

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

Council Chambers, Peoria, Illinois, February 22, 2011, a 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, Riggerbach, Sandberg (arrived 6:21 P.M.), 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 he led the Pledge of Allegiance.

ANNOUNCEMENT REGARDING THE ANNUAL TOWN OF THE CITY OF PEORIA MEETING TO BE HELD TUESDAY, APRIL 12, 2011

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 12, 2011, 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, 2011. 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.

ANNOUNCEMENT Regarding LITTER CAMPAIGN to TARGET 39 BLOCKS in the DOWNTOWN AREA on MARCH 5, 2011

Litter Committee Chairman Diana Hall announced the Litter Committee would be conducting a Litter Campaign to target 39 blocks in the Downtown area. She said the Downtown area was the front door of the City and it was important for the City to be clean to welcome IHSA guests and other visitors to the City. She said volunteers would be meeting in the parking lot next to City Hall on March 5, 2011, at 8:00 A.M. and the litter detail would be held from 9:00 A.M. until 11:00 A.M., with refreshments served following the event in the parking lot of City Hall. She urged citizens to volunteer and, if anyone had questions, to please contact her.

Council Member Sandberg arrived at the meeting at 6:21 P.M.

MINUTES

Council Member Spain moved to approve the minutes of the Joint City Council and Town Board Meeting held on February 8, 2011, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, 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:

- (11-071) Communication from the Interim City Manager and Director of Public Works with Request to Award a CONTRACT for REPLACEMENT of HEAT PUMPS in the Offices of the TWIN TOWER SUITES, UNITS 401, 402 and 420 to the LOW BIDDER, GINGHER PROCESS PIPING, INC., in the Amount of \$209,000.00.**
- (11-072) Communication from the Interim City Manager and Director of Public
* Works Requesting Approval of a LETTER OF INTENT from the ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) for the PROPERTY TRANSFER to the City of Peoria for JAMESTOWN ROAD from MOUNTELLO DRIVE to Approximately 130.52 feet East of the GLOUCESTER COURT RIGHT OF WAY.**
- (11-073) Communication from the Interim City Manager and Director of Public Works Requesting Approval of ADDENDUM #1 to AGREEMENT NO. 10-187, the PROFESSIONAL SERVICES AGREEMENT with FARNSWORTH GROUP, INC., in the Amount of \$201,500.00, for the DESIGN SERVICES of ORANGE PRAIRIE ROAD from US ROUTE 150 (War Memorial Drive) to IL 91/Grange Hall Road/Alta Road and Authorizing the Interim City Manager to Execute the Necessary Documents.**
- (11-074) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of RESOLUTION NO. 11-074 in SUPPORT of ENVIRONMENTAL SITE REMEDIATION of CONTAMINATION Located in the VILLAGE of DePUE and Surrounding Areas.**
- (11-075) Communication from the Interim City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,666 Creating a PUBLIC RIGHT-OF-WAY RIVERFRONT ENTERTAINMENT DISTRICT.**
- (11-076) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,667 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the BRADLEY UNIVERSITY ALCOHOL ENFORCEMENT GRANT, in the Amount of \$6,000.00.**
- (11-077) Communication from the Interim City Manager and Director of Planning and Growth Management with Request to SET A DATE for a PUBLIC HEARING Related to the ADOPTION of the COMPREHENSIVE PLAN on TUESDAY, MARCH 22, 2011, at 6:15 P.M. Before the PEORIA CITY COUNCIL to be Held at City Hall, 419 Fulton Street, Council Chambers (Room 400), Peoria, Illinois.**
- (11-078) Communication from the Interim City Manager Requesting that STAFF be DIRECTED to BEGIN the APPLICATION PROCESS to ADD NEW NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODES to the ENTERPRISE ZONE PROPERTY TAX ABATEMENT PROGRAM and to Update Existing Codes.**

- (11-079) **Communication from the Interim City Manager Regarding the PEORIA PARK DISTRICT FOURTH QUARTER 2010 REPORT OF ACTIVITIES for the RIVERFRONT and GATEWAY BUILDING, with Request to Receive and File.**
- (11-080) **Communication from the Interim City Manager with Request for the City Council to Accept the PEORIA PARK DISTRICT RIVERFRONT PROGRAMMING WORK PROGRAM and BUDGET REPORT for 2011.**

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

Council Member Montelongo requested Item No. 11-072 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 Spain.

Items No. 11-071 through 11-080 (excluding Item No. 11-072, which was removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (11-072) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of a LETTER OF INTENT from the ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) for the PROPERTY TRANSFER to the City of Peoria for JAMESTOWN ROAD from MOUNTELLO DRIVE to Approximately 130.52 feet East of the GLOUCESTER COURT RIGHT OF WAY.**

Director of Public Works Dave Barber distributed the communication again with all the maps included, which was sent by mail to all Council Members, to include in their packet prior to the Council Meeting.

Council Member Montelongo moved to approve the Letter of Intent from the Illinois Department of Transportation (IDOT) for the property transfer to the City of Peoria for Jamestown Road from Mountello Drive to approximately 130.52 feet East of the Gloucester Court right of way; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

- (11-081) **Communication from the Interim City Manager and Director of Public Works with a Request to Concur with the Recommendation from the Traffic Commission to DENY a REVOCABLE RIGHT-OF-WAY PERMIT for the COVES AT CHARTER OAK HOMEOWNERS' ASSOCIATION to Allow the INSTALLATION of a GATE, at No Cost to the City, on SEDLEY STREET Between MOORING WAY and VERNER DRIVE.**

Council Member Turner moved to concur with the Recommendation from the Traffic Commission to deny a Revocable Right-of-Way Permit for the Coves at Charter Oak Homeowners' Association to allow the installation of a gate, at no cost to the City, on Sedley Street between Mooring Way and Verner Drive; seconded by Council Member Gulley.

Motion to Deny a Revocable Right-of-Way Permit for the Coves at Charter Oak Homeowners' Association was approved by roll call vote.

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

Nays: None.

(11-082) Communication from the Interim City Manager and Director of Public Works Requesting Approval of a GRANT PASS-THROUGH AGREEMENT with CULLINAN PROPERTIES, LTD. for REIMBURSEMENT of \$350,000.00 for Prior Costs they Incurred for the CONSTRUCTION of PORTIONS of ORANGE PRAIRIE ROAD.

Council Member Irving moved to approve a Grant Pass-Through Agreement with Cullinan Properties, Ltd. for reimbursement of \$350,000.00 for prior costs they incurred for the construction of portions of Orange Prairie Road; seconded by Council Member Turner.

In discussion with Council Member Sandberg, Director of Public Works Dave Barber confirmed that even though eligible costs for reimbursement went back eleven years, most of the work on Orange Prairie Road had been completed in the last two years. He added there were some other costs included that were older, but were still eligible.

Council Member Sandberg expressed concern regarding the costs involved and he pointed out there were no sidewalks on a portion of Orange Prairie Road.

Approved by roll call vote.

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

Nays: Sandberg - 1.

(11-083) Communication from the Interim City Manager and Finance Director/Comptroller with Recommendation to Adopt an ORDINANCE Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the ILLINOIS DEPARTMENT of COMMERCE and ECONOMIC OPPORTUNITY GRANT, in the Amount of \$350,000.00, for REIMBURSEMENT of CONSTRUCTION COSTS for ORANGE PRAIRIE ROAD to CULLINAN PROPERTIES, LTD.

Council Member Irving moved to adopt an Ordinance amending the City of Peoria Budget for Fiscal Year 2011 relating to the Illinois Department of Commerce and Economic Opportunity Grant, in the amount of \$350,000.00, for reimbursement of construction costs for Orange Prairie Road to Cullinan Properties, Ltd.; seconded by Council Member Montelongo.

ORDINANCE NO. 16,668 was adopted by roll call vote.

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

Nays: Sandberg - 1.

(11-084) Communication from the Interim City Manager and Director of Public Works Requesting Approval of an AGREEMENT with the U.S. DEPARTMENT of TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION for TIGER II FUNDS to Improve STREETS Within the WAREHOUSE DISTRICT, and Requesting Authorization for the Mayor to Sign the Final Document.

Council Member Gulley said, even though the availability of funding was questionable at this time, he urged the Council to move forward and approve the agreement with the hope that funding would become available eventually.

Council Member Gulley moved to approve the agreement with the U.S. Department of Transportation Federal Highway Administration for Tiger II Funds to improve streets within the Warehouse District and to request authorization for the Mayor to sign the final document; seconded by Council Member Spain.

Council Member Spain said information had been received from Washington D.C. regarding the impact of recent decisions on Peoria's success in the Warehouse District. He urged the Council to move the items forward relating to the Tiger II funds. He said there was still uncertainty in Washington D.C., but the City would not assume any risk with moving the agreement forward at this time. He said the approval of the proposed agreement and other related items would ensure that the City could move quickly when the opportunity presented itself. He added the House Resolution that was passed last week eliminated funds from the Tiger II grant that were appropriated, but not those funds which were obligated. He said the City should know within the next two weeks what the fate of Tiger II funding would be in the upcoming budget.

Motion to approve the agreement with the U.S. Department of Transportation Federal Highway Administration for Tiger II Funds to improve streets within the Warehouse District and to request authorization for the Mayor to sign the final document was approved by roll call vote.

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

Nays: None.

(11-085) Communication from the Interim City Manager and Director of Public Works Requesting Approval of an AGREEMENT with the ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) for the Funding of the PHASES I AND II PRELIMINARY ENGINEERING of the WAREHOUSE DISTRICT, TIGER II PROJECT.

Council Member Gulley moved to approve an agreement with the Illinois Department of Transportation (IDOT) for the funding of Phases I and II Preliminary Engineering of the Warehouse District, Tiger II Project; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

(11-086) Communication from the Interim City Manager and Finance Director/Comptroller Requesting Adoption of an ORDINANCE Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the U.S. DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION (FHWA) TIGER II GRANT Award, in the Amount of \$1,600,000.00 and \$400,000.00 Required Local Match from the WAREHOUSE DISTRICT TIF FUND.

Council Member Gulley moved to adopt an Ordinance amending the City of Peoria Budget for Fiscal Year 2011 relating to the U.S. Department of Transportation Federal Highway Administration (FHWA) Tiger II Grant award, in the amount of \$1,600,000.00 and \$400,000.00 required local match from the Warehouse District TIF fund; seconded by Council Member Spain.

ORDINANCE NO. 16,669 was adopted by roll call vote.

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

Nays: None.

(11-087) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the PROFESSIONAL SERVICES AGREEMENT with HANSON PROFESSIONAL SERVICES, INC./FARNSWORTH GROUP, INC., a Joint Venture, in an Amount Not to Exceed \$1,191,815.26, for PHASE I ENGINEERING SERVICES for the WAREHOUSE DISTRICT, TIGER II PROJECT.

Council Member Gulley moved to approve the Professional Services Agreement with Hanson Professional Services, Inc./Farnsworth Group, Inc., a joint venture, in an amount not to exceed \$1,191,815.26, for Phase I Engineering Services for the Warehouse District, Tiger II Project; seconded by Council Member Spain.

In discussion with Council Member Gulley, Director of Public Works Dave Barber explained under the terms of the grant, the U.S. Department of Transportation Federal Highway Administration would pay no more than 80% of the invoices, so the City would have to pay 20%.

In discussion with Council Member Sandberg regarding whether or not awarding this contract in advance of actually having the funding would create an obligation for the City, Director Barber explained the next step in the process was to submit the contract to IDOT and they could take up to twelve weeks to review the contract. He said by the time the answer was received from IDOT, the City should have an answer back regarding the availability of Tiger II funds. He said he did not feel there would be any exposure. He urged the Council to approve the proposed contract so the process could begin.

Corporation Counsel Randy Ray referred to two terms in the contract that provided protection for the City. He said on Page 3 of 5 of the agreement, No. 1, and on Page 4 of 5, No. 8, which indicated the process could move forward with a signed contract, but it was terminable, so if something happened, liability would be limited.

Motion to approve the Professional Services Agreement with Hanson Professional Services, Inc./Farnsworth Group, Inc., a joint venture, in an amount not to exceed \$1,191,815.26, for Phase I Engineering Services for the Warehouse District, Tiger II Project was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Rigganbach, Sandberg, Spain, Turner, Van Auken, Mayor Ardis - 9;

Nays: Spears - 1.

- (11-088) **Communication from the Interim City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Rezoning Properties from the Present Class I2 (Railroad/Warehouse Industrial) District to a Class I3 (General Industrial) District Identified as PARCEL ID NOS. 18-03-405-009 (1402 N.E. ADAMS STREET), 18-03-405-010 (1404 N.E. ADAMS STREET), 18-03-405-011 (1408 N.E. ADAMS STREET), 18-03-405-012 (1418 N.E. ADAMS STREET), 18-03-405-013 (1420 N.E. ADAMS STREET), 18-03-405-019 (1327 BOND STREET), 18-03-405-020 (1411 BOND STREET), 18-03-405-025 (1428 N.E. ADAMS STREET), and 18-03-405-026 (213 CAROLINE STREET), 18-03-408-006 (Located Between Two Railroad Tracks at Southeasternmost End of CAROLINE STREET with No Address Assigned), 18-03-277-006 (1924 N.E. ADAMS STREET), 18-03-277-007 (Located on the Southeast Side of ADAMS STREET, Stretching from CAROLINE STREET to GRANT STREET and Adjacent to the Railroad Track with No Address Assigned), and from a Present Class CG (General Commercial) District to a Class I3 (General Industrial) District for Parcel ID No. 18-03-403-006 (1520 N.E. ADAMS STREET); These Properties are Generally Bounded by ADAMS STREET on the North, ABINGTON STREET on the East, ILLINOIS RIVER on the South, and SPRING STREET on the West in Peoria, Illinois.**

Council Member Gully moved to adopt the Ordinance rezoning properties from the present Class I2 (Railroad/Warehouse Industrial) District to a Class I3 (General Industrial) District identified as Parcel ID Nos. 18-03-405-009 (1402 N.E. Adams Street), 18-03-405-010 (1404 N.E. Adams Street), 18-03-405-011 (1408 N.E. Adams Street), 18-03-405-012 (1418 N.E. Adams Street), 18-03-405-013 (1420 N.E. Adams Street), 18-03-405-019 (1327 Bond Street), 18-03-405-020 (1411 Bond Street), 18-03-405-025 (1428 N.E. Adams Street), and 18-03-405-026 (213 Caroline Street), 18-03-408-006 (located between two railroad tracks at Southeasternmost end of Caroline Street with no address assigned), 18-03-277-006 (1924 N.E. Adams Street), 18-03-277-007 (located on the Southeast side of Adams Street, stretching from Caroline Street to Grant Street and adjacent to the railroad track with no address assigned), and from a present Class CG (General Commercial) District to a Class I3 (General Industrial) District for Parcel ID No. 18-03-403-006 (1520 N.E. Adams Street); these properties are generally bounded by Adams Street on the North, Abington Street on the East, Illinois River on the South, and Spring Street on the West in Peoria, Illinois; seconded by Council Member Turner.

Council Member Gully moved to grant Privilege of the Floor to Mr. William Ordaz.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. William Ordaz.

William Ordaz, President of the Detweiller Marina Neighborhood Association, spoke in support of the project to be located between Caroline Street and Spring Street. He commended Mr. J.P. O'Brien for his willingness to listen to the Neighborhood Association's concerns and to consider their needs. He said the Neighborhood Association was not supportive of the proposed I3 zoning and he requested that the Council consider rezoning the area to an I2 instead. He said the project was a warehousing operation between Caroline and Spring Streets, and it was their understanding no manufacturing would take place in this area. He requested an amendment to the motion that the area between Caroline Street and Spring Street be rezoned to an I2 rather than to an I3 zoning.

In discussion with Council Member Gulley regarding rezoning to an I2 rather than an I3, Director of Planning and Growth Management Pat Landes explained an I3 zoning was required because I3 would meet the use Mr. O'Brien planned for this area. She said the site would have a warehouse operation, but it would not be the only use there. She said it would be an accessory use to the primary use of I3, and there was buffering for the neighborhood with I2 zoning. She added an I3 zoning would also be consistent with the Comprehensive Plan.

Motion to adopt ORDINANCE NO. 16,670 rezoning properties from the present Class I2 (Railroad/Warehouse Industrial) District to a Class I3 (General Industrial) District identified as Parcel ID Nos. 18-03-405-009 (1402 N.E. Adams Street), 18-03-405-010 (1404 N.E. Adams Street), 18-03-405-011 (1408 N.E. Adams Street), 18-03-405-012 (1418 N.E. Adams Street), 18-03-405-013 (1420 N.E. Adams Street), 18-03-405-019 (1327 Bond Street), 18-03-405-020 (1411 Bond Street), 18-03-405-025 (1428 N.E. Adams Street), and 18-03-405-026 (213 Caroline Street), 18-03-408-006 (located between two railroad tracks at Southeasternmost end of Caroline Street with no address assigned), 18-03-277-006 (1924 N.E. Adams Street), 18-03-277-007 (located on the Southeast side of Adams Street, stretching from Caroline Street to Grant Street and adjacent to the railroad track with no address assigned), and from a present Class CG (General Commercial) District to a Class I3 (General Industrial) District for Parcel ID No. 18-03-403-006 (1520 N.E. Adams Street); these properties are generally bounded by Adams Street on the North, Abington Street on the East, Illinois River on the South, and Spring Street on the West in Peoria, Illinois, was approved by roll call vote.

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

Nays: None.

(11-089) Communication from the Interim City Manager and Finance Director/ Comptroller With Request to Adopt an ORDINANCE Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the TIF REDEVELOPMENT AGREEMENT with O'BRIEN ENTERPRISES, L.L.C. to REIMBURSE the Cost for PUBLIC IMPROVEMENTS, in the Amount of \$506,000.00, from the NORTHSIDE BUSINESS PARK TIF FUND.

Council Member Gulley moved to adopt the Ordinance amending the City of Peoria Budget for Fiscal Year 2011 relating to the TIF Redevelopment Agreement with O'Brien Enterprises, L.L.C. to reimburse the cost for public improvements, in the amount of \$506,000.00 from the Northside Business Park TIF Fund; seconded by Council Member Van Auken.

ORDINANCE NO. 16,671 was adopted by roll call vote.

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

Nays: None.

(11-090) Communication from the Interim City Manager Requesting Approval to Enter into a TIF REDEVELOPMENT AGREEMENT with O'BRIEN ENTERPRISES, L.L.C. to REDEVELOP Property in an Area Bounded by CAROLINE STREET, SPRING STREET, ADAMS STREET and the ILLINOIS RIVER, and Requesting Authorization for the Interim City Manager to Execute the Necessary Documents.

Council Member Gulley moved to enter into a TIF Redevelopment Agreement with O'Brien Enterprises, L.L.C. to redevelop property in an area bounded by Caroline Street, Spring Street, Adams Street and the Illinois River and to authorize the Interim City Manager to execute the necessary documents; seconded by Council Member Van Auken.

Council Member Gulley thanked Mr. J.P. O'Brien for working with the Neighborhood Association and he said he appreciated the additional jobs that would be generated with this expansion. He said Mr. O'Brien had also worked with the City to provide a facelift for the area and for creating new opportunities for growth.

Mayor Ardis also thanked Mr. O'Brien for expanding his business. He said this project was a huge investment in Peoria and would add jobs, and it would bring more life to that area of the City. He said he appreciated the compromise made with the neighborhood.

Motion to enter into a TIF Redevelopment Agreement with O'Brien Enterprises, L.L.C. to redevelop property in an area bounded by Caroline Street, Spring Street, Adams Street and the Illinois River and to authorize the Interim City Manager to execute the necessary documents was approved by roll call vote.

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

Nays: None.

(11-091) Communication from the Interim City Manager and Assistant Director of Planning and Growth Management Regarding the 2010 PROGRESS REPORT for the GLEN OAK SCHOOL NEIGHBORHOOD IMPACT ZONE (as Required Semi-Annually by Ordinance No. 16,461), with Request to Receive and File.

Council Member Rigggenbach moved to receive and file the 2010 Progress Report for the Glen Oak School Neighborhood Impact Zone; seconded by Council Member Van Auken.

Council Member Rigggenbach highlighted some of the information in the report and he stated he felt the concept of the East Village Growth Cell was the source of the success of the impact zone.

Approved by roll call vote.

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

Nays: None.

(11-092) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the SITE APPLICATION for a CLASS A (Tavern), SUBCLASS 1 (4:00 A.M. Closing), and SUBCLASS 2 (Live Entertainment) LIQUOR LICENSE in the 400 BLOCK of S.W. JEFFERSON STREET, with Recommendation from the Liquor Commission to Approve.

Letters of opposition were received from CHECKPOINT – A Coalition of Concerned Citizens, Carl Jolliff, Vern and Wanda Martin, Sandra Fritz, Everett Fritz, II, and Randall Schrock and distributed to all members of the City Council.

Following a brief comment, Council Member Gulley moved to concur with the recommendation from the Liquor Commission to approve the Site Application for a Class A (Tavern), Subclass 1 (4:00 A.M. Closing), and Subclass 2 (Live Entertainment) Liquor License in the 400 Block of S. W. Jefferson Street; seconded by Council Member Turner.

Council Member Gulley said, as this issue moved forward, he encouraged all parties involved to continue looking for the best possible location for this business. He said he met with the owner of Myah's Just 4 Kids Learning Center and he said she would like to address the City Council regarding this issue.

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

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

Lynn Costic, owner of Myah's Just 4 Kids Learning Center, expressed concern that Big Al's would be located so close to a child care center. She said she felt this would deter from her business in parents wanting to leave their children at the center, and it would affect her ability to retain staff or attract new staff members. She said the learning center was licensed to be open for second shift workers, even though she did not have a second shift at this time. She said the children were outside on days when weather permitted outdoor activities. She also pointed out the parking lot where Big Al's would be located was the evacuation location for Staff and the children in case of an emergency. She said other evacuation sites were located across busy streets and safety was a concern for the children. She added that children learned from those around them and from the situations they observed, and she indicated she felt the location of Big Al's next to the learning center would not provide positive role models for the children.

Brad Dunham, member of the Coalition of Concerned Citizens, said he was concerned about businesses and families. He spoke in opposition to Big Al's moving to the proposed location and he also spoke in opposition to a liquor license being granted to Brown Bag Video. He said other locations should be pursued. He said he felt there would be a negative impact on Peoria's economy if the site application was approved.

Denise Moore, a Peoria resident, said she lived near the proposed area for Big Al's and she walked to work and she said she did not support any kind of liquor establishment moving to the area and also so closely located to Myah's Learning Center.

C.J. Summers, a Peoria resident, said Big Al's was a private business and he did not feel the City should assist with finding a new location for them. He said he felt the Liquor Commission erred in their approval of the site because he felt the location violated the Liquor Ordinance, which referred to property lines. He said the City's Attorney indicated the property lines of Myah's Learning Center and the proposed site for Big Al's were 164 feet apart. He said he felt the property line was the one for the bus depot and he expressed concern that the City would face litigation on this issue if the Council voted for approval. He urged the Council to vote against site approval.

Savino Sierra, a Peoria resident, said he felt the developer had rights and he spoke in support of site approval.

Andre Williams, a Peoria resident, spoke in opposition to the proposed site approval. He said he felt this was a credibility issue and the Council would be held accountable for their vote.

A Resident of Woodford County spoke in opposition to the proposed site approval. He stated he did not feel Big Al's should be in the Tri-County area. He stated a family member worked at Big Al's and he said he felt it had a negative impact on her life.

Frederick Smith, a Peoria resident, expressed concern that Big Al's would be located directly across from the Civic Center, which was a family event center. He urged the Council not to support the motion.

Milo Twist, a Washington resident, spoke against adult use in Peoria. He urged Peoria not to support the establishment of unhealthy businesses. He expressed concern that Big Al's would be the first thing people would see coming off the Bob Michel Bridge.

John Block, a Peoria resident, pointed out the number of Police service calls for serious crime to the bus center were numerous, but he said the owner of Myah's Learning Center did not mention that among her concerns. He said he had not heard anyone from the Civic Center administration having a problem with the proposed site for Big Al's. He said he did not go into Big Al's, but it was everyone's choice to make that decision.

Spanky Edwards, a Peoria resident, urged the Council to listen to the residents regarding this issue.

Council Member Gulley urged people to call him to provide suggestions regarding an appropriate location for Big Al's, if they felt the proposed site was not a good choice.

Council Member Turner pointed out this issue was about the future of the City of Peoria and the development of a downtown hotel, jobs, and Civic Center conventions coming to Peoria. He said he wanted to make the right decisions that would be in the best interest of the citizens of Peoria. He said Big Al's had been looking for over a year to find a location for their business and the site was not his choice, but he wanted to support jobs for citizens in the City.

In discussion with Council Member Sandberg, Corporation Counsel Randy Ray confirmed that Big Al's did not own the property at the proposed site, nor did they currently have a lease or a purchase agreement. He said the property was currently owned by the City of Peoria.

Council Member Sandberg expressed concern regarding the definition proposed by the City of the property lines involved. In discussion, he indicated he would not support the motion to approve due to the property lines issues and he felt the proposed selling price was too low.

Council Member Riggerbach said the proposed location for Big Al's was an "island" of sorts and there would be less routine foot traffic at the proposed location for Big Al's compared with their current location. He spoke in support of family values and his personal choice to send his children to public schools to subject them to the world and to teach them to be a positive influence in that world. He said patrons of Big Al's would have to walk by a church and other businesses with positive influences. He said he felt the proposed location was better than where Big Al's was presently located.

Mayor Ardis expressed his concern regarding the decision before the Council this evening. He said he did not condone adult operations and the current Downtown location of Big Al's, but the owners of these types of businesses had protections under the Constitution. He said everyone in the community had the right to make their own decisions. He said he was sympathetic to the owner of Myah's Just 4 Kids Learning Center and he expressed concern regarding the safety and environmental issues of the bus depot for children. He said there was not an ideal location for Big Al's and he felt there would always be opposition to any location. He said these were difficult circumstances, but he felt this was the best location possible at this time. He said Big Al's had been an asset when booking conventions and attracting entertainment to the City of Peoria. He expressed his appreciation to the owner of Big Al's for the assistance he had provided to the City.

Motion to concur with the recommendation from the Liquor Commission to approve the Site Application for a Class A (Tavern), Subclass 1 (4:00 A.M. Closing), and Subclass 2 (Live Entertainment) Liquor License in the 400 Block of S. W. Jefferson Street was approved by roll call vote.

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

Nays: Sandberg - 1.

UNFINISHED BUSINESS

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

- (11-032) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the SITE APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE with a SUBCLASS 1 (4:00 a.m. Closing) and a SUBCLASS 2 (Live Entertainment) LICENSE at 801 - 803 S.W. ADAMS STREET, with Recommendation from the Liquor Commission to Approve.**

Letters of opposition were received from CHECKPOINT – A Coalition of Concerned Citizens, Carl Jolliff, Vern and Wanda Martin, Sandra Fritz, Everett Fritz, II, and Randall Schrock and distributed to all members of the City Council.

Council Member Turner moved to DENY the Site Application for a Class A (Tavern) Liquor License with a Subclass 1 (4:00 a.m. Closing) and a Subclass 2 (Live Entertainment) License at 801 – 803 S. W. Adams Street; seconded by Council Member Gulley.

Motion to DENY the Site Application for 801-803 S. W. Adams Street was approved by roll call vote.

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

Nays: None.

- (11-035) Communication from the Interim City Manager and Police Chief Requesting Approval for a TWO-YEAR CONTRACT with HARRIS S. UNIFORMS for COMMISSIONED PERSONNEL and SIPCO/IDENTITY APPAREL for CIVILIAN PERSONNEL and PARKING ENFORCEMENT, in the Amount of \$100,000.00 for Each Year, with SUPPLEMENTAL INFORMATION.**

Council Member Van Auken moved to approve a two-year contract with Harris S. Uniforms for Commissioned Personnel and SIPCO/Identity Apparel for Civilian Personnel and Parking Enforcement, in the amount of \$100,000.00 for each year; seconded by Council Member Turner.

Police Chief Steve Settingsgaard explained price differential between some of the bids. He referred to the bid for leather coats and he said the vendor who presented a much lower price would not be able to supply the coats. He discussed the changes made to the bidding process this year and he said vendors were told the bids that were chosen would be the ones that were in the best interest of the City.

In discussion with Council Member Sandberg regarding his concern that the bid specifications were written for a sole source purchase, Chief Settingsgaard explained the standards that were in place, which had been loosened since last year by indicating the Police Department would accept substitutions. He said the Department was willing to review any product and the bidding was not closed to any vendor.

Motion to approve a two-year contract with Harris S. Uniforms for Commissioned Personnel and SIPCO/Identity Apparel for Civilian Personnel and Parking Enforcement, in the amount of \$100,000.00 for each year was approved by roll call vote.

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

Nays: None.

(11-045) Communication from the Interim City Manager and Director of Public Works Regarding a REPORT BACK on QUESTIONS RAISED Concerning the PURCHASE of THREE DUMP TRUCKS, with Request to Receive and File.

Director of Public Works Dave Barber discussed the list of 330 City vehicles and their present condition and estimated useful life. He said it was his recommendation that new vehicles be put out to bid because the new State contract would not be in place until May 2011. He said if trucks were ordered now, delivery would not take place until October 2011. He said his Department would come back to the Council with bid information at a later date.

Discussion was held regarding the condition of the trucks and Director Barber indicated to Council Member Gulley that he could look into the cost of refurbishing the trucks even though there were more problems than just the engines. He added the trucks' interiors had deteriorated and there were old mechanisms on the plows. He said his estimate would be approximately \$80,000 to \$100,000 per truck to refurbish and the City would still own ten-year old chassis.

Council Member Van Auken requested a report back regarding the costs involved to refurbish the trucks in question. Council Member Irving said he would support the purchase of new trucks if it was made clear to the Council and to the citizens what it would mean in terms of down time or delays in delivery of services, if the older trucks were kept.

Following further discussion, Council Member Spain moved to receive and file the report back on questions raised concerning the proposed purchase of three dump trucks; seconded by Council Member Montelongo.

Approved by roll call vote.

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

Nays: None.

(11-049) Communication from the Interim City Manager and Director of Public Works Requesting Approval of an ADDENDUM AGREEMENT with the ILLINOIS DEPARTMENT of TRANSPORTATION Amending Agreement No. 10-133B for the FUNDING of the CONSTRUCTION of ORANGE PRAIRIE ROAD from AMERICAN PRAIRIE ROAD to ALTA ROAD. (New Communication and Agreement)

Council Member Irving moved to approve an Addendum Agreement with the Illinois Department of Transportation amending Agreement No. 10-133B for the funding of the construction of Orange Prairie Road from American Prairie Road to Alta Road; seconded by Council Member Montelongo.

Approved by roll call vote.

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

Nays: None.

NEW BUSINESS

It was determined there was no New Business to come before the Council.

PRESENTATION

- (11-093) **PRESENTATION by DOUG CREW and BRAD McMILLAN Regarding PASS FORWARD, with Request to Receive and File.**

Mayor Ardis announced this Presentation would be held at a later date.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD

- (11-094) **REQUEST from CITIZENS to Address the CITY COUNCIL /TOWN BOARD Regarding Various Items.**

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

Savino Sierra, a Peoria resident, expressed concern that the City of Peoria would lose Mayor Ardis if he was appointed to a State Senate position. He thanked the Council for their vote regarding the relocation of Big Al's and he noted the Hispanic growth reported in the new census numbers. He also noted a mistake that he wished to be corrected regarding the length of time Hispanics had resided in Peoria.

EXECUTIVE SESSION

- (11-095) **Consideration of a Motion to enter into EXECUTIVE SESSION to Discuss 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; 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)(5) The purchase or lease of real property for the use of the public body; 2(c)(6) The setting of a price for sale or lease of property owned by the public body; 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 Montelongo.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

Council Member Montelongo moved to adjourn the City Council Meeting; 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.

The meeting adjourned at 8:37 P.M.