



COMMITTEE MINUTES

Tuesday, February 22, 2011

City Council Chambers

5:30 p.m.

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

Chairman Tim Griffin called the Meeting to Order at 5:30 p.m.

Clerk Tumulty called the roll of Committee members.

PRESENT: Ald. Shanahan , Simpson , Kunz , Lesko , Cahnman (Arrived at 5:50 p.m.), Ald. Mahoney , Ald. Cimarossa , Theilen , Smarjesse and Griffin .

ABSENT: NONE

Ald. Simpson moved to approve the Committee of the Whole Minutes from February 8, 2011. Ald. Mahoney seconded. The motion carried 9/0 via voice vote.

Chairman Griffin read the agenda numbers of those 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**)

2010-001 An Ordinance Amending Various Sections Of Chapter 50 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding Temporary Services; Electric Service In Housing And Business Developments; Utility Line Extensions; Street Lighting; Security Lighting; And Removal Of Obstructing Trees Or Branches For The Office Of Public Utilities, As Amended (**Requested By Mayor Timothy J. Davlin**) (**Committee Of The Whole**) (**Remains In Committee 1/19/10**)

2010-131 A Resolution Recommending Debts Owed To The City Be Collected Through The Use Of A Collection Agency (**Requested By Ald. Edwards**) (**Committee Of The Whole**) (**Remains In Committee 3/30/10**)

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 5/4/10)**

2010-284 An Ordinance Amending Various Sections Of Chapter 38, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Decrease The Minimum Contract Amounts For Which City Council Approval Is Required. **(Requested By Ald. Tim Griffin) (Committee Of The Whole) (Remains In Committee 8/10/10)**

2010-328 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$1,226.00 For The Office Of The Mayor **(Requested By Mayor Timothy J. Davlin) (Committee Of The Whole) (Remains In Committee 9/14/10)**

2010-404 An Ordinance Amending Chapter 110, Section 110.329, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Prohibit The Sale Of Electronic Cigarettes To Persons Under 18 Years Of Age **(Requested By Ald. Cahnman) (Committee Of The Whole)(Remains In Committee 11/2/10)**

2011-024 Annual Appropriation Ordinance Of The City Of Springfield, Illinois, For The Fiscal Year Beginning March 1, 2011 & Ending February 29, 2012 **(Requested By Mayor Frank Edwards) (Committee Of The Whole) (Remains In Committee 2/8/11)**

2011-025 An Ordinance Amending Chapter 82, Section 82.02, Of The 1988 City Of Springfield Code Of Ordinances, As Amended, To Increase The Penalties For Parking Violations **(Requested By Ald. Cimarossa, Dove & Griffin) (Committee Of The Whole) (Tabled 1/25/11)**

Ald. Theilen moved to place Agenda No. 2011-025 on the Debate Agenda. Ald. Cimarossa seconded. The motion failed 5/4 via voice vote. Ald. Shanahan, Cimarossa, Theilen, Dove and Griffin voted yes. Ald. Simpson, Kunz, Lesko and Mahoney voted no.

2011-062 An Ordinance Waiving The Requirements Of Section 37.06 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, For FY12 Regarding Deposits From The Corporate Fund To The Capital Equipment Fund In The Amount Of \$860,285.00 **(Requested By Mayor Edwards) (Committee Of The Whole) (Remains In Committee 2/8/11)**

2011-063 An Ordinance Amending Ord. No. 409-07-09, "An Ordinance Waiving The Requirements Of Section 100.30(F) Of The 1988 City Of Springfield Code Of Ordinances, As Amended, And Directing The Office Of Budget And Management To Reclassify Existing Revenues Received From The Hotel/Motel Tax For Fiscal Year 2010 By Both Reducing The Revenues Budgeted For The Capital Improvement Fund And Increasing The Revenues Budgeted For The Corporate Fund In The Amount Of \$1,130,000.00, As Amended," By Changing The Payment Date To March 1, 2012 **(Requested By Mayor Edwards) (Committee Of The Whole) (Remains In Committee 2/8/11)**

2011-065 An Ordinance Authorizing The Transfer Of \$500,000.00 Capital Equipment Fund 094 Into Corporate Fund 001 **(Requested By Mayor Edwards) (Committee Of The Whole) (Remains In Committee 2/8/11)**

Ordinances for Committee Consideration:

2011-070 An Ordinance Authorizing Execution Of Agreements With Livingstone, Mueller, O'Brien & Davlin, P.C. (\$75,000.00) And Sorling, Northrup, Hanna, Cullen And Cochran, Ltd. (\$75,000.00) To Defend Workers' Compensation Claims For The City Of Springfield From March 1, 2011, Through February 29, 2012, For A Total Amount Not To Exceed \$150,000.00. **(Requested By Mayor Edwards) (Committee Of The Whole)**

It is in the best interest of the City to obtain legal services of experts for advice on matters concerning workers' compensation. The law firms of Livingstone, Mueller, O'Brien and Davlin, P.C. and Sorling, Northrup, Hanna, Cullen and Cochran, Ltd., are willing and able to perform these services from March 1, 2011, through February 29, 2012. This ordinance would allow execution of agreements with the law firms and authorize payment in an amount not to exceed \$150,000.00 from March 1, 2011, through February 29, 2012.

Ald. Simpson moved to place Agenda No. 2011-070 on the Consent Agenda. Ald. Cimarossa seconded. The motion carried 9/0 via voice vote.

2011-071 An Ordinance Authorizing The City Treasurer To Establish A Separate Account At A Commercial Bank For Use By The Springfield Police Department **(Requested By Mayor Edwards) (Committee Of The Whole)**

The City Treasurer is authorized to establish a separate checking account at a commercial bank for the cash that is used in covert operations for drug buys and confidential informants. Only authorized personnel will have access to the account. It will be audited by the Office of Budget & Management each time authorized personnel are changed and on a quarterly basis. The SPD (authorized personnel) will keep a ledger book and receipts of all transactions and balance the fund monthly. Any discrepancies will be reported to the Office of Budget and Management for further review. Funds deposited to this account will be only from the authorized budgeted expenditure lines funds (070 and 073) through the purchasing order process, approved by the Chief of Police and the Deputy Chief of Administrative Services. Any funds on hand from withdrawals of this account, will be re-deposited back in the same bank account at the discretion of the authorized personnel so officers may have cash on hand as the supervisor sees fit.

Ald. Simpson moved to place Agenda No. 2011-071 on the Consent Agenda. Ald. Kunz seconded. The motion carried 9/0 via voice vote.

2011-072 An Ordinance Authorizing A Change In Scope Of Proposal UE08-16 With Gross Mechanical Contractors, Inc. For The Design, Supply And Installation Of Wastewater Treatment Equipment For The Boron Mitigation Project At The Dallman Power Plant Site By Authorizing Work Scope Modifications, The Result Of Which Is A (\$341,581.00) Credit For A Total Amount Payable Of \$7,022,848.00 Under This Contract_ **(Requested By Mayor Edwards) (Committee Of The Whole)**

This ordinance approves Change Order No. 1 to Proposal No. UE08-16 with Gross Mechanical Contractors, Inc. for the design, supply and installation of wastewater treatment equipment for the Boron Mitigation project at the Dallman Power Plant site for the City of Springfield Office of Public Utilities' Electric Division Generation Department in an amount not to exceed \$7,364,429.00. Approved under Ordinance No. 939-12-07, this contract provided the

installation labor, as well as structural, mechanical and electrical systems for the wastewater clarifier and two 250,000 gallon storage tanks. The tanks are used to store the Scrubber blowdown water before and after the clarification process. The clarifier is used to remove solids, including heavy metals, from the Scrubber blowdown water.

This Contract Change Order addresses 72 work scope additions and deductions, the result of which is a \$341,581.00 credit under this contract. The most significant contract deduction was in the amount of \$121,871.00 for excavation of soil under the building area that was not required due to geotechnical testing. The most significant contract addition was in the amount of \$121,069.00 to allow extension of a wastewater discharge line over 100 feet. The original proposal and this Change Order No. 1 bring the amount payable to Gross Mechanical Contractors, Inc. to \$7,022,848.00. This project has been completed. This Change Order ordinance was deferred to allow enough time for the Contractor to complete warranty tasks and to ensure that no additional costs occurred.

Ald. Simpson moved to place Agenda No. 2011-072 on the Consent Agenda. Ald. Cimarossa seconded. The motion carried 9/0 via voice vote.

2011-073 An Ordinance Authorizing A Change In Scope Of Proposal UE09-18 With Gross Mechanical Contractors, Inc. For Labor And Materials For The Installation Of The Flue Gas Desulphurization System Wastewater Force Main To The Springfield Metro Sanitary District For The Boron Mitigation Project By Authorizing Work Scope Modifications, The Result Of Which Is A (\$171,572.00) Credit For A Total Amount Payable Of \$3,736,684.00 Under This Contract **(Requested By Mayor Edwards) (Committee Of The Whole)**

This ordinance approves Change Order No. 1 to Proposal No. UE08-18 with Gross Mechanical Contractors, Inc. for labor and materials for the installation of the flue gas desulphurization system wastewater force main to the Springfield Metro Sanitary District (SMSD) for the Boron Mitigation Project for the City of Springfield Office of Public Utilities' Electric Division Generation Department in an amount not to exceed \$3,908,256.00. Approved under Ordinance No. 244-05-09, this project included labor and material, as well as structural, mechanical and electrical systems, for a three-mile underground force main that extends from the Dallman Power Plant Unit 33 Scrubber to the Eastdale Substation (Bergen Park area). The work also included the lining of 3500 feet of sewer main with a cast-in-place liner.

This Contract Change Order addresses 32 work scope additions and deductions, the result of which is a \$171,572.00 credit under this contract. The original proposal and this Change Order No. 1 bring the amount payable to Gross Mechanical Contractors, Inc. to \$3,736,684.00. This project has been completed. This Change Order ordinance was deferred to allow enough time for the Contractor to complete warranty tasks and to ensure that no additional costs occurred.

Ald. Simpson moved to place Agenda No. 2011-073 on the Consent Agenda. Ald. Cimarossa seconded. The motion carried 9/0 via voice vote.

2011-074 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UE11-10-66 – Relative Accuracy Test Audits For The Continuous Emissions Monitoring Systems At The Dallman Power Plants For A Two (2) Year Period In The Amount Of \$452,400.00, And Approving A Field Modification Allowance In An Amount Not To Exceed \$10,000.00, For A Total Amount Not To Exceed \$462,400.00 With Airtech Environmental Services Inc. **(Requested By Mayor Edwards) (Committee Of The Whole)**

This ordinance accepts Contract UE11-10-66 in the total amount of \$462,400.00 with AirTech Environmental Services Inc., for Relative Accuracy Test Audits (RATAs) testing services for the City of Springfield Office of Public Utilities Regulatory Affairs Division Environmental Health and Safety Department for a two-year term. The contract price includes fixed costs for mobilization, testing and demobilization. AirTech Environmental Services Inc., submitted the low bid for this testing in the amount of \$452,400.00. A field modification allowance in the amount of \$10,000.00 is requested to cover possible charges for unanticipated delays that may be caused by weather or Continuous Emissions Monitoring Systems (CEMS) performance problems.

This Contract includes RATA Test Audits for the Continuous Emissions Monitoring Systems (CEMS) for Dallman Power Plant Units 31/32, 33 and Dallman Unit No. 4. The Contract also includes Particulate Matter and Carbon Monoxide Testing for the Dallman Power Plant Units 31/32, 33 in 2011 and for these same facilities as well as Dallman Unit 4 in 2012. In addition, this Ordinance and Contract provides for Mercury Testing for the Dallman Units 31/ 32, 33 and Dallman Unit 4 in 2011 and 2012.

Ald. Simpson moved to place Agenda No. 2011-074 on the Consent Agenda. Ald. Cimarossa seconded. The motion carried 9/0 via voice vote.

2011-075 An Ordinance Appointing A Designated Representative And An Alternate Designated Representative In Compliance With The Clean Air Act Amendments Of 1990, The Clean Air Interstate Rule And The Greenhouse Gas Mandatory Reporting Rule Relating To City Of Springfield Electric Generating Units (Requested By Mayor Edwards) (Committee Of The Whole)

This Ordinance appoints Patrick J. Becker, Manager of the Utility's Environmental Health and Safety (EHS) Office as a "Designated Representative" (DR) and Schy Willmore, another EHS staff member as an "Alternate Designated Representative" (ADR) for the City of Springfield Office of Public Utilities' in compliance with the Clean Air Act Amendments of 1990 and a Clean Air Interstate Rule (CAIR) Designated Representative and CAIR Alternate Designated Representative in compliance with the Clean Air Interstate Rule.

The City is the owner and operator of electric generating units that are subject to the requirements of the Acid Rain Program of the Clean Air Act Amendments of 1990 and has been required to have a Designated Representative certified to the United States Environmental Protection Agency (USEPA) since 1993. The affected City generating units are the Dallman Power Plant Unit Nos. 31, 32, 33 and 4, and Interstate Gas Turbine and Factory Combustion Turbine. Every source is required to have a DR and all units at one source must have the same DR.

The DR is responsible for submitting all reports and compliance plans, all permit applications, renewals, amendments, or modifications for permits, for all allowance transactions, all annual allowance reports, and all Continuous Emissions Monitoring System (CEMS) data reporting. These individuals also will serve in this capacity as it pertains to the new Green House Gas Reporting Rule. The DR will represent the source and by the action, inactions, or submissions will legally bind the owner of the source in all matters pertaining to these Clean Air Act Programs and the owners will be bound by any order issued to the DR by the USEPA, Illinois Environmental Protection Agency (IEPA), the Illinois Pollution Control Board or a court. The

original individuals appointed as DR and ADR for the utility have retired.

Ald. Simpson moved to place Agenda No. 2011-075 on the Consent Agenda. Ald. Cimarossa seconded. The motion carried 9/0 via voice vote.

2011-076 An Ordinance Authorizing The Execution Of An Annexation Agreement With Helen Hall For The Property Located At 4062 Chinquipin Road (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

Authorizes the execution of an annexation agreement for property located at 4062 Chinquipin Road.

Ald. Simpson moved to place Agenda No. 2011-076 on the Debate Agenda. Ald. Cimarossa seconded. The motion carried 9/0 via voice vote.

2011-077 A Resolution Notifying The State Of Illinois That Motor Fuel Tax Funds In The Amount Of \$130,065.00 Will Be Used To Purchase Battery Back-Ups And Backplate Reflective Tape From The Abraham Lincoln Presidential Library And Museum Grant (JN605-006), Pursuant To The Illinois Highway Code, MFT Section No. 10-00448-06-TL, For The Office Of Public Works (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

This resolution outlines to IDOT that we may spend \$130,065.00 from Abraham Lincoln Presidential Library & Museum Grant to pay for the installation of battery back-ups and signal backplate reflective tape at various locations throughout the City.

Ald. Simpson moved to place Agenda No. 2011-077 on the Consent Agenda. Ald. Shanahan seconded. Ald. Kunz asked why the Council is taking money from this grant. CC Johnson stated it is the million dollar grant that the City got a few years ago and it can be used for improvement. The motion carried 9/0 via voice vote.

2011-078 An Ordinance Accepting The Lowest Responsible Bid And Authorizing The Execution Of Contract Number PW 11-10-67 With Gerstner Electric, Inc. For The Installation Of Battery Back-Ups And Signal Backplate Reflective Tape At Various Locations Throughout The City In An Amount Not To Exceed \$130,065.00 For The Office Of Public Works (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

This ordinance is for the installation of batter back-ups and signal backplate reflective tape at various locations throughout the City.

Ald. Simpson moved to place Agenda No. 2011-078 on the Consent Agenda. Ald. Shanahan seconded. The motion carried 9/0 via voice vote. Ald. Cahnman arrived in the Council Chamber.

2011-079 An Ordinance Authorizing The Execution Of Agreement Amendment No. 1 With The State Of Illinois Department Of Transportation To Extend The Expiration Date From June 5, 2011, To June 5, 2013, For Improvements Of Access To The Abraham Lincoln Presidential Library And Museum For The Office Of Public Works (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

This authorizes the City to sign the Amendment for the Abraham Lincoln Presidential Library & Museum Grant to extend the expiration date from June, 2011 to June, 2013.

Ald. Simpson moved to place Agenda No. 2011-079 on the Consent Agenda. Ald. Cahnman seconded. The motion carried 10/0 via voice vote.

2011-080 A Resolution For Temporary Closure Of A Portion Of Illinois State Routes 97 And 125 (Jefferson Street) For The St. Patrick's Day Parade To Be Held March 12, 2011, For The Annual Trades And Labor Council Labor Day Parade To Be Held On September 5, 2011, And For The Springfield Jaycees Annual Christmas Parade To Be Held On December 3, 2011, For The Office Of Public Works (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

Authorizes closure of state routes for the annual parades listed above.

Ald. Simpson moved to place Agenda No. 2011-080 on the Consent Agenda. Ald. Shanahan seconded. The motion carried 10/0 via voice vote.

2011-081 An Ordinance Authorizing The Execution Of A Sewer Engineering Program Management Agreement With Hanson Professional Services Inc. For The Office Of Public Works In An Amount Not To Exceed \$80,000.00 (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

This ordinance is for Hanson Professional Services, Inc., to provide assistance in the engineering management of the City's annual sewer program. This is an agreement which only runs through fiscal year FY12 and will terminate at the end of fiscal year FY12.

Ald. Simpson moved to place Agenda No. 2011-081 on the Consent Agenda. Ald. Shanahan seconded. The motion carried 10/0 via voice vote.

2011-082 An Ordinance Authorizing The Execution Of Contract No. PW 11-15 With Security Parking Systems For The Parking Access Revenue Control System At The Hilton / Municipal Parking Garage In The Amount Of \$303,010.00 For The Office Of Public Works (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

This ordinance is for the installation of a parking access revenue control system at the Hilton/Municipal Parking Garage.

Ald. Simpson moved to place Agenda No. 2011-082 on the Consent Agenda. Ald. Kunz seconded. Ald. Cimarossa asked what this impacts. Is it going to eliminate the person taking the money? Director Norris stated it will automate the system and integrate with the hotels booking and management as well as with the one that is currently installed in the underground parking as well. The motion carried 10/0 via voice vote.

2011-083 An Ordinance Amending Chapter 36 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, By Adding Section 36.18 To Authorize Wage Garnishment Against Employees Who Owe Money To The City (**Requested By Ald. Shanahan & Cahnman**) (**Committee Of The Whole**)

There are current City employees who owe fines or other indebtedness to the City. It is in the best interest of the City to amend Chapter 36 of the City Code to provide that employees delinquent in payment of fines or other indebtedness may be subject to wage garnishment.

Ald. Simpson moved to place Agenda No. 2011-083 on the Consent Agenda. Ald. Cimarossa seconded. Ald. Simpson asked CC Johnson if the City currently has the ability to garnish wages of our employees. CC Johnson stated yes. This codifies the existing authority. It will now read in the City Code the legal authority that we already have by state statute. Ald. Simpson asked if we garnish wages at this time. CC Johnson stated yes and we have to follow the state statute and this just puts that language in the City Code.

Treasurer Langfelder stated he had an amendment to propose. The Alderman stated they did not think the proposed amendment was possible. CC Johnson stated there needs to be a judgment so the fact that someone owes money would not be sufficient under the law. Ald. Simpson asked if this could be similar to when someone owes child support. If, for instance, they get a state income tax check, sometimes the whole check will go toward payment of a child support arrearage. CC Johnson stated it is possible but she would need to do some additional research. Ald. Simpson stated that if CC Johnson is willing to do the research then she is willing to hold this in committee until CC Johnson completes her research. Ald. Simpson withdrew her motion to place Agenda No. 2011-083 on the Consent Agenda.

Agenda No. 2011-083 Remains in Committee.

2011-084 An Ordinance Amending Chapter 170 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, By Adding Section 170.10.08 To Provide A Penalty For The Failure To Record A Change Of Ownership (**Requested By Ald. Shanahan & Cahnman**) (**Committee Of The Whole**)

The City expends considerable time and resources in inspecting and prosecuting violations of the City's property and housing maintenance requirements. One of the difficulties is the inability to ascertain the identity of the owner of the property, especially with foreclosure proceedings. There is no penalty provision in the code for failure to record change of ownership information on deeds and other instruments affecting the title to real estate. This ordinance will amend Chapter 170 by adding 170.10.08 to provide a penalty for the failure to record a change of ownership.

Ald. Simpson moved to place Agenda No. 2011-084 on the Consent Agenda. Ald. Cimarossa seconded. Ald. Kunz asked who needs to be notified for a change of ownership. CC Johnson stated the County Recorder's Office. Ald. Kunz asked if everything is already recorded every time something is sold. CC Johnson stated it should be but sometimes it is not recorded in a timely manner. Ald. Kunz asked what timely meant. CC Johnson stated within thirty days. She stated this is likely to come up in Administrative Court when someone who has been cited indicates that is not their property. Ald. Kunz asked who is required to inform the recorder. Is it the seller or the buyer. CC Johnson stated the new owner is required to make sure the deed is recorded. Ald. Kunz then asked how the buyer would be found if no one has recorded the deed. CC Johnson stated generally the recorders website is checked to ascertain the owner. The purpose of this is to encourage the timely recording of deeds so that we can identify the property owner. Ald. Cahnman asked if there a City Real Estate transfer tax. CC Johnson stated no. Ald. Cahnman stated he does not see what the problem is with this ordinance.

Ald. Kunz stated plenty of property that is sold in the City and the new buyers are not told of the current zoning. Ald. Cahnman stated that if someone is going to buy a piece of property it behooves them to find out what the zoning is. Ald. Kunz stated he does not believe that people will be told of this ordinance at a closing of a property and he will vote no.

Treasurer Langfelder stated this came up relative to the City's involvement in cutting weeds and grass. We do our research, we do check with the Recorder's website to determine the owner and where the tax bill is being sent. That is who we have to follow as far as billing. There has been many cases where we contact the individual owner that is listed on the County's website and they have been foreclosed. However, the bank or financial institution neglects to file the appropriate paperwork. This is a way to make sure they are compliant with filing the appropriate documentation in regards to selling property. He believes this is the best way to go about it. Ald. Cahnman stated if it does not work the way we expect it to then we can revisit it. The motion carried 9/1 via voice vote. Ald. Kunz voted no.

Ald. Simpson moved to adjourn the meeting. Ald. Kunz Seconded. The Motion Carried 10/0 via voice vote. The time was approximately 6:00 p.m.

Cecilia K. Tumulty

Cecilia K. Tumulty
City Clerk