



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, November 5, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER:

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

B. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Krummen
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)(5) Purchase of Property and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

OPEN SESSION - 7:00 p.m.

Chirico called the meeting to order at 7:03 p.m.

D. ROLL CALL:

Present: 9 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman Patrick Kelly
Councilman John Krummen
Councilwoman Theresa Sullivan
Councilman Benjamin White

Also Present

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz; City

Attorney, Mike DiSanto; City Clerk, Pam Gallahue; Deputy Fire Chief, Amanda Scheller; 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 Loudon; 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

Daily Herald, Naperville Sun, NCTV-17

E. PLEDGE TO THE FLAG:

The pledge was given.

F. AWARDS AND RECOGNITIONS:

G. PUBLIC FORUM:

Buffalo Wild Wings

Kim White, Naperville, spoke against the recent racist situation at the local restaurant.

Buffalo Wild Wings

Lyndsey Kororis, Naperville, spoke against the recent racist situation at the local restaurant.

Welcoming City Resolution of 2017

Anthony Castagnoli, Naperville, spoke against the two recent racist situations in Naperville over the last months and spoke in favor of an anti-discrimination ordinance.

Introduction of New Naperville Area Chamber of Commerce CEO

Reba Osborne, Director of Government Affairs and Business Development (NACC), introduced new CEO Kaylin Risvold.

Buffalo Wild Wings

Regina Brent, Naperville, spoke against the recent racist situation at the local restaurant.

Historic Preservation

Tim Messer, discussed an upcoming COA appeal in the Historic District.

Buffalo Wild Wings

Tiffany Stephens, spoke against the recent racist situation at the local restaurant.

Buffalo Wild Wings

Representative Laura Ellman, spoke against the recent racist situation at the local restaurant and discussed solutions available at the state level.

Buffalo Wild Wings

Councilwoman Gustin read a Hindu quote related to diversity and acceptance.

Buffalo Wild Wings

Councilman Benjamin White, spoke against the recent racist situation at the local restaurant, the meeting with company leadership, the next Naperville Neighbors United meeting, and requested that "diversity" and "inclusion" be added to the City's mission statement.

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, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, 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 item I13. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

1. Approve the regular City Council meeting minutes of October 15, 2019
Council approved.
2. Approve the City Council meeting schedule for November, December 2019 & January 2020
Council approved.
3. Approve the award of Option Year Two to Contract 16-353, Consulting Engineering Services for Soils and Materials Testing, to Midland Standard Engineering for an amount not to exceed \$120,000
Council approved.
4. Approve the award of Bid 19-262, Specialty Winter Operations Services, to Beverly Snow and Ice Inc. for an amount not to exceed \$724,260 and for a two-year term
Council approved.
5. Approve the award of Sole Source Procurement 19-284, Superior Software Maintenance and Support, to Superior, LLC for an amount not to exceed \$350,511.79 and for a one-year term
Council approved.

6. Approve the award of Cooperative Procurement 19-303, Office Supplies, to Office Depot for an amount not to exceed \$200,000 and for a two-year term

Council approved.

7. Approve the award of Cooperative Procurement 19-294, SmartNet Maintenance Renewal, to CDW-G for an amount not to exceed \$223,382.81 and for a one-year term

Council approved.

8. Approve the award of Cooperative Procurement 19-308, Command Center High Definition Video Wall System, to CDW Government, LLC for an amount not to exceed \$120,832.71

Council approved.

9. Waive the applicable provisions of the Naperville Procurement Code and award Bid 19-257, Emergency Vehicle Preventative Maintenance and Repair Services, to Fire Service, Inc, Temco Machinery/Global Emergency Products and Interstate Power Systems for an amount not to exceed \$125,000 and for a two-year term (Requires six positive votes)

Council approved.

10. Approve recommended adjustment to pay ranges

Council approved.

11. Mayoral appointments to the Historic Preservation Commission, Naper Settlement Museum Board and the Planning and Zoning Commission

Council approved.

12. Pass the ordinance approving a major change to the conditional use and variances for the subject property located at 1620 W. Diehl, Naperville (Naperville Area Humane Society) - PZC 19-1-083

Enactment No.: ORD 19-141

Council passed.

13. Pass the ordinance granting a variance from Section 6-2-12:1.4 in order to permit a 7' and 8' tall privacy fence along the rear property lines at the subject property located at 5615 Rosinweed Lane, Naperville - PZC 19-1-101

Deborah Landman, representative of the South Pointe HOA board of directors, stated that the petitioner's application has been denied.

Laff explained that an application for the original 6' fence was submitted but no application has been submitted for the increase because a decision has not been made on the variance request. She said that the HOA may take separate action if the City approved the variance.

Council said the City's fines are not impacting behavior and denials may be a better deterrent.

By consensus, Council directed staff to bring back a fine structure recommendation.

A motion was made by Councilwoman Gustin, seconded by Councilman Coyne, to pass the ordinance granting a variance from Section 6-2-12:1.4 in order to permit a 7' and 8' tall privacy fence along the rear property lines at the subject property located at 5615 Rosinweed Lane, Naperville - PZC 19-1-101. The motion failed by the following vote:

Aye: 3 - Brodhead, Coyne, and White

Nay: 6 - Chirico, Gustin, Hinterlong, Kelly, Krummen, and Sullivan

- 14.** Adopt the Resolution approving an Intergovernmental Agreement between the City of Aurora and the City of Naperville for use of the Cisco Smartnet equipment and information technology related support services and maintenance

Enactment No.: RES 19-39

Council adopted.

- 15.** Adopt the resolution authorizing the Chicago Avenue Alley Refuse Enclosure License Agreement between the City of Naperville and Red Arrow Tap Room

Enactment No.: RES 19-40

Council adopted.

J. PUBLIC HEARINGS:

- 1.** Conduct the public hearing for the 77th Street Project located at 24W560 77th Street - PZC 19-1-070 (Item 1 of 6)

Chirico opened the Public Hearing at 7:56 p.m.

Len Monson, attorney for petitioner, explained that the project is to rezone the subject property to R1A (Low Density Single-Family Residence District) to provide single-family areas of a low-density character with lots containing a minimum of 10,000 square feet. He also discussed recapture and explained that in 2007 a development to the north of the subject property, Lizzadro Estates, annexed to the City. Although no recapture agreement was specifically provided for in the 2007 Lizzadro Estates Annexation Agreement, the developer installed water main, sanitary sewer, stormwater, and roadway improvements that partially benefit the subject property. After public notice was given of the proposed development, the Lizzadro Estates developer contacted the City to ask that the developer be required to pay a share of the cost of the Improvements through a recapture agreement.

Novack explained that the City is not legally obligated to enter into a recapture agreement on behalf of Lizzadro Estates at this late date, but may do so at its

discretion. While the developer expressed interest in the possibility of a recapture in 2013, no recapture agreement was finalized or recorded. The total share of the improvements that the current developer could be obligated to pay is \$43,536.

A motion was made by Councilman Hinterlong, seconded by Councilman White, to close the public hearing for the 77th Street Project located at 24W560 77th Street - PZC 19-1-070 at 8:10 p.m. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

2. Receive the staff report for the 77th Street Project located at 24W560 77th Street, Naperville, PZC 19-1-070 (Item 2 of 6)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for the 77th Street Project located at 24W560 77th Street, Naperville, PZC 19-1-070. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

3. Pass the ordinance authorizing the execution of an annexation agreement for the 77th Street Project located at 24W560 77th Street - PZC 19-1-070 (Item 3 of 6)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance authorizing the execution of an annexation agreement for the 77th Street Project located at 24W560 77th Street - PZC 19-1-070 with a 25% recapture fee.

A motion in substitution was made by Councilman Coyne, seconded by Councilman Hinterlong, to pass the ordinance authorizing the execution of an annexation agreement for the 77th Street Project located at 24W560 77th Street - PZC 19-1-070 with no recapture fee. The motion carried by the following vote:

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

Nay: 2 - Chirico, and Kelly

Enactment No.: ORD 19-142

4. Pass the ordinance annexing certain property known as the 77th Street Project located at 24W560 77th Street - PZC 19-1-070 (Item 4 of 6)

Enactment No.: ORD 19-143

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance annexing certain property known as the 77th Street Project located at 24W560 77th Street - PZC 19-1-070. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

5. Pass the ordinance rezoning the subject property known as the 77th Street Project located at 24W560 77th Street - PZC 19-1-070 (Item 5 of 6)

Enactment No.: ORD 19-144

A motion was made by Councilman Hinterlong, seconded by Councilwoman

Gustin, to pass the ordinance rezoning the subject property known as the 77th Street Project located at 24W560 77th Street - PZC 19-1-070. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

6. Pass the ordinance approving a preliminary plat of subdivision for the 77th Street Project located at 24W560 77th Street - PZC 19-1-070 (Item 6 of 6)

Enactment No.: ORD 19-145

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving a preliminary plat of subdivision for the 77th Street Project located at 24W560 77th Street - PZC 19-1-070. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

1. Adopt the resolution supporting public safety pension fund consolidation

Dick Furstenau, Naperville, spoke against the Tier 2 recommendation in the proposed resolution.

Krieger explained the wording in the resolution, stated that the City has engaged an actuary to do an analysis, and discussed Tier 2 changes in proposed Senate Bill 616.

Council discussed specifics included in the resolution, the benefit to municipalities, that had this been done in 2000 the pension fund would be fully funded, that investment returns are greater, and that the fund may be fully funded before 2033.

Enactment No.: RES 19-41

A motion was made by Councilman Hinterlong, seconded by Councilwoman Brodhead, to adopt the resolution supporting public safety pension fund consolidation. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

2. (1) Concur with PZC and the petitioner and pass an ordinance approving a variance to Section 6-16-5:2.2.3 to allow for the installation of an 80-square foot electronic message board at the subject property located at 955 W. 75th Street - PZC 19-1-054; or
- (2) Concur with staff and deny the request for a variance to Section 6-16-5:2.2.3 for the installation of an 80-square foot electronic message board at the subject property located at 955 W. 75th Street - PZC 19-1-054

Jeff Barmueller, North Shore Sign; Nir Mor, Garden Fresh Markets; Johnathan

Keret, Garden Fresh Market discussed the installation of an 80-square foot electronic message board onto an existing monument sign which is located on the south side of the lot, near the 75th Street entrance.

Laff explained the frequency with which the message must change, difficulty measuring light, and that staff did not support the variance due to the incompatibility of the size of the sign with the surrounding street corridor and the underlying code requirements.

Barmueller explained the signs dim at night via an automatic sensor per results of the light study.

Enactment No.: ORD 19-146

A motion was made by Councilwoman Brodhead, seconded by Councilman Coyne, to concur with PZC and the petitioner and pass an ordinance approving a variance to Section 6-16-5:2.2.3 to allow for the installation of an 80-square foot electronic message board at the subject property located at 955 W. 75th Street - PZC 19-1-054. The motion carried by the following vote:

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

Nay: 1 - Krummen

The meeting recessed from 8:54 p.m. - 9:02 p.m.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Cooperative Procurement 19-253, Roadway Salt, to Compass Minerals for an amount not to exceed \$1,211,264

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Cooperative Procurement 19-253, Roadway Salt, to Compass Minerals for an amount not to exceed \$1,211,264. The motion carried by the following vote:

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

Abstain: 1 - White

2. Approve the award of Procurement 19-305, Construction Engineering Services for the North Aurora Road Widening, to TranSystems Corporation for an amount not to exceed \$1,137,851

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the award of Procurement 19-305, Construction Engineering Services for the North Aurora Road Widening, to TranSystems Corporation for an amount not to exceed \$1,137,851. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

N. PETITIONS AND COMMUNICATIONS:

1. Consider a request by The Rotary Club of Naperville Sunrise for a temporary use for a Naper Light's sponsor display at 315 S. Main Street from November 22, 2019 to December 29, 2019.

Enactment No.: ORD 19-147

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to approve the request by the Rotary Club of Naperville Sunrise for a temporary use for a Naper Light's sponsor display at 315 S. Main Street from November 22, 2019 to December 29, 2019. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

O. REPORTS AND RECOMMENDATIONS:

1. Provide direction regarding potential regulations pertaining to the parking of cars in the City's right-of-way.

Patti Bernhard, attorney for petitioner, explained that at the October 1, 2019 meeting, she requested City Council support of a right-of-way encroachment agreement to allow an existing parking space to remain in the parkway adjacent to an existing single-family residential home located at 6 N. Wright Street. Following some discussion, City Council directed staff to research potential options pertaining to this request and return to the City Council for further discussion.

Tim Messer, Naperville, discussed parking in right-of-way areas of the Historic District.

Laff explained that staff does no field research, the Historic Preservation Commission does not have jurisdiction to weigh in on this topic, and staff is not aware of any ROW encroachment agreements.

Council discussed the current number of driveways in the parkway, notification of residents, grandfathering in existing driveways, and who is responsible for any improvements.

Novack explained sidewalk cost share arrangement, teardowns, and roadway improvements.

A motion was made by Councilwoman Sullivan, seconded by Councilwoman Gustin, to direct staff to allow the existing non-conforming residential parkway aprons to remain until the associated streets are reconstructed in accordance with the scheduled Maintenance Improvement Program and at which time the cost share of the improvement will be 60% City and 40% homeowner. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

2. Provide direction on potential options for moving forward on the 5th Avenue development.

Laura Zeman, Naperville, spoke in favor of moving forward with the 5th Avenue development.

Matthew Schweiger, Naperville, spoke in favor of moving forward with the 5th Avenue development.

Michael O'Connor, Naperville, spoke in favor of moving forward with the 5th Avenue development.

Brian Ondyak, Naperville, spoke in favor of moving forward with the 5th Avenue development.

Amit Agarwal, spoke in favor of moving forward with the 5th Avenue development.

Vincent Fose, spoke in favor of moving forward with the 5th Avenue development.

Warren Santner, spoke in favor of moving forward with the 5th Avenue development.

Elizabeth Nielsen, spoke against moving forward with the 5th Avenue development as presented.

Christine Jeffries, Naperville Development Partnership, spoke in favor of moving forward with the 5th Avenue development.

Todd Fellhauer, spoke against moving forward with the 5th Avenue development as presented.

Dan DiSanto, Naperville, spoke in favor of moving forward with the 5th Avenue development.

David Gusse, Naperville, spoke in favor of moving forward with the 5th Avenue development.

Charles Canning, Naperville, spoke in favor of moving forward with the 5th Avenue development.

Kaylin Risvold, Naperville, spoke in favor of moving forward with the 5th Avenue development.

Sandee Whited, Naperville, spoke against moving forward with the 5th Avenue development as presented.

Tim Messer, spoke in favor of moving forward with the 5th Avenue development.

Allison Longenbaugh, Naperville, spoke against moving forward with the 5th Avenue development as presented.

Tom Coyne, spoke against moving forward with the 5th Avenue development as presented.

Jeffrey Havel, Naperville, spoke against moving forward with the 5th Avenue development as presented.

Jim Koller, Naperville, spoke against moving forward with the 5th Avenue development as presented.

Jayne Koller, spoke against moving forward with the 5th Avenue development as presented.

Diana Mally, spoke against moving forward with the 5th Avenue development as presented.

Jennifer Taylor, spoke against moving forward with the 5th Avenue development as presented.

Jessica Lyzum, spoke against moving forward with the 5th Avenue development as presented.

Jim Hill spoke against moving forward with the 5th Avenue development as presented.

Thom Higgins spoke against moving forward with the 5th Avenue development as presented.

Daniel Zeman, spoke in favor of moving forward with the 5th Avenue development.

Anissa Olley, spoke against moving forward with the 5th Avenue development as presented.

Jim Ruhl spoke in favor of moving forward with the 5th Avenue development.

Kathy Benson spoke against moving forward with the 5th Avenue development as presented.

Jane Brueggemann, Naperville, spoke against moving forward with the 5th Avenue development as presented.

At 10:56 p.m. Councilwoman Brodhead made a motion, seconded by Councilman Hinterlong, to extend the meeting to midnight. The motion carried via Voice Vote.

David Justh, spoke in favor of moving forward with the 5th Avenue development. Elizabeth Shaffer McCarthy, spoke against moving forward with the 5th Avenue development as presented.

Michael Wik, spoke in favor of moving forward with the 5th Avenue development.

Council discussed speakers' input, the steering committee, that there is genuine interest in moving forward, the appropriateness of reassessing, that Naperville is a development friendly community, that Council needs to clarify what is expected in the development, the appropriateness of starting again, the need to find a way to keep the project moving and reach a compromise, timing of a workshop, and that Option 3 doesn't mean the vote is being reversed but rather a revision to the baseline concept is being explored.

Louden explained that the parking study will continue for several months.

Council discussed urging the community groups to continue to work together and the appropriateness of holding a workshop without studies and reports.

At 11:47 p.m. Councilman Coyne made a motion, seconded by Councilman Hinterlong, to extend the meeting to 12:30 a.m. The motion carried via Voice Vote.

Council discussed groups' legislative constraints regarding OMA, the tremendous amount of information gathering that has been done, what new information can be obtained, 60+ meetings have already been held, compromises to date, the Council has already given guidance based on a matrix of several issues which were reflected in the baseline concept and voted down, and the commitment to move forward in good faith.

A motion was made by Councilman Coyne, seconded by Councilwoman Brodhead, to direct staff to schedule a workshop for the purposes of achieving consensus on changes to the current concept, affirming or modifying previous policy direction and providing any additional policy direction. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

3. Schedule a public hearing for the 2020 Annual Operating budget on December 3, 2019

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to schedule a public hearing for the 2020 Annual Operating budget on December 3, 2019. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

4. Receive the estimated 2019 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 17, 2019

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the estimated 2019 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 17, 2019. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

5. Receive the estimated 2019 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 17, 2019.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the estimated 2019 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 17, 2019. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

P. NEW BUSINESS:

Mission Statement

White discussed incorporating "diversity" and "inclusive" into the City's mission statement.

By consensus, Council directed staff to bring back a draft of the mission statement for review.

Information Technology Department

Krummen suggested that staff consider implementing an IT advisory board or task force made up of members from the community.

Krieger stated staff will research options.

Department of Public Works

Gustin thanked members of DPW for their work in the recent weather events.

Q. ADJOURNMENT:

A motion was made by Councilman Krummen, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of November 5, 2019 at 12:08

a.m. The motion carried by the following vote:

Aye: 9 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, Kelly, Krummen, Sullivan, and White

/S/ Pam Gallahue
Pam Gallahue, PhD
City Clerk