

**RECORD OF MOTIONS AND VOTES  
PUBLISHED BY THE AUTHORITY OF THE CITY COUNCIL  
OF BLOOMINGTON, ILLINOIS**

The Council convened in regular Session in the Council Chambers, City Hall Building, at 8:00 p.m., Monday, June 13, 2011.

The Meeting was opened by Pledging Allegiance to the Flag followed by moment of silent prayer.

The Meeting was called to order by the Mayor who directed the City Clerk to call the roll and the following members answered present:

**Aldermen: Judy Stearns, Mboka Mwilambwe, Bernard Anderson, David Sage, Robert Fazzini, Jennifer McDade, Steven Purcell, Karen Schmidt, Jim Fruin and Mayor Stephen F. Stockton.**

City Manager David Hales, City Clerk Tracey Covert, and Corporate Counsel Todd Greenburg were also present.

The following was presented:

**Item 7B. Bills and Payroll.**

Motion by Alderman Schmidt, seconded by Alderman Stearns that the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

The Mayor directed the clerk to call the roll which resulted in the following:

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

The following was presented:

**Item 7D. Donation of Trees and Tree Spade Equipped Truck from Jack O. Snyder.**

Motion by Alderman Schmidt, seconded by Alderman Stearns that the Agreement between the City and Jack O. Snyder for the donation of trees and a truck equipped with a tree spade be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7E. Change Order and Motor Fuel Tax (MFT) Resolution for the Resurfacing of Ireland Grove Road from Veterans Parkway to the Kickapoo Creek Bridge.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the Change Order in the amount of \$17,221.93 in Motor Fuel Tax Funds for the Resurfacing of Ireland Grove Road from Veterans Parkway to the Kickapoo Creek Bridge be approved and the Resolution adopted.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7F. Ratification of Contract with Local 49 Firefighters.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the Tentative Agreement with Local 49 (Fire) be ratified and incorporated in a new collective bargaining agreement along with the arbitrators decision on wages and health insurance.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7G. Annual Renewal of Software Maintenance Agreement for Bentley Systems, Inc., for CADD, Civil Engineering & Design Software, and Support.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the payment to Bentley Systems, Inc. in the amount of \$13,995 be approved and the Resolution adopted.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7H. Cisco Network Equipment Maintenance and Support Agreement.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns the Agreement with Sentinel Technologies for support of the City's Cisco network hardware and software in the amount of \$51,923 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7I. Banner Software Remote Database Administration Contract Renewal.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the support agreement with ACS Government Solutions in the amount of \$18,000 to provide remote database administration (DBA) for the City's Banner Financial/HR/Payroll system be renewed for a period of one (1) year, beginning June 1, 2011, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7J. Agreement for Regional Planning Services.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the Agreement with the McLean County Regional Planning Commission (MCRPC) for Regional Planning Services in the amount of \$24,244 be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7K. Professional Services Contracts for the Bloomington Center for Performing Arts.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the contracts be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7L. Approval of Contract for the Construction of Gaelic Park.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the contract for the construction of Gaelic Park be awarded to Stark Excavating, Inc., in the amount of \$933,752.50, and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Fazzini and Fruin.**

**Nays: Aldermen Purcell, Anderson and Sage.**

**Motion carried.**

**The following was presented:**

**Item 7M. Application of East Island, Inc., d/b/a Lucky Garden, located at 706 S. Eldorado Rd., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that an RAS liquor license for East Island, Inc., d/b/a Lucky Garden, located at 706 S. Eldorado Rd. be created, contingent upon compliance with all applicable health and safety codes.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7N. Application of Kobe Hibachi Steakhouse, Inc., d/b/a Kobe Hibachi Steakhouse & Sushi, located at 401 N. Veterans Pkwy., Suite 7 & 8, for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

**Motion by Alderman Schmidt, seconded by Alderman Sage that an RAS liquor license for Kobe Hibachi Steakhouse, Inc., d/b/a Kobe Hibachi Steakhouse & Sushi, located at 401 N. Veterans Pkwy., Suite 7 & 8, be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that Mr. Chen provide contact information for himself and Mr. Martin, (local address and telephone number), and any other information that the Commission believes is needed prior to the Council's June 13, 2011 meeting.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7O. Application of Tailwind BMI, LLC, d/b/a Tailwind Deli News & Gifts, located at 3201 CIRA Dr., for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that an RAS liquor license for Tailwind BMI, LLC, d/b/a Tailwind Deli News & Gifts, located at 3201 CIRA Dr., be created, contingent upon compliance with all applicable health and safety codes with the following condition: 1.) that the BNAA approve a new lease agreement with the Applicant.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7P. Text Amendment to Section 92 of Chapter 17 – Emergency Medical Services.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the Text Amendment be approved and the Ordinance passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7Q. Lake Bloomington Lease Transfer Petition for Lot 18, Block 5 of Camp Kickapoo from Joan Brown, as Trustee of the Joan Brown 2002 Declaration of Trust to Melvin E. and Joan Brown.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the Lake Lease Transfer be approved and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7R. Petition submitted by Irving S. Tick Trust, requesting the Rezoning of land from R - 3A, Multiple Family Residence District to S - 2, Public Lands, and Institutions District for Property located at 104 S. State Street.**

**Motion by Alderman Schmidt, seconded by Alderman Stearns that the Rezoning be approved and the Ordinance passed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 7A. Council Proceedings of May 23, 2011 and Special Meeting of May 9, 2011.**

**Motion by Alderman Schmidt, seconded by Alderman McDade that the reading of the minutes of the previous Council Meeting of May 23, 2011 and Special Meeting of May 9, 2011 be dispensed with and the minutes approved as printed.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Mwilambwe, Schmidt, McDade, Fazzini, Sage and Fruin.**

**Nays: Aldermen Stearns, Purcell and Anderson.**

**Motion carried.**

**The following was presented:**

**Item 7C. Appointments/Reappointments to Various Boards and Commissions.**

**Motion by Alderman Fazzini, seconded by Alderman Fruin that the appointments be approved.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**Item 9A. Kickapoo Creek Restoration and Engineering Fee Agreement.**

**Motion by Alderman Fruin, seconded by Alderman Fazzini that the Kickapoo Creek Restoration and Engineering Fee Agreement between the City and Eastlake, LLC be approved in the total amount of \$554,162.05, and the Mayor and City Clerk be authorized to execute the necessary documents.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**



**Item 9B. Amendment of Project Scope of Maple Street Work to be Included in Lafayette/Maple Reconstruction Project.**

**Motion by Alderman Stearns, seconded by Alderman Purcell that the Maple St. portion of the Lafayette/Maple Reconstruction Project be revised to include only asphalt overlay of the existing Maple St. pavement, from Lafayette to Lincoln, and to include asphalt overlay of Redwood Ave., from Maple to Morrissey.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: None.**

**Motion carried.**

**The following was presented:**

**9C. Vehicle Noise Enforcement.**

**Motion by Alderman Fruin, seconded by Alderman Mwilambwe that a Text Amendment is not warranted at this time.**

**The Mayor directed the clerk to call the roll which resulted in the following:**

**Ayes: Aldermen Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.**

**Nays: Alderman Stearns.**

**Motion carried.**

**Motion by Alderman Anderson, seconded by Alderman Purcell, that the meeting be adjourned. Time: 10:05 p.m.**

**Motion carried.**

**Tracey Covert  
City Clerk**