CITY COUNCIL MEETING OF MAY 5, 2009
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
MAY 19, 2009 AS WRITTEN.

CALL TO ORDER 6 00 P M

A Mayor A George Pradel
Councilman James Boyajian
Councilman Judy Brodhead
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
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 Mgmnt 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

B. CLOSED SESSION – 6:00 p.m.

Furstenau moved to recess to Closed Session to discuss 5ILCS/120/2(c)(2)(21) collective negotiating, discussion of minutes of meetings lawfully closed under this Act, whether for the purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2 06 Second, Krause

ROLL CALL:
Ayes: Pradel, Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli
Nays: None
Motion declared carried

THE MEETING RECESSED TO CLOSED SESSION AT 6:08 P.M.
CLOSED SESSION ENDED AT 6:51 P.M.

OPEN SESSION

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:04 P.M.

ROLL CALL to determine Quorum:
Present: Pradel, Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli
Absent: None

C. PLEDGE TO THE FLAG:

D AWARDS AND RECOGNITIONS:

D1 Proclamation – Chuch Schlabach Day — CHUCK SCHLABACH DAY

Mayor Pradel presented Chuck Schlabach with a proclamation and declared May 16, 2009 as Chuck Schlabach Day

D2 Recognize May Employee of the Month – Andrea Moore — EMPLOYEE OF THE MONTH - MAY

Councilman Miller recognized Andrea Moore as May's Employee of the Month

D3 Proclamation – Naperville Community Heritage Month — NAPERVILLE COMMUNITY HERITAGE MONTH

Councilman Boyajian presented Karen Dunford, Naperville Public Library, Debbie Grinnell, Naper Settlement/Naperville Heritage Society, and Alison Segebarth, DuPage Children's Museum with a proclamation and declared May as Naperville Community Heritage Month

E PUBLIC FORUM:

E1 Real Estate Taxes

Daniel Lauing, 1058 Sylvan Circle, discussed a street repaving project and its costs

Curran explained the duct bank project in question and stated that staff did not properly schedule this project

E2 Crime Free Multi-Housing

Greg Kellar, 1705 Amelia Court, explained that a Crime Free Multi Housing Program is necessary in Naperville and distributed an informational training packet for Council's consideration

Dial explained that this program has been in place in Naperville since 2002, that staff recommended this program be mandatory but Council did not approve

E3 Naperville Chamber

John Schmitt, 1085 Devonshire, introduced himself as the new President and CEO of the Chamber of Commerce

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 motion to approve the Consent agenda Second, Furstenau

VOICE VOTE: Motion declared carried

I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items I2, I14, and I22 Second, Krause

ROLL CALL:
Ayes: Pradel, Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong, Krause, Miller, Wehrli
Nays: None
Motion declared carried

I1 Cash Disbursements of April 15, 2009

Council moved to approve the cash disbursements for April 15, 2009 in the amount of $15,342,901 52

CASH DISBURSEMENTS – 04/15/09

I3 City Clerk's License & Permit Report

Council moved to approve the City Clerk's License & Permit Report for Amplifier Permits

CITY CLERK'S LICENSE & PERMIT REPORT

I4 Recommend the award of Bid 09-193, Self Contained Breathing Apparatus

Council moved to approve the award of Bid 09-193, self contained breathing Apparatus to Municipal Emergency Services, Inc , for an amount not to exceed $170,151 00

BID 09-193, SELF CONTAINED BREATHING APPARATUS

I5 Recommend award of Bid 10-006, West Highlands Street Light Upgrade SL-133

Council moved to approve the award of Bid 10-006, West Highlands Street Light Upgrade SL-133 to Meade Electric Company for an amount not to exceed $194,255 00, plus a 5% contingency

BID 10-006, WEST HIGHLANDS STREET LIGHT UPGRADE SL-133

I6	Recommend award of Sole Source Procurement 10-017, Radio Maintenance and Service Agreement Council moved to approve the award of Sole Source Procurement 10-017, Radio Maintenance and Service Agreement, for the amount of $151,253 28 to Motorola Incorporated	PROCUREMENT 10-017, RADIO MAINTENANCE & SERVICE AGREEMENT
I7	Recommend award of Sole Source Procurement 10-017, AT&T Enhanced 9-1-1 Network Services Council moved to approve the award of Sole Source Procurement 10-018, AT&T enhanced 9-1-1 network services, for the amount of $166,299 00	PROCUREMENT 10-017, AT&T ENHANCED 9-1-1 NETWORK SERVICES
I8	Naper Settlement requests permission for black powder use during Civil War Days 2009 Council moved to approve the black powder for demonstration purposes at Naper Settlement on May 16, and 17, 2009	NAPER SETTLEMENT – CIVILWAR DAYS 2009
I9	Accept the public improvements and authorize the City Clerk to reduce the corresponding letters of credit Council moved to accept the public underground improvements in Hollywood Palms Subdivision, River Run Center, and at 734 Woodlawn Avenue and authorize the City Clerk to reduce the corresponding letters of credit	PUBLIC UNDERGROUND IMPROVEMENTS
I10	FY09 Year End Budget Amendments Council moved to authorize staff to amend the FY09 Annual Operating Budget	FY09 YEAR END BUDGET AMENDMENTS
I11	Plat of Easement/Plat of Vacation Lots 14 and 15 in Maplebrook Unit 1 Council moved to approve the plat of easement/plat of vacation Lots 14 and 15 in Maplebrook Unit 1	PLAT OF EASEMENT VACATION – MAPLEBROOK, LOTS 14 & 15
I12	Settlement in lawsuit filed by Councilman Richard Furstenau Council moved to table settlement in lawsuit to May 19, 2009	SETTLEMENT IN LAWSUIT - FURSTENAU
I13	Resolution No 09-020, SEC of Route 59 and Ferry Road – Calamos Real Estate Signs Council moved to pass Resolution No 09-020, granting a one-time three-year extension for a variance to display ground mounted real estate signs consisting of two sets of five, forty-eight square foot signs for the Calamos Development located at the southeast corner of Route 59 and Ferry Road	RESOLUTION NO 09-020, CALAMOS DEVEOPMENT
I15	Ordinance No 09-046, to establish temporary traffic controls for the 2009 Memorial Day Parade on May 25, 2009 Council moved to pass Ordinance No 09-046, to establish temporary street closures and parking restrictions for the 2009 Memorial Day Parade	ORDINANCE NO 09-046, 2009 MEMORIAL DAY PARADE

I16	Ordinance No 09-047, recommendation to establish temporary traffic controls and issue an amplifier extension for the U S Women's Triathlon on June 14, 2009 Council moved to pass Ordinance No 09-047, establishing the temporary traffic controls and issue an amplifier extension for the U S Women's Triathlon	ORDINANCE NO 09-047, U S WOMEN'S TRIATHLON
I17	Ordinance No 09-048, approving the recommendation to pass the ordinance establishing a temporary road closure and no parking zones, and issue an amplifier extension for Naper Days, June 19-21, 2009 Council moved to pass Ordinance No 09-048, establishing a temporary road closure and no parking zones, and issue an amplifier extension for Naper Days, June 19-21, 2009	ORDINANCE NO 09-048, NAPER DAYS
I18	Ordinance No 09-049, approving the Bicycle Parking Text Amendment to Title 6 (Zoning Regulations) pertaining to required bicycle parking for parks, PC09-1-09 Council moved to pass Ordinance No 09-049, approving a text amendment to Section 6-9-3 (schedule of off-street parking requirements) and Section 6-9-7 (supplemental standards for bicycle parking) of the Municipal Code to modify the bicycle parking requirements for parks	ORDINANCE NO 09-049, BICYCLE PARKING TEXT AMENDMENT
I19	Ordinance No 09-050, approving the Text Amendment to Chapter 9 (Amplification) of Title 3 of the Naperville Municipal Code Council moved to pass Ordinance No 09-050, approving the Text Amendment to Chapter 9 (Amplification) of Title 3 of the Naperville Municipal Code	ORDINANCE NO 09-050, AMPLIFICATION TEXT AMENDMENT
I20	Resolution No 09-021, East Greens Park Land Use Permit Council moved to adopt Resolution No 09-021, approving the East Greens Park Land Use Permit and authorizing the City Manager to sign the permit	RESOLUTION NO 09-021, EAST GREENS PARK LAND USE
I21	Ordinance No 09-051, approving the text amendment to delete Chapter 13 (Massage Establishments and Massage Therapists) from Title 3 of the Municipal Code Council moved to pass Ordinance No 09-051, approving the text amendment to delete Chapter 13, (Massage Establishment and Massage Therapists) from Title 3 of the Municipal Code	ORDINANCE NO 09-051, MASSAGE ESTABLISHMENTS & MASSAGE THERAPISTS

I2	Regular City Council Meeting Minutes of April 21, 2009 Furstenau discussed his objection to the minutes and specifically how item N1 was written Boyajian moved to approve the Regular City Council Meeting Minutes of April 21, 2009 as presented Second, Wehrli **ROLL CALL:** **Ayes:** Pradel, Boyajian, Fieseler, Krause, Miller, Wehrli **Nays:** Furstenau **Abstain:** Brodhead, Hinterlong Motion declared carried	REGULAR CITY COUNCIL MEETING MINUTES – 4/21/09
I14	Ordinance No 09-052, 2624 Gateshead Drive, ZBA 1183 Council discussed the Plan Commission deliberation on this topic, encroachment issues, and the amenity that is added with a porch Wehrli moved to pass Ordinance No 09-052, granting variances to allow a covered front porch to encroach into the required front yard setback and a residential addition to encroach into the required rear yard setback at 2624 Gateshead Drive, ZBA 1183 Second, Miller **ROLL CALL:** **Ayes:** Boyajian, Brodhead, Hinterlong, Krause, Miller, Wehrli, Pradel **Nays:** Fieseler, Furstenau Motion declared carried	ORDINANCE NO 09-052, 2624 GATESHEAD DR , ZBA 1183
I22	Ordinance No 09-053, Water Street Temporary Parking Lot – PST 673 Council discussed whether the lot should be surfaced Boyajian moved to pass Ordinance No 09-053, approving a temporary use allowing for the operation of a temporary parking facility on the properties commonly known as 134 and 140 Water Street with a term expiring upon commencement of construction of the Water Street Project or May 3, 2011, whichever occurs first Second, Furstenau **ROLL CALL:** **Ayes:** Brodhead, Furstenau, Hinterlong, Pradel, Boyajian **Nays:** Fieseler, Krause, Miller, Wehrli Motion declared carried	ORDINANCE NO 09-053, WATER STREET TEMPORARY PARKING LOT, PST 673

J OLD BUSINESS:

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule — CITY COUNCIL MEETING SCHEDULE

Furstenau moved to approve the City Council Meeting Schedule for May, June, and July and directed staff to cancel the July 7 and August 4 City Council Meetings Second, Wehrli

VOICE VOTE: Motion declared carried

L2 Attainable Housing Strategic Initiative Goal – Housing Needs and Market Assessment — ATTAINABLE HOUSING

L2a Option A

Concur with the Fair Housing Advisory Commission and receive the Naperville Housing Needs and Market Analysis (HNMA), concur with the key findings, and direct staff to research and prepare policy options to address the housing needs of all low to moderate income households designated in the Key Finds, beginning with senior citizens

L2b Option B

Concur with staff and receive the Naperville Housing Needs and Market Analysis (HNMA) and direct staff to research, prepare, and present the Council with cost-neutral policy options to address the housing needs of low to moderate income senior citizen households

Laff presented the findings of the Attainable Housing Strategic Plan Initiative

Don Derrow, 7 Pepperidge Road, discussed communities that promote attainable housing programs, spoke in favor of Option A and highlighted the differences between the proposed Option A and Option B, and urged the Council to encourage, and not restrict, attainable housing

John Lear, 1119 Hidden Spring Drive, discussed specifics that define affordable housing as an economic issue versus a social issue

Kevin Coyne, 1708 Chalmette Court, offered the Fair Housing Advisory Committee's help on either Option A or Option B

Sharon Gorrell, 468 DeLasalle, discussed the sample size, the statistics analyzed in the report, subjectivity and bias

Jeff Merinette, Mainstreet Organization of Realtors, 1815 W Diehl Road discussed margin of error and number of responses to questions

Kathryn Hoffman, 348 Great Oak Court, shared her recent experience as a realtor successfully finding homes for her clients and an increase in the rent

L2 Attainable Housing Strategic Initiative Goal – Housing Needs and Market Assessment **Continued**

ATTAINABLE HOUSING STRATEGIC INITIATIVE GOAL – HOUSING NEEDS AND MARKET ASSESSMENT

Kristi Delaurentiis, 140 S Dearborn, Chicago and Metropolitan Planning Council, praised Naperville for researching housing need and spoke about her organization's experience working with other communities to resolve housing issues

Fieseler moved to concur with the Fair Housing Advisory Commission and receive Naperville Housing Needs and Market Analysis, and direct staff to research and prepare cost neutral policy options to address housing needs of at-risk groups identified in the study beginning with seniors Second, Furstenau

Council discussed the available housing stock, house ownership versus renting, multi-unit senior living developments and narrowing the focus to a specific group Council requested time to evaluate the report's statistics, watch interest rates, foreclosures, development and home values in the current economic climate, and for 2010 census data income information to become available Council added that residents become educated regarding methods to freeze their tax bills and apply for tax exemptions and encouraged the other government entities to create exemptions and offer incentives to the scope

Miller made a motion of substitution to receive the report and allow the Council and staff time to study the report, watch the economic impact of foreclosures, declining home values, low interest rates, and first time buyers programs, and to have staff work with other agencies to market the programs that we are aware of on the city website and other publications that might be available to help home buyers and renters and to look at a potential workshop in two months to discuss this matter in detail Second, Wehrli

ROLL CALL:
Ayes: Krause, Miller, Wehrli, Pradel
Nays: Fieseler, Furstenau, Hinterlong, Boyajian, Brodhead
Motion declared **not** carried

Fieseler clarified the motion to concur with the Fair Housing Advisory Commission and receive Naperville Housing Needs and Market Analysis, and direct staff to research and prepare cost neutral policy options to address housing needs beginning with seniors and the disabled Second, Furstenau

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

L3 2008 Continuous Improvement Model Report for Downtown Parking

MODEL REPORT FOR DOWNTOWN PARKING

Boyajian moved to accept the 2008 Continuous Improvement Model Report Second, Miller

VOICE VOTE: Motion declared carried

L4 Vehicle Replacement Fund Reserve Policy

VEHICLE REPLACEMENT FUND RESERVE POLICY

Miller moved to accept the report and authorize staff to amend the policy and amend the budget accordingly Second, Furstenau

Council discussed the usefulness of doing a reserve study, asked the feasibility of combining some of the funds into a single reserve fund, expressed a reluctance to use the reserve fund for capital projects, and asked for a follow-up on $2 million set aside from the Water Department fund

By consensus the City Council directed staff to do a reserve study

VOICE VOTE: Motion declared carried

L5 Staff Recommendation to hire personnel

STAFF RECOMMENDATIONS TO HIRE PERSONNEL

Council questioned the positions and if they were included in the hiring freeze

Van Vooren explained that the Haz-Mat employees are greeters on the weekends who are called on a weekly or bi-weekly basis, the pool of Haz-Mat employees has decreased by three, the request is to increase the pool from six to nine employees, currently firefighters are called to work and hiring the three employees will save money because the rate of pay is less than that of a firefighter, and the number of greeters called will depend on the scheduled weekend event

Furstenau moved to approve the hiring the two part-time Haz-Mat employees and deny the hiring of 5 remaining positions Second, Fieseler

Council questioned the positions of Equipment Technician and Crime Scene Technician

Van Vooren explained that the Equipment Technician is a technician for heavy equipment, service and emergency repairs will be outsourced without this position, the cost will be greater to outsource the work than to hire the position

Dial stated that the Crime Scene Technician is a civilian position and not hiring will result in less crime scenes processed or more overtime expended to process all crime scenes

L5 Staff Recommendation to hire personnel **Continued** — STAFF RECOMMENDATIONS TO HIRE PERSONNEL

Boyajian made a motion of substitution to authorize the City Manager to recruit externally and hire personnel for the following seven positions three part-time Haz-Mat assistants, one administrative analyst, one equipment technician, one personal computer technician, and one crime scene technician Second, Brodhead

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

L6 Approve the Ribfest action plan to address entry ticket sales, crowd compression and sales tax collection — RIBFEST

Bruce Erickson of 1245 Brook Lane addressed council as a representative of Ribfest He stated that the Exchange Club has developed an action plan and that concessions contained in the plan will reduce revenue He also stated that the Exchange Club is 30% behind on corporate sponsorship from last year

Council discussed an earlier start time for free admission for the July 4th fireworks, the compromises that Exchange Club has made for Ribfest this year, and the impact of having Ribfest relocated to another site next year but keeping the fireworks at Knoch Park

Erickson stated that Ribfest would like to hold to the 7 30 p m free admission time because the revenue is important to what the Exchange Club does and that not having the fireworks at the new site of Ribfest would have a dramatic impact on the cost

Boyajian moved to approve the Ribfest action plan to address entry ticket sales, crowd compression, and sales tax collection issued by staff May 5, 2009 Second, Furstenau

ROLL CALL:
Ayes: Krause, Miller, Wehrli, Pradel, Boyajian, Brodhead, Fieseler, Furstenau, Hinterlong
Nays: None
Motion declared carried

M PUBLIC HEARING:

M1 Stillwater Addition – request for an Ordinance approving annexation, rezoning to R1a District, preliminary/final plat of subdivision, and related zoning variance, PC 1748 — STILLWATER ADDITION – PC 1748

M1a Conduct the public hearing to consider the annexation agreement for Stillwater Addition, — STILLWATER ADDITION – PC 1748

Miller moved to open the public hearing at 9 54 p m Second, Wehrli

VOICE VOTE: Motion declared carried

Paul Mitchell of 111 E Jefferson, attorney for the petitioner, stated that the petitioner is requesting that Council approve the annexation, rezoning to R1a, and approve the preliminary/final subdivision plat The developer has a petition with signatures from all of the neighboring homeowner on Hillsboro Lane in favor of this development

Council questioned the varying lot sizes

Mitchell responded that the varying lot lines were designed to not line up with the existing Stillwater lots, in addition there are different size lots for different models

James Caneff with Roake and Associates, Inc and project engineer, stated that the proposed plat of subdivision has been designed and is in conformance with the existing models

Jeff Stainer of 2528 Dewes Lane stated that he and his neighbors are in support of the proposed development

Ken Krzak of 2211 Hillsboro Lane stated that the developer contacted him and his neighbors about the proposed subdivision and that he supports this development

Hinterlong moved to close the public hearing at 10 11 p m Second, Krause

VOICE VOTE: Motion declared carried

Council discussed the need to prove a hardship in the consideration of a variance

M1b Ordinance No 09-054, authorizing execution of the annexation agreement For Stillwater Addition, PC 1748

M1c Ordinance No 09-055, annexing Stillwater Addition, PC 1748

M1d Ordinance No 09-056, to zone the subject property to R1a (low-density single-family residence district) upon annexation

M1e Ordinance No 09-057, approving the preliminary/final plat of subdivision for Stillwater Addition and a variance from Section 6-6A-7 (R1a, yard requirements) to apply the pre-1989 interior side-yard setbacks

Furstenau moved to use the Omnibus method to approve items M1b, M1c, M1d, and M1e Second, Boyajian

VOICE VOTE: Motion declared carried

Miller moved to pass Ordinance No's 09-054 authorizing the execution of the annexation agreement, waive the first reading and pass Ordinance No, 09-055 to annex the subject property, pass Ordinance No 09-056 to zone the property to R1a and pass Ordinance No 09-057 to approve the preliminary/final plat of subdivision for Stillwater Addition and variance to Section 6-6A-7 Second, Furstenau

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

N **ORDINANCES AND RESOLUTIONS:**

O **NEW BUSINESS:**

O1 Wright Street

Council asked for an update on flooding in the Wright Street area

Bill Novack, City Engineer, spoke about the historical overflow in the Wright Street area and the recent extraordinary rainfall He told Council that staff will use the new television truck to check condition of the storm sewer pipes DuPage County ordinances prevent water from being pumping into the river so the city would be faced with finding open space to contain the water overflow and feasibility of diverting water from the low-lying area including pumping the water This is a backyard flooding situation rather than a structure flooding

O2 Condition of restroom at the Central Parking Facility

Council asked for information on the service frequency of the port-a-john at the Central Parking Facility

P CLOSED SESSION:

Q ADJOURNMENT:

ADJOURNMENT – 10 31 P M

Wehrli moved to adjourn the Regular City Council meeting of May 5, 2009 at 10 31 p m Second, Krause

VOICE VOTE: Motion declared carried

The Regular City Council Meeting of May 5, 2009 officially adjourned at 10 31 p m

PAM LAFEBER Ph D
CITY CLERK

PL BK