

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

Council Chambers, Peoria, Illinois, November 22, 2011, a Joint City Council/Town Board 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: Akeson, Gulley, Irving, Riggerbach, Spain, Spears, Turner, Van Auken, Weaver, Mayor Ardis - 10. Absent: Sandberg - 1.

INVOCATION & PLEDGE OF ALLEGIANCE

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

RECOGNITION OF DIGNITARIES

Mayor Ardis recognized United States Secretary of Transportation Ray LaHood and Senator Darrin LaHood as being present in Council Chambers and he welcomed them.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: ANGELA'S CANDY AND NUTS - 29TH ANNIVERSARY

PROCLAMATION: GEORGE'S SHOESHINE PARLOR - 65th ANNIVERSARY

MINUTES

Council Member Spain moved to approve the minutes of the Regular City Council Meeting held on November 8, 2011, and the Special City Council Meetings held on November 15, 2011, and November 17, 2011, as printed, as well as the minutes of the Special City Council Meeting held on November 10, 2011, with one correction on Page 29853, paragraph 4, which should reflect the amount of the totter rental as \$2.50 per month, rather than \$2.00 as indicated; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akeson, 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:

(11-499) NOTICE of LAWSUIT Filed on Behalf of MARY A. WATSON Regarding an Accident with a City of Peoria Snowplow and Alleging Personal Injury, with Recommendation to Receive for Information and Refer to the Legal Department.

(11-500) Communication from the City Manager and Director of Public Works Requesting Approval of N. E. FINCH COMPANY and CARRI SCHARF TRUCKING as VENDORS for TRACTION SAND to MIX with ROCK SALT.

- (11-501) **Communication from the City Manager Requesting Approval of a FACADE IMPROVEMENT GRANT, in the Amount of \$1,268.00, for ERNIE'S FULTON TOP COMPANY, Located at 3104 N. PROSPECT.**
- (11-502)
* **Communication from the City Manager and Director of Public Works Requesting Approval of the LOW BID of WM. AUPPERLE & SONS, INC., in the Amount of \$139,660.00, for the ILLINOIS RIVER ROAD NATIONAL SCENIC BYWAY KIOSK CONSTRUCTION PROJECT.**
- (11-503) **Communication from the City Manager and Director of Public Works Requesting Concurrence in the CONTRACT Award by the GREATER PEORIA SANITARY DISTRICT for the 2012 REPAIR and MODIFICATION of Various CITY-OWNED SANITARY SEWERS to J. C. DILLON, INC., in the Amount of the Low bid of \$321,274.55.**
- (11-504)
** **Communication from the City Manager and Corporation Counsel Requesting Authorization for the RETENTION of JOHN ELIAS of ELIAS, MEGINNES, RIFFLE & SEGHETTI to Represent the City in CLOSING MATTERS Pertaining to the AMENDED and RESTATED REDEVELOPMENT AGREEMENT with EM PROPERTIES, LTD., PERE MARQUETTE HOTEL, LLC, and PERE MARQUETTE TIF, INC.**
- (11-505) **Communication from the City Manager and Corporation Counsel Requesting Authorization for the Hiring of HEYL, ROYSTER LAW FIRM to PURSUE a CLAIM Against WASTE MANAGEMENT, INC.**
- (11-506)
*** **Communication from the City Manager and Director of Public Works Requesting Approval of the REDUCTIONS in the Cost and Extension of the CONTRACT LENGTH with THE CLEANING SOURCE, with an Average Annual Savings of \$13,559.29 with a Contract Extension until October 2016.**
- (11-507) **Communication from the City Manager and Director of Public Works with a Request to Award a THREE-YEAR CONTRACT to the Lowest and Most Responsible Bidder, THYSSEN KRUPP ELEVATOR, for the ANNUAL MAINTENANCE CONTRACT, in the Estimated First-Year Cost of \$35,670.00, Including all Maintenance and State Fire Marshall Mandated Inspections with an Estimated Total Value of \$108,315.00 (City-Wide).**
- (11-508) **Communication from the City Manager and Director of Public Works Requesting Approval of a 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 5) (GPSD Project #2179) and to Concur in the Award of the CONTRACT with WALKER EXCAVATING COMPANY, INC., for the LOW BID, in the Amount of \$585,924.39.**
- (11-509) **Communication from the City Manager and Director of Public Works Requesting Approval of the PROFESSIONAL SERVICES AGREEMENT with HANSON PROFESSIONAL SERVICES, in an Amount Not to Exceed \$50,000.00 for CONSTRUCTION ENGINEERING SERVICES for the NORTHMOOR ROAD (Knoxville to Sheridan) and SHERIDAN INTERSECTION IMPROVEMENT PROJECTS.**

- (11-510) **Communication from the City Manager and Director of Public Works Requesting Authorization for the City Manager to Execute the PROFESSIONAL SERVICES AGREEMENT with FARNSWORTH GROUP, INC., in an Amount Not to Exceed \$22,000.00, for DESIGN SERVICES to CONVERT LOUCKS AVENUE (Between Sheridan Road and McClure Avenue) from a ONE-WAY STREET to a TWO-WAY STREET. (Refer to Item No. 11-255)**
- (11-511) **Communication from the City Manager and Director of Public Works Requesting Approval of the PROFESSIONAL SERVICES AGREEMENT with MAURER STUTZ, INC., in an Amount Not to Exceed \$38,840.00, for CONSTRUCTION ENGINEERING SERVICES for the WILHELM BRIDGE IMPROVEMENT PROJECT.**

- (11-512) **Communication from the City Manager and Director of Public Works Requesting Approval of the PROFESSIONAL SERVICES AGREEMENT with TERRA ENGINEERING LTD., in an Amount Not to Exceed \$119,300.00, for Appraisals and Negotiation Services for the ALTA-RADNOR INTERSECTION, PENNSYLVANIA AVENUE, and NORTHMOOR ROAD (Sheridan to University) IMPROVEMENT PROJECTS, with Additional Projects to be Assigned as Needed.**

- (11-513) **Communication from the City Manager and Director of Public Works Requesting Authorization for the City Manager to Execute AMENDMENT #2 to PROFESSIONAL SERVICES AGREEMENT with FARNSWORTH GROUP for an Additional Amount Not to Exceed \$274,400.00, for CONSTRUCTION ENGINEERING SERVICES for the SOUTHERN SECTION of the ORANGE PRAIRIE ROAD EXTENSION IMPROVEMENT PROJECT. (Amends Item Nos. 10-187 AND 11-073)**
- (11-514) **Communication from the City Manager Requesting Approval of a RESOLUTION Providing for the Submission to the Electors of the City of Peoria, Peoria County, the QUESTION Whether the City of Peoria Should Have the Authority Under Public Act 096-0176 to Arrange for the SUPPLY of ELECTRICITY for its RESIDENTIAL and SMALL COMMERCIAL RETAIL CUSTOMERS Who Have Not Opted Out of Such Program.**

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- (11-515) **Communication from the City Manager Requesting Adoption of ORDINANCE NO. 16,768 Authorizing the Execution and Delivery of an INTERGOVERNMENTAL COOPERATION AGREEMENT and Certain Documents in Connection Therewith and Related Matters for the Allocation of the 2011 PRIVATE ACTIVITY BONDS, in the Amount of \$10,974,400.00**
- (11-516) **Communication from the City Manager and Director of Inspections Requesting Adoption of an ORDINANCE Amending CHAPTER 5 of the Code of the City of Peoria Pertaining to RENTAL REGISTRATION FEE Relating to Amending the Non-Owner Occupied Property Registration Fee from \$25.00 to \$50.00, and to Reduce the Fee to \$25.00 Per Property for Property Owners Who Participate in Landlord Training, Effective for the 2012 Registration.**

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- (11-517) **Communication from the City Manager and Interim Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt ORDINANCE NO. 16,769 Amending APPENDIX C of the Code of the City of Peoria for a MAP AMENDMENT to Modify an EXISTING REGULATING PLAN for the PR (Prospect Road) FORM DISTRICT to change the FRONTAGE from Class R-4 Neighborhood Frontage to Class Neighborhood Center Frontage for Property Located at 3037 N. PROSPECT ROAD.**
- (11-518) **Communication from the City Manager and Interim Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending ORDINANCE NO. 13,450, as Amended, in a Class C2 (Large Scale Commercial) District for a SPECIAL USE for a SHOPPING CENTER to Remove Property from the Legal Description of the Shopping Center for Property Located at 3425 - 3525 N. UNIVERSITY STREET, Commonly Known as UNIVERSITY PLAZA SHOPPING CENTER, with Condition.**

- (11-519) **Communication from the City Manager and Corporation Counsel Requesting Approval of the SITE APPLICATION to Add a SUBCLASS 1A (2:00 A.M. Closing) to a CLASS A (Tavern) LIQUOR LICENSE at 1801 S. W. ADAMS, with Recommendation from the Liquor Commission to Approve.**
- (11-520) **REAPPOINTMENTS and APPOINTMENTS by Mayor Jim Ardis to the ADVISORY COMMITTEE for POLICE COMMUNITY RELATIONS, with Request to Concur:**

REAPPOINTMENTS:
Rita Ali (Voting) - Term Expires 6/30/2014
Donald Jackson (Voting) - Term Expires 6/30/2014
Council Member Eric Turner (Voting) - Term Expires 6/30/2014

APPOINTMENTS:
Lorene King (Voting) - Term Expires 6/30/2014
Adam White (Voting) - Term Expires 6/30/2014
Jan Wright (Voting) - Term Expires 6/30/2014
- (11-521) **APPOINTMENT by Mayor Jim Ardis to the FAIR EMPLOYMENT AND HOUSING COMMISSION, with Request to Concur:**

Richard Russo (Voting) - Term Expires 6/30/2012
- (11-522) **REAPPOINTMENT and APPOINTMENT by Mayor Jim Ardis to the WORKFORCE DEVELOPMENT BOARD, with Request to Concur:**

REAPPOINTMENT:
Raylana Anderson (Voting) - Term Expires 10/1/2014

APPOINTMENT:
Vince Knight (Voting) - Term Expires 10/1/2012
- (11-523) **Communication from the City Manager and Finance Director/Comptroller Regarding the PEORIA POLICE PENSION FUND AND CITY OF PEORIA FIREFIGHTERS' PENSION FUND ACTUARIAL REPORTS as of JANUARY 1, 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 Turner requested that Item No. 11-506 be removed from the Consent Agenda for further discussion.

Council Member Spears requested that Item Nos. 11-514 and 11-516 be removed from the Consent Agenda for further discussion.

Council Member Spain requested that Item No. 11-502 be removed from the Consent Agenda for further discussion.

Council Member Van Auken requested that Item Nos. 11-504 and 11-518 be removed from the Consent Agenda for further discussion.

Council Member Weaver requested that Item Nos. 11-511 and 11-512 be removed from the Consent Agenda for further discussion.

Council Member Irving requested that Item No. 11-511 be removed from the Consent Agenda for further discussion.

Council Member Irving moved to approve the Consent Agenda items as outlined in the Council Communications; seconded by Council Member Gulley.

Items No. 11-499 through 11-523 (excluding Item Nos. 11- 502, 11-504, 11-506, 11-511, 11-512, 11-514, 11-516, and 11-518, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.
Yeas: Akeson, Gulley, Irving, Riggerbach, Spain, Spears, Turner, Van Auken, Weaver, Mayor Ardis – 10;
Nays: None.

**(11-502) Communication from the City Manager and Director of Public Works
* Requesting Approval of the LOW BID of WM. AUPPERLE & SONS, INC., in
 the Amount of \$139,660.00, for the ILLINOIS RIVER ROAD NATIONAL
 SCENIC BYWAY KIOSK CONSTRUCTION PROJECT.**

Council Member Spain noted he would be abstaining from discussion and voting on this item due to the relationship of this project to his employer.

Council Member Irving moved to approve the low bid of WM. Aupperle & Sons, Inc., in the amount of \$139,660.00, for the Illinois River Road National Scenic Byway Kiosk Construction Project; seconded by Council Member Gulley.

Approved by roll call vote.
Yeas: Akeson, Gulley, Irving, Riggerbach, Spears, Turner, Van Auken, Weaver, Mayor Ardis – 9;
Nays: None;
Abstentions: Spain - 1.

**(11-504) Communication from the City Manager and Corporation Counsel
** Requesting Authorization for the RETENTION of JOHN ELIAS of ELIAS,
 MEGINNES, RIFFLE & SEGHETTI to Represent the City in CLOSING
 MATTERS Pertaining to the AMENDED and RESTATED REDEVELOPMENT
 AGREEMENT with EM PROPERTIES, LTD., PERE MARQUETTE HOTEL,
 LLC, and PERE MARQUETTE TIF, INC.**

Corporation Counsel Randy Ray distributed a communication to members of City Council which corrected the firm's EEO Certification Number.

Council Member Van Auken expressed concern regarding the scope remaining to bring this matter to a conclusion and the amount spent to date. She said she was not pleased that the expense for Attorney Elias had reached \$25,000.00 and had not come back to Council for approval. She questioned what work Corporation Counsel Randy Ray had performed in regard to this matter and inquired as to whether or not an associate could be retained at a lesser expense than a partner. She requested a report back when the new retainer reached the \$10,000.00 level details regarding the expenditure.

Corporation Counsel Ray responded he had performed the vast majority of the work but it was now at a point that the project was beyond his scope of expertise, which included closing documents and tax credits, as he had done little work of this nature. He also noted it was possible to retain an associate from the law firm rather than a partner, if that was the desire of the Council.

In further discussion with Council Member Van Auken, City Manager Urich agreed to provide regular updates to the City Council as the closing matter for the Hotel Project progressed, including specifics as to the billing items.

Council Member Weaver moved to approve the retention of John Elias, of Elias, Meginnes, Riffle & Seghetti to represent the City in closing matters pertaining to the amended and restated Redevelopment Agreement with EM Properties, LTD., Pere Marquette Hotel, LLC, and Pere Marquette TIF, Inc.; 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.

**(11-506) Communication from the City Manager and Director of Public Works
*** Requesting Approval of the REDUCTIONS in the Cost and Extension of the
 CONTRACT LENGTH with THE CLEANING SOURCE, with an Average
 Annual Savings of \$13,559.29 with a Contract Extension until October 2016.**

Mayor Ardis recognized the on-going efforts of this local business, The Cleaning Source, to continue to find savings within the scope of their contract with the City of Peoria. He noted, through the budget difficulties of the past few years, the Cleaning Source had worked to fine-tune their contract and still meet the needed requirements for the City buildings. He further noted, at the request of Council, The Cleaning Source had even worked to increase minority participation in their business. He thanked them for their quality service to the City of Peoria.

Council Member Turner moved to approve the reductions in the cost and extension of the contract length with The Cleaning Source, with an average annual savings of \$13,559.29 with a contract extension until October 2016; 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.

**(11-511) Communication from the City Manager and Director of Public Works
**** Requesting Approval of the PROFESSIONAL SERVICES AGREEMENT with
 MAURER STUTZ, INC., in an Amount Not to Exceed \$38,840.00, for
 CONSTRUCTION ENGINEERING SERVICES for the WILHELM BRIDGE
 IMPROVEMENT PROJECT.**

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

Council Member Irving expressed concern regarding the actual savings of hiring engineering consultants when many of the City engineers were being cut. He questioned whether or not this was a good investment.

Public Works Director Dave Barber said the firm being considered had already performed the design work for this project. He said existing Staff served as Project Managers; however, the actual Engineers would no longer be employed with the City after the first of the year. He noted, when consultants were hired, their hourly rate was typically higher than that of Staff because all overhead costs were included.

In further discussion with Council Member Irving who questioned why the Council communication reflected a "not to exceed" amount in the title and an "estimated" amount under "Financial Impact," City Manager Ulrich confirmed the contract was an estimated hourly rate contract. He confirmed the Council communication could be amended under "Financial Impact" to reflect a "not to exceed" amount.

Council Member Irving moved to approve the Professional Services Agreement with Maurer Stutz, Inc., in an amount not to exceed \$38,840.00, for Construction Engineering Services for the Wilhelm Bridge Improvement Project, and to amend the Council communication for this item to reflect the amount of the contract as "not to exceed" rather than "estimated" under the "Financial Impact" heading; seconded by Council Member Turner.

Approved as amended by roll call vote.

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

Nays: None;

Abstentions: Weaver - 1.

**(11-512) Communication from the City Manager and Director of Public Works
***** Requesting Approval of the PROFESSIONAL SERVICES AGREEMENT with
 TERRA ENGINEERING LTD., in an Amount Not to Exceed \$119,300.00, for
 Appraisals and Negotiation Services for the ALTA-RADNOR
 INTERSECTION, PENNSYLVANIA AVENUE, and NORTHMOOR ROAD
 (Sheridan to University) IMPROVEMENT PROJECTS, with Additional
 Projects to be Assigned as Needed.**

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

Council Member Irving moved to approve the Professional Services Agreement with Terra Engineering LTD., in an amount not to exceed \$119,300.00, for appraisals and negotiation services for the Alta-Radnor Intersection, Pennsylvania Avenue, and Northmoor Road (Sheridan to University) Improvement Projects, with additional projects to be assigned as needed; seconded by Council Member Gulley.

Approved by roll call vote.

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

Nays: None;

Abstentions: Weaver - 1.

- (11-514) Communication from the City Manager Requesting Approval of a
***** RESOLUTION Providing for the Submission to the Electors of the City of
* Peoria, Peoria County, the QUESTION Whether the City of Peoria Should
 Have the Authority Under Public Act 096-0176 to Arrange for the SUPPLY of
 ELECTRICITY for its RESIDENTIAL and SMALL COMMERCIAL RETAIL
 CUSTOMERS Who Have Not Opted Out of Such Program.**

In discussion with Council Member Spears, Corporation Counsel Ray confirmed the City had not yet received the fully executed agreements back from the Energy Consultant and this Resolution was being presented to move the program forward.

Council Member Spears moved to approve a Resolution providing for the submission to the electors of the City of Peoria, Peoria County, the question whether the City of Peoria should have the authority under Public Act 096-0176 to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program; seconded by Council Member Akeson.

RESOLUTION NO. 11-514 was approved by roll call vote.

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

Nays: None.

- (11-516) Communication from the City Manager and Director of Inspections
***** Requesting Adoption of an ORDINANCE Amending CHAPTER 5 of the Code
** of the City of Peoria Pertaining to RENTAL REGISTRATION FEE Relating to
 Amending the Non-Owner Occupied Property Registration Fee from \$25.00
 to \$50.00, and to Reduce the Fee to \$25.00 Per Property for Property
 Owners Who Participate in Landlord Training, Effective for the 2012
 Registration.**

Following a brief comment, Council Member Spears moved to DENY the adoption of an Ordinance amending Chapter 5 of the Code of the City of Peoria pertaining to Rental Registration Fee relating to amending the Non-Owner Occupied Property Registration Fee from \$25.00 to \$50.00, and to reduce the fee to \$25.00 per property for property owners who participate in Landlord Training, effective for the 2012 registration; seconded by Council Member Irving.

Motion to Deny was DEFEATED by roll call vote.

Yeas: Irving, Spears – 2;

Nays: Akeson, Gulley, Riggerbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 8.

Council Member Spain moved to adopt an Ordinance amending Chapter 5 of the Code of the City of Peoria pertaining to Rental Registration Fee relating to amending the Non-Owner Occupied Property Registration Fee from \$25.00 to \$50.00, and to reduce the fee to \$25.00 per property for property owners who participate in Landlord Training, effective for the 2012 registration; seconded by Council Member Van Auken.

ORDINANCE NO. 16,770 was adopted by roll call vote.

Yeas: Akeson, Gulley, Irvng, Rikkenbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 9;

Nays: Spears – 1.

- (11-518)** **Communication from the City Manager and Interim Director of Planning and Growth Management with Recommendation from the Zoning Commission and Staff to Adopt an ORDINANCE Amending ORDINANCE NO. 13,450, as Amended, in a Class C2 (Large Scale Commercial) District for a SPECIAL USE for a SHOPPING CENTER to Remove Property from the Legal Description of the Shopping Center for Property Located at 3425 - 3525 N. UNIVERSITY STREET, Commonly Known as UNIVERSITY PLAZA SHOPPING CENTER, with Condition.**
- *****

Council Member Van Auken noted she had spoken with Interim Director of Planning and Growth Management Ross Black and confirmed there had been an error in the Council communication regarding this item. She clarified the Zoning Commission had voted 5 Yeas, 0 Nays, 1 Abstention to recommend this item for approval, rather than 6 Yeas, 0 Nays.

Council Member Van Auken moved to concur with the recommendation of the Zoning Commission and Staff to adopt an Ordinance amending Ordinance No. 13,450, as amended, in a Class C2 (Large Scale Commercial) District for a Special Use for a Shopping Center to remove property from the legal description of the Shopping Center for property located at 3425-3525 N. University Street, commonly known as University Plaza Shopping Center, with condition; seconded by Council Member Spain.

ORDINANCE NO. 16,771 was adopted by roll call vote.

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

Nays: None.

- (11-524)** **Communication from the City Manager and Director of Information Systems Requesting Approval of the SOLE SOURCE PURCHASE of ONESOLUTION FINANCIAL, COMMUNITY DEVELOPMENT, and GOVNOW SOFTWARE SUITES from SUNGARD PUBLIC SECTOR, in the Amount of \$220,392.00.**

Council Member Spain noted this purchase would assist in the continuing effort to improve Landlord/Tenant accountability and he thanked City Manager Urich for his negotiating efforts to secure the software needed to move this project forward.

Council Member Spain moved to approve the sole source purchase of ONESOLUTION Financial, Community Development, and GOVNOW Software suites from Sungard Public Sector, in the amount of \$220,392.00; seconded by Council Member Weaver.

Approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

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

POLICY/WORKSHOP SESSION

- (11-493) Continuation of the POLICY SESSION to REVIEW a DRAFT PLAN for IMPROVING the WAREHOUSE DISTRICT Per the FEDERAL TIGER II GRANT and Provide Direction Regarding Any Changes to the Plan. (Continued from November 8, 2011)**

Council Member Spain moved to open the Policy Session; seconded by Council Member Riggensbach.

Motion to open the Policy Session was approved by roll call vote.

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

Nays: None.

The Policy Session opened at 6:55 P.M.

Public Works Director Dave Barber distributed two items to members of City Council: 1) Landscape Design Perspective of the Warehouse District and 2) Tiger II Warehouse District. – Oak Street and Adams Street Intersection concept design.

A Policy Session to review a Draft Plan for Improving the Warehouse District per the Federal Tiger II Grant was held.

Council Member Spain moved to close the Policy Session; seconded by Council Member Van Auker.

Motion to close the Policy Session was approved by roll call vote.

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

Nays: None.

The Policy Session closed at 7:20 P.M.

REGULAR BUSINESS

- (11-525) Communication from the City Manager and Director of Public Works with a Request to REVIEW Additional Information Regarding CONVERSION of ADAMS and JEFFERSON STREETS to TWO-WAY STREETS and ADOPT the WAREHOUSE DISTRICT COMPLETE STREETS CONCEPT PLAN as Presented. (Refer to item No. 11-493)**

Council Member Spain moved to adopt the Warehouse District Complete Streets Concept Plan as presented; seconded by Council Member Van Auker.

Council Member Gulley expressed concern regarding a communication Council Members had received from WTPV which explained some issues that needed to be addressed in approving the plan presented. He said he wanted to ensure these issues were not overlooked in the approval of the plan.

Council Member Spain said the City was committed to engaging better with WTPV as the project moved forward. He noted their concerns included the accommodation of ADA, deliveries, and employee parking. He said any delay in the project at this point could jeopardize funding of the project, so it was important to continue moving ahead. He added the Council did not have the latitude to pick and choose which streets were to be developed.

Mayor Ardis clarified when the City arrives at Phase II of project development, efforts would be made to work with WTPV to ensure their needs were adequately met.

Motion to adopt the Warehouse District Complete Streets Concept Plan as presented was approved by roll call vote.

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

Nays: None.

**(11-526) Communication from the City Manager and Director of Public Works
Requesting Approval of ONE of the Following: (Refer to Item No. 11-433)**

- A. ORDINANCE "A" Amending CHAPTER 13 of the Code of the City of Peoria Pertaining to REFUSE FEE, Which would Raise the Refuse Fee to \$13.00 Per Month for 2012 and 2013 and \$14.00 per Month Starting in 2014, and Creates a \$6.00 per Month Refuse Fee for Stacked Condominium Units; and Approve Addendum #1 to the Contract for Waste Collection with Peoria Disposal Company (PDC); and a Separate Eight (8) Year Contract for the Purchase, Delivery and Maintenance of 65 and 95 Gallon Toter Carts for Refuse Collection (Sole Source); OR**
- B. ORDINANCE "B" Amending CHAPTER 13 of the Code of the City of Peoria Pertaining to REFUSE FEE, Which would Raise the Refuse Fee to \$12.00 per Month in 2012 and 2013, \$13.00 per Month in 2014 and 2015, and \$14.00 per Month Starting in 2016, and Creates a \$6.00 per Month Refuse Fee for Stacked Condominium Units.**

City Manager Urich distributed two revised documents to members of the City Council: 1) First Amendment to Waste Collection Agreement and 2) Roll-Out Waste Container Agreement.

City Manager Urich provided a brief summary of the two options being presented, noting there had been some minor changes to the proposals. He noted in July 2011, the Council approved the Voluntary Vendor Contract Reduction Program which involved the negotiation of reduced pricing of various contracts in exchange for extensions of the same. He said PDC was the single largest contract held by the City of Peoria. He said, under Ordinance "A" the cost savings to the City over the life of the contract was \$430,000.00 off of the base contract; an increase in the number of roll-offs to 50 had been secured, saving the City over \$50,000.00; the street sweepings on Darst Street would be removed at no cost to the City in year one of the contract; and the Toter Program, a separate 8-year contract, added a smaller 35-gallon toter size as an option. He said one additional caveat was to come to a mutually agreed conclusion regarding the final number of accounts being served by the City and PDC for garbage removal. He said the total savings to the City under Ordinance "A" was approximately \$677,000.00.

City Manager Urich noted Option "B" was a fee increase only, with no toter component.

Mayor Ardis complimented City Manager Urich's work on this issue. He said the City Manager and his Staff worked hard with PDC to respond to and accommodate each suggestion and concern brought forward by the Council. He reiterated citizens could still opt to refuse the toter and PDC would remove it.

Council Member Van Auken moved to approve Ordinance "A" amending Chapter 13 of the Code of the City of Peoria pertaining to Refuse Fee, which would raise the Refuse Fee to \$13.00 per month for 2012 and 2013 and \$14.00 per month starting in 2014, and creates a \$6.00 per month Refuse Fee for stacked condominium units; and to approve revised Addendum #1 to the Contract for Waste Collection with Peoria Disposal Company (PDC); and a separate eight (8) year revised contract for the purchase, delivery and maintenance of 35, 65 and 95 gallon toter carts for refuse collection (sole source); seconded by Council Member Turner.

Council Member Van Auken expressed her appreciation to City Manager Ulrich and to Matt Coulter from PDC for their diligence in negotiations and in working to accommodate concerns on both sides of the contract. She noted the significant savings achieved for the City. She said she believed the Toter Program would help with litter issues City-wide.

Council Member Akeson said she felt language was needed within the contract to encourage and to provide incentives to recycle.

City Manager Ulrich said PDC had an on-going recycling campaign to promote recycling efforts, including public education. He said he felt one barrier to facilitating recycling was the marginal cost to dispose of household waste. He said citizens were less likely to make the effort to recycle because it was easier to simply throw items in the garbage. He noted PDC currently received the residuals of disposing of the recycled materials.

Director Barber added the market to recycle materials constantly fluctuated and the risk to handle disposal of these items was on PDC. He noted the City had made significant progress in the recycling effort and, if this trend continued through the end of the contract, the contract could be restructured with more emphasis on recycling.

Matt Coulter, PDC, reported only 9% of the households served by PDC were recycling at the beginning of the contract in 2009. He said that number had increased to 20%. He reiterated changes could always be made to the contract through its duration, with emphasis placed on recycling.

In discussion with Council Member Akeson, City Manager Ulrich confirmed an extension of the PDC contract would not hinder future changes to it.

Mr. Coulter added the City of Peoria was one of a very few communities who received unlimited garbage, yard waste, and recyclables pick up. He said this was not typical in most cities.

Council Member Spears thanked PDC for responding to the needs and concerns of the City Council in negotiating the contract. In discussion with City Manager Ulrich, Council Member Spears received clarification the question could be separated for voting purposes.

Corporation Counsel Ray confirmed a motion would need to be made to separate the items.

Council Member Spears moved to separate the question between the contracts and refuse fees; seconded by Council Member Spain.

Approved by roll call vote.

Yeas: Irving, Riggerbach, Spain, Spears, Van Auken, Mayor Ardis – 6;

Nays: Akeson, Gulley, Turner, Weaver – 4.

Council Member Spears moved to approve the revised Addendum #1 to the Contract for Waste Collection with Peoria Disposal Company (PDC) and a separate eight (8) year revised contract for the purchase, delivery and maintenance of 35, 65 and 95 gallon toter carts for refuse collection (sole source); seconded by Council Member Van Auken.

In discussion with Council Member Irving, City Manager Ulrich confirmed the proposed Toter Program had no impact on the efforts of those citizens currently recycling. He said the reconciliation of number of households served within the City versus the number of households being billed for the service would be resolved soon. He said the Ordinance setting the garbage fee originally had not defined customers at stacked condominiums as part of the group served, and this request added the language to do so.

Mr. Coulter reported an interactive website would open for PDC on January 1, 2012, to assist in education and cart sign-up and distribution. He said, for those without Internet service, a direct mailing would also be done. He noted, in the event a citizen did not respond to the survey questions, the delivery schedule would default to a 95-gallon toter.

In discussion with Council Member Irving, City Manager Urich confirmed the City of Peoria would own the carts, with PDC fronting the money for the purchase of them. He noted 1/3 of the City currently had toters. He said those who currently leased toters could continue to do so or trade their toter in for a new one.

Council Member Irving reiterated the contract was at a large savings to the City annually. He said he was pleased regarding the manner in which PDC had worked to accommodate the City at the various requests from the City Council.

Motion to approve the revised Addendum #1 to the Contract for Waste Collection with Peoria Disposal Company (PDC) and a revised separate eight (8) year revised contract for the purchase, delivery and maintenance of 35, 65 and 95 gallon toter carts for refuse collection (sole source) was approved by roll call vote.

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

Nays: None.

Council Member Spears distributed an itemized list of proposed reductions to be used in lieu of the proposed refuse fee to members of the City Council.

Council Member Spears noted he was not in favor of a fee increase for this item and he was challenged to find budget reductions to make up the difference. He referred to the handout he had distributed which outlined various areas where the budget could be reduced. He said some items could be placed on hold for one year, such as the Sidewalk Participation line item. He said, while he was not in favor of a fee increase, an incremental fee increase over a three-year period was in his proposal to help ease the impact on citizens. He noted, in his effort to find reductions, he appreciated the unpleasant task of Staff and the City Manager to cut where possible even more. He said he further appreciated City Staff's willingness to openly communicate with him on these issues.

Council Member Spears moved to approve his budget reduction recommendations totaling \$1,612,500, including an incremental increase in the garbage fee of \$3 on the current \$6.00 fee for years 2012-2014; seconded by Council Member Van Auker.

Council Member Van Auker said she agreed with the rationale behind Council Member Spears' suggested reductions, but she expressed concern regarding any impact it would have on the contract negotiated with PDC. She requested a recommendation from the City Manager in regard to the proposed list of reductions.

City Manager Urich responded the listed reductions would have no bearing on the negotiated contract with PDC. He said he stood behind his recommendation to adopt the Ordinance as presented; however, he noted it was ultimately a policy decision to be made by the Council.

Council Member Van Auker said an incremental change in fees was appealing; however, the comments she had received from constituents had not centered on fees. She said she agreed with the analysis of the list and the phase-in of the fee increase.

Council Member Turner expressed concern regarding the elimination of the SINR, Sidewalk Participation, computer and technology, and Springdale Cemetery equipment maintenance line items.

Council Member Spears reiterated these programs would be placed on hold for one year. He said he suggested at an earlier meeting the removal of sidewalks completely, as this could also eliminate potential lawsuits for injuries sustained during utilization.

Council Member Gulley expressed concern regarding the recent “fund sweep” across the board approved by Council. He said for years the City could not obtain funding needed to complete projects and funds were set aside until there was enough funding to do the work. He said he felt the majority of projects being cut due to this funding sweep were in the First District. He said he felt this was unfair.

Council Member Spain thanked Council Member Spears for his efforts, noting he could not support some of the items listed. He said he was in support of the staggered fee, but he noted the difference between the City Manager’s recommendation and Council Member Spears’ recommendation was only \$24 per household. He said he was not comfortable supporting the proposal.

City Manager Ulrich clarified most of the suggested reductions from Council Member Spears’ list were reductions to the Operating Budget. He said there would be a shortfall in the refuse fee fund, which would be covered by the PDC leakage amount. He added, in 2013, \$500,000 would have to be found to cover an additional shortfall. He further noted approximately \$11.5 million had been reduced from the budget over the previous four years, including the current year.

Mayor Ardis expressed his appreciation to Council Member Spears for his diligence. He said his main concern was in regard to the Springdale subsidy. He said he felt it was simply handed to the City to cover and he was not comfortable with that. He noted the timing of the list of reductions was not ideal and he would base his vote on the City Manager’s efforts to recommend a balanced budget.

Council Member Gulley also thanked Council Member Spears, noting he would support the City Manager’s recommendation as well. He noted that approximately 50% of projects cut through the fund sweep were District 1 projects and he asked the Council to focus on all projects approved moving forward.

Council Member Van Auken said she felt, moving forward, all Council Members should take Council Member Spears’ lead and comb through each item in the Capital Budget to find possible reductions. She said she would support the City Manager’s recommendation.

Council Member Spears noted he had looked for solutions throughout the budget process and he asked questions. He said he felt the real solution to the budget issue was to grow the community sales tax. He said his proposal was requesting one year to begin an incremental increase in the fee. He said additional revenue could be placed back into the Capital Budget when the City vacated the Twin Towers and sold it. He said, ultimately, the City needed to do only what it could afford.

In discussion with Council Member Irving, Director Barber clarified the proposed repairs to the City’s Salt Dome were necessary because the integrity of the structure was failing.

Council Member Irving said he would support the City Manager’s recommendation.

Council Member Spain concurred that he would support the City Manager’s recommendation, and he requested City Manager Ulrich to come back to the Council with a list of some capital items for reconsideration. He questioned whether or not a budget amendment would be appropriate at that time.

Council Member Weaver noted he would support the City Manager's motion. He added the City needed to work to bring the General Fund balance back to the level it needed to be as determined by City Policy.

Motion to approve Council Member Spears' budget reduction recommendations totaling \$1,612,500, including an incremental increase in the garbage fee of \$3 on the current \$6.00 fee for years 2012-2014 was DEFEATED by roll call vote.

Yeas: Spears – 1;

Nays: Akeson, Gulley, Irving, Riggerbach, Spain, Turner, Van Auken, Weaver, Mayor Ardis – 9.

ORDINANCE NO. 16,772 amending Chapter 13 of the Code of the City of Peoria pertaining to Refuse Fee raising the Refuse Fee to \$13.00 per month for 2012 and 2013 and \$14.00 per month starting in 2014, and creating a \$6.00 per month Refuse Fee for stacked condominium units was adopted by roll call vote.

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

Nays: Spears – 1.

(11-527) Communication from the City Manager and Finance Director/Comptroller Requesting Approval of a RESOLUTION Adopting the 2012 BUDGET for the CITY OF PEORIA.

Finance Director/Comptroller Jim Scroggins distributed a replacement communication and a replacement Resolution to members of the City Council.

Council Member Gulley moved to approve a replacement Resolution adopting the 2012 Budget for the City of Peoria; seconded by Council Member Turner.

RESOLUTION NO. 11-527 was approved by roll call vote.

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

Nays: Spears - 1.

(11-528) Communication from the City Manager and Finance Director/Comptroller Recommending Adoption of an ORDINANCE LEVYING the TAXES for FISCAL YEAR 2012 for MUNICIPAL PURPOSES for the CITY OF PEORIA.

Council Member Gulley moved to adopt an Ordinance levying the taxes for Fiscal Year 2012 for Municipal Purposes for the City of Peoria; seconded by Council Member Turner.

ORDINANCE NO. 16,773 was adopted by roll call vote.

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

Nays: Spears - 1.

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

(11-529) Communication from the Town Officials Budget Committee with Recommendation to Adopt an ORDINANCE LEVYING and ASSESSING TAXES for the FISCAL YEAR Beginning APRIL 1, 2011, and Ending MARCH 31, 2012, for the GENERAL ASSISTANCE FUND of the Town of the City of Peoria, Peoria County, and State of Illinois, in the Amount of \$1,551,851.00.

Trustee Irving recognized Township Assessor Bonnie Gavin as being present in Council Chambers.

Trustee Irving moved to adopt an Ordinance levying and assessing taxes for the Fiscal Year beginning April 1, 2011, and ending March 31, 2012, for the General Assistance Fund of the Town of the City of Peoria, Peoria County, and State of Illinois, in the Amount of \$1,551,851.00; seconded by Trustee Turner.

ORDINANCE NO. TO-11-02 was adopted by roll call vote.

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

Nays: None.

(11-530) Communication from the Town Officials Budget Committee Recommending Adoption of an ORDINANCE LEVYING and ASSESSING TAXES for the FISCAL YEAR Beginning APRIL 1, 2011, and Ending MARCH 31, 2012, for the TOWN GENERAL FUND and I.M.R.F. FUND of the Town of the City of Peoria, Peoria County, and State of Illinois, in the Amount of \$573,973.00.

Trustee Irving moved to adopt an Ordinance levying and assessing taxes for the Fiscal Year beginning April 1, 2011, and ending March 31, 2012, for the Town General Fund and IMRF Fund of the Town of the City of Peoria, Peoria County, and State of Illinois, in the Amount of \$573,973.00; seconded by Trustee Turner.

ORDINANCE NO. TO-11-03 was adopted by roll call vote.

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

Nays: None.

NEW BUSINESS

ANNOUNCEMENT REGARDING RICHWOOD KNIGHTS FOOTBALL IN STATE 6A CHAMPIONSHIP GAME

Council Member Irving congratulated the Richwoods Knights Football program and wished them luck, as they play Saturday, November 26, 2011, in the State 6A Championship Game.

Mayor Ardis noted the team opted to not stay overnight in Champaign following the game, and a rally was scheduled at 7:00 P.M. at Richwoods and he invited the community to attend and show their support.

ANNOUNCEMENT REGARDING “SUPPORT LOCAL BUSINESSES” DAY ON SATURDAY, NOVEMBER 26, 2011

Mayor Ardis reminded citizens that Saturday, November 26, 2011, is “Support Local Businesses” Day and urged everyone to shop locally to help boost the City of Peoria’s economy.

ANNOUNCEMENT REGARDING ANNUAL SANTA CLAUS PARADE ON FRIDAY, NOVEMBER 25, 2011

Mayor Ardis invited everyone to attend the Country’s oldest Santa Claus Parade on Friday, November 25, 2011, in downtown Peoria. He reminded citizens to donate their new or gently used coats, as well as hats, mittens, and canned goods at the parade. He noted local volunteers would pick up these items along the parade route to be donated to the Salvation Army and the Southside Mission to help those in need.

RECOGNITION OF CITY MANAGER AND STAFF

Mayor Ardis recognized City Manager Patrick Urich and City Staff for their hard work in balancing the 2012 Budget. He thanked them for the large amount of time spent responding to requests from the Council and for being present during all budget sessions to answer questions. He noted 2012 would be a difficult year, with the loss of a large number of employees, many with vast institutional knowledge.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD

**(11-531) 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, Peoria resident, expressed concern regarding the City's Snow Plan.

Kenny Carrigan, 77-year Peoria resident, congratulated the Council and Staff on a job well done regarding the 2012 Budget. He also reminded the Council of the importance of senior citizens to Peoria's economy and he urged their continued support of activities, such as the Municipal Band, which encouraged participation from the City's senior residents.

EXECUTIVE SESSION

It was determined an Executive Session was not needed.

ADJOURNMENT

Council Member Van Auken moved to adjourn the Regular Joint City Council /Town Board Meeting; seconded by Council Member Riggerbach.

Approved by roll call vote.

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

Nays: None.

Mayor Ardis, on behalf of the entire City Council, wished everyone a safe and Happy Thanksgiving.

The meeting adjourned at 9:34 P.M.

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

By:

Beth Ball, MMC
Chief Deputy City Clerk

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