



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes - Final

City Council

Tuesday, October 18, 2022

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)
- 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 October 18 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 October 18. 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 October 18. Online sign-up closes at 4 p.m. on October 18, 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 October 18.
- 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: 9 - Mayor Steve Chirico
Councilwoman Jennifer Bruzan Taylor
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Ian Holzhauer
Councilman Patrick Kelly
Councilman Paul Leong
Councilwoman Theresa Sullivan
Councilman Benjamin White

C. CLOSED SESSION - 6:15 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(8) Safety & Security Procedures and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman 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; Director of Community Services/City Clerk, Pam Gallahue; Division Chief - Fire, John Sergeant; Deputy Police Chief, Jason Zbrozek; 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, 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

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

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 a voice vote.

I. CONSENT AGENDA:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the Consent Agenda with the exception of item I9. The motion carried by the following vote:

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

1. Approve the Cash Disbursements for the period of 09/01/2022 through 09/30/2022 for a total of \$34,543,527.84

Council approved.

2. Approve the regular City Council meeting minutes of October 4, 2022

Council approved.

3. Approve the City Council meeting schedule October, November and December 2022 and January 2023

Council approved.

4. Approve student representative appointments to City boards and commissions

Council approved.

5. Approve the award of Sole Source Procurement 22-303, SEL Equipment, to A Star Electric Inc. for an amount not to exceed \$850,000

Council approved.

6. Approve the award of Cooperative Procurement 22-313, Pierce Enforcer Pumper, Unit 312, to MacQueen Emergency Group, for an amount not to exceed \$799,100

Council approved.

7. Approve the award of Change Order #1 to Contract 17-056, Cityworks Upgrade and Enhancement Project, to POWER Engineers, Inc. for an amount not to exceed \$161,226.00 and a total award of \$2,235,133.88

Council approved.

8. Approve the award of Change Order #2 to Contract 21-394, Electrician Services, to Volt Electric Inc. for an amount not to exceed \$27,747 and a total award of \$216,238

Council approved.

9. Waive the first reading and pass the ordinance amending Section 10-7-1 of the Naperville Municipal Code regarding approval of fireworks permit applications (requires six positive votes)

Marilyn L Schweitzer (Naperville) spoke against the proposed text amendment.

Council discussed appropriateness of waiving the first reading, the need to review current permit fees, that the July 4 fireworks should still be reviewed by the City Council, that the City has never denied a permit and has approved permits after the event, that Naperville Responds for Veterans would like to provide input, and the need for more information.

First reading held.

10. Waive the first reading and pass the ordinance amending Section 11-3-1 of the Naperville Municipal Code establishing an eight-ton weight restriction for the Washington

Street Bridge until construction of the replacement bridge is completed (requires six positive votes)

Enactment No.: ORD 22-117

Council passed.

11. Adopt the resolution approving the update of the Intergovernmental Agreement between The Illinois State Toll Highway Authority and the City of Naperville

Enactment No.: RES 22-32

Council adopted.

12. Adopt the resolution approving a personal injury settlement between Vickie Davis and the City of Naperville

Enactment No.: RES 22-33

Council adopted.

13. Adopt the resolution authorizing execution of a collective bargaining agreement between the City of Naperville and the F.O.P. Labor Council representing the Police 911 Telecommunicator employees

Enactment No.: RES 22-34

Council adopted.

14. Adopt the resolution authorizing execution of a collective bargaining agreement between the City of Naperville and IUOE Local 150 representing the Naperville Department of Public Works Equipment Operator employees

Enactment No.: RES 22-35

Council adopted.

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Option A: Concur with staff that a sound wall on an adjacent property does not preclude the City from requiring the landscaping outlined in the OAA and requiring the Petitioner install parkway trees along 103rd Street and Viburnum Court; or Option B: Concur with the Petitioner that installing the same amount and quality of landscaping is unnecessary due to the sound wall and that the City be responsible for installation and payment of all parkway trees required for the development

Jim Work, Petitioner, discussed the wood fence being provided for the development, that there will be no homeowners association (HOA), and that the City will not install a sound wall along the portion of 248th Street abutting the

Subject Property. He went on to state that due to the right-of-way dedication, it is impractical to install landscaping along 248th adjacent to the subject property.

Council questioned homeowner ability to maintain the fence, stated that this area is an entry into Naperville, that an HOA does a good job maintaining property, and asked about the City's role if the fence falls into disrepair.

Novack said Code Enforcement will ask the homeowner to repair or remove the fence.

Council discussed the appropriateness of waiving landscaping in this case.

Laff explained that the proposed development has been requested to provide landscaping that aligns with the character of the residential Ashwood Heights development to the north which includes "extensive landscaping," that the Subject Property will not have a sound wall, and that landscaping will be visible even if a fence is erected.

Paul Lehman, Petitioner, discussed the sound wall on 248th Street, the shared use path, the location of parkway trees in relation to the path, that typically 30' is available for landscaping but in this instance there is 8', that the sound wall will hide the landscaping provided adjacent to the residential development to the north, and that there will be no HOA.

Council discussed staff recommendation, annexation procedures, and asked for clarification on the options.

Laff explained that the fence has always been proposed as part of the development, that the latest iteration of the plan the developer submitted has shrubs and bushes added, that if Council concurs with Option A more landscaping will need to be provided than what is shown on the most recent plan submitted by the petitioner. Staff's Option B would approve the petitioner's current landscape plan, but staff is unsure if this Option is still in place since the petitioner tonight seems to be requesting not to install any shrubs/bushes along 248th. Laff acknowledged that the sound wall to the north will definitely block the current landscaping provided adjacent to that subdivision but it does not eliminate staff's opinion that landscaping would improve the subject property aesthetically and provide an additional sound barrier. Laff also noted that it is the petitioner's decision not to provide an HOA for maintenance, not staff's.

Council discussed the location of parkway trees, that the City is supplying the trees along 248th, stated that each individual resident would own the area adjacent to the fence, clarified that the landscaping is on the 248th Street side of the fence, and questioned the likelihood the homeowner will take care of plantings on the street side.

Laff stated that the homeowners will be required to mow on the street side and gates will be installed for easy access. She went on to clarify that the two outstanding issues are the landscaping on 248th Street and that developer does not want to plant parkway trees on 103rd Street and Viburnum.

Lehman then confirmed that the petitioner is willing to provide the parkway trees along 103rd Street and Viburnum.

Novack stated there will be minimal disturbance of landscaping during 248th Street construction.

WRITTEN COMMENTS ONLY

Marilyn L Schweitzer (Naperville) - Please concur with staff (option A).

A motion was made by Councilwoman Gustin, seconded by Councilman Holzhauser, to (Option A) concur with staff that a sound wall on an adjacent property does not preclude the City from requiring the landscaping outlined in the OAA and requiring the Petitioner install parkway trees along 103rd Street and Viburnum Court. The motion carried by the following vote:

Aye: 8 - Chirico, Bruzan Taylor, Gustin, Holzhauser, Kelly, Leong, Sullivan, and White

Nay: 1 - Hinterlong

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the recommendation by GCG Financial/Alera Group to award Medical Claim Administration renewal to Blue Cross Blue Shield of Illinois (BCBSIL) for an amount not to exceed \$2,591,229.28 in fixed costs, based on HMO and PPO enrollment, for a one-year term (Item 1 of 4)

Leong recused himself to avoid the appearance of impropriety and left the dais from 7:42 p.m. - 7:43 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the recommendation by GCG Financial/Alera Group to award Medical Claim Administration renewal to Blue Cross Blue Shield of Illinois (BCBSIL) for an amount not to exceed \$2,591,229.28 in fixed costs, based on HMO and PPO enrollment, for a one-year term. The motion carried by the following vote:

Aye: 8 - Chirico, Bruzan Taylor, Gustin, Hinterlong, Holzhauser, Kelly, Sullivan, and White

Recused: 1 - Leong

2. Approve the recommendation by GCG Financial/Alera Group to award Stop Loss Reinsurance to Sun Life Assurance Company of Canada (Sun Life) for an amount not to exceed \$1,004,501.52 in fixed premium, based on PPO enrollment, for a one-year term (Item 2 of 4)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the recommendation by GCG Financial/Alera Group to award Stop Loss Reinsurance to Sun Life Assurance Company of Canada (Sun Life) for an amount not to exceed \$1,004,501.52 in fixed premium, based on PPO enrollment, for a one-year term. The motion carried by the following vote:

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

3. Approve the recommendation by GCG Financial/Alera Group to continue with

CVS/Caremark - Employers Health - VPS (CVS/Caremark) for Pharmaceutical Services Administration and Services for a one-year term with no change in cost (Item 3 of 4)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the recommendation by GCG Financial/Alera Group to continue with CVS/Caremark - Employers Health - VPS (CVS/Caremark) for Pharmaceutical Services Administration and Services for a one-year term with no change in cost. The motion carried by the following vote:

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

4. Approve the recommendation by GCG Financial/Alera Group to award Group Life/Accidental Death and Dismemberment to VOYA for an amount not to exceed \$587,091, based on enrollment for three years (\$195,697/year), with the option for two one-year extensions (Item 4 of 4)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the recommendation by GCG Financial/Alera Group to award Group Life/Accidental Death and Dismemberment to VOYA for an amount not to exceed \$587,091, based on enrollment for three years (\$195,697/year), with the option for two one-year extensions. The motion carried by the following vote:

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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the 2023 and 2024 New Sidewalk Program

Marilyn L Schweitzer (Naperville) spoke in favor of sidewalk improvement but urged more public input.

Council thanked staff for improving safety and connectivity, discussed gaps on Spring Avenue, the TAB meeting decision, input from a resident on Douglas, and appropriateness of amending the plan to include 516 Spring, 520 Spring, 524 Spring (and the side yard), and exclude the side yard of the Douglas property.

Council discussed the suggested properties on Spring Avenue and questioned the location of the sidewalk due to a tree.

Novack explained that surveys won't be done until the Council authorizes the program, that after approval staff will develop plan specifics, and that staff will discuss details with the homeowners. He also discussed engineering design, tree preservation goal, impact of weather, and that sometimes easements are needed.

Council discussed Thornwood properties, how the change in elevation may affect the location of the sidewalk, budget impact, and the properties where smaller sidewalk sections are being installed.

Novack said staff will provide the complete list of addresses and stated there is a wide variety of sidewalk sizes being installed.

A motion was made by Councilwoman Bruzan Taylor, seconded by Councilman Hinterlong, to approve the 2023 and 2024 New Sidewalk Program as amended include 516 Spring, 520 Spring, 524 Spring (and the side yard), and exclude the side yard of the Douglas property. The motion carried by the following vote:

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

P. NEW BUSINESS:

Leaf pick up

Gustin asked that additional information be provided to residents.

Hate Crime Incident - Campaign Signs

Gustin explained that swastikas were painted on her signs in Aurora and asked that staff refer the case to the US Attorney's Office - Criminal Division.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of October 18, 2022 at 7:58 p.m. The motion carried by a voice vote.

/S/ Pam Gallahue
Pam Gallahue, PhD
Community Services Director/City Clerk