

April 3, 2018 Q&A

Wednesday, March 28, 2018 11:29 AM

F. AWARDS AND RECOGNITIONS:

1. **18-256** Proclaim April as Autism Awareness Month
2. **18-259** Proclaim April as Child Abuse Prevention Month
3. **18-260** Proclaim April as Fair Housing Month

I. CONSENT AGENDA:

1. **18-250** Approve the release of Not Restricted (NR) Closed Session minutes and concur with the recommendation to maintain Restricted (R) minutes confidential at this time
2. **18-264** Approve the regular City Council meeting minutes of March 21, 2018
3. **18-131** Approve the award of the second two-year extension to Contract 14-174, Natural Gas Broker to Center Point Energy Services for an amount not to exceed \$486,026
4. **18-205** Approve the award of Bid 18-003, 2018 Crackfilling Program, to Denler Inc. for an amount not to exceed \$399,110, plus a 5% contingency
5. **18-206** Approve the award of Bid 18-004, 2018 Street Patching Program to J.A. Paving Company for an amount of \$397,400, plus a 5% contingency

Correction to Title:	Approve the award of Bid 18-004, 2018 Street Patching Program to J.A. Johnson Paving Company for an amount of \$397,400, plus a 5% contingency	Walters, Tina
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6. **18-208** Approve the award of Bid 18-006, 2018 Sidewalk Removal and Replacement Program to Whiteline Construction Inc. for an amount of \$514,022, plus a 3% contingency (Item 1 of 2)
7. **18-255** Pass the ordinance approving the 2018 Sidewalk Removal and Replacement Property Owner's Cost Sharing Program (Item 2 of 2)

Q:	Is there any change to the enabling ordinance? If so can we have a redlined version? If no change was made I assume only the address list changed. Is that a true assumption. Thank you.	Gustin, Patty
A:	There is no change to the enabling ordinance. Only the address list is changed. Thanks.	Yifang Lu

8. **18-245** Approve the award of Bid 17-244, Substation Protection Upgrade Materials, to A Star Electric/Schweitzer Engineering Laboratories for an amount not to exceed \$367,256.86
9. **18-249** Approve the award of Sole Source Procurement 18-099, Distribution Automation Equipment, to Universal Utility Supply Company for an amount not to exceed \$140,700
10. **18-251** Approve the award of Bid 18-078, Heavy Duty Truck Body Repair and Painting (Re-Bid), to Rush Truck Center of IL for an award amount not to exceed \$104,940
11. **18-232** Approve the award of Change Order #1 to Contract 17-038, Bill Print and Mail Services, to AB Data for an amount not to exceed \$23,142 and a total award of \$225,142
12. **18-252** Approve the award of Change Order #1 to Contract 16-219, Temporary Employment Services, to Futurenet Group, LaSalle Network, Sentinel Technologies, and Stivers Staffing Services for an amount not to exceed \$40,000 and a total award of \$139,000

- 13. 18-247** Accept the public underground improvements at Emerson Park and authorize the City Clerk to reduce the corresponding public improvement surety
- 14. 18-189B** Pass the ordinance approving variances to Section 6-16-5:2.2.1 (Ground Signs: Number) and Section 6-16-5:2.2.5.3 (Setbacks: Interior Property Line) of the Naperville Municipal Code in order to install a monument sign on the subject property located at 620 N. Washington PZC 17-1-140

Minor corrections to the seventh Whereas clause and to Section 3 in the ordinance are necessary to change the setback from the southern property line from 17' to 15' 10 ½" and the setback from the northern property line from 31' to 32' 5 ½". The motion will need to be read with this correction and the ordinance will be updated subsequently.

Gabrielle Mattingly

- 15. 18-253** Pass the ordinance approving a minor change to an existing conditional use to allow expansion of an adult daycare at the Iroquois Center located at 1163 E. Ogden Avenue, PZC 18-1-011
- 16. 18-254** Deny the petitioner's request for approval of a temporary use for a period of eight months to allow three donation structures to be located at the Riverbrook Shopping Center, 1523 North Aurora Road
- 17. 18-228B** Pass an ordinance repealing and replacing Sections 6-13, 9-1A, 9-1B, 9-1C, 9-1E-7, 9-1F-1, 9-1F-23 of Naperville Municipal Code pertaining to telecommunications facilities on both private and public properties and in the right-of-way
- 18. 18-265** Waive the first reading and pass the ordinance adopting the current version of the Illinois State Plumbing Code with the same amendments previously approved within Title 5 (Building Regulations), Chapter 1 (Building Codes), Article E (Plumbing Code) of the Naperville Municipal Code. (Requires six (6) positive votes)

<p>Q:</p>	<p>Does this code change address resident, builder and contractor concerns regarding sump pumps and required ground-fault, GFI outlets? Problem is when the GFI pops the sump-pump has no electric to power the pump so the basement receives water. The sump pump is floor level with outlets typically 5' above. If this is not the proper Code section can it be addresses in the applicable code? If I recall correctly, in the past this was a recommendation by the Building Review Board. Thank you.</p>	<p>Gustin, Patty</p>
<p>A:</p>	<p>No, this code change does not address the GFI issue. The State Plumbing Code does not address the requirement to install GFI outlets for basement sump pumps. During the committee meetings for the review of the significant changes to the International Building Codes, this issue will be brought up by the committee reviewing the National Electrical Code.</p>	<p>Trevor Dick</p>

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

- 1. 18-086** Approve the award of Change Order #1 to Contract 16-244, Cable Injection Services, to Novinium Inc. for an amount not to exceed \$1,600,000 and a total award amount of \$3,600,000, plus a 3% Contingency

<p>Q:</p>	<p>Was this increase due to per foot price increase from project 8.00 ft verses 11.00 ft? If not what caused the increase, more footage coverage or something else? Thank you.</p>	<p>Gustin, Patty</p>
<p>A:</p>	<p>The cost for Novinium to inject cable will continue to be approximately \$8.00/ft. The Electric Utility's underground contractor is being used to perform switching, grounding of cables, and replacement of elbows in conjunction with the Novinium work resulting in an overall average cost of approximately \$11.00/ft.</p>	<p>Curran</p>

- 2. 18-186** Approve the award of Bid 18-036, Edward Hospital Substation Power Transformers, to Niagara Transformer Corporation for an amount not to exceed \$1,202,072, plus a 5% contingency

Q:	Will Edward Hospital reimburse the total amount of this project or has some other deal been made? Thank you.	Gustin, Patty
A:	Edward Hospital will reimburse the total amount of this project.	Curran

- 3. 18-240** Adopt an IDOT Resolution in the amount of \$3,048,323.50 to allow expenditure of State Motor Fuel Tax dollars to fund 2018 Street Resurfacing Program - MFT (Item 1 of 2)

Q:	Do we have a list of roads to be resurfaced under this IDOT agreement? Is the cost approximately \$254,026.96 per mile constant with other municipalities? Thank you.	Gustin, Patty
A:	Yes, the list of streets to be resurfaced with this contract is included in the supplemental to the Q and A. While we do not have the data to actively compare this cost to those of other municipalities, we believe it is a very good cost compared to our prior years. Comparing per mile cost from municipality to municipality can be dangerous since different cities perform maintenance to different standards; and different elements may be included in different contracts. For example, some cities may have the sidewalk repairs included in a separate sidewalk contract and not have everything inclusive like we do.	Novack

- 4. 18-203** Approve the award of of Bid 18-001, 2018 Street Resurfacing Program-MFT, to D Construction for an amount of \$3,048,323.50, plus a 3% contingency (Item 2 of 2)

- 5. 18-204** Approve the award of of Bid 18-002, 2018 Street Resurfacing Program-City, to K-Five Construction for an amount of \$3,125,538.50, plus a 3% contingency

- 6. 18-207** Approve the award of of Bid 18-005, 2018 Microsurfacing Program to AC Pavement Striping Co. for an amount of \$1,578,455.00, plus a 3% contingency

O. REPORTS AND RECOMMENDATIONS:

1. **18-266** Approve the City Council meeting schedule for April, May and June, 2018 and provide input as to month, day of week and location for Council Rules Workshop.

Q:	Please elaborate on the Nokia workshop as this is a private company. I don't remember this being presented for consideration at a workshop. But I could have missed it. Thank you.	Gustin, Patty
A:	The addition of a workshop to discuss the potential use of the 60 acres located to the north of the Nokia office building was added by the City Council during their approval of the meeting calendar on March 6, 2018.	Laff, Allison

2. **18-258** Receive the Magellan Advisors Broadband Evaluation and Plan and direct staff to proceed with implementing the recommendations contained in the report

Q:	Aware of OMA, can a couple council members be a part of the Smart City Steering Committee if they desire? Thank you.	Gustin, Patty
A:	Rather than create a public "steering committee," staff recommends using its existing internal, inter-departmental team made up of leadership from CMO, IT, Electric, TED, DPW, Water and Legal to analyze and make recommendations concerning day-to-day telecommunication matters as well as to develop strategies to maximize the City's position into the future. Staff will keep Council informed and any significant policy or expenditure recommendations will be presented to Council for consideration. In the meantime, up to two council members are invited and welcome to sit-in on telecommunication meetings anytime, however, looking at the past year as an example, telecommunication team meetings are frequent and often spontaneously scheduled with minimal notice based on sudden issues that need quick input.	DiSanto, Mike

3. **18-262** Review options related to regulating pedal pub operations in Naperville and provide direction to staff regarding preferred course of action

Q:		
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	How can we legally keep a legal vehicle off our streets? Does that mean if we didn't like foreign vehicles, we have the power to not allow them our streets if we wanted?	Hinterlong, Paul
A:	<p>The Illinois Vehicle Code (“IVC”) regulates the operation of vehicles on public streets. The IVC authorizes certain vehicles to operate on public streets, such as registered motor vehicles and bicycles, and prohibits other vehicles such as all-terrain vehicles and golf carts. However, there seems to be a gap in the law concerning commercial quadricycles (“pedal pubs”). A commercial quadricycle does not seem to squarely meet the IVC’s definition of a motor vehicle, low-speed vehicle, bicycle or low-speed electric bicycle. The result is that commercial quadricycles appear to be neither specifically authorized or prohibited from public streets under the IVC. If a commercial quadricycle, or any other vehicle was specifically regulated by the IVC to operate on a public street it is unlikely that the City would be able to prohibit said vehicle from operating on Naperville streets unless such local control were granted to the City by the State.</p> <p>In this case, the options to regulate commercial quadricycles that have been provided to Council do not conflict with the IVC. Rather than regulate vehicles on the public streets, the options provided regulate how commercial quadricycle businesses conduct themselves in the City. The City has a legitimate government interest in regulating certain local businesses. To that end, the City may exercise its home rule authority to rightfully regulate how, where, and when commercial quadricycles are operated.</p>	DiSanto, Mike

Supplemental Q & A

Questions on April 3, 2018 Agenda Items

Councilman Benjamin White:

18-086 - Approve the award of Change Order #1 to Contract 16-244, Cable Injection Services to Novinium Inc for an amount not to exceed \$1,600,000 and a total award amount of \$3,600,000, plus a 3% Contingency

Q: I am interested in learning how this technology works without having to dig trenches.

A:	<p>In order to accommodate the injection, the cable terminations (elbows) are replaced with injectable elbows at each end of the cable. The elbows are accessed within the surface mounted equipment such as transformers and switchgear. A silicone based fluid is injected into one end of the cable under pressure. The fluid travels throughout the cable, filling in voids in the insulation that naturally occur when the conductor is subjected to years of electrical stress and deterioration. The insulation is rejuvenated to “as good as new” condition, preventing cable faults (a short circuit between the current carrying conductor and ground) and outages.</p> <p>This process provides an additional 25 to 40 years of life (depending on the cable type and size) which rivals the life span of new cable, at about 27% of the cost of replacing the cable. This process also avoids trenching and landscape damage, which greatly reduces the disruption to the residents.</p>	Hynes/Curran
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18-203 - Street Resurfacing Program

Q: Is this contingent on 18-240 being approved since it is only a resolution. What is the likely hood that IDOT will support the resolution so we can receive these funds.

A:	<p>The award of the resurfacing contract is contingent upon approval of the resolution for the Motor Fuel Tax funds. IDOT has previously reviewed and approved the draft resolution. IDOT will approve the final resolution after approval from the City Council.</p>	Hynes/Lu
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Councilwoman Rebecca Obarski:

18-254 - Deny Request for Donation Structures at Riverbrook Shopping Ctr.

Q: Please distinguish this petitioner’s placement and use from the similar large and attended donation boxes that were allowed in the shopping plaza near the corner of Aurora Ave

Supplemental Q & A

and Rt. 59.

A:	<p>In 2016, Council approved a temporary use for two donation bins at NaperWest Plaza, 510 S. Route 59 for the Epilepsy Foundation. The current proposal calls for three donation bins, including a large trailer. A table has been provided below comparing the current request to the approved donation bins at NaperWest Plaza:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left;">Current Proposal (JDRF Foundation)</th> <th style="width: 50%; text-align: left;">Epilepsy Foundation</th> </tr> </thead> <tbody> <tr> <td>3 Donation Bins; Attended hut (5' long by 5' wide and 7' tall), donation bin (4' long by 4' wide and 6' tall), and a large trailer (25' long by 8' wide and 12' tall)</td> <td>2 Donation Bins; Attended Donation Pod (16' long by 7' 8" wide and 8' tall), Standard Donation Box (3.5' long by 4' 4" wide and 5' 8" tall)</td> </tr> <tr> <td>Tallest structure is 12'</td> <td>Tallest structure is 8' tall</td> </tr> <tr> <td>Located in 6 parking spaces</td> <td>Located in 2 parking spaces</td> </tr> </tbody> </table> <p>Staff is also concerned with the overall proposal fitting in with the character of the shopping center.</p>	Current Proposal (JDRF Foundation)	Epilepsy Foundation	3 Donation Bins; Attended hut (5' long by 5' wide and 7' tall), donation bin (4' long by 4' wide and 6' tall), and a large trailer (25' long by 8' wide and 12' tall)	2 Donation Bins; Attended Donation Pod (16' long by 7' 8" wide and 8' tall), Standard Donation Box (3.5' long by 4' 4" wide and 5' 8" tall)	Tallest structure is 12'	Tallest structure is 8' tall	Located in 6 parking spaces	Located in 2 parking spaces	Gabrielle Mattingly
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Tallest structure is 12'	Tallest structure is 8' tall									
Located in 6 parking spaces	Located in 2 parking spaces									

18-189B - Sign Variance at 620 N. Washington

a. What is the purpose of the Code requirement that the minimum lot width for a monument sign is 100'?

A:	<p>The purpose of the Code requirements in Section 6-16-5: 2.2.1 (Ground Signs: Number) and Section 6-16-5:2.2.5.3 (Setbacks: Interior Property Line) is to allow for adequate spacing between monument signs.</p>	Gabrielle Mattingly
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b. The Petition indicates that Petitioner owns the three (3) properties to the south – presumably each also narrower than 100' – by the rationale in the petition, would each parcel have the same “undue hardship” just because of its size?

A:	<p>If the petitioner proposes monument signs on the adjacent properties to the south, each request will be reviewed individually for compliance with the Municipal Code. The petitioner, at that time, can then address any hardship to provide rationale on the request.</p>	Gabrielle Mattingly
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c. If so, is there another remedy for this petitioner rather than possibly allowing signs on each parcel?

A:	<p>The Sign Code, Section 6-16-5:2.1.1 (Wall, Awning, and Canopy Signs), allows for wall, awning, or canopy signs for facades with street frontage permitted up to a maximum sign area of 1.5 square feet for each linear foot of façade, not to exceed a maximum of 300 square feet. The petitioner could request signs to be placed on the building façade by right through a sign permit application.</p> <p>In 2016, Harter Investment Strategies (petitioner) requested a variance in order to install a monument sign at 600 N. Washington Street (detailed information on variance request found below), within this request, the petitioner agreed not to pursue the installation of an additional monument sign at 610 N. Washington. This restriction was included in the ordinance granting the variance within the fifth Whereas clause and in Section 2 (Ordinance #16-060).</p>	Gabrielle Mattingly
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d. My recollection is that variances were given for the sign at 600 N. Washington, what were those variances?

A:	<p>The Naperville Sign Code requires monument signs to be oriented perpendicular to eligible frontage (Current Sign Code: required in Section 6-16-5:2.2.1, former Sign Code: required in Section 5-4-5:2). 600 N. Washington received a variance in 2013 for approval of a temporary use to locate a monument sign with an electronic message board parallel to 6th avenue on the property (Ordinance #13-140). This approval expired November 19th, 2016. In 2016, the petitioner requested a variance to allow the existing monument sign to remain perpendicular to Washington Street. This was approved by Council on May 3rd, 2016 (Ordinance #16-060).</p>	Gabrielle Mattingly
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18-203 - Street Resurfacing Program

a. What are the restrictions on the use of the Motor Fuel Tax Fund?

A:	<p>The state requires that motor fuel tax dollars be spent only on various maintenance, construction, and operating expenses associated with public streets.</p>	Hynes/Lu
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b. Please distinguish this contract from the contract award requested in M.5 (18-204). Both contracts use the term “resurfacing”, the M.5 description is

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more detailed, is it the same work on different streets?

A:	Both the 18-203 and 18-204 contracts consist of similar street maintenance and resurfacing work. The primary difference is the funding source. The 18-203 contract uses Motor Fuel Tax (MFT) funds and requires IDOT approval. The 18-204 contract uses only City funds. The streets included in each contract are located in different neighborhoods.	Hynes/Lu
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a. What is staff's recommendation for use of the "savings" due to the lower than expected bids?

A:	The "savings" attributed to contract 18-203 will be returned to the state motor fuel tax account. A small portion (~\$100,000) of the "savings" from contract 18-204 (City funded resurfacing contract) is proposed for addition pavement marking work. The other savings is associated with work that is funded through the Capital Projects Fund. The additional savings can either be used to reduce planned borrowing for the year or to complete additional work previously deferred.	Hynes/Lu
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18-266 - Approve Council Meeting Schedule for April, May & June

Q: May we consider combining a Council Rules Workshop with an interactive workshop on using the City's new Open Data Portal and Agenda Management System?

A:	Excellent suggestion and one that staff would certainly support. My initial suggestion would be an overview of all of the data sets we have available and then a walk-through of the most frequently accessed data sets.	Krieger, Doug
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