



Meeting Minutes

City Council

Tuesday, October 6, 2020

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

On Friday, June 12, 2020, an amendment to the Open Meetings Act was signed into law. This new law replaces the gubernatorial executive order concerning the Open Meetings Act and allows public bodies to temporarily conduct meetings remotely during a state of emergency, subject to certain requirements, including a determination by the head of the public body that an in-person meeting is not practical or prudent.

On Tuesday, June 16, 2020, Mayor Chirico issued an executive order determining that in-person meetings of the City Council and the City's boards and commissions are not currently practical or prudent due to the COVID-19 pandemic.

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 5 p.m. on October 6

TO SUBMIT PUBLIC COMMENT IN THE MEETING:

To address the City Council via Zoom and provide public comment, members of the public must register by 5 p.m. on October 6 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 5 p.m. on October 6) to be read into the public record during the City Council meeting by a member of staff.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITON" regarding a specific agenda item to be read into the public record during the City Council meeting by a member of staff.
3. Address the City Council live during the City Council meeting via spoken audio. Individuals who want to address the Council live must sign up to speak in advance of the City Council meeting (by 5 p.m. on October 6).

Once signed up, the individual will receive an email from the City Clerk's Office after the sign-up time ends with information about how to join the meeting.

- Online sign-up closes at 5 p.m. on October 6, at which time no other speakers or comments will be accepted.

PUBLIC ACCOMMODATION:

- Any individual who would prefer to listen to the meeting by telephone, to speak during the meeting by telephone, or who may require an accommodation to listen to or participate in the meeting, should contact the City Clerk at (630) 305-5300, by 5 p.m. on October 6.
- 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 5:30 p.m.

B. ROLL CALL:

- Present:** 6 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilwoman Patty Gustin
Councilman Patrick Kelly
Councilman John Krummen
Councilwoman Theresa Sullivan
- Absent:** 3 - Councilman Kevin Coyne
Councilman Paul Hinterlong
Councilman Benjamin White

C. CLOSED SESSION - 5:30 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Krummen, to recess to Closed Session to discuss 120/2(c)(1) Performance of a Specific Individual and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

Aye: 6 - Chirico, Brodhead, Gustin, Kelly, Krummen, and Sullivan

Absent: 3 - Coyne, Hinterlong, 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 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 Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Lucy Podlesny; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski; Communications Manager, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

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

1. [Proclaim October 2020 as Arts DuPage Month](#)

Krummen presented the Proclamation to Deborah Venezia.

SPEAKER

Deborah Venezia, Arts DuPage, thanked the City for supporting the arts.

G. PUBLIC FORUM:

SPEAKER

Civil unrest

Peter Kokayeff spoke about the protests and riots that have occurred this year.

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:

Approval of the Consent Agenda

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of items I6, I7, and I25. 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 from September 15, 2020](#)

Council approved.

2. [Approve the City Council meeting schedule for October, November, and December 2020](#)

Council approved.

3. [Approve the recommendation by GCG Financial to award basic life, accidental life, supplemental life and family medical leave administration \(FMLASource\) renewal to Reliastar Life Insurance/VOYA Financial for an amount not to exceed \\$325,000 and for a two-year term](#)

Council approved.

4. [Waive the applicable provisions of the Naperville Procurement Code and award](#)

Procurement 20-262, Employee Assistance Program (EAP), to CuraLinc Healthcare for an amount not to exceed \$76,500 and for a three-year term (requires six positive votes)

Council approved.

5. Approve the award of Option Year Three to Contract 17-169, Parkway Tree Trimming, to Steve Piper and Sons for an amount not to exceed \$150,000

Council approved.

6. Waive the applicable provisions of the Naperville Procurement Code and award the Surplus Donation of Unit 332, 2009 International Medtec Ambulance, to Naperville Sister City, Cancun, Mexico (requires six positive votes) (Item 1 of 2)

Council discussed the impact of COVID on finances, the City would pay more if the item was approved, the focus of being a Sister City should be on cultural reciprocity, and that Naperville has donated two vehicles to Cancun.

Puknaitis explained the good will of donating it to a country that can use it for many years saving lives, that Naperville residents who visit Cancun appreciate the City's generosity, that the donation was agreed to before the pandemic, and that the ability to save lives far outweighs \$7,000 difference.

Council stated that it is difficult to donate to a country when Naperville also needs resources and stressed the importance of cultural reciprocity.

A motion was made by Councilwoman Gustin, seconded by Councilman Krummen, to waive the applicable provisions of the Naperville Procurement Code and award the Surplus Donation of Unit 332, 2009 International Medtec Ambulance, to Naperville Sister City, Cancun, Mexico.

The motion required six positive votes and failed by the following vote:

Aye: 5 - Chirico, Coyne, Gustin, Hinterlong, and Krummen

Nay: 4 - Brodhead, Kelly, Sullivan, and White

7. Approve the award of Change Order #1 to Cooperative Procurement 20-045, Unit 332 Ambulance Replacement, to Foster Coach for an amount not to exceed \$7,000 and a total award of \$268,800 (Item 2 of 2)

Because the motion for I6 failed, no vote is required for I7.

8. Approve the award of Option Year One to Contract 20-001, Pipefitting, Plumbing and Mechanical Services, to Dahme Mechanical Industries, Inc. for an amount to not exceed \$204,000 and for a one-year term

Council approved.

9. [Approve the award of Bid 20-317, 2020 Traffic Light LED Replacement Program, to Electric Conduit Construction, for an amount not to exceed \\$162,657.64, plus a 5% contingency](#)
Council approved.
10. [Approve the award of Cooperative Procurement 20-349, Panasonic Refresh, to CDS Technologies for an amount not to exceed \\$151,356](#)
Council approved.
11. [Approve the award of JOC Procurement DPW-004-CY20.A, Van Buren Parking Deck Maintenance, to Robe Inc. for an amount not to exceed \\$113,530.49 plus a 5% contingency](#)
Council approved.
12. [Approve the award of Cooperative Procurement 20-351, Restoration of the Southwest Waterworks \(SWWW\) South and North Ground Level Reservoir exterior roofs and walls, to Garland/DBS for an amount not to exceed \\$284,800, plus a 5% contingency](#)
Council approved.
13. [Approve the award of Cooperative Procurement 20-352, Southeast Waterworks \(SEWW\), East Reservoir Roof Repair, to Garland DBS Inc. for an amount not to exceed \\$240,000, plus a 5% contingency](#)
Council approved.
14. [Approve the award of RFP 20-290, Naper Settlement Distance Learning, to Night Kitchen Interactive for an amount not to exceed \\$160,500 and for a one-year term](#)
Council approved.
15. [Approve the award of Bid 20-342, Police Department Exterior ADA Upgrades, to Lite Construction, Inc., for an amount not to exceed \\$239,400, plus a 5% contingency](#)
Council approved.
16. [Approve the appointments of student representatives to City boards and commissions](#)
Council approved.
17. [Accept the public underground and streetlight improvements associated with The Shoppes on Washington and Metro Self Storage and authorize the City Clerk to reduce the corresponding public improvement surety](#)
Council approved.
18. [Receive the staff report for the acquisition of land for right-of-way and a temporary](#)

[construction easement for the North Aurora Road improvements from the property at 2404 North Aurora Road \(Item 1 of 3\)](#)

Council approved.

19. [Adopt the resolution affirming the applicability of Section 6-2-19 \(Existing Buildings and Structures\) to the property located at 2404 North Aurora Road following acquisition of additional right-of-way for North Aurora Road \(Item 2 of 3\)](#)

Enactment No.: RES 20-26

Council adopted.

20. [Adopt the resolution approving a purchase and sale agreement for part of 2404 North Aurora Road \(Item 3 of 3\)](#)

Enactment No.: RES 20-27

Council adopted.

21. [Receive the staff report for the acquisition of land for right-of-way and a temporary construction easement for the North Aurora Road improvements from the property at 2000 North Aurora Road \(Item 1 of 3\)](#)

Council approved.

22. [Pass the ordinance affirming the applicability of Section 6-2-19 \(Existing Buildings and Structures\) to the property located at 2000 North Aurora Road following acquisition of additional right-of-way for North Aurora Road \(Item 2 of 3\)](#)

Enactment No.: ORD 20-096

Council passed.

23. [Adopt the resolution approving a purchase and sale agreement for part of 2000 North Aurora Road \(Item 3 of 3\)](#)

Enactment No.: RES 20-28

Council adopted.

24. [Pass the ordinance granting approval of variances to Section 6-13-10:3.3 \(Design\) and Section 6-13-10:5.2 \(Setbacks\) to allow for roof mounted antennas on the building located at 35 S. Washington \(PZC 20-1-076\)](#)

Enactment No.: ORD 20-097

Council passed.

25. [Pass the ordinance granting approval of a variance to Section 6-7D-4 \(Required Conditions\) to allow a general service use below the second floor for the property located at 110 S. Washington Street \(The NOW Massage\) - \(PZC 20-1-069\)](#)

COMMENTS TO BE READ BY STAFF

Maura Clifford

I would like to show my support in allowing the variance for Now Spa on the ground level in downtown Naperville. To be able to bring in great businesses especially in these challenging times is essential to the continued success and vitality of our downtown.

Kimberly Lawler - Central Park Place/The Now Massage

The NOW is a high-end boutique spa coming out of California and I think it would be an amazing amenity for the residents of CPP and a great co-tenant to Sweetwater Tea & Coffee. They take walk-ins and there are monthly memberships that they can sign on for along with a retail component of jewelry, candles, and scents. The clients of Central Park Place would love to be able to walk downstairs and Get massage and relax after a long day at work. Downtown Naperville also does not have enough high end spas that make you feel very pampered. The retail space will be stunning and having a service industry come in from California is a huge draw...aka more people coming to downtown Naperville to spend money in our local business. I would highly recommend this gets approved.

Brooke Bergeron

As a 20 year resident of downtown Naperville, my family of 6 has enjoyed watching and experiencing the growth of the downtown area right from our front porch. From casual or fine dining to top retail stores, the downtown has so much to offer its residents as well as those visiting, looking for a fun day or night out. I have researched The NOW and found it to be a high-end boutique spa found only in upscale areas of the country. I think that it would be an amazing amenity to offer to not only the residents of downtown but visitors as well. It is a perfect co-tenant to Sweetwater Tea & Coffee and a perfect addition to the downtown residents. I can't think of a better day that spending it with my girlfriends, having lunch downtown, getting a massage at The NOW with my monthly membership, grabbing a tea or coffee and then taking in a little shopping. The up-scale brand of The NOW coupled with the convenience of its location are all fantastic reasons to allow it to occupy the first floor of CPP. Let's give businesses a chance to thrive in our amazing community

POSITION

James Luy - The NOW Massage - SUPPORT

Joseph Tota - Tapville Social @ 216 S Washington Street - SUPPORT

Enactment No.: ORD 20-098

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance granting approval of a variance to Section 6-7D-4 (Required Conditions) to allow a general service use below the second floor for the property located at 110 S. Washington Street (The NOW Massage) - (PZC 20-1-069). The motion carried by the following vote:

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

J. PUBLIC HEARINGS:

1. [Conduct a public hearing for the allocation of \\$296,985 in Community Development Block Grant CARES Act funds \(Item 1 of 2\)](#)

Chirico opened the public hearing at 7:39 p.m.

COMMENTS TO BE READ BY STAFF

Gary D. Smith - Chair of the Accessible Community Task Force
My comments are referring to agenda item # 20-1142 regarding allocation of dollars in Community Development Block Grant CARES Act funds and is specific to the response to Councilman Gustin's question "Will there be funds for mental health moving forward". The response from Ms. Gallahue of city staff states in part "three awards have been recommended by the evaluation committee for mental health assistance initiatives" The three recommendations include dollars to DuPage PADS for Career Employment Solutions for Homeless, to Little friends for CILA Staff in Naperville homes, and to Samaritan Interfaith Counseling Mental Health Access Program. I want to be very clear that I do not in any way object to these three extremely worthwhile and deserving organizations receiving this funding. I do however want to caution against categorizing these three allocations as mental health initiatives when in my opinion as chair of the Accessible Community Task Force (ACTF) the only one meeting the definition of mental health initiative is Samaritan Interfaith counseling. As the ACTF and others, including at least one Councilperson, attempt to pursue dollars for the the increasing need of meeting the challenge of mental illness in our community it is important that we do not incorrectly label dollars allocated as "mental health initiatives" when the dollars do not fit that definition. It is imperative that we, as a community, have specific dollars allocated to address the issues surrounding mental health. In closing, I again want to emphasize that I have no objection to and support the allocations you are recommending to DuPage PADS, Little Friends and Samaritan Interfaith Counseling; my concern is that by labeling them, with the exception of Samaritan, as mental health assistance initiatives may misrepresent the need for dollars for specific mental health programs and services going forward. Thank You.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing for the allocation of \$296,985 of City of Naperville Community Development Block Grant CARES Act funds at 7:42 p.m. The motion carried by the following vote:

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

2. [Approve the award of \\$296,985 in Community Development Block Grant CARES Act](#)

funds (Item 2 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of \$296,985 in CARES Act (CDBG-CV) funding to five nonprofit organizations for six public service projects and one public facility project to assist Naperville residents impacted by the Coronavirus pandemic. The motion carried by the following vote:

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

K. OLD BUSINESS:**L. ORDINANCES AND RESOLUTIONS:**

1. Pass an ordinance authorizing the issuance of General Obligation Bonds for an amount not to exceed \$40,500,000 and amending the 2020 Budget (Item 1 of 2)

Krieger clarified that \$16M is for new projects and the remainder is refinancing existing debt.

Enactment No.: ORD 20-099

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass an ordinance authorizing the issuance of General Obligation (GO) Bonds for an amount not to exceed \$40,500,000 and amending the 2020 Budget. The motion carried by the following vote:

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

2. Pass the ordinance approving an amendment to the City of Naperville Annual Budget for Calendar Year 2020 to accommodate the expenditure of general obligation bond proceeds (Item 2 of 2) (Requires six positive votes)

Enactment No.: ORD 20-100

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving an amendment to the City of Naperville Annual Budget for Calendar Year 2020 to accommodate the expenditure of general obligation bond proceeds. The motion carried by the following vote:

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

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**N. PETITIONS AND COMMUNICATIONS:****O. REPORTS AND RECOMMENDATIONS:****P. NEW BUSINESS:**

Procurement policy

Hinterlong discussed agenda item I15 and suggested making a Code amendment.

Mayer said being more specific in memorandum language is preferred when an alternate is added to an award instead of an amendment.

Variance to required conditions

Hinterlong explained that retail is different now, the appropriateness of lifting restrictions in the downtown, and making necessary adjustments based on the economic environment.

Council discussed variances, uses by right, an updated inventory of first floor uses in the downtown, and getting stakeholder input.

By consensus Council directed staff to present this topic to an upcoming Downtown Advisory Commission meeting for consideration.

Early voting

Brodhead promoted early voting dates and locations.

Commuter survey

Kelly promoted the recent survey.

Louden discussed the survey.

North Aurora projects

Gustin asked about the road improvement projects that were on the Consent Agenda.

Novack clarified locations and construction timeline.

Census

Chirico announced that Naperville finished with a 84.1% response rate, which is the highest in the nation for municipalities over 100,000.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of October 6, 2020 at 8:06 p.m. The motion carried by the following vote:

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

Absent: 1 - Coyne

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk

