



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, September 5, 2017

7:00 PM

Council Chambers

A. CALL TO ORDER:

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

B. ROLL CALL:

C. CLOSED SESSION - CANCELED

OPEN SESSION - 7:00 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Becky Anderson
Councilwoman Judy 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; Deputy 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, 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; Director of Public Utilities - Water, Jim Holzapfel; Director of Public Works, Dick Dublinski

Chicago Sun Times, Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

Pledge given.

F. AWARDS AND RECOGNITIONS:

1. Presentation of a Fire Chief's Award to Marla Richards, Jackie Cunningham, Kevin Swanson and KorrieAnne Schultz.

The Fire Chief's Award was presented by Jim Kubinski, Bureau Chief-EMS.

2. Proclaim September 2017 as Suicide Prevention Month

The Proclamation was presented by Councilwoman Obarski.

3. Proclaim September 2017 as Pediatric Cancer Awareness Month

The Proclamation was presented by Councilwoman Gustin.

4. Proclaim September 2017 as National Senior Center Month

The Proclamation was given by Councilwoman Obarski.

5. Council wished Mayor Emeritus, George Pradel, a Happy Birthday.

6. Chirico called for a moment of silence for those impacted by Hurricane Harvey and those preparing for Hurricane Irma.

G. PUBLIC FORUM:

Safety Concern

Brian Nierman presented a petition requesting a traffic barrier at Washington and Bauer due to the fatalities at that location.

Novack explained the analyses that have been performed, that guardrails are intended to protect drivers not pedestrians, and that alternative solutions would be to provide positive guidance via reflective markers, parkway trees, and a fence on the church property.

Council discussed the location, additional options, and directed staff to present ideas and explain the City's exposure regarding barrier solutions.

95th Street

Doreen Swindall discussed the construction on 95th Street, trucks using non-designated truck route, the need for an improved sound wall, and the area speed limit.

Novack confirmed the City installed an 8' fence in 1995.

Council discussed the appropriateness of installing a sound wall and other mitigating solutions.

Marshall stated that the Police Department will put extra patrol in the area to enforce truck traffic.

Diane O'Connor discussed the impact of the construction on the neighborhood.

Council discussed implementing an SSA or bringing the issue to the Homeowner's Association.

Dave Lewanski discussed natural barriers in the area, fence installation, and the need to diffuse the noise.

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:

A motion was made by Councilwoman Brodhead, seconded by Councilman Hinterlong, to approve the Consent Agenda with the exception of items I10, I11, and I12. 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 August 15, 2017.

Council approved.

2. Approve the Award of Bid 17-156, 2017 Street Patching Program Phase II, to Brothers Asphalt Paving, Inc. for an amount not to exceed \$166,900, plus a 5% contingency.

Council approved.

3. Approve the Award of Bid 17-124, Fire Department Personal Protection Gear, for Group 1 to Equipment Management Co and LION First Responder for an amount not to exceed \$173,000, for Group 2 to W.S. Darley & Co for an amount not to exceed \$37,280, for Group 3 to Air One Equipment for an amount not to exceed \$37,080 and for annual cleaning and inspections to LION First Responder for an amount not to exceed \$25,080 for a total award for the gear, cleaning and inspections not to exceed \$272,440 and for a 26-month period.

Council approved.

4. Approve the Award of Job Order Contract 17-DPW001 CY17.B, Roof Replacement at Burlington Commuter Station, to F. H. Paschen for an amount not to exceed \$211,514.42.

Council approved.

5. Waive the applicable provisions of the Naperville Procurement Code to set prices for

CY17/18 and Award Procurement 17-176, Roadway Snow Removal, to various contractors for an amount not to exceed \$390,915 for the period of October 1, 2017 through April 30, 2018. (Requires six positive votes)

Council approved.

6. Accept the public underground improvements for Atwater Phase I and authorize the City Clerk to reduce the corresponding public improvement surety.

Council approved.

7. Approve the City Council Meeting Schedule for September, October & November 2017.

Council approved.

8. Pass the Ordinance to establish Temporary Traffic Controls and issue a Special Event permit for the North Central College Homecoming Parade on Saturday, October 21, 2017.

Council approved.

Enactment No: ORD 17-129

9. Pass the Ordinance establishing Temporary Traffic Controls and issue a Special Event Permit, including an Amplifier Permit for the Naperville Half Marathon & 5K Run scheduled for Sunday, October 22, 2017.

Council approved.

Enactment No: ORD 17-130

10. Receive the staff report for Bauer Place Phase 3 located at the southwest corner of Bauer Road and East Avenue, PZC 17-1-067 (Item 1 of 3).

Council discussed the evolution of this development, density, units per acre, and the desire for community amenities.

Len Monson, Attorney for Petitioner, explained that density is consistent with Council direction, that open space is the exact dimension of the neighboring development, that landscaping and detention ponds have been included, and that benches and additional gathering areas can be incorporated.

Laff explained the phases of the development, the shifting of lot lines, and that the additional acreage gained in Phase 3 has added nine new units to the overall development.

The report was received.

11. Pass the Ordinance Granting Rezoning of the Property Located at the Southwest Corner of Bauer Road and East Avenue to R3 (Medium Density Multiple-Family Residence

District) - PZC 17-1-067 (Item 2 of 3).

This Ordinance was passed.

Enactment No: ORD 17-132

12. Pass the Ordinance Approving the Preliminary/Final Plat of Subdivision, the Owner's Acknowledgement and Acceptance (OAA) and a Deviation to Section 7-3-5:5 (Dedication of Park Lands and School Sites) for Bauer Place Phase 3 - PZC 17-1-067 (Item 3 of 3).

This Ordinance was passed.

Enactment No: ORD 17-133

13. Conduct the First Reading of an Ordinance amending Title 8 (Public Utilities), Chapter 1 (Electricity), Article C (Electric Service Rates), Section 4 (Schedule of Rates), of the Municipal Code to allow for Primary and Transmission Standby Rates.
14. Adopt the Resolution Authorizing Execution and Approval of New Parallel Operation and Energy Purchase Agreement Between City of Naperville Department of Public Utilities-Electric and Nalco Company LLC

This Resolution was adopted.

Enactment No: RES 17-34

15. Pass the ordinance approving a variance from Section 6-2-10:4 (Accessory Buildings, Structures, and Uses of Land; Bulk Regulations) of the Naperville Municipal Code for the property located at 724 Jackson Avenue - PZC 17-1-051.

This Ordinance was passed.

Enactment No: ORD 17-131

J. PUBLIC HEARINGS:

1. Open and continue the public hearing to September 19, 2017 to consider the Annexation Agreement for the Subject Property located at 504 Commons Road (Avenida - Naperville) - PZC 16-1-136.

Chirico opened the Public Hearing at 8:06 p.m.

Justin Philipott, spoke in favor of tabling the item.

Laff explained the Annexation Agreement is not finalized, that the target meeting

date is September 19, however if the Petitioner is not ready it may be tabled again.

A motion was made by Councilwoman Brodhead, seconded by Councilwoman Obarski, that this agenda item be continued to September 19, 2017. The motion carried by the following vote:

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

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Conduct the First Reading of the Home Rule Sales Tax and Downtown Food and Beverage Tax Ordinances Amending Section 11 of Chapter 1, Title 3, and Amending Section 9 of Chapter 1, Title 3 of the Naperville Municipal Code.

Colin Dalough, Chamber of Commerce, spoke against any proposed increase without first completing the budget review process.

Council discussed Internet sales, local businesses, the Marketplace Fairness Act, the Use Tax, the reduction in the Local Government Distributive Fund, border community comparisons, and resident v. non-resident purchases.

Dalough explained that statistics show between 50%-68% of purchases are made by local residents.

Mayer explained two opportunities to modify the home rule sales tax and the timing of filings with the State of Illinois.

Council discussed lack of oversight on the Use Tax, the loss of tax money on each Internet sale originating in Naperville, vacant retail space, a potential revenue stream for the improvement of East Ogden Avenue, and requested the percent of purchases, including bars and restaurants, by Naperville residents.

Krieger explained Use Tax compliance and that more than 8% of revenue is lost with Internet purchases.

Dick Furstenau spoke against the increasing the home rule sales tax.

Council discussed the increase in pension obligations, debt service increase, new debt assumed, that cash reserves have been cut by half to balance the budget, personnel reduction, and that Naperville currently has its lowest tax levy in ten years.

First reading held.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the Recommendation by GCG Financial to Award the Medical Insurance renewal to Blue Cross Blue Shield of Illinois (BCBSIL) for a one-year term and for an

amount not to exceed \$2,750,860. (Item 1 of 3)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be approved. The motion carried by the following vote:

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

2. Approve the Contract with CVS-Caremark for a one-year term for pharmaceutical management services at no cost. (Item 2 of 3)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be approved. The motion carried by the following vote:

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

3. Approve the Contract with OPTUM-Unimerica Insurance Company (OPTUM) for a Specific Stop-Loss Reinsurance Policy for a one-year term for an amount expected to be \$459,286. (Item 3 of 3)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, that this agenda item be approved. The motion carried by the following vote:

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

The meeting recessed at 8:43 p.m.

The meeting was called back to order at 8:50 p.m.

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the Award of RFQ 17-036, 5th Avenue Development Opportunities, to Ryan Companies US, Inc.

Scott Zmrhal spoke against the RFQ process.

Daniel Dodge spoke against the RFQ process.

Sandee Whited summarized the petition and resident comments opposing moving forward with Ryan Companies.

Council responded to the speaker's comments.

Steve Purduski spoke against the RFQ process.

Dominic Nugent spoke against the RFQ process.

Dave Trollope spoke in favor of moving forward but not exclusively with Ryan Companies.

Jane Brueggemann discussed the residents in the 5th Avenue area.

Ann Swanson discussed impact on Ellsworth School and specific development concerns.

Amy Pera spoke against the RFQ process.

Anissa Olley spoke against the RFQ process.

Dick Furstenau spoke against the RFQ process.

Sven Davies spoke against the RFQ process.

Jim McDonald, Petitioner, stated the company is ready to address concerns and engage the community.

Daniel Zeman spoke against the RFQ process.

Mark Johnson spoke against the RFQ process.

Jana Beincetta spoke against the RFQ process.

Jim Hasselhorst spoke against the RFQ process.

Council discussed the project risks, undefined scope, typical development process, reasons consultants are hired, and the need for a community engagement plan.

Krieger stated the process has been developed without boundaries and that it is far too early to discuss TIF or other financial parameters.

Council discussed who would be involved in the engagement process, affordable housing issues, TIF, stormwater management, the need for transparency, infrastructure questions, safety concerns, traffic, the Planning and Zoning Commission process, and stressed that the arrangement can be terminated at any time by either party.

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, that this agenda item be approved as amended to move forward with Ryan Companies, on a non-exclusive basis, to facilitate a community engagement process, complete market and technical studies, develop a land use concept and financial plan, and that said relationship shall be terminable at will by either

party and shall be subject to a community outreach plan that is acceptable to Council within 30 days.

A motion in substitution was made by Councilman Krummen, seconded by Councilman White, that this agenda item be tabled to October 3, 2017 and direct staff to work with Ryan Companies to determine a scope development/community engagement plan. The motion carried by the following vote:

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

Nay: 1 - Anderson

P. NEW BUSINESS:

Burlington Fund

Gustin asked about the reported deficit.

Mayer clarified how the fund operates.

Demonstrator in the Downtown

Chirico discussed behavior by a demonstrator.

DiSanto explained free speech rights and disorderly conduct statutes.

Marshall stated no reports have been made to the Police Department.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council meeting of September 5, 2017 at 10:28 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