

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

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

ROLL CALL

Roll call showed the following Council Members were physically present: Gulley, Irving, Jacob, Riggerbach, Sandberg, Spain, Spears, Van Auker (left at 9:45 P.M.), Chairman Pro Tem Montelongo – 9. Absent: Turner, Mayor Ardis - 2.

INVOCATION & PLEDGE OF ALLEGIANCE

Chairman Pro Tem Montelongo requested a moment of silent prayer or silent reflection, and then he led the Pledge of Allegiance.

MINUTES

Council Member Spain moved to approve the minutes of the July 14, 2009, City Council Meeting and the minutes of the July 22, 2009, Special City Council Meeting, as printed; seconded by Council Member Jacob.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggerbach, Sandberg, Spain, Spears, Van Auker,
Chairman Pro Tem Montelongo – 9;

Nays: None.

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

- (09-347) Communication from the Interim City Manager and Assistant Chief of Police Requesting Approval of the **SOLE SOURCE PURCHASE** of a **TACTICAL OPERATIONS CENTER TRUCK** from LDV, INC., with Funds of \$230,000.00 from the Justice Assistance Grant, and \$1,615.00 from the Asset Forfeiture Account, for a Total Amount of \$231,615.00, as Outlined.
- (09-348) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the **FINAL PAY REQUEST**, in the Amount of \$56,542.21, in the Contract with **ILLINOIS CIVIL CONTRACTORS, INC.**, for the **WATER and EATON STREETS RECONSTRUCTION** (Hamilton Blvd. to Washington Street), Which is \$2,065.90 or .15% Over the Amended Contract Amount of \$1,336,213.00.
- (09-349) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the **FINAL PAY ESTIMATE**, in the Amount of \$7,983.89 to **ADVANCED ELECTRIC, INC.**, for the **CONSTRUCTION COST of TRAFFIC SIGNALS** at the **INTERSECTION of ALLEN ROAD and CARRIAGE LANE**, Which is \$5,729.74 or 3.72% Over the Contract Amount of \$153,994.18. (Refer to 08-021)
- (09-350) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to **REALLOCATE \$186,163.00 in CDBG FUNDS** from the Special Assessment Assistance Program to the **GLEN OAK SIDEWALK PROGRAM (\$90,000.00)**, and the **GRISWOLD SIDEWALK PROGRAM (\$96,163.00)**.
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- (09-351) Communication from the Interim City Manager and Director of Public Works Requesting to REALLOCATE FUNDING BALANCES from the Lincoln Avenue Sidewalk Project, the Lake Avenue Sidewalk Project, and the Sheridan and Lake Sidewalk and Intersection Project to the Public Property Drainage Fund for the UNFUNDED PRIORITY DRAINAGE RELATED IMPROVEMENT PROJECTS, as Outlined.
- (09-352) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to EXTEND the AGREEMENT with PCCEO for HOME IMPROVEMENT PROGRAM SERVICES until JUNE 30, 2010.
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- (09-353) Communication from the Interim City Manager and Corporation Counsel Requesting Authorization for the City Manager to Execute an AGREEMENT with COMCAST to EXTEND the CURRENT CABLE FRANCHISE AGREEMENT Until AUGUST 31, 2009. (Refer to Item No. 09-111)
- (09-354) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a SOLE SOURCE CONTRACT with AECOM USA, INC., in an Amount Not to Exceed \$127,471.00, to Provide DESIGN SERVICES to RECONSTRUCT WATER STREET from Liberty Street to Hamilton Boulevard.

- (09-355) Communication from the Interim City Manager and Interim Director of Human Resources Requesting Authorization for the City Manager to Execute the COLLECTIVE BARGAINING AGREEMENT Negotiated Between the City of Peoria and the FIVE LABOR UNIONS that Comprise the MULTI-UNION AGREEMENT, TEAMSTERS LOCAL 627, LABORERS LOCAL 165, CARPENTERS LOCAL 183, PAINTERS LOCAL 157, and STEAMFITTERS LOCAL 353, Covering the Period from December 1, 2008, through November 30, 2013.

- (09-356) Communication from the Interim City Manager and Interim Director of Human Resources Requesting Authorization to Execute a CONTRACT with RESOURCE MANAGEMENT ASSOCIATES (RMA), in the Amount of \$41,520.00, to Administer the FIRE BATTALION CHIEF PROMOTIONAL EXAMINATION.
- (09-357) Communication from the Interim City Manager and Director of Public Works Requesting to Receive and File Information Regarding EMERGENCY STORM SEWER and ROADWAY REPAIRS in the 3700 Block of N. NORTH STREET Under the Time and Materials Contract with WIEGAND & STORRER, INC., in an Amount Not to Exceed \$50,000.00.
- (09-358) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the PEORIA/PEKIN URBANIZED AREA TRANSPORTATION STUDY (PPUATS) FISCAL YEAR 2010 AGREEMENT and Approval of the MFT RESOLUTION NO. 09-358, in the Amount of \$40,689.46.

- (09-359) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the FARGO RUN TRUNK SEWER SEGMENT 13-15 AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the Construction of a SEWER in the Fargo Run Phase 3 Service Areas and Requesting Authorization for the City Manager to Execute the Necessary Documents. (Refer to 00-573)
- (09-360) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOCAL AGENCY AGREEMENT with the Illinois Department of Transportation for Federal Participation with STIMULUS FUNDS for the UNIVERSITY STREET, from Nebraska Avenue to West Forrest Hill Avenue, OVERLAY IMPROVEMENT PROJECT.

- (09-361) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOCAL AGENCY AGREEMENT with the Illinois Department of Transportation for Federal Participation for STIMULUS FUNDS, in the Amount of \$1,939,728.00 for Right-of-Way, Construction, and Construction Engineering for the NORTHMOOR ROAD STAGE 3 PROJECT. (Refer to Item Nos. 05-609 & 09-153)

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- (09-362) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to AMEND the AGREEMENT with the PEORIA CITY/COUNTY HEALTH DEPARTMENT Related to LEAD HAZARD CONTROL ACTIVITIES in Order to Increase the Per Property City Investment.
- (09-363) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Approval of RESOLUTION NO. 09-363 Adopting a RESIDENTIAL ANTI- DISPLACEMENT and RELOCATION POLICY.
- (09-364) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,450 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2009 Relating to the FY '09 RECOVERY ACT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, in the Amount of \$779,744.00.
- (09-365) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,451 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2009 Relating to the PETSMART DONATION, FIRE PREVENTION DONATION, EAST BLUFF REBOUND BASKETBALL TEAM GIFT, and POLICE OVERTIME REIMBURSEMENT.
- (09-366) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,452 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2009 Relating to the LIBRARY GRANTS, GIFTS and MEMORIALS, in the Amount of \$44,468.00.
- (09-367) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending Ordinance No. 16,142 Pertaining to COUNCIL RULES.

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- (09-368) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,453 Amending CHAPTER 2, SECTION 2-48 of the Code of the City of Peoria Pertaining to ORDER OF BUSINESS AT MEETINGS.
- (09-369) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,454 Amending CHAPTER 18, SECTIONS 18-356 AND 18-357, of the Code of the City of Peoria Pertaining to RESTRICTIONS for PEDDLERS.

Clerk's note: See page 29027 for further comments.

- (09-370) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of an ORDINANCE VACATING ALL of the ALLEY Along the East Property Line of LOT 8 in LIZETTA PLACE SUBDIVISION, Lying West of Wisconsin Avenue and South of Willcox Avenue.

- (09-371) Communication from the Interim City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,455 Amending Ordinance No. 16,298 Providing for the IMPROVEMENT of QUEENS COURT ROAD and PICCADILLY PLACE to ADD 7307, 7313, and 7317-7319 N. OXFORD PLACE and 1806 W. KINGSWAY DRIVE SIDEWALK IMPROVEMENTS to the Special Assessment Project, in the Amount of \$40,000.00.
- (09-372) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,456 Amending Ordinance No. 16,031, a SPECIAL USE as Amended, in a Class R3 (Single Family Residential) District for a RESIDENTIAL CLUSTER DEVELOPMENT to Reduce the Required 25-Foot Perimeter Setback to 19 Feet Along the Southern Property Line for the Property Identified as Parcel ID Nos. 14-18-176-018 and 14-18-176-019, with an Address of 6100-6107 N. MANDALAY DRIVE.
- (09-373) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Granting a SPECIAL USE, Which Amends a Previous Use With Approval in a Class C1 (General Commercial) District for a CONVENIENCE STORE/GAS STATION and RETAIL BUILDING for the Property Identified as Parcel ID Nos. 14-07-329-003, 14-07-329-004, and 14-07-329-005, with an Address of 7205 -7225 N. ALLEN ROAD, with Conditions.

- (09-374) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,457 Approving the FINAL PLAN of HARRISON HOMES PLANNED UNIT DEVELOPMENT PHASE 2, a Special Use Ordinance No. 16,425, for a PLANNED UNIT DEVELOPMENT for 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 and 2503-2603 W. SEIBOLD STREET, with Conditions.

- (09-375) Communication from the Interim City Manager and Corporation Counsel

Requesting Approval of the APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at ONE ALOHA LANE for a FUNDRAISER for PEORIA FRIENDSHIP HOUSE on AUGUST 20, 2009.
- (09-376) Communication from the Interim City Manager and Corporation Counsel

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Requesting Approval of the SITE APPLICATION for a CLASS B (Restaurant, Full Service Bar) LIQUOR LICENSE at 3113 DRIES LANE, with the Liquor Commission Recommendation to Approve.
- (09-377) Communication from the Interim City Manager and Corporation Counsel

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Requesting Approval of the SITE APPLICATION for a CLASS B (Restaurant, Full Service Bar) LIQUOR LICENSE, with a SUBCLASS 3A (Sidewalk Cafe) at 1210 W. GLEN AVENUE, with the Liquor Commission Recommendation to Approve.
- (09-378) APPOINTMENT by Mayor Jim Ardis to the MUNICIPAL BAND COMMISSION, with Request to Concur:

Mary Barthel (Voting) - Term Expires 6/30/2012
- (09-379) APPOINTMENT by Mayor Jim Ardis to the SPRINGDALE CEMETERY MANAGEMENT AUTHORITY, with Request to Concur:

Dr. George J. Kottelman (Voting) - Term Expires 6/30/2013
- (09-380) REAPPOINTMENTS by Mayor Jim Ardis to the ZONING BOARD OF APPEALS, with Request to Concur:

Edward J. Barry, Jr. (Voting) - Term Expires 6/30/2011
Frank Ierulli (Voting) - Term Expires 6/30/2012
Ernestine Jackson(Voting) - Term Expires 6/30/2012
Charles E. Weaver (Voting) - Term Expires 6/30/2011
- (09-381) REPORT of CITY TREASURER PATRICK A. NICHTING for the Month of MAY, 2009, with Request to Receive and File.
- (09-382) TOWN OF THE CITY OF PEORIA FINANCIAL REPORT for the Period Ending JUNE 30, 2009, with Recommendation to Receive and File.
- (09-383) Communication from the Interim City Manager and Director of Inspections

Requesting to Receive and File the REPORT BACK Regarding CHAPTER 4 of the Code of the City of Peoria Relating to ANIMALS and a RESTRAINT REQUIREMENT. (Refer to 09-200)
- (09-384) Communication from the Interim City Manager and Information Systems Director

Requesting to Receive and File the REPORT BACK on the STATUS of ON-LINE REGISTRATION of RENTAL PROPERTIES. (Refer to 09-316)
- (09-385) Communication from the Interim City Manager and Director of Inspections

Requesting to Receive and File the REPORT on the RENTAL REGISTRATION PROGRAM. (Refer to 09-315)

(09-386) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Receive and File the 2009 MONEY SMART WEEK ILLINOIS REPORT. (Refer to 09-073)

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

Council Member Jacob requested Item Nos. 09-360, 09-367, 09-370, 09-373, 09-375, 09-376, 09-377, 09-384, and 09-385 be removed from the Consent Agenda for further discussion.

Council Member Van Auken requested Item No. 09-383 be removed from the Consent Agenda for further discussion.

Council Member Irving requested Item Nos. 09-361 and 09-373 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item No. 09-354 be removed from the Consent Agenda for further discussion.

Council Member Spain requested Item Nos. 09-350 and 09-355 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested Item No. 09-352 be removed from the Consent Agenda for further discussion.

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

Items No. 09-347 through 09-386 (excluding Items No. 09-350, 09-352, 09-354, 09-355, 09-360, 09-361, 09-367, 09-370, 09-373, 09-375, 09-376, 09-377, 09-383, 09-384, and 09-385, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

(09-350) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to REALLOCATE \$186,163.00 in CDBG FUNDS from the Special Assessment Assistance Program to the GLEN OAK SIDEWALK PROGRAM (\$90,000.00), and the GRISWOLD SIDEWALK PROGRAM (\$96,163.00).

Council Member Spain expressed concern regarding the cancellation of the Special Assessment Assistance Programs, even though there was not a large demand at this time. He noted it was acceptable to reallocate the funds, if there were an excessive amount, but he reiterated the importance of the program.

Director of Planning and Growth Management Pat Landes reported only four percent of those eligible had utilized the funding and there was a timeline established to redirect funds so it was invested in the community in a timely fashion or it had to be returned to HUD.

Council Member Spain moved to reallocate \$186,163.00 in CDBG Funds from the Special Assessment Assistance Program to the Glen Oak Sidewalk Program (\$90,000.00), and the Griswold Sidewalk Program (\$96,163.00); seconded by Council Member Gulley.

After further clarification from Staff, Council Member Spain amended his motion to approve the reallocation of \$186,163.00 in CDBG Funds from the Special Assessment Assistance Program to the Glen Oak Sidewalk Program (\$90,000.00), and the Griswold Sidewalk Program (\$96,163.00), with the stipulation the funds be reallocated in next year's budget; seconded by Council Member Sandberg.

Approved by roll call vote.

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

Nays: None.

**(09-352) Communication from the Interim City Manager and Director of Planning and
** Growth Management Requesting to EXTEND the AGREEMENT with PCCEO
 for HOME IMPROVEMENT PROGRAM SERVICES until JUNE 30, 2010.**

Council Member Gulley said he would be abstaining from discussion and voting on this item due to his membership on the PCCEO Board.

Council Member Jacob moved to extend the agreement with PCCEO for Home Improvement Program Services until June 30, 2010; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None;

Abstentions: Gulley – 1.

**(09-354) Communication from the Interim City Manager and Director of Public
*** Works Requesting Approval of a SOLE SOURCE CONTRACT with AECOM
 USA, INC., in an Amount Not to Exceed \$127,471.00, to Provide DESIGN
 SERVICES to RECONSTRUCT WATER STREET from Liberty Street to
 Hamilton Boulevard.**

Council Member Sandberg expressed concern regarding the clarity of the request. He said it appeared some charges in the proposal were due to a change in the block plan. He said Council owed it to taxpayers to gather other proposals, as this bid seemed to be at the high end of costs. He said he felt it was not fiscally prudent to support this contract.

In discussion with Council Member Gulley, Public Works Director Dave Barber said the City had been working with the Museum in an effort to move their project forward. He said, due to recent flooding concerns on Water Street, it was important to look at the elevations in the area. He said FEMA was looking at regulations differently since the Hurricane Katrina flooding, and he said it was important to get the project under contract prior to any changes being made. He said AECOM already had the preliminary surveying information, which could save the City some money in the long run.

Council Member Gulley moved to approve a Sole Source Contract with AECOM USA, INC., in an amount not to exceed \$127,471.00, to provide Design Services to Reconstruct Water Street from Liberty Street to Hamilton Boulevard; seconded by Council Member Van Auken.

In discussion with Council Member Spears, Director Barber confirmed all preliminary survey information was part of public documentation, but he said engineering information was not yet available.

Council Member Sandberg expressed concern that the proposal only addressed the timelines and did not address Sole Source or cost. He said Council needed to reexamine the issue. He noted the City did not have a contract with the Museum.

In discussion with Council Member Van Auken, Director Barber said new regulations could further delay the project and increase the cost.

Motion to approve the Sole Source Contract with AECOM USA, INC., in an amount not to exceed \$127,471.00, to provide Design Services to Reconstruct Water Street from Liberty Street to Hamilton Boulevard was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Spain, Van Auken, Chairman Pro Tem Montelongo – 6;

Nays: Rigenbach, Sandberg, Spears – 3.

(09-355)

Communication from the Interim City Manager and Interim Director of Human Resources Requesting Authorization for the City Manager to Execute the COLLECTIVE BARGAINING AGREEMENT Negotiated Between the City of Peoria and the FIVE LABOR UNIONS that Comprise the MULTI-UNION AGREEMENT, TEAMSTERS LOCAL 627, LABORERS LOCAL 165, CARPENTERS LOCAL 183, PAINTERS LOCAL 157, and STEAMFITTERS LOCAL 353, Covering the Period from December 1, 2008, through November 30, 2013.

In discussion with Council Member Spain, Interim City Manager Henry Holling reported Staff had been holding informal meetings with the different labor unions in a good faith effort to bargain. He said the approval of the agreement would be with the understanding that wages and benefits could be renegotiated.

Council Member Spain moved for the City Manager to execute the Collective Bargaining Agreement negotiated between the City of Peoria and the five labor unions that comprise the Multi-Union Agreement, Teamsters Local 627, Laborers Local 165, Carpenters Local 183, painters Local 157, and Steamfitters Local 353, covering the period from December 1, 2009, through November 30, 2013, with the condition that these labor unions agree to bargain in good faith to renegotiate wages and benefits; seconded by Council Member Irving.

Approved by roll call vote.

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

Nays: None.

(09-360)

Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOCAL AGENCY AGREEMENT with the Illinois Department of Transportation for Federal Participation with STIMULUS FUNDS for the UNIVERSITY STREET, from Nebraska Avenue to West Forrest Hill Avenue, OVERLAY IMPROVEMENT PROJECT.

Public Works Director Dave Barber distributed a replacement page 1 of the agreement to members of City Council.

Council Member Jacob moved to approve the Local Agency Agreement, as amended, with the Illinois Department of Transportation for Federal Participation with Stimulus Funds for the University Street, from Nebraska Avenue to West Forrest Hill Avenue, Overlay Improvement Project; seconded by Council Member Spain.

Approved, as amended, by roll call vote.

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

Nays: None.

**(09-361) Communication from the Interim City Manager and Director of Public
***** Works Requesting Approval of the LOCAL AGENCY AGREEMENT with the
* Illinois Department of Transportation for Federal Participation for
STIMULUS FUNDS, in the Amount of \$1,939,728.00 for Right-of-Way,
Construction, and Construction Engineering for the NORTHMOOR ROAD
STAGE 3 PROJECT. (Refer to Item Nos. 05-609 & 09-153)**

Council Member Irving moved to defer this item until the August 11, 2009, City Council Meeting; seconded by Council Member Van Auken.

Council Member Sandberg requested a description of the profile of the project when it came back to Council in August.

Motion to defer this item until the August 11, 2009, City Council Meeting, with a description of the profile of the project to be given to Council at that time was approved by roll call vote.

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

Nays: None.

**(09-367) Communication from the Interim City Manager and Corporation Counsel
***** Requesting Adoption of an ORDINANCE Amending Ordinance No. 16,142
** Pertaining to COUNCIL RULES.**

In discussion with Council Member Jacob, Corporation Counsel Randy Ray clarified the Ordinance was a result of legal opinions filed by the Attorney General's Office. He noted reports back requested by Council Members had to be placed on the next Council Agenda.

Council Member Jacob moved to approve the Ordinance amending Ordinance No. 16,142 pertaining to Council Rules; seconded by Council Member Spain.

ORDINANCE NO. 16,458 amending Ordinance No. 16,142 was adopted by roll call vote.

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

Nays: None.

**(09-370) Communication from the Interim City Manager and Director of Public
***** Works Requesting Adoption of an ORDINANCE VACATING ALL of the
*** ALLEY Along the East Property Line of LOT 8 in LIZETTA PLACE
SUBDIVISION, Lying West of Wisconsin Avenue and South of Willcox
Avenue.**

Public Works Director Dave Barber distributed a replacement page 1 of the proposed Ordinance to members of City Council.

Council Member Jacob moved to approve the adoption of an Ordinance, as amended, vacating all of the alley along the East property line of Lot 8 in Lizetta Place Subdivision, lying West of Wisconsin Avenue and South of Willcox Avenue; seconded by Council Member Spain.

ORDINANCE NO. 16,459, as amended, was adopted by roll call vote.

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

Nays: None.

**(09-373) Communication from the Interim City Manager and Director of Planning and
***** Growth Management Requesting Adoption of an ORDINANCE Granting a
**** SPECIAL USE, Which Amends a Previous Use With Approval in a Class C1
(General Commercial) District for a CONVENIENCE STORE/GAS STATION
and RETAIL BUILDING for the Property Identified as Parcel ID Nos.14-07-
329-003, 14-07-329-004, and 14-07-329-005, with an Address of 7205 -7225
N. ALLEN ROAD, with Conditions.**

Council Member Irving moved to approve the adoption of an Ordinance Granting a Special Use, which amends a previous use with approval in a Class C1 (General Commercial) District for a Convenience Store/Gas Station and Retail Building for the Property identified as Parcel ID Nos. 14-07-329-003, 14-07-329-004, and 14-07-329-005, with an address of 7205-7225 N. Allen Road, with conditions, as amended to include the revision of condition #1 to read, "Fence along south and west property line must be repaired and straightened. Upon construction of the convenience store, a new 6-foot tall privacy fence must be constructed on the perimeter of the property;" seconded by Council Member Sandberg.

Council Member Irving thanked the Hucks owner for his decision to reconstruct his business and for his cooperation with neighbors in the area.

In discussion with Council Member Sandberg, Planning and Growth Management Director Landes confirmed the 100% waiver was granted because the owners were improving the existing structure and not the small building to the West and the improvement created a buffer yard.

Council Member Sandberg expressed concern because the use of a fence that was subject to deterioration could be problematic in the future. He said building quality buffer walls to cooperate with neighborhoods and buffer traffic was essential.

Motion to adopt ORDINANCE NO. 16,460 Granting a Special Use, which amends a previous use with approval in a Class C1 (General Commercial) District for a Convenience Store/Gas Station and Retail Building for the Property identified as Parcel ID Nos. 14-07-329-003, 14-07-329-004, and 14-07-329-005, with an address of 7205-7225 N. Allen Road, with conditions, as amended to include the revision of condition #1 to read, "Fence along south and west property line must be repaired and straightened. Upon construction of the convenience store, a new 6-foot tall privacy fence must be constructed on the perimeter of the property" was approved by roll call vote.

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

Nays: Sandberg - 1.

**(09-375) Communication from the Interim City Manager and Corporation Counsel
***** Requesting Approval of the APPLICATION for a CLASS H (Temporary
***** Outdoor) LIQUOR LICENSE at ONE ALOHA LANE for a FUNDRAISER for
PEORIA FRIENDSHIP HOUSE on AUGUST 20, 2009.**

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 Spain moved to approve the application for a Class H (Temporary Outdoor) Liquor License at One Aloha Lane for a Fundraiser for Peoria Friendship House on August 20, 2009; seconded by Council Member Gulley.

Motion was approved by roll call vote.

Yeas: Gulley, Irving, Riggensbach, Sandberg, Spain, Spears, Van Auken,
Chairman Pro Tem Montelongo – 8;

Nays: None;

Abstentions: Jacob – 1.

**(09-376) Communication from the Interim City Manager and Corporation Counsel
***** Requesting Approval of the SITE APPLICATION for a CLASS B (Restaurant,
***** Full Service Bar) LIQUOR LICENSE at 3113 DRIES LANE, with the Liquor
* Commission Recommendation to Approve.**

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 Spain moved to approve the Site Application for a Class B (Restaurant, Full Service Bar) Liquor License at 3113 Dries Lane; seconded by Council Member Gulley.

Motion was approved by roll call vote.

Yeas: Gulley, Irving, Riggensbach, Sandberg, Spain, Spears, Van Auken,
Chairman Pro Tem Montelongo – 8;

Nays: None;

Abstentions: Jacob – 1.

**(09-377) Communication from the Interim City Manager and Corporation Counsel
***** Requesting Approval of the SITE APPLICATION for a CLASS B (Restaurant,
***** Full Service Bar) LIQUOR LICENSE, with a SUBCLASS 3A (Sidewalk Cafe)
** at 1210 W. GLEN AVENUE, with the Liquor Commission Recommendation
to Approve.**

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 Spain moved to approve the Site Application for a Class B (Restaurant, Full Service Bar) Liquor License, with a Subclass 3A (Sidewalk Café) at 1210 W. Glen Avenue; seconded by Council Member Gulley.

Motion was approved by roll call vote.

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

Nays: None;

Abstentions: Jacob – 1.

**(09-383) Communication from the Interim City Manager and Director of Inspections
***** Requesting to Receive and File the REPORT BACK Regarding CHAPTER 4
***** of the Code of the City of Peoria Relating to ANIMALS and a RESTRAINT
*** REQUIREMENT. (Refer to 09-200)**

Council Member Van Auken moved to receive and file the report back regarding Chapter 4 of the Code of the City of Peoria relating to Animals and a Restraint Requirement; seconded by Council Member Sandberg.

Council Member Van Auken said PAWS Director Lauren Malmberg conducted extensive research into establishing an Ordinance to enforce restraint of animals on private property and her findings concluded it would be an inconvenience to responsible pet owners. She said the established zoning in many neighborhoods would not allow for kennels or fencing to be constructed and would force some responsible owners to give up their pets or force them to keep their pets tethered. She said she could not support changes to the current Ordinance.

Motion to receive and file the report back regarding Chapter 4 of the Code of the City of Peoria relating to Animals and a Restraint Requirement was approved by roll call vote.

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

Nays: None.

**(09-384) Communication from the Interim City Manager and Information Systems
***** Director Requesting to Receive and File the REPORT BACK on the STATUS
***** of ON-LINE REGISTRATION of RENTAL PROPERTIES. (Refer to 09-316)

Council Member Jacob reported the City had worked to get an accurate database of rental properties as part of a new initiative.

Inspections Director John Kunski said landlords were allowed to register their properties annually for a fee. He said on July 7, 2009, Staff mailed landlords notices, from a current list, reminding them to register their properties as soon as possible and, within the week, an additional 200 plus properties were registered. He encouraged property owners to call Inspections or Code Enforcement if they had any questions.

Council Member Jacob moved to receive and file the report back on the status of On-Line Registration of Rental Properties; seconded by Council Member Sandberg.

Motion was approved by roll call vote.

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

Nays: None.

**(09-385) Communication from the Interim City Manager and Director of Inspections
***** Requesting to Receive and File the REPORT on the RENTAL
***** REGISTRATION PROGRAM. (Refer to 09-315)

Council Member Jacob moved to receive and file the report back on the status of Registration of Rental Properties; seconded by Council Member Sandberg.

Motion was approved by roll call vote.

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

Nays: None.

- (09-387) Communication from the Interim City Manager and Interim Director of Human Resources Requesting Authorization to Enter Into a RENEWAL AGREEMENT for LOSS CONTROL SERVICES with BICKMORE RISK SERVICES, in an Amount Not to Exceed \$66,000.00 for the Second Year of a Three Year Agreement.**

Council Member Van Auken moved to authorize Staff to enter into a Renewal Agreement for Loss Control Services with Bickmore Risk Services, in an amount not to exceed \$66,000.00 for the second year of a three year agreement; seconded by Council Member Spain.

Motion was approved by roll call vote.

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

Nays: None.

- (09-388) Communication from the Interim City Manager and Interim Director of Human Resources Requesting Approval to EXERCISE the OPTION to RENEW the CONTRACT for HEALTH CARE CONSULTING SERVICES with GALLAGHER BENEFIT SERVICES, INC., for ONE YEAR for CONSULTING to the Joint Labor/Management Health Care Committee (LMHCC) and the City Council, at a Cost Not to Exceed \$96,000.00 ***

Council Member Van Auken moved to exercise the option to renew the contract for Health Care Consulting Services with Gallagher Benefit Services, Inc., for one year for Consulting to the Joint Labor/Management Health Care Committee (LMHCC) and the City Council, at a cost not to exceed the amended amount of \$96,000.00*; seconded by Council Member Spain.

*A new communication was distributed to members of City Council reflecting an amended cost limit of \$96,000.00.

Motion, as amended, was approved by roll call vote.

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

Nays: None.

- (09-389) Communication from the Interim City Manager and Director of Public Works Requesting Approval to DEVELOP a REQUEST FOR PROPOSALS for GARBAGE HAULING, RECYCLABLES COLLECTION and LANDSCAPE WASTE COLLECTION SERVICES for ONE to FOUR FAMILY RESIDENTIAL UNITS, and for GARBAGE, RECYCLABLES and LANDSCAPE WASTE COLLECTION for CITY BUILDINGS and STACKED CONDOMINIUM BUILDINGS of FIVE or MORE UNITS with a CONTRACT IMPLEMENTATION DATE of JANUARY 1, 2010. (Refer to 09-311)**

A citizen distributed a communication regarding "Pay as You Throw" programs offered in other cities to members of the City Council.

Public Works Director Barber noted he was requesting permission to develop requests for proposals for Garbage Services for the City and he briefly provided an overview of the alternatives listed.

Council Member Van Auken moved to approve Staff development of a Request for Proposals for Garbage Hauling, Recyclables Collection and Landscape Waste Collection Services for One to Four Family Residential Units, and for Garbage, Recyclables and Landscape Waste Collection for City Buildings and Stacked Condominium Buildings of Five or More Units with a contract implementation date of January 1, 2010; seconded by Council Member Gulley.

Council Member Van Auken noted she would not agree to any "curbside only" pick-up agreements. She said, in the older Peoria neighborhoods, alleys had been required to accommodate utility services due to the densely populated areas, which often contained bumper to bumper parking. She expressed concern that ignoring the use of these service alleys, as well as the maintenance of them, could make it difficult for property owners to utilize the back side of their properties. She noted some properties were only accessible from the alley.

Council Member Spain said he appreciated the options for the City. He noted that numerous citizens were demanding recycling services and the budget issues were not an excuse to ignore their requests. He encouraged the City to be supportive of a recycling plan and he stressed the importance of defining the relationship between garbage, lawn waste, and recycling in the proposal.

Director Barber noted the more a household recycled, the less garbage there would be each week.

In discussion with Council Member Sandberg, Director Barber clarified some of the alternatives listed in the proposal. He said during leaf season, the City would allow residents to bag their leaves without additional charge. He said Christmas trees would be picked up separately. He also noted one alternative that could be considered would be alternating weeks that yard waste and recycling were picked up, although he thought this could create a problem if using the same trucks to haul both items due to the odor and decomposition of yard waste. He added the City could also review a pick up schedule that would reverse the current one.

In discussion with Council Member Riggerbach, Director Barber said the timeframe established for the RFP's would allow competitive bids, but it could delay service delivery.

Council Member Gulley said he felt it was important to keep the option of providing dumpsters to neighborhood associations for special events.

Council Member Sandberg moved to amend the motion as outlined and add bi-weekly pick up for landscape waste as an option; seconded by Council Member Riggerbach.

Amendment was approved by roll call vote.

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

Nays: None.

Motion to approve Staff development of a Request for Proposals for Garbage Hauling, Recyclables Collection and Landscape Waste Collection Services for One to Four Family Residential Units, and for Garbage, Recyclables and Landscape Waste Collection for City Buildings and Stacked Condominium Buildings of Five or More Units with a contract implementation date of January 1, 2010, as amended, with addition of bi-weekly pick up for landscape waste as an option, was approved by roll call vote.

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

Nays: None.

(09-390) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting the Following:

- A. Receive and File the PROGRESS REPORT for the GLEN OAK SCHOOL NEIGHBORHOOD IMPACT ZONE as Required by Ordinance No. 16,273;**
- B. Request to Adopt an ORDINANCE Amending Ordinance No. 16,273 Creating the GLEN OAK SCHOOL NEIGHBORHOOD IMPACT ZONE, Changing the Progress Reports to be Semi-Annual.**

Council Member Riggerbach moved to receive and file the Progress Report for the Glen Oak School Neighborhood Impact Zone as requested by Ordinance No. 16,273; seconded by Council Member Van Auken.

In discussion with Council Member Sandberg, Planning and Growth Management Director Landes agreed to provide specifics as to the status of the infrastructure design of the Glen Oak School Neighborhood Impact Zone.

In further discussion with Council Member Sandberg, Public Works Director Barber reported the Staff had met with a consultant this week and were working with him to get the design plans ready by the end of the year. He said a Public Hearing to present construction drawings would be held in late August of 2009. He said the goal for opening the school was August of 2010.

Council Member Sandberg expressed concern that the consultant had not been pro-active in addressing the problem with the traffic pattern diversion and he said he felt it would adversely affect the residents' quality of life in this area.

Council Member Gulley noted the plan had addressed only fixing the condition of the streets, but not fixing the problem of the traffic patterns. He suggested increasing the scope of the area in order to solve the problem.

Director Barber said, if the Council wanted to request a Traffic Study of the area, it was possible to do so. He reminded Council Members that the plan was originally presented to them to address the existing issue.

Council Member Jacob noted he appreciated the comments and discussion, but he also reminded Council that the plan was unanimously approved when it was first brought forth. He said the Council owed it to the East Bluff residents to continue the momentum on the project. He said the Council had approved the infrastructure for the school as partners with District 150. He added that the City needed to be proactive on traffic, but had already committed to the project.

Motion to receive and file the Progress Report for the Glen Oak School Neighborhood Impact Zone as requested by Ordinance No. 16,273 was approved by roll call vote.

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

Nays: None.

Council Member Riggensbach moved to adopt an Ordinance amending Ordinance No. 16,273 creating the Glen Oak School Neighborhood Impact Zone, changing the Progress Reports to be semi-annual; seconded by Council Member Van Auken.

ORDINANCE NO. 16,461 was adopted by roll call vote.

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

Nays: None.

(09-391) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting Adoption of ONE of the Following Regarding MAIN STREET COMMONS:

- A. **Recommendation from the Zoning Commission to Adopt Ordinance "A", an ORDINANCE Granting a SPECIAL USE in a Class WM (West Main Form) District to Allow VARIANCES from the Requirements of Building Envelope Standards and Architectural Standards to Include Building Street-Space Entries, Street Walls, Required Building Line Frontage, Street Facades, Buildable and Open Areas, Frontage Widths, Windows, and Entries to Allow for the Development of a Residential/Commercial Project for the Properties Identified as Parcel ID Nos. 18-05-406-004, 18-05-406-005, 18-05-406-006, 18-05-406-008, 18-05-406-009, 18-05-406-010, 18-05-406-011, 18-05-406-014, 18-05-407-004, and 18-05-407-005, and with Addresses of 1014, 1016, 1021, 1023, and 1027 N. BOURLAND AVENUE, 1014, 1016, 1018 N. UNDERHILL STREET, and 1109 W. MAIN STREET, with Eight Conditions; OR**
- B. **Recommendation from Staff to Adopt Ordinance "B", an ORDINANCE Granting a SPECIAL USE in a Class WM (West Main Form) District to Allow VARIANCES from the Requirements of Building Envelope Standards and Architectural Standards to Include Building Street-Space Entries, Street Walls, Required Building Line Frontage, Street Facades, Buildable and Open Areas, Frontage Widths, Windows, and Entries to Allow for the Development of a Residential/Commercial Project for the Properties Identified as Parcel ID Nos. 18-05-406-004, 18-05-406-005, 18-05-406-006, 18-05-406-008, 18-05-406-009, 18-05-406-010, 18-05-406-011, 18-05-406-014, 18-05-407-004, and 18-05-407-005, and with Addresses of 1014, 1016, 1021, 1023, and 1027 N. BOURLAND AVENUE, 1014, 1016, 1018 N. UNDERHILL STREET, and 1109 W. MAIN STREET, with Seven Conditions;**

Council Member Van Auken moved to Adopt Ordinance "B", an Ordinance Granting a Special Use in a Class WM (West Main Form) District to allow variances from the requirements of building envelope standards and architectural standards to include building street-space entries, street walls, required building line frontage, street facades, buildable and open areas, frontage widths, windows, and entries to allow for the development of a Residential/Commercial Project for the properties identified as Parcel ID Nos. 18-05-406-004, 18-05-406-005, 18-05-406-006,

18-05-406-008, 18-05-406-009, 18-05-406-010, 18-05-406-011, 18-05-406-014, 18-05-407-004, and 18-05-407-005, and with addresses of 1014, 1016, 1021, 1023, and 1027 N. Bourland Avenue, 1014, 1016, 1018 N. Underhill Street, and 1109 W. Main Street, with seven conditions; seconded by Council Member Sandberg.

Council Member Van Auken moved to grant Privilege of the Floor to Mr. Shawn Luisse, representing Devonshire Group.

Hearing no objections, Chairman Pro Tem Montelongo granted Privilege of the Floor to Mr. Shawn Luisse.

Mr. Shawn Luisse, representing Devonshire Group, provided an overview of the plans for Main Street Commons and he said he felt the development met the spirit and intent of the original Ordinance.

Council Member Sandberg moved to grant Privilege of the Floor to Mr. Conrad Stinnett, representing his neighborhood association.

Hearing no objections, Chairman Pro Tem Montelongo granted Privilege of the Floor to Mr. Conrad Stinnett, III.

Mr. Conrad Stinnett, a Peoria resident, said he was from the third generation of a family who lived in the area. He said he supported growth, but he only supported the "right" growth. He said the variances that were granted were against the Code. He encouraged the City Council to require developers to comply with the Code and to just say no to those who would not.

City Urban Planner Kim Smith provided a list of variances being granted to the developer for the Main Street Commons project.

Council Member Sandberg noted that, for the most part, the variances were minimal, but he could not support a good project with bad details. He expressed concerns about surface parking and he said these areas provided no protection to residents from the noise and the headlights from cars. He said he felt these issues could have been worked out early in the development of the plan, but the developer chose not to do so. He said the City could not expect development at the expense of its residents.

Motion to adopt Ordinance "B", ORDINANCE NO. 16,462 Granting a Special Use in a Class WM (West Main Form) District to allow variances from the requirements of building envelope standards and architectural standards to include building street-space entries, street walls, required building line frontage, street facades, buildable and open areas, frontage widths, windows, and entries to allow for the development of a Residential/Commercial Project for the properties identified as Parcel ID Nos. 18-05-406-004, 18-05-406-005, 18-05-406-006, 18-05-406-008, 18-05-406-009, 18-05-406-010, 18-05-406-011, 18-05-406-014, 18-05-407-004, and 18-05-407-005, and with addresses of 1014, 1016, 1021, 1023, and 1027 N. Bourland Avenue, 1014, 1016, 1018 N. Underhill Street, and 1109 W. Main Street, with seven conditions was approved by roll call vote.

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

Nays: Sandberg – 1.

(09-392) 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", an ORDINANCE Amending Ordinance No. 16,010, as Amended, for a SPECIAL USE in a Class C2 (Large Scale Commercial) District for a SHOPPING CENTER to ADD a RETAIL GROCERY STORE and SIGNAGE for the Property Identified as Parcel ID Nos. 09-31-351-012, 09-31-351-013, and 09-31-351-014 Located at the Northwest Corner of ALLEN ROAD and TOWNLINE ROAD, with Five Conditions; OR
- B. Recommendation from the Staff to Adopt Ordinance "B", an ORDINANCE Amending Ordinance No. 16,010, as Amended, for a SPECIAL USE in a Class C2 (Large Scale Commercial) District for a SHOPPING CENTER to ADD a RETAIL GROCERY STORE and SIGNAGE for the Property Identified as Parcel ID Nos. 09-31-351-012, 09-31-351-013, and 09-31-351-014 Located at the Northwest Corner of ALLEN ROAD and TOWNLINE ROAD, with Six Conditions.

Council Member Jacob said he would be abstaining from discussion and voting on this item due to his ownership of property adjacent to the project site.

Council Member Irving thanked Aldi for expanding their business into this area and he moved to adopt Ordinance "A", an ORDINANCE Amending Ordinance No. 16,010, as Amended, for a SPECIAL USE in a Class C2 (Large Scale Commercial) District for a SHOPPING CENTER to ADD a RETAIL GROCERY STORE and SIGNAGE for the Property Identified as Parcel ID Nos. 09-31-351-012, 09-31-351-013, and 09-31-351-014 Located at the Northwest Corner of ALLEN ROAD and TOWNLINE ROAD, with Five Conditions; seconded by Council Member Spain.

ORDINANCE NO. 16,463 was approved by roll call vote.

Yeas: Gulley, Irving, Riggensbach, Sandberg, Spain, Spears, Van Auken, Chairman
Pro Tem Montelongo – 8;

Nays: None;

Abstention: Jacob - 1.

(09-393) Communication from the Interim City Manager and Director of Planning and Growth Management Requesting the Following:

- A. Recommendation from the Zoning Commission and Staff to Adopt an Ordinance "A" Rezoning Property from the Present Class CG (General Commercial) District to a Class N1 (Institutional) District for the Property Identified as 18-04-258-016, and Rezoning Property from a Class R8 (Multi- Family Residential) District to a Class N1(Institutional) District for the Property Identified as 18-04-253-001, and Rezoning Property from a Class P1 (Parking) District to a Class N1 (Institutional District) for Properties Identified as Property ID Nos.18-04-430-004, 18-04-430-005, 18-04-430-006, 18-04-430-007, 18-04-431-024, 18-04-457-016, 18-04-457-017, 18-04-457-018, 18-04-457-019, and 18-04-457-020

Planning and Growth Management Director Pat Landes distributed a replacement map to members of City Council.

Council Member Riggenschach moved to adopt an Ordinance rezoning property from the present Class CG (General Commercial) District to a Class N1 (Institutional) District for the property identified as 18-04-258-016, and rezoning property from a Class R8 (Multi-Family Residential) District to a Class N1(Institutional) District for the property identified as 18-04-253-001 (Institutional) District for the property identified as 18-04-253-001, and rezoning property from a Class P1 (Parking) District to a Class N1 (Institutional District) for properties identified as Property ID Nos.18-04-430-004, 18-04-430-005, 18-04-430-006, 18-04-430-007, 18-04-431-024, 18-04-457-016, 18-04-457-017, 18-04-457-018, 18-04-457-019, and 18-04-457-020; seconded by Council Member Van Auker.

ORDINANCE NO. 16,464 was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggenschach, Spain, Spears, Van Auker, Chairman

Pro Tem Montelongo – 8;

Nays: Sandberg – 1.

AND Requesting Adoption of ONE of the Following:

- B. Recommendation from the Zoning Commission to Adopt Ordinance “B”, an ORDINANCE Amending (Amendment No. 7), an EXISTING OFFICIAL DEVELOPMENT PLAN , Ordinance No. 13,153, As Amended, in the N1 (Institutional) District Allowing a MEDICAL CENTER and ASSOCIATED USES by Expanding the Current Limits of the Official Development Plan Including Additional Proposed Medical Buildings, Along with Height Waivers, Parking Facilities, Alignment of Armstrong, Berkeley, and Pennsylvania Avenues, Signs, and Adjust Perimeter Setback Requirements within the Official Development Plan for the Properties Commonly Known as OSF SAINT FRANCIS MEDICAL CENTER and Located at 530 N.E. GLEN OAK AVENUE, with Conditions and Waivers; OR**
- C. Recommendation from the Staff to Adopt Ordinance C, an ORDINANCE Amending (Amendment No. 7), an EXISTING OFFICIAL DEVELOPMENT PLAN Ordinance No. 13,153, As Amended, in the N1 (Institutional) District Allowing a MEDICAL CENTER and ASSOCIATED USES by Expanding the Current Limits of the Official Development Plan, Including Additional Proposed Medical Buildings, Along with Height Waivers, Parking Facilities, Alignment of Armstrong, Berkeley, and Pennsylvania Avenues, Signs, and Adjust Perimeter Setback Requirements and Including Conditions for the Proposed ENERGY CENTER NORTH BUILDING within the Official Development Plan for the Properties Commonly Known as OSF SAINT FRANCIS MEDICAL CENTER and Located at 530 N.E. GLEN OAK AVENUE, with Conditions and Waivers;**

Planning and Growth Management Director Pat Landes distributed a replacement Ordinance “C” to members of City Council.

Council Member Riggenschach said OSF was an institutional anchor for the community and has been a good neighbor. He noted OSF had no immediate plans for a proposed Energy Center, but in an effort to be transparent they presented it up front.

Council Member Sandberg expressed concern about the Energy Center contributing to the destabilization of the neighborhood. He said the concept was a result of poor planning and Council should say “no” to the concept today, not down the road.

Council Member Riggensbach moved to Grant Privilege of the Floor to OSF Chief Operating Officer Sue Wozniak.

Hearing no objections, Chairman Pro Tem Montelongo granted Privilege of the Floor to Sue Wozniak.

Ms. Sue Wozniak, COO of OSF Medical Center, reiterated there were no definitive plans to construct a new Energy Center on the OSF Campus. She noted if OSF were to expand years down the road, this site would have to be the location.

Council Member Van Auken stressed OSF was only bringing the issue forward in the spirit of transparency.

Council Member Sandberg added he felt it was important to remove all references to the Energy Center for the purposes of the Ordinance simply because there were reservations about it.

Council Member Irving noted OSF was a huge presence in the community and he added they were always willing to work with the neighborhood .

Council Member Riggensbach moved to approve the replacement Ordinance "C," an Ordinance Amending (Amendment No. 7), an Existing Official Development Plan Ordinance No. 13,153, as amended, in the N1 (Institutional) District allowing a medical center and associated uses by expanding the current limits of the Official Development Plan, including additional proposed medical buildings, along with height waivers, parking facilities, alignment of Armstrong, Berkeley, and Pennsylvania Avenues, signs, and adjust perimeter setback requirements, and including conditions for the proposed Energy Center North Building within the Official Development Plan for the properties commonly known as OSF Saint Francis Medical Center and located at 530 N.E. Glen Oak Avenue, with conditions and waivers, noting the amended Condition No. 1 and the addition of Condition No. 8 added clarity to the Ordinance. He further moved to amend Condition No. 1 specifying the design of the Energy Center, Ambulatory Services Building, and the addition of the Corporate Office Conversion building must be aesthetically compatible and scaled to fit into the surrounding residential neighborhood. The specific design of the Energy Center must be approved in a subsequent amendment to the Official Development Plan. Any new building constructed at the site of the former White School property will not exceed 2 stories and 40 feet in height as measured to the highest point of the building, will be designed with materials that match or compliment the building materials of the former White School building, and will observe a 25-foot setback from the property line along Missouri Avenue. He further moved to add Condition No. 8 to read Withdrawal of waivers from Section 8.2 and Figure 2.1 of the Official Development Plan regarding: a. Parking lot setback of 0 feet at the corner of Knoxville and Pennsylvania Avenues. As a result, the parking lot setback will be 25 feet from Knoxville and Pennsylvania Avenues. b. Building setback of 0 feet along Missouri Avenue 25 feet. As a result, the building setback along Missouri Avenue will be 25 feet; seconded by Council Member Van Auken.

ORDINANCE NO. 16,465, as amended, was adopted by roll call vote.

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

Nays: Sandberg – 1.

He reminded citizens that a future public hearing process was required for the design of the proposed Energy Center.

D. AND PETITIONS Bearing 25 Signatures Opposing the PROPOSED OSF ENERGY CENTER NORTH to be Built on the Former White School Southeast Corner Property, with Request to Receive and File and Make a Part of the Permanent Record.

The City Clerk's Office distributed a Petition bearing an additional seven signatures opposing the proposed OSF Energy Center North to members of the City Council.

Council Member Riggensbach moved to receive and file and make a part of the permanent record the petitions bearing 32 signatures, as amended, opposing the proposed OSF Energy Center North to be built on the former White School Southeast Corner property; seconded by Council Member Gulley.

Motion approved by roll call vote.

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

Nays: None.

(09-394) Communication from the Interim City Manager and Interim Director of Human Resources Requesting Authorization to Offer a VOLUNTARY SEPARATION INITIATIVE (VSI) to EMPLOYEES. (Refer to 09-277)

Special Projects Manager Chris Setti distributed a revised communication to members of City Council.

Council Member Spain moved to approve the authorization to offer a Voluntary Separation Initiative (VSI) to employees; seconded by Council Member Riggensbach.

In discussion with Council Member Jacob, Special Projects Manager Setti said the only changes to the communication were references to "health care savings account." He said this kind of account was a high deductible account handled by an individual employee. He said the account was changed to "health care reimbursement savings account." He noted it was much like the current flex plan that the City offered to its employees, but left over funds could be rolled over year to year.

Council Member Van Auken left Council Chambers at 9:45 P.M.

In discussion with Council Member Spain, Finance Director/Comptroller Jim Scroggins explained the City had been researching options to retire the debt from an earlier retirement incentive plan through bonds.

In discussion with Council Member Jacob, Special Projects Manager Setti said there was not an urgent timeline to offer the plan to employees; however, he noted he felt it was important to present the information to eligible employees as soon as possible so they could move forward. He said this option was the most fiscally prudent, as it would eliminate some of the senior employees who received the highest pay. He said, once it was determined who would be taking the option, it could then be decided which positions would be eliminated, combined or refilled.

Senior Attorney and Interim Human Resources Director Kimberly King said Staff had been meeting with unions represented by collective bargaining agreements. She said they wanted to see the results of the VSI offer prior to making decisions on contract issues. She noted, if the VSI was not decided tonight, talks would not stop, but the unions had indicated no concessions would be made yet.

Council Member Sandberg noted he had been unaware the City was still paying for the VSI offered previously and he questioned whether or not any work had been done to illustrate a true savings from prior VSI's. He said he saw nothing that gave him confidence the VSI would save money.

Council Member Spain said he stood by his motion and expressed concern that the delay of approving the VSI would also delay those affected in making a decision. He noted this plan was waiting to serve as a catalyst to reorganization throughout the City.

In discussion with Council Member Spears, Special Projects Manager Setti explained that the timeline for the plan was to make the offer to eligible employees, receive commitments from those who accepted the offer, set a "buyer's remorse" period of time for those accepting to change their minds, and to set a deadline for parting employees to separate.

Council Member Spears suggested setting a cap on the amount the City could afford to offer with the package, offer it to all eligible, and select on a first come, first served basis until the cap was reached.

Interim City Manager Henry Holling reminded Council the VSI plan had been discussed two weeks ago and it was important to move forward a step at a time to try to close the potential budget deficit. He noted Staff was only asking for authorization to offer the VSI based on the research that had been done.

Special Projects Manager Setti expressed concern that offering the plan on a first come, first served basis could put employees in an awkward position and he noted all employees must be treated fairly.

Council Member Spears noted the communication was unclear and expressed concern regarding voting for a plan, if there were ultimately no savings. He said more information was required about the actual amount the City will save with this plan before Council could decide whether or not to go ahead with it.

Council Member Spears moved for a substitute motion to defer authorization to offer a Voluntary Separation Initiative (VSI) to employees until the August 11, 2009, City Council Meeting; seconded by Council Member Gulley.

Substitute motion to defer this item until August 11, 2009, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Rigenbach, Sandberg, Spain, Spears, Chairman

Pro Tem Montelongo – 8;

Nays: None.

UNFINISHED BUSINESS

(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 Spain moved to defer this item until the August 25, 2009, City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until August 25, 2009, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggensbach, Sandberg, Spain, Spears, Chairman

Pro Tem Montelongo – 8;

Nays: None.

- (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), SECOND SUPPLEMENTAL INFORMATION.**

Council Member Spain moved to approve a new Agreement of Understanding for Maintenance and Construction with the Illinois Department of Transportation, to authorize the Interim City Manager and the City Engineer to sign the document, and to terminate the prior agreement, dated January 4, 2001; seconded by Council Member Irving.

Motion approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggensbach, Sandberg, Spain, Spears, Chairman

Pro Tem Montelongo – 8;

Nays: None.

- (09-277) Communication from the Interim City Manager and Finance Director/Comptroller Requesting INITIAL DIRECTION ON STEPS TO REDUCE THE ANTICIPATED FY2010.**

Communication from the Interim City Manager and Director of Planning and Growth Management Requesting to Receive and File a REPORT Containing a SUMMARY of PUBLIC COMMENTS Obtained Through the BUDGET OPEN HOUSE PROCESS.

Council Member Spain moved to receive and file a report containing a summary of public comments obtained through the Budget Open House process; seconded by Council Member Gulley.

Motion approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggensbach, Sandberg, Spain, Spears, Chairman

Pro Tem Montelongo – 8;

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.**

Council Member Spain moved to withdraw this item; seconded by Council Member Sandberg.

Motion to withdraw was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggerbach, Sandberg, Spain, Spears, Chairman
Pro Tem Montelongo – 8;

Nays: None.

(09-330) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 1 of the Code of the City of Peoria Relating to GENERAL PROVISIONS and the GENERAL PENALTY and SETTLEMENT AMOUNTS.

Council Member Jacob moved to defer this item until the August 25, 2009, City Council Meeting; seconded by Council Member Sandberg.

Motion to defer this item until August 25, 2009, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggerbach, Sandberg, Spain, Spears, Chairman
Pro Tem Montelongo – 8;

Nays: None

(09-341) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of a RAIL OPERATING and TRACKAGE RIGHTS AGREEMENT, and Requesting Authorization for the City Manager to Execute the Agreement. (Replacement Agreement)

Corporation Counsel Randy Ray distributed a replacement agreement to members of the City Council.

Council Member Spain moved to approve the replacement Rail Operating and Trackage Rights Agreement and to authorize the City Manager to execute the agreement; seconded by Council Member Riggerbach.

Council Member Sandberg expressed concern that his objections to this agreement had not been heard at previous public hearings. He said he felt the agreement dismissed the value of the existing infrastructure and gave the citizens a perception that the City had given up on industry. He noted the City had an opportunity to allow rails and trails to co-exist. He said this action limited businesses in how they could get their products to Peoria by either the river or the road.

Motion to approve the replacement Rail Operating and Trackage Rights Agreement and to authorize the City Manager to execute the agreement was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggerbach, Spain, Spears, Chairman Pro Tem
Montelongo – 7;

Nays: Sandberg – 1.

(09-367) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,454 Amending CHAPTER 18, SECTIONS 18-356 AND 18-357, of the Code of the City of Peoria Pertaining to RESTRICTIONS for PEDDLERS.

Council Member Irving thanked Council Member Jacob and Corporation Counsel Ray for their work on the Ordinance regarding peddlers. He said the amended Ordinance gave neighborhoods the option to post signs at the entrances to their subdivisions to restrict peddlers from soliciting.

NEW BUSINESS

ANNOUNCEMENT REGARDING MAYOR'S SUMMER YOUTH PROGRAM

Council Member Jacob noted in the latest edition of the US Mayor's Report, the Mayor's Summer Youth Program had received recognition. He added he had received positive reports on the program's progress as well.

(09-395) Request for REPORT BACK on the City of Peoria's Current ORDINANCE Regarding Placement of Signage and Posters in Medians & Intersections.

Council Member Irving requested a report back on the City of Peoria's current Ordinance regarding the placement of signs and posters in medians and at intersections. He said he had noticed numerous outdated events being advertised in these areas and he said he wanted to know if the Ordinance specified, signs were allowed, who was responsible to remove them.

No objections were heard.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL

(09-396) REQUEST from CITIZENS to Address the CITY COUNCIL Regarding Various Items

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

Mr. Brad Carter, Jackson Corners Neighborhood Association President, expressed concern regarding the rezoning of neighborhoods to make way for half-way houses for rehabilitated convicts. He said he felt children in these areas would be placed at risk, and he said the City's priorities should include the stabilization of its neighborhoods and the protection of its children.

Ms. Lavetta Ricca, Olde Southtowne Neighborhood Association President, expressed concern regarding the perception of residents in her area of town. She said the residents on Greenlawn were victimized too whenever a crime was committed in that area. She noted most of the trouble was created from outsiders bringing trouble in.

Ms. Kiersten Sheets, of Global Warming Solutions, thanked the City Council for looking into recycling opportunities. She encouraged the City to apply for grant funding and to seek opportunities for educating the public on recycling, and she asked that the listing on the RFP include all items that can be recycled.

Mr. Martin Palmer, Peoria resident, expressed concern regarding the OSF Power House issue that he said would place an industrial facility in a residential area. He said, even though OSF said it may never come, the option was now theirs if they decided to build it.

Mr. Eric Pollitt, Peoria resident, also expressed concern regarding the proposed OSF Energy Center. He noted what attracted him to the area was the architecture and he said businesses changing within the neighborhood were supposed to benefit the neighbors too. He noted other locations were more appropriate.

EXECUTIVE SESSION

- (09-397) Consideration of a Motion 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.**

Council Member Gulley moved 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; seconded by Council Member Spain.

Motion was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Riggerbach, Sandberg, Spain, Spears, Chairman
Pro Tem Montelongo – 8;

Nays: None.

ADJOURNMENT

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

Approved by viva voce vote.

The City Council Meeting adjourned at 10:46 P.M.

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

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

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