



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Wednesday, November 7, 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: 7 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Krummen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 2 - Councilwoman Becky Anderson
Councilman Kevin Coyne

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

A motion was made by Councilwoman Gustin, seconded by Councilman Krummen, to recess to Closed Session to discuss 120/2(c)(5) Purchase of Property; 120/2(c)(6) Sale of Property; 120/2(c)(11) Pending Litigation; and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

Aye: 7 - Chirico, Brodhead, Gustin, Hinterlong, Krummen, Obarski, and White

Absent: 2 - Anderson, and Coyne

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:04 p.m.

D. ROLL CALL:

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

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Fire Chief, Mark Puknaitis; Police Chief, Robert Marshall; Director of Finance, Rachel Mayer; 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; Deputy Director of Public Utilities - Water, Amy Ries; Director of Public Works, Dick Dublinski; Pat Lord, Senior Assistant City Attorney; Jennifer Lutzke, Senior Assistant City Attorney

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

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

Traffic Calming

Kate Munaco, Naperville, requested a plan for traffic calming in the neighborhood around Naper School.

Traffic Calming

Michelle Fonash, Naperville, requested a plan for traffic calming specifically around the intersections of Douglas/Laird and Benton/West.

Traffic Safety

Ashley Kasula, Naperville, discussed traffic and speeding on Jackson Avenue.

Traffic calming

Rob Armour, Naperville, discussed traffic around Naper School and proposed three options to increase safety.

Traffic

Colleen Curry-Lee, Naperville, discussed concerns with traffic around Naper School and signage at intersections.

Neighborhood Traffic

Kathy Benson, Naperville, requested solutions to traffic concerns and discussed bringing the issue to the Naperville Homeowner's Confederation.

Council discussed the appropriateness of having the Transportation Advisory Board (TAB) vet the issue, police enforcement, and accidents in the area.

Benson stated that the Westside Homeowner's Association decided to approach Council prior to bringing the issue before TAB.

Marshall responded that the PD is aware of the complaints and that this area is a top priority. He cited the number of stops and citations, said he will develop

data to compare incidents prior to the increase of police presence, and discussed the need to partner with school administration on the issue because an officer cannot be placed at each school.

Council discussed having TAB hear the issue, evaluate signage and other calming strategies, the appropriateness of placing community service officers in the area, and bringing this to the homeowners confederation.

Louden explained that the request is similar to the pilot conducted near Gartner Plaza which included multiple public meetings. She said TAB advised staff during the process and that no other neighborhoods have been evaluated since the pilot. She went on to say that a consultant would need to be in place to assist as this scope of work was not planned for existing staff, and if strategies are expanded the Homeowner's Confederation could become involved.

Novack further detailed the Gartner Plaza pilot and costs, explained that staff does not have all the Naper School data, traffic counts have not been done and stated that the department has several staff vacancies.

By consensus Council authorized staff to allocate money for a consultant should one be necessary after the issue is vetted by TAB.

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 the exception of items I14-Ordinance authorizing the execution of a recapture agreement for the installation of improvements as part of the Villas at Trafford Place development; I16-ordinance approving a major change to the Main Street Promenade PUD to permit a deviation to allow for a roof mounted antenna at the subject property; and I17-ordinance amending Section 3-3-11 of the Naperville Municipal Code increasing the serving limitation of the Class S - Specialty Wine Shop and Class P - Manufacturer licenses as well as modifying the Class P license by removing the manufactured on-premises restriction and increasing the number of available marketing permits. The motion carried by the following vote:

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

1. Approve the regular City Council meeting minutes of October 16, 2018
Council approved.
2. Approve the release of Not Restricted (NR) Closed Session minutes, concur with the recommendation to maintain Restricted (R) minutes confidential at this time, and direct staff to adhere to the State of Illinois Records Retention Act and destroy audio of Closed Session meetings that are older than 18 months
Council approved.
3. Approve the award of Cooperative Procurement 18-225, Roadway Salt, to Morton Salt Inc. for an amount not to exceed \$644,688
Council approved.
4. Approve the award of Option Year One to Contract RFP 16-353, Consulting Engineering Services for Soils and Materials Testing, to Midland Standard Engineering for an amount not to exceed \$120,000
Council approved.
5. Approve the award of Change Order #2 to Contract 17-124, Fire Department Personal Protection Gear, to LION First Responder for an amount not to exceed \$25,080 and a total award of \$317,520
Council approved.
6. Approve the award of Change Order #1 to Contract 18-116, Mill Street and Commons Road Traffic Signal, to Meade, Inc. for an additional 6 months
Council approved.
7. Approve the award of Change Order #1 to Contract 18-121, Traffic Signal at 95th and Knoch Knolls, to H&H Electric Company for an additional 5.5 months
Council approved.
8. Approve a Renewable Energy Grant Program award of \$50,000 to NEX-NRM/Dukane Precast.
Council approved.
9. Accept the public street, street lighting and watermain improvements at Atwater Phase 1, Burlington Meadows, Sedgwick and 215 Ogden Avenue
Council approved.
10. Approve the City Council meeting schedule for November & December 2018, and January 2019
Council approved.

11. Receive the estimated 2018 property tax levy for the City of Naperville, including the Naperville Public Library, and direct staff to publish notice for a Truth-in-Taxation hearing on December 18, 2018.

Council approved.

12. Receive the estimated 2018 property tax levies for Special Service Area (SSA) #21, SSA #23, SSA #25, and SSA #26, and direct staff to publish notice for a Truth-in-Taxation hearing on December 18, 2018.

Council approved.

13. Schedule a public hearing for the 2019 Annual Operating budget on December 4, 2018.

Council approved.

14. Pass the ordinance authorizing the execution of a recapture agreement for the installation of improvements as part of the Villas at Trafford Place development

Bonny Albrecht, Naperville, spoke against the proposed ordinance.

Novack explained the recapture agreement and that the property owner is not responsible for paying the fees.

Lord said that the recapture fee is done pursuant to state statute and that the speaker will only be responsible if annexed into the City.

Council asked staff to provide a document to the homeowner that explains the recapture fees and when she would be responsible for paying them.

Jeremy Albrecht, spoke against the proposed ordinance.

Caitlin Palvian, Petitioner - K. Hovanian, stated the speaker would only be charged recapture fees if she annexed to the City.

Enactment No.: ORD 18-129

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to pass the ordinance authorizing the execution of a recapture agreement for the installation of improvements as part of the Villas at Trafford Place development. 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 variance to permit a 6' tall solid style fence in the required corner side yard and front yard at the subject property located at 2703 Wolf River Court, Naperville - PZC 18-1-084

Enactment No.: ORD 18-125

Council passed.

16. Pass the ordinance approving a major change to the Main Street Promenade PUD to permit a deviation to allow for a roof mounted antenna at the subject property located at 55 S. Main Street, Naperville, IL (Main Street Promenade) - PZC 18-1-106

Laff discussed recent legislation, explained staff anticipates more requests for antennas citywide, and that the ordinance is in place to regulate installation, however some variances will be requested and reviewed on a case-by-case basis.

Enactment No.: ORD 18-130

A motion was made by Councilman Krummen, seconded by Councilman Hinterlong, to pass the ordinance approving a major change to the Main Street Promenade PUD to permit a deviation to allow for a roof mounted antenna at the subject property located at 55 S. Main Street, Naperville, IL (Main Street Promenade) - PZC 18-1-106. The motion carried by the following vote:

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

17. Pass the ordinance amending Section 3-3-11 of the Naperville Municipal Code increasing the serving limitation of the Class S - Specialty Wine Shop and Class P - Manufacturer licenses as well as modifying the Class P license by removing the manufactured on-premises restriction and increasing the number of available marketing permits

John Barley, Solemn Oath Brewery, responded to various text changes to the ordinance regarding serving size, vintage products, the increase in events permits, and details around the production process.

Lutzke spoke about language related to "labeling" and "producing," serving sizes, and the fees per event.

Council discussed not serving food, that this is a different culture and business model, that food trucks are available for events, patrons can bring their own food, and the establishment can partner with restaurants for delivery. Council also discussed the appropriateness of a probation period and the role of the Liquor Commission considering an establishment's history when evaluating granting a license.

Enactment No.: ORD 18-131

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance amending Section 3-3-11 of the Naperville Municipal Code increasing the serving limitation of the Class S - Specialty Wine Shop and Class P - Manufacturer licenses as well as modifying the Class P license by removing the manufactured on-premises restriction and increasing the number of available marketing permits with the change. The motion carried by the following vote:

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

Nay: 1 - Obarski

18. Conduct the first reading of an ordinance amending Title 1, Chapter 6, Article A of the Naperville Municipal Code to provide the City Manager authority to enter into pole attachment agreements for collocation of small wireless facilities on City poles
- Council conducted first reading.**
19. Waive first reading and pass the ordinance repealing Ordinance 16-42, adopted by City Council on August 16, 2016, amending section 6-2-15 of the Naperville Municipal Code (requires six positive votes)
- Enactment No.: ORD 18-126
- Council passed.**
20. Pass the Ordinance approving the Preliminary/Final Plat of Subdivision for the Napleton Subdivision located at 220 Brookshire Court, PZC 18-1-080
- Enactment No.: ORD 18-127
- Council passed.**
21. Pass the ordinance enabling the City of Naperville, by the Naperville Police Department, to patrol the Carillon Club of Naperville and authorizing the City Manager to execute the related agreement between the City and the Carillon Club Homeowners Association.
- Enactment No.: ORD 18-128
- Council passed.**

J. PUBLIC HEARINGS:

1. Receive the staff report for Polo Club (PZC 18-1-022) located at 23450 and 23700 W 119th Street. (Item 1 of 7)
- A motion was made by Councilman Coyne, seconded by Councilman Hinterlong, to remove items J1 through J8 from the agenda. The motion carried by the following vote:**
- Aye:** 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White
2. Conduct the public hearing to consider the Annexation Agreement for Polo Club, PZC 18-1-022 (Item 2 of 7)
3. Pass the ordinance authorizing the execution of an Annexation Agreement for Polo Club (PZC 18-1-022) located at 23450 and 23700 W 119th Street (Item 3 of 7)
4. Pass the ordinance annexing the property located at 23450 and 23700 W 119th Street (Polo Club, PZC 18-1-022) (Item 4 of 7)
5. Pass the ordinance rezoning the subject property at 23450 and 23700 W 119th Street to R3A (Polo Club, PZC 18-1-022) (Item 5 of 7)

6. Pass the ordinance approving the Preliminary Plat of Subdivision for Polo Club, PZC 18-1-022 (Item 6 of 7)
7. Pass the ordinance approving a conditional use to establish the Preliminary Polo Club PUD, and deviations to increase the height of the apartment buildings, and install six monument signs, for the property located at 23450 and 23700 W 119th Street (PZC 18-1-022) (Item 7 of 7)
8. Pass the ordinance authorizing execution of a boundary agreement between the City of Naperville and the Village of Plainfield

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Pass the ordinance amending Article C (Electric Service Rates) of Chapter 1 (Electricity) of Title 8 (Public Utilities) of the Municipal Code.

Enactment No.: ORD 18-132

A motion was made by Councilwoman Gustin, seconded by Councilman Krummen, to pass the ordinance amending Article C (Electric Service Rates) of Chapter 1 (Electricity) of Title 8 (Public Utilities) of the Municipal Code. The motion carried by the following vote:

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

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Adopt the resolution approving the award of RFP 18-041 and authorizing the City Manager to execute the agreement for Residential Refuse Waste and Recycling Collection Program, to Groot Industries for a 10-year term with a first-year cost of \$7,314,300 and a 2.8% annual increase.

Krieger explained the benefits to the City and the vendor of entering into a ten-year contract specifically citing the purchase of equipment and changes to the recycling regulations.

Lord explained how the contract can be terminated.

Enactment No.: RES 18-017

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, to adopt the resolution approving the award of RFP 18-041 and authorizing the City Manager to execute the agreement for Residential Refuse Waste and Recycling Collection Program, to Groot Industries for a 10-year term with a first-year cost of \$7,314,300 and a 2.8% annual increase. The motion carried by the following vote:

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

- 2. Pass the ordinance authorizing the City Manager to execute a lease agreement with Trillium Transportation Fuels for the establishment of a CNG filling station on a portion of the property generally located at 1720 W Jefferson Avenue in Naperville (7 positive votes required)

Enactment No.: ORD 18-133

A motion was made by Councilman Krummen, seconded by Councilman Hinterlong, to pass the ordinance authorizing the City Manager to execute a lease agreement with Trillium Transportation Fuels for the establishment of a CNG filling station on a portion of the property generally located at 1720 W Jefferson Avenue in Naperville. 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:

P. NEW BUSINESS:

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of November 7, 2018 at 8:50 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