

**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,
MONDAY, DECEMBER 19, 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 6:30 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, December 19, 2016.

ROLL CALL:

Roll call indicated the following Aldermen present: Haugeberg, Robinson, Rodd, Sayad, Chester, Smith and Charewicz. A quorum was present. Alderman Brookman arrived at 6:34 p.m.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Community and Economic Development McMahon, Economic Development Coordinator Pruss, Senior Planner Bye, Fire Chief Wax, Director of Human Resources Light, Director of Information Technology Sora, Police Chief Kushner, Director of Public Works and Engineering Oakley, and General Counsel Weiss.

**EXECUTIVE
SESSION:**

Moved by Sayad, seconded by Chester, to enter into Closed Session to discuss Property Acquisition. Upon roll call, the vote was:

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

NAYS: 0-None

ABSENT: 1-Brookman

Motion declared carried.

The City Council recessed at 6:32 p.m.

The City Council reconvened at 7:10 p.m.

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

**PRAYER AND
PLEDGE:**

The opening prayer was given by City Clerk Ludwig, followed by the Pledge of Allegiance to the Flag of the United States of America.

RECOGNITION:

Fire Chief Wax introduced the Graduates of the 2016 Citizen Fire Academy who completed the class on November 16, 2016.

CITIZEN PART.:

Resident Wayne Serbin addressed the City Council commenting on downtown merchants and the plans for redevelopment. Mr. Serbin complimented owner John Grammatis and the staff at Miner Street Tavern for helping him when his wallet was stolen.

Resident Ron Moore addressed the City Council commenting on the Channel 17 program schedule.



CITY CLERK
ANNOUNCEMENTS:

City Clerk Ludwig announced that the Frisbie Senior Center will be hosting lunch on Christmas Day and announced that City Hall will be closed on Monday, December 26 in observance of Christmas Day and Monday, January 2, 2017 in observance of New Year’s Day. The next City Council meeting will take place on Tuesday, January 3, 2017 at 7 p.m.

CONSENT
AGENDA:

Moved by Haugeberg, seconded by Brookman, to establish the Consent Agenda, except for Items 1a, 1b, 1c, 3 and 3a. Motion declared carried.

Moved by Charewicz, seconded by Smith, to approve the Consent Agenda. Upon roll call, the vote was:

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

NAYS: 0-None

ABSENT: 1-Brookman

Motion declared carried.

Minutes were approved; Staff recommendations and requests were approved; Ordinance M-60-16 was placed on First Reading; and Resolutions R-183-16, R-188-16, R-189-16 and R-186-16 were adopted. Ordinances Z-31-16, Z-32-16 and M-53-16 were adopted.

APPROVE AGR./
IDOT/
US RTE 14
BROADWAY
INTERSECTION
IMPROVEMENT:

Moved by Chester, seconded by Robinson, to approve Agreement with the Illinois Department of Transportation for the US 14 (Northwest Highway) at Broadway Intersection Improvement at an estimated cost of \$453,285 (Budgeted Funds – Capital Projects Fund); and further recommend to adopt Resolution R-182-16, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS TO US 14 AT BROADWAY STREET. Upon roll call, the vote was:

Resolution
R-182-16

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

APPROVE AGR./
IDOT/ FUNDING
US RTE 14
BROADWAY
INTERSECTION
IMPROVEMENT:

Moved by Chester, seconded by Smith, to approve a Resolution approving an Intergovernmental Agreement with the Illinois Department of Transportation for Intersection Improvements to US 14 at Broadway Street; and further recommend to adopt Resolution R-191-16, A RESOLUTION APPROVING FUNDING FOR INTERSECTION IMPROVEMENTS TO US 14 AT BROADWAY STREET. Upon roll call, the vote was:

Resolution
R-191-16

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.



**APPROVE ORD./
PROHIBIT
DISCHARGE
SANITARY/
INDUSTRIAL
WASTE/
US RTE 14
IMPROVEMENT:**

Moved by Chester, seconded by Smith, to adopt an ordinance prohibiting the discharge of sanitary and industrial waste into any storm sewer or drainage facility constructed as a part of the US Route 14 Improvement; and further recommend to place on First Reading Ordinance M-60-16, AN ORDINANCE PROHIBITING THE DISCHARGE OF SANITARY AND INDUSTRIAL WASTE INTO ANY STORM SEWER OR DRAINAGE FACILITY CONSTRUCTED AS A PART OF THE US ROUTE 14 IMPROVEMENT.

Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**Ordinance
M-60-16**

**APPROVE LEASE
AGR./ UNION
PACIFIC
RAILROAD/
US RTE 14
BROADWAY
SIGNALIZATION:**

Moved by Charewicz, seconded by Smith, to concur with Staff recommendation to approve a Lease Agreement with the Union Pacific Railroad to allow for installation and maintenance of sidewalk, bus pad, bus shelter, and fencing on Union Pacific property at the Intersection of US 14 (Northwest Highway) at Broadway Intersection (Budgeted Funds – Capital Projects Fund); and further recommend to adopt Resolution R-183-16, A RESOLUTION APROVING THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF DES PLAINES AND UNION PACIFIC RAILROAD COMPANY. Motion declared carried as approved unanimously under Consent Agenda.

**Consent
Agenda**

**Resolution
R-183-16**

**APPROVE LEASE
RENEWAL AGR./
1850 MINER ST.:**

Discussion was held.

Moved by Brookman, and seconded by Sayad, to return the matter of the Lease Renewal Agreement with New Cingular Wireless PCS, LLC 575 Morosgo Drive, Atlanta, Georgia for the use of City-owned property at 1850 Miner Street back to Staff to meet with AT&T to renegotiate the agreement. Upon roll call, the vote was:

AYES: 8-Haugeberg, Robinson, Rodd, Sayad,
Brookman, Chester, Smith, Charewicz

NAYS: 0-None

ABSENT: 0-None

Motion declared carried.

**Resolution
R-188-16**

**APPROVE THIRD
YEAR EXPENSE/
COPIER LEASE/
IT DEPT.:**

Moved by Charewicz, seconded by Smith, to concur with Staff recommendation to approve the Third Year Expenditure of the Multi-Function Copier Lease Agreement with Konica Minolta Business Solutions USA, Inc., 100 Williams Drive, Ramsey, New Jersey in the amount of \$54,396.00 (Budgeted Funds – IT Replacement/Leases Account); and further recommend to adopt Resolution R-189-16, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS UNDER A LEASE WITH KONICA MINOLTA PREMIER FINANCE AND A SERVICES AGREEMENT WITH KONICA MINOLTA BUSINESS

**Consent
Agenda**

**Resolution
R-189-16**

SOLUTIONS USA, INC. Motion declared carried as approved unanimously under Consent Agenda.

**ADVERTISE BID/
2017 TIF#1
LANDSCAPE
MAINT.
CONTRACT:
Consent
Agenda**

Moved by Charewicz, seconded by Smith, to concur with Staff recommendation to advertise for bid the 2017 TIF #1 Landscape Maintenance contract with a bid opening date of January 26, 2017. Motion declared carried as approved unanimously under Consent Agenda.

**ADVERTISE BID/
2017 LANDSCAPE
MAINT.
CONTRACT/
CITY-
MAINTAINED
GREENSPACE:
Consent
Agenda**

Moved by Charewicz, seconded by Smith, to concur with Staff recommendation to advertise for bid the 2017 Landscape Maintenance contract for City-maintained greenspace with a bid opening date of January 26, 2017. Motion declared carried as approved unanimously under Consent Agenda.

**ORDINANCE
Z-31-16
COND. USE/
1550 S. MT.
PROSPECT RD.:
Consent
Agenda**

Moved by Charewicz, seconded by Smith, to adopt Ordinance Z-31-16, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A FOOD PROCESSING ESTABLISHMENT ON A SITE IN THE C-3 ZONING DISTRICT AT 1550 S. MOUNT PROSPECT ROAD, DES PLAINES, ILLINOIS. (CASE #16-072-CU). Motion declared carried as approved unanimously under Consent Agenda.

**ORDINANCE
Z-32-16
MAJOR
VARIATIONS/
645 MEADOW
DR.:
Consent
Agenda**

Moved by Charewicz, seconded by Smith, to adopt Ordinance Z-32-16, AN ORDINANCE APPROVING A MAJOR VARIATION FROM SECTION 12-8-1 OF THE CITY OF DES PLAINES ZONING ORDINANCE AT 645 MEADOW DRIVE, DES PLAINES, ILLINOIS (CASE #16-068-V). Motion declared carried as approved unanimously under Consent Agenda.

**ORDINANCE
M-53-16
AMEND CITY
CODE/ SMALL
CELL WIRELESS
TELECOM.
FACILITIES:
Consent
Agenda**

Moved by Charewicz, seconded by Smith, to adopt Ordinance M-53-16, AN ORDINANCE AMENDING CHAPTER 5 OF TITLE 9 OF THE DES PLAINES CITY CODE TO REGULATE SMALL CELL WIRELESS TELECOMMUNICATION FACILITIES. Motion declared carried as approved unanimously under Consent Agenda.



**APPROVE
MINUTES:
Consent
Agenda**

Moved by Charewicz, seconded by Smith, to approve Minutes of Regular Meeting of City Council of November 7, 2016, as published. Motion declared carried as approved unanimously under Consent Agenda.

Moved by Charewicz, seconded by Smith, to approve Minutes of Closed Session of City Council of November 7, 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 stated that he objects to paying invoices from Holland & Knight because we could get them cheaper by an outside or in house service.

Alderman Sayad abstained from voting on the \$3,000.00 to the Des Plaines Community Foundation because he is member of the Board of Directors.

Moved by Haugeberg, seconded by Rodd, to recommend to the City Council approval of the December 19, 2016 – Warrant Register, in the total amount of \$3,001,523.81; and further recommend that Resolution R-190-16 be adopted at appropriate time this evening. Motion declared carried.

**DISCUSSION/
SEMINARS/
CONFERENCES/
CITY CLERK:**

Discussion was held. No action taken.

COMMUNITY DEVELOPMENT – Alderman Charewicz, Chair

**TEXT
AMENDMENT/
DEDICATION
PARK LANDS/
FEES-IN-LIEU
OF:**

Economic Development Coordinator Pruss reviewed her Memorandum dated November 25, 2016 regarding consideration of a Text Amendment to Title 13 to provide dedication of park lands or fees in-lieu-of, Case #16-054-TA.

On April 4, 2016, the City Council voted to initiate a text amendment providing for the dedication of park land for new residential development or a payment of cash in-lieu of land dedication. Since that time, staff has worked closely with the Des Plaines and Mount Prospect Park Districts to develop standards for the required land dedication and the calculation of fees. The proposed ordinance uses an established parks and recreation formula based on population generation by dwelling unit, acres provided on a per capita basis, and an established land value.

At its November 22, 2016 regular meeting, the Planning and Zoning Board unanimously recommended approval of the proposed text amendments. Additionally, Staff recommends approval of the proposed text amendments.



Ms. Pruss answered questions from the Aldermen.

TEXT
AMENDMENT/
DEDICATION
PARK LANDS/
FEES-IN-LIEU
OF:
 (Cont'd)

Mr. Don Miletic, Executive Director of the Des Plaines Park District, appeared before the Committee of the Whole answering questions from the Aldermen.

Following discussion, moved by Sayad, seconded by Haugeberg, to return this matter back to Staff for review and clarification. Motion declared carried.

PUD/
150 N. EAST
RIVER RD.:

Senior Planner Bye reviewed her Memorandum dated December 8, 2016 regarding a Preliminary Planned Unit Development (PUD) and Tentative Plat of Subdivision for 150 N. East River Road, 16-058-SUB-PUD.

Petitioner Covington Realty Partners, 135 N. Meramec Avenue, Suite 500, Clayton, MO 63105 is requesting a Preliminary Planned Unit Development (PUD) for the Covington Lexington Woods residential development under Section 12-3-5 of the 1998 City of Des Plaines Zoning Ordinance, as amended, and a Tentative Plat of Subdivision, under Section 13-2-5 of Subdivision Regulations of the City of Des Plaines Municipal Code, to allow for the construction of a 236 unit, four-story apartment building with a 342-space parking deck and 138 spaces of surface parking, with a requested PUD exception from the R-3, Townhouse Residential Zoning District standards under Section 12-7-2.J of the 1998 City of Des Plaines Zoning Ordinance, as amended, for a 50% reduction of the required lot area per dwelling unit.

The Planning and Zoning Board met on November 22, 2016, to consider the Preliminary PUD and Tentative Plat of Subdivision. The petitioner presented the proposed site plan and building elevations. Two members of the public spoke with concerns regarding the additional traffic associated with the development. They stated that the intersection of Golf Road and N. East River Road is already congested and questioned how the proposed apartment building would add to this. The petitioner clarified that a full traffic study was completed that states that the proposed development will not worsen traffic at the intersection. There were two suggestions from the report that the petitioner will comply with, including a synching of the traffic lights to improve traffic congestion. Overall, the PZB praised the petitioner in regards to the unique architectural design and massing of the apartment building. They praised the developer for hiding the parking garage on the interior of the building so that it is not visible to the public. There was concern over the durability of the construction materials selected for the building, given our yearly freeze-thaw cycles.

The Planning and Zoning Board, after having heard and fully considering the evidence, *recommended* (5-0) that the City Council *approve* the Preliminary Planned Unit Development (PUD) to allow for the construction of the proposed development. Additionally, the Planning and Zoning Board, after having heard

PUD/
150 N. EAST
RIVER RD.:
(Cont'd)

and fully considering the evidence, *approved* (5-0) the Tentative Plat of Subdivision.

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 Preliminary Planned Unit Development and Tentative Plat of Subdivision, subject to conditions.

Mr. Paul Langdon, Vice President of Development for Covington Realty Partners addressed the Committee of the Whole and answered questions from the Aldermen.

Moved by Rodd, seconded by Sayad, to recommend to the City Council approval of Ordinance Z-35-16 at appropriate time this evening. Upon roll call, the vote was:

- AYES: 4-Rodd, Sayad,
Smith, Charewicz
 - NAYS: 4-Haugeberg, Robinson,
Brookman, Chester
 - ABSENT: 0-None
- Motion declared failed.

PUBLIC SAFETY – Alderman Sayad, Chair

VIDEO
PRESENTATION/
FIRE DEPT.:

The video scheduled to be viewed this evening was deferred to the next Regular City Council Meeting on January 3, 2017. There were no objections.

UNFINISHED
BUSINESS:

ORDINANCE
Z-33-16
EXTENSION OF
APPROVAL/
COND. USE/
VARIATION/
1529 RAND RD.:

Discussion was held.

Moved by Charewicz, seconded by Smith, to adopt Ordinance Z-33-16, AN ORDINANCE GRANTING AN EXTENSION OF THE CONDITIONAL USE PERMIT AND MAJOR VARIATION FOR 1529 RAND ROAD, DES PLAINES. Upon roll call, the vote was:

- AYES: 6-Rodd, Sayad,
Brookman, Chester, Smith, Charewicz
 - NAYS: 2-Haugeberg, Robinson
 - ABSENT: 0-None
- Motion declared carried.

ORDINANCE
M-58-16
AMEND CITY
CODE/

Discussion was held. It was the consensus of the Council to defer this matter to the next Regular City Council Meeting of January 3, 2017.



LICENSING OF SOLICITORS:

NEW BUSINESS:

WARRANT REGISTER:

Resolution R-190-16

Moved by Smith, seconded by Brookman, to concur with recommendation of Committee of the Whole to adopt Resolution R-190-16, 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: \$3,001,523.81. Upon roll call, the vote was:
AYES: 8-Haugeberg, Robinson, Rodd, Sayad,
Brookman, Chester, Smith, Charewicz
NAYS: 0-None
ABSENT: 0-None
Motion declared carried.

TEXT AMENDMENT/ DEDICATION PARK LANDS/ FEES-IN-LIEU OF:

This matter was referred back to Staff for review and clarification.

Ordinance Z-34-16

PUD/ 150 N. EAST RIVER RD.:

Ordinance Z-35-16

Moved by Charewicz, seconded by Smith, to place on First Reading Ordinance Z-35-16, AN ORDINANCE APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT AND TENTATIVE SUBDIVISION LOCATED AT 150 N. EAST RIVER ROAD, DES PLAINES, ILLINOIS. (Case #16-058-SUB-PUD). Upon roll call, the vote was:
AYES: 5-Rodd, Sayad,
Smith, Charewicz, Bogusz
NAYS: 4-Haugeberg, Robinson,
Brookman, Chester
ABSENT: 0-None
Motion declared carried.

REQUEST TO REVISE MINUTES/ VOTE DECEMBER 5, 2016:

Alderman Sayad requested that his vote for the 2017 Budget be revised to note that he abstains from voting on the money allocated for the Des Plaines Community Foundation since he is a member of the Board of Directors.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:22 p.m.



Gloria J. Ludwig, MMC – CITY CLERK

APPROVED BY ME THIS _____

DAY OF _____, 2017

Matthew J. Bogusz, MAYOR