



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, May 7, 2019

7:00 PM

Council Chambers

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#### A. CALL TO ORDER:

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

#### B. ROLL CALL:

**Present:** 8 - Mayor Steve Chirico  
Councilwoman Judith Brodhead  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman John Kruppen  
Councilman Benjamin White  
Councilman Patrick Kelly  
Councilwoman Theresa Sullivan

**Absent:** 1 - Councilman Kevin Coyne

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

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

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

**Absent:** 1 - Coyne

#### 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 John Kruppen  
Councilman Benjamin White  
Councilman Patrick Kelly  
Councilwoman Theresa Sullivan

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; Interim Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Deputy Directors of Public Utilities - Electric, Lucy Podlesny and Olga Geynisman; Director of Public Utilities - Water, Darrell Blennis, Jr.; 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:**

Architectural Students Awards  
Coyne presented the awards.

1. Presentation of Naperville Police Department's Saved by the Belt Certificate

This presentation was continued to a future meeting.

2. Present the Accessible Community Task Force Student Recognition Awards

Hinterlong presented the Proclamation.

3. Proclaim May as Mental Health Awareness Month

Brodhead presented the Proclamation.

4. Proclaim May 7, 2019 as Naperville News Day

Brodhead presented the Proclamation.

5. Proclaim May 11, 2019 as the 27th Annual Letter Carriers' "Stamp Out Hunger" Food Drive Day.

Brodhead presented the Proclamation.

**G. PUBLIC FORUM:**

Microblading  
Naomi Belen, Naperville, requested that the Municipal Code be amended to allow microblading.

DiSanto explained microblading details, that it meets the state definition of tattooing, and that the City currently allows microblading and tattooing under the supervision of a physician.

Council discussed that concerns over tattooing have dissipated over the years, the appropriateness of relaxing the regulations now, the training of a paramedical tattooist, and malpractice insurance.

By consensus, Council directed staff to prepare an ordinance amending the Municipal Code to allow microblading and tattooing.

5th Avenue Steering Committee

Dr. Bob Buckman, requested that the Council allow the Committee to reconvene.

5th Avenue Steering Committee

Jim Hill, requested that the Council allow the Committee to reconvene.

Krieger explained that the Steering Committee has not been disbanded, that work was paused while negotiations continued with the DuPage Children's Museum, and advised that staff will bring back a recommendation as to the appropriate composition of the Committee.

DuPage County Hotel Tax

Christine Jeffries, Naperville Development Partnership, explained the legislation details and requested that the City Council join other area municipalities in opposition of the proposed tax.

By consensus, Council directed the city manager to write a letter to the state opposing the tax and bring a resolution for Council approval at the May 21, 2019 meeting.

## **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, Krummen, White, Kelly, and Sullivan

## **I. CONSENT AGENDA:**

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, approved the Consent Agenda with the exception of item 15-the award of RFQ 19-046, Strategic Update to the Comprehensive Master Plan, to Houseal Lavigne Associates, LLC. for an amount not to exceed \$124,355. The motion carried by the following vote:**

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

1. Approve the regular City Council meeting minutes of April 16, 2019

Council approved.

2. Approve the City Council meeting schedule for May, June & July 2019

Council approved.

3. Approve the award of Bid 19-059, Sanitary Sewer Manhole Rehabilitation, to Front Range Environmental for an amount not to exceed \$112,070, plus a 5% contingency

Council approved.

4. Approve the award of Option Year Two to Contract 16-260, Contract Meter Reading Services for Water, to Alexander's Inc. for an amount not to exceed \$483,600

Council approved.

5. Approve the award of RFQ 19-046, Strategic Update to the Comprehensive Master Plan, to Houseal Lavigne Associates, LLC. for an amount not to exceed \$124,355

Laff clarified the properties included in Area A of the Study Location Map.

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of RFQ 19-046, Strategic Update to the Comprehensive Master Plan, to Houseal Lavigne Associates, LLC. for an amount not to exceed \$124,355. The motion carried by the following vote:**

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

6. Approve the use of an alternative procurement method as a pilot and award Procurement 19-152, Hot Mix Asphalt to Arrow Road Construction, Builders Asphalt, Chicago Materials Corporation, PT Ferro, RW Dundeman and Superior Asphalt Materials for an amount not to exceed \$175,000 and for a one-year term

Council approved.

7. Approve the award of Change Order #1 to Contract 18-102, Goodyear Flow Control Valve Installation, to Joseph J. Henderson & Son for an amount not to exceed \$18,862.34 and a total award of \$166,290.34

Council approved.

8. Approve the award of Option Year Two to Contract 17-077, Heating, Ventilation, Air Conditioning and Dehumidification Services, to Beery Heating and Cooling and Hayes Mechanical LLC for an amount not to exceed \$197,390

Council approved.

9. Approve the award of Option Year One to Contract 17-020, Custodial/Janitorial Services for City Sites, to Citywide Building Maintenance for an amount not to exceed \$456,950

Council approved.

10. Approve the award of Cooperative Procurement 19-141, Unit 341 Vehicle Replacement, to Foster Coach Sales, Inc. for an amount not to exceed \$281,564

Council approved.

11. Approve the award of Sole Source Procurement 19-142, Telvent ArcFM Solution Software Maintenance, to Schneider Electric for an amount not to exceed \$177,584.21 and for a five-year term

Council approved.

12. Approve the awards of Option Year Two to Contract 16-173, Leaf Disposal Services, to BioAg and Option Year One to Contract 18-146, Leaf Disposal, to Tri-County Excavation & Construction, Inc. and Steve Piper and Sons for an amount not to exceed \$260,000 for both contracts (Item 1 of 2)

Council approved.

13. Authorize the City Manager to Extend the Lease for Three Parcels of City Property for Leaf Disposal (Item 2 of 2)

Council authorized.

14. Accept the public underground improvements at Iron Gate Motor Condos and authorize the City Clerk to reduce the corresponding public improvement surety.

Council accepted.

15. Pass the ordinance establishing a weight restriction for the 5th Avenue Bridge over Cress Creek

Council passed.

Enactment No.: ORD 19-053

16. Pass the ordinance granting a variance to permit a 6' tall privacy fence in the required corner side yard at the subject property located at 1214 Needham Road - PZC 19-1-036

Council passed.

Enactment No.: ORD 19-054

17. Pass the ordinance approving a Conditional Use for a Massage Establishment for the subject property located at 1112 S. Washington Street (Soma Sage Health and Healing)- PZC 19-1-025

Council passed.

Enactment No.: ORD 19-055

18. Pass the ordinance establishing temporary traffic controls and issue a Special Event and Amplifier Permit for the Inaugural Naperville 10K and 5K Run (formerly the Naperville Women's Triathlon) on June 9, 2019

Council passed.

Enactment No.: ORD 19-056

- 19.** Pass the ordinance approving a variance to Section 705.8.1 (Allowable Area of Openings) of the 2018 International Building Code for 110 S. Washington Street

Council passed.

Enactment No.: ORD 19-057

- 20.** Conduct the first reading of an ordinance amending Sections 3-3-3, 3-3-5, 3-3-10, 3-3-11, 3-3-12 and 3-3-14 of the Naperville Municipal Code pertaining to liquor license applications, liquor and tobacco violation penalties, liquor license and permit classifications, liquor license restrictions, and unlawful acts and conditions pertaining to liquor.

First reading held.

- 21.** Adopt the resolution authorizing the City Manager to execute the Intergovernmental Agreement between DuPage County and the City of Naperville for mowing along County roads and rights-of-way.

Council adopted.

Enactment No.: RES 19-12

- 22.** Adopt the resolution approving the settlement contract between Daniel Simpson and the City of Naperville

Council adopted.

Enactment No.: RES 19-13

- 23.** Adopt the resolution approving the settlement contract between James Streu and the City of Naperville

Council adopted.

Enactment No.: RES 19-14

- 24.** Adopt the resolution authorizing the City Manager to execute the Intergovernmental Agreement between DuPage County and the City of Naperville for the continued operation of the regional Household Hazardous Waste Facility.

Council adopted.

Enactment No.: RES 19-15

- 25.** Receive the report regarding the Ride DuPage to Work program (Item 1 of 3)
- 26.** Adopt the resolution authorizing the City Manager to execute the attached Technical Services Agreement with the Regional Transportation Authority (RTA) to receive and administer a Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant award for the Ride DuPage to Work Program (Item 2 of 3)
- Council adopted.
- Enactment No.: RES 19-16
- 27.** Adopt the resolution authorizing the City Manager to execute the associated intergovernmental agreement with the Ride DuPage to Work Partners (Item 3 of 3)
- Council adopted.
- Enactment No.: RES 19-17
- 28.** Receive the staff report for Wagner Farms Final - PZC 19-1-017 (Item 1 of 6)
- 29.** Pass the ordinance approving the final plat of subdivision for Wagner Farms - Phase 1A - PZC 19-1-017 (Item 2 of 6)
- Council passed.
- Enactment No.: ORD 19-058
- 30.** Pass the ordinance approving the final plat of subdivision for Wagner Farms - Phase 1B - PZC 19-1-017 (Item 3 of 6)
- Council passed.
- Enactment No.: ORD 19-059
- 31.** Pass the ordinance approving the final plat of subdivision for Wagner Farms - Phase 2 - PZC 19-1-034 (Item 4 of 6)
- Council passed.
- Enactment No.: ORD 19-060
- 32.** Pass the ordinance approving the final plat of subdivision for Wagner Farms - Phase 3 - PZC 19-1-033 (Item 5 of 6)
- Council passed.

Enactment No.: ORD 19-061

- 33.** Pass the ordinance approving a temporary use for 5 marketing signs for Wagner Farms - PZC 19-1-017 (Item 6 of 6)

Council passed.

Enactment No.: ORD 19-062

- 34.** Receive the staff report for Naperville Elderly Homes (310 Martin Avenue) - BRB Case #96/PZC 18-1-130 (Item 1 of 6)

- 35.** Pass the ordinance upholding the Building Review Board's interpretation of the application of Title 5 (Building Regulations) of the Naperville Municipal Code for the Naperville Elderly Homes located at 310 Martin Avenue and denying the variances to Table 705.8 and Section 706.1.1 of the 2018 International Building Code - Naperville Elderly Homes - BRB Case 96 (Item 2 of 6)

Council passed.

Enactment No.: ORD 19-063

- 36.** Pass the ordinance amending Ordinance 17-075 by approving a Preliminary/Final Plat of Subdivision in place of the previously approved Preliminary Plat of Subdivision for Naperville Elderly Homes - PZC 18-1-130 (item 3 of 6)

Council passed.

Enactment No.: ORD 19-064

- 37.** Pass the ordinance amending Ordinance 17-076 approving a conditional use for multi-family dwellings in the OCI District - Naperville Elderly Homes - PZC 18-1-130 (Item 4 of 6)

Council passed.

Enactment No.: ORD 19-065

- 38.** Pass the ordinance amending Ordinance 17-077 granting certain zoning variances - Naperville Elderly Homes - PZC 18-1-130 (Item 5 of 6)

Council passed.

Enactment No.: ORD 19-066

- 39.** Pass the ordinance amending Ordinance 17-078 granting a variance from Section



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5-2C-3 (Exterior Wall Construction) of Title 5 (Building Regulations) of the Naperville Municipal Code - Naperville Elderly Homes - PZC 18-1-130 (Item 6 of 6)

Council passed.

Enactment No.: ORD 19-067

## J. PUBLIC HEARINGS:

## K. OLD BUSINESS:

## L. ORDINANCES AND RESOLUTIONS:

1. Pass the ordinance establishing City of Naperville 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 19-068

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance establishing City of Naperville 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, Brodhead, Coyne, Gustin, Hinterlong, Krummen, White, Kelly, and Sullivan

2. Concur with the petitioner and the Planning and Zoning Commission and pass an ordinance approving a variance to Section 6-6B-7.1 of the Naperville Municipal Code to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster, subject to certain conditions; or

Concur with staff and deny the request for a variance to Section 6-6B-7.1 of the Naperville Municipal Code to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster - PZC 19-1-028.

Laff explained the hardship standards, code requirements, and that the proposal is a compromise position.

**A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to concur with the petitioner and the Planning and Zoning Commission and pass an ordinance approving a variance to Section 6-6B-7.1 of the Naperville Municipal Code to allow an enclosed porch to encroach into the rear yard setback at 1331 N. Webster, subject to certain conditions. The motion carried by the following vote:**

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

3. Adopt the resolution approving a Generation Siting and Operating Agreement between

the Illinois Municipal Electric Agency and the City of Naperville at the Springbrook Water Reclamation Facility located at 3712 Plainfield-Naperville Road for a one-megawatt solar array.

Enactment No.: RES 19-18

**A motion was made by Councilman Krummen, seconded by Councilman Hinterlong, to adopt the resolution approving a Generation Siting and Operating Agreement between the Illinois Municipal Electric Agency and the City of Naperville at the Springbrook Water Reclamation Facility located at 3712 Plainfield-Naperville Road for a one-megawatt solar array. The motion carried by the following vote:**

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

#### **M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

#### **N. PETITIONS AND COMMUNICATIONS:**

#### **O. REPORTS AND RECOMMENDATIONS:**

#### **P. NEW BUSINESS:**

##### Legalization of Marijuana

Gustin requested a report outlining the impact to Naperville when/if marijuana is legalized.

Marshall explained the current bill and that the Illinois Police Chief's Association is drafting a report regarding impact on police organizations.

Puknaitis discussed how the legalization may affect calls for service.

DiSanto explained that staff is reviewing the bill.

By consensus, Council directed staff to draft a report outlining how Naperville will be affected and how departments are preparing for the potential legalization.

##### Solar Array

Kelly inquired about the projects that may be funded by the renewable energy fund.

Podlesny explained grant possibilities and expanding solar installations on City buildings. She said a list of opportunities will be discussed by the Public Utility Advisory Board and the Sustainability Task Force this summer and then a recommendation will be presented to the City Council.

#### **Q. ADJOURNMENT:**

**A motion was made by Councilwoman Sullivan, seconded by Councilman Kelly, to adjourn the Regular City Council Meeting of May 7, 2019 at 8:57 p.m. The motion carried by the following vote:**

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

/S/ Pam Gallahue  
Pam Gallahue, PhD  
City Clerk