



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes - Final

City Council

Tuesday, November 7, 2023

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-Astound, Ch. 10 - Comcast, Ch. 99 – AT&T U-verse)
- 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 November 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 November 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 November 7. Online sign-up closes at 4 p.m. on November 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 November 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:**B. ROLL CALL:****C. CLOSED SESSION - CANCELED**

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Scott Wehrli
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

Also Present

City Manager, Doug Krieger; Deputy City Manager, Pam Gallahue; Deputy City Attorney, Sabrina Spano; City Clerk, Dawn Portner; Assistant to the City

Manager, Marcie Schatz; Fire Chief, Mark Puknaitis; Police Chief, Jason Arres; Director of Finance, Rachel Mayer; 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 Utilities - Water, Darrell Blenniss, Jr.; Director of Human Resources, Blaine Wing; 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.

Opening remarks:

Wehrli asked for an update on the recent break-in at the downtown Apple store and the City's discussions with Top Golf regarding the recovery of firearms in vehicles.

Arres discussed the incident at the downtown Apple store that occurred on Monday, November 6 and that the security video shows that ten cars drove by and did not call 911. He stressed that everyone has a responsibility to keep Naperville safe.

Arres also spoke about the firearms that have been recovered from vehicles at Top Golf. He said he has met with both national and local management, that proactive measures are being encouraged, and that the Naperville Police Department will continue to have a heavy presence in the area.

F. AWARDS AND RECOGNITIONS:

Wehrli recognized Interim City Clerk Nancy Bright, thanked her for her more than 18 years of service, and congratulated her on her upcoming retirement.

G. PUBLIC FORUM:

Washington Bridge Construction

Bev Patterson Frier (Naperville - property owner of Bev's Restaurant) discussed how the construction has impacted restaurant revenue and proposed reducing the City's sales tax on the businesses affected and applying additional pressure on the Illinois Department of Transportation (IDOT) for monetary compensation.

Council discussed options to give businesses relief.

Novack explained that options are limited, that the construction contract is owned by the State of Illinois, and suggested that the Township Assessor may be able to assist with tax issues.

Complement staff and Council

Marilyn L Schweitzer (Naperville) congratulated staff and Council on the 2024 budget workshops, the concerted effort to improve governance regarding boards/commissions, the dangerous dog ordinance, a more transparent process to add items under New Business and in the Manager's Memorandum, and the TED team for improvements at Hillside and Sleight.

4:00 p.m. deadline for speaker sign up

Mary Gibson (Naperville) asked Council to eliminate the 4:00 p.m. deadline and allow speaker sign up until the meeting begins.

Council discussed the multiple dates this topic has been brought up in the past.

By a 9-0 consensus, Council directed staff to bring back a recommendation for the December 5, 2023 meeting regarding extending speaker sign up.

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

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

I. CONSENT AGENDA:

Approval of the Consent Agenda

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the Consent Agenda. With corrections to item I1 the minutes from the October 17, 2023 Council meeting and with the correction to I20 definition of an animal as reflected in the Council Q&A and removing items I4 and I11. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

1. Approve the regular City Council meeting minutes of October 17, 2023
Council approved.
2. Approve the Community Survey Results and Review of the Conflict Ordinance workshop minutes of October 9, 2023
Council approved.
3. Approve the City Council meeting schedule for November - December 2023 and January 2024
Council approved.
4. Approve an appointment to the Planning and Zoning Commission

SPEAKERS

Muhammad Shahzad (Naperville) discussed commissioner qualifications, the need to keep politics out of appointments, and to improve appointment transparency.

WRITTEN COMMENT ONLY

Marilyn Schweitzer (Naperville) - Please table this as staff requested in the Q&A so that the recusal issue can be analyzed.

A motion was made by Councilman White, seconded by Councilman Kelly, to table 14, appointment to the Planning and Zoning Commission, to the December 5, 2023 Council meeting, as stated in the Q&A. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

5. Approve an appointment to the Special Events Community Arts Commission

Council approved.

6. Approve appointments to the Public Utilities Advisory Board

Council approved.

7. Approve the award of Cooperative Procurement 23-278, Oracle Database Enterprise Support Renewal, to Mythics, Inc. for an amount not to exceed \$130,830.96 and for a one-year term

Council approved.

8. Approve the award of Cooperative Procurement 23-288, Roadway Salt, to Cargill and Morton Salt Inc. for an amount not to exceed \$763,560

Council approved.

9. Approve the award of Option Year Two of Contract 22-016, Lift Station Force Main Inspection to RJN Group, Inc. for an amount not to exceed \$174,150

Council approved.

10. Approve the award of Option Year Four to Contract 18-027, Architectural and Engineering Services, to Kluber Architects and Engineers and Legat Architects, Inc. for an amount not to exceed \$125,000

Council approved.

11. Approve the award of RFQ 23-070, Design Build Pollinator and Native Vegetation Program, to V3 Construction Group for an amount not to exceed \$400,000

SPEAKERS

Marilyn L Schweitzer (Naperville) spoke in favor of the award.

Dublinski explained Phase 1 where the consultant will examine the 23 acres of

existing sites and will develop a management plan for clean-up and Phase 2 where the consultant will examine an additional 500 acres and advise on what to do differently to make this program more effective in the future. He also said a report will be sent to the Council in June of 2024 that includes a five-year plan to be used for the 2025 budget process and suggestions on how to deal with the coyote population.

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of RFQ 23-070, Design Build Pollinator and Native Vegetation Program, to V3 Construction Group for an amount not to exceed \$400,000. The motion carried by the following vote:

Aye: 9 - Wehrl, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

12. Approve the award of Sole Source Procurement 23-287, GE Lenronics MPLS System, to GE Grid Solutions, LLC for an amount not to exceed \$221,939.88

Council approved.

13. Approve the award of Change Order #1 to Contract 22-151, Springbrook Water Reclamation Center Side Stream Enhanced Biological Phosphorus Removal (S2EBPR) Pilot Testing, to Black & Veatch for an additional nine months

Council approved.

14. Approve the award of Change Order #1 to Contract 17-122H, Sylvan Circle and E. Porter Avenue Roadway Improvements Phase I & II Engineering, to Thomas Engineering Group LLC, for an amount not to exceed \$27,898 and a total award of \$331,923

Council approved.

15. Approve the award of Change Order #9 to Contract 21-149, Moser Tower and Eagle Street Pedestrian Walkway Rehabilitation, to StruxC-MC LLC, for an amount of negative \$19,320, a total award of \$2,132,067.40, and for an additional 144 days

Council approved.

16. Pass the ordinance approving a variance to reduce the amount of required off-street parking spaces for the property located at 1931, 1955, and 1967 Glacier Park Avenue (Scooter's) - PZC 23-1-017

ORD 23-143

Council passed.

17. Pass the ordinance approving a parking variance for the property located at 1112 S. Washington Street - PZC 23-1-093

ORD 23-144

Council passed.

18. Pass the ordinance approving a Water Purchase and Sale contract between the DuPage

Water Commission and contract customers and adopt the resolution approving an extension of the water supply contract between the DuPage Water Commission and the City of Chicago for a period of not less than 15 and not more than 20 years

ORD 23-145

RES 23-30

Council passed.

19. Pass the ordinance approving the second amendment to the lease agreement between the City and New Cingular Wireless PCS, LLC for use of space on the cellular tower located at 1800 S. Washington Street

ORD 23-146

Council passed.

20. Waive the first reading and pass the ordinance amending Section 10-4 of the Naperville Municipal Code regarding dangerous dogs and problem pet owners (requires six positive votes)

WRITTEN COMMENT ONLY

Marilyn L Schweitzer (Naperville) - Please support the amendments to the Animal Control ordinance with the correction mentioned in the Q&A. Namely, that the definition of "animal" will not be amended. It is important that the definition of "animal" is not limited to only those capable of carrying rabies.

ORD 23-147

Council passed.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Pass the ordinance amending Ordinance 23-123 (Granting a Temporary Use for a Therapy Chicken Initiative at 2300 Flambeau Avenue) to permit the portable restroom facility to remain on the subject property until August 15, 2024 (Temporary Use Expiration Date)

Rick Montalbano (Petitioner, Touch My Heart - Naperville) explained that a relocation site in Sycamore has been identified and requested the ADA structure be allowed to stay in place in addition to the portable restroom until the spring of 2024 when the move to Sycamore can be completed. He stated that on-site programming for the special needs community will end if the structure is removed.

Laff explained that staff cannot comment on the compliance of the structure because they were not aware that it was for ADA purposes and that it has only

been reviewed as an expansion to the original chicken coop.

Council discussed ADA compliance, the appropriate time for an extension, and the need to balance helping the organization with what is allowed in the Municipal Code.

WRITTEN COMMENT ONLY

Mary Hamill (Naperville) (Naperville Accessible Community Task Force (ACTF)) - As a member of the Naperville Accessible Community Task Force (ACTF), I urge the Naperville City Council to pass 23-0845C, the Ordinance amending Ordinance 23-123 to permit the portable restroom facility to remain on the subject property until August 15, 2024. In addition, I urge the City Council to allow Touch My Heart/Therapeutic Chicken Initiative to keep their ADA accessible chicken coop so that persons who use mobility devices can continue to participate in the animal therapy program.

POSITION STATEMENT - SUPPORT

Brigid Mason (Naperville) - ACTF
Marilyn L Schweitzer (Naperville)

ORD 23-148 Amended

A motion was made by Councilman Leong, seconded by Councilman Holzhauser, to pass the ordinance amending Ord 23-123 (Granting Temporary Use for a Therapy Chicken Initiative at 2300 Flambeau Ave) to permit the portable restroom facility and the original chicken coop structure to remain on subject property until June 30, 2024. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Bid 23-192, Springbrook Water Reclamation Center Influent Pump Station and South Plant Force Main Improvements, to Williams Brothers Construction, Inc. for an amount not to exceed \$7,280,000.00, plus a 3% contingency

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Bid 23-192, Springbrook Water Reclamation Center Influent Pump Station and South Plant Force Main Improvements, to Williams Brothers Construction, Inc. for an amount not to exceed \$7,280,000.00, plus a 3% contingency. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

2. Approve the award of Option Year One to Contract 23-016, 2023 Sanitary Sewer Service Lateral Lining and Vac-A-Tee Installation, to Performance Pipelining, Inc. for an amount not to exceed \$1,691,277 plus a 3% contingency

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Option Year One to Contract 23-016, 2023 Sanitary Sewer

Service Lateral Lining and Vac-A-Tee Installation, to Performance Pipelining, Inc. for an amount not to exceed \$1,691,277 plus a 3% contingency. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the recommendations regarding boards and commissions and direct staff to prepare an ordinance reflecting the changes

SPEAKERS

Alan Lowe (Naperville - Naperville Sister Cities Commission) requested an additional 30 days to provide three options to the City Council for how to organize the Sister Cities Commission to make better use of City resources and provide additional opportunities for more interaction with international cities.

Shafeek Abubaker (Naperville - Chairman, Sister Cities Foundation) discussed the short notice of this recommendation, the assumption that the Foundation can assume the role of the Commission, and that the Foundation needs additional time to explore all options and review their bylaws.

Schatz explained that the Foundation bylaws are not outlined in the Municipal Code and staff has not reviewed them but believes they were drafted for the current structure and could be modified.

Marilyn L Schweitzer (Naperville) spoke in support of the recommendations and suggested bringing recommendations to the boards and commissions for comment prior to public discussion at the Council meeting.

Greg Gustin (Naperville) spoke against the recommendation to eliminate the Sister Cities Commission and stated the Foundation has not had the opportunity and the time it needs to review bylaws, that it needs additional time to work with the Commission, and discussed the message this action would send to volunteers.

Wehrli requested a show of hands to allow resident Becky Rudolph to speak since she missed the opportunity to sign up through the approved speaker sign up process.

Becky Rudolph (Naperville) spoke against the recommendation to eliminate the Sister Cities Commission and suggested that due diligence is needed before making the decision.

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the recommendations regarding boards and commissions and directing staff to prepare ordinances reflecting the changes, with the exception of the recommendations for the Sister Cities Commission. For the Sister Cities recommendations, direct the Sister Cities Commission and Sister Cities Foundation to work with City staff and return with a report on December 5, 2023.

The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

- 2. Receive the estimated 2023 property tax levy for the City of Naperville, including the Naperville Public Library, and direct staff to publish notice for a Truth-in-Taxation hearing on December 5, 2023

A motion was made by Councilman White, seconded by Councilman Kelly, to receive the estimated 2023 property tax levy for the City of Naperville, including the Naperville Public Library, and direct staff to publish notice for a Truth-in-Taxation hearing on December 5, 2023. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

- 3. Receive the estimated 2023 property tax levies for Special Service Area numbers 23, 25, 30, 31, 33, 34 and 35, and schedule a public hearing for November 21, 2023

A motion was made by Councilman White, seconded by Councilman Kelly, to receive the estimated 2023 property tax levies for Special Service Area numbers 23, 25, 30, 31, 33, 34 and 35, and schedule a public hearing for November 21, 2023. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

P. NEW BUSINESS:

There was no New Business

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Kelly, to adjourn the Regular City Council meeting of November 7, 2023 at 8:15 p.m. The motion carried by voice vote.

/S/ Dawn C. Portner
Dawn C. Portner
City Clerk