



**CITY COUNCIL MEETING OF SEPTEMBER 6, 2011
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
September 20, 2011 AS WRITTEN.**

CALL TO ORDER:

6:00 P.M.

A Mayor A. George Pradel
Councilman Judy Brodhead
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy
Councilman Grant Wehrli

Absent

Councilman Kenn Miller

Also Present

City Manager, Doug Krieger
Assistant City Manager, Bob Marshall
City Clerk, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Finance Director, Karen DeAngelis
Asst. Finance Director, Chris Smith
Director of Public Works, David Van Vooren
Director of T.E.D., Marcie Schatz
Development Team Leader, Dick Dublinski
Community Planner, Suzanne Thorsen
T.E.D. Engineering Team Leader, Bill Novack
Transportation Team Leader, Karen Robles
Electrical Engineering Manager, Olga Geynisman
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 2

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; (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. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Miller

Motion declared carried.

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

CLOSED SESSION ENDED AT 6:58 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

Absent: Miller

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

Krieger recognized Public Works Director, Dave Van Vooren, for his years of service at the City of Naperville.

D1 Employee of the Month – September

EMPLOYEE OF THE MONTH
- SEPTEMBER

Councilman Brodhead presented the September Employee of the Month award to Cyrus Ashrafi.

D2 9/11 Tenth Anniversary Remembrance

9/11 TENTH ANNIVERSARY

Councilman Chirico proclaimed September 11, 2011 as Naperville Remembrance Day and presented the proclamation to Club Americanism Committee Chairman Marty Walker, Naperville Exchange Chairman.

E PUBLIC FORUM:

E1 95th Street Bridge

Geno Valente, 3443 Keller Lane, spoke against the project.

Council discussed the debt level and that the city would have to bond to fund this project.

Schatz outlined the 2001 intergovernmental agreement with Will County and the Village of Bolingbrook, the city's funding obligation, and suggested staff present a historical report of this project to the Council.

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 3

E1 95th Street Bridge Continued

Wehrli moved to direct staff to prepare a report on the background of the bridge project and present it as a Council agenda item before December 31, 2011. Second, McElroy.

VOICE VOTE: Motion declared carried.

E2 Class C Liquor License

Jim Bergeron, 2604 Whitchurch Lane, urged Council to bring the cap increase of the Class C license back for reconsideration.

Pradel explained why the cap on the Class C license was put in place and why business owners have been petitioning Council for an increase.

Council discussed lifting the cap, the restrictions of Class B licenses, and stated that they should be reviewed and modified.

E3 Class C Liquor License

Riff Menza, 10 W Chicago Ave, stated that he would have suggested World of Beer get a Class B license.

Wehrli moved to reconsider the issuance of the additional tavern license that was granted on August 16, 2011. Second, Fieseler.

Council discussed that the World of Beer owner was supported by the Liquor Commission and a license was unanimously approved at the August 16, 2011 Council meeting. It went on to say that World of Beer is the right fit for the proposed location and that that establishment is not at issue, rather it is the restrictions placed on Class B locations.

Wehrli made a Motion in Substitution to direct staff to reconvene the Downtown Liquor Subcommittee, rename it, add two non-downtown restaurant representatives, and re-examine the Class B restrictions within 60 days. Second, Fieseler.

ROLL CALL on Motion in Substitution:

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

Nays: None

Absent: Miller

 Motion declared carried.

E4 Stormwater Drainage

Charles Linnell, 1014 Sylvan Circle, discussed the property damage he has experienced because of drainage from his neighbor's landscape changes.

**FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 4**

E5 Smart Grid

Xio Martinez, 1069 E Gartner Rd, spoke against the Smart grid initiative.

Krieger explained that the information that is downloaded from the meters is summarized in aggregate and must be provided to the Illinois Municipal Electric Agency.

E6 Smart Grid

Joanne St. Yves, 2315 Lexington, questioned the work around options and whether electric reads can be done at the same time as water reads.

E7 Armed robbery of Extra Value Liquors

Basim Esmail, 1550 N. Route 59, stated that his case is solvable and offered a cash reward.

Dial said that the case remains open.

E8 Armed robbery of Extra Value Liquors

Michael Libert, 8S221 Aintree Drive, spoke in support of Mr. Esmail.

BREAK: 8:40 P.M.
Mayor Pradel called the meeting back to order at 8:57 p.m.

F **HOLDOVER ITEMS:**

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

H **CONSIDERATION OF MOTION TO USE OMNIBUS METHOD FOR REMAINING ITEMS:**

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

VOICE VOTE: Motion declared carried.

I **CONSENT AGENDA:**

Wehrli moved to approve the Consent Agenda with the exception of items I7, I9. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Miller

 Motion declared carried.

II Cash Disbursements – 8/17/2011

Council moved to approve the August 17, 2011 cash disbursements in the amount of \$21,289,008.17.

**CASH DISBURSEMENTS –
8/17/11**



FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 5

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| 12 | <u>Regular City Council Meeting Minutes – 8/16/11</u>
Council moved to approve the Regular City Council Meeting Minutes of August 16, 2011 as amended. | REGULAR CITY COUNCIL
MEETING MINUTES –
8/16/11 |
| 13 | <u>Bid 12-014, Aero Drive Water Main Improvement</u>
Council moved to approve the award of utility funded Bid 12-014, (included in the rate study), Aero Drive Water Main Improvements to Swallow Construction Corporation for an amount not to exceed \$434,995.00 plus a 5% contingency. | BID 12-014, AERO DRIVE
WATER MAIN
IMPROVEMENT |
| 14 | <u>Contract 09-133, Wireless Data Services</u>
Council moved to approve the award of option year one to Contract 09-133, wireless data services to Verizon for equipment and monthly service charges for an amount not to exceed \$113,800.00. | CONTRACT 09-133,
WIRELESS DATA SERVICES |
| 15 | <u>Bid 12-043, Parking Lot Snow Plowing</u>
Council moved to approve the award of Bid 12-043, parking lot snow plowing to Beverly Snow & Ice for an amount not to exceed \$221,175.00 annually. | BID 12-043, PARKING LOT
SNOW PLOWING |
| 16 | <u>Bid 12-008, Painting of Wastewater Clarifier #4 and Biosolids Storage Facility</u>
Council moved to approve the award of Bid 12-008, painting wastewater clarifier #4 and biosolids storage facility bi-fold doors/structural steel to G.P. Maintenance Services, Inc. for an amount not to exceed \$115,000.00 plus a 5% contingency. | BID 12-008, PAINTING OF
WASTEWATER CLARIFIER
#4 AND BIOSOLIDS
STORAGE FACILITY |
| 18 | <u>Contract 11-002, Engineering Design And Field Services For Relocation Of 138kv Transmission Line</u>
Council moved to approve the award of CO #1 to utility funded Contract 11-002, engineering design and field services for relocation of 138kV transmission line along Illinois Route 59, to Electrical Consultants, Inc. for an amount of \$60,000.00. | CONTRACT 11-002,
ENGINEERING DESIGN AND
FIELD SERVICES FOR
RELOCATION OF 138KV
TRANSMISSION LINE |
| 110 | <u>Appointments to Boards and Commissions</u>
Council moved to approve the Mayoral appointments of Vicki Ann Brodeur, Andrea Chambers Marwah and Elizabeth Grace to the Advisory Commission On Disabilities, Cliff Panczyk and Mark Riordan to the Advisory Cultural Commission, Charles McLimans to the Sister Cities Commission; and Mike McNicholas to the Police Pension Board. | APPOINTMENTS TO
BOARDS & COMMISSIONS |
| 111 | <u>Bridge Communities – “Sleep Out Saturday (SOS) for the Homeless” – Event Signage</u>
Council moved to approve the recommendation to allow Bridge communities to place temporary special-event signage at designated off-premise locations in Naperville to promote its 8 th Annual “Sleep Out Saturday (SOS) for the Homeless” event. | “SLEEP OUT SATURDAY
(SOS) FOR THE HOMELESS” |
| 112 | <u>Ordinance No. 11-121, Islamic Center of Naperville – PC 11-1-</u> | ORDINANCE NO. 11-121, |



FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 6

- 082
Council moved to pass Ordinance No. 11-121, approving a major change to the conditional use to accommodate a permanent building addition to include a gymnasium and office space.
- I13** Traffic Signal Master Agreements – Illinois Department of Transportation
Council moved to approve and authorize the City Manager to execute the Intergovernmental Master Agreement for State maintained traffic signals on state highways and the Intergovernmental Master Agreement for Governmental Body maintenance of traffic control devices for local maintained traffic signals on state highways.
- I14** Ordinance No. 11-122, 316 S. Wright Street – PC 11-1-087
Council moved to pass Ordinance No. 11-122, granting a variance from the 30' front yard setback requirement a deviation to a 35' platted building line to allow construction of a covered front porch at a distance of 24.5' from the front lot line for the property located at 316 S. Wright Street, PC 11-1-087.
- I15** Ordinance No. 11-123, 1701 Quincy Avenue – PC 11-1-098
Council moved to pass Ordinance No. 11-123, amending Ordinance No. 09-018, and approving a conditional use to allow for the use of training studios to occupy a maximum of 6,400 square feet of gross floor area at 1701 Quincy Avenue in the I (Industrial District), PC 11-1-098.
- I16** Ordinance No. 11-124, D4eJesus Subdivision – PC 11-1-075
Council moved to pass Ordinance No. 11-124, approving the preliminary/final plat of subdivision, plat of easement vacation and the site engineering plan, dated May 10, 2011 and last revised August 19, 2011, for DeJesus Subdivision, PST 11-1-075.
- I17** Ordinance No. 11-125, Membership of Boards and Commissions
Council moved to pass Ordinance No. 11-125, amending Title 2 to require residency for members of the Advisory Cultural Commission and the Sister Cities Commission.
- I18** Ordinance No. 11-126, General Offenses related to Public Intoxication
Council moved to pass Ordinance No. 11-126, amending Chapter 2 (General Offenses), Title 10 (Police Regulations) Section 2 (Liquor Related Offenses) of the Naperville Municipal Code to delete the offense of public intoxication.
- I19** Ordinance No. 11-127, Local Theft Offense
Council moved to pass Ordinance No. 11-127, amending Chapter 2 (General Offenses) Title 10 (Police Regulations) Section 9 (Theft) of the Naperville Municipal Code establishing a local Theft offense.
- ISLAMIC CENTER OF
NAPERVILLE – PC 11-1-082
- TRAFFIC SIGNAL MASTER
AGREEMENTS
- ORDINANCE NO. 11-122, 316
S. WRIGHT STREET – PC 11-
1-087
- ORDINANCE NO. 11-123,
1701 QUINCY AVENUE – PC
11-1-098
- ORDINANCE NO. 11-124,
DEJESUS SUBDIVISION – PC
11-1-075
- ORDINANCE NO. 11-125,
MEMBERSHIP OF BOARDS
AND COMMISSIONS
- ORDINANCE NO. 11-126,
GENERAL OFFENSES
RELATED TO PUBLIC
INTOXICATION
- ORDINANCE NO. 11-127,
LOCAL THEFT OFFENSE

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 7

- I20** Ordinance No. 11-128, Local Business Outreach Programs and Support Activities
Council moved to waive first reading and pass Ordinance No. 11-128, directed staff to prepare the appropriate Naperville Procurement Code changes related to local business outreach programs.
- I21** Ordinance No. 11-129, Land Sales Agreement for sale of city-owned property on Aurora Avenue
Council moved to pass Ordinance No. 11-129, authorizing an amended land sales agreement between the city and West Highland Capital Partners, LLLP for the sale of city-owned property on Aurora Avenue.
- I22** SECA Recipients to Declare all Free Gifts and Tickets that are Distributed
Council moved to table reconsideration of the City Council's action requiring SECA Recipients to declare all free gifts and tickets that are distributed to September 20, 2011.

ORDINANCE NO. 11-128,
LOCAL BUSINESS
OUTREACH PROGRAMS
AND SUPPORT ACTIVITIES

ORDINANCE NO. 11-129,
LAND SALES AGREEMENT
PROPERTY ON AURORA
AVENUE

SECA RECIPIENTS TO
DECLARE ALL FREE GIFTS
AND TICKETS THAT ARE
DISTRIBUTED

-
- I7** Procurement 12-075, Road Salt
Van Vooren explained that salt is purchased for the entire winter season and totals approximately 1,500 tons for commuter lots which experience high pedestrian frequency and high traffic.
Fieseler moved to approve Procurement 12-075, road salt to Hutchinson Salt Co., through a State of Illinois Joint Purchasing Contract, for an amount not to exceed \$515,430.00. Second, Chirico.
- ROLL CALL:**
Ayes: Chirico, Fieseler, Hinterlong, Krause, McElroy, Wehrli, Pradel Brodhead
Nays: None
Absent: Miller
Motion declared carried.

PROCUREMENT 12-075,
ROAD SALT

- I9** Procurement 12-065, 2011 Stormwater Field Inventory and GPS Survey

Council discussed deferring the project for one year.
Van Vooren explained that this project has been in both the DPW and TED work plan for years, that staff has worked with three different contractors, two of which did not complete their assignments. He said that this system will allow staff to address questions in real time instead of having to walk the site that has issues.
Schatz stated that the stormwater system is the final infrastructure asset in the city that is not mapped, that stormwater requests are received everyday, and there will be a workload efficiency.

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 8

- I9** Procurement 12-065, 2011 Stormwater Field Inventory and GPS Survey Continued PROCUREMENT 12-065, 2011 STORMWATER FIELD INVENTORY AND GPS SURVEY
- McElroy moved to waive the applicable provisions of the Naperville Procurement Code and approve the award of Procurement 12-065, CIP CE084, 2011 Stormwater Field Inventory and GPS Survey to Woolpert, Inc. for an amount not to exceed \$349,456.90. Second, Brodhead.
- ROLL CALL:**
Ayes: Fieseler, Hinterlong, Krause, McElroy, Pradel, Brodhead
Nays: Wehrli, Chirico
Absent: Miller
Motion declared carried.
-

J **OLD BUSINESS:**

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

L **REPORTS AND RECOMMENDATIONS:**

- L1** City Council Meeting Schedule CITY COUNCIL MEETING SCHEDULE
- Chirico moved to approve the City Council Meeting Schedule for September, October and November 2011. Second, Krause.
- VOICE VOTE:** Motion declared carried.

- L2** Fill Vacancy for Cashier position VACANCY – CASHIER POSITION
- Council stated that staff should exhaust all resources to hire two part-time people before seeking to fill the position with one full-time employee.
- DeAngelis said that the advertisement will specify two shifts for part-time people.
- Chirico moved to grant approval to recruit externally and fill the vacancy with the equivalent resource of one cashier position. Second, Wehrli.
- Hinterlong made a Motion in Substitution to hire two part-time employees for the Cashier position. Second, Krause.
- ROLL CALL:**
Ayes: Hinterlong, Krause, Wehrli, Brodhead, Fieseler
Nays: McElroy, Pradel, Chirico
Absent: Miller
Motion declared carried.

M **PUBLIC HEARINGS:**

- Clerk's Note:** Fieseler recused himself due to a business conflict and left the dais at 9:24 p.m.
- Clerk's Note:** Wehrli recused himself to avoid the appearance of impropriety and left the dais at 9:24 p.m.

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 9

M1a Consider first amendment to the annexation agreement for NAR Business Park (Ordinance No. 08-151) NAR BUSINESS PARK

Public Hearing

Pradel opened the public hearing at 9:24 p.m.

Hinterlong moved to close the public hearing at 9:25 p.m. Second, Krause

VOICE VOTE: Motion declared carried.

Krause moved to use the omnibus method to approve M1b-d. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

Krause moved to pass Ordinance No's 11-130, 11-131, 11-132 to approve items M1b, M1c, and M1d. Second, Hinterlong.

ROLL CALL:

Ayes: Krause, McElroy, Pradel, Brodhead, Chirico, Hinterlong

Nays: None

Abstain: Wehrli, Fieseler

Absent: Miller

Motion declared carried.

Clerk's Note: Fieseler and Wehrli returned to the dais at 9:26 p.m.

M1b Ordinance No. 11-130, First Amendment to annexation agreement – NAR Business Park ORDINANCE NO. 11-130, FIRST AMENDMENT – ANNEXATION AGREEMENT

Council moved to pass Ordinance No. 11-130, authorizing the first amendment of the annexation agreement for NAR Business Park, PZC #11-1-050.

M1c Ordinance No. 11-131, annexing NAR Business Park ORDINANCE NO. 11-131, ANNEXING NAR BUSINESS PARK

Council moved to waive the first reading and pass Ordinance No. 11-131, annexing NAR Business Park, PZC #11-1-050.

M1d Ordinance No. 11-132, zoning NAR property to I (Industrial District) ORDINANCE NO. 11-132, ZONING NAR PROPERTY TO I (INDUSTRIAL DISTRICT)

Council moved to pass Ordinance No. 11-132, to zone NAR Business Park to I (Industrial District) upon annexation, PZC #11-1-050.

N **ORDINANCES AND RESOLUTIONS:**

N1 Class P Brewery/Retailer license CLASS P BREWERY/RETAILER LICENSE

John Barley, 2846 Easton, Downers Grove, and Tim Marshall, 424 Montrose, Romeoville summarized the Solemn Oath Brewery project.

Pradel explained that the previous Class P category description is being eliminated and is being replaced by the brewery/retail description.

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 10

N1 Class P Brewery/Retailer license **Continued**

CLASS P
BREWERY/RETAILER
LICENSE

Krause moved to waive the first reading and pass an ordinance amending Chapter 3 (Liquor and Tobacco Control), of Title 3 (Business and License Regulations), Sections 11:17 and 13:6 of the Liquor and Tobacco Control Act of the Naperville Municipal Code to create a Class P Brewery/Retailer License. Second, Fieseler.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Krause
Nays: McElroy, Wehri, Fieseler, Hinterlong
Absent: Miller
 Motion declared **not** carried.

First reading held.

N2 Change Hours of Downtown Food Vending Operation

CHANGE HOURS OF
DOWNTOWN FOOD
VENDING OPERATION

Council discussed the issues with the current downtown food vendor, that because of the number of issues perhaps the city should suspend the license, and that the extended serving hours may delay people from driving.

Officer Pastrick explained parking violations that have occurred at the Chicago Avenue vending location.

Krause moved to waive the first reading. Second, Fieseler.

ROLL CALL:

Ayes: Pradel, Krause
Nays: Wehri, Brodhead, Chirico, Fieseler, Hinterlong,
 McElroy
Absent: Miller
 Motion declared **not** carried.

First Reading held.

O **NEW BUSINESS**

O1 Food and Beverage Tax

Krause questioned whether the city is collecting food and beverage taxes from the Last Fling vendors.

Smith answered that she personally collected the taxes from the vendors and while the totals are not compiled as of September 6, they will be put in the upcoming Manager's Memorandum.

O2 Vacant Home Registry in Naperville

Chirico suggested implementing a Vacant Home Registry in Naperville to share with city departments and residents.

Krause suggested adding vacant lots to the registry.

Fieseler discussed potential privacy issues if the registry is shared with the public.

FINAL AGENDA
CITY COUNCIL MEETING
SEPTEMBER 6, 2011
PAGE 11

O2 Vacant Home Registry in Naperville **Continued**

Dublinski stated that the requested information and answers to questions will be provided in a Manager's Memorandum.

O3 Historic District Home

McElroy asked the status of the house under construction in the Historic District.

Dublinski responded that city departments have worked with the owner and the delay is due to financing problems. He advised that the owner is contemplating tearing down the building and starting over but will provide an update in a Manager's Memorandum.

Ely discussed the lien and code violations related to the property.

O4 Vacant Building located at 420-440 Washington Street

Hinterlong discussed the state of disrepair and asked for a status update. Wehrli requested staff inform Council of the ability to demolish the building and lien the property.

Dublinski stated that he will provide an update in a Manager's Memorandum.

P **CLOSED SESSION:**

CLOSED SESSION

Wehrli moved to recess to Closed Session to discuss 5ILCS/120(c) (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. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Miller

Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 9:53 P.M.

CLOSED SESSION ENDED AT 10:50 P.M.

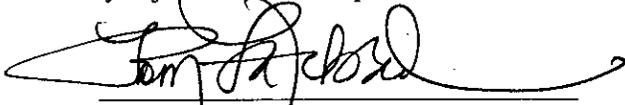
Q **ADJOURNMENT:**

ADJOURNMENT – 10:50 P.M.

Wehrli moved to adjourn the Regular City Council meeting of September 6, 2011 at 10:50 p.m. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of September 6, 2011 officially adjourned at 10:50 p.m.


PAM LAFERBER PH.D.
CITY CLERK

PL: BK

