



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, June 7, 2022

7:00 PM

Council Chambers

Agenda Introductory Language

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T)
- Watch online at <https://naperville.legistar.com>

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council in-person in City Council Chambers, members of the public must register by 4 p.m. on June 7 at: www.naperville.il.us/speakersignup

The public may choose to provide public comment in any of the following ways:

1. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on June 7. Written comments will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of comments will be announced during the City Council meeting.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item. The names of participants who submitted position statements will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of position statements will be announced during the City Council meeting.
3. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on June 7.
Online sign-up closes at 4 p.m. on June 7, at which time no other speakers or comments will be accepted. There will be no on-site speaker sign up.

PUBLIC ACCOMMODATION:

- Any individual who may require an accommodation to listen to or participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on June 7.
- Questions regarding online sign-up may be directed to the Community Services Department by calling (630) 305-5300.

PARTICIPATION GUIDELINES:

The citizen participation guidelines are outlined in 1-5-6-6: - CITIZEN PARTICIPATION of the Naperville Municipal Code.

- **ALL VIEWPOINTS AND OPINIONS WELCOME:** All viewpoints are welcome, positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Council members, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.
- **SPEAKER TIME LIMITS:** Speakers must limit their remarks to no more than three minutes. Petitioners may speak on an agenda item first and have up to 10 minutes and are also granted a five-minute rebuttal once all other speakers have commented.
- **IF YOU SIGNED UP TO SPEAK,** staff will call your name at the appropriate time during the City Council meeting. Once your name is called you may identify yourself for the public record and then address remarks to the City Council as a whole. Speak clearly and try to limit remarks directly to the matter under discussion. Speakers are called in the order they sign up.

A. CALL TO ORDER:

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

B. ROLL CALL:

Present: 8 - 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: 1 - Councilman Patrick Kelly

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

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, 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: 8 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Leong, Sullivan, and White

Absent: 1 - Kelly

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 Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Jason Arres; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Brian Groth; Director of Public Works, Dick Dublinski, Director of Communications, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

Council congratulated Metea Valley Girls Soccer on winning the 2022 State Championship.

1. [Recognize Cress Creek Garden Club of Naperville and National Garden Week June 5 - 11, 2022 in the City of Naperville](#)

Gustin presented the Proclamation to members of the Cress Creek Garden Club.

2. [Proclaim the first Friday in June National Gun Violence Awareness Day in the City of Naperville](#)

Sullivan presented the Proclamation to members of Moms Demand Action.

G. PUBLIC FORUM:

Gregory Hubert (Clean Energy Alliance of Naperville [CLEAN]) spoke in support of the May 17 speaker's request that the City allow PPA's for schools.

Power Purchase Agreements for Energy Projects

Graham Morin spoke in support of the May 17 speaker's request that the City allow PPA's for schools.

Respond to public comments from 5/17

Catherine Clarkin (NEST) asked Council to support efforts toward allowing solar on schools.

Chirico said that only third party investors have approached the City regarding solar installation, that the schools have bonding authority, and that the schools can build solar should they choose to do so.

Groth stated that the school district has not contacted the City for assistance, there are no policy barriers to solar installation, that the City has six installations per 1,000 customers and ComEd as four installations per 1,000 customers, and although ComEd allows PPAs Naperville is outperforming ComEd.

Council discussed appropriateness of allowing a financial mechanism for another entity to use for solar.

City recognition of HSS

Pieter Friedrich discussed the principles of Hindu Swayamsevak Sangh.

Clearing name due to foul impersonation and doxing

Michael Anderson explained that someone had recently impersonated him on social media and via email.

WRITTEN COMMENT ONLY

Terry Schuster - (Re: Power Purchase Agreements) My name is Terry Schuster. I am a 24-year resident of Naperville and an employee of Siemens North America, an energy technology and services company based in Buffalo Grove. My primary responsibility at Siemens is to help large energy users reduce their carbon emissions and help them meet their environmental sustainability goals. Most of my work is focused on energy conservation and renewable energy. At the City of Naperville council meeting on May 17, 2022, there was some misunderstanding and some confusion as to how Power Purchase Agreements (PPA) work and how they can serve as a significant tool in supporting Naperville's carbon reduction goals outlined in the City's Sustainable Naperville 2036 plan. This letter will explain some of the primary reasons why the City of Naperville should allow businesses, residents and especially public entities like schools to enter into a PPA with a 3rd party entity when installing a solar photovoltaic (PV) system on their property. First, it is important to understand that a PPA is primarily a financing mechanism that requires a separate, taxable entity ("the system owner") to procure, install and operate a solar system on the energy user's premises. The energy user signs a long-term PPA to purchase 100% of the electricity generated by the system from the system owner. Second, I want to clarify a few things that were discussed in the last council meeting and clear up any misunderstanding related to PPAs, how they work and how they can help Naperville CUSD203 responsibly and cost effectively deploy solar PV systems: • A PPA gives the school district an option to install and use the electricity generated by the PV

system without spending any capital. This is capital that can continue to be used to better our schools and provide the education our students deserve and our residents expect. • Under a PPA, the school district simply buys the electricity generated by the solar system at a predetermined, contracted price (\$\$/kWh) for the term of the PPA. The City of Naperville or NEU is not affected by this sort of arrangement between the school district and the system owner. • PPAs are a primary and very important finance vehicle used by school districts to finance solar installations across the nation. Siemens owns and operates several solar systems at school districts that would not have otherwise been able to justify such a capital investment. Most recently, Woodland School District 50 in Lake County signed a PPA with Siemens to install 1.8 megawatts of solar at two schools. • With the proper interconnection with the Naperville Electric Utility (NEU) distribution system, if the school district cannot use 100% of the power produced by the PV system, the excess electricity can be “net metered” into the NEU electric grid without any operational or financial harm to the City of Naperville. • The school district’s carbon footprint will be reduced because the amount of power produced by the PV system will be clean renewable electricity, not electricity from NEU’s generation sources, which is primarily produced from coal. • If the school district were to use their own capital to install and own a PV system, they will not be able to take advantage of the federal Investment Tax Credit (ITC) as would a 3rd party owner offering a PPA. The savings from the ITC can be passed on to the school district, thus lowering the overall contracted price for electricity that the school district would pay. • If the school district were to use their own capital to install and own a solar system, it is true that the solar Renewable Energy Credits (RECs) carry a higher value, but the value of these RECs will be much lower than the overall value of the total system provided by a 3rd party PPA. • Finally, a PPA provides performance guarantees and all the necessary operation, monitoring and maintenance requirements during the term of the contract. This reduces risk and provides cost certainty to the school district. Contrary to what many people think, the amount of labor and financial resources required to keep a solar system operating efficiently is not insignificant. I would be pleased to meet with the appropriate council members and city staff to help them better understand the value Power Purchase Agreements can provide to the City of Naperville. It is very difficult for energy users to meet an acceptable return on investment using their own capital to install a solar system. If PPAs are allowed in Naperville, I am extremely confident more residents and businesses will seriously consider installing solar systems. It is critical that City Council pass a resolution to allow PPAs if our community is serious about meeting our carbon reduction goals. Sincerely, Terry Schuster Concerned Naperville Citizen

Marilyn Schweitzer - There has been some discussion between members of the community and City Council regarding the need to have the DuPage County flood maps updated. I believe the process to ask the county to do so may be underway. Thank you. However, if staff direction is needed, I hope this matter will be brought up under New Business this evening.

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

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve the Consent Agenda. The motion carried by a voice vote.

I. CONSENT AGENDA:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, approved the Consent Agenda with the exception of item I9. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

1. [Approve the regular City Council meeting minutes of May 17, 2022](#)
Council approved.
2. [Approve the City Council meeting schedule for June, July and August 2022](#)
Council approved.
3. [Approve the award of Sole Source Procurement 22-175, ESRI Enterprise License Agreement, to Environmental Systems Research Institute, Inc. \(ESRI\), for an amount not to exceed \\$330,000.00 and for a three-year term](#)
Council approved.
4. [Approve the award of Cooperative Procurement 22-171, Janitorial Supplies, to W.W.Grainger, Inc. for an amount not to exceed \\$145,000 and for a one-year term](#)
Council approved.
5. [Approve the award of Cooperative Procurement 22-177, VMWare Annual Maintenance Renewal, to Zones Inc. for an amount not to exceed \\$114,484.50 and for a one-year term](#)
Council approved.
6. [Approve the award of Change Order #3 to Contract 19-214, Water Advanced Metering Infrastructure \(AMI\) Project, to Core & Main LP for an additional 185 days \(Item 1 of 2\)](#)
Council approved.
7. [Approve the award of Change Order #2 to Contract 20-322, Water Utilities MDMS Software and Support \(AMI Project\), to Harris Computer Systems for an additional 185 days \(Item 2 of 2\)](#)
Council approved.
8. [Approve the award of Change Order #4 to Contract 21-149, Moser Tower and Eagle Street Walkway to StruxC-MC, LLC for an additional 140 days](#)
Council approved.

9. [Waive the first reading and pass the ordinance amending Section 2-19 of the Naperville Municipal Code to rename the Special Events and Cultural Amenities Commission, assign administrative responsibility for the new Public Arts Program, and temporarily increase Commission membership to 11 \(requires six positive votes\)](#)

POSITION STATEMENT

Marilyn L. Schweitzer - SUPPORT (Rename SECA)

Enactment No.: ORD 22-053

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to waive the first reading and pass the ordinance amending Section 2-19, including 2-19-5:4, of the Naperville Municipal Code to rename the Special Events and Cultural Amenities Commission, assign administrative responsibility for the new Public Arts Program, and temporarily increase Commission membership to 11. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

10. [Pass the ordinance regarding prohibiting the use of groundwater as a potable water supply within specified limits of various properties located on Route 59, Diehl Road, Bond Street, Pebblewood Lane, McDowell Road, and adjacent rights-of-way](#)

Enactment No.: ORD 22-050

Council passed.

11. [Pass the ordinance approving a minor change to the River Run Centre Lot 1 PUD for Dunkin Donuts - PZC 22-1-044](#)

Enactment No.: ORD 22-051

Council approved.

12. [Pass the ordinance granting a variance to Section 6-6B-7 for the property located at 1103 N. Eagle Street - PZC 22-1-028](#)

Enactment No.: ORD 22-052

Council approved.

13. [Adopt the resolution approving and authorizing the execution of a Phase 2 Design Engineering Reimbursement Agreement with Enbridge Energy Limited Partnership](#)

Enactment No.: RES 22-012

Council adopted.

14. [Adopt the resolution authorizing execution of a collective bargaining agreement between the City of Naperville and IBEW Local 9 representing the Naperville Electric Utility employees](#)

Enactment No.: RES 22-013

Council adopted.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. [Option A: Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving a variance to Section 6-6A-7 for the property located at 410 E 8th Avenue - PZC 22-1-027; or Option B: Concur with staff and deny the variance - PZC 22-1-027](#)

Russell Whittaker (Petitioner's attorney) explained that the petitioner plans to construct a new, single-family home at the property with a driveway that will be accessed off Loomis Street and discussed the revised variance request reducing the required corner side yard setback from 30 feet to 21 feet.

WRITTEN COMMENT ONLY

Marilyn L. Schweitzer - Option B, Deny variance at 410 E 8th Ave - I agree wholeheartedly with all of city staff's reasons to deny the variance. In addition, I believe variances should only be granted when there is a true hardship or if the variance would improve additional density for affordability in accordance with the 2022 Land Use Master Plan.

Enactment No.: ORD 22-054

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to concur with the Planning and Zoning Commission and the petitioner (Option A) and pass the ordinance as amended approving a variance to Section 6-6A-7 for the property located at 410 E 8th Avenue - PZC 22-1-027 reducing the required corner side yard setback from 30 feet to 21 feet. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the Award of RFP 22-121, Janitorial Services, to Citywide Building Maintenance, for an amount not to exceed \\$1,074,642.96 for a two-year term](#)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the Award of RFP 22-121, Janitorial Services, to Citywide Building Maintenance, for an amount not to exceed \$1,074,642.96 for a two-year term. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. [Receive the report and direct staff to establish an Overnight Parking Program \(Item 1 of 3\)](#)

Jeff Allen spoke in favor of the Overnight Parking Program.

Council discussed how program requests are received, the role of the City, and HOA duties.

Novack stated that staff anticipates only those subdivisions built prior to 1989 will participate in the program.

Arres stated that overnight parking has not had a negative impact on police activity.

Council discussed the appropriateness of using subjective criteria to determine program eligibility, requiring a certain percentage of residents to concur with request, Code of Ethics for HOAs, when staff would reject a request, and the need for more program restrictions.

Novack explained the program criteria in the attachment to the memo, gave an overview of the program and that requests are vetted by staff and then forwarded to TAB and then City Council for final approval, and that the pilot programs have been in place for nearly ten years. He went on to say that all the cars must park on the non-hydrant side of the street which gives fire apparatus ability to safely pass, requests are reviewed by other operating departments to ensure no negative impact on City services, and that staff can revoke the entitlement program at any time.

Council requested revisions to the program including restricting eligibility to developments prior to 2.25 spaces/unit provision, multifamily subdivisions, and program administration/participation rules for HOAs.

Kimberly Scott (Vintage Club Association) spoke in favor of the Overnight Parking Program and discussed HOA authority and fines for violations.

POSITION STATEMENT

William C Weber Jr (Vintage Club of Naperville Subdivision) -
SUPPORT

WRITTEN COMMENT ONLY

James Laures - Rollout of the Overnight Parking Program ("OPP") to all Naperville neighborhoods strikes us as "taking-a-sledge-hammer-to-kill-a-fly" response to a problem currently unique to those Naperville neighborhoods zoned for, and that contain, multifamily residences. As a result, OPP rollout will result in many more serious, unanticipated problems than the one OPP is attempting to address. Therefore, OPP should be amended to limit implementation to neighborhoods/subdivisions zoned for, and that contain, multifamily residences. Our specific comments follow. HOA OPP Capabilities-Many Naperville single-family homes' HOAs (like our HOA) are strictly social organizations where neither HOA membership nor dues are mandatory. These HOAs do not receive legally-required regular dues, lack dedicated management resources, have no authority and, most importantly, do not represent all neighborhood residents, only those residents who voluntarily elect to join. Hence, they are not equipped to implement OPP guidelines and effectively manage OPP, including: (1) ensuring fair implementation for all neighborhood residents; (2) accurate accounting for hangtags; (3) prompt processing of hangtag requests (especially during holidays to accommodate influx of visitors); (4) enforcement; and (5) timely and fair resolution of complaints and disputes. Absent effective enforcement and timely resolution of complaints, residents' only recourse will be to Naperville police, City departments and/or City Council members for help. Property Values--Property values are very important to Naperville residents. Anything like OPP that results in congested and parked-up neighborhood streets negatively impacts property values. Conversely, neighborhoods that are not congested and parked up are viewed by home buyers as more desirable and safer-less risk of their small children darting out from behind parked cars and being hit. Finally, in neighborhoods that adopt OPP, residents planning future sales of their homes will view overnight parking hangtags as a needed value-added enticement for potential buyers of their homes. 24-hour, 7-day-week On-Street Parking-OPP will result in overnight residential street parking becoming 24-hour, 7-day-week parking, as residents find new reasons to use OPP to move their vehicles in front of neighbors' homes to keep their garages and driveways clear for other uses--a garage can now be used for storage, a workshop or game area or running a business while a driveway can be used for a basketball court, play area, etc. Also, owners of a Class B motorhome or F350 pickup truck (under 8,000lbs) who previously stored them in their driveways can now move them to the street. Remember, 50% of residents (those on the fire hydrant side of the street) will park overnight in front of a neighbor's house. In summary,

24-hour, 7-day-week parked-up residential streets will become the norm, rather the exception. Deterioration in Snow Removal--Snow removal, especially from cul-de-sacs, will deteriorate as streets become parked up with hangtag vehicles owned by both cul-de-sac residents, resulting in dangerous, difficult driving conditions and increased calls from residents to the City for repeat plowings. Per the OPP "In the future, the City may decide to establish winter parking restrictions as part of the overnight parking program." Rather than deferring restrictions, OPP would need to clearly articulate the plan to address this issue. Overnight Parking Complaints--At a recent TAB meetings, Naperville police stated there were less than 200 open overnight residential parking complaints, a minuscule 0.36% per Naperville's 55,000 households, which indicates the problem for which OPP was developed is being effectively managed by the majority of Naperville neighborhoods and their residents, and Naperville police. Please amend OPP to limit its implementation to Naperville neighborhoods/subdivisions zoned for, and that contain, multifamily residences. Thank you.

James Laures - Yesterday (6/6/22) we sent you our comments on OPP and received responses from two of you. Thank you. In this follow-up email we want to provide some additional comments on OPP. Written OPP Document--The written comments we provided to you yesterday were previously provided to both City Staff and TAB members, prior to TAB's May 5 meeting. The Staff's written document describing OPP that you are voting on tonight is substantially the same document presented to TAB. Lack of Specific Details--OPP provides only high-level "guidelines" but lacks any specific details on, for example, the minimum requirements a HOA must meet to be approved for OPP. Given the wide-ranging impact that OPP would have on so many Naperville residents, including residents who do not want a vehicle parked in front of their house 24/7, much more specificity in the OPP document is needed. • One important requirement is that the HOA must legally represent all neighborhood/subdivision residents via its legal documents. Evidence of this would be the HOA's collection of legally required periodic dues from all neighborhood/subdivision residents and enforcement actions against those residents who do not pay. • A fairness issue is that an HOA has the ability to enter the entire neighborhood/subdivision into the OPP just if it receives pressure from a few outspoken or threatening residents who want to rehome their vehicle on the street for whatever reason. If entered in OPP, some person in the HOA would then have great power over the hangtags--deciding who gets a hangtag and every rule pertaining to its use, with

no authority to enforce any rule (i.e. set an expiration, collect turn-ins, what type of vehicle, where it could be parked, etc.). New Ways to Make \$\$\$\$\$\$\$--The OPP document is silent on whether: (a) HOAs can use OPP as a new funding source by renting, leasing or selling hangtags; or (b) a resident who has a hangtag can sublease or "lend" their hangtag for a fee. Hangtags will be a valuable commodity and some (HOAs or residents) will want to profit from them. Thank you.
James & Nancy Laures

Council received the report.

2. [Waive the first reading and pass the ordinance amending Section 11-2A-8 of the Naperville Municipal Code to allow all-night parking as designated in the Traffic Schedule \(requires six positive votes\) \(Item 2 of 3\)](#)

First reading held.

3. [Waive the first reading and pass the ordinance amending the Traffic Schedule to include overnight parking exemptions for streets in The Villages of Westglen and The Enclave at Country Lakes \(requires six positive votes\) \(Item 3 of 3\)](#)

First reading held.

P. NEW BUSINESS:

Special Event

White announced the upcoming Juneteenth event on Saturday, June 18, 2022 from 1 p.m. - 4 p.m. on Rotary Hill.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of June 7, 2022 at 8:24 p.m. The motion carried by a voice vote.

/S/ Pam Gallahue
Pam Gallahue, PhD
Director of Community Services/City Clerk