

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

Council Chambers, Peoria, Illinois, September 27, 2011, a Regular City Council Meeting was held this date at 6:15 P.M., at City Hall, Council Chambers, 419 Fulton Street, with Mayor Jim Ardis presiding, and with proper notice having been posted.

**ROLL CALL**

Roll Call showed the following Council Members were physically present: Akesson, Gulley, Irving, Riggerbach, Sandberg (arrived at 7:05 P.M.), 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:** PRECKSHOT PROFESSIONAL PHARMACY - 30 YEARS

**PROCLAMATION:** ROBERT PERKINSON DAY - SEPTEMBER 27, 2011 – MEMBER OF VFW POST #814 AND CELEBRATING 103 YEARS OF AGE

**MINUTES**

Council Member Spain moved to approve the minutes of the Special City Council Meeting held on September 7, 2011, and the Regular City Council Meeting held on September 13, 2011, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akesson, Gulley, Irving, Riggerbach, Spain, Spears, Turner, Van Auken, Weaver, 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:**

- (11-411) NOTICE of LAWSUIT Filed by TOMMY L. COLLINS Regarding a Traffic Incident which Resulted in a Claim of Violation of the Plaintiff's Civil Rights and Wrongful Imprisonment, with Request to Receive for Information and Refer to the Legal Department.
- (11-412) NOTICE of LAWSUIT filed by KENNETH BODDIE Regarding a Claim he was Denied Promotion to Lieutenant because of Disparate Treatment, with Request to Receive for Information and Refer to the Legal Department.
- (11-413) Communication from the City Manager and Director of Public Works with Request to Approve the LOW BID of HOROWITZ CONCRETE and to Award a CONTRACT, in an Amount Not to Exceed \$78,447.21 based on unit pricing, from the Base Bid of \$89,117.00, for the ADA ACCESS RAMP PROGRAM 2011 CONTRACT.

- (11-414)  
\* Communication from the City Manager and Director of Planning and Growth Management with Request to UTILIZE \$120,000.00 in CDBG FUNDS from the SOUTHERN GATEWAY PROJECT for RESIDENTIAL DEMOLITION PROJECTS within the FIRST COUNCIL DISTRICT.
- (11-415) Communication from the City Manager and Director of Public Works Requesting Approval of the SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR of SEWERS as a Part of the City of Peoria's Sewer Rehabilitation (Design Area 1 Point Repairs Project 6 (GPSD Project #2180) and to Concur in the Award of the CONTRACT with J. C. DILLON, INC., for the LOW BID, in the Amount of \$794,436.50.
- (11-416) Communication from the City Manager and Director of Public Works Requesting Approval of the SEWER IMPROVEMENT AGREEMENT with the GREATER PEORIA SANITARY DISTRICT for the REPAIR of SEWERS as a Part of the City of Peoria's Sewer Rehabilitation (Design Area 1 Point Repairs Project 7 (GPSD Project #2183) and to Concur in the Award of the CONTRACT with HOERR CONSTRUCTION, INC., for the LOW BID, in the Amount of \$874,039.14.
- (11-417)  
\*\* Communication from the City Manager and Director of Public Works Requesting Adoption of an ORDINANCE VACATING the SPICEWOOD DRIVE RIGHT OF WAY from PINECASTLE DRIVE to SCRIMSHAW DRIVE.
- (11-418) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,740 Amending APPENDIX C of the Code of the City of Peoria Relating to OUTDOOR STORAGE and DISPLAY in Residential Districts.
- (11-419)  
\*\*\* Communication from the City Manager and Director of Public Works with Recommendation to Approve PUBLIC SHARE of CBD STREETSCAPE IMPROVEMENT - CATERPILLAR OFFICES - HAMILTON SQUARE - 300 HAMILTON BOULEVARD, in an Amount Not to Exceed \$110,000.00 (SOLE SOURCE).
- (11-420) Communication from the City Manager Requesting Approval of a DATE SET for a SPECIAL CITY COUNCIL MEETING to be Held on OCTOBER 4, 2011, at 6:15 P.M. for the PURPOSE of DISCUSSING the CAPITAL BUDGET, OPERATING BUDGET, and SUCH RELATED ITEMS as the City Manager May Place on the Agenda for the Special Meeting.
- (11-421) Communication from Mayor Jim Ardis Requesting Concurrence to Approve an EXTENSION of APPOINTMENT to PEORIA AREA CONVENTION AND VISITORS BUREAU of JAMES GARNER to DECEMBER 31, 2012.
- (11-422) Communication from the City Manager and Corporation Counsel Requesting Approval of an APPLICATION for a CLASS H (Temporary Outdoor) LIQUOR LICENSE at EXPOSITION GARDENS for a FUNDRAISER on OCTOBER 22, 2011.
- (11-423)  
\*\*\*\* Communication from the City Manager and Corporation Counsel Requesting Approval of a SITE APPLICATION for a CLASS B (Restaurant/50% Food/Full-Service Bar) LIQUOR LICENSE with a SUBCLASS 10 (Catering Off-Site) LICENSE at 319 MAIN STREET, with Recommendation from the Liquor Commission to Approve.

- (11-424)**      **Communication from the City Manager and Corporation Counsel**  
\*\*\*\*\*      **Requesting Approval of a SITE APPLICATION for a SUBCLASS 1A (2:00**  
                  **A.M. Closing) to be Added to the CLASS A (Tavern) LIQUOR LICENSE at**  
                  **315 MAIN STREET, with Recommendation from the Liquor Commission to**  
                  **Approve.**

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

Council Member Turner requested that Item No. 11-419 be removed from the Consent Agenda for further discussion.

Council Member Gulley requested that Item Nos. 11-414 , 11-423 and 11-424 be removed from the Consent Agenda for further discussion.

Council Member Weaver requested that Item No. 11-417 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 Spain.

Items No. 11-411 through 11-424 (excluding Item Nos. 11-414, 11-417, 11-419, 11-423, and 11-424, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

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

Nays: None.

- (11-414)**      **Communication from the City Manager and Director of Planning and**  
\*                **Growth Management with Request to UTILIZE \$120,000.00 in CDBG FUNDS**  
                  **from the SOUTHERN GATEWAY PROJECT for RESIDENTIAL DEMOLITION**  
                  **PROJECTS within the FIRST COUNCIL DISTRICT.**

Council Member Gulley said he would like to attach information to this item for future reference. He explained the Council communication indicated there were funds available under the Block Grant from the Southern Gateway Project. He said he had worked for years to fund the Southern Gateway Project and he discussed the process he followed to move forward with that project. He said the economy had changed, but he had been working diligently to put a project together and there was a project that was ready to move forward. He said that project would not be fully funded due to the movement of these funds. He expressed concern regarding the utilization of these funds for residential demolition projects, but he knew it was important to do something about the shortage of funds for demolitions. He said he hoped that, when funding was needed for the Southern Gateway Project next year, the Council would remember these actions.

Council Member Gulley moved to approve the request to utilize \$120,000.00 in CDBG funds from the Southern Gateway Project for residential demolition projects within the First Council District and to include an amended list of houses to be demolished with some being houses outside the First District; seconded by Council Member Turner.

Approved, as amended, by roll call vote.

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

Nays: None.

**(11-417)      Communication from the City Manager and Director of Public Works  
\*\*              Requesting Adoption of an ORDINANCE VACATING the SPICEWOOD  
                 DRIVE RIGHT OF WAY from PINECASTLE DRIVE to SCRIMSHAW DRIVE.**

Council Member Weaver stated he would be abstaining from discussion and voting due to ownership of property in the area.

Council Member Van Auken moved to adopt the Ordinance vacating the Spicewood Drive right of way from Pinecastle Drive to Scrimshaw Drive; seconded by Council Member Spain.

ORDINANCE NO. 16,741 was adopted by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggensbach, Spain, Spears, Turner, Van Auken, Mayor Ardis – 9;

Nays: None

Abstentions: Weaver - 1.

**(11-419)      Communication from the City Manager and Director of Public Works with  
\*\*\*              Recommendation to Approve PUBLIC SHARE of CBD STREETSCAPE  
                 IMPROVEMENT - CATERPILLAR OFFICES - HAMILTON SQUARE - 300  
                 HAMILTON BOULEVARD, in an Amount Not to Exceed \$110,000.00 (SOLE  
                 SOURCE).**

Council Member Turner said there were some concerns voiced by citizens with disabilities regarding the potential impact of bus service for citizens with disabilities at 300 Hamilton Boulevard. He moved to grant Privilege of the Floor to Roger Sparks.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Roger Sparks.

Roger Sparks, member of the Mayor's Advisory Committee for the Disabled, explained there was a bus stop right in front of the building at 300 Hamilton Boulevard and he said there were problems for bus parking for passenger pickup because vehicles double-parked or parked in the bus stop zone. He questioned if the bus stop would be more user-friendly for disabled citizens and other citizens using bus services.

Director of Public Works Dave Barber said he would review the situation to ensure this matter was addressed in the project.

Mayor Ardis requested that Council Member Turner, who was a City representative for CityLink, bring this matter to CityLink's attention also. He requested that information received by the City be forwarded to members of the Mayor's Advisory Committee for the Disabled so they would know what could be expected for the project.

In discussion with Council Member Gulley regarding design standards for this area and whether or not the standards aligned with the Heart of Peoria Plan, Director Barber said the plans for the project were consistent with the plans for Washington Street.

City Manager Patrick Ulrich stated he would review the Heart of Peoria Plan and determine if the plan was consistent. He added, if there was a discrepancy, he would report the information back to the Council and discuss the issue with Caterpillar.

Council Member Turner moved to approve the public share of CBD Streetscape Improvement for Caterpillar Offices at Hamilton Square, 300 Hamilton Boulevard, in an amount not to exceed \$110,000.00 (sole source); seconded by Council Member Van Auken.

Motion to approve the public share of CBD Streetscape Improvement for Caterpillar Offices at Hamilton Square, 300 Hamilton Boulevard, in an amount not to exceed \$110,000.00 (sole source) was approved by roll call vote.

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

Nays: None.

- (11-423)      Communication from the City Manager and Corporation Counsel  
\*\*\*\* Requesting Approval of a SITE APPLICATION for a CLASS B  
(Restaurant/50% Food/Full-Service Bar) LIQUOR LICENSE with a  
SUBCLASS 10 (Catering Off-Site) LICENSE at 319 MAIN STREET, with  
Recommendation from the Liquor Commission to Approve.**

Council Member Gulley said he would be abstaining from discussion and voting due to a business relationship with the Petitioner.

Council Member Van Auken moved to concur with the Liquor Commission to approve a Site Application for a Class B (Restaurant/50% Food/Full-Service Bar) Liquor License with a Subclass 10 (Catering Off-Site) License at 319 Main Street; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None;

Abstentions; Gulley - 1.

- (11-424)      Communication from the City Manager and Corporation Counsel  
\*\*\*\*\* Requesting Approval of a SITE APPLICATION for a SUBCLASS 1A (2:00  
A.M. Closing) to be Added to the CLASS A (Tavern) LIQUOR LICENSE at  
315 MAIN STREET, with Recommendation from the Liquor Commission to  
Approve.**

Council Member Gulley said he would be abstaining from discussion and voting due to a business relationship with the Petitioner.

Council Member Van Auken moved to concur with the Liquor Commission to approve a Site Application for a Subclass 1A (2:00 A.M. Closing) to be added to the Class A (Tavern) Liquor License at 315 Main Street; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None;

Abstentions: Gulley - 1.

- (11-425)      Communication from the City Manager and Risk and Safety Manager  
Regarding a REPORT BACK by BICKMORE RISK SERVICES Regarding  
THIRD YEAR ASSESSMENT of the CITY'S LOSS EXPOSURE and SAFETY  
ACTIVITIES, with Request to Receive and File.**

Risk Manager Ed Hopkins distributed a copy of presentation materials to all members of the City Council. He stated this was the third year of the contract with Bickmore Risk Services who were hired to providing consulting services on loss control and risk management to reduce injury

frequency and severity. He said Bill DePersis from Bickmore Risk Services would provide a report regarding these services.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Bill DePersis.

Bill DePersis, representing Bickmore Risk Services, stated Bickmore Risk Services had captured a series of matrix that had been presented each of the three years they had been associated with the City of Peoria. He said he would provide the Council with a review of the activities Bickmore had performed and their recommendations for the future. He discussed the injury frequency rate and he reported all sectors had reduced injuries over the past five years. He discussed the number of claims and claims costs since 2007.

Mr. DePersis stated there were improvements in Police, Fire, and Public Works, but there was room in the opportunity to continue to protect workers as well as reap savings associated with the reduction of losses.

Council Member Weaver referred to the chart showing frequency of injuries for Police, Fire, and Public Works, etc, and he requested a chart showing how Peoria compared to other communities in Illinois.

Mr. DePersis said City Staff had requested similar information and he said the questions were being drafted for those communities. He added that benchmarking was a careful exercise because not all communities organized their departments in the same way. He said he felt there would be good cooperation, if the information was shared with those communities upon completion.

Mr. DePersis said Bickmore's projects included: multiple loss analyses; employee safety culture perception survey; savings scenarios and targets; meetings with Department Heads, senior managers, and unions; hazard assessments for Police, Fire, Public Works, and Animal Control; web-based training for all employees; instructor-led training for supervisors; major department and executive safety committee and accident investigation training; new safety and loss prevention policy; prioritized recommendations to senior management; audit of existing return-to-work program; audit of current TPA performance; TPA TFP resulted in new TPA contract; ride along with Public Works, Fire, Police, and Animal Control Officers; accountability matrix; and revised accident investigation report forms.

Mr. DePersis stated priority projects and recommendations included: management accountability for performance; continued safety management sessions for management; exposure-based sessions for employees; continued work with Departmental Safety Committees; accident prevention training; wellness and conditioning; and claims cost management. He stated recommendations for 2011 – 2012 were to follow-up on facility and job site inspections; instructor-led safety training; safety committee education and training; management training and education; audit of third party administrator performance; aggressive accident investigation; and formally integrate safety benchmarks into management performance evaluations.

In discussion with Mayor Ardis regarding items that Bickmore should focus on, City Manager Urich recommended there should be more benchmarking with more like-sized jurisdictions which had like-sized departments. He said one of the concerns raised regarding the Illinois Municipal benchmarks was there could be smaller entities that might push the numbers. He said the private sector had diligently worked to drive down their workers' compensation costs because the cost was significant to the organization. He added these were funds that could be going elsewhere in the budget. He said he felt the importance of this needed to begin with top management changing behaviors and work practices throughout the organization.

Mayor Ardis stated the size of the City's workforce would be changing in the near future due to the City's budget. He said another area of focus should be the continued importance of safety as more senior and experienced workers left the workforce. He said this could have a significant impact on the number of injuries and associated costs.

Council Member Spain suggested developing incentives to help target and to motivate employees regarding loss time accidents. He said there were tools used in the private sector that would be helpful and could result in significant savings.

City Manager Ulrich said he was open to anything that would assist in a reduction in workman's compensation cases. He said a message should be sent from upper Management that there was concern regarding employee safety and there was a need to promote safety, with an incentive program.

Mr. DePersis urged the Council to implement simple and sincere incentive programs to recognize their safety efforts.

Council Member Spears agreed these tools needed to begin in upper management and he said he felt it was Mr. DePersis's job to teach City management those skills.

Council Member Spain moved to receive and file the Report Back by Bickmore Risk Services regarding Third Year Assessment of the City's loss exposure and safety activities; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

Mayor Ardis thanked Mr. DePersis for his presentation.

**(11-426) Communication from the City Manager Requesting Approval of the 2011-2026 CITY COUNCIL STRATEGIC PLAN.**

City Manager Patrick Ulrich distributed a copy of the 2011 – 2016 – 2026 Strategic Plan and a copy of the Community Summit 2011 Summary Report to all members of the City Council.

City Manager Ulrich said the intent was to set up a course for direction for the organization which would identify Council Goals and identify a vision for the City of Peoria and prioritize action steps. He said this plan included all of these items and prioritized steps. He briefly outlined the vision statement and mid-range goals as stated in the Strategic Plan. He urged the Council to take the next step in the process and to approve the 2011 – 2026 City Council Strategic Plan.

Council Member Van Auken moved to approve the 2011 - 2026 City Council Strategic Plan and to receive and file the Community Summit 2011 Summary Report; seconded by Council Member Riggerbach.

Council Member Gulley expressed concern that the process did not allow for some of the smaller needs in the community to become a priority.

Council Member Sandberg arrived at the meeting at 7:05 P.M.

Council Member Spears said the Council had been through this kind of exercise before and then after adoption, the plan was not carried forward. He said he would not support the motion, but he stated he had faith in the City Manager and he hoped there were good results.

Mayor Ardis commended City Manager Ulrich for working through the process with the City Council. He said this document would provide focus for the community. He said this document would be used by the City Manager to remain in line with Council goals as the Budget Sessions were held to adopt the 2012 City of Peoria Budget.

Motion to approve the 2011 - 2026 City Council Strategic Plan and to receive and file the Community Summit 2011 Summary Report was approved by roll call vote.

Yeas: Akeson, Irving, Riggensbach, Sandberg, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 9;

Nays: Gulley, Spears - 2.

**(11-427) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending Ordinance No. 15,959, an EXISTING SPECIAL USE, in a Class R-3 (Single Family Residential) District for a PUBLIC PARK to RELOCATE the ZOO ENTRANCE BUILDING and PARKING LOT for Property Located at 2218 N. PROSPECT ROAD, with Condition.**

Council Member Riggensbach moved to concur with the recommendation from the Zoning Commission and Staff to adopt the Ordinance amending Ordinance No. 15,959, an Existing Special Use, in a Class R-3 (Single Family Residential) District for a Public Park to relocate the Zoo Entrance Building and Parking Lot for property located at 2218 N. Prospect Road, with condition; seconded by Council Member Van Auken.

Council Member Akeson commended the Peoria Park District Planning Board for the changes they made to their plans, which amended the surface parking plan and saved 25 trees that would have been cut down. She encouraged the Board to do everything possible to use this as a showcase for sustainable efforts.

ORDINANCE NO. 16,742 was adopted by roll call vote.

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

Nays: None.

**(11-428) Communication from the City Manager and Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending Ordinance No. 14,327, an EXISTING SPECIAL USE, in a Class R-3 (Single Family Residential) District for a PUBLIC SAFETY BUILDING to REPLACE an EXISTING WIRELESS COMMUNICATION TOWER with a NEW WIRELESS COMMUNICATION TOWER and EQUIPMENT SHELTER for Property Located at 2105 W. NORTHMOOR ROAD, with Condition.**

Council Member Irving moved to concur with the Zoning Commission and Staff to adopt an Ordinance amending Ordinance No. 14,327, an Existing Special Use, in a Class R-3 (Single Family Residential) District for a Public Safety Building to replace an existing wireless communication tower with a new wireless communication tower and equipment shelter for property located at 2105 W. Northmoor Road, with condition; seconded by Council Member Turner.

ORDINANCE NO. 16,743 was adopted by roll call vote.

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

Nays: None.



**(11-429) Communication from the City Manager and Corporation Counsel Requesting Approval of an OPTION and LEASE AGREEMENT with NEW CINGULAR WIRELESS PCS, LLC for a TOWER at PEORIA FIRE STATION NO. 16, Located at 2105 NORTHMOOR ROAD, and Requesting Authorization for the City Manager to Execute the Necessary Documents.**

Council Member Irving said City Legal Staff had worked with AT&T to negotiate this agreement. He stated the monthly lease amount was \$1,200.00 a month and, if additional cell phone companies were co-located on the tower, additional fees would be paid directly to the City of Peoria. He thanked ATT&T for becoming a partner with the City of Peoria in this regard.

Council Member Irving moved to approve an Option and Lease Agreement with New Cingular Wireless PCS, LLC for a tower at Peoria Fire Station No. 16 located at 2105 Northmoor road and to authorize the City Manager to execute the necessary documents; seconded by Council Member Turner.

Approved by roll call vote.

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

Nays: None.

**UNFINISHED BUSINESS**

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

**(11-330) Communication from the City Manager and Director of Public Works with Request to Award a CONTRACT to the LOWEST RESPONSIBLE BIDDER, WM. AUPPERLE AND SONS, INC., for an Amount Not to Exceed \$92,800.00 (Including Waterproofing the Foundation Along the Parking Lot), to RECONSTRUCT the ADA RAMP into the CITY HALL BUILDING, with REPORT BACK and RECOMMENDATION TO REJECT ALL BIDS.**

Council Member Gulley moved to reject all bids to reconstruct the ADA Ramp into the City Hall Building; seconded by Council Member Van Auker.

In discussion with Council Member Spain regarding the Engineering estimate for the new version, Director of Public Works Dave Barber explained the information outlined in the Council communication.

Council Member Spain expressed concern regarding the costs involved totaling over \$90,000.00 for this project.

Approved by roll call vote.

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

Nays: Spain - 1.

**EXECUTIVE SESSION**

**(11-430) 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 Van Auken 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 Irving.

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 7:25 P.M. to enter into Executive Session in Room 404 in City Hall.

### **RECONVENING OF THE CITY COUNCIL**

The City Council reconvened at 8:44 P.M.

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.

### **UNFINISHED BUSINESS**

**(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.**

City Manager Patrick Ulrich stated City Staff and the developer had reached a tentative agreement on the terms to avoid litigation. He requested the Council approve the withdrawal of his recommendation to terminate the Redevelopment Agreement between the City of Peoria and EM Properties, LTD. dated June 2, 2010. He said a written proposal for a settlement agreement would be brought before the Council for their consideration, possibly in two weeks.

Council Member Van Auken moved to approve the withdrawal of the City Manager's recommendation to terminate the Redevelopment Agreement between the City of Peoria and EM Properties, LTD. dated June 2, 2010; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: Akeson, Sandberg, Weaver - 3.

### **NEW BUSINESS**

#### **COMMENTS Regarding the NEIGHBORHOOD CONFERENCE HELD IN CINCINNATI, OHIO**

Council Member Turner reported 40 Peoria citizens traveled to Cincinnati, Ohio, this past week to attend the National Neighborhood Conference. He said neighborhood initiatives were discussed and they would be presented to the Council for their consideration in the near future. He said the event was very successful and he felt Peoria was well represented.

**REMINDER Regarding PUBLIC MEETING on OCTOBER 3, 2011, to Hear PRESENTATIONS by ENERGY CONSULTING SERVICES for the CITY OF PEORIA OPT-OUT RESIDENTIAL and SMALL BUSINESS ELECTRICITY AGGREGATION PROGRAM**

Mayor Ardis reminded citizens a Public Meeting would be held on Monday, October 3, 2011, at 6:00 P.M. to hear presentations regarding Energy Consulting Services for the City of Peoria Opt-Out Residential and Small Business Electricity Aggregation Program, to be held at City Hall, Council Chambers. He urged citizens to attend.

**CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD**

**(11-431) 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.

LaVetta Rica, President of Olde Towne South Neighborhood Association, announced the Litter Committee's final cleanup would be held on October 8, 2011, from 9:00 A.M. until 12:00 noon at the Carl Cannon Elite School and she invited citizens to attend. She said she toured Trewyn School and she commended the changes that had been made. She said it was a great neighborhood enhancement.

Phyllis Pryde, Peoria resident, spoke in support of the hotel project and the expansion of the Peoria Civic Center and the Wayne Downing International Airport. She said a convention center needed space to attract all kinds of events and to help Peoria grow.

**EXECUTIVE SESSION**

**(11-432) 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 Irving 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 Riggerbach.

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 Riggenbach moved to adjourn the Regular City Council Meeting; seconded by Council Member Van Auken.

Approved by roll call vote.

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

Nays: None.

The meeting adjourned at 8:56 P.M.

bb

---

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