

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT OPERATIONS COMMITTEE
MONDAY, MARCH 18, 2013**

1. Opening of Meeting

The meeting was convened by Chair. Martin at 7:12 p.m.

2. Roll Call

Members Present: Chair. Martin, Ald. Stellato, Monken, Carrignan, Payleitner, Turner, Rogina, Krieger, Bessner, and Lewis

Members Absent:

Others Present: Brian Townsend, Chris Aiston, Peggy Forster, Chris Minick, Mark Koenen, Chief Lamkin, Kathy Livernois, Rita Tungare, and Acting Fire Chief Schelstreet

3. Omnibus Vote

None.

4. Finance Department

- a. Recommendation to approve an Ordinance Amending Title 2
“Administration and Personnel, Chapter 2.33 “Office of Purchasing” of
the St. Charles Municipal Code.**

Chris Minick: Enclosed in your packets is an ordinance that proposes various changes to the purchasing code of the City. Currently state statute covers many of the various purchasing situations that we encounter in the day-to-day conduct of our business. State statute requires that before we enter into any contract, services, or construction of a public improvement wherein the cost is going to exceed \$20K that a formalize bidding process be followed. That requires that we have certain publication requirements. Those publications have to be published two weeks before the receipt of all the various bids and that process needs to be undertaken before we can award that contract for those services of for that improvement. However many situations that we also deal with are not covered by state statutes. For instance purchases of supplies and equipment are not required by state statute to be bid, contracts under \$20K are not required to be bid, and contracts requiring a specific level of expertise or technical knowledge are also exempt from those bidding requirements. However the statutes do provide an option for local municipal ordinance to address those types of situations. Typically this local ordinance must comply with state statutes and state requirements but they can address those other situations as well. The City has indeed passed such a local ordinance. We do have a purchasing ordinance on the books. It’s been in place for many years. It was last updated in 2008.

Staff is proposing several updates to better reflect the practices and changes that have occurred in our business processes and also in our staffing since 2008. There are three main changes in this ordinance: 1) changes the threshold for the bidding requirement from the current \$20K to \$25K under the local ordinance where the state statute does not apply, 2) it defines a process for obtaining and evaluating quotes for purchases between \$5K - \$25K filling the void in the current code. Currently our local ordinance does not have a provision to address those mid-level purchases, and 3) it would allow an open market procedure of purchases less than \$5K.

There are two main objectives we want to achieve by undertaking these changes. One, allow for a competitive pricing process, not necessarily a competitive bidding process. Typically under a formalized competitive bidding process there are additional costs and time delays that occur through that process for obtaining those bids and quotes. Secondly, the other main objective is we want to provide the most efficient and economical method obtaining quality services from qualified vendors at a competitive price. With that in mind the changes proposed to the bidding procedure is obvious that we need to follow state statutes in any situation that would be required. If we would enter into a contract for the provisions of services, or construction of a public improvement in excess of \$20K we would need to follow that formalized bidding process or the City Council would need to vote to waive that formalized bidding process. If a purchase or a contract is not covered by the state statutes we would institute a \$25K threshold for competitive bidding. In other words, the City staff would still go through the process of initiating a competitive process for any contract in excess of \$25K that is not covered by state statute. That would also apply to the purchase of supplies and equipment that would be in excess of that \$25K price tag. There is an exception that is proposed in the ordinance tonight for contracts that require expertise or high response levels from a particular vendor. However we would still require a competitive pricing process for those individual contracts. If the cost of the contract exceeded \$25K we would bring that contract to the City Council for approval even if no bid was required.

The last change to the bidding process that is proposed in the ordinance is that we would require bids to be placed on line on the City website for a period of at least 14 days prior to the deadline of submissions for bids. That also coincides with the length of time that needs to pass for newspaper publication of the invitation to bid. Secondly, the contracts between \$5K - \$25K that are state statute would not apply. We would institute a competitive pricing procedure. Typically you could think of this as a Request For Proposal (RFP) type of process. Staff would sit down, develop the specifications for purchase of the equipment or supplies, or a scope of services for a contract; we would document that in an RFP document that would be sent out and we would solicit quotes from 5 to 7 vendors to provide that service for us – either the goods, the piece of equipment, or that particular service that we are looking to fill. We do specify that we need at least three vendors to provide a written proposal that we can then evaluate and award that contract at the staff level.

Lastly, the ordinance currently does provide for an open market pricing process. We are changing the threshold for that from \$500 to items that cost less than \$5,000. You could

think of this as supplies or goods that we would purchase off the shelf. Pieces of equipment or supplies that don't need a lot of customization, there isn't a lot of additional work that we need to make it useable for our particular purposes. We would in these instances go out and solicit prices via telephone call, fax notification to various vendors, or check pricing in a catalog and follow up with a vendor. We would then fill that need from the lowest qualified vendor from which we would receive a quote.

Those are the main changes. Additionally there are logistical or housekeeping types of changes to update the titles of the individuals involved to reflect current titles and a couple of various other rating changes to help achieve the main changes that I described in the ordinance.

Ald. Lewis: Did you say you were going from \$500 to \$5,000?

Chris: Yes, there's nothing magical about the \$5,000. It could be lower if that is the pleasure of the committee for recommendation, but that is what we are looking at right now.

Ald. Carrigan: Is there any allowance for St. Charles' vendors for when they bid, they have an allowance factor of X% more they would get the business because they are local?

Chris: There's nothing formalized or specified in the confines of the purchasing ordinance. The ordinance does specify that within a competitive bidding environment, all other things being equal if it's a tied bid, than the City of St. Charles would get preference. I can tell you our practice has been that when we get vehicles, for example, we do have the state purchasing contract for various types of vehicles that we typically utilize. We will contact our local car dealers to see if they can match the state contract. If they can we certainly would recommend in that event we purchase from a local dealership rather than off the state bid.

Ald. Carrigan: Another question I have is revolving and gets really specific. When we get into the Electrical Department and you start looking at some very high tech, very specific and at the same time its single sourced. This covers those?

Chris: I think we'll have those to an extent but there is a provision that allows the purchasing manager in his discretion to alter that to take those items into account where there is high degree of technical expertise or knowledge for fitness of our particular purpose or use and those items cross over the threshold so they would come before the Council anyways.

Ald. Rogina: It was stated under request for proposal that we look at 5 to 7 vendors; who establishes that list?

Chris: This is based upon knowledge of the industry and the service we are seeking provision for. It may be service providers who have provided us in the past, may be various industry publications or items of that nature, specifically related to engineering applications

where there would be a range of many engineering firms who would provide those services. Typically the main providers of those types of services are pretty well known.

Motion by Ald. Carrigan, second by Turner to recommend approval of an Ordinance Amending Title 2 "Administration and Personnel," Chapter 2.33 "Office of Purchasing" of the St. Charles Municipal Code.

Voice vote: unanimous; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

5. Community Development Department

a. Recommend approval of an application for an amendment to a Special Use for a Tattoo Parlor at 2047 Lincoln Highway.

Matt O'Rourke: The applicant Ryan Harness has submitted a petition to amend their special use ordinance. This ordinance approved special use for a tattoo parlor for the commercial space located at 2045 Lincoln Highway. What the applicant is proposing is to move to the immediate adjacent unit right next store, 2047 Lincoln Highway. The way this special use ordinance was written is that its tied to the specific unit. Usually they are tied to the land, but in this case the way staff wrote it is tied to the unit. So any sort of alteration to that has to go through the amendment process. Staff has reviewed this proposal. There were a couple of conditions that were built into this ordinance for hours of operation and we are recommending they get placed in the new ordinance. This proposal has been reviewed by the Plan Commission, there was no subsequent discussion, and recommend for approval. Staff is also recommending approval of the amendment to the special use.

Ald. Carrigan: Atty. Gorski could you refresh us as to why when a special use comes in front of us we effectively have to vote yes for a special use for a PUD amendment?

Atty. Gorski: You don't have to vote yes. The Supreme Court of the State of Illinois render a decision on a case called "Living Word" where they changed the existing law related to special use. In this case the Plan Commission created an administrative record and if there was going to be an appeal to the Circuit Court it would be on that record. That's interpreted to mean the municipality had the burden of proof on the conditions. The other thing the Living Word case decided is your field of review was strictly the conditions you placed on the ordinance for evaluation applications for conditional or special uses. That remains the same, but the General Assembly revisited that subject and adopted a subsequent piece of legislation. Now if you were to turn it down, the applicants' form of relief would be to file an original action to the Circuit Court and the court knows they would have the burden of proof. You are limited to those conditions that are contained in your ordinance that address special uses specifically.

Ald. Lewis: My understanding is that gentlemen clubs are not a permitted use in special uses? So why then are tattoo parlors permitted and other things are not?

Atty. Gorski: Legal Counsel explained that based on case law, once a certain use has been listed as a special use and assigned to a zoning district within the City's ordinances, the City cannot arbitrarily deny the request for the special use. The denial would have to be based on findings contained in the public hearing record.

Ald. Stellato: To clarify the applicant moved into that location in 2009 and unless you told us differently there have been no issues or problems with them?

Matt: No, we did ask the Police Chief and Code Enforcement Division and they have no record of any incidences.

Motion by Ald. Stellato, second by Carrigan to recommend approval of an application for an amendment to a Special Use for a Tattoo Parlor at 2047 Lincoln Highway.

Roll Call: Ayes: Stellato, Monken, Carrigan, Payleitner, Turner, Rogina, Bessner, and Lewis; Nays: Krieger; Chair. Martin did not vote as Chair. Motion carried.

b. Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding Identification Signs in the OR Office Research District.

Rita Tungare: Mr. Jace Murray has filed an application for a general amendment for larger signs within the Office Research District. He represents the Dunham Office complex on the southwest corner of Dunham and Foxfield Roads. He would like to replace an existing sign with a larger one than is permitted in our zoning ordinance. The existing regulations permit signs that are 50 square feet in area and 8 feet in height for the OR district. In response to this request we took a look at all of the research office properties within St. Charles to understand how this would impact those properties. We found we had two types of office research properties. One group which is the larger office complexes or office parks with settings of multiple tenants such as the Dunham Center office park; and the second group is smaller, isolated individual pockets of one or more buildings which are not typically situated in an office park setting. With that in mind staff and the Plan Commission recommended keeping the existing requirements intact for the small properties which are properties under 2-1/2 acres and for office parks between 2-1/2 – 5 acres the Plan Commission recommended that we permit a 12-foot tall sign (8 feet to 12 feet) and with 100 square feet per area. The minimal requirements are 8 feet tall with 50 sq. ft. and for office parks of 2-1/2 - 5 acres we would go with 12 feet tall – 100 sq. ft. an area and for office parks that are over 5 acres similar to the Dunham Center office park we would permit a 15-foot sign with 100 sq. ft. an area. This is a three-tier approach that the Plan Commission went with and staff concurs this recommendation as well. It is important to note that for the larger office parks with 2-1/2 acres or more, the signs will be limited to monument type signs only, no pole signs. These office complexes would have to be under unified control or ownership.

Ald. Carrigan: A 12-foot sign has 100 square feet, and now you go to 15-foot signs which are 33% larger, but you don't increase the square footage on the sign. Why didn't we move it to say 125 square feet to keep it in some sort of proportion?

Rita: We found the difference between 12 to 15 feet is not that significant in terms of proportions. The 100 sq. ft. works well in terms of accommodating multiple tenants and it is also in line with the square footage of signs that we allow for our industrial/commercial districts within St. Charles.

Motion by Ald. Turner, second by Carrigan to recommend approval of a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding Identification Signs in the OR Office Research District.

Voice vote: unanimous; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

c. Recommendation to approve a General Amendment to Title 17 of the City Code Regarding Permanent Motor Vehicle Storage in the M-1 Special Manufacturing District.

Matt O'Rourke: Applicant Mr. Joseph Conti who represents St. Charles Chrysler Dodge and Jeep dealership is looking to utilize the property located at the southeast corner of Tyler and Production Drive to store excess vehicles that are for sale but in association with the dealership on the other side of Tyler Road. Our zoning ordinance defines this as permanent motor vehicle storage. This is not currently listed as a special or permitted use in the Special Manufacturing Zoning District which is what this property is currently zoned. So Mr. Conti has presented an application to amend that zoning district to allow this as a permitted use underlying zoning district. Staff went through the analysis and this makes some sense, however we noticed some issues where there's groupings of M-1 zoning close to residential communities and many types of these uses can have lights or other things that might cast out and cause some concerns for the neighbors. We decided to come up with some extra use standards specific to the M-1 zoning district in particular that it has to be on property zoned that are two acres an area or more and the property would have to be 500 feet from any residentially zoned property to buffer some of those concerns that were raised in our staff analysis. Staff recommends approval of this application.

Ald. Stellato: I have no problem with the application, just a clarification. On lot 2 of the plat, does that follow the size of the lot with the setbacks or you have the aerial photograph with the white line around it, does that follow lot 2?

Matt: It's a close representation – it's not 100%.

Ald. Krieger: Will the lot be better maintained than it has been in the past? The weeds are usually up over the heights of the smallest cars? It looks tacky. I would like to have that included somehow so that it's mowed and looks more presentable.

Matt: They are planning on paving the lot and that should take care of the weeds.

Motion by Ald. Turner, second by Stellato to recommend approval of a General Amendment to Title 17 of the City Code Regarding Permanent Motor Vehicle Storage in the M-1 Special Manufacturing District.

Voice vote: unanimous; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

6. Executive Session

- Personnel
- Pending Litigation
- Probable or Imminent Litigation
- Property Acquisition
- Collective Bargaining
- Review of Minutes of Executive Sessions

Motion by Ald. Carrignan, second by Rogina to enter into Executive Session to discuss Property Acquisition at 7:40 p.m.

Roll Call: Ayes: Stellato, Monken, Carrignan, Payleitner, Turner, Rogina, Krieger, and Bessner; Nays: None; Chair. Martin did not vote as Chair. Motion carried.

Motion by Ald. Bessner, second by Stellato to return from Executive Session at 8:00 p.m.

Voice vote: unanimous; Nays: None; Chair. Martin did not vote as Chair. Motion carried.

7. Additional Items - None

8. Adjournment

Motion by Ald. Carrignan second by Stellato to adjourn meeting at 8:02 p.m.

Voice vote: unanimous; Nays: None; Chair. Martin did not vote as Chair. **Motion carried.**

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