



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes - Draft

City Council

Tuesday, November 5, 2024

7:00 PM

Council Chambers

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 U-verse) • Watch online at <https://naperville.legistar.com>

TO PROVIDE PUBLIC COMMENT:

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

1. Address the City Council live during the City Council meeting in-person in City Council Chambers. Individuals wishing to address the City Council during the meeting must sign up online at www.naperville.il.us/speakersignup by 6:30 p.m. on November 5.
2. Individuals can also have their name added to the speaker list by calling the Community Services Department at (630) 305-5300 by 6:30 p.m. on November 5.
3. Submit a written comment to the City in advance of the City Council meeting by 4 p.m. on November 5. 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.
4. Submit a one-word statement of "SUPPORT" or "OPPOSITION" regarding a specific agenda item by 4 p.m. on November 5. 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.

There will be no on-site speaker sign up permitted.

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 November 5.
- 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:**B. ROLL CALL:**

Present: 8 - Mayor Scott Wehrli
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

Absent: 1 - Councilman Paul Leong

C. CLOSED SESSION - 6:30 p.m.

A motion was made by Councilman White, seconded by Councilman Kelly, to recess to Closed Session to discuss [5 ILCS 120/2(c)(21)] Approval of Minutes and [5 ILCS 120/2(c)(2)] Collective Bargaining. The motion carried by the following vote:

Aye: 8 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Longenbaugh, McBroom, White, and Wilson

Absent: 1 - Leong

OPEN SESSION - 7:00 p.m.

Present: 9 - Mayor Scott Wehrli
Councilwoman Jennifer Bruzan Taylor
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Allison Longenbaugh
Councilman Josh McBroom
Councilman Benjamin White
Councilman Nathan Wilson

D. ROLL CALL:

Also Present

City Manager, Doug Krieger; City Attorney, Mike DiSanto; City Clerk, Dawn Portner; Assistant to the City Manager, Marcie Schatz; Fire Chief Mark Puknaitis; Police Chief, Jason Arres; Director of Finance, Raymond Munch; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Allison Laff; Budget & Administrative Manager, Public Works, Christine Schwartzhoff; Deputy Director of Public Utilities - Electric, Olga Geynisman; Director of Public Utilities - Water, Darrell Blenniss; Director of Community Services, Melanie Marcordes; Director of Human Resources, Blaine Wing; 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:

SPEAKERS:

3 minutes with NEST

Ted Boulard (Naperville) discussed the renewal of the IMEA contract.

2024 Sidewalk Program

John Pollitt (Naperville) requested the Council consider removing his property located at 205 N. West Street from the 2024 Sidewalk Program. According to Pollitt the only way to install the sidewalk is to remove two trees on his property.

Council inquired if the trees would need to be removed if the house becomes a teardown in the future since sidewalks would be required, what would be the process if Council wanted to remove this house from the sidewalk program,

what would be the impact to the sidewalk program if the contract was altered and one of the reasons this sidewalk needs to be installed is due to pedestrian and safety concerns.

Novack stated for the proper installation of the sidewalk to take place trees need to be removed one of the trees could be saved if an easement is granted, if a majority of the Council requests this address be removed the contractor would need to be contacted since the contract has already been awarded, but the contract would not need to be altered.

Novack will contact the vendor and remove 205 N. West Street from the Sidewalk Program.

Krieger discussed the new security procedures being implemented at the Municipal Center beginning Tuesday, November 12, 2024. The new security measures are being implemented to improve the security for our residents and staff. Controlled access doors have been installed at the main entrance, visitors will need to check in with the Security Guard and he will direct accordingly. The doors will be opened for public meetings and no ID or signature is required for entry.

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

A motion was made by Councilman White, seconded by Councilman Kelly, to use the Omnibus method to approve the Consent Agenda. The motion carried by a voice vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

I. CONSENT AGENDA:

Approval of the Consent Agenda

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the Consent Agenda with comments on I25 and removing items I18, I19, I20, I21 and I23. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

1. Approve the regular City Council meeting minutes of October 15, 2024

Council approved.

2. Approve the City Council meeting schedule for November and December 2024, and January 2025

Council approved.

3. Receive the year-to-date Investment and Cash Balance Report through September 30, 2024

Council approved.

4. Accept the record of Emergency Procurement 24-255, Tollway Substation Power Transformer (30xa) Evaluation, to Power Substation Services for an amount of \$58,697

Council approved.

5. Approve the award of Cooperative Procurement 24-268, Cisco Application Centric Infrastructure, to Sentinel Technologies, Inc. for an amount not to exceed \$297,588.22 and for a five-year term

Council approved.

6. Approve the award of Cooperative Procurement 24-271, Roadway Salt, to Cargill Inc. and Compass Minerals America, Inc. for an amount not to exceed \$483,732

Council approved.

7. Approve the award of Sole Source Procurement 24-273, Cla-Val Water Control Valve Replacements, to Dorner Company for an amount not to exceed \$283,479

Council approved.

8. Approve the award of Bid 24-003, Bridge and Retaining Wall Railing Maintenance, to Midwest Fence Corporation for an amount not to exceed \$107,984 plus a 5% contingency

Council approved.

9. Approve the award of RFP 24-169, Springbrook Water Reclamation Center South Plant Grit Return Activated Sludge Improvements Construction Management, to Burns & McDonnell Engineering Company, Inc. for an amount not to exceed \$565,039 and for a 26-month term

Council approved.

10. Approve the award of Change Order #1 to Contract 23-181, Police Department Uniforms and Equipment, to Galls LLC for an amount not to exceed \$41,000 and a total award of \$219,110

Council approved.

11. Approve the award of Change Order #1 to Option Year #1 of Contract 22-346, Municipal Center Security Services, to Talon Premier Security for an amount not to exceed \$25,000 and a total award of \$120,000 (Item 2 of 2)

Council approved.

12. Approve the award of Option Year #1 to Contract 23-051, Tree Trimming, Tree Removal and Disposal of Debris, to Lewis Tree Service for an amount not to exceed \$175,000

Council approved.

13. Approve the award of Option Year #2 to Contract 22-346, Municipal Center Security Services, to Talon Premier Security for an amount not to exceed \$135,000 (Item 1 of 2)
- Council approved.**
14. Approve the award of Change Order #2 to Option Year #3 of Contract 18-012, IDenticard Building Access Control, to Pace Systems for an amount not to exceed \$150,000, a total award of \$286,840, and an additional two years
- Council approved.**
15. Approve the award of Change Order #2 to Work Order 22-067C, Design Engineering Services for the Ogden Avenue and Washington Street Water Main Improvements, to Ciorba Group for an amount not to exceed \$24,399 and a total award of \$123,895.50
- Council approved.**
16. Approve the award of Change Order #2 to Contract 24-155, Cisco SMARTnet Maintenance, Support and License Renewal, to Sentinel Technologies, Inc. for an amount not to exceed \$32,343.64 and a total award of \$273,764.77
- Council approved.**
17. Approve the award of Change Order #3 to Contract 24-026, 2024 Downtown Streetscape - Washington Street, to Copenhagen Construction, Inc. for an additional 26 days
- Council approved.**
18. Receive the staff report for 4231 Tower Court (Tower Court Residences) - PZC 23-1-013 (Item 1 of 3)

SPEAKER:

Mary Hamill (Naperville) spoke in favor of the Town Court Residences development.

WRITTEN COMMENT ONLY

Marilyn I Schweitzer (Naperville) According to the Center for Neighborhood Technology (<https://htaindex.cnt.org/map/>), transportation cost out of a household's income for this area is about 7% more than for Naperville overall. Besides increasing Naperville's affordable housing stock, Naperville should pay attention to the cost and efficiency of local public transportation. (Public transportation in should be more than using METRA to/from Chicago and extremely limited PACE options.)

Report received.

19. Pass the ordinance approving the rezoning of 4231 Tower Court from B-2

(Community Shopping Center District) to OCI (Office, Commercial and Institutional District) (Tower Court Residences) - PZC 23-1-013 (Item 2 of 3)

WRITTEN COMMENT ONLY

Mary Hamill (Naperville) On behalf of the Naperville Accessible Community Task Force, I urge the Naperville City Council to pass the ordinance approving the rezoning of 4231 Tower Court from B-2 to OCI as well as passing the ordinance approving a conditional use for multi-family residential and a conditional use for a planned unit development (PUD) and a preliminary/final PUD plat of select lots with various zoning deviations. These ordinances are in reference to the affordable housing development for senior citizens and persons with intellectual and developmental disabilities which will benefit our residents and our community.

Kathleen McGowan (Naperville) I am currently a resident of Naperville and formerly a member/co-chair of the Naperville Senior Task Force. From its inception the TF has been an advocate and supporter of Affordable Housing for Seniors. Through my work as a social worker and as the retired Executive Director of Catholic Charities, Diocese of Joliet, I am well aware of the challenges faced by veterans, families, single moms, members of the DD community and especially seniors have in finding affordable places to live in our community. This project will provide senior housing for those members of our community who have raised their families here, have been vital members of the community and want to continue living in the community they love. I would ask that the members of the City Council support this proposal.

POSITION STATEMENT

SUPPORT

Cel Dvorak (Naperville)

Sherry Healey (Naperville)

ORD 24-110

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance approving the rezoning of 4231 Tower Court from B-2 (Community Shopping Center District) to OCI (Office, Commercial and Institutional District) (Tower Court Residences). The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

- 20.** Pass the ordinance approving a conditional use for multi-family residential and a conditional use for a planned unit development (PUD) and a preliminary/final PUD plat of Lot 3 in Naperville - South Forty Lots 4, 5, 6 and 7 Resubdivision with various zoning deviations (Tower Court Residences) - PZC 23-1-013 (Item 3 of 3)

WRITTEN COMMENT ONLY

Mary Hamill (Naperville) On behalf of the Naperville Accessible Community Task Force, I urge the Naperville City Council to pass the ordinance approving the rezoning of 4231 Tower Court from B-2 to OCI as well as passing the ordinance approving a conditional use for multi-family residential and a conditional use for a planned unit development (PUD) and a preliminary/final

PUD plat of select lots with various zoning deviations. These ordinances are in reference to the affordable housing development for senior citizens and persons with intellectual and developmental disabilities which will benefit our residents and our community.

ORD 24-111

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance approving a conditional use for multi-family residential and a conditional use for a planned unit development (PUD) and a preliminary/final PUD plat of Lot 3 in Naperville - South Forty Lots 4, 5, 6 and 7 Resubdivision with various zoning deviations (Tower Court Residences). The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

- 21.** Pass the ordinance approving a minor change to the conditional use approved by Ordinance 21-005 for the 4th Avenue and Loomis Street development- PZC 24-1-114

Councilman Kelly recused himself and left the dais from 7:32 p.m. - 7:33 p.m.

WRITTEN COMMENT ONLY

Marilyn L. Schweitzer (Naperville) Too bad all these variances were squandered to produce strictly market-rate housing. This would have been a great location to diversify our housing by including something affordable.

ORD 24-112

A motion was made by Councilman White, seconded by Councilman Holzhauer to pass the ordinance approving a minor change to the conditional use approved by Ordinance 21-005 for the 4th Avenue and Loomis Street development- PZC 24-1-114. The motion carried by the following vote:

Aye: 8 - Wehrli, Bruzan Taylor, Holzhauer, Leong, Longenbaugh, McBroom, White, and Wilson

Recused: 1 - Kelly

- 22.** Pass the ordinance granting a major change to the Fox River Commons Planned Unit Development and a conditional use for an amusement establishment at 804 S IL Route 59 (Activate Games) - PZC 24-1-107

ORD 24-113

Council passed.

- 23.** Pass the ordinance approving a bypass lane variance for 3320 S. IL Route 59 (Chick-fil-a) - PZC 24-1-077

A motion was made by Councilman White, seconded by Councilman Kelly to table the ordinance approving a bypass lane variance for 3320 S. IL Route 59 (Chick-fil-a) to the November 19, 2024 City Council meeting. The motion

carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

- 24.** Pass the ordinance to establish temporary traffic controls and issue Special Event and Amplifier permits for the Rotary Clubs of Naperville Holiday Parade of Lights on Friday, November 29, 2024

ORD 24-114

Council passed.

- 25.** Waive the first reading and pass the ordinance repealing and replacing Section 3-1-8 (Real Estate Transfer Tax) of Naperville Municipal Code (requires six positive votes)

ORD 24-115

Council passed.

- 26.** Conduct the first reading of an ordinance amending Title 8 (Public Utilities) Chapter 2 (Municipal Water and Sewer) Article C (Water and Sewer Rates, Connection Charges) and Chapter 3 (Utility Service) of the Naperville Municipal Code

Council conducted the first reading.

- 27.** Conduct the first reading of an ordinance amending Title 8 (Public Utilities) Chapter 1 (Electricity) Article C (Electric Service Rates) of the Naperville Municipal Code

Council conducted the first reading.

J. PUBLIC HEARINGS:

- 1.** Receive the staff report and conduct the public hearing to consider the Annexation Agreement for the property located at 720 Parkside Road - PZC 24-1-074 (Item 1 of 4)

Wehrli opened the public hearing at 7:35 p.m.

Councilman White made a motion, seconded by Councilman Kelly, to close the public hearing to consider the Annexation Agreement for the property located at 720 Parkside Road at 7:35 p.m.. The motion carried by a voice vote.

- 2.** Pass the ordinance authorizing the execution of the Annexation Agreement for 720 Parkside Road - PZC 24-1-074 (Item 2 of 4)

ORD 24-116

Councilman White made a motion, seconded by Councilman Kelly, to pass the ordinance authorizing the execution of the Annexation Agreement for 720 Parkside Road. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

3. Pass the ordinance annexing 720 Parkside Road - PZC 24-1-074 (Item 3 of 4)

ORD 24-117

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance annexing 720 Parkside Road. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

4. Pass the ordinance rezoning 720 Parkside Road to R1B upon annexation - PZC 24-1-074 (Item 4 of 4)

ORD 24-118

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance rezoning 720 Parkside Road to R1B upon annexation. The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Receive the staff report for Hines Diehl Road Resubdivision (Hines Diehl Road Resubdivision) - PZC 24-1-034 (Item 1 of 4)

SPEAKER

Russ Whitaker (Naperville, Rosanova and Whitaker, Petitioner's Attorney) The proposed development will consist of two commercial buildings located at the main entrance along Diehl Road, and a multi-family residential building. The existing parking garage on the property will remain to ensure adequate parking is provided for both the proposed commercial uses and residential units. The City's Land Use Master Plan designates the subject property as Regional Center. Areas designated as Regional Center are recommended for a diverse mix of uses, including shopping and dining establishments with supporting residential uses, to support commercial businesses and institutional uses.

Council inquired about access to local parks and paths.

Whitaker stated Danada Forest Preserve is close by and there is also a path in the area. They are working with a local property owner to secure an easement and make improvements for better access to the path in the future.

Report received.

2. Pass the ordinance approving the rezoning of 1200 E. Diehl from ORI (Office, Research and Light Industry District) to OCI (Office, Commercial, and Institutional)

(Hines Diehl Road Resubdivision) - PZC 24-1-034 (Item 2 of 4)

ORD 24-119

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance approving the rezoning of 1200 E. Diehl from ORI (Office, Research and Light Industry District) to OCI (Office, Commercial, and Institutional) (Hines Diehl Road Resubdivision). The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

3. Pass the ordinance approving a preliminary plat of subdivision of Hines Diehl Road Resubdivision for 1200 E. Diehl Road (Hines Diehl Road Resubdivision) - PZC 24-1-034 (Item 3 of 4)

ORD 24-120

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance approving a preliminary plat of subdivision of Hines Diehl Road Resubdivision for 1200 E. Diehl Road (Hines Diehl Road Resubdivision). The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

4. Pass the ordinance approving a conditional use for a planned unit development (PUD) and a preliminary PUD plat of Hines Diehl Road Resubdivision with various zoning deviations and conditional uses for retail, restaurants, residential, and parking as a principal use (Hines Diehl Road Resubdivision) - PZC 24-1-034 (Item 4 of 4)

ORD 24-121

A motion was made by Councilman White, seconded by Councilman Kelly, to pass the ordinance approving a conditional use for a planned unit development (PUD) and a preliminary PUD plat of Hines Diehl Road Resubdivision with various zoning deviations and conditional uses for retail, restaurants, residential, and parking as a principal use (Hines Diehl Road Resubdivision). The motion carried by the following vote:

Aye: 9 - Wehrli, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, White, and Wilson

5. Conduct the first reading of an ordinance amending Title 6 (Zoning Ordinance) of the Naperville Municipal Code to add a new Chapter 17 (Affordable Housing Incentive Program)

SPEAKER

Mary Beth Nagai (Naperville, DuPage Housing Alliance) spoke in favor of the Affordable Housing Incentive (AHIP) program.

Laff provided an update and summary on the AHIP program. The updated ordinance reflects the same zoning incentives Council endorsed in 2023, but is expanded to include the agreement and monitoring provisions which are required to make the ordinance enforceable. The proposed AHIP provides by-right density bonus' and incentives to projects that set aside a minimum

number of affordable housing units for at least 30 years. Qualifying projects must include at least 20% of the units as affordable to qualify for incentives. Single family zoned properties are excluded from this program and provided no additional entitlements are needed projects could be approved administratively with no Planning Commission or Council review.

Council discussed phasing requirements, IHDA's AHPAA requirements, affordable units that have been built voluntarily since 2020, concerns about removal of the public review and approval process resulting from by-right incentives, the proposed park donation reduction, the ability to make future modifications to AHIP following its adoption, and the need for continued Council support for the voluntary inclusion of affordable units in residential development.

Laff stated only the phases of the development that include affordable units will receive the incentives, if the City falls below the 10% mark there are no penalties, it is a goal set by the State, if the ordinance is approved any requests for annexation, rezoning, PUD and conditional use would still need review by the Planning Commission and Council.

WRITTEN COMMENT ONLY

Marilyn L. Schweitzer (Naperville) - Please remove the "Park Land Donation or Fee-in-Lieu" and "PUD Outdoor Common Area Requirements" from the "Menu of Incentives. The proposed AHIP only applies to Naperville's most dense zoning. To further diminish by right park space, park programs, and/or common space implies that the mental and physical health of residents in densely packed affordable housing is less important than the mental and physical health of other residents

Council conducted the first reading.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

P. NEW BUSINESS:

Additional fines for loud mufflers

Taylor inquired if Council could increase the current fines for loud mufflers.

Di Santo stated the City is bound by the Illinois Vehicle Code but it does not allow to increase fines. The City can create an alternative offense through a new ordinance which could include a higher fine.

By consensus, Council directed staff to include an option for higher fines in the report it will be presenting to the Council in the near future for handling loud mufflers, equipment and speeding violations throughout the City.

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Kelly, to adjourn the Regular City Council Meeting of November 5, 2024 at 8:17 p.m. The motion carried by a voice vote.

/S/ Dawn C. Portner
Dawn C. Portner
City Clerk