

**MINUTES OF THE REGULAR MEETING OF THE CITY  
COUNCIL OF THE CITY OF DES PLAINES, ILLINOIS  
HELD IN THE ELEANOR ROHRBACH MEMORIAL  
COUNCIL CHAMBERS, DES PLAINES CIVIC CENTER,  
TUESDAY, SEPTEMBER 6, 2016**

**CALL TO  
ORDER:**

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Bogusz at 7:01 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Tuesday, September 6, 2016.

**ROLL CALL:**

Roll call indicated the following Aldermen present: Robinson, Rodd, Sayad, Brookman, Chester, Smith and Charewicz. A quorum was present. Alderman Haugeberg was absent.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Community and Economic Development McMahon, Economic Development Coordinator Pruss, Fire Chief Wax, Police Chief Kushner, Director of Public Works and Engineering Oakley and General Counsel Weiss.

**PRAYER AND  
PLEDGE:**

The opening prayer was given by Mayor Bogusz, followed by the Pledge of Allegiance to the Flag of the United States of America which was led by a Boy Scout from Troop 955.

**PRESENTATION:**

Mayor Bogusz announced the First and Second Place winners of the Mayor's Curb Appeal Challenge for Most Improved Curb Appeal and Best Curb Appeal and presented a check from Village Bank & Trust to the owners of each winning address.

**CITIZEN PART.:**

Resident Wayne Serbin addressed the City Council announcing that Tap House Grill will provide free food to Police Officers and Firefighters on Patriot's Day, Sunday, September 11.

Resident Jim Coogan addressed the City Council announcing the Des Plaines River Bike Ride event on Saturday, September 10.

Mr. Leroy Jaworski, a resident of Chicago and member of Fr. Linden Knights of Columbus Council 3627, addressed the City Council announcing its 47<sup>th</sup> Annual Tootsie Roll Drive taking place September 16 - 18 benefiting numerous charitable organizations.

Mr. Jaworski also announced that the Knights of Columbus will hold an event on Sunday, November 13 at River Rand Bowl.

Mr. Larry Arkus addressed the City Council commenting on the improvements being made to River Road and complimenting all those involved in National Night Out held at Maine West High School.

**CITY CLERK  
ANNOUNCEMENTS:**

City Clerk Ludwig announced various community events taking place during September and October.



**CONSENT  
AGENDA:**

Motion by Brookman, seconded by Chester, to establish the Consent Agenda. Motion declared carried.

Motion by Sayad, seconded by Chester, to approve the Consent Agenda. Upon roll call, the vote was:

AYES: 7-Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 1-Haugeberg

Motion declared carried.

Staff recommendations and requests were approved; Resolutions R-130-16, R-134-16, R-135-16 and R-136-16 were adopted; Ordinance M-25-16 was adopted; Minutes of the Special Council Meeting of August 8, 2016, Regular Council Meeting of August 15, 2016 and the Closed Session of August 15, 2016 were approved.

**APPROVE NEW  
OWNERSHIP/  
CLASS E LIQ.  
LIC./  
1118 LEE ST.:**

**Consent  
Agenda**

Moved by Sayad, seconded by Chester, to concur with Staff recommendation to approve new ownership for existing Class E (Restaurant Dining Room, Consumption on Premises) Liquor License for Brito Restaurant, Inc. d/b/a Las Torres Mexican Food, 1118 Lee Street. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE  
RIGHT-OF-WAY/  
IDOT/ BALLARD  
RD. SIDEPATH:**

**Consent  
Agenda**

**Resolution  
R-130-16**

Moved by Sayad, seconded by Chester, to concur with Staff recommendation to approve Right-of-Way Acquisition Letter of Concurrence with the Illinois Department of Transportation (IDOT) in Connection with the Ballard Road Sidepath Project; and further recommend to adopt Resolution R-130-16, A RESOLUTION APPROVING THE EXECUTION OF A LETTER OF CONCURRENCE WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE BALLARD ROAD SIDEPATH PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

**AWARD BID/  
TIF #1  
STREETSCAPE  
IMPROV'S. -  
PHASE III:**

**Resolution  
R-131-16**

Discussion was held.

Moved by Chester, seconded by Sayad, to table the bid award for TIF #1 Streetscape Improvements – Phase III to Lowest Responsible Bidder Lorusso Cement Contractors, Inc. and Resolution R-131-16, A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH LORUSSO CEMENT CONTRACTORS, INC., FOR TIF #1 DOWNTOWN STREETSCAPE PHASE III PROJECT to the Regular Council Meeting of September 19, 2016. Motion declared carried.

**APPROVE  
AGREEMENT/**

Discussion was held.



**TIF #1**  
**STREETSCAPE**  
**IMPROV'S. –**  
**PHASE III –**  
**ENG. SVCS. –**  
**CHANGE ORDER**  
**NO. 1 TO TASK**  
**ORDER #3:**

Moved by Chester, seconded by Sayad, to table the Agreement with SpaceCo, Inc. for TIF #1 Streetscape Improvements – Phase III Construction Engineering Services in the Not-to-Exceed Amount of \$100,000. Budgeted Funds – TIF #1 and Resolution R-132-16, A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO TASK ORDER NO. 3 UNDER A MASTER CONTRACT WITH SPACECO, INC., FOR ENGINEERING SERVICES to the Regular Council Meeting of September 19, 2016. Motion declared carried.

**Resolution**  
**R-132-16**

**AWARD BID/**  
**TIF #7 ORCHARD**  
**PLACE**  
**IMPROV'S.:**

Discussion was held.

Moved by Charewicz, seconded by Rodd, to award Bid for TIF #7 Orchard Place Improvements to Low Bidder Lorig Construction Company, 250 E. Touhy Avenue, Des Plaines, IL in the Not-to-Exceed Amount of \$1,557,424.77 (Budgeted Funds – TIF #7); and adopt Resolution R-133-16, A RESOLUTION APPROVING A CONSTRUCTION CONTRACT WITH LORIG CONSTRUCTION COPANY FOR TIF #7 ORCHARD PLACE IMPROVEMENTS. Upon roll call, the vote was:

**Resolution**  
**R-133-16**

AYES: 7-Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz  
NAYS: 0-None  
ABSENT: 1-Haugeberg  
Motion declared carried.

**APPROVE AGR./**  
**TIF #7 ORCHARD**  
**PLACE**  
**IMPROV'S./**  
**CONSTR. ENG.**  
**SVCS./ TASK**  
**ORDER NO. 5:**

Moved by Sayad, seconded by Chester, to concur with Staff recommendation to approve Agreement with Christopher B. Burke Engineering, Ltd. for TIF #7 Orchard Place Improvements – Construction Engineering Services in the Not-to-Exceed Amount of \$145,968 (Budgeted Funds – TIF #7); and further recommend to adopt Resolution R-134-16, A RESOLUTION APPROVING TASK ORDER NO. 5 WITH CHRISTOPHER B. BURKE ENGINEERING, LTD. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Consent**  
**Agenda**

**Resolution**  
**R-134-16**

**APPROVE THREE**  
**YEAR MASTER**  
**CONTRACT/**  
**SANITARY**  
**SEWER**  
**EVALUATION**  
**SURVEY:**

Moved by Sayad, seconded by Chester, to concur with Staff recommendation to approve Three-Year Master Contract with RJN Group, 200 West Front Street, Wheaton, IL and Task Order #1 for a Sanitary Sewer Evaluation Survey in the Amount of \$83,434.58 (Budgeted Funds – Capital Projects/Professional Services); and further recommend to adopt Resolution R-135-16, A RESOLUTION APPROVING A MASTER CONTRACT WITH RJN GROUP, INC., FOR PROFESSIONAL ENGINEERING SERVICES AND TASK ORDER NO. 1 FOR ENGINEERING SERVICES FOR A SANITARY SEWER

**Consent**  
**Agenda**



EVALUATION SURVEY. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-135-16**

**REJECT ALL  
BIDS/ INTERIOR  
RENOVATIONS/  
POLICE DEPT.:**  
**Consent  
Agenda**

Moved by Sayad, seconded by Chester, to concur with Staff recommendation to Reject All Bids for Interior Renovations for the 2<sup>nd</sup> Floor of the Des Plaines Police Department and Recommend that Project be Re-Bid at a Later Date with a Revised Scope of Work; and further recommend to adopt Resolution R-136-16, A RESOLUTION REJECTING ALL BIDS FOR THE INTERIOR RENOVATIONS AT THE DES PLAINES POLICE DEPARTMENT 2<sup>ND</sup> FLOOR. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-136-16**

**ADVERTISE BID/  
PARKWAY TREE  
MAINT.  
CONTRACT/  
2017-2019:**  
**Consent  
Agenda**

Moved by Sayad, seconded by Chester, to concur with Staff recommendation to authorize the City Clerk to advertise for bid the Tree Maintenance Contract. Motion declared carried as approved unanimously under Consent Agenda.

**ADVERTISE BID/  
CUSTODIAL  
SVCS.  
CONTRACT/  
2017-2019:**  
**Consent  
Agenda**

Moved by Sayad, seconded by Chester, to concur with Staff recommendation to authorize the City Clerk to advertise for bid the Custodial Services Contract. Motion declared carried as approved unanimously under Consent Agenda.

**ORDINANCE  
M-25-16  
AMEND CITY  
CODE/ ADD  
CLASS A LIQ.  
LIC./ REMOVE  
ONE CLASS E  
LIQ. LIC.:**  
**Consent  
Agenda**

Moved by Sayad, seconded by Chester, to adopt Ordinance M-25-16, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS A LIQUOR LICENSE AND REMOVE ONE CLASS E LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE FLAG  
POLICY:**

Discussion was held.

**Resolution  
R-138-16**

Moved by Rodd, seconded by Brookman, to amend Resolution R-138-16 by adding "Coast Guard" to the last paragraph: "The service flags of the United States Army, Air Force, Navy, Marines and *Coast Guard* each to be flown one after the other for one week each over the City Hall in November of each year." Motion declared carried.



**Resolution  
R-138-16  
(Cont'd)**

Moved by Rodd, seconded by Sayad, to adopt Resolution R-138-16, A RESOLUTION ESTABLISHING A FLAG POLICY, AS AMENDED. Motion declared carried.

**MINUTES/  
SPECIAL MTG.:  
Consent  
Agenda**

Moved by Sayad, seconded by Chester, to approve Minutes of Special City Council Meeting of August 8, 2016, as published. Motion declared carried as approved unanimously under Consent Agenda.

**MINUTES/  
REGULAR MTG.:  
Consent  
Agenda**

Moved by Sayad, seconded by Chester, to approve Minutes of Regular City Council Meeting of August 15, 2016, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE FIRST  
AMENDMENT TO  
RESTATED  
AMENDED DEV.  
AGR. AND  
SECOND  
AMENDMENT TO  
SALE AGR./  
TIF #7/  
ORCHARDS AT  
O'HARE  
PROJECT:**

Discussion was held.

City Manager Bartholomew answered questions from the Aldermen.

Moved by Brookman, seconded by Sayad, to direct Staff to negotiate a land lease for the Park District Property in TIF #7 with Developer O'Hare Real Estate, LLC.

Upon roll call, the vote was:

AYES: 4-Robinson, Sayad,  
Brookman, Chester

NAYS: 3-Rodd,  
Smith, Charewicz

ABSENT: 1-Haugeberg  
Motion declared carried.

**Resolution  
R-139-16**

Moved by Charewicz, seconded by Rodd, to adopt Resolution R-139-16, A RESOLUTION APPROVING A FIRST AMENDMENT TO AN AMENDED AND RESTATED REDEVELOPMENT AND ECONOMIC INCENTIVE AGREEMENT, AS WELL AS A SECOND AMENDMENT TO SALE, PURCHASE, AND ESCROW AGREEMENT. Upon roll call, the vote was:

AYES: 3-Rodd,  
Smith, Charewicz

NAYS: 4-Robinson, Sayad,  
Brookman, Chester

ABSENT: 1-Haugeberg  
Motion declared failed.

**MINUTES/  
CLOSED  
SESSION:  
Consent  
Agenda**

Moved by Sayad, seconded by Chester, to approve Minutes of the Closed Session of August 15, 2016. Motion declared carried as approved unanimously under Consent Agenda.



**MAYOR BOGUSZ DECLARED THAT THE CITY COUNCIL WAS NOW  
RESOLVED INTO A COMMITTEE OF THE WHOLE**

**FINANCE & ADMINISTRATION:** – Alderman Smith, Chair

**WARRANT  
REGISTER:**

Alderman Sayad requested that the List of Vendors “Doing Business” with the City of Des Plaines over \$10,000.00 be changed to \$2,000.00 and that this change be discussed during a Legal & Licensing Committee meeting.

Resident Wayne Serbin addressed the Committee of the Whole commenting on donations made by Federal and State legislators to candidates running for elected office.

Moved by Rodd, seconded by Chester, to recommend to the City Council approval of the September 6, 2016 – Warrant Register, in the total amount of \$4,133,706.87; and further recommend that Resolution R-137-16 be adopted at appropriate time this evening. Motion declared carried. Alderman Sayad did not agree.

**COMMUNITY DEVELOPMENT** – Alderman Charewicz, Chair

**FINAL PUD/  
FINAL PLAT  
SUBDIVISION/  
800 NORTHWEST  
HGHWY:**

Economic Development Coordinator Pruss reviewed her Memorandum of August 2, 2016 regarding a Final Planned Unit Development and Final Plat of Subdivision at: 800 Northwest Highway, Case #16-048-FPUD-FSUB. A Final Planned Unit Development (FPUD) is requested under Section 12-355 of the 1998 City of Des Plaines Zoning Ordinance, as amended, to allow for the construction of 24 townhome buildings with 127 units and a 270-unit Apartment Building on approximately 21.7 acres and to be known as the Buckingham Place PUD, with a requested PUD exception from the R-4, Central Core Residential Zoning District standards for lot sizes as small as 4,875 square feet, instead of not less than 10,000 square feet; A Final Plat of Subdivision (FSUB) to create the Buckingham Place Subdivision with 26 lots.

The Planning and Zoning Board *recommended* (5-0) that the City Council approve the proposed final plat and final planned unit development, subject to conditions.

The Department of Community and Economic Development, The Public Works and Engineering Department, and The City of Des Plaines Fire Department recommend approval of the Final PUD and Final Plat of Subdivision, subject to conditions.

Coordinator Pruss and Director of Public Works and Engineering Oakley answered questions from the Aldermen.

Mr. Christopher Coleman, President & CEO of Buckingham Properties, Inc. appeared before the Committee of the Whole to answer questions.



**800 NORTHWEST  
HIGHWAY:  
(Cont'd)**

Resident Wayne Serbin addressed the Committee of the Whole asking about rent for the apartments.

Moved by Rodd, seconded by Sayad, to recommend to the City Council approval of the Final PUD and Final Plat of Subdivision, subject to conditions for Buckingham Properties, Inc. located at 800 Northwest Highway at appropriate time this evening. Motion declared carried. Alderman Brookman did not agree.

**PUBLIC SAFETY** – Alderman Sayad, Chair

**DISCUSSION/  
OFFICER  
SAFETY AND  
CRIME  
STATISTICS:**

Police Chief Kushner reviewed his Memorandums dated August 26, 2016 regarding Officer Safety and Survivability and Crime Statistics, 2010 through 2015.

Discussion was held.

Chief Kushner answered questions from the Aldermen.

Resident Wayne Serbin addressed the Committee of the Whole commenting on criminals moving into Des Plaines.

**MAYOR BOGUSZ ASSUMED THE CHAIR AND DECLARED THE  
CITY COUNCIL BACK IN SESSION.**

**UNFINISHED  
BUSINESS:**

**ORDINANCE  
Z-20-16  
COND. USE  
PERMIT/  
572 EAST  
OAKTON ST.:**

Moved by Rodd, seconded by Charewicz, to adopt Ordinance Z-20-16, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A MASSAGE ESTABLISHMENT ON A SITE IN THE C-3 ZONING DISTRICT AT 572 EAST OAKTON ROAD, DES PLAINES, ILLINOIS. (CASE #16-040-CU). Upon roll call, the vote was:

- AYES: 6-Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz
  - NAYS: 1-Robinson
  - ABSENT: 1-Haugeberg
- Motion declared carried.

**ORDINANCE  
Z-22-16  
TEXT  
AMENDMENT/  
PLANNED UNIT  
DEVELOPMENT  
STANDARDS:**

Moved by Charewicz, seconded by Rodd, to adopt Ordinance Z-22-16, AN ORDINANCE AMENDING THE TEXT OF THE CITY ZONING ORDINANCE REGARDING PLANNED UNIT DEVELOPMENT STANDARDS FOR PERMITTED BULK EXCEPTIONS AND MINIMUM DEVELOPMENT STANDARDS (CASE #16-045-TA). Upon roll call, the vote was:

- AYES: 7-Robinson, Rodd, Sayad,  
Brookman, Chester, Smith, Charewicz
- NAYS: 0-None



ABSENT: 1-Haugeberg  
Motion declared carried.

**NEW BUSINESS:**

**WARRANT REGISTER:**

**Resolution R-137-16**

Moved by Smith, seconded by Chester, to concur with recommendation of Committee of the Whole to adopt Resolution R-137-16, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES PLAINES THAT THE FOLLOWING BILLS ARE DUE AND PAYABLE AND THAT THE MAYOR AND CITY CLERK BE AND ARE HEREBY AUTHORIZED TO MAKE PAYMENT FOR SAME. Total: \$4,133,706.87. Upon roll call, the vote was:  
AYES: 6-Robinson, Rodd,  
Brookman, Chester, Smith, Charewicz  
NAYS: 1-Sayad  
ABSENT: 1-Haugeberg  
Motion declared carried.

**FINAL PUD/  
FINAL PLAT  
SUBDIVISION/  
800 NORTHWEST  
HGHWY:**

**Ordinance Z-23-16**

Moved by Charewicz, seconded by Chester, to concur with recommendation of Committee of the Whole to place on First Reading Ordinance Z-23-16, AN ORDINANCE APPROVING A FINAL PLAT OF PLANNED UNIT DEVELOPMENT WITH A PERMITTED EXCEPTION AND A FINAL PLAT OF SUBDIVISION FOR THE PROPERTY LOCATED AT 800 NORTHWEST HIGHWAY, DES PLAINES, ILLINOIS. (Case #16-048-FPUD-FSUB). Upon roll call, the vote was:  
AYES: 6-Robinson, Rodd, Sayad,  
Chester, Smith, Charewicz  
NAYS: 1-Brookman  
ABSENT: 1-Haugeberg  
Motion declared carried.

**CLOSED SESSION:**

Moved by Charewicz, seconded by Rodd, to enter into Closed Session to discuss the Purchase or Lease of Property and Probable or Imminent Litigation. Upon roll call, the vote was:  
AYES: 6-Robinson, Rodd,  
Brookman, Chester, Smith, Charewicz  
NAYS: 1-Sayad  
ABSENT: 1-Haugeberg  
Motion declared carried.

The City Council recessed at 9:14 p.m.

The City Council reconvened at 9:34 p.m.

There being no further business, the meeting adjourned at 9:38 p.m.



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Gloria J. Ludwig, MMC – CITY CLERK

APPROVED BY ME THIS \_\_\_\_\_

DAY OF \_\_\_\_\_, 2016

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Matthew J. Bogusz - MAYOR