



**CITY COUNCIL MEETING OF AUGUST 21, 2012  
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL  
APPROVED BY THE CITY COUNCIL ON  
September 18, 2012 AS WRITTEN.**

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**CALL TO ORDER:**

6:01 P.M.

A Councilwoman Judy Brodhead  
Councilman Steve Chirico  
Councilman Robert Fieseler  
Councilman Paul Hinterlong  
Councilman Douglas Krause  
Mayor Pro Tem Joe McElroy  
Councilman Kenn Miller  
Councilman Grant Wehrli

Absent

Mayor A. George Pradel

Also Present

City Manager, Doug Krieger  
Deputy City Manager, Marcie Schatz  
City Clerk, Pam LaFeber  
City Attorney, Margo Ely  
Fire Bureau Chief, Mark Thurow  
Police Chief, Robert Marshall  
Finance Director, Karen DeAngelis  
T.E.D. Operations Manager, Allison Laff  
Acting T.E.D. Director, Bill Novack  
T.E.D. Development Services Manager, Anastasia Urban  
T.E.D. Team Leader, Karyn Robles  
Public Works Director, Dick Dublinski  
Director of Public Utilities-Electric, Mark Curran  
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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**B CLOSED SESSION:**

CLOSED SESSION

Chirico 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; (5) The purchase or lease of real property for the use of 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, Wehrli.

**ROLL CALL:**

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

**Nays:** None

**Absent:** Pradel

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:04 P.M.  
CLOSED SESSION ENDED AT 6:58 P.M.**

**OPEN SESSION:**

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

**ROLL CALL to determine Quorum:**

**Present:** McElroy, Miller, Wehrli, Brodhead, Chirico, Fieseler, Hinterlong, Krause

**Absent:** Pradel

**C PLEDGE TO THE FLAG:**

PLEDGE GIVEN

**D AWARDS AND RECOGNITIONS:**

**D1 Employee of the Month – August**

Councilwoman Brodhead recognized Raheel Arshed, Electrical Engineer in DPU-E, as the Employee of the Month for August.

EMPLOYEE OF THE  
MONTH - AUGUST

**D2 2012 Chaddick Municipal Development Award Presentation**

Joe Schwieterman, Director of Chaddick Institute presented Allison Laff, Operations Manager and John Rutkowski, Development Services Team Leader with the 2012 Chaddick Municipal Development Award for excellence in community engagement to develop a streamlined Teardown/Infill Management process.

CHADDICK MUNICIPAL  
DEVELOPMENT AWARD

**E PUBLIC FORUM:**

**F HOLDOVER ITEMS:**

**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, Wehrli.

**VOICE VOTE:** Motion declared carried.

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**I CONSENT AGENDA:**

Miller moved to approve the Consent Agenda with the exception of item I28. Second, Wehrli.

**ROLL CALL:**

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

**Nays:** None

**Absent:** Pradel

Motion declared carried.

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|-----------|---|--|
| <b>I1</b> | <u>Cash Disbursements – 7/5/12</u><br>Council moved to approve the 7/5/12 cash disbursements in the amount of \$8,129,360.78.   | CASH DISBURSEMENTS<br>– 7/5/12                                   |
| <b>I2</b> | <u>Cash Disbursements – 7/18/12</u><br>Council moved to approve the 7/18/12 cash disbursements in the amount of \$20,408,619.67.  | CASH DISBURSEMENTS<br>– 7/18/12                                  |
| <b>I3</b> | <u>Cash Disbursements – 8/1/12</u><br>Council moved to approve the 8/1/12 cash disbursements in the amount of \$10,522,476.95.  | CASH DISBURSEMENTS<br>– 8/1/12                                   |
| <b>I4</b> | <u>City Council Minutes – 7/17/12</u><br>Council moved to approve the Regular City Council Meeting Minutes of July 17, 2012.  | CITY COUNCIL MINUTES<br>– 7/17/12                                |
| <b>I5</b> | <u>Bid 13-030, Roof Replacement at Electric Service Center</u><br>Council moved to approve the award of Bid 13-030, roof replacement at Electric Service Center, to Anthony Roofing Tecta America, LLC for an amount not to exceed \$212,300 plus a 5% contingency.                             | BID 13-030, ROOF<br>REPLACEMENT AT<br>ELECTRIC SERVICE<br>CENTER |
| <b>I6</b> | <u>RFP 13-016, Core Network Replacement</u><br>Council moved to approve the award of RFP 13-016, core network replacement to Sentinel Technologies, for an amount not to exceed \$342,480.25.   | RFP 13-016, CORE<br>NETWORK<br>REPLACEMENT                       |
| <b>I7</b> | <u>Procurement 13-041, Ambulances</u><br>Council moved to approve the award of Procurement 13-041, purchase of two ambulances, to Foster Coach Sales, through the Suburban Purchasing Cooperative, for an amount not to exceed \$406,640.00.  | PROCUREMENT 13-041,<br>AMBULANCES                                |
| <b>I8</b> | <u>Contract 12-049, Motor Fuel</u><br>Council moved to approve the award of Contract 12-049, Motor Fuel to Al Warren Oil Company for an amount not to exceed \$1,075,000. The term of this extension is September 1, 2012 through August 31, 2013 with three additional option years available. | PROCUREMENT 13-041,<br>AMBULANCES                                |
| <b>I9</b> | <u>Bid 13-022, LED Traffic Signal Replacement</u><br>Council moved to approve the award of Bid 13-022, LED Traffic Signal Replacement, to Meade Electric Company for an amount of \$194,353.60 plus a 5% contingency.   | BID 13-022, LED TRAFFIC<br>SIGNAL REPLACEMENT                    |

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| <b>I10</b> | <u>Bid 13-057, Main Street Duct Bank Connection</u><br>Council moved to approve the award of utility-funded Bid 13-057, Main Street duct bank connection to Utility & Industrial Construction Co. for an amount not to exceed \$163,600.00 plus a 5% contingency.   | <b>BID 13-057, MAIN STREET<br/>DUCT BANK<br/>CONNECTION</b>                            |
| <b>I11</b> | <u>Bid 13-049, Deep Well No. 16</u><br>Council moved to approve the award of utility-funded Bid 13-049, rehabilitation and reactivation of deep well No. 16, to Municipal Well and Pump for an amount of \$207,754.00 plus a 5% contingency.  | <b>BID 13-049, DEEP WELL<br/>NO. 16</b>  |
| <b>I12</b> | <u>Contract to EJ Equipment</u><br>Council moved to approve the award of Procurement 13-039, sanitary sewer televised inspection equipment to EJ Equipment for an amount not to exceed \$208,000.00.  | <b>CONTRACT TO EJ<br/>EQUIPMENT</b>  |
| <b>I13</b> | <u>Appointments to Boards or Commissions</u><br>Council moved to approve the Mayoral appointment of Craig Goodwin to the Advisory Commission on Disabilities; Arvind Aggarwal, Brian Moore and Madhu Uppal to the Naperville Public Library Board; Mary Ann Junkroski to the Naper Settlement Museum Board; Bob Ross to the Riverwalk Commission; and Jeannette DiGiovine-Gehrs and Lee Nye to the Transportation Advisory Board. | <b>APPOINTMENTS TO<br/>BOARDS OR<br/>COMMISSIONS</b>                                   |
| <b>I14</b> | <u>Reappointment to City of Naperville Board or Commission</u><br>Council moved to approve the Mayoral reappointments of Rebecca Anderson-Wilkins and Maureen Dvorak to the Advisory Cultural Commission.   | <b>REAPPOINTMENT TO<br/>CITY OF NAPERVILLE<br/>BOARD OR COMMISSION</b>                 |
| <b>I15</b> | <u>Recruit externally – two vacant part-time Cashier positions</u><br>Council moved to authorize the City Manager to recruit externally and fill two vacant part-time Cashier positions.  | <b>PART-TIME CASHIER<br/>POSITIONS</b>   |
| <b>I16</b> | <u>FY 12/13 Planning Team Work Program</u><br>Council moved to approve the proposed FY 12/13 Planning Team Work Program.  | <b>FY 12/13 PLANNING<br/>TEAM WORK PROGRAM</b>   |
| <b>I17</b> | <u>FY/13 City Council SECA Award to Rotary Club's Soup's On! Fundraiser</u><br>Council moved to reconsider the FY13 City Council SECA Award to the Rotary Club's Soup's On! Fundraiser and add \$10,000 to the Grant.   | <b>FY 13 CITY COUNCIL<br/>SECA AWARD – ROTARY<br/>CLUB'S SOUP'S ON!<br/>FUNDRAISER</b> |
| <b>I18</b> | <u>2012 Last Fling</u><br>Council moved to approve the revised closure dates, times and traffic control plan for the Riverwalk Parking Lot, Riverview Parking Lot and Porter Avenue for the Last Fling.   | <b>2012 LAST FLING</b>   |
| <b>I19</b> | <u>Ordinance No. 12-100, 2012 Riverwalk Fine Art Fair</u><br>Council moved to pass Ordinance No. 12-100, establishing temporary traffic controls for the 2012 Riverwalk Fine Art Fair.  | <b>ORDINANCE NO. 12-100,<br/>2012 RIVERWALK FINE<br/>ART FAIR</b>                      |



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| <b>I20</b> | <u>Ordinance No. 12-101, Audrey Avenue Parking Restrictions</u><br>Council moved to pass Ordinance No. 12-101, and approve the recommendation to establish No Parking on Audrey Avenue as outlined in the ordinance.  | <b>ORDINANCE NO. 12-101,<br/>AUDREY AVENUE<br/>PARKING RESTRICTIONS</b>  |
| <b>I21</b> | <u>Ordinance No. 12-102, Disposal of Surplus Equipment</u><br>Council moved to pass Ordinance No. 12-102, to dispose of surplus equipment, through a public auction, in accordance with the Naperville Procurement Code, Section 1-9B-9, et seq.  | <b>ORDINANCE NO. 12-102,<br/>DISPOSAL OF SURPLUS<br/>EQUIPMENT</b>   |
| <b>I22</b> | <u>Ordinance No. 12-103, Van Buren Parking Facility Parking Modifications</u><br>Council moved to waive first reading and pass Ordinance No. 12-103, and amend Table 11-2b-2, Municipal Parking Lots and Parking Regulations of the Municipal Code amending the parking restrictions for the Van Buren Parking Facility as outlined in the ordinance.   | <b>ORDINANCE NO. 12-103,<br/>VAN BUREN PARKING<br/>FACILITY</b>  |
| <b>I23</b> | <u>Title 3 (Business &amp; License Regulations) Chapter 5 (Contractors) Article A (Electrical Contractors) Article B (Plumbing Contractors) and Article C (Sidewalk Contractors)</u><br>First Reading held.   | <b>ELECTRICAL, PLUMBING<br/>&amp; SIDEWALK<br/>CONTRACTORS</b>   |
| <b>I24</b> | <u>Resolution No. 12-023, Naperville Development Partnership Agreement – Eighth Amendment</u><br>Council moved to adopt Resolution No. 12-023, approving the eighth amendment to the agreement between the City of Naperville and the Naperville Development Partnership to provide grant funding.  | <b>RESOLUTION NO. 12-023,<br/>NAPERVILLE<br/>DEVELOPMENT<br/>PARTNERSHIP<br/>AGREEMENT</b>                     |
| <b>I25</b> | <u>Ordinance No. 12-104, Special Service Area No. 25, Traffic Signal Improvements- Lacrosse Lane and IL59</u><br>Council moved to pass Ordinance No. 12-104, establishing Special Service Area No. 25 for traffic signal improvements at Lacrosse Lane and IL 59.   | <b>ORDINANCE NO. 12-104,<br/>SSA NO. 25, TRAFFIC<br/>SIGNAL<br/>IMPROVEMENTS-<br/>LACROSSE LN. &amp; IL 59</b> |
| <b>I26</b> | <u>Amend the FY13 Capital Improvement Program</u><br>Council moved to authorize staff to amend the FY13 Capital Improvement Program (CIP) by adding an additional \$922,000 of expenditures to TC195 (IL 59 and Lacrosse Lane Traffic Signal) and adding \$275,000 of expenditures in FY143 to MB117 (Central Park).  | <b>AMEND THE FY13<br/>CAPITAL IMPROVEMENT<br/>PROGRAM</b>  |
| <b>I27</b> | <u>Ordinance No. 12-105, 732 Saddlers Court Fence – PZC 12-1-087</u><br>Council moved to pass Ordinance No. 12-105, granting a variance from Sections 6-2-12:1.7 and 6-2-12:1.2 (Fences) of the Naperville Municipal Code in order to construct a 6' tall ornamental aluminum fence (80% open) in the corner side yard along Hobson Road on the property located at 732 Saddlers Court, PZC 12-1-087. | <b>ORDINANCE NO. 12-105,<br/>732 SADDLERS COURT<br/>FENCE – PZC 12-1-087</b>                                   |
| <b>I29</b> | <u>Ordinance No. 12-106, Hillside Road Turn Restrictions</u><br>Council moved to pass Ordinance No. 12-106, to prohibit left turns on Hillside Road at the intersection with Brainard Street from 7:45 – 8:15 a.m. and 2:15 – 2:45 p.m. on school days.   | <b>ORDINANCE NO. 12-106,<br/>HILLSIDE ROAD TURN<br/>RESTRICTIONS</b>   |



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**I28**

Ordinance No. 12-108, Le Chocolat du Bouchard, PZC 12-1-089

Chirico moved to pass Ordinance No. 12-108, granting a variance from Section 5-4-5:3 (Commercial Signs, Awning and Canopy Signs) of the Naperville Municipal Code to allow for the installation of awning signs in excess of the size allowed per code for the properties located at 129 and 127 S. Washington Street, subject to the conditions noted in the ordinance. Second, Brodhead.

**ROLL CALL:**

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

**Nays:** None

**Absent:** Pradel

**Recused:** Wehrli

Motion declared carried.

ORDINANCE NO. 12-108,  
LE CHOCOLAT DU  
BOUCHARD, PZC 12-1-089

**J2**

Ordinance No. 12-109, Le Chocolat

Cathy Bouchard, 129 S. Washington and Petitioner, discussed the hardship from being closed and that the sprinkler system will be installed immediately.

Urban explained that at the July meeting Council considered building code variances and sprinkler installation within 10 years. She said since July the property owner has worked with City staff and contacted sprinkler contractors and system design engineers. She said a final plan has not yet been submitted.

Fieseler moved to pass the ordinance to approve variances to allow for an opening on the property line between 127 S. Washington and 129 S. Washington subject to certain conditions. Second, Hinterlong.

Urban stated that by removing the timeline condition, all systems must be installed prior to occupancy.

Chirico made a motion in substitution to pass the ordinance, to approve variances to allow for an opening on the property line between 127 S. Washington and 129 S. Washington subject to certain conditions, including an obligation to install a sprinkler system in 127-125 S. Washington within 3 years. Second, Miller.

Chirico moved to amend the motion in substitution to pass Ordinance No. 12-109, to approve variances to allow for an opening on the property line between 127 S. Washington and 129 S. Washington subject to certain conditions, including an obligation to install a sprinkler system in 127-125 S. Washington within 1 year. Second, Miller.

**ROLL CALL:**

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

**Nays:** Fieseler

**Absent:** Pradel

**Recused:** Wehrli

Motion declared carried.

ORDINANCE NO. 12-109,  
LE CHOCOLAT

**Clerk's Note:** Wehrli returned to the dais at 7:46 p.m.



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

**L REPORTS AND RECOMMENDATIONS:**

**L1 City Council Meeting Schedule**

CITY COUNCIL MEETING  
SCHEDULE

Wehrli moved to approve the City Council Meeting Schedule for August, September, October and November 2012 and cancel the September 4 meeting and move the November 6 meeting to November 5. Second, Miller.

**ROLL CALL:**

**Ayes:** Chirico, Hinterlong, Krause, McElroy, Miller, Wehrli, Brodhead  
**Nays:** Fieseler  
**Absent:** Pradel  
Motion declared carried.

**L2 2013 Annual New Sidewalk Program**

2013 ANNUAL NEW  
SIDEWALK PROGRAM

**Option 1 Concur with staff and approve the 2013 Annual New Sidewalk Program, including the contingency locations**

Tim Cramer, 855 Wilson Avenue, spoke in favor of Option 1.

Novack explained why the route on the south side is preferred, including continuity and tree preservation.

Wehrli moved to concur with staff and approve Option 1, the 2013 Annual New Sidewalk Program, including the contingency locations. Second, Hinterlong.

**ROLL CALL:**

**Ayes:** Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli, Brodhead, Chirico  
**Nays:** None  
**Absent:** Pradel  
Motion declared carried.

**Option 2 Concur with the Transportation Advisory Board and approve the 2013 Annual New Sidewalk Program, including the north side of Wilson Avenue (between Laird Street and Douglas Avenue) in lieu of the south side of the street**

**L3 Administrative Fee –Code Violation**

ADMINISTRATIVE FEE –  
CODE VIOLATION

By consensus, Council directed staff to draft a text amendment to implement a \$90.00 fee to cover the administrative and processing costs of tall grass code violations.

**VOICE VOTE:** Motion declared carried.

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**L4**      Appeal to Zoning Administrator's Interpretation of Certain Provisions of the Sign Code, PZC 12-1-104

INTERPRETATION OF PROVISIONS OF SIGN CODE, PZC 12-1-104

Laff explained the complaint regarding 509 Flock Avenue, the historical interpretation of the Code, and allowance for posting of residential real estate signs on corner lots. She stated that the Petitioner filed an appeal of the Zoning Administrator's interpretation to the Planning and Zoning Commission (PZC). The PZC upheld the interpretation of the Sign Code based on its reasonable nature and previous application to corner lots and directed staff to clarify the language in a future text amendment.

Chirico moved to uphold the Zoning Administrator's interpretation of Section 5-4-4:10 (exempt signs: Real Estate Signs) and Section 5-4-8:4 (Residential Real Estate Signs) as applicable to residential property with dual roadway frontages. Second, Wehrli.

**VOICE VOTE:**            Motion declared carried.

**M**      **PUBLIC HEARINGS:**

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

**N1**      Resolution No. 12-026, Incentive Agreement with Wal-Mart Stores Inc.

RESOLUTION NO. 12-026, INCENTIVE AGREEMENT WITH WAL-MART STORES INC.

Kent Bevel, 9 E. 14<sup>th</sup> Avenue, spoke against the incentive agreement.

Council discussed why Wal-Mart should be retained in Naperville and how the incentive is being financed.

Krieger explained the revenue generated by Wal-Mart, that Wal-Mart will lease the existing property so revenue will be realized from 2 commercial properties.

Chirico moved to adopt Resolution No. 12-026, approving an economic incentive agreement to induce the development of a Wal-Mart Supercenter in Naperville. Second, Wehrli.

**ROLL CALL:**

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

**Nays:**            None

**Absent:**          Pradel

                      Motion declared carried.

**O**      **NEW BUSINESS**

**O1**      Sidewalk issue at Eagle and Douglas

Chirico requested that sidewalk construction be rerouted in the area.

By consensus, the Council directed the City Manager to revise the sidewalk location for the property at 134 Eagle Street.

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**O2**      Bicycle Travel

Fieseler discussed road conditions for bicyclists and asked for improvements.

Novack explained that the City is filling in the sidewalk gaps, they are included in roadway improvement projects, and that DuPage shares the cost for improvements along county highways.

**P**      **CLOSED SESSION:**

CLOSED SESSION

Miller 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. Second, Brodhead.

**ROLL CALL:**

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

**Nays:** None

**Absent:** Pradel

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 8:45 P.M.  
CLOSED SESSION ENDED AT 10:07 P.M.**

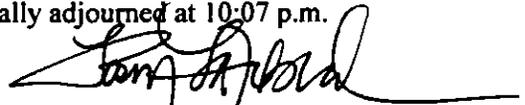
**Q**      **ADJOURNMENT:**

ADJOURNMENT

Miller moved to adjourn the Regular City Council meeting of August 21, 2012 at 10:07 p.m. Second, Wehrli.

**VOICE VOTE:**      Motion declared carried.

The Regular City Council Meeting of August 21, 2012 officially adjourned at 10:07 p.m.

  
\_\_\_\_\_  
PAM LAFERBER PH.D.  
CITY CLERK

PL: BK

