

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

Council Chambers, Peoria, Illinois, September 13, 2011, a Regular City Council Meeting was held this date at 6:17 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 (arrived at 6:25 P.M.), 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: WALK FOR THE MIND - September 24, 2011

PROCLAMATION: NATIONAL SURGICAL TECHNOLOGIST'S WEEK - September 18 - 24, 2011

PROCLAMATION: PEORIA SYMPHONY GUILD 60TH ANNIVERSARY

PROCLAMATION: GERMAN AMERICAN HERITAGE MONTH

PROCLAMATION: NATIONAL PREPAREDNESS MONTH

MINUTES

Council Member Spain moved to approve the minutes of the Regular City Council Meeting held on August 23, 2011, as printed; seconded by Council Member Turner.

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 – CITY OF PEORIA

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

(11-381) **NOTICE of LAWSUIT filed on Behalf of KATHRINE BURWELL and KEITH BURWELL Regarding a Claim that the City Violated the Illinois Public Employee Disability Act, with Request to Receive for Information and Refer to the Legal Department.**

(11-382) **TAG DAY REQUEST from the LIONS CLUB OF PEORIA to Hold Their ANNUAL CANDY DAY on FRIDAY, OCTOBER 7, 2011, to Accept Donations to Raise Funds to Help the Blind, Visually Impaired, Deaf, and Hearing Impaired. (Date is Open.)**

- (11-383) Communication from the City Manager and Finance Director/Comptroller Requesting Authorization for the Administration to Hold an AUCTION in Conjunction with the COUNTY of PEORIA to be Held at the CITY OF PEORIA OPERATIONS AND MAINTENANCE FACILITY on Dries Lane on SATURDAY, SEPTEMBER 24, 2011.
- (11-384) Communication from the City Manager and Director of Public Works with Request to Award a CONTRACT to the LOWEST RESPONSIBLE BIDDER, KREILING ROOFING COMPANY, in the Amount of \$85,725.00, for FIRE HOUSE #10 ROOF REPAIRS.
- (11-385)
* Communication from the City Manager and Director of Public Works with the following Recommendations:
- A. Adopt an ORDINANCE Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2011 Relating to the Use of Downtown Tax Increment Financing (TIF) Funds, in the Amount of \$118,118.00, for the Niagara Parking Deck Repairs and Expansion Joints Cost;
 - B. Award a CONTRACT to the LOWEST RESPONSIVE and RESPONSIBLE BIDDER, TRUESDELL CORPORATION of WISCONSIN, INC., in the Amount of \$118,118.00, for the Repair of Various Items within the NIAGARA PARKING DECK.
- (11-386) Communication from the City Manager and Director of Public Works with Request to Award the CONTRACT to the LOWEST RESPONSIVE BIDDER, R. A. CULLINAN & SON, INC., in the Amount of \$74,230.50 with Authorization up to \$89,076.60 (Additional 20% for additional patching) to Complete a Portion of the ANNUAL BITUMINOUS PATCHING PROGRAM.
- (11-387) Communication from the City Manager and Director of Information Systems Requesting Approval of a SOLE SOURCE PURCHASE of a STORAGE AREA NETWORK (SAN) UPGRADE, in the Amount of \$38,650.00 from XIOTECH CORPORATION.
- (11-388) Communication from the City Manager and Director of Information Systems Requesting Approval of the PURCHASE of HP PERSONAL COMPUTERS from PTC SELECT, in the Amount of \$77,400.00, and LAPTOPS from DELL MARKETING, L.P., in the Amount of \$14,100.00, as Part of the ANNUAL INFORMATION TECHNOLOGY REFRESHMENT PLAN.
- (11-389) Communication from the City Manager and Director of Planning and Growth Management Requesting Approval of \$320,000.00 in HOME FUNDS to HAND UP DEVELOPMENT CORPORATION CHDO for the Construction of FOUR (4) NEW, AFFORDABLE, SINGLE-FAMILY, OWNER-OCCUPIED HOMES Located at 1700 N. E. MADISON; 2118 N. BOURLAND; 903 E. NEBRASKA; and 3411 W. GRIMSON AVENUE.
- (11-390) Communication from the City Manager and Corporation Counsel Requesting Authorization of the SETTLEMENT of the LAWSUIT EARP V. BUSS and CITY OF PEORIA, CASE NO. 09-1136, in the United States District Court of the Central District of Illinois, in the Amount of \$65,000.00.

- (11-391) Communication from the City Manager and Risk and Safety Manager Requesting Authorization for the City Manager to Enter into an AGREEMENT with MESIROW INSURANCE SERVICES, INC. as the LOW BIDDER for PROPERTY and CONTENTS INSURANCE, at a Cost of \$70,755.00.
- (11-392) Communication from the City Manager and Director of Public Works Requesting Adoption of ORDINANCE NO. 16,733 Amending CHAPTER 26 of the Code of the City of Peoria CHANGING SECTIONS 26-293 (3) and (5) to Maintain a Six Foot Accessible Pedestrian Route and Removing Corner Proximity Restrictions When Permitting a Vestibule, Newsstand, or Sidewalk Cafe. (Refer to Item No. 11-179)
- (11-393) Communication from the City Manager and Corporation Counsel Requesting Adoption of ORDINANCE NO. 16,734 Amending CHAPTER 31, SCHEDULE A, of the Code of the City of Peoria Prohibiting the USE of GROUNDWATER as a POTABLE WATER SUPPLY by the INSTALLATION or USE of POTABLE WATER SUPPLY WELLS or by ANY OTHER METHOD.
- (11-394) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,735 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2011 Relating to Police Tobacco Enforcement for \$6,710.00 and M. Landwirth Donation to the Peoria Municipal Band, in the Amount of \$300.00.
- (11-395) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,736 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2011 Relating to the Library Grants, Gifts, and Memorials, in the Amount of \$86,047.00, and Use of Capital Development Funds, in the Amount of \$843,950.00.
- (11-396) Communication from the City Manager Requesting Adoption of an
** ORDINANCE Amending the HOSPITALITY IMPROVEMENT ZONE (HIZ) BUSINESS DEVELOPMENT DISTRICT (BDD) REDEVELOPMENT PLAN Calling for the EXPANSION of the DISTRICT'S BOUNDARY to INCLUDE STAYBRIDGE SUITES.
- (11-397) Communication from the City Manager Requesting Approval of the RENEWAL of the BUSINESS DEVELOPMENT LOAN for DOEHERMANN, INC. (d/b/a Tim's Ace Hardware), in the Amount of \$76,527.23, and Requesting Authorization for the City Manager to Execute the Necessary Documents.
- (11-398) Communication from the City Manager Requesting Approval of a
*** HOSPITALITY IMPROVEMENT ZONE (HIZ) BUSINESS DEVELOPMENT DISTRICT (BDD) BUSINESS IMPROVEMENT PROGRAM PROJECT for the GREATER PEORIA AREA AMVETS POST 64 Totaling \$50,925.00.
- (11-399) Communication from the City Manager and Director of Planning and Growth Management Regarding the JANUARY 1 through JUNE 30, 2011 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 the Report.

(11-400) REPORT of the CITY TREASURER PATRICK A. NICHTING for the Month of JULY 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 Van Auken requested that Item No. 11-385 be removed from the Consent Agenda for further discussion.

Council Member Sandberg requested that Item Nos. 11-396 and 11-398 be removed from the Consent Agenda for further discussion.

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

Items No. 11-381 through 11-400 (excluding Item Nos. 11-385, 11-396 and 11-398 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 Auken, Weaver, Mayor Ardis – 11;

Nays: None.

(11-385) Communication from the City Manager and Director of Public Works with the following Recommendations:
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- A. Adopt an ORDINANCE Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2011 Relating to the Use of Downtown Tax Increment Financing (TIF) Funds, in the Amount of \$118,118.00, for the Niagara Parking Deck Repairs and Expansion Joints Cost;**
- B. Award a CONTRACT to the LOWEST RESPONSIVE and RESPONSIBLE BIDDER, TRUESDELL CORPORATION of WISCONSIN, INC., in the Amount of \$118,118.00, for the Repair of Various Items within the NIAGARA PARKING DECK.**

Public Works Director Dave Barber distributed a bid tabulation sheet for Structural Parking Deck Repairs in the Niagara Parking Deck to members of the Council.

Council Member Van Auken moved to adopt an Ordinance amending the City of Peoria Budget for Fiscal Year 2011 relating to the use of Downtown Tax Increment Financing (TIF) Funds, in the amount of \$118,118.00, for the Niagara Parking Deck Repairs and Expansion Joints Cost; seconded by Council Member Weaver.

ORDINANCE NO. 16,737 was adopted by roll call vote.

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

Nays: None.

Council Member Van Auken moved to award the contract to the lowest responsive and responsible bidder, Truesdell Corporation of Wisconsin, Inc., in the amount of \$118,118.00, for the repair of various items within the Niagara Parking Deck; seconded by Council Member Weaver.

Approved by roll call vote.

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

Nays: None.

**(11-396) Communication from the City Manager Requesting Adoption of an
** ORDINANCE Amending the HOSPITALITY IMPROVEMENT ZONE (HIZ)
 BUSINESS DEVELOPMENT DISTRICT (BDD) REDEVELOPMENT PLAN
 Calling for the EXPANSION of the DISTRICT'S BOUNDARY to INCLUDE
 STAYBRIDGE SUITES.**

Council Member Sandberg expressed concern that the definition of “blighted” was not met for this area under State Statute. He said he would not support the plan.

Council Member Gulley moved to adopt an Ordinance amending the Hospitality Improvement Zone (HIZ) Business Development District (BDD) Redevelopment Plan calling for the expansion of the District’s Boundary to include Staybridge Suites; seconded by Council Member Turner.

Economic Development Specialist Bobby Gray clarified the deterioration of the Staybridge Suites lot, damage to the structure itself, and the need for renovation met the definition of “blighted” by State Statute.

Council Member Gulley noted it was important to bring all of the downtown hotels up to standards.

ORDINANCE NO. 16,738 to amend the Hospitality Improvement Zone (HIZ) Business Development District (BDD) Redevelopment Plan calling for the expansion of the District’s Boundary to include Staybridge Suites was adopted by roll call vote.

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

Nays: Sandberg – 1.

**(11-398) Communication from the City Manager Requesting Approval of a
*** HOSPITALITY IMPROVEMENT ZONE (HIZ) BUSINESS DEVELOPMENT
 DISTRICT (BDD) BUSINESS IMPROVEMENT PROGRAM PROJECT for the
 GREATER PEORIA AREA AMVETS POST 64 Totaling \$50,925.00.**

A representative from AmVets Post 64 distributed advertisement flyers for the Grand Ballroom to the members of the Council.

In discussion with Council Member Sandberg who questioned how many years the business had to repay the loan, Economic Development Specialist Gray clarified the repayment could be made throughout the life of the Business Development District.

City Manager Ulrich further clarified if the property sold to another entity for a different purpose (i.e. an apartment complex), HIZ taxes would no longer be collected.

In further discussion with Council Member Sandberg, Corporation Counsel Randy Ray explained the loan would not commit the City to it for the 20-year period of the BDD. He said as long as the BDD existed, the tax would also exist. He added each business was only entitled to the tax it levies.

Council Member Sandberg moved to approve a Hospitality Improvement Zone (HIZ) Business Development District (BDD) Business Improvement Program Project for the Greater Peoria Area AMVETS Post 64 totaling \$50,925.00; seconded by Council Member Gulley.

Council Member Gulley commended the efforts of the AMVETS Post 64 for their hard work on this project.

Approved by roll call vote.

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

Nays: None.

REQUEST TO MOVE AGENDA ITEM

Mayor Ardis requested to defer the discussion of Item No. 11-408 until immediately following all Unfinished Business items. No objections were heard.

Clerk's Note: See Page 29779 for further action.

REGULAR BUSINESS

- (11-401) Communication from the City Manager and Patient Advocate/HealthCare Administrator Requesting Approval of the Following:**
- A. Authorization for the City Manager to Enter into an AGREEMENT Between the City of Peoria and ALL EMPLOYEE BARGAINING UNITS to EXTEND the JOINT LABOR/MANAGEMENT HEALTH CARE COMMITTEE (LMHCC) for THREE (3) YEARS, Effective January 1, 2012, through December 31, 2014; Contingent upon the Approval of the LMHCC Extension, Request to Approve the 2012 HEALTH CARE PLAN DESIGN CHANGES for ACTIVE EMPLOYEES and RETIREES of the City, as Outlined, to become Effective 1/1/2012;**
 - B. Requesting Authorization for the City Manager to RENEW the CONTRACT with HUMANA INSURANCE COMPANY, for a ONE-YEAR TIME PERIOD from 1/1/2012 through 12/31/2012 (with an Option to Renew for an Additional One-Year Period), to ADMINISTER the CITY'S MEDICAL AND DENTAL INSURANCE BENEFITS, to Include Administering the City's Networks for Hospitals and Physicians, the RX Benefits of the City's High Deductible Plan, and the Medicare Advantage Program for the City's Post-65 Retirees.**

Council Member Spain reviewed the significant changes being recommended for the health plans for City of Peoria employees. He said among the changes were a higher deductible health plan and better options for the City's retirees. He said the changes would also provide a significant cost saving to the City. He thanked his colleagues on the Committee for their non-stop efforts to bring this item forward. He noted the projected cost savings for 2012 was \$2.7 million. He added one caveat to approval of this item was the 3-year extension of the Joint Labor/Management Health Care Committee.

Council Member Spain moved to enter into an agreement Between the City of Peoria and all employee bargaining units to extend the Joint Labor/Management Health Care Committee (LMHCC) for three (3) years, effective January 1, 2012, through December 31, 2014; contingent upon the approval of the LMHCC extension, and to approve the 2012 health care plan design changes for active employees and retirees of the City, as outlined, to become effective 1/1/2012; seconded by Council Member Irving.

Approved by roll call vote.

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

Nays: None.

Following brief comments to clarify the cost savings to City retirees with the new plan, Council Member Spain moved to renew the contract with Humana Insurance Company, for a one-year time period from 1/1/2012 through 12/31/2012 (with an option to renew for an additional one-year period), to administer the City's medical and dental insurance benefits, to include administering the City's networks for hospitals and physicians, the RX benefits of the City's High Deductible Plan, and the Medicare Advantage program for the City's post-65 retirees; 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.

(11-402) Communication from the City Manager and Director of Public Works Requesting Approval of a PROFESSIONAL SERVICES AGREEMENT with FARNSWORTH GROUP, in an Amount Not to Exceed \$77,300.00 for ENGINEERING SERVICES for FLOOD STUDIES - Various Locations.

Council Member Van Auken moved to approve a Professional Services Agreement with Farnsworth Group, in an amount not to exceed \$77,300.00 for Engineering Services for Flood Studies at various locations; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

(11-403) Communication from the City Manager and Director of Public Works Requesting Approval of an ADDENDUM AGREEMENT #2, which Amends Agreement No. 10-133B, with the ILLINOIS DEPARTMENT of TRANSPORTATION for the Funding of the CONSTRUCTION of ORANGE PRAIRIE ROAD from AMERICAN PRAIRIE ROAD to GRANGE HALL ROAD/ALTA LANE.

Council Member Weaver said he would be abstaining from discussion and voting on this item due to his ownership of property near the project site.

Council Member Irving moved to approve the Addendum Agreement #2, which amends Agreement No. 10-133B, with the Illinois Department of Transportation for the funding of the construction of Orange Prairie Road from American Prairie Road to Grange Hall Road/Alta Lane; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None;

Abstentions: Weaver – 1.

(11-404) Communication from the City Manager and Director of Public Works Requesting Approval of AMENDMENT #1 to the PROFESSIONAL SERVICES AGREEMENT with HANSON PROFESSIONAL SERVICES, INC., in an Amount Not to Exceed \$741,865.00, for PHASE II ENGINEERING SERVICES for WASHINGTON STREET (US 24), Between HARRISON STREET and MAPLE STREET. (Amends Item No. 10-458)

Council Member Spain moved to approve Amendment #1 to the Professional Services Agreement with Hanson Professional Services, Inc., in an amount not to exceed \$741,865.00, for Phase II Engineering Services for Washington Street (US 24), between Harrison Street and Maple Street; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

(11-405) Communication from the City Manager and Director of Public Works Requesting Approval of an ADDENDUM AGREEMENT with the ILLINOIS DEPARTMENT of TRANSPORTATION (IDOT) for the FUNDING of WASHINGTON STREET from HAMILTON BOULEVARD to EDMUNDS STREET. (Amends Item No. 10-457)

Council Member Spain moved to approve Addendum Agreement with the Illinois Department of Transportation (IDOT) for the funding of Washington Street from Hamilton Boulevard to Edmunds Street; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

(11-406) Communication from the City Manager and Director of Public Works Requesting Authorization for the Staff to Request REIMBURSEMENT from H.U.D. NEIGHBORHOOD INITIATIVE GRANT B-04-NI-IL-0006 for EXPENSES INCURRED with the WASHINGTON STREET STUDIES.

Council Member Spain moved to authorize Staff to request reimbursement from H.U.D. Neighborhood Initiative Grant B-04-NI-IL-0006 for expenses incurred with the Washington Street Studies; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None.

(11-407) Communication from the City Manager and Corporation Counsel Recommending Adoption of an ORDINANCE Approving a REDEVELOPMENT AGREEMENT Between the City of Peoria and KLR HOLDINGS, LLC and Authorization for the City Manager to Execute the Necessary Documents (Floors 3 and 4 of 316 S. W. Washington Street).

Corporation Counsel Randy Ray distributed corrected pages for the Redevelopment Agreement and a revised Schedule 8.

Council Member Gulley moved to adopt an Ordinance approving a Redevelopment Agreement between the City of Peoria and KLR Holdings, LLC., as amended as follows: Page 1 – corrected month; Page 2 – fourteen months of free parking commences January 1, 2012; Page 4 – correction to account for the Redeveloper being a holding company with no employees, so that the number of employees at the Project Site triggers the TIF increment; Page 10 – addition to Redeveloper's address; Schedule 1 – further explanation on pages 2 & 3 of the build-out of the 3rd and 4th floors; Schedule 2 – addition of legal description; and Schedule 3 – depicts parking at the Michel East, Edgewater and Liberty lots; and adding revised Schedule 8; and to authorize the City Manager to execute the necessary documents (floors 3 and 4 of 316 S.W. Washington Street); seconded by Council Member Turner.

City Manager Patrick Ulrich said the company was currently doing business in Morton under the name, CSE Software. He said they had designed the simulators for the CAT Experience and wanted to move back into Peoria to be in closer proximity to that project. He said the company had some parking concerns for their employees and the City had some software issues that needed to be addressed, so this agreement accomplishes a bartering arrangement to meet the needs of the company and the City.

Council Member Sandberg requested, within the phases of the agreement, the City work with KLR Holdings to make on-line access to the City's Building Codes, Municipal Code, and the Land Development Code easier for citizens to navigate.

Council Member Weaver thanked the City Manager for his efforts to bring this agreement forward.

In discussion with Council Member Sandberg, Corporation Counsel Randy Ray clarified the agreement with the former tenant of the building, InPlay, was null and void due to lack of performance and would have no effect on the new entity.

ORDINANCE NO. 16,739 approving a Redevelopment Agreement between the City of Peoria and KLR Holdings, LLC., as amended as follows: Page 1 – corrected month; Page 2 – fourteen months of free parking commences January 1, 2012; Page 4 – correction to account for the Redeveloper being a holding company with no employees, so that the number of employees at the Project Site triggers the TIF increment; Page 10 – addition to Redeveloper's address; Schedule 1 – further explanation on pages 2 & 3 of the build-out of the 3rd and 4th floors; Schedule 2 – addition of legal description; and Schedule 3 – depicts parking at the Michel East, Edgewater and Liberty lots; and a revised Schedule 8; and to authorize the City Manager to execute the necessary documents (floors 3 and 4 of 316 S.W. Washington Street) and was adopted by roll call vote.

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

Nays: None.

- (11-408) Communication from the City Manager and Corporation Counsel with Request to RATIFY the CITY MANAGER'S CANCELLATION of the REDEVELOPMENT AGREEMENT Between the City of Peoria and EM PROPERTIES, LTD. Dated JUNE 2, 2010.**

Clerk's Note: Discussion of this item was deferred, with no objections, to immediately following discussion of all Unfinished Business items.

UNFINISHED BUSINESS

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

- (11-235) Communication from the City Manager and Communications Manager Requesting Approval to Enter into a CONTRACT with BASTA MANGIARE of PEORIA (Located in Peoria Heights) and CHILDER'S CATERING of PEORIA, as Additional Exclusive Catering Service Businesses at the GATEWAY BUILDING. (New Communication)**

Council Member Van Auken moved to enter into a contract with Basta Mangiare of Peoria and Childer's Catering of Peoria, as additional exclusive catering service businesses at the Gateway Building; seconded by Council Member Gulley.

Council Member Irving said he would not be supporting the motion because he felt guidelines for the RFP process already in place should be followed.

Council Member Sandberg said he felt the process was flawed and he would not support the motion.

Council Member Spears said he agreed the process needed changed, but he felt the Council needed to follow the current process through the expiration of the contract. He said then the process could be modified.

Motion to enter into a contract with Basta Mangiare of Peoria and Childer's Catering of Peoria, as additional exclusive catering service businesses at the Gateway Building was approved by roll call vote.

Yeas: Akeson, Gulley, Riggerbach, Spain, Spears, Turner, Van Auken, Weaver – 8;

Nays: Irving, Sandberg, Mayor Ardis – 3.

**(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.**

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

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

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

Nays: Irving – 1.

**(11-347) Communication from the City Manager and Director of Public Works
Requesting the Following:**

- A. **REMOVE ITEM NO. 11-347 from the TABLE;**
- B. **Receive and File the REPORT BACK Relating to the Award of a Contract to the Most Responsive and Responsible Bidder, Security Parking Systems, for Replacement of All Parking Access Revenue Control Equipment in the Four City-Owned Parking Decks, in an Amount Not to Exceed \$347,061.86;**
- C. **AWARD the CONTRACT to SECURITY PARKING SYSTEMS, in an Amount Not to Exceed \$347,061.86, for REPLACEMENT of all PARKING ACCESS REVENUE CONTROL EQUIPMENT in the Four (4) City-Owned Parking Decks.**

MOTION ON THE FLOOR: Substitute Motion to Award the Contract to Security Parking Systems for replacement of all parking access revenue control equipment in the four City-owned parking decks, in an amount not to exceed \$347,061.86, as amended, to remove the portion relating to the installation of the car charging stations.

Council Member Spain moved to remove Item No. 11-347 from the Table; 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.

Council Member Riggerbach moved to receive and file the report back related to the award of a contract to the most responsive and responsible bidder, Security Parking Systems, for replacement of all parking access revenue control equipment in the four City-owned parking decks, in an amount not to exceed \$347,061.86; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

Council Member Spain noted he would not support the Motion on the Floor. He said his expectation was the Council would be provided with additional information and he said he felt that nothing new had been presented since the previous meeting.

Council Member Weaver moved to award the contract to Security Parking Systems for replacement of all parking access revenue control equipment in the four City-owned parking decks, in an amount not to exceed \$347,061.86, as amended, to remove the portion relating to the installation of the car charging stations; seconded by Council Member Sandberg.

Council Member Gulley suggested delaying the vote until the item could be better reviewed.

Public Works Director Dave Barber reported the parking access revenue control equipment was out-dated and in great need of repair. He said many of the needed parts were not being manufactured any more. He said implementation of a new pay system would still require personnel manning the booths, especially in the event of an emergency. He said in the future a gate system with access similar to the IPASS concept at toll booths was a possibility.

Council Member Sandberg expressed concern that energy costs were not factored in to the total estimated cost. He added parking was not a basic service the City provides.

Council Member Akeson said a remedy for the issues with the existing gates was needed, but she said she felt deferring the item so that a more thorough analysis could be performed would be more appropriate. She added she felt the City needed a parking management strategy.

In discussion with Mayor Ardis who agreed a parking strategy discussion was needed, Director Barber recommended the Council vote the item down rather than deferring it so that it may be rebid at the appropriate time. He added his Department was close to being ready for the needed discussion.

Council Member Spain offered a Substitute Motion to Deny the contract to Security Parking Systems for replacement of all parking access revenue control equipment in the four City-owned parking decks, in an amount not to exceed \$347,061.86, as amended, to remove the portion relating to the installation of the car charging stations; seconded by Council Member Van Auken.

Substitute motion to Deny was approved by roll call vote.

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

Nays: None.

(11-348) Communication from the City Manager and Finance Director/Comptroller Requesting Approval for the City Manager to Enter into an AGREEMENT with GOOD ENERGY, L.P. to Provide PROFESSIONAL ENERGY CONSULTING SERVICES for the City of Peoria for the PROCUREMENT of ELECTRICITY for the City of Peoria Residential and Small Commercial Accounts Otherwise Known as an ELECTRICITY RESIDENTIAL OPT-OUT PROGRAM. (Replacement Communication)

Council Member Spears said he felt a new consultant needed to be selected to keep the bid process competitive. He said he felt Blue Star was a better choice because they were in a position to buy the energy in bulk and to tie into communities larger than Peoria, resulting in greater savings for the City.

Council Member Spears moved to enter into an agreement with Blue Star to provide Professional Energy Consulting Services for the City of Peoria for the Procurement of Electricity for the City of Peoria residential and small commercial accounts otherwise known as Electricity Residential Opt-Out Program; seconded by Council Member Van Auken.

Council Member Sandberg noted the consultants each perform different tasks. He said he felt the savings to the City would be based more on the fluctuating market.

Council Member Irving said he felt the Council should support the Staff recommendation and not micromanage the process. He noted the drastic difference in comparison of companies when reviewing the RFP's. He said Good Energy was offering services from the consultant's perspective, while Blue Star was offering services from the supplier's perspective.

In discussion with Council Member Weaver who questioned the selection process, Finance Director/Comptroller Jim Scroggins said all vendors who submitted bids were evaluated based on three criteria. He said the vendor with the highest amount of points following review was selected. He then confirmed he did not have an opinion regarding the hiring of a Professional Energy Consultant.

Council Member Weaver said he would not support the motion. He said he felt if the Council agreed competing companies were needed, the process should be re-evaluated.

City Manager Ulrich said an additional level of bid submittal could be added, with vendors individually providing answers to questions and giving additional input.

Council Member Spain offered a Substitute Motion for a four week deferral of this item, which would be until the October 11, 2011, City Council Meeting; seconded by Council Member Turner.

In discussion with Council Member Sandberg regarding the effect of a deferral of the timeframe for a referendum, Corporation Counsel Ray said the deadline for having an item prepared for a referendum scenario was the end of the year.

City Manager Ulrich said a letter could be immediately sent to all vendors who responded to the RFP requesting each prepare to come in and answer questions. He said this could even take place at a public meeting so that citizens had an opportunity to voice any concerns.

Substitute Motion to defer this item until the October 11, 2011, City Council Meeting was approved by roll call vote.

Yeas: Akeson, Gulley, Riggerbach, Spain, Spears, Turner, Van Auken, Weaver, Mayor Ardis – 9;

Nays: Irving, Sandberg – 2.

EXECUTIVE SESSION

(11-409) 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.

Council Member Sandberg 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; 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.

RECESS

The City Council recessed at 8:15 P.M. to enter into Executive Session in Room 207I in City Hall.

RECONVENING OF THE CITY COUNCIL

City Clerk Mary Haynes noted the following City Council Members Present: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears, Turner, Van Auken, Weaver, Mayor Ardis – 11;
Absent: None.

The City Council reconvened at 10:31 P.M.

(11-408) Communication from the City Manager and Corporation Counsel with Request to RATIFY the CITY MANAGER'S CANCELLATION of the REDEVELOPMENT AGREEMENT Between the City of Peoria and EM PROPERTIES, LTD. Dated JUNE 2, 2010.

Council Member Akeson moved to defer the ratification of the City Manager's cancellation of the Redevelopment Agreement between the City of Peoria and EM Properties, LTD., until the September 27, 2011, City Council Meeting; seconded by Council Member Turner.

Mayor Ardis clarified the City Council's position was to fine-tune the terms of the agreement and bring it to a resolution within the next two weeks.

Council Member Gulley said he supported the deferral, but he clarified he did not necessarily support the rationale behind it because he felt there were other options that were not explored.

Motion to defer the ratification of the City Manager's cancellation of the Redevelopment Agreement between the City of Peoria and EM Properties, LTD., until the September 27, 2011, City Council Meeting was approved by roll call vote.

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

Nays: Irving, Sandberg, Weaver - 3.

NEW BUSINESS

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

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD

(11-410) 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.

Phyllis Pryde, Peoria resident, spoke in support of the Downtown Hotel Project.

Savino Sierra, Peoria resident, spoke in support of the Downtown Hotel Project and also expressed concern regarding the lack of striping for the crosswalks at the new Harrison School.

EXECUTIVE SESSION

It was determined no additional Executive Session was needed.

ADJOURNMENT

Council Member Spears moved to adjourn the Regular City Council Meeting; 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.

The meeting adjourned at 10:43 P.M.

adh

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