



# 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

Monday, March 2, 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: Councilman Barbier  
Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess  
Councilwoman Robbins  
Councilman Rutledge  
Councilman Zaruba

Absent: None

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  
Chad Michaelis, Director of Information Technology  
Vince Laoang, Director of Public Works  
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 February 18, 2020 regular Wheaton City Council meeting, as submitted.
2. Adopt Resolution R-2020-12, A Resolution Accepting the As-Constructed Public Improvements for Cline's Hawthorne Estates Subdivision.
3. Adopt Resolution R-2020-13, A Resolution Approving the St. Michael's Plat of Consolidation No. 2

4. Approve bond waivers and authorize issuance of raffle licenses to the DuPage County Fair Association and WWSHS Show Choir.

**Roll Call Vote on Consent Agenda:**

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

Nays: None

Absent: None

Motion Carried Unanimously

**4. Approve Reappointments to City Boards and Commissions**

Mayor Suess moved and Councilman Zaruba seconded that Larniecia Smith be reappointed to the Community Relations Commission and Ed Dulaney be reappointed to the Board of Fire & Police Commissioners, each for a three-year term

**Roll Call Vote:**

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

Nays: None

Absent: None

Motion Carried Unanimously

Councilman Barbier recused himself at 7:04 p.m. from discussion of Regular Agenda New Business Item No. 2 - A Resolution Authorizing the Execution of an Intergovernmental Agreement Between the County of DuPage and the City of Wheaton for the Construction of a Canopy Structure, Parking Facility Improvements, Plaza, and Recreational Trail on County of DuPage Property in the City of Wheaton – due to a possible conflict of interest

**5. Adopt Resolution R-2020-14, A Resolution Authorizing the Execution of an Intergovernmental Agreement Between the County of DuPage and the City of Wheaton for the Construction of a Canopy Structure, Parking Facility Improvements, Plaza, and Recreational Trail on County of DuPage Property in the City of Wheaton**

Councilwoman Fitch moved and Councilwoman Bray-Parker seconded that R-2020-14, A Resolution Authorizing the Execution of an Intergovernmental Agreement Between the County of DuPage and the City of Wheaton for the Construction of a Canopy Structure, Parking Facility Improvements, Plaza, and Recreational Trail on County of DuPage Property in the City of Wheaton, be adopted.

City Manager Dzugan explained the proposed resolution authorizes an intergovernmental agreement with DuPage County, a significant step in finalizing efforts for Phase 4 of the Downtown Streetscape Plan. He stated the agreement allows the City to redevelop and continue to use County-owned property on portions of Parking Lots 3 and 4.

**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

Councilman Barbier returned to the meeting at 7:05 p.m.

**6. Pass Ordinance No. O-2020-08, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6 – Alcoholic Beverages, Section 6-87 – Classification of Licenses and Section 6-129 – Hours of Business – Generally Class A and B Licenses**

Councilwoman Bray-Parker moved and Councilman Barbier seconded that Ordinance No. O-2020-08, An Ordinance Amending the Wheaton Liquor Control Ordinance, Chapter 6 – Alcoholic Beverages, Section 6-87 – Classification of Licenses and Section 6-129 – Hours of Business – Generally Class A and B Licenses, be passed.

City Manager Dzugan advised the proposed ordinance would amend hours of operation for Class A and B liquor license holders from Monday – Sunday from 7 a.m. to 11 p.m. to Monday – Saturday from 7 a.m. to 1 a.m. and Sunday from 7 a.m. to midnight. He indicated the ordinance amendment would also allow those license holders to offer a limited menu after 11 p.m. He stated the Liquor Control Commission unanimously recommended approval of the proposed amendments at their meeting on February 13, 2020.

**Roll Call Vote:**

Ayes: Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess

Councilwoman Robbins  
Councilman Rutledge  
Councilman Zaruba  
Councilman Barbier

Nays: None  
Absent: None  
Motion Carried Unanimously

**7. Adopt Resolution R-2020-15, A Resolution Authorizing the Execution of Agreement No. 111 with Thomas Engineering Group, LLC for Phase 3 Construction Resident Engineering Services for President Street Between Harrison Avenue and Geneva Road for a Total Amount Not to Exceed \$35,969.28**

Councilman Barbier moved and Councilwoman Robbins seconded that Resolution R-2020-15, A Resolution Authorizing the Execution of Agreement No. 111 with Thomas Engineering Group, LLC for Phase 3 Construction Resident Engineering Services for President Street Between Harrison Avenue and Geneva Road for a Total Amount Not to Exceed \$35,969.28, be adopted.

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

**8. Adopt Resolution R-2020-16, A Resolution Authorizing the Execution of Agreement No. 112 with Advantage Paving Solutions, Inc. for the Water Division Parking Lot Improvements for a Total Amount Not to Exceed \$62,737**

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2020-16, A Resolution Authorizing the Execution of Agreement No. 112 with Advantage Paving Solutions, Inc. for the Water Division Parking Lot Improvements for a Total Amount Not to Exceed \$62,737, be adopted.

City Manager Dzugan indicted the City received six bids for this work. He stated the work will be done for approximately \$13,000 under the City's budget of \$75,000.

**Roll Call Vote:**  
Ayes: Councilman Rutledge

Councilman Zaruba  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilwoman Fitch  
Mayor Suess  
Councilwoman Robbins

Nays: None  
Absent: None  
Motion Carried Unanimously

**9. Adopt Resolution R-2020-17, A Resolution Authorizing the Purchase of Aggregate Material from Vulcan Construction Materials, LLC for a Total Amount Not to Exceed \$31,509.75**  
Councilwoman Fitch moved and Councilman Barbier seconded that Resolution R-2020-17, A Resolution Authorizing the Purchase of Aggregate Material from Vulcan Construction Materials, LLC for a Total Amount Not to Exceed \$31,509.75, be adopted.

City Manager Dzugan stated the resolution approves the purchase of aggregate material which is used for various purposes by the Public Works Department. He said the City received five bids, and the purchase will be made below the City's budgeted amount of \$37,000.

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

Nays: None  
Absent: None  
Motion Carried Unanimously

**10. Receive Planning & Zoning Board Report Re: ZA #20-02/Setback and Parking Variations/201 W. Wesley Street; 210-214 N. Hale Street/North Hale LLC**  
Councilwoman Bray-Parker moved and Councilman Rutledge seconded that the Planning & Zoning Board Report Re: ZA #20-02/Setback and Parking Variations/201 W. Wesley Street; 210-214 N. Hale Street/North Hale LLC, be received.

Motion to receive the Planning & Zoning Board Report Re: ZA #20-02/Setback and Parking Variations/201 W. Wesley Street; 210-214 N. Hale Street/North Hale LLC was approved by unanimous voice vote.

City Manager Dzugan stated the Planning & Zoning Board unanimously recommended approval of the setback and parking variations requested at their meeting on February 25, 2020. He indicated the proposed development would consist of a three-story, multi-use building and the two existing structures on Wesley and Hale Streets will be demolished.

Mr. Josh Sacks, Myefski Architects, appearing on behalf of the property owner, reviewed the proposed project. He indicated the first floor would be retail space, the second floor would be office space and the third floor would be a single residential unit. Mr. Sacks stated they are requesting a variance to allow nine parking spaces rather than the required 47 spaces, as well as setback variances on the north, east and south property lines.

Mr. Michael Werthmann, KLOA, reviewed the parking study prepared for this project. He stated there are a total of 826 public parking spaces in this area – 401 on-street and 425 in the Wheaton Place garage. When conducted parking surveys at peak times on a Thursday and Saturday in January, they found that the demand for parking was 511 and 506 respectively, leaving between 315-320 parking spaces available on both days.

Councilwoman Fitch feels the project fits well in the downtown. She noted the City will be discussing parking issues in the downtown at an upcoming planning session.

Councilman Rutledge stated a suggestion was made at the Planning & Zoning Board meeting that demand for office and retail space is dwindling. He stated it is the City's role to look at land uses in a particular area, not the business decisions made by developers.

In response to Councilman Rutledge, Director Kozik replied the mixed use building immediately to the west has no parking and the building further to the west has a small parking area.

Councilman Zaruba stated parking in the downtown on busy nights and weekends tends to creep into the nearby residential areas, but he does not feel that is an issue the developer needs to address.

Councilman Barbier feels there is sufficient parking available in the garages and based on the proposed use, does not feel this use would create problems with parking on weekends and evenings.

In response to Councilwoman Bray-Parker, City Manager Dzugan stated staff has created an in-house committee which has begun gathering information on parking, which will be presented to the Council at a future date.

Councilman Rutledge moved and Councilman Barbier seconded to direct the City Attorney to prepare an ordinance approving Setback and Parking Variations/201 W. Wesley Street; 210-214 N. Hale Street/North Hale LLC

**Roll Call Vote:**

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

Nays: None

Absent: None

Motion Carried Unanimously

**11. Adopt Resolution R-2020-18, A Resolution Authorizing the Purchase of Three (3) Replacement Vehicles and Two (2) Snowplows from Currie Motors Fleet Through the Joint Purchasing Program with the Suburban Purchasing Cooperative (SPC) for a Total Amount of \$104,887**

Councilman Rutledge moved and Councilman Zaruba seconded that Resolution R-2020-18, A Resolution Authorizing the Purchase of Three (3) Replacement Vehicles and Two (2) Snowplows from Currie Motors Fleet Through the Joint Purchasing Program with the Suburban Purchasing Cooperative (SPC) for a Total Amount of \$104,887, be adopted.

City Manager Dzugan advised the vehicles being replaced are between 12 – 13 years old.

**Roll Call Vote:**

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

Nays: None

Absent: None

Motion Carried Unanimously

**12. Adopt Resolution R-2020-19, A Resolution Authorizing the Execution of agreement No. 114 with Tyler Technologies, Inc. for the Renewal of Software Services for a Three (3) Year Term for a Total Amount Not to Exceed \$460,908**

Councilwoman Robbins moved and Councilwoman Fitch seconded that Resolution R-2020-19, A Resolution Authorizing the Execution of agreement No. 114 with Tyler Technologies, Inc. for the Renewal of Software Services for a Three (3) Year Term for a Total Amount Not to Exceed \$460,908, be adopted.

City Manager Dzugan stated the proposed agreement with Tyler Technologies is for hosting the City's Enterprise software services, the central hub of our information and financial systems. He stated certain services not required by the City were removed, reducing the annual cost to \$153,636.

**Roll Call Vote:**

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

Nays: None

Absent: None

Motion Carried Unanimously

**13. Pass Ordinance No. O-2020-09, An Ordinance Approving a Change Order for Phase 3 Construction of Downtown Streetscape Program**

Councilwoman Bray-Parker moved and Councilman Rutledge seconded that Ordinance No. O-2020-09, An Ordinance Approving a Change Order for Phase 3 Construction of Downtown Streetscape Program, be passed.

City Manager Dzugan advised the proposed ordinance would approve a change order with Copenhaver Construction in the amount of \$1,052,629.14 for the extension of full streetscape improvements on Main Street, between Wesley Street and Seminary Avenue.

Councilwoman Fitch feels the cost for this work is too high and would delay the completion of the streetscape work. She stated she would vote against approving the change order.

Councilman Barbier stated he was opposed to extending the full amenities to this area and cannot support spending \$1MM for this additional work.

Councilman Rutledge stated he would like to see the project done right, and although this is a large change orders, change orders are not uncommon.

Mayor Suess stated the \$1MM cost is in line with the costs for the work completed on other blocks in the downtown. He feels this is the right time to do this work, especially the sewer work that will be done in conjunction with the streetscape amenities.

**Roll Call Vote:**

Ayes: Councilwoman Bray-Parker  
Mayor Suess  
Councilman Rutledge



Councilman Zaruba

Nays: Councilwoman Fitch  
Councilwoman Robbins  
Councilman Barbier

Absent: None  
Motion Carried

**14. Adopt A Resolution Authorizing the Execution of an Amendment to City of Wheaton, Illinois 2020 Downtown Streetscape – Phase 3 Construction Agreement (Agreement No. 109) with Copenhaver Construction, Inc. for a Total Not to Exceed \$136,500**

City Manager Dzugan stated the City Council had previously discussed the possibility of paying for an acceleration of the Phase 3 streetscape work from September 25 to August 24 for \$136,500. He advised it is staff's opinion there is no benefit to accelerate the work and is therefore recommending against the acceleration.

Councilman Barbier moved that A Resolution Authorizing the Execution of an Amendment to City of Wheaton, Illinois 2020 Downtown Streetscape – Phase 3 Construction Agreement (Agreement No. 109) with Copenhaver Construction, Inc. for a Total Not to Exceed \$136,500, be adopted.

The motion failed due to lack of a second.

**15. Council Comment**

Councilwoman Bray-Parker reminded everyone that March is Women's History Month and she encouraged people to remember the contributions women have made throughout their communities and the nation and to continue celebrating the 100<sup>th</sup> anniversary of women's right to vote.

Councilman Barbier stated he attended the Students Excellence Foundation event at Top Golf where an augmented reality application that will be used in District 200 classrooms was demonstrated.

Councilwoman Robbins stated she, along with Mayor Suess and Assistant City Manager Duguay, spoke to approximately 75 4<sup>th</sup> graders at Madison School last week. She said it was a great event, the students were really engaged in local government and posed a lot of questions to the three of them.

Mayor Suess announced that the 2020 Census starts on March 12. He encouraged all citizens to participate because an accurate count determines the allocation of federal funds to the City.

**16. Approval of Warrant**

Councilman Rutledge moved and Councilwoman Bray-Parker seconded that Warrant No. 771 in the amount of \$627,821.37, be approved.

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

**17. Closed Session: Review of Closed Session Minutes – 5 ILCS 120/2 (c)(21) and Pending Litigation - 5 ILCS 120/2 (c)(11)**

Councilwoman Fitch moved and Councilwoman Bray-Parker seconded that the Wheaton City Council adjourn to closed session at 7:45 p.m. for the purposed of discussing Review of Closed Session Minutes – 5 ILCS 120/2 (c)(21) and Pending Litigation - 5 ILCS 120/2 (c)(11).

Mayor Suess announced that no action would be taken by the Council after the Council returns to open session.

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

The City Council returned to the open portion of their meeting at 8:15 p.m.

**18. Adjournment**

Councilwoman Fitch moved and Councilwoman Bray-Parker seconded that the regular Wheaton City Council Meeting be adjourned at 8:15 p.m.

The motion to adjourn was unanimously approved by voice vote.

Respectfully submitted,

Sharon Barrett-Hagen  
City Clerk

Submitted for Approval: March 16, 2020

DRAFT