



**MINUTES**  
**Committee of the Whole**

**Tuesday, May 31, 2011**

**City Council Chambers**

**5:30 p.m.**

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

Chairman Steve Dove called the Meeting to Order at 5:30 p.m.

Deputy Clerk Hawkins called the roll of members

PRESENT: Ald. Edwards , Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove  and Griffin .

A motion to approve the May 17, 2011 minutes was made by Alderman Lesko and seconded by Alderman Simpson. The motion passed on a voice vote.

Chairman Dove then read the ordinances that are tabled and 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 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**)

**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**)

**2011-106** An Ordinance Amending Chapter 34 And 94 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To Fire Safety (**Requested By Mayor Edwards**) (**Committee Of The Whole**) (**Remains In Committee 3/8/11**)

Chairman Dove the asked for Deputy Clerk Hawkins to read the ordinances for Committee Consideration:

**2011-211** An Ordinance Authorizing Payments To Daniel Szabados, A Springfield Police Officer, And To James Harvey And Michael Crawford, Office Of Public Utilities Employees, For Settlement Of Workers' Compensation Claims (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved to place this item on the consent agenda. Alderman Lesko seconded the motion.

Alderman Cahnman asked if the \$45,000 payment that was made to Mr. Szabados over and above the amount that the workers compensation paid for the medical and total temporary disability payment. Assistant CC Linda O'Brien answered by stating that the payment was for the partial permanent disability, which is separate from what the medical costs where. Alderman Cahnman went on to asked if she knew what had been paid out under workers compensation for medical costs and total temporary disability for this worker. ACC O'Brien answered that she did not. Alderman Cahnman stated that in the future, it would be helpful if the Council could have that information.

Alderman Theilen stated that they may not be able to know the amount under HIPAA Laws (Health Insurance Portability Accountability Act). Alderman Cahnman disagreed and stated that all he was asking for was the dollar amount. ACC O'Brien stated that she did not have the information that he needed. She also stated that before the information would be release they would double check HIPAA standards.

Alderman McMenamain stated that as a new member of the council, he is astounded by the amounts involved and the frequency of the amounts. He points out that there has been discussion and debate about the abuse of workers comp claims on the state level. He then asked ACC O'Brien if her office could provide a summary of the internal city review process for workers compensation claims. He goes on to point out that since the city is self insured that it can change the dynamics of the settlement process. ACC O'Brien stated that she would check and see what they could provide to Council.

The motion to place Agenda Item Number 2011-211, on the Consent Agenda carried 10-0-1 via voice vote. Alderman Cahnman is recorded as voting present.

**2011-212** An Ordinance Authorizing The Execution Of An Intergovernmental Agreement With The State Of Illinois Department Of Agriculture For Fire Protection And Fire Prevention Services At The Illinois State Fairgrounds From July 1, 2010, Through June 30, 2011 (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved to place this item on the consent agenda. Alderman Griffin seconded her motion.

Alderman Griffin asked of ACC O'Brien if there is any reason why the ordinance is just coming through now when the agreement is over next month. ACC O'Brien stated that the city has already provided the services. The ordinance is so that they can be paid. Alderman Dove and Griffin asked if there will be another one coming up. ACC O'Brien responded that it usually takes a while before they receive the paperwork. She went on to add that the city has received the agreements late in the year.

Alderman Cahnman asked how much the city has received for this service in the previous year. ACC O'Brien responded that she was not familiar with what the exact amount was. Fire Chief Fustin responded that in years previous, the amount was \$110,000.00, but has since been reduced to \$105,900.00. He went on to state that as the costs have gone up, the income has gone down. Alderman Cahnman asked if that was a function of the State not having any money. He went on to state that it doesn't make any sense that the costs continue to rise while the payment drops. Chief Fustin responded that he cannot speak to the State's financial situation, but that he concurred with Alderman Cahnman's statement. He went on to state that the Springfield Fire Department continues to provide the same level of manpower at an increased hourly rate along with an increased cost for their services. Chief Fustin stated that he is working with the State Fire Marshall's office to reduce the City's cost at the State Fair. He went on to state that the costs at the State Fair account for 1/3 or 35% of the amount that is spent for fire coverage. Chief Fustin stated that he is working to reduce the Springfield Fire Department presence there and push it to the Fire Marshall's office or the Illinois State Police. He added that the Department is in ongoing meetings with both agencies.

Alderman Griffin asked if part of the agreement is in consideration of the State providing the building on the state fairgrounds for the Springfield Fire Department. Chief Fustin responded that the State does indeed provide the building that houses the personnel and equipment. Alderman Griffin went on to state that if the City decides not to provide this service any longer, the City would have to look for an alternate location somewhere within the vicinity in order to have a presence there. Chief Fustin stated that he was correct.

Alderman Cahnman asked if the City paid any rent for the building. Chief Fustin responded that they did not. He went further to state that they provide the personnel and the equipment, while the state provides the location and the \$105,900.

Alderman Simpson asked if there was another facility in the same area. Chief Fustin responded that there is a fire station at 19<sup>th</sup> and Converse, the #4 Fire Station, which is a mile and a quarter away. Alderman Simpson asked if the station (on the State Fairgrounds) would also serve the area outside the Fairgrounds. Chief Fustin responded that the station serves everything north of Sangamon Avenue.

Alderman Jobe asked if the 19<sup>th</sup> Street location had one truck. Chief Fustin responded that there is an engine company at #10, at the Fairgrounds, and there is another engine company at #4 at 19<sup>th</sup> and Converse.

Alderman Simpson clarified that the City gets a place to house their trucks rent free to respond to fires within the area in this deal. Chief Fustin responded said that that was correct.

Alderman McMenamin asked who negotiates with the State on behalf of the City. Chief Fustin responded that he believed that it is the City's legal department. He went on to state that he would find out for sure and let him know.

Alderman Jobe asked if historically payments had been late from the state. Chief Fustin responded that he had been advised that the City receives payments very late in the fiscal year, to the point where the department has already paid for the labor and maintenance that is needed at the location.

Alderman Griffin observed that if the Council is not accepting the agreements until late in the fiscal year, then the state has no incentive to pay. He went on to state that it would be in the City's interest to start the process earlier for the next fiscal year to get the ordinance on the books. He ended by saying the City should be going after every dollar that it can get.

The motion to place Agenda Item Number 2011-212 on the Consent Agenda passed 10-0 via voice vote.

**2011-213** An Ordinance Authorizing Acceptance And Execution Of An Intergovernmental Agreement With The State Of Illinois Department Of Military Affairs For Fire Protection Services At The 183<sup>rd</sup> Fighter Wing (**Requested by Major J. Michael Houston**)

A motion was made by Alderman Simpson to move this item to the consent calendar. It was seconded by Alderman Theilen.

Alderman Griffin asked of Chief Fustin for the amounts in this agreement. Chief Fustin stated that he had spoken with CC Pedersen today and it was his understanding that the ordinance would be left in committee due to ongoing negotiations between the City and the 183<sup>rd</sup> Fighter Wing. He respectfully requested that it remain in committee.

Alderman Simpson withdrew her motion and Alderman Theilen withdrew his second. Alderman Griffin made a motion to leave this ordinance in committee. Alderman Theilen seconded that motion.

The motion to leave the Agenda Item Number 2011-213 in committee passed by a voice vote.

**2011-214** An Ordinance Amending Various Sections Of Chapter 110 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Regarding Permits And Decalomania For Permittee's Vehicles (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved this item to be place on the consent agenda. It was seconded by Alderman Theilen.

Alderman Cahnman asked of ACC O'Brien if she knew the reasoning behind the Federal law that now prohibits the City from requiring commercial vehicles to display decals. ACC O'Brien stated that she was unsure why the Federal Government passed the law. She went on to state that now that it is law, the City needs to come into compliance.

Alderman Cahnman went on to state that he guessed it was so that the vehicles do not become

targets for terrorists. ACC O'Brien stated that she could not say for sure.

Alderman McMenamain observed that there are three different categories of decals being considered in this ordinance. He went on to state that there are decals that are on vehicles that deliver merchandise to other merchants (which sell for \$25), decals for vehicles that perform a service for merchants, but don't deliver any merchandise (which sell for \$60), and transportation for hire (which sell for \$0). Alderman McMenamain posed the question to the council if this is an opportunity to uniform the decal license amounts and increase revenue. Alderman Cahnman suggested to Alderman McMenamain that he work with Corporation Council to give the Council a report as to the basis of the different amounts of the fees. He went on to suggest that with that information, the Council could move forward with an appropriate amendment. Alderman McMenamain suggested that the Council hold the ordinance until that information could be provided.

Alderman Simpson asked of Alderman McMenamain what the amounts had to do with the ordinance that they are currently discussing. Alderman Griffin added that the ordinance is to bring the City in compliance with the Federal statute. ACC O'Brien stated that that was correct. Alderman Theilen also added that if Alderman McMenamain wanted to present a proposal at a later point in time would be better as to not complicate the ordinance that the Council is currently considering.

Alderman Jobe asked if the dollar amounts are for the decals or for the permits. ACC O'Brien stated that the dollar amounts are for the permits. Alderman Jobe further stated that the fees do not effect the decals, that the vehicles still have to get permits. ACC O'Brien stated that that was correct. She went on to state that the vehicles must get permits, but are not required to have the decals in their vehicles. Alderman Theilen further asked if the dollar amounts are still something that could be looked at and brought back to the Council. ACC O'Brien stated yes and that she would also provide background information on the fee amounts to the Council as well.

The motion to place the Agenda Item Number 2011-214 on the Consent Agenda passed 10-0 by a voice vote.

**2011-215** An Ordinance Amending Chapter 93 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To Legal Representation Of Citizens In A Private Cause Of Action (**Requested by Mayor J. Michael Houston**)

Alderman Simpson moved to place this item on the consent agenda. The motion was seconded by Alderman Theilen.

Alderman Theilen moved to accept Amendment Number 1 to this ordinance. It was seconded by Alderman Griffin. The motion to accept Amendment Number 1 passed 10-0 via voice vote.

Alderman Cahnman asked for clarification on what the difference is between the amendment and the original bill. ACC O'Brien went into detail about the differences between the bill and the amendment. She went on to state that the only change is on Under D, Exhibit A, number 1, the only change is an additional striking out of the word "after consulting and coordinating with the office of the corporation council". She restated that that strike out is the only change that

has been made.

Alderman Cahnman asked if the ordinance pertains to discrimination cases that are filed with the community relations board. ACC O'Brien answered that that was correct. Alderman Cahnman went on to ask that if the community relations board does decide that there is discrimination, the board cannot grant any relief unless the respondent agrees to it and that is the reason that they might go to court. ACC O'Brien answered that that was not correct. She went on to explain that the community relations department does the investigation, the city can choose to proceed or the person that has made the complaint can choose to proceed in administrative (hearing), in front of the commission or in circuit court. She went on to explain that the ordinance is stating is that the City is not going to provide the legal council to them because it is a conflict of interest to do so. She went on to state that the person filing the complaint can still represent themselves or provide their own legal council if they choose.

Alderman Cahnman further asked that currently, if a person who feels that they were discriminated against files a complaint with the commission, then the community relations department does their investigation and if they believe that there was discrimination they will precede to prosecute the case for the citizen before the commission. ACC O'Brien stated that it is her understanding that once they do the investigation, it is very much the decision of the person that brought the complaint as to how far they want to proceed at that point in time. Alderman Cahnman observed that it is very similar to how the Illinois Department of Human Rights and the Illinois Human Rights Commission and he wanted to know how those two bodies proceed. ACC O'Brien stated that she was not familiar with their legislation, but she is familiar with legislation in other communities. She went on to state that some other cities do a very similar process, but they do not provide legal council to the private citizen wanting to move forward with legal action. She went on to state that it was due to the conflict that might arise in the private citizen having a desire that is in conflict with what the lawyer needs to do in the best interest of the city. Alderman Cahnman asked if she was aware of any other cities that have the same provision that the City has. ACC O'Brien stated that she stated that she does not, but that it didn't necessarily mean that they didn't exist.

Alderman Cahnman stated that he is the former Chairman of the Community Relations Commission, when it was called the Human Relations Commission. He further stated that he did not remember any cases where the city went in and represented someone. He asked how many times the City has represented someone. ACC O'Brien stated she could not give the exact number, but that a little less than two months ago, she would have had to help Sandy Robinson help prosecute one of the cases, but it ended up settling prior to going to hearing as an example of the situation happening. Alderman Cahnman went on to ask that in these cases, if the citizen feels that it is a good case, they should be able to find a lawyer to represent them.

Alderman Edwards asked the chair to call the question. Chairman Dove asked for a vote on the motion.

The motion to place Agenda Item Number 2011-215, As Amended, on the Consent Agenda, passed 10-0 via voice vote.

**2011-216** An Ordinance Approving A Change In Scope Of Contract UE09-10-85 – Elevator Maintenance Contract For Dallman Generating Facilities For A Three Year Term In The Amount Of \$300,000.00 With Kone, Inc. By Authorizing An Additional \$85,000.00 For Elevator Maintenance, For A Total Amount Payable Of \$385,000.00 To Said Vendor For The Electric Division **(Requested by Mayor J. Michael Houston)**

A motion was made by Alderman Simpson to place the item on the consent agenda. It was seconded by Alderman Griffin.

The motion to place Agenda Item Number 2011-216 on the Consent Agenda, passed 10-0 via voice vote.

**2011-217** An Ordinance Accepting Bids And Authorizing The Execution Of Contract UE12-03-14 – Overhead Electric Power Line Components With Fletcher-Reinhardt Company, HD Supply Utilities, Ltd, And Power Line Supply Company In A Total Amount Not To Exceed \$300,000.00 For The Electric Transmission, Distribution And Operations Department **(Requested by Mayor J. Michael Houston)**

Alderman Simpson moved to place the item on the consent agenda. The motion was seconded by Alderman Griffin. Alderman Simpson also moved to accept the proposed amendment number 1. That motion was also seconded by Alderman Griffin.

Alderman Theilen asked of ACC O'Brien why HD Supplies, Ltd was being removed as a bidder. ACC O'Brien stated that it was because they were unable to meet one of the bid requirements that the other two bidders had.

The motion to accept the Amendment 1 to Agenda Item Number 2011-217 passed 10-0 via voice vote. The motion to place Agenda Item Number 2011-217, as amended, on the Consent Agenda also passed 10-0 via voice vote.

**2011-218** An Ordinance Approving And Authorizing The Execution Of A Professional Services Agreement With Hanson Professional Services Inc. In An Amount Not To Exceed \$43,300.00 For The Performance Of An Evaluation Of The City Of Springfield Water Division Garage Building **(Requested by Mayor J. Michael Houston)**

Alderman Simpson moved to place the item on the consent agenda. It was seconded by Alderman Griffin.

Alderman McMenemy asked of Chief Engineer Hobbie if the item was budgeted or not, as the fact sheet that they were provided was unclear. Mr. Hobbie stated that it was not known at the time, but that the money was probably coming out of consulting money that was somewhere else in their budget. He went on to state that the ordinance is for a building that has recently noticed walls that are leaning and they would like to do a structural review of the building. Mr. Hobbie went on to state that the item was not specifically in the budget, but that there is additional money from the consulting area, which is the same budgeting code, that will be used to complete this project.

Alderman McMenamin asked if the funds were coming out of corporation funds. Mr. Hobbie responded that it was coming out of CWLP (City Water Light and Power) water funds.

The motion to place Agenda Item Number 2011-218, on the Consent Agenda passed 10-0 via voice vote.

**2011-219** An Ordinance Accepting The Lowest Responsible Bid And Authorizing The Execution Of Contract PW2-04-22 With Petersburg Plumbing And Heating Co. For The Meadowbrook West Subdivision Sanitary Sewer Replacement Project, In An Amount Not To Exceed \$440,440.00, For The Office Of Public Works (**Requested by Mayor J. Michael Houston**)

A motion was made by Alderman Simpson and seconded by Alderman Theilen to place the item on the consent agenda.

Alderman Cahnman asked of Director (of Public Works Mike) Norris why this particular subdivision was chosen over other places in the city, given that the sewers citywide are not in very good shape. Director Norris stated that the subdivision had been subjected to mine subsidence a number of years ago. He went on to state that his department has, over the course of the last 10-15 years, been going out almost weekly to make repairs so that the subdivision could still function. Mr. Norris went on to state that they had bid out the project last year, but it came out too high. He stated that they are prepared to take the higher bid this year.

Alderman McMenamin also asked of Director Norris if the expenditure had been a budgeted expenditure. Mr. Norris stated that the funds are coming from the sewer department's fund and not the city general fund. He went on to state that it was an anticipated and budgeted project for the summer.

The motion to place Agenda Item Number 2011-119 on the Consent Agenda passed 10-0-1 via voice vote. Alderman Turner voted present on the motion.

**2011-220** An Ordinance Authorizing Additional Payment Of \$77,257.00 To Kinney Contractors, Inc. For A Total Amount Not To Exceed \$711,866.00 Under Contract PW11-08-46 For The 2010 Concrete Patching Program For The Office Of Public Works (**Requested by Mayor J. Michael Houston**)

Alderman Simpson made a motion to move the item to the consent agenda and Alderman Theilen seconded the motion.

Alderman Griffin asked for clarification from Mr. Norris that the item does not increase the cost and that everything is at the same unit price, that the City is getting additional work. Mr. Norris replied that he is correct.

The motion to place Agenda Item Number 2011-220 on the Consent Agenda passed 10-0 via voice vote.

**2011-221** An Ordinance Accepting And Authorizing Execution Of An Illinois Liquor Control Commission Grant For The "Kids Can't Buy 'Em Here" Campaign, From August 1, 2011, Through June 30, 2012, In The Amount Of \$13,750.00 And Authorizing A Supplemental Appropriation In The Amount Of \$9,167.00 For The Springfield Police Department **(Requested by Mayor J. Michael Houston)**

Alderman Cahnman moved to place the item on the consent agenda. The motion was seconded by Alderman Simpson.

Alderman McMenamin asked of Police Chief Robert Williams if half of the money being spend is from the corporate fund. Chief Williams responded that the total amount is from the grant. Alderman McMenamin observed that the fact sheet does not reflect that it does. Alderman Edwards asked Chief Williams if the department received more in the grant then they were anticipating which is why the Council is approving a supplemental. Chief Williams stated that that was correct. He went on to explain that the program is an ongoing grant that targets retailers.

Alderman McMenamin asked for clarification if the Council thought that it was grant money that was being spent, or if there were corporate funds being spend. Chief Williams stated that the program is completely funded by grant money. Alderman Theilen further clarified that the program operates on grant money from the state. Chief Williams concurred that the grant money is from the state. He went on to state that that the program's goal is to limit and deterring kids from picking up smoking by targeting the retailers to be in compliance as well. Alderman Theilen stated that the program has been going on for a long time, for at least ten years.

Alderman Cahnman asked of ACC O'Brien that the ordinance states that the City will receive a grant of \$13,750.00 from the Illinois Liquor Control Commission in section one, but section three states that the supplemental appropriation states \$9,167.00. ACC O'Brien stated that she did not have the answer. Chief Williams stated that he would provide to the Council the facts about the grant and that he would be more than happy to answer any further questions that they might have.

Alderman Edwards added that when there is a supplemental appropriation, that there was already money in the line item to pay for the program and the ordinance is to add more money, due to the increased amount received from the grant. Alderman Cahnman asked Chief Williams to provide further clarification on the situation. Chief Williams stated that he would.

The motion to place Agenda Item Number 2011-221 on the Consent Agenda passed 10-0 via voice vote.

**2011-222** An Ordinance Approving And Authorizing Execution Of Agreement Amendment No. 1 To The Intergovernmental Agreement Between The City Of Springfield And The Illinois Department Of Transportation For Implementation Of An Illinois Transportation Enhancement Program Grant To Restore Lindsay Bridge **(Requested by Mayor J. Michael Houston)**

A motion was made to place the item on consent agenda by Alderman Simpson and seconded

by Alderman Griffin. The motion to place Agenda Item Number 2011-222 on the Consent Agenda passed 10-0 via voice vote.

Alderman Simpson moved to adjourn the meeting of the Committee of the Whole. It was seconded by Alderman Griffin. The meeting was adjourned at 6:01pm

*Rianne Hawkins*

**Rianne Hawkins**  
**Deputy City Clerk**