

OFFICIAL PROCEEDINGS :**OF THE CITY OF PEORIA, ILLINOIS :**

Council Chambers, Peoria, Illinois, December 2, 2003, a Regular Meeting of the City Council was held this date at 6:17 P.M., at City Hall, Council Chambers, 419 Fulton Street, Mayor David P. Ransburg presiding.

ROLL CALL

Roll call showed the following Council Members present: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ransburg requested a moment of silent prayer and then he led the Pledge of Allegiance.

Mayor Ransburg acknowledged Steve Van Winkle who had served as Interim City Manager for the past three months, and thanked him for the work he had done. Mayor Ransburg wished him well as he resumes his role as Director of Public Works.

MINUTES

Council Member Nichting moved to approve the minutes of the Special City Council Meeting held on November 22, 2003, and the Regular City Council Meeting held on November 25, 2003; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner,
Mayor Ransburg - 11;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS**CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE, for the City of Peoria, with Recommendations as Outlined:**

- (03-664) NOTICE OF LAWSUIT, on Behalf of BRADLEY GOULD Regarding Personal Injuries Suffered in an Accident on June 8, 2003, with Recommendation to Receive and File and Refer to the Legal Department.**
- (03-665) ANNUAL BIDS for COPIER PAPER and JANITORIAL PAPER, Recommending the Low Bids of MIDWEST OFFICE SUPPLY, CAPITAL CITY PAPER, CLARK PRODUCTS, GEORGE PASQUEL and CARTER PAPER as Outlined.**
- (03-666) Communication from Superintendent of Police Requesting Approval of the PURCHASE of FACTORY AMMUNITION from SHORE GALLERIES, INC. in the Amount of \$13,433.21.**

- (03-667)
* **Communication from Superintendent of Police Requesting Approval of a TWO-YEAR CONTRACT with ULTRAMAX AMMUNITION for the PURCHASE of RELOAD AMMUNITION in the Amount of \$18,970.00.**
- (03-668) **Communication from Acting Director of Public Works Requesting Authorization for the City Manager to Execute the AGREEMENTS with IDOT for the WILDFLOWER ILLINOIS PROGRAM.**
- (03-669)
** **Communication from Finance Director/Comptroller Recommending Adoption of an ORDINANCE Amending the BUDGET for Fiscal Year 2003 of the City of Peoria Relating to POLICE IDOT GRANTS, POLICE TECHNOLOGY GRANT, and FIRE PREVENTION DONATION.**
- (03-670) **Communication from Interim Director of Planning and Growth Management Recommending Adoption of ORDINANCE NO. 15,553 Amending APPENDIX A of the Code of the City of Peoria Relating to the DUTIES of the PEORIA MEDICAL and TECHNOLOGY DISTRICT COMMISSION.**
- (03-671) **REPORTS:**
- A. **REPORT OF REGINALD A. WILLIS, CITY TREASURER, for October, 2003.**
- B. **PEORIA PUBLIC LIBRARY FINANCIAL REPORT - October 31, 2003.**
- C. **PEORIA PUBLIC LIBRARY STATISTICAL REPORT - October 31, 2003.**

Council Member Nichting moved to approve the Consent Agenda items as outlined in the Council communications; seconded by Council Member Grayeb.

Council Member Nichting requested Item Nos. 03-667 and 03-669 be removed from the Consent Agenda for further discussion.

Item Nos. 03-664 through 03-671(excluding 03-667 and 03-669 which were removed from the Consent Agenda for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

- (03-667)
* **Communication from Superintendent of Police Requesting Approval of a TWO-YEAR CONTRACT with ULTRAMAX AMMUNITION for the PURCHASE of RELOAD AMMUNITION in the Amount of \$18,970.00.**

Council Member Nichting noted the low bidder for this contract, Black Hills Ammunition, was not EEO certified and he inquired if Staff had contacted them to see if this could be rectified. He said there was quite a difference in the bid amount of Black Hills Ammunition and Ultramax Ammunition, the company staff had recommended for approval.

Superintendent of Police John Stenson said Black Hills Ammunition did not bid on all of the aspects of the contract and was not EEO certified, which were two of the requirements of the Ordinance. Chief Stenson said the bids were sent out in ample time for all interested bidders to respond.

Council Member Nichting moved to approve a two-year contract with Ultramax Ammunition for the purchase of Reload Ammunition in the amount of \$18,970.00; seconded by Council Member Turner.

Council Member Turner quoted the Council's Fairness Policy and said when the City sends out documents to potential suppliers, they are given all the information necessary to meet the City's EEO ordinances and policies. He said, quite often, the suppliers choose not to abide by the requirements or failed to respond back to the City.

Motion to approve a two-year contract with Ultramax Ammunition for the purchase of Reload Ammunition in the amount of \$18,970.00 was approved by roll call vote

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

**(03-669) Communication from Finance Director/Comptroller Recommending Adoption of an
** ORDINANCE Amending the BUDGET for Fiscal Year 2003 of the City of Peoria
 Relating to POLICE IDOT GRANTS, POLICE TECHNOLOGY GRANT, and FIRE
 PREVENTION DONATION.**

Council Member Nichting recognized the COPS Technology Grant, which will be very supportive of the Police Department in allowing police officers to retrieve timely and valuable information in a very effective way, and also State Farm Insurance Company for providing \$5,000 to support the Fire Department.

Council Member Nichting moved to adopt the Ordinance amending the Budget for Fiscal Year 2003 of the City of Peoria relating to Police IDOT Grants, Police Technology Grant, and Fire Prevention Donation; seconded by Council Member Grayeb.

In discussion with Chief Stenson, Council Member Teplitz determined the two grants received by the Police Department were prepared by the Department's grant officer and she commended the Department and the grant officer for their efforts in submitting and obtaining several million dollars in grant funding for Departmental use.

Motion to adopt ORDINANCE NO. 15,554 amending the Budget for Fiscal Year 2003 of the City of Peoria relating to Police IDOT Grants, Police Technology Grant and Fire Prevention Donation was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

**(03-672) Communication from Acting Director of Public Works Recommending Approval of an
 AGREEMENT with IDOT for the IMPROVEMENT of the CHARTER OAK ROAD
 EXTENSION PHASE II, in an Amount Not to Exceed \$1,000,000 and Authorization
 for the City Manager to Execute the Agreement.**

Council Member Nichting moved to approve the agreement with IDOT for the improvement of the Charter Oak Road Extension Phase II, in an amount not to exceed \$1,000,000 and authorize the City Manager to execute the agreement; seconded by Council Member Grayeb.

Council Member Nichting recognized Representative David Leitch for his assistance in obtaining, for the City, an additional \$1,000,000 in grant funding from the State for this item.

Motion to approve the agreement with IDOT for the improvement of the Charter Oak Road Extension Phase II, in an amount not to exceed \$1,000,000 and authorize the City Manager to execute the agreement was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

(03-673) Communication from Acting Director of Public Works, Recommending Approval of the Low Bid of R.A. CULLINAN AND SON, INC., in the Amount of \$6,231,755.00 for the PHASE II CONSTRUCTION for CHARTER OAK ROAD EXTENSION PROJECT.

Council Member Nichting moved to approve the low bid of R.A. Cullinan and Son, Inc., in the amount of \$6,231,755.00 for the Phase II Construction for Charter Oak Road Extension Project; seconded by Council Member Grayeb.

Council Member Gulley said after reviewing the numbers and EEO requirements for projects, it was made clear on this particular project, even though the project had specific utilization goals, that the company recommended for approval had not met the goals as related to the EEO policy. He said he would like the EEO Department to go back and review this proposal and specifically the good faith efforts that had been made with regard to the EEO compliance on this project. He explained in the first phase of this project, there had been some concerns whether or not the contractor followed the City's EEO policies. He said other governmental entities would not have allowed a project of this size to reach the current phase without having all EEO requirements in place. He said he would like to amend the motion to approve this item only after Staff had been satisfied that the contractor had made a good faith effort regarding the City's EEO policies. He requested that before Council moved forward with this item, the EEO Department would review all the documents submitted for this project to make sure there has been a good faith effort by the contractor.

In discussion with Acting Public Works Director Gene Hewitt, Council Member Sandberg determined the engineer's estimate amount of \$7,235,000 was made by the consultant hired by the City, and reviewed by the City.

Council Member Gulley moved for a substitute motion to approve low bid of R.A. Cullinan and Son, Inc., in the amount of \$6,231,755.00 for the Phase II construction for Charter Oak Road Extension Project with the contingency that the EEO Department review the EEO policy to make sure the contractor had made a good faith effort regarding this project; seconded by Council Member Sandberg.

Council Member Ardis inquired if the substitute motion would have a potential impact on this project, and he requested clarification from Legal Counsel Kimberly King regarding the EEO process and some concerns expressed by Council Member Gulley.

Acting Public Works Director Hewitt stated the substitute motion as presented would not delay the project. He added the City was dealing with a full-service contractor on this project who does all of the work necessary and does not sub-contract.

Legal Counsel Kimberly King said capacity was an issue. She said the size of the I-74 project, impacted the number of subcontractors that might be available to bid on City funded construction projects. In response to Council Member Gulley's concerns, she said the EEO office already had a process in place whereby as soon as a low bidder was identified by the department on a project, the EEO office contacted the apparent low bidder and requested specific information regarding their intentions with respect to the City's EEO goals on subcontracting opportunities and individual hours worked opportunities. She said the City had already

requested this information from R.A. Cullinan which should be in the EEO office by this Friday, December 5, 2003. Ms. King stated once the information from the contractor was received and reviewed by the EEO office, the contractor was notified if additional areas of subcontracting opportunities had not been identified in their contract. She said the City had very specific goals for their projects and were currently in the process of working with Bradley University to develop a Disparity Study to determine, according to the law, whether or not there had been systematic and substantial discrimination in the awarding of contracts, and if the study determined there had been, then the City would have more of an opportunity for a set-aside program which would provide more opportunities for disadvantaged business enterprises to work on City projects.

Council Member Gulley reiterated that before a project was presented to Council, the process should be complete and the contractor fully understood the City's interpretation of good faith effort.

Council Member Spears stated if there was a flaw in any City policy, it could be changed, brought forward and voted on the Council floor.

Substitute Motion to approve the low bid of R.A. Cullinan and Son, Inc., in the amount of \$6,231,755.00 for the Phase II Construction for Charter Oak Road Extension Project with the contingency that the EEO Department review the EEO policy to make sure the contractor had made a good faith effort regarding this project was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

(03-674) Communication from Acting Director of Public Works Recommending Approval of the ADJUSTMENT to the HARDING ESE, INC. (now MACTEC, INC.) CONTRACT to Furnish Professional Services for the DESIGN WORK on the CHARTER OAK ROAD EXTENSION PROJECT in the Amount of \$197,000.

Council Member Nichting moved to approve the adjustment to the Harding ESE, Inc. (now MACTEC, Inc.) contract to furnish professional services for the design work on the Charter Oak Road Extension Project in the amount of \$197,000.00; seconded by Council Member Grayeb.

In discussion with Acting Director Gene Hewitt, Council Member Sandberg determined the construction value of Charter Oak Phase I was approximately \$15,500,000.

Council Member Sandberg inquired how the City determined the original contract of \$400,000.00.

Acting Director Hewitt explained the original contract was based on a scope of services the City worked out with the contractor which the City envisioned would be sufficient to cover the project.

Council Member Sandberg expressed concern why this item was being brought to Council after the bids had already been completed.

Acting Director Hewitt stated the design services contract covered not just the first phase, but the entire period of the project which included the time and effort it took to prepare the first phase contract and the second phase contract which was being presented to Council on tonight's agenda. He explained this case scenario was no different that the design services in an architectural field, where conditions evolved as the projects advanced. He said after having identified the cost and level of effort, then you settled up at the end of the project.

Motion to approve the adjustment to the Harding ESE, Inc. (now MACTEC, Inc.) contract to furnish professional services for the design work on the Charter Oak Road Extension Project in the amount of \$197,000 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 10;

Nays: Sandberg - 1.

(03-675) Communication from Acting Director of Public Works Requesting Approval of the ADJUSTMENT to the HARDING ESE, INC. (now MACTEC, INC.) CONTRACT to Furnish Professional Services for the CONSTRUCTION ENGINEERING WORK on the PHASE I CONSTRUCTION CONTRACT for the CHARTER OAK ROAD EXTENSION PROJECT in the Amount of \$114,250.

Council Member Nichting moved to approve the adjustment to the Harding ESE, Inc. (now MACTEC, Inc.) Contract to furnish professional services for the construction engineering work on the Phase I Construction Contract for the Charter Oak Road Extension Project in the amount of \$114,250; seconded by Council Member Grayeb.

In response to Council Member Morris' inquiry as to the total cost of the Charter Oak Road Project up to this point, Acting Director Hewitt said it was approximately \$15,500,000, except for the Railroad Force Account.

Council Member Nichting noted that two of the larger portions of the project, the construction part, included a contract previously approved by the Council in the amount of approximately \$1,000,000, and the second construction project approved tonight for another approximate \$1,000,000, could allow the City to come under the original budget by \$1,500,000 or more. He said this needed to be understood in the overall scope of things, especially when you considered all the road work on Interstate 74. He said the City was fortunate to have this proposal even with the engineering oversights.

Motion to approve the adjustment to the Harding ESE, Inc. (now MACTEC, Inc.) Contract to furnish professional services for the construction engineering work on the Phase I Construction Contract for the Charter Oak Road Extension Project in the amount of \$114,250 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 10;

Nays: Sandberg - 1.

(03-676) Communication from Acting Director of Public Works Requesting Approval of CONTRACT with MACTEC, INC. in an Amount Not-to-Exceed \$695,607 to Provide Necessary Construction Inspection Services for the PHASE II CONSTRUCTION for the CHARTER OAK ROAD EXTENSION PROJECT.

Council Member Nichting moved to approve the contract with MACTEC, Inc., in an amount not-to-exceed \$695,607.00 to provide necessary construction inspection services for the Phase II construction for the Charter Oak Road Extension Project; seconded by Council Member Grayeb.

Council Member Morris requested clarification regarding the cost of the Charter Oak Road Project.

Interim City Manager Steve Van Winkle said the costs of the project were in line with what the City would typically expect for the normal type of engineering and inspection services. He added this project encountered some extraordinary circumstances with regard to the costs associated with the railroad structure. He said he felt the bottom line was consistent with what would be expected from the standpoint of a project of this size and type with respect to engineering services.

Council Member Spears inquired what the amount of savings would have been if the City had done this project in-house and had the correct staffing.

Acting Director Hewitt explained this was a typical consultant contract where the City paid for everything, so all charges would be legitimately charged to the project. He said in the past, the City had charged only for raw salary with no benefits and no equipment. He said if the City charged full cost, including benefits and equipment, these numbers would not be that much different. He added consultants factor things into their overhead that the City would not, for example profit.

Motion to approve the contract with MACTEC, Inc., in an amount not-to-exceed \$695,607.00 to provide necessary construction inspection services for the Phase II Construction for the Charter Oak Road Extension Project was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg – 11;

Nays: None.

(03-677) Communication from Finance Director/Comptroller with ORDINANCE AMENDING the BUDGET for Fiscal Year 2004 Relating to an Increase in Employee Benefits, Decrease in Estimated Revenues and Expenditures and Reduction in Capital Programs. (Refer to 03-375 and 03-375E)

A replacement Ordinance amending the Budget for Fiscal Year 2004 relating to an increase in employee benefits, decrease in estimated revenues and expenditures and reduction in capital programs was distributed to all members of the City Council.

Following a brief explanation relating to the 2004 Fiscal Budget, Council Member Thetford moved to approve the Ordinance amending the Budget for Fiscal Year 2004 relating to an Increase in Employee Benefits, Decrease in Estimated Revenues and Expenditures and Reduction in Capital Programs with the following clarifications: 1) No existing fire stations shall close; 2) no fire suppression engine would be removed from any existing station; and 3) the fire department redeployment must be achieved by temporarily placing a ladder truck out of service, or utilizing a jump crew, or some other measure which did not remove the water or fire suppression capability from any station; seconded by Council Member Teplitz.

Council Member Thetford stated on November 22, 2003, the Council had met in a Special Council Meeting that was helpful in terms of going through the budget process. She said at that time, she made a motion indicating she could not support a budget that closed Fire Station 11 or any Fire Station. She said she indicated in light of the fiscal situation facing the Council, she could not support the hiring of eleven new firefighters. She said she had suggested that the fire department put a ladder truck temporarily out of service, or utilize a jump crew. She said at no time during that session did she or any other member of the Council indicate that there was support for putting a fire suppression engine out of service at any of the stations. She continued that last Tuesday evening a recommendation from the Fire Chief was placed on the Council's desks that now instead of taking the fire suppression capability from Station 11, the City was going to take it away from Station 12. She said in the past few days she had heard from citizens who were served by Station 12 and also fire department personnel regarding the recommendation. She apologized to the citizens who were served by Fire Station 12 that she didn't feel comfortable rejecting this proposal last Tuesday. She moved to grant Privilege of the Floor for Rosilee Walker, President of the Averyville Improvement Association and other citizens who wish to address the Council regarding this and other issues; seconded by Council Member Teplitz.

Council Member Thetford requested to enter into the public record a letter to the City Council regarding Fire Engine 12 as related to budget constraints signed by Ms. Walker, Richard Lenz, Paul Bullock, Donald Siders and members of the Averyville Improvement Association and the Near North Improvement Association and Concerned Citizens.

Mayor Ransburg stated the Council needed to focus on passing the budget at tonight's meeting, which included a number of items agreed to at the Council Meeting the previous week and other items discussed at the meeting on November 22nd which included not supporting the eleven additional firefighters, nor the overtime to maintain Fire House 11, which the Council had agreed on.

Council Member Grayeb said the Council needed to determine what was being funded and if adequate fire suppression for the safety of the citizens and firefighters was not going to be funded, this could affect whether or not to pass the budget. He requested a copy of Council Member Thetford's motion so it could be studied and evaluated by fire professionals. He said fire suppression service was not a district issue, but a city-wide issue.

Council Member Nichting said he was sympathetic to the concerns of the citizens in the Averyville area. He said people in the 5th District had their response times and fire suppression increased four to five minutes, and he would rely on the expertise of the City's Fire Marshall to state what would be appropriate. He said the people in the Skyline area had stated they were promised adequate fire protection when Station 17 closed.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to those citizens who wished to address the Council regarding this issue.

Ms. Rosilee Walker, 622 Vine Street, President of Averyville Improvement Association, stated last Tuesday evening was the first she had heard any mention of Fire Station 12, and that was only because Council Member Grayeb had requested Chief Modglin to address the Council. She said she accepted Council Member Thetford's apology. She said most of the time when there are neighborhood concerns, the citizens are made aware after the fact. She said the people of Averyville needed, not wanted, Fire Station 12, and all the Fire Stations in the City. She said the citizens wanted and needed public safety services. She said she had worked in finance much of her life, and numbers could be stated in many ways to reflect how someone wanted to get a point across to the public. She said there had been numerous retirements from City Hall, and she questioned the raises given to management while the remaining employees received more work. She said the Fire Department had offered concessions, but they were contingent on management taking a 1% reduction in salary, which was unacceptable to the City Council. She expressed concern regarding taking away the employees longevity. She said the Council needed to ask management to show their willingness to give up something. She expressed concern over the new City Manager's salary. She said the City should provide the City's needs, and the citizens of Averyville would support a tax increased to be used only for public safety. She said the homes in her area were very old and built close together, and a fire call taking additional time would likely expand to the neighboring house. She said most of the population were elderly and they needed a full service fire station. She said the people of Averyville had many wants for their neighborhood, but the bottom line was these were wants, not needs. She emphasized the citizens' needs and demands for basic police and fire services for the entire City.

Mr. Donald Siders, 2801 N.E. Madison, presented the Clerk with Petitions bearing 145 signatures opposing the closure of the engine company at Fire Station #12 and the relocation of Rescue 1 from Central Station to Station #12. He said they had two serious fires in the past year. He expressed concern that Route 29 was a main East-West route through Peoria utilized by heavy truck traffic, sometimes carrying hazardous material that could be a potential safety threat to the neighborhoods. He expressed concern that a number of businesses in the area also used hazardous material on a regular basis which posed a threat to the area, which could affect Woodruff High School, the Peoria Animal Shelter, churches, retirement homes, and others. He listed various types of emergency calls and fire responses made from January 1st through September 30, 2003.

Mr. James Stuttle, 6916 N. Skyline Drive, President of the Skyline Homeowners Association, read from letters written by previous Council Members and City Manager from 1992 discussing the closure of Fire Station #17. He quoted a paragraph regarding the effect the closing of Fire Station 17 would have on service delivery in the area. He said the paragraph also said that beginning Monday, March 16, 1992, Fire Station

#12 on North Adams would assume primary responsibility for fire protection to their area with personnel from Station 12 responding to both fire and basic life emergencies in their area; also Advanced Medical Transport would post a response ready paramedic ambulance at the War Memorial Drive-Adams Street intersection for service to the Adams Street-Galena Road corridor. He said it was signed by Peter Korn, City Manager. He displayed numerous newspaper articles discussing the closing of Station 17 and stating that Station 12 would be the primary station for the Skyline area. He said without Station 12, the travel distance to the old Station 17 area would be extreme. He questioned why the Council seemed to take away from the citizens in order to balance the budget. He said with more businesses moving into the region, the need for fire service was increasing, not decreasing.

Fire Chief Roy Modglin stated at a meeting held on Saturday, November 22, 2003, some proposals were made to the Fire Department. He said it was suggested the Department shut down an aerial truck or make a jump crew between an aerial truck and an engine company. He said at that time, he expressed reasons why, in his professional opinion, these proposals would not work. He said Council Member Thetford stated previously at the November 22nd meeting, there was no support for shutting down an engine company and no instructions from the Council not to shut down an engine company. He read from the official minutes of that meeting regarding what the motion was. He said Peoria had four aerial trucks and the average response coverage in mileage of each of these trucks was 10.1 square miles. He said the average square mile of an aerial truck in New York City was 3.1 square miles. He stated Peoria was covering over three times the area as some of the major cities with our current equipment. He said our minimum manning was three which was well below standards. He said the reason we needed the current equipment was not so much because we might need that engine company for more water, but we needed the man power, because we only had three people on each piece of equipment. He said he felt he had given Council the best recommendation possible. He explained the decisions made were based on facts and figures and data from the City of Peoria Informational System's Data Base.

Chief Modglin described the exact duties of an aerial crew and why the City cannot afford to lose them. He said the department used the aerial trucks three to five times a year, but was one of the workhorses of the Fire Department. He explained these truck crews do all the preliminary work that helped the ground crew do their work. He said the truck company was responsible for shutting off the utilities so the line crews could enter the building and not encounter gas explosions or electrical shocks or back-draft or smoke explosion. He said each group had a very distinctive job that needed to be done in a timely fashion and taking one of these out of service would be doing a disservice to the firefighters and, therefore, to the citizens. He said if the City couldn't protect the firefighters, who would protect the citizens. He said if one of the truck crews was taken out of service, the square mile coverage would increase from 10 to 15. He explained the City had one jump crew located at Fire Station 13, which has an engine company and a rescue squad. He said there were only three firefighters assigned to that Fire Station, so they had to decide which piece of equipment they take to an alarm. He explained if there was a fire call, they would use the engine; if there was a medical or rescue call, they use the rescue squad. He further explained trying to make a jump crew between an engine company and an aerial company would not work. He said both of those pieces of equipment were needed for a fire call. He said this raised problems because until fire personnel arrived and analyzed the fire and reported back to the station, no decision could be made as to what piece of equipment should be utilized for the fire. He further explained this was also a problem for the 911 dispatch center. He explained the dispatches were done by computer, and the computer assigned what engine or truck company should be sent by addresses, and the computer did not know what equipment was needed. He concluded that the Fire Department would do whatever the Council voted on. He said he would provide the pros and cons for whatever options were brought forward and follow policies set by the Council.

In response to an inquiry from Council Member Nichting regarding fire coverage, Chief Modglin said if there were two to three multiple alarm fires in the City at the same time, it would severely tax the Fire Department at their current level of manpower and equipment.

Tony Ardis, 4022 N. Tomar, President of Fire Fighter Local 50, said the Fire Department had been reduced from six truck companies to four and possibly three, and the Department had less personnel now than ten years ago. He expressed concern over articles in the media accusing the Fire Department of fear mongering. He said firefighters took their jobs seriously, which included notifying citizens of any dangers they might be facing.

Richard Lenz, 134 Rock Island, spoke in support of leaving Fire House #12 open and having a tax increase for the Police and Fire Departments only. He said the Fire Department was a necessary entity for all neighborhoods and there were a number of elderly and disabled citizens in his neighborhood that had benefited from their services.

George Wise, 1416 N.E. Monroe, spoke in support of Fire House #12 and maintaining fire protection services for neighborhoods.

Council Member Sandberg requested clarification regarding the motion. He inquired if the phrase “or some other measure” could include looking at personnel cuts in other departments.

Council Member Thetford explained the context of the phrase was not to allow a fire suppression engine to be removed from any station. She added that redeployment issues, removal of fire equipment or other measures needed to be discussed with either the Interim City Manager or the new City Manager.

Council Member Thetford clarified the word “or” should be in her motion to read “fire department redeployment must be achieved by temporarily placing a ladder truck out of service, or utilizing a jump crew, etc.”

Council Member Ardis stated part of the motion before them was requesting the fire department to perform the impossible task of bringing forward another recommendation. He said bottom line was the Fire Department was not being given the tools needed to provide necessary basic public services. He expressed concern regarding the manner in which Council Members talked to Department Heads. He said he would not be supporting this motion.

Council Member Morris said he felt this motion was not the final answer but geared the Council toward some direction in finding working solutions. He clarified a statement he made regarding fear mongering. He said he didn't feel citizens had a broad perspective of other investments the City had made regarding public safety, eg., the Police, Commercial Safety Inspections Program, 911 Center, the Red Cross, the City's ambulance services, and our Hospitals. He said fire safety was a fundamental basic public service.

Council Member Grayeb said he felt if this motion provided flexibility for the Council to staff all twelve stations to provide the necessary public safety, and if the motion provided the opportunity for Council to achieve that goal, then Council should support the motion. He said if the motion was intended to provide City administration with the necessary manpower and tools to perform their job, then he would consider supporting the motion. He said it was important the Council had clarity on the exact intent of the motion. He stated he could not vote for a budget that did not address the challenges facing the City regarding public safety.

In response to Council Member Gulley's request to review a previous recommendation regarding other options for staffing the Fire Department, Chief Modglin explained that on July 17, 2003, the five options he had prioritized and presented to Staff were as follows: 1) Fire Station 11 remained as is, status quo, no fire stations would be closed; 2) put Engine 11 out of service, relocate Rescue 2 from Station 13 to Station 11, and permanently man it with a 2 man crew, which would take 7 new people; 3) put Engine 11 out of service and relocate the aerial truck from Station 3 to Station 11; 4) keep Station 11 and its engine company in service, but use a 3-man jump crew between an engine and an aerial company at a different fire station; and 5) to leave Engine 11 in service and close an aerial truck somewhere else in the City.

Chief Modglin said in answer to Council Member Gulley's question regarding if anything else could be done with the status quo and come up with the \$600,000 in the budget, the answer was no. He said the fire budget had been cut severely over the last two years. He explained when you had a \$13,000,000 budget and 95% was personnel expenses, that left \$650,000 to operate the remaining needs of the Department, which included utility bills, fuel, tools and equipment and repairs to trucks. He said giving up \$600,000 was not an option, because that would leave only \$50,000 to operate the Department.

Council Member Thetford explained her motion encompassed a budget amendment stating Fire Station 11 is to remain open through redeployment and not through the hiring of eleven additional firefighters nor the use of overtime. She said her clarification would simply add to that. She said her position for some time was the City could not afford to close any Fire Stations, nor could they afford to hire eleven new firefighters, because of the current fiscal situation. She said the City did not have any long-term, ongoing yearly revenue to support the hiring of eleven new firefighters. She said there had been previous proposals for long term funding to hire new firefighters, but these proposals did not pass. She said she felt the most important service the Fire Department delivered was water to a fire, and she said she felt her motion insured that all the existing stations would still be delivering water to a fire.

Council Member Morris clarified that \$13,000,000 was the operational cost of the Fire Department, and with the new audit standards included capital investments, benefits, support from other departments, there was a \$20,000,000 cost affixed to that amount.

Council Member Sandberg stated since the motion clearly implied there could not be any hiring of additional firefighters to provide the necessary deployment, he would not be supporting the combined motions before the Council.

Council Member Spears said he would not be supporting the motion because it dealt with the last phase of the budget for 2004. He said Council was promised there would be early discussions with open dialogue and monthly meetings regarding the 2004 budget. He said he felt this had not been a good budget process and there was very little public discussion.

Motion to adopt ORDINANCE NO. 15,555 amending the Budget for Fiscal Year 2004 relating to an Increase in Employee Benefits, Decrease in Estimated Revenues and Expenditures and Reduction in Capital Programs with the following clarifications: 1) No existing fire stations shall close; 2) no fire suppression engine would be removed from any existing station; and 3) the fire department redeployment must be achieved by temporarily placing a ladder truck out of service, or utilizing a jump crew, or some other measure which did not remove the water or fire suppression capability from any station was approved by roll call vote.

Yeas: Gulley, Morris, Teplitz, Thetford, Turner, Mayor Ransburg - 6;

Nays: Ardis, Grayeb, Nichting, Sandberg, Spears - 5.

UNFINISHED BUSINESS

(03-615-A) Communication from Director of Workforce Development Regarding REPORT BACK on IN-KIND CONTRIBUTION for WORKFORCE DEVELOPMENT with Recommendation to Receive and File.

Council Member Sandberg said the communication from Corporation Counsel indicated there were no provisions this Council had ever agreed to in any Intergovernmental Agreement that the City should absorb the costs that the City supported departments provided for Workforce Development. He requested clarification from Director Bashir Ali.

Workforce Development Director Bashir Ali said the report back outlined that the source and the purpose for using in-kind contributions were relative to certain state, federal and local policies that had been acted upon.

He explained that Council Member Sandberg had asked a series of questions at the October 28th meeting. Mr. Ali said there were other issues relative to the \$100,000, which he could not address at that point in time, and that was the purpose of the report back. He continued by saying the report back in front of Council tonight outlined the history of federal funds for Workforce Development over a period of thirty years for the City of Peoria. He said It presented a rationale that the Workforce Development Department had outlined relative to some of the restrictions and new policies put in place by the Workforce Investment Act and by the regulation from the Department of Labor and by policies set forth by the Governor's office. He explained he had tried to identify what would have the least impact on the City of Peoria, that gave the greatest efficiency and flexibility and at the same time allowed a maximum impact to leverage additional grants and funds.

Council Member Sandberg inquired how the City of Peoria provided the in-kind services for free and other outside communities did not. He further inquired why the City of Peoria solely absorbed the \$100,000 or more annual cost.

Director Ali explained that the \$130,000 was not a real number. He said it was a calculated number used for purposes of establishing in-kind contributions. He said the actual number would have to be calculated by each and every department by identifying what services were provided by each department quantifying and analyzing that amount at the end of the year, which, he said, had never been done. He said this system started in 1972 when the whole process of acquiring federal funds for job training and workforce development first began and there had been no change since that time. He added the decisions that came about recently under the Workforce Investment Act were to basically minimize any negative impact.

In discussion with Director Ali, Council Member Gulley determined the in-kind contribution in the amount of \$135,000 was not considered corporate funds and could not be used to fund the City's deficit.

Council Member Teplitz commended Director Ali for his efforts in preparing the report back.

Interim City Manager Steve Van Winkle stated there was a Workforce Department located at a place in the City of Peoria where people needed the type of training provided by that department. He said he supported Mr. Ali's explanations and he considered this to be a well-founded report back.

In discussion with Director Ali and Human Resources Director Pat Parsons, Council Member Spears determined Workforce Development employees who were enrolled in the City's healthcare plan were charged whatever the personnel rules were relating to the different levels of insurance coverage, and there was no out-of-pocket cost to the City.

Council Member Grayeb said District 150 provided some of the in-kind services through their adult education programs. He stated, when the City was not able to help people meet their current needs in terms of training needed to compete in our highly competitive society, the amount of money spent for institutionalizing or incarcerating someone who did not have these service was astronomical. He stated whatever amount was spent, the City would benefit in terms of better lives for our citizens.

Council Member Sandberg said the issue was not the credibility and productivity of the program, it was how it was supported and funded. He said the money comes from the Federal Government but there was not one entity that absorbed the service costs that were calculated imaginarily for grant purposes in the amount of \$135,000.

Council Member Morris requested to call the question.

Council Member Morris moved to receive and file the report back regarding in-kind contribution for Workforce Development; seconded by Council Member Teplitz.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

(03-615-B) Communication from Corporation Counsel Regarding a REPORT BACK on the WORKFORCE DEVELOPMENT BOARD and the PROVISION of IN-KIND SERVICES with Recommendation to Receive and File.

Council Member Nichting moved to receive and file the report back on the Workforce Development Board and the provision of in-kind services; seconded by Council Member Grayeb.

Approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

(03-647) Communication from Corporation Counsel Outlining THREE PROPOSED PLANS INCREASING LIQUOR LICENSE FEES and/or IMPOSING PRIVILEGE TAX on the PURCHASE OF PACKAGED LIQUOR, with Recommendation from the Liquor Commission to Approve PLAN B and Requesting that the Council Select Plan A, B, or C as Follows:

- A. **ORDINANCE Amending Chapter 3 of the Code of the City of Peoria Relating to LICENSES TO SELL ALCOHOLIC LIQUOR AT RETAIL (All full Class Liquor License Fees would increase to \$1,000.00 except Class E "Club" License (with membership of 200 or less), which would increase to \$775.00. Application Fees would increase to \$400.00, and License fees for all Subclasses, except Subclass 1 [4:00 a.m.] would increase.);**

- B-1. ORDINANCE Amending Chapter 3 of the Code of the City of Peoria Relating to LICENSES TO SELL ALCOHOLIC LIQUOR AT RETAIL (House-Keeping changes and increase Liquor License Application fees to \$500.00);**
- B-2. ORDINANCE Amending Chapter 27 of the Code of the City of Peoria Relating to TAXATION (New article would levy and impose a privilege tax of 2% of the purchase price on the purchase of packaged alcoholic beverages);**
- C-1. ORDINANCE Amending Chapter 3 of the Code of the City of Peoria Relating to LICENSES TO SELL ALCOHOLIC LIQUOR AT RETAIL (House-Keeping changes and increase Liquor License Application fees to \$500.00);**
- C-2. ORDINANCE Amending Chapter 27 of the Code of the City of Peoria Relating to TAXATION (New article would levy and impose a privilege tax of 1½% of the purchase price on the purchase of packaged alcoholic beverages).**

Following a brief explanation, Council Member Turner moved to defer these items for one week until the December 9, 2003, Regular City Council Meeting; seconded by Council Member Morris.

Motion to defer until December 9, 2003 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

03-648) Communication from Corporation Counsel Recommending Adoption of an ORDINANCE Amending Chapter 3 of the Code of the City of Peoria Relating to LICENSES to SELL ALCOHOLIC LIQUOR AT RETAIL and INCREASING FEES for INDOOR and OUTDOOR SPECIAL EVENT LIQUOR LICENSES.

Following an explanation regarding the increases in fees, Council Member Turner moved to adopt the Ordinance amending Chapter 3 of the Code of the City of Peoria relating to licenses to sell alcoholic liquor at retail and increasing fees for indoor and outdoor special event liquor licenses; seconded by Council Member Thetford.

Motion to adopt ORDINANCE NO. 15,556 was approved by roll call vote.

Yeas: Ardis, Grayeb, Gulley, Morris, Nichting, Sandberg, Spears, Teplitz, Thetford, Turner, Mayor Ransburg - 11;

Nays: None.

NEW BUSINESS

(03-678) COMMENTS Regarding INTERM CITY MANAGER STEVE VAN WINKLE

Council Member Nichting thanked Interim City Manager Steve Van Winkle for the time he served the City as it's Interim City Manager, He pointed out Mr. Van Winkle had served the City well during a difficult time. He said Mr. Van Winkle had always been straight forward, and was fair across the board and he hoped the new City Manager would adopt this policy.

Council Member Grayeb thanked Mr. Van Winkle for his services and said he felt the people of Peoria would have been far better served if the budget reconciliation package Mr. Van Winkle brought to Council a few weeks ago would have been adopted. He said Director Van Winkle had been a very able skipper during the last three months and he said he looked forward to his continued service with the City as Director of Public Works.

Council Member Ardis thanked Director Van Winkle for a job well done. He said he felt the City would have benefited from appointing Mr. Van Winkle as Interim City Manager when this whole process began and he thanked him for his diligence and willingness to accept this tough position of Interim City Manager.

Council Member Morris thanked Director Van Winkle for all his services during his time as Interim City Manager and he wished him good luck.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(03-679) REQUEST to Address the City Council Regarding VARIOUS ISSUES.

Hearing no objections, Mayor Ransburg granted Privilege of the Floor to those who wished to address the Council.

Ms. Levetta Ricca, 711 S. Greenlawn, expressed concern regarding some remarks by the Council and she commented on the decision not to hire additional firefighters. She spoke in support of neighborhood safety and said this was the number one concern of all the committees formed by the Blue Print of Peoria Plan.

EXECUTIVE SESSION

It was determined an Executive Session was not needed.

ADJOURNMENT

Council Member Nichting moved to adjourn the Council Meeting; seconded by Council Member Turner.

Approved by viva voce vote.

The Council Meeting adjourned at 9:35 P.M.

Mary L. Haynes, MMC
City Clerk, Peoria, IL

BY:

Beth Ball
Deputy City Clerk , Peoria, IL

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