

**CITY COUNCIL**

June 23, 2008

**ROLL CALL – PRESENT:**

Alderman Bernstein  
Alderman Holmes  
Alderman Moran

Alderman Tisdahl  
Alderman Hansen  
Alderman Wollin  
Alderman Jean-Baptiste

A Quorum was present.

**NOT PRESENT AT  
ROLL CALL:**

Alderman Rainey

**ABSENT:**

Alderman Wynne

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, June 23, 2008, at 9:12 p.m. in the Council Chamber.

**MAYORAL ANNOUNCEMENTS:**

*Mayor Morton proclaimed*  
**Recreation & Parks Month - July**

Mayor Morton recognized and praised the work of her sorority sisters of the Evanston North Shore Graduate Chapter of Alpha Kappa Alpha (AKA) Inc., who are celebrating 60 years of service in the area. The AKA sorority will march in the July 4<sup>th</sup> parade as the Grand Marshals.

**CITY MANAGER ANNOUNCEMENTS:**

Fire Chief Alan Berkowsky introduced Tom Janetske, who was promoted to Division Chief of Fire Prevention and also will assume the responsibilities for Emergency Preparedness. Mr. Janetske has served 18 years with Fire Department and emergency efforts. Chief Berkowsky also introduced Michael Rons as the Plan Reviewer for the department.

Recreation Superintendent Bob Dorneker announced the 4<sup>th</sup> of July Parade ordinance concerning the placements of chairs and blankets on the parkways and their removals. He also directed the citizens to view the websites of the Evanston 4<sup>th</sup> of July Association ([www.evanston4th.com](http://www.evanston4th.com)) and the City of Evanston ([www.cityofevanston.org](http://www.cityofevanston.org)).

**COMMUNICATIONS:** None

**Special Awards Presentation:**

Jordan Cramer, chair of the Preservation Committee was invited to the floor to give his video & award presentations. He commented on the rich heritage of architecture designs in Evanston, and these presentations are a celebration of preserving these types of architectural designs for the Evanston community. Jurors this year were: Mary Brugliera, Heidi Hoppe (local architect) and Susan Rundle (architect). Projects are listed below:

1. 1021 Greenwood St. - Sensitive addition and alteration of Victorian house built in 1890. Included a wheelchair lift. Contractor: Reid Martins, Architect: Paul Janicki
2. 2103 Orrington Ave. - for 19<sup>th</sup> Century Queen Ann home (makes best of inappropriate 1960s alteration by returning structure to an appropriate style for the era and the neighborhood). Contractor: H & S Builders, Architect: Paul Janicki
3. 2039 Orrington Ave - Sensitive addition and alterations of 1889 Italian house (originally located at Church & Orrington). Architects: Nathan & Kit, Contractor: McKnight & Partners

4. 1031 Judson Ave. - Sensitive addition & alterations.  
Contractor: Zigmill, Inc., Architects: McGuire, Guileski, & Associates
5. 1730 Chicago Ave. - Proper rehabilitation and restoration of Frances Willard House, constructed 1865. Occupied by Women's Christian Temperate Union. Kept as a museum of the life and career of Frances Willard. Contractor: Hefferman Painting Services, Architect: McGuire & Igleski
6. 1044 Elmwood Ave. - Adaptive reuse of small brick church built in 1904, St. Paul's Lutheran Church. Converted into a home, allowed the church to retain the historic character of the neighborhood. Contractor: Woochek Wolenski, Architect: Foster Dale

Mayor Morton assisted with the awards presentation and spoke on the beauty of the home. She said it is a credit to our City that a church was transformed into a home.

#### **CITIZEN COMMENT:**

Ken Bailey, 1602 Central St., congratulated Mayor Morton on her Doctorate from Northwestern University. Let's not forget the not-for-profit organizations, they do generate income. Who stands to gain financially immediately from the dormitory applications? It's not the City, neighbors, School Districts 65 or 202 and, truly, it's not National Louis University. Mr. Bailey inferred the entity that would probably gain financially is the seller and he thought that was unfair.

Junad Rizki, 2767 Ridge Ave., spoke on police issues. He started off with "taxes, taxes, taxes," and expressed his concerns about misuse of police officers, having them collect revenues and set up ticket traps. He believes that the Council has not managed these situations properly and its leadership is in question. Every year Council thinks of ways to raise new revenue and he felt that it is a poor way to conduct business. He wanted to review police tapes of a neighbor fight between some residents and was unable to acquire them. He felt again, that the City Council had no control over anything, when cameras all over the City are recording and invading citizen's rights. Mayor Morton interrupted Mr. Rizki's dissertation to ask the Council if she could extend his time, since he had run over.

He felt that the rights of the citizen's are being violated. He also had concerns for the employment of Evanston police officers who are off duty, but are working somewhere else. Who is responsible for their liability, and what will our insurance do for them when they are not working for the City? Mr. Rizki then ended by thanking the Council for extending his time to talk, and mentioned it was a very rare occasion.

The Mayor asked Mr. Rizki what type of tapes he wanted to see? Mr. Rizki explained the tapes from the camera on the street, and he further said the cameras could be shinning in the neighbor's window for all he knows.

Mike Vasilko, 2728 Reese Ave., commented on the Blue Ribbon Committee. He had attended several meetings and they elected to have only one meeting when the public could comment. They had not mentioned the meeting or placed it on the website. He gave the place and time of the meeting and said there would only be 30 minutes to express concerns, from 8-8:30 p.m. in the Aldermanic Library (Room 2750) on June 25, 2008.

Alderman Rainey wanted clarification from either the Chief of Police or legal staff if our police officers do in fact perform police work for non-municipal matters outside of town. Chief Eddington responded that he does not authorize any of his officers to wear uniforms or the use of squad cars off duty, unless they have been approved for special duty assignments. He believed that Mr. Rizki was referring to Evanston officers in town. Alderman Rainey asked about officers working like bouncer details in bars in Cicero or Morton Grove? Chief Eddington said "No, that is not allowed." Alderman Rainey remembered a previous chief saying that was not allowed. Chief stated "No, off-duty employment is strictly controlled by the department and passed up the chain of command, ultimately to him. That type of employment will never be authorized." Alderman Rainey asked about Northwestern or graduation or if Roycemore has a party and want an off-duty cop. That is allowed? Chief, "Absolutely." Alderman Rainey, "In town?" Chief, "Absolutely."

Alderman Holmes was concerned about security at Dominick's in parking lots, do they still do that? Chief Eddington

responded “yes, if they are in town and in uniform, then there is a procedure that must be followed.”

Alderman Holmes addressed Mr. Rizki’s question, if officers work for someone else and something happens, is the City then responsible because they are in uniform? Chief stated “If it’s an authorized detail and they are in uniform, the City is responsible. Even if something happens to an employee off-duty, the EPD would still be involved and responsible.”

Mayor Morton clarified that he said if anyone is out there working, then they have gotten permission? Chief responded “Yes.” Mayor Morton asked, “From whom, by you?” Chief Eddington said his signature is on the document along with the deputy chief’s, commander of OPS and the immediate supervisor. It is documented and recorded so if there is a need to verify it can be found.

The Mayor asked the Chief if he set the standard for pay. The Chief answered “No.” The Mayor then asked “do they receive their own pay?” Are they paid personally and not to the department? Chief replied “It depends on the entity. Northwestern pays a certain way and others pay differently.” He noted that all details are authorized and usually at the contract rate, which is announced to those seeking services.

**CONSENT AGENDA (Any item marked with an Asterisk\*)**

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Ordinance 79-O-08 – Special Use for Dormitory – 1620 Central St. and Ordinance 43-O-08 – Proposed Budget & Appropriation for Town Purposes for Year Ending March 31, 2009. The motion was seconded.

Roll call. Voting aye – Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay – none.  
Motion carried (8-0).

**ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of June 9, 2008. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, City of Evanston payroll for the period June 8, 2008 and City of Evanston bills through June 24, 2008, as authorized and charged to the proper accounts:

|   |                |
|---|----------------|
| City of Evanston payroll (through 06/08/08) | \$2,489,783.56 |
| City of Evanston bills (through 06/24/08)   | \$4,078,442.42 |

\* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend acceptance of a grant from the Illinois Clean Energy Foundation for energy efficiency lighting upgrades at Fire Station #4 and the Police Station in the amount of \$11,305. Acceptance of the grant funding requires a match of \$20,593.48 from the Contingency Fund. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval of sole-source purchase of hot mix asphalt materials from Orange Crush, LLC (3219 Oakton St., Skokie) for \$50,000. Funding provided by Street and Alley Maintenance Fund (\$25,000), Water Maintenance Materials Fund (\$12,500) and Sewer Maintenance Materials Fund (\$12,500). \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval to purchase 22 Ford Crown Victoria vehicles (20 for Police Department and 2 for Fire Department) through a Northwest Municipal Conference bid from Currie Motors (9423 W. Linden Hwy., Frankfort, IL) in the amount of \$521,362 and 1 Ford 12-Passenger Van for the Police Department through a state bid from Landmark Ford (2401 Prairie Crossing Dr., Springfield) in the amount of \$20,956.48. Funding provided by Fleet Capital Outlay Budget for Automotive Equipment Purchases. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval of lowest responsive and responsible bid (08-86) for construction contract for the Lighthouse Landing ADA Improvement Project to Clauss Brothers, Inc. (360 W. Schaumburg Rd., Streamwood) for \$437,572. Funding provided by Capital Improvement Program (CIP) (\$410,613) and CIP Contingency Fund (\$26,959). Private donations will provide an additional \$22,041 for potential change orders. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval to pre-qualify five (5) contractors to rehabilitate sewer mains using the Cured-In-Place Pipe (CIPP) process for a three-year period. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Ordinance 78-O-08 Increasing Permit Fees for New Water Service Connections - Consideration of proposed ordinance 78-O-08 amending sections of Title 7, Chapter 12 (City Waterworks System) of the City Code to increase permit fees for new water service connections. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 80-O-08 Decrease in the Number of Class B Liquor Licenses - Consideration of proposed ordinance 80-O-08 amending Section 3-5-6 (B) of the City Code to decrease the number of Class B liquor licenses from 16 to 15 due to the liquor class change/upgrade of BAT 17, 1709 Benson Ave. \* MARKED INTRODUCED – CONSENT AGENDA

\* Ordinance 81-O-08 Increase in the Number of Class B1 Liquor Licenses - Consideration of proposed ordinance 81-O-08 amending Section 3-5-6 (B1) of the City Code to increase the number of Class B1 liquor licenses from 5 to 6 due to a liquor class change/upgrade of BAT 17, 1709 Benson Ave. \* MARKED INTRODUCED – CONSENT AGENDA

## PLANNING & DEVELOPMENT

\* Temporary Signage Request for American Craft Exposition - Consideration of the request for the Auxiliary of Evanston Northwestern Healthcare to erect temporary signs and banners advertising and directing patrons to the American Craft Exposition to be held from August 22-24, 2008. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Ordinance 32-O-08 – Plan Commission Recommendation for a Map Amendment & Planned Development at 708 Church St. - Consideration of a recommendation from the Plan Commission to rezone the property at 708 Church St. from D2, Downtown Retail Core Zoning District, to D3, Downtown Core Development District, and to grant a Planned Development on that site of a 49-story residential and retail tower known as the “Fountain Square Development.” (Revised plan is for a 38-story residential and retail tower.) TABLED IN COMMITTEE UNTIL COUNCIL ADOPTS THE DOWNTOWN PLAN.

## **REPORT OF THE STANDING COMMITTEES**

### ADMINISTRATION & PUBLIC WORKS:

Mayor Morton asked if monies from the Contingency Fund had been allocated already, is that what the fund is for. Interim City Manager Rolanda Russell responded that a copy of the policy would be provided in the Friday package.

On behalf of the committee, Alderman Hansen thanked Assistant Director Property Standards Stan Janusz for his expertise and help. He will be missed.

## PLANNING & DEVELOPMENT

Ordinance 79-O-08 Special Use for Dormitory – 1620 Central St. - Consideration of a Zoning Board of Appeals recommendation to approve the request from PACE for dormitory use at the 1620 Central Street building.

Alderman Wollin read the amendments that were added to Ordinance 79-O-08: Page 2, “recommendation of the ZBA and Planning and Development Committee as amended.” Page 3 (B) Pace Program, “From September to August of each year shall operate this building for young adults with multiple learning disabilities as well as related educational programming and administrative purposes. (C) Landscape plan, “Subject to review and approval by the Superintendent of Department of Parks & Forestry, with addition of all plants and greenery as pictured on the Landscape plan. (D) Landscape maintenance, “Subject to review and approval by the Superintendent of Parks & Forestry. Any plants that die will be replaced by the applicant at the earliest planting season.” Page 4, Section 5 “Should the applicant transfer or lease property to another educational entity, the new owner cannot use the property as a dormitory unless a special use is issued from the City Council.”

Alderman Rainey stated she would vote “no” to the introduction and “no” on approval when it comes to Council at the next meeting. Her reason is that the applicant refuses to consider any kind of contribution in lieu of taxes. Every time a property is taken off the tax rolls it affects people in her ward and all other wards and leads to a *lack* of diversity instead of diversity as they have stated.

Alderman Wollin requested that Ordinance 79-0-08 to be marked introduced.

#### **HUMAN SERVICES COMMITTEE**

Ordinance 43-O-08 – Proposed Budget & Appropriation Ordinance for Town Purposes for Fiscal Year Ending March 31, 2009 - Consideration of proposed Ordinance 43-O-08, Proposed Budget & Appropriation for Town Purposes for Year Ending March 31, 2009, introduced June 9, 2008.

Alderman Jean-Baptiste moved approval of Ordinance 43-O-08. Seconded by Alderman Bernstein.

Alderman Bernstein said, looking at Pages 10 & 11 of the Town Fund Budget, specifically the town fund assessors’ office, and after receiving communications from the Town Assessor, he moved to reduce the budget by \$12,950. This would adjust it from \$99,776 to \$86,826. He suggested that these changes be made in the budget. Also, Northwestern students are being paid to perform duties that the Town Assessor’s Office should be performing. As a result, he felt the budget should not be increased, but decreased. Alderman Holmes seconded the motion.

Roll call. Voting aye – Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay – none. Motion carried (8-0).

Alderman Rainey asked for and received a copy of the Township Audit ending 3/31/2007. Townships policy of transferring excess funds of various accounts into investment gaining purposes, and some times it does not occur. There was \$1,105,711 in one account, and \$ 227,540 in another account. She believed in reserves, but not when they are 100% of the budget. Before passing this budget, they should look at this audit. Alderman Rainey referred to Page 1 of 13, with a \$319,952.00 overage and stated they could not accept this budget, and still ask taxpayers to accept a levy of \$ 1,360,053.00 to cover those expenses when we already have over a million dollars to cover it. I believe we should cut the budget in half and give the tax payers a break.

Alderman Rainey said they should pass the budget and diminish the levy. She was not talking about reducing the workforce or cutting everything. They can’t keep bankrolling taxpayers’ money. Alderman Jean-Baptiste suggested that they pass the budget and wait until the end of the year to deal with the levy. He said to talk with the Township Supervisor get some justification and, if Council does not agree, then it can reduce the levy. He wanted to move ahead and pass budget with Alderman Bernstein’s amendment.

Alderman Jean-Baptiste moved approval of Ordinance 43-O-08 as amended. The motion was seconded.

Roll call. Voting aye – Bernstein, Holmes, Moran, Tisdahl, Hansen, Wollin, Jean-Baptiste. Voting nay – Rainey. Motion

carried (7-1).

### **CALL OF THE WARDS**

**4<sup>th</sup> Ward.** Alderman Bernstein walked through the Nichol's playground with 9-10 year olds playing basketball and they knocked his socks off. They are called "The Illinois Future" and they really *are* the future. They play in the Evanston AAU Basketball League and the confidence and dedication they exhibited was outstanding. Did anyone know anything about Evanston Hospital firing Northwestern or Northwestern Firing Evanston and the future of ENH? Alderman Tisdahl stated that Northwestern will no longer provide med students. She reported that Evanston Hospital is in exclusive negotiations with the University of Chicago.

Alderman Bernstein invited all to come to the 4<sup>th</sup> of July events and to march in the parade along with the Mayor and other City Council members.

**5<sup>th</sup> Ward.** Alderman Holmes – Invited the council to the Twiggs Park first concert Tuesday night at 7pm. Kate Witcome going away celebration at 5pm. Community farewell at Fleetwood-Jordan for Mamie Smith Saturday June 28. Congrats to the Mayor for her Honorary degree from Northwestern.

**7<sup>th</sup> Ward.** Alderman Tisdahl invited everyone to come to the 4<sup>th</sup> of July parade: she congratulated the Mayor. Wednesday, June 25 is the retirement party for Linda Lutz, from 1-3 p.m. at the Ecology Center.

**8<sup>th</sup> Ward.** Alderman Rainey asked all to come to the 3<sup>rd</sup> twilight concert at James Park, featuring Blues with a vocalist.

She attended the Howard Street Station Apartments ribbon-cutting ceremony. The apartment project is completed and the first residents will move in July 1, 2008.

Alderman Rainey urged people to visit the new train station (Howard Street), commenting "it's just fabulous."

**9<sup>th</sup> Ward.** Alderman Hansen thanked Stan Janusz for his service and also the staff present and absent.

Alderman Hansen made a reference to the Human Services Committee to make a policy regarding a lakefront incident where someone is in the water or along the lakefront when Evanston's beaches are closed.

She and Alderman Rainey will judge St. Francis's Talent contest on June 24, from 4-6:00 p.m. in the auditorium.

Mayor – Commented that Stan Janusz is now on staff with the Evanston Mortgage Corporation, and First Bank & Trust is also now part of the corporation.

**1<sup>st</sup> Ward.** Alderman Wollin hoped the staff does not feel they are not regarded fondly when Council members don't make all of their retirement functions. She will have a voter registration push and will be at the West End Market this Saturday, and every Saturday through November.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste made a reference to the P & D Committee to consider policy for approval of special usage for not-for-profit organizations. He asked if they should accept new or not because we like or dislike a project, we can't afford to lose any significant monies at this crucial time. We have to consider the foreclosure epidemic that is occurring in our town, because many of the elderly are losing their homes. When they receive the first court date and they do not show, the judges make a judgment against them the very same day. We should take the initiative get some type of information to the citizens of Evanston.

He responded to Mr. Vasilko's green sheet. There also should be a policy on police hire out. For whom, what type of event and state clearly who is held accountable for any liability. Old computers and printers what are we doing with them? Need to start round-table discussion on the budget. He encouraged people to march with a cause for the 4<sup>th</sup> of July.

At 11:20 p.m. Alderman Bernstein moved to convene into Executive Session to discuss matters related to personnel and litigation pursuant to 5 Illinois Compiled Statutes 120/2 ( c ) (1) and (11) as follows:

2. All meetings of public bodies shall be public meetings except for the following:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

(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.

Seconded by Alderman Jean-Baptiste.

Roll call. Voting aye – Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay – none.  
Motion carried. (8-0).

There being no further business to come before the Council, Mayor Morton asked for a motion to adjourn and the Council so moved at 11:25 p.m.

Rodney Greene,  
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.