

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS
HELD ON MONDAY, DECEMBER 3, 2012
209 NORTH YORK STREET
ELMHURST, ILLINOIS**

EXECUTIVE SESSION 7:15 P.M. – ACQUISITION/DISPOSITION OF REAL PROPERTY AND PENDING/THREATENED LITIGATION

1. Executive session was called to order at 7:16 p.m. by Clerk Spencer for the purpose of discussing Acquisition/Disposition of Real Property and Pending/Threatened Litigation.

Present: Paula Pezza, Diane Gutenkauf, Norm Leader (arrived at 7:19 p.m.), Bob Dunn, Michael J. Bram, Dannee Polomsky, Kevin L. York, Stephen Hipskind, Chris Healy, Scott Levin, Jim Kennedy, Steve Morley, Patrick Wagner, Mark A. Mulliner

Absent: None

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

Alderman Mulliner stated even though he is the longest standing Alderman, he declines the position of Mayor Pro-Tempore. Alderman Mulliner moved to appoint Alderman Bram Mayor Pro-Tempore. Alderman Gutenkauf seconded. Voice vote, unanimous, motion carried.

Alderman Mulliner moved to convene into executive session for the purpose of discussing Acquisition/Disposition of Real Property and Pending/Threatened Litigation. Alderman Polomsky seconded.

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

Nays: None

14 ayes, 0 nays, 0 absent
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Healy seconded. Voice vote. Motion carried. Executive session adjourned at 7:24 p.m.

CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL

Attendance: 14

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

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

Absent:

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Grabowski, Assistant City Manager Kopp, Director of Finance & Administration Gaston, Fire Chief Bacidore, Director of Public Works Hughes, Police Chief Ruth, Deputy Police Chief Panico, Deputy Police Chief Kveton

RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC

3. None.

PUBLIC FORUM

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

He asked, what is the minimum amount before a service contract can be selected by the City for public bid. He also asked the cost per foot² for the parking deck and Pauli.

Tamara Brenner
137 N. Caroline Ave.
Elmhurst, IL 60126

Spoke regarding items “h” and “i” on tonight’s Consent Agenda. She stated questions haven’t been answered to justify keeping the status quo. The Chair precluded public comment before the report was reviewed by the Committee. She asked Council not to approve these items tonight until questions are answered.

Liz Widmeir
908 Saylor Ave.
Elmhurst, IL 60126

She asked about the ComEd update that City Manager Grabowski stated he would give asking if not tonight, then when?

ANNOUNCEMENTS

5. City Clerk Spencer announced that due to the recent passage of Senate Bill 3338 the last day of the filing period of nomination materials for the April 9, 2013 Consolidated Election has changed from Monday, December 24, 2012 to Wednesday, December 26, 2012.

Alderman Dunn announced he and Alderman Leader will host a North Graue Woods neighborhood meeting regarding the recent burglaries that have occurred. He stated it will be held at Mary Queen of Heaven on December 6, 2012 between 7-8:30 p.m. The Elmhurst Police Department will be represented.

Alderman Healy announced he had the honor, along with Mayor DiCianni, to attend school assemblies on November 29, 2012 at both Lincoln and Bryan schools in honor of their National Achievement, winning the Blue Ribbon Award. He stated a proclamation was read declaring National Blue Ribbon Schools Day in their honor.

Alderman Mulliner announced Special Kids Days will be held on Wednesday, December 5, 2012 at the Wilder Mansion from 3:00 p.m. – 8:00 p.m.

CONSENT AGENDA

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

- a. MINUTES OF THE REGULAR MEETING HELD ON MONDAY, NOVEMBER 19, 2012 (City Clerk Spencer): Approve as published
- b. MINUTES OF THE EXECUTIVE SESSION MEETING HELD ON MONDAY, NOVEMBER 19, 2012 (City Clerk Spencer): Receive and place on file
- c. ACCOUNTS PAYABLE – NOVEMBER 30, 2012 TOTAL \$ 1,199,127.33
- d. PROCLAMATION – NATIONAL DRUNK AND DRUG DRIVING PREVENTION MONTH
- e. REPORT – ST. CHARLES ROAD LAFO IMPROVEMENTS DESIGN ENGINEERING SERVICES PROPOSAL
The following report of the Public Works & Buildings Committee was presented for passage:

November 26, 2012

TO: Mayor DiCianni and Members of the City Council
RE: St. Charles Road LAFO Improvements Design Engineering Services Proposal

The Public Works and Building Committee met on Monday, November 26, 2012 to discuss a proposal received from TranSystems Corporation for professional engineering services for design of a Local Agency Functional Overlay (LAFO) project along St. Charles Road from IL Route 83 to Spring Road.

The improvements include removal and replacement of deteriorated sections of curb and gutter, pavement and sidewalks. The final pavement construction will include a three inch (3") grind of the existing roadway and a 3" overlay with asphalt.

TranSystems assisted the City in the preparation of Federal STP funding application. This project received \$352,800 in Federal STP funding for construction through the DuPage Mayors and Managers Conference (DMMC). The total estimated cost for construction is \$504,000. The City of Elmhurst will need to complete Phase I and II engineering in accordance with Illinois Department of Transportation procedures for Federal-Aid projects.

Design engineering services will include the preparation of contract plans, specifications and cost estimates for a June 2013 contract letting through IDOT. The work shall be prepared in accordance with IDOT requirements for LAFO projects including obtaining LAFO approval. The plans and specifications will provide sufficient guidance to the contractor necessary to bid the project, provide the contractor with geometric layout requirements to allow the contractor to establish controls during construction, and include sufficient details for completing the street resurfacing. The plans will be reviewed by the City and IDOT. Coordination with IDOT and FHWA will also be required.

TranSystems has proposed to do this work on a cost plus fixed fee basis with a total cost not to exceed \$37,104.19. See attached proposal for consultant services and fees. These rates are consistent with fees for professional services on similar projects. TranSystems has completed similar work for the City in the past on numerous City projects in a satisfactory and professional manner. Monies for this project have been provided in the FY 2012/13 Budget, Account Number 110-6041-432-80-15, in the amount of \$45,000.

It is, therefore, the recommendation of the Public Works and Building Committee that the Design Engineering Services Proposal from TranSystems Corporation for the York Street LAFO Improvements in the amount not to exceed \$37,104.19, be accepted, and that the City attorney be authorized to prepare a resolution approving a contract with TranSystems Corporation.

Respectfully submitted,
Public Works and Building Committee
/s/ Jim Kennedy
Chairman
/s/ Bob Dunn
Vice-Chairman
/s/ Chris Healy
/s/ Diane Gutenkauf

- f. REPORT – BID, FOUR (4) CHEVROLET (9C1) CAPRICE POLICE INTERCEPTORS The following report of the Public Affairs & Safety Committee was presented for passage:

November 26, 2012

TO: Mayor DiCianni III and Members of the City Council
RE: Bid, Four (4) Chevrolet (9C1) Caprice Police Interceptors

The Public Affairs and Safety Committee met on Monday, November 26, 2012 to discuss the purchase of four (4) Chevrolet Caprice Police Interceptor vehicles. Three (3) vehicles scheduled to be replaced (PD6, PD15, and PD19) in the FY12/13 budget and to replace one (1) Crown Vic Police Pursuit Vehicle (PD11) that was totaled in an accident.

The Fleet Department, with consideration of the City of Elmhurst's Sustainability Policy requirements to reduce dependence on carbon dioxide producing fossil fuels, will replace these vehicles with 2013 E-85 Chevrolet Caprice Interceptors. The City of Elmhurst participates in the State of Illinois, Central Management Service program. The State of Illinois, Central Management Services has awarded a competitively bid, joint purchase contract to Miles Chevrolet in Decatur, IL under contract PSD #4017159 for the supply of Chevrolet Caprice (9C1) Police Interceptors. The total cost for four (4) 2013 Chevrolet (9C1) Caprice Police Interceptors with the options required for Elmhurst's fleet is \$106,688.

The total cost for four (4) 2013 Chevrolet Caprice Police Interceptor vehicles is \$106,688 with a per unit cost of \$26,177. The price reflects a trade-in allowance for former PD6 of \$2,200, PD15 of \$2,200, and PD19 of \$2,200. Totaled vehicle number PD11 will be sold at the DuPage Mayors and Managers Auction in the spring of 2013. Funds have in the amount of \$168,000 have been provided in the FY2012/2013 budget under the following account number 110-5030-421-80-06 for the purchase of vehicles. Delivery is 6 months after receipt of order.

It is, therefore, the recommendation of the Public Affairs and Safety Committee that the City Council approve the purchase of four (4) 2013 E-85 Chevrolet (9C1) Caprice Interceptors Vehicles, from Miles Chevrolet in Decatur, IL under contract PSD #4017159 to replace PD6, PD11, PD15, and PD19. It is also the recommendation of the Public Affairs and Safety Committee that the City Council authorize the disposal of former PD6, PD15, and PD19 and City Attorney be authorized to prepare the appropriate documents.

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

- g. REPORT – PAPERLESS AGENDA SYSTEM HARDWARE The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

November 27, 2012

To: Mayor DiCianni and Members of the City Council
Re: Paperless Agenda System Hardware

The Finance, Council Affairs and Administrative Services Committee met November 26, 2012, to review the paperless agenda system hardware for Board Docs.

Board Docs will allow the City Council and staff to significantly improve the way they create and manage board packets, access information and conduct meetings. Currently, staff creates a paper packet and delivers it to the City Council at their homes.

Staff researched paperless agenda hardware and reviewed and tested a Microsoft Surface, Apple iPad, Acer Ultra Book Laptop and an Asus Slate Computer. Board Docs is a cloud-based solution that is supported by most mobile devices. In switching over to a paperless packet, staff recommends the standardization of equipment for use by the elected officials and staff at Council and Committee meetings. Based on the battery life, compatibility, portability, and versatility staff recommends the purchase of twenty laptop devices (approximately \$500 each; \$10,000 total). Purchase of a docking cart which secures, stores, and charges twenty laptops is also recommended (\$2,500) in addition to upgrades to the City Hall wireless network (approximately \$5,000). The total estimated cost for equipment is \$17,500. A laptop will provide the best business experience to interface to Board Docs, the internet and for reading and creating business documents using Office 2010. Funds are available in the fiscal 2013 Information Technology budget in account 110-2008-413-80-31. The Finance Committee concurs with staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal for twenty laptop devices and Office 2010, to provide access to the Board Docs paperless agenda system, and that the City Attorney be authorized to prepare the appropriate resolution.

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

- h. REPORT – REAL ESTATE CONSULTANT SERVICES The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

November 27, 2012

To: Mayor DiCianni and Members of the City Council
Re: Real Estate Consultant Services

The Finance, Council Affairs and Administrative Services Committee met several times, most recently November 26, 2012, to review real estate consultant services provided by Van Slyke Enterprises, Inc.

As the City Council is aware, the City of Elmhurst has utilized the real estate consultant services of Mr. Charles R. Van Slyke, Jr., president of Van Slyke Enterprises, Inc., since February 1988. Mr. Van Slyke has consulted with the City Manager and City Council concerning matters relating to City property records, tax exempt status, matters relating to economic development and redevelopment of the City of Elmhurst, including but not limited to, real estate development and redevelopment and negotiations of leases, easements and the purchase and sale of property and all related matters on a project by project basis as directed. Mr. Van Slyke brings unique technical expertise relative to commercial real estate management, and efficiency and effectiveness in dealing with DuPage County relative to Elmhurst and County real estate issues. Mr. Van Slyke's extensive real estate experience has been utilized to assist with projects in the Mayor/Manager's office and in the Community Development Department.

The consultant agreement between Mr. Van Slyke and the City of Elmhurst has expired, and staff recommends entering into a new agreement with Van Slyke Enterprises, Inc. The Finance Committee reviewed the real estate consultant's responsibilities, and the number of hours worked in the recent past (849 in FY 2010, 908 in FY 2011 and 800 in FY 2012). The FY 2013 budget includes 900 hours, and 352 hours (39%) have been charged through the first five months. The 352 hours year-to-date have been used as follows: 44% or 155 hours for community property planning, 41% or 143 hours for the three existing TIF districts and 15% or 54 hours for the proposed TIF districts. It was the consensus of the Finance Committee that a consultant for real estate services provided the City with flexibility to use the services as needed, and that Mr. Van Slyke was well-qualified to provide that service. The Finance Committee also agreed on a cap of 900 hours annually (a decrease of 140 hours compared to the prior contract cap), a contract term of three years, and an hourly rate of \$100 for the duration of the contract, which is the same rate as in the prior three year contract. After review and discussion, the Finance Committee concurred with staff recommendation to enter into a new agreement with Van Slyke Enterprises, Inc.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare a consultant agreement with Van Slyke Enterprises, Inc., for real estate consultant services as described above.

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 – Consultant Agreement for Administrative Services The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

November 27, 2012

To: Mayor DiCianni and Members of the City Council
Re: Consultant Agreement for Administrative Services

The Finance, Council Affairs and Administrative Services Committee met several times, most recently November 26, 2012, to review consultant services provided by Ken Bartels Consulting for certain administrative services.

As the City Council is aware, the City of Elmhurst has utilized the consultant services of Ken Bartels Consulting since September 2009. Specific areas of responsibility for consulting services are enhanced communication to the community, fundraising for the Elmhurst Historical Museum and economic development. Mr. Bartels has assisted the Elmhurst Historical Museum and the Elmhurst Heritage Foundation with developing a multi-faceted approach to fundraising, has created and co-hosts the “Elmhurst NOW” cable television program, and serves as liaison to the Elmhurst Economic Development Commission.

The consultant agreement between Mr. Bartels and the City of Elmhurst has expired, and staff recommends entering into a new agreement with Mr. Bartels. The Finance Committee reviewed the consultant responsibilities, and the number of hours worked in the recent past (297 hours in FY 2010, 495 hours in FY 2011 and 503 hours in 2012). The FY 2013 budget includes 550 hours, and 195 hours have been charged through the first five months. The 195 hours year-to-date have been used as follows: 35% or 68 hours for Elmhurst Historical Museum/Elmhurst Heritage Foundation assistance, 8% or 16 hours for communications assistance, and 57% or 111 hours for economic development. Staff recommends a contract term of three years, a cap of 500 hours annually (a decrease of 50 hours compared to budget and a decrease of 345 hours compared to the prior contract cap), and an hourly rate of \$90 for the duration of the contract, which is the same rate as in the prior three year contract. After review and discussion, the Finance Committee concurred with staff recommendation to enter into a new agreement with Ken Bartels Consulting.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare a consultant agreement with Ken Bartels Consulting for administrative services as described above.

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. REPORT – RETIREMENT FUND SERVICE CREDIT FOR OUT-OF-STATE SERVICE The following report of the Finance, Council Affairs & Administrative Services Committee was presented for passage:

November 27, 2012

To: Mayor DiCianni and Members of the City Council
Re: Retirement Fund Service Credit for Out-of-State Service

The Finance, Council Affairs and Administrative Services Committee met November 26, 2012, to review a request to grant City of Elmhurst employee Gary L. Smith retirement fund service credit for out-of-state service.

Mr. Smith has been employed with the City of Elmhurst as Manager of Water/Wastewater since October 4, 2010. Prior to employment with the City, Mr. Smith worked for the City of Lawton, Oklahoma, for a period of three and one-half years, and participated in a public employee pension system for local governments of the State of Oklahoma. Since leaving the employment of the City of Lawton, Mr. Smith has received a refund of contributions and has irrevocably forfeited all rights to a benefit from the public pension system of the State of Oklahoma.

Mr. Smith now participates in the Illinois Municipal Retirement Fund (IMRF). IMRF provides for granting of out-of-state service credits of up to ten years provided the following conditions are met:

- The governing body (City of Elmhurst) must adopt an authorizing resolution.
- The member (Mr. Smith) must have irrevocably forfeited all benefits in the out-of-state system.
- The member must have completed two years of contributing service with the current IMRF governmental employer authorizing the out-of-state service.
- The member must pay IMRF contributions for each month of out-of-state service equal to 10% times the average monthly earnings for the first 24 months of reported earnings with the employer authorizing the out-of-state service.

During the employment interview process, Mr. Smith inquired about the IMRF out-of-state service provision and whether the City would consider such a request. The response was that, while there are no guarantees, the City has considered two requests for out-of-state service credits in the recent past (2006 and 2007), and both requests were granted.

Mr. Smith respectfully requests granting of three and one-half years' service credit for his out-of-state service with the City of Lawton, Oklahoma. Mr. Smith has met the first two member conditions and is prepared to meet the IMRF contribution requirement if the City Council adopts an authorizing resolution. Mr. Smith has completed the employee portion of IMRF Form 6.33 Out-Of-State Credit Authorization, and IMRF has provided the estimated employee cost (\$38,400) and the estimated employer cost (\$54,691). The City cost will be amortized over a thirty year amortization period, and will be reflected in future employer contribution rates, the impact of which is estimated to be .03% in the first year. The City's 2013 contribution rate is 13.99%.

Mr. Smith is a committed City of Elmhurst employee. He has also purchased four years of military service credit with IMRF. Staff recommends authorizing the granting of service credits to Mr. Smith for his three and one-half years of out-of-state service with the City of Lawton, Oklahoma. The Finance Committee concurs with staff recommendation.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council direct the City Attorney to prepare the appropriate resolution authorizing the granting of service credits for City of Elmhurst employee Gary L. Smith, for his out-of-state service with the City of Lawton, Oklahoma, in the amount of three and one-half years of service.

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

- k. REPORT – CASE NUMBER 12 ZBA-04 /NITTI RE-SUBDIVISION AND VARIATION – 349 AND 343 W. MONTROSE AVENUE The following report of the Development, Planning & Zoning Committee was presented for passage:

November 27, 2012

TO: Mayor DiCianni and Members of City Council

RE: Case Number 12 ZBA-04 /Nitti Re-Subdivision and Variation – 349 and 343 W. Montrose Avenue Request for resubdivision and variation to lot area for two existing single family lots to be resubdivided into two newly reconfigured lots, on property commonly known as 349 and 343 W. Montrose Avenue (PIN 06-11-126-005 and 006), said property being wholly located within the R2 Single Family Residence district.

The Development, Planning and Zoning Committee met on November 26, 2012 to review the Zoning & Planning Commission report dated November 14, 2012 unanimously recommending approval of the subject request. The Committee also reviewed the complete packet of documents and information submitted by the applicant, and the transcripts of the public hearings.

The Committee discussed the requested resubdivision and lot area variations noting that the current lot areas will be the same as the proposed lot areas at 7,000 square feet each. The resulting reconfiguration of these two lots will be an enhancement to the future homeowners and the neighborhood as well. The two proposed new lots will have the same orientation and dimensions as the existing lot immediately to the north (50 wide by 140 deep facing Fairfield). The maximum lot coverage for these two lots, whether existing or proposed, is 2,100 square feet (30% of 7,000). Therefore, the proposed lot reconfiguration will not result in larger homes than would be the case if the Applicant built on the two existing lots.

After review, the Committee agreed with the findings of the Zoning Board of Appeals that the Applicant provided sufficient evidence to warrant the approval of the requested resubdivision with lot area variations; the Applicant's request meets all of the Standards for Variations.

It is, therefore, the recommendation of the Development, Planning and Zoning Committee to support the recommendation of the Zoning & Planning Commission for approval of these requests. The City Attorney is hereby directed to prepare the necessary documents for City Council approval.

Respectfully submitted,
Development, Planning and Zoning
Committee
/s/ Steven Morley
Chairman
/s/ Dannee Polomsky
Vice-Chairman
/s/ Norman Leader

- l. O-65-2012 – AN ORDINANCE AUTHORIZING THE SALE BY AUCTION OF PERSONAL PROPERTY OWNED BY THE CITY OF ELMHURST

Ordinance O-65-2012 was presented for passage.

- m. O-67-2012 – AN ORDINANCE AUTHORIZING THE PURCHASE OF ONE REPLACEMENT VEHICLE FOR THE CITY OF ELMHURST PUBLIC WORKS DEPARTMENT AND AUTHORIZING THE DISPOSAL OF ONE FORD F350 DUMP TRUCK

Ordinance O-67-2012 was presented for passage.

- n. O-68-2012 – AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO REPLACEMENT VEHICLES FOR THE CITY OF ELMHURST PUBLIC WORKS DEPARTMENT AND AUTHORIZING THE DISPOSAL OF ONE 1999 FORD WINDSTAR MINIVAN AND ONE 2000 FORD WINDSTAR MINIVAN

Ordinance O-68-2012 was presented for passage.

- o. O-69-2012 – AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE LICENSE AGREEMENT BY AND BETWEEN ELMHURST MASTERS COMPETITION CYCLING, INC. AND THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-69-2012 was presented for passage.

- p. O-70-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012, AND ENDING APRIL 30, 2013, IN AND FOR SPECIAL SERVICE AREA NUMBER FIVE OF THE CITY OF ELMHURST

Ordinance O-70-2012 was presented for passage.

- q. O-71-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012, AND ENDING APRIL 30, 2013, IN AND FOR SPECIAL SERVICE AREA NUMBER SIX OF THE CITY OF ELMHURST

Ordinance O-71-2012 was presented for passage.

- r. O-72-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012, AND ENDING APRIL 30, 2013, IN AND FOR SPECIAL SERVICE AREA NUMBER SEVEN OF THE CITY OF ELMHURST

Ordinance O-72-2012 was presented for passage.

- s. O-73-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012, AND ENDING APRIL 30, 2013, IN AND FOR SPECIAL SERVICE AREA NUMBER TEN OF THE CITY OF ELMHURST

Ordinance O-73-2012 was presented for passage.

- t. O-74-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012, AND ENDING APRIL 30, 2013, IN AND FOR SPECIAL SERVICE AREA NUMBER ELEVEN OF THE CITY OF ELMHURST

Ordinance O-74-2012 was presented for passage.

- u. O-75-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012, AND ENDING APRIL 30, 2013, IN AND FOR SPECIAL SERVICE AREA NUMBER THIRTEEN OF THE CITY OF ELMHURST

Ordinance O-75-2012 was presented for passage.

- v. O-76-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012, AND ENDING APRIL 30, 2013, IN AND FOR SPECIAL SERVICE AREA NUMBER FOURTEEN OF THE CITY OF ELMHURST

Ordinance O-76-2012 was presented for passage.

- w. O-77-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012, AND ENDING APRIL 30, 2013, IN AND FOR SPECIAL SERVICE AREA NUMBER FIFTEEN OF THE CITY OF ELMHURST

Ordinance O-77-2012 was presented for passage.

- x. O-78-2012 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2012 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$10,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED OCTOBER 15, 2003

Ordinance O-78-2012 was presented for passage.

- y. O-79-2012 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2012 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$9,990,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED DECEMBER 1, 2004

Ordinance O-79-2012 was presented for passage.

- z. O-80-2012 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2012 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUANCE OF \$9,065,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED DECEMBER 1, 2005

Ordinance O-80-2012 was presented for passage.

- aa. O-81-2012 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2012 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$9,500,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED MARCH 1, 2006

Ordinance O-81-2012 was presented for passage.

- bb. O-82-2012 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2012 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$8,170,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED OCTOBER 1, 2008

Ordinance O-82-2012 was presented for passage.

- cc. O-83-2012 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2012 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$10,000,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED MARCH 15, 2009

Ordinance O-83-2012 was presented for passage.

- dd. O-84-2012 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2012 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$3,700,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ELMHURST DATED SEPTEMBER 2, 2009

Ordinance O-84-2012 was presented for passage.

- ee. O-85-2012 – AN ORDINANCE ABATING THE TAX LEVY FOR THE YEAR 2012 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ACCRUING UPON AN ISSUE OF \$10,000,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS OF THE CITY OF ELMHURST DATED AUGUST 1, 2012

Ordinance O-85-2012 was presented for passage.

- ff. O-86-2012 – AN ORDINANCE APPROVING THE TWENTY-SIXTH AMENDMENT TO REAL ESTATE PURCHASE CONTRACT FOR THE PURCHASE OF THE REAL PROPERTY COMMONLY KNOWN AS 260 NORTH YORK STREET, ELMHURST, ILLINOIS (“PAULI”)

Ordinance O-86-2012 was presented for passage.

- gg. O-87-2012 – AN ORDINANCE WAIVING BID AND ACCEPTING THE PROPOSAL OF BRADFORD SYSTEMS CORPORATION FOR THE PURCHASE AND INSTALLATION OF REPLACEMENT STORAGE LOCKERS FOR THE CITY OF ELMHURST’S POLICE DEPARTMENT AND AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN BRADFORD SYSTEMS CORPORATION AND THE CITY OF ELMHURST

Ordinance O-87-2012 was presented for passage.

- hh. MCO-27-2012 – AN ORDINANCE AMENDING SECTION 36.11, ENTITLED “LIMITATION ON NUMBER OF LICENSES,” OF CHAPTER 36, ENTITLED “LIQUOR,” OF THE MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-27-2012 was presented for passage.

- ii. R-72-2012 – A RESOLUTION FOR SEWERAGE TREATMENT FROM ILLINOIS AMERICAN WATER COMPANY

Resolution R-72-2012 was presented for passage.

- jj. R-73-2012 – A RESOLUTION APPROVING AND AUTHORIZING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT BY AND BETWEEN TRANSYSTEMS CORPORATION AND THE CITY OF ELMHURST, ILLINOIS

Resolution R-73-2012 was presented for passage.

- kk. R-74-2012 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE REPLACEMENT OF THE VERTICAL WHEELCHAIR PLATFORM LIFT AT THE ELMHURST HISTORICAL MUSEUM

Resolution R-74-2012 was presented for passage.

- ll. R-75-2012 – A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN ADMINISTRATIVE SERVICES AGREEMENT BY AND BETWEEN FLEXIBLE BENEFIT SERVICE CORPORATION AND THE CITY OF ELMHURST, ILLINOIS

Resolution R-75-2012 was presented for passage.

- mm. R-76-2012 – A RESOLUTION APPROVING AND AUTHORIZING A LOCAL AGENCY AGREEMENT FOR FEDERAL PARTICIPATION BY AND BETWEEN THE ILLINOIS DEPARTMENT OF TRANSPORTATION AND THE CITY OF ELMHURST, ILLINOIS

Resolution R-76-2012 was presented for passage.

Alderman Pezza pulled items **k. Report – Case Number 12 ZBA-04 /Nitti Re-Subdivision and Variation – 349 and 343 W. Montrose Avenue**, **i. Report – Consultant Agreement for Administrative Services**, and **ff. O-86-2012 – An Ordinance Approving the Twenty-Sixth Amendment to Real Estate Purchase Contract for the Purchase of the Real Property Commonly Known as 260 North York Street, Elmhurst, Illinois (“Pauli”)**.

Alderman Morley moved to approve the contents of the Consent Agenda less items **k. Report – Case Number 12 ZBA-04 /Nitti Re-Subdivision and Variation – 349 and 343 W. Montrose Avenue**, **i. Report – Consultant Agreement for Administrative Services**, and **ff. O-86-2012 – An Ordinance Approving the Twenty-Sixth Amendment to Real Estate Purchase Contract for the Purchase of the Real Property Commonly Known as 260 North York Street, Elmhurst, Illinois (“Pauli”)**. Alderman Wagner seconded. Roll call vote:

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

Nays: None

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

Alderman Hipkind moved to open for discussion item **6h. Report – Real Estate Consultant Services**. Alderman York seconded.

Alderman Hipkind stated he supports the committee report as read.

Alderman Pezza stated she pulled item **6h. Report – Real Estate Consultant Services** to state she would not support the report.

Discussion ensued regarding the terms of the contract as stated in the report.

Roll call vote on item **6h. Report – Real Estate Consultant Services**:

Ayes: Hipkind, York, Healy, Levin, Kennedy, Morley, Wagner, Mulliner, Leader, Dunn, Polomsky,

Nays: Pezza, Gutenkauf, Bram

Results: 11 ayes, 3 nays, 0 absent
Motion carried

Alderman Hipkind moved to open for discussion item **6i. Report – Consultant Agreement for Administrative Services**. Alderman York seconded.

Alderman Hipkind stated he supports the committee report as read.

Alderman Pezza stated she pulled item **6i. Report – Consultant Agreement for Administrative Services** to state she will not support the committee report because many questions have not been answered.

Discussion ensued regarding the terms of the contract in the report.

Roll call vote on item **6i. Report – Consultant Agreement for Administrative Services**:

Ayes: Hipkind, York, Healy, Levin, Kennedy, Morley, Wagner, Mulliner, Leader, Dunn, Polomsky,

Nays: Pezza, Gutenkauf, Bram

Results: 11 ayes, 3 nays, 0 absent
Motion carried

Alderman Mulliner moved to open for discussion item **6ff. O-86-2012 – An Ordinance Approving the Twenty-Sixth Amendment to Real Estate Purchase Contract for the Purchase of the Real Property Commonly Known as 260 North York Street, Elmhurst, Illinois (“Pauli”)**. Alderman Pezza seconded.

Alderman Mulliner stated the ordinance is to extend the contract.

Aldermen Pezza and Healy stated they are opposed to the terms of the contract.

Roll call vote on item **6ff. O-86-2012 – An Ordinance Approving the Twenty-Sixth Amendment to Real Estate Purchase Contract for the Purchase of the Real Property Commonly Known as 260 North York Street, Elmhurst, Illinois (“Pauli”)**:

Ayes: Mulliner, Leader, Dunn, Polomsky, York, Hipkind, Levin, Kennedy, Morley, Wagner

Nays: Pezza, Gutenkauf, Bram, Healy

Results: 10 ayes, 4 nays, 0 absent
Motion carried

REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS

7. a. UPDATES

City Manager Grabowski reported ComEd has provided updates on the work completed in Elmhurst. Also, there is an update on the Grid Modernization Law and ComEd will come after the first of the year and provide a map.

City Manager Grabowski stated a meeting regarding the Irish Spring 5K will be held on Friday with City staff, Police, coordinators of the race, and the Spring Road Business Association. He stated he would report to Council on any issues that are brought up.

City Manager Grabowski announced the TIF Joint Review Board meetings will be held concurrently on Monday, December 10, 2012 in the Council Chambers beginning at 6:00 p.m. before Committee meetings. He stated notices have gone out to the taxing bodies.

ORDINANCES

8. a. O-64-2012 – AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2012 AND ENDING APRIL 30, 2013 OF THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS

Ordinance O-64-2012 was presented for passage.

Alderman Hipskind moved to approve item **8a. O-64-2012 – An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2012 and Ending April 30, 2013 of the City of Elmhurst, DuPage and Cook Counties, Illinois.** Alderman Mulliner seconded. Roll call vote:

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

Nays: None

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

b. O-66-2012 – AN ORDINANCE VACATING A PORTION OF THE WALNUT STREET RIGHT-OF-WAY

Ordinance O-64-2012 was presented for passage.

Alderman Hipskind moved to approve item **8b. O-66-2012 – An Ordinance Vacating a Portion of the Walnut Street Right-of-Way.** Alderman Mulliner seconded.

Alderman Pezza stated she could not support item **8b. O-66-2012 – An Ordinance Vacating a Portion of the Walnut Street Right-of-Way** stating she disagrees with the amount that will be given to the City.

Discussion ensued.

Roll call vote on item **8b. O-66-2012 – An Ordinance Vacating a Portion of the Walnut Street Right-of-Way:**

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

Nays: Pezza, Bram

Results: 12 ayes, 2 nays, 0 absent
Motion carried

OTHER BUSINESS

9. a. SELECTION OF ACTING MAYOR

Mayor Pro-Tempore Bram opened discussion to select an Acting Mayor. He suggested that any Alderman who has announced that they are running for Mayor in April decline nomination. He asked City Manager Grabowski for any comments.

City Manager Grabowski stated the process has been reviewed with the Council.

Alderman Mulliner declined a nomination.

Alderman Gutenkauf declined a nomination.

Alderman Pezza declined a nomination, and thanked Aldermen Mulliner and Gutenkauf for their integrity. She stated any Aldermen running in the April election should decline a nomination.

Alderman Morley declined a nomination.

Alderman Hipkind nominated Alderman Levin as Acting Mayor.

City Attorney Storino stated a second is not required.

Alderman Gutenkauf nominated Alderman Hipkind as Acting Mayor.

Alderman Hipkind declined the nomination.

Mayor Pro-Tempore Bram asked for a voice vote to select Alderman Levin to serve as Acting Mayor.

Alderman Morley stated please have a roll call vote on this motion.

Roll call vote to select Alderman Levin to serve as Acting Mayor:

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

Nays: None

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

Mayor Pro-Tempore Bram relinquished the gavel to Acting Mayor Levin.

Clerk Spencer administered the Oath of Office for Acting Mayor Levin.

Acting Mayor Levin took control of the meeting. He thanked the Aldermen for the confidence they have in him and promised to be a good steward.

ADJOURNMENT

10. Alderman Morley moved to adjourn the meeting. Alderman Hipkind seconded. Voice vote. Motion carried. Meeting adjourned 8:40 p.m.

Scott M. Levin, Acting Mayor

Patty Spencer, City Clerk