



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, March 19, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER:

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

B. ROLL CALL:

Present: 7 - Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judith Brodhead
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Krummen
Councilwoman Rebecca Obarski

Absent: 2 - Councilman Kevin Coyne
Councilman Benjamin White

C. CLOSED SESSION - 6:15 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)(11) Pending Litigation; and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

Absent: 2 - Coyne, and White

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:04 p.m.

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

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; Fire Chief, Mark Puknaitis; Deputy Police Chief, Jason Arres; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; 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 Works, Dick Dublinski

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. Proclaim March as Women's History Month.

Councilwoman Gustin presented the Proclamation.

G. PUBLIC FORUM:

Humane Pet Stores

Kristen Funk, asked Council to re-open the discussion on a humane pet ordinance.

Central Park

Roger Carlson, read a letter from his client that discussed recent stories in the media regarding preferred vendors for the Central Park Place development.

Affordable Housing

Mercedes Haber-Kovach, discussed the recommendations of the Housing Advisory Commission position paper regarding the affordable housing component at the 5th Avenue development.

Affordable Housing

Anne Schultz, spoke in favor of the Housing Advisory Commission position paper.

Strategic Planning

Marilyn Schweitzer, spoke in favor of developing a city strategic plan to include, but not be limited to, housing, culture, and sustainability issues.

Affordable Housing

Jim Hill, stated that the Senior Task Force concurs with the Housing Advisory Commission position paper.

Krieger explained that staff is meeting with both the Illinois Housing Development Authority and the Metropolitan Mayor's Caucus this week to discuss affordable housing and, in order to give the Council the most complete information, the Housing Advisory Commission recommendation will be on the April 3 City Council agenda.

Pedestrian Safety

Jennifer Taylor, spoke about concerns on Spring Street and the impact of the future 5th Avenue development.

Council discussed the neighborhood survey and a traffic calming plan.

Louden explained that the study is just starting and the speaker's concerns will be forwarded to the implementation team.

Bridge Safety

Marge Kreutzig, explained her concerns about safety and asked about frequency of inspections.

Novack responded that the bridge is owned by BNSF, explained minimum inspection requirements, and staff review of inspection findings.

American Legion Post 43

Jack Amberg, announced the 100th anniversary of Post 43 and invited staff and council members to join the Legion.

Central Park

Christopher Leshock, asked whether the mayor will recuse himself from the Polo Club development discussion.

Chirico responded that he will not recuse from Polo Club discussion because Great Western Flooring has not done business with the developer. He explained that his company does not have a financial interest in the Central Park Place development. He stated that the company is not a preferred vendor and that one of the customers who purchased a unit approached the company for service which creates only an indirect conflict.

Paul Mitchell and Dwight Avram, Central Park Place, explained that the preferred flooring contractor is Empire but customers are free to use another contractor.

Avram stated they have been working with Empire for three or four years and

have not done business with Great Western Flooring.

DiSanto explained conflict of interest rules and specifically stated that it is a conflict of interest for a member of the public body to have certain personal interests in the work of the public body. He said conflicts of interest generally do not extend to peripheral business relationships outside the purview of the public body. Serving as a public official is a part-time position and public officials may have professions in the community that are tangentially impacted by decisions of the public body. He stated that he is aware of the recent news story regarding Great Western Flooring and said it has no legal bearing on the Council's consideration to approve the plat and OAA for the Central Park Place development, other than for the Mayor who has opted to recuse himself to avoid any appearance of impropriety.

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 item I4-the award of Bid 19-077, 1.5-Inch Water Meter Replacement Services Rebid, to Calumet City Plumbing Co., Inc. for an amount not to exceed \$228,500, plus a 5% contingency; and item I20-the ordinance approving the Preliminary/Final Plat of Subdivision and OAA for the property located at 110 S Washington Street (Central Park Place) - PZC 18-1-077. The motion carried by the following vote:

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

1. Approve 02/07/2019 thru 03/01/2019 cash disbursement for \$20,926,094.28

Council approved.

2. Approve the regular City Council meeting minutes of March 5, 2019

Council approved.

3. Approve the award of Bid 19-052, Distribution Automation Equipment, to Universal Utility Supply Company for an amount not to exceed \$334,350

Council approved.

4. Approve the award of Bid 19-077, 1.5-Inch Water Meter Replacement Services Rebid, to Calumet City Plumbing Co., Inc. for an amount not to exceed \$228,500, plus a 5% contingency.

Council tabled this item at the request of the vendor.

A motion was made by Councilwoman Gustin, seconded by Councilwoman Anderson, to table the award of Bid 19-077, 1.5-Inch Water Meter Replacement Services Rebid, to Calumet City Plumbing Co., Inc. for an amount not to exceed \$228,500, plus a 5% contingency. to the April 3 City Council meeting. The motion carried by the following vote:

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

5. Approve the award of Bid 19-057, North Pump Station Interceptor Sewer Main Phase 2, to Insituform Technologies USA, LLC. for an amount not to exceed \$608,344.02, plus a 3% contingency

Council approved.

6. Approve the award of Option Year One to Contract 17-045, Landscaping Restoration Program, to Alaniz Landscape Group Inc. for an amount not to exceed \$187,000, plus a 5% contingency

Council approved.

7. Approve the award of Option Year Three to Contract 16-199, Street Lighting Controller and Municipal Lots Maintenance, to Meade Electric Inc. for an amount not to exceed \$212,395

Council approved.

8. Approve the award of the Second Extension to Contract 14-007, Benefits Broker, to GCG Financial, Inc. for an amount not to exceed \$231,320 and for a term of 32 months.

Council approved.

9. Approve the award of Bid 19-003, 2019 Crackfilling Program, to Denler, Inc. for an amount not to exceed \$331,710, plus a 5% contingency

Council approved.

10. Approve the award of Bid 19-004, 2019 Street Patching Program, to Geneva Construction Company for an amount of \$415,440, plus a 5% contingency

Council approved.

11. Approve the award of Procurement 19-099, Fire Station 4 and 7 Overhead Door Replacement - Phase II, to Allied Door Inc. for an amount not to exceed \$190,415.75, plus a 5% contingency

Council approved.

12. Accept the public underground improvements at Metro West Townhomes and authorize the City Clerk to reduce the corresponding public improvement surety.

Council approved.

13. Accept the public underground improvement associated with Truth Lutheran Church and authorize the City Clerk to reduce the corresponding public improvement surety.

Council approved.

14. Approve the City Council meeting schedule for April, May & June 2019

Council approved.

15. Pass the ordinance approving the transfer of \$15,506,610 of the 2019 Volume Cap in connection with private activity bond issues in such manner as shall be directed by Sand Creek Capital

Enactment No.: ORD 19-031

Council passed.

16. Pass the ordinance approving a variance request from Section 6-2-10 in order to construct a detached garage that is located 2' from the rear property line for the subject property located at 422 E. Franklin Avenue - PZC 19-1-02

Enactment No.: ORD 19-032

Council passed.

17. Pass the ordinance to abate a portion of the 2018 tax levy for Special Service Area No. 23 (Naper Main)

Enactment No.: ORD 19-033

Council passed.

18. Pass the ordinance establishing temporary traffic control plans and issue a special event permit, including an amplifier permit, for the 2019 Naperville Women's Half Marathon and 5K on Sunday, April 28, 2019

Enactment No.: ORD 19-034

Council passed.

19. Waive the first reading and pass the ordinance to restrict parking on the north side of Brookdale Road from the centerline of Westminster Drive to a point 95' east of the centerline of Westminster Drive (requires six positive votes).

Enactment No.: ORD 19-035

Council passed.

- 20.** Pass the ordinance approving the Preliminary/Final Plat of Subdivision and OAA for the property located at 110 S Washington Street (Central Park Place) - PZC 18-1-077

Chirico recused himself to avoid the appearance of impropriety and left the dais at 8:00 p.m.

Councilman White assumed the role of Mayor Pro Tem.

Jeffrey Havel, discussed saving the library, development design, sustainability, and business transparency.

Council recapped its discussions and votes regarding assigning landmark designation to the library.

By consensus Council directed staff to draft stronger guidelines for conflict of interest rules and code of ethics.

DiSanto explained the vote to be taken on the agenda memorializes the developer's responsibilities.

Enactment No.: ORD 19-036

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to pass the ordinance approving the Preliminary/Final Plat of Subdivision and OAA for the property located at 110 S Washington Street (Central Park Place) - PZC 18-1-077. The motion carried by the following vote:

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

Recused: 1 - Chirico

Chirico returned to the dais at 8:16 p.m.

- 21.** Adopt the resolution approving the appointment of Lucille Podlesny to the Illinois Municipal Electric Agency Board of Directors

Enactment No.: RES 19-09

Council adopted.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Bid 19-007, 2019 91st Street Reconstruction, to R.W. Dunteman Company for an amount not to exceed \$1,146,849.35 and a 3% contingency

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 19-007, 2019 91st Street Reconstruction, to R.W. Dunteman Company for an amount not to exceed \$1,146,849.35 and a 3% contingency. The motion carried by the following vote:

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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the display schedule and locations for the 2019 Downtown Summer Sculpture Program

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, TO approve the display schedule and locations for the 2019 Downtown Summer Sculpture Program. The motion carried by the following vote:

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

2. Consider the petitioner's request to appeal the Historic Preservation Commission's decision regarding COA #19-25 for the subject property located at 105 S. Sleight

Bill Bassetto, Petitioner, explained the request to replace an existing window and sidelight windows with three equal sized windows.

Council discussed design guidelines, the unique nature of the homes in this area, and the approval process for design proposals.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the COA #19-25 request for a change in window style at 105 S. Sleight Street to replace an existing picture window and the sidelight windows surrounding the picture window with three equal sized double hung windows without a condition. The motion carried by the following vote:

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

3. Confirm that the current scope of the RFP should continue to be utilized to complete the proposed update to the City's Comprehensive Plan.

Laff explained the operating budget funds for this RFP must be expended by the end of 2019.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to confirm that the current scope of the RFP should continue to be utilized to complete the proposed update to the City's Comprehensive Plan. The motion carried by the following vote:

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

4. Endorse the Naperville Environmental Sustainability Task Force and direct them to develop an Environmental Sustainability Plan Proposal for ongoing discussion with the City Council and staff

Marilyn Schweitzer, Naperville, spoke in favor of establishing the task force but with more specific criteria.

Council discussed that sustainability means more than just green initiatives and the appropriateness of starting small with a defined scope.

Jodi Trendler, Naperville, spoke in favor of moving forward with the task force.

Krieger stated that development projects can receive endorsement of the group similar to that of the Senior Task Force, that the group has a plan for public involvement, the City Council can dis/approve recommendations, and that staff will not provide administrative support to the task force.

A motion was made by Councilman Krummen, seconded by Councilman Hinterlong, to endorse the Naperville Environmental Sustainability Task Force and direct them to address the speaker's concerns, develop an Environmental Sustainability Plan Proposal for ongoing discussion with the City Council and staff, and to provide a status update to the Council in 60 days. The motion carried by the following vote:

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

P. NEW BUSINESS:

Humane Ordinance

Gustin received four votes to support requesting staff compare Naperville with humane ordinances of other municipalities.

Bauer Place Firepit

Coyne asked why the fire pit was not included in the final plan.

Laff explained the firepit was removed before final approval because it was a fire hazard. She said the design substituted the the intended gathering space with something comparable.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of March 19, 2019 at 8:58 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