



**CITY COUNCIL MEETING OF JULY 20, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
August 17, 2010 AS WRITTEN.**

CALL TO ORDER:

5:30 P.M.

- A** Mayor A. George Pradel
Councilman James Boyajian – via teleconference 5:30 - 9:03 p.m.
Councilman Judy Brodhead
Councilman Robert Fieseler
Councilman Richard R. Furstenau
Councilman Paul Hinterlong
Councilman Douglas Krause – Arrived at 5:33
Councilman Kenn Miller
Councilman Grant Wehrl

Absent

Also Present

City Manager, Doug Krieger
Records Management Team Leader, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Director of Public Works, David Van Vooren
Director of T.E.D. Business Group, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Transportation Team Leader, Karyn Robles
T.E.D. Development Team Leader, Dick Dublinski
T.E.D. Engineering Team Leader, Bill Novack
Director of Public Utilities- Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink, appearing to be the initials 'JG' or similar, located at the bottom left of the page.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 2

B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss 5 ILCS 120/2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, (2) Collective negotiating matters between the public body and its employees or their representatives; (11) Litigation, when action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is 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: Pradel, Brodhead, Fieseler, Furstenau, Hinterlong, Miller, Wehrli

Nays: None

Absent: Boyajian, Krause

Motion declared carried.

Furstenau moved to allow Councilman Boyajian to participate by teleconference. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

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

CLOSED SESSION ENDED AT 6:50 P.M.

OPEN SESSION

7:03 P.M.

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:03 P.M.

ROLL CALL to determine Quorum:

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

Absent: None

Wehrli moved to allow Councilman Boyajian to participate by teleconference. Second, Krause.

VOICE VOTE: Motion declared carried.

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Americans with Disabilities Act 20th Anniversary, July 26, 2010 Proclamation

AMERICANS WITH
DISABILITIES ACT 20TH
ANNIVERSARY
PROCLAMATION

Councilman Paul Hinterlong proclaimed July 26, 2010 as the Americans with Disabilities Act 20th Anniversary and presented the proclamation to Peter Berg, Chairman of the Advisory Commission on Disabilities and Marita Manning, City of Naperville Accessibility Coordinator.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 3

D2 Employee of the Month – July

EMPLOYEE OF THE
MONTH - JULY

Councilman Kenn Miller recognized Sylvia Salinas, Fire Department Customer Service Assistant, as Employee of the Month for July.

E **PUBLIC FORUM:**

E1 Good Naperville Government

Don Wehrli, 219 S. Ewing, reminded Council of their oath of office and asked them to allow Central Park speakers five minutes instead of three.

E2 Naperville Sun 75th Anniversary Party

Tim West, 635 Fredicksburg Court, informed Council and viewers of the anniversary party on Saturday July 24.

E3 KidsMatter and Century Walk – Wayfinding System Art Project

IdaLynn Wenhold, PO Box 662, thanked the city and Council for the creation of the wayfinding system in the Van Buren parking garage.

E4 Miller recognized and thanked the police and fire department for the response and follow-up efforts related to the Rosebud fire on Sunday, July 11.

F **HOLDOVER ITEMS:**

G **PETITIONS AND COMMUNICATIONS TO THE COUNCIL:**

J1 Resolution No. 10-036, Ballot Proposal – Term Limits

RESOLUTION NO. 10-036,
BALLOT PROPOSAL –
TERM LIMITS

Option A

Resolution No. 10-036, authorizing a Referendum to limit to three the number of consecutive terms one person may serve as Councilman for the city of Naperville and to limit to three the number of consecutive terms one person may serve as Mayor of the City of Naperville to be placed on the November General Election Ballot

Option B

Authorizing a Referendum to limit the terms of the Office of Councilman to three consecutive terms in the city of Naperville to be placed on the November General Election Ballot
Authorizing a Referendum to limit to three the number of consecutive terms which one person may serve as Mayor of the City of Naperville

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 4

J1 Resolution No. 10-036, Ballot Proposal – Term Limits Continued

BALLOT PROPOSAL –
TERM LIMITS

Option C

Authorizing a Referendum to limit to three the number of consecutive terms one person may serve as Councilman for the city of Naperville and to limit to three the number of consecutive terms one person may serve as Mayor of the City of Naperville to be placed on the November General Election Ballot

Authorizing a Referendum to limit to three the number of consecutive terms which one person may serve as Mayor of the City of Naperville

Option D

Authorizing a Referendum to limit to three the number of consecutive terms one person may serve as Councilman for the city of Naperville and to limit to three the number of consecutive terms one person may serve as Mayor of the City of Naperville to be placed on the November General Election Ballot

Bill Eagan, 513 Alexandria Drive, stated that the proposed wording is confusing and that the Naperville Voter Education League (NVEL) does not support options A-C. NVEL favors the wording from the Des Plaines referendum that was submitted for the packet and prefers retroactively applying the term limit condition but will support starting the counting in 2011.

Ely advised that three questions can appear on the ballot. If two questions appeared that were inconsistent, a ruling would have to be made by the electoral board or a court as to which, if either, would appear. She said that the vote of Council does not preclude a citizen referendum from being placed on the ballot.

Council asked that Option A be changed to 2011 for mayor and councilmen but stated that residents may agree with one part and not the other so putting the offices on the same question may not yield the result that the group prefers.

Council said the Des Plaines language says “elected officials” and asked if this includes park district.

Ely opined that if the park district is a separate government entity it would not apply to them. She also clarified that if Council wants the term limits to be prospectively applied, specific language must be included and if the language is not included the action will start immediately.

Council discussed the lack of need for term limits because they will eliminate wisdom and experience. They also said that because the NVEL has not collected enough signatures to put the referendum on the ballot it shows the residents do not support term limits.

Pradel moved to reject a Council initiated term limit referendum and allow the residents to put it on the ballot. Second, Furstenau.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 5

J1 Resolution No. 10-036, Ballot Proposal – Term Limits Continued **BALLOT PROPOSAL –
TERM LIMITS**

Wehrli made a motion in substitution to approve Option A with edits to read as follows:

Shall the City of Naperville amend Section 1-5-1 of the Naperville Municipal Code to limit the number of consecutive terms which one person may serve as councilman to three consecutive full terms and to limit the number of consecutive terms which one person may serve as mayor to three consecutive full terms, to be effective beginning with the election in April, 2011 and applicable only prospectively to those persons elected to the office of councilman at the election in April 2011 and only prospectively to those persons elected to the office of mayor at the election in April 2011, and thereafter? Second, Boyajian.

Council stated that the ultimate term limit is at election time, and although term limits may be imposed, they can vote someone out of office before the term limit is ended.

Ely stated that three communities have imposed term limits via a referendum and none have been challenged legally.

Furstenau moved to invoke Council rules.

Wehrli objected. Second, Boyajian.

Ely advised that the city must file the appropriate paperwork by August 16 to have the referendum appear on the ballot. The NVEL must file paperwork by August 2.

ROLL CALL to overrule invocation of Council rules:

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

Nays: Furstenau, Krause
Motion declared carried.

Council discussed allowing candidates to run again after they have been out of office for a period of time but then stated that the language may cloud the issue and confuse voters.

Council said that a constant change is necessary and that the greatest asset is residents, their volunteerism and their service on boards and commissions. They debated how the word consecutive is used and where it is placed in the question because it will change the restriction on candidates.

Council suggested postponing the vote to wordsmith the question, and put it on the ballot for the municipal election in April.

ROLL CALL on motion of substitution:

Ayes: Boyajian, Brodhead, Fieseler, Hinterlong, Miller, Wehrli

Nays: Pradel, Furstenau, Krause
Motion declared carried.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 6

L4 Right Turn on Red at Intersections with Automated Red Light Enforcement

AUTOMATED RED LIGHT ENFORCEMENT

Schatz gave a brief staff presentation covering intersection results, administrative hearing process, threshold speeds, right turn on red data, and right turn on red violation examples. She concluded that the staff is recommending the continuation of right turn on red enforcement.

David Shaftman, 1821 S. Washington #310, supports continued use of red light cameras at the current locations; the program extended to more intersections, and continued enforcement of right turns on red.

R.J. Shipley, 439 Warwick, opposes cameras being used to watch the public to catch them in a minor violation and asked if the red light cameras, which encourage a "gotcha" mentality, help to bring people to Naperville to dine and shop.

Council clarified that drivers are not being cited for crossing the white line, they are being cited for not stopping at red lights, stated that crashes are down by 44% on a per car basis, said that half of the citations that are written are for people making illegal right turns on red, and that it is not fair to allow illegal turns in one part of the intersection and not in the other.

Council discussed government being too intrusive, having a balance between severity of the violation and enforcement, and stated that currently the law is being selectively enforced because driving through the intersection at 17 mph will not trigger the camera and result in a violation.

Council stated that staff said that if violations were not recorded on Rt. 34 that the cameras should be removed. Council discussed that an estimated 18 million cars travel through the intersection at Rt. 59 and North Aurora Road in six months and only 23 accidents have occurred and that it will be mathematically impossible to get the number of accidents to zero. Council said that accidents have actually increased since the implementation of the cameras and that staff has said in the past that the use of the cameras would be discontinued if cost exceeds revenue.

Schatz said the data presented is raw traffic crash data, that the 17 mph threshold speed is set based on national averages but could be changed.

Council discussed eliminating cameras at intersections where right turns on red are legal.

Furstenau moved to eliminate right turn on red enforcement at all three intersections currently equipped with cameras in Naperville. Second, Krause.

Council said that driving habits have deteriorated and that cameras are a tool to help officers carry out their responsibility to uphold the law.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 7

L4 Right Turn on Red at Intersections with Automated Red Light Enforcement Continued

AUTOMATED RED LIGHT ENFORCEMENT

Ely advised that state law preempts home rule and that the municipal code must mirror state law.

Miller made a motion in substitution to eliminate right turn on red enforcement excluding eastbound North Aurora Road at Rt. 59 where right turns on red are prohibited. Second, Wehrli.

ROLL CALL:

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

Nays: Miller, Pradel, Boyajian
 Motion declared carried.

BREAK: 9:03 p.m.

Mayor Pradel called the meeting back to order at 9:14 p.m.

Clerk's Note: Boyajian left the meeting at 9:03 p.m.

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.

I **CONSENT AGENDA:**

Krause moved to approve the Consent Agenda with the exception of items I9, I13, I15, and I29. Second, Wehrli.

ROLL CALL:

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

Nays: None

Absent: Boyajian
 Motion declared carried.

I1 Cash Disbursements – 6/9/10

Council moved to approve the cash disbursements of 6/9/10 in the amount of \$6,769,732.65.

CASH DISBURSEMENTS – 6/9/10

I2 Cash Disbursements – 6/23/10

Council moved to approve the cash disbursements of 6/23/10 in the amount of \$14,773,080.05.

CASH DISBURSEMENTS – 6/23/10

I3 Bid 11-014, 95th Street Water Main

Council moved to approve the award of Bid 11-014, 95th Street Water Main to Swallow construction for an amount not to exceed \$302,000.00 plus a 5% contingency.

BID 11-014, 95TH STREET WATER MAIN



FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 8

I4 Bid 11-025, Aggregate Materials

**BID 11-025, AGGREGATE
MATERIALS**

- a) Vulcan Construction Materials, LP; Items 1 & 7, for an amount not to exceed \$165,918.75;
- b) ATM Aggregate Logistics, Inc., Items 2 & %, for an amount of \$2,012.00;
- c) Heritage Logistics, LLC, Item 3, for an amount of \$15,314.50;
- d) Nagel Trucking & Materials, Inc., Items 4 & 6 for an amount of \$9,840.58

Council moved to approve the award of Bid 11-025, aggregate materials, to the awarded vendors for a total combined award of \$193,085.83.

I5 Extension to Contract 07-010, Directional Boring

**CONTRACT 07-010,
DIRECTIONAL BORING**

Council moved to approve the award of a 60-day extension to Contract 07-010, directional boring, to Buesing Brothers, Inc.

I6 City's Property and Boiler & Machinery Insurance Coverage

**CITY'S PROPERTY AND
BOILER & MACHINERY
INSURANCE COVERAGE**

Council moved to approve the award of Procurement 11-037, the City's property and boiler and machinery insurance coverage to Alliant Insurance Services for an amount of \$155,984.00 for the period of July 1, 2010 to July 1, 2011.

I7 City's Excess General Liability Insurance

**CITY'S EXCESS GENERAL
LIABILITY INSURANCE**

Council moved to approve the award of Procurement 11-039, City's Excess General Liability Insurance to Alliant Insurant Services for a premium amount of \$130,800.00 for the period of July 1, 2010 thru July 1, 2011.

I8 RFQ 11-027, Conduit

RFQ 11-027, CONDUIT

Council moved to approve the award of RFQ 11-027, conduit, based on quotation solicited from all qualified vendors (Universal Utility Supply, RESCO, Power Line Supply Co., Wesco Dist., Inc., American Pipe and Plastics, Inc., and Evergreen Supply Co.) for spot purchases of PVC and Polyethylene Conduit, for a total amount not to exceed \$589,890.00.

I10 Fighting Breast Cancer Event – August 31, 2010

**FIGHTING BREAST
CANCER EVENT**

Council moved to approve the closure of the portion of the Paw Paw parking lot located between Lou Malnati's and Anderson's Bookstore for the Pink Fire Trucks Fighting Breast Cancer event on August 31, 2010.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 9

- I11** Transportation Improvement Projects – Outside Funding Information FY11 Federal – Surface Transportation Program (STP) SURFACE TRANSPORTATION PROGRAM (STP)
- Council moved to approve submittal of the following project application for Federal Funding for Surface Transportation Program (STP): a) Rickert Drive Pavement Renovation (resurfacing), Plainfield Naperville Road to Ogden Avenue; b) 87th Street Pavement Renovation (resurfacing), Modaff Road to Washington Street; c) 87th Street Pavement Renovation (resurfacing), IL Rt. 59 to Book Road; d) Naper Boulevard Pavement Renovation (resurfacing), Gartner Road to Chicago Avenue.
- I12** Public Watermain and Sanitary improvements and public street light improvements PUBLIC IMPROVEMENTS
- Council moved to accept the public watermain and sanitary improvements at Carillon Club Phase I – Unit (Model Area), Hobson Place Subdivision, and North Central College Fine Arts Center and accept the public street light improvements in Hobson Place Subdivision; and authorize the City Clerk to reduce the corresponding public improvement surety.
- I14** Ordinance No. 10-076, Naperville Christian Academy, PST #10-1-075 ORDINANCE NO. 10-076, NAPERVILLE CHRISTIAN ACADEMY, PST #10-1-075
- Council moved to pass Ordinance No. 10-076, granting a three year extension to the temporary use for an elementary school at the Trinity Church of the Nazarene located at 1451 Raymond Drive, expiring on August 1, 2013.
- I16** Resolution No. 10-037, Route 714 Service Agreement for the operation of Route 714, the College of DuPage Connector Route RESOLUTION NO. 10-037, PACE ROUTE 714, COLLEGE OF DUPAGE CONNECTOR ROUTE
- Council questioned the size of the buses, the cost of operation, and the amount of ridership.
- Robles explained that PACE is currently operating buses that are approximately 42' in length and that that is the smaller of the two buses that PACE uses for Route 714. She said that the majority of the cost is for the driver and that some decrease in expenses would be realized by operating a smaller bus. She said staff has been working with PACE to develop seasonal schedules and other cost-reduction initiatives and will communicate these concerns to PACE.
- Council moved to adopt Resolution No. 10-037, 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.
- I17** Ordinance No 10-077, Disposal of Surplus Equipment ORDINANCE NO 10-077, DISPOSAL OF SURPLUS EQUIPMENT
- Council moved to pass Ordinance No. 10-077, for approval and authority to dispose of identified items and any additional surplus equipment added through a public auction, in accordance with the Naperville Procurement code, Section 1-9b-9, and permit the sale of up to five vehicles owned by Naperville School District 203 subject to a certificate of insurance, and payment of \$50 per vehicle for administrative costs incurred by the City.
- 

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 10

- I18** Ordinance No. 10-078, Amend Title 11, Chapter 3, Truck Route
Council moved to pass Ordinance No. 10-078, to amend Title 11, Chapter 3, Truck Routes of the City of Naperville Municipal Code in accordance with the new State of Illinois default vehicle weight limit of 80,000 pounds gross vehicle weight and the uniform truck width restriction to 8.5 feet.
- I19** Amending Title 11, Chapter 2, Municipal Parking Lots of the City of Naperville Municipal Code to convert seven 3-hour parking spaces to 1-hour parking spaces in the ground level of the Van Buren Parking Facility
Council discussed their support for converting seven three-hour parking spaces to one-hour spaces in the Van Buren parking deck. Council requested a summary of the Transportation Advisory Board Commission's discussion and vote on this item.
Conducted first reading.
- I20** Establish Visitor Temporary CBD Parking Passes for Downtown Naperville
Council held first reading amending Title 11, Chapter 2 to establish Visitor Temporary CBD Parking Passes for Downtown Naperville.
- I21** Ordinance No. 10-079, Islamic Center of Naperville, PC 10-1-93
Council discussed the lack of ingress/egress that this does not appear to be being built as a road, and the desire to have the project align with the existing traffic signal.
Novack explained that the proposed site plan on page 609 depicts the drive aisle south from the signalized access. He said this is not being built as a public roadway but as an access or private roadway going through a commercial development. Novack said that due to the setbacks this area cannot accommodate a public right of way and that this project is contingent on IDOT approval.
Council moved to pass Ordinance No. 10-079, granting a minor change to the conditional use for the Islamic center of Naperville to remove three parking spaces and construct a right-out exit only onto Ogden Avenue.
- I22** Ordinance No. 10-080, Rescind a No-Parking Restriction on Basswood Drive
Council moved to pass Ordinance No. 10-080, to rescind Ordinance 94-201, which established No Parking on the south side of Basswood Drive at 212 Basswood Drive.
- I23** Ordinance No. 10-081, 1195 Stonebriar Court, PST 10-1-070
Council moved to pass Ordinance No. 10-081, approving a deviation to Section 7-1-13 (platted setbacks and building lines) of the Municipal Code for the proposed enclosed rear porch to be located at a setback of 24.5' from the north lot line.
- ORDINANCE NO. 10-078,
TRUCK ROUTE
- VAN BUREN PARKING
FACILITY
- CBD PARKING PASSES
FOR DOWNTOWN
NAPERVILLE
- ORDINANCE NO. 10-079,
ISLAMIC CENTER OF
NAPERVILLE, PC 10-1-93
- ORDINANCE NO. 10-080,
NO-PARKING
RESTRICTION ON BASS
WOOD DRIVE
- ORDINANCE NO. 10-081,
1195 STONEBRIAR COURT,
PST 10-1-070

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 11

- I24** Ordinance No. 10-082, Scott S'Cool Scoot on August 28, 2010 ORDINANCE NO. 10-082,
Council moved to pass Ordinance No. 10-082, to establish SCOTT S'COOL SCOOT
temporary street closures and approve an amplifier permit for the
Scott S'Cool Scoot on August 28, 2010.
- I25** Ordinance No. 10-083, 2010 Last Fling ORDINANCE NO. 10-083,
Council requested staff develop alternate plans in the event that the 2010 LAST FLING
Jefferson Avenue Bridge is not finished so residents may leave the
area.
Schatz said staff has partnered with the Jaycees and there will be a
plan in place. She will also keep the president of the West Side
Homeowner's Association informed of the plan.
Council moved to pass Ordinance No. 10-083, to establish
temporary traffic controls and issue permits for the 2010 Last Fling
scheduled for September 3-6, 2010.
- I26** Amending Chapter 7 (Peddlers and Solicitors) of Title 3 of the PEDDLERS & SOLICITORS
Naperville Municipal Code
Council held first reading amending Chapter 7 (Peddlers and
Solicitors) of Title 3 of the Naperville Municipal Code.
- I27** Resolution No. 10-038, Agreement with Harry's Catering RESOLUTION NO. 10-038,
Council moved to adopt Resolution No. 10-038, approving an HARRY'S CATERING
agreement with Harry's Catering for the provision of electricity and
the use of property at the Downtown Commuter station.
- I28** Tabor Hills Land Cash Agreement with School District #204 and TABOR HILLS
Settlement Agreement with the Naperville Park District
- I28a** Resolution No. 10-039, Land Cash Agreement with School District RESOLUTION NO. 10-039,
#204 LAND CASH AGREEMENT
Council moved to adopt Resolution No. 10-039, directing the City WITH SCHOOL DISTRICT
Manager and the City Clerk to execute the Land Cash Agreement 204
between the City of Naperville, the Bohemian Home for the Aged,
n/k/a Tabor Hills Adult Community, and Indian Prairie Community
Unit School District 204
- I28b** Resolution No. 10-040, Land Cash Settlement Agreement RESOLUTION NO. 10-040,
Council moved to adopt Resolution No. 10-040, directing the City LAND CASH SETTLEMENT
Manager and the City Clerk to execute the Land Cash Settlement AGREEMENT WITH PARK
Agreement between the City of Naperville, Bohemian Home for the DISTRICT
Aged, n/k/a Tabor Hills Adult Community, and the Naperville Park
District.
- I30** Local Agency Agreement for Federal participation with the Illinois FEDERAL PARTICIPATION
Department of Transportation for the Washington Street LAPP WITH IDOT -
Project WASHINGTON STREET
LAPP PROJECT

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 12

- I30a** Resolution No. 10-041, approving a Local Agency Agreement for federal participation with the Illinois Department of Transportation for the resurfacing of Washington Street, Local Agency Pavement Preservation (LAPP) project RESOLUTION NO. 10-041, RESURFACING OF WASHINGTON ST. – LAPP PROJECT
- Council moved to adopt Resolution No. 10-041, approving a Local Agency Agreement for federal participation with the Illinois Department of Transportation for the resurfacing of Washington Street, Local Agency Pavement Preservation (LAPP) Project.
- I30b** Authorize the Mayor to execute the Local Agency Agreement
- Council moved to authorize the Mayor to execute the agreement.
- I30c** Modify the existing CIP project (MP009) to reflect the external funding sources in FY11
- Council moved to modify the existing CIP project (MP009) to reflect the external funding sources in FY11.
-
- I9** Appointment to Plan Commission APPOINTMENT TO PLAN COMMISSION
- Council clarified that this is a three-year appointment for an open seat on Plan Commission.
- Miller moved to approve the Mayoral appointment of Gregory Bruno to the Plan Commission. Second, Krause.
- VOICE VOTE:** Motion declared carried.
- Clerk's Note:** Councilman Brodhead recused herself and left the dais at 9:26 p.m.
- I13** Ordinance No. 10-084, North Central College Master Land Use Plan 2010-2020, PC 10-1-014 ORDINANCE NO. 10-084, NORTH CENTRAL COLLEGE MASTER LAND USE PLAN 2010-2020, PC 10-1-014
- Carol Schmidt, 209 Wright Street, supports the proposal and urged Council to approve the plan.
- Miller moved to pass Ordinance No. 10-084, amending Section 1-11-1 (Comprehensive Plan) and Section 6-7G (College/University District) of the Municipal Code to adopt the North Central College Master Land Use Plan 2010-2020 and update the College/University District zoning regulations. Second, Wehrli.
- Council questioned the overnight accommodations provision and verified that it will not be a hotel, but rather a place to stay for guests of the college. Council also stated that any changes that are outside the scope of the zoning classification would require Council approval.
- ROLL CALL:**
- Ayes:** Fieseler, Furstenuau, Hinterlong, Krause, Miller, Wehrli, Pradel
- Nays:** None
- Absent:** Boyajian, Brodhead
- Motion declared carried.
- Clerk's Note:** Councilman Brodhead returned to the dais at 9:31 p.m.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 13

I15 Ordinance No. 10-085, 5th Avenue Study Implementation – On-Street Parking Modification on 5th Avenue and North Avenue

ORDINANCE NO. 10-085,
5TH AVENUE STUDY
IMPLEMENTATION

Robles stated that the 5th Avenue Study Implementation Plan identified the removal of five additional daily fee parking spaces to occur in a 1-3 year time frame. She said that if the Council directs, the spaces may be removed prior to the date recommended in the plan. She explained that the Transportation Advisory Board will review the recommendation and an agenda item can be brought to Council in September for consideration.

Furstenau moved to pass Ordinance No. 10-085, to eliminate five daily fee commuter parking spaces and revise the associated parking restrictions on 5th Avenue between Ellsworth Street and Loomis Street and direct staff to review the removal of five daily fee parking spaces on 5th Avenue, between Center Street and Washington Street, and prepare an agenda item for Council consideration for the September 21, 2010 meeting. Second, Fieseler.

ROLL CALL:

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

Nays: None

Absent: Boyajian
 Motion declared carried.

I29 Ordinance No. 10-086, Amendment to Real Estate Transfer Tax Stamp Ordinance

ORDINANCE NO. 10-086,
REAL ESTATE TRANSFER
TAX STAMP

Council discussed having a process that tracks all fees that are outstanding and not just those that have liens.

DeAngelis explained that the ordinance addresses when a property is transferred but is written broadly enough to allow the city to collect all past due balances. She said that currently there is not an easy method to review balances city-wide, but Finance Department staff will begin working specifically with TED staff to determine inspection and permit balances and create a process to be used city-wide.

Foley stated that she will research state law to determine if this ordinance can include short sales, but does not believe that short sales would be exempt.

Fieseler moved to wave the first reading and pass Ordinance No 10-086, amending Section 8 (Real Estate Transfer Tax), of Chapter 1 (Municipal Occupation Taxes) of Title 3 (Business and License Regulations) of the Municipal Code. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Boyajian
 Motion declared carried.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 14

J OLD BUSINESS:

J1 Ballot Proposal – Term Limits

See pages 3-5

**BALLOT PROPOSAL –
TERM LIMITS**

J2 Downtown Mobile Vending Carts

Council discussed that the hot dog cart adds a carnival atmosphere not befitting the downtown, explained the discussion at the Downtown Advisory Commission (DAC) meeting regarding the number of vendors, the use of a weighted scale for brick and mortar establishments, and the appropriate number of vendors.

**DOWNTOWN MOBILE
VENDING CARTS**

Council discussed approving the agenda item, limiting vendors to food only, and having a one-year review.

Laff explained that DAC had much discussion regarding logistics and generalized the vote by saying that the commission is in favor of the concept of vending but the process needs to be decided, locations were not discussed during the meeting, but feedback was given via a survey, and that the type of food that would be allowed would not be limited to hot dogs.

Council discussed giving preference to brick and mortar establishments and changing the hours of operation of the current hot dog vendor.

J2a Endorse the proposed bidding process, beginning in 2011 to select up to 4 downtown mobile vendors annually

Krause moved to endorse the proposed bidding process with the elimination of the higher weighting for vendors associated with brick and mortar, change the hours of operation to 11:00 a.m. to 3:00 p.m. and 10:00 p.m. to 2:00 a.m. beginning in 2011, to select up to four downtown mobile vendors annually, subject to the fees, restrictions, and requirements. Second, Brodhead.

ROLL CALL:

Ayes: Krause, Pradel, Brodhead, Fieseler, Hinterlong

Nays: Miller, Wehrli, Furstenu

Absent: Boyajian

Motion declared carried.

J2b Extend permit approval to December 31, 2010

Furstenu moved to extend Mr. Hornbaker's permit approval to December 31, 2010. Second, Krause.

VOICE VOTE: Motion declared carried.

J2c Amend the code to include provisions related to Downtown Mobile Vending Carts

Furstenu moved to direct staff to amend the code accordingly to include provisions related to Downtown Mobile Vending Carts. Second, Brodhead.

ROLL CALL:

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

Nays: Wehrli, Furstenu

Absent: Boyajian

Motion declared carried.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 15

- J3 Award of Bid 11-016, Construction of Central Park Seating
Don Wehrli, 219 S. Ewing Street, presented the People's Master Plan for Central Park.
Bill Eagan, 513 Alexandria Drive, stated that there will be an economic loss if seating is not maximized

BID 11-016, CENTRAL
PARK SEATING

BREAK: 10:05 P.M.
Mayor Pradel called the meeting back to order at 10:16 p.m..

- J3 Award of Bid 11-016, Construction of Central Park Seating
Continued
Bret Richter, 1716 Fair Oak Road, don't feel the terraced seating enhances the concert experience, urged Council to reduce the amount of concrete and divert the money to more comfortable, ergonomically friendly seating. He stated that the proposed design will eliminate all areas for blanket and lawn chair seating.
Clerk's Note: Furstenau returned to the dais at 10:24 p.m.
Carol Schmidt, 209 Wright Street and President of the East Side Home Owners Association, urged Council to take more time to ensure the right plan is implemented.
Krieger explained that the recommendation was vetted through a very public process that included meetings with the stakeholders, a preference survey, two public open houses, and recommendations by the Downtown Advisory Commission and the Transportation Advisory Board. He said that the terraced seating was included in the Central Park Master Plan which was approved by both the Council and the Park Board.
Council stated that there should not be a rush to spend money on a project that does not make the main user happy and that a solution may be to put the band's plan out for bid.
Council discussed terraced seating, a park that is blanket and bench friendly with different types of landscaping and trees. They said the park should not be destroyed with concrete, and that they can change their mind even though the project was vetted through the public process.
Council stated that some money should be devoted to public restrooms, that more studying should be done to ensure ADA compliance and increased green space, and that a possible short-term solution may be to buy more benches.
Krieger clarified that construction will not begin in 2010 if the band's plan is put out to bid.
Council said that during the construction of the concert center the band moved to another location and that this may be necessary if the park is under construction during next year's band season. They also stated that if the \$300,000 in grant funding is lost city money should not be used for the project.

BID 11-016, CENTRAL
PARK SEATING



FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 16

- J3** Award of Bid 11-016, Construction of Central Park Seating
Continued **BID 11-016, CENTRAL
PARK SEATING**
- Wehrli moved to deny bid 11-016 (Alternate #2) and direct staff to formalize drawings submitted by the Naperville Municipal Band to initiate the bid process. Second, Hinterlong.
- VOICE VOTE:** Motion declared carried.
- At 10:53 p.m. Krause made the motion to extend the meeting to 11:30 p.m. Second, Miller.
- VOICE VOTE:** Motion declared carried.
- J4** Boarding Facilities Text Amendment, PC 10-1-028 **BOARDING FACILITES, PC
10-1-028**
- J4a** Ordinance No. 10-087, amending Title 6 (zoning regulations) of the
Municipal Code pertaining to boarding rooms and boarding houses **ORDINANCE NO. 10-087,
TEXT AMENDMENT**
- J4b** Accept the recommendations for improved internal
communications, operating procedures, and educational programs
for residential rental properties
- Schatz clarified that there is no overnight on-street parking allowed in the city regardless of property designation.
- Furstenau moved to pass ordinance No. 10-087, amending Title 6 (Zoning Regulations) of the Municipal Code pertaining to boarding rooms and boarding houses; accept the recommendations for improved internal communications, operating procedures, and educational programs for residential rental properties. Second, Miller.
- ROLL CALL:**
- Ayes:** Wehrli, Pradel, Brodhead, Fieseler, Furstenau,
 Hinterlong, Krause, Miller
- Nays:** None
- Absent:** Boyajian
- Motion declared carried.
- K** **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**
- K1** Award of Bid 11-033, 2010 New Sidewalk Program **BID 11-033, 2010 NEW
SIDEWALK PROGRAM**
- Furstenau moved to approve the award of Bid 11-033, 2010 New Sidewalk Program to Triggs Construction for the amount of \$148,136.25 plus a 5% contingency. Second, Brodhead.
- ROLL CALL:**
- Ayes:** Pradel, Brodhead, Fieseler, Furstenau, Hinterlong,
 Krause, Miller, Wehrli
- Nays:** None
- Absent:** Boyajian
- Motion declared carried.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 17

K2 RFP 10-139, Naperville Smart Grid Initiative Consultant (NSGI) – Phase 2

RFP 10-139, NAPERVILLE
SMART GRID INITIATIVE
CONSULTANT (NSGI) –
PHASE 2

Wehrli moved to approve the award of RFP 10-139, Naperville Smart Grid Initiative consultant – Phase 2, to West Monroe Partners for the amount of \$1,379,277.00. Second, Miller.

Council questioned the cost and need for a consultant.

Geynisman explained that the consultant company is helping city manage project in a number of areas that are outlined in the agenda item and that Phase 2 is awarded on based on performance on Phase 1.

Krieger said two Council members are on the steering committee that meets bi-weekly, that the committee and staff were pleased with the performance of West Monroe Partners through Phase 1, and that there is a very specific technical need to continue with their services through Phase 2.

Council questioned the termination clause.

Consultant said that city can terminate with West Monroe if they are in breach of the contract.

Tom Hulsebosch, West Monroe Partners said that West Monroe can terminate if the city fails to perform by not paying their bills.

Mark DiMaria, 221 N. Fremont Street, believes that the SMART grid project will punish people for using electricity and that when the cost to use something is raised the message is to not to use it. He said articles have stated that there is no clear return on investment with the SMART grid and that the initiative is being questioned in several states. He went on to say that there is no clear benefit to the citizens and that this is seen as an invasion of privacy. He urged Council to delay the implementation of the project.

Council clarified that the City of Naperville will not ration electricity.

Krieger explained that everyone that will be getting a meter but any program participation will be voluntary.

At 11:22 p.m. Krause moved to extend the meeting to 12:00 a.m. Second, Furstenuau.

VOICE VOTE: Motion declared carried.

Krieger said the next time Council will review a SMART Grid item will be for the public education consultant at the August 17 meeting and that staff is still in discussion with two finalists.

ROLL CALL:

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

Nays: None

Absent: Boyajian

 Motion declared carried.



FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 18

L REPORTS AND RECOMMENDATIONS:

L1 Naperville Smart Grid Initiative (NSGI) Customer Bill of Rights

**NAPERVILLE SMART GRID
INITIATIVE (NSGI)
CUSTOMER BILL OF
RIGHTS**

Furstenau moved to direct staff to prepare a text amendment to the Naperville Municipal Code to include the Naperville Smart Grid Initiative Customer Bill of Rights. Second, Krause.

Council stated that staff will amend the Customer Bill of Rights prior to drafting the text amendment to reflect a change to the Right to Be Informed section so that it reads, "Customers will be informed of electric system enhancements that can be acquired by the customer."

Council questioned two statements in the Right to Privacy section relating to the release of personal information.

Krieger said the city must comply with court orders or other types of investigative actions which may require the release of personal information.

Geynisman stated that the consultant will not begin the communication and public education project until after the August 17 Council meeting.

ROLL CALL:

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

Nays: None

Absent: Boyajian
 Motion declared carried.

L2 Regular City Council Meeting Minutes of June 15, 2010

**REGULAR CITY COUNCIL
MEETING MINUTES OF
JUNE 15, 2010**

Miller moved to approve the Regular City Council Meeting Minutes of June 15, 2010. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

L3 City Council Meeting Schedule

**CITY COUNCIL MEETING
SCHEDULE**

Furstenau moved to approve the City Council meeting schedule for August, September, and October 2010 and change the date of the Revenue Workshop from Monday, September 13 to Tuesday, September 14. Second, Krause.

VOICE VOTE: Motion declared carried.

L4 Right Turn on Red at Intersections with Automated Red Light Enforcement

**AUTOMATED RED LIGHT
ENFORCEMENT**

See pages 6 and 7.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 19

L5 Millennium Wall Recommendation

**MILLENNIUM WALL
RECOMMENDATION**

Rick Hitchcock, 1130 Omaha Court, stated that the Riverwalk Commission agrees with consultant that the wall should be removed and rebuilt but doesn't want to make a decision until bids come back. He urged Council to consider options A and B.

Council discussed saving the wall by incorporating wing walls into the design.

At 11:45 p.m. Krause made a motion to extend the meeting to 12:30 a.m. Second, Furstenau.

VOICE VOTE: Motion declared carried.

Furstenau moved to direct Riverwalk Commission to explore options to save the wall and direct staff to proceed with bidding to replace the existing Millennium Wall and collect bids for both Option A and Option B. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Boyajian
 Motion declared carried.

L6 Authorize the City Manager to hire a GIS Analyst

**VACANT GIS ANALYST
POSITION**

Krieger stated that the search would not exclude internal candidates, but the city is looking for best overall candidate.

Clerk's Note: Councilman Brodhead left the dais at 11:47 p.m.

Council stated that this is an opportunity to reduce head count, will support internal hire but must be approved by Council if an outside candidate is hired.

Council asked if IT is hanging by a thread and about to run out of gas.

Krieger said that IT is the department that is down the most and it has come to a critical level. He said he understands it is in everyone's best interest to eliminate a vacancy instead of a filled position, however in this instance the position is necessary.

Furstenau moved to authorize the City Manager to hire for a vacant GIS Analyst position. Second, Hinterlong.

ROLL CALL:

Ayes: Hinterlong, Miller, Wehri, Pradel, Furstenau

Nays: Krause, Fieseler

Absent: Boyajian, Brodhead
 Motion declared carried.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 20

M PUBLIC HEARING:

M1 Jafry Estate Annexation

JAFRY ESTATE
ANNEXATION

M1a Public Hearing to consider the annexation agreement for Jafry Estate 5S575 Columbia Street

Pradel opened the public hearing at 11:51 p.m.

Council discussed utility locations and asked when the property must be brought up to code after it is annexed.

Syed Jafry, 1100 N. Wright Street, advised Council that he is planning to tear down the house immediately and begin building on the property by September 1, 2010.

Clerk's Note: Councilman Brodhead returned at 11:51 p.m.

Clerk's Note: Councilman Wehrli left the dais at 11:53 p.m.

Krause moved to close the public hearing at 11:54. Second, Fieseler.

VOICE VOTE: Motion declared carried.

M1b Ordinance No. 10-088, authorizing execution of the annexation agreement for Jafry Estate, 5S575 Columbia Street

ORDINANCE NO. 10-088,
JAFRY ESTATE
ANNEXATION
AGREEMENT, PC 10-1-038

Krause moved to pass Ordinance No. 10-088, authorizing the execution of the annexation agreement for Jafry Estate, 4S575 Columbia Street, PC 10-1-038. Second, Furstenau.

ROLL CALL:

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

Nays: None

Absent: Wehrli, Boyajian

Motion declared carried.

Krause made a motion to use the omnibus method to approve agenda items M1c, M1d, and M1e. Second, Furstenau.

VOICE VOTE: Motion declared carried.

Krause made a motion to pass Ordinance No. 10-089, 10-090, and 10-091.+ Second, Furstenau.

ROLL CALL:

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

Nays: None

Absent: Wehrli, Boyajian

Motion declared carried.

M1c Ordinance No. 10-089, annexing the property at 5S575 Columbia Street, PC 10-1-038.

ORDINANCE NO. 10-089,
ANNEXING 5S575
COLUMBIA ST.

Council moved to waive first reading and pass Ordinance No. 10-089, annexing the property at 5S575 Columbia Street.

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 21

- M1d** Ordinance No. 10-090, to rezone 5S575 Columbia Street
Council moved to pass Ordinance No. 10-090, to rezone 5S575 Columbia street to R1 upon annexation. ORDINANCE NO 10-090, REZONING
- M1e** Ordinance No. 10-091, Jafry Estate – preliminary/final plat of Subdivision
Council moved to pass Ordinance No. 10-091, approving the preliminary/final plat of Subdivision for Jafry Estate. ORDINANCE 10-091, PRELIMINARY/FINAL PLAT OF SUBDIVISION
- M2** Bishop’s Storehouse, PC 10-1-050
BISHOP’S STOREHOUSE, PC 10-1-050
- M2a** Public Hearing to consider annexation agreement for Bishop’s Storehouse, PC 10-1-050
Pradel opened the public hearing at 11:56 p.m.
Clerk’s Note: Councilman Wehrli returned to the dais at 11:57 p.m.
Furstenau closed the public hearing at 11:57. Second, Krause.
VOICE VOTE: Motion declared carried.
Furstenau made a motion to use the omnibus method to approve agenda items M2b, M2c, M2d, and M2e. Second, Krause.
VOICE VOTE: Motion declared carried.
Furstenau moved to pass Ordinance No 10-092, 10-093, 10-094 and 10-095. Second, Krause.
ROLL CALL:
Ayes: Miller, Wehrli, Pradel, Brodhead, Fieseler, Furstenau, Hinterlong, Krause
Nays: None
Absent: Boyajian
Motion declared carried.
- M2b** Ordinance No. 10-092, execution of the annexation agreement for Bishop’s Storehouse, PC 10-1-050
Council moved to pass Ordinance No. 10-092, authorizing the execution of the annexation agreement for Bishop’s Storehouse, PC 10-1-050. ORDINANCE NO. 10-092, ANNEXATION AGREEMENT
- M2c** Ordinance No. 10-093, annexing the property located at 2892 W. Diehl Road, PC 10-1-050
Council moved to waive first reading and pass Ordinance No. 10-093, annexing the property located at 2892 W. Diehl Road, PC 10-1-050. ORDINANCE NO. 10-093, ANNEXING -2892 W. DIEHL RD.
- M2d** Ordinance No. 10-094, rezone 2892 W. Diehl Road, PC #10-1-059
Council moved to pass Ordinance No. 10-094, to rezone 2892 W. Diehl Road to "I" upon annexation. ORDINANCE NO. 10-094, REZONING

FINAL AGENDA
CITY COUNCIL MEETING
JULY 20, 2010
PAGE 23

N2 Resolution No. 10-043, Pension Reform Referendum Question
Continued

**RESOLUTION NO. 10-043,
PENSION REFORM**

Krause moved adopt the Resolution, adding a pension reform public question to the November 2, 2010 election ballot. The question is to read, "Shall the Illinois General Assembly and the Governor take immediate steps to implement meaningful police and fire pension reform which will relieve the unsustainable burden on local taxpayers?" Second, Wehrli.

Council discussed removing emotional, loaded language and tie the question to recently passed public acts that voters can research.

DiSanto proposed the following question, "Should the Illinois General Assembly and the Governor immediately pass meaningful police and fire pension reform that will reduce the future funding obligation on local taxpayers now that the General Assembly and Governor have reformed the pension systems for all other public employees."

Furstenau made a motion in substitution to adopt Resolution No. 10-043, adding a pension reform public question to the November 2, 2010 election ballot. The question is to read, "Should the Illinois General Assembly and the Governor immediately pass meaningful police and fire pension reform that will reduce the future funding obligation on local taxpayers now that the General Assembly and Governor have reformed the pension systems for all other public employees." Second, Brodhead.

ROLL CALL:

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

Nays: Fieseler, Hinterlong

Absent: Boyajian

Motion declared carried.

O **NEW BUSINESS:**

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

Krause moved to adjourn the Regular City Council meeting of July 20, 2010 at 12:23 a.m. Second, Wehrli.

**ADJOURNMENT – 12:23
A.M.**

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of July 20, 2010 officially adjourned at 12:23 a.m.


PAM LAFEVER, Ph.D.
CITY CLERK

PL:BK

