

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

Council Chambers, Peoria, Illinois, July 26, 2011, a Joint City Council/Town Board Meeting was held this date at 6:19 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: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Weaver, Mayor Ardis - 11.
Absent: None.

INVOCATION & PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: JR. WATKINS

PROCLAMATION: RAY LEES, CHAIRMAN, PLANNING COMMISSION

PROCLAMATION: 125TH ANNIVERSARY OF BOSCH TOOL CORPORATION

PROCLAMATION: WHITNEY'S WALK FOR LIFE - JULY 30, 2011

WELCOME OF DIGNITARIES

Mayor Ardis welcomed State Representative Jehan Gordon, County Board Chairman Tom O'Neill, County Board Member Jim Dillion, County Board Member Bonnie Hester, County Board Member Junior Watkins, County Board Member Rachael Parker, Honorable Judge Steve Kouri, and former Council Member George Jacob to the meeting.

Council Member Irving left the Council Chambers.

MINUTES

Council Member Spain moved to approve the minutes of the City Council Meeting held on July 12, 2011, and the Special City Council Meeting held on July 19, 2011, as printed; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

Council Member Irving returned to the Council Chambers.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA

(11-304) Communication from the City Manager and Finance Director/Comptroller Requesting to Receive and File the 2010 AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT by MCGLADREY & PULLEN, LLP.

Finance Director/Comptroller Jim Scroggins distributed a booklet provided by McGladrey & Pullen, LLP to all members of the City Council. The Comprehensive Annual Financial Report for year ending December 31, 2010, was previously distributed to the City Council.

City Manager Patrick Ulrich and Finance Director/Comptroller Jim Scroggins introduced Michelle Horaney and Heidi Hobkirk of McGladrey & Pullen, LLP.

Michelle Horaney, Partner in charge of the City of Peoria Audit, gave a brief overview of the City's finances for 2010. She stated the Audit was in accordance with generally accepted auditing standards and government auditing standards. She stated there was also an audit of federal programs. She said a clean opinion, or unqualified, was issued for all three areas, which was the best type of opinion to be issued by a public accounting firm. She reported there were three new GASB standards implemented and none of the standards had a significant impact on the City. She said part of the audit process was a review of policies used by the management team and it was determined the policies were appropriate for the City of Peoria. She stated the audit went well and management was prepared and very accommodating.

Heidi Hobkirk discussed revenues and expenditures. She reported overall revenues in 2010 increased approximately 10% and the largest areas of increase included replacement taxes, HRA taxes, motor fuel taxes, and utility taxes, which all increased between 4% and 13%. She stated the largest tax increase was income taxes, which was due to the State being behind a year and they caught up on some of those payments. She said another area of increase was intergovernmental revenues and she discussed expenditures. She said expenditures increased about 10% and she pointed out the largest areas of increases included general government areas and capital outlay, which included road projects. She referred to the general fund evaluation and she said the City would be able to cover expenditures for 49 days, if all revenue sources stopped.

Michelle Horaney reported on the single audit. She said the City received \$14.2 million in 2010 that was considered for audit and eight programs were considered. She said the Compliance Report was issued separately and she urged the Council to review the document.

Council Member Van Auken moved to receive and file the 2010 Audited Comprehensive Annual Financial Report by McGladrey & Pullen, LLP; seconded by Council Member Riggerbach.

Approved by roll call vote.

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

Nays: None.

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

- (11-305) **Communication from the City Manager and Fire Chief Requesting Approval to Conduct an ONLINE AUCTION for the SALE of a 1983 FIRE LADDER TRUCK with a MINIMUM BID of \$10,000.00.**
- (11-306) **Communication from the City Manager and Director of Public Works**
* **Requesting Approval to Conduct a SALE of EXCESS BRICKS from the City of Peoria Storage Facility on Darst Street, at a MINIMUM COST of FIFTY CENTS PER BRICK.**

- (11-307)
** Communication from the City Manager Requesting Approval of a BUSINESS DEVELOPMENT LOAN for CONEYS, in the Amount of \$30,000.00, and Requesting Authorization for the City Manager to Execute the Necessary Documents.
- (11-308) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Human Resources Commission to Approve the Following:
- A. Receive and File a REPORT on the STATUS of the 2011 COMMUNITY DEVELOPMENT BLOCK GRANT and EMERGENCY SHELTER GRANT ACTIVITIES;
 - B. Approve the APPLICATION TIMELINE and PUBLIC SERVICE PRIORITIES for the 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM.
- (11-309)
*** Communication from the City Manager Requesting Authorization to SUBMIT APPLICATION to the STATE of ILLINOIS DEPARTMENT of COMMERCE and ECONOMIC OPPORTUNITY (DCEO), with Recommendation from the Planning Commission to Approve, and to Adopt an ORDINANCE Amending Ordinance 11,051, for an EXPANSION of the ENTERPRISE ZONE BOUNDARIES to Include Specified Areas Along UNIVERSITY and BRANDYWINE Zoned Commercial and Office.
- (11-310)
**** Communication from the City Manager and Director of Planning and Growth Management Requesting Adoption of an ORDINANCE Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the 2011 CDBG, HOME, and ESG BUDGET to Reflect the Actual 2011 Allocation from the United States Department of Housing and Urban Development (HUD).
- (11-311) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,714 Amending the City of Peoria Budget for Fiscal Year 2011 Relating to the PROPERTY OWNER SIDEWALK PARTICIPATION RECAPTURE AMOUNT of \$50,273.00.
- (11-312) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,715 Approving a SPECIAL USE in a Class R-4 (Single Family Residential) District for Existing Legal Non-Conforming OFFICES, and to ADD a CHURCH with Existing Site Conditions for the Property Located at 1716 N. UNIVERSITY STREET, with Conditions.
- (11-313) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,716 Amending an EXISTING SPECIAL USE Ordinance No. 16,524, which Amended Special Permit No. 8,436, in a Class I-3 (General Industrial) District for a RECYCLING and SCRAP METAL FACILITY to RELOCATE and REPLACE a SHREDDER and TWO EQUIPMENT BUILDINGS for the Property Located at 2405, 2411, 2424 and 2510 W. CLARK STREET, with Condition.

- (11-314) **Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,717 Amending an EXISTING SPECIAL USE, Ordinance No. 14,599, as Amended, in a Class R-7 (Multi-Family Residential) District for ELDERLY HOUSING to REPLACE TWO EXISTING FREESTANDING SIGNS with ONE FREESTANDING SIGN for the Properties Located at 1920 and 2000 W. WILLOW KNOLLS ROAD, with Conditions.**
- (11-315) **Communication from the City Manager and Corporation Counsel Requesting Approval of the APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE from ST. VINCENT DE PAUL PARISH at 6001 N. UNIVERSITY for a FUNDRAISER on AUGUST 19, 2011.**
- (11-316) **APPOINTMENT by Mayor Jim Ardis to the ADVISORY COMMITTEE ON HUMAN RESOURCES, with Request to Concur:**
- Erica Baird (Voting) - Term Expires 6/30/2014**
- (11-317) **Communication from the City Manager and Finance Director/Comptroller with Request to Receive and File the QUARTERLY FINANCIAL REPORT for the Quarter Ended June 30, 2011.**

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

Council Member Spears requested that Item No. 11-317 be removed from the Consent Agenda for further discussion.

Council Member Akeson requested that Item No. 11-306 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item Nos. 11-307 and 11-309 be removed from the Consent Agenda for further discussion.

Council Member Turner requested that item No. 11-310 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 Akeson.

Items No. 11-305 through 11-317 (excluding Item Nos. 11-306, 11-307, 11-309, 11-310, and 11-317 which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auker, Weaver, Mayor Ardis - 11;

Nays: None.

- (11-306) **Communication from the City Manager and Director of Public Works Requesting Approval to Conduct a SALE of EXCESS BRICKS from the City of Peoria Storage Facility on Darst Street, at a MINIMUM COST of FIFTY CENTS PER BRICK.**
*

Council Member Akeson suggested these bricks be stored and used in the Warehouse District for brick streets or other uses.

Director of Public Works Dave Barber stated there were many different kinds of bricks in this group and some were broken. He said these bricks were not recommended for streets and there were other bricks stored on pallets that his department had maintained for future street repairs and projects.

In discussion with Council Member Gulley and Council Member Sandberg, Director Barber confirmed there were enough bricks in storage for street repairs and these bricks were not needed.

Council Member Akeson moved to conduct a sale of excess bricks from the City of Peoria Storage Facility on Darst Street at a minimum cost of fifty cents per brick; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

**(11-307) Communication from the City Manager Requesting Approval of a
** BUSINESS DEVELOPMENT LOAN for CONEYS, in the Amount of
 \$30,000.00, and Requesting Authorization for the City Manager to Execute
 the Necessary Documents.**

Council Member Sandberg expressed concern this was a loan for a retail establishment and would create shift. He also pointed out that private equity would only be 10% of the loan. He said he felt it was bad public policy to use tax dollars for the benefit of a business at a retail level.

Council Member Irving pointed out the building was a \$500,000 structure and the businesses going in would create jobs. He also stated the request followed the policy and he urged the Council to encourage and support these kinds of businesses. He said the requested \$30,000.00 was designated and provided to the City for loans of this type.

Council Member Irving moved to approve a Business Development Loan for Coneys, in the amount of \$30,000.00, and to authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Council Member Weaver said, if a manufacturer requested a loan in the near future, he would want funding to be available to support those kinds of jobs. He requested information regarding the balance of outstanding loans and how much was available for loans.

City Manager Ulrich reported there were 42 loans given out from this fund. He said there was an outstanding balance of \$752,000.00 on eleven loans currently. He explained two loans had been written off and had moved into default, with \$231,973.00 in outstanding principal. He added there was currently \$348,000 available for other loans. He further reported the 42 loans over time had leveraged over \$45.4 million of private investment since the first loan was made in 1989.

In discussion with Council Member Sandberg regarding his request to define the difference in the net present value cash from when this was started to what the cash would be worth now, City Manager Ulrich stated he would provide the information in the next Issues Update to Council.

Motion to approve a Business Development Loan for Coneys, in the amount of \$30,000.00, and to authorize the City Manager to execute the necessary documents was approved by roll call vote.

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

Nays: Akeson, Sandberg - 2.

**(11-309) Communication from the City Manager Requesting Authorization to
*** SUBMIT APPLICATION to the STATE of ILLINOIS DEPARTMENT of
 COMMERCE and ECONOMIC OPPORTUNITY (DCEO), with
 Recommendation from the Planning Commission to Approve, and to Adopt
 an ORDINANCE Amending Ordinance 11,051, for an EXPANSION of the
 ENTERPRISE ZONE BOUNDARIES to Include Specified Areas Along
 UNIVERSITY and BRANDYWINE Zoned Commercial and Office.**

City Manager Patrick Urich distributed a replacement communication with a minor change and provided a copy of the Planning Commission minutes dated June 15, 2011, to all members of the Council.

In discussion with Council Member Sandberg, City Manager Urich stated, if this expansion did not occur, there would be no incentive for growth. He said it was not discussed whether or not development would occur in the area. He said there was a concern regarding the number of vacant properties along Brandywine Drive and whether or not an incentive could be used to encourage development.

Council Member Spears pointed out the incentive was only for building materials for additions or to build new buildings. He stated there were several businesses currently in the process that would be able to take advantage of this incentive, if approved.

Council Member Spears moved to submit the application to the State of Illinois Department of Commerce and Economic Opportunity (DCEO) and concur with the recommendation from the Planning Commission to adopt the Ordinance amending Ordinance No. 11,051, for an expansion of the Enterprise Zone Boundaries to include specified areas along University and Brandywine zoned Commercial and Office; seconded by Council Member Irving.

Motion to submit the application to the State of Illinois Department of Commerce and Economic Opportunity (DCEO) and concur with the recommendation from the Planning Commission to adopt ORDINANCE NO. 16,718 amending Ordinance No. 11,051, for an expansion of the Enterprise Zone Boundaries to include specified area along University and Brandywine zoned Commercial and Office was approved by roll call vote.

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

Nays: Akeson, Sandberg - 2.

**(11-310) Communication from the City Manager and Director of Planning and
**** Growth Management Requesting Adoption of an ORDINANCE Amending
 the City of Peoria Budget for Fiscal Year 2011 Relating to the 2011 CDBG,
 HOME, and ESG BUDGET to Reflect the Actual 2011 Allocation from the
 United States Department of Housing and Urban Development (HUD).**

Director of Planning and Growth Management Pat Landes distributed two attachments to the Council communication to all members of the City Council.

Council Member Turner moved to adopt the Ordinance amending the City of Peoria Budget for fiscal year 2011 relating to the 2011 CDBG, HOME, and ESG Budget to reflect the actual 2011 allocation from the United States Department of Housing and Urban Development (HUD); seconded by Council Member Akeson.

ORDINANCE NO. 16,719 was adopted by roll call vote.

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

Nays: None.

(11-317) *** Communication from the City Manager and Finance Director/Comptroller with Request to Receive and File the QUARTERLY FINANCIAL REPORT for the Quarter Ended June 30, 2011.**

City Manager Patrick Ulrich reported the General Fund revenues were up over Budget by approximately 2% for 2011 and were over 2010 by approximately 5.10%. He said General Fund expenditures for 2011 year-to-date were approximately 2.43% under budget. He said he felt there were some positive signs, but he stated it was important to point out there was still a structural deficit. He said the City was facing an estimated \$6 million structural deficit and there was an approximate \$3.6 million cyclical deficit. He said an initial round of budget discussions had been held with Department Heads and they would continue discussions in the next months.

Council Member Van Auken moved to receive and file the Quarterly Financial Report for the Quarter Ended June 30, 2011; seconded by Council Member Riggensbach.

Approved by roll call vote.

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

Nays: None.

(11-318) Communication from the City Manager and Fire Chief Requesting Approval to Accept a \$1,558,107.00 GRANT, from the DEPARTMENT of HOMELAND SECURITY (DHS), Under the "STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE" (SAFER) GRANT, and Requesting Authorization for the City Manager to Execute the Necessary Documents.

Council Member Van Auken moved to accept a \$1,558,107.00 Grant from the Department of Homeland Security (DHS) under the "Staffing for Adequate Fire & Emergency Response" (SAFER) Grant and to authorize the City Manager to execute the necessary documents; seconded by Council Member Riggensbach.

Approved by roll call vote.

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

Nays: None.

(11-319) Communication from the City Manager Requesting Authorization to Negotiate and Execute CONTRACT EXTENSIONS with CURRENT CITY VENDORS in Exchange for DISCOUNTED PRICING, for any CONTRACT with an ANNUAL COST of \$250,000.00, or Less.

Mayor Ardis commended the Administration for their efforts regarding this idea.

Council Member Spain moved to negotiate and execute contract extensions with current City vendors in exchange for discounted pricing, for any contract with an annual cost of \$250,000.00 or less; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

**(11-320) Communication from the City Manager and Director of Public Works
Requesting Adoption of an ORDINANCE Amending CHAPTER 26 of the
Code of the City of Peoria Adding SECTION IX Pertaining to FIBER OPTIC
LICENSING AGREEMENTS Allowing for Licensing Agreements for the Long
Term Use of City Rights-of-Way, and Requesting Authorization for the City
Manager to Execute the Agreements.**

Council Member Spain moved to adopt the Ordinance amending Chapter 26 of the Code of the City of Peoria adding Section IX pertaining to Fiber Optic Licensing Agreements allowing for licensing agreements for the long term use of City rights-of-way and to authorize the City Manager to execute the agreements; seconded by Council Member Van Auken.

In discussion with Council Member Weaver regarding the Ordinance language, Corporation Counsel Randy Ray advised the proposed Ordinance was similar to one adopted in Champaign, Illinois.

Council Member Weaver expressed concern regarding possible termination by someone who had damaged the system. He requested that this portion of the Ordinance be reviewed.

Council Member Sandberg expressed concern that the Ordinance indicated fees could be reduced or waived by the City Manager, rather than the City Council. He questioned why this was unique in this manner. He said he would not support the concept with the proposed language and he suggested a deferral of this item.

Corporation Counsel Randy Ray explained it would be in order to amend the motion and he suggested that it be done by amending Item (I) on Page 2 of the proposed Ordinance so the City Manager would be authorized to negotiate for use and then add a sentence that City Council approval shall be required for less than the minimum.

Mayor Ardis suggested that this item be deferred so the language could be amended and it could come back to the Council for adoption.

Council Member Sandberg moved to defer this item for two weeks until the August 9, 2011, Regular City Council Meeting with consideration to change the language amending Item (I) on Page 2 of the proposed Ordinance so the City Manager would be authorized to negotiate for use and then add a sentence that City Council approval shall be required for less than the minimum; seconded by Council Member Weaver.

Motion to defer this item until August 9, 2011, with changes as proposed, was approved by roll call vote.

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

Nays: None.

- (11-321) **Communication from the City Manager and 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 an EXISTING SPECIAL USE, Ordinance No. 16,210, as Amended, in a Class C-2 (Large Scale Commercial) District for a SHOPPING CENTER to Add BUILDINGS and Revise SITE DESIGN for the Property Located at 7301 N. RADNOR ROAD, with Conditions.**

Following a brief comment, Council Member Irving moved to concur with the recommendation from the Zoning Commission to adopt Ordinance "A" amending an Existing Special Use, Ordinance No. 16,210, as amended, in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add buildings and revise Site Design for the property located at 7301 N. Radnor Road, with conditions; seconded by Council Member Turner.

In discussion with Council Member Sandberg, Director of Planning and Growth Management Pat Landes explained Ordinance "A" would allow the Staff to administratively approve a fourth drive-thru facility on the site for a proposed new building that was not yet defined. She said Ordinance "B," which was the Staff's recommendation, stated if there was an additional drive-thru, the request would have to go through the Special Use process and be subject to Staff review.

Council Member Sandberg said he would not support the adoption of Ordinance "A" because it would cause a process failure. He said the Special Use process allowed for consideration and modification of the Zoning Ordinance through the Public Hearing process and was site plan specific. He said this was a basic concept and drive-thrus caused issues and adoption of Ordinance "B" would allow for those issues to be aired through the process.

Council Member Irving moved to grant Privilege of the Floor to Ms. Susan Arnholt.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Ms. Susan Arnholt.

Susan Arnholt, co-owner along with her husband of the subject property, requested that the Council approve their request for the fourth drive-thru to save time when a new tenant was interested in the property. She explained that the process for approval took usually two to three months and the tenant could lose interest before approval was granted.

In discussion with Council Member Spears, Director Landes confirmed that no buffering was required because there adjacent properties were zoned non-residential.

Council Member Sandberg moved for a substitute motion to concur with the Staff recommendation to adopt Ordinance "B" amending an Existing Special Use, Ordinance No. 16,210, as amended, in a Class C-2 (Large Scale Commercial) District for a Shopping Center to add buildings and revise Site Design for the property located at 7301 N. Radnor Road, with conditions; seconded by Council Member Akeson.

ORDINANCE NO. 16,720 amending Ordinance No. 16,210, as outlined, was adopted by roll call vote.

Yeas: Akeson, Irving, Sandberg, Spain, Spears, Turner, Mayor Ardis - 7;

Nays: Gulley, Riegenbach, Van Auken, Weaver - 4.

- (11-322) **Communication from the City Manager and Director of Planning and Growth Management with Request to Concur with the Recommendation from the Zoning Commission to Adopt ORDINANCE A (with Conditions and Waiver), Amending Ordinance No. 16,376, a Planned Unit Development Preliminary Plan, and Ordinance No. 16,467, a Final Plan for VILLAS at GRAND PRAIRIE PLANNED UNIT DEVELOPMENT PHASE 1, in a Class R-3 (Single Family Residential) District to Revise BUILDING TYPES and LOCATION of Previously Approved Multi-Family Buildings for the Properties Located at 5200-5300 BLOCK of W. WOODSAGE ROAD, and 8900-9000 BLOCK of N. SCRIMSHAW DRIVE, OR to Concur with Recommendation from Staff to Adopt ORDINANCE B, with Conditions.**

Council Member Irving moved to concur with the Recommendation from the Zoning Commission to adopt Ordinance "A" (with conditions and waiver), amending Ordinance No. 16,376, a Planned Unit Development Preliminary Plan and Ordinance 16,467, a Final Plan for Villas at Grand Prairie Planned Unit Development Phase 1, in a Class R-3 (Single Family Residential) District to revise building types and location of previously approved multi-family buildings for properties located at 5200-5300 Block of W. Woodsage Road, and 8900-9000 Block of N. Scrimshaw Drive, with conditions, as amended to change No. 8 on Page 2 of the Ordinance to read: "8) Waiver is granted to allow three freestanding signs as noted on the site plan, which are 20 square feet in size and 5 feet in height; seconded by Council Member Spain.

Council Member Weaver stated he would be abstaining from the discussion and voting on this item due to his personal involvement in the proposed project.

Following an explanation by Director of Planning and Growth Management Pat Landes regarding the differences in signs between the two proposed Ordinances, Council Member Sandberg referred to the minutes of the Zoning Commission meeting and he stated he opposed the adoption of Ordinance "A" because two of the five members of the Zoning Commission abstained due to their involvement in the project, but they both continued discussing the project during the meeting and they were clearly advocates for the three signs. He expressed concern that this action distorted the Zoning Commission's recommendation. He said he did not feel that three signs were needed.

In discussion with Council Member Spears regarding the signs, Director Landes explained the configuration of the roads within the project and she said she agreed it would be appropriate to install a directional sign for the Manager's Office and it was appropriate to have a sign for the name of the development. She suggested that the Petitioner provide additional information.

Council Member Spears moved to grant Privilege of the Floor to Mr. Andy Chiou, one of the Petitioners of the project.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Mr. Andy Chiou.

Andy Chiou, one of the Petitioners for the project, explained how the project would be laid out and why three signs were needed for the development. He stated the current access to the property was off Route 91, but it was not visible from the road. He added this was Phase I of the project, but no other signage would be needed for the development.

Council Member Irving said the request was for directional signs and would assist with the flow of traffic.

Council Member Riggensbach also expressed concern that two Commission Members, who originally abstained from the item, provided informing during the Zoning Commission Meeting regarding the project. He said he would not support the motion due to this situation.

Motion to concur with the Recommendation from the Zoning Commission to adopt ORDINANCE NO. 16,721 (with conditions and waiver), amending Ordinance No. 16,376, a Planned Unit Development Preliminary Plan and Ordinance 16,467, a Final Plan for Villas at Grand Prairie Planned Unit Development Phase 1, in a Class R-3 (Single Family Residential) District to revise building types and location of previously approved multi-family buildings for properties located at 5200-5300 Block of W. Woodsage Road, and 8900-9000 Block of N. Scrimshaw Drive, with conditions, as amended to change No. 8 on Page 2 of the Ordinance to read: "8) Waiver is granted to allow three freestanding signs as noted on the site plan, which are 20 square feet in size and 5 feet in height was approved by roll call vote.

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

Nays: Akeson, Riggensbach, Sandberg - 3;

Abstentions: Weaver - 1.

(11-323) Communication from the City Manager and Corporation Counsel Requesting Approval of the SITE APPLICATION for a CLASS C (Package Liquor Store) LIQUOR LICENSE at 5832 N. KNOXVILLE, SUITE K, with Recommendation from the Liquor Commission to Approve.

Council Member Riggensbach moved to concur with the recommendation from the Liquor Commission to approve the Site Application for a Class C (Package Liquor Store) Liquor License at 5832 N. Knoxville, Suite K; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

(11-324) Communication from the City Manager and Corporation Counsel Requesting Council to Take Action on the SITE APPLICATION for a CLASS A (Tavern) LIQUOR LICENSE at 3410 W. WILLOW KNOLLS ROAD, with Recommendation from the Liquor Commission to DENY.

Council Member Irving stated he received a call from the Petitioner requesting that this item be withdrawn. He moved to withdraw this item from the Council Agenda; seconded by Council Member Sandberg.

Motion to withdraw this item from the Agenda was approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

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

- (11-225) Communication from the City Manager and Corporation Counsel with Request to Receive and File the REPORT BACK Regarding COUNCIL RULES Pertaining to ATTENDANCE by FOUR or MORE COUNCIL MEMBERS at a COMMUNITY GATHERING, SUPER-MAJORITIES and ELECTRONIC ATTENDANCE.**

Council Member Spain moved to receive and file the Report Back regarding Council Rules pertaining to attendance by four or more Council Members at a community gathering, super-majorities, and electronic attendance; seconded by Council Member Van Auken.

Motion to receive and file was approved by roll call vote.

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

Nays: None.

- (11-246) Communications from the City Manager and Mayor Ardis with Recommendations as Follows:**

A. Communication from the City Manager with Request to Receive and File a REPORT on ISSUES Involving SPRINGDALE HISTORIC CEMETERY;

B. REAPPOINTMENT and APPOINTMENT by Mayor Jim Ardis to the SPRINGDALE CEMETERY MANAGEMENT AUTHORITY, with Request to Concur:

REAPPOINTMENT:

Kent Rotherham (Voting) - Term Expires 6/30/2015

APPOINTMENT:

Floyd C. Dailey, Jr. (Voting) - Term Expires 6/30/2015

Council Member Riggensbach moved to defer this item for two weeks until the August 9, 2011, Regular City Council Meeting; seconded by Council Member Turner.

Motion to defer this item until August 9, 2011, was approved by roll call vote.

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

Nays: None.

- (11-255) Communication from the City Manager and Director of Public Works with Request to Direct Staff to IMPLEMENT the DESIGN and CONSTRUCTION to CONVERT LOUCKS AVENUE, Between Sheridan Road and McClure Avenue, from a ONE-WAY STREET to a TWO-WAY STREET, With a Request to DEFER for TWO WEEKS to the AUGUST 9, 2011, Regular City Council Meeting.**

Council Member Van Auken moved to defer this item for two weeks until the August 9, 2011, Regular City Council Meeting so alternatives could be reviewed; seconded by Council Member Weaver.

Motion to defer this item until August 9, 2011, was approved by roll call vote.

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

Nays: None.

(11-257) Communication from the City Manager and Corporation Counsel Requesting Approval of the REVISED AGREEMENT for PHASE II ROADWAY IMPROVEMENT (WILHELM BRIDGE) for GROWTH CELL 1A.

Council Member Weaver stated he would be abstaining from the discussion and voting on this item due to his personal interests in the area.

Council Member Irving moved to approve the revised Agreement for Phase II Roadway Improvement (Wilhelm Bridge) for Growth Cell 1A; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: Sandberg - 1;

Abstentions: Weaver - 1.

(11-283) Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 20 of the Code of the City of Peoria ADDING SECTION 20-111 Pertaining to POSSESSION of CANNABIS or DRUG PARAPHERNALIA, with Request to DEFER for TWO WEEKS to the AUGUST 9, 2011, Regular City Council Meeting.

Council Member Akeson moved to defer this item for two weeks until the August 9, 2011, Regular City Council Meeting; seconded by Council Member Sandberg.

Council Member Weaver moved for a substitute motion to Table this item. No second was heard.

City Manager Patrick Urich stated the Administration would be prepared to discuss this at the August 9, 2011, Council Meeting, but discussions with the States Attorney needed to be continued.

Council Member Weaver withdrew his substitute motion to Table.

Motion to defer this item until August 9, 2011, was approved by roll call vote.

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

Nays: None.

(11-288) Communication from the City Manager and Director of Public Works Requesting Approval of the LOW BID of ORDAZ CONSTRUCTION, in the Amount of \$204,435.40, with Authorization Up To \$224,878.94, (Additional 10% for Contingencies) for SINR CONTRACT #38 for SIDEWALK REPLACEMENT on VIRGINIA, GIFT, and HANSSLER from University to Sheridan, with Request to Receive and File the REPORT BACK.

Director of Public Works Dave Barber distributed a copy of the current Sidewalk Policy to all members of the City Council.

Council Member Van Auken explained these sidewalks were chosen as part of the development of Sheridan Triangle, which was designed to revitalize surrounding businesses and neighborhoods. She discussed the sidewalk strategy for sidewalk improvements that would provide the most impact and she pointed out this area met that criteria. She added there were two schools in the area and she urged the Council to support this project.

Council Member Van Auken moved to approve the low bid of Ordaz Construction, in the amount of \$204,435.40, with authorization up to \$224,878.94, (additional 10% for contingencies) for SINR Contract #38 for sidewalk replacement on Virginia, Gift, and Hanssler from University to Sheridan and to receive and file the report back; seconded by Council Member Weaver.

Council Member Sandberg displayed a PowerPoint presentation showing sidewalks which needed repair in the areas of Nevada, Idaho, Trewyn, Oregon, and Ligonier Streets. He expressed concern that if this project was not approved by Council, this money would not be reprogrammed this year due to delays for planning and sidewalk installation. He said he did not want the Council to be faced with these kinds of last minute decisions in the future.

Council Member Gulley stated even though a great deal of money for sidewalks had been spent in the First District, he pointed out those sidewalks were the oldest and were in the greatest need of repairs. He discussed the \$3.7 million that was spent on infrastructure in the Glen Oak Impact Zone. He stated he hoped the same level of investment would be implemented in the First District, which he felt had been under-funded and was not fair to the residents in the First District.

Council Member Riggerbach voiced his support for projects in the First District and for the Warehouse District improvements. He suggested the evaluation of sidewalks for these projects needed to be adjusted and he urged the City Manager to explore some changes. He said he felt it would not be fair to change the rules in the middle of the process for those residents in the SINR or Sidewalk Participation programs. He said he did not feel the rules should change for the proposed project, so he said he would support the motion.

Council Member Akeson said she did not feel there was a strategy for sidewalks. She said the efforts for form districts resulted in the Loucks and Sheridan Triangle, Warehouse District, Main Street, and Prospect Road projects and these residents were expecting changes to their neighborhoods. She said sidewalk projects were driven by whether or not residents could afford to replace their sidewalks and residents could not get 51% of the homeowners to agree to take on a financial burden to install sidewalks. She stated she wanted all sidewalks to be improved and she felt it would be wrong to not support the project before the Council at this time. She expressed concern the Council did not have the ability to assess sidewalk needs, which resulted in decisions being made in a reactive and ad hoc manner. She said a Council strategy was needed.

Director Barber stated the magnitude of sidewalk problems was huge. He said the last study in 1996 indicated there was a \$100 million plus sidewalk problem with over one thousand miles of sidewalks, and approximately 30% to 35% of the areas did not have sidewalks at all. He said the City spent less than \$1 million per year on sidewalks and Staff took every opportunity to repair or to install sidewalks in every street project possible and used every funding program available. He said sidewalks and ramps for handicapped persons would also need to be addressed due to the PROWAG requirements. He stated the problems needed to be identified so a new strategy could be developed. He suggested these issues could be discussed in a Policy Session.

Motion to approve the low bid of Ordaz Construction, in the amount of \$204,435.40, with authorization up to \$224,878.94, (additional 10% for contingencies) for SINR Contract #38 for sidewalk replacement on Virginia, Gift, and Hanssler from University to Sheridan and receive and file the report back was approved by roll call vote.

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

Nays: None.

- (11-297) **Communication from the City Manager and Corporation Counsel Requesting Adoption of an ORDINANCE Amending CHAPTER 5 of the Code of the City of Peoria Pertaining to DANGEROUS BUILDINGS, Adding a Definition of Dangerous Buildings, with Request to TABLE the ORDINANCE and to Defer the Discussion on DONATIONS of PROPERTY to NOT-FOR-PROFIT GROUPS, and to Provide Information on Protecting Historic Structures in the Historic District.**

Council Member Van Auken moved to Table this item; seconded by Council Member Riggerbach.

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

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

Nays: None.

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

- (11-325) **TOWN of the CITY of PEORIA FINANCIAL REPORT for Period Ending 3/31/2011, with Recommendation to Receive and File.**

Trustee Irving moved to receive and file the City of Peoria Financial Report for the period ending 3/31/2011; seconded by Trustee Turner.

Approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Weaver, Chairman Ardis - 11;

Nays: None.

- (11-326) **TOWN of the CITY of PEORIA FINANCIAL REPORT for Period Ending 6/30/2011, with Recommendation to Receive and File.**

Trustee Irving moved to receive and file the City of Peoria Financial Report for the period ending 6/30/2011; seconded by Trustee Spain.

Approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Weaver, Chairman Ardis - 11;

Nays: None.

NEW BUSINESS

COMMENTS Regarding Several COMMUNITY PROJECTS

Council Member Riggerbach commended Richwoods Christian Church, Riverside Community Church, Northwoods Community Church, and St. Paul's Baptist Church for working together on the Imagine Project last Saturday, July 23, 2011. He said there were over 800 volunteers who went through the community performing service projects for residents. He thanked Citylink and Peoria Disposal Company for their involvement.

Council Member Riggerbach also commended the New Beginnings Ministry, the Christian Center, Boys & Girls Club, Women's Pregnancy Center, Farnsworth Group, PCCEO Headstart, Sure Foundation Church, Glen Oak Christian Church, the Hick'ry Stick, and Peoria First Assembly of God Church joined together to hold their second Family Fest event at Glen Oak School on Saturday, July 23, 2011. He said the third event would be held on August 20, 2011, and he invited citizens to attend.

COMMENTS Regarding DREAM CENTER PROJECTS

Council Member Riggenbach commended the Dream Center for their program involving 300 youths from the Peoria area to perform service projects in the City. He said this was an example of people taking pride in their community and their commitment to the City. He added there would be a backpack give-away at the Dream Center this Saturday, July 30, 2011, beginning at 9:00 A.M.

WELCOME to VISITOR from SWITZERLAND to PEORIA

Council Member Riggenbach introduced Matthias Joos, a personal friend visiting from Switzerland, and he, Mayor Ardis and the City Council welcomed him to the City of Peoria and to the Council Meeting.

ANNOUNCEMENT Regarding NATIONAL NIGHT OUT AGAINST CRIME EVENTS

Mayor Ardis referred to the National Night Out Against Crime to be held on Tuesday, August 2, 2011, from 5:30 P.M. until 9:00 P.M. Director of Planning and Growth Management Pat Landes reported there were approximately 30 individual neighborhood events that would be held on August 2nd and she urged citizens to find additional information on the City's web site.

COMMENTS Regarding the WEST BLUFF CITY COUNCIL FORUM on REDISTRICTING and ANNOUNCEMENT Regarding AVAILABLE MAPS

In discussion with Mayor Ardis, City Manager Patrick Urich gave a brief overview of the West Bluff City Council Meeting regarding Redistricting that was held on Monday, July 18, 2011, at Bradley University Student Center. He said there was a request made to draw two additional maps to be recommended to the Council at a future date. He stated Staff had worked on drafting a ten district map and an eight district map. He said this information should be on the City's web site by Friday afternoon for the public to review.

Mayor Ardis said these maps were being proposed to the Council in the near future, but nothing had been finalized at this stage.

(11-327) REQUEST for a REPORT BACK Regarding FUNDS SPENT on SIDEWALKS for the GLEN OAK SCHOOL AREA and the AMOUNT that had been COMMITTED for the HARRISON SCHOOL AREA.

Mayor Ardis requested a report back regarding the amount of money spent on sidewalks in the Glen Oak School area and the amount that has been spent and/or what had been committed to be spent on the Harrison School area.

No objections were heard.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD

(11-328) 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.

Savino Sierra, a Peoria resident, expressed concern regarding the poor condition of sidewalks and the lack of sidewalks in the Southside of Peoria. He said he was concerned for the safety of the children in the area. He expressed concern that businesses had left the area and the City should be doing something about the sidewalks.

Lavetta Ricca, President of Olde Towne South Neighborhood Association, expressed concern regarding the condition of sidewalks in the South side and that there were no sidewalks in some areas. She said the City had not made investment in that area for years and now there was no money for sidewalks. She also expressed concern regarding gun shots in her neighborhood.

EXECUTIVE SESSION

(11-329) 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 Irving.

Approved by roll call vote.

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

Nays: None.

ADJOURNMENT

Council Member Van Auken moved to adjourn the Joint City Council & Town Board Meeting; seconded by Council Member Sandberg.

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 9:05 P.M.

bb

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