



**CITY COUNCIL MEETING OF DECEMBER 7, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
December 21, 2010 AS REVISED.**

CALL TO ORDER:

6:00 P.M.

- A** Mayor A. George Pradel
Councilman James Boyajian
Councilman Judy Brodhead – Teleconference at 6:05 p.m.
Councilman Robert Fieseler
Councilman Richard R. Furstenau
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
City Clerk, Pam LaFeber
City Attorney, Margo Ely
Fire Chief, Mark Puknaitis
Police Chief, David Dial
Director of Finance, Karen DeAngelis
Director of Public Works, David Van Vooren
Director of T.E.D., Marcie Schatz
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 5ILCS/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 or administrative tribunal, or when the public body finds that an action is probable or imminent; (21) Discussion of minutes of meetings lawfully closed under this Act. 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 7:12 P.M.

Miller moved to allow Councilman Brodhead to participate in the meeting via phone. Second, Wehrli.

VOICE VOTE: Motion declared carried.

OPEN SESSION

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:22 P.M.

ROLL CALL to determine Quorum:

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

Absent: None

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

E PUBLIC FORUM:

E1 Closing Holiday Inn Select

Leo Panatsis, 7238 W. Roosevelt Road, Forest Park, stated that he doesn't believe the hotel needs to be shut down during renovations and urged Council to save the jobs of those employees employed at the Holiday Inn Select.

Krieger explained that it is not city's responsibility to get involved in private business. Instead, the city has attracted a higher end hotel to Naperville and hopes that it will provide new jobs to a severely impacted construction economy. He also said that the new hotel will provide more employment opportunities than does the current hotel. Council stated that any issues with the renovation plans and schedule should be taken up with the developer.

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E2 Revenue Generators

Brand Bobosky, 948 Anne Road, discussed the "nibble away at city services" article from the Naperville Sun and asked Council to look at what surrounding communities are doing for revenue in the areas of hotel, sales, and utility taxes. He urged Council to not use SECA funds when there are other sources to solve the budget problem.

Council responded that they do not want Naperville to be like other communities, that SECA was wildly successful and has been used to pay back the line of credit owed by the Carillon. Council also said that revenue ideas will be discussed at the December 13, 2010 workshop.

F **HOLDOVER ITEMS:**

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

N2 Resolution No 10-054, Support of the City Manager

Council read parts of the resolution aloud, clarified that decisions are made by Council and they give the City Manager direction, stated that there needs to be cooperation between certain groups and the city, and that they must right-size the city to make expenses meet the revenue.

Council questioned eliminating the officer positions, stated that there are other places in the budget that could be cut, and that eliminating public safety positions should be the last available option.

Council stated its support for the resolution, that it is difficult to lead through this diversity when all the answers are not yet known, and that the budget is still not balanced and the actions taken with the officers did not balance the budget.

Boyajian moved to adopt Resolution No. 10-054, supporting the City Manager. Second, Wehrli.

ROLL CALL:

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

Nays: Fieseler
 Motion declared carried.

N3 Ordinance No. 10-146, Reducing the Authorized Number of
Naperville Police Department Sworn Personnel

Tracy Richards, 417 Berry Drive, is a concerned lifelong resident, stated that she is disappointed by remarks made by the Council at the November 16, 2010 meeting, that only police positions are being cut, and asked if crime has decreased so much that the officers are no longer needed. She asked why the city didn't offer early retirement packages prior to the layoffs, and stated that as a resident she would gladly pay an extra fee on garbage to pay for the officers.

RESOLUTION NO 10-054,
SUPPORT OF THE CITY
MANAGER

ORDINANCE NO. 10-146,
NUMBER OF
NAPERVILLE POLICE
DEPT. SWORN
PERSONNEL

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N3 Ordinance No. 10-146, Reducing the Authorized Number of
Naperville Police Department Sworn Personnel Continued

ORDINANCE NO. 10-146,
NUMBER OF
NAPERVILLE POLICE
DEPT. SWORN
PERSONNEL

Heidi Sekowski, 411 S. Wright Street, chose Naperville because of the community and schools, she said safety is more important, and in her opinion safety has been compromised. She said her interaction with city employees has been positive and she is impressed with the level of professionalism and commitment to their job. She questioned the need for the ordinance, she said the police department was blindsided by layoffs, and that she is more than happy to support tax increases to pay for officers.

Krieger stated that the recommendations being made will not jeopardize safety, that Part 1 and 2 crimes are down from last year, that the Chief of Police has implemented changes that address productivity during peak times, that officer safety is important. He explained that the ordinance change is a housekeeping measure that establishes a level of sworn personnel that cannot be exceeded and didn't need to come to Council because of the layoffs.

Council stated that there were two sides to the negotiation, that the city said "no" to a "no layoff" clause, but the officers would be reinstated if the union would take 0% raises.

Reta Michaele Rousseau, 220 Briar Lane, stated that officers need to be on the street to enforce DUI's and asked Council what will be done after the first DUI-related accident occurs. She urged Council to not reduce the police force.

Council discussed that this action is unnecessary because a hiring freeze is in place and that any hiring must be approved by Council, that the appropriate number of officers may be different from the number being codified, and that it is premature to cut officers before working through the entire budget.

Council stated that if the number is wrong an adjustment can be made through another text amendment and that even with the eliminations there will still be a \$7M budget gap.

Furstenau moved to pass Ordinance No. 10-146, amending Section 1-8A-1 of the Naperville Municipal Code by reducing the authorized number of Naperville Police Department sworn personnel. Second, Wehrli.

ROLL CALL:

Ayes: Boyajian, Brodhead, Furstenau, Krause, Miller, Wehrli,
Pradel
Nays: Fieseler, Hinterlong
Motion declared carried.

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

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

VOICE VOTE: Motion declared carried.

I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items I6, I11, I12, and I13. Second, Wehrli.

ROLL CALL:

Ayes: Pradel, Boyajian, Brodhead, Fieseler, Furstenuau,
 Hinterlong, Krause, Miller, Wehrli

Nays: None
 Motion declared carried.

I1 Cash Disbursements – 11/09/2010

CASH DISBURSEMENTS

Council moved to approve the November 9, 2010 cash disbursements in the amount of \$8,740,500.37.

I2 Minutes of October 25, 2010 Special City Council Meeting

**SPECIAL CITY COUNCIL
MEETING MINUTES**

Council moved to approve the minutes of October 25, 2010 Special City Council Meeting.

I3 Commuter Parking Credit Card Fee

**COMMUTER PARKING –
CREDIT CARD FEE**

Council moved to authorize staff to establish a \$.05 fee for all daily fee commuter parking credit card transactions.

**I4 Resolution No. 10-055, North Aurora Road Underpass (CIP
#BR005)**

**RESOLUTION NO. 10-055,
NORTH AURORA ROAD
UNDERPASS (CIP #BR005)**

Council moved to adopt Resolution No. 10-055, supporting the replacement and widening of the existing highway underpass at the CN/EJ&E Railway Company's railroad crossing at North Aurora Road and the application for funding from the Illinois Commerce Commission's Grade Crossing Safety Improvement Program.

**I5 Addendum Agreement with Illinois Department of Transportation for
the Illinois Route 59 Improvements Engineering Study**

**I5a Resolution No. 10-056, approving intergovernmental agreement with
Illinois Department of Transportation for the Illinois Route 59
improvements engineering study**

**RESOLUTION NO. 10-056,
ILLINOIS ROUTE 59
IMPROVEMENTS
ENGINEERING STUDY**

Council moved to adopt Resolution No. 10-056, approving an addendum agreement to the intergovernmental agreement with the Illinois Department of Transportation for the Illinois Route 59 improvements engineering study and authorizing the Mayor to execute the addendum agreement.

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- | | | |
|------------|---|---|
| I5b | <u>Change Order 3 to Contract 03-063, Illinois Route 59 Expansion</u>
Council moved to approve Change Order 3 to Contract 03-063, Illinois Route 59 Expansion with Teng and Associates, Inc. for an amount not to exceed \$147,666.15 for a total ward of \$1,480,812.27. | CONTRACT 03-063,
ILLINOIS ROUTE 59
EXPANSION |
| I7 | <u>Resolution No. 10-057, Interim Reroute and Related Improvements to the Illinois Prairie Path</u>
Council moved to adopt Resolution No. 10-057, authorizing execution of an Intergovernmental Agreement between the County of DuPage and the City of Naperville for an interim reroute and related improvements to a portion of the Illinois Prairie Path. | RESOLUTION NO. 10-057,
ILLINOIS PRAIRIE PATH |
| I8 | <u>Ordinance No. 10-147, Tax Levy for Special Service Area 21 – New Parking Garage</u>
Council moved to pass Ordinance No. 10-147, adopting a tax levy of \$210,000 for Special Service Area 21, New Parking Garage. | ORDINANCE NO. 10-147,
TAX LEVY - SSA 21 –
NEW PARKING GARAGE |
| I9 | <u>Ordinance No. 10-148, Tax Levy for Special Service Area 23 – Naper Main</u>
Council moved to pass Ordinance No. 10-148, tax levy for Special Service Area 23, Naper Main. | ORDINANCE NO. 10-148,
TAX LEVY – SSA 23 –
NAPER MAIN |
| I10 | <u>Ordinance No. 10-149, Tax Levy for Special Service Area 24 – Downtown Maintenance and Marketing Cost</u>
Council moved to pass Ordinance No. 10-149, adopting a tax levy of \$784,913.00 for Special Service Area 24, Downtown Maintenance and Marketing Cost. | ORDINANCE NO. 10-149,
TAX LEVY – SSA 24 –
DOWNTOWN
MAINTENANCE |
| <hr/> | | |
| I6 | <u>Ordinance No. 10-150, removing \$25.00 fee imposed upon finding of liability for Administrative Hearing</u>
Council asked which account the balance of the expenditures will be taken from since the fees do not cover the cost of the program. | ORDINANCE NO. 10-150,
REMOVING FEE FOR
ADMINISTRATIVE
HEARING |

Ely advised that the Legal Department pays for the Hearing Officer and the overtime for the two police officers is paid from the Police Department budget.

Miller moved to waive first reading and pass Ordinance No. 10-150, amending Section 10 of Chapter 1, Title 11 of the Naperville Municipal Code. Second, Furstenuau.

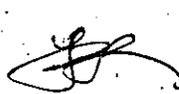
ROLL CALL:

Ayes: Fieseler, Furstenuau, Hinterlong, Krause, Miller, Wehrli, Pradel, Boyajian, Brodhead

Nays: None

Motion declared carried.

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- I11** Ordinance No. 10-151, Tax Levy for City of Naperville ORDINANCE NO. 10-151,
Boyajian moved to pass Ordinance No. 10-151, adopting a total tax TAX LEVY
levy of \$56,374,227.26. Second, Miller.
- ROLL CALL:**
Ayes: Furstenau, Hinterlong, Krause, Miller, Pradel, Boyajian,
 Brodhead, Fieseler
Nays: Wehrli
 Motion declared carried.
- I12** Ordinance No. 10-152, Tax Levy Abatement ORDINANCE NO. 10-152,
Council clarified that this amount may still be abated in the spring. TAX LEVY ABATEMENT
Boyajian moved to pass Ordinance No. 10-152, authorizing an
abatement of \$7,229,191.26 from the total tax levy of
\$56,374,227.26 for a net total 2010 tax levy of \$49,145,036.00.
Second, Miller.
- ROLL CALL:**
Ayes: Hinterlong, Krause, Miller, Pradel, Boyajian, Brodhead,
 Fieseler, Furstenau
Nays: Wehrli
 Motion declared carried.
- I13** Resolution No. 10-058, Collective Bargaining Agreement with
Metropolitan Alliance of Police, Naperville Police Sergeants,
Chapter 363 RESOLUTION NO. 10-058,
Council discussed the 3.3%, 3.0%, and 3.0% raises, parts of the COLLECTIVE
contract including the four steps, longevity pay, where the "me too" BARGAINING
component is located, and stated that increased fees and salaries is AGREEMENT –
something that the city cannot afford. NAPERVILLE POLICE
Ely said the "me too" is a term that was entered into during the SERGEANTS
collective bargaining process.
-
- Council questioned how sergeants are assigned to Roll Call, what are
the Roll Call responsibilities, and if they could be performed via
technology.
- Council said that the base pay for a Step 4 sergeant in 2009 was
\$98,507, \$101,462 in 2010, and will be \$104,506 in 2011.
- Dial explained that the Labor Relations Board determined that, by
the Board's rules, the sergeants are not supervisors because they
cannot make final decisions in some personnel actions. Dial said that
in every sense of the word, other than the Board's definitions,
sergeants are first line supervisors.
- Council suggested moving sergeants to the rank of officer or
commander in order to avoid any questions about whether or not they
are supervisors, that the city's 13 unions should take 0% raises, and
asked if the \$192,000 gap will be covered with the elimination of the
one proposed sergeant position.
- 

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I13 Resolution No. 10-058, Collective Bargaining Agreement with
Metropolitan Alliance of Police, Naperville Police Sergeants,
Chapter 363 Continued

RESOLUTION NO. 10-058,
COLLECTIVE
BARGAINING
AGREEMENT –
NAPERVILLE POLICE
SERGEANTS

Krieger stated that even with the position elimination there will still be a gap balance of \$50,000 and that staff will address this shortfall holistically.

Council discussed that approval of the contract may mean more layoffs in the future, that the FOP contract will cost the city a total of \$2.6M for wage increases and the layoff action will only save the city approximately \$851,000 on an annual basis. Council said that the city bargained in good faith and entered into an agreement that they knew would put the city in financial difficulty because the risk of a more expensive award through the arbitration process was too high. Council advised that the debate should be about the arbitration process.

Boyajian moved to adopt Resolution No. 10-058, authorizing the execution of a Collective Bargaining Agreement between the City of Naperville and Metropolitan Alliance of Police. Second, Miller.

ROLL CALL:

Ayes: Miller, Pradel, Boyajian, Brodhead, Hinterlong

Nays: Krause, Wehri, Fieseler, Furstenau

Motion declared carried.

BREAK: 8:55 P.M.

Mayor Pradel called the meeting back to order at 9:02 p.m.

J OLD BUSINESS:

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

**K1 RFP 11-036, Smart Grid Advanced Metering Infrastructure, Load
Control Management System and Home Area Network**

**RFP.11-036, SMART GRID
ADVANCED METERING
INFRASTRUCTURE**

Curran explained that there will be a combination of on-site and office work and this group is currently working with ComEd.

Council reviewed the project and the grant award.

Council discussed the original ten year Smart Grid program plan and the acceleration of the timetable to take advantage of a U.S. Department of Energy (DOE) matching-funds grant.

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K1 RFP 11-036, Smart Grid Advanced Metering Infrastructure, Load Control Management System and Home Area Network Continued

**RFP 11-036, SMART GRID
ADVANCED METERING
INFRASTRUCTURE**

Wehrli moved to approve the award of RFP 11-036, Smart Grid Advanced Metering Infrastructure, Load Control Management System and Home Area Network, to Elster Solutions, LLC for an amount not to exceed \$10,233,260.00 (smart meters and advanced metering infrastructure portions) and to Calico Energy Inc. for an amount not to exceed \$833,000.00 (Load Control Management System and Home Area Network portions). Second, Fieseler.

ROLL CALL:

Ayes: Miller, Wehrli, Pradel, Boyajian, Brodhead, Fieseler,
 Furstenuau, Hinterlong, Krause

Nays: None
 Motion declared carried.

K2 RFP 11-048, Meter Data Management System (MDMS) ePortal

**RFP 11-048, METER DATA
MANAGEMENT SYSTEM
(MDMS) E PORTAL**

Wehrli moved to approve the award of RFP 11-048, Smart Grid Meter Data Management System, to NorthStar Utilities Solutions for an amount not to exceed \$560,000.00. Second, Fieseler.

ROLL CALL:

Ayes: Wehrli, Pradel, Boyajian, Brodhead, Fieseler, Furstenuau,
 Hinterlong, Krause, Miller

Nays: None
 Motion declared carried.

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

**CITY COUNCIL MEETING
SCHEDULE**

Furstenuau moved to approve the City Council Meeting Schedule for December 2010, and January and February 2011. Second, Miller.

VOICE-VOTE: Motion declared carried.

L2 Attainable Housing Metrics

**ATTAINABLE HOUSING
METRICS**

Miller moved to accept staff's recommended attainable housing metrics. Second, Boyajian.

VOICE VOTE: Motion declared carried.

L3 Attainable Housing – DuPage United's Recommendations

**ATTAINABLE HOUSING –
DUPAGE UNITED'S
RECOMMENDATIONS**

John Lear, 1119 Hidden Spring Drive, discussed what each speaker will address in their presentation.

Philip Meno, 1164 Dickens Avenue, urged Council to officially adopt a goal to add 400 senior and disabled units by 2015.

Mike Ryder, 1414 Foxhill Road, requests that Council enact a mandatory inclusionary housing ordinance for seniors and residents, establish an affordable housing trust fund, enhance the charter to include compliance measures, and include other gap areas that were identified in the consultant's report.

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L3 Attainable Housing – DuPage United’s Recommendations
Continued

**ATTAINABLE HOUSING –
DUPAGE UNITED’S
RECOMMENDATIONS**

Donald Darrow, 7 Pepperidge Road, suggested that affordable housing uses for the former Public Works building and other available properties be explored, that Council direct staff and Plan Commission to meet with area developers of affordable housing properties to discuss their hurdles and develop solutions, and asked Council to remove the cost neutral mandate to affordable housing solutions when revenues return to FY 08-09 levels.

Laff explained that affordable housing data has not been updated since 2008 and the city has nothing that reflects current market needs.

Council stated that the number cited for the goal can only come from converted condominiums and/or apartment buildings, that there isn’t public funds to support this, and Council can’t give away city assets because they may need to be sold to save jobs.

Council discussed instituting commercial development incentives to provide this type of housing, asked that this document be brought back in two years when the timing may be more appropriate, and have the ad hoc committee meet in the interim to develop a proposal on a piece of property.

Furstenau moved to table indefinitely until an ad hoc committee comes back with a proposal on a piece of property and then decide whether to do a particular project. Second, Wehrli

VOICE VOTE: Motion declared carried.

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

N1 Ordinance No. 10-153, Clarify Fire Personnel Positions

**ORDINANCE NO. 10-153,
CLARIFY FIRE
PERSONNEL POSITIONS**

Furstenau moved to waive first reading and pass Ordinance No. 10-153, amending Article B (Fire Department) of Chapter 8 (Municipal Departments) of Title 1 (Administrative) of the Naperville Municipal Code. Second, Miller.

ROLL CALL:

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

Nays: None
 Motion declared carried.

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O NEW BUSINESS:

O1 Pension Reform

Miller suggested that staff investigate other community pension reform plans in order to create a Naperville commission that will be charged with developing retirement savings and cost containment ideas. He said that Naperville cannot rely solely on state legislature for reform.

O2 Cost Savings/Resource Reallocation

Wehrli explained that a Community Service Officer (CSO) delivers Agenda packets and Confidential Memos on Wednesday and Friday nights to each Councilman's house. He said that the CSO could be performing other duties such as lock outs, and because all members of Council are frequently in city hall, they can pick up the packets themselves.

Krieger said confidential information will be put in offices with locked doors.

Dial stated that it takes the CSO two hours each day to deliver packets to each house.

Miller asked that different arrangements be made if the Councilman will be out of town.

P CLOSED SESSION:

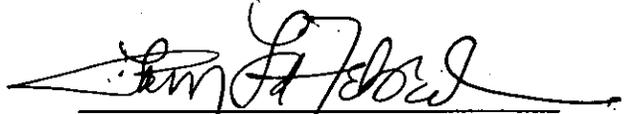
Q ADJOURNMENT:

Wehrli moved to adjourn the Regular City Council meeting of December 7, 2010 at 10:01p.m. Second, Hinterlong.

ADJOURNMENT – 10:01
PM

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of December 7, 2010 officially adjourned at 10:01 p.m.



PAM LAFERBER PH.D.
CITY CLERK

PL:BK

