



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, December 19, 2017

7:00 PM

Council Chambers

A. CALL TO ORDER:

B. ROLL CALL:

C. CLOSED SESSION

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:07 p.m.

D. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilwoman Becky Anderson
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Krummen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 1 - Councilwoman Judy Brodhead

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; Deputy City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Robert Marshall; Financial Services Supervisor, Erik Hallgren; Director of Human Resources, James Sheehan; Director of IT, Jeff Anderson; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Director of Public Utilities - Water, Jim Holzapfel; Director of Public Works, Dick Dublinski

Chicago Sun Times, Daily Herald, NCTV-17

E. PLEDGE TO THE FLAG:

Pledge given.

F. AWARDS AND RECOGNITIONS:**1. Presentation of the Naperville Police Department's Good Catch Award**

Councilwoman Gustin and Chief Marshall presented the award.

G. PUBLIC FORUM:

Top Golf - Fireworks approval for New Year's Eve
Brett Hintz, explained the late request for a fireworks display on New Year's Eve.

Puknaitis stated that the Fire Marshall has approved the request contingent upon approval from the City Council.

DiSanto explained that the Council cannot approve an item in Public Forum as it has not been properly noticed, but consensus can be reached with formal approval given at the next Council meeting.

Krieger discussed a past example of a late request for fireworks where he polled individual Council members and approval was given at the next properly noticed Council meeting.

By consensus, the Council directed the city manager move forward with the approval process and bring the item back in January for formal approval.

Electric Cars

Jim Haselhorst, discussed electric cars, contribution to the motor fuel tax, and suggested Council develop a revenue stream from the sale of these vehicles.

Krieger explained that vehicle sales is heavily regulated and does not provide for a Home Rule exemption.

Novack stated that there is a fee for electricity at the charging stations but it is a cumbersome process, new methods to collect money for road maintenance are being explored in other parts of the country, and the City is monitoring these developments.

H. CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR THE CONSENT AGENDA:**I. CONSENT AGENDA:****Approval of the Consent Agenda**

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the Consent Agenda and correcting I-15 to reflect \$173,728.76 and I-17 to reflect \$83,025.56. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

1. Approve 11/01/17 thru 11/29/17 Cash Disbursement for \$46,317,503.68
Council approved.
2. Approve the City Council Workshop Minutes of October 30, 2017
Council approved.
3. Approve the City Council Workshop Minutes of November 13, 2017
Council approved.
4. Approve the City Council Workshop Minutes of November 27, 2017
Council approved.
5. Approve the Regular City Council Meeting Minutes of December 5, 2017.
Council approved.
6. Approve the Award of Change Order #2 to the Third Three-Year Extension to Contract 06-106, Microsoft Office Enterprise Agreement, to CDW-Government (CDWG), Inc. for an amount not to exceed \$185,357.77 and a total award of \$1,211,296.33.
Council approved.
7. Approve the Award of Option Year One to Contract 16-188, Concrete Restoration Program, to Mondri Construction for an amount not to exceed \$263,000, plus a 5% contingency.
Council approved.
8. Accept the Public Underground, Street Light and 248th Avenue Improvements associated with Ashwood Crossings and Hidden Creek and authorize the City Clerk to reduce the corresponding public improvement surety.
Council approved.
9. Approve the City Council meeting schedule for January, February and March 2018.
Council approved.
10. Waive the first reading and pass the ordinance to establish an all-way stop at the intersection of Fairway Drive and Country Club Boulevard.
Enactment No: ORD 17-168
Council passed.

11. Adopt the Resolution Approving an Addendum to the Intergovernmental Agreement between the City of Naperville and the Illinois Environmental Protection Agency to operate a long-term household Hazardous Waste Collection Facility.

Enactment No: RES 17-46

Council adopted.

12. Adopt the Resolution authorizing adoption and issuance of the City of Naperville Prohibition and Prevention of Harassment/Sexual Harassment Policy.

Enactment No: RES 17-47

Council adopted.

13. Adopt the Resolution authorizing the City Manager to execute the 2018 Pace Paratransit Local Share Agreement for the operation of the Ride DuPage program.

Enactment No: RES 17-48

Council adopted.

14. Adopt the Resolution Approving the Lease Agreement for the Safety Town Property Located at 1320 Aurora Avenue in Naperville (7 positive votes required)

Enactment No: RES 17-49

Council adopted.

15. Adopt the Route 672 Resolution authorizing the City Manager to execute the attached agreement with Pace to establish the City share for service from the 95th Street Park-and-Ride to the Route 59 Metra Station at \$174,535.85. (Item 1 of 3)

Enactment No: RES 17-50

Council adopted.

16. Adopt the Route 673 Resolution authorizing the City Manager to execute the attached agreement with Pace to establish the City share for service from the Community Christian Church Park-and-Ride to the Route 59 Metra Station at \$83,025.56. (Item 2 of 3)

Enactment No: RES 17-51

Council adopted.

17. Adopt the Route 675 Resolution authorizing the City Manager to execute the attached agreement with Pace to establish the City share for service from the Wheatland Salem Church Park-and-Ride to the Route 59 Metra Station at \$88,789.89. (Item 3 of 3)

Enactment No: RES 17-52

Council adopted.

J. PUBLIC HEARINGS:

1. Conduct a Truth-in-Taxation hearing for the Special Service Area No. 23 (Naper Main) property tax levy (Item 1 of 2)

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

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:26 p.m. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

2. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2018 and ending December 31, 2018 adopting a total tax levy of \$98,939 for Special Service Area No. 23 (Naper Main) (Item 2 of 2)

Enactment No: ORD 17-169

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

3. Conduct a Truth-in-Taxation hearing for the Special Service Area No. 26 (Downtown Maintenance Expenses and Marketing Costs) property tax levy (Item 1 of 2)

Chirico opened the Public Hearing at 7:27 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:27 p.m. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

4. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2018 and ending December 31, 2018 adopting a total tax levy of \$1,013,351 for Special Service Area No. 26 (Downtown Maintenance Expenses and Marketing Costs) (Item 2 of 2)

Enactment No: ORD 17-170

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

5. Conduct a Truth-in-Taxation hearing for the City's property tax levy. (Item 1 of 3)

Chirico opened the Public Hearing 7:29 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:29 p.m. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

6. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2018 and ending December 31, 2018, adopting a total tax levy of \$56,856,960. (Item 2 of 3)

Council commended staff for the work on the budget, discussed the impact of property tax increases on the residents, and stated that there are more items to cut and more revenue to consider.

Krieger explained that final abatements must be set by April 2018.

Council discussed the federal tax bill, the need to identify a solution that blends cuts and revenue sources, and the continued challenge to staff to find efficiencies.

Krieger stated that a general discussion regarding preliminary ideas can be held in January with a final solution presented in February.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed.

Hallgren stated that staff presented a budget that would result in a \$37-\$40 property tax increase and that direction to reduce last year's abatement would result in a flat tax or possibly an incremental savings.

Council discussed other taxing bodies and the need to find revenue sources that impact visitors instead of residents.

Krieger explained that if the levy is not approved a special meeting would need to be scheduled next week to meet the county deadline. He went on to say that if a levy is not approved at the special meeting the county will only levy an amount to cover debt service.

Enactment No: ORD 17-171

A Motion in Substitution was made by Councilman Coyne, seconded by Councilman Hinterlong, that this agenda item be passed as amended to read Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year

beginning January 1, 2018 and ending December 31, 2018, adopting a total tax levy of \$56,856,960 and direct staff to present an option that results in an abated levy of at least \$200,000 less than the prior year. The motion carried by the following vote:

Aye: 7 - Chirico, Anderson, Coyne, Hinterlong, Krummen, Obarski, and White

Nay: 1 - Gustin

Absent: 1 - Brodhead

7. Pass the Ordinance to abate a portion of the 2017 Tax Levy for the City of Naperville authorizing an abatement of \$8,170,149 from the total tax levy of \$56,856,960 for a net total of 2017 tax levy of \$48,686,811. (Item 3 of 3)

Enactment No: ORD 17-172

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

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, 2018 and ending December 31, 2018 adopting a total tax levy of \$200,000 for Special Service Area No. 21 (New Parking Garage)

Enactment No: ORD 17-173

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

2. Pass the Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning January 1, 2018 and ending December 31, 2018 adopting a total tax levy of \$68,000 for Special Service Area No. 25 (IL Route 59 and Lacrosse Lane)

Enactment No: ORD 17-174

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

3. Adopt the Resolution Approving the Naperville Jaycees Smart Park Donation Agreement

Jeffrey Havel, Naperville, spoke in support of the Agreement.

Council discussed the need for the park, the appropriateness of tabling the item, the end result will be a park by the Riverwalk, whether the "smart" tag is critical, and impact to residents.

DiSanto explained the item before Council and the commitment being requested, that Council has the ultimate decision and may approve the development of the park in the future, and that voting in favor of the Agreement does not bind the City to any development.

Council discussed the need and value of the park, details of proposed sketches, the length of the arrangement, whether the Agreement favors one party over the other, and supporting the idea of a park but not the present Agreement.

Council further discussed the payment arrangement proposed, the City loan of \$160,000 to Jaycees, tabling the item, the length of time the City has discussed the park, who would use this type of park, the need for green space and blending with the Riverwalk, signage and electric displays, and marketing potential.

Council stated that not everyone uses a park but every park is used, the Jaycee's financial stability, use of collateral, that the agenda item is approving the receipt of a \$200,000 commitment from Jaycee's, and concept and design ideas will be made in the future.

Kevin Gensler, Naperville Jaycees, explained the evolution of the concept, use of Last Fling budget, naming rights, and that this commitment is the single largest donation made by the Jaycees.

Jim Groat, Naperville Jaycees, stated that a new board and president will be in place in January and who would need to approve any changes and that the outgoing board and membership unanimously approved the proposed commitment.

Council stated that this is the first time the entire contract has been presented, the appropriateness of bifurcating the Agreement for a vote, legacy of Jaycees members, the Letter of Intent, and the display of Jaycee member names.

Gensler clarified that design of the park is not intended to be part of the Agreement and that the design will be discussed at a later date in partnership with staff and the Riverwalk Foundation.

A motion was made by Councilman Krummen, seconded by Councilwoman Obarski that this agenda item be tabled for 60 days.

Enactment No: RES 17-53

A motion in substitution was made by Councilman Coyne, seconded by Councilman White, that this agenda item be adopted subject to the parties working together in good faith to resolve all concerns as expressed by Naperville City Council. The motion carried by the following vote:

Aye: 7 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Obarski, and White

Nay: 1 - Krummen

Absent: 1 - Brodhead

Meeting recessed from 9:03 p.m. - 9:13 p.m.

4. Pass the Ordinance granting an extension to the temporary use approved for a mobile MRI unit for Edward Hospital at 801 S. Washington Street.

Mark Lie, Petitioner, explained the reason for the extension is because of the delivery of the MRI equipment has been delayed.

Enactment No: ORD 17-175

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be passed. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the Award of Cooperative Procurement 17-242, Microsoft Enterprise Agreement Renewal, to CDW-G for an amount not to exceed \$1,438,964.76 and for a three-year contract term.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be approved. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Deny the request for a variance to permit a 6' tall solid fence in the required corner side yard at the subject property located at 2816 Rolling Meadows Drive, Naperville - PZC 17-1-114.

David Garza, Petitioner, explained the request for a variance to permit a 6' tall, solid style wooden fence along the corner side property line.

Isabel Diaz, Petitioner, explained the request for a variance.

Council discussed similar fences in the area, the presence of the electrical box, the current 95th street expansion project, and that everyone must go through the proper permit process prior to any construction.

Laff explained anything over a 3' fence would require a permit and that other 6' fences in the area are allowed depending on where they sit on the lot.

Council discussed that this is the second time that a resident has retroactively asked for permission.

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, that the request request for a variance to permit a 6' tall solid fence in the required corner side yard at the subject property located at 2816 Rolling Meadows Drive, Naperville - PZC 17-1-114 amended to provide that the Petitioner pays all application fees regularly due as part of a variance petition.

Enactment No: ORD 17-176

A motion to amend was made by Councilman Coyne, seconded by Councilwoman Gustin, that the request request for a variance to permit a 6' tall solid fence in the required corner side yard at the subject property located at 2816 Rolling Meadows Drive, Naperville - PZC 17-1-114 amended to provide that the Petitioner pays all application fees regularly due as part of a variance petition along with fines and/or permit fees called for by Naperville Code. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

2. Provide direction on Ryan Companies continuing with 5th Avenue community engagement efforts, including market and technical research, to determine feasible and beneficial redevelopment options for City Council consideration, in accordance with the update provided at the December 19, 2017 City Council Workshop.

Jeffrey Havel, Naperville, spoke in favor of modeling existing masonry exteriors, building style, and scale in the surrounding area.

Council discussed design concerns that were raised during the 5th Avenue meetings and clarified that any development would have to comply with existing design guidelines.

Laff explained residential and commercial guidelines.

A motion was made by Councilwoman Obarski, seconded by Councilman Hinterlong, that this agenda item be approved. The motion carried by the

following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

4. Approve the Calendar Year (CY) 18 Special Events Cultural Amenities (SECA) Grant Program Allocations.

Mary Lou Wehrli, Naperville, discussed the components of SECA and spoke in favor of revisiting the original mission.

Council discussed the upcoming workshop, including input from the community regarding the future of SECA, and the appropriateness of returning the allocations to the SECA Commission for another review.

A motion was made by Councilwoman Obarski, seconded by Councilman Krummen, that this agenda item be tabled to February 6, 2018, return the awards to the SECA Commission with instruction to review all allocations except for Ribfest and Last Fling city services, and bring back a unified ecommendation. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

3. Approve the FY 2019 Social Services Grant (SSG) funding allocations and, if the Federal CDBG allocation exceed estimates, transfer eligible SSG activities to the PY18 CDBG program and use the excess SSG funding for Kid's Matter programming.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be approved with the exception of award #13, #18, and #30. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

Councilmembers Coyne, Obarski, and White recused themselves due to a conflict of interest and left the dias from 9:52 p.m. - 9:53 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that award #13, #18, #30 be approved. The motion carried by the following vote:

Aye: 5 - Chirico, Anderson, Gustin, Hinterlong, and Krummen

Absent: 1 - Brodhead

Recused: 3 - Coyne, Obarski, and White

P. NEW BUSINESS:

NFD Blood Drive

Gustin reminded the public about the upcoming blood drive.

Puknaitis gave details about the event on December 28.

Neighborhood Fire

Gustin discussed a recent fire and how smart technology notified the owner that the smoke alarm was activated.

Novack explained that smart technology is now available and allowed by Code.

Youth Football Team - Patriots

White discussed recent football victories at the local and national levels.

ADA Parking

White asked about the absence of ADA parking on Water Street.

Novack explained the ADA parking is located in the deck and that it is not a requirement to be on the street.

Smart Park

Hinterlong inquired about use of the park and if there are opportunities to make outdoor dining locations "smart."

Krieger explained the Dark Fiber Team initiatives and how they will impact connectivity in the downtown.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilman Krummen, that the regular City Council meeting of December 19, 2017 be adjourned at 10:04 p.m. The motion carried by the following vote:

Aye: 8 - Chirico, Anderson, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 1 - Brodhead

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk