

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

Council Chambers, Peoria, Illinois, September 9, 2008, a Regular City Council Meeting was held this date at 6:18 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 6:29 P.M.), Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Turner, Van Auken, Mayor Ardis – 10; Absent: Spears - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection and he requested that Boy Scout Troop #282 from the Church of Jesus Christ of Latter Day Saints led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: COMMON PLACE WEEK - September 7 - 13, 2008

PROCLAMATION: 2008 NIGHT OUT AGAINST CRIME - September 16, 2008

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting and Executive Sessions held on August 26, 2008, and the Executive Session held on September 3, 2008, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

Council Member Gulley arrived at 6:29 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:

- (08-445) TAG DAY REQUEST from the LIONS CLUB OF PEORIA Requesting Permission to Hold Their ANNUAL CANDY DAY to Raise Funds to Assist the Blind, Visually Impaired, Deaf, and Hearing Impaired on FRIDAY, OCTOBER 3, 2008. (Date is Open.)
- (08-446) NOTICE OF LAWSUIT Filed on Behalf of MATTHEW YANG Regarding a Complaint of Alleged Abuse of Discretion Against the Board of Fire and Police Commission and Commissioners, with Request to Receive for Information and Refer to the Legal Department.

- (08-447) NOTICE of LAWSUIT Filed on Behalf of WESTMINSTER PRESBYTERIAN CHURCH Regarding a Complaint Alleging Unequal Treatment by the City in the Denial of Certificates of Appropriateness, with Request to Receive for Information and Refer to the Legal Department.
- (08-448) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID and Award of a CONSTRUCTION CONTRACT to R. A. CULLINAN & SON, INC. for HOT MIX ASPHALT SURFACE REMOVAL (Cold Milling) and BITUMINOUS OVERLAY of NORTH UNIVERSITY STREET from Columbia Terrace to Moss Avenue, and from Margaret Street to Hudson Street (the Section from Margaret to Hudson is for the Outside North Bound Lane Only), in the Amount of \$359,180.00.
- (08-449) Communication from the Interim City Manager and Fire Chief Requesting Approval for the PURCHASE of SIX RIT-PAKS, SIX SPARE QUICK DISCONNECT REGULATORS, and THIRTY SAFETY CARBON CYLINDERS from MES - ILLINOIS, in the Amount of \$29,940.00.
- (08-450)
* Communication from the Interim City Manager and Director of Public Works Requesting to Award a CONTRACT for CARPET INSTALLATION at WATER DAMAGED AREAS of CITY HALL to CARPET WEAVERS INC., in the Amount of \$81,400.00.
- (08-451) Communication from the Interim City Manager and Police Chief Requesting a SOLE SOURCE PURCHASE of 15 DIGITAL IN-CAR CAMERAS and the Necessary Peripherals from L3 COMMUNICATIONS MOBILE VISION, INC., in the Amount of \$87,975.00.
- (08-452) Communication from the Interim City Manager and Director of Economic Development Requesting Approval for the SALE of a CITY-OWNED VACANT LOT Located at 1008 N. E. MONROE, in the Amount of \$250.00 plus Expenses, to MR. DOUGLAS LIST, and Requesting Authorization the Interim City Manager to Execute the Necessary Documents.
- (08-453) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Authorization for the Administration to HOLD AN AUCTION in Conjunction with PEORIA COUNTY to be Held at the CITY OF PEORIA FLEET FACILITY on DRIES LANE on SATURDAY, SEPTEMBER 27, 2008.
- (08-454) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Approval of a ONE-YEAR SOLE SOURCE EXTENSION of the FUEL SERVICES (Unleaded and Diesel) CONTRACT Until AUGUST 22, 2009, with USELTON OIL COMPANY with No Changes to the Current Contract.
- (08-455) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,325 Amending the City of Peoria Budget for Fiscal Year 2008 Relating to the PIONEER PARKWAY EXTENSION PROJECT FEDERAL NCPD (National Corridor Planning and Development) GRANT.

- (08-456)
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Communication from the Interim City Manager and Director of Public Works Requesting Approval of the Following and Authorize the Interim City Manager to Execute the Necessary Documents:
- A. SECOND SUPPLEMENT to a PROFESSIONAL SERVICES AGREEMENT for PIONEER PARKWAY EXTENSION PRELIMINARY ENGINEERING SERVICES with CRAWFORD, MURPHY, and TILLY, INC. (CMT), in an Amount Not to Exceed \$691,353.00, to Complete Preliminary Engineering and Obtain Design Approval for the Expanded Limits of the Project and to be Subject to Review and Approval by Illinois Department of Transportation (Amends 03-612 and Refer to Item No. 07-502-A);
 - B. LOCAL AGENCY AMENDMENT #2 for FEDERAL PARTICIPATION with the ILLINOIS DEPARTMENT of TRANSPORTATION (IDOT) to Request 80% Federal Funding and 20% City Funding for the PRELIMINARY ENGINEERING SECOND AMENDMENT, Up to the Maximum Grant Amount;
 - C. SUPPLEMENTAL MFT RESOLUTION, in the Amount of \$700,000, to Provide the 20% City Funding.
- (08-457)
Communication from the Interim City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,326 VACATING a PORTION of FAYETTE STREET and a PORTION of KNOXVILLE AVENUE Located Between Glendale Avenue and Glen Oak Avenue.
- (08-458)
Communication from the Interim City Manager and Director of Public Works Requesting Approval of SIDEWALK PARTICIPATION REQUEST from JOHNSTONE SUPPLY COMPANY for Property Located at 2019 S. W. WASHINGTON STREET, in the Amount of \$21,750.00.
- (08-459)

Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS G (Restaurant, Beer & Wine Only) LIQUOR LICENSE, for 8305 N. ALLEN ROAD, SUITE 2, with the Liquor Commission's Recommendation to Approve.
- (08-460)

Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H TEMPORARY LIQUOR LICENSE for a FUNDRAISER to Benefit the INDEPENDENT SPORTS CLUB OF PEORIA to be Held on SATURDAY, SEPTEMBER 13, 2008, (with a Rain Date of Sunday, September 14, 2008) at Tonti Park.
- (08-461)

Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H TEMPORARY LIQUOR LICENSE for the CALIPSO CONNECTION for an Event to be Held on SUNDAY, SEPTEMBER 21, 2008, at Tonti Park.
- (08-462)

*
Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H TEMPORARY OUTDOOR LIQUOR LICENSE for EASTER SEALS for an Event to be held at STUDIO 29, 6523 N. GALENA ROAD, on SATURDAY, OCTOBER 4, 2008.

- (08-463) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Approval of REVISIONS to the FISCAL YEAR 2009 BUDGET CALENDAR Adopted on JUNE 24, 2008. (Revises Item No. 08-341)**
- (08-464) CITY TREASURER'S REPORT from CITY TREASURER REGINALD A. WILLIS for the Month of JULY 2008.**

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

Council Member Sandberg requested that Item Nos. 08-450 and 08-456 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested that Item Nos. 08-459, 08-460, 08-461, and 08-462 be removed from the Consent Agenda for further discussion.

Council Member Van Auken requested that Item No. 08-461 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. 08-445 through 08-464 (excluding Item Nos. 08-450, 08-456, 08-459, 08-460, 08-461, and 08-462 which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (08-450) * Communication from the Interim City Manager and Director of Public Works Requesting to Award a CONTRACT for CARPET INSTALLATION at WATER DAMAGED AREAS of CITY HALL to CARPET WEAVERS INC., in the Amount of \$81,400.00.**

Council Member Sandberg expressed concern regarding the bidding process that was used and the manner and timing in which the addendums to the bid package were made. He said there were seven firms at the pre-bid meeting, but only two responded with a bid. He said he felt the other firms were unable to react as quickly as needed to respond when the addendums were distributed. He said he felt this project needed to be rebid to attract other manufacturers and attract more competitive bids.

Council Member Sandberg moved to DENY the award of a contract for carpet installation at water damaged areas of City Hall to Carpet Weavers, Inc.; seconded by Council Member Gulley.

Interim City Manager Henry Holling requested that Operations and Maintenance Engineer Steve Myers and Director of Public Works Dave Barber address these concerns.

Operations and Maintenance Engineer Steve Myers said the bid specifications allowed for substitutions in the bid. He explained the qualities of the carpets that were proposed. He added that the committee preferred the custom carpets.

Council Member Van Auken also expressed concern regarding the bid process and the timing of the addendums.

Mr. Myers pointed out that the City would have responded to any contractor who presented a bid on the base bid. He explained the notification process he used to make sure each contractor was aware of the addendums.

In further discussion with Council Member Jacob, Mr. Myers outlined the time involved in rebidding this project. He said it would take approximately six weeks before the bids would come before the Council again and then there would be another six to eight weeks waiting for availability. He said it would be December before carpet could be installed. He also discussed the delay this would cause in shifting departments around to the renovated portions in the building in order to complete the installation of the new heating and air conditioning system. He said there would be increased costs involved if there was further delay due to laborers' wages and materials after May 1, 2009.

Council Member Spain said, if it was determined by the Committee that the carpet should reflect the historic nature of the building and if the Committee made a recommendation for a certain type of product that the Council felt comfortable with, he felt a rebidding process would not serve the needs of the Council.

Council Member Nichting moved for a substitute motion to approve the award of a contract for carpet installation at water damaged areas of City Hall to Carpet Weavers, Inc, in the amount of \$81,400.00; seconded by Council Member Turner.

Council Member Sandberg requested a point of order due to this item being a sole source bid.

Corporation Counsel Randy Ray said it was his opinion this item was not a sole source bid because the bid specification allowed for substitutions in the bids.

Substitute Motion to approve the award of a contract for carpet installation at water damaged areas of City Hall to Carpet Weavers, Inc, in the amount of \$81,400.00, was approved by roll call vote.

Yeas: Jacob, Manning, Montelongo, Nichting, Spain, Turner, Van Auken, Mayor Ardis – 8;

Nays: Gulley, Sandberg - 2.

(08-456)

Communication from the Interim City Manager and Director of Public Works Requesting Approval of the Following and Authorize the Interim City Manager to Execute the Necessary Documents:

- A. SECOND SUPPLEMENT to a PROFESSIONAL SERVICES AGREEMENT for PIONEER PARKWAY EXTENSION PRELIMINARY ENGINEERING SERVICES with CRAWFORD, MURPHY, and TILLY, INC. (CMT), in an Amount Not to Exceed \$691,353.00, to Complete Preliminary Engineering and Obtain Design Approval for the Expanded Limits of the Project and to be Subject to Review and Approval by Illinois Department of Transportation (Amends 03-612 and Refer to Item No. 07-502-A);**

B. LOCAL AGENCY AMENDMENT #2 for FEDERAL PARTICIPATION with the ILLINOIS DEPARTMENT of TRANSPORTATION (IDOT) to Request 80% Federal Funding and 20% City Funding for the PRELIMINARY ENGINEERING SECOND AMENDMENT, Up to the Maximum Grant Amount;

C. SUPPLEMENTAL MFT RESOLUTION, in the Amount of \$700,000, to Provide the 20% City Funding.

Council Member Sandberg expressed concern regarding the proposed MFT Resolution for 20%, in the amount of \$700,000, to match a \$1 million grant.

Mr. Eric Hanson, representing Crawford, Murphy, and Tilly, said a portion of the \$1 million grant was used for the current engineering agreement. He stated a portion of this \$1 million was available for this use.

Following further discussion, Council Member Sandberg suggested a two week deferral so the costs could be clarified.

Council Member Nichting explained the project and he said the Federal Government had made demands on the City for the additional expenditures and analysis.

Director Barber explained the MFT Resolution was for \$700,000 because the City needed to appropriate the full amount of the agreement to pay for the entire portion of the contract. He said the \$700,000 was allocated out of MFT Funds so those funds could be spent for this project. He said there would be an 80% grant up to the \$1 million grant amount.

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

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

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

Nays: Jacob – 1.

**(08-459) Communication from the Interim City Manager and Corporation Counsel
*** Requesting Approval of a SITE APPLICATION for a CLASS G (Restaurant,
Beer & Wine Only) LIQUOR LICENSE, for 8305 N. ALLEN ROAD, SUITE 2,
with the Liquor Commission's Recommendation to Approve.**

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 Nichting moved to concur with the Liquor Commission's recommendation to approve a Site Application for a Class G (Restaurant, Beer & Wine Only) Liquor License, for 8305 N. Allen Road, Suite 2; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstentions: Jacob - 1.

(08-460) **Communication from the Interim City Manager and Corporation Counsel**
**** **Requesting Approval of an APPLICATION for a CLASS H TEMPORARY**
 LIQUOR LICENSE for a FUNDRAISER to Benefit the INDEPENDENT
 SPORTS CLUB OF PEORIA to be Held on SATURDAY, SEPTEMBER 13,
 2008, (with a Rain Date of Sunday, September 14, 2008) at Tonti Park.

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 Nichting moved to approve an Application for a Class H Temporary Liquor License for a fundraiser to benefit the Independent Sports Club of Peoria to be held on Saturday, September 13, 2008, at Tonti Park, with a rain date of Sunday, September 14, 2008; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstentions: Jacob - 1.

(08-461) **Communication from the Interim City Manager and Corporation Counsel**
***** **Requesting Approval of an APPLICATION for a CLASS H TEMPORARY**
 LIQUOR LICENSE for the CALIPSO CONNECTION for an Event to be Held
 on SUNDAY, SEPTEMBER 21, 2008, at Tonti Park.

Council Member Van Auken said she would be abstaining from discussing and voting on this item due to her work on the Board of the Boys and Girls Club.

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 Nichting moved to approve an Application for a Class H Temporary Liquor License for the Calipso Connection for an event to be held on Sunday, September 21, 2008, at Tonti Park; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Manning, Montelongo, Nichting, Sandberg, Spain, Turner, Mayor Ardis –
 8;

Nays: None;

Abstentions: Jacob, Van Auken - 2.

(08-462) **Communication from the Interim City Manager and Corporation Counsel**
***** **Requesting Approval of an APPLICATION for a CLASS H TEMPORARY**
* **OUTDOOR LIQUOR LICENSE for EASTER SEALS for an Event to be held at**
 STUDIO 29, 6523 N. GALENA ROAD, on SATURDAY, OCTOBER 4, 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 Nichting moved to approve an Application for a Class H Temporary Outdoor Liquor License for Easter Seals for an event to be held at Studio 29, 6523 N. Galena Road, on Saturday, October 4, 2008; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstentions: Jacob - 1.

(08-465) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending Ordinance No. 13,687, an EXISTING SPECIAL USE in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to Allow for the RENOVATION of the SHOPPING CENTER Located at the SOUTHWEST CORNER of SHERIDAN ROAD and LAKE STREET.

Director of Planning and Growth Management Pat Landes distributed a replacement Ordinance to all members of the City Council.

Council Member Manning moved to adopt the replacement Ordinance amending Ordinance No. 13,687, an Existing Special Use in a Class C-2 (Large Scale Commercial) District for a Shopping Center to allow for the renovation of the Shopping Center located at the Southwest corner of Sheridan Road and Lake Street, and amending Condition #6 to read: "Seasonal sales identified on the site plan are limited to seasonal sale of plants, pumpkins, evergreens, and other seasonal merchandise; provided, however, that one "tent sale" a year not to exceed seven (7) days in duration in the seasonal sales area would be permitted that may include the sale of other products in addition to seasonal merchandise."; seconded by Council Member Van Auken.

Council Member Manning said the proposed Ordinance was a result of meetings between the property owner, City Staff, neighborhood residents and himself. He said the neighbors raised a number of concerns regarding the development, which resulted in additional meetings to work toward a compromise. He said the Ordinance that was before the Council was substantially improved compared to the initially proposed Ordinance, both architecturally and aesthetically. He said this was especially important because this project was located in the core of the City where some businesses were struggling and established neighborhoods were trying to attract new residents. He said the proposed project would generate new tax revenue and create new jobs and provide consumers with additional choices. He thanked Senior Planner Gene Lear and Director of Planning and Growth Management Pat Landes for their efforts and all the residents who became engaged in the process.

Council Member Manning moved to grant Privilege of the Floor to those who wished to address this issue; seconded by Council Member Van Auken.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those who wished to address this issue.

Mr. Kenny Carrigan, a Peoria resident, spoke in favor of the HyVee Grocery Store locating in the Sheridan Village Shopping Center.

Ms. Kristy Gorenz, President of the Knolls Homeowners Association, spoke on behalf of the neighborhoods. She thanked Council Member Manning and City Staff members for their assistance in this matter. She discussed the desires of the neighbors for the project that the

area would be safe, have ornamental lighting, attractive signage, be pedestrian friendly, and to help with preserving the core of their neighborhoods by being code compliant. She said it was also the neighborhoods' desire for the new CEFCU building to be similar to the facility on Summershade Drive. She said she was disappointed that more of these details were not incorporated into the development, but the neighborhood was supportive of the HyVee Store locating in the Sheridan Village area.

Mr. Sevino Sierra, a Peoria resident, spoke in support of the HyVee Grocery Store moving into the Sheridan Village Shopping Center.

Ms. Jennifer Dolan, a Peoria resident, encouraged the Council to retain a high standard for development in their neighborhood. She said she supported the improvements that were made to the plans.

Council Member Sandberg expressed concern regarding the current location of CEFCU's ATM, which he felt was too near the nearest residential area, and he felt the circulation of traffic was a problem.

Motion to adopt ORDINANCE NO. 16,327 amending Ordinance No. 13,687, an Existing Special Use in a Class C-2 (Large Scale Commercial) district for a Shopping Center to allow for the renovation of the Shopping Center located at the Southwest corner of Sheridan Road and Lake Street, and amending Condition #6 to read: "Seasonal sales identified on the site plan are limited to seasonal sale of plants, pumpkins, evergreens, and other seasonal merchandise; provided, however, that one "tent sale" a year not to exceed seven (7) days in duration in the seasonal sales area would be permitted that may include the sale of other products in addition to seasonal merchandise." was approved by roll call vote.

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

Nays: Sandberg - 1.

(08-466) Communication from the Interim City Manager with Request to Receive and File the REPORT Regarding CITIZEN INPUT (Placed on File with the City Clerk) and Provide the Interim City Manager and Staff with Direction Regarding How to Emphasize Certain Areas of the 2009 Budget Based on Public Comments.

Interim City Manager Henry Holling stated the information that was presented was already being used by the Staff to develop the 2009 Budget and to follow the Budget process.

Following a brief comment, Council Member Van Auken moved to receive and file the Report regarding Citizen Input regarding the 2009 Budget Based on Public Comments; seconded by Council Member Gulley.

Council Member Sandberg expressed concern that information regarding the City's property tax rate, how it was figured, and historical perspective was not listed on the City's web site for the current year and years past.

Council Member Jacob said he felt this process displayed the benefit of obtaining public comments, and he spoke in support of making this process even more inclusive in the future.

Interim City Manager Holling said the Administration learned a great deal from this initial approach, and he stated he felt the Staff would do a better job in the future of planning, communicating, and making the information available to the public to gain their input so citizens would have an opportunity to interact with Staff and Council Members regarding their budget concerns. He said the Administration recognized this was just the first step in the process. He said next year, the budget would have more wide spread publicity and more citizen involvement.

Motion to receive and file the Report regarding Citizen Input regarding the 2009 Budget Based on Public Comments was approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

(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.

MOTION ON THE FLOOR: To Deny the Resolution approving the First Amendment to the Annexation Agreement for the Smart Property.

Corporation Counsel Randy Ray said, in June 2008, the Council approved a motion to deny the approval of the First Amendment to the Annexation Agreement for the Smart Property, which was reconsidered, so the motion before the Council was the motion to deny the Resolution. He said a motion to approve would not be appropriate until the motion to deny was voted on by the Council. He said the Council should address the motion to deny first.

Council Member Manning said he previously voted to deny the Resolution, but he also voted to reconsider this matter. He said this process provided ample opportunity for the Council to absorb the facts. He stated he learned there had been splits or divisions of land allowed within the one and one-half miles of the City without the requirement of sewer hook-ups, if there was an existing structure. He stated this was a key point. He discussed farm estate settlements that had been approved where the original farm house was split off from the acreage. He pointed out that the Council adopted the new farm estate settlement Ordinance in January 2007. He said any development of the remaining lots, if the lots were under 40 acres, would be required to hook up to the sewer. He added no new septic systems would be created. He also stated this area was unlikely to be annexed by the City of Peoria in the foreseeable future.

Council Member Nichting said Council Member Manning had previously asked that all eleven members of the City Council be present for this vote. He suggested a deferral of this item until all eleven City Council members were present.

In discussion with Council Member Nichting regarding a filing pertaining to a Public Hearing and public infrastructure in Peoria County, Corporation Counsel Randy Ray said he received a letter today from Peoria County seeking comments concerning a petition for the County Engineer to accept Mount Carmel Way as a public road. He said the City had until September 30, 2008, to make their comments. He said, if it was found they had jurisdiction, there would be a Public Hearing on October 10, 2008.

Corporation Counsel Ray stated no one felt Mount Carmel Way would be a City street and the City would not exercise jurisdiction over it. He said the City was not claiming they had jurisdiction over the road, and it should be made clear that the City did not want jurisdiction over the road.

Council Member Nichting moved to defer this item until all eleven members of the City Council were present; seconded by Council Member Spain.

Motion to defer this item until all eleven members of the City Council were present was DEFEATED by roll call vote.

Yeas: Jacob, Nichting, Sandberg, Spain, Mayor Ardis – 5;

Nays: Gulley, Manning, Montelongo, Turner, Van Auken - 5.

Motion to DENY the Resolution approving the First Amendment to the Annexation Agreement for the Smart Property was DEFEATED by roll call vote.

Yeas: Nichting, Mayor Ardis – 2;

Nays: Gulley, Jacob, Manning, Montelongo, Sandberg, Spain, Turner, Van Auken – 8.

Council Member Manning moved to approve 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, as amended to add the following words to Paragraph 5 of the First Amendment to Annexation Agreement: "Approval of the preliminary and final plats shall not constitute the City's acceptance of Mount Carmel Way as a City street."; seconded by Council Member Turner.

In discussion with Council Member Nichting regarding Mount Carmel Way, Corporation Counsel Ray stated the Petition was directed to the County Engineer pursuant to a statute that allowed such a petition. He said it would not become a County road, but it would become a Township Road, if the County Engineer accepted it as a public road. He added, if the Township chose not to accept the road, then the road would not be a public road, and it would definitely not be a City road.

In discussion with Council Member Sandberg regarding the inclusion of the new wording of Paragraph #5 that the City would be held harmless for accepting the road and there would be no way Mount Carmel Way would eventually be a City street, Corporation Counsel Ray said, if the proposed Resolution, as amended, was approved by Council, Mount Carmel Way would not be a City street prior to any annexation. He added, if the City ever annexed the property and the road was a Township road, the Township road would then become a City road.

Council Member Nichting pointed out the Smart property had a sewer system located on the property and in all other cited previous cases, there was no sewer on the site. He expressed concern regarding what precedents this would set for future development.

Motion to approve RESOLUTION NO. 08-197 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, as amended to add the following words to Paragraph 5 of the First Amendment to Annexation Agreement: "Approval of the preliminary and final plats shall not constitute the City's acceptance of Mount Carmel Way as a City street." was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Sandberg, Spain, Turner, Van Auken – 8;

Nays: Nichting, Mayor Ardis - 2.

(08-415) REPLACEMENT COMMUNICATION from the Interim City Manager and Director of Public Works Requesting Approval of an EXTENSION of the JANITORIAL SERVICES CONTRACT with THE CLEANING SOURCE for a TWO YEAR CONTRACT EXTENSION, with the Ability to Add an Additional One Year Based Upon Performance, with the Value of the First Year Being \$386,974.97 and the Second Year Being \$402,453.97. (Amends Item No. 06-533)

Council Member Montelongo moved to approve an extension of the Janitorial Services Contract with The Clean Source for a two-year contract extension, with the ability to add an additional one-year based upon performance, with the value of the first year being \$386,974.97 and the second year being \$402,453.97; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

Clerk's Note: A revised Council Agenda listing this replacement communication was issued, distributed, and posted more than 48 hours before the Council Meeting pursuant to State Statutes.

NEW BUSINESS

ANNOUNCEMENT Regarding the UNVEILING of FOGELBERG PARKWAY

Council Member Manning announced the Unveiling of Fogelberg Parkway that would be held on Wednesday, September 10, 2008, at the corner of Prospect and Frye Streets at 10:00 A.M. He invited the residents of the East Bluff and Woodruff High School Alumni to attend this special event.

(08-467) REQUEST for a REPORT BACK Regarding SERVICES PROVIDED by the CITY OF PEORIA for the VISIT from PRESIDENT BUSH.

Council Member Sandberg requested information regarding President Bush's trip to Peoria last month regarding total costs that were provided by the City of Peoria and the amount of reimbursement that was provided by the State or Federal governments. He requested an itemized list of services provided by the City for this event, as well as associated costs.

ANNOUNCEMENT Regarding INC. MAGAZINE'S RANKING OF PEORIA as #21 for BEST CITIES TO DO BUSINESS IN for MID-SIZED CITIES.

Council Member Spain congratulated the City Administration regarding a turn around in being more business friendly. He said the City received word that the City of Peoria was now ranked #21 in Inc. Magazine for 2008 for being one of the best cities to do business in for mid-sized range. He said the only other Midwest city named was the City of Des Moines, Iowa, which ranked ahead of the City of Peoria on the list. He said this #21 ranking was something to be proud of as a community.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(08-468) 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.

Ms. Kate Smart, Petitioner for the First Amendment to the Annexation Agreement for the Smart Property on Southport Road, thanked the Council for voting in her favor, but she expressed concern regarding the manner in which her item was handled by the Council. She discussed her rights and the freedom to develop her own property.

EXECUTIVE SESSION**(08-469) 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 Montelongo 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 Jacob.

Approved by roll call vote.

ADJOURNMENT

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

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 8:27 P.M.