

July 19, 2022 Council QA

Monday, July 18, 2022 8:49 AM

I. CONSENT AGENDA:

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| 1. | 22-0826 | Approve the Cash Disbursements for the period of 06/01/2022 through 06/30/2022 for a total of \$33,257,480.54 |
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| 2. | 22-0791 | Approve the regular City Council meeting minutes of June 21, 2022 |
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| 3. | 22-0849 | Approve the City Council meeting schedule for August, September and October 2022 |
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| 4. | 22-0818 | Approve appointments to various Boards & Commissions |
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| 5. | 22-0378 | Approve the award of Cooperative Procurement 21-136, Multifunction Copier Devices and Service Solutions Phase III, to Canon Solutions America Inc, for an amount not to exceed \$206,250 and for a five-year term |
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| 6. | 22-0771 | Approve the award of Cooperative Procurement 22-208, Substation Battery Replacements, to Wesco for an amount not to exceed \$182,847.00 |
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| 7. | 22-0795 | Approve the award of Cooperative Procurement 22-216, Electric Control Room Workstation Upgrade, to Evans Consoles Inc. for an amount not to exceed \$175,115.63 |
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| 8. | 22-0766 | Approve the award of Procurement 22-205, Engineering Services for Edward Hospital Substation Expansion, to Primera Engineers for an amount not to exceed \$131,177 |
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| Q: | How much is Edward Hospital contributing? What is the percentage split between Edward and the City? | Bruzan Taylor |
| A: | This project is funded completely by Edward Hospital. The Utility has received \$150,000 to date, from Edward Hospital, to cover the engineering portion of this project. | Groth |

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| 9. | 22-0552 | Approve the award of RFP 22-031, Electric Substations - Springbrook Fixed Axis Solar Photovoltaic System, to GRNE Solar for an amount not to exceed \$214,088 |
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| Q: | What is the plan to convert the other 3 substations and Springbrook Water Reclamation Center to solar? | Bruzan Taylor |
| A: | The Electric Utility does not have any plans to install additional solar resources through the end of this calendar year; this plan is supported by NEST. The Utility, in collaboration with PUAB and NEST, will provide recommendations to council for 2023 funding through the annual Renewable Energy Program report in Q4 of 2022. | Groth |

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| 10. | 22-0821 | Approve the award of RFP 22-151, Springbrook Water Reclamation Center S2EBPR Pilot Testing, to Black & Veatch for an amount not to exceed \$166,798.00 |
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| 11. | 22-0667 | Approve the award of Bid 22-015, MSI Inspection and Condition Assessment Central - South Interceptor, to RedZone Robotics Inc. for an amount not to exceed \$119,462.40 |
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| 12. | 22-0755 | Approve the award of Option Year Two to Contract 19-257, Emergency Vehicle Preventative Maintenance and Repair Services, to MacQueen Equipment LLC, Fire Service Inc., and Interstate Power Systems for an amount not to exceed \$125,000 |
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| 13. | 22-0798 | Approve the award of Option Year Three to Contract 19-134, Palo Alto Firewall, to Continental Resources, Inc., for an amount not to exceed \$152,280 |
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| Q: | How was this under-budgeted so much? | Bruzan Taylor |
| A: | This year Palo Alto added functionality to their software and as a result increased the annual support cost accordingly. The Utility finds value in the additional functionality provided and has already begun deploying the additional features which will enhance the cybersecurity of the Utility. Staff reviewed offerings from other vendors and still believes that the Palo Alto offering is best of breed. | Groth |

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| 14. | 22-0823 | Approve the award of Change Order #1 to Contract 20-052, Springbrook Water Reclamation Center Facilities Plan Phase II, to Donohue and Associates for an amount not to exceed \$73,910 and a total award of \$755,630 |
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| 15. | 22-0734 | Approve the award of Change Order #1 to Contract 21-213, General Supplies and Equipment, to Amazon for an amount not to exceed \$100,000 and a total award of \$300,000 |
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| Q: | Have we looked into whether the City is increasing its carbon footprint through its increased use of Amazon? If so, this goes against our commitment to sustainability. Also, when we previously used Menards and Home Depot, were we using the local Naperville stores? If so, are we going against our self-interest of having a thriving local business community when we take our business outside of Naperville? | Bruzan Taylor |
| A: | No, staff has not performed this level of analysis. Approximately, 85% of spend with Home Depot and Menards is a result of In-Store purchases. Staff purchases from Amazon when selection and convenience is a priority. Amazon is often the lowest cost option. | Catalano |

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| 16. | 22-0576 | Approve the award of Change Order #3 to Contract 15-181, Multi-Functional Copiers Cost-per-Copy Phase 3, to Canon Solutions America, Inc. for an amount not to exceed \$27,563 for a total contract award of \$284,083.74 and an additional six months |
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| 17. | 22-0816 | Approve the award of Change Order #5 to Contract 16-135, North Aurora Road Underpass Design, to TranSystems, Inc. for an amount not to exceed \$144,724.00 and a total award of \$2,412,083.35 |
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| 18. | 22-0842 | Waive the first reading and pass the ordinance amending Section 3-3-11 of the Naperville Municipal Code to increase the Class P - Manufacturer liquor license cap to five (requires six positive votes) |
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| 19. | 22-0799b | Waive the first reading and pass the ordinances switching the student loading zone on Spring Avenue and the bus loading zone on Douglas for Washington Junior High School (requires six positive votes) |
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| 20. | 22-0796b | Waive the first reading and pass the ordinance amending Section 11-1-5 Schedule VIA of the Naperville Municipal Code to prohibit parking, stopping, and standing along the west side of River Road from certain points on Aurora Avenue (requires six positive votes) |
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| 21. | 22-0817 | Pass the ordinance approving a preliminary/final plat of subdivision and a platted setback deviation for the property at 1508 Aurora Avenue (Naperville Ogden Aurora Subdivision) - PZC 22-1-053 |
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| 22. | 22-0824 | Pass the ordinance approving a minor change to the conditional use for Wag'N Paddle - PZC 22-1-045 |
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| Q: | Are there any rules set in place that will require them to clean up after the dogs when they go to the bathroom in this area? Going on carpeting can create a smelly situation, especially next to the front door on a hot day. | Hinterlong |
| A: | Yes, the Veterinary Office And Pet Care Establishment section of the Municipal Code requires outside areas to be cleared of excrement daily to eliminate offensive odors. | Russell |

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| 23. | 22-0838 | Pass the ordinance approving a minor change to the CityGate Centre III Planned Unit Development approved by Ordinance 20-044 for the subject property located at Lots 2 & 3 of CityGate Centre, Naperville - PZC 22-1-050 |
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| 24. | 22-0794B | Pass the ordinance approving variances for the property located at 430 S. Washington Street - PZC 22-1-047 |
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| 25. | 22-0785C | Pass the ordinance approving rezoning from R2 to CU for the property located at 5 S. Loomis Street - PZC 22-1-048 |
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| Q: | Does this change anything in regard to rules of the historic district-- i.e. teardown rules or COA rules? | Hinterlong |
| A: | No, the rezoning request does not change the properties' location within the local historic district. The property will continue to be subject to the historic preservation regulations (Title 6 Chapter 11 of the Municipal Code) should the rezoning request be approved. | Mattingly |
| Q: | Will the property still be subject to the Historic District rules and regulations with the zoning change? Or can North | Bruzan Taylor |

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| | Central College tear down without going through HPC? | |
| A: | See response above. | Mattingly |

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| 26. | 22-0837 | Pass the ordinance revoking ordinances 18-079 and 18-080 regarding a major change to the Monarch Landing PUD, approving a Preliminary/Final PUD plat, and a conditional use for an eating establishment within a PUD for CityGate North Centre - PZC 22-1-049 major change to the Monarch Landing PUD, approving a Preliminary/Final PUD plat, and a conditional use for an eating establishment within a PUD for CityGate North Centre - PZC 22-1-049 |
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| 27. | 22-0504B | Pass the ordinance approving a conditional use in the B3 district and variances for a Casey's automobile service station located at 1420 E. Ogden Avenue - PZC 21-1-130 |
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| Q: | Does the City anticipate any more runoff pollution by the newly constructed gas station compared to the old one already there? | Bruzan Taylor |
| A: | The City does not anticipate more runoff pollution from the newly constructed station. The new station will have newer controls and devices in place to lower the risk of gas releases. While there will still be the risk of a release, it should be reduced. Additionally the County Stormwater Ordinance requires the developer to pay a fee in lieu of stormwater best management practices which will result in a stormwater quality improvement being funded within the County with the collected fees. Overall, this development will result in better stormwater runoff quality than if it did not redevelop. | Novack |

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| 28. | 22-0825 | Pass the ordinance to establish temporary traffic controls and issue a Special Event and Amplifier permit for the Naperville Sprint Triathlon on Sunday, August 7, 2022 |
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| 29. | 22-0827 | Pass the ordinance to establish temporary traffic controls and issue a Special Event and Amplifier permit for the India Day Parade and Celebration on Sunday, August 14, 2022 |
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| 30. | 22-0830 | Pass the ordinance to establish temporary traffic controls and issue a Special Event permit for Old Naperville Days on Sunday, August 21, 2022 |
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| 31. | 22-0833 | Pass the ordinance to establish temporary traffic controls and issue a Special Event permit for Saints Peter & Paul Catholic Church Homecoming Fest on Saturday, August 27, 2022 |
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| 32. | 22-0851 | Adopt the resolution authorizing execution of a collective bargaining agreement between the City of Naperville and IUOE Local 150 representing Department of Public Works Fleet Services |
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| 33. | 22-0814 | Adopt the resolution approving the Intergovernmental Agreement between County of DuPage, Illinois and the City of Naperville for the use of the American Rescue Plan Act (ARPA) grant for the 8th, Ellsworth, Main Stormwater Improvements Project |
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| Q: | I33 and M5: Have we started any of these projects that would prevent us from getting these grants? | Hinterlong |
| A: | The stormwater improvements are being installed by the contractor performing the watermain replacement work. While work on the watermain components has occurred, no work has commenced on the stormwater components and staff is requesting that the contractor hold off on those components until after this agreement is fully executed so we do not lose any of the grant funds. | Novack |

L. ORDINANCES AND RESOLUTIONS:

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| 1. | 22-0685C | Option A: Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving five variances related to the proposed drive-through and signage for 1291-1295 E. Ogden Avenue (Eastgate Outlot) - PZC 21-1-126; or Option B: Concur with staff and pass the ordinance approving the requested sign variances and denying the requested drive-through variances for 1291-1295 E. Ogden Avenue (Eastgate Outlot) - PZC 21-1-126 |
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NOTE: Gorman has requested that this item be tabled.

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| 2. | 22-0850 | Adopt the resolution authorizing execution of the Affordable Senior and IDD Housing Major Business Terms between the City |
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| Q: | What has our property been appraised at? | Hinterlong |
| A: | An appraisal performed in July 2021 valued the Affordable Housing site at \$7.83 per square foot which works out to \$2,081,000 for the 6.1 acre site. | Novack |
| Q: | Please clarify - My understanding and recollection when this project was first discussed with City Council was that the developers were willing to bid at market price for the land when they asked the City Council to agree to the first round of MBTs. When did this change? Who negotiated this on behalf of the City and was the City Council ever formally made aware or of or consulted on during the RFP process up until this agenda item that the city donating land (or 95% of the value of the land) was part of the conditions for this important project to move forward? | Sullivan |
| A: | <p>Below is a timeline of actions and discussion related to the purchase price of the property.</p> <p><u>August 17, 2021</u></p> <p>City Council directed staff to prepare an RFP to solicit development interest in creating affordable senior and IDD Housing. That agenda item made no mention of a market rate sales price requirement, but did highlight the opportunity to leverage city property with the following reference:</p> <p>The Housing Needs Assessment/Housing Needs Report, approved by the Human Rights and Fair Housing Advisory Commission and endorsed by City Council in 2020, included an implementation action to develop a strategy to leverage publicly owned land to address housing challenges.</p> <p><u>September 21, 2021</u></p> <p>City Council Adopted a Resolution establishing the procedure for sale of City Property and approved the release of RFP 21-315. There was no reference to market rate in that resolution or the RFP.</p> <p>The RFP document approved by the Council addressed the topic of purchase price relative to the financial capacity of the development teams. Each team was asked to provide evidence of the financial strength, evidence of ability to obtain financing for similar projects. Respondents were asked to detail the financing structure anticipated for the development and include any financial incentives required from the City and grants anticipated. The approved RFP did not require market rate purchase of the property.</p> | Emery |

December 13, 2021

Each of the development teams that responded to the RFP indicated a reduction in the sale price from market value was needed. No team indicated they would pay market rate for the land.

- Gorman & Company, LLC – reduced purchase price – no more than 6% of the project costs
- Housing for All – Requested full donation of the land by the City of Naperville
- Mercy Housing Lakefront – Did not define purchase price, indicated subject to negotiation. They did note that based on their initial proposal concept they anticipated a \$3 million funding gap
- Alden – Did not specify, but noted a reduced price was expected with the amount TBD through RFP, design, and entitlement process

The development team written proposals, including this purchase information, were shared with City Council in December 2021. The responses have been posted on the City's Project web page since January 2022.

January – April 2022

The Procurement Scoring Committee did review the proposed purchase price as a factor in evaluating the responses received. Gorman provided the most specific response, but none of the firms indicated a market rate purchase for the property. The topic of purchase price was not raised during public meetings with the Human Rights and Fair Housing Commission, Senior Task Force or Accessible Community Task Force held in March and April. These discussions focused more on the topics of site design and affordability.

May – June 21, 2022

Through the negotiation of Major Business Terms with Gorman & Company, LLC and Mercy Housing Lakefront purchase price was discussed. Neither team ever committed to a market rate purchase of the property. Both teams were clear in noting that required site improvements (e.g., sidewalks, stormwater, access to IL Route 59), building design standards, and community needs (e.g. transportation) as well as rising construction material and labor costs would impact their bid amount. The Major Business Terms approved by City Council asked for a purchase price and minimum affordability period. The document did not require a market rate purchase of the property.

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| | <p><u>July 6, 2022</u></p> <p>Once the bid and minimum affordability period was received from Gorman & Company, LLC on June 6, 2021, the bid amount and affordability period was communicated to City Council in advance of the July 19, 2022 City Council meeting.</p> | |
| Q: | (1) Who would be the majority owner of the real estate; and (2) if approved as is, would the project generate property taxes based on the property's full assessed value? | Kelly |
| A: | <p>(1) The City of Naperville will remain the owner of the property until entitlements (e.g. zoning, OAA, etc.) are approved and funding is secured by Gorman & Company, LLC. Based on the milestones included in the Major Business Terms, the property transfer is expected to occur on or before June 30, 2024.</p> <p>(2) The property tax generation is based on the properties full assessed value and the value of any improvements constructed. Gorman & Company, LLC has indicated, subject to Will County approval, it will be seeking Property Tax Relief Per PA 102-0175 (2021) . This would reduce the assessed value of the land use for tax purposes if used for affordable housing as follows:</p> <ul style="list-style-type: none"> •Years 1-3 (pay taxes at rate prior to development (e.g. BASE)) •Years 4-6 (pay taxes based on an assessed value discounted by an amount equal to 80% of the difference of the improved assessed vs Base assessed value) •Years 7-9 (pay at 60% reduction) •Years 10-12 (pay at 48% reduction) •Years 13-30 (pay at 40% reduction) <p>The minimum affordability period proposed is 99 years. Any reductions will not apply to years 30-99.</p> | Emery |

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| 3. | 22-0848 | Conduct the first reading of the ordinance amending Title 3 of the Naperville Municipal Code to prohibit the local commercial sale of assault weapons and large-capacity magazines |
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| Q: | Please give me the number of people killed in the US since 2010 by handguns. By cars? | Hinterlong |
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| | <p>By intoxicated motorists on alcohol?</p> <p>By intoxicated motorists on cannabis?</p> <p>By explosive devices?</p> <p>By handguns in Chicago by year since 2015?</p> <p>If this ordinance is passed, can you still buy a handgun with a magazine of more than 10 rounds?</p> <p>We received an email stating that Oak Park lost a bid in court on some kind of weapons ban. Can you verify if this is true and any costs associated if true or false?</p> | |
| A: | <p>Number of people killed in the US by...</p> <p>Handguns?</p> <p>372,496 <i>firearm</i>* related fatalities between 2011 and 2020 according to the Centers for Disease Control and Prevention (CDC). *Data is not separated for handguns, specifically.</p> <p>https://wonder.cdc.gov/controller/datarequest/D76;jsessionid=51F1B21F1499A0F5BD0B20879CE8</p> <p>Cars?</p> <p>354,676 motor vehicle related fatalities between 2011 and 2020, according to Wikipedia.</p> <p>https://en.wikipedia.org/wiki/Motor_vehicle_fatality_rate_in_U.S._by_year</p> <p>Intoxicated motorists on alcohol?</p> <p>104,915 alcohol-impaired-driving fatalities between 2011 and 2020 according to the National Highway Safety Administration</p> <p>https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813294</p> <p>Intoxicated motorists on cannabis?</p> <p>Unable to find specific data. According to the National Highway Safety Administration, between 2011 and 2018 an average of 18% of fatally injured drivers tested positive for cannabinoids. 11% in 2011, steadily increasing annually to 21.5% in 2018.</p> <p>https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/13839-drugged_facts_flyer_101918_v8_002.pdf</p> <p>Explosive devices?</p> <p>4,085 explosion incident fatalities between 2013 and 2018 according to the U.S. Bomb Data Center (USBDC)</p> <p>https://www.atf.gov/file/136971/download</p> | DiSanto |

Handguns in Chicago by year since 2015?

Handgun specific data not available. Below is a list of reported incidents in Chicago where a person was shot and killed (suicides not included)

2021: 798

2020: 724

2019: 463

2018: 497

2017: 626

2016: 722

<https://heyjackass.com/category/chicago-crime-2021/>

If this ordinance is passed, can you still buy a handgun with a magazine of more than 10 rounds?

No, not in Naperville. The proposed ordinance prohibits the local commercial sale of large-capacity magazines, generally defined as magazines with an overall capacity of more than 10 rounds of ammunition. If passed the proposed ordinance would prohibit the local commercial sale of large-capacity magazines with handguns. So, a licensed retailer could sell a handgun with up to a 10-round magazine, but not a larger magazine.

We received an email stating that Oak Park lost a bid in court on some kind of weapons ban. Can you verify if this is true and any costs associated if true or false?

Oak Park banned the local possession of handguns in 1984. In 2010, the U.S. Supreme Court ruled by a 5-4 margin that Oak Park's handgun ban is unconstitutional (*National Rifle Association v. Village of Oak Park*). According to online research, Oak Park was required to pay approximately \$700,000 to reimburse the NRA for its attorneys' fees. Any additional costs incurred by Oak Park were not discoverable via online research.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

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| 1. | 22-0800 | Approve the award of Bid 22-189, Electrical Utility Transformers, to WESCO Distribution, for an amount not to exceed \$1,614,683, plus a 5% Contingency |
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| Q: | What if Wesco can't deliver on time? Is there a guarantee? Is there some kind of penalty in place if they can't? Otherwise suppliers could make a false promises on deliveries just to get these bids in their favor? | Hinterlong |
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| A: | The City issued a formal bid for underground and overhead transformers in June of 2022. Wesco was the only bidder that provided all necessary transformer types and sizes; neither bidder would provide guaranteed delivery dates. Wesco has performed well delivering materials when available and working with the City to find alternate sources and identifying equivalent materials when possible to ensure delivery dates are met. In order to diversify its supply chain for transformers, the City is currently working to release a bid for transformer refurbishment as well as continually looking to secondary sourcing such as recyclers for transformers that closely meet the required specifications. | Groth |

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| 2. | 22-0820 | Approve the award of Bid 22-039, Springbrook Water Reclamation Center UV Disinfection Improvements, to Williams Brothers Construction, Inc. for an amount not to exceed \$8,322,000.00, plus a 3% contingency |
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| 3. | 22-0813 | Approve the award of Procurement 22-214, South Central Interceptor Stabilization Project Stage 2 Construction Engineering Services, to Strand Associates for an amount not to exceed \$312,600 (Item 1 of 3) |
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| 4. | 22-0780 | Approve the award of Bid 22-137, South Central Interceptor Stabilization Project Stage 2, to V3 Construction Group, Ltd. for an amount not to exceed \$1,448,050, plus a 3% contingency (Item 2 of 3) |
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| 5. | 22-0836 | Adopt the resolution approving the Intergovernmental Agreement between the City of Naperville and DuPage County for the use of the American Rescue Plan Act (ARPA) funds for the South-Central Interceptor Stabilization Project Stage 2 (Item 3 of 3) |
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| Q: | I33 and M5: Have we started any of these project that would prevent us from getting these grants? | Hinterlong |
| A: | The construction contract for this project is scheduled for award at this City Council meeting. Work will not begin in earnest until after DuPage County approves this agreement, currently scheduled for the August 9 County Board meeting. | Blenniss |