

ROLL CALL - PRESENT:

Alderman Engelman	Alderman Jean-Baptiste
Alderman Rainey	Alderman Bernstein
Alderman Newman	Alderman Kent
	Alderman Moran

A Quorum was present.

NOT PRESENT AT ROLL CALL:

Aldermen Feldman, Wynne

ABSENT:

None

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, December 17, 2001 at 6:08 p.m. in the Aldermanic Library. Alderman Engelman moved that Council convene 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 – Engelman, Rainey, Newman, Jean-Baptiste, Bernstein, Kent, Moran. Voting nay – none. Motion carried (7-0).

At 6:31 p.m. Alderman Newman moved to reconvene into Open Session. Seconded by Alderman Jean-Baptiste. Motion carried. No nays. Council then recessed so that aldermen could attend the standing committee meetings.

Mayor Morton reconvened the City Council at 9:19 p.m. in the City Council Chamber.

City Manager Announcements:

Parks/Forestry & Recreation Director Doug Gaynor reminded residents that Christmas tree pickup would occur from parkways only (no alley pickup) beginning the week of January 7 through the week of January 21.

Community Information Coordinator Donna Stuckert announced the Olympic Torch Relay will travel through Evanston Saturday, January 5 between 6:30 – 8:00 a.m. with the breakstop at Ryan Field between 7:45 – 8:00 a.m.

Public Works Director David Jennings announced no refuse/recycling pickups Monday, Tuesday Christmas week; pickups would be Wednesday through Saturday. New Year’s week pick-ups will be Monday, Wednesday through Friday. Mr. Jennings referred residents to the current issue of *Highlights*, which outlines the snow removal program. Rules are no parking on snow routes at night after two inches of snow. Park on the proper side of residential streets 9:00 a.m. to 9:00

p.m. after a snow emergency has been declared (after four inches of snow). Clear sidewalks of snow/ice without pushing ice/snow into the street. Regulations are in effect for times specified on signs even though plows have been through because crews may have to come through again for plowing/salting.

He reported staff is investigating the cost of opening alleys that intersect with streets at the request of the A&PW Committee. The City does not plow snow from alleys or open alleys that intersect with streets and is unable to remove mounds of snow in front of driveways from City plows.

No sirens will be used to announce snow route parking bans and snow emergencies. Information on a snow emergency/snow route parking ban can be obtained by calling 866-2917 (snow line), viewing the cable channel and City's website. People can sign up on the City's website home page for an electronic newsletter to receive emails when there is a snow emergency/snow route-parking ban.

Assistant to the City Manager Maureen Barry announced the CTA would start a trial program December 17 for expanded weekday service on the Purple Line Express. Service will begin at 5:24 a.m. and the last train will leave Linden at 6:28 p.m.

First Night Festival Coordinator Lois Roewade announced the 9th annual First Night Evanston celebration in downtown Evanston on December 31. She reported funding was more difficult this year with a tightened budget. She described highlights, music making and activities for children; announced buttons are for sale in stores and thanked Council and staff for support. Ms. Roewade reported the biggest contributor to First Night is the Illinois Arts Council, followed by the 4th of July Association, many local businesses, Northwestern University and individuals.

Communications: None

CITIZEN COMMENT:

Judy Fiske, 2319 Sherman Ave., recalled in May 2000 a letter was sent to the Mayor from an opponent of the Northeast Historic district alleging ethics violations against her and Mary McWilliams. That set into motion a process in which they had to appear before the Ethics Board for more than three months, even though the charges were unfounded. Since that time, the Ethics Board has worked on amending the ordinance to ensure this never happens to citizens again. She thanked the Rules Committee for their deliberations and attorney Bob Atkins.

Pat Gregory Phillips, 1747 Grey Ave., described a fire at her home on September 21, the death of two pet dogs who were caged; questioned the Fire Department on how often hydrants are checked to insure accessibility for water, procedures on rescuing animals and who decides what is removed from a home that has burned.

City Manager Crum stated a reply would be made to Mrs. Phillips concerns.

John Sagan, president, Library Board of Trustees, passed out a copy of the board's proposed budget for FY2002-03; recognized they were in conflict with the City Manager's request for significant reduction in the City's budget, thus, Library Director Ney was asked to submit two budgets – one that funded all library services the board thought adequate and another that complied with the City Manager's request. He noted the Manager's budget cuts the library budget by \$117,000 below current year funding. The primary difference in the two budgets is existence of library branches. The board's budget would maintain them while the City Manager's budget would close both. He stated their task is how to adequately fund library services. He noted that library funding in Evanston is no better than average when compared to communities of similar size and low compared to north suburban communities. He acknowledged that Evanston has its own set of priorities. The board believes the need is to adequately fund library services. He said that branch libraries receive citywide support; announced Koenig & Strey had given \$1,555 that day to improve collections at branches. Funds for the gift were earned by Koenig & Strey employees for parking cars during Northwestern's football season. Several realtors have told them that the north branch is a selling point for homes they list in that area and, likewise, near the south branch. He noted the exploration to move the south branch to bring library services to everybody in the community. He stated that people here appreciate the branches and wanted to discuss the board's proposed budget with

Council at greater length, noting a dialogue has begun with the Human Services Committee. They recognize Council has a difficult job when resources are scarce but do not believe cutting a service that serves the entire community and is vital to well being of children and adults is the best way to balance the budget. He predicted if branches are closed, they will be gone forever and each of their lives will be poorer for that.

Alderman Newman asked for figures comparing Evanston's expenditures for the library to other communities with the \$2.2 million debt service that must be paid for the next 16 years.

Gerald Gordon, 1228 Lake St., suggested \$1.3 million in legal fees resulting from lawsuits against the Water & Sewer Division should not be charged to the General Fund but to the Water/Sewer Fund. Charging them to the General Fund distorts the real condition of that fund and he asked if adjustments have been made to charge those fees to those funds? He asked if a commitment to cut expenditures by \$500,000 in the last four months of FY2001-02 is underway? Will the projected shortfall in the current budget be adjusted down from \$3.7 million to \$1.9 million to reflect those items? For FY2002-03, he asked how much legal fees for Water/Sewer Division lawsuits are expected to be and can those fees be charged to the Water/Sewer Fund instead of the General Fund? What impact would that have on the projected shortfall? Could the \$500,000 reduction of spending in the last four months of the fiscal year translate to \$1.5 million in the full 12 months of FY2002-03? He asked whether the recently enacted increase in the state's Telecommunication Tax, which should produce \$100,000 in additional revenue, has been deducted from the projected shortfall? Could those three measures significantly reduce the projected shortfall in the 2002-03 budget and will the proposed budget reflect them? He noted under the personnel summary that staff has grown from 788 FTE in FY94 to 863 in FY2001-02. In five years staff has grown by 56.62 FTE. He found that a rapid rate and suggested it be studied. He noted in the 2002-03 preliminary budget outlook that the 3.50% increase to citizen's tax bill was accurate but misleading because that is only the City's portion of a tax bill. He noted District 65 has budget problems and they don't know about District 202 but if the three major taxing bodies increase their levies as much as the City proposes to increase, the average annual tax bill will increase by more than \$1,000. He urged them to do all they can to minimize the additional burden to taxpayers. He believed taxes and user fees are already too high considering the General Fund balance at the end of FY2001 was \$14 million, of which \$11,032,236 would be undesignated or unreserved funds. He noted that a few weeks ago, a large part of the cost of a \$3.5 million information system was to be paid with water/sewer funds. He urged Council to exercise care in increasing taxes and user fees in FY2002-03.

Alderman Newman asked for a budget memo on the 56.62 FTE broken down by department. He did not think the General Fund had a \$14 million balance and asked for those numbers. He asked for an explanation of the \$11 million figure that Mr. Gorton stated was undesignated/unreserved balance on February 28, 2001.

Mr. Crum stated that staff would respond to Mr. Gordon's comments. Alderman Jean-Baptiste wished a response by the end of the week recalling the \$3.6 million shortfall included legal fees. Mr. Crum responded that any fees that could be charged to Water/Sewer Funds have been. Those fees have been taken out and the City still has a \$3.6 million deficit. Alderman Feldman asked for an explanation of how they arrived at \$3.6 million.

SPECIAL ORDER OF BUSINESS

Alderman Newman moved that Council convene as Township Trustees. Seconded by Alderman Bernstein. Motion carried. No nays.

Ordinance 119-O-01 – Township Tax Levy Ordinance – Consideration of proposed Ordinance 119-O-01, introduced December 4, 2001, by which City Council, acting as Township Trustees, would enact the Township Tax Levy for the year beginning April 1, 2001.

Trustee Feldman moved approval. Seconded by Trustee Bernstein.

Roll call. Voting aye – Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent, Moran. Voting nay – none. Motion carried (9-0).

Trustee Engelman moved they reconvene as City Council. Seconded by Trustee Rainey. Motion carried. No nays.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: Special Event – Chicago Football Classic, Ordinance 111-O-01 – Amending Title 3, Chapter 29 of City Code, Ordinance 121-O-01- Special Use for 519 Main St. (Starbucks), Ordinance 123-O-01 – Map Amendment & Planned Development: 1930 Ridge Ave., Ordinance 122-O-01 – Planned Development at 800 Elgin Rd. and Ordinance 59-O-01 – Revisions to Ethics Ordinance. Seconded by Alderman Moran. Roll call. Voting aye – Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent, Moran. Voting nay – none. Motion carried (9-0).

*** ITEMS APPROVED ON CONSENT AGENDA****MINUTES:**

* Approval of Minutes of Regular City Council Meeting of December 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 December 6, 2001 and the City of Evanston bills for the period ending December 18, 2001 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 12/06/01)	\$1,721,936.78
City of Evanston bills (through 12/18/01)	18,844,298.65

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

* Approval of Change Order #1 to the contract with Rehab Construction, contractor for the Ecology Center Renovation project, increasing the contract amount by \$11,516. Funding source is donation from the Evanston Environment Association. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Revision #1 to professional services contract with Elliott Dudnik & Associates for the Noyes Center Rehabilitation Project, increasing the contract amount by \$5,750, funded from the project's contingency budget. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Change Order #4 to the contract with Jay Dee Contractors, Inc., decreasing the contract price for Phase VIIIA of the Long Range Sewer Project by \$452,117.70. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



* Resolution 93-R-01 – Ridge Ave. Signal Interconnect Project Construction Administration – Consideration of proposed Resolution 93-R-01, which approves an allocation of \$43,564 of GO Bond funds for a portion of local match for the above-referenced project. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 115-O-01 – Decrease in Class D Liquor Licenses – Consideration of proposed Ordinance 115-O-01, which decreases the Class D liquor licenses from 20 to 19 with the change in ownership from Famile Inc. to RWN Inc., dba Jilly's Café, 2614 Green Bay Rd. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 116-O-01 – Increase in Class D Liquor Licenses – Consideration of proposed Ordinance 116-O-01, which increases the Class D liquor licenses from 19 to 20 with the purchase of RWN Inc.,

dba Jilly's Café, 2614 Green Bay Rd. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 117-O-01 and Ordinance 118-O-01 – 2001 Property Tax Levy Ordinances – Consideration of proposed Ordinance 117-O-01, introduced December 3, 2001, which legally imposes the City property tax levy and Ordinance 118-O-01, which legally imposes the property tax levy for Special Service Area #4. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 110-O-01 – Amending City Code to Adopt State Record Retention Schedules – Consideration of proposed Ordinance 110-O-01, introduced December 3, 2001, which adopts document retention schedules provided by the State of Illinois, Cook County Local Records Commission. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

PLANNING & DEVELOPMENT

* Ordinance 120-O-01 – Granting Evanston Landmark Status to Property at 641 Sheridan Sq. – Consideration of proposed Ordinance 120-O-01, which would grant Evanston Landmark Status to the property at 641 Sheridan Sq. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 114-O-01 – Special Use Presbyterian Homes Expansion – 3200 Grant St. – Consideration of proposed Ordinance 114-O-01, introduced December 3, 2001, which approves a recommendation of the Zoning Board of Appeals to grant an expansion to the retirement community special use to Presbyterian Homes for additions and attached garages to Trinity Court Townhomes. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

HUMAN SERVICES:

* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of November 2001 in the amount of \$78,570.03. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

APPOINTMENTS:

Mayor Morton asked for confirmation of the following appointment:

Robin Snyderman Pratt	Housing Commission
1025 Sherman Ave.	
For term ending January 15, 2005	

* APPROVED – CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Special Event – Chicago Football Classic – Consideration of a request to hold the sixth annual Chicago Football Classic at Ryan Field on Saturday, August 31, 2002.

Alderman Rainey moved approval dependent upon the sponsor's ability to secure staging for all buses delivering participants to the event from off-site (parking away from Ryan Field) during the game and returning to the stadium no more than 15 minutes prior to the end of the game. Seconded by Alderman Feldman.

Alderman Kent asked how many buses would be there? No one knows how many to expect. Alderman Engelman acknowledged the positive impacts of this event: economic, engendering a sense of community and role models for youth

as two high quality football teams play. He noted they are facing a couple of years with no events at Soldier's Field and when it is known that one of those events came to Evanston, other organizations will ask to come. His concern is the number of events that are held there. While appreciating the arrangement to separate different groups exiting after the game ends, there are traffic and congestion issues that need to be addressed and he preferred to work those out in advance. Alderman Feldman thought the Council's wish is for this to have the least impact on the community and the sponsors are eager to accommodate Evanston residents. Alderman Newman hoped the sponsors would meet with local business people to reap maximum benefit. He found the condition placed on this did not make sense, noting a bus system is in place for the Northwestern games. Alderman Rainey clarified that they were talking about buses hired by the organizers to bring in high school bands, students and football players; organizers would pay for all costs to the City. Alderman Jean-Baptiste hoped sponsors would interact with small businesses that do not belong to the Chamber of Commerce. Alderman Feldman pointed out there will be many opportunities for players to get together with District 202 students, bands and people from other parts of the metro area. Alderman Engelman noted these opportunities have not been negotiated and may or may not happen and preferred these matters be negotiated before approval. Alderman Rainey noted this is the 6th annual event and information from previous events indicates they have been well managed. She acknowledged this is a different location; that complex planning will be required; people parking cars is one small piece of this. There was a summary of possible events. If it doesn't work as it should then they have not done their job. Alderman Bernstein was grateful to spread the goodwill of Evanston so they can go forward; saw potential traffic considerations that need to be addressed. Alderman Feldman spoke of values of the event, noting the organizers have held successful career day events and promoted academic achievement among African-American students. Mayor Morton reminded organizers there are 775 hotel rooms and encouraged them to fill restaurants with patrons.

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

Ordinance 111-O-01 – Amending Title 3, Chapter 29 of City Code – Consideration of proposed Ordinance 111-O-01, introduced December 3, 2001, regarding payment of a final judgement prior to issuance of the real estate transfer tax stamps.

Alderman Rainey moved approval. Seconded by Alderman Feldman.

Alderman Rainey supported this ordinance, which allows the City to collect outstanding fines owed to the City through administrative adjudication before real estate tax stamps can be purchased. Alderman Engelman supported the ordinance but noted often the seller will want to use proceeds from the sale to pay the lien. He saw this as a "catch 22" wherein the seller could not go to the closing without the transfer stamp and saw no provision in the ordinance for issuance of a payoff letter. First Assistant Corporation Counsel Herb Hill explained the procedure is payment of the fine before transfer stamps are issued; suggested if the selling party agrees with the title company to set up an escrow and come to the City Clerk's office with that information so payment from the closing is made directly to the City, the Law Department would authorize that as appropriate. Alderman Jean-Baptiste pointed out the seller has to pay the water bill before transfer stamps are issued, so the anticipated problem would be overcome because people have found a way to pay those bills. Alderman Rainey objected to any opportunity for a loophole noting few people sell property at a loss and all make a profit. She hoped that this ordinance would resolve some enormous fines that are on the books.

Roll call. Voting aye – Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent, Moran. Voting nay – none. Motion carried (9-0).

Alderman Rainey reported the committee received a report from the ComEd Task Force that indicated some improvements and an increase in outages. On the whole, things are improving and at the end of January they will receive the end of summer quarterly report. The task force and the A&PW Committee will have a special meeting with all aldermen invited to discuss renewal of the franchise agreement.

PLANNING & DEVELOPMENT:

Ordinance 121-O-01 - Special Use for 519 Main St. (Starbucks) – Consideration of proposed

Ordinance 121-O-01, which grants a Special Use for a Type 2 restaurant (Starbucks) at 519 Main St.

Alderman Kent reported the ordinance's conditions were amended as follows: to get alley speed bumps, residents would use the current petition process to obtain them with the cost paid by Starbucks. Starbucks will provide a private security guard or off-duty police officer for one year from 7:00-9:30 a.m. Monday through Friday and from 7:30-10:30 a.m. Saturdays. Ordinance 121-O-01, as amended, was marked introduced.

Ordinance 123-O-01 – Map Amendment & Planned Development: 1930 Ridge Ave. – Consideration of proposed Ordinance 123-O-01, which concerns the findings and report of the Plan Commission to rezone property into R6 District and grant a planned development for construction of a 914-unit residential complex.

Alderman Kent reported that this item was held in committee.

Alderman Newman moved to introduce Ordinance 123-O-01. Seconded by Alderman Feldman.

Alderman Newman noted this was supposed to have been heard in committee before the 800 Elgin Road matter. He stated the owner's carrying costs on this property are \$60,000 a month and suggested they had made an inadvertent anti-economic development move. He recalled this developer started the application process last January; went through appearance review with an eight-story building and was told by staff to increase height to eleven stories. When the developer got to the Plan Commission with an 11-story plan he was told it was a bad idea because the building was too tall. The developer went back to eight stories, which received a great amount of community comment. The Plan Commission denied the eight-story plan. Several P&D Committee members supported the eight-story project. He was told that many did not like maintaining the old garage and the building's height. The developer then offered to take down the existing garage and come up with a new design. His new design is a four-story building. He stated this developer is the first to offer affordable housing in rental units and was responsive. The developer went back to the Plan Commission with a four-story building and received unanimous approval. He reported the developer has had significant meetings with groups about the building's appearance. Alderman Newman noted that three of his strongest supporters in the 1st Ward oppose this building as it is currently. He felt it should have been introduced and was not because the committee did not get to them. He noted often ordinances are introduced and referred back to committee to complete the work. He stated that every citizen who came should have an opportunity to speak before the committee votes and was willing to hold a special meeting for that.

Alderman Feldman respected the committee's decision; supported the motion to introduce noting that \$60,000 is a lot of money and the community has asked a lot of the developer who has responded. While protecting standards, they need to treat people decently and save time. Unless there was a compelling reason to hold, he thought that was a lot to ask.

Alderman Kent explained the committee ran out of time. The developer was not under attack and no one stood in the developer's way. He equated the \$60,000 monthly with concerns of neighbors who have to deal with 192 units. He wanted to see development there and saw no reason the project could not be better. He stated they needed to talk about affordable housing; the 100 or more one-bedroom rental units, which neighbors see as another dormitory – off-campus housing. They heard from the developers and had seven concerned residents. He thought introducing it would send the wrong message. He would rather take the time and have a winner for Evanston and not just a winner for the developer. Alderman Rainey stated it appeared an "end run" was being made around the standing committee system. She supported the committee's decision but was willing to vote on introducing the ordinance.

Alderman Bernstein, a P&D Committee member announced he changed his mind and supported introduction of the ordinance. He recalled many people have spoken on this project about height and density. He was willing to approve this project at eight-stories and hoped by going to four-stories, tearing down the parking garage and putting parking underground they have not limited affordable housing. His vote to go forward was not an endorsement of the project. He recalled they had a special P&D Committee meeting about this and thought the impression given to the developer was that if the height was reduced and the project conformed to what citizens requested, they would be dealt with fairly. He wanted to hold the developer's feet to the fire; noted they had talked about 10% affordable units, which was reduced. He suggested the \$60,000 carrying cost could be the reason affordable units were reduced.

Alderman Newman found the term “end run” unfortunate; stated the P&D chairman tried to accommodate. No one had any idea how long the committee would spend on 800 Elgin Road. He was speaking about the process and noted this matter was not on the December 3 Council agenda because the transcript was not ready. After sending this back to the Plan Commission, the developer was told this would be considered as quickly as possible. He pointed out that the developer did not receive a special deal; to imply the developer had a “win” by introducing that evening was not true. In his years on Council he has never asked to overrule a committee recommendation. This was a matter of principle. To mix this up with the politics of Council was not what this was about, but a developer getting a decision in a reasonable amount of time.

Committee member Alderman Engelman was unwilling to change his committee vote. Alderman Rainey stated this had nothing to do with politics; the committee system recommends matters before it to Council. She heard the committee recommended that this be held and brought forward at the next meeting. She heard that Alderman Newman was asking Council to ignore the will of the committee. Committee member Alderman Wynne had not changed her mind; had raised the density issue and still had concerns about it; noted the process is complicated. Alderman Feldman stated they overrule committees all the time. Alderman Jean-Baptiste agreed that introducing the ordinance would not stand in the way of anything they wanted to do.

Alderman Kent stated that by introducing this, it short circuits residents who expect to be heard. If Council members do not care what residents have to say what difference does January 14 mean anyway? What really matters, he stated, are the people who live in the community. Some want nothing built there. Because this developer has listened, some now believe a project is in the best interest of the community. He asked how could they vote on something when they don't know all the details? It is not a matter of 10% affordable housing but who is the affordable housing for and how will it be marketed? Residents have spoken out about what is going on in this neighborhood with students and absentee landlords. If they vote on this tonight, then come back on January 14, do they expect people to stand up and give their opinion whether this is a good project and is wanted. He asked why is this developer more special than others are? While acknowledging the \$60,000 carrying charge, he asserted the developer would take away much more money. He suggested this area deserved to be heard as other areas. He noted 194 units, density, underground parking and overflow are concerns; this is a huge issue with big implications and asked that this developer do what others have done.

Alderman Bernstein did not think introducing the ordinance precluded anybody from being heard. They have hours of testimony from residents regarding an eight-story building. He thought the developer deserved consideration because he has been through the process. He was willing to come to a special meeting.

Alderman Newman amended the motion to introduce to include that this be sent back to the P&D Committee as a special order of business, starting at 6:00 p.m. January 14 and no other matters be considered until every citizen who wishes to speak about the project is able to before the committee votes. Seconded by Alderman Feldman.

Roll call. Voting aye – Feldman, Newman, Jean-Baptiste, Bernstein. Voting nay – Engelman, Rainey, Wynne, Kent, Moran. Motion failed (4-5).

Ordinance 122-O-01 – Planned Development at 800 Elgin Rd. – Consideration of proposed Ordinance 122-O-01, which approves a recommendation of the Planning & Development Committee to grant a planned development for construction of a nine-level office and parking structure.

Alderman Kent reported this ordinance was amended to include six months additional time before the developer files for permits. The developer was asked to come back then and report to the P&D Committee on progress of the development and also asked to begin meeting with the Parking Committee. This item was marked introduced.

OTHER COMMITTEES:

* Ordinance 59-O-01 – Revisions to the Ethics Ordinance – Consideration of proposed Ordinance 59-O-01, introduced December 3, 2001, which amends provisions of the Ethics Ordinance regarding complaint procedures, Ethics Disclosure Statements and the annual Board report.

Alderman Engelman moved approval. Seconded by Alderman Rainey.

Alderman Engelman opposed this while recognizing that abuse can happen with the process and what appeared to be abuse last fall. When this ordinance was examined, they found that abuse dealt with making sure the person being accused gets timely notice and an opportunity to respond. He stated that is not what this ordinance addresses and it goes way beyond. He believed that a citizen should be able to make a complaint to the City Council where they believe an ethics violation has occurred and not have to jump through hoops.

Alderman Rainey stated the ordinance takes away the possibility that an accused citizen, not covered by the Ethics Ordinance, would be put through the process that some went through during the time the Northeast Historic District was being considered that involved an ethics complaint. She said to allow people to be accused who are not covered by the Ethics Ordinance was unconscionable and this remedies that.

Alderman Moran objected to the ordinance, noting the outrage that was the catalyst for the Rules Committee to consider this. When he read the derivation of the controversy one thing stood out -- the Ethics Board functioned well throughout the situation and appeared to have reached a correct conclusion. He found there was a significant question as to whether the accused were covered by the ordinance because of conflicting documentation so the process was not deficient as far as what the Ethics Board did or its rules of procedure. He stated that people should not have to sign affidavits. The affidavit that will become part of the ordinance, if passed, would contain the following: "To protect confidentiality, I (complainant) have been requested to not disclose that I have filed this Complaint unless and until the board informs me in writing that the board has found that it has jurisdiction to conduct an investigation of the charges I have made and intends to do so." Alderman Moran suggested that statement contained within a complaint form would be an action of prior restraint and violated the First Amendment to the Constitution and probably would open the City to a lawsuit.

Alderman Feldman stated this began because of unfair treatment citizens received as a result of the prior ordinance. He was hearing that Alderman Engelman was not worried about people who were victimized by the prior ordinance but by those accusing. He did not think a form would prevent any citizen from making a complaint they believe is merited and that was what they were trying to do with this ordinance. It also allows City legal staff to determine whether somebody is covered by the ordinance. In the three months taken to reach a decision, those accused were "hung out to dry" which he thought was worth something and if is a form with a statement, that was not too much to ask. He said to characterize this as "jumping through hoops" was disingenuous and noted there are other forms that citizens have to fill out for the City. In his years on Council he never witnessed a decision by the Ethics Board that people had behaved unethically. Yet they have had people's reputations tarnished in the newspapers for no good reason. People were victimized by lack of requirements in this ordinance, which he termed good work that should have been done long ago.

Alderman Newman thanked the Rules Committee for the ordinance as well as Judy Fiske and Bob Atkins for their time. The same objections were raised at the Rules Committee and almost every committee member compromised. They knew there was a problem. One example is that people who bring the complaint were able to appear at the Ethics Board to comment about the complaint before the person being complained about was notified. He said this was not a hoop and would involve getting a signature notarized. The argument about violating the constitution was disingenuous, too. He stated any ordinance coming before Council is reviewed by corporation counsel. He pointed out the Illinois State Board of Elections, before conducting a hearing on a public official, has a confidential process in which they evaluate whether the complaint is valid before going public. He reported the committee studied various bodies and how they handle complaints. They found reform in the compromise and he urged passage.

Alderman Engelman pointed out in the 15 years Alderman Feldman has served on Council, there was not once voiced a concern or problem with the Ethics Ordinance until recently. The problem that was voiced was timely notice to the accused and the accused not having to come back here for three months. If that was what this ordinance addressed he had no problem with it but it was all the other stuff thrown in. For example John Q. Citizen sends a letter to the City Manager stating that "so and so" is on the take. Then John Q. Citizen needs to have it signed, notarized and it must be on this form with verbiage, etc. which he called hoops. A citizen who has a complaint about an ethics violation should be able to voice it and timely due process should be in the ordinance. This goes beyond that.

Alderman Jean-Baptiste recalled the time and debate spent on this since April and now some say they have put obstacles in to prevent people from bringing complaints. One concern was not to have people's character assassinated by a process that allows someone to come with a complaint without being held accountable for making any accusation. That is to state what it is, why it is a violation and why this person should be held accountable for an ethics violation. The Rules Committee said they wanted some internal safeguards. He was baffled by the argument and called the question. Motion carried. No nays.

Roll call. Voting aye – Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent, Voting nay – Engelman, Moran. Motion carried (7-2).

CALL OF THE WARDS:

7th Ward. Alderman Engelman thanked Jody Smith for the excellent job he did in building steps to the boat landing at the Evanston Environmental Boat Landing and raising funds in the community.

He reported an exciting Budget Policy Committee meeting was held December 12 with many ideas from citizens. The committee will meet January 9 to synthesize those suggestions for a report to Council. He announced a tentative Rules Committee meeting January 7 and asked the City Manager to provide Executive Session Minutes for that meeting.

8th Ward. Alderman Rainey called attention to a memo on pending items and dates when the A&PW Committee will discuss them. Another memo explained the alley-grading program. She suggested the only solution is a willingness to work toward paved alleys and to market the program better. She noted the Streets Division spends 33% of its time grading alleys, more than on any other task, which she saw as a waste of money. She urged residents with unpaved alleys to call their alderman, get a petition and process going.

She noted the City sponsors First Night in a big way and was not mentioned on the flyer.

9th Ward. Alderman Feldman was interested in the deliberations of citizens and the Budget Policy Committee and in a position or recommendation by the committee on the City Manager's budget.

He announced he would visit Evanston's Sister City Belize and the Yucatan over the holidays.

Mayor Morton noted the First Night brochure lists City departments that support the event.

1st Ward. Alderman Newman stated not scheduling budget workshops the first three Saturdays in January was a mistake. He noted the City Manager's office had done extensive work on the proposed budget with significant cuts to specific programs. While appreciating the citizen process, he suggested that Council has to work through the issues and there is more work to do, not less. The purpose of the budget policy was so that Council could consider things earlier. Memos on suggested cuts and information on community purchased services need to be available to the community now. One recommendation is to raise overtime parking meter fines from \$10 to \$20, which would raise \$400,000. He wanted businesses notified; to see evidence that people are not paying the fine or that enforcement has been affected. He thought this fine was being raised to make money for the City, a complaint he's heard downtown. He noted there is already a \$25 fine if someone parks more than two hours at a meter in downtown. He suggested people who don't put enough money in the meter are being targeted and the message being sent is they don't want people to come downtown. He stated this affects every business district because the fine applies to all business districts. More information is needed and businesses need to know when this will be considered.

He recalled that Dick Stillerman questioned how many City employees are non-union? The answer was over 400. He noted that currently those non-union employees are projected to receive a 4% increase. He asked for budget savings with a 0%, 1%, 2%, 3% increase or the same raise that police/firefighters (4%) are getting. He stated the process is starting too late and he will move to take down the \$400,000 on parking meter fines and will want to add revenue. He suggested if no cost-of-living raise is given to those 400 employees, they might save as much as \$400,000. He suggested they set up a system where anybody affected by proposed cuts knows when they will discuss issues such as cable, branch libraries, food/beverage tax.

Alderman Rainey said the only date she could not attend was Jan. 12 and Council voted to have no budget meeting on that date.

2nd Ward. Alderman Jean-Baptiste stated that this was a time when all reflect goodwill towards others. He asked parents to include some constructive experience and items for their children; noted aldermen can disagree without being disagreeable. He reminded citizens to stay vigilant during the budget process because they had much to lose.

Alderman Newman suggested scheduling Council meetings on the budget for January 7 and 19 and that staff provide specific dates when suggested cuts and revenue increases would be discussed. Mr. Crum commented that someone would be absent from almost every meeting. Alderman Engelman noted the Budget Policy Committee will meet Wednesday, January 9 and moved that Council have a special meeting on January 7 following the Rules Committee meeting for the purpose of setting a schedule to address various budget problems. Seconded by Alderman Moran. Alderman Rainey asked the special meeting be held after the CD Committee which has to meet. Alderman Rainey moved to amend the motion to include January 19. The time set for Monday, January 7 was 7:30 p.m. and Saturday, January 19, 9:00 a.m. Motion carried. No nays.

3rd Ward. Alderman Wynne reported a constituent told her he was billed for a business sign for year 2000 and had closed his business during 2001. He raised the question of how many others the City is behind on billing? She urged this be looked into and thanked staff for their hard work.

4th Ward. Alderman Bernstein reported a constituent received a three-year old parking ticket. He described the Budget Policy Committee meeting as "wonderful energy" and at a meeting on the District 65 sale of 1314 Ridge Avenue neighbors want to see the site remain single-family residential and on the tax rolls. He urged residents to attend school board Building Committee meetings. He said the school board must accept the highest bid for the property, however, they can set certain contingencies on the sale such as highest tax bid or for a particular purpose. Another meeting will be convened if appropriate.

5th Ward. Alderman Kent reported the next Plan Commission meeting with 5th Ward residents would be January 10 at 7:00 p.m. at Fleetwood-Jourdain Community Center; announced the Bryant Ballet Company of Chicago would perform a fund-raising event on February 17 at Fleetwood-Jourdain Theatre to benefit the theater and the Black Heritage House Museum.

6th Ward. Alderman Moran read a quote from Daniel Burnham on making plans. He was happy to get the alley report and noted that half the alleys (300) in Evanston are not paved and the City plans to do only three this year. He thanked the Library Board for their advocacy for the library system.

Mayor Morton stated Council members should feel good about what has been accomplished this year. She has heard praise for the way the City is going with more foot traffic in downtown Evanston, so what has been added is really paying off.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 12:22 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.