I. DECLARATION OF QUORUM
With a quorum present, Chairman Ald. Jean-Baptiste called the meeting to order at 5:45 p.m. Chairman Ald. Jean-Baptiste then opened the floor to Citizen Comment: Mr. Carl Bova called Council’s attention to agenda item A4 on tonight’s agenda, Roadway project. He feels the statement is misleading referencing the dollar amount. He opened quote, “The last sentence reads as follows, “…the City of Evanston share is $45,589 to be paid from Water and Sewer funds…” This is a roadway project. Everybody is aware that we’re paying for water sewer improvements associated with that roadway project. But the statement does not say that at all. In light of last night’s discussion, I would suggest that in the future, we would amend these kinds of statements by simply saying, City of Evanston share is $45,589 to be paid from Water & Sewer funds, for water and sewer elements of the project.” Chairman Ald. Jean-Baptiste acknowledged the comment and clarification. Chairman Ald. Jean-Baptiste stated that the City Manager will take note and consideration. Chairman Ald. Jean-Baptiste announced agenda items will be approved by consent.

II. APPROVAL OF MINUTES OF REGULAR MEETING of March 22, 2010.
Minutes were unanimously approved 5-0

III. ITEMS FOR CONSIDERATION

(A1)* City of Evanston Payroll through 03/28/10 $2,308,594.48
A1 was unanimously approved 5 – 0

(A2)* City of Evanston Bills through 04/13/10 (FY09/10) $1,105,597.62
04/14/10 (FY10/11) $2,585,326.88
A2 was unanimously approved 5 – 0
(A3.1)*Approval of Single Source Purchase of Library Automation Services from Cooperative Computer Services
The Library and the Information Technology Division recommend approval of the single source purchase of library automation services from Cooperative Computer Services (3355 J. Arlington Heights Rd., Arlington Heights, IL) in the amount of $94,595.25. This is a 0.2% decrease over last year. Funding provided by the Library’s Technical Services Computer Licenses and Support (2835.62340) account. The FY2010-11 budgeted amount for these services is $119,000. This savings is due to the deferral of software purchases. Cooperative Computer Services (CCS) provides an integrated library automation system for the Evanston Public Library and 22 other public libraries of the North Suburban Library System.
A3.1 was unanimously approved 5-0

(A3.2)*Approval of Contract Award for Roof Replacement at Fleetwood-Jourdain Community Center Gymnasium
Staff recommends City Council approval for a contract in response to Bid 10-67 for roof replacement at Fleetwood-Jourdain community center to G. E. Riddiford Company (2333 Hamilton Road, Arlington Heights, IL) in the amount of $186,000,899.00. Funding for this project is provided by Capital Improvement Program (CIP) and Community Development Block Grant (CDBG) funds. Budgeted amounts are as follows:

CIP Account #415692.65510 $193,000,093.00
CDBG Account #5170.62790 $50,000.00

Ald. Rainey asked, “Why given the great bid we got at $186,000 does the department require $50,000 from Community Development. We could use the money.” Chairman Ald. Jean-Baptiste called Doug Gaynor, Director of Parks, Forestry, & Community Services, to respond. “The appropriation for the CDBG came before the bid. It was after the fact that we found out we had a good bid. If there are no change orders during the project, there will be a balance and the balance will be returned to the funding sources.” Ald. Rainey feels staff needs to manage this project so it won’t run over the $193,000 budget because the bid came in $50,000 lower with all the possibilities. Gaynor agrees adding, “Until the project is done and we start taking the roof apart, we’re not sure what will occur, we may find certain unanticipated conditions. We could either refund the leftover money or allocate it to a different CDBG account.” Gaynor confirmed his willingness to follow the direction of the Council. Ald. Rainey asked what the two alternates are. Gaynor called upon David Cook, Superintendent of Facilities Management, to explain the alternates as David assembled the roof specifications. He responded to Council, “We’re going to be cladding the fascia with aluminum and we won’t have to paint that again. That’s why it is the higher of the two and the other one I’ll have to get for you later.” Ald. Rainey confirmed that they’re not in case something goes wrong, they’re actual items. She was interested, as she
continued, “If you could tell us what they are. I do think having that extra amount of money is a little exaggerated and I think some of it should be given back.” Ald. Holmes asked about the timeline for the project. Cook responded, “Upon approval until the end of August.” Ald. Holmes feels if it’s done by August there would be time to reallocate the $50,000 from CDBG. Chairman Ald. Jean-Baptiste called upon Martin Lyons, Assistant City Manager, to respond to the $243,000 available for a $186,000 project. Marty confirmed staff would take direction from Council for the allocation. He continued, “Whether or not you wanted to have a pro-rated amount or not so if it comes in at that $186,000 then would we pro-rate between capital improvements and CDBG. Would we take it all from CDBG or rather leave all CDBG alone. That’s totally a CDBG committee and Council decision. Get the final number and allocate as you see fit when the project is completed.” Chairman Ald. Jean-Baptiste asked, “What sense does it make when you have a project that costs $186,000 and multiple sources of funding, why not fix that before it gets to Council and say that the CDBG amount will be held, we’ll proceed with the $193,000 or there’s some kind of correction to the capital allocation because of other obligations. Why not give it that kind of leadership from that level. As opposed to have us engage in this because it’s not going to be $243,000, if it is, we’ve got problems.” Marty responded, “I want to go back and look at the amount that was budgeted for the project assuming it would be the $243,000 and that’s why we wanted to disclose that. Again, this is the budget but it came in at $186,000. So usually when we talk about funding levels, we’re referring to budget in most cases unless there is ten items in one account. But in this case, this is CIP item so it should be one budget of $243,000 and we got very favorable bids.” Ald. Rainey commented, “How we handle the extra $50,000 is not an issue tonight, I just had to ask. I don’t think it’s up to the departments to figure out what to do with CIP money. That money was given in this case and some other project got short changed that didn’t have access to capital dollars from bonds. So that’s why I’m concerned about getting the $50,000 back if it’s not spent. Consideration ought to be given to that and not tinker with it. I don’t think it has anything to do with approving this project.” Chairman Ald. Jean-Baptiste suggested staff takes Ald. Holmes’ suggestion and see what’s left after the project. He clarified just because there is a surplus of money doesn’t mean Council will support any change orders or anything like that.

A3.2 was unanimously approved 5-0

(A3.3)*Estimated Annual User Charge for 2010 with the Metropolitan Water Reclamation District of Greater Chicago for Disposal of Sludge Generated as Part of the Water Treatment Process

Staff recommends City Council approval of the estimated annual user charge for 2010 with the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) for disposal of sludge generated as part of the water treatment process in the amount of $374,508.79. Funding for this work will be from the Water Fund, Account 7110.62420. This account has a budget of $446,500 specifically allocated for MWRDGC sludge disposal fees.

A3.3 was unanimously approved 5-0
(A3.4)*Pace Suburban Bus Shelter Transfer Agreement
Staff recommends authorizing the City Manager to execute the Bus Shelter Transfer Agreement with Pace Suburban Bus. Pace has notified the City of Evanston that the shelters at four locations are no longer served by their bus service, but are served by the Chicago Transit Authority. Staff has verified that these shelters are used by residents while waiting for CTA bus service and therefore recommends taking over the maintenance responsibility.
Ald. Holmes asked Ald. Rainey about this being the opportunity since the City is going to own those bus shelters, would this be the opportunity to advertise. Ald. Rainey confirmed it would be the opportunity to add four new locations that weren’t currently under the City’s jurisdiction. The City has a bus shelter on Howard and it’s broken down and nasty. Ald. Rainey said, “We have to have a very specific program to clean our bus shelters and we absolutely don’t have one.” She went on to compare a cleaner bus shelter on Howard & Asbury that belongs to CVS. It is always spotless, Chairman Alderman Jean-Baptiste and Ald. Holmes inquired who would do that. Suzette Robinson, Director of Public Works, confirmed it is Streets & Sanitation that cleans the bus shelters and there are a few other locations that the City is responsible for as well, these will be added to the list. Streets & Sanitation will incorporate these with the business cleaning crews and make that the first visit. Ald. Holmes mentioned picking up the litter and cleaning is two different things. She asked the Director of Public Works, “Are we going to clean them as opposed to just picking up the litter?” Robinson confirmed that the City has equipment to power wash and those shelters have been included in the RFP (Request for Proposal).
A3.4 was unanimously approved 5-0

(A3.5)*2010 Refuse and Yard Waste Disposal Fees
Staff recommends approval of the 2010 refuse disposal fees to SWANCC (Solid Waste Agency of Northern Cook County) in the amount of $90,000 for capital costs, $950,000 for operations and maintenance and $120,000 in yard waste fees. Funding provided by Streets and Sanitation General Fund Accounts, 2685.68310 (capital cost), 2685. 62405 (operations and maintenance costs) and 2695.62415 (yard waste cost). These accounts have budgets of $100,000, $1,080,000, and $175,000 respectively.
A3.5 was unanimously approved 5-0

(A4)* Resolution 24-R-10 Authorizing the City Manager to Sign a Local Agency/State Agreement with the Illinois Department of Transportation for the Resurfacing of Isabella Street from Ewing Avenue to Green Bay Road and Emerson Street from Leland Avenue to Asbury Avenue
Staff recommends approval of Resolution 24-R-10 authorizing the City Manager to sign the construction funding agreement with the Illinois Department of Transportation (IDOT) for Emerson Street (from Leland Avenue to Asbury Avenue) & Isabella Street (from Ewing Avenue to Green Bay Road) emergency resurfacing project. Total project cost is estimated at $1,039,773, and the City of Evanston share is $45,589 to be paid from Water and Sewer funds.
A4 was unanimously approved 5-0
Ordinance 26-O-10 Approving and Authorizing Revenue Bonds and Related Matters Thereto Chiaravalle Conduit Financing

Staff recommends approval of Ordinance 26-O-10 for purposes of final action on April 26, 2010. Chiaravalle has requested the City act as the conduit financing authority for their debt issuance. The major purpose of this borrowing is to pay the City the $2.1 million owed for the purchase of the Chiaravalle property, which will permit the City to receive all of its funds from the purchase immediately. The City will not incur a liability to repay this debt in the event of a default by Chiaravalle.

Ald. Rainey has two questions, “One, does this constitute our bonding capacity with industrial revenue bonds that we have, not that we can borrow from other communities?” Marty Lyons replied, “This does not constitute our IRB. We will actually have the Industrial Revenue Bond Cap Reservation agenda item on for April 26th. We need to reserve our bond cap of approximately 6 million dollars. Because this is not-for-profit we do not need to use that bond cap. We can act as the financing authority conduit without using that cap.” Ald. Rainey continued, “Secondly, thinking about the times past we have interacted with Chiaravalle, and I know the economy has been an issue, the concept of what should happen has been an issue, almost every time we made a decision, formal or not, something has changed. Another idea comes to the floor and we have to rethink what we last did. Where in here does it say that it is an absolute ironclad requirement that not only the 1.9 million for the building be immediately transmitted to the City, but the additional $200,000 for improvements to the park. If the reason they’re claiming they’re doing this is so that we can get our money first, I’d like to have that money right away – without anything coming up.” Marty Lyons responded, “We’ll go through the documents and forward that to the Council before we proceed since this is the Introduction before Action, we will follow up with the specific language pages. The goal is on the 28th right after the Council meeting of the 26th, to close both the property deal and the bond closing. The $200,000 language in the agreement does not change. That will still remain in escrow, so we will not have that, nor will they until the building is done and the need for the park is also there then the $200,000 is released for the refurbishment/reconstruction of the park. But the 1.9 million it is our goal to have that immediately after closing and we’ll get that specific language. Ald. Rainey responded, “I understand it’s a goal, I don’t want it to be a goal, I want it to be a demand.” Marty Lyons confirmed staff would provide the language. Chairman Ald Jean-Baptiste asked if Grant Farrar, Corporation Counsel, can speak to the City being protected and not being liable for default and why not? Grant explained, “With respect to that, the other provisions of the ordinance speak to the fact it is not an indebtedness under home rule or any authority. With respect to the specifics of the 1.9 million, I believe the loan agreement speaks to that in greater detail. The revisions to that I believe were submitted to us today. That agreement is continuing to evolve with the goal in mind of, Mr. Chairman and Members of the Committee, that the 1.9 million is immediately dispersed consistent with Council’s direction past and present. Marty and I are working as we go along to make sure that is infatuated.” Chairman Ald. Jean-Baptiste asked “How are we as the agent not held liable, if we are acting as the agent to access the funds?” Grant explained, “It is part of the recitals of the loan agreement and every other
document that’s incorporated within the transaction itself. The bond counsel opinion is reciting that, my opinion is reciting that, the ordinance recites it. It’s locking everybody into place with the absolutely clear understanding. It is memorialized in the hearing as well. Based upon the documents we will not be held liable. That certainly does not preclude someone from challenging the transaction. Chairman Ald. Jean-Baptiste wants to make sure Chairavalle will cover our legal fees if in fact we become indemnifiers in any way shape or form. Ald. Rainey wants to ensure the City has a binding statement for the lump sum payment of 1.9 million at the close. If the $200,000 is in fact in escrow untouchable until the park gets developed, that’s fine with her. Marty further explained, “Two things, one we’ll get documentation to that effect, secondly, the other part of why our liability is reduced as much as it can be is because the statement of our liability is also actually on the bonds so when someone is buying the bonds, the bonds purchaser see that the transaction is a conduit transaction and the liability is only based on the strength of the borrower, in this case Chairavalle and not based on the conduit, the City of Evanston. I can provide as far as transactions: the way it will work we will have to get our money for them to complete their transaction. But I would rather submit that in a summary format.”

A5 was unanimously approved 5-0

IV. ITEMS FOR DISCUSSION

V. COMMUNICATIONS

VI. ADJOURNMENT 6:17pm

Respectfully submitted:
Dolores Y. Cortez