



Approved 10-13-2020

C-1

## Berwyn City Council Regular Meeting

September 22, 2020 at 8:00 PM

Clerk's Note: Governor Pritzker's Executive Order No. 5, section 6 and Order No. 8 allowed the suspension of "in-person attendance" by elected officials and limited the number of people that could congregate in public places due to the Covid-19 pandemic. The City of Berwyn uses best efforts to comply with the Governor's Order and the spirit of the Open Meetings Act. The City Council has taken the following measures to provide residents with notice of changes to the Regular Meeting and ability to observe the meeting in progress through a live video stream:

- The City posts Meeting Notices and Agendas on its website and in City Hall with directions on how the public may view meetings, participate in public meetings, and address the City Council during Open Forum.
- The City posts directions on how the public may participate and or view the public meeting.
- City staff live-stream the meeting on the City of Berwyn website ([www.berwyn-il.us](http://www.berwyn-il.us)), Berwyn Facebook page, and YouTube during the City Council meeting. The video stream / audio is recorded and available to the public.

### A. Roll Call, Pledge of Allegiance, and Moment of Silence:

Mayor Lovero called the meeting to Order at 8:00 p.m. The following Aldermen responded, "Present": Lennon, Ramirez, Reardon, Fejt, Santoy, Ruiz, Avila, and Nowak. All elected officials participated in person. The attendees recited the Pledge of Allegiance. Mayor Lovero asked for a moment of silence in memory of Gerald D. Fitzpatrick (father of BPD Officer John Fitzpatrick) and for the quick recovery of Dan Jacklin who was seriously injured in a recent accident.

Mayor Lovero announced that Item J-8 (body and in-car cameras for police officers) had been pulled from the Agenda. He welcomed anyone in the audience wishing to speak during Open Forum on the topic of J-8 to submit any written statements to Clerk Paul, hold their statements until the time that the item returned to the Agenda, or present their statements during this evening's Open Forum. Mayor Lovero acknowledged that Axon Corporation had donated \$2,500 to his campaign committee. He further stated that he had returned the check as soon as he was made aware of the donation. He announced that the purchase of body and in-car cameras would be an agenda topic for the next Committee of the Whole and he invited residents to hear the information presented and discussion at that time. He then opened the floor for Open Forum.

### B. Open Forum

- Sabine Krauss asked for the status of the City's response to the police presence at the 8/11/2020 Black Lives Matter rally and the status of the film/images taken of the rally participants by the police. She spoke against entering into the Axon contract and against no-bid contracts. A discussion on the points raised by Ms. Krauss ensued. She submitted a copy of her remarks to Clerk Paul for the record.
- Rev. Nicolette Peñaranda spoke on the difficulty neighbors on the 3600 block of Wesley have had getting a residential street light fixed located at 3617. She also spoke against the Axon contract. A discussion on the points raised by Ms. Peñaranda ensued. She submitted a copy of her remarks to Clerk Paul.
- Marisol Brambila stated she was pleased that the body camera item was taken off the agenda. She asked that consideration be given to whether or not this equipment is wanted by the community and a good idea to begin with. She asked for a conversation between the community and the police department on the topic before action on the equipment purchase.
- Darryl Allen spoke on his participation in the Public Art Listening Sessions he facilitated. He thanked city staff and all who participated. He offered his continued mediation services.
- City Staffer Claudia Ayala commented on her extensive work for Census 2020 outreach. She identified her continuing efforts to get out the count for the remaining days of September and thanked all the public and private businesses and organizations that have been helping. She

distributed an Aldermanic Update sheet on all the activities and increases in response rates in all Census tracts compared to 2010 response data.

- Rafael Padilla spoke against “No-bid” contracts without additional vetting, community input, transparency and accountability.
- Ald. Lennon announced a 1<sup>st</sup> Ward Clean-Up event at the Berwyn Train Station.
- Ald. Ramirez announced a 2<sup>nd</sup> Ward Clean-Up event at the CN viaduct.
- Ald. Reardon read a statement by a 3<sup>rd</sup> Ward resident who observed police, firefighters, and other staff failing to wear masks and interacting with spectators when they responded to a call near her home. The resident asked for more diligence on mask wearing by city personnel. Ald. Reardon submitted a copy of the residents email to Clerk Paul for the record.
- Ald. Ruiz announced a Movie in the Park event.
- Ald. Nowak thanked In Motion Counseling for their participation in a recently held on-line meeting for residents. He thanked City Administrator Siaba Green and the Berwyn Police Department for answering his questions on the Axon contract.
- Clerk Paul, in her capacity as Berwyn Public Health District President, commented on the COVID-19 deaths in Berwyn and COVID-19 case rate as reported by Cook County. She also announced a Mobile Testing Unit would be in Berwyn on 9/25, 9/26, and 9/27/2020.
- Clerk Paul summarized an e-mail statement by Nancy Schultz asking the City to allow Trick-or-Treat activities for children on Halloween.
- Clerk Paul summarized an e-mail statement by Renee Knowles commenting on item J-8, against no-bid contracts, asking for absolute transparency and a dialogue between Berwyn police and the community before any steps are taken.
- Clerk Paul summarized an e-mail statement by Dr. Amy Oberlin on Item J-8 raising the question of Axon’s possible claims of ownership of the recorded body camera and in-car camera footage and asking that more due diligence be conducted with greater transparency.
- Clerk Paul summarized an e-mail statement by Matt Williams on Item J-8 asking questions about city policy for the use of the cameras, who will have access to the footage, how the costs will be paid and commenting on the length of the contract.

C. **Approval of Minutes:** Ald. Avila made the motion, seconded by Ald. Reardon to correct the Minutes of September 22, 2020 to show that the vote on the At-bay contract approved on August 25, 2020 was 7 to 1 with Ald. Reardon voting Nay. The motion carried by a unanimous voice vote. Ald. Avila made the motion, seconded by Ald. Fejt, to approve the Minutes for the Regular City Council Meeting held on September 8, 2020 as corrected. The motion carried by a unanimous voice vote.

D. **Bid Openings:** Ald. Avila made the motion, seconded by Ald. Nowak, to concur and award the contract Omni Pump Repairs for replacement of the Berwyn Police Department fire pump controller in an amount not to exceed \$23,600. The motion carried by a unanimous roll call vote.

E. **Berwyn Township, Berwyn Health District, Berwyn Development Corporation:** Nothing submitted.

F. **Reports from the Mayor:** Nothing submitted.

G. **Reports from the Clerk:** Nothing submitted.

H. **Zoning Boards of Appeals:** Nothing submitted.

I. **Reports from the Aldermen, Committees, and Boards:**

I-1: Ald. Avila made the motion, seconded by Ald. Santoy, to **amend** the Ordinance entitled **An Ordinance Amending Chapter 484, Section 484.02 of the Codified Ordinances Regarding Superzone Parking for the City of Berwyn, County of Cook, State of Illinois** on its face at paragraph 20 by changing it to read: “ Residents living on Grove Avenue from the East West alley south of 22<sup>nd</sup> Street to 23<sup>rd</sup> Street”; send it to the Legal Department to add the amendatory language; authorize the Corporate Authorities to affix the necessary signatures and send it on its way to passage. The motion carried by a unanimous roll call vote.

I-2: Ald. Santoy made the motion, seconded by Ald. Lennon, to accept the September 15, 2020 Minutes of the Budget and Finance Committee Meeting as informational. The motion carried by a unanimous voice vote.

**J. Reports from the Staff:**

J-1: Ald. Avila made the motion, seconded by Ald. Nowak, to **adopt** the Ordinance entitled: **An Ordinance Amending Chapter 292, Section 292.06 of the Codified Ordinances Regarding Administrative Hearings for the City of Berwyn, County of Cook, State of Illinois** authorize the Corporate Authorities to affix the necessary signatures and send it on its way to passage. The motion carried by a unanimous roll call vote.

Ald. Avila made the motion, seconded by Ald. Nowak, to **adopt** the Ordinance entitled: **An Ordinance Amending Chapter 292, Section 292.99 of the Codified Ordinances Regarding Schedule of Fines and Penalties for the City of Berwyn, County of Cook, State of Illinois**, authorize the Corporate Authorities to affix the necessary signatures and send it on its way to passage. The motion carried by a vote of 7 Ayes and 1 Abstention (Reardon).

Ald. Avila made the motion, seconded by Ald. Nowak, to **adopt** the Ordinance entitled: **An Ordinance Amending Chapter 420, Section 420.01 of the Codified Ordinances Regarding Adoption of Vehicle Code for the City of Berwyn, County of Cook, State of Illinois**, authorize the Corporate Authorities to affix the necessary signatures and send it on its way to passage. The motion carried by a unanimous roll call vote.

J-2: Ald. Avila made the motion, seconded by Ald. Nowak, to adopt the Resolution entitled: **A Resolution to Approve Intergovernmental and Subrecipient Agreement for Coronavirus Relief Funds (CARES ACT)**, authorize the Corporate Authorities to affix the necessary signatures to the Resolution and the accompanying Intergovernmental and Subrecipient Agreement and send the Resolution on its way to passage. The motion carried by a unanimous roll call vote.

J-3: Ald. Avila made the motion, seconded by Ald. Nowak, to concur with Fire Chief Hayes, waive the bidding process to accept the secure national discount price and purchase a Records Management System from Emergency reporting for an initial first-year cost of \$19,920 and an annual renewal of \$7,330. Ald. Ramirez asked a question. Fire Chief Hayes was recognized and responded. A brief discussion ensued. A roll call vote was taken on the motion. The motion passed unanimously.

J-4: Ald. Ruiz made the motion, seconded by Ald. Lennon, to concur and approve the proposal with Sustainable Systems, LLC for Risk and Resilience Assessment and Emergency Response Plan for an amount not to exceed \$41,700. The motion carried by a unanimous roll call vote.

J-5: Ald. Reardon made the motion, seconded by Ald. Fejt, to grant permission to Building Director Lazzara to demolish the existing house and garage located at 2538 Grove. The motion carried by a unanimous voice vote.

J-6: Ald. Nowak made the motion, seconded by Ald. Lennon, to accept City Administrator Green's report on the Public Art Community Listening Sessions as informational. The motion carried by a unanimous voice vote.

J-7: Ald. Santoy made the motion, seconded by Ald. Lennon, to approve the 2019 Comprehensive Annual Financial Report and accompanying Single Audit as submitted. The motion carried by a unanimous voice vote.

J-8: See above. Pulled from Agenda

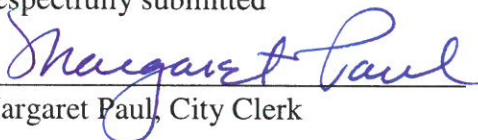
**K. Consent Agenda:** Ald. Avila made the motion, seconded by Ald. Lennon, to approve the Consent Agenda (Items K1 through K2) by omnibus designation. The motion carried by a unanimous voice vote.

**Aldermanic Committee Meetings:** Ald. Santoy announced his previously called Budget and Finance Committee meeting scheduled for Thursday, September 24, 2020 at 5:30 pm.

**Adjournment:** Ald. Nowak made the motion, seconded by Ald. Avila, to adjourn the meeting. The motion carried by a unanimous voice vote.

The meeting adjourned at 8:55 p.m.

Respectfully submitted

  
Margaret Paul, City Clerk

ITEM NO. C-1  
DATE 9-22-20  
DISPOSITION Approved as submitted -