



**CITY COUNCIL MEETING OF OCTOBER 16, 2012
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
November 5, 2012 AS WRITTEN.**

CALL TO ORDER:

5:02 P.M.

**A Mayor A. George Pradel
Councilwoman Judy Brodhead
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy – Arrived at 5:08 p.m.
Councilman Kenn Miller
Councilman Grant Wehrli**

Absent

Also Present

**City Manager, Doug Krieger
Deputy City Manager, Marcie Schatz
City Attorney, Margo Ely
City Clerk, Pam LaFeber
Police Chief, Bob Marshall
Deputy Chief, Rick Sander
Asst. Finance Director, Chris Smith
T.E.D. Director, Bill Novack
T.E.D. Operations Manager, Allison Laff
T.E.D. Team Leader, John Rutkowski
Project Manager, Paul Felstrup
Project Manager, Anastasia Urban
Public Works Director, 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

A handwritten signature in black ink, appearing to be a stylized 'G' or similar character, located at the bottom left of the page.

**FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 16, 2012
PAGE 2**

B CLOSED SESSION:

Chirico moved to recess to Closed Session to discuss 5ILCS/120(c)(2) Collective negotiating matters between the public body and its employees or their representatives; (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body; (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; (8) Emergency security procedures and the use of personnel and equipment to respond to actual danger to the safety of employees, students, staff or public property; (12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association of self insurance pool of which the public body is a member. Second, Miller.

ROLL CALL:

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

Nays: None

Absent: McElroy
Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 5:08 P.M.
CLOSED SESSION ENDED AT 7:00 P.M.**

OPEN SESSION:

Mayor Pradel called the meeting back to order at 7:06 p.m.

ROLL CALL to determine Quorum:

Present: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli

Absent: None

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Homeless Awareness Week

HOMELESS AWARENESS WEEK

Councilman Miller proclaimed the week of October 28 to November 3, 2012 as Homeless Awareness Week and presented the Proclamation to Jennie Gates, Bridge Communities.

D2 Joseph Naper Homestead Interpretive Site

JOSEPH NAPER HOMESTEAD INTERPRETIVE SITE

Mike Krol, Naper Settlement, accepted the Illinois Association of Museums Awards for the Joseph Naper Homestead Interpretive Site and the Permeable Paver Roadways and Stormwater Management Improvements Project and presented the awards to the City Council.

**FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 16, 2012
PAGE 3**

E. PUBLIC FORUM:

E1 Smart Meters

Dick Furstenau, 709 Zaininger Avenue, urged Council to reconsider the \$25 fee for the non-wireless meter option.

Curran updated Council on the status of the installation project and when the meters will begin transmitting data. He said that the fee will be reconsidered annually and adjusted based on actual cost.

Ely updated Council on the status of the federal lawsuit.

E2 Smart Meters

Clark Longnecker, 825 Magnolia, spoke against the smart meter initiative.

E3 ADA

Todd Peterson, 1008 Royal Blackheath, explained how a local gas station has made ADA accommodations.

E4 Smart Meters

Barbara Serbick, 1209 Emerald Drive, spoke against the smart meter initiative.

E5 Smart Meters

Sandy Glass, 651 Edward, spoke against the smart meter initiative.

E6 Smart Grid

Kim Bendis, 2207 Mercer Ct., spoke against the smart meter initiative.

E7 K-Five Construction

Yolanda King, 1607 Hinterlong Lane, expressed concern over air and noise pollution from nearby construction project.

Novack will follow up with the speaker.

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.

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 16, 2012
PAGE 4

I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items 15, 17, and 18. Second, Krause.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrl.

Nays: None

Motion declared carried.

- | | |
|---|---|
| <p>I1 <u>Cash Disbursements – 9/26/12</u>
Council moved to approve the 9/26/12 cash disbursements in the amount of \$20,373,053.11.</p> | <p>CASH DISBURSEMENTS - 9/26/12</p> |
| <p>I2 <u>Student Representatives to Boards and Commissions</u>
Council moved to approve the Mayoral appointments of student representatives.</p> | <p>STUDENT REPRESENTATIVES TO BOARDS & COMMISSIONS</p> |
| <p>I3 <u>Resolution No. 12-029, Regional Household Hazardous Waste Facility</u>
Council moved to adopt Resolution No. 12-029, authorizing the City Manager to execute the Intergovernmental Agreement between the City of Naperville and the Illinois Environmental Protection Agency (IEPA) to operate the regional household hazardous waste facility.</p> | <p>RESOLUTION NO. 12-029, REGIONAL HOUSEHOLD HAZARDOUS WASTE FACILITY</p> |
| <p>I4 <u>Ordinance No. 12-134, 2012 Turkey Trot</u>
Council moved to pass Ordinance No. 12-134, to establish temporary traffic controls and issue a special event permit and amplifier permit for the Turkey Trot on November 22, 2012.</p> | <p>ORDINANCE NO. 12-134, 2012 TURKEY TROT</p> |
| <p>I6 <u>Resolution No. 12-030, Authorized Agent – Illinois Municipal Retirement Fund Act</u>
Council moved to adopt Resolution No. 12-030, appointing Margo Ely, Director of Legal, Human Resources and Risk Prevention, as the City of Naperville authorized agent under the Illinois Municipal Retirement Fund Act.</p> | <p>RESOLUTION NO. 12-030, AUTHORIZED AGENT – ILLINOIS MUNICIPAL RETIREMENT FUND ACT</p> |
| <p>I9 <u>Ordinance No. 12-135, North Central College Homecoming Parade</u>
Council moved to pass Ordinance No. 12-135, to establish temporary traffic controls and issue a special event permit for the North Central College Homecoming Parade on October 27, 2012.</p> | <p>ORDINANCE NO. 12-135 NORTH CENTRAL COLLEGE HOMECOMING PARADE</p> |
| <hr/> | |
| <p>I5 <u>Ordinance No. 12-136, 504 N. Main Street, PZC 12-1-107</u>
Laff explained the subdivision and construction history of the property, that the Code allows 4' open fence, however the petitioner is requesting a 6' closed fence due to the small back yard and the proximity to train station and park.

Thomas Stevenson, 504 N. Main, explained reasons for requesting a variance.</p> | <p>ORDINANCE NO. 12-136, 504 N. MAIN STREET, PZC 12-1-107</p> |



FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 16, 2012
PAGE 5

- I5** Ordinance No. 12-136, 504 N. Main Street, PZC 12-1-107 **Continued** ORDINANCE NO. 12-136,
Council discussed commuters, traffic, safety and sight line, and requested 504 N. MAIN STREET,
that a line be put on the street at the stop sign. PZC 12-1-107
- Wehrli moved to pass Ordinance No. 12-136, granting a variance from
 Section 6-2-12:1.4 (fences) of the Naperville Municipal Code in order to
 construct a 6' tall board on board privacy fence in the corner side yard on
 the property located at 504 N. Main Street, PZC 12-1-107. Second,
 Miller.
- ROLL CALL:**
- Ayes:** Brodhead, Chirico, Fieseler, Hinterlong, Krause, Miller,
 Wehrli, Pradel
- Nays:** McElroy
- Motion declared carried.
- I7** 2012 Pace Express Route Service Agreements 2012 PACE EXPRESS
Council discussed ridership, the cost to maintain the routes, and the need ROUTE SERVICE
to increase marketing. AGREEMENTS
- Novack stated that both the City and PACE monitor ridership data and
 will modify/eliminate routes as warranted.
- Miller moved to use the Omnibus method to approve items I7a, I7b and
 I7c. Second, Wehrli.
- VOICE VOTE:** Motion declared carried.
- Miller moved to approve Resolution No. 12-031, 12-032, and 12-033.
 Second, Wehrli.
- ROLL CALL:**
- Ayes:** Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli,
 Pradel, Brodhead
- Nays:** Chirico
- Motion declared carried.
- I7a** Resolution No. 12-031, 2012 Pace Express Route 672 Service Agreement RESOLUTION NO. 12-031,
Council moved to adopt Resolution No. 12-031, authorizing the City ROUTE 672
Manager to execute the Route 672 agreement with Pace to establish the
City share for service from the 95th Street Park-and-Ride to the Route 59
Metra Station at \$128,692.32.
- I7b** Resolution No. 12-032, 2012 Pace Express Route 673 Service Agreement RESOLUTION NO. 12-032,
Council moved to adopt Resolution No. 12-032, authorizing the City ROUTE 673
Manager to execute the Route 673 agreement with Pace to establish the
City share for service from the Community Christian Church Park-and-
Ride to the Route 59 Metra Station at \$61,219.49.
- I7c** Resolution No. 12-033, 2012 Pace Express Route 675 Service Agreement RESOLUTION NO. 12-033,
Council moved to adopt Resolution No. 12-033, authorizing the City ROUTE 675
Manager to execute the Route 675 agreement with Pace to establish the
City share for service from the Wheatland Salem Church Park-and-Ride
to the Route 59 Metra Station at \$67,147.56.



**FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 16, 2012
PAGE 6**

I8 Resolution No. 12-034, Ride DuPage to Work Program

Wehrli moved to adopt Resolution No. 12-034, authorizing the City Manager to enter into an agreement with the Regional Transportation Authority to receive and administer a \$519,405.00 Job Access Reverse Commute grant award for the Ride DuPage to Work Program, and execute the associated intergovernmental agreements with the Ride DuPage to Work Partners and Pace Suburban Bus. Second, Krause.

**RESOLUTION NO. 12-034,
RIDE DUPAGE TO WORK
PROGRAM**

ROLL CALL:

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

Nays: Chirico
 Motion declared carried.

J **OLD BUSINESS:**

J1 2012 International Building Code Recommendations

Rutkowski summarized the revised staff recommendation.

Sander discussed the number of residential fires and that the arc fault requirement would make a difference.

Council discussed how an arc fault performs and how it is intended to protect the home.

**2012 INTERNATIONAL
BUILDING CODE
RECOMMENDATIONS**

J1a Text Amendments for Adoption of the 2012 International Building Codes

Chirico moved to direct staff to prepare text amendments for the adoption of the 2012 International Building Codes, not including items 2 (IPMCAppeals Process), 8 (Make-up Air), 18 (Arc Fault), and 19 (Tamper Resistant Outlets). Second, Miller.

ROLL CALL:

Ayes: Krause, McElroy, Miller, Pradel, Brodhead, Chirico,
 Fieseler

Nays: Hinterlong, Wehrli
 Motion declared carried.

J1b Develop higher thresholds for requiring make-up air for kitchen exhaust systems

Chirico moved to direct staff to work with the building community to develop higher thresholds for requiring make-up air for kitchen exhaust systems (Item 8: Make-up Air) and prepare a text amendment. Second, Miller.

ROLL CALL:

Ayes: McElroy, Miller, Pradel, Brodhead, Chirico, Fieseler,
 Hinterlong

Nays: Krause, Wehrli
 Motion declared carried.

**FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 16, 2012
PAGE 7**

J1c Inclusion of Item 18 (Arc Fault) in text amendment

Hinterlong moved to direct staff to include Item 18 (arc fault) in the proposed text amendment. Second, Brodhead.

ROLL CALL:

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

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

K1 Bid 13-066, Electric Utility Distribution

BID 13-066, ELECTRIC
UTILITY DISTRIBUTION

Miller moved to approve the award of utility-funded Bid 13-066, electric utility distribution to Meade, Inc., for an amount not to exceed \$1,749,972.00 plus a 3% contingency. Second, Chirico.

ROLL CALL:

Ayes: Miller, Wehrli, Pradel, Brodhead, Chirico, Fieseler,
 Hinterlong, Krause, McElroy
Nays: None
Motion declared carried.

K2 Procurement of network intrusion detection and prevention hardware and software

NETWORK INTRUSION
DETECTION &
PREVENTION
HARDWARE &
SOFTWARE

Krieger updated the Council on the status of the outage.

Chirico moved to suspend the Municipal Code Procurement regulations and authorize, or ratify, City Manager procurement of network security hardware and software, computer servers, and associated services up to \$673,000.00 which includes waiving the bid process for individual purchases over \$100,000.00. Second, Miller.

ROLL CALL:

Ayes: Wehrli, Pradel, Brodhead, Chirico, Fieseler, Hinterlong,
 Krause, McElroy, Miller
Nays: None
Motion declared carried.

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

CITY COUNCIL MEETING
SCHEDULE

Wehrli moved to approve the City Council Meeting Schedule for November, December 2012 & January 2013. Second, Miller.

ROLL CALL:

Ayes: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause,
 McElroy, Miller, Wehrli.
Nays: None
Motion declared carried.



**FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 16, 2012
PAGE 8**

- L2** Regular City Council Meeting Minutes of October 2, 2012
Wehrli moved to approve the Regular City Council Meeting Minutes of October 2, 2012. Second, Miller.

REGULAR CITY
COUNCIL MEETING
MINUTES OF 10/2/12

ROLL CALL:

Ayes: Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy,
 Miller, Wehrli
Nays: None
Abstain: Pradel
 Motion declared carried.

- L3** Extension of Riverwalk South
Council discussed cost, redevelopment timeline, and clarified that this is not a recommendation, but rather a feasibility study.

EXTENSION OF
RIVERWALK SOUTH

Wehrli moved to direct the Naperville Riverwalk Commission to assess the feasibility, cost and benefits, and seek public input regarding changing the southern limit of the Naperville Riverwalk from Hillside Road to Martin Avenue. Second, Hinterlong.

VOICE VOTE: Motion declared carried.

- L4** Americans with Disabilities Act (ADA)
Wehrli moved to approve the Americans with Disabilities Act (ADA) Transition Plan for public rights of way and sidewalks 2012 update. Second, Hinterlong.

AMERICANS WITH
DISABILITIES ACT (ADA)

ROLL CALL:

Ayes: Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller,
 Wehrli, Pradel, Brodhead
Nays: None
 Motion declared carried.

M **PUBLIC HEARINGS:**

N **ORDINANCES AND RESOLUTIONS:**

O **NEW BUSINESS**

O1 Downtown Enforcement

McElroy asked for an update on downtown crime.

Marshall explained that the Police Department has initiated proactive enforcement strategies, increased partnership with the Liquor Commission, and reassigned the Liquor Liaison Officer away from administrative tasks.

Council discussed whether the City will incur any liability by assigning firefighter/paramedics to the downtown area, that people have been drinking before arriving in the downtown, and patrons are being over served while downtown.



FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 16, 2012
PAGE 9

O1 Downtown Enforcement Continued

Sander clarified the role of firefighter/paramedics that are assigned to the area and that the crowds are largest from 12:00 a.m.-2:00 a.m.

Council requested a detailed report outlining the proposed downtown enforcement plan.

O2 Liquor Serving Hours

Fieseler suggested having a discussion to consider reducing the liquor serving hours by one hour each day.

Council discussed possibly shortening hours for those liquor establishments that have had issues and placing security at late night restaurants.

O3 Oktoberfest

Brodhead stated that pedestrian crossing at Aurora Avenue and Webster Street was dangerous.

Marshall explained that stopping at a crossing is a state law and said that a Community Service Officer or other traffic official will be assigned at that location in the future.

O4 Traffic Signal

Chirico thanked staff for moving the traffic signal at Van Buren and Washington.

O5 Traffic study/traffic flow for East Highland area

Chirico verified that the East Highland traffic study that was conducted for the proposed McDonald's development will be utilized in the future.

O6 Quarterly Report on Expenditures

Krause requested a new quarterly report regarding City Manager and Director expenditures.

P **CLOSED SESSION:**

CLOSED SESSION

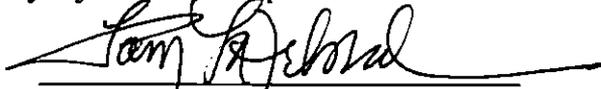
Q **ADJOURNMENT:**

ADJOURNMENT

Wehrli moved to adjourn the Regular City Council meeting of October 16, 2012 at 9:15 p.m. Second, Miller.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of October 16, 2012 officially adjourned at 9:15 p.m.



PAM LAFERBER PH.D.
CITY CLERK

PL: BK

