



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, June 4, 2019

7:00 PM

Council Chambers

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#### A. CALL TO ORDER:

Chirico called the meeting to order at 6:30 p.m.

#### B. ROLL CALL:

**Present:** 6 - Mayor Steve Chirico  
Councilwoman Judith Brodhead  
Councilman Paul Hinterlong  
Councilman Patrick Kelly  
Councilwoman Theresa Sullivan  
Councilman Benjamin White

**Absent:** 3 - Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman John Krummen

#### C. CLOSED SESSION - 6:30 p.m.

**A motion was made by Councilman White, seconded by Councilwoman Brodhead, to recess to Closed Session to discuss 120/2(c)(11) Pending Litigation and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:**

**Aye:** 6 - Chirico, Brodhead, Hinterlong, Kelly, Sullivan, and White

**Absent:** 3 - Coyne, Gustin, and Krummen

#### OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:01 p.m.

#### D. ROLL CALL:

Rollcall

**Present:** 8 - Mayor Steve Chirico  
Councilwoman Judith Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilman Patrick Kelly  
Councilwoman Theresa Sullivan  
Councilman Benjamin White

**Absent:** 1 - Councilman John Krummen

A motion was made by Councilman Hinterlong, seconded by Councilman White, to allow Councilwoman Gustin to participate via teleconference. The motion carried by the following vote:

**Aye:** 7 - Chirico, Brodhead, Coyne, Hinterlong, Kelly, Sullivan, White

**Nay:**

**Absent:** 1 - Krummen

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Deputy Police Chief, Jason Arres; Director of Finance, Rachel Mayer; Interim Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Deputy Directors of Public Utilities - Electric, Lucy Podlesny and Olga Geynisman; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski

Daily Herald, Naperville Sun, NCTV-17

## **E. PLEDGE TO THE FLAG:**

The Pledge was given.

## **F. AWARDS AND RECOGNITIONS:**

Chirico called for a moment of silence for the victims of the recent shooting at the City of Virginia Beach Municipal Center.

## **G. PUBLIC FORUM:**

Water Tower West

Jim Hill, Naperville, requested that a long-term plan be decided prior to demolition of the Water Tower West building.

Connect for Life

Bob Fieseler, Naperville, presented the City with the trademark certificate for the Connect for Life Program.

Arres gave a brief overview of the Connect for Life Program.

## **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:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

## **I. CONSENT AGENDA:**

**A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of items I11-the ordinance rezoning the properties bounded by School Street, Wright Street, Columbia Street, and Franklin Avenue to the CU Zoning District (Little Friends)-PZC 19-1-18 and I12-the ordinance amending Chapter 11 (Comprehensive Plan) of Title 1 (Administrative) of the Municipal Code to approve the downtown streetscape standards. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

1. Approve the regular City Council meeting minutes of May 21, 2019  
**Approved**
2. Approve the City Council meeting schedule for June, July & August 2019  
**Approved**
3. Approve the award of Bid 19-135, 2019 Sanitary Sewer Manhole Upper Structure Rehabilitation, to Performance Pipelining Inc. for an amount not to exceed \$353,789, plus a 5% contingency  
**Approved**
4. Approve the award of Bid 19-058, 2019 Small Diameter Cured-in-Place Pipe (CIPP) Sanitary Sewer Main Lining, to Michels Corporation for an amount not to exceed \$509,920, plus a 3% contingency  
**Approved**
5. Approve the award of Bid 19-134, Palo Alto Firewall Upgrade, to Continental Resources, Inc. for an amount not to exceed \$256,260 and for a one-year term  
**Approved**
6. Approve the award of Bid 19-060, Storm Sewer Rehabilitation (8"-30") Cured-In-Place Pipelining (C-I-P-P), to Hoerr Construction Inc. for an amount not to exceed \$739,710, plus a 3% contingency  
**Approved**
7. Approve the award of RFP 19-112, Downtown Streetscape Phase II Design Engineering, to Civiltech Engineering for an amount not to exceed \$128,831.35  
**Approved**

8. Approve the award of Change Order #2 to Contract 17-020, Custodial/Janitorial Services for the Central Business District, to Smith Maintenance Company for an amount not to exceed \$35,000 and a total award of \$262,283.54

**Approved**

9. Approve the award of Sole Source Procurement 19-158, ESRI Enterprise License Agreement, to Environmental Systems Research Institute, Inc. (ESRI), for an amount not to exceed \$300,000.00 and for a three-year term

**Approved**

10. Accept the public underground improvements at Carillon Club Unit 7, Phase 3A & 3B and authorize the City Clerk to reduce the corresponding public improvement surety.

**Accepted**

11. Pass the ordinance rezoning the properties bounded by School Street, Wright Street, Columbia Street, and Franklin Avenue to the CU Zoning District (Little Friends)- PZC 19-1-18

Brodhead recused herself to avoid the appearance of impropriety and left the dais from 7:16 p.m. - 8:11 p.m.

Jim Godo, North Central College, Petitioner, explained the request to rezone the subject properties from R2 (Single-Family and Low Density Multiple Family District) to CU (College/University District). He stated that the requested zoning designation is consistent with the East Sector Update and the 2010-2020 North Central College Master Land Use Plan. He explained that the Plan notes that in the event Little Friends chooses to relocate facilities, the College may purchase the Little Friends site for future College use as compatible with the adjacent properties. The proposed rezoning is compatible with the recommendation given in the Plan.

Marilyn Schweitzer, Naperville, spoke in favor of the request.

Patricia Adamski, Naperville, spoke against the request until a plan for the property has been submitted.

Carol Schmidt, Naperville, spoke against the request until a plan for the property has been submitted.

Mike Briggs, Naperville, spoke in favor of the sale of Little Friends and the rezoning request.

Tom Connors, Naperville, spoke in favor of the sale of Little Friends and the rezoning request.

Julie Garrison, Naperville, spoke against the request until a plan for the property has been submitted.

Wright King, Naperville, spoke against the request until a plan for the property has been submitted.

Godo gave a rebuttal that included discussion of park property, green space, communication and meetings with the neighbors to date, a commitment that the College will engage the neighbors and the City during any future development process, the Certificate of Appropriateness application process, and further explained the reasoning for the rezoning request prior to development plans being submitted.

Laff explained that staff found the rezoning request to be appropriate, that there is no requirement for a site plan to be submitted with the request, that staff will conduct a technical review of future plans, and explained the Historic Preservation Commission and Planning and Zoning Commission review/appeal processes.

Council discussed the appropriateness of tabling, whether a proposal could be submitted at the next meeting, if the house could be salvaged, and the possibility of surveying the neighbors.

**A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to table passing the ordinance rezoning the properties bounded by School Street, Wright Street, Columbia Street, and Franklin Avenue to the CU Zoning District (Little Friends)- PZC 19-1-18 to the June 18, 2019 meeting. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

**12.** Pass the ordinance amending Chapter 11 (Comprehensive Plan) of Title 1 (Administrative) of the Municipal Code to approve the downtown streetscape standards

Marilyn Schweitzer, Naperville, spoke in favor of the proposed ordinance, the importance of midblock crossings, seat wall location, raised flower beds, emphasis on the importance of trees, and the artificial turf on Main Street.

Louden explained the impact of the upcoming streetscape construction.

Council discussed products to help trees survive in limited space and high salt areas.

Novack discussed the drawbacks of permeable pavers and tree grates that are flush to the sidewalk.

Enactment No.: ORD 19-079

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to pass the ordinance amending Chapter 11 (Comprehensive Plan) of Title 1 (Administrative) of the Municipal Code to approve the downtown streetscape standards. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

- 13.** Pass the ordinance establishing temporary traffic controls and issue Special Event and Amplifier permits for Ribfest 2019  
Enactment No.: ORD 19-077  
**Passed**
- 14.** Pass the ordinance amending Title 1, Chapter 6, Article A of the Naperville Municipal Code to provide the City Manager authority to enter into right-of-way use agreements as required by 9-1B-1 of the Naperville Municipal Code  
Enactment No.: ORD 19-078  
**Passed**
- 15.** Approve the award of RFQ 17-220, Downtown Washington Street Bridge Improvements Phase II Consultant Services to Ciorba Group for an amount not to exceed \$745,362.30 (Item 1 of 3)  
**Approved**
- 16.** Adopt a Resolution approving an appropriation for an amount not to exceed \$745,362.30 for Phase 2 design engineering services of the Downtown Washington Street Bridge Project (CIP Project #BR031) (Item 2 of 3)  
Enactment No.: RES 19-021  
**Adopted**
- 17.** Adopt a Resolution approving the local-public agency agreement with the Illinois Department of Transportation for Phase 2 design engineering services of the Downtown Washington Street Bridge Project (CIP Project #BR031, Section # 16-00167-00-BR) (Item 3 of 3)  
Enactment No.: RES 19-022  
**Adopted**
- 18.** Adopt the resolution authorizing execution of a collective bargaining agreement between the City of Naperville and MAP Ch. # 744.  
Enactment No.: RES 19-023  
**Adopted**
- 19.** Approve the fireworks display application and issue a permit for the June 29, 2019 display at White Eagle Golf Club  
**Approved**

## **J. PUBLIC HEARINGS:**

1. Conduct the Public Hearing for Substantial Amendment #1C to the Community Development Block Grant (CDBG) Program Year 2018 Annual Action Plan to revise project scopes and reallocate funding for a total of \$185,832 (Item 1 of 2)

Chirico opened the Public Hearing at 8:20 p.m.

**A motion was made by Councilman Hinterlong, seconded by Councilman White, to close the Public Hearing for Substantial Amendment #1C to the Community Development Block Grant (CDBG) Program Year 2018 Annual Action Plan to revise project scopes and reallocate funding for a total of \$185,832. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

2. Approve Substantial Amendment #1C to the Program Year 2018 Community Development Block Grant Annual Action Plan in the amount of \$185,832 by canceling the Naperville Park District project and revising the award and scope of Naperville Elderly Homes, Little Friends, Inc., and Turning Pointe Autism Foundation projects (Item 2 of 2)

**A motion was made by Councilman Hinterlong, seconded by Councilman White, to approve Substantial Amendment #1C to the Program Year 2018 Community Development Block Grant Annual Action Plan in the amount of \$185,832 by canceling the Naperville Park District project and revising the award and scope of Naperville Elderly Homes, Little Friends, Inc., and Turning Pointe Autism Foundation projects. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

3. Conduct the Public Hearing for the Community Development Block Grant (CDBG) Program Year 2019 Annual Action Plan (Item 1 of 2)

Chirico opened the Public Hearing at 8:21 p.m.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to close the Public Hearing for the Community Development Block Grant (CDBG) Program Year 2019 Annual Action Plan. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

4. Approve the Program Year 2019 Annual Action Plan allocating \$687,016 in Community Development Block Grant (CDBG) funds (Item 2 of 2)

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to approve the Program Year 2019 Annual Action Plan allocating \$687,016 in Community Development Block Grant (CDBG) funds. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

## **K. OLD BUSINESS:**

## **L. ORDINANCES AND RESOLUTIONS:**

1. Pass the ordinance amending Chapter 7 (Tattooing and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code.

DiSanto explained the challenge of differentiating between microblading and tattooing and the recent litigation in this area.

Alicia Williams, explained the difference between microblading and tattooing, use of equipment, and semi-permanent versus permanent.

Council discussed enforcement, procedure differentiation, dermis penetration, the opinion of tattoos in society, and the appropriateness of regulating a business that is not a threat to public health and/or safety.

Enactment No.: ORD 19-080

**A motion was made by Councilman Coyne, seconded by Councilwoman Sullivan, to pass the ordinance amending Chapter 7 (Tattooing and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code. The motion carried by the following vote:**

**Aye:** 6 - Chirico, Brodhead, Coyne, Hinterlong, Kelly, and Sullivan

**Nay:** 2 - Gustin, and White

**Absent:** 1 - Krummen

**A motion in substitution was made by Councilwoman Gustin, seconded by Councilman White, to pass the ordinance amending Chapter 7 (Tattooing and Body Piercing) of Title 4 (Health and Sanitation) of the Naperville Municipal Code to allow for microblading only. The motion failed by the following vote:**

**Aye:** 3 - Chirico, Gustin, and White

**Nay:** 5 - Brodhead, Coyne, Hinterlong, Kelly, and Sullivan

**Absent:** 1 - Krummen

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

1. Approve the award of Cooperative Procurement 19-156, Unit 322 Ladder Truck Replacement, to Global Emergency Products for an amount not to exceed \$1,350,000

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to approve the award of Cooperative Procurement 19-156, Unit 322 Ladder Truck Replacement, to Global Emergency Products for an amount not to exceed \$1,350,000. The motion carried by the following vote:**



**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

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

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

1. Concur with the Special Events Team recommendation to approve re-opening the 2019 Special Events Calendar and issue Special Event and Amplifier permits for the first annual Yuletide Fest and Fair at Naper Settlement scheduled for three weekends in December 2019

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to concur with the Special Events Team recommendation to approve re-opening the 2019 Special Events Calendar and issue Special Event and Amplifier permits for the first annual Yuletide Fest and Fair at Naper Settlement scheduled for three weekends in December 2019. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

2. Concur with the Special Events Team's recommendation to re-open the 2019 Special Events calendar, pass the ordinance establishing temporary street closures, issue Special Event and Amplifier permits for the WGN Morning News Block Party scheduled for Friday, July 12, 2019, and allocate a CY19 SECA Grant Fund award toward City services charges as appropriate.

Enactment No.: ORD 19-081

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to concur with the Special Events Team's recommendation to re-open the 2019 Special Events calendar, pass the ordinance establishing temporary street closures, issue Special Event and Amplifier permits for the WGN Morning News Block Party scheduled for Friday, July 12, 2019, and allocate a CY19 SECA Grant Fund award toward City services charges as appropriate. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

3. Concur with the SECA Commission and deny the Naperville Heritage Society request for \$15,000 in SECA Grant funding for additional holiday lighting at the Naper Settlement

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to concur with the SECA Commission and deny the Naperville Heritage Society request for \$15,000 in SECA Grant funding for additional holiday lighting at the Naper Settlement. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Kruppen

4. Concur with the recommended parameters of the Ogden Avenue Pole Sign Replacement Grant Program and pass the resolution authorizing certain relief from Section 6-16-5 (Signs on Commercial and Institutional Property).

Enactment No.: RES 19-024

**A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, to concur with the recommended parameters of the Ogden Avenue Pole Sign Replacement Grant Program and pass the resolution authorizing certain relief from Section 6-16-5 (Signs on Commercial and Institutional Property). The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Kruppen

5. Approve the Commuter Parking and Access Work Plan

Louden gave a brief presentation explaining that staff conducted a comprehensive review of current commuter parking and access programs. She said individual meetings were held with each City Council member to discuss past policy direction pertaining to commuter parking supply, the current commuter parking system and management approach, and operational challenges and concerns.

She highlighted work plan goals including modifying the permit holder registration requirements and eliminating the carpool program to eliminate the potential for secondhand permit transfers, regularly auditing permit holders to eliminate the potential for secondhand permit transfers, improving permit offer acceptance rates by requiring active account management to discourage people from unnecessarily remaining on the waitlists, encouraging permit holders who no longer have a regular commuting need to cancel their permits, encourage higher utilization of the Route 59 Metra Station, and implementing technology to allow commuters to make space reservations online.

Council discussed the demolition of the Water Tower West (WTW) facility and the impact on the proposed commuter work plan, permit costs, programs used by other municipalities, the importance of adding parking spaces, and the need for follow up data after changes have been implemented.

Louden stated that staff prefers WTW spaces be daily fee and \$2/space is being used in the current analysis.

Krieger explained why the demolition of WTW is being recommended, that bids have been received, the property would provide temporary parking solution and can be used a staging area for commuters during 5th Avenue development.

Jim Hill, Naperville, spoke against the proposed work plan.

Marilyn Schweitzer, Naperville, suggested several additional focus areas for the

work plan.

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to approve the Commuter Parking and Access Work Plan. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Kruppen

The meeting recessed from 9:25 p.m. - 9:31 p.m.

- 6.** Approve changes to the composition of the 5th Avenue Steering Committee, as presented, and direct staff to add discussion of the six 5th Avenue Project outstanding issues to the June 18, 2019 City Council agenda.

Jim Hill, Naperville, suggested councilmembers be appointed as non-voting committee members.

DiSanto clarified that a number of boards/commissions allow councilmembers to vote.

Marilyn Schweitzer, Naperville, spoke against the proposal and asked Council to reset the priorities.

Andres Susarret, Naperville, suggested that a representative from the Naperville Environmental Sustainability Task Force be included on the steering committee.

Council discussed the appropriateness of allowing councilmembers to vote at the board/commission or committee level, the desire to keep the committee at a manageable size, and encouraging people to attend and speak at the public meetings even if they are not on the committee.

Jeffrey Havel, Naperville, offered suggestions for the development such as retail mix and sustainability.

Jennifer Taylor, Naperville, spoke against high density development and additional traffic congestion.

Arres explained that additional police resources were stationed in the 5th Avenue area but were reassigned so as to not influence the study.

Council discussed the appropriateness of having Ryan continue to facilitate the meetings, whether staff should facilitate the meetings going forward, the need to build confidence in the process and have staff recommend roles and definitions for leading the meetings, and emphasized that the Steering Committee is an advisory group and that Council may not concur with recommendations.

Council discussed whether a refresher workshop would be beneficial and if the new Steering Committee should meet prior to a workshop.

**A motion was made by Councilwoman Sullivan, seconded by Councilman Hinterlong, to approve changes to the composition of the 5th Avenue Steering Committee as amended to require councilmembers have non-voting authority and that staff facilitate meetings. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

**A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to add discussion of the six 5th Avenue Project outstanding issues to a workshop agenda on a date to be determined by staff. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

#### **P. NEW BUSINESS:**

#### **Q. ADJOURNMENT:**

**A motion was made by Councilman Hinterlong, seconded by Councilman White, to adjourn the Regular City Council Meeting of June 4, 2019 at 10:27 p.m. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Sullivan, and White

**Absent:** 1 - Krummen

/S/ Pam Gallahue  
Pam Gallahue, PhD  
City Clerk