

# Council Questions/Comments and Staff Responses Report for January 13, 2014

*as of January 12, 2014 at 1:35 pm*

## CONSENT AGENDA

**Alderman:** Rob Fazzini

**Item 7E:** Waive the Formal Bid Process and Purchase Services of Starnet Technologies, Inc. for an Urgent Upgrade of the Supervisory Control and data Acquisition (SCADA) System which Controls clarifiers

**Question/Comment:** What is the specific justification for waiving the bid process?

**Staff Response:** Per the Council memo the specific items for waiving the bid process and selecting Starnet Technologies, Inc. ("Starnet") are as follows:

1. Starnet is the system integrator that helped design and build the SCADA system the City currently utilizes, thus they are intimately familiar with the City SCADA system and need no time to familiarize themselves with the system.
2. The City utilizes Bristol-Babcock control devices which are obsolete. Starnet is familiar with Bristol equipment and even maintains a small inventory of Bristol devices.

Lastly, Starnet is a small business with low overhead and thus their pricing is very competitive.

**Alderman:** Rob Fazzini

**Item 7F:** Resolution Authorizing the Execution of a Joint Agreement with the Town of Normal and the Ecology Action Center for an Energy Efficiency Program

**Question/Comment:** My memory was that the cost of implementation of marketing for the Electric Aggregation was covered by the fee level to the customers. Why wasn't this energy efficiency program cost included in the fee to the customers?

**Staff Response:** The Energy Efficiency Program cost is included in Electric Aggregation Program, when Council approved the Aggregation of Electrical Load and Plan of Operation and Governance for the City's Electrical Aggregation Program that also included the approval of 1/10 of a cent per kilowatt hour to each customer on May 13, 2013. The projected revenue from the (civic contribution was to be used to offset the cost of implementing the program, which includes the energy efficiency program that is required in the Governance Plan.

**Alderman:** Kevin Lower

**Item 7F:** Resolution Authorizing the Execution of a Joint Agreement with the Town of Normal and the Ecology Action Center for an Energy Efficiency Program

**Questions/Comment:**

1. It was my understanding that the one tenth of one cent tax imposed upon electric utility aggregation participants in the City of Bloomington was only intended to administer the electric utility aggregation program. Why are we now imposing a "civic contribution" to fund the Ecology Action Center?
  - a. **Staff Response:** The Energy Efficiency Program cost is included in the Electric Aggregation Program, when Council approved the Aggregation of Electric Load and the Plan of Operation and Governance for the City's Electrical Aggregation Program that also included the approval of one-tenth (1/10) of a cent per kilowatt hour to each customer on May 13, 2013. The projected revenue from the (civic contribution) was to be used to offset the cost of implementing the program, which includes the energy efficiency program that is required in the Governance Plan.
2. Why are we now imposing a "civic contribution" to fund the Ecology Action Center? Who has oversight of and develops the requirements for the Ecology Action? By funding this not for profit entity are we allowing them to speak for the City of Bloomington by proxy?
  - a. **Staff Response:** The "civic contribution" as approved by City Council on May 13, 2013 is to be used to offset the cost of implementing the Electric Aggregation Program, which

# Council Questions/Comments and Staff Responses Report for January 13, 2014

*as of January 12, 2014 at 1:35 pm*

includes the Energy Efficiency Program. Staff is requesting approval to approve the Ecology Action Center to develop an Energy Efficiency Program in conjunction with the City of Bloomington and Town of Normal. Staff will be involved in the development of the program throughout the contract.

**Alderwoman:** Karen Schmidt

**Item 7I:** Application of OSF St Joseph Medical Center Foundation for a Limited Alcoholic Liquor License, Class LA, which would allow the selling and serving of all types of alcohol by the glass for consumption on the premises for a fund raiser to be held on February 21, 2014

**Question/Comment:** It has been proposed in the past that the Liquor Commissioner/Liquor Commission be given the authority to approve these without further delay, assuming that the applicant meets the standards set forth by our code and standards. Can we streamline this so that applicants are not left waiting for Council approval? I do not remember an instance where these requests were challenged by Council; I see this as being more responsive to citizens, and honoring the authority of the Liquor Commission for routine requests.

**Staff Response:** City Code presently requires that this kind of license application go before Council in order to be created. It is possible to amend the Code to allow the Liquor Commission to create this class of license.

**Alderwoman:** Karen Schmidt

**Item 7J:** Suspension of Ordinances to Allow consumption of Alcohol at Lake Bloomington Davis Lodge on May 3, 2014.

**Question/Comment:** It has been proposed in the past that the Liquor commissioner/Liquor Commission be given the authority to approve these without further delay, assuming that the applicant meets the standards set forth by our code and standards. Can we streamline this so that applicants are not left waiting for Council approval? I don't remember an instance where these requests were challenged by Council; I see this as being more responsive to citizens, and honoring the authority of the Liquor commission for routine requests.

**Staff Response:** It is possible to amend City Code to provide for a process and standards by which persons could apply for permission to have alcohol at such venues as the Davis Lodge and Miller Park. At present, City Code does not have the process or the standards in it to allow this to occur without suspension of the Ordinances.

**Alderman:** Rob Fazzini

**Item 7L:** Text Amendment to Chapter 6. Alcoholic Beverages, Section 7A Classification and 7B License Fees

**Question/Comment:** Was the administrative error a one-time thing, or is there a systemic problem? What has been done to prevent future errors like this?

**Staff Response:** The administrative error is hopefully a onetime occurrence. Following discovery of the problem, staff from the Legal and City Clerk Departments met to discuss what happened and ways to prevent it from happening in the future.

## **REGULAR AGENDA**

**Alderwoman:** Karen Schmidt

**Item 8B:** Professional Engineering Services Agreement with Hanson Professional Services, Inc. for Design and Preparation of Emergency Action Plan for Lake Bloomington and Lake Evergreen and other services

**Question/Comment:** The memo notes 3 finalists that are interviewed, but later lists 4 companies that are finalists. Can we have an idea of the range of proposed costs from these 3 or 4 finalists for the work that Hanson is recommended to handle?

# Council Questions/Comments and Staff Responses Report for January 13, 2014

*as of January 12, 2014 at 1:35 pm*

**Staff Response:** The 4 finalists that were interviewed are noted on the attached sheet in the Council memo. The mention of 3 finalists in the body of the memo was simply a typo; it should have read that there were 4 finalists. Concerning the range of proposed costs, in the Qualification Based Selection (“QBS”) process, a firm is selected based upon its qualifications and the cost of the project is negotiated after the final selection is made. Therefore, firms that may have been selected for interviews have not submitted cost proposals. If a firm on the interview list is selected, the cost of the project and many times refinements in the scope of the project are negotiated at that time.

**Alderman:** Kevin Lower

**Item 8B:** Professional Engineering Services Agreement with Hanson Professional Services, Inc. for Design and Preparation of Emergency Action Plans for Lake Bloomington and Lake Evergreen and other services

**Questions/Comment:**

1. With the assumption that this is just an update to prior emergency plans for these facilities are we updating for new requirements? If so, what new requirements? What has changed over time to require such a large investment in new studies and new plans? What has changed in terms of terrain or property as it relates to the flood plan or elevation? Has FEMA created additional requirements?
  - a. **Staff Response:** The assumption that this is an update to an existing Emergency Action Plan (“EAP”) is correct. The City has an EAP that is over 20 years old and is in need of revisions. To be explicitly clear, the City is not currently in violation of any standards or requirements for the operations of the 3 dams noted in the Council memo. However, it has been requested of the City, as well as all the other dam owners in the State of Illinois to specifically look at their EAP’s to make sure they are current and incorporate a few items of interest to the Illinois Department of Natural Resources-Office of Water Resources (IDNR-OWR), the state agency regulating dam activities. These activities include emergency draw-down capabilities and underwater inspections if warranted. In this scope of work, the emergency draw-down procedures will be revisited for the dams and underwater inspection may be a result or recommendation from the scope of work proposed.
  - b. The items that have changed over time are many in number and scope. First and foremost, the EAP contains a “dam breach” analysis which basically outlines the wave of water that would be released under the scenario of a dam failure or breach. There are two scenarios modeled, a “sunny day” dam breach and one during the Probable Maximum Flood (“PMF”) event. Both of these breaches would result in a wave of water migrating downstream and in some cases, upstream as well, inundating property and structures. Computer modeling technology has advanced remarkably over the last few decades. New modeling programs allow us to much better define the exact extent of the dam breach wave and thus have a greater confidence in the identified structures and property in the EAP. Additionally, advances in emergency notification systems such as reverse 911 and social media outlets are new enough that they were not contemplated for the existing EAP. The City itself has expensive facilities in the path of a flood wave that will benefit, perhaps in insurance rate savings, from a better definition of the extent of the flooding resulting from a dam breach. Lastly, the properties around Lake Bloomington, of which the land is virtually all owned by the City and leased to individuals in long-term leases, can benefit from the better defined 100-year flood elevation that the computer modeling can generate.

# Council Questions/Comments and Staff Responses Report for January 13, 2014

*as of January 12, 2014 at 1:35 pm*

- c. Actually, although it was not termed as such, this work, with its genesis in the need to upgrade the EAP's for the dams is really more of a Master Plan for the dam facilities. This work will address not only the EAP's but also multi-year dam structure capital projects for more accurate budgeting, the repair/replacement of the Evergreen Lake spillway bridge deck it will answer some questions regarding the floodplain downstream of the Lake Bloomington spillway.
2. Have we also included plans for increased water quantity and quality for these facilities? Do we have a plan to dredge both lakes at some point in the future? Would this not be a cost effective alternative to increase both quantity and quality of our water source?
  - a. **Staff Response:** Plans to address water quality and or quantity were not included in the scope of work for the EAP upgrades. The work to be performed by Hanson is focused on the dam structures, their operation and maintenance and the floods that would occur if they failed. This is this firm's expertise. Although the issues of increased quantity and improved water quality are always issues of utmost importance, dredging has only been given a cursory look because it is known to very expensive in return for the marginal increases in storage capacity. There are only two, large municipal dredging projects that have taken place in the State of Illinois (Decatur and Springfield) and in Springfield's case the cost was minimized to the local rate payers by a large federal grant which no longer is available. In Decatur's case, they have dredged for years with limited success and are currently embarking on a plan similar to the City of Bloomington's whereby they will supplement their lake supply with groundwater.

**Alderman:** Rob Fazzini

**Item 8E:** City Board and Commission Term-Limits

**Question/Comment:**

- Rather than assuming the current arrangement of our BOARDS, COMMISSIONS AND COMMITTEES is meeting ALL the needs of the city; let me share some thoughts from a city wide policy perspective or as IWU President Wilson like sot say from a view at 30,000 feet.
- The City of Bloomington has grown substantially in population and diversity since the current BOARDS AND COMMISSIONS were established.
- The COMMITTEES included in the list were omitted from the title in the Ordinance proposed.
- The current BOARDS, COMMISSIONS AND COMMITTEES are heavily weighted toward reviewing policy/ordinance exceptions or oversight of operating entities (12 to 16) with only four concentrating on quality of life issues (B-N Sisters Cities Committee, Citizen's Beautification Committee, Cultural District Commission and Historic Preservation Commission)
- There are none concentrating on what has become a critical aspect of insuring the financial success of our city, which is promoting the economic development within our city to increase our population and increase the number of businesses operating within our city. These two important aspects are what will contribute to increased property tax revenue and sales tax revenue for our city, which in turn will allow us to meet the rising cost of operating to provide high quality city services without needing to raise taxes, fees or incur additional bond debt. In addition to meeting the rising cost of operating, we need to consider the significant "catch" needed to correct the pension funding shortfall, make up for the long time neglect that leaves us with significant deferred maintenance expense for the many city owned properties and the need to make up for the lack of adequate funding over the past years for street and sewer maintenance. The total of these three areas of "catch up" funding amounts to somewhere in the area of \$200 million to \$300 million.

# Council Questions/Comments and Staff Responses Report for January 13, 2014

*as of January 12, 2014 at 1:35 pm*

- I would propose that we have three groups: BOARDS that provide oversight to operating entities; COMMISSIONS that are responsible for reviewing exception to policy/ordinances; and COMMITTEES that are responsible for quality of life issues.
- In addition to the four current quality of life entities enumerated in #3 above, I propose we recognize that we have alderman representing the city council on the following boards: economic Development Council (McDade), Convention and visitors Bureau (Fruin) and Central Illinois Regional Broadband Network (Fazzini). There may be other aldermen serving as City of Bloomington representatives on other boards that I am unaware of at this time. These entities fall naturally in the COMMITTEE category responsible for quality of life issues. Following are some examples of other organizations where we should consider seeking city council appointed board representation: McLean County Museum of History, Multi-Cultural Leadership program, and the Mclean County Chamber of Commerce.
- Finally, I believe that a new COMMITTEE needs to be established with the primary purpose to attract people to live in our community, with special emphasis on enhancing our city of Bloomington reputation as an excellent place to retire (age 55 and above retirees) because these are close to ideal citizens who will have solid disposal income, not have children needing to use our schools, likely not add to the crime rate, will frequent our entertainment venues, will use our airport, and will need our medical facilities. Often neglected to consider as important is that these folks will be an excellent source of volunteers for our many not-for-profit organizations.
- This is my view from 30,000 feet on how we ought to reorganize our BOARDS, COMMISSIONS AND COMMITTEE structure to reflect the improvements our city needs for a population of 70,600 people with significant increase in diversity since the current entities were formed many years ago. This also echoes the sentiments expressed by Aldermen McDade, black and Fruin that we should engage more citizens on our BOARDS, COMMISSIONS AND COMMITTEES. Based on the major changes suggested above and the desire to engage more citizens, I would propose that we table this topic at the 1-13-14 meeting.

**Staff Response:** None.

**Prepared by:** Barbara J. Adkins, Deputy City Manager