COUNCIL- MANAGER FORM

Proceedings of the Council of the City of Joliet, Illinois held on the 15th day of November, A.D. 2010

PRE-COUNCIL MEETING of the Council of the City of Joliet, Illinois held on Monday, November 15, 2010 at 3:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR ARTHUR SCHULTZ and DISTRICT 4 COUNCILWOMAN SUSIE BARBER, DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, DISTRICT 3 COUNCILMAN JOHN GERL, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN and COUNCILMAN AT LARGE MICHAEL F. TURK.

ABSENT: DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA.

ALSO PRESENT: CITY MANAGER THOMAS A. THANAS and CORPORATION COUNSEL JEFFREY S. PLYMAN.

COUNCILMAN SHETINA arrived at the meeting after the roll call.

The City Manager asked for the Mayor and Council's indulgence in moving several items up on the agenda due to the presence of interested individuals.

The City Manager first explained Council Memo #886-10 dealing with the Vacation of a 120' x 270' Portion of a Storm Water and Detention Easement in Oak Leaf Center Unit 8 Subdivision.

Attorney Michael Wojtak was present on behalf of the petitioner, GT Development Partnership.

It was requested that this item be voted on today.

1. AN ORDINANCE Approving the Vacation of a 120' x 270' Portion of a Storm Water and Detention Easement on the South Side of Oak Leaf Street at the Intersection of Oak Leaf Court as recommended by the Plan Commission was presented and read. (#V-7-10/Dist. #3)
   (Council Memo #886-10)

COUNCILMAN BROPHY moved that said Ordinance be adopted.

Motion seconded by COUNCILWOMAN QUILLMAN.
Motion carried by the following vote:
AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR SCHULTZ.
NAYS: NONE.
(ORDINANCE NO. 16725)

The City Manager then explained Council Memo #885-10 dealing with the Vacation of Parts of Shelby and Pleasant Streets and a Portion of a North and South Alley located Southeast of Route 6 and Jasper Street. He said this is a follow up to action the Council took a few weeks ago on vacating a street that was platted but not used at the request of Ozinga Concrete Company. He said staff at the time indicated that there would be a follow up to clean up some small

corner cuts and clips that had not been formally vacated and this will vacate three small pieces that were mentioned at that meeting.

Mr. Barry Voorn of Ozinga Brothers, Inc. was present on behalf of the petition.

COUNCILMAN GIARRANTE stated that a few weeks ago he had asked about Shane Gordon, who owns the apartment building that continues to get flooding when it rains, and whether anything has been done to alleviate the problem.

Mr. Voorn stated that Ozinga does have plans in place to address the drainage issue there by putting in an additional sewer running to the south, and part of that is related to the recent petition that Ozinga had to vacate part of Center Street.

COUNCILMAN GIARRANTE asked what the time frame is for that to be completed.

Mr. Voorn stated that as soon as they have approval that they believe they need from the Army Corps of Engineers and the street is vacated, they will be ready to start the process.

COUNCILMAN GIARRANTE asked what will be done if they do not receive the approval because this gentleman is getting water every time it rains.

Mr. Voorn stated that the Army Corps is telling Ozinga that it may be possible that the approval is not needed so the question is whether they have to get an approval from them. He said if they do not have to get an approval from the Army Corp then everything is good to start.

It was requested that this item be voted on today.

2. AN ORDINANCE Approving the Vacation of Parts of Shelby and Pleasant Streets and a Portion of a North and South Alley Located Southeast of Route 6 and Jasper Street as recommended by the Plan Commission was presented and read. (#V-6-10/Dist. #5)
<u>(Council Memo #885-10)</u>

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN TURK.
Motion carried by the following vote:
AYES: COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER and MAYOR SCHULTZ.
NAYS: NONE.
<u>(ORDINANCE NO. 16726)</u>

The City Manager then explained Council Memo #895-10 dealing with a Neighborhood Stabilization Program Agreement and the Conveyance of the Property Located at 619 N. Center Street to MorningStar Mission Inc. to provide rental housing for low-income households earning 50% or less of area median income.

Executive Director Marilyn Farmer was present on behalf of Morning Star Mission.

It was requested that this item be voted on today.

3. A RESOLUTION Authorizing the Execution of a Neighborhood Stabilization Program (NSP) Agreement Between the City of Joliet and MorningStar Mission, Inc. and the Conveyance of the Property Located at 619 N. Center Street to MorningStar Mission, Inc. was presented and read.
   (Council Memo #895-10)

COUNCILMAN SHETINA moved that said Resolution be adopted.

Motion seconded by COUNCILMAN DORRIS.
Motion carried by the following vote:
AYES: COUNCILMEN DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY and MAYOR SCHULTZ.
NAYS: NONE.
(RESOLUTION NO. 6449)

The City Manager then explained Council Memo #893-10 dealing with an Amendment to the Agreement with Billie Limacher Bicentennial Park, Inc.

Mrs. Billie Limacher was present on behalf of Bicentennial Park.

It was requested that this item be voted on today.

4. A RESOLUTION Approving and Authorizing the Execution of an Amendment to the Agreement Between the City of Joliet and Billie Limacher Bicentennial Park, Inc. was presented and read. (Extension of Agreement for 10 Years)
   (Council Memo #893-10)

COUNCILMAN GIARRANTE moved that said Resolution be adopted.

Motion seconded by COUNCILMAN TURK.
Motion carried by the following vote:
AYES: COUNCILMEN GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY, DORRIS and MAYOR SCHULTZ.
NAYS: NONE.
(RESOLUTION NO. 6450)

The City Manager then explained Council Memo #890-10 dealing with Lease Agreements with the Fraternal Order of Police and with the Heritage Corridor Convention and Visitors Bureau for the Southeast Building at the Billie Limacher Bicentennial Park that used to house the Visitor's Bureau. He said that these agreements would generate about $5,400 a year for the operation of the park and it would be a good fit.

FOP President Pat Schumacher and Mr. Bob Navarro of the Heritage Corridor Convention and Visitors Bureau were present to respond to questions.

COUNCILWOMAN QUILLMAN stated that there is a difference of 400 sq. ft. between the tenants but they are paying the same amount of money, and she asked about the difference.

The City Manager stated that it was probably just a convenient number. He said that it is about a 400 sq. ft. difference and there is some overlap because there is not a complete separation of the two workspaces; some areas can be locked but there is a sharing of facilities.

Director of Marketing and Communications Ben Benson stated that the FOP would also be able to utilize some of the conference space or equipment that the Heritage Corridor would have.

COUNCILWOMAN QUILLMAN asked if the 400 sq. ft. difference is a shared space.

Mr. Benson stated that the washrooms are common space and there are some common meeting areas.

Mr. Schumacher stated that the FOP had good negotiations with City staff regarding this and he wanted to point out that the FOP Lodge is not a union but they do share the space with the City's Patrolman Labor Union. He said they are prepared to sign the lease today if the Council approves it and he just wanted to make it known that no other labor organization within the City pay any rent to the City. He said he is not complaining or asking for anything, but he just wanted everyone to be aware of it.

COUNCILMAN BROPHY asked Mr. Schumacher if he was not happy with the negotiations.

Mr. Schumacher stated that he is happy and he thinks that it is a fair amount, but he just wanted the Council to be aware that the police is the only union that pays rent to the City for space. He said he feels he wouldn't be representing his people if he didn't at least make the Council aware of that.

COUNCILMAN SHETINA asked what the City gives to the other unions that they don't pay rent on.

The City Manager stated that none of the unions have any formal space. He said it might be a little different with the fire union because they have separate stations and he is sure that whoever those union presidents are have separate locations where they keep records. He said the City does not formally rent any space to anyone else. He said he thinks if, for example, Local 440 requested 1000 square feet in the ceramics building, the City would not give it to them for free. He said we would charge a comparable rent to any other union.

COUNCILMAN SHETINA asked where the FOP gets the money to pay the rent.

Mr. Schumacher stated that they use the money from membership dues and fundraisers like the spaghetti dinner and golf outing.

COUNCILMAN SHETINA asked if the rent is a hardship for the FOP to pay.

Mr. Schumacher stated no and it is more than reasonable.

It was requested that this item be voted on today.

5. AN ORDINANCE Authorizing the Acceptance of a Lease Agreement with the Heritage Corridor Convention and Visitors Bureau and a Lease Agreement with the Fraternal Order of Police for the Southeast Building at the Billie Limacher Bicentennial Park was presented and read.
(Council Memo #890-10)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILWOMAN QUILLMAN.
Motion carried by the following vote:
AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY, DORRIS, GERL and MAYOR SCHULTZ.
NAYS: NONE.
(ORDINANCE NO. 16727)

The City Manager then explained Council Memo #887-10 dealing with a Variation of Use to Allow the Continuation of a Two-Unit Residence Located at 1250 Elizabeth Street.

Mr. John Gasparic was present on behalf of the petition.

It was requested that this item be voted on today.

6. AN ORDINANCE Approving a Variation of Use to Allow the Continuation of a Two-Unit Residence in an R-2 District Located at 1250 Elizabeth Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That the property not be expanded in the future; 2) That off-street parking for 3 cars remains in the future; 3) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Variation of Use; 4) All Neighborhood Services violations shall be corrected within 60 days; and 5) Whether or not there is an intention to abandon the variation of use, if any variation of use is discontinued for a continuous period of one year, or if an intent to abandon the variation of use is evident in a shorter period of time, the variation of use shall become void, and such use shall not thereafter be re-established unless a new variation of use is obtained. (#2010-53/Dist. #4)
(Council Memo #887-10)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN TURK.
Motion carried by the following vote:
AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY, DORRIS, GERL, GIARRANTE and MAYOR SCHULTZ.
NAYS: NONE.

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(ORDINANCE NO. 16728)

Fire Chief Joe Formhals then explained Council Memo #906-10 dealing with Awarding a Contract to R. Berti Building Solutions for the Construction of Fire Station No. 3 for the guaranteed maximum price of $1,759,120.78.

Chief Formhals stated that the Fire Department applied for a fire station construction grant in September 2009 and they were awarded that grant in the amount of $1,160,000. He said that earlier this year he came to the Council and asked to solicit bids for a construction manager to build the new fire station and Berti Construction was chosen. He said they have been working with the project architect Bret Mitchell and with Rich Berti to put together 23 different bid packages on different phases of the project which were sent out to approximately 154 different companies that were invited to bid on some portion of the project. He said the bids are back and they have a guaranteed maximum price established for the construction of the fire station. He said they were working with a $1.76 million budget and that is about where the construction cost is at. He said the Council memo has a breakdown of the general construction conditions, the general trades, the mechanical trades, the architectural and engineering fee and they are happy to announce that out of the 23 bid packages that went out, 19 were local and 8 different Joliet firms will receive a portion of the project and a number of firms from throughout Will County will be doing the sub-contracting on the project. He said that was their goal when they went with the construction manager form of the project; they wanted to keep it local and employ local people that possibly were out of work.

COUNCILMAN GIARRANTE asked the Fire Chief to explain the difference between the materials testing allowance and the actual costs.

Chief Formhals stated that there were a few areas that they put allowances on and they set those somewhat high because they don't want to have to come back to the Council later with any type of upgrades. He said they have done their due diligence in looking at the project with the construction manager and architect and they have the hard numbers that are in the general trades for the different work packages that will be awarded.

Chief Formhals then explained the pricing breakdown for the project.

COUNCILMAN GIARRANTE stated that at the Public Safety Committee meeting, it was made clear that if a change order arises and it is not the City's fault or the City has not requested to make changes, then the City is not going to be required to pay for it. He said these bids are hard numbers and if change orders come up then it should not be at the City's cost.

Chief Formhals stated that the only time that would happen would be if there was a change in the scope of the project and then the City would be responsible for that. He said they have looked at this and they don't foresee any changes in the scope.

COUNCILMAN TURK asked what the time frame would be for breaking ground and completing the project if it does get approved.

Chief Formhals stated that they would like to break ground and get the project underway as soon as possible. He said the idea would be to get the excavation done, pour the footings and then start working with the framing and such and they anticipate being able to work through the winter.

COUNCILMAN SHETINA stated that there are three contractors from outside the area and he asked if there was something special being done that it isn't someone local.

Chief Formhals stated that for the roofing, vendors from Joliet, Crest Hill and Lake Zurich were invited to bid and the Lake Zurich bid was $3,000 less than the Crest Hill vendor and $6,000 less than the Joliet vendor. He said for the floor coatings, six vendors were invited to bid, three submitted bids and the one Joliet vendor submitted an incomplete bid, so the next lowest bidder was from Carol Stream.

COUNCILMAN SHETINA asked if the bid documents were understandable as to what they were doing or were they complicated.

Chief Formhals stated that he believes that the bidder left information out when they were estimating the cost.

COUNCILMAN SHETINA asked about the bidder for the cabinetry and countertops.

Chief Formhals stated that there were nine vendors invited to bid and there were two Joliet firms, a Shorewood firm, a Lockport firm and a Channahon firm that did not submit bids. He said there were only two bids received for cabinetry, the low bidder from North Aurora and another company in Aurora.

COUNCILMAN BROPHY stated that the phone system seems to be quite expensive and he asked if the $40,000 is just for the phone system and computer network.

Chief Formhals stated that the technology package is $13,437 which is the cost to run the conduit, phone lines and data cables to the different rooms in the building itself. He said the $40,000 covers the cost of the actual phones and it is also an estimate to cover the wireless internet that runs the phone system for the City of Joliet.

COUNCILMAN BROPHY asked if the funds set aside as change order money will be spent on change orders.

Chief Formhals stated that is the money that is budgeted for change orders if they happen, but hopefully they will not occur and that money will not be spent.

COUNCILMAN BROPHY stated that if we do the project then the items on the last page of the memo that are not included in the project price are going to have to be purchased, and he asked what the cost is for those items.

Chief Formhals stated that the Fire Department's plan is to move the majority of the equipment over from the current Station 3. He said they are going to have to purchase a dishwasher because there is not one currently at Station 3 but the plan is to bring the other appliances to the new station.

COUNCILMAN BROPHY asked what is being done about the sign for the outside of the station.

The City Manager stated that the City has reached an agreement with Chicagoland Speedway to have them donate the sign. He said the Speedway

will be paying for it and in exchange they will have some messaging opportunities during race weeks and some directional things that will be to their benefit. He said they are also paying for the relocation of a fence and of course, they donated the land for the station which was through an agreement that was reached in 1996 where there was a two acre commitment to donate land knowing that there was going to be the need for a fire station out this way some day.

COUNCILMAN BROPHY asked why the City doesn't need the Builder's Risk Insurance.

The City Manager stated that the City is self-insured and they will look into it, but they don't believe there is any need for it. He said they will look at the risk and see if they need a separate insurance policy covering the building during construction.

COUNCILMAN BROPHY asked who is responsible for doing the diligence on the insurance for each contractor.

The City Manager stated that Rich Berti will be handling all of that; he has gone through to make sure he has qualified sub-contractors working for him, and he will manage that paperwork.

COUNCILMAN GERL stated that he can see that the project is going to cost the City about $600,000 and there is a grant to cover the remainder of the project for $1.1 million. He said what he is trying to understand is the need for the project. He said there was a budget meeting a few weeks ago and the City is looking at a $15.7 million dollar budget deficit in 2011 and also over the last eighteen months, 120 employees have left and have not been replaced. He said to spend $600,000, he wants to make sure that there is definitely a need for the facility today. He said he recognizes that the City is getting a grant that does cover the majority of the cost, but grants are almost always available and he thinks that if there is not a need today then the City needs to consider if they should spend the $600,000 in light of the budget situation. He asked if additional personnel will be needed for the new station and what the growth is in the area.

Chief Formhals stated that what they have been dealing with is that Station 1 and Station 3 share a response area because they are so close together. He said they try to have a three mile radius as the coverage area from a station and there is about an 80% overlap in coverage between the two stations. He said as property was annexed down south, there was an agreement that called for a fire station on the south side of Joliet. He said the City has continued to build in the area and they would like to move Station 3 and close the station on Grover Street and then relocate the personnel to the new location to better service that area of the City. He said he realizes it is not as densely populated, but from a response standpoint they are not currently able to reach some of the areas to the south in a timely fashion and there is anticipated growth at CenterPoint. He said they have tried to create the same coverage throughout the City with the Fire Stations and the south is the area that is most deficient in coverage.

COUNCILMAN GERL asked what the response time is now for that area.

Chief Formhals stated that some of it is quite extensive for the areas by the Autobahn and CenterPoint and it takes about eleven to twelve minutes to get there from the current Station 3. He said the new station would help with that

time; it is still not going to be ideal but it is going to improve coverage there. He said what they have done in the last couple of union contract negotiations, to plan for this and the relocation of Silver Cross Hospital, is to place paramedic equipment on all of the engines so there are two Advanced Life Support Units responding out of each station so if the ambulance is out and there is another call in the area, the engine can respond and get that person checked out and ready for transport. He said they realized with the relocation of Silver Cross Hospital, for example, Ambulance Four is going to be transporting to St. Joe's Hospital more so it will be out of the response area for longer periods.

COUNCILMAN GERL stated that his concern is the budget deficit the City is facing and if this is needed today or if could possibly wait until the economy picks up more and the budget looks better. He said he hasn't decided one way or another and is certainly going to give Chief Formhals a call before tomorrow to discuss it a little further.

COUNCILWOMAN QUILLMAN stated that her concerns are very similar to COUNCILMAN GERL'S. She stated that her contention is that it would be taking a fire station out of a highly populated area and putting it in a location where there may not be a need for 10 to 12 years depending on the economy. She said she has asked several times if the City was going to receive contributions from the businesses in that area because in the long run this is going to reduce their insurance premiums if a fire station is closer to their business. She said this is going to benefit the businesses more than it is going to benefit the people of Joliet and according to the calls for service, Stations 1 and 3 are neck and neck so that is where the population is. She said when there are special events at the track or the Autobahn there are vehicles stationed there with the necessary equipment.

Chief Formhals stated that is correct but there are other occupied buildings there that have people working in them.

COUNCILWOMAN QUILLMAN stated that those are not the rooftops that were planned on. She said her other concern is that the grant was written with old figures so the grant was awarded for less money than what it would have cost to build a quality facility. She said in ten years when people are living there, will the fire station need to be updated by then.

Chief Formhals stated that it will not have to be updated by then. He said they are building a three-bay double deep station and it is state of the art and equally as functional.

COUNCILWOMAN QUILLMAN asked if it would last in the long term. She said there are houses built 100 years ago that are quality homes and then houses built today that don't last more than 20 years. She said as far as the bids, she was a little concerned that there were several Joliet vendors that did not bid. She asked if they knew the deadline because she can't imagine that in these economic times that they wouldn't at least try to bid.

Chief Formhals stated absolutely, they were called.

COUNCILWOMAN QUILLMAN stated that she had one complaint that the bids were due at 3:00 pm. on Veteran's Day which was considered a holiday.

Chief Formhals stated that the bids could have been submitted the day before. He said that Mr. Berti and Mr. Mitchell can attest that these bids come in four or five days before they are due.

COUNCILMAN DORRIS stated that they have been taking about relocating Station 3 for the past 12 years because of the coverage between Stations 1 and 3. He said originally when this was discussed, he said there was no way that the City should do this and he didn't support it. He said now they have figures and this is going to cost the City about $600,000 which was budgeted and the number to repair Station 3 to be functional for the next 15 years is $150,000 to $200,000, so even if it is decided not to build the new station, the Council is still going to have to spend $150,000 to $200,000 out of the budgeted $600,000 for a station that is not functional.

The City Manager stated that they have deferred any repairs at Station 3 for the past five years in anticipation of moving to the Speedway site.

COUNCILMAN DORRIS asked whether the City is still going to have to spend $200,000 of that money to bring the station to where it needs to be if this new station is not approved.

Chief Formhals stated that is correct. He said that they are going to want to address the sewer problem, some painting issues, ceilings, lighting and those types of things. He said the station is 35 years old and they have put off a lot of the upgrades that have been done at similarly aged stations because they have anticipated moving.

COUNCILMAN DORRIS stated that at the Public Safety Committee meeting, they recognized that this station may not be as glamorous as some of the other stations but when it comes to the functionality it is not different than Station 10 or the other stations and when you look at the business side, the City is either going to spend $600,000 for a new station that is going to be functional and take some of the overlap, or spend $200,000 on the current Station 3 and bypass having a new station. He said that he believes just from a business and coverage standpoint, this might be the right thing to do and he didn't believe that when this process was started, but after getting more information and looking at the coverage, it makes more sense to build a new station. He said that the Public Safety Committee believes that they have locked in the contractors and there should be no change orders at the City's expense unless there is a change of scope.

Chief Formhals stated that's correct. He explained that a change of scope is if the City makes a change that hasn't already been planned and that would be the City's cost.

COUNCILMAN DORRIS stated so if there is a plumbing line that should be there but it was omitted from the prints, that is not at the cost of the City.

Chief Formhals stated if there is a mistake in the prints, then that would be a cost that the architect or the construction manager would pick up.

COUNCILMAN SHETINA asked what the square footage of the new station was going to be.

Chief Formhals stated it is about 9,500 square feet.

COUNCILMAN SHETINA stated that is about $190.00 per square foot. He asked how many fire calls the City receives each year.

Chief Formhals stated that there are about 6,000 fire calls and 15,000 ambulance calls per year.

COUNCILMAN SHETINA said that when he went through Station 3 recently he could smell the sewage, the site is too small and the building is not functional. He said we have the opportunity to do this now at these prices which will rise as the economy improves, so as a matter of timing and function and with the grant that the City has, today is the time to do this and it makes sense to him.

7. Update on New Garbage and Recycling Program

Purchasing/Contracts Administrator Meg McEvilly stated that the City is currently on target for the new garbage and recycling program. She said that mailers began going out to City residents today which explain the program and gives the residents the opportunity to choose the smaller 64-gallon carts instead of the 96-gallon carts if they wish. She said posters have also been placed at City Hall, the Main Library, the Black Road Library and the Joliet Park District that explain the program and both sizes of the carts are on display at those locations. She said the flyers and posters have been done in English and Spanish and all of the information is posted on the City of Joliet's website. She said Waste Management is sending out approximately 8,000 flyers per day to the residents and the choice for the smaller carts needs to be done before December 3rd so Waste Management can place their order with the cart manufacturer and delivery can be made just after January 1st. She said the carts will be delivered from January through the end of March and then starting in the beginning of April, the recycling program changes to a bi-weekly basis.

Mrs. McEvilly continued that a 30 minute video is also being produced this week that will explain the entire program and air on Channel 6 and there will also be a short segment regarding what can and can not be recycled. She said that lastly, there will be letters going out in the last week of November or early December to those residents that are being switched from alley pick-up to curb side pick-up which will be starting on December 13, 2010. She said this switch needs to take place before the carts are distributed because larger vehicles are required to pick up the carts which will not fit down the alleys.

COUNCILMAN SHETINA asked if Waste Management will pick up the old recycling bins that are currently used if residents don't want them or use them for overflow.

Mrs. McEvilly stated that Waste Management will pick those up and the resident just needs to mark on them that they are garbage.

COUNCILMAN SHETINA asked if they will also take unwanted garbage cans.

Mrs. McEvilly stated that they will also take those or they can be used for yard waste. She said that they would just need to put a yard waste sticker on them which are available for free at Dominick's, Jewel-Osco and City Hall.

COUNCILMAN SHETINA said so yard waste can't be put in the carts from Waste Management.

Mrs. McEvilly stated that's correct, however, if someone purchased a cart and doesn't use both the purchased cart and the new cart with the program, they can place a yard waste sticker on one and use it for yard waste.

The City Manager stated that if residents don't do anything with the mailer, the 96-gallon carts will be delivered.

Mrs. McEvilly stated that is correct.

COUNCILWOMAN QUILLMAN stated that the Bagsters that take the place of dumpsters are well worth the money and people should definitely get them instead of a dumpster.

The City Manager stated that he thinks they are working on being able to purchase those in the Building Department.

The City Manager then went to the beginning of the agenda to explain the remaining items.

Director of Management and Budget Ken Mihelich explained Council Memo #879-10 dealing with the termination of the current contract with SunGard/HTE Technologies to provide maintenance of accounting, budgeting, purchasing, cash management and inspection services financial software. He stated that for the past 15 years the City has used HTE software for these applications and over the past decade, there hasn't been much done to change the software besides periodic updates. He said the software is becoming outdated and it is difficult to do presentations. He said the person who started HTE has started another company called Innoprise and they are offering the City a deal to take their new, 21st century software for the cost of the maintenance being spent on the current system which is about $34,000 per year. He said this is potentially a good deal and he is bringing it to the Council today because the maintenance agreement for the HTE software begins January 1, 2011 and is effective for a year and they don't want to extend that. He said they are asking permission to cancel the maintenance agreement and they need to give 30 days notice. He said they do not receive a lot of value with the current maintenance agreement and are only contacting them about once a month.

COUNCILMAN SHETINA asked how many years are on the current contract.

Mr. Mihelich stated that the City purchased the software so currently there is an annual maintenance contract that is renewed every year. He said this needs to be done before December 1, 2010 for the City to withdraw from next year's contract. He said today they are just asking for authorization to cancel the ongoing maintenance contract so they are not tied to it for the next year.

COUNCILMAN BROPHY asked if that commits the City to the upfront cost and what is that cost.

Mr. Mihelich stated that it doesn't commit the City to anything at this point, what it does is it gives the City options to deal with either company and if it isn't cancelled, they are locked into the HTE contract.

It was requested that this item be voted on today.

8. Authorization to Transition from SunGard/HTE Technologies to Innoprise Software Maintenance and Support Services
(Council Memo #879-10)

A communication from the City Manager contained his recommendation that the Mayor and Council authorize the termination of the current maintenance provider contract with Sungard/HTE Technologies and negotiate a new maintenance contract with Innoprise Software Inc.

COUNCILMAN GERL moved that the recommendation of the City Manager be concurred in.

Motion seconded by COUNCILMAN DORRIS.
Motion carried by the following vote:
AYES: COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN and MAYOR SCHULTZ.
NAYS: NONE.

The City Manager explained Council Memo #888-10 dealing with a Special Use Permit to Allow a Tire Repair and Installation Shop at 428 E. Jackson Street.

Director of Community and Economic Development Jim Haller stated that the owner of the property has the opportunity to lease out the garage space in the rear of the property for tire installation and repair. He said staff normally would have take a dim view on this but because there is an adjoining parking lot that goes with the commercial building, there is enough of a setback off of the back of the alley, and with the conditions that were imposed, staff believes that this is something that merits consideration.

COUNCILWOMAN QUILLMAN asked if the Zoning Board signs are also in Spanish or just English.

Mr. Haller stated that he believes that they are just in English.

COUNCILWOMAN QUILLMAN stated that her concern is that it is a mainly Hispanic area and although no one appeared in opposition, it could be that they didn't understand what was posted.

Mr. Haller stated that there is a phone number on the sign and there are a lot of people that call and ask for an explanation in Spanish. He said they could do Spanish signs but there would be an expense to that.

COUNCILWOMAN QUILLMAN asked if there was something brief that could be placed on the sign in Spanish so people with questions could call.

The City Manager stated that is a good suggestion and staff will look into doing that.

COUNCILMAN DORRIS asked if there was going to be inventory on the property.

Mr. Haller stated that he believes that it was going to be more of a tire repair facility than anything but if someone had a tire that was not fixable, the business

would be missing an opportunity to try and sell a new tire. He said that there really is not enough room to store a lot of tires.

COUNCILMAN SHETINA stated he had the opportunity to go through the building and the man who purchased it has done an incredible job fixing it up.

Mr. Haller stated that the staff has worked with the owner over the years and the parking lot on the property is a good example; it is fully paved and landscaped and looks very nice.

COUNCILMAN BROPHY stated that there is residential attached and he asked if there are any restrictions on the flammables being kept inside.

Mr. Haller said no, he doesn't believe that would be a concern at all.

COUNCILWOMAN QUILLMAN stated that she would like to table this because there is so much residential there she wants to make sure the residents are aware that there could be a lot of noise.

9. Ordinance re: Approving a Special Use Permit to Allow a Tire Repair and Installation Shop in a B-3 District Located at 428 E. Jackson Street (#2010-57/Dist. #4) (Council Memo #888-10)

COUNCILWOMAN QUILLMAN moved that this petition be tabled to the December 6/7, 2010 Council meetings.

Motion seconded by COUNCILWOMAN BARBER.
Motion carried by the following vote:
AYES: COUNCILMAN TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA and MAYOR SCHULTZ.
NAYS: NONE.

10. Citizens to be Heard

    a. Robert Webb re: (1) First Amendment and Freedom of Speech in the Open Public Forum; and (2) Recommendation for Resolving Violations of the City of Joliet's Anti-Discrimination Policy

Mr. Webb withdrew his request to speak.

The Mayor and Council took a five minute recess and reconvened at 4:55 p.m. with all members being present.

REVIEW OF 2011 BUDGET

The City Manager stated they have a brief presentation on the Water and Sewer Funds and several of the smaller funds that would complete their presentation of the budget and they would then open it up for discussion items from the Mayor and Council. He stated the next budget review session is scheduled for November 29, 2010.

WATER AND SEWER FUND CONSIDERATIONS

Finance Director Rachel Mayer advised that last year's budget for the Water and Sewer funds was about $50 million, and in 2011 the proposed budget is about $74 million with several adjustments being made that have balanced the fund. She said that several highlights include the strong rating by Standard and Poor's of the Water and Sewer Bonds at AA- and two projects being funded by IEPA loans including the Black/Bronk Lift Station which is about $15 million and the East Side Sewage Treatment Plant Outfall Relocation which is about $2 million. She said that there is also the sale of sewer capacity that is pending with the Village of Shorewood, and the continued work on the CSO (Combined Sewer Overflow) project which is estimated to be about $65 million.

COUNCILMAN SHETINA asked if the water and sewer fund has any effect on the City's bond rating as the result of the City's position and deficit.

Mrs. Mayer stated that the rating agency does take into consideration the overall financial situation of the City, but they mainly concentrate on the water and sewer fund and the capacity within that fund because it is supposed to be self-sustaining.

COUNCILMAN SHETINA stated that he asked a question a few weeks ago about potential strategic borrowing. He said that in the event that occurred, the City's bond rating is better than it has been in a long time, but there's a possibility that the bond rating would fluctuate and not be as good. He said he wants to know that if there was any strategic borrowing that needs to be done, would it be better doing it within a reasonable period of time rather than waiting for some other point in time when that deficit shows up and has an effect on the City's borrowing power.

Mr. Mihelich stated that if the City were to go to a borrowing for a General Obligation bond, he would not expect the rating to be quite as high because they are going to look at how the City would repay that. He said they would probably ask why we are borrowing because we're not showing the ability to pay it back. He said there would be an extremely high interest rate if we could get one.

Mrs. Mayer stated that one of the things Standard and Poor's looked at was the City's capacity to increase water rates and how we compared to the surrounding communities, and Joliet is still in the middle to the low end of that. She said so we have capacity to increase rates if we needed to. She said that it's not the same situation on the G.O. side.

COUNCILMAN TURK asked if it would be safe to say that if the rates weren't adjusted last year, that the bond rating probably would have been something less than AA- and the savings would have been less than the $480,000.

Mrs. Mayer said yes and no, and they do look at the capacity to increase because before the rate increases were done last year, we were at the bottom in the range, and so we would have had the possibility of increasing, but they also look at your current debt service coverage, and we would have been at the low end of that, so one would have probably cancelled out the other and we would probably not have seen as good a rating.

Mr. Mihelich said the other thing too is that if we would not have done those rate increases, we would have run out of money this year, so we wouldn't have been looking at a refinancing, we would have been looking at something much more dire, so it was absolutely necessary.

Mrs. Mayer explained the water and sewer volume, tap on fees, chemical expense and electricity expense.

COUNCILMAN BROPHY said one of the strategic borrowing opportunities may be, for example, if we took the water and sewer facilities and decided to generate wind energy and capture some wind on these sites to supply the electricity needed for these plants. He said that may be a reason to borrow to install the equipment. He asked if staff has looked at that in the event we may be able to generate enough to cover the usage at these facilities and then maybe return some to the grid and make ourselves a few bucks for other facilities.

The City Manager said we're looking at a methane project at the sewage treatment plants to capture the methane and use that to generate electricity and that meeting is next week. He said there are companies that will come in and do that with the intention of capturing some of the revenue from the sale of electricity on the grid or to power our facilities. He said we haven't looked into the wind technology but we need to start looking at that.

COUNCILMAN BROPHY asked that wind technology be placed on a future Communication, Technology and Information Systems Committee meeting agenda.

MOTOR FUEL TAX FUND

Mrs. Mayer explained a chart showing the motor fuel tax fund revenues which included a spike this year because the City received an additional $663,000 one time Illinois Jobs Now grant for streetscape improvements on Benton and Webster Streets.

PARKING METER FUND

Mrs. Mayer explained a chart of the parking meter fees showing an increase in 2010 due to the increase in rates and fees on the parking meters that were instituted in the first half of 2010. She said that they were anticipating that the revenue would increase about $400,000, and this year they've seen about a $200,000 increase. She stated that they are looking at why they projected it so much higher than where it came in at and they haven't determined that yet.

Mr. Mihelich stated he thinks some people have changed some of their parking patterns and that is their theory on it right now. He said some progress has been made on the parking meter fund and right now it is paying for itself, but there's still work to be done on parking meters.

PERSONNEL SUMMARY

Mr. Mihelich showed a slide of the total number of positions from 2007 to 2011 with the high point in 2007 of 1,055 total employees down to 915 in 2011. He showed a slide of the total number of full-time employees which went from 928 employees in 2007 to 817 in 2011. He said that 817 will probably drop a little bit in 2011 because there were some positions that we put in the budget because we weren't sure if we were going to be able to get by without filling those, but we're going to try and keep those open as long as we can and so we're hoping to cut that down by another 10. He said one of the reasons why it's going to be harder to continue to cut costs is because we have already cut a good portion of our full-time employees; it comes out to about 14% or 15%. He

said the part-time positions were reduced from a total of 127 in 2007 to 98 in 2011 which are down in the area of 15% as well.

BUDGET RECAP

Mr. Mihelich noted that gaming revenues are declining, pension and insurance expenses are rising, and annual expenses exceed annual revenues. He said we started this process in October of 2008 and it's something that the City Manager, department heads and the entire staff will continue to work on to address these problems in the coming years.

The City Manager advised that tomorrow there is a hearing by the Gaming Committee in Springfield on the massive gaming reform bill that has been submitted and he is going to be there to be heard along with Aurora and Elgin and a lot of the other gaming towns to let them know we are vehemently opposed to any expansion of gaming. He said what is being proposed are several new casinos including one in Chicago and one in Ford Heights, both of which will have a big impact on Joliet, and also placing slots at racetracks. He said it is a big expansion and we don't know if we'll see any impact in 2011 but we will in 2012 if the bill does pass.

The City Manager said that concludes their presentation on the budget and he asked the Mayor and Council if they had any questions or comments.

COUNCILMAN BROPHY asked about the real estate transfer tax revenue and said that 2009 is being reported as the lowest and slowest year, and yet the 2010 revised numbers are almost 30% below that.

The City Manager stated that there has been a substantial decrease; there have been quite a few closings but they've been short sales, foreclosures and exempt transactions. He said there has been a lot of activity, but not a lot of revenue that we were seeing in the mid-2000's. He said a big portion of the 2009 revenue was the sale of the 800 acre footprint of the rail yard to Union Pacific so that was a fairly substantial portion of that and would skew that number.

COUNCILMAN BROPHY stated that liquor fees were estimated to be going down when he doesn't know that our license count has gone down. He asked if that reflected variables in there like fines and penalties.

The City Manager said that they would look into that.

COUNCILMAN SHETINA said there was a deduction in the assessed valuation across Joliet Township and other townships in the range of 6% or 7% and he asked if we made some adjustments for those reductions in assessed valuation.

Mr. Mihelich said that they set the levy even and the rate would probably go up a little bit, but for the average homeowner, they will pay the same amount. He said it could affect someone if their individual change is more or less, but on the whole everyone should pay the same on average.

COUNCILMAN GERL asked if the Water and Sewer Fund is self-sustaining right now.

Mr. Mihelich said that it is.

COUNCILWOMAN QUILLMAN asked for an explanation of the subsidy for the Will County Metropolitan Exposition and Auditorium Authority. She said that she went back to several budgets and it's been increasing every year. She said in 2011 budget the subsidy is $750,000 which includes an extra $50,000 for a renovation grant.

Mr. Mihelich stated that in prior years, that was budgeted in different areas, but the funding has stayed relatively even from the City and it hasn't really increased. He said that it's hard to see in the budget sometimes because it was put in different places.

The City Manager said that we consolidated the Rialto support into one line item, and that's the $700,000. He said that there is a second line item that is the Rialto renovation grant, and he believes that's a State grant for which the City is the grantee and is the pass-thru agency for that, but they will double check it. He said they are not recommending any increase in the subsidy being given to the Rialto over the last several years.

COUNCILWOMAN QUILLMAN stated that the reason she asked is that in 2007 it was $600,000 from gaming and $148,000 from the City's capital subsidy, and then in 2008 it was $600,000 plus $235,369 from another subsidy, and then in 2009 it was $600,000 plus we kicked in an extra $388,000 for the University of St. Francis project. She said now in 2010 we're back to $700,000, but in a letter from our budget in 2007, it said something to the effect that as long as we had the money to help subsidize that we would. She said her question is, since it is the Will County Metropolitan Exposition and Auditorium Authority, have we asked the County to help subsidize this at all.

The City Manager said he believes the Rialto Board has made requests to the County Board and he believes the County Board has made some funding available.

COUNCILMAN GERL said the County does support the Rialto annually.

COUNCILWOMAN QUILLMAN stated that she believes they give about $50,000, so the City is kicking in the majority of that and maybe we need to ask them for more money to help us, because we all love the Rialto, but we can't bear the burden and the County does have a nice balanced budget.

The City Manager stated that his recommendation is $700,000 to be consistent with what we've done in the past. He said the Rialto is truly a remarkable facility, and he thinks we take it for granted. He said people come from out of town and they see it and say they wish they had one of these in their town. He said he knows it costs all of us and it costs the taxpayers about $4.00 each year to subsidize it, but it really is something that is remarkable and his recommendation is to continue the subsidy. He stated that what he has been doing with Randy Green and their Board members and staff is finding ways to take the real estate portion of their operation and make that be what it was supposed to have been. He said that 2 Rialto Square has some vacant space and staff works with them frequently and refers any prospective businesses to rent space at 2 Rialto Square and they also continue to work with USF to try and do an expansion there. He said we need to help them generate revenue with their real estate part, and that will help us in the long run to reduce our subsidy. He said until then, he is not in a position to recommend reducing it. He said he agrees, the County does help out, but it's still in Joliet and we derive most of the benefit from it.

Proceedings of the Council of the City of Joliet, Illinois held on the 15th day of November, A.D. 2010

COUNCILMAN GERL said he agrees with the City Manager; either you're going to make a commitment to the public arts and culture or you're not, and he thinks we've made a commitment and should stay with that commitment. He said in addition, the Rialto is a revenue generator; it brings people to our town and markets us in a very great way, and he thinks it's more than just a building, it's part of our history and our culture. He said it is a revenue generator and brings people to the facility, they go out to dinner, they shop, they look at our town and that sort of thing, so he personally thinks it's money well spent.

The City Manager advised that there was a need for a closed session to discuss personnel, collective bargaining, land acquisition and pending or threatened litigation.

COUNCILMAN BROPHY moved that the Council recess to closed session at 5:35 p.m. to discuss personnel, collective bargaining, land acquisition and pending or threatened litigation after which the meeting will be adjourned.

Motion seconded by COUNCILWOMAN BARBER.
AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMAN SHETINA, TURK and MAYOR SCHULTZ.
NAYS: NONE.

ARTHUR SCHULTZ Mayor	JANET K. TRAVEN City Clerk

Recorded on Tape