

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF ELMHURST, ILLINOIS  
HELD ON MONDAY, JUNE 15, 2009  
209 NORTH YORK STREET  
ELMHURST, ILLINOIS**

**EXECUTIVE SESSION 7:00 P.M. – PERSONNEL AND LITIGATION**

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

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

Absent: Chris Nybo (arrived at 7:10 p.m.)

Also in attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Police Chief Neubauer, Special Counsel Clark

Alderman Morley moved to convene into executive session for the purpose of discussing Personnel and Litigation. Alderman Bram seconded. Roll call vote:

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

Nays: None

13 yeas, 0 nays, 0 absent  
Motion duly carried

Alderman Morley moved to adjourn executive session. Alderman Bram seconded. Voice vote. Motion carried. Executive session adjourned at 7:36 p.m.

**CALL TO ORDER/ PLEDGE OF ALLEGIANCE/ROLL CALL**

Attendance: 95

2. The Regular Meeting of the Elmhurst City Council was called to order by Mayor DiCianni at 7:47 p.m.

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

Absent: None

Also in Attendance: City Treasurer Dyer, City Attorney Storino, City Manager Borchert, Police Chief Neubauer

**PUBLIC HEARING – PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA IN THE CITY OF ELMHURST (SSA 13 – PROSPECT)**

3. Mayor DiCianni opened the public hearing at 7:48 p.m. Mayor DiCianni asked for anyone interested in speaking concerning the proposed establishment of a Special Service Area (SSA13 Prospect) to please address the Council. No one spoke.

Alderman Hipskind moved to close the public hearing. Alderman Gutenkauf second. Voice vote, motion carried. The public hearing closed at 7:49 p.m.

**RECOGNITION OF “PEER JURY” – ELMHURST POLICE DEPARTMENT**

4. Police Chief Neubauer reviewed the Peer jury Program. He stated the jury incorporates the six (6) pillars of Character Counts. Chief Neubauer introduced Sgt. McLean, Citizens Police Academy Alumni Wayne Johnson and Wallace Hastings along with the 2008/2009 jurors.

Mayor DiCianni joined Chief Neubauer at the podium and awarded the jurors with a certificate of appreciation. Mayor DiCianni spoke of the success of the program.

**RECOGNITION – YORK HIGH SCHOOL TRACK TEAM AND GYMNASTIC TEAM**

5. Mayor DiCianni asked Coach Reddel to go to the podium along with the York High School State Championship Track Team. Coach Reddel stated these young men are fine athletes and good citizens. He stated the Club Team will be competing in North Carolina for a national meet. Coach Reddel introduced the team to the City Council.

Mayor DiCianni thanked Coach Reddel for the great job he did this year and congratulated the track team on their championship year.

Mayor DiCianni asked Coach O'Haney to the podium along with the York High School Gymnastic Team, who place 3<sup>rd</sup> in the State. Coach O'Haney stated it's his first year at York and the team helped him achieve this accomplishment. Coach O'Haney also thanked the York Athletic Department for their support. He introduced the Gymnastic Team to the City Council.

Mayor DiCianni thanked Coach O'Haney and his team for a job well done.

**RECEIPT OF WRITTEN COMMUNICATIONS AND PETITIONS FROM THE PUBLIC**

6. None.

**PUBLIC FORUM**

7. Bill Tredeau  
558 Fairview Ave.  
Elmhurst, IL 60126

Spoke regarding the zoning code violations in the 5<sup>th</sup> Ward. He stated if fines were enforced, up to \$30,000 would be collected. Mr. Tredeau gave the City Clerk copies of a DVD containing 109 pictures of code violations for distribution to Council for review.

Daniel Cusack  
0S579 Kirk Ave.  
Elmhurst, IL 60126

Spoke of the inconvenience to the neighborhood the construction of the new Elmhurst Memorial Hospital has brought; noise, dust, torn up lawns and driveways. He stated the vehicle traffic on Harvard Street will increase from 25 to 500 vehicles.

Darlene Heslop  
200 Michigan St. #227  
Elmhurst, IL 60126

Spoke regarding the proper use of the City logo.

**CONSENT AGENDA**

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

- a. MINUTES OF REGULAR MEETING HELD ON MONDAY, JUNE 1, 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. ACCOUNTS PAYABLE – JUNE 15, 2009 TOTAL \$ \$1,541,834.20
- d. REAPPOINTMENTS TO THE VETERANS MEMORIAL COMMISSION – DAVID L. GASS & RALPH P. PECHANIO (Mayor DiCianni): Concur with the Mayor's recommendation

May 28, 2009

To: Members of the City Council

Re: Reappointments to the Veterans Memorial Commission – David L. Gass & Ralph P. Pechanio

With your advice and consent, I will reappoint David L. Gass and Ralph P. Pechanio to the Veterans Memorial Commission for terms to expire April 30, 2012.

Respectfully submitted,  
/s/ Peter P. DiCianni, III  
Mayor

- e. REAPPOINTMENT TO BOARD OF TRUSTEES OF THE ELMHURST PUBLIC LIBRARY – THOMAS-SADOWSKI, RYAN AND BECTON (Mayor DiCianni): Concur with the Mayor's recommendation

May 28, 2009

To: Members of the City Council

Re: Reappointment to Board of Trustees of the Elmhurst Public Library -Thomas-Sadowski, Ryan and Becton

With your advice and consent, I will reappoint Susan P. Thomas-Sadowski, William E. Ryan and Ingrid Becton to the Board of Trustees of the Elmhurst Public Library for terms to expire July 1, 2012.

Respectfully submitted,  
/s/ Peter P. DiCianni, III  
Mayor

- f. APPOINTMENT TO THE BOARD OF FIRE AND POLICE COMMISSIONERS – PHILLIP D. JORDAN (Mayor DiCianni): Concur with the Mayor's recommendation

May 28, 2009

To: Members of the City Council

Re: Appointment to the Board of Fire and Police Commissioners – Phillip D. Jordan

With your advice and consent, I will appoint Mr. Phillip D. Jordan to the Board of Fire and Police Commissioners to fill the unexpired term of Thomas M. Cathcart who resigned from the Commission. The term will expire on May 1, 2011.

Respectfully submitted,  
/s/ Peter P. DiCianni, III  
Mayor

- g. APPOINTMENT OF SENIOR CITIZENS COMMISSION CHAIRMAN – CATHY JORDAN (Mayor DiCianni): Concur with the Mayor's recommendation

June 4, 2009

To: Members of the City Council

Re: Appointment of Senior Citizens Commission Chairman - Cathy Jordan

With the advice and consent of the Elmhurst City Council, I will appoint Cathy Jordan as Chairman of the Senior Citizens Commission for a term that will expire on April 30, 2011. She will be replacing Shirley Myers who served on the Senior Citizens Commission for over 15 dedicated years and did not wish to be reappointed to the Commission or continue to serve as Chairman.

Respectfully submitted,  
/s/ Peter P. DiCianni, III  
Mayor

- h. BIDS, 2009 CONCRETE PAVEMENT PATCHING PROGRAM (City Clerk Spencer): Refer to the Public Works and Buildings Committee

June 9, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Bids, 2009 Concrete Pavement Patching Program

In response to an invitation to bid for the 2009 Concrete Pavement Patching Program advertised in the Elmhurst Press on Friday, May 8, 2009, bids were received from ten area contractors.

Bids were opened at 10:00 a.m. on Tuesday, June 9, 2009, and following is a summary of the bids received:

<u>Contractor</u>	<u>Total Cost</u>
G & M Cement Construction, Inc. (Addison, IL)	\$ 89,685.00
Gem Construction, Inc. (Wood Dale, IL)	\$103,230.00
C-A Cement Company, Inc. (Bloomington, IL)	\$103,330.00
Schroeder & Schroeder, Inc. (Skokie, IL)	\$103,380.00
Kings Point General Cement, Inc. (Bensenville, IL)	\$105,765.00
D'Land Construction, L.L.C. (Bensenville, IL)	\$115,990.00
Acura, Inc. (Bensenville, IL)	\$119,500.00
Alliance Contractors, Inc. (Woodstock, IL)	\$176,575.00
Triggi Construction, Inc. (West Chicago, IL)	\$179,650.00
Globe Construction, Inc. (Addison, IL)	\$195,400.00

Respectfully submitted,  
/s/ Patty Spencer  
City Clerk

- i. BID, 2009 SIDEWALK REPAIR PROGRAM (SLABJACKING) (City Clerk Spencer): Refer to the Public Works and Buildings Committee (See item 8l)

June 2, 2009

TO: Mayor DiCianni and Members of the City Council  
RE: 2009 Sidewalk Repair Program (Slabjacking)

In response to an invitation to bid for the 2009 Sidewalk Repair Program (Slabjacking) advertised in the Elmhurst Press on Friday, May 15, 2009, one bid was received.

The bid was opened at 10:00 a.m. on Tuesday, June 2, 2009, and is listed as follows:

<u>Contractor</u>	<u>Total Cost</u>
Advantage 2 Concrete Raising (Aurora, Illinois)	\$14,000.00

Respectfully submitted,  
/s/ Patty Spencer

City Clerk

- j. LIQUOR LICENSES – FLIGHT 112 WINE HOUSE (City Manager Borchert): Refer to the Public Affairs and Safety Committee

June 11, 2009

To: Mayor DiCianni and Members of the City Council  
Re: Liquor Licenses – Flight 112 Wine House

It is respectfully requested that the attached correspondence regarding obtaining WB and B liquor licenses or creating an entirely new license be referred to the Public Affairs and Safety Committee for review and report back to the City Council with their recommendations.

Respectfully submitted,  
/s/ Thomas P. Borchert  
City Manager

- k. TRAFFIC AND PARKING ISSUES IN THE COLLEGE VIEW AREA – ALDERMAN PEZZA & ALDERMAN GUTENKAUF (City Manager Borchert): Refer to the Public Affairs and Safety Committee

June 11, 2009

To: Mayor DiCianni and Members of the City Council  
Re: Traffic and Parking Issues in the College View Area – Ald. Pezza & Ald. Gutenkauf

It is respectfully requested that the attached memorandum from Alderman Pezza and Alderman Gutenkauf regarding evaluation of traffic and parking issues throughout the College View area be referred to the Public Affairs and Safety Committee for their evaluation and recommendation back to the City Council.

Respectfully submitted,  
/s/ Thomas P. Borchert  
City Manager

- l. REPORT – 2009 SIDEWALK REPAIR PROGRAM (SLABJACKING) The following report of the Public Works and Buildings Committee was presented:

June 8, 2009

TO: Mayor DiCianni and Members of the City Council  
RE: 2009 Sidewalk Repair Program (Slabjacking)

The Public Works and Building Committee met on Monday, June 8, 2009 to discuss bids received for the 2009 Sidewalk Repair Program. This program is commonly referred to as Slabjacking Program.

Bids were opened on June 2, 2009. One (1) bid was received. The lack of additional bids is due to the lack of contractors in this area who perform this type of work.

<u>Contractor</u>	<u>Unit Price</u>
Advantage 2 Concrete Raising, Aurora IL	\$1.40 per square foot

This work utilizes hydraulic “jacking” to raise low sidewalk squares throughout the City. This methodology works well where sidewalk squares are uncracked but have sunk and are no longer even with the adjacent squares. Slabjacking is the most cost effective way to repair uneven squares.

Advantage 2 Concrete Raising submitted a bid which again holds their price the same as it was in 2003, 2004, 2005, 2006, 2007 and 2008. They have successfully completed this program for the City of Elmhurst for the past seven years. Monies for this work are available in the 2009/2010 Budget General Fund, Account Number 110-6041-432-30-69 in the amount of \$20,000. The work will be completed at a cost of \$1.40 per square foot not to exceed the \$20,000 budgeted.

It is therefore, the recommendation of the Public Works and Buildings Committee that the bid from Advantage 2 Concrete Raising in the amount of \$1.40 per square foot, be accepted.

Respectfully submitted,  
Public Works and Building Committee

/s/ Jim Kennedy  
Chairman

/s/ Michael J. Bram  
Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- m. REPORT – BIDS, STREETLIGHT POLE PAINTING PROJECT The following report of the Public Works and Buildings Committee was presented:

June 8, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Bids, Streetlight Pole Painting Project

The Public Works and Buildings Committee met on Monday, June 8, 2009, to discuss bids received for the Streetlight Pole Painting. Bid specifications for this project were sent to nine area contractors and picked up by three others. The project was advertised in local area newspapers. One bid was received and is summarized below:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate</u>	<u>Bid Total</u>
Alpha Paintworks, Chicago, IL	\$15,750	\$16,900	\$32,650

The base bid request defined the method and process for furnishing all labor, materials, tools, equipment, and incidentals necessary to provide for the painting of 30 aluminum streetlight poles (@ 30' tall) on Palmer Memorial Drive from York Street to Second Street. The Alternate Bid requested a price for painting the traffic signal poles, mastarms and signal heads at St. Charles Rd. at Poplar Ave., St. Charles Rd. at Fair Ave, St. Charles Rd. at Spring Rd., and York St. at Brush Hill Rd.

Nine local painting companies were contacted and indicated an interest to bid on the project and were mailed bid packets. In addition, three companies requested and were sent copies of the specifications once the legal ad appeared in the newspaper. All companies that did not bid were contacted and asked why they did not bid.

The following responses were given:

- 4 – Unable to obtain required bid bond
- 4 – Did not return call
- 1 – Had bid on last two projects and was not low bidder
- 2 – Did not have time to complete bid forms

For comparison purposes, the 2009 bid price received from Alpha Paintworks for the painting of 30 individual 30' poles and attached light fixture is \$525 per pole. The 2008 low bid price for the painting of 22 individual 38' poles and 2 attached carriage light fixtures was \$550.

Based on the information above, the Committee decided to move forward with the bid from Alpha Paintworks. Alpha Paintworks performed similar work for the City of Elmhurst in 2006, 2007 and 2008 in a satisfactory manner.

Funds have been provided in the 2009/2010 budget, General Fund, Electrical Contractual Services, account number 110-6044-435-3030, in the amount of \$50,000 for the contractual painting of poles.

It is, therefore the recommendation of the Public Works and Buildings Committee that the bid submitted by Alpha Paintworks in the amount of \$32,650, be accepted.

Respectfully submitted,

Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- n. REPORT – LARCH AVENUE PARKING DECK DEMOLITION PROPOSAL The following report of the Public Works and Buildings Committee was presented:

June 8, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Larch Avenue Parking Deck Demolition Proposal

On Monday, June 8, 2009, the Public Works and Buildings Committee met to discuss the demolition of the building and parking lot located at 175 W. First Street.

The City has been endeavoring for some time to own the property at 175 W. First Street with the intention to construct a multi level parking deck. 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 has subsequently agreed to sell it to the City. The City will take occupancy of the property on June 21, 2009.

As part of the terms of the sale, the City secured a concession from the seller to pay 50 percent of any environmental remediation up to \$100,000. As part of the contract the City has 60 days to file such a claim. Consequently time is of the essence in moving forward with the project. The Public Works and Buildings Committee felt that the need to complete the building demolition and an examination of the site including soil borings should be commenced as quickly as possible to ensure that the City is able to recoup any costs for remediation. The Committee did not want to wait until a final agreement had been reached with Devcom for the entire construction of the parking deck in case that the length of time for that exceeded the period within which the City can file a claim. Consequently it was determined to hire Devcom's construction partner ARCO/Murray to demolish the building, parking lot and commence the initial earth work and conduct soil borings and soil examinations to determine whether or not there were any environmental issues. Attached is a proposal from ARCO/Murray to perform that work for \$176,123.00. Also attached are bid summaries received by ARCO/Murray for the different components of the work.

In summary, each low bid subcontractor meeting specifications is awarded a contract and ARCO/Murray provides construction management services for the City based on the negotiated fee of \$35,885 for general conditions and 3.5 percent for overhead and 4.5 percent for profit, which fees were evaluated and determined reasonable.

It is, therefore, the recommendation of the Public Works and Buildings Committee that the proposal for construction management services including building demolition and site work from ARCO/Murray National Construction Company in the amount of \$176,123.00 be accepted.

Respectfully submitted,  
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/us/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- o. REPORT – OFFICE EQUIPMENT AND FURNITURE PURCHASE FOR STATION 2 The following report of the Public Works and Buildings Committee was presented:

June 8, 2009

To: Mayor DiCianni and Members of the City Council  
RE: Office Equipment and Furniture Purchase for Station 2

The Public Works and Buildings Committee met on June 8, 2009 to discuss the purchase of office equipment and furniture for Station 2. The Elmhurst Fire Department has been working with a consultant to design and determine the specifications for this office equipment and furniture.

The consultant has developed the specifications for this office equipment and furniture and the Fire Department will request proposals from three furniture manufacturers based on these designs and specifications.

Due to time constraints relating to the move into Station 2, and an estimated 4 – 6 weeks delivery from date of order, the Fire Department is requesting approval and recommendation to the City Council, for the purchase of office equipment and furniture not to exceed the budgeted amount of \$35,000. At this time, the consultant feels that manufacturer proposals should come in lower than the budgeted amount.

It is, therefore, the recommendation of the Public Works and Building Committee that the Fire Department move forward with the purchase of office equipment and furniture not to exceed \$35,000.

Respectfully submitted,  
Public Works and Building Committee

/s/ Jim Kennedy

Chairman

/s/ Michael J. Bram

Vice-Chairman

/s/ Pat Shea

/s/ Chris Healy

- p. REPORT – TELEPHONE SERVICE CONTRACTS The following report of the Finance, Council Affairs and Administrative Services Committee was presented:

June 9, 2009

To: Mayor DiCianni and Members of the City Council  
Re: Telephone Service Contracts

The Finance, Council Affairs and Administrative Services Committee met June 8, 2009 to review proposals for telephone services for the City. These services include analog centrex, digital ISDN centrex, analog business lines, point to point alarm circuits, radio circuits and local calling (A, B, C) service.

The City of Elmhurst currently contracts with AT&T for these telephone services under a Master Discount Agreement that provides a 12% discount on specified services with minimum annual revenue commitments. Staff, with the assistance of Wilson Consulting, reviewed the City's current telephone system and determined that the current configuration of analog and digital ISDN Centrex services meets the City's telephone needs at this time. Wilson Consulting previously assisted the City in acquiring the current telephone system of hardware and services in 2001.

Through the Request for Proposal process and the experience of Wilson Consulting, it was determined that only one vendor other than AT&T, Call One/Sound Incorporated, can offer analog and digital ISDN phone services. Other vendors previously reselling Centrex services are no longer in that business due to the significantly reduced profit margin and the migration to other solutions such as VoIP (Voice over Internet Protocol). A VoIP solution/system for the City was discussed, however, the infrastructure improvements necessary (internal wiring and wide area network connectivity) for certain City facilities, in addition to the upfront hardware costs, do not justify a VoIP solution/system at this time.

Proposals were received from AT&T and Call One/Sound Inc. for three-year contracts for analog centrex, digital ISDN centrex, analog business lines, point to point alarm circuits, radio circuits and local calling (A, B, C) services. The new contracts will be effective July 2009, and will replace the existing six month extension contracts with AT&T that were recently approved by the City Council. The proposed Centrex contracts contain a 25-line minimum commitment agreement for Centrex service. Although the contract term is three years, the City can reduce the number of Centrex lines to 25 at any time. Staff feels that the 25-line commitment is not an issue should the City wish to migrate to a new telephone system prior to the end of the contract. The lines can be used for fax machines, elevator phones, voice mail access and alarm connections. The proposed Master Discount Agreement from AT&T includes discounts of 12% on local calling charges and 45% on POTS lines in exchange for minimum annual revenue commitments (MARC) of \$43,600, local usage of \$1,700 and local toll usage of \$700. Staff and Wilson Consulting agree that the annual revenue commitments proposed by AT&T are at acceptable levels.

The two RFP responses that the City received are as follows:

<u>Vendor</u>	<u>36-Month Agreement</u>
AT&T	\$ 7,038 (Monthly – Includes discounts)
Call One/Sound Inc.	\$12,003 (Monthly)

Staff recommends accepting the three-year contract proposal from AT&T for telephone services and the three year Master Discount Agreement proposal. Staff is very satisfied with the current AT&T services, AT&T's proposal is \$8,702 per year less than their current charges to the City and is \$4,965 per month less than Call One's proposal. Funds are available in various telephone expense line items throughout the budget. The Finance Committee concurs with the staff recommendations.

It is, therefore, the recommendation of the Finance, Council Affairs and Administrative Services Committee that the City Council accept the proposal from AT&T for the three-year contract for telephone services that also includes the Master Discount Agreement.

Respectfully submitted,  
Finance, Council Affairs and  
Administrative Services Committee

/s/ Stephen Hipskind  
Chairman

/s/ Kevin York  
Vice-Chairman

/s/ Mark Mulliner

/s/ Diane Gutenkauf

- q. REPORT – CASE NUMBER 09 P-04/VISITATION CHURCH AMENDED CONDITIONAL USE  
The following report of the Development, Planning and Zoning Committee was presented:

June 9, 2009

TO: Mayor DiCianni and Members of the City Council

RE: Case Number 09 P-04/Visitation Church Amended Conditional Use

Request for approval of an Amended Conditional Use for the purpose of site redevelopment and to construct new structures and additions on property commonly known as 779 S. York Street (PIN 06-13-106-005 & 006), said property being wholly located in the R2 Single Family Residence District.

The Development, Planning and Zoning Committee met on June 8, 2009, to review the application and information regarding the subject request. This included application documents and plans supplied by the applicant, and the public hearing transcript for this request.

The Committee began discussion by reviewing the major components of the project, which consists of: changed driveways along York Street and Kearsage Ave., on-site drop off areas for church activities such as weddings and funerals, additional parking, and building additions consisting of a new parish center (to replace Madonna Hall) and a school addition. The Committee noted that some of these changes will help activities and traffic relocate onto the site and not use adjacent streets such

as Madison. The Committee also discussed the home surrounded on three sides by Visitation, and complimented Visitation for considering this with their site plan.

The Committee discussed other items as well, including access and stormwater management. The Committee noted that the changes to slope of the church driveway should improve access and safety for vehicles accessing York Street. In response to the Committee's questions about stormwater, the applicant indicated that some underground stormwater detention vaults will be used, allowing more activity on the site.

The Committee then reviewed the conditions of approval identified by the Zoning & Planning Commission, and opted to include these conditions in the DPZ Committee report.

The Committee reviewed the Standards for Conditional Use and supports the requests based on these Standards. Therefore it is the recommendation of the Development, Planning and Zoning Committee to recommend approval of this amended conditional use request, subject to the following condition of approval:

- 1) There shall be no parking allowed on York Street 60 feet south of the proposed York Street driveway apron. The City shall install "No Parking" signage in the right-of-way and paint the curb yellow to identify the parking restrictions in this area.

The City Attorney is hereby directed to prepare the necessary documents for City Council review and approval.

Respectfully submitted,  
Development, Planning and Zoning  
Committee

/s/ Steven Morley  
Chairman

/us/ Susan J. Rose  
Vice-Chairman

/s/ Norman Leader

- r. O-18-2009 – AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NUMBER THIRTEEN OF THE CITY OF ELMHURST (PROSPECT AVENUE)

Ordinance O-18-2009 was presented for passage.

- s. MCO-11-2009 – AN ORDINANCE TO AMEND ARTICLE IV ENTITLED, "RATES AND CHARGES," OF CHAPTER 7 ENTITLED, "WATER AND SEWERS," OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST, ILLINOIS

Ordinance MCO-11-2009 was presented for passage.

- t. MCO-12-2009 – AN ORDINANCE TO AMEND ARTICLE VII ENTITLED, "STOPPING, STANDING, AND PARKING," OF CHAPTER 44 ENTITLED, "MOTOR VEHICLES AND TRAFFIC," OF THE MUNICIPAL CODE OF THE CITY OF ELMHURST

Ordinance MCO-12-2009 was presented for passage.

- u. R-12-2009 – A RESOLUTION AUTHORIZING THE ISSUANCE OF A NOTICE OF AWARD FOR THE 2009 ROAD CONTRACT PAVING PROGRAM BY THE CITY OF ELMHURST, ILLINOIS

Resolution R-12-2009 was presented for passage.

Mayor DiCianni stated he would defer to City Attorney Storino.

City Attorney Storino stated any item pulled from the Consent Agenda is to be done now and then a roll call vote will take place to approve the remaining items on the Consent Agenda.

Alderman Pezza removed item **8b. Minutes of the Executive Session Held on Monday, June 1, 2009**. Alderman Nybo removed items **8f. Appointment to the Board of Fire and Police Commissioners – Phillip D. Jordan**. Alderman Shea removed item **8n. Report – Larch Avenue Parking Deck Demolition Proposal**.

Alderman Rose, point of order, how is this different from what Council has always done?

Alderman Morley stated it seems there is a difference as there will no longer be a vote to accept the Consent Agenda before the vote to approve the Consent Agenda. For clarification, he stated one round of voting will be eliminated.

City Attorney Storino stated that is correct.

Alderman Hipskind moved to approve the contents of the Consent less items **8b. Minutes of the Executive Session Held on Monday, June 1, 2009, 8f. Appointment to the Board of Fire and Police Commissioners – Phillip D. Jordan** and **8n. Report – Larch Avenue Parking Deck Demolition Proposal**. Alderman Wagner seconded. Roll call vote:

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

Nays: None

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

City Attorney Storino stated due to the confidential contents of item **8b. Minutes of the Executive Session Held on Monday, June 1, 2009**, any suggested corrections or discussion should take place at the next Executive Session Meeting, not tonight in open session.

Alderman Hipskind moved to approve item **8f. Appointment to the Board of Fire and Police Commissioners – Phillip D. Jordan**. Alderman Mulliner seconded.

Alderman Nybo stated he pulled item **8f. Appointment to the Board of Fire and Police Commissioners – Phillip D. Jordan** to compliment Mayor DiCianni's appointment of former 5<sup>th</sup> Ward Alderman Phil Jordan. Alderman Nybo stated he served on the Board of Fire and Police Commissioners when Mr. Jordan was an alderman. He stated Mr. Jordan has been a wonderful public servant.

Alderman Leader stated it was a privilege to serve with Mr. Jordan, who was one of the finest aldermen that has served the City.

Roll call vote to approve item **8f. Appointment to the Board of Fire and Police Commissioners – Phillip D. Jordan**:

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

Nays: None

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

Alderman Kennedy moved to approve item **8n. Report – Larch Avenue Parking Deck Demolition Proposal**. Alderman Healy seconded.

Alderman Kennedy stated this is a good project and there is a need for parking in the Central Business District (CBD). He stated a claim must be filed by August 24, 2009. If this report is approved the site can be cleaned by August 1, 2009. Alderman Kennedy stated Arco/Murray wants to work with the City. The demolition will be managed by Arco/Murray.

Alderman Kennedy verified with City Attorney Storino that the process of not having the traditional form of bidding would be legal at this point in the project. Alderman Kennedy stated in the future, the bidding process and opening of bids will take place at City Hall. He also stated the City is getting a fair deal. After reviewing previous projects, the numbers are in line with the past.

Alderman Kennedy stated the committee has recommended this part of the project be done by Arco/Murray. If in the future the Council decides it would like another company to do the work they can do so. He stated that a delay at this point will mean the City is responsible for shouldering up to \$100,000 in remediation costs.

Alderman Shea stated she pulled item **8n. Report – Larch Avenue Parking Deck Demolition Proposal** because she had some concerns. She stated the construction management services fees, which total \$52,000, is 30% of the project. She stated this is a City paid project and it should have gone out to bid. Alderman Shea said permits should have been in hand as soon as the City took ownership of the building. The move out date is August 22, 2009.

Alderman Bram stated, for the record, he originally signed item **8n. Report – Larch Avenue Parking Deck Demolition Proposal** but removed his name because of the \$52,000 profit, and the bids that were submitted were hand picked. There wasn't a public bid process.

Alderman Pezza stated the parking deck will total approximately \$9million and it is to be paid for with taxpayer dollars. She stated we are entering Phase I of the construction which is environmental testing and demolition which has to be completed by August 21, 2009. The Council is to sign a contract for \$176,000 of which \$124,000 will be paid to companies to perform the work. Alderman Pezza stated additionally, \$51,000 (about 41% of the cost) will be paid to Arco/Murray to oversee the project. She stated why are the taxpayers paying for someone to watch the demolition of a building. Alderman Pezza stated these concerns should have been discussed at the committee level. She pointed out items in the committee report are misleading stating Council really doesn't know if this is the best cost to the taxpayers.

City Manager Borchert stated he agreed item **8n. Report – Larch Avenue Parking Deck Demolition Proposal** has some word-smithing issues. City staff is working with Arco/Murray but could look at others. He stated the time frame to get testing done was a concern. City Manager Borchert reviewed with Council why Arco/Murray is to serve as Construction Manager stating only time on the job will be charged to the City.

He stated this project is worthy of Council's approval.

Alderman Wagner asked Public Works and Buildings Committee Chairman Kennedy for clarification on the attached bid sheets.

Alderman Kennedy stated Arco/Murray sent out the requests for bids.

Alderman Wagner asked City Manager Borchert, is this process routine for the City.

The City Manager explained the process of bidding when there is a Construction Manager. He stated any other bids will come into the Clerk's Office for bid opening.

Alderman Gutenkauf said these aren't bids but estimates of basic cost. The report says the cost paid to Arco/Murray is a flat fee. She stated this needs to go back to the PW&B Committee. The bottom line issue is Arco/Murray is getting \$30,000 on top. She asked why hasn't the City applied for the permits so there isn't a time crunch.

City Manager Borchert responded to Alderman Gutenkauf explaining Construction Management and payment to Arco/Murray.

Alderman Rose, point of order, stating her concern with City Manager Borchert engaging in the debate.

City Manager Borchert stated it's his job to discuss and recommend.

Discussion ensued.

Alderman Morley asked City Attorney Storino, is this project without a contract?

City Attorney Storino stated that is correct.

Alderman Morley stated the Council needs to be careful and not misrepresent the information on the report.

Discussion ensued.

Alderman Nybo stated he agrees with Alderman Morley, the Council needs to be very responsible about their comments. There have been some outrageous charges. Alderman Nybo stated the City staff, attorneys, engineers etc. have stated nothing that has been done that is wrong or inappropriate. Aldermen Pezza, Gutenkauf, Shea and Bram are saying no, none of it is correct. These aldermen are not professionals in these areas. Alderman Nybo addressed Alderman Gutenkauf, stating she is not in the construction industry.

Alderman Bram, point of order, comments need to be made directly to the chair.

Alderman Nybo replied he would like a ruling.

City Attorney Storino stated Aldermen can address comments made by other Aldermen. City Attorney Storino stated this ruling can be made by the chair.

Alderman Morley, point of order, this is not what we have done in the past. He stated Alderman Nybo addressing Alderman Gutenkauf is not okay under Robert's Rules of Orders.

City Attorney Storino stated his intention was not to change the rules. He stated he was referring to addressing the Alderman directly.

Discussion ensued regarding the construction manager and the proposed agreement with Arco/Murray.

Alderman Hipskind asked PW&B Chairman Kennedy for clarification, the City and the committee are in line with the pricing in the marketplace and the City could lose \$100,000 of the remediation claim.

Alderman Kennedy stated Alderman Hipskind, that is correct.

Alderman Kennedy stated we will make sure money will be spent wisely.

Alderman Bram stated he wanted to clarify that he did not mean to indicate that the total 41% for Arco/Murray was pure profit.

Alderman Bram moved to amend the committee report and asked the City Manager or someone to help with the wording.

Alderman Nybo, point of order, stating the request to direct people is not allowed.

Alderman Bram stated he would make a motion and have the City Clerk wordsmith it.

Alderman Bram moved to amend the recommendation to break down the \$176,000 and show payment on an hourly basis which could be less according to the hourly charges.

Alderman Shea seconded.

Alderman Nybo stated he opposed the amendment because it is unclear.

Alderman Rose, point of order, the Clerk should not have to read the amended motion while trying to write it. The amended motion should have been presented in writing.

City Attorney Storino stated there can be clarification of the amendment.

Alderman Hipskind asked to address Alderman Bram to clarify his motion.

Alderman Bram withdrew the motion.

Alderman Shea seconded.

Alderman Pezza stated three items on the report needed to be amended for clarification. Alderman Pezza asked the City Attorney how she can do this.

City Attorney Storino replied to Alderman Pezza that she could move to change by delineating the items to be modified and then get a second.

Alderman Pezza moved to amend the sentence in the first paragraph of the committee report by indicating the City actually owns the property.

Alderman Kennedy seconded.

Alderman Morley asked the Clerk to read the motion.

Alderman Pezza restated the motion stating the City owns the property and closed on it on March 23, 2009.

The Mayor asked the Clerk to call the roll on the amended main motion.

Roll call vote to approve the amendment to item **8n. Report – Larch Avenue Parking Deck Demolition Proposal.**

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

Nays: None

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

Mayor DiCianni stated back to the main motion of the amended committee report for a vote.

Alderman Gutenkauf, point of order, discussion of the committee report is not complete.

Alderman Gutenkauf stated the recommendation line in the committee report should not show a flat fee, but it should be broken down. She also stated that the work agreement should state not to exceed a fee of \$176,000. The work agreement and the committee report should state time and materials.

Alderman Mulliner, point of order, stated the work amendment cannot be amended, only the committee report.

Alderman Gutenkauf moved to amend page two of the committee report to read pay fees based on time and materials and the final line of the recommendation state not to exceed \$176,000.

Discussion ensued.

Alderman Rose amended Alderman Gutenkauf's amendment regarding the wording of time and materials and not to exceed the total amount of \$176,000. Alderman Bram seconded.

Discussion ensued.

Alderman Rose called the question on the amended committee report.

Voice vote to approve item **8n. Report – Larch Avenue Parking Deck Demolition Proposal** as amended by Alderman Rose, unanimous, motion carried.

Voice vote on the main motion of the amended committee report item **8n. Report – Larch Avenue Parking Deck Demolition Proposal**, unanimous, motion carried.

## **REPORTS AND RECOMENDATIONS OF APPOINTED AND ELECTED OFFICIALS**

### 9. a. UPDATES (Mayor DiCianni)

#### 1. FINANCE TASK FORCE (Mayor DiCianni)

Mayor DiCianni stated that the Finance Task Force will not be announced tonight but the applicants will be notified very soon.

The Mayor stated he has made a decision that the two (2) former Alderman who applied, Vanek and Moriarty, will not be chosen. He stated his intent is to have a task force consisting of residents that have no political affiliation from their past.

#### 2. JOINT COMMITTEE OF THE ELMHURST CITY COUNCIL AND THE ELMHURST PARK DISTRICT

Mayor DiCianni stated the City has agreed to engage in an Intergovernmental relationship with the Elmhurst Park District. Two (2) Aldermen will be chosen to meet quarterly with the Park District.

Alderman Morley asked how will the Aldermen be selected?

Mayor DiCianni replied, any interested Alderman will be considered. If more than two (2) show a desire to serve in this capacity he will review qualifications, experience, etc before choosing the City representatives.

### b. CITY COUNCIL & LEGAL MATTERS ORIENTATION (City Attorney Storino)

City Attorney Storino asked Council, due to the late hour would they like to postpone the presentation from the City Attorney's Office.

Alderman Rose requested Council defer the presentation.

Alderman Hipskind stated let's be more efficient on how we spend our time and dollars.

City Attorney Storino stated he is the only attorney present that is being paid by the City. The other attorneys in attendance with him are strictly volunteers.

Alderman Mulliner suggested the presentation with the Attorney's Office take place 30 minutes prior to Committee Meetings.

Alderman Wagner asked if this could be done at the June 20, 2009 Council Retreat.

Alderman Mulliner replied the two (2) meetings should be kept separate.

City Attorney Storino set July 13, 2009 for his presentation to Council.

## **OTHER BUSINESS**

10. Alderman Healy stated he misspoke at the last Council meeting where at he stated four (4) miles of streets would be paved this summer. In fact, five (5) miles will be paved.

Alderman Pezza stated item **8n. Report – Larch Avenue Parking Deck Demolition Proposal** should have gone back to the Public Works and Buildings Committee. She stated she would never support a no bid deal. Alderman Pezza stated if Council follows the proper procedures at the Committee level, it wouldn't be necessary for a long discussion at the dais.

Alderman Nybo agreed with Alderman Pezza, stating let's do our job in Committee.

**ANNOUNCEMENTS**

11. Alderman Mulliner stated the first concert was held in the City Centre on Thursday, June 11, 2009. He stated a concert series will take place this summer instead of Elmfest. Alderman Mulliner stated the concert was well attended, well organized and the music was good.

Alderman Gutenkauf announced that the 1<sup>st</sup> Ward now has a newsletter. Interested parties may email [ward1news@comcast.net](mailto:ward1news@comcast.net) to join the mailing list.

Mayor DiCianni stated the concert was well attended and Café Amano, One Hundred South and Wine & Vine were very pleased as well. He stated that future concerts will have different venues.

The Mayor reminded everyone that Relay for Life will be taking place on June 19, 2009 at the Timothy Christian Field.

**ADJOURNMENT**

12. Alderman Hipskind to adjourn the meeting. Aldermen Mulliner. Voice Vote. Motion carried. Meeting adjourned 10:11 p.m.

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Peter P. DiCianni, III, Mayor

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Patty Spencer, City Clerk