

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

Council Chambers, Peoria, Illinois, July 8, 2008, a Regular City Council Meeting was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

ROLL CALL

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

INVOCATION & PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: DOUG SIMPER

MINUTES

Council Member Nichting moved to approve the minutes of the Joint City Council & Town Board Meeting and Executive Sessions held on June 24, 2008, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(08-316) Communication from Councilman Jim Montelongo Requesting to Attend the July 8, 2008, City Council Meeting Electronically due to Having Business Outside the City Pursuant to Ordinance No. 16,142.

Council Member Montelongo informed the Mayor he would not be participating electronically, so no Council action was taken.

(08-317) Communication from the Interim City Manager and Finance Director/Comptroller Requesting to Receive and File the 2007 AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT by McGladrey & Pullen, LLP.

Finance Director/Comptroller Jim Scroggins introduced Managing Partner Sarah Bohnsack from McGladrey & Pullen LLP who was in attendance to provide the audit results.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Ms. Sarah Bohnsack.

Sarah Bohnsack, Managing Partner from McGladrey & Pullen, LLP, explained the audit procedures. She said a clean opinion was issued on the Government Auditing Standards Audit. She said there was one significant deficiency, which had already been corrected. She said the City also received clean opinions on the Financial Audit and the Single Audit, which was the highest form of opinion that could be received.

Ms. Bohnsack discussed the revenue for all governmental funds. She explained the total for 2007 was \$164 million versus 2006, which was \$159.7 million and was a 4.7% increase. She said other taxes increased approximately \$3.2 million in Corporate Personal Replacement Tax, State Income Tax and Hotel/Restaurant Tax. She said Property Taxes increased approximately 4% and total Assessed Value increased approximately 6% but the rate decreased from 1.29 from 1.28, which offset the 6%.

Ms. Bohnsack discussed expenditures for 2007 which totaled \$186.7 million versus \$194.5 million in 2006, which represented approximately \$7.8 million decrease or 4%. She said the majority of the decrease was in the community development line item.

Ms. Bohnsack further discussed the General Fund Balance and she said in 2006 and 2007, the City had revenue for approximately 36 days, if all revenues stopped. She said the unreserved or undesignated balance was \$9.7 million in 2007 with the total General Fund Balance being \$30.2 million. She said the unreserved or undesignated balance was \$8.7 million in 2006 with the total General Fund Balance being \$29.3 million.

Council Member Manning commended the efforts of Finance Director/Comptroller Jim Scroggins and Finance Manager Bob Golden and their Staff. He indicated he understood the difficulty during the first year with a new firm and the conversion involved.

Council Member Nichting moved to receive and file 2007 Audited Comprehensive Annual Financial Report by McGladrey & Pullen, LLP; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

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

- (08-318) NOTICE OF LAWSUIT Filed on Behalf of ESTELLA L. DAVIS Regarding an Incident with a Peoria Police Officer in June, 2008, with Recommendation to Receive and File and Refer to the Legal Department.**
- (08-319) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of TERRY'S BERRIES, INC., and Awarding the CONTRACT, in the Amount of \$15,282.00, for BUILDING DEMOLITION at 1800 and 1802 W. DR. MARTIN LUTHER KING, JR. DRIVE in Conjunction with the Future of Dr. Martin Luther King, Jr. Drive Widening Project.**
- (08-320) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of C & G CONCRETE, in the Amount of \$179,570.90 for SINR CONTRACT #34 for SIDEWALK REPLACEMENT on MCBEAN and KETTELE from Saratoga to Western.**

- (08-321)
* Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of ADVANCED TECHNICAL SYSTEMS d/b/a ADVANCED ELECTRIC and Awarding the CONTRACT, in the Amount of \$278,697.66, which is 10.3% Over Engineer's Estimate, at the Intersection of UNIVERSITY STREET, MACARTHUR HIGHWAY AND MOSS AVENUE, and Approval of the REPROGRAMMING of Said Funds, in the Amount of \$210,441.00 From Local Motor Fuel Fund Projects.
- (08-322)
** Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of KRUMHOLZ BROTHERS LANDSCAPING and Awarding the CONTRACT, in the Amount of \$45,354.00 for the SHAG BARK CIRCLE DRAINAGE IMPROVEMENT PROJECT.
- (08-323) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of HEIN CONSTRUCTION CO, INC., and Awarding the CONTRACT, in the Amount of \$79,282.06, for the HOLY FAMILY SCHOOL SIDEWALK IMPROVEMENT PROJECT for the SAFER NEIGHBORHOOD SCHOOLS SIDEWALK PROGRAM.
- (08-324) Communication from the Interim City Manager and Director of Public Works Requesting Approval to PURCHASE ONE THREE-WHEEL STREET SWEEPER as a Fleet Replacement from KEY EQUIPMENT & SUPPLY, at a Cost of \$165,305.00, Less \$12,000.00 Trade-In, for a Total Cost Not to Exceed \$153,305.00.
- (08-325) Communication from the Interim City Manager, Chief of Police, and Information Systems Director Requesting Approval of the SOLE SOURCE PURCHASE of a VERINT VIDEO SYSTEM UPGRADE, in the Amount of \$39,112.80, from MIDCO, INC.
- (08-326) Communication from the Interim City Manager and Director of Public Works Requesting Awarding the CONTRACT for RE-PLASTERING at CITY HALL to WAYNE STOHL AND SONS PLASTERING, in the Amount of \$340,336.00.
- (08-327) Communication from the Interim City Manager and Director of Economic Development Requesting Authorization for Staff to Issue a REQUEST FOR PROPOSAL to Seek a DEVELOPER for the RIVER TRAIL DRIVE and CASCADE PLAN, and Requesting the Corps of Engineers to Plan and Construct ISLANDS Along the PEORIA RIVERFRONT.
- (08-328) Communication from the Interim City Manager and Director of Economic Development Requesting Approval for the SALE of a CITY-OWNED VACANT LOT Located at 1029 ORANGE STREET (18-05-429-004) to KAUTH & MAYEUR, in the Amount of \$2,500.00 Plus Expenses, and Requesting the Interim City Manager to Execute the Necessary Documents.
- (08-329)
*** Communication from the Interim City Manager and Director of Economic Development Requesting Authorization to Modify the Request Made on June 10, 2008, for ENTERPRISE ZONE EXPANSION for Certain Properties Located within the Boundaries of SHERIDAN, GLEN, UNIVERSITY and LAKE STREET; and Including Property to the West of Sheridan and North of Ridgemont (Sheridan Village).

- (08-330) ******** Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to MODIFY the COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FUND POLICY to Include that at a Minimum; Every Third Property Submitted by a CHDO for Funding Approval Must be a HOUSING REHABILITATION PROJECT.
- (08-331) ********* Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to FUND UPGRADE COMPANIES COMMUNITY HOUSING DEVELOPMENT ORGANIZATION, in the Amount of \$76,125.00 of HOME CHDO FUNDS for the Construction of One New Affordable, Single-Family Owner-Occupied Home Located at 1707 N.E. MADISON AVENUE.
- (08-332) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the PEORIA/PEKIN URBANIZED AREA TRANSPORTATION STUDY (PPUATS) FY 2009 AGREEMENT and MFT RESOLUTION NO. 08-332, in the Amount of \$36,716.38.
- (08-333) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,296 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the AGREEMENT with BRADLEY UNIVERSITY for REIMBURSEMENT of COSTS for MILL and ASPHALT OVERLAY in the Alley Between Cooper Street and Bradley University.
- (08-334) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID and Awarding the CONTRACT to TAZEWELL COUNTY ASPHALT, in the Amount of \$44,769.00, to Mill and Asphalt Overlay the Alley Between COOPER STREET and BRADLEY UNIVERSITY from West Main Street to Bradley Avenue and Approval of the AGREEMENT with BRADLEY UNIVERSITY for REIMBURSEMENT of the Costs of the Project to the City of Peoria.
- (08-335) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,297 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the \$1 MILLION REIMBURSEMENT to WATER STREET (Hamilton Boulevard to Washington Street) RECONSTRUCTION PROJECT from Illinois Department of Transportation (IDOT).
- (08-336) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of ILLINOIS CIVIL CONTRACTORS, in the Amount of \$1,306,731.00 for WATER and EATON STREETS RECONSTRUCTION PROJECT (Hamilton Boulevard to Washington Street).
- (08-337) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of an ORDINANCE NO. 16,298 Providing for a PUBLIC IMPROVEMENT of QUEENS COURT ROAD and PICCADILLY PLACE ROADWAY IMPROVEMENT PROJECT (Miramar Drive to Piccadilly Place and Queens Court Road to Kingsway Drive), the Net Length of 1040 Feet or 0.197 Mile.

- (08-338) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of an ORDINANCE NO. 16,299 Providing for a SPECIAL ASSESSMENT to be Known as CITY OF PEORIA WILHELM ROAD AND BRIDGE (Growth Cell 1A Phase Two Roadway Improvements) Special Assessment Number 2008-A for Bridge, Street, Curb and Gutter, Storm Sewers, and Landscaping; and All Related Costs to Such Improvements; and Generally Located on Said Roads Within the City.
- (08-339) Communication from the Interim City Manager and Corporation Counsel

* Requesting Adoption of an ORDINANCE Amending Ordinance No. 16,291 Providing for a MORATORIUM on ZONING CERTIFICATES and BUILDING PERMITS for PAYDAY and TITLE LOAN STORES.
- (08-340) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE NO. 16,300 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the AUTHORIZED PAYMENT to SPRINGDALE MANAGEMENT AUTHORITY, in the Amount of \$40,566.00 in Accordance with the Terms of the Intergovernmental Agreement.
- (08-341) Communication from the Interim City Manager and Finance Director/Comptroller Requesting to Approve the BUDGET CALENDAR for the PREPARATION of the PROPOSED FY 2009 BUDGET and CHANGES to the BUDGET PROCESS.
- (08-342) APPOINTMENT by Mayor Jim Ardis to the TRAFFIC COMMISSION, with Recommendation to Concur:
- Stephen N. Van Winkle (Voting) - Term Expires 6/30/2009
- (08-343) APPOINTMENT by Mayor Jim Ardis to the WORKFORCE DEVELOPMENT BOARD, with Recommendation to Concur:
- Lisa Feinholz (Voting) - Term Expires 7/1/2009
Hope Glasgow (Voting) - Term Expires 7/1/2009
- (08-344) REAPPOINTMENT by Mayor Jim Ardis to the BOARD OF LOCAL IMPROVEMENTS, with Recommendation to Concur:
- Gene Hewitt (Voting) - Term Expires 6/30/2011
- (08-345) REAPPOINTMENTS by Mayor Jim Ardis to the LIQUOR COMMISSION, with

** Recommendation to Concur:
- Ted Arndt (Voting) - Term Expires 6/30/2011
Donald R. Jackson - (Voting) - Term Expires 6/30/2011
- (08-346) PEORIA PUBLIC LIBRARY FINANCIAL REPORT for the Period Ending MAY 31, 2008, with Recommendation to Receive and File.

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

Council Member Turner requested that Item No. 08-322 be removed from the Consent Agenda for further discussion.

Council Member Van Auken requested that Item No. 08-321, 08-330, and 08-331 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item No. 08-329, 08-339, and 08-345 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested that Item No. 08-345 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. 08-318 through 08-346 (excluding Item Nos. 08-321, 08-322, 08-329, 08-330, 08-331, 08-339, and 08-345, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

(08-321) * Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of ADVANCED TECHNICAL SYSTEMS d/b/a ADVANCED ELECTRIC and Awarding the CONTRACT, in the Amount of \$278,697.66, which is 10.3% Over Engineer's Estimate, at the Intersection of UNIVERSITY STREET, MacARTHUR HIGHWAY AND MOSS AVENUE, and Approval of the REPROGRAMMING of Said Funds, in the Amount of \$210,441.00 From Local Motor Fuel Fund Projects.

Following a brief comment, Council Member Van Auken moved to approve the low bid and award the Contract to Advanced Technical Systems d/b/a Advanced Electric, in the amount of \$278,697.66, for the intersection of University Street, MacArthur Highway and Moss Avenue, and to approve the reprogramming of said funds, in the amount of \$210,441.00 from Local Motor Fuel Fund Projects; seconded by Council Member Gulley.

Council Member Sandberg expressed concern regarding traffic signal cameras that did not recognize motorcycles as vehicles, and he requested that this situation be corrected at MacArthur Highway and Moss Avenue and at Western Avenue and Moss Avenue so motorcycles were not unnecessarily detained at traffic signals.

Director of Public Works Dave Barber said this expenditure would provide for a complete replacement of traffic signals at the intersection, along with the traffic actuators. He said he would provide Council Member Sandberg with a specific answer regarding the video detectors.

Motion to approve the low bid and award the Contract to Advanced Technical Systems d/b/a Advanced Electric, in the amount of \$278,697.66, for the intersection of University Street, MacArthur Highway and Moss Avenue, and to approve the reprogramming of said funds, in the amount of \$210,441.00 from Local Motor Fuel Fund Projects, was approved by roll call vote.

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

Nays: None.

- (08-322)**
** **Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of KRUMHOLZ BROTHERS LANDSCAPING and Awarding the CONTRACT, in the Amount of \$45,354.00 for the SHAG BARK CIRCLE DRAINAGE IMPROVEMENT PROJECT.**

Council Member Turner moved to defer this item for two weeks until the July 22, 2008, Regular City Council Agenda; seconded by Council Member Manning.

Motion to defer this item for two weeks until the July 22, 2008, Regular City Council Agenda was approved by roll call vote.

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

Nays: None.

- (08-329)**
*** **Communication from the Interim City Manager and Director of Economic Development Requesting Authorization to Modify the Request Made on June 10, 2008, for ENTERPRISE ZONE EXPANSION for Certain Properties Located within the Boundaries of SHERIDAN, GLEN, UNIVERSITY and LAKE STREET; and Including Property to the West of Sheridan and North of Ridgemont (Sheridan Village).**

In discussion, Council Member Manning explained this modification regarded squaring the Metro Centre's area and to include local small business owners on Sheridan Road and Glen Avenue.

Council Member Sandberg said he would not be able to support this item because he felt this change would result in a loss of revenue in the future.

Council Member Manning moved to authorize the request to modify for Enterprise Zone Expansion for certain properties located within the boundaries of Sheridan Glen, University and Lake Street and include property to the West of Sheridan and North of Ridgemont (Sheridan Village); seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: Sandberg - 1.

- (08-330)**
**** **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to MODIFY the COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FUND POLICY to Include that at a Minimum; Every Third Property Submitted by a CHDO for Funding Approval Must be a HOUSING REHABILITATION PROJECT.**

Council Member Van Auken moved to Table this item; seconded by Council Member Manning.

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

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

Nays: None.

- (08-331)**

Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to FUND UPGRADE COMPANIES COMMUNITY HOUSING DEVELOPMENT ORGANIZATION, in the Amount of \$76,125.00 of HOME CHDO FUNDS for the Construction of One New Affordable, Single-Family Owner-Occupied Home Located at 1707 N.E. MADISON AVENUE.

Council Member Van Auken moved to Table this item; seconded by Council Member Manning.

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

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

Nays: None.

- (08-339)**

*
Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending Ordinance No. 16,291 Providing for a MORATORIUM on ZONING CERTIFICATES and BUILDING PERMITS for PAYDAY and TITLE LOAN STORES.

Council Member Sandberg spoke against the proposed moratorium on zoning certificates and building permits.

Council Member Van Auken moved to adopt the Ordinance amending Ordinance No.16,291 providing for a moratorium on Zoning Certificates and Building Permits for Payday and Title Loan Stores; seconded by Council Member Manning.

ORDINANCE NO. 16,301, amending Ordinance No. 16,291, was approved by roll call vote.

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

Nays: Sandberg - 1.

- (08-345)**

**
REAPPOINTMENTS by Mayor Jim Ardis to the LIQUOR COMMISSION, with Recommendation to Concur:

Ted Arndt (Voting) - Term Expires 6/30/2011

Donald R. Jackson - (Voting) - Term Expires 6/30/2011

Council Member Jacob said he would be abstaining from discussing and 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 Sandberg moved to divide the vote on the two reappointments to the Liquor Commission; seconded by Council Member Spain.

Motion to divide the two reappointments was approved by roll call vote.

Yeas: Gulley, Manning, Nichting, Sandberg, Spain, Spears, Van Auken, Mayor Ardis – 8;

Nays: Turner – 1;

Abstentions: Jacob - 1.

Council Member Sandberg moved to concur with the reappointment of Donald R. Jackson to the Liquor Commission; seconded by Council Member Spain.

Motion to concur with the reappointment of Donald R. Jackson to the Liquor Commission was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob - 1.

Council Member Turner moved to concur with the reappointment of Ted Arndt to the Liquor Commission; seconded by Council Member Spain.

Motion to concur with the reappointment of Ted Arndt to the Liquor Commission was approved by roll call vote.

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

Nays: Sandberg - 1;

Abstentions: Jacob - 1.

(08-347) Communication from the Interim City Manager and Finance Director/Comptroller Requesting to Enter Into a THIRTY-SIX MONTH SOLE SOURCE EXTENSION to PURCHASE ELECTRICITY from SEMPRA ENERGY SOLUTIONS for 40% of the City's Energy Needs Beginning January 1, 2009, and Ending December 31, 2011.

Council Member Van Auken said she would be abstaining from discussion and voting on this item due to her past employment and retirement from Ameren/Cilco.

Finance Director/Comptroller Jim Scroggins said the City saved approximately \$81,000 in 2007 by entering into this contract in 2006, and he stated the City projected saving approximately \$130,000 in 2008. He said the communities of East Peoria, Tazewell County, Pekin Park District, Pekin Library, and Peoria County had joined with the City of Peoria as a result of the City's progressive entry into the deregulation system. He added the Greater Peoria Airport was in the process of joining with the City of Peoria and the other communities.

Council Member Nichting moved to enter into a thirty-six month sole source extension to purchase electricity from Semptra Energy Solutions for 40% of the City's energy needs beginning January 1, 2009, and ending December 31, 2011; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None;

Abstentions: Van Auken - 1.

(08-348) Communication from the Interim City Manager and Interim Director of Human Resources Requesting to Execute the COLLECTIVE BARGAINING AGREEMENT Negotiated Between the CITY OF PEORIA and the INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) LOCAL 50 for the Period From January 1, 2008, Through December 31, 2010.

Council Member Nichting moved to approve the Collective Bargaining Agreement negotiated between the City of Peoria and the International Association of Firefighters (IAFF) Local 50 for the period from January 1, 2008, through December 31, 2010; seconded by Council Member Spain.

Motion to approve the Collective Bargaining Agreement negotiated between the City of Peoria and the International Association of Firefighters (IAFF) Local 50 for the period from January 1, 2008, through December 31, 2010, was approved by roll call vote.

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

Nays: None.

- (08-349) Communication from the Interim City Manager and Director of Public Works Requesting Authorization for the Interim City Manager to Approve the Change in Scope of Work for a PROFESSIONAL SERVICES AGREEMENT for PIONEER PARKWAY EXTENSION for the PRELIMINARY ENGINEERING SERVICES with CRAWFORD, MURPHY and TILLY, INC., (CMT) with No Change in the Current Not-To-Exceed Contract Amount of \$733,313.00, but to Facilitate Extra Preliminary Engineering Analysis to Satisfy the National Environmental Policy Act (NEPA) Compliance Requirements.**

Council Member Nichting moved to approve the change in scope of work for a Professional Services Agreement for Pioneer Parkway Extension for the Preliminary Engineering Services with Crawford, Murphy and Tilly, Inc. (CMT) with no change in the current not-to-exceed contract amount of \$733,313.00, but to facilitate extra preliminary engineering analysis to satisfy the National Environmental Policy Act (NEPA) Compliance Requirements; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

- (08-350) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Approve the RESOLUTION Amending the COMPREHENSIVE PLAN, and the FUTURE LAND USE MAP by Removing Three Parcels from the WEST MAIN STREET FORM DISTRICT REGULATING PLAN and Designating those Parcels as INSTITUTIONAL on the Future Land Use Map, Property Identified as Parcel Numbers 18-04-327-009, 18-04-327-011 and 18-04-327-012.**

Following a brief comment, Council Member Van Auken moved to approve the Resolution Amending the Comprehensive Plan, and the Future Land Use Map by removing three parcels from the West Main Street Form District Regulating Plan and designating those parcels as Institutional on the Future Land Use Map, property identified as Parcel Numbers 18-04-327-009, 18-04-327-011 and 18-04-327-012; seconded by Council Member Turner.

RESOLUTION NO. 08-350, amending the Comprehensive Plan, was approved by roll call vote.

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

Nays: None.

(08-351) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Adopt the Following Ordinances:

- A. ORDINANCE Amending Ordinance No. 16,144, of the Land Development Code of the City of Peoria, by Amending the WEST MAIN FORM DISTRICT REGULATING PLAN by Removing Parcels 18-04-327-009, 011 & 012 from the Regulating Plan and Including Parcels in the METHODIST HEALTH SERVICES CORPORATION OFFICIAL DEVELOPMENT PLAN.**

Director of Planning and Growth Management Pat Landes distributed a replacement map for Attachment A of the proposed Ordinance to all members of the Council.

Council Member Van Auken moved to adopt the Ordinance, as amended to include the replacement map for Attachment A , and amending Ordinance No. 16,144, of the Land Development Code of the City of Peoria, by amending the West Main Form District Regulating Plan by removing Parcels 18-04-327-009, 011 & 012 from the Regulating Plan and including parcels in the Methodist Health Services Corporation Official Development Plan; seconded by Council Member Turner.

ORDINANCE NO. 16,302, as amended, and Amending Ordinance No. 16,144, was approved by roll call vote.

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

Nays: None.

- B. ORDINANCE Amending the Land Development Code of the City of Peoria, by Rezoning Certain Property from the Present Class CG (General Commercial) District to a Class N-1 (Institutional) District for Parcels 18-04-327-005 & 006; Parcel 18-04-379-018; and Parcels 18-04-380-007 & 008; from the Present Class R-7 (Multi-Family Residential) District to a Class N-1 (Institutional) District for Parcels 18-04-327-007 & 008; Parcels 18-04-378-018 & 019; and Parcels 18-04-380-005 & 006; from the Present Class WM (West Main) Form District to a Class N-1 (Institutional) District for Parcels 18-04-327-009, 011 & 012; from the Present Class B-1 (Central Business) District to a Class N-1 (Institutional) District for Parcels 18-04-381-001 through 014; Parcels 18-04-451-001 & 002; and Parcels 18-04-452-006, 007, 017, 019 through 022.**

Council Member Van Auken moved to adopt the Ordinance amending the Land Development Code of the City of Peoria, by rezoning certain property from the present Class CG (General Commercial) District to a Class N-1 (Institutional) District for Parcels 18-04-327-005 & 006; Parcel 18-04-379-018; and Parcels 18-04-380-007 & 008; from the present Class R-7 (Multi-Family Residential) District to a Class N-1 (Institutional) District for Parcels 18-04-327-007 & 008; Parcels 18-04-378-018 & 019; and Parcels 18-04-380-005 & 006; from the Present Class WM (West Main) Form District to a Class N-1 (Institutional) District for Parcels 18-04-327-009, 011 & 012; from the Present Class B-1 (Central Business) District to a Class N-1 (Institutional) District for Parcels 18-04-381-001 through 014; Parcels 18-04-451-001 & 002; and Parcels 18-04-452-006, 007, 017, 019 through 022; seconded by Council Member Gulley.

ORDINANCE NO. 16,303 was approved by roll call vote.

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

Nays: None.

- C. **ORDINANCE Amending Ordinance No. 13,457, by Amending the Existing OFFICIAL DEVELOPMENT PLAN with the Attached OFFICIAL DEVELOPMENT PLAN (ODP) Dated July 1, 2008, for METHODIST HEALTH SERVICES CORPORATION BOUNDARIES, Adding a New ACUTE CARE FACILITY and Addressing Other Development Criteria within the ODP Boundaries Subject to the Consequences of the Pending Application for LANDMARK DESIGNATION of HAMILTON BOULEVARD for the Property Generally Bounded by Main Street, Randolph, Fayette and Glendale.**

Council Member Van Auken moved to adopt the Ordinance, as amended to insert language on Page 1, Section 1 to read: "That the existing Official Development Plan is hereby amended by adopting the attached Official Development Plan Document dated June 1, 2008, which includes a limitation on the operation of the interim helipad for a time period not to exceed four (4) years, for the following described properties:" amending Ordinance No. 13,457, by amending the existing Official Development Plan with the attached Official Development Plan (ODP) dated July 1, 2008, for Methodist Health Services Corporation boundaries, adding a new Acute Care Facility and addressing other development criteria within the ODP boundaries subject to the consequences of the pending application for Landmark Designation of Hamilton Boulevard for the property generally bounded by Main Street, Randolph, Fayette and Glendale; seconded by Council Member Gulley.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Les Kenyon, President of the Central Illinois Landmarks Foundation.

Mr. Les Kenyon, President of the Central Illinois Landmarks Foundation, gave a power point presentation emphasizing the historic area of Hamilton Boulevard and the surrounding area. He urged the Council not to deny Methodist Medical Center their request, but to make an exception that Hamilton Boulevard remain as was presently. He said Hamilton Boulevard should be landmarked.

In discussion, Council Member Jacob questioned the process of landmarking and he questioned if there was a list available of areas or sites that had been landmarked so developers and investors could be aware of a situation prior to going through the development process or implementing a project.

Mr. Kenyon said he would provide a list of sites for the Council to review. He added that Hamilton Boulevard was not on the list, but there were buildings on Hamilton Boulevard that were included on the list.

Council Member Sandberg referred to Exhibit 11 and discussed the height variance proposed, which he felt was too tall. He said he felt the lowest level would still allow almost full usage of the Acute Care building and would not create a 90 foot waiver over the existing height. He suggested that this modification be considered.

Council Member Sandberg discussed the past splendor of Hamilton Boulevard, and he said Hamilton Boulevard was a major entrance from downtown to the West and Center Bluff areas. He expressed concern that, in the past five years, Columbia Terrace and Armstrong Streets had been lost as entrances into the West and Center Bluff areas. He expressed further concern that the proposed development would have a dramatic impact on traffic patterns. He said he would not support the motion.

In discussion, Council Member Spain said he felt the solutions that the City had been working toward on Main Street and the redesign of Hamilton Boulevard would be complimentary of each other. He also pointed out that the reconstruction of I-74 had completely changed how people moved in and out of the downtown area. He added he did not feel a grass boulevard down the middle of a street made a street historic, but history was created by the people and stories regarding the street. He stated he felt preservation was important, but certain types of preservation should not impede development. He spoke in support of the proposed project.

Motion to adopt ORDINANCE NO. 16,304, as amended to insert language on Page 1, Section 1 to read: "That the existing Official Development Plan is hereby amended by adopting the attached Official Development Plan Document dated June 1, 2008, which includes a limitation on the operation of the interim helipad for a time period not to exceed four (4) years, for the following described properties:" amending Ordinance No. 13,457, by amending the existing Official Development Plan with the attached Official Development Plan (ODP) dated July 1, 2008, for Methodist Health Services Corporation boundaries, adding a new Acute Care Facility and addressing other development criteria within the ODP boundaries subject to the consequences of the pending application for Landmark Designation of Hamilton Boulevard for the property generally bounded by Main Street, Randolph, Fayette and Glendale was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Nichting, Spain, Spears, Turner, Van Auken, Mayor

Ardis – 9;

Nays: Sandberg – 1.

D. Petitions from Peoria's Randolph Roanoke Residential Association Bearing 73 Signatures in Support, and Petitions from Peoria's West Main Business Association Bearing 31 Signatures in Support of Methodist Hospital's Proposed Institutional Plan, With Recommendation to Receive and File and Make the Property of the City Council.

Council Member Van Auken moved to receive and file and make property of the City Council the Petitions from Peoria's Randolph Roanoke Residential Association bearing 73 signatures in support, and Petitions from the Peoria's West Main Business Association bearing 31 signatures in support of Methodist Hospital's proposed Institutional Plan; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

(08-352) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the RIGHT-OF-WAY ENCROACHMENT with Revocable Right-of-Way Use Permit for the METHODIST MEDICAL CENTER PARKING DECK at 115 N.E GLEN OAK AVENUE.

Council Member Van Auken moved to approve the right-of-way encroachment with revocable right-of-way use permit for the Methodist Medical Center Parking Deck at 115 N. E. Glen Oak Avenue; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

Council Member Van Auken thanked former Council Member and Neighborhood Advocate Marcella Teplitz for her leadership in this matter and support of the project.

(08-353) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Concur with the Recommendations Related to COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE FUNDS and EMERGENCY SHELTER GRANT (ESG) FUNDS as Follows:

A. Receive and File a REPORT on the STATUS of the 2008 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE ACTIVITIES and 2008 EMERGENCY SHELTER GRANT (ESG) ACTIVITIES;

Council member Van Auken moved to receive and file the Report on the Status of the 2008 Community Development Block Grant (CDBG) Public Service Activities and 2008 Emergency Shelter Grant (ESG) Activities; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

B. Approve the APPLICATION TIMELINE, PRIORITIES and RANKING for the 2009 EMERGENCY SHELTER GRANT (ESG) PROGRAM;

Council Member Gulley moved to approve the application timeline, priorities and ranking for the 2009 Emergency Shelter Grant (ESG) Program; seconded by Council Member Van Auken.

In discussion with Council Member Gulley, Director of Planning and Growth Management Pat Landes explained the notification and orientation process and she added that she would welcome suggestions of additional groups or agencies who would like to be included in the notification process.

Motion to approve the application timeline, priorities and ranking for the 2009 Emergency Shelter Grant (ESG) Program was approved by roll call vote.

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

Nays: None.

C1. Approve the Recommendation from the Human Resource Commission Related to the APPLICATION TIMELINE, PRIORITIES, and RANKING for the 2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE FUNDS.

The Council was asked to consider C1 or C2. There was no Council action taken on C1.

C2. Approve the Recommendation from the Administration Related to the APPLICATION TIMELINE, PRIORITIES and RANKING for the 2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE FUNDS.

Director of Planning and Growth Management Pat Landes referred to the financial education portion, which would address the challenges being faced with housing foreclosures. She said those businesses assisting homeowners to prevent foreclosures would receive additional points. She pointed out that the City Council adopted the Impact Zone Ordinance for Glen Oak and it placed a priority for Federal Funds. She stated she would like the criteria for the public service funds to reflect that priority.

Council Member Manning moved to approve the recommendation from the Administration related to the application timeline, priorities and ranking for the 2009 Community Development Block Grant (CDBG) Public Service Funds; seconded by Council Member Van Auken.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Nichting, Spain, Spears, Turner, Van Auken, Mayor

Ardis – 9;

Nays: Sandberg - 1.

UNFINISHED BUSINESS

(08-013D) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to REMOVE Item 08-013D an ORDINANCE Adopting the ANNEXATION PETITION for Property Located at the Southwest Corner of WILHEM ROAD and IL ROUTE 40, Identified as Parcel Nos. 09-29-352-012, 09-29-352-008, 09-29-376-004, 09-29-376-005, 09-29-376-006, 09-29-376-009, 09-29-326-002, and 09-029-376-010, with a Temporary Address of 1500 W. WILHELM ROAD, FROM THE TABLE and Placing it on the July 22, 2008, Regular City Council Meeting Agenda.

Council Member Nichting moved to remove Item No. 08-013D regarding an Ordinance adopting the Annexation Petition for property located at the Southwest Corner of Wilhelm Road and IL Route 40, identified as Parcel Nos. 09-29-352-012, 09-29-352-008, 09-29-376-004, 09-29-376-005, 09-29-376-006, 09-29-376-009, 09-29-326-002, and 09-029-376-010, with a temporary address of 1500 W. Wilhelm Road, from the Table and Place it on the July 22, 2008, Regular City Council Meeting Agenda; seconded by Council Member Turner.

Motion to remove Item No. 08-013D from the Table and place it on the July 22, 2008, Regular City Council Meeting Agenda was approved by roll call vote.

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

Nays: None.

(08-190) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the RESOLUTION Authorizing SETTLEMENT of Case No. 06-1187 in the United States District Court for Central District of Illinois and Other Matters Pertaining to BRIMSTONE STEAK, INC., BIG BAD WOLF, INC., and ELLIOTT'S BBW, INC., Which Authorizes SETTLEMENT of All Matters Regarding BRIMSTONE STEAK, INC., BIG BAD WOLF, INC., and ELLIOTT'S BBW, INC., to Include the Granting of a CLASS A (Tavern) LIQUOR LICENSE with a SUBCLASS 1A (2:00 A.M. Closing), and SUBCLASS 2 (Live Entertainment) SITE APPROVAL for 7807 NORTH UNIVERSITY and PAYMENT of \$50,000.00. (New Replacement Communication)

Council Member Sandberg said he would be abstaining from discussion and voting on this item due to a professional relationship with the Petitioner.

Council Member Jacob said he would be abstaining from discussion and 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 Manning moved to defer this item until the July 22, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until July 22, 2008, was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob, Sandberg - 2.

- (08-197) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Concur with the Unanimous Recommendation from the Planning Commission and Staff to DENY a RESOLUTION Approving the FIRST AMENDMENT to the ANNEXATION AGREEMENT for the SMART PROPERTY, a Residential Development Located West of Koerner Road, North of Illinois Route 8 (Southport Road) and South of Interstate 74 with a Previous Address of 6627 SOUTHPORT ROAD, Identified as Parcel Numbers 13-22-300-006, 13-22-300-007, and 13-22-300-008, all Located Within One and One-Half Miles of the City of Peoria.**

Council Member Manning moved to defer this item until the July 22, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until July 22, 2008, was approved by roll call vote.

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

Nays: None.

- (08-302) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending Ordinance No. 15,837, an EXISTING SPECIAL USE in a Class R-4 (Single-Family Residential) District for SINGLE-FAMILY DISTRICT MULTIPLE DWELLING UNIT STRUCTURE to Include the ADDITION of a TWO-LEVEL PARKING STRUCTURE for Property Located at 1505 N. PEORIA AVENUE, with Conditions.**

Council Member Manning moved to Table this item; seconded by Council Member Van Auken.

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

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

Nays: None.

NEW BUSINESS

ANNOUNCEMENT of a PUBLIC MEETING Regarding the MAIN and UNIVERSITY STREETS TRAFFIC STUDY on July 10, 2008

Council Member Van Auken announced there would a public meeting held on July 10, 2008, from 7:00 P.M. until 9:00 P.M. regarding the Main and University Streets Traffic Study at the Student's Center, Lower Level, Marty Theater. She said the public was invited to attend and the Public Works Department would be able to answer their questions.

ANNOUNCEMENT Regarding MEETING on July 9, 2008, Pertaining to the GLEN OAK NEIGHBORHOOD IMPROVEMENT ZONE

Council Member Manning announced an open space meeting would be held on July 9, 2008, at the Prince of Peace Church on Arcadia Avenue to discuss the Glen Oak Neighborhood Improvement Zone. He encouraged the neighborhoods in the surrounding area to participate in the meeting.

REQUEST for WEEDS to be Cut in the KNOXVILLE AVENUE AREA

Council Member Jacob expressed concern regarding weeds on properties that needed to be cut and he requested that resources be focused on thoroughfares in the Knoxville Avenue area coming from the downtown area.

Council Member Gulley suggested that the Mayor's Youth Corps could assist with this project. He commended the group on their work during this summer program

Mayor Ardis said he had received positive response from citizens regarding the Mayor's Youth Corps and he planned to invite them to attend a Council Meeting in the near future for recognition.

COMMENDATION Regarding the 2008 RED, WHITE & BOOM FIREWORKS DISPLAY

Mayor Ardis commended the organizers and sponsors of the 2008 fireworks display and he said the spectacular event was the best ever. He said he looked forward to partnering with East Peoria on this event in the future. He also commended the efforts of the Peoria Police Department for crowd and traffic control during and after the event.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(08-354) 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.

LeVetta Ricca, President of Olde Towne South Neighborhood Association, thanked the Garden Club for the flowers they planted and their many hours of volunteering to create a garden at the top of Western hill.

EXECUTIVE SESSION**(08-355) REQUESTING APPROVAL of a MOTION for the CITY COUNCIL to go into EXECUTIVE SESSION to Discuss 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 Van Auken moved that the City Council go into Executive Session to Discuss 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 Manning.

Motion that the City Council go into Executive Session to Discuss 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 was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Nichting, Sandberg, Spain, Spears, Turner, Van Auken,

Mayor Ardis – 10;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 7:54 P.M.

bb

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