



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, June 20, 2017

7:00 PM

Council Chambers

A. CALL TO ORDER:

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

B. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilwoman Judy Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Krummen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 1 - Councilwoman Becky Anderson

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

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

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

Absent: 1 - Anderson

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

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

Present: 8 - Mayor Steve Chirico
Councilwoman Judy Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Krummen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 1 - Councilwoman Becky Anderson

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Deputy Police Chief, Jason Arres; 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 Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Director of Public Utilities - Water, Jim Holzapfel; Director of Public Works, Dick Dublinski; Budget/Management Analyst, Shebnem Ozkaptan; City Prosecutor, Kavita Athanikar

Chicago Sun Times, Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

Pledge given.

F. AWARDS AND RECOGNITIONS:

1. Electric Utility Director Mark Curran to present Illinois Municipal Utilities Association (IMUA) Scholarship Award to John (Jack) Williamson

Curran made the presentation.

2. Proclaim June 30, 2017 as Pamela Meyer Davis Day in the City of Naperville

Chirico presented the Proclamation.

Representative Wehrli and Senator Connelly recognized Pam Davis.

G. PUBLIC FORUM:

No speakers.

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

Absent: 1 - Anderson

I. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of I17. The motion carried by the following vote:

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

Absent: 1 - Anderson

1. Approve the 05/03/2017 thru 05/31/2017 Cash Disbursement for \$27,098,378.67.
2. Approve the Regular City Council Meeting Minutes of June 6, 2017.
3. Approve the Award of Bid 17-028, Raymond Drive Interceptor Sewer - Phase 4, to Michels Pipe Services for an amount not to exceed \$668,661, plus a 3% contingency.
4. Approve the Award of Bid 17-095, Certified Commscope Installation, to Advanced Data Technologies, Inc. for an amount not to exceed \$139,518.76, plus a 5% contingency.
5. Approve the Award of RFP 17-020, Custodial/Janitorial Services for City Sites, to Citywide Building Maintenance for Groups A and B, for an amount not to exceed \$689,546.64 and for the Central Business District and Train Station, to Smith Maintenance Company for Group C, for an amount not to exceed \$227,283.54 and a total award of \$916,830.18 for a two-year term.
6. Approve the Award of RFP 17-039, EMS and Non-EMS Billing Services, to Andres Medical Billing Ltd. for an amount of 3.1% of total dollars collected for EMS billing services and to Fire Recovery USA, LLC for an amount of 20% of total dollars collected for Non-EMS billing services and for a three-year term.
7. Approve the Award of RFP 17-060, Consulting Services for Edward Hospital Substation Expansion, to LDP for an amount not to exceed \$139,887.
8. Approve the Award of Change Order #4 to Contract 16-226, Rehabilitation of Emergency Standby Deep Wells Nos. 24 and 31, to Layne Christensen for an additional 40 days.
9. Approve Mayoral Appointments to the Advisory Commission on Disabilities, Board of Fire and Police Commissioners, Building Review Board and Fire Pension Board
10. Approve the City Council Meeting Schedule for July, August & September 2017.
11. Approve the White Eagle Homeowners Association's permit request to hold a fireworks display on June 24, 2017
12. Waive the first reading and pass the Ordinance amending Section 2 (Membership and Terms), of Chapter 18 (Local Liquor Commission), of Title 2 (Boards and Commissions), of the Naperville Municipal Code (requires six positive votes).
13. Pass the Ordinance ascertaining prevailing wages in the City of Naperville.
14. Pass the Ordinance approving a parking variance for Junior Ninja Warriors on

property located at 2012 Corporate Lane, PZC 17-1-041.

15. Pass the Ordinance approving a temporary use to allow for a temporary banner to be displayed on the east wall of the Loggia Building (123 Water Street), subject to the terms included in the ordinance.
16. Pass the Ordinance approving a rezoning of the subject property located at 308 Cody Court from R1A (Low Density Single Family Residence District) to R1B (Medium Density Single Family Residence District) - PZC 17-1-051
17. Pass the Ordinance granting a temporary use to allow for a temporary parking lot to be constructed at 19 W. Benton through June 21, 2022, PZC 17-1-050.

Council discussed the proposed use, the five-year temporary request, benefit of providing parking relief in the downtown, plans to landscape the area, and police calls regarding activity in and around the current structure.

A motion was made by Councilwoman Obarski, seconded by Councilman Krummen, that this agenda item be passed as amended to allow for a temporary parking lot until June 21, 2019. The motion failed by the following vote:

Aye: 3 - Brodhead, Krummen, and Obarski

Nay: 5 - Chirico, Coyne, Gustin, Hinterlong, and White

Absent: 1 - Anderson

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, that this agenda item be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

18. Pass the Ordinance approving a variance to Section 6-2-12:1(Fences; Residence District) of the Naperville Municipal Code for the property located at 115 E. Benton Avenue. PZC 17-1-049
19. Pass the Ordinance to establish temporary street closures and issue a Special Event permit for the Downtown Vintage Emergency Vehicle Show, to be held on Sunday, August 6, 2017.
20. Pass the Ordinance establishing the temporary traffic controls and issue a Special Event permit and amplifier permit for the Naperville Sprint Triathlon on Sunday, August 6, 2017.
21. Pass the Ordinance to establish temporary street closures and parking restrictions for the India Day Parade and Celebration and issue a Special Event and amplifier permit for the event to be held on Sunday, August 13, 2017.

J. PUBLIC HEARINGS:

1. Conduct the public hearing to consider the Annexation Agreement for the Subject Property located at 26W161 Old Plank Road, PZC 16-1-174. (Item 1 of 7)

Chirico opened the Public Hearing at 7:24 p.m.

Julie Johnson, spoke against the proposed annexation agreement.

Council discussed facade elements and alternative crossing locations.

Novack stated that staff does not support a mid-block crossing, that narrowing the lane may slow traffic, and explained construction requirements in the Municipal Code.

Vince Rosanova, Petitioner's Attorney, showed enhanced architectural features and masonry elements and discussed landscape.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to close the Public Hearing at 7:35 p.m. The motion carried by the following vote:

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

Absent: 1 - Anderson

2. Receive the **updated** staff report for Columbia Park Townes located at 26W161 Old Plank Road, PZC 16-1-174. (Item 2 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to receive the report. The motion carried by the following vote:

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

Absent: 1 - Anderson

3. Pass the Ordinance authorizing execution of the Annexation Agreement (*requires six positive votes*), PZC 16-1-174. (Item 3 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

4. Pass the Ordinance annexing the Subject Property located at 26W161 Old Plank Road, PZC 16-1-174. (Item 4 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

5. Pass the Ordinance rezoning the Subject Property to R3A (Medium Density Multiple-Family Residence District) upon annexation, PZC 16-1-174. (Item 5 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

6. Pass the Ordinance approving the Preliminary Plat of Subdivision for Columbia Park Townes, PZC 16-1-174. (Item 6 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

7. Pass the Ordinance approving variances from 6-6D-7 (R3A: Yard Requirements) and 6-6D-8 (R3A: Height Limitations/Bulk Regulations) relating to setback and height requirements, PZC 16-1-174. (Item 7 of 7)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

8. Conduct the Public Hearing on the Program Year 2016 Community Development Block Grant (CDBG) Comprehensive Annual performance and Evaluation Report (CAPER). (1 of 2)

Chirico opened the Public Hearing at 7:38 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:38 p.m. The motion carried by the following vote:

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

Absent: 1 - Anderson

9. Approve the Program Year 2016 Consolidated Annual Performance and Evaluation Report (CAPER); authorize staff to include any comments received and submit the report to HUD. (2 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the report. The motion carried by the following vote:

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

Absent: 1 - Anderson

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Pass the Ordinance approving the Preliminary/Final Plat of Subdivision for Jewel Osco Subdivision located at 215-231 E. Ogden Avenue, PZC 17-1-053. (1 of 2)

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

2. Pass the Ordinance granting variances from Section 6-9-3 (Schedule of Off-Street Parking Requirements), Section 6-2-14 (Major Arterial Setback), Section 6-9-2 (Off-Street Parking Facilities), Section 6-9-6 (Supplemental Standards for Drive-through Stacking Lanes), and Section 6-16-5 (Signs: Signs on Commercial and Institutional Property) of the Naperville Municipal Code and Section 1.3.2 (Commercial Site Design: Parking Lots of the Naperville Design Manual for Public Improvements for the subject property located at 215 - 231 E. Ogden Avenue (Ogden Center Subdivision), PZC 17-1-006. (2 of 2)

Charles Margosian, Highland Management, spoke against the proposed drive-thru improvement.

Council discussed driving patterns in and around the area and estimated traffic increase in the parking lot as a result of the proposed drive-thru.

Novack stated that staff supports cross access but opposes left turn restrictions due to the number of stores in the shopping center and that a left turn will unnecessarily direct traffic through the Washington and Ogden intersection.

Petitioner's traffic consultant discussed traffic pattern, volume, and shared access.

Council discussed car stacking in the drive-thru, Starbuck's expectations, parking reduction, opposition to the drive-thru abutting residential property, the need to mitigate noise and lighting with fencing or landscaping, and the current state of the property.

Petitioner's attorney stated impact on traffic is speculative and the improvement is supported by Starbuck's.

Petitioner, Vequity, clarified that the property line of the nearest residence is close to Starbuck's but the house is further than required.

Laff discussed requirements for drive-thru's and stated that if a business is causing a nuisance the City will enforce business standards and can include appropriate conditions in the approved variances.

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Obarski, that this Ordinance be passed as amended to include considerations for noise and light mitigation. The motion carried by the following vote:

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

Absent: 1 - Anderson

3. Receive the staff report for Tramore Subdivision located west of Plainfield-Naperville Road, north of Saratoga Road and south of Hamlet Road, PZC 17-1-038 (Item 1 of 6).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Obarski, that the report be received. The motion carried by the following vote:

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

Absent: 1 - Anderson

4. Pass the Ordinance Revoking the Ordinances 09-110, 09-111, 10-061, 10-062, and 10-063 Related to Phase 1 Planned Unit Development for the Turning Pointe Campus (Item 2 of 6).

Council discussed stormwater management, variance hardship, outdated masonry ordinance, adjacent housing facades, and parking restrictions.

Petitioner explained the location near the treatment plant and there is competitive environment at the price point, unique and attractive architecture, and focus on modern farm house aesthetic is expensive building models.

Novack explained stormwater management and that staff will present parking recommendation.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

5. Pass the Ordinance Amending Ordinance 05-179 (An Ordinance Amending the Zoning Ordinance for the Property Located West of Plainfield-Naperville Road North of Saratoga Road and South of Hamlet) for the Tramore Development (Item 3 of 6).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

6. Pass the Ordinance Revoking Ordinance 07-082 (An Ordinance Amending Ordinance 05-179 which Zoned the Tramore Development) (Item 4 of 6).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

7. Pass the Ordinance Granting a Variance from Section 5-2C-3 (Exterior Wall Construction) of Title 5 (Building Regulations) of the Naperville Municipal Code for Tramore Subdivision, (Item 5 of 6).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:

Aye: 5 - Chirico, Brodhead, Coyne, Obarski, and White

Nay: 3 - Gustin, Hinterlong, and Krummen

Absent: 1 - Anderson

8. Pass the Ordinance Approving the Owner's Acknowledgment and Acceptance (OAA) for Tramore Subdivision (Item 6 of 6).

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this Ordinance be passed. The motion carried by the following vote:

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

Absent: 1 - Anderson

9. Pass the ordinance amending Section 11 (Liquor License and Permit Classifications), of Chapter 3 (Liquor and Tobacco Control), of Title 3 (Business and License Regulations), of the Naperville Municipal Code amending the outdoor seating permit to allow for liquor sales and service on the public way.

Carl Skrabacz, Naperville, spoke against the proposed text amendment and stated the Senior Task Force should be invited to provide input.

Novack explained new streetscape plan and said staff will discuss ideas with the Senior Task Force.

Alex Harris, 360 Youth Services, requested that going forward community leaders be involved in topics of this nature.

Council discussed sidewalk space, visible alcohol, prevalence of alcohol addiction, desired image for Naperville, additional attention should be given to pedestrian safety, the sunset provision allows for this to be discontinued, appropriateness of fees, site plans and fencing inspections, and the vetting and review process.

Council also discussed that alcohol is currently allowed outside, proposed establishments cater to a more adult crowd, smoking prohibition, the appropriateness of instituting a cap, have the Advisory Commission on Disabilities provide input, enforcement trends, not limiting the type of tables, semi-permanent fixtures, and consistent language regarding service and transfer.

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, that this Ordinance be passed as amended to include a cap of five downtown locations with smoking prohibited in the outdoor seating area. The motion carried by the following vote:

Aye: 5 - Chirico, Brodhead, Coyne, Kruppen, and White

Nay: 3 - Gustin, Hinterlong, and Obarski

Absent: 1 - Anderson

10. Conduct the first reading of an Ordinance amending Chapter 8 (Taxicab Services) of Title 3, Business and License Regulations, of the Naperville Municipal Code.

Ozkaptan and Athanikar gave an overview of changes including maintaining current level of safety requirements, simplify the application form and provide for online submission, shorten the application processing period, improve customer service and convenience by reducing and/or eliminating the need for drivers to visit City facilities, no longer require the driver to be assigned to a certain vehicle, streamline administrative procedures, evaluate the licensing fee structure, and give the company owners more responsibility.

Council discussed process improvements, the appropriateness of continuing to license taxis, the consistent number of taxi licensees, and the new fee structure.

John "J" Kleeman, American Taxi, spoke against proposed improvements and discussed the licensing process for American Taxi.

Council discussed fees and licensing processes in area municipalities and ride share companies.

Henry Hydell, Happy Taxi, discussed ride share companies, background

investigations, insurance, solicitation, and credit card transactions.

Athanikar explained that the City only licenses taxis and, as part of that license, requires a certificate of liability insurance. She also explained the difference between a criminal background check and fingerprinting.

Council discussed omitting the fingerprint requirement in order to establish parity with the ride share programs.

Arres spoke about fingerprinting and discussed what charges were found over the years.

The first reading was conducted.

11. Adopt the Resolution restricting the proceeds from the cede of the 2017-2021 Volume Cap for use in reimbursing Naperville Elderly Homes, Inc., or other qualifying affordable housing providers, certain City costs related to the review, permitting and inspection of affordable housing projects.

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, that this Resolution be adopted. The motion carried by the following vote:

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

Absent: 1 - Anderson

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the Award of Cooperative Procurement 17-123, Fire Station Alerting System (FSAS), to Purvis Systems Incorporated for an amount not to exceed \$1,067,382.80, plus a 3% contingency.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, that this award be approved. The motion carried by the following vote:

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

Absent: 1 - Anderson

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the Calendar Year 2018 (CY18) Allocations for the City Obligations category of the SECA Grant Fund Program in the amount of \$1,018,539

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, that this agenda item be approved. The motion carried by the following vote:

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

Absent: 1 - Anderson

P. NEW BUSINESS:Parking on Jefferson Avenue

Hinterlong asked that parking be restricted to one side of the street due to increased summer activity in the downtown.

Louden stated staff will research options.

Guardrails

Hinterlong asked about installing guardrails in areas where several accidents have occurred.

Novack responded that a warrant analysis did not support guardrails, however reflective delineators can be applied that will assist motorists.

Q. ADJOURNMENT:

At 10:36 p.m. a motion was made by Councilman Hinterlong, seconded by Councilman Krummen, to adjourn the Regular City Council meeting of June 20, 2017. The motion carried by the following vote:

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

Absent: 1 - Anderson

**/S/ Pam Gallahue
Pam Gallahue, PhD**

City Clerk