

**RECORD OF MOTIONS AND VOTES
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:39 p.m., Monday, July 11, 2011.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silent prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

Aldermen: Judy Stearns, Mboka Mwilambwe, David Sage, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman absent: Bernard Anderson.

Deputy City Manager Barbara Adkins, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

Staff absent: David Hales, City Manager.

The following was presented:

Item 7A. Council Proceedings of June 27, 2011.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the reading of the minutes of the previous Council Meeting of June 27, 2011 be dispensed with and the minutes approved as printed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7B. Bills and Payroll.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7C. Request to Pay the Illinois Environmental Protection Agency (IEPA) for a Non Point Discharge Elimination System (NPDES) Permit for Combined Sewer Overflow (CSO).

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the payment to IEPA in the amount of \$20,000 for the City's NPDES Permit for CSO be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7D. Request to Pay George Gildner, Inc. for Emergency Sewer Service Repair at 1605 E. Taylor Street.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the payment in the amount of \$22,038.80 to George Gildner, Inc. for emergency sewer service repair at 1605 E. Taylor Street be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7E. Replacement of Tactical Vests for Police SWAT Team.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Tactical Ballistic Vests for the Police SWAT Team be purchased from Diamondback Tactical in the amount of \$33,150, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7F. Professional Services Contracts for the Bloomington Center for the Performing Arts.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the contracts with International Creative Management and OPUS 3 Artists in the amount of \$48,500 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7G. Approval of Terms of Engagement for Legal Services with Clark Baird Smith, LLP.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Terms of Engagement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7H. Suspension of Ordinances to Allow Consumption of Alcohol at Miller Park Pavilion on March 17, 2012.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol at the Miller Park Pavilion on March 17, 2012 be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7I. Request from Taken, Inc., d/b/a A. Renee, located at 306 N. Center St., currently holding a TAP liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises six (6) days a week for a change of classification to a RAPO liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises six (6) days, and an outdoor sidewalk café.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that a change of classification from a TAP to a RAPO liquor license for Taken, Inc., d/b/a A. Renee, located at 306 N. Center St., be created, contingent upon compliance with all applicable health and

safety codes with the following condition: 1.) the sale of packaged beer and wine only for consumption off the premises.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, and Fruin.

Nays: Aldermen Purcell and Sage.

Motion carried.

The following was presented:

Item 7J. Application of C & K Hotel Group, LLC, d/b/a Hawthorn Suites Hotel, located at 1 Lyon Ct., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that an RAS liquor license for C & K Hotel Group, LLC, d/b/a Hawthorn Suites Hotel, located at 1 Lyon Ct., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) the premise is restricted to the lobby/lounge/bar area as shown on the floor plan submitted with the Application.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Fazzini, Sage, Fruin and Purcell.

Nays: Alderman McDade.

Motion carried.

The following was presented:

Item 7K. Request of OSI Restaurants, Inc., d/b/a Outback Steakhouse, located at 1407 N. Veterans Pkwy., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week for a change of ownership to Outback Steakhouse of Florida, LLC.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the change of ownership for OSI Restaurants, Inc., to Outback Steakhouse of Florida, LLC, d/b/a Outback Steakhouse, located at 1407 N. Veterans Pkwy., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7L. Application of Richard Services, Inc., d/b/a Parkview Inn, located at 1003 S. Morris Ave., for an RAPS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged liquor for consumption off the premises seven (7) days a week.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that an RAPS liquor license for Richard's Services, Inc., d/b/a Parkview Inn, located at 1003 S. Morris Ave., be created, contingent upon compliance with all applicable health and safety codes.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7M. Request from R.I.P. Oil, Inc., d/b/a Six Points Fast Stop, located at 1001 Six Points Rd., currently holding a GPBS liquor license which allows the sale of packaged beer and wine for consumption off the premises seven (7) days a week for a change of classification to a PAS liquor license which would allow the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that a change of classification from a GPBS to a PAS liquor license for R.I.P. Oil, Inc., d/b/a Six Points Fast Stop, located at 1001 Six Points Rd., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that the License holder must appear before the Commission prior to an increase of ten percent (10%) in the liquor sales area and/or self service sales of spirits.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Fazzini, and Fruin.

Nays: Aldermen McDade, Purcell and Sage.

Motion carried.

The following was presented:

Item 7N. Lake Bloomington Lease Transfer Petition for Lot 5 and the East ½ of Lot 6 in Block 0 of Camp Peoria Point from Charles Robert Silvey to Linda L. Thorson, Trustee of the Bob Silvey Trust.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 7O. Text Amendment to Chapter 6. Alcoholic Beverages.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Text Amendment be approved and the Ordinance passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Fazzini, and Fruin.

Nays: Aldermen McDade, Purcell and Sage.

Motion carried.

The following was presented:

Item 9A. An Ordinance Amending the Composition of the Bloomington Normal Public Transportation System Board.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Ordinance be passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 9B. Request by the Bloomington Normal Public Transit Board for a One (1) Time \$50,000 Grant to Continue Operation of the Teal J Bus Route.

Motion by Alderman Fazzini, seconded by Alderman Mwilambwe hat the Grant be approved.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: Alderman Stearns.

Motion carried.

The following was presented:

Item 9C. Presentation - Financing for the Locust/Colton Combined Sewer Overflow Elimination and Water Main Replacement Project and Motor Fuel Tax Funding for Change Order #3.

The following was presented:

Item 9D. Change Order #3 to Clark Dietz, Inc. for the Design of Locust Street CSO Elimination and Water Main Replacement Project.

Motion by Alderman Stearns, seconded by Alderman Fazzini that the Change Order be approved and the Resolutions adopted.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

Item 9E. Amendment to Chapter 40 of the Bloomington City Code Regulating Vehicles for Hire.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Text Amendment be approved and the Ordinance passed.

The Mayor directed the clerk to call the roll which resulted in the following:

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

Motion by Alderman Purcell, seconded by Alderman Fazzini, that the meeting be adjourned. Time: 10:11 p.m.

Motion carried.

**Tracey Covert
City Clerk**