

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, JUNE 5, 2023

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Goczkowski at 7:01 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, June 5, 2023.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz. A quorum was present.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Assistant Director of Public Works and Engineering Watkins, Director of Community and Economic Development Carlisle, Fire Chief Anderson, Police Chief Anderson, and General Counsel Friedman.

PRAYER AND PLEDGE

The prayer and the Pledge of Allegiance to the Flag of the United States of America were offered by Alderman Smith.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring the month of June as Pride Month.

Mayor Goczkowski presented the proclamation to members of Maine West Gender & Sexuality Alliance (GSA), Oakton Pride Club, and Speak Des Plaines.

PUBLIC COMMENT

Residents Julie Vargas and Miguel Soriano brought up an issue regarding their application for a concrete permit, and requested further follow-up.

ALDERMAN ANNOUNCEMENTS

Alderman Oskerka mentioned the PZB will be hosting a special meeting tomorrow night from 6:00 p.m. to 8:00 p.m. to discuss the proposed project at the Contour Saws property.

Alderman Sayad thanked the Mayor and the Police Chief for attending the fourth ward meeting last week. He also acknowledged an award received by the Finance Department.

Alderman Walsten thanked Police Chief Anderson for handling an issue on Fargo Ave, and thanked the PW&E Department for handling some issues he brought to their attention. He also stated he received many calls regarding the tattered American flag, and asked General Counsel Friedman to provide further clarification about possible legislation on the matter.

General Counsel Friedman stated there is a question on whether any government entity has the authority regulate the American flag; stating he will investigate further and provide an analysis to the City Council.

Alderman Walsten also stated the American Legion provides a drop off box for tattered American flags at 1291 Oakwood Street, and they will provide a free flag for anyone who brings in a tattered American flag.

Alderman Smith stated she had a ward meeting on May 25th; she thanked the residents who took the time to come out, and thanked the City representatives for attending. She also stated the Des Plaines Pantry is need of items such as toilet paper, baby wipes, and diapers sizes 4, 5, and 6; the items can be dropped off at 769 Holiday Lane.

Alderman Charewicz stated he will be hosting eighth ward meetings at Friendship Park Conservatory starting on August 1, 2023 at 7:00 p.m., and will run the first Tuesday of the even months; and he is seeking topic suggestions from the residents. He also mentioned the Taste of Des Plaines will be June 16-17. Additionally, he stated Izaak Walton League and

Clean Up/Give Back is hosting a clean-up of the forest preserve on June 17th at 9:00 a.m.; individuals can register online or on site. He also reiterated the upcoming PZB meeting.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski echoed the comments regarding the Taste of Des Plaines and number of other events coming up. He also restated the importance of the PZB meeting tomorrow.

CONSENT AGENDA

Moved by Brookman, seconded by Sayad, to Establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Smith, seconded by Oskerka, to Approve the Consent Agenda.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

*During agenda item, Other Aldermen Comments for the Good of the Order, Alderman Walsten stated he would have voted "No" on Consent Agenda Item #6.

Minutes were approved; Ordinance M-11-23, Z-10-23 was adopted; Resolutions R-96-23, R-104-23, R-105-23, R-106-23, R-107-23, R-108-23 were adopted.

**SECOND READING/
ORDINANCE**

M-11-23

Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve Ordinance M-11-23, AN ORDINANCE DECLARING AN AMERICA JETTER OWNED BY THE CITY OF DES PLAINES AS SURPLUS AND APPROVING THE PURCHASE OF A VAC-CON SEWER JETTER TRUCK THROUGH SOURCEWELL. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE**

Z-10-23

Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve Ordinance Z-10-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMITS TO ALLOW THE OPERATION OF A COMMERCIALY ZONED ASSEMBLY USE AND PRIVATE SCHOOL AT 820-848 LEE STREET, DES PLAINES, ILLINOIS (Case # 23-013-CU). Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE PURCH/
SWITCHES/ ITSAVVY**

Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve Resolution R-104-23, A RESOLUTION APPROVING THE PURCHASE OF CISCO 9300 SERIES SWITCHES FOR CITY HALL FROM ITSAVVY LLC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution

R-104-23

**APPROVE
UPFITTING/ FORD
TRKS/ SOURCEWELL**

Consent Agenda

Resolution

Moved by Smith, seconded by Oskerka, to Approve Resolution R-105-23, A RESOLUTION AUTHORIZING THE UPFITTING OF TWO FORD TRUCK CHASSIS FROM REGIONAL TRUCK EQUIPMENT THROUGH SOURCEWELL MUNICIPAL PRICING. Motion declared carried as approved unanimously under Consent Agenda.

R-105-23

**APPROVE AGRMT/
PAVE MARKS/ SUP
RD STRIPING**
Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve Resolution R-106-23, A RESOLUTION APPROVING AN AGREEMENT WITH SUPERIOR ROAD STRIPING INC. FOR THE 2023 THERMOPLASTIC/EPOXY PAVEMENT MARKINGS AND RAISED REFLECTOR PAVEMENT MARKER REPLACEMENT PROJECT, MFT-23-00000-06-GM. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-106-23

**APPROVE AGRMT/
ELEC MSG BOARD/
IMAGE MEDIA AD**
Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve Resolution R-107-23, A RESOLUTION APPROVING A CITY MESSAGE AGREEMENT WITH IMAGE MEDIA ADVERTISING INC. REGARDING AN ELECTRONIC MESSAGE BOARD BILLBOARD SIGN ON LOT 4 OF THE MANNHEIM-PRATT COMMERCIAL DEVELOPMENT. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-107-23

**APPROVE TSK ORD
25/ PROF ENG SVCS/
ARGON ELECTRIC**
Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve Resolution R-108-23, A RESOLUTION APPROVING TASK ORDER NO. 25 UNDER A MASTER CONTRACT WITH ARGON ELECTRIC COMPANY, INC. FOR PROFESSIONAL ELECTRICAL SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-108-23

**APPROVE TSK ORD
3/ PROF ENG SVCS/
C. B. BURKE ENG**
Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve Resolution R-96-23, A RESOLUTION APPROVING TASK ORDER NO. 3 UNDER A MASTER CONTRACT WITH CHRISTOPHER B. BURKE ENGINEERING, LTD. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-96-23

**APPROVE
MINUTES**
Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve the Minutes of the City Council meeting of May 15, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Smith, seconded by Oskerka, to Approve the Closed Session Minutes of the City Council meeting of May 15, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

**WARRANT
REGISTER**
Resolution
R-109-23

Alderman Sayad presented the Warrant Register.

Alderman Sayad questioned items regarding the campground and a television purchase.

Moved by Walsten, seconded by Smith, to Approve the Warrant Register of June 5, 2023 in the Amount of \$3,467,989.60 and Approve Resolution R-109-23.

Upon roll call, the vote was:

AYES: 8 - Moylan, Oskerka, Sayad*, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

*Alderman Sayad stated he voted “Aye” for all the items on the Warrant Register except for the purchase of the television listed under the City Manager’s Office.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

CONSIDER
APPROVING A 2ND
AMD COMPL AND
TEMP ABEYANCE OF
ENFORCE AGRMT
BTW THE CITY,
PROMINENCE
HOSPITALITY
GROUP, AND
O’HARE REAL
ESTATE LLC
Resolution
R-110-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated May 25, 2023.

The Holiday Inn Express and Suites hotel at 3001 Mannheim Road in the Orchards at O’Hare development has been operating a commercial parking lot use since approximately mid-July 2021. This activity is not allowed at the C-3-zoned property without a conditional use permit and is also not permitted by the Orchards at O’Hare planned unit development approval. In 2021 and 2022, the City Council passed three separate resolutions (R-189-21, November 15, 2021; R-110-22, June 20, 2022; and R-208-22, December 5, 2022) to enter into and maintain a compliance and temporary abeyance of enforcement agreement with the property owner to allow the activity to occur. The current agreement expired on May 15, 2023.

The property owner/hotel management (Prominence) have submitted a request to the Council to extend the temporary allowance via an amended agreement, with termination upon any of the following, whichever comes first: (i) any construction activity on Lot 5 of the development; (ii) the issuance of occupancy (temporary or permanent) for the proposed Cilantro Taco/Ostras restaurant, which is connected to the hotel; or (iii) December 31, 2023.

The amended and extended agreement stipulates these requirements for property ownership:

- Remit as required by the Finance Department the \$1-per-car, per-day O’Hare Privilege Corridor Parking Tax;
- Maintain a Parking Lot Permit from the City in good standing at all times when conducting the Commercial Parking;
- Confine the commercial parking activity to the hotel parcel, Lot 3, and the freestanding restaurant parcel, Lot 5, in the development;
- Prevent commercial parking from interfering with the parking needs of the hotel or any other development and business activity within the Planned Development Property, avoiding a parking shortage for any existing use within the development;
- Conduct commercial parking only on a hard, all-weather, dustless surface in permanently striped parking spaces, with drive aisle widths and parking space dimensions that comply with Zoning Ordinance; and
- Maintain all portions of the Orchards at O’Hare development free of nuisances and undue service demand from the City, including but not limited to property maintenance code enforcement and public safety (Police and Fire)
 - Related: To activate the agreement, all property maintenance issues must be inspected and resolved, and any owed fees or fines must be paid.

Moved by Moylan, seconded by Walsten, to Approve the Resolution R-110-23, A RESOLUTION APPROVING A SECOND AMENDED COMPLIANCE AND TEMPORARY ABEYANCE OF ENFORCEMENT AGREEMENT BETWEEN THE CITY OF DES PLAINES, PROMINENCE HOSPITALITY GROUP, AND O’HARE REAL ESTATE LLC.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**DISCUSSION AND
CONSIDERATION OF
A BUSINESS
ASSISTANCE
REQUEST FROM
FOXTAIL ON THE
LAKE**

Director of Community & Economic Development Carlisle reviewed a memorandum dated May 25, 2023.

The applicant, The Foxtail on the Lake at 1177 Howard, has applied for \$750,000 in assistance. Applicants David Villegas and Tim Canning are ownership partners in The Foxtail on the Lake, an under-construction restaurant within Lakeview Center at 1177 Howard. Lakeview was formerly Good Shepherd Lutheran Church and is now owned by the Des Plaines Park District, which will be leasing to Foxtail to operate an approximately 15,500-square-foot restaurant, which includes a nearly 5,000- square-foot patio seating area that overlooks Lake Opeka and a dual-purpose kitchen that will not only serve the on-site dining but also source a catering business. There is an existing location at 5237 Main Street in Downers Grove (The Foxtail), with a sister restaurant, Cadence Kitchen at 5101 Mochel Drive in Downers Grove. The applicant began construction at Lakeview Center in early fall 2022 and is expecting to complete construction and open by late summer 2023.

The comprehensive adaptive reuse project includes an approximately 3,000-square-foot addition to the north side of the former church building, the conversion of the old sanctuary to a main dining room with a principal seating area and a mezzanine, and the construction of the large patio. Given the age and change of use of the building, substantial investment is required in fire safety infrastructure, utility service, roof repair, and additional structural support, and construction of a kitchen for a building that did not have one previously. They have submitted an eligible project budget of \$2.28 million.

The applicant has provided three operating pro forma scenarios. These show a projected sales range of \$5.3 to \$7.2 million annually, which includes dine-in, catering, and alcohol. Their submission also provides a snapshot of sales performance for the Downers Grove business, with three Sundays selected.

The adopted guidelines allow grants to provide up to a 50 percent match of eligible project cost; the applicant has confined their ask to \$750,000. The applicant is pursuing all necessary building permits and has filed applications for business registration and liquor licenses.

The Aldermen and the Mayor discussed the consideration of the Business Assistance Request from Foxtail on the Lake.

David Villegas spoke on behalf of the applicants and the business.

The Aldermen progressed with the consideration of motions to provide direction for City staff in preparation of a draft Ordinance for official consideration of the request from Foxtail on the Lake, including: assistance amount, assistance structure, and budget amendment.

Moved by Brookman, seconded by Sayad, to Approve a Motion regarding a \$750,000.00 incentive structure with \$300,000.00 up front with the remainder in a sales tax sharing agreement which would be 2% sales tax sharing agreement at 100%.

No Vote.

Moved by Charewicz, seconded by Moylan, to Approve a Substitute Motion that would have a \$200,000.00 upfront with the remaining \$550,000.00 to be 50/50 sales tax sharing agreement.

Upon roll call, the vote was:

AYES: 2 - Moylan, Charewicz
NAYS: 6 - Lysakowski, Oskerka, Sayad,
Brookman, Walsten, Smith

ABSENT: 0 - None

Motion failed.

Resident Deb Lester asked for further detail regarding the four approved awards and one pending boost application that has not yet been awarded mentioned in the City Memorandum.

Moved by Moylan, seconded by Oskerka, to Approve a Substitute Motion for \$300,000.00 up front with the 50/50 sales tax sharing agreement for the remainder of the \$750,000.00.

Upon roll call, the vote was:

- AYES: 3 - Moylan, Oskerka, Charewicz
 - NAYS: 5 - Lysakowski, Sayad, Brookman
Walsten, Smith
 - ABSENT: 0 - None
- Motion failed.

Moved by Brookman, seconded by Sayad, to Approve a Motion regarding a \$750,000.00 incentive structure with \$300,000.00 up front with the remainder in a sales tax sharing agreement which would be 2% sales tax sharing agreement at 100%.

Upon roll call, the vote was:

- AYES: 6 - Lysakowski, Oskerka, Sayad,
Brookman, Walsten, Smith
 - NAYS: 2 - Moylan, Charewicz
 - ABSENT: 0 - None
- Motion declared carried.

**OTHER MAYOR/
ALDERMEN
COMMENTS FOR
THE GOOD OF THE
ORDER**

Alderman Oskerka gave another reminder about the open house PZB meeting tomorrow.

Alderman Walsten stated he was sidetracked during the consent agenda, and is uncomfortable with item # 6 due to concerns of how the billboard will affect the residents. He asked General Counsel Friedman if he can change his vote to “No” for this item only.

General Counsel Friedman explained he could only reconsider the entire consent agenda, or he can have the minutes reflect his statement.

Alderman Walsten stated he would have voted “No” on Consent Agenda Item #6.

ADJOURNMENT

Moved by Sayad, seconded by Brookman to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 8:30 p.m.

/s/ Jessica M. Mastalski
Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS ___ 19th
DAY OF _____ June _____, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR