

**: OFFICIAL PROCEEDINGS :**

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

A Regular Meeting of the City Council of Peoria, Illinois was held May 13, 2014, at 6:16 P.M., at City Hall, Council Chambers (Room 400), 419 Fulton Street, with Mayor Ardis presiding, and with proper notice having been posted.

**ROLL CALL**

Roll Call showed the following Council Members were physically present: Akeson (Arrived at 6:20 P.M.) Grayeb, Jensen, Johnson (Arrived at 6:18 P.M.), Montelongo, Moore, Riggenbach (Arrived at 6:54 P.M.), Spain, Turner, Weaver, Mayor Ardis – 11. Absent: None.

**WELCOME TO LOCAL DIGNITARIES**

Mayor Ardis recognized the presence of Ms. Martha Ross of the District 150 School Board and Mr. Robert Johnson of the Peoria Park District.

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS, COMMENDATIONS, ETC.**

**POLICE EXPLORER GRADUATION**

**WAR OF ROSES PHILANTHROPY & EMPATHY WEEK - APRIL 28 - MAY 2, 2014**

**PAWS TO READ DAY - MAY 14, 2014**

**POPPY DAYS - MAY 15-17, 2014**

**MEMORIAL DAYS - MAY 22-26, 2014**

**MOTORCYCLE AWARENESS MONTH - MAY 2014**

**BRADLEY UNIVERSITY MEN'S SOCCER TEAM**

**CHRIST LUTHERAN SCHOOL - BOYS BASKETBALL TEAM**

**CHRIST LUTHERAN CHURCH - 120TH ANNIVERSARY**

**PEORIA CHAPTER OF NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS - 35TH ANNIVERSARY**

MINUTES

Council Member Spain moved to approve the minutes of the Regular City Council Meeting held on April 22, 2014, as printed; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

PETITIONS, REMONSTRANCES & COMMUNICATIONS – CITY OF PEORIA**CONSENT AGENDA ITEMS BY OMNIBUS VOTE, with Recommendations as Outlined:**

- (14-181) Communication from the City Manager and the Human Resource Director with a Request to Authorize the City Manager to Renew Existing LIABILITY COVERAGES with ALTERIS (ARGONAUT) Through ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES A ONE, with an Annual Cost of \$171,813.00.
- (14-182) Communication from the City Manager and Director of Public Works with Request to Accept the LOW BID of C & G CONCRETE and Award the CONSTRUCTION CONTRACT, in the Amount of \$649,769.40, with an Additional Authorization of 16,330.60, for a Total Award of \$666,100.00 for the SIDEWALKS PROGRAM 2014 (Sidewalk participation 2014, Curb Participation 2014, and Sidewalks In Need of Repair 2014). [City-Wide]
- (14-183) Communication from the City Manager, Community Development Director, and Public Works Director with a Recommendation to Approve a CONTRACT with WINEINGER AND SONS, in the Amount of \$60,000, for the 2014 MOWING OF VACANT LOTS Held by the PEORIA COUNTY TRUSTEE.
- (14-184) \* Communication from the City Manager and the Chief Information Officer to Approve the Renewal of a Three-Year MICROSOFT SOFTWARE ENTERPRISE AGREEMENT Adding OFFICE 365 Through CDW-G, in the Amount of \$110,154.75, Each Year for a Total of \$330,464.25.
- (14-185) Communication from City Manager and Director of Public Works Requesting Approval of a New LEASE AGREEMENT with R&R SERVICES OF ILLINOIS, INC. for the Period of One Year Beginning May 15, 2014, for a Portion of the Property Located at 2201 S. DARST STREET and Authorize the City Manager to Execute the Document. [District 1] (Refer Also to 13-201)
- (14-186) Communication from City Manager and Director of Public Works with a Request to Approve a New AGREEMENT OF UNDERSTANDING For Maintenance and Construction with the ILLINOIS DEPARTMENT OF TRANSPORTATION and to Authorize CITY ENGINEER SCOTT REEISE to Execute the Agreement, and TERMINATE the PRIOR AGREEMENT, ITEM #09-260, Executed March 3, 2010.

- (14-172) **Communication from the City Manager with a Request to Adopt an ORDINANCE Amending CHAPTER 2 of the CODE of the City of Peoria Pertaining to the Creation of the PEORIA PUBLIC ARTS ADVISORY COMMISSION.**  
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- (14-187) **Communication from the City Manager and the Interim Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class B (Restaurant, 50% Food) Liquor License with On-Site Consumption and Retail Sale of Alcohol at FIN 13 SUSHI & GRILL, 5901 N. PROSPECT ROAD, SUITE 13, with a Recommendation from the Liquor Commission to Approve. (DISTRICT 3)**
- (14-188) **Communication from the City Manager and the Interim Corporation Counsel with a Request to Approve the SITE APPLICATION for the Expansion of a Class I (Assembly Hall) Liquor License with On-Site Consumption and Retail Sale of Alcohol at the PEORIA RIVERFRONT MUSEUM, 222 S.W. WASHINGTON, with a Recommendation from the Liquor Commission to Approve. (DISTRICT 1)**  
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- (14-189) **Communication from the City Manager and the Interim Corporation Counsel with a Request to Approve the SITE APPLICATION for a Class A (Tavern) Liquor License with On-Site Consumption and Retail Sale of Alcohol at the PEORIA BREWING COMPANY, 8012 N. HALE, with a Recommendation from the Liquor Commission to Approve. (DISTRICT 5)**
- (14-190) **Communication from the City Manager and the Interim Corporation Counsel with a Request to Approve the SITE APPLICATION for a New Construction of an Existing Class C-G (Gas Station) Liquor License with Retail Sale of Alcohol at HUCKS #249, 7225 N. ALLEN ROAD, with a Recommendation from the Liquor Commission to Approve. (DISTRICT 5)**
- (14-191) **APPOINTMENT by Mayor Ardis to the FIRE AND POLICE COMMISSION with a Request to Concur:**  
  
**Mr. Thomas Burke (Voting) - Term Expiration June 30, 2016**
- (14-192) **REPORT from the CITY TREASURER PATRICK A. NICHTING for the MONTH of MARCH 2014, with Request to Receive and File.**
- (14-193) **Communication from the City Manager and Community Development Director with a Request to Receive and File a REPORT BACK Related to a DESIGN REVIEW PROCESS for the FAÇADE PROGRAM.**

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

Council Member Grayeb requested Item No. 14-172 be removed from the Consent Agenda for further discussion.

Council Member Moore requested Item No. 14-188 be removed from the Consent Agenda for further discussion.

Council Member Montelongo requested Item No. 14-184 be removed from the Consent Agenda for further discussion.

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

Item Nos. 14-181 through 14-193 (excluding Item Nos. 14-172, 14-184 and 14-188, which were removed for further discussion) were approved by roll call vote under the Omnibus Vote Designation.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-184) \* Communication from the City Manager and the Chief Information Officer to Approve the Renewal of a Three-Year MICROSOFT SOFTWARE ENTERPRISE AGREEMENT Adding OFFICE 365 Through CDW-G, in the Amount of \$110,154.75, Each Year for a Total of \$330,464.25.**

Chief Information Officer Sam Rivera explained the positive impact implementing Microsoft Office and entering into a Microsoft Software Enterprise Agreement would have on the City. He said the cloud service would allow email or document access for employees from any location where there was an internet connection from their PC or iPad. He said this agreement would allow for Staff to install all software on up to five personal computers or iPads. He reported that Microsoft recently announced that the City would receive an increased number of terabytes of storage for each employee. He said the increase in email accounts would tie the Fire Department into the rest of the City. The positive outcomes he noted were money-saving, stress reduction on the Information Technology Department, work efficiency for City employees, and the availability to instant message and video conference.

Council Member Montelongo moved to approve the renewal of the three-year Microsoft Software Enterprise Agreement adding Office 365 through CDW-G, in the amount of \$110,154.75, each year for a total of \$330,464.25; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-172) \*\* Communication from the City Manager with a Request to Adopt an ORDINANCE Amending CHAPTER 2 of the CODE of the City of Peoria Pertaining to the Creation of the PEORIA PUBLIC ARTS ADVISORY COMMISSION.**

The City Manager's Office distributed a replacement Ordinance to all Council.

Council Member Weaver moved to grant Privilege of the Floor to any citizen who wished to address the Council regarding this item.

Hearing no objection, Mayor Ardis granted Privilege of the Floor to those citizens who wished to address this item.

Mr. Kip Strasma, a Peoria resident and President of the Downtown Neighborhood Association, expressed enthusiasm in the positive changes and development that were occurring in the Downtown/Riverfront area, and he remarked that he was looking forward to the new streets reopening for the summer. He requested that the City Council support the Peoria Public Arts Advisory Commission, and he expressed his appreciation for the efforts of Assistant City Manager Chris Setti and Staff in the drafting of the Ordinance to create this Commission. He remarked that this would be a service to the residents living in the downtown area.

In response to Council Member Grayeb, Assistant City Manager Setti said the only changes made in the replacement Ordinance were to the definitions, noting that the composition of the Commission would remain unchanged. He further stated that the focus of the Commission would not be limited to the Downtown area.

Council Member Grayeb said the arts were a viable part of the community. He said it was important to emphasize the arts within all five districts of the City. In conclusion, he said he would enthusiastically support this item.

Council Member Weaver moved to adopt the replacement Ordinance amending Chapter 2 of the Code of the City of Peoria pertaining to the creation of the Peoria Public Arts Advisory Commission; seconded by Council Member Jensen.

ORDINANCE NO. 17,096, as amended, was adopted by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-188)**      **Communication from the City Manager and the Interim Corporation  
\*\*\* Counsel with a Request to Approve the SITE APPLICATION for the  
Expansion of a Class I (Assembly Hall) Liquor License with On-Site  
Consumption and Retail Sale of Alcohol at the PEORIA RIVERFRONT  
MUSEUM, 222 S.W. WASHINGTON, with a Recommendation from the  
Liquor Commission to Approve. (DISTRICT 1)**

Mr. Sam Gappmayer, President and CEO of the Riverfront Museum, said the approval of this site application would assist the museum in providing better service to the public and would engage the community.

Council Member Moore encouraged citizens to visit the Riverfront Museum.

Council Member Moore moved to approve the Site Application for the expansion of a Class I (Assembly Hall) liquor license with on-site consumption and retail sale of alcohol at the Peoria Riverfront Museum, 222 S.W. Washington; seconded by Council Member Turner.

Mayor Ardis commented that the museum would be hosting a promotional exhibit beginning May 24, 2014.

Mr. Gappmayer announced there would be a Ripley's Believe It or Not Exhibit coming to the Peoria Riverfront Museum on May 24, 2014.

Motion to approve the site application for the expansion of a Class I (Assembly Hall) liquor license with on-site consumption and retail sale of alcohol at the Peoria Riverfront Museum, 222 S.W. Washington was approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

#### **FIRST READINGS**

- (14-194) **Communication from the City Manager and the Interim Corporation Counsel Requesting a FIRST READING Review of an Ordinance Amending Chapter 3 of the Code of the City of Peoria, Authorizing the Retail Sale and On-Site Consumption of Wine and Craft Beer on City-Owned Parking Lots During the Operation of a Farmer's Market.**
- (14-195) **Communication from the City Manager and the Interim Corporation Counsel Requesting a FIRST READING Review of an Ordinance Amending Chapter 18 of the Code of the City of Peoria, increasing the distance of sale of tobacco from a school, prohibiting the sale of alternative nicotine product to a minor, and prohibiting the possession or sale of drug paraphernalia.**

Mayor Ardis questioned if the Council wished to have any of the First Readings removed for further discussion.

Council Member Spain moved to receive and file Item Nos. 14-194 and 14-195 and to place on the agenda for the next Regular City Council Meeting for May 27, 2014; seconded by Council Member Riggerbach.

Motion to receive and file Item Nos. 14-194 and 14-195 and directed to be placed on the agenda for the next Regular City Council Meeting for May 27, 2014, was approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

#### **REGULAR BUSINESS ITEMS, with Recommendations as Outlined:**

- (14-196) **Communication from the City Manager and Director of Community Development Seeking Comments and Input Regarding the City's Application to the NATIONAL PARK SERVICE to List Portions of the WAREHOUSE DISTRICT on the NATIONAL REGISTER OF HISTORIC PLACES (District 1).**

Council Member Spain commented that this was an opportunity for the City Council to add comments to the process in the Warehouse District which would create a nationally recognized Historic District. He explained the importance of this application stating that the community worked to create legislation passed by the General Assembly in order to create opportunities for State of Illinois Historic Tax Credits, which were useful in the redevelopment of older buildings. He said the City would receive a 25% tax credit that was critical for some of these projects.

Council Member Moore moved to approve the application to the National Park Service to list portions of the Warehouse District on the National Register of Historic Places; seconded by Council Member Spain.

Approved by roll call vote.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggensbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-197) Communication from the City Manager and the Chief of Police with a Request to Approve the Purchase of the House Located at 1916 W. KETTELLE for the RESIDENT OFFICER PROGRAM, at an Approximate Cost of \$56,000.00 Dependent on Final Closing Costs and Fees, Funded by Account #401-2101-550.50-02.**

Council Member Moore expressed her appreciation to Police Chief Steven Settingsgaard on locating a house within the First District to place a Resident Police Officer.

Council Member Moore moved to approve the purchase of the house located at 1916 W. Kettelle for the Resident Officer Program, at an approximate cost of \$56,000.00 dependent on final closing costs and fees, funded by Account No. 401-2101-550.50-02; seconded by Council Member Turner.

Council Member Spain expressed his appreciation and complimented City Manager Patrick Urich and Council Member Denise Moore for their efforts on this project. He remarked that the City had been working on the implementation of the Resident Officer Program since 2009, and he said it was through the tenacity of Council Member Moore that a house was located within the First District in order to establish the program within that District. He commented that he hoped to have additional Resident Officers placed throughout the City of Peoria.

Mayor Ardis recognized the efforts of Council Member Spain and Police Chief Settingsgaard for their efforts in learning more about the program by visiting the City of Elgin to gather additional information back in 2009.

Motion to approve the purchase of the house located at 1916 W. Kettelle for the Resident Officer Program, at an approximate cost of \$56,000.00 dependent on final closing cost and fees, funded by Account #401-2101-550.50-02, was approved by roll call vote.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggensbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

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**(14-200) Communication from City Manager and Director of Public Works Regarding the Development of a Proposed DOLLAR GENERAL STORE at 4015 ADAMS STREET with a Request for the Following: [Council District 1]**

- A. ADOPT of an ORDINANCE VACATING Approximately 247 Feet of an ALLEY Between WEST MONTANA STREET and SOUTHWEST ADAMS STREET Adjacent to Lots 1, 5 Through 11 and 28 Through 31, in Ulrich Addition to South Peoria, now City of Peoria; and**
- B. ACCEPT a DEDICATION DEED from HAROLD L. ADAMS to CITY OF PEORIA.**

Council Member Moore remarked that the Ordinance vacating property was the result of the hard work by the Community Development Department to revitalize S.W. Adams Street, which she noted was a viable area to rebuild.

After additional comments, Council Member Moore moved to adopt an Ordinance vacating approximately 247 feet of an alley between West Montana Street and Southwest Adams Street adjacent to Lots 1, 5 through 11, and 28 through 31, in Ulrich Addition to South Peoria, now City of Peoria; seconded by Council Member Jensen.

ORDINANCE NO. 17,097 was adopted by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

After expressing her appreciation to Mr. Adams for the dedication deed, Council Member Moore moved to accept the Dedication Deed from Harold L. Adams to the City of Peoria; seconded by Council Member Turner.

Approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-171) Communication from the City Manager and Director of Public Works Requesting Approval of a SIDEWALK POLICY AMENDING POLICY #10-087 to Add CURB PARTICIPATION within the Existing Sidewalk Policies.**

Council Member Grayeb moved to approve a Sidewalk Policy amending Policy #10-087 to add Curb Participation within the existing sidewalk policies; seconded by Council Member Spain.

Public Works Director Mike Rogers said programs of this nature were very popular within the City. He said the number of applicants had superseded the amount of money the City had to utilize. Even with the Sidewalk Program from the previous year, he said the City had more applicants than what would be completed. One of the ways to encourage this program in a more efficient and effective way, he said was to look at it from a neighborhood approach. He said if neighborhood associations combined projects, the City would have a better program because, in terms of mobilization, it would allow for a contractor to complete multiple projects within the same location. He said he would like to look at a prioritization of community/neighborhoods that apply for these types of funds.

Council Member Moore asked whether this item should be deferred until the May 27, 2014, Regular City Council meeting in order to allow time to draft an amendment. She said it was important for the citizens to have an opportunity to access these funds prior to the big corporations and companies.

Mayor Ardis said a two week deferral would be adequate, and he recommended Council providing additional input on the verbage in the policy.

Council Member Grayeb said it was more than just changing the wording, but rather the manner in which we honor and process requests. He said the City needed to encourage neighborhoods to mobilize and to work collaboratively on projects within their area.

In response to Council Member Grayeb, Director Rogers said in previous years companies had not used up these funds; however, he commented that there were a number of inquiries this year from businesses and there was the potential for some of these businesses to take up a large portion of the money available.

Council Member Grayeb said there was the potential for this being a problem this year because due to the City not having a Curb Program for quite some time.

Council Member Grayeb moved to defer the approval of a Sidewalk Policy amending Policy #10-087 to add Curb Participation within the existing sidewalk policies until the May 27, 2014, Regular Council Meeting; seconded by Council Member Spain.

Motion to defer this item until the May 27, 2014, Regular Council Meeting was approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggenbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-198) Communication from the City Manager with a Request to Accept a DONATION from NORMA and GEORGE KOTTEMANN, through the PEORIA ART GUILD, of a SCULPTURE to be Placed in the Center of the Roundabout at Washington Street and Harrison Street (District 1).**

Council Member Moore expressed her appreciation to the donors of the sculpture to be placed in the center of the Roundabout. She said this sculpture along with the additional sculptures that were approved and the opening of Washington Street would add to the Downtown City Life and promote a walkable downtown.

Council Member Moore moved to accept a donation from Norma and George Kottemann, through the Peoria Art Guild, of a sculpture to be placed in the center of the roundabout at Washington Street and Harrison Street; seconded by Council Member Spain.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggenbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**(14-199) Communication from the City Manager with a Request to Approve the Request of EM PROPERTIES to Switch Management of the MARRIOTT PERE MARQUETTE and COURTYARD MARRIOTT from MARRIOTT INTERNATIONAL to FIRST HOSPITALITY GROUP and Authorize the City Manager to Execute any Necessary and Related Documents.**

City Manager Urich provided a brief timeline of the notification of the request for a change in management of the Marriott Pere Marquette and Courtyard Marriott. He commented that the City would conduct due diligence in this matter. He said it appeared the First Hospitality Group was a reputable and well-run management company, and he noted that Marriott International would continue to support hotel management. He said he spoke with the lenders in this project and the City was attempting to meet with them in the near future. He remarked that the lenders were having their legal teams review the documents to ensure their interest was protected. From the City's perspective, he said it was important to ensure the City's rights were protected. He noted that management changes were a common occurrence in the hotel industry; however, he said the City still had questions that needed to be answered. He said Staff was not asking the City Council to approve the management change, but was asking for comments or suggestions. He said the City would like to work with the lenders prior to bringing this matter for approval.

Mayor Ardis said the intent was for Staff to answer any questions the City Council had on this matter. He said this item would be deferred until additional information was received.

In response to Council Member Grayeb, City Manager Urich said preliminary indications from the primary lender was there were no concerns from a business perspective; however, from a legal perspective, they wanted to make sure their rights were still protected and they needed to conduct due diligence, which he felt was a prudent course of action. He said Staff would review the labor relations between the Marriott and its employees. In response to Council Member Akeson, he said Staff would make sure EM Properties provided a complete answer to the situation.

Council Member Akeson said she would like to know why there would be a change in management. She said the standard established by Marriott along with their suppliers was very important. She remarked that there was a concern about the definition of quality, first class and luxury, which were mentioned over 100 times in the agreement. She inquired as to what type of assurance the City would have in order to get the same level of quality. She remarked that the quality of the proposed management team was crucial. She also noted that the relationship between the Civic Center and the hotel was crucial for their success.

Council Member Spain expressed a concern with this request. During the course of negotiations and discussions held regarding this project, he said one of the things Council was told was that there was a distinctive advantage for the Pere Marquette project being operated by Marriott, which would be tremendous benefits.

Regarding discussions held with Marriott, City Manager Urich said they anticipated this hotel would be a Marriott's for years to come; however, there needed to be revisions to the current Operating Agreement due to the proposed change in management. He said the City would need to review this agreement and to ensure the rights the City had under the previous agreement.

Assistant City Manager Chris Setti said, in response to Council Member Spain, that he did not review the number of properties owned by FHG nor the number of properties operated under a franchised agreement by FHG, but he said he would provide the Council with a Report Back regarding the same.

Council Member Weaver expressed a concern that information regarding this matter was not distributed to the City Council in a timely manner. He recommended formulating a small working group consisting of three Council Members at a time to review the information provided. He indicated that the City's objectives could differ from those of the lenders. He expressed the importance of protecting the City's interest in this matter, and he remarked on the amount of money that was at risk.

Council Member Grayeb requested contacting the Peoria Area Convention Visitor's Bureau to see if they had any information relating to the First Hospitality Group as well as how FHG rated. He noted that the main concern was for the health of this business. He remarked that a change in management companies within a year of the project caused concern and that it was important to review the numbers. The important thing to review, he added, was whether this new management company was healthy and ran well.

Council Member Moore requested that they research whether they intend to reduce the number of employees currently employed at the Pere Marquette and Marriott Hotel. She said she wanted to ensure the employees they would still have employment.

At the conclusion of discussions, Council Member Grayeb moved to defer this item to May 27, 2014, at the next regularly scheduled City Council meeting; seconded by Council Member Akeson.

Motion to defer this item to the May 27, 2014, regular City Council meeting was approved by roll call vote.

Yeas: Akeson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**UNFINISHED BUSINESS (Including but not limited to motions to reconsider items, if any, from the previous Regular Meeting)**

**(14-037) Replacement Communication from the City Manager and Community Development Director with a Request to Concur with the Recommendation from the Planning Commission and Staff for the Following:**

- A. To Approve a RESOLUTION Approving an Annexation Agreement;
- B. To Approve a RESOLUTION to Amend the OFFICIAL COMPREHENSIVE PLAN for the City of Peoria to Change the Future Land Use Designation of Property Currently Designated Low Density Residential to High Density Residential;
- C. To Adopt an ORDINANCE Annexing the Property Generally Located West of IL Route 91, North of Parcel Identification Number 08-35-300-008, East of Orange Prairie Road Extended, and South of Parcel Identification Number 08-35-300-028.

**And To Concur with the Recommendation from Staff, with No Recommendation from the Zoning Commission Due to a Tie Vote for the Following:**

- D. To Adopt an ORDINANCE Amending APPENDIX B, the Zoning Ordinance of the City of Peoria, Rezoning Property from the Present Class R-3 (Single Family Residential) District to a Class R-6 (Multi-Family Residential) District;**

**All for the Property Identified as Parcel Identification Numbers 08-35-300-006, 08-35-300-020, 08-35-300-022, and 08-35-300-029, Peoria, Illinois.**

Council Member Weaver said he would abstain from voting on this matter due to a business involvement.

Council Member Johnson moved to approve a Resolution approving an Annexation Agreement as amended to add the following three amendments:

1. To be added as the last sentence to subparagraph A to paragraph 4 to include "Not less than 50% of the façade of all buildings within the development area shall consist of face brick or native stone. Brick veneer (thin-brick), split-faced block, and pre-cast masonry shall be specifically excluded from the 50% requirement;"
2. To be added to the last sentence of Subparagraph B of Paragraph 4 (titled Future Development Procedures) is deleted and in its place is substituted for, "Although residential uses above the ground floor level are a permitted use in any C-1 development under the current applicable laws of the City, no residential uses shall be so permitted in any improvements in which the ground floor is principally used for commercial or office purposes;"
3. To be added as a new Subparagraph F to Paragraph 4 (Future Development Procedures) to include, "**Illinois Prevailing Wage Act Compliance**. In the completion of the development of or upon the Annexing Property and as a part of the construction of improvements or performance of construction work therefore, SJ Trust agrees that the provisions and requirements of the Illinois Prevailing Wage Act of Illinois, 820 ILCS 130/0.01 et.seq. (the "Act") shall apply whether or not the work would otherwise be subject to the requirements of the Act. Contracts sought for construction or work upon the Annexing Property shall provide for the foregoing as well as requiring any contractor(s) to provide, upon request of the City or its designee, certified payroll records or other similar documentation to the effect that performance of work and wages paid therefore have been in compliance with the Act."

Seconded by Council Member Riggerbach.

Community Development Director Black provided an overview of the project and the numbers of votes needed for each item to pass. He noted that Items A, B, and C, were heard and approved by the Planning Commission. He said a Petition in Opposition was filed by the deadline, but was unfounded. He noted that the Zoning Commission was split on the rezoning with a two-to-two vote. He provided an explanation of the location noting it was located within Growth Cell Three near the Shoppes of Grand Prairie located on the north side of the City. He said the City had funded \$400 million worth of infrastructure in that area in order to prompt business growth.

He explained that in order for a business to establish within that location it had to be annexed within the City. He provided an explanation of the rezoning and its assigned uses.

Interim Corporation Counsel Sonni Williams provided an explanation for the unfounded determination of the Petition in Opposition filed May 12, 2014, at 10:38 A.M. Because the petition was unfounded, she said it would not require the item to have a 2/3 majority vote in order to pass.

Council Member Johnson moved to grant Privilege of the Floor to anyone who wished to address this matter.

Hearing no objections, Mayor Ardis granted Privilege of the Floor to those who wished to speak on this item.

Mr. Dan Hellige, an interested citizen, distributed a presentation to all City Council and spoke in opposition of the project. He reviewed the presentation along with a timeline of events, and expressed a concern for the project. He stated that the current market demand for the project was unknown, as was the development of the project. He expressed a concern for a lack of a site plan and inquired whether the development would be overseen by the City.

Ms. Angela Anderson, a Dunlap citizen, said she received 600 signatures in opposition to this project. She expressed concern for a lack of a site plan or plans for developing the project. She noted that development would not begin for approximately 18 months after approval of this item.

Mr. Todd Parmenter, an interested citizen, spoke in opposition of the project. He noted that this matter should have never been presented to the Zoning Board without a plan, and he noted the split vote on the matter. He said the Board had not approved the proposal, but sent it to the City Council for review.

Mr. Robert Hall, Attorney for the Petitioner, Dr. Srinivas Jujjavarapu, stated that site plans were not required by the City's Code nor was it customary. He provided an overview of the positive effect this project would have on this location and for the City. He said the Site Plan Review Board would need to review any Site Plans prior to building in this location.

Mr. Tim Funk, an interested citizen, said meetings with the developer were amicable, but nothing was agreed upon nor proposed. He encouraged the City Council to review the Comprehensive Plan Map. He said there was no reason to change this map.

Council Member Johnson said the City needed this development. He noted there was no request for public funding, and all development would be funded by the developer himself. He said the City had been collaborating with the Dunlap School District to review the issues. He said the high-quality and value of the materials used in this development would increase property value. He addressed the impact this project would have on the Dunlap School District, building requirements of the project, and amendments made or to the Comprehensive Plan. He said there would be public meetings regarding the development of this location. He said now would be a good time to discuss to review the Comprehensive Plan, in light of the drastic changes that occurred in the economy. Since 1982, he said there were 12 examples of annexations within the City with zoning assigned and no site plan required. He said this was a precedent that had been established over three decades, and it would not be a good idea to break precedence. He said the conceptual site plan would fit in well with the Route 91 corridor. In light of the recent approval of the Louisville Slugger Sports Complex, he said additional hotel

development was feasible. He said the maximum cap on apartment units was 220 units. The annexation agreement includes 5 acres of commercial development either in advance or simultaneously to any multi-family development, which he said would allow the Dunlap School District sufficient cash flow as this area was developed. A vote to decline this project, he said, would exhibit a perception that the City of Peoria was not business-friendly.

Mayor Ardis advised the City Council that discussions should relate to the current motion on the floor.

Council Member Akesson inquired into the possibility of legal actions, the impact on educational costs, and potential housing costs approving this item would have on the City and surrounding area.

Director Black said the Annexation Agreement would be a binding 20-year agreement, regardless of who owned the property. He said the terms of the agreement would stand for 20 years.

Council Member Spain said progress had been made over the last several months, noting there was a site plan available, though not required. He said the revenue generated would be an enhancement to the City's tax base. He acknowledged that a change from a rural zone was difficult. He said it was important to discuss the impact the annexation and rezoning would have on the school system. He commented that this was not about aesthetics, but about population density, and there would be challenges to overcome whether it was single-family or multi-family housing. Regardless of the outcome tonight, he said discussions would need to continue. He expressed the importance of communicating the Comprehensive Plan. He said the Plan was about job growth, crime reduction and strengthening infrastructure and not about land use. He said changes occur over the life of the Plan, and that he was in support of the annexation.

Council Member Jensen said it was not in good practice to approve a rezoning request without a site plan, and she said she would not support the rezoning. She said development and residential needs had changed over the years and that some restrictions were placed upon the annexation agreement. She outlined the restrictions and noted these restrictions addressed some of the concerns of the citizens. She said development on the north side of the City supports both the heart and the outskirts of the City. She said she would support annexation but not rezoning.

Director Black said, in response to Council Member Jensen, any rezoning had to be adopted by an Ordinance. He remarked that the Annexation Agreement contemplated rezoning. He said he was uncertain what the outcome would be should the annexation pass but not the rezoning.

RESOLUTION NO. 14-037A approving an Annexation Agreement, as amended, was approved by roll call vote.

Yeas: Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner,  
Mayor Ardis – 9;

Nays: Akesson – 1;

Abstentions: Weaver – 1.

Council Member Johnson moved to approve a Resolution to amend the Official Comprehensive Plan for the City of Peoria to change the future land use designation of property currently designated low density residential to high density residential; seconded by Council Member Riggerbach.

RESOLUTION NO. 14-037B was approved by roll call vote.

Yeas: Grayeb, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Mayor Ardis – 8;

Nays: Akesson, Jensen – 2;

Abstentions: Weaver – 1.

Council Member Johnson moved to adopt an Ordinance annexing the property generally located West of IL Route 91, North of Parcel Identification Number 08-35-300-008, East of Orange Prairie Road extended, and South of Parcel Identification Number 08-35-300-028; seconded by Council Member Turner.

ORDINANCE NO. 17,098 was adopted by roll call vote.

Yeas: Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Mayor Ardis – 9;

Nays: Akesson – 1;

Abstentions: Weaver – 1.

Council Member Johnson moved to adopt an Ordinance amending Appendix B, the Zoning Ordinance of the City of Peoria, rezoning property from the present Class R-3 (Single-Family Residential) District to a Class R-6 (Multi-Family Residential) District; seconded by Council Member Riggerbach.

ORDINANCE NO. 17,099 was adopted by roll call vote.

Yeas: Grayeb, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Mayor Ardis – 8;

Nays: Akesson, Jensen – 2;

Abstentions: Weaver – 1.

**(14-151) Communication from the City Manager and Director of Public Works with a Request to Receive and File the REQUEST FOR STATEMENTS OF INTEREST AND QUALIFICATIONS for the Proposed STORM WATER UTILITY MASTER SERVICES and Authorize the Public Works Department to Solicit Proposals from Consulting Engineers for the Proposed Storm Water Utility Master Services. (Refer to Item #14-124)**

Council Member Spain said, in light of discussions held with the City Manager and additional conversation to come regarding the combined sewer overflow and the impact on this program, he moved for a one month deferral to the June 10, 2014, Regular City Council meeting; seconded by Council Member Weaver.

Motion to defer this item to the June 10, 2014, Regular City Council meeting was approved by roll call vote.

Yeas: Akesson, Grayeb, Jensen, Johnson, Montelongo, Moore, Riggerbach, Spain, Turner, Weaver, Mayor Ardis – 11;

Nays: None.

**NEW BUSINESS****MacArthur Highway Meeting and Improvements to the Martin Luther King Park**

Council Member Denise Moore said there would be a meeting Thursday, May 15, 2014, at 6:00 P.M. at the Frank Campbell Center to provide an overview to the upcoming change to the MacArthur Highway. She said Mr. Robert Johnson of the Peoria Park District will be in attendance to show new Fire Department themed playground equipment coming to Martin Luther King Park, which should be coming within the next couple of weeks.

**Construction on Martin Luther King Drive Between Richard Allen and Union Hill**

Council Member Denise Moore said beginning Monday the stretch of Martin Luther King Drive between Richard Allen and Union Hill would be closed in order for work to begin on that street and the bluff in that location.

**Appreciation to Mr. Robert Johnson and Ms. Martha Ross**

Council Member Moore expressed her appreciation to Mr. Robert Johnson of the Peoria Park District and Ms. Martha Ross of the District 150 School Board who attended tonight's City Council Meeting. She said they represented the same constituents in the First District and were present to support what was happening within the First District.

**Sheridan Road Streetscape Colloquium**

Council Member Grayeb announced that on Wednesday, May 14, 2014, from 6:00 P.M. to 7:15 P.M. at the Peoria High School library a meeting will be held to discuss the road work between Richmond Street and extending down to McClure. He said exciting new proposals would be brought forward by Staff for the public to review.

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

Hearing no objection, Mayor Ardis granted Privilege of the Floor to those citizens wishing to address the City Council/Town Board.

Mr. Savino Sierra, a Peoria resident, said it was enjoyable to watch the youth of the City being recognized for their contributions and talents. He said he would encourage a grocery store opening on the South Side along with a clothing and furniture store.

Mr. Scott Jacobs, a Peoria resident, expressed his concern in the parody Twitter account, noting his disagreement with how the matter was handled.

Ms. April Crotts, a citizen, expressed her concern as well with the parody Twitter account on how the matter was addressed. She invited the Mayor and the City Council to sign a petition requesting the state charges to be dropped against the individual involved in this matter.

Mr. Greg Daniel, a Peoria resident, expressed his concern as it related to the parody Twitter account and how the incident was handled.

Mr. John Block, a Peoria resident, spoke in support of Mayor Ardis and his actions regarding the parody Twitter account.

Ms. Lavetta Ricca, a Peoria resident, spoke in support of Mayor Ardis as it related to the parody Twitter account, and she remarked on the importance of citizens bringing a positive impact to the community.

Ms. Caroline Elliott, a Peoria resident, expressed a concern that her comments made at the April 22, 2014, Council Meeting regarding the Twitter account were edited and she asked that her comments be restored to the online video.

**EXECUTIVE SESSION**

It was determined that an Executive Session was not necessary at this time.

**ADJOURNMENT**

Council Member Johnson moved to adjourn the Regular City Council Meeting; seconded by Council Member Grayeb.

Approved by viva voce vote.

The Regular City Council Meeting adjourned at 10:36 P.M.



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Beth Ball, MMC, City Clerk  
City of Peoria, Illinois

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