



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, December 18, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 6:00 p.m.

B. ROLL CALL:

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

C. CLOSED SESSION - 6:00 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilwoman Obarski, to recess to Closed Session to discuss 120/2(c)(5) Purchase of Property; 120/2(c)(6) Sale of Property; 120/2(c)(11) Pending Litigation; and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

OPEN SESSION - 7:00 p.m.

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

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

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judith 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; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Deputy Fire Chief, Andy Dina; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The Pledge was given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

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, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, 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 item I9-City Council meeting calendar for January, February, and March 2019. The motion carried by the following vote:

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

1. Approve 11/02/2018 thru 11/29/2018 Cash Disbursement for \$46,398,113.51
Council approved.
2. Approve the regular City Council meeting minutes of December 4, 2018
Council approved.
3. Approve the minutes from the November 13, 2018 Budget Workshop
Council approved.
4. Approve the award of Sole Source Procurement 18-221, Government Accounting and Payroll Services, to Lauterbach & Amen, LLP for an amount not to exceed \$150,000 and for a one-year term
Council approved.
5. Approve the award of Bid 18-254, SEL Relay, to Universal Utility Supply for an amount not to exceed \$178,434
Council approved.
6. Approve the award of Bid 18-229, Cisco SmartNet, to Continental Resources for an amount not to exceed \$111,996.75
Council approved.
7. Approve the award of Bid 18-253, 2019 Transmission Tower Painting, to Morris Painting for an amount not to exceed \$407,000, plus 5% contingency
Council approved.
8. Approve the appointments of Kirsten Young, Mary Laidman, Edward Harvey, Mark Rice and Nancy Hayes to various City boards and commissions
Council approved.
9. Approve the City Council meeting schedule for January, February & March 2019
A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to approve as amended to remove the January 28, 2019 workshop. The motion carried by the following vote:
Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White
10. Pass the ordinance amending Section 3-3-11:1 of the Naperville Municipal Code setting the limit of available Class M - Recreational liquor licenses at 14 and Late Night Permits for non-Downtown locations at 43.

Enactment No.: ORD 18-142

Council passed.

11. Pass the ordinance approving a variance to allow an 8-foot fence along the subject property's rear property line, adjacent to Royce Road (937 Lehigh Circle) - PZC 18-1-107

Enactment No.: ORD 18-143

Council passed.

12. Pass the ordinance approving a conditional use for an amusement establishment and a variance to reduce the required amount of off-street parking for the subject property located at 1931 - 1955 Glacier Park Avenue (Urban Air Adventure Park) - PZC 18-1-125

Enactment No.: ORD 18-144

Council passed.

13. Deny the request for a deviation to the 30' platted building line for the property located at 716 Wehrli Drive - PZC 18-1-134

Council passed.

14. Pass the ordinance amending Article E (Annexation Fees), F (Development, Zoning and Subdivision Fees) and H (Fees for Construction and New Development) of Chapter 9 (Municipal Finances), and Chapter 9 (Soil Erosion and Sedimentation Control) and Chapter 10 (Landscaping, Screening and Tree Preservation) of Title 5 (Building Codes), of the Naperville Municipal Code

Enactment No.: ORD 18-145

Council passed.

15. Pass the ordinance amending Section 2-20-2 (Downtown Advisory Commission: Membership) to add a seat to the commission for the Downtown Naperville Alliance.

Enactment No.: ORD 18-146

Council passed.

16. Adopt the resolution authorizing the City Manager to execute the 2019 Pace Paratransit Local Share Agreement for the operation of the Ride DuPage Program

Enactment No.: RES 18-021

Council adopted.

17. Adopt the resolution approving the settlement contract between Tracy Heusinkveld and the City of Naperville

Enactment No.: RES 18-022

Council adopted.

18. Adopt the resolution authorizing the City Manager to execute the Right-of-Way License

Agreement with CenturyLink for placement of fiber and conduit in the City's Right-of-Way.

Enactment No.: RES 18-023

Council adopted.

J. PUBLIC HEARINGS:

1. Receive the staff report for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 1 of 4)

Russ Whitaker, Attorney for Petitioner, explained the project and requested a conditional use to permit single-family attached dwelling units and variances to allow the dwelling units to exceed the height and story requirements. The construction of nine townhome units in the form of two duplex buildings and a five-unit single-family attached building is also proposed.

Council discussed Fire Department access, private walks, front doors, building materials, and refuse access.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094. The motion carried by the following vote:

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

2. Pass an ordinance approving a preliminary subdivision plat for Chicago Commons - PZC 18-1-094 (Item 2 of 4)

Enactment No.: ORD 18-147

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass an ordinance approving a preliminary subdivision plat for Chicago Commons - PZC 18-1-094. The motion carried by the following vote:

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

3. Pass an ordinance granting a conditional use in the R2 District to permit single-family attached dwellings for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 3 of 4);

Enactment No.: ORD 18-148

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass an ordinance granting a conditional use in the R2 District to permit single-family attached dwellings for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094. The motion carried by the following vote:

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

4. Pass an ordinance granting a variance to increase the maximum building height and

number of stories for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 4 of 4)

Enactment No.: ORD 18-149

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass an ordinance granting a variance to increase the maximum building height and number of stories for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094. The motion carried by the following vote:

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

5. Conduct a Truth-in-Taxation hearing for Special Service Area No. 21 (New Parking Garage) property tax levy (Item 1 of 2)

Hinterlong opened the Public Hearing at 7:17 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Truth-in-Taxation hearing for Special Service Area No. 21 (New Parking Garage) property tax levy at 7:17 p.m. The motion carried by the following vote:

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

6. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019 adopting a total tax levy of \$200,000 for Special Service Area No. 21 (New Parking Garage) (Item 2 of 2)

Enactment No.: ORD 18-150

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019 adopting a total tax levy of \$200,000 for Special Service Area No. 21 (New Parking Garage) . The motion carried by the following vote:

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

7. Conduct a Truth-in-Taxation hearing for the Special Service Area No. 23 (Naper Main) property tax levy (Item 1 of 2).

Chirico opened the Public Hearing at 7:17 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Truth-in-Taxation hearing for the Special Service Area No. 23 (Naper Main) property tax levy at 7:17 p.m. The motion carried by the following vote:

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

8. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019 adopting a total levy of \$98,939 for

Special Service Area No. 23 (Naper Main) (Item 2 of 2)

Enactment No.: ORD 18-151

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019 adopting a total levy of \$98,939 for Special Service Area No. 23. The motion carried by the following vote:

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

9. Conduct a Truth-in-Taxation hearing for the Special Service Area No. 25 (IL Route 59 and Lacrosse Lane) property tax levy (item 1 of 2)

Chirico opened the Public Hearing at 7:18 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Truth-in-Taxation hearing for the Special Service Area No. 25 (IL Route 59 and Lacrosse Lane) property tax levy at 7:19 p.m. The motion carried by the following vote:

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

10. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal year beginning January 1, 2019 and ending December 31, 2019 adopting a total levy of \$68,000 for Special Service Area No. 25 (IL Route 59 and Lacrosse Lane) (Item 2 of 2)

Enactment No.: ORD 18-152

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal year beginning January 1, 2019 and ending December 31, 2019 adopting a total levy of \$68,000 for Special Service Area No. 25 (IL Route 59 and Lacrosse Lane). The motion carried by the following vote:

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

11. Conduct a Truth-in-Taxation hearing for the Special Service Area No. 26 (Downtown Maintenance Expenses and Marketing Costs) property tax levy (Item 1 of 2)

Chirico opened the Public Hearing at 7:20 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Truth-in-Taxation hearing for the Special Service Area No. 26 (Downtown Maintenance Expenses and Marketing Costs) property tax levy at 7:20 p.m. The motion carried by the following vote:

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

12. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019 adopting a total tax levy of \$987,537 for Special Service Area No. 26 (Downtown Maintenance Expenses and Marketing Costs)

(Item 2 of 2)

Enactment No.: ORD 18-153

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019 adopting a total tax levy of \$987,537 for Special Service Area No. 26 (Downtown Maintenance Expenses and Marketing Costs). The motion carried by the following vote:

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

13. Conduct a Truth-in-Taxation hearing for the City's property tax levy. (Item 1 of 3)

Chirico opened the Public Hearing at 7:21 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Truth-in-Taxation hearing for the City's property tax levy at 7:21 p.m. The motion carried by the following vote:

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

14. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019, adopting a total tax levy of \$57,738,504.83 (Item 2 of 3)

Enactment No.: ORD 18-154

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2019 and ending December 31, 2019, adopting a total tax levy of \$57,738,504.83. The motion carried by the following vote:

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

15. Pass the Ordinance to abate a portion of the 2018 Tax Levy for the City of Naperville authorizing an abatement of \$8,657,022.65 from the total tax levy of \$57,738,504.83 for a net total of 2018 tax levy of \$49,081,482.18 (Item 3 of 3)

Enactment No.: ORD 18-155

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the Ordinance to abate a portion of the 2018 Tax Levy for the City of Naperville authorizing an abatement of \$8,657,022.65 from the total tax levy of \$57,738,504.83 for a net total of 2018 tax levy of \$49,081,482.18. The motion carried by the following vote:

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

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Pass the ordinance proposing and setting a public hearing for the establishment of Special Service Area No. 30 for streetscape improvements on portions of blocks 429 and 430 of the downtown area in the City of Naperville

Enactment No.: ORD 18-156

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance proposing and setting a public hearing for the establishment of Special Service Area No. 30 for streetscape improvements on portions of blocks 429 and 430 of the downtown area in the City of Naperville. The motion carried by the following vote:

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

2. Receive the report regarding a Special Service Area and Cost Sharing Agreement for the R. R. Breitwieser Corner Subdivision located at 41 W. Jefferson Avenue.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the report regarding a Special Service Area and Cost Sharing Agreement for the R. R. Breitwieser Corner Subdivision located at 41 W. Jefferson Avenue. The motion carried by the following vote:

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

3. Pass the ordinance proposing and setting a public hearing for the establishment of Special Service Area No. 31 for streetscape improvements near the southwest portion of Block 423 in the downtown area of the City of Naperville.

Enactment No.: ORD 18-157

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance proposing and setting a public hearing for the establishment of Special Service Area No. 31 for streetscape improvements near the southwest portion of Block 423 in the downtown area of the City of Naperville. The motion carried by the following vote:

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

4. Pass the ordinance approving the Cost Sharing Agreement between the City of Naperville and Jefferson & Main LLC for the R. R. Breitwieser Corner Subdivision located at 41 W. Jefferson Avenue.

Enactment No.: ORD 18-158

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the Cost Sharing Agreement between the City of Naperville and Jefferson & Main LLC for the R. R. Breitwieser Corner Subdivision located at 41 W. Jefferson Avenue. The motion carried by the following vote:

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

5. Receive the staff report for Tartan Point Subdivision (PZC 18-1-111) located at 1519 N. Naper Boulevard (Item 1 of 3).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for Tartan Point Subdivision (PZC 18-1-111) located at 1519 N. Naper Boulevard. The motion carried by the following vote:

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

6. Pass the ordinance approving a Preliminary Plat of Subdivision for Tartan Point Subdivision - PZC 18-1-111 (Item 2 of 3)

Enactment No.: ORD 18-159

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving a Preliminary Plat of Subdivision for Tartan Point Subdivision - PZC 18-1-111. The motion carried by the following vote:

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

7. Pass the ordinance approving a conditional use in the B3 District to permit an automobile service station for the property located at 1519 N. Naper Boulevard; and, variances to allow a parking ratio of 13 spaces per 1,000 square feet for Culver's, eliminate the bypass lane for the Circle K carwash, reduce the front yard parking setback along a major arterial; permit off-premises monument signage on Lot 3, and permit monument signage within 40' of an interior setback line on Lots 1 and 2 for Tartan Point Subdivision - PZC 18-1-111 (Item 3 of 3)

Enactment No.: ORD 18-160

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving a conditional use in the B3 District to permit an automobile service station for the property located at 1519 N. Naper Boulevard; and, variances to allow a parking ratio of 13 spaces per 1,000 square feet for Culver's, eliminate the bypass lane for the Circle K carwash, reduce the front yard parking setback along a major arterial; permit off-premises monument signage on Lot 3, and permit monument signage within 40' of an interior setback line on Lots 1 and 2 for Tartan Point Subdivision - PZC 18-1-111. The motion carried by the following vote:

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

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Option Year One to Contract 16-178, Sanitary Sewer Service Lateral Rehabilitation and Vac-A-Tee Installation, to Performance Pipelining, Inc. for an amount not to exceed \$1,600,000 plus a 3% contingency

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Option Year One to Contract 16-178, Sanitary Sewer Service Lateral Rehabilitation and Vac-A-Tee Installation, to Performance

**Pipelining, Inc. for an amount not to exceed \$1,600,000 plus a 3% contingency.
The motion carried by the following vote:**

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

2. Approve the Award of Bid 18-258, Electric Utility Distribution, to Meade Electric Company, Inc., for an amount not to exceed \$11,265,395.33, plus a 3% contingency and for a two-year term

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the Award of Bid 18-258, Electric Utility Distribution, to Meade Electric Company, Inc., for an amount not to exceed \$11,265,395.33, plus a 3% contingency and for a two-year term. 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:

1. Approve the 2019 Special Events calendar and designate the calendar as closed

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the 2019 Special Events calendar and designate the calendar as closed. The motion carried by the following vote:

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

2. Receive an update from the DuPage Children's Museum 5th Avenue Working Group.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive an update from the DuPage Children's Museum 5th Avenue Working Group. The motion carried by the following vote:

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

P. NEW BUSINESS:

Possible TIF on Rt. 59

Coyne requested a status update for the impact report.

Krieger stated that representatives from District 204 had a meeting and explained they are considering hiring a third party to do a detailed impact analysis. He said the City is waiting to hear from District 204 and suggests we rely on the consultant's report, however if no third party is hired, City staff will do a report based on set assumptions.

Taxi

Hinterlong asked about an incident that was reported in the media.

Marshall said he will follow up with him offline.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of December 18, 2018 at 7:36 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