



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, April 3, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 6:00 p.m.

B. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judy Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Kruppen
Councilwoman Rebecca Obarski
Councilman Benjamin White

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

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

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Kruppen, Obarski, and 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
Councilwoman Becky Anderson
Councilwoman Judy Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Kruppen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; Deputy 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, Jeff Anderson; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Director of Public Utilities - Water, Jim Holzapfel; 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:

1. Proclaim April as Autism Awareness Month

Councilman Coyne presented the Proclamation.

2. Proclaim April as Child Abuse Prevention Month

Councilman Coyne presented the Proclamation.

3. Proclaim April as Fair Housing Month

Councilman Coyne presented the Proclamation.

G. PUBLIC FORUM:

Ride Assist Naperville (RAN)

Karen Courney, Senior Task Force, provided a status report on RAN specifically highlighting number of drivers, registered riders, and number of rides provided.

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: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

I. CONSENT AGENDA:

Approval of the Consent Agenda

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with a change to item I5

correcting the name of the winning bidder to JA Johnson Paving Company and removing items I14 and I16. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

1. Approve the release of Not Restricted (NR) Closed Session minutes and concur with the recommendation to maintain Restricted (R) minutes confidential at this time
Council approved.
2. Approve the regular City Council meeting minutes of March 21, 2018
Council approved.
3. Approve the award of the second two-year extension to Contract 14-174, Natural Gas Broker, to Center Point Energy Services for an amount not to exceed \$486,026
Council approved.
4. Approve the award of of Bid 18-003, 2018 Crackfilling Program, to Denler Inc. for an amount not to exceed \$399,110, plus a 5% contingency
Council approved.
5. Approve the award of of Bid 18-004, 2018 Street Patching Program, to J.A. Paving Company for an amount of \$397,400, plus a 5% contingency
Council approved.
6. Approve the award of of Bid 18-006, 2018 Sidewalk Removal and Replacement Program, to Whiteline Construction Inc. for an amount of \$514,022, plus a 3% contingency (Item 1 of 2)
Council approved.
7. Pass the ordinance approving the 2018 Sidewalk Removal and Replacement Property Owner's Cost Sharing Program (Item 2 of 2)
Enactment No.: ORD 18-029
Council passed.
8. Approve the award of Bid 17-244, Substation Protection Upgrade Materials, to A Star Electric/Schweitzer Engineering Laboratories for an amount not to exceed \$367,256.86
Council approved.
9. Approve the award of Sole Source Procurement 18-099, Distribution Automation Equipment, to Universal Utility Supply Company for an amount not to exceed \$140,700
Council approved.

10. Approve the award of Bid 18-078, Heavy Duty Truck Body Repair and Painting (Re-Bid), to Rush Truck Center of IL for an award amount not to exceed \$104,940
- Council approved.**
11. Approve the award of Change Order #1 to Contract 17-038, Bill Print and Mail Services, to AB Data for an amount not to exceed \$23,142 and a total award of \$225,142
- Council approved.**
12. Approve the award of Change Order #1 to Contract 16-219, Temporary Employment Services, to Futurenet Group, LaSalle Network, Sentinel Technologies, and Stivers Staffing Services for an amount not to exceed \$40,000 and a total award of \$139,000
- Council approved.**
13. Accept the public underground improvements at Emerson Park and authorize the City Clerk to reduce the corresponding public improvement surety
- Council approved.**
14. Pass the ordinance approving variances to Section 6-16-5:2.2.1 (Ground Signs: Number) and Section 6-16-5:2.2.5.3 (Setbacks: Interior Property Line) of the Naperville Municipal Code in order to install a monument sign on the subject property located at 620 N. Washington PZC 17-1-140
- Enactment No.: ORD 18-033
- A motion was made by Councilwoman Obarski, seconded by Councilman Hinterlong, to pass the ordinance as amended to read: Pass the ordinance approving variances to Section 6-16-5:2.2.1 (Ground Signs: Number) and Section 6-16-5:2.2.5.3 (Setbacks: Interior Property Line) of the Naperville Municipal Code in order to install a monument sign on the subject property located at 620 N. Washington PZC 17-1-140 with changes prohibiting the installation of a monument sign on the adjacent property at 616 N. Washington and the correction in the seventh whereas clause to read "the setback from the southern property line from 17' to 15' 10 ½" and the setback from the northern property line from 31' to 32' 5 ½". The motion carried by the following vote:**
- Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White
15. Pass the ordinance approving a minor change to an existing conditional use to allow expansion of an adult daycare at the Iroquois Center located at 1163 E. Ogden Avenue, PZC 18-1-011
- Enactment No.: ORD 18-030
- Council passed.**
16. Deny the petitioner's request for approval of a temporary use for a period of eight

months to allow three donation structures to be located at the Riverbrook Shopping Center, 1523 North Aurora Road

Maryann Bryan, JDRF, spoke in favor of the donation collection center.

Lindsay Riley, JDRF, spoke in favor of the donation collection center.

Laff explained that the City is supportive of donation bins but the concern is with the proposed intensity and that it violates several sections of the Code. She said staff supports the standard set-up of a stand alone bin and discussed the trailer, attendant hut and traditional donation bin, and that the petitioner is not required to give notification to other tenants.

Council discussed collection pick-up times, appearance, the smaller version of the trailer, whether complaints have been received at other locations, attendant huts and unattended donation bins, and that the petitioner should partner with staff to implement what has been acceptable in the City.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the petitioner's request for approval of a temporary use for a period of eight months to allow two donation structures, one being the City-approved 12' structure, to be located at the Riverbrook Shopping Center, 1523 North Aurora Road. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

17. Pass an ordinance repealing and replacing Sections 6-13, 9-1A, 9-1B, 9-1C, 9-1E-7, 9-1F-1, 9-1F-23 of Naperville Municipal Code pertaining to telecommunications facilities on both private and public properties and in the right-of-way

Enactment No.: ORD 18-031

Council passed.

18. Waive the first reading and pass the ordinance adopting the current version of the Illinois State Plumbing Code with the same amendments previously approved within Title 5 (Building Regulations), Chapter 1 (Building Codes), Article E (Plumbing Code) of the Naperville Municipal Code. (Requires six (6) positive votes)

Enactment No.: ORD 18-032

Council passed.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Change Order #1 to Contract 16-244, Cable Injection Services, to

Novinium Inc. for an amount not to exceed \$1,600,000 and a total award amount of \$3,600,000, plus a 3% contingency

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

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

2. Approve the award of Bid 18-036, Edward Hospital Substation Power Transformers, to Niagara Transformer Corporation for an amount not to exceed \$1,202,072, plus a 5% contingency

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

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

3. Adopt an IDOT Resolution in the amount of \$3,048,323.50 to allow expenditure of State Motor Fuel Tax dollars to fund 2018 Street Resurfacing Program - MFT (Item 1 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adopt the resolution. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

4. Approve the award of of Bid 18-001, 2018 Street Resurfacing Program-MFT, to D Construction for an amount of \$3,048,323.50, plus a 3% contingency (Item 2 of 2)

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

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

5. Approve the award of of Bid 18-002, 2018 Street Resurfacing Program-City, to K-Five Construction for an amount of \$3,125,538.50, plus a 3% contingency

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

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

6. Approve the award of of Bid 18-005, 2018 Microsurfacing Program, to AC Pavement Striping Co. for an amount of \$1,578,455.00, plus a 3% contingency

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

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the City Council meeting schedule for April, May and June, 2018 and provide input as to month, day of week and location for Council Rules Workshop.

Krieger discussed scheduling the Council Rules Workshop on a Saturday, potential locations, and topics including new member orientation, clarifying rules, drafting changes to rules, and the opportunity to have hands-on training in Granicus and the Open Data Portal.

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

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

2. Receive the Magellan Advisors Broadband Evaluation and Plan and direct staff to proceed with implementing the recommendations contained in the report

Krieger clarified the "pursue strategic partnerships" action item, explained the appropriateness of issuing a Request for Information (RFI), and the role of the Smart Cities Steering Committee in the review of RFI responses.

A motion was made by Councilwoman Obarski, seconded by Councilwoman Gustin, to receive the Magellan Advisors Broadband Evaluation and Plan and direct staff to proceed with implementing the recommendations contained in the report including the issuance of an RFI to potential telecommunications partners. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

3. Review options related to regulating pedal pub operations in Naperville and provide direction to staff regarding preferred course of action

Krummen recused himself due to a conflict of interest and left the dais from 7:55 p.m. - 8:28 p.m.

Shane Dunn, Pedal Pub-Minneapolis, spoke in favor of incorporating pedal pub operations in Naperville.

Council discussed other cities that have pedal pub operations, whether Naperville would embrace the concept, existing congestion in the downtown, that the Liquor Commission voted to not grant a liquor license, the width of downtown streets, and whether this is a family-friendly amenity.

Dunn discussed bicycle speed and mechanics, pedal pub presence at craft brew events, the size of the vehicle, that the bicycle will park while guests are at establishments, anticipated operation days/times, tours, how pedal pubs have been incorporated into other municipalities, the number of jobs this will create, and expected economic impact to the downtown.

Council discussed impact on traffic when the vehicle is parked, existing parking problems, and that traffic is routinely backed up due to Stop signs.

Steve Rubin, spoke against incorporating pedal pub operations in the downtown.

Council discussed the appropriateness of allowing a pedal pub operations in areas outside of the downtown.

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, to direct staff to prepare an ordinance in accordance with Option 3 to prohibit the operation of pedal pubs, either within downtown Naperville and on arterial roadways throughout Naperville, or throughout the City.

A motion in substitution was made by Councilwoman Obarski, seconded by Councilman Hinterlong, to direct staff to prepare an ordinance prohibiting the operation of pedal pubs within downtown Naperville and on arterial roadways throughout Naperville. The motion carried by the following vote:

Aye: 5 - Chirico, Brodhead, Hinterlong, Obarski, and White

Nay: 3 - Anderson, Coyne, and Gustin

Recused: 1 - Krummen

P. NEW BUSINESS:

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of April 3, 2018 at 8:29 p.m. The motion carried by the following vote:

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk