

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, AUGUST 1, 2022

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 6:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, August 1, 2022.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Oskerka, Brookman, Chester, Smith, Ebrahimi. Absent: Zadrozny. A quorum was present.

CLOSED SESSION

Moved by Brookman, seconded by Oskerka to enter into Closed Session under the following sections of the Open Meetings Act – Personnel, Probable or Imminent Litigation, Property Acquisition, Sale of Property, and Collective Bargaining.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Zadrozny

Motion declared unanimously carried.

The City Council recessed at 6:01 p.m.

The City Council reconvened at 7:00 p.m.

Roll call indicated the following Alderman present: Lysakowski, Moylan, Oskerka, Zadrozny, Brookman, Chester, Smith, Ebrahimi. A quorum was present.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Public Works and Engineering Oakley, 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 Chester.

RECOGNITION

Life-Saving Award was presented by Mayor Goczkowski and Police Chief Anderson to Officer Doherty for the officer's quick decisions and responses which saved a despondent person's life. On January 14, 2022, Officer John Doherty responded to the 500 block of Howard Ave for the report of a male subject who collapsed and was not breathing. When Officer Doherty arrived, he observed the male victim on the floor. An employee of the business, was already performing CPR on the victim. Officer Doherty assisted the employee and took over CPR until the Des Plaines Fire Department arrived. The Des Plaines Fire Department then took over life saving measures, and the victim's pulse and breathing were restored. The victim was transported to Lutheran General Hospital for further treatment.

The employee of the business wished to remain anonymous; he was presented a Life-Saving Award by Staff of the Des Plaines Police Department last week.

Life-Saving Award was presented by Mayor Goczkowski and Police Chief Anderson to Officer Kurotobi for the officer's quick decisions and responses which saved an infant's life. On February 4, 2022, Officer Michael Kurotobi and additional officers responded to the 100 block of Drake Lane for a call of a baby not breathing. Officer Kurotobi located the distraught mother and her baby in the living room. Officer Kurotobi immediately took the baby, checked the airway, and in accordance with his training began to give the baby back blows. The baby

resumed breathing and began to cry, indicating the airway had been cleared. The baby was transported to Lutheran General Hospital by the Des Plaines Fire Department for further treatment.

MINUTES OF THE PUBLIC HEARING HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, AUGUST 1, 2022

**PUBLIC HEARING/
AMD OF THE
ZONING
ORDINANCE
REGARDING
TEMPORARY
CLASSROOMS
Ordinance
Z-24-22**

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinance Z-24-22, amending the text of the zoning ordinance of the City of Des Plaines regarding temporary classrooms to order at 7:05 p.m.

Director of Community and Economic Development Carlisle reviewed a memorandum dated July 21, 2022.

The City of Des Plaines proposed amending the Zoning Ordinance to add “Temporary Classroom Structures” as a new permitted temporary use. The specific amendments include regulations intended to identify and restrict the quantity, size, height, location, and duration of this type of structure. The City also proposed creating the term “Temporary Classroom Structure” to define this type of temporary use and its applicability city-wide.

A temporary classroom – sometimes called a “mobile classroom” – is fairly common and intended for short-term use on school campuses when supplementary classroom space is needed. Temporary classrooms occur most often in one of two circumstances: (i) enrollment for a given school, at a given time, exceeds the capacity, and the district or school leadership has not yet been able to rebalance enrollment among its schools or plan for a physical expansion; or (ii) a school campus is in the midst of a construction project that takes permanent classrooms out of use temporarily. Temporary classrooms can vary in size and shape, but most consist of one to two classrooms, each with its own entrance, and proper utility connections from the principal use (i.e., school). Some temporary classrooms also contain restroom facilities.

The full proposed amendments are:

- Section 12-8-11, Temporary Uses: Add temporary classroom structures to the list of permitted temporary uses, along with items such as storage containers, tents, and vendor carts. Temporary classroom structures would be permitted in any district on any zoning lot with a public or private elementary, middle, or high school as the principal use. The change would not allow temporary classrooms for non-educational means, as the intended use of a temporary classroom is for educational purposes.

The amendments would regulate quantity, size, height, location, and duration. They allow up to two temporary classroom structures on an eligible site at a given time. However, the collective size of all temporary classroom structures would be limited based on the school building footprint. Staff proposes a total maximum area for all temporary classrooms on site to be five percent (5%) of the main school building footprint. Staff proposes limiting the height of temporary classroom structures to 15 feet, which is the same limitation on accessory structures.

The proposed amendments also focus on the allowable locations, requiring placement on dust-free hard surfaces in a way that does not block or interfere with required off-street parking drive aisles. Further, the structures could not occupy parking spaces such that the off-street parking minimum for the school would not be met. Additionally, temporary classroom structures would be prohibited from encroaching on any public right-of-way or utility easement, including, without limitation, any public alley, street, or curb.

Finally, the proposed amendments include a maximum duration of 12 months. However, this amendment would allow the Zoning Administrator/Director of Community and Economic Development to extend the duration of a temporary classroom structure when a school is under construction and being diligently pursued to completion.

- Section 12-13-3, Definition of Terms: Adds a definition for “Temporary Classroom Structures.”

Similar to other temporary uses, a zoning certificate would be required for the installation or placement of a temporary classroom structure on an eligible property.

The Planning and Zoning Board (PZB) typically holds public hearings and votes on recommendations to the City Council regarding zoning amendments. However, because of the time sensitivity of the imminent project proposed by School District 59 and Brentwood Elementary School, with all permitting and construction yet to occur, and in the spirit of partnership with the School District, the City Council is directly considering these amendments.

Alderman Chester asked for further clarification about the fire regulations for these structures.

Fire Chief Anderson stated in most cases they would have to extend their fire alarm system to them, but they would not be required to be sprinklered.

Alderman Zadrozny asked about the reasoning the schools would be needing a temporary structure, and the timeframe allowed for use the structures.

Resident Phil Rominski asked Fire Chief Anderson for further clarification regarding the sprinkler system and other fire code requirements.

Cindy Decker, representative for the school structure, spoke regarding the egress of the windows, and the set-up timeframe for structure.

Moved by Zadrozny, seconded by Oskerka, to Approve the Ordinance Z-24-22, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING TEMPORARY CLASSROOMS (CASE# 22- 025-TA).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Advanced to Second Reading by Zadrozny, seconded by Brookman, to Adopt the Ordinance Z-24-22, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING TEMPORARY CLASSROOMS (CASE# 22- 025-TA).

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:17 p.m.

PUBLIC COMMENT

Resident Muhammad Tabani asked for the City seek a penalty from the petitioner of Blue Sky for not following through with the project, and for not adequately maintaining the property. He also stated the City should consider more resident involvement pertaining to future developments. He welcomed the City Council to his home to experience the issues he is having with the train noise since the trees have been torn down on the property behind him.

Resident Pat Beauvais asked why the City Council eliminated the Economic Development Commission (EDC), and if the City Council would consider implementing citizen focus groups on future developments.

Resident Jim Hansen thanked the Staff responsible for filling in the sidewalks and curbs around 1425 Ellinwood St. He also mentioned the code enforcement and safety issue of the Tyvek not being property secured on the 1425 Ellinwood St building.

Resident Jennifer Poonsapaya asked Alderman Chester to recommit to having ward meetings.

Alderman Chester stated he stopped the meetings because of Covid, and stated he intends of starting meetings once he feels confident he can have a meeting without Covid exposures. He mentioned he will try to schedule one for September.

**ALDERMAN
ANNOUNCEMENTS**

Alderman Chester stated the City is going to start looking into lead in the water by doing inventory of the types of pipes in the residential buildings.

**MAYORAL
ANNOUNCEMENTS**

Mayor mentioned National Night Out, sponsored by the Police Department, will be occurring Tuesday, August 2, 2022.

Police Chief Anderson gave further details regarding National Night Out.

On May 3, 2021, a Declaration of Civil Emergency for the City of Des Plaines related to the COVID-19 emergency was authorized. The Declaration provided that: (1) the City may enter into contracts for the emergency purchase of goods and services; (2) the City Manager may implement emergency staffing protocols pursuant to the City's respective collective bargaining agreements; and (3) directed City officials and employees to cooperate with other government agencies.

In accordance with Illinois statutes, the Mayor's Declaration lasted only for a period of seven days, unless it was extended by action of the City Council. At each subsequent City Council meeting, the City Council, by motion, extended the Declaration until the next adjournment of the next special or City Council meeting. This extension of the Declaration includes the Supplemental Order dated January 3, 2022.

Mayor Goczkowski presented an extension to the Declaration of Civil Emergency.

Moved by Brookman, seconded by Chester, to extend the May 3, 2021 Declaration of Civil Emergency until the adjournment of the next regular, special, or emergency meeting of the City Council including the Supplement Order dated January 3, 2022.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSENT AGENDA

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

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Brookman, seconded by Chester, to Approve the Consent Agenda.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; Ordinance Z-20-22 was adopted; Resolutions R-130-22, R-132-22, R-133-22, R-134-22, R-135-22, R-136-22, R-137-22, R-138-22 were adopted.

**APPROVE AGRMT/
PKG STRS MAINT
REPS/ J. GILL & CO**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-130-22, A RESOLUTION APPROVING AN AGREEMENT WITH J. GILL AND COMPANY FOR MAINTENANCE REPAIRS ON CITY-OWNED PARKING STRUCTURES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-130-22**

**APPROVE CHG
ORD NO 2/ WTR
SYS SEP PROJ/
JOHN NERI CONST**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-132-22, A RESOLUTION APPROVING CHANGE ORDER NO. 2 WITH JOHN NERI CONSTRUCTION, INC. FOR THE WATER SYSTEM SEPARATION PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-132-22**

**APPROVE TSK ORD
NO 21/ PRO ENGR
SVCS/ TROTTER &
ASSOC, INC**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-133-22, A RESOLUTION APPROVING TASK ORDER NO. 21 UNDER A MASTER CONTRACT WITH TROTTER & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-133-22**

**APPROVE TSK ORD
NO 6/ PRO ENGR
SVCS/ M.E.
SIMPSON CO, INC**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-134-22, A RESOLUTION APPROVING TASK ORDER NO. 6 WITH M.E. SIMPSON COMPANY, INC. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-134-22**

APPROVE TSK ORD
3/ CONST ENGR
SVCS/ AECOM
TECH SVCS
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-135-22, A RESOLUTION APPROVING TASK ORDER NO. 3 UNDER A MASTER CONTRACT WITH AECOM TECHNICAL SERVICES, INC. FOR CONSTRUCTION ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-135-22

APPROVE IGA/ TFC
SIGS/ IDOT
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-136-22, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF STATE TRAFFIC SIGNALS LOCATED WITHIN THE CITY . Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-136-22

APPROVE/ CDBG/
2022 ACTION PLAN
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-137-22, A RESOLUTION APPROVING THE CITY OF DES PLAINES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM 2022 ANNUAL ACTION PLAN. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-137-22

AUTH/ MBRSHP
REN/ NWMC
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-138-22, A RESOLUTION AUTHORIZING THE CITY OF DES PLAINES TO RENEW ITS MEMBERSHIP IN THE NORTHWEST MUNICIPAL CONFERENCE. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-138-22

SECOND READING/
ORDINANCE
Z-20-22
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Ordinance Z-20-22, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING RESIDENTIAL DRIVEWAYS, PATIOS, AND RESIDENTIAL WALKWAYS (CASE# 22-023-TA). Motion declared carried as approved unanimously under Consent Agenda.

APPROVE
MINUTES
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve the Minutes of the City Council meeting of July 18, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

UNFINISHED
BUSINESS

CONSIDER
APPROVING A
ZONING MAP
AMENDMENT FOR
622 GRACELAND
AVE, 1332
WEBFORD AVE,
AND 1368
WEBFORD AVE
Ordinance
Z-23-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 25, 2022.

At its July 18, 2022 meeting, the City Council voted 7-1 on first reading to approve Ordinance Z-23-22, which would rezone the subject property from the C-3 General Commercial District to the C-5 Central Business District for a proposed mixed-use residential, commercial, and parking development. However, the Council's motion included a stipulation that if the petitioner's project does not proceed, the subject property's zoning would return to C-3.

The General Counsel has prepared a revised Ordinance Z-23-22. Under Section 5 (Effective Date), the revised Ordinance states the petitioner must formally agree not to object to a rezoning of the property to C-3 if the petitioner or any successors abandon the project prior to

applying for building permits. In this case, the City would have to initiate a map amendment – the rezoning would not happen automatically – but the City could initiate and subject property ownership would have already consented. Submission of this formal agreement (rezoning covenant) is a term of the Purchase and Sale Agreement.

Further, while answering Council questions on July 18, the petitioner noted architectural design changes that while not reflected in the renderings and elevations could be enforced through a future redevelopment agreement, approval of which will require passage of a resolution. Approval of the redevelopment agreement would be required to fulfill the Purchase and Sale Agreement for 1332 Webford, which is necessary not only for the transfer of property but also for the effectiveness of the zoning change to C-5.

Petitioner 622 Graceland Apartments, LLC (Joe Taylor, Compasspoint Development) proposes a full redevelopment of just-less-than-one-acre (43,500 square feet) at the northwest corner of Graceland Avenue and Webford Avenue. The proposed project is a mix of residential and commercial space with indoor parking. A proposed 82-foot-tall building would contain 131 multiple-family dwelling units – 17 studios, 103 one-bedrooms, and 11 two-bedrooms – on the third through seventh floors. Approximately 2,800 net square feet of an open-to-the-public restaurant and lounge would occupy portions of the first (ground) and second floors. Proposed resident amenities are a coworking office space, a fitness area, lounges and meeting rooms, a club room with bar, a multimedia/game lounge, a dog run and dog wash, indoor bike parking, and an outdoor swimming pool and recreation deck. The proposed building in all is approximately 187,000 square feet.

The project includes a 179-space indoor parking garage. These 179 spaces are intended to fulfill the off-street parking minimum requirements for the residential units and the restaurant-lounge (154 spaces), as well as create a supply of public parking to partially replace the current 1332 Webford public lot (25 public off-street spaces are proposed). The segment of Webford alongside the subject property is proposed to widen within the existing public right-of-way to a general distance of 28 feet from curb to curb. Where the five on-street parallel public parking spaces are proposed, the proposed curb-to-curb area is 35 feet wide: 28 feet for the two-way traffic lanes and 7 feet for parking spaces. The total off-street and on-street parking proposed is 184 spaces, with an on-street loading area. With the consent of the property owners, the petitioner is seeking zoning map amendment (rezoning) approval from the City Council.

The PZB voted 3-3 (three “yes” and three “no” with one member absent) on a motion recommending approval of the map amendment. Pursuant to the portion of the City Code that governs the PZB, a 3-3 vote amounts to a recommendation to deny the request.

Many residents expressed their objection to a zoning map amendment for 622 Graceland Ave, 1332 Webford Ave, and 1368 Webford Ave; and voiced their objection to the development proposed for this location. One of the concerns mentioned was that they believe the size of the building and the increased traffic are safety concerns.

Mark Daniels, attorney representing four residents, spoke on behalf of his clients expressing their legal effort to stop a zoning map amendment for 622 Graceland Ave, 1332 Webford Ave, and 1368 Webford Ave.

One resident expressed his approval of a zoning map amendment for 622 Graceland Ave., 1332 Webford Ave, and 1368 Webford Ave.

Bernard Citron, attorney representing the petitioner, spoke on behalf of his client expressing their legal effort to proceed with a zoning map amendment for 622 Graceland Ave., 1332 Webford Ave, and 1368 Webford Ave.

Joe Taylor, representative of 622 Graceland Apartments, LLC, spoke on behalf of the project and answered questions of the City Council.

Alderman Zadrozny thanked the residents for coming out and speaking their mind about this development. He also mentioned social media comments made stating the City Council does not listen to its residents; he listed three recent occasions which he saw as examples of when this City Council did listen to its residents.

Alderman Oskerka stated the City Council challenged the City to put more information out there earlier. He also mentioned he thinks this project is too big for this piece of land.

Advanced to second reading by Moylan, seconded by Ebrahimi, to Adopt the Ordinance Z-23-22, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 622 GRACELAND AVENUE, 1332 WEBFORD AVENUE, AND 1368 WEBFORD AVENUE, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Zadrozny, Brookman,
Chester, Smith, Ebrahimi

NAYS: 1 - Oskerka

ABSENT: 0 - None

Motion declared carried.

* Alderman Smith left the meeting at 9:05 p.m.

CONSIDER
APPROVING &
AUTHORIZING
THE EXECUTION
OF A PURCH &
SALE AGRMT OF
THE PROPERTY
LOCATED AT 1332
WEBFORD AVE
Ordinance
M-22-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 25, 2022.

At its July 18, 2022 meeting, the City Council deferred the first reading of Ordinance M-22-22, which authorizes the City's entrance into a Purchase and Sale Agreement (PSA) for the sale of property at 1332 Webford Avenue, a City-owned public parking lot. Since the meeting the General Counsel has revised the PSA, in the following ways:

- The PSA refers to a subsequent redevelopment agreement that would now require the proposed mixed-use residential, commercial, and parking project at 622 Graceland, 1332 Webford, and 1368 Webford to be "constructed, maintained, and operated in accordance with plans approved by Seller" (the City)—this is intended to give the Council the ability, or flexibility, to ensure the petitioner uses desired design concepts in plans submitted with the redevelopment agreement;
- The purchase price was previously \$300,000, but the revised PSA allows for the price to reduce to \$10 if the purchaser (developer of the mixed-use project) also finalizes acquisition of 1330 Webford, an approximately 9,000-square-foot parcel immediately west of 1332 Webford. The reasoning is some members of the Council expressed a desire to see the 1330 Webford property (currently improved with "The Dance Building") repurposed as a public open space area. A sale price reduction encourages this acquisition and contributes toward its economic feasibility; and
- The PSA requires the purchaser to deliver a rezoning covenant in a legal instrument acceptable to the General Counsel that pledges the purchaser or any successors in title would not object to a rezoning of 622 Graceland, 1332 Webford, and 1368 Webford to C-3 if the project as contemplated does not proceed. (Note: Ordinance Z-23-22, which approves a zoning map amendment from the C-3 District to the C-5 District, is not effective until the transaction for 1332 Webford is complete.)

622 Graceland Apartments LLC, an Illinois limited liability corporation, has approached the City with an offer to purchase the property at 1332 Webford Avenue, which is a City-owned public parking lot. The purchaser intends to acquire the property and develop it vertically,

pursuant to the applicable bulk rules of the Zoning Ordinance, with a mixed-use residential, commercial, and parking development that would include public parking spaces.

1332 Webford Avenue is a 13,500-square-foot property directly west of the 622 Graceland Avenue-1368 Webford property (the “Journal and Topics site”) and east of a small mixed-use commercial-residential building at 1330 Webford Avenue. A public parking lot, 1332 Webford has been used historically by a mix of permit-holders, who have obtained a monthly permit from the City’s Finance Department, and those seeking time-limited free public parking. Based on observations of current and prior years, the parking lot has been only partially utilized, with ample spaces available at a given time.

Purchaser 622 Graceland Apartments LLC is concurrently asking the Council for approval of a zoning map amendment for 1332 Webford from the current C-3 General Commercial District to the C-5 Central Business District to accommodate a proposed mixed-use development (the “Graceland-Webford project”). The project would contain a parking garage that would contain 179 spaces. Of these 179 spaces, 25 would be allocated for public use, intended to partially replace the 38 spaces currently at 1332 Webford. The remaining 154 would fulfill the off-street parking requirements of the Zoning Ordinance for the residential units (137 spaces) and proposed restaurant-lounge (17 spaces) in the development.

Similar to the Bayview-Compasspoint (1425 Ellinwood Avenue) project, the Graceland-Webford project would contain 25 public spaces within a 179- space garage. Unlike the Bayview-Compasspoint garage, however, the City would not be involved in or obligated to any administrative nor any enforcement responsibilities. Maintenance responsibilities would also rest solely with the purchaser and/or any future property owners. Although the City would not be able to collect revenue from the spaces as currently contemplated, the agreement also does not allow the purchaser (developer) to collect revenue, either; the public spaces would be free. A change to this term would require a resolution of the Council. This and other terms governing the use and operation of the public parking spaces would be formalized and recorded against the property, and encompassed within the redevelopment agreement.

Mark Daniels, attorney representing four residents, stated it is his belief, echoed by members of the community, that the incentive purchase price is deficient.

Resident Joan Hozian Hooson asked for clarification on the terms of the agreement and the purchase price. She also expressed frustration regarding the purchase price.

Alderman Zadrozny and Alderman Brookman asked City Manager Bartholomew to respond to the resident’s comments.

City Manager Bartholomew stated if the developer purchases the dance building, the City property will sell for ten dollars, but the developer also has to commit to deeding that back to the City or the park district to make a park out of it.

Director of CED Carlisle added that one other option for the operation of the green space is not necessarily deeded back, but it is reserved for public use and recorded against that property and the land even if it is privately owned.

Resident Tom Lovestrand asked for clarification on who owns the property once the contract is signed. He also expressed frustration regarding the purchase agreement.

General Counsel Friedman stated the developer will own the property of the dance building, but there will be a covenant recorded against it that states it cannot be developed and must be maintained as open space.

Resident Jennifer Poonsapaya stated she has serious concerns about providing the land to the park district. She reflected on incidents and lack of maintenance at her neighborhood park.

Alderman Brookman defended herself regarding comments previously made by a resident.

Resident Caryssa Buchholz asked who will handle any soil remediation since the dance studio was a standard oil company, and if any geotechnical was completed on the parking lot.

Joe Taylor, representative of 622 Graceland Apartments, LLC, stated the dance building has been remediated by the current owner. He also stated he will be maintaining the park, and will work with the residents for the design of the park.

City Manager Bartholomew stated the vast majority of the City Council wants to keep the green space property as a City property and not dedicated to the park district.

Moved by Zadrozny, seconded by Moylan, to Approve the Ordinance M-22-22, AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR THE SALE OF THE PROPERTY LOCATED AT 1332 WEBFORD AVENUE, DES PLAINES, ILLINOIS.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 1 - Oskerka

ABSENT: 1 - Smith

Motion declared carried.

NEW BUSINESS

WARRANT REGISTER

**Resolution
R-139-22**

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Brookman, to Approve the Warrant Register of August 1, 2022 in the Amount of \$4,217,867.59 and Approve Resolution R-139-22.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared carried.

LEGAL & LICENSING - Alderman Brookman, Chair

CONSIDER AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTIES LOCATED AT 269, 281, & 299 S. RIVER RD Ordinance M-22-22

The ordinance authorizes a best and final offer and eminent domain proceedings if necessary for the acquisition of 269, 281, and 299 South River Road.

The City desires to acquire the properties, demolish any structures, and use the properties for public purposes, including, without limitation, as open green space in order to further the City's beautification goals and for stormwater detention and related uses.

The City has been attempting to engage the owners of the properties in good faith negotiations with the goal of reaching a mutual agreement on a price. The owners have either provided no response or no reasonable response to the City's offers.

The City intends to make a best and final offer based upon an independent appraisal in an effort to acquire the properties at a fair price, and if the City's final offers are rejected, then the City

authorizes the initiation of eminent domain proceedings.

Moved by Lysakowski, seconded by Chester, to Approve the Ordinance M-22-22, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTIES LOCATED AT 269, 281, AND 299 SOUTH RIVER ROAD.

Upon voice vote, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared carried.

Advanced to second reading by Chester, seconded by Lysakowski, to Adopt the Ordinance M-22-22, AN ORDINANCE AUTHORIZING THE ACQUISITION THROUGH CONDEMNATION OF FEE SIMPLE TITLE TO THE PROPERTIES LOCATED AT 269, 281, AND 299 SOUTH RIVER ROAD.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Smith

Motion declared carried.

ADJOURNMENT

Moved by Brookman, seconded by Chester to adjourn the meeting. The meeting adjourned at 9:27 p.m.

/s/ Jessica M. Mastalski

Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS 15th

DAY OF August, 2022

/s/ Andrew Gockowski

Andrew Gockowski, MAYOR