



**CITY COUNCIL MEETING OF JUNE 5, 2012
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
June 19, 2012 AS WRITTEN.**

CALL TO ORDER:

6:01 P.M.

**A Mayor A. George Pradel
Councilwoman Judy Brodhead
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Joe McElroy**

Absent

**Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli**

Also Present

**City Manager, Doug Krieger
City Clerk, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, Robert Marshall
Finance Director, Karen DeAngelis
T.E.D. Director, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Engineering Services Team Leader, Bill Novack
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

A handwritten signature in black ink, appearing to be a stylized 'S' or 'P' followed by a flourish.

**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 5, 2012
PAGE 2**

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; (2) Collective negotiating matters between the public body and its employees or their representatives; (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; (11) Litigation, when action against, affecting or on behalf of the particular public body has been filed and is pending. Second, Hinterlong.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, McElroy

Nays: None

Absent: Krause, Miller, Wehrli

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:05 P.M.
CLOSED SESSION ENDED AT 6:54 P.M.**

OPEN SESSION:

Mayor Pradel called the meeting back to order at 7:00 P.M.

ROLL CALL to determine Quorum:

Present: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, McElroy

Absent: Krause, Miller, Wehrli

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Employee of the Month – June

Councilwoman Brodhead recognized Bill Miller, DPW Field Supervisor, as the June Employee of the Month.

EMPLOYEE OF THE MONTH

E PUBLIC FORUM:

E1 Move to Amend Resolution

Keith Klingeman, 2420 Putnam Drive, spoke against the 2010 Supreme Court ruling on Citizens United v. FEC

John Laesch, 710 S. Fourth St, Aurora, spoke against the 2010 Supreme Court ruling on Citizens United v. FEC

Mary Shesgreen, 402 Orange St., Elgin, spoke against the 2010 Supreme Court ruling on Citizens United v. FEC

Madeline Sullivan, 863 Balton Court, spoke against the 2010 Supreme Court ruling on Citizens United v. FEC

Kathy Franke, 3 S 571 West Avenue, Warrenville, spoke against the 2010 Supreme Court ruling on Citizens United v. FEC

Steve Alesch, 27 S 554, Warrenville, spoke against the 2010 Supreme Court ruling on Citizens United v. FEC



**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 5, 2012
PAGE 3**

E2 Tree Branches and Pension

H.R. Hofmann, 1210 Lawn Meadow, discussed trimming branches from right of way and inquired about public sector pensions.

Council advised Mr. Hofmann to work with TED staff to resolve the issue of the branches and Krieger responded that Chief Marshall had yet to decide how he would receive his pension payments.

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

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

Fieseler moved to use the Omnibus method to approve the Consent Agenda. Second, Chirico.

VOICE VOTE: Motion declared carried.

I CONSENT AGENDA:

Fieseler moved to approve the Consent Agenda with the exception of items I14, I16, I17. Second, Chirico.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, McElroy

Nays: None

Absent: Krause, Miller, Wehrli

Motion declared carried.

I1 Cash Disbursements – 5/9/12

Council moved to approve the 5/9/12 cash disbursements in the amount of \$6,140,532.67.

**CASH DISBURSEMENTS
5/9/12**

I2 Cash Disbursements – 5/17/12

Council moved to approve the 5/17/12 cash disbursements in the amount of \$9,769,880.92.

**CASH DISBURSEMENTS
5/17/12**

I3 Cash Disbursements – 5/23/12

Council moved to approve the 5/23/12 cash disbursements in the amount of \$6,317,335.73.

**CASH DISBURSEMENTS
5/23/12**

I4 Regular City Council Meeting Minutes - May 15, 2012

Council moved to approve the Regular City Council Meeting Minutes of May 15, 2012.

**REGULAR CITY
COUNCIL MEETING
MINUTES – 5/15/12**

I5 RFP 12-164, Emergency Medical Services Billing

Council moved to approve the award of RFP 12-164, Emergency Medical Services Billing, to Andres Medical Billing, for an amount of 4% of total dollars collected.

**RFP 12-164, EMERGENCY
MEDICAL SERVICES
BILLING**



**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 5, 2012
PAGE 4**

- | | | |
|-------------|---|---|
| I16 | <u>Contract 12-106, Self Contained Breathing Apparatus (SCBA)</u> Council moved to approve the award of Change Order #1 to Contract 12-106, self-contained breathing apparatus to Municipal Emergency Services for an amount not to exceed \$68,000.00 for a total award of \$128,000.00. | CONTRACT 12-106, SELF CONTAINED BREATHING APPARATUS (SCBA) |
| I17 | <u>FY12-13 Transportation Work Program</u> Council moved to approve the FY 12-13 Work Program for the Comprehensive Transportation Plan. | FY12-13 TRANSPORTATION WORK PROGRAM |
| I18 | <u>DuPage Children's Museum's Birthday Bash</u> Council moved to approve the use of the DuPage Children's Museum parking lot, and issue a Special Event Permit for the DuPage Children's Museum's Birthday Bash. | DUPAGE CHILDREN'S MUSEUM'S BIRTHDAY BASH |
| I19 | <u>White Eagle Homeowner's Association Fireworks Display</u> Council moved to approve the White Eagle Homeowners Associations' permit request to hold a fireworks display on June 30, 2012. | WHITE EAGLE HOMEOWNER'S ASSOCIATION FIREWORKS DISPLAY |
| I110 | <u>Resolution No. 12-017, 2012 Pace Paratransit Local Share Agreement</u> Council moved to adopt Resolution No. 12-017, authorizing the City Manager to execute the agreement with Pace for the 2012 Pace Paratransit Local Share Agreement for the operation of the Ride DuPage Program. | RESOLUTION NO. 12-017, 2012 PACE PARATRANSIT LOCAL SHARE AGREEMENT |
| I111 | <u>Ordinance No. 12-055, Liquor License Late Night Permits</u> Council moved to pass Ordinance No. 12-055, amending Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Sections 3-3-13 of the Naperville Municipal Code limiting the number of Late Night Permits. | ORDINANCE NO. 12-055, LIQUOR LICENSE LATE NIGHT PERMITS |
| I112 | <u>Ordinance No. 12-056, Electric Utility Transmission Metering Rate</u> Council moved to waive first reading and pass Ordinance No. 12-056, amending Article C (Electric Service Rates) of Chapter 1 (Electricity), of Title 8 (Public Utilities), with respect to Electric Utility Transmission Metering Rate. | ORDINANCE NO. 12-056, ELECTRIC UTILITY TRANSMISSION METERING RATE |
| I113 | <u>Ordinance No. 12-057, Ribfest</u> Council moved to pass Ordinance No. 12-057, establishing temporary traffic controls and issue a Special Event Permit for Ribfest 2012. | ORDINANCE NO. 12-057, RIBFEST |
| I115 | <u>Resolution No. 12-018, Agreement with IDOT CIP #SC-021, Improvement to Diehl Road</u> Council moved to adopt Resolution No. 12-018, approving Amendment #1 to the Joint Agreement between the City of Naperville and the Illinois Department of Transportation for improvements to Diehl Road from Country Club Boulevard to Eola Road (CIP #SC-021). | RESOLUTION NO. 12-018, AGREEMENT WITH IDOT CIP #SC-021, IMPROVEMENT TO DIEHL ROAD |



**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 5, 2012
PAGE 5**

- I18** Ordinance No. 12-058, McDonald's, South Route 59, PZC 12-1-020
Council moved to pass Ordinance No. 12-058, granting a variance from Section 6-9-3:4 (schedule of off-street parking requirements) and Section 5-10-3:5.1.2 (area of landscape island) in order to modify the parking and drive-through facilities for an existing McDonald's restaurant located at 3232 S. Route 59. ORDINANCE NO. 12-058, MCDONALD'S, SOUTH ROUTE 59, PZC 12-1-020
- I19** Ordinance No. 12-059, Extend Outdoor Seating Permits to Class C-Tavern Liquor Licenses
Council moved to pass Ordinance No. 12-059, amending Title 3 (business and license regulations), Chapter 3 (liquor and tobacco control) Section 11, of the Naperville Municipal Code to extend outdoor seating permits to Class C – Tavern liquor licenses. ORDINANCE NO. 12-059, EXTEND OUTDOOR SEATING PERMITS TO CLASS C-TAVERN LIQUOR LICENSES
- I20** Ordinance No. 12-060, Class R – Legitimate Theater House liquor license
Council moved to pass Ordinance No. 12-060, amending Title 3 (business and license regulations), Chapter 3 (liquor and tobacco control), Section 11 of the Naperville Municipal Code to allow beer and wine to be consumed in the theater portion of Class R licensed establishments. ORDINANCE NO. 12-060, CLASS R – LEGITIMATE THEATER HOUSE LIQUOR LICENSE
- I21** Ordinance No. 12-061, Class M – Recreational Facility liquor license
Council moved to pass Ordinance No. 12-061, amending Title 3 (business and license regulations), Chapter 3 (liquor and tobacco control), Sections 1 and 13 of the Naperville Municipal Code to expand the definition of (recreational facility) and increase the number of available licenses from six to seven. ORDINANCE NO. 12-061, CLASS M – RECREATIONAL FACILITY LIQUOR LICENSE
- I22** Silverado Senior Living, PZC 12-1-024
 SILVERADO SENIOR LIVING, PZC 12-1-024
- I22a** Ordinance No. 12-062, Conditional use in the OCI (office, Commercial and Institutional) Zoning District
Council moved to pass Ordinance No. 12-062, approving a conditional use in the OCI (Office, Commercial, and Institutional) Zoning District for a convalescent or nursing home in accordance with 6-7F-3 of the Naperville Municipal Code and a variance to Section 6-2-12 (fences) for Silverado Senior Living, PZC 12-1-024. ORDINANCE NO. 12-062, CONDITIONAL USE – OCI DISTRICT
- I22b** Ordinance No. 12-063, Preliminary/Final plat of Subdivision
Council moved to pass Ordinance No 12-063, approving a preliminary/final plat of subdivision for Silverado Senior Living. ORDINANCE NO. 12-063, PRELIMINARY/FINAL PLAT OF SUBDIVISION
- I23** Ordinance No. 12-064, 30 S. Ellsworth Street, PZC 12-1-045
Council moved to pass Ordinance No. 12-064, granting a variance from Section 6-6C-7 (R2 single-family and low density multiple family residence district: yard requirements) of the Naperville Municipal Code to reduce the 25' front yard setback requirement for the property located at 30 S. Ellsworth Street. ORDINANCE NO. 12-064, 30 S. ELLSWORTH STREET, PZC 12-1-045



FINAL AGENDA
CITY COUNCIL MEETING
JUNE 5, 2012
PAGE 6

Clerk's Note: Brodhead recused herself to avoid the appearance of impropriety and left the dais at 7:49 p.m.

-
- I14** Ordinance No. 12-065, Temporary Use – Saints Peter and Paul Convent, PZC 12-1-073 ORDINANCE NO. 12-065, TEMPORARY USE – SAINTS PETER AND PAUL CONVENT, PZC 12-1-073
- Fieseler moved to pass Ordinance No. 12-065, approving an extension to the temporary use for the Saints Peter and Paul Convent Building located at 5 N. Brainard Street through August 31, 2018. Second, McElroy.
- ROLL CALL:**
Ayes: Chirico, Fieseler, Hinterlong, McElroy, Pradel
Nays: None
Absent: Krause, Miller, Wehrli
Recuse: Brodhead
Motion declared carried.
- I16** Ordinance No. 12-066, Temporary Use Extension – Naper Place ORDINANCE NO: 12-066, TEMPORARY USE EXTENSION – NAPER PLACE - PZC #12-1-072.
- Fieseler moved to pass Ordinance No. 12-066, approving an extension to the temporary use for Naper Place located at 119 S. Main Street, expiring on August 31, 2016, subject to the conditions outlined in the ordinance, PZC #12-1-072. Second, Chirico.
- ROLL CALL:**
Ayes: Fieseler, Hinterlong, McElroy, Pradel, Chirico
Nays: None
Absent: Krause, Miller, Wehrli
Recuse: Brodhead
Motion declared carried.
- Clerk's Note:** Brodhead returned to the dais at 7:52 p.m.
- I17** Aquatic Visions, 2695 Forgue Drive, Suite #109, PZC #12-1-047
- Fieseler moved to table to the June 19 meeting. Second, Brodhead
- VOICE VOTE:** Motion declared carried.
- Option A** Concur with the Planning and Zoning Commission and staff and deny requested variance for a window sign, on the west elevation of the building, that will cover 100% of the window-surface area for the property
- Option B** Concur with the Petitioner and approve a variance for a window sign on the west elevation of the building that will cover 100% of the window-surface area, PZC 12-1-047.
-
- K** **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**

**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 5, 2012
PAGE 7**

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

Chirico moved to approve the City Council Meeting Schedule for June, July & August 2012. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

CITY COUNCIL MEETING
SCHEDULE

L2 Bicycle and Pedestrian Advisory Committee

BICYCLE AND
PEDESTRIAN ADVISORY
COMMITTEE

Option Dissolve the Bicycle and Pedestrian Advisory Committee

A

Option Transportation Advisory Board Vacancies be filled with BPAC members

B

Council discussed reasons why committee should stay intact, that bicyclists should have formal advocates, and the benefits of the comprehensive plan that has been developed. Council also stated that combining the committees would be more efficient for staff and interests will no longer separated by having two committees.

Robles discussed the BPAC meeting schedule, stated that the ordinance governing the Transportation Advisory Board will be updated this year, and permanently having bicyclist/pedestrian interest representatives on the Board will be formalized as part of the update.

Chirico moved to approve the recommendation to dissolve the Bicycle and Pedestrian Advisory Committee and approve the recommendation that the two current vacancies on the Transportation Advisory Board be filled with BPAC members. Second, Brodhead.

ROLL CALL:

Ayes: Hinterlong, McElroy, Pradel, Brodhead, Chirico

Nays: Fieseler

Absent: Krause, Miller, Wehrli

Motion declared carried.

**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 5, 2012
PAGE 8**

L3 Installation of Sidewalk across vacant lots

**INSTALLATION OF
SIDEWALK ACROSS
VACANT LOTS**

Novack explained the process of sidewalk installation, what is done with properties in foreclosure, that the City partners with owners to bring them into compliance, and the reasons why there was no agenda item notification.

Brodhead moved to continue the delay of enforcement action of Section 5-2B-5:4.1 requiring the installation of sidewalk within three years of platting except when any of the following criteria is met: 1) 90% or more of the lots in the subdivision have sidewalk; 2) 70% or more of the lots in the block face have sidewalk and there is not continuous sidewalk on either side of the street; 3) 50% or more of the lots in the block face on a collector or neighborhood connector street have sidewalk and there is no continuous sidewalk on either side of the street; for a period of two years. Second, Chirico.

ROLL CALL:

Ayes: McElroy, Pradel, Brodhead, Chirico, Fieseler, Hinterlong

Nays: None

Absent: Krause, Miller, Wehrli

 Motion declared carried.

M PUBLIC HEARINGS:

**M1 2011 CDBG Comprehensive Annual Performance and Evaluation Report 2011 CDBG CAPER
(CAPER)**

M1a Public Hearing on Program Year 2011

Pradel opened the public hearing at 8:14 p.m.

Fieseler moved to close the public hearing at 8:14 p.m. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

**M1b Accept the 2011 CDBG Comprehensive Annual Performance and
Evaluation Report**

Chirico moved to accept the 2011 CDBG Comprehensive Annual Performance and Evaluation Report. Second, Fieseler.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, McElroy

Nays: None

Absent: Krause, Miller, Wehrli

 Motion declared carried.

N ORDINANCES AND RESOLUTIONS:

N1 Ordinance No. 12-, McDonald's, PCZ 12-1-018

**ORDINANCE NO. 12-,
MCDONALD'S - PCZ 12-
1-018**

Fieseler moved to table to the June 19 meeting. Second, Hinterlong

VOICE VOTE: Motion declared carried.

**FINAL AGENDA
CITY COUNCIL MEETING
JUNE 5, 2012
PAGE 9**

O NEW BUSINESS

O1 Central Park Restroom Facilities

By consensus Council agreed to amend the CIP in order to have the restrooms constructed for the 2013 concert season.

O2 Ash Tree

Hinterlong asked about the treatment process of the Ash trees.

Dublinski explained that a tree will not be treated if more than 50% of the canopy is diseased. He said staff will survey the trees and report back to Council the number of trees to be treated or cut down.

O3 Mowing Restrictions

By consensus Council agreed to have the Planning & Zoning Commission review restricting the weekend hours of commercial landscape services similar to that of contractor services.

O4 Washington Street parking

Fieseler discussed two parking spaces at 25 S. Washington, explained that they disrupt traffic patterns, and asked about the history of their approval.

Schatz stated that staff will review the initial traffic study and examine it against new data.

P CLOSED SESSION:

CLOSED SESSION

Q ADJOURNMENT:

ADJOURNMENT -8:30 P.M.

Fieseler moved to adjourn the Regular City Council meeting of June 5, 2012 at 8:30 p.m. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of June 5, 2012 officially adjourned at 8:30 p.m.


PAM LAFERBER PH.D.
CITY CLERK

PL: BK

