

April 17, 2018 Q&A

Wednesday, April 11, 2018 4:24 PM

F. AWARDS AND RECOGNITIONS:

1. **18-305** Proclaim April 17, 2018 as Kyle Zuleg Foundation Day
2. **18-306** Proclaim April 22 - 28, 2018 as Earth Week Naperville
3. **18-307** Proclaim April 23 - 27, 2018 as Distracted Driving Awareness Week

I. CONSENT AGENDA:

1. **18-315** Approve 03/02/2018 thru 03/30/2018 Cash Disbursement for \$25,043,547.68
2. **18-302** Approve the regular City Council meeting minutes of April 3, 2018
3. **18-248** Approve the award of Cooperative Procurement 18-097, Municipal Facilities Roof Replacement, to Garland for an amount not to exceed \$191,403, plus a 5% contingency

Q:	Who will actually be doing the work?	Hinterlong, Paul
A:	The Garland Company is the general contractor we hired through the US Communities co-op. They will be subcontracting the actual roofing work out to RB Crowther Company out of Morris, IL. They are the same sub-contractor that did work last year on Fire St. #1, West Side Substation and Royce Substation. All 3 of those projects went very well and we are completely satisfied with their work.	Dublinski

4. **18-296** Approve the award of Option Year Two to Contract 16-199, Street Lighting Controller and Street Lighting in Municipal Lots Maintenance to Meade Inc. for an amount not to exceed \$196,151

Q:	Shouldn't we wait to replace poles and save money if we might be ripping out the poles during construction of 5th Ave project?	Hinterlong, Paul
A:	The poles mentioned in the memo are on the platform of the Train Station and need to be replaced sooner rather than later. I do not believe these poles will be repositioned with any new development.	Dublinski

5. **18-267** Approve the award of Change Order #1 to Job Order Contract DPW-004-CY17A, Van Buren Parking Deck Joint and Sealant Repair and Replacement-Top Level, to F. H. Paschen for an amount not to exceed \$9,760 and for a total award \$108,373.80
6. **18-273** Approve the award of Change Order #1 to the second two-year extension of Contract 14-145, SCADA Maintenance, to Advanced Automation and Controls for an amount not to exceed \$70,000 and a total award of \$174,690
7. **18-277** Approve the award of Change Order #1 to Contract 17-148, Sanitary Sewer Upper Manhole Structure Rehabilitation, to Performance Pipelining, Inc. for an additional 214 days

8. **18-317** Approve the City Council meeting schedule for May, June & July 2018
9. **18-287** Pass the ordinance to establish temporary street closures and parking restrictions for the 2018 Memorial Day Parade and issue a Special Event permit
10. **18-301** Pass the ordinance granting a deviation to the 35' platted building line based on the provisions of Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the property located at 520 Highland Ave- PZC 18-1-020.
11. **18-308** Pass the ordinance approving a temporary use for a period of one year to allow two donation boxes at NaperWest Plaza, 510 S Route 59
12. **18-262B** Waive the first reading and pass the ordinance amending Title 3 (Business and License Regulations) of the Naperville Municipal Code, regulating commercial quadricycles (requires six positive votes)

Q:	Where does liability fall if someone falls off the peddle pub? At any point will the peddle pub receive a BYOB approval? Some of the roads approved for this use are subdivision collectors that pickup and drop off kids from the school bus, limiting street clearance will there be a time use restriction? Paragraph 6 has a clerical error of "for for".	Gustin, Patty
A:	<p>Where does liability fall if someone falls off the peddle pub? This is a complex question that is dependent on the circumstances of the fall. In general, liability may fall upon anyone whose negligence contributed to an injury. That liability may fall upon the owner/operator of the pedal pub, the person who fell, a third party that causes or contributes to the fall, etc. It is highly unlikely that the City would be exposed to any significant liability related to a fall unless an agent of the City caused or contributed to the fall or unless the fall was caused or contributed to by some defect in the City roadway sufficient to overcome the City's tort immunity.</p> <p>At any point will the peddle pub receive a BYOB approval? Currently there is not a liquor license in the City's code that would allow the sale or consumption of alcohol on a commercial quadricycle. It would require Council action to allow the sale or consumption of alcohol on a commercial quadricycle. Recently, the Naperville Liquor Commission recommended not allowing the sale or consumption of liquor on commercial quadricycles.</p> <p>Some of the roads approved for this use are subdivision collectors that pickup and drop off kids from the school bus, limiting street clearance will there be a time use restriction? The proposed ordinance does not limit time of use for commercial quadricycles. Staff believes it is highly unlikely that commercial quadricycles will operate at the same time or location as school buses. If that were to become an issue staff will bring the ordinance back to Council with recommended changes.</p> <p>Paragraph 6 has a clerical error of "for for". The scrivener's error will be corrected, thank you.</p>	DiSanto, Mike
Q:	<p>a. Please explain why the definition of "Arterial Roadways" was changed. Is there a difference between the "any roadway with a speed limit over 25mph" and "any roadway designated as a major or minor arterial in the adopted Master Thoroughfare Plan"?</p> <p>b. Are there non-commercial quadricycles?</p> <p>c. Does the revised definition of "Commercial Quadricycle" open the door to "recreational" or "not for profit" quadricycles operating in downtown? While I believe almost all uses would be as a business, I question whether the "used for commercial purposes" is needed and could limit our ability to protect the downtown area.</p>	Boyd-Obarski, Rebecca
A:	a. The definition of "Arterial Roadways" for the proposed section was changed to provide consistency with the already established definition from the Master Thoroughfare Plan. By following this definition, pedal	Louden, Jennifer /

	<p>pubs may operate on Local, Neighborhood Connector and Collector roadways outside of the downtown. Some of these roadways have speed limits greater than 25 MPH.</p> <p>b. Staff is unaware of any non-commercial quadricycles. Staff chose to define "pedal pubs" as "commercial quadricycles" for several reasons. It is important to consider that these "pedal pub" regulations are new and have not been tested by the courts. Therefore, it is recommended that the regulation be narrowly tailored to a legitimate government interest and be the least restrictive method needed to address said interest. At this time, the Council's primary concern is the commercial use of "pedal pubs" in the Downtown and arterial roadways based upon the bona fide interest commercial companies have expressed in operating Downtown. Council likely has broader authority to regulate local businesses than it does to regulate vehicles on the public roadway as that is a power generally exercised by the State through the Illinois Vehicle Code. Therefore, it is recommended that Council tailor its regulation to address the present issue of businesses operating these quadricycles. The proposed definition of commercial quadricycles is consistent with regulations that have been passed in other states, Michigan and Wisconsin, in particular. If non-commercial quadricycles become an issue in the City, Council may request or staff may bring this ordinance back to Council with recommended changes to address that issue.</p> <p>c. In order to meet the definition of commercial quadricycle in the ordinance the vehicle must be "used for a commercial purpose." Generally, "used for a commercial purpose" is intended and may reasonably interpreted to mean the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking. As such, not-for-profit use would be considered for a commercial purpose if any fare, fee, rate, charge or other consideration was connected with the use of the commercial quadricycle. It is unlikely that recreational use would fall under that definition and thus, pure recreational use would not be subject to the Downtown/Arterials prohibition (see answer above for more detail why regulating the commercial use versus the roadway use is recommended). Nevertheless, if Council so chooses it may strike the "commercial purpose" requirement from the definition and change the regulation to focus on all "quadricycles" rather than just "commercial" ones, however, staff believes that said change would make the ordinance more vulnerable to a challenge.</p>	DiSanto, Mike
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13. **18-311** Adopt a resolution approving an intergovernmental agreement for the engineering services and construction of traffic signals at the intersection of 95th Street and Knoch Knolls Road.

Q:	What are the traffic accident totals and or tickets for that intersection?	Hinterlong, Paul
A:	The last three full years of crash data that have been evaluated are for 2014, 2015 and 2016. For those years, there were 2, 7 and 8 crashes at the intersection, respectively.	Zibble

14. **18-281** Approve the display schedule and locations for the 2018 Summer Sculpture Program

K. OLD BUSINESS:

1. **18-320** Approve Ryan Companies continuing with 5th Avenue community engagement efforts and market and technical research to determine feasible and beneficial redevelopment options for City Council consideration in accordance with the update provided at the April 17, 2018 City Council Workshop.

L. ORDINANCES AND RESOLUTIONS:

1. **18-188B** Pass the ordinance approving a major change to the resubdivision of Lot 11 of Naperville Crossings PUD, a conditional use for an automobile repair

facility, and a preliminary/final PUD plat on the property located at 3136 Anna Marie Lane (Christian Brothers Automotive Corporation) - PZC 17-1-143

Q:	<p>a. Where is the walking path from the nearby neighborhood?</p> <p>b. Does the PUD include pedestrian access (sidewalks and crosswalks) connecting this lot and the other two vacant lots? E.g. connecting it and Andy's Custard to the rest of Naperville Crossings?</p> <p>c. Does staff or NDP have any information on potential uses of the lot to the North and the lot to the East?</p> <p>d. Is there a Naperville Crossings business owner group similar to DNA?</p>	Boyd-Obarski, Rebecca
A:	<p>a. There is a sidewalk connection from Heatherstone via Fairmont Avenue that leads into the development through The Tapestry. In addition, there is sidewalk along 95th Street.</p> <p>b. Sidewalk is proposed along the northern property line of the subject property; this sidewalk will connect to existing sidewalk to the east (Fire Station Property) and west (Andy's Frozen Custard). Sidewalk is additionally provided along the west side of Reflection Drive from 95th Street to AMC Theaters.</p> <p>c. No formal development applications have been submitted for the properties referenced. However, staff has seen some conceptual plans proposing multi-family residential for the properties located north of Anna Marie Lane.</p> <p>d. No, Naperville Crossings does not have a business group. Prudential owns the commercial properties fronting Route 59; MidAmerica Bank manages these properties. First National Bank of Brookfield owns and manages the vacant properties located internal to the site and along 95th Street.</p>	Laff

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. **18-156** Approve the award of Bid 18-008, Electric Tree Trimming, Tree Removal and Disposal of Debris, to Asplundh Tree Experts, LLC for an amount not to exceed \$1,202,000 and to D. Ryan Tree & Landscape Service, LLC for an amount not to exceed \$200,000 for a total award of \$1,402,000, plus a 3% contingency and for a two-year term

Q:	The report suggests there are limited tree contractors some lacking organization to complete the job needed by the City. Do we have on hand Public Works or other departments that would want to subsidize the work needed to be done?	Gustin, Patty
A:	Although it is true that DPW has people and equipment to trim and cut down trees, this type of work near power lines and in the side and rear yards is very dangerous and requires other equipment and training to be cost efficient. Having the Forestry Department take on this type of work would take a learning curve and would put the City at a higher risk for injury and damage. At the current time, existing staff cannot handle the additional workload.	Curran/ Dublinski

O. REPORTS AND RECOMMENDATIONS:

1. **18-295** Provide feedback regarding potential streetscape improvements along Ogden Avenue from Washington Street to the City's eastern boundary.

Q:	What other expenses or projects are ComEd credits used on? How do these credits accumulate? It has been recommended by residents and business owners to hire a company that has experience in Trending Affects on Suburban Corridors, offering project assessment, defining of improvements needed, scope, and expected project outcomes, and pricing. As exemplified by the many reports produced throughout the City, a report of this kind may	Gustin, Patty
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	better provide guidance on how best to be most effective and cost conscious in this area. Has staff worked on or considered such an option for this area?	
A:	<p>ComEd Credits: The ComEd credits have to be used to underground existing overhead ComEd lines. The credits accumulated at a rate of 0.4% of the revenues collected by ComEd for power supply service provided to the City from July 1, 1994, through May 31, 2007, when the City's contract with ComEd expired. The City is proposing to apply its approximately \$1.5 million in remaining ComEd credits to underground ComEd overhead lines on Ogden Avenue.</p> <p>Report: Houseal Lavigne Associates completed the "Ogden Avenue Corridor Enhancement Initiative" in 2008. In addition to providing recommendations regarding land use, corridor beautification, and implementation, a market analysis was completed with this plan. Since that time, NDP and City staff continue to analyze the market along the Ogden Avenue Corridor using CoStar and ESRI demographic/market data; however, tenancing and redevelopment options are largely dependent on the underlying property owner. Finally, staff hired Hitchcock Design Group to provide design recommendations for the Ogden Avenue Streetscape, which were presented at a public open house, along with implementation and funding options. Based on the response received, staff has prepared an alternative design and implementation option as noted in the current report. Beyond the above efforts, staff has not worked on additional reporting efforts internally; funds have not been budgeted to date to hire a consultant to provide an overall comprehensive report as noted above (which may range in cost from \$60,000 - \$100,000+).</p>	Curran/Laff

Q:	<p>1. With respect to existing pole signs on Ogden, I am aware there is an ordinance in place that requires the pole signs to come down as buildings change hands. That ordinance is many years old now, yet numerous pole signs are in place. Could we amend this ordinance to require them all to be down by a certain date? The pole signs are not attractive and some could foreseeable be up decades if they don't have to come down until the property is sold.</p> <p>I have received multiple calls from residents and one business owner complaining about the individuals camping near Ogden. One being the Huber camp and the other being another homeless woman camped near the 5th third bank near Naper and Ogden. I've been told by staff that both camps (which are growing in size) are on unincorporated property so I've directed these inquiries to the County. County staff disagrees with our staff assessment and has been directing these inquiries back to the City. It's been aggravating for the residents concerned. I think we need our staff to talk to county staff to pin down what the correct answer is so inconsistent information is not being given to residents. I would also like to confirm that in both cases social services agencies have been directed to the camp sites and in both cases the individuals have declined assistance and refuse to leave...i.e. have free Housing alternatives in fact been presented to these individuals?</p>	Coyne, Kevin
A:	<p>Pole signs are prohibited per the Sign Code. Many that remain along Ogden Avenue are classified as "non-conforming" and are subject to the following (note: some pole signs were allowed through the variance process; those signs are considered legal and are not subject to the section below):</p> <ul style="list-style-type: none"> • Ordinary repairs and maintenance, including removing and replacing of the outer tenant panels shall be permitted (except in those cases when the revision of the display of commercial speech is due to a change of the business tenant). No structural alterations, or other similar work shall appreciably extend the normal life of the sign. • No repair, alteration, or replacement which increases the size of the sign shall be permitted. • A nonconforming sign which is destroyed or damaged by fire to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed fifty percent (50%) of the cost of the replacement of the entire sign, shall not be restored unless said sign 	Laff

	<p>shall conform to all of the regulations of this Chapter and other applicable regulations of the City of Naperville.</p> <ul style="list-style-type: none"> If a nonconforming sign is discontinued for a continuous period of one hundred eighty (180) days, it shall be removed, and any subsequent sign shall conform to all of the requirements of this Chapter and other applicable regulations of the City of Naperville. <p>The current ordinance language could be amended to establish an amortization period by which all non-conforming pole signs must be removed. Said amendment will require a public hearing before the Planning and Zoning Commission with final approval by City Council; per code, all impacted property owners would be notified of the pending change. Staff did consider recommending the establishment of an incentive program to encourage the replacement of non-conforming pole signs with legal monument signs; however, there are no funds available within the current budget to support this effort and, given the volume of signs, this incentive program could require significant funding levels.</p> <p>Staff is continuing to investigate the two camp locations referenced above and will coordinate with DuPage County regarding the responsible agency, any potential violations, and any resulting enforcement actions; staff will provide further information to the City Council once it is available. Staff can confirm that both individuals have been informed of social service agencies and their offerings; both individuals acknowledged their offerings and elected not to pursue them.</p>	
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Q:	<p>a. Street signs – what is the cost of just replacing the Ogden Ave street signs with new Green Signs (standard issue)? Many of the current signs are in very poor shape, letters rubbed off and green background peeling.</p> <p>b. Transformer Boxes – were covers for the transformer boxes considered? If so, what were the considerations in not recommending covers?</p> <p>c. Signage – what is the estimated cost of one of the alternative sign structures?</p> <p>d. Is the standard sign installation something that the city could cost-share with the property owners?</p>	Boyd-Obarski, Rebecca
A:	<p>a. Street signs: there is no increase in price from the standard green street signs to the proposed blue street signs. Therefore, either option would cost approximately \$40,000.</p> <p>b. Transformer Boxes: The initial consideration for not using covers on transformer boxes is due to pricing. A wrap has a maximum life expectancy of 5 years at a cost of approximately \$1000 while painting has a life expectancy of 25-30 years at a cost of \$1,500.</p> <p>c. Signage: At this time, staff does not have pricing information for the alternative sign structures. However, staff has reached out to an Ogden Avenue property owner who is currently bidding this work for his property to learn more.</p> <p>d. Cost-Share: Yes, if the City Council allocates funding, a program could be established to incentivize property owners to replace their existing monument signage with the proposed Ogden Avenue design.</p>	Laff/Curran
Q:	How much have we spent up to this point for our designers and architects and what did we budget for this process?	Hinterlong, Paul
A:	The City retained Hitchcock Design Group in 2017 to develop the original streetscape design proposals for a cost of \$7,500. The NDP has worked with Kevin Peterson Associates to develop the revised signage proposal; to date, NDP has not paid a fee for this work. Staff has not budgeted any additional funds for work along Ogden Avenue; the work proposed in the agenda item would either be accounted for through existing CIP programs (i.e., transformer maintenance is budgeted annually for work throughout the City), new 2019 CIP projects (i.e., replacement of street signage), or other funding (i.e., ComEd credits).	Laff

2. 18-304 Approve the final design of the Naperville Jaycees Park (Item 1 of 2)

Q:	<p>Has the Riverwalk Commission approved this drawing as presented? Has the Park District provided input? On first blush I have following concerns: The solid overhead wood roof features will accumulate snow, potentially people climbing on the roof plus graffiti plus solid roofs are an increased maintenance item. Maybe the solid wood roofs can be changed to a rolling outdoor fabric for retraction during inclement weather, auto retraction weather indicators may be available depending upon application. Can you provided a layover landscape plan including current landscape verses proposed, new trees, trellis vines or other soft scape items? Vines along the wooden poles may provide a softer sterile look. Has staff asked the Jaycees to consider participating in the yearly maintenance of the Park or yearly in the planted materials?</p>	Gustin, Patty
A:	<p>Has staff asked the Jaycees to consider participating in the yearly maintenance of the Park or yearly in the planted materials?</p> <p>The donation agreement with the Jaycees obligates the Jaycees to donate \$200,000 to the Riverwalk Foundation over a period of no more than ten years to partially cover costs associated with the construction and maintenance of the park. The agreement states that the Jaycees are not otherwise responsible for any maintenance of the park.</p>	DiSanto, Mike
A.	<p>Has the Riverwalk Commission approved this drawing as presented? Yes, the Riverwalk Commission has seen and approved the drawings as presented.</p> <p>Has the Park District provided input? Yes, the Park Board of Commissioners approved the Jaycees Park at their April 12, 2018 meeting.</p> <p>On first blush I have following concerns: The solid overhead wood roof features will accumulate snow, potentially people climbing on the roof plus graffiti plus solid roofs are an increased maintenance item. Maybe the solid wood roofs can be changed to a rolling outdoor fabric for retraction during inclement weather, auto retraction weather indicators may be available depending upon application.</p> <p>The roof of the shade structures will not be a solid wood structure but spaced out dimensional lumber (3" x 6") that will give shade to the patrons below. It is not designed to hold out precipitation of any kind. Currently the design is over 11 feet high and we feel that even standing on a 30 inch table that vandals will have a very hard time trying to deface this dimensional lumber and getting on top of these structures.</p> <p>Can you provided a layover landscape plan including current landscape verses proposed, new trees, trellis vines or other soft scape items? The landscape plan provided shows the existing trees to remain (lighter tree symbol) along with the new landscape (darker tree symbols).</p> <p>Vines along the wooden poles may provide a softer sterile look. The shade trellis posts and frame are steel with an extremely durable and rust resistant powder coat finish similar to steel play structures. We do not recommend vines on these types of shade structures due to increased maintenance.</p>	Jan Erickson

Q:	<p>a. What is the cost of installation of the Park as presented? b. Was there money set aside in the initial proposal for annual/future maintenance?</p>	Boyd-Obarski, Rebecca
A:	<p>a. The \$416,000 budgeted amount includes the cost of installation of the park. b. The funds generated by the solar panel will cover the \$1,500 cost of annual/future maintenance.</p>	Jan Erickson

3. **18-310** Approve the Naperville Jaycees Park as an addition to the Naperville Riverwalk (Item 2 of 2)

