



Meeting Minutes

City Council

Wednesday, April 7, 2021

7:00 PM On Zoom/Hybrid - Open agenda to see cable, phone & streaming options

Moved due to Consolidated General Election

Due to the COVID-19 pandemic the City of Naperville has been conducting City Council meetings remotely pursuant to a gubernatorial executive order and then pursuant to an amendment to the Illinois Open Meetings Act allowing public bodies to conduct meetings remotely during a state of emergency subject to certain requirements.

As of April 7, 2021, based on current State of Illinois COVID-19 safety protocols and gathering limits, Mayor Steve Chirico has determined that while it remains impractical and imprudent to return to traditional in-person meetings due to the pandemic and the continued declaration of a state of emergency by the Governor, a hybrid in-person/virtual meeting format should be adopted for City Council meetings. In this format, some City Council members are physically present in City Council Chambers at the Naperville Municipal Center, 400 S. Eagle St., and the remaining Council members are participating in the meeting via Zoom webinar technology. Members of the City Council not attending in person have notified the City Clerk of their intent to participate remotely due the pandemic. Members of the public who wish to attend the meeting remotely may continue to do so. Members of the public who wish to attend in person may do so subject to compliance with COVID-19 safety protocols, including face coverings and social distancing.

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>
- Listen by telephone (audio only) – registration to receive dial-in phone number required by calling the City Clerk’s Office, (630) 305-5300, by 4 p.m. on April 7.

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council either in-person in City Council Chambers or via Zoom and provide public comment, members of the public must register by 4 p.m. on April 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 April 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 “OPPOSITON” 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 either in-person in City Council Chambers or virtually as a Zoom participant via spoken audio. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on April 7 and must indicate whether they will speak in-person or virtually. Once signed up, individuals who wish to speak virtually will receive an email from the City Clerk's Office after 4 p.m. with information about how to join the virtual meeting. Those speaking in-person will be called during the agenda item they wish to speak on or in Public Forum. All COVID-19 safety protocols will be followed in Council Chambers, including requiring face coverings at all times, spaced seating to allow for social distancing, and sanitizing the speakers' podium in between each use. Current limits allow 50 people in Council Chambers at one time, including City Council members, City staff, and members of the public. If these limits are exceeded, staff may ask members of the public to cycle in and out of Council Chambers to adhere to these limits. The meeting will be broadcast in the lobby of the Naperville Municipal Center to allow the proceedings to be viewed at all times. Due to new technology in Council Chambers, individuals will be able to address all members of the City Council at once when they speak, regardless of the Council members' method of participating in the meeting.

- Online sign-up closes at 4 p.m. on April 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 City Clerk at (630) 305-5300, by 4 p.m. on April 7.
- Questions regarding online sign-up may be directed to the City Clerk's Office 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 7:00 p.m.

B. ROLL CALL:

C. CLOSED SESSION - CANCELED

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Krummen
Councilwoman Theresa Sullivan
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Robert Marshall; 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, Jennifer Loudon; 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, Communications Manager, Linda LaCloche; Deputy Director of Public Utilities - Water, Amy Ries

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. [Proclaim April 2021 Autism Awareness Month in the City of Naperville](#)

SPEAKER

Carrie Ann Provenzale (Turning Pointe Autism) thanked the City Council for the recognition.

2. [Proclaim April 2021 Child Abuse Prevention Month in the City of Naperville](#)

POSITION STATEMENT

Jeanne Naughton (Project HELP) - SUPPORT

Diane Simmons (Project HELP) - SUPPORT

SPEAKER

Jerry Kochurka (Exchange Club of Naperville) thanked the City Council for the recognition.

G. PUBLIC FORUM:

COMMENTS

Laura Frego

My comment is in support of a neighbor speaking tonight on the topic of chronic traffic violations by car hobbyists and motorcycle enthusiasts. Individuals violate muffler vehicle code, speed limit, reckless driving, and racing laws all night and into the A.M. hours. Residents are diligent about reporting violations, but feel we hear excuses instead of a solution while the disturbances become worse.

Please investigate effective solutions. Make Naperville an undesirable place to show off how loud, fast, and dangerous one's car is. I live between Aurora Ave., Ogden Ave. and Mill Street. On a pleasant weekend evening we endure (no exaggeration) hundreds of instances of revving and LOUD engine zipping all afternoon and night. This may seem a small annoyance to those who do not live with it, but I assure you rude behavior by some car and motorcycle hobbyists is negatively impacting the quality of life in homes, backyards, outdoor dining spaces, and downtown businesses.

SPEAKERS

Outgoing members

Philip Buchanan thanked outgoing councilmembers for their leadership.

Drag racing

John Campbell discussed drag racing on Aurora Avenue.

Council asked what can residents do when they witness dangerous activity.

Marshall explained that the police department is aware of this driving behavior, that it is a statewide concern, and that residents can call the Traffic Hotline or call 911 if it is in progress.

Disruptive driving

Patrice Basso discussed dangerous driving in the neighborhood near Aurora Avenue and suggested a targeted campaign to address the behavior.

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. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, 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, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

1. [Approve the regular City Council meeting minutes of March 16, 2021](#)
Council approved.
2. [Approve the City Council meeting schedule for April, May & June 2021](#)
Council approved.
3. [Approve the award of Bid 21-019, 2021 Grouting of Sanitary Sewer Service Connections and Service Laterals Cress Creek Phase 7, to Michels Corporation for an amount not to exceed \\$187,062, plus a 5% contingency](#)
Council approved.
4. [Approve the award of Bid 21-128, Emergency and Amber Lighting and Related Equipment, to Fleet Safety Supply Inc. for an amount not to exceed \\$144,986.90, and for a one-year term](#)
Council approved.
5. [Approve the award of Bid 21-132, Heating, Ventilation, Air Conditioning and Dehumidification \(HVAC-D\) Services, to Beery Heating and Cooling Inc. for an amount not to exceed \\$181,520, and for a one-year term](#)
Council approved.
6. [Approve the award of Bid 21-004, 2021 Patching Program, to J.A. Johnson Paving Company for an amount not to exceed \\$434,150, plus a 5% contingency](#)
Council approved.
7. [Approve the award of Option Year Two to Contract 18-008, Electric Tree Trimming, to D. Ryan Tree & Landscape, LLC for an amount not to exceed \\$100,000](#)
Council approved.
8. [Approve the award of RFQ 21-012, Phase III Consultant Engineering Services for Various Projects, to TranSystems Corporation, Thomas Engineering, Christopher B. Burke, V3 Companies, Ltd. and Baxter & Woodman, Inc., for future projects and for a five-year term](#)
Council approved.
9. [Approve the award of Work Order 17-122-TED-2101, Columbia Street Final Engineering](#)

Plans, to Thomas Engineering Group, LLC for an amount not to exceed \$111,560.79, plus 5% contingency and for a one-year term

Council approved.

10. Approve the award of Sole Source Procurement 21-084, Cla-Val Valves, to Dorner Company for an amount not to exceed \$150,267

Council approved.

11. Approve the award of Sole Source Procurement 21-094, Leaf Disposal Services, to BioAg and Option Year Three to Contract 18-146, Leaf Disposal, to Tri-County Excavation and Construction, Inc. and to Steve Piper and Sons for a combined amount not to exceed \$322,500 (Item 1 of 2)

Council approved.

12. Adopt the resolution authorizing the city manager to lease three parcels of City property for leaf disposal (Item 2 of 2)

Enactment No.: RES 21-06

Council adopted.

13. Adopt the resolution authorizing the City of Naperville to perform work in the Illinois Department of Transportation right-of-way on Illinois Route 59 and US Route 34

Enactment No.: RES 21-07

Council adopted.

14. Approve the award of Bid 21-006, 2021 Sidewalk and Curb Maintenance Program, to Schroeder & Schroeder Inc for an amount not to exceed \$908,244, plus a 3% contingency (Item 1 of 2)

Council approved.

15. Pass the ordinance approving the 2021 Sidewalk Removal and Replacement Program Property Owner's Cost Sharing Program and directing staff to defer the due dates of the bills an additional 60 days (Item 2 of 2)

Enactment No.: ORD 21-034

Council passed.

16. Pass the ordinance to establish a temporary street closure for the 2021 Soap Box Derby races and issue Amplifier and Special Event permits subject to all state and local Executive Orders and CDC guidelines

Enactment No.: ORD 21-035

Council passed.

17. [Pass the ordinance approving a variance to permit a wall sign to be installed on a residential property located at 1350 E. Ogden Avenue - PZC 21-1-016](#)
Enactment No.: ORD 21-036
Council passed.
18. [Pass the ordinance granting a variance to permit the construction of a three-story single-family residence at 476 South Columbia Street - PZC 21-1-023](#)
Enactment No.: ORD 21-037
Council passed.
19. [Pass the ordinance granting a 4-year extension to the temporary use approved through Ordinance 17-059 and approving an amended Owner's Acknowledgement and Acceptance Agreement for the property located at 433-435 Spring Avenue](#)
Enactment No.: ORD 21-038
Council passed.

J. PUBLIC HEARINGS:**K. OLD BUSINESS:****L. ORDINANCES AND RESOLUTIONS:**

1. [Conduct the first reading of an ordinance amending Section 7-3-5 of Chapter 3 \(Required Improvements\) of Title 7 \(Subdivision Regulations\) regarding student generation rates for residential developments proposed within the boundaries of Indian Prairie Community Unit School District No. 204](#)

Council discussed that this only applies to District 204 based on findings of development patterns and housing demands within its boundaries and the potential impact on affordable housing.

Laff explained that staff contacted the Park District and SD 203 earlier this year and confirmed they have no intention to update their respective generation tables. She also agreed any fee increase has the potential to impact affordability, but noted that the City's ordinance does include exception provisions to allow developers to appeal fees. She concluded by saying that developers were contacted after the March 11 public meeting and confirmed they have no concerns with the proposed changes.

First reading held.

Coyne recused himself due to a conflict of interest and left the meeting from 7:40 p.m. - 7:42 p.m.

2. [Pass the ordinance rezoning the subject property from I District to OCI District for City Gate West and approving a Preliminary Plat of Subdivision; Conditional Use for a PUD and Preliminary PUD Plat; Conditional Uses for retail, restaurants, residential, and two hotels; and various deviations for City Gate West - PZC 20-1-022](#)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table the item to May 18, 2021. The motion carried by the following vote:

Aye: 8 - Chirico, Brodhead, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Recused: 1 - Coyne

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. [Receive the Water Utilities Capital Improvement Program presentation](#)

Blenniss and Ries gave the Water Utilities CIP presentation.

Council discussed heavy rain events, intensity and frequency of events, treatment plant, wastewater flows, and the ability to delay capacity improvements.

Ries explained permitting processes.

Blenniss discussed population increases and that flows to the plant have decreased.

P. NEW BUSINESS:

Disruptive driving behavior

Chirico asked Chief Marshall to discuss data and mitigation proposals.

Marshall stated that current enforcement efforts have not been effective, discussed the number and types of stops in 2020 and thus far in 2021, the increase in fleeing and alluding police, that officers remain active and visible, that police departments statewide are collaborating and investigating best practices, and reviewed a list of recommendations to curtail behavior including, but not limited to, fine escalation, speed bumps, and restricting parking deck access.

Council discussed home rule authority, staff recommendations, resident videos of drag racers, the loitering ordinance, the psychology of the occurrences and asked why this is being seen statewide at the same time.

DiSanto explained fines are not established by the City and educating the judges that fines should be set in an escalating manner would be appropriate.

Novack explained the process to restrict access in the parking decks.

Marshall stated that the convergence of the pandemic, anti-police sentiment, and the Illinois Crime Bill legislation may be responsible for the behavior.

City Council meetings

Chirico asked for a schedule to return to full in-person meetings.

April 7, 2021 vaccination clinic

Chirico recognized Jewel/Osco, the Mall of India, and staff from the City of Naperville for successfully planning and facilitating a clinic that administered 2,700 doses of the Johnson & Johnson vaccine.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of April 7, 2021 at 8:52 p.m. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White