



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, October 3, 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 IT, Jeff Anderson; Director of TED, Bill Novack; Deputy Director of TED, Jennifer Loudon; 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:

Chirico held a moment of silence in honor of the victims of the recent Las Vegas shooting.

1. Proclaim October as National Disability Employment Awareness Month

Hinterlong presented the Proclamation.

Miss Wheelchair Illinois 2017, Shannon Webster, delivered her award-winning speech from the Miss Wheelchair America competition.

2. Present the City of Naperville is a Community of Unity and Acceptance Proclamation.

Anderson presented the Proclamation.

G. PUBLIC FORUM:

Parking lot behind 1112 S. Washington

Robert Dawidiuk, explained that the landscaped median provides a natural barrier between the townhome community and the commercial area and is being removed by the dance academy.

Council discussed who owns the median, history of the property, permits, original landscape plans, and rights of the developer.

Novack stated that permits have been granted, the median is owned by the commercial developer, and that once the landscaping is removed it will not be re-installed at the current level.

Dawidiuk explained the consent order, the restrictions placed on the development, and asked that the City become involved.

Novack stated that staff will follow up with the speaker.

**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 I2 and I6 and including the corrections to the minutes to reflect accurate vote tallies. 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 September 19, 2017.
2. Approve the Award of Cooperative Procurement 17-186, Municipal Facilities Roof Replacements, to The Garland Company for an amount not to exceed \$128,553 plus a 5% contingency.

Dublinski explained that short-term repairs have been made to the DuPage Children's Museum, however longer term solutions are not included in the request.

A motion was made by Councilman White, 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. Waive the applicable provisions of the Naperville Procurement Code and Award Procurement 17-204, Credit Card Gateway, to Automated Merchant Systems for an amount not to exceed \$50,000 and for a one-year term. (Requires six positive votes)
4. Approve the Award of Bid 17-181, Aeration Slide Gates Replacement, to Independent Mechanical Industries, Inc. for an amount not to exceed \$148,270, plus a 5% contingency.
5. Approve the Award of Bid 17-170, Distribution Automation Switch Modules, to Universal Utility Supply Company for an amount not to exceed \$159,600.
6. Approve the use of \$7500 from the SECA fund balance to purchase water barriers for use at Special Events.

Council discussed the intent of the SECA Grant fund balance/reserve, that the requested equipment is in line with the course of normal business and should not come from the reserve, the impact to other events when the reserve fund is used to purchase items, charging for fence and other equipment that is used at special events, and how the Ribfest tower and security cameras were purchased.

Mayer explained that the barriers will be primarily used at special events, another funding source can be used, that the SECA Grant Program is a subcomponent to the Food and Beverage Tax fund balance, that the Sportman's Park renovations were paid from the reserve, and that there is a fee charged to organizers for use of equipment.

Puknaitis explained the tower used at Ribfest was borrowed from Cook County at no cost and half of the water barrier cost will be reimbursed via an emergency management grant.

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

Aye: 6 - Chirico, Brodhead, Coyne, Gustin, Hinterlong, and Krummen

Nay: 3 - Anderson, Obarski, and White

7. Approve the Award of Change Order #1 to Contract 16-353, Consulting Engineering Services for Soils and Materials Testing, to Midland Standard Engineering for an amount not to exceed \$36,541 and a total award of \$277,000.
8. Approve Mayoral Appointments to the Housing Advisory Commission.
9. Accept the Enclave at Ashwood Park public underground and street light improvements.
10. Conduct the first reading of an Ordinance Repealing and Replacing Section 1-9G-13 of the Naperville Municipal Code pertaining to the Emergency Telephone Systems Board

Enactment No:

11. Adopt the Resolution Approving an Intergovernmental Agreement Between DuPage County and the City of Naperville for the Implementation of the National Pollutant Discharge Elimination System Program in the East Branch and West Branch DuPage River Watersheds

Enactment No: RES 17-037

12. Adopt the Resolution Authorizing Execution and Approval of the Intergovernmental Agreement for an Apprentice Employee Program between the City of Naperville and the City of Geneva.

Enactment No: RES 17-038

13. Adopt the Resolution Approving a Third Amendment to the Intergovernmental Agreement between the Naperville Park District and the City of Naperville for Installation and Provision of Fiber Optic Service to Certain Park District Facilities.

Enactment No: RES 17-039

J. PUBLIC HEARINGS:

K. OLD BUSINESS:

L. ORDINANCES AND RESOLUTIONS:

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

N. PETITIONS AND COMMUNICATIONS:

O. REPORTS AND RECOMMENDATIONS:

1. Approve the City Council meeting schedule for October, November and December 2017.

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. Move forward with the Ryan Companies to facilitate a community engagement process, complete market and technical studies, develop a land use concept and financial plan.

Councilman Hinterlong made a motion, seconded by Councilman Krummen, to extend the public comment period to 90 minutes.

The motion carried by the following vote:

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

Jean Wine, spoke in favor of engaging Ryan Companies.

Greg Cook, Naperville, spoke in favor of engaging Ryan Companies.

Kate Martin-Moeller, spoke against engaging Ryan Companies.

Tom Coyne, Naperville, spoke against engaging Ryan Companies.

Elizabeth Nielsen, spoke against engaging Ryan Companies.

Diana Malley, spoke against engaging Ryan Companies.

Kathy Valente, spoke in favor of engaging Ryan Companies.

Dave Rahtz, spoke against engaging Ryan Companies.

Laura Stellwagen Zeman, spoke against engaging Ryan Companies.

Dan Zeman, spoke against engaging Ryan Companies.

Jeff Havel, spoke against engaging Ryan Companies.

Dominic Nugent, spoke against engaging Ryan Companies.

Scott Zmrhal, spoke against engaging Ryan Companies.

George Harvestine, Naperville, spoke against engaging Ryan Companies.

Dan Dodge, Naperville, spoke against engaging Ryan Companies.

Sandee Whited, Naperville, spoke against engaging Ryan Companies.

Thom Higgins, spoke against engaging Ryan Companies.

Jim Hill, Naperville, spoke in favor of engaging Ryan Companies.

H. Tom O'Hale, spoke against engaging Ryan Companies.

Anissa Olley, Naperville, spoke against engaging Ryan Companies.

Dick Furstenau, Naperville, spoke against engaging Ryan Companies.

Steve Purduski, spoke against engaging Ryan Companies.

Janet Bianchette, spoke against engaging Ryan Companies.

Jim McDonald and Claire Scott, Ryan Companies, introduced team members and explained their areas of focus and role in the project if the firm was selected. McDonald and Scott detailed each phase of the engagement proposal.

Council discussed developer bias, business practice, resident input, meeting date/time options, and submitting meeting minutes to Council for review.

McDonald responded that individuals concerned with specific component should volunteer for that particular working group, subject matter experts will be included in the engagement, that Ryan assumes risk by pursuing any project, the desire to create something in concert with the community, Ryan's business model and references, and that regular status updates will be provided to Council.

Council discussed how steering committee members will be appointed, community engagement and other criteria used during the RFQ process, the city's aging infrastructure, and parking concerns.

McDonald explained that issues such as stormwater and flooding will be discussed throughout the engagement, engineers will be consulted, and cost impact models will be developed and shared with residents.

Council discussed firm capabilities, appropriateness of delaying the engagement, defining community stakeholders, the need to filter out biases by having many people involved, and the future RFP process.

Scott explained the resident input methods that will encourage participation, feedback, and engagement.

Council discussed regular status updates, workshops, procurement code, bid process, that a reputable company will be leading the charge, that strong resident voices need to be involved, and that it would not be realistic to have everything decided at this time.

DiSanto responded that Naperville is a home rule municipality, that the City is not building the development for itself, but instead selling the land and the Council is investigating whether there is a better use than what is there currently. This is a process to determine if a company is qualified to do what they say they can do.

Council discussed the opportunity to stop the process at each status check and

questioned work product ownership.

DiSanto stated that at this stage there will be mainly only studies and no intellectual property.

Council discussed bifurcating focus areas, that some ambiguity is expected at the start of any project, and asked if the City would pay for subject-matter-expert studies.

Novack explained that staff reviews studies and reports from developers as a course of their normal job duties and that the City can hire a consultant to do a peer review if necessary.

DiSanto offered that no final action is taken in a workshop but the direction given can be tied to an item at the next regular meeting. If something is brought to Council's attention prior to the next check-in, New Business can be used to direct staff to report back.

Council discussed the appropriateness of giving residents more time for input prior to a Council vote, that decisions will be fact based and data driven, the property is eight acres of asphalt and contaminants, the parking system has been pieced together over the years, there is a 10-year waiting list for parking, there are pedestrian flow and transit system concerns, the traffic and signalization design needs to be improved, there is aging infrastructure and associated problems, a new design can bring local amenities to the neighborhood, that it is past time to improve the property, that Ryan will be investing in the community at their risk, there is no risk to the City because there is no contract.

McDonald responded that the process is ongoing, don't know what it is going to look like, there is an ability to analyze information in real time, all parties will challenge each other, architectural designs and other permitted items will become property of design firm, studies and conceptual imagery belong to the City.

A motion was made by Councilwoman Brodhead, seconded by Councilman Coyne, to engage and authorize Ryan Companies to conduct community engagement and market research to determine feasible and beneficial options for the redevelopment along the 5th Avenue corridor for the purpose presenting a concept plan for redevelopment of the 5th Avenue area (the "Design Concept") to City Council for its consideration. With these amendments:

- **Add an additional requirement that Ryan present a status report at a City Council Workshop every 2 months - continuation of the Redevelopment Process Plan contingent on an affirmative Council vote to proceed;**
- **Add an expectation on page 2 that the monthly City Staff Progress Meetings will include community representatives and council representatives (either from the Steering Committee or otherwise);**
- **Include a statement that the Steering Committee will be comprised of two council members, two staff members, and, at a minimum, include community members representing stakeholders from the immediately affected**

neighborhoods, and commuters;

- Edit the bottom box in Phase III to state: Delivery of Design Concept and Key Business Terms to City Council;

- The vertical orange line on the plan chart represents a decision point, the project proceeds to Phase IV only upon an affirmative vote of City Council and the issuance of a Notice to Proceed; and

- Add an additional step will be added in Phase III - Receive Affirmative "Notice to Proceed."

The motion carried by the following vote:

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

Nay: 1 - Anderson

P. NEW BUSINESS:

Prairie State

Krummen stated he recently toured the facility and had a positive impression of coal mine and power plants.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Obarski, to adjourn the Regular City Council meeting of October 3, 2017 at 10:36 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