



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, April 16, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 6:45 p.m.

B. 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

C. CLOSED SESSION - 6:45 p.m.

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

Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, 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 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 Human Resources, James Sheehan; Interim Director of IT, Jacqueline Nguyen; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; Deputy Director of TED, Allison Laff; Deputy Directors of Public Utilities - Electric, Lucy Podlesny and Olga Geynisman; Director of Public Utilities - Water, Darrell Blenniss, Jr.; Director of Public Works, Dick Dublinski

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

1. Proclaim April 22 - 28, 2019 as Earth Week in Naperville

Councilman White presented the Proclamation.

2. Proclaim April 16, 2019 as Grace Seiboldt Day

Mayor Chirico presented the Proclamation.

G. PUBLIC FORUM:

Affordable Housing

Mike Ryder, thanked Council for supporting the Housing Advisory Commission position paper and thanked Councilwomen Obarski and Anderson for their service.

Thank You

Thom Higgins, thanked Councilwomen Obarski and Anderson for their service.

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 15-the

award of Bid 19-006, 2019 Sidewalk & Curb Maintenance Program, to Schroeder & Schroeder, Inc. for an amount not to exceed \$717,900, plus a 3% contingency and 16-the ordinance approving the 2019 Sidewalk & Curb Maintenance Program Property Owner's Cost Sharing Program. The motion carried by the following vote:

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

1. Approve 03/08/2019 thru 03/29/2019 cash disbursement for \$12,540,810.44

Council approved.

2. Approve the regular City Council meeting minutes of April 3, 2019

Council approved.

3. Approve the City Council meeting schedule for April, May & June 2019

Council approved.

4. Approve the award of Bid 19-063, Concrete Restoration Services, to Whiteline Construction Inc., Baish Excavating Inc. and Davis Concrete Construction Company for an amount not to exceed \$250,000, plus a 5% contingency

Council approved.

5. Approve the award of Bid 19-006, 2019 Sidewalk & Curb Maintenance Program, to Schroeder & Schroeder, Inc. for an amount not to exceed \$717,900, plus a 3% contingency (Item 1 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, approve the award of Bid 19-006, 2019 Sidewalk & Curb Maintenance Program, to Schroeder & Schroeder, Inc. for an amount not to exceed \$717,900, plus a 3% contingency as amended to ensure no new sidewalks will be installed in unincorporated areas. The motion carried by the following vote:

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

6. Pass the ordinance approving the 2019 Sidewalk & Curb Maintenance Program Property Owner's Cost Sharing Program (Item 2 of 2)

Jennifer Taylor, Naperville, discussed the impact of the cost share on low-income residents.

Novack explained maintenance notification to the residents and the resources that can assist with the cost. He said a list of resources can be provided to the qualifying residents.

Council discussed unincorporated addresses, that they should not benefit from improvements, and cited those on the proposed list.

Novack responded to the examples and clarified that in some cases the city

owns the right-of-way and that a sidewalk may be installed to assist with pedestrian walkability. He also said he will review the list to ensure only appropriate addresses are included.

Enactment No.: ORD 19-046

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the 2019 Sidewalk & Curb Maintenance Program Property Owner's Cost Sharing Program. The motion carried by the following vote:

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

7. Approve the award of Bid 19-005, 2019 Micro-surfacing Program, to Microsurfacing Contractors LLC for an amount not to exceed \$967,052, plus a 3% contingency
Council approved.
8. Approve the award of RFQ 19-023, Structural Engineering Consultants, to Ciorba Group, Inc., Engineering Resources Associates, Civiltech Engineering, Inc., and TranSystems as approved vendors for future projects and for a two-year term
Council approved.
9. Approve the award of Cooperative Procurement 19-126, Unit 245 Street Sweeper, to Standard Equipment Company for an amount not to exceed \$286,802.54
Council approved.
10. Approve the award of Cooperative Procurement 19-087, Police Department Garage Floor Restoration Project, to Garland/DBS Inc. for an amount not to exceed \$104,860, plus a 5% contingency
Council approved.
11. Pass the ordinance to establish temporary street closures and parking restrictions for the 2019 Memorial Day Parade and issue a Special Event permit
Council passed.
Enactment No.: ORD 19-041
12. Pass the ordinance approving a temporary use for a period of one year to allow two donation boxes at NaperWest Plaza, 510 S. Route 59.
Council passed.
Enactment No.: ORD 19-042
13. Waive the first reading and pass the ordinance to establish a no parking, stopping, or standing zone between 7:45 a.m.-8:15 a.m. and 2:15 p.m.-2:45 p.m. on the east side of Sleight Street from a point 80' south of North Avenue to a point 80' north of School Street

and to establish a line-up lane for student loading zone between 7:45 a.m.-8:15 a.m. and 2:15 p.m.-2:45 p.m. on the west side of Sleight Street from a point 80' south of North Avenue to a point 80' north of School Street (requires six positive votes).

Council passed.

Enactment No.: ORD 19-043

14. Waive the first reading and pass the ordinance amending Chapter 3, Title 3, Section 11 (Liquor License and Permit Classifications) of the Naperville Municipal Code eliminating the sunset provision contained within the outdoor seating permit (requires six positive votes)

Council passed.

Enactment No.: ORD 19-044

15. Adopt the resolution authorizing the City Manager to submit an application to the Regional Transportation Authority requesting a continuation of federal funding for the Ride DuPage to Work program

Council adopted.

Enactment No.: RES 19-011

16. Pass the ordinance approving a variance to Section 6-16-5:2.2.1 of the Naperville Municipal Code in order to install a monument sign on the subject property located at 1120 S. Route 59 (Seigle's Cabinet Center) -PZC 19-1-05

Council passed.

Enactment No.: ORD 19-045

J. PUBLIC HEARINGS:

1. Conduct the Public Hearing for the Community Development Block Grant Program Year 2019 Annual Action Plan (Item 1 of 2)

Chirico opened the Public Hearing at 7:26 p.m.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:27 p.m. The motion carried by the following vote:

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

2. Approve the Program Year 2019 Annual Action Plan allocating a total of \$637,898 of Community Development Block Grant funds (Item 2 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the Program Year 2019 Annual Action Plan allocating a total

of \$637,898 of Community Development Block Grant funds. The motion carried by the following vote:

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

- 3.** Conduct the public hearing to consider the Annexation Agreement for the vacant property generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09 (Item 1 of 8)

Chirico opened Public Hearing at 7:28 p.m.

Len Monson, Petitioner's Attorney, detailed the proposal and specifically highlighted senior housing, home separation, building area, traffic, existing neighborhood enhancement, and that the development was unanimously approved at Planning and Zoning Commission.

Laff explained that Carillon Club is a comparable development as well as the process by which the subject property would be relieved of age-targeted requirements.

George Howard, Naperville, spoke against the proposed development.

J. Christopher Leshock, suggested a connectivity improvement for bicyclists and pedestrians.

Novack explained that the suggestion is a mid-block crossing on an arterial and staff would rather have pedestrians walk across the church frontage and cross at 111th. He also said that bicyclists would be on the street or the shoulder not the sidewalk.

Council discussed development location, price point, and bicyclist patterns.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to close the Public Hearing at 7:57 p.m. The motion carried by the following vote:

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

Receive the staff report for the property located east of Book Road and north of Hassert Boulevard (The Enclave on Book)- PZC 19-1-09 (Item 2 of 8)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to use the Omnibus method to approve items J4-J10. The motion carried by the following vote:

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

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for the property located east of Book Road and north of Hassert Boulevard (The Enclave on Book)- PZC 19-1-09. The motion

carried by the following vote:

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

5. Pass the ordinance revoking the prior ordinances approving the Enclave on Book - PZC 18-1-01 (Item 3 of 8)

Enactment No.: ORD 19-047

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance revoking the prior ordinances approving the Enclave on Book - PZC 18-1-01. The motion carried by the following vote:

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

6. Pass the ordinance authorizing execution of the Annexation Agreement for the vacant property generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09 (Item 4 of 8)

Enactment No.: ORD 19-048

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing execution of the Annexation Agreement for the vacant property generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09. The motion carried by the following vote:

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

7. Pass the ordinance annexing the vacant property generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 18-1-087 (Item 5 of 8)

Enactment No.: ORD 19-049

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance annexing the vacant property generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 18-1-087. The motion carried by the following vote:

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

8. Pass the ordinance rezoning the property generally located east of Book Road and north of Hassert Boulevard to R1 (Low-Density Single-Family Residence District) - PZC 19-1-09 (Item 6 of 8)

Enactment No.: ORD 19-050

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning the property generally located east of Book Road and north of Hassert Boulevard to R1 (Low-Density Single-Family Residence District) - PZC 19-1-09. The motion carried by the following vote:

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

9. Pass the ordinance approving the preliminary/final subdivision plat for the residential development generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09 (Item 7 of 8)

Enactment No.: ORD 19-051

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the preliminary/final subdivision plat for the residential development generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09. The motion carried by the following vote:

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

10. Pass the ordinance approving three variances to Section 6-6L of the Naperville Municipal Code for the residential development generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09 (Item 8 of 8)

Enactment No.: ORD 19-052

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving three variances to Section 6-6L of the Naperville Municipal Code for the residential development generally located east of Book Road and north of Hassert Boulevard (The Enclave on Book) - PZC 19-1-09. The motion carried by the following vote:

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

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Bid 19-001, 2019 Street Resurfacing Program - MFT, to D Construction for an amount not to exceed \$3,175,986, plus a 3% contingency (Item 1 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 19-001, 2019 Street Resurfacing Program - MFT, to D Construction for an amount not to exceed \$3,175,986, plus a 3% contingency. The motion carried by the following vote:

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

2. Adopt an IDOT Resolution in the amount of \$3,175,986.00 to allow expenditure of State Motor Fuel Tax dollars to fund 2019 Street Resurfacing Program - MFT (Item 2 of 2)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adopt an IDOT Resolution in the amount of \$3,175,986.00 to allow expenditure of State Motor Fuel Tax dollars to fund 2019 Street Resurfacing Program - MFT. The motion carried by the following vote:

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

3. Approve the award of Bid 19-002, 2019 Street Resurfacing Program - City, to K-Five Construction Corporation for an amount not to exceed \$4,533,938, plus a 3% contingency

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 19-002, 2019 Street Resurfacing Program - City, to K-Five Construction Corporation for an amount not to exceed \$4,533,938, plus a 3% contingency. The motion carried by the following vote:

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

4. Approve the award of Bid 19-103, Insulated Conductors, to The Okonite Co. for an amount not to exceed \$1,326,350

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Bid 19-103, Insulated Conductors, to The Okonite Co. for an amount not to exceed \$1,326,350. The motion carried by the following vote:

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

5. Waive the Naperville Procurement Code to reimburse the Rubin Partnership \$74,318.41 for preliminary streetscape design and survey work completed for Special Service Area #30 (SSA #30) contingent upon approval of SSA #30 (requires six positive votes)

Novack clarified Council approved a 60 (City)/40 (property owners) split and that the ordinance codifying the cost share arrangement will be on the May 21 agenda. He went on to say that the current item is seeking approval to reimburse Rubin Partnership for preliminary engineering work that has been completed.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to waive the Naperville Procurement Code to reimburse the Rubin Partnership \$74,318.41 for preliminary streetscape design and survey work completed for Special Service Area #30 (SSA #30) contingent upon approval of SSA #30. The motion carried by the following vote:

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

6. Authorize staff to use a modified procurement process with a limited field of consultants for the design of the Special Service Area #30 streetscape, roadway and utility improvements (RFP 19-112)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to authorize staff to use a modified procurement process with a limited field of consultants for the design of the Special Service Area #30 streetscape, roadway and utility improvements. 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:

1. Consider the petitioner's request to appeal the Historic Preservation Commission's decision regarding COA #19-402 for the subject property located at 26 N. Sleight

Chirico recused himself to avoid the appearance of impropriety and left the dais from 8:14 p.m. - 9:25 p.m.

Councilman White assumed Mayor Pro Tem.

Matt Goodman, Petitioner's Attorney, explained the Certificate of Appropriateness (COA) request to demolish the existing single family residential home at 26 N. Sleight and construct a new single family residential home in its place.

Christopher and Mary Anne Yep, Petitioners, spoke in favor of the COA.

Council discussed improvements to the area, the number of years the house has been on the market, the portion of the house that is original, and the stone foundation. Council also discussed that the property has been deemed uninhabitable, whether there is a viable structure to maintain, and that the request is only to consider the demolition of the home not the design of the replacement structure.

Dan Kittilsen, Petitioner and DJK Custom Homes, explained that the foundation is not structurally sound.

Laff explained action taken by Code Enforcement and that the property was deemed uninhabitable.

Karl Weber, Naperville, spoke against approving the Petitioner's appeal.

Signe Gleeson, Naperville, spoke against approving the Petitioner's appeal.

Laff explained the Historic Preservation Commission appeal process, outlined fines for legal demolition and property maintenance, and that fines were not imposed because of the social services component of the case.

Susan Fitch, Naperville, spoke against approving the Petitioner's appeal.

Karen Sullivan, spoke against approving the Petitioner's appeal.

Steve Schmieder, 27 N. Wright, spoke in favor of approving the Petitioner's appeal.

DiSanto explained that the City is limited as to what actions can be taken

regarding private property.

A motion was made by Councilwoman Anderson, seconded by Councilwoman Gustin, to approve the petitioner's request for COA #19-402 for the property located at 26 N. Sleight. The motion carried by the following vote:

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

Nay: 1 - Anderson

Recused: 1 - Chirico

The meeting recessed from 9:25 p.m. - 9:31 p.m.

2. Approve the transition of the annual bulk curbside leaf collection program to a four-week, two-cycle program beginning in fall 2019

Dublinski gave opening comments and described the history of leaf program, program data, and the proposal on the future of the program.

Don Giegerich, Naperville, offered additional suggestions to improve the program and discussed costs to residents.

Dublinski explained labor costs, staff responsibilities other than leaf pick up, and a free bag program.

Dave Wentz, 720 Clovetree Court, offered suggestions regarding altering the pick up time frame.

Dorothy Lockwood, spoke against the proposed program modifications.

Council discussed the degree to which the community values the program, that the program needs to be protected and strengthened, the appropriateness of outsourcing snow plow duties while DPW staff is assigned to leaf pick up, the need to continually find more efficiencies, and what has changed from the past that makes this such an issue now.

Council also debated program sustainability, obsolete equipment, and leaf program options in other cities.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table the item for four weeks.

A motion in substitution was made by Councilman Coyne, seconded by Councilman Hinterlong, to deny staff's recommendation to transition the annual bulk curbside leaf collection program to a four-week, two-cycle program beginning in fall 2019 and direct staff to explore additional options for Council consideration. The motion carried by the following vote:

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

P. NEW BUSINESS:

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of April 16, 2019 at 10:31 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