

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

Council Chambers, Peoria, Illinois, August 12, 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 (arrived 6:20 P.M.), Jacob (attending by electronic means), 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: NATIONAL HEALTH CENTER WEEK - August 10 - 16, 2008

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting held on July 22, 2008, Minutes of the Adjourned Special Meeting held on July 29 and August 5, 2008, and Executive Session held on August 5, 2008, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

Council Member Gulley arrived at 6:20 P.M.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

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

- (08-386) NOTICE OF LAWSUIT Filed on Behalf of GENE VAN ANTWERP Regarding a Complaint Against the City of Peoria Alleging Age and National Origin Discrimination, with Recommendation to Receive and File and Refer to the Legal Department.**
- (08-387) NOTICE OF LAWSUIT Filed on Behalf of CHARLES WARREN Alleging Harassment, Abuse, and False Arrest, with Recommendation to Receive and File and Refer to the Legal Department.**
- (08-388) * Communication from the Interim City Manager and Director of Information Systems Requesting Approval of a SOLE SOURCE PURCHASE of an ENTERPRISE DOCUMENT and CONTENT MANAGEMENT SYSTEM, in the Amount of \$81,000.00, from ADVANCED PROCESSING AND IMAGING, INC.**

- (08-389) Communication from the Interim City Manager and Director of Public Works Requesting Approval to PURCHASE REAL ESTATE Located at 1615 W. ADRIAN G. HINTON, JR. AVENUE, in the Amount of \$1,719.00, as an Opportunity Acquisition for the Future Widening of Dr. Martin Luther King, Jr. Drive.
- (08-390)
** Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of OTTO BAUM COMPANY, INC., and Award a CONTRACT, in the Amount of \$122,446.20, for the HICKORY GROVE ROAD BIKE TRAIL AND STORM SEWER IMPROVEMENT PROJECT.
- (08-391) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a CONTRACT to the LOWEST BIDDER of PEORIA ROOFING AND RESTORATION CO., INC., in the Amount of \$39,400.00, for RE-SHINGLING the ROOF at the FIRE TRAINING ACADEMY.
- (08-392) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of TERRY'S BERRIES, INC., and Award a CONTRACT, in the Amount of \$16,840.00, for BUILDING DEMOLITION for 1505 W. JOHN H. GWYNN, JR. DRIVE in Conjunction with the Future Dr. Martin Luther King, Jr. Drive Widening Project.
- (08-393) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of HEIN CONSTRUCTION CO., INC., and Award a CONTRACT, in the Amount of \$72,930.47, for the WEST ANTOINETTE STREET SIDEWALK IMPROVEMENT PROJECT (Griswold Street to Westmoreland Avenue).
- (08-394) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of P.A. ATHERTON CONSTRUCTION, INC., and Award a CONTRACT, in the Amount of \$49,338.97, for the WEST ANTOINETTE STREET SIDEWALK IMPROVEMENT PROJECT (From Laramie Street to Oregon Avenue).
- (08-395)
*** Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Authorization for \$25,000.00 in COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS as a Match for the PEORIA COUNTY PILOT LEAD-PAINT RENOVATION PROGRAM in the GLEN OAK SCHOOL NEIGHBORHOOD IMPACT ZONE.
- (08-396) Communication from the Interim City Manager and Director of Planning and Growth Management Regarding PUBLIC DISCLOSURE of a POTENTIAL CONFLICT OF INTEREST Involving a HOME IMPROVEMENT PROGRAM APPLICATION so that Such Conflict Can be Submitted to HUD for an EXCEPTION DETERMINATION, with Request to Receive and File.
- (08-397) Communication from the Interim City Manager and Director of Economic Development Department Providing NOTICE that the HOSPITALITY IMPROVEMENT ZONE (HIZ) TIF REDEVELOPMENT PLAN, ELGIBILITY STUDY and HOUSING IMPACT STUDY Will Be Submitted and Placed on File for Public Inspection in the Office of the City Clerk on August 15, 2008, with Request to Receive and File.

- (08-398)

Communication from the Interim City Manager and Director of Economic Development Department Requesting Approval of a RE-SUBORDINATION AGREEMENT for the BUSINESS DEVELOPMENT FUND LOAN for SER-WIEG (UFS STORE) BANK LOAN, in the Amount of \$724,550.21.
- (08-399)

Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a FRANCHISE EXTENSION with COMCAST for CABLE SERVICES until JUNE 30, 2009, and Requesting Authorization for the Interim City Manager to Execute the Agreement.
- (08-400)
Communication from the Interim City Manager and Director of Public Works with Request to Accept the LOW BID and Award a CONTRACT to HUNDMAN LUMBER PEORIA, in the Amount of \$23,386.60, for CEILING TILE and GRID REPLACEMENTS at CITY HALL.
- (08-401)
Communication from the Interim City Manager and Director of Public Works with Request to Accept the LOW BID and Award a CONTRACT to HEIN CONSTRUCTION COMPANY, INC., for the NEBRASKA AVENUE STORM SEWER REPAIR, in the Amount of \$64,823.41.
- (08-402)
Communication from the Interim City Manager and Director of Public Works with Request to Accept the LOW BID and Award a CONTRACT to R. A. CULLINAN & SON., INC. for PARTIAL DEPTH PATCHING, CONCRETE JOINT REPAIR, CONCRETE SURFACE REMOVAL, LEVELING BINDER and BITUMINOUS OVERLAY of NORTH UNIVERSITY STREET from Northmoor to Glen, and for LEVELING BINDER and BITUMINOUS OVERLAY of ALTA ROAD from Allen Road to Trails Edge, in the Amount of \$640,150.00.
- (08-403)

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Communication from the Interim City Manager and Director of Economic Development Requesting Authorization to SUBMIT an ENTERPRISE ZONE APPLICATION to the STATE OF ILLINOIS DEPARTMENT of COMMERCE AND ECONOMIC OPPORTUNITY (DCEO) with Recommendation from the Planning Commission to Approve, and to Adopt an ORDINANCE Amending Ordinance No. 11,051, for an EXPANSION of the ENTERPRISE ZONE to Include Properties Located within the Boundaries of Sheridan, Glen, University and Lake Streets; and to Include Property to the West of Sheridan and North of Ridgemont Streets (Sheridan Village).
- (08-404)
Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE NO. 16,312 Amending CHAPTER 2 of the Code of the City of Peoria Pertaining to the BOARD OF LOCAL IMPROVEMENTS.
- (08-405)

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Communication from the Interim City Manager and Director of Inspections Requesting Approval of an ORDINANCE Amending CHAPTER 5 of the Code of the City of Peoria Adopting the 2008 NATIONAL ELECTRICAL CODE in its Entirety.
- (08-406)

Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 30 of the Code of the City of Peoria Pertaining to TAXI CAB RATES.

- (08-407) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE NO. 16,313 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the REIMBURSEMENT from the COUNTY OF PEORIA for the REPLACEMENT of the COMMUNITY MESSAGING SYSTEM, in the Amount of \$25,000.00.
- (08-408) Communication from the Interim City Manager and ECC Manager Requesting Approval of the Following Regarding the COMMUNITY MESSAGING SYSTEM, with Request for Authorization for the Interim City Manager to Execute the Agreements:
- A. AGREEMENT to PURCHASE a REPLACEMENT COMMUNITY MESSAGING SYSTEM from the Lowest Responsible Bidder, EMERGENCY COMMUNICATIONS NETWORK, INC., in the Amount of \$50,000.00, with \$25,000.00 to be Reimbursed by Peoria County with Up to Four Annual Renewals;
 - B. INTERGOVERNMENTAL AGREEMENT for the COMMUNITY MESSAGING SYSTEM with PEORIA COUNTY;
 - C. AGREEMENT with A T & T ILLINOIS for PUBLISHED and NON-PUBLISHED TELEPHONE SUBSCRIBER INFORMATION for the COMMUNITY MESSAGING SYSTEM, in the Amount of \$4,200.00, with \$2,100.00 to be Reimbursed by Peoria County.
- (08-409) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a SIDEWALK PARTICIPATION REQUEST for KELLY GLASS COMPANY located at 2400 S. W. ADAMS STREET, in the Amount of \$22,190.34.

- (08-410) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at EXPOSTION GARDENS for the PEORIA YOUTH HOCKEY ASSOCIATION on SATURDAY, AUGUST 16, 2008.

- (08-411) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at WEAVER FARMS for CENTRAL ILLINOIS RIDING THERAPY on FRIDAY and SATURDAY, AUGUST 22 AND 23, 2008.

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- (08-412) REPORT of the CITY TREASURER REGINALD A. WILLIS for the Month of June 2008, with Request to Receive and File.
- (08-413) PEORIA PUBLIC LIBRARY FINANCIAL REPORT for JUNE 30, 2008, with Request to Receive and File.
- (08-414) Town of the City of Peoria Financial Report for Period Ending 6/30/2008, with Request 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 Nos. 08-388 and 08-399 be removed from the Consent Agenda for further discussion.

Council Member Manning requested that Item Nos. 08-395 and 08-409 be removed from the Consent Agenda for further discussion.

Council Member Spears requested that Item Nos. 08-390 and 08-406 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item Nos. 08-403 and 08-405 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested that Item Nos. 08-398, 08-410 and 08-411 be removed from the Consent Agenda for further discussion.

On behalf of Mayor Ardis, Council Member Van Auken requested that Item No. 08-399 be removed from the Consent Agenda for further discussion.

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

Item Nos. 08-386 through 08-414 (excluding Item Nos. 08-388, 08-390, 08-395, 08-398, 08-399, 08-403, 08-405, 08-406, 08-409, 08-410, and 08-411, 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.

**(08-388) Communication from the Interim City Manager and Director of Information
* Systems Requesting Approval of a SOLE SOURCE PURCHASE of an
 ENTERPRISE DOCUMENT and CONTENT MANAGEMENT SYSTEM, in the
 Amount of \$81,000.00, from ADVANCED PROCESSING AND IMAGING, INC.**

Council Member Turner said his concern regarded possible on-going costs after the new system was implemented, and he questioned what the on-going costs would be.

Director of Information Systems Cathy Roger said the annual cost that would be paid was \$14,000.00 for the on-going software maintenance.

In discussion with Council Member Sandberg regarding access to records that should be retained, Corporation Counsel Randy Ray explained the new system would allow Departments to store more information for longer periods of time. He said he would provide Council Member Sandberg with further information regarding the State's Record Retention Act regarding the length of time certain documents had to be kept according to the State Archivist.

Council Member Nichting moved to approve a sole source purchase of an Enterprise Document and Content Management System, in the amount of \$81,000.00 from Advanced Processing and Imaging, Inc.; 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.

**(08-390) Communication from the Interim City Manager and Director of Public
** Works Requesting Approval of the LOW BID of OTTO BAUM COMPANY,
INC., and Award a CONTRACT, in the Amount of \$122,446.20, for the
HICKORY GROVE ROAD BIKE TRAIL AND STORM SEWER IMPROVEMENT
PROJECT.**

In discussion with Council Member Spears regarding why this storm sewer needed repairs at this time and why the developer did not install the project when the area was developed, Director of Public Works Dave Barber explained there were two drainage issues regarding the proposed project. He said there was a low area near the extension of the bike path and the manhole needed to be raised. He further explained that Hickory Grove Road had not been improved at the time of development and there was an existing drainage problem that needed to be corrected along the bike path adjacent to Hickory Grove Road.

Discussion was held regarding the difference between County roads, Township roads, and City roads and the laws that pertain to them.

Council Member Sandberg requested an updated map to review.

Council Member Spears requested a report back that would reflect the amounts of monies coming out of the Bike Trail Extension and out of the storm sewer fund for this project.

Council Member Nichting moved to approve the low bid of Otto Baum Company, Inc., and award a contract, in the amount of \$122,446.20, for the Hickory Grove Road Bike Trail and Storm Sewer Improvement Project; 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.

**(08-395) Communication from the Interim City Manager and Director of Planning and
*** Growth Management Requesting Authorization for \$25,000.00 in
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS as a Match
for the PEORIA COUNTY PILOT LEAD-PAINT RENOVATION PROGRAM in
the GLEN OAK SCHOOL NEIGHBORHOOD IMPACT ZONE.**

Council Member Manning commended the County's participation, as a governmental partner, and the continued leadership of Council Member Jacob in the Glen Oak School Neighborhood Impact Zone.

Council Member Manning moved to authorize \$25,000.00 in Community Development Block Grant (CDBG) Funds as a match for the Peoria County Pilot Lead-Paint Renovation Program in the Glen Oak School Neighborhood Impact Zone; 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.

**(08-398) Communication from the Interim City Manager and Director of Economic
**** Development Department Requesting Approval of a RE-SUBORDINATION
 AGREEMENT for the BUSINESS DEVELOPMENT FUND LOAN for SER-
 WIEG (UFS STORE) BANK LOAN, in the Amount of \$724,550.21.**

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 Van Auken moved to approve a Re-Subordination Agreement for the Business Development Fund Loan for Ser-Wieg (UFS Store) Bank Loan, in the amount of \$724,550.21; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstention: Jacob - 1.

**(08-399) Communication from the Interim City Manager and Corporation Counsel
***** Requesting Approval of a FRANCHISE EXTENSION with COMCAST for
 CABLE SERVICES until JUNE 30, 2009, and Requesting Authorization for
 the Interim City Manager to Execute the Agreement.**

Mayor Ardis said he would be abstaining from the discussion and vote due to a contractual relationship his employer had with Comcast.

Mayor Ardis requested that Council Member Turner chair this portion of the meeting.

Council Member Turner said the City had been collecting a 5% franchise fee from the local cable company for the past twenty years. He said he felt this was well below the amount the City should be receiving, and he expressed concern that the franchise agreement would be extended, which he felt was not in the best interest of the community. He said he could not support the proposed extension.

Corporation Counsel Randy Ray said, if the City was free to negotiate, the terms could be changed, but 5% was the maximum allowed for local franchises under the Federal Communication Regulations. He suggested there were other options the City could do regarding service, but the City would not be able to request a higher franchise fee.

Council Member Sandberg expressed concern regarding this dilemma because there were many providers of the same services, but they were not regulated. He expressed further concern that the citizens were not more informed regarding this issue.

Corporation Counsel Ray stated the City held extensive negotiations with Insight and then there was the change to Comcast. He explained Comcast had some options through the State. He also stated the proposed extension was just for one year and there would be an attempt to negotiate something more favorable for the community during that time. He said it was difficult for municipalities to negotiate too aggressively because Comcast could opt for the State agreement and move in that direction.

In discussion with Council Member Turner regarding his suggestion that the agreement be split, Corporation Counsel Ray said this was not an exclusive franchise agreement.

In discussion with Council Member Jacob, Corporation Counsel Ray stated, if the Council voted against the proposal, the City would continue to receive the 5% franchise fee, but he said he would recommend a deferral rather than voting against the proposal at this time. He indicated he was uncertain whether or not a vote no would bring Comcast to negotiate a new agreement with the City.

Council Member Jacob suggested further review of the proposal and deferring this item rather than voting against the proposal.

Council Member Manning expressed concern regarding the proposed extension of the agreement. He spoke in support of reviewing other options.

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

Corporation Counsel Ray said tabling the issue would allow the City the option of bringing the proposal back before the Council if the 5% was in jeopardy.

Council Member Spears urged the Council to vote against tabling this issue. Council Member Spears pointed out the local cable company competed with satellite television companies and with phone companies. He said he did not feel it was a good time to table this issue because the State could take the 5% rather than the 5% coming to the City. He said he felt the Council should vote for the 5% extension because that was the amount regulated by the State and the City could make some changes in the next year.

Corporation Counsel Ray said, if the Council deferred this item until the second Council Meeting in September, he would have more information by that time.

Council Member Nichting requested that Corporation Counsel Ray check with the Illinois Municipal League to determine if they could provide other options.

Council Member Sandberg moved for a substitute motion to defer this item until the September 23, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Substitute motion to defer this item until September 23, 2008, was approved by roll call vote.

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

Nays: None.

(08-403)

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Communication from the Interim City Manager and Director of Economic Development Requesting Authorization to SUBMIT an ENTERPRISE ZONE APPLICATION to the STATE OF ILLINOIS DEPARTMENT of COMMERCE AND ECONOMIC OPPORTUNITY (DCEO) with Recommendation from the Planning Commission to Approve, and to Adopt an ORDINANCE Amending Ordinance No. 11,051, for an EXPANSION of the ENTERPRISE ZONE to Include Properties Located within the Boundaries of Sheridan, Glen, University and Lake Streets; and to Include Property to the West of Sheridan and North of Ridgemont Streets (Sheridan Village).

Council Member Sandberg said he could not support a motion to approve this item.

Council Member Manning moved to authorize the submission of the Enterprise Zone Application to the State of Illinois Department of Commerce and Economic Opportunity (DCEO) and adopt an Ordinance amending Ordinance No. 11,051, for an expansion of the Enterprise Zone to include properties located within the boundaries of Sheridan, Glen, University and Lake Streets; and to include property to the West of Sheridan and North of Ridgemont Streets (Sheridan Village); seconded by Council Member Van Auken.

Motion to authorize the submission an Enterprise Zone Application to the State of Illinois Department of Commerce and Economic Opportunity (DCEO) and adopt ORDINANCE NO. 16,314 amending Ordinance No. 11,051, for an expansion of the Enterprise Zone to include properties located within the boundaries of Sheridan, Glen, University and Lake Streets; and to include property to the West of Sheridan and North of Ridgemont Streets (Sheridan Village) was approved by roll call vote.

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

Nays: Sandberg - 1.

**(08-405) Communication from the Interim City Manager and Director of Inspections

** Requesting Approval of an ORDINANCE Amending CHAPTER 5 of the Code
of the City of Peoria Adopting the 2008 NATIONAL ELECTRICAL CODE in
its Entirety.**

Following some brief comments, Council Member Sandberg moved to defer this item for two weeks until the August 26, 2008, Regular City Council Meeting so Staff could provide more specific information regarding the proposed changes; seconded by Council Member Van Auken.

Motion to defer this item until August 26, 2008, was approved by roll call vote.

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

Nays: None.

**(08-406) Communication from the Interim City Manager and Corporation Counsel

*** Requesting Adoption of an ORDINANCE Amending CHAPTER 30 of the
Code of the City of Peoria Pertaining to TAXI CAB RATES.**

Council Member Spears said, rather than raising the rates at this time, he felt this item should be deferred so a Resolution from the Council could be sent to Springfield requesting that gasoline taxes on taxi cabs be reduced. He said many of the people who used taxi cabs were struggling financially and would not be able to pay increased rates. He suggested a one-month deferral.

Mayor Ardis questioned if deferral for one month would be long enough to receive an answer back from Springfield.

Council Member Spears moved to defer this item for one month until the September 9, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Council Member Nichting expressed concern that Springfield could delay their answer to this request until the end of the year.

Council Member Spain said he supported a deferral, but he expressed concern regarding increased rates for out-of-town visitors. He said he was anxious to review the language in a proposed Resolution.

Mayor Ardis said he supported the suggestion made by Council Member Spears for assistance from the State of Illinois regarding this matter. He said these increased costs were paid by the taxi cab drivers and equal consideration should be given to those employees. He said, if this was not resolved at the State level, he suggested that the Council review this matter again in the near future to provide some relief for taxi cab drivers and those who used taxis.

Interim City Manager Henry Holling spoke of the importance of the taxi cab businesses in the Peoria community. He said these businesses were marginal and the business management was challenged and had difficulty in attracting and retaining quality drivers. He said there were times that taxi cabs provided the only transportation available at the airport for those passengers whose flights had been cancelled or to respond to flights that had been delayed and arrived late at night. He said the drivers provided personal services and he wanted the Council to better understand the challenges faced by the business owners and the drivers.

Council Member Spears moved to amend his motion to defer this item for two weeks until the August 26, 2008, City Council Meeting and bring a Resolution to the Council for their consideration at that time; seconded by Council Member Van Auken.

Motion to defer this item until August 26, 2008, was approved by roll call vote.

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

Nays: None.

(08-409) **Communication from the Interim City Manager and Director of Public**

 Works Requesting Approval of a SIDEWALK PARTICIPATION REQUEST for
 KELLY GLASS COMPANY located at 2400 S. W. ADAMS STREET, in the
 Amount of \$22,190.34.

Council Member Manning said he would be abstaining from discussion and voting on this item due to a business relationship with the owner.

Council Member Van Auken moved to approve a Sidewalk Participation Request for Kelly Glass Company located at 2400 S. W. Adams Street, in the amount of \$22,190.34; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstentions: Manning - 1.

(08-410) **Communication from the Interim City Manager and Corporation Counsel**

 Requesting Approval of an APPLICATION for a CLASS H (Temporary
 Outdoor) LIQUOR LICENSE at EXPOSITION GARDENS for the PEORIA
 YOUTH HOCKEY ASSOCIATION on SATURDAY, AUGUST 16, 2008.

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 Van Auken moved to approve an Application for a Class H (Temporary Outdoor) Liquor License at Exposition Gardens for the Peoria Youth Hockey Association on Saturday, August 16, 2008; seconded by Council Member Turner.

Motion to approve an Application for a Class H (Temporary Outdoor) Liquor License at Exposition Gardens for the Peoria Youth Hockey Association on Saturday, August 16, 2008, was approved by roll call vote.

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

Nays: None;

Abstention: Jacob - 1.

- (08-411) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at WEAVER FARMS for CENTRAL ILLINOIS RIDING THERAPY on FRIDAY and SATURDAY, AUGUST 22 AND 23, 2008.**

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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 Van Auken moved to approve an Application for a Class H (Temporary Outdoor) Liquor License at Exposition Gardens for the Peoria Youth Hockey Association on Saturday, August 16, 2008; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstention: Jacob - 1.

- (08-415) Communication from the Interim City Manager and Director of Public Works Requesting Approval of an EXTENSION of the JANITORIAL SERVICES CONTRACT until October 1, 2009, with THE CLEANING SOURCE for a ONE YEAR CONTRACT EXTENSION VALUE of \$386,974.97, Including a 4% Price Adjustment on a SOLE SOURCE BASIS. (Amends Item No. 06-533)**

Council Member Gulley questioned if the 4% suggested was part of the original agreement. He added that he felt there were other Council Members who wished to discuss this, but were not in attendance.

Council Member Gulley moved to defer this item for two weeks until the August 26, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until August 26, 2008, was approved by roll call vote.

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

Nays: None.

- (08-416) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the SIXTH ADDENDUM to the AMENDED and RESTATED RIVERFRONT VILLAGE REDEVELOPMENT AGREEMENT, Extending Phase II Deadline to December 31, 2010, and Requesting Authorization for the Interim City Manager to Execute this Addendum.**

Council Member Gulley moved to approve the Sixth Addendum to the Amended and Restated Riverfront Village Redevelopment Agreement, extending Phase II deadline to December 31, 2010, and authorize the Interim City Manager to execute the Addendum; seconded by Council Member Turner.

Council Member Sandberg said he would not support the proposed extension of the agreement.

Council Member Manning pointed out the reason an extension was being requested was due to the current economy. He said the Peoria area economy was different than in other parts of the nation and he discussed other downtown projects that would impact this project. He stated he would be more comfortable with an extension, if there was more information available regarding the museum block project to determine how it would impact this project. He also stated, if there was a shorter deadline, maybe there could be some resolution regarding the downtown Riverfront.

Council Member Nichting stated one of the City's largest employers was in the process of reducing their office space needs in the downtown area. He said the Council had this project before them now, and opportunities would exist when the market began to fill up and there was a demand for more office space. He reminded the Council that this project had been on hold due to the economy and the shift in the downtown area.

Council Member Sandberg said he was currently working on a \$6.5 million, 50,000 square foot, office building project himself that was located within five blocks of the proposed project, which was to be built and occupied by the end of 2008. He expressed concern that the proposed building would be built on top of the raised platform on the Riverfront. He said he did not feel this was an appropriate location for an office building. He also pointed out that this agreement was written over ten years ago and the vision for the downtown and Riverfront had changed since then.

Motion to approve the Sixth Addendum to the Amended and Restated Riverfront Village Redevelopment Agreement, extending Phase II deadline to December 31, 2010, and authorize the Interim City Manager to execute the Addendum was approved by roll call vote.

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

**(08-417) Communication from Mayor Jim Ardis Requesting Approval of a
RESOLUTION Supporting the CITY OF CHICAGO'S BID for the 2016
OLYMPIC and PARALYMPIC GAMES.**

Council Member Spears moved to approve the Resolution supporting the City of Chicago's bid for the 2016 Olympic and Paralympic Games; seconded by Council Member Van Auken.

Council Member Nichting said he would support the proposed Resolution, but he expressed concern that when the Olympics were held in other states, there was a tax imposed on citizens over the entire State to cover costs.

Council Member Spears pointed out that if the 2016 games were held in Chicago, it was possible some of the events could be held in the Central Illinois area, which would benefit the City of Peoria.

Mayor Ardis discussed the importance of submitting a Resolution of support to the Mayor of Chicago.

Motion to approve RESOLUTION NO. 08-417 supporting the City of Chicago's bid for the 2016 Olympic and Paralympic Games was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10;
Nays: None.

- (08-418) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Action on an ORDINANCE Amending Ordinance No. 16,072, an EXISTING SPECIAL USE in a Class CG (General Commercial) District for an OFF-PREMISE SIGN (Billboard) to Add an ELECTRONIC MULTIPLE MESSAGE DISPLAY for the EAST SIDE of the BILLBOARD for Property Located at 1418 N. LINN STREET.**

Director of Planning and Growth Management Pat Landes distributed a copy of a supplemental communication, with a recommendation from the Zoning Commission to deny the amendment, to the Existing Special Use to all members of the City Council.

Council Member Van Auken moved to defer this item for two weeks until the August 26, 2008, Regular City Council Meeting; seconded by Council Member Manning.

Motion to defer this item until August 26, 2008, was approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

- (08-378) Communication from the Interim City Manager and Human Resources Department Requesting Approval to Enter Into a ONE-YEAR HEALTH CARE CONSULTANT SERVICES CONTRACT with GALLAGHER BENEFIT SERVICES, INC., for CONSULTING to the JOINT LABOR/MANAGEMENT HEALTH CARE COMMITTEE and the CITY COUNCIL, with an Option to Renew for the Second and Third Years, Upon Mutual Agreement by the Parties, at a Cost Not to Exceed \$96,000.00.**

Council Member Manning referred to the general scope of services and he expressed concern that there was no mention of reports to the City Council. He requested that the scope of services be expanded to include the City Council as well as the Health Care Committee. He added he did not see this in the contract and he questioned if this request would increase the costs of the contract.

Senior Staff Attorney Kimberly King stated Council Member Manning's request would not increase the costs of the contract and she would inform the representatives of Gallagher Benefit Services of the importance of sharing information with the City Council.

Council Member Jacob referred to the bidding process and noted that even though the RFP was sent out to approximately three dozen firms, only three responses were received. He said there were at least six or eight local firms that could have responded, and he questioned if the Staff knew the reasons for the low response rate.

Interim City Manager said the firms were surveyed and he explained the reasons there were not more bids regarding this matter. He said municipal businesses varied and were difficult and challenging due to their specialized needs. He explained several firms did not feel they could meet the challenge in both staffing and in the competence required. He said the Gallagher organization was regarded as the best or second best in that nation. He added that municipal businesses were not the most lucrative portion of this kind of insurance.

Senior Staff Attorney Kimberly King explained, at Mayor Ardis' request, specific communication was sent to each of the vendors that requested information regarding their failure to respond to the RFP. She reiterated the reasons as stated by the Interim City Manager. She said there were also comments that the City's RFP process was cumbersome. She stated the RFP process would be reviewed for all health care consulting agreements to streamline the process.

Council Member Jacob said he felt the City should be able to find local firms to handle these needs and he urged Staff to continue to thoroughly research local firms. He also urged that the proposed contract with Gallagher Benefit Services have specific reporting requirements to the City Council at least semi-annually, if not quarterly detailing status and what information had been discussed.

Senior Staff Attorney King said the proposed agreement was a draft and she could add language regarding specific reporting requirements.

Following a brief discussion, Council Member Spain moved to enter into a one-year Health Care Consultant Services Contract with Gallagher Benefit Services, Inc., for consulting to the Joint Labor/Management Health Care Committee and the City Council, with an option to renew for the second and third years, upon mutual agreement by the parties, at a cost not to exceed \$96,000.00, as amended, to add a quarterly progress reporting requirement; seconded by Council Member Turner.

Motion to approve, as amended, was approved by roll call vote.

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

Nays: None.

(08-384) Communication from the Interim City Manager and Director of Public Works Requesting Approval of AMENDMENTS to the SNOW RESPONSE PROGRAM, which Includes ADJUSTING THE NUMBER OF SNOW ROUTES and MODIFYING DESIGNATED STREETS AS SNOW ROUTES, with Current and Proposed Route maps. (New Communication)

On behalf of Council Member Montelongo, who was absent, Council Member Sandberg moved to defer this item for two weeks until the August 26, 2008, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until August 26, 2008, 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 Regarding BACK-PACK and SCHOOL SUPPLIES DISTRIBUTION on SATURDAY, AUGUST 16, 2008

Council Member Spain said the City of Peoria was cooperating with School District #150 regarding an Open House Event on Saturday, August 16, 2008, to kick-off the back to school season. He said he, Council Member Gulley, and Communications Manager Alma Brown had been working with District #150 and a variety of other partners regarding this event. He urged citizens to attend the event at the Peoria Civic Center Exhibit Hall from 8:30 A.M. until noon where there would be a distribution of back-packs and school supplies. He thanked those donors who generously provided their support for this event.

Interim City Manager Henry Holling commended the efforts of Communications Manager Alma Brown on this event. He said the duties required to accomplish this task had been amazing and he thanked her for support.

Council Member Spain also thanked Linda Cooper in the City Manager's Office and City of Peoria Retirees for their efforts in stuffing the back-packs.

ANNOUNCEMENT Regarding the PEORIA PUBLIC SCHOOLS "I'M A REMARKABLE GUY" PROGRAM – MEN TAKING STUDENTS TO SCHOOL ON THEIR FIRST DAY OF SCHOOL

Mayor Ardis announced the "I'm a Remarkable Guy" program that would enlist the help of 1,000 men who would take students to school on their first day of school.

Council Member Gulley spoke in support of the program and he urged all elected officials to sign up to be one of the 1,000 remarkable guys. He explained this program was initiated to encourage school attendance.

ANNOUNCEMENT Regarding TASTE OF PEORIA to be Held on AUGUST 13, 2008

Mayor Ardis announced the Taste of Peoria would be held on Wednesday, August 13, 2008, on the Riverfront and he invited the public to attend.

ANNOUNCEMENT Regarding GRAND NATIONAL TT MOTORCYCLE RACES to be Held on AUGUST 16 and 17, 2008

Mayor Ardis also announced the Grand National TT Motorcycle Races would be held in Peoria on the weekend of August 16 and 17, 2008. He said the motorcycle parade would be held on Saturday morning and Council Member George Jacob was the Grand Marshal. He encouraged the public to attend the event.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(08-419) 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. Roger Sparks, a Peoria resident, expressed concern that a temporary liquor license was granted to the Peoria Youth Hockey Association event. He said he did not feel that drinking should be encouraged at an event that sponsored youths.

Mr. Savino Sierra, a Peoria resident, spoke in support of sidewalk installation in the southern portion of the City. He expressed concern regarding traffic near schools and he said there was a need for sidewalks in those areas for safety purposes.

EXECUTIVE SESSION

(08-420) REQUESTING 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; 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; 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 Manning 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; 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; 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 Spears.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 7:55 P.M.

bb

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