



**CITY COUNCIL MEETING OF DECEMBER 16, 2014
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
January 6, 2015 AS WRITTEN.**

CALL TO ORDER:

7:00 P.M.

- A** Mayor A. George Pradel
Councilwoman Judy Brodhead
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Doug Krause
Councilman Joe McElroy
Councilman David Wentz

Absent

Councilman Grant Wehrli

Also Present

City Manager, Doug Krieger
Deputy City Manager, Marcie Schatz
Asst. to the City Manager, Amy Emery-Graunke
Legal Director, Jill Pelka-Wilger
Asst. City Attorney, Mike DiSanto
City Clerk, Pam LaFeber
Communications Manager, Linda LaCloche
Police Chief, Robert Marshall
Animal Control Supervisor, Joanne Aul
Fire Chief, Mark Puknaitis
Director of Finance, Rachel Mayer
Director of Human Resources, James Sheehan
Director of T.E.D., Bill Novack
T.E.D. Operations Manager, Allison Laff
Transportation Team Leader, Jennifer Loudon
Director of Public Works, Dick Dublinski
Director of Public Utilities-Electric, Jim Holzapfel
Director of Public Utilities-Electric, Mark Curran
Chief Technology Officer, Chip Collins

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B **CLOSED SESSION:**

OPEN SESSION:

C **PLEDGE TO THE FLAG:**

PLEDGE GIVEN

D **AWARDS AND RECOGNITIONS:**

E **PUBLIC FORUM:**

E1 Thanks to the Naperville Police Force

H. Tom O'Hale, spoke about his pride in the Naperville Police Department.

E2 Edward Hospital Naperville Marathon

Tom Horvath, Bob Hackett, Craig Bixler, Dave Sheble, thanked the City for its support for the recent marathon/half-marathon.

F **HOLDOVER ITEMS:**

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

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

Krause moved to use the Omnibus method to approve the Consent Agenda. Second, Wentz.

VOICE VOTE: Motion declared carried.

I **CONSENT AGENDA:**

Krause moved to approve the Consent Agenda items with the exception of items I9, I10, I11 and I2. Second, Wentz.

ROLL CALL:

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

Nays: None

Absent: Wehrli

Motion declared carried.

I1 Cash Disbursements 12/03/14

Council moved to approve the 12/03/14 cash disbursements in the amount of \$42,215,481.88.

CASH DISBURSEMENTS –
12/03/14

I2 Regular City Council Minutes

Council moved to approve the Regular City Council Meeting Minutes of December 2, 2014.

REGULAR CITY COUNCIL
MINUTES

I3 Contract 09-144, Bill Print and Mail Service

Council moved to approve the award of change order #1 to Contract 09-144, bill print and mail service, to A.B. Data, Inc. for an amount not to exceed \$170,000.00 for a total two year contract award of \$790,000.00.

CONTRACT 09-144, BILL
PRINT AND MAIL
SERVICE

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- I4** Contract 09-144, Bill Print and Mail Services
Council moved to approve the award of a two year extension to Contract 09-144, bill print and mail services, to A B Data, Inc., for an amount not to exceed \$812,000.00.
- I5** Bid 15-116, Emerald Ash Borer Treatment
Council moved to approve the award of Bid 15-116, emerald ash borer treatment to The Care of Trees for treatment #1 for an amount not-to-exceed \$91,140.00 and Kinnucan Company for Treatment #2 and #3 for an amount not to exceed \$263,600.00 for a total award of \$354,740.00.
- I6** Bid 15-130, Daily Fee Machine Maintenance
Council moved to approve the award of Bid 15-130, daily fee machine maintenance, to Electronic Security Solutions, Inc., for an amount not to exceed \$184,645.00 for a three year term.
- I7** Contract 14-133, 2014 Street Patching Program
Council moved to approve the award of Change Order 1 to Contract 14-133, 2014 Street Patching Program, CIP #MP009, to Schroeder Asphalt Services for an amount of \$27,928.66 plus eight additional calendar days for a total contract amount of \$726,618.66.
- I8** Appointments to Boards and Commissions
Council moved to approve mayoral appointments of Allen F. Panek and Karen A. Swasey to the Sister Cities Commission.
- I13** 2015 Pace Express Route Service Agreements, Route 672, 673, and 675
- I13a** Resolution No. 14-044, 95th Street Park-and Ride, Route 672
Council moved to adopt Resolution No. 14-044, authorizing the City Manager to execute the Route 672 agreement with Pace to establish the City share for service from the 95th Street Park-and Ride to the Route 59 Metra Station at \$130,560.26.
- I13b** Resolution No. 14-045, Community Christian Church Park and Ride, Route 673
Council moved to adopt Resolution No. 14-045, authorizing the City Manager to execute the Route 673 agreement with Pace to establish the City share for service from the Community Christian Church Park-and-Ride to the Route 59 Metra Station at \$62,367.08.
- I13c** Resolution No. 14-046, Wheatland Salem Church Park and Ride, Route 675
Council moved to adopt Resolution No. 14-046, authorizing the City Manager to execute the Route 675 agreement with Pace to establish the City share for service from the Wheatland Salem Church Park and Ride to the Route 59 Metra Station at \$68,368.74.
- CONTRACT 09-144, BILL PRINT AND MAIL SERVICES
- BID 15-116, EMERALD ASH BORER TREATMENT
- BID 15-130, DAILY FEE MACHINE MAINTENANCE
- CONTRACT 14-133, 2014 STREET PATCHING PROGRAM
- APPOINTMENTS TO BOARDS AND COMMISSIONS
- RESOLUTION NO. 14-044, 95TH STREET PARK-AND RIDE
- RESOLUTION NO. 14-045, COMMUNITY CHRISTIAN CHURCH PARK AND RIDE, ROUTE 673
- RESOLUTION NO. 14-046, WHEATLAND SALEM CHURCH PARK AND RIDE, ROUTE 675

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- I14** Ordinance No. 14-189, Mutual Aid Box Alarm System (MABAS) Agreement
Council moved to pass Ordinance No. 14-189, authorizing an addendum to the mutual aid box alarm system (MABAS) Agreement. ORDINANCE NO. 14-189,
MUTUAL AID BOX
ALARM SYSTEM (MABAS)
AGREEMENT
- I15** Ordinance No. 14-190, Horseguards Ct., PZC 14-1-133
Council moved to pass Ordinance No. 14-190, granting a variance to Section 6-2-12:1.7 (fences) of the City of Naperville Municipal Code to construct a 4.5 foot tall open style aluminum fence along the rear property line adjacent to Hobson Road at the property located at 1208 Horseguards Court, PZC 14-1-133. ORDINANCE NO. 14-190,
HORSEGUARDS CT., PZC
14-1-133
- I16** Ordinance No. 14-191, Class S-Specialty Wine Shop
Council moved to pass Ordinance No. 14-191, amending sections 3-3-1 and 3-3-11 of the Naperville Municipal Code to permit customer seating and the service of up to 12 ounces of wine under the Class S liquor license classification. ORDINANCE NO. 14-191,
CLASS S-SPECIALTY WINE
SHOP
- I17** Ordinance No. 14-192, Embassy Suites' Manager's Reception
Council moved to pass Ordinance No. 14-192, amending Section 3-3-11:18 of the Naperville Municipal Code to permit the service of spirits under the Class Q liquor license classification. ORDINANCE NO. 14-192,
EMBASSY SUITES'
MANAGER'S RECEPTION
-
- I19** Ordinance No. 14-193, Construction Hours, PZC 14-1-141
Dick Furstenau (Naperville), spoke against the proposed amendment as presented. ORDINANCE NO. 14-193,
CONSTRUCTION HOURS,
PZC 14-1-141
- Novack explained how work is done in construction areas, where it may be appropriate to permit nighttime construction hours, and that staff supports granting the City Manager administrative authority to review and approve such requests on a case-by-case basis.
- Council discussed the need to be updated of City Manager approvals.
- Chirico moved to waive the first reading and pass Ordinance No. 14-141, amending Title 6 regarding construction hours and administrative approval authority. Second, Hinterlong.
- ROLL CALL:**
- Ayes:** Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy,
 Wentz, Pradel
- Absent:** Wehrli
- Motion declared carried.

Clerk's Note: Due to a conflict of interest, Krause recused himself and left the dais at 7:20 p.m.

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I10 Ordinance No. 14-194, Wisdom Path Resubdivision, PZC 14-1-119
Chirico moved to pass Ordinance No. 14-194, approving the preliminary/final plat of subdivision for Wisdom Path Resubdivision (605 and 615 S. Washington), PZC 14-1-119. Second, Hinterlong.

ORDINANCE NO. 14-194,
WISDOM PATH
RESUBDIVISION, PZC 14-1-
119

ROLL CALL:

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

Nays: None

Recused: Krause

Absent: Wehrli

Motion declared carried.

Clerk's Note: Krause returned to the dais at 7:21 p.m.

I11 Ordinance No. 14-195, 140 W. 5th Avenue, PZC 14-1-128

ORDINANCE NO. 14-195,
140 W. 5TH AVENUE, PZC
14-1-128

Chirico moved to pass Ordinance No. 14-195, granting a variance to Section 6-6b-7:1 (R1b medium density single-family residence district: yard requirements) and a deviation to Section 7-1-13 (platted setbacks and building lines) for the property located at 836 N. Main Street, PZC 14-1-128. Second, Hinterlong.

ROLL CALL:

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

Nays: None

Absent: Wehrli

Motion declared carried.

I12 Art Van Furniture, (404 S. Route 59), PZC 14-1-124

ART VAN FURNITURE,
(404 S. ROUTE 59), PZC 14-
1-124

Chirico moved to pass the ordinance granting a variance from Section 5-4-5:1 (commercial signs, wall signs) of the Naperville Municipal Code in order to install a total of 330 square feet of wall signage on the west façade of the building located at 404 S. Route 59, PZC 14-1-124. Second, Krause.

ROLL CALL:

Ayes: Krause, Pradel, Chirico, Fieseler

Nays: Hinterlong, McElroy, Wentz, Brodhead

Absent: Wehrli

Motion declared **not** carried.

Laff explained that the Petitioner must go through Plan Commission process again in order for it to be presented to Council in the future.

J **OLD BUSINESS:**

K **AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:**



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K1 Contract 06-106, Microsoft Office Enterprise Agreement

**CONTRACT 06-106,
MICROSOFT OFFICE
ENTERPRISE AGREEMENT**

Collins explained that City applications will be supported by the subject Microsoft Enterprise Agreement, that the number of City applications will be greatly reduced, and that approximately \$64,000 will be saved annually by reducing the duplicative coverage.

Chirico moved to approve the award of the third three-year extension of Contract 06-106, Microsoft Office Enterprise Agreement-Component Level D, to CDW-G, through a State of Illinois Cooperative Contract for an amount not to exceed \$1,025,938.56. Second, Wentz.

ROLL CALL:

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

Nays: None

Absent: Wehrli

Motion declared carried.

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

**CITY COUNCIL MEETING
SCHEDULE**

Chirico moved to approve the City Council meeting schedule for January, February and March 2015. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

L2 Special Events Coordinator Position

**SPECIAL EVENTS
COORDINATOR POSITION**

Chirico moved to concur with the City Manager recommendation to increase by .166 FTE (Special Events Coordinator) in the City Clerk's Office. Second, Hinterlong.

ROLL CALL:

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

Nays: None

Absent: Wehrli

Motion declared carried.

M **PUBLIC HEARINGS:**

N **ORDINANCES AND RESOLUTION:**

N1 Pet License Registration Requirements and Animal Fees

**PET LICENSE
REGISTRATION
REQUIREMENTS AND
ANIMAL FEES**

Council discussed chip devices, the cost of a license, the future of an online application, and how registration would affect boarding costs.

Aul responded that often times pets are picked up and returned. In those situations no boarding costs are incurred.

First reading held.



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N2 Pharmacy Liquor License

Patrick Skarr (Petitioner), stated that 80% of Walgreen's nationally sell alcohol and that staff will periodically check the parking lots for consumption.

Council discussed public's support of selling liquor in downtown store, the Sunset application, future plans for other establishments to sell liquor in the downtown.

N2a Ordinance No. 14-196, establish a pharmacy liquor license classification

Chirico moved to pass Ordinance No. 14-196, amending Title 3, Chapter 3 of the Naperville Municipal Code to establish a pharmacy liquor license classification. Second, Brodhead.

ORDINANCE NO. 14-196,
ESTABLISH A PHARMACY
LIQUOR LICENSE
CLASSIFICATION

ROLL CALL:

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

Nays: Krause

Absent: Wehrli

Motion declared carried.

Clerk's Note: Due to a conflict of interest, Fieseler recused himself and left the dais at 7:39 p.m.

N2b Ordinance No. 14-197, prohibit package sale of alcohol within the Downtown

Council discussed how downtown has changed over the years, the need to respect the recommendations from the sub-committee and the Liquor Commission, and that the recent issues in the downtown are not the result of package stores.

Chirico moved to pass Ordinance No. 14-197, amending Section 3-3-17 of the Naperville Municipal Code to prohibit the package sale of alcohol within the Downtown, exempting liquor license holders currently licensed to sell package alcohol. Second, Wentz.

ORDINANCE NO. 14-197,
PROHIBIT PACKAGE SALE
OF ALCOHOL WITHIN THE
DOWNTOWN

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Krause, McElroy, Wentz

Nays: Hinterlong

Recused: Fieseler

Absent: Wehrli

Motion declared carried.

Clerk's Note: Fieseler returned to the dais at 7:56 p.m.

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N3

Ordinance No. 14-198, Late Night

Krause moved to conduct the first reading and pass Ordinance No. 14-198, amending Section 3-3-13:7.2 of the Naperville Municipal Code increasing the limit for late night permits located in the downtown from eighteen (18) to nineteen (19). Second, Wentz.

ROLL CALL:

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

Nays: None

Absent: Wehrli

Motion declared carried.

ORDINANCE NO. 14-198,
LATE NIGHT PERMIT

N4

North Downtown Special Planning Area Overlay District, PZC 14-1-125

Laff explained that the overlay district will be applicable to each property located within the North Downtown Special Planning Area and is intended to prohibit development (use, height, etc.) which is considered inappropriate given the recommendations in *Naperville Downtown 2030*. She stated that the property owner's proposal to construct a new single-family home is permitted by right based on the property's existing R2 zoning, however a variance was needed in order to construct a front porch within the required front yard setback.

Laff explained that the required notice provisions had been met and that signs are not required on the property. Specifically she stated that staffed posted the notice in the paper three times and that property owners spoke at commission meetings. There was also significant discussion about the North Downtown Plan and Council direction and refinement about the development.

Council discussed the proper use of this area, housing in the downtown, commercial use, the need for a change, restricting the location of restaurants, the burden should not be placed on the homeowner, and postponing approval until after the next Downtown Advisory Commission (DAC) meeting.

Laff stated that only tear downs or significant additions will prompt people into the process, that restaurants located in areas other than Washington Street would introduce noise, traffic, and smell in areas too close to residents.

Council stated that the recent DAC minutes are very detailed and that the ultimate land use should be mostly residential with service commercial.

First reading held.

NORTH DOWNTOWN
SPECIAL PLANNING AREA
OVERLAY DISTRICT, PZC
14-1-125

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N5 TU (Transitional Use District), PZC 14-1-131

TU (TRANSITIONAL USE DISTRICT), PZC 14-1-131

Council discussed the mix of commercial and residential, the definition of TU, the city-wide application of TU, whether notifications were given to owners of home/office conversions, required hours of operation, and parking lots.

Laff explained that Code does not regulate hours of operation in any zoning district, clarified what is allowed in TU now and what is proposed, and that the reference to a "live-work unit" has been removed.

First reading held.

N6 B5 Amendments, PZC 14-1-126

B5 AMENDMENTS, PZC 14-1-126

First reading held.

O **NEW BUSINESS**

O1 Unincorporated Addresses

Hinterlong asked how many unincorporated addresses are part of the City.

Novack will check against Geographic Information Systems (GIS) and provide a report.

O2 Possible Street Light Outage

Kräuse observed drivers not obeying the rapid flashing beacon light at the intersection of Gartner and Catulpa and asked if the street light was not working.

Novack explained that walk signals are activated by pedestrians, not traffic, and that he will have the street light inspected.

O3 Adopt a Highway

Wentz asked about involving the community to help keep Rt. 59 between 95th Street and 111th Street clean.

Dublinski explained that the City has had an Adopt a Highway program since 1998, that Code Enforcement will assist with debris pick up, that Rt. 59 is not owned by the City, and that a permit will need to be issued by the State of Illinois. He also stated that a littering fine can be levied for between \$100-\$500.

Novack stated that a group will need to come forward and request to adopt that section of Rt. 59 and the City can work with the State of Illinois to obtain a permit.

O4 City Staffing Level

McElroy asked how current staff levels compare to three years ago.

Krieger stated that annual totals will be presented to Council in an upcoming Manager's Memorandum.



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P CLOSED SESSION:

Q ADJOURNMENT:

ADJOURNMENT

Hinterlong moved to adjourn the Regular City Council meeting of December 16, 2014 at 8:50 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of December 16, 2014 officially adjourned at 8:50 p.m.



PAMILA FEBER
CITY CLERK

PL:bk



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