



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, February 4, 2020

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 6:45 p.m.

B. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilwoman Theresa Sullivan
Councilman Benjamin White

Absent: 1 - Councilman John Krummen

C. CLOSED SESSION - 6:45 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(5) Purchase of Property and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

Absent: 1 - Krummen

OPEN SESSION - 7:00 p.m.

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

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

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 Kruppen
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; Deputy Fire Chief, Amy Scheller; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski; Senior Assistant City Attorney, Kristen Foley

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

Cannabis sales in Naperville
Michael Gresh (Opt Out Naperville) spoke against allowing adult-use recreational cannabis sales in Naperville.

Naper Pride
Dawn DeSart (Naper Pride) thanked the City Council for welcoming and supporting the inaugural pride event.

Naper Pride
Eva-Genevieve Scarborough (Naper Pride) thanked the City Council for welcoming and supporting the inaugural pride event.

Public Art
Dick Galitz suggested that a portion of new development costs be set aside for funding public art.

North Columbia Street
Brad Young discussed the need for road and sidewalk improvement.

Novack explained that improvements are scheduled in the 2021 Capital

Improvement Plan.

Naper Pride

Anne Dempsey thanked the City Council for welcoming and supporting the inaugural pride event.

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. The motion carried by the following vote:

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

1. Approve the regular City Council meeting minutes of January 21, 2020
Council approved.
2. Approve the City Council meeting schedule for February, March and April 2020
Council approved.
3. Approve the award of RFP 19-258, Landscape Design and Planting, to Christy Webber and Company for an amount not to exceed \$348,510 and for a two-year term
Council approved.
4. Approve the award of Bid 19-325, Bridge and Retaining Wall Railing Maintenance, to Northern Contracting, Inc. for an amount not to exceed \$102,778, plus a 5% contingency
Council approved.
5. Approve the award of Cooperative Procurement 20-045, Unit 332 Ambulance Replacement, to Foster Coach for an amount not to exceed \$261,800
Council approved.
6. Approve the award of Sole Source Procurement 20-046, Navistar Parts and Repairs, to Rush Truck Centers for an amount not to exceed \$160,000 and for a one-year term
Council approved.

7. Approve the award of Sole Source Procurement 20-044, Bearcat Armored Rescue Vehicle, to Lenco for an amount not to exceed \$320,000
Council approved.
8. Approve the award of Bid 19-013, Job Order Contracting Services, to Robe, Inc. for an amount not to exceed \$3,000,000 and for a two-year term
Council approved.
9. Approve the award of Cooperative Procurement 20-064, Trackless MT7 Leaf Loader, to EJ Equipment for an amount not to exceed \$182,778.45
Council approved.
10. Approve the award of Cooperative Procurement 20-069, Unit 829 Equipment Replacement, to Exprolink for an amount not to exceed \$115,619
Council approved.
11. Approve the award of Option Year One to Contract 18-025, Motor Fuel, to Luke Oil for an amount not to exceed \$1,000,000
Council approved.
12. Approve the award of Option Year One to Contract 18-024, Generator Maintenance Services, to Interstate Power Systems, Inc. for an amount not to exceed \$120,000
Council approved.
13. Approve the award of Bid 20-002, 2020 Distribution System Leak Detection Survey Program, to ADS LLC for an amount not to exceed \$492,558 and for a three-year term
Council approved.
14. Approve the award of Change Order #2 to Contract 17-208, Traffic Signal Maintenance and Combination Street Lighting Maintenance, to Meade Electric for an amount not to exceed \$9,282.84 and a total award of \$530,708.11
Council approved.
15. Approve the award of Change Order #3 to Contract 16-259, Actuarial Services, to Foster & Foster Inc. for an amount not to exceed \$5,000 and a total award of \$115,682
Council approved.
16. Waive the first reading and pass the ordinance establishing a 35 MPH speed limit for 91st Street between Normantown Road and Schoger Drive (Requires six positive votes)
Enactment No.: ORD 20-008
Council passed.

17. Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the St. Paddy's Day 5K and the St. Patrick's Day Parade on Saturday, March 14, 2020
- Enactment No.: ORD 20-009
- Council passed.**
18. Adopt the resolution authorizing a workers' compensation settlement with Mike Hull in the amount of \$61,040.25
- Enactment No.: RES 20-03
- Council adopted.**
19. Adopt the resolution authorizing a workers' compensation settlement with John Stefanik in the amount of \$59,298.00
- Enactment No.: RES 20-04
- Council adopted.**
20. Adopt the resolution approving and authorizing the execution of the settlement agreement between Frances Reitz and the City of Naperville
- Enactment No.: RES 20-05
- Council adopted.**

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Consider two options for an amendment to the City's municipal code pertaining to the local sale of dogs and cats and consider passing either the Option "A" ordinance or the Option "B" ordinance amending the Naperville Municipal Code.

A motion was made by Councilman Coyne, seconded by Councilman Krummen, to moved to move O1 to before L1. The motion failed failed by the following vote:

Aye: 4 - Chirico, Coyne, Hinterlong, Krummen

Nay: 5 - Brodhead, Gustin, Kelly, Sullivan, White

Schatz explained the online speaker sign-up process.

Council discussed online speaker sign-up rules, the length of meetings, and that residents have complained about the late meetings.

By consensus Council directed staff to present recommendations on how to reduce the length of meetings.

James Laures spoke in favor of Option A.
Nancy Laures spoke in favor of Option A.
Raquel Melendez spoke in favor of Option A.
Nikki Ormsby spoke in favor of Option A.
Misty McCarty, Petitioner, spoke in favor of Option A.
Dianne Arp spoke in favor of Option A.
Joe McElroy spoke in favor of Option A.
Kevin McCarty spoke in favor of Option A.
Dee Santucci spoke in favor of Option A.
Jeff Nicholson spoke in favor of Option A.
Gail Diedricksen spoke in favor of Option A.
Kathi DeArmas spoke in favor of Option A.
Mary Edwards spoke in favor of Option A.
Jayme Koller spoke in favor of Option A.
Kerin Smith, on behalf of Commissioner Hart, spoke in favor of Option A.
Jon Berning discussed buying/selling/return processes and financing options of pet stores.
Marc Ayers spoke in favor of Option A.
Dawn DeSart spoke in favor of Option A.
Laura Gruszka spoke in favor of Option A.
Sherri Oslick spoke in favor of Option A.
Ymoni Johnson spoke against Option A.
Ryan Hamel spoke against Option A, asked Council to wait for the state of Illinois to pass the proposed law, and explained big box pet store business models.
Carl Swanson spoke against Option A and asked Council to wait for the state of Illinois to pass the proposed law.

Additional list of speakers is attached.

The meeting recessed from from 8:50 p.m. - 8:58 p.m.

Council discussed the law being considered at the state level, City values, DuPage County efforts to ban puppy mills, documentation provided by the USDA regarding breeders, warranty policies, the appropriateness of closing a business without direct proof of sick pets, and the number of organizations that have contacted Council in support of Option A.

Council continued to discuss whether Option A protects animals and stops the proliferation of puppy mills, if passing Option A would make the situation worse, and whether operating in a wholly unregulated environment is any better than selling in a non-perfect but somewhat regulated environment.

Foley explained that Option A only regulates the pet store source and would require pet stores to publicly disclose where the dogs are purchased from.

Council discussed financing practices, the recently released Purdue study, data on commercial breeders, whether the Chicago humane ordinance has had the desired effect, that online sales is a problem in the Chicago area, there is no regulation for online sales, that people set up fake rescue organizations to

circumvent USDA rules, and that pet stores have an immaterial part of the breeding market.

Enactment No.: ORD 20-010

A motion was made by Councilwoman Gustin, seconded by Councilwoman Sullivan, to pass an ordinance prohibiting local pet stores from selling dogs and cats sourced from commercial breeders and allowing the sale of dogs and cats sourced from humane and rescue groups effective January 1, 2021.

A motion in substitution was made by Councilman White, seconded by Councilman Coyne, to table indefinitely. The motion failed by the following vote:

Aye: 3 - Chirico, Coyne, and White

Nay: 6 - Brodhead, Gustin, Hinterlong, Kelly, Krummen, and Sullivan

Roll call on main motion. The motion carried by the following vote:

Aye: 5 - Brodhead, Gustin, Hinterlong, Kelly, and Sullivan

Nay: 4 - Chirico, Coyne, Krummen, and White

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Concur with the SECA Commission recommendation and approve the Calendar Year 2020 SECA Grant Fund Program allocations

Melvin Kim, SECA Commission Chair, acknowledged outgoing Commissioners Grimes and McQuillan, discussed the annual application review and approval process, and thanked staff and the Council liaison for their support.

Marianne Lisson Kuhn spoke in support of public art.

Ron Keller spoke in support of public art.

Karen Peck spoke about the League of Women Voters' One Hundred Years Strong event.

Gail Diedrichsen spoke about the humane sculpture on the Riverwalk.

W. Brand Bobosky (Century Walk Corporation) spoke in favor of Century Walk and the impact of free art.

Council discussed the SECA application and allocation process, the role of the SECA Commission, that the Naperville Fire Department and Century Walk have partnered to create the Fireman's Memorial project, how the CY19 SECA Grant Fund underspend may be allocated, and the future of public art in Naperville.

Council disclosed memberships in such organizations as Loaves and Fishes,

West Suburban Irish, North Central College, League of Women Voters, ALIVE Center, Naperville Responds, and Naperville Jaycees and confirmed that they have no financial interest in the proposed events and initiatives.

A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, to concur with the SECA Commission recommendation and approve the Calendar Year 2020 SECA Grant Fund Program allocations and award up to \$50,000 from the Calendar Year 2019 underspend amount to Century Walk for the Fireman's Memorial project. The motion carried by the following vote:

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

P. NEW BUSINESS:

Cannabis Tax

Chirico discussed directing staff to bring back legislation authorizing the City to register with the state to tax 3% on cannabis sales in the event Naperville becomes an opt-in municipality in the future.

Council stated that the matter is on the March 17 ballot, zoning can be a long process, staff can draft a resolution after the outcome of the election, and that Council can hold a special meeting the week of March 23.

Krieger explained that a special meeting the week of March 23 will require Council to waive the first reading in order to meet the state's filing deadline.

Public Art

Sullivan and Gustin discussed the future of public art.

By consensus Council directed staff to discuss the future of public art with the SECA Commission, Century Walk, community members, and others and to bring back recommendations for developing a public art strategic plan.

Parking at the Downtown Train Station

Coyne discussed the number of unused parking spaces and asked that staff's recommendation to address this issue be presented soon.

Air BnB

Hinterlong asked about regulations on rentals.

Krieger explained that properties need to comply with boarding house/boarding room codes and that Council did take action to apply taxes to VRBO's.

By consensus, Council directed staff to bring back options for temporary rental regulations.

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Hinterlong, to adjourn the Regular City Council Meeting of February 4, 2020 at 10:45 p.m. 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