



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, May 16, 2023

7:00 PM

Council Chambers

Agenda Introductory Language

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-Astound, Ch. 10 - Comcast)

Please note that WCNC is currently unavailable to AT&T U-verse (Ch. 99) customers. We encourage these customers to view meetings online at <https://naperville.legistar.com>.

- Watch online at <https://naperville.legistar.com>

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council in-person in City Council Chambers, members of the public must register by 4 p.m. on May 16 at: www.naperville.il.us/speakersignup

The public may choose to provide public comment in any of the following ways:

1. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on May 16. Written comments will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of comments will be announced during the City Council meeting.

2. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item. The names of participants who submitted position statements will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of position statements will be announced during the City Council meeting.

3. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on May 16.

Online sign-up closes at 4 p.m. on May 16, at which time no other speakers or comments will be accepted. There will be no on-site speaker sign up.

PUBLIC ACCOMMODATION:

- Any individual who may require an accommodation to listen to or participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on May 16.
- Questions regarding online sign-up may be directed to the Community Services Department 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:

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

B. ROLL CALL:

Present: 9 - Mayor Scott Wehrlie
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

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

A motion was made by Councilman White, seconded by Councilman Kelly, to recess to Closed Session to discuss 120/2(c)(11) Pending Litigation and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

Aye: 9 - Wehrlie, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

OPEN SESSION - 7:00 p.m.

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

D. ROLL CALL:

Present: 9 - Mayor Scott Wehrli
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

Also Present

City Manager, Doug Krieger; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Jason Arres; Deputy Director of Finance, Ray Munch; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Brian Groth; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski, Director of Communications, Linda LaCloche; Assistant to the City Manager, Marcie Schatz

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. [Proclaim May 24 - 28, 2023 VFW Buddy Poppy Days in the City of Naperville](#)

Bruzan Taylor presented the Proclamation.

2. [Proclaim May 29, 2023 as Memorial Day and National Moment of Remembrance in Naperville](#)

Bruzan Taylor presented the Proclamation.

G. PUBLIC FORUM:

3 Minutes with NEST

Carl VanDril (Naperville - NEST) discussed Naperville's electricity supply and coal power plants.

Council discussed nuclear power, small nuclear plants, and asked that NEST's position be made formal in an upcoming presentation.

VanDril explained that nuclear is a clear option.

Municipal boards and commissions

Becky Simon (Naperville - League of Women Voters of Naperville) asked Council to improve application transparency and read the Letter to the Editor outlining the recommendations of the League's appointment study.

Council discussed public access to the applications and that Mayor and staff have met with League representatives to discuss the appointment process.

Simon clarified that the recommendation is not to make the applications available to the public but rather the number of applications and how long they have been in the appointment queue.

Safety and accessibility concerns in development and public right of ways Marilyn L Schweitzer (Naperville) discussed public safety for drivers, cyclists, pedestrians, and those with disabilities; stated safety measures are given a low priority by the City, that they need to be raised, and gave examples such as closing sidewalk gaps, implementing traffic calming measures, enforcing traffic laws, and improving ADA access; said commercial development codes are either outdated or not being implemented in spirit they are written, gave examples of 10 Martin Ave and 1671 Route 59, and stated that without variances staff can approve administratively.

WRITTEN COMMENT ONLY

Joan Miller (Naperville) Naperville unity - My comment is in regard to the follow up since the election. I'm a little discouraged in Mr Scott Wehrlis claims of being non-partisan, then the day after the election it comes out that he was backed by the naperville township republicans. We can't help to feel duped. It would also be nice to see some sort of message of apology from Scott to Benny white and Ian Holzhauser for the attacks against their disabled veteran status and his cease and desist letter. We need naperville to come together and to just sweep things under the rug and to pretend nothing happened nor acknowledge it publicly doesn't help the community to come together as one. The healing starts at the top and it's an opportunity for our new mayor to show the leadership skills we have been told about during the campaign.. Thank you

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

A motion was made by Councilman White, seconded by Councilman Kelly, to use the Omnibus method to approve the Consent Agenda. The motion carried by a voice vote.

I. CONSENT AGENDA:

Approval of the Consent Agenda

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the Consent Agenda with the exception of items I22 and I23 and including the May 2, 2023 minutes as amended. The motion carried by the following vote:

Aye: 9 - Wehrlis, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

1. [Approve the Cash Disbursements for the period of 04/01/2023 through 04/30/2023 for a total of \\$28,540,912.28](#)
Council approved.
2. [Approve the regular City Council meeting minutes of May 2, 2023](#)
Council approved as amended.
3. [Approve the Inauguration meeting minutes of April 30, 2023](#)
Council approved.
4. [Approve the release of certain designated Closed Session meeting minutes and continue to maintain the confidentiality of all other unreleased Closed Session meeting minutes](#)
Council approved.
5. [Approve the City Council meeting schedule for June, July and August 2023](#)
Council approved.
6. [Approve the award of Sole Source Procurement 23-098, License Plate Recognition Camera Technology, to Flock Safety for an amount not to exceed \\$684,300 and for a five-year term](#)
Council approved.
7. [Approve the award of Sole Source Procurement 23-097 Springbrook Centrifuge Panel, to Centrisys CNP for an amount not to exceed \\$139,300, plus a 5% contingency](#)
Council approved.
8. [Approve the award of Cooperative Procurement 23-125, Unit 339 - Ambulance Replacement, to Foster Coach for a one-time purchase and an amount not to exceed \\$346,364](#)
Council approved.
9. [Approve the award of Bid 23-033R, Heavy-Duty Truck Body Repair/Painting to Rush Truck Centers of Illinois for an amount not to exceed \\$140,675, and for a one-year term](#)
Council approved.
10. [Approve the award of Bid 23-008, Sanitary Main CCTV Inspection to National Power Rodding Corporation for the amount not to exceed \\$146,380.30](#)
Council approved.

11. [Approve the award of Change Order #1 of Contract 19-142, Telvent ArcFM Solution Software Maintenance, to Schneider Electric for an amount not to exceed \\$21,172.73 and a total award of \\$198,756.94](#)

Council approved.

12. [Approve the award of Change Order #1 to Option Year One of Contract 19-175, Tire and Tube Purchases, to Firestone Complete Autocare, and Pomp's Tire Service \(via Bridgestone Americas Tire Operations, LLC, The Goodyear Tire & Rubber Company, and Continental Tire\) for an amount not to exceed \\$35,000 and a total award of \\$130,000](#)

Council approved.

13. [Approve the award of Change Order #1 to Cooperative Procurement 22-331, Fire Gear, to Alexis Fire \(Innotex Corp.\), for an amount not to exceed \\$400,000 and a total award of \\$500,000](#)

Council thanked staff and inquired about litigation.

Puknaitis stated that potentially thousands of departments are impacted across the country, that there is no class action yet, and there may be opportunities for reimbursement in the future.

Council asked for clarification on when contribution disclosures are required.

DiSanto explained that disclosures are only required when there is a petitioner or other public participant and that agenda item 113 is being brought by staff so there is no need to disclose.

Holzhauser disclosed he received the IAFF endorsement and declined a contribution.

Council approved.

14. [Approve the award of Change Order #2 to Contract 21-054, Inclusionary Zoning Ordinance Advisory Services, to SB Friedman for an amount not to exceed \\$20,105 and a total award of \\$90,105 and for an additional year](#)

Council approved.

15. [Accept the public underground and street light improvements at Chicago Commons and authorize the City Clerk to reduce the corresponding public improvement surety](#)

Council approved.

16. [Conduct the first reading of an amendment to Sections 3-3-3 and 3-3-14 of the Naperville Municipal Code that will prohibit the sale and possession of tetrahydrocannabinol \(THC\) products for human consumption to individuals under the age of 21](#)

First reading held.

17. [Receive the staff report for 2939 Audrey Avenue \(Audrey Senior Residences\) - PZC 22-1-112 \(Item 1 of 4\)](#)

POSITION STATEMENT

Rosalyn Urbanek (Naperville) - OPPOSE

WRITTEN COMMENT ONLY

Rosalyn Urbanek (Naperville) - 05/16/2023 Dear Mayor, City Council and Staff You likely read my written letters to Plan Commission and my opposition has not changed. I do still oppose the rezoning and this type of product in this area. I am a co-owner of Lot 6. You can find its location on the preliminary/final plat of subdivision. This parcel has been in my family for over 50 years being a continual primary residence within the family. This is our asset that we have owned for many years. Time plays in the value of money in commercial real estate when it takes time for infrastructure, the developing of an area, and some hiccups in the area that cause ripples and time again to wait what may happen next and commercial developers wait. When PM Bedroom Gallery was built. There was no close sewer connection for Lot 6. It had to go upstream and its cost was a hindrance to Lot 6's commercial prospects. There commercial drive entrance dead end and went nowhere. Again Lot 6's commercial projects wanted vehicle traffic flow. People wonder, why you do not want to sell, I as asked now. What you see today is not how it was years back. Commercial takes time. A statement made by a Councilman in the during a past rezoning case was a bird in the hand is worth more than two in the bush. Lot 6 does not have a bird in the hand or two in the bush. I am depending on City Council to keep the high prime commercial growth in this zoned b2 area. Naperville City Council approved to force annex and force rezone to B2 just less than 60 acres of this area. This included Lot 6 which made it a nonconforming use parcel now. Sedgewick, Mayfair Phase 1 and Mayfair Phase 2 all were rezoned because the Petitioners had invested interest. Each of the Petitioners and not needed or wanted our parcel. We got low ball offers. And it was no different with Ryan before this went to TED they sent us a low ball offer. I spoke to the brokers and another called whom I have known from the past and I explained it was a low ball offer. To date if any of them had good faith they would have called and sent an offer that someone was able to negotiate with it. It seems the Petitioner Lot 1 might be a contingent owner of Lot 2. If so there are no guarantees you can make that Lot 2 will remain B2. There are only two property owners left. (each with multiple owners) Barbarrtoa's collectively and then Lot 6. Look after Lot 6 you may make it the only lot left in this 60 acres of less forced annexation and forced rezoning since all of the rezoning is not being preserved. I do not understand why Naperville Partnership has not did more with this area being a prime location of commercial land for development along Route 59 instead of allowing all of the rezoning requested by Petitioners. Sincerely Rosalyne Urbanek

Council received.

18. [Pass the ordinance approving a preliminary/final plat of subdivision and the Owner's Acknowledgement and Acceptance for Audrey Senior Living Subdivision - PZC 22-1-112 \(Item 2 of 4\)](#)

ORD 23-062

Council passed.

19. [Pass the ordinance rezoning Lot 1 of Audrey Senior Living Subdivision from B-2 \(Community Shopping Center District\) to OCI \(Office, Commercial and Institutional District\) - PZC 22-1-112 \(Item 3 of 4\)](#)

ORD 23-063

Council passed.

20. [Pass the ordinance approving a conditional use for a convalescent home on Lot 1 of the Audrey Senior Living Subdivision and associated variances - PZC 22-1-112 \(Item 4 of 4\)](#)

ORD 23-064

Council passed.

21. [Pass the ordinance approving a variance related to the proposed ground signs at 1507 W Ogden Avenue \(Cadillac of Naperville\) - PZC 23-1-018](#)

ORD 23-065

Council passed.

22. [Pass the ordinance approving three variances related to parking and setbacks for 1671 N. IL Route 59, Naperville \(Dunkin Go\) - PZC 22-1-010](#)

Marilyn L Schweitzer (Naperville) stated she cannot support the requested variances unless a walk up service is provided.

The Petitioner explained that Dunkin' Go is a drive-through only model, that dining is not permitted inside, and that a full Dunkin' Donuts is located nearby.

Petitioner Architect, Heml Pruhit, further explained that the Naperville market is heavily dependent upon automobiles, that a walk-up window is not recommended due to limited pedestrian traffic, that sites in other cities are more conducive to walk-up windows and drive-through queues are reduced as a result, and that adding a walk-up window would cause the entire operations floorplan to be reconfigured and trigger the need to include a customer restroom.

Novack explained that the engineers have reviewed the variance requests and determined that they all meet safety requirements.

Council discussed the business model and that both staff and PZC are supportive of the variance requests.

ORD 23-066

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance approving three variances related to parking and setbacks for 1671 N. IL Route 59, Naperville (Dunkin Go) - PZC 22-1-010. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

Wehrli recused himself due to a conflict of interest and left the dais from 7:43 p.m. - 7:44 p.m.

Bruzan Taylor served as Mayor Pro Tem.

23. [Adopt the resolution authorizing the City Manager to enter into an intergovernmental agreement with the Naperville Park District for computer aided dispatch and radio communication services](#)

RES 23-019

A motion was made by Councilman White, seconded by Councilman Kelly, to adopt the resolution authorizing the City Manager to enter into an intergovernmental agreement with the Naperville Park District for computer aided dispatch and radio communication services. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

Recused: 1 - Wehrli

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. [Option A: Concur with the petitioner and direct staff to prepare an ordinance approving a variance to Section 6-7D-4 to allow a general service use below the second floor for the property located at 131-33 S. Washington Street \(Skinovatio\); or Option B: Concur with staff and the Planning and Zoning Commission and deny the variance - PZC 23-1-025](#)

Saad Zuberi and Fahad Zuberi (Petitioners - Bartlett) discussed the project, detailed the services offered by Skinovatio Medical Spa, that patients are encouraged to walk-in to receive services but they are also able to schedule appointments in advance, that approximately 450 square feet of retail will be dedicated at the front of the tenant space, and that 25-35% of sales are retail sales.

Petitioners also provided application timeline, discussed the demolition permit they received, and explained similar businesses in the downtown area.

Laff explained that salons are permitted by right, massage and medical facilities

only allowed on second floor, that nurse practitioner services are 15% of Skinovatio offerings, Now Massage is on the east side of Washington where retail is more difficult and went through a similar review process.

Council discussed the demolition permit process, landlord responsibility, that the Code seeks to avoid pedestrian dead zones, whether changes to the business model may be appropriate to fit in the desired location, and inquired about full build out costs and possible relocation.

Laff explained the demolition permit application asks for limited information in order to not delay progress, but staff will consider requiring that plans be submitted at the time of application.

Petitioner said build out costs are approximately \$130,000 and asked Council to propose a new location.

WRITTEN COMMENT ONLY

Marilyn L Schweitzer (Naperville) - Please concur with staff, the Planning and Zoning Commission, the Naperville Development Partnership, and the Downtown Naperville Alliance and deny the petitioner's request for using the 1st floor of 31-33 S. Washington Street as a general service.

A motion was made by Councilman White, seconded by Councilman Kelly, to concur with staff and the Planning and Zoning Commission and deny the variance (Option B). The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the award of Bid 22-307, Tollway Substation 138-34.5 kV Power Transformers, to Wesco for an amount not to exceed \\$9,448,984 plus a 3% contingency](#)

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Bid 22-307, Tollway Substation 138-34.5 kV Power Transformers, to Wesco for an amount not to exceed \$9,448,984 plus a 3% contingency. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. [Receive the City of Naperville Bridge to 2023 Priorities Plan spring 2023 status update](#)

Krieger gave an overview of the Priorities Plan and a brief update on the Financial Stability, Housing Choice, and Infrastructure and Utilities priorities.

Arres, Puknaitis, and Gallahue presented the Public Safety and Sustainability priorities and fielded Council questions regarding crisis intervention training, the

CAD/RMS project, building audits, rail safety training, and how sustainability options are communicated for commercial customers,

LaCloche discussed the timeline for the upcoming Citizen Survey.

Council received the update.

P. NEW BUSINESS:

Poppies

Wilson reminded people to get poppies at the end of the month and announced the dedication ceremony for the Gold Star Families Memorial is at 2:00 p.m. on May 27 at Veterans Park.

Downtown Parking Garages

Wehrl discussed crime and the increase in calls for service in the garages and asked for Council consensus to direct professional staff to bring back potential solutions to ensure safety/security of people using the garages for intended purposes.

Council consensus was received.

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Kelly, to adjourn the Regular City Council Meeting of May 16, 2023 at 8:48 p.m. The motion carried by a voice vote.

/S/ Pam Gallahue
Pam Gallahue, PhD
Director of Community Services/City Clerk