

QA August 15, 2017

Thursday, August 10, 2017 9:52 AM

F. AWARDS AND RECOGNITIONS:

- F1. 17-608 Presentation of a Fire Chief's Award to Mary McCue, Melissa Lund, and Daniel Lund and a special certificate to Kandiss Hernandez, owner of Kidz Kabaret.

I. CONSENT AGENDA:

- 11. 17-609 Approve 07/05/2017 thru 07/26/2017 Cash Disbursements for \$27,449,920.14.
- 12. 17-617 Approve the Regular City Council meeting minutes of July 18, 2017
- 13. 17-596 Approve the Award of Bid 17-138, North Wastewater Pump Station Odor Control, to Dahme Mechanical Industries for an amount not to exceed \$168,499.99, plus a 5% contingency.
- 14. 17-581 Approve the Award of the First One-Year Extension to Contract 13-053, Fire Alarm System Monitoring and Maintenance, to Chicago Metro Fire Prevention Co. (CMFP) in an amount not to exceed \$260,000.
- 15. 17-541 Approve the Award of Change Order 2 to Contract 16-079, Engineering Services for the Downtown Washington Street Bridge Improvements, to Alfred Benesch & Company for an amount not to exceed \$36,600 and a total award of \$373,251.07. (Item 1 of 2)

Q:	Has the State of Illinois agreed to this change in its commitment to this project? When will we see the cost for the land acquisition? And, will that cost come out of this budget line, or another?	Boyd-Obarski, Rebecca
A:	Yes, the State of Illinois has agreed to this change in commitment, with the next item on the agenda being the amendment to our agreement for cost participation on the project. The parcels of land that will be needed (either permanently or on a temporary basis) will be identified during the current Phase I engineering process. Appraisals will be performed and we will commence with the land acquisition process during the Phase II engineering. Costs for the land acquisition are called out in a separate line item in the Capital Improvement Program.	Novack

- 16. 17-542 Adopt the Resolution approving the Local Public Agency Amendment 2 for Federal Participation with the Illinois Department of Transportation for Preliminary Engineering Services of the Downtown Washington Street Bridge Improvements (CIP Project: BR031, IDOT Section 16-200167-00BR). (Item 2 of 2)
- 17. 17-605 Approve the Award of Change Order #1 to Contract 14-190, Pavement Marking, to Precision Pavement Markings, Inc. for an amount not to exceed \$18,000 and a total award of \$128,500.
- 18. 17-562 Approve the Award of Cooperative Procurement 17-154, Cisco SmartNet Maintenance, to CDW-Government for an amount not to exceed \$187,071.15.
- 19. 17-625 Approve the City Council Meeting Schedule for September, October & November 2017.
- 110. 17-612 Pass the Ordinance approving the Final Planned Unit Development for I Uptown Suites Subdivision (PZC 17-1-036), located at 1809 W Diehl Road to develop a hotel.
- 111. 17-616 Pass the Ordinance authorizing the City Manager to execute the North Central College Walkway Encroachment License Agreement between the City of Naperville and North Central College, PZC #17-1-033.
- 112. 17-618 Pass the Ordinance repealing Ordinance 97-158 amending Title 9 (Public Ways and Property), Chapter 1 (Streets and Sidewalks), Section 17 (Sidewalk Seating Permit) of the Naperville Municipal Code.

Request: Please provide a copy of Ordinance 17-103 **Boyd-Obarski, Rebecca**

A: Attached for your reference. (Please see attached PDF at end of document.) Gallahue

113. 17-619 Pass the Ordinance establishing Temporary Traffic Controls and issue a Special Events Permit for the 2017 Riverwalk Fine Art Fair on September 16-17, 2017.

114. 17-621 Pass the Ordinance to establish Temporary Traffic Controls, issue a Special Event Permit and an Amplifier Permit for the 2017 Last Fling, Labor Day Parade, the Rooster 5K, the Fling Mile, and the NCAA Women’s Triathlon scheduled for September 1-4, 2017.

115. 17-623 Pass the Ordinance Approving the Final Plat of Subdivision, the Owner’s Acknowledgement & Acceptance (OAA), and a Deviation to Section 7-3-5:5 (Dedication of Park Lands and School Sites) for Columbia Park Townes Subdivision Located at 26W161 Old Plank Road, PZC 17-1-061.

Q:	Please explain the implications of the following sentence that was in the legislation report: "The sidewalk installation shall be completed prior to the issuance of final occupancy or three years after annexation, whichever occurs first." The OAA on page 3 says, "prior to issuance of any final occupancy permit" or the final/last occupancy permit?	Boyd-Obarski, Rebecca
A:	The sidewalk must be installed before any occupancy permits are issued for the project, so this would be the first final occupancy permit.	Novack
Q:	What happens if we allow the mentioned donations to be delayed and the development fails? Does staff see any risk being created by our deferring these payments?	Coyne, Kevin
A:	Staff does not see any risks since no new residents who would put the need on the system would be generated.	Novack

116. 17-587 Pass the Ordinance approving a variance from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code for the property located at 950 E. Ogden Avenue (Portillo’s) - PZC 17-1-058.

117. 17-588 Pass the Ordinance approving a variance from Section 6-2-12 (Fences) of the Naperville Municipal Code in order to construct a 15’ tall fence along the western border of Ashwood Park North Unit 4 - PZC 17-1-062.

Q:	Is this concrete fence of a particular composition that makes it more sound buffering than another material?	Boyd-Obarski, Rebecca
A:	Response from petitioner: Yes, the concrete is more effective than wood in sound attenuation. Also, it is of matching design to the 1 mile of fence already installed.	Mattingly
Q:	Will the HOA be responsible for fence maintenance?	Boyd-Obarski, Rebecca
A:	Response from petitioner: Yes, although the fence is essentially maintenance free. The previous Normantown Road right of way containing the bike path, berm and fence will be dedicated to the Park District but the HOA will retain maintenance obligations for the wall.	Mattingly

118. 17-575 Pass the Ordinance Approving a Major Change to the Conditional Use to Grant a Variance for the Height and Style of a Fence on Property Located at 1800 S. Washington Street, PZC 17-1-072.

Q:	With regards to the fence, why now? What precipitated this request?	Boyd-Obarski, Rebecca
A:	The existing fence has been installed in a piecemeal manner over the past 50 years. Some of the existing fence is original to the site and much of it is in poor condition. The oldest portion of the existing fence is currently installed in the Washington Street right of way. The proposed fence will be located on the property and will provide improved screening of the site and a uniform appearance.	Ries

119. 17-615 Adopt the Resolution approving the First Amendment to the Intergovernmental Agreement between the City of Naperville and the Naperville Township Road District to Reconstruct and Widen North Aurora Road

120. 17-620 Adopt the Resolution authorizing execution of the Special Census Memorandum of Agreement between the City of Naperville and the US

Census Bureau, to conduct a partial Special Census.

- I21. 17-627 Adopt the Resolution authorizing the City Manager to enter into a license agreement for the installation of small cell antennae and ancillary equipment on a City-owned light pole at 1125 E. Gartner Road

L. ORDINANCES AND RESOLUTIONS:

- L1. 17-388 Pass the Ordinance repealing and replacing Chapter 8 (Taxicab Services) of Title 3, Business and License Regulations, of the Naperville Municipal Code.

Q:	I thought we were going in the direction of eliminating this ordinance all together? If we are to keep it, the fines appear unlikely to impact anyone's behavior.....agree? Have we ever assessed these fine or caught a taxi company operating here without the registration? If so, how often----I.e., if this ordinance is rarely enforced, we have even more reason to eliminate it.	Coyne, Kevin
A:	State law preempts home rule authority and it states that local municipalities may not regulate the operation of taxicabs in a manner that is less restrictive than the regulation by the State. State regulations for taxi licensing require the taxi driver's picture, the taxi driver's license or registration number, and the taxicab medallion number or an exterior identification number must be posted in a visible location in each cab. It is likely not required that a municipality independently regulate taxis, however, the City is required to enforce the state's minimal regulations. Most recently, several violations (spanning from 2015-2016) were assessed against American Taxi for not picking up a passenger and her service dog, as well as operating with unlicensed drivers. These violations did not result in a hearing; rather, the company agreed to a \$2000.00 fine as well as increased compliance and education on the matters.	DiSanto/Athanikar

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

- M1. 17-583 Approve the Award of RFQ 17-036, 5th Avenue Development Opportunities to Ryan Companies US Inc.

Q:	What is the actual action being taken for this item? Is this an award of the development contract to Ryan Companies, or is it a decision that there was only one response to the RFQ that appears to be qualified? It may be helpful if you can place this decision on a timeline with other decisions that will come along in the process. What does decision do? What is next? Who will be vetting the concepts, etc.?	Boyd-Obarski, Rebecca
A:	The action recommended on this item is to confirm the stakeholder scoring committee recommendation to move forward with the Ryan Companies; this action will complete the City RFQ procurement process. This action does not award a development contract to Ryan Companies. Rather, it provides the opportunity for Ryan Companies, based on their qualifications, to move ahead with a broad-based community engagement effort, which will include demographic, market, traffic, economic, environmental and other sources of data to develop a feasible concept(s) for the area. The final concept(s) will be subject to wide discussion with stakeholders, including residents, across the community prior to City Council action. As has been relayed from the onset of the project, Ryan Companies understands that concept approval does not provide pre-approval of any necessary entitlements (e.g. zoning changes, variances, PUD, etc.) which will require formal review through City boards and commissions based on statutory requirements. A detailed project timeline has not yet been finalized, but is an important next step that will begin this week if City Council approves this action. Any timeline and community outreach plan will need to provide ample time to understand community ideas and opportunities and work with as many stakeholders as possible.	Emery
Q:	Can we make who was on the committee public? Can the bids or proposals be made public? There has been concern voiced about the lack of a workshop. Could we just have an open house for anyone with concerns about the process so they can see the other ideas and proposals— at least from those that made the final cut?	Coyne, Kevin
A:	Yes, the stakeholder committee consisted of: <u>Community Partners and Neighbors</u> Nicki Anderson Dan Bridges (District 203) Brian Gurley (neighbor) Mike Hudson (North Central College) Christine Jeffries (Naperville Development Partnership) John Koranda (resident) Ray McGury (Naperville Park District) Terry Opperman (neighbor and architect) Sarah Orleans (DuPage Children's Museum) Jason Welch (neighbor)	Schatz

Staff

Mike DiSanto (City Attorney)
Allison Laff (Deputy Director of Transportation Engineering and Development)
Rachel Mayer (Finance Director)
Marcie Schatz (Deputy City Manager)
Non-voting Council Liaison – Judy Brodhead

Staff would recommend releasing the responses to the RFQ so the public can see the other proposals. It is important to remember that the focus of the RFQ process is on the qualifications of the development team, as opposed to the concepts submitted. The next critical step of the process is for the Ryan Companies team to engage with the public to create a development plan that is right for the community. Staff will present opening comments on the selection process as well as layout next steps tomorrow night at the Council meeting.

O. REPORTS AND RECOMMENDATIONS:

O1. 17-624 Receive 2nd Quarter Financial Report

Q:	Please confirm that if we were to incur debt which was serviced through SECA (for example for the Naperville settlement project or the possible acquisition of Nichols Library) that that debt would count against our overall city debt burden and make it even harder to hit our 25% reduction target. Is there any way to contribute to either project's debt service through SECA without such debt being considered our liability?	Coyne, Kevin
A:	The City's current practice has been to leverage General Obligation bonds for all borrowing needs. General Obligation debt by definition counts towards the City's overall debt burden. Financial Principle #3 – which states the 25% debt reduction goal is limited to debt that is paid through property taxes. Today, the City has GO debt on its books that is paid for through the rates generated by the Electric and Water Utilities, this debt is not counted towards the debt reduction goal. Therefore, if the projects cited were to identify a dedicated revenue source such as SECA funds, the additional debt would not be counted towards the 25% reduction target similar to the Electric and Water debt the City currently has on its books.	Mayer

ORDINANCE NO. 17 – 103

AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 3 (LIQUOR AND TOBACCO CONTROL),
SECTION 11 (LIQUOR LICENSE AND PERMIT CLASSIFICATIONS)
OF THE NAPERVILLE MUNICIPAL CODE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code is hereby amended by deleting the stricken language and adding the underlined language as follows:

3-3-11: LIQUOR LICENSE AND PERMIT CLASSIFICATIONS:

3. Permits:

	Outdoor Seating Permit
Requirements of Permit	<p><u>For all licensed premises, permits begin on April 1st and expire on March 31st of the following year, usage is allowed throughout this timeframe as long as the permit holder complies with all City requirements. Permit holder shall complete an application and an inspection of the property shall be performed by the City including but not limited to the review of site plans, usage of heaters and/or amplification of music, and security cameras.</u></p> <p><u>For all licensed premises, certificates of insurance naming the City of Naperville as an additional insured and a signed indemnification statement is required.</u></p> <p><u>For Downtown licensed premises using the public way, the public way must be kept free from refuse at all times and no food preparation permitted on the public way. All public improvements on the public way shall be maintained in the existing condition as the time the permit was issued, the permit holder shall be responsible to the City for any damage to any public improvements where such damage arises due to the operation of the outdoor seating area. Use of the outdoor seating permit shall be conducted in a way that does not interfere with pedestrian use. All items placed on the public way for the operation of an outdoor seating area shall be located so that a clear path of at least five contiguous feet shall be provided for passage of pedestrians and so as not to obstruct ingress and egress from the licensed establishment or any other establishment.</u></p>

	<p><u>For all licensed premises, the outdoor seating area shall be clearly designated with a permanent or semi-permanent barrier as approved by the City.</u></p> <p><u>Amplified sound from the establishment shall not be audible at 50 feet of originating property's lot lines and its purpose is only to create ambiance for the licensed premises.</u></p> <p><u>No smoking allowed within the outdoor seating area.</u></p>
Consumption	<p><u>For all licensed premises, patrons shall remain seated at the outdoor seating area when consuming alcoholic liquor and no patron shall leave the outdoor seating area with liquor. Alcoholic liquor shall only be served and transferred for patrons by a BASSET trained server, no carry-in or carry-out of liquor by a patron to and from the outdoor seating area.</u></p>
Container Restrictions	<p>None.</p>
Food Service	<p><u>For downtown licensed premises, the service and consumption of alcoholic liquor on the public way shall be incidental to the service and consumption of meals.</u></p>
Annual Fee	<p><u>Except within a permitted outdoor seating area or otherwise licensed, it shall be unlawful for any person to consume any alcoholic liquor upon any public property.</u></p> <p><u>Outdoor seating permit on public way in the Downtown with liquor service: \$500.00</u></p> <p><u>Outdoor seating permit on private property with liquor service: \$300.00</u></p> <p><u>Outdoor seating permit on public way without liquor service: \$100.00</u></p>
Other	<p><u>For all licensed premises, liquor service on public property shall cease by 10:00 p.m.</u></p> <p><u>Capped at 5.</u></p>

SECTION 2: This Ordinance shall be in full force and effect upon its passage and approval.

SECTION 3: The provisions contained herein which permit alcohol to be served on City of Naperville public property shall automatically cease to apply, or sunset, on March 31, 2018 (hereinafter "Sunset Provision") unless the City Council affirmatively takes an action to eliminate said Sunset Provision.

PASSED this 20th day of June, 2017.

AYES: CHIRICO, BRODHEAD, COYNE, KRUMMEN, WHITE

NAYS: GUSTIN, HINTERLONG, OBARSKI

ABSENT: ANDERSON

APPROVED this 21st day of June, 2017.



Steve Chirico
Mayor

ATTEST:



Pam Gallahue, Ph.D.
City Clerk

