



**CITY COUNCIL MEETING
CLOSED SESSION
ALDERMANIC LIBRARY
2ND FLOOR
December 14, 2009
10:15 p.m.**

PRESENT:

Aldermen Fiske	Alderman Tendam
Alderman Jean-Baptiste	Alderman Grover
Alderman Wynne	Alderman Rainey
Alderman Wilson	Alderman Burrus
Alderman Holmes	

STAFF: City Manager Wally Bobkiewicz, Marty Lyons, Assistant City Manager, Grant Farrar City Attorney, Lehman Walker, Director Community Development, Joellen Daley, Director Human Resources, Robert Gustafson, HR Specialist, Dennis Marino, Assistant Director for Planning

PRESIDING: Mayor Elizabeth B. Tisdahl

City Manager Bobkiewicz stated there were several items and the first was a report on the Darrow property. He asked Dennis Marino, Assistant Director for Planning, to make the report.

Real Estate

Mr. Marino stated both properties at 1708-1710 Darrow were appraised at \$120,000. With an additional decrease of \$10,000 per property, then the cost to the City would be \$110,000 per property, or \$220,000 for both. He stated that property taxes have been paid and are current.

Alderman Rainey stated she was hoping that staff was not considering to turn this property over to the Land Trust people because it is a vacant lot. Mr. Farrar responded by stating it is not Staff's intention. Staff's intention was to take advantage of the opportunity to acquire these properties at a low price and if they could be consolidated with the land to the south of Church would give us an opportunity for future mixed income, mixed use development on the tax rolls using a private developer.

City Manager stated with no further directions Staff will bring this to open session on January 11th and move forward.

Mayor Tisdahl asked if everyone was ok with the City Manager's statement.

Alderman Wilson stated he was not all together comfortable with the acquisition, but he is open-minded and willing to listen.

Alderman Fiske agreed with Alderman Wilson.

Alderman Rainey wanted to know if they could know more about this issue.

Alderman Wilson stated we don't have a lot of money to spend, and asked if there was another party interested in the property. Mr. Farrar stated the Bank had informed them that a not for profit organization was interested in the property. He also mentioned that TIF funds would be utilized in purchasing the property and there are ample funds to proceed with the acquisition.

Alderman Burrus stated we should not be in the land acquisition business.

Alderman Holmes stated she did not want this to be looked as a bail out for the CHDO because that is not what this is all about, but it is for the Westside Master Plan and having control of the land. She also stated nothing had been done on the Westside in fifty years and the City owes the Westside to do something.

After all of the discussions had been concluded the Mayor stated that clear directions had been given.

Personnel / Worker's Comp.

Mr. Gustafson began with Johan Haglung a Firefighter/Paramedic who while in training exercises was injured. The suggested settlement was \$41, 031.68. Alderman Rainey moved for approval with a second from Alderman Wynne.

The second case was Brian McCafferty who had two different injuries (December, 2004) and (June, 2007). The Attorney's recommended is \$131,743.62 to close the case. Alderman Rainey moved to approve the \$131,743.62 and received a second from Alderman Wynne.

The third case was Jobe Smith Firefighter/Paramedic who injured himself twice. The second injury occurred on July 5, 2005 which resulted in an unstable kneecap. The recommendation is to close out with \$75,000.00. A motion to approve the \$75,000.00 was made by Alderman Rainey and seconded by Alderman Wynne.

Ms. Daley stated that Mr. Gustafson has been doing a great job in closing these cases and coming in under what the amount the Council had approved.

City Manager stated bargaining would begin with Fire and AFSCME. Firefighters on Monday, December 28th and AFSCME on Wednesday, December 30th. He stated there will be no increases and they will not talk money. He just wanted to make the Council aware of the upcoming talks.

City Manager stated this Friday the outline of the budget will be available. The number of

Employee eliminated positions are fifty. He will be notifying thirty individuals their positions will not be included in the budget, along with twenty vacant positions that will not be filled. He stated Staff has been preparing a document to present to the employees so they will understand their rights as they try to be as sensitive as they can with each individual.

Questions were asked:

1) What will the Employees be receiving job placement, health?

Yes, we will be connecting them with our services for job placement and resume writing and interviewing techniques. (Supervisors and Middle Management are targeted)

2) When will be the Employees final day?

Funding will be available through February 28th.

3) Can we design something to put money in their hands because of the Holidays?

The City has no authority to do that stated City Manager.

Ms. Daley stated they have nothing they are obligated to pay since they are not AFSME.

4) Will they have vacation on the books to receive?

Ms Daley explained the City will give them everything they are legally required to receive. She stated we will offer them early departure and will pay them for four weeks, if they tell us by the end of January. On February 1st those who have vacation time on the books will be paid for that as well as a possible sick-time payoff depending on how long they have been with the City.

5) Are there any plans to assists with Health Insurance other than COBRA?

Ms. Daley stated we don't have the means to pay unless we make a conscious effort to say we will pay x percentage of someone's insurance which we could do after December 31st. If they retire by December 31st the City will pay half their insurance for nine months.

6) Will each individual be brought in separately to talk to someone?

City Manager answered yes, I will personally talk to each one.

City Manager stated there would be a lot of reorganization that would involve half of the departments in the City, all of the non-safety departments, every department except the Police. He also stated the list was a lot longer looking at 70 – 80 positions at first.

7) Will any departments be hit more than another?

City Manager answered yes, the Library will be hit the hardest.

8) How many are Evanston Residents?

Ms. Daley answered about 30% live in town and that may be minimized as they keep tweaking as they go.

Litigation

City Manager Bobkiewicz introduced Mr. Farrar, the new City Attorney.

Mr. Farrar gave an update on what he has done since being here. He stated he met with all of the outside Attorneys and asked what they were prepared to do to add value to their services? Next he elaborated on three areas he felt the department could move forward on:

- 1) In terms of Responsiveness – making sure the Legal department in managing litigation is responsive both to the Council’s concerns and in a more timely and proactive and effective way with the respect to issues in a particular case, addressing court concerns and getting a favorable result. He will also give a weekly report on the status of ongoing cases so that the Council will be informed.
- 2) Cost Effectiveness – he sees a lot of waste and inefficiency outside the walls of this building and that’s going to change.
- 3) Resource Allocations & Best Practices – identifying what strengths each member of the team brings to the table. In regards to litigation there is only one litigator in the department and that is he. He stated that would change also in time after walking the Attorneys through the basic of taking a deposition, trial strategies etc. He stated Beth Howlett is the only one on staff who is capable to do what he needs (and he gave her credentials). As he transitions cases in house he will need another body. He will also be talk to other department heads asking what cases they come across, and the type of person they think should be included in the Legal department.

He stated, with the transition of Jack Siegel’s cases, he will be bringing cases in house and he will be the point person in those cases. He stated he will not stand for any inefficiencies and there will be a role for outside counsel, but he will utilize market forces to bring those rates down and possibly go with flat rate fees for their assistance.

Alderman Wynne asked about risk management and what is his concern. He stated he will take a good look at the risk factors and best practices because it is virgin territory for a lot of departments.

Alderman Jean-Baptiste asked what will happen with Worker’s Comp. Mr. Farrar answered by saying if he brings this under his jurisdiction it would have serious impact, but he hasn’t had the opportunity to sit down with Ms. Daley to go over an approach to bring it in house.

Alderman Holmes asked what the time table would be for training/retraining current staff. Mr. Farrar answered four to six weeks with the staff already on board, but the issue of ensuring legal competence and training folks will take about six months.

The question was asked concerning the status of the temporary Attorneys in the legal department. Mr. Farrar stated there were none in the department. He stated they were competent but could not go to court, or argue, or do anything that required a very minimal amount of supervision. When their contracts were up the contracts were not renewed.

Minutes

Mr. Bobkiewicz then made mention of the minutes and the discussion that the City Clerk and Mr. Farrar had concerning the status of the executive minute review process for release and asked the City Clerk if he wanted to expound on the issues.

The City Clerk stated since he had been here the Council had never reviewed any executive minutes to decide if any portions of them or the whole set of minutes could be released to the public, and by statute we are suppose to do that every six months. He proposed to set up a schedule on a regular basis to review the minutes so the Council can get things out and be compliant with the law.

City Manager Bobkiewicz offered the services of the City Attorney to work together with the City Clerk in compiling appropriate documents and get them to the Council at the first meeting on January 11th and if not then soon after.

The Aldermen and Mayor stated they had done that before in the past when Legal would bring a stack of minutes where portions were lined out. The City Clerk then responded but it hasn't been done in a year and a half. City Manager stated we would revisit the issue again and will supply assistance to the City Clerk.

The November 23rd minutes were approved with corrections on page two: the paragraph that leads litigation 1) "Plaintiff's" Attorney's, 2) "Demand to". Alderman Wilson moved to approve the minutes with a second from Alderman Jean-Baptiste. A unanimous voice vote and the minutes were accepted.

The meeting adjourned at 11:30 pm.

Respectfully submitted,
Rodney Greene / City Clerk