



**CITY COUNCIL MEETING OF NOVEMBER 3, 2010
UNOFFICIAL PRIOR TO CITY COUNCIL APPROVAL
APPROVED BY THE CITY COUNCIL ON
November 16, 2010 AS REVISED.**

CALL TO ORDER:

5:00 P.M.

A Mayor A. George Pradel
Councilman Judy Brodhead
Councilman Richard R. Furstenau
Councilman Paul Hinterlong - Arrived at 5:09 p.m.
Councilman Douglas Krause
Councilman Kenn Miller
Councilman Grant Wehrli

Absent

Councilman James Boyajian
Councilman Robert Fieseler

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
Director of Finance, Karen DeAngelis
Director of Public Works, David Van Vooren
Director of T.E.D., Marcie Schatz
T.E.D. Operations Manager, Allison Laff
T.E.D. Development Team Leader, Dick Dublinski
T.E.D. Engineering Team Leader, Bill Novack
Director of Public Utilities-Electric, Mark Curran
Director of Public Utilities-Water, Jim Holzapfel

Press

Chicago Sun Times, Daily Herald, Naperville Sun

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B. CLOSED SESSION

Furstenau moved to recess to Closed Session to discuss **5 ILCS 120/2(c)(21)** Discussion of minutes of meetings lawfully closed under this Act, whether for the purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06, **(6)** Setting of a price for sale or lease of property owned by the public body, **(2)** Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees, **(1)** The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body; **(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, or when the public body finds that an action is probable or imminent. Second, Miller.

ROLL CALL:

Ayes: Pradel, Brodhead, Furstenau, Krause, Miller

Nays: Wehrli

Absent: Boyajian, Fieseler, Hinterlong

Motion declared carried.

Wehrli moved to allow Boyajian to participate via teleconference. Second, Miller.

VOICE VOTE: Motion declared carried.

THE MEETING RECESSED TO CLOSED SESSION AT 5:05 P.M.

Clerk's Note: Councilman Hinterlong arrived at 5:09

CLOSED SESSION ENDED AT 7:16 P.M.

OPEN SESSION

MAYOR PRADEL CALLED THE MEETING BACK TO ORDER AT 7:23 P.M.

ROLL CALL to determine Quorum:

Present: Pradel, Brodhead, Furstenau, Hinterlong, Krause, Miller, Wehrli

Absent: Boyajian, Fieseler

C. PLEDGE TO THE FLAG:

PLEDGE GIVEN

D AWARDS AND RECOGNITIONS:

D1 Homelessness Awareness Week Proclamation

HOMELESSNESS
AWARENESS WEEK
PROCLAMATION

Councilman Kenn Miller will proclaim November 1 – 7, 2010 as Homeless Awareness Week in the City of Naperville and present the Proclamation to Jennie Gates, Bridge Communities, and Vicky Joseph, Families Helping Families Communities.

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EMPLOYEE OF THE
MONTH - NOVEMBER

D2 Employee of the Month for November

Councilman Kenn Miller recognized Senior Assistant City Attorney Mark Scarlato as the Employee of the Month for November.

E **PUBLIC FORUM:**

Mayor Pradel advised the audience of the liquor application process.

E1 Show Me's

Corey Kovarik, 1160 Burlington Avenue, stated that he is concerned with what the bar will do to the property values, the increased traffic, noise from a potential outdoor seating area, how late it will stay open, and safety issues. He requested a landscaping buffer.

Laff explained that any changes would need to be reviewed but an outdoor seating area would not prompt action by the Plan Commission.

Council expressed concern about having staff approve an outdoor seating area.

E2 Show Me's

Kailey Beckham, 1160 Burlington Avenue, spoke against the restaurant because it will make it harder to play outside.

E3 Show Me's

Karen Ebner, 1160 Dickens Avenue, stated that the issue is one of zoning and it is inappropriate to categorize a bar that serves food as a restaurant and allow it to be located next to a residential area. She is also concerned about safety of the neighborhood if Show Me's is approved.

E4 Show Me's

Frank Ebner, 1160 Dickens Avenue, stated that the liquor ordinances should be reviewed by the City Council and that food percentage of gross revenue should be specified.

Council stated that it has no jurisdiction on the approval of liquor licenses, discussed applying noise restrictions on outdoor seating approvals and reviewing outdoor seating in general.

E5 Downtown Rent/SECA

David Sinker, 21 Bunting Lane, stated that he will no longer be a tenant of downtown Naperville because the rent is too high. He also discussed the flaws of SECA funding and questioned the businesses that receive funding.

E6 Samaritan Interfaith

Scott Mitchell & David Wentz, 1819 Bay Scott Circle, discussed the 40-year celebration of Samaritan Interfaith and thanked the Council for support over the years.

F **HOLDOVER ITEMS:**

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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.

I CONSENT AGENDA:

Miller moved to approve the Consent Agenda with the exception of items I4, I7. Second, Krause.

ROLL CALL:

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

Nays: None

Absent: Boyajian, Fieseler

Motion declared carried.

I1 Cash Disbursements – 10/13/10

Council moved to approve the cash disbursements of 10/13/10 in the amount of \$17,514,435.75.

**CASH DISBURSEMENTS –
10/13/10**

I2 Regular City Council Meeting Minutes of October 19, 2010

Council moved to approve the Regular City Council Meeting Minutes of October 19, 2010 with the edits from the Q/A.

**REGULAR CITY COUNCIL
MEETING MINUTES –
10/19/10**

I3 Public Hearing – City’s tax levy, SSA 22/24 and SSA 23

Council clarified that the agenda item is setting the date for the public hearing; the agenda item is not approving the tax levy or the SSAs.

**CITY’S TAX LEVY,
SSA22/24 AND SSA 23**

I5 Bid 11-063, Cured-in-Place-Pipe Rehabilitation of Ferry Road Trunk Sewer

Council moved to approve the award of Bid 11-063, cured-in-place-pipe rehabilitation of Ferry Road Trunk Sewer, to Kenny Construction, for an amount not to exceed \$735,746.00, plus a 3% contingency.

**BID 11-063, PIPE
REHABILITATION OF
FERRY ROAD TRUNK
SEWER**

I6 Bid 11-053, Office Supplies

Council moved to approve the award of Bid 11-053, office supplies, to Warehouse Direct for an amount not to exceed \$270,000.00 for a two-year contract period or \$135,000.00 per year.

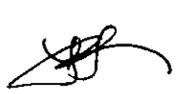
**BID 11-053, OFFICE
SUPPLIES**

I8 Ordinance No. 10-132, 6 South Loomis, ZBA 10-1-11

Council moved to pass Ordinance No. 10-132, approving a variance from Section 6-2-12 of the Naperville Municipal Code to increase the maximum height for a privacy fence in the required corner side yard setback at 6 S Loomis, subject to the condition that the fence will be relocated to maintain a clear line of sight at the driveway for pedestrian traffic, ZBA 10-1-115.

**ORDINANCE NO. 10-132, 6
SOUTH LOOMIS, ZBA 10-1-
115**

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- I9** Ordinance No. 10-133, Temporary Traffic Controls – St. Paddy’s Day 5K Run ORDINANCE NO. 10-133,
ST. PADDY’S DAY 5K RUN
- Council requested a Special Events calendar that lists only runs/walks where the distance is one mile or greater.
- Council discussed that this event may overwhelm the neighborhood as it grows over the years and questioned if adequate parking is being provided and suggested that parking be extended more into the neighborhood.
- Council moved to pass Ordinance No. 10-133, to establish temporary traffic controls and issue a special event permit and amplifier permit for the St. Paddy’s Day 5K Run on March 12, 2011.
- I10** Ordinance No. 10-134, Right of Way Fee ORDINANCE NO 10-134,
RIGHT OF WAY FEE
- Council asked if staff is reviewing fees on a regular basis and recouping the city’s costs.
- Dublinski stated that the development fees were updated in 2002 and in 2004 the building permit fees were updated. Since 2004 fees have been reviewed annually as part of the budget process to ensure that staff time is recouped.
- Krieger clarified that the list of fees and the date that they were last reviewed will be included as part of the annual budget process.
- Council moved to waive first reading and pass Ordinance No. 10-134, amending Title 9, Section 9-1A-11 of the Municipal Code to revise the right of way fees.
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- I4** Procurement 11-090, Replacement Plow Truck PROCUREMENT 11-090,
REPLACEMENT PLOW TRUCK
- Council discussed using the Replacement Fund to cover some of the city’s financial shortfall and having the plow truck be replaced last in the 16 fleet rotation.
- Van Vooren stated that the city has 18 snow routes and 16 plow trucks. He said that contractors are used for the remaining routes.
- Council stated that this is a piece of equipment that is needed to provide a service to the community all year, not just when it snows, and that the right balance is not struck by cutting equipment and spending money on salaries.
- Furstenau moved to approve the award of Procurement 11-090, replacement plow truck to Prairie/Archway International Trucks through a State of Illinois Joint Purchasing Contract for an amount not to exceed \$139,854.00 including trade-in. Second, Miller.
- ROLL CALL:**
Ayes: Furstenau, Hinterlong, Miller, Wehrli, Pradel, Brodhead
Nays: Krause
Absent: Boyajian, Fieseler
Motion declared carried.
- 

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I7 Resolution No. 10-051, appropriating funds for the construction of sidewalk along Raymond Drive

RESOLUTION NO. 10-051,
CONSTRUCTION OF
SIDEWALK ALONG
RAYMOND DRIVE

Council stated that this may not be the appropriate time to spend money on sidewalks.

Novack clarified that the sidewalk was approved earlier this year as part of the Sidewalk Improvement Program and has been installed.

Council asked that future agenda items be written more clearly to explain that sidewalks are being built as part of a previously approved program.

Furstenau moved to adopt Resolution No. 10-051, and approve the Intergovernmental Agreement with DuPage County for sidewalk improvements along Raymond Drive. Second, Hinterlong.

ROLL CALL:

Ayes: Furstenau, Hinterlong, Miller, Wehrli, Pradel, Brodhead

Nays: Krause

Absent: Boyajian, Fieseler

Motion declared carried.

BREAK: 8:31 P.M.

Mayor Pradel called the meeting back to order at 8:46 p.m.

J OLD BUSINESS:

J1 Ordinance No. 10-135, Jackson Avenue and Chicago Avenue Parking Revisions

ORDINANCE NO. 10-135,
JACKSON AVE. &
CHICAGO AVE. PARKING
REVISIONS

Council asked about adding additional accessible spaces in the downtown.

Novack said that multi-use loading zones can be used as accessible spaces and staff will continue to evaluate angled parking spaces. He said that there are no true ADA requirements for on-street standards, however standards are clear for parking lot requirements. He also said that the federal government may be implementing on-street standards, but staff will continue to evaluate opportunities as they arise.

Furstenau moved to pass the ordinance to amend and establish parking restrictions in support of the revised Jackson Avenue parking design, locate one accessible parking space on the south side of Jackson Avenue immediately east of Main Street, a second space at the opposite end of Jackson Avenue, and relocate one accessible parking space to the Riverwalk Parking Lot. Second, Hinterlong.

ROLL CALL:

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

Nays: None

Absent: Boyajian, Fieseler

Motion declared carried.

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K AWARD OF BIDS AND OTHER ITEMS OF EXPENDITURE:

K1 Contract 06-099, Lobbyist Services

**CONTRACT 06-099,
LOBBYIST SERVICES**

Council stated that the work performed by this group is important and asked if Government Affairs Specialists were asked to reduce their fees because the city has only one legislative priority.

Council discussed scheduling a legislative workshop after the veto session in December and adding more legislative priorities such as interest arbitration.

Furstenau moved to approve the contract extension on Contract 06-099, Lobbyist Services, with Government Affairs Specialists, Inc., for an amount of \$60,000.00 for option year one. Second, Miller.

ROLL CALL:

Ayes: Furstenau, Hinterlong, Miller, Wehri, Pradel, Brodhead

Nays: Krause

Absent: Boyajian, Fieseler

Motion declared carried.

L REPORTS AND RECOMMENDATIONS:

L1 City Council Meeting Schedule

**CITY COUNCIL MEETING
SCHEDULE**

Furstenau moved to approve the City Council meeting schedule for November and December 2010, and January 2011 and add a Legislative Priorities Workshop in January 2011. Second, Miller.

VOICE VOTE: Motion declared carried.

L2 12 N. Webster Street, ZBA #10-1-100

**12 N. WEBSTER ST. ZBA
#10-1-100**

Russ Whitaker, 23 W. Jefferson and petitioner's attorney, gave a brief presentation on the proposal and stated that the property has sat vacant for four years, is in foreclosure, and that the bank wants to do the proper improvements including modifications to the building's exterior. The petitioner is requesting two variances: a corner side yard setback and parking fee buy-in. Whitaker informed Council that the Downtown Naperville Alliance (DNA) and the Zoning Board of Appeals (ZBA) support the request.

Kathy Benson, 51 Forest, supports the proposal and is looking forward to changes to the TU requirement. She stated that the proposal does not address the number of parking spaces for employees and customers and suggested that 1/2 of the parking spaces be designated for customers. She expressed concerns about on-street parking in an already congested area and that the city would only be charging them for three spaces rather than the required 15.

Schatz explained that the SSA buy-in formula that is being applied was approved by Council in 2008 and that businesses buy into shared spaces and no one space is reserved for a particular business' use.

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L2 12 N. Webster Street, ZBA #10-1-100 Continued

12 N. WEBSTER ST. ZBA
#10-1-100

Council asked if the petitioner would allocate customer parking space and if the employees are going to be required to park in employee spaces in the decks.

Whitaker stated that employees will have hang tags and be required to park in the decks, that the businesses would have little to no customer traffic and the petitioner will work with staff based on what businesses occupy the building.

Schatz stated that monthly parking deck occupancy counts show numbers that are unchanged from last year and that there are many spaces for customers and employees that are currently parking on the street.

Council discussed the buy-in formula that was approved in 2008 and stated that it would not be fair to change the calculation on a one-off basis but that the formula does need to be revised to eliminate the first deck. Council also discussed requiring the petitioner to pay a portion of maintenance costs on the Van Buren parking deck for as long as the SSA exists.

Whitaker stated that the petitioner would not be in favor of a covenant or condition to come into the SSA.

Miller moved to direct staff to prepare ordinances approving ZBA 10-1-100, subject to the conditions noted in the staff report, including a one-time parking fee of \$67,167.00. Second, Brodhead.

Furstenau made a Motion in Substitution to table to the November 16 Council meeting. Second, Krause.

ROLL CALL on Motion in Substitution:

Ayes: Furstenau, Hinterlong, Krause,

Nays: Miller, Wehrli, Pradel, Brodhead

Absent: Boyajian, Fieseler

Motion declared not carried.

ROLL CALL on Main Motion:

Ayes: Hinterlong, Miller, Wehrli, Pradel, Brodhead

Nays: Furstenau, Krause

Absent: Boyajian, Fieseler

Motion declared carried.

L3 Incentive Agreement for upgrade and reflagging of Holiday Inn Select to a Marriott Hotel

UPGRADE & REFLAGGING
OF HOLIDAY INN SELECT

Randy Tieman and Gregory Spanos, representing the petitioner Janko Group, 1650 Lake Cook Road #130, gave a presentation on the renovations planned for the hotel, stated that if revenue bonds are not used for the improvements \$25M in equity will be applied, and said that they should close by the end of 2010.

Krieger stated that of the past three years, 2009 generated the lowest hotel revenue.

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L3 Incentive Agreement for upgrade and reflagging of Holiday Inn Select to a Marriott Hotel Continued

UPGRADE & REFLAGGING
OF HOLIDAY INN SELECT

Council stated that any payback arrangement will be accelerated when the economy rebounds.

Krause moved to direct staff to draft an economic incentive agreement to induce the upgrade and reflagging of the Holiday Inn Select to a Marriott Hotel in accordance with the major business terms outlined. Second, Hinterlong.

ROLL CALL:

Ayes: Furstenu, Hinterlong, Krause, Miller, Wehrli, Pradel, Brodhead

Nays: None

Absent: Boyajian, Fieseler

Motion declared carried.

M PUBLIC HEARINGS:

N ORDINANCES AND RESOLUTIONS:

N1 Mayfair Resubdivision, PC 10-1-111

MAYFAIR RESUBDIVISION
PC 10-1-111

N1a Ordinance No. 10-136, final plat of subdivision for Mayfair Subdivision No. 2

ORDINANCE NO. 10-136,
FINAL PLAT OF
SUBDIVISION

Council clarified that the subdivision will remain platted as it is currently and reiterated that it is important for staff to adhere to the brick calculation.

Wehrli moved to pass Ordinance No. 10-136, approving a subdivision plat for Mayfair Subdivision No. 2 and a minor change to the Mayfair PUD. Second, Miller.

ROLL CALL:

Ayes: Furstenu, Hinterlong, Miller, Wehrli, Pradel, Brodhead

Nays: Krause

Absent: Boyajian, Fieseler

Motion declared carried.

N1b Ordinance No. 10-137, minor change to planned unit development for Mayfair Subdivision No. 2

ORDINANCE NO. 10-137,
MINOR CHANGE TO PUD

O NEW BUSINESS:

O1 Audio and Video in the Council Chambers

Wehrli said he supports using the \$79,000 CIP underspend to improve the audio in Council Chambers. He also said that while he understands the current economic situation, additional money should be spent to provide video improvements as well. He said that it is important for residents to have access to their government.

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O2 Hearing Disabled Regulation

Miller asked staff to provide information regarding a 2011 regulation that requires public meetings to be closed captioned.

DiSanto stated that he will work with the Accessibility Coordinator to research the 2011 regulation and the need to have hearing devices available at the meetings.

P **CLOSED SESSION:**

Q **ADJOURNMENT:**

Miller moved to adjourn the Regular City Council meeting of November 3, 2010 at 10:20 p.m. Second, Wehrl.

ADJOURNMENT – 10:20
P.M.

VOICE VOTE: Motion declared carried.

The Regular City Council Meeting of November 3, 2010 officially adjourned at 10:20 p.m.



PAM LAFERBER Ph.D.
CITY CLERK

PL:BK

