

CITY COUNCIL

October 23, 2006

ROLL CALL – PRESENT:

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

A Quorum was present.

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, October 23, 2006, at 9:36 p.m. in the Council Chamber.

ANNOUNCEMENTS:

Public Works Director David Jennings announced that leaf collection had begun and would continue through November 30; gas-powered leaf blowers can be used through December 14. He pointed out that leaves need to be placed into Kraft paper bags, yard waste carts or composted. Brush cannot be put with leaves. He stressed that blowing or raking leaves into the street is not allowed.

Mr. Jennings described street closures on Friday due to the new CTA bridge installation to replace the viaduct at Church St./Benson Ave. The purple line will be shut down the entire weekend and shuttle busses used.

Mr. Jennings reported that the McCormick Blvd. Reconstruction project is on schedule and new asphalt will be laid by the end of the month, weather permitting.

Human Relations Commission Executive Director Paula Haynes invited all to the Annual Pancake Breakfast on Saturday, November 4, from 7:00 a.m. to 1:00 p.m. at the American Legion Hall, 1030 Central St. All proceeds from the breakfast will benefit Evanston families in need during the holiday season.

Assistant City Manager Judith Aiello invited the community to the Farmers' Market on Saturday to an early Halloween with pumpkin decorating by children and adults. People can come in costume and there will be special treats.

Mayor Morton reported that the City of Evanston had been awarded a Certificate of Honorable Mention, Illinois Arts Friendly Community Awards from the Illinois Arts Alliance and the Illinois Municipal League.

Mayor Morton commended School District 65 on improved test scores of its students.

The Mayor announced that Halloween trick or treat hours would be from 4:00-7:00 p.m. on October 31.

COMMUNICATIONS: City Clerk Mary Morris announced Grace Period Registration would end the next day. Early Voting continues through Thursday, November 2 in the City Clerk's office. She stated that in-person absentee voting would be conducted from November 3, 4, 5, 6 at the Office of Cook County Clerk David Orr, 69 W. Washington and at the Courthouse at 5600 Old Orchard Road in Skokie.

CITIZEN COMMENT:

Rodney Erickson, 2126 Asbury Ave., congratulated Council for supporting climate protection and asked how we get people to change their habits to save energy. As an Energy Management Engineer for Wendy's, they saved substantially by turning off what they were not using, turning down the hot water to 120°F and turning down the air conditioning one or two degrees. For every degree lowered, 5% of energy was saved. It was an effort to train people but many changed their habits.

Lester Shindelman, 1572 Maple Ave., a newcomer to Evanston, expressed pride in living in an environmentally conscious community. He saw three benefits of the Kyoto Protocol. One is the slowing down of the depletion of the Earth's finite resources. Second, renewables and the health industries will be the key industries. Third, he saw an actual decrease in dependence on foreign oil thus increasing our country's security. Action is needed and individuals can make a difference. He recalled this quote: "we inherit the earth from our fathers and leave a legacy to our children."

Richard Martin, 1116 Brummel St., member of Evanston's Network for the Future and convener for Evanston's Transportation Future, thanked and congratulated Council for adopting the climate protection agreement; said it was shameful what the federal government has failed to do. By signing this, Evanston will join the world community in addressing the devastating effects of global warming.

Elliot Zashin, 715 Asbury Ave., 13 year resident and member of the Network for Evanston's Future, assumed the Climate Protection Agreement would be approved. He asked if Council was prepared to do everything possible to reach the goals in the Kyoto Protocol. The Network is involved in bringing the broader community into this effort. He hoped Evanston would reach out to other local governments to do the same. This effort to reverse the effects of global warming will require a massive national effort and he hoped Council would work with the Network.

Frances Seidman, 600-E South Blvd., attended the P&D Committee meeting and lives in inclusionary housing comprised of 24 townhouses within walking distances of trains and parks. All kinds of people live there. She suggested that people be helped to buy townhouses like hers. The vision is to put inclusionary housing in high rises. They need to look at other kinds of housing.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Ordinance 103-O-06 – Decrease in Class B1 Liquor Licenses; Ordinance 104-O-06 – Increase in Class B1 Liquor Licenses; Appeal of Preservation Commission Denial – 115 Dempster St.; Ordinance 27-O-06 – Inclusionary Housing Ordinance; Major Variation Request for Open Off-Street Parking – 1236 Forest Ave.; and Building Permit Fee Waiver Request – 736-38 Dobson St. Seconded by Alderman Jean-Baptiste.

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

ITEMS APPROVED ON CONSENT AGENDA

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of October 9, 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 October 19, 2006 and City of Evanston bills for the period ending October 24, 2006, authorized and charged to the proper accounts:

City of Evanston payroll (through 10/19/06)	\$2,231,913.02
City of Evanston bills (through 10/24/06)	\$3,012,953.69

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

* Approval of a sole-source purchase from Library Furniture International, Inc. (1851 Janke Dr., Northbrook) of LFI Biblmodel Cantilever audiovisual display shelving, for \$95,474 for the Library's youth service renovation project. Funding provided by FY 06-07 CIP budget. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bidder for the purchase of a Dual-Simulcast Repeater Radio System

upgrade for the Fire and Police departments from Motorola Corporation (1295 E Algonquin, Schaumburg) at a cost of \$553,865. Funding provided by the Emergency Telephone System Board account. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Change Order No. 11 to the Sherman Plaza Garage construction project with W.E. O'Neil (2751 N Clybourn, Chicago) for various items increasing the contract amount by \$352,966 from \$40,791,141 to \$41,144,107. Funded by Washington National TIF. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Resolution 62-R-06 – Acceptance of a Donation to the Human Relations Commission – Consideration of Resolution 62-R-06, which authorizes the acceptance of funds from the American Legion, Post 42, for the Human Relations Commission. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

PLANNING & DEVELOPMENT:

* Ordinance 105-O-06 – Special Use Request for a Convenience Store at 817 Davis St. – Consideration of the Zoning Board of Appeals recommendation, introduced October 9, 2006, to grant a special use for a 7-Eleven Convenience Store at 817 Davis St. * ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

OTHER COMMITTEES:

* Resolution 59-R-06 – U.S. Mayors Climate Protection Agreement – Consideration of proposed Resolution 59-R-06, which authorizes the Mayor to sign the U.S. Mayors Climate Protection Agreement. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Resolution 61-R-06 – Authorizes the City Manager to Execute Documents for Transfer of Property from Sherman Plaza Partners, LLC to Inland RE – Consideration of proposed Resolution 61-R-06, which authorizes the City Manager to execute documents for the transfer of property from Sherman Plaza Partners to Inland RE. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

APPOINTMENTS:

Mayor Morton asked that the following reappointments be introduced:

Nicole S. Pakkala 735 Central St.	Board of Ethics
Susan Munro 1316 Maple Ave.	Housing Commission
Jonell Nimock 1029 Wesley Ave.	M/W/EBE Development Committee

Mayor Morton asked that the following reappointment be confirmed:

Tracey L. Wallace 1310 Darrow Ave. For term ending October 30, 2008	M/W/EBE Development Committee
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* APPROVED – CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Ordinance 103-O-06 – Decrease in Class B1 Liquor Licenses – Consideration of proposed Ordinance 103-O-06, introduced October 9, 2006, which amends Section 3-5-6(B1) of the City Code to decrease the number of Class B1 liquor licenses from five to four due to the sale of 1800 Club, Inc., dba 1800 Club, 1800 Sherman Ave.

Ordinance 104-O-06 – Increase in Class B1 Liquor Licenses – Consideration of proposed Ordinance 104-O-06, introduced October 9, 2006, which amends Section 3-5-6(B1) of the City Code to increase the number of Class B1 liquor licenses from four to five due to the addition of Chicago Outfit Entertainment, Inc. dba 1800 Club, 1800 Sherman Ave.

Alderman Holmes reported the applicant withdrew the application for a liquor license. She moved to remove Ordinances 103-O-06 and 104-O-06 from the agenda. Seconded by Alderman Jean-Baptiste. Motion carried unanimously.

PLANNING & DEVELOPMENT:

Appeal of the Preservation Commission Denial – 115 Dempster St. – Consideration of the application appealing the Preservation Commission’s Denial of a Certificate of Appropriateness for the construction of a three-car attached garage and second-story living space over the garage to the Evanston Landmark at 115 Dempster St.

Alderman Jean-Baptiste reported that this item was withdrawn by the applicant, He moved to remove it from the agenda. Seconded by Alderman Rainey. Motion carried unanimously.

Major Variation Request for Open Off-Street Parking at 1236 Forest Ave. - Consideration of the ZBA recommendation to deny a major variation to off-street parking regulations at 1236 Forest Ave.

Alderman Jean-Baptiste reported the committee had voted to reject the denial and voted to approve the proposed variation. He moved to approve a major variation for off-street parking at 1236 Forest Ave. Seconded by Alderman Wynne. Motion carried unanimously.

Building Permit Fee Waiver Request – 736-38 Dobson St. - Consideration of a request from the Evanston Community Development Association for a waiver of building permit fees for the rehabilitation of a six-unit building at 736-38 Dobson St. The building will be rehabbed with the assistance of HOME funds to provide six affordable condominium units.

Alderman Jean-Baptiste reported that the organization withdrew the request for fee waiver. Alderman Jean-Baptiste moved that they remove this item from the agenda. Seconded by Alderman Rainey. Motion carried unanimously.

Ordinance 27-O-06 – Inclusionary Housing Ordinance – Consideration of Ordinance 27-O-06, an Inclusionary Housing Ordinance, introduced September 25, 2006, to require specified planned developments to include affordably priced dwelling units. The Housing Commission recommends adoption of this ordinance. This item was referred back to Committee on September 25, 2006.

Alderman Jean-Baptiste moved approval of 27-O-06 as amended. Seconded by Alderman Wollin.

First Assistant Corporation Counsel Herb Hill explained after debating in committee, changes were made to the ordinance in the last half hour. The P&D Committee determined the Inclusionary Affordable Housing Ordinance would apply to all planned unit developments of 25 units or more and the concept of achieving affordable housing would be met by payment of a certain sum based upon the affordable housing goals for the community. The additional goal is to provide 10% of all new covered construction as affordable housing. The means the committee chose to get that 10% was to provide a funding mechanism of \$50,000 for each of the component units of the 10%. If there was a 100-unit building, 10% of it would be subject to the inclusionary affordable housing zoning concept. The committee determined there

would be no requirement for on-site affordable units. The goal is payment into the affordable housing fund to be able to achieve the community's affordable housing goals. Language was retained for a waiver and reduction of the obligation based upon an economic feasibility standard. The requirement of a payment in lieu for on-site development has been deleted because the concept is a straight payment of \$50,000 per unit. A key provision provides that this ordinance will not go into effect until 90 days after an action and the 90-day period will allow City Council to consider other aspects of implementation. Incentives to the developer, "the tool box" remain in the ordinance. Council should be directed to review that and determine which of those six standards will remain in the ordinance.

Alderman Tisdahl moved to change the payment of \$50,000 to \$40,000. Seconded by Alderman Wynne. Motion carried unanimously.

Alderman Hansen thought when they discussed the \$50,000, they were talking about payment in lieu of. To be realistic, she did not know what developer would come forward and say he would build 10% of the units as affordable on-site versus opting out with the payment in lieu of. In the ordinance they just received, there is no section that says 10% of the total number of dwelling units will be affordable units. Taking that away was not her intent. The new ordinance got rid of original Sections 5-7-4, and at P&D 5-7-5, 5-7-6 and 5-7-7. She thought the \$40,000 was a payment in lieu. The amended ordinance has none of that language. She asked to hear from anybody who wanted that language deleted.

Alderman Jean-Baptiste explained the committee addressed whether to have affordable units on-site; discussed the \$3,000 per total unit and came to a compromise that was strictly a payment in lieu and no affordable units built on-site. He thought they agreed to move forward with the ordinance and use the next 90 days to make modifications to it.

Alderman Rainey said a Council member participated and got confused and that was why this should have been held in committee with a special meeting ordered. She has never seen any ordinance, especially of this importance, pushed through in this way and did not agree this had to be passed before the referendum.

Alderman Wynne moved to delete Sections 5, 7 and 10 and Subsections 3, 4, 5 and 6 on page 14. Seconded by Alderman Rainey. Motion carried. No nays.

Alderman Wynne was confused about what Council would be doing with this ordinance in the next 90 days.

Alderman Jean-Baptiste stated that during the next 90 days Council would look at implementation process and administration of the ordinance. The significant component was applicability, which is 25 units or more. They decided not to do a set-aside, but a fee in lieu for 10%. They will decide what percentage of the money will be allocated to people at 100% of median income, those at 90%, 80% etc.

Alderman Bernstein moved to delete the third "whereas" clause on page 4. Seconded by Alderman Wynne. Motion carried unanimously.

Alderman Bernstein moved that in Section 5-7-2, Purpose and Intent (page 5) to delete "include a certain percentage of dwelling units in a proposed development to be priced affordably for low- and moderate-income households." Add "make a payment in lieu in accordance with the terms of this ordinance." Seconded by Alderman Wynne. Mr. Hill stated the Law Department would make any other changes that refer to on-site housing. Because of what was accomplished at the P&D Committee, the Law Department needs to review the ordinance in the next 90 days. Motion carried unanimously.

Alderman Rainey moved to eliminate Section 5-7-8, Affordability Controls on page 9, all of page 10, 11, 12 through page 13. Seconded by Alderman Moran. Mr. Hill said this was retained because there is an obligation to spend the \$40,000.

Motion carried unanimously.

Alderman Rainey did not understand why counsel was not advising them to hold this over so this could be done responsibly. Mr. Hill tried to reflect the will of the P&D Committee's 5-4 vote. Many of the reservations they have had

have been addressed. There is an outstanding legal issue they can review and give input to City Council in the next 90 days. That issue is the elimination of on-site housing and a straight payment of \$40,000 per unit. There are issues of exactions and impact fee analysis to be done. The overall concept for affordable housing and the rationale basis are addressed. The direction they received was to incorporate what the committee voted on. Taking out the on-site takes them to a different standard of law, so if a change is needed, it can be made on a legally sound basis.

Alderman Jean-Baptiste moved adoption of 27-O-06 as amended. Seconded by Alderman Moran.

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

CALL OF THE WARDS:

1st Ward. No report.

2nd Ward. Alderman Jean-Baptiste reported a number of residents have inquired about the real estate tax referendum question. People seem to be looking for information on what this means. He urged aldermen to distribute the pamphlets on the question.

3rd Ward. Alderman Wynne invited residents to the Megowan Park renovation meeting the next evening at Lincoln School, Art Room.

4th Ward. Alderman Bernstein announced that he planned to vote “yes” for the real estate tax referendum and encouraged all to vote on November 7.

5th Ward. Alderman Holmes asked Council to join her in congratulating the NAACP on its annual benefit and award recipients: Mary Wilson, Pam McKinley, Judith Treadway and Delta Sigma Theta sorority and the awards program. She invited people to the last community planning session on Wednesday at Fleetwood-Jourdain Community Center, 7:00 p.m. She announced a hearing at Fleetwood-Jourdain on the Perry Park renovation.

6th Ward. Alderman Moran pointed out allocation of funds for the repeater radio was significant; noted serious difficulties with the Fire Department’s old-fashioned system. This major expenditure will bring great improvements. He thanked the E-911 Board for a positive recommendation and Council for approving this contract. He thanked Northwestern University for making a major contribution and cooperation with the City to allow placement of a couple of antennae on Ryan Field with accoutrements that ended up saving the City more than a couple of hundred thousand dollars because of those placements. This purchase will give the City an optimal radio system.

7th Ward. No report.

8th Ward. Alderman Rainey had talked with people about the real estate transfer tax referendum for affordable housing and heard people say, “finally something to help my children buy a house in Evanston.” That is who it is for. It is not for somebody who has no income. This will help people who earn up to 80% of the median income, which includes many young people, an important feature that will result from this tax. Another feature is that it will apply to the sales of all kinds of property. Recently a large building sold for \$54 million and, if the City had the proposed transfer tax, it would have collected \$54,000 for affordable housing. She encouraged people to support the referendum.

She invited all to the Thursday at 4:00 p.m. groundbreaking of a \$55 million, 17-story apartment building on the 400 block of Howard Street

9th Ward. No report.

At 10:55 p.m., Alderman Jean-Baptiste moved that Council convene into Closed Session for the purpose of discussing matters related to collective bargaining, real estate and closed session minutes pursuant to 5 Illinois Compiled Statutes

120/2 (c) (2), (5) and (21). Seconded by Alderman Wynne.

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

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(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.

(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.

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

At 11:00 p.m. the Council reconvened into Open Session.

Alderman Jean-Baptiste moved to approve the contract with Fraternal Order of Police, Evanston Sergeants Association effective March 1, 2006 through February 29, 2008. Seconded by Alderman Holmes.

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

Alderman Jean-Baptiste moved that Council reconvene into closed session to consider litigation and real estate matters. Seconded by Alderman Rainey.

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

There being no further business to come before the Council, Mayor Morton asked for a motion to adjourn and the Council so moved at 11:25 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.