

The City of Lake Forest
CITY COUNCIL
Proceedings of the Monday, July 2, 2018
City Council Meeting - City Council Chambers

CALL TO ORDER AND ROLL CALL: Honorable Mayor Lansing called the meeting to order at 6:31pm, and the City Clerk, Margaret Boyer called the roll of Council members.

Present: Honorable Mayor Lansing, Alderman Beidler, Alderman Morris, Alderman Newman, Alderman Rummel, Alderman Reisenberg, Alderman Preschlack, Alderman Moreno and Alderman Buschmann.

Absent: None.

Also present were: Robert Kiely, Jr., City Manager; Julie Tappendorf, City Attorney; Catherine Czerniak, Director of Community Development; Elizabeth Holleb, Director of Finance; Michael Thomas, Director of Public Works; Pete Siebert, Fire Chief; Manager; Karl Walldorf, Chief of Police; Susan Banks, Communications Manager; Mike Strong, Assistant to the City Manager, along with other members of City Staff.

There were approximately 20 persons present in the Council Chamber.

CALL TO ORDER AND ROLL CALL 6:30pm

PLEDGE OF ALLEGIANCE was recited by all those present in the Chamber.

REPORTS OF CITY OFFICERS

COMMENTS BY MAYOR

Mayor Lansing invited all to the Friends of Lake Forest and Recreation Foundation 12th Annual Festival and Fireworks.

Mayor Lansing reported that Lake Forest Day festivities will begin with the carnival on Tuesday, July 31 and the Parade will begin at 10 am Wednesday, August 1, honoring Lake Forest Hospital, the Lake Forest Lake Bluff Historical Society and Reading Power Inc.

COMMENTS BY CITY MANAGER

A. Special Guest of the City Council, State Senator Julie Morrison

➤ **Update on**

- **Senate Resolution 1746, attached page 11.**
- **State Budget**
- **State Sales Tax**
- **Capital Bill**

City Manager Robert Kiely introduced State Senator Julie Morrison. Senator Morrison reported that Senate Resolution 1746 supported by her and Senator Daniel Biss has not been acted on yet. She stated that Glenview has passed a resolution in support of the SR1746 and urged the Lake Forest City Council to do the same. Senator Morrison also reported that the State Budget that was passed on time. The City Council had discussion on State Revenue increases and State sales tax on internet sales. The City Council had discussion on how many resolutions appear before the senate and what happens to them. Senator Morrison reported that the possible Capital Bill would be anticipation for infrastructure repair. City Manager Kiely asked

Senator Morrison to explain what a property tax freeze means and its impact on education. The City Council had lengthy discussion as to there being no benefit to the State if there is a property tax freeze, pooling pensions, infrastructure, and keeping The City of Lake Forest informed on upcoming capital opportunities. Mayor Lansing, on behalf of the Council thanked Senator Morrison for her time.

B. Update on Forest Park Beach Bluff Activity

- Michael Thomas, Director of Public Works

- Sally Swarthout, Director of Parks & Recreation

Michael Thomas, Director of Public Works, reported on the Forest Park Ravine & Bluff erosion/failure due to excessive rainfall. On June 27 at about 5:45pm, there was a north bluff failure, fortunately, there were no injuries.

- By 11 pm material removed and road open
- City Staff & Engineers onsite investigation
- June 28 material hauled off site
- Road closed indefinitely to vehicle and pedestrian traffic
- AECOM engineers onsite investigation
- June 28 staff meeting to review beach access and parking options

Mr. Thomas also reported on separate area of concern that has been closed, which is the Boardwalk. Drone footage was shown. Emergency meetings funding was addressed with the following cost estimates:

- Ravine ≈ \$850,000
 - Ravine Project budgeted
 - FY19 CIP: \$750,000
 - Savings from SBAR Project: \$75,000
 - Savings From Ferry Hall Bridge Project: \$35,000
 - LCSMC - Lake Michigan Watershed Grant: \$25,780
- Bluff Failure ≈ \$550,000
 - Option 1: Defer a current budgeted project
 - Option 2: City Council approve additional funds from fund balance
 - Capital Improvement Fund
 - General Fund
 - Option 3: Pursue grants
 - Eligibility (“Underserved Community”)
 - Timeliness
 - Guarantee

Mr. Thomas reported that at this time, due to significant erosion concerns and additional bluff failures, staff proposes to waive the bid process (per 9.0B and 9.0C of the Purchasing Directive) to proceed with a design-build process with AECOM and John Keno & Company. Mr. Thomas offered the following viewpoints:

- **Pros**
 - Begin repair of both ravine and bluff mid to late July
 - Minimize ravine erosion / roadway undermining & additional bluff failures
 - Some fill material from the bluff can be used in re-grading and stabilization of the ravine
 - Mobilization & construction efficiencies by completing the projects simultaneously
 - Road open by late fall, avoid road closed for 12+ months if design, bid, award, and construction process used

- Utilizing selected firms brings high degree of engineering knowledge base and specialized grading
- **Cons**
 - Waiving the bidding process

Mr. Thomas reported that AECOM will continue to monitor the Boardwalk bluff area, and should the Council approve the design build agreements, begin to work with John Keno & Company. Mr. Thomas reviewed potential schedules:

- If design-build agreements are approved at July 16th City Council Meeting
 - Both projects completed in fall of 2018
 - Roadway open in late fall 2018
- If both projects competitively bid
 - Projects would be completed within 12+ months
 - Roadway open early summer

Sally Swarthout, Director of Parks & Recreation, reported that The City of Lake Forest hosted the US Junior Olympics Regatta Festival on June 30. Ms. Swarthout also reported on staff meetings that addressed and defined needs with:

- Public Works, Parks, Forestry, Public Safety, and Recreation.

Ms. Swarthout reported on supplies and transportation:

- Fencing, locks, buses, shuttles, golf carts, parking alternatives
- Notifications - Social Media, Constant Contact, Email
- Team Implements Action Plan

Priority Resident Beach Parking was established at the lower south parking lot, upper south parking lot and the west side of ring road in designated areas. On site accommodations included Van Service for pedestrians with strollers, golf carts and pull wagons. Ms. Swarthout reviewed the weekend statistics.

- **Saturday**
 - Cars-233
 - Belvedere Stairs (Residents Only) -555
 - Non-Resident Stairs
 - Non-Resident- 183
 - Resident- 66
- **Sunday**
 - Cars- 312
 - Belvedere Stairs (Residents Only) -411
 - Non-Resident Stairs
 - Non-Resident- 83
 - Resident- 72

*Note- these statistics do not reflect the Regatta participant numbers

The City Council commended City Staff for all effort's to keep Forest Park open. The City Council had discussion on the following:

- The length of time for the bidding process
- South beach access inspection
- The Boardwalk monitor/closure
- AECOM's awareness of concern
- City insurance
- Risk to the Water Plant
- Ravine design
- Bluff repair
- Parking

- Additional shifting of the bluff and/or Boardwalk
- Grant funding
- Number of loads of material removed
- Education of residents

At the end of the discussion the City Council had consensus to move ahead with the design build with AECOM and John Keno and Company with an expectation that a more conclusive cost would be available at the July 16 City Council meeting.

COMMENTS BY CITY COUNCIL MEMBERS

A. Adoption of the Principles, Conduct and Procedures for Meetings and Activities of the Members of the City Council and Staff

Finance Chairman Jed Morris reviewed the review process to date, reporting that he and Alderman Preschlack have met with staff to create the document available today. The City Council had discussion that included redline versioning. Mayor Lansing reported that this item will be tabled and discussed at a special City Council workshop in the near future. Similar to the Decision Making Parameters, Council members are asked to submit any final thoughts to the City Manager who will pass them to the subcommittee so that a final draft can be constructed and heard at a future City Council meeting for approval.

The City Council had continued discussion on the Ethics Ordinance, City Manager Kiely reported that the Ethics Ordinance is in review with the Legal Committee.

COUNCIL ACTION: Approval of the proposed Principles, Conduct and Procedures for Meetings and Activities of the Members of the City Council and Staff

This item is continued to a future city Council date.

OPPORTUNITY FOR CITIZENS TO ADDRESS THE CITY COUNCIL ON NON-AGENDA ITEMS

JoAnn Desmond, offered her thanks to City Staff for keeping Forest Park open and working together with residents. She offered her opinion on SR1746 and offered to share recent FOIA information from WisDot with the Council.

ITEMS FOR OMNIBUS VOTE CONSIDERATION

1. **Approval of the June 18, 2018 City Council Meeting Minutes**
2. **Consideration of an Ordinance Amending Sections 94.15 through 94.21, titled "Open Fires" of the City Code (Final Approval)**
3. **Approval of a recommendation from the Public Works Committee in awarding the contract for the Southwest Lift Station Forcemain Replacement Project to IHC Construction Company in the amount of \$345,560.00 plus authorization to expend, if necessary, an additional 10% for unforeseen change orders that may occur during the administration of this project.**

COUNCIL ACTION: Approval of the three (3) Omnibus items as presented

Mayor Lansing asked members of the Council if they would like to remove any item or take it separately. Seeing none, Mayor Lansing asked for a motion to approve the three (3) Omnibus items as presented.

Alderman Preschlack made a motion to approve the three (3) Omnibus items as presented, seconded by Alderman Moreno. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Reisenberg, Preschlack, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

Information such as Purpose and Action Requested, Background/Discussion, Budget/Fiscal Impact, Recommended Action and a Staff Contact as it relates to the Omnibus items can be found on the agenda.

ORDINANCES

NEW BUSINESS

- 1. Approval of the Local Agency Consultant Agreement with Civiltech, Inc., the Local Public Agency Agreement for Federal Participation with the State of Illinois Department of Transportation for the Everett Road/Waukegan Road Intersection Improvement Project, and Authorization to Allocate Non-Budgeted funds for the City's 20% share.**

Michael Thomas, Director of Public Works, reported that the Public Works Committee requests approval to enter into an agreement for professional design services with Civiltech for the Phase II design of the Everett Road/Waukegan Road Intersection Improvement Project and authorization to allocate non-budgeted funds for the City's 20% share.

Mr. Thomas reported the plan calls for the addition of a dedicated right turn lane from southbound Waukegan Road to westbound Everett Road; lengthening the right turn lane, left turn lane and through lane from eastbound Everett Road to west of the Metra tracks and an enhanced left turn lane from westbound Everett road to southbound Waukegan Road.

The City Council had discussion on the following:

- The original proposal in 2009
- The City's inability to modify the project at this time
- Other types of projects where this approach was used; Old Elm, various bridge projects, Westleigh and Sheridan Roads
- Whether or not this will impact current pending decisions coming before the Council
- Additional grant funding from other sources

Mr. Thomas explained this work will reduce traffic congestion at the intersection by adding additional vehicle stacking and creating dedicated turn lanes.

Mayor Lansing asked if there was anyone from the public who wanted to address the Council on this matter. Dennis offered his opinion to the Council in regards to access to Waterway Carwash in Northbrook, and asked the Council if this would impact the pending decision on Waterway. Michael Thomas, Director of Public Works, clarified that this project has no bearing on the pending project.

COUNCIL ACTION: Approval of the Local Agency Consultant Agreement with Civiltech, Inc. and the Local Public Agency Agreement for Federal Participation with the State of Illinois Department of Transportation for the Everett Road/Waukegan Road Intersection Improvement Project. Additionally, approve \$328,726 in non-budgeted expenses, with 80% to be reimbursed from STP grant funds.

Alderman Reisenberg made a motion for approval of the Local Agency Consultant Agreement with Civiltech, Inc. and the Local Public Agency Agreement for Federal Participation with the State of Illinois Department of Transportation for the Everett Road/Waukegan Road Intersection Improvement Project. Additionally,

approve \$328,726 in non-budgeted expenses, with 80% to be reimbursed from STP grant funds, seconded by Alderman Rummel. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Reisenberg, Preschlack, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

2. Consideration of Two Recommendations Related to Construction of a Hyatt Place Hotel, in Conway Park. (Grant Final Approval of an Ordinance and Approve a Resolution by Motion)

Catherine Czerniak, Director of Community Development reported that at its June 18 meeting, the Council approved first reading of the ordinance approving the design aspects of the petition as recommended by the Building Review Board. Ms. Czerniak gave an overview of the 9+ acre site for the proposed development. She reported the office park was annexed by the City over 20 years ago and today, the park is nearly built out with 13 office buildings of various sizes and the Lake Forest Graduate School of Management. A hotel is a permitted use in Conway Park and a hotel was always envisioned along the Route 60 Corridor to serve businesses, residents and visitors.

Ms. Czerniak reported as part of the review of the incentives request, in February, 2018, with the approval of the City Council, Michael Tobin, CBRE, was engaged to assist the City in considering the request for financial incentives. Mr. Tobin and his colleagues worked with the Mayor, Finance Committee Chairman, City Attorney and City staff to assure that the right questions were asked of the developer, complete information obtained, and a thorough analysis conducted of both the short-term and long-term benefits of the proposed hotel development to the overall community.

Ms. Czerniak reviewed the details of the building design that included materials to be used and overall building height. Ms. Czerniak reported that independently, members of the City Council had been in communication in regards specifically to the incentive moratorium in section 7.

She explained the purpose of the moratorium is to provide an opportunity for the hotel to get stabilized and would prohibit The City of Lake Forest to offer incentives to another hotel and include:

- Limited Time Period – 4 Years from Effective Date
- Effective Date Set – September 30, 2018 (or earlier)
- No Incentive *Payments* to Competitor for 4 Years
- Ability to Consider Merits of Specific Proposals *During* 4 Years
- Ability to Negotiate an Incentive Agreement *During* 4 Years
- Ability to Schedule Payments *After* 4 Years in an Escalating Manner

Alderman Morris reported that he and Alderman Rummel, at the invitation of the Janko group, visited the new Hyatt Hotel in Milwaukee. He reported that the Hyatt model is to be collaborative with local restaurants and caterers for the meeting spaces while offering a limited menu. Alderman Beidler shared concern over setting a precedent and an assumed obligation to future projects. Alderman Preschlack asked why there had not been a hotel in the space for the last 20 years, Ms. Czerniak reported this is the first time there has been conversation and interest, the Janko group brought in the quality hotel that the Conway Office Park wanted and it fits architecturally in the Park. Mayor Lansing reported that Conway Office Park has the formal right of approval. Members of the Council asked if there are any current applications for the Amberley Woods project, and Ms. Czerniak reported there are not any current applications submitted for the Amberley property.

The City Council continued lengthy discussion with Ms. Czerniak, City Manager Robert Kiely and Michael Tobin of CBRE, Inc. in relation to the purpose of the moratorium, future development on the site, site lines for other buildings, occupancy using the "Star Report", pent up demand, parking, force majeure, projected revenue rates, possible failure, adaptive reuse, the Hyatt franchise, local owners, additional hotels, setting a precedent, tax revenues, lack of incentives in neighboring Mettawa, and precluding other projects from coming forward.

Mayor Lansing asked if there was anyone from the public who wanted to address the Council on this matter. Debra Fisher offered her opinion to the Council reporting she is in support of the project but is against the moratorium as a second hotel project could boost development in the community.

Mayor Lansing asked each Council member for their view. Mayor Lansing asked again if there was anyone from the public who wanted to address the Council on this matter. Seeing none he asked for a motion.

COUNCIL ACTION: If determined to be appropriate by the City Council:

- 1. Grant final approval of the Ordinance in accordance with the Building Review Board's recommendation.**

Alderman Reisenberg made a motion to grant final approval of the Ordinance in accordance with the Building Review Board's recommendation, seconded by Alderman Newman. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Reisenberg, Preschlack, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

Mayor Lansing then asked for a motion for the resolution.

- 2. Approve a Resolution by Motion, directing the City Manager and Attorney Victor Filippini to finalize an Agreement with Janko LLC, substantially in conformance with the Term Sheet presented to the City Council, and authorize the Mayor to enter into the Agreement on behalf of the City.**

Alderman Morris made a motion to approve a Resolution by Motion, directing the City Manager and Attorney Victor Filippini to finalize an Agreement with Janko LLC, substantially in conformance with the Term Sheet presented to the City Council, and authorize the Mayor to enter into the Agreement on behalf of the City seconded by Alderman Reisenberg. The following voted "Aye": Aldermen Morris, Newman, Reisenberg, Preschlack, Moreno and Buschmann. The following voted "Nay": Alderman Beidler and Rummel. 6 Ayes, 2 Nays, motion carried.

8. ADDITIONAL ITEMS FOR COUNCIL DISCUSSION

Mayor Lansing reported there will be no further business following executive session. Mayor Lansing asked for a motion.

- 1. EXECUTIVE SESSION pursuant to 5 ILCS 120/2 (c), (1), The City Council will be discussing personnel**

Alderman Rummel made a motion to adjourn into executive session pursuant to 5 ILCS 120/2 (c), (1), The City Council will be discussing personnel, seconded by Alderman Beidler. The following voted "Aye": Aldermen Beidler, Morris, Newman, Rummel, Reisenberg, Preschlack, Moreno and Buschmann. The following voted "Nay": None. 8- Ayes, 0 Nays, motion carried.

Adjournment into Executive Session at 9:48pm

Reconvene into Regular Session at 10:48pm

ADDITIONAL ITEMS FOR COUNCIL DISCUSSION
--

ADJOURNMENT

There being no further business Mayor Lansing asked for a motion. Alderman Newman made a motion to adjourn, seconded by Alderman. Motion carried unanimously by voice vote at 10:49 pm

Respectfully Submitted
Margaret Boyer, City Clerk

A video of the City Council meeting is available for viewing at the Lake Forest Library and on file in the Clerk's office at City Hall. You can also view it on the website by visiting www.cityoflakeforest.com. Click on I Want To, then click on View, then choose Archived Meetings Videos.