

Sept. 6, 2022 Council QA

Wednesday, August 31, 2022 3:45 PM

I. CONSENT AGENDA:

1.	22-1046	Approve the regular City Council meeting minutes of August 16, 2022
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2.	22-0979	Approve the release of certain designated Closed Session meeting minutes and continue to maintain the confidentiality of all other unreleased Closed Session meeting minutes
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3.	22-1053	Approve the City Council meeting schedule for September, October and November 2022
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Q:	Staff November 8th is an Election Day and in the past we have moved this meeting date.	Gustin
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A:	There is no meeting on the City Council meeting schedule for November 8, however; there is a Budget Workshop on Wednesday, November 9.	Pruneda
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4.	22-0984	Approve appointments to the Sister Cities Commission
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5.	22-0995	Waive the applicable provisions of the Naperville Procurement Code and approve the award of a 15-month extension to Contract 16-266, Fixed Income Money Management Services to PFM Asset Management and Loop Capital Asset Management – TCH LLC (formerly Taplin, Canida & Habacht, LLC) for an amount not to exceed \$289,000 (requires six positive votes)
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Q:	Why were applicable provisions of the procurement code waived for the snow removal and fixed income investment management contracts that are on the September 6 agenda?	Leong
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A:	As noted in the agenda memo, investment markets have been extremely turbulent over the past 12 months. Specifically, markets have experienced declines in fixed income investments that have not been seen for decades. The Financial Advisory Board (FAB) has monitored performance of the City's investments and looked at potential strategies for mitigating the impacts of this turbulent market. FAB concluded that the best strategy right now is to stay the course and avoid any significant changes to the City's investment strategy. This includes changes to the firms charged with investing the City's funds. Both firms have performed at or near benchmarks, possess a good understanding of the City's risk tolerance and continue to charge fees that are well below the market average. The current arrangement for fixed income money management will be reevaluated in 2023.	Munch
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Q:	Staff can you add recommendations to the upcoming budget as we begin to see interest rates increase on borrowed monies and interest rates increase on savings/reserves? Staff is any of this investment	Gustin
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<p>money from the Cares Act or other federal and state Covid monies that potentially will not be spent within the Acts criteria? Basically paying to manage money the city will not qualify to keep. "The City projected \$163,021 in total money manager fees in 2022. Based on the current dollar value of the funds under management, staff estimates investment fees of \$289,000 over the 15 -month term of the extension." In the past Council had recommended that FAB add expense evaluations in anticipation of any inflationary periods. Will that be added?</p>

A:	<p>Staff anticipates that the issuance of debt in the coming years will be done at higher interest rates than what we've seen over the past three years. That said, interest rates are simply returning to more normal levels and we do not expect borrowing rates to be prohibitive in funding the City's capital infrastructure needs. Rising interest rates should have a positive impact on any City reserves held in cash; however, some uncertainty remains as it pertains to fixed income investments. Those funds are invested for long-term gains and short-term losses raise no immediate concerns for staff. Some of those funds do include the American Rescue Plan Act dollars. Any interest or investment gains/losses are kept within that fund and would be spent in accordance with federal guidelines. Currently, staff does not anticipate needing to return these funds. We have eligible expenses and potential projects that would qualify to be paid for by these dollars. Last, FAB has not raised any concerns over the cost of money management as the fees charged have not changed. The fees are percentage based, so the rising cost is directly attributable to the fact that the City has made significant progress towards increasing reserves in recent years and higher account balances result in higher fees.</p>	Munch
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6.	22-0939	Waive the applicable provisions of the Naperville Procurement Code in order to establish pricing for the 2022-2023 winter season and award Procurement 22-251, Roadway Snow Removal, to certain contractors for an amount not to exceed \$441,870 and for the period of October 1, 2022 through April 30, 2023 (requires six positive votes)
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Q:	Why were applicable provisions of the procurement code waived for the snow removal and fixed income investment management contracts that are on the September 6 agenda?	Leong
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A:	<p>The City supplements in-house staff with approximately 70 contracted snow removal units. There is no single contractor large enough to provide the needed snow removal units. In order to ensure that every contractor providing this service is paid the same rate, the City waives the code and sets the hourly rate based on the type of snow removal unit provided. Each year the City advertises and accepts applications from contractors willing to do the work for the advertised rates.</p>	Dublinski
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7.	22-0901	Approve the award of Bid 22-224, 2022 New Sidewalk Program, to Triggs Construction, Inc, for an amount not to exceed \$304,684.26, plus a 5% contingency
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8.	22-0976	Approve the award of Bid 22-229, Police Department Building Renovations - Phase I, to Proline Fence Company for an amount not to exceed \$478,622, plus a 5% contingency
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9.22-0929	Approve the award of RFP 22-212, Springbrook Water Reclamation Center Influent Pump Station and South Plant Forcemain Improvements project, to CDM Smith, Inc. for an amount not to exceed \$579,420	
Q:	Is CDM Smith just engineers and consultants and they sub out the work or do they do they work as well?	Hinterlong
A:	CDM Smith will perform engineering design and plans/specifications document services for the project. Once completed the project will be bid for construction using our procurement (Design, Bid, Build) process.	Blenniss

10.	22-0860	Approve the award of Cooperative Purchase 22-232, HP Enterprise Support, to Hewlett Packard Enterprise Company for an amount not to exceed \$143,425.06
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11.	22-1016	Approve] the award of Cooperative Procurement 22-261, Decontamination Shower Trailer, to Comac Corporation (dba NIU Toilet) for an amount not to exceed \$130,000
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Q:	How many of these units do we have in the fleet and about how many times was it/they required for use in the past 12 months?	Sullivan
A:	There is only one decontamination shower trailer in the City's fleet. Over the past three years, the current unit has been out-of-service most of the time due to plumbing system and electronic repairs and malfunctions. It is currently only working at half capacity. The new unit will have increased capabilities and it is anticipated that it will be used approximately 50 times annually at structure fires, water rescues, and HazMat events.	Dublinski

12.	22-0941	Approve the award of Option Year One to Contract 21-273, Cartage Services, to International Hauling for an amount not to exceed \$178,750
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13.	22-0947	Approve the award of Option Year One to Contract 19-084, Skype/Teams Conference Room Technology Design, Installation & Support, to AVI-SPL LLC for an amount not to exceed \$200,000
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Q:	Staff at the budget workshop can you provide only the costs for IT from its expansion to today, personnel, equipment and IT renewal costs, etc? Approximately 7 years ago.	Gustin
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A:	Staff will follow up with additional information during the annual budget process.	Munch
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14.	22-0978	Approve the award of Option Year Two to Contract 19-262, Specialty Winter Operations Services, to Beverly Snow and Ice Inc. for an amount not to exceed \$467,136
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15.	22-0930	Approve the award of Change Order #1 to Option Year 1 of Contract 9-273, Traffic Signal and Street Light Maintenance, to Meade, Inc. for an amount not to exceed \$96,487.97 and a total award of \$873,314.51
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16.	22-0956	Approve the award of Change Order #1 to Contract 21-241, Excavation & Underground Utility Repair, to Baish Excavating Inc., IHC Construction Companies, LLC and Unique Plumbing Company for an amount not to exceed \$137,000 and a total award of \$350,572
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17.	22-0966	Approve the award of Change Order #1 to Contract 20-020, Tree trimming, Removal and Debris Disposal, to Lewis Tree Service for an amount not to exceed \$279,004 and a total award of \$2,137,104
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18.	22-0973	Approve the award of Change Order #1 to Contract 21-391, Molded Rubber and Cold Shrink Products, to Fletcher-Reinhardt Company and Universal Utility Supply Company of Illinois for an amount not to exceed \$40,000 and a total award of \$155,919.20
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19.	22-0986	Approve the award of Change Order #1 to Option Year Two of Contract 20-028, Insulated Conductors, to The Okonite Company for an amount not to exceed \$791,600 and a total award of \$2,991,600
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Q:	When outside contractors directionally bore into these cables, does the City get any relief for our costs associated with replacement and/or outages?	Sullivan
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A:	The City bills the contractor that caused damage for the full amount of replacement/repair. This bill includes City and Contractor labor as well as materials.	Groth
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20.	22-1037	Approve the award of Change Order #1 to Contract 21-376, Transmission Pole Painting, to Morris Painting for an amount not to exceed \$350,400 and a total award of \$1,001,100
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21.	22-0993	Adopt the resolution affirming roadway improvements proposed by the Illinois Department of Transportation at US Route 34 (Ogden Avenue) and Rickert Drive fit within the City of Naperville's development plans
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22.	22-1043	Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Water Street Long Table Dinner scheduled on Sunday, October 9, 2022
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23.	22-1042	Pass the ordinance approving a right-of-way encroachment license agreement to allow for the installation and operation of string lights over a portion of Water Street
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Q:	Are these lights to be on 24 hours a day? Do we have any limitations as to the times they will be turned on? Have we looked into how this impacts our push to being a more sustainable city regarding the light pollution it	Taylor
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	will produce?	
A:	<p>No, the lights will not be on 24 hours per day. They will turn at about the same time as the street lights turn on and will turn off between midnight and 2 AM.</p> <p>The petitioner has provided the following with respect to how this request is sustainable.</p> <p>1) LED lights are highly energy efficient and can save around 90% electricity as compared to incandescent lights and 50% as compared to CFLs. Low energy consumption reduces the load on electric power plants, which in turn reduces the amount of fuel being burnt to generate electricity.</p> <p>2) LED lights have inherent directional nature, which means that their light is highly focused. Due to this characteristic, LED lights contribute significantly towards reducing what is called 'light pollution', by reducing the unwanted scattered light in the environment.</p> <p>3) One of the most environmentally friendly aspect of LED lighting is that these lights have very high electricity to light conversion efficiency, as high as 90% in most cases. This high conversion efficiency implies that there is minimal heat loss in the environment.</p> <p>4) LED lights have a rated life of 30,000 to 50,000 hours which is many folds greater than the conventional counterparts. This longer life span reduces the need of bulb replacement after every few months, thereby reducing the need to dispose off the old ones in landfills.</p>	Emery and Novack

24.	22-0279B	Receive the staff report for 419-423 S. Washington Street and 400 S. Main Street (JC Licht/Walgreens) - PZC 21-1-105 (Item 1 of 4)
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25.	22-1034	Pass the ordinance approving a variance to Section 6-16-3 (Prohibited Signs) to allow for the relocation of an existing, nonconforming ground sign - PZC 21-1-105 (Item 2 of 4)
		There was an error in Section 3 of the ordinance issued with the City Council agenda packet. A revised ordinance is attached. (Kopinski)

26.	22-1035	Pass the ordinance rezoning the subject property from B5 (Secondary Downtown District) to B4 (Downtown Core District) - PZC 21-1-105 (Item 3 of 4)
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27.	22-1036	Adopt the resolution affirming the applicability of Section 6-2-19 (Existing Buildings and Structures) and Section 6-9-1:1.6 (Off-Street Parking/Scope and Application) to the subject property following acquisition of additional right-of-way for the Downtown Washington Street Bridge Replacement Project - PZC 21-1-105 (Item 4 of 4)
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28.	22-0996	Pass the ordinance approving an agreement for the purchase and sale of real property and grant of temporary construction easement for 430 S.
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		property and grant of temporary construction easement for 430 S. Washington Street
Q:	(Items 28-32) What are the prices per square foot for these 5 properties? The write ups mention 6 properties. Is there still one in negotiations?	Hinterlong
A:	<p>All six properties have been agreed to. The sixth property consisted of only easements which do not require City Council approval. We closed on those easements two weeks ago.</p> <p>The square foot costs vary widely due to other considerations which were included in the cost of some of them. Please ask me if you have any questions about any particular ones. We have closings scheduled for all five of these in the next two days so we can get the executed documents to IDOT by the deadline next Monday. The prices are as follows:</p> <ol style="list-style-type: none"> 1. 430 S Washington: ROW \$45/SF Temp Easement \$6.75/SF 2. 506 S Washington ROW \$61.46/SF Temp Easement \$7.06/SF 3. 8 W Chicago ROW \$180/SF Perm Easement \$90/SF Temp Ease \$45/SF 4. 419-423 S Washington ROW \$62.30/SF Temp Easement \$7.48/SF 5. 22 E Chicago ROW \$166/SF Perm Easement \$88.73/SF Temp Ease \$55.32/SF 	Novack
29.	22-0997	Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, and encroachment license agreement pertaining to portions of property located at 506 S. Washington Street
30.	22-1006	Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, grant of permanent easement agreement, and encroachment license agreement pertaining to portion of real property located at 8 W. Chicago Avenue
31.	22-1001	Pass the ordinance authorizing execution of a purchase and sale agreement, temporary construction easement agreement, and reimbursement agreement pertaining to a portion of real property located at 419-423 S. Washington Street
32.	22-1011	Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, grant of permanent easement agreement, and encroachment license agreement pertaining to portions of real property located at 22 E. Chicago Avenue
33.	22-1027	Approve the award of RFQ 20-336, Downtown Washington Street Bridge improvements - Phase III Consultant Services, to Civiltech for an amount not to exceed \$953,732 (Item 1 of 2)
134.	22-1028	Adopt the resolution approving a joint funding agreement with IDOT in the amount of \$3,244,600 for appropriation of matching funds and downtown Washington Street bridge project construction and construction engineering services (Item 2 of 2)

35.	22-1040	Table the resolution authorizing execution of the Affordable Senior and IDD Housing Major Business Terms between the City of Naperville and Gorman & Company, LLC to September 20, 2022
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L. ORDINANCES AND RESOLUTIONS:

1.	22-1041	Conduct the first reading of the ordinance amending Section 10-8 of the Naperville Municipal Code to establish a \$900 administrative fee for registered owners of motor vehicles that engage in fleeing or attempting to elude a peace officer
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Q:	Please describe how this will be enforced and what consequences occur if the registered owner(s) of the vehicle does not or cannot pay the administrative fee? Is the fee waived if the car was reported stolen previous to the fleeing incident?	Sullivan
	<p>Please describe how this will be enforced...</p> <p>The Police Department will charge an administrative fee of \$900 to the registered owner of a motor vehicle that the police department has probable cause to believe was driven or operated within the jurisdictional limits of the City of Naperville to commit the criminal offense of fleeing or attempting to elude a peace officer.</p> <p>The registered owner of the motor vehicle shall be established by the Police Department's vehicle registration inquiry with the Illinois Secretary of State.</p> <p>Notice shall be given in writing to the registered owner. The notice shall include the following:</p> <ol style="list-style-type: none"> 1. Statement that the driver or operator of a motor vehicle registered to said owner fled or attempted to elude a Naperville police officer after having been given a visual or audible signal by a peace officer directing such driver or operator to bring his or her vehicle to a stop. 2. Date, approximate time, and approximate location of the event. 3. Description of the motor vehicle as contained in the police officer's report. 4. Notice of the opportunity to contest the imposition of the administrative fee by hearing with instructions on how to do so. <p>The administrative fee may be transferred by the Police Department from the registered owner of the motor vehicle that the police department has probable cause to believe was used in fleeing or attempting to elude a peace officer to the driver or operator of said motor vehicle at the time of the offense, if the registered owner produces to the Police Department an affidavit attesting to the same, signed, under penalties of perjury, and notarized by both the registered owner and the driver or operator. Said affidavit must be served to the Police Department within 30 days of the imposition of the administrative fee.</p> <p>...what consequences occur if the registered owner(s) of the vehicle does not or cannot pay the administrative fee?</p> <p>The administrative fee imposed upon an entity shall constitute a debt due and owing to the City. If an entity has not previously paid the administrative fee, the</p>	DiSanto

	entity shall have 30 days to pay the debt. If not paid, the City may seek to obtain a judgment on the debt and collect the judgment in any manner provided by law.	
	Is the fee waived if the car was reported stolen previous to the fleeing incident?	
	An entity charged with an administrative fee may request a hearing to challenge the imposition of the fee. At the hearing, proof that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred would be an affirmative defense that would result in the dismissal of the administrative fee.	

Q:	Staff I think Chicago has a similar ordinance, can you provide what other areas that have this ordinance charge?	Gustin
A:	Chicago does, as does Springfield and Urbana.	Arres

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1.	22-0686	Approve the award of Bid 22-180, Southwest Wastewater Pump Station Rehabilitation, to Integral Construction Inc. for an amount not to exceed \$1,332,000.00, plus a 3% contingency
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O. REPORTS AND RECOMMENDATIONS:

1.	22-1063	Receive the report providing information related to a Responsible Bidder Ordinance
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Q	Can I have a copy of exhibit 1 please?	Hinterlong
A:	The requested document is attached.	Mayer

Q:	<ol style="list-style-type: none"> 1. About what percentage of bidders for construction projects in the City are non-Union shops? 2. About what percentage of awarded construction contracts (that would fall under this ordinance) have been awarded to non-union organizations in the past 24 months? 3. How many companies/contractors/sub contractors have been found to have done sub-par work that resulted in safety issues, non-qualified contractors, or legal action on any construction projects for the City in the past 24 months? Of those, were any non-union affiliated entities? 4. Has the city established conclusively that no apprenticeship training programs that fall under (f) or (g) exist that are non-union? 5. Does the City already comply or have rules on the books with all stipulations in the sample RBO except (f) and (g)? 	Sullivan
A:	<ol style="list-style-type: none"> 1. The City does not currently track union / non-union status of bidders on construction projects. 2. See above, the City does not track union / non-union status of contractors or sub-contractors awarded construction contracts. However, based on a sampling of contractors awarded construction contracts in the past 24 	Mayer

months, staff estimates that 90% of construction contracts were awarded to contractors who hire through various union affiliations. This percentage is based on independent staff research, not contractor certification.

3. In the past 24 months, no work performed on a construction project was found to be sub-par resulting in safety issues, non-qualified contractors, or legal action.

4. No, there are many apprenticeship programs that are not union specific. They are independent training programs that technically anyone can participate in. Below is a link to one example:

<https://www.apprenticeship.gov/finder/active-program/listings?searchType=active-programs&search=&location=IL>

5. Yes. All stipulations, except (f) and (g) are stated either within the existing City procurement code or as part of the City's standard construction contract terms and conditions, i.e. all applicable laws, prevailing wage, insurance, etc.

PINS:
07-13-443-005
07-13-443-010

ADDRESSES:
419-423 S. WASHINGTON STREET
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #21-1-105

ORDINANCE NO. 22 -

**AN ORDINANCE GRANTING A VARIANCE FROM
SECTION 6-16-3 (PROHIBITED SIGNS) OF THE NAPERVILLE MUNICIPAL CODE
TO ALLOW FOR RELOCATION OF AN EXISTING, NONCONFORMING GROUND
SIGN IN THE DOWNTOWN CENTRAL BUSINESS DISTRICT FOR THE
PROPERTIES LOCATED AT 419-423 S. WASHINGTON STREET**

1. **WHEREAS**, the properties located at 419-423 S. Washington Street, legally described on Exhibit A and depicted on Exhibit B (hereinafter "**Subject Property**"), are owned by Willoway LLC Series 4-419 South Washington (hereinafter referenced as "**Property Owner**" or "**Petitioner**"); and
2. **WHEREAS**, the Subject Property is presently zoned B5 (Secondary Downtown District) in the City of Naperville and is currently improved with two commercial buildings and associated off-street parking; and
3. **WHEREAS**, Section 6-16-3 (Prohibited Signs) of the Naperville Municipal Code prohibits ground signs in the Downtown Central Business District; and
4. **WHEREAS**, the Petitioner has petitioned the City of Naperville for a variance to Section 6-16-3 (Prohibited Signs) of the Naperville Municipal Code to allow for

relocation of an existing, nonconforming ground sign (“**Sign**”) currently utilized by J. C. Licht and AT&T in the Downtown Central Business District following acquisition of additional right-of-way for the Downtown Washington Street Bridge Replacement Project as depicted on **Exhibit C** (“**Sign Plan**”); and

5. **WHEREAS**, absent the Downtown Washington Street Bridge Replacement Project and associated property acquisition, the Sign would be allowed to remain as-is in accordance with Section 6-16-10 (Nonconforming Signs) of the Municipal Code; thus the need for the sign variance is a result of City-initiated roadway improvements and is not a result of any action taken by the Petitioner; and
6. **WHEREAS**, on March 2, 2022 the Planning and Zoning Commission conducted a public hearing to consider the variance request and recommended approval of Petitioner’s request; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s request meets the variance standards as provided in **Exhibit D** attached hereto and should be granted as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing Recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated herein and made part hereof.

SECTION 2: A variance to Section 6-16-3 (Prohibited Signs) of the Naperville Municipal Code to allow for relocation of the existing, nonconforming ground Sign for the properties located at 419-423 S. Washington Street, which relocation will be made

necessary as a result of acquisition of additional right-of-way by the City for the Downtown Washington Street Bridge Replacement Project, is hereby granted.

SECTION 3: The sign relocation approved by this Ordinance shall be completed within twenty-four (24) months after notice from the City that the Washington Street Bridge is fully open to traffic in all lanes, or such other timeframe as is agreed to in writing by the City Engineer. If said sign has not been relocated within this timeframe, the variance approved by this Ordinance shall be null and void.

SECTION 4: The Sign Plan, attached to this Ordinance as **Exhibit C**, is hereby approved for the Subject Property.

SECTION 5: The sign variance granted herein shall be subject to revocation for failure to comply with the Naperville Municipal Code, as amended from time to time, and all other applicable laws, except as provided herein.

SECTION 6: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 7: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk