



**CITY COUNCIL**

**MARCH 14, 2011**

**ROLL CALL – PRESENT:**

Alderman Wilson	Alderman Burrus
Alderman Holmes	Alderman Wynne
Alderman Tendam	Alderman Fiske
Alderman Rainey	

**ABSENT:** Alderman Grover

A quorum was present.

**PRESIDING:** Mayor Elizabeth B. Tisdahl

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Tisdahl on Monday, March 14, 2011 at 8:05 p.m. in the Council Chamber.

**Special Order of Business**

Mayor Tisdahl swore in Peter Braithwaite as Alderman of the Second Ward. Mr. Braithwaite was appointed by the Mayor to finish the term of the 78<sup>th</sup> City Council upon the resignation of Alderman Lionel Jean-Baptiste. She then thanked the people of the Second Ward for reaching out and recommending Mr. Braithwaite which helped in making her decision.

**Mayor's Public Announcement**

Mayor Tisdahl announced that on March 7<sup>th</sup>, the City was presented with the "Super Savers Award" for winning the Citizens Utility Board Energy Saver Community Challenge for 2010. Evanston competed with other Illinois communities to see who could save the most energy and sign up the most residential customers to CUB Energy Saver, a free online service that connects to their ComEd account and rewards them for being energy-efficient. The City also unveiled a new year-long competition, the Big 7 Savers Challenge In which Evanston's Top 7 employers, including the City of Evanston, will battle for who can show the biggest power savings with CUB Energy Saver. In addition to crowning the employer who gets the most people to cut their power bills in 2011, the competition will award the top household savers with free electricity for one year. She encouraged all of Evanston to participate. More information about sign-up events will be coming soon.

**City Manager's Announcements**

City Manager Bobkiewicz asked the Mayor to help with the next presentation along with Fire Chief Klaiber and Police Chief Eddington. He then asked that Mr. and Mrs. Minhaz Lakhani, owners of Evanston Shell to come forward. Mr. Bobkiewicz explained that when their Shell station opened on Oakton, the Lakhani's made a contribution to the police and fire pension funds and now, a year later, wanted to make another contribution. They presented a check to Mayor Tisdahl, Fire Chief Klaiber and Police Chief Eddington.

Mayor Tisdahl thanked the Lakhanis on behalf of the City. Mr. Bobkiewicz revealed that the check was for \$5,000 and would be the first contribution to the new police and fire fund.

Mr. Bobkiewicz then called upon Assistant City Manager Marty Lyons for his snow report presentation. Mr. Bobkiewicz also noted that earlier in the evening, the City recognized the snow fighters", the men and women from Public Works, Utilities, Parks/Forestry/and Recreation who were all on hand during the early February snow storm.

(Because Mr. Braithwaite's family was not in attendance earlier in the evening to witness his swearing in, Mayor Tisdahl repeated the process when they (and former Alderman Lionel Jean-Baptiste) arrived. Alderman Holmes then motioned to adopt Resolution 20-R-11, Appointing Peter Braithwaite as Alderman of the Second Ward. Motion was seconded by Alderman Rainey and passed 7-0. Alderman Braithwaite then thanked the Mayor, and others and his family for their support

Finally, Mr. Bobkiewicz asked Health Department Director Evonda Thomas to give her presentation on the smoking cessation campaign: National Kick Butts Day, March 23.

**City Clerk Announcements:** None

#### **Citizen Comment**

Kevin O'Connor presented his thoughts on Agenda Item A4.2, the Police Department Firing Range Project, Agenda Item A8, Special Assessment for Alley Paving Project and Agenda Items O1-O5, the Façade Improvement Programs.

Padma Rao spoke on Agenda Items P3 and P4, the subdivision on the former Kendall College property. Her concerns are with the issues of transparency and public involvement in the process and protection of trees on the property.

Junad Rizki expressed his concerns regarding the under-selling of yard waste stickers.

## **SPECIAL ORDER OF BUSINESS**

### **(SP1) Resolution 20-R-11 Appointing Peter Braithwaite as Alderman of the Second Ward**

The Mayor recommends approval of Resolution 20-R-11, appointing Peter Braithwaite as Alderman of the Second Ward for the remainder of the term of the 78<sup>th</sup> City Council. Approval of Resolution 20-R-11 will be followed by administration of Athenian Oath of Citizenship and Oath of Office.

#### **For Action**

## **CONSENT AGENDA**

**(M1)** Approval of Minutes of the Regular City Council Meeting of February 28, 2011

## **ADMINISTRATION & PUBLIC WORKS COMMITTEE**

<b>(A1)</b>	City of Evanston Payroll through	2/27/11	\$2,548,776.30
<b>(A2)</b>	City of Evanston Bills FY2010/11 through	3/15/11	\$1,660,716.66
	City of Evanston Bills FY2011 through	3/15/11	\$ 630,708.70
	City of Evanston Credit Card Bills through	1/31/11	\$ 54,510.84

**(A3.1) Approval of Contract Award to G & L Contractors, Inc. for 2011 Granular Materials (Bid 11-57)**

Staff recommends City Council approval of a contract for the purchase of granular materials to G & L Contractors, Inc. (7401 N. St. Louis Avenue, Skokie, IL) in the amount of \$35,850. Funding for this work will be from the Water Fund and Sewer Fund, with a combined total budget of \$42,000.

**For Action**

**A3.2) Approval of Contract Award to G.A. Johnson & Son for the Lorraine H. Morton Civic Center Main Entry Steps Project, (Bid 11-60)**

Staff recommends approval of the Lorraine H. Morton Civic Center Main Entry Steps Project to G.A. Johnson & Son (828 Foster Street, Evanston, IL) in the amount of \$84,330. Funding provided by 2011 Capital Improvement Program (CIP) Account #41516 with an allocation of \$450,000. This account is intended for a variety of projects at the Lorraine H. Morton Civic Center (LHMCC) including the main entry staircase, asbestos abatement, fire pump replacement, directory signage and life/safety improvement plan.

**For Action**

**(A3.3) Approval of Single Source Purchase for Cold Patch Material from Healy Asphalt Company, LLC**

Staff is requesting approval of a single source purchase of cold patch material for cold weather street maintenance activities from Healy Asphalt Company, LLC (3401 S. Busse Road, Mount Prospect, IL) in the amount of \$50,000. Healy Asphalt is the only regional supplier of UPM (unique paving materials) high performance cold patch mix. Funding for this work will be from Streets General Fund (2670-65055) in the amount of \$30,000, Water Fund (7115-65051) in the amount of \$10,000, and Sewer Fund (7400-65051) in the amount of \$10,000.

**For Action**

**(A3.4) Approval of Contract Award to North Suburban Asphalt Maintenance for 2011 Crack Sealing Program**

Staff recommends City Council approval of a contract in response to Request for Bids through the Municipal Partnering Committee to award the 2011 Crack Sealing Contract to the lowest responsive and responsible bidder, North Suburban Asphalt Maintenance (Park Ridge, IL) in the amount of \$50,000. Funding for this work will be from General Fund Street Maintenance Account

(2670.62509) in the amount \$50,000 which has \$75,000 budgeted for contract maintenance for FY 2011.

**For Action**

**(A3.5) Approval of 2011 Congestion Mitigation and Air Quality (CMAQ) Grant Application for Dempster Street Signal Modernization Project and CTA Yellow Line In-Fill Station - Phase I Environmental Study**

Staff recommends authorization for the City Manager to apply for 2011 Congestion Mitigation and Air Quality (CMAQ) Grants for the Dempster Street Signal Modernization Project and the CTA Yellow Line In-Fill Station - Phase I Environmental Study. The estimated cost of the Dempster Street Signal Modernization Project is \$990,000; including CMAQ Grant funding of \$790,000 and General Obligation debt of \$200,000. The estimated cost of the CTA Yellow Line In-Fill Station - Phase I Environmental Study is \$2,130,000; including CMAQ Grant funding of \$1,704,000 and General Obligation debt of \$426,000. Since the City will not receive approval until late 2011, the above amounts will appear in the 2012 Budget and Capital Improvements Plan.

**For Action**

**(A3.6) Approval of SWANCC Disposal Contract for FY 2011**

Staff recommends approval of the 2011 refuse disposal fees to SWANCC (Solid Waste Agency of Northern Cook County) in the amount of \$75,000 for capital costs, \$780,000 for operations and maintenance and \$60,000 in recycling transfer fees. Funding to be provided by the Solid Waste Fund Accounts 7685.68310 (capital), 7685.62405 (operations and maintenance), and 7690.62415 (recycling). These accounts have budgets of \$83,300, \$899,640, and \$788,018 respectively for FY2011. Under an intergovernmental agreement, the City is required to make certain payments to SWANCC for capital, operations, maintenance, and disposal costs for the collection, transportation and disposal of municipal waste generated within the City of Evanston.

**For Action**

**(A4.1) Approval of Change Order No. 1 for Groot Yard Waste Contract**

Staff recommends approval of change order No.1 to the yard waste contract with Groot Industries, Inc. in the amount of \$0.55 per stop per month for the remainder of 2011, \$0.27 per stop per month for 2012, \$0.21 per stop per month for 2013, 0.15 per stop per month for 2014 and \$0.32 per stop per month for 2015 until October 31<sup>st</sup>. The total contract amount was originally approved at \$476,370, but due to higher than anticipated total cart volume is recommended at a not to exceed \$600,000 amount for 2011. Funding is to be provided by the Solid Waste Fund (7690-62415) which has \$788,018 budgeted for FY2011.

**For Action**

**(A4.2) Approval of Change Order No.1 for the Evanston Police Department Firing Range Project (Bid 11-13)**

Staff recommends approval of change order No.1 in the amount of \$84,581.41 for the Evanston Police Department Firing Range Project. This change order will increase the current contract amount from \$180,580.00 to \$265,161.41. Funding

is to be provided by Capital Improvements Fund Project #415721 with a total balance of \$265,161.41.

**For Action**

**(A5) Resolution 17-R-11 Authorizing the Use of Motor Fuel Tax Funds for Resurfacing Dodge Avenue from Oakton Street to Lee Street**

The Evanston Department of Public Works recommends City Council approval of Resolution 17-R-11 authorizing the use of Motor Fuel Tax Funds (MFT) in the amount of \$300,000 for the Dodge Avenue Street Resurfacing Project. This project will be funded through the Motor Fuel Tax Fund (\$300,000; Fund# 200) and the CIP Fund (\$665,000; Fund # 415857).

**For Action**

**(A6) Resolution 18-R-11 Authorizing the Use of Motor Fuel Tax Funds for General Maintenance of Streets**

Staff recommends approval of Resolution 18-R-11 by which City Council would authorize the transfer of \$586,886 Motor Fuel Tax Funds for general maintenance of streets by City forces. The fund transfer was approved as part of 2011 budget.

**For Action**

**(A7) Ordinance 19-O-11: Special Assessment #1506 Alley Paving Project – North of Main Street, East of Grey Avenue**

Staff recommends approval of proposed Ordinance 19-O-11 by which City Council would authorize paving of the alley north of Main Street, east of Grey Avenue through the Special Assessment Process. Funding for this work will be 50% special assessment funds and 50% by home owners to be collected over a period of ten years. The City's share (\$130,707.35) will be paid by the special assessment fund 6365.65515.

**For Introduction**

**(A8) Ordinance 20-O-11: Special Assessment #1507 Alley Paving Project – North of Brummel Street, East of Callan Avenue**

Staff recommends approval of proposed Ordinance 20-O-11 by which City Council would authorize paving of the alley north of Brummel Street, east of Callan Avenue through the Special Assessment Process. The estimated total special assessment cost of paving the alley is \$61,150.10. The City's share is \$45,862.57 which is 75% of the total cost due to the adjacent CTA property on the north side of the proposed alley paving project. It has been the City's practice to fund the share of public agencies. Funding for this work will be 75% special assessment funds and 25% by home owners to be collected over a period of ten years. The City's share (\$45,862.57) will be paid by the special assessment fund 6365.65515.

**For Introduction**

**(A9) Ordinance 21-O-11, Amending City Code Section 3-5-6-(Y) Class Y Liquor Licenses, to Regulate Wine Tastings and Permit Sales of Warm Beer**

Local Liquor Commissioner recommends City Council adoption of Ordinance 21-

O-11, Amending City Code Section 3-5-6-(Y) Class Y Liquor Licenses, to Regulate Wine Tastings and Permit Sales of Warm Beer. The proposed ordinance will permit licensees to charge for wine tastings and to sell warm beer in no more than 10% of their stores. The proposed amendments conform to state statute.

**For Introduction**

**PLANNING & DEVELOPMENT COMMITTEE**

**(P1) Ordinance 24-O11 Granting a Special Use for a Type 2 Restaurant at 1608 Emerson Street in the West Evanston Overlay District (oWE)**

Staff and the Zoning Board of Appeals recommend the adoption of Ordinance 24-O-11, granting a special use permit for the operation of a type 2 restaurant at 1608 Emerson Street. ZBA recommends establishing a requirement that the proposed business closes at 10 PM daily consistent with other nearby businesses. Request suspension of the rules for Introduction and Adoption on March 14, 2011. Roll call 8-0. Motion made and seconded to adopt. Roll call 8-0.

**For Introduction**

**(P2) Ordinance 23-O-11: Removal of Pawnbroker as an Allowable Use in the C1 Commercial District**

Plan Commission and staff recommend approval of a zoning text amendment that would remove Pawnbroker as an allowable use in the C1 Commercial District, and thus as an allowed use in the City of Evanston. The ordinance has been amended consistent with the direction of the Planning and Development Committee on February 28, 2011. The amended ordinance now reflects the Planning and Development Committee's decision to reduce the number of pawnbroker licenses from 2 to 1.

**For Action**

**(P3) Resolution 13-R-11: Approving a Plat of Subdivision for 2408 Orrington Avenue, Former Site of Kendall College**

Resolution 13-R-11 was tabled by the City Council on February 28, 2011 to allow more discussions between the property owner's attorney and the City. Based on these discussions staff presents the enclosed resolution dated March 2, 2011 which differs from that which was on the floor at the February 28, 2011 Council meeting. This alternate resolution represents staff's best attempt at further negotiation of the outstanding issues regarding the proposed subdivision with the developer's counsel. Developer's counsel indicates that the negotiated language is acceptable in principle to his client, however, issues regarding the 51" oak tree in the alley right of way are still present. It is the developer's responsibility to articulate to the Council what areas of disagreement with the City remain.

**For Action**            **OFF**            **Motion to take it off the table was rescinded. Item remains tabled until next meeting**

**(P4) Ordinance 11-O-11: Accepting the Dedication of Public Alleys as a Product of Approval of a Plat of Subdivision for 2408 Orrington, the Former Site of Kendall College**

As indicated in the memorandum summarizing Resolution 13-R-11, proposed resubdivision for 2408 Orrington, City staff has discussed the remaining issues about the Plat of Resubdivision for 2408 Orrington with the owner's attorney. An alternative Resolution has been prepared for consideration dated March 2, 2011. If the alternative resolution is approved, then this ordinance needs to be amended to mirror the revised language in the alternative resolution. Staff recommends approval of Ordinance 11-O-11, including the enclosed Alternative Proposed Alley Plan (Exhibit B to 11-O-11), conditional upon the developer committing to construct the proposed alleys as indicated in the attached Public Alley Construction Agreement (Exhibit D to 11-O-11), to be recorded with the Plat of Subdivision and Dedication (Exhibit A to 11-O-11). This item was held in Committee on January 24, 2011, and was introduced at the February 14, 2011 City Council meeting.

**For Action**            **OFF**            **Motion to take it off the table was rescinded. Item remains tabled until next meeting**

## **HUMAN SERVICES**

### **(H1) Approval of Township of Evanston February 2011 Bills**

Township of Evanston Supervisor recommends City Council approval of the Township of Evanston bills, payroll, and medical payments for the month of February 2011 in the amount of \$111,696.23.

**For Action**

### **(H2) Ordinance 5-O-11 Amending Title 7, "Public Ways" Chapter 8, "Trees and Shrubs" to Add Section 8, "Tree Preservation**

Forestry staff recommends approval of language modifications to the proposed Tree Preservation Ordinance 5-O-11 as approved by the Human Services Committee on March 7, 2011. The proposed ordinance has been revised since the January 24, 2011 City Council meeting to reflect concerns from the Public Works, Community and Economic Development, and Utilities Department Directors.

**For Introduction**

## **OTHER COMMITTEES**

### **(O1) Approval for Assistance from the Façade Improvement Program for Evanston Festival Theatre, Inc. (600 Main Street)**

The Economic Development Committee and staff recommend conditional approval for financial assistance for façade improvements for Evanston Festival Theatre, Inc. located at 600 Main Street (PIN: 11-19-500-002-0000) on a 50/50 cost-sharing basis not to exceed \$2,250. Approval for this façade improvement is contingent on the payment of the City of Evanston's water bill by Union Pacific Railroad at the property. Funding provided by the Economic Development Fund's Business District Improvement Fund (Account: 5300.65522). The FY2011 Budget allocated \$175,000 to this account; to date, no funds have been expended from this account.

**For Action**

(O2) **Approval for Assistance from the Façade Improvement Program for EGEA Spa (1521 Sherman Avenue)**

The Economic Development Committee and staff recommend approval for financial assistance for façade improvements for EGEA Spa located at 1521 Sherman Avenue (PIN 11-18-318-016-0000) on a 50/50 cost-sharing basis not to exceed \$5,200. Funding provided by the Economic Development Fund's Business District Improvement Fund (Account: 5300.65522). The FY2011 Budget allocated \$175,000 to this account; to date, no funds have been expended from this account.

**For Action**

(O3) **Approval for Assistance from the Façade Improvement Program for Varsity LLC (1706-1710 Sherman Avenue)**

The Economic Development Committee and staff recommend approval for financial assistance for façade improvements for Varsity LLC located at 1706-1710 Sherman Avenue (PIN: 11-18-126-014-0000) on a 50/50 cost-sharing basis not to exceed \$9,500. The Washington-National Tax Increment Financing District's (TIF) Contractual Services Account (5470.65515) is the recommended funding source.

**For Action**

(O4) **Approval for Assistance from the Façade Improvement Program for Renaissance Realty and Construction (1715 Church Street and 1703-1711 Darrow Avenue)**

The Economic Development Committee and staff recommend conditional budget approval for financial assistance for façade improvements for Renaissance Realty and Construction located at 1715 Church Street and 1703-1711 Darrow Avenue (PIN: 10-13-221-019-0000) on a 50/50 cost-sharing basis not to exceed \$16,500, pending the submission to Staff three written estimates of final project cost. The West Evanston Tax Increment Financing District's (TIF) Other Charges Account (5870.62605) is the recommended funding source.

**For Action**

(O5) **Approval for Assistance from the Façade Improvement Program for Stratosphere Networks (1732 Central Street)**

The Economic Development Committee and staff recommend approval for financial assistance for façade improvements for Stratosphere Networks located at 1732 Central Street (PIN: 10-12-201-004-0000) on a 50/50 cost-sharing basis not to exceed \$8,000. Funding provided by the Economic Development Fund's Business District Improvement Fund (Account: 5300.65522). The FY2011 Budget allocated \$175,000 to this account; to date, no funds have been expended from this account.

**For Action**



## APPOINTMENTS

### (AP1) For Appointment to:

Lakefront Committee  
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 Lakefront Committee

Ald. Coleen Burrus  
 Ald. Judy Fiske  
 Ald. Jane Grover  
 Ald. Melissa Wynne  
 Percy Berger  
 Marcel Eberle  
 Chris Ernst  
 David Reynolds

West Oakton Development Committee  
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 West Oakton Development Committee

Ald. Ann Rainey  
 Ald. Mark Tendam  
 Ald. Donald Wilson  
 Ryan C. Garton  
 Linda Gelb  
 Dylan Gephart  
 Gayle Lovinger  
 Mark Metz

Mayor's Wind Farm Committee  
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Rachael Bisnett  
 Thomas Carey  
 Tom Cushing  
 Jack Darin  
 Deanna Dworak  
 Joel Freeman  
 Kevin Glynn  
 Libby Hill  
 Victoria Hutchen  
 Joe Jaskulski  
 Nathan Kipnis  
 Diego Klabjan  
 Kristin Landry  
 Richard Lanyon  
 Tim Patton  
 Nicolai Schousboe  
 Tim Schwartz  
 William E. Siegfriedt  
 Jeff Smith  
 William Wagner  
 Fred Wittenberg

### (AP2) For Reappointment to:

Library Board  
 Plan Commission  
 Sign Review and Appeals Board

Susan Newman  
 Seth Freeman  
 Marnie Kadish

Motion made and seconded to approve Consent Agenda. Passed in roll call 8-0.

### **Call of the Wards**

Ward 4 – Alderman Wilson: Hosting Ward meeting March 16, 7:30 pm @ YMCA, 1000 Grove St. He also encouraged everyone to attend the Evanston Dance Ensemble's presentation of Body of Work @ Northwestern.

Ward 5 – Alderman Holmes: She welcomed Alderman Braithwaite and also new Evanston business Shrimp Max on Emerson St. She reminded everyone that the regular 5<sup>th</sup> Ward meeting would be at Fleetwood on Thursday, March 17 @ 7:00 pm. She reported that all of the school board candidates from both District 65 and District 202 would be in attendance. She then asked that staff consider revising the Farmers Market ordinance regarding restrictions on baked goods. She would like to have that on the Agenda at the next Human Services Committee meeting of April 11.

Ward 6 – Alderman Tendam: He welcomed Alderman Braithwaite.

Ward 8 – Alderman Rainey: She welcomed Alderman Braithwaite.

Ward 9 – Alderman Burrus: She welcomed Alderman Braithwaite.

Ward 1 – Alderman Fiske: She welcomed Alderman Braithwaite. She then encouraged Mayor Tisdahl to expand the Wind Farm Committee by accepting all of the Evanston residents who submitted applications, and not limiting it to just those appointed tonight.

Ward 2 – Alderman Braithwaite: He thanked Council and staff for making him feel welcome at his first meeting. He reminded everyone of the April 14<sup>th</sup> first Ward meeting @ 7:00 pm at the Levy Center.

Ward 3 – Alderman Wynne: She welcomed Alderman Braithwaite.

Motion was made and seconded to adjourn. Motion passed 8-0.

Meeting adjourned at 9:30 pm.

Respectfully submitted by Elaine Autwell, Deputy City Clerk