



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes - Draft

City Council

Tuesday, February 15, 2022

7:00 PM

Council Chambers

Agenda Introductory Language

Due to the COVID-19 pandemic, members of the public attending the meeting may do so subject to compliance with COVID-19 safety protocols, including wearing face coverings at all times while inside City buildings.

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>

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council in-person in City Council Chambers, members of the public must register by 4 p.m. on February 15 at: www.naperville.il.us/speakersignup

The public may choose to provide public comment in any of the following ways:

1. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on February 15. Written comments will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of comments will be announced during the City Council meeting.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item. The names of participants who submitted position statements will be compiled and posted with the electronic meeting agenda on the City's website prior to the start of the meeting. The cumulative number of position statements will be announced during the City Council meeting.
3. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on February 15. Online sign-up closes at 4 p.m. on February 15, at which time no other speakers or comments will be accepted. There will be no on-site speaker sign up.

PUBLIC ACCOMMODATION:

- Any individual who may require an accommodation to listen to or participate in the meeting should contact the Community Services Department at (630) 305-5300 by 4 p.m. on February 15.
- Questions regarding online sign-up may be directed to the Community Services Department 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 6:01 p.m.

B. ROLL CALL:

- Present:** 8 - Mayor Steve Chirico
Councilman Jennifer Bruzan Taylor
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White
- Absent:** 1 - Councilwoman Patty Gustin

C. CLOSED SESSION - 6:00 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilman White, to recess to Closed Session to discuss 120/2(c)(1) Performance of a Specific Individual, 120/2(c)(11) Pending Litigation and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

- Aye:** 8 - Chirico, Bruzan Taylor, Hinterlong, Holzhauer, Kelly, Leong, Sullivan, and White

Absent: 1 - Gustin

OPEN SESSION - 7:00 p.m.

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

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilman Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; Deputy City Clerk, Nancy Bright; Fire Chief, Mark Puknaitis; Police Chief, Jason Arres; Director of Finance, Rachel Mayer; Director of Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Brian Groth; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski, Director of Communications, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

Pledge given

F. AWARDS AND RECOGNITIONS:

1. Recognize the 125th anniversary of the Naperville Woman’s Club

Councilwoman Gustin presented the Proclamation to members of the Naperville Women's Club.

G. PUBLIC FORUM:

No speakers.

H. CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR THE CONSENT AGENDA:

A motion was made by Councilman Hinterlong, seconded by Councilwoman

Gustin, to use the Omnibus method to approve the Consent Agenda. The motion carried by a voice vote.

I. CONSENT AGENDA:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve the Consent Agenda with the exception of the following items: I20 and I25. The motion was carried by the following vote:

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

1. Approve the Cash Disbursements for the period of 01/01/2022 through 01/31/2022 for a total of \$28,715,246.08
Council approved.
2. Approve the regular City Council meeting minutes of February 1, 2022
Council approved.
3. Approve the City Council meeting schedule for March, April and May 2022
Council approved.
4. Approve the award of Phase Two to Contract 17-056, Cityworks Upgrade and Enhancement Project, to POWER Engineers, Inc. for an amount not to exceed \$778,801.22 and a total award of \$2,073,907.88 and for an additional 90 days
Council approved.
5. Approve the award of Cooperative Procurement 22-083, Vehicle Replacements, for Unit 158 (2013 Ford Utility Interceptor), 166 (2017 Dodge Charger), and 184 (2017 Ford Utility Interceptor) to Sutton Ford for an amount not to exceed \$114,912
Council approved.
6. Approve the award of Procurement 22-092, Fire Stations 5 & 6 Overhead Door Replacement - Phase V, to Allied Door, Inc. for an amount not to exceed \$277,342.33, plus a 5% contingency
Council approved.
7. Approve the award of Bid 22-007, Bridge and Retaining Wall Railing Maintenance, to Crossroad Construction for an amount not to exceed \$108,470, plus a 5% contingency
Council approved.
8. Approve the award of Bid 22-008, 2022 Small Diameter Sanitary Sewer Main Lining CIPP Rehabilitation, to Visu-sewer Clean & Seal, Inc. for an amount not to exceed \$539,298.30 and a 3% contingency

Council approved.

9. Approve the award of Bid 22-030, 2022 Northeast Waterworks Phase 1 Improvements, to Dahme Mechanical Industries for an amount not to exceed \$999,888.77 and a 3% contingency

Council approved.

10. Approve the award of Bid 22-038, Tree Planting, to The Fields on Canton Farm, Inc for an amount not to exceed \$482,000, and for a one-year term

Council approved.

11. Approve the award of Bid 22-043, Sodium Hypochlorite 12.5% Solution, to Rowell Chemical Corporation for an amount not to exceed \$179,270 for a 21-month term

Council approved.

12. Approve the award of RFP 21-355, Tollway Substation Reliability Upgrade, to Sargent & Lundy, LLC for an amount not to exceed \$339,240

Council approved.

13. Approve the award of RFQ Work Order 17-122-TED-2201, Phase III Downtown Streetscape Improvements, to Civiltech Engineering Inc. for an amount not to exceed \$395,094.00

Council approved.

14. Approve the award of Change Order #1 to Contract 21-232, 2021 New Sidewalk Improvements Program, to Triggi Construction for an amount not to exceed \$13,153.00 and a total award of \$252,711.00

Council approved.

15. Approve the award of Change Order #1 to Contract 21-221, Relay Upgrade Engineering, to SynchroGrid Limited, LLC for an additional one year

Council approved.

16. Approve the award of Change Order #4 to Contract 16-135, North Aurora Road Underpass Design, to TranSystems, Inc. for an amount not to exceed \$60,311.00 and a total award of \$2,267,359.35

Council approved.

17. Approve the award of Option Year One to Contract 20-036, Street Sweeping Services, to Lakeshore Recycling Systems LLC for an amount not to exceed \$187,125

Council approved.

18. Approve the award of Option Year Two to Contract 18-022, Motor Fuel Tank Wagon, to

Heritage FS, Inc. for an amount not to exceed \$165,000

Council approved.

19. Accept the public underground, street and streetlight improvements associated with Costco Wholesale Ogden Avenue and Emerson Park Phase 1 & 2 and authorize the City Clerk to reduce the corresponding public improvement surety

Council approved.

20. Conduct the first reading of the ordinance amending Title 1 (Administrative), Chapter 11 (Comprehensive Plan) of the Naperville Municipal Code to adopt a new Land Use Master Plan - PZC 19-1-134

Max W. Coolidge II - Asked for clarification on land use, was unclear whether hotels could change ownership since hospitality use would no longer be allowed in the corridor and mentioned a grammatical error.

Mike Siuruk - Owns parcels in the east sector along Plank Road and Naper Boulevard and doesn't want his parcels to change from neighborhood center to medium-density residential zoning.

Laff explained the process for requesting a deviation from the Land Use Master Plan from the Planning and Zoning Commission and City Council.

Council discussed the limited ingress and egress of Naper Boulevard, proposed residential developments, and accessory dwelling units.

A motion was made by Councilwoman Gustin, seconded by Councilman Holzhauer to direct staff to provide for Council consideration an option changing the property referenced by Mike Siurek from medium density to neighborhood center in the the land use master plan ordinance when it comes back to Council for final action. The motion carried by a voice vote.

21. Waive the first reading and pass the ordinance amending Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 3-3-8 (Personnel Restrictions for Liquor Licenses) and Section 3-3-12 (Additional Liquor License Restrictions) of the Naperville Municipal Code to require Naperville BASSET training, fingerprinting and background checks, and dram shop insurance from third-party promoters as well as making third-party promoters liable for their employees' actions (requires six positive votes)

Enactment No.: ORD 22-013

Council passed.

22. Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the St. Paddy's Day 5K and the St. Patrick's Day Parade on Saturday, March 12, 2022

Enactment No.: ORD 22-014

Council passed.

23. Pass the ordinance amending Title 6 (Zoning Regulations) of the Naperville Municipal Code regarding the ORI zoning district - PZC 21-1-144

Enactment No.: ORD 22-015

Council passed.

24. Pass the ordinance granting a variance to reduce the amount of required off-street parking for the property located at 2012 Corporate Lane unit 140 - PZC 21-1-133

Enactment No.: ORD 22-016

Council passed.

25. Adopt the resolution supporting State of Illinois House Bill 3125 requiring newly built or extensively renovated residential buildings make all parking spaces electric vehicle capable

Bruce Jones (NEST, FVEAA, and Climate Reality Chicago Metro) spoke in favor of the resolution.

Council discussed how the bill affects single family residential homes and commercial buildings, how much structure is enough, affordability in low income housing, differing outlet needs for various brands of vehicles, whether the Building Board of Review should weigh in, and whether Naperville should continue to write their own ordinance.

A motion was made Councilman Holzhauer, seconded by Councilman White to direct staff to draft a new resolution incorporating Council's comments, stripping reference to the specific bill number and stating that Council supports those goals and a statewide standard to be adopted by the Illinois legislature. The motion was approved by a voice vote.

J. PUBLIC HEARINGS:

1. Conduct the public hearing for the Community Development Block Grant (CDBG) Program Year 2022 Annual Action Plan (Item 1 of 2)

Mayor Chirico opened the public hearing at 8:11 p.m.

A motion was made by Councilwoman Gustin, seconded by Hinterlong to close the Public Hearing at 8:12 p.m. The motion was approved by Voice Vote.

2. Approve the Community Development Block Grant (CDBG) Program Year 2022 Annual Action Plan allocating \$565,000 (Item 2 of 2)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong to approve the Community Development Block Grant (CDBG) Program Year 2022 Annual Action Plan allocating \$565,000. The motion carried by the following vote:

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

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

Meeting went into Recess at 9:31 p.m.

Meeting Reconvened at 9:36 p.m.

- Option A:** Concur with the applicant and direct staff to draft an ordinance to designate the property located at 34 South Washington Street (Kroehler YMCA) as a landmark - HPC 21-4482;

or

- Option B:** Concur with the Historic Preservation Commission and deny the landmark application for 34 South Washington Street (Kroehler YMCA) - HPC 21-4482

Becky Simon (Naperville Preservation) made a presentation about Naperville Preservation's mission and YMCA's presence in the community from 1910-2020.

Jane Burke (Petitioner - Naperville Preservation) discussed reasons why the YMCA meets the landmarking requirements including maintaining a sense of history in the neighborhood. She advocated for adaptive re-use/re-purposing for the building and renovating the inside while retaining the building exterior would meet the City's environmental sustainability goal.

Scott Day (attorney for YMCA) stated that historic preservation was not requested by YMCA, asked that Naperville Preservation withdraw their request and that the City uphold Historic Preservation Commission's decision.

He explained the hardship and financial losses the YMCA experienced before closing, the expense of putting the building on the market, their cooperation in marketing the property for uses acceptable under the Naperville 2030 Plan and the Central Park Plan, and the loss of time during the Historic Preservation review while they were under contract for the sale of the property.

The Naperville Preservation request wants to landmark the only 1910 portion of the building less than 50% of building, an area not seen by the public since 1973. The building currently has mismatched architectural style. The top three RFQ respondents require demolition as a condition of purchase. Retaining the building would reduce the value by 30-50% and limit interest in site. Allowing new development can add interesting streetscape architectural feature to Central Park area.

Philip Buchanan (Naperville Preservation) stated that the building met preservation requirements including being over 50 years old, being on the federal register, residents having favorable memories of the building, and is surrounded by historic buildings.

Peter Fissinger (YMCA) owns a home in the historic district, served the Historic Preservation Commission and sat on the YMCA board. He said the YMCA will use proceeds from the property sale to provide services from other YMCA facilities in Naperville.

Mark Urda (former Historic Preservation Commissioner) asked to table the item to allow Gorman & Company to evaluate the property use as affordable housing and adaptive re-use.

Marilyn L Schweitzer spoke in favor of adaptive use. She stated that the YMCA is a valued building that sits between two other landmark buildings, that Naperville is deficient in affordable housing and the building should be reused for housing. She stated that the proposed development will maximize footprint and height and have a street wall.

Council asked Mark Urda questions about delaying the vote to allow Gorman & Company to submit a bid.

Mr. Urda suggested the City purchase the property and partner with Gorman to retain the building and develop affordable housing on the site.

Scott Day (attorney for YMCA) rebutted that YMCA is about people served and programs provided not a property. He stated that building shouldn't be landmarked for nostalgia only for architectural significance. He stated that Mr. Urda suggested that the City landmark and buy the property to procure a historic preservation grant to do affordable housing which is a not the mission of the Illinois loan and grant program.

Bill Simon (Petitioner - Naperville Preservation) stated that structure has historical significance. He spoke about adaptive re-use developers who might be interested, examples of re-use of other local buildings and presented a rendering incorporating the historic part of the YMCA into new construction.

Council asked what building parts the new owner wanted to retain for the new structure and the cost for remediation of the existing building.

Tom Miers (YMCA) said the cornerstone and the lintel would be re-used.

Basil Fitzsimons (VP of Real Estate for YMCA of Metropolitan Chicago) stated there are \$6 million of deferred maintenance.

Jeff Leitz (Charles Vincent George Architects) stated it would cost \$13 million to bring up to Y standards based on a 2013 study and today's costs would be more.

Council discussed the completed YMCA RFQ process and selection, landmarking buildings without the owners consent and the cost of the delay to the YMCA.

A motion was made by Councilwoman Gustin, seconded by Councilman Holzauer to concur with the Historic Preservation Commission and deny the landmark application for 34 South Washington Street (Kroehler YMCA) - HPC 21-4482. The motion was carried by the following vote:

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

Nay: 1 - Kelly

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Bid 22-035, 2022 Downtown Streetscape Construction Project, to RW Dunteman Company for an amount not to exceed \$4,888,897.46, plus a 3% contingency

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong to approve the award of Bid 22-035, 2022 Downtown Streetscape Construction Project, to RW Dunteman Company for an amount not to exceed \$4,888,897.46, plus a 3% contingency. The motion was carried by the following vote:

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

2. Approve the award of Option Year Three to Contract 18-025, Motor Fuel, to Luke Oil for an amount not to exceed \$1,000,000

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong to approve the award of Option Year Three to Contract 18-025, Motor Fuel, to Luke Oil for an amount not to exceed \$1,000,000. The motion carried by the following vote:

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

3. Approve the award of Cooperative Procurement 22-064, Public Works Service Center Roof Restoration, to Garland/DBS Inc. for an amount not to exceed \$2,293,110 and a 3% contingency and for a three-year term

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong to approve the award of Cooperative Procurement 22-064, Public Works Service Center Roof Restoration, to Garland/DBS Inc. for an amount not to exceed \$2,293,110 and a 3% contingency and for a three-year term. The motion carried by the following vote:

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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Receive the Water Rate Affordability Report and direct staff to develop a Utility Assistance Program

Council discussed continuing to base the grant program on financial need, have Loaves and Fishes administer it for the City, to review the grant qualifications to make it more accessible and increase publicity.

A motion was made by Councilwoman Gustin, seconded by Councilman White to receive the report on utility rate assistance. The motion carried by a voice vote.

P. NEW BUSINESS:

Public Works - Snow Storm

Dublinski talked about the upcoming weather shift from melt to rain and snow. He warned of potential flooding and outlined the City's operation plan.

Council asked residents to clear storm drains and help senior citizens by shoveling their snow.

Landmarking requests by third parties

Council discussed the landmarking process, property owner rights, incentives and possible changes. Council directed staff to research best practices for historic preservation and report to Council in the summer.

Q. ADJOURNMENT:

Councilman Hinterlong made a motion, seconded by Councilman Holzhauer to adjourn the Regular City Council Meeting of February 15, 2022 at 10:14 p.m. The motion carried by a voice vote.

/S/ Nancy Bright
Nancy Bright
Deputy City Clerk