

City Council Meeting - July 11, 2011
Council Questions as of July 10, 2011 at 4:33pm
Staff Responses as of July 11, 2011

Councilman Mwilambwe

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).

Question/Comment: “What is the rationale behind this fee (is the money used for cleanup efforts for example? Why \$20,000 and not \$10,000?”

Staff Response: The following is a link to the IEPA website which shows the table used to calculate the amount of the annual fee to be paid: <http://www.epa.state.il.us/fees/npdes.html>

Councilman Mwilambwe

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

Question/Comment: “What does machine totals exactly mean? What is the labor rate and total hours billed?”

Staff Response: The “Machine and Labor Total” as shown is for the total cost of the equipment and labor associated with the work performed. The labor rate used varies depending upon the classification of worker used. The workers used vary from plumbers to laborers to finishers. For example, the labor rate for a plumber is \$92.60/hour. The total hours involved with this work is 76.5 hours performed over a six day period.

Councilman Fruin

Item: 7D- Emergency Sewer Service Repair at 1605 E. Taylor Street.

Question/Comment: “Suggestion going forward---With future expenses, we might consider listing the actual dollar deficiency of the Sewer M&OF, to keep our focus on the continuing negative balance.”

Staff Response: The audited fund balance of the sewer fund as of April 30, 2010 was (\$4,318,270.77). Staff will put the fund balance in the “Financial Impact” section of future Council Memos.

Councilwoman Schmidt

Item: 7D- Emergency Sewer Service Repair at 1605 E. Taylor Street.

Question/Comment: “I am not opposed to paying this invoice. I continue to be unclear about what our city policy is regarding repairing sewer connections. In this case on East Taylor Street, the city is absorbing all of the costs. I have situations where the sanitary sewer is failing in the street and the homeowner pays for all of it, including reimbursing the city for the street repair. This is going to continue to grow. Below is a recent message from Jim Karch regarding a situation on W. Locust. Can we review our policy and process and help me and others in the older parts of town get a good handle on when the city pays and when the homeowner pays? I hear a lot of confusion and frustration from citizens and I don't understand it all well enough to be able to clarify. Perhaps when we have our discussion on the sewer status analysis?”

Jim Karch's message regarding a situation on W. Locust. *The property owner is ultimately responsible for the maintenance and repair of the sanitary sewer service which serves their property. Therefore, if the public right of way is excavated to perform repairs to the sanitary sewer service or water service, the property owner is responsible for reimbursing the City for the cost of said repairs. The City currently*

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estimates the fees, we will charge for repairing the street to be approximately \$15 per square foot of pavement which must be repaired for utility work.

Staff Response: A memo reviewing the current practice of sanitary sewer laterals is being finalized with Public Works and Administration. The following is an excerpt from the draft memo on Public works current practice: *Draft: In Bloomington the maintenance of the sanitary and storm sewer service lateral up to and including the connection or “tee” to the City’s sewer main is the responsibility of the property owner per City Code. When a private sewer service lateral has failed and caused a hazard to either traveling vehicles or pedestrians, the Public Works staff or an outside contractor currently repairs the private sewer service lateral at no cost to the private property owner. This practice was instituted under previous City Administration and does not match the current City Code. This memo is intended to consider possible alternatives to this current practice.* Upon completion of this draft memo, additional input will be sought from the City Council on any revisions in the current practice and City Code needed.

Councilman Anderson

Item: 7D- Request to pay George Gildner for Emergency Sewer Service Repair at 1605 E. Taylor.

Question/Comment: “Again, as stated previously, all balances should be presented positive or negative balances”

Staff Response: The audited fund balance of the sewer fund as of April 30, 2010 was (\$4,318,270.77). Staff will put the audited fund balance in the “Financial Impact” section of future Council Memos

Councilman Mwilambwe

Item: 7E- Replacement Tactical Vests for Police SWAT Team.

Question/Comment: “What do we do with the old vests?”

Staff Response: The City is required by the manufacturer to destroy all old vests. The City is not allowed to give them away nor are they something that can be used as a trade in. The manufacturer, because of liability reasons, gives them a \$0 value once their warranty has expired.

Councilman Anderson

Item: 7F- Professional Services Contracts for the Bloomington Center for Performing Arts (BCPA).

Question/Comment: “When will there be an attempt to change this practice of additional expenses? I understand it is past practice, but we are in tighter times and performers like anyone else have to understand this!”

Staff Response: Booking performance artists is negotiated by Staff. Staff does attempt to negotiate away additional fees as much as possible.

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Councilman Fruin

Item: 7G- Approval of Engagement Letter and Terms of Engagement for Legal Services with Clark Baird and Smith, LLC.

Question/Comment: “The recommendation refers to a statement that “several Aldermen have suggested that it may be in the City’s best interest to review the matter of the outside Legal Counsel for labor matters.” I would appreciate more specific information on the Aldermen concerns and what specific issues are prompting the recommend change. Change brings a learning curve and added cost @ \$300 per hour. I recall the Alderman discussion in 1997 to change Law Firms.”

Staff Response: The City Manager made the ultimate decision to change Attorneys. Additional information on the change will be discussed during the Executive Session.

Councilman Fazzini

Item: 7G- Approval of Engagement Letter and Terms of Engagement for Legal Services with Clark Baird and Smith, LLC.

Question/Comment: “Normally when there is an engagement for legal services there is a retainer by the firm employing the legal firm. Has this been waived for the City of Bloomington by Clark Baird Smith, LLP?”

Staff Response: There is none.

Councilman Mwilambwe

Item: 7G- Approval of Engagement Letter and Terms of Engagement for Legal Services with Clark Baird and Smith, LLC.

Question/Comment: “Does Francek Radelet still represent the City in matters other than labor relations?”

Staff Response: The City will use Radelet Sullivan only to conclude the Firefighter’s union contract. Except for labor matters and bond issues (the City uses Chapman and Cutler for Bond Counsel), the City uses outside Counsel only for a specific legal matter. Otherwise, legal issues are handled by our Corporation Counsel and his two (2) Assistant Corporation Counsels.

Councilman Anderson

Item: 7G- Approval of Engagement Letter and Terms of Engagement for Legal Services with Clark Baird and Smith, LLC.

Question/Comment: “I am pleased to see that the COB is looking at other means of representation. It is healthy to change services to assure the City’s needs are truly being managed in the best practice manner.”

Staff Response: Staff agrees.

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Councilman Fazzini

Item: 7I- Request for Taken, Inc. d/b/a A. Renee, requesting a change in the sale of all types of packaged alcohol for consumption off the premises six days a week to 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 days and an outdoor sidewalk café.

Question/Comment: “Should there not be a higher fee for expanded liquor sale opportunities like from TAP to RAPO?”

Staff Response: T-Taverns sell more alcohol than R-Restaurants. An R license means that fifty-one percent (51%) of total sales must be from items other than alcohol. There is no charge to add the O-Outdoor. There is a \$100 fee for the sidewalk café permit. Cost for an RAP/TAP is the same - \$2,210 annually.

Councilman Anderson

Item: 7I- Suspension of Ordinance to Allow Consumption of Alcohol at Miller Park Pavilion on March 17, 2012.

Question/Comment: “What is? My point is there no guarantees on any license holder!”

Staff Response: Correct.

Councilwoman Schmidt

Item: 7M- Six Points Road Fast Stop, located at 1001 Six Points Road, requesting 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 days a week.

Question/Comment: “Who is responsible for reporting that the increase in liquor sales service area or the move to self-service changes? Is the floor space measured vertically as well as horizontally? Does the “self-service” part of this mean the business cannot have the iced containers of beer sitting out on the floor? We see this in other venues, do we ever allow this?”

Staff Response: Change of classification from GPBS to PAS. Square footage is based upon floor space. Shelving height is generally addressed by the business, (safety, visibility, customer service, etc.). It is the License holder’s responsibility to inform the City. Ms. Anderson was informed by the Liquor Commission and agreed to the same. The City has not banned iced containers with single serve items (generally beer). There are license holders with conditions which ban all single serve sale items (generally businesses holding a GPBS liquor license).

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Councilman Anderson

Item: 70- Text Amendment to Chapter 6, Alcoholic Beverages.

Question/Comment: “I would defer this to the Downtown Task Force. I am NOT supportive of early alcohol for the Farmer’s Market. I have been attending this event every Saturday, and it appears to be very family oriented. I question the effects to the young children in attendance.”

Staff Response: Taken, Inc., d/b/a A. Renee change of classification from TAP to RAPO/Text Amendment to allow sale of alcohol-sidewalk café at 9 a.m. (currently start time is 10 a.m.). This request was made by Amy Calhoun and Cindy Beier, owner/operators and license holders for A. Renee. They are currently open during the Farmer’s Market serving breakfast/brunch. Their sidewalk café plan calls for five (5) two (2) top tables-seating for ten (10). A sidewalk café-class O-Outdoor requires a divider, table seating, and food service. Currently, there are two (2) class O licenses, Michael’s and Rosie’s.

Councilman Mwilambwe

Item: 9B- Request from the Bloomington Normal Public Transit System Board (BNPTS) for a one (1) time \$50,000 grant to continue operation of the Teal J Bus Route.

Question/Comment: “Is the promise to return the funds extend beyond this fiscal year? Is the BNPTS looking into root causes of employees on extended leave and finding ways to address those (i.e. if they are linked to work conditions)? I am not sure I understand the connection to the primary election at the bottom of Mr. Anderson’s memo.”

Staff Response: In the memo from the Interim General Manager, Mr. Anderson states “if finances improve, these monies will be returned to each municipality.” Interim General Manager, David Anderson, will be in attendance this evening to address your question regarding “root causes of employees on extended leave and finding ways to address those (i.e. if they are linked to work conditions)?”

Councilwoman Schmidt

Item: 9B- Request from the Bloomington Normal Public Transit Board (BNPT) for a one (1) time \$50,000 grant to continue operation of the Teal J Bus Route.

Question/Comment: “I know we will be talking about this grant, just a courtesy heads-up regarding some questions I have. The BNPTS report notes that the Teal J ...route produces the least amount of money per route mile (10 cents per mile) compared to an average of 49 cents per mile. What is our general subsidy level per rider or per route mile? Have we looked at using the Special Service Bus for this route, does that impact the cost at all? Is there a better serve we could provide for this area for <\$100K per year?”

Staff Response: Interim General Manager, David Anderson, will be in attendance to address this question during the meeting.

Councilman Fruin

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

Question/Comment: “Regarding the reference to a \$10 fee. Whether on Monday night or another day, I would suggest we implement an across the board minimal expense (i.e. \$50) for all items where we

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require a fee, fine, license, etc. to be necessary. My concern is that the labor/benefit cost to process the paperwork has to be more than \$10.”

Staff Response: Staff is working towards a “draft” recommendation plan to address your concern

Councilman Fruin

General Comments: “Several Liquor License changes are recommended. I hope our Council can develop a consensus and direction to the Liquor Commission on whether we do, or do not want consistency on the issues mentioned in the multiple agenda items to include (1) should 9:00 outdoor service only be allowed in a B-3 CBD (Downtown), or should it be allowed citywide?; (2) how do we differentiate when we allow the sale of (a) beer and wine, and (b) spirits for packaged sale off the premises to include (a) convenient stores, (b), Downtown District and (c) residential neighborhoods?”

Staff Response: Sidewalk cafes were limited to the B-3 Central Business District (Downtown) for a variety of reasons. The area is zoned commercial, the sidewalks are wide (12’), lot size generally matches the building’s footprint. The majority of outdoor patios/beer gardens throughout the City are on private property. Sidewalk cafes were requested by the Downtown business owners as a way to enhance their businesses. Council voted to eliminate the GPA, (Gasoline, Packaged, All types of alcohol) license classification. Four (4) businesses were grand fathered. Three (3) remain. An Applicant selects the classification. Currently there are 183 liquor licenses from a variety of classifications. (B-Beer and wine only; A-all types of alcohol is one selection). One of the criteria considered by the Liquor Commission is impact upon the neighborhood. Staff does not recall one (1) liquor license on property zoned R-Residential. Conditions have been placed upon licenses based upon neighborhood concerns.