

**CITY COUNCIL**

**August 18, 2003**

**ROLL CALL - PRESENT:**

Alderman Moran  
Alderman Tisdahl  
Alderman Rainey

Alderman Newman  
Alderman Wynne  
Alderman Bernstein  
Alderman Kent

A Quorum was present.

**NOT PRESENT AT  
ROLL CALL:**

Aldermen Feldman, Jean-Baptiste

**ABSENT:**

None

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, August 18, 2003, at 6:05 p.m. in the Aldermanic Library. Alderman Tisdahl moved that Council convene into Closed Session for the purpose of discussing matters related to real estate, litigation and closed session minutes pursuant to 5ILCS Section 120/2 (c) (5), (6), (11) and (21). Seconded by Alderman Wynne.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

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

At 7:28 p.m. Alderman Feldman moved to reconvene into Open Session and recess. Seconded by Alderman Wynne.  
Motion carried. No nays.

Mayor Morton reconvened the City Council at 9:10 p.m. in the City Council Chamber.

**ANNOUNCEMENTS:**

City Manager Roger Crum announced there would be no vote or discussion on the Northwestern/Northeast Historic District matter. He reported the developer of 1100Clark St. /1719 Ridge Avenue had sent a letter asking to withdraw the item from further action.

Parks/Forestry & Recreation Director Doug Gaynor showed a video of the fitness program at the Levy Senior Center that was featured on ABC and CBS recently.

Robert Crown Center Manager Robert Lloyd presented 11 gold medal skaters who won medals at the Ice Skating Institute World Team Championships held July 28-August 2 in the Chicago area. Robert Crown Center Ice Complex placed 9th out of 124 teams overall in this competition. Julie Solheim, Interim Skating School Director, introduced gold medal winners: Jahna Berk, Nora Chin, Claire Delahorne, Roxanne Laux, Carah Ferrill, Carly Steinman, Victoria Stagg-Elliott, Grace Robertson, Shayna Strom, Kelsey Wright, and Chelsea Ridley, who is featured on the cover of the Fall 2003 *Arts+Recreation* magazine. Public Works Director David Jennings reported that refuse, yard waste and recycling collections would be one day later the week of September 1-5 due to the Labor Day holiday.

He announced that the Solid Waste Agency of Northern Cook County (SWANCC) will sponsor a household electronics recycling collection in Glencoe Saturday, September 6. For further information visit SWANCC's website [www.swancc.org](http://www.swancc.org).

Human Relations Executive Director Paula Haynes and Police Chief Frank Kaminski invited all to the annual CommUNITY picnic Sunday, August 31, from noon to 5:00 p.m. at Ingraham Park behind the Civic Center. There will be food, games, two sound stages, a dunk tank and the Fire Department's Safe House.

City Manager Roger Crum announced the Evanston/Belize Day in the Park on Saturday, August 23, from noon to 8:00 p.m. at Ingraham Park behind the Civic Center.

**COMMUNICATIONS:** None

**CITIZEN COMMENT:**

Maria Berg-Stark, executive director of Chicago's North Shore Convention & Visitors Bureau spoke of the bureau's accomplishments and announced effective July 1, they have expanded to include Northbrook. They have a regional visitor's guide and a dining guide.. As a regional bureau, they received \$239, 511 in state grants last year and this year received \$277,000. She looked forward to increasing awareness of Evanston and this area.

Bob Khan, represented Jose Venzor, 1012 Church St., who applied for a liquor license for Asado Brazilian Grill but could not be present.

Don Gold, 1111 Church St., sent a letter to the City Council regarding development at 1100 Clark. Evanston seemed to him a grand and wonderful city that should not succumb to mediocrity. When developers are invited almost indiscriminately and their work approved, they run the risk of losing their value system of how the City should look. It seemed important how Evanston ought to look and the way they can influence that is to ensure that those who apply to change the face of the City do so with integrity as well as the profit motive. Then, when they see what has been built they don't turn away, but instead people say "thank God it's there, it has improved our city." He tried to make the point that traffic, density, dirt and noise that accompany development should be limited, which is Council's job. He and his neighbors are Evanston citizens happy to voice their opinion and feel the decrepit parking lot behind their building will vanish sometime and, in its place, he hoped something wonderful would be built. He suggested that this building be demolished and a new City hall built there, designed by an acclaimed architect.

Andrew Spatz, 1220 Main St., member of the Dr. Hill Business Association. An architect, his partnership has been developing property in the 5<sup>th</sup> Ward for the past three years. Since the last meeting association members met with Alderman Kent and others and left each meeting with the knowledge that Alderman Kent will be a creative, active partner in the 5<sup>th</sup> Ward moratorium process. They were encouraged by his openness to the many ideas presented by the Mayor, aldermen and developers who attended. As business owners they understand the importance of fostering good relationships in the community. He said that Alderman Kent is motivated by the interests of his constituents and their need to have a strong voice in the process of change in their neighborhoods. Alderman Kent's amended ordinance will allow individual homeowners to invest in their properties and open the door to others who may seek to move into the 5<sup>th</sup> Ward while halting large-scale development until residents have had the opportunity to voice their concerns. They applaud Alderman Kent's willingness to consider their position and urge that dialogue continue within an open forum. He said it may be prudent to integrate part of this process into the Neighborhood Plan Commission's study already in progress. Dr. Hill Association members will make themselves available to Alderman Kent and the community to ensure that at the end of 120 days, the necessary progress is made for the moratorium to be lifted. He saw this "breath of fresh air period" as an opportunity to participate in the crystallization process with Alderman Kent and constituents. The vision Alderman Kent and Mr. Spatz have discussed regarding neighborhood safety, affordable housing, and business growth will happen. He looks at the public/private spaces they are creating as what 5<sup>th</sup> Ward residents 50-75 years from now will want to preserve; looked forward to the success of this opportunity and outcome.

Neal Davidson, president of Econ Housing Group, has built affordable housing in Evanston and will complete a third project in a few weeks. He said that affordable housing is good for the community and the moratorium will hurt the people he is trying to help and impede his negotiating process when trying to buy more properties. It takes four-six

months to put a project together and a moratorium will kill that. He was totally against the moratorium.

Gary Joyce, opposed a moratorium and conservation district in the 5<sup>th</sup> Ward. He reported that in the last eight years there have been five new construction projects in the 5<sup>th</sup> Ward and two are before them today in the R5 area. Both projects include 50% affordable housing. He is involved in one because of his ongoing commitment to this community; has seen many things happen in the 5<sup>th</sup> Ward, some good and some not so good. He will remain there committed to bringing different levels of economics into this area. He thought they need openness and that process was brought about through the Plan Commission, a wonderful process, that was somewhat aborted by this process which was regretful. He has not lost heart. He hoped to build affordable housing units that will be a source of pride in the community. The first one is on a vacant lot at 1503 Emerson, consisting of six town homes, of which four will be affordable units. The second is on Wesley where he owns 15 properties in the R5, a small area. He has been there a long time and helped form several neighborhood organizations and block clubs there. He stated the moratorium was not in their best interest.

Porfiri Balderas, was present for a liquor license for That Little Mexican Café, 1010 Church St.

Nick Athens, 1458 Chicago Ave., reported traumatic experiences with the Parking Division when his bus was booted and towed. He thought most of it was unlawful and inhumane. He saw this as a bureaucracy that boils down to rules with no exceptions. There is no thinking, just following rules. Parking enforcement is a matter of arithmetic and nothing else. As far as having a hearing on towing complaints, he heard the man who hears the complaints has never reversed a charge on towing. Instead of justice, it seems more like a rubber stamp. He thought his exception should be granted because the bus is his home. When it was impounded he had no place to put things and spent a lot of money replacing things. He had to go to the towing yard by taxi, which was costly, and they would not allow him a few minutes to take out things he needed. He is almost without any living facilities and should be given some consideration. He can barely walk due to a bad knee and a spur on his left foot. He has been around Evanston since 1976 and was bothered by the impression given and could see how it happened. People see an old man going around in a bus so he must be a beatnik, which is not true. He is a graduate architect and has done things that benefited the City. On the design of the new library, he conferred with the then director while organizing the competition and suggested the time for the competition be increased from three months to six months thus doubling the fees the City received. He wrote letters to the editor that helped correct mistakes which took about 100 hours, all to Evanston's benefit. The people who have been hostile to him do not bother to find out who he is. He objected to that hostility and prejudice. The parking tickets are mostly from 2001. He was issued two false tickets and his mind closed down. He thought if two were false the rest should be invalid as well. The deadline for redeeming the vehicle is August 21. He filed a motion to set aside the trial determination, which would not be heard until September 26. In the meantime, storage charges are adding up. He thought this needed consideration by somebody who is objective and thinks in terms of justice and constitutional rights, instead of people who are punching results who do not know what to do with exceptions.

Alderman Rainey stated this was a little different, did not know the circumstances, but the City had booted and towed this man's home. He lives in this bus. She suggested an arrangement be made to return the bus to this owner until his tickets are adjudicated. When her car is towed, she can get around, but if her home was towed she would be in a terrible predicament. That was not to say that Mr. Athens should not be warned that he must park his vehicle legally and be subject, whether he is an architect or unemployed, he needs to obey the law. This is a special situation and she asked Council to ask the City Manager to give some consideration to this special case.

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

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: City of Evanston Bills through 8/19/03, Resolution 48-R-03 – McCormick Blvd. Phase II Engineering, Resolution 49-R-03 – IDOT Agreement for McCormick Blvd. Phase II Reconstruction, Ordinance 78-O-03 – Easement Agreement with NU for Subsurface Installation of Telecommunications, Ordinance 69-O-03–Planned Development: 1100 Clark St./1719 Ridge Ave., Ordinance 74-O-03 – Special Use for 1900 Dempster (Type 2 Restaurant), Ordinance 75-O-03 – Walkway Structural Report Ordinance, Ordinance 70-O-03 – Special Use for 1642 Maple (Type 2 Restaurant), Ordinance 61-O-03 – Establishing a Moratorium in the 5<sup>th</sup> Ward and Ordinance 82-O-03 – Redevelopment Agreement for Main Street Commons. Seconded by Alderman Rainey. Roll call. Voting aye – Moran, Tisdahl, Rainey, Feldman, Newman, Jean-

Baptiste, Wynne, Bernstein, Kent. Voting nay – none. Motion carried (9-0).

**\* ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of July 28, 2003. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, of the City of Evanston payroll for the periods ending July 31, 2003 and August 14, 2003, and that those be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 07/31/03)	\$2,008,479.69
City of Evanston payroll (through 08/14/03)	\$2,058,987.17

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

\* Approval of the lowest responsive and responsible bid from Capitol Cement Co., Inc. for the 2003 Group 1 Alley Paving program for the Engineering Division at a cost of \$222,148. (Funding is GO Bond/CDBG Funds and special assessment process.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the contract with MWH Americas Inc. for engineering services for a water distribution system analysis/model at a not-to-exceed cost of \$60,000. (Funding is Water Bond Fund.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #2 with Belmontee Kaplan Development Corp. for the Fleetwood-Jourdain Locker Room & Lift Construction Project, increasing the cost of \$2,961.42, from \$286,974.15 to \$289,935.58. (CDBG funded). \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #14 with the Meyne Company for a sprinkler system booster pump for the new Levy Center Project, increasing cost by \$2,985, from \$7,601,816 to \$7,604,801. (Funding through CIP and private donations.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #7 with Skender Construction Co. for Fire Station #3, increasing the cost by \$19,470.14, from \$2,385,445.21 to \$2,404,915.35. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Approval of Contract Revision #1 with ADT for security monitoring services for the Police Department, increasing the cost by \$33,278. (Funding is the Capital Improvement budget.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



Traffic Calming Plan: Speed Humps (Elmwood Ave.) – Consideration of a recommendation to place speed humps on Elmwood Ave. between Lake and Dempster streets. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Resolution 46-R-03 – Agreement to Provide Real Estate Transfer Tax Collection Services – Consideration of proposed Resolution 46-R-03, which authorizes the City Manager to execute an agreement with Elaine Jacobson to provide real estate transfer tax collection services for the City of Evanston. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Resolution 50-R-03 – Lease for East Apartment, Municipal Service Center – Consideration of proposed Resolution 50-R-03, which authorizes the City Manager to sign a lease agreement with John Sturtevant for the East Apt. at the Municipal Service Center, 2020 Asbury Ave. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Ordinance 76-O-03 – Creation of a Class X Liquor License – Consideration of proposed Ordinance 76-O-03, which amends Section 3-5-6 of the City Code to establish a one-day license to allow service of beer and wine only in specified City buildings. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 77-O-03 – Creation of a Class X1 Liquor License – Consideration of proposed Ordinance 77-O-03, which amends Section 3-5-6 of the City Code to establish a one-day license to allow service of alcoholic liquor in specified City buildings. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 79-O-03 – Easement Agreement with 601 Linden Place Condominium Association – Consideration of proposed Ordinance 79-O-03, which authorizes the City Manager to execute an easement agreement with 601 Linden Place Condominium Association to construct a lift station on the public right-of-way. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 80-O-03 – Approval of Plat of Dedication for Lee St. Improvements – Consideration of proposed Ordinance 80-O-03, by which the City of Evanston would accept the dedication from C.E. Niehoff and Gannon Landscaping, extending Lee St. over the railroad tracks between Pitner and Grey avenues, as part of the Lee Street Improvement Plan. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 81-O-03 – Four-Way Stop: Bennett Ave. and Park Pl. – Consideration of proposed Ordinance 81-O-03, which amends Section 10-11-5, Schedule V(D) of the City Code to establish a four-way stop at Bennett Ave. and Park Pl. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 83-O-03 – Expansion of Residents Parking District 4 – Consideration of proposed Ordinance 83-O-03, amends Section 10-11-8, Schedule XVIII of the City Code to expand the Residents Parking District4 around ETHS to include the blocks of Lake, Greenwood, Davis, Dewey, Darrow and Hartrey. \* MARKED INTRODUCED – CONSENT AGENDA

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

Alderman Moran moved approval. Seconded by Alderman Feldman.

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

\* Ordinance 71-O-03 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 71-O-03, introduced July 28, 2003, which would increase Class B liquor licenses (not to exceed 11 at one time) with the addition of REB Restaurant Group Ltd., dba Koi Chinese & Sushi, 624 Davis St. \* ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

\* Ordinance 72-O-03 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 72-O-03, introduced July 28, 2003, which increases Class B liquor licenses (not to exceed 12 at one time) with the addition of That Little Mexican Café, 1010 Church St. \* ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

\* Ordinance 73-O-03 – Increase in Class C Liquor Licenses – Consideration of proposed Ordinance

73-O-03, introduced July 28, 2003, which increases Class C liquor licenses (not to exceed 20 at one time) with the addition of Asado Brazilian Grill, 1012 Church St. \* ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

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

\* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of July 2003 in the amount of \$111,358.04. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Special Event: Annual Duck Pluck – Consideration of a request from the Evanston Environmental Association to use the lakefront lagoon for the annual Duck Pluck on October 4, 2003, from 3:00-5:00 p.m. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Special Event: Annual YMCA Guides and Princesses Lakefront Campout – Consideration of a request from the McGaw YMCA to hold their annual Y Guides and Y Princesses Lakefront Campout in Centennial Park on September 13-14, 2003. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Resolution 47-R-03 – Intergovernmental Police Mental Health Assistance Agreement – Consideration of proposed Resolution 47-R-03, which authorizes the City Manager to sign an Intergovernmental Police Mental Health Assistance Agreement with surrounding communities to share social service resources during emergency situations. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

#### **OTHER COMMITTEES:**

\* Funding for Chicago's North Shore Convention & Visitors Bureau – Consideration of a recommendation to provide \$60,000 for fiscal year 2003-04 to Chicago's North Shore C&VB. (Funding source is Economic Development Fund.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Release of Executive Session Minutes – Consideration of a recommendation to release Executive Session Minutes for various meeting dates. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

#### **APPOINTMENTS:**

Mayor Morton asked that the following appointments be introduced:

Nicole S. Pakkala 2302 Isabella St.	Board of Ethics
Kathy Hadden 2300 Sherman Ave.	Commission on Aging
Jan Weeks 2024 Brown Ave.	Ladd Arboretum Committee
Anne Gauthier 231 Burnham Pl.	Mental Health Board

#### **REPORT OF THE STANDING COMMITTEES**

**OTHER COMMITTEES:**

Ordinance 82-O-03 – Redevelopment Agreement for Main Street Commons – Consideration of a recommendation to approve Ordinance 82-O-03, which authorizes the City Manager to sign a redevelopment agreement with KAP-SUM for redevelopment of Main Street Commons.

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 Moran. Motion carried. No nays.

Alderman Feldman moved approval. Seconded by Alderman Moran.

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

**ADMINISTRATION & PUBLIC WORKS:**

Resolution 48-R-03- McCormick Blvd. Phase II Engineering – Consideration of proposed Resolution 48-R-03, which approves a supplemental Motor Fuel Tax resolution for the McCormick Blvd. Phase II Engineering to allocate \$222,000 in MFT funds for Phase II design work.

Alderman Moran moved approval. Seconded by Alderman Rainey.

Alderman Bernstein asked the nature of the design and if this was to minimize lanes on McCormick? Public Works Director David Jennings explained the proposal for Phase II engineering is for a three-lane cross section road with one lane in each direction and a center painted median. They cannot build a four-lane cross section road without removing many trees. Traffic study numbers show that a three-lane cross section road will be sufficient for years to come. These are all the federal dollars the City will receive for this job. When they applied for these funds, it was for the configuration that came out of the neighborhood process, a three-lane cross section approximately the existing width.

Mr. Jennings explained this ruling is from the Federal Highway Administration, which controls how the funds are spent. The City sought a waiver and was not able to get it. As they moved forward with this process involving numerous stakeholders, including the Arboretum, nearby schools and residents, the design was accepted. Alderman Bernstein asked if a jurisdictional transfer was contemplated. Mr. Jennings said that had been already approved by Council. Alderman Bernstein thought the jurisdiction was statewide. Mr. Jennings said the final product will be owed by the City and would be built with federal money. It is a 70/30 split with the 30 split between the state and the City. Mr. Jennings explained this is for developing the construction plans. There will be another one for Phase III and funding is already in place. Phase III money will not be allocated until Phase II is completed.

Alderman Feldman asked, after the City owns the street, was there any restriction by the federal government or the state about returning the road to four-lane highway? Mr. Jennings said it was silent on that. Alderman Feldman noted if safety or traffic issues were found in the future, they could decide to do something else.

Motion carried. No nays.

Resolution 49-R-03 – IDOT Agreement for McCormick Blvd. Phase II Reconstruction – Consideration of proposed Resolution 49-R-03, which authorizes the City Manager to execute a joint agreement with IDOT for Phase II Engineering Design.

Alderman Moran moved approval. Seconded by Alderman Rainey. Motion carried. No nays.

Alderman Moran moved approval of the City of Evanston bills (through 08/19/03) in the amount of \$4,657,848.14. Seconded by Alderman Jean-Baptiste.

Alderman Newman said there was an inquiry about a cell phone bill for an elected official and was told the bill was paid and nothing wrong with paying it. Mr. Crum said that was correct as long as the phone was used for City business. Alderman Newman stated there was no policy established by City Council to pay cell phone bills for elected officials. He said each probably has a cell phone but there is no provision in the Council budget to pay for monthly cell phone bills. Unless it is a one-time expense, they don't send in their cell phone bills. Council passed something so that those who have computers have their computer line paid by the City. He did not think this bill should be paid. They don't have expense accounts, only a salary. When they travel, the City pays expenses. He said no elected official has any business having regular bills paid by the City. This made him wonder what was going on with cell phones in general; did not know who was minding the store. They needed clearly defined rules on telephone use. He pays for his personal cell phone use; has a phone line devoted exclusively to aldermanic calls that he has paid for 12 years. He suggested a policy was needed and referred the matter to the A&PW Committee. He did not expect any telephone bills to be paid for any elected officials until the City Manager comes forward and says he wants to do that for all elected officials in the budget; did not think the City Manager was authorized to pay that kind of bill. Alderman Rainey suggested the matter be referred to the Rules Committee. Alderman Newman changed his reference on telephone charges to the Rules Committee.

Alderman Jean-Baptiste clarified there was no policy for paying this type of bill, so they were not making a moral statement. He did not want the impression conveyed that they were paying out a lot of money for cell phone use. The bill was for \$33. Alderman Jean-Baptiste said the impression given was that a lot of money had been paid out and Alderman Newman was taking a moral stand and this was illegal.

Alderman Newman said this has happened with an elected official a few years ago when an elected official improperly received more than \$12,000 and every penny of that was collected. This is not of that magnitude. However, in his view, elected official compensation is set by statute. A staff member in the City Manager's office does not have the authority to grant additional compensation to elected officials, other than what is authorized in the budget. In the budget the City has not authorized under City Council that any elected officials will get their bills paid. When he says morally wrong, he thought it a mistake to pay this bill. The Council can decide to pay any bill of an elected official and give themselves expense accounts. It was not right for one elected official to get their bill paid without other members consenting to it as a legitimate policy. He did not think elected officials should have their telephone or cell phone or business calls paid related to personal business paid by the City; did not know if this type of bill was paid for the past five or six years.

Mayor Morton asked if Alderman Newman was saying cell phone use is only for personal use and not for business use? Alderman Newman was suggesting that no elected official was entitled to have any cell phone bills paid by the City until City Council says that is appropriate. Mayor Morton asked if the City passed an ordinance giving Council members a computer in their homes? Alderman Newman said that happened in 1992 with a long discussion in the A&PW Committee about purchasing computers for Council members. It was agreed that computer lines would be paid for. Cell phones were never discussed and need to be discussed. Alderman Newman was saying that cell phone use in the City needs to be closely monitored and was not sure it was.

Alderman Feldman noted that situation where the elected official received over \$12,000 occurred before Mr. Crum was City Manager.

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

Ordinance 78-O-03 –Easement Agreement with Northwestern University for Subsurface Installation of Telecommunications System – Consideration of proposed Ordinance 78-O-03, introduced July 28, 2003, which authorizes the City Manager to execute an easement agreement with Northwestern University for subsurface installation of a telecommunications system.

Alderman Moran moved approval. Seconded by Alderman Rainey.

Alderman Moran recalled over the past few years, the City's Emergency 911 Board worked with Northwestern University to better coordinate the City and the University on that system. Through that effort they have a better



configuration and coordination of efforts between the two bodies and it works well today. Out of that discussion came one related to a previous agreement between the City and the University, which has been renewed several times regarding fees for an easement that the City granted to the University for a telecommunications system that the University set up for its use. As part of that system there was a fiber optic installation throughout the Evanston campus and to other university-owned buildings in town. When they had discussions about enhancing public health and safety in Evanston, the question came up about renewal of the easement fee agreement. Also there was an issue raised as to whether the University would join with the City in a participatory initiative so that the City would receive its own fiber optic telecommunications system. Tonight's agenda proposes an ordinance in which the easement fee agreement would be renewed but, as part of the agreement, there will be an established a fiber optic network owned by the City that will go from the Civic Center to the service center, water treatment facility, Police Department, fire stations, library, Noyes Cultural Arts Center and all recreation centers. If the City were to build this fiber optic network on its own, it would cost \$1.6 to \$2 million. According to this agreement, the University has undertaken the obligation of developing the engineering and installation of the system at no cost to the City. If the City were to proceed with this project, it would need to bond for the money to install it and financing costs have been estimated at nearly \$1 million. The network that will be owned by the City will generate savings of \$1.25 to \$3 million. There have been efforts by City staff to determine what it would cost to install and operate on a lease arrangement with telecommunications companies. Such a lease arrangement cost was almost \$4 million over 20 years. With the City owning the system, no lease payments would be required. Another benefit to the City is the 911 Board has carried on in its capital improvement budget the potential cost for a backup emergency center. The current emergency center is located on the second floor of the police headquarters building. A second center has been contemplated to be set up on an emergency basis in a remote location if for some reason the current 911 center was not able to operate. They have carried that figure at \$1-1.5 million. With the establishment of the fiber optic system and being carried to the service center they will have established a backbone for the creation of that center. He thought they could be pleased that the proposal before Council is a prime example of great benefit to the City and Northwestern University, when people come together and work on a project of common interest and reach an accommodation whereby all parties benefit. This is a substantial benefit to the City of Evanston.

He acknowledged City staff who worked on the project: Pat Casey, Bruce Slown and Information Systems staff; City Manager Crum; Ellen Szymanski, who drafted the legal documents; and Pat Keegan, who developed the maps where the fiber optic cables would be located; from Northwestern University: Holly King, Lucille Krasnow, NU legal staff, and Eugene Sunshine. He was happy to offer the agreement for adoption.

Alderman Newman asked how they arrived at the \$47,000 for the annual cost of the easement. Mr. Crum explained that they looked at net present values of the current easement fees extended for the next 20 years with the cost of inflation and backed out what the net present value would be of the cost of doing the system and got that number. Alderman Newman asked what easement fees would be if the City was not getting the fiber optic cable. Management & Budget Director Pat Casey said NU now pays about \$94,000 in easement fees annually. They increased the \$94,000 for the next 20 years by an inflation factor of 2.5% and found the total value was \$3 million. Then credited back \$1.6 million, which is in essence an upfront payment since they are putting in a system. Then divided out the remainder over 20 years.

Alderman Tisdahl congratulated all who worked on this.; noted on page six it says the City shall be responsible for providing advance notification to residents in affected area. She asked what people would be told and how much in advance would they be told? Mr. Casey said residents would be notified as far in advance as is possible. Construction is minimal. They dig a small hole onto the parkway. All will be notified in the areas where they work.

Alderman Feldman said he was fascinated by the times of data transfer. Using a normal modem, "The Matrix" movie downloaded to a computer would take 12.9 days. After the system is in place, that 12.9 days can be reduced to 6.25 seconds. That is the speed that data will be transferred.

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

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

Ordinance 69-O-03 – Planned Development: 1100 Clark St./1719 Ridge Ave. – Consideration of

proposed Ordinance 69-O-03, which approves a recommendation of the Plan Commission to grant a planned development at Clark, Ridge, Oak and an alley into 6 residential buildings from 6 to 20 stories with some ground-floor commercial space.

Alderman Bernstein reported that this was withdrawn at the request of the applicant. At a special P&D Committee meeting, the committee voted 4-0 against recommending this plan to Council. Alderman Bernstein moved to remove this item from the agenda. Seconded by Alderman Rainey. Motion carried unanimously.

Ordinance 74-O-03 – Special Use for 1900 Dempster (Type 2 Restaurant) – Consideration of proposed Ordinance 74-O-03, which approves a recommendation of the SP&ARC and the Zoning Board of Appeals to grant a special use for a Type 2 restaurant, Web Gamez, at 1900 Dempster St.

Alderman Bernstein moved that this item be marked introduced as amended to include hours of operation and prohibitions of certain types of cooking on the premises. This is an internet café with pre-packaged snacks.

Ordinance 75-O-03 – Walkway Structural Report Ordinance – Consideration of proposed Ordinance 75-O-03, which approves a recommendation to require a structural engineer/design professional report concerning exterior walkways of buildings of three or more dwelling or rooming units (not including condominiums).

Alderman Bernstein reported that this item was held in committee. Additional information was requested from staff. Alderman Feldman said Nevel Belser who is in building maintenance for Reba Place Fellowship wrote a thoughtful letter with many suggestions for ways to deal with this and he wanted the committee and Council to have that letter.

Ordinance 70-O-03 – Special Use for 1642 Maple (Type 2 Restaurant) – Consideration of proposed Ordinance 70-O-03, which approves a recommendation of the SP&ARC and the Zoning Board of Appeals to grant a special use for a Type 2 restaurant, Race Logix, at 1642 Maple.

Alderman Bernstein moved that this item be marked introduced as amended which precludes any cooking on the premises. This restaurant is located at the corner of Church/Maple. In response to Alderman Feldman, Alderman Bernstein explained that the proprietors are long-time Evanston residents and Mrs. Linda Mallors is a member of the National Olympic Triathlon Team; teaches kayaking and canoeing at several locations. The primary function of this store is to provide equipment for triathletes, mountain climbing and cycling.

Ordinance 61-O-03 – Establishing a Moratorium in the 5<sup>th</sup> Ward – Consideration of proposed Ordinance 61-O-03, which establishes a building permit moratorium for construction of new residential construction other than single-family residential in the 5<sup>th</sup> Ward.

Alderman Bernstein moved approval of substitute Ordinance 61-O-03 which reflects that only the R5 districts would be impacted by this moratorium which goes into effect immediately. Seconded by Alderman Feldman.

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

Alderman Bernstein reported there was no discussion of rezoning Kendall College from U1 to R1. That will be discussed at a future P&D Committee meeting.

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

**6<sup>th</sup> Ward.** Alderman Moran hoped the easement agreement would be a demonstration for cooperation in the future.

**7<sup>th</sup> Ward.** Alderman Tisdahl asked if there would be a Budget Committee meeting on August 20? There was no quorum so it was cancelled.

**8<sup>th</sup> Ward.** Alderman Rainey had made a reference several weeks ago at the A&PW Committee meeting to the P&D Committee that for every newly constructed unit, the developer would provide the City with one tree and for every condominium conversion one-half a tree.

**9<sup>th</sup> Ward.** Alderman Feldman also agreed the easement agreement is an example of cooperation with the University, which has been going on for a long time. He said the City and Northwestern University are on speaking terms regarding day-to-day issues. The idea that there are no transactions, communications or that they are at loggerheads regarding major kinds of cooperative issues was wrong.

**1<sup>st</sup> Ward.** Alderman Newman congratulated the Chicago North Shore Convention & Visitors Bureau for getting their allocation again and thanked them for the great work they've been doing. Council members received the visitors guide and a dining directory, which are outstanding. He said it was good to see the Levy Center presentation. The garden is fabulous and he thanked staff who worked on that.

Alderman Newman has a reference on liquor that he was holding. The reference is to roll back the hours of operation from 3:00 a.m. to 2:00 a.m. He was not putting it forward because he hoped to get a communication regarding the incident at the Keg. Another incident happened on Sherman Avenue where windows were broken. He was told the incident with the Keg was resolved but he did not know about it and a response was needed. Unless they get a response from the Liquor Commissioner, it would have to be dealt with legislatively.

Alderman Newman said he was in his 13th year (on Council) and had many opportunities to observe the relationship between the City and NU. Tonight they were supposed to vote on a settlement proposal that did not get voted on. The word for the last several years was if only they settled the lawsuit everything would be great between the City and NU. What he saw in the past two years is identical to what he saw in the eight years prior to the lawsuit. They always get together to resolve issues of mutual benefit.

In the August 3 *Chicago Sun Times*, the 25 leaders in home sales in Cook County were listed. Evanston was among the leaders in 2002. Evanston was the leader for rate of increase for value for each home sold and also a leader in condominium sales. In the past year, during the lawsuit, the value of Evanston property led in terms of increase in communities with highest number of sales. That was not happening in the mid 1990s when the City had a supposedly great relationship with NU. Nobody wants to be in litigation, but nobody wants a City that does not stand up for the rights of its citizens. He suggested the City has never done better. The overall value the market places on the value of Evanston properties is the ultimate measure of how the community is viewed. To the extent that Evanston is leading in increases, Evanston is leading because of the lakefront, downtown development, a great place to live and raise children. It is also great to have the university here. He thought they would not have had the easement agreement unless the entire Council was behind it.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste informed people living on Main/McCormick and Canal Park Neighbors that Council passed an ordinance which will allow development to go forward and to enter an agreement with a developer to redevelop the Main Street Commons area. It was important because the area has been dead for some time.

Alderman Jean-Baptiste reported the building of a skate park at 2100 Greenwood had been before the ZBA for several months. Neighbors have been adamantly opposed to the skate park because they fear it will be a destabilizing factor in the community. This matter was originally submitted to the ZBA and presented as an indoor recreation facility, which was not allowed under the Zoning Ordinance governing this area. Subsequently, it was re-introduced as a membership organization, which is permitted under zoning. The problem is he was told that aldermen are not to be pro-active in such a deliberation, but sit and observe. His understanding of this was that it could be appealed before the P&D Committee and the Council, where the alderman could advocate for his/her constituents. Any action of the ZBA would have to be appealed to the Court of Claims. If that is the case, aldermen ought to be able to be pro-active in that process to represent constituents. That needs to be clarified. He said a decision was made prior to the proposal by proponents for the skate park to allow an organization called "Line Drive" as an indoor recreation facility. He understood they presented themselves as a non-profit organization. Later on he heard they were a for-profit organization; had asked for clarification a month ago because if somebody misrepresented basic information to get basic benefits, that can be taken away. He

asked the City Manager to give a clarification on what is going on with Line Drive and to clarify what they need to do regarding a final decision of the ZBA. If the ZBA's decision can be appealed only to the Court of Claims, then he wanted to make a reference to the Rules Committee for discussion.

Alderman Newman said the Council has a rule on that. Nothing in Rule 11.3 prevents an alderman from participating in a proceeding before the ZBA when it is the final authority. If the matter is not coming before the Council, alderman can say anything they wish. However, when the Plan Commission or ZBA is the recommended body, such as a special use, variance related to height, off-street, anything coming to Council, there is a rule that a member of Council can not testify before those bodies. The reason for that is an alderman cannot become part of the record they are ultimately responsible for reviewing. That does not apply to final decisions. He did not think there was a need for change in the rules. Alderman Jean-Baptiste asked that this come before the Rules Committee.

Alderman Feldman heard that the organization was characterized as being partial day care, caring for children. Parents could drop off children, there was recreational activity, people were there to help with homework and then parents picked up their children. That was the language used when the operation was explained to him. He wondered if that language was used in the ZBA hearing and did that put a different light on what it is, whether it is a membership organization or recreational facility. One of the benefits represented to him was the stewardship of children. Age was not mentioned. If this is a place where children are taught and cared for they need to know who is doing that.

Alderman Newman said his son is a member of Line Drive and everything is positive there and harmless. How Line Drive got in and Alderman Jean-Baptiste's request is legitimate.

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

**4<sup>th</sup> Ward.** Alderman Bernstein referred to passage of Resolution 46-R-03, permitting real estate transfer tax collection in Chicago, and did not know if the number involved was large and suggested they consider passing along the cost to the users; asked that it be referred to the A&PW Committee.

He called attention to pre-prostate cancer screening on August 25 between 9:00 a.m.-3:00 p.m. in the barbershop at 1905 Church Street.

He noted the Labor Day holiday means beaches will be closed and life guards are gone. Sometimes people swim in the lake and they cannot beat Lake Michigan because it can kill. He urged people to be careful. He has asked for larger signs and that a skull and cross bones be displayed to warn people against illegal swimming.

He thanked the CD Committee and the Foreign Firefighters Fund for the Fire Safety House, which is a trailer outfitted as a kitchen and bedroom with various equipment that teaches people fire safety. Children are taught how to avoid smoke in a fire. He encouraged all to make use of it at block parties.

He wished all a safe and sane Labor Day holiday.

Alderman Bernstein moved to give Mr. Athens his bus back, so long as he comports with residential requirements of the City and makes arrangements to address concerns the City had prior to booting. Seconded by Alderman Rainey. Mr. Crum urged caution as there are 40 tickets outstanding and in most cities it is not legal to live in a vehicle on city streets. However, there is no such prohibition in Evanston.

Alderman Rainey pointed out the City has a homeless shelter that is the recipient of millions of dollars more than any other single organization in the community. This person lives in a bus and does not cost the City any money. He has been reviewed by the senior ombudsman. The problem is he has parked in the wrong places. He must not do that anymore and figure out some way to make restitution for his transgressions. They have taken away his home. She asked where it says a person cannot live in a bus. The City does not ticket every homeless person who is not living in the shelter, which can take only 30 some people. She said an exception has to be made in this case and he has to get his home back. He is not bothering anybody. He might be unsightly if he parks in front of one's home and he can be told to move on. She does not know him and felt strongly that this had gone too far. Alderman Tisdahl seconded everything Alderman

Rainey said. Mr. Crum will take this under advisement and do the best he can.

Mayor Morton asked if Council was willing to go along with the City Manager for doing something for this man. She did not think it was in the spirit of Evanston to have someone leave without a place to stay. It was determined he was staying at the homeless shelter. There were no objections to placing this in the hands of the City Manager.

**5<sup>th</sup> Ward.** Alderman Kent was happy the moratorium passed; thanked Ellen Szymanski and the entire Council. He appreciated that Aldermen Rainey and Bernstein stepped up to the plate because they were headed for an impasse. He appreciated the meetings that were held. Throughout the conversations they heard why is it residents versus developers but that is the reality. Some of the problem is dealing with a part of the community to be able to continue to live here. When one looks at salaries being paid, a good job is to be an educator, but some first and second year teachers are finding it difficult to move into Evanston and stay here. Some things make an already complicated problem more complicated because there is not one answer. He said different aspects were brought out by the developers and the community and the moratorium was whittled down so it was a lot easier to digest. He was asked if they should have tried for R4 and would have preferred R4 and R3. He said they took from each side. They heard to trust good will, but one side cannot feel all the trust is on one side and the other side feels like a stepchild. He thought they have created a playing field in which they can put these matters into perspective. He said the hardest question that he could not answer was it could be too late for some 5<sup>th</sup> Ward residents. He thought it was their job to create channels to present a decent case for people who might be on the edge of being displaced. He felt better that the Council vote was unanimous. He made a reference to the Plan Commission to study and recommend any zoning changes in the R5 of the 5<sup>th</sup> Ward that affect bulk, density and other factors. Seconded by Alderman Rainey. Motion carried. No nays.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:30 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.