



Meeting Minutes

City Council

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Tuesday, September 6, 2022

7:00 PM

Council Chambers

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Agenda Introductory Language

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-Astound, 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 September 6 at: [www.naperville.il.us/speakersignup](http://www.naperville.il.us/speakersignup)

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

1. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on September 6. 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 September 6.  
Online sign-up closes at 4 p.m. on September 6, 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 September 6.
- 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 5:45 p.m.

**B. ROLL CALL:**

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

**C. CLOSED SESSION - 5:45 p.m.**

**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. The motion carried by the following vote:**

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

**Absent:** 1 - Kelly

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:00 p.m.

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

**D. ROLL CALL:**

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; Director of Community Services/City Clerk, Pam Gallahue; 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:**

The pledge was given.

**F. AWARDS AND RECOGNITIONS:**

**G. PUBLIC FORUM:**

VA Guaranteed Loan

Chuck Vlakika (Naperville resident, veteran) stated that he was not approved for the purchase of a townhome by a homeowner's association because of a VA Guaranteed Loan.

LaCloche took the speaker's information and will follow up.

Safe Suburbs USA

Kenn Miller (Naperville) discussed the Public Safety Awards breakfast on September 22.

Ordinances and code enforcement and updating

John Pfeuffer (Neighbors in SayBrook on 14th Ave) asked Council to revisit regulating food truck vending.

Ranch View Area Community Assistance  
Wesley Gosselink explained clean-up and remediation activities and asked for assistance finding a funding partner.

Tornado clean-up  
Mike Rue (Naperville) shared experiences related to the aftermath of the June 2021 tornado.

The aftermath of Father's Day 2021 tornado  
Kevin W Austin (Naperville) shared experiences related to restoration efforts after the June 2021 tornado.

Ranch View Area Community Assistance  
Kelly Dougherty (Naperville) discussed efforts to form a 501(c)(3) partnership to assist with restoration.

Ranch View Area Community Assistance Group  
Kristy Kennedy (Naperville) discussed efforts to get help for residents after the tornado.

Council discussed the length of time to get a 501(c)(3), mission alignment, supply chain issues, and what can be taken by the haulers.

Dublinski said residents can always call Groot, that appropriate trucks will be sent for large pick ups, and that there may be an extra charge for some items.

Council discussed having staff promote the need for a non-profit to assist.

Schatz explained how the City assisted residents after the tornado.

Mayer explained that setting up a 501(c)(3) is not in the mission of the City, that there is no staff to support that assignment, and that staff could set up a program similar to the Utility Assistance Program.

## **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 approve the Consent Agenda with the exception of item I35. The motion carried by the following vote:**

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

**Absent:** 1 - Kelly

1. [Approve the regular City Council meeting minutes of August 16, 2022](#)

Council approved.

2. [Approve the release of certain designated Closed Session meeting minutes and continue to maintain the confidentiality of all other unreleased Closed Session meeting minutes](#)

Council approved.

3. [Approve the City Council meeting schedule for September, October and November 2022](#)

Council approved.

4. [Approve appointments to the Sister Cities Commission](#)

Council approved.

5. [Waive the applicable provisions of the Naperville Procurement Code and approve the award of a 15-month extension to Contract 16-266, Fixed Income Money Management Services, to PFM Asset Management, LLC and Loop Capital Asset Management - TCH LLC \(formerly Taplin, Canida & Habacht, LLC\) for an amount not to exceed \\$289,000 \(requires six positive votes\)](#)

Council approved.

6. [Waive the applicable provisions of the Naperville Procurement Code in order to establish pricing for the 2022-2023 winter season and award Procurement 22-251, Roadway Snow Removal, to certain contractors for an amount not to exceed \\$441,870 and for the period of October 1, 2022 through April 30, 2023 \(requires six positive votes\)](#)

Council approved.

7. [Approve the award of Bid 22-224, 2022 New Sidewalk Program, to Triggs Construction, Inc. for an amount not to exceed \\$304,684.26, plus a 5% contingency](#)

Council approved.

8. [Approve the award of Bid 22-229, Police Department Building Renovations - Phase I, to Proline Fence Company for an amount not to exceed \\$478,622, plus a 5% contingency](#)

Council approved.

9. [Approve the award of RFP 22-212, Springbrook Water Reclamation Center Influent Pump Station and South Plant Forcemain Improvements project, to CDM Smith, Inc. for an amount not to exceed \\$579,420](#)

Council approved.

10. [Approve the award of Cooperative Purchase 22-232, HP Enterprise Support, to Hewlett Packard Enterprise Company for an amount not to exceed \\$143,425.06](#)

Council approved.

11. [Approve the award of Cooperative Procurement 22-261, Decontamination Shower Trailer, to Comac Corporation \(dba NIU Toilet\) for an amount not to exceed \\$130,000](#)

**Council approved.**

12. [Approve the award of Option Year One to Contract 21-273, Cartage Services, to International Hauling for an amount not to exceed \\$178,750](#)

**Council approved.**

13. [Approve the award of Option Year One to Contract 19-084, Skype/Teams Conference Room Technology Design, Installation & Support, to AVI-SPL LLC for an amount not to exceed \\$200,000](#)

**Council approved.**

14. [Approve the award of Option Year Two to Contract 19-262, Specialty Winter Operations Services, to Beverly Snow and Ice Inc. for an amount not to exceed \\$467,136](#)

**Council approved.**

15. [Approve the award of Change Order #1 to Option Year 1 of Contract 19-273, Traffic Signal and Street Light Maintenance, to Meade, Inc. for an amount not to exceed \\$96,487.97 and a total award of \\$873,314.51](#)

**Council approved.**

16. [Approve the award of Change Order #1 to Contract 21-241, Excavation & Underground Utility Repair, to Baish Excavating Inc., IHC Construction Companies, LLC and Unique Plumbing Company for an amount not to exceed \\$137,000 and a total award of \\$350,572](#)

**Council approved.**

17. [Approve the award of Change Order #1 to Contract 20-020, Tree Trimming, Removal and Debris Disposal, to Lewis Tree Service for an amount not to exceed \\$279,004 and a total award of \\$2,137,104](#)

**Council approved.**

18. [Approve the award of Change Order #1 to Contract 21-391, Molded Rubber and Cold Shrink Products, to Fletcher-Reinhardt Company and Universal Utility Supply Company of Illinois for an amount not to exceed \\$40,000 and a total award of \\$155,919.20](#)

**Council approved.**

19. [Approve the award of Change Order #1 to Option Year Two of Contract 20-028, Insulated Conductors, to The Okonite Company for an amount not to exceed \\$791,600 and a total award of \\$2,991,600](#)

**Council approved.**

20. [Approve the award of Change Order #1 to Contract 21-376, Transmission Pole Painting.](#)

[to Morris Painting for an amount not to exceed \\$350,400 and a total award of \\$1,001,100](#)

**Council approved.**

21. [Adopt the resolution affirming roadway improvements proposed by the Illinois Department of Transportation at US Route 34 \(Ogden Avenue\) and Rickert Drive fit within the City of Naperville's development plans](#)

Enactment No.: RES 22-24

**Council adopted.**

22. [Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Water Street Long Table Dinner scheduled on Sunday, October 9, 2022](#)

Enactment No.: ORD 22-100

**Council passed.**

23. [Pass the ordinance approving a right-of-way encroachment license agreement to allow for the installation and operation of string lights over a portion of Water Street](#)

Enactment No.: ORD 22-101

**Council passed.**

24. [Receive the staff report for 419-423 S. Washington Street and 400 S. Main Street \(JC Licht/Walgreens\) - PZC 21-1-105 \(Item 1 of 4\)](#)

**This Report was received.**

25. [Pass the ordinance approving a variance to Section 6-16-3 \(Prohibited Signs\) to allow for the relocation of an existing, nonconforming ground sign - PZC 21-1-105 \(Item 2 of 4\)](#)

Enactment No.: ORD 22-102

**Council passed.**

26. [Pass the ordinance rezoning the subject property from B5 \(Secondary Downtown District\) to B4 \(Downtown Core District\) - PZC 21-1-105 \(Item 3 of 4\)](#)

Enactment No.: ORD 22-103

**Council passed.**

27. [Adopt the resolution affirming the applicability of Section 6-2-19 \(Existing Buildings and Structures\) and Section 6-9-1:1.6 \(Off-Street Parking/Scope and Application\) to the subject property following acquisition of additional right-of-way for the Downtown Washington Street Bridge Replacement Project - PZC 21-1-105 \(Item 4 of 4\)](#)

Enactment No.: RES 22-25

**Council adopted.**

28. [Pass the ordinance approving an agreement for the purchase and sale of real property and grant of temporary construction easement for 430 S. Washington Street](#)

Enactment No.: ORD 22-104

**Council passed.**

29. [Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, and encroachment license agreement pertaining to portions of property located at 506 S. Washington Street](#)

Enactment No.: ORD 22-105

**Council passed.**

30. [Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, grant of permanent easement agreement, and encroachment license agreement pertaining to portion of real property located at 8 W. Chicago Avenue](#)

Enactment No.: ORD 22-106

**Council passed.**

31. [Pass the ordinance authorizing execution of a purchase and sale agreement, temporary construction easement agreement, and reimbursement agreement pertaining to a portion of real property located at 419-423 S. Washington Street](#)

Enactment No.: ORD 22-107

**Council passed.**

32. [Pass the ordinance authorizing the execution of a purchase and sale agreement, temporary construction easement agreement, grant of permanent easement agreement, and encroachment license agreement pertaining to portions of real property located at 22 E. Chicago Avenue](#)

Enactment No.: ORD 22-108

**Council passed.**

33. [Approve the award of RFQ 20-336, Downtown Washington Street Bridge Improvements - Phase III Consultant Services, to Civiltech for an amount not to exceed \\$953,732 \(Item 1 of 2\)](#)

**Council approved.**

34. [Adopt the resolution approving a joint funding agreement with IDOT in the amount of \\$3,244,600 for appropriation of matching funds and downtown Washington Street bridge project construction and construction engineering services \(Item 2 of 2\)](#)

Enactment No.: RES 22-26



Council adopted.

35. [Table the resolution authorizing execution of the Affordable Senior and IDD Housing Major Business Terms between the City of Naperville and Gorman & Company, LLC to September 20, 2022](#)

Donielle Deering (Naperville) spoke in favor of the proposed development.  
Alex Kotas (those with IDD / Aurora-Naperville School District) spoke in favor of the proposed development.  
Mick Kostal (Naperville) spoke in favor of the proposed development.  
Pam Cahill (Naperville) spoke in favor of the proposed development.  
Troy Butler (Naperville) spoke in favor of the proposed development.  
Cheryl Butler spoke in favor of the proposed development.

**WRITTEN COMMENTS ONLY**

Sherry Healey - Gorman and Company, in partnership with Ray Graham Association, has committed to creating a model community, not just for individuals who need minimal supports, but including individuals with I/DD who have a wide range of support needs. They understand the need for seniors and individuals with I/DD to be active in the community and are engaged in ongoing conversation with families to understand the architectural elements of development and the social supports needed to facilitate this community involvement. As parents of a 28 year old with an intellectual disability, we are more than two years invested in this project, with more than two years to go, if approval is secured by council this month. If not, it will be at least another year, given the Housing Authority grant cycle deadlines. Affordable housing options, especially for seniors and adults with intellectual disabilities, is sorely lacking in Naperville. We have lived in Naperville for more than 30 years and have raised our family here. It is our hope that our oldest son, Michael will be able to continue to live in the community he knows, alongside his friends. He is only able to do so with support from a social service agency. The 2021 Naperville Strategic plan included a goal for providing Special Needs Housing and Supportive Services for 15 residents. The actual result was 1 and the actual need is significantly higher. It's critical that we move this project forward without delay. Thank you, Sherry, John and Michael Healey

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table the resolution authorizing execution of the Affordable Senior and IDD Housing Major Business Terms between the City of Naperville and Gorman & Company, LLC to September 20, 2022. The motion carried by a voice vote.**

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

**Absent:** 1 - Kelly

**J. PUBLIC HEARINGS:**

**K. OLD BUSINESS:**

**L. ORDINANCES AND RESOLUTIONS:**

1. [Conduct the first reading of the ordinance amending Section 10-8 of the Naperville Municipal Code to establish a \\$900 administrative fee for registered owners of motor vehicles that engage in fleeing or attempting to elude a peace officer](#)

Arres explained that the initial offense is a misdemeanor, that there are consequences for behavioral choices, and that the administrative fee will allow the City to recoup staff costs associated with follow-up work.

Council stated that the data shows a significant increase since 2016, discussed state legislation regarding eluding, and how the fee would be assessed and notice delivered.

Arres discussed how the increase impacts department operations, that it may necessitate the addition of one FTE, that best practices across the country is to only pursue felonies, that the notice will be either hand-delivered by Police Department personnel or via certified mail, and that the recovered vehicles are rarely stolen.

Enactment No.: ORD 22-109

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to waive the first reading of the ordinance amending Section 10-8 of the Naperville Municipal Code to establish a \$900 administrative fee for registered owners of motor vehicles that engage in fleeing or attempting to elude a peace officer. The motion carried by the following vote:**

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

**Absent:** 1 - Kelly

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

1. [Approve the award of Bid 22-180, Southwest Wastewater Pump Station Rehabilitation, to Integral Construction Inc. for an amount not to exceed \\$1,332,000.00, plus a 3% contingency](#)

Council discussed the recommended vendor.

Blennis reviewed the process and highlighted that reference checks, interviews, and the review of personnel assignments and subcontractors were completed prior to recommending the award.

**A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of Bid 22-180, Southwest Wastewater Pump Station Rehabilitation, to Integral Construction Inc. for an amount not to exceed \$1,332,000.00, plus a 3% contingency.**

**A motion in substitution was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table approval of the award of Bid 22-180, Southwest Wastewater Pump Station Rehabilitation, to Integral Construction Inc. for an amount not to exceed \$1,332,000.00, plus a 3% contingency to September 20, 2022. The motion carried by the following vote:**

**Aye:** 7 - Bruzan Taylor, Gustin, Hinterlong, Holzauer, Leong, Sullivan, and White

**Nay:** 1 - Chirico

**Absent:** 1 - Kelly

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

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

### [Receive the report providing information related to a Responsible Bidder Ordinance](#)

Pat Richards (Carpenters Local 1889; Lisle) spoke in favor of a responsible bidder ordinance.

Dianne McGuire (Naperville) spoke in favor of a responsible bidder ordinance.

Joe Riley (DuPage County Building Trades; Lombard) spoke in favor of a responsible bidder ordinance.

Don Puchalski (Addison) spoke in favor of a responsible bidder ordinance.

Ryan Scheidt (Naperville) spoke in favor of a responsible bidder ordinance.

Dawn DeSart spoke in favor of a responsible bidder ordinance.

Sadia Covert (Naperville) spoke in favor of a responsible bidder ordinance.

Mike Mashal (Trine Construction Labor Union; St. Charles) spoke in favor of a responsible bidder ordinance.

Derek McDaniel (Naperville Area Chamber of Commerce; Naperville) spoke against a responsible bidder ordinance.

Council discussed current practices and quality assurance.

Krieger said all but two paragraphs in the sample ordinance are captured in the City's standard terms and conditions and that there have been no quality assurance issues from the current system.

Council discussed DuPage County awards and apprenticeship programs.

Riley stated that the majority of contracts are union.

Mayer discussed the sample ordinance, language regarding apprenticeship programs, and that Council would need to determine qualifications. She said criteria is left to the governing body and there is not a hard and fast rule of what should be included, that the prevailing wage is set at the state level, that the only thing different with an RBO would be requirement of an apprenticeship program, and there is no evidence that an RBO increases competition.

Council discussed award of I7 and M1, the amount of money between the award and second bidder, that there are no issues in Naperville, that an RBO would make procurement more restrictive, that it puts more pressure on the bidding process that already checks on the system, and that the RBO is a solution in search of a problem.

Council also discussed that apprenticeship programs can be union or non-union, that the City can phase the ordinance in to give time for companies to train people, and questioned why staff resources have been taken up on researching procedures they are already doing.

Mayer explained the Procurement Code is approved by the City Council, that it is not unduly restrictive, that it is written to encourage competition, and that the City hasn't seen a problem with awards. She said awards meet standards, the Code has served the City well and staff does not recommend adding more regulations during the most challenging procurement times ever due to the pandemic.

Council discussed more people may bid if low bidders are disallowed, that competition may be eliminated by raising prices, and components of apprenticeship programs.

Mayer explained that staff does require additional qualifications for some specifications when a higher skillset is necessary, but if an ordinance is done then staff would need to seek Council approval each time qualifications change.

Council discussed leveling the playing field to get the most qualified, maintenance and prevailing wage, that an RBO adds administrative costs, and the attached is a model ordinance and not a draft ordinance.

Krieger explained it takes three votes to place an item on the agenda and five to direct staff to take action.

**A motion was made by Councilman Hinterlong, seconded by Councilman Holzhauser, to direct staff to draft a City of Naperville RBO like the sample ordinance attached to the agenda item. The motion failed by the following vote:**

**Aye:** 4 - Hinterlong, Holzhauser, Sullivan, and White

**Nay:** 4 - Chirico, Bruzan Taylor, Gustin, and Leong

**Absent:** 1 - Kelly

## **P. NEW BUSINESS:**

Food trucks

Hinterlong asked for consensus to direct staff to bring the item back and create a permit process for food trucks.

There was not Council consensus and DiSanto said there are codes that can be enforced without having a specific type of permit.

## **Q. ADJOURNMENT:**

**A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of September 6, 2022 at 9:34 p.m. The motion carried by a voice vote.**

/S/ Pam Gallahue  
Pam Gallahue, PhD  
Community Services Director/City Clerk

