

Council QA – June 2, 2020

Wednesday, May 27, 2020 4:07 PM

D. AWARDS AND RECOGNITIONS:

1. **20-648** Proclaim June 2020 as LGBTQ Pride Month in Naperville

NOTE	Proclamation to declare June 5, 2020 as National Gun Violence Awareness Day will also be presented by Councilman Kelly.	Barfuss
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2. **20-652** Recognition of the winning teams from the District 203 Architectural Competition

G. CONSENT AGENDA:

1. **20-641** Approve the regular City Council meeting minutes of May 19, 2020
2. **20-642** Approve the City Council meeting schedule for June, July and August 2020
3. **20-470** Approve the award of Option Year One to Contract 17-039, EMS and Non-EMS Billing Services, to Andres Medical Billing, Ltd. for an amount not to exceed 3.1% of total dollars collected for EMS billing services and to Fire Recovery USA, LLC for an amount not to exceed 20% of total dollars collected for non-EMS billing services

Q:	Please provide yearly total collection amount against cost of Andres Medical Services. Is this a service that can be completed in-house via the Finance Department or other department, potentially saving the city dollars?	Gustin
A:	<p>2018 – revenues = \$4.965 million; fees = \$145,560 2019 – revenues = \$5.339 million; fees = \$157,304 2020 YTD – revenues = \$2.211 million; fees = \$42,116</p> <p>This is a specialized collection service that is best performed by a service provider rather than City staff. Service providers have access to specialized technology as well as up-to-date automated processes for filing with Medicare, Medicaid and other private insurance carriers and claims payment processing. Use of outsourced service provider processes also benefits the City by accelerating collection of fee revenues and increasing the collection rate. The Finance department is not currently staffed or equipped to handle this type of billing.</p>	Puknaitis /Mayer

- 4. **20-556** Approve the award of Option Year Two to Contract 18-140, Aggregate Materials, to Boughton Materials Inc. for an amount not to exceed \$235,096.75
- 5. **20-576** Approve the award of Option Year One to Contract 19-064, SCADA Maintenance Services, to Advanced Automation and Controls, Inc. for an amount not to exceed \$104,675
- 6. **20-585** Approve the award of Option Year Two to Contract 18-017, Excavation and Underground Utility Repair, to Baish Excavating, Inc. for an amount not to exceed \$120,000
- 7. **20-591** Approve the award of Bid 20-164, 2020 Parking Lot Maintenance Program, to Denler Inc., for an amount not to exceed \$556,661.83, plus a 3% contingency
- 8. **20-607** Approve the award of Bid 20-184, 2020 Small Diameter Cured-in-Place Pipe (CIPP) Sanitary Sewer Main Lining, to Michels Corporation for an amount not to exceed \$655,891.50, plus a 3% contingency

Q:	Please provide a map of areas completed and pending sewer lining installation.	Gustin
A:	Please see attached map.	Blennis

- 9. **20-582** Approve the award of RFP 19-130, Preliminary Engineering Consultant Services for the 87th Street Bridge, to Engineering Resource Associates for an amount not to exceed \$159,069.63 (Item 1 of 3)
- 10. **20-583** Adopt a Resolution approving an appropriation for an amount not to exceed \$159,069.63 for preliminary engineering services for the 87th Street Bridge Project (CIP Project #BR019) (Item 2 of 3)
- 11. **20-584** Adopt a Resolution approving the local-public agency agreement with the Illinois Department of Transportation for preliminary engineering services for the 87th Street Bridge Project (CIP Project #BR019, Section # 19-00174-00-BR) (Item 3 of 3)
- 12. **20-545B** Pass the ordinance approving a variance to permit an open style fence within the required front and corner side yard setbacks at the subject property located at 1223 Oxford Lane, Naperville - PZC 19-1-143
- 13. **20-638** Pass the ordinance calling for the establishment of Special Service Area No. 33 and schedule a future public hearing for its establishment on

August 18, 2020, to pay for the downtown maintenance and marketing services that are presently covered by Special Service Area No. 26.

- 14. **20-284** Adopt the resolution approving a purchase and sale agreement for the property located at 329-333 Center Street
- 15. **20-508B** Receive the staff report regarding the properties located at 1, 3, 13, 15 and 21 S. Main Street (Main Street Promenade Phase III) - PZC 20-1-016 (Item 1 of 5)
- 16. **20-630** Pass the ordinance revoking Ordinances 08-221 and 08-223 (Main Street Promenade Addition PUD) as they relate to the subject property (Main Street Promenade Phase III) - PZC 20-1-016 (Item 2 of 5)
- 17. **20-631** Pass the ordinance approving a conditional use for a planned unit development, and a preliminary/final PUD plat with deviations to Section 6-9-3, Section 6-7D-7, and Section 6-7D-4 of the Naperville Municipal Code for Main Street Promenade Phase III - PZC 20-1-016 (Item 3 of 5)

Q:	Are there any architectural drawings for this development?	Gustin
A:	Exhibit F (attached) has been prepared by the petitioner and attached to the PUD approval ordinance.	Kopinski

- 18. **20-632** Pass the ordinance approving a preliminary/final plat of subdivision and an Owner’s Acknowledgement and Acceptance for Main Street Promenade Phase III - PZC 20-1-016 (Item 4 of 5)
- 19. **20-633** Adopt the resolution in support of a payment in lieu of parking for the non-residential portions of Main Street Promenade Phase III - PZC 20-1-016 (Item 5 of 5)

Q:	Petitioner calculates fee in lieu for only 10 spaces, AND they are asking for a variance to eliminate 49 parking spaces required by code. Please comment on each element of the petitioner's calculation of the parking fee. Exhibit C lacks details that I can understand about each step of their calculation. Please explain.	Sullivan
A:	Exhibit C was prepared by City staff in accordance with Title 11, Chapter 2, Article E of the Municipal Code Title 11 (attached). The fee-in-lieu only applies to non-residential parking. Please note that, per code, residential parking is required to be provided on site and is not eligible for fee-in-lieu payment. The petitioner has requested a variance to reduce the number of residential parking spaces required to be provided on site. Based on the data submitted, as well as the fact that each unit's parking	Louden/Laff

	allocation can be controlled by the property manager through leasing, staff supports the requested residential parking variance.	
Q:	Does every petitioner pay \$15,865 one time per parking space downtown when they cannot provide enough parking for their development or does the petitioner generally provide their own weighted average cost?	Sullivan
A:	The Municipal Code determines the calculation used for the per space cost. The amount was updated following construction of the Water Street deck and applies to any fee-in-lieu requests.	Louden

H. PUBLIC HEARINGS:

1. **20-529B** Receive the staff report for 850 E. Hillside Road (PZC 20-1-015) located at south side of Hillside Road and east of Julian Street (Item 1 of 5)
2. **20-643** Conduct the public hearing to consider the Annexation Agreement for the subject property located at 850 E. Hillside Road, PZC 20-1-015 (Item 2 of 5)
3. **20-644** Pass the ordinance authorizing the execution of the Annexation Agreement for 850 E. Hillside Road, PZC 20-1-015 (Requires six positive votes) (Item 3 of 5)
4. **20-645** Pass the ordinance annexing the subject property located at 850 E. Hillside Road, PZC 20-1-015 (Item 4 of 5)
5. **20-646** Pass the ordinance rezoning the subject property at 850 E. Hillside Road to R1B upon annexation, PZC 20-1-015 (Item 5 of 5)

J. ORDINANCES AND RESOLUTIONS:

1. **20-622** Receive the staff report for McDowell Point Final - PZC 19-1-138 (Item 1 of 3)

Q:	The owner of the land, AG Investors III, has the last name Chirico. Is this person related to Mayor Chirico and if so, has the Mayor disclosed any personal and/or financial interest in the McDowell Point project?	Sullivan
A:	When the McDowell Point project appeared before Council in the past, Mayor Chirico filed a disclosure of interest form indicating that he and his brother, Tony Chirico, have minority shareholder interests in AG Investors III, L.L.C., which owns the property. To avoid the appearance of impropriety, the Mayor Chirico recused himself from voting on the project the last time it was before Council and it is my understanding that the Mayor Chirico intends to recuse himself from participating on this matter on June 2.	DiSanto
Q:	What is the age restriction with this development and its	Hinterlong

	rules associated with it? Kids have to be a certain age, etc.	
A:	The community is in compliance with Fair Housing Amendments Act (FHAA) and Housing Older Persons Act (HOPA) in that at least 80% of the dwelling units shall be occupied by at least one lessee who is 55 years of age or older. The regulations also prohibit the occupancy of anyone under the age of 22 years in any dwelling unit.	Venard/Kopinski

- 2. **20-623** Pass the ordinance approving a plat of vacation and platted setback deviation for McDowell Point (McDowell Point Final) - PZC 19-1-138 (Item 2 of 3)

- 3. **20-624** Pass the ordinance approving the final PUD plat for McDowell Point (McDowell Point Final) - PZC 19-1-138 (Item 3 of 3)

Q:	Has Tabor Hill or other neighbors been provided notice of changes? Who owns the utility easement on Diehl? If the utility easement is not owned by the petitioner, will a utility easement agreement be necessary for tree and other plantings? Does or did this development require a height or density variance? Will DuPage County be involved in water drainage and/or wetland mitigation, if so how?	Gustin
A:	<p>A public notice sign for the upcoming City Council meeting was installed on the subject property to alert passersby of the petitioner’s request to vacate various easements on the subject property and remove previously platted building and parking setback lines. Section 6-4-4:3.2 of the Code does not require any additional public notice be provided for final PUD approvals so long as they are in general conformance with preliminary approvals.</p> <p>Preliminary entitlements were considered and approved by City Council in July of 2018 and included deviations to Section 6-9-3 (Schedule of Off Street Parking Requirements) to allow for a decrease in the number of required off-street parking spaces from 392 spaces to 304 spaces; (ii) Section 6-7F-5 (OCI, Area Requirements) to allow for a decrease in the required minimum lot area from 2,600 square feet per dwelling unit to 2,068 square feet per dwelling unit; and (iii) Section 6-7F-8 (OCI, Height Limitations/Bulk Regulations) to increase the permitted maximum height of the proposed building to be constructed on the Subject Property from 43 feet to 54 feet, 8 inches. The final PUD conforms to these previously granted deviations and does not seek to modify these requests. Note: public notice was provided, including written notice to property owners within 300' of the subject property, prior to the PZC public hearing on the preliminary request.</p> <p>The conservation easement is on land owned by the petitioner and is granted to the benefit of the City of Naperville. The easement is permanent, irrevocable, and</p>	Kopinski/Venard/Lu

non-exclusive and is for the protection of a unique area such as wetlands, grasslands, creeks, prairies, wildlife habitats, and open spaces. Per the provisions of the plat of easement document, the property is to be maintained in its natural, scenic and open conditions.

Wetland mitigation and floodplain impact will be reviewed and approved by DuPage County Stormwater department.

K. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. **19-1212** Approve the award of RFP 19-196, Next Generation 9-1-1 Telephone System, to Intrado Life & Safety Solutions Corporation for an amount not to exceed \$1,090,592.47, plus a 3% contingency and for a seven-year Term

2. **20-540** Approve the award of Bid 20-005, 2020 Street Resurfacing Program - City, to K-Five Construction Corporation, for an amount not to exceed \$3,023,090.50, plus a 3% contingency

M. REPORTS AND RECOMMENDATIONS:

1. **20-647** Receive the staff report and consider whether to direct staff to prepare a resolution establishing a 5th Avenue referendum for the November 3, 2020 general election

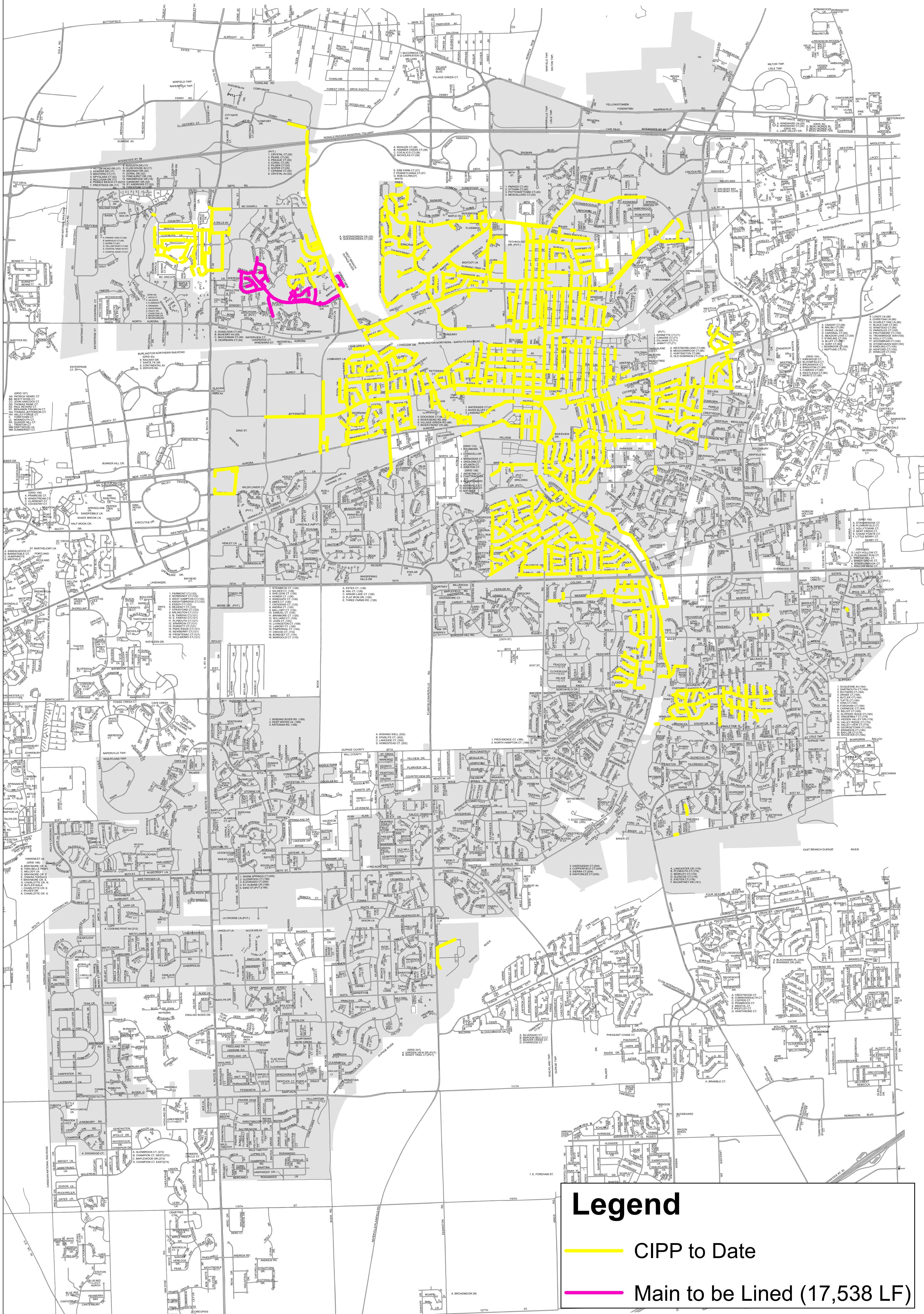
Q:	Approximately how many staff hours have been spent all in on reviewing the 5th Avenue development...from the initial selection committee meeting to the most recent steering committee meeting?	Coyne
A:	<p>Approximately 4,000 hours. While we don't track staff time specifically by project per hour, this is a best guess estimate based on the number of staff involved from various departments, combined with all of the project elements to date, including activities such as:</p> <ul style="list-style-type: none"> • 9-Month Procurement through RFP selection • 2 Kick-Off Meetings and 9 Group Input Sessions (October - November 2017) • Community Survey Assistance (3 Surveys - 1 of City Council; 2 Community) • Communications - 2 Web Pages, Social Media, at times Weekly E-News, hundreds of direct email/phone calls over 3 years • Agenda item preparation for City Council Meetings (14) and Workshops(6) • Technical Working Group selection and participation (6 groups - each met 5x) • Steering Committee Selection and Participation (8 Meetings) and report review • Publicly Facilitated Staff Meetings (6) • Design Input and Review for the Baseline Concept, Revised Concept, and Chirico/Kelly Concept 	Emery

Q:	How much did the city spend acquiring all the 5th Ave parcels and how long did it take to collect all of these parcels?	Coyne
A:	Staff was only able to find the information on the acquisitions over the last 20 years. In that time period the City acquired a small parcel at the southwest corner of 5 th Avenue and Center for \$470,000, the DuPage Children's Museum for \$3 million, the Boecker property for \$3.41 million, and the pending acquisition of the properties at 329 and 333 Center for \$950,000; all of which totals \$7.83 million.	Novack
Q:	Do we know how much time Ryan Companies has spent on this project and how much do they value that time at?	Coyne
A:	Ryan Companies has invested at least 2500 staff hours and over \$500,000 in third party costs.	Emery
Q:	Is it true that the cost of municipal financing is at a record low?	Coyne
A:	While the cost of municipal financing is low; the City has historically borrowed at a fairly low rate do to our AAA rating and other related attributes. Staff has been monitoring and discussing borrowing rates with Speer Financials, Inc. (municipal advisor) over the last couple months; while the rates are low the market is very volatile and thus we anticipate the rate to be similar to our historical borrowing rates when we do go to market with a bond issuance.	Mayer
Q:	Would the debt associated with a large project like 5th Ave jeopardize our AAA bond rating?	Coyne
A:	The City's bond rating is contingent on several factors, including the strength of the local economy, financial management policies, budgetary performance, liquidity and debt position. While a project of this magnitude would certainly factor into the rating evaluations, the key to maintaining the City's AAA rating is developing and adhering to a sound plan for repayment of the debt as well as good financial management policies for the city as a whole.	Mayer
Q:	Is our local unemployment rate at a record high like it is in many parts of the country?	Coyne
A:	According to the Bureau of Labor Statistic, the unemployment rate for the Chicago-Naperville-Arlington Heights metropolitan division is 17.6 in April 2020. The rate is a preliminary projection provided by the BLS. If finalized, it will be the highest recorded unemployment rate for the division, which began tracking in 1994. The last time the unemployment rate for this group was in double digits was June 2013. The highest recorded mark was 12.1 in January 2010. Naperville does not have access to a standalone unemployment rate of the City.	Mayer
Q:	Do we know how many temporary and permanent jobs would be created by the Chirico-Kelly version of the development?	Coyne
A:	No estimates are available on the total number of jobs that could be created by this development. The last proposal included 159,500 square feet of office, retail and health space. The amount of associated employment with those businesses is dependent on the employer and nature of the industry.	Mayer
Q:	If the proposed referenda is voted on, could the results be studied on a neighborhood by neighborhood basis, down to the voting precinct, and not merely on a citywide basis?	Coyne
A:	Yes. For example, here is a link to the DuPage County Board of Elections website that provides a voting precinct data re: the City's adult use cannabis referendum proposition from the March 17, 2020 General Primary Election:	DiSanto



	https://www.dupageresults.com/IL/DuPage/101646/Web02.245501/#/cid/9105	
Q:	Is it true that all versions of the development discussed thus far would require 7 votes from the dais to approve?	Coyne
A:	Yes. The Naperville Municipal Code states that a three-quarter ($\frac{3}{4}$) vote of the members of the City Council then holding office is required for approval of a motion to (1) convey real estate when it is no longer necessary or in the best interest of the City to keep such property and (2) lease real property owned by the City for a term between two (2) years and ninety-nine (99) years. If there are no vacancies in the membership of the City Council, seven (7) votes shall constitute a three quarter ($\frac{3}{4}$) vote (see, 1-5-6-8:1.5.).	DiSanto
Q:	In the event that we were to restart the 5th Avenue process with a new development team, is it fair to say that the time selecting the new team and working with that team on new concepts and public hearings, could take 2 years or more (like it has with Ryan) before we actually had a plan to vote on (which would again presumably require 7 votes to approve)?	Coyne
A:	Yes. Given the size and complexity of the development, that timeframe is reasonable.	Emery
Q:	Is it expected that the Chirico-Kelly version of the plan would lead to significant economic impact for our downtown businesses and significant sales and beverage tax revenue for the City? Do we have estimates?	Coyne
A:	The latest estimates on financial impact related to the 5th Avenue Development were provided by Ryan Companies on Sept. 19 during a public meeting. The presentation included \$58.9 million in preliminary revenue projections over a 20-year span. This included \$4.2 million in retail sales tax. The estimate was based on a plan to add 21,500 square-foot of retail throughout the development. Staff does not have an economic impact on the existing businesses in the downtown or noted local taxes. Estimates will require more information and time.	Mayer
Q:	What is the most recent estimate of the amount of tax revenue the City has lost as a result of COVID-19?	Coyne
A:	The latest estimate calculated as part of a DMMC exercise was approximately \$17.9 million. Staff is currently working to update that projection based on the sales tax information for March that is due later this month.	Mayer
Q:	Does staff believe that the Chirico-Kelly version of the development would reduce flooding problems, add affordable housing stock, improve commuter parking, benefit our local economy, while improving the aesthetic appeal of the 5th Avenue neighborhood and downtown as a whole?	Coyne
A:	While additional details and study are needed to fully appreciate the impacts of the plan, the benefits noted above seem likely.	Emery
Q:	Would a development such as the Chirico-Kelly concept lessen real estate tax pressure on existing residential homes by adding tens of millions of dollars of new commercial and multi family real estate to our tax rolls?	Coyne
A:	When it comes to real estate taxes, it is important to note additional homes and businesses will increase public service needs to the area. Adding commercial and multi-family homes will provide another source for property taxes for the city, but will also increase the number of residents city staff must serve and increase pressure on surrounding infrastructure and amenities. As always, Council will determine the rate residents are	Mayer

taxed on their property and have the option of reducing rates every December. However, please note this development will not serve as a direct source to subsidize the rest of the city. The property will be taxed based on the assessed value, the same as the rest of the community.

Sanitary Sewer Lining to Date



Legend

-  CIPP to Date
-  Main to be Lined (17,538 LF)



EAST ELEVATION



3 S. MAIN STREET
 NAPERVILLE, IL 60540
 MAIN STREET PROMENADE PHASE III



APRIL 14, 2020



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ALUMINUM STOREFRONT WINDOWS FINISH TO MATCH UPPER WINDOWS
 PREFINISHED METAL LOWERS AS NEEDED
 CAST STONE BASE

NORTH ELEVATION



SCALE: 1/16" = 1'-0"

3 S. MAIN STREET
 NAPERVILLE, IL 60540

MAIN STREET PROMENADE PHASE III



APRIL 14, 2020



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EXHIBIT F



WEST ELEVATION



SCALE: 1/16" = 1'-0"

3 S. MAIN STREET
NAPERVILLE, IL 60540

MAIN STREET PROMENADE PHASE III



APRIL 14, 2020



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EXHIBIT F



SOUTH ELEVATION



3 S. MAIN STREET
 NAPERVILLE, IL 60540

MAIN STREET PROMENADE PHASE III

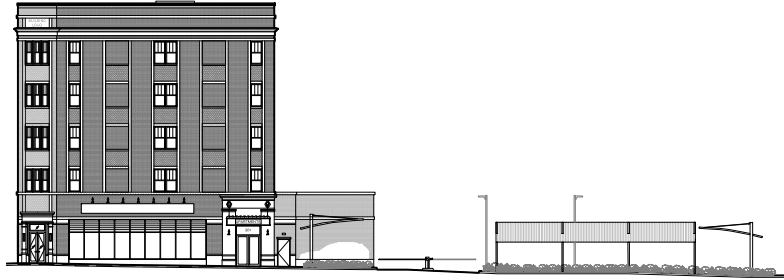


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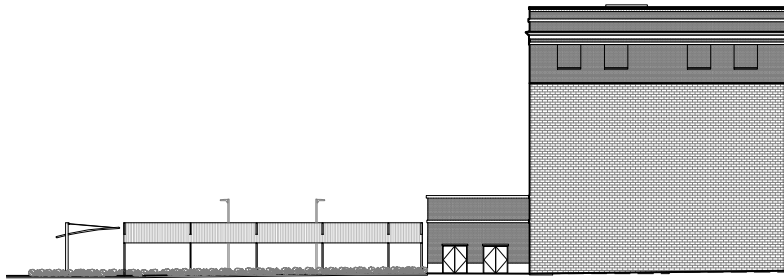
EXHIBIT F



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

	Brick Area	Window / Grill Area	Shingle	Stucco	Concrete	Hard Surface Area	% of Brick	% of Window
North	3173	694	0	0	0	3173	82.05%	17.95%
South	4875	0	0	0	0	4875	100.00%	0.00%
East	6218	3916	494	3055	0	9767	63.66%	28.62%
West	6852	2849	565	3485	0	10902	62.85%	20.72%
NE Corner	676	208	0	0	0	676	76.47%	23.53%

BUILDING ELEVATIONS
MATERIAL CALCULATIONS

3 S. MAIN STREET
NAPERVILLE, IL 60540
MAIN STREET PROMENADE PHASE III



MARCH 11, 2020



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RENDER PERSPECTIVE

3 S. MAIN STREET
NAPERVILLE, IL 60540
MAIN STREET PROMENADE PHASE III

RPAI
DEVELOPER/OWNER
MARCH 11, 2020

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EXHIBIT F



RENDER PERSPECTIVE

3 S. MAIN STREET
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RPAI
DEVELOPER/OWNER
MARCH 11, 2020

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EXHIBIT F

ARTICLE E. - SPECIAL SERVICE AREA REIMBURSEMENT POLICY

SECTION:

11-2E-1: - PURPOSE:

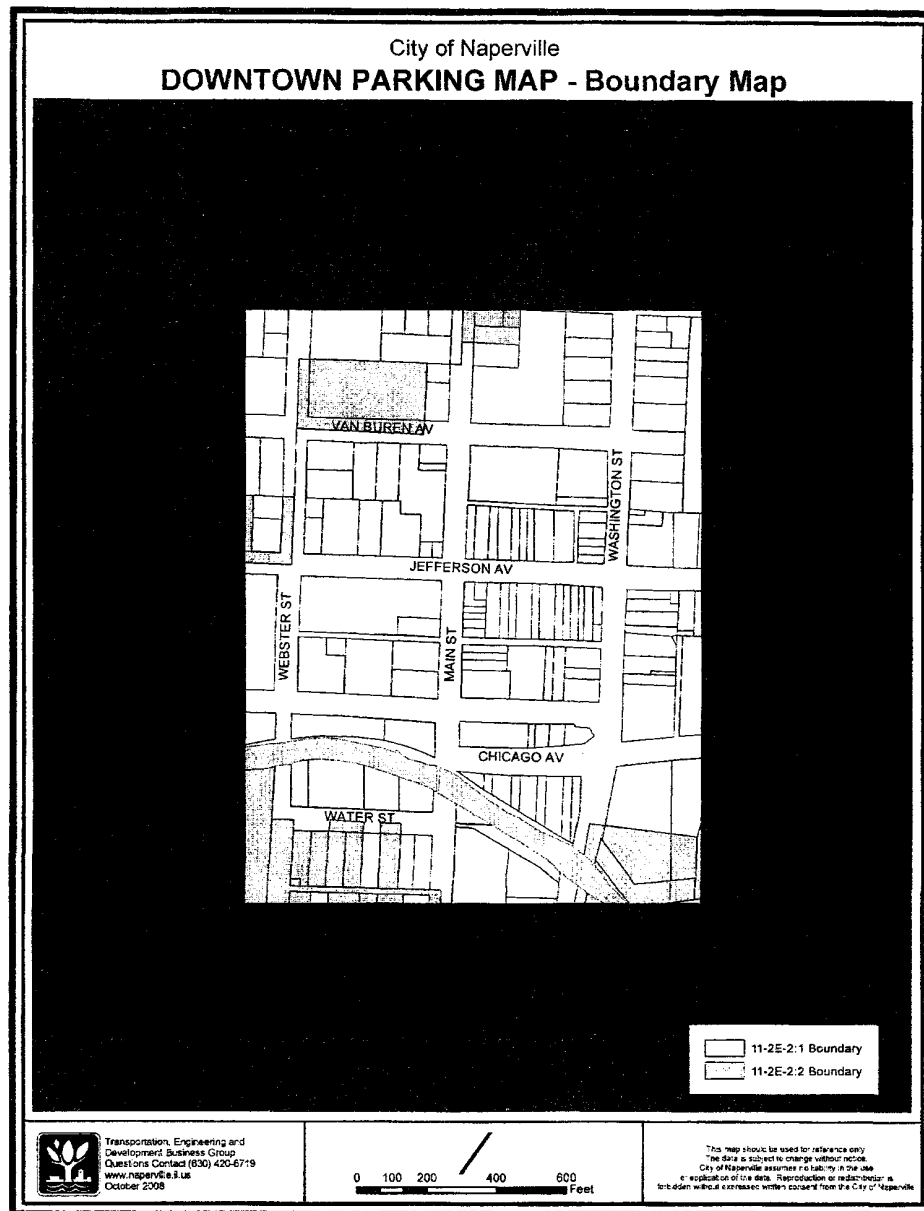
The downtown has been designed and developed in a pedestrian friendly manner with centralized parking provided in parking decks at strategic locations in order to stimulate retail and commercial development consistent with the downtown plan. The purpose of the payment in lieu of providing parking in the downtown is to assist the City in financing the public parking in an equitable manner that encourages the continued viability of development in the downtown area and has determined that it is necessary and prudent to establish a formal reimbursement/payment in lieu of parking policy.

(Ord. 08-200, 11-5-2008)

11-2E-2: - QUALIFICATIONS/ELIGIBILITY CRITERIA:

1. Full Exemption And No Obligation To Pay Fee: In order to be considered entitled to an exemption from off street parking otherwise required by Section 6-9-3 of this Code, and not have to pay a parking fee in lieu of as provided in this Section, properties must be:
 - 1.1. Located within the boundaries of the downtown parking map at the end of this Section.
 - 1.2. Possess a zoning classification of B4 or possess a zoning of B5 or TU and have contributed to the original SSA 5.
 - 1.3. Designated as a participating and contributing property in a special service areas that financed or is currently financing in whole or in part downtown parking capital construction costs.
 - 1.4. In compliance with the maximum floor area ratio of 2.5.
2. Exemption And Eligibility: In order to be considered entitled to a partial exemption of fifty percent (50%) from off street parking otherwise required by Section 6-9-3 of this Code and to be eligible to pay a parking fee in lieu of providing the fifty percent (50%) required parking, properties must be:
 - 2.1. Located within the boundaries of the downtown parking map at the end of this Section.
 - 2.2. Possess a zoning classification of B5 or TU.
 - 2.3. Designated as a participating and contributing property in a special service areas that financed or is currently financing in whole or in part downtown parking capital construction costs.
 - 2.4. In compliance with the maximum floor area ratio of 2.5.
3. Further Exemptions: For properties that do not meet the conditions set forth in Subsection

11-2E-2.1 or 11-2E-2.2 of this Section, and for properties that are requesting an exemption beyond which they are entitled, the request to pay a parking fee in lieu of providing parking shall be based on the process and formula provided below.



(Ord. 08-200, 11-5-2008)

11-2E-3: - PARKING FEE IN LIEU OF PROVIDING PARKING IN THE DOWNTOWN:

A payment in lieu of providing parking is hereby established subject to City Council approval.

1. Definitions: The following definitions apply unless the context clearly indicates or requires a different meaning:

GROSS PARKING DEMAND:	Building gross square footage multiplied times the downtown generation rate, as defined in the continuous improvement model report, as amended from time to time.
NET PARKING DEMAND:	Fifty percent (50%) of the gross parking demand.
WEIGHTED AVERAGE OF PARKING DECK COSTS PER SPACE:	The weighted average cost per space for the prior parking decks. This value should be amended to include the City's most recent public parking structure costs, and shall include the following base data:

Parking Facility	Year Built	Number Of Spaces	Total Cost
Central parking facility	1987	553	\$2,600,000.00
Van Buren parking deck	2001	530	7,400,000.00
Van Buren deck addition	2008	317	9,007,950.00

- Calculation: The parking fee in lieu of providing parking shall be based on the following calculation:

PAYMENT IN LIEU OF PROVIDING PARKING

Step 1: Calculate gross parking demand	Building gross square footage (adjusted for any existing SSA credit)	×	Downtown generation rate	=	Gross parking demand
Step 2: Calculate net parking demand	Gross parking demand	×	50%	=	Net parking demand
Step 3: Payment in lieu parking amount	Net parking demand - parking provided on site	×	Weighted average of historical deck cost per space	=	Downtown parking fee in lieu payment

3. Request: Properties that do not currently qualify for an off site parking exemption set forth in Subsections 11-2E-2.1 and 11-2E-2.2 of this Section, may petition the City Council for approval of a payment in lieu of providing parking, subject to Council discretion.
4. Inclusion In SSAs: Properties that are granted approval for a payment in lieu of providing parking must be included in and contribute to all current special service areas by amending the boundaries in accordance with current statutory requirements.
5. Payment: The payment in lieu of providing parking shall be paid prior to recording the plat. When a plat is not recorded, the payment in lieu of providing parking shall be paid prior to issuance of a building permit. When the fee is fifty thousand dollars (\$50,000.00) or more, the party owing the fee may request to enter into a payment agreement with the City, financed over a ten-year period.
6. Use Of Funds From Payments In Lieu Of Pursuant To This Section: All funds collected as payments in lieu of pursuant to this Section shall be used solely for capital and maintenance costs related to parking supply in the downtown area. However, the funds shall not contribute toward the City's obligation to finance thirty-three percent (33%) of the capital costs for construction of parking.

(Ord. 08-200, 11-5-2008)