

**CITY COUNCIL**

September 8, 2008

**ROLL CALL – PRESENT:**

	Alderman Tisdahl	Alderman Jean-Baptiste
	Alderman Rainey	Alderman Wynne
	Alderman Hansen	Alderman Holmes
A Quorum was present.	Alderman Wollin	Alderman Moran

**ABSENT:** Alderman Bernstein

**PRESIDING:** Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, September 8, 2008, at 8:50 p.m. in the Council Chamber.

**MAYORAL ANNOUNCEMENTS:**

Mayor Morton announced that through Carolyn Collopy, Sustainability Coordinator, the City of Evanston has received the 2008 Irwin A. Bock for Excellence in Public Administration - Community Environmental Stewardship Award. The Best Practices Committee of the Northwest Municipal Conference chose the award recipients.

Mayor Morton reported that many people in the community were aware of the passing of George J. Cyrus, Jr. She announced that his memorial service would be Saturday, September 13 at Trinity Lutheran Church, 3637 Golf Rd. Mayor Morton stated that Mr. Cyrus was an outstanding community contributor, having served on the board of many non-profit organizations. His life has been one of doing things for other people. On behalf of the City Council she expressed its sincere sympathy to his family. In lieu of flowers, Mr. Cyrus had asked that donations be sent to Y.O.U., Family Focus or Youth Job Center.

**CITY MANAGER ANNOUNCEMENTS:**

Interim City Manager Rolanda Russell announced that tonight was Assistant to the City Manager Gavin Morgan's last City Council meeting. He will go to Oak Park Township, where he will be a manager and his last day with the City is this Friday. She praised his devotion at every Council meeting and even in preparation for them. Mayor Morton called Gavin, "a man on the go," and said he will do exceptionally well in Oak Park.

**COMMUNICATIONS:** None

**CITIZEN COMMENT: AGENDA ITEMS**

Kathy Noone, 1318 Greenwood St., has lived here for 33 years and a teacher at Chiaravalle Montessori School for the same amount of time. She spoke about the opportunity to purchase 425 Dempster (where the school is located). She said there is a tendency to level buildings and mentioned attending high school in the Civic Center building when it was home to Marywood. She cited the love and energy that has gone into making the building a better place. Ownership of the building by Chiaravalle would be a wonderful gift and allow the legacy to carry forward.

Scott Gwilliam, 1314 Hinman Ave., has lived in Evanston for 12 years and is chair of Chiaravalle's school board. He pointed out that has been here for 40 years and in the 425 Dempster St. building for the last 20 years. About two-thirds of the school's population are pre-school children. The board believes it is critical that Chiaravalle remain in that neighborhood. He noted that the parcel has had a school in it since 1857, with the school building having been built in 1897 and is a historically significant Burnham (Daniel) building. The facility consists of two pieces: the historic Burnham part and the annex. About 12 years ago, the historic part had fallen into disrepair and a lot of capital was needed to fix it. The parent community raised about \$500,000 then and a total of \$3.5 million has been spent renovating the Burnham part of the building. He stated that the annex part is now in a condition where it, too, will require a lot of capital for repairs.

Before they commit to raising those kinds of funds, the parent community wants to know that Chiaravalle will be a permanent part of the community. The group is excited about the opportunity to purchase the property. They support that neighborhood and they support the City and hope to be a part of its future.

**CITIZEN COMMENT: NON-AGENDA TOPICS**

Daniel Kelch, 804 Davis St., spoke on behalf of EVMark, which has become a full-time organization this year. He said that the former part-time Executive Director Diane Williams has moved on and her replacement as a full-time executive director is Carolyn Dellutri. She has worked with the Lake County Convention & Tourism Bureau and was executive director of the downtown Libertyville Main Street Program. He stated her most recent position was Coordinator of Downtown Development for the City of Geneva, Ill., with responsibilities very similar to what she'll do in Evanston.

Carolyn Dellutri, 1560 Sherman Ave., stated she was excited to be working for downtown Evanston, had met several of the City's key staff already and looked forward to meeting everyone on the Council individually. She reported that EVMark was ramping up to attend the International Council of Shopping Centers' Deal-Making Session at the end of October. She reported that postcards and downtown Evanston map directories had been left out for people to take.

Junad Rizki, 2767 Ridge Ave., wanted to address the local employment program that was discussed at last week's Special City Council meeting. It appeared to him that this program would be a waste of taxpayers' money with no real return. Staff had claimed in its memo that there was a 455% return on investment (ROI) of the \$500,000 spent on the program. To him it looked like a negative return because the money went back to people in town, which is not a return to the City of its investment. He mentioned that Alderman Rainey had brought up a good point that in the real world, the 5% hours deal did not make sense. No contractor bids work like that, they don't give you hours. He noted that the City has a minority contractor program and in some of the bids, bidders have been disqualified because they didn't meet the criteria. He thought that program has wasted a lot of taxpayer money and that some senior staff that deals with bids would agree. Upon examination of the capital budget, the City doesn't have money to fix anything it appeared to him.

He stated that his wife had walked over to Lighthouse Beach and saw that fences had been put up. Access has been blocked and he didn't know how anyone could get down to the lake if an emergency came up.

Parks/Forestry & Recreation Director Doug Gaynor reported that the whole area had been fenced off and would remain so until about mid-May 2009. This was done to facilitate the construction project for the ADA ramp. There is access to go through the dunes out to the lake. Alderman Tisdahl asked if a sign could be put up with that information. Mr. Gaynor said that would be done.

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

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Contract for Architectural Consulting Services for Animal Shelter Addition Project; Civic Center Roof Replacement Project; Ordinance 96-O-08 - Authorize City Manager to Execute Contract for Sale of 709 Chicago Ave.; Ordinance 97-O-08 – Amend Section of City Code to Decrease Number of Days a Non-Aldermanic Compensation Committee Shall Submit Report/Recommendation to City Council; Subdivision for Property at 604 Judson Ave.; Ordinance 99-O-08 – Special Use for Convenience Store at 2536 Ewing Ave.; Ordinance 95-O-08 – Major Variation for Front Yard Parking at 1317 Livingston St.; and Approve Community Housing Development Organization. Seconded by Alderman Holmes.

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

**ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Regular City Council Meeting of August 11, 2008 *as amended*. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, City of Evanston payroll for the periods August 17, 2008 and August 31, 2008, and City of Evanston bills through September 9, 2008, as authorized and charged to the proper accounts:

City of Evanston payroll (through 08/17/08)	\$2,601,379.17
City of Evanston payroll (through 08/31/08)	\$2,302,977.72
City of Evanston bills (through 09/09/08)	\$4,636,378.69 ( <i>amended</i> )

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

\* Recommend approval of the lowest responsive and responsible bid (09-28) from Clauss Brothers, Inc. (360 W. Schaumburg Rd., Streamwood) for the Foster Field renovations project in the amount of \$1,056,027. Funded by the Capital Improvement Plan, Open Space Land Acquisition Development (OSLAD) Grant, Department of Commerce and Economic Opportunity (DECA) Grant and Community Development Block Grant (CDBG). \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Consideration of the lowest responsive and responsible bid (09-29) from DTS Enterprises, Inc. (310 Thackery Ln., Northfield) for the Fleetwood-Jourdain kitchen renovation project in the amount of \$84,840. Funded by the (CDBG). \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval of the lowest responsive and responsible bid (09-35) from EnPointe Technology Sales, Inc. (18701 S. Figueroa St., Gardena, CA) for the purchase of CISCO hardware, software and maintenance in the amount of \$43,193.25. Funded by the CIP Network Technology account. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval of the lowest responsive and responsive bid (09-33) for a contract with CTR Systems, Inc. (4350 DiPaolo Center, Glenview) for the 2008 CIPP spot line sewer rehabilitation contract in the amount of \$55,600. Funded by Sewer Fund. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval of the lowest responsive and responsible bid (09-42) from Morton Salt (123 N. Wacker Dr., Chicago) for the purchase of up to 6,660 tons of rock salt in an amount not to exceed \$695,304. Funded by the General Fund. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval to purchase two (2) 2009 International 7400 tandem-axle dump trucks with 10-foot plows for the Public Works Department through State of Illinois Contract #401548 from Prairie/Archway International Trucks (401 S. Dirksen Pkwy., Springfield) in the amount of \$244,785; two (2) 2009 Ford E-150 cargo vans, with one assigned to the Library and one to Parking Services through State Bid Contract #401500 from Landmark Ford (2401 Prairie Crossing, Springfield) in the amount of \$32,292. Funded by the Fleet Capital Outlay Budget for Automotive Equipment Purchases. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Recommend approval of the final Change Order (#6) for the Basis S82B Contract 1 Relief Sewer Project with Jay Dee Contractors, Inc. (3881 Schoolcraft Rd., Livonia, MI). This will decrease the contract amount by \$14,575.11 from \$10,106,301.55 to \$10,091,726.44 and grant a 155-day extension to the contract period. Approximately 96% of the project's costs are funded by an IEPA loan; the remaining portion is funded by the by Sewer Reserve Fund. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Resolution 51-R-08 – Participation in the Cook County Interoperable Communications System – Consideration of proposed Resolution 51-R-08, which authorizes acceptance of the donation of equipment and software from Cook County in order to participate in the Cook County Interoperable Communications System. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Resolution 52-R-08 – Assumes Responsibility for the Temporary Closing of Sheridan Road for the

Annual Northwestern University Homecoming Parade – Consideration of proposed Resolution 52-R-08, by which the City accepts liability for the temporary closure of Sheridan Road for the Annual Northwestern University Homecoming Parade, October 17, 2008. All City expenses will be paid by the university (approximate costs for City services is \$6,000). Majority of those costs will be incurred by Police Traffic Control. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Ordinance 100-O-08 – Amends a Section of Taxi Cabs – Vehicles for Hire – Consideration of proposed Ordinance 100-O-08, which amends Section 3-19-7(C)(b) of the City Code to change it from Chicago Chauffeur’s License to Evanston Chauffeur’s License. \* MARKED INTRODUCED-CONSENT AGENDA

\* Ordinance 94-O-08 Increase in the Number of Class C Liquor Licenses – Consideration of proposed Ordinance 94-O-08, introduced August 11, 2008, which amends Section 3-5-6(C) of the City Code to increase the number of Class C liquor licenses from 23 to 24 due to the opening of Jamaica Jamaica LLC dba Jamaica Jamaica (1512 Sherman Ave.). \* ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (8-0)

\* Ordinance 76-O-08 – Authorizes the City Manager to Negotiate the Sale of 425 Dempster St. and Authorizes the Publication of a Notice of Intent to Sell Certain Real Estate (Chiaravalle Montessori School) – Consideration of proposed Ordinance 76-O-08, introduced August 11, 2008, which authorizes the City Manager to negotiate the sale of 425 Dempster St. and provide for a publication notice for a public hearing and other procedures in connection therewith. \* ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (8-0)

#### **PLANNING & DEVELOPMENT:**

\* Ordinance 98-O-08 – Request to Amend Conditions on a Special Use with Related Major Variations at 430 Asbury Avenue (“Farmer’s Best Market”) – Consideration of a request by Farmer’s Best Market, lessee, for relief from certain conditions imposed by the terms of Ordinances 43-O-99 and 143-O-99 for a Special Use and related Major Variations for the purpose of operating a drive-through facility at 430 Asbury Avenue in order to allow for the economically-contributing renovation of and operation of a commercial grocery within the currently vacant retail store on the subject property. \* MARKED INTRODUCED-CONSENT AGENDA

Alderman Hansen moved to Suspend the Rules in order to adopt an ordinance at the same meeting at which it was introduced. The motion was seconded by Alderman Rainey. Voice vote, motion carried unanimously.

Alderman Hansen moved approval of Ordinance 98-O-08. Seconded by Alderman Wynne.

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

#### **APPOINTMENTS:**

Mayor Morton asked for appointment confirmation of the following:

Jay Lytle, 1 <sup>st</sup> Ward 820 Church St. For term ending September 15, 2011	Citizens Police Advisory Committee
Michael Johnson, 5 <sup>th</sup> Ward 1907 Foster St. For term ending September 15, 2010	Citizens Police Advisory Committee
Robert R. Egan, 6 <sup>th</sup> Ward 3032 Hartzell St.	Citizens Police Advisory Committee

For term ending September 15, 2011

Sandra Hill, 7<sup>th</sup> Ward  
4 Martha Ln.

Citizens Police Advisory Committee

For term ending September 15, 2010

Karen L. Johnson, 8<sup>th</sup> Ward  
1116 Austin St.

Citizens Police Advisory Committee

For term ending September 15, 2011

Harriet Sallach, 9<sup>th</sup> Ward  
802 South Blvd.

Citizens Police Advisory Committee

For term ending September 15, 2010

\* APPROVED-CONSENT AGENDA

Mayor Morton asked for reappointment confirmation of the following:

Penny Rotheiser  
1717 Dobson St.  
For term ending September 15, 2011

Arts Council

Lynette Murphy  
1420 Ridge Ave.  
For term ending September 15, 2011

Library Board

\* APPROVED-CONSENT AGENDA

Mayor Morton asked for appointment introduction and confirmation of the following:

Andrea Lucia Nyman  
1418 Noyes St.  
For term ending September 15, 2011

Arts Council

Gemariah Borough  
550 Custer Ave.  
For term ending September 15, 2012

Environment Board

Richard M. Kuntz  
515 Main St.  
For term ending September 15, 2012

Environment Board

Edward McCall  
914 Michigan Ave.  
For term ending September 15, 2012

Environment Board

Tracy Hubbard  
1700 Oakton St.  
For term ending September 15, 2011

Ladd Arboretum Committee

James LaRochelle  
2104 Grant St.  
For term ending September 15, 2011

Ladd Arboretum Committee

Gail Bush 1415 Wesley Ave. For term ending September 15, 2011	Library Board
Geoffrey Cochran 1111 Washington St. For term ending September 15, 2012	Mental Health Board
Barbara Levin 2726 Central St. For term ending September 15, 2012	Mental Health Board
Daniel Rosen 1817 Crain St. For term ending September 15, 2012	Mental Health Board
Eugene M. Schiltz 2009 Harrison St. For term ending September 15, 2012	Mental Health Board
Randall T. Mayne 321 Lake St. For term ending September 15, 2013	Playground & Recreation Board
Kris Hartzell 1108 Grant St. For term ending September 15, 2011	Preservation Commission
Dian Keehan 3115 Thayer St. For term ending September 15, 2011	Preservation Commission
Anne McGuire 2206 Forestview Rd. For term ending September 15, 2011	Preservation Commission

There are no terms for the following appointments:

Marian Kurz 1300 Central St.	Compensation Committee
John Leineweber 830 Madison St.	Compensation Committee
Margaret Walker 1511 Church St.	Compensation Committee
Dan Wefler 6 Milburn Park	Compensation Committee
Vickie Weigel 1124 Sheridan Rd.	Compensation Committee

\* APPROVED-CONSENT AGENDA

## REPORT OF THE STANDING COMMITTEES

### ADMINISTRATION & PUBLIC WORKS:

Recommend approval of a contract with Elliot Dudnik & Associates Inc. (913 Wesley Ave., Evanston) for the provision of architectural consulting services for the Evanston Animal Shelter addition project in the amount of \$117,000. Funded by CIP funds and Community Animal Rescue Efforts (C.A.R.E.).

Alderman Hansen moved approval of this item. Seconded by Alderman Holmes.

Alderman Moran had concerns about the recommendation of Dudnik & Associates for this project. He noted that another bidder (A Architects) received a higher ranking for "Qualifications & Expertise" than the recommended firm. In addition, the bid from A Architects was \$77,700 and Dudnik's bid was \$117,000, which is 50% higher. Between those two criteria, it struck him that the recommendation was for the wrong firm.

Doug Gaynor pointed out that this was not a bid, it was an RFP, so the bid (dollar amount) is not one of the primary factors that is considered. He noted that the "Proposed Project Schedule" and "Contract Management" were both factors in the RFP where Dudnik scored higher than A Architects.

Mayor Morton asked how much of this project would be at the cost of taxpayers. Mr. Gaynor reported that this is a 50/50 project. A few years ago Council authorized the City to work with C.A.R.E. to expand the facility. The City will put up \$475,000 and C.A.R.E. will put up \$500,000 and, should the need arise, the City would add an additional \$25,000. He added that C.A.R.E. has \$300,000 in an escrow account per the Construction Agreement.

Alderman Moran clarified that they are voting that evening to award a contract for a specific dollar amount.

Alderman Rainey stated that she wants the architect who can deliver the best product. She said that they all know Elliot Dudnik and in the A&PW meeting went along with staff's recommendation. She agreed that Alderman Moran could have a point as the other bid is for less money. However, on the other side of that she noted, by hiring Dudnik it is an Evanston firm, which is an important issue to consider. Alderman Rainey asked to hear staff's analysis of Dudnik's qualifications vs. A Architects. It could be that they have done an animal shelter. She pointed out that when the animal shelter was built, huge mistakes were made in the design and construction of that building. Mr. Gaynor did not have that data with him and asked if they wanted to hold this item for the next meeting? Alderman Rainey said no and reiterated that volunteers from C.A.R.E. had raised \$500,000 in capital funds. Mr. Gaynor pointed out that representatives from C.A.R.E. had been involved in the selection of the architect. Alderman Rainey stated that surely someone was present who was part of that vetting process. She addressed the Interim City Manager and said when there are \$1 million issues like this, it was imperative that a key staff person be present to interact with the Council. Ms. Russell responded that if they would hold it that evening, Dave Cook, who was part of the selection team, would come to talk with Council.

Continuation of discussion on the Evanston Animal Shelter addition project. Alderman Rainey summed up for Mr. Cook that Alderman Moran had an issue with the architect's selection, which created some interesting concerns. She noted that the architect selected had a lower "Qualifications & Expertise" rating than A Architects and they wanted to know about the discussion among the selection team regarding that difference. Facilities Management Superintendent David Cook stated that A Architects has done several animal shelters for private firms, but had not had much municipal experience. The team was not comfortable with A Architects experience with the municipal process. He explained that they seemed to be flustered with the amount of approvals that would be required from various entities (EPD, C.A.R.E.) within the City. Alderman Rainey reiterated that when the animal shelter was first built, there had been complaints and it made sense to go with an architect who had done that specific work. Mr. Cook pointed out that Dudnik had also done animal shelters.

Alderman Holmes said when this was discussed in A&PW, at the end of the meeting she complimented staff about the rating system. She noted that the committee had reviewed the rating system's points, which was a good system. If you look at the grid and add the points across, the firm with the highest total points received staff's recommendation. Alderman Holmes added that Council doesn't see the proposals, but staff does and that is why Council should be

accepting of that rather than always looking at the dollar figure. She thought that is what they pay staff for.

Alderman Jean-Baptiste remarked to Alderman Holmes that the dollar figure is taken into account. If there are unpredictable reimbursable expenses from A Architects, what is that? Mr. Cook commented that was another thing that made them uncomfortable with that bid. Additionally, the bid did not include a Civil Engineer, which is part of the job. It will be tight to configure parking and space for a dog run and a Civil Engineer is needed to deal with those kinds of issues. Alderman Jean-Baptiste noted that Dudnik & Associates is an Evanston-based business, came in familiar with the process, scored the highest among the competitors and submitted a complete proposal. He also indicated that A Architects did not show a willingness to meet the kind of timetable that is required for this project. Alderman Jean-Baptiste was satisfied with the proposal.

Alderman Moran did not understand the fascination with the schedule—did this bidder want a week more or a month more? He noted as Alderman Rainey had said, a mistake in design and execution lasts forever. A week is nothing. A month is nothing. Alderman Moran reiterated that with a 19-point ranking, A Architects, has the best “Qualifications & Expertise.” Of all of these criteria, what are they supposed to rely on the most? How can they say that contract schedule and contract management aces out qualifications and expertise was beyond him—didn’t understand.

Alderman Wynne stated that staff has put together a matrix that includes the things that they recognize are necessary to award a proper bid. In her opinion, the most important on a construction site is the project manager. If you have a lousy project manager, you’re going to have a lousy project. So the fact that Elliot Dudnik scored 17.6 points (higher on contract management) outweighs the fact that they built two or three fewer animal shelters. She also pointed out the fact that a Civil Engineer was not included by A Architects, when it’s known that this is a tricky site, demonstrates that they don’t understand what we are trying to do. She did not want to second-guess the staff on the matrix and would rely on their score.

Alderman Rainey was more comfortable now, knowing that Dudnik has done animal shelters. She questioned Mr. Cook again on the Civil Engineer issue. Dave Cook responded that A Architects had no Civil Engineer on its team. Alderman Moran stated that the bid had “add \$20,000 for Civil Engineering.” Mr. Gaynor noted that A Architect’s note about adding Civil Engineering was possibly a reflection on grabbing a number out of the air. The completeness of the (bid) submittal is very important because one of the last things they want to do is come back with change orders.

Alderman Wollin called the question. The motion was seconded.

Roll call. Voting aye – Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Holmes. Voting nay – Moran. Motion carried (7-1).

Recommendation by the Civic Center Committee for the City Council to direct staff to proceed with the preparation and issuance of an RFQ/P to solicit proposals for architectural and engineering services and construction contracts for the replacement of the existing slate shingles, low-slope roof membrane, gutters, railings and flashing on the Civic Center. Funded by the Capital Improvement Program.

Alderman Hansen moved approval of this item. Seconded by Alderman Rainey.

Alderman Moran reported that the estimates they have received on this project range from \$2,350,000 to \$2,700,000. At the most recent Civic Center Committee meeting they were told the various programs suggested run close to \$10 million and could take between two and five years to implement. He noted that the same memo commented that it was conceivable that within five to seven years, the City would have disposed of this property (Civic Center). Alderman Moran reminded everyone that they have a standing resolution to seek a new site for a new Civic Center. He stated that this recommendation (to repair the roof) began when there was the suggestion that there were workers in the Civic Center who perhaps would be at-risk and they needed to do maintenance to prevent that. At the same meeting, staff said that upon further review they did not believe anyone was at-risk. He said these proposed repairs did not make sense. It would be different if the City had decided it would remain in the building or if they had a buyer who would not tear it down. He didn’t know why they would potentially spend nearly \$3 million when they could not predict the building’s future.



Alderman Tisdahl agreed with Alderman Moran's concern about money. In the five years that she has been on this Council, she has attended Civic Center meetings and they have always tried to do the right thing for taxpayers and the staff who work here. While they want to move or to build a new building, the City cannot afford to do that. In the meantime, there is a building where people have been working in conditions in which the building would be closed down if anyone other than the City owned it. They are asking people to work with a roof that leaks and it needs tuck-pointing as there is wind, rain and snow that comes through. These are not conditions that Council would want to work in. She thought that rather than be here five years from now deciding that maybe they need to do something about the roof, that everyone (on the Civic Center Committee) made a reasoned and painful decision to spend the money now. They need to have a roof that doesn't leak over the heads of the City staff.

Alderman Moran commented that although they have gotten some suggestions that there is moisture in the far reaches of this building, he had not heard that any worker has been getting rained on, snowed on, or is subject to a harsh wind. This is too much money for too little to get. He acknowledged that the Civic Center could be in a lot better shape and was one of the reasons by they are looking for a better site to be the nerve center for the City. To spend this kind of money on a fix-up thing, where it's not really impacting anyone's work environment, is profligate.

Alderman Tisdahl remarked that they obviously have not spoken with the same City staff because she has heard that it is impacting work environments.

Alderman Holmes thought that they need to move ahead with this and have talked about it too long. She has been on the Council for only three years and doesn't know what will happen five years down the line. She speculated that there would be more deterioration and the longer they let it sit, the worse it will get. She felt that they owed it to the citizens and staff of Evanston to get this done.

She called the question. The motion was seconded.

Roll call. Voting aye – Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Holmes. Voting nay – Moran. Motion carried (7-1).

Alderman Rainey wanted to know when they would put this out to bid. She wants them to get the RFQ/P out so that they can get the bids back and start considering the various options. She clarified that that evening Council is not approving fixing the roof, it is approving the issue of bids to get the roof fixed.

Doug Gaynor said that beginning the next day, they would prepare the RFQ/P. He said they will develop both the Request for Qualifications and Request for Proposal and get those out as soon as possible.

Ordinance 96-O-08 – Authorizes the City Manager to Execute a Contract for the Sale of City-Owned Property on the 700 Block of Chicago Avenue to Devco LLC - Consideration of proposed Ordinance 96-O-08, introduced August 11, 2008, which authorizes the sale of City-owned property in the 700 block of Chicago Avenue to Evanston Devco (AMLI Development) for \$900,000. The parcel will be consolidated with two private parcels to the north for a private mixed-use redevelopment project.

Alderman Hansen moved to amend Ordinance 96-O-08.

Kenneth Cox of the Law Department stated that at the A&PW meeting last month, Alderman Rainey requested that new language be inserted into the sales contract. The change would indicate that, if the developer were either unable or for whatever reason failed to build the proposed planned development, the City have the option to reclaim the property. He reported that the language they see is based upon the contract that the City had regarding 1817 Church Street. In that case, the City sold property to a private party for \$1.00. If the purchaser did not follow through with their plans, the City could then reclaim. The Law Department took that language and modified it for this particular project.

After sending a draft to the developer, they stated they had concerns and reservations about the revisions. The substantive differences are in Sections 3, 3(a), 3(c) and 5 of Exhibit D. In the original contract, under Section 5, there were covenants that each party would have on what to provide to the other. There were no covenants from the purchaser. City staff

proposed that the purchaser provide to the City a Quit Claim Deed that could be executed if the purchaser failed to build the planned development.

The substantive changes are in Exhibit D. In the developer's counter offer in Section 3 reads, "three (3) years to substantially commence construction." In Section 3(a) their language reads, "Seller may exercise its right of reverter by a majority vote of the Aldermen of Seller's City Council in a meeting held after at least ten (10) days prior notice to Purchaser..." In Section 3(c) their language reads, "...exercise this right of reverter by recording said deed by the four (4) year anniversary of the Deed Date, then all of Seller's rights under this Exhibit D shall expire."

Alderman Wynne had a question about the language in "Section 3 Purchaser shall substantially commence construction of the Approved Development..." She pointed out that the City has had someone substantially commence development once before and stop. She wanted stronger language, such as "commence and continue construction."

Mr. Cox said that City staff has no objections to the Council's wishes on these matters and they have the authority to pass language. If at any point the developer's (legal) representation would like to issue their comments, these questions should be asked of them.

Ivan Kane, an attorney with the Mayer Brown firm which represents Evanston Devco, stated reason that they proposed a different approach is the circumstances here are a bit unique. In this case, it is an assemblage of three different properties. Their concern is that it is hard to divide the parcels. Both the developer and their financial partner were concerned about an open-ended ability of the City to reclaim a third of the property for a portion of the land price even after it's built.

Alderman Wynne asked Mr. Kane if he had any objections to the language, "substantially commence and continue." Mr. Cox suggested "diligently pursue." Alderman Wynne found that acceptable and thought it was clearer than "continue."

Alderman Rainey questioned the allowance of the developer to sell the property before he or she begins construction as long as the sale of the property results in the construction of a similar project. She stated that to her, that's called "flipping" and she doesn't care to sell a property owned by the City of Evanston to a developer to then resell it. Alderman Rainey would like to see that provision struck.

Mr. Cox pointed out that the language Alderman Rainey objected to is no longer in the version that was presented by the developer's counsel.

Alderman Wynne agreed with Alderman Rainey this PUD is different because the City owns one of the parcels. Mr. Cox clarified that there are two versions of the amendments to Ordinance 96-O-08 for consideration by Council—the version that Mr. Cox wrote and the one written by Mr. Kane. At this point, neither of them has been incorporated into the ordinance nor read into the record.

Alderman Hansen moved that Ordinance 96-O-08 be held in committee. Seconded by Alderman Jean-Baptiste.

Ordinance 97-O-08 – Amends Various Sections of the City Code to Decrease the Number of Days a Non-Aldermanic Compensation Committee Shall Submit a Report/Recommendation to the City Council Prior to the Next Municipal Election – Consideration of proposed Ordinance 97-O-08, introduced August 11, 2008, which amends Sections 1-5-9(b), 1-6-10(b), 1-7-5(b) of the City Code to allow additional time for a compensation committee to perform a compensation study of all elected officials and prepare a report with recommendations prior to the next regularly scheduled municipal election.

Alderman Hansen moved approval of Ordinance 97-O-08. Seconded by Alderman Rainey.

Alderman Moran previously he had objected to doing this because he didn't think they should talk about raises when the City is in the financial condition it's in. Mayor Morton noted that this does not necessarily mean raises. They didn't have raises with the last Council. She had met with the person who accepted the chairmanship of the Compensation Committee, which can make any recommendation they wish. However, Mayor Morton stated, it is up to the Council to decide on what the compensation will be for the next Council. By law, a Compensation Committee must bring in a

recommendation.

Roll call. Voting aye – Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Holmes. Voting nay – Moran. Motion carried (7-1).

### **PLANNING & DEVELOPMENT:**

Motion for Approval of Subdivision Plat for the Property Located at 604 Judson Ave. – Consideration of a request to subdivide a single lot into two lots for the purpose of constructing two single-family dwellings.

Alderman Wollin reported that this item was withdrawn by the applicant and will be back at the next meeting.

Ordinance 99-O-08 – Special Use for a Convenience Store – 2536 Ewing Ave. – Consideration of the Zoning Board of Appeals recommendation for approval of a Special Use for a 7-Eleven Store.

Alderman Wollin asked that Ordinance 99-O-08 be marked introduced and referred back to the committee. Seconded by Alderman Moran.

Ordinance 95-O-08 – Major Variation to Allow Open Parking in Front Yard – 1317 Livingston St. – Consideration of a recommendation from the Site Plan & Appearance Review Committee, introduced August 11, 2008, to approve a major variation to allow open parking in the front yard of 1317 Livingston.

Alderman Wollin moved approval of Ordinance 95-O-08. Seconded by Alderman Holmes. Alderman Tisdahl recused herself from this item because it is her daughter.

Roll call. Voting aye – Tisdahl (recused), Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Holmes, Moran. Voting nay – none. Motion carried (6-0-1).

Motion for Approval of a Community Housing Development Organization – Consideration of an application by the Evanston Community Development Agency (ECDA) to become a City-Designated Community Housing Development Organization.

Alderman Wollin moved approval of this item. Seconded by Alderman Moran.

Alderman Rainey opposed making this organization a CHDO at this time because she did not think they are ready. She thought this because of experiences in her ward with this group. In September 2005, \$360,000 in HOME funds was given to this organization to renovate and convert a six-flat at 736-738 Dobson St. At present, only three units (heavily subsidized) are occupied. In today's real estate market, Alderman Rainey thought the City needed to use its money to help people stay in their homes and not putting them in harms way by placing them in condos they cannot afford.

Voice vote. Motion carried.

### **CALL OF THE WARDS**

**7<sup>th</sup> Ward.** Alderman Tisdahl would like to extend her sympathies to George Cyrus's family. He was a wonderful man who did a great deal for all of us.

**8<sup>th</sup> Ward.** Alderman Rainey felt the same way about George and was shocked about this loss.

She wanted to report to the City of Evanston that given recent discussions about amending the gun ban ordinance, based on the Supreme Court ruling, one of the things they have decided to do is to send to the Zoning Committee of the Plan Commission a request that they outlaw the retail sale of guns and ammunition. This would be a discussion item at the next meeting of the Zoning Committee of the Plan Commission, Wednesday, September 10, at 6:00 p.m. If you support the gun ban, please come to the meeting.

Alderman Rainey attended two great block parties this past weekend. One was behind St. Francis Court Condominiums at Ridge and Hull and it was the first time in their history that these folks had a block party. The Dobson-Brummel-Barton Block had a party also and she thanked them for inviting her.

Alderman Rainey reported that the Mayor, herself and several others had attended the grand opening of the Howard Street Station Apartments, 17 units in the luxury apartment building at 415 Howard Street.

**9<sup>th</sup> Ward.** Alderman Hansen noted that schools have been in session for a week now and she wanted to remind everyone to obey the speed zones around the schools.

She wanted to thank Gavin Morgan. She was very green when she came here a little over three years ago and he was one of the people who helped her navigate through City staff and departments. She was sorry he was leaving, but knew he would be fantastic in Oak Park Township. She wished him good luck.

**1<sup>st</sup> Ward.** Alderman Wollin commented that she spent a short time at the opening of Howard Street Station, which is now called Skyline Evanston. She said it is a beautiful building.

The other thing about school starting was that she was getting calls and emails about confrontations between bicycle riders and cars; pedestrians complain about both of them. Alderman Wollin reminded everyone to watch the Rules of the Road and watch out for pedestrians. She noted that there are signs up about not riding bikes on the sidewalks in downtown, but they haven't been very successful in getting compliance with those rules.

She thanked Gavin, too. She appreciated all of the work he has done in tracking down information.

Alderman Wollin agreed the sadness at the loss of George Cyrus has touched the entire community. He was a gentleman. He was generous with his time and resources and will be deeply missed. She sent her sympathies to his family.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste joined the rest of Council in expressing his condolences to the family of George Cyrus. He would send emails on important issues that were thought-provoking.

He told Gavin that his tenure at the City has been like an additional graduate degree and wished him well.

Alderman Jean-Baptiste said that on the first day of school, as part of the Evanston You Initiative's work, another Million Fathers March was launched. This was a call for fathers to be involved in the lives of their children and to take their kids to school on the first day. Some packages were given out that had a lot of resources—information about tutoring, mentoring and other materials so parents can help their children do better. Parents need to be engaged and guide their children or else their children will find other guides that are not necessarily positive.

He reminded everyone that the deadline for CDBG applications would be this Friday (September 12, 2008). This is an opportunity to access some funding for projects that may help communities in a positive way.

**3<sup>rd</sup> Ward.** Alderman Wynne also sent her condolences to George Cyrus family. He was one of those wonderful community members who was always there and frequently sent his thoughts on a variety of issues that Council faced.

She wished Gavin good luck with his new position and thanked him for his hard work here.

**5<sup>th</sup> Ward.** Alderman Holmes sent her sympathies to the Cyrus family. She worked with George on many committees over the years. He was so supportive when she was director of Family Focus and currently had been chair of its board of

directors. She called him “a sweet soul,” who would be missed.

She thanked Gavin for all of his help, especially when she first became an alderman.

Alderman Holmes mentioned the EYI event on the first day of school and commended Rolanda Russell for sending an email to City staff encouraging them to go to school with their children. She appreciated that and thought that the City should take a lead in that kind of role. She noted that a lot of women were handing out material along with the fathers.

She announced that this Friday a historical event would take place—ETHS will have its first night football game. Everyone is very excited about it and have arranged for security, litter control and other needs. She reported the field has been renovated with new turf and a new scoreboard, which have been paid in part by a \$200,000 grant from the NFL.

**6<sup>th</sup> Ward.** Alderman Moran said that on this evening’s agenda, there was a subdivision proposal. He noted that the City still does not have a subdivision ordinance. He made a reference to the Community Development Department to prepare for Council’s consideration a lot subdivision ordinance.

He thanked Gavin for all of his work and wished him the best of luck.

Alderman Moran stated that George Cyrus had been a great friend of his. He pointed out that the City is suffering because of his loss. He was suffering big time as an individual because he has now lost two of his best friends in a very short period of time—Dennis Drummer and George Cyrus. He and George had many conversations about what makes up a good city, what makes up a good business environment and what makes a good weekend. George could talk theory, he was intelligent, shrewd and had a generous heart and soul. Alderman Moran recalled how they had trained together for marathons. He marveled at how he had become friends with these two outstanding people because he lived in Evanston. He felt lucky to have known them and offered his condolences to the Cyrus family.

At 11:01 p.m. Alderman Wynne 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 Rainey.

Roll call. Voting aye –Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Holmes, Moran. 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 12:15 a.m.

Mayre Press,  
Deputy 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.