

**COUNCIL PROCEEDINGS
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 7:00 p.m., Monday, June 23, 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, David Sage, Robert Fazzini, Joni Painter, Scott Black, Karen Schmidt, Jim Fruin and Mayor Tari Renner.

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Jeff Jurgens were also present.

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

Alton Franklin, 508 Patterson Dr., addressed the Council. He had recently taken a family trip for his brother's graduation and marriage. He cited the importance of family. There was a habit that he found annoying: individuals who talk but do not follow through. The Council talks but nothing has been done about the budget. The City needed to do with less.

Patricia Marton, 1114 E. Grove St., addressed the Council. She had attended the Mayoral Open House. She addressed bullying and harassment. She expressed her appreciation for the feedback received. She had researched these issues online. Both children and adults have been victims of same. There were educational opportunities on this subject worldwide. These behaviors were harmful and/or offensive. She cited conversations with Town of Normal staff. She thanked the Council for their approval of her appointment to the Beautification Committee.

The following was presented:

SUBJECT: Council Proceedings of June 9, 2014

RECOMMENDATION/MOTION: That the reading of the minutes of the previous Council Proceedings of June 9, 2014 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 1d. City services delivered in the most cost-effective, efficient manner.

BACKGROUND: The Council Proceedings of June 9, 2014 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 Schmidt that the reading of the minutes of the previous Council Proceedings of June 9, 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:

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 1d. 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 June 19, 2014.

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 Schmidt 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, Painter, Lower, Fazzini, Sage, Fruin and Black.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Request to Approve a Budget Amendment to the Illinois Housing Development Authority (IHDA) Grant Fund 2250 and Accept Funding from the IHDA's Abandoned Properties Program (APP)

RECOMMENDATION/MOTION: That the Ordinance Amending the Budget Ordinance to add funds to both the revenue and expenditure accounts in the IDHA Grant Fund 2250 be passed, and the Resolution adopted accepting funding in the amount of \$52,455.06 from the IHDA for the APP.

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

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

BACKGROUND: Council approved the City's \$75,000 application to the Illinois Housing Development Authority (IHDA) in November 2013, for the Abandoned Properties Program. In April 2014, IHDA announced that the City had been awarded \$52,455.06.

IHDA recently introduced the Abandoned Properties Program (APP) grant for counties and municipalities within the State of Illinois. Grant funds may be used for securing, maintaining, demolishing or rehabilitating abandoned homes. These grant funds will help offset City General Fund dollars expended for Code Enforcement and/or Community Development Block Grant Funds expended for Demolition activities.

Community Development currently has six to eight (6 - 8) vacant, deteriorated properties that have been identified for demolition. Average demolition cost is \$20,000 per property. Buildable lots are then deeded over to Habitat for the construction of new affordable housing, on a scattered site basis.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The revenue and expenditures for this grant were not budgeted in FY 2015, as at the time of application, the City was unsure of be awarded funding. The receipt of these funds in the amount of \$52,455.06 will help offset some of the General Fund and CDBG monies expended on the maintenance of abandoned properties / lots; i.e. grass / weed abatement, securing a property, demolition. All revenue and expenditures will be tracked under project code 56000 and the City will not incur any costs related to this grant.

Respectfully submitted for Council consideration.

Prepared by: Sharon A. Walker, Code Enforcement Division Manager

Reviewed by: Frank Koehler, Interim Director - PACE

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION 2014 - 27

A CORPORATE RESOLUTION ACCEPTING A GRANT FROM THE ILLINOIS HOUSING DEVELOPMENT AUTHORITY'S ABANDONED RESIDENTIAL PROPERTY MUNICIPAL RELIEF PROGRAM.

WHEREAS, the City of Bloomington (the "Sponsor") has been awarded a grant (the "Grant") from the Illinois Housing Development Authority (the "Authority") program administrator of the Abandoned Residential Property Municipal Relief Program (the "Program"), as that Program is authorized by Section 7.31 of the Illinois Housing Development Act, 20 ILCS 3805/1 et seq. and the rules promulgated under the Act codified at 47 Ill. Adm. Code 381, as may be amended from time to time

THEREFORE BE IT RESOLVED, that the Sponsor shall enter into the Agreement with the Authority wherein the Authority agrees to make the Grant to the Sponsor, which shall be used by the Sponsor to assist with the maintenance and demolition of abandoned properties within the Recipient's area, all in accordance with the terms and conditions set forth in the Agreement.

FURTHER RESOLVED, that the Mayor or City Manager of the Sponsor and the City Clerk of the Sponsor are hereby authorized and empowered to execute and deliver in the name of or on behalf of the Sponsor the Agreement and any and all amendments, modifications and supplements thereto, and to execute and deliver such additional documents, instruments and certificates, as may be necessary or desirable for the Sponsor to perform its obligations under the Agreement.

FURTHER RESOLVED, that the Mayor or City Manager and the City Clerk be and hereby are authorized and directed to take such additional actions, to make further determinations, to pay such costs and to execute and deliver such additional instruments (including any amendments, Agreements or supplements) as he or she deems necessary or appropriate to carry into effect the foregoing resolutions.

FURTHER RESOLVE, that the Sponsor hereby ratifies, authorizes and confirms and approves all documents and instruments executed in connection with the Grant and the Agreement, including those acts taken prior to the date hereof.

PASSED BY THE CITY OF BLOOMINGTON CITY COUNCIL, STATE OF ILLINOIS AND APPROVED BY ITS MAYOR THIS 24TH DAY OF JUNE, 2014.

APPROVED:

Tari Renner, Mayor

INCUMBENCY CERTIFICATE

The following named individual(s) has/have been duly elected and is/are now fulfilling the office set forth after his/her name, with all the powers attached thereto; the signature after his/her name is the genuine signature of such individual:

Name:	Office:
Tari Renner	Mayor
Tracey Covert	City Clerk

Dated: June 24, 2014

CITY OF BLOOMINGTON, an Illinois
municipal corporation

By: Tracey Covert
City Clerk/Secretary

ORDINANCE NO. 2014 – 61

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2015**

WHEREAS, on April 21, 2014 by Ordinance Number 2014 - 35, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2015, which Ordinance was approved by Mayor Tari Renner on April 28, 2014; and

WHEREASE, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2014 - 35 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2015) is further hereby amended by inserting the following line item and amount presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2014 - 35 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2014 - 35.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 23rd day of June, 2014.

APPROVED the 24th day of June, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT 1 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Ordinance Amending the Budget Ordinance to add Funds to Both the Revenue and Expenditure

Accounts in the IDHA Grant Fund 2250 be passed, and the Resolution adopted Accepting Funding in the Amount of \$52,455.06 from the IHDA for the APP.

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:

SUBJECT: Request to accept the 2014 Edward Byrne Memorial Grant (JAG) and Approve a Budget Amendment to Account 10015110 - 79134 in the General Fund under Police - JAG Grant Expenditures

RECOMMENDATION/MOTION: That the 2014 Edward Byrne Memorial Justice Grant in the amount of \$42,492 be accepted, the agreement with the Town of Normal and the County of McLean be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and that the Ordinance Amending the Budget Ordinance to add funds to Account 10015110 - 79134 in the General Fund be passed.

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

STRATEGIC PLAN SIGNIFICANCE: Grant money allows city services to be delivered in the most cost-effective, efficient manner without over spending from the budget.

BACKGROUND: Staff recommends acceptance of federal grant money from the 2014 Edward Byrne Memorial Justice Grant (JAG) in the amount of \$42,492 to be shared with the Town of Normal per the intergovernmental agreement. The Town of Normal will receive \$10,480 and the City will receive \$32,012. The monies for the City would be used for equipment to enhance both public and officer safety.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The budgeted revenue for FY 2015 is \$35,000 under Police - Jag Grant (10015110 - 53155). Stakeholders can locate this in the FY 2015 Proposed Budget Book titled "Budget Overview & General Fund" on page 213. City staff is requesting to use \$32,012 of grants funds for the purchase of additional equipment which will be utilized by the Police Department. Contingent upon the budget amendment being approved, the purchases will be from 10015110 - 79134 (Police - JAG Grant expenditures).

Respectfully submitted for Council consideration.

June 23, 2014

243

Prepared by: Marsha Ulrich, Office Manager

Reviewed by: Kenneth A. Bays, Asst. Police Chief

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

(PARTIALLY EXECUTED COPY OF GRANT DOCUMENT ON FILE IN CLERK'S OFFICE)

ORDINANCE NO. 2014 – 62**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2015**

WHEREAS, on April 21, 2014 by Ordinance Number 2014 - 35, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2015, which Ordinance was approved by Mayor Tari Renner on April 28, 2014; and

WHEREAS, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2014 - 35 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2015) is further hereby amended by inserting the following line item and amount presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2014 - 35 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2014 - 35.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 23rd day of June, 2014.

APPROVED the 24th day of June, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT 1 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the 2014 Edward Byrne Memorial Justice Grant in the amount of \$42,492 be accepted, the Agreement with the Town of Normal and the County of McLean be approved, the Mayor and City Clerk be

authorized to execute the necessary documents, and the Ordinance Amending the Budget Ordinance to Add Funds to Account 10015110 - 79134 in the General Fund 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:

SUBJECT: Approval HGAC (Houston Galveston Area Council) Joint Purchasing Group Application

RECOMMENDATION/MOTION: Recommend that Council approve the completion and submission of the HGAC Joint Purchasing Application, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

BACKGROUND: Staff is seeking permission to complete and submit the above referenced application which, upon approval by the HGAC, will allow us to participate in joint purchases through their group.

The following is the list of “Joint Purchasing Groups” to which the City belongs and has used in the past:

1. US Communities
2. National Joint Powers Alliance (NJPA)
3. Northwest Suburban Purchasing Cooperative (NSPC)
4. State of Illinois Joint Procurement Bulletin
5. The Cooperative Purchasing Network (TCPN)
6. NIPA National
7. Intergovernmental Purchasing Alliance (NIPA)
8. Suburban Purchasing Cooperative (SPC)

Chapter 16, Section 50 of the City Code allows the use of joint purchases. Numerous units of local government, (cities, villages, towns, counties, park districts, school districts, etc.) in Illinois belong to this group. Staff understands that any purchase made through a joint purchasing group

is still subject to requirements of the City Code such as levels of City Manager and City Council approval.

Utilizing an existing joint purchase contract will allow the City to purchase equipment, such as firefighting apparatus, which meets City specifications in a time sensitive and economical manner. Bids historically save money as a result of competition but they require a substantial amount of time. Staff time is needed to develop the bid and there is a significant delay between the bid notice and approval of the award by the Council. Participation in joint purchase groups save both time and money and allow City staff to efficiently utilize their time on other matters.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Les Siron, Deputy Fire Chief.

FINANCIAL IMPACT: There is no cost to participate in this joint purchase program.

Respectfully submitted for Council consideration.

Prepared by: Jon C. Johnston, Procurement Manager

Reviewed by: Patti-Lynn Silva, Director of Finance

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

(PARTIALLY EXECUTED COPY ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Schmidt that Council approve completion and submission of the HGAC Joint Purchasing Application, 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:

SUBJECT: Request to Approve a Budget Amendment to Accounts 10014125-71030-20000 and 10014125-57350-20000 in the Bloomington Center for the Performing Arts (BCPA) Fund and that Council Retroactively Authorize the Purchase of Vests and Accessories as the New Uniform for the BCPA Volunteers

RECOMMENDATION/MOTION: That the Ordinance Amending the Budget Ordinance to add funds to Accounts 10014125-71030-20000 and 10014125-57350-20000 in the BCPA Fund be passed, the purchase of 238 vests, ties and scarves from RLP Uniforms & Corporate Apparel, Plukemin, NJ plus minimal alterations work be approved, in the amount of \$11,599.12, and the Procurement Manager be authorized to issue a Purchase Order in the amount of \$9616.31 for the vests with the balance to be used for ties, scarves and alterations.

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

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

BACKGROUND: The BCPA is requesting to purchase vests, ties and scarves as the new uniform for the BCPA volunteers using privately raised donation funds which can only be spent on designated items for the BCPA Volunteers.

Through a partnership with State Farm and their Good Neighbor Grant program, the BCPA has already received \$11,599.12 in donations. The BCPA is currently expecting an additional \$6,500 in Good Neighbor grants. These donations have come with the stipulation that the money can only be used for purchases related to the BCPA volunteers, at their discretion. The BCPA volunteers have determined that they wish the money to be spent on purchasing vests as a newly adopted uniform as well as ties (for the men) and scarves (for the women) to augment the black pants and white shirts/blouses which each volunteer provides themselves.

Minor vest alterations are also considered in this request.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The new uniform items and alterations will cost approximately \$11,599.12. There is currently \$11,599.12 in available funds in the BCPA—State Farm Grant-account (1001-26025) with another \$6500.00 anticipated. The BCPA is requesting to move the money already received, to pay for the uniform items. Contingent upon the budget amendment being approved, the purchase will be from the BCPA—Uniforms Supplies and Maintenance account (10014125-71030-20000) with the expense being offset by the money being moved from BCPA- State Farm Grant - Account (1001-26025) to BCPA- Other Private Grants - Account (10014125-57350-20000). Stakeholders can locate this in the Proposed FY 2015 Budget Book titled “Budget & Overview General Fund” on page 184.

Respectfully submitted for Council consideration.

Prepared by: Tina Salamone, Performing Arts Manager

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

Financial & budgetary review by: Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

ORDINANCE NO. 2014 – 63

**AN ORDINANCE AMENDING THE BUDGET ORDINANCE
FOR THE FISCAL YEAR ENDING APRIL 30, 2015**

WHEREAS, on April 21, 2014 by Ordinance Number 2014 - 35, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2015, which Ordinance was approved by Mayor Tari Renner on April 28, 2014; and

WHEREAS, a budget amendment is needed as detailed below;

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

Section One: Ordinance Number 2014 - 35 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2015) is further hereby amended by inserting the following line item and amount presented in Exhibit #1 in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2014 - 35 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2014 - 35.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED the 23rd day of June, 2014.

APPROVED the 24th day of June, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(EXHIBIT 1 ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Ordinance Amending the Budget Ordinance to Add Funds to Accounts 10014125-71030-20000 and 10014125-57350-20000 in the BCPA Fund be passed, the Purchase of 238 Vests, Ties and

Scarves from RLP Uniforms & Corporate Apparel, Plukemin, NJ plus minimal alterations be approved, in the amount of \$11,599.12, and the Procurement Manager be authorized to issue a Purchase Order, in the amount of \$9,616.31 for the Vests with the balance to be used for Ties, Scarves and Alterations.

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:

SUBJECT: Analysis of Bids and Approval of the FY2015 Emergency Utility Repair Contract, City Bid 2015-05

RECOMMENDATION/MOTION: That the prices from Stark Excavating, Inc. be accepted, in the amount of \$500,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities, and Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2c. Functional, well maintained sewer collection system, and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are emergencies. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the FY2015 Emergency Utility Repair contract is \$500,000. A list of projects completed under the previous fiscal year contract is attached.

Bids for the FY2015 Emergency Utility Repair contract were received until 1:30 p.m. Monday, June 9, 2014 in the office of the City Clerk. One bid was received and opened in the City Council Chambers. A bid tabulation had been provided to the Council. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

Stark Excavating, Inc.	\$381,650
Budget	
Storm Water	\$250,000
Sanitary Sewer	\$200,000
Water	<u>\$50,000</u>
Total Budget	\$500,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on May 28 and June 2, 2014 and a pre-bid meeting was held at 10:00 a.m. on June 2, 2014 in the Public Works Department Conference Room.

FINANCIAL IMPACT: Emergency Utility Repair is appropriated in the FY 2015 Budget in the accounts listed below. Stakeholders can locate this in the FY 2015 Proposed Budget Book titled "Other Funds & Capital Improvement Program" on pages 137, 129 and 116 respectively.

Storm Water-Emergency Storm Sewer Repair (53103100 - 70552)	\$250,000
Sanitary Sewer-Emergency Sewer Repair (51101100 - 70551)	\$200,000
Water Transmission & Dist.-Repair Maint Infrastructure (50100120 - 70550)	<u>\$ 50,000</u>
Total Contract:	\$500,000

Respectfully submitted for Council consideration.

Prepared by: Russel C. Waller, P.E., Project Engineer

Reviewed by: Jim Karch, P.E., CFM, Director of Public Works

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the prices from Stark Excavating, Inc. be accepted, in the amount of \$500,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2015 Utility Maintenance Contract, City Bid 2015-04

RECOMMENDATION/MOTION: That the prices from George Gildner, Inc. be accepted, in the amount of \$500,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities; Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2c. Functional, well maintained sewer collection system; 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes sanitary sewer, storm sewer, force main, pump station, water main, and other City utility repairs that are not emergencies. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. The budget for the FY 2015 Utility Maintenance contract is \$500,000. A list of projects completed under the previous fiscal year contract is attached.

Bids for the FY 2015 Utility Maintenance contract were received until 1:30 p.m. Monday, June 9, 2014 in the office of the City Clerk. Two bids were received and opened in the City Council Chambers. The bid tabulation is attached. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

George Gildner, Inc.*	\$367,500
Stark Excavating, Inc.	\$381,650
Budget	
Storm Water	\$200,000
Sanitary Sewer	\$200,000
Water	<u>\$100,000</u>
Total Budget	\$500,000

***Low bid**

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on May 28 and June 2, 2014 and a pre-bid meeting was held at 10:00 a.m. on June 2, 2014 in the Public Works Department Conference Room.

FINANCIAL IMPACT: Utility Maintenance is appropriated in the FY 2015 Budget in the accounts listed below. Stakeholders can locate this in the FY 2015 Proposed Budget Book titled "Other Funds & Capital Improvement Program" on pages 137, 129 and 116 respectively.

Storm Water - Repair Maintenance Infrastructure (53103100 - 70550)	\$200,000
Sanitary Sewer - Repair Maintenance Infrastructure (51101100 - 70550)	\$200,000
Water Transmission & Dist. - Repair Maintenance Inf. (50100120 - 70550)	<u>\$100,000</u>
Total Contract:	\$500,000

Respectfully submitted for Council consideration.

Prepared by: Russel C. Waller, P.E., Project Engineer

Reviewed by: Jim Karch, P.E., CFM, Director of Public Works

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the prices from George Gildner, Inc. be accepted, in the amount of \$500,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2015 Grading & Seeding Contract, City Bid 2015 - 08

RECOMMENDATION/MOTION: That the prices from George Gildner, Inc. be accepted, in the amount of \$100,000 and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities, and Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service, and Objective 5e. More attractive City: commercial areas and neighborhoods.

BACKGROUND: This contract includes grading, shaping, seeding, fertilizer application, erosion control installation and other related work on City owned properties. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. A list of projects completed under the previous fiscal year contract is attached.

Bids for the FY 2015 Grading & Seeding contract were received until 1:30 p.m. Monday, June 9, 2014 in the office of the City Clerk. Three bids were received and opened in the City Council Chambers. The bid tabulation is attached. Since the project involves maintenance of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

George Gildner, Inc.*	\$84,500
Stark Excavating, Inc.	\$90,675
Rowe Construction Company	\$103,200
Budget	
Storm Water	\$50,000
Sanitary Sewer	<u>\$50,000</u>
Total Budget	\$100,000

*** Low bid**

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on May 28 and June 2, 2014 and a pre-bid meeting was held at 10:00 a.m. on June 2, 2014 in the Public Works Department Conference Room.

FINANCIAL IMPACT: Grading and Seeding is appropriated in the FY 2015 Budget in the accounts listed below. Stakeholders can locate this in the FY 2015 Budget Book titled “Other Fund & Capital Improvement Program” on pages 137 and 129 respectively.

Storm Water-Grading and Seeding (53103100 - 70580)	\$ 50,000
Sanitary Sewer-Grading and Seeding (51101100 - 70580)	\$ 50,000
Total Contract:	\$100,000

Respectfully submitted for Council consideration.

Prepared by: Russel C. Waller, P.E., Project Engineer
Reviewed by: Jim Karch, P.E., CFM, Director of Public Works
Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager
Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager
Legal review by: Jeffrey R. Jurgens, Corporation Counsel
Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini , seconded by Alderman Schmidt that the prices from George Gildner, Inc. be accepted, in the amount of \$100,000 and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2015 Small Area Street Resurfacing Contract, City Bid 2015 - 09

RECOMMENDATION/MOTION: That the prices from McLean County Asphalt, Inc. be accepted, in the amount of \$1,000,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities, and Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 2a. Better quality roads and sidewalks, and Objective 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: The contract will focus on small patching areas along major City streets as directed by the City Council. This is done when the work is beyond the capability of City crews to respond because of lack of necessary equipment or manpower. A list of projects completed under the previous fiscal year contract is attached.

Bids for this contract were received until 1:30 p.m. Monday, June 9, 2014 in the office of the City Clerk. Two bids were received and opened in the City Council Chambers. The bid tabulation is attached. The majority of this contract is intended to be used during the current construction season. Since all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

McLean County Asphalt, Inc.*	\$689,590
Stark Excavating, Inc.	\$762,500
Rowe Construction Company	\$860,000
Total Budget	\$1,000,000

***Low bid**

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on May 28 and June 2, 2014 and a pre-bid meeting was held at 10:00 a.m. on June 2, 2014 in the Public Works Department Conference Room.

FINANCIAL IMPACT: Funding for this contract was appropriated in the FY 2015 Adopted Budget under Capital Improvement - Street Construction & Improvements (40100100 – 72530 - 40600). The \$1,000,000 is projected to be generated from the newly implemented Local Motor Fuel Tax in FY 2015.

Respectfully submitted for Council consideration.

Prepared by:	Russel C. Waller, P.E., Project Engineer
Reviewed by:	Jim Karch, P.E., CFM, Director of Public Works
Reviewed by:	Sue McLaughlin, ICMA-CM, Interim Asst. City Manager
Financial & budgetary review by:	Chris Tomerlin, Budget Analyst Carla A. Murillo, Budget Manager
Legal review by:	Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the prices from McLean County Asphalt, Inc. be accepted, in the amount of \$1,000,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Analysis of Bids and Approval of the FY 2015 Emergency Traffic Signal Repair Contract, City Bid 2015 - 07

RECOMMENDATION/MOTION: That the prices from Bodine Electric of Decatur, Inc., Decatur, IL be accepted, in the amount of \$100,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities, and Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2a. Better quality roads and sidewalks, and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes traffic signal mast arm, controller and other signal equipment repairs or replacements that are emergencies, and other related emergency work on City electric and traffic signal facilities. Emergencies primarily include signal equipment damage or knockdowns from accidents or storms. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. A list of projects completed under the previous fiscal year contract is attached

Bids for the FY 2015 Emergency Traffic Signal Repair contract were received until 1:30 p.m. Monday, June 9, 2014 in the office of the City Clerk. One bid was received and opened in the

City Council Chambers. A bid tabulation is attached. Since the project involves repair of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

Bodine Electric of Decatur **\$48,007**

Budget \$100,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on May 28 and June 2, 2014 and a pre-bid meeting was held at 10:00 a.m. on June 2, 2014 in the Public Works Department Conference Room.

FINANCIAL IMPACT: Emergency Traffic Signal Repair is budgeted in the FY 2015 Budget under Engineering - Contracted Traffic Signal Repair (10016210 - 70662). Stakeholders can locate this in the FY 2015 Proposed Budget Book titled "Budget Overview & General Fund" on page 297.

Respectfully submitted for Council consideration.

Prepared by: Russel C. Waller, P.E., Project Engineer

Reviewed by: Jim Karch, P.E., CFM, Director of Public Works

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the prices from Bodine Electric of Decatur, Inc., Decatur, IL be accepted, in the amount of \$100,000, and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.**The following was presented:**

SUBJECT: Analysis of Bids and Approval of the FY 2015 Traffic Signal Maintenance Contract, City Bid 2015 - 06

RECOMMENDATION/MOTION: That the prices from Bodine Electric of Decatur, Inc. be accepted, in the amount of \$100,000 and the Mayor and City Clerk be authorized to execute the necessary documents.

STRATEGIC PLAN LINK: Goal 2. Upgrade City infrastructure and facilities, and Goal 5. Great place – livable and sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objectives 2a. Better quality roads and sidewalks, and 5a. Well-planned City with necessary services and infrastructure.

BACKGROUND: This contract includes traffic signal mast arm, controller and other signal equipment repairs or replacements that are not emergencies, and other work on City electric and traffic signal facilities. This work is beyond the capability of City crews due to the lack of necessary equipment or manpower. A list of projects completed under the previous fiscal year contract is attached.

Bids for the FY 2015 Traffic Signal Maintenance contract were received until 1:30 p.m. Monday, June 9, 2014 in the office of the City Clerk. One bid was received and opened in the City Council Chambers. The bid tabulation is attached. Since the project involves repair of City utilities throughout the current fiscal year and all maintenance locations are not currently known, a contract for the entire budget amount will be awarded.

Bodine Electric of Decatur	\$43,507
Budget	\$100,000

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in The Pantagraph on May 28 and June 2, 2014 and a pre-bid meeting was held at 10:00 a.m. on June 2, 2014 in the Public Works Department Conference Room.

FINANCIAL IMPACT: Traffic Signal Maintenance is budgeted in the FY 2015 Budget under Engineering - Contracted Traffic Signal Repair (10016210 - 70662). Stakeholders can locate this is the FY 2015 Proposed Budget Book titled “Budget Overview & General Fund” on page 297.

Respectfully submitted for Council consideration.

Prepared by: Russel C. Waller, P.E., Project Engineer

Reviewed by: Jim Karch, P.E., CFM, Director of Public Works

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the prices from Bodine Electric of Decatur, Inc. be accepted, in the amount of \$100,000 and the Mayor and City Clerk be authorized to execute the necessary documents.

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

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

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Contract with Laborers International Union Local 362 Inspectors

RECOMMENDATION/MOTION: That the Contract be ratified.

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

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

BACKGROUND: On October 16, 2013 the parties began negotiating the terms for a collective bargaining agreement to replace the Agreement that expired on April 30, 2013. The expired contract can be located at www.cityblm.org under Human Resources in a folder titled Labor Contracts. A draft of the new Collective Bargaining Agreement has been provided to the Council. On May 15, 2014, the parties reached Tentative Agreement on the issues listed below. The Union has ratified the Tentative Agreement.

Leave Time

- Addition of Restricted Duty Language.
- Eliminate payment of Personal Convenience Leave for probationary employees.
- Modification of Sick Leave Abuse Language.
- Running FMLA concurrent with Sick Leave.
- Eliminate monthly Sick Leave paid into the RHS for employees hired after June 23, 2014.

Wages

- May 1, 2013 wage increase by 2.25% with retroactivity.
- May 1, 2014 wage increase by 2.25% with retroactivity.
- \$500 Signing Bonus.

Miscellaneous Items

- Update hours of work language.
- Update Discipline and Voluntary Requests for Assistance Language.
- Limitation on Tuition Reimbursement.
- Establishment of procedure for call-in lists.
- Use of full-time date of hire for calculation of benefits.
- Addition of Language on Paycheck Distribution.
- Addition of standard Subcontracting Language.
- Effective May 1, 2014 the annual payment of \$250 for safety equipment and logo apparel.

Term of Agreement

- Two year Agreement

Other minor changes can be found in the draft Collective Bargaining Agreement. Changes are identified.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City Council and Inspector employees.

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

- Increase in wage tables for by 2.25% effective May 1, 2013. Increase in wage tables for by 2.25% effective May 1, 2014. Estimated cost of these wage increases during the term of the contract, excluding longevity increases, is approximately \$55,500.
- The cost of the \$500 one-time signing bonus is \$7,000.
- The annual cost for payment of \$250 for safety equipment and logo apparel is 3,750.

Respectfully submitted for Council consideration.

Prepared by: Angie Brown, Human Resources Specialist
Reviewed by: Emily Bell, Director of Human Resources
Financial & budgetary review by: Paulette Hurd, Chief Accountant
Legal review by: Angela Fyans-Jimenez, Deputy Corporation Counsel
Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt 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:

SUBJECT: Suspension of Ordinances to Allow Consumption of Alcohol at Lake Bloomington Davis Lodge on July 12, 2014

RECOMMENDATION/MOTION: That the Ordinance be passed.

STRATEGIC PLAN LINK: Goal 5. Great place – livable, sustainable City.

STRATEGIC PLAN SIGNIFICANCE: Objective 5.d. Appropriate leisure and recreational opportunities responding to the needs of residents.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of David and Vicki Vela to allow moderate consumption of alcohol at their July 12, 2014, wedding reception to be held at the Lake Bloomington Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and David Vela, husband and requestor's representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. David Vela, husband, addressed the Commission. Mr. Vela stated that the wedding reception was scheduled for July 12, 2014 at the Lake Bloomington Davis Lodge. The plan included seventy-five to a hundred (75 – 100) guests. Mr. Vela added A Renee, located at 306 N. Center St., Suite 102, would be retained to provide liquor service, which would be limited to beer and wine only. The wedding reception would commence at 5:00 p.m. and would end at 11:00 p.m. Quiet hours begin at 10:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of David and Vicki Vela to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their July 12, 2014 wedding reception be approved.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the DATED Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully submitted for Council consideration.

Prepared by: Tracey Covert, City Clerk

Reviewed by: Craig Cummings, Director of Water

Recommended by:

Tari Renner
Mayor

ORDINANCE NO. 2014 – 64**AN ORDINANCE SUSPENDING PORTIONS OF SECTION 701 OF CHAPTER 31 AND SECTION 26(d) OF CHAPTER 6 OF THE BLOOMINGTON CITY CODE FOR A WEDDING RECEPTION AT THE LAKE BLOOMINGTON DAVIS LODGE**

WHEREAS, David and Vicki Vela are planning to hold their wedding reception at the Lake Bloomington Davis Lodge from 4:00 p.m. to 11:00 p.m. on July 12, 2014; and

WHEREAS, David and Vicki Vela have requested permission from the City to serve beer and wine during this event; and

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

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

Section 1: That Sections 701(a), (b) and (c) of Chapter 31 and Section 26(d) of Chapter 6 of the Bloomington City Code, 1960, as amended, are suspended for the duration of the wedding reception at the Davis Lodge on July 12, 2014 under the conditions set forth in the rental agreement.

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

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

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

PASSED this 23rd day of June, 2014.

APPROVED the 24th day of June, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Fazzini, seconded by Alderman Schmidt 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:

SUBJECT: Application of Red Lobster Hospitality, LLC, d/b/a Red Lobster #0130, located at 714 Eldorado Rd., for an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week (change of ownership)

RECOMMENDATION/MOTION: That an RAS liquor license for Red Lobster Hospitality, LLC, d/b/a Red Lobster #0130, located at 714 Eldorado Rd, be created, contingent upon compliance with all applicable health and safety codes.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application by Red Lobster Hospitality, LLC, d/b/a Red Lobster #0130, located at 714 Eldorado Rd., for an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Ashley Fleming, Store Manager and Harlan Powell, Webster Powell PC, legal counsel and Applicant's representatives.

Commissioner Renner opened the liquor hearing and noted that this application involved a change of corporation from GMRI, Inc. to Red Lobster Hospitality, LLC. Commissioner Renner requested that the Applicant's representative address this application.

Harlan Powell, Webster Powell PC, legal counsel and Applicant representative, addressed the Commission. This application represented the first part of a two (2) part transaction. Darden owned a number of brands. Darden which owned GMRI, Inc. was transferring its Red Lobster holdings to Red Lobster Hospitality, LLC. Once these transactions were completed Red Lobster Holdings, LLC would be sold to Golden Gate. Golden Gate was a separate standalone entity.

Commissioner Renner questioned business operations. Ashley Fleming, Store Manager and Applicant representative, addressed the Commission. She stated that it would be business as usual.

George Boyle, Asst. Corporation Counsel, noted that Mr. Powell labeled this application as the first part of a two (2) part transaction. Mr. Powell noted that Webster Powell's role was to effectuate this application (i.e. from GMRI, Inc. to Red Lobster Hospitality, LLC). All of the existing Red Lobster restaurants must be held by Red Lobster Hospitality, LLC. Upon completion of these transactions, Golden Gate Partners will purchase Red Lobster Hospitality, LLC.

Mr. Boyle informed Mr. Powell that Golden Gate Partners would have to apply for a liquor license. Mr. Powell acknowledged same. He anticipated another appearance before the Commission in the near future.

Commissioner Jordan questioned if there were any legal issues. He noted that this would involve a second transaction.

Mr. Powell restated that the first step was for the current license to GMRI, Inc. to be inactivated. He hoped that the Commission and Council would agree to grant a new liquor license to Red Lobster Hospitality, LLC. He restated that once all of the Red Lobster restaurants were transferred to Red Lobster Hospitality, LLC, then Golden Gate would purchase Red Lobster Hospitality, LLC. The goal was to complete the work in the next sixty to ninety (60 – 90) days.

Commissioner Jordan questioned BASSET training. He also questioned if the new ownership would bring any changes/new ideas.

Ms. Fleming restated that it would be status quo at the restaurant. Mr. Powell added that Red Lobster would retain existing management, staff and menu. There would be no change visible to the public.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that an RAS liquor license for Red Lobster Hospitality, LLC, d/b/a Red Lobster #0130, located at 714 Eldorado Rd., be created contingent upon compliance with all health safety codes.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on June 2, 2014 in accordance with City Code. In addition, the Agenda for the June 10, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None. Request is for a change of ownership. Annual fee for an RAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Schmidt that an RAS liquor license for Red Lobster Hospitality, LLC, d/b/a Red Lobster #0130, located at 714 Eldorado Rd, 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:

SUBJECT: Application of HOA Restaurant Holder, LLC, d/b/a Hooters, located at 409 N. Hershey Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week regarding a consolidation to HOA Restaurant Holder, LLC (change of ownership)

RECOMMENDATION/MOTION: That an RAS liquor license for HOA Restaurant Holder, LLC, d/b/a Hooters, located at 409 N. Hershey Rd., be created contingent upon compliance with all health safety codes.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4.a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Hooters of Bloomington, LLC, d/b/a Hooters, located at 409 N. Hershey Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week regarding a consolidation to HOA Restaurant Holder, LLC. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Harlan Powell, Webster Powell PC, legal counsel and License holder's representative.

Commissioner Renner opened the liquor hearing and requested that the License holder address this notification. Harlan Powell, Webster Powell PC, legal counsel and License holder's representative, addressed the Commission. He described this item as internal company housekeeping. Each Hooter's restaurant had been placed in a separate LLC. It had become too difficult to administer same. The plan was to place all of the Hooters restaurants under one (1) corporate umbrella, HOA Restaurant Holder, LLC. There would be no change to the general public.

Commissioner Tompkins questioned if the local management would remain the same. Mr. Powell responded affirmatively. The corporate ownership remained the same. The local Hooters would be held by a different LLC.

City staff informed the Commission that a liquor license was held by the corporate entity. This change of corporation would require the creation of a new liquor license.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that an RAS liquor license for HOA Restaurant Holder, LLC, d/b/a Hooters, located at 409 N. Hershey Rd., be created contingent upon compliance with all health safety codes.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on June 2, 2014 in accordance with City Code. In addition, the Agenda for the June 10, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None. Request is for a change of ownership. Annual fee for an RAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Motion by Alderman Fazzini, seconded by Alderman Schmidt that an RAS liquor license for HOA Restaurant Holder, LLC, d/b/a Hooters, located at 409 N. Hershey Rd., be created contingent upon compliance with all health 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:

SUBJECT: Lake Bloomington Lease Transfer Petition for Lot 3, Block 1 of Camp Kickapoo, from Danny H. LeSeure to Shannon S. Duvendack

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

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

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

BACKGROUND: Staff has reviewed the Lake Bloomington Lease Transfer Petition for Lot 3, Block 1 of Camp Kickapoo, from Danny H. LeSeure to Shannon S. Duvendack. The first sewage disposal system inspection was completed in mid-May of 2014. The septic system appears to be functioning normally at this time. The age of the sewage disposal system is unknown. 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: Not applicable.

FINANCIAL IMPACT: This petition will have a positive financial impact in that the current lease uses the old formula, (\$0.15 per \$100 of Equalized Assessed Value) for determining the

Lake Lease Fee. This will change to the current formula of \$0.40 per \$100 of EAV. With this lake lease transfer, the lake lease formula will generate about \$804 per year in lease income. This lake lease income will be posted to the Lake Lease revenue account (50100140 – 57590).

Respectfully submitted for Council consideration.

Prepared by: Craig M. Cummings, Director of Water

Financial & budgetary review by: Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Lake Lease Transfer 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:

SUBJECT: Petition from FOB Development, Inc., Requesting Approval of a Final Plat for the Empire Business Park Subdivision, Seventh (7th) Addition, commonly located at Trinity Ln. and Galena Rd., north of Empire St.

RECOMMENDATION/MOTION: That the Final Plat be approved and the Ordinance passed subject to Petitioner compliance with the Tap-on Fee/Performance Bond Memorandum prior to recording.

STRATEGIC PLAN SIGNIFICANCE: Goal 3. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 3a. Retention and growth of current local businesses.

BACKGROUND: This subdivision is located south of Golden Eagle South Subdivision, west of Airport Park Subdivision, north of Empire St., and east of Airport Rd. The Final Plat is in conformance with the Second Revised Preliminary Plan approved by Council on December 14, 2009. The parcel is located at the northwest corner of Trinity Ln. and Galena Rd., north of the Advocate BroMenn Medical Office Building. A Gold's Gym health club is planned for the new lot.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: FOB Development and the Farnsworth Group.

FINANCIAL IMPACT: The cost of all public improvements, platting, and recording will be borne by the petitioner.

Respectfully submitted for Council consideration.

Prepared by: Ryan L. Otto, P.E., Project Engineer

Reviewed by: Jim Karch, P.E., CFM, Director of Public Works

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

PETITION FOR APPROVAL OF FINAL PLAT

State of Illinois)
)ss.
County of McLean)

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

Now comes F.O.B. Development, Inc. hereinafter referred to as your petitioner, respectfully representing and requesting as follows:

1. That your petitioner is the owner 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, is 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 your petitioner seeks approval of the Final Plat for the subdivision of said premises to be known and described as: Empire Business Park Seventh Addition;
3. That your petitioner also seeks approval of the following exemptions or variations from the provisions of Chapter 24 of the Bloomington City Code, 1960: None

WHEREFORE, your petitioner respectfully prays that said Final Plat for the Empire Business Park Seventh Addition Subdivision submitted herewith be approved with the exemptions or variations as requested herein.

Respectfully submitted,

By: William C. Wetzel,
Its Attorney

ORDINANCE NO. 2014 - 65

**AN ORDINANCE APPROVING THE FINAL PLAT OF THE
EMPIRE BUSINESS PARK SEVENTH ADDITION SUBDIVISION**

WHEREAS, there was heretofore filed with the City Clerk of the City of Bloomington, McLean County, Illinois, a Petition for approval of the Final Plat of the Empire Business Park Seventh Addition Subdivision, legally described in Exhibit "A" attached hereto and made a part hereof by this reference; and

WHEREAS, said Petition requests the following exemptions or variations from the provisions of the Bloomington City Code-1960, as amended: None; and

WHEREAS, said Petition is valid and sufficient and conforms to the requirements of the statutes in such cases made and provided and the Final Plat attached to said Petition was prepared in compliance with requirements of the Bloomington City Code except for said requested exemptions and/or variations; and

WHEREFORE, said exemptions and/or variations are reasonable and in keeping with the intent of the Land Subdivision Code, Chapter 24 of the Bloomington City Code-1960, as amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MCLEAN COUNTY, ILLINOIS:

1. That the Final Plat of the Empire Business Park Seventh Addition Subdivision and any and all requested exemptions and/or variations be, and the same is hereby approved.
2. Prior to the recording of the Final Plat, all City requirements in regards to the City's acceptance and filing of final plats must be completed, including but not limited to the posting of final plat payment, the provision of a performance and workmanship bond; the provision of an adjacent substandard roadway improvement guarantee, and related security documents and reserves, and any other fees or charges paid as provided by City Code, making of any required public land dedications or cash contribution in lieu thereof and obtaining and filing with the City of any off-site easements or right-of-way for public improvements serving the site.
3. The Final Plat will expire if not recorded within 90 days as provided by City Code.
4. That this Ordinance shall be in full force and effective as of the time of its passage and approval.

PASSED this 23rd day of June, 2014.

APPROVED the 24th day of June, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk**EXHIBIT A**Description of Property

A Part of the Southwest Quarter of Section 31, Township 24 North, Range 3 East of the Third Principal Meridian, in the City of Bloomington, McLean County, Illinois, more particularly described as follows: Beginning at the Southeast Corner of Lot 5 in Empire Business Park Third Addition recorded June 26, 2012 as Document No. 2012-15866 in the McLean County Recorder's Office. From said Point of Beginning, thence west 170.00 feet along the South Line of said Lot 5 to the Southwest Corner thereof, said Southwest Corner being on the East Line of Lot 7 in Empire Business Park Fourth Addition recorded July 19, 2013 as Document No. 2013-18632 in said Recorder's Office; thence south 81.86 feet along said East Line of Lot 7 which forms an angle to the right of 90°-00'-00" with the last described course to the Southeast Corner of said Lot 7; thence west 241.17 feet along the South Line of said Lot 7 which forms an angle to the right of 270°-00'-00" with the last described course; thence south 307.75 feet along a line which forms an angle to the right of 90°-00'-00" with the last described course to the North Line of Lot 2 Empire Business Park First Addition recorded December 21, 2009 as Document No. 2009-38806 in said Recorder's Office; thence east 436.92 feet along said North Line of Lot 2 which forms an angle to the right of 90°-00'-00" with the last described course to the West Line of Trinity Lane; thence northerly 221.11 feet along said West Line of Trinity Lane being the arc of a curve concave to the east with a radius of 945.00 feet and the 220.61 foot chord of said arc forms an angle to the right of 83°-17'-49" with the last described course to a Point of Tangency; thence north 170.51 feet along said West Line which forms an angle to the right of 186°-42'-11" with the last described chord to the Point of Beginning.

PIN: A Part of 15 – 31 -351 - 006

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the Final Plat be approved and the Ordinance passed subject to Petitioner compliance with the Tap-On/Performance Bond Memorandum prior to recording.

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:

SUBJECT: Advertisements for the Bloomington Center for the Performing Arts (BCPA) in *The Pantagraph*

RECOMMENDATION/MOTION: That formal bid process be waived, the advertising contract with *The Pantagraph* be approved, in the amount of \$38,000, and the City Manager and City Clerk be authorized to execute the necessary documents, and the Resolution be adopted.

STRATEGIC PLAN LINK: Goal 3. Grow the local economy, Goal 5. Great place – livable, sustainable City, and Goal 6. Prosperous Downtown Bloomington.

STRATEGIC PLAN SIGNIFICANCE: Objective 3e. Strong working relationship among the City, businesses, economic development organizations, Objective 5d. Appropriate leisure and recreational opportunities responding to the needs of residents, Objective 6c. Downtown becoming a community and regional destination.

BACKGROUND: The Parks, Recreation & Cultural Arts Department requests permission to allow for the purchasing of \$38,000 in advertisements to promote the programming of the BCPA in *The Pantagraph* of Bloomington, Illinois, from May 2014 - April 2015. A waiver from the bidding process is requested as *The Pantagraph* is the only major daily newspaper publishing for a general audience in Bloomington-Normal. As such, *The Pantagraph* provides the only practical solution to promoting BCPA and Parks, Recreation & Cultural Arts Department events and activities in the printed media to a broad audience.

As a result of the annual contract the ads will be billed at a rate of \$37.11 per column inch daily and \$42.27 for Sunday, which is reduced from the standard rate of \$60.54 daily/\$68.83 Sunday. These rates are the same as rates for 2013 - 2014 and reflect a forty-two percent (42%) discount from standard published rates, and will be leveraged where possible for the rest of PR&CA advertising.

As a media sponsor of the BCPA's 2014 - 15 season, the BCPA will receive additional promotion of its events, including an additional forty-eight inches (48") of advertising for each of three (3) sponsored shows, plus promotion of BCPA programs through online contests sponsored by *The Pantagraph*.

Staff respectfully requests the formal bidding process be waived to allow for these advertisements to be purchased.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The BCPA Box Office requests information from patrons about where they heard about a show at each ticket transaction. Print media – primarily *The Pantagraph* – consistently ranks high on that list.

FINANCIAL IMPACT: The \$38,000 was appropriated in the FY 2015 Budget under BCPA-Advertising (10014125-70610-20000). Stakeholders can locate this in the FY 2015 Proposed Budget document titled “Budget Overview & General Fund” on page 184.

Respectfully submitted for Council consideration.

Prepared by: Erin Mangian, Marketing Mgr., Parks, Rec. & Cultural Arts

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

Financial & budgetary review by: Chris Tomerlin, Budget Analyst
Carla A. Murillo, Budget Manager

Legal review by: Rosalee Dodson, Asst. Corporation Counsel

Reviewed by: Sue McLaughlin, ICMA-CM, Interim Asst. City Manager

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 28

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF ADVERTISING FOR THE BCPA FROM THE PANTAGRAPH AT A PURCHASE PRICE OF \$38,000

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

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase Advertising for the BCPA at a Purchase Price of \$38,000.

ADOPTED this 23rd day of June, 2014.

APPROVED the 24th day of June, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

(PARTIALLY EXECUTED COPY OF CONTRACT ON FILE IN CLERK'S OFFICE)

Mayor Renner introduced this item.

Alderman Black noted that the City planned to spend \$38,000 with the Pantagraph for advertising events at the Bloomington Center for the Performing Arts, (BCPA). He questioned if the Pantagraph was the right medium. He expressed his opinion that there were better ways to spend these dollars. He had requested data from City staff and was not convinced.

Mayor Renner questioned Alderman Black's reasoning.

Alderman Black expressed his opinion that the Pantagraph was expensive. He questioned online versus print advertising. He remained unconvinced that the Pantagraph was a good investment.

Mayor Renner noted that alternative methods of advertising were used. He cited Facebook as an example. He questioned if Alderman Black believed that the City should offer more online advertising.

Alderman Black struggled with the \$38,000 figure. He questioned the total marketing budget for the BCPA.

Alderman Painter expressed her support for Alderman Black's comments. The Pantagraph was not good value. She cited personal experience. Pantagraph advertising was not effective in her opinion. She believed that there were other more effective avenues. She also stated that the Pantagraph's rates were expensive.

Alderman Stearns recommended that the City not spend these dollars on advertising. The City should save these dollars. She questioned the amount spent last year. She also questioned the total amount spent with the Pantagraph.

Mayor Renner cited that there were required legal notices that were published in the Pantagraph.

David Hales, City Manager, added that there were notices which were mandated by law.

Alderman Stearns questioned the Pantagraph's print circulation. Individuals made use of the City's web site. She cited the volume of email. The community knew about the BCPA's performance season. The amount of this contract was excessive. Individuals could utilize the Pantagraph's GO Section to know what events were being offered at the BCPA.

Alderman Lower expressed support for self-sufficiency. He believed that there needed to be Council discussion regarding same. He also believed that the Pantagraph's rates were expensive.

Alderman Schmidt expressed here appreciation to City staff for their response to this question. She noted that Tina Salamone, Performing Arts Manager, and Erin Mangian, Marketing Manager, were in attendance at this evening's meeting.

Mr. Hales commended City staff for their response.

John Kennedy, Parks, Recreation & Cultural Arts Director, addressed the Council. He acknowledged that an avenue to market shows at the BCPA would be to utilize free sources of marketing such as radio, the Pantagraph's GO section, social media, etc. Paid Pantagraph advertising was based upon a show's expected demographics.

Erin Mangian, Marketing Manager, addressed the Council. She noted that the Pantagraph was just one (1) avenue. There were times when the show and/or the artists did their own promotion. City staff considered a variety of genres. Feedback was obtained from the ticket audience. Marketing involved a mixture of media. The most important thing was for the City to be consistent. Patrons have told BCPA staff at the point of sale and at post show surveys that the Pantagraph came in second to the BCPA's Season brochure as the source for show information.

Online advertising is used to reach new customers. Social media can be organic (i.e. free) or paid. In addition, there was email marketing. She noted that this year's agreement with the Pantagraph will allow BCPA staff to select print and/or online advertising based upon the anticipated audience. She restated that the BCPA utilized print and digital forms of advertising.

Alderman Black thanked City staff for the clarification. He still questioned the \$38,000 cost.

Ms. Mangian informed the Council that the BCPA would host an estimated thirty-five (35) shows. There could be three (3) different runs per show, (i.e. Thursday's GO Section, Sunday – highest readership, and another weekday).

Alderman Fruin expressed his appreciation for the discussion. The discussion should be broader, (i.e. how to advertise/market the BCPA). The Council needed to consider the big picture. The Council needed information regarding the history of marketing/advertising at the BCPA and what City staff believed had worked.

Alderman Mwilambwe noted the number of shows and the dollar amount, \$38,000. The amount seemed reasonable. In addition, the BCPA would also utilize online advertising. His job responsibilities included programming at Illinois State University. Marketing/advertising was not an exact science. He was impressed with City staff's answer. They were trying to select the best medium.

Alderman Stearns questioned the BCPA's advertising budget. Ms. Mangian stated over \$70,000.

Alderman Stearns suggested coverage by local news agencies and questioned the need for advertising. Ms. Mangian stated that the City could not rely on the local news agencies. There were no guarantees. Paid advertising guaranteed placement and City staff controlled the message.

Alderman Painter questioned the ad size and questioned if the size selected would be noticed. Ms. Mangian noted that the size was listed in the contract, (rates is based upon column inch).

Alderman Mwilambwe noted that local news coverage was dependent upon a number of factors, (news staff interest, other news stories, available space, etc.).

Alderman Fazzini noted his familiarity with individuals who relied upon the Pantagraph.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that formal bid process be waived, the advertising contract with The Pantagraph be approved, in the amount of \$38,000, and the City Manager 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 Mwilambwe, Schmidt, Lower, Fazzini, Sage, Fruin and Black.

Nays: Aldermen Stearns and Painter.

Motion carried.

The following was presented:

SUBJECT: A Resolution Establishing Prevailing Wages to be Paid to Laborers, Workers and Mechanics Engaged in Public Works with the City of Bloomington

RECOMMENDATION: That the Resolution be adopted.

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

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

BACKGROUND: The Prevailing Wage Act (820 ILCS 130/1 *et seq.*) requires that public bodies such as the City, which awards any construction contract for public work or doing such work by day labor, shall ascertain the general prevailing hourly rates of wages for employees engaged in such work, and shall require that all contractors of the City pay those wages to their workers.

It is now permitted for public bodies to require contractors to ascertain prevailing wages by checking with the Illinois Department of Labor and paying the most current prevailing wage, which this resolution will require if passed.

The resolution also requires contractors to submit to the City on a monthly basis all certified payroll records for prevailing wage work performed by contractor employees and subcontractors. The certified payroll records must include the following for each employee employed on the project: Name, Address, Telephone Number, Social Security Number, Job Classification, hourly wages paid in each pay period, number of hours worked each day and starting and ending time of work each day. The contractor shall submit these records with a signed statement that the records are true and accurate, that the wages paid to each worker are not less than the prevailing rate and that the contractor is aware that filing records known to be false is a Class B misdemeanor offense.

Although not required by law, the Resolution also contains language requiring contractors provide proof of participation in an apprenticeship program if the contract is in excess of \$100,000. According to the City Manager, the apprenticeship language was added by a past City Council at the request of the Trades and Labor Council.

The staff believes adoption of this resolution is in the best interests of the citizens of the City and recommends its passage and approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable. The resolution is required by state law.

FINANCIAL IMPACT: Unknown at this time.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert, City Clerk

Reviewed by: Ernestine Jackson, Human Relations

Reviewed by: Jeffrey R. Jurgens, Corporation Counsel

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2014 - 29

**A RESOLUTION OF THE CITY OF BLOOMINGTON, McLEAN COUNTY, ILLINOIS
ASCERTAINING THE PREVAILING RATES OF WAGES FOR LABORERS,
WORKERS AND MECHANICS ENGAGED IN PUBLIC WORKS
WITH THE CITY OF BLOOMINGTON**

WHEREAS, the Prevailing Wage Laws, 820 ILCS 130/1 et seq., as amended, require that each public body awarding any construction contract for public work or doing such work by day labor shall ascertain the general prevailing hourly rates of wages for employees engaged on such work; and

WHEREAS, “public work”, as defined in the Prevailing Wage Law, includes commercial or industrial projects financed in whole or in part through the issuance of revenue bonds by the City of Bloomington under authority of the Industrial Project Bond Act or Home Rule Ordinance or financed in whole or in part through other public funds, without regard to what person or entity formally contracts for such work; and

WHEREAS, the statutes further provide that said rates be published, publicly posted and/or kept available for inspection by any interested party in the Office of the Secretary of State and Labor Department; and

WHEREAS, the City of Bloomington believes Prevailing Wage Law should apply to private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind; and

~~WHEREAS, the City of Bloomington believes that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor’s Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000.~~

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bloomington, County of McLean, State of Illinois that the prevailing wages as established and regularly updated by the Illinois Department of Labor are incorporated herein by reference as the

prevailing rates of hourly wages in the City of Bloomington, Illinois for the laborers, workers and mechanics specified therein who are engaged in the construction of public works within the jurisdiction of this municipality; and

BE IT RESOLVED that the prevailing wages as established and regularly updated by the Illinois Department of Labor, as show on the attached McLean County Prevailing Wage for June 2014, shall be paid to laborers, workers and mechanics specified therein when such persons perform work on private commercial economic development projects directly supported by public funds, including projects supported by Tax Increment Financing or tax incentives of any kind; and

BE IT RESOLVED that contractors shall submit to the City on a monthly basis all certified payroll records for prevailing wage work performed by contractor **employees and subcontractors**. The certified payroll records must include the following for each employee employed on the project: Name, Address, Telephone Number, Social Security Number, Job Classification, hourly wages paid in each pay period, number of hours worked each day and starting and ending time of work each day. The contractor shall submit these records with a signed statement that the records are true and accurate, that the wages paid to each worker are not less than the prevailing rate and that the contractor is aware that filing records known to be false is a Class B misdemeanor offense; and

~~BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, provide proof of participation in apprenticeship and training programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for all construction contracts in excess of \$100,000; and~~

BE IT RESOLVED that nothing herein contained shall be construed to apply said prevailing hourly rates of wages in the locality to any work or employment other than public works or private commercial economic development projects directly supported by public funds as defined in the Act and this Resolution; and

BE IT RESOLVED that contractors awarded contracts for public work as defined by state statute and this Resolution should, as a prerequisite to such contract, obtain the current prevailing wage rates from the Illinois Department of Labor and regularly check for updated prevailing wage rates during the entire duration of said contract for the locality; and

BE IT RESOLVED that the City Clerk shall mail a copy of this Resolution to any employer, any association of employers, and to any person or association of employees who have filed or do file their names and addresses with the Clerk requesting copies of any determination under said law of the particular rates and of the particular classes of persons whose wages will be affected by such rates; and

BE IT RESOLVED that the City Clerk shall promptly file a certified copy of this Resolution with the Department of Labor of the State of Illinois; and

BE IT RESOLVED that the City Clerk, as required by law, shall cause to be published in a newspaper of general circulation within the area of this municipality a notice of this Resolution and that it is the effective prevailing wage determination of this public body.

ADOPTED this 23rd day of June, 2014

APPROVED the 24th day of June, 2014.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk

Mayor Renner introduced this item.

Alderman Fazzini stated his disagreement with City staff's response to his question. He believed that participation in the United States Department of Labor's Bureau of Apprenticeship and Training program was a hindrance to bidding. He requested that the paragraphs referencing same be removed from the Prevailing Wage Resolution.

Alderman Schmidt expressed her opinion that this language had been removed from the Prevailing Wage Resolution.

Alderman Sage recalled that the dollar figure for participation had been increased. The Council discussion included inclusion of this language as part of the competitive bidding process for larger projects.

David Hales, City Manager, believed that the language had been discussed by past Councils. In the past, the Council had been an advocate for the trades and labor. He believed that the amount had been increased from \$25,000 to \$100,000. This was a philosophical issue for the Council.

Alderman Fruin recalled the change. The Prevailing Wage Resolution was adopted annually and could be changed annually. He questioned if the City was precluding contractors and/or excluding vendors from bidding. He remembered the Council's discussion and acknowledged that the Council could revisit earlier decisions.

Mr. Hales noted that the City was required to adopt a Prevailing Wage Resolution in the month of June. It could be amended at a future date.

Mayor Renner expressed two (2) concerns: what were the benefits of this language and what were other communities adopting.

Alderman Black questioned the time line.

Jeff Jurgens, Corporation Counsel, noted that would be a Council decision.

Motion by Alderman Fazzini, seconded by Alderman Schmidt that the amended Resolution be adopted.

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

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

Nays: Alderman Black.

Motion carried.

The following was presented:

SUBJECT: Application of GKC Theatres, Inc., d/b/a Carmike Palace Cinema 10, located at 415 Detroit Dr., for an EAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

RECOMMENDATION/MOTION: That an EAS liquor license for GKC Theatres, Inc., d/b/a Carmike Palace Cinema 10, located at 415 Detroit Dr., be created, contingent upon compliance with all applicable health and safety codes.

STRATEGIC PLAN LINK: Goal 4. Grow the local economy.

STRATEGIC PLAN SIGNIFICANCE: Objective 4a. Retention and growth of current local business.

BACKGROUND: The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the application by GKC Theatres, Inc., d/b/a Carmike Palace Cinema 10, located at 415 Detroit Dr., for an EAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Rob Lehman, Vice President of Concessions, Carmike Cinemas, Inc., and Harlan Powell, Webster Powell PC, legal counsel and Applicant's representatives.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Harlan Powell, Webster Powell PC, legal counsel and Applicant representative,

addressed the Commission. He introduced Rob Lehman, Vice President of Concessions, Carmike Cinemas, Inc. Mr. Powell informed the Commission that GKC was adopting a new business model. The Palace Cinema opened in 1999. The plan was to build a restaurant inside of the facility. Each theater would also be treated as a restaurant.

Rob Lehman, Vice President of Concessions, Carmike Cinemas, Inc., and Applicant representative, addressed the Commission. He informed them that there would be a bar area inside the building. Movie patrons could be served in the lobby bar or in the theater. Palace Cinema would continue to offer standard concessions. Mr. Lehman restated that there would be a restaurant with a bar in the lobby. Individuals would have the option of patronizing the restaurant and/or taking in a movie.

Commissioner Tompkins questioned if alcohol would be allowed in all theaters regardless of the movie's rating. Mr. Lehman responded affirmatively. There would be a manager on duty and ushers assigned to each theater.

Mayor Renner informed the Commission that this application had been discussed at the Mayoral Open House held on Friday, June 6, 2014.

Mr. Lehman informed the Commission that the AMC theater chain has been offering this level of service in its theaters across the United States. Palace represented GKC's first attempt at a dine in movie theater. Alcohol sales would be limited to single sales only.

Commissioner Jordan questioned control and underage consumption. Mr. Lehman cited lighting levels which would be above the current lighting levels in movie theaters. He cited that food service would also be available. The theater manager and ushers would periodically sweep the theaters.

Commissioner Renner questioned AMC's model. Mr. Lehman affirmed that it was the dine in theater concept. Seating would be assigned. The theaters would be set up for dining. There would be table service in the theater.

Commissioner Jordan questioned staffing levels and seating capacity. Mr. Lehman noted that the seating capacity would be reduced by fifty percent (50%). The total capacity for the entire facility would be 750 seats.

Commissioner Jordan questioned seating capacity per theater. Mr. Lehman stated 104 seats on the high end and forty-eight (48) on the low end.

Commissioner Renner restated that the current seating capacity would be reduced by fifty percent (50%). Mr. Lehman responded affirmatively. There would be tables and larger seating.

Commissioner Jordan questioned staffing levels. Mr. Lehman noted two to three (2 - 3) ushers per theater. There would also be a button to push for table service.

Commissioner Jordan questioned if the intention was to offer beer and wine only or all types of alcohol. Mr. Lehman stated all types of alcohol.

Commissioner Jordan cited past issues regarding an application for a liquor license at another movie theater. He questioned Council's reaction/opinion to liquor service in a movie theater. He expressed his concerns regarding consumption: monitoring, underage and/or over serving.

Mr. Powell readdressed the Commission. There would be customer/employee contact in the theater. There would be activity between the customers and theater staff. GKC understood that all patrons would not choose to dine in. In addition, all patrons would not order an alcoholic beverage. Individuals would enter the theater, purchase a ticket, select a seat, and order their food and/or beverage. There would be a master seating chart. The Palace Cinema's staff would know who ordered alcohol and where in the theater the alcohol should be. Identification would be checked. Movie goers who ordered alcohol would be given a wrist band. There would be a number of checks and balances.

Commissioner Jordan noted that in concept it sounded great. Some might welcome this business model to the community. For him the issue was control. He withheld an opinion citing the Council's past actions. He noted that Council's past concerns regarding the consumption of alcohol in a movie theater. He understood that there would also be a restaurant in the building so some liquor consumption would be independent of movie viewing.

Mr. Powell informed the Commission that GKC was pursuing this business model as a means of recapturing the family evening out. Consumers have been staying home to watch movies. Parents drop their children off at the movie theater. Adults could choose to dine in while their children take in a movie or it could be a family movie viewing event. GKC was responding to the changing demographics.

Commissioner Jordan questioned if GKC had selected an "R", Restaurant, license classification.

George Boyle, Asst. Corporation Counsel, addressed the Commission. GKC had applied for an "E", Entertainment, liquor license.

Commissioner Renner noted that the primary revenue stream would be ticket sales.

Commissioner Tompkins questioned internal security, (hiring back City Police Patrol Officers). Mr. Powell welcomed the Commission's feedback. GKC's goal was a hundred percent (100%) compliance. He noted the investment in the facility. The business needed to be successful. He added that the ovation dining concept had been successfully rolled out in the states of California and Florida. He did not have specific answers at this time.

Commissioner Tompkins questioned beverage service. Mr. Powell noted that the glassware for alcoholic beverages would be unique. Food would also be served on glass.

Commissioner Renner informed Mr. Powell that this application would be placed on the Council's Regular Agenda. Mr. Powell needed to attend same.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that an EAS liquor license for GKC Theaters, Inc., d/b/a Carmike Palace Cinemas 10, located at 415 Detroit Dr., be created contingent upon compliance with all health safety codes.

Motion carried, unanimously.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph on June 2, 2014 in accordance with City Code. In accordance with City Code, approximately twenty-five (25) courtesy copies of the Public Notice were mailed on June 2, 2014. In addition, the Agenda for the June 10, 2014 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: Annual fee for an EAS liquor license is \$2,210.

Respectfully submitted for Council consideration.

Recommended by:

Tari Renner
Mayor

Mayor Renner introduced this item. At the Liquor Commission meeting there were limited concerns. Representatives of Carmike Palace Cinemas addressed seating, staffing and the use of wrist bands. He noted that GKC Theaters, Inc. intended to make a \$6 million investment in this facility. This would be the first dine in theater in Central Illinois. Carmike hoped to bring back family movie night.

Alderman Fazzini noted that the seating would be reduced while staffing would be increased. The Palace would be closed for four (4) months for remodeling. He also noted that this would be the first dine in theater in the state. GKC Theaters had a good business plan. There would be a \$3 – \$6 million investment in the property. He noted that representatives for GKC were present at this evening's meeting.

Alderman Fruin addressed consistency in philosophy. He cited various entertainment venues: theaters, Downtown taverns, US Cellular Coliseum and the Castle Theater. This was a progressive concept. Alcohol would be brought into movie theaters. Management of liquor sales would be key.

Mayor Renner noted that there would be better lighting and increased staffing. He noted that the Wehrenberg theater had used a different business model. The City offered an "E", Entertainment, liquor license. The Commission had aggressively addressed liquor violations.

Alderman Schmidt had heard from concerned citizens. She questioned video gaming at the Palace Theater. She was concerned that the movie theater would have the appearance of a bar. She questioned the Liquor Commission's management of liquor licenses and establishment audits. She noted GKC's planned investment in the property.

Mayor Renner believed that the City had clear definitions. An establishment with an "R", Restaurant, liquor license, had to sell food. The Commission had followed due process.

Alderman Painter had also been contacted by concerned citizens. She noted that there were few places that one could go where alcohol was not served. She had the impression that movie theater food was snacks.

Mayor Renner stated that the Palace would offer sit down dining.

Harlan Powell, Webster Powell and attorney representing GKC, addressed the Council. He introduced Robert Lehman, GKC's Vice President – Food & Beverage, and Suzanne Miller, General Manager of the GKC theater in Rosemont, IL.

Robert Lehman, GKC's Vice President – Food & Beverage, addressed the Council. The Palace would offer a full menu: appetizers, salads, entrees and desserts.

Alderman Painter questioned if there would be limit on the number of alcohol beverages sold. Mr. Powell noted that adult beverages would be sold to one (1) person, after identification was check, and only one (1) beverage could be purchased at a time. Movie patrons would call for table service. The movie theaters would be monitored.

Alderman Stearns cited the possibility for video gaming. Mr. Powell responded negatively. GKC was not interested in video gaming. It was not part of the business concept.

Alderman Stearns noted that movie patrons would be allowed to take an alcoholic beverage into the movie theater. She questioned customer monitoring and expressed concerns regarding underage sales. She questioned if GKC had given consideration to a hire back detail with the City's Police Department. Mr. Powell stated that GKC would comply with same if the Council requested. He added that additional security could be hired if warranted.

Alderman Stearns expressed her opinion that police hire back was a good concept. She noted that Wehrenberg Theater had a hire back detail. She questioned the City's Police Department capacity for hire back details. She added her belief that this was a sad day for the City. Movie theaters were a venue without alcohol. She cited local concerns. The Liquor Commission had been aggressive but there were dangers. Liquor sales were profitable and the City would be opening the gates. This was a sad day for children.

Alderman Mwilambwe stated this was an interesting concept. He questioned the floor plan. He questioned how patrons would move through the space. A traditional theater would make underage consumption an issue.

Mr. Powell addressed the genesis of the concept. He cited movie industry trends. He cited the various entertainment platforms. This represented a family option: dinner and a movie. There would be a restaurant within the movie theater. In order for movie theaters to compete, they needed to offer something new and different. The Palace would offer state of the art sound and projection. There was nothing like it in Central Illinois.

There would be various levels of control. There would be a restaurant. Theater staff would be BASSET certified. In addition, GKC/Carmike also offered staff training. He restated that identification would be checked and an individual would only be allowed to purchase an adult beverage. Adult beverages would be poured into distinctive glassware. In the movie theater, individuals would wear wristbands. He also addressed staffing levels. The Rosemont Theater retained off duty police officers. There had not been a single issue in the last eight (8) months.

Alderman Sage was intrigued by the concept. He noted the performance of the Liquor Commission over the past year. GKC had a conceptual plan. The Commission had shared information with the Council.

Mr. Powell noted that the movie theater would be redesigned. The furnishings and seating would be changed.

Alderman Sage expressed his concern regarding over serving. He also noted that GKC would be able to install video gaming without the Council's approval.

Mayor Renner believed that the City would be able to revoke the liquor license if video gaming terminals were installed. Mr. Lehman stressed the GKC was in the business of showing movies.

Alderman Sage questioned the percentage of sales from alcohol. Mr. Powell stated from five to twenty percent (5 – 20%) based upon other locations.

Alderman Sage questioned if GKC would guarantee that liquor sales would not exceed twenty percent (20%). Mayor Renner noted that an "E" liquor license limited liquor sales to forty percent (40%).

Alderman Sage noted the community awareness of this application. He questioned other similar venues.

Mayor Renner restated GKC's investment in the property, \$3 – 6 million. Wehrenberg's plan addressed the sale of beer and popcorn. This was a different model. He recalled the original plan for the Castle Theater.

Alderman Sage questioned daily operations and hire back from the City's Police Department. He also questioned the impact on the Police Department. Mayor Renner believed that this issue would be addressed if needed.

Brendan Heffner, Police Chief, addressed the Council. He was unable to provide an estimate. There were no guidelines and the need was unknown at this time.

Alderman Lower addressed current demographics. Mr. Lehman noted that this was a difficult question to answer. The Palace Theater was a destination due to its location. Movie goers appear to be older, professionals.

Alderman Lower noted the change to the business model. Mr. Lehman stated that GKC had a family business model.

Alderman Lower stated his inclination to be business friendly. He cited his concern regarding underage individuals being exposed to alcohol consumption.

Alderman Black thanked GKC from bringing this concept to the City. It will be expensive to go see a movie at the Palace Theater. Business brings business to the community. The Council needed to move out of the way. The Liquor Commission had aggressively taken action. This would be a different entertainment venue.

Mayor Renner saw this request as consistent with the City's vision. He found GKC's model exciting.

Alderman Stearns recalled Police Chief Heffner's comments. She believed that a hire back detail would be burden on the Police Department. This could be viewed as an opportunity or as a sad day for families.

Motion by Alderman Fazzini, seconded by Alderman Black that an EAS liquor license for GKC Theatres, Inc., d/b/a Carmike Palace Cinema 10, located at 415 Detroit Dr., 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 Mwilambwe, Schmidt, Painter, Fazzini, Sage, Fruin and Black.

Nays: Aldermen Lower and Stearns.

Motion carried.

The following was presented:

Presentation Illinois High-Speed Rail – Chicago to St. Louis – Impacts to Bloomington.

Jim Karch, Public Works Director, addressed the Council. He planned to address three (3) areas: 1.) grade separation crossing; 2.) at grade crossings and 3.) fencing. The grade separation crossing involved the replacement of the Market St. bridge. Work would begin late this summer and would take one (1) year. High speed rail would bring a dramatic change to the area. He noted that the IL Department of Transportation (IDOT) would be responsible for the detours. He addressed the mural under the Market St. bridge. There were no funds to salvage same and he was unsure how it could be salvaged. There would be a new forty-four foot (44') clear span which would offer better visibility. In addition, Market St. would be expanded to three (3) lanes. This change reflected long term thinking. He restated that the budget did not include any funds for salvage.

Mr. Karch addressed at grade crossings. Here would be three (3) at grade crossings: 1.) Washington St.; 2.) Miller St.; and 3.) Six Points Rd. He cited Washington St. as an example. There would be improvements made at same. The City would partner with the railroad. The improved crossings would include pedestrian crossing to included gates and exits. He also addressed the Miller St. pedestrian crossing. In addition, street work would be completed by the railroad, (i.e. curb and gutter work and asphalt paving). There would also be changes to the vertical grade. Street work would also be completed on Six Pts. Rd. This would include at grade work in the late summer 2015. The railroad would not close two (2) consecutive crossings. He restated that the City would not be responsible for the detours.

Mr. Karch addressed fencing. The City had made a request of the railroad regarding citizen outreach. The railroad had stated that it would work with citizens. The railroad would connect existing fencing to the new fencing. Ornamental six foot (6') wrought iron fencing would be used in residential areas. Six foot (6') chain link fencing would be used in commercial areas. At intersections, the fencing would only be three feet (3') tall. There would be no cost to the City, its residents and/or businesses.

IDOT would hold a public meeting as the project effected the City, the Town of Normal and McLean County. This meeting had not been scheduled. Mr. Karch had prepared and the Council was provided with a PowerPoint presentation for this item.

David Hales, City Manager, welcomed the Council's questions. City staff had encouraged the railroad to host an open public meeting. It was hoped that IDOT and the railroad's contractors would participate in same.

Alderman Sage noted that the crossing mentioned had limited pedestrian/bicycle traffic. He noted Normal's plan to build an elevated overpass. Mr. Karch stated that an at grade crossing versus an overpass was determined by high speed rail. The City had attempted to obtain the figures.

Alderman Sage noted the pedestrian gates. He questioned at what point the plan would be determined insufficient.

Alderman Lower noted that his father had worked for the railroad. The word of caution was safety. He expressed his skepticism regarding the benefits of high speed rail for passengers. There might be a benefit for freight traffic. Citizens needed to be educated as high speed rail was more dangerous. He had seen changes made in other Illinois cities for high speed rail.

Mr. Karch informed the Council that the railroad had acknowledged that there were concerns. He noted the planned improvements and acknowledged that nothing was full proof.

Alderman Black hoped that there would be a proactive approach to address the railroad mural. The community needed to become involved in a City fundraiser. He also addressed the at grade crossing on Miller St. Mr. Karch noted that the first warning would be an audio one, then the pedestrian gates would be activated, (i.e. visual warning).

Alderman Black noted that the railroad had been a pillar of the community. Mr. Karch acknowledged the Market St. bridge rural. There would be a small retaining wall with the new bridge which would be owned and maintained by the railroad.

The following was presented:

Presentation Nicor Natural Gas Utility Tax Audit.

Mayor Renner noted that this item involved a presentation, information and discussion.

David Hales, City Manager, addressed the Council. He cited the FY 20145 Action Plan. City staff would continue revenue audits in an effort to insure the City received the revenue it was entitled to. This work was challenging but important. Nicor was selected first.

Alex McElroy, Asst. to the City Manager, addressed the Council. City staff was following through. He noted the benefits: fair thorough collections, full and complete collection prior to any increase, and changes to the City's boundaries, business growth and new residential housing. He addressed the importance of this work. There were over 35,000 accounts and City staff found 253 discrepancies. A breakdown of the results had been provided to the Council. Eight (8) new accounts were identified and forty (40) accounts were lost as they were in unincorporated McLean County.

Mr. McElroy acknowledged Troy Olson, Engineering Technician, assistance with this project. He insured that the accounts were accurate. There were technical difficulties. The mobile home parks were a challenge.

Mr. Hales stated that mistakes/errors happened. Future audits may require legal assistance. City ordinances needed to be updated. The City planned to reach out to the

community. Student interns were a possibility. Other audits were planned. There were companies that performed this service for a fee, (i.e. commission). He expressed his support for the professionalism of City staff. The work would be completed accurately. All gains would belong to the City.

Alderman Fazzini questioned the three (3) year time line. He recommended that City staff repeat this audit next year and then every three (3) years. Mr. McElroy expressed his concern regarding available resources. Mr. McElroy had prepared and Council had been provided with a copy of a PowerPoint presentation.

Alderman Mwilambwe questioned other audits. Mr. Hales cited electricity, cable, (i.e. Comcast), and sales tax. The last one would be the most complicated.

The following was presented:

SUBJECT: CIAM Management Agreement/Memorandum of Understanding

RECOMMENDATION/MOTION: Not applicable.

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

STRATEGIC PLAN SIGNIFICANCE: Objective 1d. City services delivered in a cost-effective manner, and 1e. Partnering with others for the most cost-effective service delivery.

BACKGROUND: City staff has been working with CIAM management to address two (2) management comments raised in the Coliseum's recent audits. While the audits were clean, a "re-evaluation" of the management agreement was recommended to address certain issues. Specifically, the auditors suggested the parties address any ambiguities regarding the fifty cent per ticket parking fund allocation and the commission percentage on trades made by CIAM. To address the issues, staff is recommending, as set forth below, a Memorandum of Understanding be entered into between the parties addressing the two (2) audit comments. We have also confirmed with the auditors that such a memorandum, as outlined to them and subject to their review, will address the management comments.

(i) **Fifty Cent Parking Fund Allocation**

Based on our review, the fifty cent per ticket parking fund allocation has been an internal accounting function previously agreed to between CIAM and staff. Pursuant to Section 3.2(f) of the Management Agreement, CIAM charges a surcharge (anywhere between \$1 to \$4 based on the event) for parking. While all of the surcharge is revenue shown to the City, CIAM and City staff had previously arranged for fifty cents of the surcharge to be directly allocated into the City's parking fund. The auditors did not see this addressed in the Management Agreement and accordingly raised it as a comment. Despite the allocation not being contained directly within the Management Agreement, CIAM and previous City staff viewed this as an internal accounting

function. To address the management comment, the parties can simply enter into a Memorandum of Understanding setting forth the allocation.

(ii) CIAM Trade Commissions

On the “trade” commission issue, there was confusion as to the commissions charged in the pre-opening agreement and the various other commissions charged in the Management Agreement. However, the pre-opening agreement has expired and the provisions of the Management Agreement now control all commissions. Under the Management Agreement, CIAM is entitled to, and does, take a ten percent (10%) commission on sponsorships, suites, advertising, etc. However, CIAM also engages in “trades” (e.g., provide signage in the Coliseum to a radio station in exchange for free advertising). The exact commission on trades, however, is not clearly set forth and CIAM historically had taken only a five percent (5%) commission. All trades are given a value and staff is further recommending a memorandum of understanding be entered into with CIAM to clarify the five percent (5%) commission. The memorandum will also solidify that current practice that all sponsorships involving trades have written contracts and that a spreadsheet of all trades be maintained.

Representatives from CIAM and City staff met on Tuesday to discuss the outstanding issues and CIAM has committed to approving a Memorandum of Understanding to address the management comments.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by: Jeffrey R. Jurgens, Corporation Counsel

Reviewed by: David A. Hales, City Manager

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

Mayor Renner introduced this item. He noted that the Council would receive an update.

David Hales, City Manager, addressed the Council. A Council Memorandum had been prepared and a draft Memorandum of Understanding was a work in progress. The City’s finance staff and Central IL Arena Management (CIAM) were addressing specific items. CIAM was allowed up to a ten percent (10%) commission. CIAM had only collected a five percent (5%) commission on trade contracts. In addition, there were cash agreements. He cited .50 parking fee as an example. He noted that all parking garages were placed in the City’s General Fund. Parking was not an Enterprise Fund. The US Cellular Coliseum (USCC) had been of benefit to the Downtown. The original goal of the

Management Agreement was for CIAM to be of assistance with USCC's maintenance. The Council would be presented with a Memorandum of Understanding in the near future.

Alderman Stearns cited her interest in transparency. CIAM was a private company that was codependent upon City funds. The City needed to understand the management fees and commissions. She cited the ten percent (10%) commission on suites and sponsorships.

Jeff Jurgens, Corporation Counsel, addressed the Council. He noted that there were various commissions contained in the agreement. Commissions were set at ten percent (10%).

Alderman Stearns had reviewed the financials. She believed that CIAM's commissions had exceeded ten percent (10%). Management fees were four percent (4%) of total revenue. She believed that the naming rights, suites, and memberships had been included in commissions and in the management fees for a total of fourteen percent (14%).

She informed the Council that she had provided specific questions to the media. She planned to provide same to the Council. *(A copy of this document is on file in the Clerk's Office.)*

Mr. Jurgens cited his work efforts with Patti Lynn Silva, Finance Director.

Alderman Stearns expressed her belief that the City had software available to audit the USCC's concessions.

Mr. Hales reminded the Council that the USCC and CIAM were audited annually. The City used the outside auditors as a resource.

Alderman Stearns cited the outside auditor's reports which stated that CIAM's commissions and fees were ambiguous. These two (2) items needed to be clearly defined. The City needed to know how the commissions and fees were calculated. She cited CIAM's salary cost, \$1.3 million. She looked forward to City staff's answers.

Mr. Hales reminded the Council that the agreement had been inherited. It would expire in the near term. Issues would be addressed and clarified. A key question was how much City staff time to spend on this issue. City staff had focused on two (2) specific issues which had been addressed by the outside auditors.

Alderman Lower expressed his expectation for professional management at the USCC. He did not believe that the City had received good value for the money spent. He requested trend analysis, (i.e. profit, loss, earnings). Both the City and CIAM could learn from same as neither party had upheld the contract. He restated his request for an in depth analysis of point of sale and a trend analysis. He was not sure what the Council was looking at. The City and CIAM needed to utilize the available software. He cited the

City's investment in the USCC. The City was requesting additional information from CIAM. He cited concern regarding return on investment.

Alderman Black expressed his appreciation for the questions raised. There needed to be Council and public feedback. There needed to be revenue accountability. He was aware that the City was under contract with CIAM. The Council needed to move forward.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, recognized Craig Cummings, Water Director. Mr. Cummings would be leaving the City on July 7, 2014 for Arlington, TX. He cited Mr. Cummings education, certifications and technical expertise. He noted the City's fire hydrant program which was a critical part of public safety. He had directed the City's Source Water Strategic Plan. The City commenced online water bill payment during his tenure. The Council also passed a drought ordinance. The City was the first recipient of the Source Water Protection award.

Craig Cummings, Water Director, addressed the Council. He thanked them and appreciated their support.

Mr. Hales recognized John Kennedy, Parks, Recreation & Cultural Arts Director. Mr. Kennedy would be leaving the City on July 3, 2014 for Gilbert, AZ. This was a large fast growing community which presented a great opportunity. He would be employed in the Parks Department. Mr. Kennedy was a motivated, high performing employee who looked to technology. He had been employed by the City since 1997. Mr. Kennedy had overseen the reorganization/merger of the Parks and Recreation Department with the Cultural District. The Parks Master Plan had been updated and two (2) neighborhood parks had been built. The City had entered into a Memorandum of Understanding with the Miller Park Zoological Society. Together a Zoo Master Plan had been completed. Mr. Kennedy had tirelessly dedicated himself to the City.

Mr. Kennedy addressed the Council. He also thanked them and appreciated their support. He cited the Parks, Recreation & Cultural Arts Department staff. This was a bittersweet moment and represented the biggest move in his life.

Mr. Hales also informed the Council that Katie Buydos, Executive Asst., had also resigned. Her last day with the City would be July 11, 2014. The City had dedicated employees. He wished these three (3) employees the best.

MAYOR'S DISCUSSION: Mayor Renner thanked those who covered meetings during his attendance at the US Conference of Mayors. Alderman Black chaired the Mayoral Open House on Friday, June 20, 2014 and Alderman Schmidt chaired this evening's Executive Session. Weather had delayed his return from Dallas, TX. He noted attendance at same, (metro small/medium size cities). He addressed a program entitled Cities 3.0 which addressed e cities, service delivery and transparency. He also cited a pothole app for smart phones.

David Hales, City Manager, addressed the Council. The Council had been provided with maps. Council input was needed regarding the \$1 million Small Area Resurfacing project. He welcomed their feedback. The Council could also contact Jim Karch, Public Works Director. City staff needed to build a list.

ALDERMEN'S DISCUSSION: Alderman Fruin noted the 4th of July celebrations. He recognized City staff's efforts regarding same.

Alderman Fazzini reminded the Council of the Economic Development Council's quarterly meeting. It would be held on Thursday, June 26, 2014 at the Illinois State University's Alumni Center.

He also requested that an Executive Session be held prior to the Council's July 12, 2014 regular meeting.

Alderman Stearns informed the Council that she held a Franklin Park neighborhood meeting. The following individuals attended same: Alderman Lower, David Hales, City Manager, Jeff Jurgens, Corporation Counsel, and Frank Koehler, Interim PACE Director. She stated her opinion that decision making should be made by the neighborhood. She cited rezoning the property located at 405 E. Locust St. She appreciated the support of Mr. Hales and Mr. Jurgens.

She restated her concerns regarding the US Cellular Coliseum (USCC) and transparency. The City needed to understand how money was spent and the USCC's profitability.

Alderman Mwilambwe informed the Council that he had attended the Juneteenth event. He noted that this was a volunteer event. It was an opportunity to represent the City.

Alderman Sage thanked David Hales, City Manager, and Jim Karch, Public Works Director, for meeting at Luther Oaks regarding Lutz Rd. work.

He also complimented City staff regarding the Miller Park Zoo. He had recently visited same. He noted the appearance, the profession staff and the junior zookeepers. There had been presentations by zoo staff and animal feedings.

Motion by Alderman Black, seconded by Alderman Fazzini, that the meeting be adjourned. Time: 9:16 p.m.

Motion carried.

**Tracey Covert
City Clerk**

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