

Council QA – May 17 2022

Thursday, May 12, 2022 3:32 PM

F. AWARDS AND RECOGNITIONS:

1.	22-0599	Presentation of Fire Chief's Citizen Awards
2.	22-0612	Presentation of Mutual Aid Box Alarm System (MABAS) Humanitarian Service Award
3.	22-0631	Proclaim May 25 - 29, 2022 VFW Buddy Poppy Days in the City of Naperville

I. CONSENT AGENDA:

1.	22-0584	Approve the Cash Disbursements for the period of 04/01/2022 through 04/30/22 for a total of \$25,588,389.72
2.	22-0622	Approve the regular City Council meeting minutes of May 3, 2022
3.	22-0634	Approve the City Council meeting schedule for June, July and August 2022
4.	22-0564	Approve the award of Cooperative Procurement 22-160, Ambulance Replacement – Unit 331 to Foster Coach Sales Inc for an amount not to exceed \$318,563
5.	22-0570	Approve the award of RFP 22-071, EMS & Non-EMS Billing Services to Ambulance Billing Services for a three-year term
6.	22-0583	Approve the award of RFP 22-097, CAD/RMS Consultant Services to Federal Engineering Inc for an amount not to exceed \$133,098
7.	22-0588	Approve the award of RFP 22-128, Downtown Streetscape - Washington Street Phase II Design Engineering, to Civiltech Engineering for an amount not to exceed \$229,744.50

8.	22-0600	Approve the award of Option Year Three to Contract 19-064, SCADA Maintenance Services to Advanced Automation and Controls (AAC) for an amount not to exceed \$145,000
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9.	22-0589	Approve appointments and reappointments to various Boards & Commissions
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10.	22-0625	Accept the public underground improvements at Naperville Crossing Community and authorize the City Clerk to reduce the corresponding public improvement surety
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11.	22-0635	Waive the first reading and pass the ordinance amending Section 3-3-11:3 of the Naperville Municipal Code to increase the cap on Outdoor Seating permits from five to six for the Lantern (requires six positive votes)
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Q:	Is the Lantern wanting to set up on the sidewalk or the street? Have the boxer cars disappeared for the summer?	Bruzan Taylor
A:	The Lantern intends to continue to provide outdoor seating on Chicago Avenue, between the street curb and the sidewalk. The outdoor seating will be on the public way adjacent to the sidewalk ("parkway"), there will be no seating on the public street. The boxcars have been removed from the street parking stalls on Chicago Ave.	DiSanto
Q:	The petitioner makes a comment that if approved, it will be permanent. Can the city ever in the future if circumstances occur that we could end the public sidewalk program? Can the city cancel a business's right to have a public outdoor dining use if they have several violations? I am in favor of supporting the case by case approval for these permits for the same reasons as the liquor commission. There is plenty of room for an 8 foot setback, so why isn't staff requiring that? The city will not be using city property for the fencing will we. Like currently the bike rack fencing?	Hinterlong
A:	The petitioner makes a comment that if	DiSanto

approved, it will be permanent. Can the city ever in the future if circumstances occur that we could end the public sidewalk program?

Outdoor seating permits are issued on an annual basis. The Code states that any items placed on the public way for the operation of an outdoor seating area may remain on the public way from April 1 through November 1 and must be removed from the public way between November 2 and March 31.

The use of the word "permanent" by the Lantern in the minutes is in contrast to the temporary outdoor seating allowed by the executive order and Council's 2021 resolution. The City and Liquor Commissioner have authority and discretion to modify or discontinue allowing outdoor seating on the public way in the future, if so desired.

Can the city cancel a business's right to have a public outdoor dining use if they have several violations?

The Liquor Commissioner may suspend or revoke an establishment's outdoor seating permit based on violations of the Liquor Code.

I am in favor of supporting the case by case approval for these permits for the same reasons as the liquor commission.

Noted.

There is plenty of room for an 8 foot setback, so why isn't staff requiring that?

The existing sidewalk adjacent to the building (before the brick amenity zone starts) is seven feet wide. Staff recommends that the pedestrian way utilize this existing seven foot wide concrete sidewalk, so the walkway on the drawing would be widened by one foot.

The city will not be using city property for the fencing will we. Like currently the bike rack fencing?

This is a good question that needs City Council discussion. The question is if the City should supply all of the fencing so it is consistent, or if each establishment supplies their own fencing, which could differ from site to site. The City could supply the black-painted FEMA fencing that was used in the parking box eating areas last year.

12.	22-0637	Waive the first reading and pass the ordinance amending Section 3-3-11:1 of the Naperville Municipal Code to allow the service of spirits under the Class R - Legitimate Theater House liquor license and set a cap of three for Class R licenses (requires six positive votes)
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Q:	<p>Will patrons be able to purchase a bottle of wine or spirits to serve themselves at their table</p> <p>What happened to the B and K licenses?</p>	Hinterlong
A:	<p>The Liquor Code does <u>not</u> allow any establishment in Naperville to sell or serve a bottle of spirits to customers for self-service (no "bottle service"). Appropriately licensed establishments may serve 750mL bottles of wine to two or more persons. The same rules will apply to The Matrix.</p> <p>The issuance of the (1) Class B - Restaurant & Tavern liquor license with a late-night permit and an entertainment permit; (2) Class K - Catering liquor license; and (3) Class R - Legitimate Theater House liquor license, are all within the Liquor Commissioner's discretion. The Liquor Commission recommended the issuance of those licenses and the Liquor Commissioner intends to issue said licenses upon proper application.</p> <p>The issue for Council's consideration is a text amendment to the municipal code to allow the service of spirits under the Class R – Legitimate Theater House license, which is currently limited to the service of beer and wine.</p>	DiSanto

13.	22-0595	Pass the ordinance to establish temporary street closures and issue a Special Event permit for the Downtown Naperville Car Show on Saturday, June 18, 2022
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O. REPORTS AND RECOMMENDATIONS:

1.	22-0572	Approve the Public Art Exploratory Task Force recommendation and direct staff to prepare an ordinance establishing a Public Arts Program through the expansion of the SECA Commission
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