

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

Council Chambers, Peoria, Illinois, March 8, 2011, a City Council Meeting was held this date at 6:16 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, Riggensbach, Sandberg, Spain, Spears, Turner, Van Auken, Mayor Ardis – 10; Montelongo (attended by electronic means) – 1; 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.

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**PROCLAMATION:** WOMEN & GIRLS HIV/AIDS AWARENESS DAY - March 10, 2011

**PROCLAMATION:** MULTIPLE SCLEROSIS AWARENESS WEEK - March 7 - 13, 2011

**PRESENTATION:** AMERICAN RED CROSS - ANN FOX TO PRESENT THE CITY OF PEORIA WITH A CERTIFICATE OF APPRECIATION

**MINUTES**

Council Member Spain moved to approve the minutes of the City Council Meeting held on February 22, 2011, with a correction to Pages 29562 and 29563, under Item No. 11-083, to reflect that Council Member Turner's motion was to approve 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 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:**

(11-096) TAG DAY REQUEST from THE AMERICAN LEGION, PEORIA POST #2, to Distribute POPPIES to the Public for Donations on Sidewalks Around the Peoria County Courthouse on Thursday, May 19, 2011, with a Rain Date of Friday, May 20, 2011, to Benefit Local Disabled Veterans as Well as Other Veterans in the State of Illinois. (Dates are open.)

- (11-097) NOTICE of LAWSUIT on Behalf of DEAN RHOADS Regarding a Complaint that his Freedom of Information Act Request was Not Unduly Burdensome and the City Failed to Provide the Requested Information, with Request to Receive for Information and Refer to Legal Department.
- (11-098) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of ORDAZ CONSTRUCTION and Award the CONTRACT, in the Amount of \$143,609.50, with Authorization of Up to \$157,970.45 (Additional 10% for Contingencies) for the GLEN OAK IMPACT ZONE, PHASE III SIDEWALK IMPROVEMENTS.
- (11-099)  
\* Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of ERA VALDIVIA CONSTRUCTION COMPANY and Award the CONTRACT, in the Amount of \$86,150.80, with Authorization of Up to \$93,665.88 (Additional 10%) for Contingencies) for the GLEN OAK IMPACT ZONE, PHASE IV SIDEWALK IMPROVEMENTS.
- (11-100) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOWEST RESPONSIVE BID of C & G CONCRETE CONSTRUCTION COMPANY and Award a CONTRACT, in the Amount of \$300,000.00 based on Unit Pricing, from the Base Bid of \$267,021.00, for the SIDEWALK PARTICIPATION PROGRAM 2011 CONTRACT.
- (11-101) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of J. C. DILLON, INC. and Award a CONTRACT, in the Amount of \$400,000.00, from the Base Bid of \$61,014.35, for the ANNUAL STORM SEWER REPAIR CONTRACT - 2011.
- (11-102) Communication from the Interim City Manager and Interim Human Resources Director Requesting Approval of Appointing ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES as the BROKER OF RECORD in Connection with the CITY'S LIABILITY LINES of COVERAGE and AUTO CATASTROPHIC COVERAGE and Proceed with the COMPETITIVE PROCUREMENT of INSURANCE COVERAGE for a Period of Three Years with an Option to Renew for Two Additional One Year Terms by Mutual Consent.
- (11-103) Communication from the Interim City Manager and Director of Public Works with Request to Grant a VARIANCE from the REQUIREMENTS of SECTION 12-7 of the City of Peoria Code Allowing an Approximate 20,000 Square Feet Addition to an Existing Structure at KOMATSU USA PROPERTY at 2300 N. E. ADAMS STREET, Which has the Lowest Floor Lower Than Two Feet Above the Base Flood Elevation.
- (11-104) Communication from the Interim City Manager and Director of Public Works Requesting Approval of the USE of REMAINING ENERGY EFFICIENCY and CONSERVATION BLOCK GRANT FUNDS to Conduct LIGHTING EFFICIENCY PROJECTS at FIRE STATION #8, TWIN TOWERS OFFICES, and RIVERFRONT VILLAGE PARKING STRUCTURE.

(11-105) **Communication from the Mayor Requesting an AMENDMENT to the INFORMATION in the COMMUNICATION Regarding the APPOINTMENT of MICHAEL VESPA to the TRAFFIC COMMISSION, with Request to Receive and File.**

(11-106) **REPORT of the CITY TREASURER, PATRICK A. NICHING, for the MONTH of JANUARY 2011, 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 Riggensbach requested Item No. 11-099 be removed from the Consent Agenda for further discussion.

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

Items No. 11-096 through 11-106 (excluding Item No. 11-099, 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 Auker, Mayor Ardis - 10;

Nays: None.

(11-099) **Communication from the Interim City Manager and Director of Public Works Requesting Approval of the LOW BID of ERA VALDIVIA CONSTRUCTION COMPANY and Award the CONTRACT, in the Amount of \$86,150.80, with Authorization of Up to \$93,665.88 (Additional 10%) for Contingencies) for the GLEN OAK IMPACT ZONE, PHASE IV SIDEWALK IMPROVEMENTS.**

Council Member Riggensbach moved to defer this item for two weeks until the March 22, 2011, Regular City Council Meeting; seconded by Council Member Gulley.

Motion to defer this item until March 22, 2011, was approved by roll call vote.

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

Nays: None.

(11-107) **Communication from the Interim City Manager Requesting Approval to Enter into a TIF REDEVELOPMENT AGREEMENT with SOLAZYME, INC. to Redevelop Property within a Parcel Currently Identified as Parcel No. 18-10-107-004, and Requesting Authorization for the City Manager to Execute the Necessary Documents.**

Council Member Gulley moved to approve entering into a TIF Redevelopment Agreement with Solazyme, Inc. to redevelop property within a parcel currently identified as Parcel No. 18-10-107-004, and to authorize the City Manager to execute the necessary documents; seconded by Council Member Van Auker.

Special Project Manager Chris Setti explained the Illinois Tax Increment Financing law provided tools to attract investment to distressed areas. He highlighted the objectives outlined in the law and he stated the redevelopment agreement with Solazyme, Inc. would fit perfectly into the plan to revitalize a portion of the PMP facility, which had been dormant for the past few years and was consistent with Council's goals of bringing jobs to the area. He stated, in exchange for this

investment, the owners of Solazyme had requested a rebate of half of any increased property taxes for the remainder of the TIF, which would be in 2018. He said these provisions were similar to the agreement with O'Brien Steel, approved a few weeks ago, and for almost every agreement for redevelopment in the Warehouse District for the past two years. He said there were no upfront costs to the City and no investment by the City.

In discussion with Council Member Sandberg regarding how it was determined that there were no neighborhood concerns, Director of Planning and Growth Management Pat Landes explained the proposed facility was a permitted use and outreach to the neighborhoods was not a requirement.

Council Member Spain said this opportunity was a great one for the City. He commended the owners of Solazyme for choosing the City of Peoria for the location to scale-up their operation because this company, which is currently based in San Francisco, could have chosen any City for their project. He also commended City Staff for their quick response to Solazyme and their need for the development of this operation.

Council Member Gulley said there had been ongoing meetings with the Peoria Housing Authority regarding developments that were happening in their neighborhoods, so the area residents were aware of the proposed project. He said discussion was held at these meetings relating to the impact it would have on the community. He said the area residents were notified and everyone seemed supportive.

Mayor Ardis commended the City Staff and their efforts in bringing this project forward. He said there would be more information coming forward so the public would better understand the project and the impact it would have on Peoria.

Motion to approve entering into a TIF Redevelopment Agreement with Solazyme, Inc. to redevelop property within a parcel currently identified as Parcel No. 18-10-107-004, and to authorize the City Manager to execute the necessary documents was approved by roll call vote.

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

Nays: None.

**(11-108) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the Following, with a Request to Authorize the Interim City Manager to Execute Both Documents:**

**A. SECOND AMENDMENT to the CONTRACT for PRIVATE REDEVELOPMENT Pursuant to the PEORIA NORTHSIDE RIVERFRONT REDEVELOPMENT AREA TAX INCREMENT REDEVELOPMENT PLAN Between the CITY OF PEORIA and PMP FERMENTATION PRODUCTS, INC.;**

Council Member Gulley moved to approve the Second Amendment to the contract for private redevelopment pursuant to the Peoria Northside Riverfront Redevelopment Area Tax Increment Redevelopment Plan between the City of Peoria and PMP Fermentation Products, Inc.; 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.

**B. AMENDMENT to LOAN AGREEMENT Between the CITY OF PEORIA and PMP FERMENTATION PRODUCTS, INC.**

Council Member Gulley moved to approve the amendment to the Loan Agreement between the City of Peoria and PMP Fermentation Products, Inc.; 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.

**(11-109) Communication from the Interim City Manager and Corporation Counsel Requesting Approval of the SALE OF PROPERTY Commonly Known as the FRANKLIN STREET PARKING LOT, in the 400 BLOCK of S. W. JEFFERSON, to MAIN STREET LAND TRUST for the Amount of \$400,000.00, Requesting Approval of the PURCHASE/REDEVELOPMENT AGREEMENT with MAIN STREET LAND TRUST, and Requesting Authorization for the Interim City Manager to Execute the Necessary Documents.**

Corporation Counsel Randy Ray distributed a Purchase/Redevelopment Agreement for the Franklin Street Parking Lot to all members of the Council.

Following some brief comments, Council Member Gulley moved to approve the sale of property commonly known as the Franklin Street Parking Lot, in the 400 Block of S. W. Jefferson, to Main Street Land Trust for the amount of \$400,000.00, to approve the Purchase/Redevelopment Agreement with Main Street Land Trust, and to authorize the Interim City Manager to execute the necessary documents; seconded by Council Member Van Auken.

Corporation Counsel Ray explained the purchase/redevelopment agreement, but he pointed out the closing was contingent upon the Main Street Land Trust sale to EM Properties going through, and then the closing with the City would be held within 72 hours of that closing. He said if the closing did not occur on or before July 31, 2011, the agreement would become null and void. He stated it was possible the buyer could close on the sale prior to their closing with EM Properties, but even if that happened, there was assurance Big Al's adult use license at 519 Main Street would not continue. He said there were numerous provisions in Article III designed to prevent one adult use from becoming two adult uses. He added, in order to obtain an adult use permit for the new parcel, Big Al's would need to surrender their adult use license and Big Al's was obligated to move to the Franklin Street Parking Lot, if they were going to move. He said the City would remove the gates and booth on the Franklin Street Parking Lot prior to closing and there were some sign limitations. He added, if the design concept varied too much from the agreed design, the new design would need to come back before the Council for approval.

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

Rev. Jerry Trecek, Director of Peoria Rescue Ministries, spoke in opposition to the proposed sale of property to Main Street Land Trust, the landlord for Peoria Speakeasy, Inc., d/b/a Big Al's. He requested the Council to defer this item and look for other locations. He asked the Council to reconsider their motion to approve.

Brad Dunham, member of the Coalition for Concerned Citizens, said he represented 5,000 families and he spoke in opposition to Big Al's moving to the proposed location. He said he was concerned about the impact it would have on the surrounding businesses and that area of the City, which was family-friendly. He said leadership was needed to resolve this issue and he requested this item be deferred so a better solution could be worked out.

Peg Pendle, a Peoria resident, said she was a frequent City-Link Bus passenger and she said the employees of City-Link were not in favor of Big Al's moving to the proposed location. She said there were problems with Big Al's at its current location and there would be problems at a new location. She urged the Council to place a referendum on the April Ballot so the public could vote on this issue and voice their concerns.

Charles Williams, a Peoria resident, urged the Council to approve the sale of the proposed property to Main Street Land Trust. He said the location was near the Police Station and it was a safe environment.

Frederick Smith, a Peoria resident, urged the Council to listen to their constituents and hear their opposition to the proposed sale of this property so Big Al's could relocate. He urged the Council to vote against the motion to approve the sale of this property.

Savino Sierra, a Peoria resident, spoke in support and he said the Police Department would take care of any problems that arose.

Council Member Sandberg expressed concern regarding the proposed sale price of \$400,000 for the proposed property, which he felt was too low. He indicated the City was selling the property for less than what they paid to pave the parking lot. He added the architectural design was not compatible with new urbanism. He also expressed concern there were several parking agreements in place for businesses at the Franklin Street Parking Lot, which would be affected. Following further discussion, he stated he would not support the motion.

Mayor Ardis said he, and probably most of the City Council, found it uncomfortable to be in the position to be an advocate for a business of this type. He said the Council's vote was not to advocate the business. He explained the owners of Big Al's were requested to relocate so the hotel project could move forward. He stated moving Big Al's would change the Main Street downtown area with a new hotel and more commercial activities. He said alternate sites had been researched and there was no other site available.

Motion to approve the sale of property commonly known as the Franklin Street Parking Lot, in the 400 Block of S. W. Jefferson, to Main Street Land Trust for the amount of \$400,000.00, to approve the Purchase/Redevelopment Agreement with Main Street land Trust, and to authorize the Interim City Manager to execute the necessary documents was approved by roll call vote.

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

Nays: Sandberg - 1.

**(11-110) Communication from the Interim City Manager and Corporation Counsel  
Requesting Adoption of an ORDINANCE Amending CHAPTER 30 of the  
Code of the City of Peoria Pertaining to ROTATION TOW FEES.**

Council Member Gulley commended Staff regarding their research to determine fees compared with other similar cities and to recommend increases.

Council Member Gulley moved to adopt an Ordinance amending Chapter 30 of the Code of the City of Peoria pertaining to Rotation Tow Fees, as amended under Sec. 30-298. Fees, to change the recommended increase of (1) Standard towing fee from ~~\$80.00~~ \$125.00 to \$100.00 and to change the recommended increase of (6) Service Fee from ~~\$40.00~~ \$125.00 to \$80.00; seconded by Council Member Van Auken.

Council Member Gulley said there may be some other changes to be made, which were still being discussed.

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

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

Peg Pendle, a Peoria resident, expressed concern regarding impoundment regulations. She said the regulations needed citizen input regarding the process and discussion was needed regarding the impact. She related a personal situation that she felt was not handled properly.

Discussion was held regarding the rotation towing process. Police Chief Settingsgaard explained the process and he further explained appropriate situations when the rotation tow process was used.

Motion to adopt ORDINANCE NO. 16,672 amending Chapter 30 of the Code of the City of Peoria pertaining to Rotation Tow Fees, as amended under Sec. 30-298. Fees, to change the recommended increase of (1) Standard towing fee from ~~\$80.00~~ \$125.00 to \$100.00 and to change the recommended increase of (6) Service Fee from ~~\$40.00~~ \$125.00 to \$80.00 was approved by roll call vote.

Yeas: Gulley, Irving, Montelongo, Riggerbach, 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)**

There was no Unfinished Business to come before the Council at this time.

#### **NEW BUSINESS**

There was no New Business to come before the Council at this time.

#### **CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL**

**(11-111) 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 regarding the disrepair of sidewalks at Trewyn School, which was unsafe for pedestrians.

### **EXECUTIVE SESSION**

- (11-112) **Consideration of a Motion to enter into 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 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 Turner moved to enter into 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 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 Riggenschach.

Approved by roll call vote.

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

Nays: None.

### **ADJOURNMENT**

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

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 7:50 P.M.

bb

---

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