



**CITY COUNCIL MEETING OF AUGUST 20, 2013  
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL  
APPROVED BY THE CITY COUNCIL ON  
September 3, 2013 AS REVISED.**

**CALL TO ORDER:**

5:17 P.M.

**A Mayor Pro Tem Steve Chirico  
Councilman Robert Fieseler  
Councilman Paul Hinterlong  
Councilman Douglas Krause - Arrived at 5:22 p.m.  
Councilman Joe McElroy  
Councilman David Wentz  
Councilwoman Judy Brodhead**

**Absent**

**Councilman Grant Wehrli  
Mayor A. George Pradel**

**Also Present**

**City Manager, Doug Krieger  
Deputy City Manager, Marcie Schatz  
City Attorney, Margo Ely  
City Prosecutor, Jill Pelka-Wilger  
City Clerk, Pam LaFeber  
Police Chief, Robert Marshall  
Vehicle Reclamation Officer, Rose Milka  
Bureau Chief, Mark Thurow  
Division Chief, Mark Ziemnik  
Chief Procurement Officer, Mike Bevis  
Director of T.E.D., Bill Novack  
T.E.D. Operations Manager, Allison Laff  
Transportation Team Leader, Karyn Robles  
Director of Public Works, Dick Dublinski  
Strategic Services Manager, Beth Lang  
Director of Public Utilities-Water, Jim Holzapfel  
Deputy Director of Public Utilities-Electric, Olga Geynisman  
Chief Information Officer, Larry Gunderson**

**Press**

**Chicago Sun Times, Daily Herald, Naperville Sun**

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**B CLOSED SESSION:**

Hinterlong moved to recess to Closed Session to discuss 5ILCS/120(c (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity; (2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; (6) Setting of a price for sale or lease of property owned by the public body; (21) Discussion of minutes of meetings lawfully closed under this Act, whether for the purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06. Second, Wentz.

**ROLL CALL:**

**Ayes:** Chirico, Fieseler, Hinterlong, McElroy, Wentz, Brodhead

**Nays:** None

**Absent:** Krause, Wehrli, Pradel

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 5:22 P.M.  
CLOSED SESSION ENDED AT 6:53 P.M.**

**Clerk's Note:** Krause arrived at 5:22 p.m.

**OPEN SESSION:**

Mayor Pro Tem Chirico called the meeting back to order at 7:02 p.m.

**ROLL CALL to determine Quorum:**

**Present:**

Chirico, Fieseler, Hinterlong, Krause, McElroy, Wentz, Brodhead

**Absent:** Wehrli, Pradel

**C PLEDGE TO THE FLAG:**

PLEDGE GIVEN

**D AWARDS AND RECOGNITIONS:**

**D1 Employee of the Month – August**

EMPLOYEE OF THE  
MONTH - AUGUST

Councilwoman Brodhead recognized Brian Groth, Senior Electrical Engineer with the Department of Public Utilities – Electric, as the Employee of the Month for August.

**E PUBLIC FORUM:**

**E1 Sidewalk Location**

Josh Weir, 1661 Brentford, requested a change to the sidewalk layout on the east side of Washington Street just north of Bauer.

Novack discussed outside funding, the curve of Washington Street, and the preference to move the sidewalk rather than add fencing.

By consensus Council directed Novack to proceed with relocating the sidewalk.

**F HOLDOVER ITEMS:**



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**G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:**

**H CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR REMAINING ITEMS:**

Krause moved to use the Omnibus method to approve the Consent Agenda.  
Second, Hinterlong.

**VOICE VOTE:** Motion declared carried.

**I CONSENT AGENDA:**

Krause moved to approve the Consent Agenda with the exception of items I11, and I28. Second, Hinterlong.

**ROLL CALL:**

**Ayes:** Chirico, Fieseler, Hinterlong, Krause, McElroy, Wentz, Brodhead

**Nays:** None

**Absent:** Pradel, Wehrli

Motion declared carried.

- |   |   |
|---|---|
| <p><b>I1</b> <u>Cash Disbursements – 7/16/13</u><br/>Council moved to approve the 7/16/13 cash disbursements in the amount of \$8,283,083.74.</p>   | <p><b>CASH DISBURSEMENTS –<br/>7/16/13</b></p>                        |
| <p><b>I2</b> <u>Cash Disbursements – 7/17/13</u><br/>Council moved to approve the 7/17/13 cash disbursements in the amount of \$16,409,226.54.</p>  | <p><b>CASH DISBURSEMENTS –<br/>7/17/13</b></p>                        |
| <p><b>I3</b> <u>Cash Disbursements – 7/31/13</u><br/>Council moved to approve the 7/31/13 cash disbursements in the amount of \$9,504,840.34.</p>   | <p><b>CASH DISBURSEMENTS –<br/>7/31/13</b></p>                        |
| <p><b>I4</b> <u>Regular City Council Minutes</u><br/>Council moved to approve the Regular City Council Minutes of July 16, 2013.</p>  | <p><b>REGULAR CITY COUNCIL<br/>MINUTES</b></p>                        |
| <p><b>I5</b> <u>Bid 14-042, Motor Fuel</u><br/>Council moved to approve the award of Bid 14-042, Motor Fuel to Luke Oil Company, Inc. for an amount not to exceed \$1,756,480.00.</p>   | <p><b>BID 14-042, MOTOR FUEL</b></p>                                  |
| <p><b>I6</b> <u>Bid 14-048, Fused Modules</u><br/>Council moved to approve the award of Bid 14-048, fused modules, to Shallbetter, Inc. for an amount not to exceed \$112,680.00.</p>   | <p><b>BID 14-048, FUSED<br/>MODULES</b></p>                           |
| <p><b>I7</b> <u>Bid 14-066, Painting Transmission Poles</u><br/>Council moved to approve the award of utility funded Bid 14-066, painting transmission poles, to QSC Contracting, LLC for \$250,060.00 plus a 5% contingency.</p>                                 | <p><b>BID 14-066, PAINTING<br/>TRANSMISSION POLES</b></p>             |
| <p><b>I8</b> <u>RFP 13-025B, Procurement Card Services Provider</u><br/>Council moved to approve the award of RFP 13-025B, Procurement Card Services Provider, to US Bank, for a Revenue Contract estimated at \$101,244.00 for a three-year contract amount.</p> | <p><b>RFP 13-025B,<br/>PROCUREMENT CARD<br/>SERVICES PROVIDER</b></p> |



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- I9**     Procurement 14-070, Mobile Broadband Data Services  
Council moved to approve the award of Procurement 14-070, mobile broadband data services, through the State of Illinois Joint Purchasing Contract to Verizon for an amount not to exceed \$113,800.00.
- I10**    Bid 14-057, Paint Clarifier Basin #5  
Council moved to approve the award of utility funded Bid 14-057, painting wastewater clarifier basin #5, to P&S Painting, Inc., for an amount not to exceed \$134,200.00, plus a 5% contingency.
- I12**    Naperville Country Club Fireworks Display  
Council moved to approve Naperville Country Club's permit request to hold a fireworks display on September 1, 2013.
- I13**    "Sleep Out Saturday for the Homeless" Event  
Council moved to approve the recommendation to allow Bridge Communities to place temporary special-event signage at designated off-premise locations in Naperville between October 11 and November 4, 2013 to promote its 10<sup>th</sup> Annual "Sleep Out Saturday for the Homeless" event on November 2, 2013.
- I14**    Resolution No. 13-025, Naperville Development Partnership Agreement  
Council moved to adopt Resolution No. 13-025, approving the ninth amendment to the agreement between the City of Naperville and the Naperville Development Partnership to provide grant funding.
- I15**    Ordinance No. 13-082, Training Studios and Automotive Uses, PZC 13-1-036  
Council moved to waive the first reading and pass Ordinance No. 13-082, approving an amendment to Title 6 regarding training studios and automotive uses.
- I16**    Ordinance No. 13-083, Amvets Attendant Collection Center, PST 13-1-081  
Council moved to pass Ordinance No. 13-083, granting a final renewal of the temporary use for an Amvets Attendant Collection Center at 776 South Route 59 subject to a two-year time limit expiring August 6, 2015.
- I17**    Notice, Processing, and Related Requirements for Zoning and Subdivision Cases, PZC 12-1-139  
First reading held.
- I18**    Ordinance No. 13-084, iFly at Freedom Commons, PZC 13-1-064  
Council moved to pass Ordinance No. 13-084, approving a major change to the Freedom Commons planned unit development(PUD) a final PUD plat for Lot 11 of Freedom Plaza, and a sign variance to Section 5-4-5:1 (commercial signs: wall signs) of the Naperville Municipal Code for the purpose of constructing an iFly facility on Lot 11.
- PROCUREMENT 14-070,  
MOBILE BROADBAND  
DATA SERVICES
- BID 14-057, PAINT  
CLARIFIER BASIN #5
- NAPERVILLE COUNTRY  
CLUB FIREWORKS  
DISPLAY
- "SLEEP OUT SATURDAY  
FOR THE HOMELESS"  
EVENT
- RESOLUTION NO. 13-025,  
NAPERVILLE  
DEVELOPMENT  
PARTNERSHIP  
AGREEMENT
- ORDINANCE NO. NO. 13-  
082, TRAINING STUDIOS  
AND AUTOMOTIVE USES,  
PZC 13-1-036
- ORDINANCE NO. 13-083,  
AMVETS ATTENDANT  
COLLECTION CENTER,  
PST 13-1-081
- NOTICE , PROCESSING,  
AND RELATED  
REQUIREMENTS FOR  
ZONING & SUBDIVISION  
CASES, PZC 12-1-139
- ORDINANCE NO. 13-084,  
IFLY AT FREEDOM  
COMMONS, PZC 13-1-064



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- |             |  |   |
|-------------|--|---|
| <b>I19</b>  | <u>Freedom Plaza-PZC 13-1-065</u>  | FREEDOM PLAZA-PZC 13-1-065  |
| <b>I19a</b> | <u>Ordinance No. 13-085, final plat of subdivision</u><br>Council moved to pass Ordinance No. 13-085, approving a final plat of subdivision for Freedom Plaza.   | ORDINANCE NO. 13-085,<br>FINAL PLAT OF<br>SUBDIVISION   |
| <b>I19b</b> | <u>Resolution No. 13-026, Encroachment License and Covenant Agreement</u><br>Council moved to adopt Resolution No. 13-026, authorizing the City Manager to execute the encroachment license and covenant agreement between the City of Naperville and Lakhany Group Investments, LLC.  | RESOLUTION NO. 13-026,<br>ENCROACHMENT<br>LICENSE AND COVENANT<br>AGREEMENT                           |
| <b>I19c</b> | <u>Ordinance No. 13-086, final PUD plat and zoning deviation</u><br>Council moved to pass Ordinance No. 13-086, approving a final planned unit development (PUD) plat for Freedom Plaza and associated zoning deviation for the property located on Abriter Court north of Diehl Road and south of Interstate 88.  | ORDINANCE NO. 13-086,<br>FINAL PUD PLAT &<br>ZONING DEVIATION   |
| <b>I20</b>  | <u>Ordinance No. 13-087, Fairfield Inn, PZC 13-1-066</u><br>Council moved to pass Ordinance No. 13-087, approving a final planned unit development (PUD) plat for Fairfield Inn located at 1820 Abriter Court.   | ORDINANCE NO. 13-087,<br>FAIRFIELD INN, PZC 13-1-066  |
| <b>I21</b>  | <u>Ordinance No. 13-088, 906 Tulip Lane, PZC 13-1-054</u><br>Council moved to pass Ordinance No. 13-088, granting a variance from Section 6-6A-7:1 (R1a low density single-family residence district: yard requirements) of the Naperville Municipal Code to allow a garage addition and covered entrance feature to encroach into the 30' corner side yard setback at the property located at 906 Tulip Lane, PZC 13-1-054. | ORDINANCE NO. 13-088,<br>906 TULIP LANE, PZC 13-1-054   |
| <b>I22</b>  | <u>Ordinance No. 13-089, North Town Plaza, PZC 13-1-068</u><br>Council moved to pass Ordinance No. 13-089, granting a variance from Section 5-4-5:1 (commercial signs, wall signs) of the Naperville Municipal Code in order to allow the installation of wall signage on the west elevation of the building located at 111 E. Ogden Avenue (North Town Plaza), PZC 13-1-068.  | ORDINANCE NO. 13-089,<br>NORTH TOWN PLAZA,<br>PZC 13-1-068  |
| <b>I23</b>  | <u>Resolution No. 13-027, DuPage River Salt Creek Adaptive Watershed</u><br>Council moved to adopt Resolution No. 13-027, adopting the DuPage River Salt Creek workgroup's adaptive Watershed Management Initiative.   | RESOLUTION NO. 13-027,<br>DUPAGE RIVER SALT<br>CREEK ADAPTIVE<br>WATERSHED                            |
| <b>I24</b>  | <u>Ordinance No. 13-090, Last Fling</u><br>Council moved to pass Ordinance No. 13-090, to establish temporary traffic controls and issue a special event permit for the 2013 Last Fling, the Labor Day Parade, and the Fling Mile scheduled for August 30-September 2, 2013.   | ORDINANCE NO. 13-090,<br>LAST FLING   |
| <b>I25</b>  | <u>Ordinance No. 13-091, 2013 Hometown Holiday's Parade and Holiday Gingerbread Man Sculptures</u><br>Council moved to pass Ordinance No. 13-091, to establish temporary traffic controls and issue a special event permit for the Hometown Holidays Parade on December 1, 2013, and approve the placement of the Holiday Gingerbread Man Sculptures.  | ORDINANCE NO. 13-091,<br>2013 HOMETOWN<br>HOLIDAY'S PARADE &<br>HOLIDAY GINGERBREAD<br>MAN SCULPTURES |





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**J1     Residential Recycling Cart Program**

Dublinski reviewed the program and highlighted the Citizen Survey, cart options, and the impact on the current diversion rate.

Reindert Smit, 583 Windham Lane, opposed the proposed mandate to use large carts.

Dick Furstenau, 709 Zaininger, spoke in favor of the program.

Council discussed offering a third, smaller cart to accommodate resident needs and space, reduction in paper waste, sharing a large cart with a neighbor and the cart mandate.

Dublinski explained how residents can pay for the carts, cart delivery and/or pick up options, how the carts work with automated trucks, and what was learned from the implementation of refuse carts.

Greg Maxwell, Resource Management Representative and 10244 S. Clow Creek, Plainfield, explained that mixing refuse and recycling does not work because the cross contamination causes items to become non-recyclable. He also stated that haulers would pick up blue bins but leave a note regarding the program.

**J1a    Implement a Mandatory Recycling Cart Program**

McElroy moved to approve the recommendation to implement a mandatory Recycling Cart Program, waive the Procurement Code to extend the contract with Resource Management, Inc. for five years to April 30, 2021) with no increase in service cost with the option to extend an additional five years and procure and deliver recycling carts to all residences eligible for service and add a third cart as an option. Second, Wentz.

**ROLL CALL:**

**Ayes:**       Krause, McElroy, Wentz, Brodhead, Chirico, Fieseler,  
                  Hinterlong

**Nays:**       None

**Absent:**     Wehrli, Pradel

Motion declared carried.

**J1b    Use of General Fund Balance**

Hinterlong moved to defer the item until such a time as staff believes it appropriate to bring back to Council and direct staff to bring back payment options at that time. Second, Wentz.

**VOICE VOTE:**       Motion declared carried.

**Clerk's Note:** McElroy recused himself due to a conflict of interest and left the dais at 8:24 p.m.

**J2     Mayfair Phase 2, PZC 12-1-154**

Sameer Handa, 2765 Blakely, spoke against the proposed development.

Erich Vora, 2768 Blakely, spoke against the proposed development.

Council discussed the role of Planning and Zoning Commission, the review process, and subdivision access.

MAYFAIR PHASE 2, PZC  
12-1-154



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**J2**     Mayfair Phase 2, PZC 12-1-154   **Continued**

Rosalyn Urbanek, 8S171 Route 59, spoke against the proposed development.

Shannon Woods, 8S530 Oxford, spoke against the proposed development.

Guiseppa Barbarotta, 8S530 Oxford, spoke against the proposed development.

Dick Furstenau, 709 Zaininger, spoke against the proposed development.

**BREAK:       8:51 p.m.**

**Mayor Pro Tem Chirico called the meeting back to order at 9:00 p.m.**

**J2**     Mayfair Phase 2, PZC 12-1-154   **Continued**

MAYFAIR PHASE 2, PZC  
12-1-154

Greg Collins, Petitioner and 400 Diehl #230, discussed openness of the development, pond issues, and stated that the design is identical to Phase 1.

Council discussed access to remaining commercial property, the proper balance between residential and commercial, appropriate access, and the length of time that this has been zoned commercial with no development proposals.

Novack explained access and what would be appropriate in such a congested area.

**J2a**     Ordinance No. 13-095, Preliminary plat of Subdivision

ORDINANCE NO. 13-095,  
PRELIMINARY PLAT OF  
SUBDIVISION

Brodhead moved to pass Ordinance No. 13-095, approving a preliminary plat of subdivision for Mayfair Phase 2 and allow cross-access to Lot 11. Second, Hinterlong.

**ROLL CALL:**

**Ayes:**       Wentz, Brodhead, Chirico, Fieseler, Hinterlong

**Nays:**       Krause

**Recuse:**     McElroy

**Absent:**     Pradel, Wehrli

Motion declared carried.

**J2b**     Ordinance No. 13-096, Rezoning Mayfair Phase 2

ORDINANCE NO. 13-096,  
REZONING MAYFAIR  
PHASE 2

Brodhead moved to pass Ordinance No. 13-096, rezoning the subject property from B2 (community shopping center district) to R3a (medium density multifamily district) for Mayfair Phase 2 and allow cross-access to Lot 11. Second, Hinterlong,

**ROLL CALL:**

**Ayes:**       Brodhead, Chirico, Fieseler, Hinterlong, Wentz

**Nays:**       Krause

**Recuse:**     McElroy

**Absent:**     Wehrli, Pradel

Motion declared carried.

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**J2c**     Ordinance No. 13-097. Conditional use to establish a planned unit development (PUD) for Mayfair Phase 2

ORDINANCE NO. 13-097.  
CONDITIONAL USE TO  
ESTABLISH A PLANNED  
UNIT DEVELOPMENT  
(PUD) FOR MAYFAIR  
PHASE 2

Brodhead moved to pass Ordinance No. 13-097, approving a conditional use to establish a planned unit development (PUD) for Mayfair Phase 2, a preliminary PUD plat, and a deviation to Section 6-6D-7 (R3a: yard requirements) of the Naperville Municipal Code for the 17-acre property generally located north of Audrey Avenue and east of IL Route 59. Second, Hinterlong.

**ROLL CALL:**

**Ayes:**        Chirico, Fieseler, Hinterlong, Wentz, Brodhead

**Nays:**        Krause

**Recuse:**     McElroy

**Absent:**     Wehrli, Pradel

Motion declared carried.

**Clerk's Note:** McElroy returned to the dais at 9:16 p.m.

**K**     **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

**K1**     Lobbyist Contract Renewal

LOBBYIST CONTRACT  
RENEWAL

Krieger explained what funding has been received from the lobbyist efforts.

Emery explained that the contract is inclusive, that no additional fees will be invoiced beyond the awarded contract amount, and that the contract cost increased because Naperville was far below market for this type of service.

Wentz moved to approve the renewal of Contract 13-002, Lobbyist Services with Roger C. Marquardt & Co. beginning August 2013 for an amount not to exceed \$50,000.00. Second, Brodhead.

**ROLL CALL:**

**Ayes:**        Fieseler, Hinterlong, Krause, McElroy, Wentz, Brodhead,  
                 Chirico

**Nays:**        None

**Absent:**     Wehrli, Pradel

Motion declared carried.

**L**     **REPORTS AND RECOMMENDATIONS:**

**L1**     City Council Meeting Schedule

CITY COUNCIL MEETING  
SCHEDULE

Hinterlong moved to reschedule the Strategic Plan Workshop date to September 17, 2013, the City Council Compensation Workshop to October 29, 2013, and approve the City Council meeting schedule for September, October, and November 2013. Second, Wentz

**VOICE VOTE:**        Motion declared carried.

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**L2**     Social Services Grant Program

**SOCIAL SERVICES GRANT  
PROGRAM**

Krause moved to approve the FY15 special funding goals and proposed changes to the Social Service Grant program. Second, Wentz.

**ROLL CALL:**

**Ayes:**       Hinterlong, Krause, McElroy, Wentz, Brodhead, Chirico,  
                  Fieseler

**Nays:**       None

**Absent:**     Wehrli, Pradel

                  Motion declared carried.

**M**     **PUBLIC HEARINGS:**

**N**     **ORDINANCES AND RESOLUTIONS:**

**N1**     Police Towing

**POLICE TOWING**

Michael Roth, 2300 Cabot Lane, Lisle, spoke against the proposed text amendment.

George Garbis, 900 E. Ogden, spoke against the proposed text amendment.

Gary Taor, 8916 Schoger, spoke against the proposed text amendment.

Jason Cavazos, 1100 Norwood, Aurora, spoke against the proposed text amendment.

Kit Kuhrt, 1680 Quincy, spoke against the proposed text amendment.

Mark Bank, 575 Weston Ridge, spoke against the proposed text amendment.

Scott Trezino, 8916 Schoger, spoke against the proposed text amendment.

Marshall explained that data did not support capping the companies at a certain number, therefore the recommendation is to open it up to all companies.

Wilger said qualified tow companies must have a storage yard within 1.5 miles of incorporated Naperville.

First reading held

**Clerk's Note:** Wentz recused himself because Bethany Lutheran is a client and left the dais at 9:50 p.m.

**N2**     Ordinance No. 13-098, Bethany Lutheran Church, PZC 13-1-055

**ORDINANCE NO. 13-098,  
BETHANY LUTHERAN  
CHURCH, PZC 13-1-055**

Rev. Dr. Timothy A. Rossow, Petitioner and 306 Westburg, discussed the proposed addition.

Keith Luhrs, 721 Loomis, spoke in favor of the proposed ordinance.

Ellie Hahn, 2415 Haider, spoke in favor of the proposed ordinance.

Samuel Harris, 10S181 Alago, spoke in favor of the proposed ordinance.

Lee Mathieu, 1423 Terrance, spoke against the proposed ordinance due to flood concerns.

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N2 Ordinance No. 13-098, Bethany Lutheran Church, PZC 13-1-055  
**Continued**

ORDINANCE NO. 13-098,  
BETHANY LUTHERAN  
CHURCH, PZC 13-1-055

Novack explained that the retention pond was originally constructed as a dry bottom basin, that the restrictor may have become partially clogged, mowing around inlets is difficult, and that vegetation grew significantly from 2002-2007. He said staff did not know the basin had converted, that the addition has given attention to maintenance that is needed, that clearing the storm system is church responsibility, however the City has a list of grates like this and the Department of Public Works clears them prior to heavy storms. He concluded by saying that the church is responsible for clearing the restrictor, but the City will help and have inspectors review.

Brodhead moved to pass Ordinance No. 13-098, approving a major change to a conditional use for a Religious Institution in R1a (low density single-family residence district) to allow construction of an addition on the existing building for Bethany Lutheran Church, 1550 Modaff Road, PZC 13-1-055. Second, Hinterlong.

**ROLL CALL:**

**Ayes:** Krause, McElroy, Brodhead, Chirico, Fieseler, Hinterlong

**Nays:** None

**Recuse:** Wentz

**Absent:** Wehrli, Pradel

Motion declared carried.

**Clerk's Note:** Wentz returned to the dais at 10:25 p.m.

**O NEW BUSINESS**

**P CLOSED SESSION:**

**Q ADJOURNMENT:**

ADJOURNMENT

Krause moved to adjourn the Regular City Council meeting of August 20, 2013 at 10:25 p.m. Second, Fieseler.

**VOICE VOTE:** Motion declared carried.

The Regular City Council Meeting of August 20, 2013 officially adjourned at 10:25 p.m.

  
PAM LAFEBER PH.D.  
CITY CLERK

PL: BK

