

**Minutes of Springfield City
Council Meeting
Tuesday, October 5, 2010
City Council Chambers**

PRE-COUNCIL SESSION

Deputy City Clerk Veronica Bigley called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Tuesday, October 5, 2010, in the Council Chambers of the Municipal Center West.

Clerk Bigley read the following Ordinances and Resolutions to be considered at the next regularly scheduled City Council Meeting and assigned the Ordinances to the Committee of the Whole.

2010-369 An Ordinance Authorizing Payment To Richard D. Hill, A Former Office Of Public Utilities Employee, For Settlement Of A Workers Compensation Claim For Case Number 08-WC-005955 (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-370 An Ordinance Authorizing A Transfer Of Funds From One Budget Line To Another Within The Same Fund In The Amount Of \$300,000.00 For The Office Of Public Works (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-371 An Ordinance Authorizing Acceptance And Execution Of A Grant From The Illinois Department Of Transportation In The Amount Of \$179,532.00 For The Local Alcohol Program And Authorizing A Supplemental Appropriation In The Amount Of \$72,358.00 For The Springfield Police Department (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-372 An Ordinance Accepting Bids And Authorizing The Execution Of Contract Ue11-08-53 – Three Material Handling Double Bucket Trucks (Hybrid) With Dueco, Inc. In The Amount Of \$777,137.00 For The Electric Division (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-373 An Ordinance Accepting A Quotation With And Authorizing Payment To Kestrel Power Engineering LLC In An Amount Not To Exceed \$150,000.00 For The Performance Of A Study Pertaining To Verification Of Models And Data For Generator Excitation System Functions For The Electric Division (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-374 An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Springfield Clinic LLP (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-375 An Ordinance Amending Ordinance 424-7-73 To Correct The Legal Description For Vacation Of A Portion Of Eighth Street And Four Alleys Between Washington And Adams Streets (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-376 An Ordinance Authorizing The Execution Of A Yard Waste Collection Service Agreement With Lake Area Disposal Service, Inc., Waste Management Of Illinois, Inc., Illini Disposal, Inc., And Allied Waste Transportation, Inc., To Furnish Services Of Collection And Disposal Of Yard Waste Within The City And Lands Owned By The City In An Estimated Amount Not To Exceed \$150,000.00 Based On \$27.00 Per Cubic Yard Of Yard Waste Collected, For The Office Of Public Works (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**)

2010-377 An Ordinance Authorizing The Execution Of An Annexation Agreement For The Property Located At 500 Toronto Road (Road Ranger, L.L.C.) **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-378 An Ordinance Annexing Certain Described Real Property Located At 500 Toronto Road (Road Ranger, L.L.C.) **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-379 An Ordinance To Decrease The Number Of Class D Liquor Licenses By One For Thanom Enterprises, Inc. D/B/A Tokyo Of Japan And Increase The Number Of Class D Liquor Licenses By One For Nineputt, Inc. D/B/A Buffalo Wild Wings **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-380 An Ordinance To Increase The Number Of Class E Liquor Licenses By One For Goals Indoor Sports, Ltd, 3604 Peoria Road **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-381 An Ordinance Authorizing Execution Of Change Order No. 1 With Siciliano Inc And Authorizing Additional Payment In The Amount Of \$16,796.00 For A Total Not To Exceed \$124,796.00 Under Contract No. Ed09-05-32 For Renovations At 1100 South Grand Avenue East, For The Office Of Planning And Economic Development **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-382 An Ordinance Authorizing Execution Of Subrecipient Agreement 09-Sr-0011 With The Parent Place, Inc. For Lead-Based Paint Mitigation And Abatement Of City Code Violations At Its Facility Located At 314 South Grand Avenue West Utilizing The City's Community Development Block Grant Funds In An Amount Not To Exceed \$115,974.00, For The Office Of Planning And Economic Development **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-383 An Ordinance Declaring 18 Unclaimed Bicycles Being Held In The Springfield Police Department's Evidence Room To Be Surplus Property And Authorizing The Springfield Police Department To Donate Said Bicycles To The Capital Area Career Center **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

Clerk Bigley Read the **Consent Agenda** into the record of this Council meeting.

2010-347 An Ordinance Amending Chapter 38, Section 38.03, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding The Definition Of Public Works And Public Works Contracts **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-348 An Ordinance Approving A Contract With The Curran Fire Protection District For Fire Protection Services Beginning February 1, 2011, Through January 31, 2013 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-349 An Ordinance Authorizing Termination Of A Redevelopment Agreement Between The Office Of Planning & Economic Development And The Office Of Public Utilities For The Purchase And Installation Of Alley Lighting And Alley Infrastructure Improvements Utilizing Central Area Tax Increment Finance Monies **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-350 An Ordinance Authorizing The Execution Of A Redevelopment Agreement Between The Office Of Planning & Economic Development And The Office Of Public Utilities For The Purchase And Installation Of Street, Pedestrian And Alley Lighting As Well As Alley Infrastructure Improvements Utilizing Central Area Tax Increment Finance Monies In The Amount Of \$1,700,000.00, For The Office Of Planning And Economic Development **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-351 An Ordinance Authorizing Acceptance And Execution Of Economic Development Initiative-Special Project Grant Agreement No. B-10-Sp-II-0148 From The U.S. Department Of Housing And Urban Development To The Springfield Office Of Planning And Economic Development In The Amount Of \$340,900.00 For East Side Redevelopment **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-352 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$37,892.00 For The Springfield Police Department **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-353 An Ordinance Authorizing Acceptance Of An Additional \$500.00 From The Illinois Department Of Transportation For A Total Amount Of \$180,127.43 For The Local Alcohol Program And Authorizing A Supplemental Appropriation In The Amount Of \$500.00 For The Springfield Police Department **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-354 An Ordinance Accepting And Authorizing Execution Of Community Oriented Policing Services Grant #2010CKWX0271 From The U.S. Department Of Justice, In The Amount Of \$150,000.00, For The Springfield Police Department, **As Amended (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-355 An Ordinance Authorizing Payment To Craig Barber, An Office Of Public Utilities Employee, For Settlement Of A Workers Compensation Claim For Number 07294A139551 **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-364 An Ordinance Amending Ordinance Number 802-11-07 By Authorizing The Director Of The Office Of Community Relations To Assume The Advisory Role For The Homeless Advisory Committee **(Requested By Ald. Cahnman) (Committee Of The Whole)**

2010-365 An Ordinance Amending Chapter 76, Section 76.44, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Provide For Due Process Regarding The Impoundment Of Vehicles, **As Amended (Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-366 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UW11-08-45 – Fluorosilicic Acid With Lucier Chemical Industries, Ltd. In The Amount Of \$112,545.00 For The Water Purification Plant **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-367 An Ordinance Authorizing A Change In Scope Of Engineering Procurement Construction (EPC) Contract No. 200 – Electric Generation Unit By Approving A Contract Extension With KBV Springfield Power Partners, A Joint Venture Of Kiewit Industrial Co., A Delaware Corporation, For The Design, Procurement And Construction Of The Dallman Unit 4 Generation Facility For The Electric Division **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole)**

2010-368 An Ordinance Approving A Four-Way Stop Intersection At 12th And Melrose Streets **(Requested By Ald. Simpson) (Committee Of The Whole)**

The Pre Council Session Concluded at 5:10 p.m.

CITY COUNCIL MEETING

Mayor Davlin called the meeting to order at 5:30 p.m. All were invited to rise for the Pledge of Allegiance.

City Clerk Cecilia Tumulty called the roll of City Council members.

PRESENT: Ald. Edwards , Ald. Simpson , Ald. Kunz , Ald. Lesko , Ald. Cahnman , Ald. Mahoney , Ald. Cimarossa , Ald. Theilen , Ald. Dove , Ald. Griffin and Mayor Davlin .

ABSENT: None

Mayor Davlin acknowledged that Frank Kunz and Sandy Robinson were celebrating birthdays today.

Ald. Simpson moved, Ald. Dove seconded, to dispense with the reading of the minutes and to approve the minutes of the September 21, 2010, City Council meeting. The motion carried via voice vote.

Ald. Simpson moved, Ald. Dove seconded, to incorporate the pre-council first reading of ordinances into the record of this council meeting. The motion carried via voice vote.

The next matter on the agenda was the Consent Agenda. Ald. Simpson moved, Ald. Kunz seconded, to incorporate the pre-council reading of the consent agenda into the record of this council meeting. The motion carried via voice vote.

Ald. Simpson moved to place the Consent Agenda on Final Passage. Ald. Cimarossa seconded. Ald. Theilen moved to remove 2010-367 from the Consent Agenda and place it on the Debate Agenda. Ald. Griffin seconded. The motion carried 8/2 via voice vote. (Ald. Simpson and Ald. Cimarossa voted No.)

The motion to place the Consent Agenda on Final Passage carried 10/0. Ald. Edwards , Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Dove , and Griffin voted yes.

Agenda Numbers 2008-337, 2009-387, 2009-582, 2010-001, 2010-048, 2010-131, 2010-158, 2010-284, 2010-328 Remain Tabled or In Committee.

The next items on the Agenda were Agenda Nos. 2010-356, 357, 358 and 359. Ald. Simpson moved to recess the regular meeting of the City Council to hold a Public Hearing. Ald. Cimarossa seconded. The motion carried via voice vote.

Mayor Davlin read the ordinances into the record. A Public Hearing was convened.

2010-356 An Ordinance Authorizing The Execution Of An Annexation Agreement With Scott A. Weyant And Mary J. Weyant For The Property Located At 2426 East Ardmore Avenue

2010-357 An Ordinance Authorizing The Execution Of An Annexation Agreement With James M. Derosa For The Property Located At 2431 East Ardmore Avenue

2010-358 An Ordinance Authorizing The Execution Of An Annexation Agreement With James M. Derosa And Mary Frances Derosa For The Property Located At 2433 East Ardmore Avenue

2010-359 An Ordinance Authorizing The Execution Of An Annexation Agreement With Grace C. Hayes For The Property Located At 2445 East Ardmore Avenue

Ald. Simpson moved to adjourn the Public Hearing and reconvene the regular meeting of the City Council. Ald. Cimarossa seconded. The motion carried via voice vote.

Ald. Simpson moved for an omnibus vote on Agenda Nos. 2010-356, 357, 358 and 359. Ald. Kunz seconded. The motion carried via voice vote.

Ald. Simpson moved to place Agenda Nos. 2010-356, 357, 358 and 359 on final passage. Ald. Griffin Seconded. The motion carried 11/0. Ald. Edwards , Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Dove , Griffin and Mayor Davlin voted yes.

The next items on the Agenda were Agenda Nos. 2010-360, 361, 362 and 363. Ald. Simpson moved for an Omnibus vote on Agenda Nos. 2010-360, 361, 362 and 363. Ald. Lesko seconded. The motion carried via voice vote.

Mayor Davlin read each ordinance into the record of the Council meeting:

2010-360 An Ordinance Annexing Certain Described Property Located At 2426 Ardmore Avenue (Scott A. Weyant And Mary J. Weyant)

2010-361 An Ordinance Annexing Certain Described Property Located At 2431 Ardmore Avenue (James DeRosa)

2010-362 An Ordinance Annexing Certain Described Property Located At 2433 Ardmore Avenue (James M. And Mary Frances DeRosa)

2010-363 An Ordinance Annexing Certain Described Property Located At 2445 Ardmore Avenue (Ronald And Vernopple Castleman And Grace Hayes)

Ald. Simpson moved to place Agenda Nos. 2010-360, 361, 362 and 363 on final passage. Ald. Griffin seconded. Ald. Edwards , Simpson , Kunz , Lesko , Cahnman , Mahoney , Cimarossa , Theilen , Dove , and Griffin voted yes.

The next item on the Agenda was Agenda No. 2010-367, "An Ordinance Authorizing A Change In Scope Of Engineering Procurement Construction (EPC) Contract No. 200 – Electric Generation Unit By Approving A Contract Extension With KBV Springfield Power Partners, A Joint Venture Of Kiewit Industrial Co., A Delaware Corporation, For The Design, Procurement And Construction Of The Dallman Unit 4 Generation Facility For The Electric Division." Ald Theilen moved to place Agenda No. 2010-367 on final passage. Ald. Kunz seconded. Eric Hobbie from CWLP was available to answer questions about this ordinance. Ald. Theilen stated that he wanted this ordinance explained on the record. He has had constituents contact him about this issue. Ald. Theilen stated he wanted to verify there is no fiscal impact associated with this ordinance. We are not paying more money for the extension. Eric Hobbie stated that is correct. Ald. Theilen asked about the new completion date of

April, 2011. He asked who determines the benchmark to call the plant complete. Is it KBB or the City or a third party. Hobbie stated the original contract terms determine the completion date. There is a punch list of items that must be completed. When they are completed, the City, KBB, Burns & McDonald must sign off as complete.

Ald. Theilen asked who will be doing the testing. Hobbie stated the City will sign off. There are performance tests that they (KBB) must perform under the contract. Theilen asked when all is said and done and the unit is fired up to 100%, the vibration problem should be gone. Hobbie stated yes.

Ald. Griffin asked if this was standard operating procedure? He questioned “substantially complete” versus “complete.” Shouldn’t it be clear cut? Hobbie stated the term “operational ready” should be used. The unit fired up and achieved performance test and reached full output. It met all of the emissions limits. Those tests had to be performed and signed off on by the City. Those tests triggered “substantial completion.” At that point in time, for every day the unit was able to operate at full capacity, under our control, they received \$50,000 per day for a maximum of 100 days which equaled \$5 million dollars. We did not write a check every day, but at the end of the month they were paid based on full capacity, no outages or repairs. They earned that.

Mr. Hobbie stated that if we chose not to run Unit 4 at 100%, it was under our operational control and we would have made that decision. If the City could buy power for \$18 and the cost was \$22 to make it, we would not have ran Unit 4 at full capacity. But it was capable.

Ald. Griffin asked how you would know if it was not eligible to run at full capacity on a given day. Hobbie stated if there were no known issues, it was on line during that time. As long as it was sitting there with no known problems, it would have run at maximum. If there was a problem, it would have been derated and not able to run at full capacity that day. KBB would have received the bonus for that day.

Ald. Edwards asked if the Council could get information on what it cost to generate electricity per unit. He said to pick a day and say this is what the market was selling for that day. Hobbie stated it changes by the hour. Ald. Edwards stated to pick an hour. Give him an average for the day. Real time market. What it’s costing us to produce it and what we’re selling it for.

Hobbie stated it depends on the day of the week. He stated he is not trying to make it complicated, but it is. Edwards stated he understood. He has a snapshot of wind power. He would like the same for the electricity generated by CWLP. Hobbie stated we don’t sell power at a loss. Wind power serves native load.

Edwards stated let’s make it easy. Do it over the average of September. Hobbie stated he can provide a forward price curve. Edwards stated he didn’t want that. He wanted what we did in September. What it cost to produce at each unit. And then – over the average – what we sold it for.

Ald. Cahnman asked Mr. Hobbie if the plant was able to produce, on a consistent basis, 200 megawatts of power. Hobbie stated yes. Maximum capability was 208 mgw of power. We have 8 extra megawatts that we did not contract for. Cahnman asked if we had to pay to build the plant for 208 megawatts, how much would that cost. Hobbie stated the extra 8 megawatts have a value of \$20 million dollars.

The motion on final passage carried 9/1. Ald. Edwards ☒, Simpson ☒, Kunz ☒, Lesko ☒, Cahnman ☒, Mahoney ☒, Cimarossa ☒, Theilen ☒, and Dove ☒ voted yes. Ald. Griffin ☒ voted no.

Ald. Simpson moved to adjourn the regular meeting of the City Council to hold an Executive Session to discuss pending litigation. Ald. Griffin seconded. The motion carried via voice vote. The time was approximately 5:46 p.m.

Ald. Simpson moved to adjourn Executive Session and reconvene the regular meeting of the City council. Ald. Griffin seconded. The motion carried via voice vote. The time was approximately 6:24 p.m.

Ald. Simpson moved to suspend the rules and place on first reading, Agenda No. 2010-384, “An Ordinance Authorizing Execution Of A Settlement Agreement For United States District Court Case No. 06-3283, *Linda Goetz V. City Of Springfield, Et Al.*” Ald. Kunz seconded. The motion carried via voice vote.

Ald. Cahnman stated that on Oct. 12, 2010, at 11:00 a.m., a historical marker will be placed to commemorate the birthplace of Robert Stuart Fitzgerald, an author, poet and translator of Homer’s *The Odyssey* and *The Iliad*. This will take place on his 100th birthday. In further honor, Mayor Davlin proclaimed October 12, 2010, at Robert Stuart Fitzgerald day in the City.

Ald. Simpson moved to adjourn the meeting at 5:50 p.m. Ald. Kunz seconded. The motion carried 10/0 via voice vote.

Cecilia K. Tumulty

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