I. DECLARATION OF QUORUM
With a quorum present, Chairman Burrus called the meeting to order at 5:52 P.M.

II. APPROVAL OF MINUTES OF REGULAR MEETING of October 10, 2011
It was moved by Ald. Grover and seconded by Ald. Holmes that the minutes of the October 10, 2011 meeting be approved. A voice vote was taken and the minutes were approved.

Molly Skelton 1521 Greenwood Street: On August 25, 2011, Schroeder & Schroeder Concrete Company redid several sections of concrete in front of the house in regards to a tree. The City was concerned the tree would break the sidewalk. Ms. Skelton related a concern over concrete work done on her property without permission. The concrete work involved a gangway that is shared with a neighbor, who did give permission for work to be done. Ms Skelton related her conversations with City Staff from Community and Economic Development Department and the Engineering Division. Chairman Ald. Burrus interjected apologetically and deferred the speaker(s) to our Legal Counsel and the City’s Assistant City Manager, Marty Lyons.

Ald. Rainey had two points of interest. (1) Why are people soliciting people doing Public Works for private property work (2) Why are our contractors taking work from residents while they’re on the job for the City.
Chairman Ald. Burrus assured Mr. & Mrs. Skelton the City’s Legal Advisor and Assistant City Manager will take their complaint.

Mr. Skelton continued discussing his findings post conversation with the Engineering staff. He touched on a permit and written consent requirements.

Chairman Ald. Burrus assured Mr. & Mrs. Skelton the Assistant City Manager will take their complaint and involve the head of Public Works as well. She thanked Mr. & Mrs. Skelton.

III. ITEMS FOR CONSIDERATION

(A1) City of Evanston Payroll through 10/09/11 $2,507,443.79
It was moved that the payroll of October 9, 2011 be approved. A voice vote was taken and City of Evanston Payroll for October 9, 2011 was unanimously approved 5-0.

(A2) City of Evanston Bills FY2011 through 10/25/11 $2,513,040.72
It was moved that the bills list of October 25, 2011 be approved. A voice vote was taken and City of Evanston bills list for October 25, 2011 was unanimously approved 5-0.

Ald. Rainey would like more detailed responses on the Bills List questions, specifically the Evanston Funeral and Cremation Removal.

It was confirmed by Jeff Murphy that the boarded up property on 715 Chicago Avenue is the Amllee project.

(A3.1) Approval of Contract Award to Broadway Electric, Inc. for the 5kV Motor Control Center Replacement at the Water Utility (Bid 12-59)
Staff recommends that City Council authorize the City Manager to execute a contract for the 5kV Motor Control Center Replacement (Bid 12-59) in the amount of $394,745 (Base Bid amount of $390,295 and $4,450 for Alternate 1) with Broadway Electric, Inc. (831 Oakton Street, Elk Grove, IL). Funding will be provided by the Water Fund Account 733113.65515. Replacement of this equipment is necessitated due to fire damage and was therefore not budgeted. It is anticipated that the base bid amount of $390,295 will be reimbursed by insurance. The remaining $4,450 for Alternate 1 will be funded by excess funds budgeted for capital projects that were deferred.
It was moved by Ald. Holmes and seconded by Ald. Grover that A3.1 be approved. A voice vote was taken and A3.1 was unanimously approved 5-0.
(A3.2) Approval of 2011 CIPP Sewer Rehabilitation Contract B Award to American Pipe Liners, Inc. (Bid 12-60)

Staff recommends that City Council authorize the City Manager to execute a contract for Cured-In-Place Pipe Lining Contract B (Bid 12-60) with American Pipe Liners, Inc. (P.O. Box 28, Highland Park, IL) in the amount of $161,698.50. Funding for this work will be from the Sewer Fund Account 7420.65515, which has an allocation of $375,000 for sewer improvements on streets being resurfaced.

It was moved by Ald. Rainey that A3.2 be approved. A voice vote was taken and A3.2 was unanimously approved 5-0.

(A3.3) Approval of Sole Source Contract Award for 5th Ward Pilot Area Luminaire Replacement Project to Elcast Lighting

Staff recommends that City Council authorize the purchase of 77 Elcast Induction Lighting Units in the amount of $32,637.22 from Elcast Lighting (815 S Kay Avenue, Addison, IL). Elcast is the sole distributor/fabricator of the standard City of Evanston Tallmadge street light luminaires. Funding will be provided by the remaining balance ($19,000) in the Streetlight Upgrade Project (415868), and from a 50% equipment donation of $16,319 from Northwestern University.

It was moved by Ald. Holmes and seconded by Ald. Grover that A3.3 be approved. A voice vote was taken and A3.3 was unanimously approved 5-0.

(A3.4) Approval of Contract Award to Clauss Brothers, Inc. for the 2011 James Park Renovations Project (Bid 12-62)

Staff recommends that City Council authorize the City Manager to execute a contract with Clauss Brothers, Inc. (360 West Schaumburg Road, Streamwood, IL) for the 2011 James Park Renovation Project in the total amount of $45,500. Funding will be provided by FY2011 Capital Improvement Plan (CIP) Account 415410 in the amount of $7,369, and the remaining $38,131 from the 2011 CIP Contingency account.

It was moved by Ald. Grover and seconded by Ald. Holmes that A3.4 be approved. A voice vote was taken and A3.4 was unanimously approved 5-0.

(A4) 2012 Water Main Replacement & Street Resurfacing Program

Staff recommends City Council approval of the proposed list of projects to be included in the 2012 Water Main Replacement and Street Resurfacing Program, subject to final approval of the FY2012 Capital Improvements Plan (CIP). In addition, staff recommends the development of a new 5-Year Street Improvement Plan (FY2013-FY2017) to be completed in 2012.

Slide show presentation presented by Paul Schneider, City Engineer.

Chairman Ald. Burrus thanked Paul Schneider for including the worse street in the 9th Ward.
Ald. Rainey would like to amend the program by eliminating Howard Street Custer to Chicago Avenue just for this year. She explained to the Committee that the streets aren't bad at all, they were paved a year ago. That area probably does need a new water main, however there are going to be several pieces of new economic development in that area and construction shuts down space in front of that business.

A voice vote was taken and A4 was unanimously approved as amended 5-0.

(A5) March 1, 2011 Police and Firefighter Pension Actuarial Report

Staff recommends that City Council review and approve the March 1, 2011 Actuarial Valuation for usage in the 2011 Tax Levy for Police and Firefighter funding purposes. The recommended Actuarial Required Contribution (ARC) as determined by this study is $6,401,393 for the Firefighters’ Pension Fund, and $8,521,751 for the Police Pension Fund.

Slide show presentation by Arthur H. Tepfur (Tepfer Consulting Group)

It was moved by Ald. Holmes and seconded by Ald. Rainey that A5 be approved. A voice vote was taken and A5 was unanimously approved 5-0.

(A6) City of Evanston’s Commonwealth Edison (ComEd) Franchise Agreement and Other Issues Associated with Electric Power Reliability

Staff recommends that the City Council: 1) receive this report; 2) refer to the City’s Utility Commission the issue of Municipal Electric Aggregation to study any potential benefit aggregation could have for Evanston residents and businesses and report back to the City Council no later than February 29, 2012; and 3) request that the City work with the Northwest Municipal Conference on state legislation dealing with ComEd during the General Assembly’s Fall Veto Session.

Ald. Rainey would like the Administration & Public Works committee members to meet with the Utilities Commission. Her concerns are:

- Has ComEd really responded to the outage issues and all interrelated issues?
- Wants to make sure that City Staff and Utilities Director aren’t attempting to eliminate use of the Franchise Committee.
- Confirm that Council is just directing the Utilities Commission to investigate prior to the expiration of our franchise.

Wally Bobkiewicz, City Manager, responded by clarifying that the action requested this evening deals with municipal electric aggregation. Ald. Rainey reminded the City Manager that was a major discussion during the last franchise session(s). The Committee was told over and over what can’t be done, referenced the "Most Favorite Nations" clause. Whatever Evanston does, everyone else will do so Evanston can’t do anything. She wanted the City Manager to know that the Committee has had that discussion. In the final analysis when it comes to franchise negotiations, Ald. Rainey wants to ensure the committee is not eliminated. Ald. Rainey has read and supports the recommendation.
The City Manager continued, “If the committee passes this recommendation, next step would be after the discussion at the Utility Commission, with recommendations on the aggregation. The first step would likely be Council approval on a citywide referendum to ask the question should the city should become an electric aggregator. Upon approval, then finally discussion and agreement with the aggregator, not necessarily a franchise agreement per se, but an agreement with the aggregator. As long as Committee understands that with the passage of this motion, staff would work with the Utilities Commission on the issue of municipal electric aggregation, come back with recommendation(s), should we move forward with a valid initiative or not that would be the next step if the Council wishes to pursue that. Any negotiations with a third party to provide electrical service for all the residents of Evanston would only come after a valid initiative.”

Ald. Rainey believes this is a political and strategy issue. She looks to the Utility Commission for the technical expertise. She does not see this move as a technical expertise move and feels the entire Council should be more involved. She is unsure she values the Commission’s opinion on this no more than Council’s. She would value Legal’s opinion. She strongly feels this really isn’t a technology issue at all. Wally Bobkiewicz responded, “If Committee wishes to refer it back to staff or to another board or commission, it really comes to the question of what is the marketplace? What are options for our residents for electrical power - whatever power would be delivered through ComEd’s delivery system.” If Committee feels there is a better group, the City Manager is open to suggestions. He compared sister cities such as Oak Park and their experience. The City Manager recommends discussion and starting the process, providing additional information.

Ald. Rainey feels that maybe even the Environment Board is a better place to start than the Utilities Commission. She reiterated her feelings of this being a strategy move and asked what can the City do under this franchise to bring savings to electric consumers? Wally Bobkiewicz explained, “While the franchise is obviously an important document, state law allows for the municipal aggregation. It’s not something that’s allowed or prohibited through the franchise agreement, it’s allowed through state legislation. We can send it back to staff or return with a presentation, or send it to another board or commission.” The City Manager believes too much money is to be saved potentially for Evanston’s residents to not get the ball rolling. Alderman Rainey agrees with the City Manager but asks the question, what does the City expect the Utilities Commission to do? The City Manager explained that the normal process for new community issue discussions is a citizen committee. Evanston residents want to discuss new issues, much like surrounding suburbs such as the Village of Oak Park who had multiple public meetings and citizen committees and spent several months in discussion. He mentioned the Mayor, Sustainability Coordinator, Catherine Hurley, as well as himself have met with eight of the twelve companies in Illinois that offers electric aggregation. He reiterated he will follow the direction of Council, but his recommendation as City Manager is to “get on with it.”
Ald. Grover would like to “get on with it” as well, she loves the idea of electric aggregation. Her question is if the City is heading toward referendum on the question of electric aggregation on the same timing as the primary elections in March, it would seem to her the City would need to get a good start sooner than later. She hates to bypass the City’s experts on the Utilities Commission, but if they could be included anyway in the presentation and discussion, that may be just as good. Ald. Grover posed the question, “Is this a matter of, Mr. Bobkiewicz, having a great big bright idea and finding ourselves getting fired at for having good big bright ideas and knowing what the backlash would be for not including residents in those discussions?” Mr. Bobkiewicz reminded Council of what his job is as City Manager and how it relates to citizen involvement. Ald. Grover assured the City Manager Council wants to involve residents it also seems to be a matter of critical timing. The City Manager responded, “If the Council, later this evening, chooses to have another special municipal election in March, then yes, it would make sense that this could be a companion measure on that ballot.” Ald. Grover asked if the City could make that happen. Mr. Bobkiewicz replied, “I think there are templates we can look at with other communities which we have not yet looked at but certainly there are there are communities similar to us that have already done this in Illinois within the last twenty-four months. So, I think we can easily go to them and look and see how that was. So again, if the Committee wishes to move faster, I’d recommend you refer back to staff for a report back as soon as possible. To put this on the March ballot the Council would need to act by January 3rd. So practically speaking that means your single meeting in the month of December.”

Ald. Grover asked when does the Utilities Commission meet again. David Stoneback, Director of Utilities, answered the second Friday of every month. It was confirmed that the Utilities Commission had not held their November meeting yet. Ald. Grover asked if the City is looking for a formal recommendation from the Utilities Commission or can the City proceed by including them in the discussion at the Council level without formal recommendation. City Manager, Wally Bobkiewicz, reiterated Council’s options to move forward, change the motion to reflect the same, and what the next steps would be regarding staff’s effort to respond to Council and get the item on the ballot by March. Ald. Grover confirmed the City Manager’s suggestion to move forward as described to get the item on the ballot by March.

Ald. Grover referenced part three of the agenda item regarding the legislation that is before the Illinois General Assembly. The City Manager sent a late email today with regards to the status for that discussion. She would like an update as she hasn’t had the opportunity to read her email yet. Wally Bobkiewicz proceeded, “We are not alone in our frustration with Commonwealth Edison and other communities and northwest Illinois have been working through the auspices of the Northwest Municipal Conference on a potential trailer bill that would deal with this larger smart grid bill that’s been vetoed. So now the veto session begins tomorrow in Springfield. There have been discussions with Commonwealth Edison and the Northwest Municipal Conference over the last several days. We do not believe as the Conference that we have a solution or a deal with ComEd. ComEd is now already going around saying there is a deal
despite that there is not one. In your packet there’s a white paper that was compiled by the Northwest Municipal Conference under the leadership of the Village Manager of Glenview who lead a group of elected officials and appointed officials this past summer to come up with this white paper. That white paper has now become a bill which potentially could be a part of a larger package to come up with a solution to the smart grid question that Commonwealth Edison is facing.” Ald. Grover asked if Northwest Municipal Conference has in fact drafted legislation in response to the ComEd…” The City Manager confirmed and shared that Mayor Tisdahl, co-chair of the Northwest Municipal Committee, and the City Manager went to Springfield on Wednesday. He recommended to Council to approve staff continuing to work under Mayor Tisdahl’s leadership, Evanston’s sister cities and the Northwest Municipal Conference.

Ald. Grover is amending the motion: the Committee recommends that they

- receive the report
- the City will include the Utilities Commission for the discussion of aggregation but that staff would report back to City Council at our meeting in December as to how we would proceed on a referendum as to electric aggregation.
- that the City continues to work with Northwest Municipal Conference and state legislation dealing with ComEd during the fall veto session.

Council wouldn’t mind receiving information in November if possible. The City Manager assured Committee if the additional information regarding aggregation and information from Evanston’s sister cities becomes available sooner, he would be more than happy to deliver sooner.

Ald. Rainey asked what would be an objection to aggregation. Wally Bobkiewicz answered, “By going through a referendum, you are tying every resident of Evanston to the aggregator and they have the opportunity to “opt out.”” Ald. Rainey complimented the legal component of the agenda item. She felt it was well documented. Ald. Rainey stated she would like to know what ComEd's comments are about Evanston going forward with aggregation. She made it clear she wants Evanston to go forward with the aggregation. Not sure the communities Wally Bobkiewicz mentioned have a franchise. He confirmed that they are franchised and explained ownership of equipment and service and billing/payment role/distribution. It was made clear that Evanston is a part of the Northwest Municipal Conference but not the model franchise agreement. Ald. Rainey wants to invite other related boards and committees, specifically mentioning the Environment Board. Wally Bobkiewicz suggested a meeting may take place to include all interested parties to have discussion prior to coming back to Council.

Chairman Ald. Burrus called for a motion and a second. Ald. Rainey seconded the motion A6 be approved. A voice vote was taken and A6 was unanimously approved 5-0.

(A7) **Ordinance 79-O-11, Amending Class AC Liquor Licenses, Authorizing Limited Alcohol Consumption in Viewing Auditoriums**
Local Liquor Commissioner recommends City Council adoption of Ordinance 79-O-11, which amends the Class AC liquor license to allow patrons to purchase alcohol in the theater café and take their alcoholic beverages inside arts cinema viewing auditoriums during motion pictures rated PG-13 or R, and special events.

Ald. Rainey moved that A7 be approved. A voice vote was taken and A7 was unanimously approved 5-0.

(A8) Ordinance 82-O-11, Decreasing the Number of Class C Liquor Licenses Due to a Change in Ownership of Jacky’s on Prairie

The Local Liquor Commissioner recommends introduction, suspension of the rules, and adoption of Ordinance 82-O-11 to decrease the number of Class C liquor licenses from 26 to 25 due to a change in ownership for Jacky’s on Prairie, 2545 Prairie Street. Request suspension of the Rules for Introduction and Action on October 24, 2011.

Ald. Rainey moved that A8 be approved, seconded by Ald. Grover. A voice vote was taken and A8 was unanimously approved 5-0.

(A9) Ordinance 83-O-11, Increasing the Number of Class C Liquor Licenses to Permit Issuance to Silva Winston, LLC, new owner of Jacky’s on Prairie

The Local Liquor Commissioner recommends introduction, suspension of the rules, and adoption of Ordinance 83-O-11 to increase the number of Class C liquor licenses from 25 to 26 to permit issuance to Silva Winston, LLC, new owner of Jacky’s on Prairie, 2545 Prairie Street. Request suspension of the Rules for Introduction and Action on October 24, 2011.

Ald. Grover moved that A9 be approved, seconded by Ald. Rainey and Ald. Holmes. A voice vote was taken and A9 was unanimously approved 5-0.

(A10) Ordinance 84-O-11, Increasing the Number of Class B Liquor Licenses to Permit Issuance to Taco Diablo, 1029 Davis Street

The Local Liquor Commissioner recommends passage of Ordinance 84-O-11 to increase the number of Class B liquor licenses from 16 to 17 to permit issuance to Taco Diablo, LLC, d/b/a “Taco Diablo,” 1029 Davis Street.

Ald. Grover moved that A10 be approved, seconded by Ald. Braithwaite. A voice vote was taken and A10 was unanimously approved 5-0.

(A11) Ordinance 87-O-11, Authorizing a Cable Franchise System between the City of Evanston and Comcast of Illinois IV, Inc., for a Period of Seven (7) Years

Staff submits for consideration Ordinance 87-O-11 which would renew Comcast’s non-exclusive cable system franchise with the City for a period of 7 years. Suspension of the Rules is requested to enable Introduction and Action by City Council on October 24, 2011.

Ald. Grover would like some additional information about the City’s negotiations with Comcast such as why seven years and is the City preserving all of Evanston’s public education government options, and can the City enhance
them? Wally Bobkiewicz explained, “The opportunities that we have under federal law to receive not only a franchise fee, but also a fee for public education and government access. We collect the maximum franchise fee allowed under federal law and a PEG fee that’s as high as any other community not only in Illinois that I’m aware of, in the United States, that I’m aware of. For those two points, I think we’re in good shape. (Evanston Community Media Center) ECMC is in the process of moving from their current address (1285 Hartrey) to the Civic Center’s Service Center. A portion of the negotiations was who would bear the cost of moving the “head-end” (cable connection) estimated at $70,000. The cost of will be beared by the City or ECMC or some combination of the two. As a portion of these discussions, we asked Comcast if they would bear the cost for the movement of the head-end. Comcast will do that as part of this agreement. We’re hopeful that ECMC has not set a final date to move out of their building. They’re still in negotiations with their landlord to break their lease. They hope to be out by the end of the calendar year.” The City Manager is confident the equipment would still be there. The City is working with Comcast to get the head-end moved, probably not some time until January. Joseph McRae, Interim Assistant City Manager, and the City Manager have been working with school district 202 and 65 who also depend on the head-end. The City is looking at the third weekend in January (Martin Luther King holiday weekend) as the transition weekend. Comcast has not made any guarantees that that could happen, but they are hopeful, as long the City concludes the franchise soon. This is why City staff is asking to suspend the rules to get this approved so Comcast can get started with the move. That’s one component, a second component is a favorable rate on internet access – typically uncommon in franchise agreement. Would like to supplement Evanston’s internet access with Comcast’s internet access. About 98% of the terms of agreement are typically ten years. There is a handful of seven-year agreements, and perhaps one or two five-year agreements. Comcast was not prepared to go to five years, as per Comcast, that would jeopardize other parts of the agreement and Comcast is experiencing issues in their other one or two five-year agreement situations. Ald. Grover’s concern is one, a shorter term would allow the City to stay nimble, and the need to introduce and approve tonight, she wanted to confirm that there was no more two-weeks room. The City Manager assured the Committee that there is always two weeks room. He continued explaining the third week in January and is the best time to move and the weekend of least interruption. He explained to Committee the various and sundry reasons for a seven-year term.

Ald. Rainey doesn’t mind the seven years since it’s non-exclusive. She referenced the City Manager’s statement that Evanston gets more than the average community. She asked how are rates set for various communities? Is there a standard? Evanston gets more back, is Evanston putting more in? How is Comcast regulated? Wally Bobkiewicz replied if an individual has a problem with the rates, they may petition the Federal Communications Commission (FCC). Ald. Rainey reiterated her question. Chairman Ald. Burrus brought Frank Duel, Senior Manager for Government Affairs since 1999, 30 years experience total, to the floor to address the Committee. He explained the Comcast package offerings and system
architecture. Prices are partially driven by competition and regulation from the FCC.

Ald. Grover wanted to give time for residents to voice possible concerns who may be unaware of this agreement being on the agenda tonight. Wally Bobkiewicz explained a little bit about consumer complaints specifically mentioned close captioning. He continued giving examples of other complaints regarding prices, but doesn't recall comments referring to bad service. He offered to provide Committee with a list of complaints and complimented Mr. Duel on his consistent responsiveness to resident issues. Chairman Ald. Burrus stated A11 has been moved and seconded. A voice vote was taken and A11 was unanimously approved 5-0.

IV. ITEMS FOR DISCUSSION

V. COMMUNICATIONS

VI. ADJOURNMENT

Ald. Burrus, as Chair, noting that there was no further business to conduct, declared the meeting adjourned. The time was 7:40 p.m.

Respectfully Submitted,
Dolores Y Cortez
Administrative Assistant, City Manager's Office