

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON TUESDAY, JANUARY 17, 2012
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 6:30 P.M. – APPOINTMENT EMPLOYMENT OR COMPENSATION OF A CITY OFFICER OR EMPLOYEE AND PENDING/PROBABLE LITIGATION

1. Executive session was called to order at 6:36 p.m. by Mayor DiCianni for the purpose of discussing the Appointment Employment or Compensation of a City Officer or Employee and Pending/Probable Litigation.

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

Absent: Bob Dunn (arrived at 7:10 p.m.)

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Attorney Acker, City Manager Grabowski

Alderman Morley moved to convene into executive session for the purpose of discussing Appointment Employment or Compensation of a City Officer or Employee and Pending/Probable Litigation. Alderman Gutenkauf seconded.

Ayes: Morley, Gutenkauf, Leader, Bram, Polomsky, York, Hipskind, Healy, Levin, Kennedy, Wagner, Mulliner, Pezza

Nays: None

13 ayes, 0 nays, 1 absent

Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Wagner seconded. Voice vote. Motion carried. Executive session adjourned at 7:32 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 8

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:35 p.m.

Present: Paula Pezza, Diane Gutenkauf, Norman Leader, Bob Dunn, Michael J. Bram, Stephen Hipskind, Scott Levin, Jim Kennedy, Patrick Wagner, Mark A. Mulliner

Absent: Dannee Polomsky, Kevin L. York, Chris Healy, Steve Morley

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Grabowski, Director of Finance & Administration Gaston, Interim Police Chief Panico

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

4. Claude Pagacz
566 W. Gladys Ave.
Elmhurst, IL 60126

Asked the City Council to vote “no” on item **6i. Report – Electric Aggregation Consultant** on tonight’s agenda.

John Reboletti
625 W. Gladys Ave.
Elmhurst, IL 60126

Spoke against the hiring of a consultant referring to item **6i. Report – Electric Aggregation Consultant** on tonight's agenda.

Chuck Sutton
743 S. Prospect Ave.
Elmhurst, IL 60126

Stated he is an Elmhurst resident and President of MCSquared, a retail electricity supplier. He asked that the Illinois Commerce Commission link be put on the City's website. He spoke about other options before aggregation is in effect.

ANNOUNCEMENTS

5. None.

CONSENT AGENDA

6. The following items on the Consent Agenda were presented:

- a. MINUTES OF THE REGULAR MEETING HELD ON TUESDAY, JANUARY 3, 2012 (City Clerk Spencer):
Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION HELD ON MONDAY, DECEMBER 19, 2011 (City Clerk Spencer): Receive and place on file
- c. ACCOUNTS PAYABLE – JANUARY 17, 2012, TOTAL \$ 1,129,645.51
- d. REPORT – MUNICIPAL CODE SECTION 4.10 UPDATE – VETERANS MEMORIAL COMMISSION The following report of the Public Affairs & Safety Committee was presented for passage:

January 9, 2012

To: Mayor DiCianni and Members of the City Council
Re: Municipal Code Section 4.10 Update – Veterans Memorial Commission

The Public Affairs and Safety Committee met on January 9, 2012, to review the necessity to amend and update the Municipal Code of Ordinances of the City of Elmhurst, Section 4.10 – Veterans Memorial Commission.

The change will reflect the merger of Elmhurst Veterans of Foreign Wars Post Number 2048 Walter A. Glos and Elmhurst Veterans of Foreign Wars Post Number 2048 Walter A. Glos Auxiliary with Villa Park Veterans of Foreign Wars Post 2801.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Attorney draft the appropriate changes to the Municipal Code of Ordinances of the City of Elmhurst, Section 4.10 to reflect the merger of Elmhurst Veterans of Foreign Wars Post Number 2048 Walter A. Glos and Elmhurst Veterans of Foreign Wars Post Number 2048 Walter A. Glos Auxiliary with Villa Park Veterans of Foreign Wars Post 2801.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Paula Pezza
Vice-Chairman
/s/ Michael J. Bram

- e. REPORT – ELMHURST CHAMBER OF COMMERCE MEMORIAL DAY PARADE, MAY 28, 2012 The following report of the Public Affairs & Safety Committee was presented for passage:

January 9, 2012

To: Mayor Peter P. DiCianni and the Members of City Council
RE: Elmhurst Chamber of Commerce Memorial Day Parade – May 28, 2012

The Public Affairs and Safety Committee met on January 9, 2012 to discuss the request from the Elmhurst Chamber of Commerce to hold the 94th Annual Memorial Day Parade on Monday, May 28, 2012. The Elmhurst Chamber of Commerce is organizing the Parade in cooperation with the City of Elmhurst and the Veterans Organizations of Elmhurst.

The Parade will assemble at York Street and Third Street at 8:15 a.m. with staging on Addison, Third, Michigan, Hahn, Illinois and York. The Parade will step off at 9:30 a.m. from York and Third and will proceed south down York to the Palmer Drive underpass heading east, south, and then west to York, turning south on York and then west on Church to Prospect Avenue and turning north past the reviewing stand where it will end near the Wilder Mansion.

The military ceremony will be held at the Veterans Memorial in Wilder Park at the conclusion of the Parade and will conclude by 1:00 p.m.

Proof of insurance will be provided to and approved by the City Attorney prior to 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 Chamber of Commerce's request to hold the 94th Annual Memorial Day Parade on Monday, May 28, 2012, starting at 8:15 a.m. and concluding by 1:00 p.m. and that the City Attorney prepare the necessary documents.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Paula Pezza
Vice-Chairman
/s/ Michael J. Bram

- f. REPORT – BANQUET FACILITY LIQUOR LICENSE CLASSIFICATION The following report of the Public Affairs & Safety Committee was presented for passage:

January 9, 2012

To: Mayor DiCianni and Members of the City Council
Re: Banquet Facility Liquor License Classification

The Public Affairs and Safety Committee met on January 9, 2012, to review the necessity to amend the Municipal Code of Ordinances of the City of Elmhurst to create a liquor license classification to be used by banquet facilities.

A Class "BF" liquor license shall authorize the retail sale of alcoholic liquor for consumption on the premises where the business is that of a banquet facility.

A Banquet Facility is defined as any place kept, used, maintained, advertised or held out as a place where a prearranged private party, function, or event for a specific social or business occasion may be held, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room designated and used exclusively for a private party, function or event, and where prepared meals and alcoholic liquors are sold as agreed pursuant to a contract.

The annual fee for Class "BF" liquor license for 2012 shall be one thousand eight hundred forty-nine dollars (\$1,849.00); in subsequent years, the fee shall be increased in July of each year by an amount equal to the annual percentage increase in the CPI for the year immediately preceding.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council amend the Municipal Code of Ordinances of the City of Elmhurst to provide for an additional classification of liquor license in the City; such classification being a Class "BF" liquor license authorizing the retail sale of alcoholic liquor for consumption on the premises where the business is that of a banquet facility.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Paula Pezza
Vice-Chairman
/s/ Michael J. Bram

- g. REPORT – BENSENVILLE FIRE PROTECTION DISTRICT #1 – MODIFICATION AGREEMENT The following report of the Public Affairs & Safety Committee was presented for passage:

January 9, 2012

To: Mayor DiCianni and Members of the City Council
Re: Bensenville Fire Protection District #1 – Modification Agreement

The Public Affairs and Safety Committee met on January 9, 2012, to discuss the Modification Agreement between the City of Elmhurst and Bensenville Fire Protection District #1, to extend the Agreement which terminated on October 31, 2011 to October 31, 2012. The City of Elmhurst will continue to provide fire protection and ambulance services for the territory located south of Grand Avenue, under the terms and conditions of the Agreement until a new agreement is entered into by the District and the City of Elmhurst or another service provider.

The District agrees to compensate the City an amount therefor as provided in Paragraph 6 of the Agreement, prorated to the actual period for which the extension of the Agreement shall remain in effect. The District shall pay the City the amount of compensation so determined within Thirty (30) days of the termination of the extension period.

This Modification sets forth all agreements, understandings and covenants between and among the parties relative to the matters herein contained. This Modification supersedes all prior agreements, negotiations and understandings, written and oral, and shall be deemed a full integration of the entire agreement of the parties.

All other provisions of the Agreement stay in full force and effect unless amended by this Modification.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the extension of this Modification Agreement until October 31, 2012 or a new agreement is entered into by the District and the City of Elmhurst or another service provider.

Respectfully submitted,
Public Affairs and Safety Committee
/s/ Patrick Wagner
Chairman
/s/ Paula Pezza
Vice-Chairman
/s/ Michael J. Bram

- h. REPORT – PURCHASE OF MULTIFUNCTIONAL DIGITAL COPIERS The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

January 10, 2012

To: Mayor DiCianni and Members of the City Council
Re: Purchase of Multifunctional Digital Copiers

The Finance, Council Affairs and Administrative Services Committee met January 9, 2012, to review the purchase of twelve (12) multifunctional digital copiers. The current copier equipment ranges from five to eight years in age and is nearing or exceeding life cycle of the machines.

A Request for Proposal (RFP) was distributed to seven vendors, and responses were received from all seven. After evaluating the proposals on the vendor's ability to meet the mandatory requirements: company qualifications, general requirements, technical specifications, customer service response and cost, staff selected two vendors, Core Print Solutions, a distributor of the Toshiba multifunction copier, and Konica Minolta Business Systems, a manufacturer of the BizHub multifunction copier, to demonstrate their products.

Konica Minolta provides a multifunctional digital copier that met all requirements and proposed the lowest purchase price as follows:

MODEL	UNIT PRICE	# OF UNITS	TOTAL
BizHub C552DS	\$7,861	4	\$31,444
BizHub C452	\$6,635	2	\$13,270
Biz Hub C360	\$5,338	6	\$32,028
		TOTAL	\$76,742

Staff reviewed leasing options offered by the vendor, but determined that purchasing the copiers was a more economical option. Konica Minolta is the current vendor for both the Elmhurst Park District and Elmhurst School District 205, and comes highly recommended from both. The purchase for the copiers was budgeted in the 2011-2012 Information Technology Department budget in the amount of \$25,000. The Live Scan equipment and the Mobile Data Terminals (MDT's) purchased for the Police Department, was approximately \$100,000 under budget. It is recommended that \$51,742 of the unused budget be allocated for the purchase of the copiers. The annual maintenance cost of \$9,720 offered by Konica, for all twelve copiers, based on estimated copy volume, was the lowest submitted by all vendors. A substantial savings will be realized as a result of eliminating current annual copier maintenance at \$39,000 and the removal of desktop printers through networking at \$14,500. The proposed annual maintenance cost of \$9,720, contracted for four years, will replace the current annual maintenance cost of \$53,500, saving the City approximately \$43,780 annually.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve the purchase of twelve (12) multifunctional digital copiers, as described above, from Konica Minolta for the cost of \$76,742.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipskind
Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner
/s/ Scott Levin

- i. REPORT – ELECTRIC AGGREGATION CONSULTANT The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

January 10, 2012

To: Mayor DiCianni and Members of the City Council
Re: Electric Aggregation Consultant

The Finance, Council Affairs and Administrative Services Committee met January 9, 2012, to review utilizing the professional services of an electric aggregation program (EAP) consultant.

As the City Council will recall, the Council approved placing a referendum question on the March 20, 2012 general primary election ballot, regarding the opt-out EAP. Staff believes it is in the City's best interest to retain a consultant to assist in educating residents about EAP and the proposed opt-out program, and to assist in implementing the opt-out EAP if the referendum is approved.

A Request for Proposal (RFP) for professional services was distributed to eleven municipal EAP consultants. The EAP consultant's task would be to assist the City in developing the EAP, conducting an informational campaign on the EAP in advance of the referendum, developing an RFP for the actual electric supply, negotiating the best possible electricity rate for the constituents, and assisting in the implementation of the EAP. The fee associated with this initial consulting agreement will be paid during the one-year period from the time the electricity rate negotiations are complete and the new rate is in place.

Six consultants submitted proposals on a timely basis: BlueStar, Energy Choices, Illinois Community Choice Aggregation Network, Independent Energy Consultants, Integrys Energy Services and NIMEC. One consultant, Good Energy, L.P., submitted a proposal after the deadline and was disqualified. Proposals were evaluated and analyzed by staff based on several factors including, but not limited to, ability to meet minimum project requirements, project approach, scope of services proposed, consultant availability, cost of services, familiarity with regulatory and market conditions in Illinois, and overall expertise. Based on staff evaluation and analysis of the proposals, the field then was narrowed to BlueStar, Illinois Community Choice Aggregation Network and NIMEC. Staff then conducted phone interviews with representatives of these three firms to further clarify and compare the proposals.

After completion of the interviews and further evaluation, staff recommends contracting with NIMEC for the services described above. NIMEC has significant experience with EAPs in this region (currently working with fifteen municipalities), and its fee structure of \$0.0002 per kWh (staff estimates approximately \$34,560 annually) is the most competitive and includes one brochure mailer and one water bill insert prior to the referendum. The consultant's fee will be included in the actual energy cost negotiated for the residential and small commercial retail customers; therefore, this expense will not be a budget item. It is estimated that the average electricity retail customer that does not opt-out of the EAP will underwrite approximately \$2.00 of this consultant cost in the initial year of the EAP. Staff stated that renewable energy options will be included in the Request for Proposals for actual energy supply. The League of Women Voters of Elmhurst and the Elmhurst Cool Cities Coalition have expressed an interest in assisting in the communication and informational campaign leading up to the referendum. After discussion, the Finance Committee concurred with staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council approve contracting with NIMEC for electric aggregation consultant services for a fee of \$0.0002 per kWh.

Respectfully submitted,
Finance, Council Affairs and
Administrative Services Committee
/s/ Stephen Hipskind
Chairman
/s/ Kevin York
Vice-Chairman
/s/ Mark Mulliner
/s/ Scott Levin

j. O-02-2012 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-02-2012 was presented for passage.

k. O-03-2012 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-03-2012 was presented for passage.

l. O-04-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN THE ELMHURST PARK DISTRICT AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-04-2012 was presented for passage.

Alderman Healy pulled item **6g. Report – Bensenville Fire Protection District #1 – Modification Agreement** from the Consent Agenda. Alderman Pezza pulled item **6i. Report – Electric Aggregation Consultant** from the Consent Agenda.

Alderman Wagner moved to approve the contents of the Consent Agenda less items **6g. Report – Bensenville Fire Protection District #1 – Modification Agreement** and **6i. Report – Electric Aggregation Consultant**. Alderman Bram seconded. Roll call vote:

Ayes: Wagner, Bram, Polomsky, York, Hipskind, Healy, Levin, Kennedy, Morley, Mulliner, Pezza, Gutenkauf, Leader, Dunn

Nays: None

Results: 14 ayes, 0 nays, 0 absent
Motion duly carried

Alderman Wagner moved to approve item **6g. Report – Bensenville Fire Protection District #1 – Modification Agreement**. Alderman Pezza seconded.

Alderman Healy stated he pulled item **6g. Report – Bensenville Fire Protection District #1 – Modification Agreement** to state the City needs to address the issue by coming to a conclusion not giving another extension. He stated it is time to implement a solution, he stated he does not support extending this agreement.

Alderman Wagner explained why the Public Affairs & Safety Committee recommended extending the agreement.

Voice vote on item **6g. Report – Bensenville Fire Protection District #1 – Modification Agreement**, not unanimous, motion carried.

Alderman Hipskind moved to approve item **6i. Report – Electric Aggregation Consultant**. Alderman York seconded.

Alderman Pezza stated she pulled item **6i. Report – Electric Aggregation Consultant** to request the Finance, Council Affairs & Administrative Services Committee (F,CA&AS) explain the parameters of the report.

F,CA&AS Committee Vice-Chairman, Alderman York, explained the process of the decision that appears in the recommendation paragraph of the report and clarified how the consultant will be

compensated.

Discussion ensued.

Voice vote on item **6i. Report – Electric Aggregation Consultant**. Unanimous, motion carried.

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

6. a. UPDATES (Mayor DiCianni)

Mayor DiCianni reported the Stormwater Task Force continues to meet to complete their report to the Council.

Alderman Bram asked if Mayor DiCianni or City Manager Grabowski would give an update on the Elmhurst Memorial Hospital Berteau Campus.

Mayor DiCianni stated the out-patient Behavioral Health will no longer exist. There is discussion to create a Senior Living facility but nothing is firm at this time.

Alderman Gutenkauf asked the Mayor for an update on the development of Hahn Street.

City Manager Grabowski stated the City has been talking to the developer of record regarding the real estate that he has under contract and Council will be updated. City Manager Grabowski stated the City is working on another RFP but the developer has not been removed from the contract.

Alderman Mulliner stated ComEd is in the 7th Ward and south Elmhurst pulling the Hendrix cable in York Woods. He stated ComEd is on the move and the City needs to continue to apply pressure on them and hold them accountable.

OTHER BUSINESS

7. None.

ADJOURNMENT

8. Alderman Morley moved to adjourn the meeting. Alderman York seconded. Voice vote. Motion carried. Meeting adjourned 8:11 p.m.

Peter P. DiCianni III, Mayor

Patty Spencer, City Clerk