

**CITY COUNCIL**

June 8, 2009

**ROLL CALL – PRESENT:**

	Alderman Jean-Baptiste	Alderman Grover
	Alderman Wilson	Alderman Rainey
	Alderman Holmes	Alderman Burrus
A Quorum was present.	Alderman Tendam	Alderman Fiske

**NOT PRESENT AT ROLL CALL:**

Alderman Wynne

**PRESIDING:**

Mayor Elizabeth B. Tisdahl

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Tisdahl on Monday, June 8, 2009, at 8:35 p.m. in the Council Chamber.

**MAYORAL ANNOUNCEMENTS:** None

**CITY MANAGER ANNOUNCEMENTS:** None

**COMMUNICATIONS - CITY CLERK:** None

**CITIZEN COMMENT: AGENDA ITEMS**

Joan Slavin, 2021 Colfax St., a 16-year resident and volunteer foster parent of cats and kittens. She had five points regarding the cat ordinance: (1) questioned whether a specific ordinance imposing a numeric limit on cats in premises is necessary and believed the case that prompt this action was covered elsewhere in the City Code, (2) that the decision to limit the number of cats in premises to four was arbitrary, (3) that the limitation ought to reflect the square footage of the residence, i.e. a unit in a multi-family building vs. a single-family house, (4) it is discriminatory against cats and should apply equally to other pets or nuisances, and (5) it has no “grandfather” clause and will force those who presently have more than four cats to dispose of their pets. She added that volunteers who foster cats and kittens will have to cease or be in violation of the ordinance.

Gail Lovinger, 2225 Simpson St., board member of the Community Animal Rescue Effort (C.A.R.E.), urged Council to refer Ordinance 25-O-09 back to the committee for more work. She stated that C.A.R.E. offered to assist the committee and staff to develop a workable ordinance. A broad brush approach to dealing with this complex social problem and there was no mention in the ordinance to meeting the social and mental health issues of the people in these predicaments. She pointed out that the ordinance does not address the number of unaltered cats in the community. The group encouraged the City to look at alternative ordinances (animal cruelty, animal hoarding, spay/neutering) and specify within the ordinance the circumstances in which it will be enforced. She wanted to avoid having cats become pawns in neighbor disputes.

Linda Scott, 1303 Elmwood Ave., has fostered cats for more than 12 years and has placed about 30 cats and kittens in well-screened homes. Foster liaisons are vital at easing the growing burden on humane agencies and shelters. She noted the cat hoarding case that precipitated this ordinance is a not too frequent event and was related to mental illness. The Cook County Sheriff’s office stated that, had the situation been reported to them earlier, the woman would have been arrested, been referred for treatment and the property damage (apartment unit) would have been less severe. Neighbors waited too long before complaining and an Animal Control Officer said they could do nothing until an animal was found dead. She hoped that a sound ordinance could be written and adopted.

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Elizabeth Kinney, 1024 Brummel St., 20-year resident and Environment Board member, is here to talk about the Green Building Ordinance. She asked that the ordinance be amended to include the language proposed in memo Dorneker dated 6/8/09 from Bob and delivered to the City Council that day. More than 40 percent of the greenhouse gases emitted come from the use and operation of buildings and is the reason why the board has focused on green buildings as a way for Evanston to reduce its carbon footprint. She noted that adoption of this ordinance would help fulfill the City's Climate Action Plan goals and urged Council to approve it.

Len Sciarra, 3003 Park Pl., former chair of the Environment Board, referred to a recent letter from Evanston Chamber of Commerce Executive Director Jonathan Perman. He wanted to address four points in that letter: (1) all structures of 10,000 sq. ft. must comply; the ordinance would apply only to what is listed on the building permit (2) why the ordinance targets only commercial and not residential structures; it does include multi-unit residential projects, (3) it is geographically biased toward commuter rail lines; yes it is biased toward all forms of public transit and Mr. Sciarra noted that having access to public transportation was good. (4) business community has not had a chance to review the ordinance; the board held two public meetings and there have been adequate opportunities for all stakeholders to give their input.

Gladys Breyer, 550 Sheridan Sq., Environment Board member, stated the board formed an Energy Conservation Committee about nine years ago. She reported that the *International Energy Conservation Code* (IECC) was passed by City Council in 2006, before it became a state requirement and acknowledged the years of work on it by Mr. Sciarra and Ms. Kinney. She urged Council to pass the proposed LEED ordinance.

**CITIZEN COMMENT: NON-AGENDA ITEMS**

Bennett Johnson, 708 Washington St., spoke about the shooting on April 26 and called a "justifiable homicide" by police officers. He asked if it was "justified." He felt that (1) the officers involved in the shooting should be removed from the street as soon as possible, (2) a rigorous review of the training program for EPD, (3) police officers must live in Evanston, and (4) Citizens' Police Advisory Committee should be more independent. Additionally, he expressed that the minorities in the community have lost their trust of the police. He noted that capital punishment does not exist presently in the State of Illinois and termed the shooting as "capital punishment" with police acting as judge, jury and executioner.

Betty Ester, 2114 Darrow Ave., she expressed the need for the Citizens Police Advisory Committee to be transparent and with the City as a whole. She noted that we live in a high-tech age and there is not enough communication to the community about certain occurrences (specifically, the April 26 shooting). She said that the Police Chief attended the 5<sup>th</sup> Ward's (May) monthly meeting and spoke about the shooting. When he finished, there were more questions than had been answered. She reported that children here refer to themselves as an "endangered species" and she didn't like that. She wanted to have timely information about things that happen in the community.

Madelyn Ducre, 1929 Foster St., said that 5<sup>th</sup> Ward residents do not want random shootings in their community by insiders or outsiders. She stated that it is unacceptable and it is wrong. She wanted young people to know that they care about them. She was concerned that the way things are handled now, that some police officer would get shot by another police officer. She asked the City Council to check with the EDP and the union to see that something is being done; noted that in order for the rules to change, the laws must change.

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

Alderman Rainey moved Council approval of the Consent Agenda with these exceptions: Sprinkler system/north façade Maple Avenue Garage, Clark Street Beach Restroom Building, Ordinance 36-O-09 – Special One-Day Liquor Licenses, Ordinance 39-O-09 – Type 2 Restaurant – Subway, 3330 Central St.;

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Ordinance 40-O-09 – Special Use – Berglund Animal Hospital, 2515 Gross Point Rd.; Ordinance 25-O-09 – Amends City Code to enact new Subsection 9-4-3-2 (C) limiting number of cats in premises; Economic Development Committee funding for North Suburban Auto Supply (façade). Seconded by Alderman Holmes.

Roll Call. Voting aye – Jean-Baptiste, Wynne, Wilson, Holmes, Tendam, Grover, Rainey, Burrus, Fiske. Voting nay – none. Motion carried (9-0)

### **ITEMS APPROVED ON CONSENT AGENDA**

#### **MINUTES:**

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

#### **ADMINISTRATION & PUBLIC WORKS:**

\* Approval, as recommended, City of Evanston payroll for the period May 24, 2009 and City of Evanston bills through June 9, 2009, as authorized and charged to the proper accounts:

City of Evanston payroll (through 05/24/09)	\$2,355,132.98
City of Evanston bills (through 06/09/09)	\$772,715.60

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

\* Recommend approval of the lowest responsible and responsive bid with International Piping Systems, Inc. (444 E. State Pkwy., Schaumburg) for the replacement of three refrigeration compressors in the HVAC system at Evanston’s Main Library in the amount of \$28,500. Funded by the Compressor Replacement CIP account (\$22,000 from GO bonds) and the Branch Library Renovation CIP account (\$6,500 from GO bonds).

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

\* Recommend approval of the renewal of the annual sole-source license and service agreement for the Police Department’s Computer Aided Dispatch System (CADS) with SunGard Public Sector (1000 Business Center Dr., Lake Mary, FL) in the amount of \$58,505. Funded by the Emergency Telephone System Board.

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

\* Recommend approval of the application for assistance to the Firefighters Grant Program to apply for funding for an aerial ladder truck and breathing apparatus. There is a 20 percent matching requirement if awarded.

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

\* Resolution 42-R-09 – Authorizes the City of Evanston to Sign an Agreement with the Cook County Assessor’s Geographic Information System (GIS) – Consideration of proposed Resolution 42-R-09, which authorizes the City of Evanston to sign an agreement with the Cook County Assessor’s Office for access to its GIS. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

\* Ordinance 37-O-09 – Adds a New Chapter 12, “Vehicle Compliance” to Title 10 of the City Code – Consideration of proposed Ordinance 37-O-09, which sale of surplus fleet vehicles owned by the City of Evanston at Obenauf Auction Service Municipal Equipment auction.

\* MARKED INTRODUCED-CONSENT AGENDA

**PLANNING & DEVELOPMENT:**

- \* Consideration of Request for Approval of 1540 Fowler Avenue Plat of Subdivision – Consideration of proposed plat of subdivision for the property at 1540 Fowler Avenue.
- \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Ordinance 38-O-09 – Special Use for Type 2 Restaurant – Subway at 1133 Emerson St. Consideration of the ZBA recommendation to approve proposed Ordinance 38-O-09, which permits a special use for a Type 2 restaurant, Subway at 1133 Emerson Street. \* MARKED INTRODUCED-CONSENT AGENDA
  
- \* Recommended denial of application for a Convenience Store Special Use for Ocean’s Liquors at 1615 Sherman Avenue – Consideration of the ZBA recommendation to deny an application for a Convenience Store special use for Ocean’s Liquors at 1615 Sherman Avenue. \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Sidewalk Café for Type 1 Restaurant – Fraiche Bakery & Café – Consideration of approval for a sidewalk café for Type 1 restaurant, Fraiche Bakery & Café at 815 Noyes Street.
- \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)

**HUMAN SERVICES COMMITTEE:**

- \* Township of Evanston Monthly Bills – Consideration of approval of the Township bills, payroll and medical payments for the month of May 2009 in the amount of \$118,183.03.
- \* APPROVED-CONSENT AGENDA MOTION & ROLL CALL (9-0)
  
- \* Ordinance 14-O-09 – Adopts the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Green Building Rating System for Certain Construction and Renovation Projects in the City of Evanston - Consideration of proposed Ordinance 14-O-09, which adopts the U.S. Green Building Council’s LEED Green Building Rating System for certain construction and renovation projects in the City of Evanston. The Environment Board believes adopting this ordinance will represent a step toward achieving the City’s greenhouse gas elimination target and provide for healthier buildings for residents. \* MARKED INTRODUCED-CONSENT AGENDA
  
- \* Ordinance 35-O-09 – Proposed Budget and Appropriation for Town Purposes, for the Fiscal Year Ending March 31, 2010 - Consideration of proposed Ordinance 35-O-09, which approves the proposed Town of Evanston Budget and Appropriation for the Fiscal Year ending March 31, 2010 in the amount of \$1,282,306. \* MARKED INTRODUCED-CONSENT AGENDA
  
- \* Ordinance 31-O-09 – Amends Chapter 8 of the City Code “Food Service and Retail Food Store Sanitation,” – Consideration of proposed Ordinance 31-O-09, which amends Chapter 8 of the City Code “Food Service and Retail Food Store Sanitation,” to add “Seasonal Food Establishments.” These establishments will be charged a fee of \$225 to cover inspection services and application reviews by City staff. \* ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

**REPORT OF THE STANDING COMMITTEES**

**ADMINISTRATION & PUBLIC WORKS:**

(A3.1) Recommend approval of the lowest responsible and responsive bid (09-72) for the renovation of the sprinkler system and north façade at the Maple Avenue Parking Garage from Continental Construction Co., Inc. (1919 Greenwood St., Evanston) in the amount of \$101,900. Funded by the Downtown II TIF.

(A3.3) Recommend approval of the construction contract in the amount of \$1,174,060 from G.A. Johnson & Son (828 Foster St., Evanston) for the Clark Street Beach Restroom Building (Bid #10-22). Funded by the Capital Improvement Project account.

*Alderman Rainey reported that the above two items were held in committee.*

(A5) Ordinance 36-O-09 – Special One-Day Liquor Licenses – Consideration of proposed Ordinance 36-O-09, which amends the City Code by modifying Section 3-5-6 (F) to increase the number of special one-day liquor licenses issued to a sales address and applicant; extend the hours of sale’ remove the requirement of food and require BASSET training.

*Alderman Rainey asked that this item be marked introduced and referred back to the committee.*

**PLANNING & DEVELOPMENT:**

(P3) Ordinance 39-O-09 – Permits a Special Use for a Type 2 Restaurant – Subway, 3330 Central St. – Consideration of the ZBA recommendation to approve proposed Ordinance 39-O-09, which would permit a special use for a Type 2 Restaurant, Subway at 3330 Central St.

*Alderman Wynne asked that this item be marked introduced and referred back to the committee.*

(P4) Ordinance 40-O-09 – Permits a Special Use for Berglund Animal Hospital, 2515 Gross Point Road - Consideration of the ZBA recommendation to approve proposed Ordinance 40-O-09, which would permit a special use for Berglund Animal Hospital, 2515 Gross Point Rd.

*Alderman Wynne asked that this item be marked introduced and referred back to the committee. She noted that this ordinance would be brought to Council at the July 13, 2009 meeting.*

**HUMAN SERVICES COMMITTEE:**

(H3) Ordinance 25-O-09 – Enacts a New Subsection, 9-4-3-2 (C) of the City Code, to Limit the Number of Cats in Premises – Consideration of proposed Ordinance 25-O-09, which enacts a new Subsection 9-4-3-2 (C) of the City Code to limit the number of cats in premises. This amendment limits a private residence to having no more than four (4) cats for each Evanston private residence.

*Alderman Jean-Baptiste suggested that this ordinance be returned to the committee for review and updating.*

Alderman Fiske stated that as this is written, it is poor legislation and didn't think Council should adopt anything that is so arbitrary and places so many residents contrary to the law. She commented that, if limitations are set on the number of cats, make sure it applies to "unaltered cats" as suggested by C.A.R.E. She wanted current owners to be grandfathered in. Alderman Fiske noted that a lot of people in the community do yeoman work in rescuing, spaying, neutering and providing foster care and wanted to ensure

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they are not contrary to the law. She agreed that animal hoarding is a mental health issue and wanted the law to provide a safety net for the animals. She invited those who spoke that evening to attend the committee meeting and participate in the discussion.

Alderman Holmes wanted to know about the requirements for dogs (number in premises) and hoped the C.A.R.E. people who come to the committee meeting would be able to speak to that.

### **OTHER COMMITTEES:**

(O1) Recommendation by the Economic Development Committee to Fund North Suburban Auto Supply, 637-41 Howard Street, for a Matching Façade Improvement Grant of \$40,000

–

Consideration of approval of the Economic Development Committee recommendation to fund a match façade improvement grant of \$40,000 for North Suburban Auto Supply, at 637-41 Howard Street. Funded by the Economic Development Fund.

*Alderman Rainey moved approval of this item and the motion was seconded.*

Alderman Rainey stated this business has been in her ward since the early 1960s. The building is at the corner of Howard Street and Custer Avenue, which is an entry point to Evanston for many. The owner sees this improvement as a way to further improve businesses along Howard. She urged support for this matching grant.

Alderman Fiske spoke in favor of examination of the architectural terracotta on the building's exterior. She thought that restoration of the terracotta could transform the building into a shining star.

Alderman Burrus supported moving ahead with approval of the grant as this building was an anchor on Howard Street and encouraged others to follow this owner's example of making façade improvements.

Alderman Rainey reported that the architect and contractor for this project looked into restoring the terracotta and, because so much material is covering it up, it would cost three times as much to make the improvements.

Alderman Fiske made a reference to the Preservation Commission (with help from the Preservation League) to prepare an inventory of terracotta buildings in Evanston.

Roll Call. Voting aye – Jean-Baptiste, Wynne, Wilson, Holmes, Tendam, Grover, Rainey, Burrus. Voting nay – Fiske. Motion carried (8-1)

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

**2<sup>nd</sup> Ward.** Alderman Jean-Baptiste congratulated all of the graduates from ETHS and the middle schools and urged the young people to “do the right thing while you’re downtown.” He encouraged neighborhood groups to remind young people to be on their best behavior.

**3<sup>rd</sup> Ward.** Alderman Wynne also congratulated the class of 2009. She announced a meeting on June 17 in the Civic Center to discuss the Clark Street Beach renovations.

**4<sup>th</sup> Ward.** Alderman Wilson encouraged everyone to see the mural by the Open Studio Project. It's located between the Metra Station and the wall of the CTA tracks. He urged citizens, when they see a crime or the attempt of a crime, to call it in to police.

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

**6<sup>th</sup> Ward.** Alderman Tendam announced a 6<sup>th</sup> Ward Town Hall meeting that Wednesday (June 10) at 7 p.m. at Willard School in the auditorium.

**7<sup>th</sup> Ward.** Alderman Grover reported she and the Mayor attended the Citizens for a Greener Evanston meeting last Thursday. She gestured to the group's button that reads "13% / 2012" and wasn't sure what it meant. She noted the community has a long way to go to achieve its goal to reduce CFC emissions by 2012 and encouraged everyone to wear the button and talk about what it means. Alderman Grover held up an issue of *Edible Chicago* and said one of Evanston's Farmers' Market vendors got great placement in the magazine.

**8<sup>th</sup> Ward.** Alderman Rainey called attention to a *Chicago Tribune* report that morning about an 8<sup>th</sup> Ward resident, Omar Gutierrez, who took it upon himself to raise money for a pizza delivery man (Stephen Walker) who was carjacked last week. She noted that with the appearance of this news story, in less than a week Omar has raised more than \$10,500 toward a replacement car, which was totaled during the carjacking. Alderman announced that Tuesday at 7:30 p.m. at Clyde and Brummel there would be a huge event at which Mr. Walker would be presented a check with the monies raised by Mr. Gutierrez and others. She invited everyone to attend.

She also announced that Sunday, October 4, 2009 would be the second Bike the Ridge event and it will be chaired by former alderman Anjana Hansen.

**9<sup>th</sup> Ward.** Alderman Burrus announced that the Neighborhood Watch for Florence and Monroe will hold its kickoff meeting tomorrow (Tuesday) at 7 p.m. at the Robert Crown Center. She thanked the Evanston Community Media Center (ECMC) and its volunteers for the excellent work coordinating all of the forums for the recent municipal election.

**1<sup>st</sup> Ward.** Alderman Fiske thanked everyone who came to the 1<sup>st</sup> Ward meeting last week. She announced a City-Northwestern Committee meeting scheduled for Thursday, July 16 at 7 p.m. in the Aldermanic Library to discuss Northwestern's use of the Seabury-Western property. The meeting is open to all who are interested. Alderman Fiske made a reference to the City Manager's Office to review the policy on taping flyers to light posts and tacking on trees. If there is a fine associated, to notify folks to please stop taping things on light posts.

At 9:52 p.m. Alderman Wilson moved to convene into Executive Session to discuss matters related to personnel, litigation and Closed Session minutes pursuant to 5 Illinois Compiled Statutes 120/2 (c) (1), (11) 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.

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

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Seconded by Alderman Jean-Baptiste.

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Roll call. Voting aye – Jean-Baptiste, Wynne, Wilson, Holmes, Tendam, Rainey, Burrus, Fiske. Voting nay – none. Motion carried (9-0)

There being no further business to come before the Council, Mayor Tisdahl asked for a motion to adjourn and the Council so moved at 11:33 p.m.

Mayre Press, Deputy City Clerk

*A DVD recording of this meeting is part of the Permanent Record and is available in the City Clerk's office.*