



**CITY COUNCIL MEETING OF JUNE 7, 2011  
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL  
APPROVED BY THE CITY COUNCIL ON  
June 21, 2011 AS WRITTEN.**

**CALL TO ORDER:**

7:00 P.M.

- A** Mayor A. George Pradel  
Councilman Judy Brodhead  
Councilman Steve Chirico  
Councilman Robert Fieseler  
Councilman Paul Hinterlong  
Councilman Douglas Krause  
Councilman Joe McElroy - Arrived at 7:33 p.m.  
Councilman Kenn Miller  
Councilman Grant Wehrli - Arrived at 7:15 p.m.

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  
Asst. Finance Director, Chris Smith  
Director of Public Works, David Van Vooren  
Director of T.E.D., Marcie Schatz  
Community Planner, Suzanne Thorsen  
T.E.D. Engineering Team Leader, Bill Novack  
Assistant Director-Public Utilities, Mark Curran  
Director of Public Utilities-Water, Jim Holzapfel  
Human Resources Manager, Victoria Perrault  
Compensation & Benefits Manager, Patti Magnus

Press

Chicago Sun Times, Daily Herald, Naperville Sun

FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 2

**B. CLOSED SESSION:**

**OPEN SESSION**

**C. PLEDGE TO THE FLAG:**

PLEDGE GIVEN

**D AWARDS AND RECOGNITIONS:**

**D1 Naperville Bike Month Proclamation**

NAPERVILLE BIKE MONTH

Councilman Brodhead proclaimed June 2011 as Naperville Bike Month and presented the Proclamation to Chairman Mark Jaynes, Todd Stocke, Jeannette DiGiovine-Gehrs and Keith Luhrs, members of the Bicycle and Pedestrian Advisory Committee.

**E PUBLIC FORUM:**

**E1 New Councilmen and Central Park**

Don Wehrli, 219 S. Ewing St., congratulated the new Councilmen and asked the Council to put Central Park improvements on the June 21, 2011 agenda.

Three Councilmen directed Krieger to place a Central Park item on the June 21, 2011 agenda.

**E2 License Agreement – City of Naperville Logo**

Stephanie Hastings, 3835 Caine Court, Naperville for Clean Energy and Conservation (NCEC) requested the use of the city's logo for the annual Earth Day event.

Council discussed the proposed print materials and suggested language be added to clarify that the city is not funding the event.

Krause moved to direct the organizer to add the language, "participants include the City of Naperville" to the materials. Second, Miller.

**VOICE VOTE:** Motion declared carried.

Fieseler moved to approve the use of the city logo by NCEC for Earth Day event materials with the language change of "participants include the City of Naperville" and to ratify such approval at the June 21, 2011 City Council meeting. Second, Hinterlong.

**ROLL CALL:**

**Ayes:** Pradel, Brodhead, Chirico, Fieseler, Hinterlong

**Nays:** Krause, Miller, Wehrli

**Absent:** McElroy

Motion declared carried.

**F HOLDOVER ITEMS:**

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



FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 3

**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. Second, Krause.

**ROLL CALL:**

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

**Nays:**    None

**Absent:** McElroy  
                 Motion declared carried.

**II      Cash Disbursements – 5/11/2011**

Council moved to approve the May 11, 2011 cash disbursements in the amount of \$7,489,869.13.

**CASH DISBURSEMENTS –  
5/11/11**

**I2      Cash Disbursements – 5/18/2011**

Council moved to approve the May 18, 2011 cash disbursements in the amount of \$8,867,779.17.

**CASH DISBURSEMENTS –  
5/18/11**

**I3      Cash Disbursements – 5/25/2011**

Council moved to approve the May 25, 2011 cash disbursements in the amount of \$5,592,254.72.

**CASH DISBURSEMENTS –  
5/25/11**

**I4      Regular City Council Meeting Minutes of May 17, 2011**

Council moved to approve the Regular City Council Meeting Minutes of May 17, 2011.

**REGULAR CITY COUNCIL  
MEETING MINUTES-5/17/11**

**I5      Reappointments to Boards and Commissions**

Council moved to approve the Mayoral reappointments of Judi Buckman, Peter Berg, Rosalie Pienta to the Advisory Commission on Disabilities; Mary Gorecki to the Advisory Cultural Commission; Brad Drendel and Ali Setork to the Building Review Board; Steve Grosskopf to the Downtown Advisory Committee; Richard Fowler to the Emergency Telephone System Board; David Shallow to the Fair Housing Advisory Commission; Larry Larsen, Duane Wilson, Jamie Smith to the Historic Preservation Commission; Valerie West to the Naperville Community Television; Jerry Feldott to the Naperville Public Library Board; Patricia Meyer to the Plan Commission; Nancy Marinello to the Public Utilities Advisory Board; Annmarie Siwik to the Riverwalk Commission; Bill Bien, John Fitterer, Roberto Ramirez, Randy Russell, Sami Siddiqi, Karen Ambre, Jane Klassen, Dorothy Lee, Roger Stamm and Bettye Wehrli to the Sister Cities Commission; Mark Jaynes to the Transportation Advisory Board.

**REAPPOINTMENTS TO  
BOARDS & COMMISSIONS**

FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 4

- I16      Naperville Country Club Fireworks Display  
Council moved to approve the Naperville Country Club's permit request to hold a fireworks display on June 26, 2011.      NAPERVILLE COUNTRY CLUB FIREWORKS DISPLAY
- I17      Naperville Exchange Club Fireworks Display  
Naperville moved to approve the Exchange Club's permit request to hold a fireworks display on July 4, 2011.      NAPERVILLE EXCHANGE CLUB FIREWORKS DISPLAY
- I18      Amplifier Permit Extension, 2011 Relay for Life event  
Council moved to approve the extension of the amplifier permit for the annual Relay for Life event on June 11-12 at Naperville North High School.      AMPLIFIER PERMIT EXTENSION, 2011 RELAY FOR LIFE EVENT
- I19      Suspend Daytime Parking Restrictions on West Court  
Council moved to approve the request to temporarily suspend the daytime parking restrictions on West Court until August 12, 2011 while renovation work is completed by the Coach Homes of Creekside Courts.      DAYTIME PARKING RESTRICTIONS ON WEST COURT
- I12      Resolution No. 11-029, Mayfair Subdivision, ZBA 11-1-025  
Council moved to pass Resolution No. 11-029, approving a variance to install an off-premise model home area sign at 1140 S. Route 59 for the Mayfair Subdivision, ZBA 11-1-025.      RESOLUTION NO. 11-029, MAYFAIR SUBDIVISION, ZBA 11-1-025
- I13      Ordinance No. 11-078, Kidz Kabaret, PC 11-1-038  
Council moved to pass Ordinance No. 11-078, approving a major change to the conditional use to allow for a public assembly use, an expanded training studio and a variance from Section 6-9-3 (Schedule of off-street parking requirements) in order to allow Kidz Kabaret (Fair Lady Productions, Inc.) to occupy and expand uses in an existing tenant space at 1665 Quincy Avenue.      ORDINANCE NO. 11-078, KIDZ KABARET, PC 11-1-038
- I14      Ordinance No. 11-079, 936 Cherry Hills Lane, PC 11-1-046  
Council moved to pass Ordinance No. 11-079, approving a variance from Section 6-6a-7 (R1a, yard requirements) of the Naperville Municipal Code to allow for the construction of a covered front porch to encroach into the required front yard setback for the property located at 936 Cherry Hills Lane, PC 11-1-046.      ORDINANCE NO. 11-079, 936 CHERRY HILLS LANE, PC 11-1-046
- I15      Ordinance No. 11-080, DuPage Children's Museum, PST 11-1-065  
Council moved to pass Ordinance No. 11-080, renewing the temporary use to allow three storage containers at the DuPage Children's Museum, between the parking lot and the Burlington Northern Railroad tracks, through May 1, 2013.      ORDINANCE NO. 11-080, DUPAGE CHILDREN'S MUSEUM, PST 11-1-065



FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 5

- |     |   |   |
|-----|---|---|
| I16 | <u>Resolution No. 11-030, Ride DuPage To Work Program</u><br>Council moved to adopt Resolution No. 11-030, authorizing the city manager to submit an application to the Regional Transportation Authority requesting a continuation of federal funding for the Ride DuPage to Work program.   | RESOLUTION NO. 11-030,<br>RIDE DUPAGE TO WORK<br>PROGRAM                                      |
| I17 | <u>Ordinance No. 11-081, Fredenhagen Park</u><br>Council moved to pass Ordinance No. 11-081, accepting property located at 324 S. Washington Street, commonly known as Fredenhagen Park, as a donation to the city from the Naperville Creamery Company.                                      | ORDINANCE NO. 11-081,<br>FREDENHAGEN PARK   |
| I18 | <u>Ordinance No. 11-082, Roccifer Estates, PST 11-1-033</u><br>Council moved to pass Ordinance No. 11-082, approving the preliminary final plat of subdivision for Roccifer Estates, 1223 Oxford Lane, PST 11-1-033.  | ORDINANCE NO. 11-082,<br>ROCCIFER ESTATES, PST<br>11-1-033                                    |
| I20 | <u>Ordinance No. 11-083, Land Sales Agreement with West Highland Capital Partners, LLLP</u><br>Council moved to pass Ordinance No. 11-083, authorizing a land sales agreement between the city and West Highland Capital Partners, LLLP for the sale of city-owned property on Aurora Avenue. | ORDINANCE NO. 11-083,<br>LAND SALES AGREEMENT<br>WITH WEST HIGHLAND<br>CAPITAL PARTNERS, LLLP |
- 
- |     |   |                                      |
|-----|---|--------------------------------------|
| I10 | <u>Naperville Crossings Cash Deposit</u><br>Novack explained that a portion of the cash deposit will be returned to the petitioner as the development progresses, however enough of the deposit will remain with the city in the event it must remove the stockpile.<br><br>Vince Rosanova, Rosanova & Whitaker, Ltd., 23 W. Jefferson Avenue #200, and Petitioner's Attorney, explained that the excavator is currently removing the stockpile from Lots 8 and 9, that the only stockpile that will remain is behind the theater and the developer will be responsible for spreading that pile once the contract has been approved.<br><br>Miller moved to authorize the City Engineer to release the Naperville Crossing cash deposit as earth moving work is performed. Second, Chirico.<br><br><b>ROLL CALL:</b><br>Ayes: Chirico, Fieseler, Hinterlong, Krause, Miller, Wehrli, Pradel, Brodhead<br>Nays: None<br>Abstain: McElroy<br>Motion declared carried. | NAPERVILLE CROSSINGS<br>CASH DEPOSIT |
|-----|---|--------------------------------------|
- 

FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 6

I11

Sportsman's Park

SPORTSMAN'S PARK

Ely explained that the agenda item would allow the city to enroll in the Illinois Environmental Protection Agency's (IEPA) Site Remediation Program.

Derke Price, 320 W. Jackson Avenue, and Petitioner's Attorney, stated that the federal consent decree instructs that any remediation is to start at the cessation of the sports shooting program. If the city enters the voluntary program it will be able to develop a plan to test the soil at the park for pollution and clean the park. If the city does not join the program the IEPA could dictate a plan. He said that, other than staff time, there would be no costs to the city in 2011 and any future costs will be determined after the IEPA findings.

Council discussed the need for a more detailed remediation plan.

Wehrli moved to table to the June 21, 2011 City Council meeting. Second, Krause.

**ROLL CALL:**

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

**Nays:** Miller, Pradel, Brodhead

Motion declared carried.

I19

Ordinance No. 11-084, Sky High Sports, PC 11-1-052

ORDINANCE NO. 11-084,  
SKY HIGH SPORTS, PC 11-1-052

**Clerk's Note:** McElroy recused himself due to a business conflict and left the dais at 7:58 p.m.

Thorsen explained that the ordinance will be modified to include the more modern trampoline model to answer safety issues.

Puknaitis stated that Fire Prevention and EMS staff met with the petitioner and are confident that all necessary safety precautions have been taken.

Miller moved to pass Ordinance No. 11-084, approving a conditional use for an athletic training facility and a variance for off-street parking at 2244 Corporate Lane, PC 11-1-052. Second, Krause.

**ROLL CALL:**

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

**Nays:** None

**Abstain:** McElroy

Motion declared carried.

**Clerk's Note:** McElroy returned to the dais at 8:02 p.m.

I21

Staffing levels – Police and Fire Departments

STAFFING LEVELS –  
POLICE AND FIRE  
DEPARTMENTS

Wehrli moved to table to the June 21, 2011 City Council meeting. Second, Chirico.

First reading held.



FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 7

I22 Text Amendment – Chapter 4 (Amusements)

Council discussed why such a regulation was instituted, whether or not permitting should continue given reduced staffing levels, the amount of revenue generated by this regulation, and if the Police Department would still have the authority to inspect establishments for illegal gambling.

Council requested that the June 21, 2011 agenda item include information addressing the city's rationale for continued regulation, revenue generation, and a breakdown of staff time for permit administration.

Miller moved to table to June 21, 2011 City Council meeting.  
Second, Wehrli.

First reading held.

J **OLD BUSINESS:**

J1 RFP 11-082, Job Order Contract

Bevis stated that Job Order Contract (JOC) is an optional tool, that there is no minimum usage required, and explained how the process works regarding work specifications and proposed hours. He went on to say that JOC is not meant to replace any of the city's procurement methods, but rather to supplement the current system by offering another purchasing mechanism.

Bevis also explained that by design, JOC provides the opportunity for greater utilization of local contractors than traditional delivery methods. Utilization of Naperville contractors is both a performance criterion in the contract and a scored criterion in the Request for Proposals process. In order to meet the City's expectations under the contract, the JOC contractor must actively seek to include Naperville contractors in their projects. If they do not, the contractor will not receive additional work.

Chirico moved to approve the award of RFP 11-082, Job Order Contract to F. H. Paschen for a two year term. Second Krause.

**ROLL CALL:**

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

**Nays:** None  
Motion declared carried.

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

L **REPORTS AND RECOMMENDATIONS:**

L1 City Council Meeting Schedule

Krause moved to approve the City Council Meeting Schedule and cancel the June 27, 2011 Electric Rate workshop. Second, Wehrli.

TEXT AMENDMENT –  
CHAPTER 4  
(AMUSEMENTS)

RFP 11-082, JOB ORDER  
CONTRACT

CITY COUNCIL MEETING  
SCHEDULE

FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 8

**VOICE VOTE:** Motion declared carried.

L2

Compensation Analyst position

Perrault explained the ramifications of not filling this position.

Magnus outlined how projects have been reprioritized due to staffing levels.

Wehrli moved to authorize the city manager to recruit externally and hire personnel for the Compensation Analyst position.

Second, Miller

**ROLL CALL:**

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

**Nays:** None

Motion declared carried.

COMPENSATION ANALYST  
POSITION

L3

Naperville Smart Grid Customer Privacy and Advocacy Handbook

Jennifer Stahl, 1427 Westglen Drive, identified topics that have been omitted from the handbook including lack of resident representation, health concerns, and the choice to opt out of the wireless meter. She urged Council to postpone voting on the handbook, post handbook for 45 days to allow resident feedback, and schedule a Town Hall meeting.

Smith explained that social security numbers are used by the city as a key identifier for utility customers.

Lalvani explained that the handbook builds upon the Customer Bill of Rights document. She said the handbook is a truncated version of the internal city document of how rights will be protected. She said the handbook can be posted online for 30 days and open to public comment, it will come back to Council when DPU updates service rules and policy, and will not be a binding ordinance until a later date.

Krieger explained that documents are regularly posted for public comment without Council approval, however given the public scrutiny of the SMART meter topic Council input is requested.

Wehrli moved to accept the Naperville Smart Grid Initiative Customer Privacy and Advocacy Handbook. Second, Miller.

**VOICE VOTE:** Motion declared carried.

NAPERVILLE SMART GRID  
CUSTOMER PRIVACY AND  
ADVOCACY HANDBOOK

M

**PUBLIC HEARINGS:**

M1

CDBG Comprehensive Annual Performance Evaluation Report (CAPER)

CDBG COMPREHENSIVE  
ANNUAL PERFORMANCE  
EVALUATION REPORT

FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 9

**M1a**      Public Hearing – Program Year 2009 Community Development Block Grant

Pradel opened the public hearing at 9:09 p.m.

Wehrli moved to close the hearing at 9:09 p.m. Second, Hinterlong.

**VOICE VOTE:**      Motion declared carried.

**M1b**      Accept the 2009 CDBG Comprehensive Annual Performance Evaluation Report

Wehrli moved to accept the 2009 CDBG Comprehensive Annual Performance Evaluation Report (CAPER). Second, Hinterlong.

**ROLL CALL:**

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

**Nays:**      None  
Motion declared carried.

**M2**      2011 CDBG Annual Action Plan

2011 CDBG ANNUAL ACTION PLAN

**M2a**      Public Hearing – 2011 Community Development Block Grant Annual Action Plan

Pradel opened the public hearing at 9:10 p.m.

Wehrli moved to close the hearing at 9:10 p.m. Second, Krause.

**VOICE VOTE:**      Motion declared carried.

**M2b**      2011 CDBG Annual Action Plan

Wehrli moved to approve the 2011 annual Action Plan allocating a total of \$433,383.00 CDBG Funds following the Congressional reduction. Second, Hinterlong.

**ROLL CALL:**

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

**Nays:**      None  
Motion declared carried.

**N**      **ORDINANCES AND RESOLUTIONS:**



FINAL AGENDA  
CITY COUNCIL MEETING  
JUNE 7, 2011  
PAGE 10

N1 Resolution No. 11-031, Metropolitan Asian Family Services –  
ZBA #11-1-014

RESOLUTION NO. 11-031,  
METROPOLITAN ASIAN  
FAMILY SERVICES – ZBA  
#11-1-014

Schatz explained that this is a compromise position as the petitioner had requested nonconforming in perpetuity.

Council discussed the need to apply the regulations consistently, that the Ogden Avenue Corridor Study and sign regulations were approved and should be applied and that the state of the economy dictates that each business will be evaluated individually.

Krause moved to adopt Resolution No. 11-031, granting approval of a variance request to replace the face panels on an existing, nonconforming pole sign without bringing the sign into compliance with the current monument sign regulations for the property located at 1032 E. Ogden Avenue, ZBA 11-1-014. Second, Chirico.

**ROLL CALL:**

**Ayes:** Pradel, Brodhead, Chirico, Fieseler, Krause  
**Nays:** Hinterlong, McElroy, Miller, Wehrl  
Motion declared carried.

O **NEW BUSINESS:**

P **CLOSED SESSION:**

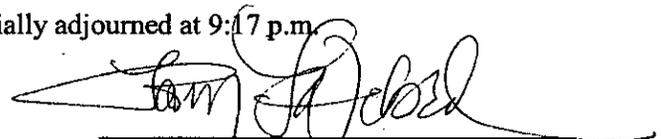
Q **ADJOURNMENT:**

ADJOURNMENT – 9:17 P.M.

Krause moved to adjourn the Regular City Council meeting of June 7, 2011 at 9:17 p.m. Second, Miller.

**VOICE VOTE:** Motion declared carried.

The Regular City Council Meeting of June 7, 2011 officially adjourned at 9:17 p.m.



PAM LAFFBER PH.D.  
CITY CLERK

PL: BK

