ADMINISTRATION & PUBLIC WORKS COMMITTEE  
MINUTES  
Monday, February 9, 2009  
CIVIC CENTER, 2100 RIDGE AVENUE, ROOM 2404  


Members Absent:  

Staff Present: Chief Berkowsky, Lara Biggs, Melissa Bruns, David Cook, Robert Dorneker, Chief Eddington, Suzette Eggleston, Doug Gaynor, Beth Howlett, Jewell Jackson, Shanee Jackson, Lonnie Jeschke, Mary Johns, Pat Keegan, Martin Lyons, Joseph McRae, Paul Schneider, Cheryl Schrader-Chukwu, Dave Stoneback, Lisa Woods  

Others Present: Ald. Bernstein  
Tony Walton – Stop the Box  
Neal Levin – Stop the Box  
Steve Bartlebaugh – ECMC  

Presiding: Ald. Wollin  

I. DECLARATION OF QUORUM  
With a quorum present, Alderman Holmes called the meeting to order at 5:45 p.m.  

II. APPROVAL OF MINUTES OF REGULAR MEETING of January 26, 2009  
Minutes were unanimously approved 5-0.  

(A1)* City of Evanston Payroll through 02/01/09 $2,237,660.92  
Item A1 was unanimously approved, 5-0  

(A2)* City of Evanston Bills through 02/10/09 $2,615,969.02  
Ald. Rainey declared that the City needs to get a hold on “diversity training”. HR needs to focus on what is being done. Too much money is being spent in this area. *** Ald. Rainey asked what the percentage was of the rate increase in the health plan. Martin Lyons (Finance Director) said it was 13 percent. Ald. Rainey continued to ask, at ninety thousand a month, what is that for a year. M. Lyons said it is just over one million. The total he added was included in the budget at eleven percent. There will be no change this year in the plan of benefits. And, negotiations are still going on. Ald. Rainey asked if different ways are being looked at such as an increase in deductible. M. Lyons said the group is looking at many potential changes. Ald. Rainey express that the committee needs to be told of these negotiations. Ald. Jean-Baptiste felt that HR gave a sense of the larger picture in Executive Session. Ald. Rainey mentioned that a year ago they were told that the City saved big. M. Lyons said that two years ago the rates stayed the same, now he added, rates are going up. *** Ald Rainey questioned the payment to Azavar. M. Lyons related that Azavar was hired by the City to audit all utility payments made to the City, to check all accounts. When a Utility was found to be in error, a catch-up payment was made to the City and then the City pays a portion of the dollars the City continues to receive as a result of the audit. He said he would get a report to the Committee.  
Item A2 was unanimously approved, 5-0
(A3.1)* Approval of Agreement for Construction Administration Services for the Traffic Signal Improvements Project on Central Street at Girard Avenue and at Ridge Avenue

Recommend approval of an agreement for construction administration services with Kimley-Horn and Associates, Inc. (205 West Wacker Drive, Suite 2125, Chicago, IL) in the amount of $40,800. Funding provided by Northshore University Healthsystem.

Ald. Wollin asked to be certain that of the total cost of construction, 475K, the City of Evanston will pay 275K. Ald. Rainey asked if the City could get them to pay fifty percent. Ald. Holmes said that they did.

Item A3.1 was unanimously approved, 5-0

(A3.2)* Approval of Lowest Responsible and Responsible Bid (09-58) for the Purchase, Removal and Installation of Computer Mounts and Antennas in Evanston Police Vehicles

Recommend approval of the lowest responsible and responsive bid with Harvey Communications, Inc. (28835 Herky Drive, #117, Lake Bluff, IL) for the purchase, removal and installation of computer mounts and antennas in Evanston police vehicles in the amount of $34,293.30. Funding provided by the Emergency Telephone System Board.

Ald. Rainey wanted to remind all that this money comes from the 911 charges on our phone bills.

Item A3.2 was unanimously approved, 5-0

(A3.3)* Approval of Wheeled Recycling Carts Purchase

Recommend approval of purchase of (1,500) 95-gallon wheeled carts, (3,800) 65-gallon wheeled carts and (500) 35-gallon wheeled carts from Rehrig Pacific Company (7800 100th Street, Pleasant Prairie, WI) in the amount of $233,656. Funding provided by the General Fund – Streets & Sanitation Operating Budget in the amount of $173,656 and a $60,000 grant from the Illinois Department of Commerce and Economic Opportunity.

Ald. Rainey expressed chagrin at the fact that the cans where stolen from her ward so they lost the re-cycling contest. Ald. Wollin was surprised that the lowest bid was not from SWANCC. Suzette Eggleston (Superintendent Streets and Sanitation) said SWANCC does not provide carts and did not bid. She also said that this was a good time to buy.

Item A3.3 was unanimously approved, 5-0

(A4.1)* Approval of Change Order #3 for the 2007 Water Main, Sewer and Street Improvement Project (Bid 07-61)

Recommend approval of change order #3 for the 2007 Water Main, Sewer and Street improvement project with DiPaolo Company (4350 DiPaolo Center, Glenview, IL). This change order will increase the contract amount by $15,705.38, from $2,612,264.32 to $2,627,969.70. Funding will be provided by the Water Fund $6,913.94, and the Sewer Fund $8,791.44. No time extension is granted as part of this change order.

Ald. Jean-Baptiste asked if this change order was triggered because of the excavated soil not being good enough to use as back fill. David Stoneback (Superintendent Water and Sewer Division) related that the core samples taken led them to believe there was good soil available but it turned out that it was not. Ald. Jean-Baptiste asked if this could not have been predicted. D. Stoneback said that the core samples taken did predict that the
soil could be used, however the 2-inch diameter core samples were taken 800 feet apart, so they only give an indication of what might be encountered. Ald. Rainey asked if this is considered an engineering error. D. Stoneback stated that this wasn’t considered an engineering error. The engineer did not require the contractor to adjust two manhole structures that created paving issues. The engineer was held responsible for the cost to correct the paving at these two locations.

Item A4.1 was unanimously approved, 5-0

(A5)* Resolution 6-R-09 Authorizing the Interim City Manager to Sign the 2016 Olympic and Paralympics Games Governmental Cooperation Agreement

Consideration of proposed resolution 6-R-09 authorizing the Interim City Manager to sign the 2016 Olympic and Paralympics Games Governmental Cooperation Agreement.

Ald. Wollin asked if the City can ask for Police and Fire reimbursement. Doug Gaynor (Director of City Operations) stated that if Chicago is successful the committee will meet about security. If an item is in the plan, it is reimbursable. If not in the plan, than it is not. Ald. Rainey asked if Northwestern will build any new facilities. D. Gaynor thought that only temporary structures will be erected such as stables. Ald. Wollin asked about the shooting competition and D. Gaynor said that it is marksmanship with air-pistols.

Item A5 was unanimously approved, 5-0

(A6)* Ordinance 3-O-09 Adding a New Title 10, Chapter 12, “Vehicle Compliance”

Consideration of proposed ordinance 3-O-09 adding a new Title 10, Chapter 12, “Vehicle Compliance” to allow seat belt and other traffic citations to be administratively adjudicated.

Ald. Rainey thought that right now if a resident goes to Skokie the fine is $50.00. Beth Howlett said that the cases usually get dismissed, but the fine could be $25.00 to $50.00 depending on the Judge. The City of Evanston gets a small receives a small percentage of the fine. Ald. Rainey asked if any budget adjustments have been made. M. Lyons said they had not. B. Howlett said that no time will be added on until we see the flow. Chief Eddington said they issue around 1000 seat belt tickets. Ald. Rainey suggested that if Judges understood the importance of seat belts, fines would be collected. Ald. Holmes asked about moving violations. B. Howlett said both types of tickets would go to Skokie.

Item A6 was unanimously approved, 5-0

(A7)* Ordinance 13-O-09 Decrease in Number of Class D Liquor Licenses - Amending Section 3-5-6(D) of the City Code

Consideration of proposed ordinance 13-O-09 amending Section 3-5-6(D) of the City Code to decrease the number of Class D Liquor Licenses from 21 to 20 due to the expiration of the liquor license of Noodle Garden Corp. dba Noodle Garden (1241 Chicago Avenue).

Ald. Wollin asked if the Noodle Garden was still in business. Joe McRae (Assistant to the City Manager) said yes. Ald. Wollin asked if they can become a BYOB restaurant. J. McRae said the currently the City does not have a code addressing this issue. Ald. Rainey declared that she had proposed the subject to the Liquor Commission a long time ago. She asked that it be taken under advisement.

Item A7 was unanimously approved, 5-0

IV. ITEMS FOR DISCUSSION

(APW1) Proposed Ordinance Establishing a Right-of-Way Commission submitted by the Evanston “Stop the Box” Steering Committee.

Tony Walton, a resident at of 1600 Dempster, stated that he has one of the AT&T VRAD boxes for a little over a year. There was no notification and chance to fight the
installation. There was no sodding done for the first seven months after installation. The worker’s truck blocked the alley, wire cuttings littered the ground and since the box is six feet from his house, he can hear the fan 24/7. Choice is important but having this high voltage box so close to his home does not sound good. Why wasn’t he notified? He had no choice in the placement. The property value is now questionable. In addition there has been graffiti on the box twice. Though the City removed it, the boxes are a target. Ald. Holmes asked if there had been a smaller box before. Mr. Walton said it was on a pole in the alley originally. Now, the alley had been cut into to get the wires to the parkway. Ald. Rainey asked Paul Schneider (Interim Public Works Director) if the City can require AT&T to move a box. P. Schneider said it can be discussed but only case by case. Ald. Rainey asked what it would take to move a box. P. Schneider said it would be a major job. There is the concrete base, electronic in the underground conduit and the box. It would be expensive and time consuming. Ald. Rainey asked if the City right-of-way ordinance covers closeness to a building. P. Schneider said he would look into it. His department will do noise studies. AT&T offers insulation but it may not be effective. Ald. Rainey asked P. Schneider to get the name and address of Mr. Walton.

Neal Levin, a member of the Stop the Box Steering Committee stated that the committee was formed in 2008 from citizen complaints. Evanston is a public view city and AT&T got in to install refrigerator size boxes. The committee has had town meetings, talked with Aldermen, AT&T, State Legislators and can report that many are to blame. The boxes can be moved, but can the City force AT&T to make the move? The committee will work with citizens who have concerns. They will work with Public Works. Are the boxes going in front of historic houses? All of this was ignored when the process started. The committee wants to insure that this does not continue. To help the City stay beautiful, the committee wants to look at all future installations. They suggest a seven member committee to review applications to install items in the City. There is a regulation in place. There are fears that AT&T is suing municipalities. He mentioned that Lisa Madigan is investigating AT&T due to channel groupings. Channel 99 is a menu of choices. It is the hard way to select various channels and does not allow for recording and there is no closed captioning. The committee thinks a commission is a solution for control, an oversight board. Ald. Jean-Baptiste asked if the City has stopped the installations. P. Schneider said that work stopped for the winter months. Renewals have been issued for electrical work at 16 previously installed locations. Ald. Jean-Baptiste asked is a cease and desist can be done. A closer look at this needs to be done and discussions had if the City should have a commission on this subject and that is for the Rules Committee to address. He asked Legal to investigate a cease work order and to issue concerns to AT&T. Ald. Rainey though John Burke was not allowing the further installation of boxes. David Stoneback said that there was to be no more during the winter months. Rolanda Russell (Interim City manager) said that she had sent a letter to AT&T asking them to do no work in the winter. They then had the right to continue in the spring. Legal cannot do a stop order. P. Schneider stated that there are 94 boxes to be installed in total. 87 have permits and of those 50 are finished. 37 had expired 90 days after issuance of the permit. They are allowed to renew. It is considered a renewal of the initial permit. Neal Levin asked the question, "Is there a good place to put the boxes?" The answer he said was “out of sight.” John Burke found areas that were not on the parkways but AT&T does want to go underground as it is too costly. The committee he said would do some work for the City. Ald. Rainey suggested a Public Works meeting with homeowners. They should be the ones invited to meet with AT&T. It is possible some residents won’t mind the boxes. She also suggested not issuing the permits. Ald. Jean-Baptiste seconded those comments, don’t issue permits and meet with the homeowners. The City should issue a statement to AT&T that certain items need to be reviewed. When March One comes, the rest of the work will be done quickly. Ald. Wollin said that the Rules Committee is meeting on March 2nd. She asked that the Stop the Box Steering Committee be put on the agenda is time allowed. Ald. Rainey asked if a
list of outstanding addresses was available. P. Schneider said it was. Steve Bartlebaugh from ECMC said that a box, south of Dempster and south of Florence is under a child’s bedroom window. He did not think this was safe. Ald. Hansen agreed that a lot that a lot of construction was involved putting in the boxes and a lot of streets were blocked. She suggested that if the City would dig deeper, there may be more legal precedents to work with.

Ald. Jean-Baptiste motioned that AT&T be ordered to cease and desist all work until the City’s Legal Department and Interim City Manager can review all options available. Ald. Holmes seconded. The vote was unanimous, 5-0.

V. COMMUNICATIONS

VI. ADJOURNMENT: 6:40 p.m.

Respectfully submitted:
Phillip Baugher
Administrative Assistant, Finance Department