ADMINISTRATION & PUBLIC WORKS COMMITTEE

MINUTES

Monday, December 12, 2005
5:36p.m. – 7:43p.m.

Evanston Civic Center
Room 2404

Members Present: Aldermen Hansen, Holmes, Jean-Baptiste, Rainey Wollin

Members Absent: none

Staff Present: Kathy Brenniman, Bobbie Tolston-Brown, Julia A. Carroll, Pat Casey, David Cook, Dolores Y. Cortez, Zeltee Edwards, Doug Gaynor, Stan Janusz, David Jennings, Vincent Jones, Sally Lufkin, Elke Purze, Gavin Morgan, Mary Morris, Max Rubin, Bruce Slown, Bill Stafford, Dave Stoneback, Donna Stuckert, Bob Dornecker, Ellen Szymanski, Judy Witt

Others Present: Aldermen Bernstein, Moran, Wynne and Tisdahl, Ms. Dickel, Kate Mahoney, Angelo Nikolov, Jonathan Perman, Mary Senn Bob Siedleberg

Presiding: Ald. Jean-Baptiste

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I. DECLARATION OF QUORUM
With quorum present, Alderman Jean-Baptiste called the meeting to order at 5:36PM.

II. APPROVAL OF MINUTES OF REGUALR MEETING of November 2005
Unanimous approval of the minutes.

III. ITEMS FOR CONSIDERATION ON COUNCIL AGENDA

(A1) City of Evanston Payroll thought 12/08/05 $2,098,004.29
Item A1 was discussed and unanimously approved.

(A2) City of Evanston Bills through 12/13/05 $4,625,115.03
Ald. Rainey expressed concern about two tuition reimbursements totaling over $28k, three-quarters into the year, and requested a full report from staff. City Manager Julia A. Carroll replied that until the current policy is amended to include one, there is no current set limit. Ald. Rainey said that until now Council had been under the impression that a limit existed. The City Manager explained the current rate of reimbursement and the request to limit it to $5,200 per year, which is to take effect January 1, 2006.
Ald. Rainey asked for information regarding a law suit line-item. The City Manager said it would be provided in a closed session. Ald. Rainey stated she did not know that the
Family Focus boiler was being repaired for $48k, that the repair was not acknowledged during previous discussions. Ald. Jean-Baptiste called upon Sally Lufkin of Community Development to respond, at which time she explained the reasoning behind the decision to repair instead of replace the boiler.

Item A2 was discussed and unanimously approved.

(A3.1) Approval of lowest responsive and responsible bid from Insituform technologies, Inc. (702 Spirit 40 Park Drive, Chesterfield, MO 63005) in the amount of $171,072.00 for cured-in-place lining. Funded by Sewer Capital Fund.

Item A3.1 was discussed and unanimously approved.

(A3.2) Approval of lowest responsive and responsible bid from Joel Kennedy Constructing Corp. (5901 North Cicero Avenue, Chicago, IL) in the amount of $2,505,461.50 for the Colfax/Bryant Storm Sewer Project. Funded by the Sewer Reserve Fund.

Bobbie Tolston-Brown of the Purchasing Department explained the MWEBE process; particularly, that Lloyd Shephard reviews paperwork and submittals, i.e. certificates included with all paperwork. Ald. Jean-Baptiste asked Finance Director William Stafford about skill sets: whether they are transferable and whether a study had been conducted. Stafford responded that no longitudinal study has been conducted. Ald. Jean-Baptiste also inquired about the number of people having participated in the program. He also wanted to know about future bidding, and then requested a report. Water Supervisor David Stoneback further explained the contract and its exceptions, and confirmed that seventy-five people have gone through the program, five have moved into permanent positions, including one in the Water Department.

Item A3.2 was discussed and unanimously approved.

(A3.3) Approval of professional services contract with MWH Americas (380 Interlocken Crescent, Suite 200, Broomfield, CO 80021) for an amount not to exceed $198,444.00 for engineering services during the construction phase for the Colfax/Bryant Storm Sewer Project. Funded by the Sewer Fund.

Ald. Jean-Baptiste asked Dave Stoneback to monitor Contractor Joel Kennedy’s work; however, he inquired as to why a separate monitoring component was needed at all. He also asked why the work was not being put out for bid. Stoneback said that the City does not have the capability to do the work and, citing a 1995 Council resolution, explained that MWH Americas was assigned the work throughout the ten-year Sewer Improvement project. Stoneback added that because each project is different, a project bid was scheduled for January with another to follow at a later date. City Manager Julia A. Carroll assured Council that future projects would go out for bid, a statement confirmed by Dave Stoneback. Ald. Rainey voiced concern about the participation of women and minorities.

Item A3.3 was discussed and unanimously approved.

(A3.4) Approval of the lowest and responsive and responsible bid from CISCO Products for Netrix LLC (2801 Lakeside Drive, Bannockburn, IL 60015) in the amount of $42,512 for software licenses for the Library’s phone system. Funded by CIP and General Fund.

Item A3.4 was discussed and unanimously approved.
(A3.5) Approval of purchase from Dell (One Dell Way, Round Rock, TX) in the amount of $189,313.00 for an EMC Network Storage System. Funded by the Capital Improvement Program Fund.

Ald. Jean-Baptiste asked Bruce Slown, the director of Information Systems, if the City had a storage system in place. Slown replied that it did not, but explained that the City currently used forty-five servers and described the various uses of its hardware. Ald. Jean-Baptiste asked for additional information concerning various server problems and the system’s back-up process. Bruce stressed the importance of keeping the City running twenty-four hours a day, seven days a week; a goal and necessary component of the future growth and performance of the City. When asked to elaborate, Slown described a pro-active system that, during times of hardware failure or network problems would support other important systems, allowing them to continue to work properly, twenty-four hours a day, seven days a week. Ald. Jean-Baptiste went on to ask whether meeting this goal would require additional people. And, while Slown acknowledged managing resources do require a lot of overhead, he said the City would be able to operate without additional hiring. City Manager Julia A. Carroll attempted to further simplify the purpose for the storage system. Pat Casey, director of the Department of Management and Budget, explained the need to protect and access information from the Payroll and Police departments. There was some confusion noted between J.D. Edwards and Slown’s purchase proposal, which was cleared up in the discussion. Ald. Holmes asked about the cost relationship between buying in- and out-of-state. The City Manager explained that because Dell is the direct manufacturer, there is no middle man to influence costs.

*Item A3.5 was discussed and unanimously approved.*

(A4.1) Approval of Change Order #9 for Lovelace Park Renovation Project for an increase of $43,344.66 to Clauss Brothers’ contract, for disposal of special waste, increasing the total contract amount from $736,328.28 to $778,672.94. Funded by Capital Improvement Program Fund. This change order is within the budget allocated for the project.

Ald. Rainey asked whether this was related to concerns expressed to the Environment Board by a particular woman about contaminated soil. Doug Gaynor, director of Parks and Recreation, confirmed that it was. Ald. Rainey asked for more background information, e.g. is further testing necessary? How does the City plan to address the issue? Gaynor reported that testing had already been done with negative results. Further testing was done at the request of the citizen in question with the same negative results. Ald. Jean-Baptiste asked why, if the soil was found to be nontoxic and passed the test with the first engineer, are we spending more money? Gaynor responded by describing the nature of special waste and its detection and disposal process.

*Item A4.1 was discussed and unanimously approved.*

(A5) Resolution 75-R-05 – Tender Agreement with Fidelity and Deposit Company of Maryland.

Consideration of proposed Resolution 75-R-05 authorizing the City Manager to enter into a tender agreement with Fidelity and Deposit Co. of Maryland to finance construction of a low lift pump unit at the Water Treatment Facility and to enter into a contract for such project with R. Machata Construction (5626 21st Street, Racine, WI) for $478,000.00.

Ald. Rainey reviewed events leading up to this resolution, but did not recall the issue being brought to Council at the time it occurred. Ald. Rainey felt the Council should have been informed.

*Item A5 was discussed and unanimously approved*
Ordinance 128-O-05 – Exceptions to the limitations of the Presence of Minors at certain licensed establishments.

Consideration of proposed Ordinance 128-O-05 amending Section 3-5-11 (F) of the Evanston City Code, which provides exceptions to the limitations of the presence of minors at certain liquor license establishments. This item was held in Committee on 11/04/05 and 11/29/05.

Citizen Kate Mahoney asked the Council to carefully consider fundraising alternatives before amending the ordinance: bake sales, car washes, dance marathons, etc. Kate also pointed out recent catastrophes, such as Hurricane Katrina and the Tsunami, explaining that they may have drained contributors. “We want a safe community,” she said, “and therefore should be mindful of sending the wrong message—that there are no other methods of fundraising.” Mary Senn, a citizen and member of the Evanston Substance Abuse Council, agreed that the ordinance should be left alone. She asked Council to look at the issue as a parent; it is not unreasonable to expect underage patrons out of the bars by midnight as required in the original ordinance. Another citizen, Robert Straum, co-owner of the Prairie Moon restaurant, said that most problems stem from minors falsifying identification. Citizen Paul White, also of Prairie Moon, stated that the increase in fines for fake I.D.s has made a difference. (Responsibility has been put on minors, parents and owners; this amendment strengthens the owner’s ability to prevent minors from drinking.) He is, therefore, in favor of this amendment. Ald. Rainey viewed the staff and Ald. Wollin’s proposal as a complete repeal of the original ordinance and added that too few people in the community have had a chance to speak. She has not heard from the bar owners, but noted Tommy Nevin’s presence at a prior meeting with Pat Casey. Ald. Wollin explained that it was not repeal, and cited several examples supporting her claim: the breakdown of the forty events and their classifications, i.e. B-1 and B; the part of the ordinance stating minors will not be in the drinking area of the licensed establishment; and that statistics of donations where no liquor was served have been misinterpreted. Ald. Wollin added that not all fundraising events cater to college students; it could be a private party. Ald. Wollin agreed that while this is only one fundraising option of many she asked Council to support the ordinance adding that it encouraged competition between bars. Ald. Tisdahl was concerned about the amendment’s lack of consequences, saying that groups holding events found in non-compliance should lose their permit. Ald. Hansen had two issues with the amended ordinance: restricting the number of fundraisers prevents future organizations over the ordinance limit from operating, secondly, that the amended ordinance shifts responsibility. Ald. Hansen stated for the record, “I will not support this in any fashion.” Ald. Wollin reiterated for Council that the amendment was “amended to hold the organization accountable, and that non-compliance would prevent them from getting a future permit.” Ald. Rainey asked for clarity regarding the licensee. Ald. Wollin attempted to cite part “G” of the ordinance, but Ald. Rainey pointed out that part “G” was from the original ordinance and that the City has never revoked a license. Ald. Holmes observed that young people who want to drink will find a way to do it, breaking the law as a result. She added that although she’s never been a drinker, she has been in bars with friends and observed the effects of peer pressure on young people. Yet, she felt that youth will be influenced by their peers no matter where they are, and we sometimes punish all based on the actions of a few.

Item A6 was discussed and voted 3 yea (Ald. Wollin, Holmes, and Jean-Baptiste), 2 nay (Ald. Rainey and Hansen).
Approval of a Special Event Permit for a Peace Vigil, December 13, 2005, at Fountain Square. Items (A7) through (A13) are on the City Council Agenda. Item (A14) is a late addition.

Item A14 was discussed and approved based upon procurement of insurance before the demonstration.

IV. ITEMS FOR DISCUSSION

(APW1) Modification to Capital Improvement Calendar
Ald. Jean-Baptiste stated he had no problem with moving the date of budget approval to get the best possible bids. Ald. Rainey asked the City Manager if Council was being asked to approve a Capital Improvement budget at another time, the City Manager replied yes. Ald. Rainey expressed disapproval of this request. The City Manager explained the logic behind moving bids to an earlier date saying that it would make time for more, and possibly better bids, adding that the date of presentation to Council was scheduled for the January 7, 2006. Ald. Rainey said she had understood it to be within the budget and voiced additional concerns.

(APW2) Snow Report
Ald. Jean-Baptiste confirmed the need to review current snow removal procedures, but added that issues could not be solved in one night. He asked Dave Jennings to take the existing issues into consideration when revisiting the process. Ald. Holmes used as an example the efforts between a particular day care center and the City, where, through a collaborative effort, a snow removal plan was devised. But Ald. Rainey’s primary concern was one shared by the residents: dissemination of information and rules during a snow emergency, ticketing, and hours. She strongly supported the reinstatement of a siren. City Manager Julia Carroll asked for clarity on the ticketing issue. Ald. Rainey responded by explaining instances in a sequence of events. Dave Jennings described the snow removal process and the rationale of current procedures, while Zeltee Edwards described the mechanics. “Are you saying that if the cars are still parked when the plows first come through, they come back later to see if those cars have moved [and] plow again if the cars moved? But, if the other people have moved back, they can’t [plow]” and citations are the result? Ald. Hansen asked. Staff and aldermen agreed. Ald. Wollin stated that she was under the impression Sherman Avenue was a snow route and not a snow emergency. Dave Jennings said the opposite was true. Zeltee Edwards then explained the difference between the snow route and snow emergency regulations. Citizen Angelo Nikolov clarified his complaint to the collective audience, stating that he was not asking the City to clear his driveway for him—he had hired someone to do that—but simply for a little consideration. Dave Jennings responded by offering to return to Council with a plan addressing Nikolov’s and other citizen issues. Ald. Jean-Baptiste accepted Jenning’s offer and concluded the discussion agreeing the present issues could not be resolved at that time.

V. COMMUNICATIONS

(APW3) Equipment Operator II Positions (Streets/Sanitation)
Ald. Jean-Baptiste began by asking Zeltee Edwards about his upcoming retirement. Zeltee replied that he would be retiring on the 30th of December, 2005. Ald. Jean-Baptiste moved on to the matter at hand: the Equipment Operator positions, which led into a discussion about job postings and why temporaries were not being moved into these positions. He expressed concern about fairness. Ald. Rainey concurred. Ald. Jean-Baptiste postponed the discussion, stating that these concerns appeared to be a policy issue that needs to be reviewed. He added that they were not there to question the
administrator or his expertise; he respected that. He concluded, however, by saying he
would like to revisit the issue at the following meeting.

VI. ADJOURNMENT
Meeting adjourned at 7:43PM.

Respectfully submitted,
Gwen Veasley, Interim Assistant to the City Manager
Dolores Y. Cortez, Executive Assistant
City Manager's Office