

## Feb 18 2020 City Council QA

Wednesday, February 12, 2020 4:07 PM

**I. CONSENT AGENDA:**

1. **20-230** Approve the cash disbursements for the period of 01/01/2020 through 01/31/2020, for a total of \$35,123,134.49.
2. **20-197** Approve the regular City Council meeting minutes of February 4, 2020
3. **20-226** Approve the City Council meeting schedule for March, April & May 2020
4. **20-042** Approve the award of Change Order #1 to Cooperative Contract 19-211, Janitorial Supplies, to Grainger Inc. for an amount not to exceed \$85,000 and a total award of \$145,000.

<b>Q:</b>	<b>What is Grainger's explanation/reasoning behind their 100% price increase on paper products? Is this an industry-wide phenomenon or special to Grainger?</b>	<b>Sullivan</b>
A:	The price increase on paper products is an industry-wide phenomenon. The 100% price increase is compared to the pricing the City obtained for paper products the last time these items were quoted. The paper industry is experiencing across the board increases, in part, due to the rising cost of materials used to make pulp. In addition, we were told China's restrictions on importing recycled materials is impacting their ability to produce and export pulp, thereby contributing to the inflation.	Lang
<b>Q:</b>	<b>Are we required to changed the contract to account for the increased price of paper products? Does the contract not require Grainger to continue to provide the products at the agreed upon price for the duration of the contract, or does the contract allow for variable pricing?</b>	<b>Kelly</b>
A:	The original award amount was based only on the Department of Public Works historical spend and did not include other funding accounts or for the increase in janitorial supplies, including paper products. This change order is required to accurately reflect the budgeted amount based on the current cost of janitorial supplies. The increase noted on paper products is compared to the pricing obtained by the City the last time the items were quoted.  Grainger's pricing is based upon category discounts on thousands of product listings. Discounts range from 5-40% off of the list price. Pricing for paper products through the cooperative has not changed since the City approved the procurement of janitorial supplies with Grainger in 2019.	Lang

5. **20-051** Approve the award of Cooperative Procurement 20-026, Municipal Center Roof Replacement Phase Three, to Garland/DBS Inc. for an amount not to exceed \$395,925, plus a 5% contingency

<b>Q:</b>	<b>Who will be doing the actual roofing on these buildings (roofing company)</b>	<b>Hinterlong</b>
A:	G.E. Riddiford is the roofing contractor that will be performing the work.	Lang
<b>Q:</b>	<b>Will the construction on the Municipal Center roof interfere with or affect the solar panels on the roof? If so, how?</b>	<b>Sullivan</b>
A:	The solar panels will not be impacted during construction.	Lang

6. **20-108** Approve the award of Change Order #2 to Contract 17-057, Telecommunication Services, to AT&T for an amount not to exceed \$51,000 and a total award of \$373,073.60
7. **20-101** Approve the award of Cooperative Procurement 20-057, Police Department Roof Restoration - Phase One, to Tremco/WGI for an amount not to exceed \$243,204.91, plus a 5% contingency

<b>Q:</b>	<b>Who will be doing the actual roofing on these buildings (roofing company)</b>	<b>Hinterlong</b>
-----------	--	-------------------

A:	Tremco/Weatherproofing Technologies Inc (WTI) is the contractor that will be performing the work.	Lang
----	---	------

8. **20-102** Approve the award of Cooperative Procurement 20-053, Fire Station 2 and 5 Roof Replacement, to Garland/DBS Inc. for an amount not to exceed \$280,452, plus a 5% contingency.

<b>Q:</b>	<b>Who will be doing the actual roofing on these buildings (roofing company)</b>	<b>Hinterlong</b>
A:	R.B. Crowther Company is the contractor that will be performing the work.	Lang

9. **20-103** Approve the award of Option Year Two to Contract 17-210, Emerald Ash Borer Insecticidal Treatment, to The Davey Tree Expert Company for an amount not to exceed \$325,000

<b>Q:</b>	<b>Will EAB treatments continue indefinitely, or do we envision any point in time when ash trees might be safe and treatments will not be necessary?</b>	<b>Kelly</b>
A:	Eventually DPW envisions a point where EAB treatments will not be required. Research indicates that the EAB population crests like a wave. The initial population starts low but builds exponentially as EAB feeds on untreated ash trees in an area. Untreated ash trees die off over several years until they are wiped out. Having decimated its own food source, the EAB population then begins to crash. Once the population begins to decline, a reduction in treatment dosages is possible. For this reason, in 2018 the City began treating some trees on a 3 year Tree-Age cycle instead of a 2 year cycle. DPW is continuing to transition more trees to the longer treatment interval. As the EAB population continues to decline, DPW will continue to find ways to reduce cost by further reducing treatments or treatment intervals.	Schwartzhoff
<b>Q:</b>	<b>As we budget and care for the city's supply of trees will staff seek opportunities under the proposed new federal tree program? The Bill charts a path to planting an eventual 100 billion trees, an effort that would include private partnerships, and a curriculum for fifth graders in which they plant a tree. This may be of interest and implementation by the Naperville Environment and Sustainability Task Force (NEST). <a href="https://thehill.com/policy/energy-environment/480968-gop-lawmaker-wants-us-to-commit-to-planting-33-billion-trees">https://thehill.com/policy/energy-environment/480968-gop-lawmaker-wants-us-to-commit-to-planting-33-billion-trees</a></b>	<b>Gustin</b>
A:	City Staff is always seeking opportunities to enhance our Tree Program. Naperville has been a Tree City USA member for over 30 years which requires us to have a Forestry Division, a City Forester, certified arborist and an annual Tree Program of at least \$2 per Capita. The Bill that is mentioned above does not have any details to how, when or who will be administrating it, if passed, but staff will keep an eye on this bill to see where it goes.	Dublinski

10. **20-175** Approve the award of Bid 20-001, Pipefitting, Plumbing and Mechanical Services, to Dahme Mechanical Industries, Inc. for an amount not to exceed \$198,290 and for a 10.5 month term

<b>Q:</b>	<b>Were one or two bids received?</b>	<b>Kelly</b>
A:	Two bids were received. (Dahme Mechanical and Joseph J. Henderson & Son)	Blenniss

11. **20-183** Approve the award of Cooperative Procurement 20-094, Police Utility Interceptor Hybrids, to Currie Motors for an amount not to exceed \$347,634

12. **20-214** Accept the public underground improvements at Auburn Manor and authorize the City Clerk to reduce the corresponding public improvement surety.

13. **20-177B** Pass the ordinance approving a variance to Section 6-7D-4:1 of the Naperville Municipal Code to allow a general service use on the first floor of the property located at 236 S. Washington Street, Naperville - PZC 19-1-141

14. **20-211** Pass the ordinance approving the final plat of subdivision and the owner's acknowledgement & acceptance (OAA) for Chicago Commons located at 920-930 E. Chicago Avenue - PZC 19-1-098

<b>Q:</b>	<b>For clarification, the legislative text says Council gave preliminary approval on December 18, 2019. Looking back at the agenda and minutes, that does not seem to be correct. Could staff please clarify when they were given preliminary approval?</b>	<b>Sullivan</b>
A:	You are correct, the wrong year was entered. The correct date is December 18, 2018.	Novack
<b>Q:</b>	<b>As school donation increases are being consider by 204 school district what obligation does the city have in such discussions, if any? I understand this development is in district 203 boundaries.</b>	<b>Gustin</b>
A:	School District 204 reached out and has met with City staff at the commencement of their study and again last week. Any amendment to the school/park donation will have to go to both PZC and City Council.	Novack

15. **20-138** Adopt the resolution authorizing the City Manager to execute the 2020 Pace Paratransit Local Share Agreement for the operation of the Ride DuPage Program

<b>Q:</b>	<b>What is the actual amount? \$345,000 or actually lower than budget?</b>	<b>Hinterlong</b>
A:	Staff estimates that the City of Naperville share will be \$345,000. Based on past years, approximately 95% of this will be for the Ride DuPage to Work program and will therefore be eligible for a 50% reimbursement through our federal Section 5310 grant.	Louden
<b>Q:</b>	<b>Do we have any say over the rates charged by Pace. In my view its a serious issue that the cost of taking the bus exceeds the cost to park for those with a permit.</b>	<b>Coyne</b>
	For Ride DuPage, the City, its Partners and Pace agree on the fares charged to the rider. The fares charged on the fixed routes that Pace operates, including the commuter feeder routes, are consistent with fares across Pace's system. While we do not currently, the City could subsidize these routes to lower the fare paid by the rider. The Commuter Parking and Access Work Plan approved in June 2019 includes evaluating permit fees to make riding the bus more cost competitive.	Louden
<b>Q:</b>	<b>Can you provide a list of trips, recurring users and locals?</b>	<b>Gustin</b>
A:	On average, the City of Naperville/Naperville Township/Lisle Township/Wheatland Township Ride DuPage program provides 41,000 trips per year. All riders are either at least 65 years of age and/or have a disability. In order to register, the rider must be a resident of one of the partner agencies. A detailed list naming riders and trips cannot be provided.	Louden

## J. PUBLIC HEARINGS:

- 20-208** Conduct the public hearing on the first amendment to the annexation agreement for Wagner Farms pertaining to property located at the northeast corner of Route 59 and 103rd Street - PZC 20-1-006 (File 1 of 3)
- 20-209** Receive the report on the First Amendment to the Annexation Agreement for Wagner Farms pertaining to property located at the northeast corner of Route 59 and 103rd Street - PZC 20-1-006 (File 2 of 3)

<b>Q:</b>	<b>Would potential grantees of the lots to be conveyed be informed of the pending dormant SSA?</b>	<b>Kelly</b>
A:	The petitioner's attorney stated that all buyers were provided with copies of the Declaration at or before going to contract. Section 7.09 specifically provides that the City will enact a "Back-up SSA" which will provide a funding mechanism for the City to perform obligations of the HOA in the event that the HOA fails to meet its obligations. The SSA will also show up on title for all prospective purchasers.	Novack
<b>Q:</b>	<b>Why is ComEd not accepting an easement as we have seen such agreements in the past? Please provide a list of the subdivisions with dormant SSA's currently for sidewalks and/or trails maintenance without a conservation common area? Is there a City policy approved by council to initiate SSA's for HOA maintenance issues? Is the City's position to be the</b>	<b>Gustin</b>

enforcement arm when an HOA Board is not performing their fiduciary duties? Are there other ways homeowners can correct non-performance by its Board? Please provide a checklist of triggers where the city would enact an SSA? As resident complaints can be subjective, should resident complaints trigger the SSA? If the SSA is passed, what rights do property owners and/or HOA's have to appeal the city's decisions in triggering the SSA? If the SSA is passed, what rights do property owners and/or HOA's have if or when ComEd's lease agreement changes or expires? If triggered would the city be responsible for hiring contractors to manage the area then charging the homeowners or HOA for sidewalk/trail maintenance? Would there be an additional labor charge by the city against the homeowners? Would HOA or homeowners have input on hiring subcontractors? How many dormant SSA's has the city enacted in past 5 years? If many why so many and at what cost to the city? If none why continue with an ineffective policy?

A:	<p>The City has secured easements from ComEd in the past for similar encroachments on their property. A few years ago ComEd had a change in policy and practice and no longer grants easements; they only enter into lease agreements. They changed their business model and would not consider using the old model even when City staff inquired.</p> <p>The Wagner Farm is the only subdivision with a dormant SSA for sidewalks/trails without a conservation easement area. While many cities establish dormant SSA's for every new subdivision City staff does not believe it is necessary. While not a policy approved by the City Council, staff has presented dormant SSA's for residential subdivisions with large public assets that have exposure and could affect our residents. We have recommended and approved only two to date, Wagner Farm and Atwater. These SSA's were established at no cost to the City since publication and other costs were paid for by the developers.</p> <p>Noted in both annexation agreements is that the City Engineer is the individual who determines if maintenance is required. The criteria for the trails is the same criteria the City uses for sidewalk replacement, which is shown on the City's web site. Relative to the conservation area the City Engineer will consult with the Conservation Foundation.</p> <p>The City does not intend to be the enforcement arm of the HOA. We simply believe that with the dormant SSA in place the HOA will continue to fully fund all of their long-term maintenance. If the City becomes aware that an asset is not being maintained and is falling into disrepair we will work with the HOA first and provide them reasonable time to cure the problem. If it becomes apparent that the HOA does not intend to correct the problem, then the City would leverage the SSA. The City could either perform the work itself or hire contractors. Some SSA's contain provisions allowing the City to add a surcharge. The HOA could provide input but would have no control over what contractors the City could hire.</p> <p>City staff believes that strategically establishing dormant SSA's provides protection to both the City and residents that large HOA-maintained assets will continue to be planned for, funded and preserved for the long-term.</p>	Novack
----	---	--------

- 3. **20-210** Pass the ordinance authorizing the First Amendment to the Annexation Agreement for Wagner Farms pertaining to property located at the northeast corner of Route 59 and 103rd Street - PZC 20-1-006 (File 3 of 3)

**L. ORDINANCES AND RESOLUTIONS:**

- 1. **20-054B** Option A: Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a major change to the River Main PUD to allow height and FAR deviations, and a fee in lieu of parking for the property located at 315 S. Main Street (River Main) - PZC 19-1-131; or
 

Option B: Concur with staff and pass the ordinance approving a major change to the River Main PUD to allow a height deviation and denying the requested FAR deviation for the property located at 315 S. Main Street (River Main) - PZC 19-1-131

Q:	<p><b>Where will the refuse or dumpsters be located? Are you saying that this building will only have 6 people in it at any given time by the parking equation? Will the fee change as the use changes? For instance, if they go from office to restaurant use? What are the uses proposed for this location?</b></p>	Hinterlong
A:	<p>An internal trash collection area is planned on the 1<sup>st</sup> floor of the building. However, the petitioner has indicated that the intent is to utilize the Central Refuse Disposal Facility located in the Water Street parking deck. Per Section 5 of the Disposal Facility Agreement between the</p>	Ying Liu

City and the Water Street Property Owner, LLC, River Main has the right to use the Central Refuse Disposal Facility subject to an private agreement between River Main and Water Street Property Owner, LLC to establish rules and regulations governing the operation and use of the Disposal Facility. The petitioner is working with Water Street on the agreement and is expected to provide proof of the agreement prior to issuance of a building permit for River Main.

The parking demand for this development will be higher than 6 parking spaces. However, as the subject property is located within the Downtown Parking Map, it is eligible for full parking exemption if the proposed FAR complies with the maximum 2.5 FAR requirement. Since the proposed development will result in an FAR of 2.8, exceeding the FAR requirement by 0.3, the subject property will be required to meet the parking demand generated by the portion of the gross floor area that contributed to the additional 0.3 FAR, which parking demand is calculated to be 6 parking spaces based on the downtown parking generation rate (2.03 parking spaces/1,000 SF of gross floor area).

The Parking Fee-in-Lieu will not change if the use of the property changes as the same downtown parking generation rate would apply to all non-residential land uses within the Downtown area.

Currently, retail and office uses are proposed. However, a restaurant use is also permitted under the property's B4 zoning district.

- 2. **20-154** Adopt the resolution approving the sales tax revenue sharing agreement between the City of Naperville and Costco Wholesale Corporation

**O. REPORTS AND RECOMMENDATIONS:**

- 1. **19-1250B** Receive the staff report for the Polo Club development located at 23450 and 23700 W 119th Street - PZC 18-1-022 (Item 1 of 3)

<b>Q:</b>	<b>Progress has been made after months of meetings with residents and the Petitioner. Still pending is the concern regarding corrections to 119th Street. There has been a conversation recommending an escrow agreement, held by the City of Naperville where the Petitioner would deposit funds for potential future needs. Has staff heard from the Petitioner?</b>	<b>Gustin</b>
<b>A:</b>	The petitioner has stated that due to the high cost of all the off site improvements their budget cannot accommodate an additional escrow account. The petitioner will be prepared to address this question at the meeting.	<b>Novack</b>

- 2. **19-1251B** Direct staff to prepare ordinances and agreements for the Polo Club development located at 23450 and 23700 W 119th Street - PZC 18-1-022 (Item 2 of 3)

<b>Q:</b>	<p><b>A. Has DR Horton received documented approvals from every necessary authority to do all of the road work / changing signals they have in the plan, especially as it relates to 119th and the right hand turn lane to NB 59? Which other governmental entities besides the City of Naperville must they / have they worked with in order to get approval for all improvements to 119th?</b></p> <p><b>B. Should the City annex the Polo Club, which governments/authorities will be responsible for the intersection of 119th and 59 moving forward?</b></p> <p><b>C. Should the intersection become a larger traffic issue, what accountability would the City have (or not have) to improve the intersection going forward?</b></p> <p><b>D. Civiltech's summary concludes that DR Horton's plan should be modified to include a 300-foot center turn lane to the west of South Wolf Drive. Has DR Horton incorporated this finding into its plans?</b></p> <p><b>E. Has it been determined that a longer left hand turn lane striping on westbound 119th at 59 is not going to be part of DR Horton's plans?</b></p>	<b>Sullivan</b>
<b>A:</b>	A. DR Horton will need approvals from multiple agencies, including the Wheatland Township Road District and the Illinois Department of Transportation (IDOT). The Township Road District is responsible for 119 <sup>th</sup> Street between the Polo Club and IL 59, while IDOT has jurisdiction of the intersection. Both agencies have stated they will work with DR Horton on permitting improvements. Final documented approval has not been obtained because DR Horton has not formally applied for permits yet because they have not prepared the detailed engineering	<b>Novack/ Hynes</b>

plans. Similar to most other home-builders DR Horton wanted to check City Council support before moving forward with the detailed engineering process.

- B. The intersection is under the jurisdiction of IDOT. For any improvements that affect the east approach approval will need to be sought from the Wheatland Township Road District too. If there are improvements that affect the west approach then approval from the Village of Plainfield will be needed too.
- C. Because the City of Naperville is not annexing the parcel on the corner of IL 59 and 119<sup>th</sup> Street, the City technically has no responsibility or accountability for the intersection. To address the capacity issue at the intersection the improvement will extend far enough east that it will touch the City's portion of 119<sup>th</sup> Street.
- D. DR Horton will incorporate Civiltech's recommendation for the center turn lane modifications into future plan submittals.
- E. DR Horton's current plan includes a very modest extension of the westbound left turn lane striping, but not the much longer extension to the east requested by many of the residents. The traffic modeling confirmed that the benefit from the longer left turn lane is very small.

- 3. 19-1252B** Adopt the resolution to extend the effective period of the development petition for Polo Club which is located at 23450 and 23700 W 119th Street  
- PZC 18-1-022 (Item 3 of 3)