

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

Council Chambers, Peoria, Illinois, February 14, 2012, 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: Akeson, Gulley, Irving, Riggerbach, Sandberg, Spain, Spears (arrived at 6:20 p.m.), 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. Mayor Ardis then led the Pledge of Allegiance.

PROCLAMATIONS, COMMENDATIONS, ETC.

PROCLAMATION: DAVE SNELL – 1,000th CONSECUTIVE BRADLEY BASKETBALL BROADCAST

PROCLAMATION: DOUG SMITH – THE UNIQUE TWIST & TWISTING CREW

PROCLAMATION: NATIONAL ENGINEERS WEEK – February 19-25, 2012

ANNOUNCEMENT REGARDING NOTICE TO TOWNSHIP ELECTORS

Mayor Ardis announced, pursuant to Public Act 095-0761, any citizen who wishes to have an item considered on the Agenda at the Annual Town Meeting to be held Tuesday, April 17, 2012, at 6:00 P.M., is required to bring a specific request signed by 15 or more electors to the Clerk no later than March 1, 2012. He explained the Town Board and Town officials did not agree with this provision and he made this announcement to inform citizens so they would have an opportunity to participate.

MINUTES

Council Member Spain moved to approve the minutes of the Regular City Council Meeting held on January 24, 2012, 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:

(12-045) Communication from the City Manager and Director of Public Works Requesting Approval of the LOW BID of McALLISTER EQUIPMENT in Springfield, Illinois for the PURCHASE of TWO (2) PORTABLE AIR COMPRESSORS (Fully Equipped) at a Total Cost of \$28,108.00.

- (12-046) Communication from the City Manager and Acting Director of Planning and Growth Management with Recommendation from the Human Resource Commission (HRC) to Use the 2ND FY2011 ESG ALLOCATION, in the Amount of \$47,801.00, for a HOMELESS PREVENTION PROGRAM Administered by the City of Peoria HPRP Providers and Use FY2012 FUNDS for HOMELESS and HOMELESS PREVENTION PROGRAMS as Outlined.
- (12-047) Communication from the City Manager and Director of Public Works with Request to Concur with Staff's Recommendation to SET THE DATE for the PUBLIC HEARING Regarding CITY SEWER RATE ADJUSTMENTS on MARCH 13, 2012, at 6:15 P.M.
- (12-048) 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 PROGRAM {Design Area 1 Point Repairs Project 8 (GPSD Project #2192)}, and with Request to Concur in the Award of the CONTRACT with J. C. DILLON, INC., for the LOW BID, in the Amount of \$461,428.75
- (12-049)
* Communication from the City Manager and Director of Public Works Requesting Approval of the AMENDMENT and AGREEMENT for PROFESSIONAL SERVICES with MAURER-STUTZ, INC., in an Amount Not to Exceed \$75,300.00 for the REPAIR OF SEWERS as a Part of the City of Peoria's SANITARY SEWER REHABILITATION PROGRAM {Design Area 1 Point Repairs Project 10 (GPSD Project #2203)}.(Amends Item No. 10-072)
- (12-050)
** Communication from the City Manager and Director of Public Works Requesting Approval of an AMENDMENT to AGREEMENT C09L0194 for PROFESSIONAL SERVICES with HANSON PROFESSIONAL SERVICES, INC., in an Amount Not to Exceed \$262,585.00, for the REPAIR of SEWERS as a Part of the City of Peoria's SANITARY SEWER REHABILITATION PROGRAM {Design Area 1 Point Repairs Projects 9 and 11 (GPSD Projects #2211 & 2214)}. (Amends Item No. 10-071)
- (12-051) Communication from Council Member W. Eric Turner Requesting Approval of RESOLUTION No. 12-051 in Support of the NEIGHBORHOOD ALLIANCE and the City of Peoria Hosting the REGIONAL NEIGHBORHOOD NETWORK CONFERENCE in SEPTEMBER 2013.
- (12-052) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,794 ABATING the TAX Heretofore Levied to Pay SPECIAL SERVICE AREA TAXES on the RIVERWEST NEIGHBORHOOD (Formerly the Colonel John Warner Homes Development).
- (12-053) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,795 Abating the TAX Heretofore Levied to Pay Principal of and Interest on GENERAL OBLIGATION CORPORATE PURPOSE BONDS, of the City of Peoria, 1998 SERIES C, 2002 SERIES A, 2003 SERIES A, 2004 SERIES B & C, 2005 SERIES A & B, 2007 SERIES A, 2009 SERIES A, 2010 SERIES A, B, C & D, AND 2011 SERIES A & B.

- (12-054) Communication from the City Manager and Acting Director of Planning and Growth Management with Request to Concur with the Recommendation from the Planning Commission and Staff to Adopt ORDINANCE NO. 16,796 Approving a MULTI-FAMILY PLAN in a Class R-7 (Multi-Family Residential) District for CAMDEN HILLS WEST APARTMENTS with an Address of 2311 W. WILLOW KNOLLS ROAD, with Conditions.
- (12-055) Communication from the City Manager and Finance Director/Comptroller Requesting Adoption of ORDINANCE NO. 16,797 Amending the CITY OF PEORIA BUDGET for FISCAL YEAR 2012 Relating to the OUTSTANDING ENCUMBRANCES as of DECEMBER 31, 2011, in the Amount of \$12,407,467.00.
- (12-056) Communication from the City Manager and Corporation Counsel Requesting Approval of the DATES for SCHEDULED EVENTS SPONSORED by PEORIA AREA COMMUNITY EVENTS, INC. (P.A.C.E.) on June 14 through 16, 2012, for the Steamboat Festival at Riverfront Festival Park; August 8, 2012, (Rain Date August 9, 2012) for the Taste of Peoria at Riverfront Festival Park; and September 3, 2012, for the Labor Day Picnic at Riverfront Festival Park, Subject to their Filing the Necessary Permits and Approval as Required by the City Code.
- (12-057) REAPPOINTMENTS by Mayor Jim Ardis to the PUBLIC BUILDING
*** COMMISSION, with Request to Concur:
- Richard V. Laukitis (Voting) - Term Expires 9/30/2016
Rev. Cleveland Thomas, Sr. (Voting) - Term Expires 9/30/2016
- (12-058) REPORT of the CITY TREASURER PATRICK A. NICHTING for the MONTH of DECEMBER 2011, with Request to Receive and File.
- (12-059) ADOPTION of COMMITTEE REPORT Regarding the Preliminary Plans for Improving the Warehouse District per the Washington Street and Federal Tiger II Agreements.
- (12-060) ADOPTION of the COMMITTEE REPORT Regarding the Concept Plan and Funding Plan for the City's Portion of Costs of the Allen Road Project from Townline Road to Wilhelm Road Including the Old Route 174 Intersection.

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

Council Member Sandberg requested that Item Nos. 12-049, 12-050, and 12-057 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 Turner.

Items No. 12-045 through 12-060 (excluding Item Nos. 12-049, 12-050, and 12-057, 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.

- (12-049)**
* **Communication from the City Manager and Director of Public Works Requesting Approval of the AMENDMENT and AGREEMENT for PROFESSIONAL SERVICES with MAURER-STUTZ, INC., in an Amount Not to Exceed \$75,300.00 for the REPAIR OF SEWERS as a Part of the City of Peoria's SANITARY SEWER REHABILITATION PROGRAM {Design Area 1 Point Repairs Project 10 (GPSD Project #2203)}. (Amends Item No. 10-072)**

At the request of Council Member Sandberg, the City Manager reported the contract amount under Item No. 12-049 of \$75,300.00 represented 8.4% of the estimated \$900,000.00 construction cost and the contract amount under Item No. 12-050 of \$262,585.00 represented 14% of the estimated \$1.85 million construction cost. He stated the Hanson Professional Services agreement was a larger percent of the cost because it included 46 easements, which required more design work to be done, while the Mauer-Stutz agreement only included 15 easements.

In discussion with Council Member Sandberg, Director of Public Works, Dave Barber, clarified the work already completed by the first phase consultant included a contract for sewer inspections to identify the locations of defects, but did not include plans and specifications to make the repairs. He also stated the larger contract included a higher percentage fee because there were additional costs included that were related to easements, but were not directly related to the size of the project. He added the cost of purchasing easements was not currently included in the cost of the construction contract. He stated costs of services associated with getting easement descriptions, talking to residents, and getting appraisals for those easements were currently included in the contract.

In response to a question by Council Member Sandberg, Tim Leach of the Greater Peoria Sanitary District stated there was not currently a budget for the cost of purchasing easements, but a budget would be prepared as part of the appraisal process and specific dollar amounts would be brought back to City Staff.

Director of Public Works, Dave Barber, stated that it was his professional opinion that this was the best value in both contracts.

In discussion with Director of Public Works Dave Barber, Council Member Irving determined Item No. 12-049 and Item No. 12-050 were extensions of previously approved contracts.

Council Member Van Auken moved to approve an amendment and agreement for professional services with Maurer-Stutz, Inc., in an amount not to exceed \$75,300.00 for the repair of sewers as a part of the City of Peoria's Sanitary Sewer Rehabilitation Program {Design Area 1 Point Repairs Project 10 (GPSD Project #2203)}; seconded by Council Member Spain.

Approved by roll call vote.

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

Nays: None.

- (12-050)**
** **Communication from the City Manager and Director of Public Works Requesting Approval of an AMENDMENT to AGREEMENT C09L0194 for PROFESSIONAL SERVICES with HANSON PROFESSIONAL SERVICES, INC., in an Amount Not to Exceed \$262,585.00, for the REPAIR of SEWERS as a Part of the City of Peoria's SANITARY SEWER REHABILITATION PROGRAM {Design Area 1 Point Repairs Projects 9 and 11 (GPSD Projects #2211 & 2214)}. (Amends Item No. 10-071)**

Comments made under Item No. 12-049 relate to this item also.

Council Member Spain moved to approve an amendment to Agreement C09L0194 for professional services with Hanson Professional Services, Inc. in an amount not to exceed \$262,585.00, for the repair of sewers as a part of the City of Peoria's Sanitary Sewer Rehabilitation Program {(Design Area 1 Point Repairs Projects 9 and 11 (GPSD Projects #2211 & 2214))}: 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: Sandberg - 1.

(12-057) REAPPOINTMENTS by Mayor Jim Ardis to the PUBLIC BUILDING COMMISSION, with Request to Concur:

Richard V. Laukitis (Voting) - Term Expires 9/30/2016

Rev. Cleveland Thomas, Sr. (Voting) - Term Expires 9/30/2016

Council Member Sandberg referred to the Valeska Hinton School and he stated it was his understanding the Public Building Commission had \$8 million in the maintenance fund that the Commission had not used. He said the bonds were being retired and he requested a report back that would confirm the amount in this maintenance fund for the school.

Council Member Sandberg moved to concur with the reappointments of Richard V. Laukitis and Rev. Cleveland Thomas, Sr. to the Public Building Commission; 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.

(12-061) Communication from the City Manager and Director of Public Works Requesting Approval to Accept the LOW BID of PRAIRIE ARCHWAY INTERNATIONAL of Normal, Illinois, for an Amount Not to Exceed \$265,362.00, for the PURCHASE of TWO (2) FULLY-EQUIPPED DUMP TRUCKS (with Dump Box, Snow Plow, and Salt Spreader).

Council Member Turner moved to approve the acceptance of the low bid of Prairie Archway International of Normal, Illinois, for an amount not to exceed \$265,362.00 for the purchase of two (2) fully-equipped dump trucks (with dump box, snow plow, and salt spreader); 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.

(12-062) Communication from the City Manager and Director of Public Works Requesting Approval of a VARIANCE from the Requirements of SECTION 12-9 of the Code of the City of Peoria Allowing Multiple Additions and New Structures at KOMATSU USA Property Located at 2300 N.E. ADAMS STREET, which have the Lowest Floors Lower than Two Feet Above the Base Flood Elevation.

Director of Public Works Dave Barber, provided a brief summary of the project.

Council Member Gulley moved to approve a variance from the requirements of Section 21-9 of the Code of the City of Peoria allowing multiple additions and new structures at Komatsu USA property located at 2300 N.E. Adams Street, which have the lowest floors lower than two feet above the base flood elevation; seconded by Council Member Riggerbach.

In discussion with Council Member Sandberg, Public Works Director Dave Barber confirmed that approval would not affect the City's ability to offer flood plain insurance to property owners.

In response to a question from Council Member Sandberg, Andy Canopy, Project Manager of Hanson Professional Services, stated that in August 2011 construction plans were approved by City Council and submitted to and approved by FEMA. He stated FEMA agreed a LOMR (letter of map revision) would be granted if construction was completed according to the submitted plans. He added construction began in August 2011 and was completed in January 2012 according to plans submitted and approved by FEMA. He further stated in the next few weeks all documentation will be submitted to FEMA in application for a LOMR.

Council Member Sandberg requested a report back be given to Council on the status of this item either by the date that approval is granted or no later than December 31, 2012.

Council Member Riggerbach commended Komatsu for the jobs they would be bringing to the Peoria area and he thanked them for their commitment to Peoria.

Council Member Riggerbach moved to grant Privilege of the Floor to Rosilee Walker.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to Rosilee Walker.

Rosilee Walker, a Peoria resident, thanked the City Council and City Manager for working with the neighborhood for a positive solution.

Motion to approve a variance from the requirements of Section 21-9 of the Code of the City of Peoria allowing multiple additions and new structures at Komatsu USA property located at 2300 N.E. Adams Street, which have the lowest floors lower than two feet above the base flood elevation, was approved by roll call vote.

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

Nays: None.

WELCOME OF DIGNITARIES

Mayor Ardis welcomed State Representative Jehan Gordon and County Board Member Lynn Scott-Pearson and he thanked them for attending the meeting.

(12-063) Communication from the City Manager Regarding a REPORT on the TOWN HALL MEETING Held FEBRUARY 2, 2012, Pertaining to the Use of Southtown TIF Funds, with Request to Receive and File.

Council Member Gulley moved to receive and file the Report on the Town Hall Meeting held February 2, 2012, pertaining to the use of Southtown TIF funds; seconded by Council Member Turner.

Council Member Gulley discussed the origin of this report stating that it stemmed from citizens' concerns aired at the January 24th City Council meeting which led to a Town Hall Meeting on February 2nd where 35 citizens spoke and others submitted, and were still submitting, written comments.

At the request of Councilman Gulley, Special Projects Manager Chris Setti discussed how the report was developed. He stated the Town Hall Meeting consisted of a presentation by Staff concerning TIF law, boundaries of the Southtown TIF, and eligible uses of TIF revenue, followed by an opportunity for community input regarding which projects should be funded with TIF revenues. He stated the 34 ideas expressed verbally and the 11 submitted by comment cards were compiled into this report. He added Staff later reviewed the ideas to determine which appeared to be TIF eligible and then determined which of those ideas were clearly eligible and which were possibly eligible. He then outlined the next steps the City planned to take, reporting that Council Member Gulley intended to assemble a smaller focus group of stakeholders to review these issues and report back to Council with recommendations in early April.

Council Member Gulley encouraged community members to read this report on the City's website. He stated at the January 27, 2007, City Council Meeting there was a report back that came from former City Manager Charles Oliver discussing a possible TIF in the area generally bounded by McArthur, Adams, Western and Martin Luther King. He said the report back stated, "A Preliminary examination of this area indicates that it would be TIF eligible and Staff recommends, before beginning the process for this third TIF, that the City Council wait until the two currently proposed TIFs are adopted and the levels of success achieved." He added the TIF's referred to had been established and an additional TIF had been started since that time, but the Southtown TIF had not been reconsidered. He requested that the Council give real consideration to and follow up on this item. He also requested the following TIF eligible projects be considered: ornamental lights in Spring Grove, development of Heritage Plaza, Seventh Street completion, Mineral Springs, Spring Grove Conservation Park, sidewalk infills, MacArthur Bridge, Carver Center, and parking.

Council Member Gulley suggested an amendment to the motion requesting that a steering committee come back with a work plan, but Mayor Ardis pointed out this direction was included in the Next Steps outlined in the Council Communication.

Mayor Ardis complimented the City Manager and Staff on the comprehensive report and for outlining next steps to assure citizens there would be follow up.

Council Member Sandberg complimented the report, but requested that an additional alternative be included to pay off the debt and close the TIF after 33 years instead of 35 in order for taxing bodies to recover property taxes.

Mayor Ardis stated he would like to see Council discuss the alternative of using a portion of the TIF and incentivizing it to close early.

Council Member Akeson complimented Chris Setti for his handling of the Town Hall Meeting.

Council Member Riggenbach thanked the community members who attended the Town Hall Meeting and he commented on the importance of dialog with the community prior to funding being available.

Council Member Spain stated his appreciation for Council Member Gulley's leadership on this item and for the thoroughness of the report.

Motion to receive and file the Report on the Town Hall Meeting held February 2, 2012, pertaining to the use of Southtown TIF funds was approved by roll call vote.

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

Nays: None.

UNFINISHED BUSINESS

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

There was no Unfinished Business to come before the Council.

NEW BUSINESS

ANNOUNCEMENT REGARDING A SPECIAL MEETING ON FEBRUARY 21, 2012, TO BE HELD AT NORTHWOODS CHURCH, REGARDING ALLEN AND ALTA ROADS.

Council Member Irving announced that a Special Meeting was planned to discuss the Allen and Alta Roads Construction Project at Northwoods Church on Tuesday, February 21, 2012 at 6:00 p.m.

REQUEST FOR REPORT BACK ON EMERGENCY ASSISTANCE PROGRAM

Council Member Gulley requested a Report Back be included in an upcoming Issues Update regarding the status and implementation of the Emergency Assistance Program providing furnace repair; specifically the number of individuals taking advantage of it, how much funding was still available, and recent changes in how the process was being implemented.

CITIZENS' OPPORTUNITY TO ADDRESS THE CITY COUNCIL/TOWN BOARD

(12-064) 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.

Roger Sparks, a Peoria resident, shared his concerns regarding a sidewalk exemption and lack of wheelchair accessibility from the bus stop at Northwoods Mall to businesses in the area.

Marilyn Mosley, a Peoria resident, discussed her concerns that the February 4th Policy Session included, as a topic for discussion, the possibility of moving a portion of the Southtown TIF funds to the Warehouse TIF. She requested that Southtown TIF funds not be used for other TIFs.

Denise Moore, a Peoria resident, complimented Chris Setti on his handling of the Town Hall Meeting and his subsequent report. She stated she was not necessarily opposed to closing the TIF early as long as projects were completed and she added the community should have taken the initiative to be involved in the process all along. She also thanked Council Member Sandberg for mentioning the \$8 million remaining in Valeska Hinton maintenance funds and she indicated she would follow up on looking into the availability and use of those funds.

Yolanda Wallace, a Peoria resident, discussed gun violence in Peoria and she urged the Council to implement a Cease Fire program and to include citizens in the planning process.

EXECUTIVE SESSION

- (12-065) **Consideration of a Motion to enter into EXECUTIVE SESSION to Discuss; 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)6 The setting of a price for sale or lease of property owned by the public body; 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 Spain moved to enter into Executive Session to discuss 2(c)(5) The purchase or lease of real property for the use of the public body; 2(c)6 The setting of a price for sale or lease of property owned by the public body; 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 Riggenbach.

Approved by roll call vote.

Yeas: Akeson, Gulley, Irving, Riggenbach, 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 Irving.

Approved by roll call vote.

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

Nays: None.

The Regular City Council Meeting adjourned at 7:45 P.M.