



# WHEATON CITY COUNCIL PROCEEDINGS

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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

Monday, March 16, 2020

## 1. Call to Order and Roll Call

The regular Wheaton City Council Meeting was called to order at 7:00 p.m. by Mayor Philip J. Suess. Upon roll call, the following were:

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

Absent: Councilman Barbier

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  
Sarang Lagvankar, Interim Director of Engineering  
Robert Lehnhardt, Finance Director  
Chad Michaelis, Director of Information Technology  
William Schultz, Fire Chief  
Vince Laoang, Director of Public Works  
Sharon Barrett-Hagen, City Clerk

Mayor Suess read a letter to the citizens of Wheaton urging residents to take precautions with regard to COVID-19 and assuring them that the City is taking whatever steps are necessary to ensure the safety of residents and City staff.

## 2. Citizens to Be Heard

None.

## 3. Consent Agenda

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

1. Approve the minutes of the March 2, 2020 regular Wheaton City Council meeting, as submitted.
2. Adopt Resolution R-2020-20, A Resolution Authorizing the Release of Closed Session Minutes.
3. Approve bond waivers and authorize issuance of raffle licenses to the Wheaton North Falcon Band Parent Organization, Briar Glen PTC and P.E.O. Sisterhood International Chapter (JO-IL).

4. Adopt Resolution R-2020-21, A Resolution Approving a Plat of Easement Grant (1420 S. Gables Boulevard).
5. Adopt Resolution R-2020-22, A Resolution Approving the Final Plat of Lodalia Estates Subdivision.

**Roll Call Vote on Consent Agenda:**

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

Nays: None  
Absent: Councilman Barbier  
Motion Carried Unanimously

**4. Pass Ordinance No. O-2020-10, An Ordinance Granting Building Setback and Parking Variations on a Certain Piece of Property Commonly Known as 201 W. Wesley Street and 210-214 N. Hale Street/North Hale LLC**

Councilwoman Fitch moved and Councilwoman Bray-Parker seconded that Ordinance No. O-2020-10, An Ordinance Granting Building Setback and Parking Variations on a Certain Piece of Property Commonly Known as 201 W. Wesley street and 210-214 N. Hale Street/North Hale LLC, be passed.

City Manager Dzugan advised that at the March 2 meeting the Council directed the City Attorney to prepare an ordinance approving setback and parking variations to permit the construction of a three-story mixed use building at 201 Wesley and 201-214 Hale Streets, including the demolition of two existing structures on the site.

**Roll Call Vote:**

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

Nays: None  
Absent: Councilman Barbier  
Motion Carried Unanimously

**5. Approve Appointments to City Boards and Commissions**

Mayor Suess moved and Councilman Rutledge seconded that Bill Cavanaugh be appointed to the Environmental Improvement Commission and Suzanne Mennecke be appointed to the Housing Commission, each for a three-year term

**Roll Call Vote:**

Ayes: Mayor Suess  
Councilwoman Robbins

Councilman Rutledge  
Councilman Zaruba  
Councilwoman Bray-Parker  
Councilwoman Fitch

Nays: None  
Absent: Councilman Barbier  
Motion Carried Unanimously

**6. Pass Ordinance No. O-2020-11, An Ordinance Amending Ordinance No. O-2019-21 “An Ordinance Authorizing a Special Use Permit to Allow the Demolition of the Existing Bandshell, Concession/Restroom Facilities and Tennis Court at Memorial Park, the Construction and Use of a New Bandshell with Concessions and Restrooms Facilities and an Increase in Park District Activities for the Property Commonly Known as Memorial Park, 208 W. Union Avenue”**

City Manager Dzegan stated the proposed ordinance approves an amendment allowing all events at the park where the District desires to sell beer and wine to be considered special events, following the special event and outdoor special event liquor review process.

Councilman Zaruba moved and Councilman Rutledge seconded to postpone this item to another date certain meeting.

Councilman Zaruba stated he has received comments from residents and feels it would be appropriate to allow those individuals and Park District staff an opportunity to come back before the Council. He feels people may have chosen not to attend the meeting due for concerns about coronavirus.

Councilwoman Fitch responded that people could and have submitted their comments via email. She feels that the issue of events at Memorial Park is an on-going discussion and can be reviewed by Council. She encouraged residents to share their concerns with the Council and Park District staff but does not see the need to continue the item.

Councilwoman Bray-Parker agreed. She indicated the outdoor liquor event process allows review by the Council and allows individuals to raise their concerns.

Mayor Suess feels the Council should go ahead and not delay the discussion.

**Roll Call Vote:**  
Ayes: Councilman Zaruba  
Councilman Rutledge  
Nays: Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess  
Councilwoman Robbins  
Absent: Councilman Barbier  
Motion Failed

Councilman Zaruba stated he believes the proposed ordinance is well balanced and with the review process, he would support it. He did express disappointment that the Park District did not respond to questions raised by Council at the last meeting.

Councilwoman Robbins moved and Councilwoman Bray-Parker seconded that Ordinance No. O-2020-11, An Ordinance Amending Ordinance No. O-2019-21 "An Ordinance Authorizing a Special Use Permit to Allow the Demolition of the Existing Bandshell, Concession/Restroom Facilities and Tennis Court at Memorial Park, the Construction and Use of a New Bandshell with Concessions and Restrooms Facilities and an Increase in Park District Activities for the Property Commonly Known as Memorial Park, 208 W. Union Avenue," be passed.

**Roll Call Vote:**  
Ayes: Councilwoman Robbins  
Councilman Rutledge  
Councilman Zaruba  
Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess  
Nays: None  
Absent: Councilman Barbier  
Motion Carried Unanimously

**7. Adopt Resolution R-2020-23, A Resolution Authorizing the Purchase of UPM Cold Patch from Superior Asphalt Materials, LLC for a Total Amount Not to Exceed \$20,000**

Councilwoman Bray-Parker moved and Councilman Rutledge seconded that Resolution R-2020-23, A Resolution Authorizing the Purchase of UPM Cold Patch from Superior Asphalt Materials, LLC for a Total Amount Not to Exceed \$20,000, be adopted.

City Manager Dzugan stated the resolution would approve the purchase of cold patch to fill potholes throughout the City. The City received two bids and the purchase will stay within the \$20,000 budgeted amount.

**Roll Call Vote:**  
Ayes: Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess  
Councilwoman Robbins  
Councilman Rutledge  
Councilman Zaruba  
Nays: None  
Absent: Councilman Barbier  
Motion Carried Unanimously

**8. Adopt Resolution R-2020-24, A Resolution Authorizing the Purchase of Bituminous Material from Plote Construction, Inc. for a Total Amount Not to Exceed \$424,525**

Councilwoman Fitch moved and Councilman Zaruba seconded that Resolution R-2020-24, A Resolution Authorizing the Purchase of Bituminous Material from Plote Construction, Inc. for a Total Amount Not to Exceed \$424,525, be adopted.

City Manager Dzugan stated the City received two bids and the purchase will not exceed the budgeted amount.

**Roll Call Vote:**  
Ayes: Councilwoman Fitch  
Mayor Suess  
Councilwoman Robbins  
Councilman Rutledge  
Councilman Zaruba  
Councilwoman Bray-Parker  
  
Nays: None  
Absent: Councilman Barbier  
Motion Carried Unanimously

**9. Adopt Resolution R-2020-25, A Resolution Authorizing the Execution of Agreement No. 118 with Webster McGrath & Ahlberg, Ltd. For Engineering Services for New Sidewalks for a Total Amount Not to Exceed \$28,900**

Councilman Rutledge moved and Councilwoman Robbins seconded that Resolution R-2020-25, A Resolution Authorizing the Execution of Agreement No. 118 with Webster McGrath & Ahlberg, Ltd. For Engineering Services for New Sidewalks for a Total Amount Not to Exceed \$28,900, be adopted.

City Manager Dzugan advised the proposed agreement authorizes design engineering services for certain new sidewalks. He stated this work was originally going to be done in-house, but that is no longer possible due to recent staff changes.

Councilwoman Fitch questioned if the City should continue with this project, as well the other item on the agenda for the Police Department locker room renovation, due to possible changes in the City's financial situation.

City Manager Dzugan replied that staff has had discussions on that issue, but feels the City should go ahead with design services for both these projects. He stated the actual construction or renovation work could be reconsidered in the future if necessary, based upon the City's financial situation.

**Roll Call Vote:**  
Ayes: Councilman Rutledge  
Councilman Zaruba  
Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess  
Councilwoman Robbins  
  
Nays: None  
Absent: Councilman Barbier  
Motion Carried Unanimously

**10. Adopt Resolution R-2020-26, A Resolution Authorizing the Purchase of Three (3) Replacement Rooftop HVAC Units for Fire Station #38 Through the U.S. Communities Joint Purchasing Program for a Total Amount Not to Exceed \$32,998**

Councilman Zaruba moved and Councilman Rutledge seconded that Resolution R-2020-26, A Resolution Authorizing the Purchase of Three (3) Replacement Rooftop HVAC Units for Fire Station #38 Through the U.S. Communities Joint Purchasing Program for a Total Amount Not to Exceed \$32,998, be adopted.

City Manager Dzugan stated the resolution approves the purchase of three rooftop HVAC units to replace units that are 27 years old. He noted the total cost of the project, including installation costs, is \$47,478, with \$60,000 budgeted for this work.

In response to Councilman Rutledge, Fire Chief Schultz stated since the City is self-insured, we had not filed a claim for hail damage to the units. City Manager Dzugan advised the City's deduction is \$25,000.

**Roll Call Vote:**

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

Nays: None

Absent: Councilman Barbier

Motion Carried Unanimously

**11. Adopt Resolution R-2020-27, A Resolution Authorizing the Execution of Agreement No. 116 with FGM Architects for Phase II – Architectural Services for the Police Department Locker Room Renovation for a Total Amount Not to Exceed \$37,400**

Councilwoman Fitch moved and Councilwoman Robbins seconded that Resolution R-2020-27, A Resolution Authorizing the Execution of Agreement No. 116 with FGM Architects for Phase II – Architectural Services for the Police Department Locker Room Renovation for a Total Amount Not to Exceed \$37,400, be adopted.

City Manager Dzugan stated entire renovation has been budgeted at \$200,000 and recommended the City go forward with these design services.

**Roll Call Vote:**

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

Nays: None

Absent: Councilman Barbier

Motion Carried Unanimously

**12. Adopt Resolution R-2020-28, A Resolution Authorizing the Purchase of a Subscription of CrowdStrike Falcon Complete Endpoint Protection From CDW Government, LLC for a Total Amount Not to Exceed \$48,565**

Councilwoman Fitch moved and Councilman Zaruba seconded that Resolution R-2020-28, A Resolution Authorizing the Purchase of a Subscription of CrowdStrike Falcon Complete Endpoint Protection From CDW Government, LLC for a Total Amount Not to Exceed \$48,565, be adopted.

City Manager Dzugan advised this purchase is in line with the City's budget and is needed to provide greater cyber security.

Director Michaelis believes this product is very important as it is difficult for the City to protect itself from the threats we are receiving now. He stated a threat can go from the initial breach to ransomware in less than thirty minutes and stated this product would be operational within thirty days.

**Roll Call Vote:**

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

Nays: None  
Absent: Councilman Barbier

Motion Carried Unanimously

**13. Adopt Resolution R-2020-29, A Resolution Authorizing the Purchase of a Subscription of Microsoft Office 365 and Azure Advanced Threat Protection Through the State of Illinois Joint Purchasing Program for a Total Amount Not to Exceed \$25,518**

Councilwoman Robbins moved and Councilman Zaruba seconded that Resolution R-2020-29, A Resolution Authorizing the Purchase of a Subscription of Microsoft Office 365 and Azure Advanced Threat Protection Through the State of Illinois Joint Purchasing Program for a Total Amount Not to Exceed \$25,518, be adopted.

Director Michaelis explained this software provides 100% screening of all attachments and links, as well as user login and access protection. In response to Councilman Rutledge, Director Michaelis expects attachments to be screened in less than a minute.

**Roll Call Vote:**

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

Nays: None

Absent: Councilman Barbier  
Motion Carried Unanimously

**14. Adopt Resolution R-2020-30, A Resolution Authorizing the Execution of City Agreement No. 117 with Metro Paramedic Services, Inc. for Paramedic Services and Emergency Medical Services (EMS) Billing Services for a Term of Five (5) Years for a Total Amount Not to Exceed \$10,409,552.46 Plus Pricing or Per Occurrence Based Services, and Authorizing the Execution of Exhibit C (Business Associate Agreement) to Agreement No. 117**

Councilwoman Bray-Parker moved and Councilman Rutledge seconded that Resolution R-2020-30, A Resolution Authorizing the Execution of City Agreement No. 117 with Metro Paramedic Services, Inc. for Paramedic Services and Emergency Medical Services (EMS) Billing Services for a Term of Five (5) Years for a Total Amount Not to Exceed \$10,409,552.46 Plus Pricing or Per Occurrence Based Services, and Authorizing the Execution of Exhibit C (Business Associate Agreement) to Agreement No. 117, be adopted

City Manager Dzugan advised staff has recommended the City enter into an agreement with Metro Paramedic Services to provide paramedic and EMS billing services. He referenced the list of options contained in the Fire Chief's memo, and advised the City would not be engaging options 6 or 7 at this time.

Chief Schultz stated this contract provides flexibility and options for the City and believes it is a good contract for the City.

In response to Councilwoman Fitch, City Attorney Knippen stated that even though the City is not engaging options 6 or 7, there is nothing in the contract that would prevent the City from proceeding with either a Medica program or hire a social worker on our own.

In response to questions from Councilwoman Fitch, Chief Schultz stated the paramedic costs are based on the market. He stated billing fees are a percentage of the total amount collected and he will review the fees to ensure they comply with the Council's mandate that fees align with 90% of operating costs.

**Roll Call Vote:**

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

Nays: None  
Absent: Councilman Barbier  
Motion Carried Unanimously

**15. Adopt Resolution R-2020-31, A Resolution of the City of Wheaton, DuPage County, Illinois, Authorizing the Mayor to Sign and Directing the City Clerk to Attest an Amendment to an Existing Agreement with Bensidoun USA, Dated February 6, 2017**

Councilman Zaruba moved and Councilwoman Fitch seconded that Resolution R-2020-31, A Resolution of the City of Wheaton, DuPage County, Illinois, Authorizing the Mayor to Sign and Directing the City



Clerk to Attest an Amendment to an Existing Agreement with Bensidoun USA, Dated February 6, 2017, be adopted.

City Manager Dzugan stated the proposed amendment would extend the City's agreement with Bensidoun for one year. He advised negotiations with Bensidoun on the public/private partnership for construction of the canopy structure and other improvements on Lot 3 are nearing completion. City Manager Dzugan also advised that the opening of the French Market may be delayed due to COVID-19 and may not open in April.

Councilman Rutledge stated the term of the extension is for one year or until a new agreement has been reached. He asked that the contract be amended by inserting the words "whichever comes first." Both Councilman Zaruba and Councilwoman Fitch agreed to that amendment.

	<b>Roll Call Vote as Amended:</b>
Ayes:	Councilman Zaruba Councilwoman Bray-Parker Councilwoman Fitch Mayor Suess Councilwoman Robbins Councilman Rutledge
Nays:	None
Absent:	Councilman Barbier
	<u>Motion Carried Unanimously</u>

## 16. Council Comment

Councilwoman Bray-Parker reminded everyone that tomorrow is election day and reminded everyone to vote, but be patient.

Councilwoman Fitch read a list of suggestions on how to stay safe and protect yourself against COVID-19, such as by taking care of elderly relatives or neighbors by offering to deliver food or medicine, and be kind and considerate in the grocery store, among others.

Councilman Rutledge expressed his concern about people losing jobs, particularly in the service and restaurant business.

Councilwoman Bray-Parker advised the Downtown Wheaton Association has published information on which downtown restaurants are offering take out service.

City Manager Dzugan announced that several meetings and events at the City would be cancelled or rescheduled: the community forums would be held virtually on Facebook Live rather than in person, boards and commission meetings would be cancelled until the middle of May and those that must meet need to meet limitations on attendance and incorporate social distancing, the Good Citizen Awards will be delayed, the French Market opening will be delayed for approximately a month, the native plant sale and the shredding event will be rescheduled, and some special events scheduled throughout the City will be cancelled.

Mayor Suess asked that residents take COVID-19 seriously. He stated the City will continue to post information on the website on a daily basis.

**17. Approval of Warrant**

Councilman Rutledge moved and Councilwoman Fitch seconded that Warrant No. 772 in the amount of \$1,268,894.79, be approved.

	<b>Roll Call Vote:</b>
Ayes:	Councilman Rutledge Councilman Zaruba Councilwoman Bray-Parker Councilwoman Fitch Mayor Suess Councilwoman Robbins
Nays:	None
Absent:	Councilman Barbier
	<u>Motion Carried Unanimously</u>

**18. Adjournment**

Councilwoman Fitch moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 7:52 p.m.

	<b>Roll Call Vote:</b>
Ayes:	Councilwoman Fitch Mayor Suess Councilwoman Robbins Councilman Rutledge Councilman Zaruba Councilwoman Bray-Parker
Nays:	None
Absent:	Councilman Barbier
	<u>Motion Carried Unanimously</u>

Respectfully submitted,

Sharon Barrett-Hagen  
City Clerk

Submitted for Approval: April 20, 2020