



COMMITTEE AGENDA

Tuesday, November 24, 2009

City Council Chambers

5:30 p.m.

Ward 1	Frank Edwards	Ward 6	Mark Mahoney (Vice Chair)
Ward 2	Gail Simpson	Ward 7	Debbie Cimarossa
Ward 3	Frank Kunz	Ward 8	Kris Theilen
Ward 4	Frank Lesko	Ward 9	Steven Dove
Ward 5	Sam Cahnman (Chair)	Ward 10	Tim Griffin

1. Approval of November 10, 2009 Committee Meeting Minutes.

2. Ordinances Tabled or Remaining In Committee:

2008-337 A Resolution To Abandon The Construction Of Hunter Lake (**Requested By Ald. Edwards**) (**Utilities**) (**Remains In Committee 12/10/08**)

2009-387 An Ordinance Prohibiting The Appointment Of New Employees For All City Offices (**Requested By Ald. Edwards**) (**Remains In Committee 8/5/09**)

2009-467 An Ordinance Amending Chapter 98, Section 98.05 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding Impoundment For Sound Device Violations. (**Requested By Mayor Timothy J. Davlin**) (**Remains In Committee 9/8/09**)

4. Ordinances for Committee Consideration:

2009-555 An Ordinance Authorizing A Service Agreement With Cannon Cochran Management Services, Inc. To Serve As Third Party Administrator For Workers' Compensation Claims From January 1, 2010, Through December 31, 2010, For An Amount Not To Exceed \$165,000.00. (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

The City desires the services of a third party administrator for the Workers' Compensation program. This ordinance will authorize execution of an agreement with Cannon Cochran Management Services, Inc. to serve as third party administrator from January 1, 2010, through December 31, 2010, with an option to renew under the same terms and conditions for four subsequent one year terms. The annual payment for these services is \$165,000.00.

2009-556 An Ordinance Authorizing Payment To Jay Colston, An Office Of Public Utilities Employee, For Settlement Of A Workers' Compensation Claim For Case Number 08-WC-15973. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Jay Colston was working as a Service Foreman for the Office of Public Utilities on February 16, 2007 and injured his left shoulder while throwing a switch. Mr. Colston required conservative treatment only and was able to return to work full duty. Mr. Colston reinjured his left shoulder on November 5, 2008, while using a stick to throw a switch and underwent surgery in March 2009 to repair a full thickness tear to his rotator cuff. Mr. Colston was able to return to work full duty in September 2009. Mr. Colston filed a workers' compensation claim on both injuries (08-WC-56438 and 08-WC-56576) and is willing to settle his claims in the amount of \$58,860.96 representing a permanent partial disability equivalent to 35% loss of use of his left arm. Livingstone, Mueller, O'Brien & Davlin P.C., the City's workers' compensation advisors, recommend payment to Mr. Colston to settle both claims.

2009-557 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$772.11 For The Springfield Fire Department. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

This ordinance will allow acceptance of funds for the Springfield Fire Department. This check is from nuclear detection program training reimbursement.

2009-558 An Ordinance Approving And Authorizing Execution Of Amendment No. 1 To The Original Proposal For Mercury Re-Emission And Reduction Testing On The Dallman Units 31/32 And 33 Flue Gas Desulfurization Systems With Western Kentucky University Research Foundation, Inc. Approved By Ordinance No. 246-05-09 And Authorizing Additional Payment Of \$28,000.00 For The Electric Generation Department. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Description: This ordinance approves and authorizes execution of Amendment No. 1 to the original Proposal for mercury re-emission and reduction testing on the Dallman Units 31/32 and 33 Flue Gas Desulfurization Systems (FGDS) with Western Kentucky University Research Foundation, Inc. (WKURF) approved by Ordinance No. 246-05-09 for the City of Springfield Office of Public Utilities' Electric Generation Department.

The original ordinance authorized an expenditure of \$64,050.84 with WKURF for these services. This Ordinance approves an additional expenditure in the amount of \$28,000.00 for mercury re-emission and reduction testing services with WKURF. The original Ordinance and Proposal with WKURF authorized the utility to conduct an evaluation of mercury re-emission and reduction testing using a proprietary chemical additive of The Babcock & Wilcox Company to evaluate its effectiveness on mercury reduction. This Ordinance and Agreement Amendment will authorize additional testing as a result of the use of a new chemical additive from the Nalco Company that aims to increase the mercury capture across the plant's existing air pollution control systems to increase mercury removal.

2009-559 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UE10-09-62 – Dallman Unit No. 33 Scrubber Tower Inspection With Team Industrial Services, Inc. In An Amount Of \$152,200.00 For The Electric Generation Department. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Description: This ordinance accepts Contract UE10-09-62 in the amount of \$152,200.00 with Team Industrial Services, Inc. for an external and internal material thickness and weld inspection of the two identical Dallman Unit No 33 Scrubber Towers for the City of Springfield Office of Public Utilities' Electric Generation Department. The Dallman Unit 33 Scrubber has been in operation since 1980, and its towers are 92.6 feet in height and 30 feet in diameter. The inspection is necessary to determine the general condition and provide thickness measurements in areas where wall deterioration is most evident or where modifications are planned. The initial external inspection and report is scheduled for completion prior to December 23, 2009. A separate internal inspection will occur during the Spring 2010 outage with a report to follow. Team Industrial Services, Inc. submitted the only bid.

2009-560 An Ordinance Accepting And Authorizing Execution Of A Demonstration Of Energy-Efficient Developments Grant Agreement With The American Public Power Association In The Total Amount Of \$21,200.00 On Behalf Of The Administrative Services Division Energy Services Office And Authorizing A Supplemental Appropriation Of Said Funds. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Description: This ordinance accepts and authorizes execution of a Demonstration of Energy-Efficient Developments (DEED) Grant agreement with the American Public Power Association (APPA) in the total amount of \$21,200.00 on behalf of the City of Springfield Office of Public Utilities' Administrative Services Division Energy Services Office (ESO). ESO will use these grant funds over a one-year period to pilot a new energy-efficiency public education process using a community based social marketing approach and the perception of "social norms" as a motivator to create desired energy-efficiency behavior changes in the utility's customers. ESO will randomly select 1,000 utility customers and from this pool four categories will be created for study purposes: a focus group, a study group, a control group, and a neighborhood group. The goal is to test the degree to which community based social marketing and the perception of social norms related to energy efficiency can change customers' energy conservation behaviors in the long term. ESO will conduct follow up research beyond the initial study period, at intervals of six months, one year and two years.

This ordinance also authorizes a Supplemental Appropriation in the total amount of \$21,200.00 from these grant proceeds into various Energy Services Office operating accounts. The total project budget is \$53,700.00, \$32,500.00 of which is being provided by the Energy Services Office through in-kind support.

2009-561 An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And North American Association Of Central Cancer Registries, Inc. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Description: This ordinance authorizes the execution of a standard Telecommunications Contract Service Agreement between North American Association of Central Cancer Registries, Inc. (NAACCR) and the City of Springfield. Under the agreement, NAACCR will be provided with fiber optic connections from its facility located at 2121 West White Oaks Dr. Suite B to Hanson Information Systems' facility at 426 West Monroe in Springfield. NAACCR will pay the City an installation charge of \$2,995.00 plus \$995.00 per month for a 10 Mbps (megabits per second) Ethernet connection for the initial term of the contract. The initial agreement will take effect upon approval by the City Council and NAACCR and remain in effect for a term of three years from the date of the provision of service. This contract is

entered into pursuant to the City's Contract Service Tariff filed with the Illinois Commerce Commission.

2009-562 An Ordinance Approving And Authorizing Execution Of Two Separate Lease Agreements, Each For One-Year Terms, For The Administrative Services Division For The City Of Springfield. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Description: This ordinance authorizes the execution of a residential property lease agreement with Laurie A. Mefford for the Administrative Services Division for the City of Springfield Office of Public Utilities. The leased property commonly known as 9150 Wahl Road (Site No. 97) is located in Pawnee, Illinois, and comprises approximately 4.73 acres with a single family residence on the premises. The tenant will pay rent monthly in the amount of \$750.00.

This ordinance further authorizes the execution of a residential property lease agreement with Michael L. McCarty and Debra L. McCarty for the Administrative Services Division. The leased property commonly known as 4188 KOA Road (Site No. 96) is located in Rochester, Illinois, and comprises approximately one acre with a single family residence and attached garage on the premises. The tenants will pay rent monthly in the amount of \$700.00.

The one-year lease terms begin November 1, 2009, and expire October 31, 2010. The leases may be canceled with 30 days notice or extended by mutual agreement in accordance with the lease provisions.

2009-563 An Ordinance Accepting The Lowest Bid And Authorizing Execution Of Contract PW10-09-60 With Otto Baum Company, Inc. For Sidewalk Removal And Replacement In Census Tract 16 Using Community Development Block Grant Funds In An Amount Not To Exceed \$294,658.00, For The Office Of Public Works. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Ordinance accepting the lowest responsible bid and authorizing the Office of Public Works to enter into a contract with Otto Baum Company in the amount of \$294,658.00, using Community Block Grant (CDBG) funds allocated to the City under Title XII of the American Recovery and Reinvestment Act of 2009. This funding was authorized as a Substantial Amendment to the 2008 Annual Action Plan of the Office of Planning & Economic Development and will be used for sidewalk removal and replacement along specified streets in CT 16, as designated in PW10-09-60, where 83% of residents are low-to-moderate income.

2009-564 An Ordinance To Dissolve The North Crossing Special Tax Allocation Fund And To Terminate The Designation Of The Redevelopment Project Area, Plan And Project. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

An ordinance to end the Near North Crossing TIF and special tax allocation fund associated with the TIF.

2009-565 An Ordinance Authorizing Execution Of A Redevelopment Agreement With Illinois Building, LLC, For Rehabilitation And Purchase Of Two Façade Easements For The Building Located At 607 East Adams Street Utilizing Central Area Tax Increment Finance Funds In An Amount Not To Exceed \$410,000.00. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Central Area TIF funding for the purchase of two fall-building façade easements. The total amount of TIF assistance for ILLINOIS BUILDING, LLC is \$410,000.00.

2009-566 An Ordinance Authorizing Execution Of A Purchase Contract With B.O.N.E., LLC For The Real Property Located At 1122 And 1124 South Grand Avenue East Using The City's Community Development Block Grant Funds In An Amount Not To Exceed \$41,000.00, For The Office Of Planning And Economic Development. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

This change supports Springfield comprehensive plan 2020. This request will allow the property to be consistent with the neighborhood.

2009-567 A Resolution Providing Public Notice Of Regular Meetings Of The Council Of The City Of Springfield, Illinois, For The 2010 Calendar Year. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Pursuant to state law requirements under 5 ILCS 120/2/02 and 2.03, public notice of all public meetings of the Springfield City Council shall be established and a schedule be prepared at the beginning of each calendar year by the City Council, stating the regular dates, times and places of such meetings.

2009-568 An Ordinance Establishing The Holidays For The City Of Springfield For The Calendar Year 2010. **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

This ordinance is being prepared pursuant to Chapter 36, 36.57 of the 1988 City of Springfield Code of Ordinances, as amended.

2009-569 An Ordinance Amending Chapter 76, Section 76.44 Of The 1988 Cit Of Springfield Code Of Ordinances, As Amended, To Provide For The Impoundment Of Vehicles And Assessment Of Costs Upon The Commission Of Delineated Offenses. **(Requested By Mayor Timothy J. Davlin and Ald. Mahoney) (Committee Of The Whole)**

The following changes are being proposed: Sections a, b and c of Section 76.44 are being deleted. The following language is proposed:

(a) **Impoundment and fine.** A motor vehicle in which the driver is arrested or cited for the commission of a felony, certain misdemeanors, or certain ordinance violations shall be subject to seizure and impoundment under this section. If a felony offense as defined in Illinois Compiled Statutes, or a violation of section 6-303, 11-401, 11-501, or 11-503 of the Motor Vehicle Code, or a violation of section 11-14, 11-14.1, 11-15, 11-18 or 24-1 of the Criminal Code, section 4, 5, 5.2, or 8 of the Cannabis Control Act, or section 3.5 of the Drug Paraphernalia Control Act, or a violation of section 131.07, 131.08, 133.04, 133.05, or 133.07 of this code was committed, the owner of record of such vehicle shall be liable to the city for a penalty of \$500 in addition to fees for the towing and storage of the vehicle.

(b) **Notice.** Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under this section.

(c) **Vehicle release.** The owner of a vehicle impounded pursuant to this section may seek to have the impounded vehicle released by appearing in person at the Springfield Police Department. Upon payment of the applicable penalty and if all other requirements for release have been met, the Springfield Police Department shall issue to the owner an authorization for release of the vehicle. Once the authorization for release is obtained, the owner may reclaim the vehicle from the towing operator upon payment of all applicable towing and storage fees.

(d) **Preliminary hearing.** Whenever the owner of a vehicle seized pursuant to this section requests in writing a preliminary hearing within 24 hours after the seizure, a hearing officer of the city shall conduct such preliminary hearing at the next administrative court date to be held within 7 days after said seizure. All interested persons shall be given a reasonable opportunity to be heard at the preliminary hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines that there is probable cause to believe that the vehicle, was used in the commission of any offense set forth in subsection (a) herein, the hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle posts with the city a cash bond in the amount of the penalty, as well as an amount equal to fees for the towing and storage of the vehicle. If the hearing officer determines that there is no such probable cause, the vehicle will be returned without penalty or other fees.

(e) **Plenary hearing.** Within ten days after a vehicle is seized and impounded pursuant to this section, the city shall notify by certified mail, return receipt requested, the owner of record at his/her last known address, as indicated by the vehicle's registration, of his/her right to request a hearing before the hearing officer that will be conducted to determine whether the subject vehicle is eligible for impoundment pursuant to this section. However, no such notice need be sent to the owner of record if the owner is personally served with the notice within ten days after the vehicle is impounded, and the owner acknowledges receipt of the notice in writing. The notice shall state the penalties that may be imposed if no hearing is requested, including that a vehicle not released by payment of the penalty and fees and remaining towing/storage facility may be sold or disposed of by the city or the tow operator in accordance with applicable law. The owner of record seeking a hearing must file a written request for a hearing with the city legal department no later than 15 days after the notice was mailed or otherwise given under this subsection. The hearing shall be scheduled and held unless continued by order of the hearing officer, no later than 45 days after the request for a hearing has been filed. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible. If, after the hearing, the hearing officer determines by a preponderance of evidence that the vehicle was used in the commission of an offense set forth in subsection (a) herein, the hearing officer shall enter an order requiring the vehicle to continue to be impounded until the owner pays the fees for the towing and storage of the vehicle, plus the applicable penalty as set forth in subsection (a) herein. The penalty and fees shall be a debt due and owing the city. However, if a cash bond has been posted, the bond shall be applied to the penalty. If the hearing officer determines that the vehicle was not used in commission of such a violation, the vehicle and the cash bond shall be returned to the owner and the city shall be liable for the towing and storage fees.

(f) **Unclaimed vehicles.** Any motor vehicle that is not reclaimed within 30 days after the expiration of the time during which the owner of record may seek judicial review of the city's action under this section, or the time at which a final judgment is rendered in favor of the city, may be disposed of as an unclaimed vehicle as provided by law. As used in this section, the "owner of record" of a vehicle means the record title holder and proof

of same need not be made by certified documentation from the Secretary of State's Office or another state's department of vehicle registration and licensing.

(g) **Remedy non-exclusive.** This section shall not replace or otherwise abrogate any existing state or federal laws or local ordinances pertaining to vehicle seizure and impoundment. Nothing herein precludes prosecution for violation of this section in addition to or in lieu of the procedures set forth in this section.

(h) **Liens.** After the expiration of the time during which the owner of record may seek judicial review of the city's action under this section and if no judicial review is pending, a person with a lien of record against a vehicle impounded under this section that is unclaimed as described in subsection (f) herein may obtain possession of the vehicle if he pays an amount equal to the penalty sought to be assessed in subsection (a) herein in addition to fees for towing and storage of the vehicle prior to the sale of said vehicle. Said lien holder shall be given notice of impoundment pursuant to 625 ILCS 5/4-205(b), and may notify the city police department of his intent to obtain possession of the vehicle under this subsection at any time after receiving notice and prior to sale of said vehicle. Said lien holder shall make the payments called for herein on or before the date he may obtain possession.

(i) **Defenses.** For the purposes of this section, a vehicle is not considered to have been used in the commission of a violation that would render the vehicle eligible for towing if: (1) the vehicle used in the violation was stolen at the time and the theft was reported to the appropriate law enforcement authorities after the theft was discovered or reasonably should have been discovered or (2) the vehicle was operating as a common carrier including, but not limited to, taxicabs or buses and the violation occurred without the knowledge of the person in control of the vehicle.

5. **Unfinished Business**
6. **New Business**
7. **Citizen Requests to Address Committee**
8. **Adjournment**

Cecilia K. Tumulty
Cecilia K. Tumulty, C.M.C.
City Clerk