

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, JULY 20, 2009
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 7:00 P.M. – LAND ACQUISITION, LAND DISPOSITION,
PERSONNEL AND LITIGATION**

1. Executive session was called to order at 7:05 p.m. by Mayor DiCianni for the purpose of discussing Land Acquisition, Land Disposition, Personnel and Litigation.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Michael J. Bram, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Susan J. Rose, Stephen Hipskind (arrived at 7:24 p.m.)

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert

Alderman Morley moved to convene into executive session for the purpose of discussing Land Acquisition, Land Disposition, Personnel and Litigation. Alderman Wagner seconded. Roll call vote:

Ayes: York, Pezza, Gutenkauf, Shea, Leader, Bram, Healy, Morley, Kennedy, Mulliner, Wagner

Nays: None

12 yeas, 0 nays, 2 absent
Motion duly carried

Alderman Mulliner moved to adjourn executive session. Alderman Morley seconded. Voice vote. Motion carried. Executive session adjourned at 7:40 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 113

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:49 p.m.

Present: Diane Gutenkauf, Paula Pezza, Pat Shea, Norman Leader, Michael J. Bram, Stephen Hipskind, Kevin L. York, Chris Nybo, Chris Healy, Steve Morley, Jim Kennedy, Mark A. Mulliner, Patrick Wagner

Absent: Susan J. Rose

Also in Attendance: City Treasurer Dyer (left at 9:45 p.m.), City Attorney Storino, City Manager Borchert, Director of Public Works Hughes, Fire Chief Kopp, Police Chief Neubauer, PZED Director Said, Economic Development Manager Corner

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. Jeff Budgell of the Architect’s Studio LLC, 275 N. York St. submitted a letter to Council as a resident and City Centre property owner regarding the Larch Avenue Parking Deck. The letter discusses the architectural design of the proposed structure, phase one and two assessments, remediation and the seller rebate as well as his support of the minority report.

PUBLIC FORUM

4. A large number of persons spoke regarding item **8a. O-29-2009 – An Ordinance Establishing Special Service Area Number Twelve of the City of Elmhurst (Gladys Avenue)** both for and against adding sidewalks to one side of Gladys Avenue. The following chart lists those who spoke in favor of the sidewalks and those who spoke in opposition to the sidewalks.

Name	Address	In Favor	Opposed
Angela Allen	557 Gladys Ave.	X	
Fernando DelRio	541 W. Gladys Ave.	X	
Brian Cahill	569 W. Gladys Ave.	X	

John Reboletti	625 W. Gladys Ave.		X
Claude Pagacz	566 W. Gladys Ave.		X
Kyle Woitel	585 W. Gladys Ave.	X	
Rick Hoffman	605 W. Gladys Ave.		X
Rich De Mondo	568 West Ave.		X
Debbie De Mondo	568 West Ave.		X
Pat Hoffman	605 W. Gladys Ave.		X
Nancy Kushka	655 W. Gladys Ave.		X
Pat Consolino	659 W. Gladys Ave.		X
Sandra Formento	561 W. Gladys Ave.	X	
Dianna Pagacz	566 W. Gladys Ave.		X
Jason Wright	589 W. Gladys Ave.	X	
Sally DeRio	541 W. Gladys Ave.	X	
Al Consolino	659 W. Gladys Ave.		X

Selene Moriarty
154 Willow
Elmhurst, IL 60126

Spoke about the City increasing taxes instead of cutting spending and expenses like the private sector.

Danni Polomsky
263 Indiana
Elmhurst, IL 60126

Announced the Cool Cities Coalition Green Fest will be held at Wilder Park on Saturday, August 1, 2009 from 10:00 a.m. until 3:00 p.m. Ms. Polomsky held a drawing for a Council member to receive a hair testing kit for analyzing unsafe levels of mercury in your system. Alderman Leader was selected.

Annette Armstrong
210 N. Addison Suite 501
Elmhurst, IL 60126

Thanked Mayor DiCianni for the Finance Task Force and thanked Aldermen Pezza and Gutenkauf for doing a great job. She spoke of large capital projects in light of the City's economic situation such as the Larch Avenue parking garage. She asked if this capital project has been thoroughly analyzed.

Wes Bottens
652 Van Auken
Elmhurst, IL 60126

Spoke regarding absentee landlords in Elmhurst. He asked the City Council to create some regulations on property owned by investment speculators.

Joann Callahan
130 Larch
Elmhurst, IL 60126

Spoke regarding the no bid contract on the Larch Street parking deck stating the Council and City staff should be trusted to have the taxpayers best interest, the project needs to go forward.

John McDonough
204 Columbia
Elmhurst, IL 60126

Spoke of the Larch Avenue parking deck design and the construction management. He stated his concerns of openness and transparency throughout this process.

Willis Johnson
603 Rodgers
Downers Grove, IL 60515

Spoke on the parking deck on Larch Avenue and its value to the City Centre. He asked Council to approve this next step of the construction so it can be done in a timely manner.

Betsy Hanish
464 Knollwood Dr.
Wood Dale, IL 60191

Spoke in support of the Larch Avenue parking deck and asked the Council to move forward on the next phase of the project.

John Quigley
Elmhurst Chamber of Commerce, President & CEO
113 Adell Pl.
Elmhurst, IL 60126

Spoke regarding the parking problems in the Central Business District and asked Council to move forward on the next phase of the Larch Avenue deck.

Frank Sibr, Flight 112
112 W. Park Ave.
Elmhurst, IL 60126

Spoke regarding the parking problems in the Central Business District and asked Council to move forward on the next phase of the deck on Larch Avenue.

Liz Ambrosie
139 Oak St.
Elmhurst, IL 60126

Spoke regarding the no bid contract on the Larch Avenue parking deck and asked Council to get more bids.

Ann Tranter
512 W. Belden
Elmhurst, IL 60126

Spoke of her concern of no bid contracts and the lack of transparency.

Alderman Morley asked Mayor DiCianni to end the Public Forum portion of the meeting. Mayor DiCianni stated Public Forum will conclude with the last person at the microphone.

Paul Darley
252 May St.
Elmhurst, IL 60126

Spoke regarding the Larch Avenue parking deck and asked Council to go forward with the next phase of the project.

CONSENT AGENDA

5. The following items on the Consent Agenda were presented:
 - a. MINUTES OF REGULAR MEETING HELD ON MONDAY, JULY 6, 2009 (City Clerk Spencer):
Approve as published
 - b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JUNE 1, 2009 (City Clerk Spencer): Receive and place on file

- c. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, JULY 6, 2009 (City Clerk Spencer): Receive and place on file
- d. ACCOUNTS PAYABLE – JULY 20, 2009 TOTAL \$1,450,043.08
- e. REPORT – LIQUOR LICENSE ORDINANCE FOR FLIGHT 112 WINE HOUSE The following report of the Public Affairs and Safety Committee was presented:

July 13, 2009

To: Mayor DiCianni and Members of the City Council
RE: Liquor License ordinance for Flight 112 Wine House

The Public Affairs and Safety Committee met on June 22, 2009 and July 13, 2009 to discuss an amendment to the liquor license ordinance for the wine bar Flight 112 Wine House at 112 W. Park.

Flight 112 owners, Visal Kheem and Frank Sibr addressed the Committee about their liquor license. They currently have a WBB license which allows for retail sale of wine for consumption at the bar. The owners stated that their customers would like to be able to purchase spirits at the bar for consumption on premises. Sibr and Kheem stated they would not sell spirits at retail.

Staff conducted a site inspection and also contacted other wine bars in Elmhurst. The other wine bars agree with offering a modified WBB license to include spirits, although they do not want to be compelled to add spirits to their business plan and wish to retain their current licenses.

Under the current ordinance, Flight 112 would be required to purchase two (2) liquor licenses to sell spirits for on site consumption. Staff is proposing creation of a new license classification identified as WBBS- Wine Bar Beer & Spirits. A WBBS license would require and maintain all the criteria of a WBB license with the addition of sales of spirits for consumption on the premises only.

It is the recommendation of Staff that the fee charged for a WBBS license be the same fee that is charged for ‘B’ and ‘RL’ license.

It is therefore the recommendation of the Public Affairs & Safety Committee that a WBBS license, Wine Bar Beer & Spirits be added to the liquor section of the Municipal ordinance at the same fee as a ‘B’ and ‘RL’ license.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- f. REPORT – REQUEST FOR PROPOSAL FOR WIRELESS RADIO ALARM NETWORK The following report of the Public Affairs and Safety Committee was presented:

July 13, 2009

To: Mayor DiCianni and Members of the City Council
Re: Request for Proposal for Wireless Radio Alarm Network

The Public Affairs and Safety Committee met on July 13, 2009 to discuss proposals for the development and maintenance of the Elmhurst Wireless Radio Alarm Network.

Due to the removal of an exclusivity clause in the DuComn contract, Elmhurst has been given the opportunity to develop its own Wireless Radio Alarm Network. Therefore, the Elmhurst Fire Department requested proposals from seven radio alarm vendors to develop and maintain the Elmhurst Wireless Radio Network. Of the seven, proposals were received from three and one letter denying participation.

All vendors were asked to bid on a brand new system or develop an alternative that would meet the specifications of the request for proposal based on 440 network radios. ADT was the only vendor to submit an alternate proposal. This alternate proposal utilized the already-in-place ADT network.

Grand Total of All 3-Year Costs INCLUDING Alternate

ADT	\$709,750.36
ADT Alternate	\$669,436.36
CMFP	\$723,039.00
Norcomm	\$683,408.40

Due to the simplicity of implementing the ADT alternate proposal, and the cost savings to the City, it is the recommendation of the Elmhurst Fire Department to award the radio alarm contract to ADT. Under the ADT alternate proposal, all leased radio transmitters, all head end transmission equipment and all monitoring contracts will be turned over to Elmhurst ownership. Other benefits of the ADT alternate proposal include:

- No need to replace existing subscriber radios with new vendor radios
- Termination agreements in current subscriber contracts become a non-issue
- No expense of replacement of the head end system or moving accounts to a new system
- No need to remove DuComm 703 from the ADT multiplex system and reinstall it as a stand alone
- No need to involve more than one provider
- Insured consistency of network and programming
- Accelerated revenue stream

It is therefore, the recommendation of the Public Affairs and Safety Committee that the City of Elmhurst enter into a contract with ADT to provide the development and maintenance of a Wireless Radio Network. \$950,000 has been budgeted for this project in line item 1020-110-4020-80-05.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- g. REPORT – DISTRICT 205 FOUNDATION REQUEST FOR TEMPORARY USE AND EVENT PERMIT AND USE OF CITY PROPERTY The following report of the Public Affairs and Safety Committee was presented:

July 13, 2009

To: Mayor DiCianni and Members of the City Council
Re: District 205 Foundation Request for Temporary Use and Event Permit and Use of City Property

The Public Affairs and Safety Committee met on July 13, 2009 to discuss the request from Elmhurst District 205 to use the Elmhurst municipal parking lot on the west side of Addison between First and Second Streets for a fund raising event. A representative from District 205 was available to answer the Committee's questions.

The Elmhurst municipal parking lot on the west side of Addison between First and Second Streets will be used to conduct Charitable Games for a Summer Rocks fundraiser to be held on Sunday, August 9, 2009. For the past three years, this event was held in conjunction with the Elmhurst Chamber and the Thursday evening Jaycees carnival on the eve of Elmfest.

This year, again in partnership with the Elmhurst Chamber, this event will take place on the Sunday after the August 8th summer concert, taking advantage of the logistical opportunities that exist. This event would run from 3:30 p.m. to 8:00 p.m. Food and beverages would be available for purchase,

as well as live music performed on the stage that was assembled for the previous night. Family entertainment options include a dunk tank, baggo tournament and raffle.

The Chamber has obtained the required state and municipal liquor permits and insurance necessary for the event.

All layout/staging plans and operational parameters will be finalized only after ongoing consultation and discussion with the approval of the Elmhurst Police, Fire and Public Works Departments.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the District 205 Foundation request for Temporary Use and Event Permit for the use of the Elmhurst municipal parking lot on Addison for Charitable Games for a Summer Rocks fundraiser to be held on Sunday, August 9, 2009 from 3:30 to 8:00 p.m.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo
Vice-Chairman
/s/ Paula Pezza

- h. REPORT – REVISIONS TO THE COOPERATION AGREEMENT BETWEEN THE CITY OF ELMHURST AND THE ELMHURST HERITAGE FOUNDATION The following report of the Public Affairs and Safety Committee was presented for passage.

July 27, 2009

To: Mayor DiCianni and Members of the City Council
RE: Revisions to the Cooperation Agreement between the City of Elmhurst and the Elmhurst Heritage Foundation

The Public Affairs and Safety Committee met on July 13, 2009 to discuss proposed changes to the Cooperation Agreement between the City of Elmhurst and the Elmhurst Heritage Foundation.

Due to the extraordinarily difficult financial times faced by the City, the Elmhurst Heritage Foundation requested the temporary authority to fund certain operating expenses of the Museum, including but not limited to, compensating personnel approved by the City, but not funded. These are costs that were frozen over the past 10 months due to budget cutbacks. The original Agreement stipulated and the Foundation's By-Laws required that the Foundation would not provide funds toward the "ordinary operation or maintenance of the museum". In June the Foundation approved the required changes to both the Cooperation Agreement and the By-Laws.

In keeping with its purpose of supporting the educational undertakings of the Museum and fostering public awareness of and advocacy for the Museum, the Foundation expects that these temporary measures will permit the Foundation to bolster the identity of the Museum within the community, to increase visitor-ship and to improve and enhance Museum exhibits and programs.

The Foundation assumes that the City will resume its support of the Museum at previous levels when the current fiscal situation abates; the changes will no longer be effective after April 30, 2012.

It is therefore the recommendation of the Public Affairs and Safety Committee that the revisions to the Cooperation Agreement between the City and the Elmhurst Heritage Foundation be adopted to provide temporary authority to the Elmhurst Heritage Foundation to fund certain operating expenses of the Museum, including the compensation of personnel which was not funded by the City of Elmhurst until April 30, 2012.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Chris Nybo

Vice-Chairman
/s/ Paula Pezza

- i. REPORT – 2001 GENERAL OBLIGATION BOND ISSUE PARTIAL REFUNDING The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

July 14, 2009

To: Mayor DiCianni and Members of the City Council
Re: 2001 General Obligation Bond Issue Partial Refunding

The Finance, Council Affairs and Administrative Services Committee met July 13, 2009, to consider refunding a portion of the 2001 General Obligation bond issue.

Mr. Kevin McCanna, representing Speer Financial, Inc., the City's financial advisor, reviewed with the Finance Committee the option of refunding a portion of the 2001 bond issue. The 2001 bond issue was for the purpose of refunding the 1992 bond issue along new money to finance capital projects. Interest rates in the bond market are now low enough that it makes economic sense to consider refunding the 2011 through 2019 maturities (\$3,140,000) of the 2001 bond issue. At current rates in the marketplace, the refunding of the stated maturities would save the City approximately \$100,000 to \$140,000 on a present value basis, net of all issuance costs, or between 3.25% and 4.45% of the refunded principal. Mr. McCanna recommended that an appropriate savings rate target should be no less than 3.5% of refunded principal, to allow sufficient savings to make the refunding transaction viable. The savings would be recognized in 2011.

Robert W. Baird & Co., Inc. approached Speer Financial, Inc. and the City of Elmhurst regarding the above refunding, and recommended that a negotiated sale take place due to the current volatility in the bond interest rates and due to the closeness of the estimated savings rate on the 2001 bond issue (3.25% - 4.45%) to the targeted rate of 3.5%. A competitive sale in this type of situation, where the interest rates are volatile and the projected savings rate is very close to the target, is not as advantageous as a negotiated sale. A competitive sale is for a specific date and cannot be changed regardless of market conditions. A negotiated sale allows the underwriter (Robert W. Baird & Co.) and the issuer (the City) to determine, based on market conditions and whether the savings target will be met, the exact date the bonds will be sold.

Mr. McCanna and staff recommended that Robert W. Baird & Co., Inc. handle the negotiated sale of the partial refunding of the 2001 bond issue. The City has previously worked with Robert W. Baird & Co. on the 2005 refunding bond issue. Staff further recommended authorizing the Mayor to proceed with the bond sale when the market allows the targeted savings rate of 3.5% to be achieved, with advice from Speer Financial, Inc., and with the concurrence of two of the following four individuals: City Treasurer, Finance Committee Chairman, City Manager or Director of Finance and Administration. After discussion, the Finance Committee concurred with staff recommendations.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council authorize the refunding of the 2011 through 2019 maturities of the 2001 General Obligation bond issue, with the refunding bonds to be sold by negotiated sale handled by Robert W. Baird & Co., Inc. The Finance Committee further recommends that the City Council direct the City Attorney to prepare an ordinance that authorizes the Mayor and two of the following four individuals (City Treasurer, Finance Committee Chairman, City Manager or Director of Finance and Administration) to proceed with the bond sale, given the condition that the savings rate be no less than 3.5% of the refunded bond principal.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Stephen Hipskind
Chairman

/s/ Kevin York
Vice-Chairman

/s/ Mark Mulliner
/s/ Diane Gutenkauf

- j. REPORT – AUTOMATED PARKING EQUIPMENT The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

July 14, 2009

To: Mayor DiCianni and Members of the City Council
Re: Automated Parking Equipment Purchase

The Finance, Council Affairs and Administrative Services Committee met July 13, 2009 to review the request for proposal (RFP) responses for the purchase, installation and maintenance of an automated pay by space parking system. The system would serve approximately 600 downtown daily fee parking spaces currently served by honor boxes and monthly parking passes.

Over the last several years communities throughout the area have been moving away from the labor intensive honor box system in favor of the streamlined automated pay by space equipment that is both user friendly and enforcement efficient for City personnel. For the user, the machines would accept coins and bills as well as credit cards. Payment for any space could be made at any machine. Once payment is made, the automated system supplies the user with a receipt, alleviating the lack of proof of payment with the current system. The system will not issue a receipt unless the proper fee is collected. Approximately two to three hours of time spent daily on collecting and counting money could be redirected to improve enforcement throughout the system.

The pay by space equipment systems collect, stack and count all cash received by each machine. The vaults containing the money are directly swapped and forwarded unopened to the bank for processing. A cash report verifies what is collected and deposited. Internal controls are improved through the absence of cash handling by City employees. Reduced employee processing is also achieved through the absence of collection, logging and counting of each box daily.

The City of Elmhurst sent RFP's to six potential service providers. Three service providers responded and after the initial review, proposals by Access Parking Systems (APS) and Total Parking Solutions (TPS) were both found to be qualified. Based on conversations with both companies, staff is recommending that seven automated pay by space machines and one shelter be purchased at this time. Locating one machine in each deck and five machines clustered at the Metra platforms will accommodate the number of users appropriately. The attached analysis summarizes the proposals from both companies.

Based on the acquisition costs, annual operating costs, vendor interviews, experience and references, staff recommends contracting with TPS for the acquisition, installation and maintenance of seven automated pay by space machines and one shelter in the amount of \$99,115 plus the appropriate annual operating costs as reflected on the attached schedule. The Finance, Council Affairs and Administrative Services Committee concur with staff recommendation.

The fiscal year 2009/2010 budget for the Parking System Fund provides funds in the Miscellaneous Equipment account # 530-0088-503-80-98 in the amount of \$85,000.00 for this purchase. Due to the unanticipated receipt of grant funds for the construction of sixty-seven new parking spaces along the rail line, funds allocated for that project are available in the Parking Improvements account #530-0088-503-80-19 to offset the difference.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve Total Parking Solutions (TPS) to provide the automated pay by space parking system for the City of Elmhurst.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Stephen Hipskind

Chairman

/s/ Kevin York

Vice-Chairman

/s/ Mark Mulliner

/s/ Diane Gutenkauf

- k. O-22-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER SIX OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-22-2009 was presented for passage.

- l. O-23-2009 – AN ORDINANCE MAKING APPROPRIATIONS FOR SPECIAL SERVICE AREA NUMBER SEVEN OF THE CITY OF ELMHURST FOR THE FISCAL YEAR BEGINNING MAY 1, 2009 AND ENDING APRIL 30, 2010

Ordinance O-23-2009 was presented for passage.

- m. MCO-13-2009 – AN ORDINANCE ESTABLISHING WASTEWATER TREATMENT RATES FOR PRIVATE WELL USERS

Ordinance MCO-13-2009 was presented for passage.

- n. MCO-14-2009 – AN ORDINANCE AMENDING SECTION 44.74 ENTITLED, “YIELD RIGHT-OF-WAY STREETS” OF ARTICLE V ENTITLED, “DRIVING, OVERTAKING AND PASSING” OF CHAPTER 44 ENTITLED, “MOTOR VEHICLES AND TRAFFIC” AND AMENDING SECTION 44.92 ENTITLED, “STOP INTERSECTIONS ENUMERATED” OF ARTICLE VI ENTITLED, “SPECIAL STOPS” OF CHAPTER 44 ENTITLED, “MOTOR VEHICLES AND TRAFFIC” OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-14-2009 was presented passage.

- o. MCO-15-2009 – AN ORDINANCE AMENDING SECTION 36.09, ENTITLED “CLASSIFICATION OF LICENSES,” SECTION 36.10, ENTITLED “TERMS; FEES,” AND SECTION 36.11, ENTITLED “LIMITATION ON NUMBER OF LICENSES, “ OF ARTICLE II, ENTITLED “RETAIL LICENSES,” OF CHAPTER 36, ENTITLED “LIQUOR,” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance MCO-15-2009 was presented was presented for passage.

- p. ZO-04-2009 – AN ORDINANCE REZONING THE PROPERTY COMMONLY KNOWN AS 621 WEST NORTH AVENUE (FORMERLY 313 N. ROUTE 83)

Ordinance ZO-04-2009 was presented for passage.

- q. ZO-05-2009 – AN ORDINANCE GRANTING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR THE PURPOSE OF SITE DEVELOPMENT AND TO CONSTRUCT NEW STRUCTURES AND ADDITIONS FOR THE SCHOOL AND CHURCH ON THE PROPERTY COMMONLY KNOWN AS 779 SOUTH YORK STREET (VISITATION CHURCH)

Ordinance ZO-05-2009 was presented for passage.

- r. R-14-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF ELMHURST, ILLINOIS, AND WINKLER’S TREE AND LANDSCAPING, INC. FOR THE 2009 ARBOTECT FUNGICIDE INJECTIONS OF AMERICAN ELMS

Resolution R-14-2009 was presented for passage.

- s. R-15-2009 – A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF VILLA PARK AND THE CITY OF ELMHURST

Resolution R-15-2009 was presented for passage.

Alderman Healy moved to approve the contents of the Consent Agenda. Alderman York seconded. Roll call vote:

Ayes: Healy, York, Gutenkauf, Pezza, Shea, Leader, Bram, Hipskind, Nybo, Morley, Kennedy, Mulliner, Wagner

Nays: None

Results: 13 ayes, 0 nays, 1 absent
Motion duly carried

Mayor DiCianni asked for a motion to take the agenda out of order and take item 8 before items 6 & 7.

Alderman Hipskind moved to take the agenda out of order and take item 8 before items 6 & 7. Alderman Wagner seconded. Voice vote, motion carried.

COMMITTEE REPORTS

6. a. REPORT – LARCH AVENUE PARKING DECK ARCHITECTURAL DESIGN AND CONSTRUCTION MANAGEMENT SERVICES The following Majority and Minority reports of the Public Works and Buildings Committee were presented for passage:

1. MAJORITY REPORT

July 16, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Larch Avenue Parking Deck Architectural Design Construction Management Services

On Monday, July 13, 2009, and at prior committee meetings, the Public Works and Buildings Committee met to discuss design and construction Management services for the construction of a multi-level parking deck Located at 175 W. First St. (the northwest corner of Larch Avenue and First Street) which the city of Elmhurst owns and will be paid for with public Funds.

The City has been discussing the development of this project with Daniel B. Hiffman, Devcom, Inc and Arco/Murray National Construction. On March 23, 2009, the City simultaneously purchased the site from Daniel B. Hiffman and then took occupancy of the property on June 21, 2009.

Our City attorney has confirmed that there is no written contract or any legal documentation to date that commits the City of Elmhurst to move forward with any one chosen developer, architect or construction manager, in this case ARCO/Murray, for these particular services.

By utilizing the competitive bid process, not only for the contractor work but also for the Architectural Design and Construction Management Services, we will prove to ourselves and the taxpayers whether the Arco/Murray proposal is in alignment with current market prices and the competition. Therefore, this will provide statistical backing that the City of Elmhurst and its residents are receiving a good deal for these services.

It is, therefore, the recommendation of the majority of the Public Works and Buildings Committee that the design and construction management services for construction of the Larch Avenue parking deck be put out to competitive bid along with the request of a statement of qualifications for each bidder, be accepted.

Respectfully submitted,
Public Works and Building Committee

/s/ Michael J. Bram
Vice-Chairman

/s/ Pat Shea

2. MINORITY REPORT

July 20, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Larch Avenue Parking Deck Architectural Design and Construction Management Services

On Monday, July 13, 2009, the Public Works and Buildings Committee met to discuss design and construction management services for the construction of a multi-level parking deck located at the northwest corner of Larch Avenue and First Street.

The City has been working with the development company of Devcom, Inc. along with their construction partner Arco/Murray National Construction Company to complete this project. Devcom was successful in purchasing the property from the current owner and subsequently sold it to the City. The City took occupancy of the property on June 21, 2009.

The City has received from Arco/Murray a statement of qualifications regarding the firm's ability to perform construction management services for the City for this project. City staff and the Committee have reviewed the statement of qualifications and find that Arco/Murray is qualified to do this work. Arco/Murray has performed all assignments in phase 1 and phase 2 of the project in a satisfactory manner.

In addition, after final negotiations with City staff, Arco/Murray submitted a revised proposal for the architectural design and construction management services for the remaining phase of this project.

Upon approval, Arco/Murray will prepare the necessary architectural design plans and specifications, bidding documents, secure sealed bids to be opened by the Elmhurst City Clerk, and manage the construction of the proposed parking deck. This work shall provide the City with professional oversight of construction methodologies and schedule, value engineering insight, contract compliance and site management for the duration of the project.

The QBS evaluation of Arco/Murray was completed yielding a rating of 335 out of a possible 350. In comparison, McHugh received a rating of 340 for the completion of the new fire station. Given this comparable rating and Arco/Murray's previous project history, Arco/Murray is judged more than capable of completing the project.

Design services (aka 'Architecture') are quoted to cost \$326K (6% of estimated construction costs). For comparison, \$388K (8% of estimated construction costs) was spent for the design and architectural fees of the new fire house. Regarding the perceived requirement that design services must be competitively bid, they do not. Design services are considered professional services by Elmhurst municipal code and are not required to be publicly bid. GMA, Inc. will be responsible for the design services portion of the project which is a sister company to Arco/Murray and is considered to have the same QBS rating specified above of Arco/Murray.

Total construction costs are \$5.0 MM and broken down as follows:

- General Conditions (7.5%) \$ 375K
- Insurance (1.25%) \$ 63K
- Construction Mgmt Fee (3.8%) \$ 190K (Arco/Murray's profit on the project)
- Materials & Direct Labor (87.45%) \$4,373K

100% of the materials and direct labor (87.45% of the construction costs) will be publicly bid with all bids opened at Elmhurst City Hall witnessed by Elmhurst City staff. The construction management fee of 3.8% was renegotiated down from 4.5% by Elmhurst City staff with Arco/Murray. For comparison purposes, 4.1% was the construction management fee for the new fire station. All costs incurred related to General Conditions will not be subject to any mark-ups by Arco/Murray. The City of Elmhurst will only pay for what these services cost and nothing more. Arco/Murray is not making a profit by handling these activities. Examples of these costs are:

- Site supervision
- Fencing
- Erosion controls
- All other direct costs

Regarding the \$4,373K in materials and direct Labor, should the project be delayed, for whatever reason, to start in 2010, there would be the potential for significant increases in costs to be incurred as follows:

Item	% of Matls & Labor	Est'd Increase	Conservative Estimate	Net Change
Direct Labor	25%	2 – 4 %	2 %	\$ 22K
Steel	10%	10 – 17 %	10%	\$ 44K
Brick	15%	3 – 5 %	3 %	\$ 20K
Concrete	50%	4 – 5.5%	4 %	\$ 88K
TOTAL			3.5% (overall)	\$ 174K

Since there is a significant potential for an increase of project costs by at least \$174K, it is recommended the City of Elmhurst move forward with this project at this time. Furthermore, given the recent approval of the State of Illinois' Capital Bill on Monday 7/13/09, there will be significant and additional project activity in 2010 which could result in even higher project costs based on the erosion of today's competitive pricing environment.

The zoning for this area is C4, and parking decks are permitted uses in the zone. A Conditional Use Permit would not be required to move forward with the project.

An estimated timeline for this project is as follows pending timely City Council approval of this project:

- 9/1/09 Architecture & design completed
- 9/30/09 Design finalized & approved. Permits approved
- 10/1/09 Break ground
- 5/1/10 Construction completed (7 months to build)
- 6/1/10 Parking deck open for use (approximate date)

Given that many studies by and for the City of Elmhurst have concluded that additional parking in the CBD is essential for further development, especially near Addison Street, it is important the City move forward with this new parking structure.

Lastly, Metra has verbally committed up to \$2 million to assist in the completion of this project. Current parking utilization by commuters is nearing 100%, at close to station sites, and more spaces are needed to fill current and future demand for parking by train users.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal for design and construction management services for construction of the Larch Avenue parking deck as outlined in the attached proposal from ARCO/Murray National Construction Company be accepted and that the attorney be authorized to prepare the proper contract and resolution for formal City Council approval.

Respectfully submitted,
Public Works and Building Committee
/s/ Jim Kennedy
Chairman

Alderman Bram moved to approve item **6a. Report – Larch Avenue Parking Deck Architectural Design and Construction Management Services (Majority Report)**. Alderman Shea seconded.

Alderman Bram stated this report is not about questioning building a parking garage but about the economics of it. He stated this is about open bidding. Alderman Bram reviewed Phase II of the project and its costs. The majority report recommendation is to go out for a qualified bidder at the best price.

Alderman Hipskind asked what is .8% of \$170,000.

Alderman Kennedy replied approximately \$35,000.

Alderman Shea asked City Attorney Storino to define “professional services.”

City Attorney Storino stated it is defined in the Municipal Code; professional services are

accountants, architects, attorneys and engineers. As construction management, Arco/Murray would act as a professional service.

Alderman Shea asked, is the City following state statute.

Discussion ensued regarding professional services and construction management under state statute.

Alderman Shea moved to send item **6a. Report – Larch Avenue Parking Deck Architectural Design and Construction Management Services (Majority Report)** back to committee for further review.

Alderman Kennedy moved to accept item **6a. Report – Larch Avenue Parking Deck Architectural Design and Construction Management Services (Minority Report)**.

Alderman Gutenkauf, point of order, there was no second to Alderman Shea's motion. Alderman Gutenkauf seconded Alderman Shea's motion to send item **6a. Report – Larch Avenue Parking Deck Architectural Design and Construction Management Services (Majority Report)** back to committee.

Discussion ensued.

Alderman Pezza, point of order, what are we voting for.

Mayor DiCianni replied the vote before Council is to send item **6a. Report – Larch Avenue Parking Deck Architectural Design and Construction Management Services (Majority Report)** back to committee. Roll call vote:

Ayes: Shea, Gutenkauf, Pezza, Bram

Nays: Leader, Hipkind, York, Nybo, Healy, Morley, Kennedy, Mulliner, Wagner

Results: 4 ayes, 9 nays, 1 absent
Motion failed

Alderman Kennedy moved to accept item **6a. Report – Larch Avenue Parking Deck Architectural Design and Construction Management Services (Minority Report)**. Alderman Mulliner seconded.

Alderman Morley, point of order, asked City Attorney Storino to clarify the motion.

City Attorney Storino stated the motion before Council can be to substitute the majority report with the minority report.

Alderman Kennedy stated parking is needed in the downtown area. He reviewed QVS process. He stated the process used for looking at Arco/Murray followed those steps. He reviewed the costs of the project.

Discussion ensued.

Alderman Mulliner moved to call the question.

Mayor DiCianni asked City Attorney Storino if this requires a second and voice vote.

City Attorney Storino replied only when the chair is being challenged.

Alderman Pezza stated she challenges the call stating more discussion is required.

Alderman Bram, point of order, what are we challenging.

City Attorney Storino explained vote aye to continue discussion and vote nay end discussion.

Voice vote, motion carried. Discussion ensued.

Alderman Pezza stated this is our duty as Council to make sure all contracts must be in writing.

She stated a vote to have a no bid contract is a vote to raise taxes.

Discussion ensued.

Alderman Kennedy moved to call the question.

Alderman Hipskind, point of order, what are we voting on.

Mayor DiCianni replied the vote before Council is to substitute the majority report with the minority report. Roll call vote:

Ayes: Kennedy, Mulliner, Leader, Hipskind, York, Nybo, Healy, Morley, Wagner

Nays: Gutenkauf, Pezza, Shea, Bram

Results: 9 ayes, 4 nays, 1 absent
Motion carried

Alderman Kennedy moved to approve item **6a. Report – Larch Avenue Parking Deck Architectural Design and Construction Management Services**. Alderman Healy seconded.

Alderman Gutenkauf asked if this vote will require a super majority.

City Attorney Storino replied a super majority is not required, this is a professional service. This is a committee report requiring a majority.

Roll call vote to approve **6a. Report – Larch Avenue Parking Deck Architectural Design and Construction Management Services**:

Ayes: Kennedy, Healy, Leader, Hipskind, York, Nybo, Morley, Mulliner, Wagner

Nays: Gutenkauf, Pezza, Shea, Bram

Results: 9 ayes, 4 nays, 1 absent
Motion carried

b. REPORT – JOINT PARK DISTRICT/CITY COMMITTEE The following report of the Finance, Council Affairs and Administrative Services Committee was presented for passage.

July 14, 2009

To: Mayor DiCianni and Members of the City Council
Re: Joint Park District/City Committee

The Finance, Council Affairs and Administrative Services Committee met July 13, 2009, to consider a request from the Elmhurst Park District regarding a joint Park District/City Committee.

The Elmhurst Park District has proposed that a Park District/City Committee be established, consisting of two Park Commissioners, two City Council members, the City Manager and the Elmhurst Park District Executive Director. This Committee would meet twice per year, and other times as needed.

The Finance Committee has considered this proposal. The Finance Committee believes that ongoing intergovernmental communication that is both timely and effective is desirable. The Finance Committee recognizes that a structured, twice-a-year meeting would be appropriate in terms of consistency, but the Committee also agrees that this joint committee should meet as needed to discuss issues that require input from both governmental bodies.

The Finance Committee supports establishing a joint Park District/City Committee, to meet formally twice a year, and to meet other times on an as needed basis. The Finance Committee also supports the format proposed by the Elmhurst Park District, and recommends that the two City Council members be appointed by the Mayor, from a list of City Council volunteers, for two year terms.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal from the Elmhurst Park District to establish a formal joint Park District/City Committee.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee

/s/ Stephen Hipskind

Chairman

/s/ Kevin York

Vice-Chairman

/s/ Mark Mulliner

/s/ Diane Gutenkauf

Alderman Hipskind moved to approve item **6b. Report – Joint Park District/City Committee**.
Alderman York seconded.

Alderman Hipskind reviewed item **6b. Report – Joint Park District/City Committee**.

Alderman Healy stated as a former member of the Park Board he thinks this relationship will be a good thing and potentially save money.

Roll call vote on item **6b. Report – Joint Park District/City Committee**:

Ayes: Hipskind, York, Gutenkauf, Pezza, Shea, Leader, Bram, Nybo, Healy, Morley, Kennedy, Mulliner, Wagner

Nays: None

Results: 13 ayes, 0 nays, 1 absent

Motion duly carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. a. UPDATES (Mayor Marcucci)

Mayor DiCianni reported he and City Manager Borchert met with County Board Chairman Schillerstrom and Acting Commissioner, Department of Aviation for the City of Chicago Rosemarie Andolino, to discuss the ring road impact and any O'Hare Airport expansion benefits to Elmhurst. He stated there was discussion on the North Avenue/294 impact on Elmhurst which has been a big concern for the 3rd Ward. The Mayor reported these items are being looked at and Elmhurst has a voice at the table. The Mayor stated he and the Mayor of Northlake, have agreed for an engineering study to further look at the problem.

Mayor DiCianni announced a Capital Bill was passed in Springfield. Mayor DiCianni stated \$1million has been secured for Capital projects:

\$300,000 Spring Road

\$300,000 Wilder Park

\$250,000 Plunkett Park

\$100,000 One Room Schoolhouse

The Mayor stated the City will receive just under \$1million in Motor Fuel Tax (MFT) money. He stated the City may receive a grant from Metra for \$2-\$2.5 million. Mayor DiCianni thanked our state representatives and senators for looking out for Elmhurst. He also thanked City Manager Borchert for keeping in close contact with them.

Alderman Bram spoke of the airplane noise in Elmhurst and asked the Mayor and/or City Manager to keep elected officials and residents apprised of any meetings they have as it pertains to O'Hare Airport expansion.

Alderman Gutenkauf asked the City Manager does he have is the list of merchants that the City Centre was to provide to Council.

The City Manager replied he will get a copy to her.

Alderman Leader stated he too is in favor of monitoring the situation of the O'Hare Airport noise.

Alderman Mulliner congratulated the Police Department for receiving the "Best SUV" award from Law & Order magazine's 2009 Vehicle Design Contest for the new Chevy Tahoe squad car design.

ORDINANCE

8. a. O-29-2009 – AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NUMBER TWELVE OF THE CITY OF ELMHURST (GLADYS AVENUE)

Ordinance O-29-2009 was presented for passage.

Alderman Hipskind moved to approve item **8a. O-29-2009 – An Ordinance Establishing Special Service Area Number Twelve of the City of Elmhurst (Gladys Avenue)**. Alderman York seconded.

Aldermen Shea, Bram and Morley spoke of their support of the sidewalks on Gladys stating the process was followed correctly and the SSA should be established. Suggestions were made to take a second look at the policy and procedure.

Aldermen Leader and Kennedy spoke against the sidewalks on Gladys because of the financial burden it will have on the residents.

Discussion ensued regarding the policy and procedures of establishing new sidewalks.

Roll call vote on item **8a. O-29-2009 – An Ordinance Establishing Special Service Area Number Twelve of the City of Elmhurst (Gladys Avenue)**:

Ayes: Hipskind, York, Gutenkauf, Shea, Bram, Morley, Mulliner, Mayor DiCianni

Nays: Pezza, Leader, Nybo, Healy, Kennedy, Wagner

Results: 8 ayes, 6 nays, 1 absent
Motion carried

OTHER BUSINESS

9. a. APPROVAL BY MOTION OF I.U.O.E. UNION/CITY AGREEMENT AMENDMENT

City Manager Borchert reviewed the *Side Letter of Agreement Between the City of Elmhurst and IUOE Local 150*, the Public Works Union.

Alderman Mulliner moved to approve the *Side Letter of Agreement Between the City of Elmhurst and IUOE Local 150*. Alderman Hipskind seconded. Roll Call vote:

Ayes: Mulliner, Hipskind, Gutenkauf, Pezza, Shea, Leader, Bram, York, Nybo, Healy, Kennedy, Morley, Wagner

Nays: None

Results: 13 ayes, 0 nays, 1 absent
Motion duly carried

ANNOUNCEMENTS

10. Alderman Mulliner thanked the Public Works IUOE Union for helping the City out in these tough economic times; in the long term it will be beneficial. The Public Works employees do a great job.

ADJOURNMENT

11. Alderman Bram moved to adjourn the meeting. Aldermen Healy seconded. Voice Vote. Motion carried. Meeting adjourned 11:15 p.m.

Peter P. DiCianni, III, Mayor

Patty Spencer, City Clerk