

Council Questions/Comments and Staff Responses Report for February 11, 2013

as of February 11, 2013 at 9:30am

GENERAL QUESTIONS/COMMENTS:

Alderswoman: Karen Schmidt

Comment: I have no questions at this time regarding our February 11 agenda. However, I will appreciate your addressing Lutz Road in your discussion of street resurfacing (item 9A). My recollection is that this road needs a re-build, similar to Truckers Lane. Could you provide us with an estimate of cost and possible scheduling of work, in response to the concerns we are receiving?

Staff Response: City Manager Hales will discuss during his General Street Resurfacing Project for CY2013 remarks this evening.

CONSENT AGENDA:

Alderman: Rob Fazzini

Item 7D: Analysis of Bids for one (1) 2013 Chevrolet Volt for Water Department's Water Purification Division

Comment: I appreciate the forward planning indicated by the fact that the expenditure was budgeted and competitive bids were obtained. The electric car with gas option appears to be a well thought out option.

Alderman: Rob Fazzini

Item 7E: Application of Auctus, LLC, d/b/a Parke Hotel, located at 1413 Leslie Drive for an RAS liquor license, which will allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week

Comment: The requirement that BASSET certification will be required within 90 days sends a good message to all current bar owners regarding the likely attention the City of Bloomington will place on the training in the future.

Alderman: Rob Fazzini

Item 7G: Review of Petition submitted by James A. Shirk and Beer Nuts, Inc., requesting approval of a Rezoning from M-1, Restricted Manufacturing District to B-1, Highway Business District, for property commonly located at 911 and 921 E. Washington Street

Comment: The discussion pointing out the negatives to the neighborhood appears to have been properly considered versus the advantages to the City of Bloomington resulting in an 8 to 0 vote in favor of the petition.

Alderswoman: Judy Stearns

Item 7G: Review of Petition submitted by James A. Shirk and Beer Nuts, Inc., requesting approval of a Rezoning from M-1, Restricted Manufacturing District to B-1, Highway Business District, for property commonly located at 911 and 921 E. Washington Street

Question: On the Foundry project, I would like to think we could still allow a citizen to speak to their elected officials since the zoning board and planning commission are not elected. Please remind me exactly what the rule is that no longer allows the public to speak on matters already decided by a board? At the very least, I want to be sure they understand why they cannot speak and when that rule was voted in. Thank you.

Staff Response: Chapter 2: Section 26: Final Action of Matters After Public Hearing-Limitation of Rehearing.

- (a) Except as otherwise provided by law or ordinance, The City Council shall not rehear matters which matters have been referred to any body, agency, or person for public hearing (Ordinance No. 1981-71)
- (b) The provisions of subsection (a) notwithstanding, the City Council may, upon passage of a proper motion to suspend the rules, permit one spokesman for each side a limited period of time not to

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exceed five (5) minutes to summarize his or her side's position to the City Council. (Ordinance No. 1981-71)

- (c) When, in the judgment of the City Council, unique circumstances require, The Council may upon a proper motion to do so suspend the operation of this Section. (Ordinance No. 1981-71)
- (d) This provision is directory, and the failure of the City Council to follow its provisions in any matter before it shall not be grounds for invalidation of any action taken on such matter. (Ordinance No. 1981-71)

Alderman: Rob Fazzini

Item 7H: Review of Petition submitted by James A. Shirk and Beer Nuts, Inc., requesting approval of a Special Use Permit for the Foundry, a Mixed Use Development for property commonly located at 911 and 921 E. Washington Street

Comment: Same as 7G except the unanimous vote in favor of the petition was recommended by the Zoning Board of Appeals.

Staff Response: Same response as 7G under Alderwoman Judy Stearns.

Alderwoman: Judy Stearns

Item 7H: Review of Petition submitted by James A. Shirk and Beer Nuts, Inc., requesting approval of a Special Use Permit for the Foundry, a Mixed Use Development for property commonly located at 911 and 921 E. Washington Street

Comment: Same question as 7G under Alderwoman Judy Stearns.

Staff Response: Same response as 7G under Alderwoman Judy Stearns.

REGULAR AGENDA:

Alderman: Rob Fazzini

Item 8B: Motion to remove Managed Competition Policy from the table

Question: After 3.5 years of discussing, it is time to make a decision and move on to other matters. Our staff and employees deserve to have a clear decision regarding managed competition. Upcoming elections should have no consideration in the timing of this long delayed decision. The emphasis on quality of work over simply looking at cost has been made quite clear. Employee morale should be positively affected with a policy that clearly emphasizes quality of work. Further, the fact that the City of Bloomington recently implemented the system of one driver trucks for refuse pick up at significant cost for specialized trucks should further improve employee morale. Why? Because it indicates that management wants to help its employees be as efficient as possible relative to the private sector.

Staff Response: The City has implemented new *recycle* trucks (not refuse trucks) which remain a system of a one person operation for recycle pickup. The City has ordered five (5) refuse trucks with an anticipated delivery of August 1, 2013 which will reduce from a three person operation to a one person operation for the majority of solid waste collection.

Alderwoman: Judy Stearns

Item 8B: Motion to remove Managed Competition Policy from the table

Question: On the Managed Competition ordinance, I will have a few questions, but particularly, help me understand exactly what has changed since the last time this was last discussed?

Staff Response:

1. At least one Alderman objected to the Managed Competition Policy on grounds of language which, in the view of that Alderman, should be revised prior to adoption of the policy. The Alderman, and the Council, recognized that it is difficult for the Council to redraft language at the Council meeting itself. At least one of the reasons for tabling the policy was to give the staff and the interested Aldermen a chance to suggest alternative language to the policy.

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2. Two Aldermen were absent because of health reasons from the discussion of the Managed Competition Policy. A matter of this importance should include input from the full City Council.
3. The City's collective bargaining management teams are negotiating union contracts proposing language permitting the adoption of managed competition policies. City staff needs to know in the very near future whether to continue to propose such language. A 100-day delay in deciding whether to pursue a policy of managed competition is unfair to both City and union negotiating teams.

Prepared by: Barbara J. Adkins, Deputy City Manager