

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

Council Chambers, Peoria, Illinois, July 27, 2010, a Regular City Council Meeting was held this date at 6:20 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, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9. Absent: Irving, Jacob - 2.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection and he asked that everyone remember the family of Emil Steinseifer, Sr., the father of Assistant Fire Chief Emil Steinseifer, Jr., who recently passed away, and also remember the family of Tom Edwards, a regular City Council attendee and an environmental advocate, who recently died in a traffic accident. Mayor Ardis then led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

COMMENDATION: RECOGNITION OF THE MAYOR'S YOUTH CORP

PROCLAMATION: ILLINOIS MUNICIPAL TREASURER'S WEEK - July 25 - 31, 2010

ANNOUNCEMENT REGARDING POLICE-COMMUNITY RELATIONS COMMITTEE

Mayor Ardis announced that the Police-Community Relations Committee had been reinstated and he requested that citizens who were interested in serving on this Committee contact his office. He said a short form would need to be completed, but he urged those interested to contact him.

ANNOUNCEMENT Regarding OPEN HOUSE for the 2011 CITY OF PEORIA BUDGET at NORTHWOODS MALL on July 31, 2010.

Mayor Ardis announced the City would hold an Open House regarding the 2011 City of Peoria Budget to be held at Northwoods Mall on Saturday, July 31, 2010, from 10:00 A.M. until 2:00 P.M. He said this would be one of several Open Houses regarding the 2011 City Budget and he urged citizens to attend and ask questions regarding their service concerns.

MINUTES

Council Member Spain moved to approve the minutes of the July 13, 2010, Joint City Council & Town Board Meeting, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Montelongo, Riggenbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

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

- (10-335) **Communication from the City Manager and Assistant Director of Planning and Growth Management with Request to REALLOCATE \$10,481.00 of AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) CDBG-R FUNDS from the GLEN OAK RAMP PROJECT to the GLEN OAK SIDEWALK PROJECT.**
- (10-336) **Communication from the City Manager and Director of Public Works with Recommendation to Approve the LOW BID of ILLINOIS CIVIL CONTRACTORS, INC. (ICCI), in the Amount of \$176,837.00, with Authorization of up to \$194,520.70 (Additional 10% for Contingencies) for SINR CONTRACT #37 for SIDEWALK REPLACEMENT on MILLMAN from LOUISA to WESTERN and 900 BLOCK of HOWETT.**
- (10-337) **Communication from the City Manager and Police Chief Requesting Approval for the SOLE SOURCE EXPENDITURE of FEDERAL ASSET FORFEITURE FUNDS, in an Amount Not to Exceed \$19,500.00, for the Purpose of Funding the PEORIA POLICE DEPARTMENT'S PARTICIPATION (Production Costs, DVDS for Distribution at Conference, etc.), in an INTERNATIONAL SHOWCASE of BEST POLICE PRACTICES, to be Aired and Distributed to Police Chiefs from Around the World at the 2010 International Association of Chiefs of Police (IACP) National Conference, on October 23 - 27, 2010, in Orlando, Florida.**
- (10-338) **Communication from the City Manager and Assistant Director of Planning and Growth Management with Request to Receive and File for PUBLIC DISCLOSURE of a POTENTIAL CONFLICT of INTEREST Involving a COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION ASSISTANCE APPLICATION Received from DOROTHY PRICE so that Such Conflict Can Be Submitted to HUD for an Exception Determination.**
- (10-339) **Communication from the City Manager and Director of Public Works Requesting Approval of a 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 Sewers, Manhole Rehabilitation Project 5), and Requesting Concurrence in the Award of the CONTRACT with WIEGAND AND STORRER, INC., in the Amount of \$298,622.00.**
- (10-340) **Communication from the City Manager and Corporation Counsel Requesting Authorization for the City Manager to Execute the CONTRACT with AZAVAR AUDIT SOLUTIONS, INC., to PERFORM AN AUDIT of CABLE FRANCHISE FEES Collected by COMCAST.**
- (10-341) **Communication from the City Manager and Corporation Counsel**
* **Requesting Adoption of an ORDINANCE Amending CHAPTER 3 of the Code of the City of Peoria, Section 3-53 Pertaining to SUPPLEMENTAL LIQUOR LICENSES AND FEES Regarding Off-Site Catering.**

- (10-342) Communication from the City Manager and Corporation Counsel Requesting Approval of ORDINANCE NO. 16,584 Amending CHAPTER 24 of the Code of the City of Peoria Pertaining to POLICE-COMMUNITY RELATIONS ADVISORY COMMITTEE.
- (10-343) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,585 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2010 Relating to the OFFICE of the STATE FIRE MARSHAL (OSFM) GRANT AWARD for the PURCHASE of PROTECTIVE FIRE GEAR, in the Amount of \$25,700.00.
- (10-344) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,586 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2010 Relating to the LIBRARY GRANTS, GIFTS, and MEMORIALS in the Amount of \$39,774.00, and USE of CAPITAL DEVELOPMENT FUNDS, in the Amount of \$282,278.00.
- (10-345) Communication from the City Manager and Assistant Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,587 Amending Ordinance No. 16,318, as amended, for a SPECIAL USE in a Class C2 (Large Scale Commercial) District for SHOPPING CENTER to REVISE the LOCATION and SIZE of PREVIOUSLY APPROVED COMMERCIAL BUILDINGS for Property Located at 8215 and 8305 N. ALLEN ROAD, with Conditions.
- (10-346) Communication from the City Manager and Assistant Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,588 Amending Ordinance No. 16,031, as amended, for a SPECIAL USE in a Class R3 (Single-Family Residential) District for a RESIDENTIAL CLUSTER DEVELOPMENT to Create Lots for Individual Dwelling Units by Amending Property Lines, which Includes Waivers for Yard Setbacks and Lot Size, and Reduce the Density from 48 Dwelling Units to 43 Dwelling Units for Property Identified as Parcel ID No. 14-18-176-021 with an Address of 6100 - 6107 MANDALAY DRIVE, with Waivers.
- (10-347) Communication from the City Manager and Assistant Director of Planning and Growth Management Requesting Adoption of ORDINANCE NO. 16,589 Amending APPENDIX B of the Code of the City of Peoria and Ordinance No. 16,574 Relating to PARKS and Correcting the Numbering Sequence.
- (10-348) Communication from the City Manager and Assistant Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,590 Amending APPENDIX B of the Code of the City of Peoria Relating to POLITICAL SIGNS.
- (10-349) Communication from the City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION to ADD a SUBCLASS 1A (2:00 A.M. CLOSING) to the CLASS B-1 (Restaurant, 25% Food) LIQUOR LICENSE at 619 WEST MAIN STREET, with Recommendation from the Liquor Commission to Approve.

- (10-350) Communication from the City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS C (Package Liquor) LIQUOR LICENSE at 2601 WEST LAKE STREET, SUITE A1-B, with Recommendation from the Liquor Commission to Approve.
- (10-351) Communication from the City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE with a SUBCLASS 1A (2:00 A.M. Closing) and SUBCLASS 2 (Live Entertainment) LICENSE at 1301 W. PIONEER PARKWAY, SUITE 133, with Recommendation from the Liquor Commission to Approve.
- (10-352) Communication from the City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant) LIQUOR LICENSE with a SUBCLASS 3A (Sidewalk Cafe) at 1301 W. PIONEER PARKWAY, SUITE 125, with Recommendation from the Liquor Commission to Approve.
- (10-353) Communication from the City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at 1113 W. BRADLEY AVENUE (St. Mark's Parish) for a FUNDRAISER on AUGUST 14, 2010.
- (10-354) Communication from the City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at ONE ALOHA LANE for a FUNDRAISER on AUGUST 19, 2010.
- (10-355) Communication from the City Manager and Corporation Counsel Requesting Approval an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at 5000 W. HOLIDAY DRIVE for a FUNDRAISER on SATURDAY, AUGUST 28, 2010.
- (10-356) Communication from the City Manager and Corporation Counsel Requesting Approval for an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at 6001 N. UNIVERSITY (St. Vincent DePaul Parish) for a FUNDRAISER on AUGUST 20, 2010.
- (10-357) APPOINTMENTS and REAPPOINTMENT by Mayor Jim Ardis to the PEORIA PUBLIC LIBRARY BOARD OF TRUSTEES, with Request to Concur:
- APPOINTMENTS:
Margaret E. Cousin (Voting) - Term Expires 6/30/2013
David O. Singley (Voting) - Term Expires 6/30/2013
- REAPPOINTMENT:
Linda E. Daley (Voting) - Term Expires 6/30/2013
- (10-358) Communication from the City Manager and Director of Public Works with Request to Receive and File the Following Information Reported Regarding EMERGENCY STORM SEWER REPAIRS for the HILLCREST STORM SEWER with J.C. DILLON, INC., in the Amount of \$24,306.64.
- (10-359) TOWN of the CITY OF PEORIA FINANCIAL REPORT for Period Ending 6/30/2010, 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 Sandberg requested Item No. 10-341 be removed from the Consent Agenda for further discussion.

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

Items No. 10-335 through 10-359 (excluding Item No. 10-341, which was removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Gulley, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: None.

**(10-341) Communication from the City Manager and Corporation Counsel
* Requesting Adoption of an ORDINANCE Amending CHAPTER 3 of the Code
 of the City of Peoria, Section 3-53 Pertaining to SUPPLEMENTAL LIQUOR
 LICENSES AND FEES Regarding Off-Site Catering.**

In discussion with Council Member Sandberg, Corporation Counsel Randy Ray confirmed this Ordinance would not include B1 restaurant Liquor Licenses.

In further discussion with Council Member Sandberg, City Clerk Mary Haynes explained the process. She said when a request for a Subclass 10 was received, it would be immediately sent to the Liquor Investigator at the Police Department for review. She said, if there was a concern regarding the location, etc, the Liquor Investigator and Police Chief would bring it to the Liquor Commissioner's attention.

Council Member Sandberg expressed concern that the proposed Ordinance did not outline what standards would be reviewed before approval was recommended. He also expressed concern that to review all the requests would be an additional duty for the Liquor Investigator. He said he felt it would be an administrative problem at a time when the City may have to reduce staff. He also said there would be no protection for the neighbors of those holding an event under a Subclass 10 and he felt the proposed Ordinance was flawed and should not be supported.

In discussion with Council Member Van Auken regarding the need for such a license, City Clerk Mary Haynes explained there were occasional requests made by restaurants to cater a graduation or wedding. She said the host would purchase everything from the restaurant and the restaurant would serve the alcohol. She said, over time, these requests were brought to the Liquor Commissioner, the Deputy Liquor Commissioner, and the Legal Department to consider. She further explained that Mayor Ardis requested the Liquor Commission to review these requests and they held several hearings with all the Class K, Class B, and Class G liquor license holders to outline the proposal and to determine if there was any interest. She added there were no objections from the Class K caterers and there were approximately three restaurants that indicated their interest. She also said there was a part of the Code that addressed suitability of site and some of those provisions could be reviewed, if needed. She stated there would be oversight by the Liquor Commissioner and Deputy Liquor Commissioner and one of them would need to sign off on the application.

In discussion with Council Member Van Auken, Police Chief Steve Settingsgaard explained the Police Department Liquor Investigator would review the site where the event would take place and check to determine if there had been problems at that particular location, calls for service, citations, etc. He said then he, as Police Chief, would make a recommendation whether a license should be approved or denied.

Following further comments, Council Member Van Auken moved to adopt the Ordinance amending Chapter 3 of the Code of the City of Peoria, Section 3-53 pertaining to Supplemental Liquor Licenses and Fees regarding off-site catering; seconded by Council Member Turner.

ORDINANCE NO. 16,591 was adopted by roll call vote.

Yeas: Gulley, Montelongo, Riggensbach, Spain, Turner, Van Auken, Mayor Ardis - 7;

Nays: Sandberg, Spears - 2.

EXECUTIVE SESSION

(10-360) Consideration of a Motion to enter into an EXECUTIVE SESSION to Discuss 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 an action is probable or imminent.

Council Member Riggensbach moved to enter into an Executive Session to discuss 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 an action is probable or imminent; seconded by Council Member Van Auken.

Approved by roll call vote.

Yeas: Gulley, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: None.

The City Council moved to Room 404 of City Hall to hold an Executive Session at 6:55 P.M.

RECONVENING OF THE CITY COUNCIL

Mayor Ardis called the meeting order and City Clerk Mary Haynes called the roll and the following Council Members were physically present: Gulley, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9. Absent: Irving, Jacob - 2.

The City Council Meeting reconvened at 7:56 P.M.

REGULAR BUSINESS

(10-361) Communication from the City Manager and Corporation Counsel Requesting Authorization for the City to JOIN with the COUNTY OF PEORIA in TRANSACTIONS to SATISFY OBLIGATION to PNC BANK Arising Out of the FIREFLY LOAN GUARANTY by (1) JOINT AGGREGATE PAYMENT of \$500,000.00 to FIREFLY BANKRUPTCY ESTATE and (2) JOINT AGGREGATE PAYMENT of \$2 Million to PNC BANK.

Council Member Van Auken moved to authorize the City to join with the County of Peoria in transactions to satisfy obligation to PNC Bank arising out of the Firefly Loan Guaranty by (1) joint aggregate payment of \$500,000.00 to Firefly Bankruptcy Estate and (2) joint aggregate payment of \$2 million to PNC Bank; seconded by Council Member Turner.

Council Member Sandberg said the royalty period for any potential pay back was anticipated to be five years, and he questioned when the starting point of that period would be.

Corporation Counsel Randy Ray confirmed the starting point would be five years from the date of inception and he agreed there would be nothing to sell for at least the first year.

In further discussion with Council Member Sandberg, Corporation Counsel Randy Ray said, if the agreement with ElectroTherm would not go through, it would still be his recommendation to settle with the Firefly Bankruptcy Estate to solidify the assets, which was the \$500,000.00. He said the \$2 million would not be paid unless it was part of an ElectroTherm agreement or some other agreement that would come back to the Council.

Council Member Sandberg said he would not support the motion because he did not vote to support the initial loan to Firefly.

Motion to authorize the City to join with the County of Peoria in transactions to satisfy obligation to PNC Bank arising out of the Firefly Loan Guaranty by (1) joint aggregate payment of \$500,000.00 to Firefly Bankruptcy Estate and (2) joint aggregate payment of \$2 million to PNC Bank was approved by roll call vote.

Yeas: Gulley, Montelongo, Riggerbach, Spain, Spears, Turner, Van Auken, Mayor Ardis - 8;

Nays: Sandberg - 1.

(10-362) Communication from the City Manager and Assistant Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt the Following:

- A. ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to ZONING EXCEPTION CERTIFICATES for Transfers of Property; and**
- B. ORDINANCE Amending APPENDIX C of the Code of the City of Peoria Relating to ZONING EXCEPTION CERTIFICATES for Transfers of Property.**

Council Member Van Auken moved to defer this item for one month until the August 24, 2010, Regular City Council Meeting to provide more time for the Planning and Growth Management Department to communicate with affected parties and to analyze the impact of the proposed change; seconded by Council Member Turner.

Council Member Sandberg requested that Staff bring back information regarding when the staffing changes in numbers were made at the time this process went into effect to determine if additional people were necessary and were hired to perform the work.

Motion to defer this item until the August 24, 2010, Regular City Council Meeting was approved by roll call vote.

Yeas: Gulley, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: None.

(10-363) Communication from the City Manager and Assistant Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission to Adopt ORDINANCE "A" OR to Concur with the Recommendation from Staff to Adopt ORDINANCE "B" Amending Ordinance No. 16,318, as Amended, for a SPECIAL USE in a Class C2 (Large Scale Commercial) District for a SHOPPING CENTER to RELOCATE an EXISTING OFF-PREMISE SIGN for Property Located at 8215 and 8305 N. ALLEN ROAD, with Conditions.

On behalf of Council Member Irving, who was absent from this meeting, Council Member Turner moved to defer this item until the September 14, 2010, Regular City Council Meeting; seconded by Council Member Van Auken.

Motion to defer this item until September 14, 2010, was approved by roll call vote.

Yeas: Gulley, Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 9;

Nays: None.

(10-364) Communication from the City Manager and Director of Public Works Regarding a PRESENTATION to Discuss the SANITARY SEWER REHABILITATION PROGRAM and the COMBINED SEWER OVERFLOW LONG TERM CONTROL PLAN, with Recommendation to Receive and File the Presentation Materials.

Mayor Ardis said he would be abstaining from the discussion and voting due to a professional relationship his employer had with the project. He requested that Council Member Turner assume the Chair.

Hearing no objections, Chairman Pro Tem Turner granted Privilege of the Floor to Mr. Stan Browning.

Stan Browning, Executive Director of the Greater Peoria Sanitary District, discussed the Sanitary Sewer Rehabilitation Program and Long Term Control Plan for combined sewer overflows. He presented a service area map and pointed out the separate sewers owned by the City of Peoria, the combined sewers owned by the City, and the location of the Riverfront interceptor. He provided a summary of infrastructure and he discussed the components included in the December 18, 1990, Agreement.

Mr. Browning discussed the rehabilitation process and the current status of sewer evaluations, repair of structural defects, cleaning/televising of sanitary sewers and combined sewers, pipe repairs on combined sewers, and projected repairs on separate sewers. He discussed the projected budget and he said the cost for work completed through 2009 was \$36.2 million. He reported there was \$3.2 million in the 2010 budget. He further stated the cost estimate for work remaining was between \$12 million and \$15 million, with a total project budget between \$51.4 million and \$55.4 million, and had an estimated completion date of December 2014.

Director of Public Works Dave Barber discussed the status of LTCP development, U.S.E.P.A. and I.E.P.A. dual regulatory requirements, solutions and potential alternatives, 2010 alternatives, and the recommended Plan #16 to reduce wet weather overflows with map showing location and cost benefits. He further discussed the U.S.E.P.A. financial capability analysis, impacts on the City and CSO area, and he explained the next steps for the CSO program. He said a recommended plan would be agreed upon, an implementation schedule and post-construction monitoring would be developed, the legal mechanism needed to be agreed upon, the City Council would need to endorse the plan, the State would need to approve and there would need to be Federal concurrence, and funding options needed to be developed. He further discussed funding options for stormwater drainage and the CSO, implementation of a stormwater utility, rate methodologies, and charging stormwater user fees.

Council Member Spain said this unfunded mandate that had been pushed down on river communities throughout the country was deplorable in his opinion. He said the City was limited on options, short of working with Federal Legislators to reverse some of the provisions of the Clean Water Act. He said he felt this project was headed in the correct direction by reducing a \$350 million solution down to \$85 million. He said the City could not afford the \$85 million solution and were like many communities that were negatively impacted by the economy.

Council Member Spain referred to the goal of limiting the number of combined sewer overflows in a typical year and, assuming a technical plan was developed, he questioned what if the City had an unusually wet year. He further questioned if there was some built-in flexibility or if there were penalties that existed on non-compliance based on the number of exceeding CSO's that would take place in a year.

Director Barber said it was anticipated there would be at least two events per year of combined sewer overflows, which was technically still a violation of water quality standards. He explained, in negotiations with the E.P.A., the issue needed to be resolved relative to the number of discharges and the violations that might be imposed upon the City.

Fred Andes, Attorney from Barnes & Thornburg, explained they would be talking with the E.P.A. regarding a process. He said the number of anticipated overflows would need to be written into the regulations and, if that number of overflows happened, it would not be a violation. He said that was part of what they would try to achieve in a final resolution for the City.

Council Member Spain expressed concern that the City was being asked to complete a solution that would accomplish little in improving the overall water quality of the Illinois River. He questioned why only two overflows per year were being targeted when there was latitude by the E.P.A. in the four to six overflow range.

Greg Asbury, Consultant from MACTEC, said these issues would be more defined in the developed analysis.

Following further comments, Council Member Spain moved to receive and file the Presentation regarding the Sanitary Sewer Rehabilitation Program and the Combined Sewer Overflow Long Term Control Plan and presentation materials; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None;

Abstentions: Mayor Ardis - 1.

UNFINISHED BUSINESS

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

**(10-025) Communication from the 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 NOVEMBER 30, 2010.**

Mayor Ardis said he would be abstaining from the discussion and voting due to a professional relationship his employer had with Comcast. He requested that Council Member Turner assume the Chair.

Following an explanation, Council Member Van Auken moved to execute an agreement with Comcast to extend the current Cable Franchise Agreement until November 30, 2010; seconded by Council Member Spain.

Council Member Sandberg expressed concern regarding the proposed agreement. He suggested that the City not extend the present agreement and allow it to lapse to reduce the work load on the Legal Department.

Corporation Counsel Ray explained that allowing the agreement to lapse would actually cause more work for the Legal Department.

In discussion with Council Member Spain, Corporation Counsel Randy Ray confirmed Comcast did not have an agreement with the State. He said they could obtain a franchise with the State, but it had been their strategy to negotiate agreements with the municipalities.

Hearing no objections, Chairman Pro Tem Turner granted Privilege of the Floor to Greg Stone.

Greg Stone, a Peoria resident, expressed concern regarding the many complaints voiced to him regarding service provided by Comcast. He urged the Council to hold another forum to provide Comcast customers an opportunity to voice their complaints. He said the local technicians and Staff provided good customer service, but there were problems with the call center and management. He suggested a forum be held prior to the Council moving forward with extension of the present franchise agreement.

Council Member Van Auken moved for a substitute motion to defer this item until a forum could be held; seconded by Council Member Spain.

Council Member Gulley spoke in support of approving the extension of the agreement until November 30, 2010, so the current agreement would not lapse and holding a forum in the next few months prior to extending the agreement again.

Council Member Riggerbach said he felt it was important that the Council know the consequences of not extending the agreement for another five years. He said he wanted to hear more from the community and he urged the Council to extend the current agreement until November 30, 2010, and hold a forum during the interim.

Substitute motion to defer this item until a forum could be held was DEFEATED by roll call vote.

Yeas: Spain – 1;

Nays: Gulley, Montelongo, Riggerbach, Sandberg, Spears, Van Auken, Chairman Pro Tem Turner – 7;

Abstention: Mayor Ardis - 1.

Council Member Spears suggested that the City file a complaint with the FCC as a result of poor service. He said the City could continue with the franchise agreement, but begin to work toward a resolution for the citizens.

Motion to execute an agreement with Comcast to extend the current Cable Franchise Agreement until November 30, 2010, and hold a forum in the interim was approved by roll call vote.

Yeas: Gulley, Montelongo, Riggerbach, Spears, Van Auken, Chairman Pro Tem Turner - 6;

Nays: Sandberg, Spain - 2;

Abstentions: Mayor Ardis - 1.

- (10-217) **Communication from the City Manager and Assistant Director of Planning and Growth Management with Recommendation from the Administration to ADVERTISE a NOTICE of FUND AVAILABILITY (NOFA) for PUBLIC FACILITIES IMPROVEMENTS Utilizing Unobligated Community Development Block Grant Funds, in the Amount of \$200,000.00.**

MOTION ON THE FLOOR: To advertise a Notice of Fund Availability (NOFA) for Public Facilities Improvements utilizing unobligated Community Development Block Grant Funds, in the amount of \$200,000.00.

Following a brief comment, Council Member Spain moved to defer this item for one month until the August 24, 2010, Regular City Council Agenda; seconded by Council Member Turner.

Council Member Gulley said there were many agencies that had been negatively impacted by the current economy and he wanted to give organizations opportunities to lower costs so more money could go toward programming. He said this was a crime-fighting element and he felt this money needed to be allocated now. He urged the Council to vote against a deferral so the funds could be allocated.

Motion to defer this item until August 24, 2010, was approved by roll call vote.

Yeas: Montelongo, Riggerbach, Sandberg, Spain, Spears, Turner, Mayor Ardis - 7;

Nays: Gulley, Van Auken - 2.

NEW BUSINESS

ANNOUNCEMENT Regarding "ELECTED OFFICIALS GOT TALENT" to Raise Funds for the RNNC

Council Member Turner announced the event "Elected Officials Got Talent" to showcase musical, dancing, or other talents of Elected Officials would be held at Brewers on August 6, 2010, from 6:00 P.M. until 10:00 P.M. for a cost of \$15.00. He explained this was a fundraiser to support travel expenses to the Regional Neighborhood Network Conference in Dayton, Ohio. He invited the public to attend.

ANNOUNCEMENT Regarding the ANNUAL NATIONAL NIGHT OUT AGAINST CRIME

Council Member Van Auken announced the Annual National Night Out Against Crime would be held on Tuesday, August 3, 2010. She said 37 neighborhood organizations would be participating and she urged citizens to participate.

ANNOUNCEMENT Regarding PEORIA PROMISE FUNDRAISER at KELLEHER'S on AUGUST 9, 2010

Council Member Van Auken announced a fundraiser for Peoria Promise would be held at Kelleher's on August 9, 2010. She said tickets were \$10.00 each and dinner would be served and entertainment would be provided. She urged citizens to attend and donate to a worthy cause.

REPORT Regarding REDUCTION IN CRIME

In discussion with Council Member Montelongo, Police Chief Steve Settingsgaard provided an update regarding the status of the Task Force that had been targeting hot spots for crime in Peoria as a result of recent shootings. Chief Settingsgaard reported there had been a reduction in crime and he highlighted some of the arrests and Police activity that had occurred in the past two weeks. He said he had received e-mails and phone calls from citizens in the Southside, who reported streets were quieter.

ANNOUNCEMENT Regarding BACK TO SCHOOL BACKPACKGIVE-AWAY

Council Member Riggenbach announced a Back to School Backpack Give-Away would be held at the Dream Center on Saturday, July 24, 2010, and he urged anyone who needed assistance obtaining school supplies for their children to attend.

RECOGNITION of NEW RED ZONE NEIGHBORHOOD ORGANIZATION

Council Member Gulley welcomed the newly formed Neighborhood Organization called the Red Zone and he urged other neighborhoods to organize and become involved in their community.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(10-365) 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.

Paul Masick, a Peoria resident and President of Altamont Park Neighborhood Association, expressed concern regarding the proposal to charge a fee for yard waste pickup. He said the majority of the members of their homeowners association was opposed. He also pointed out that a large number of trees were located on City property, but the leaves dropped and blew into the residents' yards. He also suggested starting the yard waste pickup program on April 1 until November 1 of each year.

Savino Sierra, a Peoria resident, spoke against a yard waste fee being imposed on citizens. He urged citizens to walk their neighborhoods, take back their streets, and march against neighborhood crime. He also spoke against loud noises associated with music and motorcycles.

Roger Sparks, a Peoria resident and member of the Mayor's Disabled Committee, said a report back would be coming soon to their committee regarding air conditioning the CityLink buses. He also expressed concern that seat belts for wheel chairs were broken or sometimes not available. He urged disabled persons to contact their City Council Members about their complaints. He expressed concern also that CityLink buses were suppose to have a life of seven years, but they were being used for 18 years or more.

Kathleen Hillard, a Peoria resident, requested installation of a bus shelter near the RiverPlex and on the river side of Water Street and Eaton Streets.

Bruce Fison, a Peoria resident, spoke in opposition of a yard waste fee being imposed. He suggested expanding the City's tax base by attracting new businesses to Peoria.

Deidre Tate, a Peoria resident, urged the Council to provide programs for teens to include a Youth Development Center that would provide every type of sport available. She said this would deter criminal activity for youths who had nothing to do and were drawn into crime. She said a Youth Center would generate revenue for the City if sports teams were formed to compete with other Cities.

Jonathan Jones, a Peoria resident, said he was a Peoria teen and he did not feel there was anything to do for people his age and this was the reason teens turned to crime. He said the violence needed to stop.

EXECUTIVE SESSION

- (10-366) **Consideration of a Motion to enter 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)(6) The setting of a price for sale or lease of property owned by the public body; 2(c)(11)Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent.**

Council Member Riggensbach moved to enter 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)(6) The setting of a price for sale or lease of property owned by the public body; 2(c)(11)Litigation, when an action against, affecting, or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 9:55 P.M.

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

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