



CITY COUNCIL MEETING OF OCTOBER 20, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
November 3, 2009 AS WRITTEN.

CALL TO ORDER

6 08 P M

A Mayor A George Pradel
Councilman James Boyajian
Councilman Judy Brodhead
Councilman Robert Fieseler
Councilman Richard R Furstenu
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Also Present

City Manager, Doug Krieger
Assistant City Manager, Robert Marshall
Records Management Team Leader, Pam LaFeber
Senior Assistant City Attorney, Pat Lord
Fire Chief, Mark Puknatis
Police Chief, David Dial
Director of Public Utilities, Allan Poole
Director Mgmt Svcs Business Group, Don Carlsen
Compensation and Benefits Manager, Patti Magnus
Director of T E D Business Group, Marcie Schatz
T E D Operations Manager, Allison Laff
T E D Engineering Team Leader, Bill Novack
T E D Transportation Team Leader, Karyn Robles

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink, appearing to be the initials 'JP' or similar, located at the bottom left of the page.

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 20, 2009
PAGE 2

B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss 5ILCS/120/2(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, (5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussion whether a particular parcel should be acquired, (3) The selection of a person to fill a public office, (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body Second, Miller

ROLL CALL:

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

Nays: None

Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 6:17 P.M.

CLOSED SESSION ENDED AT 7:05 P.M.

OPEN SESSION

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:11 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:

D1 Proclamation – Diwali, Indian Festival of Lights

Councilman Brodhead proclaimed the week of October 17-19, 2009 as Diwali-Indian Festival of Lights and presented the proclamation to Prasad Garkhedkar

PROCLAMATION –
DIWALI, INDIAN
FESTIVAL OF LIGHTS

D2 Recognize October Employee of the Month

Councilman Miller recognized Bonnie Vrdoljak as October's Employee of the Month

E PUBLIC FORUM:

E1 Sign Variance

Mike Strick of 2837 Lookingpost Court and owner of Oil Zone requested a variance to the sign ordinance to replace his existing sign with another having the same dimensions He explained the city-preferred monument sign is not feasible due to the location of the utilities

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 20, 2009
PAGE 3

E1 Sign Variance Continued

Krieger advised the petitioner to apply for a variance and adhere to the Zoning Board of Appeals (ZBA) process

Schatz explained that a variance is necessary because pole signs are illegal and that materials are due on November 9 to allow for the 15-day public notice for the December ZBA meeting. She suggested using temporary banners during the ZBA process.

Council directed staff to work with the petitioner to have this item on the November 10 ZBA meeting agenda.

E2 4th Avenue Boarding House

Craig Kiefer of 224 East Fourth Avenue stated that he has made complaints about the condition of boarding houses on his street. He said that the deterioration of the boarding houses has caused distress to the neighbors. Mr. Kiefer asked that the house located at 230 East Fourth Avenue be inspected because a water box is too high and dense vegetation creates a visual barrier on the right-of-way.

Krieger asked for guidance from Council about limiting the number of boarders per house and limiting boarding houses to owner-occupied locations only. He stated that the water box and vegetation creates a potential life safety issue and will be inspected within the week.

Council discussed affordable housing for seniors and college students, home-owners renting rooms to help with mortgage payments, creating a limit of two rental rooms, and requiring boarding houses to be owner occupied. They asked staff about the boarding house that was closed, how violations are reported, and if the Curb Appeal Program was still in effect.

Schatz stated that the house at 236 East Fourth Avenue operated as a grandfathered legally non-conforming boarding house. The occupancy has been revoked due to code violations and that any violation can be reported to the Code Enforcement Team at 630-420-6082. Schatz said that the Curb Appeal Program was scaled back when city staff was reduced last year and is now handled on a complaint basis only.

Council asked how a new ordinance would affect permits for grandfathered locations that are not owner occupied and about a location that is rebuilding as two dwelling units with two boarding rooms per residence.

Schatz said that the text amendment would include a grace period of two to three months for existing boarding houses to come into compliance. A duplex with two boarding units per dwelling would be consistent with existing code.

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 20, 2009
PAGE 4

E2 4th Avenue Boarding House **Continued**

Boyajian moved to direct staff to report at the November 17 Regular City Council meeting on boarding rooms in dwellings that would include the following: an understanding of the compatibility that an ordinance change would have with replacement of existing agreements or permitted uses, a process to strengthen the application or enforcement of code violations, acknowledging the needs of our college and what provisions would be in place to insure that we still have student housing provisions, address the needs for senior housing, how we would provide for owner occupied dwellings, and how parking is provided for the boarders. Second, Wehrli

VOICE VOTE: Motion declared carried

E3 Council Comments from October 6, 2009

Scott Huber, 75 E Chicago, discussed the actions taken at the last Council meeting regarding his downtown location

E4 Left Turn Lanes

Ajit Gandhi of 23W434 Pinehurst Lane, stated that not enough attention is placed on the engineering and construction of left turn lanes. Novack stated that he will meet with Mr. Gandhi to discuss his specific concerns

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

I **CONSENT AGENDA:**

Miller moved to approve the Consent Agenda with the exception of items I8 and I10. Second, Krause

ROLL CALL:

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

Nays: None
 Motion declared carried

II Cash Disbursements 9/30/09

Council moved to approve the 9/30/09 cash disbursements in the amount of \$10,206,470.41

CASH DISBURSEMENTS –
9/30/09

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 20, 2009
PAGE 5

- I2** Award of Change Order #2 to Contract 09-117, Commuter Bicycle Shelters
Council moved to approve the award of Change Order #2 to Contract 09-117, Commuter Station Bicycle Shelters Construction, to extend the contract by thirty-six days
- I3** Resolution No 09-047, authorizing the Payment Under Protest Option related to the Intergovernmental Agreement regarding Contract TS-7/09 Relocation Work for the water main at the 75th Street and Washington Street intersection
Council stated that the Water Commission is required to pay 100% of the cost because this is a county project in the right-of-way. The city proposed a 55% split with the Water Commission paying 45%, which they declined. The city agreed to pay 100% of the cost under protest in order to keep this project on schedule.
Council authorized staff to work with the county and pursue litigation, if necessary, to receive 100% reimbursement for this contract from the Water Commission.
Council moved to adopt Resolution No 09-047, authorizing the Payment Under Protest Option related to the Intergovernmental Agreement regarding Contract TS-7/09 Relocation Work for the water main at the 75th Street and Washington Street intersection
- I4** Appointments of Student Representatives to Boards and Commissions
Council moved to approve the appointments of student representatives to Boards and Commissions
- I5** Accept the public improvements and authorize the City Clerk to reduce the corresponding public improvement sureties
Council moved to accept the public underground watermain and sanitary improvements to the CityGate Phase I Development and authorize the City Clerk to reduce the corresponding public improvement surety
- I6** Van Buren Parking Lot Shared Refuse Area
Council moved to table consideration of the Van Buren parking lot shared refuse area to the December 1, 2009 City Council meeting
- I7** Ordinance No 09-122, establishing temporary traffic controls and issue an amplifier extension and permit for the Turkey Trot
Council moved to pass Ordinance No 09-122, establishing temporary traffic controls and issue an amplifier extension and permit for the Turkey Trot
- I9** Ordinance No 09-123, 719 Sigmund Road, ZBA Case #9-1-105
Council moved to pass Ordinance No 09-123, granting a variance reducing the required interior side yard setback to construct an addition to an existing single-family residence at 719 Sigmund Road
- CONTRACT 09-117,
COMMUTER BICYCLE
SHELTERS
- RESOLUTION NO 09-047,
PAYMENT UNDER
PROTEST – 75TH &
WASHINGTON ST
WATER MAIN
RELOCATION
- STUDENT
REPRESENTATIVES –
BOARDS &
COMMISSIONS
- CITY GATE PHASE I
PUBLIC IMPROVEMENT
- VAN BUREN PARKING
LOT SHARED REFUSE
AREA
- ORDINANCE NO 09-122,
TURKEY TROT
- ORDINANCE NO 09-123,
719 SIGMUND RD , ZBA
#9-1-105

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 20, 2009
PAGE 6

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- 18 Resolution No 09-048, authorizing the execution of a Memorandum of Agreement between the City of Naperville and the International Brotherhood of Electrical Workers, Local 9 RESOLUTION NO 09-048, MEMORANDUM OF AGREEMENT WITH IBEW, LOCAL 9

Boyajian moved to adopt Resolution No 09-048, authorizing the execution of a Memorandum of Agreement between the City of Naperville and the International Brotherhood of Electrical Workers, Local 9 Second, Miller

ROLL CALL:

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

Nays: Furstenau
Motion declared carried

- I10 Crosstown Pub, ZBA Case #9-1-109 CROSTOWN PUB, ZBA #9-1-109

Council discussed the location of the patio and its proximity to Ogden Avenue, outdoor dining on the patio with and without serving alcohol, other locations with outdoor seating in the setback, and questioned if the patio is currently being used

Schatz stated that the owner was told that he cannot use the patio at this time

Furstenau moved to pass the ordinance granting variances for a patio encroachment in the required front yard at 909 E Ogden Avenue and no outdoor dining shall be allowed in the required front yard setback of the subject property unless first approved by the issuance of an outdoor dining permit with final approval of the City Council
Second, Boyajian

Pradel stated that because the establishment has a liquor license the Liquor Commission would need to approve an outdoor dining permit

Boyajian invoked Council Rules to table the item until the November 3 meeting and asked for staff clarification on other restaurants with outdoor seating areas in the setback

J OLD BUSINESS:

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE

L REPORTS AND RECOMMENDATIONS:

- LI Regular City Council Meeting Minutes of October 6, 2009 REGULAR CITY COUNCIL MEETING MINUTES – 10/6/09

Boyajian moved to approve the Regular City Council Meeting Minutes of October 6, 2009 Second, Furstenau

VOICE VOTE: Motion declared carried
Abstain: Pradel, Wehrli

FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 20, 2009
PAGE 7

- L2** City Council Meeting Schedule CITY COUNCIL MEETING
SCHEDULE
Furstenau moved to approve the City Council Meeting Schedule for October, November and December 2009 Second, Krause
- L3** Approve the recommendation by Aon Consulting, Inc (Procurement 10-115), to renew medical insurance with Blue Cross Blue Shield of Illinois AON CONSULTING INC
BLUE CROSS BLUE
SHIELD OF ILLINOIS
Krieger explained that Council is being asked to consider the approval of one of the most significant contracts of the city and staff recommends award to Blue Cross/Blue Shield He stated that staff is prepared to answer questions, however Council may ask all questions during the meeting and a consolidated response will be included in the Manager's Memorandum and this item would be approved at the November 3 meeting
Council discussed tabling this item and requested a report showing the annual cost for the past 5 years
Krause moved to table the recommendation by Aon Consulting, Inc to renew medical insurance with Blue Cross Blue Shield of Illinois, to November 3, 2009 Second, Boyajian
VOICE VOTE: Motion declared carried
- L4** Managed Dental Plan, RFP 10-092 Delta Dental RFP 10-092, DELTA
DENTAL
Council questioned the total cost, the plan elements, justification of the new costs, and how the costs relate to the current and proposed budgets
Magnus responded that the proposed contract is \$23,500 greater than the current contract, there are no plan design changes, but a new "To Go" feature is included which allows a portion of the coverage amount to be carried over to the next year if the employee meets certain criteria
Magnus also explained that the current employee contribution for the family plan is \$9/month and \$2 50/month for the single plan She said that total employee contributions are 10% of premium equivalent or approximately \$88,000
Council commented that the plan is very rich and would not be seen in the private sector, that the employee contribution is low and that the city has not been aggressive enough to increase employee contribution Council also stated that the contribution amount is wrong given what the private sector asks employees to pay and adding a feature will only increase costs
Council requested the 5-year history of dental costs, questioned why the medical insurance contract wasn't bid but a bid was let for the dental contract, and asked if employee contributions can be changed during the plan year
Krieger explained that employee contribution changes have historically not been changed during the plan year



FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 20, 2009
PAGE 8

L4 Managed Dental Plan, RFP 10-092 Delta Dental **Continued**

RFP 10-092, DELTA
DENTAL

Wehrli moved to table the award of RFP 10-092, for the Managed Dental Plan to November 3, 2009 Second, Boyajian

VOICE VOTE: Motion declared carried

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

N1 Resolution No 09-049, Opposing the Proposed Pace Service Cuts

RESOLUTION NO 09-049,
OPPOSING THE
PROPOSED PACE
SERVICE CUTS

Council discussed that Pace implemented a tax increase to close the budget gap and then recommended service cuts before examining internal operational adjustments

Council suggested additional language in the resolution explaining why the city opposes the service cuts

Robles read the following to be added to the resolution *Whereas, the City of Naperville is understanding of the difficult financial position that Pace and the other service boards are facing, however it is our strong belief that the elimination of routes should be a last resort and only be taken when all other options have been exhausted*

Wehrli moved to adopt Resolution No 09-049, opposing the proposed Pace service cuts which would eliminate five Metra Feeder Routes in Naperville with the amended language Second, Furstenuau

--- ROLL CALL:

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

Nays: None

Motion declared carried

O **NEW BUSINESS:**

O1 Overnight Deck Parking on Friday and Saturday Nights

Furstenuau requested that staff research overnight parking in the decks and bring Council a recommendation based on the findings

Robles stated that this topic is already included in the 2009 Transportation Plan Workshop, that staff has been researching solutions and will bring proposals to the December workshop

P **CLOSED SESSION:**

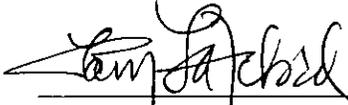
FINAL AGENDA
CITY COUNCIL MEETING
OCTOBER 20, 2009
PAGE 9

Q ADJOURNMENT:

Miller moved to adjourn the Regular City Council meeting of
October 20, 2009 at 8 43 p m Second, Krause

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of October 20, 2009 officially adjourned at 8 43 p m



PAM LAFEVER, PhD
CITY CLERK

PL BK

