CITY COUNCIL MEETING OF JULY 15, 2014
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
August 19, 2014 AS WRITTEN.

CALL TO ORDER: 6:00 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 - Arrived at 6:13 p.m.
Councilman Grant Wehrli
Councilman David Wentz

Absent

Also Present
City Manager, Doug Krieger
Asst. City Attorney, Mike DiSanto
Deputy City Manager, Marcie Schatz
Asst. to City Manager, Amy Emery-Graunke
City Prosecutor, Jill Pelka-Wilger
City Clerk, Pam LaFeber
Communications Manager, Linda LaCloche
Police Chief, Robert Marshall
Deputy Fire Chief, Rich Sander
Fire Chief, Mark Puknaitis
Director of Finance, Rachel Mayer
Chief Procurement Officer, Mike Bevis
T.E.D. Operations Manager, Allison Laff
Director of Transportation & Engineering, Bill Novack
Director of Public Works, Dick Dublinski
Director of Public Utilities, Water, Jim Holzapfel
Director of Public Utilities, Electric, Mark Curran

Press
Chicago Sun Times, Daily Herald, Naperville Sun

B CLOSED SESSION:

Wehrli moved to recess to Closed Session to discuss 5ILCS/120(c) **5 ILCS 120/2(c)(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 before a court or administrative tribunal; **(5)** The purchase or lease of real property for the use of the public body; **(6)** Setting of a price for sale or lease of property owned by the public body. Second, Wentz.

ROLL CALL:
Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, Wehrli, Wentz
Nays: None
Absent: McElroy
Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 6:04 P.M.
CLOSED SESSION ADJOURNED AT 7:00 P.M.

Clerk's Note: McElroy arrived at 6:13 p.m.

OPEN SESSION:

Mayor Pradel called the meeting back to order at 7:05 p.m.

ROLL CALL to determine Quorum:
Present: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Wehrli, Wentz
Absent: None

C PLEDGE TO THE FLAG: PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

E PUBLIC FORUM:

E1 Flooding
Joe Wysock, 1579 Culpepper and Laurie Kniola, 1583 Culpepper, spoke about spring flooding events in the common back yard area and the efforts to prevent flooding.

Novack explained that Naperville experienced the second wettest June in history, the City considered installing a pipe however an inlet is already located on the property, the City concentrates on keeping water out of the homes.

E2 Respite Endowment Organization
Becky Pundy, 6111 Ivy Drive and Respite Endowment Organization, informed Council of the services provided to parents with special needs children.

E3 Landlord Tenant "Legal Source of Income"
Joann Roberts, 8020 Janes Avenue, discussed her case that was heard and dismissed by the Fair Housing Commission.

Pelka-Wilger advised that this is no longer a City matter.

E4 Renewable Energy Restrictions in the Municipal Code
Daniel Edward Vojcuk, 2419 Newport Drive, urged Council to raise height restrictions and revise the permitting process.

Council advised that the ordinance was developed as a balance between the neighbors' concerns and the needs of the business, that the City has been proactive in this area, and that staff has received no requests for wind turbines in residential areas.

E5 Puppy Sales
Adam Stachowiak, 720 Route 59, stated that recent legislation does not have language banning the sale of puppy mills.

E6 Puppy Sales
Jonathan Berning, 1592 W. Ogden Avenue, discussed the health protocol for puppies at his store.

Council discussed a definition of a puppy mill and how the City could enforce such an ordinance.

E7 Puppy Sales
Dianne Arp, 404 North Hampton Court, explained the animal welfare mission.

Council discussed legislation and the Puppy Lemon Law.

E8 Puppy Sales
Ida McCarthy, 244 S. Fairfield (Lombard), urged Council to enact an ordinance mandating that pet stores sell only rescue puppies.

E9 Puppy Sales
Robert Nixon, 5649 W. Kennedy (Peotone and volunteer puppy mill inspector), spoke about conditions in puppy mills.

E10 Oil Tanker Safety
Kathy Benson, 51 Forest, discussed the volume of, and dangers associated with, oil tanker transportation.

Puknaitis stated that the Fire Departments trained with BNSF last year and tested the evacuation plan.

Krieger said the DuPage Mayor's and Manager's group is studying oil tanker safety and evaluating a coordinated response plan.

E11 For the Good of the Community
Donald Wehrli, 219 South Ewing, discussed the history of Naperville.

BREAK: 8:49 P.M.
Mayor Pradel called the meeting back to order at 8:59 p.m.

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

G1 Simply Hair Property — SIMPLY HAIR PROPERTY

Kathy West, petitioner, 111 E. Jefferson, explained the proposal, the reasons behind requesting the extension and the impact on her client.

Council discussed the size of the proposed sign, that the City does not allow billboard signs, whether the City should give notice when an agreement is reaching expiration, and that many variances were granted during the recession.

Fieseler moved to deny the request for a seven year extension to allow the billboards to remain on the property at 2052 W. Ogden Avenue until December 31, 2015. Second, Krause.

ROLL CALL:
Ayes: Pradel, Brodhead, Chirico, Fieseler, Krause, Wehrli
Nays: Hinterlong, McElroy, Wentz
Motion declared carried.

H CONSIDERATON OF MOTION TO USE OMNIBUS METHOD FOR REMAINING ITEMS:

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

VOICE VOTE: Motion declared carried.

I CONSENT AGENDA:

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

ROLL CALL:
Ayes: Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Wehrli, Wentz, Pradel
Nays: None
Motion declared carried.

I1 Cash Disbursements – 6/18/14 — CASH DISBURSEMENTS – 6/18/14

Council moved to approve the 6/18/14 cash disbursements in the amount of $19,558,182.67.

I2 Cash Disbursements – 7/02/14 — CASH DISBURSEMENTS – 7/02/14

Council moved to approve the 7/02/14 cash disbursements in the amount of $9,410,129.13.

I3 Regular City Council Minutes — REGULAR CITY COUNCIL MINUTES

Council moved to approve the Regular City Council Meeting Minutes of June 17, 2014.

I4 Contract 14-042, Motor Fuel — CONTRACT 14-042, MOTOR FUEL

Council moved to approve the award of option year one to Contract 14-042, motor fuel, to Luke Oil Company, Inc., for an amount not to exceed $1,670,000.00.

I5 Bid 15-010, Royce Road Lift Station Improvements

BID 15-010, ROYCE ROAD LIFT STATION IMPROVEMENTS

Council moved to approve the award of utility funded Bid 15-010, Royce Road lift station improvements to Marc Kresmery Construction LLC for an amount not to exceed $223,750.00 with a 5% contingency.

I6 Bid 15-039, Distribution System Leak Detection Survey

BID 15-039, DISTRIBUTION SYSTEM LEAK DETECTION SURVEY

Council moved to approve the award of utility funded Bid 15-039, distribution system leak detection survey to ADS Environmental Services for an amount not to exceed $217,777.20 for a three-year contract term.

I7 Bid 15-041, Cress Creek Sanitary Sewer

BID 15-041, CRESS CREEK SANITARY SEWER

Council moved to approve the award of utility funded Bid 15-041, Cress Creek sanitary sewer to Red Horse, Inc. for an amount not to exceed $477,821.10, plus a 5% contingency.

I8 Bid 15-047, Salt Conveyor

BID 15-047, SALT CONVEYOR

Council moved to approve the award of Bid 15-047, salt conveyor to Kimco USA, Inc. for an amount not to exceed $173,833.18 plus a 5% contingency.

I9 Procurement 15-067, Cellular Phone Services

PROCUREMENT 15-067, CELLULAR PHONE SERVICES

Council moved to approve the award of Procurement 15-067, cellular phone services through a State of Illinois Joint Purchasing Contract to Verizon Wireless for a period of seventeen months for an amount not to exceed $306,000.00.

I10 Procurement 15-069, Mobile Broadband Data Services

PROCUREMENT 15-069, MOBILE BROADBAND DATA SERVICES

Council moved to approve the award of Procurement 15-069, mobile broadband data services, through the State of Illinois Joint Purchasing Contract to Verizon Wireless for an amount not to exceed $164,333.00.

I11 Procurement 14-137, Municipal Parking Lot Maintenance

PROCUREMENT 14-137, MUNICIPAL PARKING LOT MAINTENANCE

Council moved to accept the record of the emergency award of change order #1 to Procurement 14-137, Municipal Parking Lot Maintenance, to Geneva Construction for an amount not to exceed $179,993.00 plus a 3% contingency.

I12 Bid 15-029, Aggregate

BID 15-029, AGGREGATE

Council moved to approve the award of Bid 15-029, aggregate, to Boughton Materials for an amount not to exceed $231,398.00.

I13 Appointments to Boards and Commissions

APPOINTMENTS TO BOARDS & COMMISSIONS

Council moved to approve the Mayoral appointments of Richard Cory Smith to the Building Review Board, Tony Zangler to the Downtown Advisory Commission, and Geoffrey Roehll to the Riverwalk Commission.

I14 Reappointments to Boards and Commissions

REAPPOINTMENTS TO BOARDS & COMMISSIONS

Council moved to approve the Mayoral reappointment of Christopher D. Hall to the Historic Preservation Commission, Dave Kelsch and Chuck Papanos to the Riverwalk Commission, David Boor, Laurie Donahue, Nat Goodman and Steve Treacy to the Sister Cities Commission, Jerry Eisner, Richard B. Fowler and Kalah Considine to the Emergency Telephone System Board.

I15 Ordinance No. 14-095, LifeTime Fitness Kids Triathlon Warrenville

Council moved to approve the use of Naperville streets for a portion of the LifeTime Fitness Kids Triathlon Warrenville on September 14, 2014, and pass Ordinance No. 14-095, establishing temporary traffic controls, and issue a special event permit for the event.

ORDINANCE NO. 14-095, LIFETIME FITNESS KIDS TRIATHLON WARRENVILLE

I16 Ordinance No. 14-096, Our Saviour's Lutheran Church

Council moved to pass Ordinance No. 14-096, approving a temporary use to allow for amplification to occur at Our Saviour's Lutheran Church located at 919 S. Washington Street on July 27, 2014, subject to the City's adopted amplification restrictions.

ORDINANCE NO. 14-096, OUR SAVIOUR'S LUTHERAN CHURCH

I17 Chuck E. Cheese, PZC 14-1-026

CHUCK E. CHEESE, PZC 14-1-026

I17a Ordinance No. 14-097, Naper West Plaza, Conditional Use

Council moved to pass Ordinance No. 14-097, approving a major change to the Naper West Plaza planned unit development to grant a conditional use in the B2 District for an amusement establishment at the subject property.

ORDINANCE NO. 14-097, NAPER WEST PLAZA, CONDITIONAL USE

I17b Ordinance No. 14-098, reduction to number of off-street parking spaces

Council moved to pass Ordinance No. 14-098, granting a variance from Section 6-9-3 (schedule of off-street parking requirements) of the Municipal Code to reduce the number of required off-street parking spaces for the shopping center from 542 to 488 spaces on the subject property.

ORDINANCE NO. 14-098, REDUCTION TO NUMBER OF OFF-STREET PARKING SPACES

I18 Ordinance No. 14-099, 1740 Rutgers Court, PZC 14-1-071

Council moved to pass Ordinance No. 14-099, granting a deviation to a 20' platted building line based on the provisions contained in Section 7-1-13 (platted setbacks and building lines) of the Municipal Code to allow for the construction of a 5' fence at 1740 Rutgers Court, PZC 14-1-071.

ORDINANCE NO. 14-099, 1740 RUTGERS COURT, PZC 14-1-071

I19 Ordinance No. 14-100, Naperville Sports Yard, PZC 14-1-025

Council moved to pass Ordinance No. 14-100, revoking Ordinance No. 14-037, related to Naperville Sports Yard, PZC 14-1-025.

ORDINANCE NO. 14-100, NAPERVILLE SPORTS YARD, PZC 14-1-025

I20 Ashwood Pointe Phases 2a & 2b

ASHWOOD POINTE PHASES 2A & 2B

I20a Ordinance No. 14-101, final plat of subdivision, Ashwood Pointe Phase 2a

Council moved to pass Ordinance No. 14-101, amending Ordinance No. 14-014, approving the final plat of subdivision for Ashwood Pointe Phase 2a.

ORDINANCE NO. 14-101, FINAL PLAT OF SUBDIVISION, ASHWOOD POINTE PHASE 2A

I20b Ordinance No. 14-102, final plat of subdivision, Ashwood Pointe Phase 2b

Council moved to pass Ordinance No. 14-102, amending Ordinance 14-015 approving the final plat of subdivision for Ashwood Pointe Phase 2b.

ORDINANCE NO. 14-102, FINAL PLAT OF SUBDIVISION, ASHWOOD POINTE PHASE 2B

I21 Illinois Municipal Electric Agency (IMEA) Electric Efficiency Grant Awards

Council moved to approve year 2 of the Illinois Municipal Electric Agency (IMEA) electric efficiency grant awards in the amount of $135,105.80.

ILLINOIS MUNICIPAL ELECTRIC AGENCY (IMEA) ELECTRIC EFFICIENCY GRANT AWARDS

I22 Ashwood Park North Townhomes — ASHWOOD PARK NORTH TOWNHOMES

Council moved to accept the public underground and street light improvements in Ashwood Park North-townhomes and authorize the City Clerk to reduce the corresponding public improvement surety.

J OLD BUSINESS:

BREAK: 9:20 P.M.
Mayor Pradel called the meeting back to order at 9:24 p.m.

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

K1 Bid 15-003, LED Conversion of Street Lights — BID 15-003, LED CONVERSION OF STREET LIGHTS

Krause moved to table to August 19, 2014. Second, Chirico.

VOICE VOTE: Motion declared carried.

K1a Bid 15-003, LED Streetlights Contract for Bid 1 — BID 15-003, LED STREETLIGHTS CONTRACT FOR BID 1

K1b Bid 15-003, LED Streetlights Contract for Bid 2 — BID 15-003, LED STREETLIGHTS CONTRACT FOR BID 2

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule — CITY COUNCIL MEETING SCHEDULE

Krause moved to cancel the August 5th meeting and approve the City Council Meeting schedule for August, September and October 2014. Second, Wentz.

VOICE VOTE: Motion declared carried.

M PUBLIC HEARINGS:

M1 HarborChase of Naperville, PZC 13-1-131

M1a Public Hearing to consider annexation agreement — PUBLIC HEARING

Mayor Pradel opened the public hearing at 9:20 p.m.

Fran Bixler, 1608 Mohler Court, discussed construction traffic and access roads, and requested traffic studies be conducted in the area.

Novack responded that data has been collected in the area to evaluate the installation of traffic signals and that DuPage County will not grant full, straight through connectivity.

Carl Christensen, 1132 Birkdale Ct., discussed the location of access roads.

Chirico moved to close the public hearing at 9:33 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

Chirico moved to use the Omnibus method to approve items M1b thru M1f. Second, Wentz.

VOICE VOTE: Motion declared carried.

Chirico moved to waive first reading and pass Ordinance No's 14-103, 14-104, 14-105, 14-106, and 14-107. Second, Krause.

ROLL CALL:

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

Nays: None

Motion declared carried.

M1b Ordinance No. 14-103, execution of the annexation agreement

Council moved to pass Ordinance No. 14-103, authorizing execution of the annexation agreement for Harbor Chase of Naperville, PZC 13-1-131.

ORDINANCE NO. 14-103, ANNEXATION AGREEMENT

M1c Ordinance No. 14-104, annexing northwest corner of Mill Street and Commons Road

Council moved to waive the first reading ad pass Ordinance No. 14-104, annexing the northwest corner of Mill Street and Commons Road.

ORDINANCE NO. 14-104, ANNEXING NWC OF MILL ST. & COMMONS RD.

M1d Ordinance No. 14-105, rezoning northwest corner of Mill Street and Commons Road

Council moved to pass Ordinance No. 14-105, rezoning the northwest corner of Mill Street and Commons Road to OCI (Office, Commercial and Institutional District) upon annexation.

ORDINANCE NO. 14-105, ANNEXING NWC OF MILL ST. & COMMONS RD.

M1e Ordinance No. 14-106, preliminary/final plat of subdivision for Harbor Chase of Naperville Subdivision

Council moved to pass Ordinance No. 14-106, approving the preliminary/final plat of subdivision for Harbor Chase of Naperville Subdivision.

ORDINANCE NO. 14-106, PRELIMINARY/FINAL PLAT OF SUBDIVISION

M1f Ordinance No. 14-107, conditional use in OCI for a convalescent or nursing home

Council moved to pass Ordinance No. 14-107, approving a conditional use in the OCI (office, commercial and institutional district) for a convalescent or nursing home, in accordance with Section 6-7F-3 of the Naperville Municipal Code and variances in Section 5-10-3 (landscaping and screening) and Section 6-14-4 (standards-exterior lighting) of the Naperville Municipal Code.

ORDINANCE NO. 14-107, CONDITIONAL USE IN OCI FOR A CONVALESCENT OR NURSING HOME

N **ORDINANCES AND RESOLUTION:**

N1 Ordinance No. 14-108, Late Night Permit – Chi City Tap Sports Grill

ORDINANCE NO. 14-108, LATE NIGHT PERMIT

Chirico moved to waive first reading and pass Ordinance No. 14-108, amending Section 3-3-13:7.2 of the Naperville Municipal Code increasing the limit for late night permits not located in the downtown from thirty-seven (37) to thirty-eight (38). Second, Wentz.

ROLL CALL:
Ayes: Fieseler, Hinterlong, Krause, McElroy, Wehrli, Wentz, Pradel Brodhead, Chirico
Nays: None
Motion declared carried.

O NEW BUSINESS

O1 Cavalcade of Homes
Krieger gave notice of the temporary closure of Winterberry Lane from July 24 - August 18.

O2 Ribfest
Fieseler complimented the Police and Fire departments for keeping the event safe.

O3 Washington/Ogden
Brodhead requested accident statistics at this intersection.

O4 Administrative Hearing Process
Wentz explained that the red light running hearing process worked well and would like to apply that model to ordinance violation adjudication.

DiSanto stated that ordinance violations can be adjudicated through administrative hearings, there are benefits to residents having the hearings held at the Municipal Center instead of Wheaton, and that implementing a hearing process would involve many City departments.

By consensus Council directed staff to report back in 90 days on the feasibility of implementing an administrative hearing process.

P CLOSED SESSION:

Q ADJOURNMENT:

ADJOURNMENT

Wehrli moved to adjourn the Regular City Council meeting of July 15, 2014 at 9:46 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of July 15, 2014 officially adjourned at 9:46 p.m.

PAM LA FEBER, PH.D.
CITY CLERK

PL:BK