



**CITY COUNCIL MEETING OF MAY 7, 2013
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
May 21, 2013 AS WRITTEN.**

CALL TO ORDER:

6:00 P.M.

- A** Mayor A. George Pradel
Councilwoman Judy Brodhead
Councilman Steve Chirico
Councilman Robert Fieseler – Arrived at 6:07 p.m.
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy - Arrived at 6:07 p.m.
Councilman Grant Wehrli
Councilman David Wentz

Absent

Also Present

City Manager, Doug Krieger
Deputy City Manager, Marcie Schatz
Assistant to City Manager, Amy Emery-Graunke
City Attorney, Margo Ely
Assistant City Attorney, Mike DiSanto
City Clerk, Pam LaFeber
Police Chief, Robert Marshall
Fire Chief, Mark Puknaitis
Finance Director, Karen DeAngelis
Communications Manager, Linda La Cloche
T.E.D. Operations Manager, Allison Laff
Transportation Team Leader, Karyn Robles
Director of Public Works, Dick Dublinski
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

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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; (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity; (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, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. Second, Chirico.

ROLL CALL:

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

Nays: None

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:07 P.M.
CLOSED SESSION ENDED AT 6:07 P.M.**

Clerk's Note: Councilman Fieseler and McElroy arrived at 6:07 p.m.

OPEN SESSION:

Mayor Pradel called the meeting back to order at 7:00 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:

D1 American Legion Poppy Day

AMERICAN LEGION
POPPY DAY

Councilwoman Brodhead proclaimed May 16, 2013 as American Legion Poppy Day and presented the Proclamation to a representative from the American Legion Post #43.

D2 International Barbershop Harmony Day

INTERNATIONAL
BARBERSHOP HARMONY
DAY

Councilwoman Brodhead proclaimed May 7, 2013 as International Barbershop Harmony Day and presented the Proclamation to John Morrison, President of the Naperville Chapter.

D3 Naperville Bike Month

NAPERVILLE BIKE
MONTH

Councilwoman Brodhead proclaimed May 2013 as Naperville Bike Month and presented the Proclamation to Karyn Robles, Transportation Team Leader.

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D4 Employee of the Month – May

**EMPLOYEE OF THE
MONTH - MAY**

Councilwoman Brodhead recognized Doug Splitt, GIS Specialist-DPU/W as the May's Employee of the Month.

E **PUBLIC FORUM:**

E1 Flood – April 17, 2013

Dublinski and Holzapfel gave a brief presentation on the April 17, 2013 flood event.

Council thanked Allied Waste for its responsiveness after the flood and discussed sanitary sewer back-ups, West Street closure, the comparison to the 1996 flood event, communication improvements, and school district closings.

E2 Flooding

Georgia Peceniak, 1121 Needham, discussed issues caused by the flooding in her subdivision.

E3 Huffman Street

Michael J. Costello, 24 S. Huffman Street, discussed the area pump station and the sanitary sewer system back-ups.

Holzapfel responded that the pump station has been upgraded and that staff continues to evaluate issues. He also discussed sewer linings, ground water, FEMA evaluation, and the number of illegal connections to the City system.

E4 Huffman Street

Tim Messer, 6 N. Huffman, thanked the City and commended staff for the response to the flood event.

F **HOLDOVER ITEMS:**

G **PETITIONS AND COMMUNICATIONS TO THE COUNCIL:**

H **CONSIDERATION 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: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy,
 Wehrli, Wentz

Nays: None
 Motion declared carried.

II Cash Disbursements – 4/10/2013

**CASH DISBURSEMENTS –
4/10/2013**

Council moved to approve the 4/10/2013 cash disbursements in the amount of \$9,085,916.01.



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| I2 | <u>Cash Disbursements – 4/18/2013</u>
Council moved to approve the 4/18/2013 cash disbursements in the amount of \$9,205,308.47. | CASH DISBURSEMENTS –
4/18/2013 |
| I3 | <u>Cash Disbursements – 4/24/2013</u>
Council moved to approve the 4/24/2013 cash disbursements in the amount of \$4,630,758.79. | CASH DISBURSEMENTS –
4/24/2013 |
| I4 | <u>Regular City Council Minutes</u>
Council moved to approve the Regular City Council Meeting Minutes of April 16, 2013. | REGULAR CITY COUNCIL
MINUTES |
| I5 | <u>Contract 12-091, Excavation and Underground Utility Repair</u>
Council moved to ratify the award of Emergency Change Order #1 and approve the award of Change Order #2 to option year one of Contract 12-091, excavation and underground utility repair, to Dienst Sewer and Water, Inc. in the amount of \$20,000 and \$64,000 respectively, for a total change of \$84,000.00 bringing the total Option Year One award to \$159,347.00. | CONTRACT 12-091,
EXCAVATION AND
UNDERGROUND UTILITY
REPAIR |
| I6 | <u>Bid 13-148, Traffic Signal</u>
Council moved to approve the award of Bid 13-148, Hassert Blvd. and Chokeberry Drive traffic signal to Western Utility Contractors, Inc., for an amount not to exceed \$243,773.41 plus a 5% contingency, and authorize staff to appropriate the funds to FY 14 for this contract award. | BID 13-148, TRAFFIC
SIGNAL |
| I7 | <u>Bid 13-138, Aerial Bucket Truck</u>
Council moved to approve the award of Bid 13-138, aerial bucket truck with chipper body to Altec Industries, Inc., for an amount not to exceed \$129,884.00 and authorize staff to amend the FY14 fleet replacement budget to increase the 503-4610-582.70-87 account by \$129,844.00 for the purchase of the aerial bucket truck. | BID 13-138, AERIAL
BUCKET TRUCK |
| I8 | <u>Contract #13-004, Watermain Improvements</u>
Council moved to approve the award of Change Order #1 to Contract 13-004, Webster/Hillside watermain improvements, to Construction by Camco, Inc. in the amount of \$31,693.11 for a total contract award not to exceed \$336,073.11. | CONTRACT #13-004,
WATERMAIN
IMPROVEMENTS |
| I9 | <u>North Central College 2013 Fireworks Display</u>
Council moved to approve North Central College's permit request to hold a fireworks display on May 18, 2013. | NORTH CENTRAL
COLLEGE 2013
FIREWORKS DISPLAY |
| I10 | <u>Naperville Central High School 2013 Graduation Fireworks</u>
Council moved to approve Naperville Central High School's permit request to hold a fireworks display on May 20, 2013. | NAPERVILLE CENTRAL
HIGH SCHOOL 2013
GRADUATION
FIREWORKS |
| I11 | <u>Naperville North High School 2013 Graduation Fireworks</u>
Council moved to approve the Naperville North High School's permit request to hold a fireworks display on May 20, 2013. | NAPERVILLE NORTH
HIGH SCHOOL 2013
GRADUATION
FIREWORKS |



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- I12** Ordinance No. 13-031, 600 Industrial Drive, PZC 13-1-022
Council moved to pass Ordinance No. 13-031, approving a conditional use for a training studio in I (Industrial) to operate Beyond Measure Training at 600 Industrial Drive, PZC 13-1-022
ORDINANCE NO. 13-031,
BEYOND MEASURE
TRAINING, PZC 13-1-022
- I13** Ordinance No. 13-032, 2013 Esprit de She Women's Triathlon
Marshall explained that Special Events Sergeant, Steve Schindlbeck, is preparing a report regarding event security. The report is due on May 20, 2013.
Council moved to pass Ordinance No. 13-032, establishing temporary traffic controls and issue a special event permit for the Esprit de She Women's Triathlon on June 9, 2013.
ORDINANCE NO. 13-032,
2013 ESPRIT DE SHE
WOMEN'S TRIATHON
- I14** Ordinance No. 13-033, 2014 G.L.O.W. Run for Reading 5K
Council moved to pass Ordinance No. 13-033, establishing temporary traffic controls for the 2013 G.L.O.W. Run for Reading 5K and issue a special event permit for the event.
ORDINANCE NO. 13-033,
2014 G.L.O.W. RUN FOR
READING 5K
- I15** Ordinance No. 13-034, 1701 Quincy Avenue, PZC 13-1-023
Council moved to pass Ordinance No. 13-034, amending Ordinance 11-123 to allow 8,150 square feet of training studios on the property located at 1701 Quincy Avenue as a conditional use in I (Industrial District).
ORDINANCE NO. 13-034,
1701 QUINCY AVENUE,
PZC 13-1-023
- I16** Improvement of Illinois Route 59
- I16a** Ordinance No. 13-035, encroachments within State of Illinois right-away along Illinois Route 59
Council moved to pass Ordinance No. 13-035, prohibiting encroachments within the State of Illinois right-of-way along Illinois Route 59.
ORDINANCE NO 13-035,
PROHIBITING
ENCROACHMENTS
ALONG IL RTE. 59
- I16b** Resolution No. 13-017, Appropriating funds for the improvement of Illinois Route 59
Council moved to adopt Resolution No. 13-017, appropriating funds for the improvement of Illinois Route 59 pursuant to an agreement with the State of Illinois Department of Transportation.
RESOLUTION NO. 13-017,
APPROPRIATING FUNDS
FOR THE IMPROVEMENT
OF ILLINOIS ROUTE 59
- I16c** Resolution No. 13-018, Intergovernmental Agreement with Illinois Department of Transportation for the improvement of Illinois Route 59
Council moved to adopt Resolution No. 13-018, approving an intergovernmental agreement between the City of Naperville and the State of Illinois Department of Transportation for the improvement of Illinois Route 59.
RESOLUTION 13-018,
AGREEMENT WITH IDOT
FOR IMPROVEMENT OF IL
RTE. 59
- I17** Lowry Development, 12 North Webster Street, PZC 13-1-005
Council discussed rescinding ordinances that are no longer applicable to properties.
LOWRY DEVELOPMENT,
12 NORTH WEBSTER
STREET, PZC 13-1-005



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| I17a <u>Ordinance No. 13-036, Conditional Use, and Owner's Acknowledgement and Acceptance Agreement</u>
Council moved to pass Ordinance No. 13-036, approving a conditional use for a single-family detached dwelling in TU (transitional use) district and an Owner's Acknowledgement and Acceptance agreement, for property located at 12 North Webster Street. | ORDINANCE NO. 13-036,
CONDITIONAL USE &
OWNER'S
ACKNOWLEDGEMENT &
ACCEPTANCE
AGREEMENT |
| I17b <u>Ordinance No. 13-037, variances for an accessory structure</u>
Council moved to pass Ordinance No. 13-037, approving a variance to permit an accessory structure in a front and corner side yard, and a variance to the required corner side yard, for property located at 12 North Webster Street. | ORDINANCE NO. 13-037,
VARIANCES FOR AN
ACCESSORY STRUCTURE |
| I18 <u>Ordinance No. 13-038, 324 S. Julian, PZC 13-1-035</u>
Council moved to pass Ordinance No. 13-038, granting a deviation to a 35' platted building line based on the provisions contain in Section 7-1-13 (platted setbacks and building lines) of the Municipal Code to allow a portion of the single family home located at 324 S. Julian Street to be located at a distance of 33.27' from the front lot line, PZC 13-1-035. | ORDINANCE NO. 13-038,
324 S. JULIAN, PZC 13-1-
035 |
| I19 <u>Ordinance No. 13-039, Riverwalk Family Dental, PC 13-1-009</u>
Council moved to pass Ordinance No. 13-039, granting a zoning change of the property located at 127 Aurora Avenue be rezoned from R2 (single-family and low density multiple-family residence district) to TU (transitional use district), PC 13-1-009. | ORDINANCE NO. 13-039,
RIVERWALK FAMILY
DENTAL, PC 13-1-009 |

BREAK: 7:59 p.m.
Mayor Pradel called the meeting back to order at 8:10 p.m.

J OLD BUSINESS:

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

K1 Contract 11-082, Job Order Contract

Wehrli moved to approve the award of the first two year renewal option to Contract 11-082, Job Order Contract, to F.H. Paschen in an amount not to exceed \$2,000,000. Second, Krause.

ROLL CALL:

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

Nays: None
Motion declared carried.

CONTRACT 11-082, JOB
ORDER CONTRACT



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L REPORTS AND RECOMMENDATIONS:

L1City Council Meeting Schedule

**CITY COUNCIL MEETING
SCHEDULE**

Wehrli moved to approve the City Council Meeting Schedule for May, June and July 2013. Second, Chirico.

VOICE VOTE: Motion declared carried.

L2Washington Street Pedestrian Bridge Feasibility Study

**WASHINGTON STREET
PEDESTRIAN BRIDGE
FEASIBILITY STUDY**

Council discussed the grid ratings in the report and the project timeline.

Robles stated that having utilities on either side of the roadway was preferred over having a separate bridge structure. She said preliminary engineering will begin immediately and applications for grant funding will be made in the fall.

Chirico moved to accept the Washington Street Pedestrian Bridge Feasibility Study and concur with the implementation plan identified by staff. Second, Hinterlong.

ROLL CALL:

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

Nays: None
 Motion declared carried.

M PUBLIC HEARINGS:

M1Public Hearing and Expansion of SSA 21 and 24

**EXPANSION OF SSA 21
AND 24**

M1aOrdinance No. 13-041, expanding Special Service Area 21

**ORDINANCE NO. 13-041,
SPECIAL SERVICE AREA
21**

Pradel opened the public hearing at 8:17 p.m.

Chirico moved to close the public hearing at 8:17 p.m. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

Council moved to pass Ordinance No. 13-041, expanding Special Service Area 21 to include 237 W. Jefferson Avenue.

M1bOrdinance No. 13-042, expanding Special Service Area 24

**ORDINANCE NO. 13-042,
EXPANDING SPECIAL
SERVICE AREA 24**

Pradel opened the public hearing at 8:18 p.m.

Chirico moved to close the public hearing at 8:18 p.m. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

Council moved to pass Ordinance No. 13-042, expanding Special Service Area 24 to include 237 W. Jefferson Avenue.



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Krause moved to create an Omnibus Ordinance to approve items M1a and M1b. Second, Chirico.

VOICE VOTE: Motion declared carried.

Krause moved to pass Ordinance No. 13-041, and 13-042. Second, Hinterlong.

ROLL CALL:

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

Nays: None
Motion declared carried.

N ORDINANCES AND RESOLUTIONS:

N1 Ordinance No. 13-040, Downtown Late Night Permit

**ORDINANCE NO. 13-040,
DOWNTOWN LATE NIGHT
PERMIT**

Steve Rubin, 990 Timber Lee Court, discussed the downtown culture and spoke against increasing the late night permit cap.

Council discussed the culture in the downtown, stated that the property is currently vacant, reviewed the 2030 Plan, the need to increase City services to offset the impact of another downtown late night establishment, and that recent surveys indicate that 60% of people visiting the downtown are not Naperville residents.

Pradel reviewed the Liquor Commission deliberation and stated that the Police Department is practicing more proactive enforcement, there has been a decrease in criminal activity in the downtown, that the effect of reassigning police officers from the neighborhoods to the downtown should be considered, and said that a cap increase should not be approved.

Council discussed recent downtown development approvals and the effect they will have on police support.

DiSanto explained why the late night permit was created and the late night cap request, approval, and reduction process. He also stated that allowing underage people in the bar is at the discretion of the establishment.

Council discussed the proposed wristband policy, the desired late-night family atmosphere, that revenues will likely offset costs of additional police staff, concerns about minors in the bar late in the evening, and the need for this property to be developed.

Phil Cullen, 512 S. Main Street, Downers Grove, clarified that minors must be accompanied by an adult and explained how minors are distinguished from those patrons that are of legal age. He said that the type of crowd can be anticipated by the performing band and that minors are typically gone by 11:00 p.m.

Marshall stated that there are currently not enough officers to police the downtown, that it will be 8-10 months before new hires are on the street, and that the department is seeking grant funding to assist with expense of hiring more officers.



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N1 Ordinance No. 13-040, Downtown Late Night Permit Continued

ORDINANCE NO. 13-040,
DOWNTOWN LATE NIGHT
PERMIT

Council discussed the positive comments received from downtown merchants, that there is still a concern about the downtown mix and the need for more law enforcement, and that the Police Department should find a way to fund cops in the downtown.

Krause moved to pass Ordinance No. 13-040, amending Title 3, Chapter 3 and Section 3-3-13 of the Naperville Municipal Code increasing the limit for late night permits in the downtown from eighteen (18) to nineteen (19).
Second, Chirico.

ROLL CALL:

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

Nays: Pradel
Motion declared carried.

O NEW BUSINESS

O1 Parking on Chicago Avenue

Hinterlong asked about cab stands and No Parking restrictions.

Robles said three additional cab stands were added on Chicago and Jefferson last year and that reserved police parking was also added. The City has received objections from businesses in the area regarding changes to parking, however the City can research adding restrictions where cabs are queuing.

O2 Target Retail Theft

McElroy discussed the incident and complemented the Police Department's response.

O3 Parking in the Downtown

Wehrli discussed how additional developments will affect parking.

P CLOSED SESSION:

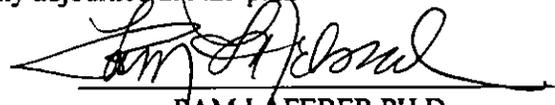
Q ADJOURNMENT:

ADJOURNMENT

Krause moved to adjourn the Regular City Council meeting of May 7, 2013 at 9:25 p.m. Second, Wentz.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of May 7, 2013 officially adjourned at 9:25 p.m.


PAM LAFERBER PH.D.
CITY CLERK

PL: BK

