



**CITY COUNCIL MEETING OF FEBRUARY 19, 2013
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
March 5, 2013 AS WRITTEN.**

CALL TO ORDER:

6:00 P.M.

**A Mayor A. George Pradel
Councilwoman Judy Brodhead
Councilman Steve Chirico
Councilman Robert Fieseler
Councilman Paul Hinterlong
Councilman Douglas Krause
Councilman Joe McElroy
Councilman Kenn Miller
Councilman Grant Wehrli**

Absent

Also Present

**City Manager, Doug Krieger
Deputy City Manager, Marcie Schatz
Asst. to City Manager, Amery Emery-Graunke
City Attorney, Margo Ely
City Clerk, Pam LaFerber
Police Chief, Robert Marshall
Deputy Fire Chief, Rick Sander
T.E.D. Director, Bill Novack
T.E.D. Operations Manager, Allison Laff
Transportation Team Leader, Karyn Robles
Asst. Finance Director, Chris Smith
Public Works Director, Dick Dublinski
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel**

Press

Chicago Sun Times, Daily Herald, Naperville Sun

A handwritten signature in black ink, located in the bottom left corner of the page. The signature is stylized and appears to be a cursive name.

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B CLOSED SESSION:

Wehrli moved to recess to Closed Session to discuss 5ILCS/120(c)(2) Collective negotiating matters between the public body and its employees or their representatives; (11) Litigation, when action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal; (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, Krause.

ROLL CALL:

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

Nays: None

Motion declared carried.

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

CLOSED SESSION ENDED AT 6:46 P.M.

OPEN SESSION:

Mayor Pradel called the meeting back to order at 7:00 p.m.

ROLL CALL to determine Quorum:

Present: Pradel, Brodhead, Chirico, Fieseler, Hinterlong, Krause, McElroy, Miller, Wehrli

Absent: None

C PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

DI 5-Star Naperville Public Library

Councilman Wehrli recognized the Naperville Public Library being named a 5-Star Library five times. He presented a proclamation to Jeff Davis, President of the Board of Trustees, Naperville Public Library, and John Spears, Executive Director, Naperville Public Library.

5-STAR NAPERVILLE
PUBLIC LIBRARY
PROCLAMATION

E PUBLIC FORUM:

E1 Respect

Tina Longnecker, 825 Magnolia, encouraged Council to act with respect when addressing residents.

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, Wehrli.

VOICE VOTE: Motion declared carried.

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I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items 18. Second, Wehrli.

ROLL CALL:

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

Nays: None
Motion declared carried.

11 Cash Disbursements – 1/30/13

Council moved to approve the 1/30/13 cash disbursements in the amount of \$7,190,569.17.

**CASH DISBURSEMENTS –
1/30/13**

12 Bid 13-076, Landscape Maintenance for City Sites and Naperville Settlement

Council moved to approve the award of Bid 13-076, landscape maintenance to Twin Oaks Landscaping for specialty city sites and Options A, B and C for an amount not to exceed \$358,220.00 and for Naper Settlement including Option A, B and C for an amount not to exceed \$42,360.00 for two years.

**BID 13-076, LANDSCAPE
MAINTENANCE FOR CITY
SITES & NAPERVILLE
SETTLEMENT**

13 Bid 13-119, Fuel-Tank Wagon

Council moved to approve the award of Contract 13-119, fuel-tank wagon, to Heritage FS, Inc. for a three-year contract with two, one year renewal options, for an amount not to exceed \$299,491.70.

**BID 13-119, FUEL-TANK
WAGON**

14 Contract 12-132, Emerald Ash Borer Treatment

Council moved to approve the award of option year one to Contract 12-132, emerald ash borer treatment to The Care of Trees for Treatment #1 and #2 for an amount not to exceed \$169,905.00 and to Kinnican Company for Treatment #3 for an amount not to exceed \$185,416.00 for a total award of \$355,321.00.

**CONTRACT 12-132,
EMERALD ASH BORER
TREATMENT**

15 RFQ 13-108, Neighborhood Traffic Study Program

Robles clarified that the schools and the Park District are involved in the studies in order to provide a comprehensive evaluation of school and park program traffic patterns.

Council moved to approve the award of RFQ 13-108, Neighborhood Traffic Study Program, as approved vendors for study assignments to: Kenig, Lindgren, O'Hara, Aboona, Inc.; Sam Schwartz Engineering; TADI and TranSystems Corporation, to be budgeted as needed, for a three year contract period plus the remainder of FY13 with two one-year renewal options.

**RFQ 13-108,
NEIGHBORHOOD TRAFFIC
STUDY PROGRAM**

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| 16 | <u>Contract 07-158, Multi-Functional Copiers</u>
Council moved to approve the award of a 61-day extension (March 1, 2013-April 30, 2013) of Phase III for Contract 07-158, multi-functional copiers (cost-per-copy) to Ricoh USA, Inc., for an amount not to exceed \$2,841.00. | CONTRACT 07-158, MULTI-FUNCTIONAL COPIERS |
| 17 | <u>Transportation Advisory Board</u>
First reading held. | TRANSPORTATION ADVISORY BOARD |
| 19 | <u>Ordinance No. 13-007, parking spaces at Route 59 Metra Station</u>
Council moved to waive the first reading and pass Ordinance No. 13-007, to amend Section 11-2B-5 (commuter parking permit) of the Naperville Municipal Code in order to convert 56 permit parking spaces to daily fee spaces at the Route 59 Metra Station. | ORDINANCE NO. 13-007, PARKING SPACES AT ROUTE 59 METRA STATION |
| 110 | <u>Ordinance No. 13-008, Amending the FY13 Annual Operating Budget</u>
Council moved to pass Ordinance No. 13-008, to amend the FY13 annual operating budget in the amount of \$1,529,669.00 for transfers into the Capital Projects Fund. | ORDINANCE NO. 13-008, AMENDING THE FY13 ANNUAL OPERATING BUDGET |
| 111 | <u>Police Towing</u>
Council moved to table consideration of an ordinance related to tow licensing to the July 16, 2013 meeting. | POLICE TOWING |
| 112 | <u>Electric Utility Public Hearing</u>
Council moved to concur with staff's recommendation to revise previous appointment of city attorney as hearing officer to conduct PURPA hearing to allow for an attorney designee to act as hearing officer. | ELECTRIC UTILITY PUBLIC HEARING |

Clerk's Note: Chirico recused himself due to a conflict of interest and left the dais at 7:13 p.m.

Wehrli clarified he had no conflict and would be voting on this item.

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| 18 | <u>Ordinance No. 13-009, Ashwood Park North Townhomes</u>
Miller moved to pass Ordinance No. 13-009, approving a major change to the Ashwood Park North Townhomes planned unit development (PUD) to remove the age restriction on residency, PZC 12-1-093.
Second, Hinterlong. | ORDINANCE NO. 13-009, ASHWOOD PARK NORTH TOWNHOMES |
|-----------|--|--|

ROLL CALL:

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

Nays: None

Recuse: Chirico

Motion declared carried.

Clerk's Note: Chirico returned to the dais at 7:14 p.m.

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J OLD BUSINESS:

J1 Water Street District-North Phase/South Phase, PZC 12-1-039 and PZC 12-1-040 WATER STREET DISTRICT-NORTH PHASE/SOUTH PHASE, PZC 12-1-039 AND PZC 12-1-040

H Tom OHale, 620 W. Gartner, spoke against the proposed development.

Miller moved to continue consideration of the Water Street District-North Phase/South Phase to the March 5, 2013 city council meeting. Second, Chirico.

VOICE VOTE: Motion declared carried.

K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule CITY COUNCIL MEETING SCHEDULE

Wehrli moved to approve the City Council meeting schedule for February, March, and April 2013. Second, Chirico.

VOICE VOTE: Motion declared carried.

L2 Regular City Council Minutes REGULAR CITY COUNCIL MINUTES

Wehrli moved to approve the Regular City Council Meeting Minutes of February 5, 2013. Second, Chirico.

VOICE VOTE: Motion declared carried.

L3 Vacant Police Officer positions VACANT POLICE OFFICER POSITIONS

Dick Furstenau, 709 Zaininger, discussed Tier 1 and Tier 2 benefits.

Council clarified that new hires will receive Tier 2 benefits.

Chirico moved to authorize the City Manager to fill three vacant Police Officer positions in the Police Department. Second, Wehrli.

ROLL CALL:

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

Nays: None
Motion declared carried.

L4 Vacant Customer Care Specialist position VACANT CUSTOMER CARE SPECIALIST POSITION

Wehrli moved to authorize the City Manager to recruit externally and fill one vacant part-time Customer Care Specialist and increase the hours from 20 hours per week to 25 hours per week in the Finance Department. Second, Miller.

ROLL CALL:

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

Nays: None
Motion declared carried.

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M PUBLIC HEARINGS:

N ORDINANCES AND RESOLUTIONS:

- N1** Resolution No. 13-004, FY2014-2018 Capital Improvement Program RESOLUTION NO 13-004,
Council discussed projects that are included in the 2014-2018 CIP. FY2014-2018 CAPITAL
Wehrli moved to adopt Resolution No. 13-004, approving the FY 2014- IMPROVEMENT
2018 Capital Improvement Program (CIP). Second, Miller. PROGRAM
- ROLL CALL:**
Ayes: Hinterlong, Krause, McElroy, Miller, Pradel, Brodhead,
 Chirico, Fieseler
Nays: Wehrli
 Motion declared carried.
- N2** Resolution No. 13-005, FOP Lodge #42 Collective Bargaining RESOLUTION NO. 13-005,
Agreement FOP LODGE #42
Dick Furstenau, 709 Zaininger, spoke against the terms in the contract. COLLECTIVE
Council discussed the specifics of the agreement, the system within BARGAINING
which the City must negotiate with public safety unions, state pension AGREEMENT
laws, equity with other employee contributions, percentage increase by
year, and that the contract will be retroactive to May 2012.
Chirico moved to adopt Resolution No. 13-005, authorizing execution
of a collective bargaining agreement between the City of Naperville and
FOP Lodge #42. Second, Miller.
- ROLL CALL:**
Ayes: McElroy, Miller, Pradel, Brodhead, Chirico, Fieseler,
 Hinterlong
Nays: Krause, Wehrli
 Motion declared carried.
- N3** Ordinance No. 13-010, Department of Public Utilities-Electric Rate ORDINANCE NO. 13-010,
Code DEPARTMENT OF PUBLIC
Curran reviewed the changes to the ordinance in Article B Service UTILITIES-ELECTRIC
Rules and Policies Subsection 7.1, Subsection 14.2, Article C Electric RATE CODE
Service Rates Subsection 8-1C-3.9.3, and the removal of Subsections
27.3 and 27.4.
Council stated this is an update to an existing ordinance and discussed
specific changes such as access, customer owned equipment, scenarios
resulting in disconnect, work area clearance, and how the non-wireless
alternative costs was determined.
Carol Phillips, 1204 Catalpa, spoke against the installation of smart
meters and requested analog meters as an alternative.
William Hannum, 213 Arlington, spoke against the installation of smart
meters requested analog meters as an alternative.

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N3 Ordinance No. 13-010, Department of Public Utilities-Electric Rate Code Continued

**ORDINANCE NO. 13-010,
DEPARTMENT OF PUBLIC
UTILITIES-ELECTRIC
RATE CODE**

Jo Malik, 843 Santa Maria, spoke against the proposed ordinances.

Tom Glass, 1304 Old Dominion, spoke against the proposed ordinances.

Chirico moved to pass Ordinance No. 13-010, amending Article A (General Provisions), Article B (Service Rules and Policies), and Article C (Electric Service Rates) of Chapter 1 (Electricity) of Title 8 (Public Utilities) of the Municipal Code with the deletion of Section 22.5.A(iv).
Second, Miller.

ROLL CALL:

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

Nays: None

 Motion declared carried.

O **NEW BUSINESS**

O1 Smart Meters

Krause distributed a revised outline designed to reach a compromise between the City and smart meter opponents.

O2 Left Turn at Washington and Hobson

Wehrli explained the negative effect on traffic and asked if it could be changed.

Novack stated that it is a protected left turn and highly advised to not make it a permissible left.

O3 Traffic

Fieseler said that when the no right on red at Freedom Drive and Diehl Road is disobeyed it causes accidents and requested information for retaining parking south of the post office on Washington.

Novack will provide information in the upcoming Manager's Memorandum

P **CLOSED SESSION:**

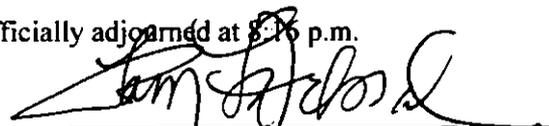
Q **ADJOURNMENT:**

ADJOURNMENT

Wehrli moved to adjourn the Regular City Council meeting of February 19, 2013 at 8:16 p.m. Second, Miller.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of February 19, 2013 officially adjourned at 8:16 p.m.



**PAM LAFERBER PH.D.
CITY CLERK**

 BK