



**CITY COUNCIL MEETING OF DECEMBER 19, 2011
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
January 17, 2012 AS WRITTEN.**

CALL TO ORDER:

6:00 P.M.

A Mayor A. George Pradel
Councilman Judy Brodhead
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

None

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
City Clerk, Pam LaFeber
City Attorney, Margo Ely
Deputy Fire Chief, Rick Sander
Police Chief, David E. Dial
Finance Director, Karen DeAngelis
T.E.D. Business Group Director, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Development Services Team Leader, John Rutkowski
Director of Public Works, Dick Dublinski
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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| I2 | <u>Regular City Council Meeting Minutes of December 6, 2011</u>
Council moved to approve the Regular City Council Meeting Minutes of December 6, 2011. | REGULAR CITY COUNCIL
MEETING MINUTES-12-6-11 |
| I3 | <u>Contract 10-175, Northwest and South Wastewater Pump Stations Flow Metering additions</u>
Council moved to approve the award of utility-funded Change Order to Contract 10-175, Northwest and South Wastewater Pump Stations Flow Metering Additions, to Dahme Mechanical Industries for an amount of \$13,516.12. | CONTRACT 10-175,
NORTHWEST AND SOUTH
WASTEWATER PUMP
STATIONS FLOW
METERING ADDITIONS |
| I4 | <u>Contract 06-106, Microsoft Office Enterprise Agreement</u>
Council moved to approve the three-year extension of Contract 06-106, Microsoft Enterprise Agreement-Component Level D, to CDW-G, for an amount not to exceed \$522,436.00. | CONTRACT 06-106,
MICROSOFT OFFICE
ENTERPRISE AGREEMENT |
| I5 | <u>Contract 10-130, Installation of Underground Electrical Facilities</u>
Council moved to approve the award of the utility-funded second option year extending Contract 10-130, installation of underground electrical facilities, to Meade Electric Company, Inc., for an amount not to exceed \$980,000.00 plus a 3% contingency. | CONTRACT 10-130,
INSTALLATION OF
UNDERGROUND
ELECTRICAL FACILITIES |
| I6 | <u>Appointment to a Board or Commission</u>
Council moved to approve the Mayoral appointment to the Transportation Advisory Board. | APPOINTMENT TO A
BOARD OR COMMISSION |
| I7 | <u>Downtown Parking Fee-In-Lieu Request for 121 S. Webster</u>
Council moved to approve a parking fee-in-lieu request for 121 S. Webster and direct staff to prepare the related ordinances to expand SSA 21. | DOWNTOWN PARKING
FEE-IN-LIEU REQUEST FOR
121 S. WEBSTER |
| I8 | <u>Public Street Light Improvements – Ashwood Park North – Phase I Subdivision</u>
Council moved to accept the public street light improvements in the Ashwood Park North – Phase I Subdivision and authorize the City Clerk to reduce the corresponding public improvement surety. | PUBLIC STREET LIGHT
IMPROVEMENTS –
ASHWOOD PARK NORTH –
PHASE I SUBDIVISION |
| I9 | <u>Resolution No. 11-061, Regional Household Hazardous Waste Facility</u>
Council moved to adopt Resolution No. 11-061, authorizing the City Manager to execute the first amendment to the Intergovernmental Agreement between the City of Naperville and DuPage County for the operation of the regional Household Hazardous Waste Facility. | RESOLUTION NO. 11-061,
REGIONAL HOUSEHOLD
HAZARDOUS WASTE
FACILITY |
| I11 | <u>Ordinance No. 11-174, Emergency Reserve Policy</u>
Council moved to pass Ordinance No. 11-174, adopting the revised Emergency Reserve Policy. | ORDINANCE NO. 11-174,
EMERGENCY RESERVE
POLICY |



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| I12 | <u>Ordinance No. 11-175, Investment and Cash Management Policy</u>
Council moved to pass Ordinance No. 11-175, approving a revision to the Investment and Cash Management Policy. | ORDINANCE NO. 11-175,
INVESTMENT AND CASH
MANAGEMENT POLICY |
| I13 | <u>Ordinance No. 11-176, Phoenix Restaurant at Design Pointe, PC 11-1-152</u>
Council moved to pass Ordinance No. 11-176, approving a major change to the Design Pointe PUD granting a deviation to Section 6-9-3 (off-street parking) to reduce the required parking supply by 42 spaces in order to accommodate a new restaurant use and allow future tenants with parking requirement of 5 spaces (1,000 square feet) to occupancy vacant space without further deviation. | ORDINANCE NO. 11-176,
PHOENIX RESTAURANT AT
DESIGN POINTE, PC 11-1-152 |
| I14 | <u>Ordinance No. 11-177, Panda Express, PZC 11-1-122</u>
Council moved to pass Ordinance No. 11-177, approving a variance from Section 6-2-14 (major arterial setback requirements) of the Naperville Municipal Code for the property at 1125 E. Ogden Avenue. | ORDINANCE NO. 11-177,
PANDA EXPRESS, PZC 11-1-
122 |
| I15 | <u>Ordinance No. 11-178, Illinois Revenue Bonds (Saint Patrick's Residence Project), Series 1997</u>
Council moved to pass Ordinance No. 11-178, authorizing the execution of the third amendment to the Saint Patrick's Loan Agreement dated as of October 31, 2011. | ORDINANCE NO. 11-178,
ILLINOIS REVENUE BONDS
(SAINT PATRICK'S
RESIDENCE PROJECT),
SERIES 1997 |
| I17 | <u>Ordinance No. 11-179, B4 and B5 Zoning District Text Amendments (PC 11-1-123)</u>
Council moved to pass Ordinance No. 11-179, approving amendments to the B4 (Downtown Core) and B5 (Secondary Commercial) Zoning Districts of Title 6 (Zoning Regulations) of the Municipal Code in accordance with recommendations included in the Naperville Downtown 2030 Plan. | ORDINANCE NO. 11-179, B4
AND B5 ZONING DISTRICT
PC 11-1-123 |
| I18 | <u>Zoning Map Amendment and B5 Rezonings (PC 11-1-124)</u> | |
| I18a | <u>Ordinance No. 11-180, Zoning Map amendment</u>
Council moved to pass Ordinance No. 11-180, approving a zoning map amendment. | ORDINANCE NO. 11-180,
ZONING MAP AMENDMENT |
| I18b | <u>Ordinance No. 11-181, Rezoning certain properties from B5 to B1</u>
Council moved to pass Ordinance No. 11-181, approving rezoning of certain properties from B5 (secondary commercial) to B1 (neighborhood commercial) in accordance with the 5 th Avenue Study. | ORDINANCE NO. 11-181,
REZONING FROM B5 TO B1 |
| I18c | <u>Ordinance No. 11-182, Rezoning certain properties from B5 to B4</u>
Council moved to pass Ordinance No. 11-182, approving rezoning certain properties from B5 (secondary commercial) to B4 (downtown core) in accordance with recommendations from Naperville Downtown 2030. | ORDINANCE NO. 11-182,
REZONING B5 TO B4 |

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- I19** Resolution No. 11-062, MAP #582 (Collective Bargaining Agreement) RESOLUTION NO. 11-062, MAP #582 (COLLECTIVE BARGAINING AGREEMENT)
- Council moved to adopt Resolution No. 11-062, authorizing execution of a collective bargaining agreement between the City of Naperville and MAP #582.
- I20** Loaves and Fishes PY 2011 Community Development Block Grant Funds LOAVES & FISHES – COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
- Council moved to approve a \$148,627.00 payment to Loaves and Fishes and direct staff to reprogram the corresponding Program Year 2011 Community Development Block Grant funds.
- I21** Ordinance No. 11-183, Cost Sharing Agreement –Construction of Public Water and Sanitary Sewer Improvements ORDINANCE NO. 11-183, PUBLIC WATER & SANITARY SEWER IMPROVEMENTS
- Council moved to pass Ordinance No. 11-183, approving a first amendment to a cost sharing agreement between the City of Naperville and Robert and Laura Welch for 50% of the actual construction to construct public water and sanitary sewer improvements not to exceed \$72,812.82.
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- I10** Ordinance No. 11-184, Siebert's Woodlawn Avenue Subdivision ORDINANCE NO. 11-184, SIEBERT'S WOODLAWN AVENUE SUBDIVISION
- Diane Gaspak, 734 Woodlawn, asked for the lot dimensions.
- Laff answered that Lot 1 is 95' wide and the lot adjacent is approximately 85' wide. She said the lot will look and function the same as it does today.
- Hinterlong moved to pass Ordinance No. 11-184, approving the preliminary/final plat for Siebert's Woodlawn Avenue Subdivision (716 Woodlawn Avenue), PST 11-1-112. Second, Wehrl.
- ROLL CALL:**
- Ayes:** Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrl, Pradel
- Nays:** None
- Motion declared carried.
- I16** Planned Unit Development, PC 11-1-070, PC 11-1-008, PC 11-1-069, and PC 11-1-007 FREEDOM PLAZA PLANNED UNIT DEVELOPMENT
- Miller moved to use the Omnibus method for items I16a, b, c, e, and f. Second, Krause.
- VOICE VOTE:** Motion declared carried.
- Miller moved to pass Ordinance No.'s 11-185, 11-186, 11-187, 11-189, 11-190. Second, Krause.
- ROLL CALL:**
- Ayes:** Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrl, Pradel, Brodhead
- Nays:** None
- Motion declared carried.
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- I16a** Ordinance No. 11-185, Revoking portions of the Diehl Office Campus Planned Unit Development ORDINANCE NO. 11-185, REVOKING PORTIONS OF DIEHL OFFICE CAMPUS PUD
Council moved to pass Ordinance No. 11-185, revoking portions of the Diehl Office Campus planned unit development.
- I16b** Ordinance No. 11-186, preliminary plat of subdivision ORDINANCE NO. 11-186, PRELIMINARY PLAT OF SUBDIVISION
Council moved to pass ordinance No. 11-186, approving a preliminary plat of subdivision to establish five legal lots-of-record and associated deviations subject to conditions.
- I16c** Ordinance No. 11-187, conditional use to establish a preliminary planned unit development and preliminary planned unit development plat for Freedom Plaza ORDINANCE NO. 11-187, PRELIMINARY PUD – FREEDOM PLAZA
Council moved to pass Ordinance No. 11-187, approving a conditional use to establish a preliminary planned unit development and preliminary planned unit development plat for Freedom Plaza for subject to conditions.
- I16e** Ordinance No. 11-189, Amending Title 6 (Zoning Regulations) pertaining to Full-Service Hotels, PC 11-1-069 ORDINANCE NO. 11-189, FULL SERVICE HOTELS
Council moved to pass Ordinance No. 11-189, amending Title 6 (Zoning Regulations) of the Naperville Municipal Code pertaining to Full Service Hotels, PC 11-1-069.
- I16f** Ordinance No. 11-190, Major Change to Lots 1 and 2 of Freedom Plaza Planned Unit Development, PC 11-1-008 ORDINANCE NO. 11-190, LOTS 1 & 2 – FREEDOM PLAZA
Council moved to pass Ordinance No. 11-190, approving a major change to Lots 1 and 2 of Freedom Plaza planned unit development, to establish a preliminary PUD plat, a conditional use for a full service hotel and restaurant as part of a campus setting and deviations subject to conditions, PC 11-1-008.
- I16d** Ordinance No. 11-188, Proposed Right-of-Way Vacation, PC 11-1-070 ORDINANCE NO. 11-188, RIGHT-OF-WAY VACATION
Miller moved to pass Ordinance No. 11-188, approving the proposed right-of-way vacation subject to conditions, PC 11-11-070. Second, Krause.

ROLL CALL:

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

Nays: Wehrl

Motion declared carried.

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J OLD BUSINESS:

J1 Recruit externally and fill vacancy for Assistant to the City Manager

Wehrli moved to authorize the City Manager to recruit externally and fill the vacancy for an Assistant to the City Manager. Second, Chirico.

ROLL CALL:

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

Nays: None

Motion declared carried.

J2 Ordinance No. 11-, Redefining Class B-Restaurant and Tavern Definition

First Reading held.

ORDINANCE NO. 11-,
REDEFINING CLASS B-
RESTAURANT AND
TAVERN DEFINITION

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

Wehrli moved to approve the City Council Meeting Schedule for January, February and March 2012. Second, Miller.

Miller made a Motion in Substitution to move the March 20 meeting to March 19. Second, Krause.

ROLL CALL:

Ayes: Krause, Miller, Fieseler

Nays: McElroy, Wehrli, Pradel, Brodhead, Chirico, Hinterlong

Motion declared not carried.

ROLL CALL on Main Motion:

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

Nays: None

Motion declared carried.

CITY COUNCIL MEETING
SCHEDULE

L2 Recruit Externally Property Room Supervisor – Police Department

Wehrli moved to grant approval to recruit externally and fill one vacant part-time Property Room Supervisor position in the Police Department. Second, Chirico.

ROLL CALL:

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

Nays: None

Motion declared carried.

NPD – PROPERTY ROOM
SUPERVISOR

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- L3** Rehire Police Officer from the Lay-off Rehire Eligibility List REHIRE POLICE OFFICER
- Wehrli moved to authorize the City Manager to re-hire one police officer from the lay-off rehire eligibility list. Second, Chirico.
- ROLL CALL:**
- Ayes:** Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli
- Nays:** None
- Motion declared carried.
- L4** Hire Customer Care Specialist CUSTOMER CARE SPECIALIST
- Wehrli moved to authorize the City Manager to hire a part-time Customer Care Specialist. Second, Chirico.
- ROLL CALL:**
- Ayes:** Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli, Pradel
- Nays:** None
- Motion declared carried.
- M** **PUBLIC HEARINGS:**
- M1** Islamic Center of Naperville, PC 11-1-128 ISLAMIC CENTER OF NAPERVILLE, PC 11-1-128
- M1a** Public Hearing – annexation agreement for the Islamic Center of Naperville PUBLIC HEARING
- Pradel opened the public hearing at 7:48 p.m.
- Len Monson, Petitioner’s Attorney 552 S. Washington, reviewed the development project and reiterated that the current request is for annexation only and that depending on congregation growth, the property may not be developed for many years.
- Christopher Benvau, 3620 Hector Lane, asked to table the deliberation until January.
- Jeremy Sentman, 3512 Redwing and Tall Grass community representative, presented the worst case development scenario, asked that those conditions be considered now instead of as a conditional use.
- Council discussed existing landscape options and that development will be limited if strict parameters are set now without knowing what landscape improvements will be introduced in the future.
- Laff explained that a conditional use is required in order to ensure that use will operate in harmony with neighborhood. She said that the city does not know what conditions should be in place now when the land may not be developed for years. She concluded by stating that all proposals will be vetted in the public hearing process.
- Hale Landes, 2803 Breckenridge, spoke in favor of the annexation.
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M1a Public Hearing – annexation agreement for the Islamic Center of Naperville Continued PUBLIC HEARING

Tim Rhodes, 1918 Coach, spoke in favor of the annexation.

Monson stated the petitioner is not in favor of additional approval delays and agrees to work with residents when landscaping options are brought forward.

Dave Prokop, 3727 Mistflower, asked about property maintenance and agricultural use.

Laff stated that agriculture uses are not permitted with residential zoning and that grass height must be maintained by the owner.

Augusto Aguayo, Lapp Lane, opposed how the development was presented in the paper.

Chirico moved to close the public hearing at 8:31 p.m. Second, Wehrli.

VOICE VOTE: Motion declared carried.

Wehrli moved to use the Omnibus method to approve items M1 b, c, d, and e. Second, Krause.

VOICE VOTE: Motion declared carried.

Chirico moved to pass Ordinance No's 11-191, 11-192, 11-193, 11-194. Second, Wehrli.

ROLL CALL:

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

Nays: None

 Motion declared carried.

M1b Ordinance No. 11-191, annexation agreement – Islamic Center of Naperville ORDINANCE NO. 11-191,
ANNEXATION AGREEMENT

Council moved to pass Ordinance No. 11-191, authorizing execution of the annexation agreement for Islamic Center, PC 11-1-128.

M1c Ordinance No. 11-192, annexing Islamic Center of Naperville ORDINANCE NO. 11-192,
ANNEXING

Council moved to waive first reading and pass Ordinance No. 11-192, annexing the Islamic Center of Naperville, PC 11-1-128.

M1d Ordinance No. 11-193, zone subject property to R1 ORDINANCE NO. 11-193,
ZONING

Council moved to pass Ordinance No. 11-193, to zone Islamic Center of Naperville to R1 (Low Density Single-Family Residence District) upon annexation.

M1e Ordinance No. 11-194, preliminary/final plat of subdivision ORDINANCE NO. 11-194,
PRELIMINARY/FINAL PLAT
OF SUBDIVISION

Council moved to pass Ordinance No. 11-194, approving a preliminary/final plat of subdivision for Islamic Center of Naperville, PC 11-1-128.

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N ORDINANCES AND RESOLUTIONS:

N1 PUAB to Hear Certain Privacy Complaints

**PUAB – HEAR CERTAIN
PRIVACY COMPLAINTS**

Tom Glass, 1304 Old Dominion, spoke against the proposed members of the advisory board and asked how the city can place a new meter on residences.

Ely stated that the Mayor and Council decide who should be on advisory boards and that all board recommendations are reviewed by Council. She also explained that the city is upgrading the utility system and switching the meter.

John Krummen, 2604 Haddassah, spoke in favor of the Smart meter initiative.

Chuck Schlabach, 809 Ramsgate Court, spoke in favor of the Smart meter initiative.

Council discussed the proposed framework to resolve privacy complaints, revisions to the ordinance, holding hearings in a closed session, and the appropriate number of members for a hearing panel.

First Reading held.

O NEW BUSINESS

P CLOSED SESSION:

CLOSED SESSION

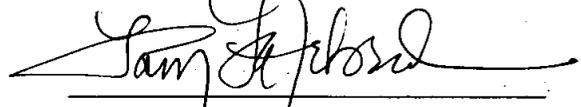
Q ADJOURNMENT:

ADJOURNMENT – 8:32 P.M.

Wehrli moved to adjourn the Regular City Council meeting of December 19, 2011 at 8:32 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of December 19, 2011 officially adjourned at 8:32 p.m.


PAM LAFERBER PH.D.
CITY CLERK

PL: BK

