

**CITY COUNCIL**

December 11, 2006

**ROLL CALL – PRESENT:**

	Alderman Bernstein	Alderman Hansen
	Alderman Moran	Alderman Wollin
	Alderman Tisdahl	Alderman Jean-Baptiste
A Quorum was present.	Alderman Rainey	Alderman Wynne

**ABSENT:**

Alderman Holmes

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, December 11, 2006, at 9:22 p.m. in the Council Chamber.

**ANNOUNCEMENTS:**

Parks/Forestry & Recreation Director Doug Gaynor announced that the Walter Burt Adams paintings on display in the Council Chamber had been relocated to the Levy Center at the request of Joseph Levy, owner. He noted that paintings by contemporary Evanston-artist Elizabeth Ockwell, will be displayed for one year and, other artists' works would be displayed on a one-year rotation. He thanked Barbara Goldsmith and Chie Curley for making this exhibit possible.

Mayor Morton will officiate at the public lighting ceremony for Hanukkah on Sunday, December 17, at 4:30 p.m. in Fountain Square.

Public Works Director David Jennings announced that the refuse/recycling schedule for the weeks December 25 and January 1, would be one day later due to the holidays.

Community Development Director James Wolinski invited all to the subcommittee of the Plan Commission public meeting the next evening at Rotary Center at 6:30 p.m. to discuss future visioning for downtown Evanston.

City Manager Julia Carroll thanked all for the condolence cards and calls she received following the death of her mother.

**Evanston Senior Volunteer of the Year**

Senior Crime Prevention Specialist Amanda Jones selected Evanston Police Department volunteer Alden Cohen, 72, for the 2006 TRIAD Evanston Senior Volunteer. Interim Police Chief Dennis Nilsson presented the award, which honored his service to the department. That included his participation and graduation from the Citizens Police Academy, his training as a member of Evanston's Community Emergency Response Team and ongoing volunteer activities including helping as an assistant to the Property Officers, who log evidence, catalogue property, ready subpoenas, take photographs and maintain property records. In 2005 alone he logged more than 1,000 hours as the Property Room volunteer.

**Artist Presentation  
Richard Halstead**

Mayor Morton expressed gratitude to Mr. Halstead for his fourth painting of municipal employees. A professional portrait artist, Mr. Halstead has a studio in the Noyes Cultural Arts Center. The paintings are of a forestry worker, firefighter and emergency medical technician. She asked officers Melvin Collier, Melissa Sacluti and Jeremy Nieman, who sat for the new painting to come forward.

Mr. Halstead explained that he was inspired to create these paintings as a tribute to the professional people who attend to our emergency needs; those who appear when somebody is in serious trouble. The fourth painting was conceived after

conversations with people at the police station on Elmwood Avenue. Commander Arturo Elam set the tone for this painting when he said he would like to see police officers represented as thinkers and peacemakers rather than enforcers. With that thought, he consulted with Officer Ed Biondi and developed the idea of a small group of officers working together at a crime scene unraveling the mysteries of a tragic event. From that point he tried to create an image of both tragedy and hope and a sense of dedicated professionals creating a safer environment for all of us. This project goes back eight years when he presented his idea to Mayor Morton who was very supportive and gave him two stipulations. One was that the works represent rank and file workers and the other that it have Facilities Management Director Max Rubin's approval. Not only did Max Rubin approve, but gave his whole hearted support and logistical expertise. The third figure was a composite of Officer Jeremy Nieman and Alfonso (an acquaintance of the artist) into one fictional person.

These paintings reflect his love for Evanston and are a gift to the community. He has always believed in the system of using community service as a partial payment for studio space and a part of the valuable symbiotic relationship that exists between the artists at Noyes and the City. Most artists at Noyes Cultural Arts Center have deep feelings about this relationship and give extra back to the community because it seems to be a natural thing to do. He explained in the third painting, which depicts the medical technician, the man on the ground who posed was his friend Fire Captain Pete Hanchar who passed away this year. His wish was that those who view these paintings would think about Captain Hanchar and others who dedicate their lives to public service in these ways. He thanked Donna Stuckert, Jeff Corey, Doug Gaynor, the Arts Council, City Council and others he may have missed.

#### **CITIZEN COMMENT:**

Joan Safford, 1618 Wesley Ave., lives near the TIF district on the agenda that evening; was involved in the 1613 Church property and because of citizen involvement it became a better project. That project cast a die as to how other adjacent areas can be developed. The community has worked hard with the planners hired by the City to work on that area. Each meeting was better attended with more participation from a broad section of the community. The proposal that evening was to extend the moratorium for another 60 days in order for the planning process to continue. Neighbors realize the plan won't be followed to the letter and that it is suggestive. It integrates the neighborhood west of the berm with those to the east and works to create pathways that allow more of the property to face the street, so they don't have a closed community. She and others were concerned that the ordinance to extend the moratorium also has built into it exclusion from the moratorium for the old Bishop Freeman property north of Emerson and south of Foster. That is the area where concern was expressed about the R5 zoning not reflecting the neighborhood, although that never passed. The concern is taking that out of the moratorium, under the representation that the deal will fall through if it is not released from the moratorium, is that property, like that to the south, is part of a pattern of a new street, bicycle path and walkway. The plan will set a pattern. Every developer will have to explain why they have to deviate from that. There is concern that once again they have a deal that may fall through if not allowed to go forward due to the burden of a moratorium.

Mary McWilliams, 1606 Wesley Ave., commended Council for being willing to extend the moratorium for sixty days. The process is complex, requires careful consideration and time to make plans and she found it exciting, frustrating and interesting. It opened her eyes to the complexities of city planning. She was grateful for the opportunity to participate and to meet new people in her neighborhood. She is pleased the proposed plan that will go before the Plan Commission reflecting an openness that will bring two neighborhoods together. She shared Ms. Safford's concern that by allowing the exemption the plan is weakened, undermining the basic premise.

Sue Carlson, 2679 Stewart Ave., was surprised to hear at P&D Committee about the proposed inclusionary housing ordinance and the changes being batted around based on information supplied by Valerie Kretchmer. That was because there was a reference that the City was going to be at a disadvantage with the proposed 30% of 10% required on-site compared to that of the City of Chicago. She did not know whether anybody had looked at what Mayor Daley proposed for Chicago regarding increasing its components in the inclusionary housing ordinance. When Mayor Daley says he wants something to happen, it usually happens. She hoped they would look at the proposed ordinance, which is far more stringent than what is being proposed and advised them not to worry about competition from Chicago because they are proposing something far more stringent.

**COMMUNICATIONS:** None

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

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Resolution 74-R-06 – Purchase of Electrical Power for City of Evanston; Ordinance 121-O-06 – Issuance of Not-to-Exceed \$15 Million GO Bonds; Ordinance 113-O-06 – Proposing Extension and Expansion of Special Service Area #4; Ordinance 114-O-06 – Planned Development & Map Amendment Request for 2424 Oakton St.; Release of Restrictive Covenants – 2424 Oakton; Ordinance 115-O-06 – Amends the Inclusionary Housing Ordinance; Resolution 76-R-06 – Consent Decree for 827-849 Chicago Litigation; Planned Development – 1700-1722 Central; Appeal Preservation Commission’s Denial of COA for Demolition at 1722 Central and Ordinance 117-O-06 – Amend Preservation Ordinance. Seconded by Alderman Rainey.

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

**ITEMS APPROVED ON CONSENT AGENDA****MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of November 27, 2006. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

**ADMINISTRATION & PUBLIC WORKS:**

\*Approval, as recommended, of City of Evanston payroll for the period through November 30, 2006 and City of Evanston bills for the period ending December 12, 2006, authorized and charged to the proper accounts:

City of Evanston payroll (through 11/30/06)	\$2,032,148.91
City of Evanston bills (through 12/12/06)	\$3,139,506.26

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

\* Approval of Change Order No. 1 (final) to the Phase X – Contract B Relief Sewer project with Benchmark Construction Co., Inc. (2103 W Bartlett Rd, Bartlett, IL). This decreases the contract amount by \$361,560.46, from \$7,148,765.60 to \$6,787,205.14. Funded by the Sewer Reserve, CIP and Water Fund accounts. \* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (8-0)

\* Approval of Change Order No. 2 to the 2006 Water Main Improvements – Contract A project with Bolder Contractors, Inc. (440 Lake Cook Rd., Deerfield). This decreases the contract amount by \$1,904.21, from \$3,874,952.30 to \$3,873,048.09, and extends the contract completion date by 67 days, from October 2 until December 8, 2006. Funded by the Water, Sewer and CIP fund accounts. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Approval of Change Order No. 3 (final) to the Colfax/Bryant Storm Sewer project with Joel Kennedy Constructing Corp. (40 Noll St., Waukegan). This decreases the contract amount by \$194,928.45, from \$2,570,152.18 to \$2,375,223.73. Funded by the Sewer Reserve Account. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Resolution 78-R-06 – Cook County Mobile Video and Data Communication Network Participation Agreement – Consideration of proposed Resolution 78-R-06, which authorizes the City Manager to enter into a Cook County Mobile Video and Data Communication Network Participation Agreement . \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Resolution 77-R-06 – Studio 221 Lease Agreement Between the City and Artist Maggie Weiss – Consideration of proposed Resolution 77-R-06, which authorizes the City Manager to execute a lease agreement between the City and current Noyes Resident Artist Maggie Weiss for Studio 221. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Ordinance 119-O-06 – Authorizes the City Manager to Execute an Easement Agreement with Evanston Prairie I, LLC (2607-2617 Prairie Ave.) – Consideration of proposed Ordinance 119-O-06, which authorizes the City Manager to execute an agreement with Evanston Prairie I, LLC, for a subsurface easement for wall and column footings adjacent to 2607-2617 Prairie Ave

\* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 116-O-06 – Amend Section 10-11-5, Schedule V(A) of City Code – One-Way Stop at Seward St. and Barton Ave. – Consideration of proposed Ordinance 116-O-06, introduced November 27, 2006, which amends Section 10-11-5, Schedule V(A) of the City Code to establish a one-way stop at Seward St. and Barton Ave. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

Ordinance 110-O-06 – 2006 City of Evanston Tax Levy – Consideration of proposed ordinance 110-O-06, introduced November 13, 2006, which legally imposes the City of Evanston property tax levy for the General Fund and the Police and Fire pension funds in the amount of \$25,483,673 for FY 2006-07. A public hearing was held on this tax levy at the Council meeting of November 27, 2006.

\* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

Ordinance 111-O-06 – 2006 Evanston Township Tax Levy – Consideration of proposed Ordinance 111-O-06, introduced November 13, 2006, which legally imposes the City of Evanston property tax levy for Evanston Township in the amount of \$1,359,134 for FY 2006-07. A public hearing was held on this tax levy at the Council meeting of November 27, 2006. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

Ordinance 112-O-06 – 2006 Special Service Area #4 Tax Levy – Consideration of proposed Ordinance 112-O-06, introduced November 13, 2006, which legally imposes the City of Evanston property tax levy for Special Service Area #4 in the amount of \$255,000 for FY 2006-07. A public hearing was held on this tax levy at the Council meeting of November 27, 2006. \* ADOPTED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

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

\* Ordinance 120-O-06 – West Side TIF District Building Moratorium Extension – Consideration of extending Ordinances 52-O-06 and 82-O-06, which established a building moratorium for the West Evanston TIF District and areas to the north, for an additional 60 days. The moratorium will exclude an area included previously in the original moratorium between Foster and Emerson streets and the first alley west of Jackson Ave. and the first alley east of Dewey Ave. The current moratorium will end on December 12, 2006 and the extension will expire on February 10, 2007. \* MARKED INTRODUCED – CONSENT AGENDA

Alderman Jean-Baptiste moved to Suspend the Rules to adopt an ordinance at the same meeting at which it was introduced. Seconded by Alderman Moran. Motion carried unanimously.

Alderman Jean-Baptiste moved approval of Ordinance 120-O-06. Seconded by Alderman Moran.

Alderman Jean-Baptiste reported during the last two weeks the developer for the Bishop Freeman site had approached Alderman Holmes, James Wolinski and himself. They had discussions with the planners and the consultant about the feasibility and wisdom of exempting the Bishop Freeman site from the moratorium. This moratorium was called for by himself and Alderman Holmes in order to get time to do long-term planning. That planning process has not been to discourage development but to try to bring the community into the vision that is a guideline. The developers who propose to develop this site have been at every meeting, understand the plan and know the expectation. They thought it over and recommended approval of the moratorium with this exemption.

Alderman Bernstein confirmed that this development will be a planned unit development. Alderman Jean-Baptiste stated

it would go to the Plan Commission, P&D Committee and City Council.

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

**HUMAN SERVICES COMMITTEE:**

\* Approval of November 2006 Township Monthly Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of November 2006 in the amount of \$83,395.31. \* APPROVED - CONSENT AGENDA MOTION & ROLL CALL (8-0)

**REPORT OF THE STANDING COMMITTEES**

**ADMINISTRATION & PUBLIC WORKS:**

Resolution 74-R-06 – Purchase Electrical Power for the City of Evanston – Consideration of proposed Resolution 74-R-06, which would allow the City of Evanston to enter into an agreement for the purchase of electrical power with either Sempra Energy Solutions or Constellation New Energy (CNE). Costs for the electricity used will be allocated to each account without any changes and are not to exceed \$1,795,268.

Assistant Facilities Management Director David Cook explained that starting in 2007 ComEd's frozen rates will become unfrozen so they had to find an alternate power source. All the accounts were gathered; then they went to the Energy Commission, which recommended they hire Attorney Freddi Greenberg. BAI, an electrical consultant, was hired and helped them go out for an RFP to all the power providers. They did an RFP because they had to aggregate all accounts, which had not been done before, to see where they spend for power and manage better. Sixteen companies certified by the ICC as power providers in Illinois were contacted with a request for interest. Six responded. They went out for indicative pricing, which meant if they signed that day for the power, cost would be based upon historical usage. Two of the six said they would give indicative pricing and provided contracts for review. Ms. Greenberg reviewed the contracts and negotiated with each provider. After negotiations and analysis, they came up with a price. They also added in the Sherman Avenue garage. They negotiated a price of \$1.8 million for electricity if they use the same amount of power as last year. They are buying a rate. If they went with ComEd, the cost would be \$2.5 million for the same amount of electricity, an increase of \$725,000. Sempra said it was too volatile to lock in. CNE was the only company to meet all their parameters. He recommended passage of the resolution.

Alderman Hansen moved approval of Resolution 74-R-06. Seconded by Alderman Moran.

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

City Manager Carroll noted that 20% of the power from CNE will come from renewable energy sources.

Ordinance 121-O-06 – Authorizes the Issuance of an Amount Not-to-Exceed \$15 Million in General Obligation Bonds – Consideration of proposed Ordinance 121-O-06, which authorizes the City Manager to execute an issuance of not-to-exceed \$15 million in General Obligation Bonds, Series 2006B for the purpose of refunding a portion of Series 200C and 2003B GO Bonds.

Alderman Hansen asked that Ordinance 121-O-06 be marked introduced.

Alderman Hansen moved to Suspend the Rules to adopt an ordinance at the same meeting at which it was introduced. Seconded by Alderman Moran. Motion carried unanimously.

Alderman Hansen moved approval of Ordinance 121-O-06. Seconded by Alderman Jean Baptiste.

Finance Director Matt Grady explained they were asking for bond refunding that will save the City \$644,000. They have looked for opportunities in their bond portfolio and this is one of two they found. In mid-February they will come with another saving opportunity. Staff is asking for quick action to take advantage of the markets that are out there. Currently the City pays about 5% and 5¼% interest on outstanding bonds and now will pay 4.1%. The difference is generating that savings that will be received over a five-year period. This takes some budgetary pressure off and helps build up fund balances in debt service.

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

Ordinance 113-O-06 – Proposes the Extension (Years) and Expansion (Area) of Special Service Area (SSA) No. 4 – Consideration of proposed Ordinance 113-O-06, introduced November 27, 2006, which proposes the extension (years) and expansion (Area) of Special Services Area No. 4 for 12 additional years and provides for a public hearing and other procedures in connection therewith.

Alderman Hansen moved approval of Ordinance 113-O-06. Seconded by Alderman Rainey.

In response to Alderman Rainey, First Assistant Corporation Counsel Herb Hill explained this is the first of two ordinances to enable the Special Service Area No. 4 to expand. Upon adoption of this ordinance, a public hearing date of January 22 will be established. Property owners and registered voters (electors) within the proposed district will receive a separate mail notice and a notice will be in the *Evanston Review*. The public hearing will set forth what is proposed: enlarging the geographic area, extending its life for 12 more years and the anticipated collection amounts for each year. The first year the total levy collected will be \$475,000. From January 22 forward, there is a 60-day period in which those affected can file a petition with the City opposing this action. After 60 days, if 51% of the registered voters and affected property owners in the district reject the expansion, City Council cannot adopt the next ordinance, which actually would create the new expanded district. If there is not 51% opposition, City Council can adopt the ordinance which expands the district. The cost would go from \$250,000 to \$475,000 annually. The notice sets forth the fact that the City will enter into an agreement with EVMark, which has provided the City with extraordinary services in the district.

In response to Alderman Bernstein, EVMark Executive Director Diane Williams explained registered voters are electors and property owners are owners of record. There are two distinctly different pools of individuals.

Alderman Rainey confirmed that 51% of each category (property owners and electors) would have to sign petitions objecting and that all people who live in the district now may participate.

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

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

Ordinance 114-O-06 – Planned Development & Map Amendment – 2424 Oakton St. – Consideration of a recommendation, introduced November 13, 2006, from the Plan Commission to approve a planned development for a proposed mixed-use project to include office, commercial and retail uses. The proposed amendment will rezone portions of the property from the I2 General Industrial District to the C1 Commercial District.

Alderman Jean-Baptiste moved approval of Ordinance 114-O-06. Seconded by Alderman Wollin.

Staff Attorney Ken Cox read the following amendment into the record, Section 6D, 6E, 6F and 6G: “Litter Collection Plan. 1) The applicant shall implement and adhere to a Litter Collection Plan requiring policing of an area located within a two hundred fifty-foot (250’) radius of the building in which the use is located. This area shall be policed once every

three (3) hours during the hours the use is in operation and shall be kept free of all litter, including, but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans and all other litter of any type emanating from any source. The operator of the Type 2 Restaurant shall comply with the Litter Collection Plan. This ordinance shall prevail over any inconsistent or contrary provisions in the plan.

2) For the purpose of this ordinance, "litter" shall include, but not be limited to, putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; other putrescible waste, including animal waste, dead animals, yard clippings and leaves; non-putrescible solid waste, including rubbish, ashes, street cleanings, abandoned automobiles, solid business, commercial, and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials; and all other waste materials which, if deposited as herein prohibited, may create a danger to public health, safety or welfare.

E. Litter Pick-Up Plan: 1) The owner of the Subject Property, the operator, and/or applicant of the Type 2 Restaurant shall provide and maintain on the Property exterior, litter receptacles in sufficient number and type adequate, in the City's judgment, and with collections there from of sufficient frequency, also in the City's judgment, to contain, with lids tightly shut, all litter emanating from the operation of the use, and all litter collected pursuant to the Litter Collection Plan. Collections shall be a minimum of three (3) times a week, including collections on Sundays to the extent necessary, in the City's judgment, to comply with the condition. All litter receptacles shall be maintained in a clean condition with tight-fitting lids, and shall be placed on Code-compliant surfaces. The owner of the Subject Property shall provide adequate space at the rear of and on the subject property to accommodate the litter receptacles and collections required.

2) Within seven (7) days of a written notice from the City to do so, the number of litter receptacles and/or the number of collections from each, shall be increased or modified in accordance with the City's directive.

F. An Employee Parking Plan shall be implemented and adhered to, as a minimum, requiring the operator of the Type 2 Restaurant and the operator's employees to park at an off-street parking facility available in the neighborhood when driving to their employment at the Type 2 Restaurant approved hereby.

G. The operator of the Type 2 Restaurant shall not use in/or on the Property any deep fryers, grills, ovens or other cooking appliances that ventilate to the exterior of the building."

Alderman Rainey moved an amendment to ordinance 114-O-06, Section 6, prohibiting outside pay phones at any of the properties on any of the lots as well as ATM machines. Seconded by Alderman Wynne. Motion carried. No nays.

Alderman Jean-Baptiste moved the ordinance, as amended, be approved. The motion was seconded.

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

Release of Restrictive Covenants – 2424 Oakton St. – Consideration of the release of restrictive covenants dated December 19, 1951 and November 30, 1961, which imposed certain restrictions on the property at 2424 Oakton St.

Alderman Jean-Baptiste moved approval of release of restrictive covenants. Seconded by Alderman Rainey. Motion carried unanimously.

Ordinance 115-O-06 – Amends the Inclusionary Housing Ordinance – Consideration of proposed Ordinance 115-O-06, introduced November 27, 2006, which amends Ordinance 27-O-06 to include a provision that 30% of the required affordable dwelling units for a development must be built on-site.

Alderman Jean-Baptiste reported the committee vote was tied 4-4 and moved to hold the ordinance over. Seconded by Alderman Wynne.

Alderman Rainey moved to override the holdover.

Roll call. Voting aye – Bernstein, Tisdahl, Rainey, Wynne. Voting nay – Moran, Hansen, Wollin, Jean-Baptiste. Tie vote (4-4).

Alderman Moran said under Council Rules, a vote of two-thirds is required to override a holdover. Mr. Hill stated that is Rule 18.12. Alderman Rainey confirmed that the amendment held over was a requirement that a developer build 30% of the affordable units on-site. The proposal to make the requirement to build 30% of the units optional was also tied in committee.

Resolution 76-R-06 827-849 Chicago Avenue – Authorizing the City Manager to enter into a Consent Decree concerning the litigation at 827-929 Chicago Avenue.

Alderman Jean-Baptiste moved approval. Seconded by Alderman Wynne.

Alderman Wynne reported that there were negotiations between Mr. Katz and the City about the streetscape provision in the agreement. The Law Department added language to the resolution that establishes what the streetscape would be; that the developer will pay for the streetscape and the City will approve the streetscape plan.

Mr. Hill stated a new paragraph 2 was being inserted with all paragraphs thereafter renumbered. The new paragraph 2 reads: “**The Streetscape Improvement Plan.** The streetscape improvement plan, attached hereto as Exhibit B-1 (the “**Streetscape Plan**”) shall be completed by the Contract Buyer at its sole cost and expense as part of the construction of the Project. Notwithstanding anything to the contrary contained herein, the parties hereby acknowledge that (i) the Streetscape Plan is preliminary and represents the general design concept of the Chicago Avenue Streetscape; has not yet been finalized and is subject to change in accordance with the terms of this Section 2; (ii) upon the Contract Buyer’s submittal of preliminary engineering plans to the City, the City after the Effective Date, shall cause the Project, including but not limited to the full-access curb cut on Chicago Avenue, as shown on the Compromised Plans, to be incorporated into a final streetscape plan for those areas of the public right-of-way abutting the Property which shall be attached to this Agreement and replace the Streetscape Plan and finalize once final engineering plans for the Project are prepared. (the “**Final Streetscape Plan**”); (iii) the Final Streetscape Plan shall contain no more than one bench (which shall be located at the corner of Chicago Avenue and Main Street), shall contain trees and tree grates in locations to be agreed upon by the Contract Buyer and the City (as detailed below), shall consist of cement with pavers along curb lines of Chicago Avenue and Main Street and shall be substantially similar to the streetscape design abutting the development at Chicago Avenue and South Boulevard. The City and the Contract Buyer shall reasonably cooperate with each other to (a) finalize the Final Streetscape Plan once final engineering plans for the Project are prepared and (b) determine the exact location and number of trees and tree grates so as not to obstruct the visibility of the retail storefronts (and their respective signs) to be constructed on the Property or to interfere with the operation of such retail stores. Notwithstanding anything to the contrary contained herein, the Contract Buyer’s cost obligations with respect to the number of trees and tree grates to be planted in the right-of-way abutting the Property shall be limited to a total of eight (8) trees and eight (8) tree grates.”

A further amendment was in paragraph five now renumbered as paragraph six. The sentence begins: Other than the Affordable Housing Contribution, the Parking Meter Fee (as defined below), add this phrase: “and the Streetscape Plan (as defined herein) and normal and customary permit fees in effect as of the date of this Agreement, no other contributions, donations and/or fees shall be due to the City in connection with construction of the Project.”

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

Alderman Jean-Baptiste moved approval of the resolution as amended. Seconded by Alderman Wynne. Motion carried unanimously.

Planned Development 1700-1722 Central St. – Recommended Denial from the Plan Commission – Consideration of a recommendation from the Plan Commission to deny the planned development proposal for 1700-1722 Central St. By a vote of 4-1, the commission voted to deny the mixed use (residential/retail) project consisting of 48 dwelling units, 11,250 sq. ft. of first-floor retail, 100



parking spaces and a total building height of 48 feet.

Alderman Jean-Baptiste reported that this item would be held until the January 8, 2007 meeting.

Application Appealing the Preservation Commission's Denial of a Certificate of Appropriateness for the Demolition of the Evanston Landmark at 1722 Central St. – Consideration of the application appealing the Preservation Commission's denial of a Certificate of Appropriateness (COA) for demolition of the Evanston Landmark at 1722 Central St.

Alderman Jean-Baptiste reported that this item was held.

Ordinance 117-O-06 – Amendment to Preservation Ordinance – Consideration of the recommendation from the Preservation Commission to amend the City Code Title 2, Chapter 9, Section 8, Subsection (G) to make the Planning & Development Committee the final decision-making body on Applications to Appeal Denials of Certificates of Appropriateness by the Preservation Commission.

Alderman Jean-Baptiste reported that this item was held.

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

**4<sup>th</sup> Ward.** Alderman Bernstein expressed condolences to the family of former Fire Chief John Wilkinson who passed away; thanked Richard Halstead for his paintings.

He requested that Green Party members remove tape and paper they attached to trees and poles.

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

**6<sup>th</sup> Ward.** Alderman Moran recalled as part of the duties on the 911 Board they had to iron out some wrinkles with NU and how their public safety office would interface with the City's 911 office. The staffs went back and forth. He noted that former Fire Chief John Wilkinson suggested they all go to Springfield and sit with the ICC in one room until they got it worked out. They did that; it worked and they came back and completely changed the regime.

He has admired Mr. Halstead's paintings for years. He loved the spirit and a certain lightness of being that he brought to his work and thanked him for his gifts.

**7<sup>th</sup> Ward.** Alderman Tisdahl reported that Marti Bjornson won the Ecology Center's Omohundro Award. City staff Dave Cook's daughter won the volunteer award.

**8<sup>th</sup> Ward.** Alderman Rainey pointed out the CD meeting was at 6:30 p.m. not 7:30 p.m.

She wished Alderman Holmes all the best in making her husband Bill better.

**9<sup>th</sup> Ward.** Alderman Hansen reported that Musical Offering, a group in the 9<sup>th</sup> Ward had begun offering programs in District 65 schools.

She stated that snow removal crews did a great job on streets and larger parks but was disappointed with snow removal at smaller parks; encouraged them to band together and clear the sidewalks so people can walk.

**1<sup>st</sup> Ward.** Alderman Wollin appreciated the opportunity to attend the National League of Cities recently; urged others to attend next year. She served on the First Tier Suburbs Steering Committee, the University City Caucus Council and Women in Municipal Government. She focused on budget and affordable housing. Henry Cisneros (former secretary of HUD) was the keynote speaker and Mayor Daley won an award for his renewable initiatives in Chicago.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste announced that December 26 was the first day of Kwanza and suggested there be a ceremony and display in the tradition of the lighting of the Christmas tree and Hanukkah candles.

**3<sup>rd</sup> Ward.** Alderman Wynne asked that the condition of sidewalks around schools after a heavy snow be brought to the attention of District 65 at the next City-School Liaison Committee meeting.

She finds people who shovel from their front door to the street and don't shovel the public sidewalk are not neighborly. Public sidewalks are to be used by everybody.

At 11:17 p.m., Alderman Bernstein moved that Council convene into Closed Session for the purpose of discussing matters related to personnel, collective bargaining, real estate and closed session minutes pursuant to 5 Illinois Compiled Statutes 120/2 (c) (1), (2), (5), (6) and (21). Seconded by Alderman Hansen.

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

- (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.
- (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.
- (6) The setting of a price for sale or lease of property owned by the public body.
- (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 – Bernstein, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne. Voting nay –none. Motion carried (8-0).

There being no further business to come before the Council, Mayor Morton asked for a motion to adjourn and the Council so moved at 12:07 a.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.