



**CITY COUNCIL MEETING OF JANUARY 19, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
February 3, 2010 AS WRITTEN.**

CALL TO ORDER:

7:02 P.M.

- A** Mayor A. George Pradel
Councilman James Boyajian
Councilman Judy Brodhead
Councilman Robert Fieseler
Councilman Richard R. Furstenau
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
Records Management Team Leader, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Director of Public Utilities, Allan Poole
Director of Public Works, David Van Vooren
Information Technology Dept. Team Leader, Larry Gunderson
Director of T.E.D. Business Group, Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Engineering Team Leader, Bill Novack
T.E.D. Transportation Team Leader, Karyn Robles
T.E.D. Development Team Leader, Dick Dublinski

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink is located at the bottom left of the page. The signature is stylized and appears to be the initials 'JP'.

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B. CLOSED SESSION

OPEN SESSION

C. PLEDGE TO THE FLAG:

D AWARDS AND RECOGNITIONS:

D1 January Employee of the Month

**EMPLOYEE OF THE
MONTH - JANUARY**

Councilman Miller recognized Jim Steffen as January's Employee of the Month.

E PUBLIC FORUM:

E1 Police Layoffs & Position Cuts

Tamara Cummings, 5600 S. Wolf Road #120, Western Springs, attorney for the Fraternal Order of Police (FOP), discussed the lay-offs of Naperville officers and several civilian employees over the past two years, and stated that the cut backs will affect public safety. She stated that the union was not asked to participate in discussions about finding solutions for the budget shortfall and that municipalities less affluent than Naperville have found ways to avoid lay-offs.

Kathy Wrobel, 290 Cassin Road, believes that the safety of the community is at risk because of the recent lay-offs and urged the Council to keep the police department properly staffed.

Krieger clarified that of the 12 officer positions that were eliminated ten were vacant and that public input was gathered via the Council.

Lisa Grek, 1210 Oakton, asked Council to reconsider their decision to eliminate officers and increase staff to the level recommended by the FBI.

John Driscoll, 1240 Marls Court, stated that in times of economic downturn crime rate increases and urged Council to reconsider their decisions to close the front desk during certain hours and to reduce staffing.

Robert Provancher, Sr., 481 Stillwater Court, reviewed the hiring timeline of the two eliminated officer positions and estimated the cost to hire, train and outfit the officers and asked why two officers were needed last year but not now.

William Kuta, 435 West Glen Drive, stated that the Council has lost sight of the true mission of government, asked if they have exhausted all solutions to close the budget gap, and to put themselves in need of emergency assistance.

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E1 Police Layoffs & Position Cuts Continued

Vince Clark, 1113 E. Ogden and President of the Fraternal Order of Police Lodge #42, wants to educate the public on priorities, discussed the recent ads published by the FOP, explained that the FBI recommends 2.3 officers/1,000 residents, that the city is stating that the ratio should be 1.8/1,000 but the actual ratio is 1.1 and this number does not include the individuals that work or pass through Naperville. He discussed the amount of money spent on the two recruits and how another municipality will not have to pay for the training that Naperville provided. He stated that all three divisions of the police department are nationally accredited and that loss of manpower will affect the respect that the department has earned.

Council asked how the current negotiations are proceeding, if the FOP is agreeing with what the city has proposed, urged the union to begin working with the city, and not to mislead the public with statistics.

Clark stated that decisions are still pending from the most recent meeting, that the parties have agreed on several issues up to this point, and that the FOP has several suggestions to raise revenue.

Council questioned if the crime rate of Naperville dictates a smaller police force, stated that relying on a statistic to determine staffing is archaic, and that because of the officers' hard work and dedication Naperville can be protected with a lesser number.

Michael Caruso, 1163 E. Ogden and Vice President of the FOP, agrees with Chief Dial's article stating that Naperville has always been proactive and that the recent position eliminations will cause the police department to be reactive.

Daniel Fisher, 1163 E. Ogden, announced the new hours of the police front desk which start in April, stated that nights and weekends are busy hours, and that closing the desk is a short-term solution for a long-term problem. He gave examples of services that will not be met because of the closure and urged Council to reconsider the decision to eliminate officers.

Jeffrey Havel, 725 N. Center, stated that he would pay more in property taxes to keep the level of service the same because property taxes are deductible. He also stated that he moved back to Naperville because of the level of service.

Council volunteered to meet with Clark and Caruso to discuss revenue suggestions and urged them to come prepared to discuss methods to control costs.

Dial explained how the statistics are generated by FBI and that generally western states have lower ratios and the number increases through the Midwest and to the east. He stated that the statistics don't include crime rates and demographics. Dial also stated that no positions were eliminated in the patrol division and that the front desk will be closed during certain hours.



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E1 Police Layoffs & Position Cuts Continued

Council stated that eliminating positions is difficult and that they would not have supported the decision if it affected safety, that all departments will need to become reactive, that the budget gap cannot be solved with revenue alone and that sales tax cannot be added because the public won't allow it.

Krieger stated the city adhered to the FOP's 15-day notice requirement for position terminations.

Mayor thanked the FOP for being in attendance and urged them to talk to the city manager or any member of Council about ways to cut costs or raise revenue.

E2 Wildlife Issue

Chris Martin, 728 Clovetree Court, stated that she is proud of the police department and urges Council to not lower staffing. She discussed the presence of a coyote on her property and asked Council to help because she is concerned about safety.

Mary Gorecki, 737 Clovetree Court, explained that three coyotes came after her dog and that over the years she has called the city with concerns about safety.

BREAK: 8:26 P.M.

Mayor Pradel called the meeting back to order at 8:39 p.m.

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, Krause.

VOICE VOTE: Motion declared carried.

I **CONSENT AGENDA:**

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

ROLL CALL:

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

Nays: None
 Motion declared carried.

II Cash Disbursements – 12/22/09

Council moved to approve the cash disbursements for 12/22/09 in the amount of \$15,886,533.20.

**CASH DISBURSEMENTS –
12/22/09**

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- | | | |
|------|---|---|
| I2 | <u>Cash Disbursements – 01/06/10</u>
Council moved to approve the cash disbursements for 1/6/10 in the amount of \$6,893,175.52. | CASH DISBURSEMENTS –
01/06/10 |
| I3 | <u>Regular City Council Meeting Minutes of December 15, 2009</u>
Council moved to approve the Regular City Council Meeting Minutes of December 15, 2009 | REGULAR CITY COUNCIL
MEETING MINUTES –
12/15/09 |
| I4 | <u>Extension to Contract 07-158, Multi-Functional Copiers – Phase IV</u>
Council moved to approve the extension of Contract 07-158, multi-functional copiers – Phase IV to IKON Office Solutions for an amount not to exceed \$32,368.08 (\$8,092.02/per year) for the next four years. | TO CONTRACT 07-158,
MULTI-FUNCTIONAL
COPIERS – PHASE IV |
| I5 | <u>Bid 10-131, Disposal of Retired Transformers</u>
Council moved to approve the award of Bid 10-131, disposal of retired transformers to B&B Transformer, Inc., for the unit sale price of \$5.23 per KVA. | BID 10-131, DISPOSAL OF
RETIRED
TRANSFORMERS |
| I6 | <u>RFP 10-082, Naperville Asset Management System (NAMS)</u>
Council moved to approve the award of RFP 10-082, Naperville Asset Management System (NAMS) to Woolpert, Inc. for an amount of \$149,728.00. | RFP 10-082, NAPERVILLE
ASSET MANAGEMENT
SYSTEM (NAMS) |
| I7 | <u>Bid 10-116, Liquid Cationic Emulsion Polymer</u>
Council moved to approve the award of Bid 10-116, liquid cationic emulsion polymer, to Polydyne, Inc., for an amount not to exceed \$299,183.68 for the 28-month contract period. | BID 10-116, LIQUID
CATIONIC EMULSION
POLYMER |
| I8 | <u>Bid 10-132, Naper Settlement Pre-Emption House HVAC Phase IV</u>
Council moved to approve the award of Bid 10-132, Naper Settlement Pre-Emption House HVAC Phase IV, to Amber Mechanical Contractors, Inc., for an amount not to exceed \$173,520.00, plus a 5% contingency. | BID 10-132, NAPER
SETTLEMENT PRE-
EMPTION HOUSE HVAC
PHASE IV |
| I10 | <u>Resolution No. 10-001, Dental Roots, ZBA Case #09-1-184</u>
Council moved to adopt Resolution No. 10-001, granting two variances from Section 5-4-5:3.2 (commercial signs, awnings and canopy signs) of the Naperville Municipal Code to increase the allowed signage on two awnings from 12 square feet (per elevation) to 27.1 square feet (per elevation) for Dental Roots, 4015 Plainfield/Naperville road, Unit #106 – ZBA Case #09-1-184. | RESOLUTION NO. 10-001,
DENTAL ROOTS, ZBA
CASE #09-1-184 |
| I11 | <u>Grant Agreements between the Illinois Emergency Management Agency and the City of Naperville</u> | |
| I11a | <u>Resolution No. 10-002, grant agreement between the Illinois Emergency Management Agency and the City of Naperville for the 2010 Emergency Management Performance Grant</u>
Council moved to adopt Resolution No. 10-002, authorizing the grant agreement between the Illinois Emergency Management Agency and the City of Naperville for the 2010 Emergency Management Performance Grant for the amount of \$43,264.19. | RESOLUTION NO. 10-002,
2010 EMERGENCY
MANAGEMENT
PERFORMANCE GRANT |



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- I11b** Resolution No. 10-003, Citizen Corps Grant Agreement
Council moved to adopt Resolution No. 10-003, authorizing the Citizen Corps grant agreement between the Illinois Emergency Management Agency and the City of Naperville for the amount of \$5,500.00.
- I12** Resolution No. 10-004, Regional Household Hazardous Waste Facility
Council moved to adopt Resolution No. 10-004, authorizing the City Manager to execute the third amendment to the Intergovernmental Agreement between the City of Naperville and DuPage County for the operation of the Household Hazardous Waste Facility.
- I14** Ordinance No. 10-001, City of Naperville – Recovery Zone
Council moved to pass Ordinance No. 10-001, designating the City of Naperville, a Recovery Zone.
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- I9** Proposed Locations for 2010 New Sidewalk Program
Robert Hennessy, 829 W. Douglas, opposes the proposed Douglas and Fremont locations, stated that the first priority should be streets with no sidewalks, and that money can be saved by not installing these sidewalks.
Council accepted the written statement from Donald Orchard, 510 E. Porter, opposing the installation of sidewalks at this location.
Council questioned if there is a sense of urgency to install the sidewalks and if not could the money be used somewhere else.
Council also asked how locations are determined, discussed eliminating the program for this year, and asked why sidewalks are not being installed in East Highlands teardown development projects.
Novack explained that per the Comprehensive Sidewalk Program all property owners adjacent to proposed locations are notified, the location recommendations are then reviewed by the Transportation Advisory Board (TAB) and then Council. Novack said the CIP was reduced to \$150,000 which would build approximately one mile of sidewalk, that TED recommends continuing these projects, however eliminations could be suggested.
Novack will provide information regarding the East Highland development progress and clarified that staff attempts to avoid tree removal at all locations.
Boyajian moved to table to February 3, have staff provide the rationale for the selection of streets, discuss the next five to six recommended locations, list where residents would prefer to have sidewalks installed, and discuss if any sidewalks are necessary around schools or similar institutions. Second, Wehrli.
- VOICE VOTE:** Motion declared carried.

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I13 Club Homes of White Eagle, PC 09-1-171

CLUB HOMES OF WHITE
EAGLE, PC 09-1-171

Patricia Fee, 1530 White Eagle Drive, urged Council to continue this item because the residents were not aware of the proposed zoning change. She invited Council to view the property and would like time to get resident input.

Laff explained that proper notification and signage occurred and stated that up to 12 homes can be built at the proposed location.

Council stated that this is exactly the type of housing stock that Naperville needs.

Len Monson, 552 S. Washington, explained that petitioner made efforts above and beyond required notification by including notice in the homeowner newsletter. Monson stated that the proposed homes on the 5th fairway are further from the fairway than existing homes, that placing homes closer together on the street side will allow for more space in the rear lots, and that the proposed development has lower density than what is allowed. Monson also directed Council to the letter from the Homeowner's Association, included in the agenda item, concurring with the proposal.

Council stated that the sign was placed far from club house, the club house was closed during the notification period, that there are significant variances in the development, and that the neighbors need to be properly notified.

Furstenau invoked Council rules and requested a letter from country club.

Boyajian objected to council rules.

ROLL CALL to overrule Motion to invoke Council Rules:

Ayes: Boyajian, Brodhead, Miller, Wehrli, Pradel

Nays: Fieseler, Furstenau, Hinterlong, Krause

Motion declared not carried.

Clerk's Note Item to be placed on February 3 agenda.

J OLD BUSINESS:

J1 Ordinance No. 10-002, Reduce the Red Light Violation Late Fee

Miller moved to pass Ordinance No. 10-002, amending 11-1-9:5.5 to reduce the late payment penalty for a red light violation from \$100.00 to \$50.00. Second, Fieseler.

Furstenau made a motion in substitution to pass Ordinance No. 10-002, amending 11-1-9:5.5 to reduce the late payment penalty for a red light violation from \$100 to \$25. Second, Krause.

Council discussed that the program is about revenue not safety, straight-through traffic on a red light is dangerous and residents/visitors need to change their driving habits. Council supports technology to address serious problem that may continue to stretch police department staff.

ORDINANCE NO. 10-002,
REDUCE THE RED LIGHT
VIOLATION LATE FEE

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J1 Ordinance No. 10-002, Reduce the Red Light Violation Late Fee
Continued

ORDINANCE NO. 10-002,
REDUCE THE RED LIGHT
VIOLATION LATE FEE

Schatz stated that vast majority of complaints is not about the ticket but the doubling of the fine for a late fee.

Council stated that cameras may continue to change driving habits, that reducing a moving violation fine to less than a parking violation is not prudent, and that the zip code study shows 23% of violators are Naperville residents.

ROLL CALL on Motion of Substitution:

Ayes: Furstenu, Hinterlong, Krause
Nays: Brodhead, Fieseler, Miller, Wehrli, Pradel, Boyajian
Motion declared not carried.

ROLL CALL on Main Motion:

Ayes: Fieseler, Furstenu, Hinterlong, Krause, Miller, Pradel
Nays: Wehrli, Boyajian
Motion declared carried.

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

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Miller moved to approve the City Council meeting schedule for January, February, and March 2010 and scheduled the following workshops: Pension Reform on February 22, CIP/Budget #1 on March 1 and SECA on March 22. Second, Wehrli.

VOICE VOTE: Motion declared carried.

L2 2009 Continuous Improvement Model for Downtown Parking

CONTINUOUS
IMPROVEMENT MODEL
FOR DOWNTOWN
PARKING

Council discussed allowing commuters to utilize open parking opportunities.

Schatz doesn't recommend using the vacancy statistics during the winter months but suggests relying on the spring, summer and December numbers.

Boyajian moved to receive the report and endorse recommendations 1-5 from the 2009 Continuous Improvement Model for Downtown Parking. Second, Furstenu.

VOICE VOTE: Motion declared carried.

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L3 DynaCom Management, Inc. – ZBA 09-1-185

DYNACOM
MANAGEMENT, INC.,
ZBA -9-1-185

Option A

Concur with the Zoning Board of Appeals and deny a variance for a message-change rate of once every three (3) seconds for an electronic-message center and direct staff to prepare resolution paperwork approving a variance for a v-shaped monument sign that is not oriented perpendicular to the public roadway.

Option B

Concur with staff and deny a variance for a message-change rate of once every three (3) seconds for an electronic-message center and deny a variance for a v-shaped monument sign that is not oriented perpendicular to the public roadway.

Ali Setork, representing Dynacom, made a brief presentation on the project, requested messages be allowed to change in three to five-second intervals and for approval of a v-shaped monument sign.

Council discussed installing a non-changeable message sign instead and questioned why changeable copy is necessary for this type of development. Council also questioned the location of the sign given the utilities, traffic patterns and development entrance.

Staff stated that to be in compliance with the code the sign must be placed perpendicular to 75th Street, it cannot be in the v-shape as proposed because this in essence creates two signs and adds bulk and clutter, and the copy must change not less than every ten seconds.

Kathleen DiBacco from Dynacom stated that a v-shaped sign will allow both eastbound and westbound drivers to see the information and that the sign is intended to be used for community information as well.

Furstenau moved to allow a perpendicular sign with changeable copy at ten-second intervals. Second, Boyajian.

Council discussed other changeable copy message signs and questioned their change intervals.

Staff stated that if the interval is different it was approved prior to the current code.

Wehrli made a motion in Substitution to approve Option B to concur with staff and deny a variance for a message-change rate of once every three (3) seconds for an electronic message center and deny a variance for a v-shaped monument sign that is not oriented perpendicular to the public roadway. Second, Miller.

VOICE VOTE: Motion declared carried.

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M PUBLIC HEARING:

M1 FY 11 CDBG and Social Services Grant Allocation

FY 11 CDBG AND SOCIAL
SERVICES GRANT
ALLOCATION

M1a Conduct a public hearing for the Fiscal Year 2011 Community
Development Block Grant allocation

Pradel opened public hearing at 10:14 p.m.

Tiffany Stephens, 424 Fort Hill Drive, wanted to better communicate the benefits of the Kids Teen Rider program did not receive CDBG funding.

Krieger left the dais at 10:19 p.m.

Marshall assumed the dais at 10:19 p.m.

Krieger returned at 10:26 p.m.

Council stated that although this is a compelling case, it is not fair to reconsider one proposal when the offer has not been made to other organizations to present at a Council meeting, that the school district should be supporting this, that by providing a public form people will hear about the program and make donations, and suggested considering this project during SECA workshop discussions.

Boyajian moved to close the public hearing at 10:36 p.m. Second, Krause

VOICE VOTE: Motion declared carried.

M1b Funding Amounts for the Fiscal Year 2011 Community Development
Block Grant, and Social Service Grant awards.

Boyajian moved to approve the funding amounts for the Fiscal Year 2011 Community Development Block Grant allocation. Second, Krause.

ROLL CALL:

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

Nays: None
Motion declared carried.

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M2 Centennial Beach Bath House Improvements

CENTENNIAL BEACH
BATH HOUSE
IMPROVEMENTS

Conduct a public hearing for the Naperville Park District's Centennial Beach Bath House Improvements and then direct staff to prepare ordinances granting a variance from the DuPage Countywide Stormwater Ordinance to allow the substantial improvements to the Centennial Beach Bath House while allowing the lowest floor of the structure to remain below the base flood elevation.

Pradel opened public hearing at 10:37 p.m.

Boyajian moved to close the public hearing at 10:37 p.m. Second, Krause

VOICE VOTE: Motion declared carried.

Miller moved to direct staff to prepare ordinances grating a variance from the DuPage Countywide Stormwater Ordinance to allow the substantial improvements to the Centennial Beach Bath House while allowing the lowest floor of the structure to remain below the base flood elevation. Second, Krause

ROLL CALL:

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

Nays: None
 Motion declared carried.

N **ORDINANCES AND RESOLUTIONS:**

N1 Van Buren Consolidated Refuse Program and Enclosure

VAN BUREN
CONSOLIDATED REFUSE
PROGRAM AND
ENCLOSURE

N1a Resolution No. 10-005, Van Buren Consolidated Refuse Program, and providing for a Consolidated Refuse Enclosure, including an Agreement between the city of Naperville and Waste Management, Inc.

RESOLUTION NO. 10-005,
VAN BUREN
CONSOLIDATED REFUSE
PROGRAM

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N1b Commercial refuse pertaining to the Van Buren Consolidated Refuse Program ORDINANCE NO. 10-003,
VAN BUREN
CONSOLIDATED REFUSE
PROGRAM

Boyajian moved to adopt Resolution No. 10-005, establishing the Van Buren Consolidated Refuse Program, and providing for a consolidated refuse enclosure, including an Agreement between the City of Naperville and Waste Management, Inc. and moved to waive first reading and pass Ordinance No. 10-003, amending Sections 4-2-4 and 4-2-5 of Chapter 2 of Title 4 of the Naperville Municipal Code relative to commercial refuse pertaining to the Van Buren Consolidated Refuse Program. Second, Miller.

ROLL CALL:

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

Nays: None
Motion declared carried.

O **NEW BUSINESS:**

Krause moved to extend the meeting to 11:15 p.m. Second, Furstenu.

VOICE VOTE: Motion declared carried.

P **CLOSED SESSION:**

Boyajian moved to recess to Closed Session to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, 5 ILCS 120/2(c)(1); and collective negotiating, 5 ILCS 120/2(c)(2). Second, Furstenu.

ROLL CALL:

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

Nays: None
Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 10:43 P.M.

CLOSED SESSION ENDED AT 11:03 P.M.

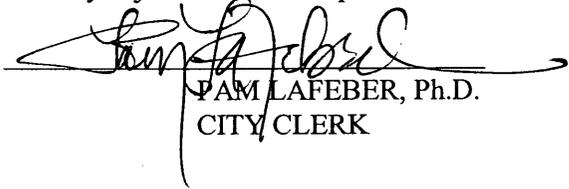
Q **ADJOURNMENT:**

ADJOURNMENT – 11:03
P.M.

Furstenu moved to adjourn the Regular City Council meeting of January 19, 2010 at 11:03 p.m. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of January 19, 2010 officially adjourned at 11:03 p.m.


PAM LAFERBER, Ph.D.
CITY CLERK