



CITY COUNCIL REGULAR MEETING

CITY OF EVANSTON, ILLINOIS
LORRAINE H. MORTON CIVIC CENTER
COUNCIL CHAMBER
Monday, October 28, 2013

ROLL CALL – PRESENT: Alderman Holmes Alderman Burrus
Alderman Tendam Alderman Fiske
Alderman Grover Alderman Braithwaite
Alderman Rainey Alderman Wilson

ABSENT: Alderman Wynne

A quorum was present.

PRESIDING: Mayor Elizabeth B. Tisdahl

The Regular Meeting of the City Council was called to order by Mayor Tisdahl, Monday, October 28, 2013 at 7:35 pm in Council Chamber.

Alderman Wynne joined the meeting at 8:05 pm.

Mayor Tisdahl opened the meeting with a Public Hearing on the Proposed Howard/Hartrey Tax Increment Financing District Amendment. She called on the representative from the City's consulting firm Kane McKenna & Associates, Mr. Bob Rychlicki to speak on the City's conformance to the TIF Act.

Mayor Tisdahl then reported that the Joint Review Board met at 3:00 pm on Thursday, September 12 in Room 2200 at the Civic Center. The meeting was chaired by the current Economic Development chair Alderman Rainey, and the Board voted unanimously to recommend that City Council move forward with the first amendment to the Howard/Hartrey TIF District. She then asked for any written comments from the public. None were introduced.

For an overview of the TIF plan, she called upon Johanna Nyden, Economic Development Division manager for a summary report.

After the report, Mayor Tisdahl opened public comment and discussion on this topic and seeing that nobody had signed up to speak on this matter and being no further discussion, she asked for a motion to close the public hearing. Alderman Rainey moved to close and it was seconded. All were in favor.

Mayor Public Announcements and Proclamations

Mayor Tisdahl proclaimed November 2013 as Native American Heritage Month in Evanston and presented the Proclamation to Kathleen McDonald of the Mitchell Museum.

City Manager Public Announcements

City Manager Wally Bobkiewicz read a letter addressed to City Council in their capacity as the Town Board stating that following his appointment of acting Township Supervisor due to the resignation of Mr. Gaspard, he will not accept or seek increased compensation, pension or other benefits during his tenure as acting Township Supervisor. He also stated that both he and Evonda Thomas-Smith look forward to working with Township staff. An update on 3-1-1 will be given at a later time.

Communications: City Clerk

Deputy Clerk Autwell read a letter that Betty Ester, an Evanston resident presented to the Clerk's office earlier in the day and asked that it be read to Council in her absence.

Alderman Rainey stated she would like to refer to the Rules Committee on the subject of reading letters out loud from constituents who are absent from the meeting. If that were allowed, there would be no reason for anyone to attend a meeting and speak from the podium. She has no problem whatsoever of receiving written comments to be added to the record but thinks that they should not be read out loud by the City Clerk.

Alderman Grover and Mr. Bobkiewicz said that many of Ms. Ester's concerns were addressed in a memorandum on page 642 included in the packet for tonight's meeting.

Citizen Comment

Junad Rizki spoke on the CIP tour and budget items regarding those sites. In addition he talked about the water tank on the lake.

Matt Maloney, Thomas Kendall, Jared Yucht, April Bailey, and Kris Dayrit all expressed their opinions regarding 80-O-13 restricting the use of electronic cigarettes and liquid nicotine.

Jack Weiss and Mary O. Brugliera both expressed their concerns regarding 2623 Lincoln Street and the application for appeal to the Preservation Commission's decision not to approve a Certificate of Appropriateness.

Bonnie Wilson and Priscilla Giles gave their thoughts regarding 105-O-13 for the referendum to dissolve the Township.

Debra Evans introduced herself and invited people to her establishment at 623-627-1/2 Howard.

SPECIAL ORDER OF BUSINESS

(SP1) Appeal to City Council of 2623 Lincoln Street (Landmark) Preservation Commission Decision – Denial of Certificate of Appropriateness

Staff recommends that the City Council accept David Kimbell's Application for Appeal in regard to the Preservation Commission's decision not to approve a Certificate of Appropriateness for the replacement of existing steel casement windows with vinyl casement and double hung windows on the house at 2623 Lincoln Street, an Evanston Landmark.

For Action

Carlos Ruiz, preservation coordinator presented for the Preservation Commission. After his presentation, Alderman Tendam moved to accept the appeal and it was seconded. Voice vote to accept the appeal was 8-1. After a lengthy discussion with comments and questions from aldermen, Mr. David Kimbell, owner of the property was given the opportunity to present his case.

Alderman Braithwaite moved to grant the appeal and reverse the Preservation Commission's decision and it was seconded. Motion passed on voice vote 7-2.

After the vote, Alderman Rainey stated she would like to refer to P&D or A&PW the issue of identifying landmark properties and to engage the real estate community to assist us.

(SP2) Fiscal Year 2014 Budget

No formal action will be taken regarding the FY2014 Budget. This is a continuation of the Council budget discussion begun on October 21, 2013. Budget documents are available here: <http://www.cityofevanston.org/city-budget/> (Budget discussion will take place after consent agenda items and before Call of the Wards.)

For Discussion

CONSENT AGENDA

(M1) Approval of Minutes of the Regular City Council meeting October 14, 2013

For Action

ADMINISTRATION & PUBLIC WORKS COMMITTEE

(A1)	City of Evanston Payroll through	10/06/13	\$2,687,580.54
(A2)	City of Evanston Bills FY2013	10/29/13	\$5,087,942.15

For Action

(A3) Approval of Professional Services Agreement with ESI Consultants, Ltd. for Phase I Preliminary Engineering Services for Emerson Street/Ridge Avenue/Green Bay Road Corridor Improvements (RFQ 13-12)

Staff recommends approval of a professional services agreement for the Phase I Preliminary Engineering Services with ESI Consultants, Ltd., (1979 N. Mill Street, Suite 100, Naperville, IL) in the amount of \$398,667 for the Emerson Street/Ridge Avenue/Green Bay Road Corridor Improvement Project. Funding is provided by the FY 2013 and FY 2014 CIP Fund (415942.65515) in the amount of \$400,000.

For Action

(A4) Approval of Change Order No. 1 for Large Diameter Sewer Rehabilitation Phase I

Staff recommends that the City Council authorize the City Manager to execute Change Order No. 1, to the agreement with Insituform Technologies USA, LLC. (17988 Edison Avenue, Chesterfield, MO) for the Large Diameter Sewer Rehabilitation Phase I project (RFP 12-152). The change order will reduce the contract amount by \$172,808, from \$2,989,228 to \$2,816,420.

For Action

(A5) Approval of Pre-qualification of Contractors for Cured-In-Place Pipe Rehabilitation of Sewer Mains (RFQ 13-60)

Staff recommends approval of Hoerr Construction, Inc. (1601 W. Luthy Dr, Peoria, IL), Insituform Technologies, USA, Inc. (17988 Edison Ave., Chesterfield, MO), Kenny Construction Company (2215 Sanders Rd., Northbrook, IL), Michels Corporation (817 W. Main St., Brownsville, WI), Pipeline Solutions / American Pipe Liners, Inc. (P.O. Box 394, Highland Park, IL), SAK Construction, LLC. (864 Hoff Rd., O'Fallon MO), and Visu-Sewer, Inc. (W230 N4855 Betker Drive, Pewaukee, WI), as pre-qualified contractors to perform Cured-In-Place Pipe (CIPP) rehabilitation in the City's sewer system for a three-year period (2014, 2015 and 2016).

For Action

(A6) Approval of Illinois Recycling Grant Application

Staff recommends authorization for the City Manager to apply for an Illinois Recycling Grant through the Illinois Department of Commerce and Economic Opportunity (ILDECO) to fund the Multi-Family Residential Recycling Diversion program. The project will include the purchase of 20,000 recycling bags. The total cost of funding this project is estimated to be \$55,000 of which \$50,000 would be funded with Illinois Recycling Grant funds. The remaining \$5,000 would be funded by the City of Evanston from the Solid Waste Fund.

For Action

- (A7) **Approval of School District 65 Rock Salt Agreement for 2013/2014**
Staff recommends City Council authorize the City Manager to sign an agreement with Evanston School District 65 for the sale of rock salt in the amount of \$66.67 per ton which includes a 10% administration and handling fee.
For Action
- (A8) **Approval of School District 202 Rock Salt Agreement for 2013/2014**
Staff recommends City Council authorize the City Manager to sign an agreement with Evanston Township High School District 202 for the sale of rock salt in the amount of \$66.67 per ton which includes a 10% administration and handling fee.
For Action
- (A9) **Resolution 60-R-13, Authorizing Motor Fuel Tax Funds for General Maintenance of Streets**
Staff recommends approval of Resolution 60-R-13 by which City Council would authorize the transfer \$700,000 of Motor Fuel Tax Funds for general maintenance of streets by City forces. The fund transfer was approved as part of 2013 budget.
For Action
- (A10) **Ordinance 115-O-13, Increasing the Number of Class T Liquor Licenses Permitting Issuance to Peckish Pig, 623-627½ Howard Street.,**
The Local Liquor Commissioner recommends adoption of Ordinance 115-O-13.
For Introduction Suspension of the rules is requested by Alderman Rainey for Introduction and Action.

Ordinances 116-O-13 and 117-O-13, Pertain to Changing Class D Liquor Licensee Due to Change in Ownership of Jilly's Café, 2614 Green Bay Road

- (A11) **Ordinance 116-O-13 Withdraws the Class D license Issued to the Previous Owner of Jilly's Café, 2614 Green Bay Road**
- (A12) **Ordinance 117-O-13 Issues a Class D License to DN Marian, Inc., 2614 Green Bay Road**
Staff recommends City Council adoption of Ordinances 116-O-13 and 117-O-13.
Suspension of the rules is requested by Alderman Grover for Introduction and Action on October 28, 2013.
For Introduction and Action
- (A13) **Ordinance 118-O-13, Increasing the Number of Class N Liquor Licenses for Issuance to Walgreens, 635 Chicago Avenue**
Staff requests consideration of Ordinance 118-O-13.
For Introduction
- (A14) **Ordinance 119-O-13, Amending City Code Subsection 3-4-6-(Y), Class Y Liquor Licenses, to Permit Limited Sale of Wine by the Glass**
The Local Liquor Commissioner recommends adoption of Ordinance 119-O-13.
For Introduction

(A15) Ordinance 78-0-13 Regarding Commercial Signs on Sidewalks

Staff recommends City Council adoption of Ordinance 78-O-13 amending the City Code Section 7-2-6(E), "Commercial Signs on Sidewalks." This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

(A16) Ordinance 92-O-13 Amending the City Code to Increase the Fines for Snow Emergency Parking Violations

Staff recommends adoption of proposed ordinance 92-O-13 by which the City Council would amend Sub-section 10-11-17(C) of the City Code to increase the fines for snow emergency parking violations. Fines for snow emergency parking violations will increase from \$40 to \$55 to match those of a snow route parking ban and the snow relocation fine will increase from \$105 to \$150. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action **OFF CONSENT AGENDA**

(A17) Ordinance 106-O-13 Amending Title 7 of the City Code Regarding Clearance of Snow and Ice from Sidewalks and Other Related Matters

Staff recommends the adoption of the proposed ordinance 106-O-13 by which the City Council would amend Title Seven (7) of the City Code relating to clearance of snow and ice from sidewalks and other related matters in the City of Evanston. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

(A18) Ordinance 110-O-13 Amending the City Code to Restrict Parking on Austin Street from Elmwood Avenue to Sherman Avenue

Staff recommends adoption of proposed ordinance 110-O-13 by which the City Council would amend Section 10-11-8 (A), Schedule VIII (A) of the City Code to prohibit parking on the south side of Austin Street from Elmwood Avenue to Sherman Avenue. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

(A19) Ordinance 101-O-13, Decreasing the Number of Class C Liquor Licenses Due to the Lapse in License for Pensiero Ristorante, 1566 Oak Avenue

The Local Liquor Commissioner recommends adoption of Ordinance 101-O-13. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

(A20) Ordinance 104-O-13, Amending City Code Title 3, Chapter 4 to Permit Issuance of a Class B Liquor License to Coffee House Holdings, Inc. ("Starbucks") 1734 Sherman Avenue

The Local Liquor Commissioner recommends adoption of Ordinance 104-O-13. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

(A21) Ordinance 108-O-13, Creating Liquor License Classification M

Local Liquor Commissioner recommends adoption of Ordinance 108-O-13, which will create the new M liquor license classification to take effect on January 1, 2014. *In Grape Company*, the prospective licensee, indicated that the business would receive orders for wine and then provide delivery of wine to the customer at home. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

(A22) Ordinance 111-O-13, Amending City Code Title 4, Building Regulations, by Adopting the 2011-2012 Model Codes by Reference, with Certain Amendments

Staff recommends adoption of Ordinance 111-O-13, which includes model codes that are nationally-recognized building regulations designed for the protection of the public health, safety and welfare. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

(A23) Ordinance 114-O-13: 2013B General Obligation Bond Issue

Staff recommends the City Council adopt Ordinance 114-O-13, for the issuance of \$30.0 Million in General Obligation (G.O.) Bonds, to be used to refund the 2004/05 G.O. Bonds. This issuance will reduce the interest cost on this debt as well as reduce the outstanding bonds due and payable by the City resulting in an estimated debt service savings between \$2.5 million and \$3.75 million over the remaining life of these bonds. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

PLANNING AND DEVELOPMENT COMMITTEE

(P1) Resolution 59-R-13 Designating the Portion of Greenleaf Street between Florence Avenue and Dewey Avenue with the Honorary Street Name Sign, "Sam McKinley, Jr. Way".

The Citizens' Advisory Committee on Public Place Names recommends approval of Resolution 59-R-13.

For Action

(P2) Ordinance 113-O-13 Amending the Zoning Ordinance to Allow Commercial Parking Lots as Special Uses in the B3 District

The Plan Commission and City staff recommend amending the Zoning Ordinance to allow Commercial Parking Lots as special uses in the B3 District with front yard and street side yard landscaped setbacks. Since the only B3 District in the city is located on Howard Street, the proposed text amendment could increase the availability of parking in the Howard Street corridor and therefore encourage redevelopment and new business opportunities within the Howard-Ridge TIF District.

For Introduction

(P3) Ordinance 112-O-13, Granting Special Use for a Private Educational Institution at 622 Davis Street

The Zoning Board of Appeals and City staff recommend the adoption of Ordinance 112-O-13 granting a special use permit for the operation of a Private Educational Institution, *Beacon Academy, a Montessori High School*, at 622 Davis Street. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action

HUMAN SERVICES

(H1) Approval of Lakefront Use Special Events Policy

The Park and Recreation Board recommend City Council's consideration of approval for modifications to the special events policy for lakefront use as a 3 year pilot at which time City Council can extend or modify the policy. This agenda item was held for the October 28, 2013 City Council meeting.

For Action OFF CONSENT AGENDA

(H2) Ordinance 80-O-13, Amending Title 3, Chapter 14 "Cigarettes and Tobacco Products" to add Restrictions for Use of Electronic Cigarettes and Liquid Nicotine

The Human Services Committee and staff recommend that the City Council authorize adoption of Ordinance 80-O-13, Amending Title 3, Chapter 14 "Cigarettes and Tobacco Products" to add Restrictions for Use of Electronic Cigarettes and Liquid Nicotine. This ordinance was introduced at the September 23, 2013 City Council meeting. This ordinance was held for the October 28, 2013 City Council meeting.

For Action OFF CONSENT AGENDA

(H3) Ordinance 105-O-13, Binding Referendum for Dissolution of Evanston Township

Staff submits for consideration Ordinance 105-O-13, calling for a binding referendum question to be submitted to the electors of Evanston Township to vote on whether to dissolve Evanston Township. This ordinance was introduced at the September 23, 2013 City Council meeting. This agenda item was held for the October 28, 2013 City Council meeting.

For Action OFF CONSENT AGENDA

APPOINTMENTS

(APP1) For Appointment to:

ADA Advisory Board	Larry Biondi
ADA Advisory Board	Sue Canter, Representative, Commission on Aging
ADA Advisory Board	Susan Newman, Representative, Library Board
Age Friendly Evanston Task Force	Susan Cherco
Age Friendly Evanston Task Force	Helen Gagel
Age Friendly Evanston Task Force	Dorothy Strong, Representative, Commission on Aging
Age Friendly Evanston Task Force	Wayne Heimbach, Representative, Commission on Aging
Age Friendly Evanston Task Force	Susan Canter, Representative, Commission on Aging
Age Friendly Evanston Task Force	Martha Holmes, Representative, Commission on Aging
Age Friendly Evanston Task Force	John Barfield, Representative, Mental Health Board
Zoning Board of Appeals	Appointing Matthew Rodgers as Chair

(APP2) For Reappointment to:

Park and Recreation Board	Randall Mayne
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Motion made and seconded to approve Consent Agenda. Passed on voice vote 9-0.

(A10) Ordinance 115-O-13, Increasing the Number of Class T Liquor Licenses Permitting Issuance to Peckish Pig, 623-627½ Howard Street.,

The Local Liquor Commissioner recommends adoption of Ordinance 115-O-13.

For Introduction Suspension of the rules is requested by Alderman Rainey for Introduction and Action.

Motion was made and seconded to approve. Motion passed on voice vote 9-0.

Ordinances 116-O-13 and 117-O-13, Pertain to Changing Class D Liquor Licensee Due to Change in Ownership of Jilly's Café, 2614 Green Bay Road

(A11) **Ordinance 116-O-13 Withdraws the Class D license Issued to the Previous Owner of Jilly's Café, 2614 Green Bay Road**

(A12) **Ordinance 117-O-13 Issues a Class D License to DN Marian, Inc., 2614 Green Bay Road**

Staff recommends City Council adoption of Ordinances 116-O-13 and 117-O-13. **Suspension of the rules is requested by Alderman Grover for Introduction and Action on October 28, 2013.**

For Introduction and Action

Motion was made and seconded to approve. Motion passed on voice vote 9-0.

(A13) **Ordinance 118-O-13, Increasing the Number of Class N Liquor Licenses for Issuance to Walgreens, 635 Chicago Avenue**

Staff requests consideration of Ordinance 118-O-13.

For Introduction **Suspension of the rules is requested by Alderman Rainey for Introduction and Action.**

Motion was made and seconded to approve. Motion passed on voice vote 9-0.

(A16) **Ordinance 92-O-13 Amending the City Code to Increase the Fines for Snow Emergency Parking Violations**

Staff recommends adoption of proposed ordinance 92-O-13 by which the City Council would amend Sub-section 10-11-17(C) of the City Code to increase the fines for snow emergency parking violations. Fines for snow emergency parking violations will increase from \$40 to \$55 to match those of a snow route parking ban and the snow relocation fine will increase from \$105 to \$150. This ordinance was introduced at the October 14, 2013 City Council meeting.

For Action **OFF CONSENT AGENDA**

Alderman Rainey moved to approve, it was seconded. Alderman Burrus stated she was opposed to the increase at this time. Motion passed on voice vote 6-3.

(H1) **Approval of Lakefront Use Special Events Policy**

The Park and Recreation Board recommend City Council's consideration of approval for modifications to the special events policy for lakefront use as a 3 year pilot at which time City Council can extend or modify the policy. This agenda item was held for the October 28, 2013 City Council meeting.

For Action **OFF CONSENT AGENDA**

Alderman Holmes moved to approve and it was seconded. Alderman Wynne mentioned that there is a list of criteria to determine if an event is either high impact or low impact. The list contains 8 items and states that an event must meet 5 of the 8 characteristics to be considered high impact. She would like to change the language to read that an event must meet 4 of the 8 characteristics to be considered high impact and then delete the next sentence. Motion was made and seconded. Alderman Holmes believes there are other issues to be dealt with such as levels of amplification, as well as the length of time, time of day and noise levels. She thinks the Recreation Board should

take a closer look at these issues. Alderman Wynne asked Alderman Holmes if she would like staff to look into this and get back to Council before moving forward. Alderman Holmes agreed. Alderman Wynne moved and it was seconded to amend the criteria to 4 or more. Motion failed 3-6. Motion was made and seconded to approve the policy as drafted. There were 7 ayes and 2 nays. Motion passed.

(H2) Ordinance 80-O-13, Amending Title 3, Chapter 14 “Cigarettes and Tobacco Products” to add Restrictions for Use of Electronic Cigarettes and Liquid Nicotine

The Human Services Committee and staff recommend that the City Council authorize adoption of Ordinance 80-O-13, Amending Title 3, Chapter 14 “Cigarettes and Tobacco Products” to add Restrictions for Use of Electronic Cigarettes and Liquid Nicotine. This ordinance was introduced at the September 23, 2013 City Council meeting. This ordinance was held for the October 28, 2013 City Council meeting.

For Action OFF CONSENT AGENDA

After some discussion, motion was made and seconded to approve. Motion passed on voice vote 8-1.

(H3) Ordinance 105-O-13, Binding Referendum for Dissolution of Evanston Township

Staff submits for consideration Ordinance 105-O-13, calling for a binding referendum question to be submitted to the electors of Evanston Township to vote on whether to dissolve Evanston Township. This ordinance was introduced at the September 23, 2013 City Council meeting. This agenda item was held for the October 28, 2013 City Council meeting.

For Action OFF CONSENT AGENDA

Motion made and seconded to approve. City Manager Bobkiewicz said that there was some question as to how the referendum was worded and it should be amended to read : “shall the township organization be discontinued and abolished in Evanston Township?” Motion to amend was made and seconded. It was approved on voice vote 9-0. Motion to approve ordinance as amended was made and seconded. Motion passed 7-2.

City Manager Bobkiewicz mentioned that Council had asked him to respond to a letter from the League of Women Voters. Due to the late hour, it was postponed to the next Rules Committee meeting.

Call of the Wards

Ward 5: Alderman Holmes – no report

Ward 6: Alderman Tendam – thanked Streets & Sanitation staff for helping a disabled resident by creating ADA ramps at the end of the sidewalk near her home

Ward 7: Alderman Grover – reminded all of the next 7th Ward meeting on November 7 @ 7:00 pm at the Ecology Center
Ward 8: Alderman Rainey – no report
Ward 9: Alderman Burrus – no report
Ward 1: Alderman Fiske – thanked everyone for the final layer of asphalt on Davis St.
Ward 2: Alderman Braithwaite – no report
Ward 3: Alderman Wynne – no report
Ward 4: Alderman Wilson – reminded everyone of the next 4th Ward meeting on November 6 @ 7:00 pm, McGaw YMCA

Alderman Holmes thought Ordinance 104-O-13 (A20) had been removed from Consent Agenda and wanted to amend the start time that Starbucks may begin selling alcohol.

Upon motion of Alderman Holmes and seconded as reflected in these Minutes, the motion will be to amend Ordinance 104-O-13 adding a new Section 3 to provide that for purposes of this liquor license granted to the Starbucks located at 1734 Sherman Avenue that the retail sale of alcohol shall be permitted as of 4:00 pm daily and then the rest of the ordinance sections shall be re-numbered accordingly. Motion made and seconded and passed on voice vote 9-0.

Alderman Wilson made a motion to convene into Executive Session. It was seconded. Meeting adjourned at 10:15 pm

Respectfully submitted by Elaine Autwell, Deputy City Clerk