



Meeting Minutes

City Council

Tuesday, May 18, 2021

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

Agenda Introductory Language

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 May 18.

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 May 18 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 May 18. 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 May 18 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 May 18, 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 May 18.
- 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 5:30 p.m.

B. 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

C. CLOSED SESSION - 5:30 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman White, to recess to Closed Session to discuss 120/2(c)(6) Sale of Property; 120/2(c)(11) Pending Litigation; and 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
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, 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 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. [Recognize the District 203 High School Architectural Class competition winners](#)**

Chirico recognized winner *Naper Architecture* team members: Sean Denker, Nathan Kallstrand, Ethan Robert, and Alex Spitzner.

2. [Proclaim May 31, 2021 as Memorial Day and National Moment of Remembrance in Naperville](#)

Hinterlong presented the Proclamation to representatives from the VFW and American Legion.

G. PUBLIC FORUM:***COMMENT***

Howard Salk-Clean Energy Alliance of Naperville

I am submitting this public comment to respond to Naperville's opposition to the Clean Energy Jobs Act (CEJA) and the Consumer and Climate First Act (CCFA) pending in the Illinois legislature, as evidenced by the brochure issued by the City which advocates for the continuing operation of the Prairie State coal power plant. By supporting the continuing operation of Prairie State, you are supporting the largest polluter in the State of Illinois, you are supporting the emission of greenhouse gases and you are supporting harm to public health and the environment. The City's brochure tries to justify its support on a cost basis, but totally ignores the costs of not transitioning from Prairie State coal to clean energy: HEALTH EMISSIONS Deaths: 76 Carbon dioxide: 13,859,542 tons Hospital Admissions: 8 Sulfur dioxide: 10,741 tons Asthma ER Visits: 16 Nitrous dioxide: 4,126 tons Heart Attacks: 33 Acute Bronchitis: 41 Asthma Attacks: 785 Work Loss Days: 3,736 [<https://www.tollfromcoal.org/>](https://www.tollfromcoal.org/#/map/(title:55856/detail:55856/map:55856/IL)). These are annual numbers. Each and every year you want Prairie State to keep operating you are voting for these consequences. Furthermore, the costs imposed by CEJA will decline as clean energy replaces Prairie State's coal. Please withdraw your opposition to CEJA and CCFA, and instead work with the legislature to craft a just and equitable transition to clean energy that supports public health and jobs. Thank you.

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, Bruzan Taylor, Gustin, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

I. CONSENT AGENDA:

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

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 04/01/2021 through 04/30/2021 for a total of \\$26,568,363.61](#)
Council approved.
2. [Approve the New City Council Orientation Workshop minutes of April 26, 2021](#)
Council approved.
3. [Approve the special City Council meeting minutes of the May 2, 2021 Inauguration Ceremony](#)
Council approved.
4. [Approve the regular City Council meeting minutes of May 4, 2021](#)
Council approved.
5. [Approve the City Council meeting schedule for June, July and August 2021](#)
Council approved.
6. [Approve Mayoral reappointments of various Boards and Commissions](#)
Council approved.
7. [Approve the fireworks display application and issue a permit for the June 27, 2021 Naperville Country Club event](#)
Council approved.

8. [Approve the award of Procurement Contract 20-052, Springbrook Water Reclamation Center Facilities Plan Phase II, to Donohue and Associates, Inc. for an amount not to exceed \\$681,720](#)

Council approved.

9. [Approve the award of Change Order #1 to Bid 20-271, Improvements to City Well 28, to Boller Construction, Inc. for an additional 76 days](#)

Council approved.

10. [Approve the award of Change Order #1 to Contract 19-258, Landscape Design and Planting, to Christy Webber and Company for an amount not to exceed \\$33,000 and a total award of \\$381,510](#)

Council approved.

11. [Approve the award of Bid 21-135, Briergate Drive Storm Sewer Improvements, to Performance Construction & Engineering, LLC for an amount not to exceed \\$218,000 plus a 5% contingency](#)

Council approved.

12. [Approve the award of Bid 21-152, 2021 Small Diameter CIPP Sanitary Sewer Main Lining, to Visu-sewer Clean and Seal, Inc. for an amount not to exceed \\$597,685.30, plus a 3% contingency](#)

Council approved.

13. [Approve the award of RFQ Work Order #21-012-TED-2101, Consultant Services Phase III - Julian Street Improvements, to Thomas Engineering Group, LLC for an amount not to exceed \\$213,080.36](#)

Council approved.

14. [Waive the applicable provisions of the Naperville Procurement Code and award Procurement 21-171, Emergency Notification System Renewal, to Everbridge for an amount not to exceed \\$61,562.08 and for a one-year term \(requires 6 positive votes\)](#)

Council approved.

15. [Pass the ordinance amending Sections 3-3-3 \(Definitions\) and 3-3-11 \(Liquor License and Permit\) Chapter 3 \(Liquor and Tobacco Control\) Title 3 \(Business and License Regulations\) of the Naperville Municipal Code regarding consumption and the Class S1 license](#)

Enactment No.: ORD 21-051

Council passed.

16. [Adopt the resolution authorizing the city manager to execute the Technical Services](#)

[Agreement with the Regional Transportation Authority \(RTA\) to receive and administer a Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant award for the Ride DuPage to Work program](#)

Enactment No.: RES 21-13

Council adopted.

17. [Adopt the resolution approving and authorizing the execution of a reimbursement agreement with Enbridge Energy Limited Partnership](#)

Enactment No.: RES 21-14

Council adopted.

J. PUBLIC HEARINGS:

Chirico recused himself and left the dais from 7:23 p.m. - 7:30 p.m.

Taylor assumed Mayor Pro Tem.

1. [Receive the staff report for 836 S. Julian Street - PZC #21-1-029 \(Item 1 of 6\)](#)

Caitlin Csuk (Attorney for Petitioner) explained the request for annexation, rezoning to R1A upon annexation and approval of a preliminary/final plat of subdivision to subdivide the property into two lots and construct two new single-family homes that will be setback approximately 41' from the front property line which exceeds the R1A minimum front yard setback of 30'.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for 836 S. Julian Street - PZC #21-1-029. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

Recused: 1 - Chirico

2. [Conduct the public hearing to consider the Annexation Agreement for the subject property located at 836 South Julian Street, PZC 21-1-029 \(Item 2 of 6\)](#)

Taylor opened the Public Hearing at 7:26 p.m.

A motion was made by Councilman Holzauer, seconded by Councilwoman Gustin, to close the public hearing to consider the Annexation Agreement for the subject property located at 836 South Julian Street, PZC 21-1-029 at 7:26 p.m. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

Recused: 1 - Chirico

3. [Pass the ordinance authorizing the execution of the Annexation Agreement for 836 S.](#)

[Julian Street, PZC #21-1-029 \(requires six positive votes\) \(Item 3 of 6\)](#)

Enactment No.: ORD 21-052

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing the execution of the Annexation Agreement (requires six positive votes) for 836 S. Julian Street, PZC #21-1-029. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

Recused: 1 - Chirico

4. [Pass the ordinance annexing 836 S. Julian Street, PZC #21-1-029 \(Item 4 of 6\)](#)

Enactment No.: ORD 21-053

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance annexing 836 S. Julian Street, PZC #21-1-029. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

Recused: 1 - Chirico

5. [Pass the ordinance rezoning 836 S. Julian Street to R1A upon annexation, PZC #21-1-029 \(Item 5 of 6\)](#)

Enactment No.: ORD 21-054

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning 836 S. Julian Street to R1A upon annexation, PZC #21-1-029. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

Recused: 1 - Chirico

6. [Pass the ordinance approving the preliminary/final plat of subdivision for the 836 South Julian Street \(Item 6 of 6\)](#)

Enactment No.: ORD 21-055

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the preliminary/final plat of subdivision for the 836 South Julian Street. The motion carried by the following vote:

Aye: 8 - Bruzan Taylor, Gustin, Hinterlong, Holzauer, Kelly, Leong, Sullivan, and White

Recused: 1 - Chirico

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. [1. Concur with the petitioner and the Planning and Zoning Commission and pass the](#)

[ordinance approving variances to the height, setback and lot coverage regulations to permit modifications to an existing detached garage at 506 Spring Avenue; or](#)
[2. Concur with staff and pass the ordinance denying the proposed height variance and approving variances to the setback and lot coverage regulations to permit modifications to an existing detached garage at 506 Spring Avenue - PZC 21-1-031](#)

Enactment No.: ORD 21-056

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to (Option 1) concur with the petitioner and the Planning and Zoning Commission and pass the ordinance approving variances to the height, setback and lot coverage regulations to permit modifications to an existing detached garage at 506 Spring Avenue. The motion carried by the following vote:

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

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

2. [Pass the ordinance rezoning the subject property from I District to OCI District for City Gate West and approving a Preliminary Plat of Subdivision; conditional use for a PUD and Preliminary PUD Plat; conditional uses for retail, restaurants, residential, and two hotels; and various deviations for City Gate West \(PZC 20-1-022\)](#)

IN-PERSON SPEAKERS

Geoffrey Roehll and Mike Roth (Petitioners) discussed the proposal and highlighted the newly added micro apartments, modifications to the full-service hotel on the enlarged Lot 11, that the hotel and hotel event venue (reused Odyssey Fun World building) on Lot 15 will be simultaneously constructed and operational, that no permits will be issued for vertical construction on Lot 4 until construction of another phase of the CGW has been completed, that the improvements to the Odyssey Fun World site identified will be completed within 18 months after approval of the CGW Preliminary PUD Ordinance, to have at least one restaurant within the PUD operational prior to the hotels on lots 11 or 15 becoming operational, and that the Petitioner will specify whether they will make a lump sum or per permit payment for land-cash payments due within the development as provided by the Municipal Code.

ZOOM SPEAKERS

Kenneth Witkowski (Calamos Real Estate) spoke against proposed development as presented.

Jay Mitchell (DuPage Housing Authority) spoke against proposed development as presented.

Council discussed micro apartments and asked for a guarantee that rent will meet the affordable rate as defined by the state of Illinois.

Roth explained that the micro apartments will be attainable, are marketed toward active older adults, and will not be age-restricted.

Council discussed affordable housing calculations, the affordable rate in Naperville, that rent amounts will provide assistance, the application of

government subsidies, community partnership, and student generation.

Roth discussed market rate, government assistance, that the project was not conceived as an affordable housing development nor marketed as affordable and to redo now would delay it many years.

Council discussed the evolution of the project, the revised action requested, appropriateness of the residential component, that there has been no strenuous objection to the changes, the Inclusionary Zoning Ordinance, micro unit rent, the appropriateness of using Home Rule to make material changes, and that it is unknown what the market rate will be when the development is completed.

Krieger said OCI zoning is more valuable for property tax revenue.

Council discussed north gateway entrance to Naperville, the variety of uses, absence of rent control, and having a developer that creates a product that is affordable for new graduates and downsized seniors.

Enactment No.: ORD 21-057

A motion was made by Councilman Holzhauser, seconded by Councilman Kelly, to pass the ordinance as amended to rezone the subject property from I District to OCI District for City Gate West and approving a Preliminary Plat of Subdivision; conditional use for a PUD and Preliminary PUD Plat; conditional uses for retail, restaurants, residential, and two hotels; and various deviations for City Gate West and that the City Council exercise its home rule authority to authorize a modification to the City Gate West ordinance by which 82 residential micro-units that will not exceed 431 square feet, and an additional 10 residential studio units of 500 to 575 square feet, will be authorized for a total of 420 units on Lot 4. The motion carried by the following vote:

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

Nay: 1 - Bruzan Taylor

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the award of Bid 21-105, 2021 Naperville Heights Water Main Replacement, to Copenhagen Construction, Inc. for an amount not to exceed \\$3,074,328.50 plus a 3% contingency](#)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of Bid 21-105, 2021 Naperville Heights Water Main Replacement, to Copenhagen Construction, Inc. for an amount not to exceed \$3,074,328.50 plus a 3% contingency. The motion carried by the following vote:

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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. [Receive the May 2021 Financial Report](#)

Mayer presented the May 2021 Financial Report.

Council discussed auto sales and inventory shortages, marijuana revenue transparency, the amount of utility disconnections, and using stimulus money for necessary infrastructure.

Krieger explained that restrictions are applied to marijuana revenue because of the number of businesses not the business product and are in place to protect the proprietary sales information for individual establishments.

The report was received.

P. NEW BUSINESS:

Illinois Housing Development Authority (IHDA)
Gustin asked for an update of IHDA recommendations and application in Naperville.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of May 18, 2021 at 9:13 p.m. The motion carried by the following vote:

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

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