

CITY COUNCIL

June 25, 2001

ROLL CALL - PRESENT:

Alderman Moran	Alderman Newman
Alderman Feldman	Alderman Jean-Baptiste
A Quorum was present.	Alderman Bernstein

**NOT PRESENT AT
ROLL CALL:**

Aldermen Kent, Engelman, Rainey, Wynne

ABSENT:

None

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, June 25, 2001 at 5:50 p.m. in the Aldermanic Library. Alderman Newman moved that Council adjourn into Closed Session for the purpose of discussing matters related to real estate, litigation and closed session minutes pursuant to 5ILCS Section 120/2 (c) (5), (6), (11) and (21).

(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 Bernstein. Roll call. Voting aye – Moran, Feldman, Newman, Jean-Baptiste, Bernstein. Voting nay - none. Motion carried (5-0).

At 7:08 p.m. Alderman Feldman moved to reconvene into Open Session. Seconded by Alderman Rainey. Motion carried. No nays. Council then recessed so that aldermen could attend standing committee meetings.

City Manager Announcements:

City Manager Roger Crum announced that Wednesday, July 4, is an official City holiday with City offices closed. Only emergency services would be available. Mr. Crum stated refuse service picked up on Wednesday and Thursday would be one day later due to the holiday.

Director of Facilities Management Max Rubin and trustee of the 4th of July Association, invited citizens to participate in sports activities in parks, the parade at 2:00 p.m., drill team and concert band performances at Dawes Park followed by fireworks at Clark Street beach when it is dark. There will be a music simulcast on radio station 90.5 with the

fireworks. Names were drawn by Mayor Morton to select a 4th of July family to ride in the parade this year. Township Assessor Sharon Eckersall announced the Cook County Assessor's office and the Evanston Township Assessor's office would be available to process property assessment appeals on Saturday, July 14, in the Council Chamber from 9:00 a.m. to 12:00 noon, with July 16 the last day to file an appeal.

Parks/Forestry & Recreation Director Doug Gaynor announced that ComEd had donated 1,500 flowering and shade trees to the City. One tree per resident is offered free and proof of residency is required. A tax-deductible donation (by check only) is requested but not required. The trees are to be planted on private property only and not on the parkway. Planting instructions and tree descriptions are included. Trees are available on a first-come, first-served basis on two weekends June 30-July 1 or July 7-8 from 8:00 a.m. to 3:30 p.m. at the former Recycling Center, 2222 Oakton Street.

Special Award Presentation

Mr. Gaynor reported that annually the Illinois Park and Recreation Association and Illinois Association of Park Districts recommend recognition of individuals/groups that provide benefits to their local communities. Two weeks ago five groups were recognized. The sixth award that evening was to Joseph Levy, Jr. Mr. Gaynor noted that the Levy family has been one of Evanston's strongest supporters for over 30 years. The generous donation Sarah and Joseph Levy Sr. made to the Levy Center, formerly on Maple Avenue, possible. Mr. Levy Jr., followed his father's tradition of helping Evanston's older residents by subsidizing membership fees and making direct donations to the Levy Senior Center. Last year the City received a handicapped-accessible mini-bus that senior citizens use for transportation to the interim Levy Center, field trips and will use to go to the new Levy Center in James Park. This March, the Levy Family Foundation contributed \$500,000 towards the new Levy Center and additionally contributed the entire computer room. With heartfelt appreciation, Mr. Gaynor presented a plaque to Joseph Levy Jr on behalf of Evanston citizens in recognition of the many contributions of the Levy family.

Mayoral Announcements:

Mayor Morton announced Alderman Jean-Baptiste had left the meeting due to the death of his aunt and extended deepest sympathy to him and his family.

Communications: None

CITIZEN COMMENT:

Betty Sue Ester, 2100 Lake St., reported Mayor Morton was honored recently with a gold brick from the Black Suburban Construction Association for contributions to Evanston. She spoke about a P&D Committee item for future discussion concerning a policy for communicating potential changes affecting a zoning application. She suggested they consider extending the limits for notification further than the current 250-foot radius. She stated that residents on the periphery had been impacted by zoning changes but were not aware due to the 250-foot limit on notification.

Mayoral Veto:

I hereby veto the motion made at the June 11th Council meeting that awarded a contract for the demolition and reconstruction of Fire Station #3 to Guajardo Associates for \$180,000. This amount is approximately \$30,000 more than the proposal presented by Yas/Fischel Partnership, a qualified Evanston business. It is my opinion that it is in the best interest of Evanston's citizens and Evanston's financial situation that the Council reconsider this matter and sustain this veto.

Lorraine H. Morton, Mayor

Alderman Bernstein moved to award the demolition/reconstruction contract for Fire Station #3 to the Yas/Fischel Partnership. Seconded by Alderman Feldman.

Alderman Rainey stated she had never experienced a mayoral veto of a purchase. One thing she found distasteful was the inside track and recalled fighting for homeboys to get jobs even if their bids were higher. She thought staff, with good intentions, did Council a disservice; that colleagues who supported the veto and Mayor were unfamiliar with the facts

and that Mayor Morton did this public building a disservice by this action. Guajardo, the firm recommended by staff prior to seeing the bid, has worked for the Public Building Commission of the City of Chicago since 1998. This firm analyzed every fire station in Chicago. Their task was to analyze the physical structure and survey the users and come up with a prototype fire station for the city. The City Public Building Commission and Fire Department had only positive comments about their experiences with this firm. She asked them to think of the wealth of experience Guajardo had gained. That was why staff recommended them. Because they came up with the prototype, they received the right to be the architectural firm on building two stations. The other stations will be put out to public bid. Yas/Fischel, while well known in Evanston, cannot come close to this kind of experience. She recalled Evanston has had problems with design, construction and building of fire stations. For an additional \$30,000, she would like to get a firm like Guajardo to share some of the experience they have gleaned from Chicago. She moved to override the veto.

Mayor Morton explained it was the Mayor's prerogative to veto items connected with money. She has studied every veto carefully and compared both companies; studied the criterion used and saw some problems with that. She was confident that her veto was appropriate and noted that staff indicated both companies were equally qualified. Her issue was money and thought \$30,000 could be used for other purposes. She did what she thought was morally right; noted that this Council has said many times that it wants to give business to local firms. She noted this station would be built on something that is there. Both firms have great credentials and are basically the same.

Alderman Newman had asked about Guajardo's experience and was told it was substantial. Based on that representation from the committee, which voted 3-1 to recommend Guajardo over Yas/Fischel (recommended by staff), he thought the committee acted in good faith. He saw Alderman Rainey's point that when they build a large fire station they want to get it right. Based on materials submitted by staff, he could not tell whether Guajardo, which has two stations listed and development of a prototype, had substantial experience. The City has had problems with fire stations on Washington and the newest one on Wesley. If they had a contractor who only did fire stations, could see stations done over time, look at maintenance records and how long the station lasted, that would have been an overwhelming choice and he could vote to overrule the Mayor's veto. He thanked the Mayor for giving Council another chance to consider this; thought it appropriate for the Mayor to veto anything. She has a right to exercise her judgment and they have disagreed on occasion in the past. He was pleased they could reconsider this having a better grasp of the facts. He thought all had worked in good faith. If he was positive Guajardo would do magnificent work and there was a clear difference with Yas/Fischel he could vote to override. He noted the small difference in ranking points and Yas/Fischel is an Evanston firm who can do a fine job. He found that more of a reason to take a second look. He saw this being done on its merits.

Alderman Bernstein also thanked the Mayor and had voted for Yas/Fischel because they were equal to Guajardo. They were not talking about a substandard firm. On the points' valuation, he recalled Guajardo got 22.25 points (highest) and McWilliams had 22, which were ruled out because their conduct was unacceptable. That led him to believe there should be some need to revise the subjective consideration of those standards. He was impressed that staff indicated Yas/Fischel communicated well. He did not want firefighters to continue living in the conditions they now do at Station #3. If he thought Yas/Fischel could not do the job, he would not want them because he wants the Fire Department residential accommodations protected and state-of-the-art. He thought they could do other things with the \$30,000. For all those reasons he encouraged voting for Yas/Fischel.

Alderman Rainey directed firefighters not to call her regarding issues with Station #3. She said it would have been decent for Mayor Morton to let them know in advance that she would veto this purchase, noting the best debate is informed debate, not surprise debate. She expressed disappointment in the way this went down.

Mayor Morton stated she sought to do something in the best interest of citizens and conform to what Council members have said repeatedly--that they support local businesses. She wants to support qualified local businesses.

Alderman Feldman supported Yas/Fischel on the A&PW Committee because they were equally qualified, an Evanston firm and would save \$30,000. He also appreciated the Mayor's veto.

Alderman Newman wanted to give any Council member the opportunity to discuss this further and supported an opportunity for Alderman Rainey to get information. Alderman Rainey declined and withdrew the motion.

Alderman Rainey asked the circumstances the City faces having received the contract back signed by Guajardo? First Assistant Corporation Counsel Hill stated the contract has not been signed by the City Manager. The direction of the manager to sign the contract is subject to the rules and actions of City Council. He could not give assurances there would not be litigation in the matter. The City Council provides for a mayoral veto and for other actions and thought they should take action if they believe it is in the best interest of the City.

Roll call. Voting aye – Kent, Feldman, Newman, Wynne, Bernstein. Voting nay–Moran, Rainey. Motion carried (5-2-1). Alderman Engelman abstained due to possible conflict of interest.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: Approval of contract with Open Kitchens for Recreation’s Summer Food Program; Special Event – Canal Land Picnic; Approval of Sanitation Program Recommendation on Refuse Carts; Ordinance 44-O-01 – Amending Title 7, Chapter 9 of City Code and Ordinance 45-O-01 – Amending Title 7, Chapter 10 of City Code; Ordinance 54-O-01 – Vacation of Portion of Lemar Ave.; Sidewalk Café Permit – Jacky’s Bistro; Sidewalk Café Permit – Trattoria Trullo; Zoning Ordinance Amendment Petition of Robinson Bus Co.; and Ordinance 55-O-01 – Proposed Evanston Township Budget for 2001-02. Seconded by Alderman Engelman. Roll call. Voting aye – Kent, Moran, Engelman, Rainey, Feldman, Newman, Wynne, Bernstein. Voting nay – none. Motion carried (8-0).

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of Regular City Council Meeting of June 11, 2001. * APPROVED- CONSENT AGENDA MOTION & ROLL CALL (8-0)

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, of the City of Evanston payroll for the period ending June 21, 2001, and the City of Evanston bills for the period ending June 26, 2001 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 6/21/01)	\$1,853,657.77
City of Evanston bills (through 6/26/01)	\$3,583,151.83

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

* Approval of the lowest responsive and responsible bid of Chicagoland Construction for parking deck repairs at the Municipal Service Center at a cost of \$144,335. * APPROVED– CONSENT AGENDA MOTION & ROLL CALL (8-0)

* Approval of the lowest responsive and responsible bid of Great Lakes Group (WBE) for Noyes Cultural Arts Center rehabilitation project at a cost of \$610,555. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (8-0)

* Approval of the sole source purchase of streetlight poles, bases and accessories from Bell & Gustus at a cost of \$33,830. * APPROVED– CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of Change Order #2 with Pinel Andrews Construction (EBE) for the Crown Park backstop replacement project decreasing the contract amount by \$870. * APPROVED–CONSENT AGENDA MOTION & ROLL CALL (8-0)

* Approval of Change Order #7 with McNally Tunneling Corp. for Phase VI, Contract A, Relief Sewer Project, increasing the contract amount by \$82,455. * APPROVED- CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of Change Order #1 with DiPaolo Company for Phase VI, Contract B, Relief Sewer Project, incorporating the February 26, 2001 DiPaolo Co. letter into the contract, with no change in the contract amount or time. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of Change Order #9 with McNally Tunneling Corp. for Phase VI, Contract A, Relief Sewer Project, reducing the contract amount by \$140,315.89. * APPROVED- CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Approval of Change Order #2 with DiPaolo Company for Phase VI, Contract B, Relief Sewer Project, increasing the contract price by \$149,331.54. * APPROVED- CONSENT AGENDA MOTION AND ROLL CALL (8-0)



* Special Event – Taste of Armenia – Consideration of a request of St. James Armenian Church to hold the annual Taste of Armenia Fair at Benson Ave. & Clark St., closing Clark between Benson and Sherman on August 26, 2001. * APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

* Special Event – Evanston Church of God Extravaganza – Consideration of a request to hold the Evanston Church of God Extravaganza on July 21, 2001 and close a portion of Wesley Ave. from Davis St. to alley south of Church, 10:00 a.m.-4:00 p.m. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Special Event – Roycemore School Summer Fair – Consideration of a request from the Roycemore School annual summer fair on July 12, 2001 and close Lincoln St. between Orrington Ave. and Sheridan Rd., from 5:00-7:00 p.m. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Special Event – First Church of God Christian Life Center Picnic – Consideration of a request to hold the First Church of God Christian Life Center annual picnic July 15th and for a partial closure of Ashland Ave. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Resolution 50-R-01 – Joint Agreement with IDOT – Consideration of proposed Resolution 50-R-01, which authorizes the City Manager to sign an intergovernmental agreement with IDOT for the Oakton/McCormick Intersection Improvement and Oakton Street Bridge Reconstruction. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Resolution 51-R-01 – MFT Resolution for Local Match – Consideration of proposed Resolution 51-R-01, which approves a Motor Fuel Tax Resolution for local match (funding) for Oakton/McCormick Intersection Improvement and Oakton Street Bridge Reconstruction. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

* Ordinance 72-O-01 – Negotiation of Sale of Real Estate – Consideration of proposed Ordinance 72-O-01, which authorizes the City Manager to negotiate the sale of 801-825 Davis St. and authorize publication of Notice of Intent to Sell. * 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 Rainey. Motion carried. No nays.

Alderman Moran moved approval of Ordinance 72-O-01. Seconded by Alderman Feldman.

Alderman Moran explained that the City is building a new garage and will shift the garage from its current position to another position. As a result, the City has to sell land it owns to the developer so the parcels can be amassed in a way consistent with the plan.

Alderman Bernstein confirmed this would not occur until they have a redevelopment agreement.

Roll call. Voting aye – Kent, Moran, Engelman, Rainey, Feldman, Newman, Wynne, Bernstein. Motion carried (8-0).

* Ordinance 73-O-01 – Authorization to Enter into a Real Estate Contract – Consideration of proposed Ordinance 73-O-01, which authorizes the City Manager to enter into a contract for the sale of 801-825 Davis St. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 80-O-01 – Granting a Cable Communications System Franchise six-month Extension – Consideration of proposed Ordinance 80-O-01, which grants a cable communications franchise extension to AT&T Broadband. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 79-O-01 – Special Assessment #1443 – Consideration of proposed Ordinance 79-O-01 regarding paving the alley north of Central St., east of Lincolnwood Ave. * 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 Feldman. Motion carried. No nays.

Alderman Moran moved approval of Ordinance 79-O-01. Seconded by Alderman Feldman. Roll call. Voting aye – Kent, Moran, Engelman, Rainey, Feldman, Newman, Wynne, Bernstein. Motion carried (8-0).

* Ordinance 62-O-01 – Authorization to Enter into a Real Estate Contract – Consideration of proposed Ordinance 62-O-01, introduced June 11, 2001, which authorizes the City Manager to enter into a real estate contract for the sale of 1616 Sherman Avenue. * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

* Ordinance 64-O-01 – Authorization to Enter into a Real Estate Contract – Consideration of proposed Ordinance 64-O-01, introduced June 11, 2001, which authorizes the City Manager to enter into a real estate contract for the sale of 1624-30 Sherman Avenue. * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

* Ordinance 65-O-01 – Authorizing Participation in Suburban Tree Consortium – Consideration of proposed Ordinance 65-O-01, introduced June 11, 2001, which authorizes the City of Evanston to join the Suburban Tree Consortium. * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

* Ordinance 67-O-01 – Amending Section 3-5-1 of the City Code – Consideration of proposed Ordinance 67-O-01, introduced June 11, 2001, which amends Section 3-5-1 changing the definition of the “Core Area” to match that of the “Retail Package Store Area.” * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

* Ordinance 68-O-01 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 68-O-01, introduced June 11, 2001, which would increase Class B Liquor Licenses from 12 to 13 with the addition of Capstar Winston Co., dba Hilton Garden Inn, 1818 Maple Avenue. * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

* Ordinance 66-O-01- Increase in Class B Liquor Licenses – Consideration of proposed Ordinance

66-O-01, introduced June 11, 2001, which would increase Class B Liquor Licenses from 13 to 14 with the addition of Four Corners LLC, dba Prairie Moon, 1502 Sherman Avenue. * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

PLANNING & DEVELOPMENT:

* Ordinance 76-O-01 – Variations for 239 Greenwood St. – Consideration of proposed Ordinance 76-O-01, which concerns a Zoning Board of Appeals (ZBA) determination mandated by court order for variations to off-street parking and rear yard requirements for 239 Greenwood St. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 78-O-01 – Variations for 2553 Greeley Ave. – Consideration of proposed Ordinance 78-O-01, which approves a recommendation of the ZBA to grant variations to street side yard, rear yard and parking requirements of the Zoning Ordinance for 2553 Greeley Ave. * MARKED INTRODUCED – CONSENT AGENDA

OTHER COMMITTEES:

* Ordinance 81-O-01 – Redevelopment Agreement for Sherman Plaza Redevelopment – Consideration of proposed Ordinance 81-O-01, which authorizes the City Manager to sign a redevelopment agreement for the Sherman Plaza Redevelopment. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 60-O-01 – Amending Section 3-2-4-2 of Municipal Occupation Taxes Ordinance – Consideration of proposed Ordinance 60-O-01, introduced June 11, 2001, which amends the Municipal Occupation Taxes Ordinance to increase the Hotel Tax Rate from 5% to 7.50%. * ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

APPOINTMENTS:

Mayor Morton asked for introduction of the following appointment:

Jean Esch 917 Elmwood Ave.	Ladd Arboretum Committee
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* APPROVED – CONSENT AGENDA

Mayor Morton asked for confirmation of the following appointments:

Loida Rosario 2813 Park Pl. For term ending June 30, 2004	Arts Council
Frances R. Seidman 600-E South Blvd. For term ending June 30, 2004	Commission on Aging
Hans Detweiler 832 Hinman Ave. For term ending June 30, 2005	Energy Commission

Paul Morse 2421 Noyes St. For term ending June 30, 2005	Energy Commission
Diane N. Willett 831 South Blvd. For term ending June 30, 2005	Environment Board
Paul M. Camic 2310 Thayer St. For term ending June 30, 2004	Ladd Arboretum Committee
Douglas A. Doetsch 1216 Hinman Ave. For term ending June 30, 2004	Plan Commission
Alice Rebechini 2022 Hawthorne Ln. For term ending June 30, 2004	Plan Commission
Peter Caragher 1509 Hinman Ave. For term ending June 30, 2006	Playground & Recreation Board
Neil J. Sheehan 1411 Dempster St. For term ending June 30, 2004	Preservation Commission
Abbie Willard 2315 Sherman Ave. For term ending June 30, 2004	Preservation Commission
Steven Samson 3213 Hartzell St. For term ending June 30, 2006	Zoning Board of Appeals

* APPROVED – CONSENT AGENDA

Mayor Morton asked for confirmation of the following reappointments:

Delbert Leppke 2601 Park Pl. For term ending June 30, 2005	Energy Commission
Stephen Prout 2302 Isabella St. For term ending June 30, 2004	Library Board
Don R. Sampen	Zoning Board of Appeals

1811 Oakton St.
For term ending June 30, 2006

* APPROVED – CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Alderman Moran moved approval of the contract for the Recreation Division's 2001 Summer Food Program to the second low bidder, Open Kitchens (WBE), at an estimated cost of \$70,180. Seconded by Alderman Feldman.

Alderman Moran explained the previously approved contract was cancelled due to non-performance. Alderman Rainey pointed out that staff had stated Ace was the number one company to provide lunch programs and had delivered food that was dangerously warm.

Motion carried. No nays.

Special Event – Canal Land Picnic – Consideration of a request to hold the annual Canal Land Picnic in Harbart Park on July 4, 2001, from 11:30 a.m.-10:00 p.m.

Alderman Moran stated the committee voted to amend the conditions of the Special Event Permit by 2-1 and moved approval. Seconded by Alderman Feldman. The event promoters included a request to be able to consume alcohol during the event, which was removed. Alderman Moran noted that, historically, this event has been held as a block party with close to 400 attending last year. It has been held in the street, but because so many people attended, there was spillover into the adjacent park. In obtaining a permit for a block party there are no restrictions on consumption of alcoholic beverages. He thought it was understood there would be consumption of all kinds of beverages, such as beer/wine, at a normal block party. The committee discussed the spillover into the park and the concern that this condition would allow a permit for those in the park to consume alcohol, which should not be allowed. The committee amended the Special Event Permit to remove the permission to consume alcoholic beverages.

Alderman Feldman said there was nothing in this that licensed people to consume alcohol. What was proposed was to issue a one-day license to sell liquor. The only way they could allow people to consume was to say from now on people are permitted to consume liquor in the parks. Staff put in a liquor license thinking that would allow people to consume alcohol in the park for one day. It did not do that and instead allowed the sale of alcohol. He pointed out that people bring beverages from their homes to block parties. Because this event grew so large, staff wanted to allow them to continue what they had been doing, which was to consume what they wished and had no way to do this. Consuming alcohol in parks is prohibited. Alderman Rainey discussed this with Alderman Jean-Baptiste who said that this group never asked for a one-day liquor license. Staff did that to somehow legitimize alcohol in the park. The City has no such a license. This would have allowed the sale of alcohol anyplace, which she and Alderman Feldman opposed.

Alderman Bernstein commented that drinking alcoholic beverages in the streets was prohibited also. Alderman Moran thought that people simply wanted to hold a block party and this condition was put in by staff in an attempt to not delegitimize what these people have done for decades on the 4th of July. He did not think the one-day license had to do with the *sale* of alcohol but the consumption of alcohol and should stay in.

Alderman Newman supported Aldermen Feldman/Rainey because it would set a precedent for allowing alcohol at block parties. Events for parks are requested regularly on the lakefront and if this group gets a liquor license, others will ask. Alderman Feldman stated that staff has no power to issue a license to consume alcohol in the parks.

Mr. Crum related the City is working on a new process. This event grew last year and surprised everybody by its size. The sponsor was notified last year that this event would have to be treated differently than a block party. The sponsors did not understand the process and the City did not have one in place, so staff was going down a check list, not knowing whether the sponsors wanted to sell liquor or not. It was clarified last week they were not selling alcoholic beverages. They had a good meeting and agreed to eliminate that item as one of the conditions.

Voice vote, motion carried.

Approval of Sanitation Program Recommendation Regarding Refuse Carts – Consideration of the Sanitation Program recommendation concerning refuse carts.

Alderman Moran reported of the eight recommendations made by the Sanitation Division, one was eliminated and six were approved at the last meeting. There was discussion of the recommendation that if a citizen had a refuse cart that was not serviceable they could ask for a replacement. Under current policy, the replacement cart might be a rehabbed or new depending on circumstances. (Two rehabbed carts were in front of Council, one repaired in the shop with pop rivets, the other repaired onsite with silver metal tape to illustrate how rehabbed carts look.) Under the change in procedure, if a citizen specifically requests a new cart as opposed to a rehabbed cart, that citizen would be asked to pay \$50 and not pay for a rehabbed cart. The committee voted 2-1 to change the procedure. Alderman Moran moved approval. Seconded by Alderman Rainey.

Alderman Moran moved to amend the recommendation to not adopt this change. Seconded by Alderman Bernstein. He was not opposed to using rehabbed carts; noted waste pickup is a basic service and many pay high taxes here. He did not think the City should insist that citizens pay for a new cart and the option should remain open that a citizen can request a new cart. He was aware of situations where rehabbed carts, which were not serviceable, were delivered to citizens who had asked for a replacement cart.

Alderman Feldman pointed out the City has an obligation to provide refuse carts to citizens, repair them when needed and replace them when they cannot be repaired. He noted there is no facility to mediate whether a cart is serviceable to intercede between the City and a citizen. Both carts in the chamber looked serviceable to him but were not pretty. He noted in just two weeks carts can be in the condition of those two carts due to squirrels. If that is unacceptable, Council could commit to forget about repair. To buy 2,000 carts would cost \$100,000.

Sanitation Division Superintendent Zeltee Edwards pointed out that if the lift handle is broken the cart cannot be used. He thought they have to buy 250 carts annually. If they gave rehabbed carts, the cost is about \$80,000 and \$100,000 if they went to all new carts. Alderman Feldman pointed out they would save \$20,000 in that scenario. Alderman Feldman noted the cost between repair and replacement is close but another reason to repair is that there is no place to dispose of these carts and the City is committed to recycling. To take a cart that a citizen does not like because it has a small hole that could be repaired and throw it away when people don't have to pay for new carts, would put repair of carts out of business. Who would choose to have a cart with holes in it or a new one if, in two weeks, squirrels make a hole in the new one and then, according to policy, the citizen can have a new cart. He recommended the City continue doing what it has done: repair carts and add the cost of a new cart if they wish a new one. Residents deserve a cart but not a brand new one when they choose. If the quality of repair deteriorates, then perhaps, this should be rethought.

Alderman Rainey noted that if 1,000 people want a new cart and they are charged \$50 a cart, that saves the other taxpayers \$50,000. She noted the City buys 1,000 carts a year, which is a significant budget item. This does not deprive anybody of a service, lose anybody's job or diminish the quality of life. It provides the opportunity for a resident to get a new cart if they choose. For those willing to accept a serviceable cart, they should not have to contribute to somebody's higher tastes. Mayor Morton pointed out that yard waste carts are paid for by residents.

Alderman Newman feared they were the gang that could not shoot straight on this. He pointed out the figures thrown out were before the A&PW Committee, not the entire Council. He would not send out a rehabbed cart with metal tape, but

would just send a role of duct tape. He did not think anybody wanted a taped cart. He said for people who pay \$5,000 to \$20,000 in property taxes and do not call the fire and police much, the most important service is refuse pickup. He did not think they were giving residents a serious answer. He was called by Jerry Sharp who told him about carts that have been repaired and have no holes and had referred Mr. Sharp to Mr. Jennings. He stated at his residence that they kick the cart twice before opening it. He noted they have no information or figures before them, which indicated that this was not a priority item for staff. He recalled Council asked for experiences in other municipalities, financial analysis, amount of time spent to repair carts and cost of materials. He did not think they were ready to make a decision. He thought taxpayers were owed more than this before they are charged. In the 1st Ward they have a severe skunk problem, crows and now pigeons in the alleys. Common sense tells them the feeding source is contributing to this problem and there is no program to get rid of wildlife. He thought that sanitation workers ignore the carts and there is no commitment by the City to provide first-rate service. If the new collaboration between staff and the union is less service and more fees, that is not brilliant budgeting especially since the private sector, which Council rejected, use refuse trucks with one man. He does not want to receive the complaint calls on mended carts and if a fee is charged, wants every stone overturned to find a solution. He noted they found out staff is fallible that evening. He suggested they go the extra mile before charging residents \$50 and supported Alderman Moran on that. He suggested that the A&PW Committee call a special meeting; that staff present a detailed study to see how the City compares to other communities that use carts and what they have done about carts.

Alderman Wynne shared many of Alderman Newman's views, noting there was nothing in the packet about this. She asked how many carts are being repaired? She wanted more information and to know if these carts absolutely cannot be recycled. She has had rehabbed carts that worked well; thought the taped cart would not last long. She was concerned that these carts could go into a landfill for the next three hundred years.

Alderman Feldman suggested they have to find a way to have carts that won't get holes in them. He assumed the survey of other municipalities was underway. Mr. Crum interjected that Council was told that would take several months.

Alderman Wynne moved to table recommendation #7 until there is sufficient information to come back and make a decision. Seconded by Alderman Moran. Motion carried. No nays.

Alderman Bernstein asked how they determine to restore the carts. Mr. Edwards explained they have tried four repair methods and have settled on two. One is a plastic weld, which takes significant time. They also used wire screen and affix it with a staple gun, which takes 15 minutes per cart. The wire screen method meant the squirrels could not chew through it, but they chewed around the screen. Those are the two other methods they tried in addition to pop rivets and metal tape, which are the quickest and most effective. The metal tape method is quicker, cheaper and can be done onsite.

Mayor Morton asked if there was any type of truck that would permit them to use metal cans? Mr. Edwards stated there are different kinds of configurations, but Evanston has alley pickup. Because those trucks don't fit into this situation, the City uses a semi-automatic system that loads from the rear. There are fully automated systems where the truck does all the work and the pickup is on the parkway. There are systems used in Europe where all individual refuse is picked in one place on a block.

Alderman Newman said calling the Sanitation Division is no fun; this will frustrate people and make the City look bad because something is put out as a solution that is not. Then people will be told they must pay \$50 and in a week the new cart will have a hole in it. He asked if people who don't want the carts could get metal cans? Mr. Crum pointed out lids to the metal cans get lost and hardly anybody uses metal cans anymore. Mr. Edwards explained that people could use 35-gallon cans if the 90-gallon cart cannot accommodate all the refuse. The only requirement is that the 90-gallon carts are full. He recalled a video of alleys before and after using the carts and a survey of a pilot program with the carts that showed citizens like them. Alderman Rainey asked who pays for the metal cans? Citizens pay.

Ordinance 44-O-01 – Amending Title 7, Chapter 9 of the City Code – Consideration of proposed Ordinance 44-O-01, introduced May 7, 2001, 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).

Alderman Moran reported no affirmative vote in committee to send this to Council. Alderman Moran moved approval. Seconded by Alderman Feldman.

Alderman Rainey was concerned about allowing for writing of tickets that will be adjudicated for violators of the City's parks and recreation code, which is made up of rules generated by the Playground & Recreation Board. Many of those rules have to do with park use. She had a problem with residents being able to use the parks without having to pay. She referred to a letter from a resident tennis player who congratulated the Parks Division on the beautiful renovation of the tennis courts and how much she and friends from Northfield appreciate them. It seems people can come from anywhere and play here on the tennis courts. The story is different with the playing fields. There are rules that limit play, assess fines and costs for permits. She was assured the Recreation Board would look at this and suggested it be held until that happens. After the policies are reviewed they can send this to Administrative Adjudication. Alderman Rainey moved to table this ordinance. Seconded by Alderman Feldman.

Alderman Feldman understood the Recreation Division could issue tickets now. Mr. Crum added that was true but they cannot be sent to Administrative Adjudication. Mayor Morton asked if the Recreation Division could set up rules that the City must abide by that are not approved by ordinance?

Mr. Gaynor explained that whatever infractions the police/park rangers are writing tickets for today, they will be writing tomorrow. The issue is where this is heard, here in Administrative Adjudication or at the court in Skokie. Tickets are written for parking infractions, dogs off leash, etc., but no tickets have been written for field use. There is a field use policy, which is to keep the fields playable for everyone. Permits are used for organized youth programs such as youth soccer, youth baseball, cricket for adults and lacrosse. There is another program for teams not organized in Evanston that would like to practice or play in which three permits cost \$10. This gives the Recreation Division the opportunity to know who is using the fields and to rotate usage so the fields can regenerate. This is done to prevent fields from overuse, which makes them not playable. The third use is for pickup games. Anyone who wants to use the fields for pickup play can. People are not thrown off the fields and tickets are not written. The only time people are asked to leave is if the field conditions are not playable or if a field is too wet. If play were allowed, the field could be ruined for several weeks. Mr. Gaynor thought the letter about tennis courts was from the president of the Evanston Tennis Association who plays in a league with different communities.

Voice vote. Motion carried.

Ordinance 45-O-01 – Amending Title 7, Chapter 10 of the City Code – Consideration of proposed Ordinance 45-O-01, introduced May 7, 2001, 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).

Alderman Moran stated there was no affirmative vote to send this to Council. Alderman Moran moved approval. Seconded by Alderman Feldman.

Alderman Rainey moved to table the ordinance. Seconded by Alderman Engelman. Motion carried.

Ordinance 54-O-01 – Vacation of Portion of Lemar Ave. – Consideration of proposed Ordinance 54-O-01 by which the City Council would vacate a portion of Lemar Avenue, south of Lyons St., east of Leland Ave.

Alderman Moran moved approval. Seconded by Alderman Rainey.

Alderman Kent received information that he would distribute to neighbors. He explained the alley being vacated is not the one directly east of Leland, which will remain under City control and used by the public. The alley they are talking about is largely unnoticed and starts at the gate closure from Lemar if one makes a right turn from Church to Lemar.

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

PLANNING & DEVELOPMENT:

Sidewalk Café Permit/Liquor Service– Jacky’s Bistro – Consideration of a recommendation to allow liquor to be served at the sidewalk café previously approved for Jacky’s Bistro, 2545 Prairie Ave.

Sidewalk Café Permit/Liquor Service – Trattoria Trullo – Consideration of a recommendation to allow liquor to be served at the sidewalk café previously approved for Trattoria Trullo, 1700 Central.

Alderman Engelman reported that these two items were held in committee.

Zoning Ordinance Amendment Petition of Robinson Bus Co. – Consideration of the Plan Commission findings and report concerning zoning text and map amendments requested for bus parking at the property formerly known as the Mayfair right-of-way between Foster and Emerson.

Alderman Engelman reported that this item was held in committee.

Alderman Engelman noted on the variations for 239 Greenwood St., the ZBA had recommended denial. It comes to Council for a final vote with a unanimous committee vote to recommend overruling the ZBA and granting the variation.

HUMAN SERVICES:

Ordinance 55-O-01 – Proposed Evanston Township Budget for 2001-2002 – Consideration of proposed Ordinance 55-O-01, introduced June 11, 2001, whereby the Council, acting as Township Trustees, would approve the annual Evanston Township Budget for Fiscal Year April 1, 2001 to March 31, 2002.

Alderman Newman moved approval of the Township Budget for FY 01-02. Seconded by Alderman Rainey.

Alderman Rainey recalled at a Human Services Committee meeting asking legal staff for information to confirm or reject the authority of the previous Township Supervisor to enter into a 10-year lease renewal at the Main/Dodge location. She had not received the information. She stated the occupancy costs exceed \$94,000 annually; rent alone is \$77,830 and over a ten year period will exceed \$1 million. She encouraged the Township to relocate their office.

Roll call. Voting aye – Kent, Moran, Engelman, Rainey, Feldman, Newman, Wynne, Bernstein. Voting nay – none.
Motion carried. No nays (8-0).

Alderman Newman reported that the Human Services Committee would meet July 2 at 6:30 p.m. and review the senior subsidized taxicab coupon program and discuss the police review complaint process.

CALL OF THE WARDS:

Alderman Kent reported going out with a beat officer from 11:00 p.m. – 2:00 a.m. where the officer was tracking down loose dogs, loitering and gambling on street corners. He praised the beat officer's skills in dealing with the community and noted the beat officer is almost always outnumbered. Without community policing, the officer would be in trouble. He asked Chief Kaminski to consider providing an extra car in the 5th Ward.

Alderman Moran congratulated the organizers of the Ricky Byrdsong Memorial Run on Saturday morning for a well-organized event against hate. He saw many residents and people from other communities.

Alderman Moran voiced concerns about the thrust of the Mayor's veto. He has been concerned about the purchasing approach Council has brought; thought it was clear that Council has tried to foster business for local businesses. One reason he did not speak earlier was that he was confident the Yas/Fischel firm is more than qualified to do the work and pleased an Evanston firm has the job. He thought it was Council's job to do the best it can to ensure that it awards contracts based on the lowest and best bids received. The A&PW Committee tackled this awkward issue and there was no sentiment in the recommendation to award the contract to Guajardo that Yas/Fischel was unqualified. The committee's vote was that Guajardo was the best-qualified firm to do the job. The two bids were \$30,000 apart and in a multi-million dollar contract, paying a little more can be a positive investment. He felt the efforts of the A&PW Committee were turned out. Council values promoting Evanston businesses. He has seen before and again is concerned about a resort to provincialism and an overly ardent desire to award contracts for purchase to local firms when not in the best interest of Evanston citizens. They cannot continue to foster policy that says "in our ardor to promote Evanston businesses, we will not do the best in our recommendations for citizens." He did not voice objections before because he knows they will get good value for their investment from Yas/Fischel. He was happy to see money saved but thought some important policy considerations had been overlooked and asked Council to keep those in mind.

Alderman Engelman reported the Budget Policy Committee had met and discussed budget policy for the coming year. The committee and staff intend to get a preliminary budget to Council this fall because in the past, they have heard when Council held the January and February budget meetings they needed to talk to the community about the serious consequences of budget policy discussions before then. In anticipation of a preliminary budget, the committee gave staff direction. Over the past few years, expenditures have risen faster than revenues. That meant when the City Manager brought in his budget to maintain the status quo, it would call for a property tax increase and Council would spend January and February trying to figure out how to increase revenues or decrease the property tax increase. In the few years prior, Council took a different approach and told the manager to not increase the tax levy at all. This forced the manager to reduce the General Fund, then they were left with staff coming back and saying they were not cutting services, but the perception in the community was that the City was or services were provided differently than they had in the past. This year they are taking a new approach and the committee recognized they need to be able to take advantage of the growth that has occurred in the community and need to let the levy grow. That can be done by not necessarily raising taxes, but by taking advantage of the growth in equalized assessed value. They also recognize the City has certain unfunded mandates: fire/police pensions and debt service, which may not equal revenue growth. In trying to balance the two extremes, they have given staff direction to bring in a preliminary budget that will allow the City to cover unfunded mandates but to keep a cap on any tax increase equal to the cap imposed on tax capped bodies such as the schools. This will require that staff recommend some service cuts in the preliminary budget. They will have five-six months to discuss, not one or two. There will be another budget policy meeting July 18 and they will invite many of the citizens who came at budget time last year and offered their assistance (especially non-profits). They will have a dialogue with them to determine how they might be able to help.

Alderman Rainey reported the bids for the Howard Street Redevelopment Project have come in and construction will start the end of August or beginning of September. The Howard Street Police Outpost will open July 11 at 6:30 p.m. and she hoped other Council members will attend. She reported the Rogers Park Community Policing team has officially challenged the 8th Ward softball team on the fourth Thursday of July at Elks Park. .

Alderman Feldman appreciated the work of the Budget Policy Committee and asked for a report that can be validated

by Council to approve the committee's direction. He wanted to avoid having a budget submitted in September in which people ask where it came from? Alderman Feldman appreciated Alderman Moran's concern about trust in purchasing policies of the Evanston and thought the best firm was Yas/Fischel.

Alderman Newman made a reference to the Human Services Committee to review the 1989 policy that permits special events along the lakefront. He made a reference to the Rules Committee meeting of July 2 on redistricting since this is a census year and to get the process going on a new map.

Alderman Newman hoped the City Manager would follow up on the hotel tax for review. There is no specific review date. An action that evening was to charge a higher hotel tax than other municipalities He noted a concern within the hotel community on whether Evanston's tax is too high. He thought due to the large investment in this industry that they must get that right. He thought they need to review the monies coming in from new developments to see if they really need a hotel tax at that rate to pay off the bonds.

Alderman Newman pointed out the best thing about the bus donated by the Levy family is that it has improved the quality of life for many of the poorest senior citizens who don't have a good way to get to the grocery stores. He said many who live at Noyes Court, Primm Towers, 1900 Sherman and the North Shore Hotel use the bus. He noted that other suburban communities are looking for ways to improve transportation for senior citizens. Due to Mr. Levy, that is being done here.

Alderman Newman congratulated the Chamber of Commerce on the Fountain Square Arts Festival over the past weekend and invited people to come downtown.

Alderman Wynne reported the opening of the Main Street Newsstand that past week and urged people to patronize the business. She recommended the book *Founding Brothers*.

Alderman Bernstein encouraged all to participate in the 4th of July parade; thanked the 4th of July Association, David Sniader, Max Rubin and others for their efforts that make the event so enjoyable.

Alderman Bernstein invited all to the annual Nichols Neighbors non-alcoholic picnic at 3:00 p.m. Saturday, June 30 at Larimer Park, Oak/Crain. He expressed condolences to Alderman Jean-Baptiste.

Alderman Bernstein made a reference to the Human Services Committee to consider an ordinance that would preclude ground feeding to deal with the proliferation of wildlife.

Alderman Morton asked that how the City is to go about redistricting be put in writing. She recalled in 1990 there were problems, wanted to avoid them and thought they could if they know who is to do it and the legal parameters. Mr. Crum stated that information would be provided to Council in writing.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:14 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.