

# **SYCAMORE CITY COUNCIL**

## **AGENDA**

**January 7, 2019**

### **CITY COUNCIL COMMITTEE MEETINGS**

**No Meetings Scheduled**

### **REGULAR CITY COUNCIL MEETING**

**7:00 P.M.**

**1. CALL TO ORDER**

**2. INVOCATION**

**3. PLEDGE OF ALLEGIANCE**

Led by West Elementary School students Riley Clucas, Arsenio Davis, Brooke Wilk and North Elementary School students Zach Buie, Matthew Gittleson and Justin Seimer.

**4. APPROVAL OF AGENDA**

**5. AUDIENCE TO VISITORS**

**6. APPOINTMENTS**

A. Appointment of Alderwoman Nancy Copple to the Sycamore Library Board to Serve as the Council Representative.

**7. CONSENT AGENDA**

A. Approval of the Minutes for the Regular City Council Meeting of December 17, 2018.

B. Approval of the Closed Session Minutes for the Meetings of 5/7/18, 8/20/18, 10/1/18, and 11/5/18.

C. Release of the Closed Session Minutes for the Meeting of 5/7/18.

D. Approval to Destroy the Auditory Tapes from the Closed Session City Council Meetings During the Period from 11/7/16 through 6/5/17.

E. TIF Assistance Close-Out for Eligible Blumen Gardens Parking Lot Improvements.

F. Payment of the Bills for January 7, 2019.

8. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
9. **REPORTS OF OFFICERS**
10. **REPORTS OF STANDING COMMITTEES**
11. **PUBLIC HEARINGS**
12. **ORDINANCES**

**A. Ordinance 2018.10—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 4, “Peddlers, Solicitors and Itinerant Merchants,” Section 6, “Restrictions on Permits,” and Adding a new Chapter 24 Entitled, “Mobile Food Vendors,” of the City Code of the City of Sycamore, Illinois. Second Reading.**

At the last three regular meetings, the City Council discussed mobile food vendors and related regulations aimed to promote business in a fair, consistent and safe manner. After discussion, staff has prepared Ordinance 2018.10 to provide specifics that blend current regulations for peddlers, regulations on permanent restaurants and businesses, public safety requirements and City Council direction. A summary of the changes are outlined below:

**Creation of a new Chapter 3-24, “Mobile Food Vendors” of the City Code**

- The current code does not have a mobile food vendor permit, rather the applications are reviewed and permitted as peddler licenses. The purpose of the new chapter is to create clear guidelines and regulations for mobile food vendors in Sycamore. These guidelines take into account the rise in popularity of mobile food vendors while being mindful of public safety and creating a level playing field for permanent food service businesses.
- Applicants will go through the same background check process currently required in Chapter 3-4.

**Special Event Mobile Food Vendor Permits**

- Food trucks have grown in popularity and have become a staple at special events including fundraisers, company picnics, block parties, weddings, etc. The City’s current regulations do not provide an avenue to permit mobile food vending at such events in neighborhoods or the downtown area.
- Chapter 3-24 establishes “special event” mobile food vendor permits to allow food trucks to operate at these types of events.
- Permits for the operation of special event mobile food vending will be reviewed on a case-by-case basis with an emphasis on public safety. Zoning, location, hours of operation, parking requirements, etc. will be reviewed as a special event following the

same process used for outdoor special events and catered special events, defined in section 3-2-6. In cases where an applicant desires a special event under section 3-2-6, mobile food vendor permits will be reviewed in conjunction with outdoor special event or catered special event permit. Staff will prepare an administrative procedure that includes any necessary inspections of the equipment at the time of application, in the field, or both. Inspection failure may result in a re-inspection fee of \$25.00.

- The fee for this type of permit would remain at \$50 per year plus the cost of the background check.
- This chapter does not apply to non-profit organizations selling concessions or those permitted by the Sycamore Pumpkin Festival Committee.
- Ice Cream Trucks continue to be regulated in chapter 3-4.

### **Fixed Point Mobile Food Vendors**

- The second type of mobile food vending permit established in Chapter 3-24 is for “fixed point” mobile food vending.
- A fixed point would be defined as the location of a mobile food vending operation if the location is the primary place from which the business will operate. These vendors operating at a fixed point are permitted in C-2, Central Business, C-3 Highway Business, M-1 Light Manufacturing and M-2, Heavy Manufacturing Districts, except for the downtown area (as defined in the Unified Development Ordinance).
- Fixed point mobile food vendors will be required to conform to all zoning regulations including setbacks and must be located at or behind the front plane of the building (with a minimum of 25’ if setback requirements are less) and include a minimum of five dedicated parking spaces beyond what is required for the primary business. These vendors would be allowed to operate beyond the front plane of the building when a business has more than one-hundred parking stalls and meets all public safety requirements.
- Each vendor would be required to get written authorization from the property owner to operate a fixed point mobile food vending operation. Fixed point mobile food vendors will not be permitted within two-hundred and fifty feet from any other permanent food service vendors. These vendors shall be required to submit a drawing that indicates the location of the vehicle or trailer, compliance with setbacks and dedicated parking stalls to be reviewed and approved by City staff.
- Fixed point mobile food vendors shall not operate before ten o’clock (10:00) a.m. or after nine o’clock (9:00) p.m. No vehicle, trailer, or equipment related to mobile food vending operations shall be on the property from ten o’clock (10:00) p.m. to ten o’clock (10:00) a.m.

- This type of permit is limited to operations between May 1<sup>st</sup> and the second to last full weekend in October each year.
- A drawing to scale depicting the location of any vehicles or equipment used in the mobile food vending operation, including compliance with setbacks and dedicated parking spaces is required to be submitted with the application for a fixed point mobile food vendor permit.
- Staff will prepare an administrative procedure that includes any necessary inspections of the equipment at the time of application, in the field, or both. Inspection failure may result in a re-inspection fee of \$25.00.
- The fee for fixed point mobile food vendors is \$50/month or \$250/year plus the cost of the background check.

### **Signs**

- Given that mobile food vendors are not permanent, no free-standing signage, flags, banners, etc. shall be allowed.

### **Public Safety Requirements**

- From a public safety standpoint, the new chapter would require all mobile food vendors to meet public safety requirements including health, sanitation, fire and life safety requirements; including the applicable National Fire Protection Agency (NFPA) and Illinois Department of Transportation (IDOT) standards. Additionally, mobile food vendors shall ensure gas or fuels are separated from the cooking/serving area and smoke and carbon monoxide detectors are installed.
- Other general requirements that were established in Chapter 3-4 addressing location in relation to sightlines, advertisement through noise, sanitization requirements, waste receptacles, and appropriate grounding of electricity are included in the new chapter 3-24.

### **Section 3-4-6E**

- The reference in section 3-4-6E to mobile food vending found in the Peddlers, Solicitors and Itinerant Merchants is deleted entirely.

With mobile food vending operations growing in Sycamore, it is important that regulations be established to ensure the businesses are operating in a fashion consistent with the City's expectations.

City Council approval is recommended.

## 13. RESOLUTIONS

### **A. Resolution No. 772—A Resolution Amending the City’s Policy Prohibiting Sexual Harassment in Accordance with Illinois Law.**

In early 2018, the City of Sycamore adopted a resolution establishing a policy prohibiting sexual harassment consistent with Illinois Law. The State of Illinois passed Public Act 100-1066 which expands the time to file charges of discrimination with the Illinois Department of Human Rights from 180 days to 300 days.

Resolution 772 updates the City’s current policy with the requirements of the newly passed legislation.

City Council approval is recommended.

### **B. Resolution No. 773—A Resolution Authorizing the City Manager to Designate 2019 Freedom of Information Act Officers and the Open Meetings Act Officer Pursuant to the Freedom of Information Act and Open Meetings Act of the State of Illinois.**

Illinois law requires municipalities and other governmental agencies to designate at least one individual to handle Freedom of Information Act (“FOIA”) requests. FOIA officers are required to complete electronic training on an annual basis through the Illinois Attorney General’s office. The names of the FOIA officers must be displayed on the City’s web site.

The City Manager recommends the designation of the following officers for 2019:

- Mary Kalk, City-wide FOIA Officer;
- Adam Orton, City-wide FOIA Officer;
- Mary Banasiak, Police Department FOIA Officer;
- Kevin Buick, Open Meetings Act Officer.

Because of the daily and frequent requests for case information from the Police Department, a FOIA officer with special training has been designated to aid the public in such requests.

City Council approval is recommended.

### **C. Resolution No. 774—A Resolution Issuing a Notice of Intent to Award Contract “A” to Leander, Inc. of Canton, Illinois for Improvements Related to the City’s Wastewater Treatment Plant Project.**

In May 2005, the City began working with McMahon Associates to plan for future treatment plant expansion and collection system improvements. Tim Bronn, the principal representative for McMahon Associates presented an initial two-phase plan in 2005 that would ultimately result in an increase in the rated plant capacity from 2.97 MGD (million gallons per day) to 4.90 MGD. As the project has evolved an additional phase was added making the project three phases.

## **Phase One**

The first phase of the treatment plant project involved headworks and solid handling improvements. At the City's treatment plant, wastewater is separated into settled solids or sludge, and liquid. The current plant uses an activated sludge process consisting of physical means (screens, settling basins, and sand drying beds), biological means (microorganisms) and chemical treatment. Sodium hypochlorite is used in the chemical treatment phase to control the growth of algae in the tanks. As solids are stabilized and dried, they are applied to farm fields. This phase was completed in 2011.

## **Phase Two**

The second phase included the installation of a disinfection system for the excess flow clarifier, replacement of a rotary fan press for sludge dewatering with a centrifuge and the installation of a stilling well in the excess flow clarifier. Construction on this phase was completed in spring 2015.

## **Phase Three**

The third and final phase of the treatment plant expansion project addresses the actual expansion from a plant rated to treat 2.97 MGD to 4.90 MGD. The majority of the infrastructure at the existing plant was constructed in the late 1970's and is in need of repair or replacement as it has exceeded its life expectancy. There are several methods that were considered for the expansion portion of the project, with sequencing batch reactor (SBR) technology ultimately selected for the project with an original project estimate of \$25,303,000.

The sequencing batch reactor technology uses essentially the same process as the conventional activated sludge process, but the separation of solids from the liquid is accomplished in the same tank as the aeration process. This results in fewer tanks to be constructed, less site piping, and a smaller footprint. All new tanks will be constructed along with improvements that will be required upstream of the sequencing batch reactors, and disinfection equipment downstream from the sequencing batch reactors.

## **Notice of Intent to Award**

The project, which was previously submitted to the Illinois Environmental Protection Agency for permitting and financial assistance (through the low-interest loan program), went to bid in early October. The bids consisted of two contracts, Contract "A" which includes a base construction bid, seven alternate bids, and twenty equipment items where alternate pricing could be provided by the contractor. A second contract, Contract "B" was bid by Xylem Water Solutions USA, Inc. to provide all of the sequencing batch reactor (SBR) equipment for the project.

McMahon and Associates recommended this bidding format to give the City maximum control over budget and equipment selection. Bids for Contract "A" were opened on

December 19<sup>th</sup> at 1:00 PM. Six general contractors submitted bids as outlined in the table below:

Contract No. S0702-7-12-00134-A	Leander Construction	Whittaker	Williams Brothers	IHC	JJ Henderson	Vissering
BASE BID - Contract A:	\$ 20,771,900.00	\$ 21,497,150.00	\$ 21,760,000.00	\$ 23,265,360.00	\$ 24,048,000.00	\$ 24,867,000.00
<b>Alternate Bids:</b>						
Alternate Bid #A1 Additional Centrifuge	\$ <del>474,000.00</del>	\$ <del>500,000.00</del>	\$ <del>480,000.00</del>	\$ <del>510,000.00</del>	\$ <del>480,000.00</del>	\$ <del>405,000.00</del>
Alternate Bid #A2 Alternate Finish on Cast in Place Concrete	\$ (296,000.00)	\$ (20,000.00)	\$ (27,000.00)	\$ (70,000.00)	\$ (60,000.00)	\$ (275,000.00)
Alternate Bid #A3 Alternate Finish on SBR Tank Floors	\$ (26,000.00)	\$ (20,000.00)	\$ (10,000.00)	\$ 30,000.00	\$ (106,000.00)	\$ (25,000.00)
Alternate Bid #A4 Alternate Water Repellant on SBR Tankage	\$ (25,000.00)	\$ (20,000.00)	\$ (10,000.00)	\$ (25,000.00)	\$ (1,000.00)	\$ (30,000.00)
Alternate Bid #A5 Upgrade to Fiberglass Reinforced Panel Doors	\$ 13,700.00	\$ 25,700.00	\$ 2,500.00	\$ 9,100.00	\$ 9,000.00	\$ 4,000.00
Alternate Bid #A6 Switch to High-Efficiency Blowers (8-year payback)	\$ 226,000.00	\$ 300,000.00	\$ 230,000.00	\$ 60,000.00	\$ 220,000.00	\$ 210,000.00
Alternate Bid #A7 Alternate Pump Manufacturer	\$ 4,750.00	\$ 7,500.00	\$ 5,000.00	\$ -	\$ 7,000.00	\$ 6,000.00
Base Bid with Alt.	\$ 20,669,350.00	\$ 21,770,350.00	\$ 21,950,500.00	\$ 23,269,460.00	\$ 24,117,000.00	\$ 24,757,000.00
Unit Price - Sludge Removal	\$ 0.10	\$ 0.10	\$ 0.10	\$ 1.00	\$ 0.30	\$ 0.70

City Staff has met with McMahon and Associates to review the bid results and consider the alternate bids. Based on overall value, the alternate bid items being recommended include numbers 2, 3, 4, 5, 6, and 7; reducing the overall contract cost by \$112,050.

McMahon and staff recommend that the alternate equipment including: Whipps Gates, Xylem/Flygt Centrifugal Pumps, Belding Fiberglass Tank, Salsnes Microscreens, and Trojan UV Disinfection Equipment be selected; reducing the overall contract by \$760,383.

The total for Contract “A” inclusive of alternate bids and equipment selections is \$19,908,967.

City Council approval is recommended.

**D. Resolution No. 775—A Resolution Issuing a Notice of Intent to Award Contract “B” to Xylem Water Solutions USA, Inc. for Sequencing Batch Reactor Equipment Related to the City’s Wastewater Treatment Plant Project.**

The second contract, Contract “B” was bid by Xylem Water Solutions USA, Inc. to provide all of the sequencing batch reactor (SBR) equipment for the project. McMahon and City Staff

had selected this equipment for reasons of simplicity of operations and maintenance, efficiency, and proximity of a strong service organization (the headquarters is in Brown Deer, WI). Several different SBR systems had been reviewed with this considered to be the best for the City of Sycamore. Xylem Water Solutions USA, Inc. is providing a process guarantee that assures the City that effluent quality will be met.

<b>Contract No.</b> <b>S0702-7-12-00134-B</b>	Xylem Water Solutions USA
BASE BID - Contract B:	\$ 1,662,500.00
Alternate Bid #B1	\$ 43,400.00
<b>Base Bid with Alt.</b>	<b>\$ 1,705,900.00</b>

This Contract also included one alternate bid, the Nutrient Removal Controller System (NURO), which improves system efficiency and maximizes nutrient removal to minimize chemical feed for nutrient removal.

The total for Contract “B” with the NURO alternate is \$1,705,900.00.

City Council approval is recommended.

**14. CONSIDERATIONS**

**A. Consideration of an Administration Request for a Closed Session to Discuss Pending Litigation.**

**15. OTHER NEW BUSINESS**

**16. ADJOURNMENT**