



Meeting Minutes

City Council

Tuesday, September 1, 2020

7:00 PM Zoom - Open agenda to see cable, phone & streaming options

On Friday, June 12, 2020, an amendment to the Open Meetings Act was signed into law. This new law replaces the gubernatorial executive order concerning the Open Meetings Act and allows public bodies to temporarily conduct meetings remotely during a state of emergency, subject to certain requirements, including a determination by the head of the public body that an in-person meeting is not practical or prudent.

On Tuesday, June 16, 2020, Mayor Chirico issued an executive order determining that in-person meetings of the City Council and the City's boards and commissions are not currently practical or prudent due to the COVID-19 pandemic.

TO WATCH OR LISTEN TO THE CITY COUNCIL MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T)
- Watch online at <https://naperville.legistar.com>
- Listen by telephone (audio only) – registration to receive dial-in phone number required by calling the City Clerk's Office, (630) 305-5300, by 5 p.m. on September 1

TO SUBMIT PUBLIC COMMENT IN THE MEETING:

To address the City Council via Zoom and provide public comment, members of the public must register by 5 p.m. on September 1 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 5 p.m. on September 1) to be read into the public record during the City Council meeting by a member of staff.
2. Submit a one-word statement of "SUPPORT" or "OPPOSITON" regarding a specific agenda item to be read into the public record during the City Council meeting by a member of staff.
3. Address the City Council live during the City Council meeting via spoken audio. Individuals who want to address the Council live must sign up to speak in advance of the City Council meeting (by 5 p.m. on September 1).

Once signed up, the individual will receive an email from the City Clerk's Office after the sign-up time ends with information about how to join the meeting.

- Online sign-up closes at 5 p.m. on September 1, at which time no other speakers or comments will be accepted.

PUBLIC ACCOMMODATION:

- Any individual who would prefer to listen to the meeting by telephone, to speak during the meeting by telephone, or who may require an accommodation to listen to or participate in the meeting, should contact the City Clerk at (630) 305-5300, by 5 p.m. on September 1.
- Questions regarding online sign-up may be directed to the City Clerk's Office 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:

Chirico called the meeting to order at 6:00 p.m.

B. ROLL CALL:

- Present:** 7 - Mayor Steve Chirico
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Krummen
Councilwoman Theresa Sullivan
Councilman Benjamin White
- Absent:** 2 - Councilwoman Judith Brodhead
Councilman Kevin Coyne

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

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

Aye: 7 - Chirico, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 2 - Brodhead, and Coyne

OPEN SESSION - 7:00 p.m.

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

D. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Krummen
Councilwoman Theresa Sullivan
Councilman Benjamin White

Absent: 1 - Councilwoman Judith Brodhead

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 Human Resources, James Sheehan; Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Lucy Podlesny; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski; Communications Manager, Linda LaCloche

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. Presentation of the 2020 Naperville Seniors of the Year awards

Chirico presented the 2020 Naperville Seniors of the Year awards to Sandra Benson and Joe Jobst.

Sandy Benson thanked the Mayor and Council, the Senior Task Force, and discussed her history of volunteerism.

Joe Jobst thanked the Mayor and Council, the Senior Task Force, and discussed his history of volunteerism.

2. Recognition of those who donated to the City during the COVID-19 pandemic

Chirico thanked those companies and residents that provided much-needed donations to the City of Naperville during the COVID-19 pandemic.

Schatz read the following names and businesses: Pell & Cody Grandadam, Hannah Bolds, Tim Chapman (general manager), Srinivas Arasada, Alan & Nanci Elshafei, Rajeevi Nemakal, Tim Schlosser, Christine Jeffries, Mark Robinson, Tim & Jill Rinker, Jan Ziem - Chinese American Assoc, Lindsey Shepcheck, Kristen Ding - Chinese American Group, Andy Friedheim, Ken Witkowski, Bill Dougherty, Diane Webb, Syed Houssa, Terry Pieatack, Banette Kapoor, Xiaoli Zha and Family, Nancy Sturgeon, Mary Holmburg, Shyrlene Foster, Jennifer Delgado, Jing Wang, Maribelle Sommers, Steve Iovinelli, Dr. Pranali Sirohi, Banette Kapoor, John Halgren, Andrew & Audrey Charles, Alan Ford, Councilman White, Councilman Coyne, Mandar Pitre - HSSUAA, Jim Marsh, Dave Sullivan, George & Jan Jawny, Tom Davey, Kelly (Cress Creek), Faith Allman, Steve Sack, ADT, All Saints Catholic Academy, Aurelio's Pizza, Bethany Church, Breakthrough Beverage, Bristol Station Apartments, Buona Beef, Calamos Investments, Calvary Church, Community Christian Church, Coopers Hawk, Culvers - Naper and Ogden, Feed the Frontline, Francesca's on 95th Street, Girl Scout Troop, Grace Point Church, Guzman Y Gomez Mexican Kitchen, Jersey Mike's, Little Italian (Naper & Bailey), Little Pops Pizzeria, Fogo De Chao, MOD Pizza - South Naperville, Naperville Girl Scouts, Peet's Coffee - Ogden Avenue, Pepe's Mexican Restaurant, Sharkos, Starbucks- Rt. 59 and 75th, United Center, United Punjabis of America, US Bank - Naper Blvd, and Wendy's.

G. PUBLIC FORUM:

COMMENTS TO BE READ BY STAFF

Resident

I am concerned by our town's tornado sirens. For 3 years now I have just assumed they were so faint sounding because it was a monthly test and they didn't want to panic anyone. Well a few weeks ago when there were several funnel clouds, it was clear that that was incorrect. I live around 87th and Washington and could barely hear the sirens still even though a funnel cloud was projected to be moving towards us. Thankfully my phone has a weather alert. The sounds of our sirens would absolutely never wake people up. Of course most people do have cell phones and get alerts, but not everyone. If we have sirens, they should be efficient. Our property taxes

are constantly increased for reasons I almost never support, so I would think something involving resident safety should be of a higher importance to our local government. Thank you

Tim (Naperville Resident)

I am writing in regards to items from the July 21st city council meeting, one of which will be voted on during September 1st meeting. I was pleased to hear the recognition and support for our first responders, especially the police. Yet I was a bit puzzled as to why there was not more city council member representation at the July 4th Rotary Hill event. In addition, I found some items under the agenda M section to be misleading and lacking in details. What started off as expanding the Housing Advisory Commission, which on the surface lacks justification due to low level of complaints, pivoted to a D&I role. Discrimination complaints should be taken seriously. I believe Naperville government does this and has shown to have adequate resources to handle these complaints. Even after the discussion, it was unclear how this D&I role would operate. While it's true many companies voluntarily have D&I positions, these positions mainly focus internally. Based on the discussion, the proposed D&I role would be externally focused. After a successful 30 year career with a Fortune 500 company, I'm very knowledgeable on how the D&I role works. Thus I believe it is imperative that Naperville businesses retain their autonomy and their voluntary approach to D&I vs oversight by government agency. Lastly, I am concerned about the creation of a youth commission/council/task force. I wonder if there would be the same level of enthusiasm by council supporters if these protestors were instead rallying in full support of police? This was inspired by youth protestors who have every right to peacefully protest but they are not elected representatives of our greater Naperville youth. They may well be intelligent but most of their experience comes from social media platforms which doesn't provide for sharing learned wisdom. Providing them with exclusive position and access appears to be more politically motivated. Like most Naperville citizens of all races and age demographics, our youth currently have access to council members and public city meetings where they can express their views like any other community resident.

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 the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

I. CONSENT AGENDA:**Approval of the Consent Agenda**

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the Consent Agenda with the exception of item I10. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

1. Approve the regular City Council meeting minutes of August 18, 2020
Council approved.
2. Approve the City Council meeting schedule for September, October & November 2020
Council approved.
3. Approve the award of Change Order 1 to Procurement 17-199, Biosolids Removal Services to Stewart Spreading for an amount not to exceed \$108,586 and a total award of \$314,086
Council approved.
4. Approve the award of Sole Source Procurement 20-311, SPX Flow Parts and Service, to Mills-Winfield Engineering for an amount not to exceed \$90,000 for a two-year term
Council approved.
5. Approve the award of Option Year One to Contract 19-040, Centrifuge Dewatering Polymer, to Polydyne Inc. for an amount not to exceed \$175,812 and for a one-year term
Council approved.
6. Approve the award of Bid 20-292, 2020 Lateral Grouting Cress Creek Phase 6, to Michels Corporation for an amount not to exceed \$310,360, plus a 5% contingency
Council approved.
7. Approve the Calendar Year 2021 (CY21) allocations for the City Obligations category of the SECA Grant Fund Program in the amount of \$1,020,991
Council approved.
8. Approval of Mayoral Appointment to the Sister Cities Commission
Council approved.

9. Pass the ordinance approving a major change to the Naperville Crossings PUD allowing for deviations to permit a drive-through on Building 7 Lot 16 - PZC 20-1-044

Enactment No.: ORD 20-090

Council passed.

10. Pass the ordinance granting a variance to the sign requirements in order to construct a new ground sign for the property located at 1564 West Ogden Avenue - PZC 20-1-054

Council discussed sign height and potential to alter the design.

Lino Carrillo, Express Signs and Lighting Maintenance for Fairway Lincoln Dealership, answered that the signs are standard and approved by the parent company, that the proposed sign will be replacing the existing pole sign, and clarified that it will not be the tallest sign on the Ogden Avenue corridor.

Council discussed the appropriateness of creating a maximum sign height standard for the area, petitioner hardship, the building types in the area, the need to allow for flexibility of building materials and design elements, national brands and business regulations, and the City's sales tax.

Enactment No.: ORD 20-093

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to pass the ordinance granting a variance to the sign requirements in order to construct a new ground sign for the property located at 1564 West Ogden Avenue - PZC 20-1-054. The motion carried by the following vote:

Aye: 7 - Chirico, Coyne, Gustin, Hinterlong, Krummen, Sullivan, and White

Nay: 1 - Kelly

Absent: 1 - Brodhead

11. Pass the ordinance approving the transfer of \$15,571,920 of the 2020 Volume Cap to the Town of Normal

Enactment No.: ORD 20-091

Council passed.

12. Pass the ordinance to establish temporary street closure for the rescheduled September and October Soap Box Derby races and issue Amplifier and Special Event permits subject to all state and local Executive Orders and CDC guidelines

Enactment No.: ORD 20-092

Council passed.

J. PUBLIC HEARINGS:**K. OLD BUSINESS:****L. ORDINANCES AND RESOLUTIONS:****M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve items M1-M5. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

1. Receive the staff report regarding the implementation of the Water Advanced Metering Infrastructure (AMI) Project (Item 1 of 5)

Blenniss gave a presentation and discussed the implementation of the AMI project.

Council recognized staff for their hard work.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report regarding the implementation of the Water Advanced Metering Infrastructure (AMI) Project. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

2. Approve the award of RFP 19-214, Automated Meter Infrastructure (AMI), to Core & Main LP for an amount not to exceed \$7,155,860 plus a 3% contingency and affirm bonding as the project financing source (Item 2 of 5)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of RFP 19-214, Automated Meter Infrastructure (AMI), to Core & Main LP for an amount not to exceed \$7,155,860 plus a 3% contingency and affirm bonding as the project financing source. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

3. Adopt the resolution approving a Provider Services Agreement (PSA) between the City of Naperville and Core & Main LP for design and installation of the Water AMI Project and related agreements (Item 3 of 5)

Enactment No.: RES 20-24

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adopt the resolution approving a Provider Services Agreement (PSA) between the City of Naperville and Core & Main LP for design and installation of the Water AMI Project and related agreements. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

4. Waive the first reading and pass the ordinance amending Title 8 (Public Utilities - Customer Bill of Rights) of the Naperville Municipal Code (requires 6 positive votes) (Item 4 of 5)

Enactment No.: ORD 20-092

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to waive the first reading and pass the ordinance amending Title 8 (Public Utilities - Customer Bill of Rights) of the Naperville Municipal Code. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

5. Approve the award of Sole Source Procurement 20-322, Water Utilities MDMS Software and Support, to Harris Computer Systems for an amount not to exceed \$247,580 and for a one-year term (Item 5 of 5)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Sole Source Procurement 20-322, Water Utilities MDMS Software and Support, to Harris Computer Systems for an amount not to exceed \$247,580 and for a one-year term. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the hiring of a Diversity and Inclusion Manager position

Council discussed changing the commission name to the "Human Rights and Housing Commission," the need to bring awareness and transparency to this initiative, and the job duties of the proposed position.

Schatz discussed the name change, timing of hiring, and job duties.

Council discussed the budget constraints, the appropriateness of hiring the

position now, how this helps the community, the need to stress that housing issues remain a priority, the upcoming Housing Advisory Commission recommendation to hire a full-time housing position, and the skill set of the ideal DEI candidate.

A motion was made by Councilwoman Gustin, seconded by Councilman White, to approve the hiring of a Diversity and Inclusion Manager position as amended to modify the job summary to identify the name as "Human Rights and Fair Housing Commission," include "equity, diversity, and inclusion" under the title of work, and also include experience in the fair housing industry as a recommendation. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

P. NEW BUSINESS:

Adult-use cannabis revenue

Krummen discussed his role on the review team for CDBG-COVID grants.

Public art program

Krummen stated that he has meetings scheduled with individuals in the art field to discuss the appropriateness of hiring a consultant to assist the City with developing a strategic plan and grant program.

Campaign finance reform

Sullivan discussed creating a policy mandating recusal by councilmembers and the mayor from issues where the petitioner has donated \$500 or more in campaign contributions.

Council discussed free speech, potential suppression of contributors, the ability of candidates to self-fund, that fund raising is an important part of candidate vetting, whether or not there are corruption-related issues, the role of social media, the desire of candidates to be active in the community, enforcement of recusals, and the potential to disclose campaign contributions instead of recusing.

By consensus Council directed staff to research the issue.

Ogden Ave - Auto Corridor

Hinterlong discussed the appropriateness of implementing a sign height ordinance.

By consensus Council directed staff to research the issue.

Q. ADJOURNMENT:

A motion was made by Councilwoman Gustin, seconded by Councilman

Hinterlong, to adjourn the Regular City Council Meeting of September 1, 2020 at 8:38 p.m. The motion carried by the following vote:

Aye: 8 - Chirico, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

Absent: 1 - Brodhead

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk