

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

Council Chambers, Peoria, Illinois, October 26, 2010, a Regular City Council Meeting was held this date at 6:15 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, Montelongo, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 10.
Absent: Jacob - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Ardis requested a moment of silent prayer or silent reflection, and then Boy Scout Troop #40 from St. Jude Church led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PRESENTATION: COLOR GUARD PRESENTATION by ST. JUDE CHURCH BOY SCOUT TROOP #40

BUSINESS SHOWCASE: SHOPPES AT GRAND PRAIRIE and GRAND PRAIRIE DEVELOPMENTS

COMMENDATION: ILLINOIS LAW ENFORCEMENT TORCH RUN: CITY OF PEORIA POLICE DETECTIVE ELIZABETH BLAIR

PROCLAMATION: OPERATION SANTA

PROCLAMATION: TEEN CHALLENGE PEORIA MEN'S DIVISION – TENTH ANNIVERSARY

PROCLAMATION: HEAD START AWARENESS MONTH - OCTOBER 2010

PROCLAMATION: ILLINOIS CENTRAL COLLEGE ENGLISH 110 CLASS

MINUTES

Council Member Spain moved to approve the minutes of the Special Town Meeting of the Town Board of Trustees for the Town of the City of Peoria held on October 5 and October 12, 2010; the minutes of the Regular City Council Meeting held on October 12, 2010, and the Special City Council Meeting held on October 19, 2010, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

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

- (10-479) TAG DAY REQUEST from the KOREAN WAR VETERANS OF AMERICA, PEORIA CHAPTER #243, Requesting Permission to Sell KOREAN WAR DAISIES in the City of Peoria on FRIDAY and SATURDAY, JUNE 17 and 18, 2011. (Dates are open.)
- (10-480)
* Communication from the City Manager and Finance Director/Comptroller Requesting Authorization for the City Manager to Enter Into an AGREEMENT with PNC BANK for RENEWAL BANKING SERVICES for ONE YEAR, Commencing January 1, 2011, Under Terms of the Existing One Year Contract with PNC BANK with Specific 2011 Modifications; and Requesting Execution of an ADDENDUM to Incorporate Specific CONTRACT MODIFICATIONS Outlined in PNC Bank's Attached 2011 Contract Extension Proposal.
- (10-481) Communication from the City Manager and Corporation Counsel Requesting Approval of an INTERGOVERNMENTAL AGREEMENT with ILLINOIS CENTRAL COLLEGE Pertaining to MUTUAL AID Between POLICE DEPARTMENTS.
- (10-482) Communication from the City Manager and Director of Planning and Growth Management Requesting Approval of a SUBSTANTIAL AMENDMENT to the 2010 HUD ANNUAL ACTION PLAN to REALLOCATE \$100,000.00 of HOME INVESTMENT PARTNERSHIP GRANT (HOME) FUNDS from a Subgrantee Project to the DOWNPAYMENT ASSISTANCE (DPA) PROGRAM.
- (10-483) Communication from the City Manager and Director of Planning and Growth Management Requesting an INCREASE in the BUDGETED AMOUNT for the MacARTHUR APARTMENT PROJECT by \$8,000.00 in CDBG FUNDS.
- (10-484) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,615 Granting a SPECIAL USE in a Class C2 (Large Scale Commercial) District for a RADIO TOWER for the Property Located at 2006 W. ALTORFER DRIVE, with Conditions.
- (10-485) Communication from the City Manager and Director of Public Works with Request to Receive and File the UPDATED 2010 - 2011 SNOW REMOVAL AND ICE CONTROL PLAN.
- (10-486) APPOINTMENTS by Mayor Jim Ardis to the PLANNING COMMISSION, with Request to Concur.

Kelley A. Lemons (Voting) - Term Expires 6/30/2012
- (10-487) APPOINTMENTS by Mayor Jim Ardis to the ADVISORY COMMISSION ON HUMAN RESOURCES, with Request to Concur.

Katherine Coyle (Voting) - Term Expires 6/30/2012
Judith L. Oakford (Voting) - Term Expires 6/30/2013

(10-488) APPOINTMENTS by Mayor Jim Ardis to the FAIR EMPLOYMENT AND HOUSING COMMISSION, with Request to Concur.

Jerrodean D. Ashby (Voting) - Term Expires 6/30/2012

Sherry Ellis-Smith (Voting) - Term Expires 6/30/2013

Verma Harris (Voting) - Term Expires 6/30/2013

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

Council Member Riggensbach requested Item No. 10-480 be removed from the Consent Agenda for further discussion.

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

Items No. 10-479 through 10-488 (excluding Item No. 10-480, which was removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

(10-480) * Communication from the City Manager and Finance Director/Comptroller Requesting Authorization for the City Manager to Enter Into an AGREEMENT with PNC BANK for RENEWAL BANKING SERVICES for ONE YEAR, Commencing January 1, 2011, Under Terms of the Existing One Year Contract with PNC BANK with Specific 2011 Modifications; and Requesting Execution of an ADDENDUM to Incorporate Specific CONTRACT MODIFICATIONS Outlined in PNC Bank's Attached 2011 Contract Extension Proposal.

Council Member Riggensbach expressed concern regarding the process and the cost of the banking service contract. He explained the cost had gone from zero to over \$20,000, and he felt with over \$50 million on deposit in approximately 20 accounts at PNC Bank, the fees should be more competitive. He said an RFP should have been conducted, but he expressed further concern regarding the timing of this request. He said, if an RFP was conducted, it would be a monumental task if the City would then need to change banks. He urged the Administration to review each line item during this Budget season to determine how costs could be reduced.

Council Member Riggensbach moved to authorize the City Manager to enter into an agreement with PNC Bank for renewal banking services for one year, commencing January 1, 2011, under terms of the existing one-year contract with PNC Bank with specific 2011 modifications; and to execute an Addendum to incorporate specific contract modifications outlined in PNC Bank's 2011 Contract Extension Proposal, as outlined, with a stipulation that the Council be presented with an RFP by September 1, 2011 for these services; seconded by Council Member Turner.

In discussion with Council Member Sandberg, Finance Director/Comptroller Jim Scroggins explained an RFP was conducted in 2008 and three responses were received, of which none met the qualifications of the RFP. He said National City Bank was willing to work with the City and assist with obtaining the 10 basis points earning credit rating. He said this year, National City which was now PNC, agreed to honor their 2005 rates and continue to pay the City at the highest earnings credit rating of any client they had at 50 basis points currently. He said this option seemed appealing at this time for the City. He added the market was soft this year and there was not much ability for banks to pay high interest rates at this time. He said he hoped the market would be on the up-swing next year and the City would be able to leverage better returns and not pay any bank fees.

In further discussion with Council Member Sandberg, Director Scroggins explained the banks chose not to respond with an offer of 10 basis points over the Illinois Treasurer's investment pool. He said the 10 basis point would address the bank's service fees.

Council Member Sandberg expressed concern regarding the criteria set for the RFP qualifications and he expressed further concern that this was brought before the Council at such a late date. He said he felt the City Council needed more choices in this matter.

City Treasurer Patrick Nichting explained there was not a great demand for money right now due to the tightness in the credit market. He pointed out a key factor that a three-year treasury yield was yielding .53 and PNC was currently offering the City 50 basis points for liquidity for tomorrow. He said this was significant and, in working with Director Scroggins on the current budget and the 2011 budget, they worked to balance the budget and to appropriately serve the needs of this community. He also discussed the quality of services provided by PNC in daily balancing and reconciling, and he pointed out PNC was efficient and quick to respond to issues that needed immediate attention. He said, if he and Director Scroggins felt there was a better opportunity available at this time, they would recommend it.

Council Member Van Auken said she would agree Director Scroggins and City Treasurer Nichting had made a good decision, but she felt the decision should have been made before the end of October.

Motion to authorize the City Manager to enter into an agreement with PNC Bank for renewal banking services for one year, commencing January 1, 2011, under terms of the existing one-year contract with PNC Bank with specific 2011 modifications; and to execute an Addendum to incorporate specific contract modifications outlined in PNC Bank's 2011 contract Extension Proposal, as outlined, with a stipulation that the Council be presented with an RFP by September 1, 2011, for these services was approved by roll call vote.

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

Nays: None.

**(10-489) Communication from the City Manager and Corporation Counsel
Requesting Approval of the AMENDMENT to the 1996
INTERGOVERNMENTAL AGREEMENT Between the City of Peoria and the
PEORIA CIVIC CENTER AUTHORITY, Said Amendment Pertaining to HRA
TAX WITHHOLDING, and Requesting Authorization for the City Manager to
Execute the Amendment.**

Council Member Spain moved to defer this item until the December 14, 2010, Regular City Council Meeting; seconded by Council Member Van Auken.

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

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

Nays: None.

**(10-490) Communication from the City Manager and Director of Public Works
Requesting Adoption of an ORDINANCE Vacating Approximately 507 FEET
of the ALLEY RIGHT OF WAY on the NORTHERN END of Said ALLEY
Located Between SPRING STREET and CAROLINE STREET, and Between
N.E. ADAMS STREET and BOND STREET.**

Council Member Gulley moved to adopt an Ordinance vacating approximately 507 feet of the alley right-of-way on the Northern end of said alley located between Spring Street and Caroline Street, and between N. E. Adams Street and Bond Street; seconded by Council Member Riggenbach.

Council Member Gulley moved to grant Privilege of the Floor to those who wished to address this item.

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

William Ordaz, President of Detweiller Marina Homeowners Association, urged the Council to deny the request for the portion of the alley to be vacated. He said there were some discrepancies in the costs and scope of the project. He said the TIF area should be re-evaluated.

Council Member Sandberg expressed concern that only a portion of the alley was being vacated, and he pointed out the alley would be a dead-end with no egress. He expressed further concern regarding the order of the process, and he said he felt the first step in the process should be to address a safety concern. He said vacating just a portion of an alley was a rare occurrence and this request should not be granted.

Council Member Gulley pointed out the request was simply for an alley vacation and no rezoning was required, so the alley vacation would be the first step in this case. He said the project needed to move forward and the alley vacation would not violate any TIF requirements.

Following further comments, Council Member Sandberg moved for a substitute motion to defer this item for one month until the November 23, 2010, Regular City Council Meeting; seconded by Council Member Spain.

Council Member Gulley expressed concern regarding a deferral and he stated the business owner wanted to move forward with the design. He said a deferral would delay the project into colder weather and opportunities could be missed or may not exist in one month. He urged the Council to vote against the motion to defer.

In discussion with Mayor Ardis, Director of Public Works Dave Barber said meetings with neighbors were held 18 months to 2 years ago and he was not aware of any opposition at those meetings. He said his department did not see dead-ending the alley as an issue because the alley was open and there were other access points. He discussed an example of another dead-ended alley off of Wisconsin at Republic Street, and he said there were problems with garbage trucks backing up in these alleys. He further stated there were issues that had to be addressed when the alleys were maintained.

In discussion with Council Member Spears regarding any change of ownership of properties in the area, Director Barber said there were a few changes in ownership, but Mr. O'Brien purchased the properties and demolished the buildings. He said Mr. O'Brien now owned properties on both sides of the alley, except the building where Jim's Auto Body was located.

Council Member Spain said he was waiting to hear information regarding the details of the new project. He stated he would support the deferral because of these issues, but he felt the business owner could still move forward with the project during the interim.

Substitute motion to defer this item for one month until the November 23, 2010, Regular City Council Meeting was approved by roll call vote.

Yeas: Irving, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis - 8;

Nays: Gulley, Montelongo - 2.

(10-491) Communication from the City Manager and 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 FEES; and

Council Member Spain moved to adopt the Ordinance amending Appendix B of the Code of the City of Peoria relating to fees and deferrals; seconded by Council Member Turner.

ORDINANCE NO. 16,616 was adopted by roll call vote.

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

Nays: None.

B. ORDINANCE Amending APPENDIX C of the Code of the City of Peoria Relating to FEES.

Council Member Spain moved to adopt the Ordinance amending Appendix C of the Code of the City of Peoria relating to fees and deferrals; seconded by Council Member Van Auken.

ORDINANCE NO. 16,617 was adopted by roll call vote.

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

Nays: None.

(10-492) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt the Following:

Director of Planning and Growth Management Pat Landes distributed a copy of the Zoning Commission minutes from the September 2, 2010, and October 7, 2010, to all members of the City Council.

A. ORDINANCE Amending APPENDIX B of the Code of the City of Peoria Relating to VEHICLE PARKING and STORAGE; and

Council Member Van Auken moved to adopt the Ordinance amending Appendix B of the Code of the City of Peoria relating to vehicle parking and storage of recreational vehicles; seconded by Council Member Turner.

Council Member Sandberg expressed concern regarding how this would impact the storage of motorcycles or small cars. He said, while trying to regulate large vehicles, small vehicles fell into the same category. He expressed concern regarding this type of regulation.

ORDINANCE NO. 16,618 was adopted by roll call vote.

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

Nays: Gulley - 1.

B. ORDINANCE Amending APPENDIX C of the Code of the City of Peoria Relating to VEHICLE PARKING and STORAGE.

Council Member Van Auken moved to adopt the Ordinance amending Appendix C of the Code of the City of Peoria relating to vehicle parking and storage of recreational vehicles; seconded by Council Member Turner.

ORDINANCE NO. 16,619 was adopted by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

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

- (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 (3) YEARS, Effective January 1, 2011, through December 31, 2013.**

Council Member Spain moved to defer this item for four weeks until the November 23, 2010, Regular City Council Meeting; seconded by Council Member Van Auken.

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

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

Nays: None.

- (10-391) Communication from the City Manager and Director of Planning and Growth Management with Request to DEFER this Item Relating to WIRELESS TELECOMMUNICATION FACILITIES Until NOVEMBER 9, 2010, AND Request to EXTEND the MORATORIUM on the ISSUANCE of NEW PERMITS and APPROVALS. (New Communication)**

Council Member Van Auken moved to defer this item until the November 9, 2010, Regular City Council Meeting; seconded by Council Member Turner.

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

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

Nays: None.

- (10-464) Communication from the City Manager Requesting for the City Council to Provide Direction to the Administration on the PRELIMINARY FY2011 OPERATING BUDGET.**

City Manager Scott Moore suggested that this item be deferred until the November 9th or the November 16th Council Meeting.

Council Member Spain expressed concern that no information was provided to the Council answering the requested report backs made at the October 19, 2010, Special City Council Meeting. He stated there were approximately ten budget items that needed exploring or required additional information. He questioned when these reports would be provided because the Council was on a critical time line with the 2011 Budget.

City Manager Scott Moore explained Staff could not meet the deadline for this Agenda, but he said he would provide some of the information in the next City Manager Issues Updates and the remainder would be provided for the November 9, 2010, Council meeting.

Mayor Ardis said the Council would not be ready to discuss possible revenue enhancements until more was known about the Capital and Operating Budgets. He said the Council had planned to hold further 2011 Budget discussions at this meeting and they had expected to receive some feedback from the Administration.

Council Member Van Auken moved to defer this item to the November 9, 2010, Regular City Council Meeting; seconded by Council Member Spain.

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

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

Nays: None.

(10-465) Communication from the City Manager Requesting Direction to Staff Regarding POTENTIAL INCREASES to VARIOUS FEES and FINES.

Earlier in the meeting, Council Member Van Auken requested that when fees came back to the City Council for discussion, an analysis be provided as to why the recommendations were being made, because some of the fee increases were significant. She requested that Department Heads be prepared to provide explanations.

Council Member Spain moved to defer this item to the November 9, 2010, Regular City Council Meeting; seconded by Council Member Irving.

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

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

Nays: None.

PUBLIC COMMENTS Regarding FY 2011 CITY OF PEORIA BUDGET.

It was determined that no one wished to address the Council regarding the FY 2011 City of Peoria Budget.

NEW BUSINESS

ANNOUNCEMENT Regarding SMALL BUSINESS RESOURCE WORKSHOP on NOVEMBER 6, 2010

Council Member Turner said he and Council Member Gully had been working with the Economic Development Department and the EEO Office to hold a Small Business Resource Workshop on Saturday, November 6, 2010, from 9:00 A.M. until Noon at Frank Campbell Community Center at 312 Merriman Street. He said this would give small business owners information regarding projects that would be coming up in the City of Peoria and how they could access these opportunities.

COMMENTS Regarding the COMMUNITY FORUM ON CODE ENFORCEMENT Held on October 21, 2010

Council Member Turner thanked Director of Inspections John Kunski, Code Enforcement Manager Linda Lard, and Inspections Department Management Analyst Joe Dulin for their work on putting together an excellent Community Forum on Code Enforcement that was held on October 21, 2010, for citizens. He said there were 60 to 70 people in attendance representing every area of the City. He distributed a copy of the meeting summary and citizens' comments for Council review.

CITIZEN REQUESTS TO ADDRESS THE COUNCIL**(10-493) 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.

Savino Sierra, a Peoria resident, expressed concern that Police and Firefighter jobs would be cut due to Budget constraints, and that response times would be greater due to having less people. He also expressed concern that people in his area of the City were not seeing any improvements to sidewalks.

Peg Penda, a Peoria resident, expressed concern regarding the adoption of the Ordinance pertaining to vehicle parking and storage of recreational vehicles, and the impact it would have on parking smaller vehicles. She said citizens should be informed in a more timely manner about new laws being enacted.

EXECUTIVE SESSION**(10-494) 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)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 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 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 Spain 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)(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; 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 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 Irving.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

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

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 8:02 P.M.

bb

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