

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

Council Chambers, Peoria, Illinois, January 13, 2009, a Regular City Council Meeting was held this date at 6:19 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, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11; Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection, and he requested the family of former City Clerk Fran Schwenger be remembered due to the recent passing of her husband. Mayor Ardis then led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: SAM WALTON HERO AWARD: KATHLEEN CLOSE

PROCLAMATION: SINGLE PARENTS DAY

MINUTES

Council Member Nichting moved to approve the minutes of the Rescheduled Regular Meeting held on December 15, 2008, as printed, with clarification to Item No. 08-633 on Page 28777, paragraph number one in the fifth line changing the phrase “over \$13 million” to “almost \$13 million”; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(09-001) PUBLIC HEARING Regarding 1) An Amendment to an Annexation Agreement with the City of Peoria for a Parcel of Approximately 14 Acres of Land; and 2) An Amendment to the Annexation Agreement for Approximately 26 Acres of Land. The Properties are generally bounded by Wilhelm Road on the North, IL Route 40 (Knoxville Avenue) on the East, Alta Road on the South, and Parcel ID No. 09-29-306-005 on the West.

Council Member Nichting moved to open the Public Hearing regarding an Amendment to an Annexation Agreement with the City of Peoria for a Parcel of approximately 14 acres of land; and an Amendment to the Annexation Agreement for approximately 26 acres of land. The properties are generally bounded by Wilhelm Road on the North, IL Route 40 (Knoxville Avenue) on the East, Alta Road on the South, and Parcel ID No. 09-29-306-005 on the West; seconded by Council Member Turner.

Motion to open the Public Hearing was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

The Public Hearing opened at 6:31 P.M.

Following the third call by Mayor Ardis for citizens to address the City Council and after determining no one else wished to address this issue, Council Member Nichting moved to close the Public Hearing; seconded by Council Member Turner.

Motion to close the Public Hearing was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

The Public Hearing closed at 6:33 P.M.

(09-002) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of the Following AMENDMENTS to ANNEXATION AGREEMENTS to PERMIT a FREESTANDING SIGN Not to Exceed 100 Square Feet:

- A. RESOLUTION "A" Approving the FIRST AMENDMENT to an ANNEXATION AGREEMENT Dated August 22, 2008, Filed with the City Clerk as Resolution No. 08-113-A Regarding Property Located at the SOUTHWEST CORNER of WILHELM ROAD and IL ROUTE 40 Identified as Parcel ID No. 09-29-326-002 with a Temporary Address of 1500 W. WILHELM ROAD, Located within the City of Peoria, Illinois, with Conditions.**

Council Member Nichting moved to approve Resolution "A" approving the First Amendment to an Annexation Agreement dated August 22, 2008, filed with the City Clerk as Resolution No. 08-113-A regarding property located at the Southwest Corner of Wilhelm Road and IL Route 40 identified as Parcel ID No. 09-29-326-002 with a temporary address of 1500 W. Wilhelm Road, located within the City of Peoria, Illinois, with Conditions; seconded by Council Member Turner.

RESOLUTION 09-002-A was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

- B. RESOLUTION "B" Approving the SIXTH AMENDMENT to an ANNEXATION AGREEMENT Dated November 14, 1995, Filed with the City Clerk as Resolution No. 95-597-B for Property Located at the NORTHWEST CORNER of ALTA ROAD and IL ROUTE 40 Identified as Parcel ID 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, and 09-29-376-010 with a Temporary Address of 10301 N. KNOXVILLE ROAD, all Located within the City of Peoria, with Conditions.**

Council Member Nichting moved to approve Resolution "B" approving the Sixth Amendment to an Annexation Agreement dated November 14, 1995, filed with the City Clerk as Resolution No. 95-597-B for property located at the Northwest Corner of Alta Road and IL Route 40 identified as Parcel ID 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, and 09-29-376-010 with a temporary address of 10301 N. Knoxville Road, all located within the City of Peoria, with Conditions; seconded by Council Member Spain.

RESOLUTION 09-002-B was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

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

- (09-003) NOTICE of LAWSUIT Filed on Behalf of QJHP BUILDING, LLC Regarding the November 10, 2008, Council Decision to Amend Chapter 18 of the Code of the City of Peoria Pertaining to Adult Businesses, Adoption of an Ordinance Designating a Hospitality Improvement Zone Business District, and the Decision to Grant Site Applications for Class A Licenses to Peoria Speakeasy, Inc., d/b/a Big Al's, with Request to Receive for Information and Refer to the Legal Department.**
- (09-004) Communication from the Interim City Manager and Director of Public Works Requesting Approval to Accept the LOW BID of VERMEER SALES AND SERVICE for the PURCHASE of ONE (1) PORTABLE BRUSH CHIPPER (Fully Equipped) at a Total Cost of \$34,900.00.**
- (09-005) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of McALLISTER EQUIPMENT for the PURCHASE of ONE (1) PORTABLE AIR COMPRESSOR (Fully Equipped) at a Total Cost of \$11,472.00.**

- (09-006) Communication from the Interim City Manager and Director of Public Works Requesting Approval to ACCEPT the LOW BID of ADVANCED TECHNICAL SYSTEMS d/b/a ADVANCED ELECTRIC and Award a CONTRACT, in the Amount of \$147,469.14, for ENGINEERING and CONSTRUCTION COSTS for a TRAFFIC SIGNAL at the INTERSECTION of PIONEER PARKWAY and HALE AVENUE.
- (09-007) Communication from the Interim City Manager and Director of Public Works with Request to REJECT ALL BIDS RECEIVED for the PURCHASE of ONE (1) CASE 580 SUPER M BACKHOE (Fully Equipped).
- (09-008) Communication from the Interim City Manager and Police Chief Requesting Approval of the PURCHASE of 175 BLAUER MODEL 340 BREAKAWAY SAFETY VESTS (with Glow Skin Feature) from RAY O'HERRON, the Low Bidder, in the Amount of \$11,313.75, to Replace the Safety Vests Currently Issued to Police Officers, Which are No Longer in Compliance with the New Federal Standard.
- (09-009) Communication from the Interim City Manager and Director of Public Works Requesting Approval of PURCHASES Totaling \$424,800 through the State of Illinois Contract Bid Process for ROUTINE POLICE FLEET REPLACEMENT VEHICLES, as Follows: 16 CHEVROLET IMPALAS, in the Amount of \$316,785.00, from BILL JACOBS CHEVROLET of JOLIET, IL; 1 FORD CARGO VAN (with Prisoner Containment Unit), in the Amount of \$28,011.00, from LANDMARK FORD of SPRINGFIELD, IL; 2 CHEVY TAHOES, in the Amount of \$57,000.00, from MILES CHEVROLET INC., of DECATUR IL; and 2 FORD FOCUS AUTOMOBILES, in the Amount of \$23,004.00, from MORROW BROTHERS FORD of GREENFIELD, IL.
- (09-010) Communication from the Interim City Manager and Director of Public Works Requesting Approval of PURCHASES Totaling \$185,281.00 through the State of Illinois Contract Bidding Process for THREE (3) F550 SUPER DUTY TRUCKS (Fully Equipped with Dump Box, Snow Plow and Salt Spreaders) from LANDMARK AUTOMOTIVE GROUP.
- (09-011) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the PURCHASE of SIX (6) DUMP TRUCKS (Fully Equipped with Dump Box, Snow Plow and Salt Spreaders) for a Total Cost of \$765,312.00 (\$131,052.00 per Truck Less \$21,000.00 Total Trade-In) from PRAIRIE ARCHWAY INTERNATIONAL TRUCKS of NORMAL, ILLINOIS, through the State of Illinois Contract Bid Process.
- (09-012) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a FINAL PAY ESTIMATE, in the Amount of \$40,422.08, which is \$10,948.01 or 22.2% Over the Contract Amount of \$49,338.97 for the WEST ANTOINETTE STREET SIDEWALK IMPROVEMENT (Laramie to Oregon).

- (09-013) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a FINAL PAY ESTIMATE, in the Amount of \$5,621.29, or 12.00% Over Contract Amount, to KRUMHOLZ BROTHERS LANDSCAPING for the SHAGBARK CIRCLE DRAINAGE IMPROVEMENT.
- (09-014) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval to INCREASE the UPGRADE COMPANIES CHDO DEVELOPMENT BUDGET, in the Amount of \$4,150.00, in HOME Funds for the Construction of One New Affordable Single-Family Home Located at 1707 N. E. MADISON.
- (09-015) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of the THIRD MEMORANDUM OF AGREEMENT Between the WESTERN AVENUE GREENWAY PROJECT and the City of Peoria by EXTENDING the AGREEMENT UNTIL DECEMBER 31, 2009.
- (09-016)
* Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to AMEND the INTERGOVERNMENTAL AGREEMENT with the PEORIA CITY/COUNTY HEALTH DEPARTMENT Related to LEAD-BASED PAINT HAZARD REDUCTION ACTIVITIES as Outlined.
- (09-017)
** Communication from the Interim City Manager and Director of Economic Development Requesting Approval to Enter into a CONTRACT with the ECONOMIC DEVELOPMENT COUNCIL and OTHER REGIONAL PARTNERS for a REGIONAL RETAIL STUDY with a Total Contract Amount of \$51,855.00, for all Regional Partners and Approximately \$11,600.00 for the City of Peoria Portion, and to Authorize the City Manager to Execute the Necessary Documents.
- (09-018)
*** Communication from the Interim City Manager and Director of Public Works Requesting Approval of a STATE MFT RESOLUTION, in the Amount of \$2,965,007.00 for 2009 GENERAL MAINTENANCE FUNDS, in the MFT Accounts as Outlined, and Requesting Approval of the PURCHASE of ROCK SALT and LIQUID CALCIUM CHLORIDE, in the Amount of \$455,000.00 through the State of Illinois Joint Purchasing Procurement Services.
- (09-019)
**** Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a SUBCLASS 1 (4:00 A.M. Closing) to be Added to a CLASS A (Tavern) Liquor License at 807 S. W. ADAMS, with Recommendation from the Liquor Commission to Approve.

(09-020) **Communication from the Interim City Manager and Director of
***** Economic Development with Request to Receive and File the
DOCUMENTATION from the ECONOMIC DEVELOPMENT COUNCIL
Regarding the SECOND and THIRD QUARTER 2008 PERFORMANCE
INITIATIVES, Under the Scope of Work for the Contractual
Agreement Between the City of Peoria, County of Peoria, and the
Heartland Partnership.**

(09-021) **REPORT of the CITY TREASURER REGINALD A. WILLIS for the
MONTH of OCTOBER 2008, with Request to Receive and File.**

(09-022) **PEORIA PUBLIC LIBRARY FINANCIAL REPORT STATEMENT of
REVENUES and EXPENDITURES, LIBRARY USE INDEX, and
LIBRARY STATISTICAL REPORT for NOVEMBER 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 Jacob requested Item Nos. 09-016, 09-017, 09-018 and 09-019 be removed from the Consent Agenda for further discussion.

Council Member Spain requested Item Nos. 09-017 and 09-020 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. 09-003 through 09-022 (excluding Item Nos. 09-016, 09-017, 09-018, 09-019 and 09-020 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, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

(09-016) **Communication from the Interim City Manager and Director of
* Planning and Growth Management with Recommendation to
APPROVE AMENDING the INTERGOVERNMENTAL AGREEMENT
with the PEORIA CITY/COUNTY HEALTH DEPARTMENT Related to
LEAD-BASED PAINT HAZARD REDUCTION ACTIVITIES as Outlined.**

In response to Council Member Jacob, Assistant Director Planning & Growth Management Ross Black said the amendment would have a positive impact on the number of homes in the Glen Oak School neighborhood being able to receive lead-based paint mitigation this year. He said the City's current agreement with the Health Department allowed for additional lead mitigation services using City funds in the Glen Oak area. He additionally shared the Council had already set aside \$700,000 in HOME funds for whole-house rehabilitation in the Glen Oak area, as well.

Director Black explained the Health Department would take the lead for the marketing and outreach because it was not only a health issue, but their grant paid the largest proportion of the programming. He said intake was comprised of those who tested high for levels at either doctor offices or the Health Department. He reported any household with a child under six may apply at the Health Department for consideration in the program.

Council Member Jacob expressed that he would like to see a cooperative proactive marketing approach taken by the Health Department and the City targeting eligible homes before health problems were identified, and especially to begin the focus in the Glen Oak School area.

Council Member Jacob moved to approve the amendment to the Intergovernmental Agreement with the Peoria City/County Health Department related to lead-based paint hazard reduction activities as outlined; seconded by Council Member Manning.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

**(09-017) Communication from the Interim City Manager and Director of
** Economic Development Requesting Approval to Enter into a
 CONTRACT with the ECONOMIC DEVELOPMENT COUNCIL and
 OTHER REGIONAL PARTNERS for a REGIONAL RETAIL STUDY with
 a Total Contract Amount of \$51,855.00, for all Regional Partners and
 Approximately \$11,600.00 for the City of Peoria Portion, and to
 Authorize the City Manager to Execute the Necessary Documents.**

Council Member Spain said he would be abstaining from the discussion and vote on this item due to his employer's business relationship.

Council Member Jacob moved to defer this item until the February 10, 2009, Regular City Council Meeting; seconded by Council Member Van Auken.

In response to Council Member Sandberg, Mayor Ardis asked Director of Economic Development Craig Hullinger and his staff to contact Council Member Sandberg and other members during the deferral period so he could express his concerns before the item was brought back to the Council Floor.

Motion to defer this item until February 10, 2009, was approved by roll call vote.

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

Nays: None;

Abstention: Spain – 1.

**(09-018) Communication from the Interim City Manager and Director of Public
*** Works Requesting Approval of a STATE MFT RESOLUTION, in the
Amount of \$2,965,007.00 for 2009 GENERAL MAINTENANCE FUNDS,
in the MFT Accounts as Outlined, and Requesting Approval of the
PURCHASE of ROCK SALT and LIQUID CALCIUM CHLORIDE, in the
Amount of \$455,000.00 through the State of Illinois Joint Purchasing
Procurement Services.**

In response to Council Member Jacob, Public Works Director David Barber explained the Capital Improvement Overlay project would not be part of the MFT Maintenance Program, but part of the MFT Construction Project instead. Director Barber said this was not a change in policy, but a change in how the department was handling this internally. He said this project would originate in the Engineering Department instead of the Street Group, and would not impact the budget.

Council Member Jacob moved to approve a State MFT Resolution, in the amount of \$2,965,007.00 for 2009 General Maintenance Funds, in the MFT accounts as outlined, and to approve the purchase of rock salt and liquid calcium chloride in the amount of \$455,000.00 through the State of Illinois Joint Purchasing Procurement Services; seconded by Council Member Nichting.

MFT RESOLUTION NO. 09-018 was approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

**(09-019) Communication from the Interim City Manager and Corporation
**** Counsel Requesting Approval of a SITE APPLICATION for a
SUBCLASS 1 (4:00 A.M. Closing) to be Added to a CLASS A (Tavern)
Liquor License at 807 S. W. ADAMS, with Recommendation from the
Liquor Commission 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 recommendation of the Liquor Commission to approve a Site Application for a Class A (Tavern) at 807 S.W. Adams; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstention: Jacob – 1.

(09-020)

Communication from the Interim City Manager and Director of Economic Development with Request to Receive and File the DOCUMENTATION from the ECONOMIC DEVELOPMENT COUNCIL Regarding the SECOND and THIRD QUARTER 2008 PERFORMANCE INITIATIVES, Under the Scope of Work for the Contractual Agreement Between the City of Peoria, County of Peoria, and the Heartland Partnership.

Council Member Spain said he would be abstaining from the discussion and vote on this item due to his employer's business relationship.

Council Member Nichting moved to receive and file the documentation from the Economic Development Council regarding the Second and Third Quarter 2008 Performance Initiatives, under the scope of work for the contractual agreement between the City of Peoria, County of Peoria, and the Heartland Partnership; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstention: Spain – 1.

(09-023)

Communication from the Interim City Manager and Director of Economic Development Requesting Authorization to Request a GRANT from the ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) FOR: OPTION "A" - An Increase for \$250,000.00 in Funding for the CITY OF PEORIA REVOLVING LOAN FUND; AND/OR OPTION "B" - \$50,000.00 from the CITY'S REVOLVING LOAN FUND to Use as a Match for a Regional Revolving Loan Fund.

Director of Economic Development Craig Hullinger reviewed both proposed options stating the Grant from the Economic Development Administration (EDA) would be of no additional cost to the City of Peoria, and the City would receive additional funds in the Loan Program if the Grant was approved. He said there was a better chance of receiving the Grant by applying both ways.

Council Member Van Auken moved to approve Option "A" - an increase for \$250,000.00 in funding for the City of Peoria Revolving Loan Fund; seconded by Council Member Gulley.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

Council Member Spain said he would be abstaining from the discussion and vote on Option B due to a possible conflict with his employer if this item was successful.

Council Member Van Auken moved to approve Option "B" - \$50,000.00 from the City's Revolving Loan Fund to use as a match for a Regional Revolving Loan Fund; seconded by Council Member Turner.

Council Member Jacob questioned whether regional funds should be used to move a business from Peoria to outside Peoria. He asked Director Hullinger if there were restrictions or covenants to prevent this from happening. Director Hullinger stated no discussions about the parameters of the program had been written yet, but he expected that the program would be similar to the County's program. He stated the City's participation of the program would not permit the movement of one business within the region to another part of the region, which could create a difficult situation. He added this was an interesting concept.

Council Member Jacob said he felt this would not be in the best interest of the taxpayers should this happen and thought the restrictions should be formalized as part of the option. He stated this stipulation should be written into an agreement, if there was one.

Mayor Ardis acknowledged the friendly amendment to Option B, and said he felt the Legal Department could write this stipulation into the agreement. Council Member Van Auken agreed to the friendly amendment to her motion.

Council Member Van Auken restated her motion to approve Option B--\$50,000.00 from the City's Revolving Loan Fund to use as a match for a Regional Revolving Loan Fund as amended with the stipulation that restrictions be formalized as part of the option and be written into an agreement.

In discussion with Council Member Sandberg regarding the \$50,000.00, Vicky Clark Executive Director of the Economic Development Council, explained how funding from each community would be requested. Director Hullinger clarified that the \$50,000.00 would be administered by the Economic Development Council.

Council Member Sandberg said he would not support this item because there were too many unanswered questions regarding funding.

Executive Director Clark stated they would be making a presentation to Council prior to any final plans. She said there was still groundwork to complete before this could move forward.

Discussion was held regarding tabling this item. Corporation Counsel Randy Ray determined this item could be tabled. He further explained the item could then be removed from the table and approved by Council at the same meeting as long as it was listed on the Council Agenda.

Following further discussion, Council Member Nichting moved for a substitute motion to receive and file Option B-\$50,000.00 from the City's Revolving Loan Fund to use as a match for a Regional Revolving Loan Fund with the stipulation that restrictions be formalized as part of the option and be written into an agreement; seconded by Council Member Sandberg.

Council Member Gulley stated he would be abstaining from the discussion and vote on this item due to a possible business conflict with the business he owns.

Motion to receive and file Option B was approved by roll call vote.

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

Nays: None;

Abstention: Gulley, Spain – 2.

(09-024) Communication from the Interim City Manager and Director of Public Works Requesting Approval of TASK ORDER NO. 4 to AGREEMENT NO. 07-040, the 2007 PROFESSIONAL SERVICES AGREEMENT with MACTEC ENGINEERING AND CONSULTING, INC., with an Effective Date of January 16, 2009, and a Completion Date of February 28, 2009, for a Total Additional Compensation Amount Not to Exceed \$42,481.00 to Assist the City in Applying for Economic Stimulus Incentives through the Illinois Environmental Protection Agency for Early Action Projects Related to the City's Mandated Combined Sewer Overflow Long-Term Control Plan.

Mayor Ardis said he would be abstaining from the discussion and vote on this item due to a business relationship with his employer. He then requested Council Member Turner Chair this portion of the meeting.

In discussion with Council Member Gulley, Director of Public Works David Barber stated it was not known how the government's stimulus money would be distributed. He said it was possible it would be distributed through existing programs, such as I.D.O.T. or the E.P.A. Revolving Loan Fund. He stated he had met with the I.E.P.A. and the U.S. E.P.A. in November, and they had been directed to streamline the State's Revolving Loan Fund Program. He further explained the City was trying to make a list of projects that made good sense and were eligible for the Revolving Loan Fund, so the City would be in a good position when a stimulus package was announced. He added the three separation projects had been identified, at approximately \$13 million, and the first \$40,000 would be used to complete the application and compile a facilities plan.

In discussion with Council Member Gulley, Director Barber explained there were no plans for a full separation project and that School District #150 would be making their own requests for the stimulus package. He said the City has not added anything to their list regarding schools because the School District would be making their own list.

Council Member Gulley moved to approve Task Order No. 4 to Agreement No. 07-040, the 2007 Professional Services Agreement with Mactec Engineering and Consulting, Inc., with an effective date of January 16, 2009, and a completion date of February 28, 2009, for a total additional compensation amount not to exceed \$42,481.00 to assist the City in applying for Economic Stimulus Incentives through the Illinois Environmental Protection Agency for Early Action Projects related to the City's mandated Combined Sewer Overflow Long-Term Control Plan; seconded by Council Member Spain.

Council Member Spain said it was his understanding that there would be approximately \$150 billion distributed through known agencies. He said he felt the City needed to be ready to be at the front of the line in order to access this money. He questioned if there was anything that could be done in terms of legislative consulting in Washington D.C. to better advantage the City of Peoria.

Director of Public Works Dave Barber stated there was so much happening in Washington D.C. and it was happening so quickly that it was important to keep in contact with Legislative Representatives. He said he felt more would be known in the next two weeks.

Discussion was held regarding whether or not the City of Peoria needed to hire a lobbyist, but it was determined that there were enough contacts already in place for the City of Peoria, but Congress needed to formulate the plan and move forward.

Council Member Sandberg expressed concern that he did not understand what the City of Peoria would be receiving for the \$42,000 expenditure. He added he did not see how many hours were needed and what hourly charges were.

It was determined that a package needed to be formulated with a scope of work, plus more detail was needed, and would be brought back.

Council Member Nichting moved to defer this item for two weeks until the January 27, 2009, Regular City Council Meeting; seconded by Council Member Jacob.

Motion to defer this item until January 27, 2009, and have additional information brought back was approved by roll call vote.

Yeas: Jacob, Manning, Montelongo, Nichting, Sandberg, Spears, Turner, Van Auken, Chairman Pro Tem Turner- 9;

Nays: Gulley - 1;

Abstention: Mayor Ardis - 1.

UNFINISHED BUSINESS

(08-607) DISCUSSION REGARDING THE COMMUNITY INVESTMENT PLAN and THE GOVERNMENT'S PROPOSED ECONOMIC STIMULUS PROGRAM. (RELATING TO THE 2009 CITY OF PEORIA BUDGET)

Council Member Sandberg expressed concern regarding the strategy that had been used by the City Council and Administration to develop the economic stimulus incentive priorities. He said he wanted to be certain that all divisions of the City of Peoria would be included in the process.

Mayor Ardis stated once the rules were known, a list of priorities would be established at a Council meeting. He said a letter had been sent to Congress with a list of projects. He also stated many of the projects may be road related, but no one really knew at this point.

Interim City Manager Henry Holling explained this process started with discussion by the City Council regarding the capital budget which was now called the Community Investment Plan. He said there was discussion regarding projected capital needs by Staff, and when the budget was approved, this list of items was included. He added there were a number of items not included due to budget constraints, but were important capital projects and were deemed as priorities in the transmittal letter. He said the Council was invited to put together a list of projects to discuss with the State Legislators at a Legislative Breakfast recently. He said all Council Members were invited to submit their priorities so they could be discussed at the breakfast. He added the Staff had followed the Council's leadership in this matter.

Council Member Spain said the criteria included projects that were infrastructure related and could be out for bid with jobs created within 90 days. He added the City should give strong consideration to hiring a consultant or lobbyist in Washington to assist the City and provide additional leadership.

In further discussion it was stated that it was still unknown how the economic stimulus funding would be distributed to local agencies.

NEW BUSINESS

(09-025) REQUEST FOR REPORT BACK FROM THE POLICE CHIEF REGARDING THE REDUCTION OF VIOLENT BEHAVIOR AT COMMUNITY EVENTS.

Council Member Montelongo referred to last summer's community events and threatening activity by unruly and violent groups of people. He said he did not want this to reoccur for community activities planned for 2009. He requested a report back from the Police Chief by the first meeting in March 2009 explaining how they planned to work with event organizers to reduce these activities in the future.

(09-026) REQUEST TO HOLD A PUBLIC HEARING WITH COMCAST TO ADDRESS DELIVERY COMPLAINTS BY COMCAST AND AMEREN/CILCO.

Council Member Jacob stated he was continuing to receive questions regarding services provided by Comcast.

Corporation Counsel Randy Ray said he would be bringing a report back to Council regarding these issues at the next meeting, or at a meeting in February 2009.

Council Member Nichting stated he would appreciate the report not being included in the City Manager's Issues Updates, but to come back before the Council because the Council will be addressing their franchise agreement sometime soon. He requested that a Public Hearing be held to address these issues.

Mayor Ardis stated he would abstain from talking about Comcast due to a conflict of interest regarding his employer.

Council Member Sandberg stated there had been some legal issues that the City no longer had control over, and he requested that Corporation Counsel Randy Ray provide this information to the City Council and the media. He added everyone needed to understand the limitations.

Mayor Ardis requested the Administration to contact Comcast and facilitate a public hearing. He further requested that the Public Hearing be held prior to this item coming before the Council so that Comcast would better understand the City's concerns.

Council Member Spears said he also had received numerous complaints regarding Comcast's service, as well as complaints regarding Ameren-CILCO and power outages, which have become more prevalent.

REQUEST FOR ENERGY EFFICIENCY TASK FORCE PRESENTATION AT THE JANUARY 27, 2009 REGULAR CITY COUNCIL MEETING

In discussion with Council Member Jacob regarding the Energy Efficiency Task Force Final Report, Interim City Manager Henry Holling stated the City would be glad to talk about the report in detail. He said a number of the items were in the process of being implemented, and depending on the level of implementation, it was noteworthy that savings could be anywhere between \$60,000 - \$120,000 a year. He added much of this would depend on behaviors of personnel. He also said he would welcome an opportunity to provide the Council with an update.

Council Member Jacob requested that a presentation be made at the next Regular Council Meeting.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

There were no citizens that came forward to address the Council.

EXECUTIVE SESSION

(09- 027) 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; 2(c)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 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 Van Auken 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)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 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 Manning.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Montelongo, Nichting, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 11;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 8:00 P.M.

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

bb/kej