

Council Questions/Comments and Staff Responses Report for July 28, 2014

as of July 28, 2014 at 2:10 pm

CONSENT AGENDA

Alderman: Robert Fazzini

Item 7H: Waive Formal Bid Process and Contract with CPS Human Resources Consulting to Administer an Asst. Fire Chief Promotional Testing. (Recommend that the formal bid process be waived, the agreement with CPS Human Resources Consulting, Sacramento, CA, be approved, in the amount of \$17,450, in addition to the possibility of the cost for an additional test date and reasonable costs for travel and lodging, the Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.)

Question/Comment: Why do we not cooperate with other nearby communities to jointly request this Assistant Fire Chief Promotional Testing as it should be nearly the same for each Fire Department?

Staff Response: In order for us to partner with other communities to conduct a single test the following issues would need to be resolved:

1. This is a topic of bargaining for unions. In order for us to partner with another agency we would have to negotiate the same or similar testing process.
 2. Part of the testing process includes a written test which evaluates an employees' knowledge of the Bloomington Fire Department's Standard Operating Procedures (SOP) and other Fire Science resources. Our SOP's may not match those of other communities.
 3. The first step in establishing the testing process is reviewing the knowledge, skills and abilities required to be successful in the position. This is an interactive process between employees currently in the position and the testing agency. Although departments may have very similar functions, you would have to make sure the testing was validated by the testing agency to include only the Bloomington Fire Department's knowledge, skills and abilities. Otherwise you may jeopardize the validation of the test which could result in legal ramifications.
 4. We would need the same testing schedule as the other agencies we would partner with. The last list established for Assistant Fire Chief was a two year list with one employee on it. We have exhausted this list and have to go through the process again before the two year expiration date.
- The concept of partnering with other agencies would need to be thoroughly reviewed by legal counsel including review of the State of Illinois Promotional Act.

Alderman: Robert Fazzini

Item 7I: Waive Formal Bid Process and contract with Clark Dietz Inc. for Motor Fuel Tax (MFT) Project Administration and Engineering Services. (Recommend that the formal bid process be waived, the Engineering Services Contract with Clark Dietz Inc. for work on MFT project closeouts be approved, for a maximum amount of \$53,275, the Resolution adopted, and the Mayor and City Clerk be authorized to execute the necessary documents.)

Question/Comment: How many man hours of our own staff would be required to do this task? Would city workers on our payroll appreciate the overtime opportunity? Could the task be completed in a satisfactory time frame using overtime?

Staff Response: The applicable Engineering Division staff who would work on this request are classified employees and not eligible for overtime pay. The point of contact doing this work for Clark Dietz is Doug Grovesteen who was the previous Engineering Director. He has extensive experience with the projects and the MFT process. This will allow for smooth project completion.

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Item 7M: Request to Approve a Budget Amendment to Accounts (10015110 – 72520) and (10015110 – 70420) in the General Fund Budget for Emergency Replacement of Police Department Chiller. (Recommend that the Ordinance be passed.)

Question/Comment: Why was this item not budgeted in the FY 2015 Adopted Budget?

Staff Response: With the benefit and knowledge of our recent facility assessments, we are beginning to experience and witness the consequences of deferred maintenance and the need for more structured systematic planning. Several recent issues such as the fire suppression sprinkler system in the police parking structure and the police building AC chiller failure are examples of aged units reaching the end of an expected useful lifecycle. In the past and more recently, these items have been forced to come to Council as emergency procurements. With the benefit of a facility assessment, we now hope to address these issues before reaching this critical point and plan for more timely capital repair and replacement of building systems. Doing so will require a heightened level of inventory, assessment, and planning than previously performed by staff. Utilizing existing staff and the professional expertise of Interim Facilities Manager Derrick Hengstabeck, (a contract employee through Faithful & Gould), staff is analyzing our current facility operations with the intent of proposing changes to increase our efficiency and effectiveness in maintaining and planning for future facility needs.

Alderman: Karen Schmidt

Item 7Q: Request to Approve a Budget Amendment to Account 10016110 - 70425 in the General Fund and Approve Lease Agreement for 104 - 106 E. Oakland Ave., the former Connect Transit Bus Storage Depot, a/k/a the Bus Barn. (Recommend that the Ordinance Amending the Budget Ordinance to add funds to Account 10016110 - 70425 in the General Fund be passed, the lease agreement with Connect Transit be approved, in the amount of \$5,226.54 per month (\$62,718.50 per year) for three (3) years, and the Mayor and City Clerk be authorized to execute the necessary documents.)

Question/Comment: I continue to have concerns about the bus barn rental (item 7Q.) I understand why we want our vehicles to be protected, but this seems like a lot of money for a storage facility that has a number of problems, and is a short-term solution.

I don't know how many vehicles we are looking to store. Can our Station #5 handle any or all of these vehicles? Have we looked elsewhere for this protection for our equipment? For this money could we provide our own storage by building to our needs?

Staff Response: As stated in the backup memo, the bus barn stores 16 dump trucks which is important for the City's snow response. During the closed session, staff discussed the various other facilities that the Economic Development Coordinator Justine Robinson had researched. Unfortunately, none of these properties were viable for operational needs. Staff did commit to bringing forth a budget line item for the next fiscal year which would address both the mid-term and long-term facility needs. Depending on funding availability next fiscal year, this would eliminate the need for the continued lease of the bus barn. The current Public Works facility was built in the 1960's and does not fully accommodate the current operational needs of the Department. This lease is viewed as a short term not long term solution.

Alderman: Robert Fazzini

Item 7Z: Text Amendment to Chapter 2 Administration regarding Public Comment at City Council Meetings. (Recommend the Text Amendment be reconsidered and that the Ordinance be passed.)

Question/Comment: I will request that this be pulled for discussion on three points: 1. Speakers should be chosen based on allowing as many citizens as possible participate rather than the some people monopolizing the speaking opportunities. 2. Public comment should be once per month rather than every meeting. 3. Retain the portion of the current ordinance that a person who speaks at a meeting be ineligible to speak again for two calendar months.

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Staff Response: Although somewhat vague, the Open Meetings Act provides under Subsection 2.06(g) that "Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body." This has been interpreted by the Attorney General's office to mean that public comment must be held at every meeting of the public body subject to the public body's reasonable rules. Unfortunately, there have not been any cases interpreting this provision of the Act, and so the City's public comment rules have been written liberally and in compliance with suggestions by the Attorney General's office. Although some have desired keeping the portion of the rules that prohibits a speaker from being eligible to speak more than once every two calendar months, staff does not believe this is tied to a legitimate objective of the Act and that it would be successfully challenged. That said, the rules do provide if someone is not able to speak at a meeting, they will be entitled to speak first at the next meeting.

Prepared by: Tracey Covert, City Clerk