

***Proceedings of the Council of the City of Joliet, Illinois
held on the 15th day of June, A.D. 2010***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, June 15, 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 John Doyle, St. Anne Catholic Church, 1702 Dearborn Street, Crest Hill, Illinois.

Father Doyle then led the pledge to the flag.

ROLL CALL

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

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 Regular Meeting of the Council of the City of Joliet, Illinois held on Tuesday, June 1, 2010 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

APPOINTMENT OF MAYOR PRO-TEM

COUNCILMAN BROPHY moved that COUNCILMAN DORRIS be appointed Mayor Pro-Tem for the period July 1, 2010 through September 30, 2010.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

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COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Finance

COUNCILMAN UREMOVIC stated the Finance Committee met yesterday and reviewed and approved the minutes of the meeting of May 17, 2010. He said the Committee also reviewed the 2009 Annual Treasurer's Report which was placed on file and will be available for review on the City's website after it is approved at the meeting tonight.

COUNCILMAN UREMOVIC stated there was also a review of the Neighborhood Improvement Program for the month of May which was placed on file. He said there was a review of the monthly cash flow report, personnel summary, ticket and towing program, Treasurer's Disbursements and Regular Claims for the month of May which were found to be in order and placed on file. He asked Director of Management and Budget Ken Mihelich to comment on the late payments by the State.

Mr. Mihelich stated that the City budgeted \$11.5 million to come in this year from the State. He said to date the City should have received \$5.7 million and at this point, we have received zero. He said the only money we have received is money that was in last year's budget. He said the State is in dire financial straits and unless they get it straightened out, he does not expect to receive payments for awhile.

COUNCILMAN UREMOVIC stated that this is important because there will be a six month review on the budget soon and this is counted as a receivable, but it cannot be totally counted on. He said if the City doesn't receive anything by August when the budget review for 2011 begins, some serious adjustments will have to be made. He said the State owes money to all municipalities.

Mr. Mihelich stated that he has talked to representatives of other cities and they are all going through the same situation. He said there was some discussion on borrowing against this, but at this point, he is not sure if we could borrow against it because there is no way of knowing what the timing is going to be.

COUNCILMAN UREMOVIC stated that if we were to get a letter from the State stating that 100% will be forwarded to the City at some point, we might be able to do a bond at that time.

B. Public Safety

COUNCILMAN GIARRANTE stated the Committee met yesterday afternoon and reviewed the purchase of SCBA (Self Contained Breathing Apparatus) parts for the Fire Department. He said the Committee also reviewed the Fire Station 8 driveway and curb project. He said the circle drive was not built to withstand the weight of the engine and it is deteriorated, and the cost to replace this is \$6,509.00. He said the Committee also discussed the 2010 Assistance for Firefighter Grant applications, the purchase of 25 Tasers for \$59,000.00 which will be reimbursed by a grant from the Federal Government, and received an update on the telecommunications radio system equipment which will also be funded by a grant.

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C. Public Service

COUNCILMAN GIARRANTE said 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.

COUNCILMAN GIARRANTE said one item he wanted to comment on is the ten million gallon water tank that is going to be constructed on Parkwood Drive to help with the pressure in that area. He said the Committee also discussed the roadway reconstruction program and a proposed overweight permit fee. He said currently a permit is needed but there is no cost, and the staff gave some suggestions on what the cost may be and are preparing an ordinance for the Council to vote on. He said the staff is proposing fees ranging from \$75.00 for a single trip to \$300.00 for a round trip based on weight load. He said with all of the work being done at CenterPoint, this will bring in quite a bit of money to the City. He said the Committee also discussed the Center Street ramp project, there is a leak in the water system under the ramp but the system is twenty feet underground so they are going to put a liner in that has been approved by the EPA.

COUNCILMAN GIARRANTE stated the Committee also discussed Council Memo #432-10 dealing with awarding a contract to D.E. Thompson Excavating for the Clublands/Neustoneshire Punch List Improvements. He said the staff stated that the company has not done a lot of work for the City, but did a lot of the original work on Neustoneshire Subdivision.

There were no other Committee reports.

AGENDA ITEMS AND REPORTS

A. Treasurer's Report – April, 2010

A communication from the City Manager contained his recommendation that the report be received and placed on file.

B. 2009 Annual Treasurer's Report
(Council Memo #408-10)

A communication from the City Manager contained his recommendation that the report be received and placed on file.

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

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

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PUBLIC HEARINGS

A. Public Hearing re: Annexation of 69.3 Acres for Bronk's Landing Subdivision

1. Resolution re: Approving an Annexation Agreement for 69.3 Acres for Bronk's Landing Subdivision (#A-111-08/Dist. #1)
(Council Memo #409-10)
2. Ordinance re: Approving the Annexation of 69.3 Acres for Bronk's Landing Subdivision (#A-111-08/Dist. #1)
(Council Memo #409-10)
3. Ordinance re: Approving the Classification of 69.3 Acres for Bronk's Landing Subdivision to B-3 and R-1B Zoning (#A-111-08/Dist. #1)
(Council Memo #409-10)
4. Ordinance re: Approving the Preliminary Plat of Bronk's Landing Subdivision (#P-5-08/Dist. #1)
(Council Memo #409-10)

A communication from the City Manager contained a request from the petitioner that these items be tabled to the September 21, 2010 City Council meeting in order to finalize outstanding issues with IDOT and the annexation agreement.

COUNCILWOMAN QUILLMAN moved that these items be tabled to the September 21, 2010 City Council meeting.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE.

B. Public Hearing re: Annexation of a .4 Acre Lot Improved with a Residence Located at 3300 Essington Road

1. A RESOLUTION Approving an Annexation Agreement for a .4 Acre Lot Improved with a Residence Located at 3300 Essington Road as recommended by the Plan Commission was presented and read. (#A-13-10/Dist. #1)
(Council Memo #410-10)
(RESOLUTION NO. 6387)
2. AN ORDINANCE Approving the Annexation of a .4 Acre Lot Improved with a Residence Located at 3300 Essington Road as recommended by the Plan Commission was presented and read. (#A-13-10/Dist. #1)
(Council Memo #410-10)
(ORDINANCE NO. 16662)

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3. AN ORDINANCE Approving the Classification of a .4 Acre Lot Improved with a Residence Located at 3300 Essington Road to R-1B Zoning as recommended by the Plan Commission was presented and read. (#A-13-10/Dist. #1)
(Council Memo #410-10)
(ORDINANCE NO. 16663)

The City Clerk noted that this is a public hearing so any comments would be in order at this time.

COUNCILMAN SHETINA asked for a brief explanation.

The City Manager stated that this property is a single family home located in the Pinecrest Subdivision across the street from the Westfield Shopping Center. He said the home houses six gentlemen who are participants in the Trinity Services program. He said the proposal is for the structure which is currently on well and septic to be connected to the City's water and sewer system. He said all fees will be paid as per code and the staff and Plan Commission have reviewed this annexation and are recommending approval.

MAYOR SCHULTZ asked if there were any further comments, and being none, he closed the public hearing.

COUNCILMAN SHETINA moved that said Resolution and Ordinances be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

C. Public Hearing re: Annexation of Lot 1, a 1 Acre Parcel in Cherry Creek Business Park at 16750 W. Cherry Creek Court

1. A RESOLUTION Approving an Annexation Agreement for 16750 W. Cherry Creek Court as recommended by the Plan Commission was presented and read. (#A-14-10/Dist. #5)
(Council Memo #411-10)
(RESOLUTION NO. 6388)
2. AN ORDINANCE Approving the Annexation of 16750 W. Cherry Creek Court as recommended by the Plan Commission was presented and read. (#A-14-10/Dist. #5)
(Council Memo #411-10)
(ORDINANCE NO. 16664)
3. AN ORDINANCE Approving the Classification of 16750 W. Cherry Creek Court to I-1 Zoning as recommended by the Plan Commission was presented and read. (#A-14-10/Dist. #5)
(Council Memo #411-10)
(ORDINANCE NO. 16665)

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The City Clerk noted that this is a public hearing so any comments would be in order at this time.

The City Manager stated that they met with the petitioners today and reached an agreement to connect the property to the City's water and sewer system and that the standard fees would be paid by the developer.

Attorney Mike Hansen stated that on behalf of the Wagner Family, he would like to thank the City Manager and Corporation Counsel. He said they were able to resolve the concerns the Council had yesterday and the Wagners are happy to annex in accordance to the rules of the City of Joliet.

MAYOR SCHULTZ asked if there were any further comments, and being none, he closed the public hearing.

COUNCILMAN DORRIS moved that said Resolution and Ordinances be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

D. Public Hearing re: Annexation of 9.6 Acres on the North Side of Mills Road, West of Karner Drive

1. A RESOLUTION Approving an Annexation Agreement for 9.6 Acres on the North Side of Mills Road, West of Karner Drive as recommended by the Plan Commission was presented and read. (#A-15-10/Dist. #5)
(Council Memo #412-10)
(RESOLUTION NO. 6389)
2. AN ORDINANCE Approving the Annexation of 9.6 Acres on the North Side of Mills Road, West of Karner Drive as recommended by the Plan Commission was presented and read. (#A-15-10/Dist. #5)
(Council Memo #412-10)
(ORDINANCE NO. 16666)
3. AN ORDINANCE Approving the Classification of 9.6 Acres on the North Side of Mills Road, West of Karner Drive to R-1B Zoning as recommended by the Plan Commission was presented and read. (#A-15-10/Dist. #5)
(Council Memo #412-10)
(ORDINANCE NO. 16667)

The City Clerk noted that this is a public hearing so any comments would be in order at this time.

MAYOR SCHULTZ asked if there were any comments, and being none, he closed the public hearing.

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COUNCILMAN GIARRANTE moved that said Resolution and Ordinances be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

APPROVAL OF REGULAR CURRENT BILLS

A. Treasurer's Disbursements – May, 2010 - \$15,806,194.50

A communication from the City Manager contained his recommendation that the report be received and placed on file.

B. Regular Claims – May, 2010 - \$2,304,950.59

A communication from the City Manager contained his recommendation that the report be received and placed on file.

C. Regular Payroll – May 7 – May 20, 2010 - \$3,022,766.94
(Council Memo #413-10)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period May 7, 2010 through May 20, 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.

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

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE. (COUNCILWOMAN QUILLMAN abstained from voting on any items dealing with Silver Cross Hospital)

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. Ordinance re: Approving the Vacation of a 16.5' x 150' Portion of an East/West Alley Located North of the Property Located at 209 S. Joliet Street (#V-2-10/Dist. #5)
(Council Memo #414-10)

The City Clerk advised that this item was approved at the Pre-Council meeting yesterday.

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2. AN ORDINANCE Amending the Zoning Ordinance Regarding Spacing Requirements for the Location of Tattoo Studios as recommended by the Plan Commission was presented and read. (#ZO-1-10)
(Council Memo #415-10)

COUNCILMAN SHETINA asked for a brief explanation.

The City Manager stated that the proposal is to create a spacing limitation between tattoo studios and residential and other uses such as schools, parks and areas where children may be present. He said the Council had asked to have this matter referred back to the Plan Commission to determine if 250 feet or 500 feet would be a more appropriate distance from residential districts, and the Plan Commission concluded that 500 feet would be more appropriate for residential. He said they also recommended a distance of 1000 feet from the other locations of parks, schools, churches, etc. and staff is recommending approval.

COUNCILMAN SHETINA asked if the present tattoo locations are grandfathered in or if they have special use permits.

The City Manager stated that both of the locations were in existence prior to the special use permit requirement so they are existing as a business use and would not be subject to these limitations.

COUNCILMAN SHETINA asked what would happen if they abandoned their location and closed the business.

The City Manager stated that they would lose their grandfathered status and if somebody tried to reopen the facility as a tattoo studio, the new rules would apply to the new business. He said if the current business owner were to sell the business, then the grandfathered laws would continue to be in effect.

COUNCILMAN UREMOVIC moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16668)

3. AN ORDINANCE Approving a Variation of Use to Allow the Continuation of Two Single-Family Residences on One Lot Located at 1020 – 1020 ½ Woodruff Road as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That the property not be expanded in the future; 2) That off-street parking for 4 cars remain in the future; 3) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Variation of Use; and 4) That if these conditions are not complied with, this matter shall be scheduled for an administrative hearing. (#2010-14/Dist. #4)
(Council Memo #416-10)

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COUNCILMAN SHETINA moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16669)

4. Ordinance re: Approving and Authorizing the Execution of a
Collective Bargaining Agreement with the Joliet FOP Labor
Council
(Council Memo #417-10)
5. Ordinance re: Approving and Authorizing the Execution of a
Variance Agreement with AFSCME Local 440
(Council Memo #418-10)
6. Ordinance re: Approving and Authorizing the Execution of a
Variance Agreement with IUOE Local 399
(Council Memo #419-10)

The City Clerk advised that it has been requested that these three items be
tabled to the July 6, 2010 City Council meeting.

COUNCILMAN GIARRANTE moved that these items be tabled to the July 6,
2010 City Council meeting.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

B. RESOLUTIONS

1. Resolution re: Approving the Local Share Agreement with
the Kendall Area Transit System Dial-A-Ride Service
(Council Memo #422-10)

The City Clerk advised that this item was approved at the Pre-Council meeting
yesterday.

2. A RESOLUTION Authorizing the City Manager to Enter into
an Agreement with the League of Illinois Bicyclists for the
"Bike-To-Metra Guide" Project was presented and read.
(Council Memo #423-10)

COUNCILMAN DORRIS moved that said Resolution be adopted.

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Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6390)

3. A RESOLUTION Appropriating Motor Fuel Tax Funds in the amount of \$26,996.88 for the 2009 Pavement Marking Program was presented and read. (Section No. 09-00416-00-ST)

(Council Memo #424-10)

(RESOLUTION NO. 6391)

4. A RESOLUTION Appropriating Motor Fuel Tax Funds in the amount of \$100,930.00 for the 2010 Pavement Marking Program was presented and read. (Section No. 10-00434-00-ST)

(Council Memo #425-10)

(RESOLUTION NO. 6392)

COUNCILMAN TURK moved that said Resolutions be adopted.

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

5. A RESOLUTION Authorizing the City Manager to Enter a 2010 Justice Assistance Grant Intergovernmental Agreement with Will County was presented and read.

(Council Memo #426-10)

COUNCILMAN SHETINA moved that said Resolution be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6393)

6. A RESOLUTION Approving an Amendment to the 2010 Annual Plan of the 2010 Consolidated Plan was presented and read.

(Council Memo #427-10)

COUNCILMAN BROPHY moved that said Resolution be adopted.

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Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6394)

BIDS AND CONTRACTS

A. Award of Contracts

1. Award of Contract for the Construction of One Pleasant Knoll
Subdivision Monument Sign
(Council Memo #430-10)

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 to Grate Signs in the amount of \$8,650.00.

COUNCILWOMAN QUILLMAN stated that the original estimate for this project was \$16,000 and now it is \$8,000, and she asked why there is such a difference.

COUNCILMAN SHETINA stated that there were two signs previously and now they are only doing one.

COUNCILMAN GIARRANTE added that originally there were going to be two signs but they could not get the permit for the second sign. He said now there is only one sign and the bid came in at \$8,000.00. He said this project was discussed at the Public Service Committee meeting.

2. Purchase of Scott Repair Parts for Airpacks and Cylinders
(Council Memo #431-10)

A report on three quotations received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to REIS Emergency Products in the amount of \$7,460.00.

3. Award of Contract for the Clublands 6-1, 6-2, 8-2/Neustoneshire
Punch List Improvements – 2010
(Council Memo #432-10)

A report on ten bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to D E Thompson Excavating Co. in the amount of \$107,451.20.

4. Award of Contract for the Repair to the No. 2 Pump at the
Eco Lab Lift Station
(Council Memo #433-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Gasvoda & Associates Inc. in the amount of \$6,361.70.

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5. Request for Authorization to Approve Reimbursement to the Neufairfield Homeowners Association for the Installation of a Fountain Aerator – 2010
(Council Memo #434-10)

A report on four proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council approve the reimbursement of \$10,545.00 to the Neufairfield Homeowners Association for the installation of a new detention basin fountain aerator.

6. Award of Contract for the 2010 Pavement Marking Program
(Council Memo #435-10)

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 to Mark-It Striping Corp. Inc. in the amount of \$100,930.00.

7. Approve Payment for Emergency Replacement Cost for the Air Conditioner Compressor for the North Half of the Police Building
(Council Memo #436-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$9,647.00 to Hayes Mechanical upon completion of the repairs to the air conditioning unit that controls the north half of the Police Building.

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

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: NONE. (COUNCILWOMAN QUILLMAN voted no on Council Memo #430-10)

B. Amendments, Change Orders and Payments

1. Authorization to Approve Payment Estimate No. 22 and Final for the Municipal Center Phase 2 Remodeling Project
(Council Memo #438-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Pay Estimate No. 22 and Final in the amount of \$39,766.19 on behalf of R.L. Sohol General Contractors, Inc.

COUNCILWOMAN QUILLMAN asked if everything was in order with R.L. Sohol and if the City has any recourse in case something goes wrong like with Station 9.

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The City Manager responded that we would have recourse if there are defects in construction or something has been hidden and is discovered at a later date. He said this Council Memo is basically closing out the financial portion of the City's contract with Sohol. He said the City did remove quite a few parts of the contract such as not finishing the Finance Department wing and not doing all the work in the Council Chambers other than the lighting which is still being worked on. He said Sohol has delivered what the City asked them to deliver so they are asking permission to close this contract.

COUNCILWOMAN QUILLMAN asked how long the City has to get things right if they go wrong.

The City Manager stated that the statute of limitations is ten years on a breach of contract case.

The Corporation Counsel added that it could be four depending on the nature of the claim.

COUNCILWOMAN QUILLMAN asked if this company had anything to do with the HVAC system that was installed because some parts of the building are hot while others are cold and it is an ongoing issue.

The City Manager stated that R.L. Sohol delivered the HVAC system to the specifications that the City gave them, and if the City has a problem with the design of the HVAC system, we would take those concerns to the architect. He said the Council Chambers has been an issue and the Building Engineers are working on getting control of the temperature.

Mr. Mihelich stated that his understanding is that R.L. Sohol has delivered on everything that was in the specifications through the architects.

COUNCILMAN SHETINA asked if there is a specific problem with R.L. Sohol.

The City Manager stated that there are no matters in dispute and staff is recommending closing the contract.

2. Authorization to Approve Change Order No. 1 and Payment Request No. 5 and Final for the 2009 Pavement Marking Program
(Council Memo #439-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$26,996.88 and Payment Request No. 5 and Final in the amount of \$42,608.09 on behalf of Mark-It Striping Corp., Inc.

3. Authorization to Approve Change Order No. 2 and Payment Request No. 2 for the 2010 Roadways Resurfacing Contract
(Council Memo #440-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$68,110.00 and Payment Request No. 2 in the amount of \$503,796.18 on behalf of P.T. Ferro Construction Co.

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4. Authorization to Approve Payment No. 19 and Final for the Eastside Wastewater Treatment Plant Digester Improvements Construction Project
(Council Memo #441-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment No. 19 and Final in the amount of \$40,000.00 on behalf of Williams Brothers Construction, Inc.

5. Authorization to Approve Change Order No. 12 for the System Wide SCADA System Construction Project
(Council Memo #442-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 12 in the amount of \$7,250.67 on behalf of Wunderlich-Malec Environmental.

6. Authorization to Approve Change Order No. 1 for the 2010 Sidewalk/Curb Replacement Project – 2009 Neighborhood Improvement Program
(Council Memo #443-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$6,509.70 on behalf of M&A Cement Works Inc.

7. Authorization to Approve Pay Estimate No. 1 and Final for the Rosalind Street Drainage Structure Repair Project – 2010
(Council Memo #444-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Pay Estimate No. 1 and Final in the amount of \$12,345.20 on behalf of Construction by Camco, Inc.

8. Authorization to Approve Payout No. 2 for the 2010 Lawn Mowing Services Contract (Public Utilities)
(Council Memo #445-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payout No. 2 in the amount of \$4,718.71 on behalf of From the Ground Up Construction.

9. Authorization to Approve Payment No. 19 for the 2006 Automatic Meter Reading Installation Project
(Council Memo #446-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment No. 19 in the amount of \$2,386.40 on behalf of United Meters Inc.

10. Authorization to Approve Change Order No. 1 and Payment Estimate No. 17 and Final for the Parkwood Drive One Million Gallon Elevated Tank Project
(Council Memo #447-10)

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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 \$30,000.00, and Payment Estimate No. 17 and Final in the amount of \$152,000.00 on behalf of CB&I Constructors, Inc.

11. Authorization to Approve Change Order No. 1 and Payment Estimate No. 1 for the Dewey Avenue Emergency Water Main Repairs
(Council Memo #448-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$64.66 and Payment Estimate No. 1 in the amount of \$67,103.41 on behalf of P.T. Ferro Construction Co.

12. Authorization to Approve Change Order No. 2 and Payment Estimate No. 2 for the Larkin Avenue Water Main Project – 2010
(Council Memo #449-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$37,003.36 and Payment Estimate No. 2 in the amount of \$65,178.51 on behalf of Len Cox & Sons Excavating.

13. Authorization to Approve Payment Estimate No. 1 for the Well Rock 3 (Farrell Road) Rehabilitation Project - 2010
(Council Memo #450-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Payment Estimate No. 1 in the amount of \$8,856.00 on behalf of Layne Christensen Company, Inc.

14. Authorization to Approve Change Order No. 1 and Payment Request No. 2 and Final for the Theodore's Crossing West Punch List Improvements – 2010
(Council Memo #451-10)

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 \$4,782.53 and Payment Request No. 2 and Final in the amount of \$5,734.22 on behalf of Stip Bros. Excavating, Inc.

15. Authorization to Approve Amendment Order No. 5 and Progress Payment No. 68 for the Combined Sewer Overflow Elimination Program Engineering Services Agreement
(Council Memo #452-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Amendment No. 5 in the amount of \$78,790.00 and Progress Payment No. 68 in the amount of \$26,160.00 on behalf of Strand Associates, Inc.

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

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

MAYOR SCHULTZ stated that Girl Scout Troop 800 is at the meeting tonight and he invited them to come up and take a picture with the Council. He also thanked the troop for coming to the meeting tonight.

LICENSES AND PERMIT APPLICATIONS

Deputy Liquor Commissioner Dan Campus stated that the Mayor and Council were provided with an updated list with respect to the calls for service for the locations requesting the expanded beer garden hours.

COUNCILWOMAN QUILLMAN thanked Mr. Campus for all of the work he put into these licenses.

Mr. Campus said he has not been the only one; the Mayor's Secretary, Nancy Franchi, has helped him out a lot.

COUNCILMAN SHETINA said with regards to the calls for service, would it be safe to assume that if they looked at all the establishments in town, they would find the same kind of incidences as are listed for these eight locations.

Mr. Campus said that the calls for service are to a specific address so if someone is pulled over in front of an establishment it is listed for that address. He said their office gets the calls for service as applications are processed to see the history for the specific address. He said it is required that the licensee call the Police Department any time there is a fight, battery or any kind of disturbance.

COUNCILMAN SHETINA stated that just to be fair, there are other establishments that are not applying for this licenses that would have these same kinds of incidences listed.

Mr. Campus said that the only reason he looked at these specifically was to verify that the licensees had not been convicted for breaches of the peace for the preceding twelve month period.

COUNCILWOMAN QUILLMAN asked if anyone has discussed the extended beer garden licenses with the Police Department and what comments they had.

MAYOR SCHULTZ stated that he has talked to the Police Department and they have no problems with the extended licenses.

- A. Issuance of an Expanded Beer Garden Hours License at 1530
Commerce Lane (Heroes West)
(Council Memo #455-10)

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A communication from the Liquor Commissioner contained his findings regarding the application of Heroes West LLC d/b/a Heroes West for the issuance of a Full Expanded Class "O" Liquor License at 1530 Commerce Lane.

COUNCILMAN TURK moved that the issuance of a Full Expanded Class "O" Liquor License for Heroes West be approved.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

B. Issuance of an Expanded Beer Garden Hours License at 73 W. Jefferson Street (McBrody's)
(Council Memo #456-10)

A communication from the Liquor Commissioner contained his findings regarding the application of Triple M&B, LLC d/b/a McBrody's for the issuance of a Full Expanded Class "O" Liquor License at 73 W. Jefferson Street.

COUNCILMAN GIARRANTE moved that the issuance of a Full Expanded Class "O" Liquor License for McBrody's be approved.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

C. Issuance of an Expanded Beer Garden Hours License at 75 N. Chicago Street (Chicago Street Pub)
(Council Memo #457-10)

A communication from the Liquor Commissioner contained his findings regarding the application of Rugger Bard, Inc. d/b/a Chicago Street Pub for the issuance of a Full Expanded Class "O" Liquor License at 75 N. Chicago Street.

COUNCILWOMAN QUILLMAN moved that the issuance of a Full Expanded Class "O" Liquor License for Chicago Street Pub be approved.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

D. Issuance of an Expanded Beer Garden Hours License at 117 N. Center Street (O'Charley's Irish Pub)
(Council Memo #458-10)

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A communication from the Liquor Commissioner contained his findings regarding the application of Brian Thomas Charley d/b/a O'Charley's Irish Pub for the issuance of a Full Expanded Class "O" Liquor License at 117 N. Center Street.

COUNCILMAN TURK moved that the issuance of a Full Expanded Class "O" Liquor License for O'Charley's Irish Pub be approved.

Motion seconded by COUNCILMAN GIARRANTE.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS, COUNCILWOMAN QUILLMAN and
COUNCILMAN UREMOVIC.

COUNCILWOMAN QUILLMAN stated that she is going to have to vote no on this location because she has received several complaints and she has to go with the neighbors' wishes.

COUNCILMAN GIARRANTE stated that something came up yesterday that needs to be reiterated. He said if these businesses have complaints, the Mayor has the authority to take the license away.

The Corporation Counsel stated that is correct, after a hearing.

COUNCILWOMAN QUILLMAN asked if the businesses have the right to appeal and what the State's usual ruling is on appeals.

The Corporation Counsel stated that they would have the right to appeal. He said he would not want to characterize the State to have a usual ruling; it depends on the strength of each case, however, in the past, the State has a perception of being pro licensee and it is his opinion that that perception comes from cases that deal with revocation of the business license resulting in the closure of the business. He said in cases where it is dealing with a reduction in the hours of operation, cities fare much better. He said the City has been successful in defending a case on Jefferson Street; it does take some time but the City was successful in the case for the revocation of extended hours and that process took about a year.

The Corporation Counsel continued that if there is a licensee that has repeated incidents of misconduct, the first time through the process the licensee can stay open during an appeal, but the second time through the process, if there is a suspension, the suspension must be served during the appeal. He said the Mayor has the ability to suspend or revoke the extra hours licenses for the beer garden but the licensee will have due process rights and that would involve an appeal to the State.

E. Issuance of an Expanded Beer Garden Hours License at 1001
Essington Road (Double "J" Sports Bar)
(Council Memo #459-10)

A communication from the Liquor Commissioner contained his findings regarding the application of Double "J" Sports Bar, Inc. d/b/a Double "J" Sports Bar for the issuance of a Full Expanded Class "O" Liquor License at 1001 Essington Road.

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COUNCILMAN GIARRANTE moved that the issuance of a Full Expanded Class "O" Liquor License for Double "J" Sports Bar be approved.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

F. Issuance of an Expanded Beer Garden Hours License at 2755 Black Road (Jameson's)
(Council Memo #460-10)

A communication from the Liquor Commissioner contained his findings regarding the application of Babanis, LLC d/b/a Jameson's for the issuance of a Full Expanded Class "O" Liquor License at 2755 Black Road.

COUNCILMAN GIARRANTE stated he received a message this afternoon and he thinks the lady may have been confused because she asked him to vote against extending the hours of Jameson's and this would extend the beer garden hours. He said if this doesn't get approved, Jameson's can still stay open until their liquor license allows. He said like everyone else, he has received a couple of emails and a call on this but he is going to take Mr. Gelis' word that if he has complaints or problems, he will return his permit or build a sound barrier to keep the noise down. He said with that in mind, he would move to approve.

COUNCILMAN GIARRANTE moved that the issuance of a Full Expanded Class "O" Liquor License for Jameson's be approved.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMEN TURK, UREMOVIC, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, GIARRANTE, SHETINA and MAYOR SCHULTZ.

NAYS: COUNCILMAN DORRIS and COUNCILWOMAN QUILLMAN.

Prior to his vote, COUNCILMAN TURK stated that this license has had the most comments. He said he used to receive a lot of calls regarding noise problems especially from Glenwood Manor residents until Ambrosia left the area, and once they closed, he hasn't received any calls and didn't get any complaints about noise problems until the beer garden was discussed. He said he has every confidence that Jameson's wants to be a good neighbor and the calls he got were people saying that when the establishment closed there were disturbances and noise. He said he would encourage the licensee to work with the neighbors when those calls occur. He said he has every confidence in the Mayor's office that this license will be administered appropriately. He said the Mayor has given every indication in the past that he doesn't tolerate anything that is contrary to what we all believe should be going on and therefore he will vote aye.

COUNCILWOMAN BARBER stated that she also received several calls today regarding Jameson's. She said she thinks that they should be given a chance and she votes aye.

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COUNCILMAN BROPHY stated that this ancillary change in the license probably won't change the issues that the nearby residents have had. He said this probably is a lesson though if you look back to the development of an upscale Italian restaurant and then that closed and another restaurant opened and closed and then finally you have a successful operation that attracts a lot of people, it is going to have residual effects. He said going forward we should keep in mind when we place what looks to be a quiet restaurant that it can change someday because these neighbors do have a point that they were there before the development occurred. He said he doesn't think we can punish the successful business operation however, and in this market, it is obvious to him that for a few months this type of ancillary add-on is a good thing.

COUNCILWOMAN QUILLMAN asked if the ordinance stated 500 ft. from residential zoning for the beer gardens.

Mr. Campus stated that there can be no outside entertainment within 500 ft. of residential.

COUNCILWOMAN QUILLMAN stated that she received several calls and emails today. She said her constituents have asked her to vote no and represent them on this matter therefore she has to vote no.

COUNCILMAN SHETINA stated that the nature of the business creates problems and we all know that. He said he has had calls for and against and one as recently as this evening was from a resident of Glenwood Manor that is real close to the establishment who had nothing but good comments. He said he understands the concern but he is taking Mr. Gelis at his word and hopes that Mr. Gelis respects that.

MAYOR SCHULTZ stated that he knows Mr. Gelis and he thinks he will be a man of his word and run a top notch restaurant and bar as he has done in the past, and he votes aye.

Mr. Peter Gelis thanked the Council and promised he won't let them down.

G. Issuance of an Expanded Beer Garden Hours License at 3151
Voyager Lane (Samy's Bar & Grill)
(Council Memo #461-10)

A communication from the Liquor Commissioner contained his findings regarding the application of Tolios/Andrew, Inc. d/b/a Samy's Bar & Grill for the issuance of a Full Expanded Class "O" Liquor License at 3151 Voyager Lane.

COUNCILMAN GIARRANTE moved that the issuance of a Full Expanded Class "O" Liquor License for Samy's Bar & Grill be approved.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

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H. Issuance of an Expanded Beer Garden Hours License at 205 N. Chicago Street (The Department)
(Council Memo #462-10)

A communication from the Liquor Commissioner contained his findings regarding the application of Cass & Chicago Sts. d/b/a The Department for the issuance of a Full Expanded Class "O" Liquor License at 205 N. Chicago Street.

COUNCILMAN BROPHY moved that the issuance of a Full Expanded Class "O" Liquor License for The Department be approved.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

MAYOR

A. Mayor Schultz – Appointments

Mayor Schultz placed in nomination the appointment of Karen Williams, a resident of Stevenson Building, and Mitthelena Meade (replacing Richard Clementl) to the Housing Authority of Joliet Board of Commissioners.

COUNCILMAN DORRIS moved that said appointments be confirmed.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

MAYOR AND COUNCIL COMMENTS

COUNCILMAN TURK told the Mayor that it was good to have him back.

COUNCILMAN SHETINA commented that he was amazed at the number of events that occurred in Joliet this past weekend. He said there were all kinds of entertainment and he took advantage of most of it including events at Bicentennial Park, the Autobahn and the IHSA baseball tournament at Silver Cross Field.

COUNCILWOMAN QUILLMAN stated that the Wizard of Oz show will be held the next two weekends with the rain date being July 2nd; tickets are \$6.00 for adults and \$4.00 for children. She said there is a twelve piece orchestra this year and they have worked out some of the issues that they had last year. She said the show is interactive for the children and they get goody bags with bubbles, snow, buzzers and wands. She said it really keeps the kids involved but it is for young and old alike, and she invited everyone to attend.

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COUNCILWOMAN QUILLMAN said that she would like to wish everyone a happy and safe Fourth of July and to come see the fireworks. She also thanked everyone who contributed to the fireworks so the shows could go on. She wished Mayor Schultz a very Happy Birthday on July 4th.

COUNCILWOMAN BARBER also wished Mayor Schultz a Happy Birthday.

COUNCILMAN BROPHY stated that he wanted to promote the upcoming museum event. He said he wanted to give a special thanks to the Bicentennial staff and Wizard of Oz actors. He said they came to the museum for the special exhibit and they were there to provide live entertainment, it was a nice cooperative effort on the part of the Bi-park staff and volunteers and the museum staff and volunteers. He said the upcoming event is this Saturday and it's called "Shipwrecked on the Roof". He said this is a rooftop party, the tickets are \$50 and everyone is invited. He said there are also raffle tickets available with a first prize of \$10,000.

COUNCILMAN GIARRANTE stated that Wednesday and Thursday is the Police and Fire annual golf event and they are selling raffle tickets and the money is split between two charities. He said he would like to wish everyone a Happy Father's Day and he wished Mayor Schultz a Happy Birthday.

ADJOURNMENT

COUNCILMAN TURK moved that the Council adjourn at 7:35 p.m.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk