



**CITY COUNCIL MEETING OF OCTOBER 4, 2011
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
October 18, 2011 AS WRITTEN.**

CALL TO ORDER:

5:30 P.M.

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

Absent

Mayor A. George Pradel

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
City Clerk, Pam LaFerber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Deputy Police Chief, John Gustin
Asst. Finance Director, Chris Smith
T.E.D. Business Group Director, Marcie Schatz
T.E.D. Development Team Leader, Dick Dublinski
T.E.D. Engineering Team Leader, Bill Novack
T.E.D. Operations Manager, Allison Laff
Community Planner, Katie Forystek
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B. CLOSED SESSION:

Wehrli moved to recess to Closed Session to discuss
SILCS/120(c)(2) Collective negotiating matters between the public
body and its employees or their representatives; (5) The purchase
or lease of real property for the use of the public body;
(11) Litigation, when action against, affecting or on behalf of the
particular public body; (21) Discussion of minutes of meetings
lawfully closed under this Act. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Pradel

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 5:35
P.M.**

CLOSED SESSION ENDED AT 6:45 P.M.

OPEN SESSION

**MAYOR PRO TEM CHIRICO CALLED THE MEETING
BACK TO ORDER AT 7:00 P.M.**

ROLL CALL to determine Quorum:

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

Absent: Pradel

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Employee of the Month – October

EMPLOYEE OF THE MONTH
- OCTOBER

Councilman Brodhead recognized Department of Public Works'
GIS Technician Desiree Poole as the October Employee of the
Month.

D2 Homelessness Awareness Week Proclamation

HOMELESSNESS
AWARENESS
PROCLAMATION

Councilman Fieseler proclaimed October 31 – November 6, 2011
as Homeless Awareness Week and presented the proclamation to
Jennie Gates, Bridge Communities.

E PUBLIC FORUM:

E1 Programming and Taxes

Richard Backer, 733 Chesterfield Ave., requested better
programming notification and discussed charging for city services.

E2 Public Safety Radio System

Bill Eagan, 513 Alexandria Drive, requested an update on the
radio system and more police presence at the cross walks near
River Woods School.

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E3 Triathlon Follow-up

Rod Randall, 956 Savannah Circle, discussed the police department follow-up to his triathlon complaints.

E4 95th Street Bridge

Katherine Havel, 2616 Springhill Circle, stated that the project should be completed only if more current needs assessment data support it.

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, Wehrli.

VOICE VOTE: Motion declared carried.

I **CONSENT AGENDA:**

Miller moved to approve the Consent Agenda. Second, Wehrli.

ROLL CALL:

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

Nays: None

Absent: Pradel

 Motion declared carried.

I1 Cash Disbursements – 9/14/2011

Council moved to approve the September 14, 2011 cash disbursements in the amount of \$20,383,749.72.

CASH DISBURSEMENTS –
9/14/11

I2 Regular City Council Meeting Minutes of September 20, 2011

Council moved to approve the Regular City Council Meeting Minutes of September 20, 2011.

COUNCIL MINUTES –
9/20/11

I3 Bid 12-076, 2011-12 Sanitary Sewer Main Rehabilitation

Council moved to approve the award of Utility Funded Bid 12-076, 2011-12 Sanitary Sewer Main Rehabilitation 8” diameter cured-in-place pipelining, to SAK Construction, LLC for an amount of \$350,032.00 plus a 5% contingency.

BID 12-076, 2011-12
SANITARY SEWER MAIN
REHABILITATION

I4 Public Improvements – Naperville Bishop’s Storehouse Subdivision

Council moved to accept the public underground improvements and public street improvements in the Naperville Bishop’s Storehouse Subdivision and authorize the City Clerk to reduce the corresponding public improvement surety.

PUBLIC IMPROVEMENTS

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- I5** Resolution No. 11-045, 630 N. Washington Street, PC 11-1-101
Council moved to adopt Resolution No. 11-045, granting a variance to allow the installation of a monument sign closer than ten feet from the front property line for the property located at 630 N. Washington Street, PC 11-1-101. RESOLUTION NO. 11-045, 630 N. WASHINGTON STREET, PC 11-1-101
- I6** Ordinance No. 11-142, 5th Avenue Study Overlay District (PC 11-1-094)
Council moved to pass Ordinance No. 11-142, amending Title 6 (Zoning Regulations) to establish a new overlay district for the 5th Avenue Study Area. ORDINANCE NO. 11-142, 5TH AVENUE STUDY OVERLAY DISTRICT (PC 11-1-094)
- I7** Ordinance No. 11-143, 2443 Warm Springs Lane, PC 11-1-109
Council moved to pass Ordinance No. 11-143, approving a variance to construct a covered patio that encroaches upon the required rear setback at 2443 Warm Springs Lane, PCZS 11-1-109. ORDINANCE NO. 11-143, 2443 WARM SPRINGS LANE, PC 11-1-109
- K** **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**
- K1** RFP 12-028, Audio Visual Upgrade of City Council Chambers
Council discussed the need for an audio/visual upgrade and the possibility of delaying the project. RFP 12-028, AUDIO VISUAL UPGRADE OF CITY COUNCIL CHAMBERS
Wehrli moved to approve the award of RFP 12-028, audio visual upgrade of City Council Chambers and Option Two for two additional years for Preventative Maintenance to Advent Systems/Fry Tech Solutions for an amount not to exceed \$189,381.80. Second, Krause.
- ROLL CALL:**
Ayes: Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli, Brodhead
Nays: Chirico
Absent: Pradel
Motion declared carried.
- L** **REPORTS AND RECOMMENDATIONS:**
- L1** City Council Meeting Schedule
Wehrli moved to approve the City Council Meeting Schedule for October, November and December 2011. Second, Hinterlong. CITY COUNCIL MEETING SCHEDULE
VOICE VOTE: Motion declared carried.
- L2** 2012 City Manager's Office Schedule
Wehrli moved to approve the 2012 City Manager's Office Schedule. Second, Hinterlong. 2012 CITY MANAGER'S OFFICE SCHEDULE
VOICE VOTE: Motion declared carried.

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Clerk's Note: Brodhead recused herself due to professional conflict and left the dais at 7:31 p.m.

M PUBLIC HEARINGS:

M1 Stormwater Variance – North Central College Southwest Campus Gateway Project

NORTH CENTRAL
COLLEGE SOUTHWEST
CAMPUS GATEWAY
PROJECT

Wehrli opened the public hearing at 7:31 p.m.

Krause moved to close the public hearing at 7:31 p.m. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

Miller moved to direct staff to prepare an ordinance approving a stormwater variance for the North Central College Southwest Campus Gateway project. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

Abstain: Brodhead

Clerk's Note: Brodhead returned to the dais at 7:32 p.m.

M2 2011 CDGB Annual Action Plan (AAP) Substantial Amendment

2011 CDBG ANNUAL
ACTION PLAN

M2a Substantial Program Year 2011 Community Development Block Grant (CDBG) Annual Action Plan (AAP)

Wehrli opened the public hearing at 7:33 p.m.

Wehrli moved to close the public hearing at 7:33 p.m. Second, Miller.

VOICE VOTE: Motion declared carried.

M2b 2011 AAP allocation of funds

Wehrli moved to approve the 2011 amended AAP allocating a total of \$433,383.00. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Pradel

Motion declared carried.

N ORDINANCES AND RESOLUTIONS:

N1 Implement Tier 1 Employee Benefit Changes

IMPLEMENT TIER 1
EMPLOYEE BENEFIT
CHANGES

Council discussed how the changes were communicated to the employees.

McElroy invoked Council rules and tabled the item to the October 18, 2011 meeting.

VOICE VOTE: Motion declared carried.

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N2 Resolution No. 11-046, Consideration and analysis of tax exempt status of Edward Hospital

RESOLUTION NO. 11-046,
CONSIDERATION AND
ANALYSIS OF TAX EXEMPT
STATUS OF EDWARD
HOSPITAL

Wehrli moved to adopt Resolution No. 11-046, supporting further consideration and analysis of the tax exempt status of Edward Hospital. Second, Hinterlong.

ROLL CALL:

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

Nays: None

Absent: Pradel

Motion declared carried.

J **OLD BUSINESS:**

J1 Ordinance No. 11-144, Non-Wireless Meter Alternative (NWMA) under the Naperville Smart Grid Initiative (NSGI)

ORDINANCE NO. 11-144,
NON-WIRELESS METER
ALTERNATIVE (NWMA)

Curran reviewed the timeline of applying for and receiving the grant and stated that Council approved the initiative on April 20, 2010.

Council discussed expenditure approval limits, testing as a result of public input, and when a change in the implementation schedule would be appropriate.

Jennifer Stahl, 1427 Westglen Drive, spoke against the proposed wireless meter alternative.

Dave Bendis, 2207 Mercer Ct., spoke against the proposed wireless meter alternative.

BREAK: 7:53 P.M.

Mayor Pro Tem Chirico called the meeting back to order at 8:03 p.m.

J1 Ordinance No. 11-144, Non-Wireless Meter Alternative (NWMA) under the Naperville Smart Grid Initiative (NSGI) Continued

ORDINANCE NO. 11-144,
NON-WIRELESS METER
ALTERNATIVE (NWMA)

Krause moved to extend the allowed public comment time limit by 15 minutes to 45 minutes. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

Dick Furstenuau, 709 Zainiger, spoke against the proposed wireless meter alternative.

Amanda Rykor, 2763 Blakely Lane, spoke against the proposed wireless meter alternative.

JoAnne St. Yves, 2315 Lexington Lane, spoke against the proposed wireless meter alternative.

Jeff Perkins, 1356 Middleburg Rd., spoke against the proposed wireless meter alternative.

Celeste Green, 742 Cardigan Ct., spoke against the proposed wireless meter alternative.

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J1

Ordinance No. 11-144, Non-Wireless Meter Alternative (NWMA) under the Naperville Smart Grid Initiative (NSGI) Continued

ORDINANCE NO. 11-144,
NON-WIRELESS METER
ALTERNATIVE NWMA)

Kim Bendis, 2207 Mercer Ct., spoke against the proposed wireless meter alternative.

Thomas Glass, 1304 Old Dominion, spoke against the proposed wireless meter alternative.

Rebecca Olsen, 504 Bovidae Cir, spoke against the proposed wireless meter alternative.

Bill Eagan, 513 Alexandria Dr., spoke against the proposed wireless meter alternative.

George Isaac, 736 Dickens Ave., spoke against the proposed wireless meter alternative.

Barbara Serbick, 1209 Emerald Dr., spoke against the proposed wireless meter alternative.

Dave Trollope, 240 E. 4th Ave., spoke against the proposed wireless meter alternative.

Mike Castello, 24 S. Huffman, spoke against the proposed wireless meter alternative.

John Krummen, 2640 Haddassah Dr., spoke for the proposed wireless meter alternative.

Tricia Tillotson, 4832 Clearwater Ln., spoke against the proposed wireless meter alternative.

Lori Earnst, 1027 Shimer Court, for Dr. Anju Usman, 727 S. Loomis, spoke against the proposed wireless meter alternative.

Council discussed how the "opt out" charge of \$24.75 was determined and if charging for "opting out" is appropriate, if payment plans could be allowed for installation of the meters, meter reading procedures and frequency of reads, and that ComEd will be implementing Smart meters.

Krieger explained that meters cannot hold two months of data so monthly reads are appropriate, that the charge will be evaluated annually and that the city is not attempting to generate revenue but instead cover staff costs.

Council discussed the reliability of the pilot tests and that insufficient evidence has been presented during the pilot testing that demonstrates a risk to safety. Council said that various meetings and other communication efforts have been used to educate the residents, and stated that some Councilmen have visited residents in their homes.

Ely explained that the Public Utilities Act is very clear on how rate payers can be charged and that if Council waives the costs that are directly attributable to particular users it exposes the city to potential claims and liability.

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J1 Ordinance No. 11-144, Non-Wireless Meter Alternative (NWMA) under the Naperville Smart Grid Initiative (NSGI) Continued

ORDINANCE NO. 11-144,
NON-WIRELESS METER
ALTERNATIVE NWMA)

Wehrli moved to pass Ordinance No. 11-144, amending Title 8 (Public Utilities), Chapter 1 (Electricity), Article A (General Provisions) and Article C (Electric Service Rates) of the Naperville Municipal Code establishing a non-wireless meter Alternative (NWMA) option under the Naperville Smart Grid Initiative (NSGI). Second, Miller.

ROLL CALL:

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

Nays: Krause

Absent: Pradel

Motion declared carried.

BREAK: 9:27 p.m.
Mayor Pro Tem closed the public hearing at 9:35 p.m.

M3 Freedom Plaza, Planned Unit Development, PC 11-1-070, PC 11-1-008, PC11-1-069, PC 11-1-007

FREEDOM PLAZA,
PLANNED UNIT
DEVELOPMENT, PC 11-1-
070, PC 11-1-008, PC11-1-069,
PC 11-1-007

Wehrli opened the public hearing at 9:36 p.m.

Forystek gave a brief presentation of the development and reviewed staff recommendations.

Russ Whitaker, 23 W Jefferson #200 and Petitioner attorney, gave a brief presentation of the development.

Ari Weinberger, CLR CEO and Petitioner, gave a brief presentation of the proposed healthcare facility.

John Brining, 624 Rock Spring Road, spoke in favor of the development.

Carmela Gonzalez, 6170 S. Joliet Road #200, Countryside, spoke in favor of the development.

Tony Michelassi, 4128 Chesapeake #2C, spoke in favor of the development.

Dirk Enger, 331 Ethel Street, Winfield, spoke in favor of the development.

William Habel, 2065 Navarone Drive, spoke in favor of the development.

Steve Zach, 28W727 Leverenz, spoke in favor of the development.

Gilbert Howard, 2611 St. Albans Circle #108, spoke in favor of the development.

Cindy Parrett, 511 Aurora Avenue #506, spoke in favor of the development.

Dick Furstenau, 709 Zaininger, spoke in favor of the development.

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M3

Freedom Plaza, Planned Unit Development, PC 11-1-070, PC 11-1-008, PC11-1-069, PC 11-1-007 Continued

Council discussed the number of vacant buildings in Naperville and new construction activity. Some stated that economic development is needed and that the city should make exceptions when the project is good.

Council stated that they are in favor of creating jobs, however the Lot 3 development is not an appropriate land use for the area and that 18 months can be considered a residential use. Council suggested approving the development but phasing in the components and asked why a public relations firm was hired for the project.

Whittaker said public relations assistance was used as an effort to build grass roots support by reaching out to the local construction and building industry.

At 10:50 p.m. Krause moved to extend the meeting to 11:30 p.m. Second, Miller.

VOICE VOTE: Motion declared carried.

FREEDOM PLAZA,
PLANNED UNIT
DEVELOPMENT, PC 11-1-
070, PC 11-1-008, PC11-1-069,
PC 11-1-007

BREAK: 10:51 P.M.

Mayor Pro Tem Chirico called the meeting back to order at 10:56 p.m.

M3

Freedom Plaza, Planned Unit Development, PC 11-1-070, PC 11-1-008, PC11-1-069, PC 11-1-007 Continued

Whittaker suggested tabling the vote so the petitioner can gather information regarding financing and discuss the possible phase-in development suggestion.

Wehrli moved to close the public hearing at 10:57 p.m. Second, Hinterlong.

Wehrli moved to approve Option A to concur with staff to prepare ordinance paperwork denying the request for a major change to Lot 3 of Freedom Plaza, to rezone the subject property from ORI to OCI, establish a preliminary PUD plat, and a conditional use for a nursing home and associated deviations.

Krause made a Motion in Substitution to table M3a, b, c, e, f, and go to the November 15, 2011 meeting. Second, Chirico.

ROLL CALL:

Ayes: Krause, Miller, Chirico, Fieseler, Hinterlong

Nays: McElroy, Wehrli, Brodhead

Absent: Pradel

Motion declared carried.

FREEDOM PLAZA,
PLANNED UNIT
DEVELOPMENT, PC 11-1-
070, PC 11-1-008, PC11-1-069,
PC 11-1-007

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Freedom Plaza Planned Unit Development

- M3a Revoking portions of the Diehl Office Campus
- M3b Preliminary Plat of Subdivision to establish five legal lots-of-record and associated deviations
- M3c Preliminary Planned Unit Development Plat for Freedom Plaza Lots 1 through 4
- M3d Public hearing - vacation of right-of-way for Freedom Plaza and approve the proposed right-of-way vacation, PC 11-1-070

Full Service Hotel Text Amendment

- M3e First Reading - Full Service Hotels, PC 11-1-069

Freedom Plaza Planned Unit Developments Lots 1 and 2

- M3f Major change to Lots 1 and 2 of Freedom Plaza, establishing a preliminary PUD plat, conditional use, and associated deviations, PC 11-1-008
- M3g **CRL, LLC**
- Option A Deny the request for a major change to Lot 3 of Freedom Plaza, to rezone the subject property, establish a Preliminary PUD Plat, and a conditional use, and associated deviations
- Option B Approve the request for a major change to Lot 3 of Freedom Plaza, rezone the subject property, establish a preliminary PUD Plat, and a conditional use and associated deviations, resolve the request for a waiver from required cash donation prior to approval of final PUD plat, PC 11-1-007

O **NEW BUSINESS**

P **CLOSED SESSION:**

CLOSED SESSION

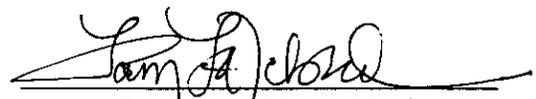
Q **ADJOURNMENT:**

ADJOURNMENT -11:24 P.M.

Wehrli moved to adjourn the Regular City Council meeting of October 4, 2011 at 11:24 p.m. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of October 4, 2011 officially adjourned at 11:24 p.m.


PAM LAFERBER PH.D.
CITY CLERK

PL: BK

