



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, April 20, 2021

7:00 PM On Zoom/Hybrid - Open agenda to see cable, phone & streaming options

Due to the COVID-19 pandemic the City of Naperville has been conducting City Council meetings remotely pursuant to a gubernatorial executive order and then pursuant to an amendment to the Illinois Open Meetings Act allowing public bodies to conduct meetings remotely during a state of emergency subject to certain requirements.

As of April 7, 2021, based on current State of Illinois COVID-19 safety protocols and gathering limits, Mayor Steve Chirico has determined that while it remains impractical and imprudent to return to traditional in-person meetings due to the pandemic and the continued declaration of a state of emergency by the Governor, a hybrid in-person/virtual meeting format should be adopted for City Council meetings. In this format, some City Council members are physically present in City Council Chambers at the Naperville Municipal Center, 400 S. Eagle St., and the remaining Council members are participating in the meeting via Zoom webinar technology. Members of the City Council not attending in person have notified the City Clerk of their intent to participate remotely due the pandemic. Members of the public who wish to attend the meeting remotely may continue to do so. Members of the public who wish to attend in person may do so subject to compliance with COVID-19 safety protocols, including face coverings and social distancing.

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T)
- Watch online at <https://naperville.legistar.com>
- Listen by telephone (audio only) – registration to receive dial-in phone number required by calling the City Clerk's Office, (630) 305-5300, by 4 p.m. on April 20.

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council either in-person in City Council Chambers or via Zoom and provide public comment, members of the public must register by 4 p.m. on April 20 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 April 20. 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 "OPPOSITON" 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 either in-person in City Council Chambers or virtually as a Zoom participant via spoken audio. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on April 20 and must indicate whether they will speak in-person or virtually. Once signed up, individuals who wish to speak virtually will receive an email from the City Clerk's Office after 4 p.m. with information about how to join the virtual meeting. Those speaking in-person will be called during the agenda item they wish to speak on or in Public Forum. All COVID-19 safety protocols will be followed in Council Chambers, including requiring face coverings at all times, spaced seating to allow for social distancing, and sanitizing the speakers' podium in between each use. Current limits allow 50 people in Council Chambers at one time, including City Council members, City staff, and members of the public. If these limits are exceeded, staff may ask members of the public to cycle in and out of Council Chambers to adhere to these limits. The meeting will be broadcast in the lobby of the Naperville Municipal Center to allow the proceedings to be viewed at all times. Due to new technology in Council Chambers, individuals will be able to address all members of the City Council at once when they speak, regardless of the Council members' method of participating in the meeting.

- Online sign-up closes at 4 p.m. on April 20, 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 City Clerk at (630) 305-5300, by 4 p.m. on April 20.
- Questions regarding online sign-up may be directed to the City Clerk's Office 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:

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

B. ROLL CALL:

- Present:** 5 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Patrick Kelly
Councilwoman Theresa Sullivan
Councilman Benjamin White
- Absent:** 4 - Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Krummen

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

A motion was made by Councilman White, seconded by Councilwoman Brodhead, 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: 5 - Chirico, Brodhead, Kelly, Sullivan, and White

Absent: 4 - Coyne, Gustin, Hinterlong, and Krummen

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 Krummen
Councilman Patrick Kelly
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; Director of Communications, Linda LaCloche; 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 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; Deputy Director of Public Utilities - Water, Amy Ries; Project Manager for Public Utilities - Water, Doug Splitt

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. [Proclaim April 2021 as Fair Housing Month in the City of Naperville](#)

Gustin read the Proclamation.

2. [Proclaim April 2021 as Sikh Awareness and Appreciation Month](#)

White read the Proclamation.

Roger S. Chawla (Sikhs in Naperville) thanked the City Council for the recognition.

G. PUBLIC FORUM:

WRITTEN COMMENTS

Vikas Chandola-Member of NEST

I would like to acknowledge the support and guidance provided by John Krummen to our NEST group as well as to the Naperville community sustainability efforts. I hope that incoming and existing council members continue their support to these efforts in the coming period as well.

Gregory Hubert

Expressing my thanks and appreciation to Councilwoman Brodhead, Councilman Coyne, and Councilman Krummen. Thank you also for your support of NEST and sustainability.

SPEAKERS

COUNCIL CHAMBERS

Stormwater Management for East Highlands

Joseph Trahey

Novack offered to meet with the speaker.

ZOOM

Thank You

Lucy Evans thanked departing councilmembers Brodhead, Coyne, and Krummen for their service.

Thank You

Becky Simon (League of Women Voters of Naperville) recognized outgoing Councilwoman Brodhead.

Thank You

Marilyn L. Schweitzer thanked departing councilmembers Brodhead, Coyne, and Krummen for their service.

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, Kelly, Sullivan, and White

I. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda. The motion carried by the following vote:

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

Hear the final Public Forum speaker

A motion was made by Councilman Krummen, seconded by Councilwoman Brodhead, to hear the final Public Forum speaker. The motion carried by the following vote:

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

Thank You

Jodi Trendler (NEST) thanked departing councilmembers Brodhead, Coyne, and Krummen for their service.

1. [Approve the cash disbursements for the period of 03/01/2021 through 03/31/021 for a total of \\$23,947,967.82](#)

Council approved.

2. [Approve the regular City Council meeting minutes of April 7, 2021](#)

Council approved.

3. [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.

4. [Approve the City Council meeting schedule for May, June & July 2021](#)

Council approved.

5. [Approve the award of Bid 21-133, Distributed Automation Switches - Warrenville Road, to Universal Utility Supply Company of Illinois for an amount not to exceed \\$552,120](#)

Council approved.

6. [Approve the award of Cooperative Procurement 21-173, Springbrook Water Reclamation Center Administration Building Roof Replacement, to Garland/DBS Inc. for an amount not to exceed \\$138,863, plus a 5% contingency](#)

Council approved.

7. [Approve the award of Option Year One of Contract 20-028, Insulated Conductors, to Okonite for an amount not to exceed \\$861,763 and for a one-year term](#)

Council approved.

8. [Pass the ordinance amending Chapter 3 \(Required Improvements\) of Title 7 \(Subdivision Regulations\) regarding student generation rates for residential developments proposed within the boundaries of Indian Prairie Community Unit School District No. 204](#)

Enactment No.: ORD 21-039

Council passed.

9. [Pass the ordinance approving the amended final condominium plat of survey for Central Park Place Residential Condominium \(110 S. Washington\) - PZC 18-1-110](#)

Enactment No.: ORD 21-040

Council passed.

10. [Adopt the resolution authorizing the city manager to submit an application to the Regional Transportation Authority requesting a continuation of federal funding for the Ride DuPage to Work program](#)

Enactment No.: RES 21-08

Council adopted.

11. [Adopt the resolution authorizing execution of a settlement agreement between Phyllis Egizio and the City of Naperville](#)

Enactment No.: RES 21-09

Council adopted.

12. [Adopt the resolution authorizing execution of a collective bargaining agreement between](#)

[the City of Naperville and I.U.O.E. Local 399](#)

Enactment No.: RES 21-10

Council adopted.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. [Receive the staff report regarding the property located on Lot 4 of the Nokia Campus Subdivision at the northwest corner of Naperville and Warrenville Roads, Naperville \(Naper Commons\) - PZC 20-1-086 \(Item 1 of 6\)](#)

SPEAKERS

COUNCIL CHAMBERS

Russ Whitaker (Attorney for Petitioner) and Rob Getz (Pulte) explained the request to develop Lot 4 of the Nokia Campus Subdivision with a 227-unit mixed-residential subdivision. The subdivision, known as Naper Commons, will be comprised of 66 single-family attached (townhome) units housed in 16 buildings and 161 single-family detached units. The request includes a preliminary PUD plat with deviations to reduce the interior side setbacks, reduce the front setback, and to allow eaves to encroach over the 5' interior side public utility and drainage easements; a preliminary plat of subdivision; a conditional use to permit single-family attached dwellings (townhomes); a variance to reduce the required amount of masonry on the townhome units; and a variance to storm water design.

Council discussed roofing, porch space, floor plans, street maintenance, driveways, salt alternatives, input from the Forest Preserve, the need to diversify housing stock, wetlands, attainable/affordable housing, density, sustainability guidelines, staff costs, land-cash values, and school donation language.

Jeff Schuler (Superintendent of CUSD 200) spoke against the donation language in the OAA.

Krieger explained school donation tables, the language in the Municipal Code, and stated the issue would be resolved by final platting.

DiSanto discussed the OAA, fair market value, that the petitioner would need to approve any changes.

Jeff Banowetz spoke against the proposed development.

Council discussed land use separation, previous proposals, and zoning designations.

ZOOM

James Butt spoke against the proposed development.

Tim Feldballe spoke against the proposed development.
Daniel Johnson spoke in favor of the proposed development.
Mary Beth Nagai (DuPage Housing Alliance) spoke against the proposed development.
Al Murphy spoke against the proposed development.
Jen Banowetz spoke against the proposed development.
Mary Lou Wehrli spoke in favor of the proposed development.
Ernest Oxenknecht spoke against the proposed development.
Dean Grant spoke against the proposed development.

Whitaker offered a rebuttal and discussed density, townhomes, buffers, fencing, stormwater, previous developments, and the feasibility of moving the berm and relocating certain units.

Council discussed Forest Preserve support, that this development could have been an opportunity for affordable housing, density, saving the berm, school district donation language, and the appropriateness of tabling to address issues.

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to use the Omnibus method to approve items L1-L6. The motion carried by the following vote:

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

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to approve items L1-L6.

A motion in substitution was made by Councilman Kelly, seconded by Councilwoman Sullivan, to table items L1-L6 to May 4, 2021. The motion failed by the following vote:

Aye: 2 - Kelly, and Sullivan

Nay: 7 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Krummen, and White

A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to approve items L1-L6. The motion carried by the following vote:

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

Nay: 1 - Kelly

2. [Pass the ordinance approving the preliminary plat of subdivision and owner's acknowledgement and acceptance agreement for Naper Commons - PZC 20-1-086 \(Item 2 of 6\)](#)

Enactment No.: ORD 21-041

Council passed.

3. [Pass the ordinance approving the preliminary planned unit development plat with certain deviations for Naper Commons - PZC 20-1-086 \(Item 3 of 6\)](#)

Enactment No.: ORD 21-042

Council passed.

4. [Pass the ordinance approving a conditional use to permit single-family attached dwelling units in the R2 District for Naper Commons - PZC 20-1-086 \(Item 4 of 6\)](#)

Enactment No.: ORD 21-043

Council passed.

5. [Pass the ordinance granting an exterior wall construction variance for Naper Commons - PZC 20-1-086 \(Item 5 of 6\)](#)

Enactment No.: ORD 21-044

Council passed.

6. [Pass the ordinance granting a storm water variance for Naper Commons - PZC 20-1-086 \(Item 6 of 6\)](#)

Enactment No.: ORD 21-045

Council passed.

The meeting recessed from 9:30 p.m. - 9:37 p.m.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the award of Bid 21-001, 2021 Street Resurfacing Program - MFT, to K-Five Construction, for an amount not to exceed \\$3,739,514.10, plus a 3% contingency \(Item 1 of 2\)](#)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 21-001, 2021 Street Resurfacing Program - MFT, to K-Five Construction, for an amount not to exceed \$3,739,514.10, plus a 3% contingency. The motion carried by the following vote:

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

2. [Adopt an IDOT resolution in the amount of \\$3,739,514.10 to allow expenditure of State Motor Fuel Tax dollars to fund the 2021 Street Resurfacing Program - MFT \(Item 2 of 2\)](#)

Enactment No.: RES 21-11

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adopt an IDOT resolution in the amount of \$3,739,514.10 to allow expenditure of State Motor Fuel Tax dollars to fund the 2021 Street Resurfacing Program - MFT. The motion carried by the following vote:

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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. [Receive the Water Utilities Capital Improvement Program presentation](#)

Blenniss, Reis, and Splitt reviewed the water distribution and supply system and the necessary capital improvements.

Council received.

2. [Receive the April 2021 Financial Report and First Quarter Budget Review](#)

Mayer gave the presentation and highlighted revenues, vaccination data, and Return to Learn progress.

Council received.

3. [Receive the report on strategies and actions being taken and evaluated regarding loud and/or fleeing vehicles](#)

Krieger discussed ticket/citation statistics, recapped enforcement efforts, and offered anecdotal evidence of the impacts of recent Council discussions.

Council received.

4. [Waive the first reading and pass the ordinance amending Article B-12 \(Towing of Unlawful Vehicles\) Chapter 5 \(Motor Vehicle Tows\) Title 11 \(Motor Vehicles and Traffic\) of the Naperville Municipal Code to increase the administrative tow fee from \\$300 to \\$500 \(requires 6 positive votes\)](#)

Enactment No.: ORD 21-046

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to waive the first reading and pass the ordinance amending Article B-12 (Towing of Unlawful Vehicles) Chapter 5 (Motor Vehicle Tows) Title 11 (Motor Vehicles and Traffic) of the Naperville Municipal Code to increase the administrative tow fee from \$300 to \$500. The motion carried by the following vote:

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

P. NEW BUSINESS:

Central Parking Facility (CPF)
Chirico asked about closing CPF due to structural integrity.

Krieger stated that the recommendation is to close the second and third level

until April 28.

Thank you

Brodhead thanked the staff members for support over the years.

Thank you

Krummen thanked the staff members for support over the years.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of April 20, 2021 at 10:31 p.m. The motion carried by the following vote:

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

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk