



**CITY COUNCIL MEETING OF SEPTEMBER 7, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
September 21, 2010 AS AMENDED.**

CALL TO ORDER:

6:00 P.M.

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

Absent

Councilman Judy Brodhead

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 Finance, Karen DeAngelis
Financial Reporting Team Supervisor, Chris Smith
Director of Public Works, David Van Vooren
T.E.D. Operations Manager, Allison Laff
T.E.D. Development Team Leader, Dick Dublinski
T.E.D. Engineering Team Leader, Bill Novack
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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B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss 5 ILCS 120/2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body; (2) Collective negotiating matters between the public body, and its employees or their representatives; (11) Litigation, when action against, affecting or on behalf of the particular public body has been filed and is pending before a court; (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; (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, Miller.

ROLL CALL:

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

Nays: None

Absent: Brodhead

Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 6:05 P.M.

CLOSED SESSION ENDED AT 7:02: P.M.

OPEN SESSION

7:09 P.M.

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:09 P.M.

ROLL CALL to determine Quorum:

Present: Pradel, Boyajian, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli

Absent: Brodhead

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Employee of the Month – September

Councilman Miller recognized Detective Shaun Ferguson as September's Employee of the Month.

EMPLOYEE OF THE MONTH - SEPTEMBER

D2 Celebration of Peace – Proclamation

Councilman Krause proclaimed September 9 – December 11 as "Celebration of Peace" time in the City of Naperville. He presented the proclamation to Revati Natesan.

CELEBRATION OF PEACE - PROCLAMATION

D3 Larry McKeon Day – Proclamation

Councilmen Boyajian and Furstenau proclaimed September 7, 2010 as Larry McKeon Day. They presented the proclamation to Larry McKeon.

LARRY MCKEON DAY - PROCLAMATION

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E PUBLIC FORUM:

E1 Brush Pick-up

Richard Backer, 733 Chesterfield, requested that the one brush pick-up be scheduled for the fall and not the spring. He also inquired about street resurfacing and the use of the Test Track.

Krieger said that the free pick-up was reduced to once per year, however the bundle/sticker pick-up is available year-round. He said that the city is committed to a spring pick-up this year, but will consider his comments going forward.

Novack explained that the city crack fills on the edge of the pavement and the edge of the gutter. He said this is done after the road has been resurfaced. He also explained the different types of sealant.

Van Vooren stated that the track is used by nine dealerships approximately 2,000 times per month.

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 I7, I9, I13, I15 and I16. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Brodhead

Motion declared carried.

II Cash Disbursements – 8/18/10

Council discussed the city's financial position, how much money was spent since the August 17 meeting, that the Council's role is to set policy, Directors should more closely monitor credit card spending, and staff is to manage the budget. Further questions on expenditures will be discussed with the city manager.

Council moved to approve the cash disbursements of 8/18/10 in the amount of \$21,701,342.24.

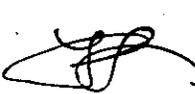
**CASH DISBURSEMENTS –
8/18/10**

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- I2** Award of Bid 11-028, Multi-space Parking Pay Station
Council moved to approve the award of Bid 11-028, multi-space parking pay stations, to Standard Parking Corporation for an amount not to exceed \$226,899.00 including maintenance and collections for two-years with three options years. **BID 11-028, MULTI-SPACE PARKING PAY STATION**
- I3** Award of Bid 11-050, Municipal Building Sealant Replacement
Council moved to approve the award of Bid 11-050, municipal building sealant replacement, to TNA Sealants Inc., for an amount not to exceed \$112,000.00 plus a 5% contingency. **BID 11-050, MUNICIPAL BUILDING SEALANT REPLACEMENT**
- I4** Public underground improvements at GE Supply
Council moved to accept the public underground improvements at GE Supply and Republic Bank and authorize the City Clerk to reduce the corresponding public improvement sureties. **PUBLIC UNDERGROUND IMPROVEMENTS**
- I5** Statutory Review of Closed Session Minutes
Council moved to approve the release of Not Restricted (NR) Closed Session Minutes. **STATUTORY REVIEW - CLOSED SESSION MINUTES**
- I6** Resolution No. 10-048, SS Peter & Paul School, ZBA #10-1-097
Dublinski clarified that half of the 44-square foot sign will be changeable, the text can change once every ten seconds, the lighting is monitored with meters, and that the sign faces a non-residential area.
Council moved to adopt Resolution No. 10-048, granting a variance from the Naperville Municipal Code to allow for the installation of a 44-square foot wall sign on the south elevation of the building located at 201 E. Franklin Avenue, ZBA 10-1-097. **RESOLUTION NO. 10-048, SS PETER & PAUL SCHOOL, ZBA 10-1-097**
- I8** Ordinance No. 10-110, Establish No-Parking on Centennial Court
Novack clarified the width of the street and that the developer brought this item forward. He also said that when lots become occupied the resident can appeal any parking designation to the Transportation Advisory Board.
Council moved to pass Ordinance No. 10-110, to establish no parking anytime on the west side of Centennial Court from Jackson Avenue south for a distance of 475 feet A(northeast lot line of 324 Centennial Court. **ORDINANCE NO. 10-110, ESTABLISH NO-PARKING ON CENTENNIAL COURT**
- I10** Ordinance No. 10-111, establish temporary traffic controls for the North Central College Homecoming Parade on October 23, 2010
Council moved to pass Ordinance No. 10-111, to establish temporary traffic controls and issue a special event permit for the North Central College Homecoming Parade on October 23, 2010. **ORDINANCE NO. 10-111, NORTH CENTRAL COLLEGE HOMECOMING PARADE**
- I11** Ordinance No. 10-112, establish temporary traffic controls for the 2010 New Thing 5K Run on October 16, 2010
Council moved to pass Ordinance No. 10-112, to establish temporary traffic controls and issue a special event permit and amplifier permit for the 2010 New Thing 5K Run on October 15, 2010. **ORDINANCE NO. 10-112, NEW THING 5K RUN**



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- I12 Ordinance No. 10-113, establish temporary traffic controls for the 2010 Turkey Trot on November 25, 2010 ORDINANCE NO. 10-113,
2010 TURKEY TROT
Council moved to pass Ordinance No. 10-113, to establish temporary traffic controls for the 2010 Turkey Trot on November 25, 2010.
- I14 Ordinance No. 10-114, establish temporary traffic controls for Hometown Holidays on November 26, 2010 ORDINANCE NO. 10-114,
HOMETOWN HOLIDAYS
Council moved to pass Ordinance No. 10-114, to establish temporary traffic controls and issue a special event permit for Hometown Holidays on November 26, 2010.
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- I7 Resolution No. 10-049, Ogden Mall, ZBA 10-1-056 RESOLUTION NO. 10-049,
OGDEN MALL, ZBA 10-1-056
Council stated that the requested signage involves four variances and will result in a billboard.
Council discussed that this is a large shopping center that has had financial problems over the years and that this may revitalize the area. Council said that permitting one sign for the parcel will eliminate the clutter that would occur if each store were allowed their own signage.
Dublinski clarified that political signs will not be allowed.
Boyajian moved to adopt Resolution No. 10-049, granting a variance from the Naperville Municipal Code to allow for the installation of a monument sign that is larger than 45 square feet, taller than 10 feet, contains an electronic message center that is larger than 22-1/2 square feet and will be the second monument sign for a property that has less than 500 feet of lot frontage for Ogden Mall located at 1199-1295 E. Ogden Avenue. Second, Hinterlong.
ROLL CALL:
Ayes: Boyajian, Fieseler, Furstenau, Hinterlong, Krause, Wehrli, Pradel
Nays: Miller
Absent: Brodhead
Motion declared carried.
- I9 Jackson Avenue and Chicago Avenue Parking Revisions JACKSON AVENUE AND
CHICAGO AVENUE
PARKING REVISIONS
Wehrli moved to table until such time that the ADA Commission has reviewed the item and made a recommendation to Council. Second, Boyajian.
VOICE VOTE: Motion declared carried.
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I16 Ordinance No. 10-116, amendment to Utility Rate Ordinances for Deposit **Continued**

**UTILITY RATE
ORDINANCES FOR
DEPOSITS**

DeAngelis stated that city can lien single family home property when there are delinquent utility payments. The city recovers money when the property is sold. The city also liens rental properties but is not able to collect the debt for a long time. The proposed text amendment will allow the city to collect the money much sooner. She said that this will not be an administrative burden and will go into effect from this point forward.

Furstenau moved to waive first reading and pass Ordinance No. 10-116, amending Title 8 (Public Utilities) Chapter 1 (Electricity), Article C (Electric Service Rates) and Chapter 2 (Municipal Water and Sewer), Article C (Water and Sewer Rates, Connection Charges) of the Naperville Municipal Code. Second, Boyajian.

ROLL CALL:

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

Nays: None

Absent: Brodhead

Motion declared carried.

J **OLD BUSINESS:**

J1 Ordinance No. 10-117, Amendment to the Towing Procedures

**ORDINANCE NO. 10-117,
TOWING PROCEDURES**

Council asked if the city incurs a cost that will be recovered with these fees and questioned what is involved in a weapons offense.

Dial said that the city does not tow the vehicles but there is administrative costs in the Records Section and Patrol Division of the police department related to arrests where towing is involved.

Dial explained that a weapons offense may include the possession of a firearm without proper registration and/or possession of a firearm that was used to commit a crime.

Furstenau moved to adjust the recommended fees to \$150 for Class A misdemeanors and warrant arrests and \$500 for felonies. Second, Miller.

Dial stated that multiple drunken driving commissions and possession of illegal narcotics will constitute the seizure of a vehicle. He also said that graduated severity of the crime relates directly to the increased time an officer spends processing the case.

Wehrli made a motion in substitution to pass Ordinance No. 10-117, amending Title 11 (Motor Vehicles and Traffic), Chapter 5 (Motor Vehicle Tows), Article B (Towing Procedure) and Chapter 1 (General Traffic Provisions), Article 10 (Administrative Hearings) of the Naperville Municipal Code imposing Administrative Tow Fees. Second, Boyajian.

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J1 Ordinance No. 10-117, Amendment to the Towing Procedures
Continued

**ORDINANCE NO. 10-117,
TOWING PROCEDURES**

Council discussed that the ordinance allows tow fees to be charged based on an arrest and should be changed to after the person is found guilty. Council asked if the person is refunded the fee if found not guilty.

Dial stated that fees are predicated on probable cause and whether there was probable cause for the arrest. He said that currently the person who is arrested will pay for the tow as well as storage fees.

Council said that it should not be assumed that the city is wrong the majority of time and therefore should not impose fees for breaking the law.

ROLL CALL on motion in substitution:

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

Nays: Furstenau, Fieseler

Absent: Brodhead

 Motion declared carried.

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

L **REPORTS AND RECOMMENDATIONS:**

L1 Regular City Council Meeting Minutes of August 17, 2010

**REGULAR CITY COUNCIL
MEETING MINUTES – 8/17/10**

Furstenau moved to approve the Regular City Council Meeting Minutes of August 17, 2010. Second, Miller.

VOICE VOTE: Motion declared carried.

Abstain: Wehrli.

L2 City Council Meeting Schedule

**CITY COUNCIL MEETING
SCHEDULE**

Furstenau moved to approve the City Council Meeting Schedule for September, October, and November 2010. Second, Miller.

VOICE VOTE: Motion declared carried.

L3 Authorize City Manager to Hire Vacant Positions

VACANT POSITIONS

L3b Recruit externally and fill 2 NPD Telecommunicator
Vacancies

Krause moved to grant approval to recruit externally and fill two Naperville Police Department Telecommunicator vacancies. Second, Furstenau.

ROLL CALL:

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

Nays: None

Absent: Brodhead

 Motion declared carried.

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L3a Recruit externally and fill vacancy for DPU-E Electrical Engineer – Planning and Technical Services

Council clarified that this is a vacant position that would be necessary even without the implementation of the SMART Grid project and explained that the Electric Department budget is higher than the General Fund budget and that the hiring of personnel will not have any effect on the city's ability to deliver services.

Council said that the cost of this position will be included in the upcoming utility rate study and that the department structure may change after the implementation of SMART Grid.

Fieseler moved to grant approval to recruit externally and fill the vacancy for DPU-E Electrical Engineer-Planning and Technical Services. Second, Wehrli.

ROLL CALL:

Ayes: Wehrli, Pradel, Boyajian, Fieseler, Hinterlong, Miller

Nays: Furstenau, Krause

Absent: Brodhead
 Motion declared carried.

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

O **NEW BUSINESS:**

O1 Labor Day Parade

Councilman Krause stated that he received a complaint from someone who participated in the parade last year but was told that in order to participate in the 2010 Labor Day Parade they must submit a \$2,000 security deposit or a \$1,000 deposit if they were not going to carry signs. He asked if this is new policy and directed staff to follow up with the Jaycees.

O2 Stormwater Commission

Councilman Krause explained that stormwater projects are not getting support from municipalities on the east side of DuPage County and asked that they continue to be reminded of the importance of effective stormwater management.

O3 ADA in the Downtown

Councilman Hinterlong asked the Council to speak with Accessibility Coordinator Marita Manning regarding ADA situations in the downtown.

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P **CLOSED SESSION:**

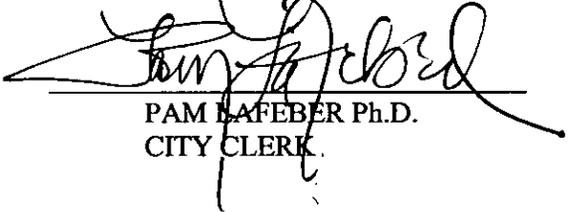
Q **ADJOURNMENT:**

ADJOURNMENT – 8:38 P.M.

Furstenau moved to adjourn the Regular City Council meeting of September 7, 2010 at 8:38 p.m. Second, Wehrli.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of September 7, 2010 officially adjourned at 8:38 p.m.



PAM LAFERBER Ph.D.
CITY CLERK

PL:BK

