

**CITY COUNCIL QUESTIONS/COMMENTS – CITY STAFF RESPONSES
AS OF NOVEMBER 14, 2011 AT 7:53AM, FOR COUNCIL ON NOVEMBER 14, 2011**

Councilwoman: Judy Stearns

Work Session: “Proposed 2011 Estimated Tax Levy and Process”

Question/Comment: “Is it correct to say that the increase levy is for the possibility of a library expansion? Please give me a 5 year history of library reserves.”

Staff Response: As stated in the budget narrative, the requested increase includes \$400,000 to be transferred to the Library Capital Fund for future expansion and a \$135,562 request to cover a wage increase and other increased costs. There is a ten year history of the Library reserve funds in the power point presentation that Tim Ervin prepared.

Councilman: Jim Fruin

Item 6: “Recognition”

Question/Comment: “Recognition...always a good thing. Let’s do it more often!”

Staff Response: Staff agrees with this statement.

Councilman: Steven Purcell

Item 7E: “Purchase of a 2012 Ford Transit Connect for the Water Department”

Question/Comment: “How will the new Ford Transit Connect vehicle be used by Water Department personnel?”

Staff Response: The new vehicle is a replacement for an existing vehicle in the Meter Services Division. As such, the vehicle will be used for meter installations, shut-offs, reconnects, final readings, meter reading and any other meter service related work.

Councilman: Steven Purcell

Item 7F: “Microsoft Software Enterprise Agreement (EA) License Removal”

Question/Comment: “What is the alternative, if any, to purchasing the Microsoft software licensing agreement?”

Staff Response: The alternative to participating in the Microsoft Enterprise Licensing Agreement would simply be purchasing Microsoft licensing and maintenance as necessary. However, Staff believes using the Enterprise Agreement provides lower overall licensing costs, greater flexibility to manipulate licenses and easier access to enterprise level Microsoft technical support. Benefits of the Enterprise Agreement are:

- Volume Pricing for Licensing – Pricing is negotiated through the State of Illinois, so statewide purchasing power is brought to bear
- Includes Microsoft Software Assurance – Access to all new version releases as they are available, including enterprise version of Windows 7
- Simplified Enterprise – wide Licensing Management – Without the EA, Information Services Staff would need to spend much more time managing the City’s licenses
- Access to Cloud Services – EA allows license transmittal to cloud-based services when we see fit
- 24/7 Enterprise Technical Support
- Access to End User and Technical Training

There are a relatively small number of organizations that are investigating open-source alternatives to Microsoft network, database, operating system, office productivity and other software. Although this alternative has not been ruled out (and is always being researched), Staff believes it is not a viable alternative for the City at this time.

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Councilman: Bernie Anderson

Item 7G: “Early Order Program with Helena Chemical for Procurement of Syngenta and BASF Gold Course Chemicals from a Single Source.”

Question/Comment: “Though the vendor and product appear to be good, when do we step out of the box and verify if there are additional vendors, rather than continue on with the same for several more years?”

Staff Response: The early order program purchases are for a large portion of chemicals needed for golf operations, but it is not all inclusive. Each year, Staff tries other products from different vendors to see if they results improve the conditions at the golf courses. If and when improved products are found, those products are then included in the following year’s early order program as available. Therefore, the early order programs do purchase different products each year. Additionally, Staff looks each year at the various distributors and compares their service offerings to find the best service for the golf courses. Helena Chemical has once again offered the best service amenities for our area.

Councilman: Jim Fruin

Item 7H: “Analysis of Bids for the Repair of the Police Parking Garage”

Question/Comment: “I note that this item will be 78K over budget, and thus delaying the Market Street Garage repairs until 2013. I hate to see another year delay on Market Street. Hopefully, we will not need additional engineering studies in 2012/2013 to determine if anything has changed with the condition of the Market Street Garage. (Is my memory correct that we paid for two structural engineering reports on the Parking Garage we just sold)? I hate to see us delay postpone items (2012 to 2013) but understand how it happens. What we don’t spend much discussion time on is how many “deferred/delayed” expense items we have on the books. We could easily add 1% to our tax levy and catch up on necessary/required/mandated items that have been deferred to future years. “Pay me now or pay me later!” No staff response necessary. (Barb, if Market Street is open in 2012, I assume you are following up with the CVB?”

Staff Response: The City approved one inspection for the Snyder Garage approximately three years ago. The last inspection done, just before the purchase, was paid for by the new owner. Staff will notify CVB when the Market Street Garage is repaired and can be used for additional Jehovah Wittness parking during their conventions.

Councilman: Mboka Mwilambwe

Item 7H: “Analysis of Bids for the Repair of the Police Parking Garage”

Question/Comment: “What is the maintenance plan for this structure from here on out? Do we believe that we now have a solid maintenance plan for our parking facilities for the foreseeable future? If not, what does it take, what do you need from the Council to make sure that situations like this one do not occur again?”

Staff Response: Staff is reviewing several “best practice” procedures for parking garage maintenance. Staff anticipates a biannual inspection with budgeted repairs to be a part of that procedure.

Councilman: Bernie Anderson

Item 7H: “Analysis of Bids for the Repair of the Police Parking Garage”

Question/Comment: “Glad to see the number of bidders”

Staff Response: Staff is seeing an increase in the number of vendors that are submitting bids on city projects.

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Councilwoman: Karen Schmidt

Item 7H: “Analysis of Bids for the Repair of the Police Parking Garage”

Question/Comment: “Thanks for the detailed analysis of why staff chose the company”

Staff Response: n/a

Councilman: Jim Fruin

Item 7J: “Approval of Easement Agreements with Bloomington Country Club Realty Trust and Bloomington Country Club and Approval Contract for Sale of Real Estate and Payments of \$14,500 to Bloomington Country Club Realty Trust for Permanent Easement and \$10,500 to Bloomington Country Club for Temporary Easement.”

Question/Comment: “Should this item be delayed, until the Council Meeting where we actually approve the large contract? Just a timing question and not significant enough to debate? No staff response necessary.”

Staff Response: The “large contract” was approved by City Council on August 22, 2011. Acquisition of the easements is a condition of the low interest/partial forgiveness IEPA loan. The County Club and District 87 were very accommodating by approving these agreements on short notice. Staff is recommending approval.

Councilman: Steven Purcell

Item 7J: “Bloomington Country Club Sale of Real Estate”

Question/Comment: “How is the Bloomington Country Club using the storm water? What is their primary source of irrigation water? How much storm water do they use for irrigation? What is the value of the tap-on fees that will be waived by the City?”

Staff Response: Storm water is currently routed through the ponds in Bloomington Country Club (BCC) property. The BCC pumps water out of these ponds for irrigation use. The BCC’s primary source of irrigation water is the storm water that is currently routed through the ponds on BCC’s property. Therefore, if irrigation pumping causes their pond levels to drop substantially, the BCC will pay the current water rate for irrigation water from the City’s public water main. BCC has one tap to the public water main which they use to fill their pond during more drought-like conditions. The BCC is requesting the right to withdraw from the system for their use in irrigation. There would normally be no cost for such a “tap on”, in fact, BCC’s use of storm water for irrigation reduces the total volume of flow the City must convey downstream and is a benefit to the system. This request can be described in another way as, “the City will not deny any reasonable BCC request to access storm water for irrigation purposes.”

Councilman: Jim Fruin

Item 7K: “Approval of Payment of \$24,750 to District 87 for Easements Necessary for the Locust-Colton Combined Sewer Project and Approval of an Easement Agreement”

Question/Comment: “Should this item be delayed, until the Council Meeting where we actually approve the large contract? Just a timing question and not significant enough to debate? No staff response necessary.”

Staff Response: The “large contract” was approved by City Council on August 22, 2011. Acquisition of the easements is a condition of the low interest/partial forgiveness IEPA loan. The Country Club and District 87 were very accommodating by approving these agreements on short notice. Staff is recommending approval.

**CITY COUNCIL QUESTIONS/COMMENTS – CITY STAFF RESPONSES
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Councilman: Jim Fruin

Item 7M: “Application of Super Parkway Liquor LLC, d/b/a Parkway Liquor, located at 2302 E. Washington, Unit #3, requesting PAS liquor license, which would allow the sale of all types of packaged alcohol for consumption off premises seven days a week.”

Question: “I agree with Councilwoman Schmidt to pull. Having attended this Liquor Hearing in which a “similar Neighborhood Convenient store” was denied, I believe there is a consistency question here, as was raised by the Liquor Commission? (3 to 2 vote). I would also like to have some indication of past policy activity in the Washington/Prospect and Arbors Apartment Complex area. Liquor is already available in the surrounding area.”

Staff Response: Mayor Stockton removed this item from the Consent Agenda on November 10, 2011. Addendum will reflect the removal of this item.

Councilwoman: Karen Schmidt

Item 7M: “Liquor License for Super Parkway Liquor LLC”

Question/Comment: “I am pulling this agenda item”

Staff Response: Mayor Stockton pulled this item on November 10, 2011.

Councilman: Rob Fazzini

Item 7M: “Super Parkway Liquor LLC”

Question/Comment: “With a split vote of 3 to 2 by the Liquor Commission, I will recommend this be pulled for discussion on the Regular Agenda.”

Staff Response: Mayor Stockton pulled this item on November 10, 2011.

Councilman: Mboka Mwilambwe

Item 7N: “Amendment to Provisions of the Bloomington City Code Providing for the Settlement, Purchasing and Contracting Authority of the City Manager”

Question/Comment: “Can you give us an idea (a general estimate is fine) of how much time this would free up for council to focus on other issues? Will the staff give us some sort of monthly analysis so that we have an idea of what the trends are?”

Staff Response: Over the last few months, Staff has requested Executive Sessions to deal with “settlement” authority approval. This has normally taken 30 to 50 minutes, depending on the case. Staff submits to Council quarterly a report that list the settlement authority and the amount the Claims Adjusters/Attorney’s settle cases.

Councilman: Bernie Anderson

Item 7N: “Amendment to Provisions of the Bloomington City Code Providing the Settlement, Purchasing and Contracting Authority of the City Manager”

Question/Comment: “Recommend Changes! Settlements should not exceed 25K dollars to anyone individual in a five year period of Council needs to be approached for approval. This principal should be the same for \$25,001 to 35K approvals. Purchasing contracts for one vendor/contractor should be exceeding 25K annually without Council’s approval.”

Staff Response: Staff is recommending settlement authority up to \$35,000 and emergency purchases in the amount up to \$24,999.

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Councilman: Rob Fazzini

Item 7N: “Amendment to Provisions of the Bloomington City Code Providing the Settlement, Purchasing and Contracting Authority of the City Manager”

Question/Comment: “Why is there a \$25,001 to \$35,000 category? Why not just go up to \$25,000 or \$35,000 and just have two categories? I am okay with either number for City Manager authority.”

Staff Response: Staff is recommending settlement authority up to \$35,000 and emergency purchases in the amount of up to \$24,999.

Councilman: Rob Fazzini

Item 9B: “An Ordinance Amending “An Ordinance Describing and Designating an Area Located Partially within the City of Bloomington, Town of Normal and Unincorporated McLean County as an Enterprise Zone”

Question/Comment: “We are provided with the jobs to be created and the company investment into new plant, but we are not provided with an estimate of the amount of sale tax revenue annually that the City of Bloomington will lose as a result of this land being included within the Enterprise Zone. It is difficult to make a decision without all the relevant facts.”

Staff Response: The designation of an Enterprise Zone allows certified projects (certified by an Enterprise Zone Administrator) to be exempt from the payment of State Mandated (6.5% - City receives 1%) and Home Rules Sales Tax (City receives 1.50%) for the sole purchase of building materials for the certified project. The calculation of the impact of this status on sales tax revenue can be difficult because the builder of the project can purchase building materials at multiple businesses in multiple locations and the tax exempt status follows the purchase. In other words, if the builder purchases lumber in the City of Clinton, the purchases tax-exempt status would be applied to taxes charged by the City of Clinton. Vice-versa for building material purchases in the City of Bloomington by other Enterprise Zones in the State of Illinois.

Councilman: Jim Fruin

Item 9C: “Petition submitted by Janessa and Justin Orwig requesting the approval of a Rezoning from R-2, Mixed Residence District with an S-4, Historic Preservation District overlay, to an R-2, Mixed Residence District, for property commonly located at 1001 Elder Street”

Question/Comment: “S-4 Historic Preservation District vs. a single residential property. No staff response necessary.”

Staff Response: n/a

Councilman: Mboka Mwilambwe

Item 9C: “Petition submitted by Janessa and Justin Orwig requesting the approval of a Rezoning from R-2, Mixed Residence District with an S-4, Historic Preservation District overlay, to an R-2, Mixed Residence District, for property commonly located at 1001 Elder Street”

Question/Comment: “When one purchases a home with historic designation, how are they made aware that the home they purchased is historic? Is there any other help financially to a homeowner than the \$2,500 mentioned in the packet? Is there a marketing plan associated with this home such that changes that are contrary to the prescriptions of the Historic Preservation Commission would be detrimental to the plan? I am trying to figure how all of this fits in the grand scheme of things?”

Staff Response: A homeowner should be made aware of the zoning of a piece of property by either their Realtor or as part of the property’s appraisal. Staff is not directly aware of money available to a homeowner with historic properties. However, there are often tax credits and that may be available at the state and local levels if they meet the criteria established.

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Councilman: Steven Purcell

Item 9C: "Petition submitted to rezone 1001 Elder Street"

Question/Comment: "Would you please check to see if there was any grant money for restoration projects from the Historic Preservation Commission provided for the property at 1001 Elder Street, when Devin Morris was the owner (now former owner)?"

Staff Response: The amount of historic preservation funds received by the previous owners was not presented as part of the record for this case.

Councilwoman: Karen Schmidt

Item 9C: "Rezoning of 1001 Elder Street"

Question/Comment: "I am recusing myself from this discussion, because my husband is on the Historic Preservation Commission (HPC). I want to avoid any appearance of conflict of interest. I sought Todd's opinion."

Staff Response: Corporation Counsel concurs.

Councilman: Rob Fazzini

Item 9C: "Rezoning of 1001 Elder Street"

Question/Comment: "The summary paragraph under "Regular Agenda" Recommends that the rezoning be approved and the Ordinance passed, while the Council package full review document Recommendation is that the rezoning be denied. Which is correct?"

Staff Response: Staff has corrected the agenda via Addendum.

Councilman: David Sage

Item 9C: "Rezoning of 1001 Elder Street"

Question/Comment: "For Elder Street rezoning, written agenda says ordinance should be passed. Staff report in packet says rezoning should be denied. Can the staff recommendation please be clarified?"

Staff Response: Staff has corrected the agenda via Addendum.

Councilman: Steven Purcell

Item 9C: "Rezoning of 1001 Elder Street"

Question/Comment: "The agenda states that the Orwig petition should be approved even though the backup memo recommends denial. Have the Orwig's been notified of the agenda mistake?"

Staff Response: Staff contacted the Orwig's on Monday morning.

Councilman: Jim Fruin

Item 9D: "Proposed 2011 Estimated Tax Levy and Process"

Question/Comment: "I assume we are talking about the big picture number and not dissecting individual budget line items? Maybe the intended discussion time for this Agenda item will be clarified during the earlier scheduled Work Session."

Staff Response: Correct.

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Councilman: Rob Fazzini

Item 9E: “Proposed Ward Redistricting Maps”

Question/Comment: “Should the Proposed Resolution not be placed on hold until a decision on whether or not to pursue a modified ward system is resolved? If a modified ward system referendum is placed on the April 2013 ballot by citizen petition of city council action, then any ward map would need to be redone.”

Staff Response: This is a Policy decision for the Council.

Prepared by:

Barbara J. Adkins

Deputy City Manager