

**Draft Minutes of Springfield City
Council Meeting
Tuesday, September 6, 2011
City Council Chambers**

PRE-COUNCIL SESSION

City Clerk Cecilia Tumulty called the Pre Council Session of the Springfield City Council to Order at 5:00 p.m., Tuesday, September 6, 2011, in the Council Chambers of the Municipal Center West.

Clerk Tumulty read the following **Ordinances and/or Resolutions on First Reading** and assigned to the Committee of the Whole into the record of this Council meeting.

2011-344 An Ordinance Authorizing Payment To James Taylor, An Office Of Public Utilities Employee, For Settlement Of Workers' Compensation Claim Number 10-WC-43534 (**Requested by Mayor J. Michael Houston**)

2011-345 An Ordinance Authorizing The Execution Of A Redevelopment Agreement With Enos Park Development, LLC For Use Of Enos Park Tax Increment Finance Funds In The Amount Of \$110,592.64 For Acquisition Assistance And Related Expenses For Various Properties Located In Within The Boundaries Of The Enos Park TIF Area (**Requested by Mayor J. Michael Houston**)

2011-346 An Ordinance Approving And Authorizing A Vendor Name Change To Petersburg Plumbing & Excavating, LLLC And Approving And Authorizing Execution Of A Consent To Assignment Under Contract No. UW10-02-95 – Water Main Installation And Dry Boring Work For The Water Division With J.K.Snyder Co., And Petersburg Plumbing And Heating Company In Accordance With Ordinances 194-05-10 And 118-04-11 In The Total Amount Of \$1,239,380.00 For The Water Division (**Requested by Mayor J. Michael Houston**)

2011-347 An Ordinance Accepting Bids And Authorizing The Execution Of Contract UE12-07-52 – Backfill Materials With Vulcan Construction Materials, LP And P.H. Broughton & Sons, Inc. In An Amount Not To Exceed \$250,000.00 For The Administrative Services, Electric And Water Divisions (**Requested by Mayor J. Michael Houston**)

2011-348 An Ordinance Approving And Authorizing The Execution Of A Telecommunications Contract Service Agreement Between The City Of Springfield And Springfield Clinic LLP For The Electric Division (**Requested by Mayor J. Michael Houston**)

2011-349 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$275,000.00 From Unappropriated Fund Balance For The Office Of Public Works (**Requested by Mayor J. Michael Houston**)

2011-350 An Ordinance Authorizing The Purchase Of Rock Salt From North American Salt Company, Under State Contract PSD 4017035 In An Amount Not To Exceed \$445,690.00 For The Office Of Public Works (**Requested by Mayor J. Michael Houston**)

2011-351 An Ordinance Approving The Plan For The Large Scale Development Of White Oaks Mini Storage For The Office Of Public Works (**Requested by Mayor J. Michael Houston**)

2011-352 An Ordinance Accepting The Lowest Responsible Bid And Authorizing The Execution Of Contract PW 12-06-45 With Prairie State Plumbing & Heating For Manhole Construction - Reconstruction At Various Locations, In An Amount Not To Exceed \$208,810.44, For The Office Of Public Works **(Requested by Mayor J. Michael Houston)**

2011-353 An Ordinance Authorizing A Supplemental Appropriation In The Amount Of \$17,174.81 For The Office Of Community Relations From Funds Collected Through Citizen Voluntary Contributions Made To City Water, Light & Power Through The Round-Up Program And Authorizing Payment Of \$13,574.81 To The Salvation Army For 2011/2012 Springfield Overflow Shelter And Authorizing Payment Of \$3,600.00 To Mirrors, Inc. **(Requested by Mayor J. Michael Houston)**

2011-354 An Ordinance To Decrease The Number Of Class “A” Liquor Licenses By One And Increase The Number Of Class “D” Liquor Licenses By One For Mangia Bene Of Springfield, Inc. D/B/A Parrot Down Caribbean Restaurant & Tiki Lounge, 2700 N. Lawrence Avenue, Suite C **(Requested by Mayor J. Michael Houston)**

2011-355 An Ordinance To Increase The Number Of Class “D” Liquor Licenses By One For QSL Of Springfield Inc. D/B/A Quaker Steak And Lube, 1121 W. Lincolnshire Boulevard **(Requested by Mayor J. Michael Houston)**

The Pre Council Session Concluded at 5:05 p.m.

CITY COUNCIL MEETING

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

Clerk Tumulty called the roll of City Council members.

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

ABSENT: none

Mayor Houston recognized a team from the City of Springfield that participated in the Illinois Park District’s Pentathlon and Recreational Relay at the Illinois State Fair. The team included Bill Logan, Mark Mahoney, Mark Cullen, Ken Fustin and Bill McCarty. He presented the team with a plaque.

Alderman Simpson made a motion to approve the minutes of the August 13, 2011 City Council Meeting. Her motion was seconded by Alderman Griffin. The motion carried 10-0 with a voice vote.

Alderman Simpson made a motion to incorporate the pre-council first reading of ordinances into the record of the council meeting. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0.

Alderman Simpson made a motion to accept the pre-council reading of the consent agenda into the record of the council meeting. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0.

Alderman Simpson made a motion to place the consent agenda on final passage. Her motion was seconded by Alderman Griffin.

The consent agenda passed with a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes.

Alderman Simpson made a motion to remove Agenda Item 2011-340 from committee and place it on the debate agenda. Her motion was seconded by Alderman Cahnman.

The motion to place Agenda Item 2011-340 onto the debate agenda passed with a voice vote of 10-0.

The next item on the agenda was Agenda Item 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. Alderman Simpson made a motion to place Agenda Item 2011-323 on final passage. Her motion was seconded by Alderman Jobe.

Alderman Simpson asked if David Bruce, who had previously spoken at the Committee of the Whole meeting was in attendance. He was not.

Mayor Houston recognized Matthew Warren from Aramark to speak. Alderman Cahnman asked Mr. Warren about potential problems that were addressed in a letter that was given to the Council from David Bruce of UniFirst Corporation. A copy of that letter is included in these minutes. He asked Mr. Warren if Armark had immediately terminated service to the City of Springfield upon their contract being awarded to Unifirst. Mr. Warren responded that Armark continued their service to the city for eight weeks after the contract was awarded. He explained that they had originally been asked to continue for six weeks after the contract was awarded. At the end of that period, then-Mayor Davlin asked them to stay on for an additional two weeks. After that, they refused to extend their contract any longer.

Mayor Houston added that the City Purchasing Department has been in contact with the vendor and they have agreed to continue the contract until Armark is up and ready to go.

Agenda Item 2011-323 passed with a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes.

The next item on the agenda was Agenda Item 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. Alderman Simpson made a motion to place Agenda Item 2011-329 on final passage. Her motion was seconded by Alderman Griffin.

Alderman Simpson explained that she had requested the item be placed on the debate agenda because to make sure that the issue of minority and female vendors is addressed. She went on to state that she believes that the city's vendors should mirror the city's make up. She also stated that it should be an open process as well.

Agenda Item 2011-329 passed with a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes.

The next item on the agenda is Agenda Item 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. Alderman Simpson made a motion to place the item on final passage. Her motion was seconded by Alderman Lesko.

Mayor Houston stated that while the full original test was not completed, the estimated cost of the work that they had done previously is \$8,500. The City will not be double paying the amount to the vendor. The test was completed the second time and the cost of that will be \$21,965 and they have not received a bill from General Electric for either set of work.

Alderman Griffin asked if the ordinance could be amended to reflect the reduced cost of the first test. Mayor Houston responded that Corporation Counsel had stated that there was not a need for an amendment, as the City would only be paying up to what is owed to the vendor.

CC Cullen responded that the amount for the original test was allocated in the original ordinance. The amendment to the agreement is to cover the second test.

Alderman Theilen suggested altering the total amount from \$43,930 to \$33,965 will leave a cushion to cover the anticipated cost of the failed first test and take care of the concern of authorizing more money than needed. Alderman Theilen made a motion to amend Agenda Item 2011-330 to reflect a total payment of no more than \$33,965. His motion was seconded by Alderman Griffin.

The motion carried with a voice vote of 10-0.

Agenda Item 2011-330, As Amended passed with a vote of 10-0. Ald. Edwards ☒, Simpson ☒, Turner ☒, Lesko ☒, Cahnman ☒, Jobe ☒, McMenamain ☒, Theilen ☒, Dove ☒, Griffin ☒ all voted yes.

The next item on the agenda was Agenda Item 2011-340, An Ordinance Amending Chapter 93 Of The 1988 City Of Springfield Code Of Ordinances, As Amended, Pertaining To Private Clubs. Alderman Cahnman made a motion to place the item on final passage. His motion was seconded by Alderman Turner.

Alderman Cahnman reaffirmed his support for the ordinance. He pointed out that because these clubs are operating on city property that the city is in essences subsidizing this behavior. He also pointed out that the lease that the clubs pay on their properties at the lake is well below market value. He encouraged his colleagues to support the ordinance and bring an end to this behavior on public land.

Alderman Edwards stated that he had had a conversation with Corporation Counsel about the ordinance and it has been stated that there is not a need for the ordinance. There is a legal process that is being pursued and he is in support of that process. He stated that he will not be supporting the ordinance because it is another law to be put on the books and there are already enough laws.

Alderman Simpson stated that while she understood the point that Alderman Edwards is making, she disagrees. She is concerned about the liability that the City of Springfield would be open to if someone decided to sue the City instead of the private club because they are allowing the club to operate in that manner. She would like the City to avoid any other lawsuits.

Alderman Turner stated that her reason in co-sponsoring the ordinance is to take action on what they would like the city to be and what they want the city to look like. She believes that it is time to end the City subsidizing discriminating practices. She stated that she is not opposed to clubs that have specific membership requirements and that she is a member of such clubs and organizations. The problem arises when City resources are used to subsidize those clubs and organizations. She does not believe that that is the fact that the City wishes to put forward. She also stated that the City has gone through a period of reconciliation after several incidents that have occurred within City Government itself. Every time a situation arises, there is uproar of activity to fix the problem. But, when the situation is calm, the needs are not addressed to fix the problem. And the City's silence is stating the City's approval of the situation. What she heard the Corporation Counsel state at their last meeting was that he thought it was a good ordinance and it would be something that he could use. And while she understands that the City has requested information from the lake clubs, she is unsure how that information would have any bearing on the actions that the Council will take. She encouraged her colleagues to vote yes on the ordinance.

Alderman Theilen stated that at the last meeting, he had questions that the Corporation Counsel's office has since addressed. He went on to state that while he agrees with Alderman Edwards that there is not a need for additional laws on the books, he had given Alderman Turner his word and he will vote in favor of the ordinance.

Alderman Griffin stated that he would like the public to have a full understanding of what the ordinance does and does not do and which clubs are affected and which are not. Mayor Houston stated that the organizations that would not be effected would be the Boy Scouts and Girl Scouts.

Alderman Edwards asked about the Jesters. CC Cullen stated that the ordinance affects every lease that is on public land. Alderman Griffin asked about how the ordinance would effect organizations that are set up through a third party. CC Cullen responded that the leases will not be affected, if the organizations may need to change their rules so that they do not operate in a discriminatory manner. There will be an inquiry made of the clubs that are in operation at the lake to see if they are operating in a discriminatory manner.

Alderman Griffin pointed out that the organizations that hold the lease may not be under the same name as the club on the lake. CC Cullen responded that he was correct. Alderman Griffin stated that his constituents have expressed to him that the Council should be spending time on activities such as picking up leaves instead of what is going on at the Lake.

Alderman Lesko thanked the members of the Council and the work of Corporation Counsel in taking the extra time to look at the laws. It is everyone's desire to do the right thing before taking action.

Alderman McMenamain stated that he supports gender neutral access to the lake and the careful consideration of new laws. He stated that he does not own a boat and does not belong to any of the lake clubs. His family has enjoyed the public beach in the past and he would like to see the Council to put effort into allowing 100% public access to the lake. He stated that his is concerned about the City redefining what it means to be unlawfully discrimination by including private clubs in the definition. While he is in support of its intent, he is unsure that this is the right thing to do. He stated that he will vote in favor of the ordinance with the understanding that the Mayor and Corporation Counsel will prosecute the ordinance in a common sense and reasonable manner.

Alderman Cahnman stated that his disagrees with the idea that the ordinance is unnecessary. He stated that he did his own research of the ordinance. He cited *Burton vs. Wilmington Parking Authority*, as a case that he based the ordinances upon. The situation at the lake is slightly different from the case, but there is no existing case law or laws on the books that specifically deal with the situation similar to that of the lake clubs. He also encouraged his colleagues to vote for the ordinance.

Alderman Edwards stated that he misquoted CC Cullen. Mayor Houston stated that it was his quote in the newspaper, not CC Cullen's.

Mayor Houston recognized John Wetstein who made a statement on behalf of the Southside Columbian Home Association, also known as the Knights of Columbus Council on Lake Springfield. He spoke on the effect that the proposed ordinance on the Knights of Columbus.

Mayor Houston also recognized Rob Fletcher of 908 Monarch in Chatham, Illinois. Mr. Fletcher represented the Council of Lake Clubs. He spoke to the effect that the ordinance will have on religious based clubs throughout the Lake.

Alderman Edwards expressed concern about lake leases being held by a third party, not the party that is in operation by name on the property. He is concerned about taking action too quickly and not considering all of the ramifications of the actions that they are considering. He stated that he believes that there are enough laws on the books to give Corporation Counsel and the Mayor enough to go after clubs that are in violation of their leases. He is concerned about situations arising with leases, sub leases, renters, ect.

Alderman Cahnman addressed the comments made by Mr. Fleletcher and his concern about religious groups being targeted. He had done research and several of the clubs will allow people to use their facilities, given that they pay a fee.

Agenda Item 2011-340 passed with a vote of 8-2. Ald. Simpson , Turner , Lesko , Cahnman , Jobe , McMenamain , Theilen , Dove all voted yes. Ald. Edwards and Griffin voted no.

Alderman Simpson made a motion to allow the first reading of Agenda Items 2011-356, 2011-357, 2011-358, 2011-359 and 2011-360 to be read into the record. Her motion was seconded by Alderman Griffin. The motion passed with a voice vote of 10-0.

Mayor Houston read the following ordinances into the record.

2011-356 An Ordinance To Decrease The Number Of Class "D" Liquor Licenses By One For Maya Buffet Corp. D/B/A Maya Buffet, 131 E. Jefferson Street

2011-357 An Ordinance To Increase The Number Of Class "E" Liquor Licenses By One For Smashone, LLC D/B/A Smashburger, 2661 Chatham Road

2011-358 An Ordinance To Increase The Number Of Class "E" Liquor Licenses By One For Hibachi Grill And Supreme Buffet Inc. D/B/A Hibachi Grill & Supreme Buffet, 2309 S. Macarthur Blvd

2011-359 An Ordinance Approving The Appointment Of Joshua G. Collins To The Citizens' Efficiency Commission

2011-360 An Ordinance Authorizing Execution Of An Agreement With, And Payment Of \$50,000.00 To, Maximus Consulting Services, Inc. To Perform A Review Of A Fiscally-Sustainable Staffing Level For The City, For The Office Of Budget And Management

Mayor Houston recognized State Senator Sam McCann in the audience and welcomed him to the City Council meeting.

Alderman Edwards asked Mayor Houston about Lake 2 and the status of discussions. Mayor Houston stated that he has a meeting on September 12 with representatives from the Army Corps of Engineers and the Illinois EPA (Environmental Protection Agency).

Alderman Edwards also addressed a concern about the Health Care Committee, a labor management committee, had taken a vote on civil unions. The committee had not taken a vote on civil unions. There was a question from a member about civil unions. The committee took no action, but they did state that need to investigate the impact that the law will have on the City. There are implications on taxes because there is a difference between Illinois and Federal law that needs to be researched. Because the Internal Revenue Service does not recognize civil unions as marriages, the employee would be taxed as a benefit received from the City.

Alderman Griffin added that the IRS will view the value of the insurance as income for the employee who is providing the insurance to a dependent, their civil union partner. The employee would have to file an additional W-2 to claim the income in order to pay taxes.

Alderman Edwards stated that the committee is taking its time and looking at all of the ramifications to make sure that they are proceeding according to the law.

Alderman Cahnman thanked Alderman Edwards for clearing up the miscommunication. The story that he had heard was that the committee had voted not to allow the same benefits of a married spouse to a civil union partner. He stated his belief that the City should allow the same benefits.

Jim Gates, Labor Relations Manager for the City, addressed the Council. He stated that one of the issues that arose at the Health Care Committee was if there was any additional cost impact to the City as a result of the new law. The Committee is very sensitive to taking on additional costs that are not mandated at this time. There have been many changes to the laws, including Federal law that will put an additional burden on the City. As a result, there is additional work that needs to be done in order to

learn all of the ramifications of the new laws. Mr. Gates went on to explain that there was a vote taken on knowing what the impact of civil union benefits was on the City's health care plan.

Alderman Edwards asked if there was anyone on the committee that was opposed to Illinois Law. Mr. Gates responded that there is not.

Alderman Turner expressed her confusion and asked for clarification on the vote that was taken in the committee. Mr. Gates responded that the vote was whether it is permissive for employees in a civil union to have their partner covered by the City's health care plan.

Mayor Houston added that the State of Illinois regulates insurance companies and the City is not an insurance company, but is self insured. Therefore, there is confusion as to whether the City would fall under the new regulations.

Alderman Turner ask specifically what was the vote taken. Mr. Gates responded that the vote was to allow partners in civil unions as dependents to participate in the plan. The vote failed. Mr. Gates went on to explain that the vote's outcome was because the Committee did not have enough information at the time to be able to fully explain the impact of the plan.

Alderman Turner stated that she thought that it was disingenuous to say that there was not a vote taken, when there was one taken.

Alderman Edwards stated that the Committee did not have all of the information needed to set the policy on civil unions and they wanted to take more time to investigate the impact.

Alderman Cahnman asked if it was correct that an employee in a civil union would not be entitled to the same benefits as an employee that is married. Mr. Gates stated that he was correct. Alderman Cahnman clarified that the committee is in the process of considering the measure and as soon as the details are worked out, the benefit would be offered to all employees. Mr. Gates responded that he was correct and that the Committee recognizes that the issue is not closed. Alderman Cahnman stated that he would like to urge the Committee to extend the benefit to employees in civil unions.

Sandy Robinson, Director of Community Relations passed information out to the members of the City Council about an upcoming screening of the Public Television Special, "Not In Our Town, III" to be held on Monday, September 12th at 7:00pm in the City Council Chambers. A copy of his handout is included in these minutes. Mr. Biff Carmichael of the Coalition to Promote Human Dignity and Diversity also addressed the Council and encouraged everyone to attend the event.

Alderman Simpson moved for adjournment. Her motion was seconded by Alderman Griffin. The motion carried with a voice vote of 10-0. The meeting was adjourned at 6:30pm.

Cecilia K. Tumulty

Cecilia K. Tumulty
City Clerk



UniFirst Corporation
1103 Martin Luther King Dr.
Suite 2A
Bloomington, IL 61701
Phone: 309-828-0200
Fax: 309-828-0210

September 6, 2011

To: Mayor Mike Houston
Springfield City Council Members

From: David Bruce
Unifirst Corporation

Mayor Houston and esteemed members of the City Council:

I would like to enter this brief statement into the record as it pertains to the Uniform and Linens service program. I ask that you consider the fact that with the proposed change in provider, that this may put the City of Springfield in a position to essentially have an overall expenditure that will exceed the proposed bid from Aramark in the event that they are unable to provide the proposed services in a timely and efficient manner once service by Unifirst is terminated. When this bid was awarded to Unifirst two years ago, Aramark ceased all services creating a lapse in service during the transition from Aramark to Unifirst. Regardless of the final outcome, I would like to state the fact that Unifirst is widely regarded as an ethical company within our industry and will continue to serve the City of Springfield in a professional and ethical manner for as long as needed.

Sincerely,

David Bruce
Location Manager
Unifirst Corporation

NEWS

from the Office of Mayor J. Michael Houston, Springfield, Illinois



More Information:
Ernie Slottag, 789-2235
ernie.slottag@cwlp.com

September 6, 2011

SPECIAL SCREENING AND DISCUSSION FOR DOCUMENTARY *Not In Our Town: Light in the Darkness*

A screening and public discussion of a new PBS documentary, *Not In Our Town: Light in the Darkness*, will be held from 7 to 9:30 p.m. on Monday, September 12, 2011 at the Springfield City Council Chambers. The presentation is being hosted by the Coalition to Promote Human Dignity and Diversity and the Springfield Community Relations Commission.

Several years ago, the original *Not In Our Town* program was televised nationwide. The result was a greatly improved public awareness of hate crimes and hate activity. Now, PBS is preparing to present *Not In Our Town III* on September 21, 2011. Advance copies of the program have been made available for early screenings to groups that work to prevent hate crimes.

The film screening will be followed by a discussion about what local residents can do to stop hate in Springfield. People who attend the early screening will encourage others to view the broadcast so that everyone can work to prepare local solutions for the problems and questions that are raised by the program.

The screening is part of the Not In Our Town National Week of Action, held from September 18-24. During the Week of Action, communities across the country will use the film to find ways to prevent hate crimes and anti-immigrant violence.

Not In Our Town: Light in the Darkness tells the story of residents of a Long Island village taking action after a local immigrant is killed in a hate crime attack by seven teenagers. While starkly revealing the trauma of hate, the film provides a blueprint for people who want to do something before intolerance turns to violence.

In 2008, a series of attacks against Latino residents of Patchogue, New York culminated with the hate crime killing of Marcelo Lucero, an Ecuadorian immigrant who had lived in the Long Island village for 13 years. Seven local teenagers were arrested for the attack and one was charged with murder. Over a two-year period, the story follows Mayor Paul Pontieri, the victim's brother Joselo Lucero, and Patchogue residents as they openly address the underlying causes of the violence, work to heal divisions, and begin taking steps to ensure everyone in their village will be safe and respected.

(more)

--- Not In Our Town, Add 2

Not In Our Town highlights communities coming together to stop hate. Developed by The Working Group in 1995, Not In Our Town began with a PBS documentary that told the story of how people in Billings, Montana joined together to respond to a series of hate crimes in their town. This simple, powerful story of people banding together struck a chord with audiences, and created a model that inspired viewers around the country to hold their own campaigns against intolerance.

<http://www.springfield.il.us>

###