

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

Council Chambers, Peoria, Illinois, June 23, 2009, a Joint City Council and Town Board Meeting was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Chairman Pro Tem Ryan Spain presiding, and with proper notice having been posted.

ROLL CALL

Roll call showed the following Council Members were physically present: Gulley, Irving, Jacob, Montelongo, Riegenbach, Sandberg, Spears, Turner, Van Auken, Chairman Pro Tem Spain – 10. Absent: Mayor Ardis - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Chairman Pro Tem Spain requested a moment of silent prayer or silent reflection, and asked that the family of Director of Inspections John Kunski and his family be remembered at the passing of his father, and then he led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: KYLE MOU – 4th PLACE FINISH – SCRIPPS NATIONAL SPELLING BEE

PROCLAMATION: PEORIA RELAY FOR LIFE DAYS - JUNE 26-27, 2009

CONGRATULATIONS TO THE NEWLY APPOINTED ASSISTANT FIRE CHIEF

Chairman Pro Tem Spain recognized and congratulated Emil Steinseifer on his recent promotion to Assistant Fire Chief.

MINUTES

Council Member Montelongo moved to approve the minutes of the June 9, 2009, Joint City Council & Town Board Meeting; the minutes of the June 11, 2009, Special City Council Meeting; and the minutes of the June 13, 2009, Special City Council Meeting, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

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:

(09-287) NOTICE of LAWSUIT Filed on Behalf of Jace Earp Regarding a Complaint Against a Police Officer and the City of Peoria Alleging Excessive Force on April 15, 2008, with Recommendation to Receive for Information and Refer to the Legal Department.

(09-288) Communication from the Interim City Manager and Fire Chief Requesting Approval of the SOLE SOURCE PURCHASE of THREE MOBILE RADIOS, in the Amount of \$11,025.00, and NINE PORTABLE RADIO VEHICLE CHARGERS, in the Amount of \$1,350.00, from RAGAN COMMUNICATIONS, INC. for Three Peoria Fire Apparatus.

- (09-289) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a FINAL PAY ESTIMATE, in the Amount of \$19,869.85, which is \$18,958.60 or 26% Over the Contract Amount of \$72,930.47, for the WEST ANTOINETTE STREET SIDEWALK IMPROVEMENT (Griswold to Westmoreland).
- (09-290)
* Communication from the Interim City Manager and Director of Public Works Requesting Authorization to ACCEPT the PENDING AWARD of the DEPARTMENT of ENERGY GRANT for STORAGE TANKS and DISPENSERS for E85 FUEL, and Authorization of the City's Share of the Cost in the Amount of \$83,256.00.
- (09-291)
** Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Authorization for the City of Peoria to Apply for \$155,000.00 of AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) STRENGTHENING COMMUNITIES FUNDS (SFC) from the U.S. Department of Health and Human Services Office for CAPACITY BUILDING ACTIVITIES.
- (09-292)
*** Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of the Recommendation to Commit to Obligate \$300,000.00 in COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS Over the 2010-2012 Budget Years as Match Funding for a \$3,000,000.00 HUD LEAD PAINT HAZARD CONTROL GRANT APPLICATION to be Submitted by the Peoria City-County Health Department.
- (09-293)
**** Communication from the Interim City Manager and Director of Public Works Requesting Approval to Enter Into a LEASE AGREEMENT with R & R SERVICES OF ILLINOIS, INC. for a Period of ONE YEAR Beginning May 15, 2009, for a Section of Property Located at 2201 S. DARST STREET, and Requesting Authorization for the Interim City Manager to Execute the Documents. (Refer to 08-212)
- (09-294) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a JOINT AGREEMENT with IDOT for WIDENING, RESURFACING, and TRAFFIC SIGNAL MODERNIZATION on ILLINOIS ROUTE 40 (KNOXVILLE) from Hickory Grove Road to Cedar Hills Drive, and Requesting Approval of the Expenditure of up to \$27,900.00 for the City's Portion of the Traffic Signal Modernization.
- (09-295) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a CONTRACT EXTENSION for the MAINTENANCE of FIRE SPRINKLERS with PREVENTION FIRE PROTECTION for an Annual Cost of \$6,000.00. (Extends 05-395 to July 2010)
- (09-296) Communication from the Interim City Manager and Director of Public Works Requesting Approval to EXTEND the LIMITS of the CONTRACT with AMERICAN ASPHALT SURFACE RECYCLING , INC., for the 2009 HEATER SCARIFICATION PROGRAM on NOWLAND AVENUE from University to Sheridan, for the Additional Amount of \$17,060.00, for a New Total Contract in the Amount of \$40,460.00. (Amends 09-230)

- (09-297) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,437 Providing for the IMPROVEMENT of WEST WAGNER LANE (From Sterling Avenue to Donna Lane).
- (09-298) *****
Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Ascertaining the PREVAILING RATE OF WAGES for LABORERS, WORKMEN, and MECHANICS Employed on Public Works in the City of Peoria.
- (09-299) *****
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Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 3, Section 3-52 of the Code of the City of Peoria Pertaining to Alcoholic Beverages and the CLASS H-1 LIQUOR LICENSE to Allow the Retail Sale of Alcoholic Liquors on the Grounds of a County Fair.
- (09-300) *****
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Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of the Following:
- A. ORDINANCE Amending APPENDIX A of the Code of the City of Peoria by Removing Language Referencing the MODIFICATIONS and RESUBMISSION of a PLANNED UNIT DEVELOPMENT.
 - B. ORDINANCE Amending CHAPTER 23 of the Code of the City of Peoria Pertaining to Planning by Removing Language Referencing PLANNED UNIT DEVELOPMENT.
- (09-301) *****

Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to PLANNED UNIT DEVELOPMENTS.
- (09-302) *****

Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to HANDICAP SIGN FEE.
- (09-303) *****

Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending APPENDIX C of the Code of the City of Peoria Relating to SURFACE PARKING.
- (09-304) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to Adopt ORDINANCE NO. 16,438 Amending Ordinance No. 15,777, an EXISTING SPECIAL USE as Amended, in a Class R6 (Multi-Family Residential) District and a Class R4 (Single Family Residential) District for a TEMPORARY HOUSING (Family House), to Relocate the Building, Reconfigure the Parking Lot, and to Request an Extension of Time to Establish the SPECIAL USE for Property Identified as Parcel ID Nos. 14-34-451-012 and 14-34-451-013, with a Temporary Address of 825 ABINGTON STREET, with Conditions.

- (09-305) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to Adopt an ORDINANCE Amending Ordinance No. 16,318, an EXISTING SPECIAL USE as Amended, in a Class C2 (Large Scale Commercial) District for a SHOPPING CENTER to Add a 3,040 SQUARE FOOT COMMERCIAL BUILDING, Request to Revise the Size of a Previously Approved Commercial Building, and Request to Reconfigure the Proposed Parking Lot for the Property Located at 8215 and 8305 N. ALLEN ROAD, with Conditions.

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- (09-306) APPOINTMENT by Mayor Jim Ardis to the SISTER CITY COMMISSION, with Recommendation to Concur:

Charles Gibbons (Voting) - Term Expires 6/30/2012
- (09-307) REAPPOINTMENT by Mayor Jim Ardis to the FIRE & POLICE COMMISSION, with Recommendation to Concur:

Thomas C. Jackson, Jr. (Voting) - Term Expires 6/30/2012
- (09-308) REAPPOINTMENT by Mayor Jim Ardis to the PEORIA AREA CONVENTION AND VISITORS BUREAU, with Recommendation to Concur:

James E. Garner (Voting) - Term Expires 6/30/2012
- (09-309) REAPPOINTMENTS by Mayor Jim Ardis to the PLANNING COMMISSION, with Recommendation to Concur:

Raymond W. Lees (Voting) - Term Expires 6/30/2012
Nancy J. Lawless (Voting) - Term Expires 6/30/2012
- (09-310) REAPPOINTMENTS by Mayor Jim Ardis to the RENAISSANCE PARK ADVISORY COUNCIL, with Recommendation to Concur:

Michael J. Dugard (Voting) - Term Expires 6/30/2010
Maryruth Ginn (Voting) - Term Expires 6/30/2010
Nancy Kimble-Mitchell (Voting) - Term Expires 6/30/2010
Diane Nowlan (Voting) - Term Expires 6/30/2010
Lisa Slane (Voting) - Term Expires 6/30/2010
Daryl Somogyi (Voting) - Term Expires 6/30/2010
Fulvio Zerla (Voting) - Term Expires 6/30/2010

Chairman Pro Tem Spain questioned if the Council wished to have any of the Consent Agenda items removed for further discussion.

Council Member Van Auken requested Item No. 09-303 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item No. 09-305 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested Item No. 09-293 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested Item Nos. 09-290, 09-291, 09-292, 09-293, and 09-299 be removed from the Consent Agenda for further discussion.

Council Member Turner requested Item Nos. 09-298, 09-300, 09-301, and 09-302 be removed from the Consent Agenda for further discussion.

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

Items No. 09-287 through 09-310 (excluding Items No. 09-290, 09-291, 09-292, 09-293, 09-298, 09-299, 09-300, 09-301, 09-302, 09-303, and 09-305, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

(09-290) **Communication from the Interim City Manager and Director of Public Works Requesting Authorization to ACCEPT the PENDING AWARD of the DEPARTMENT of ENERGY GRANT for STORAGE TANKS and DISPENSERS for E85 FUEL, and Authorization of the City's Share of the Cost in the Amount of \$83,256.00.**
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Council Member Jacob expressed concern regarding costs of this project. He said he wanted additional information to determine why the City's portion of the cost was much higher than originally projected.

Director of Public Works Dave Barber reported the Department of Energy no longer considered the grant a 100% Appropriation Grant. He said they converted it into a 50/50 Grant. He noted the City did not intend to spend more than the original projected cost.

Council Member Sandberg expressed concern that bidders would see the \$160,000.00 price tag on the project and bids would come in high.

Director Barber said, once the bids were solicited, they would be closely reviewed and bids in that range would be eliminated.

Council Member Sandberg moved to accept the pending award of the Department of Energy Grant for storage tanks and dispensers for E85 fuel and to authorize the City's share of the cost in the amount of \$83,256.00; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

(09-291) **Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Authorization for the City of Peoria to Apply for \$155,000.00 of AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) STRENGTHENING COMMUNITIES FUNDS (SFC) from the U.S. Department of Health and Human Services Office for CAPACITY BUILDING ACTIVITIES.**
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Council Member Jacob expressed concern regarding the need for additional staff to administer these funds.

Assistant Director of Planning & Growth Management Ross Black explained the purpose of the funds was to provide technical services and training to existing staff. He said the funds would be used to bring in outside trainers only to upgrade staff training, but he clarified there were no hiring requirements.

Council Member Jacob moved to authorize the City to apply for \$155,000.00 of American Recovery and Reinvestment Act (ARRA) Strengthening Communities Funds (SFC) from the U.S. Department of Health and Human Services Office for Capacity Building Activities; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

**(09-292) Communication from the Interim City Manager and Director of Planning and
*** Growth Management Requesting Approval of the Recommendation to
Commit to Obligate \$300,000.00 in COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) FUNDS Over the 2010-2012 Budget Years as Match
Funding for a \$3,000,000.00 HUD LEAD PAINT HAZARD CONTROL GRANT
APPLICATION to be Submitted by the Peoria City-County Health
Department.**

In discussion with Council Member Jacob, Assistant Director of Planning & Growth Management Black said it was estimated the City's match funds would be fully expended by the end of the Grant in October; however, if there was a balance, it could be used for eligible CDBG projects. He said he had been in discussion with the Health Department regarding increasing the City's matching funds for non-owner occupied properties. He said he would bring back program parameters for approval by the Council and he added the Health Department understood Council's concerns regarding this issue.

Council Member Jacob moved to approve the recommendation to commit to obligate \$300,000.00 in Community Development Block Grant (CDBG) Funds over the 2010-2012 budget years as match funding for a \$3,000,000.00 HUD Lead Paint Hazard Control Grant Application to be submitted by the Peoria City-County Health Department; seconded by Council Member Riggensbach.

In discussion with Council Member Sandberg, Assistant Director Black clarified staff resources came from CBDG funds.

Council Member Sandberg expressed concern, with the \$10 million budget deficit the City was facing in 2010, this program could not be touched. He said he was concerned because some of the City's core services were being cut, while a number of these "elective" programs were being spared because of the government strings attached.

Approved by roll call vote.

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

Nays: None.

- (09-293)**

Communication from the Interim City Manager and Director of Public Works Requesting Approval to Enter Into a LEASE AGREEMENT with R & R SERVICES OF ILLINOIS, INC. for a Period of ONE YEAR Beginning May 15, 2009, for a Section of Property Located at 2201 S. DARST STREET, and Requesting Authorization for the Interim City Manager to Execute the Documents. (Refer to 08-212)

Council Member Gulley said he would be abstaining from discussion and voting on this item due to his business relationship with the vendor.

Council Member Jacob expressed concern regarding the decrease in the amount the City would receive for this service.

Director of Public Works Dave Barber said the decrease was a consideration, but Staff felt receiving revenue on property the City owns when it otherwise wouldn't, as well as having a vendor who would remove the City's waste, was more important.

Council Member Jacob moved to defer this item until the July 14, 2009, Regular City Council Meeting; seconded by Council Member Van Auken.

Council Member Van Auken noted the City should see if there were others out there who would meet the price and take care of the waste, as well.

Motion to defer this item until July 14, 2009, was approved by roll call vote.

Yeas: Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spears, Turner, Van Auken, Chairman Pro Tem Spain – 9;

Nays: None;

Abstention: Gulley – 1.

- (09-298)**

Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Ascertainning the PREVAILING RATE OF WAGES for LABORERS, WORKMEN, and MECHANICS Employed on Public Works in the City of Peoria.

Corporation Counsel Randy Ray distributed a replacement ordinance for this item.

Council Member Turner moved to adopt the replacement Ordinance ascertainning the Prevailing Rate of Wages for Laborers, Workmen, and Mechanics employed on Public Works in the City of Peoria; seconded by Council Member Montelongo.

ORDINANCE NO. 16,439 was adopted by roll call vote.

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

Nays: None.

- (09-299)**

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Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 3, Section 3-52 of the Code of the City of Peoria Pertaining to Alcoholic Beverages and the CLASS H-1 LIQUOR LICENSE to Allow the Retail Sale of Alcoholic Liquors on the Grounds of a County Fair.

Council Member Jacob said he would be abstaining from discussion 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 Turner moved to adopt an Ordinance amending Chapter 3, Section 3-52 of the Code of the City of Peoria Pertaining to Alcoholic Beverages and the Class H-1 Liquor License to allow the retail sale of alcoholic liquors on the grounds of a county fair; seconded by Council Member Montelongo.

ORDINANCE NO. 16,440 was adopted by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spears, Turner, Van Auken, Chairman Pro Tem Spain – 9;

Nays: None;

Abstentions: Jacob – 1.

(09-300) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of the Following:

**

- A. ORDINANCE Amending APPENDIX A of the Code of the City of Peoria by Removing Language Referencing the MODIFICATIONS and RESUBMISSION of a PLANNED UNIT DEVELOPMENT.**
- B. ORDINANCE Amending CHAPTER 23 of the Code of the City of Peoria Pertaining to Planning by Removing Language Referencing PLANNED UNIT DEVELOPMENT.**

Director of Planning & Growth Management Pat Landes distributed replacement ordinances for these two items.

Council Member Turner moved to adopt the replacement Ordinance amending Appendix A of the Code of the City of Peoria by removing language referencing the modifications and resubmission of a Planned Unit Development; seconded by Council Member Montelongo.

ORDINANCE NO. 16,441 was adopted by roll call vote.

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

Nays: None.

Council Member Turner moved to adopt the replacement Ordinance amending Chapter 23 of the Code of the City of Peoria pertaining to Planning by removing language referencing Planned Unit Development; seconded by Council Member Montelongo.

ORDINANCE NO. 16,442 was adopted by roll call vote.

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

Nays: None.

(09-301) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to PLANNED UNIT DEVELOPMENTS.

Director of Planning & Growth Management Pat Landes distributed a replacement ordinance for this item.

Council Member Turner moved to adopt the replacement Ordinance amending Appendix B of the Code of the City of Peoria relating to Planned Unit Developments; seconded by Council Member Montelongo.

ORDINANCE NO. 16,443 was adopted by roll call vote.

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

Nays: None.

(09-302) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to HANDICAP SIGN FEE.

Director of Planning & Growth Management Pat Landes distributed a replacement ordinance for this item.

Council Member Turner moved to adopt the replacement Ordinance amending Appendix B of the Code of the City of Peoria relating to Handicap Sign Fee; seconded by Council Member Montelongo.

ORDINANCE NO. 16,444 was adopted by roll call vote.

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

Nays: None.

(09-303) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending APPENDIX C of the Code of the City of Peoria Relating to SURFACE PARKING.

Director of Planning & Growth Management Pat Landes distributed a replacement ordinance for this item.

Council Member Van Auken said the changes proposed in this ordinance would apply to future developments and would create reuse and redevelopment, encourage mixed use developments, and eliminate reserved parking areas.

Council Member Van Auken moved to adopt the replacement Ordinance amending Appendix C of the Code of the City of Peoria relating to Surface Parking; seconded by Council Member Turner.

Council Member Sandberg moved to grant Privilege of the Floor to Conrad Stinnett.

Hearing no objections, Chairman Pro Tem Spain granted Privilege of the Floor to Conrad Stinnett to speak on this issue.

Mr. Conrad Stinnett, III, Peoria resident, expressed concern with the proposed changes to the ordinance. He said he was all for new development in the area, as it was much needed, but he said it was very easy for developers to roll out a parking lot anywhere and felt residents needed better protections built into these developments.

Council Member Sandberg expressed concern regarding neighbors directly affected by surface parking lots. He pointed out the changes to the Ordinance did not provide any safeguards for remaining residential properties. He pointed out that bad behavior did not occur within apartment complexes, but in the parking lots of these complexes. He said businesses did not care if residential neighbors left because, with the decline in property values, the developer benefited from it. He said he felt this issue needed further consideration because he was not sure it was a good thing. He said the City could not allow parking to infringe on neighbors' rights.

Motion to adopt ORDINANCE NO. 16,445 was approved by roll call vote.

Yeas: Irving, Montelongo, Riggensbach, Spears, Turner, Van Auken, Chairman Pro Tem Spain – 7;

Nays: Gulley, Jacob, Sandberg - 3.

(Clerk's Note: Council Member Sandberg originally voted "yea" on this item in error. He clarified his "nay" vote under Unfinished Business later on the agenda. No objections were heard from Council.)

(09-305) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation to Adopt an ORDINANCE

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Amending Ordinance No. 16,318, an EXISTING SPECIAL USE as Amended, in a Class C2 (Large Scale Commercial) District for a SHOPPING CENTER to Add a 3,040 SQUARE FOOT COMMERCIAL BUILDING, Request to Revise the Size of a Previously Approved Commercial Building, and Request to Reconfigure the Proposed Parking Lot for the Property Located at 8215 and 8305 N. ALLEN ROAD, with Conditions.

Council Member Sandberg expressed concern regarding all of the signage on North Allen Road. He said each project had been granted variances and it had become a visual blight. He said this was not an Ordinance that needed to be routinely adjusted. He said he would not support it.

Director of Planning & Growth Management Pat Landes clarified the recommendation outlined for approval did not approve the proposed larger signs as part of the Ordinance, but only permitted what was outlined in the Ordinance. She noted the Planning Commission did have concerns about signage and hoped, in the near future, to work with Council on this issue.

Council Member Irving moved to adopt an Ordinance amending Ordinance No. 16,318, an Existing Special Use as amended, in a Class C2 (Large Scale Commercial) District for a shopping center to add a 3,040 square foot commercial building, and revise the size of a previously approved commercial building, and request to reconfigure the proposed parking lot for the property located at 8215 and 8305 N. Allen Road, with conditions; seconded by Council Member Van Auken.

ORDINANCE NO. 16,446 was adopted by roll call vote.

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

Nays: None.

(09-311) Communication from the Interim City Manager and Director of Public Works Requesting Approval to Negotiate an EXTENSION of the RESIDENTIAL and STACKED CONDO WASTE HAULING CONTRACTS to JULY 31, 2010, and to Seek PROPOSALS for NEW CONTRACTS for These Services to be Effective AUGUST 1, 2010.

Director of Public Works Dave Barber said the current waste hauling contract expired at the end of 2009 and he wanted Council to consider an extension of the contract until mid-summer to provide adequate time to solicit new vendors. He noted, at this time, he was only requesting permission for Staff to negotiate and he asked for Council input regarding what options they would like to see in a new contract.

Council Member Van Auken said she would like to see the next service provider utilize the service alleys in the older neighborhoods for garbage pickup. She also said she would like the City to consider costs for curbside recycling. She said she felt it was important to clarify for citizens that a recycling program was not a “free” program and she said having this data would be helpful.

Director Barber noted some recycling companies were not accepting certain materials any longer due to storage concerns and there was less demand for the materials. He also noted adding recycling to the waste management contract may require some vendors to purchase different equipment to accommodate needs and even add additional trips to their routes. He also said, in regard to use of service alleys, garbage trucks caused a heavy amount of damage to alley surfaces and some did not accommodate the standard truck size which caused damage to curbing.

Council Member Van Auken said the City should consider requiring rental of the large garbage toters. She said it would add to making the City cleaner. She then suggested this was not the year to look at revisions to the existing contract with the pending budget deficit. She said it was advisable to be cautious.

Director Barber reiterated that he was asking for a recommendation from Council.

Council Member Sandberg expressed concern that the current contract had not been re-bid since 1991. He said he did not want to offer extensions because now was not the time for that. He said the City needed to find ways to save money, so he suggested including recycling costs or considering how, rather than grass clippings, recycling could be picked up at no cost instead. He reiterated he would not support an extension of the contract.

Director Barber said, in the proposal, a “tag per bag” program for lawn clippings was listed as an option. He said residents would be charged a fee per bag of lawn waste picked up at curbside, and he said he hoped this would encourage composting.

Council Member Jacob said he felt recycling was significant and worth further investigation, but he said he would not support an extension at this time because the City needed to move forward.

In discussion with Council Member Montelongo, Director Barber said his only concern about deferring this item was it would delay the bid process. He noted the contract was not merely a five page document, but extensive. He said it could limit the number of vendors that bid because of time constraints involved in upgrading equipment, etc. to accommodate the City’s contract. He further noted two weeks would not make a big difference.

Council Member Montelongo moved to defer the approval to negotiate an extension of the residential and stacked condo waste hauling contracts to July 31, 2010, and to seek proposals for new contracts for these services to be effective August 1, 2010, until the July 14, 2009, Regular City Council Meeting.

Interim City Manager Henry Holling noted it was not advisable to add this item to the July 14, 2009, agenda due to a large budget discussion that was scheduled on that date.

Council Member Montelongo revised his motion to defer this item until the July 28, 2009, Regular City Council Meeting.

In discussion with Chairman Pro Tem Spain, Director Barber reiterated he needed direction from Council at the time to move forward.

Council Member Riggerbach said he had spoken with County officials who had expressed interest in recycling and composting. He said he felt it would be worth the City's time to talk with the County on this issue.

Council Member Irving expressed concern that the City had hired a consultant and did not gain input on this issue from that person. He indicated the expense was unnecessary.

Director Barber noted one of the consultant's recommendations was to extend the current contract.

Council Member Sandberg expressed concern that citizens were not being provided with what they expected from City services because of Staff's unwillingness to move forward.

Motion was on the floor to defer this item until the July 28, 2009, Regular City Council Meeting; seconded by Council Member Turner.

Chairman Pro Tem Spain said he would support the deferral because it would give Staff time to provide recommendations based on the conversation held at this time.

Council Member Jacob said he would be supporting the deferral and he suggested approaching the contract to include all possible options and then Council could review the list and eliminate the options that were not cost-effective.

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

Yeas: Gulley, Jacob, Montelongo, Riggerbach, Spears, Turner, Van Auken, Chairman
Pro Tem Spain – 8;

Nays: Irving, Sandberg - 2.

(09-312) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ONE of the Following:

- A. **Recommendation from the Zoning Commission to Adopt ORDINANCE "A" Granting a SPECIAL USE for a CHURCH in a Class R4 (Single Family Residential) District for Property Located at 1505 W. MARTIN STREET, with Five Conditions; OR**
- B. **Recommendation from Staff to Adopt ORDINANCE "B" Granting a SPECIAL USE for a CHURCH in a Class R4 (Single Family Residential) District for the Property Located at 1505 W. MARTIN STREET, with Six Conditions.**

Council Member Gulley moved to approve Ordinance "A" granting a Special Use for a Church in a Class R4 (Single Family Residential) District from property located at 1505 W. Martin Street, with five conditions; seconded by Council Member Turner.

ORDINANCE NO. 16,447 was adopted by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spears, Turner, Van Aukun, Chairman Pro Tem Spain – 10;

Nays: None.

- (09-313) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission to DENY a Request to Rezone Property from a Class O2 (Exclusive Office Park) District to a Class O1 (Arterial Office) District for Properties Identified as Parcel Nos. 14-07-201-017, 14-07-201-020, 14-07-252-008, and 14-07-252-003, Also Known as Lots 2,3,4, and 5 in the CORNERSTONE BUSINESS PARK.**

Council Member Irving moved to defer this item until the July 14, 2009, Regular City Council Meeting, and requested that an Ordinance would be brought back to Council; seconded by Council Member Van Aukun.

Motion to defer this item until July 14, 2009, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spears, Turner, Van Aukun, Chairman Pro Tem Spain – 10;

Nays: None.

UNFINISHED BUSINESS

- (08-440) Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to DENY an ORDINANCE Rezoning Property Located at 1717 W. GLEN AVENUE from the Present Class R-3 (Single-Family Residential) District to a Class O-1 (Arterial Office) District.**

Council Member Spears moved to Table this item; seconded by Council Member Van Aukun.

Motion to Table was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spears, Turner, Van Aukun, Chairman Pro Tem Spain – 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)**

Council Member Jacob moved to Table this item; seconded by Council Member Van Aukun.

Motion to Table was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spears, Turner, Van Aukun, Chairman Pro Tem Spain – 10;

Nays: None.

- (09-245) **Communication from the Interim City Manager and Director of Workforce Development Requesting Approval of an INTERGOVERNMENTAL AGREEMENT Between the CITY OF PEORIA, PEORIA COUNTY, MARSHALL COUNTY, STARK COUNTY, and WOODFORD COUNTY, Effective JULY 1, 2009, through JUNE 30, 2012, and with REPORT BACK dated June 9, 2009, with Recommendation to Receive and File the Report Back. (Replacement Communication and Agreement)**

Hearing no objections, Chairman Pro Tem Spain granted Privilege of the Floor to Mr. Jim Fassino.

Mr. Jim Fassino, Chair of Central Illinois Workforce Board, reported back to Council that a term of three years would be built into the Intergovernmental Agreement. He said Workforce would continue to explore risk sharing by setting up a meeting between all of the entities to negotiate this, as well as continue to look into the possibility of a regional approach to providing services.

Mr. Fassino clarified that Workforce did not serve just white collar or blue collar individuals. He said they served “no collar” citizens and he gave three examples of success stories. He said the majority of those in need of their services were displaced workers due to layoffs during this economic downturn. He noted Workforce had served 4,660 people in the last twelve months, with 90 percent of those from the City of Peoria. He further noted 80 percent of employers in the Peoria area reduced their workforce in the past six months, so the need was great. He added Workforce Development brought between four and six million dollars to the City of Peoria in grant funds.

Council Member Turner moved to approve the Intergovernmental Agreement between the City of Peoria, Peoria County, Marshall County, Stark County, and Woodford County, effective July 1, 2009, through June 30, 2012, and with recommendation to receive and file the report back dated June 9, 2009; seconded by Council Member Gulley.

Council Member Spears thanked Mr. Fassino for the excellent report and expressed his appreciation for his summary of the services that Workforce provides.

In discussion with Council Member Sandberg, Interim City Manager Henry Holling clarified that the correspondence trail between the City and Workforce Development had been provided in the City Manager's Issues Update. He also clarified that services provided by Workforce were being done so by choice at a time when it was most needed. He said the City had been an active partner with Workforce over the past two decades and he felt it was an essential program.

Council Member Sandberg said, while he felt the work that Workforce Development was important and necessary, it was not a primary function of City government. He noted employees who provided services in core function could potentially be laid off and he felt another unit of local government should administer the Workforce programs.

Motion to approve the Intergovernmental Agreement was approved by roll call vote.
Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Spears, Turner, Van Auken,
Chairman Pro Tem Spain – 9;
Nays: Sandberg - 1.

- (09-251) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LIST OF PROJECTS to be Included in the CITY OF PEORIA'S APPLICATION for the ENERGY EFFICIENCY and CONSERVATION BLOCK GRANT (EECBG), as Funded by the American Recovery and Reinvestment Act of 2009, and to Provide Direction on the Concept of a REVOLVING ENERGY FUND. (Replacement Communication)**

MOTION ON THE FLOOR: To Direct Staff, Beginning in the Year 2010, Once it is Determined what Energy Savings the City had, to Set Aside these Funds Into an Energy Savings Fund.

Council Member Turner moved for a substitute motion to approve the current list of projects to be included in the City of Peoria's application for the Energy Efficiency and Conservation Block Grant (EECBG), as funded by ARRA of 2009, and to approve "option 2" regarding fixed energy savings: The list of 8 projects included 5 lighting projects and 3 heating and cooling projects. The estimated savings from the lighting projects are fairly fixed year after year. Parking decks, for example, likely use the same amount of energy for lighting each year without much change in demand. The same can generally be said for energy used by building and office lights. Wattage used is easy to calculate both before and after a project is finished. Heating and cooling projects, however, are more complex to measure due to other independent variables, especially the weather. An upgraded air handling unit would use less energy, but the savings might disappear if next summer is hotter than the previous. Here, the importance of accomplishing the project is in cost-avoidance rather than cost savings. Both have an impact on the budget, but cost avoidance savings would be more difficult to set aside; seconded by Council Member Gulley.

Council Member Turner said, in looking at all options to project savings, this option seemed to be the easiest way to project savings.

In discussion with Council Member Turner, Director of Public Works Dave Barber clarified the timeline for the projects. He noted the projects, once determined, would need to have applications submitted and approved. He said most of the work on the projects would begin next year. He added there was a deadline for dollars to be committed for projects through these grant funds.

In discussion with Council Member Spears, Special Projects Manager Chris Setti clarified the fund would be an evolving fund and each time savings was realized, it would be placed into the fund.

Council Member Turner said he felt it was important to take advantage of these Federal funds while the City had access to them and he said he was under the impression the revolving fund was a requirement of the grant.

Special Projects Manager Setti said the revolving fund was not required at this time and reminded Council it had been Staff's recommendation not to do it due to budget concerns. He said Staff gave Council this option if they chose to utilize it, so he said the specifics of it were not flushed out. He noted the grant was not a competitive grant and the administrators of the grant were willing to work with City Staff to ensure the grant was sound.

Council Member Van Auken said she felt it was important to clarify this would be a revolving energy fund, not a revolving loan fund. She said this was from where some of the confusion came. She said it was important to look to the future and find ways to obtain energy savings.

In discussion with Council Member Irving, Special Projects Manager Setti said he and Operations and Maintenance Engineer Steve Myers would be responsible for the calculation of energy savings. He added that eventually all government entities would be required to establish this kind of fund.

Council Member Spears suggested a Policy Session be held regarding calculation of energy savings. He said he felt this needed to occur prior to voting in support of this.

Council Member Gulley said he felt a Policy Session was important, but Council needed to move forward at this time.

Motion to approve the substitute motion to approve "option 2" regarding fixed energy savings and the current list of projects to be included in the City of Peoria's application for the Energy Efficiency and Conservation Block Grant (EECBG), as funded by ARRA of 2009, was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, Turner, Van Auker, Chairman Pro Tem Spain – 7;

Nays: Jacob, Sandberg, Spears - 3.

(09-260) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a NEW AGREEMENT of UNDERSTANDING for MAINTENANCE and CONSTRUCTION with the ILLINOIS DEPARTMENT OF TRANSPORTATION, Requesting Authorization for the Interim City Manager and the City Engineer to Sign the Document, and Requesting TERMINATION of the PRIOR AGREEMENT, Dated January 4, 2001, (Refer to Item No. 00-915), and SUPPLEMENTAL INFORMATION with REQUEST to DEFER to the July 28, 2009, Regular City Council Meeting.

Council Member Van Auker moved to defer this item until the July 28, 2009, Regular City Council Meeting; seconded by Council Member Turner.

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

Yeas: Gulley, Irving, Jacob, Montelongo, Riggerbach, Sandberg, Spears, Turner, Van Auker, Chairman Pro Tem Spain – 10;

Nays: None.

(09-277) Communication from the Interim City Manager and Finance Director/Comptroller Requesting INITIAL DIRECTION ON STEPS TO REDUCE THE ANTICIPATED FY2010 BUDGET DEFICIT, with REQUEST to DEFER to the July 14, 2009, Regular City Council Meeting.

Council Member Van Auker moved to defer this item until the July 14, 2009, Regular City Council Meeting; seconded by Council Member Montelongo.

Motion to defer this item until July 14, 2009, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggerbach, Sandberg, Spears, Turner, Van Auker, Chairman Pro Tem Spain – 10;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – TOWN OF THE CITY OF PEORIA**(09-314) Communication from the Town Clerk Regarding the ANNUAL TOWN FINANCIAL REPORT (APRIL 1, 2008, to MARCH 31, 2009) for the Town of the City of Peoria, with Recommendation to Receive and File.**

Trustee Irving moved to receive and file the Annual Town Financial Report (April 1, 2009, to March 31, 2009) for the Town of the City of Peoria; seconded by Trustee Van Auken.

Approved by roll call vote.

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

Nays: None.

NEW BUSINESS**ANNOUNCEMENT REGARDING PEORIA MUNICIPAL BAND**

Council Member Van Auken reminded Council of the Wednesday night performances of the Peoria Municipal Band at 7:30 P.M., at Glen Oak Park. She said another opportunity to see them perform would be on Friday, June 26, 2009, at 7:00 P.M., at St. Philomena's Church right off of Albany Street. She added the concert was free.

ANNOUNCEMENT REGARDING CROWD CONTROL AT FESTIVALS AROUND THE CITY OF PEORIA

Council Member Riggerbach welcomed Police Chief Steve Settingsgaard back from his training. He said he had been at a number of Neighborhood Association meetings and citizens had raised concerns regarding crowd control at upcoming events. He asked Chief Settingsgaard to report to Council what his staff plans, were to do to handle the large crowds for the July 3, 2009, event at Glen Oak Park.

Chief Steve Settingsgaard said they were holding joint meetings with the Peoria Park District to discuss traffic control plans and parking alternatives. He said the Peoria Police Department had over twenty officers assigned. He said, in addition, 18 Park District officers and two of their horse patrol would assist with crowd control.

(09-315) REQUEST FOR REPORT BACK REGARDING STATUS OF REGISTRATION OF RENTAL PROPERTIES

Council Member Jacob requested a report back from Staff regarding the progress of the registration of rental properties.

In discussion with Council Member Jacob, Director of Inspections John Kunki agreed to provide the requested information to Council at the July 28, 2009, Regular City Council Meeting.

(09-316) REQUEST FOR REPORT BACK REGARDING STATUS OF ON-LINE REGISTRATION OF RENTAL PROPERTIES

Council Member Jacob requested a report back from Information Technology Staff regarding the status of the on-line registration process for rental properties.

ANNOUNCEMENT REGARDING VISITORS FROM CLONMEL, IRELAND

Council Member Spears reminded Council and citizens there would be 100 visitors from Peoria's Sister City, Clonmel, Ireland, in Peoria during the July 4th weekend. He said their band would perform at Glen Oak Park on Friday, July 3, 2009; in the West Peoria Parade on Saturday, July 4, 2009; and at Shea Stadium on Sunday, July 5, 2009. He said Sunday's performance at Shea Stadium would be the best opportunity to see them perform and he encouraged everyone to do so. He noted that members of the band were of high school and college age, from 13 to 21 years old.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(09-317) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding Various Items**

Hearing no objections, Chairman Pro Tem Spain granted Privilege of the Floor to those citizens wishing to address the City Council.

Pastor Harvey Burnett, member of Peoria Pastors' Association, expressed concern regarding the proposed idea for Peoria to become a pilot program for concealed-carry legalization.

Mr. Savino Sierra, resident of Peoria, said he was opposed to the concealed-carry law and noted he was happy with the trash pick up service now in place. He requested diversification when filling vacancies on the City's commissions.

Alethea Martin, resident of South Side Mission, expressed concern that even though she had completed training and had received certification to do specific construction and safety jobs, doors were being closed to her because many jobs were offered to contractors who were not local. She said she received her education in Peoria and she wanted to work in Peoria, but was not able to get any answers.

Chairman Pro Tem Spain recommended Ms. Martin stay after the City Council Meeting so that Staff could assist her in getting her questions answered.

Kassy Killey, resident of Peoria, suggested other ways to revisit the recycling issue such as offering incentives to citizens who recycled.

EXECUTIVE SESSION

It was determined an Executive Session was not needed.

ADJOURNMENT

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

Approved by viva voce vote.

The Joint City Council Meeting adjourned at 8:50 P.M.

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