

Observer Report

Organization Observed	Naperville City Council
Observer	Allison Longenbaugh
Date	Tuesday, September 6, 2022
Meeting Time: X-Y	7:00 pm - 9:35 pm
Meeting Held-In Person, Remote, Hybrid	In Person
Meeting Observed- In Person, Livestream, Recorded	Livestream, Recorded

Attendees (note if remote)

Quorum (yes or no)	yes
Elected	Mayor Steve Chirico Councilwoman Jennifer Bruzan Taylor Councilwoman Patty Gustin Councilman Paul Hinterlong Councilman Ian Holzhauer Councilman Paul Leong Councilwoman Theresa Sullivan Councilman Benjamin White Absent: Pat Kelly
Staff (list names/roles)	City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz City Attorney, Mike DiSanto Director of Community Services/City Clerk, Pam Gallahue Police Chief, Jason Arres; Fire Chief Puknaitis Director of Finance, Rachel Mayer Director of Human Resources, James Sheehan Director of IT, Jacqueline Ngyuen Director of TED, Bill Novak; Deputy Director of TED, Allison Laff Director of Public Utilities - Electric, Brian Groth Director of Public Utilities - Water, Darrell Blenniss, Jr.

Director of Public Works, Dick Dublinski
Director of Communications, Linda LaCloche

Press (list names)

NCTV-17, Naperville Sun, Daily Herald

Public (number)

At least 30

General Observations _____

	Yes	No	Comments
Meeting start on time?	x		
Facilities large enough?	x		
Audience able to hear proceedings?	x		
Room ADA Compliant?	x		

Illinois Open Meeting Act Requirements

	Yes	No	Comments
Meeting Notice Posted?	x		City website: Current Meeting listing (will update to show current meetings): https://www.naperville.il.us/government/city-of-naperville-government-meeting-listing/ City meeting management system (legistar): https://naperville.legistar.com/MeetingDetail.aspx?ID=996216&GUID=CFE9E7D3-2FDD-4E10-A7B1-BF6DFEB8162C&Options=&Search=
Agenda Posted 48 hours prior to meeting?	x		Agenda posted on legistar & emailed on Wednesday, August 31, 2022. https://naperville.legistar.com/MeetingDetail.aspx?ID=996216&GUID=CFE9E7D3-2FDD-4E10-A7B1-BF6DFEB8162C&Options=&Search=
Agenda clearly describes items to be discussed?	x		
Meeting packet available to the public before meeting?	x		https://naperville.legistar.com/MeetingDetail.aspx?ID=996216&GUID=CFE9E7D3-2FDD-4E10-A7B1-BF6DFEB8162C&Options=&Search=
Minutes from previous meetings posted?	x		Minutes from the last meeting (8/16/2022) were approved during this meeting and posted on the legistar on 9/7/2022. https://naperville.legistar.com/LegislationDetail.aspx?ID=5808688&GUID=41688CCA-260A-4750-81B8-62B2ED3E94CE&Options=&Search=
Public Comment encouraged?	x		
Public treated respectfully?			

Business Transactions

Agenda and Packet Found Where	https://naperville.legistar.com/MeetingDetail.aspx?ID=996216&GUID=CFE9E7D3-2FDD-4E10-A7B1-BF6DFEB8162C&Options=&Search=
Meetings Streamed and Archived Where	https://naperville.legistar.com/DepartmentDetail.aspx?ID=34747&GUID=ACE7D218-B3F0-4AF6-B414-F8F820FB6FEE&Mode=MainBody
Closed Session Notes From Agenda	<p>Minutes from a list of closed-session meetings from 2019-2022 will be approved to be released.</p> <p>https://naperville.legistar.com/LegislationDetail.aspx?ID=5808668&GUID=864F52E9-0BD2-4687-B117-46EF25EBABAE&Options=&Search=</p> <hr/> <p>Public comment</p> <ol style="list-style-type: none">1. Chuck Vlakika – Naperville resident, veteran. Felt he was discriminated against when he was turned down by a HOA (not the seller) when he tried to use his VA-guaranteed loan to purchase a condominium. Asked if the city’s attorney could help. Council response: Mayor advised him that the City has a process for this type of housing claim and asked the speaker to leave his contact information with Staff.2. Kenn Miller (Safe Suburbs USA) – Naperville. Hosting an awards benefit breakfast on 9/22/2022 in Oakbrook.3. John and Dorothy Pfeuffer - (Neighbors in SayBrook on 14th Ave) – Ordinances and codes enforcement and updating – Naperville. Would like the Council to revisit temporary food vendor ordinances, and gave examples of the taco truck on Loomis/Ogden and liposuction/breast augmentation sign on Washington/7th. Council/Staff response: Gustin agreed that the signage on Washington/7th seems very bright. Novak (TED Director) requested code enforcement to contact the business about dimming the sign.4. Wesley Gosselink - Ranch View Area Community Assistance. Gave an update on issues residents are still experiencing over a year after the tornado, the need for a non-profit partner, and intention to apply for grants.5. Mike Rue – Tornado clean up – Naperville. Shared experiences with the tornado and the aftermath.6. Kevin W Austin-The aftermath of Father’s Day 2021 tornado – Naperville. Shared the physical, mental, and financial costs of the tornado, which are still ongoing. Hoped insurance companies and contractors would help but the neighborhood is still not fully restored.7. Kelly Dougherty (Co-founder of Ranch View Area Community Assistance) - Tornado fundraising efforts/5013c partnership – Naperville. Co-founder the assistance group to help with cleanup. Discovered that insurance does not cover landscaping cleanup. They are looking for a 501c3 partner to provide assistance.8. Kristy Kennedy - (Co-founder of Ranch View Area Community Assistance Group)- Help for folks impacted by the 2021 tornado – Naperville. Stated that there are no non-profit groups in Naperville collecting funds to help tornado victims. Fundraising cannot move forward without a fiscal agent to assist with distributing funds responsibly and the group is asking for the Council for assistance in finding a 501c3. <p>Council/Staff response to Ranch View speakers</p> <ul style="list-style-type: none">● Mayor responded that it takes a long time to get a 501c3 set up. He will continue to try to find an available 501c3 that could be used.● Gustin Asked 1) if there is something the City can do with the insurance portion. 2) if Public Works can help with bulky trash removal (e.g. fencing). Dublinski (Public Works Director) said Groot can pick up anything for an additional fee and recommended
Business Transacted	

residents call first. 3) Staff to put the word out that the assistance group is looking for a 501c3 partner in Naperville. She will also make some calls.

- **Schatz** (Deputy City Manager). Regarding the insurance side, Senator Curran's office (41st District) was a bridge between the Department of Insurance and the residents, and helped them file claims.
- **White** toured the neighborhood. Picked up a handful of glass in a backyard and can validate that the concerns are real. Asked residents to call the City, as responses are complaint-based.
- **Holzhauer** asked Mayer (Finance Director) if the City could set up a grant or 501c3. Supports allocation of funds to a program. **Mayer** said the City could set up a grant program similar to the Utility Assistance program (which is run by Loaves & Fishes) if directed by Council. Setup could happen outside of the budget cycle.
- **Taylor** supports allocation of funds to an assistance program. Asked Staff for clarity on mission mis-alignment between nonprofits and this situation.
- **Schatz** said Staff can work on the clarity of language for a letter that could be used but asked Council members to leverage their personal connections to find a non-profit partner.

Consent Agenda - passed 8-0 (including Washington Street Bridge items)

Consent agenda, as passed *[additional description each item per agenda links in italics]*:

1. 22-1046 Approve the regular City Council meeting minutes of 8/16/2022
2. 22-0979 Approve the release of certain designated Closed Session meeting minutes and continue to maintain the confidentiality of all other unreleased Closed Session meeting minutes. *[The Illinois Open Meetings Act (OMA) requires public bodies to keep minutes at all meetings, open or closed. Minutes of open meetings must be available for public inspection following approval by the public body. However, minutes of closed meetings are not available to the public until the public body decides that confidentiality is no longer necessary. The confidentiality of the Closed Session meeting minutes is no longer necessary and may be designated as non-restricted. These minutes involve either the approval of prior Closed Session meeting minutes or litigation that has been resolved.]*
3. 22-1053 Approve the City Council meeting schedule for September, October, and November 2022
4. 22-0984 Approve appointments to the Sisters City Commission. *[The Mayor appointed Tony Chamberlain and Arun Mani to partial terms (9/6/2022-5/30/2025).]*
5. 22-0995 Waive the applicable provisions of the Naperville Procurement Code and approve the award of a 15-month extension to Contract 16-266, Fixed Income Money Management Services, to PFM Asset Management, LLC and Loop Capital Asset Management - TCH LLC (formerly Taplin, Canida & Habacht, LLC) for an amount not to exceed \$289K (requires 6 positive votes). *[The City of Naperville maintains a portfolio of cash and fixed income investments totaling \$220.4 million (as of 6/30/2022). The City uses 2 professional money management firms to oversee these investments, and an investment advisor to monitor and report on their activities and performance. Both money management firms performed satisfactorily during the third option year in what was an extraordinarily challenging investment market. While both portfolios experienced negative returns, both managers performed at or near the benchmarks established for the investments. Given the uncertainty that has existed over the past year in financial markets, the Financial Advisory Board (FAB) has recommended the City avoid any significant changes to investment policy or management structure. At its 8/8/2022 meeting, FAB voted to approve a recommendation to the City Council to extend the contract with PFM and Loop Capital for 15 months, which extends the term through the end of 2023.]*
6. 22-0939 Waive the applicable provisions of the Naperville Procurement Code in order to establish pricing for the 2022-2023 winter season and award Procurement 22-251, Roadway Snow Removal, to certain contractors for an amount not to exceed \$441,870

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- and for the period of 10/12022-4/30/2023 (requires 6 positive votes). *[The Department of Public Works (DPW) retains the services of multiple contractors to provide supplemental snow removal units. Due to increases in manpower and fuel, staff recommends a 10% increase in hourly rates for the upcoming 2022/23 winter season. DPW will begin accepting applications in September.]*
7. 22-0901 Approve the award of Bid 22-224, 2022 New Sidewalk Program, to Triggs Construction, Inc, for an amount not to exceed \$304,684.26, plus a 5% contingency. *[The Comprehensive Sidewalk Plan improves walkability in the City. In 2019, the selection process for the New Sidewalk Program was revised to better prioritize the remaining sidewalk gaps in the City. As a result, a 2-year program was created and approved by both the Transportation Advisory Board (TAB) and the City Council. The first year of the program was constructed in 2021 and this award is for the second year of the program.]*
 8. 22-0976 Approve the award of Bid 22-229, Police Department Building Renovations - Phase I, to Proline Fence Company for an amount not to exceed \$478,622, plus a 5% contingency. *[Installation of security fence and gates around the perimeter of the building. The work includes the demolition of the existing iron fence and swing gate on the police campus and installation of new 8-foot high, heavy duty security fencing, 2 high-security automatic sliding fence gates, a high-security swing gate, and restoration of all turf disturbed during the demolition and installation process. Also included in this bid is the demolition and removal of 8 windows in the Records Division, located on the north side of the building, and replacing them with new high-security window frames and glazing to be performed by a subcontractor.]*
 9. 22-0929 Approve the award of RFP 22-212, Springbrook Water Reclamation Center (SWRC) Influent Pump Station and South Plant Forcemain Improvements project, to CDM Smith, Inc. for an amount not to exceed \$579,420. *[This project involves engineering design for replacement of obsolete pumps with diminished capacity that are unable to be repaired. In addition, this project will configure the influent pump station for a future 50/50 flow split between the North and South plants, as well as design a forcemain to convey additional flow to the South plant.]*
 10. 22-0860 Approve the award of Cooperative Purchase 22-232, HP Enterprise Support, to Hewlett Packard Enterprise Company for an amount not to exceed \$143,425.06. *[As part of the Smart Grid Initiative, the Electric Utility (Utility) purchased Hewlett Packard (HP) equipment in the form of servers, computers, and storage. In order to ensure continued high availability operation, the Utility maintains maintenance agreements with all vendors for Smart Grid assets. An HP maintenance agreement is required to support the servers and storage systems implemented at both the Electric Service Center and Municipal Center in support of the Smart Grid Initiative. A total of 17 physical servers and 2 storage area network (SAN) storage arrays are included in the agreement. The agreement covers replacement of any defective physical component as well as software and firmware upgrades.]*
 11. 22-1016 Approve the award of Cooperative Procurement 22-261, Decontamination Shower Trailer, to Comac Corporation (dba NIU Toilet) for an amount not to exceed \$130K. *[Unit 379 (a 2003 Wells Cargo trailer) was converted to shower personnel and patients at emergency responses where there is exposure to chemical, biological, radioactive, or nuclear contamination. This reduces the immediate spread of contamination and the long-term health impacts of those exposed. It was approved for replacement in the 2022 budget. The current unit will be sold at auction.]*
 12. 22-0941 Approve the award of Option Year One to Contract 21-273, Cartage Services, to International Hauling for an amount not to exceed \$178,750. *[The purpose of this contract is for hauling leaves and/or brush, asphalt for paving, storm debris, construction spoils, and snow from the Central Business District and commuter parking lots. This contract avoids the costs associated with owning additional equipment as the City pays only for the days the trucks are used. Based upon the vendor's performance, DPW would like to extend the contract for the first option year.]*
 13. 22-0947 Approve the award of Option Year One to Contract 19-084, Skype/Teams Conference Room Technology Design, Installation & Support, to AVI-SPL LLC for an amount not to exceed \$200K. *[The purpose of this contract is to implement standardized*
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teleconference rooms at the various municipal buildings. During the original term of the contract, and prior to the pandemic, AVI-SPL designed and installed one room each at the Water Service Center and the Public Works Service Center. As employees returned to the office, it was apparent that a Teams teleconference room was no longer necessary. Staff worked with AVI-SPL to design a new teleconference platform and implemented it in the City Manager's and the Finance Conference Rooms as a proof of concept. The new design is one-third the cost of the original room concept. This design will now be installed in the Electric Service Center, Springbrook, Police Department, and Human Resources.]

14. 22-0978 Approve the award of Option Year Two to Contract 19-262, Specialty Winter Operations Services, to Beverly Snow and Ice Inc. for an amount not to exceed \$467,136. *[The contract is for snow and ice removal services in the Central Business District (including City parking decks and surface lots) and at the Naperville and Route 59 Metra Train Stations.]*
15. 22-0930 Approve the award of Change Order #1 to Option Year 1 of Contract 19-273, Traffic Signal and Street Light Maintenance, to Meade, Inc. for an amount not to exceed \$96,487.97 and a total award of \$873,314.51. *[This contract is for a traffic signal and street light maintenance services at signalized intersections.]*
16. 22-0956 Approve the award of Change Order #1 to Contract 21-241, Excavation & Underground Utility Repair, to Baish Excavating Inc., IHC Construction Companies, LLC and Unique Plumbing Company for an amount not to exceed \$137,000 and a total award of \$350,572. *[The purpose of the award is to supplement and/or assist City crews during emergencies, when work exceeds crew capacity or when work requires specialized equipment or expertise beyond staff capabilities. The work performed under this contract includes installation, replacement, repair and relocation of water and sewer main segments, sanitary sewer manholes, valves, vaults, and service laterals. This change order is requested due to several unforeseen lead service line replacements and a water main replacement in the Longwood area. The Water Utility would like to add an additional \$137K to cover planned work, water main breaks and any additional lead service lines that may be uncovered.]*
17. 22-0966 Approve the award of Change Order #1 to Contract 20-020, Tree Trimming, Removal and Debris Disposal, to Lewis Tree Service for an amount not to exceed \$279,004 and a total award of \$2,137,104. *[The Electric Utility (Utility) has approximately 69 miles of overhead transmission and distribution conductors throughout the City. Trees and other landscaping in the vicinity of these conductors must be trimmed routinely to ensure reliability of the electrical system as well as safety of the public. The Utility's line-clearance tree trimming around overhead conductors is outsourced to qualified line clearance tree trimming contractors. The original contract award was for an estimate of what circuits were going to require line clearance tree trimming over a 3-year term. Given Lewis Tree Service was a new contractor to the Utility, it was decided to award a lower amount until Lewis Tree Service proved to be a responsive contractor. To date, Lewis Tree Service has proven to be an excellent partner in providing high level line clearance tree trimming, and exceptional customer service to customers. At this time the Utility is recommending adding \$279,004 to contract 20-020 to complete the remaining work.]*
18. 22-0973 Approve the award of Change Order #1 to Contract 21-391, Molded Rubber and Cold Shrink Products, to Fletcher-Reinhardt Company and Universal Utility Supply Company of Illinois for an amount not to exceed \$40,000 and a total award of \$155,919.20. *[The Electric Utility (Utility) requires molded rubber products, cold and heat shrink terminations, splices, and arrestors to perform maintenance on the electrical system. This change order is requested to provide additional funds to cover the increase in product costs and to allow the Utility to deal with the extended delivery times due to the current supply chain environment. The additional funds will be used to place orders for product that will be needed in the first half of 2023.]*
19. 22-0986 Approve the award of Change Order #1 to Option Year Two of Contract 20-028, Insulated Conductors, to The Okonite Company for an amount not to exceed \$791,600 and a total award of \$2,991,600. *[This change order is requested to add additional funds to the contract to provide for the purchase of 34.5 KV cable which is used in capital and maintenance projects. Utility management has determined that additional inventory is needed for this type of cable as it is a specialty item and requires a lead time of 9-12 months to obtain. This is*

an unplanned purchase and was not included in the original estimates for the 12 months of the contract extension but is deemed necessary due to recent events.]

20. 22-1037 Approve the award of Change Order #1 to Contract 21-376, Transmission Pole Painting, to Morris Painting for an amount not to exceed \$350,400 and a total award of \$1,001,100. *[The Electric Utility (Utility) owns 116 steel transmission structures throughout the City. Maintenance of these structures includes ensuring the base of the tower is free of vegetation as well as regular cleaning, preparation, and painting. During the summer of 2022, Morris Painting successfully painted the first 24 poles. The original bid included pricing for additional poles in future years. Due to the deteriorated condition of 11 poles that were slated to be painted in 2023, accelerating the schedule and advancing the 2023 poles into the late summer/early fall of 2022 is recommended. The 11 poles proposed are generally between the Raymond Substation (Raymond and Ferry) and the Pebblewood Substation (Diehl and Wall).]*
21. 22-0993 Adopt the resolution affirming roadway improvements proposed by the Illinois Department of Transportation at US Route 34 (Ogden Avenue) and Rickert Drive fit within the City of Naperville's development plans. *[IDOT is proposing improvements to the intersection to address the delay and congestion. Dual left turn lanes will replace the single turn lane that exists today. This results in roadway widening of Ogden Avenue from just north of Feldott Lane to approximately six hundred feet west of Rickert Drive. IDOT will update the pedestrian crossings to provide accommodations at the signalized intersections and upgrade the crossings to current ADA standards at their cost. There are no plans for future bicycle facilities at this location because of on-street bikeways on Jefferson Avenue to the north, Fort Hill Drive to the west, Three Farms Avenue to the south and Whispering Hills Road to the east.]*
22. 22-1043 Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Water Street Long Table Dinner scheduled on Sunday, October 9, 2022. *[Marquette Properties and Water Street property owners will host the 3rd Annual Water Street Long Table Dinner on Sunday 10/9/2022, from 5p-9p. The dinner is a fundraiser for the West Suburban Food Pantry and will be capped at 200 attendees. The general public will be able to gain access to the Riverwalk, as well as individual businesses, from the Riverwalk side of Water Street. The event streets will be closed beginning at 1pm 10/9/2022.]*
23. 22-1042 Pass the ordinance approving a right-of-way encroachment license agreement to allow for the installation and operation of string lights over a portion of Water Street. *[The proposed installation will include colored LED string lights crossing back and forth creating a canopy effect over portions of the sidewalk and travel lanes of the Water Street Right-of-Way. The intent of this installation is to enhance the visitor experience and promote pedestrian activity to support existing retail and dining establishments.]*

Consent agenda items related to Washington Street Bridge Project (#24-30)

Due to its structural condition the City must replace the downtown Washington Street bridge over the west branch of the DuPage River. This is a very large and comprehensive project which includes the following components:

1. *Complete removal and replacement of the bridge and its supports*
2. *Replacement of the sanitary sewer siphon under the river on the west side of the bridge*
3. *Installation of a new water main under the river on the east side of the bridge*
4. *Installation of an electric duct bank under the river on the east side of the bridge*
5. *Relocation by AT&T of their existing "long-line" duct package hanging from the bottom of the bridge to an underground package on the east side of the bridge*
6. *Addition of right-turn lanes for southbound Washington Street at Aurora Avenue and for eastbound Aurora Avenue at Washington Street*

As part of the Project, the City will need to acquire portions of properties to create additional space for improvements. The new bridge will be wider than the existing one, with the additional width being placed on the east side. These properties include:

- *419-423 S Washington St and 400 S Main St (agenda items 24-27, 31)*
- *430 S Washington (agenda item 28)*

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- 506 S Washington (agenda item 29)
 - 8 W Chicago (agenda item 30)
 - 22 E Chicago (agenda item 32)
24. 22-0279B Receive the staff report for 419-423 S. Washington Street and 400 S. Main Street (JC Licht/Walgreens) - PZC 21-1-105 (Item 1 of 4). *[As part of this project, the City will need to acquire a portion of the subject property to create additional space for planned roadway improvements (including adding a right-turn lane from Washington Street to Aurora Avenue and widening the sidewalk). The City's acquisition of property will result in the removal of an existing, nonconforming ground sign along the subject property's Washington Street frontage. In response, the petitioner requests approval of a sign variance to allow the existing, nonconforming sign to be relocated on the subject property. Concurrently, the petitioner proposes rezoning the subject property from B5 to B4 for consistency with the Downtown 2030 Plan.]*
 25. 22-1034 Pass the ordinance approving a variance to Section 6-16-3 (Prohibited Signs) to allow for the relocation of an existing, nonconforming ground sign - PZC 21-1-105 (Item 2 of 4). *[See #24.]*
 26. 22-1035 Pass the ordinance rezoning the subject property from B5 (Secondary Downtown District) to B4 (Downtown Core District) - PZC 21-1-105 (Item 3 of 4). *[See #24.]*
 27. 22-1036 Adopt the resolution affirming the applicability of Section 6-2-19 (Existing Buildings and Structures) and Section 6-9-1:1.6 (Off-Street Parking/Scope and Application) to the subject property following acquisition of additional right-of-way for the Downtown Washington Street Bridge Replacement Project - PZC 21-1-105 (Item 4 of 4). *[See #24.]*
 28. **22-0996** Pass the ordinance approving an agreement for the purchase and sale of real property and grant of temporary construction easement for 430 S. Washington Street. *[North Central College (NCC) owns this property at the southeast quadrant of the bridge. The City needs both property and a temporary construction easement from NCC for the project to be used for the additional bridge width. NCC is also granting a temporary construction easement on the balance of their property that the contractor will be allowed to use for staging of materials and equipment. The City is compensating NCC \$82,350 for the property being permanently acquired and \$73,806 for the temporary easement. Additionally, through an earlier easement grant and this agreement the City is committing to construct the park at 430 S. Washington Street after completion of the bridge project. The City has a grant through the State of Illinois for most of the cost of the park.]* **Council comment (Hinterlong):** thanked TED department and Legal for securing the land acquisitions and easements and for the hard work over the years moving this forward.
 29. 22-0997 Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, and encroachment license agreement pertaining to portions of property located at 506 S. Washington Street. *[A private trust owns the property at 506 S. Washington Street where a Burger King operates. The City needs both property and a temporary construction easement from the trust for the project. The new bridge will be wider than the existing one, with the additional width being placed on the east side. The property being acquired will be used for the additional bridge width. The trust is also granting a temporary construction easement on a portion of the property to allow for transitions from the new pavement to the existing parking lot. The right of way will cost the City \$117,806 and the temporary easement \$8,000 for a total cost of \$125,806.]*
 30. 22-1006 Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, grant of permanent easement agreement, and encroachment license agreement pertaining to portion of real property located at 8 W. Chicago Avenue. *[A trust owns the property at 8 W. Chicago Avenue where the Lantern operates. The City needs property, a permanent easement and a temporary construction easement for the project. The new bridge will be wider than the existing one, with a small portion of the additional width being placed on the west side. The property being acquired will be used for the additional bridge width. The City is compensating the owner \$171,660 for the property being permanently acquired, \$25,110 for the permanent easement and*
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.\$13,230 for the temporary easement.]

31. 22-1001 Pass the ordinance authorizing execution of a purchase and sale agreement, temporary construction easement agreement, and reimbursement agreement pertaining to a portion of real property located at 419-423 S. Washington Street. *[The owner currently has a sign and parking lot adjacent to Washington Street. Both will be severely impacted by the property purchase for the turn lane. The owner will take down the existing sign, store it at an off-site location, and reinstall it after construction outside of the new right-of-way. The owner will also have to reconstruct their parking lot between the building and Washington Street. The land acquisition by the City will result in the loss of 4-5 parking spaces in this section of the parking lot. To provide the owner better control over the timing and work, the City will reimburse the owner for their costs following completion of these private improvements. The City is compensating the owner \$173,300 for the property being permanently acquired and \$76,700 for the temporary easement.]*
32. 22-1011 Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, grant of permanent easement agreement, and encroachment license agreement pertaining to portions of real property located at 22 E. Chicago Avenue. *[The property (Rosebud Restaurant) will be used for the roadway transition for the additional bridge width. A permanent easement is needed for the sidewalk, traffic signal equipment and utilities near the intersection of Chicago Avenue and Washington Street. The owner is granting a temporary construction easement on a portion of the property to allow for transitions between the new roadway for Washington Street and their existing driveway access onto Washington Street. The owner currently has outdoor dining located on their private property along Washington Street. With the acquisition of land for the project the existing railing for the dining area slightly encroaches into the new right of way. The City is compensating the owner \$288,500 for the property being permanently acquired, \$85,000 for the permanent easement and \$26,500 for the temporary easement.]*
33. 22-1027 Approve the award of RFQ 20-336, Downtown Washington Street Bridge Improvements - Phase III Consultant Services, to Civiltech for an amount not to exceed \$953,732 (Item 1 of 2). *[To fund the project, the City applied for assistance through the Federal Bridge Program - STP-BR (Surface Transportation Program - Bridge) and obtained approval from the Illinois Department of Transportation (IDOT) to perform the project. Because federal STP funding will be used, a Quality-Based Selection (QBS) process is required for the consultant selection. Out of 9 proposals received, staff is recommending the vendor with the highest qualification score (Civiltech Engineering, Inc.) for the award.]*
34. 22-1028 Adopt the resolution approving a joint funding agreement with IDOT in the amount of \$3,244,600 for appropriation of matching funds and downtown Washington Street bridge project construction and construction engineering services (Item 2 of 2). *[The construction cost of \$3,244,600 is made up of the City's 20% share of the bridge replacement and the entire costs of the electric, water, and wastewater utility replacement work. The City's share of the construction cost will be expensed to the Infrastructure accounts in the 2023 budget. Staff is also evaluating the potential use of Rebuild Illinois Fund dollars currently held in the Motor Fuel Tax Fund.]*

Consent agenda item #35- vote tabled, but with public comment

22-1040 Table the resolution authorizing execution of the Affordable Senior and IDD Housing Major Business Terms between the City of Naperville and Gorman & Company, LLC to 9/20/2022. *[In September 2021, Council approved leveraging city-owned land to address affordable housing needs in Naperville.]*

Public comment - all speakers described how impactful supportive housing would be for themselves and their families.

Written comment: 1

1. Donielle Deering - Naperville.
2. Alex Kotas - (Those with IDD) – Aurora-Naperville School District
3. Jean Kostal - (Affordable Housing) – Naperville
4. Pam Cahill - (Affordable Housing) – Naperville

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5. Troy Butler-(IDD Population)-Affordable housing-Naperville
 6. Cheryl Butler-Affordable Housing-Naperville

Ordinance - 22-1041- \$900 administrative fee on vehicles fleeing peace officer

Passed 8-0 - Gustin made a motion to waive the first reading and pass the ordinance. Conduct the first reading of the ordinance amending Section 10-8 of the Naperville Municipal Code to establish a \$900 administrative fee for registered owners of motor vehicles that engage in fleeing or attempting to elude a peace officer. *[The City of Naperville has experienced an increase in motor vehicle fleeing and eluding incidents annually since 2019. (Prior to 2020, the annual average was 19. There have been 80 to date in 2022.) The Naperville Police Department's pursuit policy is similar to most agencies not only in the area, but also in the country, as it requires a forcible felony to engage in a motor vehicle pursuit. In an effort to recover the significant cost the police department incurs related to these incidents, staff recommends passing an ordinance that assesses a \$900 administrative fee to the registered owner of any vehicle that flees.]*

Council comments

White asked Chief Arres if this would be a felony if the fee was levied. **Arres** said the initial offense is a misdemeanor.

Holzauer clarified with Arres that this ordinance is only for the administrative cost and not a criminal ordinance. **Arres** said that the fee would recoup the high costs of reporting and investigating the incidents.

Gustin asked if there is state legislation that says we cannot chase anyone. **Arres** explained that it is an enormous liability to engage in chases and this is a nationwide policy. The goal is to recoup the city's cost of administration.

Sullivan asked how the bills would be served to the registered owner. **Arres** said they could be hand-delivered as part of the investigation or via certified mail. He also explained that the fee could be transferred to the responsible party if the registered owner signs an affidavit stating who the driver was.

Hinterlong asked how many vehicles come up stolen. **Arres** didn't have an exact number but said not many.

Awards & bids - 22-0686

Hinterlong made motion of substitution to table for 2 weeks- Passed 7-1 (Mayor no)

Approve the award of Bid 22-180, Southwest Wastewater Pump Station Rehabilitation, to Integral Construction Inc. for an amount not to exceed \$1,332,000, plus a 3% contingency. *[The Southwest Wastewater Pump Station is located at 1870 Hassert Boulevard and houses 3 pumps. The rehabilitation work includes the replacement of 3 existing submersible sewage pumps, 2 mixers in the wet well, guide rails and piping in the wet well; installation of VFDs for new pumps and mixers, and upgrades to the existing SCADA system. Work also includes associated conduits, wires, concrete pad, and earthwork. The completion date is 7/1/2023 and is a planned Capital Improvement Project (CIP).]*

Council/Staff comments

- **Hinterlong** - received a Friday confidential letter from the Illinois/Indiana/Iowa Foundation of Fair Contracting that brought up issues with the contractor. The issues were ones that he couldn't state, but were serious offenses. Would like to go with the next bidder (AMS Mechanical), who the city has worked with in the past.
- **Gustin** asked if there was a request to table until the next meeting to gather additional information.
- **Mayor** asked Blennis (Director Public Utilities- Water) to advise.
- **Blennis** confirmed they performed reference checks and received 9 positive, 2 negative, and 1 no response. Interviewed the firm and personnel assigned, and their subcontractors. Felt comfortable with this contractor but also with the second low

bidder.

- **Holzauer** agreed that this should be tabled and would second this if Hinterlong made a motion of substitution.
- **Taylor** asked if the city had worked with this contractor before. Blennis said that the city had not worked with this contractor but had worked with the second bidder and their work was satisfactory.

Reports & Recommendations - 22-1063 - Responsible Bidder Ordinance (RBO)- fails 4-4 (no: Chirico, Gustin, Leong, Taylor)

Motions & role call

Early in the council discussion, Hinterlong (the second council speaker) made a motion to direct staff to bring back a model RBO. Holzauer seconded. After everyone else discussed, the Mayor called the vote. Holzauer asked that the absentee council member (Kelly) be allowed to weigh in. Hinterlong asked if he could rescind his motion. Because a motion had been made and seconded, and the Mayor had already called a vote, that would not be allowed under Robert's Rules of Order. Hinterlong asked to invoke Council rules to table until the next meeting but DiSanto (Attorney) advised that could not be done because the vote had been called.

Receive the report providing information related to a Responsible Bidder Ordinance (RBO).

[At the 5/3/2022 meeting, Councilman Holzauer requested the City investigate the possibility of enacting an RBO. An RBO establishes a number of minimum standards which all bidders must meet to be eligible to submit bids or respond to a Request for Proposal (RFP) for an organization. In evaluating its impact in Naperville, due to our stringent contract language, existing state requirements for public works, and diligent inspection process, staff does not believe that the passage of a Responsible Bidder Ordinance is warranted at this time.]

Public comment

1. Pat Richards (Carpenters Local 1889) – Lisle. In support of RBO. An RBO puts requirements that contractors have proper training. Be responsible to the taxpayers and make sure the work is done right with a qualified contractor.
2. Dianne McGuire – Naperville. In support of RBO. Listed a number of awards Naperville has received over the years to illustrate that Naperville values quality.
3. Joe Riley (President of DuPage County Building Trades) – Lombard. In favor of the RBO. Ensures that municipalities hire trained, skilled workers. It does not give an advantage to Union workers; it gives an advantage to trained workers.
4. Don Puchalski – Addison - DuPage County Board (District 1). In favor of RBO. RBOs have worked in DuPage (passed 17-1 in 2019). Recommended Staff reach out to DuPage County for more information.
5. Ryan Scheidt – Naperville. In support of RBO. Will benefit the city and residents.
6. Dawn DeSart – DuPage County Board member (District 5). In support of RBO. Ensures bidder complies with all Illinois laws, is compliant with equal opportunity employment, complies with prevailing wage law, and ensures quality workmanship.
7. Sadia Covert – Naperville - DuPage County Board member (District 5). In support of RBO. After hearing stories of the tornado, it's clear that good, quality contractors are needed. Said this is not a union vs non-union thing. The RBO sets a framework for contractors to follow.
8. Mike Mashal Trine Construction (Labor Union) – St. Charles. In support of RBO. Would put all contractors on a level playing ground.
9. Derek McDaniel (Naperville Area Chamber of Commerce) - Naperville. The Naperville CoC opposes the RBO. Feels that an RBO discriminates against small and minority-owned businesses and gives preference to union businesses. Asks the council to follow staff recommendation to not adopt an RBO.

Council/Staff comment

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- **Taylor** asked City Manager 1) if processes (except for apprenticeship) were already in place in Naperville and 2) if staff had seen any quality control issues based on the current system. **Kreiger** (City Manager) said all (except for apprenticeship) are captured within the City's standard terms and conditions. Said city had not seen any quality control issues.
 - **Hinterlong** asked what direction was needed from Council if it wished to move forward with an RBO. **Kreiger** said they would need a Council vote to direct staff to bring back an RBO. **Hinterlong** made the motion. **Holzauer** seconded. [Note that he made this motion early in the council discussion.]
 - **Mayor** asked any of the DuPage board members how many contracts have gone to non-Union shops since the RBO was approved. [**Puchalski** (District 1) gave one example and said there were others. Said big contracts have gone to Union shops but smaller ones are mixed.] Questioned a speaker about the ABC Apprentice Program and whether it would be approved under an RBO. The speaker said yes. The Mayor compared 2 contractors on the agenda (I7 and M1) to see if they were union or non-Union. Both contracts would have cost the city \$275K if the city had been forced to go with the RBO contractor. Also asked what happens if the city only gets one bid. Making it more restrictive puts pressure on the bidding process. Mayor felt that eliminating non-union bidders means that costs go up because union shops are not forced to bid competitively.
 - **Mayer** (Finance Director) said it is up to the Municipality to determine what is in an RBO. The Naperville procurement code already requires many of the things (e.g. insurance, bonds/security, prevailing wage). The only difference is the requirement of the apprentice program.
 - **Holzauer** - The proposal does not have a union requirement. The only requirement was an apprenticeship program. From the Staff report: "The vast majority [**Holzauer** emphasis] of major bids over the last several years have been awarded to firms that would meet the requirements included in the ordinance." That said to him that the majority of the work is going to people who do have apprenticeship programs. Referred to the Q&A where staff provided a link to programs (<https://www.apprenticeship.gov>), many that are non-union companies. Is sympathetic to the argument that companies need time to adjust, so there could be a one-year phase-in period (e.g. 2024). Strongly in support of the ordinance.
 - **Taylor** felt that since a majority of the contracts already comply and there have been no issues with current contracts, this was a "solution in search of a problem". Saw this as limiting the ability to get contractors. Would take away flexibility and would add to the administrative cost.
 - **White** asked 1) if DuPage Board members thought their RBO impacted competition or cost, 2) if there could be language for the situation where there aren't enough bidders. **Puchalski** (DuPage) said they get more bidders of better quality. **Mayer** (Finance Director) couldn't find any evidence that RBOs impact competition or cost overall. The city hasn't seen any issues with finding contractors based on the current procurement code. Adding additional regulations given the current environment would make it difficult from a procurement standpoint.
 - **Sullivan** felt that the city already has an RBO just minus the apprenticeship program. The optics of adding this stipulation in and also having it overlap exactly with union vs non-union makes this difficult. Does not feel comfortable if adding an apprenticeship requirement means that only Union shops can be hired for any project. Would like more information about the specifics about this RBO. **Mayer** said that it is not uncommon for staff to add additional training requirements to a project because it needs a specific skill set. If it was part of the code they would have to request special permission every time.
 - **Hinterlong**, as a UA member, spent 100s of hours of training. This is about leveling the
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playing field so the city is getting the best quality individuals on our projects. We want the right people for the right jobs, regardless of whether they are union or not. Both sides of the county board are in favor.

New Business

Hinterlong would like to revisit the food truck ordinance to have a simple code check/permit to give the blessing of staff. **Mayor** said it could be brought up again if there was support but reminded all that it failed before. **Gustin** was in favor of revisiting (e.g. on-line registration) but wouldn't want to waste staff time if there was no support. **Holzhauser** said some of these could be simple code enforcement questions (e.g. blocking handicap spots, propane tanks). **DiSanto** said there are codes that are enforceable and citations could be issued for violations. Given that no one would be changing their position from the earlier vote, no action for Staff.

**Any Issues Discussed
That Have Implications
for LWV?**

Next Meetings

Tuesday, September 20, 2022- Regular meeting
Monday, September 26, 2022- Budget Workshop I
Tuesday, October 4, 2022- Regular meeting

Report Reviewed By

Anne Mathews
