

MINUTES
January 26, 2016
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 Brown called the meeting to order at 7:30pm.

1. Roll Call

Members Present: Ald. Brown, Russotto, Atac, Stark, Wolff, Fischer, O'Brien, Callahan, Hohmann, Mueller, Botterman, Cerone, and McFadden

Members Absent: Ald. Chanzit

Also Present: Mayor Schielke; Chief Schira, Batavia Police Department; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; Brian Bettin, Manager of Electric Operations; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

Brown stated that agenda item number eight would be moved after the Consent Agenda for discussion. There was no objection from the Committee.

3. Matters From The Public (For Items NOT on Agenda)

There were no matters from the public for items not on the agenda at this time.

4. 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. **Ordinance 16-08: Vacating a Portion of South Harrison Street (SCB 1/15/16) CD**
- b. **Resolution 16-07-R: Accepting a Plat of Dedication of a Portion of Main Street (SCB 1/5/16) CD**
- c. **Resolution 16-02-R: Adoption of 2015 Kane County Natural Hazards Mitigation Plan (Gary Holm 12/29/15) CS**

Motion: To approve the minutes the Consent Agenda as presented

Maker: Atac

Second: Stark
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

5. Resolution 16-04-R: Authorizing Sale of Municipally Owned Real Estate on Walnut Street (SCB 1/6/16)

Rackow reported that in October and November the Council discussed inquiring if the adjacent property owners of this area were interested in purchasing some of the property along the trail. One property owner stated that they were interested in buying the property at the appraised value. This resolution initiates the sales process and it would be put out to bid in the newspaper and they would have to come in through the bid process for the purchase price of property. This is not an action to sell the property yet, just to facilitate the first step. There is no buildable aspect to the property.

O'Brien commented that all of this work is not generating a large income to the City. He understands that we are short on staff and suggested that other projects get more focus. McGrath concurred and stated that this project is going to be part of a future discussion with staff. Brown noted that the report states that there was no staffing impact but he wonders how many hours were spent working on something like this. McGrath stated that Buening would report on the hours spent with the Committee. McGrath noted that this project was one of the goals placed on the City's Strategic Plan.

Motion: To recommend approval of Resolution 16-04-R: Authorizing sale of municipally owned real estate on Walnut Street
Maker: Callahan
Second: Wolff
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

6. Ordinance 16-06: Amending Title 11 Chapter 5, Section 9 of the Batavia Municipal Code – Subdivision Regulations (DMR 1/20/16) GS

Rackow reported that this was brought to the Plan Commission (PC) for their review since it is an amendment to the subdivision code. The PC was supportive of the proposed amendment. Rackow stated that a parcel that applies for a fee in lieu would have to be 1,000 feet away from a school, park district, or Pace bus route. It would also have to be further than 500 feet from existing sidewalk segments on a nearby parcel. The process would be that the resident would make a request to the City Engineer and the City Engineer would evaluate it with a budget estimate for how much the sidewalk would cost and collect that as a fee in lieu.

Botterman asked if it would be applied linearly. Rackow agreed that it would be linearly. Callahan questioned the fairness to those who are redeveloping an older house or starting from scratch and improving the neighborhood. He stated that they would be paying an inequitable property tax in doing so. Callahan explained that he feels that it is inequitable since the homeowner is already paying City taxes. Holm stated that the notion that one's tax is going to pay for a sidewalk might be true over one hundred years. McFadden asked about if the resident were to tear down a house and rebuild. Rackow stated that then the sidewalk would have to be

built or paid in lieu as part of the home improvements. McFadden asked about remodels and additions. Rackow stated that currently this only applies to new construction and new homes. O'Brien noted that sidewalks are a safety issue and help make the City more walkable.

Motion: To recommend approval of Ordinance 16-06: Amending Title 11 Chapter 5, Section 9 of the Batavia Municipal Code – Subdivision Regulations as written
Maker: Wolff
Second: Stark

Discussion was held on the motion. Atac asked how many subdivisions in Batavia are like this and how many could fall into this category. Rackow stated that he could not speculate but he could give an answer at a later date. Fischer asked how many times has this circumstance occurred. Rackow stated that it would only come up in instances with infill without a sidewalk. Holm noted that this is the first instance in which someone has questioned it. Over the past ten years we have been doing it.

Roll Call Vote: **Aye:** Brown, Atac, Stark, Wolff, O'Brien, Mueller
Nay: Russotto, Fischer, Callahan, Hohmann, Botterman, Cerone, McFadden
6-7 Vote, 1 Absent, Motion failed.

7. Discussion: Delivery Model for Wastewater Treatment Facility Improvements (Gary Holm 1/21/16) GS

Holm reported on his memo. He stated that we are about to formally embark on the design process and we need to know the end process as we begin the starting process. The wastewater treatment facility will be about a sixty million dollar project. The two fire stations were constructed with a construction management methodology. Holm stated that staff would be comfortable going forward with either the design-bid-build or construction manager not at risk methodology. Holm discussed the positives and negatives of both methods. Staff is recommending the traditional design-bid-build methodology. The Committee discussed the methodology options. O'Brien expressed concerns with oversight and supports the construction manager at-risk method but likes construction manager not at risk. He would like controls on quality and getting what you pay for.

Atac asked if staff would like a vote and Holm stated that no vote is needed if there is a general consensus. Atac asked if there was anyone not comfortable with going with staff's recommendation. No one stated that they were not comfortable. The general consensus was in favor of staff's recommendation.

8. Discussion: Draft of Narrative Portion of Recruitment Profile for City Administrator
Bill Balling and Adriane Johnson from WRB LLC addressed the Committee. Balling asked the Committee for their recommendation on the recruitment profile outline for the City Administrator and the final summary of the themes from the engagement meetings, which also includes City Council comments.

Johnson overviewed the recruitment profile for the City Administrator with the Committee. She noted that this is a marketing piece to highlight the City as it is informative about the position. Johnson stated that compensation would be discussed during the closed session this evening. She stated that applications are due March 21, 2016. Recruitment is expected to begin immediately after that close date. An interview team of four people would be created to do the initial screening and the team would work with the Department Heads and the Mayor as well. Early April there should be a pool of candidates to present to City Council for approval. She asked for questions and feedback.

Stark discussed the process for application. She stated that it states that the City Council is responsible for the hiring of the City Administrator. That is not accurate because it is the Mayor's responsibility. She explained that we give a recommendation to the Mayor. Stark stated that George Sheetz from the library tracked down what the definition of Batavia is and it means "good and land near water or island from the times of the Roman empire" and it is not from the Dutch as listed in the recruitment profile. Mayor Schielke commented that he would not hire someone against Council's recommendation. Stark stated that the profile should be written in concurrence to the statutes. Callahan stated that the Council is involved in the hiring process because without Council's approval there is no hiring of the person. Wolff asked if anyone wanted to change the wording. Atac asked if the sentence could be removed that states that the City Council is charged with hiring of the new City Administrator. Johnson stated that it could be removed. Atac commented that she feels that there is some redundancy and so many different qualities that it looks like we don't know what we are looking for. After discussion, the Committee entered into closed session.

Motion: To enter into closed session for the purpose of purchase and sale of electric power and deliberations for salary schedule for a class of employees
Maker: O'Brien
Second: Callahan
Voice Vote: 12 Ayes, 1 Nays, 1 Absent
Motion carried.

Wolff was the nay vote.

The Committee entered into closed session at 7:53pm and entered regular session at 8:29pm.

9. Approval: Authorization to Purchase Police Department Vehicles (GJS 01/13/16) CS

Chief Schira discussed his memo with the Committee. He would like authorization to purchase three utility police interceptor vehicles and one 2016 Ford Fusion S to replace a vehicle being used for investigations. Chief Schira stated that this is part of our ongoing fleet replacement program and it has been approved in the budget. Going through the Northwest Municipal Conference Suburban Purchasing Cooperative has fulfilled the bidding requirement. The total price, for the four vehicles, was off on the budget by \$500 over what was budgeted.

Motion: To recommend approval to authorize the purchase of three 2016 interceptor vehicles and one 2015 Ford Fusion Police Department Vehicle as part of the ongoing replacement program

Maker: O'Brien
Second: Fischer
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

10. Resolution 16-01-R: Authorizing Execution of a One-Year Renewable Contract for 2016 East Side Property Maintenance with W.A. Management, Inc. for \$40,204.00 (Scott Haines 1/20/16) CS

Holm reported that this is for the property maintenance for the east side of Batavia. It is a one-year renewable contract. W.A. Management was competitively bid and they know the scope of the work.

Motion: To recommend approval of Resolution 16-01-R: Authorizing execution of a one-year renewable contract for 2016 East Side Property Maintenance with W.A. Management, Inc. for \$40,204.00
Maker: Hohmann
Second: Cerone
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

11. Ordinance 16-05: Declaring Surplus Property (Scott Haines 1/20/16) CS

Holm reported that this is a formal ordinance to surplus out the vehicles and other equipment.

Motion: To recommend approval of Ordinance 16-05: Declaring surplus property
Maker: Hohmann
Second: Fischer
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

12. Fox River Issues CD

McGrath announced that he sent a memo last week and today. Staff met with the Park District last week and they will be working internally with their staff and board. A meeting will be set up in the future for further discussion. The dam project is part of a longer term planning issue as opposed to erosion issues. Our plans are to start drafting an RFQ for an engineering firm to start looking at the erosion. The City needs to stabilize the erosion as soon as possible. McGrath anticipates being able to update the Committee in a couple weeks. Staff is considering the area between the bridge and the pedestrian bridge because there is a sewer line in that location. Brown noted that it has been talked about to put a bike lane in there also. He asked the staff to have the engineering firm consider that option as well.

13. Project Status

McGrath announced that status memos have gone out. He reported on the following:

- The Dunkin Donuts project went to the PC and got a negative recommendation on a majority of the variances. The Historic Preservation Commission (HPC) needs to review

before coming to the COW. The impact on the negative recommendations is that the CC would have to pass the variances by a super majority.

- The City signed off on the evolution restaurant on River Street by Pal Joeys. They hope to be open by spring.
- New low profile streetlights are going in on Houston.
- City Hall projects memo sent out. The security system project will start in two to three weeks

O'Brien asked about the PC meeting and how it went. Rackow reported that the hearing had five to six people that spoke. Most spoke about concerns about ownership to the north. In terms of variances, some of the PC expressed concerns about access and dimensions of the drive through. The vote was split on the conditional use discussion. Some felt that there was an opportunity for a drive through at this location. McGrath stated that overall it is a tight site. He noted that the PC has far less discretion than the CC has because they have to make their decisions based on the Findings of Fact. Stark asked if the drive through dimensions is based on the code. McGrath stated that it is based on our code and City engineers reviewed the plans.

14. Other

Atac asked about the new street light on North Avenue. Holm responded that the streetlight would have to be custom fabricated because the form no longer exists to match the Mooseheart lights. McGrath stated that staff could research how much it would cost to fabricate them and maybe the neighborhood would pay for it through a SSA.

Atac reported that a member of the Environmental Commission expressed concern about the commission's role in Batavia. She had suggested that they come to a COW meeting. Atac asked staff to communicate to the Environmental Commission about their role and staff's role and how we could work together and have the Environmental Commission grow.

Atac stated that communication falls within our strategic plans. We need a communications plan and in that plan we need a social media plan and policy. We need to protect our brand and we need to set a policy. She would like this put on the agenda and have a discussion. The City Administrator cannot be the social media communicator. The planning and vision part is Council's responsibility and we need to get that going. Fischer noted that communication should be a full time position. Atac agreed and stated that we need to have a policy in the interim. Botterman suggested that when next year's budget is discussed in April that might be a good time to address this. We could discuss how we could pay for such a position and what do we want to include. Brown suggested putting this on the agenda for March or April to consider how we could pay for this position. Atac stated that we need to start a plan because social media is happening whether or not we have a position in place. There needs to be some control and a consensus on how that would happen. O'Brien stated that in March or April we should start that discussion.

Mayor Schielke stated that the gas station on Fabyan and Route 25 is going to close on February 1st and reopen the next day under new ownership.

Chair Brown reported that Flag Day conversation would be held in the City Council Chambers tomorrow evening at 7pm.

15. Closed Session:

a. Purchase and Sale of Electric Power

b. Deliberations for salary schedule for a class of employees

The Committee went into closed session after discussion on the recruitment profile for the City Administrator (agenda item number 8).

16. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 9:53pm; Made by O'Brien; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith