



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, December 21, 2021

7:00 PM

Council Chambers

Agenda Introductory Language

Due to the COVID-19 pandemic, members of the public attending the meeting may do so subject to compliance with COVID-19 safety protocols, including wearing face coverings at all times while inside City buildings.

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>

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 December 21 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 December 21. 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 December 21.

Online sign-up closes at 4 p.m. on December 21, 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 December 21.
- 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.

A. CALL TO ORDER:

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

B. ROLL CALL:**C. CLOSED SESSION - CANCELED**

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilman Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Jason Arres; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Jennifer Loudon; 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

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. [Presentation of Fire Chief's Award](#)

Puknaitis presented the Fire Chief's Award to Adam Mastrogiovanni.

G. PUBLIC FORUM:

Kids Matter

Nina Menis (Executive Director, Kids Matter) gave an update on youth initiatives and discussed Social Services Grant program funding.

Food Truck

Dick Furstenau requested that the truck parked at Royal St. George and Ogden be removed.

Laff explained that a food truck on private property does not require a permit and that an ordinance is in place that restricts vending on public property. She said the City permits seasonal sales in parking lots because they can use a large number of spaces and staff needs to ensure people can circulate the site. She said the subject truck is not taking up parking at the gas station, that it is a transient business and does not trigger the same requirements, and that storing UHauls may need to be enclosed but the use itself is allowed.

Mayer stated that food and beverage taxes are collected from the food trucks.

Council discussed food carts in the downtown, ingress/egress, whether there have been other complaints, inspections from the health departments, the appropriateness of regulating.

Tenant eviction

Gus Maamari requested exception to landlord ordinance.

Mayer explained the Utility Assistance Program, allocations for residential and commercial properties, that it was expanded to include landlords, and that the speaker received the maximum loan of \$1,500. She said there is a cap and costs beyond the cap would be sent to collections and then a lien placed on the property. She will follow up with detailed information.

DiSanto explained legal remedies and actions the landlord has taken on his own.

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

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

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

1. [Approve the Cash Disbursements for the period of 11/01/2021 through 11/30/2021 for a total of \\$42,762,556.12](#)
Council approved.
2. [Approve the regular City Council meeting minutes of December 7, 2021](#)
Council approved.
3. [Approve the Budget Workshop #1 minutes of October 25, 2021](#)
Council approved.
4. [Approve the Budget Workshop #2 minutes of November 8, 2021](#)
Council approved.
5. [Approve the Budget Workshop #3 minutes of November 22, 2021](#)
Council approved.
6. [Approve the City Council meeting schedule for January, February and March 2022](#)
Council approved.
7. [Approve the award of Option Year One to Contract 19-258, Landscape Design and Planting, to Christy Webber and Company for an amount not to exceed \\$278,000 and for a two-year term](#)
Council approved.
8. [Approve the award of Option Year 2 to Contract 18-204, Large Diameter Water Meters, to Core & Main LP for an amount not to exceed \\$202,000 for a one-year term](#)
Council approved.

9. [Approve the award of Option Year 2 to Contract 18-177, Residential Water Meters, to Core & Main LP, for an amount not to exceed \\$936,403 for a one-year term](#)

Council approved.

10. [Approve the award of Option Year 2 to Contract 18-285, Water Meter Replacement Program, to HBK Water Meter Service, Inc. for an amount not to exceed \\$639,111 plus a 3% contingency and for a one-year term](#)

Council approved.

11. [Approve the award of Change Order #2 to Contract 19-214, Water Advanced Metering Infrastructure \(AMI\) Project, to Core & Main LP for an additional 180 days \(Item 1 of 2\)](#)

Council approved.

12. [Approve the award of Change Order #1 to Contract 20-322, Water Utilities MDMS Software and Support \(AMI Project\), to Harris Computer Systems for an additional 180 days \(Item 2 of 2\)](#)

Council approved.

13. [Approve the award of Change Order #1 to JOC Procurement DPW.009.CY21.A, Landscape Restoration, to Robe Inc. for an amount not to exceed \\$100,000 and a total award of \\$195,000](#)

Council approved.

14. [Approve the award of Change Order #1 for the Specific Stop-Loss Insurance, to Stealth Partner Group, LLC for an amount not to exceed \\$12,452.60 and a total award of \\$894,869.60](#)

Council approved.

15. [Approve the award of Cooperative Procurement 21-402, Oracle Database Enterprise Support Renewal, to Mythics, Inc. for an amount not to exceed \\$112,166.45 and for a one-year term](#)

Council approved.

16. [Approve the 2022 Special Events Calendar and designate the calendar as closed](#)

Gallahue clarified that the calendar is closed to new, large events that meet a specific scoring threshold but it can be modified if events cancel or change dates.

Council discussed not backfilling dates if an event cancels.

Council approved.

17. [Accept the public watermain improvements at The Compass Church and authorize the City Clerk to reduce the corresponding public improvement surety](#)

Council approved.

18. [Waive the first reading and pass the ordinance amending Title 1 \(Administrative\) Chapter 12 \(Disclosure of Beneficiaries\) Section 5 \(Exemptions\) of the Naperville Municipal Code to exempt building permits for improvements valued at less than \\$100,000 \(requires six positive votes\)](#)

Council discussed lowering the dollar amount from the recommendation.

DiSanto explained the permit process, corporate entities, that staff processes 5,000 forms/year, and that the subject is not a matter that comes before the Council nor are the forms requested via the Freedom of Information Act. He said staff identified process improvements, that the forms are a discretionary requirement, and they are not dictated by the state or federal governments. He concluded by stating that there are other ways to get the information that is contained on the forms and that staff will still use the forms for PZC cases.

Enactment No.: ORD 21-136

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to waive the first reading and pass the ordinance amending Title 1 (Administrative) Chapter 12 (Disclosure of Beneficiaries) Section 5 (Exemptions) of the Naperville Municipal Code as amended to exempt building permits for improvements valued at less than \$50,000 or as required by the City. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

19. [Pass the ordinance granting a variance to permit the construction 6-foot tall fence in the corner side yard setback for 5 South River Road - PZC 21-1-123](#)

Enactment No.: ORD 21-133

Council passed.

20. [Pass the ordinance granting approval of a conditional use for a massage establishment for the subject property located at 552 S. Washington Street \(Soma Sage Health & Healing\) - PZC 21-1-116](#)

Enactment No.: ORD 21-134

Council passed.

21. [Pass the ordinance granting a variance to permit a three-season porch that encroaches into the rear yard setback at 720 Roanoake Court - PZC 21-1-124](#)

Enactment No.: ORD 21-135

Council passed.

J. PUBLIC HEARINGS:**1. [Conduct a Truth-in-Taxation hearing for the 2021 property tax levy \(Item 1 of 3\)](#)**

Chirico opened the public hearing at 8:03 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to close the public hearing at 8:03 p.m. The motion carried by a voice vote.

2. [Pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total property tax levy of \\$62,695,482 \(Item 2 of 3\)](#)

Enactment No.: ORD 21-137

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total property tax levy of \$62,695,482. The motion carried by the following vote:

Aye: 6 - Chirico, Bruzan Taylor, Holzhauer, Kelly, Sullivan, and White

Nay: 3 - Gustin, Hinterlong, and Leong

3. [Pass the ordinance to abate a portion of the 2021 property tax levy for the City of Naperville authorizing an abatement of \\$8,266,858 from the total property tax levy of \\$62,695,482 for a net total 2021 property tax levy of \\$54,428,624 \(Item 3 of 3\)](#)

Enactment No.: ORD 21-138

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance to abate a portion of the 2021 property tax levy for the City of Naperville authorizing an abatement of \$8,266,858 from the total property tax levy of \$62,695,482 for a net total 2021 property tax levy of \$54,428,624. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

K. OLD BUSINESS:**L. ORDINANCES AND RESOLUTIONS:****1. [Pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total levy of \\$98,939 for Special Service Area No. 23 \(Naper Main\)](#)**

Enactment No.: ORD 21-139

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total levy of \$98,939 for Special Service Area No. 23 (Naper Main). The motion

carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

2. [Pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total levy of \\$68,000 for Special Service Area No. 25 \(IL Route 59 and Lacrosse Lane\)](#)

Enactment No.: ORD 21-140

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total levy of \$68,000 for Special Service Area No. 25 (IL Route 59 and Lacrosse Lane). The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

3. [Pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total levy of \\$23,445 for Special Service Area No. 31 \(Downtown Streetscape - Block 423\)](#)

Enactment No.: ORD 21-141

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total levy of \$23,445 for Special Service Area No. 31 (Downtown Streetscape - Block 423). The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

4. [Pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total tax levy of \\$1,199,007 for Special Service Area No. 33 \(Downtown Maintenance Expenses and Marketing Costs\)](#)

Enactment No.: ORD 21-142

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance for the Levy and Assessment of Taxes for the fiscal year beginning January 1, 2022 and ending December 31, 2022 adopting a total tax levy of \$1,199,007 for Special Service Area No. 33 (Downtown Maintenance Expenses and Marketing Costs). The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the award of Option Year 2 to Contract 20-032, Sanitary Sewer Service Lateral Lining and Vac-A-Tee, to Performance Pipelining, Inc. for an amount not to exceed](#)

[\\$1,584,300 and for a 3% contingency](#)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of Option Year 2 to Contract 20-032, Sanitary Sewer Service Lateral Lining and Vac-A-Tee, to Performance Pipelining, Inc. for an amount not to exceed \$1,584,300 and for a 3% contingency. The motion carried by the following vote:

Aye: 9 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

P. NEW BUSINESS:

Water charges

Gustin asked what is the DuPage Water Commission (DWC) actual water dollar cost and Naperville's actual charge to customers.

Blennis clarified that current DWC wholesale volumetric water rate (per 1,000 gallons) is \$4.97 and current Naperville residential retail volumetric water rate (per 1,000gallons) is \$2.73. He also explained that DWC wholesale water rate (per 1,000 gallons starting January 1, 2022) will be \$4.97 and Naperville residential retail volumetric rate per 1,000 gallons starting January 1, 2022 will be \$2.78.

Staff recognition

Holzauer recognized Police Counselor, Eirene Boulougouris, for outstanding work and community leadership.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of December 21, 2021 at 8:11 p.m. The motion carried by a voice vote.

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