



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, September 20, 2022

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, 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 September 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 September 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 "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 September 20.
Online sign-up closes at 4 p.m. on September 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 Community Services Department at (630) 305-5300 by 4 p.m. on September 20.
- 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:

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

B. ROLL CALL:

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

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

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(6) Sale of Property; 120/2(c)(11) Pending Litigation; 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

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 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; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Jason Arres; Budget Manager - Finance, Ray Munch; Director of Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Allison Laff; Deputy Director of Public Utilities - Electric, Olga Geynisman; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski; Communications Specialist, Ryan Rey

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. [Presentation of the 2022 Naperville Senior of the Year awards](#)

Chirico presented the Proclamation.

G. PUBLIC FORUM:

My plaza, Maplebrook Shopping Center
Basim Esmail (Naperville) asked Council to overturn the ordinance which holds landlords responsible for tenants that do not pay utility bills.

Chirico responded that landlords are responsible because they are in the best position to vet the credit worthiness of tenants.

Munch explained that it is not unlikely that a balance occurred over time and that the utility assistance program is available to residence customers only.

DiSanto explained civil remedies available to landlords.

Parking Structure at library and other politics
Peter Portincasa discussed speeding on West Street, parking availability near Nichols Library, social security rates, and the national debt.

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, Holzhauer, Kelly, Leong, Sullivan, and White

1. [Approve the Cash Disbursements for the period of 08/01/2022 through 08/31/2022 for a total of \\$35,926,690.64](#)
Council approved.
2. [Approve the regular City Council meeting minutes of September 6, 2022](#)
Council approved.
3. [Approve the City Council meeting schedule October, November and December 2022](#)
Council approved.
4. [Approve the award of Cooperative Procurement 22-275, 2023 Police Vehicle Purchases \(11\), to National Auto Fleet Group for an amount not to exceed \\$558,591.44](#)
Council approved.
5. [Approve the award of Cooperative Procurement 22-115, Police Department Uniforms and Equipment, to Galls LLC for an amount not to exceed \\$168,110 for a one-year term](#)
Council approved.
6. [Approve the award of Cooperative Procurement 22-285, LED Light Fixture Conversion, to Graybar, Inc. for an amount not to exceed \\$672,780](#)
Council approved.
7. [Approve the award of Sole Source Procurement 22-257, Naviline Public Administration and Public Safety CAD/RMS Software Maintenance and Support, to CentralSquare Technologies for an amount not to exceed \\$414,875.31 and for a one-year term](#)

Council approved.

8. [Approve the award of Option Year One of Cooperative Procurement 21-343, Cellular Phone Services, to Verizon Wireless for an amount not to exceed \\$278,000 and for a one-year term](#)

Council approved.

9. [Approve the award of Option Year One of Cooperative Procurement 21-344, Mobile Broadband Data Services, to Verizon Wireless for an amount not to exceed \\$133,000 and for a one-year term](#)

Council approved.

10. [Approve the award of Option Year Two to Contract 19-197, Security Camera Maintenance and Repair Services, to Pace Systems Inc. for an amount not to exceed \\$135,000](#)

Council approved.

11. [Approve the award of Option Year Four to Contract 17-097, Holiday Lighting and Decorations, to Holiday Creations Pro, Inc. for an amount not to exceed \\$185,000](#)

Council approved.

12. [Approve the award of Bid 22-242, Naperville Insertion Valve Installation Program, to Superior Excavating Co for an amount not to exceed \\$314,780, plus a 5% contingency](#)

Council approved.

13. [Approve the award of Change Order #1 to Option Year One of Contract 21-132, Heating, Ventilation, Air Conditioning, and Dehumidification \(HVAC-D\) Services, to Beery Heating and Cooling, Inc. for an amount not to exceed \\$27,000 and a total award of \\$145,930](#)

Council approved.

14. [Approve the award of Change Order #1 to Contract 22-022, West Highlands and Maplebrook East Water Main Replacement, to J. Congdon Sewer Service for an additional 67 calendar days](#)

Council approved.

15. [Approve the award of Change Order #1 to Contract 20-390, Staffing Services, to Addison Group, Pace Systems, Sentinel Technologies, and Stivers Staffing for an amount not to exceed \\$217,640 and a total award of \\$317,640](#)

Council approved.

16. [Approve the award of Change Order #1 to Contract 22-021, Park Addition Water](#)

[Main Replacement, to Copenhaver Construction, Inc. for an additional 50 calendar days](#)

Council approved.

17. [Approve the fireworks display application and issue a permit for the North Central Homecoming event on October 1, 2022](#)

Council approved.

18. [Accept the public underground, street, and streetlight improvements at 77th Street and Naper Commons Phase 1 and 2 and authorize the City Clerk to reduce the corresponding public improvement surety](#)

Council approved.

19. [Pass the ordinance granting a variance to permit a lockable spa cover and waive the additional barrier requirement for 2515 Pine Cone Court](#)

Enactment No.: ORD 22-110

Council passed.

20. [Pass the ordinance granting a variance to permit the installation of seven signs at 2132 City Gate Lane - PZC 22-1-077](#)

Enactment No.: ORD 22-111

Council passed.

21. [Pass the ordinance to establish temporary traffic controls and issue a Special Event Permit for the Downtown Naperville Trick-or-Treat Event scheduled on Sunday, October 23, 2022](#)

Enactment No.: ORD 22-112

Council passed.

22. [Pass the ordinance establishing temporary traffic controls and issue a Special Event permit for the Naperville Central High School Marching Band Competition scheduled on Saturday, October 15, 2022](#)

Enactment No.: ORD 22-113

Council passed.

23. [Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Naperville Half Marathon and 5K scheduled on Sunday, October 16, 2022](#)

Enactment No.: ORD 22-114

Council passed.

J. PUBLIC HEARINGS:**K. OLD BUSINESS:****L. ORDINANCES AND RESOLUTIONS:**

1. [Option A: Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving a variance to Section 6-6A-7 for the property located at 620 N Sleight Street - PZC 22-1-068; or Option B: Concur with staff and deny the variance - PZC 22-1-068](#)

A motion was made by Councilman Kelly, seconded by Councilwoman Gustin, to table item L1 to October 4, 2022. The motion carried by a voice vote.

2. [Adopt the resolution authorizing the City of Naperville to transfer up to \\$1,200,000 to the Naperville Heritage Society for the Innovation Gateway capital improvement at Naper Settlement](#)

Enactment No.: RES 22-27

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adopt the resolution authorizing the City of Naperville to transfer up to \$1,200,000 to the Naperville Heritage Society for the Innovation Gateway capital improvement at Naper Settlement. The motion carried by the following vote:

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

3. [Pass the ordinance and schedule a public hearing for October 4, 2022 for the proposed Heinen Business District](#)

Council discussed the appropriateness of the City solving a private property water issue, that a tax increase should solve a public need, that food and medicine sales are exempt from tax, and the City's role in infrastructure and reinvestment.

Enactment No.: ORD 22-115

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to pass the ordinance and schedule a public hearing for October 4, 2022 for the proposed Heinen Business District. The motion carried by the following vote:

Aye: 8 - Chirico, Gustin, Hinterlong, Holzhauser, Kelly, Leong, Sullivan, and White

Nay: 1 - Bruzan Taylor

4. [Adopt the resolution expressing the City of Naperville's intent to consider a Business District designation and impose appropriate Business District sales taxes on portions of the Westridge Court Shopping Center and Heritage Square properties](#)

Council discussed that this is an additional tax, that the scope of the project is

now too big, the first proposal was a \$17 million tax increase and now it is \$20 million, the impact on specific stores, that shoppers may decide to go elsewhere due to the additional tax, that the tax will go to financing the project and not toward City services, that no revenue data has been provided by the developer, the appropriateness of calling the area "blighted," the concern of a proliferation of business district area requests, previous requests that have been denied by the City, and the need to include an enforcement mechanism if revenue targets are not reached to ensure the City is not subsidizing the project.

Council went on to discuss school district support, that home rule sales tax in Aurora is currently 1% higher than Naperville, that strip malls are being converted to residential, the other properties the City has invested in, benefit to Food and Beverage tax revenue, requests will be considered on a case-by-case basis, an estimated 75% of taxes in this area will be paid by non-Naperville residents, and the agenda item will come back twice for deliberation.

Krieger explained that funds are distributed to Illinois and then sent to the City for reimbursement and that the state statute will need to be reviewed before incorporating enforcement policies.

WRITTEN COMMENTS ONLY

Adrian Talley (Indian Prairie School District 204) - September 19, 2022 Dear Naperville City Council Members, On behalf of Indian Prairie School District 204, I send this letter to you reflecting the district's unequivocal support for the commercial development project and the Block 59 Redevelopment project that you are currently considering. Both projects will enhance District 204 from a financial standpoint and support our academic program. It is our belief that both projects will enhance the tax base for our school district; therefore, creating more revenue that will support the children of our school district. These projects support our desire to have more businesses in the catchment area of the school district because they will bring added revenue that this district needs as a Tier 2 school district. Unlike District 203, which is a Tier 4 district and is funded at 120% of its need, IPSD 204 is a Tier 2 district that is funded at only 84% of its need through its tax revenue. The more businesses we can bring to our district the greater our chance to reduce the funding disparity that is current within our district. Additional funding will enable us to have class sizes more aligned with 203 and staffing to enhance the educational experience for the students. These projects also have the potential of enhancing the academic programs for our students. Specifically, students in our STEPS programs currently seek employment within the community. Increasing businesses creates opportunities for our STEPS children to find gainful employment that supports their transition from being in the public schools to living on their own. Additionally, these projects have the potential of expanding our partnerships with businesses in helping students connect with the world of work. Expanding opportunities for CTE (Career Technical Education) helps all students connect with areas of future career interest that may keep the students in the area after they graduate from our schools. For these reasons and more, I respectfully ask that you vote "Yes" on both projects. We, unreservedly, support both projects and feel they will enhance the City of Naperville. Sincerely, Adrian B. Talley, Ed.D. Superintendent

Enactment No.: RES 22-28

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adopt the resolution expressing the City of Naperville's intent to consider a Business District designation and impose appropriate Business District sales taxes on portions of the Westridge Court Shopping Center and Heritage Square properties. The motion carried by the following vote:

Aye: 5 - Chirico, Gustin, Hinterlong, Leong, and White

Nay: 4 - Bruzan Taylor, Holzhauser, Kelly, and Sullivan

5. [Adopt the resolution authorizing execution of the major business term agreement related to the lease of city land located southeast of IL Route 59 and 103rd on Tower Court for affordable senior and IDD housing between the City of Naperville and Gorman & Company, LLC; and direct staff to continue due diligence concerning the feasibility of obtaining property tax relief for the project and negotiate terms for the potential sale of the property if determined that the lease conditions cannot be met \(requires seven positive votes\)](#)

Donielle Deering (Naperville) spoke in favor of the resolution.

Kathleen McGowan (Naperville and Naperville Senior Task Force) spoke in favor of the resolution.

POSITION STATEMENT - SUPPORT

Laura Cuber (Naperville)

Kristen Tang (Naperville)

Cynthia Katz (Naperville)

John Brubaker (Naperville)

Kelley Trombly-Freytag (Naperville)

Dorothy Stevens (Naperville)

Ben Tang (Naperville)

Mary Beth Nagai (Naperville)

Kevin Mulqueeny (Naperville)

Allison Longenbaugh (Naperville)

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within our district. Additional funding will enable us to have class sizes more aligned with 203 and staffing to enhance the educational experience for the students. These projects also have the potential of enhancing the academic programs for our students. Specifically, students in our STEPS programs currently seek employment within the community. Increasing businesses creates opportunities for our STEPS children to find gainful employment that supports their transition from being in the public schools to living on their own. Additionally, these projects have the potential of expanding our partnerships with businesses in helping students connect with the world of work. Expanding opportunities for CTE (Career Technical Education) helps all students connect with areas of future career interest that may keep the students in the area after they graduate from our schools. For these reasons and more, I respectfully ask that you vote "Yes" on both projects. We, unreservedly, support both projects and feel they will enhance the City of Naperville. Sincerely, Adrian B. Talley, Ed.D. Superintendent

Mary Hamill (Naperville ACTF) - On behalf of the Naperville Accessible Community Task Force, I urge the Council to adopt the resolution authorizing the execution the major business term agreement between the City and Gorman & Co. LLC for the development of the affordable senior and IDD housing project in south Naperville.

Enactment No.: RES 22-29

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adopt the resolution authorizing execution of the major business term agreement related to the lease of city land located southeast of IL Route 59 and 103rd on Tower Court for affordable senior and IDD housing between the City of Naperville and Gorman & Company, LLC; and direct staff to continue due diligence concerning the feasibility of obtaining property tax relief for the project and negotiate terms for the potential sale of the property if determined that the lease conditions cannot be met. 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 Bid 22-180, Southwest Wastewater Pump Station Rehabilitation, to Integral Construction Inc. for an amount not to exceed \\$1,332,000, plus a 3% contingency](#)

Council discussed staff due diligence and complaints about the contractor.

Blennis explained reference checks and that satisfactory responses were received, detailed punch list items, and discussed change orders. He stated that some situations are outside the control of contractors such as supply chain issues and municipal permit process delays.

Council discussed that other contractors request change orders frequently and the lowest responsible bidder policy.

A motion was made by Councilwoman Gustin, seconded by Councilman White, to approve the award of Bid 22-180, Southwest Wastewater Pump Station

Rehabilitation, to Integral Construction Inc. for an amount not to exceed \$1,332,000, plus a 3% contingency. The motion carried by the following vote:

Aye: 5 - Chirico, Gustin, Leong, Sullivan, and White

Nay: 4 - Bruzan Taylor, Hinterlong, Holzhauer, and Kelly

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

P. NEW BUSINESS:

Q. ADJOURNMENT:

A motion was made by Councilwoman Gustin, seconded by Councilwoman Bruzan Taylor, to adjourn the Regular City Council Meeting of September 20, 2022 at 8:22 p.m. The motion carried by a voice vote.

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