 1981-18)

(b) Factual Criteria. In deciding whether creation of a new license is necessary, the City Council shall consider:

- (1) The class of liquor license applied for;
- (2) Whether most of the establishment's anticipated gross revenue will be from sale of alcohol or other resources;
- (3) The character and nature of the proposed establishment;
- (4) The general design, layout and contents of the proposed establishment;
- (5) The location of the proposed establishment and the probable impact of a liquor establishment at that location upon the surrounding neighborhood or the City as a whole giving particular consideration to; (Ordinance No. 2004-2)

(a) the type of license(s) requested in the application;

(b) the nature of the proposed establishment; (Ordinance No. 2004-2)

(c) the location of the building of the proposed establishment in relation to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station with particular emphasis on its entrances/exits, windows and parking facilities; (Ordinance No. 2004-2)

(d) the hours of operation of the proposed establishment; (Ordinance No. 2004-2)

(e) the effect of live entertainment and/or amplified music in the proposed establishment upon persons in the surrounding area, particularly with respect to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station; (Ordinance No. 2004-2)

(f) signs and lights which are visible from the exterior of the proposed establishment;

(g) whether a Sunday license is being requested for the proposed establishment;

(h) the extent to which other businesses are licensed to sell alcoholic beverages at retail in the area under consideration;

(i) whether and what types of alcohol the applicant proposes to sell in single serving sizes for consumption off of the premises. (Ordinance No. 2004-2)

- (6) The probable demand for the proposed liquor establishment in the City;
- (7) The financial responsibility of the applicant;
- (8) Whether the applicant, or (if the applicant is a partnership or corporation) whether any partner, officer or director of the applicant has ever held a liquor license and his or her performance as a licensee; (Ordinance No. 1977-69)
- (9) Whether the applicant intends to furnish live entertainment in the establishment, and if so, the nature of such entertainment;
- (10) Whether the applicant intends to obtain a dancing permit pursuant to Chapter 7 of Bloomington City Code;
- (11) Whether the proposed establishment poses any problem to the Bloomington Police Department or Liquor Commissioner in the enforcement of City Ordinance or State and Federal Law;
- (12) Whether a current City of Bloomington liquor license has been issued for the premises sought to be licensed in the application;
- (13) Whether the premises complies with all pertinent health and safety codes applicable within the City of Bloomington;
- (14) No license shall be created for, or maintained by, an establishment whose primary or major focus is video gaming. In determining whether an establishment's primary or major focus is video gaming, the following factors may be considered.

(a) The layout and design of the establishment, including such factors as:

- 1. The number of video gaming machines relative to the customer seating capacity of the establishment; and
- 2. The square footage of space devoted to video gaming relative to the amount of space devoted to other activities;

(b) Whether the probable revenue derived from the establishment will be primarily from video gaming;

(c) The number of employees at the establishment and their proposed

function;

(d) Other relevant factors. (Ordinance No. 2013-13)

(15) The recommendation of the Liquor Commission. (Ordinance No. 2013-13)

(c) All licenses created hereby are subject to issuance by the Mayor in his discretion as provided in 235 ILCS 5/4-4 and Section 37 of this Chapter. (Ordinance No. 2013-13)



CONSENT AGENDA ITEM NO. 7G

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: City Clerk's Office

SUBJECT: Consideration of the Change in Classification Application of Lupita's Hispanic and American Grocery, Inc. d/b/a Lupita's Hispanic and American Grocery, located at 1512 W. Market St., Suite 200, requesting a Class RAPS (Restaurant and Package Sales, All Types of Alcohol, Sunday Sales) liquor license, which would allow the sale of all types of alcohol for consumption on the premises and the retail sale of packaged liquor for off premise consumption seven (7) days a week, as requested by the City Clerk's Office.

RECOMMENDATION/MOTION: That the Change in Classification Application of Lupita's Hispanic and American Grocery, Inc. d/b/a Lupita's Hispanic and American Grocery, located at 1512 W. Market St., Suite 200, requesting a Class RAPS (Restaurant and Package Sales, All Types of Alcohol, Sunday Sales) liquor license, which would allow the sale of all types of alcohol for consumption on the premises and the retail sale of packaged liquor for off premise consumption seven (7) days a week be approved, contingent upon compliance with all health and safety codes and compliance with BASSET training requirements.

STRATEGIC PLAN LINK: Goal 5. Great place - livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: Bloomington Liquor Commissioner, Tari Renner, called a public hearing on December 11, 2018 on the Change in Classification Application of Lupita's Hispanic and American Grocery, Inc. d/b/a Lupita's Hispanic and American Grocery, located at 1512 W. Market St., Suite 200, requesting a Class RAPS (Restaurant and Package Sales, All Types of Alcohol, Sunday Sales) liquor license, which would allow the sale of all types of alcohol for consumption on the premises and the retail sale of packaged liquor for off premise consumption seven (7) days a week, as requested by the City Clerk's Office.

Present were: Commissioners Tari Renner, Lindsey Powell, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Asst. Police Chief Greg Scott, and Ashley Lara, Legislative Assistant.

Arturo Hernandez, Owner of Lupita's Hispanic & American Grill, and an additional representative of the establishment came before the Commission on behalf of the application.

Mr. Boyle stated that this is a change of classification from a PAS, which is essentially a grocery store packaged license to a RAPS. There has been a restaurant added. He explained there has been a previously approved change in classification for this applicant. However, the restaurant had not yet been constructed. When a license is approved, it is an approval for the ability to obtain a license, which lapses after 12 months. In this case, the previous change in classification authorization from the Council lapsed on June 8th of this year. Since the initial application, the restaurant facilities have been built and approved by the health and fire inspectors.

Commissioner Renner asked whether the police have any concerns. Asst. Chief of Police Greg Scott stated they do not.

Commissioner Jordan asked whether the bar and the grocery store is all one room, based on the floor plan. The representative from Lupita's stated the grocery is divided from the restaurant. It is the same building but they built a wall to divide it from the restaurant.

Commissioner Jordan clarified that there is a doorway from the grocery store into the bar and the restaurant. The representative from Lupita's stated that it is a separate space. Commissioner Renner asked if it is separate and they responded yes.

Commissioner Jordan asked Mr. Boyle whether this falls under the same type of classification as Hy-Vee. Mr. Boyle responded yes.

Mr. Boyle asked whether it is expected that customers will take the alcohol out of the restaurant and drink it in the store. The representative replied no.

Commissioner Renner asked if Commissioner Powell had any concerns and she responded that she had no concerns.

Commissioner Renner asked for a motion to submit to the Council with a positive recommendation.

Motion by Commissioner Powell seconded Commissioner Jordan to submit to the Council with a positive recommendation.

Commissioner Jordan stated he would second with the stipulation that they fully understand the concept of what is being approved. He asked what time they would be serving in the bar. The representative responded 11 a.m. to 9 p.m.

Ayes: Commissioners Renner, Powell and Jordan.

Nays: None

Motion carried.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on December 1, 2018 in accordance with City Code. In accordance with City Code, approximately 500 courtesy copies of the Public Notice were mailed on December 1, 2018. In addition, the Agenda for the December 11, 2018 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This is a change in classification. The current quarterly license fee for a PAS liquor license is \$437.50. If approved, the quarterly license fee for a RAPS liquor license will be applied to the account. The RAPS quarterly liquor license fee is \$737.50, which will be recorded in the Non-Departmental-Liquor Licenses account (10010010-51010). Stakeholders can locate this in the FY 2019 Budget Book titled "Budget Overview & General Fund" on page 119.

COMMUNITY DEVELOPMENT IMPACT: N/A

FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION: N/A

Respectfully submitted for Council consideration.

Prepared By: Ashley Lara, Legislative Assistant

Review By: Cherry L. Lawson, City Clerk

Financial & Budgetary Review By: Chris Tomerlin, Budget Manager
Scott Rathbun, Finance Director

Legal Review By: George D. Boyle, Assistant Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Creation of New License Findings
- Application

Chapter 6: Section 4B: Creation of New License - Findings

(a) Standard for Creation. The City Council shall not create a new liquor license unless it has previously found that the creation of such license is necessary for the public convenience of residents of Bloomington and is in the best interest of the City of Bloomington. (Ordinance No. 1981-18)

(b) Factual Criteria. In deciding whether creation of a new license is necessary, the City Council shall consider:

- (1) The class of liquor license applied for;
- (2) Whether most of the establishment's anticipated gross revenue will be from sale of alcohol or other resources;
- (3) The character and nature of the proposed establishment;
- (4) The general design, layout and contents of the proposed establishment;
- (5) The location of the proposed establishment and the probable impact of a liquor establishment at that location upon the surrounding neighborhood or the City as a whole giving particular consideration to; (Ordinance No. 2004-2)

(a) the type of license(s) requested in the application;

(b) the nature of the proposed establishment; (Ordinance No. 2004-2)

(c) the location of the building of the proposed establishment in relation to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station with particular emphasis on its entrances/exits, windows and parking facilities; (Ordinance No. 2004-2)

(d) the hours of operation of the proposed establishment; (Ordinance No. 2004-2)

(e) the effect of live entertainment and/or amplified music in the proposed establishment upon persons in the surrounding area, particularly with respect to any dwelling, church, school, hospital, home for the aged, indigent or veteran's and their wives, or any military or naval station; (Ordinance No. 2004-2)

(f) signs and lights which are visible from the exterior of the proposed establishment;

(g) whether a Sunday license is being requested for the proposed establishment;

(h) the extent to which other businesses are licensed to sell alcoholic beverages at retail in the area under consideration;

(i) whether and what types of alcohol the applicant proposes to sell in single serving sizes for consumption off of the premises. (Ordinance No. 2004-2)

- (6) The probable demand for the proposed liquor establishment in the City;
- (7) The financial responsibility of the applicant;
- (8) Whether the applicant, or (if the applicant is a partnership or corporation) whether any partner, officer or director of the applicant has ever held a liquor license and his or her performance as a licensee; (Ordinance No. 1977-69)
- (9) Whether the applicant intends to furnish live entertainment in the establishment, and if so, the nature of such entertainment;
- (10) Whether the applicant intends to obtain a dancing permit pursuant to Chapter 7 of Bloomington City Code;
- (11) Whether the proposed establishment poses any problem to the Bloomington Police Department or Liquor Commissioner in the enforcement of City Ordinance or State and Federal Law;
- (12) Whether a current City of Bloomington liquor license has been issued for the premises sought to be licensed in the application;
- (13) Whether the premises complies with all pertinent health and safety codes applicable within the City of Bloomington;
- (14) No license shall be created for, or maintained by, an establishment whose primary or major focus is video gaming. In determining whether an establishment's primary or major focus is video gaming, the following factors may be considered.

(a) The layout and design of the establishment, including such factors as:

- 1. The number of video gaming machines relative to the customer seating capacity of the establishment; and
- 2. The square footage of space devoted to video gaming relative to the amount of space devoted to other activities;

(b) Whether the probable revenue derived from the establishment will be primarily from video gaming;

(c) The number of employees at the establishment and their proposed function;

(d) Other relevant factors. (Ordinance No. 2013-13)

(15) The recommendation of the Liquor Commission. (Ordinance No. 2013-13)

(c) All licenses created hereby are subject to issuance by the Mayor in his discretion as provided in 235 ILCS 5/4-4 and Section 37 of this Chapter. (Ordinance No. 2013-13)

REGULAR AGENDA



REGULAR AGENDA ITEM NO. 8A

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: Finance

SUBJECT: Consideration of two (2) Ordinances approving the 2018 Tax Levies for the City of Bloomington and the Bloomington Public Library, as requested by the Finance Department.

RECOMMENDATION/MOTION:

(1) The Ordinance Levying Taxes for the City of Bloomington (in the amount of \$20,286,384) for the Fiscal Year Beginning May 1, 2018 and Ending April 30, 2019, for the City of Bloomington, be approved and the Mayor and City Clerk authorized to execute the necessary documents; and

(2) The Ordinance Levying Taxes for the City of Bloomington Library (in the amount of \$4,871,840) for the Fiscal Year Beginning May 1, 2018 and Ending April 30, 2019 be approved and the Mayor and City Clerk authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 1. Financially Sound City Providing Quality Basic Services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1c. Engaged residents that are well informed and involved in an open governance process.

BACKGROUND:

The calculation of the rate is produced by taking the numerator the tax levy, a fixed amount, and dividing that into the EAV (equalized assessed value). The Final EAV will not be produced until January 1st, 2019 therefore the City must adopt its levy based on preliminary estimates.

The City and Library use the preliminary EAV provided by the Bloomington Township for the upcoming tax year. This year the preliminary EAV is \$1,880,282,251.

Tax formula:

$$\frac{\text{Dollar Requested/Levied}}{\text{Preliminary EAV}} = \text{Rate} \quad \text{Tax}$$

City of Bloomington

	<u>\$ 20,286,384</u>	
2018 Proposed Tax Levy	\$ 1,880,282,251	= 1.0789% - prior year 1.0797%

Bloomington Public Library

	<u>\$ 4,871,840</u>	
2018 Proposed Tax Levy	\$ 1,880,282,251	= .25910% - prior year .2596%

Combined

	<u>\$ 25,158,224</u>	
2018 Proposed Tax Levy	\$ 1,880,282,251	= 1.3380% - prior year 1.3392%

City Levy Request of \$20,286,384 has not changed from the Estimate adopted on November 26, 2018:

The City proposes no increase in rate for this year's Levy. The City's estimated Preliminary effective tax rate will actually decrease from 1.0797% to 1.0789%. See Exhibit 1.

Library Levy Request of \$4,871,840 has not changed from the Estimate adopted on November 26, 2018:

The Library proposes no increase in rate for this year's Levy. The Library's estimated Preliminary effective tax rate will actually decrease from .2596% to .2591%. See Exhibit 1.

Tax Levy Procedure:

According to the Illinois Property Tax Code Division 2 Truth in Taxation (35ILCS 200/18-60), the City and Library must formally adopt an *estimated* tax levy not less than 20 days prior to the adoption of the final tax levy. The *estimated* levies were adopted on November 26, 2018. 35ILCS 200/18-85 requires said estimate be compared to the prior year aggregate levy (excluding amounts for bond debt service) and if a 5% increase exists then a public hearing in addition to a public notice must occur. Neither the City nor the Library Levies increased by more than 5%.

The final tax levy ordinance must be passed by a vote of the Council and a certified copy, thereof, filed with the County Clerk on or before the last working Tuesday in December which is December 25th. The City will abate debt service payments needed to keep the bond and interest portion of the levy flat which has been done historically. By bond covenant any debt service payments abated are guaranteed from other revenues sources.

The City adopts its tax levy based on a preliminary EAV provided by the Bloomington Township which is subject to the tax appeals process. The Final EAV is completed by January 1st, 2019. The tax rate generated is later applied to individual property owner's tax bills on April 1st, 2019 and bills are sent out on May 1st due by June 1st and September 1st.

COUNCIL COMMITTEE BACKGROUND: N/A

FINANCIAL IMPACT/ANALYSIS: Finance recommends the Council adopt the tax levy of:

- \$20,286,384 for the City of Bloomington
- \$4,871,840 for the Bloomington Public Library

Respectfully submitted for Council consideration.

Prepared by: Scott Rathbun, Finance Director

Reviewed by: Patti-Lynn Silva, Chief Accountant

Legal review: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- Ordinance 2018 City Tax Levy
- Ordinance 2018 Library Tax Levy
- Exhibit 1 - Proposed & Historical Tax Levy



REGULAR AGENDA ITEM NO. 8B

FOR COUNCIL: December 17, 2018

SPONSORING DEPARTMENT: Finance

SUBJECT: Consideration of two Resolutions for the abatement of property taxes totaling \$5,861,610.85, as requested by the Finance Department.

RECOMMENDATION/MOTION:

- (1) the Resolution abating all or a portion of the taxes levied to pay debt service on certain general obligation bonds of the City of Bloomington, McLean County, Illinois, and the Mayor and City Clerk be authorized to execute the Resolution; and
- (2) the Resolution abating a Tax Levy for rent payable under lease agreement between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the expansion of the parking garage be approved, and the Mayor and City Clerk be authorized to execute the Resolution.

STRATEGIC PLAN LINK: Goal 1. Financially Sound City Providing Quality Basic Services.

STRATEGIC PLAN SIGNIFICANCE: Objective 1c. Engaged residents that are well informed and involved in an open governance process.

BACKGROUND: The adoption of the proposed resolutions are required to abate property tax for debt service and rental payments the City intends to pay from funding sources other than property tax revenue. The City's bond ordinances secure issued debt with property tax revenue; unless sufficient funds are available elsewhere to secure the debt. This covenant which guarantees payment to investors increases the marketability of City bonds and reaps potentially lower interest rates on debt service payments. A Council action is required to abate the Bond & Interest portion of the tax levy which must be filed with the County Clerk's office. We recommend abating \$5,861,610.85 of the 2018 tax levy for annual debt service and rental payments whereas the City has funds set aside to cover this balance.

	2018 Levy Amount as per County Clerk	Abated these Resolutions	Balance to be Levied for 2018
PBC Lease	\$ 2,015,935.00	\$ 2,015,935.00	\$ -
2009 GO Bond	\$ 118,400.00	\$ -	\$ 118,400.00
2013A Refunding Bond	\$ 788,300.00	\$ -	\$ 788,300.00
2013C GO Bonds	\$ 1,161,325.00	\$ -	\$ 1,161,325.00
2014A & 2014B Bonds	\$ 1,543,942.50	\$ 1,431,824.50	\$ 112,118.00
2017 GO Refunding Bond	\$ 1,098,930.00	\$ 1,098,930.00	\$ -
2018 GO Refunding Bond	\$ 1,314,921.35	\$ 1,314,921.35	\$ -
Total	\$ 8,041,753.85	\$ 5,861,610.85	\$ 2,180,143.00

COUNCIL COMMITTEE BACKGROUND: N/A

FINANCIAL IMPACT/ANALYSIS: The City will abate \$5,861,610.85 in annual debt service and rent and levy only \$2,180,143 in the 2018 property tax levy or approximately 27% of total annual debt service. The City has historically levied \$2,180,143 for debt service since levy year 2008 or for the last 10 years.

Respectfully submitted for Council consideration.

Prepared by: Scott Rathbun, Finance Director

Reviewed by: Patti-Lynn Silva, Chief Accountant

Legal review: Chapman & Cutler
Jeffrey R. Jurgens, Corporation Counsel

Recommended by:



Tim Gleason
City Manager

Attachments:

- A Resolution abating all or a portion of the taxes levied to pay debt service on certain general obligation bonds of the City of Bloomington, McLean County, Illinois.
- A Resolution abating a Tax Levy for rent payable under lease agreement between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the expansion of the parking garage.