

Council Questions/Comments and Staff Responses Report for September 23, 2013

as of September 23, 2013 at 1:37 pm

GENERAL COMMENTS:

Alderman: Karen Schmidt

Comment: An action-rich agenda, thanks to everyone who worked on these items

Staff Response: Thank you Councilwoman, it takes a lot of staff, coordination and time submit to the City Council a complete packet.

Alderman: Kevin Lower

Comment/Question: Sorry for the late submission. Just a few brief questions to bring a bit more clarity to our meeting.

Staff Response: Staff will attempt to get responses to all of your questions, prior to the City Council Meeting.

WORK SESSION:

Alderman: Rob Fazzini

Item: Bonds

Question/Comment: Under the section entitled BONDS, the annual debt service on the new \$10 million bond for street and sewer work is more than \$200,000 below the \$1.3 million discussed when the motion was discussed and passed.

Staff Response: None.

Alderman: Rob Fazzini

Item: Downtown Streetscape Master Plan

Question/Comment: Under the section entitled DOWNTOWN STREETSCAPE MASTER PLAN, I would offer the following comments:

1. In the background section of the memo, I would like to see MURALS included in the plan because they become a tourism attraction for visitors.
2. For the History Museum in paragraph three on page 2, I would add "tourism as an attraction.
3. In fact, I would like to see TOURISM emphasized much more in this master plan because that would add to the viability of our downtown and the financial improvement to merchants and the City of Bloomington from sales tax revenue.
4. Finally, solving the downtown bar scene situation would go a long way toward improving the appeal of our downtown for citizens and tourists.

Staff Response: Staff can add the requested information to the report.

CONSENT AGENDA

Alderman: Rob Fazzini

Item 6C: Analysis of Bids and Approval of 2013 Washington Street Micro-Surfacing Contract"

Question/Comment: In addition to the changes to improve public safety, will Washington Street have a uniform look rather than the current patch work look?

Staff Response: The micro-surfacing work is covering Washington Street between Mason Street and Gridley Street. The micro-surfacing work will provide a more consistent surface than the current pavement. While micro-surfacing is not the same as an asphalt overlay, it is an economic option utilized for pavement preservation and preventative maintenance. Micro-surfacing consists of a surface applied polymer-modified asphalt and aggregate mixture that seals the pavement from air and water, extends the service life of the roadway, and provides a skid-resistant wearing surface. Public Works already uses reclamite and CRF and is expanding into micro-surfacing as a pilot program for pavement preservation. This is being done to stretch the life of the pavement and allow the City to start to catch up on our back log of street needs.

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Alderman: Kevin Lower

Item 6C: Analysis of Bids and Approval of 2013 Washington Street Micro-Surfacing Contract

Question/Comment: Have we looked at limiting parking on weekend nights and peak times in the critical areas rather than reducing the double lanes to one? Would this not be a more cost effective option?

Staff Response: The pavement preservation project is beneficial from a maintenance standpoint in addition to the safety aspect. There was a report generated on what alternatives could be done for this area as well. This recommendation was presented at a public meeting and received the most positive comments instead of the alternative to do nothing at this time. Staff has committed to bringing back additional options moving forward at another public meeting which will be held on March 4, 2014.

Alderman: Rob Fazzini

Item 6D: Analysis of Bids and Approval of 2013 Utility Maintenance Contract

Question/Comment: Is there any concern about the quality of work from a winning bid that was \$117,030 below the second lowest bid?

Staff Response: With a competitive bidding process, contractors provide the best pricing that they can in order to be awarded the work. It is their responsibility to comply with the contract as it is written. Should they not comply with the contract, the City has remedies and a process to receive the quality of work expected per the contract.

Alderwoman: Judy Stearns

Item 6D: Analysis of Bids and Approval of 2013 Utility Maintenance Contract

Question/Comment: Please clarify why the work is beyond the scope of our City employees? I am looking for more specific information than just a blanket statement that the work is beyond our City's work force or equipment. Correct me if I am mistaken, but I believe our city's workers have done much of this similar work in the past? Perhaps we are increasing the scope of this work for some reason? Looking back at the projects completed the previous year, how many were completed by the City workers?

Staff Response: Due to the condition of the City's infrastructure that has been reported to the Council in various master plans, there are more needs than there are resources right now. The increase in funding put toward the maintenance contracts reflects the increasing need. Maintenance contracts have been used by the City for multiple years to complete work when City staff doesn't have the time, equipment or knowledge to complete. Without increasing our staffing and resource level, the work that needs to be done cannot be done with in-house resources. This maintenance contract allows us to keep up with the current infrastructure needs.

It is important to note that between May 1, 2013 and September 23, 2013, the Streets and Sewers crews have completed 1,442 work orders on City infrastructure. This does not include special event work and call-out emergencies. The City recently purchased equipment, including milling equipment, rolling equipment and asphalt hot boxes, to allow City staff to expand the amount of work that they are able to accomplish. More hot asphalt has been placed by City crews than ever before which is a great improvement and has gone a long way to help the overall condition of City streets. In addition, City staff is working toward recommending the purchase of an asphalt spreader which will increase the safety for our employees and also improve efficiency. Staff is currently piloting the equipment for consideration.

Alderman: Rob Fazzini

Item 6E: Analysis of Bids and Approval of 2013 Emergency Utility Report Contract

Question/Comment: Is there any concern about the quality of work from a winning bid that was \$86,390 lower amount than the second lowest bid?

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Staff Response: With a competitive bidding process, contractors provide the best pricing that they can in order to be awarded the work. It is their responsibility to comply with the contract as it is written. Should they not comply with the contract, the City has remedies and a process to receive the quality of work expected per the contract.

Alderwoman: Judy Stearns

Item 6E: Analysis of Bids and Approval of 2013 Emergency Utility Report Contract

Question/Comment: Please clarify why the work is beyond the scope of our City employees? I am looking for more specific information than just a blanket statement that the work is beyond our City's work force or equipment. Correct me if I am mistaken, but I believe our city's workers have done much of this similar work in the past? Perhaps we are increasing the scope of this work for some reason? Looking back at the projects completed the previous year, how many were completed by the City workers?

Staff Response: City staff is used to make repairs/replacements. Staff completed over 1,400 work orders from May 1, 2013 through September 23, 2013. This contract is to help with the large work load of repairs that come in.

Alderman: Kevin Lower

Items 6 E, H, J

Question/Comments: I am not looking for a very detailed answer, however, many of my constituents are asking about the viability of using our own crews and equipment to provide some of these services. What equipment are we lacking and/or should we be looking closer at providing some of these services with our own equipment and/or labor?

Staff Response: City staff is used to make repairs/replacements for all three (3) Council Items. Over the last several years, outside contracts have been approved to help assist staff with the high number of repairs/replacements that need to be made. From May 1, 2013 through September 23, 2013 City staff has completed over 1,400 work orders, this does not include the work orders completed by our external contractors.

Alderman: Rob Fazzini

Item 6M: Analysis of Bids for New Irrigation Pump Station at Prairie Vista

Question/Comment: What is the anticipated annual dollar savings from the energy efficiency improvement from the new VFD pump?

Staff Response: Anticipated savings of \$4,000 per year in decreased energy costs. This is variable and dependent upon unpredictable weather conditions.

Alderwoman: Karen Schmidt

Item 6N: Purchase of Playground Equipment for Franklin Park

Question/Comment: I believe this proposal also went to the Historic Preservation Commission, because of the historic nature of the park and neighborhood, and that the Commission also supports this proposal. Can you confirm?

Staff Response: The Historic Preservation Commission approved this piece of playground equipment at their June 20, 2013 meeting.

Alderman: Rob Fazzini

Item 6O: Renewal of Bond Purchasing Agreement for 2004 Variable Rate Demand Bonds"

Question/Comment:

1. With the current low interest rate environment, would this not be a good time to pay off this variable rate bond and replace it with a fixed rate bond?

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- a. **Staff Response:** You can always refinance the bonds into a fixed rate upon 35 day notice, but the primary reason for the variable rate approach since 2004 was to take advantage of low weekly floating interest rates and the related interest rate exposure for reduced costs which approximate over \$2 million versus the approximate fixed rate since the bonds were issued. This decision is somewhat similar to what homeowners would consider as they decide on a fixed vs. adjustable rate mortgage.
2. How significant is the J.P. Morgan Bank obligation to purchase any bonds that cannot be remarketed?
 - a. **Staff Response:** In a highly liquid term market like that of a variable rate demand bonds like these which are held mostly by money market funds, the likelihood of the variable rate bonds to be “put” to the credit facility is minimal and would ordinarily be precipitated by a significant market, credit, or geopolitical event. The variable rate demand bond market is very deep and ordinarily very liquid making it very likely that another buyer for the bonds can be found immediately versus having to draw on the credit facility.
3. Do other holders of City of Bloomington bonds recognize the SETOFF (page 17) obligation imposed by J.P. Morgan Bank is a superior lien position to any other bond holder because it can be imposed even if any part of the bond is due?
 - a. **Staff Response:** Chapman and Cutler can give a more detailed response on the question of SETOFF, but since all other bonds are general obligation bonds, bondholders are secured by a dedicated, direct debt service levy which is filed with the County Clerk and which is in place and cannot be abated until the bonds are full-paid and/or refunded. The SETOFF provisions in Article X of the Standby Bond Purchase Agreement comes into play only if the City becomes insolvent or if a Default or an Unmatured Default (as defined in the Agreement) occurs. Such provisions are not uncommon in the bank letter of credit or standby bond purchase facilities.

Alderman: Kevin Lower

Item 6O: Renewal of Bond Purchasing Agreement for 2004 Variable Rate Demand Bonds

Question/Comment: Should we not look at this issue in a more timely manner so as not to limit our options in the future?

Staff Response: Future Bond Purchasing can be made part of the Finance Plan Policy going forward.

Alderman: Rob Fazzini

Item 6R: Text Amendment to Chapter 40. Taxicabs, Prohibiting Alcoholic Liquor on Vehicles for Hire

Question/Comment: What is the enforcement mechanism to insure that the vehicles for hire strictly enforce this new ordinance? I propose it be very, very strict with a large fine of say \$500 for the first offense and loss of license after the first offense. I intend to PULL this item for discussion on the Regular Agenda.

Staff Response: Violations of this ordinance would be governed by Section 1011 of Chapter 40; for a first offense, a minimum fine of \$250 and a maximum fine of \$1,000; for second and subsequent offenses, a minimum fine of \$250 and a maximum fine of \$2,500. As drafted, subsection (a) of the proposed ordinance would mainly apply to passengers; subsection (b) applies to drivers, which should be kept in mind when determining appropriate fines. This ordinance will be enforced in similar manner to other vehicle for hire offenses, which usually involves police action and sometimes sting operations.

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Alderman: Rob Fazzini

Item 6S: Text Amendment to Chapter 2

Question/Comment: There is an advantage of no alderman being influenced by earlier votes in a roll call environment. Do we need to enumerate specifically in the Ordinance that an abstain vote is automatically cast as a vote with the majority?

Staff Response: An “abstain” vote does not always count as a concurrence with the majority. When the statute or ordinance requires an “affirmative” vote of the corporate authorities, an “abstain” vote will be counted as a “no” vote, even if a majority of the Council were to vote “aya”.

REGULAR AGENDA

Alderman: Rob Fazzini

Item 7A: Presentation by Mike Nugent on Worker’s Compensation, Property, Casualty and Liability Insurance Stewardship Reports

Question/Comment: Not only is staff recommending that this presentation be made to the entire city council, but the Administration and Finance Committee also recommended this at its 9-10-13 meeting.

Staff Response: None

Alderman: Rob Fazzini

Item 7B: Text Amendment to Chapter 21 Refuse regarding Discontinuing Refuse Collection to Housing with Five or More Units

Question/Comment: Did the Infrastructure Committee review and recommend this to the full city council?

Staff Response: On August 19, 2013, the Infrastructure Committee did review the issue of discontinuing refuse collection to housing with five or more units and recommended the issue to the City Council.

Alderwoman: Judy Stearns

Item 7B: Text Amendment to Chapter 21 Refuse regarding Discontinuing Refuse Collection to Housing with Five or More Units

Question/Comment: Please tell me how refuse and recyclables are handled now for condo units over 4 units and what the difference will be if the restriction buildings greater than 6 units passes?

Staff Response: The City currently provides both refuse and recycling services to some condos over 4 units. Many condos over 4 units are served through a private collection service similar to apartments. The water billing system used by the city to determine where the apartments are over 4 units does not track condos over 4 units because they are billed off to the individual addresses. Should the City Council pass the text amendment eliminating service to housing over 4 units and trailer parks, staff would begin to process where the condos over 4 units currently are and work with the landowner to figure out whether City solid waste services would best suit their needs. Staff does not believe that there are as many condos over 4 units as there are apartments so the issue should not be as extensive. This would have to be dealt with on a case by case basis. For larger condo units, the automated equipment will have the same operational and logistical issues as are seen in the apartment complexes.

Alderwoman: Karen Schmidt

Item 7C: Text Amendment to Chapter 2. Administration, Section 15, Establishing the Third Monday of Each Month as a Meeting of the City Council As a Committee of the Whole

Question/Comment: We have received emails regarding procedural questions for this Committee, similar to the questions we received for our topic “focused” committees. Questions relate to how we might allow public input, OMA clarification, etc. In the past our work sessions have often not allowed input. This has been awkward in my opinion, especially when we have individuals in the audience who can provide additional information – this never seemed expedient or helpful to our work. I hope we will develop some baseline operating principles for these meetings to provide clarity for everyone.

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Staff Response: Staff has prepared language for tonight's meeting which, if adopted, will clarify that a public comment section will start meetings of the Committee of the Whole and that the Council will have the ability to suspend the rules to permit input by designated persons. Draft language is attached.

Alderman: Rob Fazzini

Item 7C: Text Amendment to Chapter 2. Administration, Section 15, Establishing the Third Monday of Each Month as a Meeting of the city Council As a Committee of the Whole

Question/Comment: My preference would be to have this monthly meeting on a day other than a Monday

Staff Response: None.

Alderwoman: Judy Stearns

Item 7C: Text Amendment to Chapter 2. Administration, Section 15, Establishing the Third Monday of Each Month as a Meeting of the City Council As a Committee of the Whole

Question/Comment: As for the Committee of the Whole, I suggest another night so that those of us who travel can block out two certain weeks instead of 3. I suggest another night in the same week as a Council meeting.

Staff Response: None.

Alderman: Kevin Lower

Item 7C: Text Amendment to Chapter 2, Section 15, Establishing the Third Monday of Each Month as a Meeting of the City Council As a Committee of the Whole

Question/Comment: It is my understanding that our Illinois State Attorney General is still defining many of the aspects of operations as a "Committee of the Whole". Should we in the interim period just operate in work sessions with a small tweak to the ordinance that established these so as to avoid further violations?

Staff Response: Corporation Counsel Todd Greenburg can address during the Council Meeting.

Prepared by: Barbara J. Adkins, Deputy City Manager

ORDINANCE NUMBER 2013 - _____

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE,
ESTABLISHING THE THIRD MONDAY OF EACH MONTH
AS A MEETING OF THE CITY COUNCIL
AS A COMMITTEE OF THE WHOLE

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

Section One: That Chapter 2 of the Bloomington City Code, 1960, as amended, is further amended by adding the following underlined language to Section 15 of Chapter 2:

Chapter 2: Section 15: Meetings - Regular and Adjourned.

Beginning January 2012, regular meetings of the City Council of the City of Bloomington shall be held on the second and fourth Monday of each month at the hour of 7:00 p.m. in the Council Chambers of the City Hall in the City of Bloomington, Illinois, or at such other place in said City as the Council shall designate; provided, however, that should any such regular meeting fall upon any holiday recognized by and under the laws of the United States or the State of Illinois, then said regular meeting so falling on said holiday shall be held on the day following such regular meeting date at the same hour and at the place aforesaid.

An adjourned meeting may be held for the purpose of completing the unfinished business of a regular meeting at such time as may be determined by the Council.

On the third Monday of each month at 5:30 p.m., the City Council shall meet as a Committee of the Whole. The agenda for such meeting shall be prepared by the City Manager in consultation with the Mayor. A time for public comment shall be conducted in the manner set forth in Section 17 (5) of this Chapter. No final action may be taken at a meeting of a Committee of the Whole unless it has been called as a Special Meeting as required by Section 16 of this Chapter. To the extent appropriate, the Rules set forth in Section 18 of this Chapter shall govern the proceedings of meetings of a Committee of the Whole.

SECTION TWO: That the City Clerk be and she is hereby directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION THREE: That this ordinance shall take effect ten days after the date of its publication.

SECTION FOUR: That this ordinance is adopted pursuant to Home Rule Authority granted the City of Bloomington by Article 7, Section 6, of the Illinois Constitution.

ADOPTED this ____ day of September, 2013.

APPROVED this _____ day of September, 2013.

APPROVED:

Tari Renner
Mayor

ATTEST:

Tracey Covert
City Clerk