



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, October 4, 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 4 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 4. 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 4.
Online sign-up closes at 4 p.m. on October 4, 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 4.
- 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:

Chirico called the meeting to order at 6:30 p.m.

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 - 6:30 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to recess to Closed Session to discuss 120/2(c)(6) Sale of Property 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.

Chirico called the meeting to order at 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; Fire Chief, Mark Puknaitis; Police Chief, Jason Arres; 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:

1. [Proclaim October 2022 as Disability Employment Awareness Month](#)

Councilman Leong presented the Proclamation.

2. [Proclaim October 5, 2022 as Energy Efficiency Day in the City of Naperville](#)

Councilwomen Bruzan-Taylor and Sullivan presented the Proclamation.

G. PUBLIC FORUM:

Proclamation

Cathy Clarkin (Naperville - NEST) thanked the City for the Energy Proclamation and discussed energy saving opportunities for residents and businesses.

DuPage Monarch Project

Catherine L Cox (Warrenville) discussed the project, asked Council to join the project, and draft a resolution of support.

Dublinski gave an update on the CY2023 budget request for an RFP to develop a five-year native vegetation management plan.

Fair Housing (Rt 59), IMEA, and Safety Act
Dick Furstenu (Naperville) discussed percentage of brick requirement, the end of the IMEA contract, and the 2023 start of the Safety Act measures.

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:

Approval of the Consent Agenda

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

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

1. [Approve the regular City Council meeting minutes of September 20, 2022](#)
Council approved.
2. [Approve the City Council meeting schedule October, November and December 2022](#)
Council approved.
3. [Approve appointments to various Boards & Commissions](#)
Council approved.
4. [Approve the award of Cooperative Procurement 22-256, SMARTnet Maintenance Renewal, to CDW-G for an amount not to exceed \\$230,777 and for a one-year term](#)
Council approved.
5. [Approve the award of Bid 22-187, Aggregate Materials, to Green Dream International LLC for an amount not to exceed \\$413,634.90, and for a one-year term](#)
Council approved.
6. [Approve the award of RFP 22-091, Emergency Notification Alert System Services, to Everbridge, Inc., for an amount not to exceed \\$214,744.33 and for a four-year term](#)
Council approved.
7. [Approve the award of Cooperative Procurement 22-282 HPe Aruba 4001i Network Switches, to CDW Government for an amount not to exceed \\$259,807.60](#)
Council approved.

8. [Approve the award of Change Order #1 to Cooperative Procurement 22-061, Police Department Roof Restoration - Phase III and Final, to Weatherproofing Technologies Inc./Tremco for an additional 122 days](#)

Council approved.

9. [Approve the award of Change Order #1 to RFQ Work Order 17-122-TED-2201, Phase III Downtown Streetscape Improvements, to Civiltech Engineering Inc. for an amount not to exceed \\$98,337.00 and a total award of \\$493,431](#)

Council approved.

10. [Approve the award of Change Order #4 to Contract 22-035, 2022 Downtown Streetscape Construction, to RW Dunteman Co. for an amount not to exceed \\$44,423.98 and a total award of \\$4,933,925.92 and for an additional 46 days](#)

Council approved.

11. [Approve the award of Option Year Three of Contract 20-001, Pipefitting, Plumbing and Mechanical Services, to Dahme Mechanical Industries, Inc. for the amount to not exceed \\$210,560](#)

Council approved.

12. [Approve the award of Change Order #1 to Option Year Two of Contract 18-022, Motor Fuel Tank Wagon, to Heritage FS, Inc., for an amount not to exceed \\$70,000 and a total award of \\$235,000](#)

Council approved.

13. [Approve the award of Change Order #1 to Option Year Three of Contract 18-025, Motor Fuel, to Luke Oil for an amount not to exceed \\$270,000 and a total award of \\$1,270,000](#)

Council approved.

14. [Approve the award of Change Order #1 to Bid 21-245, Central Parking Facility - LED Lighting Retrofit, to Rag's Electric Inc. for an additional 273 days](#)

Council approved.

15. [Approve the award of Change Order #1 to Bid 22-036, Landscape Restoration Services, to Semper Fi Landscaping Inc. and Local Lawn Care and Landscaping for an amount not to exceed \\$165,000 and a total award of \\$490,000](#)

Council approved.

16. [Accept the public underground improvements for Heritage Place Phase I and IA and authorize the City Clerk to reduce the corresponding public improvement surety](#)

Council accepted.

17. [Adopt the resolution approving the Intergovernmental Agreement between the County of DuPage and the City of Naperville for Improvement of CH23/Naperville Road from Naperville-Wheaton Road/Ridgeland Avenue to Diehl Road, Section No. 16-00195-06-CH](#)

Enactment No.: RES 22-30

Council adopted.

18. [Adopt the resolution approving the Intergovernmental Agreement between Will County and the City of Naperville for placement of license plate recognition cameras located on Will County rights-of-way](#)

Enactment No.: RES 22-31

Council adopted.

J. PUBLIC HEARINGS:

1. [Conduct the public hearing and direct staff to prepare ordinances approving the Heinen Business District Plan and setting an associated Business District tax of one-half of one percent](#)

The public hearing opened at 7:27 p.m.

Philip R McKenna (Chicago - Kane McKenna & Associates) Attorney for Petitioner, presented the Heinen Business District proposal, explained the budget of \$4.4 million, and described the specific site findings.

Basim Esmail (Naperville) spoke against the proposed plan.

McKenna clarified that the revenue from the Business District tax will assist with stormwater detention only.

Rick Lewelyn reiterated that funding will assist with stormwater only, no funding will go toward demolition or construction, and that it is difficult to determine what one half of one percent will realize in revenue.

Spencer Javorek, former owner of Pepe's, stated that water does pond on the property but this is an overreaction by the developer to fix something that is not that big of a problem.

Novack concurred that the lot holds water during storms and stated the slow release rate is by design.

Council discussed the flooding on Chicago Avenue and how to restrict funds so that they are used for detention only.

Krieger explained how he witnessed the significant ponding on the Butera lot during/after the September 11, 2022 storm event.

Council stated that it is commendable that Heinen is using funds for stormwater

improvements instead of building renovations but that this is a private property issue that should be negotiated between the buyer/seller.

DiSanto explained that as the City receives funding from the Illinois Department of Revenue it will rebate Heinen up to \$4.4 million over 23 years.

McKenna stated approximately 60% of sales are not subject to the proposed tax.

Council discussed how the flooding impacts the parking lot, the street, the nearby park, and asked about the development timeline.

Lewelyn stated that Heinen is committed to working with City staff to improve the property regardless of revenue returns.

WRITTEN COMMENTS ONLY

Marilyn L Schweitzer (Naperville) I support the plan because it is solving an infrastructure problem caused not only within the property, but by the surrounding area as well. The property is currently one of the few Neighborhood Centers in Naperville and the improvement will help the property continue to function in that manner. I am also pleased that Heinen is attempting to reuse the existing building rather than demolishing and rebuilding it. I hope they also take a sustainable approach towards the landscaping improvements to further help mitigate the stormwater issues.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to close the public hearing for the Heinen Business District at 7:49 p.m., consider public input, and direct staff to prepare an ordinance to approve the business district plan and establish the Heinen Business District along with another ordinance that sets the percentage of business district tax to be imposed. The motion carried by a voice vote.

NAY: Bruzan Taylor

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. [Option A: Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving a variance to Section 6-6A-7 for the property located at 620 N Sleight Street - PZC 22-1-068; or Option B: Concur with staff and deny the variance - PZC 22-1-068](#)

Russell Whitaker (Naperville and Attorney for Petitioner) explained the request for approval of a variance to Section 6-6A-7 to reduce the required interior side yard setback from a total of 20' for both side yards a minimum of 8' (post-1989 setbacks), to a total of 16' for both side yards a minimum of 8' (pre-1989 setbacks) for construction of a new single-family home and stated the homeowners worked with the neighbors to come to agreement.

Laff stated that when the subdivision happened it was made known that any

new single-family home constructed on the lot must comply with the post-1989 interior side yard setback of 20 feet total for both side yards, with each yard a minimum of eight feet.

Whitaker explained the history of the property, efforts to sell, similar variances approved, the intent to apply post-1989 setback requirements in south Naperville only, and that approval of the variance makes the home more usable.

Council discussed the agreement with the neighbor, the firm's involvement with the subdivision and sale of the property, if the parties did their due diligence, and whether the setbacks were explained at the time of the sale.

Enactment No.: ORD 22-116

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving a variance to Section 6-6A-7 for the property located at 620 N Sleight Street - PZC 22-1-068 (Option A). The motion carried by the following vote:

Aye: 6 - Chirico, Gustin, Hinterlong, Holzhauser, Kelly, and Leong

Nay: 3 - Bruzan Taylor, Sullivan, and White

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. [Approve the award of RFQ 22-255, Polyethylene/PVC Conduit Qualifications, to Power Line Supply, Universal Utility Supply, and Wesco Distribution as approved vendors for future projects, for an amount not to exceed \\$1,387,000 and for a one-year term](#)

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the award of RFQ 22-255, Polyethylene/PVC Conduit Qualifications, to Power Line Supply, Universal Utility Supply, and Wesco Distribution as approved vendors for future projects, for an amount not to exceed \$1,387,000 and 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

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. [Provide direction regarding construction and location of noise walls for the 248th Avenue improvement project](#)

Anne Mathews (Naperville) spoke in support of installing the noise wall at all locations of the study.

Paul Lehman (Naperville and Silverthorne Development Co.) spoke in support of installing the noise wall at all locations of the study.

Novack explained the transportation noise model that takes readings at various locations, that two blocks were not included because they are set back further

due to the dry detention basin as well as buffered by a cul de sac.

Novack went on to explain that two noise models were conducted, that the first did not include the ICN development and the second model incorporated a fully built-out ICN in 40 years and resulted in a difference of few decibels.

Council discussed the appropriateness of spending money on a few residents if the property does not meet warrants, impact of electric vehicle mandates on traffic noise, assessment fee savings, requests for sound walls from residents on truck routes, applying the \$2M to the 248th Avenue improvement project instead of the sound walls, and establishing an SSA for residents that want a sound wall.

Novack explained the attached maps, the five criteria that was run, and the green and red location designations.

Council discussed the cost per home, appropriateness of building the wall where the criteria was barely met/missed, creating an SSA for vacant lots to be paid by the developer, and ensuring sight lines are clear.

Council continued to discuss community benefit of sound walls, the 75th Street improvement, the impact of electric vehicles.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to direct staff to install noise walls only at warranted locations (Option 1).

A motion in substitution was made by Councilman Kelly, seconded by Councilman Holzhauser, to staff to install noise walls at warranted and unwarranted locations (Option 2). The motion failed by the following vote:

Aye: 4 - Bruzan Taylor, Holzhauser, Kelly, and White

Nay: 5 - Chirico, Gustin, Hinterlong, Leong, and Sullivan

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to direct staff to install noise walls only at warranted locations (Option 1). The motion carried by the following vote:

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

2. [Consider the three options regarding the Affordable Housing Incentive Program and direct staff accordingly - PZC 22-1-017](#)

Michael Ryder (Naperville - DuPage Housing Alliance) spoke in support of the plan.

Amanda Zahorak (Chicago - DuPage Habitat for Humanity) spoke in support of the plan.

Andrew Sparks (Chicago - DuPage Habitat for Humanity) spoke in support of the plan.

Trey Phillips (Naperville - DuPage Housing Alliance) spoke in support of the

plan.

Phil Meno (Naperville - DuPage Housing Alliance) spoke in support of the plan.

Marilyn L Schweitzer (Naperville) spoke against the plan and in favor of moving forward with affordable housing initiatives.

Laff explained that in order for an R1A property to qualify for the AHIP it would need to have at least five units on it by right, if they set aside a portion for affordable then they would get a density bonus and other waivers, however in no instance can a developer put a use on an R1A property that would not be permitted in that zoning district. She concluded by emphasizing R1A only permits single-family homes and variances are not permitted without a public rezoning process.

Council stated that this topic has been through significant public input processes, SB Friedman did exactly what was asked, that the proposal is creative, and that Option 3 is not the answer.

Brad Wilson, Naperville Park District Executive Director, discussed the two letters submitted regarding the AHIP and stated the primary concern is the "by right" provision. He also discussed the concern of a reduction/waiver of land cash donation, stated the preference is to continue a case-by-case evaluation, and described capacity issues in programming. Wilson also explained that Fort Hill Activity Center, Centennial Beach renovations, and Nike expansions were made possible in part from development land cash donations.

Council questioned Wilson regarding the Park District letters, specifically the Municipal Code reference to low income families, discussed national studies regarding low income youth participation in sports, and gave fee assistance statistics.

Laff explained that the Municipal Code establishes different populations in which to determine donations.

Wilson discussed the Park District's commitment to inclusion, reiterated the concern over the "by right" provision, described a recent senior housing development where the Park District worked with the developer to lower the fees and create a trail amenity for residents, and explained that the Park District offers low cost as well as free programming that low income families utilize.

Council asked for five-acre examples of R1 and R1A properties, a prioritized list of vacant lots for affordable development, and clarification on AHIP recommendations beyond SB Friedman presentations.

Laff stated that the Naper Commons park donation was \$1.9 million.

Council discussed not continuing with SB Friedman, approving Option 3 and having staff offer clarifications on incentives, density bonus, and the elimination of R1A references.

Council also discussed not reducing land cash donations, that developments are planned that have affordable housing components, NOAH, and exploring other governmental agencies that can bear some financial burden.

Council stated it is not comfortable with where they are today, don't want to be stuck in analysis paralysis, that the most consensus has been around eliminating R1A altogether, that the Park District is one of seven potential incentives available and should be able to program for the number of residents, the need for further discussion between City and Park District, questioned where did 50% come from, the amount/degree of incentives, that the state has set the goal at 10% but is it appropriate to set it at 20%, and that staff should refine the program requiring more units and less of a density bonus, eliminate R1A, and talk further with the Park District.

WRITTEN COMMENTS ONLY

Kathleen McGowan (Naperville) - The Naperville Senior Task Force On behalf of the Naperville Senior Task Force, we are pleased that the City is contemplating further action on the proposals submitted by the Friedman group's work. While we support, in principle, getting more affordable housing into Naperville, we do have some reservations about the resolution in front of you at your October 4th City Council meeting. We agree with some of our colleagues who have questioned the wisdom of limiting the public participation in the approval process of these projects. We understand that developers may need incentives to build affordable housing in our community. However, it does seem that the public must be involved in the process. Eliminating or limiting that participation seems ill-advised. We also question the amount of leeway given to developers regarding waiver of fees being proposed and how that could impact the Park District and their programs as well as other public services such as libraries, schools, etc. We all have a difficult job ahead of us. One of our tasks is to educate the public about the realities of affordable housing, not promoting fears or anxieties. We also must provide a process that enables the City to continue the service they so ably provide while giving incentives to developers to encourage their buy-in. This is not an easy task but working together we can achieve this goal.

A motion was made by Councilman Holzhauser, seconded by Councilwoman Sullivan, to table the issue for six weeks and directed staff to ensure multi-family housing cannot be in R1A zoning. The motion carried by a voice vote.

The meeting recessed from 9:30 p.m. - 9:34 p.m.

3. [Receive the City of Naperville Bridge to 2023 Priorities Plan fall 2022 status update](#)

Schatz presented updates on the Public Safety and Sustainability priorities and shared their status as On Track and Monitoring respectively.

Mayer presented the Financial Principles and Infrastructure/Utilities priorities update and shared that both priorities have been categorized with a status of

Ongoing.

Novack presented Housing Choice priority update and shared that its status category is Ongoing.

Staff explained that a statistically significant Citizen Survey will be programmed into the 2023 budget for community feedback on City services and efforts.

Council confirmed that streetscape contractors did not meet the requirements to receive the bonus, discussed phosphorous requirements, requested that staff break out of costs of legislative mandates such as body cameras during the upcoming budget workshops, and asked if staff will adjust the financial principles since they have been exceeded.

Mayer explained that the City has collected \$16 million in the phosphorous fund, that the proposed Water Utility capital plan will be the largest the City has ever seen, that an update of the financial principles and phosphorus fee will be reviewed by the Financial Advisory Board in 2023, and recommendations will be provided to Council.

Blenniss discussed significant cost increases for projects, the 2017 phosphorous improvements study and related requirements, and stated the Utility is targeting \$80 million to fund the initiatives.

Council inquired about the availability of federal grants for capital improvement, West Monroe Partners, and rescue funds.

Mayer discussed federal programs have significant reporting requirements, the state has a revolving loan, that staff identified \$9M projects related to the Electric Utility that may be eligible for grant funding, and that the rescue funds may be available but are a one-time allocation and that is insignificant for a 15-20 year plan.

Council discussed timing and distribution of the Citizen Survey, the Washington Street Bridge construction, and commuter notification of traffic pattern changes.

Schatz detailed that the Citizen Survey will be designed as a statistically significant random sampling and available via U.S. mail and online. She said the consultant will develop questions and follow up with phone calls.

Novack said the Washington Street Bridge construction will mostly impact traffic during peak morning/evening commutes, that permitting is from IDOT and DuPage County, that the construction is starting five months early, and that staff is working with DNA on a marketing strategy.

LaCloche discussed City communications plan.

The plan was received.

P. NEW BUSINESS:

5th Avenue Train Station parking lot issues

Gustin discussed the increase of commuters and pedestrians at the station and asked that the Police Department assist during peak hours.

Responsible Bidder Ordinance (RBO)

Gustin asked that the RBO to be reviewed by the Financial Advisory Board.

By consensus, Council concurred.

Q. ADJOURNMENT:

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to adjourn the Regular City Council Meeting of October 4, 2022 at 10:17 p.m. The motion carried by a voice vote.

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