

**CITY OF ROCK ISLAND
CITY COUNCIL MEETING**

City Hall

1528 Third Avenue, Rock Island IL

City Council Chambers, 3rd Floor

3/11/2019 - Minutes

1. Call to Order

Mayor Thoms called the meeting to order at 6:47 p.m. and welcomed everyone.

2. Roll Call

Mayor Thoms asked the City Clerk to call the roll.

Present: Mayor Mike Thoms, Alderman Virgil J. Mayberry, Alderman Stephen L. Tollenaer, Alderman Dylan Parker, and Alderman Dave Geenen

Alderman Joshua Schipp arrived at 6:48 p.m. and Alderman James Spurgetis arrived at 6:49 p.m.

Staff: City Manager Randy Tweet, City Attorney Dave Morrison, City Clerk Judith Gilbert, and other City staff

Alderman Ivory D. Clark notified the City through City Manager Randy Tweet that he would not be physically present for the meeting due to a work commitment out of town and made a request to participate remotely per City ordinance.

MOTION: Alderman Tollenaer moved to allow Alderman Clark to participate in the Council meeting remotely; Alderman Parker seconded.

VOTE: Motion passed on a 4-0-2 voice vote. Aye: Mayberry, Tollenaer, Parker and Geenen. Nay: None. Absent: Spurgetis and Schipp.

Alderman Clark discontinued his remote participation at 7:41 p.m.

3. Pledge of Allegiance

Mayor Thoms led in the saying of the Pledge of Allegiance.

4. Moment of Silence

Mayor Thoms asked for a moment of silence. A moment of silence was observed.

Alderman Mayberry asked what happened to the prayer that used to be said before the Council started doing the moment of silence. Mayor Thoms explained the practice used to be that aldermen took turns leading a prayer at the Council meetings. He said that when the new Council was seated, several aldermen did not wish to do the prayers any more so the moment of silence took the place of the prayers. Alderman Mayberry wanted it on the record that he was not one of those who did not want prayers.

5. Minutes of the February 25, 2019 meeting.

MOTION:

Alderman Spurgetis moved to approve the minutes as printed; Alderman Parker seconded.

VOTE:

Motion passed on a 7-0-0 voice vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

6. Minutes of the Executive Session of February 25, 2019.

MOTION:

Alderman Spurgetis moved to approve the Executive Session minutes; Alderman Parker seconded.

VOTE:

Motion passed on a 7-0-0 voice vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

7. Update Rock Island by Mayor Thoms

UPDATE RI

St. Patrick's Day Parade - The 2019 St. Patrick's Day Parade will be Saturday, March 16 at 11:30 a.m., starting at 23rd Street and 4th Avenue in Rock Island. Parade floats, bands, vehicles, and walkers will head through downtown Rock Island, across Centennial Bridge and continue its course through Davenport. The Grand Parade is the only bi-state St. Patrick's Day Parade in the U.S. Visit WWW.STPATSQC.COM for updates and more information.

Post Parade Parties – After the St. Patrick's Day Parade has concluded, stay in Rock Island and enjoy the post parade festivities. Some of the various outdoor festivities include Steve's Old Time Tap at 17th Street between 2nd & 3rd Avenues from 9:00 a.m. Daiquiri Factory will hold their annual Shamrock Shakedown on the downtown plaza from 9 a.m. to 12:30 a.m., and Kavanaugh's Hilltop Tap's annual Paddy O'Party at 1228 - 30th Street will be from 12:00 p.m. (noon) to 11:30 p.m. Be safe and enjoy all the festivities.

American Red Cross Smoke Alarm Appointment Telethon – On Wednesday, March 20th the Red Cross will host an all-day appointment telethon for people to call in and make an appointment to have free smoke alarms installed in their homes. There are no eligibility requirements; their goal is to ensure that residents in need of smoke alarms get them. The installations will happen on April 30th and May 4th and should take less than 30 minutes. The number to call on the 20th is 309-743-2166.

QCCA Expo Center Flower and Garden Show - The 2019 Flower & Garden Show is coming to the Quad City Expo Center Friday, March 22 through Sunday, March 24, 2019. This event is great fun for the whole family. Visit www.QCCAEXPOCENTER.COM for more information on hours and admission.

Alderman Mayberry said he would like Council to give recognition and a proclamation to the RIHS girls basketball team. He added that Brea Beal is the Gatorade Player of the Year.

8. A Special Ordinance vacating a portion of a street, the entire remaining dead end westerly segment of 9th Avenue which is a cul-de-sac.

MOTION:

Alderman Spurgetis moved to consider, suspend the rules, and pass the ordinance; Alderman Parker seconded.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

9. A Special Ordinance for the removal of traffic control signals at the intersections of 17th Street and 5th Avenue and 18th Street and 4th Avenue and stop signs placed on 17th Street for northbound traffic approaching 5th Avenue and on 18th Street for both northbound and southbound traffic at its intersection with 4th Avenue.

MOTION:

Alderman Parker moved to consider, suspend the rules, and pass the ordinance; Alderman Spurgetis seconded.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

10. Claims

- a. Report from the Human Resources Department regarding payment in the amount of \$18,015.54 to David Morrison of Rock Island, IL for legal services rendered from November 2, 2018 through February 28, 2019.
- b. Report from the Public Works Department regarding payment in the amount of \$69,585.67 to Compass Minerals of Atlanta, GA for the purchase of rock salt.

MOTION:

Alderman Parker moved to accept the reports and authorize payment as recommended for Claims items a and b; Alderman Schipp seconded.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker,

Schipp, and Geenen. Nay: None. Absent: None.

- c. Report from the Public Works Department regarding payment #17 in the amount of \$468,087.63 to Civil Constructors, Inc. of East Moline, IL for the Water Filtration Facility Project for services provided from January 24, 2019 through February 21, 2019.

MOTION:

Alderman Schipp moved to accept the report and authorize payment as recommended for Claims item c; Alderman Tollenaer seconded.

Alderman Parker recused himself from the vote due to the nature of his employment.

Alderman Mayberry asked if the project is complete. City Manager Randy Tweet responded they are still working on it. Interim Public Works Director Mike Bartels said the completion date is expected to be October or November.

VOTE:

Motion passed on a 6-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Schipp, and Geenen. Nay: None. Absent: None.

11. Claims for the weeks of February 22 through February 28 in the amount of \$1,326,976.46 and March 1 through March 7 in the amount of \$1,103,223.98; and payroll for the weeks of February 11, 2019 through February 24, 2019 in the amount of \$1,528,644.01.

MOTION:

Alderman Spurgetis moved to allow the claims and payroll; Alderman Tollenaer seconded.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

12. Report from the Fire Department regarding the sole source purchase of four (4) stair chairs and strap kits from Stryker of Chicago, IL in the amount of \$13,827.32.

MOTION:

Alderman Parker moved to approve the purchase as recommended; Alderman Spurgetis seconded.

Alderman Schipp noted that the purchase is a sole source product so there are no bids.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

13. Report from the Public Works Department regarding bids for the purchase of 160,000 paper yard waste bags for the 2019 Free Leaf Pickup Program, recommending the bid be awarded to Pabco Industries, Inc. of Newark, NJ in the amount of \$65,120.00.

MOTION:

Alderman Schipp moved to award the bid as recommended and authorize the purchase; Alderman Parker seconded.

Alderman Spurgetis said he brought this up a year ago. The cost is over \$65,000 each year so it is a perpetual problem and expense. He wants the City to find sponsors to advertise on the bags to cover the expense. He would like the issue discussed again and would welcome input from other aldermen. Alderman Spurgetis said in ten years, the cost for the bags will total \$650,000 which could be used for other things.

Alderman Schipp agreed with Alderman Spurgetis's statements. Alderman Schipp said it should be a CED program to solicit Rock Island businesses and it should be the utmost priority for next year. He also stated the name should be changed since it is not a free program, but is a \$65,000 leaf pickup program. Alderman Schipp said the City needs to find a better way to fund it. Alderman Spurgetis noted that the bags are used twice a year, spring and fall. Alderman Parker asked if it had been looked into by staff.

Mr. Bartels said he did reach out to the vendor. He said their bag delivery is split in two shipments (spring and fall). They could possibly consider it for the fall leaf pickup program. One side of the bag has the City logo; printing on the other side of the bag could run an additional \$5,000 for names of up to 50 sponsors. Mr. Tweet said the City of Moline does advertising on their garbage trucks. He prefers that staff come back with recommendations. Mr. Tweet said they haven't done it in the past because it could be a business that Council doesn't want advertised on the bags or it could be a Moline company. He stated there are several issues Council would have to decide on before moving forward with the advertising program. Mr. Tweet said staff would come back with recommendations with the goal to do it for the fall collection.

Alderman Mayberry asked about the number of bags used for the program. Mr. Bartels responded they use about 130,000 bags every year so there are some left over. Mr. Tweet explained that any revenues would go into the Refuse Fund, not the General Fund. He added it would be used to offset the current deficit in the Refuse Fund.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

14. Report from the Public Works Department regarding bids for the 2019 Sod Replacement and 50/50 Tree Program, recommending the bid be awarded to Greenspace Associates, Inc. of Bettendorf, IA in the amount of \$171,850.00.

MOTION:

Alderman Parker moved to award the bid as recommended and authorize the City Manager to execute the contract documents; Alderman Clark seconded.

Alderman Mayberry asked for someone to explain the 50/50 Tree Program for the public. Mr. Bartels said they are currently revamping the program. He said there has not been much participation in that program. Mr. Bartels said the City has a selection of trees to go on the City boulevard between the curb and the sidewalk. A resident makes the request for a tree through engineering; a contractor is used to plant the tree. The resident chooses the type of tree and pays 50% of the cost. Mr. Bartels said they are revamping the program in hopes of drawing

more interest.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

15. Report from the Public Works Department regarding bids for the 2019 Asphalt Street Milling and Patching Program, recommending the bid be awarded to Brandt Construction Company of Rock Island, IL in the amount of \$67,524.00.

MOTION:

Alderman Tollenaer moved to award the bid as recommended and authorize the City Manager to execute the contract documents; Alderman Mayberry seconded.

Alderman Parker recused himself from the vote due to the nature of his employment.

Alderman Clark asked what happened to the Responsible Bidders Ordinance. City Attorney Dave Morrison referenced the ordinance. Alderman Clark wanted to know if everything was done correctly with the proper process. Mr. Tweet said the Public Works Director has all of the documentation and will come up and speak. Mr. Bartels said he has the Responsible Bidders Packet that Brandt submitted for the current project. He explained that the City Engineer and he reviewed the packet and the company meets all of the requirements for a responsible bidder.

Alderman Schipp said he still had concerns that Brandt never apologized or made amends with regard to the 6th Avenue project. He asked if the department considers past performance when determining the lowest bid and responsible bidder. Mr. Bartels replied yes. Alderman Schipp asked how that was weighted into the current decision. Mr. Bartels explained they are a Rock Island contractor; they are not on any state disbarred list; and they are doing the 38th St project. The amount of money for the two contracts is quite different. Alderman Schipp said if the 38th St project was not financed by the state, this Council would have taken a very different approach because of past performance. Alderman Geenen stated Council has removed Brandt from the emergency contractor rotation list. Mr. Bartels said in the previous years of dealing with Brandt Construction, the City has not had any issues except for the 6th Avenue project; there were no issues previously. He said disputes do happen with contractors. He added it is Council's decision how to move forward with it.

Alderman Clark wanted to know if any other cities have been having problems with Brandt and if that was taken into consideration. Mr. Bartels stated he has been in construction management for most of his career and worked for the City of Moline. He speaks frequently with the City Engineer of Moline about similar contracts and specifically Brandt; he said the City of Moline is not having any issues, but Brandt hasn't done any work recently for them. Mr. Bartels offered to reach out to other local cities to ask about Brandt. He added he would ask the City Attorney if the City should do that for other low bidders.

Mr. Tweet asked Mr. Bartels if he had checked on OSHA violations by Brandt. Mr. Bartels replied the last violation he could see was in 2016 for the 6th Avenue project. Alderman Schipp said he is concerned that the bidding field is equitable across the board with contractors not having OSHA violations or liquidated damages. The Responsible Bidders Ordinance was written to ensure competent contractors after what happened with Brandt on the 6th Avenue project. Alderman Schipp said they expect the vetting to be thorough for all candidates by reviewing their OSHA record and other programs such as drug testing and apprenticeships. He said past performance is in the ordinance and should be a determining factor.

Mr. Tweet said staff feels they have done the due diligence and followed the ordinance. He added that Brandt has done similar projects to the contract. He said Council could vote however they want. Alderman Tollenaer said Brandt qualifies as a Rock Island business for four generations. He added they qualify through the State of Illinois and with the City's ordinance. Alderman Tollenaer feels that since Brandt is the low bidder, certain members of Council don't want them. Discussion continued.

Mr. Tweet said it's Council's prerogative if they want to disqualify a bidder. He added if Council has a list of bidders that are unacceptable, that would be helpful to staff. Mr. Tweet will also work with the City Attorney on the issue. Alderman Schipp thinks contractors should be held accountable for their past performance. Alderman Tollenaer said Brandt paid a penalty for the 6th Avenue project and kicking them off the emergency contractor rotation list which they had been on for 30 years was unconscionable. Mayor Thoms said in past issues, you have to compare apples to apples. This current contract is not the same scope of work as the 6th Avenue project. He added Brandt has done more good work than bad.

VOTE:

Motion did NOT pass on a 2-4-0 roll call vote. Aye: Mayberry and Tollenaer. Nay: Clark, Spurgetis, Schipp, and Geenen. Absent: None.

MOTION:

Alderman Schipp moved to award the contract to the next lowest responsible bidder, Valley Construction, and authorize the City Manager to execute the contract documents; Alderman Geenen seconded.

City Attorney Dave Morrison said procedurally he would feel more comfortable to put it on the next Council agenda; he is not sure it would be appropriate to vote on it.

16. Report from the Finance Department regarding an adjustment to the CY 2019 Budget, recommending increasing the Parks & Recreation Fund (555) revenues by \$16,000 and expenditures by \$13,000.

MOTION:

Alderman Spurgetis moved to approve the budget adjustment as recommended; Alderman Schipp seconded.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

17. Report from the Community and Economic Development Department regarding an update to the Community Garden Program Policy.

MOTION:

Alderman Parker moved to approve the policy update as recommended; Alderman Clark seconded.

Alderman Schipp called on Community and Economic Development Director Chandler Poole.

Mr. Poole said they heard from Council to make water available to the community gardeners. They researched the issues. The department discovered 275 gallon cisterns. Public Works has plenty of them that they recycle and could be used for water for the gardeners. Mr. Poole explained that water will be available for lease for \$100 per season with two fill-ups. He said the re-use of the Public Works cisterns will save \$3,000 to \$4,000. Alderman Geenen said this is the result of the gardeners' feedback and Council heard them. He said it was a great job. Alderman Parker also said it was a job well done.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

18. Report from the Community and Economic Development Department regarding an application from McManus Orthodontics for a monument sign to be located in the public right-of-way adjacent to their property at 4507 24th Street.

MOTION:

Alderman Schipp moved to approve the application as recommended with the four conditions as stated in the report and refer to the City Attorney for an ordinance; Alderman Mayberry seconded.

Alderman Spurgetis said he had safety concerns about the placement of the sign and its orientation on the site. Mr. Poole said it would be perpendicular to the street. Alderman Spurgetis asked how close it would be to the street. Mr. Poole replied they are still working out where it will be in the right-of-way. Alderman Spurgetis wants to be sure that drivers in the driveway won't have their view blocked when they try to pull out into the street.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

19. Report from the Mayor regarding reappointments to the Illinois Quad City Civic Center Authority, the Rock Island County Joint Animal Shelter Board, the Fire Pension Board, and the Fire and Police Commission.

MOTION:

Alderman Spurgetis moved to approve the reappointments as recommended; Alderman Tollenaer seconded.

Stacey Happ was reappointed to the Illinois Quad City Civic Center Authority. Linda Mohr was reappointed to the Rock Island County Joint Animal Shelter Board. Stephanie Masson was reappointed to the Fire Pension Board. Greg Hass was reappointed to the Fire and Police Commission.

VOTE:

Motion passed on a 7-0-0 voice vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

20. Report from the City Clerk regarding Plaza Activity / Event applications from RIBCO, Inc. for the 2019 Plaza season including the outdoor sale and consumption of alcohol.

MOTION:

Alderman Parker moved to approve the events as recommended, subject to complying with all Plaza and liquor license regulations and subject to being shut down if complaints are received; Alderman Schipp seconded.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

21. Report from the City Clerk regarding an Activity Permit application from the YWCA for their inaugural Race Against Racism to be held on Saturday, April 20, 2019 between 9:00 a.m. and noon with a street closure of 17th Street from 2nd Avenue to 3rd Avenue.

MOTION:

Alderman Parker moved to approve the event and street closure as recommended; Alderman Schipp seconded.

Alderman Spurgetis wondered if the race affects the QC Pancake House positively or negatively. City Clerk Gilbert said they had the opportunity to respond, but did not. Mayor Thoms said he was there by QC Pancake House during the Rock Island Grand Prix and that did not seem to affect their business.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

22. Report from the City Clerk regarding an Activity Permit application and Resolution for the Cornbelt Running Club to hold their 32nd annual Quad Cities Distance Classic Half Marathon and 5K Run Road Races on Sunday, May 12, 2019 from 7:30 a.m. to 10:30 a.m.

MOTION:

Alderman Parker moved to approve the event as recommended and adopt the resolution; Alderman Schipp seconded.

VOTE:

Motion passed on a 7-0-0 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: None.

23. Other Business / Public Comment

OTHER BUSINESS

Alderman Parker had a parliamentary question regarding agenda item #15 and why Alderman Schipp's motion was not entertained. Mr. Morrison responded that his recommendation was

based on an abundance of caution that there is no allegation that the public did not have sufficient time to comment on Valley Construction being awarded the bid. Mr. Morrison said there may be entities who wish to comment and he thought it would safer to wait until the next Council meeting. He added the claim could be made the City did not fully comply with OMA and that was his concern. Mr. Morrison said the best practice is for transparency and he wants to make sure there is no problem in the future. Alderman Parker did not agree and wants to get the jobs going. Mayor Thoms said there was no harm in waiting. Mr. Tweet said the asphalt plants don't open until mid-April. Mr. Morrison said he would look into it further; there's no harm in waiting and better to err on the side of caution.

Mayor Thoms said he was present at the swearing-in of firefighters who had passed their probationary period and he was also present at the swearing-in of two new police officers before they left for training. Alderman Parker said the swearing-in can be done at Council meetings.

PUBLIC COMMENT

Larry Hunter addressed Council regarding complaints he had about the Police Department.

24. Executive Session:

5 ILCS 120/2 (c)(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

5 ILCS 120/2 (c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

MOTION:

Alderman Spurgetis moved to go into Executive Session for the exceptions cited; Alderman Parker seconded.

VOTE:

Motion passed on a 6-0-1 roll call vote. Aye: Clark, Mayberry, Spurgetis, Tollenaer, Parker, Schipp, and Geenen. Nay: None. Absent: Clark.

25. Motion to Adjourn

MOTION:

Alderman Schipp moved to adjourn; Alderman Geenen seconded.

VOTE:

Motion passed on a 5-0-2 voice vote. Aye: Mayberry, Spurgetis, Parker, Schipp, and Geenen. Nay: None. Absent: Clark and Tollenaer.

The meeting adjourned at 8:08 p.m.

Judith H. Gilbert, City Clerk