

***Proceedings of the Council of the City of Joliet, Illinois
held on the 3rd day of November, A.D. 2010***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Wednesday, November 3, 2010 at 6:30 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

INVOCATION

An Invocation was delivered by Father Chris Groh, St. Mary Nativity Church, 710 N. Broadway Street, Joliet, Illinois.

Father Groh then led the pledge to the flag.

ROLL CALL

PRESENT: MAYOR ARTHUR SCHULTZ and DISTRICT 4 COUNCILWOMAN SUSIE BARBER, DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, DISTRICT 3 COUNCILMAN JOHN GERL, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and COUNCILMAN AT LARGE MICHAEL F. TURK.

ABSENT: NONE.

ALSO PRESENT: CITY MANAGER THOMAS A. THANAS and CORPORATION COUNSEL JEFFREY S. PLYMAN.

APPROVAL OF MINUTES

COUNCILMAN DORRIS moved that the minutes of the Pre-Council Meeting of the Council of the City of Joliet, Illinois held on Monday, October 18, 2010 at 3:30 p.m. and of the Regular Meeting held on Tuesday, October 19, 2010 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR SCHULTZ.

NAYS: NONE.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Finance

COUNCILMAN BROPHY stated that Kevin McCanna of Speer Financial was present to report on the bond issue refinancing.

Mr. McCanna stated that last month the Council approved the bond refinancing of the Series 2002 water and sewer revenue bonds and that was accomplished today. He said the rate for the outstanding bonds was at 5% and today they received an interest rate of 2.7%. He said that the amount of savings to the City is \$481,000.00. He said as part of this, the City's bond rating was confirmed at AA- on the water and sewer revenue bonds which puts the City in a very high category. He said he thinks that the process went very well.

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COUNCILMAN TURK asked if the goal was to save \$300,000.

Mr. McCanna stated that the minimum was \$300,000 so they received much more than that and there was no extension of the debt. He said the interest rate was kind of high but that is because they were sold at a premium so the actual yield that investors were earning was 2.7%.

COUNCILMAN SHETINA asked what the split is between the City's proceeds and his cost.

Mr. McCanna stated that the total bond issuance was \$8.86 million and the cost of issuance to the various vendors was \$148,000.00.

COUNCILMAN SHETINA stated so in addition to that, the City is saving \$481,000.00.

Mr. McCanna stated yes, the City is saving \$481,000.00.

The City Manager stated that the staff thanks Mr. McCanna for his assistance, he accompanied staff to meet with Standard and Poors last week and his services have been very valuable for the last 30 years.

B. Public Service

COUNCILMAN TURK said that the Public Service Committee met this morning and reviewed the contracts, change orders, pay estimates and final payments, found them all to be in order and recommended their approval with the exception of Council Memo #859-10 which is the authorization to award a contract for snow removal for municipal lots. He said this was tabled for staff to get more information from the various bidders and it will be on the agenda in two weeks.

There were no other Committee reports.

COUNCILMAN SHETINA asked Director of Community and Economic Development Jim Haller if he had anything set up for the Rental Inspection Program.

Mr. Haller stated that there is a whole agenda of things that need to be brought to a Land Use Committee meeting and they are trying to schedule a meeting. He said he has heard that there was an interest to try and do something in the next couple of weeks.

COUNCILMAN SHETINA suggested that he try to schedule a meeting around the budget sessions.

MAYOR SCHULTZ moved several items up on the agenda at this time.

A. Presentation by the Historic Preservation Commission re: 512 Knox Place

Mrs. Bonnie Horne, Chairwoman of the Joliet Historic Preservation Commission, thanked the Mayor, Council and staff for their assistances throughout the years regarding preservation and making note of the wonderful heritage the City of Joliet has. She said that several of the Commissioners are present, but she would like to give a little information particularly about Hal Carlson. She said he has been a long time Commissioner of the City of Joliet and for several years sat

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on the Illinois Historic Preservation Commission Board and was also the chairman of that board and was significant in bringing the IHPA Conference to Joliet several years ago and he is a real asset to the Commission. She said another person she would like to highlight from the Commission is Sharon Merwin. She said Sharon is an original member of the Commission, is very knowledgeable, has sat on the Illinois Commission for several years and is currently the acting Secretary/Treasurer of the Illinois Commission. She said the Commission is a group of nice, hard-working people, not only for the City of Joliet but also the State of Illinois.

Mrs. Horne introduced the other members of the Commission that were present and said that if anyone is interested in finding out more about the Joliet Historic Preservation Commission, the Commission's website is: www.joliethpc.com.

Mr. Bob Nachtrieb, Chairman of the Nominations Committee of the Joliet Historic Preservation Commission, stated that this is an honor for him and for the City to present a plaque to Kurt Schackmuth designating the Hugh H. Carson House at 512 Knox Place as a Local Landmark. He said Mr. Schackmuth's house is a foursquare and he explained the distinctive features of the house that was built in 1916.

Mr. Schackmuth thanked the Mayor and Council for their recognition.

B. Proclamation re: Proclaiming November 2010 as "Pancreatic Cancer Awareness Month"

COUNCILWOMAN QUILLMAN read a Proclamation issued by MAYOR SCHULTZ proclaiming November 2010 as "Pancreatic Cancer Awareness Month" in the City of Joliet. She stated that she asked to read this Proclamation because pancreatic cancer has hit her family twice, her great-grandmother and her mother six years ago, and there needs to be more awareness of this because when the symptoms appear, it is usually too late. She said this cancer used to be a rare disease but it is becoming more prevalent and with just 2% of research going to pancreatic cancer, there is a need to get the federal government to spend more money to find a cure.

COUNCILMAN SHETINA said that the Council lost one of their own to pancreatic cancer, Councilwoman Margaret Short, in 1989.

Ms. Janet Kapala of the Bolingbrook Affiliate Pancreatic Cancer Action Network thanked the Mayor and Council for their recognition and stated that by declaring November to be Pancreatic Cancer Awareness Month in the City of Joliet, it is helping to do the critical work of making the public aware of this disease and its truly lethal nature.

APPROVAL OF REGULAR CURRENT BILLS

A. Regular Payroll – September 24 – October 7, 2010 - \$2,987,401.00
(Council Memo #838-10)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period September 24, 2010 through October 7, 2010 including a Summary of Overtime and an Overtime Budget Status Report were accompanied by a recommendation from the City Manager that said Regular Payroll be allowed.

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COUNCILMAN BROPHY moved that the recommendation of the City Manager be concurred in.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE,
COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK,
COUNCILWOMAN BARBER and MAYOR SCHULTZ.

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Approving a Special Use Permit to Allow a Temporary Office Trailer as a Classroom Space for the Joliet Park District Inwood Golf Course located at 3200 W. Jefferson Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) The temporary trailer for classroom space be allowed for a period not to exceed five (5) years; 2) The Special Use granted shall herein terminate and lapse unless a building permit or certificate of occupancy is obtained not later than 180 days of the effective date of this ordinance and the erection or alteration of a building is started or the use is commenced within such period; and 3) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Special Use Permit. (#2010-47/Dist. #3)
(Council Memo #839-10)
(ORDINANCE NO. 16720)

2. AN ORDINANCE Approving a Special Use Permit to Allow Two Temporary Sports Locker Trailers at the Joliet Park District Memorial Stadium Located at 3000 W. Jefferson Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) The two temporary trailers for locker room space be allowed for a period not to exceed five (5) years; 2) The Special Use granted shall herein terminate and lapse unless a building permit or certificate of occupancy is obtained not later than 180 days of the effective date of this ordinance and the erection or alteration of a building is started or the use is commenced within such period; and 3) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Special Use Permit. (#2010-48/Dist. #3)
(Council Memo #840-10)
(ORDINANCE NO. 16721)

COUNCILMAN DORRIS moved that said Ordinances be adopted as recommended.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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NAYS: NONE.

3. AN ORDINANCE Approving an Amendment to a Variation of Use to Allow the Expansion of Business Hours of an Existing Tavern (Letys Place) from Midnight to 1:00 a.m. in an R-3 District Located at 901 N. Hickory Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That the existing off-street parking remain in the future; 2) All tavern operations shall be confined to the interior of the building. An outdoor licensed premise (beer garden) shall not be permitted on the subject property. Patrons shall not be permitted to take alcoholic beverages outside the building even if said patrons remain on the subject property and intend to return after smoking or a similar activity; and 3) The variation granted by Ordinance No. 9421, as amended, shall be subject to repeal by formal action of the Mayor and City Council, following notice and an opportunity to be heard, if the operation of the tavern or the condition of the subject property constitute a public nuisance. (#2010-52/Dist. #4)
(Council Memo #841-10)

COUNCILMAN GIARRANTE stated that this year this address has had eleven calls for service and six of them are for a missing person.

Police Chief Fred Hayes stated that he just saw that before the meeting and noticed there are quite a few calls for a missing person but he doesn't know the answer to that. He said that he will get that answer for them but he will have to look up each one of the incidents.

COUNCILMAN SHETINA asked if it had anything to do with the establishment itself.

Chief Hayes stated that he doesn't believe so. He said his best guess right now is that they don't connect to the establishment and it's just an unusual circumstance probably involving one particular person.

COUNCILWOMAN QUILLMAN stated she received a couple of phone calls from neighbors that stated they were not notified of this application before the Zoning Board meeting. She said the resident stated that when they did call regarding it, the answer that was given was that the City doesn't notify people anymore and then the resident received notice in the mail. She said she isn't sure how to rectify this but she knows that the neighbors do not want this.

The City Manager stated that the City has not stopped giving notice for variations but staff will look into that.

COUNCILMAN GIARRANTE stated that there are no calls for service, and he asked what would happen if this does become a problem.

The City Manager stated that the City always has the right to bring it back to the City Council to ask for revocation or suspension if that happens.

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Attorney Michael Hansen, speaking on behalf of the petitioner, stated that there were people at the Plan Commission meeting and this is just another hour to make it competitive with the other establishments in the area. He said that the parking is fine and City staff has approved the variation.

COUNCILMAN BROPHY asked if the City could take the opportunity to in some way formalize that patrons leaving the establishment to smoke can't take alcohol with them if they do not have an outdoor license. He said that the complaints that he receives are about the noise and if they take alcohol with them, they tend to stay outside longer. He said without the outdoor license, the City should really try to police that whether it is through the Liquor Commissioner's Office or something for the Council to do, but the Council should try some sort of reminder or add it as a condition of the approval.

The Corporation Counsel stated that the Council by way of the Joliet Liquor Code made that a rule currently but it wouldn't hurt to add that as a condition to the variation so if there is a problem that is recurring, then there is an additional factor for the licensee to think about if the Commissioner were to start some sort of enforcement action. He said that condition could be added if that is the Council's pleasure.

COUNCILMAN BROPHY stated to be fair he had not heard that complaint on this particular establishment.

COUNCILMAN SHETINA stated that it appears that the petitioner lives about four blocks away from the tavern, so they live really close to their establishment.

COUNCILMAN GIARRANTE stated that a while back, the Council voted to extend hours for the beer gardens and he doesn't know about the rest of the Council, but he has not received one negative call since that was passed so they are policing it and he hopes if this passes tonight it will also be policed by the owners.

COUNCILWOMAN BARBER stated there are quite a few taverns in that area and she has received a couple of calls that the extra hour isn't necessary because other locations are still open. She said since it is her area she thought she should mention that she has received phone calls against it.

COUNCILMAN BROPHY moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

AYES: COUNCILMEN GERL, GIARRANTE, SHETINA, TURK, BROPHY,
DORRIS and MAYOR SCHULTZ.

NAYS: COUNCILWOMEN QUILLMAN and BARBER.

Prior to her vote, COUNCILWOMAN QUILLMAN asked COUNCILWOMAN BARBER if she was for or against this.

COUNCILWOMAN BARBER stated she was going to vote no.

COUNCILWOMAN QUILLMAN stated she will go with the District Councilperson's vote and she votes no.

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Prior to his vote, COUNCILMAN SHETINA stated he usually votes with the District Councilperson but this property has had this use for fifty years or more so it is not out of character for the neighborhood and he thinks that if they are making a good effort and there are not any problems, he supports the motion to approve it.

Prior to his vote, COUNCILMAN DORRIS stated that he too would usually support the District Councilwoman but she said that the calls she received stated there are enough in the area that already have the hour, so it seems to him that it could be some of the competition calling against it. He said in order to make it a level playing field they need the extra hour to not be at a disadvantage, and for this reason he votes aye.

(ORDINANCE NO. 16722)

4. AN ORDINANCE Declaring the following properties as Public Nuisances and authorizing application to the Circuit Court for demolition, injunction or other relief was presented and read:
118 Akin Avenue and 111 North Broadway Street.
(Council Memo #842-10)

COUNCILMAN TURK moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER,
COUNCILMEN BROPHY, DORRIS, GERL and MAYOR SCHULTZ.

NAYS: NONE.

(ORDINANCE NO. 16723)

5. AN ORDINANCE Approving a Street Name Change from that Portion of Patterson Road between Laraway and Millsdale Road and for that Portion of Millsdale Road between Vetter and Baseline Road to CenterPoint Way was presented and read. (#SN-2-10/Dist. #3 and Dist. #5)
(Council Memo #843-10)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK,
COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS,
GERL, GIARRANTE and MAYOR SCHULTZ.

NAYS: NONE.

(ORDINANCE NO. 16724)

B. RESOLUTIONS

1. A RESOLUTION Approving an Agreement with the Illinois Department of Transportation for the Schweitzer Road/Union Pacific Railway – Local Highway Grade Crossing Improvements was presented and read.
(Council Memo #847-10)

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COUNCILMAN TURK moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER,
COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE,
COUNCILWOMAN QUILLMAN and MAYOR SCHULTZ.

NAYS: NONE.

(RESOLUTION NO. 6446)

COUNCILMAN SHETINA asked for an update on the quiet zones.

Director of Public Works Jim Trizna stated that the City had its second quiet zone activated about two and a half weeks ago on the northwest side at Division Street and Essington Road. He said that they previously activated the quiet zone on the spur line at Black Road and Theodore Street and there are two more that are still pending. He said one is on Caton Farm Road which can not go into effect until the County rebuilds that road and puts in the new crossings with the gate arms and other safety provisions, and the other is on the east side in the area of Woodruff Road, Washington Street, Rowell Avenue, Mills Road and Spencer. He said that will not be activated for probably a good year because CN has asked the City to wait until they put in a second track in New Lenox to just south of Washington so there is going to be a new configuration of tracks. He said he believes CN is planning on doing that next year.

COUNCILMAN SHETINA asked if the first zone he talked about included Cambridge Way north of Heritage Lakes.

Mr. Trizna stated yes, that just got activated and it essentially runs from Renwick Road into Crest Hill and Crest Hill is working on their own quiet zones.

COUNCILMAN SHETINA asked if 16th Street/Division Street is included in that.

Mr. Trizna stated it includes Division Street and Essington and it went into effect about October 19th, 2010.

2. A RESOLUTION Requesting Authorization to Accept and Implement a 2010 SMART Policing Initiative Grant and enter into an Intergovernmental Agreement between the City of Joliet and Loyola University Chicago was presented and read.

(Council Memo #848-10)

COUNCILWOMAN QUILLMAN moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMAN TURK, COUNCILWOMAN BARBER, COUNCILMEN
BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN
QUILLMAN, COUNCILMAN SHETINA and MAYOR SCHULTZ.

NAYS: NONE.

Prior to his vote, COUNCILMAN BROPHY congratulated Chief Hayes and the others involved in being only one of six agencies in the country to receive this 100% grant with no match.

(RESOLUTION NO. 6447)

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3. A RESOLUTION Determining the Amount of Money Estimated to be Necessary to be Raised by Taxation for Tax Year 2010 for the City of Joliet Special Service Area No. 1996-14 (Joliet City Center) and Setting a Public Hearing Thereon was presented and read.
(Council Memo #849-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Adopt said Resolution; 2) Authorize the publication of the Truth in Taxation legal notices in the Herald News and the Ledger Sentinel; and 3) Set December 7, 2010 as the date for the public hearings on the proposed estimated tax levies.

COUNCILMAN SHETINA moved that said Resolution be adopted as recommended.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK and MAYOR SCHULTZ.

NAYS: NONE.

(RESOLUTION NO. 6448)

BIDS AND CONTRACTS

A. Award of Contracts

1. Award of Contract for the Installation of a Well Motor Starter for Rock Well No. 1
(Council Memo #853-10)

A report on three proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Elliott Electric, Inc. in the amount of \$10,450.00.

2. Authorization to Purchase Water Meter
(Council Memo #854-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract for the purchase of a 10" fire line meter for Ecolab, Inc. to H&D Waterworks in the amount of \$19,675.00.

3. Award of Contract for the 1200 Cora Street Retaining Wall Repair Project - 2010
(Council Memo #855-10)

A report on three proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to K&D Enterprise Landscape Construction Inc. in the amount of \$8,855.00.

4. Award of Contract for the OSHA Required Repair to the Crane Truck No. WWT 3 for Plant Operations

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(Council Memo #856-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Runnion Equipment Co. in the amount of \$6,049.04.

5. Award of Contract for the 2010 Traffic Signal Materials Purchase Order

(Council Memo #857-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Traffic Control Corporation in the amount of \$33,969.00.

6. Authorization to Approve a Service Agreement for Utility Bill Print Service to Include Online Bill Pay

(Council Memo #858-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve a Service Agreement for Utility Bill Print Service with Infosend, Inc. with an initial setup fee of \$2,500.00 and additional ongoing monthly fees as outlined in the Council Memo.

7. Award of Contract for Snow Removal for Municipal Lots

(Council Memo #859-10)

This item was withdrawn from the agenda by the Public Service Committee.

8. Authorization to Repair Roadways Vehicle – Unit ST059

(Council Memo #860-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment for the replacement of the dump body and spreader for a 1992 GMC 2 ½ ton dump truck to Monroe Truck Equipment in the amount of \$12,644.00.

9. Authorization to Approve Payment for Repairs to Water Division Backhoe (Unit W040)

(Council Memo #861-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve payment to McCann Industries for frame repairs for a 1995 Case Backhoe in the amount of \$7,276.10.

10. Award of Contract for the Rehabilitation of 1216 Brookfield Drive for the Neighborhood Stabilization Program

(Council Memo #862-10)

A report on four bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Sharp Homes in the amount of \$47,770.00.

11. Award of Contract for the Purchase of XTS2500 Motorola Radios and Accessories for the Police Department

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(Council Memo #863-10)

A report on one bid received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract for the purchase of six XTS2500 Motorola radios and accessories to Motorola in the amount of \$17,605.74.

12. Authorization to Purchase a Traffic Signal Control Cabinet for the Intersection of Caton Farm Road and Drauden Road
(Council Memo #864-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract for the purchase of the traffic signal control cabinet to Traffic Control Corporation in the amount of \$15,778.00.

13. Authorization to Award Annual Service Contract for Zoll Cardiac Monitors and Zoll AEDs (Automated External Defibrillators)
(Council Memo #865-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Bio-Tron Inc. in the amount of \$18,500.00.

14. Award of Contract for Improvements to the Sprinkler System at Silver Cross Field
(Council Memo #866-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Midwest Fire Suppression Inc. in the amount of \$30,800.00.

COUNCILMAN GIARRANTE moved that the recommendations of the City Manager be concurred in.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER and MAYOR SCHULTZ.

NAYS: NONE.

B. Amendments, Change Orders and Payments

1. Approve Change Order No. 1 and Payment No. 1 and Final for Emergency Repairs to Well 10D Booster Pump No. 3
(Council Memo #868-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$16,285.90 and Payment No. 1 and Final in the amount of \$17,275.90 on behalf of Layne-Christensen Company, Inc.

2. Approve Amendment No. 2 and Payment No. 11 and Final for Phase 1 Engineering Services for the Barney Drive over Rock Run Tributary No. 3 Improvement Project

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(Council Memo #869-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Amendment No. 2, a net deduction in the amount of \$2,742.52 and Pay Estimate No. 11 and Final in the amount of \$1,207.63 on behalf of Willett Hofmann & Associates.

3. Approve Change Order No. 2 for the 2010 Utilities Restoration Program Phase II Contract
(Council Memo #870-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$25,125.00 on behalf of P.T. Ferro Construction Co.

4. Approve Change Order No. 2 for the Clement Street (Douglas – Ruby) Roadway Project – Community Development Block Grant Public Improvement Program
(Council Memo #871-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$2,800.00 on behalf of J. Russ & Co Inc.

5. Approve Change Order No. 1 and Pay Estimate No. 2 for the Silver Leaf Subdivision (Units 1-1, 1-2 and 3) Phase 1 Public Improvement Project - 2010
(Council Memo #872-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$71,507.00 and Pay Estimate No. 2 in the amount of \$452,014.30 on behalf of P.T. Ferro Construction Co.

6. Approve Change Order No. 1 and Payment Request No. 2 and Final for the Essington Road (Jefferson Street to Hennepin Drive) Traffic Signal Interconnection Improvements Project
(Council Memo #873-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1, a net deduction in the amount of \$55,665.79 and Payment Request No. 2 and Final in the amount of \$25,260.30 on behalf of the Illinois Department of Transportation.

7. Approve Change Order No. 1 and Payment for the 2010 Blended Phosphate Solution Purchase
(Council Memo #874-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$16,600.00 and Payment in the amount of \$8,397.10 on behalf of Pristine Water Solutions, Inc.

COUNCILMAN GERL moved that the recommendations of the City Manager be concurred in.

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Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

AYES: COUNCILMEN DORRIS, GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMAN BROPHY and MAYOR SCHULTZ.

NAYS: NONE.

LICENSES AND PERMIT APPLICATIONS

Deputy Liquor Commissioner Dan Campus explained Council Memo #877-10 dealing with the Transfer of a Class "I" Liquor License at 709 Collins Street.

A. Transfer of a Class "I" Liquor License at 709 Collins Street
(Council Memo #877-10)

A communication from the Liquor Commissioner regarding the application of Las Islas #1 Corporation (Jorge Ramirez) d/b/a Las Islas Marias for the transfer of a Class "I" Liquor License at 709 Collins Street contained his recommendation that the transfer of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN SHETINA moved that the recommendation of the Liquor Commissioner be concurred in.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

AYES: COUNCILMEN GERL, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS and MAYOR SCHULTZ.

NAYS: NONE.

MAYOR

A. Proclamation re: Proclaiming November 2010 as "Pancreatic Cancer Awareness Month"

B. Presentation by the Historic Preservation Commission re: 513 Knox Place

These items were presented earlier in the meeting.

MAYOR AND COUNCIL COMMENTS

COUNCILMAN TURK thanked the City Manager and staff for the work they have done on the Transportation Center. He said he knows it has been a vision of the City Manager since he returned to the City to construct this facility. He said that the City had been turned down twice for federal funding and through his and the staff's efforts along with County Executive Larry Walsh, they were able to secure a grant through the State of Illinois. He said he appreciates the effort.

COUNCILMAN SHETINA stated he called the City Manager on that to make sure it was a fruitful action and not something based on the timing of the election and he was assured that it was real. He said as he understands there is more to do.

The City Manager stated that the \$32 million allocation that the City will be

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receiving is coming from the capital bill that was passed by the legislature last year. He said that there was an allocation of \$400 million for high-speed rail initiatives and that money is under the control of the Illinois Department of Transportation. He said in working with IDOT in putting the TIGER grant applications together, the State, through Secretary Gary Hannig, saw value in the City's project and was able to convince Governor Quinn that it would be a good idea to move forward with the project after the federal funding was turned down. He said that they are meeting with IDOT on Tuesday in Chicago to go through the grant agreement and bring it back to the Council for final approval.

COUNCILMAN SHETINA stated that he attended a homeowner's meeting out west and it became apparent again that either people are not aware of the Neighborhood Watch Program or don't want to go through the effort of putting them together and it seems that at this point in time it is more important than ever, there are a lot of car break-ins. He said he would encourage people to lock their cars in their driveways or in front of their houses, there are a lot of kids breaking into cars and if the car is open it is just easier. He said with respect to the Neighborhood Watch Program, he thinks the City should hype that again now more than ever. He said that people should also keep their front lights on, it is not expensive and is a great deterrent. He said he was asked to have staff notify the homeowner's associations about the Neighborhood Watch Program.

The City Manager stated that staff has ways to communicate with all of the Homeowner's Associations either by email or regular mail address so staff will follow up with this and encourage them to participate.

COUNCILWOMAN QUILLMAN stated that this community never fails to amaze her. She said that she worked at the VFW today for a fundraiser for Andrea Simone and her husband Tony who was severely injured in Afghanistan and this community put together a fundraiser to help with some of the bills and so that Andrea and their one year old son could stay with him. She said the response today was absolutely overwhelming with streams of people coming in and out and no place to park and the City's Police and Fire Departments were there today working and helping with the carryouts. She said Joliet, Will County and the surrounding communities always come through no matter how hard times are and there is no other community like this and she loves it. She said having said that, next Thursday is Veteran's Day and she thanked all of the veterans for their sacrifices and for all they have done for us.

COUNCILMAN GIARRANTE stated now that the election is over, is it safe to assume that Representative McGuire and Senator Wilhelmi got involved with the grant that the City received from the State.

The City Manager stated that they were actually very involved. He said Senator Wilhelmi attended several meetings that were held and the City will certainly be sending out thank-you notes. He said it was a team effort especially on the staff side, with Jim Haller and Kendall Jackson spending a lot of time on this and staff is actually meeting tomorrow with Metra. He said there are a few bumps in the road with Metra regarding some operational issues and staff is meeting tomorrow to iron those out.

COUNCILMAN GIARRANTE stated that he also attended the fundraiser for the Simone family and while he was there he was talking to someone and they stated that they sold 600 carry-outs at lunchtime and it looked like they were going to run out. He said it is over with now but it was a great turnout.

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COUNCILMAN BROPHY stated he want to highlight Council Memo #858-10 regarding the change that is going to be made to the water bills. He said this has been through the Finance Committee, Communication, Technology and Information Systems Committee and the Public Service Committee. He asked when this is supposed to go into effect.

The City Manager stated that it is going to be rolled out in the first quarter of 2011.

COUNCILMAN BROPHY stated that some public education will be necessary so they are aware that this is not junk mail and that residents will no longer be receiving the postcards.

The City Manager stated that a sample bill from the Village of Orland Park is included with the Council Memo and that is what the City's bill will look like. He said he also thinks it is important to note that residents will be able to sign up for e-bills and not get a hard copy in the mail and pay their bill on-line. He said that is strictly voluntary and will obviously save the City on postage so it is a good step in using technology to save money.

COUNCILMAN BROPHY acknowledged Navistar's groundbreaking on Monday and welcomed them to Joliet. He said it is good to have another corporate entity in Joliet and of course the jobs they are bringing with them are very welcome.

COUNCILMAN BROPHY stated that he would like to invite anyone interested to the Irish-American Society of County Will Annual Meeting this Sunday. He said it will start with a mass at 10:00 A.M. at St. Pat's Church and then they will meet at Chicago Street Pub for an Irish breakfast and those that are members or would like to become members are welcome. He said the meeting will be held during halftime of the Bears game.

COUNCILMAN GERL complimented the City Manager on the High-Speed Rail grant. He said that communities are struggling for economic development and he thinks high-speed rail is the future, businesses make decisions based on public transportation and he is real hopeful. He thanked the City Manager again and stated he has been a great help to him in the six weeks he has been here and it shows what a great job he is doing.

MAYOR SCHULTZ asked JackHammers President Pete Ferro if he had any information on the baseball team.

Mr. Ferro stated that he does but would prefer to discuss it in executive session. He said they are in the middle of negotiations with various groups to enter into a sales contract or a significant investment in the team. He said if it is the Council's pleasure to do it in open session he will do that but it will make negotiations difficult and probably compromise some of them, so he would request that it be handled in executive session.

COUNCILMAN GIARRANTE asked if this discussion was executive session material.

The Corporation Counsel stated he is unsure what the content of Mr. Ferro's presentation would be but he does have some issues with going into closed session to discuss Mr. Ferro's business issues. He said if it is going to go into

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areas that involve negotiation opportunities and lease terms that may pertain to a third party it would be OK, but they would need to be careful as to what is discussed and there is also other closed session material to be discussed.

COUNCILMAN SHETINA asked the Corporation Counsel if he would keep it within the bounds of what could be discussed with Mr. Ferro.

The Corporation Counsel stated yes, he would do his best.

COUNCILMAN DORRIS asked the City Manager what his recommendation was.

The City Manager stated that his recommendation is to go into closed session to discuss those items that the City Clerk will read which includes the lease matter and potential litigation. He said his recommendation would be for staff to meet with the Council before inviting Mr. Ferro in and at that point the Council can make the decision as to whether he be allowed in or not and allow staff to make a recommendation on that as well.

COUNCILMAN DORRIS moved that the Council recess to closed session at 7:21 p.m. to discuss personnel, collective bargaining, land acquisition or conveyance and pending or threatened litigation after which the meeting will be reconvened in open session.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

AYES: COUNCILMAN GIARRANTE, COUNCILWOMAN QUILLMAN,
COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER,
COUNCILMEN BROPHY, DORRIS, GERL and MAYOR SCHULTZ.

NAYS: NONE.

The meeting reconvened at 8:35 p.m. with all members being present.

The City Manager stated that Mr. Pete Ferro would like to address the Council regarding matters pertaining to the Joliet JackHammers.

Mr. Ferro stated that the last time he was before the Council, he had said that they would try to find a solution and find additional capital for the company whether that was an investment or a sale. He said he would like to give the Council an update as to what they have been doing and where they are at this point. He said that the last time they had also discussed two issues of fixed costs that the JackHammers have, one being the league and the other being the lease with the City. He said as far as the league issues go, the Northern League that the JackHammers were in last year had eight teams and four of those teams decided to go to the American Association and the other four teams which are in the Chicago area have decided to apply and join the Frontier League. He said they have been in negotiations with the other four teams of the Northern League for a release and a settlement agreement which has been put together and is ready to sign and they have applied to the Frontier League and will hopefully be accepted shortly so the league issue will be taken care of.

Mr. Ferro continued that on the sales side, they have had significant progress and eight separate groups have requested a due diligence package which have been sent out and the JackHammers have had discussions with all of the groups. He said he currently has one letter of intent at this point which has not yet been executed and is still being discussed and there is another letter of intent

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that he should receive on Friday. He said they are very close to having a potential purchaser and he feels confident that is going to happen in a short period of time.

Mr. Ferro stated that the question is what are the alternatives at this point. He said a sale of the team does one thing, it assures the City that there will be baseball next year. He said if the City pulls the lease from the team, it triggers a few events. He said the first thing that does is halt the sale process because there would be an issue with the lease. He said the second thing it does is force the team into a reorganization plan and force them to file for Chapter 11. He said a Chapter 11 would trigger an automatic stay which means that the lease, all contracts and creditor issues would be frozen. He said that under Chapter 11 it would take about 180 days to come up with a plan and then another 120 to confirm the plan. He said what that means is during that process there would be no opportunity for RFPs or for the City to find another baseball team. He said in a Chapter 11 there is a possibility that the team could be sold but it is not a good possibility and if there is no baseball team next year, the consequences are not good. He said with a team there are about 800 hotel rooms booked each season, the team employs about 150 people, the team purchases approximately \$1.5 million dollars in goods and services, mostly local, and the team provides about \$40,000 in sales tax to the City. He said also there would be no naming rights for the field and someone else would have to maintain the stadium. He said finally there would be no lease payments; the team is behind on the payments but has paid approximately \$100,000 last year and this year.

Mr. Ferro stated that there is a lot of interest in purchasing the team and he is asking the City to not do anything drastic with the lease and to give them more time to get the club sold because in reality, that is the only way there will be baseball at the stadium next year, anything short of that and the stadium will be dark. He said that is the end of his report and is willing to answer any questions.

The City Manager stated that if the Council has no questions, he will be in contact with Mr. Ferro in the morning to let him know what the City's recommendation is and what the next steps would be for the City.

ADJOURNMENT

COUNCILMAN BROPHY moved that the Council adjourn at 8:45 p.m.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK,
COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS,
GERL, GIARRANTE and MAYOR SCHULTZ.

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

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Recorded on Tape