



Meeting Minutes

City Council

Tuesday, July 21, 2020

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

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 July 21

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 July 21 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 5 p.m. on July 21) 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 "OPPOSITON" 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 July 21).

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 July 21, 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 July 21.
- 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:

Present: 9 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Kruppen
Councilwoman Theresa Sullivan
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 IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Lucy Podlesny; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski; Communications Manager, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

OPEN SESSION - 7:00 p.m.

C. PLEDGE TO THE FLAG:

The pledge was given.

D. AWARDS AND RECOGNITIONS:

1. Recognize first responders, healthcare and essential workers in the City of Naperville for their work in the COVID-19 crisis

Chirico recognized first responders, healthcare and essential workers in the City of Naperville for their work in the COVID-19 crisis and presented the Proclamation honoring these groups.

Krieger thanked the Naperville police and fire departments.

Councilmembers also expressed thanks and appreciation to these groups.

E. PUBLIC FORUM:

COMMENTS TO BE READ BY STAFF

Sam (Naperville)

I would like to express my support for the Naperville Police Department. I have on more than one occasion interacted with members of the department. I have found them to be professional courteous, kind and responsive. I believe that they have exercised appropriate restraint and respect for our community in these difficult times, and commend them for their dedication.

Adrienne Armstrong, First Respond Education Fund Inc.

My name is Adrienne Armstrong I am founder of first respond education fund we raise money to help pay for school to those who seek a career in being a first responder and to help those continue their education to advance as a first responder. we are established right here in Naperville and what we need the most right now is the support of our community. at the end of the month we want to do a school supply give away. if any

business would like to sponsor or the fire and police dept would like to help. any type of support, donation, or help is more than appreciated. Please contact Adrienne Armstrong at admin@firstrespondeducation.com <<mailto:admin@firstrespondeducation.com>> for any questions or to donate, support or help. thank you

Karen Peck

Dear Mayor Chirico and City Council, I respectfully request that you make a public verbal and written statement about the mandate to wear masks throughout Naperville, to socially distance six-feet, and to continue hand hygiene, especially in the downtown Naperville area and on the Riverwalk. This mandate must apply to visitors as well as residents. Businesses must adhere to the six-foot distancing of tables, customers, and mask-wearing as well. I also request signs posted at intervals around downtown and on entry and exit points along the Riverwalk. On Sunday, almost no one was in masks, nor adhering to social distancing along the Riverwalk and in the business district. Citations and repercussions must be communicated and enforced. Police officers were also not wearing masks during the Rally I attended yesterday. While I appreciate the safety provided for the marchers/rally, it sets a poor example for employees of the city not to abide by Illinois Health and Safety requirements. We will not help our economy recover if people are not comfortable downtown. In order to help the economy recover, we have to get the Pandemic under control. As you are well aware, States across the nation are struggling to do so. Let's make Naperville a shining example of behavioral change as a winning strategy for keeping our residents safe and healthy and helping our city recover financially. Thank you, Karen Peck

John Ohaver

I will not frequent downtown businesses (Nichols Library excepted) or walk downtown until I see the use of masks, especially among the large groups of youths

Andrea Sung

I am in support of the mask mandate in Naperville. It is a small act to keep Naperville safe and healthy!

Mark Melnicoff

Legitimate, scientific data clearly indicate that universal compliance with mask wearing wherever social distancing is often impractical drastically cuts the spread and rate of infection. While it is not a perfect defense, the risk of transmission is greatly reduced, and the aggregate numbers of infections, hospitalizations, deaths, and life-altering damage to vital organs would be greatly reduced. The counter-arguments about "freedom" is completely bogus. There is nothing in the US or State constitution that

prohibits that mandating of mask wearing for the sake of public health, just like we have laws against indecency in public. I haven't heard complaints from our "freedom lovers" about those laws, and right now flouting those laws would cause less damage than not wearing masks in public where social distancing at all times is not practical. Naperville's adoption of such a requirement won't solve the problem for the entire state of IL, let alone for the U.S., but we need to exercise some moral leadership. Maybe other localities will follow our lead to the point where much of the entire state will be requiring masks. And maybe other parts of the country may eventually figure it out, too.

Margaret Collins

Naperville needs a mask mandate. Especially in our downtown area, the streets and sidewalks are increasingly crowded with groups of people not social distancing and not wearing masks. Naperville should set a good example and help Illinois defeat this virus once and for all. If we fail to stop the virus now, it will take years before we are back to normal. Our children need us to act like adults.

Marilyn Schweitzer

I love to garden. There is always something to do. It brings me joy and joy to others. It would be pretty easy to virtually stick my head in the sand, putter around my garden and ignore the pandemic, civil unrest, and other disturbing global, national, and local problems. But, I can't because I care. Few among us have the difficult task of setting policy that balances economics versus public health. Most of us are not medical professionals studying the disease nor caring for the hospitalized or the extremely vulnerable. Most of us probably are not essential or even non-essential workers who are working no matter the risk. By comparison, most of us are in a rather enviable position. Wearing a mask when in confined public indoor or outdoor spaces is one proactive measure we can take to make a difference. It shows we care not just about our own health, but of those of our fellow citizens. Yet many Napervilleans seemingly don't care or outright deny the seriousness of the pandemic. Compared to the flu, COVID-19 has no vaccine, asymptomatic transmission, and almost 50 times the mortality rate. Yet, I've heard people say that they never worried about passing the flu on to anyone else so why should they care about protecting others against COVID-19. They should care about the transmitting the flu as well as other communicable diseases. That we even need to consider a mandate to wear masks is pathetic. Much like I find it pathetic that this City Council found it necessary last year to add inclusiveness to its mission and to have to yet again denounce discrimination this spring. But this is where we apparently have sunken as a society. We are individuals who should look out for each other. Let's do it together. And, if it takes a mandate from this Council to do so, so be it. Thank you for your consideration.

Joy Grainge

I want the Naperville city council to mandate facemasks in our City. Face mask must cover both the mouth and nose To be effective in preventing COVID-19 infection. Naperville's COVID-19 hospitalization is up by a third from last week. At this rate in one week we will have 33 people in the hospital. In two weeks that could go up to 66 Covid patients Hospitalized. A face mask is a small compromise to preventing more deaths and infection. it is a small compromise to getting the economy going.I support the Naperville city council to mandate the wearing of masks.

Brent Wilk-Wilk Real Estate

My office has been assigned the property on Tupelo from US Bank. The home was listed for sale and a "Craigslist" ad led the current occupants to the home. US Bank is aware of the issue and is working with their attorneys on going thru the eviction process. Due to Covid, unfortunately sheriff departments have a moratorium on evictions.

James Laures

My family and I are long-time residents of Naperville. Before the City Council takes final action on the Adult-Use Cannabis Zoning Ordinance that was passed by the Planning and Zoning Commission on July 15th, Naperville residents need to be provided with the following information on: (1) safety and security; (2) limits inherent in Illinois' Cannabis Laws and Regulations that would restrict local control over Adult-Use Cannabis dispensaries; and (3) accurate, detailed, readable maps of the 250 foot site boundaries of each potential Adult-Use Cannabis dispensary location and all residential areas that border on the 250 foot boundary. Regarding safety and security, the late May/early June looting and destruction clearly showed that Adult-Use Cannabis dispensaries were specifically targeted. We can't blindly ignore the risk that this same thing could happen to Naperville's Adult-Use Cannabis dispensaries. What is the Police's plan for protecting lives and property of residents if such looting and vandalizing were to occur? Also, the City Council wants to spread out Naperville's Adult-Use dispensaries at least 1,500 feet apart. How does the spreading out of dispensaries impact the Police's plan for protecting the lives and property of residents; will Police have adequate resources to protect residential areas surrounding the three dispensaries? Finally, while Police are protecting residential areas surrounding Adult-Use dispensaries, what level of Police protection can the rest of the City expect? Residents, especially those living next door to these dispensaries, need answers to these and other safety and security questions. Regarding limits inherent in Illinois' Cannabis Laws and Regulations that restrict local control over Adult-Use Cannabis dispensaries, the some of the City Council wants "permitted by right." However, "conditional use" would allow for more City

control over dispensaries. Unfortunately, to date we've heard opinions and conjecture about what control the City might be able to exert under a permitted by right ordinance (for example, on hours and on days of operation and parking) versus a conditional use ordinance. The Illinois' Cannabis Laws and Regulations are very complex and were designed to minimize the chance that local governments could control licensed Adult-Use dispensaries and reduce the flow of cannabis tax revenues to the State. To ensure that the City can exert maximum local control over licensed Adult-Use dispensaries, the City's legal team needs to clearly articulate to residents: (1) what local control over licensed dispensaries is specifically allowed for in Illinois' Cannabis Laws and Regulations; and (2) how the State-allowed local control is minimized under a "permitted by right" ordinance versus the control Naperville would have with a "conditional use" ordinance. Finally, regarding maps, residents need to see accurate, detailed, readable maps of the 250 foot site boundaries of each potential Adult-Use Cannabis dispensary location and all residential areas that border on the 250 foot boundary. These maps should be in sufficient detail so that each resident can determine exactly where their home is in relation to the 250 foot boundary. All of the information on (1) safety and security; (2) State of Illinois limits that would restrict local control over Adult-Use Cannabis dispensaries; and (3) accurate, detailed, readable maps should be available on the City's website at least 7 days before the date of the City Council meeting at which final action on the Adult-Use Cannabis Zoning Ordinance is expected. This will provide residents with sufficient time to review and provide comments to the City Council. Thank you.

SPEAKERS

Jim Hill (Senior Task Force) requested the City develop an initiative to encourage the wearing of face masks both inside and when outside in public spaces.

Bill Simon urged Council to promote mask use via social media.

Council discussed the appropriateness of an ordinance and the use of signage.

Krieger stated staff would favor a signage and communication strategy over an ordinance.

Council discussed that the Downtown Naperville Alliance (DNA) will be putting up more signage in the area, the appropriateness of filming PSA vignettes, how to enforce the wearing of face coverings, implementing a social media campaign, and that public safety is a priority.

Krieger said he will contact DNA and work with them on a plan for

increased signage.

Council discussed that students will be wearing face coverings in school, that staff should encourage the Park District to put up signs as well, and the opportunity to film PSAs with Park District representatives.

Squatters at 413 Tupelo

Yvonne Schinzel expressed concern for safety.

Council discussed the inability to evict people from private property, trespassing, and the City's Crime-free Housing Program.

DiSanto explained property rights are handled in civil court and City can monitor the situation but it will be a private civil issue. He also recommended that neighbors be quick to report issues to the police department.

Marshall said there have been six calls in 2020 regarding the Tupelo residence.

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

G. CONSENT AGENDA:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda. The motion carried by the following vote:

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

1. Approve the cash disbursements for the period of 06/01/2020 through 06/30/2020, for a total of \$23,380,139.26

Council approved.

2. Approve the regular City Council meeting minutes of June 16, 2020

Council approved.

3. Approve the City Council Adult Use Marijuana Zoning Discussion workshop minutes of June 22, 2020

Council discussed potential uses for revenue from the sale of recreational adult-use marijuana.

Council approved.

4. Approve the City Council meeting schedule for August, September & October 2020

Council approved.

5. Approve the award of Bid 20-076, Northwest Waterworks Booster Pump VFD Installation and South Operations Center VFD Replacement, to Dahme Mechanical Industries for an amount not to exceed \$225,000 plus a 5% contingency

Council approved.

6. Approve the award of Bid 20-204, North Pump Station Sewer Interceptor Phase 3, to Insituform Technologies USA, LLC for an amount not to exceed \$726,759, plus a 3% contingency

Council approved.

7. Approve the award of Bid 20-213, Cross Connection Control Testing Records Administration, to Aqua Backflow, Inc for an amount not to exceed \$453,350 and for a three-year term

Council approved.

8. Approve the award of Change Order #1 to Contract 19-273 Traffic Signal and Street Light Maintenance, to Meade Inc. for an amount not to exceed \$39,935.49 and a total award of \$786,884.09

Council approved.

9. Approve the award of Option Year One to Contract 19-134, Palo Alto Firewall Upgrade, to Continental Resources, Inc. for an amount not to exceed \$108,265

Council approved.

10. Approve the award of Option Year One to Contract 17-119, Spot Purchases of Single Phase and Three Phase Transformers, to CG Power Systems USA, Inc., Graybar Electric Company, Power Line Supply, RESCO, Universal Utility Supply Co. and WESCO for an amount not to exceed \$640,104.

Council approved.

11. Approve the award of Cooperative Procurement 20-253, Computing Equipment Refresh, to Insight Public Sector for an amount not to exceed \$139,168.00

Council approved.

12. Approve the award of Sole Source Procurement 20-257, Cityworks Integration Implementation, to Schneider Electric for an amount not to exceed \$169,623

Council approved.

13. Approve the award of Cooperative Procurement 20-265, Janitorial Supplies, to W.W. Grainger Inc. for an amount not to exceed \$145,000 and for a one-year term
Council approved.
14. Accept the record of Emergency Procurement 20-269, Gartner Road Storm Sewer Replacement, to Baish Excavating for an amount of \$125,876, plus a 5% contingency
Council accepted.
15. Approve the award of Bid 20-240, Smart Grid Network Upgrade, to Continental Resources, Inc. for an amount not to exceed \$210,016
Council approved.
16. Receive the staff report for the acquisition of land for right of way for the North Aurora Road improvements from the property at 600 Industrial Drive (Item 1 of 3)
Council received.
17. Adopt the resolution affirming the applicability of section 6-2-19 (existing buildings and structures) to the property located at 600 Industrial Drive following acquisition of additional right-of-way for North Aurora Road (Item 2 of 3)
Enactment No.: RES 20-18
This Resolution was adopted.
18. Pass the resolution authorizing execution of a purchase and sale agreement for a portion of real property located at 600 Industrial Drive, Naperville (Item 3 of 3)
Enactment No.: RES 20-19
Council passed.
19. Pass the ordinance amending the structure and fee amounts included in Articles E, F, and H of Chapter 9 (Municipal Finances) of the Naperville Municipal Code.
Enactment No.: ORD 20-067
Council passed.
20. Pass the ordinance approving a variance to reduce the amount of required off-street parking for the subject property located at 1899 High Grove Lane (Phoenix Closures) - PZC 20-1-031
Enactment No.: ORD 20-068
Council passed.
21. Adopt the resolution authorizing a workers' compensation settlement contract between the City of Naperville and Roger Otto
Enactment No.: RES 20-20

Council adopted.

H. PUBLIC HEARINGS:

1. Conduct the Public Hearing for the amendment to the City of Naperville's Community Development Block Grant (CDBG) Citizen Participation Plan as directed by the U.S. Department of Housing and Urban Development in response to the COVID-19 pandemic

Chirico opened the public hearing at 8:22 p.m.

Council discussed the Community Needs category, that the revenue from adult-use recreational marijuana sales should be applied toward mental health assistance/programs, the Social Services Grant allocations to mental health services, and the appropriateness of committing to revenue use prior to any dispensaries opening.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing for the amendment to the City of Naperville's Community Development Block Grant (CDBG) Citizen Participation Plan as directed by the U.S. Department of Housing and Urban Development in response to the COVID-19 pandemic at 8:27 p.m. The motion carried by the following vote:

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

2. Approve the amendment to the City of Naperville's Community Development Block Grant Citizen Participation Plan as directed by the U.S. Department of Housing and Urban Development in response to the COVID-19 pandemic

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the amendment to the City of Naperville's Community Development Block Grant Citizen Participation Plan as directed by the U.S. Department of Housing and Urban Development in response to the COVID-19 pandemic. The motion carried by the following vote:

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

3. 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 \$315,985 in CDBG-CV CARES Act funding and reprogramming \$81,000 in Program Year 2019 CDBG funding to alleviate the effects of the COVID-19 public health crisis

Chirico opened the public hearing at 8:28 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 \$315,985 in CDBG-CV CARES Act funding and reprogramming \$81,000 in Program Year 2019 CDBG funding to alleviate the effects of the COVID-19 public health crisis at 8:29 p.m. The motion carried by the following vote:

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

4. Approve the Substantial Amendment to the City of Naperville's Community Development Block Grant (CDBG) Program Year 2019 Annual Action Plan allocating \$315,985 in CDBG-CV CARES Act funding and reprogramming \$81,000 in Program Year 2019 CDBG funding to alleviate the effects of the COVID-19 public health crisis

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the Substantial Amendment to the City of Naperville's Community Development Block Grant (CDBG) Program Year 2019 Annual Action Plan allocating \$315,985 in CDBG-CV CARES Act funding and reprogramming \$81,000 in Program Year 2019 CDBG funding to alleviate the effects of the COVID-19 public health crisis. The motion carried by the following vote:

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

5. Conduct the public hearing for the City of Naperville's revised 2020-24 Consolidated Plan and Program Year 2020 Annual Action Plan allocating a total of \$567,835 of Community Development Block Grant (CDBG) funds

Chirico opened the public hearing at 8:31 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing for the City of Naperville's revised 2020-24 Consolidated Plan and Program Year 2020 Annual Action Plan allocating a total of \$567,835 of Community Development Block Grant (CDBG) funds at 8:31 p.m. The motion carried by the following vote:

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

6. Approve the City of Naperville's revised 2020-24 Consolidated Plan and Program Year 2020 Annual Action Plan allocating a total of \$567,835 of Community Development Block Grant (CDBG) funds

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the City of Naperville's revised 2020-24 Consolidated Plan and Program Year 2020 Annual Action Plan allocating a total of \$567,835 of Community Development Block Grant (CDBG) funds. The motion carried by the following vote:

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

7. Receive the staff report for M House Creek Estates located at 831 S. Julian Street - PZC 20-1-026 (Item 1 of 7)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for M House Creek Estates located at 831 S. Julian Street - PZC 20-1-026. The motion carried by the following vote:

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

8. Conduct the public hearing to consider the Annexation Agreement for M House Creek Estates located at 831 S. Julian Street, PZC 20-1-026 (Item 2 of 7)

Chirico opened the public hearing at 8:32 p.m.

Caitlin Paloian, attorney for the petitioner, explained the item and requested annexation, approval of an annexation agreement, rezoning to R1A upon annexation, approval of a preliminary/final plat of subdivision to subdivide the property into two lots, and approval of a variance in order to construct two new single-family homes. A variance is required for construction of the single-family home which exceeds the maximum height regulations. She also requested that the City delay recordation of the 831 S. Julian Street ordinances to allow time for finalization of the purchase and sale agreement and to transfer ownership of the property. If approved, the City will delay recordation of the ordinances for a period of time not to exceed 365 calendar days from the date they are approved. If the ordinances are not recorded within 365 days they would become null and void.

Council discussed water condition, flooding, and impact to nearby residences.

Novack explained that the Planning and Zoning Commission discussed flooding concerns and the petitioner stated best management practices will be incorporated near the creek and a large portion of the property will be dedicated as a storm water management easement. He also stated the proposal is required to comply with the DuPage County Stormwater Ordinance and will be subject to DuPage County review.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the public hearing to consider the Annexation Agreement for M House Creek Estates located at 831 S. Julian Street, PZC 20-1-026 at 8:50 p.m. The motion carried by the following vote:

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

Pass the ordinance authorizing the execution of the Annexation Agreement for M House Creek Estates located at 831 S. Julian Street, PZC 20-1-026 (*requires six positive votes*) (Item 3 of 7)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve items H9-H13. The motion carried by the following vote:

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

Enactment No.: ORD 20-069

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing the execution of the Annexation Agreement for M House Creek Estates located at 831 S. Julian Street, PZC 20-1-026 . The motion carried by the following vote:

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

10. Pass the ordinance annexing the subject property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026 (Item 4 of 7)

Enactment No.: ORD 20-070

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance annexing the subject property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026. The motion carried by the following vote:

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

11. Pass the ordinance rezoning the subject property at 831 S. Julian Street (M House Creek Estates) to R1A upon annexation, PZC 20-1-026 (Item 5 of 7)

Enactment No.: ORD 20-071

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning the subject property at 831 S. Julian Street (M House Creek Estates) to R1A upon annexation, PZC 20-1-026. The motion carried by the following vote:

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

12. Pass the ordinance approving the preliminary/final plat of subdivision for the subject property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026 (Item 6 of 7)

Enactment No.: ORD 20-072

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the preliminary/final plat of subdivision for the subject property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026. The motion carried by the following vote:

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

13. Pass the ordinance approving a variance to section 6-2-26:4 in order to construct a single-family home which exceeds the maximum height on the southern lot of subdivided property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026 (Item 7 of 7)

Enactment No.: ORD 20-073

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving a variance to section 6-2-26:4 in order to construct a single-family home which exceeds the maximum height on the southern lot of subdivided property located at 831 S. Julian Street (M House Creek Estates), PZC 20-1-026. The motion carried by the following vote:

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

I. OLD BUSINESS:

J. ORDINANCES AND RESOLUTIONS:

1. Adopt a resolution approving the waiver of certain liquor license and tobacco license renewal fees for 2020-2021.

Council stated that there are 280 liquor licenses in Naperville and discussed the effect on establishments holding multiple licenses, that establishments may also be receiving supplemental assistance from the CARES Act and the Paycheck Protection Program, that the license year is May 1 - April 30, how the revenue void would be filled, COVID will determine if relief is given in 2021, whether action is time sensitive, and the potential to give relief at 50% level.

DiSanto explained that licenses for 2019-20 would be extended and payment for 2020-21 licenses would be delayed, that the proposed resolution waives fees and would happen by operation of law, however the City would still notify all licensees that meet the criteria.

Krieger explained that this action would not be a reimbursable expenditure by CARES funding.

A motion was made by Councilwoman Sullivan, seconded by Councilwoman Brodhead, to table the resolution approving the waiver of certain liquor license and tobacco license renewal fees for 2020-2021 to the first meeting in November. The motion carried by the following vote:

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

K. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Bid 20-212, Improvements to City Well 31, to AMS Mechanical Systems for an amount not to exceed \$1,323,200 plus a 3% contingency

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 20-212, Improvements to City Well 31, to AMS Mechanical Systems for an amount not to exceed \$1,323,200 plus a 3% contingency. The motion carried by the following vote:

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

2. Approve the award of Change Order #2 to Contract 14-098, Harris Radio System Maintenance Agreement, to L3Harris Corporation for an amount not to exceed \$2,117,943.69 and a total award of \$5,484,140.22 and for an additional four-year term

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Change Order #2 to Contract 14-098, Harris Radio System Maintenance Agreement, to L3Harris Corporation for an amount not to exceed \$2,117,943.69 and a total award of \$5,484,140.22 and for an additional four-year term. The motion carried by the following vote:

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

L. PETITIONS AND COMMUNICATIONS:

The meeting recessed from 9:22 p.m. - 9:30 p.m.

M. REPORTS AND RECOMMENDATIONS:

1. Direct staff to prepare an ordinance that establishes a Human Rights Commission through expanding the Housing Advisory Commission

Schatz summarized the item and explained that housing complaints are managed through the Housing Advisory Commission (HAC) while ADA complaints are managed through staff and the ADA Commission. She said the City receives a few informal complaints annually, has received one formal complaint in the last 18 months, and that it is standard practice for a Human Rights Commission (HRC) to serve as the single intake point for all discrimination complaints. She said that if a case does require a hearing, staff recommends that the hearing be held in front of an administrative hearing judge (similar to Police Department tow issues) and adding a dedicated Diversity and Inclusion position to support the HRC as well as the community outreach and internal equity and inclusion work.

Council discussed impact to HAC, the history of fair housing issues, the proposed reporting procedure, postpone adding a staff resource until the workload is known, the amount of research done for this initiative, and whether the HRC should be established under a different name.

Schatz explained the duties and responsibilities of the new position and that a job description is still being developed.

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to direct staff to prepare an ordinance that establishes a Human Rights Commission through expanding the Housing Advisory Commission and further direct staff to bring back with a job description for a new Diversity staff position for Council consideration. The motion carried by the following vote:

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

2. Receive the staff report and approve the recommendations regarding creating a Public Art program administered by the City of Naperville

Council discussed the appropriateness of engaging a consultant, that soliciting input from people in the community may be a better option, that it is long past time to define the City's vision of public art and to clarify the future of art.

Shannon Greene Robb, SECA Commissioner, explained that an

independent consultant would be beneficial in helping facilitate artist discussions and will partner with the City and community members to develop a unified vision.

Council discussed the process to solicit new art, potential locations, liability, maintenance, that many cities the same size as Naperville have a Public Art Commission, and that Century Walk is currently the only organization that manages art that is placed on both public and private property.

Greene Robb explained a recent art initiative from the Bloomberg Foundation, the need to encourage a variety of art pieces and the placement of temporary installations, that artists could submit ideas to the SECA Commission for review, and that there is no strategic plan for art or guidelines for vetting installations.

Brand Bobosky, Century Walk, explained the history of Century Walk and the "I Love a Parade" Mural.

Council agreed that a new public art process is needed, the appropriateness of issuing an RFP to determine what a process could look like, that responses would allow staff to gather more information and make an informed proposal, the proportion of the money spent on arts and events compared to spending \$25K on a consultant, that the SECA Grant Fund is the appropriate place to charge any consultant expenses, that any working group should involve the Century Walk and a diverse cross section of the Naperville area in order to provide a new ways of looking at public art.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to receive the staff report and approve the recommendations regarding creating a Public Art program administered by the City of Naperville.

A motion in substitution was made by Councilman Kelly, seconded by Councilwoman Brodhead, to receive the staff report and approve the recommendations regarding creating a Public Art program administered by the City of Naperville and direct staff to bring an RFP back to the City Council for approval of hiring a consultant. The motion carried by the following vote:

Aye: 5 - Chirico, Brodhead, Kelly, Sullivan, and White

Nay: 4 - Coyne, Gustin, Hinterlong, and Krummen

At 10:51 p.m., a motion was made by Councilman Krummen, seconded by Councilwoman Gustin, to extend the meeting to 12:30 a.m. The motion carried by the following vote:

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

3. Provide direction regarding youth commission/council/task force.

Council discussed opportunities for youths to engage with the City via internships and positions on boards/commissions, that youths don't have a voice as a unit, the appropriateness of having a task force that is not subject to the Open Meetings Act, that the group should stand on its own and not be a subset of another board/commission, residency requirements, and to have legitimacy the group must have Council endorsement.

Krieger stated staff will take all suggestions and proceed to next steps.

4. Receive the July 2020 Financial Report and provide direction on financial philosophies for the remainder of 2020 and 2021

Mayer presented the July financial update, discussed how the City's finances performed during the height of the state's stay-at-home order, and specifically highlighted general fund and utility balances, Home Rule Sales tax, capital projects, and debt service.

Council discussed relaxing financial principles to provide more flexibility, the appropriateness of bonding due to the low interest rates, the need to find the gaps before altering the principles, and delaying or deferring upcoming projects.

Mayer explained how the Food and Beverage tax is allocated, CARES Act grants, and utility assistance. She went on to say that the Financial Advisory Board is in support of making alterations to the financial principles and that staff is seeking general consensus from Council regarding suspending the financial principles in order to present a budget that accounts for the desired level of flexibility.

Council discussed the timing of budget submission, that this is the earliest staff has begun to present, recession, layoffs, appropriateness of using revenues from the Food and Beverage tax, and that the City will still need to fund events and arts in 2021.

Krieger stated that staff will continue to present monthly financial updates and include recommended actions for Council.

N. NEW BUSINESS:

AirBnB on Santa Maria

Krummen, Coyne, and Gustin asked to confirm that a short-term rental ordinance will be presented at the August 4 meeting.

Krieger confirmed staff will be presenting on ordinance for review.

At 12:01 a.m., a motion was made by Councilwoman Gustin, seconded by Councilman Krummen, to extend the meeting to 1:00 a.m. The motion carried by the following vote:

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

O. CLOSED SESSION:

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; and 120/2(c)(21) Approval of Minutes and to adjourn the City Council meeting immediately afterward. The motion carried by the following vote:

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

P. ADJOURNMENT:

This Regular City Council Meeting of July 21, 2020 adjourned after Closed Session at 12:25 a.m.

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk