



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, January 21, 2020

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 5:30 p.m.

B. ROLL CALL:

- Present:** 7 - Mayor Steve Chirico
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Krummen
Councilwoman Theresa Sullivan
Councilman Benjamin White
- Absent:** 2 - Councilwoman Judith Brodhead
Councilman Kevin Coyne

C. CLOSED SESSION - 5:30 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(1) Performance of a Specific Individual; 120/2(c)(2) Collective Bargaining; 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: 7 - Chirico, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 2 - Brodhead, and 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 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

E. PLEDGE TO THE FLAG:

Boy Scout Troop #133 led the pledge.

F. AWARDS AND RECOGNITIONS:

Chirico recognized and congratulated North Central College for winning the NCAA Division III Football National Championship and announced the victory parade on January 31.

Krummen thanked the community for thoughts and prayers during his family's recent loss.

G. PUBLIC FORUM:

Century Walk Corporation
Deborah Venezia, Arts DuPage, spoke in favor of a public art program.

Naperville Century Walk
Catherine Kaduck spoke in favor of a public art program.

Century Walk
Caroline Senetar spoke in favor of a public art program.

2020 SECA Awards
Mary Ann Bobosky spoke in favor of a public art program.

Century Walk
Dave Della Terza spoke in favor of a public art program.

Thank You
Craig Bixler, Naperville Half Marathon Races/Naper Events LLC, thanked City staff, organizations, volunteers, and runners who participated in the October 2019 event.

Updating Fireman's Park

Bob Rechennacher requested that the Council fund Century Walk's request to update Fireman's Park.

Gallahue explained the SECA Grant Fund application review process and stated that the City Council will be asked to approve the 2020 allocations on February 4.

Opt-in Update

Lyndsey Kokoris reviewed statistics related to the recent legalization of adult-use cannabis in Illinois.

5th Avenue

Tom Higgins requested that Council allow the neighborhood groups to meet outside of the Open Meeting Act requirements.

Krieger explained that the February 15 Steering Committee meeting will be posted according to the Open Meetings Act.

DiSanto explained a meeting must follow the rules of the Open Meetings Act when three or more members are present.

5th Avenue

Dr. Robert Buckman asked Council to disband the 5th Avenue Steering Committee to allow residents to meet without adhering to the Open Meetings Act.

Council discussed previous decisions made by the Committee and the appropriateness designating the Steering Committee as a Task Force.

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, Kelly, Krummen, Sullivan, 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 items 13, 14, 116, and 119. The motion carried by the following vote:

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

1. Approve the 12/01/2019 through 12/31/2019 cash disbursements for a total of \$28,341,682.54.

Council approved.

2. Approve the regular City Council meeting minutes of December 17, 2019

Council approved.

3. Approve the City Council meeting schedule for February, March and April 2020

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the City Council meeting schedule for February, March and April 2020 as amended to add the 5th Avenue Steering Committee meeting on February 15 and reschedule the 5th Avenue Workshop to March 2. The motion carried by the following vote:

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

4. Approve the award of RFP 19-170, Collection Agency Services, to Penn Credit Corporation for 17% of the total monies collected not to exceed \$120,000 and for a three-year term

Michael Finn discussed the scoring of the RFP and asked whether all information was considered.

Mayer explained that staff was aware of the indictment against the CEO and that the City received confirmation that he has been removed from the company.

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the award of RFP 19-170, Collection Agency Services, to Penn Credit Corporation for 17% of the total monies collected not to exceed \$120,000 and for a three-year term. The motion carried by the following vote:

Aye: 8 - Chirico, Brodhead, Coyne, Hinterlong, Kelly, Krummen, Sullivan, and White

Nay: 1 - Gustin

5. Approve the award of the second two-year extension to Contract 13-025A, Depository Banking Services, to BMO Harris for an amount not to exceed \$367,000

Council approved.

6. Approve the award of Option Year One to Contract 17-133, Land Surveying Services, to Christopher B. Burke Engineering, Engineering Resource Associates, Farnsworth Group, Hampton, Lenzini and Renwick, Inc., Ridgeline Consultants and Robinson Engineering for an amount not to exceed \$110,000

Council approved.

7. Approve the award of Cooperative Procurement 20-018, South Waterworks Scrubber, to Trane Commercial Systems and Services for an amount not to exceed \$133,638.14, plus a 5% contingency

Council approved.

8. Approve the award of Option Year Two to Contract 18-013, Tree Planting Services, to The Fields of Caton Farm for an amount not to exceed \$466,000
Council approved.
9. Approve the award of Cooperative Procurement 20-054, Oracle Database Enterprise Support Renewal, to Mythics, Inc. for an amount not to exceed \$103,704.20 and for a one year term
Council approved.
10. Approve the award of Change Order #1 to Contract 19-059, 2019 Sanitary Sewer Manhole Rehabilitation, to Front Range Environmental for an additional 244 days
Council approved.
11. Approve the award of Change Order #2 to Contract 18-024, Generator Maintenance Services, to Interstate Power Systems, Inc. for an amount not to exceed \$29,000 and a total award of \$232,292.60
Council approved.
12. Pass the ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method within the specified limits surrounding the property at 1598 W. Ogden Avenue, Naperville, IL. 60540 and adjacent rights of way, including points of withdrawal by the City of Naperville
Enactment No.: ORD 20-001
Council passed.
13. Pass the ordinance granting a variance in order to install a fence at the subject property located at 240-244 E. 4th Avenue - PZC 19-1-130
Enactment No.: ORD 20-002
Council passed.
14. Pass the ordinance reserving the City's 2020 Volume Cap
Enactment No.: ORD 20-003
Council passed.
15. Pass the ordinance approving an extension to Ordinance 18-090 to allow a temporary banner to remain on the east wall of the Loggia Building (123 Water Street) through December 31, 2020, subject to the terms included in the ordinance.
Enactment No.: ORD 20-004
Council passed.

16. Waive the first reading and pass the ordinance authorizing the City Manager to administratively approve encroachment and easement agreements (Requires six positive votes).

Enactment No.: ORD 20-005

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to waive the first reading and pass the ordinance authorizing the City Manager to administratively approve encroachment and easement agreements. The motion carried by the following vote:

Aye: 7 - Chirico, Brodhead, Coyne, Kelly, Krummen, Sullivan, and White

Nay: 2 - Gustin, and Hinterlong

17. Adopt the resolution of official intent for reimbursement of capital projects

Enactment No.: RES 20-01

Council adopted.

18. Adopt the resolution authorizing execution of a collective bargaining agreement between the City of Naperville and MAP Ch. # 582

Enactment No.: RES 20-02

Council adopted.

19. Direct staff to prepare a resolution for City Council consideration authorizing the replacement of the City's covenant on the property located at 1720 Quincy Avenue with one that requires that said property not be conveyed or leased to any not-for-profit or exempt property use.

Kelly recused himself due to a conflict of interest and left the dais from 8:06 p.m. - 8:11 p.m.

Krieger explained the tax revenue implications of both options.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to direct staff to prepare a resolution for City Council consideration authorizing the replacement of the City's covenant on the property located at 1720 Quincy Avenue with one that requires that said property not be conveyed or leased to any not-for-profit or exempt property use. The motion carried by the following vote:

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

Recused: 1 - Kelly

J. PUBLIC HEARINGS:

1. Conduct the public hearing for Special Service Area No. 32 for the Wagner Farms shared-use paths

Hinterlong opened the public hearing at 8:12 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing for Special Service Area No. 32 for the Wagner Farms shared-use paths at 8:12 p.m. The motion carried by the following vote:

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

A motion was made by Councilman Krummen, seconded by Councilwoman Brodhead, to consider item O1 before the L items.

A motion was made by Councilman Coyne, seconded by Councilman Krummen, to consider items O1, O2, and O3 before the L items. The motion carried by the following vote:

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

K. OLD BUSINESS:

O. REPORTS AND RECOMMENDATIONS:

1. Provide direction regarding the use of wheel stops (parking bumpers) in private parking lots within the City of Naperville

Bev Patterson Frier, Senior Task Force and Petitioner, spoke in favor of reducing the use of parking bumpers in private parking lots.

Council discussed the appropriateness of mandating the removal of parking bumpers.

Novack explained where bumpers are installed, how they are used, and gave an overview of the recommendations in the memo.

Council discussed the prevalence of trip/fall incidents in parking lots, making a decision based on a single case, the need to include the Chamber of Commerce and others, the financial impact to business owners/schools/etc, and having the Building Review Board review the recommendations.

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to direct staff to present the recommendations regarding the use of wheel stops (parking bumpers) in private parking lots within the City of Naperville to the Building Review Board. The motion carried by the following vote:

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

2. Reconsider options regarding existing non-conforming residential parkway aprons located in the City's right-of-way.

Tim Messer spoke in favor of allowing residents the choice to either keep aprons or have them removed.

Council discussed aprons, access to sidewalks, and ADA implications.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to allow existing non-conforming residential parkway aprons to remain until the associated street is resurfaced, that the City will assume 100% of the costs to remove the aprons and restore the parkway to remove this burden from the impacted property owner, to add ADA walkways at three residences identified, and to install additional ADA walkways at other residences that can demonstrate the need (Option B2-amended). The motion carried by the following vote:

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

3. Approve the recommended changes to add sick leave to the PTO-11 time off plan and add paid parental leave as a City benefit.

Jamie Horner, Naperville Police Department Social Worker, spoke in favor of the proposed changes to add sick leave and paid parental leave to PTO-11 benefits.

Council discussed personal impact of benefits offered, decisions that current employees must make regarding starting a family and caring for family members based on the current benefit package, that PTO-11 was created post-recession, that the employees are the City's most important resource, and the growing ratio of Tier 2 to Tier 1 employees.

Krieger explained the 401a component and stated that a budget amendment would not be necessary.

Council discussed recruiting, the goal of making the City an attractive place to work, the importance of retention, the positive impact on morale of parental leave, and the federal leave package that was recently passed.

Krieger stated sick time accruals cannot be cashed out when employment ends.

Sheehan explained how sick time is accrued, that one PTO day must be used prior to any use of sick days, and that sick time is intended to be a safety net or insurance for employees to have when they need to care for themselves or a sick family member.

Council discussed the cost of a service not being done, other workers absorbing job, why sick days were eliminated, the cost of recruiting and training, and that maintaining a positive culture is important.

A motion was made by Councilwoman Brodhead, seconded by Councilman White, to approve the recommended changes to add sick leave to the PTO-11 time off plan and add parental leave as a City benefit.

A motion in substitution was made by Councilman Coyne, seconded by

Councilwoman Gustin, to approve the recommended changes to add sick leave to the PTO-11 time off plan and add parental leave as a City benefit and report back in one year regarding benefit use. The motion carried by the following vote:

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

The meeting recessed from 9:13 p.m. - 9:20 p.m.

L. ORDINANCES AND RESOLUTIONS:

1. **Option A:** Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving variances for Monument Sign 1 / South Sign, Monument Sign 2 / North Sign, and two ground signs along Aurora Avenue for the subject property located at 204 S. Route 59 (Westridge Court Shopping Center) - PZC 19-1-099; or

Option B: Concur with staff and pass the ordinance approving variances for Monument Sign 1 / South Sign and two ground signs along Aurora Avenue and denying the variances for Monument Sign 2 / North Sign for the subject property located at 204 S. Route 59 (Westridge Court Shopping Center) - PZC 19-1-099

Enactment No.: ORD 20-006

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving variances for Monument Sign 1 / South Sign, Monument Sign 2 / North Sign, and two ground signs along Aurora Avenue for the subject property located at 204 S. Route 59 (Westridge Court Shopping Center) - PZC 19-1-099 (Option A). The motion carried by the following vote:

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

Nay: 1 - Sullivan

2. **Option A:** Concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to permit a 3-season room to encroach into the required rear setback at the subject property located at 2212 River Woods Dr., subject to certain conditions; or

Option B: Concur with staff and deny the request for a variance to permit a 3-season room encroach into the required rear setback at the subject property located at 2212 River Woods Dr.- PZC 19-1-124.

Enactment No.: ORD 20-007

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving a variance to permit a 3-season room to encroach into the required rear setback at the subject property located at 2212 River Woods Dr., subject to certain conditions (Option A). The motion carried by the following vote:

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

3. Consider two options for an amendment to the City's municipal code pertaining to the local sale of dogs and cats and conduct the first reading of the corresponding ordinance amending the Naperville Municipal Code.

Lisa Paschal Alcorn, spoke in favor of Option A.

Reba Morgan Osborne, Naperville Area Chamber of Commerce, spoke in favor of protecting consumers from illegal breeding operations and urged Council to find an alternative to Option A.

State Rep. Anne Stava-Murray spoke in favor of Option A.

Council discussed the lack of state action on banning puppy mills.

Jean Page spoke in favor of Option A.

Amy Wolf, A.D.O.P.T., spoke in favor of Option A.

George Rohde, spoke in favor of Option A.

James Laures spoke in favor of Option A.

Nancy Laures spoke in favor of Option A.

Sherri Oslick spoke in favor of Option A.

Nikki Ormsby, Bailing Out Benji, spoke in favor of Option A.

Raquel Melendez, Bailing Out Benji, spoke in favor of Option A.

James Haselhorst spoke in favor of Option A.

Dianne Arp spoke in favor of Option A.

Anna Payton, Illinois Animal Welfare Federation, spoke in favor of Option A.

Marshall explained that Animal Control Officers have jurisdiction in the City of Naperville only.

Council discussed the Chicago ordinance, how it has impacted shelters, and the appropriateness of passing legislation that may or may not have the desired effect on puppy mills.

Tim Keen discussed both options.

Madeline Schmid asked Council not to overlegislate reputable pet stores.

Greg Schmid asked Council not to overlegislate reputable pet stores.

Christine Georgi spoke about a positive experience purchasing a puppy at a pet store.

Dawn DeSart spoke in favor of Option A.

At 10:52 p.m. Councilwoman Brodhead made a motion, seconded by Councilwoman Gustin to extend the meeting to midnight. The motion carried via Voice Vote.

Brian Winslow spoke against asking Pet Land to change its business model.

Maya Domiano spoke in favor of Option A.

Jeff Nicholson spoke in favor of Option A.

Dee Santucci spoke in favor of Option A.

Chris Stirn spoke in favor of Option A.

Kevin McCarty spoke in favor of Option A.

Ymoni Johnson spoke against Option A.

Misty McCarty spoke in favor of Option A.
Nissa Burch spoke against Option A.
Nathan Yoder spoke against Option A.
Darrell Miller spoke against Option A.
Larry Herschberger spoke against Option A.
Bob Gingerich asked Council to table and wait for the state to take action.
Gary Herschberger spoke against Option A.
Anissa Olley spoke in favor of Option A.
Raymond Kaufman spoke against Option A.
Colleen Addante spoke in favor of Option A.
Amy Aveyard spoke in favor of Option A.
Marc Ayers spoke in favor of Option A.

Council discussed the new state law that has been introduced, the potential impact to municipalities, and sales statistics.

At 11:56 p.m. Councilwoman Brodhead made a motion, seconded by Councilman White to extend the meeting to 12:30 a.m. The motion carried via Voice Vote.

Council discussed pet store selling practices, lines of credit, and lending schemes.

Jon Berning spoke against Option A.

Council discussed internet competition, independent third party verification of breeders, Option B, non-disclosure agreements, and interest rates.

Kaitlin Potenza spoke against Option A.
Ulysses Pagan spoke against Option A.
Sonja Forni spoke against Option A.
Edwin Sayres spoke against Option A.

At 12:27 a.m. Councilwoman Brodhead made a motion, seconded by Councilman Kelly to extend the meeting to 1:00 a.m. The motion carried via Voice Vote.

Lorianne Kloss spoke in favor of Option A.
Laura Gruszka spoke in favor of Option A.
Kaylene Polanski spoke in favor of tabling the issue.
Ashley Meza spoke in favor of tabling the issue and read a statement from her Pet Land supervisor.
Casey Rechenmacher spoke in favor of tabling the issue.
Shannon Gaglione spoke in favor of Option A.
Elizabeth Sheaffer spoke in favor of Option A.
Dr. Barbara Hanek spoke in favor of Option A.
Timothy Murray spoke in favor of Option A.

At 12:53 a.m. Councilwoman Brodhead made a motion, seconded by Councilman Kelly to extend the meeting to 1:30 a.m. The motion carried

via Voice Vote.

Cari Miller spoke in favor of Option A.
Carl Swanson discussed implications of both options.
Ryan Hamel spoke in favor of tabling the issue
Kevin Shekeil spoke in favor of Option A.

First reading held.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

P. NEW BUSINESS:

Q. ADJOURNMENT:

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adjourn the Regular City Council Meeting of January 21, 2020 at 1:10 a.m. on January 22, 2020. 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