

CITY COUNCIL

May 19, 2003

ROLL CALL - PRESENT:

Alderman Newman	Alderman Moran
Alderman Jean-Baptiste	Alderman Tisdahl
Alderman Wynne	Alderman Rainey

A Quorum was present.

**NOT PRESENT AT
ROLL CALL:**

Alderman Kent

ABSENT:

Aldermen Bernstein, Feldman

PRESIDING:

Mayor Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, May 19, 2003, at 6:37 p.m. in the Aldermanic Library. Alderman Jean-Baptiste moved that Council convene into Closed Session for the purpose of discussing matters related to litigation pursuant to 5ILCS Section 120/2 (c) (11). Seconded by Alderman Wynne.

(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.

Roll call. Voting aye—Newman, Jean-Baptiste, Wynne, Moran, Tisdahl, Rainey. Voting nay— none. Motion carried (6-0).

At 6:57 p.m. Alderman Newman moved to reconvene into Open Session and recess. Seconded by Alderman Rainey. Motion carried. No nays.

Mayor Morton reconvened the City Council at 8:38 p.m. in the City Council Chamber.

ANNOUNCEMENTS:

Public Works Director David Jennings announced that due to the Memorial Day holiday weekend, garbage and recycling collections would be one day late; e.g. Monday's pickup on Tuesday, Tuesday's pickup on Wednesday, etc. He announced that Memorial Day, Monday, May 26, 2003 would be a parking meter holiday.

Facilities Management Director Max Rubin invited citizens to attend the Memorial Day service at Fountain Square at 10:30 a.m. He announced that immediately following that service would be a ceremony honoring Korean War Veterans.

Mr. Rubin announced a Civic Center Committee meeting Tuesday, May 27 at 6:30 p.m. in the Civic Center. He reported that U.S. Equities would make a presentation on their research. Following that, University of Illinois architecture students, who chose the Civic Center as a project, will present their findings.

Recreation Superintendent Robert Dorneker invited all to attend "Woofstock," the grand opening celebration for Pooch Park on Sunday, June 1, 2003, from 11:00 a.m. to 4:00 p.m. and admission is free. He noted Pooch Park is the new off-leash dog park and recreational area that is a joint venture between the Skokie Park District and the City of Evanston. It is located at the south end of Channelside Park, between Main and Oakton streets, just east of the North Shore Channel. He reported that Woofstock would include contests, demonstrations and entertainment. Mr. Dorneker announced that dog owners may purchase passes for Pooch Park at the Robert Crown Center.

City Manager Roger Crum announced that Wayne Moran, who started the City's Administrative Adjudication process, was leaving to start up a similar operation in Oak Park.

In the absence of Finance Director Bill Stafford, Mr. Crum announced that the City retained its Aaa bond rating in the latest

Moody's report. He noted that was significant in today's economy and said the report cited things such as Northwestern University providing an economic anchor, diverse revenue stream and considerable revenue-raising options due to home rule status, favorable reserve levels and conservative budgeting practices of the city management.

Mayor Morton announced that the Evanston Police will celebrate May as National Police Month. She invited the public to the Sixth Annual "Celebration of Service" hosted by the Chaplain/Clergy Team on Thursday, May 29 at 7:00 p.m. in the Council Chamber of the Civic Center.

COMMUNICATIONS: None

CITIZEN COMMENT:

Rachel D. Goldberg, 606 Mulford St., ETHS senior and participant in a program called "Senior Studies" where students work on an independent project they design. Her project is "A Taste of the Arts" and a major component is a mural on the viaduct adjacent to Elks Park (Southeast Evanston) on the Metra side of the tracks. She sought neighborhood feedback and the consensus was that a mural would improve aesthetics and might deter graffiti. Ms. Goldberg reported going to the Public Art Committee and receiving their approval for the mural's design and, subsequently, forwarded it to Metra and received approval from them. She learned that the 8th Ward alderman (Rainey) had some concerns about the sketch for the mural, stating that it depicted violence and might offend people in the community. Ms. Goldberg distributed copies of a petition with about 70 signatures of neighbors who supported the mural project.

Alan Goldberg, 606 Mulford St., father of Rachel, pointed out that his daughter has lived in Southeast Evanston her entire life and asked Alderman Rainey to waive her objection to the sketch for the mural. He noted the neighborhood has fought negative stereotypes for a longtime and took offense to the notion that pop-culture artwork could cause more gang violence. Mr. Goldberg believed that when young people undertake positive things to help the neighborhood, they should be supported. He asked, "When the Public Arts Committee approves something, what does that mean?"

Laura Saviano, chair, Public Arts Committee, stated that the application process is very strict and anyone may apply to paint a mural in the City of Evanston. The design is presented to the committee and is approved (or not), then presented to whatever entity owns the wall where the mural is to be painted. She stated that the approved design is shown to the ward alderman and concluded with the remark "that is how things are done in the City."

Alderman Rainey asked was she not present at the Public Art Committee meeting the other evening (May 13). She had attended that meeting for the purpose of dealing with this issue. She reported that the first drawing of the mural depicted a guy wearing a "hoodie" with a big boom box and some graffiti in the background. Alderman Rainey noted that the word shown in the sketch was "music" and was unaware of that until she attended the Public Art meeting. She asked did the committee not set up a public meeting in a few weeks where the proposed mural's artist would be present and the issue would be discussed? Alderman Rainey stated that that process has not been followed. She said that someone from the Public Art Committee appearing before Council on an issue that has been given an aldermanic prerogative was wrong and she felt blindsided.

Laura Saviano responded that at the last committee meeting it was decided to have the community and the artist work out any concerns with the mural project. Alderman Rainey interjected, "at a meeting called by me," is that correct? Ms. Saviano replied "correct." Ms. Goldberg added that she had petitioned neighbors about the artwork and whether they would take offense. She got tremendous support from the community. Ms. Saviano reiterated that the Public Art Committee encouraged meeting with the community, alderman and the artist to resolve concerns about the mural.

Bob Atkins, 2005 Orrington Ave., 30-year resident, stated that City Council is empowered to pass ordinances it deems appropriate for the protection and benefit of the City of Evanston. He found it disturbing that the Council had on that evening's agenda a Resolution, 27-R-03, urging as an official act of this city, that Congress repeal in its entirety, the USA Patriot Act. He reported the Act is a 300-page statute passed overwhelmingly by Congress to more effectively fight global terrorism after September 11, 2001. He stated that constituents did not elect aldermen to debate and pass on issues of war and peace nor to second-guess the actions made by Congress and the President of the United States. He felt that

such actions by City Council place Evanston's diverse community in a partisan, political uniform many residents choose not to wear. In the name of diversity, he urged Council to refrain from voting on this resolution as drafted.

Sherrill Weaver, 939 Ridge Ct., resident and librarian at Oakton Community College, supported the resolution to repeal the USA Patriot Act. She asked Council to note concerns expressed by the House Judiciary Committee, which can be found at the committee's website (house.gov/judiciary). She called attention to House Resolution 1157, to Amend the Foreign Intelligence Surveillance Act to exempt bookstores and libraries from orders requiring the production of any tangible things for certain foreign intelligence investigations and for other purposes. She said U.S. Rep. Bernard Sanders (I-VT) sponsored the bill, with 96 legislators co-sponsoring. She commended Congresswoman Jan Schakowsky for her courage and foresight in voting against the USA Patriot Act. Ms. Weaver remarked "hers was the true act of a patriot, to stand against the tide of fear and to uphold our civil rights."

Madeline Goldstein, 817 Mulford St., cited examples of people concerned about their civil liberties. She spoke of a government official who asked why an attack on her country wasn't investigated and what her country's leadership might possibly have known in advance of the attack. This official was called a traitor and run out of office. Ms. Goldstein reported that, despite this action sounding as though it happened in Iraq, North Korea or Nazi Germany, it occurred here in the U.S.A. to former Congresswoman Cynthia McKinney (D-GA). Ms. Goldstein stated that "the terrorists have won, we the American people have become what we despise. We are no longer safe in our homes, or have any privacy. We can't travel, ask questions, make personal transactions, read what we want or say what we believe. Our entire lives are being monitored." She pointed out that it is even more dangerous to be a person of color, especially if the person is of Middle Eastern origin. She asked who's profiting from a constant state of war? She applauded the thousands of people who marched, got arrested and put their bodies on the line to try and stop the insanity of a war, the reasons for which keep shifting like the desert sand. Ms. Goldstein acknowledged that this Council, like other local elected officials, has remained true to themselves and their constituents. She urged a vote to repeal the USA Patriot Act.

Jeff Frank, representing the Chicago Chapter of the National Lawyers Guild, spoke of early heroes, such as Nathan Hale and John Brown, who took a stand against injustice and tyranny. More recent heroes are Rosa Parks, Dr. Martin L. King, Jr. and the Freedom Riders. He stated the NLG believes that the USA Patriot Act is one of the most unpatriotic acts ever enacted by Congress. He said it makes a mockery of free speech rights by instilling fear of speaking out...and makes a mockery of a proud nation of immigrants by singling out certain nationalities and religions for registration and detention. By adopting this resolution, Evanston will send a message that it takes its civil liberties seriously and is willing to fight to preserve the freedom of citizens of a democracy and freedom from government intrusion in our lives.

Marjorie Zamora, of Western Springs, founder/director of a coalition for a Department of Peace. She has studied and taught American government for 30 years and never has she seen such restrictions, locally or nationally, to undermine our liberties. She reported that in 1793, George Washington put a bill into Congress for a Department of Peace "to balance the Department of War." She stated that it was wrong that the 4th Amendment (search & seizure) was abridged in October 2001; added that it is wrong to subject persons and places to unreasonable searches and seizures on computers and at libraries and bookstores without probable cause.

Carol English, 2905 W. Sherwin, Chicago, urged Council to pass the resolution and reported that Arcadia, CA had passed similar legislation and the State of New Mexico has a resolution in their present legislature.

Daniel Glicker, 1429 W. Rosemont, Chicago, is active in issues effecting the 9th District (where he lives). He stated that the U.S. is based on a balance of power—local and national—the reason they were present at a city council meeting. He pointed out that the USA Patriot Act goes to the heart of the U.S. Constitution. He remarked that instead of catching criminals in a net, the Act catches our legal system in a net with every American inside.

Scott Gilbert, 148 Clyde Ave., asked Council to support the resolution and noted it was primarily a symbolic one. He did not view it as a partisan issue—not a left or a right, not a Democratic or a Republican issue. He saw it reach across the spectrum to those concerned about privacy, civil liberties and upholding the Constitution.

Kai Stinchcombe, 1710 Asbury Ave., lifelong Evanston resident, believed that the central tenant of American patriotism

is limited government. He noted because we love our country so, we fear our government and demand that it be checked. He cited self-limiting through the Constitution, limits by citizens and regular voting and limits by balances against local government. He thought it would be patriotic to join the other 107 city, county and state legislatures that have supported resolutions against the USA Patriot Act.

Christopher Veres, attorney with the ACLU (IL), encouraged passage of this resolution. By doing so, the City would send a strong message to Washington that the current administration and Justice Department have gone too far in intruding into the private lives of Americans in the name of national security. He noted that when legislation such as the Patriot Act is passed due to political forces in Washington, it is at the grassroots level in communities like this one that the people make their voices heard and let their leaders in Washington know that these policies are not acceptable.

Caroline Herzenberg, 1700 E 56th St., Chicago, she urged Council to make Evanston a civil liberties “safe zone” by voting for this legislation to repeal the USA Patriot Act. She labeled it an “unpatriotic piece of legislation” that tramples the Bill of Rights and stated that Evanston could lead the way for other cities in the Illinois by passing it.

Anya Cordell, 9447 Hamlin Ave., has become an expert on attacks against immigrants that have come in the wake of September 11. She reported having the tragic privilege of meeting the families whose husbands and fathers were murdered in the hate backlash following 9-11. She believed the USA Patriot Act targets immigrants unfairly and felt that the resolution should be passed in the name of diversity.

Dick Tholin, 824 Ridge Tr., longtime resident who represents the North Suburban Peace Initiative, supports the resolution. He pointed out that this administration (Bush) is building an empire around the world and tearing down a republic at home. Both of these actions, individually and intertwined, violate longstanding traditions of our republic. He reiterated that it is a foreign policy and a national policy that’s intertwined because both are based on domination of others, rather than cooperation with others. He commented that the USA Patriot Act throws the Bill of Rights out of balance and is a threat to the United States’ whole identity, not just to a policy.

Leslie Walsh, 1201 Michigan Ave., longtime resident, read from the May 18 issue of the *St. Petersburg Times*, “The USA Patriot Act, well known as the law that sacrificed civil liberties in the name of national security, may also be one of the largest unfunded mandates on private business since Social Security.” She cited examples of businesses that were threatened with fines if they did not cooperate with requests for private information on customers or employees.

Dale Lehman, Neighbors for Peace, Chicago, encouraged Council to pass the resolution. He read from a book by philosopher John McMurtry, “The USA Patriot Act is about preventing dissent in this country and terrorizing people into obedience.” Mr. Lehman brought several informational videos to share with Council. He reminded Council that the role of citizen was the highest office that he believed they held, before even the aldermanic post.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Kent moved Council approval of the Consent Agenda with the following exceptions: Change Order #1 with Pinel Andrews for Hinman Tot Lot, Ordinance 49-O-03 – Planned Development, Ordinance 48-O-03 – Amending Ordinance 104-O-00- Creating a Special Sign District at Church Street Plaza, and Resolution 27-R-03 – Repeal of the USA Patriot Act. Seconded by Alderman Moran. Roll call. Voting aye – Newman, Jean-Baptiste, Wynne, Kent, Moran, Tisdahl, Rainey. Voting nay – none. Motion carried (7-0).

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of May 7, 2003. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, of the City of Evanston payroll for the period ending May 8, 2003 and the City of Evanston bills for the period ending May 21, 2003 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 05/08/03)	\$1,854,021.81
City of Evanston bills (through 05/21/03)	\$2,090,282.16

* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

* Approval of the State of Illinois low bid from Turf Professional Equipment Co. for two Toro 328-D riding mowers for Parks/Forestry & Recreation at a cost of \$27,960 after trade-in. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

* Approval of the one-year contract with Water Resources Inc. for Schlumberger (Neptune) water meters and the Hexagram Automatic Meter Reading System, expending the balance (\$120,341) of the original contract (\$2,178,272) until June 2, 2004. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

* Approval of the lowest responsive and responsible bid of National Power Rodding Corp. for 2003 root treatment for sewer mains at a cost of \$24,104.53. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

* Approval of Change Order #2 with Skender Construction Co. for the Fire Station #3 Project, in the amount of \$32,254.96, increasing the contract from \$2,357,625.50 to \$2,389,880.46. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

* Approval of modification #3 to the professional service contract with Yas/Fischl Partnership, for Fire Station #3 Renovation for additional architectural services, in the amount of \$2,336, increasing the contract from \$155,620 to \$157,956. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

* Approval of Change Order #2 with Clauss Brothers for the Butler Park Redevelopment in the amount of \$5,735, increasing the contract from \$808,715.83 to \$814,450.83. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

AGENDA ADDENDUM

* Approval of the lowest responsive and responsible bid from Chicago United Industries Ltd. to purchase outdoor furniture for Rothschild Garden at the Levy Center for Parks/Forestry & Recreation at a cost of \$19,500.20. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)



* Resolution 29-R-03 - Agreement with Omni Orrington - Consideration of proposed Resolution 29-R-03, which authorizes the City Manager to enter into an agreement with the Omni Orrington for sponsorship of the 2003 Ethnic Arts Festival, Lakeshore Festival, Starlight Concert Series and Arts Week Evanston. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

* Resolution 30-R-03 - Appointing a Director and Alternate Director to the Solid Waste Agency of Northern Cook County - Consideration of proposed Resolution 30-R-03, which appoints Alderman Moran as Director and City Manager Crum as Alternate Director to SWANCC for a two-year term. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (7-0)

* Ordinance 50-O-03 - Loading Zone at 1300 Oak Ave. - Consideration of proposed Ordinance 50-O-03, which amends Section 10-11-7, Schedule VII(B) of the City Code to establish a loading zone at 1300 Oak Ave. * MARKED INTRODUCED - CONSENT AGENDA

* Ordinance 51-O-03 – Sherman Plaza Alley Vacation – Consideration of proposed Ordinance 51-O-03, by which the City Council would vacate portions of the alleys north of Davis, east of Benson for the Sherman Plaza project. * MARKED INTRODUCED – CONSENT AGENDA

PLANNING & DEVELOPMENT COMMITTEE

* Sidewalk Café Permit – Type 1 Restaurant (Oceanique) - Consideration of a recommendation of the Site Plan & Appearance Review Committee to grant a Sidewalk Café Permit to Oceanique, 505 Main St., with liquor service outside the core area. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

* Sidewalk Café Permit – Type 2 Restaurant (McDonald's) - Consideration of a recommendation of the Site Plan & Appearance Review Committee to grant a Sidewalk Café Permit to McDonald's, 1700 Orrington St. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

* Sidewalk Café Permit – Type 2 Restaurant (Starbucks) - Consideration of a recommendation of the Site Plan & Appearance Review Committee to grant a Sidewalk Café Permit to Starbucks, 1724 Sherman Ave. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

* 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, introduced May 7, 2003, 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. * ADOPTED CONSENT AGENDA & ROLL CALL (7-0)

HUMAN SERVICES COMMITTEES:

* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of April 2003 in the amount of \$93,947.01. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

* Special Event – Ethnic Arts Festival – Consideration of a request to hold the annual Ethnic Arts Festival at Dawes Park on July 19-20, 2003, from 12:00 noon to 7:00 p.m. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

* Special Event – Lakeshore Arts Festival – Consideration of a request to hold the annual Lakeshore Arts Festival in Dawes Park on August 2-3, 2003, from 11:00 a.m. to 6:00 p.m. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

* Special Event – Starlight Concert Series – Consideration of a request to hold the annual Starlight Concert Series in Dawes and James parks on Tuesday and Thursday evenings from 7:30 p.m. to 9:00 p.m. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

* Special Event – Walking for Children – Consideration of a request to hold a walk, Walking for Children, on Sunday, June 1, 2003, from 8:00 a.m. to noon, through the Ladd Arboretum. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

* Resolution 31-R-03 – Authorizing Certain Resident Artist Lease Amendments for Spaces at the Noyes Center – Consideration of proposed Resolution 31-R-03, which authorizes the City Manager to enter into certain resident artist lease amendments for spaces at the Noyes Cultural Arts Center. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (7-0)

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Alderman Moran moved approval of Change Order #1 with Pinel Andrews for the Hinman Tot Lot Redevelopment project for an increase of \$10,031, which increases the total contract amount from \$107,660 to \$117,691. (Funding source is GO bonds). Seconded by Alderman Wynne.

Alderman Rainey supported this and pointed out the cost of using rubberized material (\$126/sq. yd.) for the play area. She cited the community's economic problems and that the City could not provide this kind of play area for all parks. She asked that before another rubberized play area is considered, Parks/Forestry & Recreation make a policy decision and bring it before Council for approval as to whether this would be made available to parks in all parts of the City.

Alderman Wynne wanted to ask someone from Parks/Forestry & Recreation to address whether Change Order #1 holds the cost for improvements within the total budget set for the project? Parks/Forestry Superintendent Paul D'Agostino responded "yes." Alderman Wynne commented that if choices are made that are within the project's budget, Council should follow the recommendation of the Parks Division. She recalled having visited other parks where rubberized materials were used. Mr. D'Agostino confirmed that the material has been used in other parks on a limited basis. He commented that the Hinman Tot Lot is so small that it is difficult to keep up and rubberized materials are easier to maintain than wood mulch. Alderman Wynne pointed out that Hinman Avenue is very densely populated with condominiums and that the tot lots enhanced and revitalized a neighborhood. She cited the success they had with Snyder Tot Lot and that people have reported to her that it has changed the quality of life for them.

Alderman Newman asked how they save money on maintenance costs by using a rubberized surface? Mr. D'Agostino stated that they do not have to replenish the wood mulch annually as they do at other locations. Alderman Newman asked about the life span of rubberized materials? Mr. D'Agostino stated they have had rubberized materials in some locations for 12 years with virtually no maintenance.

Alderman Rainey commented that she had merely wanted to inform people about the cost of using rubberized materials and that she intended to support the item. She added that the cost of wood mulch is \$1/sq. ft.

Roll call. Voting aye – Newman, Jean-Baptiste, Wynne, Kent, Moran, Tisdahl, Rainey. Voting nay – none. Motion carried (7-0).

PLANNING & DEVELOPMENT:

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 Wynne asked that Ordinance 49-O-03 be marked introduced and referred back to the committee.

Alderman Wynne explained that this is where the shell of the old bank building remains and the developer has come with a planned unit development and there is a lot of community interest in this. There are several issues to be resolved, (1) there is concern that they did not have effective legal notice of the Plan Commission meeting that was held last month regarding this issue; (2) there were suggestions from an architect in the community that were met with a positive response from the developer and (3) the CTA sent a memo to the City and the developer regarding its concerns about the development and whether it would impact the embankment (viaduct) work the CTA is doing.

Alderman Wynne pointed out that there are many people who wish to speak about this issue and the committee requested a 6:00 p.m. start time for the June 9 meeting.

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, introduced May 7, 2003, which amends the Church Street Plaza Special Sign District.

Alderman Wynne moved approval of Ordinance 48-O-03. Seconded by Alderman Newman.

Alderman Moran commented that when the Church Street Plaza development was being planned, a Connectivity Committee was created. As he recalled, an attempt would be made to take affirmative steps to tie activities in Church Street Plaza to the traditional central business district in downtown. He did not know if that committee was filled or if it ever met. If it did, he had not heard of such a meeting. Alderman Moran stated the ordinance before them that evening appeared to be a further expansion of the marketing or advertising efforts to call attention to Church Street Plaza and the businesses within it. He wanted an effort made to develop a cross-reference between Church Street Plaza and the traditional downtown district. He did not think anyone who comes to downtown Evanston would be confused about which is the central business district and which is Church Street Plaza, what its parameters are and who is there. Alderman Moran urged the P&D Committee to develop a plan to recognize the “whole” downtown. He thought that signs should direct people to visit not only the Church Street Plaza but to continue to look at other areas and other businesses that populate the rest of downtown Evanston.

Alderman Newman noted that Church Street Plaza is probably the most successful economic development project there has been in Evanston in the last 50-75 years. He stated that Evanston owes a debt of gratitude to that development, which has spurred tremendous development over the rest of downtown. He pointed out that most of the country has a down economy in terms of construction, while the City of Evanston has an up economy. Major buildings continue to be built mainly because of how the dynamic of Evanston was changed by Church Street Plaza. The developers have put together a tasteful sign plan that has been approved by the Sign Review and Appeals Board. Alderman Newman pointed out that Church Street Plaza is part of Evmark and the movie theaters run advertisements about going to other places in downtown Evanston. He said there are discussions of kiosks, which the Hill Company has been cooperative with, to be at the bottom of the movie theater area. He noted that the City is basically sponsoring Sherman Plaza, which will bring in all types of retail that will compete with Church Street Plaza. Alderman Newman believed that the Sherman Plaza development would do much to promote central downtown. He stated that the Hill development has brought, by the tremendous success of the Century Theatres, millions of people to downtown Evanston--connectivity is happening. He thought the developers (CSP) should be able to identify the building and do a marketing program. He felt that the rest of downtown should be grateful, as should all Evanston taxpayers, for the amount of economic activity that has been generated by that new part of downtown.

Roll call. Voting aye- Newman, Jean-Baptiste, Wynne, Kent, Tisdahl, Rainey. Voting nay - Moran. Motion carried (6-1).

HUMAN SERVICES COMMITTEE:

Resolution 27-R-03 – Repeal of the USA Patriot Act – Consideration of proposed Resolution 27-R-03, which calls for repeal of the USA Patriot Act and directs the City Manager to undertake specific actions related to enforcement of the Act.

Alderman Newman moved approval of the resolution. Seconded by Alderman Wynne.

Alderman Moran said when the recent resolution opposing the war in Iraq came before Council, he felt strongly that it was not the place of the Evanston City Council to declare that war unjust and condemn the effort. He acknowledged that the effort (in Iraq) was fraught with risk and difficulty and that the action taken there was historic. He thought, ultimately, the world order would be improved by what the United States armed forces did there. With respect to this particular resolution, he found himself wavering as to whether Council should take it up. He agreed with everyone who spoke that evening with regard to the right of free expression of thought and speech within not only Evanston, but also the entire United States. He remarked that he did not receive any kind of analysis of the USA Patriot Act and has not been able to study it with the comprehensiveness that he thinks it requires. While he agreed that all politics are local, he wanted to focus on the things Council could do to improve life in Evanston. He stated that there are so many projects that he would like to work on that Council never gets to and cited the issue of teardowns in his ward. He noted that the issue of teardowns was on the P&D agenda that evening and it was not addressed. Alderman Moran said that he was not able to make a discerning judgment whether it should be repealed or not. He understood that some parts of the Patriot Act

are being “sunset” in 2005. He reiterated that he could not give a “yes” or “no” vote and would abstain.

Alderman Jean-Baptiste was distressed by Alderman Moran’s statement that the “world order would be improved by what the U.S. did in Iraq.” He disagreed with that remark and felt the majority of the world’s people would not agree with that kind of statement. He reported that May 19 was the birthday of Malcolm X and Ossie Davis, in delivering his eulogy, called Malcolm X “our shining prince,” referring to the African-American community. This was because Malcolm X stood up and made statements that, prior to that time, a lot of black folks were afraid to make, such as identifying friends and enemies and urging people to stand up and dissent against the kind of practices that had been imposed upon them. Alderman Jean-Baptiste noted that Dr. Martin L. King, Jr. was under surveillance for much of the time that he spent working to mobilize the American population (black and white) to fight against segregation. The FBI and those who were in power at that time felt that Dr. King was a dangerous man. He pointed out that the selected government that is in power now wants to do away with dissent. They want to make sure that we stay indoors and stay silent. He added that they have harassed protestors who have stood up and offered a difference perspective on the issues of the war, 9-11 and bringing peace to the world. He stated that a number of those who dissented throughout the anti-war demonstrations were not only harassed and arrested, but the policy is that the government should seek conviction of each one of these individuals. An effort is underway to pull a national database on those who dared to dissent. Alderman Jean-Baptiste commented that if the government can track his Internet use, see what books he’s checked out of the library and search his house without a warrant, those actions would be incorrect. He stated that was an intrusion he was not willing to sacrifice now and it would have a chilling impact on his activism. Acknowledging those who had spoken that evening, he remarked that people declared “Yes, we are opposed to terrorism, but we do not want to be terrorized.” He urged Alderman Moran to reconsider and participate in the process.

Alderman Newman was concerned about a precedent that might be set that evening and wanted address two points. He noted that Council Rule 11.1 only allows for abstentions when there are economic conflicts of interest, otherwise aldermen are supposed to vote “yea” or “nay” on all matters. Since he has served on Council, he could not recall any abstentions other than for economic interests. Alderman Newman asked that the library director address the impact of the USA Patriot Act upon the library and the citizens who use it.

Library Director Neal Ney reported that the impact to date has been mostly one of preparation. They have not received any warrants under the Act. He noted that the most significant change that affects Evanston’s library is a section that amends the Foreign Intelligence Security Act. That change lowers the bar for warrants, making it applicable to U.S. citizens who are not necessarily the agents of foreign governments. It also expands what can be sought with those warrants to include library circulation records and all tangible things (e.g. a library computer). Mr. Ney noted that another section of the law allows for taps on Internet traffic. Operationally, unlike subpoenas, which can be challenged in court, the person whose records are sought is notified and the action does not happen immediately. Under the Foreign Intelligence Security Act, warrants are used and must be dealt with at that moment. The Act comes with a gag order so the library can not tell the person whose records were sought, the Library Board, the library director or anyone else on staff. He stated that under the Act, the library is not required to keep any records that have not been previously kept and is not required to hold things. He reported that with the Internet signup sheets, once the library has compiled the statistics for the day, those sheets are shredded. Likewise with circulation records, once a book is returned and checked in, there is no record in the database that associates that person with the book. Mr. Ney pointed out that the library’s computers are backed up, so there are a month’s worth of records, but nothing would be retained for more than a month.

Alderman Tisdahl commented to Alderman Moran that she understood why he wanted to read the Act and reported that at the Human Services Committee meeting she had requested it be provided in the aldermen’s packets. She noted that the 300-plus page document was not forthcoming. She would vote against the Act and for the resolution because the portions that she had read were so awful that she had no intention of supporting it and was delighted to vote against it.

Mayor Morton asked First Assistant Corporation Counsel Herb Hill to comment on the Council Rule Alderman Newman had referred to. She noted the rule states, “An Alderman is expected to vote yea or nay on all matters when present except...” the reasons that Alderman Newman stipulated. Mayor Morton pointed out that in other sections of the Council Rules, when aldermen have to do something, the word “shall” is used. She asked is the word expected “require” or was it optional? Mr. Hill responded that “expected” has a different meaning than “shall,” which is a mandatory word. He

stated that “expected” is an advisory word as opposed to a mandatory word. He pointed out that an alderman is not required to be present for every item that is on the agenda. An alderman can participate in the debate and be out of the room when a matter is to be voted upon. That has happened in the past. He said the word “expected” leaves it to the discretion of the alderman at that point. Mr. Hill added that there is no language in the Council Rules with respect to a penalty or admonishment for “not voting” one way or the other on a matter.

Roll call. Voting aye – Newman, Jean-Baptiste, Wynne, Kent, Tisdahl, Rainey. Voting nay – none. Abstained – Moran. Motion carried (6-0-1).

CALL OF THE WARDS:

1st Ward. Alderman Newman commented with regard to the abstention that just took place, he could not recall another abstention and the rule, in his view, has always been construed that an alderman must vote “yea” or “nay” except on matters that have an economic point of view. He thought the ruling that night was incorrect and could open up a can of worms that was not in the interest of the Council. To correct that, he is referring to the Rules Committee an amendment to the Rules at Section 11.1, where it says, “An Alderman is expected” to substitute the words “shall vote.”

He reported that aldermen were told that evening that committee meetings must end at 8:20 p.m. He felt that it was acting in good faith to try to have the Council meetings go on a certain schedule and noted that was one point of view. He noted that the Council Rules state that the A&PW and P&D committee meetings shall start at 7:00 p.m. and the rules do not say anything about when those meetings will end. He said that because of the imposed end time of 8:20 p.m., some people were not able to speak at the committee meeting and members of the Council will have to come here on other nights to get their business done. He stated that Council committees need flexibility, especially when there is controversy in the room on that particular night. He felt that for the committee chair to not have any discretion as to when the meeting ends is not the right way to go and believed it would lead to more meetings that aldermen would have to attend. He referred to the Rules Committee the entire question of the start and ending times of committee meetings.

Alderman Newman reported that May 10 was the dedication of James Park and it was a great event for the City with many kids from the Little League present. He commented on the green grass and the excellent condition of the fields and that the park was a credit to the community. He pointed out that despite heavy rains the night before and that morning, with the new irrigation and water removal system, games could be played that afternoon. He stated that families all around the community are appreciative of the work done in James Park.

2nd Ward. No report.

3rd Ward. Alderman Wynne congratulated the staff who worked hard to maintain the City’s Aaa bond rating. She wanted to make a reference to the Plan Commission to consider an amendment to the Zoning Ordinance, sections 6-15-2-2 and 6-15-2-3 regarding permitted and special uses in the O1 Office District as a result of the recent rulings of Judge Pallmeyer in the Vineyard litigation. The purpose is to consider amendments consistent with the judge’s ruling. Seconded by Alderman Rainey. Voice vote. Motion carried. No nays.

Alderman Wynne stated her second reference is also to the Plan Commission regarding the zoning on Chicago Avenue. She pointed out that since they made significant changes in April 2002, there has been a lot of development on Chicago Avenue and they continue to hear from people about the negative impact of height and density. She thought that certain sections of Chicago Avenue, south of Greenleaf Street, need to have these issues revisited.

Alderman Wynne requested that the zoning notices mailed to residents look more distinctive—either by using a different typeface or brightly colored paper. They need to look like something residents should pay attention to and not be thrown into the recycling bin. Alderman Wynne stated there are three forms of notice: a legal notice in the newspaper, a sign on the property and a mailed notice to anyone who lives within the district (depending on the zoning change).

Alderman Wynne announced on Thursday, May 22 at 7:00 p.m. in Lincoln School a public meeting to discuss another building on Chicago Avenue (corner of Chicago and Kedzie) and invited all to attend.

She announced a Keep Evanston Beautiful, Inc., award ceremony would be in the Council Chamber on Wednesday, May 21. She would be the master of ceremonies and hand out awards to the school children who wrote essays on why we should all keep Evanston beautiful.

4th Ward. No report.

5th Ward. Alderman Kent announced that the Flood & Pollution Control Commission, which oversees the Long Range Sewer Project training program for minority vendors, is taking names for people to work on the project. He said that names could be given to Superintendent, Water & Sewers Rich Figurelli; M/W/EBE Coordinator Lloyd Shepard or Alderman Kent. He thought the training class would begin in June for up to a dozen people.

Alderman Kent had a reference for the Human Services Committee, CDBG and the Economic Development Committee regarding how the City deals with people who re-enter the community as ex-cons. He did not know if anyone was doing anything about it from a municipality standpoint. He speculated that the only answers would come from groups such as First Base, which comes to CDBG and ask for money for a program that they put together. Alderman Kent is working now with a male intervention group in which there is no manpower to staff it. He said they hoped to develop a relationship with one or two of the men who wanted to take the opportunity to better their lives. He wanted to find out what was going on, if anything, with regards to programs for ex-cons. He has discussed the situation with the City-School Liaison and the City-Chamber committees and would speak with George Mitchell, president of the Evanston NAACP. He cautioned that if the situation is not dealt with now, in 5-10 years it will be a huge problem. Alderman Kent reiterated that he was talking about working with one or two individuals from Evanston, not a group of 12, 25 or 30 people. He thought that such a program might be something that would have to be created.

6th Ward. No report.

7th Ward. Alderman Tisdahl announced a meeting Tuesday, May 20, 7:00 p.m. in the Chandler-Newberger Center to discuss improving Leahy Community Park. She hoped everyone would attend because community input is desired.

8th Ward. Alderman Rainey informed Alderman Wynne that in a case when an applicant is generating a matter that requires a zoning notice, in other communities the burden is placed on the applicant to provide letters to people in the area surrounding. Those letters must be certified so that there is a record that the letters have been sent. That kind of service relieves staff of extraordinary work and also relieves the City from making an error, which can be made at any time. She suggested that the City look at some of those communities, Lincolnwood being one of them.

Alderman Rainey sent get well wishes to Sally Lufkin, staff liaison to the CDBG Committee.

Alderman Rainey thanked Superintendent Hardy Murphy and the people at School District #65 for finding a watering source for a family's memorial garden at Oakton School in honor of their son. She reported that last year the garden died because there was no outside water source at the school. She stated that Mr. Murphy took this project under his wing and reported a water source specifically for that garden would be installed by June.

Alderman Rainey cited Madeline Goldstein for her efforts on the campaign to repeal the USA Patriot Act in Evanston.

Alderman Rainey noted that since her original election to Council in 1983, there has never been an aldermanic abstention, with the exception of a matter involving a pecuniary interest, on this Council. If custom and tradition doesn't override that "expected" word in the Council Rules, then she did not know what would. She stated that abstentions are not allowed on the City Council and said if the Rules need to be revised to reconfirm that, they should be.

With regard to start times for City Council meetings, Alderman Rainey pointed out that for many years the meetings started at 9:00 p.m. She noted that committee meetings started at 7:00 p.m., 7:30 p.m. or 6:30 p.m. depending on the amount of work there was to be done. She said the most important work done by City Council is done in Standing Committees and noted that the Administration & Public Works Committee does not have enough time to do a thorough job. She commented that they could not do their business in an hour and twenty minutes time. She hoped that all Council

members would attend the Rules Committee meeting and set the City Council meeting start time for after the committee meetings adjourn. She hoped they could set a standard of 9:00 p.m. (start of Council meetings).

Mayor Morton asked that aldermen take into consideration the public when they set the start time for City Council meetings. She noted that for the public to come at 9:00 p.m. for a Council meeting is late and there's the possibility that the meeting wouldn't start on time. She stated that when the Rules Committee is considering this, an earlier time to start for the committee meetings might be a better solution. Mayor Morton added that once the meeting start times are advertised to the public, the cable channel people are told, the staff is here to do it and people are here to hear the meeting, she thought they should adhere to that start time. She stated whatever start time is decided upon, let the community know what it is and the community would expect that Council would begin their meeting at that time.

9th Ward. No report.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:00 p.m.

Mayre Press,
Deputy 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.