

**COUNCIL PROCEEDINGS
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 7:03 p.m., Monday, August 13, 2012.

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, Bernard Anderson, David Sage, Robert Fazzini, Jennifer McDade, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

Alderman absent: Steven Purcell.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

PUBLIC COMMENT: Mayor Stockton opened the Public Comment section of the meeting. He added that there would not be a response from the City under the Public Comment portion of the meeting.

Bruce Meeks, 1402 S. Wright, addressed the Council. He had presented them with a draft ordinance regarding the City's web site and transparency. The web site should allow for public input. There should be a structure for all to follow. He questioned if the Council was serious about transparency. He also addressed compliance with the Open Meetings Act. He cited recent web site surveys which were not independent but skewed.

He also addressed the proposed visioning process. He noted that it would be loaded with governmental entities. He expressed his opinion that this process should be driven by citizens.

Alton Franklin, 508 Patterson Dr., addressed the Council. He was disturbed by the Council's actions. He cited the referendum on the US Cellular Coliseum as an example. He had spoken with citizens. They were looking for stability and security. Citizens wanted responsible government. The Council should solicit citizen input and citizens should be heard. He cited the hard lessons that he had learned during his ten (10) years in the military. The Council needed to build a community that the citizens could be proud of. He perceived a sense of elitism on the Council. The City's residents were citizens of the United States of America not the USSR. Citizens needed freedom and responsive government.

Gary Lambert, 3018 E. Oakland Ave., addressed the Council. He was a recent resident of the City. Citizen input was important. He noted a recent Pantagraph article which addressed the ice rink. He did not understand same. The Council needed to make its position public, (second ice rink). He expressed his opinion that the privileged few were taking advantage of the City. Everyone would have to pay for a second ice sheet.

Marty Seigel, 615 E. Chestnut, addressed the Council. She wanted to address two (2) items which appeared on the Council's meeting agenda. First, she addressed the recycling carts. She was concern about the cart sizes and storage space for same. Code enforcement issues can be reported to PACE, (Planning and Code Enforcement). The City would be placing the burden on citizens. She expressed her interest in a drop off location for the central city. She questioned the ability of central city residents to recycle. She was offended about recent comments regarding recycling levels in the central city.

She also addressed the extension to Constitution Trail. The City needed to complete landscaping along the existing trail. She believed that there were also outstanding ownership issues.

Diane Benjamin, 27248 E 1100 N Rd., Ellsworth, addressed the Council. She requested that the UN (United Nations) flag be removed from City Hall. The Pantagraph had refused to publish an article regarding this issue. She cited references to Adlai Stevenson. She noted the UN's inept attempts to control the world. She added that there were Council members who would be facing reelection in 2013. The Council needed to decide which side of this issue they were on.

The following was presented:

SUBJECT: Council Proceedings of July 23, 2012 and Work Session Minutes of January 23 and April 23, 2012

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of July 23, 2012 and Work Session minutes of January 23, and April 23, 2012 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of July 23, 2012 and Work Session minutes of January 23 and April 23, 2012 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: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the reading of the minutes of the previous Council Meeting of July 23, 2012 and Work Session Minutes of January 23 and April 23, 2012 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

RECOMMENDATION/MOTION: That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

BACKGROUND: The list of bills and payrolls will be posted on the City's website on Thursday, August 9, 2012 by posting via the City's web site.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Total disbursements information will be provided via addendum.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Patti-Lynn Silva
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Fazzini that the Bills and Payroll be allowed and the 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on September 29, 2012

RECOMMENDATION/MOTION: 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 Lake Bloomington Davis Lodge on September 29, 2012 be passed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their wedding reception on September 29, 2012. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief; and Tracey Covert, City Clerk, and Gary Merriam and Barb Mosson, requesters.

Commissioner Stockton opened the liquor hearing and requested that Mr. Merriam and Ms. Mosson, requesters, address the Commission regarding their request. Barb Mosson addressed the Commission. She informed them that 175 people had been invited to their wedding reception which would be held at Davis Lodge. The date is Saturday, September 29, 2012 between the hours of 4:00 p.m. until midnight. They hoped to serve all types of alcohol. Commissioner Stockton informed Ms. Mosson that only beer and wine service was allowed.

Ms. Mosson added that Times Past Inn, located at 1216 Towanda Ave., would cater the event providing both food and beverage service.

Commissioner Petersen questioned the end time which was cited, midnight. Commissioner Stockton noted that event have occurred in the past which ended at this hour. Ms. Mosson noted that the time stated included clean up time. There are quiet hours at Davis Lodge which commence at 10:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Petersen that the request of Gary Merriam and Barb Mosson to allow moderate consumption of alcohol at Davis Lodge for their wedding reception on September 29, 2012 be approved.

Motion carried, (viva voce).

Commissioner Stockton noted that Times Past Inn will also be required to obtain a one (1) day liquor license from McLean County.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the July 10, 2012 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: None.

Reviewed by:

Reviewed by:

Reviewed by:

Craig Cummings
Director of Water

Randy McKinley
Police Chief

David A. Hales
City Manager

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

ORDINANCE NO. 2012 - 52**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, Gary Merriam and Barb Mosson are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 4:00 p.m. to midnight on September 29, 2012; and

WHEREAS, Gary Merriam and Barb Mosson have requested permission from the City to serve beer and wine during this event; and

WHEREAS, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on September 29, 2012 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 13th day of August, 2012.

APPROVED this 14th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Fazzini 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 Lake Bloomington Davis Lodge on September 29, 2012 be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington's Davis Lodge on September 15, 2012

RECOMMENDATION/MOTION: 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 Lake Bloomington Davis Lodge on September 15, 2012 be passed.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Nicole and Jason Thomas to allow moderate consumption of alcohol at Davis Lodge for their 15th Wedding Anniversary on September 15, 2012. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Steve Petersen, Mark Gibson and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Clay Wheeler, Asst. Police Chief; and Tracey Covert, City Clerk, and Nicole and Jason Thomas, requesters.

Commissioner Stockton opened the liquor hearing and requested that Mr. and Mrs. Thomas, requesters, address the Commission regarding their request. Jason Thomas addressed the Commission. He informed them that he and his wife, were planning their 15th wedding anniversary celebration at Davis Lodge. The date is Saturday, September 15, 2012 between the hours of 5:00 p.m. until midnight. Invitations have been extended to 120 - 130 people. No minors have been invited. Baxter's, located at 3212 E. Empire, would cater the event providing both food and beverage service. Only beer and wine would be served.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan that the request of Nicole and Jason Thomas to allow moderate consumption of alcohol at Davis Lodge for their 15th wedding anniversary on September 15, 2012 be approved.

Motion carried, (viva voce).

Commissioner Stockton noted that Baxter's will also be required to obtain a one (1) day liquor license from McLean County.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the July 10, 2012 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: None.

Reviewed by:

Reviewed by:

Reviewed by:

Craig Cummings
Director of Water

Randy McKinley
Police Chief

David A. Hales
City Manger

Respectfully,

Stephen F. Stockton
Chairman of Liquor Commission

ORDINANCE NO. 2012 - 53

AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A 15TH ANNIVERSARY CELEBRATION AT THE LAKE BLOOMINGTON DAVIS LODGE

Whereas, Jason Thomas and Nicole Thomas are planning to hold their 15th wedding anniversary celebration at the Lake Bloomington Davis Lodge from 5:00 p.m. to midnight on September 15, 2012; and

Whereas, Jason Thomas and Nicole Thomas have requested permission from the City to serve beer and wine during this event; and

Whereas, in order to legally possess alcohol in a City Park, Section 701(a), (b) and (c) of Chapter 31 of the Bloomington City Code, which prohibits the drinking, selling and possessing alcohol beverages with the City parks and Section 26(d) of Chapter 6 of the Bloomington City Code, which prohibits possession of open alcohol on public property must be suspended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Lake Bloomington Davis Lodge on September 15, 2012 under the conditions set forth in the rental agreement.

Section 2: Except for the date of date set forth in Section 1 of this Ordinance, Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, shall remain in full force and effect. Nothing in this Ordinance shall be interpreted as repealing said Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

PASSED this 13th day of August, 2012.

APPROVED this 14th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Fazzini 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 Lake Bloomington Davis Lodge on September 15, 2012 be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request for Alcohol in Miller Park Zoo for the Miller Park Zoological Society Fundraiser, known as ZooDo

RECOMMENDATION: That the Ordinance be passed.

BACKGROUND: For many years, the Miller Park Zoological Society held its Annual Gala at Bloomington Country Club. The event has consisted of a catered dinner and silent auction with proceeds helping to support both education and capital development projects. In 2008, the event was renamed ZooDo and moved back to Miller Park.

The 2012 event is being planned to occur within the Zoo's grounds with Biaggi's Ristorante Italiano providing food and alcohol service. In case of inclement weather, the event will be moved indoors to the Pavilion. The event is scheduled for Saturday, September 8, 2012 from 6:00 until 9:00 p.m.

Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code prohibits the possession of open containers of alcohol on public property and the sale and possession of alcohol in the parks respectively.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Miller Park Zoological Society.

FINANCIAL IMPACT: The ZooDo fundraising goal is \$50,000 which will assist the Society to fund future capital improvements to the Zoo.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John Kennedy
Director of Parks, Recreation
& Cultural Arts

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

ORDINANCE NO. 2012 - 54**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 26(d) OF CHAPTER 6 AND SECTION 701 OF CHAPTER 31 OF THE BLOOMINGTON CITY CODE TO ALLOW POSSESSION OF OPEN ALCOHOL ON PUBLIC PROPERTY DURING THE ZODOO TO BE HELD AT THE MILLER PARK ZOO AND PAVILION**

WHEREAS, the Miller Park Zoo Society will hold a ZooDo at the Miller Park Zoo and Pavilion on September 8, 2012; and

WHEREAS, the Miller Park Zoo Society requested permission to allow sales and consumption of alcohol during the ZooDo, its Annual Gala; and

Whereas, to allow possession of an open container of alcohol on a public street, Section 26(d) of Chapter 6 which prohibits the possession of open containers of alcohol on public streets and Section 701 of Chapter 31 which prohibits alcohol within the park of the Bloomington City Code, must be suspended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS;

Section 1: That Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1960, as amended, are suspended on the following dates during the following hours: September 8, 2012 between 5:00 o'clock p.m. and 10:00 o'clock p.m. for Miller Park Zoo and Pavilion. This suspension shall be effective only as to persons inside the designated area only and for alcohol purchased from an event vendor within the designated area. No alcohol may be taken out of a licensed premises into the designated area, notwithstanding the fact that the premises are operated by the event vendor.

Section 2: Except for the dates, times and location set forth in Section 1 of this Ordinance, Section 26(d) of Chapter 6 and Section 701 of Chapter 31 of the Bloomington City Code, 1969, as amended, shall remain in full force and effect. Nothing in this ordinance shall be interpreted as repealing said Section 26(d) and Section 701.

Section 3: This Ordinance shall be effective on the date of its passage and approval.

Section 4: This Ordinance is adopted pursuant to the home rule authority granted the City of Bloomington by Article VII, Section 6 of the 1960 Illinois Constitution.

Passed this 13th day of August, 2012.

Approved this 14th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Fazzini that the Ordinance suspending Section 26(d) of Chapter 6 and Section 701 of Chapter 31 to allow the suspension and consumption of alcohol Miller Park Zoo on September 8, 2012 be passed.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2013 Emergency Traffic Signal Repair Contract (City Wide)

RECOMMENDATION/MOTION: That the prices be accepted from Bodine Electric of Decatur and a contract be executed in the amount of \$100,000.

BACKGROUND: This contract includes traffic signal mast arm, post, controller and other signal equipment repairs or replacements that are emergencies, and other related emergency work on City electric and traffic signal facilities. Emergencies primarily include signal equipment damage or knockdowns from accidents or storms. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability, as well as other factors. Pursuant to the Council's request for a more competitive process, the City started accepting bids for this work in FY 2012. A single bid for the FY 2012 Traffic Signal Maintenance contract was received. Since the bid prices were extremely high, Council rejected the bid and did not award a contract for the FY 2012 work. The FY 2013 bid prices are approximately 20% lower than the FY 2012 prices and approximately

10% lower than the comparable FY 2013 Emergency Utility Repair bid prices. Since the scope of work is unknown, the prices are higher than standard contracts where the scope of work is well defined. The Contractor must assume additional risk and adds the risk and unknowns into their bid prices.

Bids for the FY 2013 Emergency Traffic Signal Repair contract were received until 10:00 a.m. Monday, July 9, 2012 in the Office of the City Clerk. Two bids were received and opened in the City Council Chambers. Since the project involves emergency repair of City traffic signals and other electric utilities throughout the current fiscal year and locations are determined as emergencies arise, a contract for the entire budget amount will be awarded.

Bodine Electric of Decatur	\$ 98,957.50 (Low Bid)
Laesch Electric, Inc.	\$112,925.00

<u>Budget</u>	
Capital Improvement Funds	\$100,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2013 budget appropriated \$100,000 for emergency traffic signal repairs. As indicated above, the FY 2013 Emergency Traffic Signal Repair contract will be executed in the amount of \$100,000. Since the bid involves emergency repairs of traffic signals, staff is unsure the amount of the appropriation that will be paid to the awarded bidder until the end of the fiscal year. Payment to the Contractor will be from the Capital Improvement Fund (10016210-70662).

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Financial review by:
Jim Karch, PE, CFM Director of Public Works	Barbara J. Adkins Deputy City Manager	Patti-Lynn Silva Director of Finance
Reviewed as to legal sufficiency:		Recommended by:
J. Todd Greenburg Corporation Counsel		David A. Hales City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the bid for the FY 2013 Emergency Traffic Signal Repairs be awarded to Bodine Electric, Decatur, IL, in an amount not to exceed \$100,000, 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2013 Emergency Utility Repair Contract (City Wide)

RECOMMENDATION/MOTION: That the unit prices from Stark Excavating, Inc., for the FY 2013 Emergency Utility Repairs in the amount of \$400,000.00 be accepted, the contract be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are emergencies. Emergencies primarily include utility problems that require immediate attention in order to minimize danger to the public or maintain required water and sanitation facilities. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability and other factors. Pursuant to the Councils request for a more competitive process, the City started to accept bids for this work in FY 2012. The budget for the FY 2012 Emergency Utility Repair contract was \$150,000. Projects completed under last year's contract included the repair of several sanitary sewer and manhole failures throughout the City, the replacement of the air relief valve on the southwest sanitary sewer force main, and the repair of the Holiday Lane pump station. The sanitary sewer repairs are typically the largest expense. These repairs average \$15,000 to \$25,000 per location. To date, approximately \$132,000 has been expended for the FY 2012 Emergency Utility Repair contract. Some repair work was just recently completed and additional payments will still be made. Although other maintenance locations were known, there was not enough staff available to initiate the work, monitor the Contractor's performance and perform other contract administration duties. In addition, the remaining budget was insufficient to complete all the work.

Bids for the FY 2013 Emergency Utility Repair contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Three bids were received and opened in the City Council Chambers. Since the project involves emergency repair of City utilities throughout the current fiscal year and locations are determined as emergencies arise, a contract for the entire budget amount will be awarded.

Stark Excavating, Inc.

\$ 338,335.00 (Low Bid)

George Gildner, Inc.	\$350,578.00
Hoerr Construction Company	\$392,358.88

Budget

Storm Water	\$150,000
Sanitary Sewer	\$200,000
Water	<u>\$ 50,000</u>
Total Budget	\$400,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This bid was advertised in the Pantagraph on June 25 and July 2, 2012. A pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2013 budget appropriated \$400,000 for emergency utility repair. This is an increase from the FY 2012 budget due to maintenance locations that were not completed last year. In addition, several projects were completed prior to awarding the FY 2012 contract. The cost for these additional projects was approximately \$100,000 and was included in establishing the FY 2013 budget. As indicated above, the FY 2013 Emergency Utility Repair contract will be executed in the amount of \$400,000. Payment to the Contractor will be as follows.

Storm Water (53103100 - 70550)	\$150,000
Sanitary Sewer (51101100 - 70551)	\$200,000
Water (50100120 - 70550)	<u>\$ 50,000</u>
Total Contract	\$400,000

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the bid for the FY 2013 Emergency Utility Repair Contract be awarded to Stark Excavating, Inc., in an amount not to exceed \$400,000, 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2013 Grading & Seeding Contract (City Wide)

RECOMMENDATION/MOTION: That the unit prices from George Gildner, Inc., for the FY 2013 Grading & Seeding in the amount of \$150,000 be accepted, the contract be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: This contract includes grading, shaping, seeding, fertilizer application, erosion control installation and other related work on City owned properties. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor’s experience and availability and other factors. Pursuant to the Councils request for a more competitive process, the City started accepting bids for this work in FY 2012. The budget for the FY 2012 Grading & Seeding contract was \$50,000. Projects completed under last years contract included grading and seeding the bare parkway at the intersection of GE Road and Airport Road and grading, shaping and erosion control barrier installation at the Water Department Division Street location for traffic signal material storage. Approximately \$33,000 was expended for the FY 2012 Grading & Seeding contract. Although other maintenance locations were known, there was not enough staff available to initiate the work, monitor the Contractor’s performance and perform other contract administration duties. In addition, the remaining budget was insufficient to complete all the work.

Bids for the FY 2013 Grading & Seeding contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Two bids were received and opened in the City Council Chambers. Since the project involves grading and seeding City properties throughout the current fiscal year and all locations are not yet known, a contract for the entire budget amount will be awarded.

George Gildner, Inc.	\$125,805 (Low Bid)
Rowe Construction Company	\$138,720
<u>Budget</u>	
Storm Water	\$ 50,000

Sanitary Sewer	\$ 50,000
Water	\$ 50,000
Total Budget	\$150,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2013 budget includes \$150,000 for this work. This is an increase from the FY 2012 budget due to maintenance locations that were not completed last year and a growing list of known maintenance locations. As indicated above, the FY 2013 Grading & Seeding contract will be executed in the amount of \$150,000. Payment to the Contractor will be as follows.

Storm Water (53103100 - 70220)	\$ 50,000
Sanitary Sewer (51101100 - 70220)	\$ 50,000
Water (50100120 - 70220)	\$ 50,000
Total Contract	\$150,000

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Review as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the bid for the FY 2013 Grading & Seeding Contract be awarded to George Gildner, Inc., in an amount not to exceed \$150,000, 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2013 Utility Maintenance Contract (City Wide)

RECOMMENDATION/MOTION: That the bid for the FY 2013 Utility Maintenance Contract be awarded to George Gildner, Inc. in the amount of \$400,000, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are not emergencies. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability and other factors. Pursuant to the Councils request for a more competitive process, the City started accepting bids for this work in FY 2012. The budget for the FY 2012 Utility Maintenance contract was \$200,000. Projects completed under last years contract included repairing several sanitary sewer and manhole failures throughout the City, installing a sump pump drain line on Buckhurst Court and replacing a pump in the HoJo pump station. The sanitary sewer repairs are typically the largest expense. These repairs average \$15,000 to \$25,000 per location. To date, approximately \$151,000 has been expended for the FY 2012 Utility Maintenance contract. Some repair work was just recently completed and additional payments will still be made. Although other maintenance locations were known, there was not enough staff available to initiate the work, monitor the Contractor's performance and perform other contract administration duties. In addition, the remaining budget was insufficient to complete all the work.

Bids for the FY 2013 Utility Maintenance contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Three bids were received and opened in the City Council Chambers. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

George Gildner, Inc.	\$361,975.00 (Low Bid)
Hoerr Construction Company	\$378,664.45
Stark Excavating, Inc.	\$396,105.00
Budget	
Storm Water	\$150,000
Sanitary Sewer	\$200,000
Water	\$ 50,000
Total Budget	\$400,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2013 budget includes \$400,000 for this work. This is an increase from the FY 2012 budget due to maintenance locations that were not completed last year. In addition, several projects were completed prior to awarding the FY 2012 contract. The cost for these additional projects was approximately \$50,000 and was included in establishing the FY 2013 budget. As indicated above, the FY 2013 Utility Maintenance contract will be executed in the amount of \$400,000. Payment to the Contractor will be as follows.

Storm Water (53103100 - 72550)	\$150,000
Sanitary Sewer (51101100 - 72550)	\$200,000
Water (50100120 - 72540)	<u>\$ 50,000</u>
Total Contract	\$400,000

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the bid for the FY 2013 Utility Maintenance Contract be awarded to George Gildner, Inc., in an amount not to exceed \$400,000, 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2013 Street, Alley & Sidewalk Maintenance Contract (City Wide)

RECOMMENDATION/MOTION: That the contract for the FY 2013 Street, Alley & Sidewalk Maintenance from Mclean County Asphalt, Inc., in the amount of \$200,000.00 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.

BACKGROUND: This contract includes maintenance and repair of streets, alleys sidewalks, curb & gutter, driveways and other related items on City owned properties. This work is beyond the capability of City crews due to the lack of necessary equipment, manpower or other issues. In previous years, the work was performed by a select group of contractors. The contractors were chosen by Public Works Department staff based upon the type of work, site conditions, contractor's experience and availability and other factors. Pursuant to the Councils request for a more competitive process, the City started accepting bids for this work in FY 2012. The budget for the FY 2012 Street, Alley & Sidewalk Maintenance contract was \$100,000. Projects completed under last years contract included repairing and resurfacing Washington Street between Center and Main Streets. Approximately \$36,000 was expended for the FY 2012 Street, Alley & Sidewalk Maintenance contract. Although other maintenance locations were known, there was not enough staff available to initiate the work, monitor the Contractor's performance and perform other contract administration duties. In addition, the remaining budget was insufficient to complete all the work.

Bids for the FY 2013 Street, Alley & Sidewalk Maintenance contract were received until 10:00 a.m. Monday, July 9, 2012 in the office of the City Clerk. Two bids were received and opened in the City Council Chambers. Since the project involves maintenance of City streets, alleys and sidewalks throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded. Mclean County Asphalt, Inc. (MCA) had a single technicality with their bid. They failed to include the addenda with their bid submittal as directed in the proposal documents. MCA signed and returned the acknowledgement of receipt for Addendum #1 prior to the bid opening. Although Staff have a record that Addendum #2 was sent to MCA, they did not return the acknowledgement of receipt. Addendum # 2 included two clarifications regarding the bid. One was the requirement to include a bid bond with the bid submittal and the other was confirmation that all line items in the bid proposal must be completed. MCA provided a bid bond and completed all line items in the proposal.

McLean County Asphalt, Inc.	\$198,701.50 (Low Bid)
Rowe Construction Company	\$210,200.00
Budget	
Capital Improvement Funds	\$200,000.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on June 25 and July 2, 2012 and a pre-bid meeting was held at 10:00 a.m. on July 2, 2012 in the Public Works Department Conference Room.

FINANCIAL IMPACT: The FY 2013 budget includes \$200,000 for this work. This is an increase from the FY 2012 budget due to maintenance locations that were not completed last year and a growing list of known maintenance locations. As indicated above, the FY 2013 Street, Alley & Sidewalk Maintenance contract will be executed in the amount of \$200,000. Payment to the Contractor will be from Capital Improvement Funds (40100100 - 72560).

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the bid for the FY 2013 Street, Alley & Sidewalk Maintenance Contract be awarded to McLean County Asphalt, Inc., in an amount not to exceed \$200,000, 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Waive Bids and Accept quote from Brown Traffic Products, Inc. for the purchase of two (2) complete MS Sedco Microwave Detection Systems that will be installed at the Hamilton & Morris and Lincoln & Hershey intersections

RECOMMENDATION/MOTION: That the purchase of two (2) complete MS Sedco Microwave Detection Systems in the amount of \$39,562 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.

BACKGROUND: For years, vehicle detection at intersections controlled by traffic signals has been done with detector loops that are installed in the pavement. The loops are exposed to nearly constant abuse by traffic, street plowing and maintenance and pavement degradation. Also, the loops must be replaced each time a pavement repair or improvement is performed. Furthermore, the loops are designed to detect large metal objects and do not always detect motorcycles, mopeds, bicycles and other small vehicles.

In 2010, a new type of detection system was investigated and included in the College and Hershey signalization project. This system uses microwave radar to detect all objects, including bicycles and small vehicles. Since the system is mounted on the mast arms and signal posts, it is not subject to the abuses and maintenance problems associated with the pavement. City Engineering Staff monitored the system installed at Hershey & College for a year and did not observe any detection issues or other problems. Based on this positive initial installation, a second system was purchased and installed in 2011 by the City Electricians at the Lincoln and Arcadia intersection. This system has also performed well during the past year. Given the positive results observed with the two existing systems, staff is requesting that two more systems be purchased for installation by the City Electricians at Hamilton & Morris and Lincoln & Hershey. The existing loops at these two intersections require routine repair or replacement due to ongoing pavement deterioration.

There are only two companies that supply microwave detection systems, Brown Traffic Products, Inc. and Traffic Control Corporation. Brown Traffic supplies the MS Sedco and Traffic Control Corp. supplies the Wavtronix. The Wavtronix system requires multiple detectors for each approach to an intersection. Both intersection and advance detectors are needed. For a typical four-way intersection, eight detectors are required. The MS Sedco system only requires one detector for each approach to an intersection. Only four detectors are required for a typical four-way intersection. The additional detectors needed for a Wavtronix system require additional wiring, mounting posts and other structures. These additional items add considerable cost and maintenance responsibilities. The additional structures also create more safety and liability concerns at the intersection. Based on these issues, the MS Sedco system was selected for the previous locations and staff desires to continue with the installation of this system at the subject intersections.

VEHICLE DETECTION COMPARISON (TYPICAL 4 LEG INTERSECTION)			
Vehicle Detection	Detector Loops	Wavtronix Microwave System	MS Sedco Microwave System
Life Expectancy of Detection System	10 years	25 years	25 years
Pavement Repair Estimated Cost	\$35,000	None	None
Detector Installation Estimated Cost	\$20,000	\$50,000	\$30,000
Estimated Repairs during Life	\$20,000	\$15,000	\$10,000

Total Estimated Present Value	\$55,000	\$50,000	\$30,000
Total Estimated Future Value (25 yrs)	\$85,000	\$72,500	\$45,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 budget includes \$107,000 for electrical and signal maintenance and repair supplies. As indicated above, the purchase order will be executed in the amount of \$39,562. Payment will be made from Engineering Administration - Electrical Maintenance and Repair Funds (10016210 - 71078), which has a current available balance of \$93,311.43.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial Review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

RESOLUTION NO. 2012 - 26

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF TWO (2) COMPLETE MS SEDCO MICROWAVE DETECTION SYSTEMS TO BE INSTALLED AT THE INTERSECTIONS OF HAMILTON & MORRIS AND LINCOLN & HERSHEY FROM BROWN TRAFFIC PRODUCTS AT A PURCHASE PRICE OF \$39,562

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase two (2) complete MS Sedco Microwave Detection Systems to be installed at the intersections of Hamilton & Morris and Lincoln & Hershey at a Purchase Price of \$39,562.

ADOPTED this 13th day of August, 2012.

APPROVED this 14th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Fazzini that the purchase of two (2) complete MS Sedco Microwave Detection Systems from Brown Traffic Products, Inc., Davenport, IA, be approved, in the amount of \$39,562, the Purchasing Agent be authorized to issue a Purchase Order for the 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Purchase print and online advertising in *The Pantagraph* and *pantagraph.com* for the Bloomington Center for Performing Arts

RECOMMENDATION/MOTION: That the purchase of advertising for the Bloomington Center for the Performing Arts (BCPA) from The Pantagraph, in the amount of \$38,000 be approved, the Purchasing Agent be authorized to issue a Purchase Order for the same, and the Resolution be adopted.

BACKGROUND: Staff requests permission to purchase \$38,000 in advertisements to promote the programming of the BCPA in *The Pantagraph* of Bloomington, Illinois, from September 2012-August 2013. A waiver from the bidding process is requested as *The Pantagraph* is the only major daily newspaper publishing for a general audience in Bloomington-Normal. As such, *The Pantagraph* provides the only practical solution to promoting BCPA events and activities in the printed media to a broad audience. The Pantagraph reports that 89.5% of newspaper users surveyed utilize their print or online product. This process is the same staff has used in the past and the contract amount proposed for the upcoming year is a decrease of approximately \$5,000.

Due to knowing the exact schedule of the BCPA's 2012 - 2013 Season this advertising buy is exclusively for marketing those 31 performances with allowances made for limited additions to the schedule. The advertising needs for the other divisions are more fluid in nature and not as practical to layout an exact annual schedule. By working with a single point of contact to handle advertising purchases, Staff will leverage this advertising purchase to obtain the best possible advertising rates for the needs of all divisions within the department from *The Pantagraph*.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: As a result of the annual contract the ads will be billed at a rate of no more than \$37.11 per column inch daily and \$42.27 for Sunday, which is reduced from the standard rate of \$60.54, daily/\$68.83, Sunday. This reduced rate will be extended to other PR&CA Departments Divisions during the term of the contract. Online rates can be packaged with print ads or purchased individually at \$10 per thousand impressions.

Analytics will be made available from the Pantagraph for web advertising tracking and the BCPA Box Office tracks advertising source codes. The Pantagraph historically ranks high as a primary or secondary advertising source for ticket sales.

Funding for the advertising was budgeted, and approved by Council in line item 21101100 - 70610 of the BCPA budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

John R. Kennedy
Director, Parks & Recreation and Cultural Arts

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2012 - 27

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE AGREEMENT TO PURCHASE ADVERTISING FOR THE BLOOMINGTON CENTER FOR THE PERFORMING ARTS FROM THE PANTAGRAPH IN THE AMOUNT OF \$38,000

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Mayor and City Clerk be authorized to execute the agreement with the Pantagraph for advertising for the Bloomington Center for the Performing Arts in the amount of \$38,000.

ADOPTED this 13th day of August, 2012.

APPROVED this 14th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Fazzini that the agreement to purchase advertising for the Bloomington Center for the Performing Arts from the Pantagraph, be approved, in the amount of \$38,000, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Intergovernmental Agreement for Regional Planning Services

RECOMMENDATION/MOTION: That the Agreement with the McLean County Regional Planning Commission (MCRPC) for the Regional Planning Services Agreement in the amount of \$23,239.33 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The McLean County Regional Planning Commission has been providing long term planning for the City of Bloomington, Town of Normal and McLean County for many

years. Their functions include such things as long range transportation needs, comprehensive plans, public mapping services, etc. The three government entities as well as state and federal grants provide the operational funding for the commission.

Over the past several years, the City has seen its contribution to the McLean County Regional Planning Commission fluctuate, which has included two past fiscal years (2009 and 2010) where no payment was required (the Commission used some of its reserves to lessen the financial burden of the City, Town and County in the slow economy). For FY 2013, the McLean County Regional Planning Commission set the City's contribution at \$23,239.

Fiscal Year City Contribution

FY 2008	\$43,491
FY 2009	\$0
FY 2010	\$0
FY 2011	\$23,023
FY 2012	\$24,244
FY 2013	\$23,239

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The FY 2013 Budget appropriated \$30,000 in the Planning division of the PACE Department account item 10015420-75025. The payment is \$6,761 less than the appropriation or 22.5% below budget.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

Mark R. Huber
Director, PACE

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

REGIONAL PLANNING SERVICE AGREEMENT

This agreement is entered into as of the 1st day of July, 2012, by and between the McLean County Regional Planning Commission (hereinafter referred to as the "Commission") and the City of Bloomington (hereinafter referred to as the "City").

The parties do mutually agree as follows:

A. Period of Agreement

This agreement shall remain in full force and effect through June 30, 2013.

B. Long Range Planning Services

The Commission shall maintain a permanent professional planning staff capable of performing, or causing to be performed, a long range planning work program, including the following activities:

1. Assist the City in the periodic updating of plans and ordinances that pertain to planning and development, including the Comprehensive plan and zoning ordinances and subdivision regulations as needed.
2. Prepare or coordinate the preparation and updating of reports that are an integral part of the McLean County Transportation Study, including the Unified Work Program (UWP), Long Range Transportation Plan (LRTP), and the Transportation Improvement Program (TIP).
3. Coordinate the development and management of the regional geographic information system (GIS) as per separate intergovernmental agreement.
4. Maintain a website to post statistical data, plans and studies, and other planning-related information to serve as a resource for local governments and the public.
5. Provide assistance in the preparation of applications for Federal or State funding as needed.
6. Attend meetings of county and municipal government and civic organizations or other groups interested in planning and development as requested and as schedules permit.
7. Provide technical assistance as needed and requested in matters of long range planning and development.

C. Staff

The Commission shall employ a Director of the Commission and other employees as necessary and authorized by the budget. It is agreed by all parties that the City short range planner will be available to assist the Commission staff to accomplish the activities specified in "B" above as applicable to the City of Bloomington.

D. Financing

The City of Bloomington will remit to the Commission the sum of TWENTY-THREE THOUSAND TWO HUNDRED THIRTY NINE AND 34/100 DOLLARS (\$23,239.34) for deposit in the accounts of the Commission upon the City's receipt of an invoice for said amount.

Stephen F. Stockton
Mayor - City of Bloomington

Tracey Covert
City Clerk - City of Bloomington

August 14, 2012

Carl Teichman
Chairman, McLean County
Regional Planning
Commission

Paul Russell
Executive Director
McLean County Regional Planning
Commission

Date:

Motion by Alderman Anderson, seconded by Alderman Fazzini that the Agreement with the McLean County Regional Planning Commission for the regional planning services be approved, in the amount of \$23,239.33, 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Petition submitted by Dana Kowalewski, requesting special use approval for a bed and breakfast for the property located at 708 E. Jackson St.

RECOMMENDATION/MOTION: That the Ordinance for a Special Use Permit requested by Dana Kowalewski, for a bed and breakfast for property located at 708 E. Jackson Street, McLean County, Illinois be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: The property is zoned R - 2, Mixed Residence District. This district allows single-family and two-family residences by right. Multi-family and a bed and breakfast are allowed with special use permits. The petitioner is also the owner of the adjacent Vrooman mansion at 701 E. Taylor Street.

This case went before the Zoning Board of Appeals for a public hearing and review on July 18, 2012. The petitioner spoke in favor of the petition. He explained how the request is necessary to make the existing bed and breakfast at the Vrooman Mansion a financially viable business in that currently, the expenses exceed the revenues. The expansion into the former carriage house for the mansion will provide two additional bedrooms each with its own bath. The Vrooman mansion is difficult to rent out all five rooms because two bedrooms must share one bath. No one else from the public spoke in favor or against the request. The Board voted to recommend approval of the special use permit by a vote of 4 - 0. The Vrooman Mansion has five guest rooms and by ordinance definition the site is tied to the existing Vrooman Mansion and the petitioner was required to request a variance to increase to the maximum allowable number of

guest rooms from 5 to 7. Prior to the approval of the special use the Board approved this variance by a vote of 4 - 0.

The site is currently a single-family residence and the petitioner is seeking to convert the house into a bed and breakfast. The site will comply with the required number of off-street parking spaces. The development should be compatible with the other nearby residences and the adjacent Vrooman Mansion which is a bed and breakfast now.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code SEC.4410-3B., 109 courtesy copies of the Public Notice were mailed. In addition, a public notice/identification sign was posted on the property.

FINANCIAL IMPACT: The bed and breakfast will generate new property tax and sales tax revenue but not increase a demand for services related for the property.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Mark Woolard
City Planner

Mark R. Huber
Director of PACE

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

8. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided to said premises for said special permitted use;
9. That adequate measures have been or will be taken to provide ingress and egress to and from said premises so designed as to minimize traffic congestion in the public streets; and
10. That said special permitted use on said premises shall, in all other respects, conform to the applicable regulations of the R-2 zoning district in which it is located except as such regulations may, in each instance, be modified by the City Council of the City of Bloomington pursuant to the recommendations of the Bloomington Board of Zoning Appeals.

WHEREFORE, your petitioner respectfully prays that said special use for said premises be approved.

Respectfully submitted,

Dana Kowalewski

ORDINANCE NO. 2012 - 55**AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A
BED & BREAKFAST ESTABLISHMENT
FOR PROPERTY LOCATED AT: 708 EAST JACKSON STREET, BLOOMINGTON**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a petition requesting a Special Use Permit for a Bed & Breakfast Establishment for certain premises hereinafter described in Exhibit A; and

WHEREAS, the Bloomington Board of Zoning Appeals, after proper notice was given, conducted a public hearing on said petition; and

WHEREAS, the Bloomington Board of Zoning Appeals, after said public hearing made findings of fact that such Special Use Permit would comply with the standards and conditions for granting such special permitted use for said premises as required by Chapter 44, Section 44.6-30 of the Bloomington, City Code, 1960; and

WHEREAS the City Council of the City of Bloomington has the power to pass this Ordinance and grant this special use permit.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bloomington, McLean County, Illinois:

1. That the Special Use Permit for a Bed & Breakfast Establishment on the premises hereinafter described in Exhibit A shall be and the same is hereby approved.

2. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 13th day of August, 2012.

APPROVED this 14th day of August, 2012.

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

EXHIBIT A

Julia Scott Vrooman Subdivision, Lot 3.

PIN 21-04-481-007

Motion by Alderman Anderson, seconded by Alderman Fazzini that Special Use 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ratification of Contract with the Police Benevolent and Protective Association Unit 21

RECOMMENDATION/MOTION: That the contract with Police Benevolent and Protective Association Unit 21 be ratified.

BACKGROUND: On August 15, 2011 the parties met and began to negotiate changes to the agreement that expired on April 30, 2011. The parties began mediation on May 11, 2012 with the Federal Mediation and Conciliation Service (FMCS). During the second mediation session on July 10, 2012 the parties reached a Tentative Agreement. The Union ratified the contract on July 19, 2012. The expired agreement can be located at www.cityblm.org under Human Resources in a folder titled Labor Contracts.

Highlights of Contract:

WAGES:

- May 1, 2011 2% (Longevity per contract will be applied)
- November 1, 2011 1% (Longevity per contract will be applied)
- May 1, 2012 1.5% (Longevity per contract will be applied)
- November 1, 2012 1.5% (Longevity per contract will be applied)
- May 1, 2013 1.5% (Longevity per contract will be applied)
- November 1, 2013 1.5% (Longevity per contract will be applied)

Increases in pay prior to the effective date of this Agreement shall be paid retroactively for all hours worked or paid to officers employed in the bargaining unit on the effective date of this

agreement, 2012, or who have retired since May 1, 2011. No other sections of this Agreement shall be applied retroactively. Officers will be eligible to be paid through direct deposit, following a one week pay lag in order for the City to convert to a new pay system. Retroactive money owed to the officer shall be used to help offset the one week pay lag accompanying the conversion to the new pay system.

EMERGENCY LEAVE: Parties agreed to eliminate Emergency Leave benefit. Officers shall be required to use their own accrued Vacation, Personal Convenience days, Court Exchange or Earned Time for compensation purposes.

HEALTH INSURANCE: Unit 21 employees will be eligible for the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raises deductibles from \$250 to \$400.

COMPENSATORY TIME OFF: The parties agreed to have all Compensatory time banks converted to straight time hour banks. Every officer is limited to taking 120 fixed compensatory time hours off work per calendar year. Only 40 compensatory time hours may be placed in the officer's comp time bank per calendar year from overtime worked on hire-back for non-City entities (i.e. Wehrenberg Theater; Wal-Mart; Bloomington High School).

HIRE BACK WORK: The parties agreed that the above referenced compensatory time off changes will be eliminated and prior compensatory time language reinstated, if the City raises the hire-back rate above \$70 per hour. The \$70 per hour rate can be increased by the amount of the percentage increase each May 1.

SCHEDULED LEAVE DAYS: The parties agreed to increase slots from one (1) to two (2) slots per shift.

DISCIPLINARY LEAVE: The parties agreed to allow Officers who have been suspended the ability to work the suspension days and use their accrued paid time off in lieu of serving an unpaid suspension. For purposes of progressive discipline, the official record and employment personnel file shall show that the disciplinary suspension was given and served.

MANAGED COMPETITION: The parties agreed to the following language:

“The City agrees that it will not replace Officers or allow Officers other than Association Officers to perform traditional core police functions such as patrol and investigations as has historically been performed by Association Officers, except during limited training or in cases of emergency (i.e. natural or man-made disasters). The City may, however, assign the following work to other than Association Officers, including volunteers, where such assignment of work does not result in the layoff of any bargaining unit member(s): grant writing or other activities which have historically been performed by other than Association Officers.”

TERM OF AGREEMENT: Parties agreed to a three (3) year term of agreement that will expire on April 30, 2014.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Council and Unit 21 members.

FINANCIAL IMPACT: The City anticipates the wage increases during the term of the Agreement to cost \$765,667.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Emily Bell, IPMA-CP
Director of Human Resources

Randy McKinley
Police Chief

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Fazzini that the contract with Police Benevolent and Protective Association Unit 21 be ratified.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Ratification of Contract with Laborers International Union Local 362 Parking Enforcement

RECOMMENDATION/MOTION: That the Successor Agreement with Laborers Local 362 Parking Enforcement be ratified and that the City's Last and Final Offer imposed on January 1, 2011 be ratified retroactively.

BACKGROUND: On April 16, 2009 the parties met and began to negotiate changes to the agreement that would expire on April 30, 2009. The parties were not successful in reaching an agreement and the City made a final offer to the Union on December 14, 2010. This final offer was imposed on January 1, 2011. The expired agreement can be located at www.cityblm.org

under Human Resources in a folder titled Labor Contracts. The highlights of the Imposed Contract changes are outlined below.

On May 12, 2011 Laborers Local 362 and the City staff began negotiating the terms for a successor collective bargaining agreement. The parties last met on July 19, 2012. The Union ratified the Successor Contract on July 19, 2012. The highlights of the Successor Agreement changes are outlined below.

Highlights of Contract:

Imposed Contract

WAGES:

May 1, 2009 0% (Longevity per contract will be applied)

May 1, 2010 2% (Longevity per contract will be applied)

Wages were retro to May 1, 2010.

HEALTH INSURANCE: Local 362 Parking Enforcement employees participate in the Blue Cross/Blue Shield PPO Well Plan and the Health Alliance HMO Well Plan. The Well Plan raised deductibles from \$250 to \$400.

SICK LEAVE BUYBACK: Elimination of Sick Leave Buyback, including monthly RHS contribution for all new employees hired after May 1, 2009.

MANAGED COMPETITION: Elimination of prohibitions. Ability to pursue Managed Competition during the term of the contract.

TERM OF AGREEMENT: Two (2) year agreement that expired on April 30, 2011.

Successor Agreement

WAGES:

May 1, 2011 2% (Longevity per contract will be applied)

May 1, 2012 2% (Longevity per contract will be applied)

Wages will be retro to May 1, 2011.

EMERGENCY LEAVE: Parties agreed to eliminate Section 10.1 Emergency Leave. Employees will be eligible to use up to 24 hours of sick leave per fiscal year for the planned or unplanned surgery of their parent or step-parent.

SICK LEAVE: Parties agreed to reduce the sick leave accrual for new employees from 20 hours per month for the first year to 8 hours per month until they reach the maximum allowed sick leave.

UNIFORMS AND CLOTHING: Parties agreed to increase the shoe allowance from \$150 per year to \$200 per year.

MANAGED COMPETITION: Parties agreed to the following language:

“It is the general policy of the City to continue to utilize its employees to perform work they are qualified to perform. However, the City reserves the right to contract out any work it deems necessary in the interests of efficiency, economy, improved work production, quality of work, customer service, emergency or for other sound efficiency or operational reasons. Except where an emergency situation exists, before the City changes its policy involving the overall subcontracting of work in a general area, where such policy change amounts to a significant deviation from past practice which will result in the layoff of one or more bargaining unit employees, the City will notify the Union and offer the Union an opportunity to meet and discuss, but not negotiate, the desirability of subcontracting such work. Following notice and an opportunity to meet, the City reserves the right to proceed with such layoff.

Effect of Managed Competition. Any employee who is laid off as a result of the City’s decision to implement a layoff shall:

- (a) Be paid for any earned but unused vacation and personal days. In the event that a laid off employee is recalled, he regains any accumulated sick time that existed prior to the layoff;
- (b) Remain on the City’s recall list for a period of six (6) months plus one (1) additional month for each year of service up to a maximum of one (1) year; and
- (c) Be eligible for bid on vacant City positions while on the recall list provided the employee has the required knowledge, skill, ability and experience.”

TERM OF AGREEMENT: Parties agreed to a two (2) year term of agreement that will expire on April 30, 2013.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Council and Local 362 Parking Enforcement members.

FINANCIAL IMPACT: For the Imposed Contract the City anticipated the 2% increase for FY10 to cost the City \$2,240 plus longevity increases where applicable. Projected savings on insurance is estimated at a savings of \$1,036 for the City and \$307 for the Union. For the Successor Agreement the City anticipates the 2% increase for FY11 to cost \$2,284 and for FY12 to cost \$2,330 plus longevity increases where applicable. The additional cost for the shoe allowance will be \$200 per fiscal year. The anticipated savings for the reduction in sick leave will 144 hours of sick leave.

Respectfully submitted for Council consideration.

To prevent vehicles other than the Vehicle for Hires from parking in the designated parking spaces on authorized days and times, “towing” must be authorized by City Council and as such, signs will need to be posted in order for the Police Department to enforce these designated parking hubs.

There are over eighty (80) “specific tow away zones” throughout the City that are enforced by the Police Department.

The City staff believes this ordinance is in the best interest of the health, safety and welfare of the City’s citizens, student visitors and recommends its passage and approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Vehicle for Hire Operators, Downtown Business Association (DBA), Downtown Entertainment Task Force (DETF), Downtown Traffic Committee and City staff.

FINANCIAL IMPACT: Possible fines and towing of vehicles in the event of noncompliance

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Randy McKinley
Police Chief

Jim Karch
Director of Public Works

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

ORDINANCE 2012 - 56**AN ORDINANCE AMENDING SECTION 192.1 OF CHAPTER 29 OF THE BLOOMINGTON CITY CODE, RELATING TO SPECIFIC TOW AWAY ZONES****BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

SECTION 1: That Section 192.1 of Chapter 29 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Section 192.1: Specific Tow Away Zones.

(a) At the times herein specified and when signs are erected giving notice of the illegal parking and of the towing zone, no person shall directly or indirectly (Sec. 191) park or permit a vehicle owned by him/her to be parked at the locations on the streets hereinafter described and any vehicle so parked may be towed from these locations as provided in this Article:

Alley (north-south) bounded by East, Locust, Prairie and Mulberry, on the west side from Locust to a point 110' south between 6:00 a.m. and 4:00 p.m., Monday through Friday

Beecher on the north side from Franklin to Main

Beecher on the south side from 50' west of the west line of East to 40' east of the east line of East

Beecher on the south side from 65' west of the west line of Franklin to 20' east of the east line of Franklin

Beecher on the south side from the east line of Main to a point 20' east

Center Street, on the west side, from 45' to 85' north of the north line of Kentucky Alley between 6:00 a.m. and 4:00 p.m., Monday through Friday

Center Street, on the east side, from 39' south to 112' south of the south line of Olive Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Center Street on the east side from 105' to 125' north of the north line of Market Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Chestnut Street, on the south side, from 50' to 90' west of the west line of Main Street

Chestnut Street, on the south side from 110' to 150' west of the west line of East Street

Chestnut Street, on the south side, from Mason Street to 130' east of the east line of Mason Street

Chestnut Street between Prairie and McLean on the north side 60' east and west from the midpoint of the crosswalk to Franklin Park near the center of the block

Douglas Street, on the north side, from 150' west to 173' west of the west line of Prairie Street between 6:00 a.m. and 4:00 p.m. Monday through Friday

East on the east side from the north line of Beecher to a point 20' north

East on the east side from the north line of Emerson to a point 53' north

East on the east side from 290' north of Emerson to 42' north of the south line of Kelsey

East on the east side from the south line of Emerson to a point 30' south

East on the east side from the north line of Graham to a point 20' north

East on the east side from 365' north of Kelsey to north corporate limits

East on the west side from Division to a point 38' south

East on the west side from Emerson to Beecher

East on the west side from the south line of Graham to a point 20' south

Emerson on the north side from 250' west of the west line of Fell to Franklin

Franklin on both sides from the north line of vacated Kelsey to a point 30' north

Franklin on both sides from the south line of vacated Division to a point 30' south

Franklin Avenue, on the east side from Beecher to a point 20' north

Franklin Avenue, on the west side from the Crosswalk north of Emerson to a point 20' south

Front Street, on the north side, from 31' to 68' east of the east line of East Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Front Street, on the north side, from 20' west to 107' west of the west line of East Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Front Street, on the north side, from 43' east to 80' east of the east line of Madison Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Front, on both sides from Lee to Mason. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Front Street, 300 block west, south side, on dates when vehicles for hire may legally operate as provided in Section 1002 of Chapter 40 of the Bloomington City Code, commencing at 10:00 p.m. and ending at 3:00 a.m.

Gill on the south side from turn around area west of Airport Road to Airport Road

Graham on the south side from 30' west of the west line of East to 20' east of the east line of East

Graham on the south side from the east line of Main to a point 20' east

Grove Street, on the south side, from 20' to 40' east of the east line of East Street

Grove, on the south side from Lee to Mason. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

IWU Area - See Exhibit "D"

Jackson Street, on the south side, from 20' to 120' west of the west line of Mason Street between 8:00 a.m. and 5:00 p.m., Monday through Friday

Jefferson Street, on the north side, from 51' west to 98' west of the west line of Center Street

Jefferson Street, on the south side, from 20' to 170' west of the west line of Evans Street

Jefferson Street, on the south side from 30' to 52' east of the east line of Main Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Jefferson Street, on the south side, from 45' west to 64' west of the west line of East Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Lee, on the west side, from Front to Grove in the south half of the block. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Lee Street, 500 block between Market and Mulberry, east and west side, 24 hours a day, seven days a week, except for the east side of Lee Street from Mulberry Street to a point 80 feet south between the hours of 8:00 a.m. and 6:00 p.m. which continues to have a 2 hour time limit. Vehicles displaying permits issued pursuant to Section 192.2 of this chapter are exempt from towing.

Lee on the east side from Mulberry to a point 36' south

Lee on the west side from Mulberry to a point 36' south

Lee on the west side from Mulberry to a point 36' north

Lee on the east side from Mulberry to a point 54' north

Livingston Street, on the west side, from 20' to 120' north of the north line of Walnut Street

MacArthur Street, on the north side, from 170' to 205' west of the west line of Bunn Street

Madison Street, on the west side, from 250' to 310' north of the north line of Wood Street

Madison Street, on the west side, from MacArthur Avenue to 130' south of the south line of MacArthur Avenue between 8:00 a.m. and 5:00 p.m.

Main Street, on the east side, from 20' north to 68' north of the north line of Chestnut Street

Main Street on the east side from 40' south of the south line of Graham to 42' north of the north line of Graham

Main Street, on the east, from 30' south to 68' south of the south line of West Mulberry Street extended east to the east line of Main Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Main Street on the east side, from 50' south to 98' south of the south line of Market Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Main Street on the east side, from 35' to 80' south of the south line of Union

Main Street, 500 block north, on the east side, the seven regular parking spaces north of the handicapped parking space and the two "freight loading" spaces north of those seven spaces on dates when vehicles for hire may legally operate as provided in Section 1002 of Chapter 40 of the Bloomington City Code, commencing at 10:00 p.m. and ending at 3:00 a.m.

Market Street, on the north side, from 30' to 50' east of the east line of Center Street

Market Street, on the north side, from 69' west to 92' west of the west line of East Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Market Street, on the north side, from 65' to 85' west of the west line of East Street

Mason Street, on the west side, from 75' to 155' south of the south line of Chestnut Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Mason, on both sides, from Front to Grove. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Mason, in the cul-de-sac south of Division

Monroe Street, on the north side, from 30' east to 50' east of the east line of Main Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Monroe Street, on the south side, from 75' east to 94' east of the east line of Main Street between 6:00 a.m. and 4:00 p.m., Monday through Friday.

Monroe Street, on the north side, from 30' east to 48' east of the east line of Center Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Olive Street, on the south side, from 88' to 158' west of the west line of Prairie Street

Parking Lot on southeast corner of Hinshaw at Market between 6:00 p.m. to 8:00 a.m.

Prairie Street, on the west side, from 30' to 80' north of the north line of Grove Street in the parkway

Roosevelt Street, on the west side from 100' to 200' north of the north line of Walnut Street

Roosevelt Street, on the east side, from Locust Street to a point 175' north between 2:30 p.m. and 3:30 p.m.

Roosevelt Street, on the west side from Grove to a point 110' south from 7:00 a.m. to 6:00 p.m. seven days a week. Vehicles displaying permits issued pursuant to Section 192.2 of this Chapter are exempt from towing.

Sale Barn Road - Main Street to Timberlake

State Street, on the east side, from Washington Street to a point 200' south

Truckers Lane, on both sides, Market to the north end

Valley View on both sides, from Wylie to west end

Washington on the south side from 20' to 45' east of the east line of Allin between 11:00 a.m. and 11:00 p.m.

Washington Street, on the north side, from 20' to 61' west of the west line of Madison Street, between 8:30 a.m. and 5:00 p.m.

Washington Street, on the east side, from 20' to 64' west of the west line of Mason Street, between 8:00 a.m. and Noon and 6:00 p.m. - 9:00 p.m.

Washington Street, on the south side, from 30' west to 77' west of the west line of Madison Street between 6:00 a.m. and 4:00 p.m., Monday through Friday

Washington Street, 100 block west, on the south side, on dates when vehicles for hire may legally operate as provided in Section 1002 of Chapter 40 of the Bloomington City Code, commencing at 10:00 p.m. and ending at 3:00 a.m.

Wood Street, on the south side, from 110' to 190' west of the west line of Gridley Street

Woodhill Towers as indicated in Exhibit A

(b) When necessary to accommodate special events on City streets, the City Traffic Engineer and the Chief of Police may designate certain portions of any street as a tow-away zone. Any vehicles parked on a portion of a street so designated may be towed away, with the cost of towing and storage to be paid by the owner, provided that signs designating the area as a tow-away zone are posted at least 24 hours prior to the date and time the tow-away zone designation is to take effect.

SECTION 2. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 4. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 5. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13th day of August, 2012.

APPROVED this 14th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Fazzini that the Text Amendment to Chapter 29. Motor Vehicles and Traffic, Section 192.1 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Text Amendments changing Section 150 of Chapter 29 of the Bloomington City Code: Specific to 500 Block of North Main Street (both sides) and 100 Block of West Washington Street (south side)

RECOMMENDATION/MOTION: that the Text Amendment to Chapter 29, Motor Vehicles and Traffic, Section 150, be approved and the Ordinance passed.

BACKGROUND: On June 11, 2012, the City Council approved a text amendment adding Section 1030C to Chapter 40 of the City Code, establishing Hub locations for Vehicles for Hire.

The Downtown Entertainment Task Force (DETF) recommendation report supported this action to specify hub locations in the 500 block of North Main Street, the south side of the 100 block of West Washington St., and the south side of the 300 and 400 blocks of West Front Streets as areas which should be reserved for the use of Vehicles of Hires for loading and a unloading students that are in the downtown Thursday through Saturday night each week.

The City permits Vehicles for Hires to operate on Thursday evenings, Friday evenings, and Saturday evenings (ending on the following mornings) and on “special” days that would include the Pub Crawl, Halloween, New Year’s Eve (if these days fall outside of their authorized days of the week) when college students are most likely to visit and leave Bloomington’s Downtown. Beginning at 10:00 P.M. on events when Vehicles for Hires are permitted to operate, several streets in the Downtown become crowded with Vehicles for Hires, creating both a traffic problem and a pedestrian safety problem.

On street overnight parking is generally not allowed in the downtown area except as provided in Section 150 of Chapter 29. This helps the City to provide more efficient and effective street sweeping, snow plowing and other maintenance activities. In order to allow Vehicles for Hire to use the designated blocks and still allow downtown resident’s opportunities for overnight on street parking these change are necessary.

The City staff believes this ordinance is in the best interest of the health, safety and welfare of the City’s citizens, student visitors and recommends its passage and approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Vehicle for Hire Operators, Downtown Business Association (DBA), Downtown Entertainment Task Force (DETF), Downtown Traffic Committee and City staff.

FINANCIAL IMPACT: Possible fines in the event of noncompliance.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Reviewed by:

Jim Karch
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Randy McKinley
Police Chief

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

ORDINANCE 2012 - 57**AN ORDINANCE AMENDING SECTION 150 OF CHAPTER 29 OF THE
BLOOMINGTON CITY CODE, RELATING TO SPECIFIC TOW AWAY ZONES****BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

SECTION 1: That Section 150 of Chapter 29 of the Bloomington City Code, 1960, as amended, be further amended as follows (additions are indicated by underlining; deletions are indicated by strikeouts):

Section 150: Parking Prohibited During Certain Hours on Certain Streets.

In accordance with Section 126, and when signs are erected giving notice thereof, no person shall park a vehicle between the hours specified herein on the specified days upon any of the streets or parts of streets as follows:

Alternate Side Parking -- 3:00 a.m. to 5:00 a.m.

In an area commencing in the center of Gridley at the south line of Olive Street; thence north along the center line of Gridley Street to the north line of Douglas Street; thence west along the north line of Douglas Street to the east line of East Street; thence north along the east line of East Street to the north line of Locust Street; thence west along the north line of Locust Street to the west line of U.S. 51 southbound; thence south along the west line of U.S. 51 southbound to the north line of Monroe Street; thence west along the north line of Monroe Street to the west line of Roosevelt Avenue ; thence south along the west line of Roosevelt Avenue to the north line of Grove Street; thence south along the east line of Roosevelt Avenue to the north line of Olive Street; thence east along the north line of Olive Street to the east line of Madison Street; thence east along the south line of Olive Street to the point of beginning with the following exceptions;

- (1) Jefferson Street between Prairie Street and Gridley Street. In the area described above, vehicles are allowed to park during this period on the west side and north sides of the streets on Mondays, Wednesdays, Fridays and Sundays and on the east and south sides of the streets on Tuesdays, Thursdays, Saturdays and Sundays. (Ordinance No. 1995 - 62)
- (2) Main Street between Market Street and Mulberry Street. In the area described above, vehicles are allowed to park during this period on the west side of the street on Mondays, Wednesdays, Thursdays, Fridays, Saturdays, and Sundays and on the east side of the street on Tuesdays and Sundays.
- (3) Washington Street between Center Street and Main Street. In the area described above, vehicles are allowed to park during this period on the south side of the street on Tuesdays and Sundays

7 days a week -- 3:00 a.m. - 5:00 a.m.

Center on both sides, Jefferson to Washington, (Tow Away Zone on Saturday and Sunday)
Jefferson on both sides Main to Center (Tow Away Zone on Saturday and Sunday)
Main on both sides Washington to Jefferson (Tow Away Zone on Saturday and Sunday)
Hall on the south side from Prospect to 535 feet east
Jefferson, both sides, Main to Center (Tow Away Zone, Saturday and Sunday)
Washington on the south side from Caroline to west corporate limits
Washington on both sides from Morris to ICG Railroad
(Ordinance No. 2008 - 76)

7:00 a.m. to 6:00 p.m.

Grove on the south side from McClun to Denver

5:00 p.m. to 8:00 a.m.

Mission on the north side from Gridley to 340' west (Ordinance No. 2003-47)

6:00 p.m. to 6:00 a.m.

MacArthur on the south side from Center to Main

6:00 p.m. to 8:00 p.m.

Parking Lot on southeast corner of Hinshaw at Market
(Ordinance No. 2005 - 111)

Tuesday -- 6:00 a.m. - 3:00 p.m.

Oakland Court on both sides from 250' to 300' north of the north line of Oakland
(Ordinance No. 1994 - 116)

Except 8:00 a.m. to 12:30 p.m. Sundays

Four Season on the east side from 40' to 160' north of Clobertin
Lincoln on the north side between Capen and Broadmoor
(Ordinance No. 2002 - 101)

Except 4:00 p.m. - 8:00 p.m. - Saturday; 6:00 a.m. - Noon Sunday

Locust on both sides from Western to Morris
(Ordinance No. 1997 - 4)

6:00 a.m. to 4:00 p.m.

Fillmore on the south side from Center to Main
Main on the west side from Fillmore to Graham
(Ordinance No. 1990 - 97)

10:00 p.m. to 6:00 a.m.

Atwood Wayside Parking Lot
Currency on both sides from Commerce to southwest end
Finance on both sides from Currency to south end
(Ordinance No. 2005 - 111)

24 Hour Restriction

Albert on the west side from Grove to Olive
East Street on the east side from Monroe to Market
Oakland on the south side from Seville to Regency
(Ordinance No. 1984 - 157)

SECTION 2. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 3. The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

SECTION 4. This ordinance shall be effective ten (10) days after the date of its publication.

SECTION 5. This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13th day of August, 2012.

APPROVED this 14th day of August, 2012.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Fazzini that the Text Amendment to Chapter 29. Motor Vehicles and Traffic, Section 150 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, Anderson, Fazzini, Sage and Fruin.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Selection of Rehrig Pacific Company as Vendor to provide 65-gallon and 95-gallon Black Wheeled Recycling and Garbage Carts with Blue Lids

RECOMMENDATION/MOTION: That the City Council reject all bids submitted in response to the Invitation to Bid for curbside recycling carts and lids, and that staff be directed to enter into a contract with Rehrig Pacific Company consistent with the terms and conditions outlined in this memo.

BACKGROUND: The City is preparing to initiate curbside cart recycling. The wheeled carts provide safe, clean, and efficient collection of recyclables and in greater volume than the small blue bins they replace. Residents currently are placing orders and choosing between 65-gallon and 95-gallon containers. Residents who sign up for carts before August 31st will see carts delivered during the month of November. The four trucks with mechanical arms to lift and empty the carts have arrived.

Bids for carts were opened on July 20, 2012. The following four companies submitted bids:

- Cascade Engineering, Grand Rapids, MI
- Rehrig Pacific Company, Los Angeles, CA
- Schaefer Systems International, Charlotte, NC
- Toter Inc., Statesville, NC

Per the Invitation to Bid, the City reserved the right to reject any and all bids and to waive technicalities. None of the companies met all of the criteria outlined in the bid document. The prices of Cascade Engineering and Rehrig Pacific Company were very close and competitive:

(Prices per Cart) - the following bids are prices per wheeled cart with a black base and a blue lid (Alternative 3 in the bidding documents). Freight to Bloomington, but not delivery to the household doorstep, is included. Carts are backed a 10-year warranty.

Company	65 Gallon	95 Gallon
Rehrig Pacific	\$36.57	\$42.37
Cascade Engineering	\$37.23	\$42.99
Toter Inc.	\$40.25	\$46.75
Schaefer Systems	\$43.17	\$45.91

(Delivery to Households per Cart) - staff assessed current in-house resources and calculated the costs associated with in-house delivery. It is recommended that a manufacturer be used to deliver carts to households.

Rehrig Pacific	\$4.00
Cascade Engineering	\$3.75
Toter Inc.	\$4.50-\$4.85*
Schaefer Systems	\$6.00

*Price depends on whether the City requests the logging of serial numbers by household.

(Total Price per Cart) - black with blue lids, plus home delivery.

Company	65 Gallon	95 Gallon
Rehrig Pacific	\$40.57	\$46.37
Cascade Engineering	\$40.98	\$46.75
Toter Inc.	\$44.75-\$45.10	\$51.25-51.60
Schaefer Systems	\$49.17	\$51.91

Note on Side Stickers: The bid also included the option of placing stickers on the sides of carts to denote recycling. Staff believes the sticker need not be used and should not be ordered to save money. In addition, stickers do not have the same 10 year warranty that the cart does. Municipalities typically have operational issues with stickers falling off with continued use. This creates additional time and funds expended to maintain the stickers moving forward. Choosing a black cart with a blue lid (with an in-mold recycling labeling on this lid) will achieve this goal.

Overall, staff was more pleased with the Rehrig product and the strong endorsements provided by multiple references, as explained below. As such, staff recommends that all of the bids be rejected and that staff be directed to enter into a contract (without bid) consistent with the terms and conditions outlined below.

Product Comparison

All four (4) bidders have considerable credentials. Staff sought information on product comparisons beyond anecdotal material. To our knowledge, there are no publicly available, scientifically performed product comparisons. One prominent cart tester, A. Brent Strong from Brigham Young University, said he was unaware of any published, recent studies. Cities have contracted Professor Strong's private firm for testing and comparisons, but he is prohibited by contract from sharing the results or the name of the cities. We also contacted the Illinois Municipal League and the industry group National Solid Wastes Management Association. Neither had material, and public affairs staff had no knowledge of published reports. Consumer Reports magazine's online edition did not have anything either.

One of our contacts has done comparative durability testing, albeit informal. Scott Donelon, Solid Waste Manager for Springfield, MA hurled carts off a 16-foot roof. Rehrig carts held up

well, and he found them to be stronger than Cascade carts. Please note, Mr. Donelon is a listed reference for Rehrig and not a laboratory tester. Staff was unable to perform its own comparisons because Cascade, unlike all other bidders, did not provide sample carts with its bid which was a requirement in the bid documents. Nonetheless, staff did check references/other sources for Cascade rather than only researching the low bidder Rehrig.

Rehrig Analysis: Rehrig is a family-owned company that has been in the container business since 1911. Headquartered in Los Angeles, CA, it is in its fourth generation of Rehrig management. It has seven (7) manufacturing plants in the United States, plus one (1) in Mexico, and sales offices in the United Kingdom, Brazil and Hong Kong. Its nearest plant is located in Pleasant Prairie, outside Kenosha, Wisconsin. This office prepared the company's bid. The various bidders have received honors over the years, and for Rehrig this is one that stood out: in 2006, the Kenosha plant received the distinguished SHARP designation for plant safety and health from the federal Occupational Safety and Health Administration (OSHA).

We can report that we are pleased with the Rehrig product, and background checks on Rehrig provided unequivocal endorsements for the company in all the key areas: service, responsiveness to questions/concerns, willingness to back its warranty, ease of the warranty process, cart delivery to households and, most importantly, quality of the cart itself.

- Reference 1: Mr. Donelon (see above).
- Reference 2: Jeff Wood, Solid Waste Manager for Lakeland, FL, said: "I don't know who could be any better" in all areas of product and service.
- Reference 3: Los Angeles, CA, which has used Rehrig since 1997. Los Angeles serves 750,000 single-family homes with a multi-stream system: household trash, recycling, landscape waste and, where needed, horse manure. The Los Angeles Project Manager dealing with Rehrig, Jonathan Zari, highly recommended Rehrig based on quality, service/responsiveness and honoring the warranty on its totes.
- Reference 4: Staff contacted Davenport, IA, which Rehrig listed as one of its cart customers but not among references. Davenport uses Rehrig for its 35-, 65- and 95-gallon trash carts, and a Davenport official spoke very highly of the bidder.
- Additional References: Other references giving recommendations were officials from Howard County, MD, and the combined government of Lexington-Fayette-Urban County, KY. References outside of Los Angeles included smaller cities/counties with populations more resembling Bloomington's. Staff took an extra step in finding users supplied by Rehrig -- but not provided by Rehrig as a reference. They were a city official in Fall River, MA, and officials from the private hauler PDC/Area Disposal and the firm Midwest Fiber Recycling. All passed along positive opinions of Rehrig. Eric Shangraw, Municipal Marketing Manager for PDC, said the Peoria-based company uses Zarn, Schaefer, Otto and Rehrig carts at various locations. He said truck operators prefer Rehrig. Also, Mr. Shangraw stated that some carts tend to tip over when an emptied cart is left on the curb when its lid is left open, but that Rehrig's does not. The Director of Sales and Procurement for Midwest Fiber, Todd Shumaker, said his company worked with Rehrig for a very smooth roll-out of new carts for Decatur in 2011 and they were on time, with well-coordinated delivery. Rehrig uses its own employees for delivery rather than subcontracting.

To summarize, nine customers/sources vouched for Rehrig, and three of those sources did not appear in Rehrig's bid package as suggested people to call. Staff is pleased with the Rehrig product, and background checks on Rehrig provided strong endorsements of the company. Public Works staff conducted its own inspection and concluded the product is durable, of high quality and works well with our trucks. While none of the carts met all requested specification, we would note that Rehrig met the thickness specification while other vendors did not. Thickness directly relates to durability. All the companies' carts have a tapered design, narrowing toward the bottom. Staff noted that the Rehrig cart has a wider, well-defined lip about mid-way up the cart. We noticed that our automated trucks very easily grab the carts just under the lip and the lip provides a brace to stabilize the cart while it is being lifted from the ground with our truck's mechanical arm.

Cascade Analysis: Founded in 1973, the Michigan-based company has grown six employees to more than 1,000 at 14 facilities. The company website emphasizes quality of product, but also stewardship and concerns for humanity. It notes a program to train welfare recipients, wind-turbine production for sustainable energy and an initiative to improve water quality overseas. It has a pink cart program, partial proceeds of which go to breast cancer research.

Cascade's failure to provide sample carts -- as required -- complicated the analysis process. Nevertheless, staff made inquiries using the list of users provided by Cascade in its bid. A couple references spoke highly of the company.

- Reference 1: Tim Jacobson, Public Works Superintendent for Menasha, WI. Menasha, being south of Green Bay, experiences rough winters as well as periods of extreme summer heat. Mr. Jacobson said that the carts hold up well under the conditions. He has found customer service/responsiveness to be fabulous and never has a problem getting Cascade to honor a warranty. For trash containers, Menasha gradually is replacing old Toter Inc. carts with Cascade carts.
- Reference 2: Sheila Baummer, Recycling and Solid Waste Coordinator for Naugatuck, CT, said the carts have endured two winters, one brutal. Naugatuck uses Cascade for trash and recycling. She also vouches for Cascade's service.

Two (2) communities contacted by staff had some issues.

- Champaign, IL was not listed by Cascade on its bid documents as a reference but uses the carts. Angela Adams, Recycling Coordinator for Champaign, said Cascade has provided quality service and responsiveness but that the city has had problems with the Cascade carts since getting 95-gallon recycling carts in January. Specifically, there has been a fairly common problem of lids falling off. She did not rule out a problem stemming from how they were being emptied by the city's contracted hauler. The city and Cascade also had a major misunderstanding. Ms. Adams said Cascade submitted a response to an RFP including details on an automated tracking system, called radio frequency ID tags, which enable communities and haulers to track a cart's whereabouts. Champaign assumed the ID tags were part of the proposed price and awarded a contract. Cascade said that the ID tags would cost extra. Cascade included the tag at no added cost following discussions involving the city's legal department. Cascade also failed to deliver spare parts but

delivered them after the omission was brought to its attention. She said she would not recommend Cascade to others.

- St. Louis County encountered major issues when it rolled out a cart recycling program with Cascade in 2008, according to the County's Solid Waste Program Manager John Haasis. He said that the county paid Cascade for delivery and delivery became a "fiasco" with missed stops and various other problems. He puts only partial blame on Cascade. Its subcontractor seemed to be partly at fault and St. Louis County carries partial blame for the way it set up the process of distributing 105,000 carts to households. According to Mr. Haasis, Cascade worked diligently to rectify delivery problems.

Notes on Schaefer: Staff initially sought to contract with Schaefer Systems International, Charlotte, NC, (without bid), based on Normal's good experience with Schaefer and on our staff's opinion of the Schaefer wheeled carts. Staff and the City Manager changed course and instead recommended the project be bid, as there are other companies producing quality carts. Staff used a Schaefer cart to help prepare specs for bidders. As part of its bid, Schaefer provided a sample cart showing a new design that appears to be less sturdy than the Schaefer carts the city staff initially wanted. It also was outbid by its competitors. Schaefer contacted the City after the bid opening to say it did not receive material in a bid addendum ("Addendum 2"). City records show the Purchasing Agent sent the entire Addendum 2 by electronic mail. Additionally, the bid instructs interested bidders to check the City website or contact the City Clerk's Office prior to submitting a bid for the most up to date documents related to the bid. The addendum was on the website and available in the City Clerk's Office. The company made a note on the bid referring to information that was on Addendum 2, indicating that it was aware of the addendum, but did not include it. The bid was evaluated and not immediately disqualified.

Contract with Rehrig: The term of the contract with Rehrig would be for one(1) year at the bid price with four (4) annual renewal options. Price increases are possible due to increases in the cost of materials, transportation and other factors, but the City may negotiate each renewal and seek another vendor if mutual agreement cannot be reached. Further contract extensions are possible by mutual consent.

Carts: Color selection affects per-cart price. Staff recommends black carts with blue lids. Garbage and recycling containers are not enhancements to the beauty of a property, in the opinion of the common person. They can detract. The goal, therefore, is to use a color that does not draw excessive attention to the cart, as not all households have garages for carts. Black achieves the goal of aesthetics. City staff believes the best color selection for wheeled trash carts is black carts with black lids. The recycling carts and trash carts should have an obvious difference so that the resident does not get confused when discarding material. A contrast between the two carts will prevent contamination of recyclables. A blue lid, clearly labeled for recyclables, on the recycling cart will achieve this goal. Another important factor to consider is that different lid colors enable the city collector to easily spot which cart holds garbage and which holds recycling. This prevents confusion and increases efficiency. Having black cart bodies for both recycling and trash also makes sense, as a cart can be switched from one use to the other simply by exchanging lids.

Lids: Blue is the common color associated with recyclables. Our residents have been using blue recycling bins for years. Blue, therefore, is the best choice for a lid. Green also gets associated with recycling, as in “going green.” However, staff believes that green lids can be hard to distinguish from black lids at night, when people are placing material into carts, and in the early morning, when our hauling and recycling routes begin.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:

FINANCIAL IMPACT: The FY 2013 Budget has appropriated \$950,000 in the Capital Lease Fund line item 40110110 - 72140 for the purchase of recycling totes. This would allow for the purchase of up to 20,487 carts at the price provided by the low bidder.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

Rosalee Dodson
Asst. Corporation Counsel

David A. Hales
City Manager

Mayor Stockton introduced this item. He stated that the carts would be black with a blue lid.

David Hales, City Manager, addressed the Council. He expressed his appreciation for the Public Works staff and the thorough process applied to this item. City staff recommended that all bids be rejected and staff be authorized to obtain a contract with the lowest bidder. City staff believed that this was the best product based upon cost.

Jim Karch, Public Works Director, addressed the Council. He noted the amount of material involved. He cited the staff time and research involved. Staff took this selection seriously. He presented the Council with what he called good news. Fifty-eight percent (58%) of refuse households had signed up for the new recycling carts. The goal was a sixty percent (60%) sign up rate. Recycling was the corner stone of the solid waste program. The initial order of carts would be delivered in November 2012. He added his belief that there would be a second wave of carts ordered. He noted that the carts would be black with blue lids. The lids were interchangeable. The black base provided flexibility.

Alderman Stearns questioned the status of recycling drop off sites. Mr. Karch noted that the sites located in the City were maintained by the Town of Normal. All of the remaining sites would be in Normal. There would only be eight (8) locations.

Alderman Stearns questioned the City's plan for small apartment buildings and duplexes. Mr. Karch stated that City staff was developing a plan to address same. He noted that there were a number of issues. He cited space and parking as a couple of issues. He noted that this would be a policy issue for the Council.

Mr. Hales described this issue as a work in progress. There were options and/or alternatives. This issue would appear before the Council at a future date.

Alderman Stearns expressed her opinion that less refuse in the landfill benefited all. She believed that there was a need for the drop off centers. These centers were important. The carts were too big and citizens would not recycle. Mr. Hales noted that there also was a cost to recycling. The City received a credit which is based upon the recycling market. Alderman Stearns expressed her opinion that every citizen should have the opportunity to recycle.

Mr. Karch questioned where the City wanted to go on this issue. The goal was to have more refuse directed to recycling versus the landfill.

Alderman Fazzini noted the reference checks performed by City staff. The recommended vendor was a fourth generation company. He added that this vendor also was the lowest bidder. He added his belief that the carts would be easier to maneuver than the blue bins.

Mr. Karch addressed the Town of Normal's cart selection. The new cart selected by Normal was a Schafer cart. This cart no longer met the specifications as Schafer modified the cart to reduce production costs. He added that the foot print of the carts was the same as the blue bins. Vertically, the carts were taller. He added his belief that once the recycling container was full people stop recycling.

Alderman Anderson addressed the drop off centers. He believed that the right thing to do was to continue the drop off centers regardless of cost. There were homes in the City where there was not space for the carts. He cited the Downtown as an example.

Mr. Karch noted that there was a program. The City yard had limited space available. Mr. Hales restated that nothing was off the table. He restated that roll offs were expensive. The goal was a cost efficient solid waste program. The issue of drop off centers was still be evaluated.

Alderman Anderson restated his opinion that the City should have drop off centers.

Alderman Schmidt questioned if the City would use these carts. Mr. Hales responded affirmatively.

Mr. Karch added that these carts would be put in service at the public schools, City facilities, etc. He expressed his opinion that the youth of the community would promote recycling.

Alderman Schmidt questioned if there would be recycling at the US Cellular Coliseum and the Bloomington Center for the Performing Arts. She encouraged recycling at both facilities.

Alderman McDade stated that she had heard from both sides. She acknowledged concerns regarding the carts' sizes. The size helped to control costs. There was not a perfect solution. This was a difficult decision. This change involved different equipment in an effort to address staffing and cost control.

Alderman Stearns expressed her belief that the goal was to increase the diversion rate. This item was difficult for her to support. She could not believe that there was not a plan in place to provide recycling services to all. She believed that hundreds of households would be eliminated from the City's recycling program. She noted the impact upon the City central. She restated her disappointment.

Mr. Hales restated that a final decision had not been made. He restated that the City was moving from a manual to an automated process. He cited the City's lean staffing. Staff was still working towards the goal of cost efficient recycling for all.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that Council reject all bids submitted in response to the Invitation to Bid for curbside recycling carts and lids, staff be directed to order recycling carts and lids from Rehrig Pacific Company consistent with the terms and conditions outlined in Council memorandum, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Contract Amendment to the Professional Services Agreement with Hanson Professional Services Inc. for the design of Hershey Rd. from Hamilton Rd. to 750' South

RECOMMENDATION/MOTION: That the Amendment to the contract with Hanson Professional Services Inc. for the design of Hershey Rd. from Hamilton Rd. to 750' South in the amount of \$46,382 be approved.

BACKGROUND: On February 11, 2002, Council approved an Annexation Agreement with Hershey Grove LLC regarding property on the southeast side of the City. Among the provisions of that Agreement was a requirement that the City extend Hershey Rd. to the southern perimeter of the annexed premises within ten (10) years of the making of the Agreement and apply to the Illinois Commerce Commission (ICC) for a crossing permit for the Norfolk Southern (NSRR) railroad tracks which lie across the proposed Hershey Rd. extension within two (2) years from the making of the Agreement. For various reasons, including manpower and budget issues, the City was not able to comply with that portion of the Agreement. On August 22, 2011, Council approved an amendment to the 2002 agreement, which grants the City an extension of the time frame for application for a crossing permit by the City to the Illinois Commerce Commission so that Hershey Rd. can cross the railroad tracks, with a commitment to file a crossing petition by September 1, 2012, and construct Hershey Rd. across the tracks no later than two (2) years after the date of the receipt of an order from the Commerce Commission allowing the crossing. This contract with Hanson endeavors to fulfill the amended agreement's requirement to complete the project design and file a crossing petition with the ICC by September 1, 2012. The design contract with Hanson includes surveying, planning, and engineering design for the proposed road extension across the railroad to the southern limits of the Hershey Grove property. The project is on schedule to meet this deadline.

The first phase of the design involved evaluating the proposed railroad crossings in the southeastern portion of the City for crossing types (at-grade, over, or under), locations, and traffic impacts. This analysis recommended an at-grade crossing of the NSRR at Hershey Rd. and extending Hershey Rd. to Morrissey Dr. near the Unit 5 George Evans Junior High School. This project will extend the road 750' south of its current terminus at Hamilton Rd. The design project will begin to fulfill the City's obligations toward Hershey Rd. under the amended Hershey Grove annexation agreement and further the traffic study's recommendation of extending the road to Morrissey Dr. in the future.

During initial design review with the ICC and Norfolk Southern Railroad, it became clear that the ICC will require the City to install a traffic signal at the Hershey and Hamilton intersection with an interconnect to the future railroad safety gates. The interconnected signal is necessary because of the proximity of the tracks to the intersection and the anticipated traffic volumes and required vehicle storage. The traffic signal interconnect allows the traffic signal controller to clear the railroad crossing when an oncoming train is registered by the railroad safety gate equipment. Hanson has prepared a supplemental agreement to add the design and permitting of the traffic signals and railroad interconnect to the current design contract. In addition, the supplemental contract includes the design of a bike trail extension from the Little Kickapoo Bridge to Hershey Rd. and a sidewalk along the east side of Hershey Rd. from Hamilton Rd. to Ireland Grove Rd. These extensions will connect the Brookridge and surrounding neighborhoods, including Rollingbrook and Ireland Grove, to the trail sections by State Farm. The sidewalk along Hamilton Rd. east of Hershey has seen heavy use since its installation this spring. This section will extend the trail/sidewalk along Hamilton Rd. to connect to the trail at State Farm to form a completed walking/biking route for area residents commuting to State Farm's south complex. The trail and sidewalks will be designed as part of this project and will be constructed if the project budget allows.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:Snyder Development.

FINANCIAL IMPACT: The professional engineering design services contract with Hanson Professional Services needs to be increased \$46,382 to a total not to exceed cost of \$294,758. Payment shall be made within Motor Fuel Tax Fund 20300300 - 72530. The \$46,382 is available within the current MFT account. In addition to a future budget amendment, a supplemental MFT Resolution to appropriate \$46,382 in MFT funds must be adopted by Council.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Financial review by:

Jim Karch, PE, CFM
Director of Public Works

Barbara J. Adkins
Deputy City Manager

Patti-Lynn Silva
Director of Finance

Reviewed as to legal sufficiency:

Recommended by:

J. Todd Greenburg
Corporation Counsel

David A. Hales
City Manager

(RESOLUTION 2012 – 28 ON FILE IN CLERK’S OFFICE)

Mayor Stockton introduced this item. It addressed the design of Hershey Rd. He noted the amount involved, \$46,382.

David Hales, City Manager, addressed the Council. This item did not involve a large sum compared to the cost to complete this work. The next step after road design was filing before the ICC (Illinois Commerce Commission). The City hoped to gain support for an at grade crossing. This amendment also involved an extension of Constitution Trail and sidewalk.

Jim Karch, Public Works Director, addressed the Council. He presented the information on the ICC process. He cited the August 2011 Development Agreement with Hershey Grove, LLC. The plan was for a September 1, 2012 ICC submittal. The railroad would have thirty to forty-five (30 – 45) days to respond. The ICC would try to reach an agreement between the parties. Signal work was needed upfront. There would not be a lot of traffic. The City had already started the conversation with the railroad. This situation was similar to the White Oak and Martin Luther King intersection. The design of the sidewalk and Constitution Trail was added for pedestrian use. The Trail would connect to State Farm South.

Alderman Sage noted that the only reason the City had undertaken this project was due to a 2002 Annexation Agreement. He anticipated that development in this area of the City would happen slowly. The City had a legal obligation.

Mr. Karch noted that the City entered into a Development Agreement with Hershey Grove, LLC in August 2011. This agreement provided realistic timeframes. An ICC petition has a one to two (1 – 2) year time line. A judge will issue an order. The City must build the road within two (2) years.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Amendment to the contract with Hanson Professional Services Inc. for the design of Hershey Rd. from Hamilton Rd. to 750' South be approved, in the amount of \$46,382, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

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

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

Nays: None.

Motion carried.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, addressed the Council. He reminded them that the next Citizen Voice meeting would be held on Wednesday, September 26, 2012 at the Miller Park Pavilion from 6:00 until 7:30 p.m.

He added that the Council Retreat would be held on Friday and Saturday, November 9 – 10, 2012 from 8:00 a.m. until 5:00 p.m. and from 8:00 a.m. until 3:00 p.m. respectfully.

He also addressed a traffic control issue related to the Locust St. Combined Sewer Overflow Elimination and Water Main Replacement Project. The plan was to reinstall the traffic control devices on Country Club Pl. He noted the public input process.

Jim Karch, Public Works Director, addressed the Council. He noted the goal of transparency for all citizens. The City had policies, practices and processes. There was a comprehensive review. Citizens on E. Washington St. had requested that these devices be removed. The devices would be retained. Citizens along Country Club Pl. had requested the devices. Motorist used Country Club Pl. to avoid the traffic signal and the school speed zone. Washington St. was an east/west arterial road. Country Club Pl. was a local street.

Mayor Stockton questioned City policy for particular street requests. Mr. Karch noted that a vote was taken by those directly impacted. There was criteria.

MAYOR'S DISCUSSION: Mayor Stockton addressed the Liquor Commission's August 14, 2012 meeting agenda. It would be a long meeting. He noted that Gatz's Jazz Café would appear before the Commission. He was unsure what the applicant was offering in the way of conditions. He also planned to introduce new liquor license classifications –

“E”, Entertainment and “Q”, Qualified. The Commission would have a preliminary discussion. He provided the Council with a handout regarding same.

Alderman Schmidt questioned if this information had been shared with the Downtown Bar Association. Mayor Stockton responded negatively. He planned to put the information on the City’s web site. The Commission would start a discussion tomorrow.

Alderman Fazzini questioned if a jazz club would qualify as an “E” liquor license. Mayor Stockton believed that these two (2) classifications might be helpful.

Alderman McDade addressed Downtown liquor licenses. She noted that the Commission also planned to address Laugh Comedy Club located at 108 E. Market St. She hoped that the Commission would head in this direction. Liquor licenses needed to be approved without conditions. She noted that there were three (3) Downtown liquor issues on the Commission’s agenda. She did not want a repeat scenario. Council had voted on the Gatz’s Jazz Café on July 9, 2012.

Mayor Stockton noted that the applicant had the right to apply. Council can decide to reapply different parameters.

Alderman Fruin expressed his belief that if an application was denied then the applicant could not reapply. Mayor Stockton noted that there was nothing in City ordinance. He had agreed to waive the City’s application fee. Alderman Fruin questioned what was different. He also questioned if there were establishments with pending violations. Mayor Stockton noted the economic recovering. The Commission was seeing additional agenda items. He added that Main St. Bar & Grill located at 517 N. Main had been scheduled for a separate violation hearing on September 25, 2012.

Alderman Fruin noted the length of the Commission’s meetings. He suggested that some items be fast tracked. He cited allowing liquor service at Davis Lodge as an example. These requests should not have to appear on the Commission’s or the Council’s meeting agendas.

Mayor Stockton informed the Council that the Commission had discussed treating the Davis Lodge and Miller Park Pavilion like the City’s golf courses. The Commission had drafted a white paper on these facilities.

Alderman Fruin addressed electric aggregation. He noted that the Council had recently been polled regarding this issue. He believed that the Town of Normal might place this issue on the November ballot as a referendum. He acknowledged that the Council may not be ready to reconsider this issue at this time. The ballot deadline was August 20, 2012. The Council should view this as an opportunity and take additional time. City staff could contact other cities and hear from the public. Council action could be delayed for six (6) months. The estimated annual savings per household was \$216.

ALDERMEN'S DISCUSSION: Alderman Fazzini addressed electrical aggregation. He noted the miscommunication and lack of clarity. He was not sure if there was a Council majority on this issue. The Council could hold a special meeting in order to allow the citizens to vote again.

Mayor Stockton noted the process to call a Special Meeting which required a Council majority. In addition, the City must comply with the Open Meetings Act's notice requirements. He noted the August 20, 2012 deadline.

Alderman McDade wanted the Council to be clear. She had received an email in which she agreed to discuss this issue publicly. She noted the Pantagraph article which addressed Normal's intention. The City could provide a forum. She had been contacted by citizens. In the interest of clarity, this issue was addressed on the March 20, 2012 ballot. The City could develop a process for citizens to express their opinions/feedback. The City needed to track this issue and develop a reasonable path. The citizens informed the Council of their decision in the spring.

Alderman Anderson expressed his preference for a referendum to be placed on the November election as there would be a large number of voters.

Alderman Fruin requested an informal poll of the Council. If there were a limited number of Council members who were interested, then there would be no reason to pursue this issue at this time. He acknowledged the recent vote. He was unsure if the people understood this issue. However, the Council might be setting a bad precedent.

Mayor Stockton noted that if the Council placed a referendum on the ballot then it cannot be in support or opposition to. This was included in state law.

Alderman Stearns noted that the public had spoken and she respected the vote.

David Hales, City Manager, addressed the Council. He recommended that the City gather data until January 2013. Information could be posted to the City's web site regarding Municipal Aggregation. In addition, information could be gathered from other cities which adopted same. The City could track electrical rates before and after Municipal Aggregation for the various cities involved and AmerenIP. The City would gather factual information.

Alderman Stearns restated her position regarding flags which were appropriate for display at City Hall. She cited the United States, State of Illinois and City flags. The Council had heard from the citizens. The Council needed to make its position known.

Alderman Schmidt noted that there were eighteen (18) vacancies on various City Boards and Commissions. She questioned the Mayor's plan to fill same. Mayor Stockton expressed his concern regarding the Planning Commission. The City needed to change the make up of this Commission or find candidates who resided in the appropriate section of

the City. He added that there were a couple of boards that might be consolidated and/or eliminated.

Alderman McDade presented the Council with a gift from the Mayor and Council of Asahikawa, Japan. She noted the recent 50th Anniversary visit. The group visited City Hall and participated in various activities in the Downtown. A closing dinner was held in Uptown Normal. The Mayor and Council of Asahikawa also presented two (2) gifts to the City which would be displayed at City Hall.

Alderman Fruin addressed the Budget in Brief document. He compared it to a financial report from 2006. He noted the turnover in Council members and City department heads during the past six (6) years. David Hales, City Manager, added that the Budget in Brief was a quick overview. It had been prepared by Tim Ervin, Performance Auditor/Budget Manager and Alex McElroy, Asst. to the City Manager.

Alderman Fazzini addressed visits made by Council members to other Central Illinois cities' council meetings. The goal was to bring something back to the City. He added that the City also shared ideas with these cities. He believed the City's Budget in Brief would be an example of this sharing. He cited a recent visit to the City of Peoria. The City was awaiting the determination from the Illinois Attorney General's Office regarding if this visit was an Open Meetings Act violation or not. He hoped to continue these visits after hearing from the Attorney General's Office.

Motion by Alderman Anderson, seconded by Alderman McDade, that the meeting be adjourned. Time: 8:42 p.m.

Motion carried.

Tracey Covert
City Clerk