

ROLL CALL - PRESENT:

Alderman Moran	Alderman Feldman
Alderman Engelman	Alderman Newman
Alderman Rainey	Alderman Jean-Baptiste
	Alderman Bernstein

A Quorum was present.

NOT PRESENT AT ROLL CALL:

Aldermen Wynne, Kent

ABSENT:

None

PRESIDING:

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, August 12, 2002 at 5:40 p.m. in the Aldermanic Library. Alderman Feldman moved that Council convene into Closed Session for the purpose of discussing matters related to litigation, real estate and closed session minutes pursuant to 5ILCS Section 120/2 (c) (5), (6), (11) and (21). Seconded by Alderman Jean-Baptiste.

- (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.
- (11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.
- (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 Section2.06.

Roll call. Voting aye –Moran, Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Bernstein. Voting nay – none. Motion carried (7-0).

At 6:45 p.m. Alderman Bernstein moved to reconvene into Open Session and recess. Seconded by Alderman Rainey. Motion carried. No nays.

Mayor Morton reconvened the City Council at 9:21 p.m. in the City Council Chamber.

Announcements:

Public Works Director David Jennings announced the next public hearing on the McCormick Blvd. project would be Tuesday, August 27 at 7:00 p.m. in the Council Chamber. The proposed design will be presented, which matches the design presented when the City was granted funding. It is a three-lane cross section at about the same width as the current four-lane cross section. There will be one lane in each direction with a 14- ft. painted median. The project also includes improvements to intersections at McCormick/Green Bay Rd. and Grant/Prairie/McCormick. The meeting will be open house with a short presentation and all comments from those attending will be recorded. There will be exhibits showing

how the project will look and they hope to start in 2003.

Human Relations Commission Executive Director Paula Haynes and Police Chief Frank Kaminski announced the CommUNITY Picnic would be Sunday, August 25, from noon to 5:00 p.m. in Ingraham Park (behind the Civic Center). All are encouraged to attend to celebrate Evanston's diversity. Ms. Haynes asked those who want to provide entertainment to call her office. All food and entertainment is donated. Chief Kaminski reported there would be a dunk tank with local celebrities.

On behalf of the Evanston Sister City Committee, Mayor Morton invited the community to the Evanston/Belize Cultural Day in the Park, Saturday, August 17, from 1:00 p.m. to 9:00 p.m. in Ingraham Park. The event will feature Belizean food and music, plus games, arts and crafts.

CITIZEN COMMENT:

Junad Rizki, expressed concern about Mr. Jennings' statement that the width of McCormick Blvd. would be about the same; said if the road is widened one-two feet many trees would go down; asked Mr. Jennings to tell Council how many trees the City might lose.

He referred to a *Chicago Tribune* article about a proposed ordinance concerning Section 8 tenants. He stated that the school districts and Council might not want to face that there are too many people in the community for the resources needed to take care of them. In District 65, more than one-third of the students comes from low-income families and education research has shown that is a problem. He estimates hundreds of children here get little assistance in the schools and by the time they are in high school some drop out. He said a discussion of Section 8 tenants, as a protected class, is a good thing; recalled at a recent Council meeting that Alderman Rainey had questioned the operation of the Township, which has a high overhead for the amount of assistance provided.

Mr. Rizki stated that the Human Relations Commission is a redundant organization using taxpayer money. He understood that fair housing laws are federal laws supported by the federal government and asked why the commission is needed? He recommended a study of commission activities and to look at this at budget time.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with the following exceptions: Pre-qualified general contractors for Facilities Management Department, Resolution 60-R-02 – Participation in Suburban Tree Consortium Program, Stand-by Bond Purchase Agreement, Ordinance 49-O-02 – Decrease in Class B Liquor Licenses, Ordinance 48-O-02 – Increase in Class B1 Liquor Licenses, Ordinance 72-O-02 – Decrease in Class B Liquor Licenses, Ordinance 66-O-02 – Increase in Class B1 Liquor Licenses, Fee Waiver Request – Ebenezer Primm Tower Renovation and Ordinance 81-O-02 – Amendment to Landlord/Tenant Ordinance Reducing Security Deposit Interest. Seconded by Alderman Rainey. Roll call. Voting aye – Moran, Engelman, Rainey, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein, Kent. Voting nay – none. Motion carried (9-0).

*** ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of July 22, 2002. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, of the City of Evanston payroll for the period ending August 1, 2002 and the City of

Evanston bills for the period ending August 13, 2002 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 08/1/02)	\$2,219,791.05
City of Evanston bills (through 08/13/02)	\$3,003,824.18

* APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Change Order #2 with Clauss Brothers for the James/Bent Park Redevelopment Project, increasing the contract price by \$27,755 (funded from project contingency budget). * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



* Five-Year Street Resurfacing Improvement Plan – Consideration of the five-year street resurfacing improvement plan for Public Works. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Traffic Calming Plan: Speed Humps – Consideration of a recommendation to place speed humps on Pitner Ave. between Washington and Cleveland; and on Hull Terrace between Custer and the railroad tracks. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Exchange of Land with District 65 – Consideration of a recommendation to approve the exchange of land with District 65 for the McCormick Blvd. reconstruction project. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 54-R-02 – Approval of a Tiered Approach to Corrective Action-Objectives (TACO) Agreement – Consideration of proposed Resolution 54-O-02, which authorizes a Tiered Approach for Corrective Action-Objectives (TACO) right-of-way agreement regarding the site at 2920-2924 Central St. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 61-R-02 – Addendum to Mini-Anchor Easement Agreement – Consideration of proposed Resolution 61-R-02, which authorizes the City Manager to sign a Mini-Anchor Easement Agreement and receive payment of \$40,250 from Church Street Plaza LLC for the air rights at the mini-anchor parcel. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 64-R-02 – Easement Agreement – Consideration of proposed Resolution 64-R-02, which authorizes the City Manager to sign an easement agreement with Esskay Development for existing sidewalk vault and foundation wall easement along Chicago Ave. and Main St. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 65-R-02 – Easement Agreement – Consideration of proposed Resolution 65-R-02, which authorizes the City Manager to sign an easement agreement with the Board of the First United Methodist Church for a subsurface footing and handrails on the public right-of-way. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 82-O-02 – Providing for Issuance of General Obligation Variable Rate Demand Series 2002 Bonds – Consideration of proposed Ordinance 82-O-02, which provides for the issuance of \$32 million in GO Variable Rate Demand Series 2002 Bonds. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 83-O-02 – Providing for Issuance of General Obligation Corporate Purpose and Refunding Series 2002 Bonds – Consideration of proposed Ordinance 83-O-02, which provides for the issuance of GO Corporate Purpose and Refunding Series 2002 Bonds. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 84-O-02 – Providing for Issuance of Water Revenue Refunding Bonds Series 2002 – Consideration of proposed Ordinance 84-O-02, which provides for issuance of \$2.5 million in Water Revenue Refunding Bonds Series 2002. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 75-O-02 – Three-Way Stop at Crain and Dewey – Consideration of proposed Ordinance 75-O-02, which amends Section 10-11-5, Schedule V(C) of the City Code to place a three-way stop at the intersection of Crain and Dewey. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 76-O-02 – Three-Way Stop at Crain and Darrow – Consideration of proposed Ordinance 76-O-02, which amends Section 10-11-5, Schedule V(C) of the City Code to place a three-way stop at the intersection of Crain and Darrow. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 77-O-02 – Four-Way Stop at Ashland and Payne – Consideration of proposed Ordinance 77-O-02, which amends Section 10-11-5, Schedule V(D) of the City Code to place a four-way stop at the intersection of Ashland and Payne. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 78-O-02 – Commercial Vehicle Weight Limit on Broadway – Consideration of proposed Ordinance 78-O-02, which establishes a commercial vehicle weight limit of 8,000 lbs. on Broadway Ave. from Central to Isabella. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 73-O-02 – Lease Agreement with Voicestream – Consideration of proposed Ordinance 73-O-02, which authorizes the City Manager to execute a lease agreement with Voicestream Wireless Corp. for the use of the North Standpipe (2536 Gross Point Rd.) for wireless antennas. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 71-O-02 – Authorization to Borrow Funds from IEPA for Phase IX of Long Range Sewer Improvement Program – Consideration of proposed Ordinance 71-O-02, introduced July 22, 2002, which authorizes the City to borrow up to \$11,500,000 in funds from the Water Pollution Revolving Loan Fund for Phase IX, Long Range Sewer Improvement Program. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 68-O-02 – Decrease in Class B Liquor Licenses – Consideration of proposed Ordinance 68-O-02, introduced July 22, 2002, which decreases Class B liquor licenses from 12 to 11 with the subtraction of Pete Miller's. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 67-O-02 – Increase in Class B1 Liquor Licenses – Consideration of proposed Ordinance 67-O-02, introduced July 22, 2002, which increases Class B1 liquor licenses from 2 to 3 with the addition of Pete Miller's. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 70-O-02 – Decrease in Class D Liquor Licenses – Consideration of proposed Ordinance 70-O-02, introduced July 22, 2002, which decreases Class D liquor licenses from 24 to 23 with the subtraction of Lulu's Restaurant. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

* Ordinance 69-O-02 – Increase in Class C Liquor Licenses – Consideration of proposed Ordinance 69-O-02, introduced July 22, 2002, which increases Class C liquor licenses from 18 to 19 with the addition of Lulu's Restaurant. * ADOPTED CONSENT AGENDA AND ROLL CALL (9-0)

PLANNING & DEVELOPMENT:

* Plat of Subdivision – 239 Greenwood St. – Consideration of a recommendation of the Site Plan & Appearance Review Committee to approve the subdivision of one zoning lot into two at 239 Greenwood St. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 74-O-02 – Granting Landmark Status to the Property at 3200 Harrison St. – Consideration of proposed Ordinance 74-O-02, which would grant landmark status to the property at 3200 Harrison St. * MARKED INTRODUCED – CONSENT AGENDA

HUMAN SERVICES:

* Consideration of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments in the amount of \$106,646.81 for the month of June 2002. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Consideration of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments in the amount of \$103,884.09 for the month of July 2002. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Consolidation of the Community Purchased Services Budget with Mental Health Board Budget – Consideration of a proposal to consolidate the Community Purchased Services budget with the Mental Health Board budget under the oversight of the Evanston Mental Health Board, effective with the 2003-04 fiscal year. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Resolution 59-R-02 – Resident Artist Lease for Studio Space at Noyes Center – Consideration of proposed Resolution 59-R-02, which authorizes the City Manager to sign the resident artist lease agreement for rental space of Studio 109 at the Noyes Cultural Arts Center. * APPROVED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 79-O-02 – Amending the Retail Tobacco Ordinance – Consideration of proposed Ordinance 79-O-02, which amends the Retail Tobacco Ordinance to prohibit self-service displays and require tobacco holders to demonstrate control of premises. * MARKED INTRODUCED – CONSENT AGENDA

APPOINTMENTS:

Mayor Morton asked for introduction of the following appointment:

Michael R. Ginter	Parking Committee
704 South Blvd.	

Mayor Morton asked for confirmation of the following appointment:

Wendy L. Crespo	Environment Board
1321 Ashland Ave.	
For term ending August 30, 2006	

Mayor Morton asked for confirmation of the following reappointments:

Jonathan L. Fischel	Library Board
1716 Ashland Ave.	
For term ending August 30, 2005	
Louis Rowitz, Ph.D.	Mental Health Board
2720 Princeton Ave.	
For term ending August 30, 2006	

Michael J. Girard	Preservation Commission
1106 Elmwood Ave.	
For term ending August 30, 2006	

* APPROVED - CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Alderman Jean-Baptiste moved approval of the pre-qualified general contractors for the Facilities Management Department for a two-year period. Seconded by Alderman Feldman.

Alderman Jean-Baptiste expressed concern about the clarity of this item; noted the request for qualifications (RFQ) was sent to 46 companies with a significant number returned and six companies identified as highly qualified because they had provided construction services for other municipalities. The problem he had was the RFQ asked for companies that were interested in bidding for work costing \$2 million or more. The committee asked if other companies would be able to bid for jobs under \$2 million and were told bids would only go to these six because they could provide quality work to the City. His concern was if only six companies are included in the bidding process, the City would exclude companies that might want to bid on projects under \$2 million. He moved to amend the recommendation that RFPs would go to all willing to bid on projects under \$2 million. Seconded by Alderman Wynne. Alderman Jean-Baptiste clarified his intent was that the regular bidding process be followed for projects under \$2 million.

Facilities Management Director Max Rubin explained that staff was searching for general contractors to build a new Fire Station 3 and probably Fire Station 5 and could not think of another construction project in the near future that was not trade specific where a general contractor would be needed.

Alderman Rainey supported the recommendation to have the six pre-qualified general contractors do municipal projects, noting these are only for projects that require a general contractor. She stated the roof of the Civic Center will not use a general contractor, but a roofing contractor; said there probably would be no construction projects under \$2 million in the next two years. Projects over \$2 million include one and possibly two fire stations. She said this is not exclusive and pre-qualifies those from the universe of general contractors. The City put out public notices to over 40 contractors and got nine responses. Staff was grateful to have received the nine responses and to be able to select six highly qualified firms. She asked staff to provide information on the kinds of projects these companies have completed. All six have worked at Northwestern University, built schools, fire stations and at municipalities on public projects. She saw it as the "best of all worlds," that those that could handle the job responded. If the six are segregated, and the City has a project costing \$1 or \$1.5 million, she did not know whether the six would bid but should be given first shot. She reiterated these are highly qualified companies that will bid against each other and that all six may not bid on a project. If they bid on a \$1 - \$1.5 million project, the City should be grateful that they do. These companies will not bid on window, roof, or new heating/cooling system jobs. She urged Council not to amend this item.

In response to Mayor Morton, Mr. Rubin explained the RFQ said the City requested qualifications from interested general contractors for future renovation/construction projects at an estimated cost of \$2 million and up. Selected respondents would be considered pre-qualified and eligible to conduct specific projects as determined by the City for a period of two years. All general conditions expected from a general contractor were included plus information about the City. Mr. Rubin stated these companies were interviewed by a team and references were checked. They were judged on qualifications/expertise 30%, contract management 30%, organization 20%, contract review 10%, EBE/MBE 10%.

Alderman Newman asked if the intent was only for projects over \$2 million? He was confused; heard that this group would get special consideration for projects costing \$1.2-1.5 million. Mr. Rubin explained when this was done they were thinking about building Fire Station #3 or possibly Fire Station #5. Staff was trying to save time. Alderman Newman asked if any projects are contemplated that cost \$1.5 million where a general contractor was necessary and would they use this group rather than go through the regular process? He did not see why they could not draw a line and make it clear as Alderman Jean-Baptiste was asking. Mr. Rubin did not know if any \$1.5 million projects are contemplated; stated if they go to open bidding for a \$1.5 million project the six contractors could bid if they chose. Alderman Newman supported the amendment saying it sets a policy for what the City does.

Alderman Feldman said if there are no plans for work under \$2 million, it means the amendment is meaningless because it applies to nobody. If there is a reasonable chance a contractor will be hired at \$1.5 million, it is reasonable. Staff indicated there are no plans. He found this a tempest in the teapot. He supported the recommendation because this has been tried before and made a significant difference in the quality of work the City got. They also know without this, the City is stuck with people who put in a lower bid if they are qualified. All that is needed is they qualify, not that they be excellent companies. He pointed out these companies have been evaluated and they are the “crème de la crème” and why wouldn’t the City want them for \$2 to \$1.4 million projects? The only reason he saw for this argument was that the City did not say that in the RFQ. It said construction estimated at \$2 million. If there is an issue of whether they should have this group at all, and there might be, he heard Alderman Jean-Baptiste say this is a club. He said that idea has nothing to do with these contractors but has to do with what the City is getting. He said the contractors get nothing and have to bid against each other. He recalled times when the City could not get six companies to bid on a project. He said they have six companies willing to bid on Evanston’s projects and that many have never bid on an Evanston project because they did not like the process. What they have in front of them is the specter of not doing any work under \$2 million and the City saying they are not going to open up bids to everybody.

Mr. Crum thought there would be some jobs in Parks & Recreation under \$1 million that will require a general contractor. He suggested if the amendment passed to make the number \$1 million and staff would come back with any projects less than that. There are no projects planned for \$1 to 1.2 million currently. An estimated \$2 million was used on the contractor RFQ and keeping it in the range of \$1 million and up would be reasonable.

Alderman Moran noted if approved, the list would be effective for two years. Others could come in after the two-year period. He said that staff took about a year to find the group of six and had gone through a lot of work to cull through the contractor universe to find highly qualified people who, when they bid on a project, the City can be confident that they will do a good job. The question of who wins on a dollar bid basis is open and these companies will compete with each other. What they will eliminate by this action is fretting and investigating the excellence of the companies that are bidding. That part of the process is removed, which is significant and adds value to the City’s effort because it has been done. Approval of this proposal tells Council they are economizing this effort. From discussion at the A&PW Committee, he understood the \$2 million was an arbitrary number – and whether a little over or under that figure, these six contracting groups were shown to be excellent. This was done because the City wants excellent people to do the work. If a job comes in the next two years for \$1.5 million, the committee hoped that one of these companies would take that job. They might not. The City does not know the lower end of their bidding limit but it was clear the City was not binding itself to these six companies. If the City has a \$500,000 job and none of these companies want to bid, adjustments would have to be made. Facilities Management and Purchasing would have to come up with another plan and open it up to a universe outside this group. He pointed out they were talking about a largely theoretical question. It was important to emphasize that the object was to find a universe of contractors who will do a good job.

Alderman Bernstein did not think the City would be injured in any way and this was not a useless gesture because, if they are limiting jobs to these six, theoretically they could be excluding companies that are up and coming. Those may be minorities or smaller businesses that need smaller jobs to get to the point where they can do larger jobs. He supported the amendment and would not change anything they do.

Alderman Rainey said the A&PW Committee asked for a list of projects under \$2 million that could possibly be presented to Council in the next two years. Any project of that magnitude would come to Council for approval anyway. She asked why not let this stand on its face and Alderman Moran made the best argument for it. If a project comes Council can look at it. They are talking about are big jobs. She said it takes as much time to bid a \$500,000 job requiring a general contractor as a \$10 million job. They were trying to eliminate some of the agony in that process every time a job is bid out, which involves notifying the contractor universe, paper work, time, delay and is costly. This streamlines the process. It was done once to qualify the contractors who came forth. She would not support the amendment.

Alderman Jean-Baptiste stated they should say what they mean and do what they say. If they had sent out an RFQ for jobs of \$1.5 million, perhaps they would have gotten more companies and if lower, even more. During the discussion of projects under \$2 million, Mr. Crum told them there may be several projects of \$1.5 million or less. He was not sure

what this was about; acknowledged he had raised the question of exclusivity. When he asked in the committee if projects under \$2 million would be open he was told "no." The projects would be sent to these companies because they can do quality work. He stated the universe of contractors who can do quality work in the \$1 million range is greater than these six companies. He did not think it was meaningless to talk about being consistent and say they will go with these six on \$2 million project but under that amount be open for bids.

Alderman Wynne supported the Parks Division's policy of pre-qualifying bidders, noting there had been no problems in parks since that began. Some low bidders in the past did not complete jobs. She supported Facilities Management pre-qualifying contractors. If the City has a \$750,000 project, she thought if presented to these general contractors they might not want the job. It might not save time because they would have to go out for bids. She agreed there might be companies that do jobs up to \$1 million and not \$2 million, so they would not participate. She asked whether they would actually save money?

Mr. Rubin pointed out this was speculative. If the City had a \$750,000 job, each of these companies would be called to determine interest, which would be determined quickly. He did not think they would look for a \$750,000 job, but might be interested if they were already building a fire station. If none were interested they would advertise immediately for bids. The City's contract language was included in the RFQ so these contractors know what the City is looking for.

Alderman Kent, when he got to the MBE/EBE column, asked how they count minority involvement? He wants Evanston and minority businesses to get work and suggested using what is here. Mr. Rubin said what was presented was how these companies involve MBE/EBE/WBE. The Meyne Co., which built the Levy Center, had 25% participation and showed the City how they did it. Other companies showed their experience, which will not change. Requirements are the same regardless of the number. The City's standards are not changing. These contractors have to follow the City's guidelines in doing the work and the 25% goal is part of the contract. If they cannot do that they don't get the contract. What staff did is find qualified people who have experience in the type of work the City is looking for. He said they get contractors sometimes who can barely make their payroll and those difficulties cost the City time. Evanston needs companies that are strong enough to hit the ground running, stay with the project, get it done with the amount the City will pay. The City uses Evanston people as much as possible. Lloyd Shepard supplies lists of local contractors and suppliers. Pre-qualifying does not mean the companies can use anybody.

Alderman Newman asked how long it took to put together the pre-qualified contractor list? Mr. Rubin said it took months. Alderman Newman suggested leaving this in place and mailing the same documents to contractors who could do jobs of \$1 million. If there were some additional people in the original 46 companies that could do jobs of \$1 million, they would be added to the six recommended. He confirmed that they are not guaranteed every one of the six will bid on a project; was aware the six would be notified of jobs under \$2 million. He wants quality and assumes the same standards. Mr. Crum said they preferred to keep this list for general contractors for \$1 million jobs or more; suggested it might be useful to create a list for small to mid-size jobs.

Alderman Newman made a substitute amendment that for projects between \$100,000 and \$1.5 million that the City mail the RFQ to the 46 (general contractors) to create a second list. Seconded by Alderman Feldman.

Alderman Bernstein asked if people would be precluded from bidding on projects if they are not on this list? He thought it more equitable to create a second list.

Alderman Rainey hypothesized an important job in someone's ward for \$1 million and there is an opportunity to have one of the six pre-qualified contractors do it or somebody who once worked on a \$1 million job. She would want one of the six. She said a list of contractors who can do jobs of not more than \$1 million would be one of the most unstable universes; predicted they may get 20 contractors who can get bonded. By the time the job is bid many will be out of business; described this as a "make work project" for staff. Whatever jobs the City has for under \$1 million, if one of the six won't bid, put it out to bid. The City does not need a list of pre-qualified contractors for a \$1 million job.

Alderman Jean-Baptiste said all they need to do is give the option to bid on jobs of \$2 million or more to the six and open the bids to everybody for jobs under \$2 million. He suggested the City do what it said in the proposal submitted to them. He understood the compromise proposal, which was consistent with what ought to happen. When they talk about a

\$750,000 job, they want to send the bids to this exclusive club who are qualified to bid on projects of \$2 million and more. He urged that, on principle, they do what they say. If they say they are doing something, then do it and not use that as something to give the six exclusive access to City contracts on the basis that they are seeking quality by the ability to do a \$2 million job. Then they want to be flexible and take every project to these six first and exclude everybody else while they talk about meaningfulness. He related a proposal was sent out, qualifications and criteria were given and why don't they follow what they said. If they want to come back with a different proposal that says something else he was bound to look at that. He asked them not to be upset because he is asking them to do what they said they would do; was trying to be consistent and asked for an amendment that clarifies what they said they would do.

Alderman Newman was confused by the discussion; asked whether other committee members were trying to correct a staff mistake. He wants pre-qualified companies doing the jobs and the best contractors. He was trying to figure out whether the intent was to have the big guys do the \$1 million jobs if they exist. Why did staff not put in its communication the intent to create a group that can do projects of \$1 million or more? He asked why, when they told the world they want a company that could do a \$2 million job or more, that they really intended to use that group for projects under \$2 million? He suggested staff should have said they wanted pre-qualified firms who could do jobs of \$1 million or more. He was trying to understand if they have the amendment for jobs of \$100,000 to \$1.5 million, if they have a project for \$1.5 million both groups will be contacted. The concern is that somebody from the "other" group might be the low bidder. He assumes the second group would be pre-qualified by going through the same process. He noted that large firms are not necessarily the best, referring to problems with contractors in the long-range sewer project. He asked if they approved the substitute amendment, could they get a group of half dozen high quality contractors in addition to the original six? Mr. Gaynor explained if they were to follow the same procedure followed by Facilities Management and send out an RFP with all the conditions, requirements and placed the dollar amount suggested, they would pre-qualify the best who responded.

Alderman Newman was not clear on whether staff's intent in the memo was that they were looking for high quality general contractors for \$2 million and over projects or whether the intent was that these contractors would also bid on smaller jobs. He suggested they need a fair process and that would include a second pre-qualified group. A project for \$2 million and over only goes to the six and projects in \$100,00 - \$1.5 million would go to both groups.

Voice vote on substitute motion, motion carried. Voice vote on recommendation, motion carried, no nays.

Resolution 60-R-02 – Participation in Suburban Tree Consortium Program – Consideration of proposed Resolution 60-R-02, which expresses intent to participate in the Suburban Tree Consortium's five-year contractual program.

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

Alderman Newman asked if participating in the consortium compromises quality? Mr. Gaynor stated quality is not compromised and is improved because trees can be pre-ordered to specification and grown to those specifications.

Alderman Rainey said a point of discussion in committee was the number of trees the City buys is pitiful. Annually 250 trees are purchased for the entire City. A list of elm trees the City is cutting down was included in their packets. She said the replacement rate of trees is abysmal given resident's alleged love of trees. The committee discussed including trees on the agenda at the Council retreat. Parks/Forestry Superintendent Paul D'Agostino told the committee with current staff the Forestry Division could easily plant 500 trees a year. She urged all to keep this in mind. Alderman Feldman thought they were in an unpleasant situation because the City is not replacing the trees lost annually. The City pays \$45,000 for 250 trees; pointed out that Evanston is a Tree City and at this rate may not be much longer. Losing so many trees was unacceptable to him. He asked Mr. Crum if there was \$45,000 to add to the budget right away? No. Alderman Newman asked if spending in this area was reduced anytime within the past ten years? That information would be provided. Alderman Rainey commented that when residents request a tree on the parkway they are told the City will plant a tree in 2007-08 and it is sad to have to wait four years.

Voice vote, motion carried, no nays.

Approval of Stand-By Bond Purchase Agreement – Consideration of a recommendation to approve a stand-by bond purchase agreement for a credit facility to secure Series 2002 GO Variable Rate Demand Bonds.

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

Alderman Rainey supported the agreement; reported receiving the booklet, but did not get through it; thought there was more time and recognized this was time sensitive. Alderman Engelman asked Finance Director Bill Stafford to explain why lead-time was needed on the credit facility in advance of approval of bonding.

Mr. Stafford explained the reason for this is the variable rate bonds will be seven-day bonds, which will be re-marketed every seven days so the paper keeps getting sold. If it does not get sold at any time, the bonds have to be bought and a credit facility is needed. The banks provide the credit facility. The reason to go forward is once this is approved a final negotiation on the contract is needed and the bank has to secure legal counsel. City and bank lawyers review it, which takes two-three weeks. The City believed it got good pricing on the bonds. He noted familiar names of Northern, Harris, Bank of America and Fifth Third Bank. This was sent to Fifth Third because they are new in the area, one of the top ten banks in the country and hungry to do business here. That proved to be the case as theirs was the low bid. His preference was not to hold this due to the legal issues in the standby agreement.

Mr. Crum stated that the A&PW Committee asked that a presentation be made on this subject before committing to the bonds at the next Council meeting in September.

Voice vote, motion carried. No nays.

Ordinance 48-O-02 – Increase in Class B1 Liquor Licenses – Consideration of proposed Ordinance 48-O-02, which increases Class B1 liquor licenses with the change in classification for The Keg, Inc., dba The Keg, 810 Grove St.

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

Alderman Rainey thought that Council made a mistake by extending liquor licenses to 3:00 a.m.; recalled it was done originally because an owner here who also owned a bar in Chicago explained it was a shame he had to bus Northwestern University patrons, who were drinking at 2:00 a.m. at his Evanston business, to his bar in Chicago. That did not seem like a good reason to make public policy. She said information from the Police Department on this applicant, Tommy Nevin's Pub and Bar Louie shows activity by people late in the night not in control of their faculties. She thought a lot of what is going on was not in reports because problems are easily anticipated, so the police provide special attention to that neighborhood. This area is highly impacted with all the bars in one corner at closing time. Having two or three squad cars there every night at closing means people don't have to call the police to report what is going on because the police are already there. She saw this as a waste of police patrol at that time of night while residents are having garages broken into, people stuck up on the street and drug dealing on corners. She does not want to see police patrols when the bars close. Changing the closing hours from 2:00 a.m. to 3:00 a.m. means another hour of drinking. She saw no problems at Pete Miller's, 1800 Club and never at Lulu's. Since liquor licenses are a privilege, she thought extending hours for this applicant should be defeated. Police reports show that Peggy Robinson had a window broken by a bottle and criminal damage to property. People drinking there cost the community money and until they learn how to behave after a few drinks, Council should not allow establishments to be open another hour.

Alderman Newman recalled that during budget deliberations Alderman Rainey had recommended relaxing some restrictions on liquor sales in order to generate more revenue and when he heard that he was concerned. Extending open hours was a compromise. He went along with it because others supported it and staff suggested there had been few problems. He pointed out they approved Pete Miller's, which has the same management at Tommy Nevin's and saw no reason to preclude Tommy Nevin's. He said they held up the application on The Keg due to specific acts. He did not have the information that Alderman Rainey received that evening and no communication since The Keg application was

held. He was told after meeting with The Keg that some of the police calls on the list were The Keg reporting underage drinking and wished to hear more about that. He noted this has been tabled for four months. He thought The Keg needed to make its case to Council. Alderman Newman noted Council has allowed some downtown establishments a 3:00 a.m. license. He wanted to know about the original problem that held up The Keg's application and whether it has been resolved. If the Keg cannot make a case, their application should be denied. Alderman Newman asked that this item be held. Seconded by Alderman Feldman. At the request of two aldermen this item will be held.

Ordinance 49-O-02 – Decrease in Class B Liquor Licenses – Consideration of proposed Ordinance 49-O-02, introduced May 6, 2002, which decreases Class B liquor licenses with the change in classification for The Keg, Inc., dba The Keg, 810 Grove St.

49-O-02 is coupled with 48-O-02, which was held at the request of two aldermen.

Ordinance 66-O-02 – Increase in Class B1 Liquor License – Consideration of proposed Ordinance 66-O-02, introduced July 22, 2002, which would increase Class B1 liquor licenses from 1 to 2 with the addition of Tommy Nevin's Pub.

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

Alderman Rainey stated that she never thought of extending liquor hours to 3 or 4:00 a.m. When she urged liberalizing City liquor regulations, she was referring to grocery stores where the City initially insisted upon separate cash registers and other regulations. After time, that became an obvious waste of time and effort. The grocery and liquor stores showed they were responsible with no complaints. Stores came to the City and said sales would be enhanced if regulations were not so complex. She said the ordinance to extend open hours came from Jonathan Perman, Chamber of Commerce, with the story about owners of 1800 Club busing patrons to Western Avenue. The request came to A&PW to open up restaurants six nights a week. The 3:00 a.m. liquor license did not come from budget discussions. She predicted that the next recommendation will be to amend the liquor ordinance to no longer require food service so that up and down Sherman Avenue and Grove Street they will have a bunch of bars. She supported some later licenses where it is being handled, but did not know what goes on inside The Keg. The impact is outside when these establishments close and fights occur. She said if Council talked to the Police Department, they would find these things are happening.

Alderman Newman said one of the projected items in the budget was \$75,000 revenue on liquor and not from grocery stores. He reiterated that the same company owns both Pete Miller's and Tommy Nevin's. Since they approved Pete Miller's he did not see why the same group down the block could not also get a later license. Alderman Rainey suggested there is a different clientele.

Roll call. Voting aye – Moran, Engelman, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein. Voting nay – Rainey, Kent. Motion carried (7-2).

Ordinance 72-O-02 – Decrease in Class B Liquor Licenses – Consideration of proposed Ordinance 72-O-02, introduced July 22, 2002, which would decrease Class B liquor licenses from 13 to 12 with the subtraction of Tommy Nevin's Pub.

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

Roll call. Voting aye – Moran, Engelman, Feldman, Newman, Jean-Baptiste, Wynne, Bernstein. Voting nay – Rainey, Kent. Motion carried (7-2).

PLANNING & DEVELOPMENT:

Fee Waiver Request – Ebenezer Primm Towers Renovation – Consideration of the Ebenezer AME Church request for a waiver of all City fees for rehabilitation of Ebenezer Primm Towers.

Alderman Bernstein reported that this item was withdrawn at the request of the applicant.

Ordinance 81-O-02 – Amendment to Landlord/Tenant Ordinance Reducing the Interest on Security Deposits – Consideration of proposed Ordinance 81-O-02, which amends the Landlord/Tenant Ordinance to reduce the interest on security deposits.

Alderman Bernstein reported an amendment to this ordinance. Assistant Corporation Counsel Kathleen Brenniman read the amendment to Section 1, second sentence in 5-3- 5-1(B): Interest on security deposits, (insert) “leases,” commencing (delete) “deposited” prior to October 1, 2002 shall be paid at a rate of 4% per year, (insert) “through” December 31, 1975 and 5% per year (delete) “after,” (insert) “from” January 1, 1976 (insert) “through” September 30, 2002. The new sentence reads: “Interest on security deposits on leases commencing prior to October 1, 2002, shall be paid at a rate of 4% a year through December 31, 1975 and 5% per year from January 1, 1976 through September 30, 2002.”

Alderman Newman reported that the committee asked Ms. Haynes to make the tenant community aware of this change which she will do. Alderman Bernstein stated the intent of this ordinance was to make interest on security deposits here comparable to current interest rates. The 4% and 5% reflects what the ordinance required in the past. Passage of this ordinance will reduce the interest to average rates similar to what is paid in Chicago on security deposits.

Ordinance 81-O-02 was marked introduced as amended.

Alderman Rainey requested the Human Relations Commission and Housing Commission provide the number of complaints over the past 18 months about landlords who did not return any security deposit and complaints about landlords who did not pay interest on security deposits, one week before the September 9 meeting.

Alderman Bernstein extended congratulations to Patrick Keegan and Mark Varner of Geographic Information Systems and former zoning planner Marc Mylott on the new zoning map.

CALL OF THE WARDS:

6th Ward. No report

7th Ward. Alderman Engelman announced a Budget Policy Committee meeting Wednesday, August 14 at 7:00 p.m. with the sole discussion item the community outreach plan to get input on the 2003-04 budget.

9th Ward. Alderman Feldman thanked Council, staff, neighbors and friends who sent messages of condolence on the passing of his mother.

1st Ward. Alderman Newman thanked Alderman Kent for leadership on withdrawal of the request for waiver of permit fees; invited all to a Starlight Concert the next evening with Ken Arlen’s Orchestra at Dawes Park at 7:30 p.m. He thanked Mayor Morton for quickly filling the vacancy on the Parking Committee with Mr. Ginter.

He said that one thing circulated about Northwestern University and the City is, if only these two entities got along, things would be better in Evanston. That is something the University likes to put out. He said the sprinkler ordinance before them in the P&D Committee, illustrates that the University and the City are cooperating as much as ever with cooperation on the police ordinance, giving NU police the right to arrest and, recently, the partnership with the natural gas fueling facility. That evening they discussed sprinklers in university dormitories and he noted the University has voluntarily taken an aggressive approach to improve life/safety conditions in the dorms. The P&D Committee looked forward to working with the University. To him, whether there is a lawsuit or not, the day-to-day relationship remains the same. He thought people in the community who believe anything would materially change if the University was happy with Council are not taking into consideration the entire relationship. He stated that Northwestern University will be treated fairly and is to be commended for the things they’ve done.

Alderman Newman said an outreach program by the Budget Policy Committee needs approval by the entire Council because it affects the whole Council, staff time and budget considerations. He was glad to hear the chairman scheduled a meeting but said there was no communication to Council members not on that committee. He asked that the matter of an outreach program concerning the budget be referred to the Rules Committee.

He reported recently walking by the new Marble Slab Creamery on Church Street and the line was out the door into the street and this was without the viaduct being redone. He congratulated the Marble Slab on a successful opening and noted that things continue to improve in that area.

2nd Ward. Alderman Jean-Baptiste recalled discussion of the West Nile Virus at Human Services Committee and since that time the virus has been increasingly in the news. He read that the CDC in Atlanta predicted the spread of this virus would get worse before it gets better. Every report states that standing water is a significant factor in the growth of mosquitoes that spread the disease. He lives across from the canal and walked the path near the canal where he observed gray water that does not move. He felt those who live near the canal are in danger. He discussed this with Mr. Crum, who indicated they would speak with other municipalities and agencies to see if they can increase the flow of the canal. He stated something must be done because it poses an immediate danger to the health of those who live nearby; hoped inquiries would be made immediately.

3rd Ward. No report

4th Ward. Alderman Bernstein announced a 4th Ward meeting on Thursday, September 12 at 7:30 p.m. in Room 2403 in the Civic Center. He made a reference to the Parking Committee to revisit the issue of employee parking stickers.

Alderman Bernstein congratulated the YMCA on opening an incredible facility; thanked 4th Ward residents Chuck Lewis and Penny Sebring, who were lead donors for that project.

He invited fellow Council members to join him in the dunk tank at the CommUNITY picnic on Sunday, August 25.

Alderman Bernstein reported that Evanston looks dirty with piles of garbage on Dempster St.; called in a request to trim the weeds on entering the City on Sheridan Rd. that were described in a letter to the editor of the *Evanston Review*. Recently, at the Evanston Post Office he saw piles of leaves on the north and south sides of Davis St. where there are no trees. He urged people not to throw cigarette butts from cars windows or empty ashtrays on streets. He suggested citizens, businesses and the City have to do a better job of keeping Evanston clean.

He wished to make the case for The Keg. He stated that The Keg is located at a confluence of bars and who can tell whether those causing problems are patrons of Tommy Nevin's, Best Western, Prairie Moon or Bar Louie, whose name appears more often than any other except Best Western on police reports? Was it The Keg or Pete Miller's? He thought community service says something about how people are treated. Those who treat us well should be treated well he said. He agreed with Alderman Newman that extension of drinking hours downtown was in part to encourage business downtown to do business; said that Evanston establishments lose some business to other places where patrons can stay an hour later. He thought this might apply to people who begin drinking and then have a meal, which he wants to keep here. He spoke with the police and understood The Keg is no better and no worse than others and may be better because they call the police. Perhaps they have a younger crowd. He said that The Keg should not be held responsible for every ill impacting downtown. He urged the proprietor to make the case before the A&PW Committee the next time this application is up. For questions or information about the ward meeting he asked to be contacted by email at ald4th@aol.com or call (847) 328-0800.

5th Ward. Alderman Kent was interested in whether The Keg takes police time away from the community and responsibility is in the hands of the liquor license holder. He awaited the response. He has asked for more beat officers in the 1700-1800 blocks of Grey, Hovland, Grant and 1700-2000 blocks of Dodge. He has a half dozen addresses of troubled homes and five or six new hangout spots for Chief Kaminski. Citizens are coming forward and standing up

because many people here realize they are in a battle.

He asked the Public Place Names Committee at their August meeting to consider an honorary street name for Delores Holmes. He asked Mr. Crum to watch over the West Nile Virus having received calls from several constituents who spotted sick and dead crows. He asked what people are supposed to do? While they hear the virus is subsiding, the media makes a big thing of it and people are frightened, especially senior citizens. People don't know how to remove a crow.

Mr. Crum explained the City asks individuals, if possible, to dispose of dead crows, which are not contagious. Mosquitoes spread the West Nile virus. To dispose, wear gloves, put the crow in a plastic bag, seal it and put it in the garbage. West Nile virus is not as deadly as the media would have people believe, nevertheless, it can give flu-like symptoms with fever. A person in good health can have virtually no symptoms. West Nile virus can be serious for individuals with a weakened immune system or in poor health. The Human Services Committee had a briefing on it recently and the City will continue to give information.

Alderman Kent made a reference to the Parking Committee to consider modifying the residential parking only districts for unique areas in neighborhoods.

8th Ward. Alderman Rainey agreed with Alderman Bernstein about litter; asked staff to prepare an amendment to the Zoning Ordinance that convenience stores be required to obtain a special use in districts where permitted. She was concerned about litter in the 4th Ward from convenience stores where trash cans overflow and streets are riddled with remnants from those stores. She also asked staff to prepare an amendment regarding 24-hour operations with the exception of liquor sales. She said any store open for 24 hours should require a special use. She stated the Plan Commission had her reference on the agenda and felt they were unable to take her reference seriously. She thought this was urgent and should be presented to the P&D Committee as an amendment from staff.

Alderman Newman explained that even if the P&D Committee takes Alderman Rainey's reference and approves it, it still has to be referred to the Plan Commission.

Alderman Newman was surprised to see that Payday Loans can to sell city vehicle stickers. He assumed, if that is true, that Payday Loans has cleaned up its act. He asked what the policy is that allows businesses the right to sell stickers and whether there is discretion?

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 11:55 p.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.