



**CITY COUNCIL MEETING OF OCTOBER 1, 2013
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
October 15, 2013 AS WRITTEN.**

CALL TO ORDER:

5:30 P.M.

- A** Mayor Pro Tem Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy – participated via teleconference at 6:06 p.m.
Councilman Grant Wehrli
Councilman David Wentz
Councilwoman Judy Brodhead

Absent

Mayor A. George Pradel

Also Present

City Manager, Doug Krieger
Deputy City Manager, Marcie Schatz
Assistant to the City Manager, Amy Emery-Graunke
City Attorney, Margo Ely
City Clerk, Pam LaFeber
Communications Manager, Linda LaCloche
Deputy Police Chief, John Gustin
Fire Chief, Mark Puknaitis
Deputy Fire Chief, Richard Sander
Chief Procurement Officer, Mike Bevis
T.E.D. Operations Manager, Allison Laff
Director of Transportation, William Novack
Transportation Team Leader, Karyn Robles
Director of Public Works, Dick Dublinski
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel
Chief Information Officer, Larry Gunderson

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B CLOSED SESSION:

Wehrli 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, Krause.

ROLL CALL:

Ayes: Brodhead, Chirico, Fieseler, Hinterlong, Krause, Wehrli, Wentz

Nays: None

Absent: Pradel, McElroy

Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 5:33 P.M.

McElroy entered the meeting at 6:06 p.m.

CLOSED SESSION ADJOURNED AT 6:56 P.M.

OPEN SESSION:

Mayor Pro Tem Chirico called the meeting back to order at 7:03 p.m.

Fieseler moved to allow Joe McElroy to participate in Open Session via teleconference. Second, Wehrli.

VOICE VOTE: Motion declared carried.

ROLL CALL to determine Quorum:

Present: Chirico, Fieseler, Hinterlong, Krause, McElroy, Wehrli, Wentz,
Brodhead

Absent: Pradel

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Employee of the Month – October

Councilwoman Brodhead recognized Debbie Kresl, Project Manager, as October's Employee of the Month.

EMPLOYEE OF THE
MONTH - OCTOBER

E PUBLIC FORUM:

E1 Comments in Newspaper

Robert Pavelchik, 1427 Knoll Drive, discussed Councilman Fieseler's comments regarding a recent Police Department lawsuit.

E2 Singing for Seniors

Gary Leavenworth, 1008 Muirhead Avenue, informed the Council of the upcoming Singing for Senior's event.



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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.

Absent: Pradel

I **CONSENT AGENDA:**

Krause moved to approve the Consent Agenda with the exception of items
I18, I19 and I20. Second, Wehrli.

ROLL CALL:

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

Nays: None

Absent: Pradel

 Motion declared carried.

I1 Cash Disbursements – 9/11/13

Council moved to approve the 9/11/13 cash disbursements in the amount of
\$6,337,254.56.

**CASH DISBURSEMENTS –
9/11/13**

I2 Cash Disbursements – 9/18/13

Council moved to approve the 9/18/13 cash disbursements in the amount of
\$632,698.75.

**CASH DISBURSEMENTS –
9/18/13**

I3 Regular City Council Minutes

Council moved to approve the Regular City Council Meeting Minutes of
September 17, 2013.

**REGULAR CITY COUNCIL
MINUTES**

I4 Procurement 14-099, SunGard Public Sector Software

Council moved to approve sole source Procurement 14-099, SunGard Public
Sector Software Maintenance and Support to SunGard for public
administration (\$137,242.97) and public safety (\$178,531.30) modules for a
combined not to exceed amount of \$315,774.27.

**PROCUREMENT 14-099,
SUNGARD PUBLIC
SECTOR SOFTWARE**

I5 Bid 14-076, Electric Service Center Roof Replacement

**BID 14-076, ELECTRIC
SERVICE CENTER ROOF
REPLACEMENT**

I5a Award of Bid 14-076, Electric Service Center Roof Replacement

Council moved to approve the award of Bid 14-076, electric service center
roof replacement, phase 3 and phase 4 to Anthony Roofing, Tecta America,
LLC, for an amount not to exceed \$311,000 for Phase 3 and for an amount
not to exceed \$160,000 for phase 4 for a total award of \$471,000.00 plus a
5% contingency.



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| I5b | <u>Budget amendment to increase FY14 CIP</u>
Council moved to authorize staff to prepare and execute a budget amendment to increase FY14 CIP by \$494,550.00 to accelerate the completion of the Roof Replacement into FY14. | BUDGET AMENDMENT TO
INCREASE FY14 CIP |
| I6 | <u>Bid 14-060, Personal Protective Gear</u>
Council moved to approve the award of Bid 14-060, personal protective gear for the fire department to WS Darley Inc., for an amount not to exceed \$205,358.00 for a two-year term. | BID 14-060, PERSONAL
PROTECTIVE GEAR |
| I7 | <u>Bid 14-074, Cab and Chassis Dump Bodies with Plows</u>
Council moved to approve the award of Bid 14-074, four cab and chassis, dump bodies with plows, centralized hydraulic system and salt spreaders to Henderson Products including Option #1: DL-105WT dump-lok body props and #4: Graco automatic lubrication system for an amount not to exceed \$296,758.00. | BID 14-074, CAB AND
CHASSIS DUMP BODIES
WITH PLOWS |
| I8 | <u>Contract for Articulated Wheel Loader</u>
Council moved to reject the bids for 14-089 and waive the applicable provisions of the Naperville Procurement Code and approve the award of a contract for one, four-wheel drive articulated wheel loader including all options to McCann Industries for an amount not to exceed \$136,390.00. | CONTRACT FOR
ARTICULATED WHEEL
LOADER |
| I9 | <u>Procurement 14-104, Pump Motor for Well #16</u>
Council moved to accept the record of the emergency award of Procurement 14-104, solid state soft starter for well #16 to Marshall Wolf Automation, Inc., for an amount not to exceed \$28,667.65. | PROCUREMENT 14-104,
PUMP MOTOR FOR WELL
#16 |
| I10 | <u>2014 Annual New Sidewalk Program</u>
Council moved to approve the 2014 Annual New Sidewalk Program. | 2014 ANNUAL NEW
SIDEWALK PROGRAM |
| I11 | <u>Jefferson Estates Subdivision Public Street Improvements</u>
Council moved to accept the public street improvements associated with Jefferson Estates Subdivision, and authorize the City Clerk to reduce the corresponding public improvement surety. | JEFFERSON ESTATES
SUBDIVISION PUBLIC
STREET IMPROVEMENTS |
| I12 | <u>Appointments of Student Representatives to Boards and Commissions</u>
Council moved to approve the Mayoral appointments of Student Representatives. | APPOINTMENTS OF
STUDENT
REPRESENTATIVES TO
BOARDS & COMMISSIONS |
| I13 | <u>Ordinance No. 13-115, Naperville Marathon and Half Marathon</u>
Council moved to pass Ordinance No. 13-115, establishing temporary traffic controls and issue a Special Event Permit for the Naperville Marathon and Half Marathon on November 10, 2013. | ORDINANCE NO. 13-115,
NAPERVILLE MARATHON
AND HALF MARATHON |
| I14 | <u>Resolution No. 13-029, Building Usage Agreement with WLS Television</u>
Council moved to adopt Resolution No. 13-029, authorizing execution of a Building Usage Agreement between WLS Television Inc. and the City of Naperville. | RESOLUTION NO. 13-029,
BUILDING USAGE
AGREEMENT WITH WLS
TELEVISION |



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L3 Pure Barre, 144 W. Jefferson St., PZC 13-1-082 Option 2 Continued

PURE BARRE, 144 W.
JEFFERSON ST., PZC 13-1-
082

Council discussed total square footage of the business, the percent that will be retail space, other Pure Barre locations, that this is not a permitted use in the Downtown Plan, and the potential of setting a precedent if approved.

Laff explained the reasons staff is supportive of the proposal including its unique location on the fringe of the prime retail area and that service and retail is combined in one establishment.

Council discussed the support of the Downtown Naperville Alliance and the Naperville Development Partnership, number of classes, parking, the unique marketing strategy and targeted demographics.

Laff stated that parking will be an issue regardless of tenant and that because of the downtown location the tenant is not required to provide parking.

Wehrli moved to concur with staff and the petitioner and direct staff to prepare an ordinance approving the requested variance to Section 6-7D-4 (B4 Downtown Core District; required conditions) to allow a general service use below the second floor in B4 to operate Pure Barre at 144 W. Jefferson Street subject to conditions. Second, Brodhead.

ROLL CALL:

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

Nays: Krause

Absent: Pradel

Motion declared carried.

L4 Information Technology Public Safety Manager Position

INFORMATION
TECHNOLOGY PUBLIC
SAFETY MANAGER
POSITION

Wentz moved to concur with the City Manager recommendation to increase by one the number of FTE's in the Information Technology Department and reduce by one the number of FTE's in the Police Department in order to hire an Information Technology Public Safety Manager. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

L5 Medical Marijuana

MEDICAL MARIJUANA

Council discussed location of dispensaries, cultivation, and allowing this as a permitted use.

Foley explained that dispensaries are regulated by the state of Illinois and that, at this time, it is not known if a pharmacy meets the standards.

Krause moved to initiate an amendment to Title 6 (Zoning Ordinance) of Naperville Municipal Code regarding medical marijuana and have the topic vetted through the Planning and Zoning Commission. Second, Wehrli.

VOICE VOTE: Motion declared carried.

L6 Rehiring retired public safety officers into civilian positions

REHIRING RETIRED
PUBLIC SAFETY
OFFICERS INTO CIVILIAN
POSITIONS

Richard Furstenau, 709 Zaininger, spoke in support of the proposal.

Council discussed retirements, rehires, the perception of Naperville, and the overall hiring policy.

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L6 Rehiring retired public safety officers into civilian positions Continued

Ely explained that police officers are the only positions that have moved from a public safety pension to IMRF. She said that due to age restrictions the City has not seen an IMRF recipient move to a public safety position.

Wehrli moved to direct staff to draft a Resolution requiring City Council approval prior to hiring a retired public safety officer, who is collecting a public safety pension from the City of Naperville, into a civilian position eligible for a second public pension from Naperville. Furthermore, Council directed that the Resolution also impact any retired civilian, who is collecting an IMRF pension from the City of Naperville, and is considered for hiring into a sworn position eligible for a public safety pension from Naperville. Second, Krause.

VOICE VOTE: Motion declared carried.

**REHIRING RETIRED
PUBLIC SAFETY
OFFICERS INTO CIVILIAN
POSITIONS**

L7 Restrictions on MMA Events within the City of Naperville

Council discussed instituting a complete ban and mechanisms to regulate the events.

Wehrli moved to amend the Liquor Control Act to prohibit the sale of alcohol at licensed MMA events and would apply whether the event was at a hotel, recreational facility or other location, and require MMA events to be licensed as a Special Event that will allow the city to require certain restrictions such as a City staffed police and paramedic presence at the cost of the event planner, require adequate traffic and marking measures, restrict the age of attendees to 18 and older and require the event to be held during the day. Second, Wentz.

VOICE VOTE: Motion declared carried.

**RESTRICTIONS ON MMA
EVENTS WITHIN THE
CITY OF NAPERVILLE**

M PUBLIC HEARINGS:

N ORDINANCES AND RESOLUTIONS:

O NEW BUSINESS

O1 Residential Burglaries

Gustin updated Council on burglary status including community response and tips. He said there has been one attempt since September 17 and the Police Department has increased neighborhood patrols and traffic stops.

O2 Cultural Liaisons

Wehrli encouraged Mayor to extend this opportunity to additional Naperville demographics.



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O3 Bike Paths

Hinterlong requested staff to evaluate bike routes in the NE corridor and recommend methods to improve safety.

Novack responded that staff has plans to update the City's bike plan in the next couple years, but in the interim will discuss path safety with DuPage County.

O4 Water Bill

Chirico asked about options when high water bills are caused by infrastructure leaks.

Holzappel said customers can be put on a payment plan when the reason for the cost is not their responsibility.

Schatz added that with the implementation of Smart water meters staff and residents will be alerted when there is a potential spike in monthly cost.

P **CLOSED SESSION:**

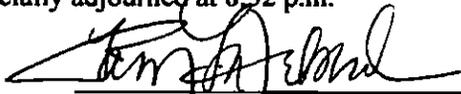
Q **ADJOURNMENT:**

ADJOURNMENT

Wehrli moved to adjourn the Regular City Council meeting of October 1, 2013 at 8:52 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of October 1, 2013 officially adjourned at 8:52 p.m.



**PAM LAFERBER PH.D.
CITY CLERK**

PL: BK