



**CITY COUNCIL MEETING OF NOVEMBER 5, 2014
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
November 18, 2014 AS REVISED.**

CALL TO ORDER:

6:00 P.M.

- A** Mayor A. George Pradel - Arrived at 7:00 p.m.
Councilwoman Judy Brodhead – Arrived at 9:32 p.m.
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Doug Krause
Councilman Joe McElroy
Councilman Grant Wehrli
Councilman David Wentz

Absent

Also Present

City Manager, Doug Krieger
Deputy City Manager, Marcie Schatz
Interim Legal Director, Jill Pelka-Wilger
City Clerk, Pam LaFeber
Communications Manager, Linda LaCloche
Police Chief, Robert Marshall
Fire Chief, Mark Puknaitis
Deputy Fire Chief, Rick Sander
Director of Finance, Rachel Mayer
Acting Director of Human Resources, James Sheehan
Director of T.E.D., Bill Novack
T.E.D. Operations Manager, Allison Laff
Transportation Team Leader, Jennifer Louden
Project Manager, Anastasia Urban
Director of Public Works, Dick Dublinski
Deputy Director-Electric, Olga Geynisman
Director of Public Utilities, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature or mark is located at the bottom left of the page, consisting of a stylized, cursive letter 'B'.

FINAL AGENDA
CITY COUNCIL MEETING
NOVEMBER 5, 2014
PAGE 2

B CLOSED SESSION:

Wentz 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; (5) The purchase or lease of real property for the use of 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; (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. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Pradel, Brodhead

Motion declared carried.

**THE MEETING RECESSED TO CLOSED SESSION AT 6:04 P.M.
CLOSED SESSION ADJOURNED AT 6:52 P.M.**

OPEN SESSION:

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

ROLL CALL to determine Quorum:

Present: Pradel, Chirico, Fieseler, Hinterlong, Krause, McElroy, Wehrli, Wentz

Absent: Brodhead

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Anderson's Bookshop Day

ANDERSON'S BOOKSHOP
DAY

Wehrli proclaimed November 6, 2014 Anderson's Bookshop Day and presented the Proclamation to Trace and Becky Anderson.

E PUBLIC FORUM:

E1 Municipal Band

Ron Keller, informed Council that the Naperville Municipal Band has been invited to the 2015 Texas Bandmasters Convention.

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.



FINAL AGENDA
CITY COUNCIL MEETING
NOVEMBER 5, 2014
PAGE 3

I CONSENT AGENDA:

Krause moved to approve the Consent Agenda with the exception of items 19. Second, Wehrli.

ROLL CALL:

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

Nays: None

Absent: Brodhead

Motion declared carried.

I1 Cash Disbursements 10/16/14

Council moved to approve the 10/16/14 cash disbursements in the amount of \$12,046,416.35.

CASH DISBURSEMENTS –
10/16/14

I2 Cash Disbursements 10/22/14

Council moved to approve the 10/22/14 cash disbursements in the amount of \$10,866,636.80.

CASH DISBURSEMENTS –
10/22/14

I3 Regular City Council Minutes

Council moved to approve the Regular City Council Meeting minutes of October 21, 2014.

REGULAR CITY COUNCIL
MINUTES

I4 Ashwood Pointe – Offsite 103rd Street Culvert and Basin

Council moved to accept the public underground improvements at Ashwood Pointe – offsite 103rd St. culvert and authorize the City Clerk to reduce the corresponding public improvement surety.

ASHWOOD POINTE –
OFFSITE 103RD ST.
CULVERT & BASIN

I5 WalMart Supercenter

Council moved to accept the public watermain improvements at WalMart Supercenter and authorize the City Clerk to reduce the corresponding public improvement surety.

WALMART SUPERCENTER

I6 Appointments to Boards and Commissions

Council moved to approve Mayoral appointments of Rebecca Kempton, Kish Pisani and Barbara Ann Stark to the Advisory Commission on Disabilities and Carrie Hansen to the Planning and Zoning Commission.

APPOINTMENTS TO
BOARDS & COMMISSIONS

I7 Ordinance No. 14-166, Compass Church Café, PZC 14-1-118

Council moved to pass Ordinance No. 14-166, approving a conditional use for general retail in OCI (office, commercial and institutional district) for property located at 2244 W. 95th Street.

ORDINANCE NO. 14-166,
COMPASS CHURCH CAFÉ,
PZC 14-1-118

I8 Ordinance No. 14-167, North Aurora Road Speedway, PZC 14-1-111

Council moved to pass Ordinance No. 14-167, granting a variance from Section 5-4-5:2.6 (commercial signs; monument signs; monument sign setback (front property line) of the Naperville Municipal Code to allow construction of a 7.7' tall monument sign at a distance of eight (8) feet from the front property line for the property located at 631 N. Route 59, PZC 14-1-111.

ORDINANCE NO. 14-167,
NORTH AURORA ROAD
SPEEDWAY, PZC 14-1-111

FINAL AGENDA
CITY COUNCIL MEETING
NOVEMBER 5, 2014
PAGE 4

- I10** Resolution No. 14-041, I.U.O. E. Local 399, (DPW/PBO) Collective Bargaining Agreement RESOLUTION NO. 14-041, I.U.O. E. LOCAL 399, (DPW/PBO) COLLECTIVE BARGAINING AGREEMENT
- Council moved to adopt Resolution No. 14-041, authorizing execution of a collective bargaining agreement between the City of Naperville and I.U.O. E. Local 399 covering employees in the Department of Public Works PBO.
-
- I9** Huntington Shopping Center Fire Protection, BRB #89 HUNTINGTON SHOPPING CENTER FIRE PROTECTION, BRB.#89
- Mark Levy, Petitioner, requested an additional two years to sprinkle the entire multi-tenant strip center.
- Earl Aronson, property owner, explained the variance request and said that the entire property can be sprinkled within two years.
- Urban explained the reasons for the Building Review Board denial, that the memo and current request is different, and that staff supports the current request to sprinkle the entire center.
- Puknaitis stated that the Fire Department would support the variance.
- Krause moved to accept the requested variance to Section 3401.3 of the 2012 IBC for 1478 E. Chicago Avenue, requesting an additional two years to install fire sprinklers in the entire Huntington Shopping Center. Second, Hinterlong.
- ROLL CALL:**
- Ayes:** Chirico, Fieseler, Hinterlong, Krause, McElroy, Wehrli, Wentz, Pradel
- Nays:** None
- Absent:** Brodhead
- 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 November and December 2014, and January 2015. Second, Krause.
- VOICE VOTE:** Motion declared carried.
- L2** Tax Levy Public Hearings TAX LEVY PUBLIC HEARINGS
- Dick Furstenu suggested a reduction in the proposed tax rate.
- Council discussed current staffing levels, previous hiring freeze, holding vacancies open for three to six months, the City's debt, deferring expenditures, and further challenging staff to close the gap.
- Krieger said the number of staff is up slightly from one year ago but significantly below what it was in 2007.
- 

FINAL AGENDA
CITY COUNCIL MEETING
NOVEMBER 5, 2014
PAGE 5

L2

Tax Levy Public Hearings Continued

TAX LEVY PUBLIC
HEARINGS

Council discussed options to close the gap and their impact on bond rating.

Mayer explained fund balance, reserve cash, and the City's investment portfolio.

Chirico moved to confirm the tax levy amounts and set the public hearing date on the City's Tax Levy and the levies for SSA #21, SSA #23, SSA#24 and SSA #25 for December 2, 2014. Second, McElroy.

ROLL CALL:

Ayes: McElroy, Pradel, Chirico

Nays: Fieseler, Hinterlong, Krause, Wehrli, Wentz

Absent: Brodhead

Motion declared **not** carried.

Fieseler moved to confirm the tax levy amount of .8088 and set the public hearing date on the City's tax levy and the levies for SSA #21, SSA#23, SSA #24 and SSA #25 for December 2, 2014. Second, Wentz.

ROLL CALL:

Ayes: Hinterlong, Krause, McElroy, Wentz, Fieseler

Nays: Wehrli, Pradel, Chirico

Absent: Brodhead

Motion declared carried.

M

PUBLIC HEARINGS:

N

ORDINANCES AND RESOLUTION:

N1

Living Intown Properties (812 W. Jefferson Avenue), PZC 14-1-100

N1a

Preliminary/final plat of subdivision, 812 W. Jefferson Avenue

PRELIMINARY/FINAL
PLAT OF SUBDIVISION,
812 W. JEFFERSON
AVENUE

Rüss Whitaker, petitioner's attorney, stated that the petitioner proposes to demolish the existing home and subdivide the 19,837 square foot property into two single-family residential lots in the R1b zoning district.

Peter Koefler, spoke against the proposed variance.

Mark Von Lehmden, spoke in favor of the proposed variance.

Jack Persin, spoke in favor of the proposed variance.

Ross Seymour, spoke in favor of the proposed variance.

Dick Furstenau, spoke against the proposed variance.

Jim Ruhl, spoke against the proposed variance.

Council discussed the appropriateness of the 90% rule and suggested that the median should be used instead of the average, the size of house that can be built on the lot by right, and the character of the proposed homes.

FINAL AGENDA
CITY COUNCIL MEETING
NOVEMBER 5, 2014
PAGE 6

N1a Preliminary/final plat of subdivision, 812 W. Jefferson Avenue **Continued**

PRELIMINARY/FINAL
PLAT OF SUBDIVISION,
812 W. JEFFERSON
AVENUE

Laff stated that staff did not appreciate a hardship for the current case, explained the staff evaluation of the request and that but for the 90% rule the request would have been approved, and that staff is seeing a trend toward building one house on two lots and maximizing the open space on the second lot. Staff did not find a hardship in this case.

Council discussed drainage concerns and the Planning and Zoning Commission deliberation and vote.

McElroy moved to table to the November 18 meeting. Second, Fieseler.

VOICE VOTE: Motion declared carried.

N1b Deny request for Living Intown Properties

DENY REQUEST FOR
LIVING INTOWN
PROPERTIES

BREAK: 9:18 p.m.
Mayor Pradel called the meeting back to order at 9:29 p.m.

N2 Water Street District-North Phase/South Phase, PZC 14-1-108 and 14-1-109

Jeff Prosapio, petitioner, stated that there is a surplus of parking after the calculations have been made, that valet service is a back-up plan and a contingency for high-demand events, confirmed that the Municipal Center lot will not be used for valet-spaces, and explained changes to the plaza.

Clerk's Note: Brodhead arrived at 9:32 p.m.

Dick Fürstenau, spoke in favor of a Water Street development, but not the current plan as presented.

Council discussed approving the development in increments, available parking at the Municipal Center, future incentives, and the TIF district designation.

Novack explained the ADA plan for access to the lower Riverwalk.

Chirico moved to use the Omnibus method. Second, Brodhead.

VOICE VOTE: Motion declared carried.

Chirico moved to approve items N2a, N2b, N2c, N2d, and N2e. Second, Wentz.

ROLL CALL:

Ayes: McElroy, Wentz, Chirico, Fieseler, Hinterlong

Nays: Krause, Wehrli

 Motion declared carried.

N2a Ordinance No. 14-168, Final Subdivision Plat – Water Street District - North Phase

ORDINANCE NO. 14-168,
FINAL SUBDIVISION PLAT
– WATER STREET
DISTRICT - NORTH PHASE

Council moved to pass Ordinance No. 14-168, approving the final subdivision plat for the Water Street District-North Phase.



**FINAL AGENDA
CITY COUNCIL MEETING
NOVEMBER 5, 2014
PAGE 7**

- N2b** Ordinance No. 14-169, Final Subdivision Plat – Water Street District – South Phase
Council moved to pass Ordinance No. 14-169, approving the final subdivision plat for the Water Street District – South Phase. **ORDINANCE NO. 14-169,
FINAL SUBDIVISION PLAT
– WATER STREET
DISTRICT – SOUTH PHASE**
- N2c** Ordinance No. 14-170, major change to the PUD and final PUD plats for Water Street District North/South Phase
Council moved to pass Ordinance No. 14-170, approving a major change to the PUD and final PUD plats for the Water Street District-North Phase/South Phase, variance to Section 6-7d-4 (B4: required conditions), and the Owners Acknowledgement and Acceptance. **ORDINANCE NO. 14-170,
MAJOR CHANGE TO THE
PUD & FINAL PUD PLATS
FOR WATER STREET
DISTRICT NORTH/SOUTH
PHASE**
- N2d** Ordinance No. 14-171, temporary use at 141 Aurora Avenue
Council moved to pass Ordinance No. 14-171, approving a temporary use to allow for a temporary parking lot to be located at 141 Aurora Avenue through December 31, 2016. **ORDINANCE NO. 14-171,
TEMPORARY USE AT 141
AURORA AVENUE**
- N2e** Ordinance No. 14-172, Right-of-Way Encroachments
Council moved to pass Ordinance No. 14-172, approving right-of-way encroachments for one transformer to be located in the Water Street public right-of-way and one transformer to be located in the Webster Street public right-of-way (in the parking lot adjacent to the Naperville Township building). **ORDINANCE NO. 14-172,
RIGHT-OF-WAY
ENCROACHMENTS**
- N3** Ordinance No. 14-173, Boundary Agreement with City of Aurora
Wehrli moved to pass Ordinance No. 14-173, authorizing the execution of a boundary agreement between the City of Naperville and the City of Aurora. Second, Chirico. **ORDINANCE NO. 14-173,
BOUNDARY AGREEMENT
WITH CITY OF AURORA**
- ROLL CALL:**
Ayes: McElroy, Wehrli, Wentz, Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause
Nays: None
Motion declared carried.
- O** **NEW BUSINESS**
- O1** Construction on Route 59
Fieseler requested that staff partner with IDOT to clean up the stretch of Rt. 59 and make it as welcoming as possible for the upcoming shopping season.
Novack said there has to date there has been no need to consider extending the contract with IDOT because the project is on time and that IDOT is assessed a fine for each day the project goes past the deadline.

FINAL AGENDA
CITY COUNCIL MEETING
NOVEMBER 5, 2014
PAGE 8

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

ADJOURNMENT

Chirico moved to adjourn the Regular City Council meeting of November 5, 2014 at 9:52 p.m. Second, Krause.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of November 5, 2014 officially adjourned at 9:52 p.m.



PAM LA FEBER
CITY CLERK

PL:bk

