



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, April 21, 2020

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

Due to the ongoing Coronavirus (COVID-19) pandemic and the Governor's statewide stay-at-home order, the April 21 City Council meeting will be conducted using Zoom Webinar technology.

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 April 21

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 April 21 at: www.naperville.il.us/speakersignup

The public may choose to provide public 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 April 21) 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 April 21). 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 April 21, at which time no other speakers or comments will be accepted.

PUBLIC ACCOMODATION:

- 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 April 21
- Questions regarding online sign-up may be directed to the City Clerk's Office by calling (630) 305-5300.

PARTICIPATION GUIDELINES:

The citizen participation guidelines are outlined in 1-5-6-6: - CITIZEN PARTICIPATION of the

Naperville Municipal Code.

- **ALL VIEWPOINTS AND OPINIONS WELCOME:** All viewpoints are welcome, positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Council members, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.
- **SPEAKER TIME LIMITS:** Speakers must limit their remarks to no more than three minutes. Petitioners may speak on an agenda item first and have up to 10 minutes, and are also granted a five-minute rebuttal once all other speakers have commented.
- **IF YOU SIGNED UP TO SPEAK,** staff will call your name at the appropriate time during the City Council meeting. Once your name is called you may identify yourself for the public record and then address remarks to the City Council as a whole. Speak clearly and try to limit remarks directly to the matter under discussion. Speakers are called in the order they sign up.

A. CALL TO ORDER:

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

OPEN SESSION - 7:00 p.m.

B. ROLL CALL:

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

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Lucy Podlesny; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski

Daily Herald, Naperville Sun, NCTV-17

C. PLEDGE TO THE FLAG:

The pledge was given.

D. AWARDS AND RECOGNITIONS:**E. PUBLIC FORUM:****Steve Duke - COMMENTS READ BY STAFF**

The FDA and the CDC have recommended wearing masks to help keep the COVID-19 virus from spreading. Countries that have successfully combated the disease all require wearing masks. Wearing masks protects the person wearing the mask and keeps the virus from spreading to others. Yet, when I go to the groceries stores only a few are wearing masks, including the people working. Business have a responsibility to protect their workers, their customers, and Naperville community. When I ask store managers why they do not at least require their workers to wear masks, they respond that they provide masks, but do not require them to be worn. Skokie requires masks be worn. The City of Naperville has a responsibility to keep our community safe and require that EVERYONE wear masks in public, especially at essential businesses where people shop and work. We have stay at home orders, closed parks, and restrict public gatherings. We can and must require people to wear masks.

Matt Pickering - COMMENTS READ BY STAFF

My family have been Naperville residents for 11 years. We love this community and value all the amenities, services, and culture it has to offer. We are very worried about the financial viability of Naperville's small business community during this "shelter in place" lockdown and have a proposal meant to provide financial relief to affected businesses. We propose the City sponsors a city wide raffle meant to provide cash to affected small businesses. The city would sell raffle tickets to Naperville residents and other interested parties with the proceeds to be split 30% to three randomly selected winners (15%, 10%, 5%) and 70% of the proceeds would go to a common fund meant to provide financial assistance to small businesses. We trust the city would disburse the funds appropriately and winners perhaps could get a plaque/brick with their name on it in memoriam for supporting the city in this time of need. The cost of the tickets and fund-raising target can be worked out later of the idea is considered to have merit.

Nancy Chen - SPEAKER

Read a proposed resolution regarding racism and offered suggestions for increasing inclusivity and diversity.

Bill Liu, Chairman of Chinese Community Outreach, City of Naperville, was appointed by the late Mayor George Pradel - SPEAKER

I want to thank the Mayor and city council for this opportunity to have this letter read into the public record. I would prefer to speak from the podium in person, like I did when Mayor Pradel appointed me to the Chairman position seven years ago. But during this time of quarantine, we are all making sacrifices for the greater good. However, one of those sacrifices should not include our right to free speech, nor our right to address our public officials. In the April 7th Council meeting via Zoom, the public was invited to submit letters in lieu of in-person speech. During this meeting, Ms. Erika DeCarlo, exercised her right of free speech by submitting a letter to support the sale of marijuana in the city of Naperville. Ms. DeCarlo probably will be surprised that she and I stand together on this issue. However, I cannot disagree more with Ms. DeCarlo's depiction of many Naperville citizens of Chinese descent who support the Opt Out as carpetbaggers. The portrayal was demeaning and highly offensive. The American citizens of Chinese descent, like other American citizens have a variety of opinions that rest anywhere along a great spectrum of both political and economic concerns. To depict any group as a single voting block is ignorant and offensive. To describe any group as carpetbaggers is

beyond abhorrent. Let me remind the Council that the term carpetbagger originated in the American South after the Civil War. It is a term that was used to depict Northerners who travel to the south to take advantage of the war-torn South after the war. It is a derogatory term meant to describe those who do not belong, and to those who take unfair advantage. Ms. DeCarlo, how is any American citizen exercising their right to advocate for a political position taking unfair advantage? Ms. DeCarlo's Naperville roots are quite impressive, but being born-and-raised in Naperville is not a prerequisite to express your opinion. Let me point out that the majority of Naperville citizens are not born and raised here. To the best of my knowledge, only one current council member was born and educated in Naperville. As American citizens, we encourage all our fellow Americans to exercise our collective constitutionally given rights to express our views. We proudly and fully endorse all Americans to exercise their rights for political discourses. Ms. DeCarlo exercised her right to support recreational marijuana sales. However, derogatory and insulting comments should not be part of the public discourse. I fully understand that submitted letters during these council meetings are part of the public's right to address their elected leaders. The city council cannot and should not censor any submitted letters in any shape or form. However, it is my hope that these same public officials will speak out against any offensive language that divides, not unites Naperville. Thank those council members who did speak out when these offensive comments were first read. Please join me in condemning any prejudice and xenophobia in Naperville.

Council thanked the speakers, discussed comments that were read into the record at the April 7 Council meeting, that the mission statement has recently been updated, current discussions regarding a new commission to address diversity, and the appropriateness of a proclamation or resolution.

Krieger commented that a staff group is meeting with Councilman White and a recommendation will be brought to the Council at the second meeting in May.

F. 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

G. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to use the Omnibus method to approve the Consent Agenda with the exception of items G4, G5, and G10. The motion carried by the following vote:

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

1. Approve the regular City Council meeting minutes of April 7, 2020

Council approved.

2. Approve the City Council meeting schedule for May, June & July 2020

Council approved.

3. Waive the applicable provisions of the Naperville Procurement Code and award Bid 20-068, Building Automation System Maintenance Services, to Automatic Building

Controls LLC for an amount not to exceed \$81,000 and for a five-year term (requires 6 positive votes)

Council approved.

4. Waive the applicable provisions of the Naperville Procurement Code and award Bid 20-009, 2020 Sidewalk Removal and Replacement Program, to AC Concrete Construction for an amount not to exceed \$647,182.50, plus a 3% contingency (Requires 6 positive votes, Item 1 of 2)

Tim Messer (East Central HOA) spoke about giving removal/replacement options to the residents.

Carol Schmidt (East Central HOA) spoke about ensuring problematic and potential sidewalk/street flood areas are addressed prior to construction.

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to waive the applicable provisions of the Naperville Procurement Code and award Bid 20-009, 2020 Sidewalk Removal and Replacement Program, to AC Concrete Construction for an amount not to exceed \$647,182.50, plus a 3% contingency. The motion carried by the following vote:

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

5. Pass the ordinance approving the 2020 Sidewalk Removal and Replacement Program Property Owner's Cost Sharing Program and directing staff to defer the due dates of the bills an additional sixty days (Item 2 of 2)

Jim Hill (Senior Task Force) requested a larger allocation from Social Services Grant fund to subsidize residents and that the eligibility criteria be expanded.

Krieger explained the use of the Social Services Grant program, the appropriateness of increasing the allocation, possible use of CDBG funds, and that residents are given information regarding the grant fund in the notification mailer.

Novack stated that the entire allocation has never been fully expended and, if the funds are used this year, staff will develop a plan to make more money available.

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to pass the ordinance approving the 2020 Sidewalk Removal and Replacement Program Property Owner's Cost Sharing Program and directing staff to defer the due dates of the bills an additional sixty days. The motion carried by the following vote:

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

Enactment No.: ORD 20-041

6. Approve the award of Option Year One to Contract 18-008, Electric Tree Trimming, to D. Ryan Tree & Landscape, LLC for an amount not to exceed \$100,000

Council awarded.

7. Waive the applicable provisions of the Naperville Procurement Code and award a third extension to Contract 14-174, Natural Gas, to CenterPoint Energy for an amount not to exceed \$229,385, and for a one-year term (requires 6 positive votes)

Council awarded.

8. Approve the award of Change Order #1 to Contract 19-257, Emergency Vehicle Preventative Maintenance and Repair Services, to Fire Service Inc., MacQueen Equipment LLC and Interstate Power Systems for an amount not to exceed \$325,000 and a total award of \$450,000

Council awarded.

9. Pass the ordinance to establish a temporary street closure for the 2020 Soap Box Derby races and issue Amplifier and Special Event permits subject to all state and local Executive Orders

Council passed.

Enactment No.: ORD 20-039

10. Waive the first reading and pass the ordinance amending section 2-11-1 (Sister Cities Commission) of the Naperville Municipal Code to add Cancun, Mexico as a Sister City (requires six positive votes)

Sophia Lou spoke in favor of adding Cancun, Mexico as the City's third Sister City.

Alan Lowe (Sister Cities Commission) spoke in favor of adding Cancun, Mexico as the City's third Sister City.

Council discussed the benefits of adding Cancun, Mexico as a Sister City.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to waive the first reading and pass the ordinance amending section 2-11-1 (Sister Cities Commission) of the Naperville Municipal Code to add Cancun, Mexico as a Sister City. The motion carried by the following vote:

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

Enactment No.: ORD 20-042

11. Pass the ordinance pertaining to a local state of emergency and disaster and extending the same until at least May 19, 2020

Council passed.

Enactment No.: ORD 20-040

H. PUBLIC HEARINGS:

I. OLD BUSINESS:**J. ORDINANCES AND RESOLUTIONS:****K. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

1. Approve the award of Sole Source Procurement 20-125, Cable Injection Services, to Novinium, Inc. for an amount not to exceed \$6,000,000, plus a 3% contingency and for a five-year term

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Sole Source Procurement 20-125, Cable Injection Services, to Novinium, Inc. for an amount not to exceed \$6,000,000, plus a 3% contingency and for a five-year term. The motion carried by the following vote:

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

2. Approve the award of Bid 20-004, 2020 Street Resurfacing Program - MFT, to R.W. Dunteman Company, for an amount not to exceed \$5,369,000, plus a 3% contingency (Item 1 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Sullivan, to approve the award of Bid 20-004, 2020 Street Resurfacing Program - MFT, to R.W. Dunteman Company, for an amount not to exceed \$5,369,000, plus a 3% contingency. The motion carried by the following vote:

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

3. Adopt an IDOT Resolution in the amount of \$5,369,000 to allow expenditure of State Motor Fuel Tax dollars to fund the 2020 Street Resurfacing Program - MFT (Item 2 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adopt an IDOT Resolution in the amount of \$5,369,000 to allow expenditure of State Motor Fuel Tax dollars to fund the 2020 Street Resurfacing Program - MFT. The motion carried by the following vote:

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

L. PETITIONS AND COMMUNICATIONS:**M. REPORTS AND RECOMMENDATIONS:****N. NEW BUSINESS:**

Fuel prices

White inquired if the City can take advantage of the low gas prices.

Krieger explained the contract and, that as prices go down, the City pays less which will result in a budget savings.

O. CLOSED SESSION - IF NEEDED

P. ADJOURNMENT:

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adjourn the Regular City Council Meeting of April 21, 2020 at 8:01 p.m. The motion carried by the following vote:

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

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk