

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

Council Chambers, Peoria, Illinois, April 28, 2009, a City Council Meeting was held this date at 6:18 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

**ROLL CALL**

Roll call showed the following Council Members were physically present: Gulley, Jacob, Manning, Montelongo, Nichting, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10. Absent – Sandberg.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Ardis requested a moment of silent prayer or silent reflection, and then Cub Scout Pack #3304, representing Roosevelt Magnet School, led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**PRESENTATION:** PEORIA POLICE BENEVOLENT PLAQUE PRESENTATION TO COUNCILMAN ROBERT MANNING

**PROCLAMATION:** ANSHAI EMETH: 150th ANNIVERSARY

**PROCLAMATION:** PEORIA DISPOSAL COMPANY: 80th ANNIVERSARY

**PROCLAMATION:** COMCAST CARES DAY - APRIL 25, 2009

**PROCLAMATION:** CHILD ABUSE AWARENESS MONTH - APRIL 2009

**MINUTES**

Council Member Nichting moved to approve the minutes of the City Council Meeting and Executive Sessions held on April 14, 2009, and the minutes of the Special City Council Meeting held on April 21, 2009, as printed; 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: None.

**PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA**

**(09-180)** NOTICE of LAWSUIT Filed on Behalf of Zeta Phi Chapter-Sigma Nu  
\* Fraternity and Caleb Matheny Regarding a Trespassing Complaint, with Request to Receive for Information and Refer to the Legal Department.

**(09-181)** TAG DAY REQUEST from PETER W. SOMMER V.F.W. POST 814 to Hold Their ANNUAL BUDDY POPPY SALE on Friday and Saturday, May 1 and 2, 2009. (Dates are open.)

- (09-182) Communication from the Interim City Manager and Chief of Police Requesting Approval to PURCHASE SIX VEHICLES (Including Five 4-Wheel Drive) from RIVERSIDE CHEVROLET for the POLICE DEPARTMENT'S SPECIAL INVESTIGATIONS DIVISION (SID), for a Total Amount of \$82,200.00.
- (09-183) Communication from the Interim City Manager and Director of Public Works Requesting Approval to PURCHASE TWO BACKHOE LOADERS from the LOW QUALIFIED BIDDER, ALTORFER INCORPORATED, in the Amount of \$101,380.00, Including the Trade-In of Two Backhoe Loaders.
- (09-184)  
\*\* Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Amend the CITY OF PEORIA HUD ANNUAL PLAN to Reflect the Proposed Use of \$790,404.00 in HOMELESSNESS PREVENTION and RAPID REHOUSING PROGRAM FUNDS, through the AMERICAN RECOVERY AND REINVESTMENT ACT of 2009, As Outlined in Attachment A.
- (09-185) Communication from the Interim City Manager and Finance Director/Comptroller Recommending Approval of the PUBLIC OFFICIAL BOND for the MAYOR from CALLENDER & CO. at a Cost of \$150.00.
- (09-186) Communication from the Interim City Manager and Director of Public Works Requesting Approval to Extend the Limits of the CONTRACT with ILLINOIS CIVIL CONTRACTORS, INC. for the WATER and EATON STREETS RECONSTRUCTION (Hamilton Blvd. to Washington Street) to Include Roadway Repairs on the Southeast Side of the Railroad Tracks on Water Street for an Additional Amount of \$26,741.00 (2.05%), and a New Total CONTRACT, in the Amount of \$1,336,213.00. (Amends Item No. 08-336.)
- (09-187) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of RESOLUTION NO. 09-187 Approving an APPLICATION for NEIGHBORHOOD STABILIZATION FUNDS from the State of Illinois.
- (09-188) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of RESOLUTION NO. 09-188 Regarding the RELEASE of EXECUTIVE SESSION MINUTES.
- (09-189) Communication from the Interim City Manager and Finance Director/Comptroller Regarding Approval of RESOLUTION 09-189 Authorizing NAMED BANKS to Honor Checks, Drafts, Etc. of the City of Peoria, Authorizing the CITY TREASURER and the FINANCE DIRECTOR/COMPTROLLER to Accept and Release Securities for Safekeeping Held by a Third Party, and Repealing Resolution No. 08-083.
- (09-190) Communication from the Interim City Manager and Finance Director/Comptroller to Adopt ORDINANCE NO. 16,419 to Amend the CITY OF PEORIA BUDGET for FISCAL YEAR 2009 Relating to the Correction to the GENERAL FUND and STATE MOTOR FUEL TAX FUND, in the Amount of \$197,444.00 for the INCREASE in the COST of SALT Approved in the 2009 Budget.

- (09-191)      **Communication from the Interim City Manager and Finance Director/Comptroller to Adopt ORDINANCE NO. 16,420 to Amend the CITY OF PEORIA BUDGET for FISCAL YEAR 2009 Relating to the USE of RESTRICTED STATE ASSET FORFEITURE FUNDS for the PURCHASE of SIX VEHICLES for the Police Department Special Investigations Division (SID), in the Amount of \$82,200.00.**
- (09-192)      **Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to Adopt an ORDINANCE Amending Ordinance No. 15,809, as Amended, for an Existing SPECIAL USE in a Class R-7 (Multi-Family Residential) District and a Class R-3 (Single Family Residential) District for a RETIREMENT and NURSING HOME to Add a 23,645 SQUARE FOOT NURSING CENTER ADDITION for Property Located at 3415 N. SHERIDAN ROAD, with Condition.**  
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- (09-193)      **Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Pertaining to the RIVERFRONT STREET FESTIVAL on JULY 4, 2009.**  
\*\*\*\*
- (09-194)      **Communication from the Interim City Manager and Finance Director/Comptroller Requesting to Receive and File the REPORT BACK on COSTS ASSOCIATED in Developing "HARDSHIP" PROGRAM for MEDICARE PART B SUPPLEMENT. (Refer to Item No. 09-115)**  
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Mayor Ardis questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Turner requested Item No. 09-184 be removed from the Consent Agenda for further discussion.

Council Member Van Auken requested Item No. 09-192 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested Item Nos. 09-193 and 09-194 be removed from the Consent Agenda for further discussion.

Council Member Montelongo requested Item No. 09-180 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 Spain.

Items No. 09-180 through 09-194 (excluding Item Nos. 09-180, 09-184, 09-192, 09-193, and 09-194, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (09-180)      **NOTICE of LAWSUIT Filed on Behalf of Zeta Phi Chapter-Sigma Nu Fraternity and Caleb Matheny Regarding a Trespassing Complaint, with Request to Receive for Information and Refer to the Legal Department.**  
\*

Council Member Van Auken said she would be abstaining from discussion and voting on this Item due to her involvement in the pending lawsuit.

Council Member Montelongo expressed concern that Council did not receive any detailed Information about this lawsuit and he requested this Item be deferred until that information was received. He moved to defer this Item. No second was heard.

Council Member Nichting said he understood Council Member Montelongo's point but reminded Council litigation matters were to be discussed in Executive Session. He said it was unnecessary to defer this Item because it was only informational.

Council Member Nichting moved to approve the Notice of Lawsuit filed on behalf of Zeta Phi Chapter-Sigma Nu Fraternity and Caleb Matheny regarding a Trespassing Complaint and refer it to the Legal Department; seconded by Council Member Manning.

Approved by roll call vote.

Yeas: Gulley, Jacob, Manning, Nichting, Spain, Spears, Turner, Mayor Ardis – 8;

Nays: Montelongo – 1;

Abstentions: Van Auken – 1.

**(09-184)      Communication from the Interim City Manager and Director of Planning and  
\*\*              Growth Management Requesting to Amend the CITY OF PEORIA HUD  
                 ANNUAL PLAN to Reflect the Proposed Use of \$790,404.00 in  
                 HOMELESSNESS PREVENTION and RAPID REHOUSING PROGRAM  
                 FUNDS, through the AMERICAN RECOVERY AND REINVESTMENT ACT of  
                 2009, As Outlined in Attachment A.**

Council Member Turner moved to grant Privilege of the Floor to Pam Schubach to speak on this Item.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Pam Schubach.

Pam Schubach, Executive Director of the YWCA, referred her comments to President of the Heart of Illinois Homeless Continuum of Care Mike McGinn. Mr. McGinn said the Continuum was formed by a federal mandate through HUD and involved 41 local agencies to assist families who were homeless or about to become homeless. He expressed his gratitude to the City for their consideration of grant dollars funding their efforts.

Jane Gensel, Director of Peoria Opportunities, explained the Consortium's position on this Item. She said the agencies in the Consortium were focused on providing training to get citizens back on track and help them to become self-sufficient. She said the City's plan would only provide a "quick fix" by giving utility assistance and she said there were already many programs available to help with these costs. She expressed concern that the City's recommendation would only provide a hand out of funds to citizens and would not show them how to pull themselves out of their current situation. She asked the Council to approve the Continuum's recommendation as outlined in Attachment B.

In discussion with Council Member Turner, Director Gensel addressed her concerns that in their Plan, a large percentage of the grant dollars were going toward delivery of services and not actually reaching the clients. She said a vital part of their program was case management, which fell under delivery of services, and she reiterated the necessity of helping clients to become self-sufficient rather than just providing them with money.

In discussion with Council Member Van Auken, Planning & Growth Management Director Pat Landes said her current staff was not in a position to enter and monitor data for the grant. She reminded Council that this grant was a direct grant issued to the City and she said it was a one-time grant and it had to be acted on quickly.

Council Member Van Auken moved to amend the City of Peoria HUD Annual Plan to reflect the proposed use of \$790,404.00 in Homelessness Prevention and Rapid Rehousing Program Funds, through the American Recovery and Reinvestment Act of 2009, as outlined in Attachment A; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

**(09-192)      Communication from the Interim City Manager and Director of Planning and  
\*\*\*      Growth Management with Recommendation to Adopt an ORDINANCE  
         Amending Ordinance No. 15,809, as Amended, for an Existing SPECIAL  
         USE in a Class R-7 (Multi-Family Residential) District and a Class R-3  
         (Single Family Residential) District for a RETIREMENT and NURSING HOME  
         to Add a 23,645 SQUARE FOOT NURSING CENTER ADDITION for Property  
         Located at 3415 N. SHERIDAN ROAD, with Condition.**

Council Member Van Auken congratulated Buehler Home and thanked them for their willingness to work closely with the neighborhood to bring this project forward.

Council Member Van Auken moved to adopt an Ordinance amending Ordinance No. 15,809, as amended, for an existing Special Use in a Class R-7 (Multi-Family Residential) District and a Class R-3 (Single Family Residential) District for a Retirement and Nursing Home to add a 23,645 Square Foot Nursing Center Addition for property located at 3415 N. Sheridan Road, with condition; seconded by Council Member Turner.

Motion to adopt ORDINANCE NO. 16,421 was approved by roll call vote.

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

Nays: None.

**(09-193)      Communication from the Interim City Manager and Corporation Counsel  
\*\*\*\*      Requesting Adoption of an ORDINANCE Pertaining to the RIVERFRONT  
         STREET FESTIVAL on JULY 4, 2009.**

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 adopt an Ordinance pertaining to the Riverfront Street Festival on July 4, 2009; seconded by Council Member Spain.

Motion to adopt ORDINANCE NO. 16,422 was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob – 1.

**(09-194) Communication from the Interim City Manager and Finance  
\*\*\*\*\* Director/Comptroller Requesting to Receive and File the REPORT BACK on  
COSTS ASSOCIATED in Developing "HARDSHIP" PROGRAM for  
MEDICARE PART B SUPPLEMENT. (Refer to Item No. 09-115)**

Council Member Jacob moved to defer this Item until after the discussion of Item No. 09-195 on the Agenda regarding a report from Gallagher Benefit Services on the City of Peoria's 2008 Health Care Plan Status Update and 1<sup>st</sup> Quarter 2009; seconded by Council Member Manning.

Approved by roll call vote.

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

Nays: None.

Clerk's Note: See discussion on page 28893.

**(09-195) Communication from the Interim City Manager and Acting Director of  
Human Resources Requesting to Receive and File the REPORT from  
GALLAGHER BENEFIT SERVICES on the City of Peoria's 2008 HEALTH  
CARE PLAN STATUS UPDATE and 1ST QUARTER 2009.**

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Gregg Aleman.

Gregg Aleman, Area Senior Vice President from Gallagher Benefit Services, Inc., distributed a status report of the City of Peoria's Health Care Plan for 2008 and for the 1<sup>st</sup> Quarter of 2009. He then gave a presentation which provided an overview of the plan and he said he felt the report was favorable and said the plan was moving in the right direction for 2009. He said the City's health plan experience performed favorably compared to the 2008 projected budget and expected claim trend levels. He also noted the variance in Budget to actual cost comparison was \$2,214,508 below expected costs or \$141.10 per participant per month. He said the variance in budget represented a combination of overall claim utilization, network discounts, and network utilization.

Council Member Manning thanked staff for the smooth transition when the new health care provider was brought in. He said he was pleased OSF delivered on what they promised.

In discussion with Mayor Ardis, Mr. Aleman said the large claims that were over \$185,000 were likely to come from serious accidents, major illness such as cancer, premature births, etc. He noted for a community the size of Peoria, this trend was normal.

Council Member Spain moved to receive and file the report from Gallagher Benefit Services on the City of Peoria's 2008 Health Care Plan Status Update and 1<sup>st</sup> Quarter 2009; seconded by Council Member Montelongo.

Approved by roll call vote.

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

Nays: None.

**(09-194) Communication from the Interim City Manager and Finance  
\*\*\*\*\* Director/Comptroller Requesting to Receive and File the REPORT BACK on  
COSTS ASSOCIATED in Developing "HARDSHIP" PROGRAM for  
MEDICARE PART B SUPPLEMENT. (Refer to Item No. 09-115)**

In discussion with Council Member Jacob, Mr. Aleman said it would be a violation of Illinois Insurance Code to send all of the City's retirees as a class to a sole program under Medicare. He said this could only be offered as an option.

In further discussion with Council Member Jacob, Mr. Aleman said the additional \$10,800 plus would be needed to cover the cost of researching a whole new provider. He said the data they currently have would no longer be applicable because it was based on doing business with Health Alliance and now the City's administrator was OSF/Humana.

In discussion with Council Member Jacob, Senior Staff Attorney Kimberly King said the \$10,800 figure came from the cost of actuaries needing to gather information and to identify the group. She said they would research whether or not the group would meet the economic need that defines a "hardship program," and they would create a data system. She said she had an electronic trail of the communication which outlines the cost and, even though it was not a detailed matrix, she would be able to provide this information to Council.

Council Member Jacob moved to defer the report back on costs associated in Developing "Hardship" Program for Medicare Part B supplement until the May 26, 2009, Regular City Council Meeting; seconded by Council Member Gulley.

Mayor Ardis noted this was a request to receive and file the information and it would be his recommendation to go ahead and approve and then refine the information at a later date.

Council Member Jacob said he would prefer to defer the Item so that more accurate information could be received prior to receiving and filing the report, including receiving input from the affected retirees.

Interim City Manager Henry Holling reminded Council a letter detailing the request for this program was read into the record previously and this letter was taken to Gallagher. He said the costs reflected were based on the request in the letter.

Motion to defer the report back on costs associated in Developing "Hardship" Program for Medicare Part B supplement until the May 26, 2009, Regular City Council Meeting was approved by roll call vote.

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

Nays: None.

**(09-196) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of an AMENDMENT to the 1996 INTERGOVERNMENTAL AGREEMENT Between the CITY OF PEORIA and the PEORIA CIVIC CENTER AUTHORITY, and Requesting Authorization for the City Manager to Execute the Document.**

Council Member Manning commended Peoria Area Convention and Visitor's Bureau President Brent Lonteen for his work during his short tenure in moving the bureau in the right direction and for his efforts in bringing together Peoria, East Peoria, Morton, and Washington to have the same "H" tax. He noted Mr. Lonteen recently lobbied for new funding for Morton and Washington and, as a result, these two communities joined Peoria and East Peoria in contributing to the Convention and Visitor's Bureau. He said President Lonteen had made a credible case for requesting additional funds. He noted the Convention and Visitor's Bureau was limited in its revenue sources, receiving funding from City's "H" taxes, State Grants, and memberships, while the Civic Center Authority received funding from all HRA tax, ticket improvement fees, sponsorships, advertising, and naming rights, just to name a few. He said the taxpayers were paying the costs of the recent renovations and stressed the importance of renting out the Civic Center as often as possible. He encouraged Council to carefully consider this Item for the next ninety days and to have further discussion between the Civic Center Authority and the Convention and Visitor's Bureau Boards.

Council Member Manning requested separate reports from both the Peoria Area Convention and Visitor's Bureau Board and the Peoria Civic Center Authority Board through the City Manager's office identifying how the additional money would be spent if it were received.

Council Member Manning moved to defer approval of the amendment to the 1996 Intergovernmental Agreement between the City of Peoria and the Peoria Civic Center Authority until the July 28, 2009, Regular City Council Meeting, with the stipulation that separate reports from both the Peoria Area Convention and Visitor's Bureau Board and the Peoria Civic Center Authority Board are submitted to the City Manager's office identifying how the additional money would be spent if it were received; seconded by Council Member Van Auken.

Motion to defer this item until July 28, 2009, was approved by roll call vote.

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

Nays: None.

**(09-197) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a CONTRACT with FARNSWORTH GROUP, in the Amount of \$175,200.00, to PROVIDE DESIGN SERVICES to RECONSTRUCT the STREETS Around the NEW GLEN OAK SCHOOL in the GLEN OAK IMPACT ZONE.**

In discussion with Council Member Manning, Director of Public Works Dave Barber provided an overview of the reconstruction of streets around the New Glen Oak School in the Glen Oak Impact Zone. He said the original plan involves curb and drive approach removal and reconstruction, drainage improvements, a water line relocation, an Ameren facility relocation, and even some service disconnection in certain areas will occur while some changes are made. He said the City would like to take the opportunity to collaborate with District #150's improvement plans and perhaps share ideas on such things as location of crosswalks. He said the project was a significant investment for the City and it was important to move forward at this time. He said this project would require addressing more items than previously thought and this would add additional dollars that were not reflected in the budget. He added the design services were budgeted for this year, with the major construction set for next year at a significant cost of \$2.7 million and the Council needed to decide if this was important enough to move forward and find funding for this project. He further noted the landscape and lighting were not included in the plan but that would increase the amount needed to just over \$4 million. He said he thought it would be a good time to come before the Council, as it was hoped the plan would be completed by the time the new school opened in August of 2010 and he asked the Council for some direction.

Council Member Manning noted during his tenure on the Council, the main priority had been neighborhood revitalization. He said once the Council defined this as a priority, it should be prepared to follow through. He said the timing was crucial in this project and added it was important to demonstrate the Council's commitment by supporting the plan.

Council Member Manning moved to approve the contract with Farnsworth Group, in the amount of \$175,200.00, to provide design services to reconstruct the streets around the New Glen Oak School in the Glen Oak Impact Zone; seconded by Council Member Van Auken.

Council Member Jacob noted this project was shovel ready and the time was now to rebuild this neighborhood and leverage those tax dollars and to leverage the public investment. He added he realized this was a difficult decision, but said the project was tailored to receive additional funding through Federal and State funding and grants. He said it was important to follow through on the commitment to the project the Council made.



In discussion with Council Member Gulley, Director Barber said the cross sections, curbs, etc. would be fixed for the entire area with curbs and sidewalks and street surfaces being completely replaced. He said installing or maintaining the brick streets in that area was contrary to the plan. He added the open bid process must have the plan outlined in detail.

Council Member Gulley said he would support the plan, but he expressed concern that the plan was being approved before the City had the funding.

Council Member Spain said he felt this vote was important as the Council's commitment to find money for the project to move forward with it in its entirety and he said he would be supporting it. He added, even though the dollars have not yet been pinpointed, this vote should be treated as a commitment to move forward on the entire program of services.

Council Member Manning noted Farnsworth Group would be coordinating meetings with City Staff, neighborhood folks, and the utility companies in order to discuss all design aspects and Director Barber's professional expertise could be used in making some of the decisions.

Motion to approve the contract with Farnsworth Group, in the amount of \$175,200.00, to provide design services to reconstruct the streets around the New Glen Oak School in the Glen Oak Improvement Zone was approved by roll call vote.

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

Nays: None.

**(09-198) Communication from the Interim City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Planning Commission to DENY or to Concur with the Staff Recommendation to ADOPT an ORDINANCE Amending APPENDIX A of the Code of the City of Peoria Relating to PLANNED UNIT DEVELOPMENTS by Removing the Review of a Planned Unit Development and Providing for the Administrative Review of the Preliminary and Final Plats for a Planned Unit Development.**

Director of Planning & Growth Management Pat Landes explained Planned Unit Development was a mixed use development. She noted the City had only a few of these developments and, therefore, a limited history. She said the current Ordinance required citizens to go through two separate commissions and two different types of reviews and was burdensome to the public and to the petitioner to appear at both hearings to relate their concerns. She said the amendment to Appendix A would help to streamline the process to one public hearing because the plan was being reviewed by the Zoning Commission and the plan was based on street location. She noted that both Ordinances, the current and the Ordinance she was recommending be adopted, provided due process.

Council Member Van Auken moved to concur with the Staff Recommendation to adopt the Ordinance to amend Appendix A of the Code of the City of Peoria relating to Planned Unit Developments by removing the review of the Planned Unit Development and providing for the administrative review of the preliminary and final plats for a Planned Unit Development; seconded by Council Member Gulley.

Motion to adopt ORDINANCE NO. 16,423 was approved by roll call vote.

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

Nays: None.

**UNFINISHED BUSINESS**

- (09-174) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission to Adopt an ORDINANCE Amending APPENDIX C of the Code of the City of Peoria Relating to PLANNED UNIT DEVELOPMENTS.**

Council Member Van Auken moved to adopt an Ordinance amending Appendix C of the Code of the City of Peoria relating to Planned Unit Developments; seconded by Council Member Gulley.

ORDINANCE NO. 16,424 was approved by roll call vote.

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

Nays: None.

**REGULAR BUSINESS**

- (09-199) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Planning Commission and Staff to Approve a RESOLUTION Adopting the PRELIMINARY PLAT for HARRISON HOMES SECTION TWO SUBDIVISION, Property Bounded by Krause Street on the North, Griswold Avenue on the East, Montana Street on the South, and Oregon Street on the West, Identified as Parcel Numbers 18-19-127-002 and 18-19-127-003, with Conditions.**

Council Member Jacob left the Council Chambers.

Council Member Gulley moved to approve a Resolution adopting the Preliminary Plat for Harrison Homes Section Two Subdivision, property bounded by Krause Street on the North, Griswold Avenue on the East, Montana Street on the South, and Oregon Street on the West, identified as parcel numbers 18-19-127-002 and 18-19-127-003, with Conditions; seconded by Council Member Spain.

RESOLUTION NO. 09-199 was approved by roll call vote.

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

Nays: None.

Council Member Jacob returned to the Council Chambers.

**UNFINISHED BUSINESS**

- (09-179) Communication from the Interim City Manager and Director of Planning and Growth Management Recommending Adoption of an ORDINANCE Rezoning Properties Generally Bounded by KRAUSE STREET on the North, GRISWOLD AVENUE on the East, MONTANA STREET on the South and OREGON STREET on the West, Commonly Known as HARRISON HOMES and Including Addresses of 2516 W. KRAUSE AVENUE, and 2503 - 2603 W. SEIBOLD STREET, from a Class R7 (Multi-Family Residential) District to a Class R4 (Single Family Residential) District and Granting a SPECIAL USE for a PLANNED UNIT DEVELOPMENT with a PRELIMINARY PLAN, with Conditions and Waivers.**

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Caius Jennison from the Farnsworth group.

Caius Jennison, representing the Farnsworth Group, said the goal of the Harrison Homes project was to replace the current 1940's housing development with 200 affordable new homes that reflected the spirit of the Heart of Peoria. He said the total cost of the project would be \$40 million. He also noted Phase II on the North side of the development would be developed for a cost of approximately \$3.2 million of which \$1.4 million would come from Federal Stimulus money and \$1.8 million would come through the PHA Replacement Housing funds. He said the process would bid this summer because a portion of the costs must be obligated by August.

Council Member Gulley moved to adopt the Ordinance to rezone properties generally bounded by Krause Street on the North, Griswold Avenue on the East, Montana Street on the South and Oregon Street on the West, commonly known as Harrison Homes and including addresses of 2516 W. Krause Avenue, and 2503-2603 W. Seibold Street, from a Class R7 (Multi-Family Residential) District to a Class R4 (Single Family Residential) District and granting a Special use for a Planned Unit Development with a Preliminary Plan, with the added condition that the height and sidewalk waivers are withdrawn; seconded by Council Member Van Auken.

Motion to adopt ORDINANCE NO. 16,425, as amended, was approved by roll call vote.

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

Nays: None.

**(09-150) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Authorization for the City Manager to Execute a CONTRACT with KOERNER ELECTRIC and WESCO DISTRIBUTION, INC., in an Amount Not to Exceed a Combined Total of \$50,000.00 for the ALLEY LIGHTING PROGRAM.**

Council Member Montelongo moved to approve the execution of a contract with Koerner Electric and Wesco Distribution, Inc., in an amount not to exceed a combined total of \$50,000.00 for the Alley Lighting Program; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

**(09-175) Communication from the Interim City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission to Adopt ORDINANCE A, OR to Concur with the Staff Recommendation to Adopt ORDINANCE B Granting a SPECIAL USE in a Class C-1 (General Commercial) District for a BEER GARDEN for Property Located at 4906 - 4916 N. RENWOOD AVENUE Known as DONNELLY'S SHAMROCK PUB with an Address of 4908 N. RENWOOD AVENUE, with Conditions and Waivers. (Replacement Communication and Replacement Ordinances)**

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 Spears moved to approve Ordinance A granting a Special Use in a Class C1 (General Commercial) District for a beer garden for property located at 4906-4916 N. Renwood Avenue, known as Donnelly's Shamrock Pub with an address of 4908 N. Renwood Avenue, with conditions and waivers, as amended by deleting Condition 5 – "existing drive approaches along Glen Avenue that are no longer utilized and presently blocked off by timbers, to be properly closed with full height curb, concrete approaches removed and replace any deteriorated walks;" seconded by Council Member Manning.

Council Member Spears added the owner was making an attempt with this Beer Garden to accommodate his smoking clientele.

Council Member Manning thanked the Donnelly family for reinvesting in Peoria.

Motion to adopt ORDINANCE NO. 16,426, as amended, was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob – 1.

- (08-607)      A.      FY 2009 CITY OF PEORIA BUDGET - Communication from the Interim City Manager Requesting to Adopt an ACTION PLAN for Addressing the POTENTIAL 2009 BUDGET DEFICIT and Direct Staff to Bring Back BUDGET AMENDMENTS to Reflect the Adopted Changes.**
- B.      FY 2009 CITY OF PEORIA BUDGET - Communication from the Interim City Manager and Finance Director/Comptroller Regarding the SUMMARY of RE-FORECASTED 2009 REVENUES, with Request to Receive and File.**

Interim City Manager Henry Holling distributed an update on the requested Arrest Fee Research to all Council Members.

Interim City Manager Holling reported with the Council's guidance and input, the City was able to narrow the budget deficit gap to a manageable \$350,000. He said the City should feel comfortable turning its attention to the 2010 projected deficit. He said the City plans to move forward and continue the process in a transparent manner to keep the citizens of Peoria informed.

Finance Director/Comptroller Jim Scroggins summarized his re-forecasted numbers and reported the tax numbers indicated a slight rebound in January and showed signs of stabilization. He noted Personal Property Replacement Tax (PPRT) was typically the largest distribution the City received during the year and he said it was a good sign it came back strongly in April. He said he would continue to review tax numbers on a monthly basis and report back to Council.

Council Member Van Auken moved to adopt the Action Plan for addressing the Potential 2009 Budget Deficit and direct Staff to bring back budget amendments to reflect the adopted changes; seconded by Council Member Nichting.

Council Member Nichting noted with the diligent work of City Staff and Council a very conservative budget was developed, but some cuts still had to be made. He noted that Peoria was better off than many communities and he said he was confident Staff would use the same diligence early on in the process of developing the 2010 budget.

Council Member Jacob expressed concern that some of the line items needed to be reviewed further. He noted the line item to eliminate weeds was listed as a service being cut. He said this item was a quality of life issue and the growth of weeds really degraded neighborhoods.

Council Member Jacob moved for an amended motion to keep in the 2009 Budget the \$50,000.00 allocation for weed control and eliminate this line item from the list of proposed cuts; seconded by Council Member Manning.

In discussion with Council Member Van Auken, Interim City Manager Holling said every dollar counted as the City closed the gap on the deficit so adding this line item back into the budget would matter, but Staff would continue to look elsewhere to come up with additional funding.

Council Members Van Auken and Manning both expressed concern that business owners would not take the initiative to remove weeds and litter in front of their own businesses, as well as residents at their homes.

Council Member Nichting said his colleagues made some valid points regarding what items needed to be replaced in the budget but he noted each cut was difficult and something that was important to one Council Member would not necessarily be as important to another. He said it was the responsibility of Staff to bring forward options to close the deficit gap but, ultimately, it was left to Council to make the decisions regarding what choices would be made.

Motion to adopt an amendment to the original motion to keep in the 2009 Budget the \$50,000.00 allocation for weed control and eliminate this line item from the list of proposed cuts was approved by roll call.

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

Nays: None.

Motion to adopt the Action Plan for addressing the Potential 2009 Budget Deficit, as amended, to keep the \$50,000.00 allocation for weed control in the 2009 Budget and eliminate the \$50,000.00 from the list of proposed cuts, and direct Staff to bring back Budget amendments to reflect adopted changes, was approved by roll call vote.

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

Nays: None.

In discussion with Council Member Spears, Finance Director/Comptroller Jim Scroggins clarified the formulas contained in the revenue report.

Council Member Manning expressed his concern about the perception of the citizens of Peoria that the City's taxes were too high. He explained only eleven cents on each dollar went to the City. He noted that 50% of taxes went toward District #150, 5% went to ICC, 10% went to the County, and 8% to the Park District with the remainder going to the library, township, etc. He said he hoped this fact would be clarified when Council Members were approached.

Council Member Nichting moved to receive and file the Summary of Re-Forecasted 2009 Revenues; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

In discussion with Council Member Spain, Interim City Manager Henry Holling agreed to continue to provide updates to the Council as the 2009 deficit gap closed.

### **NEW BUSINESS**

**(09-200) REQUEST TO DIRECT STAFF TO RESEARCH CHANGING THE CURRENT ORDINANCE TO REQUIRE PET OWNERS TO LEASH OR CONTAIN THEIR PETS ON THEIR PROPERTIES**

Council Member Van Auken expressed concern regarding pets running free on their owners' properties and she said one of her constituents was approached by a pit bull that was loose as she was walking by the property. She requested Staff to research changing the current Ordinance to require pet owners to either leash or contain their pets within a fence while on their properties.

No objections were heard.

### **ANNOUNCEMENT Regarding "LUCY GULLEY" WEEK**

Council Member Gulley expressed birthday wishes to his wife, Lucy, and he requested that the week be declared "Lucy Gulley Week."

**(09-201) REQUEST FOR INFORMATION REGARDING THE GARBAGE COLLECTION FEE IN A FUTURE CITY MANAGER ISSUES UPDATES**

Council Member Gulley requested that Staff include garbage collection fee information in future City Manager Issues Updates, as it was presented in the past.

### **ANNOUNCEMENT Regarding FIRE CHIEF KENT TOMBLIN Celebrating His 30 YEARS of SERVICE With The City of Peoria**

Council Member Nichting congratulated Fire Chief Kent Tomblin for his 30 years of service with the City of Peoria.

**(09-202) REQUEST FOR REPORT BACK REGARDING PROGRESS ON ENFORCEMENT OF THE ORDINANCE REGARDING LOUD MUSIC IN VEHICLES**

Council Member Montelongo requested a report back regarding the number of tickets and warnings issued for loud music in vehicles. He expressed concern, with the onset of warm weather, the problem was beginning to escalate.

### **ANNOUNCEMENT Regarding CUSTOMER SERVICE COMMITTEE**

Mayor Ardis announced the Customer Service Committee had developed new comment cards for addressing customer concerns. He added comments could also be submitted on the City's website.

**CITIZEN REQUESTS TO ADDRESS THE COUNCIL****(09-203) 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.

Ms. Peg Pendle, a Peoria resident, expressed concern regarding the delay of her request for emergency housing funding.

Mr. Roger Sparks, a Peoria resident, expressed concern regarding the City issuing numerous special use permits and then not following up to ensure ADA issues were properly addressed.

Mr. Greg Chase, a Pekin resident, said he was interested in relocating his business to Peoria while preserving his investment and property in Pekin.

**EXECUTIVE SESSION****(09-204) Requesting Approval of a Motion for the City Council to go into EXECUTIVE SESSION to discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 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 probably or imminent, in which case the basis for the finding must be recorded and entered into the minutes of the closed meeting.**

Council Member Manning moved for the City Council to go into EXECUTIVE SESSION to discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; and 2(c)(11) Litigation, when an action against affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probably or imminent, in which case the basis for the finding must be recorded and entered into the minutes of the closed meeting; seconded by Council Member Spears.

Approved by roll call vote.

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

Nays: None.

**ADJOURNMENT**

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

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 9:07 P.M.

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