

**Evanston City Council
Closed Session Minutes
Aldermanic Library
Monday, June 8, 2009**

PRESENT: Aldermen Jean- Baptiste, Wynne, Wilson, Holmes, Tendam, Grover, Rainey, Burrus, Fiske

STAFF: Rolanda Russell, Interim City Manager; Joellen Daley, Human Resources Director; Robert Gustafson, Human Resources Specialist; Richard Eddington, Police Chief; Elke Purze, Interim First Assistant Corporation Counsel; and Jack Siegel, Corporation Counsel

GUESTS: Richard Jones and Richard Ryan of Ryan, Smolens & Jones; Heidi Voorhees, president, The PAR Group

PRESIDING: Mayor Elizabeth B. Tisdahl

START: 10:00 p.m.

Personnel (Worker's Compensation)

Bob Gustafson, the Human Resources Specialist who handles Worker's Compensation claims, referred Council to the memos in the packet material and presented updates on four cases:

1. Siripong Sricharmorn, EPD Property Officer – suffered a dislocation and fracture of his left elbow when walking up the back stairs at the police station and lost his footing, falling forward and injuring himself (01/10/08). He returned to work full duty July 14, 2008. The City's WC attorney will be directed to begin negotiations and settle for under, or as close to \$32,189.19 (20% loss of use of left arm) as possible.
2. Matthew Grizely, Fire Captain/Paramedic – suffered a herniation at disk C3-4 and a protrusion of disc C5-6 and to a lesser degree a displacement of the lumbar intervertebral disc (lower back) without spinal cord injury when he hit his head on an overhang while descending the stairs during a working fire (06/02/07). He aggravated his injury on January 5, 2008 when he lifted a patient from the bed to the stretcher. Mr. Grizely was never placed off work completely due to his injury and, as such, was never paid temporary total disability. The City's WC attorney will be directed to begin negotiations and settle for under, or as close to \$31,403 (10% loss of use) as possible.
3. Gene Grabowski, Facilities Management Supervisor (now retired) – suffered a cervicothoracic sprain (torn muscle fibers in the upper back and neck) and capsulitis (frozen shoulder) and possible rotator cuff tendinopathy of the left shoulder while pulling himself out of a meter pit after assisting with a plumbing repair (02/10/07). Mr. Grabowski was never placed off work completely due to his injury and, as such, was never paid temporary total disability. The City's WC attorney will be directed to begin negotiations and settle for under, or as close to \$28,263.18 (7.5% loss of use of arm/neck injury) as possible.
4. John Parrott, Parks/Forestry & Recreation Equipment Operator II – suffered a complex tear of the medial meniscus and a tear of the lateral meniscus (cartilage pads on outside of knee) when he

slipped and fell off a work truck while dumping garbage (06/16/07). Mr. Parrott underwent an arthroscopy of the left knee. The surgery was successful and he was allowed to return to work full-duty as of November 2, 2007. The City's WC attorney will be directed to begin negotiations and settle for under, or as close to \$28,812.71 (22.5% loss of use of left leg) as possible.

Aldermen Jean-Baptiste and Holmes asked about having the Worker's Compensation attorney come and give an orientation for the new City Council members. Mr. Gustafson stated they were trying to keep the legal fees down.

Alderman Rainey moved to go up to \$32,000. Voice vote, motion carried.

Personnel (Wages)

Joellen Daley, Human Resources Director reported on negotiations with the Teamsters (EPD patrol, service desk and telecommunications officers). She said they wanted some guaranteed time off; the wages they had asked for were too high (8%) and walked out at 2%. In comparison, the firefighters got 2.5% and AFSCME got 2.0%.

In the case of Officer Gus Remas, who used excessive force on a handcuffed person in custody, Chief Eddington said they will do things differently next time. He noted that terminations result in arbitration.

Alderman Rainey asked about the City's WC insurance? Ms. Daley responded that the City pays anything up to \$2 million and she would look at the insurance.

Litigation

Elke Purze, Interim First Assistant Corporation Counsel recapped the case of Patrick Hotchkiss v. City of Evanston. This is a wrongful death case filed by the parents of the 20-year-old decedent, Patrick Hotchkiss. At about 2:05 a.m. on April 10, 2005, Officer Gomez made a traffic stop of Mr. Hotchkiss. Shortly thereafter, Officer Kooi came to the scene and neither officer detected alcohol on his breath. After moving his Jeep to a legal parking space, they called a cab and issued three tickets for improper lane usage, no proof of insurance and no city sticker. Mr. Hotchkiss was given back his car keys when he got into the cab. He became agitated with the cab driver, who pulled over twice and spoke with the police. After the second stop, Mr. Hotchkiss exited the cab and ran back to his Jeep. At 3:12 a.m. he crashed into the wall at McCormick and Green Bay and died from his injuries. A post-mortem test showed that his blood alcohol was 160 mg/dl.

The plaintiffs have alleged that Officers Gomez and Kooi violated the Zero Tolerance Law when they failed to arrest the decedent during the initial traffic stop because he had been drinking. Both sides have had expert witnesses testify and Rick Jones (Ryan, Smolens & Jones) reported that the demand, originally at \$3 million, might be settled for \$400,000-\$500,000. Given the economic straits of Mr. and Mrs. Hotchkiss, Mr. Jones believed that there could be more movement in the demand.

Alderman Rainey moved to set a maximum of \$250,000 to settle this case. Voice vote, motion carried.

Personnel

Heidi Voorhees, president of The PAR Group, passed out a summary sheet detailing the compensation package that had been negotiated with Walter Bobkiewicz for the position of City Manager. The summary showed her recommendations and his counter requests. Ms. Voorhees announced that Mr. Bobkiewicz would be available to start on Monday, August 3, 2009 and that he wanted to come back to Evanston to

attend the June 22 City Council meeting. She reviewed the agreement item by item and, after a brief discussion, all agreed to extend an offer of employment with a starting salary of \$185,000 and deferred compensation of \$10,000. With the two-hour time difference (California / Evanston) Ms. Voorhees reported that Mr. Bobkiewicz had requested a call that evening. At 11:28 p.m. she left the room to make the call. Returning moments later, cell phone in hand, she reported that he had said "yes." Well wishes were extended by everyone, presumably overheard by Wally Bobkiewicz.

There being no further business to come before the Council, Mayor Tisdahl adjourned the meeting at 11:33 p.m.

Respectfully submitted,
Mayre Press,
Deputy City Clerk

CONFIDENTIAL