

**Evanston City Council  
Closed Session Minutes  
Aldermanic Library  
Monday, January 8, 2007**

PRESENT: Aldermen Wollin, Jean-Baptiste, Wynne, Bernstein, Holmes,  
Moran, Tisdahl, Rainey and Hansen

STAFF: Judith Aiello, Julia Carroll, Herb Hill and Rolanda Russell

PRESIDING: Mayor Lorraine H. Morton

START: 9:38 a.m.

**Minutes:**

The minutes of the December 11, 2006 closed session were provisionally approved as presented.

**Litigation**

Gutstein vs. COE. First Assistant Corporation Counsel Herb Hill reported this is a slip and fall that occurred on an unpaved alley west of the NU parking lot and Mustards. Exposure is \$80-100,000. The individual caught her leg in a hole in the unpaved alley taking out her garbage, fell and fractured her elbow. She has had several surgeries. This case may be go to trial this year.

Robinson/Smith vs. COE. The plaintiff tripped and fell on a huge chunk of missing curb in front of her house and broke her ankle. She has had surgery; knew about the defective curb and never reported the condition which caused her to fall. The demand is at \$40,000 and he thought they could settle for \$25,000. He asked for authority to settle for up to \$40,000. There was agreement to do so.

Batorski vs. Home Depot, USA, David Brian Lyle, Evanston Police Department  
Home Depot called the police department for thefts that occurred in the store. The police arrested the shop lifters, and Home Depot has not appeared to testify. As of now, they have one case that Home Depot settled and three outstanding cases. The City expected that people would testify. Two were employees with video documentation of theft. Mr. Hill said that Home Depot understands that the City expects more from them. They settled the Ivanov case (allegation the price on a toilet was changed). The City's problem is the police department did everything properly, but the complaining witnesses did not appear.

Alderman Moran suggested the City file for summary judgment and bill Home Depot.. Alderman Rainey asked if the city was giving Home Depot a pass. Alderman Bernstein made a reference to the A&PW Committee that Mr. Hill contact Home Depot to seek repayment of costs. Mr. Hill suggested he meet with their attorneys and put them on notice and with Home Depot management to tell them they expect better. The City will

pursue any way to recoup fees. Mr. Hill stated they would put together a packet of information. He had no explanation as to why these three cases were not settled. He will give a full report at the next closed session. Insurance information will be available in the next few weeks.

### **Personnel**

Ms. Carroll reported she was ready to make an offer to the next police chief; suggested they meet before the Civic Center Committee meeting Wednesday at 5:30 p.m. to meet him. He has been a chief for 15 years and was not part of the original group. He is currently the chief in Mt. Prospect; experienced with minorities and crime. Before she can make an official offer he has requested a housing loan in order to live in Evanston and is excited about living here.

In response to questions, Ms. Carroll stated that there was only one highly qualified candidate and he came through a head hunter. The assessment team was Judith Aiello, Alan Berkowsky, Bill Logan, Rolanda Russell, Judith Witt and herself. Ms. Carroll thought that he is an excellent candidate and will prepare a packet of information. Alderman Hansen asked if once they meet the candidate and half the Council had reservations, would Ms. Carroll take that into consideration. Ms. Carroll has not made an offer and if they all were negative would take that into consideration.. Mayor Morton said it is the responsibility of the manager to hire a police chief. Housing will take some thought and she recalled no problems with that in the past.

Ms. Carroll thought this individual was capable and ideal for the job. She had another good candidate but his family did not want to move to Evanston.

### **Update on Fleet Services Audit**

Ms. Carroll reported staff has had trouble getting auditors in to interview staff and review invoices; hoped to have a report by the end of January. Mr. Grady reviewed the audit and found something he thought was suspicious. It looked like the fleet budget was overspent with no explanation so a special audit firm was hired to look at the fleet fund for the past two years to make sure that nothing illegal was going on. She wanted to know how this happened and how they got the authority to do this. They are working without some of the key players that have left the City. She stated that Miller Cooper would be replaced. Alderman Rainey recalled for years the A&PW Committee had an Audit Subcommittee that went over the audit and evaluated the auditing company. Ms. Carroll stated they would go through an RFP to find a new auditing firm.

Mr. Hill reminded Council that they were beyond the 48 hour notice requirement for a meeting. Ms. Carroll suggested they meet at 8:30 a.m. on Saturday, January 20<sup>th</sup> to meet the new police chief.

There being no further business to come before the Council, Mayor Morton asked for a motion to adjourn and the Council so moved at 10:15 p.m.

Mary P. Morris,

City Clerk