



MINUTES OF THE COMMITTEE OF THE WHOLE

Tuesday, May 3, 2011
City Council Chambers
5:30 p.m.

Ward 1	Frank Edwards	Ward 6	Cory Jobe
Ward 2	Gail Simpson	Ward 7	Joe McMenamin
Ward 3	Doris Turner	Ward 8	Kris Theilen
Ward 4	Frank Lesko	Ward 9	Steve Dove (Vice Chair)
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. Simpson , Turner , Lesko , Cahnman , Jobe , McMenamin , Theilen , Dove and Griffin .

ABSENT: Ald. Edwards

Chairman Griffin stated that, for the benefit of the new aldermen, he was going to take things slow. If they had any questions, the new aldermen were encouraged to ask questions. He also encouraged them to utilize Joe Davis and Jeannette Bland in the Coordinator's office. Chairman Griffin explained the process for Consent and Debate Agenda as well as the packets of information provided by Clerk Tumulty's office.

Ald. Simpson moved for approval of the April 12, 2011 Committee Meeting Minutes. Ald. Lesko seconded. The motion carried via voice vote.

Clerk Tumulty explained that the aldermen also had a draft copy of the April 19, 2011, City Council minutes. She explained that the aldermen would receive those draft minutes approximately one week prior to Council for review.

Chairman Griffin read the Ordinances tabled or remaining 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)**

2011-088 An Ordinance Authorizing Execution Of A Contract With Illinois Funeral Service Foundation For Purchase Of Real Property Located At 1440 Monument Avenue. **(Requested By Mayor Edwards) (Committee Of The Whole) (Remains In Committee 3/8/11)**

2011-102 Amending Sections 105.03 And 105.29 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To Refuse And Yard Waste Pick Up Fees **(Requested By Mayor Edwards) (Committee Of The Whole) (Remains In Committee 3/8/11)**

Ald. Theilen moved to withdraw 2011-102. Ald. Dove Seconded. The motion carried via voice vote.

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)**

Clerk Tumulty read the Ordinances for Committee Consideration:

2011-168 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$10,200.00 For The Springfield Police Department **(Requested By Mayor Edwards) (Committee Of The Whole)**

The Springfield Police Department is seeking to supplementally appropriate funds from unappropriated fund balance so that it may purchase the balance of a lien on a seized asset (motorcycle) obtained through DUI activities. The funds are held in the federal asset forfeiture fund. The blue book value of the motorcycle is approximately \$20,000.00

Following discussion, Agenda No. 2011-168 was left in the the Committee of the Whole for further discussion.

2011-169 An Ordinance Authorizing Payments To Jerry Lyon, A Former Office Of Public Works Employee, To H. William Gutmann, A Springfield Fire Department Employee, And To Jeffrey Mickle, A Former Office Of Public Utilities Employee, For Settlement Of Workers' Compensation Claims **(Requested By Mayor Edwards) (Committee Of The Whole)**

Jerry Lyon was employed as a TDL for the City on November 6, 2009, and reported an injury to his left knee while pulling a tree trunk with a rope. He underwent arthroscopic surgery to repair a torn meniscus and was able to return to work with no restrictions in December 2010. Mr. Lyon filed a workers' compensation claim (case number 10-WC-33522) and is willing to settle his claim in the amount of \$27,127.63 representing a permanent partial disability equivalent to 25% loss of use of his left leg. Livingstone, Mueller, O'Brien & Davlin P.C., the City's workers' compensation advisors, recommend payment of \$27,127.63 to Mr. Lyon to

settle claim number 10-WC-33533.

H. William Gutmann was employed as a mechanic for the Springfield Fire Department. On July 8, 2008, he reported an injury to his right shoulder while removing air bottles from an air trailer. Mr. Gutmann underwent surgery to repair a labral tear and was able to return to work full duty in November 2009. Mr. Gutmann filed a workers' compensation claim (case number 09-WC-28541) and is willing to settle his claim in the amount of \$46,247.89 representing a permanent partial disability equivalent to 27.5% loss of use of the right arm. It is in the best interest of the City to authorize payment of \$46,247.89 to Mr. Gutmann to settle his workers' compensation claim for case number 09-WC-28541.

Jeffrey Mickle was working as journeyman for the Office of Public Utilities on July 31, 2009. He reported an injury to his right shoulder after he fell while moving a piece of equipment. Mr. Mickle underwent surgical repair of the right rotator cuff and bicep tendon and was able to return to work full duty in March of 2010. Mr. Mickle filed workers' compensation claim (09-WC-45025) and is willing to settle his claim in the amount of \$58,860.96 representing a permanent partial disability equivalent to 35% loss of use of the right arm. It is in the best interest of the City to authorize payment of \$58,860.96 to Mr. Mickle to settle his workers' compensation claim for case number 09-WC-45025.

Ald. Simpson moved to place Agenda No. 2011-169 on the Consent Agenda. Ald. Lesko seconded. The motion carried via voice vote.

2011-170 A Resolution Opposing Certain Changes To The Illinois Tax Increment Allocation Redevelopment Act (Requested By Mayor Edwards) (Committee Of The Whole)

The City desires to show its opposition to certain changes being proposed to the Illinois Tax Increment Allocation Redevelopment Act. This resolution will be submitted along with other communities to the Illinois General Assembly.

Ald. Simpson moved to place Agenda No. 2011-170 on the Consent Agenda. Ald. Dove seconded. The motion carried via voice vote. Ald. Lesko, Jobe and Griffin voted present.

2011-171 An Ordinance Authorizing The Execution Of A Redevelopment Agreement With The Enos Park Neighborhood Improvement Association, Inc. For Use Of Enos Park Tax Increment Finance Funds In The Amount Of \$95,500.00 For Phase II Of A Master Plan For Redevelopment Of Blighted Properties Within The Boundaries Of The Enos Park TIF District (Requested By Mayor Edwards) (Committee Of The Whole)

This ordinance requests the use of Enos Park TIF funds to reimburse costs associated with Phase II of the Mansur master plan and the implementation of a study to articulate redevelopment projects that will preserve the historic nature of Enos Park Neighborhood and increase the presence of single-family housing. The cost shall not exceed \$95,500.00

Ald. Cahnman moved to place Agenda No. 2011-171 on the Consent Agenda. Ald. Simpson seconded. The motion carried via voice vote.

2011-172 An Ordinance Approving And Authorizing Execution Of Agreement Amendment No. 1 To The Original Proposal With General Electric International, Inc. For Dallman Power Plant Unit 33 Valve Inspection And Repair Services By Approving An Added

Scope Of Services And Authorizing An Additional Payment In The Amount Of \$518,268.65 Under This Proposal, For A Total Amount Payable Of \$1,372,408.65 To Said Vendor, And Authorizing A Supplemental Appropriation In The Amount Of \$436,799.00 For The Electric Division (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

This ordinance approves and authorizes execution of Agreement Amendment No. 1 to the original Professional Services Proposal approved under Ordinance No. 446-12-10 with General Electric International, Inc. for Valve Inspection and Repair Services for the Dallman Power Plant Unit 33 Turbine Generator in the amount of \$854,150.00 for the City of Springfield Office of Public Utilities' Electric Division.

This Agreement Amendment contains approximately 15 work scope modifications the most significant of which include: 1) Replacement of seven Valve Actuators, \$105,241.50; 2) Replacement of six Non Return Valves, \$291,557.36; and, 3) Replacement Block and Insulation Blankets, \$40,000.00. General Electric International is recommending that these items be completed to maintain Unit 33 for long term reliable operation. This Ordinance further authorizes a Supplemental Appropriation in the amount of \$436,799.00 from the 2010 Electric Improvement Account to partially fund said extra work scope items. The remaining necessary funds in the amount of \$81,459.65 will come from existing Electric Division Fiscal Year 2012 budgeted funds. The original Ordinance and this Agreement Amendment bring the expenditure authorization with General Electric International to \$1,372,408.65 for these services.

Ald. Simpson moved to place Agenda No. 2011-172 on the Consent Agenda. Ald. Dove seconded. The motion carried via voice vote.

2011-173 An Ordinance Authorizing A Change In Scope Of Contract UE10-10-68 – Dallman Unit 33 Flue Gas Desulphurization System Upgrade General Construction With Mc Industrial, Inc. By Approving Work Scope Modifications And A Payment Increase Of \$1,715,287.95 Under This Contract, For A Total Amount Payable Of \$20,278,192.95 To Said Vendor And Authorizing A Supplemental Appropriation Of Funds In The Amount Of \$1,715,288.00 For The Electric Division (**Requested By Mayor Edwards**) (**Committee Of The Whole**)

This ordinance approves Change Order No. 1 in the amount of \$1,715,287.95 under Contract UE10-10-68 with MC Industrial, Inc. for general construction for the Dallman Power Plant Unit No. 33 Flue Gas Desulphurization System (FGDS) upgrade project for the City of Springfield Office of Public Utilities' Electric Division Generation Department. The original bid contract provided for the installation labor, as well as structural, mechanical and electrical systems for the Dallman Unit 33 Scrubber Upgrade project. The original contract, which was approved under Ordinance 229-06-10, authorized the expenditure of \$18,562,905.00 for said construction services, the goal of which is to enhance the Scrubber's Sulfur Dioxide removal efficiency.

This Contract Change Order addresses a total of 25 work scope additions and deductions. The 22 work scope additions under the contract come to \$1,789,101.77. The three deductions under this contract will result in a credit of (\$73,813.82). The most significant project work scope additions are as follows: 1) replacement of base-plates under the 10 main process pumps in the amount of \$118,000.00; 2) replacement of areas with significant corrosion in the Scrubber towers in the amount of \$662,000.00; 3) installation of two larger booster fans to include major ductwork and structural steel modifications in the amount of \$175,000.00; and 4) additional

welding involving the two 30-foot diameter collector trays in the amount of \$500,536.50. This Ordinance further authorizes a Supplemental Appropriation in the amount of \$1,715,288.00 from the 2010 Electric Improvement Account to fund said extra work items. The original contract and this Change Order bring the total expenditure authorization under this contract to \$20,278,192.95. This contract scheduled completion date is November 1, 2011.

Ald. Simpson moved to place Agenda No. 2011-173 on the Consent Agenda. Ald. Lesko seconded. The motion carried via voice vote.

2011-174 An Ordinance Accepting The Bid And Authorizing The Execution Of Contract UE12-03-07 – Heavy Equipment Maintenance And Repairs At Dallman With Roland Machinery Company In An Amount Not To Exceed \$200,000.00 **(Requested By Mayor Edwards) (Committee Of The Whole)**

This ordinance accepts the only bid for Contract UE12-03-07 from Roland Machinery Company for the maintenance and repair of heavy equipment, including two excavators, three wheel loaders, and two crawlers for the City of Springfield Office of Public Utilities Electric Division Generation Department. This contract authorizes the utility to spend up to \$200,000.00 over the one-year contract term for these services.

The Dallman Power Plant Complex uses this equipment in its coal handling operations. This equipment also is used to clean and maintain the ash ponds, Scrubber landfill, and Filter Plant lime ponds. Regular maintenance is essential for the equipment to operate efficiently. This contract specifies technician regular and overtime hourly rates, as well as service costs for specified equipment. Rebuilt components or repairs made by the vendor are warranted against defects in material or workmanship for six months or 1,000 hours, whichever occurs first.

Ald. Simpson moved to place Agenda No. 2011-174 on the Consent Agenda. Ald. Lesko seconded. The motion carried via voice vote.

2011-175 An Ordinance Approving And Authorizing The Execution Of A \$40,000.00 Professional Services Agreement With Jennings, Strouss & Salmon, PLC, For Representation Pertaining To The City Of Springfield Office Of Public Utilities' Schedule 2 Revenue Requirement For Reactive Power Application With The Federal Energy Regulatory Commission For The Regulatory Affairs Division **(Requested By Mayor Edwards) (Committee Of The Whole)**

This Ordinance approves and authorizes the execution of a \$40,000.00 Professional Services Agreement with Jennings, Strouss & Salmon, PLC, under which the firm will represent the City of Springfield Office of Public Utilities Regulatory Affairs Division in its application with the Federal Energy Regulatory Commission (FERC) regarding the utility's Schedule 2 Reactive Revenue Requirement for Reactive Power. This firm was originally engaged under City of Springfield Small Purchasing Procedures for an amount not to exceed \$24,999.00 to represent the Office of Public Utilities in development and filing an acceptable application with FERC.

The application for a Schedule 2 Reactive Power rate to be accepted by FERC is required by the Midwest Independent Transmission System Operator, Inc. (MISO) and was filed with FERC on March 24, 2011, Docket No. EL11-31-000. Billings to date are near \$24,999.00.

Under this Agreement, the firm will provide Professional Services in the next stage of the FERC proceedings in the nature of settlement negotiations with any party who protests the Office of Public Utilities' Schedule 2 application, and will address any issues raised by FERC staff. This Agreement does not include hearings to litigate any substantial or complex protests that cannot be settled. This Agreement and the prior authorized agreement bring the total expenditure authorization with the firm to \$64,999.00.

Ald. Simpson moved to place Agenda No. 2011-175 on the Consent Agenda. Ald. Lesko seconded. The motion carried via voice vote.

2011-176 An Ordinance Approving And Authorizing Execution Of Five Separate One-Year Lease Agreements For The Administrative Services Division For The City Of Springfield **(Requested By Mayor Edwards) (Committee Of The Whole)**

This Ordinance approves and authorizes execution of five separate one-year residential property lease agreements for the City of Springfield Office of Public Utilities Administrative Services Division.

The five leases are with Mark Musgrove for the property commonly known as 9060 Sablotny Road, Pawnee, Illinois; Louis C. Fremgen, 3350 KOA Road, Rochester, Illinois; Gerald J. Jallas, 8097 Pawnee Road, Pawnee, Illinois; Leeland M. Hubble, 4156 KOA Road, Rochester, Illinois; and, Edgar Gregory, 9047 Wahl Road, Pawnee, Illinois. The monthly rent for all five leases is \$1,900.00, for total lease payments of \$22,800.00 to the City over the lease term.

All one-year lease terms begin April 1, 2011, and expire March 31, 2012. The leases may be canceled with 30 days notice or extended by mutual agreement in accordance with the lease provisions.

2011-177 An Ordinance Granting And Authorizing Execution Of An Easement For Obstruction Of Right-Of-Way To Jade Illinois Properties, LLC, For A Sign Located In The Cockrell Lane Right-Of-Way, East Of Lot 3 Midstate Park, For The Office Of Public Works **(Requested By Mayor Edwards) (Committee Of The Whole)**

This ordinance grants a sign easement to Jade Illinois Properties, LLC for the Office of Public Works. The easement being platted is located in the Cockrell Lane right-of-way, east of Lot 3 Midstate Park, as shown in Exhibit A.

2011-178 An Ordinance Authorizing Execution Of An Agreement With The State Of Illinois Department Of Natural Resources For Meadowbrook West Sanitary Sewer Replacement Project No. 0900SS, For The Office Of Public Works **(Requested By Mayor Edwards) (Committee Of The Whole)**

This agreement is for the reimbursement of a sanitary sewer replacement located within Meadowbrook West Subdivision.

2011-179 An Ordinance Accepting The Lowest Bids And Authorizing Execution Of Contract Number PW 12-03-10 With Capitol Ready-Mix, Inc. And Henry Nelch & Son Co. To

Purchase Ready Mix Cement And Related Materials For The Office Of Public Works In An Amount Not To Exceed \$300,000.00 **(Requested By Mayor Edwards) (Committee Of The Whole)**

This ordinance is for Ready Mix Concrete and other related material to be supplied for the Office of Public Works maintenance projects.

2011-180 An Ordinance Accepting Bids And Authorizing The Execution Of Contract No. PW 12-03-02 With P.H. Broughton & Sons, Inc., Truman L. Flatt & Sons Co., Inc., Beniach Construction, State Highway Construction Corporation, Inc., Complete Asphalt Service Co., Vulcan Materials Company, Ennis Paint And Ayers Trucking LLC For 2011 Maintenance Materials For The Office Of Public Works In A Total Amount Not To Exceed \$1,523,493.00, And Authorizing A Waiver Of The Requirements Of Section 38.48 Of The City's Purchasing Code **(Requested By Mayor Edwards) (Committee Of The Whole)**

The Purchasing Code of the City of Springfield requires that this contract be let by sealed competitive bidding. The City Purchasing Agent has determined that P.H. Broughton & Sons, Inc., Truman L. Flatt & Sons Co., Inc., Beniach Construction, State Highway Construction Corporation, Inc., Complete Asphalt Service Co., Vulcan Materials Company, Ennis Paint and Ayers Trucking LLC ("Contractors") have submitted bids meeting specifications to furnish 2011 maintenance materials for the Office of Public Works.

2011-181 An Ordinance To Decrease The Number Of Class "D" Liquor Licenses By Two Due To Relinquishment Of Licenses By Fiesta Of Springfield, Inc. And By Carlos O'Kelly's, Inc. **(Requested By Mayor Edwards) (Committee Of The Whole)**

Fiesta of Springfield, Inc. d/b/a Fiesta Mexican Restaurant Located at 301 North Grand Avenue West and Carlos O'Kelly's, Inc., d/b/a Carlos O'Kelly's Mexican Café, located at 2500 Sunrise Drive, hold Class "D" liquor licenses and have relinquished their licenses back to the City. This Ordinance will authorize a decrease in the number of Class "D" liquor licenses by two. A Class "D" license entitles the licensee to sell alcoholic liquor, by the drink or pitcher, as part of a restaurant business, for consumption on the premises only and is a 1 a.m. license.

2011-182 An Ordinance To Increase The Number Of Class "D" Liquor Licenses By Two For Coz's Pizza Inc., D/B/A J.T. Costelloe's Pizza Pub And Grill Located At 7024/7026 Kings Mill Court And For New Beginning 217 L.L.C. D/B/A Willy P's Tap And Grill Located At 2413 South Macarthur Boulevard **(Requested By Mayor Edwards) (Committee Of The Whole)**

Coz's Pizza Inc., d/b/a J.T. Costelloe's Pizza Pub and Grill, located at 7024 / 7026 Kings Mill Court and New Beginning 217 L.L.C. d/b/a Willy P's Tap and Grill, located at 2413 South MacArthur Blvd, have applied for Class "D" liquor licenses. This ordinance will authorize an increase in the number of Class "D" liquor licenses by two. A Class "D" license entitles the licensee to sell alcoholic liquor, by the drink or pitcher, as part of a restaurant business, for consumption on the premises only and is a 1 a.m. license.

2011-183 An Ordinance Declaring A German MP-40 Submachine Gun To Be Surplus Property And Authorizing Donation Of Said Property To The Illinois State Military Museum **(Requested By Mayor Edwards) (Committee Of The Whole)**

The Springfield Police Department is currently in possession of a German MP-40 submachine gun that was confiscated in a drug raid several decades ago. The SPD no longer has any use for this firearm, and the Illinois State Military Museum has expressed interest in receiving this weapon to use in their World War II display of weapons. The firearm is an MP-40 Serial Number 2088/8553.

2011-184 An Ordinance Declaring 16 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 Edwards**) (**Committee Of The Whole**)

This ordinance declares 16 unclaimed bicycles being held in the Springfield Police Department's Evidence Room to be surplus property and authorizes the Springfield Police Department to donate said bicycles to Capital Area Career Center not- for – profit organization. Attached is a copy of the bicycle inventory to be donated.

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

Cecilia K. Tumulty
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City Clerk