

# Council QA – November 16, 2021

Wednesday, November 10, 2021 4:24 PM

## F. AWARDS AND RECOGNITIONS:

1. [21-1477](#) Recognize the organizers of the SewaDiwali Food Drive

## I. CONSENT AGENDA:

1. [21-1415](#) Approve the Cash Disbursements for the period of 10/01/2021 through 10/31/2021 for a total of \$32,958,792.50
2. [21-1492](#) Approve the regular City Council meeting minutes of November 2, 2021
3. [21-1493](#) Approve the City Council meeting schedule for December 2021 and January and February 2022

Q:	<b>Correction - January 15, 2022 should read "February 15, 2022"</b>	<b>Bruzan Taylor</b>
A:	Yes, the second meeting in February should read February 15.	

4. [21-1476](#) Approve Mayoral appointments to various Boards and Commissions
5. [21-1414](#) Approve the award of Option Year Two to Contract 18-027, Architectural and Engineering Services, to Kluber Architects and Engineers and Legat Architects, Inc. for an amount not to exceed \$125,000
6. [21-1207](#) Approve the award of Option Year Two to Contract 17-084, Riverwalk Consultant, to Engineering Resource Associates, Inc. for an amount not to exceed \$362,500

Q:	<b>The goal is to get projects shovel-ready in case donors or</b>	
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	<b>grant money is found. How long are the engineering plans good for? In other words, would the plans ERA will create be valid for several years or need to be redone after a certain amount of time?</b>	<b>Sullivan</b>
A:	Due to the proximity to the West Branch of the DuPage River, certification from DuPage County is required since they are the permitting agency for work in the floodplain. County certifications are good for three years. If more than three years have past and the project needs to be recertified then it is a simple process involving re-applying and submitting the previously approved plans. The only exposure the City could face is if the Countywide Stormwater and Floodplain ordinance was revised since the prior certification. If the ordinance was updated, then we would have to demonstrate that the plans are in compliance with any new requirements. City staff does not anticipate any revisions to the ordinance since it was updated in 2013.	Novack

- 7. [21-1313](#) Approve the award of Change Order #1 to Option Year Two of Contract 16-266, Fixed Asset Money Management Services, to PFM Asset Management, LLC and BMO Asset Management Corp. (formerly known as Caplin, Canida & Habacht, LLC) for \$23,604 and a total award of \$173,604
- 8. [21-1444](#) Approve the award of Change Order #3 to Contract 20-271, Improvements to City Well 28, to Boller Construction Inc. for an additional 90 days
- 9. 21-1379 Approve the award of Cooperative Procurement 21-367, Office Supplies, to Office Depot and Staples for an amount not to exceed \$180,000 and for a two-year term

Q:	<b>Background indicates a small reduction in 2020 office supply expense due to Covid. I assume that there were some remote city workers during that time. Do we still have remote city workers related to Covid? If yes, how many?</b>	<b>Leong</b>
A:	Earlier this year, the City updated its Remote Work policy to reflect the changes in the work environment, in great part due to the pandemic. The updated policy provides greater flexibility for remote work while maintaining the expectations of work product and IT system security and integrity. Each department director is responsible for authorizing and managing any remote work. As such, the City is not	Sheehan

	<p>tracking total remote workers and is relying on each department to manage any remote work.</p> <p>While City buildings were closed by direction of the State, the City had many more remote workers. With the reopening of City buildings the number of remote workers has greatly diminished. The revised policy has allowed greater flexibility for managers and employees, in particular for employees that have been directly impacted by the pandemic (personal or family member exposure or symptoms requiring quarantine and child care needs).</p>	
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- 10. [21-1398](#) Approve the award of Bid 21-347, 2021 LED Replacement Program, to John Burns Construction Company for an amount not to exceed \$267,512.80, plus a 5% contingency
  
- 11. [21-1253](#) Waive the applicable provisions of the Naperville Procurement Code and award Procurement 21-357 Bill Print and Mail Services, to AB Data for an amount not to exceed \$188,147.91 for a 12-month term (requires six positive votes)

<b>Q:</b>	<b>Do we have a plan in place to allow/encourage residents to transition to paperless billing? Do we have a financial incentive to encourage such behavior?</b>	<b>Leong</b>
A:	The City allows customers to enroll in paperless billing, as well as submit payment online, through its contracted vendor, FIS. Currently, the City does not offer an incentive to transition to paperless billing. However, as part of the upcoming RFI/RFP for utility billing and print services, staff does intend to evaluate strategies to further grow its ebilling participation rates. The current City rate of participation in paperless billing is 40%. A survey conducted by Chartwell, which is an industry leading source of utility industry data, listed the average participation rate of utility billing programs at 28%.	Mayer

- 12. [21-1385B](#) Waive the applicable provisions of the Naperville Procurement Code and award Procurement 21-354, Grant Application Assessment, Preparation and Submittal Services, to West Monroe Partners, LLC for an amount not to exceed \$150,000 (requires six positive votes)

<b>Q:</b>	<b>Can we include the burial of our existing over head electric lines?</b>	<b>Hinterlong</b>
<b>A:</b>	<p>This is one of the projects included in the scope of work. The complete project list includes:</p> <ul style="list-style-type: none"> <li>○ Tollway substation improvements</li> <li>○ Distribution automation upgrades</li> <li>○ Undergrounding primary and secondary cable</li> <li>○ Fiber optic cable upgrades</li> <li>○ EV charging infrastructure (for municipal and public access)</li> <li>○ Cyber Security (possibly included in above)</li> </ul>	Groth

- 13.**    [21-1459](#)        Waive the first reading and pass the ordinance amending Title 3 (Business and License Regulations) Chapter 3 (Liquor and Tobacco Control) Section 3-3-11 (Liquor License and Permit Classifications) of the Naperville Municipal Code to increase the Class P - Manufacturer liquor license cap to four (requires six positive votes)

<b>Q:</b>	<b>I am guessing that there was a purpose in setting the cap initially to three. Please explain the concerns that were expressed to warrant the original cap. The commission seemed concerned that the licensee would eventually expand to fully alcoholic beverages. Does this license allow them to do that without further review/approval?</b>	<b>Leong</b>
<b>A:</b>	<p>The Class P liquor license was created for Solemn Oath in 2012. A cap was included because it was a new license classification and Council wanted oversight to see if any concerns were raised as a result of the new liquor license. Having a cap allows Council the ability to vet and review new liquor concepts and determine whether it wishes to allow the new business.</p> <p>In 2018, Council increased the cap to allow for a craft distillery. However, the craft distillery never opened. The available Class – P liquor license was issued to Noon Whistle Brewing.</p> <p>The increase in the cap allows for a liquor license to be available. The business will still need to apply for a liquor license and submit all required documentation. Applicants will still be required to follow all Naperville Ordinances and Liquor Commissioner's Rules.</p>	Lutzke

- 14.**    [21-1494](#)        Waive the first reading and pass the ordinance temporarily extending outdoor dining in the three parking stalls on the public street in front of 10 West Chicago Avenue by

Features Bar & Grill, Inc. to May 1, 2022 (six positive votes required)

Q:	<b>What has the city spent towards manpower, materials, moving and setting of these units and costs to store these units. What are we going to spend going forward to reset these additional units with manpower, materials, moving and setting, etc.?</b>	Hinterlong
A:	The City’s contribution to this pilot project was manpower and a location to fabricate and store these units. All units and materials to convert the units were purchased by private business. The man power came in the form of welding for each of these units (Approx 20 hours/unit) and the transportation/setup to and from the DPW building (6 people @ 1.5 hrs/person/unit). Set up and take down involves traffic control and Resources being used would be a lowboy trailer (unit #850 ) and one of our end loaders with forks.	Dublinski

- 15. [21-1495](#) Waive the first reading and pass the ordinance temporarily extending expanded outdoor dining on public and private property to May 1, 2022 (six positive votes required)

Q:	<b>Are both I-14 and I-15 required to allow the railcars in front of Features? If not, could we handle other similar requests on an individual basis, or is there a need to pass I-15 that appears to apply citywide?</b>	Kelly
A:	No, the passage of I-14 would allow for the railcars in front of Features. If Council does not pass I-15, each request for outdoor seating during the winter months would require Council review and approval.	Lutzke
Q:	<b>Will this have any impact on Fiamme and their outdoor seating? When is Fiamme supposed to remove their outdoor seating? Had a solution been found regarding the nearby Franklin residents and their issues with Fiamme patrons parking on Franklin?</b>	Bruzan Taylor
A:	<p>Yes, this will allow Fiamme to continue their outdoor seating.</p> <p>The outdoor seating area should have been removed by November 1, 2021.</p> <p>Parking signage on Franklin Avenue has recently been adjusted to help clarify the location of no parking zones. Staff also intends to add pavement markings to better delineate the on-street parking spaces on next year. These steps should help address the concerns of vehicles parking too close to driveways.</p>	<p>Lutzke</p> <p>Hynes</p>

<p><b>Q:</b></p>	<p><b>A) Which properties will be affected by this agenda item. Please list the properties this will affect both public and private?</b></p> <p><b>B) What did the Governor do on the 13th? Did this proclamation expire?</b></p> <p><b>C) Please state the public properties that can have outdoor dining and how this will affect each?</b></p> <p><b>D) Please list the private properties and how this will affect each with the extension and without granting of the extension?</b></p> <p><b>E) Also how the SSA is affected by each private property in either case?</b></p>	<p><b>Hinterlong</b></p>
<p><b>A:</b></p>	<p>A) A list of the businesses that utilized outdoor seating prior to the expiration is attached.</p> <p>Staff does not have a current number of private businesses that intend to utilize outdoor seating.</p> <p>B) The proclamation was extended until December 13, 2021.</p> <p>C &amp; D) The information is available via the link provided in response to Question A above. Staff does not specifically know which businesses will take advantage of the extension, but anticipates that Allegory and Solemn Oath will. The Mayor, as Liquor Commissioner, can regulate the outdoor seating.</p> <p>E) No special service areas will be impacted. Should a downtown property owner request to permanently eliminate existing onsite parking, they may be required to pay a fee-in-lieu for providing the parking.</p>	<p><b>Lutzke</b></p>

- 16.** [21-1393B](#) Pass the ordinance granting approval of a variance to Title 6 (Zoning Regulations) Chapter 7 (Business Districts) Article D (Downtown Core District) Section 4 (Required Conditions) of the Naperville Municipal Code to allow a general service use below the second floor for the property located at 50 S. Main Street Suite 112 - PZC 21-1-103

<p><b>Q:</b></p>	<p><b>Is the variance request supported by DAC and/or DNA?</b></p>	<p><b>Kelly</b></p>

A:	Both the Naperville Development Partnership and DNA are in support of the request. The DAC was decommissioned in December 2020.	Mattingly
Q:	<b>How many square feet is the new space they are moving into?</b>	Hinterlong
A:	The petitioner has indicated the square footage of the tenant space is approximately 1,892 sf.	Mattingly

17. [21-1488](#) Pass the ordinance approving an agreement to release a covenant and to impose a replacement covenant on the subject property located at 1720 Quincy Avenue

Q:	<b>To be clear, the land would be used as an outdoor soccer field? Or would a building like Naperville Yard be built with indoor soccer fields?</b>	Bruzan Taylor
A:	The land will be used for an outdoor soccer field. There will be a small building that will be utilized for restrooms and storage.	Venard
Q:	<b>A) What taxes will we generate from this property if this is passed? B) What will be the zoning? C) Is this going to be a building constructed or a field?</b>	Hinterlong
A:	A) The parcel in question currently generates approximately \$1,400 per year in City property taxes. That amount is likely to increase with the proposed improvements; however, staff cannot estimate to what extent that might be as we could not immediately identify a property in the area with a use similar to that which has been proposed.  B) The property is currently zoned I (Industrial) and will remain zoned I. C) The interested buyer (Evolution Soccer) is proposing to construct an outdoor soccer field, parking spaces, and a small building for storage and restrooms.	Munch  Venard

18. [21-1468](#) Accept the public watermain improvement at Naperville Elderly Homes and authorize the City Clerk to reduce the corresponding public improvement surety

**J. PUBLIC HEARINGS:**

1. [21-1484](#) Schedule a public hearing for the 2022 Annual Budget on December 7, 2021

**L. ORDINANCES AND RESOLUTIONS:**

- 1. [21-0091P](#) Pass the ordinance approving a conditional use for a religious facility in the R1 District and an Owner’s Acknowledgement and Acceptance Agreement for the Islamic Center of Naperville located at 3540 248th Avenue (ICN) - PZC 20-1-052

<p><b>Q:</b></p>	<p><b>(a) For a major change to be approved to allow ICN to use any portion of the Landscape Buffer to be approved, would a future City Council have to approve the major change?</b></p> <p><b>(b) related to the new condition at 6.1.1, would notice be provided to the surrounding neighborhoods prior to the City Council agenda item being published, and if so, please provide details regarding the timing and form of the notice.</b></p>	<p><b>Kelly</b></p>
<p><b>A:</b></p>	<p>a. Yes, a major change to the conditional use will require a public hearing before the Planning and Zoning Commission with final review by the City Council.</p> <p>b. Notice would be provided on the City Council agenda published in accord with the Open Meetings Act. Section 6.1.1 does not provide for additional notice.</p>	<p><b>Laff/Lord</b></p>
<p><b>Q:</b></p>	<p><b>A) Please have staff provide any lawsuit regarding 248th &amp; ICN.</b></p> <p><b>B) Please provide any and all reports regarding 248th from 95th street south to 111th for grants or any other applications, including but not limited to, data, evaluations or recommended upgrade 248th application for federal and state funding.</b></p>	<p><b>Gustin</b></p>
<p><b>A:</b></p>	<p>A. The City is unaware of any pending lawsuit involving ICN or 248<sup>th</sup> Street.</p> <p>B. No funding applications for the proposed 248<sup>th</sup> Avenue improvement between 95<sup>th</sup> Street and 103<sup>rd</sup> Street (CIP# SC190) have been submitted to date. Staff intends to submit for Federal Surface Transportation Program funding in March 2022. The Project Development Report for the 248<sup>th</sup> Avenue improvement is still in progress and must be submitted to IDOT prior to applying for this funding.</p> <p>Information from the two previous public meetings for this project is available on the City's website at:  <a href="https://www.naperville.il.us/projects-in-naperville/248th-avenue/">https://www.naperville.il.us/projects-in-naperville/248th-avenue/</a></p>	<p><b>Laff/Lord</b>  <b>Hynes</b></p>



## O. REPORTS AND RECOMMENDATIONS:

1. [21-1486](#) Receive the estimated 2021 property tax levy for the City of Naperville, including the Naperville Public Library, and direct staff to publish notice for a Truth-in-Taxation hearing on December 21, 2021

<p><b>Q:</b></p>	<p><b>Please explain the Settlement's justification for a 40% increase in the property tax levy. Why is an additional \$1M needed this year? Can tax payers expect this will be a new tax baseline going forward?</b></p>	<p><b>Sullivan</b></p>
<p><b>A:</b></p>	<p>Naper Settlement is the result of a perpetual charitable trust obligation for the City. The Naperville Heritage Society is the operator and administrator of the museum and contributes financially, although the obligation resides with the city.</p> <p>The 1979 Management Agreement established the creation of a Fund Balance.</p> <p>In November 2019 a meeting was held between NHS leadership and City leaders. An agreement was reached in which NHS would allow the city to draw down and zero out the fund balance in exchange for having the city cover any annual shortfall. This was done in 2019, 2020 and in 2021.</p> <p>In Oct of this year the City communicated that this would no longer be done. After conversations it was agreed that NHS would increase the tax levy appropriation request.</p> <p>The \$3.8M request is necessary because:</p> <p>Funding the museum at the same level year after year since 2007 has diminishing returns and is not sustainable. The Accreditation Committee of the American Alliance of Museums made this same observation to the City in 2012 during the last accreditation cycle of the museum. Additionally, an independent financial study done in 2017 confirmed that the museum requires \$4.3M to operate annually.</p> <p>The appropriation of the tax levy for Naper Settlement has remained virtually the same since FY2007 when it was \$2.8M and has dropped since 2009 when it was \$3M.</p> <p>The \$3.8M request represents 0.046% of the total assessed valuation which represents a return to the same percentage as FY2009.</p>	<p>Tamayo-Calabrese</p>

Each year Naper Settlement must follow the city’s approved cost of living increases and benefits for its employees. These costs must all come from the stagnant tax levy of roughly \$2.8M. The compounding effect of this year over year is impactful even though the total number of employees has decreased from 53 in 2008 to 44 in 2021, while the number of FTEs has recently remained steady at 38 or decreased in the last six to eight years.

Per the 1979 Agreement, the city takes all of Naper Settlement’s earned revenue for: gate admission, school services, weddings, and large-scale rentals (Ale Fest, Festa, Last Fling etc.). This revenue totals on average \$500K, substantially reducing the funds available for the needs of the museum.

The museum has over \$1M in deferred maintenance that needs to be addressed.

This has been presented this year to make necessary corrections that were not addressed for over a decade and taxpayers can expect that this would be the case moving forward.

**Q: In the past 10 years, what has been the tax levy percentile increase each year for Naperville Settlement and the Library? In the past 10 years among all the categories entitled to a tax levy, have we seen a tax levy increase close to or as high as 40%?**

**Bruzan Taylor**

A: The table below shows the 10-year history of year-over-year percentage change in the Library and Settlement property taxes. Of all the individual categories that make up a City of Naperville property tax bill, none have increased by an amount close to 40% in the past 10 years. Fire, Police and IMRF pensions have experienced double digit growth in some years, with the most recent example being a 20% increase in the 2018 IMRF levy. The pension levies tend to be somewhat more volatile as annual increases can be driven by outside factors, such as investment returns.

Munch

	Library	Settlement
2011	6.1%	0.1%
2012	8.0%	2.5%
2013	1.3%	3.4%
2014	1.8%	0.1%
2015	-3.4%	-0.1%
2016	-1.7%	-0.1%
2017	4.3%	-0.9%
2018	0.7%	-3.5%
2019	1.7%	0.1%
2020	0.0%	0.0%

2. [21-1487](#) Receive the estimated 2021 property tax levies for Special Service Area numbers 23, 25, 31, and 33

RESTAURANT	ADDRESS	TABLE LOCATION	TENT
AbsoluteBBQ	5019 Ace Ln, Ste 103	Private	No
Allegory	224 S. Main St	Street	No
Anmol South Asian Kitchen	1550 N Rt 59	Private	No
Bangkok Village	22 E. Chicago	Sidewalk	No
Butterfields-Honey Jam	1504 N Naper Blvd	Private	Yes
Buttermilk	1715 Freedom Dr	Private	No
Catch 35	35 S. Washington	Sidewalk	No
Chef by Request	123 Water Street	Private	They did, but I think done for the year
Cinnaholic	41 W. Jefferson, Ste 109	Sidewalk	No
Cold Stone Creamery	23 W. Jefferson	Street	No
Colonial Café	8 W. Gartner	Private	No
Coopers Hawk	1740 Freedom Dr	Private	Yes
Cress Creek	1215 Royal St George	Private	?
Crosstown Pub	909 E Ogden Av	Private	No
Draft Picks	523 Fairway Dr	Private	Yes
Einstein Bagel	22 W Jackson	Street	No
Empire	48 W Chicago	Street	No
Everdines	24 W Jefferson	Street	No
Fat Rosie's	47 E Chicago	Sidewalk	Yes
Fiamme	19 N Washington	Private	No
Fire It Up		Private	No
Giordano's	119 S Main St	Street	No
Hoshi Sushi	2960 Artesian Rd, Ste 112	Private	No
Hugo's Frog Bar	55 S Main, Ste 127		No
Ikkai	109 S Main St	Street	No
Invicto	1727 Freedom Dr	Private	No
Jackson Ave Pub	7 Jackson Av	Street	No
Jimmy's Grill	245 S Washington	Street	No
Kiku	2764 Aurora Ave, Ste 108	Private	No
La Sorella	18 W Jefferson	Street	No
Las Palmas	1255 E Ogden Av	Sidewalk	No
Lazy Dog	436 S Rt 59	Private	Yes
Le Chocolat	127-129 S Washington	Sidewalk	No
Lou Malnati's	131 W Jefferson	Street	No
Macarena Tapas	618 S Rt 59, Ste 120	Private	Yes
Melting Pot	4931 S Rt 59	Private	No
Meson Sabika	1025 Aurora Ave	Private	No
Pancake Café	1292 Rickert Dr	Private	No
Pinot's Palette	175 W Jackson, Ste 123	Private	No
Player's Indoor Sports	1740 Quincy Av	Private	No
Potter's Place	29 W Jefferson	Street	No
Q-BBQ	103 S Main St	Street	No
Quigley's	43 E Jefferson	Street	No
Quincy's	1112 E Ogden	Private	?
Quiubo	120 Water Street, Ste 122	Sidewalk	No
Santo Cielo	123 Water Street, Ste 509	Private	No
Shakou	22 E Chicago, Ste 111	Private	No
Sixtyfour Wine Bar	123 Water Street	Private	Yes
Solemn Oath	1661 Quincy Ave, Ste 179	Private	No
Sparrow Coffee	120 Water Street, Ste 100	Private	No
Sullivan's	244 S Main St	Sidewalk	No
Sweet Home Gelato	50 S Main St, Ste138	Street	No
Taps N Tenders	3320 S Rt 59	Private	Yes
Ted's Montana Grill	39 W Jefferson	Street	No
Texas Roadhouse	2856 Patriots Lane	Private	No
The Lantern	8 W Chicago	Street	No
The Lucky Penny	1224 W Ogden, #G	Private	No
White Chocolate Grill	1803 Freedom Dr	Private	No
White Tavern	423 E Ogden	Private	No