



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, October 15, 2019

7:00 PM

Council Chambers

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
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Krummen
Councilwoman Theresa Sullivan
Councilman Benjamin White

A motion was made by Councilman Hinterlong, seconded by Councilman White, to allow Councilwoman Brodhead to participate via teleconference. The motion carried by the following vote:

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

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Division Chief, Scott Salela; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Interim Director of IT, Jacqueline Nguyen; Deputy Director of TED, Jennifer Louden; 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:

Webelos from Pack #562 led the pledge.

F. AWARDS AND RECOGNITIONS:

1. Proclaim October as Cyber Awareness Month

Councilwoman Gustin presented the Proclamation.

G. PUBLIC FORUM:

5th Avenue

Tom Miers, Naperville Development Partnership Vice Chairman, spoke in favor of allowing Ryan Companies to continue with the baseline concept for the 5th Avenue development.

5th Avenue

Christine Jeffries, Naperville Development Partnership President, spoke in favor of allowing Ryan Companies to continue with the baseline concept for the 5th Avenue development.

5th Avenue

Jim Ruhl, 5th Avenue Steering Committee, spoke in favor of allowing Ryan Companies to continue with the baseline concept for the 5th Avenue development.

Pension Reform

Dick Furstenau spoke against proposed Illinois pension reform.

5th Avenue

Dr. Bob Buckman spoke in favor of allowing Ryan Companies to continue with the baseline concept for the 5th Avenue development and proposed having neighborhood groups meet to find compromises and solutions.

5th Avenue

Jessica Lyzun spoke against the baseline development, in favor allowing Ryan Companies to continue drafting a baseline proposal, and lifting Open Meetings Act regulations on the Steering Committee.

5th Avenue

Sharon Neumann spoke against the baseline development and in favor allowing Ryan Companies to continue drafting a revised baseline proposal.

5th Avenue

Mary Lou Wehrli spoke against allowing Ryan Companies to continue with the baseline concept for the 5th Avenue development.

Council discussed procedures to keep the process moving forward.

Krieger advised that a Motion to Reconsider from a councilmember on the prevailing side would be appropriate. He discussed that the Council can formally disband the Steering Committee which would allow members to meet as neighbors and not be subject to the Open Meetings Act.

By consensus Council directed staff to bring back options to a future meeting that would allow the Steering Committee and other groups to continue to meet and move forward.

Historic Preservation

Mark Urda discussed the Little Friends' upcoming certificate of appropriateness request.

Meeting Decorum and Transparency

Councilwoman Sullivan discussed legislative procedures, speakers and comments at recent meetings, and asked everyone to remain respectful.

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 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 Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the Consent Agenda with the exception of item I9. The motion carried by the following vote:

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

1. Approve the 09/01/2019 through 09/30/2019 cash disbursements for a total of \$26,973,359.08.
Council approved.
2. Approve the regular City Council meeting minutes of October 1, 2019
Council approved.
3. Approve the City Council meeting schedule for October, November, and December 2019 & January 2020
Council approved.
4. Approve the award of Option Year One to Contract 17-124, Fire Department Personal

Protection Gear, to Equipment Management Co., LION First Responder and Air One Equipment for an amount not to exceed \$133,460 and for a one-year period

Council approved.

5. Approve the award of Option Year One to Contract 17-219, Public Safety Uniforms and Equipment Cooperative Contract, to Galls and Lawmen's & Shooter's Supply Inc. for an amount not to exceed \$114,000

Council approved.

6. Approve the award of Option Year Two to Contract 17-169, Parkway Tree Trimming, to Steve Piper and Sons for an amount not to exceed \$150,000

Council approved.

7. Approve the award of Change Order #1 to Contract 19-097, Navistar Parts and Repairs, to Rush Truck Centers for an amount not to exceed \$70,000 and a total award of \$160,000

Council approved.

8. Approve the award of Change Order #2 to Contract 17-085, Design Engineering Services for the North Aurora Road Widening, to TranSystems Corporation for an amount not to exceed \$25,262 and a total award of \$1,406,210.23

Council approved.

9. Approve the award of Cooperative Procurement 19-285, Panasonic Toughbooks, to CDS Office Technologies for an amount not to exceed \$311,157

Council discussed the option of keeping the existing technology and utilizing an extended warranty option.

Nguyen informed the Council that the warranty is more expensive than purchasing new equipment, that the equipment and drivers change rapidly, and that extending their life by four-five years would not increase the quality of critical equipment. She explained the price of the fully- and semi-ruggedized equipment and said that it must be able to operate in extreme conditions. She explained that IT will now be applying a phased purchasing methodology to avoid budget spikes.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of Cooperative Procurement 19-285, Panasonic Toughbooks, to CDS Office Technologies for an amount not to exceed \$311,157. The motion carried by the following vote:

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

10. Approve the award of Cooperative Procurement 19-287, Hewlett Packard Purchase, to Insight Public Sector for an amount not to exceed \$149,444

Council approved.

11. Accept the record of Emergency Procurement 19-295, Ladder Truck Unit 321 Repairs, to Cummins Sales and Service for an amount not to exceed \$45,000

Council approved.

12. Waive the applicable provisions of the Naperville Procurement Code and award Bid 19-184, Electrical Substation Relay & Supervisory Control and Data Acquisition (SCADA) Equipment, to Schweitzer Engineering Laboratories for an amount not to exceed \$196,145 (requires 6 positive votes)

Council approved.

13. Waive the applicable provisions of the Naperville Procurement Code and approve Procurement 19-304, East Highland Area Improvements, to Engineering Resource Associates, Inc. for an amount not to exceed \$41,425 (requires 6 positive votes).

Council approved.

14. Adopt the resolution approving the intergovernmental emergency aid agreement between the Illinois Municipal Utility Agency and the City of Naperville

Enactment No.: RES 19-35

Council adopted.

15. Adopt the resolution authorizing the agreement between Harry's Catering and the City of Naperville to allow Harry's Catering to engage in vehicle vending at the 5th Avenue train station.

Enactment No.: RES 19-36

Council adopted.

16. Adopt the resolution authorizing the City Manager to execute an intergovernmental agreement between the City and the Department of Healthcare and Family Services related to enhanced reimbursement for ambulance services.

Enactment No.: RES 19-37

Council adopted.

17. Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Turkey Trot on November 28, 2019

Enactment No.: ORD 19-138

Council passed.

18. Pass the ordinance granting an extension to the temporary use allowing for the operation of a temporary parking facility at 141 Aurora Avenue through December 31, 2024.

Enactment No.: ORD 19-139

Council passed.

19. Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Hometown Holidays/Friends of Little Friends Parade on Friday, November 29, 2019

Enactment No.: ORD 19-140

Council passed.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Receive the staff report and consider adopting the proposed resolution establishing an adult use cannabis referendum.

Mark Borowicz spoke in favor of putting the referendum on the March ballot.
Jennifer Taylor spoke in favor of putting the referendum on the November ballot.
Becky Rudolph spoke in favor of putting the referendum on the November ballot.
Paul Leong spoke in favor of putting the referendum on the November ballot.
Jean Baker Page spoke in favor of putting the referendum on the March ballot.
Nancy Turner spoke in favor of putting the referendum on the March ballot.
Lyndsey Kokoris spoke in favor of putting the referendum on the March ballot.
Phil Buchanan spoke in favor of opting in.
Holly Hootman spoke in favor of putting the referendum on the March ballot.
Diane McGuire spoke in favor of putting the referendum on the March ballot.
Jim Kreamer, Naperville, spoke in favor of putting the referendum on the November ballot.
Joy Grainge, Naperville, spoke in favor of putting the referendum on the March ballot.
James Haselhorst, Naperville, spoke in favor of putting the referendum on the March ballot.

Council discussed referendum voter statistics and the appropriate length of the referendum question.

Mary Lou Wehrli, Naperville, spoke in favor of putting the referendum on the April 2021 ballot.
Kathy Benson, Naperville, spoke in favor of putting the referendum on the November ballot.
Lanhua Hu spoke in favor of putting the referendum on the November ballot.
Hongwei Li, Naperville, spoke in favor of putting the referendum on the November ballot.
Michael Gresh, Naperville, spoke in favor of putting the referendum on the November ballot.
Yan Birkett spoke in favor of putting the referendum on the November ballot.
Jane Yang, Naperville, spoke in favor of putting the referendum on the November ballot.
Dick Furstenau spoke in favor of putting the referendum on the November ballot.
Nicholas Korkoris spoke in favor of putting the referendum on the March ballot.

Mingchang Liu spoke in favor of putting the referendum on the November ballot.
Sherry Huang spoke in favor of putting the referendum on the November ballot or April 2021 ballot.

Zhijian Liu spoke in favor of opting out without a referendum.

Sean Hu spoke in favor of opting out without a referendum.

The meeting recessed from 9:02 p.m. - 9:10 p.m.

Council discussed the decision to opt out or opt in, that legalization of adult-use cannabis is a new issue, the difficulty gauging the will of the majority, the appropriateness of labeling it a political issue because it crosses partisan lines, that no one is disenfranchised regardless of election timing, that the topic may pale in comparison if on a presidential ballot, the use of the term "cannabis" instead of "marijuana," any benefit to waiting more than a year to vote on a non-binding referendum, the results will be used as a tool to help the Council to make a decision, and the tax collection timeline.

Council went on to discuss that the referendum is critical to resolving where the community is on the topic, the need to determine if the revenue is meaningful, the proposed question, past voter turnout, if a resident is interested they will vote regardless of party affiliation, the need to gather data from other municipalities, and how to educate voters.

Laff explained that the zoning review and approval process may take up to four months.

DiSanto said City resources cannot be used to advocate a position on the topic.

The meeting recessed from 9:02 p.m. - 9:10 p.m.

DiSanto explained the question language is to allow for context, to distinguish between medical and adult use, to acknowledge it is in response to state action, and that local action is limited to business activity only and not possession and use.

Council discussed length, redundancy, and simplicity of the question.

A motion was made by Councilwoman Sullivan, seconded by Councilwoman Brodhead, to adopt the proposed resolution establishing an adult-use cannabis referendum for the March 17, 2020 election.

A motion in substitution was made by Councilman Coyne, seconded by Councilwoman Gustin, to adopt a resolution establishing an adult-use cannabis referendum for the November 2020 election. The motion failed by the following vote:

Aye: 4 - Chirico, Coyne, Gustin, and Hinterlong

Nay: 5 - Brodhead, Kelly, Krummen, Sullivan, and White

Roll call on the main motion made by Councilwoman Sullivan, seconded by Councilwoman Brodhead, to adopt the proposed resolution establishing an adult-use cannabis referendum for the March 17, 2020 election. The motion carried by the following vote:

Aye: 6 - Brodhead, Hinterlong, Kelly, Krummen, Sullivan, and White

Nay: 3 - Chirico, Coyne, and Gustin

A motion was made by Councilman Kelly, seconded by Councilman Krummen, to adopt language in the resolution consistent with language proposed by staff to read: "Shall the City of Naperville, in light of state legislation legalizing the possession, consumption, and sale of recreational adult-use cannabis, allow the sale of recreational adult use cannabis within its jurisdiction?"

A motion in substitution was made by Councilwoman Gustin, seconded by Councilman Coyne, to put forth the following referendum question language: "Shall the City of Naperville allow the sale of recreational adult-use cannabis within its jurisdiction?" The motion failed by the following vote:

Aye: 3 - Coyne, Gustin, and Hinterlong

Nay: 6 - Chirico, Brodhead, Kelly, Krummen, Sullivan, and White

Roll call on the main motion made by Councilman Kelly, seconded by Councilman Krummen, to adopt language in the resolution consistent with language proposed by staff to read: "Shall the City of Naperville, in light of state legislation legalizing the possession, consumption, and sale of recreational adult use cannabis, allow the sale of recreational adult-use cannabis within its jurisdiction?" The motion carried by the following vote:

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

Nay: 2 - Coyne, and Gustin

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Cooperative Procurement 19-288, Self-Contained Breathing Apparatus Equipment, to Municipal Emergency Services for an amount not to exceed \$1,250,000

A motion was made by Councilman Hinterlong, seconded by Councilman Krummen, to approve the award of Cooperative Procurement 19-288, Self-Contained Breathing Apparatus Equipment, to Municipal Emergency Services for an amount not to exceed \$1,250,000. The motion carried by the following vote:

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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Consider the petitioner's appeal to that portion of the Downtown Design Standards (2011) that prohibit painting of the existing masonry surface at the subject property located at 22 E. Chicago Avenue, Naperville (River Square)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table considering the petitioner's appeal to that portion of the Downtown Design Standards (2011) that prohibit painting of the existing masonry

surface at the subject property located at 22 E. Chicago Avenue, Naperville (River Square) to November 5, 2019. The motion carried by the following vote:

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

2. Receive and discuss the attached presentation regarding the Naper Settlement capital requests.

John Koranda, Naper Settlement Museum Board Chairman, gave a presentation about the proposed Innovation Gateway and Agricultural Center projects.

Mary Ann Bobosky spoke in favor of the capital request.
Lindy Antonelli spoke in favor of the capital request.

Council questioned whether this would increase in tourism.

Rena Tamayo-Calabrese, Naper Settlement President and CEO, stated that the Settlement does not have the projected tourism statistics and discussed current tourism activity.

Matt Ishakawa spoke in favor of the capital request.
Erik Long spoke in favor of the capital request.
Tina Wetzal spoke in favor of the capital request.
Dennis Cremin spoke in favor of the capital request.
Raj Patel spoke in favor of the capital request.
Ashley Shih spoke in favor of the capital request.

At 10:45 p.m. a motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to extend the meeting to 11:30 p.m.
The motion carried via Voice Vote.

Council discussed fundraising, endowment, contingency funds, that this request is not a budget item for 2020, the appropriateness of using the SECA Grant Fund for capital, the impact of the project, that funds would be returned if the project is not completed, the potential to incorporate solar panels, and how the two projects are prioritized.

Krieger explained that the request will not impact the SECA Grant Fund for 2020, the option to increase the Food and Beverage tax allocation to the SECA Grant Fund to cover the obligation, that the City's contribution can be funded through debt and then the debt service would be paid over 20 years.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to direct staff to bring back a resolution with major terms of a funding commitment of \$2.4M for the Innovation Gateway and Agricultural Center. The motion carried by the following vote:

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

3. Approve the 2020 and 2021 Annual New Sidewalk Program.

A motion was made by Councilman Hinterlong, seconded by Councilwoman

Gustin, to approve the 2020 and 2021 Annual New Sidewalk Program as amended to eliminate Book Road to Leverenz Road (east) for 2021. The motion carried by the following vote:

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

P. NEW BUSINESS:

Pension Reform

Chirico clarified the proposed legislation, the impact to Naperville, fees, and changes to Tier 2.

5th Avenue

Chirico asked the Council to think about holding a 5th Avenue workshop.

Motor Vehicle Burglaries

Marshall explained that five vehicles have been stolen and eight motor vehicle burglaries have occurred recently.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of October 15, 2019 at 11:24 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