

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

Council Chambers, Peoria, Illinois, February 10, 2009, a Regular City Council & Town Board 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, Manning, Montelongo, Nichting, Sandberg (arrived at 6:20 P.M.), Spain, Spears, Turner, Van Auken, Mayor Ardis – 10; Absent: Jacob - 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: PEORIA COUNTY BAR ASSOCIATION: LINCOLN MEMORIAL BANQUET - FEBRUARY 12, 2009

PROCLAMATION: SOCIETY OF WOMEN ENGINEERS: NATIONAL ENGINEERS WEEK - FEBRUARY 15 - 21, 2009

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting and Executive Sessions held on January 27, 2009; 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.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA**REQUEST TO WITHDRAW ITEMS**

Interim City Manager Henry Holling requested that Item C on the Consent Agenda and Item No. 09-017 be withdrawn from the City Council Agenda.

- (09-043) Communication from the Interim City Manager and Interim Human Resources Director Requesting Approval for a SOLE SOURCE PURCHASE of C.P.A.T. (Candidate Physical Ability Test) MATERIALS, CONSULTATION and EQUIPMENT from C.P.A.T. DISTRIBUTION, INC., in the Amount of \$35,816.53.**

Interim City Manager Henry Holling requested that this Item be withdrawn from the City Council Agenda.

Hearing no objections, the Mayor determined the Council concurred.

UNFINISHED BUSINESS

- (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.**

Interim City Manager Henry Holling requested that this Item be withdrawn from the City Council Agenda.

Hearing no objections, the Mayor determined the Council concurred.

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

- (09-044) NOTICE of LAWSUIT Filed on Behalf of JIM SERGISON Regarding an Administrative Review of a Zoning Exception Certificate Denial Issued on December 5, 2005, with Recommendation to Receive for Information and Refer to the Legal Department.**
- (09-045) NOTICE of LAWSUIT Filed on Behalf of BRYCE R. SCOTT Regarding a Complaint Against the City of Peoria and Police Officers Involved in a Traffic Stop Incident on May 3, 2008, Alleging Unreasonable and Excessive Force, with Recommendation to Receive for Information and Refer to the Legal Department.**
- (09-046) Communication from the Interim City Manager and Police Chief Requesting Approval of the ANNUAL PURCHASE of FACTORY AMMUNITION for POLICE DUTY USE from GIL HEBARD, in the Amount of \$15,061.23.**
- (09-047) Communication from the Interim City Manager and Director of Public Works Requesting Approval to PURCHASE ONE (1) FORD E150 CARGO VAN (\$14,463.00) and ONE (1) ANIMAL CONTAINMENT UNIT (\$12,880.00) from LANDMARK AUTOMOTIVE GROUP OF SPRINGFIELD, IL, for a Total Not to Exceed \$27,343.00, and Utilizing the State Contract Bidding Process.**

- (09-048) Communication from the Interim City Manager and Police Chief Requesting Approval for a DUI 740 FUND EXPENDITURE for the TRADE-IN of TWO 2007 FLHTP MOTORCYCLES on TWO NEW 2009 FLHTP MOTORCYCLES, for a Total Cost of \$7,000.00, from WALTER BROS. HARLEY-DAVIDSON.**
- (09-049) Communication from the Interim City Manager and Corporation Counsel Requesting Authorization of the SETTLEMENT of LITIGATION, Case No. 07-L-194 in the Tenth Circuit Court of the Tenth Judicial Circuit of the State of Illinois, Peoria County, STEVEN HICKS VS. ROBERT WAGNER, ET AL., in the Total Amount of \$23,000.00.**
- (09-050) Communication from the Interim City Manager and Corporation Counsel Requesting Authorization of the SETTLEMENT OF LITIGATION, Case No. 07-L-105 in the Tenth Circuit Court of the Tenth Judicial Circuit of the State of Illinois, Peoria County, MECHELLE JOHNSON, ET AL. VS. CITY OF PEORIA and DAVID BUCHANAN, in the Total Amount of \$105,000.00.**
- (09-051) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the PROFESSIONAL SERVICES AGREEMENT with PATRICK N. MEYER & ASSOCIATES, INC., in an Amount Not to Exceed \$9,000.00 to Assist the City in Complying with Its Current NPDES Municipal Separate Storm Sewer System Permit Issued by the Illinois Environmental Protection Agency, by Sharing Efforts and Resources with Other Local Communities and by Training City Staff (Refer to Item No. 08-051).**
- (09-052) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a REVOCABLE RIGHT-OF-WAY USE PERMIT for ENCROACHMENT Along HAMILTON BOULEVARD and GLEN OAK AVENUE for the METHODIST MEDICAL CENTER DEVELOPMENT.**
- (09-053) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a RESOLUTION Authorizing the METHODIST MEDICAL CENTER OF ILLINOIS to CONSTRUCT and MAINTAIN a COVERED PASSAGEWAY OVER HAMILTON BOULEVARD.**
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- (09-054) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,392 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2009 Relating to the OUTSTANDING ENCUMBRANCES as of DECEMBER 31, 2008, in the Amount of \$4,934,416.00.**

- (09-055) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Approval of ORDINANCE NO. 16,393 ABATING the TAX HERETOFORE LEVIED to PAY SPECIAL SERVICE AREA TAXES on the RIVERWEST NEIGHBORHOOD (Formerly the Colonel John Warner Homes Development).**
- (09-056) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Approval of ORDINANCE NO. 16,394 ABATING the TAX HERETOFORE LEVIED to PAY PRINCIPAL OF and INTEREST on GENERAL OBLIGATION CORPORATE PURPOSE BONDS, of the City of Peoria 1998 SERIES C & D, 2001 SERIES A, B, C & D, 2002 SERIES A & B, 2003 SERIES A & B, 2004 SERIES B & C, 2005 SERIES A & B, and 2007 SERIES A.**
- (09-057) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,395 to DEDICATE ADDITIONAL RIGHTS OF WAY ADJACENT to the INTERSECTION of FINNELL AVENUE and W. FORREST HILL AVENUE.**
- (09-058) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the SITE APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE with SUBCLASS 2 (Live Entertainment) at 2411 W. PIONEER, SUITE B, with Recommendation from the Liquor Commission to Approve.**
- (09-059) TOWN of the CITY of PEORIA FINANCIAL REPORT for PERIOD ENDING 12/31/2008, with Recommendation to Receive and File.**
- (09-060) PEORIA PUBLIC LIBRARY FINANCIAL REPORT STATEMENT of REVENUES AND EXPENDITURES, LIBRARY USE INDEX, STATISTICAL REPORT dated DECEMBER 31, 2008, with Recommendation to Receive and File.**

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

Council Member Sandberg requested Item No. 09-053 be removed from the Consent Agenda for further discussion.

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

Item Nos. 09-044 through 09-060 (excluding Item No. 09-053, which was removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

(09-053) * Communication from the Interim City Manager and Director of Public Works Requesting Approval of a RESOLUTION Authorizing the METHODIST MEDICAL CENTER OF ILLINOIS to CONSTRUCT and MAINTAIN a COVERED PASSAGEWAY OVER HAMILTON BOULEVARD.

Council Member Sandberg expressed concern that neighborhood input was not solicited as in the past. He added this project was one block closer to the historic neighborhood that had expressed concern.

Director of Public Works Dave Barber stated the plan that was brought forward was consistent with the plan approved by the Council.

In discussion with Council Member Sandberg regarding the permit fee and his concern that there had been no increase in decades, Corporation Counsel Randy Ray stated everyone understood these fees were set and it could be problematic to raise the fees incrementally after being approved. He added there would be limits on how much it could be increased.

Council Member Van Auken said when the development agreement was approved by the Council, a neighborhood petition of support for the project, including the bridge, from both residents and business owners was presented.

Council Member Van Auken moved to approve a Resolution authorizing the Methodist Medical Center of Illinois to construct and maintain a covered passageway over Hamilton Boulevard; seconded by Council Member Manning.

RESOLUTION NO. 09-053 was approved by roll call vote.

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

Nays: Sandberg - 1.

(09-061) Communication from the Interim City Manager and Assistant Director of Planning and Growth Management Requesting Authorization for the CITY OF PEORIA to APPLY for \$4 Million in NEIGHBORHOOD STABILIZATION PROGRAM FUNDS from the STATE OF ILLINOIS.

Following a brief comment and providing background information, Council Member Turner moved to authorize the City of Peoria to apply for \$4 million in Neighborhood Stabilization Program Funds from the State of Illinois; seconded by Council Member Manning.

Council Member Manning said this program was another step to revitalizing and protecting our older neighborhoods, and he thanked Assistant Director of Planning and Growth Management Ross Black for his leadership, researching data, and developing the grant.

On behalf of Council Member Jacob, who was absent, Council Member Manning stated the two impact zones included Glen Oak and Harrison Schools. He pointed out the East Bluff area was not the only target area for the funds. He said the target areas would include areas in Averyville, near North side, and the South side. He added these funds would impact only foreclosed properties and assist working families in becoming homeowners by removing or rehabbing deteriorating housing, and utilizing vacant lots.

Assistant Director of Planning & Growth Management Ross Black provided an overview of the program. He explained the funds were distributed through HUD and were made available to all CDBG eligible communities and the formula used was based on the foreclosure rate and other criteria. He pointed out there were 1,200 communities eligible for the funds, but only 308 communities received funding. He further explained Peoria did not qualify for direct funding due to their lower percentage of foreclosures.

Motion to authorize the City of Peoria to apply for \$4 million in Neighborhood Stabilization Program Funds from the State of Illinois, was approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

(08-367) Communication from the Interim City Manager and Police Chief Regarding the REPORT BACK from the POLICE DEPARTMENT Regarding the BENEFITS of the SEGWAY, with Recommendation to Receive and File. (New Communication)

Following a brief comment, Council Member Turner moved to receive and file the report back from the Police Department regarding the benefits of the Segway; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

(08-607) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a RESOLUTION ESTABLISHING the HIGHEST PRIORITIES of the CITY OF PEORIA Pertaining to STIMULUS PACKAGE PROJECTS. (New Communication and New Resolution)

Council Member Nichting moved to approve a Resolution establishing the highest priorities of the City of Peoria pertaining to Stimulus Package Projects; seconded by Council Member Turner.

Council Member Gulley expressed concern regarding the list of priorities. He stated, for the record, he felt there were specific locations that needed special attention regarding sidewalks that were not being addressed.

Council Member Spears said a general list was compiled in order to give the Council direction so the Council would have one voice when providing direction to the legislators. He said the biggest need was the Combined Sewer Outfall Project and then sidewalks. He stated, after making this known, the rest would be up to the legislators to make the decisions.

Council Member Sandberg stated he agreed with Council Member Gulley's comments, but he also pointed out the project needed to be "shovel-ready" as these projects would more likely be funded. He further stated the difficulty with installing sidewalks where there were drainage problems was that they were not as easy to construct.

In discussion with Council Member Sandberg regarding Darst Street and Clark Street, Director of Public Works Dave Barber explained the plan was to reconstruct and widen the street to handle heavier truck traffic.

Director of Public Works Dave Barber explained, subsequent to the last Council meeting, he attended a meeting at the State Capitol of the Strategic Infrastructure Task Force, which included several State Senators and State Representatives. He said all the money awarded would be coming through existing Federal programs to the States for distribution, but the programs would have to comply with Federal regulations. He stated, after this meeting, he was less optimistic about receiving a larger amount of money through these programs. He said with the new round of projects coming out through the State and the \$1 billion estimated to come into the State through transportation programs for roads and bridges, the same guidelines Statewide would be followed with 45% going to the Chicago area and 55% going downstate, then being distributed through State projects and local NPO's, such as PUATS. He said the City would probably not receive much more than \$4 million against all of the projects in the PUATS area. He added, now when "shovel-ready" projects were discussed, this would mean projects that had gone through or had been initiated through the Federal process. He explained the only projects the City had in that category were Northmoor Road and Pioneer Parkway, which were both in the Phase I and Design Phase. He stated money may be available in 2010 for Northmoor Road, if the design was accelerated.

Director Barber further stated the advantage to the City creating the list was that there was a new reauthorization of the Transportation Bill coming forward in 2009, so having the list ready for this reauthorization or working through the IEPA places the City in a better position for some of those funds. He reiterated that the Council should not place their hopes in receiving money through the Stimulus Program because most of it would be coming through existing Federal programs. He further explained "shovel-ready" meant the land acquisition was already obtained, the studies were completed, and all of the approvals were in place. He stated the CSO projects were probably the most likely to receive funding and next would be the first two phases of the Northmoor Road Project, and then the three lane project from Sheridan to North University.

Motion to approve RESOLUTION NO. 08-607-B establishing the highest priorities of the City of Peoria pertaining to Stimulus Package Projects was approved by roll call vote.

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

Nays: None.

- (08-640) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Granting a SPECIAL USE in a Class WM (West Main Form) District for a VARIANCE from the Street Wall Requirement Along DOUGLAS STREET for the Development of a MEDICAL/OFFICE/RETAIL DEVELOPMENT for Property Located at 725 and 741 W. MAIN STREET, 712-714-716-718 W. RUSSELL STREET, and 1012-1014-1016-1020-1022 N. DOUGLAS STREET, with Conditions.**

Council Member Montelongo stated he would be abstaining from discussion and the vote due to a business relationship with the petitioner.

Council Member Van Auken moved to defer this Item for two weeks until the February 24, 2009, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this Item until February 24, 2009, was approved by roll call vote.

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

Nays: None;

Abstentions: Montelongo – 1.

- (09-031) Communication from the Interim City Manager, Director of Public Works, and Police Chief Requesting Approval of a SOLE SOURCE CONTRACT for the CITY SECURITY SYSTEMS MAINTENANCE, with MIDCO, INC., for a Two-Year Period March 1, 2009, through February 28, 2011, in the Amount of \$39,931.32 for the First Year and \$39,000.00 for the Second Year, and Billing for this Contract Will Be on a Quarterly Basis. (New Communication)**

Council Member Nichting moved to approve the Sole Source Contract for the City Security Systems Maintenance, with MIDCO, Inc., for a two-year period March 1, 2009, through February 28, 2011, in the amount of \$39,931.32 for the first year and \$39,000.00 for the second year, and billing for this contract will be on a quarterly basis; 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.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – TOWN OF THE CITY OF PEORIA

- (09-062) Communication from the Supervisor of General Assistance and Town Treasurer Requesting Approval of a RESOLUTION Authorizing NAMED BANKS to ACT as DEPOSITORIES, ETC., of the Town of the City of Peoria, and Authorizing the Town of the City of Peoria to ACCEPT and RELEASE SECURITIES FOR SAFEKEEPING Held by a THIRD PARTY and Authorizing NAMED BANKS to HONOR CHECKS and DRAFTS.**

Trustee Nichting moved to approve a Resolution authorizing named banks to act as depositories, etc., of the Town of the City of Peoria, and authorizing the Town of the City of Peoria to accept and release securities for safekeeping held by a third party and authorizing named banks to honor checks and drafts; seconded by Trustee Montelongo.

RESOLUTION NO. 09-062 was approved by roll call vote.

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

Nays: None.

NEW BUSINESS

REMINDER REGARDING DIGITAL TRANSITION

Council Member Turner reminded the Mayor and City Council and citizens that they should be prepared for the transition from analog television signals to digital signals.

- (09-063) REQUEST FOR A REPORT BACK REGARDING THE CITY COUNCIL CHAMBERS SOUND SYSTEM.**

Council Member Manning requested a report back regarding the Communication System in the Council Chambers at City Hall. He said the microphone system had not been working properly for the past several months and the ability for absentee Council members to attend electronically had not been available. He requested that Interim City Manager Henry Holling provide a report back.

Director of Public Works Dave Barber stated they had received authorization to repair the system and work would begin later this week.

Council Member Sandberg requested a historical review of the number of times the sound system had been upgraded in the past 25 years.

ANNOUNCEMENT Regarding ITEMS to be CONSIDERED on the AGENDA at the ANNUAL TOWN MEETING to be Held on TUESDAY, APRIL 21, 2009.

Pursuant to Public Act 095-0761, which took effect July 2008, Mayor Ardis stated, if Town Electors desired to have an item considered on the Agenda at the Annual Town Meeting to be held on Tuesday, April 21, 2009, at 6:00 P.M., they were required to bring a specific request, signed by 15 or more electors, to the Clerk by no later than March 1, 2009. He said this notice would be repeated at the next Council Meeting in February.

City Clerk Mary Haynes expressed concern and she stated she had written letters to State representatives objecting to this new procedure because it affected the ability of citizens to speak which is the essence of the Town meeting.

(09-064) REQUEST FOR A REPORT BACK REGARDING REVISIONS TO CHAPTER 17.

Council Member Gulley requested a report back in the City Manager Issues Update regarding the specific plan on bringing back revisions to Chapter 17. Council Member Sandberg requested a comparative analysis be provided regarding what other surrounding regional communities and how other Midwest communities handle these issues.

PRESENTATION

(09-065) Communication from the Interim City Manager and Director of Economic Development Regarding a PRESENTATION from the ECONOMIC DEVELOPMENT COUNCIL Pertaining to 4TH 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 stated he would be abstaining from the discussion and vote due to his employment with the Heartland Partnership.

Council Member Montelongo moved to defer this Item for two weeks until the February 24, 2009, Regular City Council Meeting; seconded by Van Auken.

Motion to defer this Item until February 24, 2009, was approved by roll call vote.

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

Nays: None;

Abstentions: Spain – 1.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

**(09-066) 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. Gordon L. Seibold, a Peoria resident, expressed concern regarding motorcycle noise and he said he did not feel the Police Officers were addressing those problems.

Mr. Savino Sierra, a Southside Peoria resident, also expressed concern regarding motorcycle noise. He commended the Public Works Department on recent limb removal.

Mr. Kenneth Pettijohn, a Peoria resident, expressed concern regarding drainage of storm sewers on Humboldt Street and Griswold Street. He explained, after a rain storm, there was four to six inches of standing water in residents' yards, many of whom are elderly. He said these kinds of situations needed to be addressed with the Stimulus money.

Ms. Laura L. Fults, a resident of Galesburg and former resident of Peoria, spoke in support of the Peoria Fire and Police Departments and wished Council Member Manning the best in his future after leaving his Council post.

EXECUTIVE SESSION

It was determined than an Executive Session was not needed.

ADJOURNMENT

Council Member Nichting moved to adjourn the Regular City Council & Town Board Meeting; seconded by Council Member Spears.

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 7:33 P.M.

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

bb/adh