

Observer Report

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Organization Observed

Naperville City Council

Observer

Allison Longenbaugh

Date

Tuesday, April 5, 2022

Meeting Time: X-Y

7:00 pm - 7:57 pm

**Meeting Held-In Person,
Remote, Hybrid**

In-Person

**Meeting Observed- In Person,
Livestream, Recorded**

Livestream, Recorded

Attendees (note if remote)

Quorum (yes or no)

Yes

Elected

Mayor Steve Chirico
 Councilwoman Jennifer Bruzan Taylor
 Councilwoman Patty Gustin
 Councilman Paul Hinterlong
 Councilman Ian Holzhauer
 Councilman Patrick Kelly
 Councilman Paul Leong
 Councilwoman Theresa Sullivan
 Councilman Benjamin White

Staff (list names/roles)

City Manager, Doug Krieger; Deputy City Manager, Marcie Schatz
 City Attorney, Mike DiSanto
 Director of Community Services/City Clerk, Pam Gallahue
 Police Chief, Jason Arres; Fire Division Chief Phil Giannattasio

Director of Finance, Rachel Mayer; Budget Manager, Ray Munch
Director of Human Resources, James Sheehan
Director of IT, Jacqueline Ngyuen
Director of TED, Bill Novak; Deputy Director of TED, Allison Laff
Director of Public Utilities - Electric, Brian Groth; Director of Public
Utilities - Water, Darrell Blenniss, Jr.
Director of Public Works, Dick Dublinski
Director of Communications, Linda LaCloche

Press (list names)

NCTV-17, Naperville Sun, Daily Herald

Public (number)

At least 15.

General Observations _____

| | Yes | No | Comments |
|------------------------------------|-----|----|----------|
| Meeting start on time? | x | | |
| Facilities large enough? | x | | |
| Audience able to hear proceedings? | x | | |
| Room ADA Compliant? | x | | |

Illinois Open Meeting Act Requirements

| | Yes | No | Comments |
|--|-----|----|---|
| Meeting Notice Posted? | x | | City website: Current Meeting listing (will update to show current meetings): https://www.naperville.il.us/government/city-of-naperville-government-meeting-listing/ City meeting management system (legistar): https://naperville.legistar.com/MeetingDetail.aspx?ID=925129&GUID=9B47BF67-536E-4106-9E04-B3D7ABF7C560&Options=&Search= |
| Agenda Posted 48 hours prior to meeting? | x | | Agenda posted on legistar & emailed on Wednesday, March 9, 2022: https://naperville.legistar.com/MeetingDetail.aspx?ID=925129&GUID=9B47BF67-536E-4106-9E04-B3D7ABF7C560&Options=&Search= |
| Agenda clearly describes items to be discussed? | x | | |
| Meeting packet available to the public before meeting? | x | | https://naperville.legistar.com/MeetingDetail.aspx?ID=925129&GUID=9B47BF67-536E-4106-9E04-B3D7ABF7C560&Options=&Search= |
| Minutes from previous meetings posted? | x | | Minutes from the last meeting (3/1/2022) were approved during this meeting and posted on the legistar on 4/6/2022. |
| Public Comment encouraged? | x | | |
| Public treated respectfully? | x | | Public forum speakers: 2 Written comments submitted via city website: 1 Position statements submitted via city website: 0 |

Business Transactions

Agenda and Packet Found Where

<https://naperville.legistar.com/MeetingDetail.aspx?ID=925129&GUID=9B47BF67-536E-4106-9E04-B3D7ABF7C560&Options=&Search=>

Meetings Streamed and Archived Where

<https://naperville.legistar.com/DepartmentDetail.aspx?ID=34747&GUID=ACE7D218-B3F0-4AF6-B414-F8F820FB6FEE&Mode=MainBody>

Closed Session Notes From Agenda

Proclamations

1. 22-0376 Proclaim April 2022 Child Abuse Prevention Month. Honored the Exchange Club of Naperville and Project HELP.
2. 22-0441 Proclaim April 2022 World Autism Awareness Month. Recognized D203, IPSD203, Little Friends, Ray Graham Association, Turning Pointe, Giant Steps, Western DuPage Special Recreation, Linden Oaks Behavioral Health, Naperville Park District, and others.

Public Forum: 2 speakers

1. Elizabeth Caroll. She brought a picture of her dog, Lucy. She described walking her dog past another walker with 3 dogs on February 28. Those dogs attacked her and her dog, who died. She doesn't think the city's ordinances are sufficient and asked the city to improve them. 1) Information to the public, like a directory of dangerous dogs and where they live, and signs on houses where dangerous dogs live, 2) improve the criteria used to call a dog 'dangerous', and 3) improve penalties on owners who choose to keep dangerous dogs (e.g. high liability), real (not invisible) fences, annual fine to city, enable Animal Control to inspect those houses and dogs to make sure enforced penalties are followed, require dangerous dogs to go to behavioral training.
2. Jill Lejsek. Described walking her 3 leashed dogs on March 19 when she was attacked by 2 unleashed dogs. Animal Control officers have been fantastic, kind, and compassionate. Would like the Council to work with the Legal Department and Animal Control to tweak some things regarding dangerous dogs. Asked if there could be a registry, stiffer fines, and restitution if a dog is killed or injured.

Council response:

- Holzhauer asked speaker (Caroll) how she knew that the dogs who attacked had prior incidents. The speaker had to file a FOIA request (even to get a copy of her own police report of the incident). Holzhauer asks that the "user friendliness" be improved for victims. eg a Google map search of dangerous dogs vs a FOIA request. He also asked how often dogs who bite are not categorized as dangerous.
- Gustin asked the Legal staff to break down the City's policy. She agreed with speaker Lejsek's suggestions and thought that if the City is legally allowed, there should be a public registry of dangerous dogs. Also asked Legal if there are citations, is that something that could be made available on the website or if it's only via FOIA. City Attorney DiSanto said they would need to do some research.
- White asked for statistics and if this is something that should be done at the state or county level instead so that more people could have access to the information. Chief Arres says there are (on average) 2 dogs categorized as 'dangerous' each year, and 25-30 attacks of dogs on other dogs.
- Kelly spoke to Chief Arres and was told that the State is light on their penalties. Asked what the City's Legal team would need from Council tonight to move forward with next steps. City Attorney DiSanto outlined

Business Transacted

the high-level ordinances (Title 10, Chapter 4 of the Municipal Code of Naperville), e.g. license, leash, and rabies inoculations requirements, running-at-large, public nuisance, and number of dogs/residence (no more than 3). There are fines depending on severity (\$100-\$500). If there has been an attack (1 bite is sufficient), under home-rule authority, Animal Control can impose a Dangerous Dog designation. Staff can look at other communities and bring back best practices for Council to review.

- Sullivan said that it's imperative that Naperville should set the example for public safety. Would like the Council to pursue this to prevent more attacks from occurring and to hold the owners accountable, especially when there is prior knowledge that a dog could be a threat.
- Hinterlong had heard a theory that if a dog bites once and draws blood that it develops a taste for it and bites again. Asked the Chief to see if that's true.
- Mayor Chirico thanked both speakers and said staff would come back with recommendations. Maybe nothing would change in terms of ordinances but the discussion was worth it and important for awareness.

Consent Agenda approved 9-0. No discussion.

Consent agenda, as passed (*additional description each item per agenda links in italics*):

1. 22-0397 Approve City Council meeting minutes of 3/15/2022.
2. 22-0437 Approve City Council meeting schedule for April, May, June 2022.
3. 22-0431 Approve Mayoral appointments to Sister Cities Commission and Transportation Advisory Board. (*Sister Cities- Becky Rudolph; TAB- Suzanne Hart*)
4. 22-0197 Approve Brush Collection Services to Steve Piper and Sons and Trees "R" Us for an amount not to exceed \$208,852 and for 1-year term (option year 1). (*Steve Piper and Sons requested a 5% increase due to increasing fuel and labor costs. Trees "R" Us agreed to maintain existing rates for the first option year. Even with the 5% increase, Steve Piper's costs continue to be lower than Trees "R" Us. The City continues to find great value in using two contractors for citywide brush pick-up.*)
5. 22-0352 Approve Heating, Ventilation, Air Conditioning and Dehumidification services to Beery Heating and Cooling for an amount not to exceed \$118,930 and for one-year term (option year 1). (*The licensed contractor provides services consisting of maintenance, repair, and replacement of the HVAC and dehumidification systems and associated equipment located at more than 50 City facilities maintained by DPW-PBO and 16 secured facilities maintained by DPU-W.*)
6. 22-0285 Approve Third Party Administrative Services for Workers Compensation Claims to Insurance Program Managers Group (IPMG) for an amount not to exceed \$104,650 and 3-year term. (*Selection team from Legal, Finance, and Fire Departments evaluated 2 proposals and recommended the vendor with the highest score.*)
7. 22-0344 Award Engineering Consulting Services for Watermain and Sanitary Sewer projects to Baxter & Woodman, Ciorba Group, Civil & Environmental Consultants, Crawford, Murphy & Tilly, and Feher Graham for future projects and 2-year term. (*The RFQ from January 2022 was to establish a shortlist of qualified consultants to award future capital projects. The vendors will be selected on a project-by-project basis and awarded based on the costs and/or qualifications depending on the complexity of the projects.*)
8. 22-0326 Approve Patching Program to Geneva Construction Company for an amount not to exceed \$578K plus 3% contingency. (*Project involves replacing isolated sections of deteriorated pavement with hot-mix asphalt*)

(HMA) and installing permanent patches where potholes developed over winter months.)

9. 22-0363 Award Sidewalk and Curb Maintenance Program to Schroeder & Schroeder for an amount not to exceed \$996,945 plus 3% contingency. *(Will repair and replace 1,010 sidewalk, driveway, curb, and structure conditions throughout the city.)*
10. 22-0325 Approve Guardrail Improvements Project to Misfits Construction Company for an amount not to exceed \$148,167 plus 5% contingency. *(Will upgrade 6 runs of guardrail on Book Road and 111th Street to improve safety and to meet current Illinois DoT standards.)*
11. 22-0407 Approve Insulated Conductors to Okonite for an amount not to exceed \$80,198 and a total award of \$1,003,261 (change order #2, option year 1). *(Change order corrects a clerical oversight discovered after change order #1 to correct the quantity of cable.)*
12. 22-0276 Pass ordinance approving transfer of \$16,278,640 of the 2022 Volume Cap to the Town of Normal. *(The Volume Cap Program is a federally authorized program, which allows the state to allocate tax-exempt bond authority to finance projects at interest rates below that of the conventional market. Municipalities must allocate it or reserve it by May 1. For the last two years, Naperville transferred its allocation of the Volume Cap to the Town of Normal, to be applied toward the issuance of single-family mortgage revenue bonds as was permitted under the program. At its January 18, 2022 meeting, Council chose to reserve its allocation. Staff is recommending that the City transfer the allocation to the Town of Normal because they identified no immediate use for the cap in 2022, including the affordable housing development under consideration on Route 59.)*

Public Hearing

All 5 items pass 9-0 with no discussion.

One speaker (Caitlin Csuk, attorney for the petitioner)

22-0282B, 22-0420, 22-0421, 22-0422, 22-0424. Receive report and pass ordinances to consider Annexation Agreement for 710 Woodlawn Avenue. On March 2, 2022, Planning and Zoning Commission (PZC) voted 8-0 to approve the rezoning request. The petitioner requests to rezone from R-4 to R1A (Low Density Single Family Residence District). The surrounding incorporated properties are zoned R1A, R1, and R1B.

Ordinance

Motion made to approve option B (concur with staff) passes 7-2 (Nay: Chirico, Gustin).

One comment posted to the website.

One speaker (Len Monson, attorney for the petitioner)

22-0360B regarding variances for 406 South Julian Street. The petitioner plans to construct a new, single-family home and requests two variances: 1) corner side yard setback (reduce the required setback from 30 feet to 15 feet) and 2) porch encroachment variances (allow two porches to extend more than 5 feet into the required corner side yard). PZC voted 8-0 to approve the requests but staff disagreed with one porch variance (a wraparound porch at the front of the house). Option A: Concur with the Planning and Zoning Commission and the petitioner and pass the ordinance approving variances to Section 6-6A-7 (R1A/Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements)

or

Option B: Concur with staff and pass the ordinance approving variances to Section 6-6A-7 (R1A/Yard Requirements) and Section 6-2-3:3.2 (Yard Requirements), apart from a wraparound porch.

Council response:

- Gustin asked the attorney to explain what the hardship was. Monson explained that the lot is oddly-shaped, in between two zoning designations, and the road is going to be improved in the future.
- Taylor thought the house might be too big for the lot, doesn't see a true hardship, and thinks staff is being reasonable. It's not often that staff asks Council to deny a variance.
- Mayor was okay with the variances, believed the hardship is real, and thought the final home would be a better product for the area. Staff was following zoning rules because they do not have the authority on their own to give this variance.
- Holzhauer asked Monson for clarification on why future road improvements should be deemed a hardship. Monson said the road is not quite centered and future improvements could change the distance from the corner to the covered porch. He compared the sight lines to the homes on opposite corners and said a larger porch would be more balanced.
- Hinterlong would be concurring with staff (option B). Said they are already getting one variance and there is no reason why the design can't be done within the existing constraints. Monson compared it to the across the street neighbor and didn't think it made sense that they could have a porch but this one can't. Hinterlong said this area floods a lot and taxpayers are subsidizing the work for extra storm water systems from the lot coverage of everyone else.
- Kelly said he was leaning towards option B. Hard to claim hardship on new construction. Concurred with staff that the petitioner was getting 2 out of 3 variances.
- Monson asked the Council to consider that PZC did a far more in-depth look and they voted unanimously to approve it. Hinterlong responded that he took offense to that and had looked in-depth. He visited the site, made an appointment with staff to go over it, and did his due diligence.
- White asked to see a picture of the location. Monson showed an aerial photo of the neighborhood (intersection of Porter and Julian), comparing the proposed house (SE corner) to the existing house (NE corner). The house on the north-east side does not have a porch.

Award of bids**All 5 items pass 9-0, with only one Council comment on item 4.**

1. 22-0286 Approve Insulated Conductors to Okonite for an amount not to exceed \$2.2M and for 1-year term (option year 2). *(The vendor supplies electric cable (conductors) for use in capital and maintenance projects by Electric Utility. Based on vendor performance in year 1, the Utility recommends renewing the contract.)*
2. 22-0340 Approve Park Addition Water Main Replacement to Copenhaver Construction for an amount not to exceed \$4,515,317 plus 3% contingency. *(The project is to replace aging and functionally deficient water mains in Park Addition (Center, Ellsworth, Brainard, and Loomis from 5th to Ogden). The bulk of the existing water main is cast iron installed in the 1930s, with some ductile iron pipe installed in the 1960s and 1970s. The storm sewer on Ellsworth is being upsized to a 30 pipe to improve stormwater conveyance.)*
3. 22-0341 Approve West Highlands and Maplebrook East Water Main Replacement to J. Congdon Sewer Service for an amount not to exceed \$3,210,558 plus 3% contingency. *(The project is to replace aging and functionally deficient water mains in West Highlands and Maplebrook East (Modaff from Westglen to Gartner, Oxford from Pier to Surrey, Brad Court,*

Cernie Court, and portions of Bell and Surrey). The existing water main is ductile iron pipe installed in the 1960s and 1970s.)

4. 22-0131 Approve Technical Rescue Team Truck and Trailer and Mobile Command Center to LDV for an amount not to exceed \$1,080,071. *(The team truck and trailer (2 units) will be replaced with one 2023 Freightliner M2 chassis with dry van body TRT vehicle. The Mobile Command Center is a 1990 Bluebird Coach motorhome to be replaced with a 2023 Freightliner M2 chassis with dry van body Mobile Command Center to function as a multi-department incident command post. The current vehicles have no trade-in value and will be sold through the City's auction service provider.)*
 - a. White asked if our neighbors have these vehicles and given all of the mutual support that our public safety teams give to other communities, should we be asking for grants at a state or county level when we are buying vehicles like this. Division Chief Phil Giannattasio responded that others have these vehicles but this is the most comprehensive in the area. The Fire Department aggressively pursues grant opportunities (federal and local), which are categorized as high-medium-low priority. Vehicles are the most aggressively sought-after grants. This one does not fall into a high-priority category.
5. 22-0426 Approve Transmission & Distribution Engineering Services to Primera Engineers for an amount not to exceed \$1.5M and for a 2-year term. *(Due to high number of staff retirements over the past 2 years, the Electric Utility has a backlog of critical infrastructure projects in its capital improvement plan waiting in the engineering queue. By partnering with an engineering firm on a long-term strategic contract, the Utility gains access to an experienced talent pool capable of completing these projects.)*

New Business

Gustin gave kudos to staff for getting more services on-line. e.g. paying Food & Beverage tax on-line.

Any Issues Discussed That Have Implications for LWV?

n/a

Next Meetings

Tuesday, April 19, 2022 7:00 pm

Report Reviewed By

Anne Mathews
