



MEMORANDUM

TO: Mayor Laurel L. Prussing and Members of City Council
FROM: William R. Gray, Public Works Director *WRG*
DATE: July 23, 2015
RE: Disposition of Broadway Avenue Brick Pavers

Since the City Council approved the reconstruction of Broadway Avenue between Stebbins Drive and Oakland Avenue in concrete instead of brick pavers at its February 16, 2015 meeting, Public Works Department staff has discussed internally how the salvaged brick pavers should be used and for what purposes. In reviewing the condition of the 3.5 miles of existing brick streets in the City, it was determined that about half of the 120,000 brick pavers (60,000) from the Broadway Avenue project needed to be salvaged. This amount is in addition to the brick pavers already stockpiled at the east Perkins Road site. Also since the February meeting discussions, there was a suggestion from Council Members to allow some of the City brick pavers to be readily available to the public. An idea staff had was to sell them at the Landscape Recycling Center located on east University Avenue. (The Landscape Recycling Center already sells landscape related materials including mulches, woodchips and crushed granite. The sale of brick pavers would fit well into the City's offerings.) The balance of the available brick pavers (60,000) were thought then to be used for this purpose.

Last Monday night City Council members heard from Mr. Bob Swisher, a Preservation and Conservation Association (PACA) volunteer. During the meeting he expressed a totally different understanding regarding the disposition of the Broadway Avenue brick pavers. Essentially, Mr. Swisher has claimed that all of these brick pavers were to be given to PACA based upon a conversation Mr. Swisher alleges to have had with the City of Urbana Public Works Director. No such conversation ever occurred. Mr. Swisher also represented that PACA was entitled to the brick pavers pursuant to a purported oral agreement between PACA and the City. The Public Works Director has found no writing which memorializes or demonstrates the existence of any ongoing oral agreement. The City Attorney has advised the Public Works Director that if any such oral agreement existed, it could not be construed as applying in perpetuity. To the extent the City had an arrangement to share brick pavers with PACA, such arrangement was made on a case-by-case basis and based on the then anticipated needs of the City for some or all the brick pavers then under consideration. Mr. Swisher also stated during the City Council meeting that PACA had entered into an agreement with a third person to supply brick pavers to that person based on PACA's belief that it had an ongoing agreement with the City to supply brick pavers to PACA. The Public Works Director was not contacted by PACA in connection with any agreement between PACA and a third person regarding PACA's need for brick pavers to satisfy its commitment to that third person. In light of the February City Council member conversations about a more open process for the public to purchase brick pavers and the identified need by Public Works staff for these brick pavers to be salvaged for future repairs, no such offer could have been made.

Mr. Swisher and Mr. Garza meet with the Public Works Director on Thursday afternoon (July 23, 2015) to see if there could be an agreement reached to help resolve this misunderstanding. An offer of 30,000 City brick pavers was made to PACA representatives and it was rejected.

PACA representatives and Mr. Swisher will attend the City Council meeting this coming Monday night. The Broadway Avenue brick pavers are City property. The Public Works Department has a duty to the public to maintain the existing brick streets. There are plans to repair brick streets in the future. Given the finite quantity of brick pavers available to the City, it is important for the City to stockpile brick pavers as a resource for maintaining those streets on an ongoing basis. The claim by Mr. Swisher, as a representative of PACA, that all the subject brick pavers are to go PACA, is unfounded.

For City Council's information, the disposition of City property, such as brick pavers, has been handled pursuant to Code of Ordinances Section 2-118.1.

Sec. 2-118.1. - Sale of personal property.

Items of personal property belonging to the city may be sold or offered for sale to any financially responsible person by the department head of the city department utilizing such item of personal property, provided such department head determines first that such items of personal property are no longer useful or necessary for the use of the city or its employees and provided further that the chief administrative officer finds that the manner and method of sale will achieve the highest price that can be reasonably expected to be achieved for the sale of such item.

(Ord. No. 8182-61, 2-15-82; Ord. No. 8990-53, 11-20-89; Ord. No. 9091-72, 12-17-90; Ord. No. 9293-78, § 2, 2-15-93)

It is unfortunate that two entities that serve the community well have come to such a disagreement.

Staff seeks direction from the City Council via motion to do one of the following:

- proceed with the disposition of the brick pavers for future street repair use and for public sale at the Landscape Recycling Center as described above; or
- direct staff to provide some quantity of brick pavers to PACA and some quantity of brick pavers to be retained by the Public Works Department; or
- direct staff to provide all brick pavers to go to PACA; or
- provide direction to staff in some other manner.