



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, August 15, 2017

7:00 PM

Council Chambers

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#### A. CALL TO ORDER:

Chirico called the meeting to order at 6:15 p.m.

#### B. ROLL CALL:

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

#### C. CLOSED SESSION - 6:15 p.m.

**Councilwoman Gustin made a motion, seconded by Councilwoman Obarski, to recess to Closed Session to discuss 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.

#### D. ROLL CALL:

**Present:** 9 - Mayor Steve Chirico  
Councilwoman Becky Anderson  
Councilwoman Judy 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; Deputy 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, Jeff Anderson; Director of TED, Bill Novack; 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; Shebnem Ozkaptan, Budget and Management Analyst; Kavita Athanikar, Deputy Director of Legal

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

## **E. PLEDGE TO THE FLAG:**

The pledge was given.

## **F. AWARDS AND RECOGNITIONS:**

Council congratulated the Naperville Fire Department on its fifth reaccreditation.

1. Presentation of a Fire Chief's Award to Mary McCue, Melissa Lund, and Daniel Lund and a special certificate to Kandiss Hernandez, owner of Kidz Kabaret.

The Fire Chief's Award was presented by Jim Kubinski, Bureau Chief-EMS.

## **G. PUBLIC FORUM:**

### **Old Nichols Library**

Gail Diedrichsen, Naperville, thanked everyone for attending the Save the Old Nichols Library Open House and for hosting an upcoming 5th Avenue project workshop.

### **Construction on 95th Street**

Doreen Swindall, Naperville, spoke about the road expansion, impacts of construction, perceived inequity, safety, and requested a noise study and sound wall.

Diane O'Connor, Naperville, spoke about the road expansion, impacts of construction, safety, and requested a noise study and sound wall.

Novack explained the project is being done by Will County and was approved by the Federal Highway Administration.

Roger Gray, Naperville, spoke about the road expansion, impacts of

construction on his home, perceived inequity, safety, and requested a noise study and sound wall.

Nicholas Gius, Naperville, spoke about the road expansion, impacts of construction, perceived inequity, safety, and requested a noise study and sound wall.

Rosita Gius, Naperville, spoke about the road expansion, impacts of construction, and speed limit difference.

David Lewanski, Naperville, spoke about the road expansion, impacts of construction, invited Council to tour the area, and requested a noise study and sound wall.

David Garza, Naperville, spoke about the road expansion, impacts of construction, and exhaust fumes.

Novack gave information regarding where claims can be filed with Will County, discussed the public meeting held at the 95th Street Library, explained noise study procedures, that additional lanes are not being added, and that because the road is being extended by a negligible amount it does not warrant a noise study per the Federal Highway Administration.

Council discussed incorporating natural noise barriers, subdivision construction, temporary traffic controls, increased police presence, resident appeals process, performing a noise study after construction, and directed staff to assist as appropriate.

#### **Miscellaneous**

Dick Furstenau, Naperville, discussed 50% brick facade rule, Old Nichols Library, 90% rule, teardowns, and the Carillon.

## **H. CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR THE CONSENT AGENDA:**

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, 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:

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to approve the Consent Agenda with the exception of items I5, I6, I7, I9, I11, I12, and I20. The motion carried by the following vote:

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

1. Approve 07/05/2017 thru 07/26/2017 Cash Disbursements for \$27,449,920.14.

**Council approved.**

2. Approve the Regular City Council meeting minutes of July 18, 2017

**Council approved.**

3. Approve the Award of Bid 17-138, North Wastewater Pump Station Odor Control, to Dahme Mechanical Industries for an amount not to exceed \$168,499.99, plus a 5% contingency.

**Council approved.**

4. Approve the Award of the First One-Year Extension to Contract 13-053, Fire Alarm System Monitoring and Maintenance, to Chicago Metro Fire Prevention Co. (CMFP) in an amount not to exceed \$260,000.

**Council approved.**

5. Approve the Award of Change Order 2 to Contract 16-079, Engineering Services for the Downtown Washington Street Bridge Improvements, to Alfred Benesch & Company for an amount not to exceed \$36,600 and a total award of \$373,251.07. (Item 1 of 2)

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

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

**Recused:** 1 - Krummen

6. Adopt the Resolution approving the Local Public Agency Amendment 2 for Federal Participation with the Illinois Department of Transportation for Preliminary Engineering Services of the Downtown Washington Street Bridge Improvements (CIP Project: BR031, IDOT Section 16-200167-00BR). (Item 2 of 2)

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

**vote:****Aye:** 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Obarski, and White**Recused:** 1 - Krummen

Enactment No: RES 17-32

7. Approve the Award of Change Order #1 to Contract 14-190, Pavement Marking, to Precision Pavement Markings, Inc. for an amount not to exceed \$18,000 and a total award of \$128,500.

**Councilwoman Anderson made a motion, seconded by Councilman Hinterlong, to approve the item as amended to read, "Award of Change Order #2 to Contract 14-190, Pavement Marking, to Precision Pavement Markings, Inc. for an amount not to exceed \$18,000 and a total award of \$133,500." The motion carried by the following vote:**

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

8. Approve the Award of Cooperative Procurement 17-154, Cisco SmartNet Maintenance, to CDW-Government for an amount not to exceed \$187,071.15.

**Council approved.**

9. Approve the City Council Meeting Schedule for September, October & November 2017.

**A motion was made by Councilwoman Anderson, seconded by Councilman Hinterlong, that this agenda item be approved as amended to include a 5th Avenue Project and Home Rule Sales Tax workshop on August 28, 2017 at 6:00 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 approving the Final Planned Unit Development for Uptown Suites Subdivision (PZC 17-1-036), located at 1809 W Diehl Road to develop a hotel.

**This Ordinance was passed.**

Enactment No: ORD 17-119

11. Pass the Ordinance authorizing the City Manager to execute the North Central College Walkway Encroachment License Agreement between the City of Naperville and North Central College, PZC #17-1-033.

**This Ordinance was passed.**

Enactment No: ORD 17-126

12. Pass the Ordinance repealing Ordinance 97-158 amending Title 9 (Public Ways and

Property), Chapter 1 (Streets and Sidewalks), Section 17 (Sidewalk Seating Permit) of the Naperville Municipal Code.

Council discussed sidewalk width, Commission and task force review, and the one-year sunset provision.

Athanikar explained this item repeals an existing Ordinance that is now captured in the new outdoor seating provisions approved by Council in July.

**Councilwoman Gustin made a motion, seconded by Councilman Hinterlong, to pass the Ordinance. The motion carried by the following vote:**

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

Enactment No: ORD 17-127

- 13.** Pass the Ordinance establishing Temporary Traffic Controls and issue a Special Events Permit for the 2017 Riverwalk Fine Art Fair on September 16-17, 2017.

**This Ordinance was passed.**

Enactment No: ORD 17-120

- 14.** Pass the Ordinance to establish Temporary Traffic Controls, issue a Special Event Permit and an Amplifier Permit for the 2017 Last Fling, Labor Day Parade, the Rooster 5K, the Fling Mile, and the NCAA Women's Triathlon scheduled for September 1-4, 2017.

**This Ordinance was passed.**

Enactment No: ORD 17-121

- 15.** Pass the Ordinance Approving the Final Plat of Subdivision, the Owner's Acknowledgement & Acceptance (OAA), and a Deviation to Section 7-3-5:5 (Dedication of Park Lands and School Sites) for Columbia Park Townes Subdivision Located at 26W161 Old Plank Road, PZC 17-1-061.

**This Ordinance was passed.**

Enactment No: ORD 17-122

- 16.** Pass the Ordinance approving a variance from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code for the property located at 950 E. Ogden Avenue (Portillo's) - PZC 17-1-058.

**This Ordinance was passed.**

Enactment No: ORD 17-123

17. Pass the Ordinance approving a variance from Section 6-2-12 (Fences) of the Naperville Municipal Code in order to construct a 15' tall fence along the western border of Ashwood Park North Unit 4 - PZC 17-1-062.

**This Ordinance was passed.**

Enactment No: ORD 17-124

18. Pass the Ordinance Approving a Major Change to the Conditional Use to Grant a Variance for the Height and Style of a Fence on Property Located at 1800 S. Washington Street, PZC 17-1-072.

**This Ordinance was passed.**

Enactment No: ORD 17-125

19. Adopt the Resolution approving the First Amendment to the Intergovernmental Agreement between the City of Naperville and the Naperville Township Road District to Reconstruct and Widen North Aurora Road

**This Resolution was adopted.**

Enactment No: RES 17-30

20. Adopt the Resolution authorizing execution of the Special Census Memorandum of Agreement between the City of Naperville and the US Census Bureau, to conduct a partial Special Census.

Dave Wentz, Naperville, spoke in favor of the Resolution.

**This Resolution was adopted.**

Enactment No: RES 17-33

21. Adopt the Resolution authorizing the City Manager to enter into a license agreement for the installation of small cell antennae and ancillary equipment on a City-owned light pole at 1125 E. Gartner Road

**This Resolution was adopted.**

Enactment No: RES 17-31

## **J. PUBLIC HEARINGS:**

## **K. OLD BUSINESS:**

## **L. ORDINANCES AND RESOLUTIONS:**

1. Pass the Ordinance repealing and replacing Chapter 8 (Taxicab Services) of Title 3, Business and License Regulations, of the Naperville Municipal Code.

Jay Kleeman, American Taxi Dispatch, stated he was available for questions.

Council discussed the difference between taxis and ride share programs, appropriateness of removing the Ordinance, adhering to the minimum regulations outlined by the State of Illinois, efforts to become more efficient, government oversight, number of drivers eliminated through fingerprint checks, resident safety, process improvement, and other municipalities reducing taxi regulations.

Athanikar explained the minimum requirements provided by the State of Illinois, the difference between background and fingerprint checks, and that the NPD surveyed it's Benchmark Cities group and found no data to support or contradict that the elimination of the fingerprint requirement impacts reported crimes.

Marshall stated that in ten years, six taxi applicants were eliminated through the fingerprint check process.

Ozkaptan explained how Evanston recently reduced taxi regulations to the state minimum.

**A motion was made by Councilman Krummen, seconded by Councilman Coyne, that this agenda item be passed as amended to repeal the current Ordinance and replace with regulations as outlined by the State of Illinois. The motion failed by the following vote:**

**Aye:** 3 - Chirico, Coyne, and Krummen

**Nay:** 6 - Anderson, Brodhead, Gustin, Hinterlong, Obarski, and White

Enactment No: ORD 17-128

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

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

Enactment No: ORD 17-128

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

1. Approve the Award of RFQ 17-036, 5th Avenue Development Opportunities, to Ryan Companies US, Inc.

Schatz gave a brief presentation and detailed that the primary purpose of the Request for Qualifications (RFQ) was to identify qualified development teams to partner with the City on visioning and redevelopment of the City-owned parcels in the vicinity of the downtown train station. She discussed the selection

committee members, scoring criteria, and the developer being recommended for award.

Chirico thanked the selection committee and explained that Council was purposely excluded from the process to maintain integrity and avoid the appearance of impropriety.

Council discussed the review and selection process, lack of desired transparency, the City's procurement process, the need for confidentiality, the importance of public involvement, and the selection committee.

Bev Friar, spoke in favor of the RFQ process, discussed affordable housing, and presented the need for a performing arts facility.

Tom Higgins, spoke against the RFQ process.

Cathy Valente, spoke against the RFQ process.

Dominic Nugent, requested a stormwater solution be incorporated into the 5th Avenue plan.

Gail Diedrichsen, spoke against the inclusion of a performing arts facility in the 5th Avenue plan.

Council discussed the upcoming workshop, the proposal, the possibility of doing another RFQ, how the workshop will be structured, and the plan for resident input.

Schatz responded that another RFQ could be released after the August 28 workshop if additional proposals are requested. She explained that the workshop is intended to be a forum for information sharing and that events after the workshop regarding public engagement have not been developed at this time. She said that Ryan Companies has ideas on a variety methods to facilitate participation, and will take the lead on facilitating public engagement.

Krieger stated that the award can be postponed if Council needs more time to make a decision after the workshop.

**Councilman Hinterlong made a motion, seconded by Councilwoman Brodhead, to table the item to the September 5, 2017 City Council meeting. The motion carried by the following vote:**

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

The meeting went into recess at 9:26 p.m.

Chirico called the meeting back to order at 9:35 p.m.

**N. PETITIONS AND COMMUNICATIONS:****O. REPORTS AND RECOMMENDATIONS:****1. Receive 2nd Quarter Financial Report**

Mayer gave a brief presentation discussing six-month highlights, significant events, overall performance, and a look ahead.

**P. NEW BUSINESS:****East Ogden**

Coyne requested an update on the East Ogden SSA.

Novack explained that staff has been researching streetscape options and would like to host a public Open House in the fall to present the ideas and discuss funding options.

By consensus Council directed staff to present a report within 30 days which provides an overview of the Open House.

**Pet Ordinance**

Coyne discussed recent case law addressing humane treatment of animals and requested the City draft an Ordinance.

By consensus Council directed staff to research current laws and other municipal regulations and present an Ordinance regarding the humane treatment of animals.

**Finance Presentation**

Hinterlong requested the PowerPoint be emailed to the Council.

**Tree Value**

Gustin requested an update on any adjustment to the charges incurred by developers when trees are removed.

Novack responded that the City follows arborists regulations relative to the City's purchase price, stated that fees are appropriate, and will share the report with Council.

**Q. ADJOURNMENT:**

**Councilman Hinterlong made a motion, seconded by Councilwoman Gustin, to adjourn the Regular City Council meeting of August 15, 2017 at 10:00 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