

**CITY COUNCIL**

**September 22, 2003**

**ROLL CALL - PRESENT:**

Alderman Rainey  
Alderman Feldman  
Alderman Jean-Baptiste

Alderman Wynne  
Alderman Bernstein  
Alderman Moran  
Alderman Tisdahl

A Quorum was present.

**NOT PRESENT AT  
ROLL CALL:**

Alderman Kent

**ABSENT:**

Alderman Newman

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, September 22, 2003, at 6:39 p.m. in the Aldermanic Library. Alderman Rainey moved that Council convene into Closed Session for the purpose of discussing matters related to litigation and closed session minutes pursuant to 5ILCS Section 120/2 (c) (11) and (21). 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.

(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 – Rainey, Feldman, Jean-Baptiste, Wynne, Bernstein, Moran, Tisdahl. Voting nay – none. Motion carried (7-0).

At 7:23 p.m. Alderman Bernstein moved to reconvene into Open Session and recess. Seconded by Alderman Feldman. Motion carried. No nays.

Mayor Morton reconvened the City Council at 9:05 p.m. in the City Council Chamber.

**ANNOUNCEMENTS:**

Assistant City Manager Judith Aiello announced that residents could now pay bills online. Finance Director Bill Stafford and Collections Manager Kevin Lookis demonstrated how residents could look up their water bill online; explained an on-line account can be set up using a MasterCard or Visa credit card, checking or saving account. Mr. Stafford reported the site has been up a week with 291 hits and 47 payments received. There is no fee for using a credit card.

Mayor Morton reported attending “Evanston’s West Side Story” last week, which was co-sponsored by the Chamber of Commerce and the Dr. Hill Business Association. The program was about a number of businesses that have developed in the 5<sup>th</sup> Ward. She passed out brochures listing businesses there.

**Special Photographic Presentation to the City  
By Arthur Hill**

Arthur Hill, developer of Church Street Plaza, presented a large framed photo display to the City in recognition of the successful public/private collaboration on Church Street Plaza. He recalled the beginning, about six years ago, when discussions were initiated to revitalize the southern end of the Research Park for the betterment of Evanston and to contribute and catalyze other good things in the downtown. He thought the vision had mostly come true and it took a lot of work. The project brought over

\$100 million in private capital invested in downtown. The display has a photograph from spring 1997 of 10 acres of fallow asphalt showing no vitality, jobs or tax revenues. The upper portion of the picture shows Church Street Plaza in June 2003, including the pavilion, the Stein office building, Church Street Station, the new Optima Towers and the wonderful new municipal garage, which he thought one of the best in America. His company is grateful to the City, Parking Committee and all who contributed to its design. The garage was built by his company and is owned by the City. There is also the Hilton Garden Inn. He noted there are more than 500 jobs in this locale, which generates and pays over \$1.25 million annually in real estate taxes and more than \$1.25 million in sales, beverage and entertainment taxes. He was grateful to the City for its tireless effort in the lengthy and complex process of taking a piece of land formerly owned by the City and the University and working through the complexities of adding these to a TIF district. Then approving a demanding redevelopment agreement, which put a lot of pressure on them and, at the same time, providing the municipal resources and support that made it possible to bring \$100 million in private capital and, more importantly, jobs, vitality and revenues. He noted his company has moved their corporate offices to Clark Street. He thanked all for their contributions. His company was pleased with the results and wanted to present this as a memento.

Mayor Morton thanked Mr. Hill for the picture and for believing in and investing in Evanston and not getting weary before finishing the project. She noted without the Research Park, there would not have been land available. She reported touring the area Labor Day and found the theater packed, long lines at cash registers at businesses and vitality was up 100%.

In response to Alderman Feldman, Mr. Hill said that in 2002, the cinemas had more than 1.1 million admissions. He reported streets and parking garages handled traffic and congestion without serious problems. There was controversy at the beginning about the movie theaters, which have generated considerable economic benefit and vitality to Evanston.

Alderman Feldman said this development stimulated other economic development here. When people saw the City was eager to foster that kind of development, they thought this would be a good place to do business. That, combined with Evanston's other attributes of beauty, culture, the lake, the University and a marvelous citizenry, make it clear why people want to come here to do business and to live.

Alderman Feldman reported attending an American Institute of Architect's (AIA) award ceremony of notable architecture in Evanston done by Chicago area architects. He accepted an award for the Levy Senior Center.

Alderman Feldman reported the dedication of an enabling garden in the center courtyard of the Levy Senior Center. It is filled with all kinds of plants and a beautiful fountain that offers an opportunity for recreation to those who visit. Mr. Levy spoke about the long road to design and build the center. He said it is a marvelous institution and a joy to those who use it.

**COMMUNICATIONS:** None

**CITIZEN COMMENT:**

Richard Girard, 1028 Austin St., with Betty Ester, invited all to an affordable housing forum Thursday, October 23 at the Lake Street Church, 7:30-9:30 p.m. The forum is sponsored by more than 20 organizations. Presenters will include State Representative Julie Hamos and Nick Brunick of Business & Professional People for the Public Interest, who has provided technical assistance to the Inclusionary Housing Task Force. He will discuss inclusionary zoning. The forum's purpose is to inform citizens about some of the issues involved in affordable housing, community land trusts and housing trust funds. Ms. Ester passed out flyers.

Kimberly Beattie, CTA representative, stated it is trying to improve bus service throughout Evanston and is about half way through a six-month experiment on route changes. They are working on evaluation of the new routes and a large part of that is feedback from those impacted by CTA service. She announced a public feedback forum in the Council Chamber, Monday, September 29 from 7:00 p.m. to 9:00 p.m. There will be a brief presentation, the latest update on the service and the evaluation process. Staff will be present to hear residents' commentary.

Jane Grover, 2703 Prairie Ave., noted that a week ago, two long-time residents were killed crossing the pedestrian intersection at Prairie/Central Street. She did not know the Kingman's but her children cross there twice a day to go to Kingsley School. It is apparent pushing a stroller, leading a child or nudging a bicycle at any of the three pedestrian

crossings between Green Bay Road and Hartrey Street, that pedestrians are not well protected. On Thursday she began collecting signatures on a petition. Some 450 people signed the petitions including residents, people who use those crosswalks, owners and employees of nearby businesses, crossing guards, the principal and staff of Kingsley School and two of her children who can write their names. Those who signed not only expressed their dismay about the two fatalities but also sympathy for the Kingman family. In hundreds of conversations she has had about these crossings, people are concerned about the Central/Broadway intersection. People have suggested lowering the speed limit on Central Street, enforcing the speed limit and that the tree branches obstructing school crossing signs be trimmed or that pedestrians be given the right of way. One person suggested re-educating pedestrians. She was willing to defer to the expertise of Evanston's traffic experts and city engineers about what best served pedestrians and traffic. She has spoken with Rajeev Dahal, senior traffic engineer and public works staff. She thanked him in advance and staff for seeing this through. She had an unproductive talk with Jim Stoner of IDOT, who oversees pedestrian safety and urged people to contact him. Central Street is a state route, which means the City needs the state's permission to make any changes. She asked Council to encourage traffic engineers to conduct a study of Central Street, report back soon and contact IDOT, so the state does not stand in the way of fixing these crossings. She and her neighbors all want to thank Alderman Tisdahl for tackling the issue and State Senator Jeff Schoenberg and State Representative Julie Hamos.

Gladys N. Bryer, 550 Sheridan Sq., Environment Board and Evanston's Energy Future member, stated they have worked to build an environmentally sustainable Evanston for the future. They have advocated to City Council that Evanston, as part of its building code process, to adopt the 2000 International Energy Conservation Code and the 2001 supplement. Petitions have been circulated at the Farmers' Market concerning this code. The main purpose of this petition drive is to make residents aware that the City's building code does not have a modern conservation code within it. The proposed International Energy Conservation Code has been in effect for three years and adopted by Lincolnwood, Lincolnshire, Glenview, Naperville and Chicago. In Glenview at the Glen, which took over the former air base, all new construction will conserve energy. All of the proposed and newly built construction in Evanston will not. More than 50% of the 700 citizen responding to this information were incredulous. Others say they thought Evanston would be the first to have one or people think Evanston is so progressive they cannot believe that all the new development does not conserve energy. At later meetings other members of Evanston's Energy Future and the Environment Board will talk about the benefits and paybacks of this legislation. There are grant opportunities and leadership issues.

David Herbst, 70 W. Madison, Chicago, an attorney, representing the owner of property at the southeast corner of Chicago/Main, voiced two objections to the moratorium on the B3 zoning district in which his client's property is located. A general objection was the manner in which it was presented at the P&D Committee prior to the Council meeting. The Zoning Ordinance has specific procedures for amendment. The moratorium amends the Zoning Ordinance. The first notice his client had of this was that afternoon when the zoning administrator emailed him a notice of this meeting. He noted the Illinois Appellate Court has characterized a moratorium identical to this as "it affects to suspend the village's zoning ordinance, in the area involved for that period of time" and went on to say that "a municipality must follow the zoning ordinances and the only way that it can be done is to follow the statutes and ordinances in strict compliance with the procedures imposed by statute." He suggested there was not only no strict compliance but also no compliance. In this instance this is an amendment recognized by the Appellate Court and by the ordinance itself. The proposed ordinance in Section 5 says: all ordinances or parts of ordinances in conflict herewith are hereby repealed. He said what they have, which was mentioned at the P&D Committee meeting is a ruse, an attempt to ramrod something. He suggested they don't have the power or the authority to do this in violation of the procedures of the City's ordinance. That was his general objection. His specific objection was that in 2001 it was determined that his client was in the pipeline and had a vested interest in the B3 district zoning based upon an expenditure in excess of \$1 million, based upon demolition of property. Since that time, leases have been terminated and he is not renewing leases. They have attempted to keep businesses that were there in the area by finding them substitute locations. The only thing that has changed since 2001 is that they have spent another \$1 million. The reason an attempt was made to amend B3 zoning or to impose a moratorium in 2001 was, in effect, the same reason that applies now.

Debbie Hillman, 1118 Sherman Ave., stated she was involved in the Chicago Avenue corridor project and urged passage of a moratorium to give everybody a chance to think about it and the Plan Commission a chance to address the topic. In September 2001 when the zoning was changed in the Chicago/Main district to a lower density/height B2 district four properties were excluded due to extenuating circumstances. The northwest corner was excluded because the developer

needed a maximum height of 67 feet. Since then a completely different building had been approved. The northeast corner had an eight-story bank building and was excluded for obvious reasons, not likely to be redeveloped. The Evanshire building was excluded for similar reasons and was not likely to be torn down. The fourth property (The Main), belonging to Mr. Flanagan, was in the pipeline but since then little has happened. These four properties were left off the down zoning for particular reasons not for reasons of compatibility, lower density, decreasing congestion and parking and traffic problems. She thought it was time that the community needed some principles in zoning and to make business areas more in tune with the neighborhoods.

Catherine Saccany, 926 Judson Ave., lives in a 23-unit condominium building and spoke for her neighbors; said that Alderman Wynne's proposal reflects the entire building and many neighbors in the 900 block of Judson and Hinman. They have had concerns about developments in the neighborhood. As adherents to the Chicago Avenue plan, they are concerned about increased congestion. She noted the recent unfortunate accident on Central Street will happen in other places and on Main Street if congestion is not dealt with.

Hans Vija, 811 Chicago Ave., supported the moratorium and urged that Council take a vote. Mr. Herbst indicated there is no urgency and that there is a race going on. He thought two years was plenty of time to get something going. A lot has happened on Chicago Avenue between Main and Kedzie. Density is high and traffic there is unbearable. A B3 development zoned for intense business use is an anomaly in the B2 district. Intense business use is something traffic cannot bear. He thought a study of the zoning or reduction to B2 was a smart move and supported a moratorium.

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

Alderman Feldman moved Council approval of the Consent Agenda with these exceptions: Resolution 52-R-03 – Temporary Closure of Sheridan Rd./Northwestern Homecoming Parade, Ordinance 88-O-03 – Increase in Class B Liquor Licenses (Hilton Garden Inn) and Ordinance 90-O-03 – 90-Day Moratorium on Building Permits for Main/Chicago B3 Zoning District. Seconded by Alderman Moran. Roll call. Voting aye – Rainey, Feldman, Jean-Baptiste, Wynne, Bernstein, Kent, Moran, Tisdahl. Voting nay – none. Motion carried (8-0).

**\* ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

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

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, of the City of Evanston payroll for the period ending September 11, 2003, and the City of Evanston bills for the period ending September 23, 2003 that those be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 09/11/03)	\$1,916,578.98
City of Evanston bills (through 09/23/03)	\$6,043,335.05

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

\* Approval of the lowest responsive and responsible bid from F.J. Kerrigan Plumbing Co. Inc. for the Lee St. Beach and Snyder Park drinking fountain project at a cost of \$36,795. (Funding through FY 03-04 GO Bonds.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the pre-qualified consultant contract with SmithGroup JJR for consultation on the Leahy Park redevelopment project at a cost of \$27,900. (Funded through 2000-01 and 2003-04 GO Bonds and a pending grant.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the pre-qualified consultant contract with Site Design Group for consultation on the Eggleston Park

redevelopment project at a cost of \$31,440. (Funded through 2003-04 GO Bonds and proposed 2004-05 GO Bonds.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the pre-qualified consultant contract with Wolff Clements & Assoc. for consultation on the Gilbert Park redevelopment project at a cost of \$20,220. (Funded through 2003-04 GO Bonds.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the pre-qualified consultant contract with Douglas Hills for consultation of the Kelly Park renovation project at a cost of \$12,200. (Funded through 2003-04 GO Bonds.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of the contract with Crawford & Co. for a Third-Party Administrator for Safety & Risk Management Administration at a not-to-exceed cost of \$130,000. (Funding is from the Insurance Fund.) \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of Change Order #8 with Skender Construction Co. for the Fire Station #3 project, decreasing the cost of the project by \$1,976.24, from \$2,404,915.35 to \$2,402,939.11. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (8-0)



\* Request from Belize City for Two Police Cars – Consideration of a request from Belize City for two used police cars that would otherwise be sold at auction. \* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Ordinance 86-O-03 – Decrease in Class B Liquor Licenses – Consideration of proposed Ordinance 86-O-03, which decreases Class B liquor licenses from 12 to 11 due to the organizational/managerial change within operations of the Hilton Garden Inn, 1818 Maple Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 87-O-03 – Decrease in Class B Liquor Licenses – Consideration of proposed Ordinance 87-O-03, which decreases Class B liquor licenses from 11 to 10 due to the organizational/managerial change within operations of the Wolfgang Puck Grand Café, 1701 Maple Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 89-O-03 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 89-O-03, which increases Class B liquor licenses from 11 to 12 due to the organizational/managerial change within operations of the Wolfgang Puck Grand Café, 1701 Maple Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 85-O-03 – Declaring City Property As Surplus – Consideration of proposed Ordinance 85-O-03, introduced September 8, 2003, which declares various vehicles and equipment as surplus so that they may be publicly offered for sale at the Lake County auction October 4, 2003. \* ADOPTED CONSENT AGENDA AND ROLL CALL (8-0)

### REPORT OF THE STANDING COMMITTEES

#### ADMINISTRATION & PUBLIC WORKS:

Resolution 52-R-03 – Temporary Closure of Sheridan Road/Northwestern Homecoming Parade – Consideration of proposed Resolution 52-R-03, by which the City Council accepts liability for the temporary closure of Sheridan Rd. for Northwestern's annual Homecoming Parade October 24, 2003.

Alderman Moran moved approval. Seconded by Alderman Rainey.

Alderman Rainey asked the 90% of the wonderful students at Northwestern to put pressure on their peers on the day after the Homecoming Parade; said a small percentage of students cast a shadow on the rest of the student body. The partying, calls for police, bodily functions on various yards, alleys, sidewalks and streets are intolerable and cost the City a lot of money to enforce. She asked those good students to put pressure on students who act up to try not and besmirch the reputation of the other 90%. Voice vote. Motion carried. No nays.

Ordinance 88-O-03 – Increase in Class B Liquor Licenses – Consideration of proposed Ordinance 88-O-03, which increases Class B liquor licenses from 10 to 11 due to the organizational/managerial change within operations of the Hilton Garden Inn, 1818 Maple Ave.

Alderman Moran asked this item be marked introduced.

Alderman Moran moved to Suspend the Rules to adopt an ordinance at the meeting in which it was introduced. Seconded by Alderman Feldman.

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

Alderman Moran moved approval. Seconded by Alderman Feldman.

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

#### **AGENDA ADDENDUM**

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

Ordinance 90-O-03 – A Moratorium on the Issuance of Building Permits for 90 Days on Portions of Main St. and Chicago Ave. in B3 Zoning District – Consideration of proposed Ordinance 90-O-03, which approves a moratorium on the issuance of building permits for 90 days on portions of Main Street and Chicago Avenue in the B3 Zoning District.

Alderman Bernstein moved the following amendments read by Assistant Corporation Counsel Ellen Szymanski be approved. Page 2 , tenth line down, change 2003 to 2001. Page 4, section 2, third line after properties, add “except for any planned development that has been approved by ordinance.” Section 4, change to read: “That this moratorium shall continue in force and effect for 120 days until January 20, 2004.” Alderman Bernstein added that the title should be changed from 90 days to 120 days. Seconded by Alderman Wynne.

Alderman Rainey asked if there were any exceptions. Alderman Bernstein stated there was one exception, property at 603 Main St., which was granted a planned development by Council. Voice vote on amendments, passed unanimously. Alderman Bernstein moved that Ordinance 90-O-03 be marked introduced as amended.

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

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

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

**1<sup>st</sup> Ward.** No report.

**2<sup>nd</sup> Ward.** No report.

**3<sup>rd</sup> Ward.** Alderman Wynne recalled that Alice Muslin had passed away in January. She was a leader of the South East Evanston Association (SEEA) and served the community in many ways. SEEA took up a collection and made a large donation to place a tree in her memory. The tree in the lagoon blew down during the summer and a willow tree was planted. Tomorrow morning there is a ceremony at 8:30 a.m. in the Dawes Park lagoon to dedicate a plaque and the tree.

**4<sup>th</sup> Ward.** Alderman Bernstein announced the Wednesday, September 24 Parking Committee meeting was cancelled. The September 24 Civic Center Committee meeting start time was changed from 5:00 p.m. to 7:00 p.m.

He made a reference to the A&PW Committee regarding scaffolds which remain for long periods of time. There is no ordinance governing the length of time they can be up. He asked for discussion on placing limitations on maintenance of scaffolds. He also made a reference concerning buildings in progress. He said there are building shells for which permits have been obtained, commenced construction, then left, leaving nuisances and eyesores.

Alderman Bernstein said that the co-chair of the Inclusionary Housing Task Force had reported to the P&D Committee and thanked Nick Brunick, an attorney for the Business & Professional People for the Public Interest, who has provided pro bono service for many months to the Task Force. He wished a healthy and happy New Year to those who observe.

**5<sup>th</sup> Ward.** Alderman Kent invited all to play flag football at Robert Crown Center; said that private and public schools are involved.

**6<sup>th</sup> Ward.** Alderman Moran reiterated CTA's Kimberly Beattie's remarks that next Monday, the CTA will hold a meeting to get input from citizens. He said a number of 6<sup>th</sup> Ward citizens have concerns and issues. He reminded all to come, ask questions and give feedback to CTA representatives who will make decisions later this year on bus routes.

**7<sup>th</sup> Ward.** Alderman Tisdahl said the 7<sup>th</sup> Ward mourns the death of Merle and Melva Kingman, wonderful, long-term Evanston residents who were killed while crossing Central Street last week. Three days before that tragedy, a constituent had emailed her that she came close to hitting a Kingsley student who was crossing McCormick at Grant St., taking a short cut rather than going to McCormick and Green Bay Rd. Friday there was a near miss of a Kingsley student outside a crosswalk. Monday two people were killed in a crosswalk. Wednesday, a car hit a Haven student crossing at McCormick and Grant. He was hospitalized but suffered no broken bones. The crosswalks must be made more visible so people can feel safer in them and people need to use them. Many people have been working to accomplish that. She thanked Hardy Murphy and Don Michelin, who are working to convince students to use the crosswalks. She thanked Chief Frank Kaminski and the Evanston Police Department, who did what Don Michelin and she asked. Police have been working from 7:30-8:00 a.m. to stop kids from jaywalking. She thanked the many persons who have called with concern and advice; thanked David Jennings, Keith Fujahara, Rajeev Dahal, Judy Aiello and Roger Crum, who have worked to find ways to make McCormick and Central Street safer for pedestrians. She has a letter to the Illinois Department of Transportation outlining proposals and a study made of pedestrian use of the street. Since Central Street is a state route, they have enlisted State Rep. Julie Hamos and State Senator Jeff Schoenberg to convince IDOT to support Evanston's proposals. She thanked Jane Grover for doing a wonderful job with the petitions. The challenge is to have all as safe as possible in crosswalks and to act quickly to make all feel safe so they will use them. She also has asked Northwestern University to help the City accomplish that. They have a wonderful Traffic Department and are meeting with Provost Larry DuMont, who was immediately helpful. Alex Weiss, another 7<sup>th</sup> Ward resident, is the director of public safety and will meet with David Jennings, Keith Fujahara, Rajeev Dahal and herself on Thursday. She thanked the University for their instant response.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 10:13 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.