

CITY COUNCIL

November 11, 2002

ROLL CALL - PRESENT:

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

A Quorum was present.

**NOT PRESENT AT
ROLL CALL:**

Aldermen Wynne, Kent, Rainey

ABSENT:

None

PRESIDING:

Mayor Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton Monday, November 11, 2002 at 6:13 p.m. in the Aldermanic Library. Alderman Feldman moved that Council convene into Closed Session for the purpose of discussing matters related to litigation and closed session minutes pursuant to 5ILCS Section 120/2 (c) (11) and (21). Seconded by Alderman Engelman.

(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 Section 2.06.

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

At 7:18 p.m. Alderman Bernstein moved to reconvene into Open Session and recess. Seconded by Alderman Jean-Baptiste. Motion carried. No nays.

Mayor Morton reconvened the City Council at 8:50 p.m. in the City Council Chamber.

Announcements:

City Manager Roger Crum announced a special City Council meeting Monday, November 18 at 7:00 p.m. The focus will be on 2003-04 budget revenue projections.

Evanston Bike Plan Presentation

Public Works Director David Jennings introduced Susan Pinsoff, resident and lead consultant and John LaPlante from T.Y. Lin, who worked on the plan. A third consultant, Randy Neufeld, Chicagoland Bicycle Federation, was not present.

Ms. Pinsoff stated the reason to do a bicycle plan is that Evanston is a big bicycling city. Six times more people commute by bicycle here than the regional average for Northeastern Illinois. A bicycle plan was done in 1975 and a lot has changed since then, including a 40% increase nationwide in the level of bicycling and new sources of funding for which a plan is required. New research is available and new approaches to the planning and design of bicycle facilities, plus an increased interest in providing alternative transportation, transportation choices, health benefits and improved air quality. Bicycling gets people in touch with people and their community; children can get around on their own and it provides good access to local shopping. Since Evanston has excellent local shopping this plan coordinates with the downtown circulation and parking plans to help ameliorate parking and traffic control issues. Bicycles are great for accessing public transit and provide another alternative mode of transportation.

Planning was divided into two phases. First they looked at existing conditions, current use and accidents through public meetings to get a perception of what needs were. Using responses from the public they got a sense of what bicyclists

think are good streets and what streets they would like to ride on if the street was reconfigured to make it safer. Priority destinations and bicycle parking needs also were considered. Second they concentrated on developing a facility network and recommended policies. The network is made up of bicycle routes and lanes. The lanes take a portion of the street and dedicate it to bicycle use. The third facility is bicycle trails and Evanston already has some. The plan has recommendations for expanding and connecting those trails and making them part of the larger network.

Policy recommendations are to improve bicycling safety, make sure that bicycle parking gets put in and encourage bicycling to work, shop and school. Public involvement was an important part of the planning process. The plan was kicked off with a 10-mile bike ride. Staff from Public Works, Parks/Forestry & Recreation, Zoning, Police, Library, representatives from Northwestern University, ETHS, Evanston, and Evanston Bike Club participated with a lively discussion following the bike ride. An interactive community workshop with 56 participants was next. From that discussion, information was gathered about destinations people want, route preferences and facilities people felt would be helpful. There was much volunteer involvement. One effort took counts at 14 locations and involved 84 volunteer hours to help understand bicycling patterns. They also observed helmet use, sidewalk riding and wrong way riding. Two public meetings were held to review the draft plan. They had a web page with more than 200 hits over a two-month period and 63 people responded to an interactive element where they could suggest adding/removing a route from the system. The plan was presented to the Preservation Commission and they were satisfied. It covers the entire city, serves destinations of greatest importance to the public, uses combinations of bike routes, lanes and trails, and connects to Wilmette, Skokie and Chicago. She reported extensive field study, lots of technical considerations including looking at roadway widths, parking regulations, traffic counts and analysis to determine what would or would not work. Recommendations were 12 miles of bike lanes, 31 miles of bike routes and 3 miles of additional improvements to the bicycle paths, which are broken down by year. Spreadsheets from the plan detail all the recommendations by segment and offers estimated cost for implementation. She stated this plan is a flexible document because conditions change. Citizens will have something to say about each proposal each year and the Council will adopt what is in the improvement plan. It will be a growing/dynamic document and as things are implemented, they see what works.

Alderman Newman found the map hard to read; asked if high school students were going to ride bicycles to school? Yes. Ms. Pinsoff responded that bike lanes are recommended on Dodge, which is a good street due to traffic patterns and road width. Lake Street is another recommended route, which many students already use. Alderman Newman asked how would somebody who lives near Central/Orrington get to the high school? Mr. LaPlante said they would go down Orrington to Emerson to Dodge, or Orrington, Maple and Church to Dodge depending upon the rider's ability. Alderman Newman confirmed there were no conversations with District 65. Ms. Pinsoff said they were not able to get participation from District 65 but that did not mean there was not potential for that. Alderman Newman noted many middle school kids ride their bikes to school because there is no bus service. Where he lives, a neighbor's children have to go to Greenleaf/Chicago to get to Nichols School. He urged getting District 65 involved. He asked if any bike routes take out parking spaces anywhere? No. Ms. Pinsoff stated they tried not to do that, especially in a community such as Evanston where parking is at a premium. Alderman Newman asked what would happen in the downtown? Mr. LaPlante said there are east/west routes on Church/Davis, which are a one-way pair and each would have bike lanes. There is enough space on the street to include lanes without removing parking. They put the bike lane on the side of the street where there is no diagonal parking. Alderman Newman asked how it worked for somebody who wants to go west on Church, which runs one-way eastbound? Ms. Pinsoff stated they would go to Church Street (at Asbury) where it becomes two-way. Alderman Newman asked for a better map to understand the plan better. Alderman Newman asked what Church Street would look like by Barnes & Noble and the movie theaters? Mr. Jennings stated there would be a bike lane on the south side of Church. Alderman Newman asked about wrong way riders. Mr. Jennings stated that is illegal. Ms. Pinsoff pointed out when they put in bike lanes there are arrows communicating direction, which is more than they have now. Mr. LaPlante said when bicycle lanes are put in, the number of people who ride the wrong way is reduced due to the arrows and it tells riders where they need to be. It takes them off sidewalks and puts them on the street because they feel it is safer. This is not 100% and some will still ride the wrong way but it is safer overall. Alderman Newman asked the distance between a bicycle and parked car with an open door? Mr. LaPlante said a bike lane is five feet to avoid "dooring" so that there is enough room for a door to be open and a bicyclist to take evasive action. Ms. Pinsoff pointed out a bicycle takes up about two-feet of operating space. When there is no parking, the bike lane is four feet wide and five feet where parking is allowed. Alderman Newman wanted a bigger picture of downtown with the stripping. Mr. Jennings said they would provide several examples. Alderman Newman thanked the consultants for their work.

Alderman Feldman asked if bike lanes would reduce traffic flow and how many lanes of traffic are on Dodge Avenue? Mr. Jennings said Dodge has two wide lanes, with room to leave parking on, mark a five-foot bike lane and still have a lane of traffic in each direction. Alderman Feldman sees two lanes of traffic traveling in each direction regularly on Dodge. Mr. Jennings explained Dodge Avenue is marked as a two-lane street and at intersections people double up. Alderman Feldman noted areas where the traffic doubles up, particularly in front of the high school. Mr. Jennings stated there is enough capacity on Dodge to stripe it with a bike lane in each direction. Mr. LaPlante noted from a capacity standpoint, the volume of traffic that uses Dodge could use one lane in each direction. The street does not need two lanes of traffic each way. More importantly, when the one lane for vehicles is narrowed, they discourage people from cutting around so that it is safer. It may slow traffic down because traffic will go the speed of the lead car instead of having cars zipping around on the inside. They believe that will make Dodge a safer street because the speed of traffic can be reduced, particularly when people try to pass one another. The street is not wide enough to do that. If somebody wants to go over the double line they will do it and that is illegal. Alderman Feldman asked if there is any street with two lanes each way that is safe? Mr. Jennings stated that Ridge is two lanes each way but bicycle traffic is prohibited. Emerson and Chicago are both one lane each direction. McCormack is four lanes, two lanes in each direction; parts of Sheridan Road carry four lanes. Mr. LaPlante said he did not know of any street with four lanes and parking on each side. Alderman Feldman asked when they come to a stoplight, where does the motorist make a right turn when there is a bike lane? Mr. LaPlante explained they would share the lane for the last 100-feet. Markings will indicate that. Ms. Pinsoff said that is handled different ways with markings or signs. When people have to share the road, there is a diamond shaped sign that says "share the road," so for a short section, cars and bicycles are expected to share the road. They are going slow because some are turning right. Alderman Feldman wanted to be sure that a motorist could make a right turn from the curb lane. Mr. Jennings noted that bicycles are in the traffic stream already so that by stripping bike lanes and share the road condition at the intersection is better than what is happening now. What Alderman Feldman was envisioning was no bike lane and somebody turning right from an inner lane. Mr. Jennings said in most cases the bike lane will drop away before that point.

Alderman Wynne asked about the availability of state funds for grants. Ms. Pinsoff said funds are available from the Illinois Departments of Transportation and Natural Resources. The DNR has a bicycle fund, which the City already uses to improve trails. One fund is called enhancements and 10% of all state highway funds need to be used for enhancement, which includes bicycle/pedestrian improvements as well as historic preservation. Everything must be in relation to a transportation facility. Nationwide, about one-third to one-half of those monies is used for bicycle/pedestrian improvements. There is a large fund and a number of other categories. Congestion and Mitigation Air Quality funds and other subcategories are available and can be used for bicycle projects at the discretion of local governments. Bicycle projects can be independent or incidental. An incidental project would be where a road is going to be redone and the bike project would be tucked into that. An independent project would provide for bicycles.

Alderman Kent noted at certain times of the day there is a lot of congestion on Emerson that includes school buses and semi-tractor trailers that seem to fly down the street. He saw this plan as being safer on side streets or less traveled streets. He noted when somebody turns left from Emerson to Asbury there is a horrible merging section onto Green Bay Road and if they go straight, there is the Emerson, Ridge and Green Bay intersection. He saw this as putting more bicyclists on the streets. He wanted to believe it would be safer. He felt that more people would be on the street with less knowledge of the rules of the road and younger kids riding. Ms. Pinsoff explained that bicyclists are divided into different skill and age levels. Looking at any roadway system presently without bicycle facilities, they see that people assign themselves to different kinds of traffic situations. She said it is surprising how comfortable experienced bicyclists can be on streets such as Oakton and Golf Road. When they had public meetings, Oakton and Golf were considered prime streets for bicycling. The more aggressive facility they can put in, the broader range of users. If they put in bike lanes, there are more average users. If it is just a bike route, only advanced cyclists will use it. She explained on Oakton, building on the bike path in James Park, the plan recommends a side path. A reason for that is there are schools that could be accessed along there but children and parents would not be comfortable letting kids ride on Oakton. Bicycle commuters will continue to ride on Oakton Street, as they do now. She said this is complicated and it is not easy to provide a comprehensive system to meet all needs. When they looked at bicycle trips in Evanston, the people using the outer reaches of Emerson and west on Church and Oakton tended to be adults who are comfortable with traffic. She pointed out it somewhat self selects. She said they don't have conclusive research on what is safer but they do have some

good research that indicates that when the stripe is put on the road and a bike lane is made, it improves safety. Bikes and cars both stay in a straighter line, maintain a wider separation and there are fewer accidents. An on-road facility makes people feel more comfortable and improves safety. Mr. Jennings said when they stripe the bike lane on Emerson, they will visually and physically narrow the path for car/truck traffic, which tends to slow people down. Currently, vehicles are in a 15-foot wide lane, which will go to a 10-foot lane with striping.

Alderman Bernstein guessed that more bicyclists would make drivers more aware. He thanked the consultants for the study. He asked if the plan contemplates 12-month use and how many people ride year round? Ms. Pinsoff could not answer that; knows from experience that things that people think are deterrents to bicycling are not. Sometimes it is good to bicycle to work in cold weather and when it is hot not to ride because one arrives at work all sweaty. Ice, snow and heavy rain conditions are not good for bicycling. People who bicycle to work usually have a second alternative for bad weather. He asked if there is space for enhanced parking at transportation centers? Ms. Pinsoff said about 10 bikes can be parked in a space for one car. In speaking of parking for bikes, depending on the type of bike parking provided, they can do a lot in a small space. A certain amount of bike parking can be put in and more added if needed. There is plenty of space around most Evanston transit stations. Mr. LaPlante noted that the CTA is adding more bike parking.

Mayor Morton announced that Jack Carpenter, who had a service station at the corner of Green Bay Road and Noyes Street for many years, had passed away in Kenosha.

Communications: None

CITIZEN COMMENT:

Alex Sproul, 646 Judson Ave., stated the Chamber of Commerce has been a strong advocate of transit-oriented development here. As chair of the Transportation Committee, he said they want to do everything possible to increase public transportation use and reduce automobile use since congestion affects all. Reducing congestion enhances the attractiveness of the community for residents, businesses and newcomers. The Chamber is enthusiastic about the bike plan and pleased to see a detailed plan that, over time, will undergo modifications. He thought it was a compromise among the various modes of traffic for the facilities Evanston has. The plan modifies what is here to meet the demands that exist in the best way. There are compromises and there may well be some diminution of cars on certain streets. He thought the plan would make it safer for bicyclists and pedestrians. If this encourages more bicycle use and reduces just a few car trips, that will be to the good. The Chamber of Commerce applauded the wisdom of the City in commissioning this study and urged Council do everything possible to implement it as soon as possible.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Feldman moved Council approval of the Consent Agenda with the following exceptions: approval of proposed 2003 City Council and Budget Meeting Schedule; purchase of fire pumper from Global Emergency Vehicles, Inc./Pierce Manufacturing Inc.; Resolution 72-R-02 – ComEd Vegetation Management Agreement; Ordinance 102-O-02 – Amending Overnight Parking Restrictions in Downtown; Appeal of Site Plan & Appearance Review Decision – 515 Main St.; Ordinance 114-O-02 – Zoning Ordinance Text Amendment: Convenience Stores & Open Sales Lots and Ordinance 110-O-02 – Special Use and Variances for 1945 Darrow. Seconded by Alderman Rainey. Roll call. Voting aye – Jean-Baptiste, Wynne, Bernstein, Kent, Moran, Engelman, Rainey, Feldman, Newman. Voting nay – none. Motion carried (9-0).

* **ITEMS APPROVED ON CONSENT AGENDA**

MINUTES:

* Approval of Minutes of the Regular City Council Meeting of October 28, 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 November 7, 2002 and the City of Evanston bills for the period ending November 12, 2002 and that they be authorized and charged to the proper accounts, summarized as follows:

City of Evanston payroll (through 11/07/02)	\$1,841,182.67
City of Evanston bills (through 11/12/02)	\$2,481,690.34

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

* Approval of the lowest responsive and responsible bid of the Edward Gillen Co. for installation of sheet piling for Fire Station #3 at a cost of \$84,900. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bid of Harry J. Kloeppe & Assoc. for laboratory casework polypropylene cabinets for the laboratory at the Water Treatment Facility at a cost of \$34,930. Funding source is Water Division Capital Outlay account. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of the lowest responsive and responsible bids for water distribution materials. Bids are (1) U.S. Filter Distribution Group (for fire hydrants -- \$67,160); (2) Mid America Water (for valves and valve boxes -- \$54,656.50; for curb boxes, extensions and repair lids -- \$6,510.10; for sleeves -- \$31,139.10.10); for tubing, curb stops, couplings, gaskets, paint -- \$31,744.10;(3) Resource Utility Supply Co. (for bends, fittings, tees, pipe, glands and bolts -- \$52,073.20); (4) from Ziebell Water Service Products Inc. (for repair sleeves, clamps and saddles -- \$66,875.32). Total purchase is \$310,875.32. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Change Order #1 for the Civic Center Fire Alarm Installation, increasing the contract with Simplex Time Recorder by \$11,187, from \$161,316 to \$172,503. Funding source is the CIP account and IS CIP funds. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)



* Acceptance of Evanston Bicycle System Improvement Plan - Consideration of a recommendation, following the A&PW special presentation, to accept the Evanston Bicycle Improvement Plan. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Modifications to the 2002-2003 Capital Improvement Program – Consideration of a recommendation to approve amendments to the 2002 CIP adjusting current funding levels for certain Police-Fire Headquarters renovation project items. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolutions 81-R-02 through 91-R-02 and Resolution 93-R-02 – Debt Service Tax Abatement Resolutions – Consideration of proposed Resolutions 81-R-02 through 91-R-02 and 93-R-02 which abate debt service for property tax bonds issued from 1992 through 2002. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 94-R-02 – Amendment to Lease with Metropolitan Water Reclamation District – Consideration of proposed Resolution 94-R-02, which authorizes the City Manager to execute an amendment to Lease L-64 with MWRD in connection with IDOT's Dempster Street Bridge Project. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 106-O-02 – Vacation of Alley – Consideration of proposed Ordinance 106-O-02, by which the City Council would approve the vacation of a portion of an alley north of Harrison St. and west of Crawford Ave. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 111-O-02 – Nuisance Premises – Consideration of proposed Ordinance 111-O-02, which enacts a new section, 9-5-4, regarding nuisance premises. (Due to substantive changes, 111-O-02 replaces 59-O-02). * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 112-O-02 – Easement Agreement with 624 Davis St. LLC for 622 Davis St. – Consideration of proposed Ordinance 112-O-02, which grants an easement at 622 Davis St. for gas meters and connections on the public right-of-way. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 115-O-02 – Pertaining to Failure to Display a Vehicle Sticker – Consideration of proposed Ordinance 115-O-02, which amends Sections 10-8-10 and 10-11-17 of the City Code pertaining to penalties for failure to display vehicle stickers. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 113-O-02 – Two-way Stop – Lake St. and McDaniel Ave. – Consideration of proposed Ordinance 113-O-02, which amends Section 10-11-5, Schedule V(B) of the City Code to establish a two-way stop sign at Lake St. and McDaniel Ave. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 119-O-02 – Declaring City Property as Surplus – Consideration of proposed Ordinance 119-O-02, which declares various items (vehicles and other misc. items) as surplus property so that it may be sold in the upcoming auction in Libertyville on December 15, 2002. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 118-O-02 – Easement Agreement with Metropolitan Water Reclamation District – Consideration of proposed Resolution 118-O-02, which authorizes the City Manager to sign an easement agreement with the MWRD for a storm sewer at Isabella St. and the North Shore Channel, needed for the Phase IX, Contract A Relief Sewer Project. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 105-O-02 – Amending Taxi Ordinance to Permit Global Positioning via Satellite Computerized Dispatching Service – Consideration of proposed Ordinance 105-O-02, introduced October 28, 2002, which amends Section 3-19-5 of the Taxi Ordinance to permit GPS Dispatching Service. * ADOPTED CONSENT AGENDA & ROLL CALL (8-0-1) Alderman Jean-Baptiste abstained due to possible conflict of interest.

* Ordinance 107-O-02 – Borrowing Funds from IEPA for Phase X of Long Range Sewer Improvement Program – Consideration of proposed Ordinance 107-O-02, introduced October 28, 2002, which authorizes the City to borrow funds from the Water Pollution Revolving Loan Fund for Phase X of the Long Range Sewer Improvement Program. * ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

* Ordinance 108-O-02 – Transfer of Jurisdiction for Vehicle Post-Tow Hearings – Consideration of proposed Ordinance 108-O-02, introduced October 28, 2002, which amends Title 10, Chapter 6 of the City Code to transfer jurisdiction for vehicle post-tow hearings and amend certain other provisions regarding administrative adjudication. * ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

PLANNING & DEVELOPMENT:

* Ordinance 109-O-02 – Zoning Ordinance Text Amendment: Building Lot Coverage – Consideration of proposed Ordinance 109-O-02, introduced October 28, 2002, which amends the Zoning Ordinance concerning maximum building lot coverage in the six residential districts. * ADOPTED CONSENT AGENDA & ROLL CALL (9-0)

HUMAN SERVICES COMMITTEES:

* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of August 2002 in the amount of \$106,051.93. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of September 2002 in the amount of \$91,116.69. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Approval of Township Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of October 2002 in the amount of \$88,116.89. * APPROVED – CONSENT AGENDA MOTION AND ROLL CALL (9-0)

SPECIAL ORDER OF BUSINESS

Approval of Proposed 2003 City Council and Budget Meeting Schedule – Consideration of a request to approve the proposed 2003 City Council and Budget meeting dates.

Alderman Feldman moved approval. Seconded by Alderman Moran. Alderman Rainey made a substitute motion that the calendar schedule be sent to the December Rules Committee meeting. Seconded by Alderman Engelman. Motion carried. No nays.

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Alderman Feldman moved approval of the purchase of a fire pumper vehicle for the Fire Department from the sole source provider, Global Emergency Vehicles, Inc./Pierce Manufacturing Inc., based upon the Northwest Municipal Conference Joint Purchasing Advisory Committee bid process, at a price of \$376,439 (pre-payment option). Seconded by Alderman Rainey.

Alderman Rainey said this vehicle replaces a 1989 model pumper. At the last Council meeting she announced that up to that date, the City had responded to 441 fire/ambulance calls at Northwestern University, a tax-exempt institution. Residents and businesses have just paid their property taxes, which finance the purchase of all ambulances, police cars and garbage trucks -- vehicles that provide excellent service. She recommended to Northwestern University President Bienen, Vice President Sunshine, students and parents that the University make a contribution of the cost of this vehicle, a meager payment for the quality of free service received by this university. She asked that the University help the City out. The gesture would mean more than any other overtures she could think of that anybody has made lately toward this community. She thought it would be terrible if the City were unable to maintain its emergency fleet. In the A&PW Committee they discussed fixing the 14-year old pumper that is used to save lives and put out fires.

Roll call. Voting aye – Jean-Baptiste, Wynne, Bernstein, Kent, Moran, Engelman, Rainey, Feldman, Newman. Voting nay – none. Motion carried (9-0).

Resolution 72-R-02 – Commonwealth Edison Vegetation Management Agreement – Consideration of proposed Resolution 72-R-02, which authorizes the City Manager to sign a ComEd Vegetation Management Agreement outlining acceptable trimming, removal, selection and replacement of trees in Evanston.

Alderman Feldman moved approval. Seconded by Alderman Moran.

Alderman Rainey supported this and said staff and other communities support it because there is little choice. ComEd will come in and trim the trees. Alderman Moran pointed out in the committee meeting that this approach by ComEd

is an improvement over prior years because they claim they will trim every four years as opposed to every ten years and would result in less radical trimming. The way ComEd deals with the community was of great concern to her because they have no regulation or permitting issue regarding cutting down trees, which would require a certain replacement of trees. She explained that ComEd will come and cut down a tree on private property, leave it and the property owner is required to remove what they cut down. ComEd's idea of reimbursement for a 20-30 year old tree is \$50 for a replacement tree. There is no oversight by the City on ComEd's trimming. ComEd may give a timeframe of when they will come. She wanted to make people aware of the pitfalls of this agreement.

Alderman Feldman asked if ComEd could cut down a tree on private property if the owner does not want it cut down? Parks & Forestry Superintendent Paul D'Agostino explained that ComEd needs to notify the homeowner before they do any trimming or removal. Alderman Feldman asked whether ComEd could tell a homeowner they are cutting down a tree, not may they come and cut a tree down? Mr. D'Agostino stated ComEd asks if they may take a tree down and usually get compliance. People who don't comply could end up going to court. Alderman Feldman asked how many trees over the past two year ComEd has cut down on private property. Mr. D'Agostino will find out. Alderman Feldman asked why a tree would be cut down rather than trimmed? Mr. D'Agostino said there are many variables; condition of the tree merits removal rather than trimming and it could be the wrong tree in the wrong place. They might want to remove a fast growing tree that requires a lot of trimming.

Motion carried. No nays.

Ordinance 102-O-02 – Amending Overnight Parking Restrictions in Downtown Evanston – Consideration of proposed Ordinance 102-O-02, which amends Section 10-11-9, Schedule IX of the City Code to amend overnight parking restrictions in the downtown area to prohibit parking from 3:00-6:00 a.m. in some areas.

Alderman Feldman asked that this item be marked introduced.

Alderman Rainey pointed out the only reason they are amending the timing from 2:00 a.m. to 3:00 a.m. is because the liquor license ordinance was amended to allow certain establishments to stay open until 3:00 a.m. to serve alcohol. This provides parking on streets to people who have been drinking until 3:00 a.m. She found a flaw in thinking in making this change. The law was changed so that people could drink until 3:00 a.m. because, unless they are drinking until 3:00 a.m., they aren't paying the liquor tax. People can park in City garages and it would do them good to walk to their cars before driving. She thought if the businesses thought about this they might not favor this change. She supported a change in the early morning hours so that people can go to the athletic club.

Alderman Newman pointed out that the City has had a policy of working with all downtown businesses on this regulation. Other businesses are open late than the four establishments with 3:00 a.m. licenses. Kaffein and the Evanston Athletic Club had difficulty with the 2-6:00 a.m. regulation and were accommodated. He said all kinds of condominiums are going up downtown where the 2-6:00 a.m. regulation will be a problem. Bar Louie, the Keg and others pay property taxes, high rents and serve Evanston customers. He saw no reason that anyone on Council would not want to work with businesses to have their customers park when streets are empty. The purpose of this restriction is to deal with street cleaning. Downtown streets are not cleaned every night. The 2-6:00 a.m. regulation excludes cars when nobody else is there and there is a reason to look at it once in a while. There was no favoritism and laws exist to deal with people who have been drinking inappropriately. Honest people go out late at night. He saw the amendment as promoting the use of city streets at a time when nobody is using them.

PLANNING & DEVELOPMENT:

Appeal of Site Plan and Appearance Review Decision – 515 Main St. – Consideration of an appeal from Legacy Development concerning the siting of an emergency generator at the aforementioned address.

Alderman Bernstein reported that the Site Plan and Appearance Review Committee had approved a modified plan that

will abate the noise nuisance. The generator will be surrounded by appropriate landscaping maintained in perpetuity. Because of this, the applicant withdrew the appeal, so this was removed from the agenda. On the P&D Committee there was concern that, if the proposed remediation does not work regarding noise abatement, the City will maintain control under the noise ordinance so people in the condominium will not be impacted negatively.

Ordinance 114-O-02 – Zoning Ordinance Text Amendment: Convenience Stores & Open Sales Lots
– Consideration of proposed Ordinance 114-O-02, which approves the recommendation of the Plan Commission concerning convenience stores and open sales lots.

Alderman Bernstein reported that this item was held in committee.

* Ordinance 110-O-02 – Special Use and Variances for 1945 Darrow (Church Parking Lot) – Consideration of proposed Ordinance 110-O-02, introduced October 28, 2002, to grant a special use and variances to permit Faith Temple Church of God in Christ to use 1945 Darrow as accessory parking.

Alderman Bernstein asked to hold this until the next meeting.

Alderman Bernstein thanked Community Development Director James Wolinski for the memo on the methodology of projecting building permit fees, which would be useful at the upcoming budget meeting. He noted an analysis of increases in home and condominium sales and that the average prices have increased markedly.

CALL OF THE WARDS:

2nd Ward. Alderman Jean-Baptiste congratulated voters in Evanston for making the right choices in the recent election, while the wrong choices were made nationally and they may be in for a period of hard times. Locally, good people were voted into office who, hopefully, will be accountable to Evanston needs.

He thanked staff for support of his work in the ward. He has been meeting with King Lab Neighbors, who live near the new District 65 Administration building. He recalled much resistance by area residents when zoning came before Council to build the facility. He said that issues have been identified and they have begun to mitigate the impact of this institution on neighbors, whether it be parking, traffic calming devices, police or traffic flow issues.

3rd Ward. Alderman Wynne thanked the Police Department for making Halloween in the 3rd Ward a positive event. Certain areas get high volumes of children who don't have a safe place to trick or treat in Chicago and a few years ago there were some problems. For the last few years police have been there, handing out candy and their work is greatly appreciated by residents.

She noted it was Veterans' Day and important to remember the meaning of the day. She thanked veterans. Mayor Morton reported that a number of people came to the 10:30 a.m. Veterans' Day service at Fountain Square including Representative Julie Hamos who spoke.

4th Ward. Alderman Bernstein thanked veterans for their service and shared Alderman Jean-Baptiste's sentiments about the election. He noted 4th Ward resident Jan Schakowsky was re-elected to Congress; soon-to-be 4th Ward resident State Representative Julie Hamos was re-elected; 6th Ward resident Jeffrey Schoenberg represents all of Evanston in the State Senate and Larry Suffredin, who will serve on the Cook County Board in Democrat-controlled Illinois, where funds will hopefully flow to Cook County. He congratulated Alderman Rainey, who will head one of Commissioner-elect Suffredin's transition teams.

He announced a Civic Center Committee meeting on November 21 at 7:30 p.m. They will hear history of the Civic Center building, determine needs and best method to express those needs in a building.

Unlike prior years he did not ask aldermen to fill out the city manager evaluation form, but to use it as a guide.

He announced a budget outreach meeting Thursday, November 14 at Robert Crown Center at 7:00 p.m.

In reviewing the bills list, he counted in excess of \$3,000 in cell phone bills and asked who has a cell phone and how are they used. It seemed like a lot of money and that walkie talkies might be better.

He welcomed Mayor Morton back from her trip and congratulated her for being part of Commissioner-elect Suffredin's transition team.

5th Ward. Alderman Kent announced that Thursday, November 14, the Westside Residents Association and Foster Park Neighborhood Association would meet regarding a 5th Ward school and to discuss the widening achievement gap.

6th Ward. Alderman Moran thanked veterans for their service. He noted a *Chicago Tribune* article referred to the Vietnam Memorial in Washington, D.C. which is now 20 years old. He was there the weekend it was dedicated. The memorial is made of polished granite with names on the wall and when one looks at it one sees one's own face, which has a remarkable impact because it makes one realize those who served are really us.

He referred to a newspaper article that described a situation between Watertown, MA and Harvard University where Harvard owns significant properties and the two had reached a difficult impasse. The university owned property in the community and hoped to expand and improve it. There were community concerns that the university would subsume this previously tax exempt property. The powers that be at Harvard and Watertown sat down together. The result of a series of meetings was agreements between the two with alterations on various zoning matters that had existed previously. As part of those agreements the university got to develop some property it owned and agreed to make significant contributions to Watertown. He understood some contributions were about 50% of the budget of Watertown. It caused him to think about Evanston and Northwestern, which have long been at odds and recently are in litigation. He thought about Evanston's situation and concluded that it is not tenable. Precious resources are devoted to pitched battle, when it does not make sense. This battle could go on for years and many precious resources spent. Someone may win and someone may lose. For his purposes, he contemplates the possibility that someone would win, but what would they really win and what would be lost? He would like to issue a call to Northwestern University and to the City of Evanston to consider alternatives other than to continue down the current path. He asked that they consider not devoting resources to disagreeing but to exploring cooperation rather than the hostility these two great institutions are now confronted with and may continue for a much longer period unless there is a change. He suggested that they consider convening meetings between NU's administration and the City to find a way to halt the litigation and to find reasonable accommodation for both to peacefully coexist, be mindful of each other's needs and work cooperatively.

7th Ward. Alderman Engelman announced the Budget Committee would hold another outreach meeting Thursday as previously announced and the final outreach meeting would be Tuesday, November 19 at 7:00 p.m. at the Levy Center in James Park. He urged residents to attend. He reported the budget outreach meeting at Chandler-Newberger Center drew more than 30 citizens. There was interesting dialogue and a lot of ideas expressed and he thought citizens were educated about the difficult choices the City faces. He stated the budget problem would not be solved without the help of all citizens. He urged citizens to get involved and stay involved.

8th Ward. Alderman Rainey urged anyone who has not been to a budget meeting to come to the budget outreach meeting on November 19 at the Levy Center.

She reported that the second concept park meeting will be the last because all agreed on one of the concepts. Today was important for south Evanston. She recalled that at least five years ago work began on developing a streetscape for Howard Street. Finally it has happened and today over the Metra tracks covering the ugly viaduct are two signs that run the entire width that read "Howard Street." She said it is a beautiful sign and encouraged all to take notice.

9th Ward. Alderman Feldman asked that his remarks not be considered a rebuttal to Alderman Moran's comments because he shared his wishes for peace, harmony, cooperation and mutual responsibility between the City Council, City and Northwestern University. He thought that NU and the City get along very well; would not characterize the day-to-day relationships of this Council and City with NU as anything other than cooperative, but acknowledged there are issues

that separate them. Resources are being used to deal with that separation. He reminded all that this lawsuit was not instituted by the Council and was the result of an attempt to preserve and save neighborhoods. This resolve is the reason they continue to defend themselves against a lawsuit that forces the City to spend a great deal of money. It was not the City's choice and was not done with anger but with a positive goal of the City to save decent neighborhoods. If they wished for things, to get to the kind of dialogue Alderman Moran has suggested (an attempt to solve mutual problems and to be concerned and interested in each others problems), then the gun that is presently at the City's head needs to be removed so they can deal at an arm's length and begin to understand the interests of NU and to get to a place where this Council and City aspire to be. If NU has a problem, it is the City's problem. If NU has issues the City has to pay attention to them. He wants to get to that. He said there has been all kinds of dialogue and cooperation, projects that have been developed and mutual kinds of issues that have worked well. He said there are still significant differences. The way to get to them is for the gun to be taken away, which he thought reasonable. He did not think NU would want a gun at its head. The City did not ask for the gun, did not deserve it and it will not work. He was interested in getting to a time when they can relate on a different basis, not a defensive one, but one that seeks solutions to mutual problems and thought they could.

Alderman Feldman announced the birth of granddaughter Avery, his 11th grandchild, on November 2 to his son Adam and wife Leandre.

1st Ward. Alderman Newman appreciated comments on the City/NU but wanted to put them in perspective. He recalled that for years NU has told the City that it is different than Harvard University and other institutions that make contributions to municipalities. He too read the article and thought the land they acquired was about 11 miles away. He said that Alderman Moran could move to create a "U" district in the 6th Ward and invite the University to acquire land. If he made a "U" district, the University would acquire it. He noted the 6th Ward is as sensitive to zoning as the 1st Ward. An example was the abandoned property at Crawford/Central. The owner has gone to the ZBA twice; first to put in a Starbucks and was turned down. The second time they wanted a car wash and that was turned down, too. He thought the neighbors there were like the ones in the 1st Ward when it comes to zoning. Residents want a compatible use in their neighborhood. He said perhaps the property owner should have been told if he made a \$200-300,000 contribution to the City, he could have whatever zoning he wanted. That is the model he believes Alderman Moran was talking about. Trade zoning for money. All wards could be put into play. They could say to St. Francis Hospital, which is not a taxpayer, what land/zoning do you want to buy in the 8th or 9th ward. In exchange for money, they would receive favorable zoning and expand their campus. That could also be done with Evanston Hospital, which has wanted to expand for years and would not have to go through the special use process. The hospital virtually cannot do anything on their grounds without permission of the City. Neighbors in the 1st Ward hope that Council will be as respectful of their property rights as anywhere else. The proposal he heard was that they exchange money for development. He said on Central Street where neighbors want building heights kept low, they could tell the development community that if they wanted to build a 7-8 story building on West Central Street, offer money and they can build. When something like that is done the neighbors are sold out because they are saying within the zoning process, that money rules. He stated that what was done in the 1st Ward is what Alderman Moran wants done in the 6th Ward. With the historic district in the 1st Ward, they cannot tear down a property without permission from the City. In the 6th Ward and other parts of Evanston there is a tremendous tear down problem. At a prior meeting Alderman Moran asked where was the ordinance on tear downs? His concern is what those neighborhoods are looking like because of developers tearing down houses and rebuilding. He thought this was a legitimate concern and he wants to help 6th Ward residents and most likely would support such an ordinance because 6th Ward residents have the same values as 1st Ward residents. To have any area where zoning is on the auction block to an institution with a \$3 billion endowment is frustrating. He suggested if anybody wants some "U" districts in their ward they can ask for them. He thought the best example was what was done at the stadium for the tennis tournament. No professional events were allowed to come for four-five days a year. As a result Evanston lost the Bears, which would have much rather played at Ryan Field rather than in Champaign. He noted that NU's impact on the 1st Ward is felt every day that school is in session; some impacts are negative and some positive. He knows to pursue a rational basis for discussion, they will pursue something that protects the rights of all neighborhoods and not allow the zoning process to be for sale for one institution. He said if they have negotiations with NU regarding zoning, can neighbors be present? He was all for talking but not with a gun at the City's head.

Alderman Newman reported a meeting about parking and its impacts in the 1st Ward. He suggested that NU needs to

build substantial parking east of Sheridan Road and that issue be put on the agenda.

He asked at the next Rules Committee that Mr. Crum invite Larry Suffredin to discuss next year's legislative agenda.

Alderman Newman noted the City has allowed an accumulation of fast food restaurants downtown with a considerable number of complaints about cleanliness. He thought they needed to look at the number of Type 2 special uses downtown until they get the trash problem under control. He did not think the trash removal plan was working. He said they have to be proactive on these establishments to comply with trash removal requirements.

He saw an article about settling lawsuits. He said the City has made significant efforts to settle many lawsuits and it takes two to settle and it depends upon the demands of both sides. He thought the City had been willing to go to the table. He recalled one case where a company asked for \$10 million and the City settled for \$3 million.

Alderman Rainey stated that St. Francis Hospital is among the top ten taxpayers here. All properties purchased on Mulford are on the tax rolls.

There being no further business to come before Council, Mayor Morton asked for a motion to adjourn. The Council so moved at 10:43 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.