

***Proceedings of the Council of the City of Joliet, Illinois
held on the 6th day of July, A.D. 2010***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, July 6, 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 Pastor Herb Brooks Jr., St. John's Missionary Baptist Church, 104 E. Zarley Boulevard, Joliet, Illinois.

Pastor Brooks 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 GIARRANTE moved that the minutes of the Pre-Council Meeting of the Council of the City of Joliet, Illinois held on Monday, June 14, 2010 at 3:30 p.m. and of the Regular Meeting held on Tuesday, June 15, 2010 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Public Safety

COUNCILMAN GIARRANTE advised that the Committee met this afternoon and reviewed a request from the Police Department to purchase eight computers for the Evidence Section at a cost of \$6,500.00. He said their computers are seven years old and the Committee is recommending the approval of the purchase and money is in the budget for the equipment. He said the Police Department is also requesting the purchase of 18 in-squad computers for \$128,643.00 which will be paid for from the Will County 9-1-1 surcharge grant funds. He said they are also requesting authorization to purchase 10 video cameras for the Evidence Section at a cost of \$7,690.00 to be paid for with Federal Asset Forfeiture Funds.

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COUNCILMAN GIARRANTE said the Committee received an update on the relocation of Fire Station No. 3 as there is a problem with the existing lot. He said Chicagoland Speedway had a problem with water and they had to dig out the area where the station was going to be built, so the City is now requesting to move the station across the gravel entrance road to the east and is asking the Speedway to deed them two acres. He said they are in the process of interviewing construction managers and will be interviewing four candidates on July 15th, with three of the four having experience with building fire stations. He said after that, it will go out for bid and then be brought to the full Council for either approval or denial.

B. Public Service

COUNCILMAN TURK 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 TURK stated the Committee also reviewed the 2011 Roadway Reconstruction Program which is on the agenda tonight and recommended approval of the six projects on the list that total just over \$1 million.

C. Land Use

COUNCILMAN SHETINA stated that the Land Use Committee has a meeting scheduled for this Thursday at 3:30 p.m.

There were no other Committee reports.

AGENDA ITEMS AND REPORTS

A. Position Vacancy – Public Utilities – Maintenance Worker
(Council Memo #463-10)

A communication from the City Manager contained his recommendation that he be authorized to fill the position of Maintenance Worker in the Public Utilities Department internally with the subsequent vacancy not being filled at this time.

COUNCILMAN SHETINA asked why the position has to be filled.

The City Manager stated this position services all of the Utility Plants for the City. He said a year and a half ago there were nine employees filling these positions and now they are down to four employees due to retirements and promotions, so they are very short staffed and are requesting filling one of the five vacancies. He said this position will be filled from within and that vacancy will not be filled so the total number of employees will not increase.

COUNCILMAN SHETINA asked if the salary for the employee would stay the same.

The City Manager said that the salary range would stay the same and the actual salary would depend on the employee that fills the position and where they fall in the salary range.

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

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Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

**B. Approval of the 2011 Roadway Reconstruction Program
(Council Memo #464-10)**

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve the 2011 Roadway Reconstruction Program for six projects in the amount of \$1.1 million to be funded by 2011 Motor Fuel Tax Funds; 2) Authorize the Administration to establish the Special Service Areas for the projects as listed in the Council Memo; and 3) Authorize the Administration to pursue the engineering plans and advertisements for bids for the projects as listed.

COUNCILMAN TURK moved that the recommendation 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.

Prior to her vote, COUNCILWOMAN QUILLMAN asked if the homeowners are aware of the Special Service Areas.

Public Works Administrator Greg Ruddy stated that they have not determined if they will be doing Special Service Areas for the projects. He said this is just the survey work to begin the design process in the fall, and at that time they will decide if they will go forward with Special Service Areas. He said typically a Special Service Area has been the procedure used for these projects and the homeowners will be notified with mailings.

COUNCILMAN BROPHY stated he thought there was a block on Summit Street that was scheduled for 2011 reconstruction. He said the residents had asked for an overlay to be done in 2010 and per an email from Director of Public Works Jim Trizna, instead of doing the overlay, he was going to schedule it for reconstruction in 2011. He said he wants to be sure that we are going to honor that commitment to the residents.

Mr. Ruddy stated he believes there was a discussion with the Joliet Diocese as to what would be the best procedure for that particular project. He stated they can always add the project and right now they are just looking for approval to start the survey work. He said approval does not necessarily mean that the project has to go forward, and with the Motor Fuel Tax Fund procedure, the lead time is much longer to get the projects in the works.

COUNCILMAN BROPHY asked if they could add Summit Street also.

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Mr. Ruddy said that they could do that.

COUNCILMAN SHETINA stated that residents from Prospect Place and Jasper Street had attended a meeting earlier in the year with regard to these projects and he asked if they are aware of the intent to move forward.

Mr. Ruddy responded that they wanted to get approval from the Council before they began the notification procedure.

COUNCILWOMAN QUILLMAN asked if the projects get prioritized after they look at them because Audrey Street has been in dire need for years, but it is the most costly. She asked if they are put in a sequence of need or are the cheaper projects done first and the more expensive projects done later.

Mr. Ruddy stated that it is the City's intent to move forward with all of the projects on the list and let them out for bid within a three month period next year. He said if a project did have to be removed because of cut backs, they would look at the projects with the most need as opposed to cost.

COUNCILMAN UREMOVIC asked if the projects would be bid individually or combined.

Mr. Ruddy said they would be grouped by proximity, for example, Audrey Street and Prairie Avenue are next to each other so that would be one project.

COUNCILMAN BROPHY asked for a summary of what the project order might be if there is \$1.3 million in work and a \$1.1 million budget. He asked how the order is decided, whether it is by Committee, the whole Council, or by staff recommendation.

The City Manager stated that it would be the Council's decision and they are trying to bring these to the Council early in the process to get a jump on the projects. He said it is unlikely that the City will have funding for the traditional NIP program in 2011. He said there may be other sources of federal and state funding funds available and some projects could be added. He said this is really a replacement program for the NIP program and is much lighter than what it was, but these are streets that residents have been asking to have repaired so none of the projects should come as a surprise.

APPROVAL OF REGULAR CURRENT BILLS

- A. Regular Payroll – May 21 – June 3, 2010 - \$2,990,829.89
(Council Memo #465-10)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period May 21, 2010 through June 3, 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.

COUNCILWOMAN QUILLMAN asked if the City was going to be reimbursed for overtime at the race track and the ball park.

The City Manager said yes, the City is following similar funding formulas as in the past with the race track, some of the amount is their responsibility and some of it is the City's or County's responsibility. He said for the ball park, the officers

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assigned to the inside of the park are at the expense of the JackHammers and the officers outside of the park are at the City's expense. He said the City is following the same practice as it has in the last several years.

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

Motion seconded by COUNCILMAN DORRIS.

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.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. AN ORDINANCE Repealing a Variation of Use to Allow the Conversion of an Existing Four-Unit Apartment Building into a Three-Unit Residence Located at 601 Meeker Avenue was presented and read. (#1995-100/Dist. #4)
(Council Memo #466-10)

COUNCILMAN SHETINA asked if the owner of the property is aware of the repeal.

The City Manager said yes, and this is at the point of repeal because the City has sent extensive notices to the owner which is a bank out of California.

COUNCILWOMAN QUILLMAN asked why the repeal took fifteen years. She said in 1995 she was on the Zoning Board of Appeals and the bank didn't come requesting the variation, it was a gentleman and he was given 120 days to comply with the conditions.

The City Manager stated that the property was in use by the petitioner and he was renting the building and must have lost it through foreclosure. He said during the foreclosure process the property fell into disrepair. He said this is not a situation where it has been a problem for fifteen years, it has been a problem for the last couple of years while going through the foreclosure process.

COUNCILWOMAN QUILLMAN stated that at the Zoning Board the rehabilitation was supposed to happen within 120 days and it states in the memo that the rehabilitation was not completed within the timeframe. She asked if the property just slipped through the cracks with the variation just now being repealed.

The City Manager stated that he does not have full knowledge of what happened with the four unit, it looks like there was work done in the mid-1990s but it did not have a full rehabilitation. He said at this point, the building is not in good shape, the bank is being non-responsive and the City would like to keep the process moving forward to get a handle on this. He said it has been declared a public nuisance and is headed to court, and we want to make sure that the zoning that was approved does not continue on with the property. He said it is zoned R-3 so it would still allow for a two-unit, but the previous use was for a more dense use.

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COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16670)

2. 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: 606 Buell Avenue, 603 Gardner Street, 315 Grover Street and 311 Union Street.

(Council Memo #467-10)

COUNCILMAN GIARRANTE moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to her vote, COUNCILWOMAN QUILLMAN asked if 606 Buell was beyond repair.

The City Manager stated that it is not beyond repair but the owner is non-responsive. He said he has spoken to the President of the Cathedral Area Preservation Association about this address in particular indicating that the City would cooperate with anyone who wanted to purchase the property and rehab it. He said it's a beautiful old house, it's just not getting the attention it needs.

(ORDINANCE NO. 16671)

3. Ordinance re: Approving and Authorizing the Execution of a Variance Agreement with AFSCME Local 440
(Council Memo #468-10)
4. Ordinance re: Approving and Authorizing the Execution of a Variance Agreement with IUOE Local 399
(Council Memo #468-10)
5. Ordinance re: Approving and Authorizing the Execution of a Collective Bargaining Agreement with the Joliet FOP Labor Council
(Council Memo #468-10)

COUNCILWOMAN QUILLMAN said she would like to go into closed session before voting on these items as she has several questions.

The City Manager suggested that these items be held until the end of the meeting at which time the Mayor and Council can recess to closed session and then if necessary, reconvene in open session to vote.

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There were no objections.

B. RESOLUTIONS

1. A RESOLUTION Adopting Pace's "Drug and Alcohol Policy and Testing Program" as it relates to the Existing Agreement Between the City of Joliet and the University of St. Francis for the Operation and Use of a Shuttle Bus Between the USF Campus, the Inwood Athletic Club and the City Center was presented and read.
(Council Memo #470-10)

COUNCILMAN DORRIS moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

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. 6395)

2. A RESOLUTION Authorizing the Sale of Neighborhood Stabilization Program Property Located at 1300 N. May Street was presented and read.
(Council Memo #471-10)

Mr. Jeff Gregory, the realtor for the purchaser, thanked the Mayor and Council for the chance to work with the City and be a part of this program.

Ms. Carol Ann Plankar, the purchaser, thanked the Mayor and Council for their assistance and the opportunity to become a first time homeowner.

COUNCILMAN BROPHY moved that said Resolution be adopted.

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.

(RESOLUTION NO. 6396)

3. A RESOLUTION Authorizing the Purchase of 1216 Brookfield Drive for the Neighborhood Stabilization Program was presented and read.
(Council Memo #472-10)
(RESOLUTION NO. 6397)
4. A RESOLUTION Authorizing the Purchase of 1411 Brookfield Drive for the Neighborhood Stabilization Program was presented and read.
(Council Memo #472-10)
(RESOLUTION NO. 6398)

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COUNCILWOMAN QUILLMAN moved that said Resolutions be adopted.

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.

Prior to his vote, COUNCILMAN SHETINA stated that there have been some questions about doing this project in an affluent area, but he has read the appraisals on the properties and the City bought them within the range and probably at the lowest prices in this location. He said this was time and money well spent.

5. A RESOLUTION Appropriating \$192,610.25 in Motor Fuel Tax Funds for the Prairie Avenue (Douglas-Mason)/Taylor Street (Prairie-Raynor) Roadway Improvement Project was presented and read. (Section No. 10-00430-00-FP)
(Council Memo #473-10)

COUNCILMAN GIARRANTE moved that said Resolution be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6399)

6. A RESOLUTION Recognizing the Neighborhood Watch Group of the Cambridge Run Subdivision was presented and read.
(Council Memo #474-10)

COUNCILMAN SHETINA moved that said Resolution be adopted.

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.

Prior to his vote, COUNCILMAN SHETINA stated that he was in the area of Cambridge Run with respect to the quiet zones and there was a train going through and it is loud. He asked what the time frame is on the quiet zone installation.

COUNCILWOMAN QUILLMAN stated it was supposed to be June 22nd. She said the quiet zone did go in on Theodore Street because the residents there are very happy with it.

Public Works Administrator Greg Ruddy stated that there is not a specific date for

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the Gaylord Road crossing but it is anticipated to be later this fall. He said the June 22nd date was just for the Theodore Street and Black Road crossings.

The City Manager said just to be clear, the quiet zones are actually a decision that is made by the Federal Rail Administration and they are inundated with quiet zone requests right, now but the City has worked with Canadian National (CN) in getting our requests moved up. He said CN has been great to the City; they have problems with other jurisdictions but they have been outstanding in working with Joliet.

(RESOLUTION NO. 6400)

7. A RESOLUTION Approving Amendment No. 1 to the Intergovernmental Agreement Between the City of Joliet and the Illinois Department of Transportation for the Local Agency Maintenance of Traffic Control Devices on State Highways was presented and read.

(Council Memo #475-10)

COUNCILMAN SHETINA asked for a brief explanation.

The City Manager stated that the City entered into an intergovernmental agreement with the Illinois Department of Transportation in June of 2002 for the City to maintain the 119 traffic control signals in Joliet. He said the amendment being proposed is to change the incandescent traffic bulbs to the new more efficient LED traffic signal modules. He said 62 of the signals have been completed with 57 yet to be done, and the cost for completing the remaining 57 is just under \$1.1 million. He said the City has negotiated with IDOT for them to pay \$681,000 of the cost, and the remaining \$402,000 would be paid for by a federal grant that was applied for and received last year for energy efficiency. He said this replacement will help with energy efficiency and the life expectancy of the signals.

COUNCILMAN UREMOVIC moved that said Resolution be adopted.

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. 6401)

BIDS AND CONTRACTS

A. Award of Contracts

1. Award of Contract for the Repair to the No. 2 Pump at the Black Road Lift Station
(Council Memo #477-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve an increase to Purchase Order No. 106926 in the amount of \$12,119.70; and 2) Approve Payment No. 1 and Final in the amount of \$13,109.70 on behalf of Gasvoda & Associates Inc.

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2. Award of Contract for the Purchase of a Replacement Pump for the Storage Mix Tank at the Eastside Wastewater Treatment Plant
(Council Memo #478-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Drydon Equipment, Inc. in the amount of \$22,990.00.

3. Award of Contract for the Emergency Repair to the No. 3 Final Clarifier at the Eastside Wastewater Treatment Plant
(Council Memo #479-10)

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 C & T Construction, Inc. in the amount of \$11,700.00.

4. Authorization to Rehabilitate Well 18D Pump
(Council Memo #480-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve an increase to Purchase Order No. 107086 in the amount of \$42,988.00; and 2) Award the contract to Layne Christensen Company in the amount of \$43,978.00.

5. Purchase of AutoCAD Civil 3D 2011 Software Subscriptions for the Engineering Division
(Council Memo #481-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to DLT Solutions, Inc. in the amount of \$23,185.45.

6. Authorization to Repair Roadways Vehicle – Unit ST039
(Council Memo #482-10)

A report on three quotations received for the repair of Unit ST039, a 2002 GMC 2 ½ ton dump truck, was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Bourbonnais Supply, Inc. in the amount of \$7,785.00.

7. Award of Contract for the Masonry Restoration at the Motor Maintenance Division
(Council Memo #483-10)

A report on six bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to IWS, Inc. in the amount of \$41,345.00.

8. Approve Payment for Emergency Repair to Citywide Data/Voice Network
(Council Memo #484-10)

A communication from the City Manager contained his recommendation that the

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Mayor and Council approve the payment of \$67,340.30 to Sentinel Technologies.

9. Award of Contract for the Rehabilitation of the Property at 619 N. Center Street for the Neighborhood Stabilization Program
(Council Memo #485-10)

A report on three bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Paul Gabriel Construction in the amount of \$173,710.00.

10. Approve Payment for Emergency Concrete Repairs on Essington Road Between Jefferson Street and Black Road
(Council Memo #486-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$5,266.47 to Lindblad Construction Co.

11. Award of Contract for the Prairie Avenue (Douglas-Mason)/Taylor Street (Prairie-Raynor) Roadway Improvement Project
(Council Memo #487-10)

A report on five bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Len Cox & Sons Excavating in the amount of \$197,660.25.

12. Approve Payment of the 2010 Wastewater Discharge NPDES Permit Fees
(Council Memo #488-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$137,500.00 to the Illinois EPA Fiscal Services Section.

13. Purchase of Radio System Equipment and Telecommunicator Equipment Utilizing 2010 9-1-1 Surcharge Reallocation Grant Funds
(Council Memo #489-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Award a contract to Miner Electronics in the amount of \$50,370.00 for the purchase of radio system equipment; and 2) Award a contract to Call One, Inc. in the amount of \$8,804.00 for the purchase of telecommunicator equipment.

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

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.

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NAYS: NONE.

B. Amendments, Change Orders and Payments

1. Authorization to Approve Change Order No. 2 and Payment Estimate No. 2 and Final for the Dewey Avenue Emergency Water Main Repairs
(Council Memo #491-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$292.58 and Payment Estimate No. 2 and Final in the amount of \$6,012.34 on behalf of P.T. Ferro Construction Co.

2. Authorization to Approve Change Order No. 1 for the Well Rock 3 (Farrell Road) Rehabilitation Project - 2010
(Council Memo #492-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$7,704.00 on behalf of Layne Christensen Company.

3. Approve Change Order No. 1 for the Replacement of the Entry Gate at the Department of Public Works and Public Utilities at 921 E. Washington Street
(Council Memo #493-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve Change Order No. 1 to Purchase Order No. 106446 in the amount of \$780.00; and 2) Approve the payment of Invoice No. 19254 in the amount of \$5,338.00 on behalf of Marchio Fence Co.

4. Authorization to Approve Change Order No. 2 and Pay Request No. 2 for the 2010 Utilities Restoration Program Phase I Contract
(Council Memo #494-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$27,850.00 and Pay Request No. 2 in the amount of \$39,414.78 on behalf of Anderson Concrete Company, Inc.

5. Approval of Progress Payment No. 5 for the Contract for the Demolition of City and Non-City Owned Properties
(Council Memo #495-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Progress Payment No. 5 and Final in the amount of \$7,380.00 on behalf of Grosshenning, Inc.

6. Authorization to Approve Amendments for the Professional Service Agreements Related to the Disposal of Biosolids Materials
(Council Memo #496-10)

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A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve an amendment to the agreement with Rogina & Associates in an amount not to exceed \$30,000.00; 2) Approve an amendment to the agreement with Drinker Biddle & Reath, LLP in an amount not to exceed \$40,000.00; and 3) Approve an amendment to the agreement with R.S.S.I. in an amount not to exceed \$3,000.00.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

LICENSES AND PERMIT APPLICATIONS

A. Issuance of a Class "B" Liquor License at 2310 Illinois Route 59
(Council Memo #498-10)

A communication from the Liquor Commissioner regarding the application of El Burrito Azteca, Inc. d/b/a El Burrito Azteca for the issuance of a Class "B" Liquor License at 2310 Illinois Route 59 contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILWOMAN QUILLMAN moved that the recommendation of the Liquor Commissioner be concurred in.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

B. Issuance of a Class "I" Liquor License at 24 Ohio Street
(Council Memo #499-10)

A communication from the Liquor Commissioner regarding the application of Hacienda De las Americas, Inc. d/b/a Hacienda De las Americas for the issuance of a Class "I" Liquor License at 24 Ohio Street contained his recommendation that the issuance of this license is in the best interest of the City, and therefore, approval is recommended.

COUNCILMAN BROPHY asked if this was part of the original development and if there is enough parking at the complex to accommodate a banquet hall.

Planning Director Kendall Jackson stated that typically the parking requirement is per the number of seats. He said when this development first came to the City, the banquet hall was not part of the original proposal, however, a number of strip malls have changed their focus and there are a lot of restaurants in these

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shopping centers. He said parking could be a problem but it is not an unusual request.

COUNCILMAN BROPHY asked where the overflow parking would go.

Deputy Liquor Commissioner Dan Campus stated that the owners have an agreement with St. Joseph's Church to park excess cars in their gravel parking lot and the owners have a small lot across the street from the complex.

COUNCILMAN DORRIS asked if this license meets the distance requirement away from a church.

The Corporation Counsel stated that the distance requirement is only 100 ft. so it is pretty easy to satisfy that requirement.

COUNCILWOMAN QUILLMAN stated that the owners have a letter from St. Joe's Church giving them permission to park in the lot, however, she has a question regarding the memo stating that previous problems with the Chief of Police have been resolved, but it does not state what the problems were.

Mr. Campus stated that when the application came to the Council six months ago, the Chief had a problem with an event that the individual was having on his property.

COUNCILWOMAN BARBER stated that she received several calls yesterday and today with concerns with this being so close to a church, and there are a few people in the audience that would like to speak regarding this license.

Pastor Jim Starks of the New Testament Fellowship Church at the corner of Scott and Ohio Streets stated that they have had a lot of problems with drunk drivers and accidents on that corner. He said their insurance company won't insure their fence due to the number of times it has been hit. He said the church feels that there are enough liquor licenses in Joliet and another one is not necessary, especially on this particular corner.

MAYOR SCHULTZ asked when his church opened.

Pastor Starks stated that his church is located in the old Greek Orthodox Church and they have been in this location about 22 years.

COUNCILMAN TURK stated that this license is only for when they have banquets, there won't be alcohol served on a daily basis unless there is a banquet every day.

COUNCILMAN SHETINA asked if the license only allows service for banquets and if the license actually precludes the applicant from serving alcohol daily.

Mr. Campus stated that a Class I license is a City Center license that requires 50% of the income from the sale of food. He said it could operate on a daily basis but the City would be after them if that was the case.

The Corporation Counsel stated that Mr. Campus is correct, the ordinance is what the City would enforce which places a limit of 50% of revenue on the sale of alcohol which is a tough thing to measure but there are forms that have to be filed with the State where the measurement can be reviewed.

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The Corporation Counsel stated that there was a business in the downtown area a few years back that was a restaurant during the day and a club at night. He said this has been confronted before and sometimes businesses change how they operate through the course of the day, and the Mayor's Office has had experience with businesses like this. He said normally we rely on the owner and their sworn statements and testimony when they come before the Mayor and indicate how they are going to operate their business and what type of a business it is going to be. He said the City has been told that this is going to be a banquet facility, and if that changes, at that point it is an enforcement issue and the Mayor's Office would try to figure out what is happening at the establishment.

COUNCILMAN SHETINA asked if that would be appealable to the Illinois Liquor Control Commission in the event the Mayor decided they were not operating as they had presented to the City.

The Corporation Counsel stated that it would be appealable. He said if a business violated the regulations of its license, the license could be revoked, and the property owner has the right to appeal a revocation decision to the State.

COUNCILMAN BROPHY asked about security. He said he understands that the owner has authority to use the church parking lot, but it is not an ideal situation for people to get to their cars and he fears for their safety.

Mr. Campus stated that they have no way of knowing how many people will be allowed for the square footage until the final inspections are completed.

COUNCILMAN BROPHY said that it is also not a healthy signal for those banquet facilities who bought enough space to accommodate parking and set aside enough contingency space for everything and now they'll have an additional competitor that doesn't have to follow the rules.

MAYOR SCHULTZ asked how many people the hall will hold.

The architect of the strip mall stated that the plaza currently has 45 parking spaces on site and the requirement is one space for every five persons at the banquet hall. He said the way this banquet hall is designed, the square footage would hold 295 people. He said the St. Joe's parking lot would only be used for the extra 100 people or 20 cars. He said most of the businesses in the strip mall close at 9 p.m.; there are currently only four businesses and the rest are vacant.

COUNCILMAN BROPHY stated that he would suggest an additional condition if there is a possibility of this being approved. He said since the lot is going to be used for commercial business, it should probably meet the commercial parking ordinance guidelines which is pavement, not gravel. He said he is unsure if we can make that requirement but he thinks the City should at least require that the northern part of the lot be improved for commercial use.

The Corporation Counsel stated that the pavement of commercial parking area is required by ordinance now whether or not there is a liquor license associated with the commercial property. He said pavement of the lot would not need to be attached as a condition of the approval, the regulatory authority would be with the Planning Department now.

COUNCILWOMAN BARBER asked what traffic devices are at the intersection.

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COUNCILMAN GIARRANTE said that there is a stop light at the intersection.

COUNCILWOMAN QUILLMAN asked what the hours of operation are for the facility.

Mr. Campus stated the hours would be the ones typically enforced for liquor licenses in the City which is 6 a.m. to 2 a.m. during the week and 10 a.m. to midnight on Sundays.

COUNCILMAN TURK stated that there seems to be a lot of questions and until the capacity can be determined, he would move to table this for two weeks.

COUNCILMAN TURK moved that the issuance of the liquor license at 24 Ohio Street be tabled to the July 19/July 20, 2010 City Council meetings.

Motion seconded by COUNCILWOMAN QUILLMAN.

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.

Prior to his vote, COUNCILMAN UREMOVIC stated that he has a lot of problems with this operation and doesn't think that it meets any of the requirements at this time but he will vote for the table.

COUNCILMAN GIARRANTE asked if someone would notify St. Joe's that they are going to have to pave the parking lot.

The Corporation Counsel stated that staff would follow up with that and he is sure that the church would ask that the business participate in that expense.

C. Issuance of a Class "B" Liquor License at 2231 W. Jefferson Street (Upgrade from Class "D" to Class "B")
(Council Memo #500-10)

A communication from the Liquor Commissioner regarding the application of MJ & LK Enterprises Inc. (Joseph Passananti) d/b/a Vito & Nick's II for an upgrade to their Liquor License Classification from a Class "D" to a Class "B" License at 2231 W. Jefferson Street contained his recommendation that the upgrade is in the best interest of the City, and therefore, approval is recommended.

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

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

D. Issuance of an Expanded Beer Garden Hours License at 151 N. Joliet Street (Harrah's Casino)

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(Council Memo #501-10)

A communication from the Liquor Commissioner contained his findings regarding the application of Harrah's Entertainment, Inc. d/b/a Joliet Harrah's Casino and Hotel for the issuance of a Full Expanded Class "O" Liquor License at 151 N. Joliet Street.

COUNCILMAN SHETINA asked what the hours would be for Harrah's beer garden given they are open all night.

Mr. Campus stated that they have the extra hour license so it would be until 3 a.m. on Friday and Saturday and 2 a.m. during the week.

COUNCILMAN TURK moved that the issuance of a Full Expanded Class "O" Liquor License for Joliet Harrah's Casino and Hotel be approved.

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: COUNCILMAN DORRIS.

ABSTAIN: COUNCILMAN BROPHY.

MAYOR AND COUNCIL COMMENTS

A. Mayor Schultz - Appointments

Mayor Schultz placed in nomination the following reappointments and appointments to the Committee on Citizens with Disabilities:

Reappointments: Anthony Arellano, Valerie Brew-Parrish, Mary Ann Harvey, Richard Parrish

Appointments: Billie Jo Adams, Charles Fuqua, Gary Jones, Andrea J. Robinson, Judy Thontlin, Sherry Voight, Steven Voight, Karen Wegner

COUNCILMAN GIARRANTE moved that said reappointments and appointments to the Committee on Citizens with Disabilities be confirmed.

Motion seconded by COUNCILWOMAN QUILLMAN.

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.

Ms. Colleen Percy of the Mayfair Subdivision requested that she be allowed to address the Mayor and Council at this time.

COUNCILMAN BROPHY moved that Colleen Percy be allowed to speak.

Motion seconded by COUNCILMAN GIARRANTE.

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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.

Ms. Colleen Percy stated that she is here on behalf of herself and three other residents of the Mayfair Subdivision. She stated that she is not here to lay blame or discredit the Police Department whom she respects. She said their homes back up to railroad property and about six years ago, the City installed storm sewers and told the residents they had to move their fences, but when the project was completed, nothing else was done. She said it wasn't graded level or been maintained and it's now an overgrown weed field that is infested with mosquitoes and crime. She said loud motorcycles and ATVs ride through in the summer and snowmobiles ride through in the winter. She said they have endured underage drinking, smoking and sex leaving behind broken bottles, fires, noise and harassment. She said that they believe gang members are positioning railroad spikes in attempts to derail the trains and there have been broken windows and eggs thrown at their homes.

Ms. Percy stated that the subdivision has worked with the Police Department to solve these issues to no avail. She said she would like to propose the solution they have devised to alleviate the problems. She said a neighbor on Frank Turk Drive has erected a fence in the easement and they are hoping that the fence will remain. She stated they would like to have the railroad grant the residents permission to use the property and the residents are willing to sign a waiver releasing the railroad of liability, and they would ask the City to remove all of the weeds and trees, mow the easement and grade it level. She said they would also ask the railroad to pay for privacy fences for the four residents that back up to the property. She said in return the residents would plant grass seed, trees and bushes in the easement and maintain the property. She said the fencing at both ends would prevent most of the crime that occurs and there would be no place for groups to congregate for drinking and smoking, no tall weeds for fires and mosquitoes and no vehicles would be able to enter.

Ms. Percy said this proposal would beautify the neighborhood, raise property values and save the City revenue because the Police and Fire Departments would not be called as often, and the railroad would be able to keep unwanted people off of their property. She said she is meeting with Director of Community and Economic Development Jim Haller and a representative from the railroad on July 14th at 3 p.m. and she is asking for the City's support in this endeavor. She said it is their hope to be pro-active citizens and work together for the betterment of the community and neighborhood. She also thanked the Mayor and Council for the work they do to keep Joliet a nice place to live.

COUNCILMAN SHETINA stated that he was out there yesterday and went to each of the four homes but no one was home. He said he went down to where the City owned lot is, he walked down behind Ms. Percy's house and also went down to the far end, and most of that area is very nice.

Ms. Percy stated that before the City installed the storm sewer, their fences were 20 to 25 feet further back on railroad property, and they were told by the City that once the project was completed, the fences could not be put back in that same location. She said she would very much like to work with the City and the railroad because the residents are fed up. She said she is tired of the drinking

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and the noise and she can't sit outside in the summer due to the noise from the ATVs and motorcycles. She said she has worked with the Police Department who has hand-delivered letters to each resident expressing to the homeowners that they are not to be on that property, but it still continues.

COUNCILMAN SHETINA stated that this is not the first time they have visited this property over the last twenty years. He said behind these four houses there are some trees that could be knocked down and there are also wet areas that were wet without rain, so it is probably wet a lot of the time. He asked what the City's authority is to have the railroad clean it up.

The Corporation Counsel stated that it depends on what kind of misconduct we are focusing on. He said when the properties were annexed in 1989 or 1990, the railroad right-of-way was never annexed when it was controlled by the EJ&E railroad. He said that 100 ft. wide strip of land is outside the City of Joliet limits so for some offensives such as weeds and property maintenance, that is the County's responsibility.

COUNCILMAN SHETINA said that he will talk with County Board member Goodson and other Board members to involve the County Board and the County Sheriff's Department.

Ms. Percy stated that over the years she has never been told by City staff to speak with the County.

The City Manager stated Canadian National has been very cooperative with the City of Joliet on unrelated matters, but the people that the City is working with hadn't heard about this particular problem. He said his recommendation would be to let the meeting on July 14th happen and try to resolve the matter with CN at that point. He said as far as the police, Police Chief Hayes and his people have taken a leadership role in this because some of the people causing the problems are Joliet residents and officers assigned to that area know some of them. He said from a legal and jurisdictional issue, this property is in the County, but we have gotten involved in it because our police officers have direct knowledge of some of the kids causing problems there. He said after the meeting next week, staff will report back to the Council. He said he is confident we will find a solution with CN's assistance and if we can solve it we will. He said ideally the residents would be allowed to push their fences back where they were onto CN property, but they would need to get their permission.

COUNCILMAN TURK moved that the Mayor and Council recess to closed session at 7:45 p.m. to discuss collective bargaining after which the meeting will be reconvened.

Motion seconded by COUNCILMAN DORRIS.

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

NAYS: NONE.

COUNCILMAN GIARRANTE was out of the room when the vote was taken.

The meeting reconvened at 7:50 p.m. with all members being present.

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1. AN ORDINANCE Approving and Authorizing the Execution of a Variance Agreement with AFSCME Local 440 was presented and read.
(Council Memo #468-10)
(ORDINANCE NO. 16672)
2. AN ORDINANCE Approving and Authorizing the Execution of a Variance Agreement with IUOE Local 399 was presented and read.
(Council Memo #468-10)
(ORDINANCE NO. 16673)
3. AN ORDINANCE Approving and Authorizing the Execution of a Collective Bargaining Agreement with the Joliet FOP Labor Council (2009 – 2012) was presented and read.
(Council Memo #468-10)
(ORDINANCE NO. 16674)

COUNCILWOMAN QUILLMAN moved that said Ordinances be adopted.

Motion seconded by COUNCILMAN UREMOVIC.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN TURK thanked the staff and bargaining unit for their assistance in this process. He said this wasn't a pleasant process, but the fact that these agreements were approved by a large majority speaks well of the employees being willing to take a sacrifice for the City and the younger employees.

Prior to her vote, COUNCILWOMAN QUILLMAN thanked everybody for working very hard on this and she said she is glad it is done.

MAYOR AND COUNCIL COMMENTS

COUNCILMAN BROPHY stated that he read the story in the paper on Sunday about Mr. Markowski and his Joliet Bakery and Pub on Plainfield Road and congratulates him for his decision to land in Joliet and build his version of the American Dream. He said he would like to ask Mr. Markowski to abide by all of the ordinances that pertain to commercial businesses. He said every commercial entity on Plainfield Road from the University to where Joliet meets Crest Hill has paved their parking lot except Mr. Markowski. He said he has asked quietly several times and staff has visited him but yet Mr. Markowski persists. He said he would suggest if possible a suspension of his liquor license until he abides by the commercial ordinance of paving his parking lot and whatever other requirements were part of that license. He said he would like them all reviewed to make sure he is in compliance with everything.

COUNCILMAN GIARRANTE stated that he was downtown for the fireworks on Saturday and he would like to commend all those involved because it was terrific.

COUNCILMAN UREMOVIC stated that he met with the Fairway Estates II

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Condominium Board Members a while ago and gave them an update on the Crescenzo security bond that the City has. He said there is some frustration on their part, they have spoken to the Corporation Counsel and have been told that the bond is still in court. He asked if staff could go out there because there are still some drainage issues and also to give the Board an update on where this might be in court.

The City Manager stated that Mr. Crescenzo is not around anymore and has gone into foreclosure on a lot of projects. He said the City is pursuing the performance bond that was posted although there was not much left of it. He said he is unsure where it stands in court but will follow up on it.

The Corporation Counsel stated he doesn't have the details tonight but he will get them.

COUNCILMAN SHETINA said that with the storm that we had a few weeks back there were a lot of trees down, power outages and other damage and he commended the employees who were out there en masse and cleaned up everything really quick.

COUNCILMAN SHETINA stated that the fireworks at Bicentennial Park were successful, the Wizard of Oz was successful and there are a lot of good things going on in Joliet. He said he just wants people to realize all of the things going on in the City and people don't have to go far for entertainment. He said he would like to congratulate our own witch, Councilwoman Quillman, on the success of the Wizard of Oz.

COUNCILWOMAN QUILLMAN stated that she received several emails from people that were very happy with the quick clean up from the storm so she also wanted to thank everyone for a great job. She also thanked all of the contributors to the fireworks, they were fantastic.

COUNCILMAN BROPHY stated that we owe a thanks to those contributors that stepped up for the fireworks especially Terry D'Arcy from D'Arcy Motors and the Chamber of Commerce.

ADJOURNMENT

COUNCILMAN GIARRANTE moved that the Council adjourn at 8:00 p.m.

Motion seconded by COUNCILMAN BROPHY.

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.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk

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Recorded on Tape