



WHEATON CITY COUNCIL PROCEEDINGS

MAYOR PHILIP J. SUESS

COUNCILMAN MICHAEL BARBIER | COUNCILWOMAN ERICA BRAY-PARKER | COUNCILWOMAN SUZANNE FITCH
COUNCILWOMAN LYNN ROBBINS | COUNCILMAN JOHN RUTLEDGE | COUNCILMAN CHRISTOPHER ZARUBA

WHEATON CITY HALL, COUNCIL CHAMBERS, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

January 21, 2020

1. Call to Order and Roll Call

The regular Wheaton City Council Meeting was called to order at 7:03 p.m. by Mayor Philip J. Suess. Upon roll call, the following were:

Physically Present: Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Absent: Councilwoman Fitch

City Staff Present: Michael G. Dzugan, City Manager
John M. Duguay, Assistant City Manager
James Knippen, City Attorney
James P. Kozik, Director of Planning & Economic Development
Paul G. Redman, Director of Engineering
William Schultz, Director of Building & Code
Sharon Barrett-Hagen, City Clerk

2. Citizens to Be Heard

None.

3. Consent Agenda

Councilman Rutledge moved and Councilwoman Robbins seconded that the following action be taken on the Consent Agenda items:

1. Approve the minutes of the January 6, 2020 regular Wheaton City Council meeting and the January 13, 2020 Public Hearing, as submitted.
2. Pass Ordinance No. O-2020-02, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6, Article III – Decrease in Class B (Restaurants) Liquor License/LemonShark Poke/135 Danada Square East.

Roll Call Vote on Consent Agenda:
Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess

Councilwoman Robbins

Nays: None
Absent: Councilwoman Fitch
Motion Carried Unanimously

4. Pass Ordinance O-2020-03, An Ordinance Vacating a Public Alley Right-of-Way – CALC Holdings

Councilman Barbier moved and Councilwoman Bray-Parker seconded that Ordinance O-2020-03, An Ordinance Vacating a Public Alley Right-of-Way – CALC Holdings, be passed.

City Manager Dzugan stated a public hearing was held on this vacation request on January 13, 2020. He indicated the proposed ordinance would vacate a certain piece of City owned right-of-way related to the Summit Street subdivision redevelopment. City Manager Dzugan stated a revised ordinance was provided to the Council to allow the plat of utility easements to be approved at a later date.

Roll Call Vote:

Ayes: Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Nays: None
Absent: Councilwoman Fitch
Motion Carried Unanimously

5. Adopt Resolution R-2020-04, A Resolution Authorizing Execution of a Local Public Agency Agreement with the Illinois Department of Transportation for Federal Participation in the President Street Resurfacing Project

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2020-04, A Resolution Authorizing Execution of a Local Public Agency Agreement with the Illinois Department of Transportation for Federal Participation in the President Street Resurfacing Project, be adopted.

City Manager Dzugan advised the agreement sets forth the City's obligation for local costs to resurface President Street from Geneva Road to Harrison Street in the amount of \$187,705, which includes about \$27,000 for construction engineering. He stated the City will receive federal dollars in the amount of \$373,411, which is 70% of the construction costs.

In response to Councilman Zaruba, City Manager Dzugan stated the prior work done on President Street was water main work.

Roll Call Vote:

Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously

6. Adopt Resolution R-2020-05, A Resolution Authorizing Execution of a Local Public Agency Agreement with the Illinois Department of Transportation for Federal Participation in the Manchester Road Resurfacing Project

Councilman Zaruba moved and Councilwoman Robbins seconded that Resolution R-2020-05, A Resolution Authorizing Execution of a Local Public Agency Agreement with the Illinois Department of Transportation for Federal Participation in the Manchester Road Resurfacing Project, be adopted.

City Manager Dzugan advised the agreement sets forth the City's obligation for local costs to resurface Manchester Road between County Farm Road and Gables Boulevard for an estimated amount of \$173,602. He stated the City will receive federal dollars in an amount not to exceed \$425,324, or 70% of the total cost. City Manager Dzugan stated the City has an additional obligation estimated to be \$28,934 for construction engineering, of which \$20,245 will be reimbursed with federal funds.

In response to Councilman Zaruba as to when the work would begin, City Manager Dzugan indicated the State needs to bid both projects and, while there is no guarantee, it is hoped the projects would be done before school starts in the fall.

Roll Call Vote:

Ayes: Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins
Councilman Rutledge

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously

7. Pass Ordinance No. O-2020-04, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6 – Alcoholic Beverages – Increase in Class A Liquor License – HFO Entertainment LLC – Hale Street Cantina – 109 N. Hale Street

Councilwoman Bray-Parker moved and Councilman Barbier seconded that Ordinance No. O-2020-04, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6 – Alcoholic Beverages – Increase in Class A Liquor License – HFO Entertainment LLC – Hale Street Cantina – 109 N. Hale Street, be passed.

City Manager Dzugan stated the Liquor Control Commission unanimously approved a Class A liquor license for Hale Street Cantina.

In response to Mayor Suess, City Manager Dzugan stated the license would be issued under the current regulations and confirmed further discussions with the Liquor Control Commission may revise the Class A license regulations.

Roll Call Vote:
Ayes: Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier

Nays: None
Absent: Councilwoman Fitch
Motion Carried Unanimously

8. Adopt Resolution R-2020-06, A Resolution Authorizing the Execution of Agreement No. 109 with Copenhaver Construction, Inc. for Phase 3 Construction for the Downtown Streetscape for a Total Amount Not to Exceed \$3,734,000

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2020-06, A Resolution Authorizing the Execution of Agreement No. 109 with Copenhaver Construction, Inc. for Phase 3 Construction for the Downtown Streetscape for a Total Amount Not to Exceed \$3,734,000, be adopted.

City Manager Dzugan stated staff had included two resolutions for this item, but indicated the Council would only be considering the first resolution awarding the contract for this work to Copenhaver Construction. He advised the City received four bids for Phase 3 streetscape work with the lowest responsible bidder being Copenhaver Construction, who did the Phase 2 streetscape work. City Manager Dzugan stated staff would return to the Council at a future meeting to consider an acceleration completion opportunity as staff is still working out specifics for accelerated work by Copenhaver.

In response to Councilwoman Robbins, City Manager Dzugan indicated the specifics for accelerated work could include morning start times, work on Saturdays, closing larger areas of Main Street, rain delays and impact on local businesses. He indicated consideration of an accelerated schedule was prompted by an outreach by the business community.

Councilman Barbier stated the goal is to lessen the impact on visitors during the Frida Kahlo exhibit at COD and questioned if the work could pause during the exhibit period.

Mayor Suess stated it was frustrating during the prior phase of work to not see any activity at times and would like the discussion to cover that. Assistant City Manager Duguay replied much of the down time was by a subcontractor and that type of work will be done in-house by Copenhaver going forward rather than by a subcontractor.

Roll Call Vote:

Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously

9. Adopt Resolution R-2020-07, A Resolution Authorizing the Execution of Agreement No. 108 with RJN Group for Flow Metering in Basins 3 and 4 for a Total Amount Not to Exceed \$75,680

Councilwoman Bray-Parker moved and Councilman Rutledge seconded that Resolution R-2020-07, A Resolution Authorizing the Execution of Agreement No. 108 with RJN Group for Flow Metering in Basins 3 and 4 for a Total Amount Not to Exceed \$75,680, be adopted.

City Manager Dzugan stated the proposed resolution would authorize an agreement with RJN in the amount of \$75,680 for sanitary sewer flow monitoring and analysis for a 15-month period from January 2020 through March 2021. He indicated this work would primarily look at measurable outcomes from work done to reduce inflow and infiltration.

Roll Call Vote:

Ayes: Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously

10. First Reading of An Ordinance Amending the Code of Ordinances of the City of Wheaton – Chapter 22 – Buildings and Building Regulations

City Manager Dzugan advised staff presented a draft version of the code revisions to the Council in November 2019 and also made them available for public comments. As noted in Director Schultz's memo, staff received five comments, one of which led to a change to the proposed code revisions. He stated this item appears as a first reading with final action taken at the February 3 Council meeting.

In response to Councilman Rutledge, Director Schultz indicated sprinklers are not required in single-family residences with the exception of staff's recommendation for a sprinkling system when residential occupancy is above a business.

In response to Mayor Suess, Director Schultz stated many of the changes are due to the use of new materials. He advised the City will eliminate contractor registrations and roll that procedure into the permitting process.

11. Streetscape Scope Extension – Main Street (Wesley to Seminary)

City Manager Dzugan indicated at the December 9, 2019 Planning Session, staff and the Council discussed extending the streetscape amenities on Main Street between Wesley Street and Seminary Avenue. Two options have been presented – Option 1 and Option 1B with no trees on the east side at a cost of \$598,631 and Option 2 and Option 2B with trees on both sides of Main Street at a cost of \$645,798, both in addition to the \$168,000 approved previously for the Wesley to Seminary segment as a transition area. He stated staff is seeking direction from the Council as to the preferred option and advised half of this cost would be covered by TIF 2 with the other half covered by the Capital Projects Fund.

Ms. Manisha Kaul, Design Workshop, presented the options to the City Council. She noted that Option 1B included tapering the extended sidewalk to the curb, which would eliminate the need to reconstruct the entire curb on the northwest corner of Main and Wesley Streets. Ms. Kaul stated the same materials would be used for the extension as used in the previous streetscape work.

Mr. Rob Deming, Primera Engineering, confirmed a cost of \$168,000 if this portion of Main Street was constructed as a transition area and the extended work would be added to that amount. He indicated if the Council chose to extend the streetscape, there would be a savings of approximately \$25,000 if the sidewalk was tapered to the curb at the northwest corner of Main and Wesley Streets and the existing curb was not reconstructed.

In response to Councilman Rutledge, City Manager Dzugan stated funding would be half from TIF 2 and half from bond proceeds or the capital projects fund. He indicated TIF 3 could be used as a backstop if needed.

In response to Mayor Suess, Assistant City Manager Duguay advised if the streetscape scope was extended on North Main Street, the completion date would also need to be extended. He stated additional utility work would need to be completed and confirmed the utility work was included in the additional cost.

Councilman Barbier stated he supported the initial proposed transition zone for this block. He feels the \$300,000 from bond proceeds is money that could be spent on other capital projects within the City.

Councilwoman Bray-Parker indicated she is leaning toward extending the streetscape without trees on the east side adjacent to Adams Park.

Councilwoman Robbins stated she is against this extended work and would prefer to fund work in other parts of the City. She is supportive of this being a transition area and would vote against the additional work.

Councilman Rutledge stated he would support the extended scope of work with trees on both sides of the street, but could be persuaded to leave off the trees on the east side.

Councilman Zaruba stated that in looking at what the Council approved in a previous motion and the savings realized through the bidding process, and applying that to the two options, the City is looking at \$127,000 more for Option 1. He does not feel Option 2 is necessary and would be in favor of Option 1.

Mayor Suess expressed his support for Option 2 and feels it is important to do this right and this is the opportunity to do the extended work. He feels there is a benefit to have trees on both sides.

Councilwoman Bray-Parker stated she could be persuaded to include trees on both sides.

In response to Council questions, both Ms. Kaul and Mr. Deming recommended Option 2 to provide symmetry and continuity with the prior streetscape work.

Councilman Zaruba moved and Councilman Rutledge seconded to approve the extension of the streetscape work with either option rather than maintaining the area as a transition zone.

	Roll Call Vote:
Ayes:	Councilman Zaruba Councilwoman Bray-Parker Mayor Suess Councilman Rutledge
Nays:	Councilman Barbier Councilwoman Robbins
Absent:	Councilwoman Fitch
	<u>Motion Carried</u>

Mayor Suess stated the next question is whether there should be trees on both sides of the street.

Councilman Rutledge moved and Councilman Zaruba seconded to approve Option 2 for the extension of the streetscape.

Councilman Barbier feels the City should show off Adams Park without hiding it behind trees. Councilwoman Bray-Parker stated she continues to lean against trees on the east side of Main Street.

In response to Mayor Suess, Mr. Deming stated there is no impact from a traffic standpoint if the taper is included, but there would be an esthetic impact. His recommendation would be not to include the taper.

Roll Call Vote:

Ayes: Councilman Rutledge
Mayor Suess

Nays: Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Robbins

Absent: Councilwoman Fitch
Motion Failed

Councilman Barbier moved and Councilwoman Robbins seconded to approve Option 1 for the extension of the streetscape with no tapering of the sidewalk.

Roll Call Vote:

Ayes: Councilman Barbier
Mayor Suess
Councilwoman Robbins
Councilman Rutledge

Nays: Councilwoman Bray-Parker
Councilman Zaruba

Absent: Councilwoman Fitch
Motion Carried

12. Council Comment

Councilwoman Bray-Parker recognized Martin Luther King Day and recommended everyone read his *Letter From a Birmingham Jail* and encouraged everyone to follow the teachings of Martin Luther King Jr.

Councilman Rutledge acknowledged two students from Glenbard North's AP Government class.

Mayor Suess stated the Federal Railroad Administration has established a website to report train delays and stated this information will be included on the City's website.

13. Approval of Warrant

Councilman Rutledge moved and Councilwoman Robbins seconded that Warrant No. 768 in the amount of \$3,054,592.55, be approved.

Roll Call Vote:

Ayes: Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously

14. Adjournment

Councilman Barbier moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 7:57 p.m.

Roll Call Vote:

Ayes: Councilman Barbier
Councilwoman Bray-Parker
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously

Respectfully submitted,

Sharon Barrett-Hagen
City Clerk

Submitted for Approval: February 3, 2020