

CITY COUNCIL

May 7, 2001

ROLL CALL - PRESENT:

Alderman Jean-Baptiste	Alderman Moran
Alderman Bernstein	Alderman Feldman
Alderman Kent	Alderman Newman

A Quorum was present.

**NOT PRESENT AT
ROLL CALL:**

Aldermen Wynne, Engelman

ABSENT:

Alderman Rainey

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, May 7, 2001 at 6:13 p.m. in the Aldermanic Library. Alderman Jean-Baptiste moved that Council adjourn into Closed Session for the purpose of discussing matters related to litigation and closed session minutes pursuant to 5ILCS Section 120/2 (c) (11) and (21).

(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 Bernstein. Roll call. Voting aye – Jean-Baptiste, Bernstein, Kent, Moran, Feldman, Newman. Voting nay - none. Motion carried (6-0).

At 6:50 p.m. Alderman Jean-Baptiste moved to reconvene into Open Session. Seconded by Alderman Feldman. Motion carried. No nays. Council then recessed so that aldermen could attend standing committee meetings.

Mayor Morton reconvened the Council meeting at 8:42 p.m. in the Council Chamber.

Mayoral Announcements:

Mayor Morton announced there would be a Special City Council Meeting on Wednesday, May 16, 2001, at 7 p.m. held in conjunction with the Plan Commission and the Economic Development Committee for the purpose of a presentation on the Sherman Plaza redevelopment project.

Mayor Morton reported that the Health Department was recognized by the U.S. Conference of Mayors for the Mayor's Best Practice Center for Cancer Awareness Outreach Strategies.

Mayor Morton proclaimed

National Historic Preservation Week – May 13-19, 2001

Communications:

City Clerk Morris reported receipt of a letter from the Illinois Finance Development Authority, which met April 19, 2001 and approved an application to issue qualified 501(c) (3) bonds on behalf of Evanston/Northwestern Healthcare Corporation Capital Improvements Project. The amount of the bonds to be issued is estimated at an amount not to exceed \$250 million. Proceeds from the bond issue will be used to finance construction, renovations, to purchase machinery and equipment for use therein, to refinance existing debt, to capitalize a debt service reserve fund and to help pay bond issuance costs. The project is located at or near 2650 Ridge Avenue in Evanston. Absent adoption of a resolution disapproving or approving the industrial project within 45 days, the authority will assume that the corporate authorities have no objections to this project.

CITIZEN COMMENT:

Peggy Tarr, 907 Sherman Ave., commented about Resolution 30-R-01, the Bill of Rights, and the 13th and 14th amendments to the Constitution. She recalled that last year Council appeared to endorse the right of a citizen to speak publicly against the services of a company and approved assistance to this citizen by the City's legal department. Yet the right of free speech and the rights and privileges afforded citizens under the City's ordinance are called into question when public officials loudly and angrily confront citizens for making public statements against the actions of public officials and/or lodging complaints against them with the Board of Ethics. She stated First Amendment rights are impeded when citizens who exercise their First Amendment rights are verbally assaulted, harassed or threatened with legal action or other acts of intimidation. Section 10 in the resolution is titled "Conduct of members." She asked does the conduct of public officials who try to intimidate citizens who exercise First Amendment rights fall under jurisdiction of the City Council or the Board of Ethics?

David Ucker, 2720 Park Pl., regional commissioner of AYSO spoke on behalf of almost 1,800 boys and girls who constitute the 150 teams playing AYSO soccer this year and 500 volunteers. He urged support of Resolution 21-R-01. He stated AYSO is a youth development program organized around recreational soccer and operates with the belief that every child should have the opportunity to participate. AYSO's primary concern is for improving and expanding outdoor fields. He stated that the proposed soccer field is well formulated and urged investment in outdoor fields.

Dickelle Fonda, 1220 Darrow Ave., spoke as a representative of POOCH, the acronym for People Organizing Off Leash Canine Habitat. Their group represents Evanston/Skokie residents who for the past two years have worked with the Skokie Park District and the Evanston Parks Division to develop an off-leash canine area located on the east side of the channel between Main and Oakton. They have raised thousands of dollars of grant money for the development of the dog park and soccer fields. She reported the architectural design for the Dog Park would create a state-of-the-art park. Their organization urged support for the soccer fields/dog park and the agreement with Skokie.

Betty Ester, 2100 Lake St., asked the Council for a policy to allow more information on the Internet and cable – specifically on long-term projects such as the long-term sewer relief project. She thought citizens would like that information and to know why fees are so high. She noted that in the year 2013 sewer fees are supposed to go down. Citizens would like to know if they will have to pay these fees for generations. She stated neighbors on McDaniel/Lake would not celebrate National Historic Preservation Week, whose theme is "restore, renew, rediscover your historic neighborhood schools." Neighbors cannot call King Lab School their neighborhood school and not many of their children will attend the Early Childhood Center to be built there.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: Approval of Idriss Company proposal for tree-growing services; Approval of Contract Amendment No. 2 with Harza Engineering; Resolution 21-R-01 – Intergovernmental Agreement with Skokie Park District and Ordinance 46-O-01 – Amends Chapter 25, Title 3 –

Regulating Farmers' Market. Seconded by Alderman Engelman. Roll call. Voting aye – Jean-Baptiste, Wynne, Bernstein, Kent, Moran, Engelman, Feldman, Newman. Voting nay – none. Motion carried (8-0).

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of April 23, 2001 and Special City Council Meeting of April 16, 2001. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, of the City of Evanston payroll for the period ending April 26, 2001 and the City of Evanston bills for the period ending May 8, 2001 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 4/26/01)	\$1,726,769.34
City of Evanston bills (through 5/08/01)	\$3,164,022.09

* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of the proposal of Wolff Clements and Associates, Ltd. to provide landscape architectural services to the Parks/Forestry & Recreation Department for improvements at James and Bent parks at a cost of \$76,788. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of the proposal of Site Design Group (MBE) to provide landscape architectural service to the Parks/Forestry & Recreation Department for improvements at Snyder Park at a cost of \$25,635. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of the lowest responsive and responsible bid of United Rentals to fabricate and install a wayfinding signage program for Public Works at a cost of \$45,654.51. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of the increase to the contract with Alvord, Burdick & Howson of \$38,361 for engineering services for Emergency Distribution Work to provide for additional design work, assistance during two additional bids and an additional three months of construction services. * APPROVED–CONSENT AGENDA MOTION & ROLL CALL (8-0)

* Approval of Change Order No. 2 for Civil Contractor and Engineers, for Phase VII, Contract H of the Long Range Sewer Project, increasing the contract amount by \$2,991.25. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of Change Order No. 3 for Jay Dee Contractors, Inc. for Phase VIII, Contract A of the Long Range Sewer Project, decreasing the contract amount by \$4,780. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)



* Resolution 23-R-01 – Lease for South Branch Library – Consideration of proposed Resolution 23-R-01, which authorizes the City Manager to enter into a lease for 943-949 Chicago Avenue to house the South Branch Library. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (8-0)

* Resolution 29-R-01 – Lease for League of Women Voters – Consideration of proposed Resolution

29-R-01, which authorizes the City Manager to enter into a lease with the League of Women Voters for Room 1002 of the Civic Center. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Resolution 31-R-01 – Appointing a Director and Alternate Director to the Solid Waste Agency of Northern Cook County – Consideration of proposed Resolution 31-R-01, which appoints Alderman Moran as Director and City Manager Crum as Alternate Director to SWANCC for two-year terms. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Resolution 32-R-01 – License Agreement – Consideration of proposed Resolution 32-R-01, which authorizes the City Manager to enter into a license agreement with a resident regarding use of property for staging purposes and dumpster set up at 115 Dempster St. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Ordinance 44-O-01 – Amending Title 7, Chapter 9 of the City Code – Consideration of proposed Ordinance 44-O-01, which amends Title 7, Chapter 9 of the City Code to authorize the City Manager or his or her designees to issue tickets to enforce the promulgated and posted rules and regulations of the Recreation Board designated in this Chapter (through the Administrative Adjudication process). * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 45-O-01 – Amending Title 7, Chapter 10 of the City Code – Consideration of proposed Ordinance 45-O-01, which amends Title 7, Chapter 10 of the City Code and gives the City Manager and his or her designees authority to enforce the provisions of this Chapter (through Administrative Adjudication). * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 48-O-01 – Declaring City Property as Surplus – Consideration of proposed Ordinance 48-O-01, introduced April 23, 2001, which would declare various vehicles and equipment as surplus property so that they might be publicly offered for sale at the Village of Libertyville Auction on June 2, 2001. * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

OTHER COMMITTEES:

* Resolution 30-R-01 – Adoption of the Rules and Organization of the City Council of the City of Evanston – Consideration of a recommendation to approve the rules and organization of the City Council of the City of Evanston. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

APPOINTMENTS:

Mayor Morton asked for confirmation of the following appointment:

William S. Smith, Jr. Civil Service Commission
3038 Hartzell St.
For term ending May 15, 2004

* APPROVED – CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Approval of the proposal of the Idriss Company to provide tree growing services for Parks/Forestry & Recreation at a

not-to-exceed cost of \$262,500 to be paid over the next 6-7 years, contingent on tree growth rates.

Alderman Moran reported that this item was held in committee.

Approval of Contract Amendment No. 2 with Harza Engineering for the design engineering services for Phases VIII, IX and X of the City's Relief Sewer Project, increasing the design cost for the Phase 9A project by \$49,581.

Alderman Moran moved approval. Seconded by Alderman Feldman.

Alderman Engelman asked if holding this would delay the project or jeopardize funding? Deputy Public Works Director/City Engineer Keith Fujihara stated the project would be delayed but funding would not be affected. Alderman Engelman moved that this item be held. Seconded by Alderman Moran. At the request of two aldermen this item was held.

PLANNING & DEVELOPMENT:

Alderman Engelman reported the committee met with representatives of the Sign Review and Appeals Board which is conducting a comprehensive review of the City's Sign Ordinance in anticipation of the amortization provision of that ordinance which requires all signs within Evanston be brought into compliance with the ordinance by January 1, 2003. The board recommends that date be extended for two years and will bring back an ordinance to that effect. In reviewing the ordinance, the board will do an inventory of existing signs. Initially they want to review the ordinance to propose changes to address problems that have occurred over the eight years the ordinance has been in effect. The P&D Committee also prioritized references.

HUMAN SERVICES:

Resolution 21-R-01 – Intergovernmental Agreement with Skokie Park District – Consideration of proposed Resolution 21-R-01, which authorizes the City Manager to sign an intergovernmental agreement with the Skokie Park District to construct a soccer field and canine area.

Alderman Newman moved approval of Resolution 21-R-01. Seconded by Alderman Feldman.

Alderman Engelman had questions about the rights and responsibilities of Evanston, vis-à-vis Skokie and asked why Evanston was paying for water while everything else was split down the middle. He also had concerns about access to the park.

Parks/Forestry & Recreation Director Doug Gaynor explained that some things were not put into the agreement with Skokie. The City of Evanston does not pay for water used in the park system. The estimated cost of water for this facility for one year is \$2,900. Skokie Park District will pay for all administrative costs, which are above the costs listed in the agreement such as administering and awarding bids, construction management of the park, management of the facility and scheduling of AYSO on the soccer fields. Skokie Park District will manage the agreement with POOCH, the 501(c)(3) organization that will operate and maintain the canine park. Skokie will negotiate that agreement, monitor and manage it. Because the land is owned by the Metropolitan Water Reclamation District, and is in Skokie, public safety first response by Police and Fire will be Skokie. Skokie will schedule all maintenance of the soccer field and Evanston will pay 50% of the cost. He noted Skokie, with some assistance from Evanston, has obtained more than \$500,000 in grants. Skokie will administer the grant programs during the construction, will track the business portion of the contract in its development and billing after using the grant funds. He thought there was considerable balance and that Skokie Park District was doing a lot. On access, he noted a site plan was distributed at the last meeting. They are in process to see if they can work out an easement agreement for parking with owners of property there. He stated they have access and parking through the development under lease to Skokie through Oakton Street. There is a rowing center, parking lot and access there. If they are not successful in obtaining an easement, there is access through Oakton.

Motion carried. No nays.

Ordinance 46-O-01 – Amending Chapter 25, Title 3 of the Evanston City Code Regulating the Farmers’ Market – Consideration of proposed Ordinance 46-O-01 introduced April 23, 2001, which amends the City Code to add a subsection to the definition of saleable items (bread). Additionally, approval of Parcel 7, as the Market site, is requested.

Alderman Newman moved approval. Seconded by Alderman Feldman.

Alderman Moran voiced two objections to the ordinance. The history of the market is that farm produce is sold there and people go to the market for that. He did not think adding the sale of bread was consistent with that history and should not be sold because it changes the nature of the market. His second objection concerned the Human Services Committee meeting where this was considered and where he became convinced that this ordinance was brought about to advance the interests of one business in Evanston. Although the ordinance suggests that businesses could come generally and sell bread, in the ordinance, there is a particular kind of bread that can be sold at the Farmers’ Market. The preparer and seller of that bread, and apparent beneficiary of this ordinance, was at the Human Services Committee meeting where this was discussed. The man made statements that touted his bread over that of other breadmakers and sellers in Evanston. The committee decided at the conclusion of his remarks to recommend an ordinance that would promote the sale of this individual’s breadmaking process to the exclusion of other bread sellers. He thought it a mistake to pass legislation that appears to benefit one business. Although he has no opinion about the various breads discussed, it was remarkable that other breadmakers and sellers did not appear to have been invited to this meeting to participate in the development of this ordinance nor to defend themselves from the criticisms of this person who came to this meeting to obtain legislation that would help him. For appearing to advance the interests of one person and introducing change inconsistent with the history of the market, he asked that this be voted down.

Alderman Newman suggested they needed to see a video of that meeting. It was true that a local business came and asked Council to change the policy on selling bread, but he did not recall any great claims by the quiet gentleman who wanted the opportunity to sell bread and did not think the ordinance gave him an advantage over anybody else.

Assistant City Manager Judith Aiello explained those eligible to sell bread at the Farmers’ Market would be four bakers in Evanston who mix all their ingredients from raw materials on-site and all would be invited to participate.

Alderman Newman favored this ordinance and stated the issue is how the City treats small businesses that feel like they are not allowed to participate in events sponsored by the City to whom they pay taxes. He thought staff was careful to open this to whomever bakes bread and they would send the wrong message to businesses if they did not approve it. The only way this business could participate was to ask. This businessperson came to the committee meeting and asked to add bread to the Farmers’ Market. The committee thought it would be okay and was supportive of local businesses.

Alderman Bernstein confirmed that the ordinance does not preclude others and would allow four certified bakers to participate.

Alderman Moran noted this ordinance was fashioned specifically for what this individual asked for, which was a monopoly to sell bread to the exclusion of other bread producers in Evanston. He read from Section C1. He noted there are four bakers mentioned in the memo from the Human Services Committee meeting that excluded all remarks that were pertinent to this ordinance. He recalled the person who spoke before the Human Services Committee and who formulated this definition and his production process, had said that his process was not consistent with other bread producers, that made his bread better than theirs and others should be kept out. He thought it wrong to pass this.

Health & Human Services Director Jay Terry clarified that the Human Services Committee discussed this matter conceptually several months ago and those minutes were not included. There was no legislation on the table at that time. The minutes attached were where the committee approved the ordinance and were accurate but there was little discussion when the ordinance was considered.

Alderman Wynne wanted clarification that one baker in Evanston was qualified. Ms. Aiello stated there are four local bakeries qualified. Judy's Bakery, Great Harvest, Tag's and Bennison's are certified bakeries and eligible to sell at the Farmers' Market. She noted there are other operations, but their breads are not made from raw ingredients at their Evanston locations. The committee wanted to find breadmakers who bake here. The bread sellers will not sell pastries. Pastries will continue to be sold by non-profit organizations as fundraisers. All bread purveyors were called and four qualified and the four indicated interest in coming to the market. Alderman Wynne asked if this would fit the definition of "organic bread?" Ms. Aiello noted the FDA has 12 pages of bread definitions and did not recall defining it as "organic."

Alderman Feldman recalled the Human Services Committee meeting at which a gentleman from Bennison's Bakery came who had a process that required special equipment that he used. This man piqued their interest in selling good bread at the Farmers' Market. He did not say that he was the only one who had it or to restrict the market to his bread. They asked, who bakes good, fresh bread? He said this has to do with using fresh ingredients baked on-site.

Alderman Moran moved to hold the item. Seconded by Alderman Engelman.

Ms. Aiello stated that the Farmers' Market starts May 19. If they want to have bread sales at the beginning of the season the City was laying out market stalls and needed a decision. Four spaces will be reserved. This could be discussed May 21.

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

Alderman Engelman wanted to contact Tag's and Great Harvest Bakeries to determine that they actually process on-site. Alderman Newman understood that those establishments were contacted and could participate. Ms. Aiello stated an employee had called the bakeries to see how they make bread. Four indicated they mix on-site and expressed interest in selling at the market. Alderman Engelman pointed out there is a difference in how one makes bread and if these bakeries can comply with this ordinance. Ms. Aiello stated the ordinance could be sent to the four bakeries for comment and interest. Mayor Morton suggested this matter be handled at the Special Council meeting May 16. Alderman Newman confirmed this could be held until May 16 so they can get everybody who wants to participate. Alderman Feldman was interested in who can come to the Farmers' Market.

CALL OF THE WARDS:

Alderman Bernstein thanked Dickelle Fonda for her efforts on behalf of POOCH and dog owners in Evanston.

Alderman Kent announced the Plan Commission would hold a meeting Wednesday, May 9 at 7:00 p.m. regarding proposed plans for development of 1930 Ridge Avenue.

Alderman Kent asked that the Interreligious Sustainability Circle packet be given to Alderman Jean-Baptiste. He suggested that the City Manager and Mayor meet again with the CTA about expanding public transit service and suggested they need to look at promoting alternatives to automobiles. He suggested there be some kind of Blue Ribbon Committee to consider alternatives. He thought it would be a good time to begin promoting alternative means of transportation and to regain some public transportation that was taken away in 1992. He suggested the Mayor and Manager need backup when they meet with the CTA.

Mr. Crum said there had been no follow-up on the report of the Interreligious Sustainability Circle. He agreed it was time to have a follow up discussion with the CTA.

Alderman Engelman announced the Budget Policy Committee would normally meet on the third Monday of the month. However, this month they will meet Wednesday, May 30. He will contact each member to find time to meet on a one-on-one basis. He asked the chair of the Rules Committee to consider a speedy address of the City Manager's evaluation, which is when they discuss priorities and goals for the forthcoming year. If the Budget Policy Committee is going to address priorities for the forthcoming year so the City Manager can put them into the budget, they want them based upon what they want to achieve as opposed to starting with the status quo; urged priorities and goals be set as soon as possible.

Alderman Feldman reported on a successful fundraising event for Oakton School held at a firehouse several weeks ago.

Alderman Newman thanked Doug Gaynor and Roger Crum for the agreement with the Skokie Park District and getting soccer fields and Dog Park. He noted the State of Illinois put in \$560,000; that Evanston worked with Skokie and the Metropolitan Water Reclamation District. He thought the best part was that people think this land is in Evanston because it is east of the channel and actually is in Skokie.

Alderman Newman recalled a reference made by Alderman Engelman to create a Residents Only Parking district on the 1400 block of Lincoln Street which is on the Parking Committee's May 23 meeting agenda. When the committee takes this up, he noted this calls for residents only from 7:00 to 9:00 a.m. He will propose that district include all Evanston residents. He stated that the Central Street Metra parking is restricted in such a way that 1st, 5th, 6th ward residents cannot park near the Metra station and thought they have to deal with that. He said it was not like the 9th, 4th and 3rd wards near Main Street where there is restricted parking from 7:00 to 9:00 a.m. but all Evanstonians can park on those streets during those hours. He invited residents to attend.

Alderman Newman said he was told that Evanston has better parking downtown for moviegoers than Old Orchard. Alderman Feldman related meeting a Chicago resident who comes to Evanston movies every week by El.

Mayor Morton called attention to the Evanston Section of the Sunday *Chicago Tribune* that was published May 6.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 9:55 p.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.