

Sept. 1 2020 – Council QA

Wednesday, August 26, 2020 4:45 PM

F. AWARDS AND RECOGNITIONS:

1. **20-981** Presentation of the 2020 Naperville Seniors of the Year awards

I. CONSENT AGENDA:

1. **20-990** Approve the regular City Council meeting minutes of August 18, 2020
2. **20-997** Approve the City Council meeting schedule for September, October & November 2020

Q:	As other governmental entities offer zoom and in-person meetings what date will City Council be able to do the same, either in chambers or at another location? Some are offering both zoom and in-person with social distancing located outside City Council Chambers.	Gustin
A:	Currently Council Chambers remains under construction due to the audio/visual upgrade. Certain key video equipment remains backordered due to pandemic-related supply chain issues. Staff has located and procured acceptable substitutes that do not sacrifice quality or result in higher costs when backorder dates are too far in the future; certain pieces best suited for this project remain on track to be shipped in early- to mid-September. Our contractor is in regular communication with the companies supplying this equipment to expedite delivery where possible. Full wiring and integration cannot be completed until all video equipment is in hand. Staff continues to estimate installation and post-install tasks (testing, training, finalization of audio and visual integration, etc.) to continue until mid-October. Because of the interconnectivity of our government access TV station (WCNC) and streaming media platform (Granicus), moving off-site would mean live meeting broadcasts on WCNC and website live-stream capabilities would not be available.	Schatz

3. **20-876** Approve the award of Change Order 1 to Procurement 17-199, Biosolids Removal Services to Stewart Spreading for an amount not to exceed \$108,586 and a total award of \$314,086
4. **20-910** Approve the award of Sole Source Procurement 20-311, SPX Flow Parts and Service, to Mills-Winfield Engineering for an amount not to exceed \$90,000 for a two-year term

5. **20-833** Approve the award of Option Year One to Contract 19-040, Centrifuge Dewatering Polymer, to Polydyne Inc. for an amount not to exceed \$175,812 and for a one-year term
6. **20-924** Approve the award of Bid 20-292, 2020 Lateral Grouting Cress Creek Phase 6, to Michels Corporation for an amount not to exceed \$310,360, plus a 5% contingency
7. **20-887** Approve the Calendar Year 2021 (CY21) allocations for the City Obligations category of the SECA Grant Fund Program in the amount of \$1,020,991

Q:	Could you please break down the \$155,403 City Obligation to the Naperville Municipal Band? What do these funds cover and why are they slightly different each year?	Sullivan
A:	<p>The 2021 request is \$1,788, or 1.16%, above the 2020 request. Information submitted from the NMB states that the funds will be used to cover the annual operating expenses listed below.</p> <p>1. Director and Member reimbursement fees; 2. Insurance to cover NMB instruments, music, and liability required by performance facilities; 3. Performance fees such as venue rental, advertising and printing, and guest soloists; 4. Facility fees such as uniforms, music, and instruments; 5. Student scholarship fees which are awarded to area 8th graders</p>	Gallahue
Q:	Please provide definition of “City Obligations” and “City Discretion” and its effect on the Council Authority to change or modify. Will this change preclude Council from its input and authority? In this time of Covid19 and potential of unstable future budgets, there are three requests for funding with no cost increase and one the Municipal Band reduced their funding request. Please provide an explanation and reason for each increase by items on this list.	Gustin
A:	While SECA is promoted as a \$1.9M grant program, a significant portion of funding is dedicated to City Obligations. City Obligations are items that must be funded in accordance with a Council-approved Ordinance, Resolution, Intergovernmental Agreement, or in support of program administration. The SECA Commission does not review the City Obligations items. Once the City Council approves the annual City Obligations allocations, the remaining SECA amount, or Discretionary Funding, is made available for grant applicants such as Naperville Responds for Veterans, Jaycees, Simply Vedic, and the Men's Glee Club among many others. Applications from these groups are submitted to, and reviewed by, members of the SECA Commission (not City staff). The City Council then reviews the SECA Commission recommendations each fall/winter and gives final approval in January/February.	Gallahue
Q:	Does the City IT Department have ability to develop or access to a cheaper grant management program? Please explain the yearly cost increase, owned program, licensing agreement costs, etc?	Gustin
A:	At this time, IT does not have development expertise in the department to create a new grant management system. Since 2015, the City Clerk's Office has used the software-as-a-service (SAAS) platform GIFTS Online for the annual online grant application processes related to SECA, Social Services, and CDBG. Blackbaud, Inc will maintain consistent pricing for GIFTS Online for the next three years. Staff could release an RFP for a grant management program, however the cost to rebuild three application templates and workflow processes, retrain staff and applicants on a new program, and maintain grants	Gallahue

	and all supporting documentation in two disparate systems are not preferred over the current solution.	
Q:	Please provide the City employee policy manual relating to SECA and/or any other City funding arm that provides funds to grant recipients that provide for allowable City employee relationship as a member of grant recipient board.	Gustin
A:	<p>SECA funding is recommended by the members of the SECA Commission (appointed by the mayor and Council) and is ultimately approved by the City Council. City employees have no role in determining/approving annual allocations. Similar to the City Council, employees must disclose ownership, employment, or family interests in any contract, business, or transaction with the City. The City employee conflict disclosure form is attached. Below are sections from the Employee Policy Manual and Naperville Municipal Code that address ethics and conflicts re: City employees.</p> <p>Section 2.8 of the City's Employee Policy Manual states:</p> <p>The City will conduct its business honestly and ethically wherever we operate and interact. We strive to improve the quality of City services and will maintain a reputation for honesty, fairness, respect, responsibility, integrity, trust, and sound business judgment. All employees are expected to adhere to high standards of business and personal integrity as a representation of our local government practices.</p> <p>It is expected that elected and appointed officials, directors, and employees will not knowingly misrepresent the City and will not speak on behalf of the City unless specifically authorized. The confidentiality of proprietary information, commercially sensitive information about the City, our operations, or that of our customers or partners, is to be treated with discretion and only be disseminated on a need-to-know basis.</p> <p>There are many laws, including state laws and local laws, which regulate the ethical conduct of City employees. Accepting gifts or discounts from persons or entities that do business with the City is closely regulated. In addition, certain departments have policies that are more restrictive than the state and local laws. All employees are required to conduct themselves consistent with the ethics law (text of the Local Ethics Ordinance can be found on the Intranet). The City Attorney is the Ethics Officer and should be consulted when ethical questions arise.</p> <p>Violations of an ethical nature may result in discipline, up to and including termination of employment.</p> <p>Section 3.2 of the City's Employee Policy Manual states:</p> <p>The City does not intend to restrict employees from engaging in outside employment; however, the employee's position with the City should always be considered the primary work responsibility. It is also important that any outside employment does not place the employee in a position of conflict of interest with his or her City employment. For these reasons, the restrictions described below apply to all employees.</p> <p>Employees will not be permitted to engage in outside work which:</p> <ol style="list-style-type: none"> 1. Is of such a nature that it may be reasonably construed by the public to be an official act of the City or a department thereof. 2. Produces a conflict of interest with any enforcement or inspection functions of the City. 3. Produces a conflict with the working hours of the employee, including stand-by and availability for callout. 	DiSanto/ Gallahue

4. Involves use of City facilities, equipment or supplies.
5. Involves use or sale of information related to City operations.
6. Interferes with sufficient time for rest to ensure health, safety and efficiency in the primary job.

Outside employment for sworn police and fire employees must be approved by the respective department chief.

Section 1-13-7 of the Naperville Municipal Code specifically address employee conflicts of interest. It states:

City employees may have an ownership, employment, or family interest in any contract, business, or transaction with the City, provided that the City employee shall file with the City Manager the disclosure required in Section 1-13-6 of this Chapter, prior to approval of said contract, business, or transaction by the City Manager or the City Council. Said disclosure shall be included in the agenda of the meeting at which any such interested matter is to be considered.

1. The City Manager shall reject any proposed contract, business, or transaction which directly affects the department where the employee works or where the employee is in a position to recommend, as part of his official duties, any such contract, business, or transaction.
2. The City Manager may, by administrative directive, establish additional standards for employees who may have an interest in any contract, business, or transaction with the City.
3. Any employee who knowingly fails to file a disclosure required by this Section shall be subject to immediate dismissal from employment with the City.

Section 1-13-9 of the Naperville Municipal Code specifically adopts and makes applicable to City employees the State Officials and Employee Ethics Act (5 ILCS 430). It states, in part:

2. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act by any officer or any employee of the City is hereby prohibited.
3. The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act is hereby prohibited.
4. The participation in political activities prohibited under the Act by any officer or employee of the City is hereby prohibited.

8. **20-980** Approval of Mayoral Appointment to the Sister Cities Commission
9. **20-797B** Pass the ordinance approving a major change to the Naperville Crossings PUD allowing for deviations to permit a drive-through on Building 7 Lot 16 - PZC 20-1-044

Q:	Will the trash area be exposed on Showplace? Does Staff believe there is enough landscape buffer around the trash area adding to the iShowplace overall PUD?	Gustin
A:	Screening is provided on three sides of the dumpsters, including the side facing Showplace drive, effectively screening them from view (see area on site plan labeled "trash"). The "T" referenced on the	Mattingly

	site plan refers to the transformer pad. DPUE has required the shrubs be removed from the west end of the transformer to allow for opening of the transformer. The new transformer was required to be installed facing west due to the existing transformer pad/vault opening orientation.	
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10. **20-868B** Pass the ordinance granting a variance to the sign requirements in order to construct a new ground sign for the property located at 1564 West Ogden Avenue - PZC 20-1-054
11. **20-914** Pass the ordinance approving the transfer of \$15,571,920 of the 2020 Volume Cap to the Town of Normal

Q:	It appears we don't use our allotment of private activity bonds most years. Why is that?	Sullivan
A:	The volume cap is only available to private organizations and the tax-exempt bonds issued through the program hold significant restrictions. Very few organizations are qualified to use the bonds and applicable projects tend to take several years to develop, which presents few opportunities for use. Consequently, applicable projects within Naperville city limits have not been presented to the city in recent years.	Mayer
Q:	Does Staff see any future use by the City of Naperville of these types of funding instruments, i.e. affordable and/or attainable housing programs or developments?	Gustin
A:	Staff does not anticipate the use of volume cap funds within the city in the immediate future as no private organization has come forward with requests. Due to the nature and restrictions of funds, few projects are built around the use of the volume cap. If the city were to sponsor a project related to affordable and/or attainable housing, funding would likely come from a general obligation bond, which carry more advantages to the city's financial health.	Mayer

12. **20-440B** Pass the ordinance to establish temporary street closure for the rescheduled September and October Soap Box Derby races and issue Amplifier and Special Event permits subject to all state and local Executive Orders and CDC guidelines

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. **20-894** Receive the staff report regarding the implementation of the Water Advanced Metering Infrastructure (AMI) Project (Item 1 of 5)
2. **20-983** Approve the award of RFP 19-214, Automated Meter Infrastructure (AMI), to Core & Main LP for an amount not to exceed \$7,155,860 plus a 3% contingency and affirm bonding as the project financing source (Item 2 of 5)

3. **20-984** Adopt the resolution approving a Provider Services Agreement (PSA) between the City of Naperville and Core & Main LP for design and installation of the Water AMI Project and related agreements (Item 3 of 5)
4. **20-985** Waive the first reading and pass the ordinance amending Title 8 (Public Utilities - Customer Bill of Rights) of the Naperville Municipal Code (requires 6 positive votes) (Item 4 of 5)
5. **20-986** Approve the award of Sole Source Procurement 20-322, Water Utilities MDMS Software and Support, to Harris Computer Systems for an amount not to exceed \$247,580 and for a one-year term (Item 5 of 5)

O. REPORTS AND RECOMMENDATIONS:

1. **20-972** Approve the hiring of a Diversity and Inclusion Manager position

Q:	Does staff have any concerns modifying the title and job description to consistently use "Diversity, Equity and Inclusion" instead of only diversity and inclusion to make it clear all three are related, but separate, goals of the role?	Sullivan
A:	Staff has no concerns with this change.	Schatz
Q:	What metrics will this role be accountable for, and what resources (financial, staff or decision making power) will the City allot to the role to ensure these metrics can actually be affected by the person accepting this role?	Sullivan
A:	This position serves a variety of roles, supporting DE & I initiatives and work within the organization as well as the community. The impact of the DE & I position over time will be measured both qualitatively and quantitatively. For example, the number of employees completing implicit bias training lends itself to a quantitative measure while the value in serving as a linkage between community partners and the City is qualitative. In all cases, we will work with the DE& I Manager upon hiring to help us understand our current landscape and establish priorities through interaction with the organization and the community. If additional financial resources are needed to complete agreed upon priorities, the request for these dollars would need to follow the same process as other budget additions. From a staffing perspective, City services are provided by cross-functional teams dependent on the resources needed and this work will be consistent with that model. These teams allow us to leverage the appropriate staff regardless of what department they are part of. Staff does not have concerns with decision-making power. Consensus Council direction plays a large role in priority setting by staff, and will be incorporated into the ultimate metrics selected.	Schatz
Q:	In discussing with representatives from DOJ and receiving numerous communications by residents regarding the	Gustin

	deletion of the housing reference in the Housing Advisory Commission change to Human Rights Commission, it would be helpful to avoid confusion, provide transparency and common identification of the Commissions function to Human Rights & Housing Commission. How can that be corrected to provide inclusion and clarity for the community?	
A:	The Human Rights Ordinance and corresponding revisions to the Municipal code regarding the Human Rights Commission will be presented to the City Council at the September 15 th meeting. The full scope and duties of the commission will be presented in the ordinance therefore staff would recommend that meeting as the appropriate time to make any changes to the name of the commission. If the name of the commission is changed, the job description would be revised to reflect those changes.	Schatz

NAPERVILLE EMPLOYEE
DISCLOSURE OF INTEREST IN CONTRACT, BUSINESS, OR TRANSACTION

1-13-7: CITY EMPLOYEES: City employees may have an ownership, employment, or family interest in any contract, business, or transaction with the City, provided that the City employee shall file with the City Manager the disclosure required in Section 1-13-6 of this Chapter, prior to approval of said contract, business, or transaction by the City Manager or the City Council. Said disclosure shall be included in the agenda of the meeting at which any such interested matter is to be considered.

1. The City Manager shall reject any proposed contract, business, or transaction which directly affects the department where the employee works or where the employee is in a position to recommend, as part of his official duties, any such contract, business, or transaction.
2. The City Manager may, by administrative directive, establish additional standards for employees who may have an interest in any contract, business, or transaction with the City.
3. Any employee who knowingly fails to file a disclosure required by this Section shall be subject to immediate dismissal from employment with the City.

Agenda Date & Item Number: _____

Name: _____

Position with City: _____

Name of entity contracting with City: _____

Proposed contract, business, or transaction: _____

I have an ☐ Ownership ☐ Employment ☐ Family ☐ Appearance of Impropriety ☐ Other
interest in the proposed contract, business, or transaction as follows: _____

Dated: _____

Signature: _____

1-13-1: - DEFINITIONS: The following definitions shall apply to this Chapter:

BUSINESS OR TRANSACTION:	Licenses, permits, approvals, and benefits granted, given, or entered into by the City. Business or transaction restrictions shall not apply to those applicants exempted under Section 1-12-5 of this Title, unless specifically hereinafter provided.
CONTRACT:	Any agreement between the City of Naperville and any person, firm, corporation, or entity for the purchase of materials, goods, or services or real estate from the entity. Contract shall also mean any agreement whereby real estate, materials, goods, or services are sold by the City to the entity. Contract shall also mean a deposit of monies, loans, or other financial services provided to the City by banks and other thrift institutions. Contract shall include employment by the City.
EMPLOYMENT INTEREST:	An employment interest exists where a person is an employee or agent of the entity contracting or having any business or transaction with the City, and: <ol style="list-style-type: none">1. The person is compensated in a manner so that he would receive a commission, bonus, or profit sharing distribution based in whole, or in part, on the contract, business, or transaction with the City, or2. The total of all contracts, business, or transactions between the City and the entity, in any calendar year, amount to more than twenty-five thousand dollars (\$25,000.00). An employment interest shall not include employment by another unit of government.
FAMILY INTEREST:	A family interest exists where a person has a wife, husband, son, daughter, father, mother, brother, or sister who has an ownership or employment interest in a contract, business, or transaction with the City.
OWNERSHIP INTEREST:	An ownership interest exists where a person is the sole proprietor, owner, partner, stockholder, or joint venturer of the entity contracting, or having any business or transaction with the City.

1-12-5: - EXEMPTIONS:

1. Disclosures in accordance with the provisions of this Chapter shall not be required of applicants for the following described contracts, permits, licenses, approvals or benefits:
 - 1.1. Vehicle Stickers.
 - 1.2. Parking Permits.
 - 1.3. Bicycles licenses.
 - 1.4. Dog licenses.
 - 1.5. Electrical contractor's licenses.
 - 1.6. Plumbing contractor's licenses.
 - 1.7. Sidewalk contractor's licenses.
 - 1.8. Alarm permits.
 - 1.9. Amplifier permits.
 - 1.10. Taxicab, liver, limousine and carriage licenses.
 - 1.11. Block party permits.
 - 1.12. Going out of business permits.
 - 1.13. House moving permits.
 - 1.14. Parade permits.
 - 1.15. Peddlers' and solicitors' permits.
 - 1.16. Raffle permits.
 - 1.17. Purchase orders or contracts involving amounts less than ten thousand dollars (\$10,000.00).
 - 1.18. Sign permits (if no variation is requested).
 - 1.19. Applications for historic preservation district designation.
 - 1.20. Applications for landmark designation.
 - 1.21. Applications for utility service.
2. Disclosures in accordance with the provisions of this Chapter shall not be required to be under oath for building permits for the following structures:
 - 2.1 Decks.
 - 2.2. Patios.
 - 2.3. Room Additions.
 - 2.4. Garages.
 - 2.5. Temporary electric service changes.
 - 2.6. Swim pools.
 - 2.7. Lawn sprinklers.
 - 2.8. Construction trailers.
 - 2.9. Gazebos.
 - 2.10. Sheds.

1-13-8: - NO DISCLOSURE REQUIRED: Notwithstanding any other provision of this Chapter, no disclosure is required under Sections 1-13-6 and 1-13-7 of this Chapter where the only interest is five percent (5%) or less ownership of shares of a publicly held corporation traded on a stock exchange.