



Meeting Minutes

City Council

Tuesday, May 4, 2021

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

Agenda Introductory Language

Due to the COVID-19 pandemic the City of Naperville has been conducting City Council meetings remotely pursuant to a gubernatorial executive order and then pursuant to an amendment to the Illinois Open Meetings Act allowing public bodies to conduct meetings remotely during a state of emergency subject to certain requirements.

As of April 7, 2021, based on current State of Illinois COVID-19 safety protocols and gathering limits, Mayor Steve Chirico has determined that while it remains impractical and imprudent to return to traditional in-person meetings due to the pandemic and the continued declaration of a state of emergency by the Governor, a hybrid in-person/virtual meeting format should be adopted for City Council meetings. In this format, some City Council members are physically present in City Council Chambers at the Naperville Municipal Center, 400 S. Eagle St., and the remaining Council members are participating in the meeting via Zoom webinar technology. Members of the City Council not attending in person have notified the City Clerk of their intent to participate remotely due the pandemic. Members of the public who wish to attend the meeting remotely may continue to do so. Members of the public who wish to attend in person may do so subject to compliance with COVID-19 safety protocols, including face coverings and social distancing.

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 4 p.m. on May 4.

TO SUBMIT PUBLIC COMMENT OR SPEAK LIVE AT THE MEETING: To address the City Council either in-person in City Council Chambers or via Zoom and provide public comment, members of the public must register by 4 p.m. on May 4 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 May 4. 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 "OPPOSITON" 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 either in-person in City Council Chambers or virtually as a Zoom participant via spoken audio. Individuals wishing to address the Council during the meeting must sign up to speak by 4 p.m. on May 4 and must indicate whether they will speak in-person or virtually. Once signed up, individuals who wish to speak virtually will receive an email from the City Clerk's Office after 4 p.m. with information about how to join the virtual meeting. Those speaking in-person will be called during the agenda item they wish to speak on or in Public Forum. All COVID-19 safety protocols will be followed in Council Chambers, including requiring face coverings at all times, spaced seating to allow for social distancing, and sanitizing the speakers' podium in between each use. Current limits allow 50 people in Council Chambers at one time, including City Council members, City staff, and members of the public. If these limits are exceeded, staff may ask members of the public to cycle in and out of Council Chambers to adhere to these limits. The meeting will be broadcast in the lobby of the Naperville Municipal Center to allow the proceedings to be viewed at all times. Due to new technology in Council Chambers, individuals will be able to address all members of the City Council at once when they speak, regardless of the Council members' method of participating in the meeting.

- Online sign-up closes at 4 p.m. on May 4, 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 City Clerk at (630) 305-5300, by 4 p.m. on May 4.
- 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 5:45 p.m.

B. ROLL CALL:

- Present:** 8 - 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
- Absent:** 1 - Councilman Benjamin White

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)(8) Safety & Security Procedures; and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

Absent: 1 - White

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:00 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; 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 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; Deputy Director of Public Utilities - Water, Amy Reis; Water Reclamation Manager Public Utilities - Water, Joe Slevnik

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. [Proclaim May 2021 as Mental Health Awareness Month in Naperville](#)

Taylor presented the Proclamation.

SPEAKERS IN PERSON

Rev. Dr. Scott Mitchell thanked the Council for support.

2. [Proclaim May 6, 2021 as the National Day of Prayer in Naperville](#)

Gustin presented the Proclamation.

SPEAKERS IN PERSON

Chris Barr (Concerned Women for America) thanked the Council.

John Nelson thanked the Council.

Barry Gin (Living Water Evangelical Church) thanked the Council.

G. PUBLIC FORUM:

ZOOM SPEAKERS

Zero-waste pledge

Jocelyn James Freeman asked Council to commit to becoming a zero-waste community.

Congratulating Dr. Williams, DEI Manager

Regina Brent (Unity Partnership) discussed the diversity in government and welcomed the City's new DEI Manager.

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 the following vote:

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

I. CONSENT AGENDA:

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

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

1. [Approve the regular City Council meeting minutes of April 20, 2021](#)

Council approved.

2. [Approve the City Council meeting schedule for May, June & July 2021](#)

Council discussed the anticipated Bridge Phase for the state of Illinois, the appropriateness of hosting in-person meetings with no remote option beginning May 18 but continuing to accept emailed written comments and position statements, Phase 5 allowances, and that staff should develop a plan for full return to Council Chambers.

Council approved.

3. [Approve the award of Change Order #1 to Contract 19-199, Electronic Bill Payment, to FIS/Metavante for an amount not to exceed \\$126,500 and for a total award of \\$386,900](#)

Council approved.

4. [Approve the award of Change Order #2 to Contract 19-273, Traffic Signal and Street Light Maintenance, to Meade, Inc. for an amount not to exceed \\$48,406.44 and a total award of \\$835,290.53](#)

Council approved.

5. [Approve the award of Cooperative Procurement 21-192, Janitorial Supplies, to W.W. Grainger Inc. for an amount not to exceed \\$145,000 and for a one-year term](#)

Council approved.

6. [Approve the award of Cooperative Procurement 21-189, Unit 259 \(Tandem Axle Dump Truck\) Equipment Replacement, to JX Peterbilt for an amount not to exceed \\$229,964.48](#)

Council approved.

7. [Approve the award of Bid 21-016, 2021 Sanitary Manhole Replacement, to Sheridan Plumbing and Sewer for an amount not to exceed \\$188,175 plus a 5% contingency](#)

Council approved.

8. [Approve the award of Bid 21-018, Sanitary Sewer Manhole Upper Structure Lining, to Performance Pipelining Inc., for an amount not to exceed \\$266,104, plus a 5% contingency](#)

Council approved.

9. [Approve the award of Bid 21-008, 2021 South Waterworks Improvements Phase II and Northwest Waterworks Pumps 1 and 3 Improvements, to Dahme Mechanical Industries for an amount not to exceed \\$588,888, plus a 3% contingency](#)

Council approved.

10. [Approve the award of Bid 21-003, 2021 Crackfilling Program, to Denler Inc., for an amount not to exceed \\$359,110.12, plus a 5% contingency](#)

Council approved.

11. [Pass the ordinance approving a variance to permit a wall sign to be located on an accessory structure on the property located at 1515 N. Naper Blvd. - PZC 21-1-035](#)

Enactment No.: ORD 21-047

Council passed.

12. [Pass the ordinance granting a variance to permit a sunroom to encroach into the rear yard setback at 1163 Timberlane Court - PZC #21-1-024](#)

Enactment No.: ORD 21-048

Council passed.

13. [Pass the ordinance approving a variance to allow a deck to encroach into the required rear yard setback at 1126 Starlite Court - PZC 21-1-030](#)

Enactment No.: ORD 21-049

Council passed.

14. [Pass the ordinance to establish temporary traffic controls for the 2021 Memorial Day Parade on Monday, May 31 and issue a Special Event permit subject to all state and local Executive Orders and CDC guidelines](#)

Enactment No.: ORD 21-050

Council passed.

15. [Conduct the first reading of an ordinance amending Sections 3-3-3 \(Definitions\) and 3-3-11 \(Liquor License and Permit\) Chapter 3 \(Liquor and Tobacco Control\) Title 3 \(Business and License Regulations\) of the Naperville Municipal Code regarding consumption and the Class S1 license](#)

First reading held.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the award of Bid 21-005, 2021 Micro-surfacing Program, to AC Pavement](#)

[Striping Company for an amount not to exceed \\$1,164,536.00, plus a 3% contingency](#)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of Bid 21-005, 2021 Micro-surfacing Program, to AC Pavement Striping Company for an amount not to exceed \$1,164,536.00, plus a 3% contingency. The motion carried by the following vote:

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

2. [Approve the award of Bid 21-141, Julian Street Improvements, to Copenhagen Construction, for an amount not to exceed \\$3,113,187.98 plus a 3% contingency](#)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of Bid 21-141, Julian Street Improvements, to Copenhagen Construction, for an amount not to exceed \$3,113,187.98 plus a 3% contingency. 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 Bid 21-002, 2021 Street Resurfacing Program - City, to K-Five Construction, for an amount not to exceed \\$4,548,679.25, plus a 3% contingency \(Item 1 of 2\)](#)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of Bid 21-002, 2021 Street Resurfacing Program - City, to K-Five Construction, for an amount not to exceed \$4,548,679.25, plus a 3% contingency. The motion carried by the following vote:

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

4. [Adopt an IDOT resolution in the amount of \\$2,185,485.90 to allow expenditure of State Motor Fuel Tax dollars to fund the 2021 Street Resurfacing Program - City \(Item 2 of 2\)](#)

Enactment No.: RES 21-12

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adopt an IDOT resolution in the amount of \$2,185,485.90 to allow expenditure of State Motor Fuel Tax dollars to fund the 2021 Street Resurfacing Program - City. 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. [Consider the property owner's request to extend the deadline for the fire suppression installation agreement for 1111 S. Washington St. and direct staff to prepare an ordinance for approval](#)

Council discussed the deadline of April 2021, that with an extension the total agreement period would be 15 years, impact on the Fire Department, the need

for renovation, property taxes on an unoccupied building, retrofitting a sprinkler system, creating certain conditions that will trigger installation, and the staff recommendation of a two-year extension but if during that two-year period, the owner or tenant seeks to modify the interior of the building such that a building permit is required, or if there is a change in use, the sprinkler system would be installed at that time.

Janor (petitioner) discussed the preference for a three-year extension, impacts of the pandemic, and difficulty attracting a new tenant.

Council discussed being fair, the number of other extensions, and input received from the fire marshal.

Novack explained that if the extension is not granted, staff will work with petitioner to come into compliance in a reasonable amount of time. He said it will be a cooperative process followed by enforcement if necessary.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, extend the deadline for the fire suppression installation agreement for 1111 S. Washington St. for two years and direct staff to prepare an ordinance for approval. The motion failed by the following vote:

Aye: 3 - Chirico, Gustin, and Leong

Nay: 6 - Bruzan Taylor, Hinterlong, Holzhauser, Kelly, Sullivan, and White

2. [Receive the Water Utilities Capital Improvement Program presentation](#)

Blenniss, Reis, and Slevnik gave an overview of the wastewater treatment facility at Springbrook and discussed data showing additional capital investment is needed to meet regulatory compliance requirements as well as achieve service level goals

Council discussed phosphorous amounts, appropriate budget amounts and strategies, average phosphorous load, and state mandates.

Report received.

P. NEW BUSINESS:

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of May 4, 2021 at 9:09 p.m. The motion carried by the following vote:

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

/S/ Pam Gallahue
Pam Gallahue, PhD

City Clerk