



CITY COUNCIL MEETING OF FEBRUARY 3, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
February 16, 2010 AS WRITTEN.

CALL TO ORDER:

6:01 P.M.

A Mayor A. George Pradel
Councilman Judy Brodhead
Councilman Robert Fieseler
Councilman Richard R. Furstenau
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Councilman James Boyajian

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
Records Management Team Leader, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Deputy Police Chief, Gary Bolt
Director of Public Utilities, Allan Poole
Director of Public Works, David Van Vooren
Information Technology Dept. Team Leader, Larry Gunderson
Director of T.E.D. Business Group, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Engineering Team Leader, Bill Novack
T.E.D. Transportation Team Leader, Karyn Robles
T.E.D. Development Team Leader, Dick Dublinski

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss 5ILCS/120/2(c)(2) Collective negotiating; (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, Krause.

ROLL CALL:

Ayes: Pradel, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli

Nays: None

Absent: Boyajian

Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 6:06 P.M.

CLOSED SESSION ENDED AT 6:48 P.M.

OPEN SESSION

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:02 P.M.

ROLL CALL to determine Quorum:

Present: Pradel, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli

Absent: Boyajian

C. PLEDGE TO THE FLAG:

D AWARDS AND RECOGNITIONS:

D1 Employee of the Month – February

Councilman Miller recognized Jim Tente as February's Employee of the Month.

EMPLOYEE OF THE MONTH - FEBRUARY

E PUBLIC FORUM:

E1 Results of Naperville's Battle of the Badges Blood Drive

Kelly Masterson, 1248 S. Naper Blvd and Heartland Blood Centers, announced the Fire Department as the winner of the 2010 Battle of the Badges Blood Drive.

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

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

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

VOICE VOTE: Motion declared carried.

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I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items. Second, Krause.

ROLL CALL:

Ayes: Pradel, Brodhead, Fieseler, Furstenau, Hinterlong,
Krause, Miller, Wehli

Nays: None

Absent: Boyajian

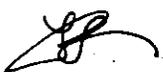
Motion declared carried.

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|----|---|--|
| I1 | <u>Cash Disbursements – 01/20/10</u>
Council moved to approve the cash disbursements for January 20, 2010 in the amount of \$18,232,450.33. | CASH DISBURSEMENTS –
01/20/10 |
| I2 | <u>Regular City Council Meeting Minutes of January 19, 2010</u>
Council moved to approve the Regular City Council Meeting Minutes of January 19, 2010. | REGULAR CITY COUNCIL
MEETING MINUTES –
01/19/10 |
| I3 | <u>Award of RFP 10-113, External Auditing Services</u>
Council moved to approve the award of RFP 10-113, external auditing services, to Sikich for an amount not to exceed \$84,400 for year one of a five-year contract. | RFP 10-113, EXTERNAL
AUDITING SERVICES |
| I4 | <u>Extension to Contract 08-125, Landscape Restoration to Pezza Landscape, Inc.</u>
Council moved to approve the award of Option Year to Contract 08-125, Landscape Restoration, to Pezza Landscape, Inc., extending the contract to April 30, 2011, for a contract amount not to exceed \$471,740.00 plus a 3% contingency. | CONTRACT 08-125,
LANDSCAPE
RESTORATION TO PEZZA
LANDSCAPE, INC. |
| I6 | <u>Public Improvements – Bethany Creek</u>
Council moved to accept the public underground and street light improvements at Bethany Creek and authorize the City Clerk to reduce the corresponding public improvement sureties. | PUBLIC IMPROVEMENTS
– BETHANY CREEK |
| I7 | <u>2010 Special Events Calendar</u>
Council moved to approve the 2010 Special Events Calendar. | SPECIAL EVENTS
CALENDAR |
| I8 | <u>FY10 Budget Amendment - cost reductions</u>
Council moved to authorize staff to amend the FY10 Annual Operating Budget to reflect cost reduction actions in the General Fund by \$900,000.00, Utilities budget by \$300,000.00 and to increase Foreign Fire Tax Insurance Funding by \$50,000.00 | FY10 BUDGET
AMENDMENT |
| I9 | <u>Wheatland Township – Amendment to Land Sales Agreement</u>
Council moved to direct staff to prepare an amendment to the Intergovernmental Land Sales and Purchase Agreement between the City of Naperville and Wheatland Township for the Township Office Building parcel to extend the terms in Section 14 from five years to ten years. | WHEATLAND
TOWNSHIP-LAND SALES
AGREEMENT |

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- I10 Ordinance No. 10-004, Jefferson Business Center, ZBA #10-1-002
Council moved to pass Ordinance No. 10-004, approving an extension of Ordinance 07-199, granting a variance from Section 6-7C-8 (height limitations/bulk regulations) for the property at 1748 W. Jefferson Street with a term expiring on February 3, 2011.
- I11 Ordinance No. 10-005, Jefferson Bridge Dedication Plat, PST 09-1-187
Council moved to pass Ordinance No. 10-005, approving a Plat of Dedication from the Naperville Park District to the City of Naperville for roadway widening related to reconstruction of the Jefferson Avenue bridge.
- I13 St. Patrick's Day Parade
- I13a Ordinance No. 10-006, Establish Temporary Traffic Controls for the St. Patrick Day Parade
Council moved to pass Ordinance No. 10-006, to establish temporary traffic controls for the St. Patrick's Day Parade.
- I13b Amplifier permit and Special Event permit
Council moved to approve the issuance of an amplifier permit and a special event permit for the event.
- I14 Resolution No. 10-006, Illinois Department of Transportation Addendum Agreement for the Illinois Route 59 Improvements Engineering Study
Council moved to adopt Resolution No. 10-006, repealing Resolution 09-030, and approving an addendum agreement to the intergovernmental agreement with the Illinois Department of Transportation for the Illinois Route 59 improvements engineering study, and authorizing the Mayor to execute the agreement.
- I17 Ordinance No. 10-007, Centennial Beach Bath House Improvements – Stormwater Variance
Council moved to pass Ordinance No. 10-007, approving a variance from the DuPage Countywide Stormwater and Floodplain Ordinance for the Naperville Park District's Centennial Beach Bath House improvements.
- I18 95th St. Park-n-Ride Usage
Council moved to authorize the use of the 95th St. Park-n-Ride lot by the Fry Family YMCA as an offsite shuttle location on Saturdays and Sundays through April 30, 2010.
- ORDINANCE NO. 10-004,
JEFFERSON BUSINESS
CTR., ZBA 10-1-002
- ORDINANCE NO. 10-005,
JEFFERSON BRIDGE
DEDICATION, PST 09-1-
187
- ORDINANCE NO. 10-006,
ST. PATRICK'S DAY
PARADE
- RESOLUTION NO. 10-006,
ILLINOIS ROUTE 59
IMPROVEMENTS
ENGINEERING STUDY
- ORDINANCE NO. 10-007,
CENTENNIAL BEACH
BATH HOUSE
IMPROVEMENTS
- 95TH ST. PARK-N-RIDE
USAGE

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- I5** Change Order #2 to Contract 08-146, Fuel Tank Wagon CONTRACT 08-146, FUEL TANK WAGON
- Council questioned the grade of fuel and asked if bio fuels have ever been bid.
- Van Vooren stated that this award is for the smaller of the two contracts, that per state law the city must use 2% grade. He explained that as a tax exempt organization bio diesel is more expensive because the city does not qualify for tax credit, therefore, if the city went to a higher grade of bio diesel the budget would have to increase. He said that changing grades doesn't make fiscal sense because decisions are made based on the lowest cost of operation, but using a different grade of fuel may make environmental sense.
- Van Vooren explained that the city uses virgin soy bean oil mixed with diesel because of the concern with winter operation and gelling. He said that a higher percentage increases the operational and warranty concerns because some manufacturers won't warranty their engines beyond 5% or 10%, and none will go beyond 10%.
- Council requested a report from staff that includes market prices at 10%, how much of the fleet is under warranty at 10%, what performance concerns exist at 10%, what tank loads can be used in a reasonable time, and the contract renewal schedule.
- Furstenau moved to approve the award of Change Order #2 to Contract 08-148, fuel tank wagon, for an amount not to exceed \$60,000.00 for a total award of \$420,000.00. Second, Miller.
- ROLL CALL:**
- Ayes:** Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli, Pradel
- Nays:** None
- Absent:** Boyajian
- Motion declared carried.
- I12** Ordinance No. 10-008, Naper Glen PUD Lot 3, PST 10-1-003 ORDINANCE NO. 10-008, NAPER GLEN PUD LOT 3, PST 10-1-003
- Schatz explained requests such as this warrant research and the collection of non/available spot data. She said that data was collected on three separate days, including a Saturday, and found that at no time were more than 50% of the parking area taken. She said that although the layout and circulation is difficult the parking data collected supports the petitioner's request.
- Council stated that the area has many good uses but parking is an issue and questioned how parking will be designated on that end of the building for that business.
- Schatz explained if parking is exceeded in one location that business should seek an agreement with the neighboring business.
- Nathan Tensing, 25409 Pavilion Place, Plainfield, said that the intention is to put a chiropractor in the location and that there is a surplus of seven parking spaces in the area.
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I12 Ordinance No. 10-008, Naper Glen PUD Lot 3, PST 10-1-003
Continued

ORDINANCE NO. 10-008,
NAPER GLEN PUD LOT 3,
PST 10-1-003

Miller moved to pass Ordinance No. 10-008, approving a minor change to the Naper Glenn PUD to permit a total of 3,000 square feet of medical/dental office in the existing commercial building on Lot 3, PST 10-1-003. Second, Krause.

ROLL CALL:

Ayes: Fieseler, Hinterlong, Krause, Miller, Wehrli, Pradel,
 Brodhead

Nays: Furstenau

Absent: Boyajian

Motion declared carried.

I15 Ordinance No. 10-009, Aggregation of Demand Response- City of
Naperville Electric Utility

ORDINANCE NO. 10-009,
AGGREGATION OF
DEMAND RESPONSE –
ELECTRIC UTILITY

Curran explained that the ordinance will allow the regional transmission organization to call their bigger customers, give them the opportunity to reduce their load and save money during the peak periods. He said that this will not result in any expenditures for the city as the city will only verify that the load was reduced during the time period in question.

Wehrli moved to pass Ordinance No. 10-009, with respect to the aggregation of demand response on behalf of retail customers served by the City of Naperville electric utility. Second, Furstenau.

ROLL CALL:

Ayes: Furstenau, Hinterlong, Krause, Miller, Wehrli, Pradel,
 Brodhead, Fieseler

Nays: None

Absent: Boyajian

Motion declared carried.

I16 Naperville Procurement Code Change

NAPERVILLE
PROCUREMENT CODE
CHANGE

Krieger explained that the agenda item is not proposing a change to the process, instead it changes who is performing the process. If approved, the proposal will allow the departments to go through the same bid process that is currently run through the purchasing division for purchases between \$10,000 and \$25,000. The purchases would then be audited by the purchasing department, however periodicity of such audits has yet to be determined.

Council said this type of delegation will be seen more often because everyone has been asked to do more with less and that expenditure authorization is not changing just how the process works.

Council also stated that the process will be different and if there are extra people in the departments with time to do this, they should be sent to the purchasing division.

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I16 Naperville Procurement Code Change Continued

NAPERVILLE
PROCUREMENT CODE
CHANGE

Miller moved to waive first reading. Second, Wehrli.

ROLL CALL:

Ayes: Hinterlong, Miller, Wehrli, Pradel, Brodhead

Nays: Krause, Fieseler, Furstenau

Absent: Boyajian

Motion declared **not** carried.

J **OLD BUSINESS:**

J1 Proposed locations for the 2010 New Sidewalk Program

2010 NEW SIDEWALK
PROGRAM

Council said that the program is valuable but given the economic times the money should be used somewhere else.

Novack stated that the survey/voting process was replaced five years ago with the comprehensive sidewalk replacement program, the resident at the address are notified and given the opportunity to speak. He also stated the priority is to minimize tree removal.

Council stated that sidewalks are important and there are locations where they were not built but should have been. Council suggested that if the property is a rental property the owner should be notified and for staff to provide a list of sidewalks that have safety and/or accessibility issues if the item does not pass

Miller moved to direct staff to present the amended 2010 Annual Sidewalk Program to the Transportation Advisory Board with the deletion of Douglas Avenue and the addition of Columbia Avenue. Second, Brodhead.

ROLL CALL:

Ayes: Miller, Pradel, Brodhead, Fieseler, Furstenau

Nays: Krause, Wehrli, Hinterlong

Absent: Boyajian

Motion declared carried.

J2 Club Homes of White Eagle, PC 09-1-171

CLUB HOMES OF WHITE
EAGLE, PC 09-1-171

Miller moved to accept the Petitioner's request to table this item to February 16. Second, Furstenau.

Council requested a plat that enforces the 90% rule and doesn't allow the setbacks.

VOICE VOTE: Motion declared carried.

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

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Furstenau moved to approve the City Council meeting schedule for February, March, and April 2010. Second, Wehrli.

VOICE VOTE: Motion declared carried.



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L2 Overnight Parking in Downtown Naperville

Council discussed the number of overnight parking tickets that are issued, disagrees with the designated area proposed, and said the 6-month trial period should be shortened if the city is losing revenue.

Schatz stated that parking should not interrupt operations, the city will partner with downtown businesses for marketing and direct people to the appropriate parking areas in the beginning of the evening. She said there is no idea of what the impact of this program will be and that is why a 6-month trial is recommended to collect data.

Robles clarified that if the data shows parking is affected by this program staff will make appropriate recommendations during the trial program. She also reminded Council that the overnight parking will only be on Friday and Saturday nights.

Council said the Downtown Naperville Alliance (DNA) has issues with the program and requested the number of parking tickets written in the downtown area over the past year. Council also suggested that downtown businesses sponsor overnight parking spaces.

Fieseler moved to approve the recommendation to establish temporary weekend overnight parking at designated locations in downtown-Naperville and direct staff to prepare the ordinance. Second, Furstenau.

ROLL CALL:

Ayes: Miller, Pradel, Brodhead, Fieseler, Furstenau, Hinterlong, Krause

Nays: Wehrli

Absent: Boyajian

Motion declared carried.

L3 Approve the policy to regulate the disbursement of candy and other items by parade entrants at all City of Naperville parades

Paula Dulli, 881 Appomattox Circle, stated that this policy may affect the attendance at parades.

Council stated that safety is a concern when candy is thrown in the street, that there have been near misses in previous parades, and that people have gotten hurt by flying candy. Council also said that staff's recommendation is a good compromise, that a rule is necessary because drivers aren't always paying attention to the children, and that the process of how the candy is distributed is the focus and states it must be handed out, not thrown.

Council suggested that lines be painted on the road to designate where observers can stand along the parade routes and showing an educational film like at Last Fling. Council stated that it's about safety and have seen kids running up to cars and touching the cars to get candy.

Council said participants must abide by the rules; organizers must keep participants in line, and stated that someone was hit at a Hinsdale parade.

OVERNIGHT PARKING –
DOWNTOWN
NAPERVILLE

DISBURSEMENT OF
CANDY/ITEMS AT ALL
CITY OF NAPERVILLE
PARADES

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- L3 Approve the policy to regulate the disbursement of candy and other items by parade entrants at all City of Naperville parades
Continued

DISBURSEMENT OF
CANDY/ITEMS AT ALL
CITY OF NAPERVILLE
PARADES

Wehrli moved to approve Policy Option A regulating the disbursement of candy and other items by parade entrants at all City of Naperville parades and direct staff to include the policy in the special Events Resource Guide and Special Event Permit. Second, Hinterlong.

ROLL CALL:

Ayes: Wehrli, Pradel, Brodhead, Hinterlong, Miller

Nays: Fieseler, Furstenau, Krause

Absent: Boyajian

Motion declared carried.

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

O **NEW BUSINESS:**

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

ADJOURNMENT – 8:22
P.M.

Furstenau moved to adjourn the Regular City Council meeting of February 3, 2010 at 8:22 p.m. Second, Wehrli.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of February 3, 2010 officially adjourned at 8:22 p.m.


PAM LAFEVER, Ph.D.
CITY CLERK

PL:BK

