CITY COUNCIL MEETING OF NOVEMBER 19, 2013
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
December 3, 2013 AS WRITTEN.

CALL TO ORDER: 6:15 P.M.

A Mayor Pro Tem, Robert Fieseler
Councilwoman Judy Brodhead
Councilman Steve Chirico
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy
Councilman Grant Wehrli
Councilman David Wentz

Absent
Mayor A. George Pradel

Also Present
City Manager, Doug Krieger
Deputy City Manager, Marcie Schatz
City Attorney, Margo Ely
City Clerk, Pam LaFeber
Communications Manager, Linda LaCloche
Police Chief, Robert Marshall
Fire Chief, Mark Puknaitis
Deputy Fire Chief, Richard Sander
Director of Finance, Karen DeAngelis
T.E.D. Operations Manager, Allison Laff
Director of Transportation, William Novack
Transportation Team Leader, Karyn Robles
Public Works Operation Team Leader, Christine Schwartzhoff
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel
Chief Information Officer, Larry Gunderson

Press
Chicago Sun Times, Daily Herald, Naperville Sun

B CLOSED SESSION:

Wehrli moved to recess to Closed Session to discuss 5ILCS/120(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; **(2)** Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees; **(5)** The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussion whether a particular parcel should be acquired. Second, Wentz.

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

THE MEETING RECESSED TO CLOSED SESSION AT 6:18 P.M.
CLOSED SESSION ADJOURNED AT 6:57 P.M.

OPEN SESSION:

Mayor ProTem Fieseler called the meeting back to order at 7:02 p.m.

ROLL CALL to determine Quorum:
Present: Fieseler, Brodhead, Chirico, Hinterlong, Krause, McElroy, Wehrli, Wentz
Absent: Pradel

C PLEDGE TO THE FLAG: PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

E PUBLIC FORUM:

E1 Naperville to Become a "Cool City"
Beth Schwartz, 412 Haddassah, and Stephanie Hastings, 3835 Caine Ct., asked Council to place this topic on a future agenda and designate Naperville as a "Cool City."

By consensus, Council directed staff to draft an agenda item for review at a future meeting.

E2 Parking Decks
Dick Furstenau, 709 Zaininger, discussed the cost of rebuilding the Central Parking Facility (CPF) and suggested staff refresh information previously gathered on the CPF and the proposed Nichols Library Deck.

Council discussed the parking situation in the downtown, different parking solutions, and concluded that staff did not need to do further research.

Krieger said that the decision on deck construction is time sensitive and will be discussed at the CIP workshop.

F HOLDOVER ITEMS:

G PETITIONS AND COMMUNICATIONS TO THE COUNCIL:

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 with the exception of items I5, and I8. Second, Wehrli.

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

I1 Cash Disbursements – $10,830,076.07 — CASH DISBURSEMENTS

Council moved to approve the 11/06/13 cash disbursements in the amount of $10,830,076.07.

I2 Regular City Council Minutes — REGULAR CITY COUNCIL MINUTES

Council moved to approve the Regular City Council Meeting Minutes of November 5, 2013.

I3 Watermain improvements – Midwest Warehouse Building Expansion — MIDWEST WAREHOUSE BUILDING EXPANSION

Council moved to accept the public water main improvements associated with the Midwest Warehouse Building Expansion located at 2885 Diehl Road and authorize the City Clerk to reduce the corresponding public improvement surety.

I4 Naper Lights Temporary Event Signage — NAPER LIGHTS TEMPORARY EVENT SIGNAGE

Council suggested including sign review/approval to the Special Event process and encouraged Code Enforcement to be proactive when they see illegal event signs.

Council moved to approve the recommendation to allow Rotary Club of Naperville/Sunrise to place a temporary special-event sign at the Washington entrance to Central Park until January 6, 2014 to promote its Naper Lights event.

I6 Ordinance No. 13-130, Parking Restrictions on Sleight Street — ORDINANCE NO. 13-130, PARKING RESTRICTIONS ON SLEIGHT STREET

Council moved to pass Ordinance No. 13-130, to amend parking restrictions on Sleight Street from School Street to Franklin Avenue.

I7 Liquor Code, Growler Permit and Late Night Permits — LIQUOR CODE, GROWLER PERMIT & LATE NIGHT PERMITS

I7a Ordinance No. 13-131, Liquor Code - Growler Permit increase the number of Late Night Permits

ORDINANCE NO. 13-131, GROWLER PERMIT & LATE NIGHT PERMITS

Council moved to pass Ordinance No. 13-131, amending Sections 3-3-1 and 3-3-11 of the Naperville Municipal Code to establish a Growler Permit and authorize the issuance of two (2) late night permits requested.

I7b Amend Liquor Code to reflect number of transactions

Council moved to direct staff to draft an ordinance amending Section 3-3-13:7 of the Naperville Municipal Code to reflect accurate numbers after the transactions have occurred.

I9 Resolution No. 13-032, Standard Market Access Easement Agreement

RESOLUTION NO. 13-032, STANDARD MARKET ACCESS EASEMENT AGREEMENT

Council suggested adding the address to the proposed monument sign.

Council moved to adopt Resolution No. 13-032, authorizing an Access Easement Agreement between the City of Naperville and 1400 Aurora Avenue, LLC (i.e. Standard Market).

I10 Ordinance No. 13-132, Life Storage of Naperville, LLC, PZC 13-1-106

ORDINANCE NO. 13-132, LIFE STORAGE OF NAPERVILLE, LLC, PZC 13-1-106

Council moved to pass Ordinance No. 13-132, approving a preliminary/final plat of subdivision for Life Storage of Naperville, LLC Subdivision, PZC 13-1-106.

I11 Resolution No. 13-033, International Union of Operating Engineers (IUOE) Local 150

RESOLUTION NO. 13-033, INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE) LOCAL 150

Council moved to adopt Resolution No. 13-033, authorizing execution of a collective bargaining agreement between the IUOE Local 150 and the City of Naperville covering the Water/Wastewater Utility Field Supervisors.

I12 Cy Pres Funds – Imposition of a Telecommunication Fee

CY PRES FUNDS – IMPOSITION OF A TELECOMMUNICATION FEE

Council moved to authorize the expenditure of $59,497.69 of Cy Pres Funds for marketing of Naper Notify and electronic driver feedback signs.

I5 Parking Restrictions on Magnolia Lane

PARKING RESTRICTIONS ON MAGNOLIA LANE

Council discussed the current parking issues and suggested staff make further recommendations to address the problems.

Wehrli moved to table this item to December 17, 2013. Second, Krause.

VOICE VOTE: Motion declared carried.

Clerk's Note: Brodhead recused herself due to a conflict of interest and left the dais at 7:41 p.m.

I8 Ordinance No. 13-133, North Central College – Naper Place, PZC 13-1-110

ORDINANCE NO. 13-133, NORTH CENTRAL COLLEGE – NAPER PLACE, PZC 13-1-110

Robles explained seasonal parking regulations, parking tags, and that there are issues with students that don't have tags parking illegally.

Marshall said that there is an average of three violations per day in the Paw Paw lot.

I8 Ordinance No. 13-133, North Central College – Naper Place, PZC 13-1-110 **Continued**

ORDINANCE NO. 13-133, NORTH CENTRAL COLLEGE – NAPER PLACE, PZC 13-1-110

Council suggested registering tags with student license plates

Wehrli moved to pass Ordinance No. 13-133, approving a conditional use for a dormitory in B4 (Downtown Core) per Section 6-7D-3:10 of the Naperville Municipal Code for the property located at 119 S. Main Street (commonly referred to as Naper Place). Second, Chirico.

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

Clerk's Note: Brodhead returned to the dais at 7:50 p.m.

J OLD BUSINESS:

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

K1 Bid 14-112, Cress Creek Subdivision, Pipelining

BID 14-112, CRESS CREEK SUBDIVISION, PIPELINING

Holzapfel explained how the pipelining will affect the infiltration rates.

Wehrli moved to award Bid 14-112, Cress Creek Subdivision cured-in-place pipelining, to Hoerr Construction, Inc., for an amount not to exceed $1,842,536.50, plus a 5% contingency. Second, Hinterlong.

ROLL CALL:
Ayes: Hinterlong, Krause, McElroy, Wehrli, Wentz, Fieseler, Brodhead, Chirico
Nays: None
Absent: Pradel
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 December 2013 and January and February 2014. Second, Wentz.

VOICE VOTE: Motion declared carried.

L2 Naperville Strategic Plan

NAPERVILLE STRATEGIC PLAN

Council discussed the process and suggested having more input on the next plan.

Chirico moved to approve the Naperville Strategic Plan. Second, Krause.

VOICE VOTE: Motion declared carried.

L3 FY15 Social Service Grant Funding Allocations

FY15 SOCIAL SERVICE GRANT FUNDING ALLOCATIONS

Wehrli moved to approve the funding amounts for the FY15 Social Service Grant Program. Second, Chirico.

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

M **PUBLIC HEARINGS:**

M1 Mandarino Annexation, PZC 13-1-109

MANDARINO ANNEXATION, PZC 13-1-109

M1a Consider annexation agreement for 26W337 Bauer Road

PUBLIC HEARING

Fieseler opened the public hearing at 7:58 p.m.

Council asked about whether or not site work has been done prior to this annexation.

Novack stated he will confirm what activity, if any, has occurred.

Wehrli moved to close the public hearing at 7:59 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

Wehrli moved to use the Omnibus method to approve items M1b-e. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

Krause moved to approve items M1b-e. Second, Wehrli.

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

M1b Ordinance No 13-134, execution of annexation agreement

ORDINANCE NO 13-134, EXECUTION OF ANNEXATION AGREEMENT

Council moved to pass Ordinance No. 13-134, authorizing execution of the annexation agreement for 26W337 Bauer Road.

M1c Ordinance No. 13-135, annexing 26W337 Bauer Road

ORDINANCE NO. 13-135, ANNEXING 26W337 BAUER ROAD

Council moved to pass Ordinance No. 13-135, annexing the property located at 26W337 Bauer Road.

M1d Ordinance No. 13-136, preliminary/final plat of subdivision for Mandarino Subdivision

ORDINANCE NO. 13-136, PRELIMINARY/FINAL PLAT OF SUBDIVISION

Council moved to pass Ordinance No. 13-136, approving the preliminary/final plat of subdivision for Mandarino Subdivision.

M1e Ordinance No. 13-137, rezoning

ORDINANCE NO. 13-137, REZONING

Council moved to pass Ordinance No. 13-137, rezoning 26W337 Bauer Road upon annexation to R1a (low density single family residence district) and approving a variance from Section 6-6a-7 (R1a: yard requirements) of the Naperville Municipal Code for the property located at 26W337 Bauer Road.

M2 Proposed Property Tax Levy

PROPOSED PROPERTY TAX LEVY

Fieseler opened the public hearing at 8:01 p.m.

Chirico moved to close the public hearing at 8:01 p.m. Second, Krause

VOICE VOTE: Motion declared carried.

M3 Special Service Area #21 (New Parking Garage)

SPECIAL SERVICE AREA #21

Fieseler opened the public hearing at 8:02 p.m.

Chirico moved to close the public hearing at 8:02 p.m. Second, Wentz.

VOICE VOTE: Motion declared carried.

M4 Special Service Area #24 (Downtown Maintenance & Marketing Expenses)

SPECIAL SERVICE AREA #24

Fieseler opened the public hearing at 8:02 p.m.

Chirico moved to close the public hearing at 8:03 p.m. Second, Wentz

VOICE VOTE: Motion declared carried.

M5 Special Service Area #25 (Il-Route 59 and Lacrosse Lane)

SPECIAL SERVICE AREA #25

Fieseler opened the public hearing at 8:03 p.m.

Chirico moved to close the public hearing at 8:03 p.m. Second, Wentz.

VOICE VOTE: Motion declared carried.

N **ORDINANCES AND RESOLUTIONS:**

N1 City Council Salaries

CITY COUNCIL SALARIES

Furstenau, 709 Zaininger, spoke against making any change in salaries.

Council discussed when this would go into effect, an appropriate CPI range and cap, the elimination of $1,200 expense line item, if Council should receive a pension, and whether or not Council technically meets the pension requirements of working 1,000 hours/year.

DeAngelis explained that the $1,200 expense line item was taxable but not pensionable.

Krause moved to table the item for discussion at a January workshop. Second, Wehrli

Council suggested discussing the mayor's salary at a January workshop and what happens if a First Reading is tabled.

Ely advised that the First Reading requirements have been met and the Council may take final action when the item is presented to them in December.

N1 City Council Salaries **Continued** — CITY COUNCIL SALARIES

Chirico made a Motion in Substitution to bring the topic of Council and mayor salaries to a January workshop. Second, Wehrli

Chirico amended the Motion in Substitution to bring back only the topic of the mayor's salary to a January workshop. Second, Wehrli

VOICE VOTE: Motion declared carried.

N1a Amending Municipal Code to establish salaries of City Council Members

N1b Consider Mayor's salary in comparable communities

Clerk's Note: McElroy recused himself due to a conflict of interest and left the dais at 8:35 p.m.

N2 Mayfair Phase 3, PZC 13-1-120 and 13-1-123 — MAYFAIR PHASE 3, PZC 13-1-120 AND 13-1-123

Rosalyn Urbanek, 8S171 Rte. 59, spoke against the proposed development.

Novack clarified that traffic does not constitute construction. He said Code Enforcement does not work weekends, however will investigate any complaints during regular City business hours.

Greg Collins, MI Homes and 400 East Diehl Road, said that Code Enforcement was consulted regarding construction traffic and was advised that the development is in compliance with the existing ordinance.

Chirico moved to use the Omnibus method to approve items N2a-c. Second, Wehrli

VOICE VOTE: Motion declared carried.

Roll Call on the motion to use the Omnibus method to approve items N2a-c:
Ayes: Fieseler, Brodhead, Chirico, Hinterlong, Wehrli, Wentz
Nays: Krause
Recused: McElroy
Absent: Pradel
Motion declared carried.

Chirico moved to approve items N2a, N2b and N2c. Second, Wehrli.

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

N2a Ordinance No. 13-138, final planned unit development, Mayfair Phase 2 — ORDINANCE NO. 13-138, FINAL PLANNED UNIT DEVELOPMENT, MAYFAIR PHASE 2

Council moved to pass Ordinance No. 13-138, approving the final planned unit development (PUD) plat for Mayfair Phase 2.

N2b Ordinance No. 13-139, final plat of subdivision for Mayfair Phase 2 Unit 1 — ORDINANCE NO. 13-139, FINAL PLAT OF SUBDIVISION FOR MAYFAIR PHASE 2 UNIT 1

Council moved to pass Ordinance No. 13-139, approving the final plat of subdivision for Mayfair Phase 2 Unit 1.

N2c Resolution No. 13-034, Encroachment License and Covenant Agreement

RESOLUTION NO. 13-034, ENCROACHMENT LICENSE AND COVENANT AGREEMENT

Council moved to adopt Resolution No. 13-034, authorizing the City Manager to execute the Encroachment License and Covenant Agreement between the City of Naperville and M/I Homes of Chicago, LLC.

Clerk's Note: McElroy returned to the dais at 8:52 pm.

N3 Ordinance No. 13-140, 604 N. Washington Street, PZC 13-1-024

ORDINANCE NO. 13-140, 604 N. WASHINGTON STREET, PZC 13-1-024

Laff explained that the petitioner is permitted by right to install a monument sign perpendicular along 6th Avenue. The proposed sign, including the proposed EMB, meets all sign code requirements with respect to setbacks, height, size, and design. The only portion of the sign that is not in compliance with the sign code is with respect to orientation.

Council discussed sign clutter on Ogden, said that the problem is moving toward Washington, debated the compliance of the existing medical sign on Washington, and questioned whether the Code should be changed.

Laff clarified that because this is a temporary use, and will not be a permanent sign, the ordinance will not be renewable.

Chirico moved to pass Ordinance No. 13-140, approving a temporary use to allow for the installation of a monument sign with an electronic message board (EMB) at 604 N. Washington Street for a period expiring on November 19, 2016, subject to conditions. Second, Brodhead.

ROLL CALL:

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

O NEW BUSINESS

O1 Neon signs

Hinterlong asked about whether neon signs in storefront windows are allowed.

Laff stated they are not permitted and requested addresses.

O2 Students in the Audience

Fieseler commended students who sat in the front row for the entire meeting.

P CLOSED SESSION:

Q ADJOURNMENT: ADJOURNMENT

Wehrli moved to adjourn the Regular City Council meeting of November 19, 2013 at 9:12 p.m. Second, McElroy.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of November 19, 2013 officially adjourned at 9:12 p.m.

PAM LAFEBER PH.D.
CITY CLERK

PL: BK