



**CITY COUNCIL MEETING OF AUGUST 18, 2009  
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL  
APPROVED BY THE CITY COUNCIL ON  
September 15, 2009 AS WRITTEN.**

**CALL TO ORDER**

6 00 P M

**A** Mayor A George Pradel  
Councilman Judy Brodhead  
Councilman Robert Fieseler  
Councilman Richard R Furstenau  
Councilman Paul Hinterlong  
Councilman Douglas Krause  
Councilman Kenn Miller  
Councilman Grant Wehrli

Absent

Councilman James Boyajian

Also Present

City Manager, Doug Krieger  
Assistant City Manager, Robert Marshall  
Records Management Team Leader, Pam LaFeber  
City Attorney, Margo Ely  
Fire Chief, Mark Puknaitis  
Police Chief, David Dial  
Director of Public Utilities, Allan Poole  
Director of Public Works, David Van Vooren  
Director Mgmt Svcs Business Group, Don Carlsen  
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  
T E D Development Team Leader, Dick Dublinski

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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**B. CLOSED SESSION – 6:00 p.m.**

Krause moved to recess to Closed Session to discuss 5ILCS/120/2(c)(2) Collective negotiating, (3) The selection of a person to fill a public office, (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, (11) Litigation, probable or imminent, (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, Furstenuau

**ROLL CALL:**

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

**Nays:** None

**Absent:** Boyajian

Motion declared carried

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

**CLOSED SESSION ENDED AT 7:17 P.M.**

**OPEN SESSION**

**MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:25 P.M.**

**ROLL CALL to determine Quorum:**

**Present:** Pradel, Brodhead, Fieseler, Furstenuau, Hinterlong, Krause, Miller, Wehrli

**Absent:** Boyajian

**C. PLEDGE TO THE FLAG:**

**D AWARDS AND RECOGNITIONS:**

**D1** Recognize August Employee of the Month – Kathy Kauzlarich  
Councilman Miller presented the Employee of the Month award for August to Kathy Kauzlarich, Senior Electrical Engineering Technician

EMPLOYEE OF THE  
MONTH - AUGUST

**D2** Pace Check Presentation

Schatz accepted a \$25,532 contribution from Pace Suburban Bus toward Naperville's Ride DuPage Program

PACE SUBURBAN BUS-  
RIDE DUPAGE CHECK  
PRESENTATION

**E PUBLIC FORUM:**

**F HOLDOVER ITEMS:**

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

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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, Krause

**VOICE VOTE:** Motion declared carried

**I CONSENT AGENDA:**

Miller moved to approve the Consent Agenda with the exception of  
items I6, I9, I15, I16, I18, I21, I23, I28, I32, and I34 Second,  
Krause

**ROLL CALL:**

**Ayes:** Pradel, Brodhead, Frieseler, Furstenau, Hinterlong,  
Krause, Miller, Wehrli

**Nays:** None

**Absent:** Boyajian  
Motion declared carried

- I1** Cash Disbursements – 7/22/2009 CASH DISBURSEMENTS –  
7/22/2009  
Council moved to approve the 7/22/09 cash disbursements in the  
amount of \$10,333,051 83
- I2** Cash Disbursements – 7/16/2009 CASH DISBURSEMENTS –  
7/16/2009  
Council moved to approve the 7/16/2009 cash disbursements in the  
amount of \$8,988,872 53
- I3** Cash Disbursements 08/05/2009 CASH DISBURSEMENTS –  
8/5/2009  
Council moved to approve the 8/5/2009 cash disbursements in the  
amount of \$7,880,854 25
- I4** City Clerk's License & Permit Report CITY CLERK'S LICENSE  
& PERMIT REPORT  
Council moved to approve the City Clerk's License & Permit Report
- I5** Review of Closed Session Minutes REVIEW OF CLOSED  
SESSION MINUTES  
Council moved to approve the release of Not Restricted (NR) items  
and to concur with the need to maintain Restricted (R) items  
confidential at this time
- I7** Fair Housing Advisory Commission 2009 Annual Report FAIR HOUSING  
ADVISORY COMMISSION  
2009 ANNUAL REPORT  
Council moved to accept the Fair Housing Advisory Commission's  
2009 Annual Report
- I8** Accept the public improvements and authorize the City Clerk to  
reduce the corresponding public improvement sureties PUBLIC IMPROVEMENTS  
& SURETIES  
Council moved to accept the public underground improvements in  
Menards of Naperville PUD and Subdivision (southwest corner of  
Fort Hill Drive and Aurora Avenue) and in PM Bedroom Gallery  
Subdivision (1130 S Route 59) and authorize the City Clerk to  
reduce the corresponding public improvement sureties

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- I10**     Automobile Dealership Ground Signage  
Council moved to suspend the enforcement action of Sections 5-4-5 2 (commercial signs/monument signs) and 5-4/13 (nonconforming signs) requiring automobile dealerships to install monument signs when revising signage on site, for a period of three years  
AUTOMOBILE DEALERSHIP GROUND SIGNAGE
- I12**     Recommend the award of Change Order #3 to Contract 08-100, Architectural & Engineering Services for Fire Station #10  
Council moved to approve the award of Change Order #3 to Contract 08-100, architectural and engineering Service for Fire Station #10, to Charles Vincent George for an amount not to exceed \$21,000 00  
CONTRACT 08-100, FIRE STATION #10
- I13**     Recommend award of Bid 10-075, Distribution Automation Switchgear  
Council moved to approve the award of Bid 10-075, distribution automation switchgear to Universal Utility Supply Co , for an amount not to exceed \$324,840 00  
BID 10-075, DISTRIBUTION AUTOMATION SWITCHGEAR
- I14**     Recommend award of RFQ 10-074, Pre-Qualification of Vendors for Transformer Spot Purchases  
Council moved to approve the award of spot purchases of single phase and three-phase transformers, based on quotations solicited from respondents qualified by RFP 10-94, for an amount not to exceed \$840,095 00  
RFQ 10-074, TRANSFORMER SPOT PURCHASES
- I17**     Resolution No 09-039, granting variances to the Naperville Municipal Code for monument sign setback, to reduce the required tollway frontage and interior property line setback Travelers, 215 Shuman Boulevard, ZBA 09-1-78  
Council moved to adopt Resolution No 09-039, granting variances from Section 5-4-5 2 (special areas of control) and Section 5-4-5 2 6 (monument sign setback) of the Naperville Municipal Code to reduce the required tollway frontage and interior property line setback for a monument sign for Travelers, 215 Shuman Boulevard, ZBA #09-1-78  
RESOLUTION NO 09-039, 1-78 TRAVELERS SIGN VARIANCE, ZBA 09-1-78
- I19**     Ordinance No 09-088, establish parking restrictions on Chatham Court  
Council moved to pass Ordinance No 09-088, establishing seasonal parking restrictions on the east side of Chatham Court  
ORDINANCE NO 09-088, CHATHAM CT PARKING RESTRICTIONS
- I20**     Ordinance No 09-089, Naperville Christian Academy – PST 832  
Council moved to pass Ordinance No 09-089, granting a one-year extension to the temporary use for an elementary school at the Trinity Church of the Nazarene located at 1451 Raymond Drive, expiring on August 1, 2010  
ORDINANCE NO 09-089, TRINITY CHURCH OF THE NAZARENE, PST 832



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- I22**     Ordinance No 09-090, Historic Preservation Commission Text Amendment PC 09-1-77  
Council moved to pass Ordinance No 09-090, amending Title 2 (Boards and Commissions), Chapter 15 (Historic Sites Commission) of the Naperville Municipal Code to define and establish the Historic Preservation Commission  
ORDINANCE NO 09-090,  
HISTORIC  
PRESERVATION  
COMMISSION, PC 09-1-77
- I24**     Ordinance No 09-091, Dover Lane Stop Controls  
Council moved to pass Ordinance No 09-091, establishing a one-way stop of Dover Lane for Bakewell Lane and amending the existing yield of Dover Lane for Bailey Road to a one-way stop  
ORDINANCE NO 09-091,  
DOVER LANE STOP  
CONTROLS
- I25**     Ordinance No 09-092, Neighborhood Speed Limit 25 for Woodlawn Avenue, Canopy Drive, and Parkside Road  
Council moved to pass Ordinance No 09-092, to establish a speed limit of 25 mph for Woodlawn Avenue from Wright Street to T4erminus, Canopy Drive from Woodlawn Avenue to Parkside Road, and Parkside Road from Columbia Street to Charles Avenue  
ORDINANCE NO 09-092,  
NEIGHBORHOOD SPEED  
LIMIT 25
- I26**     Ordinance No 09-093, Fry Elementary School Traffic Control Revisions  
Council moved to pass Ordinance No 09-093, to establish miscellaneous parking and turn restrictions at Fry Elementary School  
ORDINANCE NO 09-093,  
FRY ELEMENTARY  
SCHOOL
- I27**     Ordinance No 09-094, Eagle Street Stop Control  
Council moved to pass Ordinance No 09-094, to establish a one-way stop of Eagle Street for 5<sup>th</sup> Avenue  
ORDINANCE NO 09-094,  
EAGLE STREET ONE-  
WAY STOP
- I29**     Resolution No 09-040, 75<sup>th</sup> and Washington Street Intersection Improvement, Intergovernmental Agreement with DuPage Water Commission  
Council moved to adopt Resolution No 09-040, authorizing the advance payment of up to \$516,000 00 for the relocation of the water main component of the 75<sup>th</sup> Street and Washington Street project and the recovery of the relocation costs from the DuPage Water commission in order to avoid disruption of any increases in the costs of the project  
RESOLUTION NO 09-040,  
75<sup>TH</sup> ST & WASHINGTON  
ST 0 RELOCATION OF  
WATER MAIN  
COMPONENT
- I30**     Ordinance No 09-095, to establish temporary traffic controls for the 2009 Last Fling, the Labor Day Parade, and the Fling Mile  
Council moved to pass Ordinance No 09-095, to establish temporary traffic controls for the 2009 Last Fling, the Labor Day Parade, and the Fling Mile and issue amplifier and carnival permits for the event  
ORDINANCE NO 09-095,  
TEMPORARY TRAFFIC  
CONTROLS
- I31**     Ordinance No 09-096, approving the Disposal of Surplus Equipment  
Council moved to pass Ordinance No 09-096, for approval and authority to dispose of the items on the attached list, through a public auction, in accordance with the Naperville Procurement Code, Section 1-9B-9, et seq  
ORDINANCE NO 09-096,  
DISPOSAL OF SURPLUS  
EQUIPMENT



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- I33**     Ordinance No 09-097, to Establish Temporary Traffic Controls for the Riverwalk Fine Art Fair     ORDINANCE NO 09-097,  
RIVERWALK FINE ART FAIR
- Council moved to pass Ordinance No 09-097, establishing temporary traffic controls for the Riverwalk Fine Art Fair
- I35**     Ordinance No 09-098, amending Title 2 of the Naperville Municipal Code regarding appointments to the Police     ORDINANCE NO 09-098,  
POLICE PENSION BOARD
- Council moved to waive first reading and pass Ordinance No 09-098, amending Chapter 1 and Chapter 14 of Title 2 of the Naperville Municipal Code with respect to the Police Pension Board
- 

- I6**     SECA Request – Historic Building Design Guidelines     SECA REQUEST –  
HISTORIC BUILDING  
DESIGN GUIDELINES
- Carol Schmidt of 204 N Wright Street and a member of the working group that presented the joint recommendation for the Historic District Preservation Commission urged Council to fund the guidelines
- Council asked if the Historic District rules could be incorporated into the guidelines, discussed the appropriateness of funding building guidelines from a culture fund and what exactly defines culture, and asked what has been done in the past with excess SECA funds
- Schatz explained that SECA is meant to fund cultural opportunities that focus on heritage, diversity, and character of Naperville, that the building guidelines tie to the heritage standard, the guidelines used in the past followed preservation and Secretary of the Interior standards, the new guidelines focus on design and architectural styles which allow home owners to keep houses within the historic character
- Krieger stated that in the past excess funds were taken to Council for review and possible reallocation, past reallocation has included completion of Phase II of the Carillon and cash reserve, funds were also rolled over and made available in the following year's allocation
- Miller moved to authorize the remaining \$24,627 00 of unallocated FY10 SECA funds for the cost of preparing the Historic Building Design Guidelines    Second, Furstenau

**ROLL CALL:**

**Ayes:**     Brodhead, Fieseler, Furstenau, Hinterlong, Krause,  
                 Miller, Wehrl, Pradel

**Nays:**     None

**Absent:**    Boyajian

                 Motion declared carried

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I9 Accept the Downtown Parking Management Study

DOWNTOWN PARKING  
MANAGEMENT STUDY

Council discussed allowing overnight parking and stated that because of the number of people who participated in the study it is clear there is a need for more parking at the 5<sup>th</sup> Avenue train station

Cope explained that there are locations that overnight parking can accommodate visitor needs and that staff expects to evaluate opportunities to serve these needs as a short-term project

Council said that parking should be removed on Washington Street until at least 7 00 p m and that it is not prudent to summarily dismiss this option because the city spends an inordinate amount of money enforcing parking regulations from 4 00 p m – 7 00 p m

Schatz said that in 2006 the city conducted the Washington Street Parking Management Study which was designed to determine the influence of on-street parking with respect to vehicular, pedestrian, and bicycle mobility and safety as well as the economic vitality of the downtown; that the conclusion was that parking should remain on Washington Street Staff works with Police and the DNA reviews operations and makes adjustments to the Washington Street parking system

Schatz will provide the latest tow data to the Council

Council said that parking is a method of traffic calming along Washington Street and asked about the possibility of installing the proposed parking deck security cameras sooner than the scheduled five years out, urged downtown merchants to help people find parking, and expressed dislike for shuffle tickets as a method of enforcement

Fieseler moved to accept the Downtown Parking Management Study and approve the implementation plan Second, Furstenau

VOICE VOTE: Motion declared carried

I15 Recommend the award of Procurement 10-096, One Triple Combination Pumper Truck

PROCUREMENT 10-096,  
TRIPLE COMBINATION  
PUMPER TRUCK

Council questioned depreciation of fire trucks and the sale price

Van Vooren said this truck is 19 years old, is currently in reserve status and not on the street, and that the market is difficult for used fire equipment

He explained that this unit was appraised by B&P Apparatus at \$25,000-\$35,000, that staff found two fire pumpers listed on ebay as a 1990 Pierce and a 1997 Spartan that received bids in the amount of \$7,100 and \$9,600 respectively

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I15 Recommend the award of Procurement 10-096, One Triple  
Combination Pumper Truck Continued

PROCUREMENT 10-096,  
TRIPLE COMBINATION  
PUMPER TRUCK

Furstenau moved to approve the award of Procurement 10-096, one triple combination pumper truck, to Crimson Fire Inc through the Northwest Municipal Conference Joint Purchasing Program, for an amount not to exceed \$403,993 00 Second, Miller

**ROLL CALL:**

**Ayes:** Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrl, Pradel, Brodhead

**Nays:** None

**Absent:** Boyajian

Motion declared carried

I16 2009 Annual Transportation Workshop Topic Selection

2009 ANNUAL  
TRANSPORTATION  
WORKSHOP TOPIC  
SELECTION

Council questioned the small number of proposed topics, whether or not TAB submits topic ideas, requested 5<sup>th</sup> Avenue Study be placed on the agenda and that staff reduce the number of topics under Innovative Transportation Solutions

Robles stated that in previous years the full two hours have been taken with a small number of topics, that the Council can certainly make recommendations for additional workshop topics

Miller moved to approve the recommended topics for the 2009 City Council and Transportation Advisory Board Transportation Workshop scheduled for December 7, 2009 Second, Wehrl

**VOICE VOTE:** Motion declared carried

I18 Deny a variance to increase the height for a monument sign for La  
Hacienda de los Fernandez, ZBA 09-1-66

LA HACIENDA DE LOS  
FERNANDEZ, ZBA 09-1-66

Council discussed the close vote at ZBA, why it was placed on the Consent Agenda, the location of the sign, and whether or not a precedent should be set for electronic signs and height

Furstenau moved to deny the variance to increase the height for a monument sign for La Hacienda de los Fernandez, ZBA #9-1-66 Second, Miller

**ROLL CALL:**

**Ayes:** Furstenau, Hinterlong, Miller

**Nays:** Krause, Wehrl, Pradel, Brodhead, Fieseler

**Absent:** Boyajian

Motion declared not carried

Fieseler moved to approve the variance to increase the height for a monument sign for La Hacienda de los Fernandez, ZBA #9-1-66 Second, Brodhead

**ROLL CALL:**

**Ayes:** Krause, Wehrl, Pradel, Brodhead, Fieseler

**Nays:** Hinterlong, Miller, Furstenau

**Absent:** Boyajian

Motion declared carried

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**121**      Ordinance No 09-099, Jewel Express Fuel Center, PC 09-1-39

**ORDINANCE NO 09-099,  
JEWEL EXPRESS FUEL  
CENTER, PC 09-1-39**

Council discussed the 2000 Plan Commission approval (6-0) and the 2001 Council denial (7-1) and asked what is the difference between now and 2000-2001

Laff stated that at the time of the denial there was a concern over proliferation of gas stations on Route 59, since that time the Southwest Community Area Plan has been adopted which provides more guidance for development in that area and Naperville Crossings has been developed, since the time of the denial no requests have been submitted for this site, the proposed use is permitted and no variances are necessary

Council stated there are four gas stations within one mile of this site, an uncertainty over how much incremental business will be generated by an additional gas station, that other Jewel Express sites offer competitive prices and that the proposed location is convenient for residents and visitors to Naperville Crossings

Furstenau moved to pass Ordinance No 09-099, approving a major change to the PUD, a final PUD plat, and a conditional use for an automobile service station on the property located at 2915 W 95<sup>th</sup> Street Second, Wehrl

**ROLL CALL:**

**Ayes:**      Krause, Miller, Wehrl, Pradel, Brodhead, Fieseler,  
                 Furstenau, Hinterlong

**Nays:**      None

**Absent:**     Boyajian  
                 Motion declared carried

**123**      Ordinance No 09-100, Linden Oaks Temporary Use Extension, PST 538

**ORDINANCE NO 09-100,  
LINDEN OAKS, PST 538**

Council stated that the current temporary situation has been in place for several years and that asking for another five years may not be appropriate

Mary Lou Mastro, President of Linden Oaks, presented the background of this project, the volume of patients, and discussed why this extension is needed, that mental health services are desperately needed in this community, and that 10% of patients are taken care of with no funding in a building that is not ideal

Kathy West, 123 Water Street, explained that this addition will not be built in two years and wanted to give a realistic expectation of how long it will take, explained that this addition was postponed because of the Heath Services District discussion and then the economy caused it to be postponed it again

Council stated that it has been sensitive to the economic situation by changing current policies and encouraged Mastro to get the addition finished

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- I23**     Ordinance No 09-100, Linden Oaks Temporary Use Extension, PST 538 Continued     ORDINANCE NO 09-100, LINDEN OAKS, PST 538
- Miller moved to pass Ordinance No 09-100, approving a five-year extension to the temporary use allowing a trailer to be located on the property commonly referred to as Linden Oaks with a term expiring on December 31, 2014 Second, Hinterlong
- Wehrli made a motion of substitution to pass Ordinance No 09-100, approving two year extension to the temporary use allowing a trailer to be located on the property commonly referred to as Linden Oaks with a term expiring on December 31, 2011 Second, Krause
- ROLL CALL on motion of substitution:**  
**Ayes:**     Wehrli, Furstenau, Krause  
**Nays:**     Miller, Pradel, Brodhead, Fieseler, Hinterlong  
**Absent:**    Boyajian  
              Motion declared **not** carried
- ROLL CALL on main motion:**  
**Ayes:**     Pradel, Brodhead, Fieseler, Hinterlong, Miller  
**Nays:**     Wehrli, Furstenau, Krause  
**Absent:**    Boyajian  
              Motion declared carried
- I28**     Ordinance amending Section 1-8b-4 of the Naperville Municipal Code     AMBULANCE USER FEES
- I28a**     Conduct a first reading of the Ordinance amending Section 1-8B-4 of the Naperville Municipal code to change the annual effective date for increased ambulance user fees from May 1 to January 1, beginning January 1, 2010
- First Reading held
- I28b**     Table the Ordinance to September 1, 2009 for Council approval
- Fieseler moved to table Section 1-8B-4 ambulance user fees to September 1, 2009 Second, Furstenau
- VOICE VOTE:**     Motion declared carried
- I32**     Dumpster Regulations Text Amendment     DUMPSTER REGULATIONS
- I32a**     Conduct the first reading on the ordinance amending Title 5 (building regulations)
- First Reading held
- I32b**     Table to September 1, 2009
- Miller moved to table Dumpster Regulations Text Amendment to September 1, 2009 Second, Furstenau
- VOICE VOTE:**     Motion declared carried

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I34 Ordinance No 09-101, Adding a New Article F (Special Event Permits) to Chapter 4 (Amusements) to Title 3 (Business and License Regulations) of the Naperville Municipal Code

ORDINANCE NO 09-101,  
SPECIAL EVENTS  
PERMITS –  
AMUSEMENTS

Bruce Erickson, 1245 Brook Lane and Exchange Club board member, gave the example that in 2009, under the new tax, approximately \$50,000 00 would not go to families, shelter counselors, and other agency funding will diminish, and urged the Council to not pass the ordinance

Ely explained that a revision to the Food/Beverage tax is not proposed in the current ordinance, instead the agenda item asks for Council direction and would require a separate action

Julie Lichter, 1008 Belaire Court, discussed changes that were made to the 2009 Ribfest event, urged the Council to not tax not-for-profit events, discussed the amount donated and that in this economy organizations are in need of every possible dollar they can get, and that people cannot be accommodated now and if money is cut their situations will only worsen

Council stated this may be government getting too big and should not tax charitable organizations, questioned state law requirements on collecting taxes, what taxes will cover for the city, and that this is not the same as vendors paying taxes

David Byrne, 2445 Devonshire Court, Aurora, representing Last Fling and Naperville Jaycees, stated that a change to the Food/Beverage tax is not clear that it would be equal among organizations or even one event, and urged the Council to not pursue a change

Council asked what is required by the state, what is done with beer sales at the Taste of Chicago and how this was put on the agenda

Krieger stated that there is nothing in the Municipal Code that trumps the state code and without research staff should not provide legal tax advice that may bring a liability to the city

Cope responded that the Council raised the topic of changing the Food/Beverage tax in a previous meeting

Furstenau moved to pass Ordinance No 09-101, adding a new Article F (Special Event Permits) to Chapter 4 (Amusements) to Title 3 (Business and License Regulations) of the Naperville Municipal Code Second, Krause

**ROLL CALL:**

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

**Nays:** None

**Absent:** Boyajian  
Motion declared carried

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**BREAK: 8:48 P.M.**

**Mayor Pradel called the meeting back to order at 9:00 p.m.**

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**J OLD BUSINESS:**

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

**K1 Extension of Contract 06-099 – Lobbyist Services**

**CONTRACT 06-099  
LOBBYIST SERVICES**

Council praised the efforts of the lobbyist, and specifically cited work on the AT&T boxes, the surcharge tax, and Route 59 improvements

Council requested that they be advised in advance of lobbying efforts so they may attend as well

Miller moved to waive the applicable provisions of the Naperville Procurement Code and approve the contract extension on lobbying services with Government Affairs Specialists, Inc for an amount of \$60,000 00 for one year with four one year option years Second, Wehrli

**ROLL CALL:**

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

**Nays:** None

**Absent:** Boyajian

Motion declared carried

**L REPORTS AND RECOMMENDATIONS:**

**L1 IML and DMMC Legislative Initiatives**

**IML & DMMC  
LEGISLATIVE  
INITIATIVES**

Council asked if collective bargaining units have expressed issues with the legislative priorities

Krieger responded that they have not and Council explained that pension items are being brought forward to help the system work because it is not working now

Furstenau moved to select legislative initiatives for the DuPage Mayors and Managers Conference 2010 Legislative Action Program and Illinois Municipal League 2010 Legislative Agenda Second, Miller

**VOICE VOTE:** Motion declared carried

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L2 Omnia Performing Arts Center Development Concept

OMNIA DEVELOPMENT  
PLAN

Mike Roth, attorney for the petitioner, stated that now is the time for substantive discussions beyond land use, asked that this project be considered in a meaningful way, and urged the Council to take no action at this time except to let the process proceed

Bev Friar, petitioner of 24W035 Donwood, believes the land is too valuable to build parking decks, that this is the time to start the project, that there will be no bailout with this plan, that Omnia does not want to burden the taxpayers, and that the Council cannot make an informed decision tonight

Nancy Marinello, 1717 Shagbark Court, explained Omnia's option versus staff recommendations and stated that Omnia will make money for the city and staff recommendations will not

Ronald Hoering, 1314 Pamela Court, stated that the Omnia plan is a revenue generator, there will be no conflict with Wentz Hall, and that the city and Omnia can work together to develop a workable plan

Bill Frier, 24W035 Donwood, Naperville has shortcomings related to parking at train station and a theater, that this project brings the two together, that the experts say Naperville needs a theater, parking doesn't pay any real estate taxes, and there is a need to educate the community that this will not be negative for Naperville

Dave Weeks, 732 W Bauer Road, urged Council to extend the consideration for this project

Hilary Decent of 1513 Maple Hills Court urged Council to give the Omnia plan its fullest consideration and keep the dialogue open

Michael Boomgarden of 308 Big Rail Drive urged the Council to choose the theater over parking decks

KC Swininoga of 1241 Marls Court urged Council to review Omnia

Chuck Bokar, 204 W Van Buren, supports Omnia and moved to downtown Naperville because of the vibrancy and many choices for activities, although the plan is big and complex it deserves further discussion and clarification, and requests this be tabled

Steve Grosskopf, 108 N Center, president of ECHO, explained that this project is opposite of what has just been accomplished with the Historic District, that putting this theater at the proposed location is analogous to putting it on the Riverwalk, that Naperville already has an arts center at North Central, and the money is not there to spend

John Conmy, 29W044 Shell Lake Drive, stated that there are many concepts of Omnia that are appealing and this project should be included in the 5<sup>th</sup> Avenue study

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L2 Omnia Performing Arts Center Development Concept Continued PLAN

Bob Swinoga, 1241 Marls Court, said that the Omnia proposal is optimistic and that it would add unnecessary density

Douglas Dallmer, 619 Fredericksburg Court, said that risk is a problem with the Omnia project, that this project is great but should be funded with money from somewhere other than the taxpayers

Thom Higgins, 725 N Ellsworth, stated that there is universal opposition to this in the Historic District because of land use

Jeffery Havel, 725 N Center, said this project will create a lot of traffic and urged Council to examine the economics of the project

Council discussed that the petitioners need to convince the residents that this project is worthwhile, that going with TIF bonding would create a \$130M debt payment, and that there may be other organizations that want to do something with this property

Council stated that this project must go through the RFP process, that this proposal is out of order and a decision with the 5th Avenue study should be made first, there is no issue with the concept but rather the appropriateness of the project in this location, that there is risk with this project and Council has fiduciary responsibility, invited the petitioners to come back after a decision is made on the 5<sup>th</sup> Avenue study, and advised that Metea Valley HS was voted down initially and came back scaled down and was approved

Council said that the because the train station is set in a residential area a mixed use development would be more appropriate, the current real estate market does not support a condominium option, commuters do not support businesses in the area, density will bring more traffic to a residential area, and inquired about private investor funding

Krieger advised that the Omnia project may have an influence on the 5<sup>th</sup> Avenue study discussion and at a minimum the city should proceed with the study

Furstenau moved to deny the Omnia Development Plan Second, Wehrl

VOICE VOTE: Motion declared carried

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**BREAK: 10:36 P.M.**

**Mayor Pradel called the meeting back to order at 10:40 p.m.**

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L3 5<sup>th</sup> Avenue Study Report – PC 1711

5<sup>TH</sup> AVENUE STUDY  
REPORT – PC 1711

L3a Conduct the first reading for the ordinance amending Section 1-11-1 (Comprehensive Plan) of the Municipal Code to adopt the 5<sup>th</sup> Avenue Study Report

First reading held

L3b Utilize the attached matrix to discuss specific components of the 5<sup>th</sup> Avenue Study Report

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**L3c** Table the Agenda Item

Krieger suggested hearing speakers tonight and scheduling this topic for a workshop on October 12 starting at 5 p m at which time staff will make their presentation

Craig Kiefer, 224 E 4<sup>th</sup> Avenue, supports the medium-density recommendation for properties facing the railroad tracks and the bus depot but does not want bus traffic routed through the residential neighborhoods

Steve Grosskopf, 108 N Center, thanked staff for study process and does not want buses routed through residential neighborhood

Thom Higgins, 725 N Ellsworth, asked for protection of the adjacent neighborhood by maintaining single family homes north of 5<sup>th</sup> Avenue and asked that the 50 foot height allowance be reduced along some areas of Washington Street Mr Higgins stated that most residents in the Park Addition neighborhood don't want a parking deck at the Kroehler lot

Jeffery Havel, 725 N Center, wants the 50 foot height limit to be reduced

Dan Slack, 2222 Elston Avenue, Chicago, supports staff recommendation, said that the process was good and completed according to timeline He is working with YMCA to do a mixed use development at the Public Works site and asked for institutional and mixed use designation for the location

Ken Rathje represents owners of at 190 E 5<sup>th</sup> Avenue, asked Council to reaffirm the plan commission recommendation of a mixed use land use designation for his client's lot

**Clerk's Note:** Krause moved to extend the meeting until 11 15 p m Second, Furstenau

**VOICE VOTE:** Motion declared carried

Andrew Trasatt, 22 W Franklin, urged Council to agree with staff recommendation

Council discussed land use recommendations versus underlying zoning They asked staff to evaluate parking over the entire corridor to maintain or increase available parking and to supply examples of the height of existing buildings along Washington Street

By consensus, the City Council added the 5<sup>th</sup> Avenue Study to the workshop scheduled for Monday, October 12 at 5 p m

**L4** Regular City Council Meeting Minutes of July 21, 2009

Furstenau moved to approve the Regular City Council Meeting Minutes of July 21, 2009 Second, Miller

**VOICE VOTE:** Motion declared carried

**Abstain:** Wehrli

REGULAR CITY COUNCIL  
MEETING MINUTES

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L5 City Council Meeting Schedule

CITY COUNCIL MEETING  
SCHEDULE

Miller moved to approve the City Council Meeting Schedule for September, October and November 2009 Second, Krause

**VOICE VOTE:** Motion declared carried

L6 Capping SECA allocation amount and use of residual funds to pay off the Carillon

SECA – USE OF  
RESIDUAL FUNDS

Krieger asked Council for initial feedback or additional information regarding capping the SECA allocation amount and use of residual funds to pay off the Carillon He added that this topic will be discussed at the September 28, 2009 City Council Workshop

Nancy Wiersum, Community Development Director for NCTV located at 127 Ambassador Drive stated that the cap on SECA funds would make it difficult for NCTV to produce its “Naperville Stories” documentaries and would affect a wide range of cultural events and artistic programs within the community

Alice Li-Arndt, Director of Development and Mary Curbs of Kidz Kabaret located at 1665 Quincy Ave, Unit 143 stated that capping the SECA funds would have a negative impact on the very organizations and programs that make Naperville a well-rounded and diverse place to live

**Clerk’s Note:** Krause moved to extend the meeting by 10 minutes to 11 30 p m Second, Furstenau

**VOICE VOTE:** Motion declared carried

Robert Stelletello, Board Member for Summer Place Theater, of 705 Lindenwood Lane (Wheaton) stated that a reduction in funds would represent a serious hardship to the organization resulting in a diminished ability to continue operations and asked Council to seek alternative ways to fund the repayment of the Carillon

W Brand Bobosky, President of the Century Walk Corporation located at 34 West Chicago Avenue Suite B stated that 40% of the money raised for SECA is raised by non-Naperville residents

Council discussed the history of the SECA fund, a need to look at sales tax holistically, and the need to set aside money for brick and mortar use of the SECA funds

**Clerk’s Note:** Krause moved to extend the meeting to 11 45 p m Second, Furstenau

**VOICE VOTE:** Motion declared carried

M **PUBLIC HEARING:**

N **ORDINANCES AND RESOLUTIONS:**

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N1 Consideration of an Ordinance to restrict certain activities on public sidewalks in the downtown

RESTRICT CERTAIN  
ACTIVITIES ON PUBLIC  
SIDEWALKS IN  
DOWNTOWN

Donald R Zaininger of 7S167 Wild Cherry spoke about the proposed ordinance, that it is a means to displace the person sitting on the bench on Chicago Avenue He stated that his only offense is that he has disturbed people by his presence, his appearance and is a reminder that there are problems that are not solved

Scott Huber of 75 E Chicago Avenue stated that he takes issue with the interpretation of the permanent presence of persons who resides, sleeps, and camps on sidewalks of the downtown He discussed context and how someone protests, who has a purpose for being at a specific location, and communicating to people who travel that location

Council stated that they defend people's right to protest, but camping in a right-of-way goes well beyond the realm of protesting

**Clerk's Note:** Furstenau moved to extend the meeting 10 minutes  
Second, Krause

**VOICE VOTE:** Motion declared carried

Council questioned the intent of the ordinance and how it would affect areas not in the downtown

Ely responded that case law made it clear that a municipality can regulate this kind of conduct but it needs to be narrowly tailored to time restrictions or location restrictions and that conduct outside of the downtown would not be regulated by this ordinance.

Council stated that this is not an appropriate ordinance to be tailored to one person

Furstenau directed staff to narrowly tailor an Ordinance restricting certain activities on public sidewalks in the downtown Second, Miller

**ROLL CALL:**

**Ayes:** Brodhead, Furstenau, Hinterlong, Krause, Miller, Wehrli

**Nays:** Fieseler

**Absent:** Boyajian

Motion declared carried

**Clerk's Note:** Miller moved to extend the meeting five minutes  
Second, Krause

**VOICE VOTE:** Motion declared carried

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**O NEW BUSINESS:**

**O1 Letter of Apology to the City of Aurora**

Councilman Miller requested Mayor Pradel send a letter of apology to the City of Aurora regarding Councilman Furstenau's comments at the August 11, 2009 Aurora Council meeting

Councilman Furstenau explained his comments and added that the newspapers were incorrect in what was reported

**O2 E911 Funding**

Councilman Krause asked the status of the latest E911 surcharge payment from the state

DeAngelis informed Council that the check had passed budget approval at the state but was unsure if it had been released

**O3 Update on Von Oven lease and entrance sign**

Councilman Krause asked why staff is working on a project at the scout reservation

Schatz will provide the meeting minutes from August 19, 2008 and explained that at that time the Council directed staff to negotiate a lease agreement for the Von Oven property, place a City of Naperville sign at the entrance, and open it up to public use similar to that of the Naperville Community Concert Center

**O4 State Guidelines – Video Gaming**

Council discussed when it would be appropriate for video gaming to appear on the agenda given that the state will be releasing rules and guidelines

**P CLOSED SESSION:**

**Q ADJOURNMENT:**

Krause moved to adjourn the Regular City Council meeting of August 18, 2009 at 12 01 a m Second, Wehrli

ADJOURNMENT – 12 01  
A M

**VOICE VOTE:** Motion declared carried

The Regular City Council Meeting of August 18, 2009 officially adjourned at 12 01 a m

  
PAM LAFERBER Ph D  
CITY CLERK

PL BK

