

## QA October 3, 2017

Wednesday, September 27, 2017 4:42 PM

### F. AWARDS AND RECOGNITIONS:

1. **17-746** Proclaim October as National Disability Employment Awareness Month
2. **17-761** Present the City of Naperville is a Community of Unity and Acceptance

### I. CONSENT AGENDA:

1. **17-755** Approve the Regular City Council Meeting Minutes of September 19, 2017.
2. **17-669** Approve the Award of Cooperative Procurement 17-186, Municipal Facilities Roof Replacements, to The Garland Company for an amount not to exceed \$128,553 plus a 5% contingency.
3. **17-706** Waive the applicable provisions of the Naperville Procurement Code and Award Procurement 17-204, Credit Card Gateway, to Automated Merchant Systems for an amount not to exceed \$50,000 and for a one-year term. (Requires six positive votes)
4. **17-730** Approve the Award of Bid 17-181, Aeration Slide Gates Replacement, to Independent Mechanical Industries, Inc. for an amount not to exceed \$148,270, plus a 5% contingency.
5. **17-732** Approve the Award of Bid 17-170, Distribution Automation Switch Modules, to Universal Utility Supply Company for an amount not to exceed \$159,600.
6. **17-757** Approve the use of \$7500 from the SECA fund balance to purchase water barriers for use at Special Events.

<b>Q:</b>	<b>Are we getting any reimbursement for the use of our bike racks or our water barricades? Should we have an additional charge in our proposals to include costs of buying them and storing them to cover our costs?</b>	<b>Hinterlong, Paul</b>
<b>A:</b>	We currently charge for use of the FEMA fence (bike rack) at special events. Use of existing water barricades is not charged per unit, but rather through staffing levels and the manpower needed for deployment and retrieval. SECA applications for CY18 have been submitted and are currently being reviewed by the SECA Commission. Because the applications would need to be adjusted to account for this new City Service charge, therefore decreasing the amount available to other applicants for CY18, staff is recommending the use of the SECA fund balance. A manpower charge can be included as a City Services expense for the CY19 events.	Arres/Gallahue

<b>Q:</b>	<p>a. Please clarify the difference between the Food &amp; Beverage Fund Balance (and its current balance) and the SECA reserve fund (and its current balance).</p> <p>b. Please provide a history of other expenditures that have come from the SECA reserve balance.</p> <p>c. Please explain why this purchase is not a DPW or PD expenditure.</p>	Boyd-Obarski, Rebecca
<b>A:</b>	<p>a. The SECA Grant Program reserve is a sub-component to the Food &amp; Beverage Fund balance. While the Food &amp; Beverage Fund Balance was approximately \$890,000 at the end of 12/31/2015, the SECA program reserve was only a portion of this amount, \$400,000. In 2016, Council directed Staff to fund the \$80,000 of additional contribution to the Naperville Park District for Sportsman's Park from the \$400K reserve. Therefore the SECA program reserve balance at the end of 2016 was \$320,000.</p> <p>b. Since the inception of the food &amp; beverage tax and the SECA Grant Program there have been several items that have been approved and paid for outside of the original SECA Grant Program allocations. These have included items, such as the contributions to the Police and Fire pension funds that began in 2014 and the 3-year repayment related to the Carillon. Additionally, Council has in the past made modifications to the amount recommended by the SECA Commission to include additional funding for specific purposes. However, since the program reserve was set at \$400K, the only allocation that has been made out of the program reserve is the previously mentioned additional allocation to Sportsman's Park.</p> <p>c. It would be appropriate for any of the operating departments to submit the request in their budget, however the barricades will be primarily used to block streets at special events for the safety of residents and visitors. They will not be available for use by other departments during special events.</p>	Gallahue/Mayer

7. **17-634** Approve the Award of Change Order #1 to Contract 16-353, Consulting Engineering Services for Soils and Materials Testing, to Midland Standard Engineering for an amount not to exceed \$36,541 and a total award of \$277,000.

8. **17-744** Approve Mayoral Appointments to the Housing Advisory Commission.

<b>Q:</b>	<b>Is Steve Lakner's address his business address or his home? Does he live in Naperville?</b>	Hinterlong, Paul
<b>A:</b>	Mr. Lakner is a Naperville resident residing at 1105 N. Mill St. Unit 123	Trotz

9. **17-751** Accept the Enclave at Ashwood Park public underground and street light improvements.

10. **17-749** Conduct the first reading of an Ordinance Repealing and Replacing Section 1-9G-13 of the Naperville Municipal Code pertaining to the Emergency Telephone Systems Board

11. **17-747** Adopt the Resolution Approving an Intergovernmental Agreement Between DuPage County and the City of Naperville for the Implementation of the National Pollutant Discharge Elimination System Program in the East Branch and West Branch DuPage River Watersheds

<b>Q:</b>	<p>a. <b>Please clarify the intention on renewal – do you intend this agreement to have an initial term of 5 years then annual renewals? Or do you intend 5 year renewals? See the language in Section 10.2 re: renewal on anniversary dates.</b></p> <p>b. <b>Is there a requirement to post the annual report on Will County website? If so, who will do that?</b></p>	<b>Boyd-Obarski, Rebecca</b>
<b>A:</b>	<p>a. The intent is for the renewal periods to be five years each. Realizing that the use of the term anniversary implies an annual renewal we spoke with DuPage County and they are agreeable with using the following sentence in Section 10.2. "On March 31, 2023, and on each subsequent five-year anniversary date thereafter, this Agreement shall automatically renew for an additional five-year period."</p> <p>b. Every agency is required to post their annual report on their web site; so DuPage posts their on their site, the City posts our on our web site, and Will County posts their report on their web site. DuPage County will prepare the annual report on behalf of the City of Naperville, and that report will cover all of the City, both the DuPage and Will County portions. DuPage will post that report on their web site and provide a copy to the City, which we will post on our web site.</p>	Novack

- 12. 17-752** Adopt the Resolution Authorizing Execution and Approval of the Intergovernmental Agreement for an Apprentice Employee Program between the City of Naperville and the City of Geneva.

<b>Q:</b>	<b>Is there anything to prevent them from leaving us to Com-Ed after they complete their apprenticeship?</b>	<b>Hinterlong, Paul</b>
<b>A:</b>	We are selecting candidates that currently work for the city and believe they are more likely to stay with us than outside candidates would after completing their apprenticeship. Should an apprentice leave after completing the program, a graduated pay back plan will be imposed with 100% of the \$12,000 cost of the program being paid back during the first 2 years, 75% in the 3 <sup>rd</sup> year, 50% in the 4 <sup>th</sup> year, and 25% in the 5 <sup>th</sup> year.	Curran

- 13. 17-753** Adopt the Resolution Approving a Third Amendment to the Intergovernmental Agreement between the Naperville Park District and the City of Naperville for Installation and Provision of Fiber Optic Service to Certain Park District Facilities.

<b>Q:</b>	<p>a. <b>Where in the IGA does it state what the Park District will pay for the "installation charges associated with this new Auxiliary Connections"?</b></p> <p>b. <b>What routine maintenance charges are usually required? And why are they not required here?</b></p>	<b>Boyd-Obarski, Rebecca</b>
<b>A:</b>	<p>a. Section 3 of the original agreement requires the Park District to pay the City for labor, material and professional costs incurred for extension of the City's fiber system to Park District facilities prior to installation and is applicable with this amendment.</p> <p>b. Routine maintenance charges are for the replacement or repair of failed hardware/equipment, and general protection of the system and are applied to Park District facilities tied directly to the City's main fiber trunk system. In this case, the fiber is not tied directly to the City's main fiber trunk system and the Park District owns and is responsible for the maintenance of the hardware/equipment that enables communication between the two facilities.</p>	Curran

## O. REPORTS AND RECOMMENDATIONS:

1. **17-760** Approve the City Council meeting schedule for October, November and December 2017.
2. **17-651** Move forward with the Ryan Companies to facilitate a community engagement process, complete market and technical studies, develop a land use concept and financial plan.

<b>Q:</b>	<p>a. <b>Please identify the City Council decision points during the proposed 5<sup>th</sup> Avenue Redevelopment Process Plan.</b></p> <p>b. <b>How will the steering committee be selected?</b></p> <p>c. <b>Who will be doing the research on traffic impacts, efficient commuter management, and market capacity (housing, retail, or office space)?</b></p> <p>d. <b>Will that research be done at the same time as the community engagement efforts?</b></p> <p>e. <b>How do we communicate our minimum expectations to Ryan Companies? Letter Agreement, Memorandum of Understanding?</b></p>	<b>Boyd-Obarski, Rebecca</b>
<b>A:</b>	<p>a. Major decision points are illustrated in orange on the "<u>5<sup>th</sup> Avenue Redevelopment Process Plan</u>" developed by City Staff and Ryan Companies. Key decision points are as follows:</p> <ul style="list-style-type: none"> <li>• October 3, 2017 – City Council decision to point to move forward with the public engagement process, complete market and technical studies, develop land use concept and financial plan. This decision initiates Phases I and Phase II as shown on the process plan.</li> <li>• City Council Decision point at the onset of Phase III to prioritize issues revealed during Phases II to provide final direction for concept development.</li> <li>• City Council will have a decision point at the end of Phase III to approve, reject or modify the concept and business terms.</li> <li>• City Council will have several decision points during Phase IV, including at a minimum, decisions related to any requested zoning modifications, major business terms, development agreements and intergovernmental agreements (with Metra and PACE).</li> </ul> <p>b. No final decision has been made with respect to selection of the steering committee members. Formation of the selection committee will be a topic for Phase I. Taking this approach, the community can participate in helping to establish the committee and defining the role of the committee in the process in the project.</p> <p>c. Independent professional experts will be conducting the research. The specific traffic, parking, and market analysis firms have not yet been selected. Any resulting research and reports will be available for community and staff review.</p> <p>d. Yes, it is anticipated that this research will be done concurrent with the community engagement efforts. As information becomes available, it will be provided for all participants to inform public planning efforts.</p> <p>e. Any of these tools may be used at the City Council's direction.</p> <p>***Councilwoman Obarski has suggested an alternative motion for Council's consideration re: the 5th Avenue redevelopment.***</p>	Emery

***Motion to engage and authorize Ryan Companies to conduct community engagement and market research to determine feasible and beneficial options for redevelopment along the 5th Avenue corridor for the purpose presenting a concept plan for redevelopment of the 5th Avenue area (the "Design Concept") to City Council for its consideration.***

Staff supports and recommends Councilwoman Obarski's suggested motion. It is appropriate and clearly establishes (1) the City's limited engagement with Ryan at this stage; (2) what Ryan is expected to deliver; and (3) the next decision point.

<b>Q:</b>	<p>a. <b>If Ryan Companies is engaged, can we obtain our own or direct who is engaged to obtain traffic, marketing, or other studies so as to assure independent information is obtained?</b></p> <p>b. <b>Once we settle on a concept for 5th Avenue, how do we negotiate the business terms with Ryan as to the real estate absent third party bids?</b></p> <p>c. <b>It's a presumption that the development will include residential targeting commuters. The trains are at near capacity now. Will this development possibly add more commuters than will be able to get on trains or are more trains going to stop in Naperville during commuting hours?</b></p> <p>d. <b>I had a resident tell me letting Ryan Companies lead concept meetings could possibly violate procurement law. Please confirm there are no legal issues triggered by Ryan Companies leading this discussion.</b></p>	<b>Coyne, Kevin</b>
<b>A:</b>	<p>a. Yes. We would have either option. Ryan Companies has already reached out to City Staff for recommendations on local traffic and parking experts to hire. As is the case with any project, traffic, marketing, parking and other consultants expected to and attest to the fact that they are providing independent, professional expertise and analysis.</p> <p>b. Naperville is a "home rule" municipality that has been granted substantial powers by the Illinois Constitution. "Home rule" gives the local government power to exercise any power and perform any function pertaining to its government and affairs unless the action is specifically prohibited or preempted. It is with its home rule authority that the Council may choose to sell property without a competitive bid if the Council determines that the sale is in the best interest of the municipality. If Council settles on a concept for 5th Avenue, it may exercise its home rule authority to sell City real estate to Ryan absent a bid process. Appraisals of the fair market value of the involved parcels will be used to ensure the City receives full value for any land it sells. A similar process was used as part of the Naper Main / Main Street Promenade and Standard Market developments.</p> <p>c. It is too early to respond to this question as no data is available as no concepts have been developed. Metra and PACE are working with the City on this effort and will be engaged stakeholders throughout the process to assess any impacts. These agencies have the authority to make all decisions related to transit.</p> <p>d. The procurement process ends when the community planning process is initiated. There are no legal issues triggered by moving forward with the</p>	<b>Emery</b>

Ryan Companies.