

The City Council met in regular session in the Council Chambers on
Wednesday, January 17, 2007 at 7:30 p.m.

Council Members present: Cappabianca, González, Horan-Kunco, Jones, Schember,
Thompson and Jenkins-Husband. 7. Nays. 0

On motion of Mr. González, Seconded by Mr. Schember, the reading of the minutes
of the meeting of January 10, 2007 were dispensed with and same adopted with copies
furnished to the members of City Council by yeas Cappabianca, González, Horan-
Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

Copies of the bills under date of January 19, 2007 were given to City Council
and same adopted by yeas Council Members Cappabianca, González, Horan-Kunco,
Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0., with the exception
of NATO Center invoices on which Mrs. Jenkins-Husband, abstained from voting.

By Mrs. Jenkins-Husband, Council File Ordinance #15,495, Pending Official File
Ordinance #4-2007,
an ordinance approving the editing and inclusion of certain ordinances as parts
of the various component codes of the **Codified Ordinances** of the City of Erie.

January 17, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by
Mr. Thompson, having read Council File Ordinance #15,495 and now known as Pending
Official file Ordinance #4-2007, does hereby adopt on Final Passage by yeas Council
Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-
Husband. 7. Nays. 0.

January 17, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,
That the City Council meeting scheduled for Wednesday, July 4, 2007 at 9:00 a.m.
is hereby cancelled and rescheduled to Wednesday, **July 11, 2007 at 9:00 a.m.**

January 17, 2007. City Council adopt by yeas Council Members Cappabianca,
González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.
January 17, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Thompson, Resolved, etc.,
That the action initiated by the Loan Review Committee of the Erie Enterprise Zone
Revolving Loan Committee on January 3, 2007 providing for the consent to the sale of
Environmental Reclamation Services, Inc., in accordance with the language detailed in a
Memorandum, Sale of Assets of ERS (Environmental Reclamation Services, Inc.); Lease of
Real Property, of December 22, 2006 from Michael A. Brown, Esq., Ballard, Spahr,
Andrews and Ingersoll, LLP. Specifically, this transaction relates to Item 6 of the
Memorandum which will allow for the distribution or sale by Environmental Reclamation
Services, Inc., (ERS) of the Real Property and Real Property Lease to a new limited
partnership to be formed by Terry Diadone and Dave Steffens, the owners of ERS,
"Diadone/Steffens Realty LP".

Diadone/Steffens Realty LP will become our borrower. The original Mortgage Loan
of \$200,000 was provided to ERS November 17, 2004; the current balance of \$178,848 at
4.0% mortgage is a shared second lien against ERS property on Ore Dock Road, Erie, Pa.
This lien is shared with the Northwest Commission Small Business First and the Erie
County Redevelopment Revolving Loan Funds. Terry Diadone and Dave Steffens will
continue to personally guarantee this obligation.

Our approval and consent to this transaction is contingent upon PNC Bank and
Pennsylvania Industrial Development Authority approvals along with the approvals of the
Northwest Commission Small Business First and the Erie County Development Revolving
Loan Funds.

City Council further directs that the proper City officials are authorized to sign
the necessary documents and agreements effectuating same.

January 17, 2007. City Council adopt by yeas Council Members Cappabianca,
González, Horan-Kunco, Jones, Thompson and Jenkins-Husband. 6. Nays. 0. (Mr.
Schember abstaining)

January 17, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mrs. Jenkins-Husband, Resolved, etc.,

That the proper City officials are authorized and directed to enter into a Cooperation Agreement with the Erie County General Authority, **Koehler Brewery Square LLC and 1890 LLC** in connection with a **\$4,500,000.00** Redevelopment Assistance Capital Program ("R-CAP") Grant for the Koehler Brewery Project.

Under the terms of the Agreement and the Grant, the City of Erie will guaranty to reimburse the Commonwealth for any project expenditures utilizing grant funds that may later be determined by the Commonwealth to be ineligible expenditures. Koehler Brewery Square LLC, as sub-grantee, and 1890 LLC, as developer, agrees to indemnify and hold the City harmless for any such reimbursement obligations as well as any and all claims or actions of the Commonwealth or other parties resulting from the Grant.

As a pre-condition to the effectiveness of the Cooperation Agreement, the members and spouses of members of Koehler Brewery Square LLC and 1890 LLC shall enter into written Guaranty Agreements guaranteeing to act as sureties for the obligations of Koehler and 1890.

January 17, 2007. City Council adopt by yeas Council Members González, Horan-Kunco, Schember, Thompson, and Jenkins-Husband. 5. Nays. Mr. Cappabianca. 1. (Mr. Jones abstaining)

January 17, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mrs. Jenkins-Husband, Resolved, etc.,

That the proper City officials are authorized and directed to enter into a Cooperation Agreement with the Erie County General Authority, **Gannon University** and the Greater Erie Industrial Development Corporation in connection with a **\$4,000,000.00** Redevelopment Assistance Capital Program ("R-CAP") Grant for the Gannon University Erie Technology Incubator Project.

Under the terms of the Agreement and the Grant, the City of Erie will guaranty to reimburse the Commonwealth for any project expenditures utilizing grant funds that may later be determined by the Commonwealth to be ineligible expenditures.

Gannon University, as sub-grantee, agrees to indemnify and hold the City harmless for any such reimbursement obligations as well as any and all claims or actions of the Commonwealth or other parties resulting from the Grant.

January 17, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Schember, Thompson and Jenkins-Husband. 6. Nays. 0. (Mr. Jones abstaining)

January 17, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

That the City Purchasing Agent is authorized and directed to issue purchase orders to the following individuals and/or companies for goods and/or or services as noted and the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **William Bolash**, 734 Winifred Way, The Villages, FL 32162 for Professional Consulting Services for the 2nd, 3rd and 4th quarters of 2005 for Erie City Council for the sum of \$4,500.00.
2. **American AGIP Company, Inc.**, 539 Marwood Road, Cabot, Pa., for Anti Wear Hydraulic Oil and Ultralene Motor Oil for the Municipal Garage for the sum of \$2,421.72.
3. **SOFCO**, 12765 Collections Center Drive, Chicago, Illinois 60693, for Soap, Bleach, Towels and other supplies for the Wastewater Treatment Plant for the Bureau of Sewers for the sum of \$3,036.19.
4. **Environmental Resources Association**, 6000 West 54th Avenue Arvada, for 2007 ERA Lab Standards for the Wastewater Treatment Plant for the Bureau of Sewers for the sum of \$4,305.36.
5. **Keystone Electric**, 3125 Brandes Street, Erie, Pa., for the Replacement of a Light Pole and Fixture at the Wastewater Treatment Plant for the Bureau of Sewers for the sum of \$4,500.00.

January 17, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

January 17, 2007. Signed by the President. Attested by the City Clerk.

January 17, 2007. City Council on motion of Mr. González, Seconded by Mr. Schember, adjourned at 8:50 p.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson, and Jenkins-Husband. 7. Nays. 0.

Attest:

President of City Council

City Clerk