

MINUTES
March 10, 2020
Committee of the Whole
City of Batavia

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Chair Wolff called the meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren (entered at 7:20pm), O'Brien, Callahan, Malay, Uher, Cerone and McFadden

Members Absent: Alderman Chanzit

Also Present: Mayor Schielke (entered at 7:22pm); Laura Newman, City Administrator; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; Chris Aiston, Economic Development Consultant; Rahat Bari, City Engineer; Anthony Isom, Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Reminder: Please speak into the microphone for BATV recording

3. Approve Minutes for February 18, 2020

Motion: To approve minutes for February 18, 2020
Maker: Knopp
Second: Malay
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

4. Items to be Removed/Added/Changed

There were no items to be removed, added or changed.

5. Matters From the Public (For Items NOT on the Agenda)

There were no matters from the public.

6. Consent Agenda

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a "package" in the interest of saving time on non-

controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)

a. Resolution 20-039-R: Approval of the 2020 Zoning Map (SCB 2/20/20)

Motion: To recommend approval of the Consent Agenda as presented
Maker: McFadden
Second: Malay
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

7. MOTION: Terminate Public Hearing for Establishing of Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III Development (SCB)

Buening stated that this discussion would be moved to a future COW meeting.

Motion: To terminate Public Hearing for Establishing of Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III Development
Maker: Malay
Second: Callahan
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.
CONSENT AGENDA

8. Ordinance 20-23: Rescinding Ordinance 19-80 Proposing Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III Development (SCB 3/4/20) CD

Callahan summarized the memo. There has been an objection filed by the property owners and staff feels the proposed SSA should be retracted at this time. This rescinds the Ordinance passed in November.

Motion: To recommend approval of Ordinance 20-23: Rescinding Ordinance 19-80 Proposing Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III Development
Maker: Callahan
Second: Meitzler
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.
CONSENT AGENDA

9. Resolution 20-044-R: Authorizing Execution of a Contract with Denler, Inc. for the 2020 Crack Filling and Parking Lot Maintenance Program (TFG 3/4/20) CS

Bari summarized the memo. He noted that the price of crack filling has gone down. Bari stated that money saved would be used towards crack filling more streets.

Motion: To recommend approval of Resolution 20-044-R: Authorizing Execution of a Contract with Denler, Inc. for the 2020 Crack Filling and Parking Lot Maintenance Program
Maker: Wolff

Second: Uher
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.
CONSENT AGENDA

10. Resolution 20-045-R: Authorizing Execution of a Contract with Strada Construction Co. for the 2020 Sidewalk and Curb Replacement Program (CCB 3/4/20) CS

Bari summarized the memo.

Motion: To recommend approval of Resolution 20-045-R: Authorizing Execution of a Contract with Strada Construction Co. for the 2020 Sidewalk and Curb Replacement Program
Maker: Wolff
Second: O'Brien
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.
CONSENT AGENDA

11. Resolution 20-46-R: Approving Change Order #1 for MP Systems in the amount of \$40,023.95 to complete Substation Construction Services for the Northeast Distribution Substation (RB 3/5/2020) PU

*Alderman Baerren entered at 7:20pm

Bari explained that last year we had quite a bit of rain and that caused of dewatering issues for the contractor. They had to had people out and pumps out to dewater. In their contract, they listed that if they faced any watering issue then that would be extra time and cost. Bari stated that staff negotiated the price down from what is listed in this change order. There are some other items included within this total as well.

O'Brien expressed some concerns with the hours listed for dewatering. He stated that the hours total up to six weeks of a person running a pump. That seems excessive to him. O'Brien explained this is what he does for a living as well. He just thinks it is excessive. Bari stated that it is the type of sand we have under the substation that holds a lot of water. The amount has been negotiated down. O'Brien stated when people dewater a site it is one person putting a pump in the water, plugging it in, and then go off and do whatever else he does and then he goes back and checks it. It raises a red flag that they were so high and it was negotiated down to half of the hours. Bari stated that it was negotiated down because in the contract it states you have to notify so if they dewater, they have to tell us they are dewatering. Callahan stated that this was a not-to-exceed when this was passed. What does that say if we pass not-to-exceed contracts and exceed them all of the time? Someone should have caught this well before 240 hours went by.

Motion: To recommend approval of Resolution 20-46-R: Approving Change Order #1 for MP Systems in the amount of \$40,023.95 to complete Substation Construction Services for the Northeast Distribution Substation
Maker: O'Brien
Second: Cerone

Voice Vote: 12 Ayes, 1 Nays, 1 Absent
Motion carried.

Alderman Callahan was the nay vote.

12. Discussion: Downtown Streetscape – Abby Beck

Beck stated that this discussion is continued from February 11th where we came back with short-term, mid-term, and long-term suggestions. What was discussed most was the formation of a Streetscape Advisory Committee. O'Brien stated that he would like to participate in the Committee. He feels that streetscape is very important for our City and it is something that should be planned and accomplished.

The Committee directed Alderman Beck to spearhead a small committee of five to six people. Newman recommended that there be a staff liaison as part of the Committee. The committee could be project-based in the beginning and identify various projects the City should work on first.

13. Annual Report: Community and Economic Development

Buening presented a Community Development Power Point presentation that included the following:

- Strategic Plan Goals
- Future and Ongoing Projects
- 2019 Major Accomplishments
- 2019 Statistical Information
 - Inspections
 - Permits
 - Total Zoning Cases
 - Code Enforcement
 - Building Division
 - Planning Division
- City of Batavia Annexations 2014-2020 map
- 2020 Projects, Goals and Objections

Chris Aiston presented an Economic Development PowerPoint presentation on the following:

- New Program Initiatives –Update
 - Gateway Improvement Program Grants
 - Data Center Recruiting Plan: Has become part of a proposed Targeted Business Recruiting Plan (Interim)
 - Brochure titled 'Siting Your Data Center in Batavia IL Premium Industrial Real Estate' handed out to Committee.
- Retail Real Estate Market Analytics
- Overall Tri-Cities and Submarket Retail Vacancy Rates
- Downtown Batavia Retail Properties
- Downtown Geneva Retail Properties
- Downtown St. Charles Retail Properties

- Downtown Batavia Retail Vacancy and Rent Rates (Historical and Forecasted)
- Industrial Real Estate Market Analytics
 - Central Kane/DuPage Industrial real Estate Submarket Map (per CoStar/Loopnet)
 - Central Kane/DuPage Industrial Real Estate Submarket
- 2019 Industrial Developments
- Industrial Rent Rates
- Construction Starts
- Probability of Leasing by Month
- 2018-2019 Happle TIF Grant
 - 219 S. Batavia Ave.

Anthony Isom presented on the following:

- Economic Development Institute – Oklahoma University College
- 2019 Conferences and Trade Shows

14. Project Status – Local Prosecution Trial for DUI Cases (DME)

Newman reported that last year we were approached by a local Attorney Peter Pugh about engaging his services for prosecuting our DUI cases. He currently does this for municipalities such as Geneva, North Aurora and Montgomery. Chief Eul communicated with each of those municipalities and they have been very happy with the services Attorney Pugh provides. Attorney Pugh has a high conviction rate and the amount of fines levied in these cases. He also tries to minimize the amount of times officers have to appear in court, increasing the revenue and decreasing our costs. The agreement with Attorney Pugh would be on a case-by-case basis so if we wish to disengage his services we simply provide him notice that we won't be providing any more cases to him. This is very low risk so we would like to begin using his services. Newman stated that she could report back on what the City's experience has been with Attorney Pugh's services. Chair Wolff stated he would like to see the fiscal benefits from this service.

Newman reported on project status:

- Staff has reengaged with the engineering firm who was providing us with the drawings that would be used for the RFP for entryway signs. They will be updating the drawings in a variety of materials so we could decide which materials we would like to move forward with. We expect to bring that back to the COW at the end of March or beginning of April.
- A meeting was held to discuss potential sites for the bike share racks. Consensus was reached for the South Plaza at City Hall but there was no consensus reached on the second location. The bike share agreement received did not provide language that the City would not have any liability for injuries or damages that would be caused by the users. Newman addressed this issue with the company and a revised services agreement and a revised user waiver that would include indemnification for the City is expected. Newman would bring the revised documents to the Committee once received.
- Small Business Forum will be held on March 18th
- Green Night at the Movies will be on March 21st at 6pm followed by a panel discussion with Gary Holm, Director of Public Works.
- H.C. Storm School Kane County Bike Drive will be held on March 14th

- The American Public Works Association (APWA) is giving our Wastewater Treatment project a Chicagoland region award. By receiving this award we are automatically nominated for the national APWA award in this category.
- Plans for the 2020 sidewalk program and roadway patching have been finalized.
- Coronavirus preparedness:
 - IT is preparing for the deployment of laptops for work from home situations
 - Sick Leave policy will be more flexible to accommodate quarantine status or those who have to take care of family in quarantine status. Vacation time would be allowed to be used if sick time is depleted. Coronavirus related absence would allow for employees to go into negative status if they have depleted all possible paid time off.
 - Those who are experiencing symptoms should not come to work.

15. Other

O'Brien stated the plastic bags along Randall are dismall. He asked could we legislate the use of paper bags at grocery stores. Beck stated that there is a draft ordinance in the works with the Fox Valley Sustainability Network. The Fox Valley Sustainability Network, in which she is involved with, are working on the tool kit and beta testing. The draft ordinance will be coming before the Committee soon.

Meitzler asked about the crossing of Western Avenue to get into a four way stop sign with striping for crossing to and from the park and to and from the school. On Western and Wilson, west side of the T intersection, there is a dead end sidewalk. Main and Millview there is partial striping running north south. Thorton and Navaho the original ask was to make a four way stop sign now a two way stop sign his request is to get that to at least a three way striped crossing because the curbs are not cut on the east side of that intersection running north south. Meitzler asked for an update on these intersections. Newman stated that she would follow-up.

Knopp expressed his concern with extending the TIF. The decision feels rushed and there are some questions that are still hanging out there. He intends to make a motion to turn that legislation back to the Committee. Knopp will send out the questions he has to Committee and staff.

16. Executive Session: Probable Litigation (SB)

Motion: To enter into Executive Session for probable litigation
Maker: O'Brien
Second: Knopp
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

The Committee entered into Executive Session at 9:26pm.

17. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:41pm; Made by O'Brien; Seconded by Meitzler. Motion carried.

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Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on April 19, 2020.