

**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 7:00 p.m., Monday, March 25, 2013.

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, Jamie Mathy, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.

**Alderman absent:** David Sage.

City Manager David Hales, City Clerk Tracey Covert, and Asst. Corporate Counsel George Boyle were also present.

**Staff absent:** Todd Greenburg, Corporation Counsel.

The following was presented:

**Oath of Office for Police Patrol Officers:** Ryne Donovan and Trenton Hovland.

Mayor Stockton introduced Clay Wheeler, Interim Police Chief. There were two (2) individuals who would be taking their oath as Police Patrol Officers this evening.

Clay Wheeler, Interim Police Chief, addressed the Council. He introduced Ryne Donovan and Trenton Hovland, Police Patrol Officers. Ryne Donovan was a Central Illinois native. He held a Bachelor's degree from Eastern Illinois University. Trenton Hovland held a Bachelor's degree from South Dakota State University. His background was in accounting.

Tracey Covert, City Clerk, administered the Oath.

Officer Hovland addressed the Council. He was pleased with his experience at the City. There was a good group of people to work with. Officer Donovan appreciated the opportunity to serve the City. He looked forward to his career with the City.

Mayor Stockton welcomed the new officers to the City. He hoped both would have long careers with the City. Citizens put their trust in the City's public safety employees. He wished them the best.

**The following was presented:**

**SUBJECT:** Council Proceedings of March 11, 2013 and Executive Session Minutes of February 25, 2013

**RECOMMENDATION/MOTION:** That the reading of the minutes of the previous Council Proceedings of March 11, 2013 and the Executive Session Minutes of February 25, 2013 be dispensed with and the minutes approved as printed.

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

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

**BACKGROUND:** The Council Proceedings of March 11, 2013 and the Executive Session Minutes of February 25, 2013 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: Tracey Covert, City Clerk

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the reading of the minutes of the previous Council Proceedings of March 11, 2013 and the Executive Session Minutes of February 25, 2013 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, Mathy, Fazzini, Fruin and Purcell.**

**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.

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

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

**BACKGROUND:** The list of bills and payrolls will be posted on the City's website on Thursday, March 21, 2013 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: Tracey Covert, City Clerk

Financial & budgetary review by: Patti-Lynn Silva, Director of Finance

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Fazzini, seconded by Alderman Fruin 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, Mathy, Fazzini, Fruin and Purcell.

**Nays:** None.

**Motion carried.**

**The following was presented:**

**SUBJECT:** Approval of Resolution to Purchase 28,201 Square Feet of Land from the Illinois Department of Transportation (IDOT) along Veterans Pkwy. at Hamilton Rd. in the amount of \$56,400

**RECOMMENDATION/MOTION:** That the Resolution be adopted.

**STRATEGIC PLAN LINK:** Goal 2. Upgrade City Infrastructure and Facilities and Goal 5. Great Place – Livable, Sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 2.a. Better quality roads and sidewalks and Objective 5.a. Well planned City with necessary services and infrastructure. The requested action is a continuance of commitments the City made in 2003 in order to expand and improve Hamilton Rd.

**BACKGROUND:** In 2003, the City needed to acquire 16,422.12 sq. ft. of property located at 240 Greenwood Ave. for the Hamilton Rd. improvement project. The property was owned by Marti Rave. As part of the transaction, Mr. Rave suggested exchanging land which the City had acquired from IDOT for the then existing Greenwood Ave. right of way lying to the west of Mr. Rave's property. The City agreed to transfer the "Greenwood Ave." property to Mr. Rave, subject to a public utility easement for the City.

Several months ago, Mr. Rave informed the City that he desired for the City to transfer the surplus Greenwood Ave. property to him. The City discovered that, under the original terms of the conveyance of the Greenwood Ave. property from IDOT to the City, the City needed to obtain the approval of IDOT in order to convey the property to a third party. At the City's request, IDOT has appraised the parcel at \$56,400, which the City must pay to IDOT in order to have authority to eventually deed the property to Mr. Rave.

The City staff has prepared a Resolution of intent to purchase the property from IDOT, and to pay to IDOT the amount of \$56,400. It is the opinion of the City's Corporation Counsel that the City is contractually obligated to take the recommended actions.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Marti Rave.

**FINANCIAL IMPACT:** The FY 2013 Motor Fuel Tax (MFT) Budget did not appropriate funds to purchase 28,201 sq. ft. of land from IDOT along Veterans Pkwy. at Hamilton Rd. in the

amount of \$56,400. As indicated, staff recommends the City purchase the property in the amount of \$56,400 from line item 20300300-72510. MFT Fund has sufficient funds to pay for this unbudgeted expenditure. The Finance Department will prepare and present a comprehensive budget amendment to Council at a later date to incorporate this purchase into the FY 2013 Budget. As of April 30, 2012, the fund balance within the MFT Fund is \$4,525,708. Stakeholders may locate information in regards to the MFT Fund in the FY 2013 Capital, Enterprise, and Other Fund Budget Document on page #10.

Respectfully submitted for Council consideration.

Prepared by & reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Financial & budgetary review by: Timothy L. Ervin, Budget Officer

Recommended by:

David A. Hales  
City Manager

#### **RESOLUTION NO 2013 - 04**

### **A RESOLUTION TO PURCHASE CERTAIN RIGHT OF WAY FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Bloomington has previously acquired from the State of Illinois certain property described in the body of this Resolution; and

WHEREAS, the City of Bloomington, on September 22, 2003, entered into an agreement to acquire property from a private party, Marti Rave, which was used to expand and improve Hamilton Road in the City of Bloomington; and

WHEREAS, the September 22, 2003 Agreement included a provision to request the Illinois Department of Transportation (IDOT) to transfer title to certain existing Greenwood Avenue right of way to the City; and

WHEREAS, IDOT has performed an appraisal of such property and has indicated in writing to the City that the Greenwood Avenue right of way is valued at \$56,400.00; and

WHEREAS, the September 22, 2003 Agreement was in the best interests of the citizens of the City of Bloomington by expanding and improving Hamilton Road in the City of Bloomington;

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON**

Section One: That the staff of the City of Bloomington is authorized to take all necessary steps to acquire the consent of the Illinois Department of Transportation to convey the following real estate to Marti Rave or such person or persons designated by Marti Rave:

Parcel 1:

A part of Old Route 66 situated adjacent to and northwesterly of Lot 2 in Townley and O'Neal's Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, as recorded in Book 12 at Page 336 in the McLean County Recorder's Office, more particularly described as follows:

Commencing at the northeast corner of said Lot 2, thence South 36 degrees 32 minutes 03 seconds West, 101.70 feet along the northwesterly line of said Lot 2 to a found iron pin, being the Point of Beginning; thence continuing South 36 degrees 32 minutes 03 seconds West, 163.45 feet along said northwesterly line to a found iron pin; thence South 41 degrees 57 minutes 53 seconds West, 178.45 feet along said northwesterly line to a found iron pin on the northerly line of Hamilton Road; thence North 64 degrees 01 minute 35 seconds West, 59.86 feet along the northwesterly extension of the northerly line of Hamilton Road to a found iron pin on the southeasterly line of a parcel of land dedicated for a portion of S.B.I. Route 4, Section 16 right of way according to the Right of Way Plat recorded August 9, 1922, in Book 352 at Page 110 in said Recorder's Office; thence North 41 degrees 02 minutes 47 seconds East, 196.99 feet along the southeasterly line of said Dedication to a found iron pin; thence North 39 degrees 01 minute 51 seconds East, 200.00 feet along said southeasterly line to a found iron pin; thence North 35 degrees 27 minutes 34 seconds East, 25.88 feet along said southeasterly line to a found iron pin; thence South 00 degrees 04 minutes 57 seconds East, 87.20 feet to the Point of Beginning, containing 22,028 square feet, more or less. No PIN Assigned

situated in the County of McLean in the State of Illinois.

Parcel 2:

A part of Old Route 66 situated adjacent to and northwesterly of Lot 2 in Townley and O'Neal's Subdivision of parts of Lots 41, 42 and 43 in the Subdivision of Section 17, Township 23 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, as recorded in Book 12 at Page 336 in the McLean County Recorder's Office, more particularly described as follows: Commencing at the Northeast Corner of said Lot 2, thence south 36 degrees 32 minutes 03 seconds west, 265.15 feet along the Northwesterly Line of said Lot 2 to a found iron pin; thence south 41 degrees 57 minutes 53 seconds west, 178.45 feet along said Northwesterly Line to a found iron pin on the Northerly Line of Hamilton Road; thence north 64 degrees 01 minute 35 seconds west, 59.86 feet along the Northwesterly Extension of the Northerly Line of Hamilton Road to a found iron

pin on the Southeasterly Line of a Parcel of Land dedicated for a portion of S.B.I. Route 4, Section 16 Right-of-Way according to the Right-of-Way Plat recorded August 9, 1922, in Book 352 at Page 110 in said Recorder's Office, being the Point of Beginning; thence north 41 degrees 02 minutes 47 seconds east, 196.99 feet along the Southeasterly Line of said Dedication to a found iron pin; thence north 39 degrees 01 minutes 51 seconds east, 200.00 feet along said Southeasterly Line to a found iron pin; thence north 35 degrees 21 minutes 40 seconds east, 299.68 feet along said Southeasterly Line to a found iron pin on the Northernmost Corner of said Dedication; thence south 38 degrees 51 minutes 15 seconds west, 79.75 feet along the Northwesterly Line of said Dedication to a found iron pin on the Southeasterly Right-of-Way Line of F.A. Route 5, Section 16R; thence south 35 degrees 43 minutes 09 seconds west, 80.91 feet along said Southeasterly Right-of-Way Line; thence south 39 degrees 20 minutes 09 seconds west, 526.51 feet along said Southeasterly Right-of-Way Line to a found iron pin on the Northwesterly Line of said Dedication for S.B.I. Route 4; thence south 38 degrees 51 minutes 15 seconds west, 160.89 feet along said Northwesterly Line to a found iron pin on the Southernmost Corner of said Dedication; thence north 42 degrees 39 minutes 37 seconds east, 152.28 feet along the Southeasterly Line of said Dedication to the Point of Beginning, containing 8,477 square feet, more or less; Except that portion lying southwest of the Northerly Line of Hamilton Road extended westerly to the Southeasterly Right-of-Way Line of F.A. Route 5, Sec 16R; And also except that portion lying northeast of the West Line of Greenwood Avenue extended north to the Southeasterly Right-of-Way Line of F.A. Route 5, Sec 16R, McLean County, Illinois. No PIN Assigned

situated in the County of McLean in the State of Illinois.

Section Two:

That the staff of the City of Bloomington is authorized to pay to the Treasurer, State of Illinois the amount of \$56,400.00 (fifty-six thousand, four hundred dollars) for the above described real estate.

ADOPTED this 25<sup>th</sup> day of March, 2013.

APPROVED this 26<sup>th</sup> day of March, 2013.

APPROVED:

Steven F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Resolution be adopted.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Ratification of Contract with Lodge 1000 for the period of May 1, 2012 until April 30, 2014

**RECOMMENDATION/MOTION:** That the Contract be ratified.

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

**STRATEGIC PLAN SIGNIFICANCE:** Objective: d. City services delivered in the most cost effective, efficient manner; and e. Partnering with others for the most cost effective service delivery.

**BACKGROUND:** On May 23, 2012, the parties began negotiating the terms for a collective bargaining agreement to replace the Agreement that expired on April 30, 2012. The Human Resources Department has a business practice of placing collective bargaining agreements and addendum on the City's web site. On February 28, 2013 the parties reached Tentative Agreements on the issues listed below. On March 13, 2013 Lodge 1000 ratified the Tentative Agreements.

#### Grievance Process

- Reduced grievance process from three steps to two steps.
- Increased time frame to ten (10) business days.

#### Hours of Work

- Standardized hours for all Lodge 1000 employees excluding Water Plant Operators and late shift Water Meter Service employee, (7:00 a.m. to 3:30 p.m.)
- Agreed to Crewleader pay if more than one person is called out and accountability of same.

#### Promotions and Job Vacancies

- Limited bids for positions during a six (6) month period.



- Deleted prohibition on probationary employees being considered for Lodge 1000 posted vacancies.
- Increased qualification period from forty-five (45) calendar days to ninety (90) calendar days.

#### Sick Leave

- Eliminated Sick Leave Buy Back and monthly RHS contributions for employees hired after March 25, 2013.

#### Wages

- May 1, 2011 wage table will be increased by 2% on May 1, 2012 (with retro) and 2% on May 1, 2013.
- Reduced May 1, 2011 wage table by 5% for employees hired after March 25, 2013. New table to be increased by 2% on May 1, 2013.
- \$500 signing bonus paid upon ratification of the Agreement.
- Agreed to increase shift differentials for the third shift from \$.25 to \$.35 per hour and increase first shift differentials from \$.30 to \$.40 per hour.
- Eliminated employees shopping for uniforms and safety shoes on City time.

#### Licenses and Certifications

- Incorporated current agreement to pay employees in Laboratory Technician, Water Plant Operator and Water Plant Operator/Relief positions who have a Colilert certification for required positions an additional \$.20 per hour. This requirement will be included in the job description as a requirement.

#### CDL positions

- Documentation of current positions that require a CDL license.

#### Managed Competition

- Updated language in Section 1.4 Non-Bargaining Unit Employees and Section 10.3 Consolidation or Elimination of Jobs to work in conjunction with the new Managed Competition Language.
- Pre-bargained impact and effects of Managed Competition.

#### Term of Agreement

- Agreed to a two (2) year term of Agreement expiring on April 30, 2014.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Council and Lodge 1000.

**FINANCIAL IMPACT:** The financial impact of the Tentative Agreements includes:

- Gained efficiencies on hours of work and grievance procedures.
- Eliminated Sick Leave Buy Back and RHS benefits for employees hired after March 25, 2013.
- Reduction in overall wage table by 5% for employees hired after March 25, 2013.

- Increase in wage tables for existing employees by 2% effective May 1, 2012 (with retro) and 2% effective May 1, 2013.
- Increase in shift differential costs by \$584 dollars.
- \$500 signing bonus for bargaining unit employees.

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Human Resources Specialist

Reviewed by: Emily Bell, Director of Human Resources

Reviewed by: Jim Karch, Director of Public Works

Reviewed by: Craig Cummings, Director of Water

Financial & budgetary review by: Timothy Ervin, Budget Officer

Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Contract be ratified.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Ratification of Contract with Police Benevolent Labor Committee, (Sergeants and Lieutenants), for the period of May 1, 2011 until April 30, 2014

**RECOMMENDATION/MOTION:** That the Contract be ratified.

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

**STRATEGIC PLAN SIGNIFICANCE:** Objective: d. City services delivered in the most cost effective, efficient manner and e. Partnering with others for the most cost effective service delivery.

**BACKGROUND:** On August 14, 2012, the parties began negotiating the terms for a collective bargaining agreement to replace the Agreement that expired on April 30, 2011. The Human Resources Department has a business practice of placing collective bargaining agreements and addendum on the City’s web site. On March 4, 2013, the parties reached a Tentative Agreement. On March 7, 2013, the Union ratified the Tentative Agreement.

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 or who have retired since May 1, 2011. No other sections of this Agreement shall be applied retroactively.

Emergency Leave

- Agreed to eliminate Emergency Leave benefit. Officers on emergency leave shall utilize accrued paid time off (except sick leave) in order to remain in a paid status during the period of such Emergency Leave.

Health Insurance

- 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.

Promotional Process

- Agreed to allow all Sergeants to take the Promotional Exam, but they must have eighteen (18) months service as a Sergeant to be eligible to be promoted.
- Agreed to changes in educational points.
- Agreed to update language on Command Preference Points. Changed the deviation the Chief may assign from two (2) to three (3).
- Agreed to increase the timeframe for Sergeants to notice the City they would like to sit for the Lieutenants exam from 140 days to 135 days from the test date.
- Agreed to allow Sergeants scheduled to work to take the exam on duty. Sergeants not on duty would not be eligible for overtime.
- Agreed to allow the Union two (2) monitors for the exam.

Transfer of Firearm

- Agreed to provide service weapon and one (1) ammunition clip on last day of actual work for Sworn Officers retiring in good standing or leaving on disability with a minimum of twenty (20) years of uninterrupted service with the Bloomington Police Department.

#### Compensatory Time Off

- 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 forty (40) compensatory time hours may be placed in the officer's comp time bank per calendar year from overtime worked on hire-bank for non-City entities, (i.e. Wehrenberg Theater; Wal-Mart; Bloomington High School).

#### Hire Back Work

- 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.

#### Managed Competition

- Agreed to the following language:

“The City agrees that it will not replace officers or allow officers other than bargaining unit members to perform traditional core police functions such as patrol and investigations as has historically been performed by bargaining unit members, 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 bargaining unit members, including volunteers, where such assignment of work does not result in the layoff or replacement of any full-time bargaining unit member(s) in violation of Section 14.1 Union Security: grant writing, fleet maintenance or other activities which historically have not been performed by bargaining unit members.”

#### Term of Agreement

- Agreed to a three (3) year term of Agreement expiring on April 30, 2014.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Council and Police Benevolent Labor Committee, (Sergeants and Lieutenants).

#### **FINANCIAL IMPACT:**

- Reduced the amount of paid leave time by eliminating Emergency Leave.
- Reduced the cost of the City Health Insurance costs.
- Limited the amount of Compensatory Time an Officer can use.
- Agreed to an outside employment rate that can be increased as the bargaining unit receives increases.
- Increased wage tables for employees by 2% effective May 1, 2011 (with retro), 1% effective November 1, 2011 (with retro), 1.5% effective May 1, 2012 (with retro),

1.5% effective November 1, 2012 (with retro), 1.5% effective May 1, 2013 and 1.5% effective, November 1, 2013.

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Human Resources Specialist

Reviewed by: Emily Bell, Director of Human Resources

Reviewed by: Clay Wheeler, Interim Police Chief

Reviewed by: Robert Wall, Asst. Police Chief

Financial & budgetary review by: Timothy L. Ervin, Budget Officer

Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Contract be ratified.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Professional Services Contract for the Bloomington Center for Performing Arts

**RECOMMENDATION/MOTION:** That the contract from GFour in the amount of \$34,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 4 - Grow the Local Economy; Goal 5 - Great Place – Livable, Sustainable City; and Goal 6 - Prosperous Downtown Bloomington.

**STRATEGIC PLAN SIGNIFIGANCE:** Objective 4.e. - Strong working relationship among the City, businesses, economic development organizations; Objective 5.d. – Appropriate leisure and recreational opportunities responding to the needs of residents; and Objective 6.c. – Downtown becoming a community and regional destination.

**BACKGROUND:** Staff respectfully requests approval of a contract to engage persons and/or groups represented by: GFour Production, Inc. to perform entertainment services in the Bloomington Center for the Performing Arts, (BCPA). Contract expenses for the contract will be \$34,000. The contract price covers the artist fees for the performance coming to the BCPA in April 2013. For proprietary and competitive advantage reasons we do not mention the acts by name in the staff back up report. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the BCPA.

**FINANCIAL IMPACT:** The FY 2013 Budget appropriates funds in object 21101100-70220 within the BCPA budget to offset fees incurred to perform entertainment services in the BCPA. These fees will be offset through future revenue generated from revenue such as ticket sales, grants, playbills, concessions, adverting, and sponsorships generated as part of each performance. Additionally, these revenues will offset additional artist expenses which may arise in regards to travel, meals, and/or lodging. Stakeholders may locate this purchase in the FY 2013 Capital, Enterprise, and Other Fund Budget Document on page #49.

Respectfully submitted for Council consideration.

Prepared by: Joel Aalberts, Performing Arts Manager

Reviewed by: John R. Kennedy, Director of Parks, Rec and Cultural Arts

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy L. Ervin, Budget Officer

Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the contract from GFour in the amount of \$34,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Text Amendment to Chapter 44. Zoning, for Additional Zoning Definitions and Table Modifications for “Distribution Centers” and “Transfer Stations”

**RECOMMENDATION/MOTION:** That the Text Amendment to Chapter 44. Zoning, Definitions and Table Modifications, be approved and the Ordinance passed.

**STRATEGIC PLAN LINK:** Updating the City’s zoning ordinance provides for continuity with the 2015 Strategic Plan Goals of Grow the Local Economy and Great Place – Livable, Sustainable City.

**STRATEGIC PLAN SIGNIFICANCE:** The proposed changes will provide prospective developers better guidance to the City’s plan for business and economic growth and well as sustaining, providing, and protecting business development.

**BACKGROUND:** In the fall 2012, the Wirtz Company approached the City with a proposal for development of a distribution center in a commercial area of west Bloomington. This development proposal reiterated a short coming in the City’s zoning code related to defining “distribution centers”. While staff was confident where such an operation could and should be located and were using the term “transfer services” to justify zoning requirements, staff also believed better definitions were warranted. Ultimately, the owner of the property opted to rezone the property to remove the doubt of whether the previous zoning was appropriate. However, the question of properly defining uses remained.

In November 2012, staff started conversation with the Planning Commission concerning proper definition of uses related to “transfer centers”, “transfer stations”, and “distribution centers”. This conversation lead to a staff initiated Petition for a Zoning Text Amendment.

The first formal proposal from staff came to the Commission on January 9, 2013. After a lengthy discussion over the vagueness of the proposed definition for “distribution center”, the

Commission tabled the matter to allow its members the opportunity to draft proposals that might better serve the City's needs.

The Planning Commission reconvened on February 27, 2013 to reconsider the definitions. Presented were three (3) additional definitions; two (2) by Commission members and one (1) additional staff proposal. After thoroughly discussing the issue a definition was crafted that satisfied all of those on the Commission. This is the definition presented as part of the Petition.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** Besides the required public notices, notification of the proposed changes to the zoning ordinance were mailed to local developers and design professionals.

**FINANCIAL IMPACT:** There is no immediate financial impact to the City. However, the potential long term impact of this text amendment may impact the location a business may choose to build and location has the potential to positively impact the City's economic environment.

Respectfully submitted for Council consideration,

Prepared by: Mark R. Huber, Director, PACE Department

Financial & budgetary review by: Timothy L. Ervin, Budget Officer

Legal review by: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager



**PETITION FOR ZONING TEXT AMENDMENT**

State of Illinois )  
 ) ss.  
County of McLean )

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS

Now comes the City of Bloomington, McLean County, Illinois, a municipal corporation hereinafter referred to as you petitioner respectfully representing and requesting as follows:

1. That the text of Chapter 44, Sections 44.3 - 2, Definitions, and Section 44.6 - 30, Table of Authorized Principal Uses in Each Zoning District, of the Bloomington City Code, 1960 no longer contribute to the public welfare for the following reason:
  - a. Current terms in the zoning ordinance are obsolete, vague, or not suitable for determining use of property or assignment to a zoning classification; and
  - b. The terms “distribution centers” and “transfer station” are not defined or included as permitted uses in Chapter 44.
2. That your petitioner hereby requests that said Sections be amended as hereinafter proposed in Exhibit A.
3. That the approval of said amendments will substantially reflect the philosophy and intent of Chapter 44 of the Bloomington City Code, 1960; and
4. That the approval of said amendments will offer benefits to the general public in excess of the hardships, limitations or restrictions imposed upon any definitive faction of the City of Bloomington, McLean County, Illinois that is affected by the proposed text of said Sections.

WHEREFORE, your petitioner respectfully requests that this petition to amend Chapter 44, Section 44.3 - 2 and 44.6 - 30 of the Bloomington City Code, 1960 as stated herein be approved in the public interest.

Respectfully submitted,

By: Mark Huber  
Director - PACE

**EXHIBT A**

That the Bloomington City Code, 1960, as amended, be further amended by amending Chapter 44, Sections 44.6 - 30 and appendix C: (additions are indicated by underlining; deletions are indicated by strikeouts):

**Distribution Centers** – A building where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**Transfer Station** - A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal.

“Distribution Centers” is to be added to the tables and marked with a “P” in the S - 5, B - 1, B - 2, M - 1, M - 2, and W - 1 districts

“Transfer Stations” is to be added to the tables and marked with a “P” in the M - 2 District.

“Transfer Services” shall be removed from the tables.

**ORDINANCE 2013 - 15**

**AN ORDINANCE AMENDING CHAPTER 44 OF THE BLOOMINGTON CITY CODE**

BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF BLOOMINGTON, ILLINOIS:

**SECTION 1.** That the Bloomington City Code, 1960, as amended, be further amended by adding the following definitions, alphabetically to Section 44.3 - 2: (additions are indicated by underlining; deletions are indicated by strikeouts):

**Distribution Centers** – A building where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**Transfer Station** - A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g., households, businesses, industries) and the site(s) of ultimate processing or disposal.

**SECTION 2.** That the Bloomington City Code, 1960, as amended, be further amended by amending Chapter 44, Sections 44.6 - 30 and appendix C: (additions are indicated by underlining; deletions are indicated by strikeouts):

“Distribution Centers” is to be added to the tables and marked with a “P” in the S - 5, B - 1, B - 2, M - 1, M - 2, and W - 1 districts

“Transfer Stations” is to be added to the tables and marked with a “P” in the M -2 District.

“Transfer Services” shall be removed from the tables.

**SECTION 3.** Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

**SECTION 4.** The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

**SECTION 5.** This ordinance shall be effective ten (10) days after the date of its publication.

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

PASSED this 25<sup>th</sup> day of March, 2013.

APPROVED this 26<sup>th</sup> day of March, 2013.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Lake Bloomington Lease Transfer Petition for Lots 23 and 25, Block 3 of Camp Kickapoo from Arthur Kuchan to Joel and Constance Bankes

**RECOMMENDATION/MOTION:** That the Lake Lease be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 1: Value for your tax dollars and fees.

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

**BACKGROUND:** Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lots 23 and 25, Block 3 of Camp Kickapoo from Arthur Kuchan to Joel and Constance Bankes. The sewage disposal system inspection was completed in late January 2013 and the septic system was functioning properly at that time. The age of the sewage disposal system is twenty-three (23) years. The McLean County Health Department estimates sewage disposal systems have an average life span of approximately twenty to twenty-five (20-25) years. However, this can be

affected greatly by usage patterns of the premises, (seasonal versus full time occupancy), and system maintenance.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** There were no Community Groups contacted for this petition as it is a routine matter.

**FINANCIAL IMPACT:** This petition will have a positive financial impact since the current lease calculate the lease fee based upon a lower factor, (\$0.15 per \$100 of Equalized Assessed Value/EAV), in the calculation of the annual Lake Lease Fee. The new agreement will increase the factor from \$0.15 to \$0.40 within the calculation of the lake lease formula (\$0.40 per \$100 of EAV). This calculation will generate approximately \$570 per year in lease income. This lease income is accounted for within the Water Fund Lake Maintenance function and is deposited into the revenue account 50100140-57590.

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Reviewed by: Barbara J. Adkins, Deputy City Manager

Financial & budgetary review by: Timothy L. Ervin, Budget Officer

Recommended by:

David A. Hales  
City Manager

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

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

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

**Nays: None.**

**Motion carried.**

**The following was presented:**

**SUBJECT:** Petition by Tara and Jeffrey Henry, requesting approval of Rezoning from R - 1A, Single-Family Residence District to R - 1A, Single-Family Residence District, with an S - 4 Historic Preservation District overlay for the property located at 1316 E. Washington

**RECOMMENDATION/MOTION:** That the Council approve the Rezoning Petition and the Ordinance passed.

**STRATEGIC PLAN LINK:** Goal 3. Strong Neighborhoods, Objective b. Upgraded quality of older housing stock. Goal 4. Grow the local economy, Objective d. Retention and growth of current local businesses. Goal 5. Great place – livable, sustainable city, Objective b. City decisions consistent with plans and policies.

**STRATEGIC PLAN SIGNIFICANCE:** The approval of the rezoning will encourage the preservation and upgrading over the years of the older house as well as that of nearby houses. According to the *City of Bloomington Historic Preservation Plan, 2004 Edition*, Historic preservation work done on the older homes not only has a greater impact, (than new construction), on local labor demand but on local suppliers as well. Dollar for dollar, historic preservation is one of the highest job-generating economic development options available.

**BACKGROUND:** This petitioner is seeking approval of the S - 4 rezoning to preserve the cultural and historic character of the site as well as becoming eligible for partial funding of improvements through the Eugene D. Funk grants.

The Historic Preservation Commission reviewed the rezoning request on February 21, 2013. The meeting was only attended by the petitioner. No one from the public addressed this petition.

The Planning Commission reviewed the petition on February 27, 2013. The meeting was only attended by the petitioner. No one from the public addressed this petition.

The property is identified as a historically significant site in the City's Historic Preservation Plan and is also on the National Register of Historic Places. The house was built in 1900 for businessman Lyman Graham and was designed by Arthur L. Pillsbury. The house is located in an area that the City's Historic Preservation Plan identifies as, "Potential Sites For Recognition As Historical Resources". The plan states, "As Bloomington grew, the "better" neighborhoods moved eastward. This area developed during the early to mid-twentieth century for large estate sized properties. Many of the homes were designed by local architects for the families of locally successful business and community leaders. The neighborhood is well maintained with a variety of architectural styles."

Thus the site and area has early significance to Bloomington and the nation because of Adlai E. Stevenson II and other prominent citizens who lived in the area and with the architects being local, homes may have had a significant local character or flavor into its design. Adlai E. Stevenson II was the grandson of the Vice President of the United States and he continued the family tradition of public service. He was a popular Governor of Illinois and served as the United States Ambassador to the United Nations.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The notice for the rezoning was published as required by the State of Illinois, followed by "notice" signs placed on the property, and approximately fifty (50) pieces of direct mail to property owners within 500' of the site.

**FINANCIAL IMPACT:** With future improvements to the property, this rezoning has the potential to generate additional property taxes within future years as the value of the property increases with improvements financed through potential grants and out of pocket by the petitioners.

Respectfully submitted for Council consideration.

Prepared by: Mark Woolard, City Planner

Reviewed by: Mark Huber, Director of PACE

Financial & budgetary review by: Timothy L. Ervin, Budget Officer

Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel

Recommended by:

David A. Hales  
City Manager

**PETITION FOR ZONING MAP AMENDMENT**

State of Illinois )  
 ) ss.  
County of McLean )

TO: THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, MC LEAN COUNTY, ILLINOIS

Now comes Tara and Jeffrey Henry, hereinafter referred to as your petitioners, respectfully representing and requesting as follows:

1. That your petitioners are the owners of the freehold or lesser estate therein of the premises hereinafter legally described in Exhibit A, which is attached hereto and made a part hereof by this reference, or are a mortgagee or vendee in possession, assignee of rents, receiver, executor (executrix), trustee, lessee or other person, firm or corporation or the duly authorized agents of any of the above persons having proprietary interest in said premises;
2. That said premises legally described in Exhibit "A" presently has a zoning classification of R – 1A, Single Family Residence District under the provisions of Chapter 44 of the Bloomington City Code, 1960;

3. That the present zoning on said premises is inappropriate due to error in original zoning, technological changes altering the impact or effect of the existing land uses, or the area in question having changed such that said present zoning is no longer contributing to the public welfare;
4. That your petitioners hereby request that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended to reclassify said premises into the R – 1A with an S – 4, Historic Preservation District overlay, zoning district classification;
5. That said requested zoning classification is more compatible with existing uses and/or zoning of adjacent property than the present zoning of said premises; and
6. That said requested zoning classification is more suitable for said premises and the benefits realized by the general public in approving this petition will exceed the hardships imposed on your petitioners by the present zoning of said premises.

WHEREFORE, your petitioners respectfully pray that the Official Zoning Map of the City of Bloomington, McLean County, Illinois be amended by changing the zoning classification of the above-described premises from R - 1A to an R – 1A with an S – 4 overlay.

Respectfully submitted,

By: Tara and Jeffrey Henry



**ORDINANCE NO. 2013 - 16**

**AN ORDINANCE REZONING 1316 E. WASHINGTON STREET  
FROM R – 1A, SINGLE FAMILY RESIDENCE DISTRICT TO R – 1A WITH AN S – 4,  
HISTORIC PRESERVATION DISTRICT OVERLAY**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for rezoning of certain premises hereinafter described in Exhibit “A”; and

WHEREAS, the Bloomington Planning Commission, after proper notice was given, conducted a public hearing on said Petition; and

WHEREAS, the City Council of said City has the power to pass this Ordinance and rezone said premises.

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

1. That the premises hereinafter described in Exhibit “A” shall be and the same are hereby rezoned from R – 1A, Single Family Residence District to an R – 1A with an S – 4, Historic Preservation District overlay.
2. The Official Zoning Map of said City shall be amended to reflect this change in zoning classification.
3. This Ordinance shall take effect immediately upon passage and approval.

PASSED this 25<sup>th</sup> day of March, 2013.

APPROVED this 26<sup>th</sup> day of March, 2013.

APPROVED:

Stephen F. Stockton  
Mayor

ATTEST:

Tracey Covert  
City Clerk

**EXHIBIT A**

## Legal Description

100 feet off the east side of Outlot 2 of Jesse W. Fell's Addition to Outlots in the City of Bloomington, in McLean County, Illinois.

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the Rezoning 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, Mathy, Fazzini, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

SUBJECT: Public Hearing on the Fiscal Year (FY) 2014 Recommended Budget

**RECOMMENDATION/MOTION:** Not applicable.

**STRATEGIC PLAN LINK:** The whole Strategic Plan is unequivocally linked to the annual City Budget.

**STRATEGIC PLAN SIGNIFICANCE:** The budget is a financial plan which stipulates the approach the City will undertake to achieve the strategic plan in accordance with the aspirations of Council.

**BACKGROUND:** The City is required by state statute to adopt an annual appropriation Ordinance by May 1, 2013. The recommended budget was distributed to Council in two (2) budget books at the Monday, February 11, 2013 Council meeting. The first notebook represents the City's General Fund, while the second book presents each Non-General Fund(s) in addition to the proposed Capital Improvement Fund.

The Council held a public forum on February 27, 2013 at the Bloomington Center for the Performing Arts (BCPA) to solicit opinions from City-wide stakeholders in regards to the proposed FY 2014 recommended budget. Additionally, the City held a Council Work Session on Saturday, March 2, 2013 to provide the governing board the opportunity to discuss the budget. The public hearing scheduled tonight is an occasion required by state statute and required to be conducted prior to the adoption of the FY 2014 Budget. The adoption of the proposed FY 2014 budget is set to occur on the Monday, April 8, 2013 Council meeting.

Subsequent to the public forum and Council Work Session, Council directed staff to integrate into the Capital Improvement Fund \$60,000 for the *design work* for Lutz Road. This design will widen the road approximately two feet (2') on each lane and provide a new overlay and limited improvements to drain and ditch infrastructure. The \$60,000 will have a net zero impact on the FY 2014 Capital Improvement Fund. The net zero impact derives from an equivalent reduction in expenditures related to the Route 66 Bike Trail enhancement which are expected to occur in FY 2015 rather than FY 2014.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** The public hearing has been advertised in the Pantagraph.

**FINANCIAL IMPACT:** The proposed FY 2014 Budget expenditures for thirty-five (35) City funds are \$169.4 million, while budgeted revenue is \$163.3 million. The \$6.1 million difference will be offset by fund balance and net assets in the appropriate funds within the City's fund structure.

Respectfully submitted for Council consideration.

Prepared by and financial & budgetary review by: Timothy L Ervin, Budget Officer

Reviewed by: Barbara J. Adkins, Deputy City Manager

Recommended by:

David A. Hales  
City Manager

**Mayor Stockton introduced this item. He opened the Public Hearing on the proposed Fiscal Year (FY) 2014 Budget. He planned to allow each speaker three and a half (3½) minutes to address the Council. He requested that each speaker sign in before addressing the Council.**

**Meredith and Thomas Lovelass, 3205 Wisteria Ln., addressed the Council. They stated the need for a traffic signal at Auto Row Dr. and G.E. Rd. They noted the number of properties that they were associated with in this area. The traffic volume impacted the businesses. There were additional business opportunities in the area as there were vacant lots. Mr. Lovelass cited the area around Brad Barker Honda, located at 1602 G.E. Rd, as an example. He noted the lack of access to an easy exit. He cited the speed of the traffic at Veterans Pkwy. and G.E. Rd. There had been a number of traffic accidents which Brad Barker Honda had provided aid/assistance. Traffic backed up trying to exit the various businesses. Motorist were forced to turn right. Tenants had been lost. There had been leasing issues due to this situation. He believed that this traffic signal would pay for itself. In addition to the traffic signal, there would be turn lanes.**

**Ron Schultz, 1208 E. Oakland Ave., addressed the Council. He addressed priorities. He cited the taxpayers/voters. He noted that the proposed budget contain fourteen to fifteen (14 – 15) new positions. He supported additional positions for police and fire. The other positions were unnecessary. The Water Department needed a good civil engineer. He cited pensions. New personnel would add to the City’s pension obligations. The Council should fund the pensions with the City’s Reserve Fund. He addressed infrastructure. City roads were in terrible condition. Additional dollars were needed. The Water Department was headed in the right direction with the alternative water supply. He also cited the ongoing sewer study. City sidewalks were also in need of attention. Outsourcing should be evaluated for every City department located within the City Hall.**

**Mr. Schultz noted the City’s use of consultants and the money spent. This practice needed to be evaluated. He believed that the state would place school pensions as the responsibility of local schools. The City needed to cut back on expenses.**

**Lane Hanson, 116 S. Devonshire Dr., addressed the Council. The Council needed to look at priorities. The pensions needed to be funded and streets needed to be repaired. He cited additional parks and quality of life issues. The City Code needed to be adjusted. The City needed to look beyond the lowest bidder. The City should also request guarantees. The recommendation was to use surplus dollars to pay for the park. He believed that there were other areas where the City was behind.**

**Alton Franklin, 508 Patterson, addressed the Council. He acknowledged the comments which had already been made. He cited the City’s surplus funds. There needed to be an intimate look at the City’s finances. He cited the City’s outstanding pension obligations, \$130 million. The estimate was \$60 million to repair the City’s streets. The Council had not established priorities. Nothing was being done. He cited change orders. He addressed budget highlights. The City’s budget was \$160 million but the City spent \$183 million. The City was on a bad road.**

**Mr. Franklin believed that the City had substantial infrastructure issues. He cited sewer and water. He noted the cost for Eagle View Park, \$600,000 and an approved halfway house, \$75,000. He admired what has been done. The Council needed to go beyond the talk and set priorities.**

**Carl Woodward, 3009 Thornwood, addressed the Council. He was a small business owner. The Council needed to be responsible. He cited the City’s pension obligations, \$130 million. He restated that the Council needed to be responsible. He cited the cost for pensions, infrastructure, and health care. He noted the losses, (millions per year) at the Bloomington Center for the Performing Arts and US Cellular Coliseum. He questioned if the City had a plan. The Council needed to listen to David Hales, City Manager.**

**Mr. Woodward believed that the Council as a group had been irresponsible. The City had the cash which was due to the pensions. He added that the City had health care obligations. The City had been following the state’s legal minimum payments into the pension funds. The City could not afford additional employees. He restated that the**

**Council was being irresponsible. The City needed to reduce expenses. The Council needed financial discipline.**

**Bruce Meeks, 1402 Wright St., addressed the Council. He had attended the Budget Work Session which had been held on Saturday, March 2, 2013. He noted the citizens' low level interest. He had contacted City staff via email regarding video streaming this Work Session. Video streaming was not used for this meeting. There needed to be more open access. The City needed to hire a communications person. In addition, there needed to be additional Information Technology positions to implement MUNIS. He viewed the placement of the budget on the City's web site as a positive.**

**Mr. Meeks cited a demolition project on Prairie St., (see page 244). The City needed to take care of its responsibilities. This was City owned property which was not in compliance with the City Code.**

**He requested that the City publish a record of unspent allocated funds. The budget process needed to be expanded. Citizens were not participating and/or involved in the process. Growth was key to new jobs.**

**Mayor Stockton closed the Public Hearing. He noted that there was some disappointment with the proposed budget. The Council did listen. He believed that there would be disagreement with Council actions. The Council had to make tough decisions. The Council attempted to look into the future and set priorities. The Council would vote on the FY 2014 Budget Ordinance at their April 8, 2013 meeting. He welcomed additional comments on the budget and encouraged those present to contact an alderman.**

**The following was presented:**

**SUBJECT:** Renewal of Towing Bid 10,000 GVW and Under to Joe's Towing & Recovery

**RECOMMENDATION/MOTION:** That the City exercises the fourth (4<sup>th</sup>) Annual Renewal Option to the Towing Bid 10,000 GVW and Under to Joe's Towing & Recovery for the period of one (1) year commencing May 1, 2013 and ending April 30, 2014.

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

**STRATEGIC PLAN SIGNIFICANCE:** In order to be responsive to citizen needs, adequate resources must be provided to employees to fulfill the goal of providing quality basic services. This provides value to the citizen and allows services to be delivered in a cost effective manner.

**BACKGROUND:** A bid was let on March 5, 2009 for light duty towing. Two (2) bids were received on March 19, 2009. Brown's Towing submitted a "No Bid" the other was from Joe's Towing & Recovery. The specification was for towing, winching, and other miscellaneous services for City owned cars trucks and light equipment 10,000 GVW and under. The specification included Police ordered tows and/or relocation and storage of vehicles. The vendor

must provide services as needed twenty-four (24) hours a day, 365 days per each awarded year. Joe's Towing was awarded the bid on April 13, 2009. The bid term was for one (1) year which began on May 1, 2009 with annual renewals until April 30, 2014. This is the final renewal that can be exercised in regards to the original bid issued in 2009.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** City staff organized a meeting with tow vendors on April 9, 2009. Tow vendors expressed interest in the City setting up and maintaining two (2) rotational towing lists used by City staff. One (1) list would cover City owned vehicles and equipment and one (1) list would cover Police ordered tows. The attendees suggested the annual referral fee be dropped and vehicles towed would be stored and disposed of at each individual vendor's lot. This would create increased workloads for City staff, lost revenue, more difficult tracking of vehicles, and increased confusion for owner's picking up their vehicles. City staff recommended the tow vendors come together and put forth a proposal to meet the bid requirements. A letter was mailed in November 12, 2009 to invite the following tow vendors to participate in a meeting to discuss the City's towing contract with contact information for any questions they might have: Accurate Towing, Baird Towing, Brown's Towing, Joe's Towing, Redneck Towing, S&S Towing, Ralph's Southtown Towing, Wink's Towing, Absolute Towing, Lloyd's Towing, and Walden Towing. The meeting was held on November 17, 2009. Joe's Towing and Southtown Towing were the only vendors which attended the meeting. These two (2) attendees offered no recommended changes to the tow bid. Both meetings were attended by City staff consisting of Public Works, Finance, and Police Department. No meeting was scheduled for this year as no one expressed any interest in a change to the tow bid at this time. City staff will solicit proposals for Towing Services prior to the current contract expiration date.

**FINANCIAL IMPACT:** The term for the renewal is for one (1) year which begins on May 1, 2013 and ends on April 30, 2014. The contract specifications require no charge to the City for specific tow services which include:

**Description of ServiceAmount**

Towing of City owned cars and equipment under 10,000 GVW	No Charge to the City
Towing of other cars and equipment	No Charge to the City
Tire changes	No Charge to the City
Abandoned and impounded vehicle storage charge to the City	No Charge to the City
Storage of City owned vehicles	No Charge to the City
Power Starting or Jump Starting of City owned vehicles	No Charge to the City

Additionally, the bid included specific services the vendor would provide to the City and designates set amounts the City would be charged for these services. Lists of these tow services provided by the vendor which requires City reimbursement includes:

**Description of ServiceAmount**

Winching	\$50.00
Outside City mileage rate	\$2.00/mile
Transport/tow vehicles to and from the BPD Range per round trip	\$50.00
Vehicles for training purposes (one time fee per vehicle)	\$0.00

As a condition of the tow bid, Joe's Towing is required to pay the City an annual referral fee for the receipt of tow referrals from the Police Department. This tow referral includes tows from accident scenes and Police Department arrests which require the vehicle to be towed. This revenue is accounted for in line item 10010010-57990 and the vendor will issue a payment to the City upon the issuance of a Purchase Order by the City.

Respectfully submitted for Council consideration.

Prepared by: Jim Karch, Director of Public Works  
Reviewed by: Barbara J. Adkins, Deputy City Manager  
Financial & budgetary review by: Timothy L. Ervin, Budget Officer  
Reviewed as to legal sufficiency: J. Todd Greenburg, Corporation Counsel  
Recommended by:

David A. Hales  
City Manager

**Mayor Stockton introduced this item.**

**David Hales, City Manager, addressed the Council. He cited the information which had been provided to the Council. In 2009, a bid for Towing Vehicles 10,000 GVW and Under was issued. There appeared to be a lot of interest. This was the last renewal option. The City would have the opportunity to solicit interest and bids. The bid process was labor intensive. A process would be developed by the City's administrative staff. City staff would solicit the Council's direction prior to bidding.**

**Alderman Stearns expressed her appreciation for Mr. Hales' comments. She was responding to individuals who had been towed.**

**Clay Wheeler, Interim Police Chief, addressed the Council. Some items were retrievable. This was governed by state law. He added that Bruce Pedigo, Joe's Towing, was present.**

**Alderman Stearns addressed storage fees. Vehicle owners did not understand same. She believed that there should be a provision that no storage fees would be charged if a vehicle was retrieved in eight (8) hours. She restated that as a start no fee should be charged if a vehicle was retrieved within eight (8) hours.**

**Mr. Hales did not believe that this was the time/place to renegotiate the bid's provisions. He acknowledged that there had been complaints. The fees charged were**

competitive. City staff would take a comprehensive look prior to issuing a bid. There was a regulatory process. High fees were not popular.

Alderman Schmidt expressed her support for Alderman Stearns' request. She also cited eight (8) hours. The City's name was attached to towing. She had learned a lot about towing.

Mayor Stockton noted that there were some concerns regarding costs for storage fees. He questioned what happened if the tow was found to be invalid. Interim Chief Wheeler stated that if found innocent, the towing charges were reimbursed.

Mayor Stockton acknowledged that this was not the place to negotiate. This renewal would be for an additional year. The City Manager and Interim Police Chief would look into this issue. The Council needed to address the renewal now.

Alderman Stearns was troubled by the concept. She noted the individual guilt versus honest mistakes. Towing was a business which provided a service. If a car is towed, the service needed to be paid for. She questioned why the City was paid by Joe's Towing. There was too much here. She restated her discomfort with this item. She requested that this item be laid over. The City did not act like the Town of Normal. Town staff investigated what worked for the Town. She restated that she did not understand the fee. Towing fees should be fair.

Alderman Fruin did not believe that this was the right time/place to negotiate. He added that there were other issues. Better solutions could be included in the City's next contract.

Alderman McDade questioned options and the City staff time involved.

Mr. Hales responded at least eight (8) hours. He added that a Work Session was needed. He reminded them that the bid expired on April 30, 2013. There was not enough time to rebid.

Mayor Stockton believed that Mr. Hales had made note of the Council's concerns.

Alderman Stearns expressed her willingness to support this item if Joe's Towing's owner was willing to discuss the storage fee, (i.e. no fee if a vehicle is retrieved within eight (8) hours). People believed that they had been treated unfairly.

Mayor Stockton noted that the owner may mitigate services.

Alderman Purcell questioned the towing fee if the storage fee was removed.

Bruce Pedigo, Joe's Towing owner/operator, 2233 Springfield Rd., addressed the Council. The bid had been submitted three (3) years ago. The franchise fee was included in the cost of the tow. The City retained vehicles which were not picked up.



Approximately 336 vehicles were sold per year. The impound fee was charged when vehicles were towed to the garage. He provided a breakdown of the various fees. If an individual has broken the law, then the vehicle was impounded, (\$80 plus \$4 per mile, \$35 impound fee, \$40 storage). He stated his willingness to work with the Police Department. He added that if the Police Department had made mistake, no fees were charged.

Alderman Purcell stated that the fee would be \$164. Mr. Pedigo responded affirmatively. He added his willingness to meet with the Council.

Mayor Stockton questioned the impound fee. Mr. Pedigo noted that it was applied to vehicles which are placed in the yard. Private property tows were different. He added that the City had a post tow hearing process.

George Boyle, Asst. Corporation Counsel, addressed the Council. He noted that the Council had not suspended the rules. This item involved a contract/purchase order.

Mayor Stockton viewed Joe's Towing as an extension of the Police Department.

Mr. Pedigo informed the Council that Joe's Towing had the ability to alter rates.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the City exercises the fourth (4<sup>th</sup>) Annual Renewal Option to the Towing Bid 10,000 GVW and Under to Joe's Towing & Recovery for the period of one (1) year commencing May 1, 2013 and ending April 30, 2014.

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

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

Nays: Alderman Stearns.

Motion carried.

**CITY MANAGER'S DISCUSSION: None.**

**MAYOR'S DISCUSSION:** Mayor Stockton informed the Council that a Public Hearing regarding a server training ordinance was scheduled for Tuesday, March 26, 2013 at 5:00 p.m. at the Bloomington Center for the Performing Arts. All of the City's liquor license holders had been notified. It appeared that the Town of Normal was waiting for the City to take action. Sample ordinances, (from other communities and the City), have been posted/provided.

**ALDERMEN'S DISCUSSION:** Alderman Fruin questioned preliminary discussions regarding the City providing financial support for the air traffic control tower at the Central Illinois Regional Airport (CIRA). The tower needed to remain open. He cited the price of safety. The City needed to provide assistance to fund this critical service.

Mayor Stockton stated that there was no specific proposal. The FAA (Federal Aviation Administration) had denied CIRA's appeal. CIRA was the largest airport affected. He cited safety concerns. The tower could not be shut down. The City would work with other governmental units. CIRA would seek reimbursement. There was no solid proposal. He cited CIRA's efforts to bring in Frontier Airlines. He believed that there would be more information later in the week.

Alderman Fazzini cited the need to educate the public. The tower was manned by contract employees. CIRA was spending fewer FAA dollars. He added that Peoria's tower remained open.

Mayor Stockton acknowledged that the FAA was closing the most efficient operation.

Alderman Fazzini had attended One Voice with Mayor Stockton, Alderman McDade and David Hales, City Manager. He had also attended the National League of Cities Conference. The conference preceded One Voice. The sessions were beneficial. He cited the economic benefit by welcoming veterans. He noted the various speakers. Many were national government leaders. Vice President Joe Biden made a presentation regarding gun control. Rev. Al Sharpton addressed the diversity breakfast. He had met people from other communities and learned from same.

Alderman McDade cited the Mayor's notes from One Voice which had been provided to the Council. One Voice was a Bloomington Normal Economic Development Council (BN EDC) program. BN EDC was a public/private partnership. BN EDC was sixty percent (60%) privately funded. It advocated economic development within BN.

She also addressed the airport issue. Various entities would work together to provide quality safe air service.

Alderman McDade thanked Mr. Hales and City staff for their efforts to answer the Council's complicated questions.

Finally, she thanked the Public Works crews for their efforts due to the snow storm.

Alderman Stearns noted her efforts to analyze the proposed FY 2014 Budget. Comments had been received. She believed that complicated questions had been put on the back table. She was not ready to issue her stance on the budget. She addressed the Tax Levy for the past three (3) years. Funding for the Police and Fire Pension funds had decreased. She had also reviewed Fitch's and Standard and Poors' opinions. They had cited pension funding, debt and the City bond rating.

Motion by Alderman McDade, seconded by Alderman Schmidt, that the meeting be adjourned. Time: 8:20 p.m.

Motion carried.

March 25, 2013

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**Tracey Covert  
City Clerk**

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