

**CITY COUNCIL**

April 24, 2006

**ROLL CALL - PRESENT:**

|                        |                    |
|------------------------|--------------------|
| Alderman Rainey        | Alderman Wynne     |
| Alderman Hansen        | Alderman Bernstein |
| Alderman Wollin        | Alderman Holmes    |
| Alderman Jean-Baptiste | Alderman Moran     |
|                        | Alderman Tisdahl   |

A Quorum was present.

**ABSENT:**

None

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, April 24, 2006, at 8:57 p.m. in the Council Chamber.

**ANNOUNCEMENTS:**

City Manager Julia Carroll invited the Council to attend an Employee Service Recognition ceremony on Thursday, May 4, at 2:30 p.m. where employees with 5 to 35 years of service will be recognized.

Mayor Morton reported that the Summer Youth Employment Program's Job Fair was held Saturday, April 22, for youth between 14-18 years of age and the youth were the best behaved she had seen.

Mayor Morton announced that the City of Evanston Health & Human Services Department would sponsor Hearing & Vision Screenings on Wednesday, May 3, from 9:00 a.m. to noon, at the Civic Center ground level. She noted that three million Americans have glaucoma and only half know they have it.

**PROCLAMATIONS:**

**Days of Remembrance, April 23-30**  
**National Volunteer Week, April 23-29**  
**National Public Service Week, May 1-7**

**CITIZEN COMMENT:**

Ken Sax, 1516 Greenwood St., 27-year resident spoke in favor of amending the Clean Air Ordinance, stating it is an issue of public health for bar and restaurant patrons and employees who are mostly Evanston residents. He stated the economic argument favors it as well; noted that everywhere Clean Air ordinances have passed, there has been a positive effect on business. It was passed statewide in Florida and sales went up 7%. When New York City went smoke-free, the bar business increased 12%. People want to eat/drink in establishments without smoke and passing this legislation will increase business at Evanston bars and restaurants. He advocated making the effective date now rather than waiting two years when the full effects of the Chicago ordinance take place. He urged aldermen to vote in favor of extending clean air protection to citizens and help bars and restaurants increase business by passing this ordinance.

Bill Patrun, 1931 N. Meacham Rd., Schaumburg, spoke about the Bristol at 415 Howard St.; expressed gratitude for all the work done by staff. He thanked staff and Council for leadership; said Evanston is a wonderful town to work in. Adoption of Ordinances 54-O-06, 55-O-06 and 57-O-06 would help move this project forward. Bristol has worked several years on this project. The building will be 17 stories high with 221 market-rate rental units. It was designed by Solomon, Cordwell and Buenz, award-winning architects. He thanked Council for their continued support. If approved, they will start construction in June. He showed two renderings of the building.

George Martin, 1000 Grove St., 68-year resident said he goes to a restaurant with three booths and one table that are smoke free and the rest is for smokers. He was all for no smoking in Evanston restaurants.

David Baum, 2424 Lincoln St., opposed the smoking ban. A smoker and lawyer, civil liberties were his issue. He had no problem with public buildings prohibiting smoking. However, with a private business, he sees this law as an intrusion on telling him how to run his business. He saw a "big brother" approach being sought in this proposed law and a knee-jerk reaction. He has lived here his entire life and noted that Evanston tends to have knee-jerk reactions. Should the smoking ban be passed, at minimum, he would like to see the effective date go along with Chicago to give businesses and consumers a chance to adjust to the situation. He said they need to level the playing field. While restaurants may or may not make money, bartenders will lose. He does not want government coming into his home and does not want government telling him how to run his business.

Bob Atkins, 2005 Orrington Ave., 30-year resident, has been a community representative to the NU/Citizen Committee since its inception two years ago. The committee met March 20 and, pursuant to an agreed agenda, community representative Dave Schoenfeld asked NU Vice President Sunshine the following questions: does NU have any plans, studies or reports that relate to the future development, demolition, construction and/or use of properties located in the T1 and T2 and U1 zoning districts? Mr. Sunshine reported nothing. On April 8, he learned that NU had purchased 1945 Orrington, the property next to Eli Wolf. He thought that could not be, because they just had a meeting with Northwestern. The university withheld the information from the committee and they believe NU violated the letter and spirit of the Consent Decree. That is why he and Mr. Schoenfeld are determined to send a letter to Mr. Sunshine demanding a meeting within 7-10 days. This is a serious issue to their neighborhood and the rest of the City. He received an email on April 5 from Alderman Wollin informing him that one of them would be eliminated from this committee. There was no courtesy of notice, but simply that the Rules Committee had so voted. Mr. Schoenfeld will remain on the committee. If they passed the ordinance regarding terms on this committee, as of today there would be only one member and he would be off. He said there is no reason for that and it may please Alderman Wollin and NU, but it does not please the neighborhood. The Consent Decree requires two community members. He stated it was imperative citizen representatives meet with NU.

Don Zeigler, 1430 Elmwood Ave., vice chairman of the Community Health Advisory Board, stated to Council that their choice that evening was to take a leadership role to protect public health; noted that progressive communities such as Springfield, Wilmette, Deerfield, Highland Park and Elk Grove Village, are surrounded by communities where smoking is permitted, yet they did not wait for the state or Chicago to act. For Evanston to be a leader means decisively to end toxic exposure to tobacco smoke by all workers in Evanston, including all 33 restaurant/bar establishments and the bar in the Century Theatre by July 1. He reported to the Human Services Committee on what has happened in Chicago, Skokie and elsewhere and the implications for Evanston. Significant evidence was found that even Chicago's delay in going smoke free in bars until 2008 would not affect Evanston. He reported since the 2004 Clean Air Ordinance was passed the federal Centers for Disease Control warned all people with cardiovascular disease to avoid smoking areas. He urged the ordinance to go smoke free on July 1, 2006 be passed unanimously.

Mimi Peterson, 748 Wesley Ave., stated in 1999 residents formed the Fair Share Committee to demonstrate to City Council their will to enter negotiations with NU to obtain a significant monetary contribution. This would help the offset the loss of property taxes due to NU's large institutional land holdings that do not contribute to the tax base. In March 2000, 82 % of the residents who voted expected Council to represent their voice when they passed the Fair Share referendum. Instead no negotiations ever occurred. Residents were forced to accept settlement of a lawsuit filed by NU against the City. On April 11, NU just completed the purchase of 1945 Orrington Ave., a single-family residence located in a T1 zone and subject to the Consent Decree. She suggested that NU was aware of the plan to purchase this property at the NU/Citizen Committee meeting of March 20 and a clear violation of the Consent Decree. On April 11, the Mayor thanked NU for its generous contribution of \$350,000. That facts differ. 1800 Sherman is located in Downtown II TIF District and was created by the joint efforts of the City and NU to develop the Research Park. To develop the TIF District, the City issued \$31.1 million in bonds and relied upon the commitment of NU. The City incurred major obligations based upon the premise that all the properties within the TIF would remain on the tax rolls. Presently, there is \$27 million in outstanding debt. The bonds are to be retired by the incremental revenues from the TIF district. The meager contribution of \$350,000 for three years is woefully inadequate to pay the outstanding amount. She said it was disingenuous to use the Council as a public relations arm for NU and inappropriate to send out news on the taxpayer supported website of the City announcing the generous contribution of NU on a day in which they purchased another property to be removed from the tax rolls. She stated that Council and the Mayor have a responsibility to protect taxpayers; objected to use of the City's website to announce what amounts to misinformation. She urged that that

information be corrected.

Betty Ester, 2114 Darrow Ave., thanked Council members for their service to the City and their public service. She spoke about the Howard Street Redevelopment Agreement; said when this project came into being with a TIF, it was going to be many grand things; would not need any help; would not have affordable housing and rentals would be at market rates. The project has not gone forward for three years. She missed one Economic Development Committee meeting; noted this agreement is to give the developer some kind of tax break. If true, it would make the project go forward because the project just standing for three years is not good. She did not know how much the tax break is, how long it is and when the City will regain the money being given to this project. What is printed is limited. There is a website that a wealth of information can be put on. If information was on the website that told how this project was given tax credits, tax dollars, a tax abatement, the amount and when the City would get it back, she would not be present. That has been done in the past and will be done in the future. Information not coming forth to the Community is not a good thing.

Eli Wolf, 634 Foster St., asked how many would react if they came home and discovered the property value of their home had plummeted because a university had bought the property next to your house, he suggested there would be a different action at City Council. That is what happened on April 8 when he saw a moving van in front of his neighbor's home of 20 years. He recalled speaking to the neighbor several times and asked if they ever chose to sell, to let him bid on it. His neighbor's son told him NU had bought the home. He has lived here for 20 years, NU bought the home next to his, and his taxes keep going up and it takes him more time to get to South Blvd. due to so much development and there seems to be no end and the City Council does not act to do something about these situations. He declared that Evanston has something rotten and he will get to the bottom of it.

Mark Simon, 217 Kedzie St., was delighted that Council was considering strengthening the Clean Air Ordinance, which is the right thing to do from a health perspective and the just thing to do from a worker's safety standpoint. From an economic point of view, this change may not be so bad. According to the American Lung Association, Wilmette, which passed a clean air ordinance in 2003, by 2005 had increased the number of restaurants from 50 to 54 with an increase in sales taxes. In an adjacent community where people could have come to Evanston to smoke or drink, they did not come. From all points of view, health, justice and economics, the sooner the Indoor Clean Air Ordinance is passed, the better.

Rich Gentile, 2222 Lincoln St., spoke about the proposed paving of the alley abutting his property. He alleged that the petition circulated to determine if the alley should be paved was based upon inaccurate information. He described what had happened at the public hearing and asked that action be delayed. This alley has remained unpaved for 100 years He stated three issues need to be addressed: was a traffic study done. No. This is an alley that empties onto Lincoln St. at a dangerous intersection. Neighbors asked the City arborist about what would happen to prized trees in neighbors' yards in view of last year's drought. The arborist said the timing was not great. Some neighbors believed the process was not followed and have not heard the truth. He urged Council to hold this ordinance. He stated the payment is by housing unit and the majority of owners with accessible frontage have to sign the petition.

Dorothy Laudati, 2214 Lincoln St., stated the four reasons some neighbors believe their alley should not be paved: (1) according to the City arborist, a 50% chance they will lose trees that are within the property fence lines. Tree roots extend far into the alley and with excavation that goes 20" down, plus last year's drought, they will probably lose their trees. Were the alley to be paved, there would be increased traffic and the alley could become a cutoff for busy Lincoln St. People could cut through to Colfax or cut down the alley between Lincoln and Colfax, traveling at a speed that would be dangerous for children who enter and exit the alley with their bicycles. The cost of \$6,700 for each homeowner is high. Apparently the vote on an alley has never been as close as this one. Usually 80-90% of homeowners favor paving an alley. A little over 50% favored paving. She urged this be looked into further and postponed.

Mary Lyman, 630 Eighth St., Wilmette, spoke about the Clean Air Ordinance; said everyone says the issue is about economics, which is true. She has a friend who oversees an emergency room. If Council votes to amend the ordinance, her friend will lose patients with heart and asthma attacks. It is not only him but nurses, billing and admittance staff. By keeping smoking in Evanston, they are promising jobs for persons who work at Evanston and St. Francis hospitals. Recently she spent four days in Evanston Hospital where she had a wonderful nurse. If Council votes to go smoke-free she alleged that wonderful nurse may lose her job. She stated that nebulizers come for children in penguin shapes. She asked how fun it would be to take kids to see "March of the Penguins," walk through the smoky bar at the theater in

Evanston, then go home and put their child on a penguin nebulizer. She hoped they think long and hard about this.

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

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Resolution 30-R-06 – Lease for Evanston League of Women Voters; Ordinance 31-O-06 – Special Assessment No. 1484 – Alley Paving; Ordinance 53-O-06 -Planned Development for 2607-2617 Prairie Ave.; Ordinance 27-O-06 – Inclusionary Housing; Request for \$25,000 in Mayor’s Special Housing Funds for HODC’s Housing Counseling Program; Resolution 32-R-06 – Noyes Lease Renewal; Ordinance 10-O-06 – Indoor Clean Air Amendments and Ordinance 56-O-06 – Setting Term Limits for the Northwestern University/City Committee. Seconded by Alderman Rainey. Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. Voting nay – none. Motion carried (9-0).

**ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of April 11, 2006. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

**ADMINISTRATION & PUBLIC WORKS:**

\*Approval, as recommended, of City of Evanston payroll for the period through April 20, 2006 and City of Evanston bills for the period ending April 25, 2006, authorized and charged to the proper accounts:

|   |                |
|---|----------------|
| City of Evanston payroll (through 04/20/06) | \$2,136,457.03 |
| City of Evanston bills (through 04/25/06)   | \$3,783,839.02 |

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

\* Approval of the lowest responsive and responsible bid from G.T. Mechanical (15729 S Annico Dr, Homer Glen, IL) in the amount of \$128,970 for the Civic Center fluid cooling tower. Funded by the Capital Improvement Plan (CIP) and Civic Center Account. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid from Municipal Sewer Services (1400 W Carroll Ave, Chicago) in the amount of \$159,580 for the 2006 sewer maintenance contract. Funded by the Sewer Fund. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of a professional services contract with Central Parking Systems (1 N LaSalle, Suite 1650, Chicago) to manage and operate the Sherman Plaza, Maple Avenue and Church Street parking facilities for an initial three-year period from May 1, 2006 through April 30, 2009, with two optional one-year renewals, for a not-to-exceed cost of \$2,256,000 for the first year of the contract. Funded by the Downtown TIF and the Parking Fund. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of the lowest responsive and responsible bid from R.W. Clark Construction (19418 S 97<sup>th</sup> Ave, Mokena, IL) in the amount of \$66,000 for the brick wall repair/replacement at the Municipal Service Center. Funded by the CIP. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #1 to the G.E. Riddiford Roofing Company (2333 Hamilton Rd, Arlington Heights) contract for the Fleetwood-Jourdain Center to improve roof drainage and unanticipated masonry repair work, increasing the contract by \$22,482, from \$110,329 to \$132,811. Funded by CDBG. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #1 to the G.E. Riddiford Roofing Company (2333 Hamilton Rd, Arlington Heights) contract for the Municipal Service Center roof project, increasing the contract by \$34,319.70 from \$663,618 to \$697,937.70. Funded by the CIP. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Approval of Change Order #9 to the W.E. O'Neil Construction (2751 N Clybourn Ave, Chicago) contract for the Sherman Plaza Garage for various items, increasing the contract by \$12,264 from \$40,654,141 to \$40,666,405. Funded by the Washington National TIF. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Resolution 29-R-06 – Northeastern Illinois Public Safety Training Academy (NIPSTA) Membership – Consideration of proposed Resolution 29-R-06, which authorizes the City Manager to enter into an agreement with the Northeastern Illinois Public Safety Training Academy (NIPSTA) (2300 Patriot Blvd, Glenview) to purchase a membership for the Fire and Public Works departments in the annual amount of \$25,732. Funded by the Fire Department budget. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

\* Ordinance 61-O-06 – Amends Section 3-5-6(B) of City Code – Class B Liquor Licenses – Consideration of proposed Ordinance 61-O-06, which amends Section 3-5-6(B) of the City Code to increase the number of Class B liquor licenses from 14 to 15 due to the addition of La Petit Amelia Bistro and Wine Bar, 618 Church St. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 62-O-06 – Amends Section 10-11-7, Schedule VII(B) – Loading Zone – 127 Custer Ave. – Consideration of proposed Ordinance 62-O-06, which amends Section 10-11-7, Schedule VII(B) of City Code to add a loading zone in front of a daycare facility at 127 Custer Ave., from 7:00 a.m. to 6:00 p.m., Monday through Friday. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 63-O-06 – Amends Section 10-11-5, Schedule V(C) – Three-Way Stop – Grant/Dodge – Consideration of proposed Ordinance 63-O-06, which amends Section 10-11-5, Schedule V(C) of the City Code to add a three-way stop at Grant St. and Dodge Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 64-O-06 – Amends Section 10-11-5, Schedule V(D) – Four-Way Stop – Forest/Hamilton – Consideration of proposed Ordinance 64-O-06, which amends Section 10-11-5, Schedule V(D) of the City Code to add a permanent four-way stop at Forest Ave. and Hamilton St. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 54-O-06 – Vacating a Portion of the East-West Alley North of 415 Howard St. to Howard Station JV, LLC – Consideration of Ordinance 54-O-06, introduced April 11, 2006, which vacates the alley north of 415 Howard St. and the dedication of a portion of the eastern property at 415 Howard St. for a new alley. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 57-O-06 – Executing an Easement Agreement with Howard Station for Footings at 415 Howard St. – Consideration of Ordinance 57-O-06, introduced April 11, 2006, which authorizes the City Manager to execute an easement agreement with Howard Station JV, LLC for footings (caisson bells) at 415 Howard St. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 33-O-06 – Special Assessment No.1481 – Alley Paving - Consideration of proposed Ordinance 33-O-06, introduced March 27, 2006, by which City Council would authorize the paving of the alley north of Jenks St., east of Broadway Ave. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 34-O-06 – Special Assessment No.1485 – Alley Paving - Consideration of proposed Ordinance 34-O-06, introduced March 27, 2006, by which City Council would authorize alley paving north of Monroe, east of Ridge. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 35-O-06 – Special Assessment No.1486 – Alley Paving - Consideration of proposed Ordinance 35-O-06, introduced March 27, 2006, by which City Council would authorize the paving of the alley north of Dempster St., east of Fowler Ave. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

**PLANNING & DEVELOPMENT:**

\* Ordinance 59-O-06 – Special Use for a Type 2 Restaurant – 1630 Sherman Ave. – Consideration of a recommendation from the ZBA to approve a Special Use for a Type 2 restaurant in the Barnes & Noble Bookstore at Sherman Plaza, 1630 Sherman. \* MARKED INTRODUCED – CONSENT AGENDA

**OTHER COMMITTEES**

\* Ordinance 55-O-06 – Howard Street Redevelopment Agreement with the City of Evanston and Howard Station JV, LLC – Consideration of Ordinance 55-O-06, introduced April 11, 2006, which authorizes the City Manager to execute a Redevelopment Agreement with Bristol Chicago LLC for the redevelopment of 415 Howard. \* ADOPTED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

**APPOINTMENTS**

Mayor Morton asked that the following appointment be introduced:

|                   |                         |
|-------------------|-------------------------|
| Jon S. Pohl       | Preservation Commission |
| 3459 Harrison St. |                         |

Mayor Morton asked that the following appointment be confirmed:

|                             |                   |
|-----------------------------|-------------------|
| Elizabeth Kinney            | Environment Board |
| 1024 Brummel St.            |                   |
| For term ending May 1, 2010 |                   |

\* APPROVED – CONSENT AGENDA

**REPORT OF THE STANDING COMMITTEES****ADMINISTRATION & PUBLIC WORKS:**

Resolution 30-R-06 – Lease of Civic Center Space – Evanston League of Women Voters – Consideration of proposed Resolution 30-R-06, which authorizes the City Manager to enter into a lease agreement with the Evanston League of Women Voters, for lease of space in the Civic Center, 2100 Ridge Ave., Room 1030.

Alderman Hansen recused herself from voting on 30-R-06 because she is an active member of the Evanston League. Alderman Jean-Baptiste moved approval of 30-R-06. Seconded by Alderman Moran. Alderman Jean-Baptiste explained that three of the five committee members are League members. Two committee members voted to advance this resolution to Council. Aldermen Tisdahl also is a member of the League and recused herself from voting. Voice vote. Motion carried unanimously.

Ordinance 31-O-06 – Special Assessment No. 1484 – Alley Paving – Consideration of proposed Ordinance 31-O-06, introduced March 27, 2006, by which City Council would authorize the paving of the alley north of Colfax St., east of Pioneer Rd.

Alderman Hansen moved approval of Ordinance 31-O-06. Seconded by Alderman Rainey.

Alderman Tisdahl noted this alley paving had been controversial and supported paving it because it was the decision of the majority. She stated that Public Works Director David Jennings had done an excellent and careful job of finding out

what the majority want; asked if the Board of Local Improvements could have another meeting within the next two weeks so that finally all are heard. Mr. Jennings said this alley probably would be excluded from paving until next year if it was not approved that evening. The Board of Local Improvements believed the vote was 9-7 in favor of paving the alley and the City has heard from all 16 property owners. Alderman Jean-Baptiste asked for an explanation of the rules.

Mr. Jennings explained the process the City adopted included proceeding in alleys where 51% favor paving. It does not have to be 80-90% that favor paving. He stood behind the process they followed. All of the notices were in the packet so Council members could see the process. It is true this vote was one of the closest the City has had, but it has heard from every property owner. At present, nine favor paving and seven oppose.

Mr. Gentile argued his case from the audience. Mr. Jennings said a 6-6 vote occurred at the hearing. By consensus, the board voted to continue that hearing until the next meeting. The City sent a notice to property owners telling them they had a chance to change their mind and if they had not responded they could respond. At that point, they heard from 15 of the 16 property owners. The 16th property owner (who signed the original petition) sent an email to Alderman Tisdahl who gave it to Mr. Jennings. That made the vote 9-7.

First Assistant Corporation Counsel Herb Hill explained that the Council action is a step after the Board of Local Improvements, which gets the matter into court. Based upon adopting the ordinance that evening, they can proceed with the proper filings. As with any matter in court, the City could withdraw the petition should that be the decision of the City Council. All property owners will receive notice to appear in court to argue whether there is a public benefit because that is the basis on which they are proceeding. There is more opportunity for neighbors who are affected to make their opinions known in court. The City has not lost such a case, but there is always a possibility the case could be turned against the City. It may withdraw a case should the need for action is no longer be necessary. If the City misses filing this Friday, this project would not be done this year.

Alderman Holmes recalled that nine neighbors appeared at the March 27 A&P Committee meeting to let them know they supported the project. Alderman Rainey was concerned about the trees on private property and wanted a promise that they would do everything possible to save the trees if this goes forward. Alderman Tisdahl was sure that Mr. Jennings would work with the Forestry Division. Mr. Jennings said the alley design was changed so there's no disturbance within five feet of the trunk of a private tree. There was discussion about having a public hearing versus a meeting. Alderman Tisdahl was fine with having a meeting and those who want to oppose the paving could go to court and make their case.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. Voting nay – none. Motion carried (9-0).

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

Ordinance 53-O-06 – Planned Development for 2607-2617 Prairie Ave. – Consideration of a recommendation from the Plan Commission, introduced April 11, 2006, to approve a map amendment and planned development for Evanston Prairie LLC. The map amendment includes a change from a C2 Commercial District to a B2 Business District. The PUD includes about 13 dwelling units, 1,200 sq. ft. of retail/commercial space, a maximum defined building height of about 45 feet and a minimum of 22 off-street parking spaces enclosed within the building.

Alderman Wynne reported amendments were made which would be read into the record by Assistant Corporation Counsel Ellen Szymanski. On page 6 of 53-O-06, the following text deletes the text in Section 7 Subsection (3) and substitutes the following:

“Except as set forth herein, all initial costs and expenses associated with the replacement of the four-inch (4”) water main currently located on that portion of Prairie Avenue south of the Subject Property to Central Street with a new eight-inch (8”) water main (the “Water Main Work”) shall be the responsibility of Applicant. Notwithstanding the foregoing, the City shall reimburse the Applicant for (i) all costs and expenses associated with upsizing the new water main from a six-inch (6”) line to an eight-inch (8”) line and disconnecting the existing water service lines and replacing the same with

new water service lines, and (ii) such other costs associated with the Water Main Work that the City shall determine in its sole discretion. Determination of the diameter and other parameters, such as conditions to reimbursement, shall be the sole decision of the City. The increased water main diameter is necessary to meet the fire flow requirements of the City Code.”

Alderman Wynne moved approval of the amendment. Seconded by Alderman Moran. Motion carried unanimously.

Alderman Rainey asked the formula for determining the cost between a 6” and 8” water main. City Manager Carroll said the engineering staff in the Water Division calculated that. The developer will be responsible for 100% of the 6” line cost, which is about \$54,000 and the City will be responsible for the upsizing estimated to be \$7,900. The applicant will bill the entire project and the City will reimburse approximately \$7,900. After the City has all proof of lien waivers, it must review the engineering before they can start. Protections are built in to review the work of the applicant. The total cost is about \$62,000. The reason for the 8” main is that a hydraulic analysis indicated an 8” main is needed along Central Street. The City sees this as an opportunity to get it done now. There were no plans to do that work until 2010. When this was negotiated, the City indicated there was no interest in paying for the 6” service because the work was not needed for four years, but because of the need for fire flows, it was willing to pay the difference for the 8” line.

Ms. Szymanski stated the amendment is a new section 7 (5) (f):

“f) Notwithstanding anything to the contrary contained herein, upon Evanston Prairie I, LLC’s transfer of control of the Subject Property to a condominium association or other entity formed to administer and/or manage such Subject Property (the “Association”), the obligations contained in Sections 7(4) and (5) shall be automatically transferred to the Association and Evanston Prairie I, LLC shall no longer have any liability under Sections 7(4) and (5). Upon transfer of control to the Association, which shall occur no later than three (3) years from completion of the improvements contemplated herein, Evanston Prairie I, LLC shall send a notice to the City of the same. In the event such transfer of control does not occur within this three-year period, Evanston Prairie I, LLC shall continue to perform the obligations set forth in Section 7(4) and Section 7(5) of this Ordinance until transfer occurs.”

Alderman Rainey moved approval of the amendment. Seconded by Alderman Tisdahl.

Alderman Bernstein saw no covenant that would mandate that the landscaping be maintained. He suggested a subsequent board could decide not to do it. Ms. Szymanski called attention to paragraph e) regarding the obligation to continue the landscape plan unless released or modified by prior written consent of the City Council.

Alderman Rainey said one of the signature amenities of this property is the landscaping on the property and the parkway. She wanted to make sure it remains green.

Ms. Szymanski said she would draft the following amendment, “Prior to the issuance of a Building Permit, the applicant shall enter into a covenant with the City running with the land, in form and content, satisfactory to the City’s Legal Department.” Motion carried unanimously.

Alderman Wynne moved approval of Ordinance 53-O-06 as amended. Seconded by Alderman Jean-Baptiste.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes, Moran, Tisdahl. Voting nay – none. Motion carried (9-0).

Ordinance 27-O-06 – Inclusionary Housing Ordinance – Consideration of Ordinance 27-O-06, an Inclusionary Housing Ordinance, to require specified planned developments to include affordably priced dwelling units. The Housing Commission recommends adoption of this ordinance.

Alderman Wynne reported that this item was held in committee.

Request for \$25,000 in Mayor’s Special Housing Funds for Housing Opportunity Development Corporation’s Housing Counseling Program – Consideration of the Housing Commission recommendation to approve the request by the Housing Opportunity Development Corporation for



\$25,000 in Mayor's Special Housing Funds to support their Housing Counseling Program.

Alderman Wynne reported that this item was held in committee.

### **HUMAN SERVICES COMMITTEE**

Resolution 32-R-06 – Lease Renewal – Noyes Cultural Arts Center - Studio B-9 – Consideration of Resolution 32-R-06, which authorizes the City Manager to enter into a second term co-lease agreement for Studio B-9 at the Noyes Cultural Arts Center.

Alderman Jean-Baptiste reported that the tenant withdrew the application for lease renewal.

Ordinance 10-O-06 – Indoor Clean Air Amendments – Consideration of Ordinance 10-O-06, introduced April 11, 2006, whereby the City Council would replace Title 8, Chapter 21 of the City Code to expand the number and types of workplaces where smoking is prohibited.

Alderman Jean-Baptiste moved approval of Ordinance 10-O-06. Seconded by Alderman Wynne.

Alderman Jean-Baptiste reported that initially Alderman Tisdahl proposed a deadline of 2007 then Alderman Moran asked that the ordinance become effective July 1, 2006. A majority of the committee approved this ordinance. After speaking with all Council members, he found all favored it except Alderman Bernstein; that the business community has not stepped up so the trend, apparently, is that the City would do better with smoke-free restaurants and bars.

Alderman Bernstein said two years ago, when Chicago went smoke-free, that he would vote to go smoke-free in Evanston. Nothing has changed for him. He did not know whether this ordinance would result in diminished economics here. Earlier they spoke about states that went smoke-free. He noted there isn't a method to compare to other cities. He advocated replication of the City of Chicago's Clean Air Ordinance, which would make every restaurant here smoke-free *except* those that serve alcohol. People have a choice as consumers whether or not to go where smoking is allowed. Two years ago he took a poll and found the majority of workers in eating/drinking establishments were smokers. People choose to smoke. He chooses not to smoke. He can go into 70% of the restaurants now in Evanston and be in a smoke-free environment. He asked whom they are protecting. Are they protecting those who choose to continue smoking? Are they protecting employees who don't smoke but can't find other jobs? Employees who did not smoke told him tips were better when people had a cigarette with their beer because they didn't have to leave the premises. He noted hours were extended to serve liquor in some restaurants and fund-raisers are convened after hours. He thought that was done because the margins for these establishments were not that great. He acknowledged they have not heard from the hospitality industry; would like Evanston to be totally smoke-free, but one cannot avoid a smoker walking down the street.

Alderman Moran said that two years ago they heard many arguments. One thing that turned him around is that changes have come about. They hear now that the hospitality industry actually advances when smoke-free. Keifer's, in Chicago, voluntarily gave up smoking and in one year their business went up 14%. He thought the economic argument had been debunked. Two years ago they did not have the track record they have now. He said they have not heard from the hospitality industry and suggested that industry would do better without smoking; that Evanston would stand out in the court of public opinion that shows passing this is the right thing to do. He expressed admiration for advocates of this ordinance and wished he had voted for it two years ago. He asked all to vote for the ordinance.

Roll call. Voting aye – Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Holmes, Moran, Tisdahl. Voting nay – Bernstein. Motion carried (8-1).

### **OTHER COMMITTEES**

Ordinance 56-O-06 – Setting Term Limits for the Northwestern University/City Committee – Consideration of Ordinance 56-O-06, introduced April 11, 2006, which establishes term limits on membership to the Northwestern University/City Committee.

Alderman Moran moved approval. Seconded by Alderman Holmes.

Alderman Bernstein asked that this item be held. Seconded by Alderman Wynne.

At the request of two aldermen Ordinance 56-O-06 will be held.

**CALL OF THE WARDS:**

**8<sup>th</sup> Ward.** Alderman Rainey said all owe a debt of gratitude to Alderman Tisdahl for bringing forth the Clean Air Ordinance.

She responded to remarks made in Citizen Comment about the redevelopment agreement for 415 Howard Street. She said the process to bring this development to fruition was transparent over at least 18 months. To imply, because an individual missed one meeting of the Economic Development Committee, that this was something put over on people was erroneous and left the wrong impression. It was not reality. She gave her copy of the redevelopment agreement to Betty Sue Ester that evening. Nobody ever considered this a secret. She never recalled seeing a redevelopment agreement on the web. Ms. Ester never called her for a copy of the redevelopment agreement. Tonight was the final milestone for the City on this project. If ever there was a poster child for a TIF district this is it, because this property has been a vacant lot for 100 years. The last hurdle would be the CTA board meeting.

**9<sup>th</sup> Ward.** Alderman Hansen reported she would not take credit for the non-controversial amendments to the Clean Air Ordinance. Her constituent Kathleen Flaherty, who suffers from a respiratory ailment and lives in a condominium, discussed them with Ms. Hansen. The credit goes to Ms. Flaherty.

**1<sup>st</sup> Ward.** Alderman Wollin announced a town hall meeting on Tuesday, May 2, from 7:30 to 9:00 p.m. in the community room at the Evanston Public Library.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste made a reference to the City Manager to see if the Legal Department can look at the M/W/EBE ordinance to hire more Evanston residents. The real interest is to see Evanstonians participate as much as possible. Ms. Carroll clarified that he was interested in seeing more individuals and businesses hired.

**3<sup>rd</sup> Ward.** Alderman Wynne reported that the Zoning Ordinance allows bedrooms that do not have a window to use "borrowed" light. This idea came from loft conversions where there were large amounts of space and high ceilings. Normally the City would require a window. Partitions were put up that did not reach the ceiling and allowed borrowed light. There have been two new construction projects that used borrowed light because the Zoning Ordinance allows it. While she supports borrowed light for lofts, she suggested that loophole be closed because they get buildings that are denser than they should be with cramped layouts. She did not think this was good to keep in the ordinance and wanted the Plan Commission to analyze this issue, because the community does not get the best quality product when it is permitted.

**4<sup>th</sup> Ward.** Alderman Bernstein reminded everybody that the next Civic Center Committee meeting would be Thursday, May 4 at 7:00 p.m. at the Civic Center.

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

**6<sup>th</sup> Ward.** Alderman Moran acknowledged the passing of two remarkable citizens both of whom were residents of the Presbyterian Home. Helen Leister was 97. She served on the Commission on Aging, was full of energy and always hopeful He wanted to celebrate her life because she was an inspiration. Frank Foster, who owned Quinlan & Tyson, served on many boards including the Evanston Historical Society and gave funds for the Foster Pavilion. He was totally involved with Evanston. Four times a year he rented a large bus and invited people to ride along as he described who, what, where, when and how in relation to the history of Evanston. He was a virtual encyclopedia of Evanston history. He was delightful and successful.

**7th Ward.** No report.

At 11:05 p.m., Alderman Bernstein moved that Council convene into Closed Session for the purpose of discussing matters related to litigation and closed session minutes pursuant to 5 Illinois Compiled Statues 1202 (c ) (11) and (21). Seconded by Alderman Wynne.

2. All meetings of public bodies shall be public meetings except for the following:

(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 Section2.06.

There being no further business to come before the Council, Mayor Morton asked for a motion to adjourn and the Council so moved at 11:40 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.