



## Meeting Minutes

### City Council

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Tuesday, February 2, 2021

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

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On Friday, June 12, 2020, an amendment to the Open Meetings Act was signed into law. This new law replaces the gubernatorial executive order concerning the Open Meetings Act and allows public bodies to temporarily conduct meetings remotely during a state of emergency, subject to certain requirements, including a determination by the head of the public body that an in-person meeting is not practical or prudent.

On Tuesday, June 16, 2020, Mayor Chirico issued an executive order determining that in-person meetings of the City Council and the City's boards and commissions are not currently practical or prudent due to the COVID-19 pandemic.

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 5 p.m. on February 2

TO SUBMIT PUBLIC COMMENT IN THE MEETING:

To address the City Council via Zoom and provide public comment, members of the public must register by 5 p.m. on February 2 at: [www.naperville.il.us/speakersignup](http://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 5 p.m. on February 2) to be read into the public record during the City Council meeting by a member of staff.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item to be read into the public record during the City Council meeting by a member of staff.
3. Address the City Council live during the City Council meeting via spoken audio. Individuals who want to address the Council live must sign up to speak in advance of the City Council meeting (by 5 p.m. on February 2).

Once signed up, the individual will receive an email from the City Clerk's Office after the sign-up time ends with information about how to join the meeting.

- Online sign-up closes at 5 p.m. on February 2, at which time no other speakers or comments will be accepted.

**PUBLIC ACCOMMODATION:**

- Any individual who would prefer to listen to the meeting by telephone, to speak during the meeting by telephone, or who may require an accommodation to listen to or participate in the meeting, should contact the City Clerk at (630) 305-5300, by 5 p.m. on February 2.
- 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 7:00 p.m.

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

OPEN SESSION - 7:00 p.m.

**D. ROLL CALL:**

- Present:** 7 - Mayor Steve Chirico  
Councilwoman Judith Brodhead  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman Patrick Kelly  
Councilman John Krummen  
Councilwoman Theresa Sullivan
- Absent:** 2 - Councilman Kevin Coyne  
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; 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 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, Communications Manager, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

Krummen arrived at 7:13 p.m.

**E. PLEDGE TO THE FLAG:**

The pledge was given.

**F. AWARDS AND RECOGNITIONS:****G. PUBLIC FORUM:*****COMMENTS TO BE READ BY STAFF***

Prasanna L Dharmavarapu

Respectful Committee, My Name is Prasanna Dharmavarapu resident of Naperville\Aurora (Border). I would like to address few points regarding Community Safety and Enhancements to Schools Development. 1. In the midst of this Pandemic there is overwhelming alarm over Safety in the Community, would want to know if City is trying to implement any additional measures apart from what is contributed now like Strong Vigilance, interacting with Community to educate about being Unified which is the effective approach for Safety, mainly educating Kids 2. Coming to Schools, are We planning for any Projects which involves educating Kids about Staying strong and Cohesive with the Community like creating Awareness about How to Stay United and help bring all Communities together and play a huge role to building a Strong Nation.

Paul Lopes (Mayfair of Naperville Townhome Phase II Board of Directors) Re: Executive Order to Extend Fire Inspections

The initial Executive Order to extend Fire Inspection Deadlines for Multi-Family Residences expired 7/7/20. Given that we are still in a pandemic, are there any plans to extend 2021 inspections as well? Furthermore, is the City willing to be more lenient in regards to units where homeowners did not feel comfortable enough to allow a stranger in for inspections or repairs in 2020/2021? Typically failure to comply would result in fines being levied by the City/Fire Marshall but due to the ongoing pandemic, is the City willing to forgo fines as Boards work with homeowners through this unprecedented time? Thank you. - Paul Lopes (Board President)

Council asked that the Fire Marshal's office follow up with Mr. Lopes.

**SPEAKERS**

Mark Urda discussed municipal elections and a recent presentation at the Planning and Zoning Commission.

**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:** 7 - Chirico, Brodhead, Gustin, Hinterlong, Kelly, Krummen, and Sullivan

**Absent:** 2 - Coyne, 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 with the exception of item I-11. The motion carried by the following vote:

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

**Absent:** 2 - Coyne, and White

1. [Approve the regular City Council meeting minutes of January 19, 2021](#)

**Council approved.**

2. [Approve the City Council meeting schedule for February, March & April 2021](#)

**Council approved.**

3. [Approve the award of RFP 20-390, Staffing Services, to Addison Group, Pace Systems, Sentinel Technologies and Stivers Staffing for an amount not to exceed \\$100,000 and for a two-year term](#)

**Council approved.**

4. [Approve the award of Bid 20-401, Molded Rubber and Cold Shrink Products, to Fletcher-Reinhardt Company, Power Line Supply, T&D Products, UUSCO and Wesco Distributing for an amount not to exceed \\$137,095.85 and for a one-year term](#)

**Council approved.**

5. [Approve the award of Cooperative Procurement 21-058, Police Department Vehicle Replacements, to Currie Motors Commercial Center for an amount not to exceed \\$231,600](#)

Council approved.

6. [Approve the award of a two-year extension to Cooperative Contract 17-001, Uniform Rentals, to Cintas Corporation for an amount not to exceed \\$208,074](#)

Council approved.

7. [Approve the award of Change Order #2 to Contract 16-173, Leaf Disposal Services, to BioAg, and Contract 18-146, Leaf Disposal Services, to Tri-County Excavation and Construction, Inc., and to Steve Piper and Sons, for an amount not to exceed \\$2,740 and a total award of \\$285,236](#)

Council approved.

8. [Approve the award of Change Order #1 to Contract 20-342, Police Department Exterior ADA Upgrades, to Lite Construction, Inc. for an additional 150 days](#)

Council approved.

9. [Approve the award of Sole Source Procurement 21-075, Navistar Parts and Service, to Rush Truck Centers for an amount not to exceed \\$150,000, and for a one-year term](#)

Council approved.

10. [Approve the award of Change Order #1 to the contract for basic life, accidental death and dismemberment \(AD&D\), and voluntary life insurance, to Reliastar Life Insurance/VOYA Financial for an amount not to exceed \\$13,472.08 and a total award of \\$265,472.08](#)

Council approved.

11. [Pass the ordinance amending Chapter 3 \(Administration and Enforcement\) and Chapter 4 \(Planned Unit Developments\) of Title 6 \(Zoning Regulations\) related to deviations, zoning decisions by the City Council and PUD revocations - PZC 20-1-122](#)

**SPEAKERS**

Randolph Given provided suggested changes to the text amendment language.

Council discussed requiring Planning and Zoning Commission review.

Enactment No.: ORD 21-012

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance amending Chapter 3 (Administration and Enforcement) and Chapter 4 (Planned Unit Developments) of Title 6 (Zoning Regulations) related to deviations, zoning decisions by the City Council and PUD revocations as amended to include mandatory public hearings at Planning and Zoning Commission (6-4-8-3). The motion carried by the following vote:**

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

**Absent:** 2 - Coyne, and White

12. [Pass the ordinance approving a conditional use in the B3 District for an automobile service station located at 780 and 850 E. Ogden Avenue \(Jet Brite\) - PZC 20-1-102](#)

Enactment No.: ORD 21-010

**Council passed.**

13. [Pass the ordinance approving a variance to Section 6-16-3:7 allowing three ground signs to display off-premises signage at 1351 E. Ogden Avenue - PZC 20-1-051](#)

Enactment No.: ORD 21-011

**Council passed.**

## J. PUBLIC HEARINGS:

1. [Conduct the public hearing for the Substantial Amendment to the City of Naperville's Community Development Block Grant \(CDBG\) Program Year 2019 Annual Action Plan allocating \\$708,723 in CDBG-CV CARES Act funding to alleviate the effects of the COVID-19 public health crisis \(Item 1 of 2\)](#)

Chirico opened the public hearing at 7:24 p.m.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing for the Substantial Amendment to the City of Naperville's Community Development Block Grant (CDBG) Program Year 2019 Annual Action Plan allocating \$708,723 in CDBG-CV CARES Act funding to alleviate the effects of the COVID-19 public health crisis at 7:24 p.m. The motion carried by the following vote:**

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

**Absent:** 2 - Coyne, and White

2. [Approve a Substantial Amendment to the City of Naperville's Community Development Block Grant \(CDBG\) Program Year 2019 Annual Action Plan allocating and awarding \\$708,723 in CDBG-CV CARES Act funding to alleviate the effects of the COVID-19 public health crisis \(Item 2 of 2\)](#)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve a Substantial Amendment to the City of Naperville's Community Development Block Grant (CDBG) Program Year 2019 Annual Action Plan allocating and awarding \$708,723 in CDBG-CV CARES Act funding to alleviate the effects of the COVID-19 public health crisis. The motion carried by the following vote:**

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

**Absent:** 2 - Coyne, and White

## K. OLD BUSINESS:

## L. ORDINANCES AND RESOLUTIONS:

1. [Option A: Concur with the Planning and Zoning Commission and the Petitioner and pass the ordinance granting a variance to permit an internally illuminated sign at 605 South Washington Street.](#)

[Option B: Concur with staff and deny the variance to permit an internally illuminated sign at 605 South Washington Street.](#)

### **SPEAKERS**

Leonard Monson (attorney for petitioner) explained the request for approval of a sign variance to permit the existing monument sign to maintain its nonconforming internal illumination in the TU zoning district and stated that the sign meets all other sign code requirements with respect to setbacks, height, and size.

Council discussed the commercial corridor, residents in the area, and lighting options.

Laff explained that staff does not support the request in an effort to uphold the intentions of the Municipal Code section concerning signs in the TU zoning district.

Enactment No.: ORD 21-013

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to concur with the Planning and Zoning Commission and the Petitioner and pass the ordinance granting a variance to permit an internally illuminated sign at 605 South Washington Street (Option A). The motion carried by the following vote:**

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

**Absent:** 2 - Coyne, and White

2. [Concur with staff's recommendation and deny petitioner's requests for: \(1\) rezoning the subject property from I District to OCI District; \(2\) a Preliminary Plat of Subdivision; \(3\) a conditional use for a PUD and Preliminary PUD Plat; \(4\) conditional uses for retail, restaurants, residential, and two hotels; and \(5\) various deviations, for CityGate West \(PZC 20-1-022\)](#)

[OR](#)

[Concur with the petitioner and pass the ordinance for: \(1\) rezoning the subject property from I District to OCI District, \(2\) a Preliminary Plat of Subdivision; \(3\) a conditional use for a PUD and Preliminary PUD Plat; \(4\) conditional uses for retail, restaurants, residential, and two hotels; and \(5\) various deviations, for CityGate West \(PZC 20-1-022\)](#)

**COMMENTS TO BE READ BY STAFF**  
**Phil Meno (DuPage Housing Alliance)**

I am Phil Meno, a 29-year resident of Naperville, and a member of the DuPage Housing Alliance. We, and others, have been encouraging the city to make inroads on its affordable housing shortage for over a decade. That shortage has been well-documented. At a City Council workshop examining recommendations by consultant S.B. Friedman and the Housing Advisory Commission, Mayor Chirico indicated his opinion was that Naperville SHOULD be able to make “good progress” on its affordable housing shortage without a specific ordinance mandate. Yet, the proposed City Gate West development made it through the normal planning process, including Planning and Zoning, without ANY of its planned 400 luxury apartments meeting the “affordable” standard laid out by state and federal authorities. The proposed City Gate West development would be close to the Route 59 train station and several major transportation routes. There are also numerous employers nearby. It is an ideal location for affordable housing. This developer is seeking several variances, deviations, and other city concessions to established building codes and regulations. This proposed development illustrates so vividly why Naperville DESPERATELY NEEDS an Inclusionary Zoning Ordinance. For a project of this size, especially one with so many requested concessions from the developer, the fact that the developer is not making some meaningful portion of the residential units long-term affordable is unacceptable. The fact that the topic of including some affordable units was not raised anywhere during the planning and approval process demonstrates that expecting developers to do this ON THEIR OWN is just naïve. When we raised the absence of affordable housing at the November 18 Planning and Zoning meeting, the developer’s response was “we don’t do affordable”. That is not an excuse as there are plenty of organizations out there that DO affordable housing, and which would be happy to partner in including affordable units in any development. It is unreasonable to expect city staff to raise this issue on its own without some formal direction from City Council that staff can reference in discussions with developers. We know Staff has been directed to research inclusionary zoning ordinances for the Council and we very much applaud that effort. This large development, together with other recently approved and proposed large developments, like City Gate Center, Wagner Farms, the Polo Fields, and Main Street Promenade, represent over 1,500 total actual and proposed residential units. NOT ONE OF THOSE UNITS meets the long-term affordable definition under Federal or Illinois law. This series of lost opportunities highlights the need for the beginning-to-end planning discipline that an IZO would bring to the city in helping it effectively address its affordable housing shortage. If it is truly “too late” for this particular developer to incorporate affordable units into this proposal, one condition of approval should be that this developer contribute a meaningful amount of cash to the City for future affordable housing efforts, much like the developer at City Gate Center did. Thank you.

**Marilyn Schweitzer**

Please concur with the petitioner regarding the City Gate West proposal. My reasonings has previously been communicated by email to council, staff, and I believe the petitioner. Thank you.

**Rob Williams (Co-Chair, Naperville Senior Task Force)**

The Naperville Senior Task Force would like to voice our opinion concerning the Agenda item 21-0168 otherwise referred to as “City Gate West development. It



is the view of the Task Force that the petitioner has not demonstrated any concrete evidence that it supports or intends to include in their plan any accommodation under our current definition of “affordable/attainable housing”. Therefore, the Task Force sides with the City Staff in recommending the petitioner’s request be denied. The Task Force does, however, recognize that the term “affordable/attainable housing” in the City of Naperville Master Plan, seems to be undefinable in its present state. And we are happy to offer our services, as an advocate for seniors, to assist the City in any future discussions as to how to classify this terminology for residents and developers alike. Respectfully submitted - Rob Williams

### **SPEAKERS**

Geoff Roehll and Mike Roth (attorneys for petitioner) presented the CityGate West (CGW) request for the subject property at the southwest corner of IL Route 59 and Ferry Road and proposed, and stated that it includes seven restaurant sites; two multi-tenant retail sites; 19 acres of open space; two 5-story mixed-use buildings with a combined total of 410 residential units; one medical office building; and two hotels (Lot 11 and Lot 15).

Paul De Kruiff spoke in favor of the development.

Carrie Cole (Brookdale Neighborhood Association) spoke against the development.

Roth discussed student generation tables.

Council discussed changes that were suggested by staff and Planning and Zoning Commission (PZC), the appropriateness of considering TopGolf and WhirlyBall as amenities, market changes, the upkeep of Odyssey Fun World, proposing an alternative for Lot 11, and the number of objections.

Roth responded that petitioner has worked with School District 204 regarding generation tables and discussed hotels and development phasing.

Jay Strang (Chief School Business Official SD204) confirmed the development student generation tables and stated the number of families with children could be up to four times what is estimated.

Council discussed parking spots, nearby diverging diamond, signage variances, magnitude of development, hotels, sustainability, school district, Naperville Development Partnership, affordable/attainable options, entitlements, micro units, and land use changes.

Laff clarified that changes may require the petitioner to go back through the PZC review process.

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to table the ordinance rezoning the subject property from I District to OCI District for CityGate 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 CityGate West to March 2, 2021. The motion carried by the following vote:**

**Aye:** 6 - Chirico, Brodhead, Gustin, Hinterlong, Kelly, and Krumpfen

**Nay:** 1 - Sullivan

**Absent:** 2 - Coyne, and White

#### **M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

#### **N. PETITIONS AND COMMUNICATIONS:**

#### **O. REPORTS AND RECOMMENDATIONS:**

Meeting recessed from 8:55 pm. - 9:00 p.m.

1. [Approve a request from Indian Prairie Community Unit School District No. 204 to initiate consideration of an amendment to Section 7-3-5 \(Dedication of Park Lands and School Sites or For Payments in Lieu Of\) of the Naperville Municipal Code applicable to SD204 Land Cash donations](#)

##### ***SPEAKERS***

Jay Strang (Chief School Business Official SD204) described the accuracy of the 2012, 2017, and 2020 school generation studies, that they have represented a true impact on the school district, that the cost per student is less than the state average, and that the district is 40% larger than SD203 and has been bussing students to delay any redistricting.

Council discussed generation table statistics, future development and the impact on school districts, the effect of different development along Route 59, TIFs, that development shouldn't be determined based on school generation tables, and current school capacity.

Robert Schwarz explained the Aurora calculations, how they differ from Naperville, and the cost if CityGate West was developed in Aurora.

Strang said previous studies did not include CityGate West, school officials are evaluating long-range options, and efforts to keep programming consistent across the district.

Council discussed that city growth affects school district growth, affordable housing, multifamily housing, shopping centers and malls, the potential for a new school to be built, and the lack of work force housing.

Strang explained that the Board is considering all options including satellite school locations, footprints of new schools, and the expansion of existing schools.

**A motion was made by Councilwoman Brodhead, seconded by Councilwoman Gustin, to approve a request from Indian Prairie Community Unit School District No. 204 to initiate consideration of an amendment to Section 7-3-5 (Dedication of Park Lands and School Sites or For Payments in Lieu Of) of the Naperville Municipal Code applicable to SD204 Land Cash donations. The motion carried by the following vote:**

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

**Absent:** 2 - Coyne, and White

## **P. NEW BUSINESS:**

### Crime statistics

Kelly asked Marshall to give a brief summary of the statistics that were made public.

Marshall explained that increases can be attributed to identity theft, cannabis control act violations, and motor vehicle incidents.

### Winter operations

Gustin thanked staff for plowing during the recent snow event.

### Vacant residential property registration

Gustin requested that staff develop a list of vacant properties.

Krieger said staff will begin discussing a process.

### Transition to electric

Krummen stated that the City should not wait to begin transitioning to electric resources.

### Written comments at Council meetings

Chirico discussed the need to improve meeting efficiency and not having written comments be read into the record but rather posted online.

DiSanto said staff will begin discussing a process and that any changes proposed will be compliant with the Open Meetings Act. He also stated that requiring participants to disclose personal information such as home addresses has not been upheld in court.

By consensus Council directed staff to develop a process to improve meeting efficiency related to public comments.

## **Q. ADJOURNMENT:**

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adjourn the Regular City Council Meeting of February 2, 2021 at 10:18 p.m. The motion carried by the following vote:**

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

**Absent:** 2 - Coyne, and White

/S/ Pam Gallahue  
Pam Gallahue, PhD  
City Clerk

