

**CITY COUNCIL**

**May 7, 2003**

**ROLL CALL - PRESENT:**

Alderman Feldman  
Alderman Newman  
Alderman Wynne  
Alderman Bernstein

Alderman Kent  
Alderman Moran  
Alderman Tisdahl  
Alderman Rainey

A Quorum was present.

**NOT PRESENT AT  
ROLL CALL:**

Alderman Jean-Baptiste

**ABSENT:**

None

**PRESIDING:**

Mayor Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, May 7, 2003, at 8:58 p.m. in the City Council Chamber.

**ANNOUNCEMENTS:**

Parks/Forestry & Recreation Director Doug Gaynor invited all to the rededication of James Park Saturday, May 10 at 10:15 a.m.; reported more than \$2.5 million has been spent on redoing all of the playing fields, including a \$200,000 grant from the state. Rain date is Saturday, May 17.

Facilities & Emergency Services Management Director Max Rubin announced that next week, TOPOFF2 would occur from May 12-16, a full scale exercise involving more than 100 federal/state/local, private sector, and Canadian agencies and organizations. They will respond to an orchestrated multi-point attack, a radiological dispersal device, explosions in Seattle and a covert biological attack in Chicago. Both hospitals here will be involved in the exercise. His assistant, Thomas Janeski, will be at the Cook County Emergency Operations Center. Evanston's Health Department staff will be deployed at other sites in Chicagoland and will process disease reports from hospitals here. Evanston will initiate a communication contact exercise during this time. People can follow the exercise at [www.topoff2media.net](http://www.topoff2media.net). Questions call (847) 866-2916.

City Manager Roger Crum announced that the Farmers' Market would open Saturday, May 17 and run through Saturday, November 1. Hours are 7:30 a.m. to 1:00 p.m. at Oak Ave. and University Pl. with free parking at the Maple Avenue garage. Farmers purvey fresh flowers, vegetables, fruits and bread. For further information call (847) 866-2936.

**Special Presentation: Proposed Bond Issue**

Finance Director Bill Stafford stated they would discuss the Capital Improvement Program (CIP) and Insurance fund financing strategies. After passing the CIP budget of \$6.4 million, the Budget Committee met and discussed CIP and Insurance Fund needs; what could be done with the 1993 bond refunding in January and historically low interest rates. He illustrated interest rates from 1999 to the present; noted the City has been fortunate to get as much money as they have for taxpayers dollars due to low interest rates.

The current \$6.5 million CIP budget is minimal. Studies show \$4 million alone is needed annually for streets while the City spends about \$2 million. Capital needs identified at the Civic Center are \$15-20 million. \$6-\$9 million is needed for viaducts. At one time the City hoped to get significant funds to repair viaducts from the CTA. Funds also are needed for Robert Crown Center and Fire Station #5. He noted the City has improved on obtaining federal/state grants and matching funds.

Insurance Fund needs at the end of 2003 are projected at \$21 million in outstanding litigation cases. Staff has looked at

cash flow needs and this year that is between \$6-8 million and next year, depending on one or two key cases, a worst case scenario could be \$18 million and a best case scenario \$3-6 million. What can Evanston afford? Staff proposed what could be afforded given the approved budget. For fiscal year 2004 it is \$12 million in bonds: \$9 million in CIP (for all of this year and part of next) and \$3 million to the Insurance Fund. He emphasized funds for this are provided for in the budget. For fiscal year 2005, which is problematic, the budget could be \$6 million with \$3 million CIP and \$3 million insurance (best scenario) \$12 million with \$3 million CIP and \$9 million insurance or worst case \$18 million all insurance. This will not be known until next year.

Staff proposes a short-term strategy for one issue. It is important to understand the possibilities that are out there, hence the need to talk about long-term financing strategies. About \$6.5 million is needed annually for the CIP plus a need to fully fund Insurance Fund liabilities of \$21 million. A mechanism used last year and proposed again is to swap monies in funds with cash balances to move funds into the Insurance Fund. They need to avoid judgement bonds to keep interest rates low for taxpayers. Last is truth in budgeting. Staff thought it important they talk about future years in terms of strategies. Strategy 1 was \$12 million a year for five years and \$8 million annually thereafter; change property tax supported debt limit from \$75 million to \$100 million. To do Strategy 1 would require a 4% annual debt service levy increase for four years. The debt service portion of the City's annual property tax levy is about 1/3. On a \$25 million annual levy, about \$8 million of that is debt service. That would be 4% on that portion, not the entire levy. Strategy 2 was more aggressive with \$12 million for the first two years, then \$15 million in the three out years (2006, 2007 and 2008). This strategy would require an increase to \$100 million on the debt limit and a 5% annual debt service levy increase (again 1/3 portion of the total levy). He showed various scenarios on both strategies. He stated they were not locked into any of the strategies, as they were proposals. He illustrated equal increases over five years, versus a small increase one-year and large increases for four years. They want to avoid draconian situations where they have to borrow.

Alderman Newman commented regarding \$15-20 million for the Civic Center; stated a strategy was discussed at the Civic Center Committee that this cost would not have to come from debt service. He thought when this was put on the list it seemed to the public that they taking action to pay \$15-20 million for a new Civic Center and he did not intend to place that project above all other needs. This was a staff view and not necessarily a Council view. He acknowledged the need for more spending on streets. He noted the City has tried to get funding from the state/federal government for viaducts and assumed that would continue, so he did not know if the City would spend \$6-9 million in the next few years for viaducts. He saw the discussion as opening a "can of worms." While increasing the debt service to \$100 million should be examined, it has to be in context as to what they will be locked into for five years. He suggested they need to have a typical year on the board where they have police/fire pensions, the General Fund portion and this in context. He thought committing to certain numbers on debt service, means being locked into significant tax increases. He noted the four components of the property tax levy are: the General Fund, Police and Fire pensions (over which the City has no control/mandated by the state) and debt service. He said the numbers have to be put in context of all components so they can determine future property tax increases. If they commit to this plan without looking at the other components, they put more pressure on reducing the amount of property tax that goes to the General Fund.

Mr. Stafford emphasized that Council need not commit to a strategy this year. He went through the exercise of the out years. Staff was not asking for a tax levy for the following years. Alderman Newman said the presentation gave the impression that this is step one of a five-year plan. Mr. Stafford stated staff pointed out possibilities that could occur. Staff was not recommending Council commit to the strategies because they need to see how the litigation cases will turn out. Staff was asking for approval of Ordinance 43-O-03, which is budgeted for, and to increase the debt limit to \$100 million. If they issue \$12 million in bonds, the debt will go to \$81 million, which exceeds the current \$75 million limit.

Alderman Feldman requested that any sentence that contains the words "tax increase" have attached to it that the increase is the net portion of the budget that deals with that service. He asked whether the debt service limit has to be raised to \$100 million? If the actual debt limit is \$81 million, why couldn't it be raised to \$84-85 million? Why go to \$100 million? City Manager Crum responded they did not have to go to \$100 million and \$75 million has been the limit for more than 10 years.

They are not committing to anything by changing the number, but are violating their internal policy if the limit is left at \$75 million. The City could get by with \$84 million. Alderman Feldman confirmed there was no downside. Mr. Crum

explained that he had met with Mr. Peterson, Mr. Stafford and the bond-rating agency where they discussed all of these items and the agency is comfortable with what the City was looking at. Moody's is happy with how the City has handled its finances. Alderman Feldman asked if the worst case scenarios were discussed? Mr. Stafford stated they have and told Moody's they were only going forward on one issue. Mr. Stafford noted that when Moody's see \$21 million in liabilities on the books they want to know if the City has a plan. The City has several strategies and one plan for this year and need to buy time on how some of these key cases will turn out. Moody's wanted to know if this topic has been discussed. The other issue is if a municipality has \$21 million in liabilities and goes to Moody's without having brought up issues with their Council, they have real concerns. Mr. Crum noted that Moody's does not want to see judgement bonds.

Mayor Morton read in the memo where areas are identified that need funding and, as a matter of policy, asked does the City put out to the public, items that have to be funded that Council has not voted to do. Mr. Stafford explained that part of the five year CIP has some of the items in the list in the plan. They pass a five-year plan, but only one year of it is in effect. Mayor Morton asked if there was agreement to build a new Civic Center? No. Mr. Stafford stated it is a potential expense. Mayor Morton stated these are items staff would like to see but are not items that Council said they want to be considered. Mr. Crum pointed out that the City is required to show infrastructure liabilities. Something has to be done about the Civic Center in the next 10 years. Alderman Newman confirmed the amount of money to pay for bonds in this fiscal year stays at \$600,000 and nothing they do that night affects next year's budget.

**COMMUNICATIONS:** None

**CITIZEN COMMENT:**

Mimi Peterson, 748 Wesley Ave., was concerned about increasing the debt limit to \$100 million; asked if they were considering budget policy that evening. She hoped it would not be as hastily done as it appears to have been done and requires careful, deliberate review. She noted the capital improvement policy calls for a limit on the amount of property taxes that can be used to finance capital improvements. She read in the policy "that the City will establish an appropriate mix of bonded debt and pay as you go financing to fund capital projects." She suggested the City strive to find more streams of revenue to support pay as you go financing in the future and asked how that policy was being implemented? She said the problem is that staff has said this is just for one year and it really is the first year of five years of \$12 million, which is a lot of indebtedness. She said in 2004, it would be an increase of 4% if they adopt Strategy 1. If they take the first year at \$12 million, wouldn't they go to the second and third year? To argue this is not the plan when they want to increase the debt limit to \$100 million when they have clarified that they don't have to is a serious issue. \$100 million is a lot so why do it? She suggested the action will set them on an irrevocable course for future years. The taxpayers will have to pay it. As they consider this and section it off in the debt service portion of the budget, they still have to deal with deficits in the General Fund. They need to think about the economy and the economic downturn they are in and no guarantees that revenues will be there to meet expenditures in the General Fund. She found it hard to believe they were committing to the \$12 million for only one year. She recommended a full public hearing. She said the arguments for high wealth levels and strong fund balances forgets about the thousands of low and moderate-income people who live here and the City was sending the wrong message to them. They can ill afford a five-year schedule of bond issues and the debt service.

Roberta Hudson, 1941 Dewey Ave., suggested the old ways of doing business is no longer acceptable. This is a new millennium requiring innovative ways of thinking, acting, outlook, expectations and vision. She noted that money is regarded differently by those who earn money and by those who spend it. She stated it was time for taxpayers to have more influence and control over local government. An example is the \$75 million debt level being raised to \$100 million just because staff thinks they need it. She said the Mayor and representatives should not support any proposal or policy that increases the tax burden on fundamental needs of people. She read from 26-R-03, noting the limit could be raised to any amount. She noted a group fought against high rises coming here. There was a claim the real estate transfer tax and building permit fees were going to close the gap. Now it still does not matter. People want roads improved. Why don't they have impact fees for trucks and busses tearing up the streets? Why do they always come back to the taxpayer? She stated more innovative ways of raising money are needed without burdening homeowners. She asked Council to turn down 26-R-03.

Alderman Newman asked the City Manager to make the CIP available to all speakers so they can see where money is being spent this year.

Mike Rothschild, 2425 Payne Ave., said his experience with the budget process here, is, if the limit is raised to \$100 million, they will find places to spend it. He understood the problem with avoiding judgement bonds. He assumed it possible that the City can win the appeal. He saw too much “fudge” in the number; was afraid events would overtake them and they will be lured by the low interest rates. He said the only good news is that rates are low and municipalities can refinance but here they will build the “World’s Fair” with the extra money. He urged they do nothing until they know what expenses will be.

Betty Ester, 1806 Grey Ave., said citizens were told the tax levy would not increase and the City will issue bonds and they will be paid for. She stated that Mr. Stafford had given them a lesson that evening about how taxes are calculated. They speak of 4% for debt service, which includes the CIP and insurance. Then money is needed for police/fire pensions, which has to be at 100%. Then they have to levy for the General Fund, which means there are three unknown figures. They know about the 4%. She recommended citizens do the calculations. She urged them not to listen so much to the dollar amount for one part. They have to be aware of the other parts. Mr. Stafford was saying a tax bill in 2005 and 2006 could be a whopper.

She noted on back of the agenda “Items for Future Consideration” has items going back as far as 1997; asked if these will ever be dealt with and, if not, to remove them. One item was about licensing landlords. She knows owners of two flats who are concerned about this. She knew that removing items was brought up and died; urged they start taking care of things and residents to keep their eyes on how the City levies.

Mayor Morton confirmed that the City must list its liabilities and plan for them. Mr. Crum stated they must list them and should plan for them. She gathered the list did not include all needs. Mr. Crum explained that a recent change in accounting rules for governments requires listing all infrastructure and their status. Every good Capital Improvement Program should list those items and how they are to be addressed over the next 1-20 years. Evanston does a five-year plan and commits to one year with lists of probable liabilities for the next four years. Virtually everything they talk about is in that plan, which is available to the public. The City has to list insurance liabilities and if they have outstanding claims that might come forward. They are ethically bound in financial statements to do their best job of showing any major potential liability. When there is an actual \$11 million jury verdict, they must show that and how it will be addressed. There are other claims. Mr. Crum reported the number of claims is down but there are still several out there.

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

Alderman Feldman moved Council approval of the Consent Agenda with the following exceptions: bid from Yes, We Can Landscaping, Ordinance 46-O-03 – Easement Agreement with Optima, Ordinance 34-O-03 – Amending Various Sections of City Code Regulating False Alarms, Plat of Resubdivision – Optima Horizons Resubdivision, Ordinance 49-O-03 – Planned Development, Ordinance 41-O-03 – Amending the City Code Defining Northwestern University Campus Police, Resolution 26-R-03 – Amending the City of Evanston Budget Policy, and Resolution 28-R-03 – Authorizing Interim Parking Plan for 800 Elgin. Seconded by Alderman Rainey. Roll call. Voting aye –Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent, Moran, Tisdahl, Rainey. Voting nay – none. Motion carried (9-0).

**\* ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of April 21, 2003. \* 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 April 24, 2003 and the City of Evanston bills for the period ending May 7, 2003 and that they be authorized and charged to the proper accounts,

summarized as follows:

City of Evanston payroll (through 04/24/03)	\$1,884,796.27
City of Evanston bills (through 05/07/03)	\$2,829,432.18

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

\* Approval of the lowest responsive and responsible bid of Insituform Technologies, USA, Inc. for the 2003 Cured in Place Pipe (CIPP) Project for Water & Sewer at a cost of \$160,323.20. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the sole-source purchase from Henry Pratt Company for the Water Division for the replacement of a 24” valve on Low Lift Pumping Unit #7 at a cost of \$19,052. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #1 for Harbert Park Bike Path Reconstruction Project in the amount of \$33,108.40, increasing the contract from \$105,000 to \$138,108.40. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

**AGENDA ADDENDUM**

\* Approval of NWMC-Suburban Purchasing Consortium low bid for one (1) 2003 Ford Excursion 4x4 four-door special service vehicle from Currie Motors in the amount of \$30,097, including delivery and a 5-year/75,000-mile warranty for the Fire Department. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



\* Special Event – Young Evanston Artists’ (YEA) Festival – Consideration of a request from the Young Evanston Artists’ (YEA) to hold a festival on Sherman Ave., east of the CTA, between Dempster and Greenwood streets on May 17, 2003. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Special Event – St. James Armenian Street Fair – Consideration of a request from St. James Armenian Church, 816 Clark St. to hold a festival on Clark St. between Benson and Sherman avenues. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Ordinance 42-O-03 – Declaring City Property as Surplus – Consideration of proposed Ordinance 42-O-03, introduced April 21, 2003, which declares various items of City property as surplus so that six vehicles, a motorcycle and other items can be publicly offered for sale at the May 17, 2003 Grant Township public auction. \* ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

**PLANNING & DEVELOPMENT COMMITTEE**

\* Sidewalk Café Permit – Type 2 Restaurant (Einstein Bagel) – Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit for Einstein Bagel, 1745 Sherman Ave. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 2 Restaurant (Baja Fresh) - Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit for Baja Fresh, 901 Church St. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 2 Restaurant (Café Mozart) - Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit for Café Mozart, 600 Davis St. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 2 Restaurant (Chipotle Mexican Grill) - Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit for Chipotle Mexican Grill, 711 Church St. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 1 Restaurant (Jacky’s Bistro) - Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit for Jacky’s Bistro, 2545 Prairie Ave., with liquor service outside the Liquor Control Regulations Core Area. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 1 Restaurant (Tommy Nevin’s Pub) - Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit for Tommy Nevin’s Pub, 1450 Sherman Ave., with liquor service within 200’ of a residential zone. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 2 Restaurant (Quizno’s Classic Subs) - Consideration of a recommendation of the Site Plan & Appearance Review Committee to grant a Sidewalk Café Permit for Quizno’s Classic Subs, 812 Davis St. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 2 Restaurant (Ben & Jerry’s Ice Cream Partnership) - Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit for Ben & Jerry’s Ice Cream Partnership, 1634 Orrington Ave. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 1 Restaurant (Flat Top Grill) – Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit for Flat Top Grill, 707 Church St., with liquor service within 200’ of a residential zone. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 1 Restaurant (Trattoria Trullo) - Consideration of a recommendation of the Site Plan & Appearance Review Committee to grant a Sidewalk Café Permit to Trattoria Trullo, 1700 Central St., with liquor service within 200’ of a residential zone and outside the Liquor Control Regulations Core Area. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Sidewalk Café Permit – Type 1 Restaurant (Bluestone) - Consideration of a recommendation of the Site Plan and Appearance Review Committee to grant a Sidewalk Café Permit to Bluestone, 1932 Central St., with liquor service within 200’ of a residential zone and outside the Liquor Control Regulations Core Area. \* APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 47-O-03 – Amending the City Code Pertaining to the Regulations of Real Estate Signs and Awnings – Consideration of proposed Ordinance 47-O-03, which amends Sections 4-12-6 and 4-12-10 of the City Code pertaining to the regulation of real estate signs, awnings and wall signs. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 48-O-03 – Amending Ordinance 104-00 – Creating a Special Sign District at the Church Street Plaza – Consideration of proposed Ordinance 48-O-03, which amends the Church Street Plaza Special Sign District. \* MARKED INTRODUCED – CONSENT AGENDA

#### **OTHER COMMITTEES:**

\* Ordinance 43-O-03 – Providing for the Issuance of General Obligation Bonds – Consideration of

approved Ordinance 43-O-03, introduced April 21, 2003, which provides for the issuance of \$12 million in GO. Bonds for the FY 2004 and 2005 CIP programs. \* ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

**APPOINTMENTS:**

Mayor Morton asked for confirmation of the following appointment:

Schona Buranda 705 Reba Pl. For term ending May 15, 2006	Human Relations Commission
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Mayor Morton asked for confirmation of the following reappointment:

Kenneth Rodgers 612 Mulford St. For term ending May 15, 2006	Plan Commission
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\* APPROVED - CONSENT AGENDA

**REPORT OF THE STANDING COMMITTEES**

**ADMINISTRATION & PUBLIC WORKS:**

Alderman Feldman moved approval of the lowest responsive and responsible bid of Yes, We Can Landscaping, Inc. for landscape maintenance of the Green Bay Road Embankment at a cost of \$61,170. Seconded by Alderman Rainey.

Alderman Newman recalled when Council voted on the Green Bay Embankment Project it cost \$1 million and was never told of an annual \$61,000 cost to maintain it. He projected spending \$600,000 for the next 10 years on that. He asked Assistant City Manager Aiello during the CIP process whether Council would receive the projected cost of maintenance on various projects before they are passed. He was told they would receive a steady flow of information on each project; asked where this cost was in the budget; was told it is in the Parks Division. He stated Council needs to be informed as to maintenance costs on every project and aren't getting that.

Alderman Feldman asked what a formally planted area is? Mr. Gaynor explained that specific trees and shrubs are planted that need care. Maintenance includes planting, litter control, fertilizing, tree spraying for disease control, pruning, mowing grass, etc. Plants that have died over the winter are replaced. Alderman Feldman confirmed this is a perennial garden that comes back annually and asked if this was the lowest possible maintenance garden to have the desired effect? Mr. Gaynor said there are two kinds of desired effects. There is a natural area, which has wild flowers that do not need much maintenance, but they have to do litter control and a formally planted area that costs more; 2/3 of the area is natural and 1/3 formally planted.

Alderman Rainey recalled this as a complex project that goes on for blocks. Council was told there would have to be a controlled burn there, which no longer occurs and understood it would always be an expensive project. She stated that when the City does such projects, they must be maintained, including frequent litter collection. She noted the Chicago Avenue embankment from the cemetery to South Boulevard is a hideous mess. A sanitation crew can clean it up and within a day it looks awful. She did not know how that happens.

Alderman Jean-Baptiste commented on awarding the contract to the second low bidder because the lowest bidder was non-responsive and is in default. His concern was that they don't develop a bar against this contractor so he is relegated to *persona non grata* at the City. He suggested, because the low bidder is an Evanston contractor, the need to continue to request that this firm conforms and where in default, that it corrects whatever problem exists. Once that is done, that firm should be able to return to status of a responsive bidder.

Alderman Newman stated he never said he was not in favor of maintaining the embankment. He recalled discussing a controlled burn; asked for Council minutes when this item was passed. He did not think they were given a \$25, \$40 or \$61,000 cost to maintain the embankment. He said they spent \$1 million at the time and \$61,000 is a lot of money. When voting on a capital improvement they have to know the cost of building and maintenance and he did not think they were given that information. All would benefit when they pass capital improvements, if they knew the potential impact of maintenance on the budget.

Alderman Rainey had no idea of cost but when looking at a stretch of property like this, she thought one would know it would be expensive. In response to Alderman Jean-Baptiste, she said the low bidder is an Evanston contractor. All contractors are required to live up to the same standards whether from Evanston or elsewhere when they are paid with public funds, especially Community Development Block Grant Funds. Staff told Alderman Jean-Baptiste in committee that every effort had been made to get this contractor out of default – to have him comply with contracts he is in default on, which included falsifying his employee salary records. She said there are no excuses or exceptions for a contractor, no matter where he/she is from. It was important to hear all sides of this story. This is not a case where the staff or the City is treating this contractor in a malevolent way who is an Evanston resident and who was the low bidder. This low bidder, on previous contracts, has cost the City lots of money in attempts to enforce the contracts that he signed, was paid for and did not complete.

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

Ordinance 46-O-03 – Easement Agreement with Optima – Consideration of proposed Ordinance 46-O-03, which authorizes the City Manager to sign an easement agreement for a permanent subsurface easement with Optima at 800 Elgin.

Alderman Feldman asked that this item be marked introduced.

Alderman Feldman moved to Suspend the Rules to adopt an ordinance at the meeting in which it was introduced. Seconded by Alderman Wynne. Motion carried. No nays.

Alderman Feldman moved approval. Seconded by Alderman Wynne.

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

Ordinance 34-O-03 – Amending Various Sections of the City Code Regulating False Alarms – Consideration of proposed Ordinance 34-O-03, which amends various Sections of Chapter 11 of Title 9 of the Evanston City Code Regulating False Alarms.

Alderman Feldman reported that this item was held in committee. Alderman Feldman stated in committee, aldermen indicated that those most affected by fees and increase in fines should be present when this is considered. Other perspectives were that the City should pay less attention to fines and more attention to behavioral modification. They heard from an Evanston Hospital safety engineer that the amount of time and effort the Fire Department spent with the hospital in a collaborative dialogue has helped to reduce the number of calls. There were serious issues as to whether the amount of money included in the report for per call costs was accurate.

### **PLANNING & DEVELOPMENT:**

Plat of Resubdivision – Optima Horizons Resubdivision – Consideration of a recommendation of the Site Plan & Appearance Review Committee to grant a plat of re-subdivision in three dimensions of the single consolidated lot at 1800 Sherman/800 Elgin into four lots.



Alderman Bernstein moved approval. Seconded by Alderman Wynne.

Alderman Bernstein stated this was a ministerial action and was to divide a parcel for tax purposes into office, retail, residential, and parking.

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

Ordinance 49-O-03 – Planned Development – Consideration of proposed Ordinance 49-O-03, which approves a recommendation of the Plan Commission to allow construction of a 7-story, 77 dwelling unit, mixed use, residential/commercial building at 603 Main St./900 Chicago Ave.

Alderman Bernstein reported that this item was held in committee. There was an issue of notice to neighbors. The committee anticipates meeting with the developer and 3<sup>rd</sup> and 4<sup>th</sup> ward neighbors.

#### **HUMAN SERVICES COMMITTEE:**

Ordinance 41-O-03 – Amending the City Code Defining Northwestern University Campus Police Authority – Consideration of proposed Ordinance 41-O-03, introduced April 21, 2003, which amends Section 9-3-3 of the City Code defining Northwestern University campus police authority.

Alderman Newman moved approval. Seconded by Alderman Feldman.

Alderman Newman noted when the City first established the Northwestern University Campus Police Authority, they said it would be review annually. There is no review in this ordinance. Alderman Newman moved that the agreement be amended to be reviewed every two years. Seconded by Alderman Rainey. Motion carried. No nays.

Alderman Newman moved approval of the amended ordinance. Seconded by Alderman Feldman.

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

Alderman Newman reported the Human Services Committee took action in response to a community initiative to recommend a resolution supporting repeal of the USA PATRIOT Act to come before Council May 19. They also began to consider selling meat from an Illinois farm at the Farmers' Market. They completed work on the special events policy and held over the item on group homes until the June meeting in response to Alderman Rainey. The Township Budget will be a special item of business at the June 2 committee meeting.

#### **OTHER COMMITTEES:**

Resolution 26-R-03 – Amending the City of Evanston Budget Policy – Consideration of proposed Resolution 26-R-03, which amends the City of Evanston Budget Policy.

Alderman Moran moved approval. Seconded by Alderman Bernstein.

Alderman Newman moved the resolution be amended to make the cap \$85 million. Seconded by Alderman Feldman.

Alderman Newman commented that this reminded him of the long-term sewer project approved in 1991 on which they are spending a great deal of money. Council was in a “no win” situation because if sewers were not repaired, they would be yelled at when there were explosions and the whole town fell apart. They can spend money and be called “big spenders” or not spend and be called neglectful. It is easy to come up and say, “don’t spend anything on capital improvements.” He pointed out the City has been frugal and actually was underspending on capital improvements and for years expending \$4 million annually for capital improvements. Fire Station #3, which is under construction currently

at a cost of \$3 million, had not been touched since the 1950s. People sleep in that fire station nightly who put their lives on the line. The City spent \$20 million in 1993 to build the best looking library in Illinois, which he did not consider a waste. They spent \$3 million so that the 200 Police Department employees could have air conditioning during the day and a functioning heating system. They expended \$4 million for financial software to replace software that was 20 years old, which helps the City serve the community. If not upgraded, people who come in to the Collector's office would ask why the job could not be done with computers. Currently, the City has a tremendous need to spend on streets, which are in a terrible condition. The Governor is cutting back on spending for roads/streets, which is a mistake. He asked Mr. Crum to see what is being spent on parks in Skokie, Wilmette and Chicago. In Skokie, a village smaller than Evanston, bonded several years ago to spend \$45 million on parks. Evanston is not spending anywhere near that amount. The library, parks and City are combined here. Most communities have separate park and library districts, which have taxing authority and do their own bonding. He believed Evanston wants a top-notch library, a park system they can be proud of, smooth streets, and fire/police employees to be treated decently. To him, \$85 million gives them the opportunity to deal with some of the needs. When the City raised the cap to \$75 million 10 years ago, they moved slowly toward that cap. Considering the City has tort cases and, one for \$11 million, that Mr. Stafford said they needed to plan for, he thought going to \$85 million starts that planning and is a significant step. Going to \$100 million sent the wrong message and he thanked Alderman Feldman for the idea.

Alderman Rainey agreed with Alderman Newman about the sewer tax. She noted if their predecessors had the nerve and foresight to deal with sewer problems before the explosions and crumbling began, they would not be in the mess they are in today with the sewer rate three times that of the water rate. There is an advantage to foresight. It sounded like some speaking that evening felt the five-year plan for capital improvements was a new concept. The City has had a five-year capital plan for more than 30 years. She was glad people could access the plan, which is in the City's budget document. She explained that the plan shows the projects over a five-year span and funding sources for the current year plus proposed funding for projects for the next four years. Capital improvement funds do not come exclusively from property taxes. CDBG, Department of Natural Resources, IDOT, and Illinois Department of Energy funds help pay off the bonds. She said the current year project is the result of prior years planning; noted in examining the plans over the last 15 years, some projects did not get done and some were enhanced beyond what was shown in the plan. People should understand it is an ongoing process.

Alderman Feldman said the \$85 million cap is not an opportunity to spend, but an opportunity to limit the debt that the City has. He was glad to limit the amount because the case could not be made to limit it to \$100 million. This is not authorization of \$85 million in additional debt.

Voice vote on amendment. Motion carried. No nays.

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

Resolution 28-R-03 – Authorizing Interim Parking Plan for 800 Elgin - Consideration of proposed Resolution 28-R-03, which authorizes the City Manager to sign an agreement for an interim parking plan for the 800 Elgin/1800 Sherman Project.

At the request of Alderman Newman, Public Works Director David Jennings explained changes to the lease recommended by the Parking Committee. He passed out the May 6 report to the Parking Committee, which was not in the packet. The first change was under Section 2. He stated that the lease, in general, gives permission to Optima for 182 spaces at 1800 Maple Avenue Garage to satisfy the zoning requirement of the 1800 Sherman building during construction of the 800 Elgin project. The lease allows that transaction to happen and the resolution allows the City Manager to enter into that lease. The original lease had the City supplying 182 spaces in this format. 120 spaces would be permits in the form of transponders, which permits them to get in/out of 1800 Maple and 62 of the spaces would be satisfied using a validator, where parkers visiting 1800 Sherman would take a ticket, have it validated and pay nothing upon exit. However, the payment for that ticket would be the responsibility of the 1800 Sherman building. The City would be paid upfront and visitors to the building would draw down on that balance. The committee was uncomfortable with granting all 182 spaces, which is the zoning requirement for 1800 in the Maple Avenue garage. The committee

directed language change: "After demolition of the Sherman Avenue Garage, the LESSOR reserves the right to relocate any or all of the LESSEE's parkers to an alternate location controlled by the LESSOR. Any necessary relocation will be done only after consultation with the LESSEE." Mr. Jennings explained that the City is reserving the right, once the Sherman Avenue Garage is torn down, to put the 1800 Sherman parkers in whatever facility the City deems appropriate.

Alderman Newman said much time was spent to ascertain how big the Maple Avenue Garage should be. Additional time was devoted to where all the cars would park once the Sherman Avenue Garage goes down in July. Owners of 1800 Sherman, who are selling property next to them to build a condominium building, cannot go forward with that project unless they have 182 parking spaces in an alternate place from their parking lot while the building is being constructed. If they signed the original lease, those 182 spaces would have jumped ahead in priority of all other users. The committee did not think that was fair. He referred to charts showing empty parking spaces at various times of the day in downtown at Church Street and Maple Avenue garages. They are adding 182 of potential users to the Maple Avenue garage. The City wanted to have the flexibility, during construction, to make sure the Maple Avenue garage would not be perceived as filled. They asked for flexibility in the lease from the people at 800 Elgin and 1800 Sherman and they have agreed. He noted the City is getting \$75 per space in the Maple Avenue Garage. If the location is changed, that rate may go down. The last thing they protected against was if the 800 Elgin project is delayed. The original lease had use of Maple Avenue spaces indefinitely. The hope is that building will be constructed in less than 12 months.

Alderman Newman moved approval of the substitute lease. Seconded by Alderman Feldman.

Alderman Feldman asked where the delayed construction period component was in the lease? Alderman Newman stated by adding language after demolition, (a) and (b) originally the term of lease was until certificate of occupancy of parking spaces was issued. Originally they could have put the 182 spaces at Maple Avenue Self Park until they got that certificate. The language is in Section 2. The building cannot be built unless they have an alternate 182 parking spaces during construction. Alderman Feldman asked if they were not in compliance after they started building, would the permit be taken away? Alderman Feldman confirmed the City was guaranteeing them satisfaction of the zoning requirement, so the City is in control.

Alderman Rainey asked why they did not address lack of completion of the new parking garage in a more direct way? Alderman Newman said they were not obligated to take 182 prime spaces in perpetuity for them. The City wants them to build their building and they must have 182 parking spaces during the construction period. He said they may end up in various City lots. Alderman Bernstein clarified that they first saw the lease at the Parking Committee and thought the "kick out" clause covered every inevitability and protects the City.

Voice Vote. Motion carried. No nays.

### **CALL OF THE WARDS:**

**9<sup>th</sup> Ward.** Alderman Feldman stated the City has great reason to celebrate the renewed James Park, Evanston's playland. A long-term resident, he always believed that park could be much more than it was just a few years ago. He said the efforts of this and other Councils has paid off as this park is now a lovely place, which took a long time, a lot of planning and a great deal of money. This speaks to the issue discussed that evening. He noted Council could make choices not to spend and pretty soon they would create a level of quality of life that would not maintain the kind of population that wants to come here, the appearance and quality of life that attracts new vital people to come and live here. People don't live here because they have to, but because they choose to. People choose Evanston for its quality of life, beauty, neighborhoods, art, architecture, the tone of political activity and many other reasons. People don't choose Evanston for neglect, dilapidated buildings and parks, lack of programming, streets with potholes, trees that are diseased, beaches that cannot be maintained or closed because of no guards. When this kind of money is spent, residents reap the benefits. They are trying to enhance the basic quality of life and quality of living here and a perfect example is what was done in James Park. If this Council can do that repeatedly in the community that is what is needed. He recalled when Council started discussing this, they had to decide whether the parks would fall into disrepair or be made state of the art, something that does credit to the community. This park does that. He saluted Council and congratulated the City.

**1<sup>st</sup> Ward.** Alderman Newman thanked Council for approving the new parking lease for 800 Elgin. It seemed the developer was not too happy that evening after the Parking Committee meeting. The lease approved that evening was a better collaboration between staff and elected officials. What the developer originally proposed was the opportunity to leapfrog over all other users of the Maple Avenue Garage to get top priority and make a multimillion-dollar deal.

He reported at the Planning & Development Committee meeting aldermen spoke with many owners of sidewalk cafés about their responsibilities to keep downtown Evanston clean. That is a priority for him.

He announced that Lou Malnati's opened the day before at Sherman/University; reported some of the top restaurant people in Chicago were there and said wonderful things about downtown Evanston. He wished Mark Malnati the best of luck and said it was a great addition to downtown.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste said that Council gets a lot done and likes to beat dead horses. He agreed with the report that Turf Care was in default. He expected that the City would not develop a long-term revulsion of this contractor if he corrects his past. Alderman Rainey reiterated that staff clarified for him the extent of this individual's default and he voted in favor of the recommendation, so it was a dead horse.

He congratulated the City Manager on the speed with which staff moved to give attention to cleaning up downtown. He, Aldermen Kent and Rainey had requested that other parts of the City be cleaned up. Initial response was there was not enough staff or time and it has been several months since the request was made. Other parts of Evanston need attention and they should not have to shout to get done what deserves to get done. He asked the City to pay attention to Dodge/Dempster, Emerson/Asbury and other places that need it.

He urged Council to pay attention to a report by Human Resources Director Judith Witt in response to his request for an update on the Fire Department hiring process. During the 1970s and 1980s hiring was diverse and in 1992 the City stopped hiring African Americans. From 1992 forward 38 individuals were hired, 84% were white males and 1/19<sup>th</sup> were African American, who are 20% of the population here. He thought that sometimes process is held over strategy. Those on the force will retire soon and suggested they work to make sure they do the right thing. From discussion with Ms. Witt, she is working on correcting the process. He urged they all stay vigilant.

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

**4<sup>th</sup> Ward.** Alderman Bernstein congratulated Tony Lee, who retired after 13 years with the YMCA and Judge Jerome Orback, who left the 2<sup>nd</sup> Circuit Court and was a hands-on jurist to Evanston. He announced the Evanston Illinois Chapter of American Youth Soccer Organization (AYSO) has received the Region of the Year Award. He congratulated AYSO, which believes that all kinds should play. He reported attending the dedication of Channelside Park at Main Street and the North Shore Channel, which accommodates soccer fields and a dog park.

He announced two meetings the next evening at 7:00 p.m. One will be about redevelopment of the former District 65 administration building at 1314 Ridge Avenue. Another will be at Nichols School regarding a proposed development at 1031 Sherman Avenue.

He asked that U.S. Equities move forward on the report on the Civic Center as several Civic Center Committee meetings have been cancelled. He reported that Elliott Dudnick, a consultant and professor of architecture at UIC, gave the Civic Center building as a project to students who came up with plans to rehabilitate the building or tear it down and build something in its place. They will make a presentation to the Civic Center Committee.

Alderman Bernstein expressed condolences to the family of Lois Soglin, a District 65 teacher who passed away.

**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 spoke about the importance of the fire alarm recommendations from the Police/Fire and Finance departments. It was pointed out the City lags behind other municipalities in terms of fines, permit fees and fines for false alarms, and that Evanston has an extraordinary amount of false alarms. Fire Department has 1,300 false alarms per year. The cost of sending a company to a fire is \$1,725 per call. At 1,300, they can set a value of \$2,299,000 for false alarms. The Police Department estimated the cost of false alarms at \$700,000 per year. Taxpayers finance delivery of services to those who have false alarms. She encouraged Council to read the material again and try to come up with an agreement to get this passed. They believed fines would encourage different behavior, because people are allowed four false alarms without a ticket. High fines will change behavior. Every time a truck or car goes to a false alarm, it endangers somebody with a real emergency. She encouraged support.

She announced Max Rubin is their leader in the American Cancer Relay for Life and she had joined his team and asked for donations from other Council members. The Relay is on May 30 from 6:00 p.m. to 6:00 a.m.

Mayor Morton asked that Council be given revenues received on a quarterly basis. Mr. Crum stated staff was doing that.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:12 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.