

**COUNCIL PROCEEDINGS
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 7:36 p.m., Monday, June 27, 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:

SUBJECT: Proclamations

RECOMMENDATION: That the proclamations be made a matter of record.

BACKGROUND: The proclamations will be presented:

1. In Recognition of the Ecology Action Center 40 Years of Service in Environmental Education and Outreach; and
2. July as Parks and Recreation Month.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Tracey Covert
City Clerk

Recommended by:

David A. Hales
City Manager

Mayor Stockton read and presented the Ecology Action Center Proclamation to Michael Brown, Executive Director. Mr. Brown addressed the Mayor and Council. He thanked them for the Proclamation. He looked forward to working with the City into the future and building a partnership to care for the environment.

Mayor Stockton read and presented the Parks & Recreation Month Proclamation to John Kennedy. He noted that the City did not have a parks district. Parks & Recreation was a function of City government. John Kennedy, Director of Parks, Recreation & Cultural Arts, addressed the Mayor and Council. He recognized the department staff who were present at this evening's meeting: Joel Aalberts, Performing Arts Manager, Barb Wells, Superintendent of Recreation, and Debbie Bohannon, Office Manager. He thanked the Mayor and Council for their support. The City viewed parks and recreation as a need. Mayor Stockton appreciated the Parks, Recreation & Cultural Arts Department's staff's efforts. He acknowledged that the Council provided the department with funding.

Motion by Alderman Anderson, seconded by Alderman Stearns that the Proclamations be made a matter of record.

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:

SUBJECT: Council Proceedings of June 13, 2011 and Special Meeting Minutes of June 13, 2011

RECOMMENDATION: That the reading of the minutes of the previous Council Proceedings of June 13, 2011 and Special Meeting of June 13, 2011 be dispensed with and the minutes approved as printed.

BACKGROUND: The Council Proceedings of June 13, 2011 and Special Meeting of June 13, 2011 have been reviewed and certified as correct and complete by the City Clerk.

In compliance with the Open Meetings Act, Council Proceedings must be approved within thirty (30) days after the meeting or at the Council's second subsequent regular meeting whichever is later.

In accordance with the Open Meetings Act, Council Proceedings are made available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Not applicable.

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Tracey Covert
City Clerk

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Stearns that the reading of the minutes of the previous Council Meeting of June 13, 2011 and Special Meeting Minutes of June 13, 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 Stearns, Mwilambwe, Schmidt, McDade, Anderson, Fazzini, Sage, Fruin and Purcell.

Nays: None.

Motion carried.

The following was presented:

SUBJECT: Bills and Payroll

RECOMMENDATION: That the bills and payroll be allowed and orders drawn on the Treasurer for the various amounts as funds are available.

FINANCIAL IMPACT: Total disbursements to be approved \$4,935,602.40, (Payroll total \$2,377,226.56, and Accounts Payable total \$2,558,375.84).

Respectfully submitted for Council consideration.

Prepared by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

(ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, 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:

SUBJECT: Request to Pay Stark Excavating, Inc. for Repair of City Sewer in the 500 Block of East Mulberry Street (Ward 4)

RECOMMENDATION: That the payment in the amount of \$24,579.85 be approved.

BACKGROUND: City crews started excavation to investigate and repair a hole in the street over a fifteen inch (15”) sewer in the 500 block of East Mulberry Street. While crews were performing excavation, the area become unstable and bank stabilization exceeded the limits of City equipment. In addition, the weather forecast called for thunderstorms and the goal was to complete the work before the storms came. The Public Works Department’s Streets & Sewers Division requested assistance from the Engineering Division to retain a contractor to complete the repair. Stark Excavating, Inc. completed the excavation at the subject location, removed, and replaced the deteriorated sewer and backfilled the excavation. An invoice based upon submitted a time and materials has been submitted in the amount of \$24,579.85. Staff has reviewed the bill and finds it to be in order.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Adjacent property owners and residents.

FINANCIAL IMPACT: Payment in the amount of \$24,579.85 to be made to Stark Excavating, Inc. for the repair of the sewer and will be made with Sewer Maintenance & Operations Funds (X52100-70550).

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Jim Karch
Director of Public Works

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Stearns that the payment in the amount of \$24,579.85 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:

SUBJECT: Request to Purchase Playground Equipment

RECOMMENDATION: That playground equipment for Eagle Crest Park be purchased from Recreation Concepts, Inc., in the amount of \$54,483, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: Staff respectfully requests to purchase replacement playground equipment through the US Communities Purchasing Program. US Communities is a Master Intergovernmental Cooperative Purchasing Agreement which allows governmental agencies to purchase a variety of goods, products, and services through a competitive solicitation and selection process.

The playground equipment at Eagle Crest Park was installed in 1994 which makes it seventeen (17) years old and no longer meets all Consumer Product Safety Council (CPSC) and American with Disabilities Act (ADA) requirements. Eagle Crest Park is located 2506 Chesapeake Lane, about a quarter mile east of the intersection of College Avenue and Airport Road. Ideally, playground equipment should be replaced every twelve to fifteen (12 - 15) years. In the current Parks Master Plan, this playground is in need of replacement. The playground apparatus is showing its age with sagging bridge pieces, faded parts and has become “stale” in the interest of the five to twelve (5 - 12) year olds this playground is aimed to serve.

GameTime, playground manufacturer, holds the current contract through US Communities and is only available through Recreation Concepts, Inc., the local authorized sales company. Staff has had good success with GameTime’s equipment performance and has experienced excellent service and support from Recreation Concepts, Inc.

The new playground is designed to accommodate both the two to five (2 - 5) year old and five to twelve (5 - 12) year old age groups, meets all CPSC and ADA requirements and will be expected to last twelve to fifteen (12 - 15) years. The City has trained and certified playground installers employed in the Parks Maintenance Division who will install this equipment. This purchase supports the City’s adopted Strategic Plan and the principles of Vision 2025 including Beautiful

City, Family Friendly City, Great Neighborhoods, and Choices for Entertainment and Recreation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: US Communities, other Parks & Recreation Departments, and Park Districts

FINANCIAL IMPACT: On April 11, 2011, Council approved the FY 2012 Budget that included funds for this playground replacement. There are sufficient funds budgeted in account G14110-72140. The US Communities Purchasing Program will save the City \$15,332 from the regular price of \$67,565.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John R. Kennedy, Director
Parks, Recreation, & Cultural Arts

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2011 - 25

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF PLAYGROUND EQUIPMENT FOR EAGLE
CREST PARK FROM RECREATION CONCEPTS, INC., AT A PURCHASE PRICE OF
\$54,483**

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase playground equipment for Eagle Crest Park from Recreation Concepts, Inc., at a Purchase Price of \$54,483.

ADOPTED this 27th day of June, 2011.

APPROVED this 28th day of June, 2011.

APPROVED:

Stephen F. Stockton, Mayor

ATTEST:

Tracey Covert, City Clerk

Alderman Stearns commented on this item. She cited Franklin Park and its playground equipment. She found this item discouraging. She noted that Franklin Park's sidewalks were also in need of attention. She believed that the sidewalks would be addressed this fiscal year.

David Hales, City Manager, addressed the Council. He believed that funds had been included in this fiscal year's budget. Mayor Stockton believed that there was reasoning behind how staff established priorities.

Alderman Sage had a straight forward question. He wanted to know how many City park playgrounds did not meet safety standards. Mr. Kennedy believed that there were a total of three (3) parks.

Alderman Stearns stated her intention to vote no on this item.

Alderman Schmidt recalled that the City hosted a series of meetings regarding Franklin Park and renovation of same. She hoped that other City parks were not being overlooked.

Alderman Fruin expressed his opinion that there was enough support on the Council for this item to pass. He added his appreciation to the Council for their support. He believed that Franklin Park warranted further review. He referred the Council to the Parks Master Plan, (strategic plan for parks). This item was in the budget and in Ward 3.

Motion by Alderman Anderson, seconded by Alderman Stearns that playground equipment for Eagle Creek Park be purchased from Recreation Concepts, Inc., in the amount of \$54,483, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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.

The following was presented:

SUBJECT: Request to Purchase Customized Seat Wall Caps for Sister City Garden in McGraw Park

RECOMMENDATION: That the seat wall caps for the Sister City Garden in McGraw Park be purchased from Intaglio Composites in the amount of \$51,000, plus shipping, the Purchasing Agent be authorized to issue a Purchase Order for same and the Resolution adopted.

BACKGROUND: During value engineering for Phase II of McGraw Park construction, the Sister City Garden seat wall caps were removed from the project prior to awarding the contract to the successful bidder. The intent was to purchase and install the seat wall caps in house utilizing funds from the Park Dedication Fund. This decision was made by former staff in the Parks & Recreation Department. As a result of the early retirement incentive and the merger of departments, current staff did not realize the seat wall caps were removed from McGraw Park Phase II contract until nearing completion.

Staff has worked with representatives from the Sister City groups (including Canterbury, Asahikawa and Vladimir) to create custom photographs and text depicting these sister cities to be photoengraved in precast concrete caps. The planning and design firm hired by the City for the McGraw Park project, Thompson Dyke & Associates, was only able to locate one (1) supplier to perform this type of work, Intaglio Composites. The caps will be installed on the existing short brick walls by in house staff. Staff respectfully requests to purchase customized seat wall caps for the Sister City Garden located in McGraw Park from a sole source provider, Intaglio Composites at a delivered price not to exceed \$54,000.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Sister City organizations.

FINANCIAL IMPACT: The seat wall caps will cost \$51,000 and shipping is estimated at \$2,000, but an exact shipping amount is unknown at this time. There are sufficient funds budgeted in the Park Dedication account P7030-14110-72570.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed by:

Recommended by:

John R. Kennedy, Director
Parks, Recreation & Cultural Arts

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

RESOLUTION NO. 2011 - 26

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE PURCHASE OF SEAT WALL CAPS FOR THE SISTER CITY GARDEN IN MCGRAW PARK FROM INTAGLIO COMPOSITES AT A PURCHASE PRICE OF \$51,000 PLUS SHIPPING

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase seat wall caps for the Sister City Garden in McGraw Park from Intaglio Composites at a Purchase Price of \$51,000, plus shipping.

ADOPTED this 27th day of June, 2011.

APPROVED this 28th day of June, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Alderman Stearns questioned this item. She believed that the caps were for aesthetic purposes. John Kennedy, Director of Parks, Recreation & Cultural Arts, addressed the Council. These caps will be placed on incomplete brick walls. City staff worked with each sister city group. The walls were unfinished at this time. He believed the caps were a safety issue.

David Hales, City Manager, addressed the Council. The Council had been provided with photographs of the walls.

Alderman Stearns stated that statutes also addressed aesthetics. She cited the veterans' memorials at Miller Park. Mr. Kennedy informed the Council that department staff planned to inventory Miller Park this year.

Alton Franklin, 5 Andy Ct. Unit 1, addressed the Council. He questioned the total amount of the items on the Council meeting agenda which had not been put out to formal bid. He questioned the purchasing authority. Mayor Stockton noted that the City's formal purchasing policy can be waived when there is a sole source provider. David Hales, City Manager, added that as a general rule competitive bids are solicited for commodity purchases. Professional services and specialty items were more challenging. The City goes out for bid whenever possible. A waiver of the formal bid process required the responsible department to provide a rationale for same.

Alton Franklin specifically questioned the playground equipment and sea wall caps. Alderman Sage noted that for some items there were master purchasing agreements. Mr. Hales added that these items have already been through a competitive bid process. John Kennedy, Director Parks, Recreation & Cultural Arts, addressed the Council. The

playground equipment would be purchased from US Communities. The seal wall caps would be customized and there was a sole source provider.

Motion by Alderman Anderson, seconded by Alderman Stearns that the seat wall caps for the Sister City Garden in McGraw Park be purchased from Intaglio Composites in the amount of \$51,000, plus shipping, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

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.

The following was presented:

SUBJECT: Analysis of Bids for White High Durability Latex Traffic Line Paint, Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material

RECOMMENDATION: That the bid for the White High Durability Latex Traffic Line Paint, Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material be awarded to Diamond Vogel Paints in the amount of \$57,186, and the Purchasing Agent be authorized to issue a Purchase Order for same.

BACKGROUND: The White High Durability Latex Traffic Line Paint, Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material are used by the Public Works Department's Streets and Sewers Division to install and maintain traffic control pavement markings on the streets within the City's corporate limits.

Bids for these materials were publicly opened on June 1, 2011, at 11:00 AM. The overall scope included:

1. Approximately 2,150 gallons of Yellow High Durability Pavement Marking Paint in five (5) gallon buckets;
2. Approximately 1,135 gallons of White High Durability Pavement Marking Paint in five (5) gallon buckets;
3. Approximately 506 – fifty pound (50 lb.) bags of glass beads for pavement marking material; and
4. Materials to be delivered to the City's Public Service Building on an as needed basis.

The bids results are as follows:

Vendor	Net Price
Born Paint Co	No Bid
Diamond Vogel**	\$57,186
Ennis Paint	Disqualified
Sherwin Williams*	\$53,729.75

*Does not meet specifications

**Recommended bidder

Staff, including management personnel, analyzed the bids and found them to be in order. Staff's original estimate for this material was \$61,880. Staff respectfully requests that the Council accept the bid from Diamond Vogel in the amount of \$57,186. Their bid was the only one whose paint met the City's minimum quality specifications included in the bid documents.

The additional cost of approximately \$3,456 is warranted as the quality of paint is expected to have a longer life.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the request for proposals was placed in the Pantagraph on May 16, 2011 and also placed on the City's website. Four (4) bid packets were sent to vendors. Three (3) vendors submitted a bid.

FINANCIAL IMPACT: This commodity will require payment of \$57,186 from the Public Works Department's Street Maintenance Budget, G16120-71096.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Jim Karch, P.E., CFM
Director of Public Works

Timothy Ervin
Director of Finance

David A. Hales
City Manager

Motion by Alderman Anderson, seconded by Alderman Stearns that the bid for the White High Durability Latex Traffic Line Paint, Yellow High Durability Latex Traffic Line Paint and Glass Beads for Pavement Marking Material be awarded to Diamond Vogel Paints in the amount of \$57,186, and the Purchasing Agent be authorized to issue a Purchase Order for same.

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:

SUBJECT: Evaluation of Request for Proposals for Janitorial Services

RECOMMENDATION: That the Request for Proposal, (RFP) for Janitorial Services to clean City Hall, 109 E. Olive St., Public Works Office, 401 S. East St. and Water Department Administrative Facility, 603 W. Division St. be awarded to Alpha Cleaning Service Inc. in the amount of \$104,200 over a three (3) year period, and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: On May 12, 2011, RFPs were accepted for a three (3) year agreement to provide janitorial services at City Hall, (109 E. Olive St.); Water Department Administrative Office, (603 W. Division St.); and Public Works Office, (401 S. East St.). A total of eight (8) companies responded to the RFP. The results summarizing the cost over the three (3) year period are as follows.

VENDOR	YEAR 1	YEAR 2	YEAR 3	TOTAL
Perfect Cleaning Co. Chicago, IL	\$31,140	\$31,140	\$33,900	\$96,180.00
Alpha Cleaning Service Co.** Bloomington, IL	\$34,164	\$34,164	\$35,872	\$104,200.00
Cave Cleaning Service Co. Bloomington, IL	\$34,156.10	\$35,087.63	\$36,019.16	\$105,262.89
Great American Cleaning Co. Bloomington, IL	\$48,967.41	\$49,340.23	\$49,649.54	\$147,957.18
Nord Cleaning Service Co. Bloomington, IL	\$49,080	\$49,080	\$50,568	\$148,728.00
ESS Cleaning Service Co. Bloomington, IL	\$69,504	\$71,587	\$74,735	\$215,826.00
CCS Cleaning Service Co. Peoria, IL	\$84,287.49	\$85,079.92	\$85,930.72	\$255,298.13
Steward Hand Cleaning Co. Bloomington, IL	\$231,295.86	\$243,154.79	\$254,713.73	\$729,164.38

** Recommended Service Provider

The lowest cost RFP was submitted by Perfect Cleaning, Chicago, IL. This company provided janitorial cleaning services from Fiscal Years 2005 - 2007. During the first two (2) years of the

contract, their staff did an acceptable job. During the last year of the contract, the supervisor, from Chicago, began missing the bi-weekly meetings with City staff.

For the last three (3) months of the contract, Perfect Cleaning Co. would be available for the bi-weekly meeting every four to six (4 – 6) weeks. These meetings with staff were a part of the contract and were used as a communication tool with the service provider. In the current RFP, janitorial contractors were asked to provide a supervisor with an office or residence within fifty (50) miles of the City. All companies provided this information except Perfect Cleaning Co. Staff requested that this information be provided by Friday, May 20, 2011. To date, this firm has not responded to staff's request.

Based upon past experience and current issues with Perfect Cleaning Co., staff believes the best service provider for this proposal is the next lowest priced one, Alpha Cleaning Service Co. Their references were checked and were found to be acceptable. Staff has worked with the Purchasing Agent throughout the RFP process.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice of the request for proposals was placed in the Pantagraph on April 20, 2011. Twenty-six (26) RFPs were sent to vendors. Eight (8) vendors submitted an RFP.

FINANCIAL IMPACT: Funding from this project will come from the Facilities Management Budget, Account G-15480-70410.

Respectfully submitted for Council consideration.

Prepared by:	Reviewed by:	Reviewed as to legal sufficiency:
Robert F. Floyd Facilities Manager	Mark R. Huber Director PACE	J. Todd Greenburg Corporation Council
Financial review by:	Reviewed by:	Recommended by:
Timothy Ervin Director of Finance	Barbara J. Adkins Deputy City Manager	David A. Hales City Manager

Motion by Alderman Anderson, seconded by Alderman Stearns that the Request for Proposals (RFP) for Janitorial Services to clean City Hall, 109 E. Olive St., Public Works Office, 401 S. East St. and Water Department Administration Facility, 603 W. Division St. be awarded to Alpha Cleaning Service, Inc. in the amount of \$104,200, over a three (3) year period 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:

SUBJECT: Approval of Purchase of Four (4) LifePak 15 Cardiac Monitors

RECOMMENDATION: That the purchase of four (4) LifePak 15 Cardiac Monitors from Physio-Control, in the amount of \$99,142.58 be approved, the Purchasing Agent be authorized to issue a Purchase Order for same, and the Resolution adopted.

BACKGROUND: Cardiac monitors are critical technical pieces of equipment used in providing Emergency Medical Services (EMS). The Fire Department uses LifePak Cardiac Monitors which allows staff to monitor different types of cardiac rhythms for diagnosis. These units can monitor Oxygen saturation levels, Carbon Dioxide levels, and noninvasive blood pressures. In addition to monitoring, these units provide staff with the ability to perform automatic and manual defibrillation, synchronized cardio version, and demand or non-demand pacing. These procedures are used on adult and pediatric patients. It is essential that these monitors are maintained and in service at all times. In accordance with Illinois Department of Public Health (IDPH) rules, Advance Life Support (ALS) vehicles cannot remain in service without this piece of equipment functioning properly.

Currently, the Fire Department owns nine (9) LifePak 12 units, which are carried on all in-service and reserve ambulances, the ALS chase vehicle and the Intermediate Life Support (ILS) engine at Station 6. The LifePak 12 is no longer manufactured. The LifePak 15 is the replacement version for the LifePak 12. The need to replace these units is based upon their age and service level. There were over 8,000 patients served last year. Over 2,500 of them received cardiac monitoring. These units are heavily used during emergency response calls. The units to be replaced are all over six (6) years old and extensively worn. Maintenance issues with older units are becoming more frequent. In some instances these units have not operated during calls for service, resulting in the need to use another unit from another vehicle.

Physio-Control cardiac monitors are used in all ILS and ALS support units. The requests is to purchase this brand of monitor to ensure that all units are of like design and function. In emergency situations, familiarity with equipment is of extreme importance to ensure positive outcomes and avoid confusion between different devices. There also is an existing maintenance contract for all Physio-Control units. The existing contract will cover also new units. Physio-Control is the sole source provider of this equipment.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: The cost for four (4) Physio-Control LifePak 15 Cardiac Monitors is \$99,142.48. This price includes mobile battery chargers, lithium-ion batteries, carry bag kits, and accessories. Also included in the price is unit discounted pricing and a trade-in value of \$12,000 for three (3) LifePak 12 units.

The fire department budgeted \$100,000 in the Fiscal Year 2012, line item 15210-72140.

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Recommended by:

Mike Kimmerling
Fire Department

Timothy Ervin
Director of Finance

David A. Hales
City Manager

RESOLUTION NO. 2011 - 27

**A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND
AUTHORIZING THE PURCHASE OF FOUR (4) LIFEPAK 15 CARDIAC MONITORS
FOR THE FIRE DEPARTMENT FROM PHYSIO-CONTROL AT A PURCHASE PRICE
OF \$99,142.58**

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and the Purchasing Agent be authorized to Purchase four (4) LifePak Cardiac Monitors from Physio-Control at a Purchase Price of \$99,142.58.

ADOPTED this 27th day of June, 2011.

APPROVED this 28th day of June, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Stearns that the purchase of four (4) LifePak 15 Cardiac Monitors from Physio-Control, in the amount of \$99,142.58 be approved, the Purchasing Agent be authorized to issue a Purchase Order for same, 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:

SUBJECT: Renewal of IBM Lotus Software Maintenance Agreement

RECOMMENDATION: That the payment to TeamCentric for a software maintenance and support agreement with IBM/Lotus covering the City's email system, in the amount of \$17,344 be approved, and the Resolution adopted.

BACKGROUND: Staff is requesting Council approval to renew a software maintenance agreement covering upgrades and technical support for the City's email system. The City currently uses IBM/Lotus Domino email servers and employs the web based email client iNotes for user connectivity.

The current environment includes four (4) Domino servers which are:

- Main internal mail server which most users connect to in order to send and receive email.
- Mail server used to allow access to a user's mail account from Internet based computers.
- Journaling server which copies all mail flowing into and out of the City's email system. This server is used by staff during eDiscovery procedures.
- Blackberry Enterprise Server which connects the City's Blackberries to the Domino email system.

Staff has sought proposals for the maintenance renewal of the Domino software license and has received the following responses.

Vendor	Location	Proposal Amount
TeamCentric	St. Louis, MO	\$17,344.00*
CDWG	Vernon Hills, IL	\$18,300.00
IBM/Lotus	Pittsburgh, PA	\$18,308.50

*Low and recommended vendor

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds for the renewal of the support agreement have been budgeted in the Information Services Repair/Maintenance Office and Computer Equipment account (G11610-70530) within the FY 2012 Budget.

Respectfully submitted for Council consideration.

Prepared by:

Scott Sprouls
Director of Information Services

Financial review by:

Timothy Ervin
Director of Finance

Reviewed by:

Barbara J. Adkins
Deputy City Manager

Recommended by:

David A. Hales
City Manager

RESOLUTION NO. 2011 - 28

A RESOLUTION WAIVING THE FORMAL BIDDING PROCESS AND AUTHORIZING THE RENEWAL OF A SOFTWARE MAINTENANCE AND SUPPORT AGREEMENT WITH IBM/LOTUS FOR THE CITY'S EMAIL SYSTEM AT A PURCHASE PRICE OF \$17,344

Be It Resolved by the City Council of the City of Bloomington, Illinois,

1. That the bidding process be waived and authorizing the renewal of a software maintenance and support agreement with IBM/Lotus for the City's email system at a Purchase Price of \$17,344.

ADOPTED this 27th day of June, 2011.

APPROVED this 28th day of June, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

Motion by Alderman Anderson, seconded by Alderman Stearns that the payment to TeamCentric for a software maintenance and support agreement with IBM/Lotus covering the City's email system, in the amount of \$17,344 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:

SUBJECT: Annual Renewal of Hewlett Packard Hardware, Software and Proactive Services Support Agreement

RECOMMENDATION: That the agreement with Hewlett Packard for hardware, software and proactive services support in the amount of \$100,928.43 be approved, the Mayor and City Clerk be authorized to execute the necessary documents, and the Resolution adopted.

BACKGROUND: Staff is requesting Council approval to renew a hardware/software/proactive professional services support agreement which covers the City's most critical server infrastructure. The agreement covers break/fix and operating system related maintenance issues. It also provides proactive monitoring of server hardware and "phone home" capabilities, which notifies Hewlett Packard and City staff of issues and allows quick mobilization of support personnel. The "predictive failure" capabilities of our server hardware, along with the response time guarantees associated with the agreement, hardware is often identified as a candidate for future failure and replaced before failure even happens.

The server hardware covered by this agreement supports our current Finance/HR/Payroll (Banner), 911 Dispatch Center, Utility Billing, Email, Parking and Cultural District Box Office

systems. These systems are of varying ages, the oldest being roughly six (6) years old and the newest being roughly four (4) years old.

Staff has re-negotiated with Hewlett Packard to lower the overall cost of this agreement for this third and final year of the contract. These negotiations have lowered the cost from \$116,834.43 to \$100,928.43 without significantly impacting services provided to these critical assets.

Staff will also be working with Hewlett Packard during this agreement year to define a new structure for this support agreement for the following year. A significant portion of the existing contract provides support for our existing Finance/HR/Payroll system (Banner), which is being replaced during the current Munis project. The server hardware supporting Banner is termed “mid-range” hardware. These servers are a class above a standard Intel CPU based server running Microsoft Windows or some other Intel based operating system. There are two (2) paired together for redundancy

Staff believes the restructuring of this agreement for the “Munis environment” will result in significant reductions in the yearly support costs as the platform will shift from the higher cost “mid-range” servers to the lower cost Intel based servers. These lower cost servers are being placed in our virtual or cloud environment which provides high availability and a redundant environment.

Vendor	Location	Proposal Amount
Hewlett Packard	Roseville, CA	\$100,928.43

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds for renewal of this support agreement have been budgeted in the Information Services Repair/Maintenance Office and Computer Equipment account (G11610-70530) within the FY 2012 Budget.

This renewal will be for the third (3rd) year of a three (3) year contract, which was originally signed in June of 2009.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

Reviewed by:

Scott Sprouls
Director of Information Services

J. Todd Greenburg
Corporation Counsel

Barbara J. Adkins
Deputy City Manager

Financial review by:

Recommended by:

Timothy Ervin
Director of Finance

David A. Hales
City Manager

RESOLUTION NO. 2011 - 29

**A RESOLUTION AUTHORIZING A RENEWAL IN THE
AMOUNT OF \$100,928.43 IN THE AGREEMENT BETWEEN THE CITY
OF BLOOMINGTON AND HEWLETT PACKARD FOR HARDWARE, SOFTWARE
AND PROACTIVE SERVICES SUPPORT**

WHEREAS, the City of Bloomington has previously entered into a contract with Hewlett Packard for hardware, software and proactive services support; and

WHEREAS, for the reasons set forth in a staff report dated June 27, 2011 it was necessary to have a support agreement for the City's current Finance/HR/Payroll (Banner), 911 Dispatch Center, Utility Billing, Email, Parking and Cultural District Box Office systems; and

WHEREAS, it is the finding of the City Council that the decision to perform the work described in the June 27, 2011 memo was in the best interest of the citizens of the City of Bloomington.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, ILLINOIS:

That the renewal of the agreement between the City of Bloomington and Hewlett Packard in the amount of \$100,928.43 to provide hardware, software and proactive services support be approved.

ADOPTED this 27th day of June, 2011.

APPROVED this 28th day of June, 2011.

APPROVED:

Stephen F. Stockton
Mayor

ATTEST:

Tracey Covert
City Clerk

(CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Stearns that the agreement with Hewlett Packard for hardware, software and proactive services support in the amount of \$100,928.43 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:

SUBJECT: Intergovernmental Agreement for Traffic Signal Maintenance & Energy Reimbursement on State Routes

RECOMMENDATION: That the agreement be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: This Intergovernmental Agreement with the Illinois Department of Transportation (IDOT) details maintenance and energy cost responsibility for traffic signals that are on state and federal routes. Exhibit A of the agreement is updated annually to add or delete intersections as necessary. Currently there are ninety (90) signalized intersections included in this agreement. The last master agreement was approved in 2001. This agreement will be effective until June 30, 2021.

Under this agreement, City staff maintains traffic signals on state or federal highways. Actual costs for maintenance and energy are billed quarterly to IDOT for their share of the cost. This arrangement has existed for more than twenty (20) years.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Not applicable.

FINANCIAL IMPACT: Funds are budgeted annually for maintenance and energy expenses along with the revenue received from the state for actual expenses as billed. For traffic signals covered under this agreement during the last calendar year actual maintenance costs were \$75,685.14 and the states share was \$52,077.58. Actual energy costs were \$47,865.39 and the states share was \$34,820.34

Respectfully submitted for Council consideration.

Prepared by:

Financial review by:

Reviewed as to legal sufficiency:

Jim Karch
Director of Public Works

Timothy Ervin
Director of Finance

J. Todd Greenburg
Corporation Counsel

Recommended by:

David A. Hales
City Manager

(PARTIALLY EXECUTED CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Stearns that the agreement 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:

SUBJECT: Professional Services Contracts for the Bloomington Center for Performing Arts

RECOMMENDATION: That the contract from Monterey International in the amount of \$15,000 be approved and the Mayor and City Clerk be authorized to execute the necessary documents.

BACKGROUND: Staff respectfully requests approval of contract to engage persons and/or groups represented by: Monterey International to perform services in the Bloomington Center for the Performing Arts on dates agreed by staff. Contract expenses for the contracts will be \$15,000. As is standard industry practice, some artist contracts require some additional expenses for items such as travel, meals and lodging that vary from artist to artist. Travel expenses and local lodging fees occur less often, however virtually all artists are provided with meals and non-alcoholic beverages.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The selection of these artists was coordinated with the Cultural Commission and the BCPA's Programming Advisory Committee. Staff and community advisors agree that the visiting professionals would attract broad, positive community involvement and contribute to the public service mission of the Bloomington Center for the Performing Arts.

FINANCIAL IMPACT: Funding for these contracts will come from account X21100-70220 of the BCPA's FY 2012 budget, to be offset by future revenues from ticket sales, grants, playbills,

concessions, advertising and sponsorships. These revenues are also targeted to offset the additional artist expenses for travel, meals and lodging.

Respectfully submitted for Council consideration.

Prepared by:

Reviewed as to legal sufficiency:

John R. Kennedy, Director
Parks, Recreation & Cultural Arts

J. Todd Greenburg
Corporation Counsel

Reviewed by:

Recommended by:

Barbara J. Adkins
Deputy City Manager

David A. Hales
City Manager

(PARTIALLY EXECUTED CONTRACT ON FILE IN CLERK'S OFFICE)

Motion by Alderman Anderson, seconded by Alderman Stearns that the contract from Monterey International in the amount of \$15,000 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:

SUBJECT: Blues Blowtorch Society, requesting a Limited Liquor License, (LB), for the event called "Aint Nothin but the Blues Festival", a charitable fundraiser, to be held at the General Electric Employees Club grounds located at 1750 GE Rd., on Friday and Saturday, July 15 and 16, 2011 which allows the limited sale of beer and wine by the glass for consumption on the premises

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a LB liquor license for the Blues Blowtorch Society, for the event called "Aint Nothin but the Blues Festival", a charitable fundraiser, to be held at the General Electric Employees Club grounds located at 1705 GE Rd., on July 15 and 16,

2011 from 12:00 p.m. (noon) until 11:30 p.m., be created, contingent upon compliance with all applicable health and safety codes.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Blues Blowtorch Society, requesting a Limited Liquor License, (LB), for the event called “Aint Nothin but the Blues Festival”, a charitable fundraiser, to be held at the General Electric Employees Club grounds located at 1750 GE Rd., on Friday and Saturday, July 15 and 16, 2011 which allows the limited sale of beer and wine by the glass for consumption on the premises. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; Tracey Covert, City Clerk; and Deborah Mehlberg, Treasurer and Applicant representative.

Commissioner Stockton opened the liquor hearing. He noted the history of this event. It had been held at various locations over the years. Deborah Mehlberg, Treasurer and Applicant representative, addressed the Commission. This year would mark its tenth (10th) anniversary. She estimated attendance at 3,000 to 5,000. This event offered more than a blues festival. She noted that various workshops held during the event. There also would be a craft/merchant area, food sales, and children’s activities. The park consisted of eleven (11) acres. The pool was excluded. The event would be held on two (2) days. She believed that there was adequate parking. She hoped to upgrade the Festival. In the past, she held the role of artist management. This Festival was important to the community. She described it as a heads in beds event.

Commissioner Stockton had attended this event in the past. The majority of the attendees were from out of town. He described it as a regional event. The Festival was on the map for fans of the blues.

Ms. Mehlberg stated the group’s eventual goal was for the Festival to offer free admission. She noted that currently admission is charged.

Commissioner Stockton noted past locations such as the Sale Barn and TriLakes. These facilities offered a more rural setting. He cited concerns regarding noise. Ms. Mehlberg cited the large field behind the baseball field. The stage would face Country Companies which was located at 3601 GE Rd. The Society had a good sound technician. She acknowledged the proximity of the Villas at Spring Ridge.

Commissioner Gibson stated that his home was located east of the park. He cited the free Friday and Saturday nights concerts provided by Gill St. Sports Bar & Restaurant located at 3002 B Gill St. He stated that noise may become an issue. He questioned if the Festival would be using the ball diamond. Ms. Mehlberg responded negatively. The Society had rented the entire property. The main gate located on the east side of the creek would be used as the Festival’s entrance.

Commissioner Gibson questioned if attendees would be parking across the street from the park. Ms. Mehlberg stated that the GE parking lot would be available. Overflow parking would be directed to Country Companies. The Society has requested police hire back.

Commissioner Petersen questioned if WGLT was still involved with the Festival. Ms. Mehlberg responded affirmatively. Another radio station, WXRJ, hoped to offer blues programming and would also be involved.

Commissioner Buchanan believed that there was a need to define the premise. He added that the Festival would end at 11:30 p.m. and be held on a Friday and Saturday night. Ms. Mehlberg noted that the last artist was scheduled to perform at 10:00 p.m. There would be a half hour break between bands. The Club was rented until midnight. There would not be any music past 11:30 p.m.

Commissioner Stockton restated his concern regarding noise. Ms. Mehlberg stated that Gill St. Bar was surrounded by residential properties. The GE Employees Club grounds were surrounded by mature trees. Commissioner Stockton encouraged the Society to contact the Villas at Spring Ridge's homeowners association. Ms. Mehlberg noted the Society's intention to inform and invite them to attend the Festival. Commissioner Stockton stated the noise carries and questioned the Society's plan for same. Ms. Mehlberg stated the first step would be to turn down the volume. There would be decibel meters. The Club was enclosed and people paid admission to come in and listen to the music. Commissioner Stockton noted the Festival's reputation. The Society should want to maintain same. He advised the Society to have a plan in place beforehand to address any noise complaints. He restated that this was a great festival, the Society should retain its good reputation and be out and in front of noise issues. Ms. Mehlberg stated her goal would be to minimize noise.

Commissioner Gibson did not believe that noise should be a show stopper.

Commissioner Petersen left the hearing at 5:42 p.m.

Commissioner Stockton opened the hearing for public input. No one came forward to address the Commission.

Ms. Mehlberg thanked the Commission for its support of the Festival.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the June 14, 2011 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Alderman Fruin informed the Council that he had spoken with the Mayor and Alderman Mwilambwe. He expressed his support for this festival which was only three (3)

weeks away. He noted that this festival had been held at various sites where residential properties were nearby. He compared this item to the Bruegala which was scheduled to close at 11:00 p.m. He addressed the issue of consistency. The Blues festival was scheduled to close at 11:30 p.m. Both items were charitable fund raisers. He also addressed traffic. There was only one (1) entrance to the park which was located on the west side. The plan did not call for use of the park's parking lot. There would be pedestrian traffic crossing GE Rd. He believed that the event organizers have a good plan. He added that Country Companies' parking lot was a quarter mile away. He expressed concern regarding the noise level. He added the members of the Commission and Council will keep watch of the festival. He questioned if anyone had invited the residents of the Villas at Spring Ridge. He questioned if the Council memorandum was misleading by stating that no one came forward to address the Commission.

Mayor Stockton stated that the Commission became concern about noise around 10:00 p.m. He cited Gill St. Sports Bar & Restaurant, located at 3002 B Gill St. He added that LB liquor license requests were not frequent. Noise can be affected by a number of factors, (wind, surroundings, etc.). He restated that the Commission would monitor the festival as concerns had been raised regarding the Villa at Spring Ridge. It was his understanding that the event organizers had spoken with the Villa's Board. The 11:30 p.m. closing was just in case an act ran over. He added his belief that the parking available at the GE factory site would be sufficient. Country Companies parking lot would used for overflow parking. Pedestrians would cross the street with assistance provided by the Police Department. This festival was an asset for the community.

David Hales, City Manager, addressed the Council. He stated that Randy McKinley, Police Chief, had contacted Deb Mehlberg. There was good coordination between the parties. He noted the speed limit on thirty-five miles per hour (35 mph), (Hershey Rd.). He informed the Council that a City Special Event application was not needed. GE Employee Park was on private property. Complaints would be called into the City's Dispatch Center. The Police Department would address traffic control. Finally, he added that the Council had been provided with an aerial photograph of the area.

Alderman Mwilambwe had spoken with Ms. Mehlberg, and the Villas of Spring Ridge Association President and a resident. He hoped that this group and the City would be able to make this event work. This would be a new venue. All parties involved needed to find the best way to handle this event in the spirit of cooperation. Ms. Mehlberg had contacted the Villas of Spring Ridge and invited the residents to attend. The residents had also been contacted and invited to attend this evening's Council meeting. This was a regional event which addressed quality of life. He restated that the event would be monitored. He believed that the Council should support this item.

Motion by Alderman Anderson, seconded by Alderman Stearns that an LB liquor license for the Blues Blowtorch Society, for the event called "Aint Nothin but the Blues Festival", a charitable fundraiser, to be held at the General Electric Employees Club grounds located at 1705 GE Rd., on July 15 and 16, 2011 from 12:00 p.m. (noon) until

11:30 p.m., 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:

SUBJECT: Application of Bloomington Normal Jaycees, requesting a Limited Liquor License, (LB), for the event called “Bruegala”, a charitable fundraiser, to be held at the Bloomington Center for the Performing Arts located at 600 N. East St., on Friday and Saturday, August 26 and 27, 2011, which allows the limited sale of beer and wine by the glass for consumption on the premises

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a LB liquor license for Bloomington Normal Jaycees, for the event called “Bruegala”, a charitable fundraiser to be held at the Bloomington Center for the Performing Arts located at 600 N. East St., on August 26 and 27, 2011 from 5:00 p.m. until 11:00 p.m. be created, contingent upon compliance with all applicable health and safety codes; and that the premise include the building’s interior, Lincoln Park and the area connecting the two (2) premises.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to hear the application of Bloomington Normal Jaycees, requesting a Limited Liquor License, (LB), for the event called “Bruegala”, a charitable fundraiser to be held at the Bloomington Center for the Performing Arts located at 600 N. East St., on Friday and Saturday, August 26 and 27, 2011 which allows the limited sale of beer and wine by the glass for consumption on the premises. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Steve Petersen, Mark Gibson, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel; Bob Wall, Asst. Police Chief; Tracey Covert, City Clerk; and Eric England, Jaycees member and Applicant representative.

Commissioner Stockton opened the liquor hearing. He noted the Applicant’s past experience. He added that the event would be held at the Bloomington Center for the Performing Arts, (BCPA), in conjunction with an outdoor performance at Lincoln Park. Eric England, Jaycees’ member and Applicant representative, addressed the Commission. He believed that this would be the group’s twelfth event. In the recent past, the event had been held at the Interstate Center. The event was a fundraiser which would be held over two (2) days from 5:00 until 11:00 p.m. Bruegala involved beer tasting. The BCPA would be hosting the outdoor entertainment and the

Jaycees would be hosting the beer tasting. The goal was 3,000 attendees. Last years' attendance was 2,000.

Commissioner Buchanan questioned where the event would be held. Mr. England noted that Bruegala would utilize the BCPA's Ballroom and there also would be an outdoor tent. Bruegala offered three ounce (3 oz.) tastings. Attendees purchase tickets. He added that there would also be food sales available.

Commissioner Stockton expressed his belief that this would be a nice event for the Downtown.

Commissioner Petersen restated that the plan included the BCPA's Ballroom. Mr. England responded affirmatively. Members of the Jaycees had met with BCPA staff. Commissioner Stockton noted that the premise needed to be clarified. Mr. England informed the Commission that the park area would be fenced. Commissioner Stockton restated that beer would be available inside the BCPA and Lincoln Park area which would be fenced.

Commissioner Petersen questioned if an attendee would be able to purchase a twelve ounce (12 oz.) beer. Mr. England restated that beer would be available in three ounce (3 oz.) tastings.

Commissioner Buchanan questioned if this item was related to the City's application for an RBS liquor license for the BCPA. Commissioner Stockton responded negatively. He noted that this event was a fundraiser for the Jaycees and liquor sales would be handled by same.

Commissioner Gibson questioned if the City had a template for liquor sales at the BCPA and Lincoln Park. Commissioner Stockton noted the area between the BCPA and the park. He recommended that the motion included a definition of the premise. Mr. England offered to contact BCPA staff to request same.

The Commission directed City staff to draft an ordinance suspending the City Code to allow alcohol consumption in the park. Upon review by staff, there is no need to suspend the ordinance under Chapter 6. Alcoholic Beverages, Section 26. No Sale, Gift or Delivery to or by a Person the age of 21 years or an Incompetent – Illegal Purchase or Procurement – Illegal Possession – Parents' Responsibility (d) (2) (iv) (v) which addresses open alcohol on the grounds of Lincoln Park.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: The Agenda for the June 14, 2011 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: None.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Motion by Alderman Anderson, seconded by Alderman Stearns that an LB liquor license for Bloomington Normal Jaycees, requesting a Limited Liquor License, (LB) for the event called “Bruegala”, a charitable fundraiser, to be held at the Bloomington Center for the Performing Arts located at 600 N. East St., on Friday and Saturday, August 26, and 27, 2011 from 5:00 to 11:00 p.m. be created, contingent upon compliance with all applicable health and safety codes; and that the premise include the building’s interior, Lincoln Park and the area connecting the two premises.

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:

SUBJECT: Application of DazLou, LLC (pending), d/b/a Sidetracked Sports Bar, located at 907 E. Oakland, for a TAPS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week

RECOMMENDATION: Based upon the report from the Liquor Hearing, the Liquor Commission recommends to the City Council that a TAPS liquor license for DazLou, LLC (pending), d/b/a Sidetracked Sports Bar, located at 907 E. Oakland, be created, contingent upon compliance with all applicable health and safety codes with the following conditions: 1.) a six foot (6’) high solid fence, made from opaque wood material be installed on the south and west perimeters prior to issuance of license; 2.) the fence would not allow vehicle/pedestrian traffic from the south and west side; 3.) live and/or amplified music shall cease at 11:00 p.m.; 4.) no open windows or doors during live/amplified music; 5.) installation of an interior sound baffling barrier; 6.) the selling of packaged alcohol from the liquor store shall cease at 11:00 p.m.; 7.) no gang apparel or apparel to indicate other affiliations outside that might cause disruption; 8.) security on the west door entrance; 9.) ongoing maintenance/clean up of the interior and exterior; 10.) creation of a double vestibule door on the west side; 11.) no outdoor patio will be allowed; and 12.) the Commission reserves the right to impose more restrictions be approved.

BACKGROUND: The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of DazLou, LLC (pending), d/b/a Sidetracked Sports Bar, located at 907 E. Oakland, requesting a TAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve

Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk and LouAnn and Steve Devine, owners/operators and Applicant representatives.

Commissioner Stockton opened the liquor hearing and requested that the Applicants explain this request. He specifically addressed the Applicants' interest in this location and their plans for the property. Steve Devine, owner/operator and Applicant representative, addressed the Commission. He had managed the former Slick Rick's for three (3) years. He and his wife had saved money in order to reopen the property as a neighborhood bar. The building would be remodeled. There would also be a packaged liquor store. (Slick Rick's also operated a packaged liquor store at this address.) Long term plans included installation of a small kitchen for a limited menu, (burgers and French fries). It would not be a full service kitchen.

Commissioner Stockton questioned if the Applicants saw this business as a good investment. He questioned risk. Mr. Devine expressed his belief that the business would be successful. He planned to attract a different clientele. The building would be remodeled. He cited new flooring, new interior soundproofed walls, and a new bar as examples. He acknowledged that there had been issues between Slick Rick's and the neighborhood.

Commissioner Stockton questioned if the Applicants had met with the neighbors. Mr. Devine inform the Commission that the neighbors had presented him with a list. A copy of the document was provided to the Commission. Items listed addressed traffic, parking, property maintenance, and disturbing the peace. Mr. Devine informed the Commission that he understood the neighbors' concerns.

Commissioner Buchanan questioned the percentage of liquor sales from packaged store. Mr. Devine estimated this figure at forty percent (40%). The packaged liquor store (Slick Rick's) had performed well. Commissioner Buchanan questioned Mr. Devine's experience with packaged liquor sales. Mr. Devine informed the Commission that he had over forty (40) years of experience in liquor sales. Commissioner Buchanan questioned if the clientele at the tavern and the packaged liquor store was the same. Mr. Devine responded negatively.

Commissioner Stockton reviewed the neighbors' list. Mr. Devine informed the Commission that would act as the Night Manager. He would not be catering to the biker crowd. He acknowledged that there had been drug dealers who were Slick Rick's customers. He would not tolerate these individuals as customers. A manager would be present at all times. Slick Rick's was operated by an absentee owner who tolerated any behavior.

Commissioner Stockton opened the hearing to public input.

Melissa Stuedemann, 910 E. Oakland St., addressed the Commission. Her residence was across the street. She was speaking on behalf of her husband and herself. They were interested in what was best for the City and the neighborhood. She requested reasonable accommodations as the business would be located in a residential area. She expressed concern regarding the bass portion of music as she was sensitive to same.

Marie Winqest, 608 S. Clinton, addressed the Commission. She had resided at this residence for thirty-seven (37) years. Her yard back up to the property's parking lot. She acknowledged that this application represented a change of ownership. She believed that the property needed to be brought up to code prior to opening. She also addressed the neighbors' list. She stressed the importance of property maintenance. She also addressed traffic. She noted that the alley was used as a thoroughfare. There was a means of access and egress to this property on Oakland Ave. She requested that a tree be removed as it blocks the street light. She cited noise from live music, (bands). In addition, she noted the number of calls to the Police Department. She requested that a fence be installed surrounding the parking area. She added that customers parked along both sides of MacArthur St. She expressed concern regarding emergency vehicle access.

Commissioner Stockton questioned if there was inadequate parking on site. Ms. Winqest expressed her concern that the alley was used as a back exit. She cited a number of incidents involving vehicles and property damage. She requested that customer traffic be directed to Oakland Ave. Commissioner Stockton presented another option such as a barrier. He questioned parking on MacArthur. Ms. Winqest noted the traffic, the potential for individuals to be driving under the influence, and the confined space.

Commissioner Tompkins questioned if Ms. Winqest was in support of this application with conditions or in opposition to the application. Ms. Winqest expressed her concerns regarding the former business, (Slick Rick's). She re-addressed property maintenance. She presented the Commission with photographs of the property.

Commissioner Buchanan also questioned if Ms. Winqest was opposed to this application or in favor of with appropriate conditions. Ms. Winqest stated that a number of things would have to change. She again addressed property maintenance.

Mary Wilson, 809 E. MacArthur, addressed the Commission. Her home was located south of the property's parking lot. Her concern addressed on street parking. She requested that the parking lot be enclosed. Commissioner Stockton questioned if Ms. Wilson wanted the parking lot to be blocked from vehicular and pedestrian traffic. Ms. Wilson responded affirmatively. The property owner needed to take care of this property. Nothing has been done with the property since Slick Rick's closed. Commissioner Stockton noted that the City had a Code Enforcement Division. He directed Tracey Covert, City Clerk, to contact Mark Huber, Director - PACE. Staff would be directed to visit the property and address any violations.

Ms. Wilson questioned live music. She requested that hours be set for same. She wanted an established time frame. Commissioner Stockton noted that the City has placed limits on live music. He cited Gill St. Sports Bar & Restaurant, located at 3002 B Gill St., as an example. There were a variety of options available. He cited hours, volume, etc. as examples. He acknowledged that conditions might be necessary.

The Commission reviewed the photographs submitted by Marie Winqest. They expressed concern.

Rick Koppersmith, K & K Tool & Die, 915 E. Oakland Ave., addressed the Commission. He owned and operated this business. He noted that there was a retaining wall between the two (2) properties. Various vehicles have hit and damaged same. He had obtained a permit to repair it and approached Tim Jones, the property owner for 907 E. Oakland. He cited the repair costs. This issue needed to be addressed as the cost kept increasing. He expressed his opposition to a beer garden. He noted that there was a table outside where bar patrons would smoke and drink. He added that smoking was allowed inside Slick Rick's. He noted litter and property damage. He cited broken windows as an example. Noise during his business hours was also of concern. He had witnessed drug sales. He had never complained. Things needed to change. He added his belief that conditions had been placed on the Western Tap's liquor license, (located at 1301 N. Western Ave.).

Commissioner Stockton questioned the last time Mr. Koppersmith's property had been damaged. Mr. Koppersmith responded five to six (5 - 6) years ago.

Brandon Koppersmith, K & K Tool & Die, 915 E. Oakland Ave., addressed the Commission. He was Rick Koppersmith's son and employed at the tool & die shop. He addressed litter. He was opposed to a beer garden. He requested that a fence be installed. He added that the clientele needed to change. He cited prostitution as an example. He also addressed property damage. The fence had been damage one to two (1 - 2) years ago. He expressed his belief that driving under the influence was the cause.

William Stark, 807 E. MacArthur, addressed the Commission. His home was located south of the business and was also the closet to it. He was speaking on behalf of five (5) homes, (four on MacArthur and one on Bunn St.). He hoped to put all in perspective. The neighbors' list had been presented to Mr. Devine. He had known Mr. Devine for a number of years. Various situations could be addressed through the installation of a fence. Many of the neighbors were aware of what was going on at Slick Rick's. He expressed his hope that the past would remain in the past. Parking was an issue. Slick Rick's customers used MacArthur to avoid traveling on Oakland Ave. There was adequate access to Oakland. Bands tended to draw a crowd. Soundproofing the walls would not be inexpensive. He did not have any issues with the Devines application. Mr. Devine was respectful and a man of his word. The neighbors would hold Mr. Devine to his word and the list. He added that when Slick Rick's was open, he always called the business before contacting the Police Department. He requested that Mr. Devine do right by the neighborhood.

Wendy Keller, 811 E. MacArthur, addressed the Commission. Her home was located by Mr. Stark. She was interested in sample conditions. She had found individuals sleeping in her yard. She also cited public urination. She requested that a fence be installed.

Dan Stuedemann, 910 E. Oakland Ave., addressed the Commission. His wife had addressed the Commission and read from a prepared statement. They were taxpayers. He cited fear of retribution. The owner was responsible for the patrons' behavior. He questioned if conditions could address same. He also addressed the issue of consumption. Commissioner Stockton noted that this issue has been raised previously. Individuals can contact the City, (Commission,

Council, Police Department). This can be done anonymously. He restated that conditions can be placed on the liquor license.

Heather Winquest, 1004 E. Jefferson, addressed the Commission. She was Marie Winquest's daughter. As a child, she had been exposed to a number of things. She became conditioned to sleep through noise. There were children in this neighborhood. She celebrated when Slick Rick's closed. She expressed her concern regarding clientele. She had managed homeless shelters and found this property's condition shameful. If conditions were placed on the liquor license, one should address property maintenance. This was a strong neighborhood that wanted better things.

Richard Keer, 808 E. Bell St., addressed the Commission. He was the pastor at Grace United Methodist Church located at 622 S. Clinton. He was a former Peoria Police Officer. He stated that prostitutes had used the church parking lot for business purposes. The influence upon the neighborhood's youth was not positive. He questioned the number of arrests by the City's Police Department regarding drug deals. Music had continued past closing hours. Slick Rick's customers saw the church's parking lot as an extension of the tavern's customer parking. He expressed his opposition to a liquor license at this location. This was a family neighborhood with small children.

Commissioner Stockton questioned the distance between these two (2) properties. He expressed his belief that there was at least two (2) City blocks separating same.

Commissioner Stockton noted the amount of public input. He offered the Applicants the opportunity to re-address the Commission.

The Applicants noted that the property had been vacant for six to seven (6 - 7) months. Commissioner Stockton noted the property issues. There were a lot of issues to address. He questioned if the Devines were prepared for this size of investment. Mr. Devine stated that there were no issues with the neighbors' list. He believed that a fence could be installed. He added that the City should consider only allowing parking on one side of MacArthur as the street was too narrow when vehicles parked on both sides of the street.

Commissioner Stockton recommended that this item be laid over until the Commission's June 14, 2011 meeting. Mr. Devine expressed his preference that the application be voted on this date. He added that Tim Jones, property owner, would have to be informed of the Commission's recommendation.

Commissioner Stockton noted the neighborhood's willingness to compromise. He believed that specific goals needed to be set with a means to measure what was accomplished. The Applicants needed to develop a specific plan.

Commissioner Buchanan noted his service on the Commission. He complimented those present and noted the positive input received. He recommended that this hearing be recess to a specific date. He did not believe that the Commission was ready to commit to anything at this time.

Commissioner Stockton directed the Devines to review the list, work with the neighbors and submit a plan to the Commission. He acknowledged the combination of circumstances.

Commissioner Tompkins noted his hesitancy to support this application. He recommended that the application be laid over until the Commission's June 14, 2011 meeting. The property needed extensive renovation. There were a number of issues to address. The Applicants would have to follow through and he questioned who would review their progress.

Commissioner Petersen had listened to the plan. However, he wanted to see a written plan. This would strengthen the Devine's application. He described the property as blighted.

Mr. Devine informed the Commission that he had obtained access to a forty-five (45) space parking lot located across the street from 907 E. Oakland Ave.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins that this hearing be recessed until Tuesday, May 24, 2011 at 4:00 p.m.

Motion carried.

The Bloomington Liquor Commissioner Steve Stockton called the reconvened Liquor Hearing for DazLou, LLC (pending), d/b/a Sidetracked Sports Bar, located at 907 E. Oakland, requesting a TAPS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises and the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Steve Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; Todd Greenburg, Corporation Counsel and Renee Gooderham, Chief Deputy Clerk, and LouAnn and Steve Devine, owners/operators and Applicant representatives.

Absent: Commissioner Mark Gibson, George Boyle, Asst. Corporation Counsel and Tracey Covert, City Clerk.

Commissioner Stockton opened the liquor hearing. He reminded those present that the application had appeared on the Liquor Commission's meeting agenda May 10, 2011. The hearing had been recessed to provide an opportunity for the Applicants to address several of the Commission's concerns. He summarized that neighbors had indicated their desire that the building be revitalized. The Applicants had indicated their willingness to work with the neighborhood towards a common goal. He hoped today's meeting would establish clear expectations. Steve Devine, owner/operator and Applicant representative, addressed the Commission. He had conducted a site clean up based on neighbors' comments. He provided the Commission with photographs taken during the clean up.

Commissioner Stockton acknowledged a lot had been cleaned up, especially the area between the property and K & K Tool and Die Company. Mr. Devine responded that 1,500 pounds of refuse had been taken away. Commissioner Stockton commended Mr. Devine on a great start. He questioned contact with the neighbors and fencing. Mr. Devine had met with several people in the neighborhood. Bill Stark had also assisted with the clean up. Mr. Devine provided the

Commissioner an overhead drawing of the property. He believed the neighborhood wanted a six foot (6') wood fence. This would limit access of vehicles and pedestrians. The fence would go from K & K Tool and Die Company to the existing planter box towards Oakland Ave.

Commissioner Petersen questioned access in/out of the parking lot. Mr. Devine responded that there would be no access off MacArthur and Bunn St. The only in/out access would be from Oakland Ave. Commissioner Petersen questioned building access. Mr. Devine stated there were two (2) entrances, one (1) each on the east and west side of the building. Commissioner Petersen questioned availability of parking on the east side. Mr. Devine responded affirmatively.

Commissioner Stockton questioned the fence setback. Mr. Devine responded that the fence was required to be three feet (3') from the property line. Bushes would be planted on the other side. Prior to planting he would inquire if the placement of bushes would interfere with snow plowing.

Commissioner Buchanan questioned fencing material. Mr. Devine stated the fence would consist of treated lumber and be solid across.

Commissioner Tompkins questioned exploring sound baffling on the inside of the fence. Mr. Devine responded negatively. He questioned the aesthetics of the fence. Commissioner Tompkins questioned the estimate on improvements. Mr. Devine stated the building owners would contribute \$60,000 - \$70,000 towards improvements.

Commissioner Stockton questioned noise. He believed that the fence would assist with same. Mr. Devine planned to take the walls and ceiling down to the studs, re-insulating same for noise purposes. Commissioner Stockton stated noise was a common complaint especially with live or amplified music. A factor was open windows and doors. Mr. Devine planned to enclose the southwest corner.

Commissioner Buchanan questioned if this area would be similar to breezeway. Mr. Devine responded affirmatively. The area would measure six feet by nine feet (6' x 9'). He believed it would hold approximately one to two (1 - 2) people without the entrance doors being opened. Commissioner Stockton questioned air conditioning. Mr. Devine stated there were four (4) units.

Commissioner Stockton opened the hearing to public input.

William Lishka, 1113 Andover St., addressed the Commission. He was the Grace United Methodist Church's Administrative Board Chair. The church was located 100 yards south of the establishment. The alley empties into the church parking lot. The alley was used as a through street. He acknowledged the completed clean up. He questioned ongoing clean up and maintenance. He stated that people had been found in the church vestibule after hours especially during cold weather. He acknowledged that the church was left unlocked. He noted clean up of the vestibule was ongoing. The church wanted to ensure concerns were addressed prior to the issuance of the license. He cited previous experience with neighborhood taverns when he managed Union Insurance Group. The issues were the same.

Commissioner Stockton restated his belief that the fence would be of assistance. Mr. Lishka stated a fence was the first (1st) step. Directing traffic towards Oakland Ave. would be helpful.

Marie Winquest, 608 S. Clinton, addressed the Commission. She had resided in the neighborhood for thirty-seven (37) years. She would be speaking on behalf of the neighbors. She stated her belief that the fence would assist with traffic. Most of the noise came through her bedroom window. She cited noise from patrons smoking outside, leaving the establishment and patrons on the patio as disruptive. She stated her belief that an outside patio should not be allowed. She questioned a noise ordinance or the possibility of obtaining same. She had enjoyed having the establishment closed. She believed that the neighborhood was more family orientated. She wanted those that drive by to look at the establishment and say to themselves that it looked better.

Commissioner Stockton questioned having the establishment opened versus closed. Her preference was that the establishment remains closed. Commissioner Buchanan commented an empty building could become a blight on the neighborhood. Ms. Winquest acknowledged the possibility.

Commissioner Petersen questioned parking in the alley. Ms. Winquest stated that no one had parked in the alley.

Commissioner Stockton summarized points thus far: 1.) people and/or traffic spill over; 2.) noise; and 3.) trash. He stated his belief that the fence would help some with noise and trash.

Tammy Bergland–Clem, 11 Felton Pl., addressed the Commission. She cited previous problems: 1.) intoxicated people sleeping in yards; 2.) motorcycles revving engines at all hours; and 3.) increased traffic/accidents. Her walls, with the windows closed, would vibrate due to the loud music. She questioned if a tavern was the best fit. She was attempting to sell her home. She believed a tavern would make it harder. The neighborhood had been the quietest it had been in six (6) years.

Commissioner Stockton questioned the type of noise. Ms. Bergland–Clem stated the noise was from music, patrons and motorcycles. The noise could wake her in the middle of the night. She reminded the Commissioners that the Circle K sold beer. She requested contingences to pull the liquor license.

James Bookout, 10 Felton Pl., addressed the Commission. He stated his hopefulness that the neighbor's concerns would be considered. He acknowledged that Sidetracked might not be like Slick Rick's but it still would sell alcohol. He had called the police many times for intoxicated people in his yard. He believed that anytime there was alcohol there were problems. He also believed the neighborhood was not a place for tavern.

Melissa Stuedmann, 910 E. Oakland, addressed the Commission. She cited her concern of noise. She stated base vibrations could be felt under the street. Commissioner Petersen questioned the type of music. Ms. Stuedmann stated live bands usually played until 1:00 a.m. She cited

motorcycle noise until 3:30 a.m. Commissioner Stockton questioned placing volume restrictions on bands. Ms. Stuedmann responded affirmatively.

Commissioner Stockton summarized the Commissions options. The building was problematic for other uses. He questioned a happy medium. He stated Downtown establishments had similar issues with noise. He cited Gill St. Bar and Grill, located at 3002 B Gill St., as having limits on bands. He acknowledged that Oakland Ave. would produce some noise.

Mr. Devine stated that Sidetracked would be a neighborhood sports bar. He would not use Harley emblems as part of the décor. His goal was to have an older clientele. Commissioner Clapp stated that it would be hard to change the reputation. She suggested placing restrictions on motorcycles. Mr. Devine stated that security would be at the entrance.

Commissioner Tompkins stated it was hard not to market to one specific group. He believed that once a group “adopted” an establishment it was hard to change. He questioned limiting motorcycle apparel colors. Mr. Devine responded affirmatively.

Commissioner Petersen cited Western Tap as an example of changed reputation. It was known as having a changed style, good food, entertainment and regular clientele. He believed if Sidetracked followed Western Tap it would be better for the community. Mr. Devine stated he cannot afford a grill at this time. He did plan to add it later. Commissioner Petersen stated that he would not support a liquor store. Sidetrack needed to follow in Western Taps footsteps.

Commissioner Buchanan questioned the packaging and pricing of the alcohol. Mr. Devine stated the liquor store would provide more revenue then the bar. The store would be for convenience and priced fairly competitive.

Commissioner Tompkins acknowledged the thought out plans and Mr. Devine’s efforts to make Sidetracked a respectful place. He questioned if the business failed and the investment were lost. Mr. Devine responded he planned to be there from 8:00 a.m. to 5:00 p.m. There would be a night manager from 5:00 p.m. to close. Security would at the entrance. Commissioner Tompkins questioned if Alderman Anderson had been spoken with. Mr. Devine responded negatively. Commissioner Tompkins questioned not having the liquor store or placing limits on same. Mr. Devine restated his expectation that the liquor store would bring in more revenue.

Commissioner Petersen questioned not approving or placing conditions on the liquor store. Mr. Devine stated that without the liquor store he would not open the establishment. The store generated more revenue then the tavern.

Commissioner Tompkins questioned allowing everything but live entertainment. Mr. Devine responded that he would like the opportunity to offer live entertainment. He cited Sister Grove as an example. Commissioner Stockton questioned band hours. Mr. Devine responded bands would play from 8:00 p.m. to 11:00 p.m. Commissioner Buchanan questioned weekends. Mr. Devine anticipated having bands once a month or every other month. He believed bands did not generate revenue.

Commissioner Buchanan stated his belief that Mr. Devine was a responsible applicant. He believed the closing of Slick Rick's was an opportunity for change. He added that a vacant building would have a negative impact on the neighborhood. Placing conditions on a liquor license to change clientele is easier said than done. He believed the fence would make a substantial change. He questioned the noise ordinance. Todd Greenburg, Corporation Counsel, addressed the Commission. The noise ordinance applied to vehicles. Commissioner Buchanan stated the addition of the fence, breezeway and sound baffling would be significant improvements.

Commissioner Clapp stated that this was an opportunity to monitor conditions closely especially noise. She suggested visiting when there was live entertainment. She expressed her appreciation to the neighbors for their willingness to work together.

Commissioner Petersen expressed his belief that the tavern conditions should be placed on the closing hours of the liquor store.

Commissioner Stockton cited the conditions discussed thus far. He expressed his belief that the neighbors have to understand that Oakland Ave. is a commercial route. Everything mentioned had to do with Slick Rick's. Mr. Devine was paying the penalty for the previous business. He believed the Applicant was sincere. He questioned compromise. He stated that Slick Ricks did not have conditions placed upon the liquor license. Options were limited. This was a chance for change.

William Stark, 807 E. MacArthur, addressed the Commission. He had known Mr. Devine for years. He had assisted with the clean up. He informed the Commissioners that Mr. Devine had paid for the trash removal. He hoped that Mr. Devine would be granted the license. He believed the fence and sound baffling would solve most of the noise issues. The fence would solve traffic issues on MacArthur.

Mr. Devine stated concerns with the liquor store closing hours. Later closing hours would assist financially. Commissioner Stockton stated that the Commission would work with Mr. Devine after gaining neighborhood confidence. Mr. Devine was paying for past practices of Slick Ricks.

Ms. Winquest expressed concerns that the plans would be completed as Mr. Devine had discussed. She questioned addressing complaints. She believed that Mr. Devine's heart was in the right spot. Commissioner Stockton explained that conditions placed on a liquor license assist when there were issues. There were no guarantees.

Commissioner Petersen stated that he was impressed with Mr. Devine's rapport with the neighbors and his desire to work with the neighborhood.

Commissioner Tompkins stated the Commissioner's intent was to address complaints.

Commissioner Buchanan stated that all conditions cannot be the same. He believed that most conditions would not be burdensome to the Police Department. The Liquor Commission would enforce same. Commissioner Stockton stated that the only exception would be noise.

Commissioner Stockton suggested having two (2) follow up hearings six (6) months after opening. He recommended one (1) in the winter and the other in the summer. Mr. Devine had not set an opening date.

Mark Huber, Director of PACE, addressed the Commission. He believed the proposal was fine. He looked forward to the estimated \$60,000 to \$70,000 of improvements. The building was in need of repair. A property maintenance repair order had been issued.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Public notice was published in the Pantagraph in accordance with City Code. In accordance with City Code, approximately seventy-three (73) courtesy copies of the Public Notice were mailed. In addition, the Agenda for the May 10, 2011 Meeting of the Liquor Commission was placed on the City's web site. There also is a list serve feature for the Liquor Commission.

FINANCIAL IMPACT: This would be a new TAPS liquor license as more than six (6) months has elapsed since Slick Rick's closed. Annual fee for a TAPS liquor license is \$2,210.

Respectfully,

Reviewed and concur:

Stephen F. Stockton
Chairman of Liquor Commission

Randall D. McKinley
Police Chief

Mayor Stockton introduced this item. He noted that there had been a bar, (Slick Rick's) at this location in the recent past. The Applicant had worked with the neighborhood. There had been a reconvened hearing before the Commission. He noted the number of conditions placed upon this application. The neighborhood supported this application with the conditions.

Alderman Schmidt noted the list of conditions, (there were twelve). She questioned who would enforce same. This would be a neighborhood bar. She added that the former bar had been problematic. If the Applicant did not sustain their efforts, it would fall to the neighbors. She was uneasy with this item. The Applicant had made promises and she believed they were sincere. She restated her concerns.

Mayor Stockton acknowledged the long list of conditions. The burden was on the Applicant. He noted the cost of the fence which would address noise, litter and pedestrian traffic. It would also discourage parking on residential streets. He addressed the conditions which were easier to enforce. The Commission did monitor conditions. He reminded the Council that the Commissioners were volunteers. The Police Department was the enforcement arm of the City. He acknowledged that this department had more serious duties. The City relied on citizen complaints.

Alderman Anderson initially had concerns regarding this application. He noted the past issues with Slick Rick's. He believed that an agreement had been reached between the neighbors and the Applicant. The neighbors would police the conditions. The Commission

would hold the Applicant responsible. He believed at the end of the Liquor Hearing that comments heard were neutral to positive. He wanted to see this business be successful. He planned to monitor same. He added that the Applicant willingly accepted the conditions.

Alderman Sage addressed the City's Strategic Plan. One of its goals was promoting strong neighborhoods. He believed that these conditions placed the burden on the neighbors to maintain a good quality of life. He specifically addressed Condition 5.) installation of an interior sound baffling barrier. He did not understand this condition's impact upon quality of life. He also cited Condition 7.) no gang apparel or apparel to indicate other affiliations outside that might cause disruption. He specifically questioned how to enforce and/or interpret this condition. He echoed Alderman Schmidt's concerns regarding interpretation and enforcement of conditions. Mayor Stockton noted that the neighbors requested Conditions 5 and 7. He added that Condition 7 addressed dress code rules. Alderman Sage questioned the validity of dress codes. He restated his concern regarding interpretation and enforcement. Mayor Stockton restated that the Commission can address citizen concerns if brought to the Commission's attention. The conditions were drafted to address the spirit of the neighborhood's concerns. He acknowledged that all of them were not precise. Alderman Sage believed that the neighbors wanted the business to be successful. He restated his concerns regarding interpretation and enforcement. He planned to vote on this item. Mayor Stockton stated that he was open to Council ideas. The Commission put forth its best effort regarding this application.

Alderman Fazzini questioned the issues of liquor violations and related penalties, and license revocation. He questioned the number of times for liquor violations and the impact upon the penalty and/or revocation. Mayor Stockton noted that the Commission looked to case law. Penalties must be progressive. The Commission considered any aggravating and/or mitigating factors. The general fine for a first offense was \$300. Three (3) offenses within a three (3) year period meant that license revocation was possible.

Alderman Fazzini noted the previous business at this location, (Slick Rick's). Mayor Stockton stated that the City had put pressure on the former license holder who chose to close the business. Alderman Fazzini believed that there were too many conditions.

Alderman Schmidt stated that her concern regarding conditions addressed enforcement of same and related penalties. She noted that there were issues with the former business at this location, (Slick Rick's). She believed that penalties needed to be more severe. She wanted this business to be successful. She did not believe that the Applicant could live up to these conditions. She questioned who would police this business. She also questioned management of liquor licenses. Mayor Stockton restated that the Council had the option to amend the conditions and/or deny the application. He added his concern that currently this building sat vacant. He summarized that the Council had concerns regarding the Commission's ability to follow up on the conditions. The Council was also interested in enforcement of these conditions with an appropriate penalty for violating same. He had heard the Council's concerns but added that the Council did not appear willing to mediate.

Mayor Stockton addressed condition violations. Generally, this type of violation started with a conversation between the Commission, City staff and the license holder. He compared conditions to a contract between the City, the license holder and the surrounding neighborhood. If conversations are unsuccessful, then the Commission handles future complaints as license violations.

Mayor Stockton noted that a number of the conditions listed would be resolved prior to the business opening. He specifically cited Conditions 1.) a six foot (6') high solid fence, made from opaque wood material be installed on the south and west perimeters prior to issuance of license; 2.) the fence would not allow vehicle/pedestrian traffic from the south and west side; 5.) installation of an interior sound baffling barrier; 10.) creation of a double vestibule door on the west side; and 11.) no outdoor patio will be allowed. Other conditions addressed the business operations. He cited Conditions 3.) live and/or amplified music shall cease at 11:00 p.m.; 4.) no open windows or doors during live/amplified music; 6.) the selling of packaged alcohol from the liquor store shall cease at 11:00 p.m.; and 9.) ongoing maintenance/clean up of the interior and exterior. The City would rely upon the neighbors to contact same regarding any issues with these conditions.

Alderman Schmidt expressed her belief that citizens do not know how to contact the City with their concerns. She restated her interest in clarification regarding penalties for condition violations.

Alderman Stearns expressed her belief that conditions were not enforceable. She cited enforcement of code violations as an example. The City needed to be good for its word. She questioned how these conditions would be interpreted and enforced. She believed that there was a proliferation of liquor licenses. She added her concern regarding the conditions. She acknowledged the role of the Liquor Commission. She added her respect for the City's various boards and commissions. However, she had fundamental concerns regarding the Liquor Commission. Mayor Stockton noted that a number of City ordinances were subject to interpretation. He cited the hours spent by the Commission, the Applicant and the neighbors to craft this recommendation for the Council.

Alderman Fruin expressed his opinion that the Council was struggling with this application because there was a lack of support for same. He believed that the City and the neighborhood needed to reach agreement regarding how to proceed. He understood the logic of Conditions 1.) a six foot (6') high solid fence, made from opaque wood material be installed on the south and west perimeters prior to issuance of license; 2.) the fence would not allow vehicle/pedestrian traffic from the south and west side; 5.) installation of an interior sound baffling barrier; and 10.) creation of a double vestibule door on the west side. He acknowledged that other license holders had conditions upon their liquor license similar to Conditions 3.) live and/or amplified music shall cease at 11:00 p.m.; 4.) no open windows or doors during live/amplified music; 6.) the selling of packaged alcohol from the liquor store shall cease at 11:00 p.m.; and 8.) security on the west door entrance. He added his belief that Conditions 7.) no gang apparel or apparel to indicate other affiliations outside that might cause disruption; and 9.) ongoing maintenance/clean up of the interior

and exterior would be a challenge to enforce. He added his belief that Condition 7 would lead to confrontation between bar staff and its patrons.

Alderman Fruin added that if this application is denied then the building would remain vacant. He expressed his opinion that renovation/rehabilitation of this building would be a big project. He believed that it was possible to have a good neighborhood bar. He cited the following businesses as examples: Gill St. Sports Bar & Restaurant, 3002 B Gill St.; Schooners, 806 E. Grove St.; and Western Tap, 1301 N. Western Ave. He noted that there had been enforcement issues at two (2) of these businesses.

Alderman Anderson expressed his opinion that the Council was prejudging the Applicant. He noted that the neighborhood was willing to work with same. He believed that the Council was being unfair. He stated his intention to vote in favor of this application.

Alderman Sage believed that he had made a fair observation. He believed that there were three (3) principals/themes/ideas, (1. XXXX; 2. XXXX; and 3. enforcement). There was no traction on how to correct. He did not see any results. This had been an ongoing conversation. Mayor Stockton reminded the Council that the Commission operated under the City's existing ordinances. The Commission attempted to be sensitive to the neighbors' needs. He believed that the Applicant was paying the price for the former liquor license holder. Many licensed establishments live by their conditions. The world was not perfect. There will be violations and the majority are complaint driven.

Alderman McDade acknowledged the interaction between the Applicant and the neighborhood. She expressed her opinion that there was a disconnect between the Council and Commission. She noted the Joint Meeting held on January 11, 2011. She believed that there needed to be a follow-up meeting. She believed that change was needed. There needed to be a response to the Council's concern that liquor issues were complaint driven. The Commission needed to be proactive. She believed that the three (3) main issues were 1.) safety; 2.) cleanliness; and 3.) noise. She recommended that the City develop a hot line. There should be a review process which would be conducted in the sunshine. The City needed to provide information regarding how to address concerns to the Commission. The Commission needed to make information readily available, (liquor code, license conditions, etc.) The Commission needed to engage citizens and make them a part of the process. The Commission needed to adopt a proactive attitude. In addition, the Commission needed to enforce conditions. The City wanted to provide a positive business environment. At this time she did not believe this was so. She believed that being proactive was easy. The Commission needed to partner with neighborhoods.

Mayor Stockton noted that the Commission did address enforcement issues. He cited the Commission's efforts addressing condition issues involving Fat Jack's located at 507 – 511 N. Main St., and Six Strings located at 525 N. Center St. City staff could develop a hotline. He would not support the Commission conducting regular patrols. He restated that the majority of enforcement issues were complaint driven.

Alderman McDade again cited the January 11, 2011 Joint Meeting. She recommended that the Mayor increase the number of Commissioners. The Commission should research other cities liquor ordinances, issues, etc. The Commission could change the Liquor Hearing format. She believed the answer was simple. The Commission needed to do something.

Alderman Purcell noted the liquor establishments cited by Alderman Fruin. He believed that there were six (6) tavern liquor licenses in his ward. Each were neighborhood businesses which also served food. He noted that Sidetracked would not be allowed to have outdoor music. It appeared that Sidetracked would not offer food for sale. There was a "P", Packaged, liquor license in his ward which did not have any time limitations. Ride the Nine located at 502 N. Prospect, Suite 304, had a dress code. He believed that the staff at Sidetracked would know what gang apparel was. If this application is denied, then there would be a vacant building. He was willing to support this application with a review within six (6) months. He added his concerns regarding bar patrons smoking outside the establishment as this would create a noise issue. He cited the possible impact upon the neighborhood. He added his concern regarding the possibility of the Council not taking any action on this application.

Alderman Schmidt stated that she did not have any concerns regarding the conditions. The issue was that there was no process in place for a regular review of same. She believed that the conditions were a contract between the City, the business and the neighborhood. The Commission needed to develop a process and be clear about the consequences. This was her concern. Mayor Stockton expressed his belief that in order for the City to address these concerns there would need to be a text amendment to City ordinance. He restated that the Commission relied upon complaints. He added that a license holder has the right to appeal any penalty imposed by the Commission to the State Liquor Control Commission.

Alderman Fruin expressed his concern regarding the investment in this business. The Applicant would need more than six (6) months. He believed that there was the potential for further compromise.

Alderman Anderson believed that it was important for the Council to vote on this item.

Alderman Fruin believed that the primary issue was adherence to the conditions. The Commission's understanding and belief was that it would happen. He believed that further action was needed between the Council and Commission.

Todd Greenburg, Corporation Counsel, addressed the Council. He recommended that the item be denied and remanded back to the Commission. The Council could also choose to lay this item over for a specified purpose to a date certain.

Alderman Schmidt questioned a proposed remedy. Mr. Greenburg noted that the Applicant, neighbors, Liquor Commissioner/Mayor and Council were all present this evening.

Mayor Stockton requested specific objections from the Council. He noted the City's liquor license application. He believed that the Commission's process had been proactive. It was noted at the January 11, 2011 Joint Meeting that the Commission and Council did not see things eye to eye.

Alderman Fazzini believed that the Council and Commission should visit again to reach joint consensus. He believed that the Council was objecting to the process. The Council and Commission needed to iron out their differences. He noted that there had been disagreements between the two (2) groups.

Mayor Stockton restated that he needed specific ideas regarding how to improve. He believed that the issues had been addressed. The Council appeared to want to be made aware of any/all liquor violations.

Alderman Anderson stated that the Council needed to say what it wanted this evening. It appeared that the Council would be unwilling to grant this application until the issues were resolved. He questioned if the Council did not believe that the Commission's fine structure was aggressive enough. The Council expected the Commission to issue aggressive penalties. He had attended Commission meetings. A small number of license holders were creating problems. He restated that the Council's intention was to deny any/all applications until the issues were resolved.

Alderman Mwilambwe stated that he was unfamiliar with the history at this address. He was also not familiar with the history of the Commission's actions. He believed that the Council should deny any/all applications until all issues were resolved. The Council needed to be consistent.

Alderman Purcell noted that the Applicant did not plan on operating a rowdy roadhouse with a parking lot. He added that Sidetracked needed to offer food service. The neighborhood was concerned about the environment.

Alderman McDade noted that the Commission and Council had responsibility for liquor license applications. The situation was unique as the Mayor also served as Liquor Commission. The City needed to be consistent and fair by resolving issues between the Council and Commission. She did not believe that the Council should grant any/all applications until there was a time line and a plan. The Commission needed to address the Council's concerns. She did not want to be in this situation again.

Mayor Stockton offered to review the January 11, 2011 Joint Meeting minutes. The Commission would continue to be proactive. The Commission would work with the Police Department to streamline the complaint process.

Alderman McDade restated that the Commission needed to look at other cities' Liquor Commissions. The Council and Commission needed to work together. The Commission should expand its composition. She believed that specific ideas had been provided.

Alderman Schmidt addressed Alderman Mwilambwe's comments. She was not opposed to issuing liquor licenses. She did not want to issue any additional liquor licenses until there was a process in place to insure that conditions were met.

Alderman Fruin suggested that the Council consider fairness to the Applicant. The Council should not make blanket statements but provide a time frame. He recommended the Council's August 8, 2011 meeting.

Alderman Fazzini noted the length of Council discussion on this item. He believed that conflict resolution may be needed to bring the Council and Commission together.

Alderman Anderson clarified that it appeared that any liquor license application with conditions would be laid over until the Council's August 8, 2011 meeting. Alderman Fazzini expressed his understanding that each application would be addressed on an individual basis. Mayor Stockton believed the issue was conditions which addressed business operations. Alderman Fruin clarified that his comments only applied to this application. He believed that it would be unfair for the Council to issue a sixty (60) day moratorium on liquor licenses. Mayor Stockton noted that he had heard general problems which would be applied specifically to this application.

Alderman Sage stated that he planned to vote no for any/all liquor license applications. The process needed to be more rigorous. He addressed Downtown liquor licenses. He questioned best practices of other college towns and/or cities. He believed that there were a variety of opportunities. He cited model ordinances, best practices, and professional organizations. The Commission needed to do staff work. Mayor Stockton had recently attended the US Mayors Conference. He had spoken with mayors from communities of similar size. The City's problems were not unique. There was no typical solution to same. The Council needed to determine which problems to regulate. He offered to follow-up with the Commission. He again requested the Council's assistance in the area of direction and/or specific concerns.

Alderman Purcell cited Carbondale as a college town. He believed that it had a program.

Motion by Alderman Fruin, seconded by Alderman Schmidt to call for the question.

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

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

Nays: Alderman Anderson.

Motion by Alderman Schmidt, seconded by Alderman Fruin that this item be laid over until the Council's August 8, 2011 meeting and the City Council and Liquor Commission clarify a process for monitoring and enforcing ongoing non specific conditions.

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

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

Nays: Alderman Anderson.

Motion carried.

David Hales, City Manager, addressed the Council. His presentation regarding the 2011 Action Agenda would be postponed. A change order was needed to expand the scope of the Locust St. CSO (Combined Sewer Overflow) Elimination/Water Main Replacement project which was currently out for bid and scheduled to open on August 2, 2011. He noted the various deadlines involved with this project. The request for the change order would appear on the Council's July 11, 2011 meeting agenda. Jim Karch, Director – Public Works, would address the Council regarding this change order.

Jim Karch, Director – Public Works, addressed the Council. The change order involved Country Club Pl. The change order would involve street resurfacing, curb & gutter, and street light replacement. He noted the need for Council's consensus. Mr. Hales noted the percentage of the street which would be disturbed to install the new sewer and water main. Mr. Karch noted the trench sizes for each, (sewer – twelve to fourteen feet/12' – 14' and water main – four to six feet/4' – 6'). The issue was timing. This project was currently out for bid. He noted the short time frame. Bid approval at the Council's August 22, 2011 meeting. Bids sent to the IEPA, (Illinois Environmental Protection Agency) for approval by September 1, 2011. Loan approval and acceptance by the IEPA by September 30, 2011. He presented the Council with two (2) options. He added that survey and design work would need to be completed. He noted the additional design fees, (Option 1 - \$55,000 and Option 2 - \$85,000). City staff recommended Option 1 with an estimated cost of \$2,100,000. The IEPA loan would cover \$1,300,000 of this cost. The City would have to fund the remaining \$800,000 plus the design fee. This Option would be included in the bid as an alternative. The City would use MFT (Motor Fuel Tax) Funds to cover the costs not covered by the IEPA loan. The City must use a different funding mechanism to cover these costs.

Mr. Hales added that City staff was informed of this opportunity this date. He hoped to have the design consultant begin work on the bid alternative. He added that this change order would impact the City's MFT Fund for the next two to three (2 – 3) years. The City's MFT Fund was over committed. A complete analysis would be presented to the

Council at their July 11, 2011 meeting. He believed that this action was prudent. He expressed his concern due to the condition of the pavement. He added that there would be a presentation and discussion regarding street funding in August 2011. The City's older streets needed to be updated to current City standards. The City needed a good model to address all infrastructure, (water mains, sewers, streets, curb & gutter, and sidewalks). The Council needed to give City staff direction as soon as possible or the opportunity would be lost. He questioned if there was any opposition.

Alderman Sage questioned the cost for street lighting, (\$190,000). Mr. Karch noted the age of the existing system and City staff inability to maintain same. Alderman Sage requested that City staff consider the trade off – operation and maintenance of the existing system versus installation of a new system. He expressed his support for the change order and recommended that City staff move forward.

Mayor Stockton questioned if the two (2) items could be separated into two (2) projects.

Alderman Fazzini questioned if refinancing the US Cellular Coliseum bonds would have any impact upon this project. Mr. Hales responded negatively. Mr. Karch informed the Council that the City would receive an additional \$325,000 in MFT dollars from IDOT, (Illinois Department of Transportation) through Illinois Jobs Now.

Alderman Purcell questioned the purpose of this project. Mr. Karch noted CSO overflow. This project was part of a larger master plan to eliminate the Locust/Colton CSO, (separation of storm and sanitary sewers).

Mayor Stockton encouraged the Council to think about this item.

Alderman Purcell questioned replacement of the existing traffic calming on this street. He also questioned if the curb would be replaced. Mr. Karch restated that the street would be reconstructed as the pavement had a rating of 3 (Poor). City staff would reach out to the citizens along Country Club Pl. The ADT (Average Daily Traffic) had been 5,000 vehicles per day. After traffic calming, the volume was reduced to 1,000 vehicles per day. The average speed along Country Club Pl. was twenty-five miles per hour (25 mph).

MAYOR'S DISCUSSION: Mayor Stockton informed the Council that he had attended the US Conference of Mayor in Baltimore. This conference was for mayors only from big, medium and small cities. He cited a variety of main issues: green programs/energy costs; budgets; managed competition; infrastructure; reduced assistance from the federal and state governments; economic development; jobs and job training; transportation; and high speed rail.

He had received the Zoo Foundation's Annual Report. 2010 had been a good year. The report would be available for Council review.

CITY MANAGER'S DISCUSSION: David Hales, City Manager, informed the Council that there would be a Joint Meeting with the Public Library Board on July 11, 2011 at the Public Library. An agenda and supporting documentation would be provided. He planned to provide tax levy history. The Library would provide its Strategic Plan.

ALDERMEN'S DISCUSSION: Alderman Stearns informed the Council that she had attended the Central Illinois Municipal Officials Association meeting.

Alderman Sage questioned the Council's Consent Agenda and the Mayor's proposed Council rules. He was concern about the ability to abstain from an item without having to remove same from the Consent Agenda.

Alderman Anderson thanked Jim Karch, Director – Public Work, for the streets which were resurfaced in the Miller Park area.

Motion by Alderman Anderson, seconded by Alderman McDade, that the meeting be adjourned. Time: 10:11 p.m.

Motion carried.

Tracey Covert
City Clerk