



# City of Naperville

400 S. Eagle Street  
Naperville, IL 60540

## Meeting Minutes

### City Council

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Tuesday, January 16, 2018

7:00 PM

Council Chambers

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#### A. CALL TO ORDER:

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

#### B. ROLL CALL:

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

CANCELED

OPEN SESSION - 7:00 p.m.

#### D. ROLL CALL:

**Present:** 8 - Mayor Steve Chirico  
Councilwoman Becky Anderson  
Councilwoman Judy Brodhead  
Councilman Kevin Coyne  
Councilwoman Patty Gustin  
Councilman Paul Hinterlong  
Councilwoman Rebecca Obarski  
Councilman Benjamin White

**Absent:** 1 - Councilman John Krummen

#### Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; Deputy City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Deputy Fire Chief, Andy Dina; 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 Loudon; 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:

Pledge given.

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

### **1. Proclaim January 30, 2018 as The State of The Kids Day**

Councilwoman Obarski presented the Proclamation.

## **G. PUBLIC FORUM:**

### **Ordinance 6-2-7**

Chris Hagenbaumer, spoke against the ordinance that restricts recreational vehicles on driveways.

Council discussed the ordinance, appropriateness of implementing a permit process, staff time, crafting a seasonal permit, how other municipalities regulate recreational vehicles, and the option of approving a variance.

Laff explained the language in the current ordinance and that a permit process would not be effective without regulations.

DiSanto advised that a variance may be applicable and will research options.

### **95th Street**

Doreen M. Swindall, requested a 10' cedar privacy fence per the letter she distributed to Council.

Novack discussed the meeting that was held with the speaker, the noise study policy, that the City has planted landscaping in the area, and stated that staff does not support the installation of the proposed fence.

Council discussed the appropriateness of the City building a fence, the noise study, street modification, landscaping expenses, and area lighting.

Novack explained the project was supported by Bolingbrook, Naperville, and Will County. He also discussed examples of fences that have been taken down for development and replaced at the property owner's expense and that he will speak with Will County regarding options for a partnership.

By consensus, Council directed staff to bring back an agenda item for consideration.

## **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, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Obarski, and White

**Absent:** 1 - Krummen

## **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 the change to I-4, the December 19, 2017 Regular City Council Meeting Minutes, and the correction to I-6, the approval of the award of Bid 17-219 to Public Safety Uniforms and Equipment Cooperative Contract, as indicated in the Q&A. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Obarski, and White

**Absent:** 1 - Krummen

1. Approve 12/06/2017 thru 12/27/2017 Cash Disbursement for \$26,497,073.98  
**Council approved.**
2. Approve the Minutes of the Community Development Block Grant/Social Services Grant Workshop on December 5, 2017.  
**Council approved.**
3. Approve the City Council Workshop Minutes of December 19, 2017.  
**Council approved.**
4. Approve the Regular City Council Meeting Minutes from December 19, 2017.  
**Council approved.**
5. Approve the Award of Bid 17-182, Security Camera Installation, to Pace Systems for an amount not to exceed \$184,720, plus a 5% contingency.  
**Council approved.**
6. Approve the Award of Bid 17-219, Public Safety Uniforms and Equipment Cooperative Contract, to Galls for an amount not to exceed \$225,88.34, to Lawmen's and Shooters' Supply Inc. for an amount not to exceed \$8,169.84, to The Cop Fire Shop for an amount not to exceed \$26,325, and to Ray O'Herron's Co., Inc. for an amount not to exceed \$543,936.50 and a total award of \$804,316.28 for a two-year term.  
**Council approved.**
7. Approve the Award of Bid 17-210, Emerald Ash Borer Insecticidal Treatment, to The Care of Trees for an amount not to exceed \$324,680 and for a one-year term.

**Council approved.**

8. Approve the Award of RFQ 17-122, Engineering Services for Phase I and Phase II Roadway and Intersection Improvements, to Alfred Benesch; Civiltech Engineering; Crawford, Murphy, and Tilly; EXP US Services; Thomas Engineering; and Transystems as approved vendors for future projects and for a two-year term.

**Council approved.**

9. Approve the Award of RFQ 17-133, Land Surveying Services, to Christopher B. Burke Engineering, Engineering Resource Associates, Farnsworth Group, Hampton, Lenzini and Renwick, Inc., Ridgeline Consultants, and Robinson Engineering as approved vendors for future projects for an amount not to exceed \$255,000 and for a two-year term.

**Council approved.**

10. Approve the Award of Change Order #3 to Contract 16-115, Naper Settlement Janitorial and Maintenance Services, to Coverall Health Based Cleaning Systems for an amount not to exceed \$10,000 and a total award of \$243,646.25

**Council approved.**

11. Accept the Record of Emergency Award of Change Order #1 to Procurement 15-122, Excavation and Underground Utility Repair, to Western Utility for an amount not to exceed \$50,000.

**Council approved.**

12. Approve the City Council Meeting schedule for February, March and April 2018.

**Council approved.**

13. Pass the Ordinance granting a deviation to the 35' platted building line based on the provisions of Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code for the property located at 330 S. Wright Street - PZC 17-1-135.

Enactment No: ORD 18-001

**Council passed.**

14. Adopt the Resolution of Official Intent for Reimbursement of Capital Projects

Enactment No: RES 18-01

**Council adopted.**

15. Approve Top Golf's permit request to hold a fireworks display on December 31, 2017.

**Council adopted.**

## **J. PUBLIC HEARINGS:**

**K. OLD BUSINESS:****L. ORDINANCES AND RESOLUTIONS:**

1. Conduct the first reading of the Ordinance amending Section 2, of Chapter 11, of Title 3, of the Naperville Municipal Code increasing the local simplified municipal telecommunications tax rate to six percent.

First reading held.

2. Conduct the first reading of the Ordinance amending Chapter 10, of Title 3, of the Naperville Municipal Code increasing the hotel and motel use tax rate to 5.50% and clarifying said tax applies to the use of online rental companies.

Council discussed the hotel rebate agreement, online rentals, and zoning concerns.

Mayer explained the City anticipates rebate agreements going to term, described how to identify online rentals, and that the burden of collecting the tax would be on the owner of the rental home.

Laff stated that the Code permits the rental of a house under a single lease, there is no time limit, and boarding rooms are permitted by right as long as owner resides in the house.

First reading held.

3. Conduct the first reading of the Ordinance amending Section 5 (Dedication of Park Lands and School Sites or for Payments or Fees In Lieu Of) of Chapter 3 (Required Improvements) of Title 7 (Subdivision Regulations) of the Naperville Municipal Code pertaining to Payments or Fees In Lieu of Dedication of Park Lands and School Sites. PZC 16-1-032.

Laff explained when any development that receives a reduced donation requirement converts back to a standard development the difference for both school and park donations must be made whole.

Council discussed fee-in-lieu arrangements and the appropriateness of modifying the age to be considered "senior."

Laff stated that the age of 55 is regulated by the Fair Housing Act.

First reading held.

**M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:****N. PETITIONS AND COMMUNICATIONS:****O. REPORTS AND RECOMMENDATIONS:**

1. Receive Efficiencies and Leaner Government report and provide feedback on plan.

Krieger discussed the process to prioritize services, essential v. non-essential functions, funding priorities, having detailed discussions during his goal review, and that this data will assist Council for the next budget cycle.

Council discussed having an ongoing conversation regarding department restructures and service priorities instead of only during the budget season.

**A motion was made by Councilwoman Brodhead, seconded by Councilwoman Obarski, that the report be received. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Obarski, and White

**Absent:** 1 - Krummen

**P. NEW BUSINESS:**

TED Talk

Obarski discussed a recent TED Talk that highlighted potential opportunities for the dark fiber project.

Development Fees

White requested staff review the formulas used to calculate school generation tables.

Smart Technology

Gustin talked about a recent fire and discussed smart technology.

Novack said smart technology will be considered during the upcoming code update but is available for use today.

Tax

Chirico asked about home rule authority to tax online retailers.

Anderson discussed the South Dakota v. Wayfair case and amicus brief that was submitted to the Supreme Court.

Krieger said the City could receive more than \$4M with an online tax.

DiSanto will research.

**Q. ADJOURNMENT:**

**A motion was made by Councilman Hinterlong, seconded by Councilman Coyne, to adjourn the Regular City Council meeting of January 16, 2018 at 8:09 p.m. The motion carried by the following vote:**

**Aye:** 8 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Obarski, and White

**Absent:** 1 - Krummen

/S/ Pam Gallahue  
Pam Gallahue, PhD  
City Clerk