



**CITY COUNCIL MEETING OF MARCH 3, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
March 17, 2009 AS WRITTEN.**

CALL TO ORDER

6 00 P M

A Mayor A George Pradel
Councilman James Boyajian
Councilman Joe Dunn
Councilman Robert Fieseler
Councilman Richard R Furstenau
Councilman Douglas Krause
Councilman Kenn Miller
Councilman John Rosanova
Councilman Grant Wehrli

Absent

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
Police Chief, David Dial
Director of Public Utilities, Allan Poole
Director of Public Works, David Van Vooren
Director Mgmt Svcs Business Group, Don Carlsen
Director of T E D Business Group, Marcie Schatz
T E D Operations Manager, Suzanne Thorsen
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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FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 2

B. CLOSED SESSION – 6:10 p.m.

Furstenau moved to recess to Closed Session to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, purchase or lease of real property, collective negotiations, litigation pending or imminent, 5ILCS/120/2(c)1,5,2, and 11 Second, Krause

ROLL CALL:

Ayes: Pradel, Boyajian, Dunn, Fieseler, Furstenau, Krause, Miller, Rosanova, Wehrli

Nays: None

Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 6:10 P.M.

CLOSED SESSION ENDED AT 6:56 P.M.

OPEN SESSION

Mayor Pradel called the meeting back to order at 7:03 p.m.

ROLL CALL to determine Quorum:

Present: Pradel, Boyajian, Dunn, Fieseler, Furstenau, Krause, Miller, Rosanova, Wehrli

Absent: None

C. PLEDGE TO THE FLAG:

D AWARDS AND RECOGNITIONS:

D1 Proclamation – Crone Middle School – Impact on the Community, March 3, 2009

Councilman Wehrli presented students from Crone Middle School with the proclamation naming March 3, 2009 Crone Middle School Day

CRONE MIDDLE SCHOOL
– IMPACT ON THE
COMMUNITY
PROCLAMATION

D2 Proclamation – Naperville CARES, March 3, 2009

Councilman Wehrli presented representatives from Naperville CARES with the proclamation naming March 3, 2009 Naperville CARES Day

NAPERVILLE CARES
PROCLAMATION

D3 Downtown Naperville Photo Contest

Mayor Pradel recognized Downtown Naperville Photo Contest winners

DOWNTOWN
NAPERVILLE PHOTO
CONTEST

FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 3

E PUBLIC FORUM:

E1 Water

Daniel Laung of 1058 Sylvan Circle discussed effects of the recent flooding at Huffman Street and the condition of the storm sewers on Porter Street

Novack responded that the Huffman Street project is not completed and that is the reason why it is not functioning as intended and offered to meet with Mr Laung

Clerk's Note: Rosanova recused himself and left the dais at 7 24 p m

E2 Garden Plots

Rod Randall of 956 Savannah Circle discussed alternative suggestions to meet Naperville Central's temporary renovation issues

E3 Garden Plots

Warren Gill of 844 Mobile Court discussed the need for a traffic study

E4 Garden Plots

Elaine Fisher of 993 Sylvan Circle discussed the need for a traffic study and urged Council to consider parking issues and who else would be using the proposed fields

E5 Athletic Fields

Peter Shamburek 270 Winding Creek Drive represents Naperville Central's Athletic Booster Club and supports the Park District Option 1A because it balances the need of all groups

Furstenau requested a drawing of Option 1A

Clerk's Note: Rosanova returned to the dais at 7 37 p m

F HOLDOVER ITEMS:

FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 4

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

G1 Operation of a Food Concession Cart in Downtown Naperville

FOOD CONCESSION
CART IN DOWNTOWN
NAPERVILLE

Joe Hornbecker of 2124 Neft Court presented his request to begin a hot dog concession cart in downtown Naperville

Paula Dulli of 881 Apponattox Circle spoke in support of this item

Council discussed several concerns with this proposal competition for existing downtown businesses, finding a more open location in the city to vend rather than the proposed downtown location, vend at special events, keeping the cart in a permanent location each day rather than roving the downtown, permit one vendor with one cart with a sunset clause, cleaning, transporting and storing the cart, food and beverage tax is not applicable to mobile vendors, health department issues, property taxes paid by existing businesses, narrow sidewalks in the downtown, vending times, use of existing parking spaces, and garbage removal

Miller moved to table to April 8, 2009 and directed the petitioner to seek input from the Downtown Advisory Commission Second, Rosanova

VOICE VOTE: Motion declared carried

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

Miller moved to create an Omnibus Ordinance to approve the Consent Agenda Second, Krause

VOICE VOTE: Motion declared carried

I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of item I8 Second, Krause

ROLL CALL:

Ayes: Pradel, Boyajian, Dunn, Fieseler, Furstenau, Krause, Miller, Rosanova, Wehrl

Nays: None
Motion declared carried

I1 Cash Disbursements – 2/4/09

CASH DISBURSEMENTS

Council moved to approve the February 4, 2009 cash disbursements in the amount of \$6,981,785 74

I2 Award of Bid 09-126, Ranchview Drive Electrical Duct Bank

BID 09-126, RANCHVIEW
DRIVE ELECTRICAL
DUCT BANK

Council moved to approve the award of Bid 09-126, Ranchview Drive electrical duct bank, CIP EU13, to John Burns Construction Company, for an amount not to exceed \$1,277,110 80, plus a 3% contingency, and approve the associated budget amendment

FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 5

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| I3 | <u>Award of Bid 09-143, Concrete Restoration Program, to Globe construction, Inc , for an amount not to exceed \$461,345 plus a 5% contingency</u>

Council moved to approve the award of Bid 09-143, Concrete Restoration Program, to Globe construction, Inc , for an amount not to exceed \$461,345 00, plus a 5% contingency | BID 09-143, CONCRETE RESTORATION PROGRAM |
| I4 | <u>Award of Bid 09-154, Sodium Hypochlorite, to KA Steel Chemicals, Inc , for an amount not to exceed \$136,000</u>

Council moved to approve the award of Bid 09-154, sodium hypochlorite to KA Steel Chemicals, Inc for an amount not to exceed \$136,000 00 | BID 09-154, SODIUM HYPOCHLORITE |
| I5 | <u>Award of Bid 09-117, Commuter Station Bicycle Shelters</u>

Council moved to approve the award of Bid 09-117, Commuter Station Bicycle Shelters to Modern Builders Construction for an amount of \$255,270 00 plus a 5% contingency and authorize staff to transfer \$30,270 00 from Burlington Fund's fund balance | BID 09-117, COMMUTER STATION BICYCLE SHELTER |
| I6 | <u>March 3, 2009 License and Permit Report</u>

Council moved to approve the March 3, 2009 License and Permit Report | LICENSE AND PERMIT REPORT |
| I7 | <u>Appointment to City of Naperville Board or Commission</u>

Council moved to approve the Mayoral appointment of Mark Jaynes to the Transportation Advisory Board 03/03/09-05/30/11 | APPOINTMENT TO BOARD OR COMMISSION |
| I9 | <u>DuPage Medical Group – Reduction of Transportation Impact Fees</u>

Council moved to approve the reduction to the transportation impact fees assessed to the DuPage Medical Group, located at 808 Rickert Drive, from \$141,326 29 to \$51,301 44 based upon the actual traffic generation indicated in the study | DUPAGE MEDICAL GROUP – REDUCTION OF TRANSPORTATION IMPACT FEES |
| <hr/> | | |
| I8 | <u>2008 Transportation Workshop Recap</u>

Council explained the action items for the viewing audience

Fieseler moved to approve the action items associated with future transportation corridors and transit from the 2008 Transportation Workshop Second, Furstenau

VOICE VOTE: Motion declared carried | 2008 TRANSPORTATION WORKSHOP RECAP |
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FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 6

J OLD BUSINESS:

J1 Staff and NDP recommendation for an impact fee reduction for projects not eligible for the impact fee moratorium

RECOMMENDATION FOR
IMPACT FEE REDUCTION

Kevin Gallaher of 1111 S Washington spoke on behalf of Toyota of Naperville and Bill Jacobs BMW and requested the Council consider the 50/50 proposal

Council stated that the 50/50 proposal is richer than what the city can afford, that all money not recovered here will have to be made up in the General Fund, discussed all the options presented by staff, and concluded that Option B is appropriate given the economic times

Furstenau moved to direct staff to prepare an ordinance reducing the roadway impact fee by 50% for projects not eligible for the impact fee moratorium Second, Boyajian

ROLL CALL:

Ayes: Boyajian, Dunn, Fieseler, Furstenau, Krause, Miller, Wehrli, Pradel

Nays: Rosanova
Motion declared carried

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE

K1 Recommend the approval of RFP 09-019, Construction Manager at Risk for Fire Station #10

RFP 09-019,
CONSTRUCTION
MANAGER AT RISK FOR
FIRE STATION #10

Miller moved to table to April 8, 2009 Second, Wehrli

VOICE VOITE: Motion declared carried

L REPORTS AND RECOMMENDATIONS:

L1 Approve the Regular City Council Minutes of February 17, 2008

REGULAR CITY COUNCIL
MEETING MINUTES –
2/17/09

Furstenau moved to approve the Regular City Council Meeting Minutes of February 17, 2009 Second, Miller

ROLL CALL:

Ayes: Furstenau, Krause, Miller, Rosanova, Pradel, Dunn, Fieseler

Nays: None

Abstain: Wehrli, Boyajian
Motion declared carried

L2 Consideration of the City Council Meeting Schedule for March, April and May 2009

CITY COUNCIL MEETING
SCHEDULE

Furstenau moved to approve the calendar with the addition of the Council inauguration in May as a special Council meeting Second, Boyajian

VOICE VOTE: Motion declared carried



FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 7

L3 Nike Park

NIKE PARK

Scott Day, attorney for the Naperville Park District, presented the Nike Park report

Council discussed that the Committee on Efficiency will meet to discuss a plan for Nike Park construction, considered waiving annexation fees, and the importance of developing Nike Park

Council received the report and requested that staff return in six weeks with a status report on the development of Nike Park

L4 Salaries of City Council

SALARIES OF CITY
COUNCIL

Council discussed not receiving raises for FY 2009-10, the process to voluntarily reduce compensation if an increase occurs, and the Consumer Price Index prediction

Ely explained that by ordinance compensation and benefits cannot be changed during the term of office, Council can pass a resolution stating that they will not accept a pay increase

Ely stated that a tax analysis was conducted prior to the implementation of the employee voluntary salary reduction and that there were no tax ramifications

No motion, Council considered the salary information

L5 Establish Pedicab Operations in Downtown Naperville

PEDICAB OPERATIONS –
DOWNTOWN
NAPERVILLE

Brett Dingeldein of 823 Center Street and Green Street Pedicabs presented his proposal

Council discussed allowing pedicabs on a trial basis for one season, the application of the seat belt law of the state of Illinois, traffic congestion, loading zones, vehicle lighting and the negative opinion of the Downtown Advisory Commission

The petitioner responded that the pedicabs travel at 15-20 mph, would not impede traffic flow, and operates with a 12 volt lighting system

Cope explained that the pedicabs are expected to use existing loading and safety zones for the majority of embarking and disembarking

Council discussed structuring the permitting process to limit the number of pedicabs during the trial basis and that the Downtown Naperville Alliance requested certain streets be prohibited for the use of pedicabs, statistics show that in the City of Austin there has only been one accident in 15 years and may serve as a traffic calming mechanism

The petitioner explained that pedicabs will not be traveling on Washington Street and will only cross at Jefferson Street

Council discussed the appropriate language of an ordinance and how pedicabs can be limited after the trial season

FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 8

PEDICAB OPERATIONS –
DOWNTOWN
NAPERVILLE

L5 Establish Pedicab Operations in Downtown Naperville Continued.

Rosanova moved to approve the pedicab services for downtown Naperville in concept and direct staff to complete the ordinance with three pedicabs from one company for one season to meet the city's business requirements Second, Miller

VOICE VOTE: Motion declared carried

L6 Staff recommendation to hire temporary/seasonal personnel

Council discussed using this labor pool as a low-cost mechanism to provide service, if temporary help is not hired the work will have to be done by more expensive employees, the full-time and part-time seasonal assignments for DPU-W, the mosquito abatement assignment, existing commitments to returning interns, and core departmental services

Schatz explained that the Code Enforcement Team interns will be almost exclusively assigned to weed and tall grass complaints, without these interns these complaints will be handled last by the existing code team, and the Engineering Team interns will be performing MIP responsibilities, four interns will be assigned to traffic counts for projects such as special land-use studies, with interns, 50 intersections can be staffed for \$19,000, if this is outsourced the price will be \$1,200 per intersection

Van Vooren explained that the eight-month season worked by the mosquito intern and the six-month DPW operations employee are paid at the \$14/hour rate because they require higher skill levels and are not summer jobs that can be filled by anyone

Council discussed hiring only Naperville residents for these positions and asked how many 2008 interns lived in Naperville

DıGangı explained that temporary/casual employees have a set end date while a part-time/regular employee have no anticipated end date

Rosanova moved to authorize the City Manager to recruit externally and hire 32 temporary/seasonal personnel in various departments representing a 38% cost reduction from prior year All 32 positions are budgeted as follows TED proposed FY 10, DPU – Water Utility Fund FY09 and proposed FY 10, DPW proposed FY 10 of which 3 CBD employees will be funded from Special Services Area #22 (SSA #22) Second, Furstenau

ROLL CALL:

Ayes: Dunn, Frieseler, Furstenau, Krause, Miller, Rosanova,
 Wehri, Pradel, Boyajian

Nays: None
 Motion declared carried

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 9

N1 Ordinance No 09-, Text Amendment to Chapter 7 (Peddlers and Solicitors) of Title 3 of the Naperville Municipal Code

PEDDLERS &
SOLICITORS – TEXT
AMENDMENT

April Samonski of 1020 W 31st Street spoke on behalf of the Muscular Dystrophy Association of Downers Grove and asked Council to table this item

Council requested a list of the organizations that have been notified of the text amendment

Fieseler moved to table to March 17, 2009 Second, Miller

VOICE VOTE: Motion declared carried

O **NEW BUSINESS:**

O1 Red Light Cameras

Fieseler discussed the types of violations occurring at the camera intersection and stated that the violations are clear

Rosanova recused himself and left the dais at 9 45 p m

O2 Garden Plots

Fieseler questioned the appropriateness of requiring that the traffic study be done prior to the Council considering the agenda item and stated that staff is prepared to present the agenda item

Fieseler moved to reconsider the direction that a traffic study be completed before the garden plot agenda item can be presented to Council Second, Wehrl

Council stated that it needs all the information, which includes a traffic study, to properly consider the item

Council discussed that it's not the responsibility of the Council to tell the petitioner to conduct a traffic study, a case needs to be presented before a decision can be made that a traffic study is warranted, and that if the decision is not made prior to the growing season it will have to wait until next year

Rosanova returned to the dais at 10 00 p m

ROLL CALL:

Ayes: Fieseler, Miller, Wehrl, Pradel, Boyajian

Nays: Furstenau, Krause, Dunn

Abstain: Rosanova

Motion declared **not** carried

FINAL AGENDA
CITY COUNCIL MEETING
MARCH 3, 2009
PAGE 10

O3 Upcoming Budget Workshop

Miller requested that a sales tax analysis be presented at the March 23, 2009 workshop

Krieger explained that each individual revenue account is not expected to be positive, only that the revenue accounts in total are greater than expenditures

O4 Executive Session

Mayor Pradel requested that an Executive Session be scheduled on both March 9 and March 10, 2009 in conjunction with the workshops

O5 Update on Cemetery Board

Mayor Pradel advised that the Board does not want to sell any property but would like to partner with the school district to negotiate space sharing ideas Furstenau requested the Legal Department research the provisions of the will and the relationship of the Board and the Council

O6 Thank You to Staff

Furstenau thanked city staff for its budget reduction efforts

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

Krause moved to adjourn the Regular City Council meeting of March 3, 2009 at 10 06 p m Second, Miller

ADJOURNMENT – 10 06
P M

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of March 3, 2009 officially adjourned at 10 06 p m


PAM LAFERBER
CITY CLERK

PL/bk

