



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, July 18, 2017

7:00 PM

Council Chambers

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#### A. CALL TO ORDER:

Chirico called the meeting to order at 6:15 p.m.

#### B. ROLL CALL:

**Present:** 9 - Mayor Steve Chirico  
Councilwoman Becky Anderson  
Councilwoman Judy Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman John Krummen  
Councilwoman Rebecca Obarski  
Councilman Benjamin White

#### C. CLOSED SESSION - 6:15 p.m.

**Councilwoman Gustin made a motion, seconded by Councilwoman Obarski to recess to Closed Session to discuss 120/2(c)(6) Sale of Property and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:00 p.m.

#### D. ROLL CALL:

**Present:** 9 - Mayor Steve Chirico  
Councilwoman Becky Anderson  
Councilwoman Judy Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman John Krummen  
Councilwoman Rebecca Obarski  
Councilman Benjamin White

#### Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; Deputy City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis;

Deputy Police Chief, Mike Anders; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jeff Anderson; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Director of Public Utilities - Water, Jim Holzapfel; Director of Public Works, Dick Dublinski; Deputy Legal Director, Kavita Athanikar; Budget/Management Analyst, Shebnem Ozkaptan; Deputy Director of Public Utilities - Water, Amy Reis.

Chicago Sun Times, Daily Herald, Naperville Sun, NCTV-17

## E. PLEDGE TO THE FLAG:

Pledge given.

## F. AWARDS AND RECOGNITIONS:

## G. PUBLIC FORUM:

### Old Nichols Library

Dolle Nichols, Naperville, gave a history of the Nichols family and spoke against demolishing the building.

### Old Nichols Library

Gail Diedrichsen, Naperville, spoke against demolishing the building.

### Old Nichols Library

Carey Caylor, spoke against demolishing the building.

## H. CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR THE CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to use the Omnibus method to approve the Consent Agenda with the exception of items I6, I11, I15-I17, and I20. The motion carried by the following vote:

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

## I. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda. The motion carried by the following vote:

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

1. Approve 06/07/2017 thru 06/28/2017 Cash Disbursements for \$28,872,256.92

2. Approve the minutes of the Regular City Council meeting minutes of June 20, 2017.
3. Approve the Award of RFQ 17-119, Spot Purchases of Single Phase and Three-Phase Transformers, to CG Power Systems USA, Inc. Graybar Electric Company, Power Line Supply, RESCO, Universal Utility Supply Co, and WESCO, as approved vendors for future quotations for an amount not to exceed \$695,993 and for a three-year term.
4. Approve the Award of Change Order 1 to Contract 16-216, 75th Street Guardrail Installation, to D Construction for an additional 198 days.
5. Approve Mayoral appointments to the Board of Library Trustees, Building Review Board, Fire Pension Board, Riverwalk Commission, SECA Commission, Historic Preservation Commission, and Housing Advisory Commission.
6. Approve the Indian Outreach Organization's request to hold a fireworks display as part of the India Day Celebration on August 13, 2017.

Krishna Bansal, discussed Indian Community Outreach Program efforts and extended an invitation to the India Day Parade and Celebration.

**A motion was made by Councilwoman Obarski, seconded by Councilwoman Gustin, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White
7. Pass the Ordinance to establish temporary street closures and issue a Special Event and Amplifier permit for the Scott S'Cool Scoot on Saturday, August 26, 2017.

Enactment No: ORD 17-104
8. Pass the Ordinance to establish temporary street closures and issue a Special Event permit for Old Naperville Days to be held on Sunday, August 20, 2017.

Enactment No: ORD 17-105
9. Pass the Ordinance approving a major change to the Springbrook Square PUD to grant a conditional use in the B2 district to allow a daycare center on property located at 1932 Springbrook Square Drive, PZC 17-1-015.

Enactment No: ORD 17-106
10. Pass the Ordinance accepting the bid submitted by Oak Hill Builders & Developers, Inc. in the amount of \$100,000 for acquisition of City surplus real property located at 3740 Celeste Lane, Naperville, IL and authorize a Purchase and Sale Agreement therefor (7 Positive Votes Required)

Enactment No: ORD 17-107
11. Pass the Ordinance approving the Final Plat of Subdivision, Owner's

Acknowledgement and Acceptance, and a deviation to Section 7-3-5 (Dedication of Park Lands and School Sites) for Burlington Woods Estates located at 613 and 725 Spring Avenue, PZC 16-1-163.

**A motion was made by Councilman Krummen, seconded by Councilman Hinterlong, that this agenda item be passed. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: ORD 17-110

12. Receive the staff report for TrueNorth Energy located at 1295 Rickert Drive, PZC 16-1-029 (Item 1 of 3).

13. Pass the Ordinance rezoning the property located at 1295 Rickert Drive (PZC 16-1-029) from R3 (Medium Density Multiple-family Residence District) to B2 (Community Shopping Center District) (Item 2 of 3).

**Council passed.**

Enactment No: ORD 17-108

14. Pass the Ordinance approving a major change to the Town Square PUD located at 1295 Rickert Drive (PZC 16-1-029) to grant a conditional use in the B2 District to allow a gas station and car wash, and to grant a deviation to reduce the side yard setback (Item 3 of 3).

Enactment No: ORD 17-109

15. Receive the staff report for Cima Pride located at 1503 North Aurora Road, PZC 17-1-018 (Item 1 of 3).

Council discussed the setback, monument sign, and line of sight from the right-of-way.

Laff explained that the sign does not negatively impact line of sight, that an off-premise sign will help direct people to location, and that it relates to the existing uses within center.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be received. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

16. Pass the Ordinance Approving a Major Change to the Riverbrook Center Lot 4 - Autozone Resubdivision PUD and Approving a Preliminary/Final PUD Plat with Certain Deviations on the Property Located at 1503 North Aurora Road (Cima Pride Resubdivision) (Item 2 of 3).

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: ORD 17-111

17. Pass the Ordinance Granting a Conditional Use to Permit an Automobile Service Station and Car Wash in the B3 PUD District for the Property Located at 1503 North Aurora Road (Item 3 of 3).

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: ORD 17-112

18. Adopt a Resolution approving the intergovernmental agreement addendum between the City of Naperville and the State of Illinois Department of Transportation for the improvement of Route 34 (Ogden Avenue) at Columbia Street (CIP Project #SC253, IDOT Section # 10-TS-1).

Enactment No: RES 17-026

19. Adopt the Resolution Approving the Settlement Contract between Ed Lawler and the City of Naperville

Enactment No: RES 17-027

20. Adopt the Resolution Authorizing the Execution of a Right-of-Way Use License Agreement with Level 3 Communications.

Council discussed the appropriate department to submit this type of item.

Krieger explained that one department officially submits to the Council, however they work as a team to develop agenda items.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be adopted. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: RES 17-028

21. Approve the City Council Meeting Schedule for August, September, October & November 2017.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be approved as amended to reflect a 6:00 p.m. start**

time for Council workshops. The motion carried by the following vote:

## J. PUBLIC HEARINGS:

1. Conduct the public hearing regarding the vacation of a portion of right-of-way located along Naperville-Wheaton Road, south of Ogden Avenue (Item 1 of 2).

Chirico opened the Public Hearing at 7:35 p.m.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:35 p.m. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

2. Pass the Ordinance vacating a portion of right-of-way on Naperville-Wheaton Road. (Item 2 of 2)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: ORD 17-113

3. Conduct the public hearing to consider the Annexation Agreement for the Subject Property located at 830 Parkside Road, PZC 17-1-030 (Item 1 of 5).

Chirico opened the Public Hearing at 7:37 p.m.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:37 p.m. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

4. Receive the staff report for the property located at 830 Parkside Road, PZC 17-1-030 (Item 2 of 5).

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this report be received. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

5. Pass the Ordinance authorizing execution of the Annexation Agreement (*requires six positive votes*), PZC 17-1-030 (Item 3 of 5).

**A motion was made by Councilman Hinterlong, seconded by Councilwoman**

**Gustin, that this Ordinance be passed. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: ORD 17-114

6. Pass the Ordinance annexing the Subject Property located at 830 Parkside Road, PZC 17-1-030 (Item 4 of 5).

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: ORD 17-115

7. Pass the Ordinance rezoning the Subject Property to R1A (Low Density Single-Family Residence District) upon annexation, PZC 17-1-030 (Item 5 of 5).

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: ORD 17-116

## **K. OLD BUSINESS:**

## **L. ORDINANCES AND RESOLUTIONS:**

1. Pass the Ordinance amending Chapter 8 (Taxicab Services) of Title 3, Business and License Regulations, of the Naperville Municipal Code.

Council discussed differences between taxis and ride share programs, customer consideration for their own personal safety, government regulation and bureaucracy, and administration costs.

Athanikar discussed to what level home rule communities are required to regulate taxi services and how area communities have reduced regulations to better mirror state mandates.

Council discussed gathering input from residents and companies regarding licensing, status of the Ride Share Bill, and whether incidents have occurred or increased in municipalities that have reduced licensing regulations.

**A motion was made by Councilman Krummen, seconded by Councilwoman Gustin, that this agenda item be tabled to the August 15, 2017 agenda. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: ORD 17-128

2. Adopt the Resolution expanding the Riverwalk Boundary.

DiSanto clarified that the agenda item does not authorize the development of the Smart Park, but rather only extends the Riverwalk boundary.

Council discussed mapping, expansion, and review by the Riverwalk Commission, Riverwalk Foundation and the Council.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be adopted. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Enactment No: RES 17-029

3. Receive the staff report for The Washington located at 720 N Washington Street, PZC 17-1-027 (Item 1 of 3)

Chirico recused himself due to a conflict of interest and left the dais at 8:12 p.m.

Anderson assumed Mayor Pro Tem.

Vince Rosanova, Petitioner's Attorney, explained the development, how it meets the intent of the 5th Avenue Study, and focused specifically on architectural designs, future mixed use tenants, landscape and lighting design, sidewalk installation, and separate retail and residential access.

Council discussed water main and recapture fees, rooftop mechanicals, location of the planters, streetscape standards, and bike racks.

Ries explained that the intent is to extend the water main from 8th Avenue to the frontage of the development.

Novack explained that the water main will be in the right of way and that the sidewalk has a wider pedestrian way which can accommodate planters as designed.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be received. The motion carried by the following vote:**

**Aye:** 8 - Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

**Recused:** 1 - Chirico

4. Pass the Ordinance approving a conditional use in the OCI district to allow retail and multi-family dwellings for The Washington located at 720 N Washington Street, PZC 17-1-027 (Item 2 of 3).

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:**

**Aye:** 8 - Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White



**Recused:** 1 - Chirico

Enactment No: ORD 17-117

5. Pass the Ordinance approving a variance to Section 6-9-3 to reduce the number of required parking spaces, and a variance to Section 6-9-2:4.6 to reduce the major arterial setback for The Washington located at 720 N Washington Street, PZC 17-1-027 (Item 3 of 3).

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:**

**Aye:** 8 - Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

**Recused:** 1 - Chirico

Enactment No: ORD 17-118

Chirico returned to the dais at 8:30 p.m.

#### **M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

1. Approve the Award of Option Year Four to Contract 14-042, Fuel, to Luke Oil Co. for an amount not to exceed \$858,000.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this award be approved. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

#### **N. PETITIONS AND COMMUNICATIONS:**

#### **O. REPORTS AND RECOMMENDATIONS:**

#### **P. NEW BUSINESS:**

Police Question

Gustin asked to speak to Deputy Chief Anders offline.

Taxi

Hinterlong asked whether the City regulates fares.

Athanikar stated that under the current process taxis must submit rate sheets upon application, however the City does not enforce rates.

5th Avenue

Hinterlong requested a copy of the study.

Laff explained that the study is located on the City's website but hard copies can be provided upon request.

Old Nichols Library

Anderson inquired about the landmark petition process.

Laff explained the Historic Preservation ordinance prohibits work while landmark application is considered and reviewed the petition process timeline which includes the Planning and Zoning Commission and the Council.

Council discussed Commission authority to table the issue and requested information from when the building was sold.

**Q. ADJOURNMENT:**

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that the Regular City Council meeting of July 18, 2017 adjourn at 8:40 p.m. The motion carried by the following vote:**

**Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

/S/ Pam Gallahue  
Pam Gallahue, PhD  
City Clerk