



City of Naperville

400 S. Eagle Street
Naperville, IL 60540

Meeting Minutes

City Council

Tuesday, January 15, 2019

7:00 PM

Council Chambers

A. CALL TO ORDER:

Chirico called the meeting to order at 6:00 p.m.

B. ROLL CALL:

Present: 8 - Mayor Steve Chirico
Councilwoman Judith Brodhead
Councilman Kevin Coyne
Councilwoman Patty Gustin
Councilman Paul Hinterlong
Councilman John Krummen
Councilwoman Rebecca Obarski
Councilman Benjamin White

Absent: 1 - Councilwoman Becky Anderson

C. CLOSED SESSION - 6:00 p.m.

A motion was made by Councilwoman Gustin, seconded by Councilwoman Obarski, to recess to Closed Session to discuss: 120/2(c)(1) Performance of a Specific Individual; 120/2(c)(5) Purchase of Property; 120/2(c)(6); Sale of Property; and 120/2(c)(21) Approval of Minutes. The motion carried by the following vote:

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

Absent: 1 - Anderson

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; Deputy Fire Chief, Andy Dina; 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 Louden; Deputy Director of TED, Allison Laff; Director of Public Utilities - Electric, Mark Curran; Deputy Director of Public Utilities - Water, Amy Ries; 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:**

Council introduction

Anne Stava-Murray introduced herself as the IL State Rep for the IL-81st House District.

95th Street Extension

Doreen Swindall requested a freeze on the construction of all sound walls in Naperville.

Novack informed the Council that staff contacted Will County regarding the speaker's sound wall request, explained the review and approval process, and stated that each project is addressed on a case-by-case basis. He also stated that staff does not recommend changing how sound wall reviews are managed.

5th Avenue

Bev Frier requested that City Council recess from the 5th Avenue discussion due to the election, citizen input, and fairness to Ryan Companies.

Council clarified that the project is on pause while discussions are being held regarding the future location of the DuPage Children's Museum.

Neighborhood Disturbances

Jay Becker discussed a New Year's Eve party in his neighborhood at a house rented as an Airbnb and the response by the police department.

Marshall stated that no complaints were filed, that the property owner is responsible for filing the complaint, and if the offender(s) can be found they will be charged criminally. He said he will follow up with his staff and report back to the City Council.

Council discussed revenue/taxes from Airbnb locations.

Neighborhood Disturbances

Rosemary Barth explained that she called the police department three times regarding the New Year's Eve party and was advised that other neighbors were also calling.

Clearing sidewalks

Kathy Benson requested enforcement of snow clearing ordinances on sidewalks and cul-de-sacs.

Council stated that the resident is legally required to clear sidewalks 48 hours after a snow event and asked staff to re-educate residents on their responsibility via the City's social media outlets.

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:

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 items I9: the City Council meeting schedule for January, February and March 2019; I11: the ordinance granting a major change to the Naperville Crossings Planned Unit Development in order to rezone Lots 9 and 21 from B2 PUD to R3 PUD; I17: the resolution adopting a Complete Streets Policy in the City of Naperville; and I18: the resolution approving the settlement agreement pertaining to an alleged trademark infringement. The motion carried by the following vote:

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

1. Approve 12/06/2018 thru 01/02/2019 cash disbursement for \$25,537,834.59

Council approved.

2. Approve the regular City Council meeting minutes of December 18, 2018

Council approved.

3. Approve the award of Cooperative Procurement 19-017, Municipal Center Roof Replacement Phase Two, to Garland/DBS Inc. for an amount not to exceed \$262,626 plus a 5% contingency

Council approved.

4. Approve the award of Cooperative Procurement 19-012, Biosolids Roof Restoration, to Garland DBS for an amount not to exceed \$124,847, plus a 5% contingency
Council approved.
5. Approve the award of Cooperative Procurement 19-018, Springbrook Administrative Building HVAC Upgrade, to Trane Commercial Systems and Services for an amount not to exceed \$382,840, plus a 5% contingency
Council approved.
6. Waive the applicable provisions of the Naperville Procurement Code and award Procurement 19-031, Municipal Center Security Services, to Securatex for an amount not to exceed \$37,787 and a one-year term (Requires six positive votes)
Council approved.
7. Approve the appointments of Suhel Siddiqui, David Wentz and Bill Habel to various boards and commissions.
Council approved.
8. Accept the public watermain associated with Center Place Subdivision and authorize the City Clerk to reduce the corresponding public improvement surety
Council approved.
9. Approve the City Council meeting schedule for January, February and March 2019
A motion was made by Councilwoman Obarski, seconded by Councilman Coyne, to approve the calendar as amended to remove the January 22 SECA/SSG/CDBG workshop and to direct the SECA Commission to report back to the Council on its vision for the future of SECA. The motion carried by the following vote:
Aye: 9 - Chirico, Anderson, Brodhead, Coyne, Gustin, Hinterlong, Krummen, Obarski, and White
10. Pass the ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells or by any other method within the specified limits on properties located at 1712 W. Ogden Avenue, 1508 Aurora Avenue and 1532 Aurora Avenue, Naperville, IL. 60540 including points of withdrawal by the City of Naperville
Enactment No.: ORD 19-001
Council passed.
11. Pass the ordinance granting a major change to the Naperville Crossings Planned Unit Development in order to rezone Lots 9 and 21 from B2 PUD (Community Shopping Center District) to R3 PUD (Medium Density Multiple Family Residence District) for the subject property located north of Anna Marie Lane and west of Showplace Drive (PZC 18-1-103)

Ari Rosenthal, spoke against the proposed zoning change.
Audrey Clair, spoke against the proposed zoning change.
Julie Berkowicz, spoke against the proposed zoning change.
Jeff Berger, spoke against the proposed zoning change.

Council discussed that the number of high school students is expected to decrease, whether there is opportunity to limit the development's density, the impact to public safety personnel, and that the property has been vacant for more than 15 years.

Laff explained the entitlement process, that no specific development plans have been discussed at this time, a proposal will be heard by the Planning/Zoning Commission (PZC) with a full public hearing, the school and park districts will be notified, and that once the proposal is vetted by PZC it will come to Council for review.

Doug Haddad, spoke against the proposed zoning change and the resident survey that was distributed.

Council discussed previous resident objections to current subdivisions, that good arguments are presented for both sides, and that after 15 years of no commercial development it is reasonable to approve medium density because it produces a small number of students.

Laff explained medium density maximums.

Vince Rosanova, Attorney for Petitioner, responded to the comments specifically highlighting the survey, the unanimous support from PZC and staff, that the schools impacted by a development have capacity due to the decline in the number of students, the land cash tables, the utilization of brokerage firms to attract retail developers to the area, marketing efforts by Naperville Development Partnership, and the proximity to Fire Station 10.

Rosanova went on to say that Naperville Crossings is not thriving as predicted, that retailers demand visibility and locations adjacent to main streets, that a medium density development will produce more consumers, and that the Tapestry apartments assisted with attracting Aldi to the Route 59 location.

Laff discussed that the area is less vibrant than originally envisioned and that experiential uses are locating in Naper Crossings.

Council discussed that retail is struggling overall, location is critical, and that the Tapestry apartments are 90% occupied and have benefitted retailers in the area.

Marshall stated there has not been a noticeable increase in crime in the area due to the apartment development.

Council discussed efforts to draw people to south Naperville and create the synergy of another downtown, residential is preferred to vacant land, tax revenue will come from residential, and the development would be offered at an

attractive price point. Council also said that endorsement from the school district and park districts carry significant weight in the decision.

Mayer stated that by keeping tax rate flat on increasing property values the City and is driving down its portion of the property tax revenue.

Laff explained that Council directed staff to develop a zoning plan for the area and that the developer will contact the residents when more information is available.

Council reiterated the need to attract new consumers for businesses in the area.

Enactment No.: ORD 19-006

A motion was made by Councilman Coyne, seconded by Councilwoman Brodhead, to pass the ordinance granting a major change to the Naperville Crossings Planned Unit Development in order to rezone Lots 9 and 21 from B2 PUD (Community Shopping Center District) to R3 PUD (Medium Density Multiple Family Residence District) for the subject property located north of Anna Marie Lane and west of Showplace Drive. The motion carried by the following vote:

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

- 12.** Pass the ordinance approving a variance to Section 402.1.1 of the 2012 International Building Code for 776 S. Route 59, Mall of India.

Enactment No.: ORD 19-002

Council passed.

- 13.** Waive the first reading and pass the ordinance amending Chapter 6A (Flood Hazard Areas) of Title 5 (Building Regulations) of the Naperville Municipal Code (Requires six positive votes)

Enactment No.: ORD 19-003

Council passed.

- 14.** Pass the ordinance approving a variance to allow the issuance of a Class D - Package Store liquor license for a premise less than 60,000 square feet to Star 7 Corporation at 4067 South Route 59.

Enactment No.: ORD 19-004

Council passed.

- 15.** Pass the ordinance approving a minor change to PUD and a Final PUD for Heritage Square to allow for Lazy Dog Restaurant on the subject property located at 436 S. Route 59 - PZC 18-1-096

Enactment No.: ORD 19-005

Council passed.

16. Adopt the resolution of Official Intent for Reimbursement of Capital Projects

Enactment No.: RES 19-01

Council adopted.

17. Adopt the resolution adopting a Complete Streets Policy in the City of Naperville

Kathy Benson requested clarification on the policy.

Novack briefly explained the program.

Enactment No.: RES 19-02

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adopt the resolution adopting a Complete Streets Policy in the City of Naperville. The motion carried by the following vote:

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

18. Adopt the resolution approving the settlement agreement pertaining to an alleged trademark infringement

A motion was made by Councilman Coyne, seconded by Councilwoman Gustin, to table the item to the February 5 City Council meeting. The motion carried by the following vote:

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

J. PUBLIC HEARINGS:

1. Conduct the public hearing to consider the Annexation Agreement for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101 (Item 1 of 7)

DiSanto advised that it would be appropriate to table items J1 and J3 due to notification interruptions by the media and proceed to the other items (J2 and J4-J7).

Patti Bernhard, Attorney for Petitioner, discussed the proposal.

Selvei Rajkuman, Petitioner, spoke in favor of the proposed development.

Katie Summers, Petitioner, spoke in favor of the proposed development.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table the public hearing to consider the Annexation Agreement for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101 to the February 5 City Council meeting. The motion carried by the following vote:

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

2. Receive the staff report for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101 (Item 2 of 7)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to receive the staff report for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101. The motion carried by the following vote:

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

3. Pass the ordinance authorizing execution of the Annexation Agreement for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101 (Item 3 of 7)

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table the ordinance authorizing execution of the Annexation Agreement for KLA Schools located at 5S241 and 5S255 Tuthill Road - PZC 18-1-101 to the February 5 City Council meeting. The motion carried by the following vote:

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

4. Pass the ordinance annexing the subject property located at 5S241 and 5S255 Tuthill Road (KLA Schools) - PZC 18-1-101 (Item 4 of 7)

Enactment No.: ORD 19-007

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance annexing the subject property located at 5S241 and 5S255 Tuthill Road (KLA Schools) - PZC 18-1-101. The motion carried by the following vote:

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

5. Pass the ordinance rezoning the subject property located at 5S241 and 5S255 Tuthill Road (KLA Schools) to OCI (Office, Commercial, and Institutional District) - PZC 18-1-101 (Item 5 of 7)

Enactment No.: ORD 19-008

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance rezoning the subject property located at 5S241 and 5S255 Tuthill Road (KLA Schools) to OCI (Office, Commercial, and Institutional District) - PZC 18-1-101. 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 preliminary/final subdivision plat and platted setback deviation for the subject property located at 5S241 and 5S255 Tuthill Road (KLA Schools) - PZC 18-1-101 (Item 6 of 7)

Enactment No.: ORD 19-009

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving the preliminary/final subdivision plat and

platted setback deviation for the subject property located at 5S241 and 5S255 Tuthill Road (KLA Schools) - PZC 18-1-101. The motion carried by the following vote:

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

7. Pass the ordinance approving a variance to Section 6-9-2:4 of the Naperville Municipal Code for the subject property located at 5S241 and 5S255 Tuthill Road (KLA Schools) - PZC 18-1-101 (Item 7 of 7)

Enactment No.: ORD 19-010

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to pass the ordinance approving a variance to Section 6-9-2:4 of the Naperville Municipal Code for the subject property located at 5S241 and 5S255 Tuthill Road (KLA Schools) - PZC 18-1-101. 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:

The meeting went into recess from 9:15 p.m. - 9:22 p.m.

M. AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

1. Approve the award of Bid 18-285, Water Meter Replacement Program, to HBK Water Meter Service, Inc. for an amount not to exceed \$1,029,150, plus a 3% contingency and for a two-year term

DiSanto explained that staff is recommending this item be tabled to allow time to review the contract terms.

Bill Habel discussed the vendor prevailing wage form and noted certain discrepancies with the Illinois Department of Labor.

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to table the approval of the award of Bid 18-285, Water Meter Replacement Program, to HBK Water Meter Service, Inc. for an amount not to exceed \$1,029,150, plus a 3% contingency and for a two-year term to the February 5 City Council meeting. 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. Deny the request for a major change to a conditional use to grant a variance from Section 6-2-14 in order to construct a canopy for the subject property located at 311 E. Ogden (Bill's Car Wash) - PZC 18-1-102

Carissa Wendt, Petitioner, explained the request for a variance to the major arterial setback requirements in order to construct a new canopy to improve visibility for customers using the pay touch-screen by providing protection from the sun/glare.

Council discussed hardship, traffic patterns, and the proposed color of the canopy.

Laff discussed the canopy, the setback encroachment, that staff and Planning/Zoning Commission denied the variance because the proposed canopy is not consistent with the intention of the underlying Code and that strict enforcement of the setback requirements does not result in a hardship. She said instead, staff finds that smaller, individual canopies over the self-service pay points could be provided as an alternative.

Bill Christensen, Owner and Petitioner, discussed the bail out lane and hardship.

Novack said the proposed canopy will not create a line-of-sight issue for motorists.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to approve the request for a major change to a conditional use to grant a variance from Section 6-2-14 in order to construct a canopy for the subject property located at 311 E. Ogden (Bill's Car Wash) - PZC 18-1-102. The motion carried by the following vote:

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

Nay: 1 - Coyne

2. Receive the report on alternate revenue options for the 2019 Annual Operating Budget

Colin Dalough, Chamber of Commerce, spoke against increasing the Home Rule Sales Tax (HRST) or the Food and Beverage (FB) Tax.

Council discussed the potential to increase FB tax may result in another reduction in real estate tax.

A motion was made by Councilwoman Gustin, seconded by Councilman Hinterlong, to receive the report on alternate revenue options for the 2019 Annual Operating Budget. The motion carried by the following vote:

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

P. NEW BUSINESS:

Number of school children

Brodhead requested staff contact the school districts and request the most current available data.

Semi-trucks parked on residential streets

Gustin discussed complaints about semi-trucks parked in subdivisions.

Novack said the overnight parking restrictions will address non-compliance and requested addresses for NPD and Code Enforcement.

Report-out by Boards/Commissions

Anderson requested a forum for the various boards and commissions to report their initiatives to Council.

New Sustainability Commission

Anderson introduced the topic of creating a new commission focused on sustainability efforts.

Krummen stated that he is working with a group of individuals on sustainability initiatives.

Improve maternity and other leave options

Anderson discussed current maternity/paternity leave benefits and the impact on employee morale and retention.

Q. ADJOURNMENT:

A motion was made by Councilman Hinterlong, seconded by Councilwoman Gustin, to adjourn the Regular City Council Meeting of January 15, 2019 at 10:00 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