



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes - Final

City Council

Tuesday, December 19, 2023

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 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 December 19 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 December 19. 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 December 19. Online sign-up closes at 4 p.m. on December 19, 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 December 19.
- 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:

C. CLOSED SESSION - CANCELED

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

- Present:** 8 - 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
- Absent:** 1 - Councilman Nathan Wilson

Also Present

City Manager, Doug Krieger; Deputy City Manager, Pam Gallahue; 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, Rachel Mayer; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Brian Groth; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Human Resources, Blaine Wing; Director of Public Works, Dick Dublinski; Director of Communications, Linda LaCloche; DEI Manager, Geneace Williams

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:**G. PUBLIC FORUM:**

Broadcasting board and commission meetings

Derek Miller (Naperville) inquired about the possibility of additional boards and commission meetings being televised or streamed online in the future.

Dark Sky Chicago and Naperville's efforts to reduce light pollution

David Barcus (Wheaton) urged the City of Naperville to consider taking a leadership role in reducing light pollution and become a Dark Sky community.

IMEA Board meeting of December 7, 2023

Greg Hubert (Naperville) discussed the online IMEA Board meeting and reported that IMEA publicly reviewed the early details of the contract renewal extension that will be approved in February of 2024, the Board unanimously approved the IMEA Sustainability Plan, and that the Prairie State Carbon Capture Project was not selected for a \$350 million carbon capture grant.

3-Minutes with NEST - IMEA contract renewal extension

Marylee Leu (Aurora) stated that NEST requests the City decline the IMEA contract extension and competitively bid the 20-year contract to other potential vendors and new technologies.

Wehrli requested the consent of the Council to allow an additional speaker who missed the sign up deadline. By consensus, Dick Furstenau was allowed to address the Council.

Prairie State contract

Dick Furstenau (Naperville) provided the history of how the Prairie State contract came to be in Naperville 20 years ago.

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.

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 the exception of items I34 and I40. The motion carried by the following vote:

Aye: 8 - Wehrl, Bruzan Taylor, Holzhauer, Kelly, Leong, Longenbaugh, McBroom, and White

Absent: 1 - Wilson

1. Approve the Cash Disbursements for the period of 11/01/2023 through 11/30/2023 for a total of \$54,923,979.89

Council approved.

2. Approve the regular City Council meeting minutes of December 5, 2023

Council approved.

3. Approve the Budget Workshop #1 minutes of August 29, 2023

Council approved.

4. Approve the Budget Workshop #2 minutes of September 26, 2023

Council approved.

5. Approve the Budget Workshop #3 minutes of October 27, 2023

Council approved.

6. Adopt the resolution approving prior unapproved Closed Session meeting minutes, designating certain Closed Session meeting minutes as non-restricted, and continuing to maintain the confidentiality of all other restricted Closed Session meeting minutes

Res - 23-33

Council adopted.

7. Approve the City Council meeting schedule for January, February, and March 2024

Council approved.

8. Receive the year-to-date budget report through November 30, 2023
Report received.
9. Approve appointments to the Financial Advisory Board and the Public Utilities Advisory Board
Council approved.
10. Approve the award of Sole Source Procurement 23-301, Government Accounting Services, to Lauterbach & Amen, LLP for an amount not to exceed \$311,976 and for a three-year term
Council approved.
11. Approve the award of Option Year Two to Bid 21-394, Electrician Services, to Volt Electric Inc. for an amount not to exceed \$115,000
Council approved.
12. Approve the award of Option Year Two to Contract 19-258, Landscape Design and Planting, to Christy Webber and Company for an amount not to exceed \$283,100 and for a two-year term
Council approved.
13. Approve the award of Option Year One to Contract 21-252, Liquid Cationic Emulsion Polymer for Centrifuge Dewatering, to Polydyne Inc. for an amount not to exceed \$186,630.50
Council approved.
14. Approve the award of Option Year One to Contract 21-253, Liquid Cationic Emulsion Polymer for Gravity Belt Thickening, to Solenis LLC for an amount not to exceed \$78,191.36
Council approved.
15. Approve the award of Bid 23-138R, Fire Alarm Monitoring, to Chicago Metropolitan Fire Prevention Company (CMFP) for an amount not to exceed \$895,745 and for a five-year term
Council approved.
16. Approve the award of Bid 23-244, Molded Rubber and Cold Shrink Products, to Wesco, UUSCO and Powerline, for an amount not to exceed \$421,000 and for a one-year term
Council approved.
17. Approve award of Bid 23-242, Electrical Installation, Maintenance, Modifications, and

Repairs, to Volt Electric, Inc. for an amount not to exceed \$110,550, and for a one-year term

Council approved.

18. Approve the award of Bid 23-154, Street Lighting, Controller, Public Building and Municipal Lots Lighting Maintenance, to Meade Electric Inc for an amount not to exceed \$990,000

Council approved.

19. Approve the award of Cooperative Procurement 24-037, Electric Utility Supplies, to Wesco Distribution Inc. for an amount not to exceed \$600,000 and for a one-year term

Council approved.

20. Approve the award of Cooperative Procurement 24-038, Rapid7 Managed Detection and Response (MDR) Solution, to Carahsoft Technology Corporation, for an amount not to exceed \$116,062.21 and for a 12-month term

Council approved.

21. Approve the award of Cooperative Procurement 23-306, Refuse Carts, to Otto Environmental Systems for an amount not to exceed \$142,500

Council approved.

22. Approve the award of Cooperative Procurement 23-304, Fire Gear, to Alexis Fire (Innotex Corp.), for an amount not to exceed \$110,000 and for a one-year term

Council approved.

23. Approve the award of Change Order #1 to Contract 21-355, Tollway Substation Reliability Upgrade, to Sargent & Lundy, LLC for an amount not to exceed \$902,000 and a total award of \$1,241,240 and for an additional 12 months

Council approved.

24. Approve the award of Change Order #1 for Stop Loss Reinsurance, to Sun Life Assurance Company of Canada (Sun Life) for an amount not to exceed \$39,954.64 and a total award of \$1,044,456.16

Council approved.

25. Approve the award of Change Order #1 to Contract 23-023, ESRI Advantage Program - ArcGIS Utility Network Implementation, to ESRI for an amount not to exceed \$36,600 and a total award of \$709,000

Council approved.

26. Approve the award of Change Order #1 to Bid 22-294, 2023 11th Avenue Water Main Replacement, to Bolder Contractors, Inc. for an amount not to exceed \$93,731.80 and

a total award of \$2,223,758.80

Council approved.

27. Approve the award of Change Order #2 to Contract 21-059, Outage Management System, to Schneider Electric for an additional two-year term

Council approved.

28. Approve the award of Change Order #2 to Option Year Two of Contract 17-084, Riverwalk Consultant, to Engineering Resource Associates, Inc. for an additional six months

Council approved.

29. Approve the award of Change Order #2 to Contract 23-006, 2023 Sidewalk and Curb Maintenance Program, to Schroeder & Schroeder for an additional 243 days

Council approved.

30. Approve the award of Change Order #3 to Contract 20-052, Springbrook Water Reclamation Center Facilities Plan Phase II, to Donohue and Associates for an amount not to exceed \$115,975 and a total award of \$1,081,605

Council approved.

31. Approve the 2024 Special Events Calendar and designate the calendar as closed

Council approved.

32. Approve the Eagle Street Gateway Improvement to the Naperville Riverwalk

Council approved.

33. Waive the applicable provisions of the Naperville Procurement Code and award Procurement 23-302, Phase III Construction Engineering Services for the Washington Street Downtown Streetscape project, to Civiltech Engineering, Inc. for an amount not to exceed \$727,282 (requires six positive votes)

Council awarded.

34. Accept the public underground and street improvements at Frontenac Court in Naperville Center South and authorize the City Clerk to reduce the corresponding public improvement surety

Wehrli recused himself and left the dais from 7:28 p.m. to 7:29 p.m.

Councilman Kelly served as Mayor Pro-Tem

A motion was made by Councilman White, seconded by Councilman Holzhauser, to accept the public underground and street improvements at Frontenac Court in Naperville Center South and authorize the City Clerk to reduce the corresponding public improvement surety. The motion carried by

the following vote:

Aye: 7 - Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, and White

Absent: 1 - Wilson

Recused: 1 - Wehrli

- 35. Receive the update on the Renewable Energy Program (Item 1 of 2)

Council received.

- 36. Pass the ordinance approving the budget amendment to the City of Naperville's 2023 Annual Budget in the amount of \$337,046 for the Renewable Energy Grant Program (requires six positive votes) (Item 2 of 2)

ORD 23-172

Council passed.

- 37. Receive the staff report for 1492 W Ogden Avenue (Wolf Car Wash) - PZC 23-1-082 (1 of 3)

Report received.

- 38. Pass the ordinance approving a conditional use in the B3 District to allow a car wash, and to grant a variance to the bypass lane requirement for drive-through services for 1492 W Ogden Avenue (Wolf Car Wash) - PZC 23-1-082 (Item 2 of 3)

ORD 23-173

Council passed.

- 39. Pass the ordinance approving a preliminary/final plat for 1492 West Ogden Avenue Subdivision - PZC 23-1-082 (Item 3 of 3)

ORD 23-174

Council passed.

- 40. Conduct the first reading of the ordinance repealing and replacing Title 2 (Boards and Commissions) of the Naperville Municipal Code

Council discussed that yearly updates on all the boards and commissions were requested at the December 5, 2023 Council meeting, but on the proposed ordinance it states only "if requested."

Schatz explained that annual reports were listed for some of the boards and commissions but not all, that the language stated in the ordinance reads, "if requested as specified by the Council" and includes annual reports or specialized reports, and that the direction of receiving annual reports is acknowledged.

WRITTEN COMMENT ONLY

Marilyn L Schweitzer (Naperville) - Please: 1) Add to Section 2-1-12: REPORTS the request by City Council on 12/5/23 that staff provides annual updates on all the City's boards and commissions. 2) Require under Section 2-1-8: PROCEDURES that procedures are posted on the city's website for each board and commission. 3) There is much more to the OMA than Section 2-1-9: OPEN MEETINGS ACT COMPLIANCE states. Why pick and choose what to repeat? Why not simply state boards and commissions must comply with the OMA? Definitely the city's website and board/commission guide should have a link to the full OMA as well as a summary. 4) Please clarify Section 2-1-16: CITIZEN PARTICIPATION as to whether public participation is before or after a petitioner's or staff report/presentation on a particular issue. 5) It seems the ordinance should include something regarding training, frequency of meetings, calling special meetings, and cause for cancellation of meetings beyond the requirements of the OMA. 6) There should be a requirement for providing adequate information regarding each agenda item for the public to review. Also, that any material presented during the meeting is both accessible to the public during the meeting and contained in the minutes. (Having a single sentence agenda item, materials available only to commissioners and board members to review/discuss, and not have those materials in the meeting minutes does not serve the public.) Finally, if the material posted with the agenda item changes between the time of the posting and the meeting, a summary of the changes should be made available to the public at the meeting prior to public comment

A motion was made by Councilman White, seconded by Councilman Kelly, to conduct the first reading of the ordinance repealing and replacing Title 2 (Boards and Commissions) of the Naperville Municipal Code. The motion carried by a voice vote.

41. Adopt the resolution authorizing the City Manager to execute the 2024 Pace Paratransit Local Share Agreement for the operation of the Ride DuPage Program

RES 23-34

Council adopted.

42. Adopt the resolution regarding rules for public comments at open meetings and pass the ordinance repealing Section 1-5-6-6:3.3 of the Municipal Code to eliminate the 30-minute time limit for Public Forum

RES 23-35
ORD 23-175

WRITTEN COMMENT ONLY

Marilyn L Schweitzer (Naperville) Please do not eliminate the 30 minute bifurcation rule for the Public Forum. This rule helps keeps the regular business portion of City Council meetings on track, does not limit speakers on other items, and simply delays when Public Forum speakers on no particular agenda item may speak. The bifurcation rule allows Public Forum speakers to speak before New Business, thus Council may still address a concern (should they desire) under New Business. Speakers and petitioners for actionable items

should not be short changed for council's attention due to a lengthy Public Forum on non-actionable items. Thank you.

Council adopted.

STATEMENT OF APPRECIATION

Attorney Len Monson (Naperville - Kuhn, Heap and Monson) expressed his gratitude for the processes of governing, the Council, elected officials, appointed Commissioners and staff as he retires after working with the City for the past 27 years.

J. PUBLIC HEARINGS:

1. Conduct the public hearing for the Illinois Environmental Protection Agency Water Pollution Control Loan Program to fund Springbrook Water Reclamation Center Facility Treatment Plant Improvements

Wehrli opened the public hearing at 7:30 p.m.

A motion was made by Councilman White, seconded by Councilman Kelly to close the public hearing for the Illinois Environmental Protection Agency (IEPA) Water Pollution Control Loan Program to fund Springbrook Water Reclamation Center Facility Treatment Plant Improvements at 7:31 p.m. The motion carried by a voice vote.

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of the second two-year extension to Contract 19-013.2, Job Order Contracting Services, to Robe, Inc. for an amount not to exceed \$2,000,000

A motion was made by Councilman White, seconded by Councilman Kelly to approve the award of the second two-year extension to Contract 19-013.2, Job Order Contracting Services, to Robe, Inc. for an amount not to exceed \$2,000,000. The motion carried by the following vote:

Aye: 8 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, and White

Absent: 1 - Wilson

2. Approve the award of Cooperative Procurement 23-300, Microsoft Enterprise Agreement, to Dell Marketing, LP for an amount not to exceed \$2,184,984.59 and for a three-year term

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Cooperative Procurement 23-300, Microsoft Enterprise

Agreement, to Dell Marketing, LP for an amount not to exceed \$2,184,984.59 and for a three-year term. The motion carried by the following vote:

Aye: 8 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, and White

Absent: 1 - Wilson

3. Approve the award of Bid 23-274, Columbia Street Roadway Widening, to Schroeder Asphalt Services, Inc. for an amount not to exceed \$4,583,525.22, plus a 3% contingency

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Bid 23-274, Columbia Street Roadway Widening, to Schroeder Asphalt Services, Inc. for an amount not to exceed \$4,583,525.22, plus a 3% contingency. The motion carried by the following vote:

Aye: 8 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, and White

Absent: 1 - Wilson

4. Approve the award of Bid 24-026, 2024 Downtown Streetscape Construction Project, to Copenhaver Construction, Inc. for an amount not to exceed \$8,385,213.96, plus a 3% contingency

A motion was made by Councilman White, seconded by Councilman Kelly, to approve the award of Bid 24-026, 2024 Downtown Streetscape Construction Project, to Copenhaver Construction, Inc. for an amount not to exceed \$8,385,213.96, plus a 3% contingency. The motion was approved by the following vote:

Aye: 8 - Wehrli, Bruzan Taylor, Holzhauser, Kelly, Leong, Longenbaugh, McBroom, and White

Absent: 1 - Wilson

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Receive an update on the City's diversity, equity, and inclusion initiatives

Williams gave an update on the City's DEI program and highlighted both internal and external initiatives.

Council asked what steps the City is taking to ensure the procurement process is more diverse.

Mayer explained that the Finance Department has been reviewing the bidding process, that at the City's Vendor Open House several attendees were able to sign-up through the e-bidding process, and that staff will research what options are available to track the demographics of all prime and subcontractors in 2024.

P. NEW BUSINESS:

Broadcasting additional board and commission meetings
Holzhauer questioned the costs associated with broadcasting additional meetings either by video or audio.

LaCloche explained that several years ago the City researched upgrading the lower level meeting rooms with the same electronic equipment used in the Council Chambers, that the cost was more than \$50,000, and that it would also require contractual and staffing support changes with NCTV17. She said staff would evaluate options in 2024.

Naperville's efforts to reduce light pollution
Holzhauer complimented Krieger and Dublinski on the comments made by Public Forum speaker David Barcus, suggested reaching out to the Corporate, Social and Responsibility Committee with the Naperville Chamber of Commerce for assistance in spreading the word on how businesses can voluntarily reduce light pollution and become a Dark Sky community.

Recognition for Matt Doyle "Santa" and Karyn Charvat "Mrs. Claus"
White recognized and thanked former resident Matt Doyle who has visited neighborhoods as "Santa" since 2020, explained that IBEW 701 built this year's sleigh, that Matt was joined by Karyn Charvat as "Mrs. Claus," and that donations were raised for many Naperville non-profit organizations.

Thank you to our first responders
Wehrli thanked Naperville's first responders who are working over the holidays and wished residents a happy holiday season.

Q. ADJOURNMENT:

A motion was made by Councilman White, seconded by Councilman Kelly, to adjourn the Regular City Council Meeting of December 19, 2023 at 8:01 p.m. The motion carried by voice vote.

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