

**CITY COUNCIL**

February 9, 2009

**ROLL CALL – PRESENT:**

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

**PRESIDING:**

Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, February 9, 2009, at 9:05 p.m. in the Council Chamber.

**MAYORAL ANNOUNCEMENTS:** None

**CITY MANAGER ANNOUNCEMENTS:** None

**COMMUNICATIONS - CITY CLERK:** None

**Ridge Avenue Construction Award**

Mayor Morton read the inscription on the plaque, which was given by the Suburban Branch of the Chicago Metro Chapter of the American Public Works Association (APWA). The award category is for “Transportation - \$5 million, but less than \$25 million” and recognizes excellence in completing Public Works projects. The Mayor called some of the project team to step up for recognition: Tom Twigg, Senior Traffic Engineer; Dave Stoneback, Superintendent Water & Sewer; Sat Nagar, Senior Traffic Engineer; and Jim Ewers, Project Manager with Civiltech Engineering (on-site consultants) for the Ridge Avenue Improvement Project.

Alderman Rainey announced that Benchmark Construction Company Inc., the firm that constructed the project, had also supported the Bike the Ridge special event. Benchmark loaned the barriers and the labor to place them for free. She encouraged everyone to thank them for their generosity.

**Paint Evanston’s Plows Project  
American Public Works Association (APWA)  
Service Improvement Award**

Mayor Morton announced that the City of Evanston also received the Project of the Year Award for its Paint Evanston’s Plows Project. The APWA gave this award in the Service Improvement category. Last fall, the City held its third annual **P**ainting **E**vanston’s **P**lows (PEP) program with the theme of “Tap Water, Good for You, Good for the Environment.” Seven schools participated this year. Special thanks goes to Suzette Eggleston, Superintendent Streets & Sanitation; Melissa Kreke, Business Office Coordinator; Don Cornelius and Glenn Crabtree, Public Works Supervisors and all other employees of the City’s Streets & Sanitation Division. Additionally, thanks to the children and teachers of Evanston area schools for supporting this program with their fabulous works of art.

**2016 Olympics Presentation**

Operations Director Doug Gaynor is the City’s staff liaison to the acting 2016 Olympic Games bid committee and he introduced John Landis, a City of Chicago bid team member. In April 2009, a small team from the International Olympic Committee (IOC) will visit Chicago (and perhaps Evanston) Mr. Landis reported. He pointed out that October 2, 2009 is the day the IOC will announce its host city for the 2016 Olympic Games. He drew Council’s attention to the Governmental Cooperation Agreement that was before them that evening. The agreement addresses questions from the IOC about which public authorities will be involved in hosting the games and what roles those public authorities will have, especially in the areas of public safety, transportation and Olympic brand protection.

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Mr. Landis reported that the bid team thought the City of Evanston would make an excellent host for the Modern Men's and Women's Pentathlon. He explained that the Pentathlon is a series of five events: horseback riding, running, fencing, shooting (air pistols) and swimming. The events are proposed to be held in Evanston at Northwestern University facilities, including Norris Aquatics Center (swimming), Ryan Field (equestrian, running, & shooting), and Welsh-Ryan Arena (fencing). Mr. Landis encouraged Council to approve entering into the Governmental Cooperation Agreement.

Mayor Morton asked what would be the span of time that the Olympics would use Evanston. Mr. Landis responded that the 2016 Summer Games would be from July 22 to August 8, 2016. He believed that the work on the temporary facilities at Northwestern University would begin nine weeks in advance of the Games (April/May 2016).

The Mayor asked how the Games would utilize all that Evanston has to offer. Gyata Kimmons, Community Relations Director, Chicago 2016 Olympic Bid Exploratory Committee, first informed everyone that he had attended ETHS and was still an Evanston resident. He was excited about the possibility of bringing the Games to his hometown. Because no spectators would be driving to the Olympic venues, he mentioned having tourism brochures available at transit stations. People will be walking and biking to the events and Mr. Kimmons wants them to stay, spend and "soak up the local community." He wanted to form a partnership to put on the best face of Evanston.

Alderman Jean-Baptiste wanted to make a reference to the Interim City Manager to have the City, Chamber of Commerce and Convention & Visitors Bureau join forces to make a proposal for the 2016 Olympic bid committee.

Mr. Kimmons pointed out that the Hotel Orrington is part of the accommodations plan that the Chicago 2016 bid team has put together. Members of the IOC family and possibly members of the media will stay at the Orrington. He did not believe that other hotels in Evanston had become part of that plan, which could be an economic boon to the City. These other hotels could be the closest places that spectators from around the world could stay and go to the Games. Mr. Kimmons further stated that these visitors would not be eating all of their meals or spending their money in the City of Chicago, which would be good for Evanston's economy.

### **Budget Presentation**

Finance Director Martin Lyons directed attention to the screen that showed the FY 2009-10 Budget Summary. He noted that there was no property tax increase in this budget and about \$1.9 million expense reductions from the original proposed budget, the result of both staff and Council's efforts. Mr. Lyons stated that the budget process had started in March 2008 and would begin again next month on the 2010-11 budget. Budget staff will meet with the departments in mid-summer and will likely hold City Council meetings in October and November. In January there will be the customary Budget Review Workshops, followed by a Public Hearing in February and an optional budget workshop later that month.

Alderman Rainey stated that she would ask to remove the budget from the Consent Agenda. She reported having a couple of meetings this week with constituents and didn't want it to pass before then. Alderman Rainey said it was her understanding that the budget is passed at the last meeting in February. Mayor Morton stated that waiting until the February 23 City Council meeting would be too late. Mayor Morton stated that the last date to pass the budget and allow time for the Mayor to veto it (if she chooses) would be 10 days back from March 1. The Mayor pointed out that last year the budget was passed at the last minute and did not allow sufficient time for her veto. She wanted to adopt the budget within the time frame stated by the law.

Mr. Lyons commented on the balancing worksheet for the FY 2009-10 Budget that was projected on the screen. He said that they were looking at the General Fund and the changes they had made after bringing the initial proposed budget to the Council. He stated that the decrease of \$1,824,189 reflected the elimination of a 4.9% property tax increase. This meant the General Operating Fund would lose about \$1.6 million in revenues because there is an increase to both the pension funds and the debt service fund.

Alderman Rainey noted that a discussion they had at the last budget workshop was to direct the Manager's office to go to the schools and talk to them about crossing guards and get a memo back. Interim City Manager Rolanda Russell stated that the shared funding line had been zeroed out and she has not had an opportunity to meet with the schools. Ms. Russell stated that she did not want the budget to reflect anything that could not be verified. She reported that they were looking at three contributions: one from the Township at \$300,000, a second from Northwestern at \$100,000 and the third was

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from the schools (District 65) and acknowledged that she hadn't been able to get back to meet with the schools. Mr. Lyons stated that they were presenting a balanced budget and explained line by line on the worksheet how that had been achieved.

Alderman Bernstein noted that the Council's policy for years has been not to use one-time revenues to balance the budget. He understood that this coming year (FY 2009-10) was a special kind of year and asked Mr. Lyons how confident was he about next year's budget (FY 2010-11)? Mr. Lyons responded that it would be a tight year for revenues. He noted that presently, the Finance Department prepares quarterly updates, which are presented to Council with their Friday packets. Mr. Lyons recommended that the quarterly update become an agenda item and that they discuss where the City's revenues and expenses are at the end of each quarter. If the revenues are not meeting expectations, they can make adjustments with the expenses immediately.

Alderman Bernstein directed his question to Human Resources Director Joellen Daley and stated that, when they last discussed the reduction in wages, it was 2% and now it's 2.5%. He asked how difficult it would be to walk into (collective) bargaining with that. Ms. Daley responded that she understood the budgeted amount was 2.5%. Mr. Lyons added that the number had been at 5.0% and they cut it in half.

Alderman Rainey had some questions about the TIFs.

Resolution 11-R-09 – Fiscal Year 2009-10 Budget – Consideration of proposed Resolution 11-R-09, which approves the Fiscal Year 2009-10 Budget in the amount of \$233,822.830.

Alderman Jean-Baptiste moved approval of the budget (Resolution 11-R-09) as presented. Seconded by Alderman Holmes.

Roll Call. Voting aye – Wynne, Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay – none. Motion carried (9-0)

#### **CITIZEN COMMENT: AGENDA ITEMS**

James Corirossi, 1640 Maple Ave., president, Downtown Residents Association (DRA), thanked the Plan Commission and the consultants for their hard work in developing a plan for the Evanston downtown. While the group does not agree with everything in the plan, they do see it as a starting point. He noted that the DRA views the downtown business district as the economic engine for Evanston. However, the plan does not sufficiently address the requirements for a comprehensive marketing plan, which would include incentives to attract an appropriate mix of local and national businesses needed to sustain a vibrant city center for Evanston residents and visitors. The DRA suggests that the Economic Development Committee (EDC) continue to expand this plan and provide information and leadership to the City Council. The EDC should be proactive, *not* reactive and they suggest that along with the five City Council members on the committee, four other members should come from: (1) Chamber of Commerce, (2) EvMark, (3) Zoning Board of Appeals and (4) an at-large member. He stated that another key to economic development is having a detailed plan built around a current one-line strategy of encouraging restoration of the Varsity Theater, or another downtown site, as a performing arts venue. As the Century Theater has proven, an entertainment complex attracts visitors and produces much-needed revenue for the City and downtown businesses. He concluded by stating that the DRA urged Council to not only consider zoning, but also economic development in the downtown area, which they felt had been shortchanged.

Beth Steffen, 415 Dempster St., board member, Southeast Evanston Association, is opposed to the Downtown Plan as currently amended by the Planning & Development Committee. She read the group's list of points: (1) The creation of the central core comprised only to the Fountain Square block is opposed by the Plan Commission and the majority of Evanston citizens who testified about development on the block over the past two years. By a majority vote, the Plan Commission recommended that the block be incorporated into the core area with a maximum height of approximately 25 stories and a base height of 165 feet. They felt that the disregard for that recommendation is in direct contradiction to good planning principles and ignores the desires of the citizens who elected the Council. (2) The proposed base height in the new central core of 25 stories is not appropriate. This "by right" height would allow a building as tall as the Chase Bank building or Sherman Plaza to be built without anything more than a City staff and Council approval. Additionally, the inclusion of a maximum height of 35 stories in the Fountain Square block, in the language of the plan, gives the distinct impression that the block is being set up for the benefit of the development team currently asking for approval of

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a 38-story condominium tower. (3) The eastern transitional zone, which really affects the Southeast Evanston Association membership, as proposed at 10 stories is too tall. The area closest to the lakefront should be treated with greater sensitivity and they feel a maximum height of eight stories is appropriate. (4) The proposal to up-zone the 1000 block of Davis Street from the recommended traditional 3-5 stories is ill-conceived and detrimental to the current viability of that section of the downtown. As it stands right now, that is the one section of the downtown that is functioning well. There is ample parking, no vacant businesses and a true shopping destination in downtown Evanston. The Southeast Evanston Association urged Council to reject the amended plan and that adoption of the Downtown Plan be tabled until at least June 2009, when the newly seated Council can re-examine the original plan recommended by the Plan Commission.

Michael Vasilko, 2728 Reese Ave., thanked staff for reviewing the budget carefully and reduce it to a balanced budget without tax increases. He pointed out that he had been assured that he would be able to speak at the Planning & Development Committee meeting and there was a sign-up sheet. He stated that the chairman chose not to accept any public comment at that meeting. He spoke against the Downtown Plan, as amended, to include the central core which permits a building taller than 25 stories at 708 Church Street. He noted that this is, in his opinion, spot zoning. The people who have spoken against the central core are citizens of Evanston who turn to their elected officials to champion the majority opinion. He said that some Council members have chosen to turn the other way. What is a citizen to do when his or her representative chooses to vote the minority opinion and, in this case, chooses to side with outside developer interests? What is a citizen to do when he or she learns that the developer has accepted the P&D decision for a 35-story height limit at 708 Church St. Citizens further learn that the Community Development Department announced that the P&D Committee vote will hold because the very same people are the City Council aldermen. The message is clear that our opinions didn't matter when it came to the downtown core. Mr. Vasilko felt that the aldermen have turned their backs on the electorate and the majority opinion regarding the issue of the central core. He brought up the conflict of interest concern regarding the relationship between the "independent" planning consultants and the 708 Church St. developer's architect. Similarly, the traffic engineer used by the independent consultant team was the same one used by the developer's team. He stated that Council encouraged citizens' active participation in forming the Downtown Plan. This was misleading, he noted, because ultimately their efforts and preferences were ignored relative to the central core. Mr. Vasilko mentioned filing a complaint with the Illinois Governor's Office of Citizens Assistance. His reply was that the matter had been forwarded to the Illinois Attorney General. He was waiting to hear back from the IAG's office.

Michael Sultan, 3225 Central St., placed a large cardboard at the front on which he had pasted headlines from the *Evanston Review* and the *Evanston RoundTable* about some of Council's actions. He stated that he had been troubled by these headlines and the accompanying news stories. He reported having attended several board and commission meetings and the last budget workshop. At that meeting, he heard comments from citizens about the need to tighten our belts and not rely on one-time income sources. He heard staff explain why a book club was worthwhile and a benefit for all of our employees. He heard Council members nitpick this expenditure, but no other expenditures were discussed. He felt that one-time shift of funds and other fee increases would not help residents with other increases they are getting in today's recession. He pointed out that one cost saving was to not have staff sitting there for hours at this and other evening meetings. He asked why couldn't Council get its answers the next day and have staff work their regular 40-hour shifts. Mr. Sultan complained that the Council had not demonstrated leadership and urged all of them to resign. He was thankful for staff, who in his opinion, have kept the City afloat.

Mayor Morton pointed out that the staff he saw at the City Council meetings are not getting overtime pay.

Hank Goldman, 807 Davis St., stated that he had attended all of the Plan Commission meetings, P&D meetings, charettes, etc. that have dealt with the 708 Church Street proposal and the Downtown Plan. He did not recall anyone speaking in favor of excessive height anywhere in Evanston or at 708 Church Street project. He noted that some Plan Commission members and elected officials who have stated publicly that there is some kind of silent majority in Evanston who favor these plans. He spoke of elected officials who have lectured citizens at meetings and demeaned their intelligence, in effect, stating that Council knows everything and citizens know nothing. He urged Council to vote "no" on the Downtown Plan or defer a vote until a new Council is elected.

Kevin O'Connor, 1227½ Isabella St., a candidate for 7<sup>th</sup> Ward alderman, he thanked Sat Nagar (senior traffic engineer) for the work on Ridge Avenue and looked forward to having it repaved going north to Isabella Street. That evening he would speak about "developer welfare," though, he noted, some elected officials describe it as incentives. Mr. O'Connor mentioned the resolution (8-R-09) on the agenda that would "engage in a sales tax revenue sharing agreement" with

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Farmer's Best IV at 430 Asbury Avenue. He added that the agreement was for the store to share sales tax "not to exceed \$1 million." He continued that 75% of the sales tax revenue would go to the developer and 25% to the City. He termed the City's need to adopt this resolution by the developer's lenders drop-dead date of February 10 as "beyond arrogance." Mr. O'Connor remarked that it was bad enough to get "shaken down" by developers, now City Council lets itself get shaken down by a lender's drop-dead date. He noted that current business owners here, who are struggling to stay in business in this deepening depression, while others who are newcomers are given a giant competitive advantage. He asked Council to stop the policy of privatizing profit and socializing risk.

Bob Heitzinger, 420 Church St., revisited the circumstances from two years ago in which City Council attended what members of (Illinois) Attorney General Lisa Madigan office has called "an illegal meeting." Council members protested that characterization, but were forced to publish the minutes of that meeting. He recited a parody of the now infamous phone conversation that included former Governor Rod Blagojevich. He noted that the majority of citizens who attended the Downtown Plan meetings are opposed to a maximum height of 35 stories and their feelings have been ignored. He, too, encouraged Council to delay this vote until a new Council is elected.

Glenn Gray, 807 Davis St., he participated in the 18 month process to come up with a Downtown Plan and a resolution to the 708 Church Street development project. He pointed out that the three aldermen who voted against the plan explained their vote, while those six who voted for it did not. He presented two scenarios for a building at 708 Church Street and urged Council to vote against this or defer the vote for the next Council.

#### **CITIZEN COMMENT: NON-AGENDA ITEMS**

Jake H. Clark, 2319 Lake St., a 64-year resident of Evanston, he told how last week he sent an agent to the City Collector's office to transfer a city sticker from one vehicle to another. His agent went in with the paperwork requested and was told that they needed to have the old city sticker (from the vehicle that he no longer has). It was explained by the person who waited on his agent that "without the old sticker there would be no new one" or he would have to pay for a new one. Mr. Clark stated that he went to the Collector's office this morning and presented that same paperwork and successfully transferred the vehicle sticker. He asked Mayor Morton, why is a person always hassled when going to the City Collector's office to transact business. The Mayor responded that it was likely a mistake on the part of the person who handled that transaction. He reported that it was the revenue manager who had insisted on getting back the old vehicle sticker. Ms. Russell asked Mr. Clark to stay for a few minutes and speak with Mr. Lyons, the finance director.

Les Shindelman, 1572 Maple Ave., spoke about the tax refund to condo residents who live within Special Service Area #4. He reported there were three big issues that they were dealing with, (1) there has been no communication to residents how this refund would be issued, (2) where will the \$40,000-45,000 that is refunded to taxpayers come from and (3) how to prevent this from happening again. Mr. Shindelman felt that these taxpayers deserved some communication about what is needed to obtain the refund.

Alderman Rainey stated that Council had learned months ago that taxpayers in SSA #4 would be given a refund and wanted to know what was the problem? Mr. Lyons stated that staff has been working on the claims, so there will be no impact on the budget. He reported that the tax levy for SSA #4 was adopted in December 2008, so the commercial entities are being taxed and the City has been paying EvMark quarterly according to the contract. Mr. Lyons explained that they are waiting for a detailed list of every tax bill that had been paid (with the SSA #4 special assessment). The City cannot use a list of what was billed—it must use a list of what was paid. He stated they have met with the County Assessor's Map Department and are now waiting for the County Treasurer's office to learn about payments. He said the amount is \$180,000 and once confirmation of payments is received, the refund checks will be sent to taxpayers. Mr. Lyons acknowledged that his staff could have done a better job of communicating.

Alderman Wollin suggested that the City send a letter to all of the condominium associations in Special Service Area #4 to explain the timelines.

Jim Stivers and Dean Theo, stated they are not only the developers, but also the owners and operators of Farmers Best IV Fresh Foods (430 Asbury Ave.). They are excited about having the project move forward and complimented staff and Council for their work. They thought Evanston was a perfect location for their operation. It will be a fresh-foods grocery store—produce, cheese, meats, wines and fresh-baked goods. Mr. Stivers wanted to thank everyone for their support and

looked forward to opening this summer.

**SPECIAL ORDER OF BUSINESS**

Consideration of the Planning & Development Committee Recommendation to Adopt the Draft Downtown Plan as Revised – Consideration of the Planning & Development recommendation to adopt the Draft Downtown Plan as revised.

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

Alderman Bernstein stated that he would vote against this for many of the same reasons given at the podium. In his opinion, 25 stories are too tall.

Alderman Wynne stated that she would vote against this plan and believed that the central core should not be the central core. She noted that the Plan Commission, in a 5-3 vote, gave a plan with *no* central core. She felt that recommendation was responsive to citizen input. Alderman Wynne acknowledged that there were many good things in the Downtown Plan, but could not get past the central core issue. She reiterated her “no” vote.

Alderman Tisdahl likewise will vote no and agreed with Alderman Bernstein’s comment that the plan was devised when the condo market was hot. She pointed out that the condo market is no longer hot and they need to rethink the plan. She added that 25 stories is too much to give away “as of right.”

Roll Call. Voting aye – Holmes, Moran, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay – Wynne, Bernstein, Tisdahl. Motion carried (6-3)

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

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Deny the Joan Dach Bais Yaakov School’s Request for Map Amendment – 222 Hartrey Ave.; Deny Roycemore School’s Request for Map Amendment – 1200 Davis St.; Consider Roycemore School’s Text Amendment Request – Rezone Property at 1200 Davis St.; and Approve Multiple Requests by Roycemore School – Zoning Relief – 1200 Davis St. Seconded by Alderman Bernstein.

Roll Call. Voting aye – Wynne, Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay – none. Motion carried (9-0)

**ITEMS APPROVED ON CONSENT AGENDA**

**MINUTES:**

\* Approval of Minutes of the Special City Council Meeting of January 10, 2009 and the Regular City Council Meeting of January 26, 2009. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

**ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, City of Evanston payroll for the period February 1, 2009 and City of Evanston bills through February 10, 2009, as authorized and charged to the proper accounts:

City of Evanston payroll (through 02/10/09)	\$2,237,660.92
City of Evanston bills (through 02/10/09)	\$2,615,969.02

\* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of an agreement for construction administration services with Kimley-Horn and Associates, Inc. (205 W. Wacker Dr., Chicago) in the amount of \$40,800. Funded by Northshore University Healthsystem.

\* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of the lowest responsible and responsive bid with Harvey Communications, Inc. (28835 Herky

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Dr., Lake Bluff, IL) for the purchase, removal and installation of computer mounts and antennas in Evanston police vehicles in the amount of \$34,293.30. Funded by the Emergency Telephone System Board. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of the purchase of (1,500) 95-gallon wheeled carts, (3,800) 65-gallon wheeled carts and (500) 35-gallon wheeled carts from Rehrig Pacific Company (7800 100<sup>th</sup> St., Pleasant Prairie, WI) in the amount \$233,656. Funded by the General Fund/Streets & Sanitation Operating Budget for \$173,656 and a \$60,000 grant from the Illinois Dept. of Commerce & Economic Opportunity. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Recommend approval of Change Order #3 for the 2007 Water Main, Sewer and Street Improvement project with DiPaolo Company (4350 DiPaolo Center, Glenview). This change order will increase the contract amount by \$15,705.38, from \$2,612,264.32 to \$2,627,969.70. Funded by the Water Fund, \$6,913.94 and the Sewer Fund, \$8,791.44. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Resolution 6-R-09 – Authorizes the Interim City Manager to Sign the 2016 Olympic and Paralympics Games Governmental Cooperation Agreement – Consideration of proposed Resolution 6-R-09, which authorizes the Interim City Manager to sign the 2016 Olympic and Paralympics Games Governmental Cooperation Agreement. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 3-O-09 – Adds a New Chapter 12, “Vehicle Compliance” to Title 10 of the City Code – Consideration of proposed Ordinance 3-O-09, which adds a new Chapter 12, “Vehicle Compliance” to Title 10 of the City Code, to allow seat belt and other traffic citations to be administratively adjudicated. \* MARKED INTRODUCED-CONSENT AGENDA

\* Ordinance 13-O-09 – Amends Section 3-5-6(D) of the City Code - Decrease in Number of Class D Liquor Licenses – Consideration of proposed Ordinance 13-O-09, which amends Section 3-5-6(D) of the City Code to decrease the number of Class D Liquor Licenses from 21 to 20 due to the liquor license expiration of Noodle Garden Corp. dba Noodle Garden (1241 Chicago Ave.). \* MARKED INTRODUCED-CONSENT AGENDA

\* Ordinance 6-O-09 – Amends Title 7, Chapter 4, Section 3 of the City Code to Add a “Pavement Degradation Fee” – Consideration of proposed Ordinance 6-O-09, introduced January 26, 2009, which amends Title 7, Chapter 4, Section 3 of the City Code “Restoration of Surface after Excavation” to add a pavement degradation fee. \* ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 8-O-09 – Decrease in Number of Class B Liquor Licenses – Due to Expiration of Liquor License for Omaggio, LLC – Consideration of proposed Ordinance 8-O-09, introduced January 26, 2009, which amends Section 3-5-6(B) of the City Code to decrease the number of Class B liquor licenses from 17 to 16 due to the liquor license expiration of Omaggio, LLC, dba Omaggio (1639 Orrington Ave.). \* ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

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

\* Ordinance 1-O-09 – Amends the Zoning Map to Rezone the Properties at 912-946 Pitner from I2 Industrial District to MXE Mixed-Use Employment District – Consideration of a Plan Commission and staff recommendation to approve Ordinance 1-O-09, which amends the Zoning Map to rezone the properties at 912-946 Pitner Ave. from I2 Industrial District to MXE Mixed-Use Employment District. \* MARKED INTRODUCED-CONSENT AGENDA

#### **HUMAN SERVICES COMMITTEE:**

\* Ordinance 113-O-08 – Amends Title 8, Chapter 18, Section 3 of the City Code, “Child Day Care Homes” – Consideration of proposed Ordinance 113-O-08, which amends Title 8, Chapter 18, Section 3 of the City Code, “Child Day Care Homes” to require that any individual over the age of 13 years

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who comes into contact with children at the daycare to have a background check, health check and a statement of no drug use to be submitted to the City of Evanston prior to the license issuance.

\* MARKED INTRODUCED-CONSENT AGENDA

**OTHER COMMITTEES:**

\* Resolution 8-R-09 – Authorize the Interim City Manager to Execute a Redevelopment Agreement with Farmer’s Best IV, Inc. to engage in a sales tax revenue sharing agreement enabling the opening of a new Grocery Store in the vacant CVS/OSCO property at 430 Asbury Ave. – Consideration of proposed Resolution 8-R-09, as recommended by the Economic Development Committee to participate in a Sales Tax Revenue Sharing Agreement with Farmer’s Best IV in an amount not to exceed \$1 million to be funded exclusively by sales tax generated by the new store. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

**REPORT OF THE STANDING COMMITTEES**

**PLANNING & DEVELOPMENT:**

Plan Commission Recommendation to Deny a Request by the Joan Dachs Bais Yaakov School for a Map Amendment to Rezone the Property at 222 Hartrey Ave. from I2 Industrial District to C1 Commercial District – consideration of a Plan Commission recommendation to deny a request by the Joan Dachs Bais Yaakov School for a Map Amendment to rezone the property at 222 Hartrey Ave. from the I2 Industrial District to the C1 Commercial District.

Alderman Moran reported that the action of the committee was to vote this down and moved to uphold that vote. The motion was seconded.

Alderman Bernstein renewed his request to hold this until the February 23 City Council meeting so that the applicant could have a conversation about making a payment in lieu of tax to offset the loss to the City. There was no second.

Voice vote, motion carried.

Plan Commission Recommendation to Deny a Request by the Roycemore School for a Map Amendment to Rezone the Property at 1200 Davis St. from O1 Office to R4 General Residential – this item is part of a combined application requesting several forms of zoning relief at the same address and should be considered with those items.

Alderman Moran reported that the committee voted to alter the course of this item, to reverse the finding and recommend that Roycemore School be granted the map amendment for R4 zoning and he moved approval of this action (reversal of finding). Seconded by Alderman Holmes.

Voice vote. Motion carried, no nays.

Plan Commission Recommendation to consider a Text Amendment to the Zoning Ordinance to add Private Educational Institution to the list of Special Uses in the O1 Office District as an alternative to the map amendment for the property at 1200 Davis St. as requested by Roycemore School – this item is part of a combined application requesting several forms of zoning relief at the same address and should be considered with those items.

Alderman Moran stated that as a result of the vote to reverse item P4, this item was moot and should be removed from the agenda. The motion was seconded. There were no objections and the item was removed from the agenda.

Zoning Board of Appeals Recommendation to Approve Multiple Requests by Roycemore School for Zoning Relief at 1200 Davis St. which consists of a Special Use to Operate a Private Educational Institution in an R4 district along with two major variations - this item is part of a combined

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application requesting several forms of zoning relief at the same address and should be considered with those items.

Alderman Moran reported that the committee favored the sentiment of this motion and stated an ordinance would be needed to give legal affect to the affirmative vote by the P&D Committee. He moved approval; motion was seconded.

Voice vote. Motion carried, no nays.

Ordinance 134-O-08 – Amends Section 5-2-5 of the City Code – Lodging Establishment “License Fees” – Consideration of proposed Ordinance 134-O-08, which raises rooming house fees from \$26 per roomer to \$36 per roomer to help cover the cost of the required annual inspection.

Alderman Moran stated that this item had been tabled at the last meeting

Ms. Russell stated she had an opinion from Legal and had been asked about a fee for re-inspection and would provide information on both for the next Council agenda (2/23/09).

Alderman Rainey asked if the Interim City Manager could also bring information on a couple of examples of code violations that are outstanding on some of the not-for-profits that might be concerned about this.

Alderman Wollin reported she is on the Town/Gown University Committee of the National League of Cities and has received information from other communities on what they do with rooming houses and will forward that to Ms. Russell.

#### **CALL OF THE WARDS:**

**3<sup>rd</sup> Ward.** Alderman Wynne – no report.

**4<sup>th</sup> Ward.** Alderman Bernstein – repudiated the disdainful comments of earlier speakers (about Council members). He stated that no one is getting rich up on the Council dais. Regardless of the vote, everyone is working with the best interest of the City in heart.

**5<sup>th</sup> Ward.** Alderman Holmes – no report.

**6<sup>th</sup> Ward.** Alderman Moran – was happy that the City had affirmed the agreement with the 2016 Olympics Bid Committee and would be an exciting development for Chicago and Evanston. He reported that he had been president of the Evanston Youth Hockey Association for five years. The one person who was most helpful during that time was a woman by the name of Dorothy Kimmons, who is Gyata’s mom (Gyata Kimmons is the community relations manager for the 2016 Olympic Bid Committee).

Alderman Moran mentioned the point that Mr. Corirossi made about the need for a comprehensive plan for marketing downtown Evanston. He felt that there was a movement to develop such a marketing plan and that it would be discussed in the near term. Hopefully, it would be a good companion piece to the Downtown Plan that was passed this evening.

**7<sup>th</sup> Ward.** Alderman Tisdahl – no report

**8<sup>th</sup> Ward.** Alderman Rainey – no report.

**9<sup>th</sup> Ward.** Alderman Hansen – no report.

**1<sup>st</sup> Ward.** Alderman Wollin – no report.

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste – said in the A&PW Committee, they had a discussion about a proposed ordinance from the Stop the Box Steering Committee. He noted that some homeowners have these boxes (AT&T cable boxes) placed adjacent to their homes and the boxes hum loudly 24 hours a day. Posted on the boxes is signage that warns about high voltage, which has presented all kinds of concerns for people. At the committee level, they voted to have AT&T cease and desist from any more work until they can consider what they need to do to protect the best interests of constituents. Alderman Jean-Baptiste reported that the proposal passed unanimously in committee and he reiterated that motion. Seconded by Alderman Wynne.

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Mayor Morton stated that there was nothing in the Rules that said she could entertain a motion during Call of the Wards and asked for someone to make a motion to Bypass the Rules.

Alderman Jean-Baptiste moved to Bypass the Rules (as the Mayor had suggested). Seconded by Alderman Wynne. Voice vote, motion carried.

Alderman Jean-Baptiste moved to refer the proposal to the Rules Committee and to order AT&T to do nothing until Council clarifies what it will do. Seconded by Alderman Wynne. Voice vote, motion carried.

Alderman Jean-Baptiste in light of negative comments directed at Council, he thought it important to clarify that they are following a process and there is a long history of debate at the Council level (and around the City) about projects that have come before them. He spoke of the debate on Sherman Plaza and the concessions that had been given. He stated that Council has sought to provide the best leadership it can in order to benefit the City. Alderman Jean-Baptiste stressed that no benefits come back to them as individuals. Those who voted against a particular development, such as the Downtown Plan, are just as exposed to the developers as those who voted for it. He wanted to explain to people watching in "TV-land" that Council is focused and committed and serves with integrity.

Alderman Wynne appreciated Alderman Jean-Baptiste's comments. She was appalled by the negative comments and she had voted against the plan.

Her reason for speaking was to make a reference to the Plan Commission or the Zoning Board of Appeals to permit homeowners to place an air conditioning unit at the back of their property even if it's within a five-foot setback of the property line. She said that current law states the air conditioner's compressor must be 10 feet from a property line because the units need to be next to a house. She pointed out that with new technology, the a/c compressor can be up to 120 feet away and then the compressor unit is not near anyone's house. Alderman Wynne wanted the City's ordinance to be in keeping with new technology, reducing noise and maintaining good neighbor relations. Seconded by Alderman Bernstein. Voice vote, motion carried.

At 11:32 p.m. Alderman Bernstein moved to convene into Executive Session to discuss matters related to personnel real estate and Closed Session minutes pursuant to 5 Illinois Compiled Statutes 120/2 (c) (1) (5), (6) and (21) 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.
  - (5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.
  - (6) The setting of a price for sale or lease of property owned by the public body.
  - (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.

Seconded by Alderman Rainey.

Roll call. Voting aye – Wynne, Bernstein, Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste. Voting nay – none. Motion carried (9-0)

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 DVD recording of this meeting has been made part of the Permanent Record and is available in the City Clerk's office.