



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, February 5, 2019

7:00 PM

Council Chambers

Republished 1/31/2019 - The following items have been updated:

F2: Added signed proclamation

J2: Corrected Legal Description attachment

A. CALL TO ORDER:

Chirico called the meeting to order at 5:30 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 Krummen
Councilwoman Rebecca Obarski
Councilman Benjamin White

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

A motion was made by Councilwoman Gustin, seconded by Councilwoman Obarski, to recess to Closed Session to discuss 120/2(c)(1) Performance of a Specific Individual; 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, Krummen, Obarski, 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 Becky Anderson
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Kruppen
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; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jeff Anderson; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Deputy Director of Public Utilities - Water, Amy Ries; Director of Public Works, Dick Dublinski

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. Proclaim February 5, 2019 as Naperville Heritage Society Day in honor of their 50th Anniversary

This item was rescheduled to a future meeting.

2. Proclaim the month of February 2019 as Black History month in the City of Naperville

White presented the Proclamation.

G. PUBLIC FORUM:

IL Representative Anne Stava-Murray comments
Coyne discussed comments made by Stava-Murray and called on her to resign.

Kruppen discussed discrimination and comments made by Stava-Murray.

White discussed discrimination and comments made by Stava-Murray.

Naperville Thank You

Tom Miers, Naperville, thanked City staff for their outstanding efforts during the recent record-setting cold temperatures.

Race Relations

Mark Winters, Naperville, discussed discrimination and comments made by Representative Stava-Murray.

History of Social Justice in Naperville

Mimi Cowan, Naperville, discussed discrimination and how leaders can affect change.

Race Relations

Walter Johnson, Naperville, discussed discrimination and comments made by Representative Stava-Murray.

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 items I8: the award of Bid 19-015, 1 ½" Inch Water Meter Replacement Program, to HBK Water Meter Service Inc. for an amount not to exceed \$171,250, plus a 3% contingency; I10: waive the applicable provisions of the Naperville Procurement Code and award Bid 19-021, Police Department Flooring, to Empire Today LLC for an amount not to exceed \$51,848.15, plus a 5% contingency; and I16: the City Council meeting schedule for February, March & April 2019. The motion carried by the following vote:

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

1. Approve the regular City Council meeting minutes of January 15, 2019

Council approved.

2. Approve the award of Option Year One to Contract 18-126, Sanitary Manhole Replacement, to Sheridan Plumbing & Sewer, Inc. for an amount not to exceed \$131,420, plus a 5% contingency

Council approved.

3. Approve the award of Cooperative Procurement 19-019, Fire Station 4 and 7 Roof Replacement, to Garland/DBS Inc. for an amount not to exceed \$367,138, plus a 5%

contingency

Council approved.

4. Approve the award of Option Year One to Contract 17-210, Emerald Ash Borer Insecticidal Treatment, to The Care of Trees for an amount not to exceed \$300,000

Council approved.

5. Approve the award of Bid 18-241, Liquid Cationic Emulsion Polymer for Gravity Belt Thickening, to SNF Polydyne Inc. for an amount not to exceed \$131,971 and for a 24-month term

Council approved.

6. Approve the award of the two-year extension to Contract 16-128, Health Screening Services, to Edward Hospital for an amount not to exceed \$458,180

Council approved.

7. Approve the award of Option Year One to Contract 18-013, Tree Planting Services, to The Fields of Caton Farm Inc. for an amount not to exceed \$516,500

Council approved.

8. Approve the award of Bid 19-015, 1 ½" Inch Water Meter Replacement Program, to HBK Water Meter Service Inc. for an amount not to exceed \$171,250, plus a 3% contingency

Council discussed the timing and appropriateness of re-bidding.

Mayer discussed responses from the bid community and said it could be up to 60 days before a recommendation would be presented to Council for approval if it was rebid.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Obarski, to reject all bids and rebid the award. The motion carried by the following vote:

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

9. Approve the award of Cooperative Procurement 19-065, Unit 244 Equipment Replacement, to McCann for an amount not to exceed \$198,400

Council approved.

10. Waive the applicable provisions of the Naperville Procurement Code and award Bid 19-021, Police Department Flooring, to Empire Today LLC for an amount not to exceed \$51,848.15, plus a 5% contingency (Requires six positive votes)

Mayer explained the bid opening process and the definitions of a responsible bidder and a responsive bidder. She said the award recommendation is made

based on all component parts of the bid submission.

Council discussed the process, the appropriateness of adopting a "local preference" resolution or program, and that area businesses did not support past efforts to initiate such a program.

A motion was made by Councilwoman Obarski, seconded by Councilwoman Gustin, to waive the applicable provisions of the Naperville Procurement Code and award Bid 19-021, Police Department Flooring, to Empire Today LLC for an amount not to exceed \$51,848.15, plus a 5% contingency. The motion failed by the following vote:

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

Nay: 4 - Anderson, Hinterlong, Obarski, and White

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to reject all bids and rebid the award. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Brodhead, Gustin, Hinterlong, Krummen, Obarski, and White

Nay: 1 - Coyne

11. Approve the award of Change Order #1 to Contract 16-269, Consulting Services for Street Lighting LED Conversion, to Christopher B. Burke Engineering, Ltd. for an amount not to exceed \$33,300 and a total award of \$153,821.76

Council approved.

12. Approve the project application for the federal Surface Transportation Program Shared Fund for the North Aurora Road Underpass at the CN Railroad (CIP - BR005)

Council approved.

13. Approve Mayoral appointments to various boards and commissions

Council approved.

14. Accept the public street improvements associated with Ashwood Park South & Enclave at Ashwood Park and authorize the City Clerk to reduce the corresponding public improvement surety.

Council approved.

15. Accept the public underground, street light and streetscape improvements associated with Water Street Development and authorize the City Clerk to reduce the corresponding public improvement surety.

Council approved.

16. Approve the City Council meeting schedule for February, March & April 2019

A motion was made by Councilwoman Gustin, seconded by Councilman

Coyne, to approve the City Council meeting schedule for February, March and April 2019 as amended to reschedule the April 2 City Council meeting to April 3 due to the election. The motion carried by the following vote:

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

17. Pass the ordinance approving a right-of-way encroachment agreement to permit a blade sign to encroach in the public right-of-way at the subject property at 120 S. Water Street #100, Naperville (Trails & Tides)
Enactment No.: ORD 19-012
Council passed.
18. Pass the ordinance reserving the City's 2019 Volume Cap
Enactment No.: ORD 19-013
Council passed.
19. Pass the ordinance to establish Temporary Traffic Controls and issue Special Event Permits and Amplifier Permits for the St. Paddy's Day 5K and the St. Patrick's Day Parade on Saturday, March 16, 2019
Enactment No.: ORD 19-014
Council passed.
20. Conduct the first reading of an ordinance amending Section 10-2-3-1:1.1 by adding a definition of hemp and excluding hemp from the definition of cannabis.
Council passed.
21. Adopt the Route 672 Resolution authorizing the City Manager to execute the attached agreement with Pace to establish the City of Naperville share for service from the 95th Street Park-n-Ride to the Route 59 Metra Station at \$149,648.10 (Item 1 of 3)
Enactment No.: RES 19-003
Council adopted.
22. Adopt the Route 673 Resolution authorizing the City Manager to execute the attached agreement with Pace to establish the City of Naperville share for service for the Community Christian Church Park-n-Ride to the Route 59 Metra Station at \$71,554.68 (Item 2 of 3)
Enactment No.: RES 19-004
Council adopted.
23. Adopt the Route 675 Resolution authorizing the City Manager to execute the attached agreement with Pace to establish the City of Naperville share for service from the Wheatland Salem Church Park-and-Ride to the Route 59 Metra Station at \$76,755.95

(Item 3 of 3)

Enactment No.: RES 19-005

Council adopted.

24. Adopt a resolution in support of a State of Illinois Capital Bill

Enactment No.: RES 19-006

Council adopted.

25. Adopt the resolution approving the settlement agreement pertaining to an alleged trademark infringement

Enactment No.: RES 19-007

Council adopted.

J. PUBLIC HEARINGS:

1. Conduct the public hearing to consider the Annexation Agreement for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101 (Item 1 of 2)

Chirico opened the Public Hearing at 8:11 p.m.

Patti Bernhard, Petitioner's Attorney, discussed the development.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 8:12 p.m. The motion carried by the following vote:

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

2. Pass the ordinance authorizing execution of the Annexation Agreement for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101 (Item 2 of 2)

Enactment No.: ORD 19-015

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing execution of the Annexation Agreement for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101. The motion carried by the following vote:

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

3. Receive the staff report for Leigh Subdivision located at 5S275 and 5S311 Naperville/Wheaton Road - PZC 18-1-114 (Item 1 of 6)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for Leigh Subdivision located at 5S275 and 5S311 Naperville/Wheaton Road - PZC 18-1-114. The motion carried by the following vote:

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

4. Conduct the public hearing for Leigh Subdivision located at 5S275 and 5S311 Naperville/Wheaton Road - PZC 18-1-114 (Item 2 of 6)

Chirico opened the Public Hearing at 8:13 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 8:13 p.m. The motion carried by the following vote:

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

5. Pass the ordinance authorizing the execution of an Annexation Agreement for the Property located at 5S275 and 5S311 Naperville/Wheaton Road - PZC 18-1-114 (Requires six positive votes) (Item 3 of 6)

Enactment No.: ORD 19-016

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing the execution of an Annexation Agreement for the Property located at 5S275 and 5S311 Naperville/Wheaton Road - PZC 18-1-114. The motion carried by the following vote:

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

6. Pass the ordinance annexing certain property located at located at 5S275 and 5S311 Naperville/Wheaton Road - PZC 18-1-114 (Item 4 of 6)

Enactment No.: ORD 19-017

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance annexing certain property located at located at 5S275 and 5S311 Naperville/Wheaton Road - PZC 18-1-114. The motion carried by the following vote:

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

7. Pass the ordinance rezoning the property located at located at 5S275 and 5S311 Naperville/Wheaton Road to R3A - PZC 18-1-114 (Item 5 of 6)

Enactment No.: ORD 19-018

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning the property located at located at 5S275 and 5S311 Naperville/Wheaton Road to R3A - PZC 18-1-114. The motion carried by the following vote:

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

8. Pass the ordinance approving the preliminary plat of subdivision for Leigh Subdivision-PZC 18-1-114 (Item 6 of 6)

Enactment No.: ORD 19-019

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the preliminary plat of subdivision for Leigh Subdivision- PZC 18-1-114. The motion carried by the following vote:

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

9. Conduct the public hearing to consider the Annexation Agreement for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087 (Item 1 of 7)

Chirico opened the Public Hearing at 8:15 p.m.

Russ Whitaker, Petitioner's Attorney, discussed the proposal and detailed that the subject property consists of approximately 113 acres located at the northeast corner of Route 59 and 103rd Street in unincorporated Will County, that Wagner Limited Partnership is petitioning for annexation into the City of Naperville, and that Pulte Home Company, LLC, requests approval to: 1) rezone approximately 105 acres of the property to R2 (Single-Family and Low Density Multiple-Family Residence) for the development of single family detached homes; 2) rezone approximately eight acres of the property to OCI (Office Commercial and Institutional) for development of the Compass Evangelical Free Church; 3) approve a preliminary plat of subdivision; and 4) approve a variance from the sign code to permit signage for the residential development to be located on the Compass Evangelical Free Church parcel.

Darrell Cloud, Naperville, spoke in favor of the proposed annexation agreement.

Council discussed other church locations, traffic patterns, and intersection signalization.

Novack explained how the need for turn lanes and traffic control mechanisms is determined.

Council discussed commercial development in the area, water features of the proposed development, and payment for improvements.

Laff explained that the proposed development of single family homes and a religious institution deviates from the specific uses previously identified but remains generally compatible with the transitional character of the area.

Derke Price, Attorney for Naperville Park District, spoke in favor of the proposed annexation agreement.

Matt Koupal, Naperville, spoke in favor of the proposed annexation agreement.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 8:45 p.m. The motion carried by the following vote:

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

10. Receive the staff report for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087 (Item 2 of 7)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087. The motion carried by the following vote:

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

11. Pass the ordinance authorizing execution of the Annexation Agreement for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087 (Requires six positive votes) (Item 3 of 7)

Enactment No.: ORD 19-020

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing execution of the Annexation Agreement for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087. The motion carried by the following vote:

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

12. Pass the ordinance annexing the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087 (Item 4 of 7)

Enactment No.: ORD 19-021

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance annexing the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087. The motion carried by the following vote:

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

13. Pass the ordinance rezoning the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) to OCI (Office Commercial and Institutional District) and R2 (Single-Family and Low-Density Multiple-Family Residence District) - PZC 18-1-087 (Item 5 of 7)

Enactment No.: ORD 19-022

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) to OCI (Office Commercial and Institutional District) and R2 (Single-Family and Low-Density Multiple-Family Residence District) - PZC 18-1-087. The motion carried by the following vote:

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

14. Pass the ordinance approving the preliminary subdivision plat for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087 (Item 6 of 7)

Enactment No.: ORD 19-023

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the preliminary subdivision plat for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087. The motion carried by the following vote:

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

15. Pass the ordinance approving a variance to Section 6-16-4 (Signs on Residential Property) of the Naperville Municipal Code for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087 (Item 7 of 7)

Enactment No.: ORD 19-024

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving a variance to Section 6-16-4 (Signs on Residential Property) of the Naperville Municipal Code for the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farms) - PZC 18-1-087. 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:

The meeting recessed from 8:49 p.m. - 8:55 p.m.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Bid 18-285, Water Meter Replacement Program, to HBK Water Meter Service, Inc. for an amount not to exceed \$1,029,150, plus a 3% contingency and for a two-year term

DiSanto explained that this item was tabled from January 15, that at that meeting a speaker raised issues regarding vendor adherence to the prevailing wage, and the letter that was received from IDOL stating the case was closed.

A motion was made by Councilwoman Gustin, seconded by Councilman Krummen, to approve the award of Bid 18-285, Water Meter Replacement Program, to HBK Water Meter Service, Inc. for an amount not to exceed \$1,029,150, plus a 3% contingency and for a two-year term. The motion carried by the following vote:

Aye: 7 - Chirico, Anderson, Brodhead, Coyne, Gustin, Krummen, and Obarski

Nay: 1 - Hinterlong

Absent: 1 - White

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the Calendar Year 2019 SECA Grant Fund Program allocations

Miranda Barfuss, Naperville - Last Fling, requested that the CY19 SECA Grant Fund request be awarded in full.

Naveen Michael, Naperville, thanked the City Council and the SECA Commission for the CY19 award.

Council discussed the appropriateness of fully funding the Last Fling, the impact to other events that weren't recommended for full funding, and the annual underspend amount.

Gallahue explained that Council supported the SECA Commission recommendation to apply the underspend of one grant year to the next full grant year, how the cost of City services is estimated, and the unusual number of canceled events in 2018.

Council discussed the approval of the elimination of the Legacy Events category and that Ribfest and Last Fling are now evaluated with all other special events.

A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, to amend the SECA Commission's recommendation and fully fund the Last Fling's CY19 request with any available CY18 underspend. The motion failed by the following vote:

Aye: 3 - Chirico, Coyne, and Hinterlong

Nay: 6 - Anderson, Brodhead, Gustin, Krummen, Obarski, and White

A motion was made by Councilwoman Obarski, seconded by Councilwoman Gustin, to approve the Calendar Year 2019 SECA Grant Fund Program allocations. The motion carried by the following vote:

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

P. NEW BUSINESS:

New Year's Eve Party

Obarski requested additional information regarding the police response.

Time-off Plans

Brodhead asked for a status update on the request to evaluate changes to the current time-off plans.

Sheehan stated that information will start being distributed in the next Friday Confidential.

Downtown Sidewalks

Gustin discussed the recent freezing temperatures and the effect on sidewalks in the downtown.

Dublinski explained how the City treats sidewalks in the winter and where visitors can call with concerns.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of February 5, 2019 at 9:23 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