



**CITY COUNCIL MEETING OF OCTOBER 6, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
October 20, 2009 AS WRITTEN.**

CALL TO ORDER

6 00 P M

A Mayor Pro Tem Judy Brodhead
Councilman James Boyajian
Councilman Robert Fieseler
Councilman Richard R Furstenau
Councilman Paul Hinterlong
Councilman Douglas Krause Arrived at 6 03 p m
Councilman Kenn Miller

Absent

Mayor A George Pradel
Councilman Grant Wehrli

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
Director Mgmt Svcs Business Group, Don Carlsen
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

A handwritten signature in black ink, appearing to be the initials 'JP' followed by a flourish.

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B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss 5ILCS/120/2(c)(2) Collective negotiating, (5) The selection of a person to fill a public office, (11) Litigation, probable or imminent, (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, Miller

ROLL CALL:

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

Nays: None

Absent: Pradel, Wehrli

Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 6:05 P.M.

CLOSED SESSION ENDED AT 6:59 P.M.

OPEN SESSION

MAYOR PRO TEM BRODHEAD CALLED THE MEETING BACK TO ORDER AT 7:06 P.M.

ROLL CALL to determine Quorum:

Present: Brodhead, Boyajian, Fieseler, Furstenau, Hinterlong, Krause, Miller

Absent: Pradel, Wehrli

C. PLEDGE TO THE FLAG:

D AWARDS AND RECOGNITIONS:

D1 Proclamation – Celebration of Peace Month

Councilman Fieseler proclaimed the month of October as Celebration of Peace Month and presented the proclamation to Revati Natesan, President of Think Global Arts Foundation of Naperville

CELEBRATION OF PEACE
MONTH

D2 Proclamation – National Save For Retirement Week

Councilman Fieseler proclaimed the week of October 18-24, 2009 as National Save for Retirement Week and presented the proclamation to Karen Dunford, Adult Services Supervisor from Nichols Library, and Bobbie Rudnick, Business Librarian

NATIONAL SAVE FOR
RETIREMENT WEEK

D3 Proclamation – National Disability Employment Awareness Month

Councilman Fieseler proclaimed the month of October 2009 as National Disability Employment Awareness Month and presented the proclamation to Peter Berg, Chairman of the Advisory Commission on Disabilities

NATIONAL DISABILITY
EMPLOYMENT
AWARENESS MONTH



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E PUBLIC FORUM:

E1 Commuter Parking

Daniel Bulley, 1065 Carriage Court, stated that the commuter is vital to the city, that people will be stranded when PACE implements their route cuts, and urged the city to implement commuter solutions

E2 Von Oven Scout Reservation Property

Cynthia Schneider, 912 Williamsburg Drive, asked what Council's goal is with this property and requested that the camp be allowed to continue in its current manner

Rod Randall, 956 Savannah Circle, stated that city staff is working on a plan that will not allow the Von Oven Organization to maintain control of scheduling

Elaine Fisher, 993 Sylvan Circle, discussed the importance of the use of the property by scout organizations

Schatz read the minutes of the August 18, 2008 Council meeting which directed staff to create a lease agreement with the Von Oven Organization

LaFeber clarified the scheduling questions and stated that the current proposal is for all non-scout organizations to make application to the City Clerk's Office, that the City Clerk's Office will review the application for completeness and then forward to the Von Oven Organization for scheduling and communication with the requestor. The Von Oven Organization will continue to maintain all scout organization reservation and scheduling responsibilities

E3 Councilman Wehrli's Comments from September 15, 2009 Meeting

Peter Berg, 1908 Continental, discussed Councilman Wehrli's comments regarding the Washington Street underpass and how they were antithetical to the great strides the city is making regarding the full inclusion of persons with disabilities

Krieger assured the speaker that any solutions that are brought to Council will be ADA compliant

E4 Disabilities/Pace Bus

Cindi Swanson, 519 N Webster, urged Council to support the PACE Route 714 Service Agreement

Megan Niklas, 851 Williamsburg, urged Council to support the PACE Route 714 Service Agreement

Anna-Marie Kissel, 2256 Salisbury Drive, thanked Council for their continued support of the para-transit system and urged Council to support the PACE Route 714 Service Agreement

E5 Naperville Works

Kathe Foxen, 1503 Hammer Creek Court, explained the grassroots initiative that matches persons with disabilities with job opportunities

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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:**

Miller moved to use the Omnibus method 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
items I20 and I22 Second, Krause

ROLL CALL:

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

Nays: None

Absent: Wehrli, Pradel
Motion declared carried

I1 Cash Disbursements 9/16/09

Council moved to approve the 9/16/09 cash disbursements in the
amount of \$16,881,936 60

CASH DISBURSEMENTS –
9/16/09

I2 Regular City Council Meeting Minutes of 9/15/09

Council moved to approve the Regular City Council Meeting
Minutes of 9/15/09

REGULAR CITY COUNCIL
MEETING MINUTES –
9/15/09

I3 Award of Bid 10-097, Storm Sewer rehabilitation (8" – 36"
diameter) Cured-in-Place Pipelining

Council moved to approve the award of Bid 10-097, storm sewer
rehabilitation (8" – 36" diameter) cured-in-place pipelining to
Michaels Corporation for an amount not to exceed \$496,335 00

BID 10-097, CURED-IN-
PLACE PIPELININGS

I4 Award of Change Order #1 Contract 09-011, Sanitary Sewer
Hydraulic Modeling and Infiltration and Inflow Program
Development

Council moved to approve the award of Change Order #1 to Contract
09-011, sanitary sewer hydraulic modeling and infiltration and
inflow program development to Brown & Caldwell, Inc , for an
amount not to exceed \$42,000 00 and authorize staff to appropriate
the necessary funds

CONTRACT 09-011,
SANITARY SEWER
HYDRAULIC MODELING
& INFILTRATION &
INFLOW PROGRAM

I5 Award of Bid 10-077, Multiplexer Upgrade

Council moved to approve the award of Bid 10-077, multiplexer
upgrade, to Gexpro, Inc for an amount not to exceed \$280,720 00

BID 10-077,
MULTIPLEXER UPGRADE

I6 Appointments to the Boards and Commissions

Council moved to approve the appointments of Ron Davidson to the
Naperville Public Library Board, Paul Meschino and Janet
Trowbridge to the Plan Commission

APPOINTMENTS TO
BOARDS &
COMMISSIONS

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- I12** Resolution No 09-045, Route 714 Service Agreement for the operation of Route 714, the College of DuPage Connector Route
Council moved to adopt Resolution No 09-045, authorizing the City Manager to execute the Route 714, Service Agreement with Pace for the operation of Route 714, the College of DuPage Connector Route
- I13** Ordinance No 09-, CVS Pharmacy – PC 9-1-58
- I13a** Ordinance No 09-09-112, preliminary/final plat of subdivision to establish for CVS Pharmacy located at 1299 East Ogden Avenue, PC 9-1-58
Council asked about the grant money received, incentives given for this project, and whether funding will be returned if the project is not completed
Laff responded that staff has received no indication that the project will not be completed, so reimbursement will not be necessary
Council moved to pass Ordinance No 09-112, granting a preliminary/final plat of subdivision to establish a CVS Pharmacy at 1299 E Ogden Avenue, PC 9-1-58
- I13b** Ordinance No 09-113, approving a variance from the drive-through stacking lane requirements for CVS Pharmacy located at 1299 East Ogden Avenue, PC 9-1-58
Council moved to pass Ordinance No 09-113, approving a variance from the drive-through stacking lane requirements for CVS Pharmacy located at 1299 East Ogden Avenue, PC 9-1-58
- I14** Ordinance No 09-114, Zapatista, PC 9-1-75
Council moved to pass Ordinance No 09-114, approving a major change to the Freedom Commons PUD and final PUD plat to allow for development of a restaurant, Zapatista, on Lot 14
- I15** Ordinance No 09-115, American Martial Arts Academy, PC 9-1-104
Council moved to pass Ordinance No 09-115, granting a major change to the River Run Centre Planned Unit Development to establish a conditional use for a martial arts training studio for American Martial Arts Academy
- I16** Ordinance No 09-116, Dragon Strike Martial Arts Studio, PC 09-1-108
Council moved to pass Ordinance No 09-116, approving a major change to the Naperville South Commons PUD to establish a conditional use for a martial arts training studio in the B1 District for Dragon Strike Martial Arts Studio, Lot 1 of Naperville South Commons, PC 09-1-108
- I17** Ordinance No 09-117, Islamic Center of Naperville, PC 9-1-100
Council moved to pass Ordinance No 09-117, granting a major change to the conditional use for the Islamic Center of Naperville in
- RESOLUTION NO 09-045,
ROUTE 714, COLLEGE OF
DUPAGE CONNECTOR
ROUTE
- ORDINANCE NO 09-112,
PRELIMINARY/FINAL
PLAT OF SUBDIVISION
- ORDINANCE NO 09-113,
DRIVE-THROUGH
STACKING LANE
VARIANCE
- ORDINANCE NO 09-114,
ZAPATISTA, PC 9-1-75
- ORDINANCE NO 09-115,
AMERICAN MARTIAL
ARTS ACADEMY, PC 9-1-
104
- ORDINANCE NO 09-116,
DRAGON STRIKE
MARTIAL ARTS STUDIO,
PC 09-1-108
- ORDINANCE NO 09-117,
ISLAMIC CENTER OF

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- order to relocate stormwater detention underground and construct additional parking spaces
- I18** Ordinance No 09-118, Calamos-CityGate Temporary Parking Lots, PST 9-1-131 NAPERVILLE, PC 9-1-100
ORDINANCE NO 09-,118
CALAMOS-CITYGATE
TEMPORARY PARKING
LOTS, PST 9-1-131
- Council asked if storm water management is addressed in the plan
Novack responded that storm water management is addressed in the plan
- Council moved to pass Ordinance No 09-118, approving a temporary use allowing for the operation of temporary parking facilities on the properties commonly known as the Calamos Headquarters and CityGate Centre development with a term expiring upon commencement of construction of Phase 2 of the City Gate centre or October 7, 2012, whichever occurs first
- I19** Ordinance No 09-119, Main/Fifth Subdivision, PST 09-1-99 ORDINANCE NO 09-119,
MAIN/FIFTH
SUBDIVISION, PST 09-1-99
- Council moved to pass Ordinance No 09-119, approving a preliminary/final plat of subdivision for Main/Fifth Subdivision and a plat of easement vacation
- I21** Resolution No 09-046, Execution of a Construction Easement for Fire Station #10 RESOLUTION NO 09-046,
CONSTRUCTION
EASEMENT – FIRE
STATION 10
- Council thanked the 1st National Bank of Naperville for accommodating the city and its need to store construction equipment on bank property during the project
- Council moved to pass Resolution No 09-046, approving the execution of a construction easement related to Fire Station #10 at 3103 95th Street
-
- I20** FY 10 Budget Amendments to reflect current revenue projections and cost reduction actions FY 10 BUDGET
AMENDMENTS
- Miller moved to authorize staff to amend (reduce) the FY 10 Annual Operating Budget to reflect current revenue projections and cost reduction actions Second, Krause
- ROLL CALL:**
- Ayes:** Brodhead, Fieseler, Furstenu, Hinterlong, Krause, Miller, Boyajian
- Nays:** None
- Absent:** Wehrli, Pradel
- Motion declared carried
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I22 Ordinance No. 09-120, Prohibition of Video Gaming

ORDINANCE NO 09-120,
PROHIBITION OF VIDEO
GAMING

Council discussed that the first reading is being waived because of the amount of public dialogue that has occurred

Fieseler moved to waive the first reading and pass Ordinance No 09-120, amending the Naperville Municipal Code to prohibit video gaming Second, Miller

ROLL CALL:

Ayes: Fieseler, Furstenuau, Hinterlong, Krause, Miller, Boyajian, Brodhead

Nays: None

Absent: Wehrli, Pradel

Motion declared carried

J **OLD BUSINESS:**

J1 Ordinance No 09-121, amending Title 10, Chapter 2 prohibiting Sleeping and Camping in the Downtown and prohibiting the storage of personal property in the Downtown

ORDINANCE NO 09-121,
PROHIBITION OF
SLEEPING/CAMPING/
STORAGE OF PERSONAL
PROPERTY IN THE
DOWNTOWN

Larry Drummond, 740 Clovetree Court, stated that he knows of no harm Mr Huber has caused or laws he has broken, that he has become a part of the community, he asked if Naperville wants to be known as a welcoming community or a community that only welcomes those above a certain income, and urges Council to vote against the ordinance

Scott Huber, 75 E Chicago Avenue, asked Council to postpone the vote because the video of the Council meeting was not online until September 29, 2009, he showed photos depicting different encroachment distances along Chicago Avenue

Kathy Benson, 51 Forest, questioned the exceptions in the ordinance, what would happen if a similar occurrence happened outside of the proposed boundaries, and why the current ordinances aren't adequate to address this matter

David Sinker, 22 Bunting Lane, stated he is unsure what Mr Huber is protesting

Council stated that it has been decided that this is not a protest site but rather an encampment

Council discussed that if the current ordinances were enforced the constitutional concerns would be lessened, that by limiting the enforceability and restricting the boundaries Mr Huber can move to an area outside of the defined boundaries, and that the city will incur significant legal expenses each time this ordinance is enforced

Ely explained the ordinance and stated that a complete, city-wide ban would not survive legal scrutiny and would be struck down

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- J1** Ordinance No 09-121, amending Title 10, Chapter 2 prohibiting Sleeping and Camping in the Downtown and prohibiting the storage of personal property in the Downtown **Continued**

ORDINANCE NO 09-121,
PROHIBITION OF
SLEEPING/CAMPING/
STORAGE OF PERSONAL
PROPERTY IN THE
DOWNTOWN

Furstenau moved to pass Ordinance No 09-121, prohibiting sleeping and camping in the Downtown and prohibiting the storage of personal property in the Downtown Second, Boyajian

ROLL CALL:

Ayes: Furstenau, Hinterlong, Krause, Miller, Boyajian,
 Brodhead

Nays: Fieseler

Absent: Wehrli, Pradel

 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

Boyajian moved to approve the City Council Meeting Schedule for October, November and December 2009 Second, Furstenau

VOICE VOTE: Motion declared carried

- L2** 2010 City Manager's Office Schedule

2010 CITY MANAGER'S
OFFICE SCHEDULE

Miller moved to cancel the first meeting in July Second, Krause

Furstenau made a Motion in Substitution to eliminate first meeting in July and August Second, Boyajian

ROLL CALL on motion in substitution:

Ayes: Boyajian, Brodhead, Fieseler, Furstenau

Nays: Hinterlong, Krause, Miller

Absent: Wehrli, Pradel

 Motion declared carried

- L3** Proposed Alignment of North Aurora Road Between Frontenac Road and Weston Ridge Drive

ALIGNMENT OF NORTH
AURORA ROAD

Council questioned not building a sidewalk along the north side of the road and if the cost of retention areas has been included

Novack explained that building a sidewalk would not be possible due to the wetlands in the public right-of-way and north of that right-of-way, and that traffic signals are placed where there are gaps in the sidewalk to allow pedestrians to cross the street

Novack stated that the existing ditch will be utilized as part of the storm water management plan and that property has been purchased with the intent to design storm water, however the project is not far enough advanced to discuss storm water management He explained that because the details are in the preliminary stage a larger contingency has been included and that storm water is specifically addressed on page 509 item 4c

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L3 Proposed Alignment of North Aurora Road Between Frontenac Road and Weston Ridge Drive **Continued** ALIGNMENT OF NORTH AURORA ROAD

Boyajian moved to endorse the south alignment for the proposed improvement to North Aurora Road between Frontenac Road and Weston Ridge Drive (CIP #SC033) Second, Miller

ROLL CALL:

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

Nays: None

Absent: Wehrl, Pradel
Motion declared carried

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

O **NEW BUSINESS:**

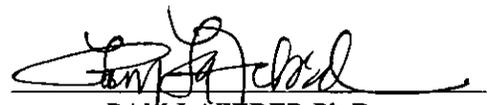
P **CLOSED SESSION:**

Q **ADJOURNMENT:**

Boyajian moved to adjourn the Regular City Council meeting of October 6, 2009 at 8 53 p m Second, Miller

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of October 6, 2009 officially adjourned at 8 53 p m


PAM LAFEVER Ph D
CITY CLERK

PL BK

