

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

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:01 p.m., Monday, April 28, 2014.

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, Kevin Lower, Robert Fazzini, Joni Painter, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

Alderman absent: David Sage.

Fire Chief/Interim City Manager Mike Kimmerling, City Clerk Tracey Covert, and Interim Corporate Counsel Jeff Jurgens were also present.

Staff absent: David Hales, City Manager.

The following was presented:

Item 6. Remote Participation. Request to participate via telephone by Alderman Sage due to personal illness.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that Alderman Sage be allowed to participate remotely via telephone.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 7. Proclamations Declaring April 28, 2014 as Central Catholic Saints Basketball Championship Day; May 4 – May 10, 2014 as Municipal Clerk’s Week; and May 2014 as Constitution Trail Month.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Proclamations be made a matter of record.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8A. Council Proceedings of April 14, 2014.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the reading of the minutes of the previous Council Proceedings of April 14, 2014 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8B. Bills and Payroll.

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

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8C. Appointments to Various Boards and Commissions.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Appointments be approved.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8D. Analysis of Bids for Grass and Weed Mowing Service for City-Wide Ordinance Enforcement, City Owned Properties and City Training Range.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the prices from B & D Lawn Service, for Grass and Weed Mowing Services be accepted, contingent upon B & D Lawn Service successfully passing any and all background criteria and/or restrictions required for the successful bidder, and the Procurement Manager be authorized to issue a Purchase Order. Upon the inability of B & D Lawn Service to meet the criteria and/or restrictions, City staff be authorized to proceed to the next lowest responsible bidder, H & H Landscaping, subject to the same criteria and/or restrictions.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8E. Analysis of Bids for White and Yellow High Durability Latex Traffic Paint and Glass Beads for Pavement Marking Material for the Public Works Department's Streets and Sewers Division.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the bid for Latex Traffic Paint and Glass Beads for Pavement Marking be awarded to Sherwin Williams,

Bloomington, IL, for FY 2015 in an amount not to exceed \$90,375, and the Procurement Manager be authorized to issue a Purchase Order.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8F. Scheduled Replacement of a Dump Truck for Parks, Recreation and Cultural Arts Department - Parks Division.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the purchase of a Ford F550 with Dump Body from Bob Ridings Ford, Taylorville, IL, utilizing the State of Illinois Joint Purchasing Contract 4017340, be approved, in the amount of \$42,780, and the Procurement Manager be authorized to issue a Purchase Order.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8G. Scheduled Replacement of a Pickup Truck for Parks, Recreation and Cultural Arts Department - Parks Division.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the purchase of a Ford F350 Chassis from Bob Ridings Ford, Taylorville, IL, utilizing the State of Illinois Joint Purchasing Contract 4017340, be approved, in the amount of \$22,854, and the purchase of a Service Body from Koenig Body and Equipment, Peoria, IL, in the amount of \$7,962 for a total of \$30,816.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8H. Analysis of Bids for the Scheduled Replacement of a 60' Aerial Lift Truck with Chip Body and Installation on Chassis for the Parks, Recreation and Cultural Arts Department - Parks Maintenance Division.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the bid for a Kenworth T370 Chassis with a Versalift VO-260 Manlift and Arbor Tech Chip Body be awarded to Central Illinois Trucks, Normal, IL, in the amount of \$160,130, and the Procurement Manager be authorized to issue a Purchase Order.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8I. Request to Purchase Replacement Panasonic Toughbook Computers utilizing State of Illinois Joint Purchasing Contract.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the purchase of forty (40) replacement Panasonic Toughbook CF-31 computers from CDS Office Technologies Inc., utilizing the State of Illinois Joint Purchasing Contract number CMS8291640, be approved, in the amount of \$176,320, and the Procurement Manager be authorized to issue a Purchase Order.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.6

Motion carried.

The following was presented:

Item 8J. Change Order - 2013 Utility Maintenance Contract.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Amendment to the Contract for the 2013 Utility Maintenance, with Stark Excavating, Inc., be approved, in the amount of \$110,000, and the Resolution adopted. The change is germane to the original contract as signed and is in the best interest of the City and authorized by law.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8K. Three (3) Year Maintenance Agreement with Microception for Video Equipment and Related Server.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the purchase of a three (3) year maintenance agreement for video equipment and the related server from Microception, a sole source provider, in the amount of \$11,907 be approved, 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8L. Contract with Laborers International Union Local 362 Parking Enforcement.

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

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8M. McLean County Animal Shelter Agreement.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the agreement with McLean County Board of Health for use of the McLean County Animal Shelter be approved, in the amount of \$35,544 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8N. Animal Control Warden Services Agreement.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the agreement with McLean County Board of Health for Animal Warden Services be approved, in the amount of \$101,412, 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8O. Assignment of Hockey License Agreement.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Assignment of Hockey License Agreement with BIHT, Inc. be approved, and the Mayor 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8P. Proposed Water Main Extension Agreement from William B. Smith for property located at 2022 Interurban Rd. in McLean County.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Agreement with William B. Smith for a Water Main Extension 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8Q. Resolution to Cede the City of Bloomington's Allocation of the Private Activity Bonding Cap to the Easter Illinois Economic Development Authority, (EIEDA).

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the Resolution be adopted and the City of Bloomington's 2014 Volume Bond Cap be ceded to the EIEDA, with a transfer fee agreement of one percent (1%).

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8S. Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington Davis Lodge on May 24, 2014.

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

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8T. Application of MCTH, Inc., d/b/a Lucky Seven, located 1804 S. Hershey Rd., Unit 9, requesting a TAS liquor license.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that an TAS liquor license for MCTH, Inc., d/b/a Lucky Seven, located 1804 S. Hershey Rd., Unit 9, be created, contingent upon compliance with all applicable health and safety codes.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8U. Application of Anjana 3, Inc., d/b/a Mayuri, located 1407 N. Veterans Pkwy., requesting an RBS liquor license.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that a RBS liquor license for Anjana 3, Inc., d/b/a Mayuri, located 1407 N. Veterans Pkwy., be created,

contingent upon compliance with all applicable health and safety codes with the following condition: 1) obtain BASSET certification within ninety (90) days.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8V. Application of Westminster Village, Inc., d/b/a Westminster Village, located 2025 E. Lincoln St., requesting an RBS liquor license.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that an RBS liquor license for Westminster Village, Inc., d/b/a Westminster Village, located 2025 E. Lincoln St., be created, contingent upon compliance with all applicable health and safety codes.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8W. Analysis of Bids and Approval of Contract for the Water Infrastructure Replacement in the Parkview Area - Phase III and the Parmon Rd. Area - Phase I.

Motion by Alderman Schmidt, seconded by Alderman Fazzini that the base bid price of \$416,932 for the Parkview Area - Phase III water infrastructure improvements and \$431,324 for the Parmon Rd. Area - Phase I water infrastructure improvements be accepted from George Gildner, Inc. for a contract total of \$848,256, 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 8R. Text Amendment Ordinance to Chapter 2. Administration, regarding Public Comment at City Council Meetings.

Motion by Alderman Lower, seconded by Alderman Fazzini to table this item.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 9A. Petition submitted by Marti Rave, Requesting Approval of an Annexation Agreement for the Property Generally Located east of Veteran's Pkwy., north of Hamilton Rd. and west of Greenwood Ave.

Motion by Alderman Fazzini, seconded by Alderman Lower that the Agreement 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 10A. Petition submitted by Dennis Pulliam, requesting approval of a Special Use Permit for a Two Family Residence for the property located at 611 S. Clayton St.

Item 10Ai. Motion to reconsider action of April 14, 2014 Council meeting.

Motion by Alderman Lower, seconded by Alderman Schmidt that the motion to reconsider be approved.

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

Ayes: Aldermen Stearns, Mwilambwe, Schmidt, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 10Aii. Petition submitted by Dennis Pulliam, requesting approval of a Special Use Permit for a Two Family Residence for the property located at 611 S. Clayton St.

Motion by Alderman Lower, seconded by Alderman Schmidt that the 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

Item 10B. Text Amendment to Chapter 7. Taxation regarding proposed increases to the following Utility Taxes: Gas, Water, Telecommunication, Electric, and Municipal Gas Use Tax.

Motion by Alderman Fazzini, seconded by Alderman Black that the Text Amendment be approved, the Ordinance passed, and the City Manager be authorized to enter into any agreements to collect the corresponding taxes.

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

Ayes: Aldermen Mwilambwe, Schmidt, Painter, Fazzini, Sage, and Black.

Nays: Aldermen Stearns, Fruin and Lower.

Motion carried.

The following was presented:

Item 10 E. Discussion of FY 2016 Budget Priorities.

Motion by Alderman Fazzini, seconded by Alderman Stearns to lay this item over until the Council's May 12, 2014 meeting.

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

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

Nays: Aldermen Black and Lower.

Motion carried.

Motion by Alderman Black, seconded by Alderman Fazzini, that the meeting be adjourned. Time: 9:00 p.m.

Motion carried.

**Tracey Covert
City Clerk**