

**CITY COUNCIL**

**February 26, 2001**

**ROLL CALL - PRESENT:**

Alderman Bernstein	Alderman Rainey
Alderman Kent	Alderman Feldman
Alderman Moran	

A Quorum was present.

**NOT PRESENT AT  
ROLL CALL:**

Aldermen Engelman, Newman, Drummer, Wynne

**ABSENT:**

None

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, February 26, 2001 at 5:50 p.m. in the Aldermanic Library. Alderman Feldman moved that Council adjourn into Closed Session for the purpose of discussing matters of collective bargaining, purchase and selling of real estate, litigation and minutes pursuant to 5ILCS Section 120/2 (c) (2), (5), (6), (11) and (21).

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Seconded by Alderman Moran. Roll call. Voting aye – Bernstein, Kent, Moran, Rainey, Feldman. Voting nay - none. Motion carried (5-0).

At 7:10 p.m. Alderman Feldman moved to reconvene into Open Session. Seconded by Alderman Moran. Motion carried. No nays. Council then recessed so aldermen could attend standing committee meetings.

Mayor Morton reconvened the Council meeting at 9:50 p.m. in the Council Chamber.

**Announcements:**

City Clerk Mary Morris announced the last day to register to vote for the April 3 Consolidated Election is Tuesday, March 6; that the Clerk's office is open for voter registration between 8:30 a.m.- 5:00 p.m. Monday through Friday and Saturday, March 3, from 9:00 a.m. to noon. Applications for voting absentee by mail are available at the City Clerk's office and can be obtained by calling 866-2925 or coming in. In-person absentee voting begins Monday, March 12 and continues through Monday, April 2 at 5 p.m. with Saturday voting on March 17, 24 and 31 from 9:00 a.m. to noon. Acceptance of passport applications will be suspended temporarily from March 5- April 6 due to the election.

Parks/Forestry & Recreation Director Doug Gaynor announced a neighborhood meeting about the new Levy Senior Center, March 1 at 7:30 p.m., Dawes School, 440 Dodge Avenue.

Police Chief Frank Kaminski reminded all of a citywide public forum "Building your Neighborhood's Capacity to Solve Problems" which focuses on problem-solving methods and partnership policing Thursday, March 1 from 7:00-9:00 p.m. in the Council Chamber.

Emergency Services Coordinator Max Rubin announced Severe Weather Preparedness Week March 4-10. Schools will have drills at 10:00 a.m. Tuesday, March 6 when sirens sound; call 866-2916 for tornado preparedness information.

**Communications:** None

**CITIZEN COMMENT:**

Junad Rizki, 2784 Sheridan Rd., spoke about Council's lack of leadership on the budget. He was concerned about a recent article in the *Evanston Review* in which the firefighters' union was backing certain aldermen. His concern was that this group maintains a political action fund that contributes money to endorse candidates. He did not question the legality of this but the influence on aldermen. He did not think any alderman should take these funds because it was not in the public interest.

Karl Gromelski, 2727 Broadway Ave., apologized for submitting last minute budget suggestions; suggested under Church Street Boat Ramp, that a ticket booth was not needed for \$40,000 and that the DARE program be cut, citing newspaper articles in which officials admitted this program was ineffective. He asked why they budgeted \$250,000 for a program that did not work. He suggested looking for a program that works; recommended as alternative sponsorship by YOU or the community's strategies bureau. On the Summer Youth Employment Program, he suggested a partnership with local merchants and businesses. For every student sponsored by a private entity, the City could save \$1,000. He challenged the Mayor and aldermen to become involved by each sponsoring a student. He noted the youth golf program budgeted at \$1,400 so that 140 youth can play golf. He thought the drum and bugle corps was being stifled as well as the skate park/bus program, because there was no money to support those. He stated if those programs were supported by organizations such as the YMCA or other non-profits, they could get more cost savings and the YMCA could go to corporations for funds. He said a letter from the Mayor to the Tiger Wood Foundation could fund the youth golf program with \$1,000. He will look for grant money so that \$1,000 could be eliminated from the budget and would write a check for \$1,000 if he was unsuccessful. He suggested they consider contracting out for the Health Department laboratory, which has a high medical insurance rate and recommended that private dentists handle the dental clinic. He noted that some departments don't seem to be effective citing the M/W/EBE program; housing rehabilitation and fair housing; called attention to the number of employees/performance and suggested combining them. He stated character is revealed in crisis and that Evanston is in crisis.

David DiPaolo, DiPaolo Co., low bidder on Phase VI, Contract B, of the long-term sewer project stated his company's bid was \$600,000 lower than the next bidder. DiPaolo had been in business for 35 years, has done more tunneling work over the years, taken on more complex projects and was confident they could do this project. They have Robert Magna on staff, an experienced tunneling contractor, who has done a lot of work in Evanston and elsewhere. He knows Evanston is committed to using disadvantaged business enterprises, as is their company. On prior City projects they have met that goal. They do most of the work and have little need of subcontractors, however, there are always opportunities for

subcontracting. They conducted an extensive pre-bid solicitation effort but were unable to put a bid together that was competitive and met the City's M/W/EBE goals. They evaluated all quotes and compared their costs to that of subcontractors and were forced to seek a waiver and met all requirements. They believe their bid is competitive. Alderman Bernstein moved to extend Citizen Comment. Seconded by Alderman Wynne. Motion carried. No nays.

Peggy Tarr, 907 Sherman Ave., suggested the City look at the performance quality by City staff. She pointed out when large grants are at stake everybody is counted. She was disturbed by a trend in Evanston that certain populations are disposable such as senior citizens, youth, ethnic groups, low-moderate populations and small businesses. She said the City has to progress, but was concerned that people could be rendered like weeds and their problems not taken seriously.

Larry Keefe, Keefe-Shea Joint Venture, stated his company has extensive tunneling experience and met the 15% M/W/EBE goal as opposed to the DiPaolo Company. The job was bid December 8. He referred to DiPaolo's letter that requested a waiver; reviewed the documents and found a serious deficiency. DiPaolo was required to provide a list of vendors and responses. On their documents they say they sent a proposal to Luise Trucking and they did not receive a quote. Ms. Garcia was there to testify that she had sent them a proposal that was not acknowledged. He suggested this was a serious error in DiPaolo's application for a waiver, their bid was non-responsive and should be rejected.

Luise Garcia, Luise, Inc., said she received a certified letter from DiPaolo, faxed them a bid and received no response.

Alderman Newman asked the location of her company and if there were any employees from Evanston? Luise, Inc. is located in Westchester and there are no employees from Evanston.

Matthew Macoma, attorney who represented Keefe-Shea, said that the bid requires a good faith effort to comply with M/W/EBE requirement. Mr. Keefe's company had complied with the 15% goal for M/W/EBE requirement while the recommended low bidder submitted a bid with only 2% compliance. He said it is important to know that a waiver is available only if a good faith effort was made by the contractor and the contractor was unable to find minority/women businesses to work on the project. He said a question exists as to whether DiPaolo made a good faith effort in light of the presentation of Luise Trucking. Luise, Inc. is a certified women/business enterprise pursuant to state requirements. He urged Council to look into the matter.

David DiPaolo, stated this was the first they heard about Luise, Inc. They received bids from other minority companies and listed reasons why they could not participate. There was no reason not to put them on as providing a quote. Their records show they did not receive a quote from Luise, Inc.

Bob Gwiasda, Glenbrook Excavating, has been involved with Evanston projects for some time. He stated his firm could not bid on the Phase VI, Contract B, because the specifications say that the tunneling contractor must have five years experience in similar jobs with successful completion of at least two projects. He understood the low bidder does not have this. He claimed his company has pretty much the same qualifications as DiPaolo but was not allowed to bid. He alleged this spec eliminated competition. If the City wants to rebid, he could guarantee they would get more bids at a lower price. It seems the City's policy has been to give 15% to a M/W/EBE where possible and, if not possible, a waiver has been accepted. He noted that sometimes using a minority/woman contractor costs more money. He said if the City was going to award the bid to a firm that does not comply, they need to rebid the contract and state in the specifications that the bid will go to the low bidder regardless of minority/women participation. He said this project has roughly \$3-4 million in purchasing and subcontracting work. The second low bidder is subcontracting \$1.5 million to disadvantaged and Evanston businesses while the low bidder has \$200,000. He suggested the project be rebid.

#### **CONSENT AGENDA** (Any item marked with an Asterisk\*)

Alderman Drummer moved Council approval of the Consent Agenda with these exceptions: Consideration of award of contract for Phase VI, Contract B of Relief Sewer Project; Approval of Harza Engineering to provide engineering services for Phase VI, Contract B of Long Range Sewer Project; Ordinance 7-O-01 – Five-Year Lease of 2022 Central

St.; Ordinance 20-O-01 – Changing Hours/Operational Standards of Package Liquor Stores; Jacob Black Manor Project; Ordinance 25-O-01 – Type I Street Ordinance and Ordinance 24-O-01 – Zoning Ordinance Text Amendment. Seconded by Alderman Feldman. Roll call. Voting aye – Bernstein, Kent, Moran, Engelman, Rainey, Feldman, Newman, Drummer, Wynne. Voting nay – none. Motion carried (9-0).

**\* ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of February 12, 2001 and the Special City Council meeting of February 3, 2001. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, of the City of Evanston payroll for the period ending February 15, 2001 and the City of Evanston bills for the period ending February 27, 2001 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 2/15/01)	\$1,687,782.33
City of Evanston bills (through 2/27/01)	\$1,820,730.18

\* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the Suburban Purchasing Cooperative low bid of Anderson Brothers Ford for three police package 2001 Ford Crown Victoria sedan vehicles, plus delivery and 3-year/75,000-mile warranty in the amount of \$68,007. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the State of Illinois low bid of Landmark Automotive Group for two four-wheel drive 2001 Dodge Durango vehicles, one each for the Fire and Facilities Management departments, at a cost of \$59,304 including delivery and 7-year/75,000-mile warranty. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid of Nels Johnson Tree Experts Inc. for stump removal for the Parks/Forestry & Recreation Department at a cost of \$23,172.85. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid of Hawk Enterprises Inc. for a traffic signal installation at Dodge Ave./Mulford St. for Public Works at a cost of \$124,497.50. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bids for estimated two-year amounts of Water Treatment Chemicals for Water & Sewer Division. Bids are (1) GAC Chemical for Liquid Alum (\$64,710) and Liquid Cationic Polymer (\$21,760); (2) JCI Jones for Liquid Chlorine (\$34,590); and (3) LCI, Ltd. for Hydrofluosilicic Acid (\$42,000) for a total of 159,060. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the proposal of Crawford & Co. to provide interim third-party claims administration at an estimated cost of \$28,800 (\$4,800/mo. for approximately 6 months. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the proposal of Smith Group JJR to provide conceptual streetscape development design services for the Chicago Avenue Streetscape project at a cost of \$79,840. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of pre-qualification of consultants (Bauer Latoza Studio (WBE); Elliott Dudnik & Associates (EBE); Legat Architects; Teng Associates, Inc.; Site Design Group (MBE); Wolff Clements & Assoc., Ltd.; Homer L. Chastain & Assoc. and Soodan & Assoc. (MBE)) for general consulting services for Parks/Forestry & Recreation projects for a two-year period. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #7 for W.E. O’Neil Construction for the Church Street Plaza (Maple Avenue) Garage, for \$95,121, increasing the contract amount from \$20,891,041 to \$20,986,162. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #4 with Controlled Systems Corp. for the Noyes Cultural Arts Center boiler project, increasing the contract from \$222,578 to \$226,179. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



\* Resolution 15-R-01 – Special Event: Ricky Byrdsong Memorial Race/Street Closure – Consideration of Resolution 15-R-01, which approves closure of Sheridan Rd. for the second annual Ricky Byrdsong Memorial 5K Race on Saturday, June 23, 2001. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Ordinance 1-O-01 – Authorization to Borrow Additional Funds from IEPA – Consideration of proposed Ordinance 1-O-01, which authorizes the borrowing of additional funds from IEPA for Phase VI Relief Sewer Project. \* MARKED INTRODUCED – CONSENT AGENDA

Alderman Moran moved to Suspend the Rules for the purpose of adopting an ordinance at the same meeting at which it is introduced. Seconded by Alderman Wynne. Motion carried. No nays.

Alderman Moran moved adoption of Ordinance 1-O-01. Seconded by Alderman Engelman. Roll call. Voting aye – Kent, Moran, Engelman, Rainey, Feldman, Newman, Wynne. Voting nay – none. Motion carried (7-0). Aldermen Bernstein and Drummer were out of the Chamber.

\* Ordinance 23-O-01 – Special Assessment #1446 – Consideration of proposed Ordinance 23-O-01, which approves Special Assessment #1446 for alley paving north of Grant St. and east of Prospect Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 26-O-01 0 Loading Zone on Lee St. at Washington School – Consideration of proposed Ordinance 26-O-01, which amends Section 10-11-7, Schedule VII(B) to establish a loading zone on Lee St. at Washington School during school hours. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 29-O-01 – Increasing Home Rule Sales Tax – Consideration of proposed Ordinance 29-O-01, which amends the City Code to increase the Home Rule Sales Tax by one-quarter of one percent (¼%) to one percent (1%) of gross receipts. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 8-O-01 – Revising the Definition of an Evanston Business Enterprise – Consideration of Proposed Ordinance 8-O-01, introduced February 12, 2001, which revises the definition of an Evanston Business Enterprise to tighten the definition of an EBE to prevent the spirit of the policy from being violated, while providing the intended benefit to local businesses. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

\* Ordinance 10-O-01 – No Turn on Red at Central St. and Green Bay Rd. and Green Bay at McCormick Blvd. – Consideration of proposed Ordinance 10-O-01, introduced February 12, 2001, which amends Section 10-11-3, Schedule III(D) prohibiting right turns on red at north- and

southbound Green Bay Rd. at Central St., eastbound Central St. at Green Bay Rd. and eastbound McCormick Blvd. at Green Bay Rd. when pedestrians are present. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

\* Ordinance 11-O-01 – Two-Way Stop at Custer Ave. and Brummel St. – Consideration of proposed Ordinance 11-O-01, introduced February 12, 2001, which amends Section 10-11-5, Schedule V(B) to provide stop signs on Custer Ave. and Brummel St. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

\* Ordinance 13-O-01 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 13-O-01, introduced February 12, 2001, by which City Council would increase the number of Class B Liquor Licenses from 11 to 12 due to the addition of Bar Louie Evanston Inc., d/b/a Bar Louie, 1520 Sherman Ave. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

\* Ordinance 14-O-01 – Increase in Class G Liquor Licenses – Consideration of proposed Ordinance 14-O-01, introduced February 12, 2001, by which City Council would increase the number of Class G Liquor Licenses from 0 to 1 due to the addition of Cost Plus Inc., d/b/a Cost Plus World Market, 1725 Maple Ave. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

#### **AGENDA ADDENDUM**

\* Approval of Contract – Consideration of approval of the collective bargaining agreement between the City of Evanston and the Fraternal Order of Police (Evanston Police Sergeants' Assn.) effective March 1, 2001 through February 28, 2002. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

#### **PLANNING & DEVELOPMENT:**

\* Ordinance 132-O-00 – Amending Zoning Ordinance: Restaurants in the U1 District – Consideration of proposed Ordinance 132-O-00, introduced February 12, 2001, which amends the Zoning Ordinance so that Type 1 restaurants are no longer permitted uses, but are special uses in the U1 District, and restricting such restaurants to being accessory to college/university uses. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

\* Ordinance 19-O-01 – Variances for Mt. Zion Missionary Baptist Church – Consideration of proposed Ordinance 19-O-01, introduced February 12, 2001, by which City Council would accept the recommendation of the ZBA to grant variances for Mt. Zion Missionary Baptist Church, 1113 Clark St., to allow a building expansion, addition of parking spaces and location of air-conditioning condensers. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

\* Ordinance 9-O-01 – Amendment to Yard Definitions for Fences – Consideration of proposed Ordinance 9-O-01, introduced February 12, 2001, which approves the recommendation of the Plan Commission to amend definitions of certain yards only as they pertain to permitted location of fences. \* ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

#### **OTHER COMMITTEES:**

\* Resolution 12-R-01 – Amending the FY 2001-02 CDBG and HOME Programs – Consideration of proposed Resolution 12-R-01, which amends the City's 2001-02 CDBG and HOME Programs, reducing CDBG program by \$5,000 and HOME by \$1,000 per Rescission by the U.S. Congress (Housing & Community Development Act Committee). \* APPROVED – CONSENT AGENDA

MOTION & ROLL CALL (8-0)**APPOINTMENTS:**

Mayor Morton asked for introduction of the following appointments:

Rose L. Jourdain 531 Michigan Ave.	Arts Council
Robert V. Thonander 19 Calvin Circle	Commission on Aging
Alan L. Kistler 3241 Park Pl.	Energy Commission
David Dankert 1145 Sherman Ave.	Environment Board
Leonard Sciarra 3003 Park Pl.	Environment Board
Mitchel Zacks 927 Hinman Ave.	M/W/EBE Committee
Laura Hodes Zacks 927 Hinman Ave.	Preservation Commission
Ricky L. Hilliard 816 Hartrey Ave.	Property Services Board
Adrienne N. Hirsch 1019 Hinman Ave.	Public Art Committee
Mary Koberstein 2401 Lawndale Ave.	Zoning Board of Appeals

\* APPROVED – CONSENT AGENDA

Mayor Morton asked for introduction of the following reappointments:

Percy Berger 1211 Greenleaf St.	Economic Development Committee
John Hammerschlag 311 Lake St.	Parking Committee
Barbara Gardner 1307 Ridge Ave.	Preservation Commission

\* APPROVED – CONSENT AGENDA**SPECIAL ORDER OF BUSINESS**

Resolution 11-R-01 – Proposed FY 2001-2002 Budget – Consideration of proposed Resolution 11-R-01, the Proposed Budget for the City of Evanston for the Fiscal Year 2001-2002.

Alderman Drummer moved approval of Resolution 11-R-01. Seconded by Alderman Rainey.

Alderman Engelman did not think the ¼% increase in the Home Rule Sales tax was the way to go and elimination of the subsidy for recycling was more appropriate. He believed they failed to examine coupling an increase in the food & beverage tax with a reduction in the poured drink tax. If the food & beverage tax was raised by 1% and the poured liquor tax decreased by 1%, the fine dining restaurants would not be impacted and the burden would have shifted mostly to chains and fast food restaurants. He noted the City has difficulty attracting retailers to locate here. The City does well in the hospitality industry. He congratulated Council and staff for all the work they did on the budget; noted the Mayor asked the number of new hires be examined. He referred to budget memo #28 Levy Activity Center – one program manager and one custodian were new positions included in the proposed budget to support expanded senior citizen programs at the new Levy Center. He asked why two additional people are needed in this budget since the center is not in the ground? Mr. Gaynor said two new positions were planned for the new center and both have been reduced because the center will not open before March. He stated staff would be brought on when the center is completed which is planned for mid-December. Alderman Engelman clarified these were both in the \$188,000 cuts at the last session. Mr. Crum said on unfilled positions the policy was to take partial year funding away from them if staff thought they would not be filled. Mayor Morton noted they were late starting the new Levy Center and asked if the project could be delayed until the next budget year? Mr. Gaynor stated they have renegotiated with the contractor who will start March 1 with completion December 2001. Mayor Morton asked how much was budgeted for those two positions? Alderman Engelman asked if \$200,000 was budgeted to study Robert Crown in the CIP? Yes. Alderman Engelman understood there were two reports and asked if staff did a more thorough analysis of anticipated costs to determine what needs to be done at Robert Crown? Mr. Crum responded that staff had not gone into a lot of detail; the \$200,000 would cover how to best use the site and whether to save or demolish the building up through a conceptual design. Alderman Engelman assumed that first a preliminary study to determine whether to demolish or save the structure would be done, then a series of community meetings with the neighborhood would be held.

Alderman Bernstein understood there were problems and one report indicated the east wall was away from the roof and another structural engineer agreed with that. He understood to the extent that Council decides to use a consultant, there would be funds left to start the restoration of the building and the reason the \$200,000 was budgeted. The three-year old study indicated the east wall should be “watched.” It was apparent repairs would be needed at Robert Crown Center.

Alderman Engelman appreciated the offer of the \$1,000 check but did not think the budget could be reduced by \$1,000 without actually receiving it. Mr. Gromelski presented a check to the City for \$1,000.

Alderman Drummer said sometimes all information is not available on programs. An advocate for M/W/EBE, he had a report on M/W/E training for the sewer program, which gives the man-hours of training, number of trainees and those who return and work full time. He stated that was part of what M/W/E does and much discussion on the tunneling project was whether the City would permit a contractor to come and not honor the M/W/E program. He stated this is not just minorities but includes Evanston-based businesses. He related there are two programs. They have paid out \$537,000 in wages to Evanston residents during training. Those same people have worked full-time and have earned some \$962,000. There are 53,000 hours of training plus another 69,000 hours of employment. What has been sub-contracted out would probably come to \$30 million. He noted years ago they had no minority business enterprise and no way to include Evanston-based businesses. Now they have the Evanston-based business enterprise, which requires that contractors make a good faith effort to employ Evanston people and purchase goods and services here. The staff coordinator manages these programs, works with contractors to seek qualified minorities and businesses to do the work. Later on they will have a technical system to help these businesses obtain loans etc. He stated an elaborate database was done and the City’s purchasing division scrutinizes purchases to see if an Evanston business matches. The amount spent on the program is small compared to gains made and it is the culmination of three efforts to get Evanston businesses and minorities more



involved economically.

Alderman Newman objected to Alderman Engelman calling upon Alderman Drummer and stated it was not the proper use of rules. Alderman Engelman apologized.

Alderman Engelman thanked Mr. Gromelski for his check, moved the City accept it and agree to refund any funds Mr. Gromelski raised in the private sector and reduce the budget's revenue side by \$1,000. Seconded by Alderman Moran. Alderman Newman said calling the recycling program "subsidized" was a selective use of the term. The police/fire departments and others don't pay for themselves. People who pay \$10,000-\$20,000 tax bills have a right to expect their sanitation will be picked up. At one time refuse pickup was twice a week. To the extent that recycling has allowed reduction in the waste stream, it is part of sanitation service. He thought charging for recycling was another user fee. He respects Alderman Drummer's work in the M/W/E area but does not know the economic benefit to Evanston of making sure minority/women businesses from the metropolitan area are hired. When Evanston businesses and goods are purchased, that is a major benefit. They were talking about a contract that is \$600,000 lower. He suggested the minority enterprise effort be administered by the Purchasing Division and did not think a separate program was needed.

Alderman Kent said the sewer program was an opportunity for people who had the will to work to get some training and to leave with a union card. He thought all of this had contributed to the M/W/EBE function. Alderman Drummer noted all operate under the same policy and it is the M/W/E component that must be complied with. He praised the Purchasing Division for a great job assisting the M/W/E coordinator. He noted that tunneling is specialized and there are no tunneling or trucking firms here, noting anybody can ask for a waiver. He acknowledged there are differences of opinion about this. He has constituents that need this and perhaps Alderman Newman does not.

Alderman Wynne asked for an explanation of the \$43,000 ticket booth at the dog beach. Mr. Gaynor stated the majority of that sum is for dredging done annually at the boat harbor. They will spend about \$100 for a tent-top for a picnic table rather than have somebody sitting by the ramp. Alderman Newman asked if there was a problem collecting revenue at the boat ramp or dog beach? His concern was that all dogs at the dog beach have Evanston licenses. Mr. Gaynor said in evaluating operations last year, they found some challenges and decided to have a part-time person focusing on the dog beach as well as service at the boat ramp, which assists boaters who bring boats in/out of the water.

Alderman Wynne pointed out the natural gas tax rebate was a large one-time revenue and did not think they should balance the budget with it; suggested adding it to the capital budget. Alderman Wynne moved that the natural gas tax rebate not be used to balance the budget but added to the CIP. Seconded by Alderman Newman.

Alderman Drummer said through the years they have talked about one-time revenues and acknowledged the policy is not to use one-time revenue to balance the budget. He noted they were close to balancing the budget and if he could find a way to keep from increasing property taxes he would. He noted this is a tax already paid by citizens on their gas bill and saw it as giving back to the citizens and not raising property taxes. He does not want to use one-time revenues, but with a choice between using one-time revenue and raising taxes, the choice was evident.

Alderman Bernstein did not look at it as a one-time revenue; said they are talking about a continuous stream of revenue similar to the real estate transfer tax. This year, due to the increase in the price, natural gas has produced a larger stream. Alderman Rainey noted this year the projection on the real estate transfer tax far exceeded the projection and would not classify that as a one-time revenue. She said people have been ripped off by energy vendors and that should be given back. Homeowners in her neighborhood pay between \$6,000-9,000 in property taxes and all are hurting. She saw this as an ongoing stream of revenue; did not think they needed to put it in capital improvements. She stated \$200,000 in property tax is 200 taxpayers who pay \$5,000 annually. Alderman Newman thought it a one-time revenue and the amount of relief would be about \$6-7 per household. He asked Finance Director Bill Stafford if the \$200,000 was a one-time revenue? Mr. Stafford stated they would net out about \$200,000 for this year and a strict interpretation is that it is a one-time revenue. The interpretation is there that revenues are annual and the revenue projection shows this is up 24%. It is legitimate to say the revenue could be higher. He said there can be a difference of opinion that it is a one-time revenue.

Alderman Newman noted when added to the cost of paying every employee next year, they will start next year \$1.5 million short. The reason they don't want to use one-time revenues is they don't want to pile on. He predicted that the way they are pushing revenue projections on building permit fees and the real estate transfer tax, the day will come when there is an economic downturn, the hole on top of employee salaries will be even larger. That is why Mr. Stafford has cautioned Council to be conservative about taxes that are dependent upon economic conditions.

Alderman Drummer alluded to other revenues on the board and was willing to put in the natural gas rebate. He said they have gone through everything they can to balance the budget and were talking about \$200,000 in the \$70 million scheme. He counseled those running for office not to advocate raising property taxes. Next year they won't be campaigning and will have a better shot at it. He said all would remember, if they insist on raising taxes, that this was the only way they could raise this money. Alderman Rainey did not think Alderman Newman could justify his criticism of Council when all he had done was add to the taxpayers' burden. She reluctantly supported the \$11 million over the next seven years for such items as tennis courts and was willing to rethink that until he could come up with revenues or budget cuts. Alderman Newman stated he had made a seven-year career of budget cuts; recalled wanting to privatize a service and could not get people to study it. Now, that has been so politicized it cannot be looked at. Alderman Rainey recalled looking into the issue and reached the conclusion that there would be no great savings. She noted this winter that recycling was not picked up for three-four weeks and the City paid whether it was or not. She thought they should look at communities that privatized refuse pickups and the mistakes they made. Alderman Newman stated that almost every North Shore municipality offered efficient sanitation service and did not think it had been studied seriously.

Voice vote on transferring the \$200,000 gas tax rebate to the Capital Improvement Program. Motion failed.

Alderman Drummer noted they were still facing a 2.57% property tax increase for pension funds and debt service and had taken the tax increase down from 9.5% to 2.5%. Alderman Feldman asked what the 2.57% represented on a total tax bill? Mr. Stafford explained it was .047%, less than ½ of 1% on the total tax bill.

Mayor Morton asked for an explanation of the unfunded mandate on pension funds. Mr. Stafford stated the police/fire pension funds are administered locally, however, the laws and benefits are set by the state. This year the legislature approved new benefits for police pensions throughout the state. Before this change, police officers had to serve 35 years to get 75% of maximum salary at retirement and now that is 30 years. He noted the increase in the Police Pension Fund is 9.4% and reflects the benefit given. When the legislature changes the rules, the City has no choice but to fund it. The mandate was signed in January and is retroactive to January 1999, which is close to two years.

Alderman Newman asked Mr. Crum if the City were to go to one-man sanitation trucks and reassign employees, do they know what could be saved? Mr. Crum stated it was not so simple, because they would have to change the route structure because not as much could be picked up per day. That was looked at before and the City is not in a position to recommend one-man trucks. Mr. Crum stated they have to look at the entire system of how much refuse is picked up. A lot of time is lost taking refuse to the landfill. Mr. Crum confirmed that there were \$150,000 savings in sanitation this year and again next year.

Mayor Morton asked Mr. Stafford to explain why debt service has gone up? Mr. Stafford stated the major item is the Capital Improvement Program and plan to issue \$5.5 million in bonds.

Roll call. Voting aye – Bernstein, Kent, Moran, Engelman, Rainey, Feldman, Drummer, Wynne. Voting nay – Newman. Motion carried (8-1).

Resolution 10-R-01 – Proposed 2001-2006 Capital Improvement Program – Consideration of proposed Resolution 10-R-01, the 2001-2006 Capital Improvement Program.

Alderman Drummer moved approval of Resolution 10-R-01. Seconded by Alderman Feldman.

Alderman Moran recalled passing a resolution to put more funds into the Capital Improvement Program for recreation needs. After the resolution was passed, they received a revised program that called for elimination of a line item contained in the previous \$35 million proposal relating to soccer fields. There was a particular amount to be spent on Bent Park of \$173,300. For whatever reason it was removed. Alderman Moran moved that amount be put back into the Capital Improvement Plan. Seconded by Alderman Newman. Alderman Moran recalled when he served on the Recreation Board, they went to the community to allow youth to play soccer at Bent Park. During the past year youth have been playing there. AYSO asked why this was dropped? With the passage of the revised recreation program for \$11 million, he thought they should stay with that and understood it could be funded if put back in.

Alderman Rainey asked if the CD Committee had put any money into Bent Park? CDBG funded Beck Park.

Voice vote to restore funds for Bent Park. Motion carried. No nays.

Roll call. Voting aye – Bernstein, Moran, Engelman, Rainey, Feldman, Newman, Drummer, Wynne. Voting nay – none. Motion carried (8-0). (Alderman Kent was out of the Chamber.)

Mr. Gaynor reported that a little more than \$34,000 was budgeted for two new positions at the new Levy Center and that was cut to \$17,000.

### **REPORT OF THE STANDING COMMITTEES**

#### **ADMINISTRATION & PUBLIC WORKS:**

Consideration of the award of the contract for Phase VI, Contract B of the Relief Sewer Project.

Alderman Moran reported the A&PW Committee voted to recommend awarding the contract to DiPaolo Company. Given statements made during Citizen Comment regarding the minority aspect of this bid, he suggested this matter be held pending further examination of that issue to determine the validity of the accusations that were made. Seconded by Alderman Drummer.

First Assistant Corporation Counsel Herb Hill explained if the contract award was not made that evening, the City would not be eligible for the Illinois EPA loan in this cycle and the project would be delayed for some months at a minimum. Regarding statements made by Luise Trucking, during the break they tried to clarify the circumstances. He spoke with Mr. DiPaolo who was unable to fully clarify statements made by Luise Trucking. The information in the DiPaolo bid response shows that Luise Trucking did not respond to DiPaolo's solicitation for sub-contracting work on the project. There is proper documentation for the request to Luise Trucking with a certified receipt response. All heard statements made by Luise Trucking that are contrary to the information provided in DiPaolo's response. He said time is needed to clarify the information regarding the accuracy of the documents and Alderman Moran's request to hold it over. A consequence of a holdover is the low-interest loan would be affected adversely in this cycle.

Alderman Rainey hoped there was a transmission receipt for the fax. Will they come back in two weeks with substantial proof? Mr. Hill said they were looking for substantial proof and did not know if it existed. She said if there is not substantial proof, this community will have been done a grave disservice and it will cost a great deal of money; hoped it was not being taken lightly by the accuser. They have never heard these kinds of charges at a Council meeting.

Alderman Newman moved to overrule the holdover. Seconded by Alderman Feldman.

Alderman Newman had questions about the delay on the loan. Water & Sewer Superintendent Rich Figurelli explained that if Illinois EPA does not get 30-days to review this, the City will come off the intended use list. This means the City will have to wait for by-pass money, which may or may not come in August, and is the next turn the City believes it will have. There will be delays in finishing the tunnel. Project 6 A will not be continued and there will be delays in the phase they are working on now. Alderman Newman asked where the delays would occur? Mr. Figurelli stated they all would

be in the 1<sup>st</sup> Ward and would be at least six months. Alderman Newman asked if there is potential litigation, could all aspects of that litigation be explained in Executive Session? He pointed out that Noyes Street has been decimated by this project. Due to potential litigation, Council needs to know implications in Executive Session. He thought when somebody appears with their attorney it implies that litigation is imminent. Mr. Hill said the standard to be applied by Council, from the record presented, is that litigation is imminent and probable. The motion would have to state what the basis is for imminent/probable litigation. A general standard is when correspondence is received that a lawsuit is about to be filed. Alderman Newman asked if the City had received any correspondence from the second low bidder. Mr. Hill has spoken with the attorney for the second bidder and had distributed a letter from the Keefe-Shea Company, which he received that afternoon. Mr. Hill stated neither bidder nor their attorneys made any statements that litigation was about to happen. He recalled in the past the City has had temporary-restraining actions filed against it. Alderman Newman invited all to Noyes St. to visit the Noyes Street Café, who has been affected. He noted they are looking at a six-month delay, the loss of a low-interest loan and asked if this could not be awarded to the low bidder and go forward. He noted there are communications outside the bidding process. He thought a six-month delay was untenable. Mr. Hill confirmed that the difference in bids was approximately \$570,000. Alderman Newman asked if any minority contracts were offered to Evanston businesses? He urged Council to overrule the holdover and put it back on the table.

Alderman Rainey pointed out that the best reason to override the holdover was at the A&PW Committee they interacted with both bidders and at Council were waiting for Alderman Moran's report from the committee. Instead a motion was made to hold the matter over, so there was no opportunity to thrash this out. Alderman Moran asked the time parameters on the Illinois EPA funding? Mr. Figurelli reiterated 30-days was needed to review the application, so if this was not passed by March 1, it would be too late. Thirty days are needed by Illinois EPA and monies are given out March 31.

Alderman Newman asked Alderman Moran to withdraw the holdover.

Roll call to override the holdover. Voting aye – Bernstein, Kent, Engelman, Rainey, Feldman, Newman, Drummer, Wynne. Voting nay – Moran. Motion carried. (8-1)

Alderman Bernstein left the meeting at this time.

Alderman Moran reported at the A&PW Committee meeting there was a protracted discussion with people who had an interest in bidding on this project. DiPaolo was the low bidder by somewhat under \$600,000, but there was a question about their responsiveness (experience requirements included in the RFP and whether they met M/W/E requirements). During that meeting staff said they examined these issues and were satisfied that DiPaolo had met the experience requirements and, although they had not met the M/W/E requirements, had submitted sufficient materials that they qualified for a waiver which is provided for in the bid requirements. The recommendation was reconsidered and DiPaolo was considered the low and responsive bidder, which was the vote of the committee. He noted remarks made during Citizen Comment were not made at the committee. Furthermore, there were issues among various potentially disappointed contractors about examination of materials in the City's files in relation to this waiver and they asked to see those materials. The committee indicated they were free to review those materials and they did so. What they heard in Citizen Comment was new information that had sprung from their review.

Alderman Newman asked for staff comment on whether the low bidder was capable of tunneling; more about the waiver and why staff recommended they go forward with DiPaolo; to clear up whether the City would lose the Illinois EPA funding and delays to the project if they don't move on this that evening.

Mr. Hill explained that DiPaolo's qualifications to do the job were resolved by a fax letter received that afternoon by the City and given to aldermen before committee meetings. In the letter DiPaolo stated they had retained Robert Magna to be the project manager. Mr. Magna has worked previously for Keefe-Shea doing similar tunneling operations and has the experience to perform the work. The letter states that within 30 days of awarding the contract, DiPaolo will have a purchase order for the tunnel-boring machine. The City has assurance of who the tunnel-boring operator will be, preliminary project schedule and name of the project foreman. From information supplied by the City's consulting firm

and internal knowledge, staff believes that the expertise for this project resides in three individuals: the project manager, the tunnel-boring machine operator and the project foreman supervisor. The letter from DiPaolo shows they meet the standards for experience the City requires for this project. The City's standard was that the contractor must have done two or more similar projects within five years. Mr. Magna provides that expertise to the DiPaolo Company. The City has set standards for bid specification and the Council is the final arbiter as to how those standards are applied. They sought assurances of the company's ability to perform and believed the DiPaolo Company has the requisite experience to perform. To assure Mr. Magna will be on site daily, DiPaolo submitted \$2,000 a day in liquidated damages which is an amount greater than required. Mr. Stafford stated DiPaolo submitted a waiver on M/W/E standards as required by federal regulations. There was a requirement that the City ask for substantive information relative to the waiver, which was submitted by DiPaolo within 10 days with a narrative, ads that were placed, proof of solicitation of 18 vendors and certification of letters. Due diligence and requirement of specifications were met. The question was the veracity of DiPaolo by one of the minority of firms he solicited. Mr. Figurelli explained that if the Illinois EPA does not receive the loan application by March 1 they will not have 30 days to issue an approval, which takes place March 31. The City will lose intended-use money and go to by-pass money, which may or may not be available in August. Mr. Figurelli clarified for Alderman Feldman that the City could not borrow money without having a contractor under contract, a consulting engineering firm to monitor the job and a mechanism to pay back the money. Alderman Feldman said that DiPaolo met all of the requirements; did not see how they could not settle the matter that evening and that Council needed counsel on possible litigation.

Mr. Hill advised Council, based upon available information, that the dispute between the bidders and the factual disagreement at issue, it would not be an unreasonable finding for Council to make the decision that litigation is imminent and probable, but that is what must be voted on before going into Closed Session.

Alderman Wynne asked if the City came off the intended use list this cycle was that permanent? Mr. Figurelli stated it was for this cycle and the City can regain its status in a future cycle. He said the City has had by-pass money in the past. She confirmed that the City has benefited by always being on the intended use list.

Alderman Newman moved that Council convene into Closed Session based on probable and imminent litigation and on the fact that attorneys were present and the amount of money involved; thought it was in the best interest of Evanston citizens that they have confidential legal advice not shared by opposing parties. Seconded by Alderman Feldman.

Alderman Rainey said in contemplating an Executive Session, what they had was a woman who sat through a meeting and never told them her application was not responded to. They have no proof that she sent a letter, no certified letter receipt or transmission receipt. She asked why they were so concerned when they had DiPaolo almost swear they never received it. She asked what is substantial evidence other than an accusation?

Alderman Engelman did not think the requisite requirement had been established to go into Executive Session. He asked if the contract were awarded to DiPaolo and, subsequently, proof was submitted which established that the award was procured by misrepresentation, could the contract be rescinded? If the answer was "yes," would that create a problem with the Illinois EPA loan? Mr. Hill said the difficulty with that scenario was whether that power could be delegated by the Council to make the determination that the information available was sufficient or insufficient. Alderman Engelman clarified that since time was needed to have the document produced, and Council wanted to pass legislation tonight, if a document is found, they will have a factual finding discussion. Mr. Hill stated that was a conditional award of the contract based upon information to be provided in the future. Can the Council act in way? Mr. Hill noted grants have been made on conditions but did not have an answer.

Alderman Rainey asked if Council could ask what proof Ms. Garcia had? Mr. Hill stated he had discussed what proof she has. Her office is in Westchester and she believes she has a fax transmission.

Alderman Newman was trying to get legal advice on going forward with the contract with knowledge of the accusation and whether the City could be tied up with a temporary restraining order. He noted the City has been sued repeatedly

over bids. He urged Council have an Executive Session because the City needed to move on this; Council needed legal advice and to know the City's legal position, then make a decision.

Roll call to go into Executive Session. Voting aye - Feldman, Newman, Wynne. Voting nay – Kent, Moran, Engelman, Rainey, Drummer. Motion failed. (3-5)

Alderman Newman moved approval of the contract. Seconded by Alderman Rainey.

Alderman Moran reported a strong discussion at the committee about the City's requirements on M/W/EBE and Evanston's resolve to adhere to its standards. At the conclusion of the meeting they felt the matter was resolved. Now, with the accusations he was not sure; noted this was serious and needed to be addressed.

Alderman Drummer was disturbed that this contractor was able to get around the M/W/E requirements and understood he had a waiver. He thought it was a violation of the spirit of the law. It seemed to him when they get into contracts and litigation it involves the same contractor. He pointed out two weeks ago staff recommended this contract be awarded to another company because DiPaolo was not qualified to do tunneling work. Subsequently, he shaped up his bid and is saving money by not hiring M/W/Es. He stated anybody can do that and thought they have been had. He was sympathetic to Alderman Newman and wanted to see the project go forward and did not want to delay it any longer. He noted Council deals with many contractors who try to circumvent the process and at some time they must say, "no more circumventing of the process." Council wants compliance with M/W/E and they were stuck against the wall. He asked what were they fighting for? They established an M/W/EBE program and now they are allowing contractor to go around it. He was sympathetic to Evanston-based businesses.

Alderman Feldman stated DiPaolo met all requirements as a competent bidder. If the Council denied DiPaolo on that basis, when the M/W/E coordinator looked at the documents and stated they were legal, where would they be? The waiver is mandated by the state/federal government. He asked the last time anybody submitted a waiver and the MW/E coordinator could not recall one. He thought the City had not been negligent about this. If they did not accept the waiver, there would be litigation. He suggested they were in trouble due to the deadline and that many people would be affected. He would be compelled to revisit this issue on the basis of a credible accusation but Council needed some evidence of its veracity. If he saw evidence in the next few days it would make a difference. He saw indecisiveness, an inability to prove/disprove, delay of the project which punishes innocent people and that it would cost them. He wanted the City to obtain the loan, award the contract, the neighborhood made whole and the contract completed.

Mr. Hill stated the Keefe-Shea Company told him they were not aware of Luise Trucking documents until the close of the A&PW Committee meeting. That was why the information was late coming to Council. Regarding the M/W/E waiver requirement, there is a list of Evanston minority-owned business provided by DiPaolo. That list has 18 M/W/E businesses contacted by certified mail by DiPaolo and the responses given. He gave examples of the responses. The M/W/E waiver required 15 M/W/Es to be contacted and DiPaolo contacted 18. If Council were to review this matter, it would be possible for Council to make a finding that the Luise Trucking proposal is a diminimus standard because there were 18 contacted and only 15 were required. There was a broad range of responses. There is a basis that the information concerning this one bid was diminimus and does not affect the M/W/E standard of 15.

Alderman Newman understood that the contract's low bid was \$600,000 less, the bidder complied with the minority program rules, the loan money could be gone and residents could have huge cranes in front of their homes. He asked how many Evanstonians will get trained and work on the project with the second low bidder? Mr. Figurelli stated the training program was still in effect, even though DiPaolo waived the M/W/E requirements, he still has to hire six people from Evanston, train them and have three graduate and stay on staff. If there was no waiver, how many Evanstonians would have jobs? Mr. Figurelli stated they would hope the company would give 15% toward women and minorities. Alderman Newman pointed out those people can be from anywhere in Illinois. Mr. Figurelli agreed. With respect for the M/W/E program and Alderman Drummer, Alderman Newman stated this would be the worst decision they could make to have

residents endure cranes in front of their homes for months. He said they have an ability to get this done and should not allow any philosophical discussion that does not result in material benefits to the City or allow people to stop them from saving \$600,000, giving up the low-cost loan and creating havoc on streets where the project is.

Alderman Engelman agreed the impact on residents is devastating. Although a small part of the 7<sup>th</sup> Ward is experiencing the project, he knows it will come there within the next four years. He was reminded of what Alderman Drummer said before, when they debated consulting services, and that is to make sure qualified people do this work so when they come through their ward, they get through it caring about citizens then get out. That was why he would support the low bid. He was sensitive to the impact this had at the intersection of Noyes and Orrington and along Noyes to Green Bay Road. He hoped that all members of Council would exhibit the same sensitivity as they go forward with the remainder of the project, because it is devastating to residents who live near it and to their pocketbooks.

Alderman Moran stated they need to find a better way to do things and this was one of the worst he has seen in 10 years. He referred to the list of 18 versus the 15, his confidence was shaken and he asked how valid the statements were in the waiver. He found Council in an impossible position; would vote for it but was unsettled about what had happened.

Alderman Drummer stated anyone can say a bid is too high. All are backed up against the wall and they have been faced with the threat of litigation from the same contractor before. They need to look closely at who they are dealing with. His stand is with Evanston-based businesses and minority enterprise. He did not intend to let anybody circumvent M/W/E. He noted Harza and DiPaolo take a lot of money out of Evanston. He stated that DiPaolo knows M/W/E is important to Evanston and has no business coming here without meeting the M/W/E requirement. Two weeks ago there was a recommendation *not* to accept the bid, now they have no choice but to accept it. No one was happy about this.

Mr. Hill explained the vote would be to award the contract to DiPaolo. Council, by voting for this low bid, makes a determination that is in the public interest to vote for DiPaolo. There are considerable savings in addition to preserving the City's ability to apply for Illinois EPA low cost loan and DiPaolo is a responsible bidder that has satisfied requirements as set forth in the bid documents.

Alderman Drummer asked if there would be an opportunity for DiPaolo to satisfy some of the M/W/E requirements? Mr. Hill stated they were voting on the bid package as presented. Mr. Hill stated that the standards that were waived provide a minimum threshold that the DiPaolo Company must present and there is nothing to prevent the DiPaolo Company from going beyond those standards. Staff could report back regularly to Council where the DiPaolo Company stands in exceeding standards. Alderman Drummer did not wish to change the bid and wanted to ask DiPaolo if they would try to meet the M/W/E requirement. Alderman Feldman asked if there was any compromise if Mr. DiPaolo spoke? Mr. Hill stated it was clear that any statements made do not modify the contract and minimum standards in the bid. It would not be inappropriate to hear DiPaolo's comments.

David DiPaolo stated throughout the contract, his company would seek to increase minority participation and try to reach a higher percentage of minority participation. In all their other projects in Evanston they have met the 15% goal.

Roll call. Voting aye - Moran, Engelman, Rainey, Feldman, Newman, Wynne. Voting nay- Kent, Drummer. Motion carried. (6-2)

Approval of the agreement with Harza Engineering to provide engineering services for Phase VI, Contract B of the Long-Range Sewer Project at a not-to-exceed amount of \$808,163.

Alderman Moran moved approval of the agreement with Harza Engineering. Seconded by Alderman Engelman.

Alderman Rainey voted against this in committee and, despite a survey that shows Harza is not out of line, she believed there are other qualified engineering firms that cost less than Harza. She understood they were hired by the City to provide expertise that the City needs. Once again, they were presented a contract that is unsettling to those who pay sewer

charges. She noted Harza's people are paid three times their salary in one category and 2½ times in another category. She blamed staff and Harza for bringing the mess to Council, which should have been resolved a month ago. She noted this came to Council in January; that Harza reviews every document and she did not think they get their money's worth. The incident with this bid was an example.

Roll call. Voting aye – Kent, Moran, Engelman, Feldman, Newman, Drummer, Wynne. Voting nay – Rainey. Motion carried (7-1).

Ordinance 7-O-01 – Five-Year Lease of 2022 Central St. – Consideration of proposed Ordinance 7-O-01, which authorizes the City Manager to enter into a five-year lease for the City-owned storefront at 2022 Central St. with Rebecca Seely d/b/a Perennials.

Alderman Moran moved to remove this item from the agenda as the owner of Perennials has decided to close. Seconded by Alderman Feldman. Motion carried. No nays.

Ordinance 20-O-01 – Changing Hours and Operational Standards of Package Liquor Stores – Consideration of proposed Ordinance 20-O-01, which changes hours and operational requirements of package good sales.

Alderman Moran moved approval. Seconded by Alderman Engelman.

Alderman Newman asked if there was any communication from the high school on this? No. Alderman Newman said the staff memo shows the new hours are 8:00 a.m. to 12:00 midnight. He noted there was no underlining in the new ordinance, which is lengthy. He was told this permits grocery stores to sell cold beer/wine. He recalled the issue of cold versus warm beer/wine was debated heavily. He asked what other changes to the packaged liquor ordinance were in this ordinance? Mr. Casey stated the changes eliminate a required separate checkout for liquor in grocery stores; eliminates the requirement for a separate area for liquor in grocery stores; changes sale hours to 8:00 a.m. to 12:00 midnight seven days a week; allows cross marketing of products and the sale of cold beer/wine and liquor license renewal fees were increased. Alderman Newman said the way it was presented was critical and he thought the changes should be outlined on the cover memo. He thought there were implications for the sale of cold beer/wine near the high school, was concerned and wanted to see this ordinance enforced.

Alderman Drummer stated the sale of cold beer/wine was a major concern in the neighborhoods and he had spoken to a leader of a neighborhood organization. It is a matter of competition and they did not want to leave out the Dominick's at Dempster/Dodge. They want the store to be successful. The rule is that alcoholic beverages cannot be sold within 500-feet of a school. He confirmed with Mr. Casey that all vendors are required to provide Bassett or similar training of employees as part of licensing. Alderman Drummer stated all vendors here know that they cannot have complaints and expect to get their license renewed. A lot of money is involved and he thought the vendors would do everything they can to comply with the law.

Alderman Feldman thought the Dempster/Dodge Dominick's has made great efforts to succeed and that the vendors would operate properly. Alderman Newman said this was not about vendors but about somebody, like a 22-year old, who buys beer/wine for teenagers. He has seen teenagers get an adult to buy liquor for them at the downtown Osco.

Roll call. Voting aye – Kent, Moran, Engelman, Rainey, Feldman, Drummer, Wynne. Voting nay – Newman. Motion carried (7-1).

### **PLANNING & DEVELOPMENT:**

Jacob Blake Manor Project – Consideration of a request from Ebenezer African Methodist Episcopal Church for \$125,000 to assist in the development of the Jacob Blake Senior Facility.



Alderman Wynne moved approval. Seconded by Alderman Kent.

Alderman Rainey praised the project and thought it could be used as an explanation to the community about affordable housing. It is being built with federal tax dollars with little help from the City, will have small units that each cost \$101,700. She said the only way to make housing affordable today is through using enormous subsidies from the federal government. She stated it is very expensive to provide affordable housing and they should do everything they can to preserve affordable housing. She said buildings that are deteriorating will be converted to condominium ownership because that is the only way the owners can make money. If the City allows properties to deteriorate that will happen. She recommended the Housing Commission use this project as a case study.

Alderman Kent thanked them and noted that Ebenezer had jumped over the hurdles for this project. Reverend Wade had indicated they can start before June 1.

Roll call. Voting aye – Kent, Moran, Engelman, Rainey, Feldman, Newman, Drummer, Wynne. Voting nay – none. Motion carried (8-0).

Ordinance 25-O-01 – Type I Street Ordinance – Consideration of proposed Ordinance 25-O-01, which approves a recommendation to the Plan Commission to permit City Council to determine where front yard fences may be permitted without public hearing before the Plan Commission.

Alderman Wynne reported that this item had been removed in error from the Consent Agenda and stated that it should be marked introduced.

Ordinance 24-O-01 – Zoning Ordinance Text Amendment – Consideration of proposed Ordinance 24-O-01, by which City Council would approve the recommendation of the Plan Commission to amend Chapter 18 “Definitions” of the Zoning Ordinance to be explicit to include within the definition the offices and support facilities of a public school district when these are on a zoning lot substantially used for classrooms.

Alderman Wynne reported that this item was held in committee until March 12.

Alderman Wynne reported the committee looked at the Evanston Athletic Club parking variance issue, which was tabled until March 12.

**HUMAN SERVICES COMMITTEE:** No report

**CALL OF THE WARDS:**

Alderman Engelman reported he gave a petition to David Jennings from residents of the 1300 and 1400 block of Lincoln Street, which is the only segment from Hartrey to Ridge that does not have restricted parking and, as a result, they are inundated with parked vehicles. Residents ask to have restricted parking. He made this a reference to the Parking Committee. Seconded by Alderman Wynne. Motion carried. No nays.

Alderman Rainey reminded all that Thursday, March 1 at 7:30 p.m. at Dawes School was the meeting for 8<sup>th</sup> and 9<sup>th</sup> Ward residents about the new Levy Senior Center.

There being no further business to come before Council, Mayor Morton adjourned the meeting at 1:58 a.m.

Mary P. Morris,  
City Clerk

A videotape recording of this meeting has been made part of the permanent record and is available in the City Clerk's office.