

**CITY COUNCIL**

**February 10, 2003**

**ROLL CALL - PRESENT:**

Alderman Wynne	Alderman Rainey
Alderman Bernstein	Alderman Feldman
Alderman Moran	Alderman Newman

A Quorum was present.

**NOT PRESENT AT  
ROLL CALL:**

Aldermen Kent, Jean-Baptiste

**ABSENT:**

Alderman Engelman

**PRESIDING:**

Mayor Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, February 10, 2003, at 8:48 p.m. in the City Council Chamber.

**CITIZEN COMMENT:**

Shannon Sieberling, 1632 Ashland Ave., City employee at the library said she has been active in union organizing with AFSCME. She alleged there are reports from employees that some department supervisors have interrogated them about their support for the union and threatened them with loss of breaks, cutting lunch hours and with changes in working conditions if they vote for the union. She said these activities qualify as unfair labor practices. She hoped the City Manager would inform managerial, supervisory and confidential employees of the regulations of the labor act so that they are clear about their responsibilities under the law. Further, she hoped that he would inform them that the City Council has committed Evanston to neutrality. They know that the Council believes employees should have a free choice about whether to organize. Library Director Neal Ney made the decision that during this time before the elections, employees may wear buttons expressing their feelings about the organizing effort. They believe all employees deserve the right to make their decision about the union free from discrimination and any form of threat. As the City's elected City Council, she asked them to give management their support and direction to remain neutral and that no supervisor should interrogate or threaten an employee in any way.

City Manager Roger Crum stated to his knowledge there has been no interrogation or threatening. Management had a full session on how to proceed with this and is taking no position. Management truly believes that every employee has the right to do what is best for him/her. If there is any incident, he asked that it be reported to him, not the City Council, because they are his employees. He has not heard of a single incident to date and it was his instruction that employees be allowed to wear buttons or anything that does not interfere with ongoing work. Management is neutral on whether the union is best for individual employees.

Jim McKee, 1519 Estes, Chicago, owns two apartment buildings around the Custer/Dobson neighborhood near Howard Street. He received a call from a tenant who had a bullet in a window due to a shootout the night before. He said the environment has to change and urged approval of the TIF district. He thought Howard Street is an embarrassment to Evanston and a TIF district would be another tool to help improve the environment.

Mayor Morton suggested that Ms. Sieberling forward information she has to Mr. Crum. If a mistake has been made with staff accused, she asked Ms. Sieberling to return before the public and indicate a mistake was made. It was an indictment of all when no name was given.

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

Alderman Feldman moved Council approval of the Consent Agenda with the following exceptions: Special Event Policy; Ordinance 13-O-03 – Revision to Sewer User Rates; Ordinance 15-O-03 – Neighborhood Traffic Management Plan;

Ordinance 9-O-03 – Special Assessment #1452; Ordinance 1-O-03 – Decrease in Class B Liquor Licenses; Ordinance 2-O-03 – Increase in Class B Liquor Licenses; Ordinance 16-O-03 – Increase in Rooming House Fees; and Recommendation for Sales Tax Rebate. Seconded by Alderman Rainey. Roll call. Voting aye –Wynne, Bernstein, Kent, Moran, Rainey, Feldman, Newman, Jean-Baptiste. Voting nay – none. Motion carried (8-0).

**\* ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of January 27, 2003 and the Special City Council Meeting of January 11, 2003. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, of the City of Evanston payrolls for the period ending January 30, 2003 and the City of Evanston bills for the period ending February 11, 2003 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 01/30/03)	\$1,829,903.52
City of Evanston bills (through 02/11/03)	\$1,358,578.66

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

\* Approval of the lowest responsive and responsible bid of Westo Distribution Inc. for induction lighting system units for the Street Lighting Upgrade Project, at a cost of \$757,350. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the lowest responsive and responsible bid of Elcast Lighting Inc. for induction lighting housings for the Street Lighting Upgrade Project, at a cost of \$387,405. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the lowest responsive and responsible bid of Pinel Andrews Construction for the Hinman Tot Lot renovation project at a cost of \$107,660. Funding source is 2002/03 GO bonds. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the lowest responsive and responsible bid of Pinel Andrews Construction for the Clyde-Brummel Park renovation project at a cost of \$133,425. Funding sources are (1) State of IL Grant and (2) 2002/03 GO bonds. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the lowest responsive and responsible bids for estimated two-year amounts of Water Treatment Chemicals for the Water & Sewer Division. Bids are (1) U.S. Aluminate Co. for liquid alum, \$82,216; (2) Ondeo/Nalco for liquid polymer, \$31,792; (3) JCI Jones for liquid chlorine, \$67,720; (4) Pencoco, Inc. for hydrofluosilicic acid, \$82,200; and (5) Stiles Kem Div. For blended phosphate SK7641, \$305,000 [portion reimbursed by NW Water Commission, final cost \$138,500]. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the lowest responsive and responsible bid from Glenbrook Excavating & Concrete Inc. for Phase VIII, Contract B of the Relief Sewer Project at a cost of \$3,248,323.40, contingent upon receipt of a low-interest loan from the IL Environmental Protection Agency (IEPA). \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the lowest responsive and responsible bid from Civil Contractor and Engineers, Inc. for Phase IX, Contract A of the Relief Sewer Project at a cost of \$5,480,431.50, contingent upon receipt of a low-interest loan from IEPA. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the lowest responsive and responsible bid from DiPaolo Company for Phase X, Contract A of the Relief Sewer Project at a cost of \$9,960,000, contingent upon receipt of a low-interest loan from IEPA. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the agreement with MWH Americas, Inc. to provide engineering services during the construction of Phase VIII, Contract B; Phase IX, Contract A; and Phase X, Contract A of the Long Range Sewer Program in the not-to-exceed amount of \$2,159,000. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of Change Order #2 with Rehab Construction for the Ecology Center Addition Project, for an increase of \$3,248.49, increasing the contract from \$667,198 to \$670,446.49. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of Change Order #1 with Skender Construction for construction of Fire Station #3, increasing the cost by \$3,873.50, increasing the contract from \$2,353,752 to \$2,357,625.50. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)



\* Acceptance of Grant Award – Consideration of a recommendation to accept the fifth annual grant to the Police Department in the amount of \$51,956, from the Cook County Judicial Advisory Council. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Resolution 9-R-03 – Illinois Law Enforcement Alarm System Agreement – Consideration of proposed Resolution 9-R-03, which authorizes the City Manager to sign the Illinois Law Enforcement Alarm System Agreement formalizing the response system among Illinois police departments. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Ordinance 17-O-03 – Revision to Parking Tax – Consideration of proposed Ordinance 17-O-03, which amends Title 7, Section 3(A) of the City Code to increase the monthly parking tax rate. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 14-O-03 – “No Turn on Red When Pedestrians are Present” Designation – Consideration of proposed Ordinance 14-O-03, which amends Section 10-11-3, Schedule III(D) of the City Code to change designation at the northbound approach of Fowler Ave. at Dempster St. from “No Turn on Red” to “No Turn on Red When Pedestrians are Present.” \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 6-O-03 – Special Assessment #1449 – Consideration of proposed Ordinance 6-O-03, which approves Special Assessment #1449 for alley paving north of Linden Pl. and east of Custer Ave. (east-west leg). \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 7-O-03 – Special Assessment #1450 – Consideration of proposed Ordinance 7-O-03, which approves Special Assessment #1450 for alley paving north of Mulford St. east of Asbury Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 8-O-03 – Special Assessment #1451 – Consideration of proposed Ordinance 8-O-03, which approves Special Assessment #1451 for alley paving north of Payne St., east of Grey Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 11-O-03 – Easement Agreement with CTA – Consideration of proposed Ordinance 11-O-03, introduced January 27, 2003, which authorizes the City Manager to execute an easement agreement with the CTA for a relief sewer under the Skokie Swift at Callan Ave. in conjunction with Phase VIII, Contract B, Relief Sewer Project. \* ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

\* Ordinance 12-O-03 – Vacation of Portion of Alley – Consideration of proposed Ordinance 12-O-03, introduced January 27, 2003, which vacates a portion of the alley behind 1333, 1365 and 1403 South Blvd. \* ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

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

\* Ordinance 10-O-03 – Special Use for 1029 Davis St. – Consideration of proposed Ordinance 10-O-03, introduced January 27, 2003, which approves a recommendation of the Zoning Board of Appeals to grant a special use permit for a performance entertainment venue to Westwind Unlimited, Inc. subject to conditions. \* ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

\* Ordinance 114-O-02 – Zoning Ordinance Text Amendment: Convenience Stores & Open Sales Lots – Consideration of proposed Ordinance 114-O-02, introduced January 13, 2003, which approves the recommendation of the Plan Commission concerning convenience stores and open sales lots. \* ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

#### **HUMAN SERVICES:**

\* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of January 2003 in the amount of \$84,586.46. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Resolution 7-R-03 – Agreement with Metropolitan Family Services – Consideration of a recommendation to authorize the City Manager to sign an agreement with Metropolitan Family Services to implement a SEED (Strengthening Early Education and Development) grant. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

#### **OTHER COMMITTEES:**

\* Recommendation to Approve Consulting Services for Howard St. TIF District – Consideration of a recommendation to approve the proposal of Kane McKenna (sole source) to provide consulting services for the TIF development process. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Resolution 5-R-03 – Intent to Create a Tax Increment Financing District – Consideration of proposed Resolution 5-R-03, which indicates the City's intent to create a Tax Increment Financing District on Howard Street from Ridge Ave. east to the City limits. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Recommendation to Approve Contract with U.S. Equities for Feasibility Consulting – Consideration of a recommendation to authorize the City Manager to enter into a contract with U.S. Equities (sole source) to provide Phase One consulting services for the feasibility of a new Civic Center, at a not-to-exceed cost of \$30,000. Funding from Civic Center work account. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Resolution 8-R-03 – Amending the Council Rules Regarding ADA Grievances – Consideration of proposed Resolution 8-R-03, which amends Rule 9.5 of the Council Rules to give Human Services the jurisdiction over ADA grievances. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

#### **APPOINTMENTS:**

Mayor Morton asked for confirmation of the following appointments:

Lawrence B. Raffel  
2719 Reese Ave.  
For term ending February 15, 2006

Plan Commission

David A. deVries  
2715 Harrison St.  
For term ending February 15, 2006

Property Services Board

\*APPROVED - CONSENT AGENDA

### REPORT OF THE STANDING COMMITTEES

#### ADMINISTRATION & PUBLIC WORKS:

Special Event Policy – Consideration of a recommendation to approve the Special Event Policy for events held in Evanston.

Alderman Feldman reported that this item was held at the Human Services Committee.

Ordinance 13-O-03 – Revision to Sewer User Rates – Consideration of proposed Ordinance 13-O-03, which amends Section 7-13-3(A) of the City Code to adjust to sewer user charge and delay the currently planned rate increase.

Alderman Feldman asked that Ordinance 13-O-03 be marked introduced. Seconded by Alderman Rainey.

Ordinance 15-O-03 – Neighborhood Traffic Management Plan – Consideration of proposed Ordinance 15-O-03, which amends Sections 10-11-4 and 10-11-5 of the City Code to make permanent the trial neighborhood traffic management plan: to establish Ashland Ave. as one-way south between Lyons and Church streets; establish Ashland Ave. as one-way north between Lyons and Emerson streets; and establish a two-way stop east and west at Lyons St./Ashland Ave.

Alderman Feldman reported that this item was held in committee.

Ordinance 9-O-03 – Special Assessment #1452 – Consideration of proposed Ordinance 9-O-03, which approves Special Assessment #1452 for alley paving north of Lyons St. east of Ashland Ave.

Alderman Feldman reported that this item was held in committee.

Ordinance 1-O-03 – Decrease in Class B Liquor Licenses – Consideration of proposed Ordinance 1-O-03, introduced January 13, 2003, which decreases the Class B Liquor Licenses from 9 to 8 with the sale of the Omni-Orrington Hotel, 1710 Orrington Ave.

Ordinance 2-O-03 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 2-O-03, introduced January 13, 2003, which increases the Class B Liquor Licenses from 8 to 9 with the sale of the Omni-Orrington Hotel, 1710 Orrington Ave.

Alderman Feldman reported that these two ordinances were held at Council at the request of staff.

#### PLANNING & DEVELOPMENT:

Ordinance 16-O-03 – Increase in Rooming House Fees – Consideration of proposed Ordinance 16-O-03, which increases the annual rooming house fees for rooming establishments from \$166 to \$332,

and to increase the fee per roomer from \$26 to \$52.

Alderman Wynne stated that this item was held in committee. She reported Environment Board representatives discussed potential adoption of the International Energy Code; a member of the Environment Board on the Site Plan Committee as a formal member and support for a bill currently before the Illinois legislature regarding the environment and energy code. They learned that grant funds are available to municipalities who are interested in building green buildings.

**OTHER COMMITTEES:**

Recommendation for Sales Tax Rebate – Consideration of a recommendation to approve a rebate of a portion of sales tax from Borders Books & Music upon moving to its new location.

Alderman Feldman stated that Marty Stern, U.S. Equities and a representative of Borders Books & Music wished to address the Council. Alderman Feldman moved this item be placed on the table for discussion. Seconded by Alderman Jean-Baptiste.

Mr. Stern discussed a request by Borders for assistance to remain in Evanston and move their business to the Church Street Plaza. He said the current Borders store was in a building owned by them that was inadequate for their needs. Borders approached the City and said, due to inadequate size and layout, they would be forced to close the store and leave Evanston. U.S. Equities and staff encouraged Borders to revisit their earlier decision not to lease in Church Street Plaza and to re-open discussions with the Arthur Hill Company. An agreement was reached based on the condition that Borders was able to sell their facility and absorb the amortized costs and other losses within the new store pro forma. Why this recommendation? They believe Border's is the perfect complement to the theaters and a critical element to the success of the entire Church Street Plaza. They have late evening hours, synergy between theater and bookstore goes, and a high-energy operation that attracts people. It is the single best use for that site. He asked them to remember that books and music were always the first choice for the mini-anchor site. That site had severe development restrictions because an unmovable Ameritech easement was discovered after the deal had been made with Arthur Hill & Company, which necessitated some adjustments. They lost about 5,000 square feet of buildable area there due to the easement. They could get a first floor store of about 7,500 square feet and not many tenants would operate well with two stories. To get Borders at 22,000 square feet, instead of another store of 7,500-10,000 square feet, they thought they could get additional sales and real estate taxes by developing that site to its original potential. He said there is a small retail area in the residential component and Borders expanded into that space providing a use that would generate more taxes than the typical use at the bottom of a residential building. They saw more sales and real estate taxes and a complementary use to the theaters and rest of the project. Even 10,000 square feet less would have translated into \$60,000 less in real estate taxes annually and \$30-35,000 loss in sales taxes. They were anxious to encourage Borders to come to this site. Borders contracted to sell its building but at the last minute changes were forced by the buyer that altered Borders return to the minimum level for opening a new store. Borders told the City it was \$300,000 short of gaining internal approval of the lease with Arthur Hill. They stated they would continue to work on the lease if a way could be found to give them some assistance. No commitments were made. They sat down to work out something that made sense in light of the extra money that the City got from Border's presence. They came to the City looking for \$300,000 and established that the City would not take the entire burden, which would be shared. They looked at having the \$150,000 paid out of sales taxes that Borders would generate, not out of any other City funds. The deal on the table that was to be recommended to Council was that the City split the shortfall and provide assistance to the level of \$150,000 with a rebate of sales tax of 4/10 of 1% over the first five years the store is open. Borders has already signed the lease, so why should they ask for assistance? He said that all through this process Borders shared all data and behaved ethically. Borders throughout the process, knowing a fair deal had been worked out and a recommendation would be made, went ahead and signed their lease so they could open the store. What that does for the City is get real estate and sales taxes coming in faster. To turn down the deal because they acted ethically he thought sends the wrong message to businesses that are doing business with City. This was presented to the EDC and after the meeting he conversed with members of the business community. He turned to one and said, "if Borders had previously announced they were leaving town that business person would be the first to come and say can't something be done to bring them back." That incentive the business community would have supported would have cost much more than this. To the extent that the deal is signed, he thought there was a moral and ethical principle to uphold. They believe the Borders store at Church Street Plaza is an important component to the

success of the entire downtown redevelopment. Borders worked openly and cooperatively to maintain and enhance a presence that benefits Borders and the City and took those steps without a legally binding commitment. He said this is a fair compromise and recommended it for Council consideration. He introduced Cheryl Levin from Borders and Bruce Reid, Arthur Hill Co., to answer questions.

Alderman Feldman said one reason for the amazing success in downtown is due to Council's action to open the area up to the market and the receptivity to creative plans offered by developers that convinced Council something could be built. Another reason for success was due to expediting permits and construction with instructions to staff to be as efficient and cooperative as possible to help the developers build what they did. The third reason is the intense communication between staff and developers over a long period on many complicated issues (everything from zoning to construction standards to aesthetics and redevelopment agreements). All of which sent a message to the people the City was dealing with that this was a fine Council to do business with, a Council that did justice to its own aspirations, which was to try to make things happen in downtown Evanston. In his discussions with developers, it was this attitude and manner of operation that created eagerness by developers to come here. The City tried to help those they were convinced needed help. He recalled the McDougal-Littel situation, where two parties could not get together and the City stepped in to get that building up. It has been done on other occasions and always with the understanding that the cooperation of the City, at a given moment, was necessary to make it happen. Often there was a lot of negotiation and hard bargaining. In every case he thought they did the right thing and made a good deal. He described the Borders request as something a little different and was only a question of timing. He shared Mr. Stern's view that if Borders had come to the City, EDC, or the Council and said they were leaving, sold the building and moved, they would have regretted the lack of effort on the part of staff/Council to keep them here. He saw Borders as a perfect fit for the site; thought a bookstore across the street from movie theaters would do marvelous things for both. Knowing that is a special configuration and wanting a mini-anchor like Borders, he thought Council would have done it if asked. The difference is the City does not have to give assistance. Borders is there, signed the lease and the City has to do nothing. In examining the documents, Mr. Stern concluded Borders could use some assistance. The City's intervention is just and is the kind of thing the City has looked for in previous pro formas. He said they have all the considerations, under normal circumstances, that would have warranted Council granting this request. Because Borders did not play the deal game, did not do what others do, it is "sorry you missed it." He knows how hard it is appear on television and vote to give a business money, but thought it the right and just thing to do. His obligation is to do something that he would have done having been in a different position and because he is in the catbird's seat he did not change his mind.

Alderman Wynne opposed giving the tax rebate to Borders. She attended the November EDC meeting and listened carefully, has taken Mr. Stern's advice in the past to support businesses that needed a boost and appreciated that Borders came to Evanston. On reflection, she could not vote to provide this subsidy. They learned in committee that Borders is a Fortune 500 company and expect to more than triple their sales at the new location. For all the reasons that Alderman Feldman mentioned about this site being perfect for Borders, aldermen have bragged about the million-plus ticket sales at the movie theaters, this is a perfect site for Borders. She acknowledged the site has some issues with the vault there, so the size was reduced. She said the City is in a budget crunch like never before. Nothing has caused a greater storm of phone calls and letters from people throughout the community, except closing the South Branch Library. People tell her the City cannot afford to do this and it is not fair to all the other businesses here. As much as she appreciates Borders taking the risk, Borders assumed a business risk. She has heard no one in support of the subsidy. She thought there was a strong feeling in the community, that in this instance, it would not be fair to others here. She appreciates that Borders dealt fairly with the City but given the current budget situation and unfairness to the business community, she could not support this.

Alderman Newman appreciated Alderman Feldman's work on the redevelopment of downtown Evanston and his leadership on the change of direction in the Research Park. He said the Hill project was the catalyst for condominium development and the tax base. Evanston is doing better than other communities despite the economy. He did not support this recommendation because the City is already supporting Borders. He said a large part of the problem is due to misinformation about what the City is doing there. He said for businesses in the pavilion -- the Art Store, Cost Plus, Wolfgang Puck, Urban Outfitters and Chili's -- the City built parking. Those businesses were spared the expense of buying land or constructing their own parking. Borders will have parking in the Maple Avenue Garage, which cost \$22 million. Borders is a great company to have, important to the City and he appreciates them being here. His problem is

with perception. The \$150,000 is not coming from this year's budget but is a sales tax rebate from the future. The problem is that there are other businesses that have moved in downtown and the City has not helped them. Businesses move a lot and he was not sure whether the City should help financially with those moves. The City constructed parking on Maple for retail and that will happen at Sherman Plaza as well where no incentives are being offered to whoever comes. Many people think incentives are being offered because it is a TIF district but they are not. He thought all were well intended in this situation and that Borders believes they need this money. It was hard to create the precedent that when somebody moves they will get assistance. He appreciated the request but could not support it.

Alderman Bernstein hoped that Borders did not make their decision based upon a misperception of information given by staff and accepts that nothing was promised to Borders; agreed that it was a question of timing. If Borders had come to the City three-four years ago before they dug a hole in the ground and when they feared they would not succeed, the City may have given some consideration but did not know whether money would have been given. To him it flew in the face of logic to incentivize an international retailer and give them some reason to come into a facility that draws a million people a year. He said Borders is a wonderful company that will draw large numbers of people at that site and was glad Borders is here. The previous location occupied by Borders is in a dead zone and, hopefully, with the Klutznick project coming that part of the downtown will be revitalized. He could not support this largely because of other businesses. If Borders were the only bookstore in town, he would give it more consideration but they have to maintain a level playing field. He recalled Virgin Records was the original potential retailer and they did not come for incentives. He said some incentives were given due to the vault problem and he would vote against the recommendation.

Alderman Jean-Baptiste asked whether Borders was willing to opening up training for youth in the community?

Cheryl Levin, director, Real Estate for Borders Group, said there was no promise, no written guarantee, but an open dialogue about 2-1/2 years ago with Mr. Crum, Ms. Aiello and Mr. Stern because they are a community retailer, even though a Fortune 500 company. The dialogue was positive about a retail service location, which they were concerned about. Discussions were about whether they would have to leave Evanston, since coming in 1996. After those conversations they looked at the Arthur Hill site, concluded it was an intriguing and challenging site, and could make it work due to the uniqueness of their operation. They don't follow a prototype and can do challenging locations that are different than other retailers. Part of their goal was to let people know what Borders has done and that they are strongly committed to giving back to the community through schools, cultural institutions, businesses, activities through discounts, appreciation days, donations, sponsorships and training programs, partnerships and mutually beneficial promotions. They assist local non-profit/charitable organizations with fund raising, membership/volunteer recruitment and general dispersment of information. This includes benefit days, holiday gift wrapping and information tables. Borders is always receptive to new and different beneficial solutions to assist local organizations with their efforts. They offer discounts to all teachers (K-high school) giving 20% off all classroom purchased items. They have corporate/educational sales accounts for all businesses, and non-profit groups, schools and libraries that can apply for discounts up to 25%. She listed local organizations that have participated in appreciation days, donations and store events. Ms. Levine stated that Borders is committed to stay in Evanston over the long haul and she was there looking for support, understanding that the City has budget restraints as do all retailers today. She thought if they took all the information and what they have contributed in sales tax (over \$130,000) and real estate taxes (almost \$500,000 since 2000) and employ 45 people, that makes them a strong contributor to this market. She agreed that Borders will drive traffic into downtown and especially the movie theater. Borders is excited about staying in Evanston and appreciated the City's consideration.

Alderman Jean-Baptiste appreciated her comments and Borders' contributions but did not hear the Summer Youth Employment Program mentioned about job opportunities for low/moderate income youth. He thought Borders had that kind of commitment, so he supported the recommendation. He was open to start a precedent where business citizens make a commitment to reach out to train and hire the most unfortunate here to ensure the City is lifted up. He understood that Borders may not really need the \$150,000. However, he saw it as an investment that can be shared and passed on to the community. His interest is youth from low/moderate income families, not disadvantaged or underprivileged youth.

Mr. Stern appreciated concerns raised and that this was a difficult choice. He said when this recommendation was made they did not consider it a precedent but looked at every case that comes before them. He said on this site Borders was



one of the few that could generate double the square footage that other retailers could have; that could double sales taxes and double the synergy and energy that would help the rest of the project. He saw real dollars in sales and real estate taxes accruing to the City's treasury. He noted this is not a budget item this year, but a rebate from sales taxes that will come in future years from Borders with no effect on the budget. He agreed with Alderman Feldman that this is an issue of timing. Had Borders come to the City ahead of time and said they were leaving, he would have been asked to think of something to keep them in town and thought the business community and Council would have supported it. He said the difference is that Borders took the business risk, acted ethically and wanted to be good corporate citizen and that should not be held against them.

Roll call. Voting aye – Kent, Feldman, Jean-Baptiste. Voting nay – Wynne, Bernstein, Moran, Rainey, Newman. Motion failed (3-5).

Ms. Levine accepted the vote. She asked that Borders be permitted to present this matter again. Mayor Morton stated that would have to come from a Council member.

**CALL OF THE WARDS:**

**3<sup>rd</sup> Ward.** No report.

**4<sup>th</sup> Ward.** Alderman Bernstein made a reference to the Human Service Committee that something be done to abate the pigeon problem under viaducts. He noted under Metra lines where there is netting to prevent roosting there are no droppings. He wished to see if any cooperative effort with Metra and CTA could be made to mitigate this problem.

He invited all to the 820 Davis Street offices of Congresswoman Jan Schakowsky, Representative Julie Hamos, Senator Jeffrey Schoenberg and Cook County Commissioner Larry Suffredin.

He encouraged people to see Facilities Management Director Max Rubin as Dr. Einstein in *Arsenic and Old Lace* at the Wilmette Municipal Theater.

**5<sup>th</sup> Ward.** No report.

**6<sup>th</sup> Ward.** No report

**7<sup>th</sup> Ward.** No report

**8<sup>th</sup> Ward.** Alderman Rainey thanked Council for supporting the beginning efforts to establish a TIF district on Howard Street. She stated that Mr. McKee who spoke owns a large building at Custer/Dobson and when a building came up for sale, he bought it so he has made a real investment in the community. He received a telephone call from a tenant telling him of a bullet lodged in the window frame that had been fired at a young man who was shot. She did not think it was a matter of Howard Street being an embarrassment to Evanston, but that Howard Street is a danger to the people of Evanston. She emphasized that this is a grave problem and did not know whether it meant they would have to bulldoze everything on Howard, but the City must move quickly before this gets any further out of hand. Gunfire is happening week after week and getting to be regular occurrences. The young man who was shot was hospitalized. She hoped the study would go forward quickly and that Howard Street meets qualifications for a TIF district.

**9<sup>th</sup> Ward.** Alderman Feldman referred to a comment made by the Mayor to representatives of the union that it is important that if anybody is subject to the indignities or discourtesies claimed, that those be reported immediately to the City Manager. The idea that it was spoken publicly gives it credence but at that moment they don't know who those people are. Council has discussed this publicly and he has discussed this privately with the City Manager and it is clear that all favor a neutral position. He said the City has had wonderful relations with unions and there is no reason why any department head would take an attitude like that because that is not Council or staff policy.

He thought the TIF district on Howard Street has to do with the City's vision for Howard Street as a safe, vital place as

it was for so many years. Howard Street was an important part of Evanston that generated people who served in various volunteer activities. If the TIF district can do it, they are committed to see if that can happen.

**1<sup>st</sup> Ward.** Alderman Newman was happy that the special use for the blues club was approved for downtown, which allows live music venues to come in under the special use process in the Zoning Ordinance.

He reported a well attended meeting at the Plan Commission where Optima presented a plan for a 36-story building, which was withdrawn. Optima has proposed a 16-story building. He explained that not everyone who attended the January meeting understands the February 12 Plan Commission meeting will not consider the 36-story building. Probably there won't be a hearing by the Plan Commission on the Optima project because they are applying within the Zoning Ordinance. However, residents who came out deserve to see a presentation of what this building will look like. He suggested some reaching out was needed by staff to get a presentation of the latest proposal.

Alderman Newman said they seem to be getting through the budget process and some may vote against it. He thought they had taken big steps toward reducing the \$3.5 million shortfall with the help of the City Manager's office. He thought the word "crisis" has to be used with more discretion and there was no crisis, but a tough situation. He reported substantial cuts were made in virtually every department. He thought, in the final outcome, there was a strong commitment by Council to basic City services. One is police, which costs \$16 million from the General Fund to have the type of police force Evanston has. On public safety Council has done whatever they can with the resources available to make a maximum effort. He thought they made good progress and the community needs to understand that some fees/taxes would go up. The reason for that is, if people want quality services in police/fire, library and parks, they have to make a substantial commitment. He wished there was more money but there is not.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste reminded all that February is Black History Month and to reach out. He noted that only recently, the nation has focused on the contributions of African-Americans and there is greater integration of those contributions into the American psyche. He explained that Black History Month was started by historian Carter G. Woodson in 1935, who introduced Negro History Week, which later was expanded to African-History Month (although African-American history should be integrated into mainstream American history because that is what it is). African-Americans needed to be pro-active to make sure that was done because their contributions to culture, music, art, sports, and the formation of capital that enslaved people contributed to the United States, but it had been left out and ignored. He urged all to keep open to television, books, newspapers, and local programs at NU or at Fleetwood-Jourdain Center, because there are many opportunities to learn about the contributions of African-Americans. He recommended that people take advantage of those offerings and share and, by doing so, would be informed participants in the process of change for the betterment of the races.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 10:16 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.