

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

Council Chambers, Peoria, Illinois, February 12, 2008, a Regular City Council Meeting was held this date at 6:16 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding.

ROLL CALL

Roll call showed the following Council Members were physically present: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;
Absent: Manning - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection, and he then led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: RECOGNITION OF SERVICE AS CITY OF PEORIA CITY MANAGER – CHARLES R. (RANDY) OLIVER

PROCLAMATION: ILLINOIS HOCKEY HALL OF FAME: MARK OLSON

PROCLAMATION: WEST BLUFF PILLAR AWARD: MARJORIE KLISE

PROCLAMATION: SOCIETY OF WOMEN ENGINEERS: NATIONAL ENGINEERS WEEK - February 17 - 23, 2008.

PROCLAMATION: PLAN PEORIA MONTH - February 2008

MINUTES

Council Member Nichting moved to approve the minutes of the Executive Sessions held on January 15, January 22, and January 31, 2008, the Regular City Council Meeting held on January 22, 2008, and Special Meetings held on January 15 and January 31, 2008; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner,
Van Auken, Mayor Ardis – 10;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

CONSIDERATION OF CONSENT AGENDA ITEMS BY OMNIBUS VOTE, for the City of Peoria, with Recommendations as Outlined:

(08-043) TAG DAY REQUEST from AMERICAN LEGION PEORIA POST #2 for Permission to Distribute Poppies to the Public for Donations to Help Local Disabled Veterans and the State of Illinois Veterans' Homes in LaSalle, Quincy, and Danville on THURSDAY, MAY 15, 2008, with a Rain Date on FRIDAY, MAY 16, 2008. (Dates are open.)

- (08-044) TAG DAY REQUEST from SOUTH-WEST KIWANIS of PEORIA to Hold Their ANNUAL PEANUT DAYS FUNDRAISER on THURSDAY, FRIDAY, AND SATURDAY, SEPTEMBER 25, 26, and 27, 2008. (Dates are open.)
- (08-045) Communication from the City Manager and Fire Chief Requesting Approval of a SOLE-SOURCE PURCHASE of GPS EMERGENCY VEHICLE TRAFFIC SIGNAL PREEMPTION SYSTEM for TEN INTERSECTIONS and TEN FIRE APPARATUS from TRAFFIC CONTROL CORPORATION, in the Amount of \$103,595.00.
- (08-046) Communication from the City Manager and Fire Chief Requesting Approval to PURCHASE SEVEN THERMAL IMAGING CAMERAS from the LOWEST QUALIFIED BIDDER, ENVIRONMENTAL SAFETY GROUP, INC., in the Amount of \$58,800.00.
- (08-047) Communication from the City Manager and Police Chief Requesting Approval to PURCHASE TWO (2) CHEVROLET IMPALAS Through the State of Illinois Contract Bid Process from MILES CHEVROLET, in the Amount of \$37,958.00.
- (08-048) Communication from the City Manager and Police Chief Requesting Approval of a SOLE SOURCE PURCHASE of a SOFTWARE ALTERATION from, APPLICATION DATA SYSTEMS, INC. (ADSI), to UPGRADE the Accuracy and Consistency of Entering Street Addresses into the POLICE DEPARTMENT CRIME AND ACCIDENT REPORTING SYSTEM, in the Amount of \$15,000.00.
- (08-049) Communication from the City Manager and Interim Human Resources Director Requesting Approval to Issue an RFP for BROKERS and ASSIGN INSURANCE COMPANIES to BROKERS Based on Criteria to be Set Forth in the RFP, as Recommended in Option A.
- (08-050)
* Communication from the City Manager and Director of Public Works Requesting Approval of a CONTRACT with CARGILL DEICING TECHNOLOGY to PURCHASE Up to 5,000 TONS of ROAD SALT at the Unit Price of \$42.42 for a Total Cost Not to Exceed \$212,100.00, and Requesting Approval of MFT RESOLUTION NO. 08-050 Authorizing an Expenditure of \$125,000.00 to Cover the Increase in Cost for This Purchase.
- (08-051) Communication from the City Manager and Director of Public Works Requesting Approval of a PROFESSIONAL SERVICES AGREEMENT with PATRICK N. MEYER & ASSOCIATES, INC., in an Amount Not to Exceed \$9,000.00, to Assist the City in Complying with its Current NPDES Municipal Separate Storm Sewer System Permit Issued by the Illinois Environmental Protection Agency, by Sharing Efforts and Resources with Other Local Communities and by Training City Staff.
- (08-052) Communication from the City Manager and Director of Public Works Requesting Authorization for the City Manager to Execute SUPPLEMENT 1 of the PRELIMINARY ENGINEERING SERVICES AGREEMENT with HANSON PROFESSIONAL SERVICES, INC., in the Amount of \$156,000.00 (for a Revised Contract Total Not to Exceed \$1,040,000.00), to Prepare the NORTHMOOR ROAD PROJECT DEVELOPMENT REPORT and to Approve SUPPLEMENTAL MFT RESOLUTION NO. 08-052, in the Amount of \$105,000.00.

- (08-053)
** Communication from the City Manager and Director of Economic Development Requesting Approval of the FIRST AMENDMENT to the TIF REDEVELOPMENT AGREEMENT with BEHR PEORIA, INC., and Requesting Authorization for the City Manager to Execute the Necessary Documents.
- (08-054)
*** Communication from the City Manager and Director of Economic Development Requesting Approval of REVISIONS to the INTERGOVERNMENTAL AGREEMENT Between the City of Peoria and the PLEASURE DRIVEWAY and PARK DISTRICT OF PEORIA. (Refer to Item No. 07-563)
- (08-055)
**** Communication from the City Manager and Director of Economic Development Requesting Approval to RENEW the BUSINESS DEVELOPMENT LOAN for SER-WIEG, INC., for FIVE YEARS and to Authorize the City Manager to Execute the Necessary Documents.
- (08-056)
***** Communication from the City Manager and Corporation Counsel Requesting Approval of RESOLUTION NO. 08-056 Amending Resolution No. 07-677 Pertaining to PARKING RATES at CITY-OWNED PARKING FACILITIES, Effective April 1, 2008.
- (08-057)

* Communication from the City Manager and Director of Public Works Requesting Adoption of an ORDINANCE to VACATE GLEN ELM DRIVE (Manor Care Health Services), Lying Adjacent to Lots 1 and 2 in MARY JO-ALYCE MANOR RESUBDIVISION.
- (08-058) Communication from the City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,240 to VACATE KNOXVILLE AVENUE Between GLENDALE AVENUE and HAMILTON BOULEVARD and Between HAMILTON BOULEVARD and FAYETTE STREET.
- (08-059) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,241 ABATING the TAX Heretofore Levied to PAY SPECIAL SERVICE AREA TAXES on the RIVERWEST NEIGHBORHOOD (Formerly the Colonel John Warner Homes Development).
- (08-060) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO 16,242 ABATING the TAX Heretofore Levied to Pay Principal of and Interest on GENERAL OBLIGATION CORPORATE PURPOSE BONDS of the City of Peoria 1998 Series C & D, 2000 Series A, B, & C, 2001 Series A, B, C, & D, 2002 Series A & B, 2003 Series A & B, 2004 Series B & C, 2005 Series A & B, and 2007 Series A.
- (08-061) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,243 Providing for the ISSUANCE of Not to Exceed \$24,200,000.00 GENERAL OBLIGATION REFUNDING BONDS of the City of Peoria Authorizing the Execution of an Escrow Agreement and a Bond Order and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of and Interest on Said Bonds.

- (08-062) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,244 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the OUTSTANDING ENCUMBRANCES as of December 31, 2007, in the amount of \$9,277,369.00.
- (08-063) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,245 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the PURCHASE of ONE NEW POLICE VEHICLE and ONE REPLACEMENT VEHICLE, in the Amount of \$37,958.00 from Capital Fund Balance.
- (08-064)

** Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the REVISED 2008 HUD ENTITLEMENT BUDGET as Outlined and the Recommended Budget Revisions.
- (08-065) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,246 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to an INCREASE in the ROAD SALT BUDGET, in the Amount of \$125,000.00 from the State MFT Fund Balance.
- (08-066) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,247 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to SAM J. STONE AVENUE ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT PAYMENT from SOUTHTOWN TAX INCREMENT FINANCING (TIF) FUND, in the Amount of \$8,809.00.
- (08-067)

*** Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE Amending the City of Peoria Budget for Fiscal Year 2008 Relating to PARKING REVENUE INCREASE in the Amount of \$35,000.00 and WEB MAINTENANCE AGREEMENT EXPENDITURE in the Amount of \$24,000.00.
- (08-068)

**** Communication from Mayor Jim Ardis Requesting Acceptance of the RESIGNATION of CITY MANAGER CHARLES R. OLIVER and Approve the AGREEMENT and RELEASE, and Authorize the Mayor to Execute the Agreement and Release on Behalf of the City.
- (08-069)

***** Communication from the City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS G (Restaurant/Tavern, Beer & Wine Only) LIQUOR LICENSE for 5101 W. HOLIDAY DRIVE, with Liquor Commission Recommendation to Approve.
- (08-070)

* Communication from the City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE for 539 MAIN STREET, with Liquor Commission Recommendation to Approve.
- (08-071) REPORT of the CITY TREASURER, REGINALD A. WILLIS, for the Month of DECEMBER 2007, with Recommendation to Receive and File.

(08-072) ADOPTION of COMMITTEE REPORT Regarding the CITY'S SIDEWALK PROGRAMS.

Mayor Ardis questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Nichting requested Item No. 08-064 be removed from the Consent Agenda for further discussion.

Council Member Turner requested Item No. 08-067 be removed from the Consent Agenda for further discussion.

Council Member Van Auken requested Item No. 08-068 be removed from the Consent Agenda for further discussion.

Council Member Montelongo requested Item No. 08-055 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item Nos. 08-050, 08-054, and 08-055 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested that Item Nos. 08-055, 08-056, 08-057, 08-069 and 08-070 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested Item No. 08-053 be removed from the Consent Agenda for further discussion.

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

Item Nos. 08-043 through 08-072 (excluding Item Nos. 08-050, 08-053, 08-054, 08-055, 08-056, 08-057, 08-064, 08-067, 08-068, 08-069, and 08-070, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None.

(08-050) * Communication from the City Manager and Director of Public Works Requesting Authorization to PURCHASE ROAD SALT Under the EMERGENCY PURCHASING PROCEDURES for a Total Cost Not to Exceed \$212,100.00, and Requesting Approval of an MFT RESOLUTION Authorizing an Expenditure of \$125,000.00 to Cover the Cost for This Purchase.

Director of Public Works Dave Barber distributed a replacement communication to all members of the Council indicating that Cargill Deicing Technology was contacted and it was determined they had committed their supply of road salt elsewhere and they would not have any road salt available for at least 90 days.

Following a brief clarification, Council Member Sandberg moved to authorize the Interim City Manager to purchase road salt from one or more suppliers under the Emergency Purchasing Procedures up to the limit of \$212,100.00 at a price to be determined, and approve an MFT Resolution authorizing an expenditure of \$125,000.00 to cover the increase in cost for the purchase of road salt; seconded by Council Member Nichting.

In discussion with Council Member Nichting, Director of Public Works Dave Barber explained most communities had purchased the maximum allocations of salt that was allowed and excess shipments of salt to replenish supplies had been frozen in the river due to recent weather conditions. He said everyone in the area was either out of salt or had very low supplies. He said many of the other areas were mixing sand with road salt, using calcium chloride on the mix, or were limiting the amount of salt they used. He explained his department would probably not be salting everything in order to extend their current supply of salt. He said the City still had 3,300 tons of salt left, but 16,000 tons of road salt had been used already this year. He further explained there had been seventeen snow events this year compared to thirteen for the entire year last year. He said the only salt supply at this time was located in Canada and he explained he had been working with other communities to conduct a joint purchase.

Council Member Nichting said the City had an Ordinance that allowed the City Manager, under the Emergency Act, to take necessary actions in emergency situations to assist with purchases such as this. He said he hoped the City could utilize that Ordinance in the future when needed.

Motion to authorize the Interim City Manager to purchase road salt from one or more suppliers under the Emergency Purchasing Procedures up to the limit of \$212,100.00 at a price to be determined and approve MFT RESOLUTION NO. 08-050 authorizing an expenditure of \$125,000.00 to cover the increase in cost for the purchase of road salt
Approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner,
Van Auken, Mayor Ardis – 10;

Nays: None.

**(08-053) Communication from the City Manager and Director of Economic
** Development Requesting Approval of the FIRST AMENDMENT to the TIF
 REDEVELOPMENT AGREEMENT with BEHR PEORIA, INC., and Requesting
 Authorization for the City Manager to Execute the Necessary Documents.**

Council Member Gulley said he would be abstaining from the vote and discussion due to his ownership of property in the TIF area.

Council Member Nichting moved to approve the First Amendment to the TIF Redevelopment Agreement with Behr Peoria, Inc., and authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken,
Mayor Ardis – 9;

Nays: None;

Abstentions: Gulley -1.

**(08-054) Communication from the City Manager and Director of Economic
*** Development Requesting Approval of REVISIONS to the
 INTERGOVERNMENTAL AGREEMENT Between the City of Peoria and the
 PLEASURE DRIVEWAY and PARK DISTRICT OF PEORIA. (Refer to Item No.
 07-563)**

Director of Economic Development Craig Hullinger distributed a copy of a revised Intergovernmental Agreement between the City of Peoria and the Pleasure Driveway and Park District of Peoria, which would replace Agreement No. 07-563.

Council Member Sandberg read an e-mail from his son expressing concern that Park Festival authorities and the Peoria Police Department would not allow free public shows along the Riverfront. He said his son traveled and performed around the world. He expressed concern that the original vision for the Riverfront had not been realized by not allowing public entertainment such as jugglers, mimes, and other street performers. He said he did not feel the City was headed in the right direction with their current vision, and he felt the proposed agreement continued on that path.

Council Member Van Auken said discussion was held last year and there was a joint Peoria Park District and City of Peoria agreement that would address issues similar to those pointed out by Council Member Sandberg. She said she felt the committee was still in tact and she requested that Council Member Sandberg's concern be taken into consideration by that Committee so there could be an on-going mix of Riverfront activities.

Council Member Nichting moved to approve the revised Intergovernmental Agreement between the City of Peoria and the Pleasure Driveway and Park District of Peoria; seconded by Council Member Van Auken.

Mayor Ardis said he agreed the new Committee was formed to discuss an implementation strategy for different kinds of Riverfront events. He said there had been a number of great events held on the Riverfront and he commended the Park District for their efforts. He said he hoped Council Member Sandberg would make sure the Committee heard his concerns.

Motion to approve the revised Intergovernmental Agreement between the City of Peoria and the Pleasure Driveway and Park District of Peoria was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Spain, Spears, Turner, Van Auken,
Mayor Ardis – 9;

Nays: Sandberg - 1.

**(08-055) Communication from the City Manager and Director of Economic
**** Development Requesting Approval to RENEW the BUSINESS
 DEVELOPMENT LOAN for SER-WIEG, INC., for FIVE YEARS and to
 Authorize the City Manager to Execute the Necessary Documents.**

Council Member Sandberg said he would be abstaining from discussion and voting due to providing professional services for the Petitioner.

Council Member Jacob said he would be abstaining from discussion and voting due to a business relationship with the Petitioner.

In discussion with Council Member Montelongo, Director of Economic Development Craig Hullinger explained the loan requirements for applicants. Director Hullinger spoke in support approving the loan for Ser-Wieg, Inc.

Council Member Montelongo suggested that the Council discuss the policy involving business development loans in the future.

Council Member Montelongo moved to approve renewing the Business Development Loan for Ser-Wieg, Inc., for five years and to authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Mayor Ardis spoke in support of renewing the Business Development Loan for Ser-Wieg, Inc. He expressed his appreciation and commended this company for investing millions of dollars in an area where there had been no development for many years. He said the City owed a debt of gratitude for this continued investment.

Motion to approve renewing the Business Development Loan for Ser-Wieg, Inc., for five years and to authorize the City Manager to execute the necessary documents was approved by roll call vote.

Yeas: Gulley, Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 8;

Nays: None;

Abstentions: Jacob, Sandberg - 2.

**(08-056) Communication from the City Manager and Corporation Counsel
***** Requesting Approval of a RESOLUTION Amending Resolution No. 07-677
Pertaining to PARKING RATES at CITY-OWNED PARKING FACILITIES,
Effective April 1, 2008.**

Council Member Jacob moved to defer this item until the March 25, 2008, Regular City Council Meeting; seconded by Council Member Spears.

Motion to defer this item until March 25, 2008, was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None.

**(08-057) Communication from the City Manager and Director of Public Works
***** Requesting Adoption of an ORDINANCE to VACATE GLEN ELM DRIVE
* (Manor Care Health Services), Lying Adjacent to Lots 1 and 2 in MARY JO-
ALYCE MANOR RESUBDIVISION.**

Council Member Jacob moved to defer this item until the March 25, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until March 25, 2008, was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None.

**(08-064) Communication from the City Manager and Finance Director/Comptroller
***** Requesting Adoption of an ORDINANCE Amending the City of Peoria
** Budget for Fiscal Year 2008 Relating to the REVISED 2008 HUD
ENTITLEMENT BUDGET as Outlined and the Recommended Budget
Revisions.**

City Clerk Mary Haynes announced the Administration had been requested that this item be withdrawn from the Council Agenda.

**(08-067) Communication from the City Manager and Finance Director/Comptroller
***** Requesting Adoption of an ORDINANCE Amending the City of Peoria
*** Budget for Fiscal Year 2008 Relating to PARKING REVENUE INCREASE in
the Amount of \$35,000.00 and WEB MAINTENANCE AGREEMENT
EXPENDITURE in the Amount of \$24,000.00.**

Council Member Turner expressed concern regarding the cost for the Web Maintenance Agreement expenditure in the amount of \$24,000.00

Council Member Sandberg also requested information regarding why Commission minutes were not on the City's web site.

Council Member Turner moved to defer this item until the March 25, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until March 25, 2008, was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner,
Van Auken, Mayor Ardis – 10;

Nays: None.

**(08-068) Communication from Mayor Jim Ardis Requesting Acceptance of the
***** RESIGNATION of CITY MANAGER CHARLES R. OLIVER and Approve the
**** AGREEMENT and RELEASE, and Authorize the Mayor to Execute the
Agreement and Release on Behalf of the City.**

Corporation Counsel Randy Ray distributed a copy of a revised Agreement and Release to all members of the City Council.

In discussion with Council Member Van Auken regarding the Severance Agreement and the Employment Contract for City Manager Oliver, Corporation Counsel Randy Ray confirmed that the employment agreement was formulated in October 2003 and the severance package was one of the conditions of the employment agreement. He said the City had an obligation to provide a severance package and was legally bound to honor the agreement.

Council Member Van Auken moved to accept the resignation of City Manager Charles R. Oliver and approve the revised Agreement and Release, and to authorize the Mayor to execute the agreement and release on behalf of the City; seconded by Council Member Spain.

Council Member Sandberg expressed concern regarding Item No. 4 in the proposed agreement because he did not feel the public interest was being served.

In further discussion with Council Member Van Auken regarding confidentiality, Corporation Counsel Ray confirmed providing confidentiality was common practice and would allow both parties to move forward with a clean slate.

In discussion with Council Member Jacob, Corporation Counsel Ray explained the process of releasing Executive Session minutes relating to these issues.

Mayor Ardis said employee evaluations were usually not released.

In further discussion with Council Member Jacob, Corporation Counsel Ray said it was possible that portions of Executive Session minutes could be released under certain circumstances.

Motion to accept the resignation of City Manager Charles R. Oliver and approve the revised Agreement and Release, and to authorize the Mayor to execute the agreement and release on behalf of the City was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Spain, Spears, Turner, Van Auken, Mayor Ardis – 8;
Nays: Nichting, Sandberg - 2.

- (08-069)** **Communication from the City Manager and Corporation Counsel**
***** **Requesting Approval of an APPLICATION for a CLASS G**
***** **(Restaurant/Tavern, Beer & Wine Only) LIQUOR LICENSE for 5101 W.**
 HOLIDAY DRIVE, with Liquor Commission Recommendation to Approve.

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and was prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Nichting moved to approve the application for a Class G (Restaurant/Tavern, Beer & Wine Only) Liquor License for 5101 W. Holiday Drive; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken,
Mayor Ardis – 9;

Nays: None;

Abstentions: Jacob – 1.

- (08-070)** **Communication from the City Manager and Corporation Counsel**
***** **Requesting Approval of an APPLICATION for a CLASS A (Tavern) LIQUOR**
***** **LICENSE for 539 MAIN STREET, with Liquor Commission Recommendation**
* **to Approve.**

Council Member Jacob said he would be abstaining from voting on this item because he was a liquor licensee and was prohibited from voting on liquor related matters by State Statute 235 ILCS 5/6-2.

Council Member Nichting moved to approve an application for a Class A (Tavern) Liquor License for 539 Main Street; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken,
Mayor Ardis – 9;

Nays: None;

Abstentions: Jacob – 1.

- (08-073)** **Communication from the City Manager and Director of Public Works**
 Requesting Adoption of a SIDEWALK POLICY that Includes SIDEWALK
 PARTICIPATION PROGRAM, SIDEWALK IN NEED OF REPAIR PROGRAM,
 and SAFER NEIGHBORHOOD SCHOOL SIDEWALK PROGRAM. (This Policy
 Amends and Supersedes all Previous Policies Relating to Sidewalk
 Programs.)

Council Member Van Auken moved to adopt the Sidewalk Policy that included Sidewalk Participation Program, Sidewalk in Need of Repair Program, and Safer Neighborhood School Sidewalk Program (This policy amended and superseded all previous policies relating to sidewalk programs.); seconded by Council Member Turner.

Council Member Nichting requested a friendly amendment to the written Sidewalk Policy to stipulate, if there were sidewalks in the TIF area, that the TIF funds be used to fund the sidewalks as required in TIF financing.

Council Member Van Auken said she would agree to the friendly amendment. The seconder agreed.

Council Member Sandberg expressed concern regarding the modification to the policy to tie sidewalks to TIF money. He said it may be a good idea under some circumstances in a mature TIF area where there was excess money, but new sidewalks in a new TIF area may be inconsistent with the plan for the area in the future.

Following further Council discussion, Council Member Gulley said he did not want to change the dates of the actual construction period, but he suggested that residents should be able to obtain their estimates prior to the beginning of the construction season.

Director Barber clarified that sidewalks constructed prior to the construction season usually resulted in a substandard product that deteriorated much quicker. He said there had not been a problem with contractors meeting deadlines within the March 1 to October 15 construction period. He said retaining this time period was important to the integrity of the system.

In discussion with Council Member Jacob regarding what the procedure would be if there were no TIF funds available for sidewalks, City Manager Oliver outlined some options. He said the sidewalks could be installed when the funds were available, or some municipalities forwarded or bonded in anticipation of TIF revenues. He cautioned the community could be placed at risk in these circumstances, if financial plans did not develop for some reason.

City Manager Oliver said the way the Policy was worded, if the proposed area was in a TIF fund, the sidewalks would have to be paid for by TIF money. He said the Council would need to make a policy decision whether or not they would move forward if there was an absence of TIF funds. He said the Council would also need to decide during the Budget process if they wanted to borrow either against other funds or the issuance of debt to cover improvements.

Motion to adopt the Sidewalk Policy, as amended to stipulate, if there were sidewalks in the TIF area, that the TIF funds be used to fund the sidewalks as required in TIF financing, that included Sidewalk Participation Program, Sidewalk in Need of Repair Program, and Safer Neighborhood School Sidewalk Program (This policy amended and superseded all previous policies relating to sidewalk programs.) was approved by roll call vote.

Yeas: Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 7;

Nays: Gulley, Jacob, Sandberg - 3.

(08-074) Communication from the City Manager Requesting Approval of a RESOLUTION Urging the GENERAL ASSEMBLY to STOP MAKING COSTLY BENEFIT IMPROVEMENTS and to ADOPT REFORMS that PROTECT POLICE and FIRE PENSIONS.

Council Member Van Auken moved to defer this item until the March 25, 2008, Regular City Council Meeting so additional information could be obtained from the State Representatives. No second was heard.

Mayor Ardis said the proposed Resolution was basically requesting that as law makers continued to increase benefits for Firefighters and Police Officers that they assist or provide a way for the municipalities to pay for those increased benefits.

City Manager Oliver explained the IML expected legislation to be introduced soon. He said there had been some discussion regarding a DROP Plan and he explained the plan. He said there was also a plan for retirees to retire at a higher percentage, but he thought that was on hold for a period of time. He said past changes had made a significant impact on the City of Peoria.

Council Member Nichting moved to approve the Resolution urging the General Assembly to Stop Making Costly Benefit Improvements and to adopt Reforms that protect Police and Fire Pensions; seconded by Council Member Montelongo.

RESOLUTION NO. 08-074 was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner,
Mayor Ardis – 9;

Nays: Van Auken - 1.

UNFINISHED BUSINESS

(07-714) Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 1 and 15 of the Code of the City of Peoria Adopting SMOKE FREE ILLINOIS ACT, 410 ILCS 82/1, et. seq., with SUPPLEMENTAL COMMUNICATION and a REPLACEMENT ORDINANCE.

(MOTION ON THE FLOOR: Adopt Original Ordinance Distributed to the Council on December 17, 2007.)

Council Member Spain moved for a substitute motion to Table this item; seconded by Council Member Van Auken.

Motion to Table this item was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner,
Van Auken, Mayor Ardis – 10;

Nays: None.

In discussion with Council Member Nichting regarding how the State imposed smoking ban was being enforced, Police Chief Steve Settingsgaard said, during their inspections, if an establishment was found to be disregarding the law, then those cases were referred to the Liquor Commission for review. He said there was no other penalty process under State law at this time.

In further discussion with Council Member Nichting, Corporation Counsel Randy Ray explained that each liquor establishment was bound to uphold State laws.

Council Member Sandberg said he found restaurants and liquor establishments to be much more compliant with the State smoking ban laws than any other entity affected by this law. He said he did not feel a blind eye should be turned toward other business types.

Council Member Spears questioned what enforcement was in place if there was a place of employment where the smoking laws were not being upheld.

Police Chief Settingsgaard said there were problems with enforcement with this State law. He said there was no avenue to pursue those violations and the State law was very unclear regarding prosecution. He said he had not received complaints yet, but he did not know if going into other types of environments to enforce smoking laws was a Police function. He suggested that the Public Health Department investigate complaints on commercial properties and the Police Department investigate complaints on retail properties.

Council Member Spears said there was more to this State law than bars and restaurants. He commended businesses for their efforts in attempting to enforce the law.

(08-016) Communication from the City Manager and Director of Public Works Requesting Approval of a FINAL PAY ESTIMATE, in the Amount of \$8,808.62 (Or 22.54% Over Contract) to LASER ELECTRIC, INC. for the WEST SAM J. STONE AVENUE ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT. (New Communication)

Council Member Gulley moved to approve the Final Pay Estimate, in the amount of \$8,808.62 (or 22.54% over contract) to Laser Electric, Inc. for the West Sam J. Stone Avenue Ornamental Street Lighting Improvement Project; seconded by Council Member Van Auken.

Council Member Spears said he understood this was the final payment and this project was located in a TIF, but he questioned what the other payments were and whether or not those dollars could be reimbursed.

Director of Public Works Dave Barber said the total cost the City paid was between \$20,000 and \$25,000, so the \$8,808.62 represented about one-third of the cost for the project. He said, regarding getting those dollars back from the TIF, he felt there were funds available if it was the Council's desire to make that adjustment to the motion.

Council Member Gulley restated his motion to approve the Final Pay Estimate, in the amount of \$8,808.62 (or 22.54% over contract) to Laser Electric, Inc. for the West Sam J. Stone Avenue Ornamental Street Lighting Improvement Project and to go back and fund the entire TIF eligible expense out of the TIF. The seconder agreed.

Motion to approve the Final Pay Estimate, in the amount of \$8,808.62 (or 22.54% over contract) to Laser Electric, Inc. for the West Sam J. Stone Avenue Ornamental Street Lighting Improvement Project, and to go back and fund the entire TIF eligible expense out of the TIF, was approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;

Nays: None.

NEW BUSINESS

ANNOUNCEMENT Regarding PUBLIC MEETING to Hear Input Pertaining to a NORTHERN BRANCH of the PUBLIC LIBRARY

Council Member Sandberg announced a Public Meeting would be held at Exposition Gardens on Thursday, February 28, 2008, at 6:30 P.M. for public input and for discussion regarding a Northern Branch of the Public Library. He said the consultant would be attending and he urged citizens to participate.

COMMENTS Regarding PROJECT FUND BALANCES and INTEREST INCOME

In discussion with Council Member Gulley regarding project fund balances and interest income and how interest income was allocated, City Manager Oliver explained interest income went back to the fund it came from for reallocation in a subsequent year.

DISCUSSION Regarding SNOW EVENT PARKING BANS and PARKING TICKETS ISSUED AFTER STREETS WERE CLEANED, BUT BEFORE PARKING BANS WERE LIFTED

Council Member Gulley referred to recent parking bans due to snow conditions on streets that were designated snow routes and he stated, after the streets had been cleared, there were citizens who did not realize they could not park on the cleared streets until the City had lifted the parking ban. He said he felt tickets should not be issued after the snow had been cleared from the streets. He suggested the City stop issuing tickets to cars parked on cleaned streets.

City Manager Oliver explained the difficulty stemming from citizens defining the term "cleaned streets." He encouraged the Council to leave the current process in place. He said parking bans were lifted as soon as possible after being issued.

Council Member Sandberg said he felt issuing tickets to residents on cleaned streets served no purpose.

Mayor Ardis suggested that particular areas where tickets were issued be reviewed. He commended the Public Works Department for their efforts during snow events and he said they lifted the parking bans as soon as they could. He stated he felt it would be problematic if citizens were left to determine on their own what they felt was a "clean street."

(08-075) REQUEST for a REPORT BACK Regarding NUMBER OF TICKETS ISSUED for ITEMS DANGLING from REARVIEW MIRRORS.

Council Member Gulley referred to a request for a report back that had not been received regarding the number of tickets issued in the past year for items dangling from rearview mirrors.

City Manager Oliver said he would include it in the next City Manager Issues Update.

UNFINISHED BUSINESS

(08-061) REQUEST for REPORT BACK Regarding SAVINGS that would be Realized in the GENERAL OBLIGATION REFUNDING BONDS Not to Exceed \$24,200,000 Approved Earlier in the Council Meeting.

Council Member Nichting referred to the General Obligation Refunding Bonds not to exceed \$24,200,000 that had been approved by Council earlier in the evening and he requested a report back regarding the savings of refinancing.

City Manager Oliver said he would include the complete Bond analysis in the next City Manager Issues Update.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(08-076) Request for CITIZENS to ADDRESS the CITY COUNCIL Regarding VARIOUS ISSUES.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens wishing to address the City Council.

Mr. Savino Sierra, a Peoria resident, expressed concern that people walked in the public streets rather than using sidewalks. He requested that the Police Department be more aggressive in their enforcement so there would be no interruption of traffic.

EXECUTIVE SESSION

(08-077) REQUEST for APPROVAL of a MOTION for the CITY COUNCIL to go into EXECUTIVE SESSION to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; and 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 such an action is probable or imminent.

Council Member Spain moved that the City Council go into Executive Session to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; and 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 such an action is probable or imminent; seconded by Council Member Montelongo.

Approved by roll call vote.

Yeas: Gulley, Jacob, Montelongo, Nichting, Sandberg, Spain, Spears, Turner,
Van Auken, Mayor Ardis – 10;

Nays: None.

ADJOURNMENT

Council Member Spain moved to adjourn the Regular City Council Meeting; seconded by Council Member Turner.

Approved by viva voce vote.

The City Council Meeting adjourned at 8:19 P. M.

Mary L. Haynes, MMC, City Clerk
City of Peoria, Illinois

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