

***Proceedings of the Council of the City of Joliet, Illinois
held on the 7th day of September, A.D. 2010***

REGULAR MEETING of the Council of the City of Joliet, Illinois held on Tuesday, September 7, 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 Karl Hess, St. Peter Lutheran Church, 310 N. Broadway St., Joliet, Illinois.

Pastor Hess 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, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN, DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA and COUNCILMAN AT LARGE MICHAEL F. TURK.

ABSENT: NONE.

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

APPROVAL OF MINUTES

COUNCILWOMAN BARBER moved that the minutes of the Pre-Council Meeting of the Council of the City of Joliet, Illinois held on Monday, August 16, 2010 at 3:30 p.m. and of the Regular Meeting held on Tuesday, August 17, 2010 at 6:30 p.m. stand approved as recorded.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

MAYOR SCHULTZ moved the Proclamations up on the agenda at this time.

A. Proclamation re: Recognizing the Heroic Efforts of Logan Hearn

COUNCILMAN TURK read a Proclamation issued by MAYOR SCHULTZ recognizing the heroic efforts of 9 year old Logan Hearn who saved the life of his 2 year old brother on August 19, 2010 by performing CPR on him after he fell into the backyard pool.

Logan thanked the Mayor and Council for their recognition and said he wanted to especially thank the teacher at Chaney Pool in Crest Hill who taught him CPR.

B. Proclamation re: Recognizing the 90th Anniversary of the Kiwanis Club

COUNCILWOMAN QUILLMAN read a Proclamation issued by MAYOR

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SCHULTZ congratulating Kiwanis of Joliet on their 90th Anniversary and recognizing the importance of their contributions to the community.

Kiwanis President Jennifer Koff thanked the Mayor and Council for their recognition and invited everyone to attend their celebration to be held at the Jacob Henry Mansion on September 15, 2010.

COUNCIL COMMITTEE REPORTS AND AGENDA ITEMS

A. Land Use

COUNCILMAN SHETINA advised that the Committee met this morning and he asked the City Manager to explain Council Memo #644-10 dealing with the Vacation of a portion of Center Street at the request of Ozinga Illinois and a blanket utility easement on the Ozinga property for the CSO River Crossing project.

The City Manager advised that this item was tabled at the last Council meeting due to an issue regarding the CSO project, and Ozinga has agreed to grant an easement without compensation to the City for that portion of their property that may be needed for the expansion of the utilities system to accommodate the CSO project. He said based on the information provided by Howard Hamilton, Strand Engineering and staff, it's probably not economically feasible to cross the river using the Ozinga property, and it probably should be south of the I-80 bridge. He said several alternatives were presented to the Committee this morning that looked very feasible.

COUNCILMAN SHETINA said it should be noted that Ozinga is paying for the vacation in the amount of \$49,500.00.

The City Manager said that's correct, based on an appraisal done by James V. Smith & Associates for all of the Center Street portion being vacated, and the small portion of Jasper Street.

COUNCILMAN SHETINA said and the City would maintain its easement and any other rights, and Ozinga's operation wouldn't be disrupted.

The City Manager said that's correct. He said this stretch of Center Street isn't really used by the public right now so it won't be changing anything that currently is there. He said Ozinga has plans to improve the property and deal with some storm water issues. He said there's a nearby property owner who has asked the City several times for some relief and this should help with creating some opportunities to control storm water and also help their situation because they also experience some flooding when there are big rains.

COUNCILMAN SHETINA said we appreciate Ozinga's cooperation also.

COUNCILMAN GIARRANTE said every time it rains he gets a phone call from that property owner about the water, and he asked how this will alleviate his problem.

Mr. Barry Voorn of Ozinga Redi-Mix Concrete stated they have had recurring flooding when there has been major rain events in the area, and their plan is to put in a sewer with a drain further south. He said that's a particularly low area of their property, and they intend to move, via that sewer, water further to the south

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and then drain it into the river. He said they have been working with both the City and the Army Corps of Engineers to accomplish that and believe they are very close to having final approval of that. He said they just need to vacate Center Street and part of Jasper in order to do that. He said an additional reason they are requesting that vacation is because they own land on either side of what is Center Street now and this would consolidate their holdings and they believe makes the area more usable and is a property not currently being used for street purposes.

COUNCILMAN GIARRANTE said the property owner also said something about the pile of concrete that is supposed to be moved and he asked if there are any plans about that.

Mr. Voorn said he's not familiar with that but he will follow up on it.

1. AN ORDINANCE Approving the Vacation of a Portion of Center Street, South of McDonough Street and terminating just South of Jasper Street, West of 504 Railroad Street as recommended by the Plan Commission subject to the payment of the appraised market value in the amount of \$49,500.00 was presented and read. (#V-3-10/Dist. #5)
(Council Memo #644-10)
(ORDINANCE NO. 16688)
2. A RESOLUTION Accepting the Grant of a Blanket Utility Easement for the CSO DesPlaines River Crossing Project on the Ozinga Property was presented and read.
(Council Memo #644-10)
(RESOLUTION NO. 6417)

COUNCILMAN GIARRANTE moved that said Ordinance and Resolution be adopted as recommended.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

The City Manager stated the Land Use Committee also reviewed Council Memo #658-10 dealing with a Tax Incentive for the Navistar Distribution Facility in the Cherry Hill Business Park and Reallocating the City's Recovery Zone Facility Bond Allocation to the Illinois Finance Authority.

The City Manager stated City staff has been working in conjunction with John Grueling and the Center for Economic Development in Will County to attract quality businesses that bring great paying jobs and add to the City's economic base in the community. He said Mr. Grueling brought forward a project a few weeks ago involving Navistar, formerly the International Harvester Company, that builds farm equipment, light trucks and diesel engines. He said they currently have a distribution center in the Warrenville area and there have been discussions about having them relocate that facility to the Cherry Hill Business Park located on the southeast side of Joliet. He said they would locate in an existing building that has not been occupied.

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The City Manager said Navistar is proposing to bring in at least 100 jobs, probably more, and these jobs would be union jobs and would have a beginning pay of \$14.00 per hour, an average pay of \$19.00 per hour, and they would take the existing facility, improve it and also expand it. He said Joliet is competing with other communities that would like to have a project like this in their business parks, and Mr. Grueling has been able to coordinate an effort from the County, Union School District, Joliet Township High School District and the City of Joliet to provide a three-year, 50% real estate tax abatement. He said staff has reviewed it with Mr. Grueling and Mark Luginbill of Navistar and is recommending its approval. He said this would be about a \$40,000 a year incentive that would be provided over the next three years.

The City Manager stated the other part of this is an agreement to cede the Recovery Zone Facility \$10 million bonding authority given to the City by the federal government to the Illinois Finance Authority (IFA). He said Navistar needs to finance this project as well as another project in the State of Illinois, and this would give us an opportunity to consolidate our allocation along with other communities and other counties who have an allocation to use it for a master financing plan for Navistar's expansion efforts in Illinois. He said the City of Naperville is taking action on the same request this evening. He said Navistar will be paying to the City about \$15,000 for ceding its authority to the IFA that will provide a consolidated loan for Navistar to do its projects in Illinois, including the one here. He said staff sees that as a good use of the funds, we don't have any active projects that would be eligible for that bonding allocation, and we think it's appropriate. He said the Land Use Committee reviewed it this morning and recommended its approval, and staff is doing the same.

COUNCILMAN SHETINA said they are going to add about 300,000 sq. ft. to the 500,000 sq. ft. building and that's a big construction project in and of itself, and we did ask that in the process of hiring employees, if they bring people in, that they give preference if they can to Joliet and Will County workers and hope that they keep that in mind in the hiring process. He said he thinks that's important also.

The City Manager said we have reviewed that with Mr. Luginbill and he understands that. He said much like Central Grocers, some of their employees will follow them here when they relocate, but there are a lot of new job opportunities and we've talked about jobs for Joliet residents and also about a minority workforce.

COUNCILWOMAN QUILLMAN said there is going to be a minimum of 100 jobs, 80% being union, and she asked if the other 20% would be temporary jobs.

Mr. Luginbill said right now they have 146 people working at their West Chicago distribution facility. He said it's a very old facility, about 50 years old, and very inefficient, so they think they can reduce the head count by being more efficient at this new facility. He stated when they have been submitting various applications to the State they have been very conservative with their employment estimate and they used 100 because they don't want to be in a situation where they overestimate. He said they have used 100 in their official applications, and he thinks it will be more like 100 to 135. He said the 20% non-union jobs are clerical workers who sit in an office.

COUNCILWOMAN QUILLMAN asked if those would be temporary employees,

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like they're there for 90 days and then they're gone.

Mr. Luginbill said they don't have any temporary employees that work there, they are all full-time employees.

COUNCILWOMAN QUILLMAN said so they would be regular, permanent employees and Mr. Luginbill said that's correct.

COUNCILMAN SHETINA asked Mr. Grueling if he wanted to make any comments.

Mr. Grueling said this has been a partnership effort as most of these projects are, working with the schools and County leadership and here at the City. He said he thinks it shows companies like Navistar that we've got our act together and that when push comes to shove, we can deliver.

Mr. Grueling said he would like to speak to COUNCILWOMAN QUILLMAN's comments on temporary employees because he is very sensitive to that issue. He said it is important for the City Council to know that over the last year they have done two things with their profiling and evaluating industrial and warehouse projects for tax abatements. He said the first thing they did, which was driven by the County Board, is they raised the bar for warehouse projects to qualify for tax abatement. He said they raised the bar on the number of jobs, they raised the bar on the investment, and a company doesn't get bonus dollars for expanding a local warehouse or having any sort of existing focus here in the County like for a manufacturer. He said they will also not accept an application from a company that hires temporary workers to run their warehouse. He said we recognize that sometimes hiring temporary workers is part of the business, but they are told in the beginning that we will not provide any incentives for those types of operations.

COUNCILWOMAN QUILLMAN thanked Mr. Grueling for that and said she just wanted it on the record.

3. A RESOLUTION Authorizing a Three Year 50% Tax Incentive for the Navistar Distribution Facility was presented and read.

(Council Memo #658-10)

(RESOLUTION NO. 6418)

4. A RESOLUTION Reallocating the Recovery Zone Facility Bond Allocation to the Illinois Finance Authority was presented and read.

(Council Memo #658-10)

(RESOLUTION NO. 6419)

COUNCILMAN BROPHY moved that said Resolutions be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

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COUNCILMAN SHETINA continued with the Committee report and stated the City was successful in receiving \$1.5 million from the federal government in 2010 Community Development Block Grant (CDBG) and HOME funds. He asked Neighborhood Services Director Alfredo Melesio for a synopsis of what is done with this funding.

Mr. Melesio said for years we have used the funds for the local homestead program, code enforcement throughout the community to demolish buildings, graffiti removal, and general administration. He said it should be noted that about 50% of the funds are used for program delivery for neighborhood services, and the other funds are used to fund projects like for Habitat for Humanity, Liberty Meadows Estates, and different projects for Cornerstone. He said a portion of those funds do have to be used to specifically target the very low income portion of the population for housing. He said in the next couple of weeks a notice will be put out on the public hearing they have to hold on their action plan and he encouraged everyone to attend. He said the draft plan will be available that will explain what they will be doing with the funds for this year. He said that plan will be brought back to the Mayor and Council for approval.

COUNCILMAN SHETINA asked Mr. Melesio to explain the number of people who are paid through these grant programs.

Mr. Melesio said currently nine employees are paid a portion of their salary from these federal funds. He said the three other employees that run the rental inspection program are not eligible. He said the grants don't pay for health benefits but it does include a portion of their salary to do things like code enforcement in certain parts of the City.

COUNCILMAN SHETINA said this is also a little bit more elastic than we realized and there are some other things that can be done with homeowner assistance and those kinds of things, but the majority of the money has to go into targeted areas for the help that we give them now with home ownership and that kind of thing.

Mr. Melesio said CDBG Funds are also being used for public infrastructure such as the contract that's on the agenda this evening for completing Clement Street, but at the end of the day, they have to report that 70% of the funds were used to benefit low, moderate income census tracts.

COUNCILMAN SHETINA said the Committee also had a very brief discussion about Cash America and Frank Kula and his brother Mark who have been in the loan business a long time in Joliet expressed an interest that they would be able to open another store on the west side of town and not shut down their downtown store. He said if the Cash America store is approved, they want the same benefit of being able to go to the west side. He said he understands CAPA is still meeting on it and there will be a hearing on it in the next two or three weeks.

B. Baseball

COUNCILMAN GIARRANTE said he knows there was a request for a Baseball Committee meeting and he would ask the Committee members to give the City Manager some dates starting next week or the week after so a meeting date can be set.

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COUNCILWOMAN QUILLMAN said she would like to know why that wasn't done three weeks ago when she asked for it.

COUNCILMAN GIARRANTE said he doesn't know.

The City Manager said he met twice with the baseball ownership group after the last Council meeting and went over some of the financial concerns that we have, and they're aware of what we're expecting in the next two weeks. He said he told them that there would be a Baseball Committee meeting scheduled and we would expect them to attend and respond to questions from the Committee and the City staff. He said it's a scheduling issue right now and they do know there will be a meeting soon. He said we'll follow up and schedule a meeting when everyone is available.

COUNCILWOMAN QUILLMAN said the problem she has with that is she asked for that meeting on the 17th of August, this is September 7, and she had to read about their problems in the newspaper, and that's what she wanted to be briefed on.

The City Manager said a meeting will be scheduled as soon as possible.

COUNCILWOMAN QUILLMAN said three weeks is a long time for someone to get a meeting together and that was not done.

COUNCILMAN SHETINA asked that the whole Council be involved in that meeting.

COUNCILWOMAN QUILLMAN said she would like that held before the next Council meeting.

The City Manager said he would work with the Mayor's Office in scheduling that.

C. Public Safety

COUNCILMAN GIARRANTE stated that the Committee met this afternoon and was informed that the Police Department has been chosen by the International Association of Chiefs of Police to do a five minute documentary on their department because they are accredited and also the crime rate has gone down. He said this will be shown to about 25,000 people plus they will put it on the internet for people to view. He said the cost of this is \$19,500 with the money to come from federal asset forfeiture funds.

COUNCILMAN GIARRANTE said the Committee received an update on Fire Station 3 from the construction manager who met with different contractors to get a rough number on the project. He said this has not been bid yet and we were informed that the bid numbers will be less than the numbers that he got from the contractors that he talked to.

COUNCILMAN GIARRANTE said the Fire Department has also made a request to put a limit on how far response team members can live from the City limits. He said right now there is no residency or a limit on how far a City employee can move. He said they want to put a five mile limit on it, so when the dive team or the Hazmat team or the CART team need to be summoned, that they are close enough that they can be here within a reasonable amount of time. He said the Fire Chief has met with the two bargaining units and there is some disagreement,

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but he feels it can be worked out. He said the Chief is looking at a five mile limit, and the existing team members will be grandfathered, but any new team members will have to live within the five mile limit.

COUNCILMAN SHETINA asked if the City has the authority to commit them to that.

COUNCILMAN GIARRANTE said they'll have to sign an agreement that they live within five miles, and if they move outside of that, that would affect their resignation from the team. He said we have been informed by the City Manager that we can legally do that.

D. 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. He said at the end of the meeting they turned it into a joint meeting with the Land Use Committee to discuss the Navistar distribution facility that was detailed earlier.

E. Water Park

COUNCILMAN GIARRANTE said he did receive a year to date report last week and he had some questions that he needed to talk about with the Park District. He said he will get a clarification and have a report at the next meeting.

COUNCILWOMAN QUILLMAN asked if it made any money.

COUNCILMAN GIARRANTE said he was not sure, it's not complete because next year's season passes go on this year's revenues, so they compare how many passes they had last year and how many they had this year and their expenses, but they're not final numbers because their season passes that are being sold at the end of the year will go on this year's revenues.

F. Communication, Technology and Information Systems

COUNCILMAN BROPHY advised that the Committee will hold a meeting on September 20, 2010 at 2:00 p.m.

There were no other Committee reports.

It was requested that Council Memo #653-10 be moved up on the agenda at this time.

5. A RESOLUTION Authorizing the Sale of Property at 3800 Flowermeadow Street to Melissa and John Hensley for \$158,900.00 under the Neighborhood Stabilization Program was presented and read.
(Council Memo #653-10)

Realtor Jeff Gregory introduced Melissa and John Hensley who thanked the Mayor and Council for the opportunity to purchase their new home.

COUNCILWOMAN BARBER 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, COUNCILWOMAN BARBER,
COUNCILMEN BROPHY, DORRIS and MAYOR SCHULTZ.

NAYS: NONE.

AGENDA ITEMS AND REPORTS:

A. Position Vacancies

(Council Memo #640-10)

A communication from the City Manager contained his recommendation that he be authorized to fill three Captain positions in the Police Department which are vacant due to the retirement of the incumbents in 2009 and an arbitration award decision in 2010.

COUNCILMAN SHETINA said that the City Council really has nothing to do with this and he suggested that this be pulled off of the agenda.

The City Manager stated that he had made a recommendation not to fill these three positions due to the economic challenges that the City has, and the leadership group from the union that represents the command personnel in the Police Department disagreed with his action and filed a grievance. He said the grievance went before an arbitrator for a final resolution, and based on past history and some letters that were signed many years ago, the arbitrator found in favor of the grievance and ordered the three positions filled. He said the Council really doesn't have much discretion, but the rules that have been operated under for many years require him to come to the Council for authorization to fill a position vacancy. He said these promotions have already been placed on the Fire and Police Board agenda for their next meeting, so at this point there's no need to vote on this item.

B. Modifications to the 2009 Districts 1, 2, 3 and 4 Neighborhood Improvement Programs

(Council Memo #641-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve modifications to the 2009 Districts 1, 2, 3 and 4 Neighborhood Improvement Programs by adding the following projects:

- 1) District 1 – 2409 Fresno Lane (Brookside Subdivision) Rear Yard Drainage Improvement Project (\$9,320.00) and Squires Mill Subdivision Rill Pump Replacement Project (\$13,000.00)
- 2) District 2 – 612 Lavinia Lane Rear Yard Drainage Project (\$14,000.00)
- 3) District 3 – 215 Westport Drive (Twin Oaks Subdivision) Rear Yard Drainage Project (\$6,500.00) and Fairway Estates Phase 2 Subdivision (east side of Caterpillar Drive) Drainage Project (\$14,000.00)
- 4) District 4 – 1105 Woodruff Road Alley Drainage Project (\$15,000.00)

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

COUNCILMAN BROPHY asked for a clarification on Council Memo #640-10 and whether the Council needed to authorize the City Manager to fill these position vacancies.

The City Manager said COUNCILMAN SHETINA made the point that the Council really doesn't have much discretion because the City has been ordered by an arbitrator to fill the three Captain positions. He said the Council's policy with the staff is not authorizing the filling of any positions without getting permission to do so. He said that's a policy that probably goes back 27 or 28 years and that has been followed since then. He stated he was bringing this to the Council because that is the policy, and if the Council were to vote it down, he and the Corporation Counsel would advise that the Council really doesn't have the discretion to vote it down. He said he thinks what he is hearing is the Council is not taking a vote on this, he's just being told to execute the arbitrator's decision.

COUNCILMAN GIARRANTE said that the Council has no say, the arbitrator rules and it's a binding arbitration.

The City Manager said that's by contract language and it's a system that is in most union contracts.

COUNCILWOMAN QUILLMAN asked if legally the Council has to vote on it since it's a part of the Ordinance that's in place.

The Corporation Counsel said legally the City is required to fill the positions. He said staff's recommendation is that it be presented for a vote. He said the City does have an ordinance that has been in place since 1984 that requires staff to bring position vacancies to the Council.

COUNCILMAN SHETINA said he knows the intent of that and that was when a legitimate hire was brought to the Council, even with promotion cases, and that's when we wanted staff to bring it to us. He said this would dignify the arbitrator doing what they do and saying that we put our imprimatur on it and we're not. He said we shouldn't put our imprimatur on something we have no control over; we should not do it.

The Corporation Counsel said he thinks that staff was recommending that we follow past practice in filling vacancies. He said that the City Manager has indicated that he feels satisfied that he can pursue this administratively, hearing no objections.

COUNCILWOMAN QUILLMAN asked if we should be voting on this anyway because that has been the past practice.

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The Corporation Counsel said the ordinance remains in place and the next time there are vacancies, whether they are created by judicial obligation like this case or by an ordinary vacancy, he thinks past practice will be followed again, and he thinks the City Manager is getting the sense of the Council that they are somewhat dissatisfied with the decision of the arbitrator. He said the obligation to fill the spots is there and we have to act in a reasonable amount of deliberation and diligence in doing that.

COUNCILWOMAN QUILLMAN asked if we are violating our ordinance.

MAYOR SCHULTZ asked if there is an ordinance.

The Corporation Counsel said there is an ordinance that required the City Manager to get authorization before proceeding with filing vacancies. He said the Council can authorize the City Manager to proceed in different ways, and our sense of it is that the Council is authorizing the City Manager to proceed with verbal direction given to him at a Council meeting, and that does not violate the ordinance. He said any appointments that would be made would be proper appointments and the Captains that would be promoted into this rank would hold all the privileges of that position and they would be proper promotions. He said in his opinion, the better procedure is for a vote, but if it's the sense of the Council to proceed without the vote, they will still be proper promotions.

COUNCILWOMAN QUILLMAN said she thinks we should take a vote.

COUNCILMAN SHETINA said the intent of the ordinance was this, that when there is a legitimate request for the Council to act upon a hire, then that's when it's done. He said this is not the Council's request and this is not the intent of the ordinance. He said the intent was very clear, when staff comes to the Council and wants to hire these people or promote these people we act upon it, and this has nothing to do with that. He said he's not denigrating whoever these people who get the jobs are, that's fine, but we should not put our imprimatur on an arbitrator who says this is what you're going to do, it has nothing to do with the ordinance that we have.

COUNCILMAN GIARRANTE said his feeling not to vote on this has nothing to do with whether he agrees or disagrees with the arbitrator. He said he has been through many arbitrations, lost some, won some, and we all figure we should win them all, but it doesn't work that way. He said we have that process to decide any disagreements that we have and we lost it, the arbitrator ruled, and he believes we were told a while back that we had a good chance of losing that because of some agreement they had. He said that has nothing to do with his vote. He said he feels it's not necessary, the arbitrator ruled that these people have to be promoted, it's done, it's binding. He said we can't vote not to promote these people, that's a binding arbitration, so whether we vote for or against it, it's going to be done.

The Corporation Counsel said the City is absolutely obligated now to make these promotions. He said if he misinterpreted Councilman Giarrante's personal reasons for declining to vote on this, that's fine, he's just referring to the past practice that with every vacancy of whatever magnitude or however it came into being, it was the expectation of the Council that the City Manager bring the subject to the floor of the City Council meeting and get authorization.

COUNCILMAN GIARRANTE asked if every arbitration that Local 44 won came

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back to the Council for approval.

The Corporation Counsel said if it involved a vacancy, it should have. He said the Council can modify its policies whenever it would like to and if it doesn't want the City Manager to present these types of vacancies in the future, the Council has made that clear, and staff can act accordingly. He said staff was operating under the past practice which is that vacancies come back to the Council. He stated if there was an arbitration decision involving implementation of a back pay issue or something that did not involve a vacancy, then this policy was not affected in any way and there was no reason to bring implementation of the decision to the Council. He said in the past, whenever any vacancy was sought to be filled, for whatever reason, either legal obligation or City Manager recommendation, the practice has been to come before the Council.

COUNCILMAN GIARRANTE said isn't every contract an ordinance.

The Corporation Counsel said every contract is approved by an ordinance, yes.

COUNCILMAN GIARRANTE said so if there is a disagreement in the contract, and the arbitrator rules this is what the contract says, and it's not an agreement with the City, then that should have been brought back to the Council too and it hasn't, never has.

The Corporation Counsel said the Council through its personnel policies, through its budget ordinance, through its collective bargaining agreements, has structured how employees are to be paid, and usually grievances deal with money. He said the arbitrator will decide that one way or the other, and if it's in favor of the employee, then the Council has already set the framework for how that should be implemented and it becomes an administrative matter to implement what an arbitrator has ordered, and there is no policy that the Council has established to bring those types of decisions back here for final consideration. He said there is a different rule that has been followed in the past for filling of positions because that involves a much larger issue normally, it involves the Police and Fire Board, it involves a competitive situation between employees of the department, and there are other factors involving promotions where it's uncertain who will benefit from that decision, so it's usually a big deal when you're dealing with vacancies. He said or you're dealing with new positions that are being created that involve major changes to the budget which is a big deal, and which is why it comes back. He said secondary issues like overtime pay are usually a much smaller magnitude and don't come back here for implementation, and vacancies always have, but they don't have to.

COUNCILMAN GIARRANTE said he'll agree to disagree.

COUNCILMAN BROPHY said he agrees with COUNCILMAN SHETINA in that he thinks it would contradict the fact that by instructing the City Manager not to fill the positions and by authorizing staff to participate in the arbitration, we've already staked our position. He said the ordinance to review and approve vacancy filling is one of prerogative, it's not statutory, and we can take that prerogative any time we'd like. He said there's no need to vote on it, it would contradict our earlier decisions.

The Corporation Counsel said then he understands it's the consensus of the Council as a policy matter that the ordinance requiring specific authorization prior to the filling of vacancies wouldn't apply necessarily to things that the City is

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already obligated to by an arbitration or a judicial decision.

COUNCILMAN SHETINA said it is clear to him that it was never the intent of those of us who participated in the drafting of that ordinance that something beyond our control would be considered a normal, bring it to the Council event, based on a promotion or whatever it might be. He said it is clear to him that something like this does not have to come to the Council and should not come to the Council.

PUBLIC HEARINGS

A. Public Hearing re: Annexation of 39.51 Acres South of Route 6 and East of Terry Drive

1. Resolution re: Approving an Annexation Agreement for 39.51 Acres South of Route 6 and East of Terry Drive (#A-90-08/Dist. #3)
(Council Memo #642-10)
2. Ordinance re: Approving the Annexation of 39.51 Acres South of Route 6 and East of Terry Drive (#A-90-08/Dist. #3)
(Council Memo #642-10)
3. Ordinance re: Approving the Classification of 39.51 Acres South of Route 6 and East of Terry Drive to I-2 Zoning (#A-90-08/Dist. #3)
(Council Memo #642-10)

B. Public Hearing re: Annexation of 13.9 Acres South of Route 6 and East of Terry Drive

1. Resolution re: Approving an Annexation Agreement for 13.9 Acres South of Route 6 and East of Terry Drive (#A-91-08/Dist. #3)
(Council Memo #642-10)
2. Ordinance re: Approving the Annexation of 13.9 Acres South of Route 6 and East of Terry Drive (#A-91-08/Dist. #3)
(Council Memo #642-10)
3. Ordinance re: Approving the Classification of 13.9 Acres South of Route 6 and East of Terry Drive to I-2 Zoning (#A-91-08/Dist. #3)
(Council Memo #642-10)

C. Public Hearing re: Annexation of 11.88 Acres South of Route 6 and East of Terry Drive

1. Resolution re: Approving an Annexation Agreement for 11.88 Acres South of Route 6 and East of Terry Drive (#A-92-08/Dist. #3)
(Council Memo #642-10)
2. Ordinance re: Approving the Annexation of 11.88 Acres South of Route 6 and East of Terry Drive (#A-92-08/Dist. #3)

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(Council Memo #642-10)

3. Ordinance re: Approving the Classification of 11.88 Acres South of Route 6 and East of Terry Drive to I-2 Zoning (#A-92-08/Dist. #3)
(Council Memo #642-10)

D. Public Hearing re: Annexation of 36.58 Acres South of Terry Drive

1. Resolution re: Approving an Annexation Agreement for 36.58 Acres South of Terry Drive (#A-93-08/Dist. #3)
(Council Memo #642-10)
2. Ordinance re: Approving the Annexation of 36.58 Acres South of Terry Drive (#A-93-08/Dist. #3)
(Council Memo #642-10)
3. Ordinance re: Approving the Classification of 36.58 Acres South of Terry Drive to I-2 Zoning (#A-93-08/Dist. #3)
(Council Memo #642-10)

E. Public Hearing re: Annexation of 14.38 Acres South of Terry Drive

1. Resolution re: Approving an Annexation Agreement for 14.38 Acres South of Terry Drive (#A-94-08/Dist. #3)
(Council Memo #642-10)
2. Ordinance re: Approving the Annexation of 14.38 Acres South of Terry Drive (#A-94-08/Dist. #3)
(Council Memo #642-10)
3. Ordinance re: Approving the Classification of 14.38 Acres South of Terry Drive to I-2 Zoning (#A-94-08/Dist. #3)
(Council Memo #642-10)

F. Public Hearing re: Annexation of 23.02 Acres South of Terry Drive

1. Resolution re: Approving an Annexation Agreement for 23.02 Acres South of Terry Drive (#A-95-08/Dist. #3)
(Council Memo #642-10)
2. Ordinance re: Approving the Annexation of 23.02 Acres South of Terry Drive (#A-95-08/Dist. #3)
(Council Memo #642-10)
3. Ordinance re: Approving the Classification of 23.02 Acres South of Terry Drive to I-2 Zoning (#A-95-08/Dist. #3)
(Council Memo #642-10)

G. Public Hearing re: Annexation of 11.43 Acres South of Terry Drive

1. Resolution re: Approving an Annexation Agreement for 11.43 Acres South of Terry Drive (#A-96-08/Dist. #3)
(Council Memo #642-10)

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2. Ordinance re: Approving the Annexation of 11.43 Acres South of Terry Drive (#A-96-08/Dist. #3)
(Council Memo #642-10)
3. Ordinance re: Approving the Classification of 11.43 Acres South of Terry Drive to I-2 Zoning (#A-96-08/Dist. #3)
(Council Memo #642-10)

H. Public Hearing re: Annexation of 22.31 Acres South of Route 6

1. Resolution re: Approving an Annexation Agreement for 22.31 Acres South of Route 6 (#A-97-08/Dist. #3)
(Council Memo #642-10)
2. Ordinance re: Approving the Annexation of 22.31 Acres South of Route 6 (#A-97-08/Dist. #3)
(Council Memo #642-10)
3. Ordinance re: Approving the Classification of 22.31 Acres South of Route 6 to I-2 Zoning (#A-97-08/Dist. #3)
(Council Memo #642-10)

A communication from the City Manager contained a request by the petitioner, CenterPoint Joliet LLC, that said items be tabled to the City Council meeting of November 16, 2010 to allow the petitioner additional time to review the proposed annexation agreement.

COUNCILMAN BROPHY moved that said items be tabled to the November 16, 2010 City Council meeting.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

APPROVAL OF REGULAR CURRENT BILLS

- A. Regular Payroll – July 30 – August 12, 2010 - \$2,910,618.58
(Council Memo #643-10)

Biweekly Payroll Summary Reports of the total cost of regular salaries for the period July 30, 2010 through August 12, 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 DORRIS moved that the recommendations of the City Manager be concurred in.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

AYES: COUNCILMAN TURK, COUNCILWOMAN BARBER, COUNCILMEN BROPHY, DORRIS, GIARRANTE, COUNCILWOMAN QUILLMAN,

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COUNCILMAN SHETINA and MAYOR SCHULTZ.

NAYS: NONE.

ORDINANCES AND RESOLUTIONS

A. ORDINANCES

1. Ordinance re: Approving the Vacation of a Portion of Center Street, South of McDonough Street and terminating just South of Jasper Street, West of 504 Railroad Street (#V-3-10/Dist. #5)
(Council Memo #644-10)
2. Resolution re: Accepting the Grant of a Blanket Utility Easement for the CSO DesPlaines River Crossing Project on the Ozinga Property
(Council Memo #644-10)

These items were approved earlier in the meeting.

3. AN ORDINANCE Approving the Reclassification of 526 South Chicago Street from R-3 Zoning to R-2 Zoning as recommended by the Plan Commission was presented and read. (#Z-3-10/Dist. #5)
(Council Memo #645-10)

COUNCILMAN DORRIS moved that said Ordinance be adopted.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16689)

4. AN ORDINANCE Approving a Special Use Permit to Allow an Auto and Motorcycle Repair Business in a B-3 District Located at 1526 North Raynor Avenue as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That the petitioner work with staff to determine the most suitable type of fencing to screen the business from neighboring residential property; 2) That the hours of operation will be Monday – Friday, 7:30 a.m. – 5:30 p.m., and Saturday, 8:00 a.m. – 1:00 p.m.; 3) That no inoperable vehicles be stored outside on the property; 4) Should the property be declared a public nuisance, the matter shall be scheduled for administrative hearing and possible revocation of the Special Use Permit; and 5) Should the petitioner fail to meet the required conditions, the matter shall be scheduled for administrative review and possible revocation of the Special Use Permit. (#2010-41/Dist. #2)
(Council Memo #646-10)

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COUNCILMAN TURK moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

Prior to his vote, COUNCILMAN SHETINA asked if this is a Special Use Permit that runs with the property and is already there.

The City Manager said there was an auto repair garage at that site and the lessee is coming to the City asking for a Special Use Permit to be able to operate an auto and motorcycle repair shop in the facility. He said the lessee will need the Council's approval in order to operate that business there even though there was a similar business there in the past.

COUNCILMAN SHETINA asked if the people in the neighborhood are aware of this and whether a meeting was held.

The City Manager stated there was a public hearing before the Zoning Board of Appeals on August 19, 2010, notice was given out, the sign was put up, a newspaper notice was published and there was no response from the neighbors. (ORDINANCE NO. 16690)

5. AN ORDINANCE Approving a Special Use Permit to Allow an Indoor Climate Controlled and Outside Secured/Sheltered Storage Facility at Marycrest Shopping Center Located at 2134 W. Jefferson Street as recommended by the Zoning Board of Appeals subject to the following conditions was presented and read: 1) That no inoperable vehicles be allowed to be stored on site; 2) That a 7' high shadow board fence with 8' high brick piers be installed along the south and west property lines adjacent to the outside storage area; 3) That landscaping be installed adjacent to the screening and within the parking area as per an approved plan; 4) That the Special Use granted shall herein terminate and lapse unless a building permit or certificate of occupancy is obtained not later than 180 days of the effective date of this ordinance and the erection or alteration of a building is started or the use is commenced within such period; and 5) Should the property be declared a public nuisance, it shall be subject to a rehearing and a possible revocation of the Special Use Permit. (#2010-45/Dist. #3)
(Council Memo #647-10)

COUNCILMAN SHETINA moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

AYES: COUNCILMEN DORRIS, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA, TURK, COUNCILWOMAN BARBER,

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NAYS: NONE.

COUNCILMAN SHETINA stated a hearing was held on this at the Land Use Committee meeting and it's not going to change the configuration of the building. He said it appears as though this will be pretty good for Marycrest and it looks OK. He said if there's a concern, we didn't hear any.

(ORDINANCE NO. 16691)

6. AN ORDINANCE Approving a Variation of Use to Allow a Kennel in a B-1 District Located at 7178 Caton Farm 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 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. (#2010-43/Dist. #3)
(Council Memo #648-10)

COUNCILWOMAN QUILLMAN moved that said Ordinance be adopted as recommended.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16692)

7. AN ORDINANCE Declaring 322 Comstock Street as a Public Nuisance and authorizing application to the Circuit Court for demolition, injunction or other relief was presented and read.
(Council Memo #649-10)

COUNCILMAN SHETINA moved that said Ordinance be adopted.

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

(ORDINANCE NO. 16693)

B. RESOLUTIONS

1. A RESOLUTION Declaring Certain City of Joliet Property as Surplus and Allowing Vintage Tech Recyclers to Pick up and Dispose of said Property was presented and read.
(Council Memo #652-10)

COUNCILMAN DORRIS moved that said Resolution be adopted.

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Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6421)

2. Resolution re: Authorizing the Sale of Property at 3800 Flowermeadow Street
(Council Memo #653-10)

This item was approved earlier in the meeting.

3. A RESOLUTION Authorizing the Execution of the Grant Agreements and Funding Approval for the 2010 Community Development Block Grant (CDBG) and HOME Program Funds was presented and read.
(Council Memo #654-10)

COUNCILMAN BROPHY moved that said Resolution be adopted.

Motion seconded by COUNCILWOMAN QUILLMAN.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6422)

4. Resolution re: Authorizing the Renewal of the Line of Credit for the City of Joliet's Local Homestead Program
(Council Memo #655-10)

The City Clerk noted that this item was removed from the agenda.

5. A RESOLUTION Approving an Interagency Agreement between the City of Joliet and the Joliet Job Corps Center for Policing Jurisdiction was presented and read.
(Council Memo #656-10)

COUNCILWOMAN QUILLMAN moved that said Resolution be adopted.

Motion seconded by COUNCILWOMAN BARBER.

Motion carried by the following vote:

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

NAYS: NONE.

(RESOLUTION NO. 6423)

6. A RESOLUTION Authorizing the Execution of a Listing Agreement for the Loughran Building (former Crabigale's

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Comedy Club) at 1 East Cass Street was presented and read.

(Council Memo #657-10)

COUNCILMAN SHETINA asked for an explanation.

The City Manager advised that the City is the owner of the Loughran Building at the northeast corner of Cass and Chicago Streets. He said the City has had it for a couple of years and the staff has tried to market it, had a few showings, but really haven't generated enough foot traffic. He said we've been contacted by or may have approached Keith Conroy and Tom McGrath who have the listing for the adjacent property, the old Turk furniture store, to see if we can do some joint marketing, and the recommendation was made to have the property formally listed with Coldwell Banker Honig-Bell here in Joliet and to have them serve as the lead agents to market not only the Turk furniture store, but also the Crabigale's site. He said staff reviewed it, we definitely need to try and get some foot traffic through there to see if we can get a quality restaurant there, and we're recommending its approval.

COUNCILMAN SHETINA stated that he wanted to make it very clear that this emanated from the staff and it was also heard at the Land Use Committee and it did not emanate from anybody on this Council. He said he thinks it's a good idea but it did emanate from staff.

COUNCILWOMAN QUILLMAN asked if there are other brokers out there that might want to list this property.

The City Manager said he is sure there would be several other brokers that would be interested; we thought that Keith and Tom would be good candidates to do this considering that they're already marketing the property next door. He said at some of the showings that they've had on the adjacent property, there were inquiries about the next door space being available. He said Keith especially has had a long history of showing hard to sell properties in the Joliet area, and this is certainly one that's been a challenge to staff. He said we need some professional help. He said they won't get paid unless they're successful, either in the form of a sale if the right terms came along or in the form of a lease where there would be a percentage paid to the broker for procuring the lease.

COUNCILWOMAN QUILLMAN said if there already is interest to purchase the building, why do we have to sign exclusively with them.

The City Manager said he doesn't think they have anybody ready to sign any contracts, but when they've shown the property next door, the people who are looking at it frequently ask about the property next door to it because it's vacant and some may be interested in that entire block. He said our property combined with the old furniture store would make for a great redevelopment opportunity for somebody, and by marketing it jointly, we would have some better opportunities of attracting perhaps something larger. He stated we've had some interest from small sandwich shop type operations, but that's not really what we're looking for on that corner. He said he thinks staff sees great value there especially with Joliet Junior College coming downtown and we think that place will be busy in the evening soon.

COUNCILWOMAN QUILLMAN said she thinks with all of the new development coming downtown, this will sell itself, and we don't need to sign an exclusive

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agreement with Coldwell Banker because there are going to be other people who want to market that property; that's just her opinion.

COUNCILMAN BROPHY said there is some obsolescence of each in its own, and together they make more sense for potential investors. He said with regard to the marketing of the property, there are professionals providing services around town in all regards. He said this property has been vacant for at least two or three years and obviously we haven't made any strides with it on our own, and it makes sense to get a professional. He said in this case there's a professional available with the property next door. He said Mr. Conroy and Mr. McGrath focus on commercial real estate, and yes, there are a handful of other agents that have that focus in town, but it's not like we hand a bunch of business to any one agent at any one time; this is a fairly unique situation. He said were it to be put out to an arbitrary bidding process, these gentlemen and their company would certainly finish as equal if not higher than any other applicant, so he doesn't see a problem with awarding this agency agreement to them.

COUNCILMAN SHETINA said he wanted to point out that this does not preclude any other realtor from selling the property or participating in the sale of the property in any way, shape or form, so everyone who is involved in the real estate business has the opportunity to sell this property.

COUNCILMAN BROPHY moved that said Resolution be adopted.

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: COUNCILWOMAN QUILLMAN.

(RESOLUTION NO. 6424)

7. Resolution re: Authorizing a Tax Incentive for the Navistar
Distribution Facility
(Council Memo #658-10)

8. Resolution re: Reallocating the Recovery Zone Facility Bond
Allocation to the Illinois Finance Authority
(Council Memo #658-10)

These items were approved earlier in the meeting.

BIDS AND CONTRACTS

A. Award of Contracts

1. Authorization to Approve Contracts for the Westside Wastewater
Treatment Plant Digester Cover Replacement Construction
Project and Approve Amendment No. 6
(Council Memo #660-10)

A report on three bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council take the following actions: 1) Award the contract to Joseph J. Henderson & Son, Inc. in the amount of \$784,000.00; and 2) Approve Amendment No. 6 for the Westside Wastewater Treatment Plant Blower Upgrade Engineering Services Agreement

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in the amount of \$24,500.00 on behalf of Clark Dietz Inc.

2. Authorization to Purchase Water Meters
(Council Memo #661-10)

A communication from the City Manager contained his recommendation that the Mayor and Council authorize the purchase of 6 inch and 8 inch water meters for Silver Cross Hospital from H&D Waterworks in the amount of \$16,655.00.

3. Award of Contract for the Purchase of the Replacement Equipment for the Nos. 1 and 3 Grit Chambers at the Westside Wastewater Treatment Plant
(Council Memo #662-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Environmental Resources, Inc. in the amount of \$60,848.00.

4. Award of Contract for the Purchase of Replacement Parts for the No. 3 Primary Tank at the Westside Wastewater Treatment Plant
(Council Memo #663-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contract to Siemens Water/Envirex Products in the amount of \$9,678.00.

5. Award of an Engineering Services Agreement for the St. Jude's Lift Station Replacement Project
(Council Memo #664-10)

A report on six proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to Clark Dietz, Inc. in the amount of \$7,349.00.

6. Award of Contract for the Alann Drive Sanitary Sewer Repair
(Council Memo #665-10)

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 J.S. Alberico Construction, Inc. in the amount of \$35,100.00.

7. Award of a Professional Services Agreement for Combined Sewer Overflow Elimination Program Survey Services
(Council Memo #666-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the agreement to Robert E. Hamilton Consulting Engineers, P.C. for an amount not to exceed \$15,000.00.

8. Award of Contract for the Center Street Ramp Water Main Project - 2010
(Council Memo #667-10)

A report on three bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council take the

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following actions: 1) Reject the bids received on July 16, 2010 from SAK Construction and Insituform Technologies using the cured-in-place lining method; and 2) Award the contract to Construction by Camco, Inc. using the pipe bursting method in the amount of \$78,581.05.

9. Award of Contract to Rehabilitate Well 18D Motor
(Council Memo #668-10)

A communication from the City Manager contained his recommendation that that Mayor and Council approve an increase to Purchase Order No. 108493 in the amount of \$41,510.00 on behalf of Layne Christensen Company.

10. Award of Contract for the 2010 Utilities Restoration Program
Phase II Project
(Council Memo #669-10)

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 P.T. Ferro Construction Co. in the amount of \$95,450.00.

11. Award of Contracts for the Installation of Sanitary Sewer Flow
Meters and Remote Meter Reading Equipment
(Council Memo #670-10)

A communication from the City Manager contained his recommendation that the Mayor and Council award the contracts to EMNet LLC in the amount of \$23,804.00.

12. Award of Contract for the Silver Leaf Subdivision (Units 1-1, 1-2
and 3) Phase I Public Improvements - 2010
(Council Memo #671-10)

A report on four bids received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to P.T. Ferro Construction Co. in the amount of \$451,843.86.

13. Award of Contract for QC/QA (Quality Control/Quality
Assurance) Testing Services for Bronk Road (Black – Clare)
(Council Memo #672-10)

A report on two proposals received for the above contract was accompanied by a recommendation from the City Manager that the Mayor and Council award the contract to SEECO Consultants, Inc. in the amount of \$8,738.00.

14. Award of Contract for the Clement Street (Douglas – Ruby)
Roadway Project – 2010 Community Development Block Grant
Public Improvement Program
(Council Memo #673-10)

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 J. Russ & Co., Inc. in the amount of \$257,119.47.

15. Authorization to Enter into an Agreement for the Production of
a Film on the Joliet Police Department

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(Council Memo #674-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve an agreement with the International Association of Chiefs of Police and authorize the payment of \$19,500 to WebsEdge for the production of the film.

16. Authorization to Pay Emergency Replacement Cost for Air Conditioner Compressor for the North Half of the Police Building
(Council Memo #675-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$10,349.00 to Hayes Mechanical upon completion of the repairs to the air conditioning unit that controls the north half of the Police Building.

17. Authorization to Pay for Emergency Repairs to Citywide Data/Voice Network
(Council Memo #676-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve the payment of \$50,355.25 to Sentinel Technologies.

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

Motion seconded by COUNCILMAN BROPHY.

Motion carried by the following vote:

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

NAYS: NONE.

B. Amendments, Change Orders and Payments

1. Approve Change Order No. 1 and Payment No. 1 and Final for the Emergency Repair to the No. 2 Raw Pump at the Westside Wastewater Treatment Plant
(Council Memo #679-10)

A communication from the City Manager contained his recommendation that the Mayor and Council take the following actions: 1) Approve Change Order No. 1, an addition of \$9,630.00 to Purchase Order No. 108584; and 2) Approve Payment No. 1 and Final in the amount of \$10,620.00 on behalf of General Machine & Tool Co.

2. Approve Change Order No. 1 for the Purchase of Two Replacement Valve Actuators at the Aux Sable Wastewater Treatment Plant
(Council Memo #680-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$500.00 on

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behalf of Valves and Automation, Inc.

3. Approve Progress Payment Request No. 2 for the Neufairfield Subdivision Punch List Improvements - 2010
(Council Memo #681-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Progress Payment Request No. 2 in the amount of \$21,287.85 on behalf of Stip Bros. Excavating, Inc.

4. Approve Change Order No. 2 for the Illinois Route 59 (North of Country Glen Court to South of DuPage River Bridge) Roadway Lighting Project – Underground Work Only
(Council Memo #682-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$52,180.86 on behalf of Walsh Construction.

5. Approve Change Order No. 2 and Pay Estimate No. 2 for the Clublands 6-1, 6-2, 8-2/Neustoneshire Punch List Improvements – 2010
(Council Memo #683-10)
6. Approve Purchase Order for Sewer System Testing and Repair
(Council Memo #684-10)

The City Clerk noted that these items were taken off of the agenda.

7. Approve Change Order No. 1 and Payment No. 7 and Final for the Asset Management and Work Order Software
(Council Memo #685-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$6,178.89 and Payment No. 7 and Final in the amount of \$74,883.89 on behalf of Trimble Navigation Ltd.

8. Approve Change Order No. 3 and Payment Estimate No. 3 and Final for the Well Rock 3 (Farrell Road) Rehabilitation Project - 2010
(Council Memo #686-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 3, a net deduction of \$2,700.00 and Payment Estimate No. 3 and Final in the amount of \$9,076.60 on behalf of Layne Christensen Company, Inc.

9. Approve Change Order No. 3 and Payment Request No. 3 for the 2010 Utilities Restoration Program Phase I Contract
(Council Memo #687-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 3, a deduction of \$52,090.00 and Payment Request No. 3 in the amount of \$42,656.58 on behalf of Anderson

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Concrete Company, Inc.

10. Approve Change Order No. 2 and Payment Estimate No. 2 and Final for the Division Street/Essington Road Quiet Zone Roadway Improvements Project
(Council Memo #688-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 2 in the amount of \$61.48 and Payment Estimate No. 2 and Final in the amount of \$12,392.48 on behalf of Construction by Camco, Inc.

11. Approve Change Order No. 3 and Payment Estimate No. 1 for the 2010 Sidewalk/Curb Replacement Project – 2009 Neighborhood Improvement Program
(Council Memo #689-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 3 in the amount of \$14,770.00 and Payment Estimate No. 1 in the amount of \$67,027.03 on behalf of M & A Cement Works.

12. Approve Change Order No. 6 to the Contract for Weed Cutting and Clean-Up of City Owned Properties
(Council Memo #690-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 6, a deduction of \$51.00 to the contract with From the Ground Up.

13. Approve Change Order No. 1 to the Contract for the Maintenance of the Park Hill Subdivision Stormwater Detention Pond
(Council Memo #691-10)

A communication from the City Manager contained his recommendation that the Mayor and Council approve Change Order No. 1 in the amount of \$760.00 on behalf of ASE Illini-Scapes, Inc.

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

Motion seconded by COUNCILMAN TURK.

Motion carried by the following vote:

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

NAYS: NONE.

LICENSES AND PERMIT APPLICATIONS

- A. Request for Approval to Hold a Circus at 3340 Mall Loop Drive (Westfield Louis Joliet Mall) on September 9 – 13, 2010
(Council Memo #694-10)

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A communication from the City Manager regarding the application of Nestor Dresdner d/b/a Circus Ahermanos Vazquez to hold a Circus at 3340 Mall Loop Drive (Westfield Louis Joliet Mall) on September 9 – 13, 2010 contained his recommendation that the application be approved subject to the required inspections taking place prior to the opening of the event.

COUNCILWOMAN QUILLMAN asked if they are going to have animal control out there to make sure that these animals are being taken care of.

The City Manager stated he's not certain what level of security will be available as far as animal control and safety.

COUNCILWOMAN QUILLMAN said we just hear so many horror stories about these traveling circuses, especially the small ones, about how these animals are mistreated and that is her concern.

Mr. Nestor Dresdner stated animal control comes to their circus all the time and checks the animals. He said they have all the paperwork on that.

COUNCILWOMAN QUILLMAN asked if they check the animals to see if they've been mistreated.

Mr. Dresdner said yes, they check all of the animals to make sure they are in good condition.

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

Motion seconded by COUNCILMAN SHETINA.

Motion carried by the following vote:

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

NAYS: COUNCILWOMAN QUILLMAN.

MAYOR

A. Proclamation re: Recognizing the Heroic Efforts of Logan Hearn

B. Proclamation re: Recognizing the 90th Anniversary of the Kiwanis Club

The Proclamations were presented earlier in the meeting.

MAYOR AND COUNCIL COMMENTS

COUNCILMAN BROPHY stated that he brought up an item at the last meeting that he would like to continue with today. He said the suggestion was that the Council consider a leadership gesture of a 5% reduction in the City Council and Mayor salaries. He asked what the deadline is to do that and said he would like to refer this to a Committee for a specific conversation on details should the mood be one way or especially in the affirmative.

The Corporation Counsel said he did distribute a memo that any changes would have to be made before November 3, 2010 which coincides with the Council's meeting date for the first meeting in November.

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COUNCILMAN BROPHY said so there is time to deliberate it at the Committee level and then bring it up at an October Council meeting. He suggested that the Finance Committee or the Legislative Committee review this matter.

COUNCILWOMAN QUILLMAN said why 5%, let's do 10%.

COUNCILMAN BROPHY said certainly the matter of what it will be will be negotiated and discussed at both levels. He said he would like to put it on the Finance Committee agenda if there are no objections.

COUNCILMAN GIARRANTE said with the understanding that it will not affect anybody up here. He said it will affect whoever gets elected next April.

The Corporation Counsel said under the Illinois Constitution, an elected body can not change its compensation one way or the other during its term of office. He said that has to be done prospectively, for the next group of officers, and he looked into the matter after the last meeting and did a short explanatory background memo. He said this proposed reduction would not take effect until next May when a Mayor and five District Councilpersons are seated. He said the deadline for taking action is 180 days before that, bringing it into the November time frame.

COUNCILMAN GIARRANTE said that would not prohibit someone from just writing a check back to the City.

The Corporation Counsel said no, it would not.

COUNCILMAN SHETINA said that does not affect the sitting at-large Council people because they're not up until two years after that.

The Corporation Counsel said that's correct. He said any ordinance change that took effect by November 3 would be implemented as to the Mayor's position and the five District Councilpersons come this next May. He said the three at-large positions would become subject to the ordinance two years later, so May of 2013.

COUNCILWOMAN QUILLMAN said but we could voluntarily give the money back to the City, is that correct, to make it even across the board.

The Corporation Counsel said yes.

COUNCILMAN TURK congratulated the Joliet JackHammers baseball team on a successful season and he wished them luck in the playoffs. He also congratulated the Gospel Fest who he said had a nice turnout this weekend. He said it was well organized and very well run.

COUNCILMAN SHETINA said he wanted to refer to a memo he received this afternoon from Public Utilities Director Jim Eggen regarding the sewer flow metering, the manhole leak testing and the home inspection with respect to the storm on August 3. He said it mainly involved Mayfair Subdivision, Picardy Subdivision/Vimy Ridge and the City had workers going door to door in those areas and going into the houses and inspecting them and we're waiting for a response with respect to the ejector pits and the rest of those things. He said there were other areas that had isolated rain and flooding areas like Raynor Park

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and Kerwin Terrace so he expects to get a complete report on it as they go through the subdivisions. He said he appreciates that we did that and he wants to make sure we keep on it.

COUNCILMAN SHETINA said on Oneida Street an adjacent owner feels that there's a garage being built that is not correct with respect to the code, and when he looked at it several months ago it was not out of character with the other buildings in the area. He said the adjacent owner was also concerned that his neighbor was running a business out of their garage and he asked staff to look into it.

The City Manager stated the garage has been built according to code but staff will look into the business and talk to the property owner.

COUNCILWOMAN QUILLMAN congratulated Joliet Catholic Academy on their first two successful football games at Memorial Stadium and said they played before packed crowds.

COUNCILWOMAN QUILLMAN stated this Sunday the Cathedral Area is having their annual house walk which is September 12, 2010 from 10 a.m. to 5 p.m. and tickets are available. She said tickets for porch luncheons catered by the Jacob Henry Mansion are also available.

COUNCILMAN BROPHY said the Museum will be holding a pancake breakfast this Sunday and he invited everyone to attend.

ADJOURNMENT

COUNCILMAN GIARRANTE moved that the Council recess to closed session at 8:00 p.m. to discuss personnel, collective bargaining, land acquisition or conveyance and pending or threatened litigation after which the meeting will be adjourned.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

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

NAYS: NONE.

ARTHUR SCHULTZ
Mayor

JANET K. TRAVEN
City Clerk