

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

Council Chambers, Peoria, Illinois, February 23, 2010, a Joint City Council & Town Board Meeting was held this date at 6:18 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

**ROLL CALL**

Roll call showed the following Council Members were physically present: Gulley, Irving, Jacob, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11.  
Absent: None.

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Ardis requested a moment of silent prayer or silent reflection, and he then led the Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**PROCLAMATION:** METHODIST COLLEGE OF NURSING

**PROCLAMATION:** GOOGLE DAY IN PEORIA (GooglePeoria.com) – February 24, 2010

Mayor Ardis encouraged citizens to log on to GooglePeoria.com on February 24, 2010, to increase awareness to entice Google to bring ultra high speed broad band network to the Peoria area to deliver internet speeds over 100 times faster than what was now available. He said Peoria would be a trial location for a test market.

Council Member Spain commended City Staff for mobilizing quickly to take advantage of this opportunity. He said a Press Conference was held today at the PeoriaNext Innovation Center and Staff would be working with Peoria County to submit an application. He said citizen response was important, so he strongly urged as many citizens as possible to log onto the web site, GooglePeoria.com, on February 24, 2010, to nominate Peoria. He said this would place Peoria on Google's radar screen for this unique opportunity.

**ANNOUNCEMENT REGARDING THE ANNUAL TOWN OF THE CITY OF PEORIA MEETING TO BE HELD TUESDAY, APRIL 13, 2010**

Mayor Ardis announced, pursuant to Public Act 095-0761, any citizen who wishes to have an item considered on the agenda at the Annual Town Meeting to be held Tuesday, April 13, 2010, at 6:00 P.M., is required to bring a specific request signed by 15 or more electors to the Clerk no later than March 1, 2010. He explained the Town Board and Town officials did not agree with this provision and he made this announcement to inform citizens so they would have an opportunity to participate.

**MINUTES**

Council Member Spain moved to approve the minutes of the February 16, 2010, Special City Council Meeting, as printed, and the minutes of the February 9, 2010, Regular City Council Meeting, with a clarification to Page 29223, indicating Margaret Cousin is Vice President of the Central Illinois Landmarks Foundation, rather than a Historic Preservation Commission member, as listed; seconded by Council Member Turner.

Motion to approve the minutes, as amended, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

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

- (10-061)      Communication from the Town Clerk Requesting Approval of a  
RESOLUTION Authorizing the Town Supervisor to TRANSFER FUNDS, in  
the Amount of \$56,800.00, from the GENERAL TOWN FUND LINE ITEM  
"CAPITAL PURCHASE" to GENERAL TOWN FUND LINE ITEM  
"RETIREMENT CONTRIBUTION" in the 2009-2010 TOWN BUDGET for  
GASB 45.**

Trustee Irving moved to approve a Resolution authorizing the Town Supervisor to transfer funds, in the amount of \$56,800.00, from the General Town Fund line item "Capital Purchase" to General Town Fund line item "Retirement Contribution" in the 2009-2010 Town Budget for GASB 45; seconded by Trustee Montelongo.

RESOLUTION NO. 10-061 was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Chairman Ardis - 11;

Nays: None.

- (10-062)      Communication from the Town Clerk Requesting Approval of a  
RESOLUTION Adopting a GOVERNMENTAL ACCOUNTING STANDARDS  
BOARD (GASB) 45 OTHER POST-EMPLOYMENT BENEFITS (OPEB) PLAN  
for the Town of the City of Peoria.**

Trustee Irving moved to approve a Resolution adopting a Governmental Accounting Standards Board (GASB) 45 Other Post-Employment Benefits (OPEB) Plan for the Town of the City of Peoria; seconded by Trustee Spain.

RESOLUTION NO. 10-062 was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Chairman Ardis - 11;

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:**

- (10-063)      TAG DAY REQUEST from THE AMERICAN LEGION, PEORIA POST 2, Requesting Permission to Distribute POPPIES to the Public for Donations on the Sidewalks of Peoria to Assist Disabled Veterans on Thursday, May 20, 2010, from 11:00 A.M. until 1:30 P.M. (Rain Date: Friday, May 21, 2010). (Dates are open.)**
- (10-064)      Communication from the City Manager and Director of Public Works Requesting Approval to Accept the LOW BID of FREEWAY FORD, INC., of Lyons, Illinois, at a Total Cost Not to Exceed \$91,764.00 for the PURCHASE of FOUR (4) 2010 FORD EXPLORERS for the Public Works Department.**
- (10-065)      \*      Communication from the City Manager and Director of Public Works Requesting Acceptance of the LOW BID of WINDISH EXCAVATING, LLC, and Award a CONTRACT, in the Amount of \$20,201.40, for BUILDING DEMOLITIONS at 813 and 833 N. E. GLEN OAK AVENUE and 520 E. ARMSTRONG AVENUE.**
- (10-066)      Communication from the City Manager and Director of Public Works Requesting Approval to PURCHASE TWO (2) COMPACT CARS for ROUTINE FLEET REPLACEMENT Using the STATE BIDDING CONTRACT from MORROW BROTHERS in Greenfield, Illinois, in the Amount of \$13,394.00 each, with a Total Cost Not to Exceed \$26,789.00, and ONE HALF-TON FORD F-150 PICK-UP TRUCK from LANDMARK FORD in Springfield, Illinois, in the Amount of \$13,211.00, with a Total Cost Not to Exceed \$40,000.00.**
- (10-067)      \*\*      Communication from the City Manager and Director of Public Works Requesting Approval of a VARIANCE from the REQUIREMENTS of SECTION 12-7 of the Code of the City of Peoria Allowing an ADDITION to an EXISTING STRUCTURE at 7810 GALENA ROAD, which has the Lowest Floor Less than Two Feet Above the Base Flood Elevation.**
- (10-068)      \*\*\*      Communication from the City Manager and Acting Director of Human Resources Requesting Approval to ENTER into an AGREEMENT Between the CITY OF PEORIA and all EMPLOYEE BARGAINING UNITS to EXTEND the JOINT LABOR/MANAGEMENT HEALTH CARE COMMITTEE for THREE (3) YEARS, Effective January 1, 2011, through December 31, 2013.**
- (10-069)      Communication from the City Manager and Director of Public Works Requesting Approval of the LOCAL AGENCY AMENDMENT #1 for FEDERAL PARTICIPATION with the ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) for STIMULUS FUNDS, in the Amount of \$2,391,543.00 for CONSTRUCTION COSTS for NORTHMOOR ROAD (Sheridan to Knoxville), Stage 3 and Requesting Approval to Reprogram \$451,815.00 from the UNIVERSITY OVERLAY PROJECT to the NORTHMOOR ROAD IMPROVEMENT, as Outlined.**

- (10-070)      Communication from the City Manager and Director of Public Works Requesting Approval of the SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR of SEWERS as a Part of the CITY OF PEORIA'S SEWER REHABILITATION {DESIGN AREA 1 POINT REPAIRS PROJECT 4 (GPSD PROJECT#2172)} and Requesting Approval of the AGREEMENT for PROFESSIONAL SERVICES with CRAWFORD, MURPHY & TILLY, INC., in an Amount Not to Exceed \$315,800.00, for the Work.**
- (10-071)      Communication from the City Manager and Director of Public Works Requesting Approval of the SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR of SEWERS as a Part of the CITY OF PEORIA'S SEWER REHABILITATION {DESIGN AREA 1 POINT REPAIRS PROJECTS 5 and 7 (CPSD PROJECTS #2179 and #2183)}, and Requesting Approval of the AGREEMENT for PROFESSIONAL SERVICES with HANSON PROFESSIONAL SERVICES, INC., in an Amount Not to Exceed \$272,079.00, for the Work.**
- (10-072)      Communication from the City Manager and Director of Public Works Requesting Approval of the SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR of SEWERS as a PART of the CITY OF PEORIA'S SEWER REHABILITATION {DESIGN AREA 1 POINT REPAIRS PROJECTS 6 and 8 (GPSD PROJECTS #2180 and #2192)}, and Requesting Approval of the AGREEMENT for PROFESSIONAL SERVICES with MAURER-STUTZ, INC., in an Amount Not to Exceed \$204,155.00, for the Work.**
- (10-073)      Communication from the City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,538 Amending CHAPTER 28 of the Code of the City of Peoria Relating to the DEFINITION of THE CENTRAL BUSINESS DISTRICT Changing the Named Street Boundaries to North William Kumpf Boulevard, Southwest and Northwest Perry Street, Spalding Avenue and Northeast and Southwest Water Street.**
- (10-074)      Communication from the City Manager Requesting Adoption of ORDINANCE NO. 16,539 VACATING a PORTION of LAKE VIEW AVENUE Approximately 315 Feet Northeast of Perry Avenue, and REPEALING ORDINANCE NO. 16,534.**
- (10-075)      Communication from the City Manager and Finance Director/Comptroller Regarding the RESULTS of the NEGOTIATED SALE of \$2,420,000 GENERAL OBLIGATION REFUNDING BONDS SERIES 2010A, with Request to Receive and File.**
- (10-076)      Communication from the City Manager and Finance Director/Comptroller Regarding the RESULTS of the NEGOTIATED SALE of \$1,495,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS SERIES 2010B, with Request to Receive and File.**

- (10-077)      APPOINTMENT by Mayor Jim Ardis to the ADVISORY COMMISSION ON HUMAN RESOURCES, with Request to Concur:**  
**Nancy S. Rakoff (Voting) – Term Expires 6/30/2010**
- (10-078)      APPOINTMENT by Mayor Jim Ardis to the PEORIA HOUSING AUTHORITY, with Request to Concur:**  
**Aurthur Mae Perkins (Voting) - Term Expires 11/17/2012**
- (10-079)      APPOINTMENT by Mayor Jim Ardis to the SOLID WASTE DISPOSAL COMMITTEE, with Request to Concur:**  
**Council Member Dan L. Irving (Voting) - Term Expires 6/30/2010**
- (10-080)      Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Receive and File the 2009 ZONING COMMISSION ANNUAL REPORT.**
- (10-081)      REPORT of CITY TREASURER PATRICK A. NICHTING for the Month of JANUARY 2010, with Request to Receive and File.**

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

Council Member Gulley requested Item No. 10-065 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested Item No. 10-067 be removed from the Consent Agenda for further discussion.

Council Member Jacob requested Item No. 10-068 be removed from the Consent Agenda for further discussion.

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

Item Nos. 10-063 through 10-081 (excluding Item Nos. 10-065, 10-067 and 10-068, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

- (10-065)      Communication from the City Manager and Director of Public Works  
\*      Requesting Acceptance of the LOW BID of WINDISH EXCAVATING, LLC, and Award a CONTRACT, in the Amount of \$20,201.40, for BUILDING DEMOLITIONS at 813 and 833 N. E. GLEN OAK AVENUE and 520 E. ARMSTRONG AVENUE.**

Council Member Gulley referred to language in the Council communication that read "In lieu of no sub-contract awards, the Equal Opportunity Office emphasized to the company the need for their compliance with minority and female worker participation goals." and Council Member Gulley requested a clarification that this would only apply if a contractor was self-performing. He stated this would be a self-performed contract.

Director of Public Works Dave Barber stated it was believed that this contract would be self-performed and would be monitored by the City, so if any one else was on the site, they would need written permission.

Council Member Gulley moved to accept of the low bid of Windish Excavating, LLC, and to award a contract, in the amount of \$20,201.40, for building demolitions at 813 and 833 N. E. Glen Oak Avenue and 520 E. Armstrong Avenue, with an amendment to the Council communication that this was a self-performing contract; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(10-067)      Communication from the City Manager and Director of Public Works  
\*\*            Requesting Approval of a VARIANCE from the REQUIREMENTS of  
              SECTION 12-7 of the Code of the City of Peoria Allowing an ADDITION to an  
              EXISTING STRUCTURE at 7810 GALENA ROAD, which has the Lowest  
              Floor Less than Two Feet Above the Base Flood Elevation.**

Council Member Sandberg said he would not support a motion to approve because he did not feel a hardship had been proven and he was concerned about losing Federal dollars in the future. He said he did not feel the standards established by FEMA for granting a variance had been met in this situation and he said, if the variance was granted, it would set a dangerous precedent.

Mayor Ardis requested Director Barber respond to Council Member Sandberg's concerns. He pointed out that any possible risk had been reviewed by the City's Corporation Counsel and it was determined that the Tort Immunity Act 745 ILCS 10/2-104 held the City immune for actions regarding issuing or denying permits.

Director Barber provided background regarding the project and he explained there was a miscommunication regarding the elevation of the house when it was being built, but it was above the flood plain. He said this problem had been going on for some time. He said his department worked with FEMA and the Illinois Department of Natural Resources and they signed off on the project. He said, since the house was above the flood plain, he recommended that the Council approve the variance.

Council Member Spain moved to approve a variance from the requirements of Section 12-7 of the Code of the City of Peoria to allow an addition to an existing structure at 7810 Galena Road, which has the lowest floor less than two feet above the base flood elevation; seconded by Council Member Irving.

Motion to approve a variance from the requirements of Section 12-7 of the Code of the City of Peoria to allow an addition to an existing structure at 7810 Galena Road, which has the lowest floor less than two feet above the base flood elevation was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Sandberg - 1.

**(10-068)      Communication from the City Manager and Acting Director of Human  
\*\*\* Resources Requesting Approval to ENTER into an AGREEMENT Between  
the CITY OF PEORIA and all EMPLOYEE BARGAINING UNITS to EXTEND  
the JOINT LABOR/MANAGEMENT HEALTH CARE COMMITTEE for THREE  
(3) YEARS, Effective January 1, 2011, through December 31, 2013.**

Council Member Jacob moved to defer this item for eight weeks; seconded by Council Member Van Auken.

Clerk's Note: Later in the meeting, Council Member Jacob clarified that a Council Meeting was not scheduled in eight weeks so this item should be deferred until the April 27, 2010, Regular City Council Meeting. No objections were heard regarding the clarification.

Motion to defer this item until April 27, 2010, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(10-082)      Communication from the City Manager and Director of Public Works  
Requesting Approval of TASK ORDER NO. 5 to AGREEMENT NO. 07-040,  
which is the 2007 Professional Services Agreement with Mactec  
Engineering and Consulting, Inc., with an EFFECTIVE DATE of FEBRUARY  
9, 2010, and a COMPLETION DATE of DECEMBER 31, 2010, for a Total  
Additional Compensation Amount Not to Exceed \$274,774.00, to ASSIST  
the CITY in the DEVELOPMENT and NEGOTIATION of a LONG TERM  
CONTROL PLAN to MEET the REQUIREMENTS of the NATIONAL  
POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT for the  
CITY'S COMBINED SEWER OUTFALLS.**

Mayor Ardis stated he would abstain from discussion and voting on this item because a division of his employer was working on this project. He requested that Council Member Turner assume the Chair.

Council Member Van Auken moved to approve Task Order No. 5 to Agreement No. 07-040, which is the 2007 Professional Services Agreement with Mactec Engineering and Consulting, Inc., with an effective date of February 9, 2010, and with a completion date of December 31, 2010, for a total additional compensation amount not to exceed \$274,774.00, to assist the City in the development and negotiation of a Long Term Control Plan to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit for the City's Combined Sewer Outfalls; seconded by Council Member Gulley.

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Council Member Sandberg expressed concern regarding the length of time the City has had to utilize the services of consultants for this project. He said he felt the contracts should not be based on time, but should be based on a goal or activity, which would reduce costs of the project.

In further discussion with Council Member Sandberg, Director of Public Works Dave Barber explained the Long Term Control Plan process was much different than any other process and he shared Council Member Sandberg's frustration. He said this was a complex process and there was a long document that identified the process, but there was a lot of variation based on the U.S.E.P.A. He said delays in the process may save the City money on the construction side. He said further Council discussion would be needed regarding the plan.

Motion to approve Task Order No. 5 to Agreement No. 07-040, which is the 2007 Professional Services Agreement with Mactec Engineering and Consulting, Inc., with an effective date of February 9, 2010, and with a completion date of December 31, 2010, for a total additional compensation amount not to exceed \$274,774.00, to assist the City in the development and negotiation of a Long Term Control Plan to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit for the City's Combined Sewer Outfalls was approved by roll call vote.

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

Nays: None;

Abstentions: Mayor Ardis - 1.

**(10-083) Communication from the City Manager and Director of Planning and Growth Management Requesting Approval of a RESOLUTION ENCOURAGING RESIDENTS to PARTICIPATE in the 2010 CENSUS by Completing and Returning the 2010 Census Questionnaire by April 1, 2010.**

Council Member Spain explained the importance of directing the focus on low response areas of the City regarding Census participation. He urged all Peoria citizens to participate even those who had to move in with others due to the downturn in the economy. He urged the City's Neighborhood Associations to maximize their efforts in their neighborhoods and urge everyone to participate.

Council Member Spain moved to approve the Resolution encouraging residents to participate in the 2010 Census by completing and returning the 2010 Census Questionnaire by April 1, 2010; seconded by Council Member Jacob.

RESOLUTION NO. 10-083 was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggensbach, Sandberg, Spain, Spears,  
Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**(10-084) Communication from the City Manager and Director of Planning and Growth Management with Recommendations as Follows:**

- A. Concur with the Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE "A" Rezoning Property Located at 4221 N. STERLING AVENUE from the Present Class C1 (General Commercial) District to a Class C2 (Large Scale Commercial) District; AND**



Council Member Spears moved to adopt Ordinance "A" rezoning property located at 4221 N. Sterling Avenue from the present Class C1 (General Commercial) District to a Class C2 (Large Scale Commercial) District; seconded by Council Member Turner.

ORDINANCE NO. 16,540 was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

- B. Concur with the Recommendation from the Zoning Commission to Adopt ORDINANCE "B" or Concur with the Recommendation from Staff to Adopt ORDINANCE "C" Amending Ordinance No. 13,391, as Amended, for a SPECIAL USE in a Class C2 (Large Scale Commercial) District for a SHOPPING CENTER Commonly Known as the WESTLAKE SHOPPING CENTER to Add Property Located at 4221 N. STERLING AVENUE and to Allow for a FREESTANDING SIGN and BUILDING ADDITION for Property Located at 2515, 2601, and 2701 W. LAKE STREET and 4221 N. STERLING AVENUE, with Waivers and Conditions.**

Cohen Development Company distributed a copy of drawings of the proposed renovation of the main pylon sign at Westlake Shopping Center to all members of the City Council.

Council Member Spears moved to concur with the recommendation from the Zoning Commission to adopt Ordinance "B" amending Ordinance No. 13,391, as amended, for a Special Use in a Class C2 (Large Scale Commercial) District for a Shopping Center commonly known as the Westlake Shopping Center to add property located at 4221 N. Sterling Avenue and to allow for a freestanding sign and building addition for property located at 2515, 2601, and 2701 W. Lake Street and 4221 N. Sterling Avenue, with waivers and conditions, as amended to exclude Condition No. 3 "All garbage dumpsters must be placed in four-sided solid enclosures constructed of a six foot tall wood fence or wall."; seconded by Council Member Turner.

Council Member Sandberg said he would not support the motion because he felt a sign this size with digital advertising would be intrusive and he did not feel a larger sign was needed at this location.

Council Member Spears said he drove by the West Lake area every day and he was concerned about the vacant buildings there that did not garner any tax money for the City of Peoria. He said this particular area brought in 10% of the City's revenues and the new proposed sign would bring the area's commercial development together and would highlight the improvements that have been completed and future development that was planned. He urged the Council to support the motion.

ORDINANCE NO. 16,541, amending Ordinance No. 13,391, as amended, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Sandberg - 1.

- (10-085) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2010 Relating to the USE of the DOWNTOWN TAX INCREMENT FINANCE (TIF) FUND BALANCE, in the Amount of \$61,000.00, for the JEFFERSON AVENUE SAFETY IMPROVEMENTS BID AWARD to the LOW BID CONTRACTOR, ILLINOIS CIVIL CONTRACTORS OF ILLINOIS.**

City Clerk Mary Haynes announced that City Staff requested this item, as well as Unfinished Business Item 09-506, be withdrawn.

Council Member Gulley stated he objected to this item being withdrawn. He said it was his understanding the Jefferson Avenue Safety Improvement was in line with the Comprehensive Plan and was something that needed to be accomplished to provide safety and infrastructure.

Council Member Gulley moved to adopt an Ordinance amending the City of Peoria Budget for Fiscal Year 2010 relating to the use of the Downtown Tax Increment Finance (TIF) Fund Balance, in the amount of \$61,000.00, for the Jefferson Avenue Safety Improvements bid award to the low bid contractor, Illinois Civil Contractors of Illinois; seconded by Council Member Van Auken.

In discussion with Council Member Van Auken, Council Member Spain explained there was concern that the timing for this project was not right. He said the low bid contractor indicated they would hold the prices until this point, but it was felt this offer could not last forever. He said a resolution was needed, but there was some feeling the timing was still not right. He said the Civic Center Authority supported the project and viewed it as a critical safety item, particularly when a large number of people were leaving Civic Center events. He said the Civic Center was looking to accommodate some of those safety concerns differently in the future.

Council Member Sandberg said he felt it was the responsibility of the Civic Center to fund this project. He added the City should only pay for the portion that was located in the right-of-way.

Mayor Ardis stated he felt the City should work with the Civic Center to address these issues.

Council Member Gulley stated he had a better understanding of the situation and he moved for a substitute motion to withdraw this item from the Council Agenda, as well as Unfinished Business Item No. 09-506; seconded by Council Member Spain.

Substitute Motion to withdraw this item as well as Unfinished Business Item No. 09-506 was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Jacob - 1.

- (10-086) Communication from the City Manager and Corporation Counsel Requesting Council Action on the SITE APPLICATION for a CLASS A (Tavern) with a SUBCLASS 1 (4:00 A.M. Closing) and SUBCLASS 2 (Live Entertainment) LIQUOR LICENSE at 633 MAIN STREET, with Recommendation from the Liquor Commission to DENY.**

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 Gulley moved to Table this Item; seconded by Council Member Van Auken.

Council Member Sandberg expressed concern that this item was being Tabled due to a situation that no longer existed at this establishment.

Council Member Turner expressed concern that the owner of this establishment made an agreement, but the owner did not follow through with his part of the agreement.

Motion to Table this Item was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: None;

Abstentions: Jacob - 1.

**(10-087)      Communication from the City Manager and Director of Public Works Requesting Adoption of the AMENDED SIDEWALK POLICY that Included the SIDEWALK PARTICIPATION PROGRAM, SIDEWALK IN NEED OF REPAIR (SINR) PROGRAM, and SAFER NEIGHBORHOOD SIDEWALK PROGRAM.**

Council Member Van Auken moved to adopt the Amended Sidewalk Policy that included the Sidewalk Participation Program, Sidewalk in Need of Repair (SINR) Program, and Safer Neighborhood Sidewalk Program; seconded by Council Member Spain.

Council Member Gulley said he could not support the amended policy at this time. He explained he did not feel these were solutions that were discussed by the Council. He said he thought discussion was held to assist citizens in obtaining a bid and completing their sidewalk project, and the proposed changes were not changes he could support.

Director of Public Works Dave Barber explained the Council communication provided the description for all three sidewalk programs, but only the Sidewalk Participation Program was affected. He said the Policy addressed all three programs and he explained the changes proposed. He further stated, with the City taking the bids and controlling the work, the process would be streamlined for the homeowners so work could be completed sooner. He explained the process and he stated bonds required for normal contracts would be required for this process. He said the program would be split up through the City so smaller contractors could bid on the work.

Council Member Gulley expressed concern regarding the difficulty involved for small businesses to obtain performance bonds. He said this condition would prevent small contractors from doing business with the City of Peoria. He urged the Council not to support the motion.

Council Member Van Auken spoke in support of the motion because senior citizens found it difficult to go through the process of finding two bids to turn in to the City and follow up, and there would be no EOO oversight by the City as well. She indicated the amended process would make it easier for all citizens to take advantage of the programs.

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Council Member Sandberg said the amended policy addressed some problems that currently existed, but he stated the changes could create other problems that did not currently exist. He said small business owners currently were required to obtain a bond to work on sidewalks and the City had sidewalk inspectors to insure some level of quality. He said this procedure would not do away with inspectors. He suggested a blending of both the current system and the amended system and to allow the resident to control when their sidewalks were installed.

Council Member Montelongo expressed concern that the amended Policy would add further workload to City Staff.

Motion to adopt the Amended Sidewalk Policy that included the Sidewalk Participation Program, Sidewalk in Need of Repair (SINR) Program, and Safer Neighborhood Sidewalk Program was approved by roll call vote.

Yeas: Irving, Riggerbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 7;

Nays: Gulley, Jacob, Montelongo, Sandberg - 4.

**UNFINISHED BUSINESS**

**(INCLUDING BUT NOT LIMITED TO MOTIONS TO RECONSIDER, IF ANY,  
ITEMS FROM THE PREVIOUS REGULAR MEETING)**

**(09-506) Communication from the City Manager and Director of Public Works Requesting Approval of the Recommendation to Accept the LOW BID of ILLINOIS CIVIL CONTRACTORS, INC., and Award a CONTRACT, in the Amount of \$492,382.70, Plus a 5% Base Bid Contingency of \$21,753.14, for the JEFFERSON AVENUE SAFETY IMPROVEMENTS. (New Communication)**

Clerk's Note: A motion was approved under Item No. 10-085 to withdraw this item from the Council Agenda.

**(09-616) Communication from the City Manager and Director of Planning and Growth Management Regarding a REPORT BACK on CONDITIONS to ENTER into an ANNUAL CONTRACT with the EAST BLUFF NEIGHBORHOOD HOUSING SERVICES (EBNHS) Related to Ordinance No. 14,534, with Request to DEFER this ITEM for TWO WEEKS. (New Communication)**

Council Member Riggerbach moved to defer this item for two weeks until the March 9 ,2010, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until March 9, 2010, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

Clerk's Note: Later in the meeting, Council Member Sandberg requested that citizens be allowed to address the issue of this deferral.

Following discussion, Council Member Sandberg moved to reconsider the vote on Item No. 09-616, so citizens could address the issues relating to a deferral of Item No. 09-616; seconded by Council Member Gulley.

Motion to reconsider the vote on Item No. 09-616 was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Sandberg, Spain, Spears, Turner, Mayor Ardis  
- 9;

Nays: Riggerbach, Van Auken – 2.

Council Member Sandberg moved to grant Privilege of the Floor to those who wished to address this issue.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those who wished to address this issue.

Maleita King, East Bluff resident, expressed concern regarding the actions of the leadership of the East Bluff Neighborhood Housing Services and she felt the City should provide better oversight in these matters. She expressed concern regarding the proposed deferral because Council Member Sandberg would not be available to attend the Council Meeting on March 9, 2010, and she felt the East Bluff needed his support when this item came before the Council again. She urged the Council to defer this item for a longer period of time so proper procedures could be followed.

Karrie Alms, a Peoria resident, said she did not feel a deferral for two weeks was enough time to resolve all the issues involved with this organization. She stated there were many questions yet to be answered and there had been other information brought to light that involved the leadership of the EBNHS. She expressed other concerns regarding the draft copy of the agreement and other documents that needed to be produced and reviewed. She urged the Council to consider a deferral that was longer than a two-week period.

Council Member Sandberg confirmed that he would not be able to attend the March 9, 2010, Council Meeting and he requested a longer deferral than two weeks so needed documents could be produced by Staff and reviewed.

Council Member Riggerbach said he had been working on these issues since last fall, but the intensity had taken hold since the Council voted for an extension of the East Bluff Neighborhood Housing Services Special Service Area in December 2009 and the Public Hearing held in January 2010. He said he agreed the questions deserved answers, but he pointed out the contract needed to be completed. He said it was critical to have a contract with EBNHS in place that outlined specific reporting elements, which many people had been requesting. He said the Council was responsible for the way those tax dollars were spent and this would be accomplished with the proposed contract. He said he would support a deferral, but he felt completing a contract should be a priority.

Council Member Sandberg said a condition of the current agreement was for the EBNHS to provide the City with budgets and audits. He also requested as part of the deferral that twenty years of budgets that were provided to the City, as well as audits, be brought forward. He requested that these documents be brought forward so an informed decision could be made.

**29243 JOINT CITY COUNCIL & TOWN BOARD PROCEEDINGS FEBRUARY 23, 2010**

Motion to defer this item until the March 9, 2010, Regular City Council Meeting was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10;

Nays: Sandberg - 1.

**(09-618) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to DENY a Request for a SPECIAL USE in a Class R4 (Single Family Residential) District for a WIRELESS COMMUNICATION FACILITY for Property Commonly Known as COLUMBIA MIDDLE SCHOOL Located at 2612 N. BOOTZ AVENUE.**

Council Member Van Auken moved, on behalf of the Petitioner, to defer this item until the second meeting in March 2010, which would be the March 23, 2010, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until March 23, 2010, was approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

**NEW BUSINESS**

**COMMENTS Regarding FACEBOOK and the GOOGLE INITIATIVE**

Council Member Van Auken urged citizens to go to facebook and become a friend of the GooglePeoria.com promotion. She said this was another way to support the Google initiative coming to Peoria.

**ANNOUNCEMENT Regarding a MEETING with the BUSINESS COMMUNITY to ASSIST with GROWING JOBS.**

Council Member Montelongo said he, Council Member Gulley, and Council Member Jacob would be holding a meeting with the business community at City Hall at 11:00 A.M. on February 24, 2010, to discuss how the City could assist with growing jobs for the City.

**ANNOUNCEMENT Regarding a BREAKFAST MEETING for CITIZENS**

Council Member Montelongo announced he and Council Member Turner would be holding a Breakfast Meeting to meet with citizens on March 4, 2010, at 7:30 A.M. at City Hall. He urged businesses or other entities that would like to host a Breakfast Meeting to contact him or Council Member Turner.

**(10-088)      REQUEST for REPORT BACK Regarding the STATUS of CITY COMMISSION ANNUAL REPORTS.**

Council Member Gulley requested a report back regarding the status of annual reports from all City Commissions. He said the information could be provided in a City Manager Issues Update.

**(10-089)      REQUEST FOR a PRELIMINARY REPORT on FINAL SALES TAX NUMBERS**

Mayor Ardis requested a preliminary report on final sales tax numbers for 2009 that could either be placed on the next City Council Agenda or a verbal communication to determine status and trends.

**CITIZEN REQUESTS TO ADDRESS THE COUNCIL**

**(10-090)      REQUEST from CITIZENS to Address the CITY COUNCIL Regarding Various Items**

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

C.J. Summers, a Peoria resident, referred to the Policy Session regarding the U.S. Route 24 Adams Street/Washington Street corridor and he urged the Council to consider funding the entire project rather than just one portion of the project. He said it could cost approximately \$41 million, but he felt this project would benefit all of Peoria, especially a portion of Peoria that had been neglected for a long period of time. He also referred to the recent Policy Session regarding the City's Comprehensive Plan and he expressed concern that the meeting was not carried on WCBU or Channel 22. He requested that Comcast broadcast those special meetings when held.

Karrie Alms, a Peoria resident, expressed concern there was no redress for the leadership of the EBNHS by the City. She expressed concern regarding the manner in which the bylaws had been changed and the changes that had been made regarding resident participation. She listed many concerns regarding the management of the organization, and she added there should be a process for directors to be removed when there were continued problems. She said these problems could not all be addressed in two weeks time and she requested that the Council defer the item regarding the EBNHS contract for a longer period of time so residents could attend an open Board Meeting in March or April and review the proposed agreement.

**POLICY/WORKSHOP SESSION**

**(10-091)      Communication from the City Manager and Director of Public Works Requesting to Hold Discussion on the U.S. ROUTE 24 ADAMS STREET/WASHINGTON STREET FEASIBILITY STUDY and Provide Direction to Staff Regarding the Council's Choice for the Recommended Plan. (Refer to Item No. 10-009).**

**29245 JOINT CITY COUNCIL & TOWN BOARD PROCEEDINGS FEBRUARY 23, 2010**

Council Member Spain moved to go into the Policy Session; seconded by Council Member Montelongo.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

Mayor Ardis opened the Policy Session at 8:32 P.M. and a Policy Session regarding the U.S. Route 24 Adams Street/Washington Street Feasibility Study was held.

Council Member Spain moved to adjourn the Policy Session regarding the U.S. Route 24 Adams Street/Washington Street Feasibility Study; seconded by Council Member Irving.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.

The Policy Session closed at 9:41 P.M.

**EXECUTIVE SESSION**

**(10-092) 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; 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.**

Council Member Irving moved for the City Council to go into Executive Session to Discuss 2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity; 2(c)(11) Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that such an action is probable or imminent; and 2(c)(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06; seconded by Council Member Jacob.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 11;

Nays: None.



**ADJOURNMENT**

Council Member Spears moved to adjourn the Joint City Council and Town Board meeting; seconded by Council Member Riggerbach.

Approved by roll call vote.

Yeas: Gulley, Irving, Jacob, Montelongo, Riggerbach, Sandberg, Spain, Turner, Van Auken, Mayor Ardis - 10;

Nays: Spears - 1.

The meeting adjourned at 9:45 P.M.

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

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