



**CITY COUNCIL MEETING OF JUNE 16, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
July 21, 2009 AS WRITTEN.**

CALL TO ORDER

7 00 P M

- A** Mayor A George Pradel
Councilman James Boyajian
Councilman Judy Brodhead
Councilman Robert Fieseler
Councilman Richard R Furstenauf
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
Deputy City Clerk, Nancy Bright
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Director of Finance, Karen DeAngelis
Director of Public Utilities, Allan Poole
Director of Public Works, David Van Vooren
Director Mgmt Svcs Business Group, Don Carlsen
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

- B. CLOSED SESSION:** NONE
- OPEN SESSION:**
- C. PLEDGE TO THE FLAG:** PLEDGE GIVEN

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D AWARDS AND RECOGNITIONS:

D1 Proclamation – Naperville Central and Naperville North High School Science Olympiad Day

PROCLAMATION –
SCIENCE OLYMPIAD
DAY

Councilman Jim Boyajian presented the proclamation to representatives and students from Naperville Central and Naperville North High School which proclaimed Tuesday, June 16, 2009 as Naperville Central and Naperville North High School Science Olympiad Day

D2 Proclamation – Naperville Bike Month

PROCLAMATION –
NAPERVILLE BIKE
MONTH

Councilman Boyajian presented a proclamation to Mark Jaynes and Keith Luhrs, accepting on behalf of the Bicycle and Pedestrian Advisory Committee, and proclaimed the month of June 2009 as Naperville Bike Month. A member of the League of American Bicyclists Board of Directors presented the city with a bronze level award

E PUBLIC FORUM:

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 I5, I7a, I7b, and I7c. Second, Wehrli

ROLL CALL:

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

Nays: None
Motion declared carried.

I1 Cash Disbursements 05/28/2009

CASH DISBURSEMENTS –
5/28/09

Council moved to approve the 5/28/09 cash disbursements in the amount of \$8,267,971.80

I2 City Clerk's License & Permit Report

CITY CLERK'S LICENSE
& PERMIT REPORT

Council moved to approve the City Clerk's License and Permit Report for amplifier, fireworks and carnival applications

I3 Award of Bid 10-001, Fire Department Uniforms and Shoes

BID 10-001, FIRE
DEPARTMENT
UNIFORMS AND SHOES

Council moved to approve the award of Bid 10-001, Fire Department uniforms and shoes, to JCM Uniform for an amount not to exceed \$270,000.00 for two years

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- I4 Award of Bid 10-002, Fire Department Personal Protective Gear BID 10-002, FIRE DEPARTMENT PERSONAL PROTECTIVE GEAR
Council moved to approve the award of Bid 10-002, Fire Department Personal protective gear to MES for an amount not to exceed \$36,000, Fireground Supply for an amount not to exceed \$202,540 00 and W S Darley for an amount not to exceed \$14,000.00 for a total award not to exceed \$253,540 00
- I6 Public improvements and authorize the city clerk to reduce the corresponding public improvement sureties PUBLIC IMPROVEMENTS
Council moved to accept the underground improvements in Bradford Commons Lot 1 (AMCORE Bank), Bristol Station, Cotswold Manor, Monarch Landing Phase I, and Springbrook Square and accept the public street light improvements in Cotswold Manor
- I8 Ordinance No. 09-071, R & J Construction Supply, ZBA Case 9-1-48 ORDINANCE NO 09-071, R & J CONSTRUCTION SUPPLY, ZBA CASE 9-1-48
Council moved to pass Ordinance No 09-071, granting variances to reduce the required setback for a parking facility at 1567 Frontenac Road and to reduce the number of required parking stalls for the properties at 1555 and 1567 Frontenac Road, R & J Construction Supply, ZBA 9-1-48.
- I9 Illinois Department of Transportation Addendum Agreement and Change Order for the Illinois Route 59 Improvements Engineering Study ILLINOIS ROUTE 59 IMPROVEMENTS ENGINEERING STUDY
- I9a Resolution No. 09-030, Intergovernmental Addendum Agreement with the Illinois Department of Transportation for the Illinois Route 59 improvements RESOLUTION NO 09-030, ILLINOIS ROUTE 59 IMPROVEMENTS-ADDENDUM AGREEMENT
Council moved to adopt Resolution No 09-030, to approve an addendum agreement for the intergovernmental agreement with the Illinois Department of Transportation for the Illinois Route 59 improvements, engineering study and authorize the Mayor to execute the agreement
- I9b Amend expenditure and revenue budgets associated with the Illinois Route 59 improvements engineering study ILLINOIS ROUTE 59 IMPROVEMENTS-EXPENDITURE & REVENUE BUDGETS
Council moved to authorize staff to amend the expenditure and revenue budgets associated with the Illinois Route 59 improvements engineering study
- I10 Resolution No. 09-031, Second Amendment to the 2006 Agreement between the City of Naperville and Naperville Community Television Channel 17 (NCTV 17) RESOLUTION NO 09-031, NAPERVILLE COMMUNITY TELEVISION CHANNEL 17 (NCTV 17)
Council moved to adopt Resolution No 09-031, approving the second amendment between the City of Naperville and Naperville Community Television Channel 17 (NCTV17)

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- I11** Resolution No 09-032, Naperville Development Partnership Agreement Seventh Amendment RESOLUTION NO 09-032, NAPERVILLE DEVELOPMENT PARTNERSHIP AGREEMENT
- Council moved to adopt Resolution No 09-032, approving the seventh amendment to the agreement between the City of Naperville and the Naperville Development Partnership to provide grant funding
- I12** Resolution No 09-033, Noodles and Company, ZBA 09-1-43 RESOLUTION NO 09-033, NOODLES AND COMPANY, ZBA 09-1-43
- Council moved to adopt Resolution No 09-033, granting a variance from Section 5-4-9 1,2 (special area of control Downtown Central Business District) of the Naperville Municipal Code to increase the permitted area for a projecting sign at Noodles and Company, 207 S Washington Street, ZBA 09-1-43
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- I5** Award Phase II of the Red Light Photo Enforcement Program RED LIGHT PHOTO ENFORCEMENT PROGRAM
- R J Shupley, 439 Warwick Drive, stated that the red light laws are inconsistent, explained he cannot find a state law addressing red light cameras, and reviewed Mr Mego's column in the Naperville Sun
- Krieger clarified the goals of the Red Light Running Program 1) reduction of injury crashes, 2) reduction of total crashes, 3) reduction of red light running violations For the first four months of operation all goals are being met and that there are inaccuracies in Mr. Mego's column
- Council discussed that left turn accidents have been reduced by 86% and right turn accidents are down by 14%, the most recent citizen survey reported that safe driving and enforcement of traffic codes are a concern, and that Naperville is an unsafe community because of the way people drive
- Dial explained that if the light is red the driver must stop, that the east bound North Aurora lanes are posted "no right turn on red" and the driver must wait for a green light before entering Rt 59, the northbound Rt 59 traffic must stop and then make a right turn if the road is clear, the law is clear that vehicles must not be in the intersection if the light is red, an officer reviews the violations and the Police Department has been extremely conservative with ticket issuance especially if the car has passed the line and is partially in the intersection
- Council stated that cameras more accurately identify violators, the company is not incentivized to increase the number of violations, and studies report that violations will decrease over time
- Council also stated that the number of tickets has increased, the demarcation in the intersection is not clear, that this is a revenue generator and not about safety, that straight-through traffic and left turn violations should be enforced with the cameras but not right turns, common sense should be used instead of technology
- 

I5 Award Phase II of the Red Light Photo Enforcement Program
Continued

RED LIGHT PHOTO
ENFORCEMENT
PROGRAM

Ely explained that the city can pass additional vehicular regulations but cannot have fewer regulations than provided for in the Illinois Vehicle Code (IVC) because the IVC pre-empts home rule authority.

Council described the hearings and stated that none of the drivers have disputed the video

I5 Schatz stated that the Diehl/Rt 59 and Ogden/Aurora intersections are two of the top ten right-turn and angle crash intersections, being eighth and third respectively, left turn and through violations on northbound Rt 59 is 451, right turn violations is 911, left turn and through violations on eastbound North Aurora Road is 993 and right turn violations is 1488

Boyajian moved to approve the award of Phase II to Contract 09-017, Red Light Photo Enforcement, to Redflex Traffic Systems, for an amount not to exceed \$686,880.00 over three years. Second, Miller

Furstenau amended the motion to include "with the elimination of right on red photo enforcement for the next two intersections where cameras will be installed." Second, Fieseler

ROLL CALL to amend motion to eliminate right on red:

Ayes: Fieseler, Furstenau, Krause, Wehrl

Nays: Boyajian, Brodhead, Hinterlong, Miller, Pradel

Motion declared **not** carried

Dial questioned the ability of the vendor to selectively program the view of the cameras

Krieger stated that the revenue from the intersection cameras is consistent with budgeted estimates as is more than \$1 million

Fieseler moved to invoke Council rules and table the issue

Boyajian objected and moved to overrule the motion to invoke Council rules

ROLL CALL to overrule Council Rules:

Ayes: Miller, Pradel, Boyajian

Nays: Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Wehrl

Motion declared **not** carried

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- I7 Naperville Central High School – PC #9-1-42 NAPERVILLE CENTRAL HIGH SCHOOL – PC #9-1-42
- I7a Resolution No 09-034, conveyance of “Parcel E” located along the Webster Street right-of-way, north of Hillside Road RESOLUTION NO. 09-034, CONVEYANCE OF “PARCEL E” LOCATED ALONG THE WEBSTER STREET RIGHT-OF-WAY,
Miller moved to adopt Resolution No 09-034, authorizing the conveyance of the 9,079 square foot parcel, commonly referred to as “Parcel E”, located along the Webster Street right-of-way, north of Hillside Road, in accordance with the Local Property Transfer Act. Second, Wehrl
ROLL CALL:
Ayes: Fieseler, Furstenu, Hinterlong, Krause, Miller, Wehrl, Pradel, Boyajian, Brodhead
Nays: None
Motion declared carried
- I7b Ordinance No. 09-072, authorizing a preliminary/final subdivision plat to establish a legal lot-of-record for the property occupied by Naperville Central High School ORDINANCE NO. 09-072, NAPERVILLE CENTRAL HIGH SCHOOL- PRELIMINARY/FINAL SUBDIVISION PLAT
- I7c Ordinance No. 09-073, granting setback, height, and landscape variances for Naperville Central High School Subdivision located at 440 West Aurora Avenue ORDINANCE NO 09-073, NAPERVILLE CENTRAL HIGH SCHOOL VARIANCES
Miller moved to pass Ordinance No 09-072, authorizing a preliminary/final subdivision plat to establish a legal lot-of-record for the property occupied by Naperville Central High School with variances to required setbacks, building height, and landscape code requirements and pass Ordinance No 09-073, granting setback height, and landscape variances for Naperville Central High School Subdivision located at 440 West Aurora Second, Wehrl
ROLL CALL:
Ayes: Furstenu, Hinterlong, Krause, Miller, Wehrl, Pradel, Boyajian, Brodhead, Fieseler
Nays: None
Motion declared carried

BREAK: 8:02 P.M.
Mayor Pradel called the meeting back to order at 8:12 p.m.

J OLD BUSINESS:

- J1 Central Park Master Plan CENTRAL PARK MASTER PLAN
- J1a Approve the Central Park Master Plan



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J1b Draft a new intergovernmental agreement for Central Park to delineate the responsibilities for review and approval by the City Council and Naperville Park District

J1 Central Park Master Plan Continued

CENTRAL PARK MASTER
PLAN

Laff gave a brief presentation about the Central Park Master Plan, reviewing the historical timeline of this project, and summarized the Park Board's comments on the Plan maintenance cost generation would best be addressed through an updated intergovernmental agreement, permanent restrooms installed within the next one or two years, the Park Board is divided on parking changes and traffic flow. After Council approval the Plan will go before the Park Board for approval.

Don Wehrli, 219 Ewing, urged Council to reject the proposed Master Plan and presented recommendations from The People's Central Park Group which included expanding the park to the east, west and south, installing new curbs and sidewalks, enforcing 3-hour parking regulations, and building permanent restroom facilities.

Council complimented staff on their work on the Plan, stated that the Plan received extensive review from the city, citizen groups and other organizations, recommended building the restrooms as soon as funding is available, and that any changes to the intergovernmental agreement would come before Council for approval.

Council discussed the number and location of bike racks, the location and cost of the restroom facilities, train station parking, placement and number of pavers, traffic circulation on Court Place (one-way route versus two-way route), flexible and permanent seating, removing parking on Central Park Road, the use of the area by service providers, reducing the parking, reversing the diagonal parking on Court Place, the extensive use of the park by seniors, providing for universal mobility in the park, and possibly designing more ADA parking than what is required.

Zawila explained that Option 1 is the existing Central Park and Option 2 proposes changing traffic circulation and that the location of the restroom facilities was decided based upon existing utility placement.

Schatz explained that Court Place is all day Central Business District parking only and that train station parking is prohibited.

Boyajian moved to approve the Central Park Master Plan Option 1 and directed staff to work with the Park District to draft a new intergovernmental agreement to delineate the responsibilities of each agency in reference to Central Park, including maintenance, subject to review and approval by the City Council and Naperville Park District Board at a future date. Second, Miller.

ROLL CALL:

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

Nays: Wehrli, Fieseler
Motion declared carried

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J2 Sister Cities Commission SECA Application

Furstenau moved to approve \$10,000 00 in fiscal year 2010 SECA funds for a Nitra, Slovakia delegation visit to Naperville Second, Miller

SISTER CITIES
COMMISSION SECA
APPLICATION

ROLL CALL:

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

Nays: Wehrli
Motion declared carried

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE

K1 Bid 09-181, Maplebrook Sound Wall Construction

Paul Mitchell, 111 E. Jefferson and representing Naperville Excavating, does not believe the McHugh Construction Co is the lowest responsible bidder because the bid was not complete and as of June 16, 2009 the dollar amount had changed

BID 09-181,
MAPLEBROOK SOUND
WALL CONSTRUCTION

Bevis stated it is not practice to leave information blank on bid submissions but it is a valid bid, there was a mathematical error on the bid tabulation and the corrected amounts are reflected in the change, it does not change the low bidder but only the dollar amount that was reported to Council

Furstenau moved to approve the award of Bid 09-181, Maplebrook Sound Wall Construction to McHugh Construction Co , for the amount of \$3,531,750 00 plus a 3% contingency Second, Krause

ROLL CALL:

Ayes: Miller, Wehrli, Pradel, Brodhead, Hinterlong, Krause

Nays: Boyajian, Furstenau

Abstain: Fieseler
Motion declared carried

L REPORTS AND RECOMMENDATIONS:

L1 Regular City Council Meeting Minutes of June 2, 2009

Boyajian moved to approve the Regular City Council Meeting Minutes of June 2, 2009 Second, Furstenau

REGULAR CITY COUNCIL
MEETING MINUTES OF
JUNE 2, 2009

VOICE VOTE: Motion declared carried

L2 City Council Meeting Schedule

Boyajian moved to approve the City Council Meeting Schedule for July, August, and September 2009 Second, Furstenau

CITY COUNCIL MEETING
SCHEDULE

VOICE VOTE: Motion declared carried



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L3 Railway Plaza Lot 1

RAILWAY PLAZA LOT 1

Council questioned the city's intent for the lot, how long commuter parking was to be allowed, and the action taken in 2001.

Laff explained that the temporary use granted in 2001 to allow this lot to be used for parking was processed in error, that the annexation agreement is valid for the property until 2017 and permits parking as an interim use, the Railway Plaza apartment parking agreement does not involve the city and is a private matter between the property owners

Brand Bobosky, 34 W Chicago, stated the property is being foreclosed upon and the only way the property can be saved is with a revenue stream and if the item is tabled the property will be foreclosed

Ely stated that the annexation agreement, which identifies interim uses, can only be changed with an amendment, that the temporary use ordinance processed in 2001 is insufficient and does not change the annexation agreement or the use of the property, and that no action is required by the Council

Laff explained that the code does allow for parking as a principle use and that the Landscape Variance Committee has approved variances for less than the required landscaping

Miller moved to receive the Railway Plaza report Second, Boyajian

VOICE VOTE: Motion declared carried

L4 Vacant Lot Sidewalks and Unfulfilled Annexation Agreement Obligations

VACANT LOT
SIDEWALKS AND
UNFULFILLED
ANNEXATION
AGREEMENT
OBLIGATIONS

Frederick Sampias, 4163 Easy Circle, spoke against delaying the enforcement action

Nick Stanitz, 7S531 Donwood Drive, requested a moratorium on sidewalk installation and explained that there are builders going bankrupt and that it would not be appropriate to impose the regulations at this time

Schatz explained the Vacant Lot Ordinance and stated that the recommendation is to place a one-year hiatus on grading, turf, and sidewalk regulations but property maintenance codes will still be enforced

Council would like additional enforcement of the property maintenance codes during this time and communicated their disappointed with some developers who have not complied with the codes even before the economic downturn

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L4 Vacant Lot Sidewalks and Unfulfilled Annexation Agreement Obligations Continued

VACANT LOT
SIDEWALKS AND
UNFULFILLED
ANNEXATION
AGREEMENT
OBLIGATIONS

Furstenau moved to delay enforcement action of 1) Section 5-2B-5 4 1 requiring the installation of sidewalk within three (3) years of platting except as outlined for Ashwood Creek subdivision, 2) Section 5-1H-4-2 1 requiring the grading and establishment of turf on vacant lots, and 3) the requirement of annexation fees to be paid within one year, for a period of one year Second, Boyajian

ROLL CALL:

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

Nays: None
Motion declared carried

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

N1 Authorize the City Manager to create and fill one civilian Emergency Management Coordinator position and eliminate one sworn Fire Department Lieutenant position, and change the title of the Assistant Fire Chief to Deputy Fire Chief in the Municipal Code

FIRE DEPARTMENT
POSITION CHANGES

N1a Waive the first reading and pass Ordinance No. 09-074, to amend Title 1 of the Municipal Code

ORDINANCE NO 09-074,
AMENDING SECTION 1-
8B-1 (FIRE DEPARTMENT
CREATED, MEMBERSHIP)
OF ARTICLE B

Eliminate one Lieutenant position from the Fire Department

Re-titling the Assistant Fire Chief position to a Deputy Fire Chief

N1b Authorize the City Manager to recruit externally and hire personnel for following vacant position

EMERGENCY
MANAGEMENT
COORDINATOR

Emergency Management Coordinator

Krieger explained that internal and external recruitment will be conducted simultaneously and ensured the Council that the best individual will be hired

Puknatis said this will not change department policy and procedure, that the position was previously a civilian position in the City Manager's Office, this will permanently change it to a civilian housed within in the Fire Department, and will result in a budget reduction when combined with the proposed elimination of the lieutenant position

Council discussed the hiring of retired individuals and the associated pension benefits

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- N1 Authorize the City Manager to create and fill one civilian Emergency Management Coordinator position and eliminate one sworn Fire Department Lieutenant position, and change the title of the Assistant Fire Chief to Deputy Fire Chief in the Municipal Code **Continued**

ORDINANCE NO 09-074,
AMENDING SECTION 1-
8B-1 (FIRE DEPARTMENT
CREATED, MEMBERSHIP)
OF ARTICLE B

Miller moved to pass Ordinance No 09-074, to eliminate one Lieutenant position from the Fire Department and retitling the Assistant Fire Chief position to a Deputy Fire Chief position and authorized the City Manager to recruit internally and externally and hire personnel for Emergency Management Coordinator Second, Hinterlong

ROLL CALL:

Ayes: Pradel, Boyajian, Brodhead, Friesler, Hinterlong, Krause, Miller, Wehrli

Nays: Furstenau
Motion declared carried

O NEW BUSINESS:

O1 E-911 Surcharges

Krause stated that until the state budget is approved the city will not receive the E-911 surcharge refunds and encouraged residents to contact the state representatives

Dial informed the Council of his efforts to make contact with the state and that this is money the state has already collected

O2 Deliveries near Texas Roadhouse

Krause stated that residents near the Texas Roadhouse have complained about early morning deliveries

Schatz explained how delivery times are addressed in the code, will contact the Texas Roadhouse, and update the Council via the Manager's Memorandum

O3 Temporary Commuter Parking

Friesler suggested providing commuter parking on a temporary basis in the Van Buren parking deck

Schatz will review current occupancy rates and report back to Council via the Manager's Memorandum

O4 Fire Station #10 Groundbreaking

Miller thanked staff and Community Relations for the successful organization of the groundbreaking ceremony

O5 See You Downtown

Miller explained that the "See You Downtown" video will promote downtown Naperville, that a meeting will be held to discuss the details, and then a presentation will be made to the City Manager

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O6 Red Light Photo Enforcement Videos

Hinterlong encouraged the Council to review the videos of the red light intersection before the next meeting

O7 Naperville Crossings

Furstenau asked for an update on removing the dirt pile

Schatz explained that the city has been working with the bank regarding code issues that the bank is well aware of the commitments that have been made

O8 Safety on Chicago Avenue

Mayor Pradel encouraged staff to be vigilant for any safety issues on Chicago Avenue related to the location of the recently-approved concession cart

O9 Homeless Man on Chicago Avenue

Wehrli asked for an update on the situation regarding the homeless man on Chicago Avenue

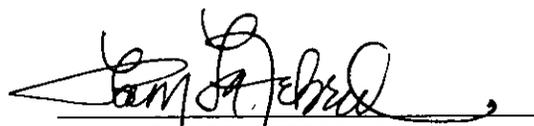
P **CLOSED SESSION:**

Q **ADJOURNMENT:**

Wehrli moved to adjourn the Regular City Council meeting of June 16, 2009 at 10 21 p m Second, Boyajian

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of June 16, 2009 officially adjourned at 10 21 p m



PAM LAFERBER, Ph D
CITY CLERK

PL BK

