

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

Council Chambers, Peoria, Illinois, March 24, 2009, a Joint City Council and Town Board 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, Jacob (arrived at 6:30 P.M.), Manning, Montelongo, Nichting, Sandberg (arrived at 6:32 P.M.), Spain, Spears, Turner, Van Auken, Mayor Ardis – 11.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection, and then Boy Scout Troop #333, representing Richwoods High School, Lindbergh Middle School, and Charter Oak Middle School, along with Assistant Scout Master Christi Marshall led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: PUBLIC HEALTH WEEK - April 6 - 12, 2009

MINUTES

Council Member Nichting moved to approve the minutes of the Regular City Council Meeting and Executive Sessions held on March 10, 2009, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

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

- (09-118) **Communication from the Interim City Manager and Fire Chief
Recommending Acceptance of the LOW BID of PIERCE MANUFACTURING
for the PURCHASE of THREE (3) TRIPLE COMBINATION FIRE ENGINES, in
the Amount of \$1,111,340.00.**
- (09-119) **Communication from the Interim City Manager and Director of Public
Works Requesting Approval to PURCHASE THREE (3) 2009 FORD
EXPLORERS from LANDMARK AUTOMOTIVE GROUP in Springfield, IL, not
to Exceed the Amount of \$67,002.00, and Requesting Approval to
PURCHASE ONE (1) 2009 FORD F-150 PICK-UP TRUCK from BOB RIDING
FORD in Taylorville, IL, Not to Exceed \$17,595.00, for a Total of \$84,597.00,
Utilizing the State Contract Bidding Process for These Purchases.**

- (09-120) Communication from the Interim City Manager and Director of Inspections Recommending the LOW BID of JAF CONSTRUCTION for a TWO-YEAR BOARD-UP CONTRACT, Not to Exceed \$40,000.00 Per Year, with Backup Contractor Provisions from C & L CONSTRUCTION COMPANY.
- (09-121)
* Communication from Interim City Manager and Director of Public Works Requesting Approval of an APPLICATION to the ILLINOIS DEPARTMENT OF TRANSPORTATION for HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDING for a SAFETY IMPROVEMENT of MAIN STREET from Sheridan Road to Glendale Avenue, and Requesting Authorization for the Public Works Staff to Submit a 2010 FY Capital Budget Request for the Same.
- (09-122) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to Award 2009 NEIGHBORHOOD NEWSLETTER GRANTS to SHERIDAN NEIGHBORS NEIGHBORHOOD ASSOCIATION and HICKORY GROVE HOMEOWNERS ASSOCIATION, in the Amount of \$320.00.
- (09-123) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to Award the 2009 ADOPT-A-RAMP PROGRAM CONTRACT to S.F. PAULI BUILDERS, INC., in an Amount Not to Exceed \$65,000.00, of COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.
- (09-124)
** Communication from the Interim City Manager and Director of Public Works Requesting Approval of an MFT RESOLUTION, in the Amount of \$450,000.00, for ENGINEERING COSTS for the Development of Plans, Construction Inspection and Construction Costs for Full-Depth Concrete Joint Repair of PIONEER ROAD from Industrial Road to Townline Road and Industrial Road from Altorfer Drive to Townline Road.
- (09-125)
*** Communication from the Interim City Manager and Director of Public Works with Recommendation from the Board of Local Improvements to Adopt an ORDINANCE Providing for the COLUMBIA TERRACE (from University Street to North Street) SIDEWALK and ORNAMENTAL STREET LIGHTING IMPROVEMENT PROJECT for the Net Length of 3,926 Feet.
- (09-126)
**** Communication from the Interim City Manager and Corporation Counsel Recommending Adoption of an ORDINANCE Amending CHAPTER 3 of the Code of the City of Peoria Relating to SITE APPROVAL for LIQUOR LICENSES.
- (09-127)
***** Communication from the Interim City Manager and Director of Public Works Requesting Approval of SIDEWALK PARTICIPATION REQUEST from SOUTH SIDE MISSION of PEORIA for Property Located at 2919 W. GARDEN STREET, in the Amount of \$19,548.98.

- (09-128) Communication from the Interim City Manager and Corporation Counsel

* Requesting Approval of the FOLLOWING DATES for SCHEDULED EVENTS Sponsored by PEORIA AREA COMMUNITY EVENTS, INC. (P.A.C.E.), Subject to Their Filing the Necessary Permits and Approval as Required by the City Code: STEAMBOAT FESTIVAL on June 18 through 20, 2009; TASTE OF PEORIA on August 12, 2009, with a Rain Date of August 13, 2009; LABOR DAY PICNIC on September 7, 2009; and RIBFEST & CHILI COOKOFF on October 2 and 3, 2009, All to be Held at Riverfront Festival Park.
- (09-129) Communication from the Interim City Manager and Corporation Counsel

** Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant, Full-Service Bar) with a SUBCLASS 2 (Live Entertainment) for 100 STATE STREET, SUITE A, with Recommendation from the Liquor Commission to Approve.
- (09-130) Communication from the Interim City Manager and Director of Planning and Growth Manager Regarding the HUD CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER), with Request to Receive and File.
- (09-131) REPORT of CITY TREASURER REGINALD A. WILLIS for the Period of JANUARY 1, 2008, through DECEMBER 31, 2008, with Recommendation to Receive and File.
- (09-132) REPORT of CITY TREASURER REGINALD A. WILLIS for the MONTH of JANUARY 2009, with Recommendation to Receive and File.

Council Member Jacob arrived at 6:32 P.M.

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

Council Member Van Auken requested Item No. 09-125 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested Item Nos. 09-124, 09-126, 09-128, and 09-129 be removed from the Consent Agenda for further discussion.

Council Member Spain requested Item No. 09-121 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested Item No. 09-127 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.

Items No. 09-118 through 09-132 (excluding Items No. 09-121, 09-124, 09-125, 09-126, 09-127, 09-128, and 09-129 which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

Council Member Sandberg arrived at 6:32 P.M.

- (09-121)** **Communication from Interim City Manager and Director of Public Works**
* **Requesting Approval of an APPLICATION to the ILLINOIS DEPARTMENT**
 OF TRANSPORTATION for HIGHWAY SAFETY IMPROVEMENT PROGRAM
 (HSIP) FUNDING for a SAFETY IMPROVEMENT of MAIN STREET from
 Sheridan Road to Glendale Avenue, and Requesting Authorization for the
 Public Works Staff to Submit a 2010 FY Capital Budget Request for the
 Same.

Council Member Spain said he pulled this Item only to clarify a couple of points by obtaining additional information from Director of Public Works Dave Barber regarding lane consolidation from five to three lanes on Main Street from Sheridan to Glendale. He said, if this lane reduction application was successful, he would like to see it possibly used in other areas of Main Street in an effort to help calm traffic flow.

Director Barber said when the traffic study was conducted, it was discovered the lane reduction would be acceptable from a traffic flow standpoint. He said it had not yet been decided whether parking would be added or if a median and sidewalks would be installed. He further noted the decision would be made based partly upon input from the neighborhood, similar to what was done with the Sheridan Triangle Neighbors. He said right now it was just a matter of paint and signage and was consistent with the direction the project was headed and was less expensive than moving curbs and building islands. He said it would also be a good opportunity to see how safety was impacted and would leave other options open for further projects in the neighborhood.

In further discussion with Council Member Spain, Director Barber noted this particular area was chosen as a "pilot" project due to its higher accident rate and that was why State Farm assisted with the project.

Council Member Spain requested, upon completion of this project, further discussion be held to identify the impact it has had on the area.

Council Member Spain moved to approve the Application to the Illinois Department of Transportation for Highway Safety Improvement Program (HSIP) funding for a Safety Improvement of Main Street from Sheridan Road to Glendale Avenue, and to Authorize the Public Works Staff to Submit a 2010 FY Capital Budget Request for the same; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

- (09-124)** **Communication from the Interim City Manager and Director of Public**
** **Works Requesting Approval of an MFT RESOLUTION, in the Amount of**
 \$450,000.00, for ENGINEERING COSTS for the Development of Plans,
 Construction Inspection and Construction Costs for Full-Depth Concrete
 Joint Repair of PIONEER ROAD from Industrial Road to Townline Road and
 Industrial Road from Altorfer Drive to Townline Road.

Council Member Jacob said he would be abstaining from discussion and voting on this Item, as he owns property adjacent to the project site.

Council Member Nichting moved to approve the MFT Resolution in the amount of \$450,000.00, for Engineering Costs for the development of plans, construction inspection and construction costs for full-depth concrete joint repair of Pioneer Road from Industrial Road to Townline Road and Industrial Road from Altorfer to Townline Road; seconded by Council Member Turner.

MFT RESOLUTION No. 09-124 was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob - 1.

**(09-125) Communication from the Interim City Manager and Director of Public
*** Works with Recommendation from the Board of Local Improvements to
 Adopt an ORDINANCE Providing for the COLUMBIA TERRACE (from
 University Street to North Street) SIDEWALK and ORNAMENTAL STREET
 LIGHTING IMPROVEMENT PROJECT for the Net Length of 3,926 Feet.**

Following a brief comment of thanks, Council Member Van Auken moved to approve an Ordinance providing for the Columbia Terrace (from University Street to North Street) Sidewalk and Ornamental Street Lighting Improvement Project for the net length of 3,926 feet; seconded by Council Member Manning.

ORDINANCE NO. 16,408 was approved by roll call vote.

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

Nays: None.

**(09-126) Communication from the Interim City Manager and Corporation Counsel
**** Recommending Adoption of an ORDINANCE Amending CHAPTER 3 of the
 Code of the City of Peoria Relating to SITE APPROVAL for LIQUOR
 LICENSES.**

Council Member Jacob said he would be abstaining from discussion and voting in 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 Ordinance amending Chapter 3 of the Code of the City of Peoria relating to Site Approval for Liquor Licenses; seconded by Council Member Turner.

ORDINANCE NO. 16,409 was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob - 1.

**(09-127) Communication from the Interim City Manager and Director of Public
***** Works Requesting Approval of SIDEWALK PARTICIPATION REQUEST from
 SOUTH SIDE MISSION of PEORIA for Property Located at 2919 W. GARDEN
 STREET, in the Amount of \$19,548.98.**

In discussion with Council Member Gulley, Director of Planning & Growth Management Pat Landes reported no unallocated funds were available at this time for use on other projects. She said any new allocations would have to go through the entire approval process again.

Council Member Gulley said he recalled the Council voting to have a sidewalk participation program written so those in lower income areas could use CDBG funds for their portion of the sidewalk costs.

Council Member Sandberg said it was his understanding the sidewalk project was 80/20, with the City picking up 80% of the cost and the resident paying 20% and an income eligible resident could decrease their portion to 10%. He noted it was his opinion this project would not be eligible because it is a Non-Profit Organization, not residential.

Director Barber said it was correct that only income-eligible residents could apply for the Assistance and proposals would come directly from residents when requests were made.

Council Member Gulley moved to approve the Sidewalk Participation Request from South Side Mission of Peoria for property located at 2919 W. Garden Street, in the amount of \$19,548.98; seconded by Council Member Manning.

Council Member Sandberg said this project was located in an income-eligible area and he felt there was nothing preventing the City from shifting these funds to sidewalks because they were already "shovel-ready."

In further discussion with Council Members Gulley and Sandberg, Director Landes explained sidewalk projects requiring engineering would not be eligible because they were not considered "shovel-ready." She also noted the City was not allowed to supplant money already allocated to eligible projects.

Motion to approve the Sidewalk Participation Request from South Side Mission of Peoria for property located at 2919 W. Garden Street, in the amount of \$19,548.98 was approved by roll call vote.

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

Nays: None.

(09-128)

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Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the FOLLOWING DATES for SCHEDULED EVENTS Sponsored by PEORIA AREA COMMUNITY EVENTS, INC. (P.A.C.E.), Subject to Their Filing the Necessary Permits and Approval as Required by the City Code: STEAMBOAT FESTIVAL on June 18 through 20, 2009; TASTE OF PEORIA on August 12, 2009, with a Rain Date of August 13, 2009; LABOR DAY PICNIC on September 7, 2009; and RIBFEST & CHILI COOK-OFF on October 2 and 3, 2009, All to be Held at Riverfront Festival Park.

Council Member Jacob said he would be abstaining from discussion and voting in 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 the following dates for scheduled events sponsored by Peoria Area Community Events, Inc. (P.A.C.E.), subject to their filing the necessary permits and approval as required by the City Code: Steamboat Festival on June 18 through 20, 2009; Taste of Peoria on August 12, 2009, with a Rain Date of August 13, 2009; Labor Day Picnic on September 7, 2009; and Ribfest & Chili Cook-off on October 2 and 3, 2009, all to be held at Riverfront Festival Park; 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;

Abstentions: Jacob - 1.

**(09-129) Communication from the Interim City Manager and Corporation Counsel
***** Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant,
Full-Service Bar) with a SUBCLASS 2 (Live Entertainment) for 100 STATE
STREET, SUITE A, with Recommendation from the Liquor Commission to
Approve.**

Council Member Jacob said he would be abstaining from discussion and voting in 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 the Site Application for a Class B (Restaurant Full-Service Bar) with a Subclass 2 (Live Entertainment) for 100 State Street, Suite A; 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;

Abstentions: Jacob - 1.

**(09-133) Communication from the Interim City Manager Regarding an UPDATE of
POTENTIAL FUNDING OPPORTUNITIES Present in the AMERICAN
RECOVERY AND REINVESTMENT ACT OF 2009 (STIMULUS BILL), with
Request to Receive and File.**

City Manager Henry Holling distributed a replacement communication and he explained the matrix provided only included those opportunities tied directly to the Recovery Act and not the recently passed Omnibus Spending Bill or other regular Federal funding sources. He noted during the course of a year there were three streams of Federal funding flowing into the City, and this only dealt with Stimulus related flow of funds. He said the purpose of the communication was to keep the community informed that all funding was being closely monitored and was being aggressively pursued so that all opportunities for Federal money were reviewed to see how they would fit the priorities and needs of the City. He also reported he was working with the County Administrator to also track all County funds since Peoria was a significant part of the County. He said he intended to keep the Council informed on a regular basis and would provide updates through City Manager Issues Update each Friday.

Council Member Van Auken moved to receive and file the Update of Potential Funding Opportunities present in the American Recovery and Reinvestment Act of 2009 (Stimulus Bill); seconded by Council Member Gulley.

In discussion with Council Member Sandberg, Assistant Director of Planning Ross Black clarified the regulations for the Homeless Grants had been revamped and the renovations and construction line item had been removed from the guidelines so replacement of a roof could not be done using these grant funds. He also noted that the notice of funds often came prior to the regulations and he said as more information was provided, Council would be updated.

Council Member Spain expressed concern that as rules continued to change and information shifted, the City may be missing out on funding opportunities for the area. He said he felt it was time to consider building relationships with lobbyists or consultants in Washington to help identify earmarked appropriations coming from members of Congress. He said he felt their assistance could be valuable in bringing in Federal dollars to the area.

Mayor Ardis said he agreed it would be worth exploring and he asked that it be brought up again under New Business.

Motion to receive and file the Update of Potential Funding Opportunities present in the American Recovery and Reinvestment Act of 2009 (Stimulus Bill) was approved by roll call vote.

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

Nays: None.

**(09-134) Communication from the Interim City Manager and Corporation
Recommending Adoption of an ORDINANCE Amending CHAPTER 6 of the
Code of the City of Peoria Pertaining to CABLE/VIDEO SERVICE PROVIDER
FEE and PEG ACCESS SUPPORT FEE.**

Council Member Turner moved to adopt an Ordinance Amending Chapter 6 of the Code of the City of Peoria pertaining to Cable/Video Service Provider Fee and PEG Access Support Fee; seconded by Council Member Montelongo.

In discussion with Council Members Sandberg, Turner, and Spain, Corporation Counsel Randy Ray explained this Ordinance would lock in the 5% franchise fee for the City regardless of the provider. He said if the State tried to negotiate a lower rate, the City's ordinance would prevail. He noted there was a "level playing field" principal in this statute and he stated if a competitor would be brought in and offered a lower franchise fee, it may be prohibitive.

Motion to adopt ORDINANCE NO. 16,410 was approved by roll call vote.

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

Nays: None.

**(09-135) Communication from the Interim City Manager and Corporation Counsel
Requesting COUNCIL ACTION on the SITE APPLICATION for a CLASS A
(Tavern) with a SUBCLASS 1 (4:00 A.M. Closing) LICENSE at 1401 S.W.
WASHINGTON, with No Recommendation from the Liquor Commission.**

Two letters in opposition of the proposed site application were presented to Council.

Council Member Jacob said he would be abstaining from discussion and voting in 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 said he would be abstaining from discussion and voting on this Item because of the proximity of this location to property that he owns in the Warehouse District.

Council Member Gulley moved to Deny the Site Application for a Class A (Tavern) with a Subclass 1 (4:00 A.M. Closing) License at 1401 S.W. Washington; seconded by Council Member Turner.

In discussion with Council Member Gulley, Corporation Counsel Randy Ray noted if this Site Application was denied, the Petitioner would have to apply for a re-class and begin the process all over again. He said he supported the notion of remanding it to the Liquor Commission to obtain further input from the Petitioner which would allow them to amend their petition and waive a second filing fee.

Council Member Gulley moved to amend his motion to remand the Site Application for 1401 S.W. Washington back to the Liquor Commission; seconded by Council Member Turner.

Amended motion to remand the Site Application for 1401 S.W. Washington back to the Liquor Commission was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob, Nichting - 2.

Council Member Nichting left the Council Chambers.

UNFINISHED BUSINESS

(09-080) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an ORDINANCE Amending CHAPTER 27 of the Code of the City of Peoria Pertaining to BUSINESS DEVELOPMENT DISTRICT RETAILER'S OCCUPATION TAX and HOTEL OPERATOR'S OCCUPATION TAX.

Council Member Manning moved to adopt an Ordinance amending Chapter 27 of the Code of the City of Peoria pertaining to Business Development District Retailer's Occupation Tax and Hotel Operator's Occupation Tax; seconded by Council Member Van Auken.

Council Member Sandberg expressed concern the Ordinance did not include a map that defined the exact area.

Corporation Counsel Ray said the area was defined in November and this particular Ordinance only imposed the tax.

In discussion with Council Member Sandberg, Director of Economic Development Craig Hullinger verified the area included Fayette (AmVets side) to Monroe to the Civic Center to Jefferson, then to Hamilton to Adams over to the hotels and back around to Monroe.

Council Member Sandberg noted he would not be supporting this Ordinance because he was under the impression it was originally set up to be a voluntary tax. He further noted there would also be confusion with only one side of Fayette Street paying the tax.

Motion to adopt ORDINANCE NO. 16,411 amending Chapter 27 of the Code of the City of Peoria pertaining to Business Development District Retailer's Occupation Tax and Hotel Operator's Occupation Tax was approved by roll call vote.

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

Nays: Jacob, Sandberg - 2.

Council Member Nichting returned to the Council Chambers.

(09-101) Communication from the Interim City Manager and Director of Planning and Growth Management with a REPORT BACK Regarding the Request for Approval of the ALLOCATION of SUPPLEMENTAL CDBG FUNDS with Recommendation to Approve OPTION "A" Approving the Allocation for Fire House 3 Rehabilitation in the Amount of \$25,000, Fire House 8 Rehabilitation in the Amount of \$80,000; and Roof Repair for the Center for the Prevention of Abuse in the Amount of \$54,400, as Outlined, OR to Approve OPTION "B" Directing the Administration to Fund Other CDBG Eligible Projects that Could be under Contract within 120 Days of Award, as Outlined. (Replacement Communication)

Council Member Van Auken moved to approve Option A approving the allocation of Fire House 3 Rehabilitation in the amount of \$25,000, Fire House 8 Rehabilitation in the amount of \$80,000, and Roof Repair for the Center for the Prevention of Abuse in the amount of \$54,400, as outlined; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: Sandberg - 1.

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

(09-136) Communication from the Town Clerk Requesting Approval of AGENDAS for the ANNUAL TOWN MEETING and the ANNUAL TOWN MEETING of the BOARD of TOWN TRUSTEES.

Trustee Nichting moved to approve the Agendas for the Annual Town Meeting and the Annual Town Meeting of the Board of Town Trustees; seconded by Trustee Turner.

Approved by roll call vote.

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

Nays: None.

NEW BUSINESS**(09-137) REQUEST TO DIRECT STAFF TO BRING BACK AN ORDINANCE TO BE MADE PART OF THE COMCAST FRANCHISE, THAT THE STATE CABLE AND VIDEO CUSTOMER PROTECTION LAW STANDARDS BE MADE APPLICABLE TO CABLE PROVIDERS OFFERING SERVICE WITHIN PEORIA, AND THE CITY OF PEORIA DECLARE ITS INTENT TO ENFORCE THE CUSTOMER SERVICE AND PRIVACY PROTECTION STANDARDS OF THE CABLE AND VIDEO CUSTOMER PROTECTION LAW WITH RESPECT TO COMPLAINTS RECEIVED FROM RESIDENTS OF THE CITY**

Council Member Nichting moved to direct staff to bring back an Ordinance to be made part of the Comcast franchise, that the state cable and video customer protection law standards be made applicable to cable providers offering service within Peoria, and the City of Peoria declare its intent to enforce the customer service and privacy protection standards of the Cable and Video Customer Protection Law with respect to complaints received from residents of the City; seconded by Council Member Montelongo.

Mayor Ardis said he would be abstaining from the discussion and voting on this Item due to a business relationship with his employer. He then requested Council Member Manning to assume the Chair for this portion of the meeting.

Council Member Nichting said he felt it would be more effective if the Council was able to file actual complaints with the FCC based on a volume of concerns citizens had with Comcast. He said there was already an existing statute in the State of Illinois that would allow the Council to be enforcement in the event Comcast did not meet the standards set.

Council Member Jacob noted the Council could not control pricing but he said he would appreciate having a list of items that Council could and could control.

Corporation Counsel Ray recommended the Council allow him time to put information together to give them more details and he would bring back a proposed Ordinance. He noted in some communities outside counsel was hired to handle this kind of agreement.

Council Member Nichting withdrew his original motion.

Council Member Nichting moved to direct the Corporation Counsel to bring back information and a proposed Ordinance enforcing the customer service and privacy protection standards of the Cable and Video Customer Protection Law with respect to complaints received from residents in the city; seconded by Council Member Montelongo.

Approved by roll call vote.

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

Nays: None;

Abstentions: Mayor Ardis – 1.

(09-138) REQUEST FOR REPORT BACK ON SOURCES OF FUNDING FOR PROJECTS THAT NEEDED IMMEDIATE ATTENTION

Council Member Gulley said he would like a report back regarding information on sources of funding for projects with immediate needs. He noted he held a meeting for his constituents with a member of the Public Works Department to discuss sources of funding available. He said a second meeting would be held that would focus on the area's water problems and reconstruction of Humboldt.

(09-139) MOTION FOR A DATE SET TO SCHEDULE A SPECIAL CITY COUNCIL MEETING IMMEDIATELY FOLLOWING THE APRIL 21, 2009, ANNUAL TOWN MEETING AND THE ANNUAL MEETING OF THE BOARD OF TOWN TRUSTEES

Council Member Nichting moved for a date set to schedule a Special City Council Meeting immediately following the April 21, 2009, Annual Town Meeting and the Annual Town Meeting of the Board of Town Trustees; seconded by Council Member Montelongo.

Approved by roll call vote.

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

Nays: None.

(09-140) MOTION FOR A DATE SET TO SCHEDULE A SPECIAL CITY COUNCIL MEETING ON TUESDAY, MAY 5, 2009, TO SWEAR IN NEWLY ELECTED CITY OFFICIALS

Council Member Manning moved for a date set to schedule a Special City Council Meeting on Tuesday, May 5, 2009, to Swear in Newly Elected City Officials; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

(09-141) REQUEST FOR INFORMATION ON BENEFITS TO THE CITY OF PEORIA FOR USE OF CONSULTANTS OR LOBBYISTS IN WASHINGTON, D.C. FOR ASSISTANCE IN OBTAINING ADDITIONAL FEDERAL MONEY

Council Member Spain moved to request information on benefits to the City of Peoria for use of consultants or lobbyists in Washington, D.C. for assistance in obtaining additional federal money; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: Gulley, Sandberg – 2.

ANNOUNCEMENT Regarding a PUBLIC MEETING for DISCUSSION Regarding a PROPOSED PARENTAL RESPONSIBILITY ORDINANCE

Council Member Montelongo announced that he and Council Member Turner were working on an Ordinance regarding Parental Responsibility and they would be holding a public meeting on April 6, 2009, at 4:00 P.M. in the Council Chambers.

UNFINISHED BUSINESS**(08-607) COMMUNICATION FROM INTERIM CITY MANAGER REGARDING
ADJUSTMENTS TO FY2009 CITY OF PEORIA BUDGET.**

Interim City Manager Henry Holling distributed a communication with attachments to members of the City Council.

City Manager Holling said his intent in providing this information to Council was to give them an opportunity to review it at their leisure and come up with some questions to present at Council on April 28, 2009, at which time more up-to-date revenue numbers would be available as well as a comprehensive plan to address any shortfall between the revenue re-estimates and the City's current budget. He said when the 2009 Budget was adopted on December 9, 2008, it was noted the revenue fluctuations would be closely monitored and a number of steps, including a hiring freeze, would be developed to address a possible revenue shortfall.

Director of Finance/Comptroller Jim Scroggins said the 2009 Budget was adopted based on conservative projections. He said Staff would report back if any trends began to develop regarding revenues. He said there was an anticipated deficit of about \$3.3 million projected as of today's date. He said the projected revenues comprised approximately 40% of the budget and were 52% of the operating revenues and were the most volatile, depending on the economy.

Mayor Ardis noted action would not be taken at this time but he felt it was important to relay the information that the City had as soon as possible to provide transparency of this issue. Upon confirmation from the Interim City Manager, he said the communication would be posted on-line March 25, 2009, and he hoped for feedback once all of the numbers were in and questions would be entertained at that time. He reiterated this communication was for informational purposes at this time and through staff efforts, an approximate \$800,000.00 in savings had already been realized.

Concerns were shared regarding certain reductions indicated in street maintenance and in using fund reserves.

In discussion with Council Member Jacob, Director Scroggins said it was projected the 2010 Budget deficit would be approximately \$10 million. He agreed to report back on a monthly basis, noting more accurate reporting would occur toward the end of each month when tax projections were reported.

Mayor Ardis reiterated his recommendation to allow for transparency by placing an update on the April 28, 2009, Council Agenda and allow for an open public discussion of the budget status on the April 14, 2009, Council Agenda.

Council Member Sandberg expressed concern there would be a shortage of police officers to obtain a savings.

Council Member Manning said he wanted to reiterate these numbers were not guarantees positions would be cut, but rather vacancies would not be filled. He noted nothing was final at this time.

Council Member Spain said he felt the City should be concerned with revenue expectations from permits and also from HRA and have that information included in the monthly reports.

Council Member Jacob suggested that a couple of Council Members meet with Staff so there would be Council input in the document that was brought back to Council.

Mayor Ardis reiterated the next opportunity for discussion on this topic would be April 28, 2009, to allow for public consumption of the documentation, but an update would be provided at the April 14, 2009, Council Meeting.

No objections were heard.

Council Member Jacob thanked Director Scroggins for his extensive work on this project.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(09-142) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding Various Items

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those citizens wishing to address the City Council.

Mr. West Gordon, Jr., Peoria resident, expressed concern regarding the sidewalks and drainage system, as well as the standing water in his South side neighborhood.

Mr. Savino Sierra, Peoria resident, expressed his concern regarding the P.A.C.E. events and said he hoped these events were more orderly than in the past. He also said he supported the Build the Block campaign.

EXECUTIVE SESSION

(09-143) Requesting Approval of a Motion for the City Council to go into EXECUTIVE SESSION to discuss 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)(5) The purchase or lease of real property for the use of the public body; 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, in which case the basis for the finding must be recorded and entered into the minutes of the closed meeting; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Council Member Manning moved for the City Council to go into EXECUTIVE SESSION to discuss 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)(5) The purchase or lease of real property for the use of the public body; 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, in which case the basis for the finding must be recorded and entered into the minutes of the closed meeting; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Spears.

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 Van Auken moved to adjourn the Joint City Council and Town Board Meeting; seconded by Council Member Sandberg.

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 8:10 P.M.

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

By _____
Beth Ball, Chief Deputy City Clerk
City of Peoria, Illinois

bb/adh