



MINUTES
Committee of the Whole

Tuesday, August 30, 2011

City Council Chambers

5:30 p.m.

Ward 1	Frank Edwards	Ward 6	Cory Jobe (Vice Chair)
Ward 2	Gail Simpson	Ward 7	Joe McMenamain (Chair)
Ward 3	Doris Turner	Ward 8	Kris Theilen
Ward 4	Frank Lesko	Ward 9	Steve Dove
Ward 5	Sam Cahnman	Ward 10	Tim Griffin

Chairman Joe McMenamain called the Meeting to Order at 5:30 p.m.

Clerk Tumulty called the roll of members

PRESENT: Ald. Edwards☒, Simpson☒, Lesko☒, Cahnman☒, Jobe☒, McMenamain☒, Theilen☒, Dove☒, and Griffin☒.

Alderman Turner☒ arrived at 5:35pm

A motion was made by Alderman Simpson to approve the August 9, 2011 Committee Meeting Minutes. Her motion was seconded by Alderman Dove. The motion passed by a voice vote of 10-0.

Next, Clerk Tumulty read the ordinances that are tabled or remain in Committee.

2010-158 AN ORDINANCE AMENDING THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, BY ADDING CHAPTER 154: EROSION CONTROL REGULATIONS (**Requested By Mayor Timothy J. Davlin**) (**Remains In Committee 7/26/11**)

2011-104 AN ORDINANCE AMENDING CHAPTER 100 OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, BY IMPOSING A 1.5% TAX ON THE PRIVILEGE OF PURCHASING ALCOHOLIC LIQUOR AND PREPARED FOOD ITEMS FOR IMMEDIATE CONSUMPTION (**Requested By Ald. Simpson**) (**Committee Of The Whole**) (**Remains In Committee 3/8/11**)

2011-224 AN ORDINANCE AMENDING THE 1988 CITY OF SPRINGFIELD CODE

OF ORDINANCES, AS AMENDED, BY AMENDING SECTION 36.04(A) TO CORRECT A TECHNICAL ERROR PERTAINING TO EXEMPTIONS UNDER CERTAIN JURISDICTIONS OF THE CITY PERSONNEL SYSTEM AND BY ADDING SECTION 36.65 REGARDING SUSPENSIONS RESULTING FROM ARREST OR INDICTMENT, **AS AMENDED (Requested by Mayor J. Michael Houston)**

2011-226 AN ORDINANCE AMENDING CHAPTER 110 OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, REGARDING PEDDLER'S AND SOLICITOR'S LICENSES, **AS AMENDED (Requested by Alderman Frank Lesko)**

Clerk Tumulty then read the ordinances for committee consideration.

2011-314 AN ORDINANCE AUTHORIZING PAYMENT TO DOUGLAS ROBERTSON, AN OFFICE OF PUBLIC UTILITIES EMPLOYEE, FOR SETTLEMENT OF A WORKERS COMPENSATION CLAIM FOR CASE NUMBER 10-WC-041726 **(Requested by Mayor J. Michael Houston)**

Alderman Simpson moved to place Agenda Item 2011-314 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-314 passed with a voice vote of 9-0.

2011-315 AN ORDINANCE AUTHORIZING PAYMENT TO DUANE JUDD, AN OFFICE OF PUBLIC UTILITIES EMPLOYEE, FOR SETTLEMENT OF A WORKERS COMPENSATION CLAIM FOR CASE NUMBER 10-WC-38611 **(Requested by Mayor J. Michael Houston)**

Alderman Simpson moved to place Agenda Item 2011-315 onto the consent agenda. Alderman Lesko seconded the motion.

The motion to place Agenda Item 2011-315 onto the consent agenda passed with a voice vote of 9-0.

2011-316 AN ORDINANCE AUTHORIZING PAYMENT TO JOHN RICHARDSON, AN OFFICE OF PUBLIC UTILITIES EMPLOYEE, FOR SETTLEMENT OF WORKERS COMPENSATION CLAIM NUMBER 08294B167715 **(Requested by Mayor J. Michael Houston)**

Alderman Simpson moved to place Agenda Item 2011-316 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-316 onto the consent agenda passed with a voice vote of 9-0.

2011-317 AN ORDINANCE AUTHORIZING PAYMENT TO ROBERT PAINTER, AN OFFICE OF PUBLIC UTILITIES EMPLOYEE, FOR SETTLEMENT OF WORKERS COMPENSATION CLAIMS FOR CASE NUMBERS 11-WC-17705 AND 11-WC-18275 **(Requested by Mayor J. Michael Houston)**

Alderman Simpson moved to place Agenda Item 2011-317 onto the consent agenda. Her motion was seconded by Alderman Lesko.

Alderman Theilen asked why there were so many workers compensation claims coming up all together.

Corporation Counsel Mark Cullen responded that he believes that there is a move to settle the cases because of upcoming changes to the worker's compensation law on September 1st.

Alderman Edwards expressed that he had initial concerns about the dollar amounts that were being awarded during this round of settlements. However, upon further investigation, the money being award is going towards hospital and legal bills. He cautioned the council, city employees and the public to consider the entire situation before making assumptions on the workers compensation claims. He also asked that in the future, there be provided a breakdown of what the settlement is going towards provided to the Aldermen.

The motion to place Agenda Item 2011-317 onto the consent agenda passed with a voice vote of 10-0.

2011-318 AN ORDINANCE AUTHORIZING PAYMENT TO MICHAEL MIDIRI, A SPRINGFIELD POLICE DEPARTMENT EMPLOYEE, TO SETTLE WORKERS' COMPENSATION CLAIM NUMBER 10294B136150 (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved to place Agenda Item 2011-318 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-318 onto the consent agenda passed with a voice vote of 10-0.

2011-319 AN ORDINANCE AUTHORIZING PAYMENT TO BARBARA WOOD, A CITY OF SPRINGFIELD POLICE OFFICER, TO SETTLE A WORKERS' COMPENSATION CLAIM FOR CASE NUMBER 11-WC-18423 (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved to place Agenda Item 2011-319 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-319 onto the consent agenda passed with a voice vote of 10-0.

2011-320 AN ORDINANCE AUTHORIZING PAYMENT TO RONALD WILLIAMS, A CITY OF SPRINGFIELD POLICE OFFICER, TO SETTLE A WORKERS' COMPENSATION CLAIM FOR CASE NUMBER 10-WC-48943 (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved to place Agenda Item 2011-320 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-320 onto the consent agenda passed with a voice vote of 10-0.

2011-321 AN ORDINANCE AUTHORIZING PAYMENT TO THEODORE DRAPER, A FORMER TEMPORARY EMPLOYEE WITH THE OFFICE OF PUBLIC WORKS, TO SETTLE A WORKERS' COMPENSATION CLAIM FOR CASE NUMBER 08-WC-048841
(Requested by Mayor J. Michael Houston)

Alderman Simpson moved to place Agenda Item 2011-321 onto the consent agenda. Her motion was seconded by Alderman Griffin.

Alderman McMenamin asked if the Council takes settlement discussions of this size to executive session. Alderman Theilen responded that any questions that the Council might have are usually directed to the Corporation Counsel and he would advise if the matter needed to be discussed in Executive Session. The Council has never had to take that action before, though.

Alderman Edwards added that if such discussions would violate the Health Insurance Portability and Accountability Act (HIPAA), then Corporation Counsel would advise that those discussions should occur in executive session.

Alderman Griffin asked follow up questions regarding the timeline of medical treatment that the employee underwent and the determination that he could not go back to work. CC Cullen responded that the employee was a temporary employee and that the determination was that he can no longer work as a cement finisher.

Alderman Simpson expressed concern that the employee was a temporary employee. She went on to express that there should be policies in place as to what temporary employees can and cannot do.

Alderman Lesko responded that the person's employment is temporary with the City, but that the employee is from a construction grade positions.

Alderman Edward further explained that there are occasions that temporary employees are called out of their (union) hall for seasonal work. And even though they are temporary employees, they are working in the capacity of the City and the law still applies.

Alderman Cahnman asked if a temporary employee is treated differently than a permanent employee under state law. CC Cullen responded that it does not.

The motion to place Agenda Item 2011-321 onto the consent agenda passed with a voice vote of 10-0.

2011-322 AN ORDINANCE APPROVING THE REAPPOINTMENT OF MICHAEL BOER TO THE MID-ILLINOIS MEDICAL DISTRICT COMMISSION (**Requested by Mayor J. Michael Houston**)

Alderman Cahnman moved to place Agenda Item 2011-322 onto the consent agenda. His motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-322 onto the consent agenda passed with a voice vote of 10-0.

2011-323 AN ORDINANCE ACCEPTING THE LOWEST RESPONSIBLE BID AND AUTHORIZING EXECUTION OF CONTRACT #CS12-05-40 WITH ARAMARK UNIFORM & CAREER APPAREL, LLC FOR LINEN AND UNIFORM RENTAL SERVICES FOR A TWO (2) YEAR PERIOD FROM THE DATE OF SIGNATURE FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$189,847.56 FOR THE OFFICE OF BUDGET AND MANAGEMENT (**Requested by Mayor J. Michael Houston**)

Alderman Theilen moved to place Agenda Item 2011-323 onto the consent agenda. His motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-323 onto the consent agenda passed with a voice vote of 10-0.

2011-324 AN ORDINANCE AUTHORIZING ACCEPTANCE AND EXECUTION OF A BUDGET REVISION FOR GRANT #AL1-5480-263 FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$970.22 FOR A TOTAL GRANT AMOUNT OF \$180,502.22 FOR THE LOCAL ALCOHOL PROGRAM AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$971.00 FOR THE SPRINGFIELD POLICE DEPARTMENT (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved to place Agenda Item 2011-324 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-324 onto the consent agenda passed with a voice vote of 10-0.

2011-325 AN ORDINANCE AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$4,000.00 FOR THE SPRINGFIELD POLICE DEPARTMENT (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved to place Agenda Item 2011-325 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-325 onto the consent agenda passed with a voice vote of 10-0.

2011-326 AN ORDINANCE DECLARING 14 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 J. Michael Houston)**

Alderman Simpson moved to place Agenda Item 2011-326 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-326 onto the consent agenda passed with a voice vote of 10-0.

2011-327 AN ORDINANCE AMENDING CHAPTER 52, SECTION 52.21, OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, REGARDING SUB-METERING FOR THE WATER DIVISION FOR THE OFFICE OF PUBLIC UTILITIES **(Requested by Mayor J. Michael Houston)**

Alderman Simpson moved to place Agenda Item 2011-327 onto the consent agenda. Her motion was seconded by Alderman Dove.

The motion to place Agenda Item 2011-327 onto the consent agenda passed with a voice vote of 10-0.

2011-328 AN ORDINANCE AMENDING ORDINANCE NO. 05-01-10 "AN ORDINANCE ACCEPTING BIDS AND AUTHORIZING THE EXECUTION OF CONTRACT UE10-10-76 – GENERAL REPAIR AND MAINTENANCE AT THE POWER PLANT WITH PETERSBURG PLUMBING AND HEATING CO. FOR A THREE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$1,875,000.00 FOR THE ELECTRIC GENERATION DEPARTMENT FOR THE OFFICE OF PUBLIC UTILITIES" BY APPROVING A VENDOR NAME CHANGE TO HENSON ROBINSON COMPANY AND APPROVING AND AUTHORIZING EXECUTION OF A CONSENT TO ASSIGNMENT FOR SAID CONTRACT **(Requested by Mayor J. Michael Houston)**

Alderman Simpson moved to place Agenda Item 2011-328 onto the consent agenda. Her motion was seconded by Alderman Griffin.

Alderman Griffin asked a follow up question about the name of the company and if it is the same company that had come through the Council in the previous month. Eric Hobbie, Acting Director of City Water Light and Power responded that the original company had sold off part of their business to Henson Robinson and the remaining business was reformed under a different name.

The motion to place Agenda Item 2011-328 onto the consent agenda passed with a voice vote of 10-0.

2011-329 AN ORDINANCE ACCEPTING BIDS AND AUTHORIZING THE EXECUTION OF CONTRACT UE12-07-47 – BYPRODUCT HAULING FOR THE DALLMAN POWER PLANT WITH REX D. EVANS AKA EVANS CARTAGE

TRUCKING, BEELMAN TRUCK CO. AND MCLEOD EXPRESS, LLC IN AN AMOUNT NOT TO EXCEED \$500,000.00 FOR THE ELECTRIC DIVISION (Requested by Mayor J. Michael Houston)

Alderman Simpson moved to place Agenda Item 2011-329 onto the debate agenda. Her motion was seconded by Alderman Griffin.

Alderman Simpson asked Director Hobbie what efforts have been made to hire minority haulers. Director Hobbie responded that CWLP follows the City's purchasing procedure when putting out bid specifications. Alderman Simpson expressed her desire that the City hire minority haulers.

Alderman Theilen asked if the bids are awarded to low bidders or are they returning companies. Director Hobbie responded that the bids are put on the street for anyone to bid. It is awarded to all responsive bidders by the order of lowest to highest. Alderman Theilen clarified that unless there is a glaring issue that any company that meets the requirements goes on the list.

Alderman Simpson asked how the information is disseminated to the public. Director Hobbie responded that the standard city process is that it is posting on the city website and in the paper. A contractor can also call the City purchasing agent and be placed on their list as well. The purchasing agent will also put those groups on the city bid list so that they are notified when contracts come up for bid.

Alderman Cahnman asked about a provision within the city code that states that a contractor from within Springfield or Sangamon County is within one percent of the lowest bid, that they are awarded the contract. Director Hobbie responded that he follows that provision. Alderman Cahnman asked if there was a similar provision for minority contractors. Director Hobbie responded that he is unaware of any.

Alderman Turner expressed further concern with how the city posts the opportunities on the website. She stated that having the opportunities advertised with a pop up window or similar to what other state agencies are doing.

Alderman Cahnman added that there is nothing to prohibit contractors from placing their names on a list in order to be contacted when the bids are coming up.

Office of Budget and Management Director Bill McCarty added that they also send out an email notification to any interested people when bids are coming up. He told Alderman Simpson that he would be happy to gather the information on how this particular bid was disseminated. He went on to state that the city does business with repeat vendors and those vendors are placed on a list and notified when opportunities are coming up for bid. He also added that anyone can be added to the distribution list for these opportunities.

Alderman Turner asked that the Aldermen be included on the lists as well so that they can give the information to members of their communities.

Alderman Edwards stated that business owners should be aware of the opportunities that exist within their community. He questioned if it was the City's responsibility to go beyond their current practices.

Alderman Turner agreed with Alderman Edwards, but she would like to see that everyone in the community is given a fair and equitable chance to be made aware of and bid on contracts. She stated that she would like the information on when bids will be let so that she can get the information out to the community.

Director Hobbie added that the City always welcomes more bidders and that anyone who is interested in being included in the bid process is encouraged to contact the city and be placed on the lists. More bids leads to more competitive pricing.

Director McCarty also added that he will provide the Aldermen with a direct link of where on the website the bids are posts.

The motion to place Agenda Item 2011-329 onto the debate agenda passed with a voice vote of 10-0.

2011-330 AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF AGREEMENT AMENDMENT NO. 1 IN THE AMOUNT OF \$21,965.00 TO THE ORIGINAL \$21,965.00 PROFESSIONAL SERVICES AGREEMENT FOR FIELD ENGINEERING SERVICES WITH GENERAL ELECTRIC INTERNATIONAL, INC. FOR A TOTAL PAYMENT OF \$43,930.00 TO SAID VENDOR FOR THE ELECTRIC DIVISION (Requested by Mayor J. Michael Houston)

Alderman Simpson moved to place the Agenda Item 2011-330 onto the consent agenda. Her motion was seconded by Alderman Griffin.

Alderman Dove asked why the total amount of the contract is being paid again when the vendor did not finish their work in the first place. Director Hobbie responded that the testing is on the unit for dynamic modeling, which is required by federal standards. The unit had a boiler leak during the course of the test and therefore they could not finish their work. In the first contract, they were paid for their time and efforts, even when the boiler leak occurred because it is not their fault. And now, they have to come back again.

Alderman Griffin further asked why the City was charged the full bill even if the full task was not completed. Director Hobbie stated that he would have to look further into the situation to know if the City avoided any cost in the previous contract because of the leak. He went on to state that he will get the information to the Aldermen.

Alderman Theilen asked if it would be possible to leave the item in Committee until the questions are answered. Director Hobbie stated that they are up against a time limit of the end of the year with the federal government to have the test completed and results submitted. Penalties might be assessed if they are not found in compliant in time.

Alderman Griffin pointed out that in the contract, it states that the test will occur within the next six months, which might put it outside the range that is needed in order to be compliant.

Director Hobbie stated that it is his goal to have these tests scheduled and completed as quickly as possible.

Alderman Simpson withdrew her motion to put the item on the consent agenda and made a motion to place Agenda Item 2011-330 onto the debate agenda. Her motion was seconded by Alderman Griffin.

Alderman Cahnman asked about the federal agency that regulates the utility that the City with which the City is working to remain in compliance. Director Hobbie stated that it is the National Electric Reliability Corporation.

The motion to place Agenda Item 2011-330 onto the debate agenda passed with a voice vote of 10-0.

2011-331 AN ORDINANCE ACCEPTING THE LOWEST RESPONSIBLE BID AND AUTHORIZING THE EXECUTION OF CONTRACT NUMBER PW 11-06-35 WITH WESTERN WATERPROOFING COMPANY, INC. FOR REPAIRS TO THE 8th STREET AND CAPITOL AVENUE PARKING RAMP IN AN AMOUNT NOT TO EXCEED \$449,850.00 FOR THE OFFICE OF PUBLIC WORKS (**Requested by Mayor J. Michael Houston**)

Alderman Simpson made a motion to place Agenda Item 2011-331 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-331 onto the consent agenda passed with a voice vote of 10-0.

2011-332 AN ORDINANCE AUTHORIZING EXECUTION OF CONTRACTS FOR THE PURCHASE OF REAL ESTATE FROM SANGAMON COUNTY, AS TRUSTEE, UTILIZING THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$4,473.00 FOR THE OFFICE OF PUBLIC WORKS (**Requested by Mayor J. Michael Houston**)

Alderman Simpson made a motion to place Agenda Item 2011-332 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-332 onto the consent agenda passed with a voice vote of 10-0.

2011-333 AN ORDINANCE TO PLACE STOP SIGNS AT RICKARD ROAD AND TICONDEROGA STREET CREATING A FOUR-WAY STOP INTERSECTION (**Requested by Alderman Kris Theilen**)

Alderman Theilen made a motion to place Agenda Item 2011-333 onto the consent agenda. The motion was seconded by Alderman Simpson.

The motion to place Agenda Item 2011-333 onto the consent agenda was passed with a voice vote of 10-0.

2011-334 AN ORDINANCE TO PLACE STOP SIGNS AT BELLERIVE ROAD AND PEBBLE BEACH DRIVE CREATING AN ALL-WAY STOP INTERSECTION (Requested by Alderman Kris Theilen)

Alderman Theilen made a motion to place Agenda Item 2011-334 onto the consent agenda. The motion was seconded by Alderman Simpson.

The motion to place Agenda Item 2011-334 onto the consent agenda was passed with a voice vote of 10-0.

2011-335 AN ORDINANCE TO PLACE STOP SIGNS AT BELLERIVE ROAD AND PINEHURST DRIVE CREATING AN ALL-WAY STOP INTERSECTION (Requested by Alderman Kris Theilen)

Alderman Theilen made a motion to place Agenda Item 2011-335 onto the consent agenda. The motion was seconded by Alderman Simpson.

The motion to place Agenda Item 2011-335 onto the consent agenda was passed with a voice vote of 10-0.

2011-336 AN ORDINANCE AUTHORIZING ACCEPTANCE AND EXECUTION OF ECONOMIC DEVELOPMENT INITIATIVE-SPECIAL PROJECT GRANT AGREEMENT NO. B-10-SP-IL-0281 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE OFFICE OF PUBLIC WORKS IN THE AMOUNT OF \$250,000.00 FOR INFRASTRUCTURE IMPROVEMENTS AT OAK RIDGE CEMETERY AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF SAID GRANT FUNDS (Requested by Mayor J. Michael Houston)

Alderman Simpson made a motion to place Agenda Item 2011-336 onto the consent agenda. The motion was seconded by Alderman Griffin.

Alderman McMenamin asked Public Works Director Mark Mahoney about the infrastructure improvements. Director Mahoney stated that the project is an overlay project for the roads in the cemetery. He also stated that it was Congressman Schock that secured the funds for the project. Alderman McMenamin asked what percentage of the roads will be overlaid. Director Mahoney stated that it is only a small percentage of the roads are being overlaid, working with the worst area first.

The motion to place Agenda Item 2011-336 onto the consent agenda was passed with a voice vote of 10-0.

2011-337 AN ORDINANCE AUTHORIZING A DECREASE IN THE NUMBER OF CLASS "B1" LIQUOR LICENSES BY ONE AND AUTHORIZING AN INCREASE IN THE NUMBER OF CLASS "B" LIQUOR LICENSES BY ONE FOR WAL-MART STORES, INC. D/B/A WAL-MART STORE #1602, 3401 FREEDOM DRIVE (Requested by Mayor J.

Michael Houston)

Alderman Simpson made a motion to place Agenda Item 2011-337 onto the consent agenda. Her motion was seconded by Alderman Griffin.

Alderman Griffin asked if this ordinance simply moves the sale time 10:00pm to 1:00am. CC Cullen responded that he was correct.

The motion to place Agenda Item 2011-337 onto the consent agenda passed with a voice vote of 10-0.

2011-338 AN ORDINANCE APPROVING APPOINTMENTS OF WILLIAM MCCARTY, BRUCE STROM AND CHRYSTAL ALEXANDER TO THE CITIZENS INFRASTRUCTURE REVIEW BOARD (**Requested by Mayor J. Michael Houston**)

Alderman Simpson made a motion to place Agenda Item 2011-338 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-338 onto the consent agenda passed with a voice vote of 10-0.

2011-339 AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A LEASE AMENDMENT TO AN EXISTING FARM LEASE WITH JIMMY L. AYERS FOR THE OFFICE OF PUBLIC UTILITIES (**Requested by Mayor J. Michael Houston**)

Alderman Simpson made a motion to place Agenda Item 2011-339 onto the consent agenda. Her motion was seconded by Alderman Griffin.

The motion to place Agenda Item 2011-339 onto the consent agenda passed with a voice vote of 10-0.

2011-340 AN ORDINANCE AMENDING CHAPTER 93 OF THE 1988 CITY OF SPRINGFIELD CODE OF ORDINANCES, AS AMENDED, PERTAINING TO PRIVATE CLUBS (**Requested by Alderman Sam Cahnman and Alderman Doris Turner**)

Alderman Cahnman made a motion to place Agenda Item 2011-340 onto the consent agenda. His motion was seconded by Alderman Simpson.

Alderman Edwards stated that he has given the proposed ordinance much thought. He had at one time belonged to the club in question and had quit because of membership rules. He asked CC Cullen for an update on the actions that are currently being taken though the City's Legal office.

CC Cullen stated that he had sent letters to two clubs for which they have received complaints related to their membership practices. These letters asked them to provide information on their by laws and membership requirements. The only response that they have received to date is that they are working on getting the information to the City.

Alderman Edwards asked if the City could revoke their lease if they are found not to be in compliance. CC Cullen stated that there is a provision included within the lease that the lease holder must comply with all federal, state and city laws and regulations. If it has been determined that they are not in compliance, then the City would move to terminate the lease. Alderman Edwards stated that there may be an amendment that would allow for exclusions for organizations that are under a national religious charter. He expressed concern that the ordinance would tie the City's hands if another religious organization leases City property and institutes Sharia law. This would limit anything the City can or can't do on that property. He expressed his concern about writing a law that could potentially tie the City's hands in future actions.

Alderman Griffin added his concerns about the Council picking and choosing what is and is not discrimination.

Alderman Theilen stated that while he agrees with the intent of the ordinance, he has concerns about unintended consequences. He asked if the ordinance could be left in committee and get a deadline date from Corporation Counsel by which the clubs need to respond. He expressed concern over the delay and what he perceives to be a stalling tactic by the clubs.

Alderman Cahnman stated that he believes that it is time to stop discrimination on city property. For years, the City has prohibited discrimination in every other facet of life, but the City is leasing land to a club which openly discriminates against women. Women achieved the right to vote 91 years ago and this is a form of discrimination in the City of Springfield. He went on to state that he does not believe that that this ordinance would tie the City's hands. He has spoken to Corporation Counsel and there is no specific law on the state or federal level that they can point to that they are violating. He provided examples of court cases, but none of them specifically dealt with women. A case such as this has never been litigated. He urged the Council to take action on the ordinance now.

Alderman Simpson asked CC Cullen if he has done research on the ordinance. CC Cullen responded that the ordinance adds to the fight to end discrimination in the City and that without the amendment is clean and direct. He went on to state that while Alderman Cahnman is correct that there is no law that they can cite, there is however, the equal protection clause in the Constitution to which this would apply.

Alderman Edwards asked if anyone had spoken with the Knights of Columbus Club. CC Cullen stated that he has not had any conversations with the KC Club. Alderman Edwards stated that they were lead to believe that there would be an amendment that would exempt them from the ordinance because they are a national religious organization.

Alderman Griffin asked if this ordinance would apply to long term or any leases. Alderman Cahnman stated that the intent is not to apply this provision to short term leases. CC Cullen stated that a lease is a lease and that there should be no discrimination.

Alderman McMenamain asked about the language within the ordinance and its difference with the title of the ordinance. He asked if the sponsors would consider leaving the ordinance in committee until the Council can study the impact of the ordinances upon clubs and other entities.

Alderman Turner stated that she believes that the ordinance does not tie anyone's hands, but that it adds value to the City. She went on to state that she does not feel that this is an emotional issue, but instead it is a very straightforward issue. It is not specifically targeting women, but instead promotes inclusion of everyone. She stated that she belongs to several organizations that are gender specific that do a lot of good for the community. The difference is that those groups do not ask the City to subsidize them in any manner. The ordinance does not prohibit any club or organization to exist or to carry out the intent of their by-laws, but it does state that the City of Springfield will not be subsidizing their activities in any manner.

Alderman Simpson stated that she finds it troubling that the Council is not taking the legal advice of the Corporation Counsel

Alderman McMenemy asked if there would be an effect on the Knights of Columbus's leased property. CC Cullen stated that he does not know enough about the organization to state an opinion on if they would be in compliance or not. He went on to state that he had been asked to look into specific organizations and their practices. He has not investigated the Knights of Columbus.

Alderman Dove pointed out that in Chapter 93 of the original ordinance; it does make reference to religious groups. He quoted the section:

“WHEREAS, Chapter 93 was established to foster harmony involving the relationship of all groups, ethnic, religious and otherwise, in which differences or problems may arise...”

Council Coordinator Joe Davis mentioned that he had seen a draft of a proposed amendment that would exempt religious organizations. He asked if the amendment was going to be introduced.

Alderman McMenemy stated that he had also been under the impression that there was to be an amendment introduced. Alderman Cahnman stated that he had looked into introducing an amendment, but based on advice from Corporation Counsel, he is continuing with the ordinance as introduced.

Alderman McMenemy asked Alderman Cahnman and Alderman Turner if they would hold the ordinance in committee until a determination could be made on the impact to the Knights of Columbus. Alderman Turner stated that she trusts the judgment of Corporation Counsel and she believes that the ordinance adds value to the City. For those reasons, she does not see any reason not to move forward with the ordinance as it is.

Alderman Cahnman stated that if the Knights of Columbus make a good faith effort to comply with the ordinance, but are restricted from doing so because of their national organization's constraints, that does not necessarily mean that the City would need to terminate the lease agreement.

Alderman Edwards stated that the rule should apply to everyone and there should not be any exceptions. Alderman Cahnman stated that he believes that the City should grant some leeway for organizations that are working to comply with the law.

Alderman Theilen asked how long the City has been waiting for the two clubs to respond. CC Cullen responded that it has been less than two weeks.

Alderman Lesko stated that he does not believe that the City needs to be in a hurry to adopt the ordinance. If the clubs need more time to respond, then they should be given that time.

Alderman Simpson asked what information the City is waiting for from these groups. CC Cullen responded that they have requested information relating to their membership practices, including their articles of incorporation, membership by laws, etc. He has been told that they are working on providing that information to the City.

Alderman Cahnman reminded the Council that this is not final passage and that if it goes on the agenda for next week, it can still be postponed.

Alderman Lesko asked why the Council would not want to give the groups sufficient time to answer the inquiry from Corporation Counsel.

Alderman Griffin asked how long the clubs have been in operation at the Lake. CC Cullen responded that it has been 50 years. Alderman Griffin stated that waiting a few weeks should not be too much to ask.

Alderman Turner responded that if the clubs have been around for that long, then they should have the information available and ready to send to the City.

CC Cullen asked for clarification on what he is being asked to do. There is nothing in the proposed ordinance that has any bearing on the ongoing correspondence with the clubs at the lake.

Alderman Griffin asked for clarification about the potential that the lake clubs are violating laws. CC Cullen stated that the lease states that the clubs need to comply with all federal, state and local laws. Alderman Griffin asked if the clubs are currently violating the law, or would they be in violation once the ordinance is passed. CC Cullen stated that the clubs may be in violation of the equal protection clause of the United States Constitution currently, but he is investigating if there is a discriminatory practice that exists.

Marla Barnett of 2605 Poplar in Springfield read a statement on behalf of Illinois Democratic Women in support of the proposed ordinance.

Alderman McMenamin asked the sponsors of the ordinance if they would be willing to leave the ordinance in committee. Alderman Turner stated that she would like to proceed.

Alderman Simpson called the question.

The vote to place Agenda Item 2011-340 on the consent agenda failed with a 5-5 vote. Ald. Simpson ☒, Turner ☒, Cahnman ☒, Jobe ☒, Dove ☒ all voted yes. Ald. Edwards ☒, Lesko ☒, McMenamin ☒, Theilen ☒ and Griffin ☒ voted no.

Alderman Simpson moved to place Agenda Item 2011-340 onto the debate agenda. Her motion was seconded by Alderman Jobe. The vote to place Agenda Item 2011-340 on the debate agenda failed with a vote of 5-5. Ald. Simpson ☒, Turner ☒, Cahnman ☒, Jobe ☒, Dove ☒ all voted yes. Ald. Edwards ☒, Lesko ☒, McMenamin ☒, Theilen ☒ and Griffin ☒ voted no.

Agenda Item 2011-340 remains in committee.

Alderman Turner expressed her disappointment that the ordinance failed to be placed on the debate agenda so that it can be discussed further at the next City Council Meeting. She expressed concern that the Council would not step up and debate the issue, especially in light of the City's recent efforts to come together. She expressed her disappointment in the City and the City Council.

Alderman Jobe seconded her comments.

Alderman McMenamin stated that the move is to postpone the debate instead of rejection of the proposal in order to gain more information.

Alderman Turner added that putting the proposal on the agenda would have given Corporation Counsel a week to investigate the impact before final action is taken.

Alderman Theilen pointed out that the ordinance remains in committee and only needs six votes to pull it out of committee. The proposal was not tabled, which would require eight votes. He added that the intent was not to end the discussion and that action could still be taken on the proposal at the next city council meeting. He expressed concern that if the ordinance failed at Council, that there would have to be a waiting period before the ordinance could be re-introduced. CC Cullen stated that the 18 month rule applied only in zoning matters.

Alderman Lesko explained his vote by stating that he did not feel that he had sufficient information to make a decision.

Alderman Turner pointed out that the decision that would have been made in the meeting was to place the item on the debate agenda, not final passage.

Alderman Griffin expressed concern that the Council did not have all of the facts and know the true impact on all of the clubs to make a decision. He stated that he would prefer to wait for answers from Corporation Counsel.

Alderman Cahnman pointed out that in previous cases, items have been sent back to committee once they were placed on the debate agenda.

2011-341 RESOLUTION STATING THE CITY'S INTENT TO DESIGNATE A PORTION OF THE CITY OF SPRINGFIELD AS A TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA AND TO INDUCE DEVELOPMENT INTEREST

WITHIN SUCH AREA (Requested by Alderman Joe McMenamain and Alderman Cory Jobe)

A motion was made by Alderman Jobe to place Agenda Item 2011-341 onto the consent agenda. His motion was seconded by Alderman Griffin.

Alderman McMenamain stated that there is broad community support for the resolution and he has provided letters of support to the Aldermen in their packets. He also explained that the ordinance is a resolution announcing to the public that the City supports the creation of a Tax Increment Financing District.

Alderman Simpson asked the point of doing a resolution. CC Cullen explained that the ordinance begins the time frame to begin the analysis. The next ordinance is to approve a contract with a party to start advancing towards whether to establish a TIF district. The two have to work together.

The motion to place Agenda Item 2011-341 onto the consent agenda passed with a voice vote of 10-0.

2011-342 AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH, AND PAYMENT IN AN AMOUNT NOT TO EXCEED \$58,000.00 TO, PECKHAM, GUYTON, ALBERS & VIETS, INC. (PGAV) TO PROVIDE FOR A FEASIBILITY STUDY REGARDING A TAX INCREMENT FINANCE DISTRICT FOR AN AREA GENERALLY LOCATED IN THE MACARTHUR BOULEVARD CORRIDOR BETWEEN SOUTH GRAND AND SUMMIT AVENUES INCLUDING THE FRONTING PROPERTIES ALONG MACARTHUR BOULEVARD (Requested by Alderman Joe McMenamain)

Alderman Simpson made a motion to place Agenda Item 2011-342 onto the consent agenda. Alderman Jobe seconded her motion.

Alderman Theilen made a motion to accept proposed Amendment 1. His motion was seconded by Alderman Jobe.

Alderman Griffin asked if the City Council would be bound to follow the recommendations of the feasibility study. CC Cullen responded that the study is not binding, but he strongly discourages the Council to adopt a TIF District if the study says that it is not a good idea. Alderman Griffin asked if the TIF could be approved by the Council without the feasibility study. CC Cullen responded that the study has to be done in order to qualify under the TIF Act.

Alderman Jobe asked Economic Director Mike Farmer if the City must retain a TIF consultant by state law. Director Farmer responded that while it is not a requirement by state law, it is advisable. He went on to state that the statutory requirements to comply with the TIF law are rigorous and it is advised to have a feasibility study that lays out the boundaries, the public hearings, the notification of all of the property owners within 600 feet, ect. The City does not have the budget or the staff time to handle such a project. Alderman Jobe added that there has been community financial support to pay for the consulting services of PGAV and he thanked

the contributors. Director Farmer pointed out that PGAV has been involved in the creation of several of the City's existing TIF districts.

Alderman Griffin asks if the proposed amendment takes out the study or does it broaden the scope of PGAV's work. Alderman McMenammin pointed out that there is a requirement by statute to do an eligibility study, but there is no obligation to have consultant although, it is highly advisable.

Alderman Griffin asked for clarification on the amendment and if the price drop is due to PGAV no longer doing the feasibility study. Alderman McMenammin stated that there were some options that were extended in the contract and costs were cut from the options. He also pointed out that there is \$30,000 that has been raised from various community groups and \$15,000 pledged from the City of Springfield. All of the money is reimbursable once the TIF is up and operational. He also stated that PGAV will be providing an eligibility study and a development plan.

Alderman Simpson asked how the study differs from the Lakota Study. Director Farmer stated that the Lakota study was for urban design, street scaping, ect. Alderman Jobe also pointed out that the study recommended the creation of a TIF as a potential funding source. Director Farmer compared it to a similar study that was done by Enos Park. Alderman Jobe stated that it is important to have the plans in place before going after any type of federal funds.

Alderman Simpson expressed frustration that studies are happening everywhere, except where they are really needed, including in her ward. She asked for understanding from the Council in her struggles to have redevelopment in Ward 2.

Alderman Cahnman asked for clarification of the proposed amendment and the proposed costs. Alderman McMenammin explained that the proposed amendment is just one item of cost and that there will be additional items of cost that will need to be approved. There is an attempt to raise the money to cover all costs. The City of Springfield has pledged no more than \$15,000 to fund the project. Council Coordinator Joe Davis pointed out that the contributors will be giving their money to the City of Springfield and the City will be writing the check to the PGAV.

Alderman Simpson asked where the pledged \$15,000 from the City is coming from. Director Farmer responded that it is coming from unanticipated sales tax revenue.

Alderman Cahnman asked for further clarification on the amount of money that the City will be obligated for. Director Farmer responded that it is unknown what all of the costs will be and that there is a fundraising effort underway and all of the costs will be reimbursed if the TIF is enacted.

Alderman Griffin clarified that the money for the study is coming from the pass through money from the outside contributors. Any additional expenditure will be appropriated as it comes up.

Alderman McMenammin explained that the proposed ordinance is to sign a contract with PGAV and to spend \$29,000 of money that has been raised in order to complete the eligibility study. He also pointed out that the Mayor will not sign the contract until the pledge monies are in hand.

CC Cullen recommended that there be a reimbursement agreement in place between the City and the entities pledging the money so that there is documentation of the money coming in to finance this project and to ensure that it is a qualified TIF expense that can be reimbursed.

The motion to approve proposed Amendment 1 to Agenda Item 2011-342 was approved by a voice vote of 10-0.

The motion to place Agenda Item 2011-342, As Amended onto the consent agenda passed with a voice vote of 10-0.

2011-343 AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH SANGAMON COUNTY FOR WORKER'S COMPENSATION CASE MANAGEMENT SERVICES (Requested by Mayor J. Michael Houston)

Alderman Simpson made a motion to place Agenda Item 2011-343 onto the consent agenda. Her motion was seconded by Alderman Griffin.

Alderman Lesko asked how the proposed ordinance will affect the current vendor for case management services. OBM Director McCarty stated that it is a different service and would not affect the current vendor in any way.

The motion to place Agenda Item 2011-343 onto the consent agenda passed with a voice vote of 10-0.

David Bruce of UniFirst Corporation of Bloomington, Illinois addressed the council in regards to Agenda Item 2011-323. He expressed several concerns about the bid process, potential additional costs that might be incurred, and historical problems with the proposed vendor.

Alderman Edwards suggested placing Agenda Item 2011-323 onto the debate agenda.

Alderman Simpson moved to withdraw her motion. CC Cullen pointed out that she could not because the motion had already been voted on.

Alderman Griffin made a motion to place Agenda Item 2011-323 onto the debate agenda. His motion was seconded by Alderman Simpson.

Alderman Griffin suggested that the vendors and someone from purchasing to be present and ready to discuss the issue at the next council meeting.

The motion to place Agenda Item 2011-323 onto the debate agenda passed with a voice vote of 8-2.

A motion was made by Alderman Cahnman to adjourn the meeting. His motion was seconded by Alderman Theilen

The Committee of the Whole meeting was adjourned at 7:08pm.

Cecilia K. Tumulty

Cecilia K. Tumulty
City Clerk